



Case No.: S1 1 K 003359 08 Krl (X-KR-05/119)

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Before the Panel of Judges: **Jasmina Kosović, President**

Zoran Božić, member of the Panel

Mitja Kozamernik, member of the Panel

CASE OF THE PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

v.

THE ACCUSED:

**BOŠKO LUKIĆ
MARKO ADAMOVIĆ**

VERDICT

Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, Džemila Begović

Counsel for the Accused Boško Lukić, Atty. Milan Trbojević and Husein Mušić

Counsel for the Accused Marko Adamović, Atty. Branko Gudalo and Marinko Brkić

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IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, in the Panel comprised of Judges Jasmina Kosović, as the President of the Panel, and Zoran Božić and Mitja Kozamernik, as members of the Panel, with the participation of the Legal Advisor-Assistant Lejla Haračić, as the Record-taker, in the criminal case against the Accused Boško Lukić and Marko Adamović, for the criminal offense of Crimes against Humanity in violation of Article 172(1)(h), as read with Article 180(1) of the Criminal Code of Bosnia and Herzegovina (CC of BiH), upon the Indictment of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ-44/08 dated 5 June 2008, confirmed on 9 June 2008, as amended on 25 April 2011, having held a public hearing from which the public was partially excluded, in the presence of the Accused Boško Lukić and his Defense Counsel, Attorney Husein Mušić, the Accused Marko Adamović and his Defense Counsels, Attorneys Branko Gudalo and Marinko Brkić, and in the presence of the Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, Vesna Ilić, on 30 May 2011, rendered and publicly delivered the following:

V E R D I C T

THE ACCUSED:

1. **BOŠKO LUKIĆ**, son of Mane, born on 25 November 1940 in Fajtovci, Ključ Municipality, with registered place of residence in ..., retired teacher, widower, father of two children, ethnicity ..., citizen of ... and ..., Personal Identification Number: ..., **in custody under the Decision of the Court of BiH number X-KRN-05/119 dated 21 March 2008.**
2. **MARKO ADAMOVIĆ**, son of Dušan and Jeka, born on 28 February 1946 in Peći, Ključ Municipality, with residence in ..., married, father of two children, retired career serviceman, decorated with the Order of Miloš Obilić in 1994, ethnicity ..., Personal Identification Number: ..., **released from custody under the prohibiting measures ordered by the Decision X-KR-05/119 dated 24 February 2009.**

Pursuant to Article 284(c) of the Criminal Procedure Code of Bosnia and Herzegovina

ARE ACQUITTED OF CHARGES

That:

From April 1992 until late December 1992, during the armed conflict in the Republic of Bosnia and Herzegovina, when the Army of Republika Srpska and the police of the Ministry of the Interior of Republika Srpska carried out a widespread and systematic attack against the Croat and Muslim civilian population with a view to realizing the Strategic Objectives of the Serb People in the Republic of Bosnia and Herzegovina and with the priority “to establish state borders with the other two ethnic communities”, by removing and persecuting the Croat and Muslim population and then linking together the Serb-populated areas, taking control of those areas and creating a separate state of Bosnian Serbs, where it would remain and survive just as many non-Serbs as would not endanger the creation and survival of the Serb Republic of Bosnia and, the Municipality of Ključ being planned to constitute a part of it, knowing that with their actions they participated in the preparation, organization and carrying out of a widespread and systematic attack directed against the non-Serb civilian population in the Ključ municipality area, in order to implement the activities planned and initiated by the SDS Main Board, headed by Radovan Karadžić, through the Assembly of Serb People of the Republic of Bosnia and Herzegovina headed by Momčilo Krajišnik and the established Autonomous Region of Krajina headed by Radoslav Brđanin, in complicity and in agreement with Jovo Banjac, Veljko Kondić, Vinko Kondić, and other members of the Crisis Staff of the Ključ Municipality, Drago Samardžija, Commander of the 17th Light Infantry Brigade, the leadership of civilian authorities in the Ključ Municipality and the military authorities of the 30th Partisan Division headed by Stanislav Galić, the 1st Krajina Corps of the VRS, headed by Momir Talić, and the 2nd Krajina Corps of the VRS, headed by Grujo Borić, they participated in a joint criminal enterprise with a plan to undertake all activities at the Ključ municipality level, under the Instruction for the Organization and Activities of the Organs of the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances of 19 December 1991, so that Serbs would completely take over the power in the municipal institutions, whereby the Municipality of Ključ would be included in the category of Serb municipalities and then join the Autonomous Region of Krajina and the Republic of the Serb People of Bosnia and Herzegovina, as prescribed under the Strategic Goals, aware that the realization of such common plan and goals which was supposed to be implemented by the Army and the Police together is only possible through serious and systematic violations of international law, which makes this plan a joint criminal enterprise in which,

1. BOŠKO LUKIĆ

Aware of the plan and the set goals, ready to support and personally contribute to the successful implementation of the plan and the realization of the set goals, back in late 1991, although retired, he accepted the offered position of the Commander of the Municipal Staff of the Territorial Defense of the Ključ municipality and, in that capacity, became a member of the Crisis Staff of the Municipality established by the Municipal Organization of the Serb Democratic Party headed by Veljko Kondić. At that time he started with the preparation of a new manner of organization of the Territorial Defense Staff units in accordance with the guidelines arranged at the meetings of the Serb Democratic Party, later the Crisis Staff of

the Ključ municipality, that is, War Presidency, that would be ready to launch armed attacks against the settlements not populated by Serbs, with a view to persecute by means of disarming, killing, imprisoning and otherwise severely depriving people of physical liberty, by torturing, shelling undefended villages and residential buildings, applying the measures of terror and intimidation, deportation and forcible transfer of population and the destruction of religious buildings. In January 1992, he took over active command and control over the Territorial Defense Staff, ignoring SR BiH laws, in accordance with the "Instruction on Organization of Serb People..." He organized the Territorial Defense Staff as a monoethnic unit and, in April 1992, he transformed it into the composition of the Territorial Defense, that is, the military as the Armed Forces of the Serb Republic of Bosnia and Herzegovina. He implemented the Decision of the Ministry of National Defense of the Serb Republic of Bosnia and Herzegovina in the manner that he undertook activities concerning mobilization and the establishment of new Territorial Defense units, their organization and training with the cooperation with JNA units. Thereby he directly took part in creating pre-requisites and conditions for the creation and establishment of the Army of Republika Srpska, when in the first half of June 1992, together with his staff and the units of Territorial Defense as a nucleus, in the capacity of the Chief of Staff, he started with the establishment and deployment of the 17th Light Infantry Brigade, and after the arrival of Commander Drago Samardžija continued the commenced activities in the territory of Ključ municipality,

2. MARKO ADAMOVIĆ

Aware of the plan and the set goals, ready to support and personally contribute to the successful implementation of the plan and the realization of the set goals, from April 1992, in the capacity of a reserve officer of the Territorial Defense with significant experience, he took part in the realization of the conclusions of the Crisis Staff of the Ključ Municipality with respect to the implementation of the Decision of the Ministry of National Defense and the securing of conditions for the creation of the Territorial Defense as the Armed Forces of the Serb Republic of Bosnia and Herzegovina. Aware of the reasons for such manner of organization, already in the second half of April 1992, after the mobilization of the Ključ Territorial Defense Battalion, that is the Army, in the capacity of Battalion Deputy Commander, he took part in the training of the unit members in order to train them and render them capable for launching attacks against the settlements not populated by Serbs, with a view to persecute by means of disarming, killing, imprisoning and otherwise severely depriving people of physical liberty, by torturing, shelling undefended villages and residential buildings, applying the measures of terror and intimidation, deportation and forcible transfer of population and the destruction of religious buildings. Therefore, in the beginning of the widespread and systematic attack against the non-Serb population, as an uncompromising fighter for the implementation of the Strategic Goals, he was appointed Town Defense Commander and, in that capacity, he took an active part in the work of the Municipal Crisis Staff, where together with Vinko Kondić, Public Security Station Chief, he reported about the situation in the field and, directly, in the field, with the units, took part in the military attack launched against civilians of the settlements populated by non-Serbs. After the establishment of the 17th Ključ Brigade, as Assistant Commander for Informing, Moral

and Religious Issues, with the goal to implement the set plans, he continued the commenced persecution in the territory of the Ključ Municipality,

Thereby they directly contributed to and participated in the realization of the plan of persecution, in as much as they:

1. On 27 May 1992, as part of the power takeover by the Serb forces, the army and the police started unlawfully arresting and depriving of liberty non-Serb civilians in downtown Ključ, bringing them to the Public Security Station without informing them about the reasons for their arrest, where they were exposed to physical abuse by police members and various investigators, who used punches, kicks and various implements to beat them all over their bodies, asking them to confess that they were preparing all kinds of crimes against Serb population, which created fear among prisoners not only for their own destiny, but for the destiny of their family members. They were held in the Public Security Station detention cells, which were inadequate to hold a large number of prisoners without food and basic hygienic conditions. A day or two later at least 22 civilians, including Luka Brkić, Muhamed Filipović, Leopold Flat, Behrem Šarić, Muhamed Eljezović, Mehmed Šistek, Fadil Jakupović, Smajil Muslimović, Darko Džaja, Mirsad Šehić, Fadil Medić, Domagoj Rebac, Husein Kozarac, Fahrudin Krivić, Abid Dervišević, Mehmed Begić, Mustafa Koljić, Alija Bilić, Mirsad Mršić, Dževad Mistrić, Teufik Vučkić and Šaban Kujundžić, were transported to the Stara Gradiška camp, and Šaban Kujundžić died as a result of beatings on the way to the camp, while others were beaten during their admission into the camp and their stay there, and approximately fifteen days later they were transferred to another camp on Manjača,

2. On 28 May 1992, the Ključ Battalion, assisted by the 30th Partisan Division of the First Krajina Corps, launched an artillery attack on the Ključ settlements Pudín Han and Velagići, inhabited by the Muslim population, where there were no legitimate military targets, which lasted for at least two days, while the shelling caused death of at least 12 persons, including Esma Bečić, Refika Bečić, aka Keka, Hamdo Bečić and Refik Draganović.

3. On 1 June 1992, after all Muslim men from the hamlets of Vojići, Hasići, Nezići, Hadžići and other settlements of the village of Velagići were called to come to the police checkpoint in Velagići, military police officers took personal belongings from those who responded to the call and forced them into the premises of the old school, where they imprisoned them although they knew they had no legal grounds to do so, and then, in the late evening hours, they forced them out and executed them, on which occasion they killed at least 78 persons, including Denis Zukić, Rezak Nezić, Esad Zečević, Kasim Bajrić, Husein Fazlić, Mesud Bajrić, Atif Nezić, Safet Draganović, Šefik Bajrić, Fadil Deliće, Ilijaz Čehić, Emsud Bečić, Hasan Zukić, Đulaga Burzić, Rešid Dervišević, Asim Keranović, Karanfíl Dervišević, Asim Čehić, Husein Nezić, Dedo Muheljić, Ramiz Draganović, Emir Keranović, Emsud Draganović, Muharem Bajrić, Fehim Bajrić, Ibro Bajrić, Sabahudin Čemal, Derviš Kujundžić, Adem Muheljić, Fehret Draganović, Hilmo Draganović, Nijaz Draganović, Saim Halilović, Saif Čemal, Omer Zečević, Refik Bečić, Nijaz Nezić, Ramiz Zukić, Rifet Bajrić, Husein Bajrić, Mustafa Bajrić, Ibrahim Muratović, Dževad Hotić, Islam Nezić, Hilmo Draganović, Mesud Draganović, Adem Draganović, Teufik Draganović, Fadil,

Draganović, Elvedin Čarkić, Nedim Bajrić, Mirsad Ćehić, Šaban Bilajac, Esmir Draganović, Husein Ćehić, Almir Delić, Tifo Bukvić, Jasmin Keranović, Zikret Bajrić, Džemal Draganović, Meho Bajrić, Ramiz Aličić, Emil Delić, Hamdija Draganović, Safet Nezić, Rufad Draganović, Emir Gromilić, Ismet Jukić and Safet Dervišević, who were later exhumed from the mass grave Lanište II. The police continued to search for those who survived, and after a month they pressured the surrender of person A in the way that they threatened to hurt his family. He was released after being interrogated and requested to confess if he was present at the execution site, and then he was unlawfully arrested again and transported to the Manjača camp.

4. On 1 June 1992, after Serb soldiers, together with Marko Adamović, entered the undefended village of Prhovo, dragging Hamdo Islamagić tied to a personnel carrier, they forced the inhabitants out of their houses and ordered them to gather in front of a shop in the village. After the inhabitants gathered as ordered, they forced them into the frontyard of Abid and Karanfil Osmanović's house, and thereafter started beating them and singling out men, on which occasion they killed at least seven persons, including Safet Medanović, Hasan Medanović, Šefik Medanović, Izet Hadžić, Isak Mešić, Halil Medanović, Hašim Hadžić and Fatima Medanović. Then, they separated a number of men, including those who were underage and took them on foot away from the village while they opened fire from various weapons at the women, children and elderly who remained in the yard, killing at least thirty of them, including Ramiza Jusić, Esmir Mešić, Hadžira Medanović, child Indira Medanović, Azemina Jusić, Midheta Medanović, child Emira Jusić, Rabija Hadžić, Enesa Medanović, Hava Medanović, Rasema Brković, child Samira Jusić, Hilmo Jusić, Ferida Medanović, Nasiha Okić, child Nisveta Brković, child Amela Hadžić, Enisa Jusić, Karanfil Osmanović, Rufad Osmanović, Arif Medanović, child Mujo Medanović, Teufik Medanović, Nermin Jusić, Osman Jusić and Hajro Hadžić, who were later exhumed from a mass grave in Prhovo. They marched the men who were taken away from the village, in the direction of the Peći village, and on the way there killed at least 15 persons, including Ahmo Medanović, Tehvid Osmanović, Suad Hadžić, Zijad Hadžić, Suad Medanović, Ilfad Brković, Ekrem Hadžić, Ismet Mešić, Enes Medanović, Ćamil Medanović, Vahid Medanović, Senad Hadžić, Mehmed Dedić, Nedžad Jusić and Latif Jusić, who were later exhumed from the mass grave Ciganska dolina. Those who survived were handed over to the police who beat them throughout the night, keeping them tied outdoors on the ground, as a result of which Sulejman Medanović died, while the others were transported to the premises of the Nikola Mačkić primary school in Ključ. The survivors fled the village and were hiding in the neighboring villages and in the woods, where the search for the men who survived was continued. They were arrested and imprisoned in the Nikola Mačkić primary school in Ključ and the Public Security Station.

5. On 10 July 1992, after soldiers entered the undefended villages and hamlets of the Ključ Municipality - Donji Biljani, Botonjići, Domazeti, Brkići and Jabukovica, with the police assistance, they brought all men whom they found there without any legal ground to the premises of the primary school in Donji Biljani, where the police registered the captives, and then they were taken out and killed. Some of the men were loaded onto buses, taken in an unknown direction and killed, while some were hunted down and killed at various locations in the mentioned hamlets, on which occasion at least 219 persons were killed that day, including Najil Botonjić, Husein Dervišević, Džemal Omeradžić, Almir Jašarević, Aiz

Dervišević, Rifet Botonjić, Osman Hodžić, Smajil Mulahmetović, Hazim Zukanović, Salih Zukanović, Nijaz Avdić, Zijad Domazet, Elvir Čehić, Safet Džaferagić, Adnan Čehić, Čamil Botonjić, Feriz Botonjić, Jasmin Kapidžić, Ramiz Botonjić, Vehbija Džaferagić, Sabit Jašarević, Hamdija Mujezinović, Nedžad Čehić, Zuhdija Botonjić, Muharem Mujezinović, Hilmo Botonjić, Bećir Kapidžić, Kemal Jašarević, Nail Mujezinović, Mehmed Domazet, Enes Jašarević, Avdo Balagić, Besim Jašarević, Fadil Domazet, Muharem Botonjić, Fuad Avdić, Asmir Domazet, Asim Mujezinović, Vehbija Balagić, Husein Botonjić, Enid Omanović, Elmedin Šušnjar, Aiz Botonjić, Derviš Domazet, Ahmet Džaferagić, Ismet Mujezinović, Raif Jašarević, Emsud Avdić, Suad Mešanović, Hajrudin Avdić, Omer Dervišević, Saudin Omanović, Rifet Domazet, Safet Domazet, Saim Botonjić, Hamid Domazet, Muharem Kuburaš, Feriz Avdić, Abid Balagić, Ale Čajić, Smail Avdić, Zifad Mujezinović, Fikret Balagić, Sadik Botonjić, Hakija Avdić, Šefko Avdić, Hikmet Botonjić, Efraim Čehić, Sulejman Čehić, Šerif Pehadžić, Muhamed Mešanović, Sulejman Botonjić, Lejla Sinanović, Osman Mujezinović, Ahmo Čehić, Husein Zukanović, Adil Hodžić, Muharem Avdić, Hamid Botonjić, Hamdija Domazet, Rasim Čehić, Derviš Hodžić, Hamed Botonjić, Adil Omanović, Suad Čehić, Suad Botonjić, Hilmo Omanović, Zijad Botonjić, Asim Čehić, Sabahudin Botonjić, Nihad Kuburaš, Sabrija Botonjić, Hamed Domazet, Miralem Čehić, Habir Avdić, Meho Domazet, Islam Domazet, Nail Avdić, Asim Avdić, Omer Omanović, Mujo Botonjić, Fadil Subašić, Nail Domazet, Asim Mešanović, Ejub Botonjić, Smajil Avdić, Nijaz Botonjić, Vehbija Botonjić, Izedin Subašić, Hamdija Džaferagić, Enes Avdić, Besim Avdić, Abid Hodžić, Teufik Čehić, Omer Botonjić, Fahrudin Domazet, Nail Čehić, Ibrahim Bajrić, Fuad Domazet, Emir Mujezinović, Elkaz Omanović, Mustafa Omanović, Džafer Botonjić, Latif Čehić, Zuhdija Omanović, Abid Omanović, Samir Mulahmetović, Bego Jašarević, Abid Avdić, Salko Omeradžić, Omer Omanović, Azra Sinanović, Mehmed Džaferagić, Smail Zukanović, Besima Džaferagić, Hajrudin Domazet, Meho Šušnjar, Fadil Botonjić, Mesud Crnalić, newborn child Amila Džaferagić, child Almir Džaferagić, Abid Avdić, Sead Avdić, Refik Avdić, Nermin Avdić, Asmir Mešanović, Hamdija Botonjić, Ibrahim Avdić, Nail Botonjić, Mujaga Zukanović, Asim Domazet, Husein Domazet, Smail Mujezinović, Hamdija Čehić, Hasib Mujezinović, Faik Domazet, Čazim Botonjić, Sabit Šljivar, Asim Omanović, Tehvid Omanović, Šefkija Omanović, Pašo Omanović, Abid Džaferagić, Ejub Jašarević and Juso Jašarević, who were later exhumed from the mass graves Lanište I and Crvena zemlja.

6. Starting from late May until the end of 1992 at least, the Ključ Battalion of the Territorial Defense, i.e. the 17th Light Infantry Brigade, with the police assistance, following the shelling of undefended villages and settlements of Ključ populated by non-Serbs, undertook activities and continued with persecution and disarmament with the ultimatum to surrender all the weapons or the village would be attacked. Following the surrender of weapons they started with unlawful arrests and imprisonment of men in the Public Security Station or other facilities designated for that purpose like primary schools, with killings, forcing people out of their houses, deportation and forceful movement of population, unlawful destruction and stealing of property that is not justified by military needs, destruction of religious buildings in as much as they:

- a) After the shelling, the population of Pudin Han, Velagići, including the hamlets of Hađići, Vojići, Hasići, Nezići and others, scared senseless, were called to leave their houses and gather near the Community Center in Velagići, and when several*

hundred women, children and men came in front of the Centre, they were ordered to go in front of the Ključ Public Security Station, and then they were stopped at a police checkpoint near the ROPS and taken to the Šip warehouse, where their property was seized from them, the men were separated from the women and children, and then the women and children were released but banned from returning to their homes, while the men were registered and interrogated, and some of them were released to go home from there, while more than 200 of them were unlawfully deprived of liberty and imprisoned in the primary school Nikola Mačkić in Ključ; during that time, the army entered their settlements and searched, looted and burned houses;

- b) As of 28 May 1992, with the task to mop up the villages on the route Pudín Han – Vukovo Selo – Humiči – Plamenice – Prhovo – Peći, they expelled the Muslim population from their houses, terrorized and intimidated them, threatening they would kill anyone who was hiding and who was hiding weapons, conducted searches looking for weapons that have not been turned in and men who were hiding, sent a group of men fit for military service for interrogation by the Police at the primary school in Humiči. In Vukovo Selo they killed Šefik Čajić, while, in the presence of Marko Adamović and without legal grounds, Hamer Ljutić and Muharem Ljutić were arrested on Ljutića Brdo and later found killed in a nearby woods;*
- c) In late May 1992, all men from Donja Sanica and Gornja Sanica, including the hamlets, were ordered to surrender weapons and come to designated places. Therefore, the men from Donja Sanica had to come to the former railway station in Sanica, from where, following interrogation, they were transferred to the primary school in Sanica, where men from Gornja Sanica were imprisoned without a legal basis, insulted by various curses, without the right to know why they were imprisoned, along with individual beatings, which created great fear among the imprisoned civilians, both for their destiny and the destiny of their families. On the following day, some of them were released and a large number of them transported to the Nikola Mačkić primary school in Ključ;*
- d) They continued to raid the undefended villages and hamlets Gornja Sanica, Donja Sanica, Šljivari, Bašići, Botonjići, Domazeti, Gornji Budelj, Donji Budelj, Biljani, where they terrorized and intimidated population by shooting around the villages, searching houses and stealing property, torching buildings and killing at least 30 civilians, including Mehmed Harambašić, Bećo Čehić, Mehmed Konjević, Hašim Babović, Hazim Džafić, Rasim Omeragić, Derviš Kučuković, Edhem Keranović, Miralem Pehadić and his son Dinko Pehadić, Husein Kučuković, Šukrija Medić, Kemal Harambađić, Fikret Karađić, Čamka Huskić, Mustafa Huskić, Supha Karađić, Avdo Karađić, Vinc Horst, Ibrahim Šljivar, Fehim Šljivar, Rasim Bosnić, Ramiz Kožanjić, Smajo Šljivar, Čamil Šljivar, Arif Šljivar, Emin Crnalić, Abid Botonjić, Mujo Šljivar, Muharem Šljivar, Hasan Fazlić, Osme Lović and Bečić Mehmed, who were later exhumed from graves found in the mentioned settlements and identified;*

- e) *Men, women and children of Muslim and Croat ethnicity from the city center were ordered, via Radio Ključ, to gather at designated locations, such as the machine factory in Halinovsko Vrelo and the football stadium in Ključ, which they did out of fear for their lives. They were interrogated there and some of them were required to confess that they were members of a political party or they were accused of preparing crimes against Serbs. Afterwards, women, children and one group of men were released to their homes while the other group of men, without any legal grounds and deprived of all rights, were imprisoned in the Nikola Mačkić primary school and Public Security Station, where their physical and mental torture was continued;*
- f) *As of 26 June 1992, an attack was launched on the undefended Muslim villages of Ramići, Krasulje, the hamlets of Hripavci and Ošiljak, on which occasion the population was forced out of their houses, terrorized and intimidated by shots from fire weapons, curses and threats. On that occasion at least 21 civilians were killed, including Sabra Čarkić, Husein Čarkić, Derviš Čarkić, Sabit Husić, Safet Husić, Omer Husić, Teufik Husić, Ifet Vučkić, Smajo Kalabić, Mirsad Jukić, Šefik Delalić, Ibrahim Delalović, Rezak Đuzić, Ramo Đuzić, Hakija Đuzić, Sabit Sadiković, Aziz Fazlić, Esad Frmić, Mirsad Jamaković and Šukrija Bajraktarević. The men from Ramići who survived were brought to the primary school in Ramići, and men from Krasulje to the primary school in Krasulje, which is when Marko Adamović brought Safet Sadiković and Edin Sadiković in; following the registration and interrogation, at least 90 of them, who were unlawfully deprived of liberty, without any legal ground, were transferred to and imprisoned in the Nikola Mačkić primary school in Ključ;*
- g) *Men, from the area of the Ključ municipality, who were collected in their settlements and villages, and imprisoned in the Nikola Mačkić primary school without any legal ground, having ran gauntlet made of Serbs, civilians, soldiers, women, the citizens of Ključ, who were hitting them with various implements, were placed in a gym without any conditions for stay, where they sat on bare parquet floor, from where they were taken out for interrogations followed by beatings with the use of kicks, punches, various implements, rifle butts all over their bodies, required to confess that they were organizers of Muslim government or army, that they were preparing various crimes against Serbs or composed lists for their liquidations, with their basic human needs like food and personal hygiene restricted, without the right to a fair trial, which caused humiliation and the violation of human dignity and created additional fear for their lives and the lives of their families. Afterwards one group was released home, while around 200 men were transported to the primary school in Sitnica, where they stayed for a couple of days on bare floor, without mats or blankets, without enough food or conditions for maintaining personal hygiene, in constant fear for their lives. They were lined up in a column, and walked for at least 20 km by a macadam road to the camp on Manjača. At least 1160 prisoners were transported to the “Manjača” camp on Manjača in various ways. Immediately upon arrival, Husein Delalović passed away, and Omer Filipović and Esad Bender succumbed to beatings. After the disbandment of the camp, in December 1992, prisoners were*

deported outside of the territory of Bosnia and Herzegovina and a smaller number transported to the Batkovići camp in Bijeljina;

- h) During and after a joint attack, settlements and villages inhabited by the Muslim and Croat population were systematically destroyed or damaged, including the Muslim part of the town of Ključ, Pudin Han, Velagići, Biljani, Plamenice, Prhovo, Krasulje, Crljeni and Sanica, as well as the property, including homes, business premises and outbuildings, while the movable property of those who were killed, imprisoned in detention facilities and camps and displaced from the municipality was looted in an organized manner, and then collected in war booty warehouses in an organized manner, and it was handled following the instructions and under the control of the Municipal Crisis Staff, under the control of the police, while the population which was not deprived of liberty or imprisoned was displaced from the municipality area in an organized manner, having signed that they were leaving the municipality territory on their own free will and that they were leaving all their property voluntarily to the authorities, as long as the municipality authorities considered that necessary;*
- i) On 8 August 1992, they forced all the inhabitants who had survived 10 July 1992 out of their houses in the hamlet of Botonjići, then separated at least seven men, two underage boys, and three women, and took them in the direction of the Kamen location. On the way there they killed old Abid Botonjić, and killed and burned the rest of them in Hilmo Botonjić's barn, while the women and children who survived were expelled to the village of Crnalići,*

7. Without military justification, in order to permanently prevent the return of the population and secure their expulsion from the Ključ municipality, in order to destroy traces of the existence of other religious groups, they undertook activities, mined and tore down the Catholic Church and mosques including: the mosque in Tičevići, the village of Velagići, the mosque in Krasulje, the new mosque in Velagići, the mosque in Biljani, the city mosque in Ključ.

Therefore, within a widespread and systematic attack directed against the civilian population, with discriminatory intent, aware of such an attack and knowing that their actions constituted a part of such the attack, as the participants in a joint criminal enterprise with the objective to persecute the entire Muslim and Croat population on ethnic and religious grounds, they committed persecution by the actions described below:

- **under Count 1)** – murders, deportation and forcible transfer of population, imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; torture and other inhumane acts of similar character intentionally causing great suffering or serious injury to body or to physical or mental health; unlawful confinement to concentration camps;*
- **under Count 2)** – attack against civilian population, settlements, individual civilians, which resulted in death; the shelling, using any means, of undefended cities, villages, residences or buildings;*

- **under Count 3)** – murder, imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; other inhumane acts of similar character intentionally causing great suffering or serious injury to body or to physical or mental health;
- **under Count 4)** - murder, imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; other inhumane acts of similar character intentionally causing great suffering or serious injury to body or to physical or mental health; forcible transfer of population;
- **under Count 5)** - murder, imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; application of measures of intimidation and terror and other inhumane acts of similar character intentionally causing great suffering;
- **under Count 6 a)** - imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law;
- **under Count 6 b)** – murder, application of measures of intimidation and terror and other inhumane acts of similar character intentionally causing great suffering; imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law;
- **under Count 6 c)** - imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; imposing collective punishment, deprivation of rights to fair and impartial trial;
- **under Count 6 d)** - murder, application of measures of intimidation and terror and other inhumane acts of similar character intentionally causing great suffering or serious injury to body or to physical or mental health;
- **under Count 6 e)** - imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; application of measures of intimidation and terror; deprivation of rights to a fair and impartial trial;
- **under Count 6 f)** - murder, imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; imposing collective punishment; deprivation of rights to a fair and impartial trial;
- **under Count 6 g)** - murder, imposing collective punishment; imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law; unlawful bringing people into concentration camps; deprivation of rights to a fair and impartial trial; deportation or forcible transfer of population;
- **under Count 6 h)** - ruthless demolition of cities, settlements or villages or devastation or ravaging not justified by military needs; pillaging; deportation and forcible transfer of population;
- **under Count 6 i)** – murder; imposing collective punishment; application of measures of intimidation and terror and other inhumane acts of similar character intentionally causing great suffering or serious injury to body or to physical or mental health; deprivation of physical liberty in violation of fundamental rules of international law; deportation and forcible transfer of population;
- **under Count 7)** - destruction of religious monuments.

Whereby they would have committed the criminal offence of Crimes against Humanity referred to in Article 172(1)(h) of the CC of BiH, in conjunction with Article 180(1) of the CC of BiH.

Pursuant to Article 189(1) of the CPC of BiH, the costs of the proceedings referred to in Article 185(2)(a) through (f) of this Code and the necessary expenditures and remuneration of defense attorneys will be paid from the budget appropriations of the Court.

Pursuant to Article 198(3) of the CPC of BiH, the injured parties are instructed to pursue their claims under property law in civil action.

R e a s o n i n g

Having evaluated all the evidence adduced by both the BiH Prosecutor's Office and the Defense teams for the Accused Boško Lukić and Marko Adamović, that is, each piece of evidence individually and in relation to the other evidence in terms of Article 281 of the CPC of BiH, the Panel concluded that it was not proved that the Accused had committed the criminal offenses charged against them under the confirmed Indictment, which was thereupon amended at the main trial (hereinafter: the Indictment).

I. PROCEDURAL HISTORY

A. INDICTMENT

1. Under the Indictment number KT-RZ-23/08 dated 3 March 2008, confirmed on 4 March 2008, the BiH Prosecutor's Office (the Prosecution) charged Vinko Kondić with the criminal offense of Organizing a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes referred to in Article 176(2) in conjunction with paragraphs (1) and (4) of the same Article of the CC of BiH, (CC of BiH), and the criminal offense of Crimes against Humanity referred to in Article 172(1)(h), in conjunction with subparagraphs (a), (b), (d), (e), (f), (i) and (k) of the CC of BiH, all in conjunction with Article 180(1) and (2) and Article 29 of the Criminal Code of Bosnia and Herzegovina.

2. On 5 June 2008, the Prosecution also filed an Indictment number: KT-RZ-44/08 against the Accused Boško Lukić and Marko Adamović, that was confirmed on 9 June 2008, for the criminal offenses of Organizing a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes referred to in Article

176(2) in conjunction with paragraphs (1) and (4) of the same Article of the CC of BiH, (CC of BiH), and the criminal offense of Crimes against Humanity referred to in Article 172(1)(h), in conjunction with subparagraphs (a), (b), (d), (e), (f), (i) and (k), all in conjunction with Article 180(1) and (2) of the CC of BiH and Article 29 of the Criminal Code of Bosnia and Herzegovina.

3. Pursuant to Article 25(3) of the CPC of BiH, under the Decision number X-KR-05/119 dated 2 July 2008 the Court of BiH joined the referenced proceedings and conducted the single proceedings under all confirmed Indictments. The main trial in this case commenced on 2 September 2008 by reading out the referenced Indictments.

4. During the referenced proceedings, numerous medical expert analyses were carried out in order to establish the health condition of the Accused Vinko Kondić and find out a possibility for the Accused to adequately follow and stand trial. The Findings and Opinion of a team of expert witnesses dated 7 September 2010 showed that, compared with the earlier expert analyses, the health condition of the Accused Kondić showed a tendency of neurological and mental deterioration. The Findings concluded that given the disease type, course and prognosis, the Accused's health condition would continue deteriorating in the future, and that he was not able to participate in and stand the trial, or to respond adequately to the questions posed.

5. Pursuant to the foregoing, having heard the parties in terms of Article 26 of the CPC of BiH, on 13 September 2010 the Court issued the Decision to sever and suspend the proceedings against the Accused Vinko Kondić. After the Appellate Panel granted the Prosecutor's Appeal, the Trial Panel decided on 24 November 2010 to reconvene the proceedings against this Accused once the periodical monitoring of his health condition confirmed his ability to stand trial. The severed proceedings against the Accused Boško Lukić and Marko Adamović are pending since that date under number: X-KR-05/119.

B. THE EVIDENCE ADDUCED

1. The Prosecutor's Office

6. During the evidentiary proceedings, the Prosecutor heard the following witnesses: Fahrudin Ćemal, Muhamed Filipović, Asim Egrlić, Jusuf Omerović, Atif Džafić, Luka Brkić, Mustafa Lepirica, Hilmiya Hamedović, Ćerim Hrnčić, Fahrudin Krivić, Behrem Šarić, Enes Salihović, Ibrahim Bajrić, Džemal Draganović, Ekrem Čehić, Ramo Duranović, Senada Turkanović, Hađija Bajrić, Adnan Temimović, Senad Draganović, Mirsad Dervišević, Lako Aničić, Ismet Bilajac, Radomir Radinković, Salihović Latif, Salihović Hasan, witness A, Vitomir Gajić, Marinko Miljević, Željko Radojčić, Enes Lemeš, Nikola Savanović, Zlatan Medić, Hamida Hadžić, Mirsad Puškar, Devla Halep-¹⁵

Pehadžić, Lazo Kričković, Zaim Smajić, Mimka Brkić, Bedrudin Brkić, Salko Krantić, Milorad Hrgić, Radenko Kuburić, Witness C, Nafa Smajić, Muharem Islamagić, Senad Perbić, Elvir Jusić, Alem Hadžić, Senad Medanović, Hamid Hadžić, Sadeta Medanović, Nermina Medanović, Kana Mešić, Nevres Mešić, Edin Hadžić, Safet Muratagić, Miladin Ristić, Ismet Muratagić, Safet Sadiković, Čazim Bajrić, Muhamed Kozarac, Ajiz Bečić, Teufik Bajrić, Naila Botonjić, Murfeta Zubčević, Huse Crnalić, Šemso Džaferagić, Ismet Zukanović, Feriz Dervišević, Witness B, Mujo Čajić, Makbula Mešanović, Dragan Vukić, Hasiba Šljivar, Ahmed Crnolić, Fikreta Zukanović, Mujo Šehić, Milenko Mladenović, Mile Radulović, Mehmed Banjalučkić, Marinko Vejin, Ismet Kujundžić, Stevan Karač, Mehmed Begić, Hazim Lošić, Esad Šulić, Leopold Flat, Merima Filipović, Kemal Zukić, Nermin Kapetanović, Asim Vučkić, Enes Mršić.

7. A list of documentary evidence presented and tendered as evidence by the Prosecutor is included in the Attachment B of Annex I to this Verdict as an integral part thereof.

2. The Defense

8. As the Defense witnesses for Accused Boško Lukić, the following witnesses were heard: Slobodan Jurišić, Rajko Kalabić, Stevan Jovičić, Rade Maešević, Vito Dvizac, Witness D, and the Accused Boško Lukić in the capacity of a witness. As the Defense witnesses for the Accused Marko Adamović the following witnesses were heard: Drago Radojčić, Dušan Dragić, Dušan Prolić, Mirko Kosić, Dušan Grabež, Rajko Kalabić, Milorad Bodiroža, Cvijo Popović, Cvijo Škavić, Ahmed Čenanović, Radenko Kuburić, Boro Kosić, Slobodan Jurišić, and the Accused Marko Adamović in the capacity of a witness. As their joint evidence, the Defense teams presented the expert analyses carried out by expert witnesses Dr. Radomir Lukić and Prof. Dr. Slobodan Kosovac who were examined during the main trial.

9. The list of documentary evidence presented and tendered as evidence by the Defense for the Accused Boško Lukić is included in the Attachment D of Annex I to this Verdict, while the list of the documentary evidence presented and tendered as evidence by the Defense for the Accused Marko Adamović was included in the Attachment E, which all constitute integral part of the Verdict.

10. After the Defense had presented its evidence, the Prosecutor examined Witness D in rebuttal on 18 April 2011. At the main trial on 20 April 2011, the Prosecutor presented and tendered in the case record groups of the rebuttal documentary evidence. The first group of tendered documents concerns the equipment of the tactical group 2 (TG2). According to the Defense, the Accused Marko Adamović joined this group around 20 June 1992. By the second group of the documents tendered, the Prosecutor contests the

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Defense assertions concerning the time of establishment of the TG2, its activities and available weapons. The third group of documents contests the conclusions of the Findings and Opinion of the Defense expert witness, Prof Dr. Slobodan Kosovac.

11. On 25 April 2011, the Prosecutor submitted to the Court an Amended Indictment number KT-RZ-44/08 which was read out at the main trial. Under the Amended Indictment, the Accused Boško Lukić and Marko Adamović are charged with the commission of the criminal offense of Crimes against Humanity in violation of Article 172(1)(h) of the CC of BiH as described in Counts 1-6 (f) of the Amended Indictment.

12. At the main trial hearing held on 9 May 2001, the Defense Counsels for the Accused Boško Lukić and Marko Adamović neither asked for the main trial adjournment to prepare their defense, nor proposed any evidence in rejoinder related to the Amended Indictment. Thereafter, pursuant to Article 276 of the CPC of BiH, the Trial Panel declared the evidentiary proceedings completed.

3. Closing Arguments

(a) Prosecutor

13. At the hearing held on 11 May 2011, in her Closing Argument the Prosecutor *inter alia* emphasized that she considered that the existence of a widespread and systematic attack in the territory of the Ključ Municipality was proved beyond a reasonable doubt, that the attack was directed against the civilian population on discriminatory grounds, and that the acts of the Accused constituted an integral part of such an attack. The Prosecutor also considers proved that the Accused committed the criminal offense of persecution within a Joint Criminal Enterprise (JCE), and that therefore their guilt arises from their participation in the common design, with a purpose which, pursuant to their ideas and consequences, should have “cleansed” the Ključ Municipality of the non-Serb population.

14. According to the Prosecutor, the effectuated persecution campaign was a unique and all-inclusive act that was jointly implemented by a group of people at any moment and in any place. All persons who participated in the persecution being aware of the plan for final solution and its furtherance are participants in the commission of persecution. The guilt of the Accused is apparent from the fact that they had shared a common plan and participated in it knowingly and willfully with other members of the JCE, having contributed to its realization, that is, to the commission of crimes which includes all criminal acts of the JCE committed during the realization of the planned goal. It is possible that the Accused did not know which non-Serbs would be detained, but they certainly knew that such a detention had no legal grounds. It can be therefore concluded that they shared the intent to detain most civilian men and inflict on them serious physical

and mental injuries. The Prosecutor further referred to the status of the Accused at the relevant period of time and their role in the Crisis Staff (subsequent War Presidency) of the Ključ Municipality, the Municipal Staff of the Territorial Defense (TO), the Defense Command of the Town Ključ, the 3rd Infantry Battalion of the 1st Partisan Infantry Brigade and finally, the 17th Light Infantry Brigade Ključ (the 1st L.I.Br. Ključ).

15. According to the Prosecutor, all the foregoing should be viewed in the context of political activities of the Executive Board of the SDS municipal organization in Ključ, and the decisions issued at the level of the Autonomous Region of Krajina (ARK), which were binding on the authorities of the Ključ Municipality. In her Closing Argument, the Prosecutor also referred to the testimony of the heard witnesses and the presented documentary evidence that support each Count of the Indictment individually. The Prosecutor argued that the criminal offenses charged against the Accused under this Indictment supplement the recognizable plan and the comprehensive goal of the JCE, that is, the forcible removal of the non-Serb population from the territory of the planned Serb state by the commission of criminal offenses such as Crimes against Humanity. In elaborating on the elements of the JCE as a form of liability, the Prosecutor argued that the contribution of the Accused was necessary and significant, because without their active participation in the implementation of decisions of the Crisis Staff and the Assembly of Serb People in the territory of the Ključ Municipality, it would not have been possible to realize the plan successfully. Their continuous activities in the organization of the Territorial Defense or the RS Army, and taking necessary actions to put those units into full operation which resulted in the consequences in the field showed that their participation is significant.

16. In the end of the Closing Argument, the Prosecutor moved the Court to find the Accused Boško Lukić and Marko Adamović guilty based on the evidence adduced because as members of the JCE they shared the intent to realize the plan and purpose of crimes, that they are therefore liable for the criminal offense of persecution that was implemented against the non-Serb civilians by way of: the killing of several hundreds of civilians, forcible resettlement of over 15,000 civilians, illegitimate confinement of more than 2,500 civilians in the detention facilities and camps, torture and other inhumane acts. The Prosecutor proposed that the Accused Marko Adamović and Boško Lukić be found guilty of the commission of the referenced criminal offense and sentenced to a long term imprisonment.

(b) The Defense for the Accused Boško Lukić

17. In the Closing Argument presented at the hearing held on 16 May 2011, the Defense Counsel for the Accused Boško Lukić, Attorney Milan Trbojević, stated that the₁₈

allegations referenced in the Indictment were impossible and unproved. This is so primarily if it is taken into account that the Strategic Goals of the Serb People contained no word whatsoever about persecution. In addition, the Accused was appointed to the post of Commander of the Municipal Staff of the TO long before their establishment. Pursuant to the function he held at the time relevant to the Indictment, the Defense Counsel considers logical the cooperation of the Accused with the Crisis Staff as a legitimate body established at the time of a political-security crisis, whose decisions were subsequently ratified by the Assembly of the Ključ Municipality, and that the role of the Accused is not incriminating in this part. The cooperation of this Accused with Radoslav Brđanin or other high-ranking officials of Republika Srpska is illusory, while he made contacts with the Chief of the Police, Vinko Kondić, only at the meetings of the Crisis Staff.

18. Furthermore, according to the Defense Counsel, the Indictment fails to specify accurately the units that had committed the crimes charged against the Accused, and who was issuing orders to these units. Also, no plan of ethnic cleansing existed as such, rather it was a consequence of the events that occurred in the field given the fact that Muslims had initiated the first provocations in the field. Also, the Defense Counsel further contested the retroactive application of the provisions of the CC of BiH. He presented his evaluation of the testimony of the heard witnesses and the documentary evidence presented by the Defense. The Defense Counsel concluded that during the proceedings, the Prosecutor failed to prove the guilt of the Accused Boško Lukić, and therefore moved the Court to render an acquitting verdict and terminate custody accordingly.

19. In his Closing Argument, the Accused's Co-counsel, Attorney Husein Mušić, stood by the presented arguments of the Lead Counsel. He emphasized the minor role of the Accused Boško Lukić in the incriminating events, particularly when the Brigade about whose establishment he only kept informed the Crisis Staff is in question. The Prosecutor presented no piece of evidence whatsoever to show a superior position of the Accused Lukić, or the existence of agreements with the command personnel of this Brigade, or of the 3rd Infantry Battalion. The Defense Counsel also pointed to the existence of extenuating circumstances on the part of the Accused Boško Lukić, such as his earlier life, behavior and relations toward the environment, other nations and religions. Before the events relevant to the Indictment, the Accused was a professor, and many victims from the Municipality territory were his students. He received nothing from the authorities of Republika Srpska and the SDS, and he was not promoted to a higher rank. This speaks sufficiently about the lack of cooperation and joint actions as indicated under the charges.

20. Like his Defense Counsels, in presenting his closing argument the accused Boško Lukić expressed his sincere regrets for all the incidents and the victims in the territory of the Ključ Municipality. He also expressed his condolences to the families of the victims. In his introduction, the Accused spoke about his earlier life and relations with the community. Thereupon, he evaluated the testimony of certain witnesses heard and pointed

to mutual inconsistencies and contradictions. The Accused also referred to a certain number of pieces of evidence that he considered relevant to his defense. In the end, the Accused proposed that an acquitting verdict be rendered in relation to him.

(c) **The Defense for the Accused Marko Adamović**

21. In the Closing Argument presented at the hearing held on 18 May 2011, the Defense Counsel for the Accused Marko Adamović, Attorney Branko Gudalo, contested the participation of the Accused in the JCE since the Accused did not know the participants in the JCE – high ranking officials of Republika Srpska, nor did he have any contacts or arrangements with them during the critical period. The Defense argues that the case at hand concerns the form of liability which is not recognized by the BiH applicable criminal legislation nor is explicitly stipulated by the provisions of the ICTY Statute, and that therefore it is not applicable to this case either. At the time relevant to the Indictment, the Accused had no leading position in the civilian or military structures of the Ključ Municipality, and therefore no causal nexus exists as the ground for the Accused's liability for war crimes.

22. The Defense Counsel further submits that it was not proved during the proceedings that the Accused was the Commander of the Ključ Defense Command, or that such body indeed operated. Also, it is not proved that the Accused was a prominent SDS member. His presence at the meetings of the Crisis Staff upon orders of the Brigade Commander is not incriminating on any grounds. By evaluating in the end the testimony of the heard Defense witnesses, the Defense Counsel pointed to the contradictions in their statements given during the investigation, and also in relation to the statements of other witnesses heard. Having briefly referred to certain pieces of the Prosecution evidence adduced, and having presented his objections regarding the retroactive application of the CC of BiH, the Defense Counsel proposed that the Accused be acquitted of the charges and that the prohibiting measure of house arrest imposed on him be terminated.

23. Co-counsel for the Accused Marko Adamović, Attorney Marinko Brkić, pointed in his closing arguments to imprecise factual allegations in certain Counts of the Amended Indictment. The Defense Counsel also briefly referred to the evidence adduced during the referenced proceedings, from which it does not ensue that the Accused is guilty of the offenses charged against him.

24. Like his Defense Counsels, the Accused Marko Adamović expressed in his closing argument sincere regrets for all the victims of the crimes that the Defense did not contest during the proceedings. Based on the facts established in these proceedings the Accused petitioned that the Prosecution find and prosecute in the upcoming period the persons₂₀

responsible for their commission. In his presentation, the Accused notes that during the proceedings he did not contest his position of the Deputy Commander of 3rd Infantry Battalion (Ključ Battalion), and the subsequent position of the Assistant Commander for Moral and Religious Issues within the 17th Light Infantry Brigade Ključ. The Accused emphasized that his duties were leading rather than commanding. The Accused considers as a Prosecution failure the fact that no commanders of the units, brigades, the military police and other units which pursuant to the documentary evidence were present at the time and operated in the territory of the Ključ Municipality were heard during the proceedings. By contesting his participation or any contribution to the commission of any act referenced in the factual description of the Amended Indictment, the Accused moved the Court to render an acquitting verdict against him and revoke the prohibiting measures imposed.

II. PROCEDURAL DECISIONS

A. TRIAL WITHOUT THE PRESENCE OF THE ACCUSED VINKO KONDIĆ

25. On 24 September 2008, the Trial Panel issued the decision to hold the main trial against the Accused Marko Adamović, Boško Lukić and Vinko Kondić without the presence of the Accused Vinko Kondić when he unjustifiably refuses to attend the scheduled hearing to which he was dully and timely summoned. Under the same Decision, the Panel reminded the Accused that he was entitled to come to the Court at any time, and that his Defense Counsels would be present at the hearings held without his presence. Finally, the Decision ordered that the Court would duly inform the Accused about the course of the proceedings by delivering to him the video-recordings and the written records from the hearing held on the same day.

26. Specifically, under the Court's Decision, the Accused Vinko Kondić was in custody on the grounds set forth in Article 132(1) a) and b) of the CPC of BiH. In order to secure a successful conduct of the proceedings and the efficient protection of his health, the Accused was transferred from the detention in the Penal and Correctional Institution Kula to the Detention Unit of the Court of Bosnia and Herzegovina. The Accused did not attend the hearing held on 24 September 2008 even though he was duly informed about it (as well as about all the following hearings that he did not attend). Therefore, pursuant to the Decision issued, the trial was conducted without his presence.

27. Having considered the absence of the Accused unjustified, the Court cautioned him about the consequences of his not-attendance, namely, pointed to the fact that the main trial would be held without his presence, but in the presence of his Defense Counsels. Given this caution, a repeated unjustified absence of the Accused from the main trial that

was held on 24 September 2008 resulted in the trial continuing without his presence and the issuance of the referenced Decision.

28. The main issue that had to be decided about on the referenced occasion was the issue of continuation of the proceedings without the presence of the Accused when he did not want to attend the main trial, and when this intention was exclusively motivated by the reasons of personal or subjective nature, while no objective reasons existed. The Court was aware that the Accused might intentionally obstruct the attempts of the Court and the Prosecution to do their job and complete the case by rendering a final decision.¹ This procedural situation had to be considered from the aspect of fundamental rights and freedoms, and in relation to them, the guarantees offered by the national and international standards.

29. In the common case law, a trial cannot be started or continued without the presence of an accused. Therefore, in these circumstances, the Court would unwillingly start, or continue the trial. Some other reasons, however, led the Court to conclude that any adjournment of the proceedings would be in violation of the principle of fairness regarding the completion of the proceedings, and very unfair toward the witnesses with traumatic experiences. In addition, there are two other accused persons, Adamović and Lukić, who are appearing in the proceedings against Vinko Kondić, who in terms of Article 6(1) of the ECHR also enjoy the guarantees to a fair trial and the trial within a reasonable period of time, and who regularly attend each scheduled hearing.

30. Therefore, many irresolvable problems could have arisen, that would exclusively and definitely be in favor of the Accused. Bearing in mind potential interests of the society and the victims, and also the rights of the Accused, the Court therefore acted pursuant to the rule of law, the case law established under Articles 6, 13 and 17 of the European Convention on Human Rights, the international jurisprudence, and the principle of legality set forth in Article 2 of the Criminal Procedure Code.

31. With such a state of facts, the Court concluded that the Accused Vinko Kondić was entitled to attend the trial. However, despite being dully informed and being aware of the consequences of his non-attendance, the Accused waived this right under the excuse of subjective reasons. In such a situation, and by using its discretion, the Court continued the proceedings without the presence of the Accused which, in addition to the foregoing argumentation, was not considered a trial in absence in terms of Article 247 of the CPC of BiH, or a violation of Article 6 of the European Convention on Human Rights.

¹ Pursuant to the guidelines elaborated by the Council of Europe, Committee of Ministers Resolution (75) 11 dated 21 May 1975 on the criteria governing proceedings held in the absence of the accused.

B. DECISION TO ACCEPT THE ESTABLISHED FACTS

32. By applying Article 4 of the Law on the Transfer of Cases, under the Decision dated 27 March 2009, the Court *ex officio* accepted as proved the facts established in the ICTY final Trial Judgment in the *Prosecutor v. Radoslav Brđanin* case, number IT-99-36-T dated 1 September 2004 as follows:

In November 1990, the first multi-party elections were held in BiH, whereby the people voted for the Assembly of the SRBH, the Presidency of the SRBH and the municipal and local Assemblies in all the municipalities in BiH. The SDA, SDS and HDZ collectively won an overwhelming majority of the votes. The vote accurately portrayed the polarization amongst the ethnic communities taking place in BiH at the time. Pursuant to a power sharing agreement reached prior to the elections, the SDA, having obtained a majority at the republican level, was allowed to designate the President of the seven persons Presidency. Alija Izetbegovic was appointed to this position. The SDS designated the President of the Assembly of the SRBH, Momcilo Krajisnik, and the HDZ designated the President of the Executive Council, i.e., the Prime Minister, Jure Pelivan.”
(para. 56)

33. “Cooperation among the three nationalist parties was initially good, even enthusiastic, in the euphoria that followed the defeat of the League of Communists. However, the break-up of the SFRY commencing in 1991 resulted in the deterioration of both the situation in BiH in general and the relations between the ethnicities in particular. On **25 June 1991**, the Parliaments of Slovenia and Croatia respectively issued declarations of independence, which led to armed conflicts in both these break-away republics. In Slovenia, the JNA withdrew after a 10-day war. In Croatia, the war lasted longer. The Croatian army was opposed by the JNA and by local paramilitary groups organized by Croatian Serbs and Serbs from the Republic of Serbia. On 2 January 1992, the hostilities in Croatia came to a provisional halt with a ceasefire agreement between the JNA and Croatia. UN forces (United Nations Protection Force – “UNPROFOR”) were deployed to maintain peace. On 15 January 1992, the European Community recognized the new states of Slovenia and Croatia.” (para. 57)

34. “The war and the secession of Slovenia and in particular of Croatia had a significant impact on the socio-political situation in BiH. **From late summer 1991**, many military aged men from BiH were mobilized to join the JNA in order to fight in Croatia. A large number of Bosnian Serbs responded, but Bosnian Muslims and Bosnian Croats, supported by their respective leaders, generally did not. This led to increased tension between the ethnicities, especially in the Bosnian Krajina region bordering Croatia”. (para. 58)

35. “**As from the autumn of 1991**, another source of anxiety and stress for the people in the Bosnian Krajina was the demeanour of the soldiers returning from the battlefields in

Croatia. These soldiers often behaved in a threatening manner towards Bosnian Muslims and Bosnian Croats. They would insult people and fire their guns at houses, shops or religious buildings. In some municipalities, shops or private homes belonging to Bosnian Muslims or Bosnian Croats were blown up or set on fire. There were several incidences in which returning Bosnian Serb soldiers killed Bosnian Muslims”. (para. 59)

36. “In this atmosphere of tension the three main nationalist parties, having separate national agendas with conflicting interests, failed to reconcile their differences and started moving in opposite directions. Most importantly, they disagreed on the question of the constitutional status of BiH. While the SDA and the HDZ promoted the secession of the SRBH from the SFRY, the SDS strongly advocated the preservation of Yugoslavia as a state, in order to ensure that the Serbs would continue to live together in a single state, and would not become a minority in an independent Bosnian state. **On 15 October 1991**, SDS President Radovan Karadzic made an impassioned speech before the Assembly of the SRBH in Sarajevo, indicating the possibility that Bosnian Muslims could disappear as a group if they declared the independence of the SRBH from the SFRY. SDA President Alija Izetbegovic responded that Karadzic’s threatening message and its method of presentation illustrated why the SRBH might be forced to separate from the SFRY. After the Republican Assembly of the SRBH had adjourned for the day and the SDS delegation had departed, HDZ and SDA delegates reconvened without them and passed a “Declaration of Sovereignty”, a measure that moved the SRBH a step closer to independence.” (para. 61)

37. “**On 24 October 1991**, the SDS Deputies in the Assembly of the SRBH, in a meeting of their club, established a separate Assembly of the Serbian People in Bosnia and Herzegovina (“SerBiH Assembly”) and elected Momcilo Krajisnik as its President. The SerBiH Assembly authorized a plebiscite of the Serbian people of BiH on the question of whether or not they wanted BiH to remain within Yugoslavia. On 9 and 10 December 1991, the Bosnian Serbs voted overwhelmingly to remain a part of the SFRY.”(para. 62)

38. “**In early 1992**, the SDA increased the pressure to secure independence of the SRBH from the SFRY. A referendum on the question of independence was held on 29 February and 1 March 1992. It was largely boycotted by the Bosnian Serbs and yielded an overwhelming majority of votes in favour of the independence of BiH. In view of the result of the referendum, on 6 April 1992, the European Community recognized BiH as an independent state. Recognition by the US followed on 7 April 1992.” (para. 63)

The same Decision partially accepted the Motion of the BiH Prosecutor’s Office dated 14 November 2008, whereby the facts established in the final Trial Judgment of the ICTY in the *Prosecutor v. Radoslav Brđanin* case number IT-99-36-T dated 1 September 2004 were accepted as follows:

39. “**In September 1990**, the JNA had ordered that weapons be removed from the depots under control of local TO units and moved to its own armories. Therefore, when the tension between the ethnic groups increased, local communities throughout BiH did not have a significant number of weapons at their disposal. However, in late 1991 and early 1992, all three national parties began arming themselves.” (para. 87)

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40. At its 7th session, held on **16 September 1991**, the ZOBK Assembly transformed itself into the Autonomous Region of Krajina (“ARK”). The decision in question states that the ARK was being established “as an inseparable part of the Federal State of Federative Yugoslavia and an integral part of the Federal Unit of BiH”. On the same date, the Statute of the ARK, which was almost identical to the ZOBK Statute, was adopted. Like the ZOBK, the ARK had its seat in Banja Luka.” (para. 166)

41. **“In the autumn of 1991**, four other Serbian Autonomous Districts were created in SRBH. These were the Serbian Autonomous District of Herzegovina, the Serbian Autonomous District of Romanija-Birac, the Serbian Autonomous District of Semberija and the Serbian Autonomous District of Northern Bosnia. On 21 November 1991, the creation of the ARK and the other four Serbian Autonomous Districts was ratified by the SerBiH Assembly during its 2nd session. By virtue of this ratification, the ARK and the other four Serbian Autonomous Districts became constituent parts of the SerBiH. The SerBiH Assembly appointed Jovan Cizmovic, a member of the Ministerial Council of the SerBiH Assembly, as the coordinator of the governments of the ARK and the other Serbian Autonomous Districts. {...}” (para. 167)

42. “The ARK possessed authority over a wide range of issues. It was a political body vested with powers that belonged to the municipalities, including powers in the area of defense. Pursuant to its Statute, the ARK was in charge, *inter alia*, of the realization of socio-political objectives. In the legal parlance of the former Yugoslavia, socio-political communities were meant to denote governmental units. A regional association of municipalities, as provided for by the law, was not a governmental unit, and could therefore not have jurisdiction over defense matters, which were reserved to socio-political communities, including the republican and the municipal authorities.” (para. 173)

43. “The ARK did have jurisdiction in the area of defense. Its Statute provided that the ARK “shall monitor the situation and co-ordinate activities for the organization and implementation of preparations for All Peoples’ Defense in accordance with the Law, municipal defense plans and the republican defense plan”. The ARK Statute also included a provision to the effect that the ARK Assembly shall have a permanent “Political Council” dealing with “issues of development of the political system” and a permanent “Peoples’ Defense Council” dealing with “issues from the area of peoples’ defense which are relevant to the Autonomous Region of Krajina.” {...}(para. 174)

44. **“On 15 October 1991**, the SDS Party Council discussed strategies on how to set up a Serbian government, which included establishing parallel government bodies, the regionalization of BiH and organizing militarily.” (para. 66)

45. “In a speech given on the occasion of the “Plebiscite of the Serb People” in Sarajevo **in November 1991**, Radovan Karadzic instructed SDS members representing the municipalities to impose complete Bosnian Serb authority in their respective municipalities, regions and local communities. On 11 December 1991, the SerBiH Assembly voted to recommend the establishment of separate Serbian municipalities. The declared aim of this

decision was “to break up the existing municipalities where Serbs are not in a majority.” (para. 68)

46. “**On 19 December 1991**, the Main Board of the SDS issued a document entitled “Instructions for the Organization 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 defense of the interests of the Serbian people”. (para. 69)

47. “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. The “tasks, measures and other activities” referred to in the Variant A and B Instructions were to be carried out exclusively at the order of the President of the SDS. (para. 70)

48. “**In early 1992**, while international negotiations to resolve the question of the status of BiH were ongoing, the Bosnian Serb leadership enforced its plan to separate the territories claimed by them from the existing structures of the SRBH and to create a separate Bosnian Serb State. On 9 January 1992, the SerBiH Assembly proclaimed the SerBiH, which on 12 August 1992 was renamed Republika Srpska (“RS”). It was composed of so-called Serbian autonomous regions and districts, which included the ARK.” (para. 71)

49. “{...} **On 4 March 1992**, the ARK Assembly during its 15th session adopted a decision to form the Security Services Centre of the ARK (“CSB”) with its seat in Banja Luka. Stojan Zupljanin was appointed Chief of the CSB. On 27 April 1992, the ARK Assembly issued a decision to establish a “Special Purpose Police Detachment” within the CSB.” (para. 175)

50. “{...} **On 27 March 1992**, the SerBiH Assembly established the Serbian Ministry of Internal Affairs (“MUP”). The legislation on the MUP came into effect on 31 March 1992, when a Minister was appointed who answered to the SerBiH Assembly. During the spring and summer of 1992, most non-Serbs were dismissed from the police force. In doing so, the police was transformed into a Bosnian Serb force.” (para. 211)

51. “**On 7 April 1991**, the SDS Regional Board decided to create the Community of Municipalities of Bosnian Krajina (“ZOBK”). Vojo Kupresanin was elected President of the ZOBK Assembly, while the Accused was elected First Vice-President and Dragan Knezevic was elected Second Vice-President. The ZOBK was composed of sixteen municipalities from the Bosnian Krajina, all of which, except Kljuc, had substantial Bosnian Serb majorities. {...} Unlike the Banja Luka Community of Municipalities (“ZOBL”) which had existed previously, the ZOBK’s mandate included a strong defense component. Decisions

of the ZOBK Assembly and minutes from its meetings show that this was an association intended to co-ordinate all major areas of administrative government in the municipalities that joined the ZOBK, and that its agenda was a political one.” (para. 165)

52. “At the municipal level, commanders of TO units, which later became Light Infantry Brigades either were permanent members of municipal Crisis Staffs, or *ex officio* members who attended meetings in order to brief Crisis Staffs or other governmental bodies on the current military situation and the development of combat operations. Decisions taken by the crisis staffs were communicated to the military.” (para. 218)

53. “[...] **On 16 April 1992**, the Ministry of National Defense of the SerBiH issued a decision on the establishment of the Territorial Defense (“TO”) as an army of the SerBiH, putting the command and control of the TO with municipal, district and regional staffs, as well as the staff of the SerBiH TO. In the same decision the Ministry of National Defense of the SerBiH declared an imminent threat of war and ordered public mobilization of the TO in the entire territory of the SerBiH. Moreover, the formation of TO staffs in the newly established Bosnian Serb municipalities was ordered. (para. 73)

54. [...] the 4 and 9 May 1992 decisions on disarmament were expressly directed at “paramilitary formations” and “individuals who illegally possess weapons”. On 18 May 1992, the ARK Crisis Staff further clarified which individuals had to be disarmed:

55. All formations that are not in the Army of the Serbian Republic of Bosnia and Herzegovina or the Banja Luka Security Services Centre and are in the Autonomous Region of Krajina, are considered paramilitary formations and must be disarmed.

56. All those who are not part of the armed forces of the Serbian Republic of Bosnia and Herzegovina or its police must return their weapons.

57. This decision also instructed the CSB to write instructions for the disarming of paramilitary formations. The military and civilian police were responsible for the implementation. In accordance with this decision, the chief of the CSB, Stojan Zupljanin, ordered all SJBs to report back to the CSB on the disarmament operations. The order contained detailed instructions on the expected contents of the report. The municipal SJBs, as ordered, reported back to the CSB on the operations implemented in their respective areas of control.” (para. 246)

58. “During the 16th session of the SerBiH Assembly that took place **on 12 May 1992**, at a time when the armed conflict had already begun, Radovan Karadzic articulated the six strategic goals of the Serbian People of Bosnia and Herzegovina.¹⁴⁰ The first and most fateful goal was the “separation from the other two national communities – separation of states”. The other goals concerned the establishment of a corridor between Semberija and Krajina; the establishment of a corridor in the Drina Valley; the establishment of a border on the Una and Neretva rivers; the division of the city of Sarajevo into Serb and Muslim sectors; and, finally, securing access to the sea for the SerBiH.” (para. 75)

59. “**In the spring of 1992**, all employees in local Public Security Services (“SJBs”) and other public services were required to sign an oath of loyalty to the Bosnian Serbian authorities. Bosnian Muslims and Bosnian Croats who refused to sign the declaration of loyalty were dismissed. Those who accepted to sign could remain within the service. However, by June 1992, the policy changed. To start, all non-Serbs holding managerial positions were fired and replaced by Bosnian Serbs. Bosnian Muslims and Bosnian Croats were dismissed from the judiciary, local enterprises, the media, hospitals, the police forces and the army. By the end of 1992, almost the entire Bosnian Muslim and Bosnian Croat community had been dismissed from their jobs. Many people who showed up for work during this period were turned back and denied access to their workplace. Generally speaking, people were sent home, told not to come back, and then fired soon thereafter.” (para. 85)

60. “{...} in the Bosnian Krajina {...} by the end of 1992, nearly all Bosnian Muslims and Bosnian Croats had been dismissed from their jobs in, amongst others, the media, the army, the police, the judiciary and public companies. Numerous crimes were committed against Bosnian Muslims and Bosnian Croats, including murder, torture, beatings, rape, plunder and the destruction of property. Villages were shelled, houses were torched and looted. In the spring of 1992, a number of detention camps where Bosnian Muslim and Bosnian Croat civilians were arrested and detained *en masse* were established throughout the ARK. In several instances, mass killings of civilians took place. {...} Bosnian Muslims and Bosnian Croats were forcibly expelled from the ARK by the Bosnian Serbs and taken in convoys of buses and trains to Bosnian Muslim held territory in BiH or to Croatia {...}” (para. 159)

61. Specifically, on 14 November 2008, the Prosecutor submitted to the Court a Motion to accept as proved the total of 45 facts from the Trial Judgment in the *Prosecutor v. Radoslav Brđanin* case (No. IT-99-36-T dated 1 September 2004). The Prosecutor argued that the acceptance of these facts as established would contribute to the judicial efficiency and that such an action would be in compliance with Article 6 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and Article 13 of the CPC of BiH. The Prosecutor also argued that the presumption of innocence of the Accused enshrined in Article 3 of the CPC of BiH would not be annulled because the Defense would maintain its right during the proceedings to contest all the facts accepted as established.

62. On 9 February 2009, the Trial Panel made their *ex officio* motion to accept as proved the facts established under the ICTY final Trial Judgment against Radoslav Brđanin. The Trial Panel invited the parties to the proceedings and the Defense Counsels to comment on the foregoing, while the Accused and their Defense were invited to submit their possible motions to accept as proved certain facts so that the Trial Panel could decide on this matter by a single decision.

63. In their comments on the Prosecution Motion dated 14 November 2008, the Defense teams for the Accused Marko Adamović (and Vinko Kondić) pointed out that by

accepting the proposed facts as proved, the right of the Accused to a fair trial guaranteed under Article 6(1) of the ECHR and Articles 3, 15, 259 and 261(2) of the CPC of BiH was violated. The Defense Counsel also submitted that the acceptance of the allegedly established facts would not contribute to the efficiency and economy of the proceedings, while the procedural rights of the Accused would be seriously violated. Any retroactive application of the Law on Transfer of Cases was also disputable. This was so because according to the Defense, Article 4 of the same Law is much heavier and less favorable to the Accused in relation to Rule 94 (B) of the ICTY Rules of Procedure.

64. Within the comments objecting to the acceptance of the facts referred to in the Trial Panel, Attorney Duško Panić, Defense Counsel for the Accused Vinko Kondić, also proposed on 4 March 2009 that certain facts from the *Brđanin* Trial Judgment be accepted in the interest of the Defense, namely paragraphs 53, 55, 60 and 108. Attorney Haris Bojić, Defense Counsel for the Accused Boško Lukić, submitted to the Court on 3 March 2009 a Motion to accept proved facts.

65. Article 4 of the Law on Transfer of Cases prescribes as follows: “At the request of a party or *proprio motu*, the courts, after hearing the parties, may decide to accept as proven those facts that are established by legally binding decisions in any other proceedings by the ICTY or to accept documentary evidence from proceedings of the ICTY relating to matters at issue in the current proceedings.”

66. Rule 94(B) of the Rules of Procedure and Evidence stipulates that: “At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.” The first formal requirement of the quoted regulation for deciding on whether to accept as proved the established facts has been satisfied by hearing the parties in the proceedings.

67. In the case at hand, the Panel has applied Article 4 of the Law on Transfer of cases in relation to the acceptance of the established facts as a *lex specialis*, which is as such applicable to the proceedings before the courts in Bosnia and Herzegovina. Being aware that this Article should be applied with caution and in compliance with the principle of a fair trial in the case at hand, the Trial Panel did not accept those facts that would directly or indirectly incriminate the Accused.

68. To this end, the accepted facts must pass the so called „admissibility test”, that is, they must satisfy a large number of criteria ensuring that the accepted facts are not to the prejudice of the Accused, and do not bring them into a more difficult procedural situation. However, since the Law on Transfer prescribes no criteria based on which a certain fact would be considered “adjudicated”, in examining these facts the Panel took into account

the criteria established by the ICTY under the Decision dated 28 February 2003 in the *Prosecutor v. Momčilo Krajišnik* case. These criteria are taking into account the rights of the accused enshrined in the European Convention on Human Rights (ECHR) and the CPC of BiH.

69. Pursuant to the decision issued in the *Momčilo Krajišnik* case, at the request of a party or *proprio motu*, the Trial Panel, after hearing the parties, may decide to formally accept as proven the facts if the fact is: distinct, concrete and identifiable, restricted to factual findings and does not include legal characterizations, was contested at trial and forms part of a judgment which has either not been appealed or has been finally settled on appeal; or it was contested at trial and now forms part of a judgment which is under appeal, but falls within issues which are not in dispute during the appeal. Furthermore, these facts do not attest to the criminal responsibility of the Accused, they are not based on plea agreements in previous cases, and do not impact on the right of the Accused to a fair trial. These criteria supplement Rule 94(b) (formal taking judicial notice of the facts) of the ICTY Rules on Procedure and Evidence. In addition, the same criteria have been already accepted also by the Appellate Panel of the Court (see the Verdict in the *Nedo Samardžić* case number X-KRŽ-05/49 dated 13 December 2006).

70. Therefore, having applied the foregoing criteria, the Panel refused the facts proposed by the Prosecutor which were not stated clearly and precisely, or it was impossible based on those facts to identify the period to which they are related. The Panel also accepted no proposed fact containing a certain characterization of a legal nature, or representing conclusions of the ICTY Trial Chamber, nor did it accept the facts which might even indirectly point to the criminal liability of the Accused based on his function as a superior, or his participation in the common design.

71. Finally, the Motion of the Defense Counsel for the Accused Boško Lukić, Attorney Haris Bojić, dated 3 March 2009, was refused in its entirety because by its contents it did not represent a motion to accept established facts. The Motion of Attorney Duško Panić dated 4 March 2009 to accept “the established facts” was also refused as ill-founded because they did not satisfy the required criteria.

72. The Panel notes that in terms of Article 15 of the CPC of BiH, the Court is not bound to establish their verdict on any fact that is accepted as proved, since all these facts will after the completion of the criminal proceedings be subjected to individual evaluation and evaluation within the context of all the evidence presented at the main trial, as follows from the further explanation of this Verdict.

C. DECISION ON THE PROTECTION OF WITNESSES

73. Article 75(F) item (i) of the ICTY Rules of Procedure and Evidence stipulates that: “Once protective measures have been ordered in respect of a victim or witness in any proceedings before the Tribunal, shall continue to have effect *mutatis mutandis* in any other proceedings before the Tribunal (the “second proceedings”) unless and until they are rescinded, varied or augmented in accordance with the procedure set out in this Rule”. By applying this rule, the Trial Panel of this Court issued on 9 March 2009 a decision in the case conducted against the Accused Vinko Kondić, Boško Lukić and Marko Adamović to extend the protective measures that the witnesses have enjoyed pursuant to the decisions of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

74. The witness who testified before the ICTY in the *Prosecutor v. Radoslav Brđanin* case in closed sessions and under the pseudonym BT-26, and with the same measures testified *mutatis mutandis* in the *Prosecutor v. Momčilo Krajišnik* case with the pseudonym KRAJ-26, testifies in the proceedings before the Court of BiH at the session closed for the public and under the **pseudonym A**.

75. The witness, who testified before the ICTY in the *Prosecutor v. Momčilo Krajišnik* case under the pseudonym KRAJ-188 and with the image and voice distortion, testifies in the proceedings before the Court of BiH with the same measures – application of an electronic device for image and voice distortion and under the **pseudonym B**.

76. The witness, who testified before the ICTY in the *Prosecutor v. Slobodan Milošević* case under the pseudonym B-1047 and with the image and voice distortion, testifies in the proceedings before the Court of BiH with the same measures – application of an electronic device for the image and voice distortion and under the **pseudonym C**.

77. Pursuant to the quoted provision, the protective measures were kept in force also in relation to the witness who testified before the ICTY in the *Prosecutor v. Radoslav Brđanin* case under the pseudonym BT-79, by which he was addressed during the proceedings and which he also used out of the courtroom; he testified at the closed session; these measures may be *mutatis mutandis* applied in any other proceedings before the Court of BiH; in the case at hand, he testifies at the session closed for the public and under the **pseudonym D**.

78. All personal details of the witnesses who testified under the pseudonyms, their first and last names constitute an official secret. Also, the addresses, places of residence, other identification data about the witnesses, as well as their earlier statements obtained from the ICTY are considered as official secret. Persons performing *ex officio* duties or who

otherwise learn or come into possession of confidential information about the witnesses must keep such information confidential. Pursuant to Article 24 of the Law on the Protection of Witnesses under Threat and Vulnerable Witnesses (Law on the Protection of Witnesses), any unauthorized disclosure of such information is a criminal offence.

79. Under the same Decision, the Prosecution was ordered not to disclose to the Accused and their Defense teams the confidential information concerning the witnesses under the pseudonym. Pursuant to Article 12(8) of the Law on the Protection of Witnesses, the Prosecution must disclose to the Accused and their Defense teams sufficient information so that the Defense can make preparations to examine the witnesses, namely 15 days at the latest before the witness testifies at the trial.

80. It should be noted that the pseudonyms given to the witnesses do not amount to an amendment or reinforcement of the earlier ordered protective measures because the type and nature of the measures ordered by the ICTY were not essentially changed, they were rather differently marked for the purpose of these proceedings. The Court did not accept any change or modification of the measures that the witnesses had enjoyed before the ICTY, having held that such an action would be in violation of Rule 75 (H) of the Rules on Procedure and Evidence.

D. EXEMPTION FROM THE DIRECT PRESENTATION OF EVIDENCE – ACCEPTANCE OF THE STATEMENTS OF THE WITNESSES PURSUANT TO ARTICLE 273(2) OF THE CPC OF BiH

81. At the main trial held on 14 April 2010 and upon the Prosecution motion the Court accepted the reading of the statements of deceased Mina Ljutić, Dušan Stanarević and Simo Vujičić.

82. Article 273 of the CPC of BiH concerning the exemptions from the direct presentation of evidence, stipulates in paragraph 2 that “*records on testimony given during the investigative phase, and if judge or the Panel of judges so decides, may be read or used as evidence at the main trial only if the persons who gave the statements are **dead**, affected by mental illness, cannot be found or their presence in Court is impossible or very difficult due to important reasons.*”

83. The excerpts from the Registers of Death bearing the names of these witnesses² were tendered into the case record whereby, in terms of the quoted statutory provision, the Court provided the Defense with a possibility to comment on the referenced motion. The

² Documentary evidence of the BiH Prosecutor’s Office number: T-121 through 123.

Defense teams for the Accused objected to these statements' reading. According to the Defense, this is so because the witnesses were asked leading questions when they were giving these statements in the Prosecutor's Office, while the Defense had no possibility to cross-examine them. Attorney Milan Trbojević particularly contested the statement of witness Mina Ljutić, stating that it was imprecise and unclear.

84. Given the fact that the Defense could not cross-examine these witnesses and thereby contest the truthfulness of their submissions, or their credibility, and being aware that this was the evidence on which a verdict could not be based to a decisive or predominant extent, the Trial Panel evaluated the statements of the diseased witnesses within the context of the other evidence presented.

E. DECISION TO EXCLUDE THE PUBLIC

85. During the referenced proceedings, and on several occasions, the Panel excluded the public pursuant to Article 235 of the CPC of BiH when the interests of the protected witnesses so required. The public was excluded from the main trial when the personal details of the earlier protected witnesses were verified, or when the witness was examined in relation to the circumstances due to which the prohibiting measures were sought, when it was necessary also for the protection of interests of other witnesses with the prohibiting measures granted, or for the protection of personal and private life of the witnesses (8 October 2008).

86. The public was excluded from the main trial also in cases when the protective measure which the witness had enjoyed in the proceedings before the ICTY had to be implemented, and which had to stay in force *mutatis mutandis* in the proceedings at hand.

87. In each individual case, and pursuant to the given circumstances, the Panel evaluated the necessity and justifiability of excluding the public from the main trial. The Panel cautioned the present persons that they had to keep confidential all that they learned at the main trial, and that any unauthorized disclosure of such secret amounted to a criminal offense. The Trial Panel informed the public about the reasons of the exclusion and the decisions rendered each time when the public was excluded.

F. EXPIRATION OF THE 30-DAY (THIRTY) DEADLINE

88. Article 251(2) of the CPC of BiH prescribes that "*The main trial that has been adjourned must recommence from the beginning if the composition of the Panel has*

changed or if the adjournment lasted longer than 30 days but with consent of the parties and the defense attorney, the Panel may decide that in such a case the witnesses and experts shall not be examined again and that the new crime scene investigation shall not be conducted but the minutes of the crime scene investigation and testimony of the witnesses and experts given at the prior main trial shall be used.”

89. Given that during the referenced proceedings there were situations due to which a period longer than 30 days elapsed between two trial hearings, in each concrete case the Panel asked for the parties’ and the Defense Counsels’ consent to act in terms of the above quoted statutory provision. The parties and the Defense Counsels gave such consents at the main trial hearings held on 8 July 2009 and 30 June 2010, so the trials were not recommenced, rather they were resumed by using the evidence presented at the earlier hearings.

III. GENERAL EVALUATION OF THE EVIDENCE IN THE PROCEEDINGS

90. Article 3(1) of the CPC of BiH prescribes that the accused shall be considered innocent of a crime until his guilt has been established by a final verdict.³ The Prosecutor bears the burden of proving the guilt of the accused, and pursuant to Article 3(2) of the CPC of BiH, the Prosecution must do so beyond a reasonable doubt.⁴ The fact that the Defense did not contest certain factual allegations referenced in the Indictment does not mean that the Panel accepted those facts as proved because the burden of proving lies on the Prosecutor for each charge during the entire course of the trial. In establishing whether the Prosecutor had proved the case beyond a reasonable doubt, the Panel carefully examined if any other reasonable interpretation of the tendered evidence existed in addition to the one accepted by this Panel when it decided pursuant to the principle *In dubio pro reo*⁵ that the commission of the criminal offense charged against the Accused was not proved.

91. Pursuant to Article 15 of the CPC of BiH, the Panel is entitled to unlimited evaluation of evidence.⁶ In this respect, all the charges against the Accused were carefully

³ Article 3(1) of the CPC of BiH stipulates that „A person shall be considered innocent of a crime until guilt has been established by a final verdict”. See, European Convention on Human Rights, Article 6(2); Convention on Civil and Political Rights, Article 14(2).

⁴ Article 3(2) of the CPC of BiH stipulates that “A doubt with respect to the existence of facts composing characteristics of a criminal offense or on which depends an application of certain provisions of criminal legislation shall be decided by the Court with a verdict and in a manner that is the most favourable for accused.”

⁵ Article 3(2) of the CPC of BiH.

⁶ Article 15 of the CPC of BiH “... the existence or non-existence of facts shall not be related or limited to special formal evidentiary rules.”

examined, including all the evidence tendered. In evaluating the evidence presented during the main trial, among other things, the Panel particularly evaluated the testimony of each witness individually, a possibility of their participation in the events and a risk that they might incriminate themselves, and their relation with the Accused. The Panel also considered the consistency of the testimony of each witness during their direct examination or cross-examination.

92. Sometimes, the witnesses' oral testimony differed from their statements given during the investigative phase of the proceedings. The Panel, however, took into account that eighteen years elapsed since the events described in the Indictment and that the elapsed period of time affected the accuracy and credibility of the witnesses' memories. Also, due to the nature of the criminal proceedings, it is clear that at the main trial, the witness may be asked questions different from the ones posed in the earlier interviews, and that once certain questions were concretized it was justified to expect that a person could remember additional details. Of course, the Panel has carefully considered and evaluated the gravity that should be given to such evidence.

93. The examination of the oral testimony before the Panel, certain inconsistencies and inaccuracies between the witnesses' earlier statements and their oral testimony, or between different witnesses, amount to a relevant factor in the gravity evaluation, and they do not necessarily discredit the entire testimony. If the witness recounted in detail the essence of the events concerned, periphery deviations did not necessarily bring into question the truthfulness of such a piece of evidence. Reasons for admissibility of certain statements, evaluation of their credibility and grounds are explained in detail in the part of the Verdict to follow. The Panel also emphasizes that in the case at hand, the documentary evidence was ample and particularly important.

94. During the proceedings, the Defense was in principle contesting the applicability of reports of the ICTY expert witnesses Dorothea Hanson⁷ - analyst of political issues of leadership and municipal bodies, and military analyst Ewan Brown, with an explanation that the Prosecutor's Office and the Court did not order the expert witnesses to produce their findings and opinion, and that the arguments referenced in their reports were not directly related to the facts and the circumstances of this case. The Research Report prepared and produced for the *Brđanin & Talić* case by Patrick J. Treanor was contested for the very same reasons.

95. To this end, the Panel took into account the fact that expert witness Hanson produced her findings for the ICTY needs in the *Momčilo Krajišnik* case, and that this Finding and Opinion was subsequently revised and adjusted to the needs of the case at

⁷ Documentary evidence of the BiH Prosecutor's Office, number: T-448.

hand. This did not amount to a formal obstacle to tender such evidence in the case record pursuant to Article 6 of the Law on Transfer of Cases since the Defense was provided with a possibility to call the expert witness to cross-examine her. In evaluating all the evidence, however, the contents of this report and the objectivity thereof were analyzed, as a result of which certain inaccurateness and contradictions were found regarding the facts established by the Panel during the evidentiary proceedings. First and foremost, in producing her report, the expert witness neither relied nor referred to the SFRY statutory regulations that were in effect at the time relevant to the Indictment. The Panel considers this important from the aspect and within the context of determination of lawfulness of the activities of the Crisis Staff and the War Presidency. Given that these bodies are legitimate categories, the conclusion of the expert witness that these are unlawful fabrications of the Serb Democratic Party is inadmissible. Finally, the Panel finds that the report of the expert witness is incomplete because it did not address the establishment of crisis staffs of the opponent party to the proceedings, whereby the objectivity of the Findings and Opinion has been violated. However, according to the Panel, despite all these deficiencies, this had no decisive importance in the issuance of the final decision.

96. The Defense also contested the applicability of the report produced by military analysts, Ewan Brown⁸ and Patrick J. Treanor⁹, because these expert witnesses did not act upon any order of this Court, nor did the subject of their expert evaluation include the issues relevant to these criminal proceedings. The Panel, however, finds satisfied the requirements to accept the reports of these expert witnesses pursuant to Article 6 of the Law on Transfer of Cases, without disregarding the fact that the expert witnesses did not review the case record and thereby are not entirely aware of the circumstances of the case at hand. The *Brđanin* case, however, addresses to a great extent the issues relevant to these proceedings and includes the territory of the Autonomous Region of Krajina, which also included the Municipality Ključ. Therefore, to this end, the Panel accepted the parts of the report analyzing the political and security situation in this territory, the structure and movement of the military forces in this area, and the general organizational structure and operations of the Ključ PSS.

97. During the proceedings, the Defense tendered into evidence the Findings and Opinion of expert witness Slobodan Kosovac.¹⁰ The Panel mostly used and referred to this Finding in the Verdict regarding the issue of organization, structure and operations of the Territorial Defense of the Ključ Municipality, the military forces in this area, viewed in the context of the statutory regulations that were in effect in this period. The Panel accepted no conclusions regarding the liability or participation of the Accused in the

⁸ Documentary evidence of the BiH Prosecutor's Office, number: T-449.

⁹ Documentary evidence of the BiH Prosecutor's Office, number: T-450.

¹⁰ Defense joint evidence OI-2 and OII- 3.

events which are subject of the Amended Indictment, to which the expert witness referred in his Findings. This is so because the Panel drew the conclusions regarding this matter based on a detailed evaluation of all pieces of the evidence adduced.

98. When it comes to the Findings and Opinion of expert witness Radomir Lukić¹¹, the Panel finds that, in fact, this is an expert opinion which primarily addresses the issue of dissolution of Bosnia and Herzegovina and the establishment of Republika Srpska, where the expert witness gave a legal evaluation of certain appearances in the social and political life before and during the incriminated period. Many witnesses testified about the time before the period relative to the Indictment. The foregoing is also supported with the established facts accepted by this Panel, so there was no need to accept the expert opinion of the expert witness. In addition, the parties to the proceedings did not even contest the historical context of the events included in the Indictment, while only the Court may give a legal qualification of those events. Therefore, any conclusions on the part of the expert witness to this end were not accepted.

99. Given the large number of expert analyses carried out in these proceedings, it should be noted that none was unconditionally binding on this Panel in rendering its final decision, nor were the opinions of the expert witnesses accepted if they were proven to be fully contrary to the facts established during the evidentiary proceedings.

100. In addition, the Panel took into account the jurisprudence of the Court of Human Rights¹² according to which the court, although being bound to provide reasons for its decision, does not have to address in detail each argument presented by any party to the proceedings. In the case at hand, other evidence adduced was also evaluated but not explained separately because it did not decisively affect the finally established state of facts and the conclusions drawn by the Panel based on the evidence to which it referred and which the Panel evaluated in detail in the Verdict.

101. Finally, within the context of all the evidence adduced, the Panel also evaluated the testimony of the Accused Boško Lukić and Marko Adamović given at the main trial in the capacity of witnesses.

¹¹ Defense joint evidence OI-1 and OII-2.

¹² European Court of Human Rights, *Garcia Ruiz v. Spain* case, No. 30544/96, 21 January 1999

IV. JOINT CRIMINAL ENTERPRISE

102. The Accused Boško Lukić and Marko Adamović are charged under the Indictment that **from April 1992 until late December 1992**, within a widespread and systematic attack against the Muslim and Croat civilian population in the Ključ Municipality, acting with the discriminatory intent and being aware of such an attack, and being aware that their actions constituted an integral part of the attack, as participants in the joint criminal enterprise, with the view of persecuting the entire Muslim and Croat population on the national and religious grounds, they carried out persecution by way of: killing several hundred civilians, forcible resettlement of over 15,000 civilians by unlawful detention in detention facilities and camps of over 2,500 civilians, torture and other inhumane acts.

103. The Indictment conceives the criminal liability of the Accused on this ground through the joint criminal enterprise. The Defense for the Accused contested this as a form of liability that was neither prescribed by the criminal code during the period relevant to the Indictment, nor by the currently applicable Criminal Code of BiH. However, even though Article 180(1) of the CC of BiH does not explicitly mention the JCE, according to the case law of this Court the persons contributing to the commission of crimes in the realization of the joint criminal design are under certain conditions subjected to the criminal liability as a form of “perpetration” of crimes pursuant to Article 180(1) of the CC of BiH.

104. In the *Tadić* case, the Appeals Chamber established and this Court adopted three categories of liability in the JCE:

105. The first or general form of JCE concerns the cases in which all the co-accused participate in the common design and have the same criminal intent. In order to establish this category, it must be proved that the accused (i) participated voluntarily in one of the aspects of the criminal intent, and (ii) intended the result of the criminal offense, even without his personal influence.

106. The second or systemic form of JCE are the so called cases of “concentration camps” in which the concept of common design is applied in the cases where the criminal offenses referenced in the indictment were allegedly committed by groups of persons who acted pursuant to the common design. The Prosecution must show that the accused (i) had knowledge about the system of ill-treatment of detainees, and (ii) that he intended to further this system.

107. The final, third or extended form of JCE concerns the cases where common

purpose exists, and in which one perpetrator commits the offense, which despite being beyond the common purpose, is anyway a natural and foreseeable consequence of that common purpose.¹³

108. The Accused Boško Lukić and Marko Adamović are charged with the third or extended form of JCE which includes individual criminal liability for the offenses committed beyond the common purpose, but which are anyway a natural and foreseeable consequence of that common purpose. The intent required for the existence of this form of JCE is double-sided because the accused must have the intent to participate and contribute to the common purpose, must know that some of members of the group may commit a criminal offense, and must willingly take a risk for the commission of the offense because he joined or continued participating in the enterprise.

109. Therefore, if the Prosecution argues that the crime referenced in the Indictment is an integral part of the common purpose, it was necessary to prove that the Accused had the state of awareness required for this crime.¹⁴ If the Prosecution argues that one or a number of crimes referenced in the Indictment are not an integral part of that common purpose, then it must prove the intent of the accused to participate and further the common purpose, that each offense charged against them was “*a natural and foreseeable consequence*” of this purpose and that the accused consented to this risk.¹⁵ These are mental states of the Accused that must be either explicitly stated or the Prosecution must state the facts from which a conclusion about those mental states can be drawn beyond a doubt.

110. The Indictment states that each Accused was a “*willful participant in the joint criminal enterprise*”. The state of mind is relevant to any individual charge and any form of liability, and it must be established for each offense individually charged against the person, and also for each form of liability taken into account.

111. The Panel also observes to this end that the Indictment lists individually as members of the joint criminal enterprise the persons who at the time performed duties in the civilian and military sector. The Indictment mentioned the high-ranking officers of Republika Srpska such as Momčilo Krajišnik, Radoslav Brđanin or Momir Talić, Commander of the 1st Krajina Corps (KC), and Grujo Borić, Commander of the 2nd KC, even though no piece of evidence was offered in support of their joint cooperation with the Accused, or the existence of common design and purpose. On the other hand, for a certain

¹³ Appeal Judgment in the *Prosecutor v. Tadić* case, para. 220.

¹⁴ *Prosecutor v. Radoslav Brđanin and Momir Talić*, IT-99-36-PT, Decision on the form of additionally amended Indictment and the Prosecution Motion to amend the Indictment dated 26 June 2001 (“Second decision in the *Brđanin* case”), para. 41.

¹⁵ Appeal Judgment in the *Tadić* case, para 228; Appeal Judgment in the *Krnjelac* case, para 32.

number of members of the JCE the Indictment fails to specify their incriminating actions and their relation with the actions of the Accused Lukić and Adamović, who at the time were not even members of the Serb Democratic Party (SDS). Many witnesses have so confirmed, including Rajko Kalabić, who was generally an active member of this party.

112. The Panel gave credence to the testimony of the accused Marko Adamović given in the capacity of a witness in the part in which he testified that the membership in the SDS during 1993 was obligatory for the persons who held the positions of assistant commanders for moral and religious issues, and that therefore he was forced to sign up the SDS application form. Other Defense witnesses consistently spoke about this. The foregoing was confirmed by witness Rajko Kalabić who was a member of the SDS from early 1992. In 1993 he suggested to the Accused and certain members of the Brigade to sign *pro forme* the application form for the party. According to the Accused, the Technical Secretary of the party had told him that he would have to register his membership retroactively, that is, since 1992. This was also consistently confirmed by the witnesses Rajko Kalabić, Dušan Dragić, Dušan Prolić, who knew that during 1992 or before the outbreak of conflicts in BiH, the Accused was the President of the Party *Union of Communists-Movement for Yugoslavia*, excluding at the time any connection of the Accused with the SDS.

113. Given the role that the Accused had at the relevant time and the capacity in which they attended the meetings of the Crisis Staff, it is clear that their role was boiled down to mere informing the attendees about the situation in the field, while they did not participate in the decisions issued by the Crisis Staff because military issues were not within the domain of decision making by this civil authority.¹⁶

114. Also, regarding the issue of the existence of design, the time-related discontinuity of the Indictment is evident. The Indictment states that the goal of the joint criminal enterprise in which the Accused participated was to establish the Serb municipality of Ključ, and to join it with the Autonomous Region of Krajina. This is not logical given the fact that the Decision to joining the Ključ Municipality to the ARK was issued on 16 January 1992¹⁷, that is, long before the period relevant to the Amended Indictment.

¹⁶ The referenced conclusion of the Court is explained in more detail in the part of the Verdict related to Chapter IV of the Reasoning of the Verdict.

¹⁷ Documentary evidence of the BiH Prosecutor's Office, number: T-129.

V. GENERAL ELEMENTS OF THE CRIMINAL OFFENSE OF CRIMES AGAINST HUMANITY UNDER ARTICLE 172 OF THE CC OF BIH

115. Under the Indictment number: KT-RZ-44/08 dated 5 June 2008, confirmed on 9 June 2008, and amended on 25 April 2011, the Accused Boško Lukić and Marko Adamović were charged that as active and proved members of the Serb Democratic Party (SDS) in Ključ, together with the military and civilian leadership, they participated in the joint criminal enterprise (JCE), whose goal was to establish the Serb Municipality Ključ and annex it to the Autonomous Region of Krajina, being fully aware that the furtherance of JCE would result in the commission of criminal offenses against the Croat and Muslim civilian population.

116. According to the Indictment, the JCE was furthered in the way that the Accused Boško Lukić, as the Commander of the Municipal Staff of the Territorial Defense (MS TO), was upon the SDS orders already engaged since 1991 in the staffing and establishment of the TO units, their arming and preparing for combat activities. On the other hand, as a reserve captain and Deputy Commander of the Ključ TO Battalion, the Accused Marko Adamović was performing activities since April 1992 concerning the units' preparations to attack the civilian population in the Ključ Municipality.

117. According to the Amended Indictment, in the following period and as members of the Crisis Staff and the Command of the Town Defense, the Accused continued the preparations for the JCE furtherance by securing with the TO units and units of the 6th Sana Brigade the access to the town and the Public Security Station (PSS Ključ) in order to support the Chief of this station, Vinko Kondić, to establish a monoethnic police by dismissing non-Serb police officers. In this manner, and in concert with other members of the Crisis Staff and the Command of the Town Defense, the Accused had both *de iure* and *de facto* control over the police and the Territorial Defense, and participated in the furtherance of JCE goals, which resulted in the commission of the criminal offense of **Crimes against Humanity in violation of Article 172(1)(h), as read with Article 180(1) of the CC of BiH.**

118. In the parts relevant to this Indictment, the criminal offense of Crimes against Humanity reads as follows:

(1) Whoever, as part of a widespread or systematic attack directed against any civilian population, with knowledge of such an attack perpetrates any of the following acts:

h) Persecutions against any identifiable group or collectivity on political, racial,

national, ethnic, cultural, religious or sexual gender or other grounds that are universally recognised as impermissible under international law, in connection with any offence listed in this paragraph of this Code, any offence listed in this Code or any offence falling under the competence of the Court of Bosnia and Herzegovina:

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

The following general elements of this criminal offense ensue from the quoted statutory definition of the criminal offense of Crimes against Humanity in violation of Article 172(1) of the CC of BiH charged against the Accused:

1. existence of a widespread or systematic attack directed against the civilian population,
2. the offense was committed as a part of this attack,
3. the Accused had knowledge about the attack and his acts were an integral part of the attack.

119. If any of the three foregoing general elements of this criminal offense is missing, the Accused cannot be found guilty of individual charges, that is, the underlying acts of the crime.

120. In the case at hand, the Panel concluded that the role of the Accused Boško Lukić and Marko Adamović in the critical events is marginal, namely that it was not possible to establish their guilt beyond a reasonable doubt.

121. Accordingly, the Panel did not find it necessary to consider the issue of non/existence of a widespread and systematic attack in the territory of the Ključ Municipality in terms of the quoted statutory provision, or the existence of any other general elements of the criminal offense of Crimes against Humanity, it rather analyzed in detail the subjective and objective evidence which resulted in the conclusion of the Trial Panel that with their capacities designated to them under the Indictment, the Accused did not commit the criminal offense charged against them. However, before presenting its arguments in support of these conclusions, the Panel will first present a general overview of the facts established during the proceedings as a contextual introduction into the explanation of the reasons on which the Panel relied in rendering the decision.

A. EVENTS IN THE WIDER AREA OF BIH WITH THE IMPLICATIONS FOR THE MUNICIPALITY OF KLJUČ

122. As established in the facts accepted by the Panel under the Decision dated 27 March 2009, **in November 1990**, the first multi-party elections were held in BiH, whereby the people voted for the Assembly of the SRBH, the Presidency of the SRBH and

the municipal and local Assemblies in all the municipalities in BiH. The SDA, SDS and HDZ collectively won an overwhelming majority of the votes. The vote accurately portrayed the polarization amongst the ethnic communities taking place in BiH at the time. Pursuant to a power sharing agreement reached prior to the elections, the SDA, having obtained a majority at the republican level, was allowed to designate the President of the seven persons Presidency. Alija Izetbegovic was appointed to this position. The SDS designated the President of the Assembly of the SRBH, Momcilo Krajisnik, and the HDZ designated the President of the Executive Council, *i.e.*, the Prime Minister, Jure Pelivan”.

123. “Cooperation among the three nationalist parties was initially good, even enthusiastic, in the euphoria that followed the defeat of the League of Communists. However, the break-up of the SFRY commencing in 1991 resulted in the deterioration of both the situation in BiH in general and the relations between the ethnicities in particular. On **25 June 1991**, the Parliaments of Slovenia and Croatia respectively issued declarations of independence, which led to armed conflicts in both these break-away republics. In Slovenia, the JNA withdrew after a 10-day war. In Croatia, the war lasted longer. The Croatian army was opposed by the JNA and by local paramilitary groups organized by Croatian Serbs and Serbs from the Republic of Serbia. On 2 January 1992, the hostilities in Croatia came to a provisional halt with a ceasefire agreement between the JNA and Croatia. UN forces (United Nations Protection Force – “UNPROFOR”) were deployed to maintain peace. On 15 January 1992, the European Community recognized the new states of Slovenia and Croatia.”

124. “The war and the secession of Slovenia and in particular of Croatia had a significant impact on the socio-political situation in BiH. **From late summer 1991**, many military aged men from BiH were mobilized to join the JNA in order to fight in Croatia. A large number of Bosnian Serbs responded, but Bosnian Muslims and Bosnian Croats, supported by their respective leaders, generally did not. This led to increased tension between the ethnicities, especially in the Bosnian Krajina region bordering Croatia”.

125. “**As from the autumn of 1991**, another source of anxiety and stress for the people in the Bosnian Krajina was the demeanour of the soldiers returning from the battlefields in Croatia. These soldiers often behaved in a threatening manner towards Bosnian Muslims and Bosnian Croats. They would insult people and fire their guns at houses, shops or religious buildings. In some municipalities, shops or private homes belonging to Bosnian Muslims or Bosnian Croats were blown up or set on fire. There were several incidences in which returning Bosnian Serb soldiers killed Bosnian Muslims”.

126. “In this atmosphere of tension the three main nationalist parties, having separate national agendas with conflicting interests, failed to reconcile their differences and started moving in opposite directions. Most importantly, they disagreed on the question of the

constitutional status of BiH. While the SDA and the HDZ promoted the secession of the SRBH from the SFRY, the SDS strongly advocated the preservation of Yugoslavia as a state, in order to ensure that the Serbs would continue to live together in a single state, and would not become a minority in an independent Bosnian state. **On 15 October 1991**, SDS President Radovan Karadzic made an impassioned speech before the Assembly of the SRBH in Sarajevo, indicating the possibility that Bosnian Muslims could disappear as a group if they declared the independence of the SRBH from the SFRY. SDA President Alija Izetbegovic responded that Karadzic's threatening message and its method of presentation illustrated why the SRBH might be forced to separate from the SFRY. After the Republican Assembly of the SRBH had adjourned for the day and the SDS delegation had departed, HDZ and SDA delegates reconvened without them and passed a "Declaration of Sovereignty", a measure that moved the SRBH a step closer to independence."

127. "On **24 October 1991**, the SDS Deputies in the Assembly of the SRBH, in a meeting of their club, established a separate Assembly of the Serbian People in Bosnia and Herzegovina ("SerBiH Assembly") and elected Momcilo Krajsnik as its President. The SerBiH Assembly authorized a plebiscite of the Serbian people of BiH on the question of whether or not they wanted BiH to remain within Yugoslavia. On 9 and 10 December 1991, the Bosnian Serbs voted overwhelmingly to remain a part of the SFRY."

128. "In **early 1992**, the SDA increased the pressure to secure independence of the SRBH from the SFRY. A referendum on the question of independence was held on 29 February and 1 March 1992. It was largely boycotted by the Bosnian Serbs and yielded an overwhelming majority of votes in favour of the independence of BiH. In view of the result of the referendum, on 6 April 1992, the European Community recognized BiH as an independent state. Recognition by the US followed on 7 April 1992."

129. The same Decision partially accepted the Motion of the BiH Prosecutor's Office dated 14 November 2008, whereby the facts established in the final Trial Judgment of the ICTY in the *Prosecutor v. Radoslav Brđanin* case number IT-99-36-T dated 1 September 2004 were accepted stating that **in September 1990**, the JNA had ordered that weapons be removed from the depots under control of local TO units and moved to its own armories. {...} However, in late 1991 and early 1992, all three national parties began arming themselves."

130. "At its 7th session, held on **16 September 1991**, the ZOBK Assembly transformed itself into the Autonomous Region of Krajina ("ARK"). The decision in question states that the ARK was being established "as an inseparable part of the Federal State of Federative Yugoslavia and an integral part of the Federal Unit of BiH". On the same date, the Statute of the ARK, which was almost identical to the ZOBK Statute, was adopted.

Like the ZOBK, the ARK had its seat in Banja Luka.”

131. “**In the autumn of 1991**, four other Serbian Autonomous Districts were created in SRBH. These were the Serbian Autonomous District of Herzegovina, the Serbian Autonomous District of Romanija-Birac, the Serbian Autonomous District of Semberija and the Serbian Autonomous District of Northern Bosnia. On 21 November 1991, the creation of the ARK and the other four Serbian Autonomous Districts was ratified by the SerBiH Assembly during its 2nd session. By virtue of this ratification, the ARK and the other four Serbian Autonomous Districts became constituent parts of the SerBiH. The SerBiH Assembly appointed Jovan Cizmovic, a member of the Ministerial Council of the SerBiH Assembly, as the coordinator of the governments of the ARK and the other Serbian Autonomous Districts. {...}”

132. “The ARK possessed authority over a wide range of issues. It was a political body vested with powers that belonged to the municipalities, including powers in the area of defense. Pursuant to its Statute, the ARK was in charge, *inter alia*, of the realization of socio-political objectives. In the legal parlance of the former Yugoslavia, socio-political communities were meant to denote governmental units. A regional association of municipalities, as provided for by the law, was not a governmental unit, and could therefore not have jurisdiction over defense matters, which were reserved to socio-political communities, including the republican and the municipal authorities.”

133. “The ARK did have jurisdiction in the area of defense. Its Statute provided that the ARK “shall monitor the situation and co-ordinate activities for the organization and implementation of preparations for All Peoples’ Defense in accordance with the Law, municipal defense plans and the republican defense plan”. The ARK Statute also included a provision to the effect that the ARK Assembly shall have a permanent “Political Council” dealing with “issues of development of the political system” and a permanent “Peoples’ Defense Council” dealing with “issues from the area of peoples’ defense which are relevant to the Autonomous Region of Krajina..” {...}

134. “**On 15 October 1991**, the SDS Party Council discussed strategies on how to set up a Serbian government, which included establishing parallel government bodies, the regionalization of BiH and organizing militarily.”

135. “In a speech given on the occasion of the “Plebiscite of the Serb People” in Sarajevo **in November 1991**, Radovan Karadzic instructed SDS members representing the municipalities to impose complete Bosnian Serb authority in their respective municipalities, regions and local communities. On 11 December 1991, the SerBiH Assembly voted to recommend the establishment of separate Serbian municipalities. The declared aim of this decision was “to break up the existing municipalities where Serbs are

not in a majority.”

136. “**On 19 December 1991**, the Main Board of the SDS issued a document entitled “Instructions for the Organization 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 defense of the interests of the Serbian people “.

137. “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. The “tasks, measures and other activities” referred to in the Variant A and B Instructions were to be carried out exclusively at the order of the President of the SDS.”

138. “**In early 1992**, while international negotiations to resolve the question of the status of BiH were ongoing, the Bosnian Serb leadership enforced its plan to separate the territories claimed by them from the existing structures of the SRBH and to create a separate Bosnian Serb State. On 9 January 1992, the SerBiH Assembly proclaimed the SerBiH, which on 12 August 1992 was renamed Republika Srpska (“RS”). It was composed of so-called Serbian autonomous regions and districts, which included the ARK.”

139. “**On 7 April 1991**, the SDS Regional Board decided to create the Community of Municipalities of Bosnian Krajina (“ZOBK”). Vojo Kupresanin was elected President of the ZOBK Assembly, while the Accused was elected First Vice-President and Dragan Knezevic was elected Second Vice-President. The ZOBK was composed of sixteen municipalities from the Bosnian Krajina, all of which, except Kljuc, had substantial Bosnian Serb majorities. {...} Unlike the Banja Luka Community of Municipalities (“ZOBL”) which had existed previously, the ZOBK’s mandate included a strong defense component. Decisions of the ZOBK Assembly and minutes from its meetings show that this was an association intended to co-ordinate all major areas of administrative government in the municipalities that joined the ZOBK, and that its agenda was a political one.”

B. IMPLICATIONS FOR THE MUNICIPALITY OF KLJUČ

1. Territorial Organization and Position of the Ključ Municipality within the Autonomous Region of Krajina

140. With regard to these circumstances, the Prosecution witnesses, Asim Egrlić and Enes Salihović testified in a detailed and convincing manner.

141. Simultaneously with the aggravated relations and problematic security situation, the SDS showed its aspirations to have Ključ join the SAO Krajina and break off all connections with BiH by establishing the region of Banja Luka. To this end, the Decision¹⁸ on annexation was issued by majority votes with an explanation that the joining was carried out on an economic basis. According to the Muslim delegates, there was no need for this because, in this sense, Ključ had already belonged to the Banja Luka region. According to the mentioned witnesses, the initiator of this decision was the SDS leadership, and the process of joining SAO Krajina was obviously carried out following an established practice in Croatia in which such regions had been already established.

142. Witness Asim Egrlić remembers that as the Chief of the Crisis Staff of the Banja Luka region which had been established just before the war outbreak, Radoslav Brđanin was responsible for regional organization. Subsequently, the same body was also established in the territory of the Ključ Municipality. It was comprised of: the President of the Municipal Assembly, Jovo Banjac, Veljko Kondić, Vinko Kondić, Ljuban Bajić, Tihomir Dakić, that is, all the persons who had earlier held certain functions in the authorities. The representatives of regional authorities, like Nikola Koljević, were visiting the territory of the Ključ Municipality. Witness Egrlić explained that such cooperation with the higher-ranking authorities was not unusual at the time.

143. Before the issuance of the decision on joining the SAO Krajina, witness Egrlić attended one of the meetings where such possibilities had been preliminary considered. It was agreed that in such a case the Municipal Assembly would have to verify the change of marks or the name of the Municipality, even though it was generally known that Serb representatives had majority in the Assembly and that they decided on all important issues by majority votes. Muslim representatives, however, objected to such a decision given that it was not issued at the state level, but this was insufficient argumentation for the Serbs, so they proposed making an interview with Stojan Župljanin, Chief of the PSS Banja Luka.

¹⁸ Documentary evidence of the BiH Prosecutor's Office, number: T-129

144. A delegation, which in addition to witness Egrlić included Jovo Banjac, Veljko and Vinko Kondić, went to visit Župljanin. On this occasion, the witness felt ridiculed because his objections were not taken seriously. When the witness asked Župljanin „*Where are us, Bosniaks, in all this?*”, Župljanin laughed at him and answered “*recognize yourselves, anyway you have originated from Serbs*”. After his return from Banja Luka, the witness noticed that anti-tank hedgehog barriers were placed on all important roads where the military and the police were standing in uniforms with the insignia of Srpska R BiH and that it was not possible to pass through without a prior notification, or acquaintance with those men.

145. Witness Egrlić and other members of the SDA kept energetically refusing the Ključ annexation to the SAO Banja Luka having considered such move as entirely unconstitutional. This was so because in such manner all ties with the state of BiH and its regular bodies, such as the Government and the Ministries, would be cut off, while new ones would be opened toward Banja Luka as the regional center. In addition, the Assembly of the Ključ Municipality had never placed the issue of regionalization on its official agenda, nor had it appointed delegates who made earlier visits to Banja Luka for negotiations. Therefore, the witness concluded that those men were certainly sent by the SDS municipal organization. For the Muslim population of the Ključ Municipality the foregoing meant they would be in a subordinated position, which initiated dialogues on the organization of referendum for secession into a separate community.

146. The Municipal authorities also negotiated this issue with an idea to organize and concentrate the Muslim population into a separate municipality in order to maintain peace and avoid further differences. However, it was necessary to organize a referendum for such secession for which the Muslim representatives had no conditions, so the idea stayed only within the political plan framework, testifies witness Egrlić.

147. On the other hand, after the decision that Ključ should join the SAO Banja Luka, an Instruction was issued for adding the prefix “Serb”, thus the Municipality became the Serb Municipality of Ključ. A flag on the Municipal building and other designations were changed, and citizens were invited to sign declarations on loyalty. Since that day, the town of Ključ was entirely blocked with mechanic obstacles (anti-tank barriers), while members of the 6th Sana Brigade took over all important elevations around the town. According to witness Egrlić, by such actions of the Serb authorities, a message was sent that no cooperation or agreements were possible any further.

148. A newly-established Crisis Staff took over the responsibilities of the former Municipal Assembly whereby, according to the witness, the results of multi-party elections were annulled because there was no Muslim member in the Crisis Staff. In the opinion of the witness, this was a serious failure because the then applicable laws clearly

prescribed the composition of the crisis staff, so witness Egrlić, as the President of the Board, should have been a member of the referenced Crisis Staff.

149. An illusion of cooperation among the parties that had won the majority participation in the legislative and executive authorities lasted for a certain period of time. During this period, in daily meetings with Jovo Banjac witness Egrlić tried to change the status quo by warning him about the ever-increasing dissatisfaction among the people. However, the newly-established Crisis Staff had entirely ignored these warnings. The last possibility to reach any agreement was lost on 7 May 1992, when witness Egrlić had come to work for the last time and was stopped at the entrance to the Municipal building by an unknown soldier in uniform who searched him. Witness Muhamed Filipović confirmed that this was a common practice. The witness had an opportunity to hear that before coming to their work places, Muslims had been searched. On one occasion, he himself was able to recognize Stevan Tešić and one Špiro among the persons who had frisked them, who requested the witness to hand over his pistol to them. Thereupon, the witness asked them for a receipt and has never returned to work after this day.

150. During these days, witness Asim Egrlić saw that the designations were changed on the Municipal building, and that *“a three-color flag, a symbol of the Serb people in Bosnia and Serbia was placed on the building”*. The same designation was on uniforms of the military and the police, on which the Chief of the Police, Vinko Kondić, most insisted. On this day, the witness was requested to sign the declaration on loyalty to the Serb Municipality Ključ. He refused to do so because during an informal meeting with Banjac and Kondić, he realized that in the future Muslims would be undesirable in the Municipal territory and that they could stay only as a 5% minority, which the witness considered unacceptable.

151. According to witness Enes Salihović, this is the time when the SDS leadership refuses any form of communication with the Muslim representatives. Already at the time, it became clear that Muslims were “undesirable” in the territory of the Ključ Municipality. On the other hand, witness Egrlić and other SDA leaders became subjects of attacks of the Muslim population requesting explanations for the newly-developed situation. This resulted in the opening of the SDA office at Pudín Han, where Egrlić and Omer Filipović received citizens and spoke with them. The offices were established on the premises of the local community, and they were entirely unfit for work. However, the party continued its the activities and attempted to make contacts with the Serb authorities in the town of Ključ.

152. Witness Enes Salihović, who had attended several meetings in Pudín Han, testifies that Omer Filipović tried to reach an agreement on the establishment of mixed guards and the return of old designations. As the President of the Municipality, Jovo Banjac agreed

with this. However, the Chief of the Police was among the first ones who obstructed the cooperation. Witness Latif Salihović clarified that the plan of the newly-established so called Crisis Staff of the Muslim population was to defend the villages located at the Draganovići - Pudín Han direction. Designated during this process were sections of the road to be guarded. However, a check point of the Serb forces had been already established at the cross-roads for Sanica and ROPS. This idea of the Muslim leadership would soon prove impossible for realization because incidents would soon follow that would constitute a motive to launch an artillery attack against the civilian population in the Ključ Municipality.

153. The Court accepted the testimony of these witnesses which are not mutually contradictory, and which in their entirety give a clear understanding of the facts and the circumstances they testified about. In addition, the Defense did not contest the testimony of these witnesses. Also, their testimony is not contradictory to the subjective and objective evidence presented during the proceedings with regard to this circumstance.

154. The Panel, however, did not accept the witnesses' conclusions and opinions regarding the legitimacy of the referenced events, nor did it analyze in more detail the (non)legitimacy of the goals of the leading political parties and the lawfulness of the establishment of the Serb Municipality Ključ. This is so because such an analysis would include the persons who had according to the Indictment allegations participated in the joint criminal enterprise together with the Accused, which was not proved during the proceedings. Such an analysis would also include complex interpretations of the then applicable constitutional-legal order, with the implications for the legitimacy of the establishment of all bodies of the then Srpska Republika Bosnia and Herzegovina, which does not fall under the jurisdiction of this Court.

2. Worsening of the Political and Security Situation in the Territory of the Ključ Municipality

155. It ensues from the testimony of almost all the Prosecution witnesses heard that during the period relevant to the Indictment, that is, during the days following 27 May 1992, an artillery attack was launched in the territory of the local communities Velagići and Pudín Han by the military, paramilitary and police forces of the so called Srpska Republika BiH, that was directed against the non-Serb civilian population of this Municipality in the manner as described by almost all the Prosecution witnesses heard, particularly Muhamed Filipović, Fahrudin Ćemal and Asim Egrlić. The attack was preceded by certain events that had a key role in the deepening of the existing national crisis and the already worsened security situation in the Municipality. Therefore, the Panel

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will briefly present these events in the part of the Verdict to follow.

156. According to the 1991 Census, there were 49 % Serbs, 47% Muslims, 0.9% Croats in the territory of the Ključ Municipality, while the rest of the population were Yugoslavs. The witnesses for both the Prosecution and the Defense are consistent in their assertions that the relations among the citizens of Ključ and the wider area had been rather good until the war outbreak in Croatia in 1990, that is, until the multi-party elections were won by the national parties. The Serb Democratic Party (SDS) was first established in Ključ, and thereupon the Party of Democratic Action (SDA). Witness Muhamed Filipović describes that already at the time when the constitutive assembly was held on 1 October 1990, graffiti like “*This is Serbia*” had already been written on the buildings. Also, a vehicle with the Serbian license plates drove around the town pasted all over with Slobodan Milošević’s photos. Soldiers who had been passing at the time through the Municipality upon their return from frontlines in Croatia were raising three fingers as a greeting sign.

157. At the time of establishment of the national parties, a brother of witness Filipović, Omer Filipović, was a member of the SDA and therefore had an opportunity to attend the SDS establishing assembly in Ključ, more precisely, in the *Lane* Restaurant, which is located in the Ključ downtown, across from the Orthodox Church and the Municipal building. According to witness Muhamed Filipović, also present at the time were Radovan Karadžić and Vinko Kondić, who were replacing each other at the floor. The present attendees had come earlier by busses that were also covered by the images of Slobodan Milošević. The central topic of speeches of all the participants was the Serbs’ endangered position in Ključ, particularly in the speech of Vinko Kondić.

158. After the SDS assembly constitution, also established was the SDA which, according to witness Muhamed Filipović, tried to arise the awareness of the Bosniak people and point to the crimes committed against Croats in Croatia.

159. Witness Ćemal Fahrudin, who was the SDA delegate in the Ključ Municipal Assembly (SO), testified that after the multi-party elections, the SDS won majority in the executive and legislative authorities and that decisions at these levels were issued by outvoting the opposition. According to him, the main SDS leaders were Vinko Kondić, Veljko Kondić and Jovo Banjac, who was the President of the Municipality. The President of the Municipal Assembly was Omer Filipović, while Asim Egrić was the President of the Executive Board. This witness further testifies that there were 61 delegates in the Municipal Council, of whom 31 were from the SDS, 20 from the SDA and 10 from the Muslim Bosniak Organization (MBO). At the time, the representation of the parties was proportional with the Municipal national structure which was almost balanced. There were a somewhat larger number of Serbs (18.000) and Muslims (17.000), while there were

around 300 Croats, Yugoslavs and the others.

160. After the elections, cooperation existed among the subjects who participated in the authorities, but certain aggravations occurred subsequently, primarily caused by the discussions about the status of certain Republics within Yugoslavia. Given the fact that no agreement could be reached on this issue at the Republics' level, the differences were also felt in the Ključ Municipality. This was so because the Serb population had expressed their wish to stay within Yugoslavia, while Muslims sought an independent BiH. The options regarding the existence of BiH within the SFRY were diametrically opposite.

161. This period is characterized by the outbreak of conflicts in the neighboring Croatia. This was undoubtedly reflected in the territory of the Ključ Municipality from which a certain number of Serbs volunteered to go to frontlines. This additionally complicated the worsened security situation. When they were going away and coming back, soldiers were shooting. According to witness Asim Egrlić, this "*spread fear*" among the citizens of Ključ. Given the fact that Ključ had no military barracks at the time, and that mobilization had been carried out since mid to late 1991, the Territorial Defense sent calls for mobilization. At the beginning, Muslims also responded to these calls. However, they subsequently withdrew, having condemned the war in Croatia. Thereupon, Alija Izetbegović ordered that Muslims should not respond to mobilization calls. On the other hand, the SDS leaders had been cautioning the citizens of their duty to respond to the mobilization, which finally led to significant differences among the holders of the newly-established authorities.

3. Incidents before the Artillery Attack on Velagići and Pudín Han

162. Systematic arrests, confinements and the subsequent artillery attack on the town of Ključ and its surroundings started after several incidents that had occurred at the time. These incidents were in detail described by the Prosecution and Defense witnesses: Atif Džafić, Adnan Temimović, Jusuf Omerović, Fahrudin Krivić, Muhamed Filipović, Slobodan Jurišić, Lako Aničić, Dušan Grabež, Enes Salihović and Ibrahim Bajrić. The testimony of these witnesses in their entirety provided a clear picture of the facts and the circumstances they testified about. The Court accepts them as credible because the truthfulness of their testimony was not brought into question by the other evidence adduced.

163. This part of the Verdict provides a review of the incidents related to:

- a) stopping of convoys,
- b) establishment of check points,
- c) incident in the village of Crljeni,

- d) killing of Deputy Chief of the Ključ PSS,
- e) ambush in Busije and an attack on *young soldiers*, and
- f) artillery attack on the settlements of Pudín Han and Velagići

(a) The Convoy Stopping

164. As a result of the escalation of conflicts in Croatia and battles at Kupres, refugees from Slunj were passing through Ključ. Their busses were stopped and men fit for military service were taken out of them. Thereupon, they were beaten and insulted. A young man was killed in such a situation. Witness Atif Džafić described in a convincing manner the details of this incident. He testified that Chief Vinko Kondić had a decisive role in the convoy stopping and the separation of military fit men. The witness was once present in the Chief's office when the Chief refused to give his approval to the convoy to pass through the town without stopping. The Chief requested that the persons wearing military uniforms and able bodied men be kept on the premises of the Ključ SPP.

165. This witness testified that after they had signed statements, the hands of the apprehended men were tied behind their back. Thereupon they were aggressively taken down the stairs of the police station and beaten while they were coming in and out of the vehicle. They were hit against the van car-body by which they were driven in the direction of the Manjača camp. The Defense did not contest the truthfulness of the testimony of this witness.

(b) Establishment of Check Points

166. The fact is that during this entire period of time, the Public Security Station Ključ took no action whatsoever to prevent similar incidents or punish the perpetrators. According to witness Fahrudin Ćemal, the PSS Ključ supported them openly. After the foregoing incidents, this witness personally spoke with Vinko Kondić having asked him to take certain preventive measures as the Chief of the Ključ PSS and offer protection and safety to citizens. However, he did nothing. Contrary to this, citizens had no protection whatsoever by the legal institutions of the authorities. They were even stopped at the check points at the entrance in the town where members of the active and reserve police force kept guard, and where persons and vehicles had been searched. The testimony of this witness was confirmed by other Prosecution witnesses who had been examined with regard to the foregoing, including witness Adnan Temimović.

167. Witness Adnan Temimović, the then active police officer, testifies that the check points were established at the exit from Mrkonjić grad toward Ključ, and at the cross-roads of the M5 and R 402 regional roads Ključ-Bihać and Ključ-Sanski most. For a

certain period of time, he was patrolling at these check points, including a check point established in the settlement of Pudin Han. At first, they controlled vehicles, tried to prevent the transportation of ammunition and explosives, searched passenger vehicles and buses with persons in uniforms. All the weaponry seized on such occasions was stored in a warehouse of the Police Station in Ključ. However, witness Temimović had already noticed at the time that on the following days the weapons were returned to volunteers who went to frontlines in the R Croatia. The witness considered the foregoing inadmissible.

168. In order to warn citizens about the newly-developed situation, witness Asim Egrić drafted a Document of the Ključ SDA Council dated 21 September 1991¹⁹, having informed the citizens about the security and political situation in the Ključ Municipality. Item 1 of this Document invites all political parties to prevent the war spreading from the R Croatia by their positive activities, adding that no military or paramilitary formations were welcome in the territory of the Ključ Municipality. In doing so, he primarily referred to members of Red Berets, who according to what the witness had learned, were under the control of the Police Station in Ključ. They behaved inappropriately because they had illegitimately established check points at the entrance in the town where they controlled citizens. In the evening hours, they were invading coffee bars, searching houses and they behaved aggressively in general. Contrary to such a situation, the accused Vinko Kondić, as the Chief of the PSS, kept claiming at their meetings that members of Red Berets had been brought there in order to support the stabilization of the security situation. According to the witness, this was subsequently proved incorrect.

(c) Incident in the Village of Crljeni

169. The events that took place at the same time in the village of Crljeni, local community Sokolovo, Ključ Municipality, show that these were not isolated cases of public order and peace disturbance. According to witness Jusuf Omerović, in the territory of this local community, sporadic night shooting by soldiers who had been returning from frontlines in the R Croatia could be heard. Therefore, the community leadership was organizing peacemaking meetings in order to normalize the situation. The witness remembers that they had been inviting representatives of the Serb and Muslim Municipal bodies to these meetings, including Lako Aničić, one Čutura, Bajić who was a member of the Municipal Crisis Staff, and Asim Egrić. These meetings, however, had no results. Provocations and the shooting continued, and soldiers who had been passing by verbally insulted, fired in the air, and lifted three fingers as their greeting sign. These were Serb

¹⁹ Documentary evidence of the BiH Prosecutor's Office number: T-367.

volunteers in the JNA, who wore camouflage uniforms, and whom the witness had known for years since he used to work with some of them.

170. The tensions culminated on 26 May 1992. On his way back home, witness Omerović heard shooting above the village. He thought that the shooting was coming from the hill of Malevića strana. When he came closer to the first houses, he could see women and children crying, running and shouting „*We are attacked, the war is starting!*” The witness asked them numerous questions, and they answered that they had been attacked by Serb reservists. Having arrived at the hill, the witness heard more intensive shooting and found his neighbors who had surrounded and captured 3-4 masked soldiers-reservists, armed with automatic weapons. At the time, the villagers had mostly hunting guns or pistols, while some of them had axes or knives. Most villagers had no weapons at all. The witness was told that these reservists had been captured in the area above the settlement of Crljeni.

171. When they were brought to the village, the reservists told the villagers that they had been sent with the intention to cause an incident which would be the first major incident in the territory of the Ključ Municipality, following the same model as adopted in other municipalities. The reservists told the present villagers that they had received orders from one Šljivar, who was told by a security police officer from Manjača that the village had 13.000 people, and that they could „*raze it to the ground with no effort whatsoever*”. The captured soldiers were thereupon placed in a house and were given food and water. According to the witness, they were kept as a proof that the village of Crljeni was the first village in the territory of the Ključ Municipality attacked by the reservists.

172. Thereafter, witness Jusuf Omerović and some neighbors went upon an invitation to the neighboring Serb hamlet where the villagers handed them over a letter of Captain Miličević, security officer from Manjača, with an ultimatum and request to release the arrested reservists, or the village would be „*razed to the ground.*” Egrlić and Filipović, the Muslim representatives in this area, were informed about this, but they sent no answer to the villagers. Fearing retaliation, the villagers escaped to the village of Plamenice, the closest village with the majority Muslim population. Given that the village of Crljeni is surrounded by the hamlets inhabited by the Serb population, they had to move along the canyon of the Sana River by crossing the river on the parts without bridges. In this manner, many people who had been crossing the river by ropes ended down in the river which was in this part 30-40m wide and 3-4m deep. According to the witness's estimate, around 500 villagers of Crljeni started off at the time, including the captured soldiers.

173. Upon their arrival in Plamenice, they were faced with a new, difficult situation because the settlement had insufficient number of houses to accommodate all newly arrived villagers of Crljeni. Therefore, many of them remained in garden yards or around

the road which is why they stayed there for only a couple of days. The captured soldiers were sent further to Krasulje.

(d) Killing of the Deputy Commander of the Ključ PSS

174. Thereupon, an incident took place on 27 May 1992, between 11:00 and 11:30 hrs, which had significant consequences. The Deputy Commander, Dušan Stojaković aka Duća was killed and certain persons wounded in the Krasulja region, which caused a general chaos among the population. People were leaving their work-posts on a large scale, and no one went to work on the following day. According to witness Fahrudin Krivić, there was a strange silence in the town. A journalist of the Radio Ključ, Nikola Volaš, announced that the Muslim extremists had killed the Commander and some other persons and kept their bodies. Witness Muhamed Filipović described that the Chief of the Ključ PSS, Vinko Kondić, and Omer Filipović had gone to the crime scene and agreed the hand-over of the body of the killed Deputy Commander. Thereupon, the tensions were eased, but just for a short period of time. The Defense witness Slobodan Jurišić also confirmed the foregoing.

(e) Ambush in Busije and the Attack on Young Soldiers

175. According to witness Lako Aničić, on the same day, armed Muslims from Busije stopped a bus transporting young soldiers who had been withdrawing from the frontlines in Croatia, on which occasion around 20 were wounded. At the time, the propaganda from the Radio Ključ started again because journalist Volaš kept inviting the villagers of Šarić brdo not to shoot at the bridge and members of the reserve force. According to the witness, even though no shooting was heard at all, this may suggest the conclusion that the goal of such broadcast was to worsen the already violated security situation and most likely to incite police officers to shoot in the direction of those Muslim houses.

176. The Defense witnesses described in detail the foregoing incident. Witness Dušan Grabež testified that on 27 May 1992, he had been near a gas station at the entrance to the town, when he heard a heavy burst of fire. Thereupon, he saw soldiers without caps, belts and blouses jumping from a bus and running behind the *Izletnik* Inn where construction blocks on pallets were stored, behind which they hid. On this occasion, they told the witness that they had fallen in an ambush and that there were wounded and killed persons among them. The witness saw this personally when he entered the bus. Based on the testimony of these witnesses, and the other Prosecution witnesses heard, the Court concluded that this was an incident after which the security situation had been permanently disturbed in the territory of the Ključ Municipality.

(f) Artillery Attack on the Settlements of Pudín Han and Velagići

177. Witness Enes Salihović testified about the first encounters of villagers with military units in this territory. Due to the worsened security situation, this witness initiated a meeting to be held in the local community territory, on the premises of the *Radenko Stojnić* Elementary School. The meeting was attended by Boško Lukić, Commander of the Knin Corps, and the Commander of the Uniformed Police, Atif Džafić. On this occasion, the Corps Commander stated that “*If another bullet was fired from Velagići at the Lanište barrack, he would raze us to the ground!*”

178. According to the witness, the Accused Boško Lukić also repeated the foregoing, although there was no shooting from the village at the time. In fact, the meeting was initiated because of the continued shooting at the settlement of Velagići, that is, the shooting at houses, other facilities and the local mosque. Bearing in mind that the ultimatum was first presented by the Corps Commander, who had both *de iure* and *de facto* control over the military units in the Corps zone of responsibility, which at the time included the territory of the Ključ Municipality, the Court finds in this context that the role of the Accused Boško Lukić at the meeting was entirely irrelevant.

179. Given such a warning, the inhabitants of Velagići became aware that no one could guarantee security to them any more, so they started organizing village guards that lasted for the following two months. However, the security situation was worsened, the reserve police force withdrew from Velagići and a check point at Pudín Han was established, to which the “Red Berets” came. Witness Salihović identified them as “*persons who spoke ekavian. They arrested people, beat them and handed them over to the police for further questioning.*” In this context, witness Ibrahim Bajrić testified that members of the “Red Berets” were regularly patrolling around. No one fully understood their role and from which territory they had come to the territory of the Ključ Municipality.

180. After the killing of the Commander of the PSS Ključ, Dušan Stojaković aka Duća on 27 May 1992, the inhabitants of Velagići received information that the “Red Berets” would come soon to the village in order „*to disarm members of Green Berets*”. Thereupon, the population was grouped at the borders of the local community in order to prevent the Serb forces from entering the village. In the afternoon hours of the same day, a burst of fire was heard just at the time also described by the Defense witness Dušan Grabež, when *young soldiers* were attacked in Busije from an ambush.

181. Based on the testimony of the Prosecution witnesses who had eye-witnessed the attack, including Enes Salihović, Senad Draganović, Latif Salihović et al., the Panel concluded that the situation in the local community territory had become chaotic, with

random shooting, and the shells were falling from the Lanište direction in the center of Velagići, around the elementary school. The Muslims located at check points tried to fire back, but they withdrew overpowered. According to witness Salihović, the shelling of Pudín Han continued throughout the night. At those moments, Omer Filipović tried to organize the population and calm down the newly-developed situation by contacting Chief Kondić and Colonel Galić. However, they called him to surrender having threatened him that they would otherwise kill members of his family. Muhamed Filipović confirmed this in his testimony.

182. On the following day, namely **on 28 May, the shelling of Velagići resumed**. Therefore, in order to calm down the situation, a meeting was held at Pudín Han. At the meeting, the people gathered around Omer Filipović suggested that they their surrender because of many casualties. At that moment, according to witness Salihović, Omer Filipović was crying “*eerily*” and pointing with his hand to the direction of the crossroads in Draganovići, where a tractor was standing hit by a mortar shell by which the bodies of killed men, women and children were lying. Witness Latif Salihović had an opportunity to see the scene at the site after the shelling. He subsequently learned that Fikret Draganović, his family and the Bečić family were killed on this very site.

183. They were demanded to surrender their weapons at the check point in Reizovići which was around 1 km from Pudín Han. Omer went there alone. Thereafter, a group of people went off toward Krasulje, and Esad Kuljić drove all the weaponry loaded on a tractor to the check point. On the following day, that is, on 29 May, in the morning hours, witness Salihović also came there with 40-50 villagers. They moved in a column and carried a white flag as required by the Serb forces. At the check point, they found members of the military and the police who were insulting them verbally, beating them while they were “sorted” into columns, and while they boarded the busses which drove them to the *Nikola Mačkić* Elementary School in Ključ.

(g) Systematic Detention of Civilians in Other Parts of the Ključ Municipality after the Artillery Attack

184. Almost all the witnesses heard consistently testified that after the ambush in Busije, the artillery attack launched against the villages of Pudín Han and Velagići was followed by a general chaos and persecution of the Muslim population in the town itself, and the surrounding villages that belonged to the Ključ Municipality. Within the context of this issue, the Panel has considered the situation in the local communities of Sanica, Biljani, Crljeni, Velečevo and the town of Ključ. Also with respect to these events and the events in the other villages in the Ključ Municipality, the Panel will analyze the role of the Accused with the capacities attributed to them under the Indictment pursuant to each section of the Verdict.

(i) Local Community Sanica

185. On the basis of the testimony of witness Devla Halep-Pehadžić, who was at the time in Gornji Budelj and Biljani (Local Community Sanica), to which testimony the Court has given credence, it is established that due to the disturbed security situation the inhabitants of these places were frequently hiding in the woods. The first raid started in Biljani. The witness was there with her husband and the sons. From there, they escaped from Serb soldiers to Brkići, and thereupon went back to Muhadžeri and Gornji Budelj. When there was a threat that soldiers would come there too, the inhabitants escaped further to Žeznica, which was subsequently burnt down. Therefore, they finally went off to Sanica, where her family had an apartment. While they were in Sanica, the witness was trying on a couple of occasions to go to Ključ to obtain a permission to leave. In the end, she managed to board a bus in a convoy that was heading toward Novi Travnik. On this occasion, police officer Lazo Kričković recognized her husband and son, and they were singled out and taken to the premises of the Ključ PSS. Thereupon, her husband was released, but she has never seen her sons again.

186. The arrests and detention of the inhabitants of this Local Community, their apprehension to the premises of the railway station and the elementary school in Sanica, the abuse and intimidation of the villagers of the hamlets of Gornja and Donja Sanica (Šljivari, Bašići, Botonjići, Domazeti, G. and D. Budelj) will be explained in detail in the part of the Verdict concerning Section 6 c) and d) of the Operative Part of the Verdict.

(ii) Local Community Biljani

187. The protected witness B also testified about the situation in Biljani at the time. The witness explained that this local community consisted of 5 or 6 hamlets, namely: Brkići, Čehići, Botonjići, Domazeti et al. In late May 1992, that is, after the police station in Sanica had been taken over, Muslims lost their jobs because they had refused to sign loyalty to the newly-established Serb republic. According to this witness, the police insignia and uniforms were changed, and a vehicle with a loudspeaker was driving along the Sanica-Biljani road inviting the population to surrender their weapons at the railway station in Sanica, where a temporary storehouse had been established, that is, where according to this witness the command of the Serb forces was located.

188. The abuse of population in the village of Botonjići, which consisted of Botonjić kamen and Botonjić polje (Local Community Biljani) was described by witness Naila Botonjić. This witness testified that in mid May they could hear sporadic shooting in the neighboring villages, while their Serb neighbors started walking around the village and provoke them verbally. The situation escalated in late May when *“a chaos started, they came to us. They all had put on the uniforms of the Yugoslav Army... I mean our Serb*

neighbors (Nikola Lakić, Stanko Šobet, Slavko Škrbić)... They started provoking us and shooting at us". During these days, a personnel carrier came to the village with soldiers and transported all people from Botonjići to Crnalići, while the men were singled out and taken to Sanica. The witness's son was taken away on this occasion, but he returned on the following day with the other men. Only seven men with the last name Botonjić were kept and subsequently taken to Manjača. They sent a message from there via Red Cross after a month.

189. At first, the police officers of the Ključ PSS and certain extinguished SDS members in Sanica were inviting for the weapons surrender, while promising that the population would be safer in this way. According to witness Makbula Mešanović, soldiers provoked them, and their houses were searched two or three times after these events. This will be explained in more detail in the part of the Verdict concerning Section 5 of the Operative Part of the Verdict.

(iii) Crljeni

190. As described earlier, after the incident related to the reservists raid in the village of Crljeni, the population of Crljeni moved to the neighboring village of Plamenice. However, given the systematic arrests, it was no longer safe to stay in Plamenice, so they started preparations to return to Crljeni. Witness Jusuf Omerović testified in detail about the referenced events. The witness stated that before entering the village people stayed in the woods, while a group of them went off to the Sana River canyon to check if there were armed soldiers. Thereupon, they heard shooting and shouting, and the witness saw that the men from the group had been captured by the Serb soldiers.

191. Their former neighbors turned thereafter toward the woods where the villagers of Crljeni had stayed and called them to come back and surrender the weapons, and in return, their safety would be guaranteed by the Chief of the Ključ PSS, Vinko Kondić, and Chief of the Staff of the Territorial Defense, Boško Lukić. However, while they were crossing the river, armed persons wearing police and camouflage uniforms started coming out in front of the group. Among them, the witness recognized some neighbors and working colleagues, such as his former manager Drago Čulum on whom he saw officer's ranks. He introduced himself as an officer and requested the people to enter a nearby fenced space. The witness remembered that construction material had stood there earlier. At this place, they were all registered by Slobodan Ninić, a former teacher in Crljeni. At this point, the witness addressed Drago by asking him what they could expect in the upcoming period. He answered the witness that the plan had been changed and that the accused Lukić had told them to take them all to Ključ for a brief questioning.

192. In his statement given during the investigation, the witness did not mention that the

Accused Boško Lukić had given an ultimatum for surrender, or any guarantees related to this issue, even though he spoke about the events in an identical manner. During the cross-examination, the witness emphasized that members of the regular and special police force had been present at the surrender site, and also soldiers under the command of Drago Ćulum, and that the persons had been taken to the premises of the Ključ PSS by the police. Given that the witness could not clarify at the main trial the referenced differences, the Panel could not conclude based on such a testimony that the Accused Boško Lukić had an order-giving role to the units accurately mentioned by the witness.

(iv) Velečevo

193. Witness Luka Brkić, who stayed in the village of Velečevo after he had been dismissed from the police, also testified about the attack launched against this village in late May around 23:00 or 24:00 by hand grenades. The attack lasted for about a half an hour to 40 minutes, whereupon the villagers left their homes. The witness himself escaped with his parents along the river bank. On the basis of the testimony of this witness and witness Mujo Šehić the Court concludes that the shooting was a motive to search the houses, arrest the villagers and take them to the police station.

194. The fact that the action was led by the police of the Ključ PSS is additionally supported with the fact that witness Šehić saw the Chief of the Ključ PSS, Vinko Kondić once in the village. A meeting was organized after the search. It was attended by the Prosecution witness Luka Brkić. At the meeting, safety was guaranteed to all villagers. The witness had no trust in this so he went to Ključ with his family. This was proved as a correct decision because the witness subsequently learned that Kemal Muratović, Omer, Bajazit and Daut Hadžić and some other persons had been taken away from Velečevo and have never returned, while the bodies of Alija Lemeš and Daut Hadžić were subsequently exhumed.

(v) The Town of Ključ

195. Given the fact that the systematic arrests started in the surroundings areas of the town of Ključ, and that the arrested persons were most frequently apprehended to and kept on the premises of the Ključ PSS or the *Nikola Mačkić* Elementary School, the Panel refers to the part of the Verdict which is related to and which describes in more detail the aggravation of the security situation and negative, violent behavior of the newly-established authorities toward the Muslim population in Ključ proper after 27 May 1992²⁰. Witness Hadžija Bajrić described the foregoing. The Panel accepts her testimony since it

²⁰ Explanation of Section 6e) of the Operative Part of the Verdict.

is supported with the testimony of other Prosecution witnesses, and also ensues from the testimony of Defense witnesses. Witness Bajrić testifies that after Duća's killing, patrols were circulating around the town, and the Muslim population was invited to surrender the weapons. A curfew was also introduced, and, in fact, citizens were detained in their houses.

196. Thereafter, a very small number of citizens remained in Ključ. Since the villages had been burnt earlier, the population was coming to the town. Witness Hadžija Bajrić described the period that followed up: *"It became a hell for me. I did not dare sleep in my house so I slept at my neighbor's. Her house was not burst in. The property of Bosniaks was pillaged on a daily basis because their houses had been left empty. However, they also invaded the houses where people were still present. My house was invaded several times and hand grenades were thrown in it"*.

197. Witness Adnan Temimović described bursts into Muslims' houses, mass-scale arrests and the take-away. This witness testified as follows: *"I watched when truck trailers full of civilians that had been parked in front of the police station started taking them away to the Manjača camp. Police officers were approaching them, taking wood-poles off the truck fence and hitting over the tarpaulin. One could hear yowling and crying"*.

198. The arbitrariness of members of the Ključ PSS became an unpunishable daily occurrence. The example of goldsmith Mirsad Sprečo shows this best. Escorted by police officer Gajić and investigator Sreto Aničić, he was taken to a goldsmith store which was located across the building in which witness Temimović lived. Witness Temimović thus had an opportunity to clearly see the police officers taking out a vault and putting it into the rear of a Golf vehicle by which they had previously come. Thereupon they all together went in the direction of the Ključ PSS. On the following day, when despite the prohibited movement the witness went to the place of Mehmedagići where he had a family house, one of the town imams, Ekrem Salčinović, asked him who could dig a grave to Mirsad Sprečo, goldsmith from Ključ, who had allegedly hung himself on the premises of the police station. The death of Mirsad Sprečo was also confirmed by witness Lako Aničić. As a police officer on duty in the Ključ PSS, this witness registered his apprehension and detention on the station premises. Depriving liberty of non-Serb civilians around the Ključ downtown will be explained in more detail in the part of the Verdict concerning Section 1 of the Operative Part of the Verdict.

199. On the basis of the foregoing, the Panel concluded that the consequence of the mentioned incidents was a brutal attack on the civilians in the territory of the Municipality Ključ by shelling the villages of Pudín Han and Velagići, killings and detention in camps. The Panel so concluded based on the testimony of almost all the Prosecution witnesses heard, while the Defense did not contest such a conclusion.

VI. THE ROLE OF THE ACCUSED IN THE REFERENCED EVENTS

200. Upon a comprehensive evaluation of all the evidence adduced the Panel found that the Prosecutor failed to prove the guilt of the accused for the commission of the criminal offenses charged against them under the Indictment.

201. In order to explain this conclusion, in the part of the Verdict to follow the Panel provides a short background of the development of the armed forces of the Srpska Republika Bosnia and Herzegovina/Republika Srpska at the relevant period of time, and the role of the Accused in this structure.

A. TRANSFORMATION OF THE JNA INTO THE ARMY OF SRPSKA REPUBLIKA BIH AND CONCENTRATION OF THE MILITARY FORCES IN THE TERRITORY OF THE MUNICIPALITY OF KLJUČ

202. Witness Fahrudin Krivić testified about significant changes in the structure and manner of the JNA functioning. The witness describes in a detailed and impartial manner the events that took place in late September, when he received a mobilization call, and as a reserve 1st Class Corporal reported to Ašlamke where the then JNA reserve soldiers within the TO Ključ were gathering. Upon his arrival, he noticed that soldiers had behaved unusually and did not report to the assembly point. They were subsequently removed to the elementary school in Sitnica where they slept in classrooms. The witness noticed that they had been removing Tito's photos from the walls during the night, that the activities were decreased during the training, and that soldiers were eating and drinking alcohol all day long, and singing some old nationalistic songs. In fact, he and many others who had responded to the mobilization call became suspicious of the purpose of mobilization except for an obvious one, that is, their participation in the war in Croatia.

203. Witness Krivić testifies that at the time, those units were under the command of Dušan Petrović, while the Detachment Commander was Lazar Anđić. In addition to them, there were also Zukanović, Safet Muratagić, Dragan Belajić who used to come there occasionally. The Accused Marko Adamović also used to come there as he was a member of the TO Main Staff, and Željko Savanović, who was an officer in the Main Staff. However, even though the composition remained mixed, the differences in the individuals' behavior were obvious and negatively affected the discipline. Therefore, according to witness Krivić, it became clear that the JNA was losing its former structure and thereby its function.

204. After a while, Pero Đukanović, who used to work as a professor in the secondary school center and who was a reserve corporal and police commissioner in a military company, informed them that an order had come from Banja Luka to put reserve units under the army command. This gave rise to a quarrel because some people did not understand what all that was really about. Of the total of 50-60 soldiers in the company whose member witness Krivić also was, Muslims refused to be re-commissioned, having clarified that they did not support the war in Croatia. After a couple of days, those who had refused to go to war were ordered to return their uniforms and weapons. Thereafter, the witness continued working, while the rest of Serb young boys continued volunteering to go to frontlines in Slovenia and Croatia. The structure and behavior of the JNA soldiers obviously changed at that time since nationalistic comments or curses could be heard at the meetings at which Muslim soldiers were returning the equipment with which they had been issued.

205. According to witness Egrić, all the foregoing circumstances have led to the arming of the Serb population, firstly with the weapons in the possession of the Territorial Defense, and then with the weapons which Serb reservists did not return upon their arrival back from the frontlines. Also, the weapons of the former Territorial Defense were a few times distributed around the settlements, usually during the late night hours. On the other hand, due to such a situation, Muslims were forced to partially buy the weapons, most often illegally, while just a few had hunting guns and pistols. Weapons were purchased in fear from uncertainty and possible conflicts in this territory. This was so because the JNA units were frequently passing through this area on their way to the Kupres frontlines, and they were shooting while passing through the town, most often at mosques but also at other facilities.

B. THE STRUCTURE AND ACTIVITIES OF THE ARMY IN THE TERRITORY OF THE KLJUČ MUNICIPALITY

206. At the very beginning, it is noteworthy that according to the testimony of the witnesses heard, many units were present in the territory of the Ključ Municipality during the critical period, among which the witnesses mention parts of the Knin Corps at Lanište, parts of the 6th Sana Brigade, the Corps security organs (military police), paramilitary formations *Bijeli orlovi* and *Crvene beretke*. The Defense witnesses also confirmed this. The concentration of such a large number of forces was a result of the fact that some of these units, upon their return from the frontlines in the R Croatia, stayed in the Ključ territory, while some of them were formationally deployed in this area.

207. In his Finding and during the main trial, the Defense expert witness, Prof. Dr.

Slobodan Kosovac, confirmed the witnesses' statements that different units were present in the territory of the Ključ Municipality at the time like the JNA units – Banja Luka Corps, Knin Corps, Zagreb Corps, 30th Partisan Division, parts of the Air Force and anti-aircraft defense, and parts of the forces supporting the JNA Main Staff (school centers, logistic units, etc.), the TO main staffs and units at the municipal level. Due to the manner of organization and functioning, all the foregoing forces were in their actual state, that is, none among these units was in its full organizational capacity and in the state of full combat readiness. The expert witness also testifies that all units of the brigade range in this area were subordinated to the command of the 1st and subsequently the 2nd Krajina Corps. In explaining the structure of the RS armed forces, the expert witness states that at the time, they were comprised of the VRS and the TO, warning and reporting units, communication and cryptographic data protection units, and the police.

208. The Trial Panel gave credence to the testimony of the expert witness concerning this part since the presence of different units at the referenced time and place was confirmed by almost all witnesses.

209. In the light of the foregoing circumstances, the Panel analyzed each count of the Indictment and drew the conclusions accordingly.

1. Structure of the Territorial Defense and the Role of the Accused

210. The referenced structure and the manner in which the Staff of the Territorial Defense functioned at the time relevant to the Indictment has been further analyzed given that the Accused Boško Lukić is charged that as the Commander of the TO Municipal Staff, and subsequently the Chief of Staff of the 17th Light Infantry Brigade Ključ, he decided on engaging all units deployed in the territory of the Ključ Municipality. Charges against the Accused Marko Adamović were that he had actively participated in the reorganization and recruitment of the Territorial Defense units, and that as the Town Defense Commander he was superior to the mobilized and armed units in Ključ with which he participated in the commission of crimes.

211. In order to determine realistic possibilities to influence soldiers and issue orders to the military or the TO units as alleged by the Prosecution, the Panel has found it necessary to first address the issue of the status of the Accused during the entire critical period and their relations toward certain phases of the organization of military units, starting from the mobilization.

212. It should be recalled that according to the Law²¹ on National Defense and Social Protection, the Territorial Defense (TO) represents the widest form of organized armed resistance of the SR BiH, and it is an integral part of the unified system of the SFRY armed forces. The Territorial Defense consisted of: staffs, units, institutions and other forms of organization which were organized in social and political communities (DPZ) and organizations of associated labor-undertakings (OUR). At the same time, the Territorial Defense was the largest-scale component of the SFRY armed forces.

213. Under the Decision of the Ministry of Peoples Defense of Srpska Republika Bosna and Herzegovina number: 1/92 dated 16 April 1992²² that was sent to all Serb municipalities, the Territorial Defense of Srpska Republika Bosna and Herzegovina was established as an armed force of the SRBiH, to be under the leadership and command of the municipal, district, regional staffs and the Republic staff. This decision was issued because of the Decision of the Presidency of the SRBiH dated 15 April 1992 Declaring an Imminent Danger of War, ordering public mobilization in the entire territory of the SRBiH, and ordering all conscripts to report to the municipal staffs to be at their disposal. With respect to the legislation regulating this issue, the Panel does not find proved any illegal acts of the Accused Lukić within the context of mobilization of the military forces implied under the Indictment, or that the mobilization was his task. This conclusion is also confirmed by the fact that the first military unit at the battalion level in the territory of the Ključ Municipality was established only on 21 April 1992 with the arrival of Commander Vukašević, and was carried out under supervision of the 30th JNA Partisan Division.

214. At the Republic level, decisions were issued by the Commander of the TO Republic Staff pursuant to the decisions of the SR BiH Presidency. Accordingly, the Accused Boško Lukić was also appointed Commander of the Municipal Staff of the Territorial Defense under the Decision of the Republic Staff dated 5 December 1991.²³ It ensues from the Decision that his appointment was discussed at the meeting of the personnel board of the TO Republic Staff held on 26 November 1991. Given the referenced circumstance, the Panel does not find proved that the Accused was elected to this position by the Executive Board of the SDS Municipal Board even though the Prosecutor tendered into evidence the minutes of the meeting of the Executive Board held on 24 October 1991²⁴ addressing the disobedience of the then Commander Dušan Petrović. It was stated at the same meeting there were ongoing negotiations with the Accused Lukić to take over this function. Based on all the foregoing, it was concluded that the Accused Lukić was legally appointed to this position.

²¹ Documentary Evidence of the BiH Prosecutor's Office No.: T-420.

²² Documentary Evidence of the BiH Prosecutor's Office No: T- 441.

²³ Documentary Evidence of the BiH Prosecutor's Office No: T-443.

²⁴ Documentary Evidence of the BiH Prosecutor's Office No: T-209.

215. In this respect, the Panel also does not find disputable the activities of the Accused Marko Adamović either. This Accused was mobilized in the TO Staff in September 1991 and since that time worked on the “general defense plans”. During the proceedings, however, the Prosecutor did not bring such activities of the Accused into any relation with the crimes committed or the attack launched against the population.

216. When it comes to the responsibilities of the Municipal Crisis Staff in the mobilization activities, the Panel primarily took into account that this was a legal authority that was established after the crisis had occurred in this territory of the Municipality. In this context, the Panel also evaluates the issue of mobilization that pursuant to Articles 270 and 272 of the Law on the National Defense and Protection falls within the responsibilities of the civil authorities.

217. Pursuant to Articles 82-104 of the same Law, 1) the Assembly shall regulate the system, address the status of defense preparations, adopt development plans and determine ways for securing material assets; 2) The President of the Republic shall declare the states of emergency, imminent danger of war, the state of war, and shall order mobilization (general and partial) and 3) the Government shall implement the measures ordered by the President of the Republic, pass bylaws on the record and execution of materiel, work and other obligations.

218. A specific characteristic of the crisis at the time was apparent in the fact that the jurisdiction over the TO units was given both to the military and civil components (Crisis Staffs that were established instead of General Defense Committees). This frequently resulted in situations where these two bodies (mutually uncoordinated and frequently incompatible) shared the same responsibilities, and thereby created, according to the conclusion of expert witness Slobodan Kosovac, a state of conflict and chaos in the chain of command. The Panel, however, found no grounds for such a conclusion in the evidence adduced.

219. Specifically, there was no conflict in the territory of the Ključ Municipality in terms of command over military units. This was confirmed by the Analysis of the Activities per Combat Readiness Elements made by the Command of the 1st Krajina Corps (1st KC) in February 1992²⁵. The Analysis shows that already at the beginning of the period relevant to the Indictment there were “*individual cases where certain members of the SDS and the authorities interfered excessively with the military issues: combat/defense leading, personnel issues, introduction of military administration, etc. Such individuals were not*

²⁵ Documentary Evidence of the BiH Prosecutor's Office No: T-197.

given nor will be given any support by the Command of the 1st KC.” It is therefore obvious that already at the time, the military units allowed no prevalence of civilian over military authorities in the field of their zone of responsibility. In the case at hand, this concerns the civil structures in the Ključ Municipality because it was within the zone of responsibility of this Corps.

220. Although the issues of mobilization and the security of material and technical equipment for the army at the time were discussed at meetings of the Crisis Staff, as obvious from many minutes of the meetings²⁶, the Panel still concludes that it has not been proved that these bodies, as holders of the civilian authorities, had any command responsibilities over the soldiers, or were ordering combat activities and the use of units. Except for giving her own conclusions, the Prosecutor failed to offer any piece of evidence beyond a doubt. The foregoing may be supported with the information from the Findings and Opinion of expert witness Kosovac in the part accepted by the Court because its validity has not been brought into question by the other evidence adduced. This part of the Findings specifically stated that in early 1992, the Ključ Municipality was in the zone of responsibility of the 30th Partisan Division, and from 26 April in the zone of responsibility of the 1st Partisan Brigade, which is all within the JNA, while the Army of Republika Srpska was officially established on 15 May. This additionally supports the conclusion of the Court that there was no space for the civilian authorities to exercise any significant influence on the army, while no evidence was offered to the Court so as to conclude the opposite.

221. In the part of his analysis of the situation in the field accepted by this Court, the Prosecution expert witness Ewan Brown also states that in October 1991, General Talić, as the Chief of Staff of the then V Corps of the JNA, issued a warning about the engagement and coordination of activities with the TO units. The warning clearly stated that all the units and staffs of the TO located in the zone of responsibility of the JNA brigades would be re-subordinated to these commands. Decisions to deploy and use the TO shall be issued by the commander of units to which they are subordinated upon consultations and agreement with the superior officer of the TO unit at issue (*“Commanders of the JNA brigades will consider the re-subordinated units and other units as their elements of the combat formation”*). Final joining of the TO units to the JNA started on 12 May 1992. The expert witness further specifies in his report that the units of the 1st Krajina Corps participated in the attacks launched in late May and continued during June of the same year in the wider area of the Municipality, more precisely, the forces under the control of the 30th Division and the forces from the Ključ PSS.

²⁶ Documentary Evidence of the BiH Prosecutor's Office No: T-229.

222. That the territory of this Municipality was indeed in the zone of responsibility of the 1st KC can be seen from the Regular Combat Report dated 28 May 1992²⁷ made by the Commander of the 1st KC, General Momir Talić. This report mentions the incidents that occurred before the attack in the Ključ Municipality, such as the ambush in Busije, the attack on the military column and the attack on the police patrol in Krasulje. It is also stated that the mobilization was still ongoing, and that the men underwent training at the Manjača training ground.

223. Therefore, the Panel does not find proved that the participation of the Accused in the events before the attack, or rather that their presence at certain meetings of the Crisis Staff and their participation in the units' organization and recruitment amounted to any contribution to the common plan furtherance. The role of the Accused at the meetings was only to provide information about the units' status in the field. According to the conclusion of the Panel, the Prosecutor failed to prove during the proceedings that any combat activity of any military unit had been planned at these meetings, and particularly that the Accused Boško Lukić and Marko Adamović could have decided about all this.

2. Position and Powers of the Accused in the Structure of the 17th Light Infantry Brigade Ključ

224. As described earlier, on 18 April 1992, members of the TO were mobilized at Sitnica, where military exercises had been carried out. According to the Accused Marko Adamović, preparations had been made there for a battalion which would be within the 30th Partisan Division of the 1st Krajina Corps. At the time, the battalion performed no activities. It consisted of two infantry companies, while the third company joined the battalion only in August 1992.

225. Thereafter, under the order of the Commander of the 30th Partisan Division, on 26 April 1992, the Šipovo Brigade was formed of the elements of the 1st Partisan Infantry Brigade, while Milorad Vukašević was appointed its Commander. The battalion gathered at Sitnica was also included in this Brigade as the 3rd Infantry Battalion (generally known as the *Ključ Battalion*). Branko Ribić was appointed Battalion Commander and his appointed Deputy was the Accused Marko Adamović.

226. During the proceedings, the Prosecutor used the phrase “the *Ključ battalion of the Ključ Municipality TO*”. According to the testimony of the Defense witnesses, including Drago Radojčić, Dušan Dragić and Rajko Kalabić, and the conclusion of witness expert

²⁷ Documentary Evidence of the BiH Prosecutor's Office No: T-160.

Kosovac accepted by the Court, this is an illegitimate formulation given that the official documents/orders related to this period do not use this phrase, and given that this formulation is functionally unrealizable. This is so because immediately upon its establishment, this battalion was incorporated into a brigade within the 30th Partisan Division, which was within the JNA.

227. According to witness Rajko Kalabić, the 17th Light Infantry Brigade Ključ was established on 4 June 1992. Around 6 June of the same year, the 3rd Infantry Battalion (*Ključ Battalion*) was included in the referenced Brigade as the 1st Infantry Battalion. According to the Findings and Opinion of expert witness Kosovac and the testimony of most of the witnesses heard, the main tasks of the Battalion were the training and the combat readiness improvement until its deployment to the frontline in Jajce.

228. The Panel did not accept these arguments of witness expert Kosovac in their entirety given that the evidence exists about the occasional engagement of members of the 1st Infantry Battalion in the territory of the Ključ Municipality during the critical period. This will be explained in more detail in the part of the Verdict addressing individual sections of the Operative Part thereof.

229. However, despite the foregoing, the Panel does not find proved the active participation of the Accused in the commission of undoubted crimes charged against them, nor does it find proved their role in the combat activities in the Ključ territory that would bring them into connection with the attacks against the civil population of undefended Muslim villages. By so concluding, the Panel does not disregard the fact that the Indictment does not factually specify the command responsibility of the Accused, nor does it legally qualify their actions to this end. The Panel rather seeks to emphasize that this conclusion is a result of the analysis of all the evidence adduced.

230. Specifically, during the time relevant to the Indictment, as the Chief of the Staff of the Territorial Defense of the Ključ Municipality, the accused Boško Lukić implements quite legitimately the mobilization activities under the orders of his superiors and pursuant to the documents issued by the authorities. Thereupon, during the phase of establishment of the 17th Light Infantry Brigade Ključ, the Accused Lukić assumes the function of the Chief of the Brigade Staff for a short period of time, in which capacity he issued several Orders on search and mopping up the field.

231. Based on the evidence adduced, the Panel concluded that at the time of the orders' issuance the Accused was neither *de iure* nor *de facto* superior to the units, and thereby had no possibilities to give commands. In so concluding, the Panel primarily relied on the

fact that the Accused had held the post of the Brigade Chief of Staff for a very short period of time (three days) because already on 9 June 1992, under the order²⁸ of Colonel Grujo Borić, Commander of the 2nd KC, Colonel Drago Samardžija was appointed Commander of the Brigade. Thereupon, the Accused Boško Lukić became the Brigade Logistics Assistant Commander and waited for the responsible Chief of Staff to hand over the duty. After Dušan Kukobat had assumed the post of the Chief of Staff, the role of the Accused in the Brigade became entirely irrelevant, and as of this period the Accused was engaged in the activities concerning the securing of the units' logistics.

232. Given the fact that as the Chief of Staff for a very short period of time the accused Boško Lukić issued orders to the units of the 17th Light Infantry Brigade, the Panel will further present the brief contents of these orders, and explain their importance and range in the field:

233. First and foremost, it should be taken into account that the 17th Light Infantry Brigade was established on 4 or 6 June, and that already on 9 June 1992, Lieutenant Colonel Drago Samardžija was appointed its Commander. This reduced the independent activities of the accused Lukić to a period of 3 effective days. At this time, and until 17 June 1992, as the Chief of the Staff, the accused Lukić was producing and sending reports to the Command of the 2nd KC. In these reports, he wrote as follows: *"I have decided to continue mopping up and controlling the territory in order to collect the enemy forces...control and search the territory...."* In addition, the Accused reports about the situation in units, the expenditure of ammunition, and the material and technical requirements.

234. The Panel, however, did not find incriminating these acts of the Accused. This is so because during the proceedings the Prosecutor failed to prove that during the period without an official commander the units of the 17th Light Infantry Brigade had committed any concrete crimes, nor was this period specifically addressed in the factual allegations of the Amended Indictment. As it can be seen from the daily reports sent out by the Accused, his orders contained no explicitly unlawful formulation rather they concerned regular military activities such as searching and moping up the terrain (which in military terms implies the discovering of enemy formations and their disarmament). In addition to the tendered daily reports, the Prosecutor failed to prove *de iure* or *de facto* subordination of these units to the accused Lukić, namely that he had any effective control over these units. Finally, the fact is that the legal qualification of the Indictment addressed no command responsibility.

²⁸ Documentary Evidence of the BiH Prosecutor's Office No: T-361.

235. At this time, the accused Marko Adamović still held the position of the Deputy Commander of the 3rd Infantry Battalion. According to his own words, he performed the tasks rather similar to those of the chief of the staff in the brigade (organization of the activities of the Command and support to commanding). During the proceedings, the Prosecutor failed to prove that the Accused had participated together with the units in the commission of any crime, or that he issued orders to the units. On the contrary, and based on the consistent testimony of the Defense witnesses heard with regard to this matter, including Drago Radojčić, Dušan Dragić and Rajko Kalabić, the Court concluded that the Commander of the 3rd Infantry Battalion, Branko Ribić had been present during the whole period, so there was no need to engage Adamović as his deputy. After the establishment of the 17th Light Infantry Brigade, the Accused was transferred to this Brigade on 7 June 1992 in the capacity of Deputy Commander for Moral, Religious and Legal Issues. According to the conclusion of expert witness Kosovac, as accepted by the Court and supported by the testimony of Vito Dvizac, Dušan Dragić and the other Defense witnesses, in terms of the Brigade organization such position does not imply the right to command over the units.

236. The Prosecution witness, Vitomir Gajić, was determined in this respect. At the critical time, this witness was a member of the military police of the 1st KC. He testified that *“no one from the civil authorities could command over the soldiers, nor from the military structures unless approved by formation”*.

3. Establishment and Activities of the Town Defense Command – Role of the Accused Marko Adamović

237. In addition to the foregoing, the Accused Marko Adamović was charged under the Indictment for his activities in the capacity of Commander of the Town Defense Command. The Indictment states that in this capacity the Accused commanded over the mobilized and subordinated units in Ključ. In order to examine these allegations, and based on the evidence adduced, the Panel evaluated the time-and-space-related context of the establishment of this body, the period during which it operated and the activities thereof.

238. The Defense witnesses Jurišić Slobodan and Rajko Kalabić, and expert witness Slobodan Kosovac are determined in testifying that this body never started functioning in the territory of the Ključ Municipality. On the contrary, according to many minutes of the meetings of the Crisis Staff, the Accused Adamović attended these meetings in the capacity of Town Defense Commander and reported about the military and security situation in the territory of the Ključ Municipality.

239. During the proceedings, the Prosecutor asserted that in this capacity, the Accused had been superior to the mobilized units with which he participated in the commission of crimes. At this point, it should be noticed that the Indictment formulation to this end does not specify in any Count thereof the units that were under the Accused's command and it rather stated "*the Accused Marko Adamović together with soldiers*". With such incriminations, the Prosecution should have firstly specified in the factual description of the Indictment the units which participated in the commission of crimes, and described in detail the role and capacity of the Accused in these activities and his behavior toward the units so as to confirm or contest such allegations based on the evidence adduced.

240. Contrary to this, during the proceedings, the Defense adduced ample evidence attempting to prove that the Town Command had never started functioning, nor was deciding on important issues in the territory of the Municipality.

241. According to the Prosecution evidence adduced, the Commander of the 30th Partisan Division, Colonel Galić, issued an order to establish the defense of the town of Ključ around 31 May 1992. This was confirmed by the Defense witness, Rajko Kalabić. However, Milorad Vukašević, Commander of the 1st Partisan Infantry Brigade, which was within the 30th Partisan Division of the 1st Krajina Corps, informed the Accused Adamović about this no sooner than on 1 June at the meeting of the Crisis Staff.

242. As stated earlier, all the Defense witnesses heard with regard to this circumstance, including Slobodan Jurišić and Rajko Kalabić, testify that this body has never started functioning in practice. This is supported with the facts that the Prosecution tendered into evidence no order whatsoever from which a command role of this body would possibly ensue.

243. In support of this conclusion also stands the fact that the 17th Light Infantry Brigade was established already between 4 and 6 June. Therefore, in the time-related context, it is impossible to speak about any functioning of the Town Defense Command, which had no plan of the activities, no statutory regulations defined, or any permanent members. Therefore, the Court accepts the conclusion of expert witness Slobodan Kosovac that the establishment of the town defense represents but an unsuccessful attempt.

244. The irrelevance of this body also ensues from the minutes of the Crisis Staff meeting dated 2 June 1992²⁹, pursuant to which the Town Command is ordered to prepare for the following day a decision regulating the life, work and public order in the Municipality. It clearly ensues from this decision that this body was intended to take care

²⁹ Documentary Evidence of the BiH Prosecutor's Office No: T-229.

of the activities that had already been the responsibility of the civil authorities, that is, the Crisis Staff of the Ključ Municipality. Therefore, this justifiably gives rise to the issue of functionality of the Town Defense Command which, except for a short period of formal-legal existence on paper, obviously had an irrelevant role in the organization of the daily life in the territory of the Ključ Municipality.

245. The fact that only one press release³⁰ issued on behalf of this body was tendered in the case record as the Prosecution evidence supports the foregoing conclusion. The Panel reiterates that the evidence contains no order of this body under which certain military units are ordered to undertake any combat activities and thereby bring the Accused Adamović into relation with this.

246. Pursuant to the foregoing, the Panel does not find proved that, in the capacity of Commander of the Town Defense Command, the Accused was superior to the mobilized units in Ključ, that he issued any orders to these units, let alone unlawful orders, or that he participated together with these units in the commission of crimes described in individual sections of this Verdict. In order for the Prosecution to charge the Accused Marko Adamović with the committed crimes based on his command role over the subordinated units, the Prosecution should have firstly proved which units indisputably participated in the commission of crimes. However, this was not done during these proceedings, nor did the Indictment address this issue in the factual and legal qualifications.

C. STRUCTURE AND ORGANIZATION OF THE PUBLIC SECURITY STATION KLJUČ (SJB KLJUČ)

247. Given the fact that in indicating the perpetrators of the crimes committed the Indictment states *coordinated activities of the army and the police*, as undoubtedly pointed to by the evidence presented, the Panel presents in this part for the purpose of this Verdict, and in addition to the background of the RS Army, a short review of the changes in the structure and organization of the SJB Ključ after the multi-party elections and during the period relevant to the Indictment.

According to the facts established in the ICTY cases, and accepted by this Panel under the Decision dated 27 March 2009, the Autonomous Region of Krajina issued at the 15th meeting held on 4 March 1992 a decision to establish a Security Services Center (SSC) of the ARK with its seat in Banja Luka. Stojan Župljanin was appointed Chief of the SSC.

³⁰ Documentary Evidence of the BiH Prosecutor's Office No: T-230.

On 27 April 1992, the Assembly of the ARK issued a decision to establish a “Special Purposes Police Unit” within the SSC.

248. On 27 March 1992, the Assembly of Srpska Republika BiH established the Serb Ministry of Interior (MoI). The Law on the Ministry of Interior came into effect on 31 March 1992. At the time, a minister was appointed to be responsible to the Assembly of Srpska Republika BiH. During the 1992 spring and summer, most non-Serbs were dismissed from the Police. The police forces were thus transformed into the police force of the Bosnian Serbs.

249. Witness Atif Džafić testified about the composition and activities of the PSC Ključ during the referenced period. The Panel accepts his testimony because it describes accurately and in detail, without contradictions with the testimony of the other witnesses, the organization and activities of the PSC Ključ both during the period relevant to the Indictment and before this period. The witness testifies that the hierarchy in the station structure was as follows: chief, commander, deputy commander and assistants to the commander depending on the size of the station. Within the PSC Ključ, there were the Ribnik station, whose commander was Dušan Stanarević, and the Sanica station whose commander was Sredo Ademović for a certain period of time, and thereafter Milan Tomić. These Commanders were responsible to the Chief of the PSC Ključ for the security situation in the territory under the department responsibility, and were thereby also subordinated to the Chief of the PSC Ključ, Vinko Kondić.

250. Witness Džafić further testifies that after the multi-party elections, the SDA party proposed him to the position of the Station Commander. Having assumed this duty, however, he also became an acting chief of the Station because the former Chief Ranko Dakić had been suspended in late 1990. They waited for the appointment of Vinko Kondić, proposed by the SDS party, for a certain period of time. As far as the witness knows, they waited for the procedure of suspended sentence expungement to be completed. This was so because one of the requirements to hold any function in the police bodies was no prior convictions. After all the requirements had been satisfied, the MoI in Sarajevo issued a decision appointing Vinko Kondić to the post of the Chief of the PSC Ključ.

251. At the time, witness Džafić noticed that professional meetings were held less and less often, and if they were held, they lasted very shortly. One of the reasons was the frequent absence of the Accused Kondić. In the end, this affected the functioning of the station which did not entirely function pursuant to the earlier established scheme.

252. The new Chief's symptomatic behavior escalated just at the time of chaos that the JNA reservists had created around the town upon returning from the frontlines in Croatia.

In fact, they were citizens of Ključ to whom the seized weapons were returned under the decision of Chief Kondić, even though they had earlier used these weapons to shoot around the town and disturb public order. Once the witness visited the Training Center escorted by a driver and the accused Kondić. On this occasion, he noticed disintegration among members of the maneuver police unit. Muslims members of the unit were separated from Serbs and complained of certain individuals who had been frequently singing insulting songs. However, these incidents apparently were not paid attention to.

253. The *Red Berets* appeared at around that time. According to witness Džafić, they were trained to use weapons, and knew police work procedures. On one occasion, the witness saw the Commander of this unit in the office of Chief Kondić, whereupon he was given an official vehicle of the PSC Ključ.

254. Based on the testimony of this witness and the other witnesses, like the Prosecution witnesses Asim Egrić and Muhamed Filipović, who are describing the aggravation of the security situation in the Ključ Municipality, the Court concluded that all reports on the disturbances of the public order and peace, and investigative actions by members of the PSC Ključ were declarative, because in the end, there were no practical consequences for the perpetrators. Thereby the violent behavior was additionally stimulated and approved.

255. During this period, it was also obvious that many activities within the Ključ PSS were performed upon the SDS requests. This was already the time of the police transformation into the mono-ethnic police. The witness noticed that the leading personnel of the police station were soon exclusively members of the Serb party. He felt that he was no longer desired in the further work and operations of the station. His suspicions into the correctness of activities became true after he had learned that at the time the Accused Vinko Kondić had attended a professional collegium in Banja Luka where it was decided that the Ključ PSS would exclusively act upon the orders received from the Banja Luka PSC. This did not significantly differ from the earlier system, except that the new system anticipated a full disregard of all orders issued by the Republic Ministry of Interior the seat of which was in Sarajevo. Thereby, the parallel activities of the Chief of the Banja Luka PSC, Stojan Župljanin, and the Ministry in Sarajevo were started.

256. This parallelism was publicly introduced on 7 May 1992 when all active Muslim and Croat police officers were called for interviews in the police station. On this occasion, they were offered to pledge loyalty to the so-called Srpska Republic Bosnia and Herzegovina. This implied giving a solemn oath, changing the uniform and further staying within the police. The meeting was chaired by Chief Kondić, and in addition to witness Džefić, it was also attended by other active police officers, like Lepirica and Temimović. Pursuant to the circumstances, they concluded that this was an important meeting, because the Chief was so dressed up in his uniform only on the occasion of celebrations or

important events. At the time, the Chief publicly stated that all persons who refuse to pledge loyalty would lose their jobs, while Tode Gajić added to this “*blood will run deep!*”

257. After the meeting, all Croat and Muslim police officers who refused to sign the statement were forced to take a leave of absence and were soon thereafter relieved of their duties.

258. The foregoing also ensues from the facts established in the ICTY case *Prosecutor v. Radoslav Brđanin*.³¹

259. Having in mind that the Decision of this Court severed the criminal proceedings regarding the Accused Vinko Kondić³², for due to his deteriorating health he was not fit to participate in the proceedings against him, the Panel did not consider in detail the activities of police forces in the relevant time period, or their possible participation in the crimes charged against the Accused Lukić and Adamović.

VII. INDIVIDUAL CHARGES

1. Section 1 of the Operative Part of the Verdict - arrest of civilians in Ključ

260. Under Count 1 of the Indictment, on 27 May 1992 members of the army and police started arresting and detaining non-Serb civilians in the Ključ proper, although the legal grounds for that did not exist. The mentioned persons were brought into the Public Security Station /PSS/ in Ključ where at one point 22 civilians were held in inhumane conditions, who were requested to admit their preparation of various crimes against the Serb population.

261. In the proceedings the Defense did not challenge that these incidents took place, but it did challenge any participation of the Accused Adamović and Lukić in the incidents.

262. Based on the testimony of witnesses Fahrudin Krivić and Luka Brkić, the Panel reliably found that in the Ključ proper Muslims civilian were arrested and detained in the days that followed the incident in Busije, that is, the interception of a bus which

³¹ “ In the spring of 1992, all employees in local Public Security Services (“SJBs”) and other public services were required to sign an oath of loyalty to the Bosnian Serbian authorities. Bosnian Muslims and Bosnian Croats who refused to sign the declaration of loyalty were dismissed {...} Before By the end of 1992, almost the entire Bosnian Muslim and Bosnian Croat community had been dismissed from their jobs {...} par. 85 of the Brđanin Judgment and accepted by the Decision of the Court dated 27 March 2009.

³² Decision of the Court of BiH, No. X-KR-05/119 dated 13 September 2010.

transported young soldiers and the murder of the Deputy Commander of the Public Security Center Ključ on 27 May 1992.

263. The mentioned unlawful procedure was described by the witness Fahrudin Krivić who was in his neighbor's house at the time covered by this Section of the Operative Part of the Verdict when Zdenko Modrić and Spasoja Stojanović arrived by a police vehicle, asking him to go with them to give a statement, without explaining reasons for such a treatment. On their way to the station, the witness noticed a great number of ethnic Serbs with the insignia of Bijeli Orlovi /White Eagles/, while one Kuzmanović, a reserve police member, was at a checkpoint near the bank and the Orthodox Church. Željko Dragić, the Head of Crime Police, met the witness in the PSS in Ključ. He was interrogated by Lako Aničić, who was wearing a uniform of an active policeman. As he did not have anything to state, three soldiers wearing green camouflage uniforms arrived and provoked the witness, telling him that he was a Green Berets Commander, to which the witness responded that he would then surely be a poor leader because he just sat there waiting to be arrested. The soldier took this as a provocation and hit him with a baton in his back, which was followed by a "*monstrous*" interrogation.

264. Due to the beating the witness sustained injuries in the ribs on the right side of his body. He was subsequently taken to the basement where he found Luka Brkić and Šaban Kujundžić in a very bad state, who had been apprehended two nights earlier. The witness Luka Brkić also confirmed the maltreatment on the premises of the PSS in Ključ, who described that he was interrogated by Ranko Kovačević, who hit him a couple of times, in the presence of active policeman Zdenko Modrić, and they asked for information about weapons and lists of persons who possess it. Although the witness Brkić had on him a copy of the weapon permit and surrendered the hunting weapon he had, it did not prevent his further detention on the premises of the PSS in Ključ.

265. Many other witnesses described the arrests of people across the town in a similar fashion. Their testimony was not contested by the Defense, which only denied the participation of the Accused in the incidents. As the witnesses testified about the described incidents in the same way, the Court found them true as their authenticity was not brought into question by other presented evidence.

266. In the case at hand the Panel does not consider disputable that the described incidents caused such a conduct of the military and police, however, in order to incontestably associate the Accused with the mentioned incidents, in the Panel's opinion, it was necessary to prove exactly which military units coordinated actions with members of active and reserve police forces in apprehending and mistreating the detained civilians. This is particularly so because it clearly ensues from the testimony of almost all witnesses that many military units were in the territory of Ključ municipality at the time, such as

parts of the Knin Corps stationed in Lanište, then the 6th Sana Brigade, the paramilitary formations Bijeli orlovi and members of Crvene Beretke /Red Berets/ who actively cooperated with the regular police forces, which was confirmed by both written findings and opinion of the expert witness Kosovac and his oral explanation in the main trial. However, the Prosecution failed to act in that direction.

267. The Indictment is not precise also with respect to the identification of perpetrators of the acts with which the Accused are charged because, in the opinion of the Panel, in the introduction of this Count the terms “army and police“, used without any additional specification, are too broad. In other words, the Prosecutor failed to name precisely the units and armies which participated in the incidents, thus it remains unclear as to how their actions charge the Accused. On the other hand, even during the proceedings the Prosecutor failed to prove which military units participated in the arrest and imprisonment of the non-Serb civilians in the Ključ proper, therefore the cause and effect relation could not have been established between the acts of the Accused and those units, nor a possible *de iure or de facto* subordination of those units to the Accused.

2. Section 2 of the Operative Part of the Verdict – shelling of villages of Pudín Han and Velagići

268. This Count of the Indictment alleges that the Ključ Battalion, supported by the 30th Partisan Division of the 1st Krajina Corps launched an artillery attack on the Ključ settlements of Pudín Han and Velagići, where there were no legitimate military targets. The attack lasted for a minimum of two days and a minimum 12 persons were killed in the shelling.

269. In the proceedings the Defense did not challenge that these incidents took place, but it did challenge any involvement of the Accused Adamović and Lukić in them.

270. Based on the statements of numerous Prosecution witnesses, including Asim Egrlić, Muhamed Filipović, Jusuf Omerović and others, the Court found that the artillery attack on Pudín Han and Velagići followed after an ultimatum given to the Muslim side, where it should not be disregarded that the fire was opened before the set deadline. Almost all Prosecution witnesses described the killings of civilians at the junction in Draganovići and the fleeing of people to the surrounding villages. However, on the basis of the presented evidence the Panel could not find the Accused guilty of the attack.

271. Namely, the Indictment alleges that Ključ Battalion units, supported by the 30th Division, took part in the artillery attack, which was not proven in the proceedings. The

Report made by the Chief-of-Staff Kondić, dated 25 September 1992³³, which refers to the situation in the municipality, stated that *“following an armed insurgency and ambush in Busije, the forces have broken down the Muslim resistance by planned artillery and infantry combat operations.”* It also follows from the Activity Report of the PSS in Ključ for this time period³⁴ that the incidents were followed by *“an operation of the units of the 30th Division, supported by the forces of the PSS in Ključ.”*

272. In addition, most of the Prosecution witnesses examined on this circumstance, consistently stated that the shells which landed on Pudin Han and Velagići were coming from the direction of Lanište, where the concentration of army and weapons was noticed shortly before the attack. Apart from a great number of units in the territory of the Ključ municipality at the time, the Prosecutor failed to prove during the proceedings that the units of the 3rd Infantry Battalion were deployed on elevations in Lanište from which the settlements were shelled, while the majority of witnesses claimed that the units of the Knin Corps were deployed in those locations, whose statements were already explained in the foregoing part of the Verdict referring to the artillery attack on 27 May 1992.³⁵

273. In the context of the foregoing, the Court had in mind the positions of the 3rd Infantry Battalion at the time, and the military equipment it had available. Based on the testimony of witnesses Drago Radojčić and Krstan Škavrić, members of the Battalion, whose testimony was supported in that part by the finding of the expert witness Slobodan Kosovac, the Panel concluded that the Battalion was not issued with heavy weaponry such as mortars or recoilless guns.

274. Unlike them, the military police (of the Krajina Corps), according to the witness Enes Salihović, shortly before the attack passed by in military trucks and Pinzgauers by 5 or 6 buses and trucks, on the road leading to Lanište, and then 10-15 minutes later *“artillery fire was opened at the Velagići proper from the direction of Lanište, which lasted all day until late at night.”*

275. The witness for the Defense, Drago Radojčić, testified about the Battalion activities at the time, claiming that on 27 May the Battalion received an order to go to Ključ because a policeman had been killed there. Acting upon the order, the Battalion set off to Ključ with two companies, while the witness stayed securing the materiel and technical equipment (MTE). According to the Defense witness, Dušan Prolić, it was Krstan Branković who led the Battalion toward Ključ, while the rest of the army went to Šumarija and was first stationed in Rudenice, and then in Ramići.

³³ Prosecutor's Office of BiH, Exhibit No. T-332.

³⁴ Prosecutor's Office of BiH, Exhibit No. T-333.

³⁵ See Chapter 3 (f) pg. 49 of the reasoning of the Verdict.

276. This was also confirmed by the Defense witness Krstan Škavrić, who was a member of the 3rd Infantry Battalion at the time, and who stated that as of 27 May 1992 the Battalion was stationed on the outskirts of the town, tasked to do reconnaissance and patrolling, categorically claiming that at the time his section did not take part in any military operations whatsoever, or any arrests of civilians. Given that these statements were consistent and undisputed, the Court has accepted them as such.

277. In the same manner the Accused Adamović, in the part of the testimony accepted by this Panel, because he described the Battalion activities in the same way, underlines that at the time he was in the Battalion Command in Ramići and that the 3rd Infantry Battalion (Ključ Battalion) did not participate in any attack at the time covered by this Section of the Verdict.

278. The physical evidence presented by the Prosecution³⁶ provided for the information about the Battalion's engagement after the attack, which was tasked to search and mop up villages, while two platoons were in Ramići with the Battalion Command.

279. After 27 May 1992 the Battalion was engaged along the axis of Pudín Han-Vukovo Selo-Humići-Plamenice-Vrhovo-Peći, and this was followed by the mopping up of the villages of Kamičak and Vrhpolje where they linked up with a brigade from Sanski Most.

280. Apart from these tasks in the mopping up and searching of terrain, no other physical evidence was presented to undoubtedly suggest that the platoons or companies of the 3rd Infantry (Ključ) Battalion launched an artillery attack on the settlements of Pudín Han and Velagići. Also, the subsequent participation of the Battalion in military operations that followed, which were coordinated with the PSS Ključ, cannot be directly associated with the Accused Boško Lukić as the Commander of the Territorial Defense HQ (TO HQ) and the Accused Marko Adamović as the Deputy Battalion Commander, because it was not proven if the Accused issued orders or commanded the artillery attack and subsequent operations.

281. Taking into account their formational positions and that the Commander of the (*Ključ*) Battalion, Branko Ribić, was present in the field all the time, it remained unclear as to how the Prosecution tries to associate the Accused with the artillery attack. In addition, even if the participation of the Ključ Battalion units in the incidents has been proven, the participation of the Accused in the attack has not been proven or their commanding role within the 3rd Ključ Infantry Battalion.

³⁶ Prosecutor's Office of BiH, Exhibit No. T-196.

3. Section 3 of the Operative Part of the Verdict – Murders in the Old School in Velagići

282. Under this Count the Indictment charged the Accused with an incident that took part on 1 June 1992 in a school in Velagići, where Muslim men from the hamlets of Vojići, Hasići, Nezići, Hadžići and others were rounded up and killed, having been forced out from their homes in the evening hours. On that occasion a minimum of 78 persons were killed, whose bodies were subsequently exhumed from the mass grave in Lanište II.

283. During the trial the Defense did not contest that these incidents took place, but it did contest any participation and contribution of the Accused Adamović and Lukić to those incidents.

284. Numerous Prosecution witnesses testified about the mentioned incident, including the witness A, Mirsad Dervišević, Hasan Salihović, Marinko Miljević, Željko Radojčić and Vitomir Gajić, who investigated the committed crimes as a military policeman of the 1st Krajina Corps. Based on the witness testimony, the Court concluded that after the ultimatum was issued to the citizens of the Local Community of Velagići it was announced that they could surrender their weapons at the checkpoints near ROPS on the outskirts of the town of Ključ, at the Velagići checkpoint or that they could bring it to the PSS Ključ.

285. At the time, the checkpoint Velagići-G. Sanica was manned by mixed civilian and military police forces, which was confirmed by the witness Marinko Miljević, who as a military policeman (within the Knin Corps) himself was deployed at this checkpoint. The reason for this joint activity of the military and civilian police, according to one of the policemen of the PSS Ključ, witness Željko Radojčić, lied in the fact that at the time various military formations were present in the municipality which were not under jurisdiction of the civilian police that could not stop and check them. Both witnesses had knowledge about the killings of the Muslim civilians who surrendered at the Velagići checkpoint after the ultimatum.

286. Among the persons who were stopped at the checkpoint, there was also the witness Mirsad Dervišević who started from his village with his father and several other locals towards the junction near the old school. On the arrival he noticed a large number of reservists and Serb neighbors wearing civilian clothes. When they spotted him they shouted: “*Here comes Mirso the taxi driver!*“, and started hitting him with an automatic rifle butt, asking for money. Dujo Vejin took him to the person whom they addressed as the commander, and introduced the witness to him saying that he: “*Smuggled foreign currency bank notes and bought weapons for the SDA with that money.*“ At that moment, according to the witness Dervišević, he saw buses approaching, and among the crowd he

noticed the witness Atif Džafić with his hands tied behind his back. A *Golf* police vehicle escorted the bus, driven by Simo Vujičić, an active police officer of the PSS Ključ. Simo Vujičić then addressed the person they addressed as the commander, telling him that the witness should go with him for interrogation to the PSS Ključ, which was a decisive act for the witness Dervišević who explained “*had I stayed in Velagići, I would have been killed like the others.*“

287. The residents of Vojići, Nezići, Častovići and Hadžići were also called into the primary school in Velagići, while the witness Hasan Salihović had been tasked beforehand to visit the villages and register the population, and inform the Serb Army Command thereof, more specifically Dujo Vejin. On that occasion he called men to the assembly point near the school where all able-bodied men were supposed to report in order to allegedly obtain movement permits. The protected witness A, who started from the village of Gornji Hadžići to the assembly point, describes that after arrival in front of the school they waited for the residents from other villages to arrive. Then they were ordered to form a column one after another and throw their money in front of them, which the witness A did. At that moment he spotted a police container and a military dug-out on the junction.

288. According to the witness A, two men approached them and separated Ramiz Zukić, Husein Bajrić and Husein Fazlić and took them to the container where they made Ramiz take his clothes off and then jumped on him. The witness was able to see it although they were ordered to keep their heads down and look at the ground. Thus he was able to see Miso Todorović, a former colleague, and also Zoran Zvizdac who arrived with a notebook, walking from one to another and putting down their names. He was followed by Željko Radojčić, who was witness’s school mate and a member of police reserve forces, and two soldiers who cursed “*balija's mother*“ saying that Muslims were planning to create a “*Jamahiriya*“, while one of them cursed witness’s mother and dashed toward him to kill him with a knife, but in response the witness A shouted that he should not do that because he was not guilty of anything and the soldier walked away cursing, and went to the previously separated Ramiz Zukić and others. Some men were bussed to Ključ, while others were detained in the school on the first floor, where at one point there were as many as 80 people detained there.

289. Based on the testimony of this witness and the witness Marinko Miljević, the Court concluded that all assembled men were wearing civilian clothes and that between 22:00 and 23:00 hours buses were brought to transport them to Ključ. Some people were transferred to Ključ, but the rest were killed. The execution of civilians was described by the witness A who was taken out with other persons, where they were lined up in a column 2x2, and subsequently the shooting started, which the witness A survived. He continued hiding in the woods, until he was threatened to surrender or his family would be killed. Even then the witness did not admit that he survived the shooting. The Exhumation

Record adduced into the documentary evidence³⁷ indicates that the bodies of the executed civilians were transported the following day to Lanište II where they were buried in a mass grave, and the school was blown up so as to clear the traces of the crime.

290. Based on the foregoing evidence, the Court inferred that at the time of perpetration of the crime army and reserve police officers were present, while the eye-witnesses are not able to precisely name those who executed the civilians. The witness Marinko Miljević noticed the Commander Amidžić among the soldiers who “*begged the person who was shooting not to kill the men.*” Asked why he did not prevent them from doing so, if he was a commander, the witness did not reply, which leads to a conclusion that he was perhaps not in charge of those who carried out the killings.

291. Nevertheless, the presence of the platoon under command of Goran Amidžić at the crime scene is still considered inculpatory, thus on 5 June 1992 a criminal report was submitted³⁸ to the Military Prosecutor's Office in Banja Luka, describing the incident with the participation of Mile Petrović and Ratko Samac who shot six civilians and who were then removed from the crime scene by the 2nd Lieutenant Goran Amidžić himself who ordered that the bodies of the six civilians be relocated, some ten meters from the school. As the report further alleges, shortly afterwards, the 2nd Lieutenant Amidžić went to Ključ, which was followed by a commotion between the prisoners and persons who secured them, which eventually resulted in the opening of fire from firearms, which is when the rest of the detained civilians were killed.

292. The report further alleges that after the incident, the Head of PSS Vinko Kondić and the Brigade Commander Lieutenant Colonel Vukašević arrived at the crime scene and ordered that the transport of bodies be organized by trucks of the engineering unit to the woods on the road to the village of Gornji Budelj, which was done the following morning.

293. The presented evidence incontestably shows that the incident took place and that members of the military police of the Krajina Corps participated in it, while the civilian police undoubtedly had some tasks in gathering the population and their transport to the PSS Ključ, however the Panel did not analyze its role in detail, since the criminal proceeding against Vinko Kondić had been severed.

294. On the other hand, the presence of the military police commander Goran Amidžić and the Brigade Commander Vukašević at the scene during and after the crimes, rules out by hierarchy the responsibility of the Accused Boško Lukić and Marko Adamović for the

³⁷ Prosecutor's Office of BiH, Exhibit No. T-451- 452.

³⁸ Prosecutor's Office, Exhibit No. T-167.

crime. Even the Commander of the 3rd Infantry (Ključ) Battalion, Branko Ribić, was not present at the scene, which was confirmed by the witness Mirsad Dervišević who knew him from before. The presence of any member of the 3rd Infantry Battalion Ključ was also not proven. In addition, based on the presented subjective evidence, at the time the Accused were neither seen near the execution site, nor could they be associated with the units which committed the crime as described in the Section 3 of the Operative Part of the Verdict.

4. Section 4 of the Operative Part of the Verdict – killings of civilians in the attack on the village of Prhovo

295. Count 4 of the Indictment charges the Accused with the maltreatment and murder of a number of residents of the village of Prhovo, stating that on 1 June 1992 the Serb Army, together with the Accused Marko Adamović, dragging Hamdo Islamagić tied to a personnel carrier, entered the undefended village of Prhovo, expelling residents from their houses and ordered them to gather in front of a shop in the village. After they acted as ordered, they forced them into a yard of a house of Abid and Karanfil Osmanović and subsequently started beating and separating men, and on that occasion they killed a minimum of 7 people. Then they separated a number of men, including the minors, and started marching them out of the village, having opened fire at the women, children and elderly who stayed in the courtyard, from various pieces of arms, killing a minimum of thirty of them on that occasion.

296. The Defense did not contest the crime in the village of Prhovo during the proceedings, but it did deny any participation of the Accused in the perpetration of the described crimes or their ordering.

297. The Panel notes that the Prosecution unclearly formulated the manner of participation of the Accused Adamović, using the term “*the Accused with the army*“, failing to specify his capacity on the given occasion and the manner of his participation in the perpetration of the crime.

298. The following witnesses were heard about the mentioned circumstances: Sadeta Medanović, Nermina Medanović, Hamida Hadžić, Senad Medanović, Kana Mešić, Nevresa Mešić, Edin Hadžić, Alem Hadžić, Elvir Jusić who described in detail how the population of Prhovo was assembled and how some individuals were killed on the spot,

while some men were taken toward Peć. The bodies of 15 men from that group were subsequently exhumed from the Ciganska Dolina mass grave.³⁹

299. In the course of the proceedings the date of crimes in the village of Prhovo appeared to be disputable, as well as the presence of the Accused Marko Adamović, having in mind that the Serb Army visited the village a couple of times and maltreated residents prior to the crime against the civilians in the village of Prhovo on 1 June 1992.

300. According to witness Elvir Jusić, the army first came to the village on 29/30 May 1992 and assembled all men in the village because they had allegedly found a rifle grenade in the house of Ćamil Medanović, whom they beaten up later on. Then they ordered him to call by megaphone all those who were hiding in the woods to come out to the assembly point, which was the shop of Šefik Medanović. The witness learned later on that the soldiers had allegedly found some blank territorial defense forms in the house of Bajro Hadžić, thus they beat up Šefik, Isak Mešić, Halil, Tufo and his brother near the shop, while the rest of them were marched to a meadow. On that occasion they fired a hand-held rocket at the house of Hajro Hadžić and left the village in a column.

301. Unlike this witness, the witness Alem Hadžić, who lived in Prhovo, decisively claims that it was in fact 31 May 1992 when the army maltreated the people in the described manner, and that they were “led” by Adamović whom he knew well from before. However, even this witness in his further testimony added that on that occasion the Accused Adamović did not have any insignia or any rank, or issue orders, thus it is unclear as to how the witness concluded that the Accused led the army. The witness further specifies that on that occasion they beat up Ćamil Medanović, Ćazim, son of Ekrem, Tufo and his brother Šefik, who was killed later on in Peći, but he underlined that on that day, 31 May 1992, nobody was killed. The witness Senad Medanović also added that on that day the soldiers entered the village by personnel carriers from the direction of Plamenice, and he also saw military vehicles towing an anti-aircraft machine-gun or anti-aircraft gun, which is when he ran with his two brothers via Suknovići to the woods. After he came back, he learned that his brother Ćamil was beaten up.

302. A number of witnesses recognized the Accused Adamović in the village on 31 May 1992, when the soldiers dragged to the village Hamdo Islamagić tied to a personnel carrier and on the occasion when the villagers were again assembled in front of the shop of Šefik Medanović. On the same day, and prior to the described incidents, witness Muharem Islamagić, too, saw the Accused Adamović. He was stopped at the junction of Bešići-Krantići-Humići and on that occasion they tied his brother to a personnel carrier and

³⁹ Prosecutor’s Office of BiH, Exhibit No. T-451- 452.

dragged him to the village of Prhovo. According to the witness, it was done by some Goran and Zoran, members of the military police. On that occasion the witness also met at the junction Radenko Kuburić, who could not help him, explaining: “*Adamović is in the vicinity*“. The witness also confirmed that he saw him leaving by a personnel carrier and a truck to Prhovo. During the testimony Šefik Medanović first claimed that on that day “*Marko was lord and master*“, that is, that he was in charge of the army, whereas the next moment he stated that for sure the Accused Adamović was commanded by Drago Samardžija, because “*somebody had to do that.*“

303. According to the protected witness C, on the day when the army was passing by, the Accused Marko Adamović said: “*Neighbors, don't be afraid*“, and suggested that the elderly should sit in the shade of a tree until the army is gone. The Accused did not contest his presence in the village on 31 May 1992.

304. Accepting the testimony of the witnesses in this part, the Panel concluded that the Accused Adamović was present when the army maltreated the residents of Prhovo in the described manner, but it does not find proven that at the time he commanded the units who did so. Namely, it ensues from the witness testimony that on that day military police entered the village by their vehicles, towing an anti-aircraft machine-gun or anti-aircraft gun, while for the purpose of identification of the units to which other soldiers belonged and who were seen by the witnesses in the village, the Prosecutor did not offer any evidence, nor did the other presented evidence indicate that the Accused Adamović had any commanding role in the incidents, since formationally he could not have such a role as the Deputy Battalion Commander, in particular because it was not at all proven that members of the 3rd Infantry Battalion participated in the maltreatment.

305. In other words, the Panel does not find as inculpatory the presence of the Accused Adamović in the village on the day when some locals were maltreated, because the Prosecutor failed to prove which units committed that or the relation between the units and the Accused, while his presence on the scene itself, in the opinion of the Panel, cannot *per se* be considered as a contribution to the perpetration of the offence without clear and undisputable cause and effect relations.

306. None of the witnesses said that the Accused acted violently or that he beat or robbed anyone at the time when he was indisputably present in the village. The protected witness C stated that after these incidents, invited by the Accused, he went to his place for grass cutting, and that after that he offered them lunch, while the Accused bought an ox from the witness Bedrudin Brkić.

307. After this event, a large number of civilians were killed in the village of Prhovo on 1 June 1992.

308. In his defense the Accused claimed that on that day he attended a meeting of the Crisis Staff in Ključ and that he learned from one Vlado Atijas, Commander of the Corps Military Police, that military policeman Marković had been killed in Prhovo, and that it was the reason why it was decided to kill civilians. The arguments of the Accused were supported also by the witness Rajko Kalabić. According to the Accused, on the given day he was called to report to the Crisis Staff because an order was received to form the town command, and his attendance at the meeting was also confirmed by another participant in the meeting, the witness Rajko Kalabić, who said that the Crisis Staff meetings were often held in the office of Jovo Banjac, which were on several occasions attended also by the Accused Adamović. At one such meeting, as the witness recalls, the Military Police Commander entered the room evidently upset and immediately started crying, saying that one of the military police members got killed in the village of Prhovo and that the Commander *lost control* and that women and children were killed.

309. This was also confirmed by the witness Slobodan Jurišić, who participated in the meeting and subsequently learned that the killed soldier was one Miodrag Marković, a military police member, which was supported also by documentary evidence filed into the court record.⁴⁰

310. The Panel could not find if the testimonies of the Accused and the witness Rajko Kalabić were absolutely true, given that the Minutes of the Crisis Staff meeting dated 1 June 1992⁴¹ do not indicate who attended the meeting on that day, but it is incontestable that members of the military police were in the village of Prhovo on the day of the crime.

311. The Panel evaluated other subjective evidence along those lines to establish if the Accused Adamović was in the village of Prhovo on 1 June 1992 when the crime was committed.

312. According to the evidence given by witness Kana Mešić at the main trial, on the given day some army and a civilian vehicle arrived in the village and among them she recognized the Accused Marko Adamović who was her brother's teacher of before the war. He was standing in front of the shop owned by Šefik Medanović, which was ordered to be an assembly point, and then the maltreatment of the assembled people started as well as the separation of men, while women were standing there, facing the house of Abid Osmanagić, with their hands above their heads. According to the witness, the Accused then singled out Sadeta Medanović, forcing her to call members of the Green Berets to surrender by a megaphone, threatening that if they had failed to do so, he would have the entire village killed. He gave the same order also to Halil Medanović.

⁴⁰ Defense for the Accused Marko Adamović, Exhibit No. OII- 1.

⁴¹ Prosecutor's Office of BiH, Exhibit No. T-229.

313. According to the witness, shortly afterwards, they singled out her son Isak, commenting “*Look at Alija's army!*” and then they took him to the garage, beating him up. Then Marko Adamović ordered that 5 men be separated and executed. They killed them 5m from the place where the crowd was standing, and the Accused commented all that by saying: “*God bless their souls!*”. Then the army withdrew, taking several men away, and after their departure a shell detonation was heard, which landed in the crowd, and then everybody started running to the woods.

314. At the main hearing the witness Kana Mešić categorically claimed that she saw the Accused Adamović on 1 June 1992 in Prhovo, although she did not mention him during the investigation⁴², saying that it was an unidentified soldier who said “*God bless their souls*” after the execution of the men. On the contrary, her son, witness Nevres Mešić, claims that his mother kept mentioning the Accused Adamović as a perpetrator of the crime in Prhovo, thus the Panel finds it even more strange as to why she did not mention him as a perpetrator of the horrible crimes already during the investigation. On the other hand, describing the incidents of the previous days, when a hand-held rocket was launched on the house of Hašim Hadžić, the witness did not mention Adamović although the presented evidence suggests that he was present there, thus the Panel could not accept her evidence as reliable.

315. The witness Sadeta Medanović, who, according to the witness Kana Mešić, was ordered by the Accused Marko Adamović to call Green Berets by megaphone, claims that on that occasion she was addressed by a well-built man with blue eyes whom she saw with the army even before the incidents, but she did not recognize the person in the courtroom. This person who addressed her had a uniform with rank patches (four stars), he approached the witness Hamid Hadžić, hit him with a rifle in the shoulder and ordered him to join the column moving toward Peći, adding that one of his soldiers was killed. However, it cannot be found beyond a reasonable doubt also from the testimony of this witness that the person who gave the orders to call Green Berets and who maltreated the crowd was the Accused Marko Adamović. Apart from the evident distinction in the physical appearance, there is no consistency between the testimony of this witness with the testimony of the witness Alem Hadžić, who stated that the Accused did not have any insignia or ranks during his previous visit to the village.

316. Unlike the witness Kana Mešić, the protected witness C claims that on 1 June 1992 he did not see the Accused Marko Adamović with the troops passing through his village, and he clearly recalls that the soldiers said that they were heading to Prhovo because three

⁴² Prosecutor's Office of BiH, Exhibit No.T-66.

soldiers were killed there, and he clearly recalls the following day when the refugees from Prhovo arrived in his village, describing the massacre committed in the village.

317. The Accused Marko Adamović was not confirmed to be in the group of soldiers who took the captured men to the village of Peći. Witness Elvir Jusić, who was in the group of separated men, describes that half way a military vehicle got stuck and the soldiers ordered them to pull it out. After a couple of unsuccessful attempts, one of the soldiers said: *“Kill the dogs!”* and then bursts of fire were opened and the brother of the witness Elvir Jusić was killed on that occasion. At that moment the witness Edin Hadžić threw himself among the bodies and then the Accused Adamović said: *“the living should raise, and the dead should be shot again!”* However during cross-examination the witness Hadžić explained and stated that he did not recognize the Accused Adamović on that occasion, and that he did not know him at all back then, but subsequently learned from someone that it could have been him. He also said that he did not know what unit executed several men on the road to Peći, but he believed that the name of the person who was shooting was Siniša.

318. Witness Elvir Jusić also recalls that on that occasion he heard that one of the soldiers said by Motorola that soldier Marković had been killed and that at the same time he ordered that the entire village should be killed. The man who issued the order was dark and tall, and the witness pointed out that he did not recognize the person in the courtroom, although he remembered well his looks.

319. The suspicion in the presence of the Accused Adamović in the village on 1 June 1992 is also raised by the statements of other witnesses, which are completely imprecise and ambiguous. The analysis of their testimony indicates that some witnesses (like Kana Mešić) did not mention the Accused Adamović at all during the investigation, which is rather strange having in mind that they claim he had a commanding role. Other witnesses (for example Muhamed Kozarac) explains that he mentions the Accused because he is aware that the proceedings are pending against him. Most of the witnesses have only heard from others that the *massacre* in Prhovo was committed by *“Marko's army”*, such as witnesses Hamid Hadžić and Nermina Medanović, who had heard that from the witness Kana Mešić.

320. It is evident from the witness testimony that they associate the incident when the Serb army was dragging Hamdo Islamović tied to a personnel carrier with the incident of 1 June 1992 (witnesses Kana Mešić and Hamid Hadžić), while some of them consider that it happened a day before, that is, on 31 May 1992. However, most of the witnesses, including the protected witness C, Salko Krantić, Radenko Kuburić, associate the presence of the Accused Adamović in the village with the army, with the previous day, which the Panel accepted as relevant and established, recognizing and accepting that the confusion

and uncertainty of the witnesses is a result of traumatic circumstances and frequent raids of the Serb army in their village, for which they lived in fear for their lives, hiding in the woods. It is understandable that such a state of fear and uncertainty changed their perception of the sequence of the described incidents, which undoubtedly did occur.

321. In addition, it is completely clear that it is irrelevant for the residents who survived the tragedy on 1 June 1992 which army and on what date arrived in the village because all those who maltreated them were enemy's Serb army. However, this issue is rather important for finding the responsibility of those persons who really committed the crimes and the Court has to find that beyond any reasonable doubt.

322. So, taking into account all contradictions in the witness statements, based on the testimony of most of the witnesses the Panel concluded that the presence of Marko Adamović in Prhovo at the time of the crime on 1 June 1992 has not been proven. Also, in that context, during the proceedings the Prosecutor did not prove which units attacked the village. In that regard witness Radenko Kuburić stated that those days, apart from the military police, also present in the area of Prhovo were sabotage and reconnaissance units from Drvar: *“hardly anybody knows what army they belonged to, they wore black scarves and multi-colored green uniforms“*, while the witness Milorad Hrgić also claimed that he never learned what army was in that location and what caused the killings. Accordingly, no cause and effect relation could be established between the Accused and the mentioned units, and consequently his guilt of the committed crimes.

323. In addition to evidently illogical witness testimonies, the question is raised as to why the Accused Marko Adamović would, on one occasion, order the witness Radenko Kuburić to guard women and children in Vukovo Selo, *“to make sure that nobody touches neighbors“*, and then order the execution of the same civilians on the other. Or, why the witness would on one occasion in the village, according to the witness C, tell the assembled people to go to the shade because it was too hot, and immediately after that ruthlessly order the beating up and killing of people. The witness Salko Krantić also described that an army was passing by from Vukovo Selo and maltreated the locals, and the Accused was telling them not be afraid, and in doing so, in the opinion of the Panel, the Accused attempted to dissociate from the actions of the army of which he was not in charge.

324. The Defense witness Boro Kosić, who was a driver in the Brigade rear unit, testified about how the Accused Adamović treated Muslims, stating that upon the order of the Accused Adamović he drove one Dr. Omer to Banja Luka and one Ekrem Draganović to Serbia, because they allegedly had problems with leaving Ključ, thus the Accused wanted to help them. This witness, who was in the Accused's company, describes also the situation when, driving to Pudin Han, they ran unto women who waved at them because

one was about to deliver a baby, thus the Accused told the witness to immediately drive the women to the Ključ hospital.

325. Having in mind the capacity of the Accused Boško Lukić at the time of the crime, and that the Prosecutor did not present any evidence to undoubtedly associate him with the incidents in Prhovo, the Panel did not find him responsible for the acts described in Section 4 of the Operative Part of the Verdict.

5. Section 5 of the Operative Part of Verdict – gathering at the school in Donji Biljani, and driving away and execution of some 219 civilians in unknown locations

326. This Count of the Indictment charges the Accused Adamović and Lukić with the incidents of 10 July 1992, when soldiers entered the undefended villages and hamlets of the Ključ Municipality - Donji Biljani, Botonjići, Domazeti, Brkići and Jabukovica, with the police assistance, and brought all men whom they found there without any legal ground to the premises of the primary school in Donji Biljani, where the police registered the captives, and then they were taken out and killed. Some of the men were loaded onto buses, taken in an unknown direction and killed, while some were hunted down and killed at various locations in the mentioned hamlets, on which occasion at least 219 persons were killed that day, whose bodies were exhumed from the mass graves of *Lanište* and *Crvena Zemlja*.

327. During the proceedings the Defense did not contest that these incident took place, but it did contest any involvement and contribution of the Accused to the incidents.

328. The Prosecution witnesses Lazo Kričković, Feriz Dervišević, Mujo Čajić, Makbula Mešanović, Dragan Vukić, Šemso Džaferagić, Ismet Zukanović, Ahmet Crnolić, Mile Radulović, Asim Vučkić, Naila Botonjić were examined about the incident in Gornji and Donji Biljani on 10 July 1992. Based on the consistent testimony of these witnesses the Court reliably inferred that on the given day members of the army and police surrounded the settlements of the village of Biljani, which was followed by the searches and taking of Muslim men to a school in Biljani, and that on the same day some of the men were killed.

329. The Panel notes, emphasizes and infers: the Indictment, using the formulation “*the army assisted by the police*“ unclearly states the participation of the Accused Adamović and Lukić, that is, the Indictment failed to specify the capacity in which the Accused acted and the mode in which they participated in the perpetration of the offence.

330. The witness Dragan Vukić, who was at the time a member of reserve police forces, confirms in his testimony that on that day the *mopping up of the terrain* was conducted and that his neighbor Hamdija Čehić was killed. He saw dead bodies of people behind the

barn and recognized Smail Avdić among them. The witness recalls that the bodies were scattered all around. In the location behind the school in Biljani he saw three or four bodies, and he confirmed that the army and police brought in civilian men and held them in the primary school in Biljani.

331. Other names witnesses for the Prosecution, to whom the Court gave credence, confirm that the army and police forced men out of their houses, and marched them to the primary school in Biljani, where around 200 men were detained and where as the survivor Šemso Džaferagić alleges, as well as other witnesses, men were registered and some of them were taken out of the school and killed in the vicinity, while some were bussed to an unknown direction. The witness “B“ was among them, who alleges that the overcrowded bus started towards Ključ, and then after a 50-meters' drive the bus driver said that because of that the number of passengers had to be reduced. The witness “B“ was among five men who were taken out and who was taken behind a house escorted by two special force soldiers, and when they saw bodies there, they took flight and the soldiers opened fire at them.

332. The witness “B“ started running with one Besim until Besim fell, fatally shot in the back, and the witness „B“ also fell next to him. While he was lying, he heard the shouts *“the one on the right in a multi-colored T-shirt is still alive“*, and then he heard the fire bursts and calls from the bus *“Come on you two, we have to proceed to Ključ“*. Having reviewed the Exhumation and Identification Record, and the list of persons brought in the school in Biljani on 10 July 2011, the Court established that all these persons were found in the mass graves Lanište I, Crvena Zemlja I and Crvena Zemlja II⁴³.

333. The review of the Prosecution documentary evidence, that is, the Order of the Commander Drago Samardžija dated 9 July 1992⁴⁴ and his Report dated 11 July 1992⁴⁵, indicates that Drago Samardžija informed the Command of the 2nd Krajina Corps that the previous day the village of Biljani was searched and mopped up, and the Panel concludes that it was the incident for which the Accused Marko Samardžija was convicted by a final Verdict before this Court, who at the time acted in the capacity of the Commanding Officer of the 3rd Company of Sana Battalion within the Command of 17th Light Infantry Brigade Ključ.

334. Apart from that, the Defense for the Accused Marko Adamović claimed that as of 20 June Marko Adamović was no longer in the area of the Municipality of Ključ, which

⁴³ Prosecutor's Office of BiH, Exhibit No. T-451- 452.

⁴⁴ Prosecutor's Office of BiH, Exhibit No. T-187.

⁴⁵ Prosecutor's office of BiH, Exhibit No. T-455.

was confirmed by the Defense witness Cvijo Popović, thus the Defense notes that the Accused cannot be associated with incidents that happened after that date.

335. Namely, according to the Defense witness Cvijo Popović, on 20 June the Accused Adamović was deployed to the region of Magajdol within the Tactical Group 2 (TG 2). However, contesting this testimony, the Prosecutor in rejoinder presented as evidence a number of Orders⁴⁶ indicating that even on 29 June 1992 the 3rd Infantry Battalion to which the Accused Adamović belonged was not within the structure of the Tactical Group in Magajdol, which is why the Court finds the evidence of this witness unconvincing and directed to facilitating the position of the Accused Adamović in the criminal proceeding.

336. Also, reviewing the submitted physical evidence in rejoinder the Panel found that by the Order by the Commander of the 2nd Krajina Corps, Col. Grujo Borić, dated 16 June 1992, the Tactical Group 1 (TG1) was formed of the units of the 1st Drvar Brigade, including: a part of the Command of the 1st Brigade, the Command Headquarters, the 1st and the 2nd Infantry Brigades, howitzer 105 mm and a part of the rear company, and that the 1st Class Captain Cvijo Popović was appointed the Commander. This tactical group was formed for the purpose of the Pliva 92 Operation and, having reviewed this evidence, the Panel found that the units of the 17th Light Infantry Brigade Ključ were not at all included in the Tactical Group 1 (TG1).

337. The Panel also found that the specific information about TG 2, which was in the region of Magajdol, stems from the Regular Combat Report dated 25 June 1992⁴⁷, sent to the Command of the 2nd Krajina Corps by the Commander Cvijo Popović. The report states that the morale in the unit is problematic and that the units requested to be relieved from their positions on the front lines. This was forwarded through the Report dated 29 June 1992, sent by the Commander Grujo Borić to the VRS Main Staff. The Panel notes that the presence of the units of the 17th Light Infantry Brigade Ključ within TG2 was not mentioned at this time period.

338. A Regular Combat Report sent by the 2nd Krajina Corps to the VRS Main Staff supports this conclusion, confirming that on 1 July 1992 the units of the 17th Light Infantry Brigade Ključ were still stationed in the broader region of the municipality of Ključ.

339. More specifically, the mentioned documentary evidence raises suspicion of the testimony of the witness Cvijo Popović and contest the Defense's argument that the Accused Marko Adamović and parts of the 3rd Infantry Battalion were no longer in the

⁴⁶ Prosecutor's Office of BiH, Exhibit No.T-455.

⁴⁷ Prosecutor's Office of BiH, Exhibit No.T-455.

area of Ključ municipality after 20 June 1992. However, based on the presented objective evidence the Panel was unable to conclude beyond any reasonable doubt that the Accused Boško Lukić and Marko Adamović participated in the perpetration of the crime described in Section 5 of the Operative Part of the Verdict, nor did the witnesses heard associate them with it in any way.

6. Section 6 of the Operative Part of the Verdict

340. The participation of the 3rd Infantry Battalion (*Ključ*) in the operations that followed the shelling of the villages and settlements of Ključ is described in the foregoing part of the Verdict⁴⁸, thus the Panel in its further discussion refers to that part and recalls that it has not been proven that the Accused Lukić and Adamović participated in any way in the searches of houses, disarmament, unlawful arrests and imprisonment of civilians.

341. This Count of the Indictment included the subsections 6.a) through 6.f). However, the Panel notes that the Indictment failed to specify the capacity of the Accused in which they acted and the manner in which they participated in the perpetration of the described crimes. Truly speaking, the Prosecution uses the term “*the Ključ Battalion of the Territorial Defense, that is, the 17th Light Infantry Brigade in coordination with the Police*“, which is not sufficiently precise, if one takes into account that the Accused had different capacities and authority in the time period covered by Count 6 of the Indictment⁴⁹, which the Panel took into account while deciding on every subsection.

(i) Section 6 a) of the Operative part of the Verdict – stop at the ROPS checkpoint, and detention in the ŠIP warehouse and driving people to the Nikola Mačkić Primary School in Ključ

342. This Count charges the Accused with the incidents that followed the shelling of the settlements of Pudín Han and Velagići dated 27 May 1992, when the residents of the Hadžići, Vojići, Hasići and Nezići hamlets were ordered to leave their houses and assemble in front of the Velagići Community Center. Later on they were ordered to go in front of the Public Security Station in Ključ. Some of them were stopped at the ROPS checkpoint and deprived of liberty and taken to the ŠIP Warehouse, where personal belongings were seized from them, the men were separated and registered and then over 200 of them were detained on the premises of the *Nikola Mačkić* Primary School in Ključ.

⁴⁸ See part 3. which refers to the incident in the area of the municipality of Ključ, item g) of the Reasoning of the Verdict.

⁴⁹ The capacity of the Accused in the time period covered by this Count of the Indictment is presented in detail in the Chapter VI of the Reasoning of the Indictment.

343. A number of Prosecution witnesses were heard regarding the circumstances under this Count, including: Fahrudin Ćemal, Enes Salihović, Ramo Duranović, Latif Salihović, Hasan Salihović, Witness A and Marinko Vejin who confirmed the facts from this Section of the Operative Part of the Verdict.

344. The Defense did not contest that the described incidents took place, but it denied any participation of the Accused Adamović and Lukić in them.

345. The mentioned witnesses consistently confirm that the residents of Pudín Han and Velagići after the shelling were out of their minds having seen the dead and wounded civilians and that after the ultimatum to surrender, which was set by megaphone, they started toward the checkpoints to surrender. A number of persons were stopped at the checkpoint near ROPS, including the witness "A", who recognized one Vejin at the checkpoint, an active policeman who was standing together with a reserve policeman, and the witness A told them that he was on his way to the PSS Ključ after he received a call.

346. The allegations of these witnesses were also confirmed by the members of the PSS Ključ, the Prosecution witnesses Marinko Vejin and Lako Aničić, who stated that members of the active and reserve police forces were manning the checkpoint, and often members of Red Berets, too.

347. Other witnesses examined on this circumstance also confirmed that men were separated from women in that place without any explanation, and that on that occasion they were interrogated by the reserve police. Witness Hasan Salihović recognized the reserve police officer Todo Gajić, and according to the testimony of the witness Latif Salihović, people were transported from that checkpoint to Ključ and detained in the Nikola Mačkić Primary School, where they were subjected to torture, physical and mental maltreatment.

348. In other words, based on the testimony of the mentioned witnesses, to whom the Court gives full credence because they testified in the same manner about the given incident, and their evidence was not brought into question by any other presented evidence, it is entirely clear that members of active and reserve police forces were manning the mentioned checkpoints and participated in the collection of people at the checkpoints, however it has not been proven whether or not the 3rd Battalion operated with them, nor could the actions described under Count 6.a) be associated with the Accused in any other way.

(ii) **Count 6 b) of the Indictment – interrogations in Primary School in Humići and murders in Vukovo Selo**

349. The Indictment alleges under this Count that around 28 May 1992, *the Ključ Battalion of the Territorial Defense, that is, the 17th Light Infantry Brigade, in a coordinated action with the police*, having shelled undefended villages and settlements of Ključ inhabited by non-Serbs, took and furthered the persecution of the population, called them to surrender and lay down their arms, imprisoned men in primary schools, murdered and forced them out of their homes, deported and forcibly transferred the population, unlawfully destroyed and misappropriated property, none of which was not justified by military needs.

350. The Defense did not contest these incidents, but denied any involvement of the Accused therein.

351. As it has already been described⁵⁰, after the shelling of Pudín Han the locals fled to Vukovo Selo where the Serb army came later to negotiate. On that occasion, according to witness Zaim Smajić, the army assembled a number of people, himself included, and he saw that one of the soldiers attempted to push Šefik Čajić, and when he resisted, a soldier asked: “*Commander, shall I kill him?*“, and after the Commander’s response “*Kill him!*“, the soldier shot Čajić in *the belly*.

352. During the trial the witness Zaim Smajić explained that on that day soldiers wore olive green, canvas and blue uniforms, and that he recognized Duško Berić among them, teachers Bulać and Ratomir Kukulj, but he did not know if the Accused Marko Adamović and Boško Lukić were present there, because he did not know them then. Later on an ambulance and a personnel carrier passed through the village and then the army ordered the Šehići residents to go back to the village and to report to the checkpoint near the house of Marko Došan in Došani on the way back, and that the residents of Vukovo Selo should stay.

353. Witness Mimka Brkić described the incident in a similar fashion, saying that soldiers wore olive green uniforms made of homespun and uniforms made of canvas, and she also saw the Bijeli Orlovi insignia on some of them. They said that they would do no harm to them and that they should keep their hands in the air. They kept the gathered residents at gun point while the column was passing by and at that moment one soldier in a dark blue canvas uniform with a white belt approached her brother, asking him where his weapon was, and then he punched him and threw him over the fence, asking him where he was running. However, the witness pointed out that her brother was disabled and that he was not able to run away.

⁵⁰ The shelling of the settlements of Pudín Han and Velagići was described in the part B/3/f) Implications on the municipality of Ključ.

354. When her brother stood up, according to the witness Brkić, she saw that his mouth was bleeding and heard soldier ordering him to stand aside. She saw the soldier approaching Šefik Čajić and asking him about his weapon and when he responded that he did not have any and to prove that he took out of his pocket a knife, piece of bread and onion, the soldier, rolling the leg of his trousers told his Commander, "*Commander, he has just stabbed me!*" showing where he was allegedly stabbed, and where there was no injury whosoever. Asked by the soldier: "*What shall I do with him?*", a person whom he addressed as the Commander said "*Kill him!*" In the circumstances surrounding this incident the witness did not mention or claim that the person whom soldiers addressed as the *Commander* was the Accused Marko Adamović.

355. The witness further testified that Čajić fell near the road, giving no signs of life, thus the soldiers who were passing by "*emptied magazines of bullets into his body*". Subsequently, loaded trucks, personnel carriers and ambulances passed by and after their departure, in the column that followed, she saw the Accused Marko Adamović and Boško Lukić, who used to be a teacher in Velagići. According to the witness they did not say anything, they were only observing, and one of the soldiers addressed them saying: "*Don't be afraid, the guys that have just passed by are Montenegrins, we have nothing to do with them!*". She saw on that occasion that the Accused Adamović had an olive green uniform and some stars on the shoulders and on the pocket.

356. Having analyzed the testimony of witnesses Zaim Smajić and Mimka Brkić, the Panel inferred that the Accused Marko Adamović was not the person whom the soldiers addressed as *the commander*, since witness Brkić's testimony suggests that the Accused came to the village in the aftermath of the described incident in which Šefik Čajić was killed.

357. Nafa Smajić testifies about the murder of her brother Hamer Ljutić on the same day, who stated that after the army entered the village she saw the Accused Adamović among the soldiers. On that occasion the men were standing on a meadow and then they took her brother and a few others to a school for interrogation. The Accused Adamović took away her brother, promising that he would bring him back, and he did so, but after that he was again taken away by three soldiers in olive-green uniforms and her brother never came back. After that her mother found the body on the Ljutića Brdo, which had scars suggesting that they extinguished cigarettes on it.

358. Witness Senad Pervić testified about the murder of Muharem Ljutić, his brother-in-law. He said that on the given day the victim was on Ljutića Brdo, where he had some land, which he had to mow. To his recollection, some time in early June JNA trucks and personnel carriers passed through the village of Humići where he lived, heading to Ljutića

Brdo, where in the evening hours the bodies of Hamer and Muharem Ljutić were found, which was confirmed also by the protected witness C, who was interrogated by the police in the police station if Muharem Ljutić had any weapons.

359. In her testimony witness Naifa Smajić claimed that *“Marko was in command of everybody”*, and when she was asked why she thought so, she replied vaguely *“He was the only one who said something, others kept silent”*. However, the witness was clear when she said that she did not hear that the Accused himself issued a specific order on that occasion, in particular an order that would be unlawful. Apart from that, when he took away her brother, promising to bring him back, the Accused did so, and after the witness’s brother was again taken away by three unknown soldiers, her mother found his body on Ljutića Brdo. However, it remains unclear upon whose order the witness's brother was taken away, because no evidence suggested that the soldiers were under the jurisdiction of the Accused or that they did so on his order or that the Accused could have prevented that.

360. Given that the locals knew the Accused Marko Adamović, the Panel understands that his presence in the mentioned places was striking, particularly because some of them probably expected from their neighbor to protect them from the loose soldiers who were passing by. As it has been explained before, at the time of fear and uncertainty, it was not important for the locals which military units were in the area and who was their commander, thus the people started using the term *“Marko's army”* while no documentary piece of Prosecution’s evidence supports such allegations.

361. In any case, on the basis of the presented evidence the Panel could not find beyond any reasonable doubt which units were passing through Vukovo Selo on the given day or what the role of the Accused Adamović was. Witness Radenko Kuburić claims that before the described incident he met the Accused Adamović in Točina and told him that he was going to Vukovska Brda *“...to protect women and children, making sure that nobody touches them!”* He further describes that his unit was supposed to join that army in Humići which was passing through Vukovo Selo, while he is not sure what army was concerned, but he knows that they were people from Drvar. They were wearing black scarves and multi-colored green uniforms, emphasizing that only military police had personnel carriers at the time. The protected witness C, who also described the passage of army in camouflage uniforms and their movement to Krantići and Ljutića Brdo, claims that he did not know what unit that was and who was responsible for the murders on Ljutića Brdo.

362. It evidently ensues from the testimony that most of residents of Vukovo Selo and Humići perceive the Accused as the Commander of the army which was passing by, which was denied by the witness who had better knowledge of military operations in the field, as is the case of the witness Radenko Kuburić, who did not even know what units were moving to Vukovo Brdo. In any case, the presented evidence did not prove beyond any⁹⁹

reasonable doubt that the Accused Adamović, as a member of the 3rd Infantry Battalion of the 17th Light Infantry Brigade, participated in the perpetration of the described acts.

363. The evidence presented during the proceedings does not associate the Accused Boško Lukić with the described incidents, thus the Panel could not find any causal relation between his acts and the committed crimes described under Section 6.b) of the Operative Part of this Verdict.

(iii) Section 6c) of the Operative Part of the Verdict – arrests and imprisonments in the Local Community of Sanica

364. This Section refers to the incidents which occurred in late May 1992, when all men of Donja and Gornja Sanica were ordered to surrender their arms, so the men from Donja Sanica had to come to the former railway station in Sanica, from which they were transferred to a primary school in Sanica after interrogation. Some of them were released the following day, while the majority of them were transported to the *Nikola Mačkić* Primary School in Ključ.

365. In the course of the proceedings the Defense did not contest that the incidents took place, but it did contest any participation of the Accused Adamović and Lukić in the incidents.

366. Witness Atif Džafić gave a clear and detailed description of the incidents in the settlements of Donji Budelj, the Local Community of Sanica, who stated that around 10:00 hours on 31 May the army arrived with members of reserve forces, marching residents from Gornji Budelj in a column toward the primary school in Sanica. According to him, the presence of the army, mainly composed of the local Serbs, at the time was a common occurrence in the area of Sanica. On that occasion the soldiers also called men from Sanica to join the convoy, which the witness did because he did not have a choice in the situation when soldiers were pointing their rifles at other members of the family of the person they called. According to the witness, one of the soldiers told him that the reason for gathering was an arrangement about future joint living in the area.

367. Having arrived in front of the primary school in Sanica, men were quartered in a gym and addressed by Milan Tomić, Commander of the Police Department in Sanica, telling them that interrogators from the PSS Ključ would come and that after interrogation they would release all those who were not guilty. Men in the school were secured by two members of reserve police forces. Witness Atif Džafić did not notice any members of the army in school, which was confirmed also by the witness for the Prosecution, Lazo Kričković, who said that only the police participated in the given activities, that men from Budelja were detained on the premises of the primary school in Sanica, and he added that

Vinko Kondić was nearby at the same time, that is, in the building that was previously used by train dispatchers.

368. During that time the residents were collected also in the settlement of Gornji Budelj, and taken for interrogation to the railway station premises where, according to the witness Mile Radulović, the Sanica Police Station was relocated and where both members of the army and police were stationed. This witness believes that members of the 6th Sana Brigade were there too, and two intervention police platoons from Sanica and Ključ participated in the arrests together with them. The witness is not clear why the Muslims were apprehended, but he knows that they were interrogated on the station premises and on that occasion Mehmed Harambašić, Mehmed Konjević, Hašim Babović, Rasim Omeragić, Derviš Kučuković and Damir Keranović were killed. Also, the witness knew that the murders were mainly committed by the army “*of foreigners*“, and that some of the people were killed by one *Kudra* who led the Battalion from Palanka, and they belonged to the 6th Sana Brigade. Later on it was rumored that “*Basera’s*“ army arrested people.

369. Having arrived at the railway station, young men were taken for interrogation to a railway wagon parked near the station, where they beat them up. They were subsequently provided medical care by a physician. When it was the turn of witness Huso Crnalić from the village of Biljani, he was taken to the wagon where he was interrogated by the police officer Milan Čutura about why he had not surrendered his weapon and why he had undertaken military training, to which the witness Crnalić replied that he did not have any weapon and that he responded to the training calls because he was obliged by law to do so. All the foregoing was described identically also by the witness Ahmet Crnalić.

370. Around 22:00 even these men were taken to the primary school in Sanica where they were detained in the gym where interrogations continued. There the witness Crnalić noticed more men from Sanica, who were obviously beaten up, and he personally knew some of them, like Asif Medić, Husein Harambašić, Ismet Karadžić, and others, and among the police officers who wore uniforms he recognized policemen Lazo Kričković and Slobodan Despot.

371. Around 150 men were collected in the gym, and money and gold jewelry were taken from some of them, and there were some punches and kicks, too. All the time they did not receive any food, and some complained about pains because they did not have medicines with them, which they regularly took. Tomić, who used to be subordinate to the witness Atif Džafić, said that the instructions from Ključ were expected regarding further treatment of detained persons, which in the opinion of the witness Atif Džafić could be given only by the Head Vinko Kondić. According to the witness, around 24:00 hours they were eventually taken to the primary school in Ključ, from which the witness, as well as many other able-bodied Muslim men, were transported to the Manjača Camp.

372. According to the statements of the witness Huso Crnalić, Ahmet Crnalić, Ismet Kujundžić and Esad Šulić, which are consistent in all details, and which are not in contravention of one another, which is the reason why the Court gives them full credence, the Panel is satisfied that the Police of PSS in Ključ had a decisive role in the apprehension and detention of men in the area of the Local Community of Sanica.

373. Specifically, according to the consistent witness testimonies, only the police members participated in the apprehensions in Donji Budelj, who at the same time secured the detainees in the Primary School in Sanica. According to the witnesses, there were members of the 6th Sana Brigade in Gornji Budelj, but the Prosecutor failed to prove that the units of the 3rd Infantry Battalion too were present there, or that the Accused in any way took part in those activities.

374. Apart from that, it evidently ensues from the witness testimony that the interrogations in the school were conducted by interrogators of the PSS Ključ, which the detainees knew, because they were told that “*instructions are expected from the PSS Ključ*” for their further treatment, so the question is raised as to how the Indictment associates these incidents with the activities of the Accused Lukić and Adamović.

(iv) **Section 6.d) of the Operative Part of the Verdict – attack on the hamlets of Gornja and Donja Sanica**

375. Under this Count the Indictment further describes army raids of the undefended hamlets of Gornja and Donja Sanica, Šljivari, Bašići, Domazeti, Botonjići, Gornji and Donji Budelj and Biljani, starting in late May to the end of 1992, terrorizing and intimidating people by shooting at the villages, searching houses and seizing property, setting buildings ablaze and murdering a minimum of 30 civilians.

376. As was the case with other committed crimes in the area of the Ključ municipality, during the proceedings the Defense did not contest that these incidents took place but it did contest any participation of the Accused Adamović and Lukić in those incidents.

377. Witnesses Hasiba Šljivar, Ahmed Crnalić, Esad Šulić and Šemso Džaferagić provided for a detailed and clear description of attacks on the hamlets of Šljivari, Bašići, Botonjići, Domazeti, Gornji and Donji Budelj and Biljani, where the population was intimidated and robbed.

378. The witness Ismet Kujundžić testifies that on 31 May, around 10:00 hours, 3-4 personnel carriers stopped near his house, and some proceeded to Botonjići where witness Naila Botonjić lived, who described the chaos which broke out in late May when the

Yugoslav Army was passing through the village (referring to the Serb neighbors) where she recognized Nikola Lakić, Stanko Šobet, Slavko Škrbić and others, who provoked the locals, and shortly afterwards some other army came in support. At the time, according to the witness, a personnel carrier with troops arrived and the order to transfer the population of Botonjići to Crnalići was issued and men were taken to Sanica.

379. During the period covered by this Count of the Indictment, the army came, looting houses and threatening people who stayed also in Donja Sanica, the village of Ibonjići / Šljivari, where Hasiba Šljivar happened to be in late May 1992, and testified thereof.

380. The army came to the villages of the Local Community of Sanica on several occasions, and in late May they gathered people on the road, separated women from men, whom they took to Manjača. That day Hasan Fazlić, brother of the witness Hasiba Šljivar, was taken away, and so were Muharem Šljivar, Smajo Šljivar and Mehmed Bečić from Hrustovi. Three of these six persons returned, including her brother Hasan Fazlić. After that the army often passed through the village, intimidating and robbing the population, which is the reason why, according to the witness, they fled to the neighboring Crnalići village on several times, until the village was burned down.

381. The witness Hasiba Šljivar is not sure of the date when the incident described under this Section of the Operative Part of the Verdict took place, but she recalls that the soldiers with masks entered the village of Šljivari, encircled the residents with pointed automatic rifles at them, and she noticed that along the road the same villagers were positioned who were recently returned from Manjača. She was noticed by Muharem Šljivar and addressed her by saying: "*Hasiba, have you not left yet?!*" adding, "*...women and children went down the road*". After that, according to the witness, a soldier addressed him and ordered him to kneel down, cursing and saying: "We will suck your blood", and her brother responded "*I will, Corporal, I will kneel down!*". She saw men addressing women telling them to go to Crnalići, and they would join them later.

382. The witness and other women did so, but when they were leaving they noticed in the distance that the house where they left the gathered men was burning. The witness Hasiba Šljivar further states that her sister-in-law shouted "*My Hasan is burning!*" and when they came back the following day, near the house of Omer Bašić, where the men had been gathered, they found the burned bodies of Ibrahim Šljivar, Rasim Bosnić, Rasim Kozanić and Smajo Šljivar.

383. The witness Hasiba Šljivar testifies that she did not know well the soldiers who at the time raided the village and maltreated the inhabitants, but she occasionally noticed Ranko Škrobić, son of Božo, escorted by two soldiers passing through the village, probably checking if there were any men there. Groups of soldiers would arrive in the

village by personnel carriers which they left in the village and then they would walk around, opening sporadic fire, intimidating the residents.

384. After the incident, the witness and other residents of the village of Šljivari occasionally returned, but whenever they saw soldiers looting the village, they went back to the woods. She saw that Serb neighbors and their wives came to the village, and some soldiers, whom she has heard were coming from the Kijevci village in the direction of Sana.

385. Based on the presented evidence, the Panel could not conclude exactly which army participated in looting the property and taking away the residents from the hamlets of Gornja and Donja Sanica. According to the witnesses, the army had personnel carriers and they were not wearing identical uniforms. It follows from the witness testimony that there were several military formations there, among which the 6th Sana Brigade was mentioned most frequently.

386. However, none among the witnesses who testified about the foregoing circumstances or documentary evidence associates the Accused Boško Lukić and Marko Adamović with the crimes that undoubtedly were committed, or the units of the 3rd Infantry Battalion or the 17th Light Infantry Brigade to which the Accused belonged. In addition, in the part of the Verdict referring to the formation and equipment of the 3rd Infantry Battalion of the 17th Light Infantry Brigade, it was found that it did not have heavy weaponry⁵¹, thus it remains unclear as to how and on what grounds the Prosecution charged the Accused with the described acts.

(v) Section 6.e) of the Operative Part of the Verdict – assembly on the stadium in Ključ and detention in the *Nikola Mačkić* Primary School and PSS in Ključ

387. Under this Count the Indictment alleges that Muslim and Croat residents of the Ključ proper were ordered via Radio Ključ to assemble in determined locations such as Halinovsko Vrelo and the football stadium in Ključ, which they did out of fear, and then they were subsequently interrogated, and some individuals were requested to admit their responsibility for their membership of a political party, and some men were detained in the Nikola Mačkić primary School without any rights and PSS Ključ, where their physical and mental abuse continued.

⁵¹ The mentioned conclusion has already been explained in the part of the reasoning of the Verdict with respect to Count 2 of the Operative Part of the Verdict.

388. During the proceedings the Defense did not contest that the incidents took place, but it did contest any participation of the Accused in those incidents.

389. After searches and arrests of residents started in the Ključ proper, under the pretext of calming down the disturbed security situation, sometime in early June 1992 the residents were ordered to abandon their houses and gather at the stadium, according to the witness Senada Turkanović, who headed in that direction with her family and other residents of the settlement of Bebići, Mehmedagići and others, around 1 km from the Ključ center.

390. Witness Senada Turkanović believes that at that moment there were between 1500-2000 people at the stadium, and the PSS Ključ police were there, too. This was confirmed by witness Adnan Temimović, who at the time lived exactly in the settlement of Mehmedagići. According to the witnesses, Dragan Stojčić addressed the crowd by megaphone, saying women and children should go home, while the men were ordered to stay. All the time there were two tanks parked near the stadium next to the tunnel, and at the stadium there were a number of police officers in camouflage uniforms.

391. After that the witness Turkanović went back home with her mother, and shortly afterwards a patrol came in which she recognized active police officer Spasoje Stojanović and reserve police officer Momčilo Zukić who addressed the witness saying: "*Senada tell me if your brothers and father have firearms, if you surrender the arms to me I will throw it into the Sana river*". However, the witness persistently claimed that they never had any firearms. After the search, men who were kept at the stadium were released, which was followed by the restriction of movement of Muslim residents, thus they lived on the food supplies they had at home in that period of time. Witness Turkanović further states that she left the town in September in a convoy, but prior to that she signed a statement on the waiver of rights to her property for the benefit of the Ključ Municipality.

392. Witness Hađija Bajrić found herself in a similar situation, when 15 minutes after she came back home from the stadium, a group of police officers led by Pančo Dvizac, a newly-mobilized police officer, and Dušan Kerkez, who she knew worked in the Electric Company, came to her place. Without ringing the bell and greeting, they entered the house and started searching wardrobes and turning things upside down, which lasted for about one hour. All the time her daughter and she had to stand with their hands in the air. The police officers were evidently upset because they did not find any firearms, Dvizac said: "*This is a storage of weaponry, we will come back!*"

393. After her husband and son returned from the stadium, according to the witness the Golgotha started, because every day police officers came to her place, fired hand-held rockets and hand grenades, and the security was on the lowest level, which is why they

slept in the hallway. At the time, the apprehensions of men intensified, and police station vehicles patrolled the town, specifically a red Golf and “a notorious red van“, of which the people, as the witness stated, rumored that *“those who were collected by those two vehicles, go to Manjača or to death“*. In the meantime, active police officer Simo Vujičić, whose son the witness used to teach, advised the witness to leave Ključ with her children, and then she realized as well as the others *“that the security is not good, and that I should leave the property because I have no rights whatsoever.“*

394. At the time it was announced that all Muslims who abandoned their property may leave Ključ, which was in fact a clear message to Muslims that there was no place for them there. Intimidated by tortures, they thought of ways of how to leave Ključ. Although she stayed in town, witness Bajrić persistently tried to find the way to relocate the children, and the opportunity for that presented itself on 1 October 1992.

395. Testimonies of the mentioned witnesses suggest that a well-established pattern of violence existed toward the Muslim residents, such as the signing of declarations on the waiver of property, with the ultimate goal to have them leave the town of Ključ and an illusion that it was done on a voluntary basis. However, the Court concluded that in the given situation of fear and uncertainty, the abandoning of property was in fact the only possible choice as opposed to their staying in Ključ, which would end in prison or camp with fatal consequences for them and for many other people before them.

396. Apart from the foregoing findings, the other presented evidence, such as the Report of the Activities of PSS Ključ⁵² in combat, indicates that it was police members who participated in the activities conducted in late May and early June, thus it remains unclear on what basis the Prosecution associated the Accused Marko Adamović and Boško Lukić with these incidents, meaning that during the proceedings the Prosecution did not present evidence to that effect.

(vi) Section 6 f) of the Operative Part of the Verdict – detention of civilians in the primary school in Krasulje

397. Under this Count the Indictment described the attack on undefended the villages of Ramići and Krasulje, with the hamlets of Hripavci and Ošiljak, starting with 26 June 1992, and when the residents were forced out of their homes, and then terrorized and intimidated by being shot from firearms, by curses and threats, and thus on that occasion a minimum of 21 civilians were killed.

⁵² Prosecutor’s Office of BiH, Exhibit No. T-329

398. During the proceedings the Defense did not contest that the incidents took place, but it did contest the participation of the Accused Adamović and Lukić in the incidents.

399. The following persons testified about the mentioned circumstances: Ismet Muratagić, Safet Sadiković, Ćazim Bajrić, Teufik Bajrić and Muhamed Kozarac, who said that residents of Hripavci lived in permanent fear of the Serb army, which increased after the survivors of Prhovo fled to their village, telling the stories about the brutal behavior of the Serb army.

400. During that time period the village of Hripavci was encircled, and, according to the witness Muhamed Kozarac, all of them were hiding, this way or another, from soldiers who were wearing Serb army insignia and who, while passing through the villages, “*put the fear of God into the inhabitants.*” Describing one of such days, the witness stated that the soldiers surrounded the village and arrested all people they found in houses, and eventually they came to his house. On that day, in addition to men, they also beat women, in particular Hasija Kozarac. Some of them were intimidated with chain saws and threats that they would kill some people and torture them.

401. After the people gathered, they took them, hitting them with rifle butts in their backs, to the primary school in Krasulje, and they were followed by a personnel carrier, the witness Kozarac recalls, and they were threatened that they would be killed if they attempted to flee. He pointed out that interrogation continued in the primary school in Krasulje and that many people were beaten up there and that they were then taken to the Primary School in Ključ, where physical and mental abuse continued.

402. Witness Safet Sadiković said that he was arrested in his house in Krasulje in late June 1992, and was then beaten up and taken to the neighboring hamlet where he was taken over by Ratko Buvač and took him to the hamlet of Čarkiće and then handed him over to the Accused Marko Adamović who further took him to the primary school in Krasulje, where most of them were transferred to the Nikola Mačkić Primary School in Ključ from which, according to the testimony of witnesses Muhamed Kozarac and Safet Sadiković, the bodies of Derviš Čarkiće, Ajiz Fazlić, Mirsad Jukić and Ifet Vučkić were returned to their homes.

403. As some witnesses, such as Safet Sadiković and Muhamed Kozarac, saw and recognized in the described circumstances also the Accused Marko Adamović, the Panel addressed the issue of his involvement and role in the incidents, having in mind the capacity of the assistant commander for morale and religious affairs, which he had at the time covered by this Section of the Operative Part of the Verdict.

404. Namely, from the adduced documentary evidence it clearly follows that the Commander of the 17th Infantry Brigade, Marko Samardžija, issued the Order No. Strictly Confidential 01-93/92 dated 25 June 1992⁵³ ordering searches and mopping up of the terrain in the area of Velagići-Ramići-Ošijak and Krasulje, and that the 1st Battalion of the 17th Light Infantry Brigade should participate in that, as well as a military police unit together with members of the PSS Ključ, with an assignment to receive the captives, interrogate them and send them to the PSS Ključ for further interrogation, as required.

405. It is evident from the testimony of the witness Safet Sadiković that members of the 1st Infantry Battalion participated in the search and mopping up of the terrain. In that context Sadiković mentioned Ratko Buvač who, based on the documentary evidence⁵⁴ filed in the case record, was the Commanding Officer of the 1st Battalion of the 17th Light Infantry Brigade Ključ.

406. On that occasion witnesses Sadiković and Kozarac recognized the Accused Adamović, confirming so in their testimony at the main trial. Although they did not mention him during the investigation, the Court evaluated this fact in relation to the other presented evidence. At the time covered by this Count of the Indictment, parts of the 17th Light Infantry Brigade were still stationed in the area of the Municipality of Ključ, thus it was of a decisive importance to consider the role and significance of the presence of the Accused Adamović in the field at the time when the people were gathered and taken to the school in Krasulje.

407. In other words, it is clear that members of the 17th Light Infantry Brigade, in carrying out their tasks, acted upon the Order of the Brigade Commander, Drago Samardžija, which he issued on 25 June 1992, but the question is raised as to how, that is, in what capacity the Accused acted in the field, having in mind that his formational position in the Brigade did not give him any commanding powers. Participation in the searches and mopping up of the terrain is part of regular military tasks, as well as the apprehension of persons as ordered by the superior officer.

408. The interrogation of the apprehended persons by the security bodies is also *per se* not unlawful, whereas the maltreatments and inhuman treatment to which the detainees were subjected in the Nikola Mačkić Primary School, their unlawful detention on the premises of the PSS Ključ or their transfer to Manjača and other detention centers, cannot be and is not in any way a result of the Accused's acts, as the Prosecution alleges, without offering any objective or subjective evidence in support of such allegations.

⁵³ Prosecutor's Office of BiH, Exhibit No. T-185.

⁵⁴ Prosecutor's Office of BiH, Exhibit No. 196.

409. The involvement of the Accused Marko Adamović, in particular Boško Lukić, in the incidents under this Section of the Verdict is not sufficiently specified in the Indictment, nor did the witnesses, even those who saw Adamović in the field, mention them as participants in the described incident, as those who conducted acts under Section 6. f) of the Operative Part of the Verdict.

(vii) Section 6 g) of the Operative Part of the Verdict – apprehensions and maltreatments of prisoners on the premises of the Nikola Mačkić Primary School in Ključ – Transport of prisoners to Manjača Camp

410. This Count of the Indictment describes the treatment of men who, after being unlawfully deprived of liberty, were held in the Nikola Mačkić Primary School in inhumane conditions. Subsequently they were transported to the primary school in Sitnica. After that a minimum of 1160 prisoners were transported to the Manjača Camp, and on that occasion, immediately after his arrival at the Camp, Husein Delalović died, while Omer Filipović and Esad Bender succumbed to beatings.

411. The Defense did not contest the mentioned incidents which were confirmed by over 40 examined witnesses, including also Lazo Kričković, Mile Radulović, Radimir Radinković, Marinko Vejin, Lako Aničić, Fahrudin Ćemal, Asim Egrlić, Jusuf Omerović, Ćerim Hrnčić, Senada Turkanović, Ismet Bilajac, Ćazim Bajrić, Teufik Bajrić, Mujo Šehić, Esad Šulić, Nermin Kapetanović, Dušan Stanarević and Simo Vujičić.

412. The mentioned witnesses described the unlawful arrests and imprisonment of non-Serb men, which started shortly after the artillery attack on Velagići and Pudin Han. Some members of the PSS Ključ, who were examined as witnesses, as was the case with Lako Aničić, believed that at the time the goal of the apprehensions was to uncover the attackers on a column of young army and murder of the police deputy commander, Dušan Stojaković a.k.a. *Duća*. However, the Panel did not find any grounds for such allegations in the presented evidence, having in mind that the deprivation of liberty was not conducted in line with the rules, and on that occasion the persons were not informed about the reasons of their apprehension, according to many Prosecution witnesses who found themselves in those circumstances.

413. In the Nikola Mačkić Primary School, persons were held in inhumane conditions, often subjected to various forms of maltreatment and abuse, which is additionally supported by the conclusion that the reasons for their apprehension, in particular their further detention, were not legitimate. The mentioned persons were most frequently transported from the primary school to the Manjača Camp, where some of the detained persons were brought in a very bad state, so that immediately after his arrival at the

Manjača Camp, having been beaten in the primary school in Ključ, Husein Delalović died, while witness Muhamed Filipović last time saw his brother Omer Filipović dead in Manjača, having succumbed to the beatings by guards. Apart from the witness Muhamed Filipović many other witnesses, too, confirmed the violent death of Esad Bender, describing at the same time the violence and maltreatment to which they were subjected while they were there.

414. Based on the testimony of witnesses Lazo Kričković, Mile Radulović, Radomir Radinković, Marinko Vejin, Lako Aničić, Fahrudin Ćemal, Asim Egrlić and other witnesses examined about this circumstance, the Panel infers that the PSS Ključ police participated in the escort of prisoners to the Manjača Camp, bearing in mind that most of them confirmed that the police officers from Ključ also came later on and interrogated prisoners, and that Tode Gajić stood out in those activities. This was confirmed also by witness Lako Aničić, a member of the PSS Ključ, who brought prisoners from the school in Sitnica to Manjača. He also stated that those persons “*after being held for days in bad conditions in the primary school in Sitnica, exhausted, tired and beaten up, walked all the way to the Manjača Camp*”.

415. The order⁵⁵ to form collective camps for prisoners of war on the premises of the former KDP Stara Gradiška and the Kozara Military Range d.Dobrnja-Manjača dated 7 January 1992, was issued by the V Corps Chief of Command, General Lieutenant Colonel Vladimir Vuković. The order also states that the unit within the 5th Military Police Brigade would provide for the security of the Camp, whose manpower and structure would be regulated by the head of the Corps intelligence and security body.

416. Apart from the large body of evidence obtained during the Prosecution examination of the witnesses who uniformly described the tortures and maltreatments in the camp and undoubtedly confirmed the participation of members of the PSS Ključ during the transport, security and interrogation of prisoners in the Manjača Camp, no evidence presented suggests that members of the 17th Light Infantry Brigade Ključ participated in these activities, that is, that the Accused in any way participated and contributed to the crimes described under Section 6.g) of the Operative Part of the Verdict.

Section 6 h) of the Operative Part of the Verdict – systematic destruction of settlements, pillaging of movable property and organized expulsion of the population

417. This Count the Indictment alleges that during and after the joint attack of the Republika Srpska army and police Muslim and Croat settlements and villages were

⁵⁵ Prosecutor’s Office BiH, Exhibit No.T-128.

systematically destroyed, including a Muslim part of the town of Ključ, Pudín Han, Velagići, Biljani, Plamenice, Prhovo, Krasulje, Crljeni and Sanica. Movable property was pillaged and collected in an organized manner into the warehouses of war booty either under command and instructions of the Municipal Crisis Staff, or under the police control. The residents who have not been deprived of liberty were expelled from the municipality in an organized manner.

418. During the proceedings the Defense did not contest that these incidents took place, but it did contest any participation of the Accused Adamović and Lukić in those incidents.

419. It follows from witness testimony, including that of Ismet Muratagić, Safet Sadiković, Ćazim Bajrić, Muhamed Kozarac and Teufika Bajrić, that after the shelling, imprisonment and transport of men to detention centers members of the army and police often passed through villages and settlements of the municipality of Ključ, including Krasulje, Ramići, Hripavci, Plamenice, Crljeni, as well as other villages inhabited by the Muslim population, searching houses, looting property and intimidating the residents, which is why the majority of civilians fled to nearby woods on a smallest sign that the army was coming.

420. The volume of the assets collected in that manner is best seen through the fact that the municipal bodies organized their storage and later on a division of the movable assets which belonged to the Muslims and Croats of the municipality of Ključ. In that regard, the Prosecution witness Miladin Ristić, who was the President of the Central Committee for War Booty, explained at the trial that the Committee had a duty to take care of the movable assets owned by Muslims and Croats, adding that the property was seized and stored in the warehouse near the municipal building. Among the movable assets there were tractors, tillers, mowers and other farming machines, furniture, motor vehicles and other items.

421. Having in mind the artillery attack, and frequent raids and intimidation of residents, their maltreatment and arrests and the abduction of the men, one can infer that abandoning property at the time was not voluntary, although the municipal bodies attempted to legalize it, preconditioning the departure of every resident from the territory of the municipality of Ključ with their prior statement that they handed over their property to the municipality bodies on a voluntary basis. It was only then that the municipal bodies would organize the transport of such assets by buses and cargo trucks.

422. The witnesses examined about this circumstance did state that they wanted to leave the municipality of Ključ, but only because the living conditions were unbearable, thus in that regard any statement on voluntary departure and abandoning of property under the circumstances, without any real possibility to choose, cannot be considered voluntary,

which is confirmed by witness Ristić, evidently aware of the ambiance in which he lived and that Muslim and Croat residents of the municipality of Ključ were permanently uncertain of their lives and of the safety of their families.

423. Ample documentary evidence was presented in this regard, such as the Record of making a statement on permanent departure from the municipality and voluntary abandoning of immovable assets⁵⁶, the Decision on Appointment of the War Booty Committee, No. 05-01-96/92 dated 13 July 1992⁵⁷, the Decision of the War Presidency No. 05-01-715/92 dated 16 November 1992⁵⁸, while all witnesses confirmed that while they were giving the statements on permanent leaving of the Ključ municipality they had to sign and hand over all property they owned to the Municipality of Ključ, which the Defense ultimately did not contest.

424. It follows from the presented evidence that the mentioned activities in the area of the municipality of Ključ were initiated and organized by the War Presidency of the Municipality of Ključ. In that context, the Panel held that the members of this civil body were the same as the members of the Crisis Staff of this Municipality, and Boško Lukić and Marko Adamović were not members of those bodies. The Accused were not members of the War Booty Committee, as visible from the excerpt of the Minutes of the meeting of the War Presidency of the Ključ Municipal Assembly, held on 10 July 1992.⁵⁹

425. Taking into account the foregoing, in the opinion of the Trial Panel the Amended Indictment failed to adequately specify the facts about the possible participation of the Accused in the decision-making on those issues, in particular with respect to their capacity⁶⁰ in that period of time, and to clearly state what actions the Accused took to contribute or to enable the carrying out of these activities, which makes the Indictment vague and unclear in that regard.

426. On the other hand, the presented evidence did not suggest which military units participated in the looting of property, which the Trial Panel considered to be highly important, in particular if one takes into account that a great number of military and paramilitary formations were present at the time in the area of the Ključ municipality.

⁵⁶ Prosecutor's Office of BiH, Exhibit No.T-259.

⁵⁷ Prosecutor's Office BiH, Exhibit No.T-70a.

⁵⁸ Prosecutor's Office of BiH, Exhibit No.T-356.

⁵⁹ Prosecutor's Office of BiH, Exhibit No. T-245.

⁶⁰ The capacity of the Accused in the time period covered by this Count of the Indictment is presented in detail in ~~the~~ Chapter VI of the Reasoning of the Verdict.

Section 6. i) of the Operative Part of Indictment – murders in Botonjići in the location of
Kamen

427. This Count described the murders that were committed in the hamlet of Botonjići on 8 August 1992, when the soldiers separated a minimum of 7 men, two minor boys, three women and took them to the location of *Kamen*, along the way killing an elderly man Abid Botonjić, and killed and burned the rest in Hilmo Botonjić's barn, while the surviving women and children were expelled to the neighboring village of Crnalići.

428. During the proceedings the Defense did not contest that these incidents took place, but it did contest any participation of the Accused Adamović and Lukić in them.

429. The Record of the Crime Scene Investigation, Exhumation and Identification of the mass grave in the location of the village of Botonjići, the co-called *Kamen*, with supporting photo documents and sketch of the crime scene, proves that the murders of the residents of Botonjići did take place in the location of *Kamen*.

430. In their statements, which are consistent in terms of decisive facts, witnesses Lazo Kričković, Naila Botonjić, Huso Crnalić, Ahmet Crnalić, Šemso Džaferagić and Mile Radulović confirm that residents of Donja Sanica, including the hamlet of Botonjići, were apprehended and imprisoned several times, and that the village was searched and that on 10 July 1992 almost all able-bodied men were taken to a school in Biljani, and never came back. The Panel gave a comprehensive elaboration of this incident under Section 5 of the Reasoning of the Verdict.

431. According to the witnesses, the incident covered by this Section of the Verdict took place around 8 August 1992, when 12 residents of Botonjići were killed and the remaining residents were expelled to the neighboring village of Crnalići. Witness Naila Botonjić recalls that in early August 1992 the army came to the village and forced all residents out of their homes, and then separated 12 persons, disregarding their gender or age, and took them to the location known as *Kamen*, while the remaining population was expelled to the neighboring village of Crnalići. That night, according to the witness, she heard cries, shooting, shouting and saw houses burning in Botonjići and she was waiting for someone to bring her any news about her son Ermin who was 16 at the time, and who was taken away on that day with his friend Teufik, and locals Fehim, Abid and Ahmo Botonjić.

432. The screams and clamor which were coming from the direction of the village of Botonjići that night were also heard by witness Huse Crnalić, who recognized the voice of Abid Botonjić on the bridge in the immediate vicinity of his house, saying "*Don't do that to me Mile*", and this was followed by a shot. The following morning, as ordered by the

police, this witness pulled the dead body of Abid Botonjić out of the river and buried his body with his brother-in-law. After the following day the witness Naila Botonjić went to the village with other women, she saw that Fehim Botonjić was burned in his house, and in the location of Kamen they found charred bones and skulls, but she did not find the body of her son, who is still unaccounted for.

433. The murder of 12 civilians in the village of Botonjići was confirmed by other witnesses, including the witness Mile Radulović, who on the given day was on the checkpoint and saw soldiers returning from that direction, and witness Lazo Kričković, who as a police officer of the PSS Ključ – Sanica Section went to the location of Botonjički Kamen, with an investigation team that came from Ključ, where according to him some persons were killed and a barn was set ablaze in Botonjići, adding that the perpetrators of this crime were never uncovered.

434. Witness Lazo Kričković recalls one Gojko Gavrilović in the team of forensics, but he does not recall the name of the judge, but he knows that the Record of the Crime Scene Investigation did not suggest any potential perpetrators of this horrible crime because it was impossible to establish the unit which was involved in the abduction and killing of residents of Botonjići, thus the Panel does not find it proven that the Accused Boško Lukić and Marko Adamović in any way participated in or contributed to the commission of the crime under Section 6. i) of the Operative part of the Verdict.

435. As for the presence of the Accused Marko Adamović in the area of the municipality of Ključ at the time covered by this Section of the Operative Part of the Verdict, the Panel finds it useful to note that almost all witnesses for the Defense claimed that the Accused was in the Tactical Group 2 in the region of Jajce from July to August 1992. As explained earlier⁶¹, the Panel did not accept the Defense theory that already on 20 June the Accused left the area of the Municipality, but the documentary evidence dated in later months, that is, the TG 2 Regular Combat Reports sent to the Command of the 2nd Krajina Corps, undoubtedly suggest that parts of the 17th Light Infantry Brigade Ključ participated in the combat assignments of the Tactical Group 2, while on the other hand no evidence was presented which would undoubtedly suggest that the conduct of the Accused Adamović at the time had anything to do with the foregoing acts.

⁶¹ The Panel addressed this issue in the reasoning of the Item 5 of the Operative Part of the Verdict.

7. Section 7 of the Operative Part of the Verdict – destruction of religious buildings in the area of Ključ municipality

436. This Count of the Operative Part of the Verdict addresses the destruction of religious buildings in the territory of the Ključ municipality, including the mosque in Tičevići, the Local Community of Velagići and Krasulje, the new mosque in Velagići, the mosque in Biljani, and the town mosque and catholic church in the town of Ključ, which the Defense did not contest in the proceedings, denying any participation of the Accused Adamović and Lukić in the mentioned incidents.

437. The witnesses Hadžija Bajrić and Fikreta Zukanović confirmed that in the area of the Ključ municipality religious buildings were destroyed. They stated that after 27 May 1992 around 03:00 a.m., after being mined, the mosque in Ključ was destroyed, while the witness Safet Muratagić personally saw the destruction of the mosque in Humići. The protected witness A saw the shelling and destruction of the mosque in Velagići, while all mentioned witnesses confirmed the destruction of the catholic church in the Ključ proper.

438. Some witnesses, such as the witness Enes Salihović, stated that religious buildings were shelled from the same location from which the artillery attacked Ključ and its environs, while witness Esad Šulić stated that he learned from Serb guards in Manjača that the mosque in Ključ was blown up by one “*Stijak*“. The Accused himself confirmed that the destruction of the mosque also severely damaged his house, situated in the immediate vicinity of the mosque. The Accused Adamović was examined as a witness in this regard. That Adamović’s house was damaged by the explosion was also confirmed by witness Murfeta Zubčević, thus the logical question is raised as to why the Accused would take actions he is charged with by the Indictment and expose to danger his family and his life.

439. Namely, the Accused Adamović explained in his testimony that he lived in a prefabricated building near the mosque, which collapsed due to the blast, and that he subsequently moved to the apartment of witness Murfeta Zubčević who offered that to him, given that with her brother’s guarantee letter, she was supposed to go to the USA. This witness confirmed in her testimony that on that occasion the building where the Accused was living was destroyed, but said that then the Accused effectively evicted her from her apartment and usurped it, that is, her departure from Ključ was not voluntary.

440. However, the Panel does not find the testimony of this witness totally convincing, given that in the cross-examination she explained that due to the overall situation in the territory of Ključ municipality she in fact wanted to leave the area. The Panel understands that constant fear and uncertainty forced the residents of the municipality of Ključ to

abandon their property and that nobody really wanted that, but in this specific case the Panel cannot conclude that the aggrieved party abandoned her apartment exactly because of the threats or blackmails made by the Accused Marko Adamović.

441. The Panel was not convinced that the threats were truly made, in particular if one takes into account that the Accused made sure that the witness and her husband with all the belongings they carried safely arrive in Banja Luka, and by doing so he probably tried to make it up to her for the given apartment, which he used with his family after his house had been destroyed.

442. As for other religious buildings in the area of the municipality of Ključ and their destruction, the Panel started from the fact that the artillery attack was probably launched from Lanište, where based on the presented evidence⁶² the Knin Corps units were positioned. However, as the Prosecutor's Office did not present evidence along those lines the Panel could not find with certainty which units did the shelling, which resulted in the destruction of religious buildings. It was also not able to determine the role of the Accused, who held some positions could, and their link with the acts described under Section 7 of the Operative Part of the Verdict.

VIII. CONCLUSION

443. All facts (*In peius*) inculcating the Accused must be proven with certainty, and if that is not achieved then they are considered as non-existing. On the other hand, all facts exculpating (*In favorem*) the Accused are considered as existing even when they are established as probable only.

444. If even after a thorough evaluation of evidence “individually and collectively” the dilemmas are not cleared, then pursuant to Article 3(1) of the CPC of BiH “A person shall be considered innocent of a crime until his/her guilt has been established by a final verdict.” Paragraph (2) under same Article established the principle of *In dubio pro reo*, based on which “a doubt with respect to the existence of facts constituting elements of a criminal offense or on which the application of certain provisions of criminal legislation depends shall be decided by the Court verdict in the manner more favorable for the accused“.

445. In case of a dilemma about some legally relevant fact, that is, about elements of the criminal offence the Accused is charged with, this principle implies the application of not only the more lenient punishment, but also the acquittal.

⁶² Evaluation of witness testimonies and physical evidence suggesting the conclusion is given in the reasoning of Item f) Part 3 of the Verdict titled “*Artillery Attack on Settlements of Velagići and Pudin Han.*“

446. Furthermore, Article 284(c) of the CPC of BiH stipulates that “if it is not proved that the Accused committed the criminal offense with which he is charged the Court shall pronounce the verdict acquitting the accused of the charges“.

447. Based on the presented evidence the Panel inferred that a number of gravest crimes took place in the area of the municipality of Ključ, described under individual Sections of the Operative Part of the Verdict, and confirmed by the testimony of a number of the examined witnesses and by the presented documentary evidence, to which the Panel refers in the reasoning of the factual allegations with which the Accused are charged. However, during the proceedings the Prosecutor of the Prosecutor's Office of BiH failed to prove that the Accused Boško Lukić and Marko Adamović were active members of the SDS, and that in that capacity together with military and civil leadership they took part in the joint criminal enterprise, and that they contributed in any way to the implementation of the scheme which included a permanent forcible removal of non-Serbs from the territory of the planned Serb state through persecution.

448. It has not proven that the Accused Boško Lukić, as the Commander of the TO HQ, and the Chief of Staff of the 17th Light Infantry Brigade Ključ and as the Assistant Commander for the Rear, and the Accused Marko Adamović, as the Deputy Commander of the 3rd Infantry Battalion, the Commander of the Command of Town Defense and the Assistant Commander for Morale and Religious Affairs in the 17th Light Infantry Brigade Ključ, prepared, enabled and led the attack on civilians of the undefended Muslim villages, participated in the unlawful imprisonment and inhuman treatment of the non-Serb civilians in the territory of the municipality of Ključ, as charged by the Amended Indictment.

449. As the Prosecution failed to prove beyond a reasonable doubt that the perpetrators of the offences were the Accused Marko Adamović and Boško Lukić, governed by the foregoing legal provisions and principles, the Panel decided to acquit the Accused of charges due to the lack of evidence.

IX. DECISION ON COSTS OF CRIMINAL PROCEEDINGS

450. Pursuant to Article 189(1) of the CPC of BiH, costs of the criminal proceedings under Article 185(2) (a) through (f) of this Code, as well as the remuneration and necessary expenses of defense attorney, shall be covered from the Court's funds.

X. RULING ON THE CLAIMS UNDER PROPERTY LAW

451. Pursuant to Article 198(3) of the CPC of BiH, the aggrieved parties may pursue their claims under property law in a civil action.

Minutes-taker:

(signature)

Lejla Haračić

Legal Advisor-Assistant

**PRESIDENT OF THE PANEL
JUDGE**

Jasmina Kosović

(hand and stamp)

Legal remedy: An appeal from this verdict may be filed with the Appellate Division of Section I of the Court of Bosnia and Herzegovina within 15 (fifteen) days from the receipt of this verdict in writing. The appeal is submitted to the Court in a sufficient number of copies.

*Annex I containing a list of exhibits presented at the trial is an integral part of this Verdict.

XI. ANNEX 1 – EVIDENCE

A. PROSECUTION WITNESS TESTIMONY DATES

Witness	Date of testimony
1. Fahrudin Ćemal	25 September 2008
2. Muhamed Filipović	29 September 2008 6 and 8 of October 2008
3. Asim Egrlić	13 October 2008 15 October 2008 20 October 2008
4. Jusuf Omerović	22 October 2008 27 October 2008
5. Atif Džafić	29 October 2008 3 November 2008 5 November 2008 10 November 2008
6. Luka Brkić	12 November 2008
7. Mustafa Lepirica	24 November 2008
8. Hilmija Hamedović	1 December 2008 3 December 2008
9. Ćerim Hrnčić	10 December 2008
10. Fahrudin Krivić	15 December 2008
11. Behrem Šarić	12 January 2009 15 January 2009
12. Enes Salihović	15 January 2009 26 January 2009 4 February 2009
13. Ibrahim Bajrić	9 February 2009
14. Džemal Draganović	11 February 2009
15. Ekrem Čehić	23 February 2009 25 February 2009
16. Ramo Duranović	4 March 2009
17. Senada Turkanović	9 March 2009
18. Hađija Bajrić	11 March 2009
19. Adnan Teminović	16 March 2009
20. Senad Draganović	18 March 2009
21. Mirsad Dervišević	23 March 2009

22. Lako Aničić	30 March 2009
23. Ismet Bilajac	1 April 2009
24. Radomir Radinković	6 April 2009
25. Latif Salihović	8 April 2009
26. Hasan Salihović	13 April 2009
27. Witness A	15 April 2009
28. Vitomir Gajić	6 May 2009
29. Marinko Miljević	11 May 2009
30. Željko Radojčić	11 May 2009
31. Enes Lemaš	13 May 2009
32. Nikola Savanović	13 May 2009
33. Zlatan Medić	18 May 2009
34. Hamida Hadžić	18 May 2009
35. Mirsad Puškar	20 May 2009
36. Devla Halep-Pehadžić	20 May 2009
37. Lazo Kričković	25 May 2009
38. Zaim Smajić	27 May 2009
39. Mimka Brkić	27 May 2009
40. Bedrudin Brkić	1 June 2009
41. Salko Kranić	1 June 2009
42. Milorad Hrgić	8 June 2009
43. Radenko Kuburić	8 June 2009 10 June 2009
44. Witness C	10 June 2009
45. Nafa Smajić	15 June 2009
46. Muharem Islamagić	15 June 2009
47. Senad Pervić	17 June 2009
48. Elvir Jusić	17 June 2009
49. Alem Hadžić	22 June 2009
50. Senad Medanović	22 June 2009 29 June 2009
51. Hamid Hadžić	29 June 2009
52. Sadeta Medanović	1 July 2009
53. Nermina Medanović	1 July 2009
54. Kana Mešić	6 July 2009
55. Nevres Mešić	6 July 2009
56. Edin Hadžić	10 August 2009
57. Safet Muratagić	24 August 2009
58. Miladin Ristić	26 August 2009
59. Ismet Muratagić	7 September 2009

60. Safet Sadiković	7 September 2009
61. Ćazim Bajrić	9 September 2009
62. Muhamed Kozarac	14 Septemebr 2009
63. Ajiz Bečić	16 September 2009
64. Teufik Bajrić	23 Septemebr 2009
65. Naila Botonjić	7 October 2009
66. Murfeta Zubčević	12 October 2009
67. Huse Crnalić	14 October 2009
68. Šemso Džaferagić	26 October 2009
69. Ismet Zukanović	28 October 2009
70. Feriz Dervišević	2 November 2009
71. Protected Witness B	4 November 2009
72. Mujo Čajić	9 November 2009
73. Makbula Mešanović	11 November 2009
74. Dragan Vukić	18 November 2009
75. Hasiba Šljivar	30 November 2009
76. Ahmed Crnolić	7 December 2009
77. Fikreta Zukanović	14 December 2009
78. Mujo Šehić	14 December 2009
79. Milenko Mladenović	16 December 2009
80. Mile Radulović	16 December 2009
81. Mehmed Banjalučkić	21 December 2009
82. Marinko Vejin	23 December 2009 27 January 2010 22 February 2010
83. Ismet Kujundžić	24 February 2010
84. Stevan Karač	8 March 2010
85. Mehmed Begić	10 March 2010
86. Hazim Lošić	15 March 2010
87. Esad Šulić	17 March 2010
88. Leopold Flat	22 March 2010
89. Merima Filipović	24 March 2010
90. Kemal Zukić	12 April 2010
91. Nermin Kapetanović	19 April 2010
92. Asim Vučkić	21 April 2010
93. Enes Mršić	26 April 2010
94. Witness D	18 April 2011 Prosecution's rejoinder

B. DOCUMENTARY EVIDENCE OF THE PROSECUTOR'S OFFICE

- Exhibit T-1** – Record of Examination of the Witness Fahrudin Ćemal No. KT-RZ-119/05 dated 4 April 2007;
- T-2** – Record of Examination of the Witness Muhamed Filipović No. KT-RZ-119/05 dated 2 April 2007;
- T-3** – Map of Ključ, a document certified by ICTY;
- T-4** – Press release of the Ključ SDA /Party of Democratic Action/ Town Board, number 33/91, dated 21 September 1991;
- T-5** – Initiative to hold a good will gathering on Wednesday 25 September 1991 MBO/Muslim Bosniak Organization/, MBO Town Board Ključ, No. 35/91 dated 23 Septemehr 1991;
- T-6** – Order of SDS Sarajevo, No. 45487 SOKLJ YU, 45135 SO CEL YU
- T-7** – Press release of MBO, MBO Town Board in Ključ, SDA, Town Board Ključ, No. 44/91 dated 31 January 1991;
- T-8** – Document titled “Bosanski Ključ Municipality“, ICTY Exhibit No. 00595279 (the first page is relevant, other pages filed because of the ICTY certification);
- T-9** – Video recording “Ključ 1992“ with supporting documents as the proof that the recording originates from ICTY;
- T-10** – Record of Examination of the Witness Asim Egrić, No. KT-RZ-119/05 dated 1 April 2007;
- T-11** – Record of Examination of the Witness Jusuf Omerović, No. KT-RZ-119/05 dated 8 April 2007;
- T-12** – Topographic map of the Ključ Municipality (one part);
- T-13** – Certified copy of the duty handover log book dated 28 February 1992- PSS Ključ (Exhibit is in a separate box in a book-case);
- T-14** – Certified copy of the roster for May 1992-September 1993 (Exhibit is kept in a separate boy in a book-case);
- T-15** – Record of Examination of the Witness Atif Džafić No. KT-RZ-119/05 dated 31 January 2008;
- T-16** – Record of Examination of the Witness Luka Brkić No. KT-RZ-119/08 dated 4 April 2007;
- T-17** – Record of Examination of Mustafa Lepirica, No. KT-RZ-119/05 dated 2 April 2007;
- T-18** – Record of Examination of the Witness Hilmija Hamedović, No. KT-RZ-119/05 dated 4 June 2007;
- T-19** – Record of Examination of the Witness Ćerim Hrnčić, No. KT-RZ-119/05 dated 5 April 2007;
- T-20** – Record of Examination of the Witness Fahrudin Krivić, No. KT-RZ-119/05 dated

22 November 2007;

T-21 – Record of Examination of the Witness Behrem Šarić, No. KT-RZ-119/05 dated 29 January 2008;

T-22 – Record of Examination of the Witness Enes Salihović, No. KT-RZ-119/05 dated 26 December 2007;

T-23 – Record of Examination of the Witness Ibrahim Bajrić, No. 05-1/08-1-145/08 dated 22 February 2008;

T-24 – Record of Examination of the Witness Džemal Draganović, No. KT-RZ-119/05 dated 3 December 2007;

T-25 – Record of Prosecutor's Office of BiH of Examination of the Witness Ekrem Čehić No. KT-RZ-119/05 dated 26 December 2007;

T-26 – Record of Prosecutor's Office of BiH of Examination of the Witness Ramo Duranović No. KT-RZ 119/05 dated 27 December 2007;

T-27 – Record of Prosecutor's Office of BiH of Examination of the Witness Senada Turkanović No. 05-1/08-1-144/08 dated 22 February 2008;

T-28 – SIPA Record of Examination of the Witness Hadija Bajrić No. 17-11/3-04-2-126/06 dated 5 April 2006;

T-28a – Record of Prosecutor's Office of BiH of Examination of the Witness Hadije Bajrić No. KT-RZ-119/05 dated 24 January 2008;

T-29 – Record of Prosecutor's Office of BiH of Examination of the Witness Adnan Teminović No. KT-RZ-119/05 dated 4 June 2007;

T-30 – Record of Prosecutor's Office of BiH of Examination of the Witness Senad Draganović No. KT-RZ-119/05 dated 14 December 2007;

T-31 – Record of Examination of the witness Mirsad Dervišević conducted in the Third Police Department No. 05-1/8-1-682/07 of 8 December 2007;

T-32 – duty handover log book from 1 August 1992 to 7 October 1992;

T-33 – Record of Examination of the Witness Laka Aničić conducted by the Prosecutor's Office of BiH on 24 January 2008;

T-34 – Record of Examination of the Witness Radomir Radinković conducted by the Prosecutor's Office of BiH on 24 December 2007;

T-35 – Official Note of the deaths of Omer and Enes Filipović made by Radomir Radinković dated 30 July 1992;

T-36 – Record of Examination of the Witness Latif Salihović conducted by the Prosecutor's Office of BiH on 5 December 2007;

T-37 – Record of Examination of the Witness Hasan Salihović conducted by the Prosecutor's Office of BiH on 30 November 2007;

T-38 – Record of Examination of the Witness A conducted by the Prosecutor's Office of BiH on 3 April 2007;

T-39 – Four Official Notes of 5 June 1992 made by Vitomir Gajić;

T-40 – Record of Examination of the Witness Vitomir Gajić conducted by the Prosecutor's Office of BiH on 29 February 2008;

- T-41** – Record of Examination of the Witness Marinko Miljević conducted by the Prosecutor's Office of BiH on 25 February 2008;
- T-42** – Record of Examination of the Witness Željko Radojčić conducted by the Prosecutor's Office of BiH on 17 December 2007;
- T-43** – Record of Examination of the Witness Enes Lemeš conducted by the Prosecutor's Office of BiH on 23 January 2008;
- T-44** – Record of Examination of the Witness Nikola Savanović conducted by the Prosecutor's Office of BiH in 2008;
- T-45** – Official Note dated 16 July 1992 made in the Police Station in Ribnik.
- T-46** – Record of Examination of the Witness Zlatan Medić conducted by the Prosecutor's Office of BiH on 7 February 2008;
- T-47** – Record of Examination of the Witness Hamid Hadžić conducted by the Prosecutor's Office on 23 January 2008;
- T-48** – Record of Examination of the Witness Mirsad Puškar conducted by the Prosecutor's Office of BiH on 27 December 2007;
- T-49** – Record of Examination of the Witness Devla Halep-Pehadžić conducted by the Prosecutor's Office of BiH on 26 December 2007;
- T-50** – Record of Examination of the Witness Lazo Kričković conducted by the Prosecutor's Office of BiH on 5 February 2008;
- T-51** – Record of Examination of the Witness Zaim Smajić conducted by the prosecutor's Office of BiH on 9 April 2008;
- T-52** – Record of Examination of the Witness Mimka Brkić No. 05-1/08-1-320/08 dated 10 August 2008;
- T-53** – Record of Examination of the Witness Bedrudin Brkić dated 30 March 2007 and 7 June 2007;
- T-54** – Record of Examination of the Witness Salko Krantić dated 29 March 2006;
- T-55** – Record of Examination of the Witness Milorad Hrgić dated 12 May 2008;
- T-56** – Record of Examination of the Witness Radomir Kuburić dated 23 May 2008;
- T-57** – Record of Examination of the Witness Nafa Smajić of 2008;
- T-58** – Record of Examination of the Witness Muharem Islamagić dated 9 April 2008;
- T-59** – Record of Examination of the Witness Senad Pervić dated 9 April 2008;
- T-60** – Record of Examination of the Witness Elvir Jusić dated 13 April 2008;
- T-61** – Record of Examination of the Witness Alem Hadžić dated
- T-62** – Record of Examination of the Witness Senad Medanović dated
- T-63** – Record of Examination of the Witness Hamid Hadžić dated
- T-64** – Record of Examination of the Witness Sedet Medanović dated 8 April 2008;
- T-65** – Record of Examination of the Witness Nermin Medanović dated 8 April 2008;
- T-66** – Record of Examination of the Witness Kana Mešić dated 14 April 2006;
- T-67** – Record of Examination of the Witness Nerves Mešić dated
- T-68** – Record of Examination of the Witness Safet Muratagić dated 8 April 2008;
- T-69** – Record of Examination of the Witness Miladin Ristić dated 21 December 2007;

T-70a – Decision on Appointment of Committee for War Booty, 05-01-96/92 dated 13 July 1992;

T-70b – Receipt for Received Items issued by PSC Banja Luka, Ključ Police Station.

T-71 – Record of Examination of the Witness Ismet Muratagić dated 21 November 2007;

T-72 – Record of Examination of the Witness Safet Sadiković dated 21 November 2007;

T-73 – Record of Examination of the Witness Ćazim Bajrić dated 4 December 2007 and 30 November 2007;

T-74 – Record of Examination of the Witness Muhamed Kozarac dated 30 November 2007;

T-75 – Record of Examination of the Witness Ajiz Bečić dated 25 December 2007;

T-76 – Record of Examination of the Witness Teufik Bajrić dated 4 December 2007;

T-77 – Record of Examination of the Witness Naila Botonjić dated 26 December 2007;

T-78 – Record of Examination of the Witness Murfeta Zubčević dated 28 January 2008;

T-79 – Record of Examination of the Witness Huso Crnalić dated 5 December 2009;

T-80a – Record of Examination of the Witness Šemso Džabegagić dated 15 July 2005 (certified copy);

T-80b – Record of Examination of the Witness Šemso Džabegagić dated 31 January 2008;

T-81a – Record of Examination of the Witness Ismet Zukanović dated 16 July 2005 (certified copy);

T-81b – Record of Examination of the Witness Ismet Zukanović dated 4 February 2008;

T-82a – Record of Examination of the Witness Dervišević Feriz dated KT 160/97-RZ dated 11 May 2005;

T-82b – Record of Examination of the Witness Feriz Dervišević No. KT-RZ-119/05 dated 25 December 2009;

T-83a – Record of Examination of the Witness B dated 11 July 2005, CONFIDENTIAL;

T-83b – Record of Examination of the Witness B dated 27 December 2007 CONFIDENTIAL;

T-84 – Record of Examination of the Witness Mujo Čajić KT-RZ-4/05 dated 28 July 2005;

T-85 – Record of Examination of the Witness Dragan Vukić No. KT-RZ-4/05 dated 11 August 2005;

T-87 – Personal questionnaire of RS MoI for Vinko Kondić, confidential, dated 19 October 1992, certified copy;

T-88 – Ključ Crisis Staff of SDS, photos of Vinko Kondić and Boško Lukić, certified copy,

T-89 – List of members of Ključ SDS Executive and Municipal Board from 1990, indicating the name of Vinko Kondić, certified copy;

T-90 – List of members Ključ SDS Executive Board including the name of Kondić, certified copy;

T-91 – List of SDS activity including Boško Lukić and Vinko Kondić, certified copy;

T-92 – Decision on the establishment of the War Presidency of the Ključ Municipality

dated 13 July 2009, under Item 8 there is a name of Vinko Kondić, certified copy;

T-93 – Handwritten lists of attendees at the SDS sessions –certified copy,

T-94 – Dispatch of the Head of PSC Prijedor Simo Drljača No. 14-227-6/95 dated 2 August 1995, appointment of the HQ including Vinko Kondić- certified copy;

T-95 – Excerpt from the RS Official Gazette pg. 82 dated 8 March 1996, Decision on Appointment of the Minister of Health and Social Care, Vinko Kondić is appointed the Assistant.

T-96 – Excerpt from the Official Gazette whereby Gojko Kličković, pg.638 dated 30 August 1997, appointed Vinko Kondić *chef de cabinet*, certified copy;

T-97 – Document of RS MUP Mrkonjić Grad, Official Note dated 16 March 1994- confidential, certified copy,

T-98 – MUP Sarajevo, dated 27 April 1994 Mićo Stanišić rendered the Decision appointing Vinko Kondić the Deputy Head of PSC Prijedor- certified copy;

T-99 – MoI PSC Prijedor Decision on Issuance of Pistols No. 11-17-210-210 dated 27 June 1994;

T-100 – Excerpt from the Official Gazette, Decision on Appointment of Members of Executive Board where Vinko Kondić is appointed Head.

T-101 – Decision on Appointment of Kondić, No. 08/1-134-3525 dated 20 October 1995, certified copy;

T-102 – Request of Stojan Župljanin where he asks for approval for Vinko Kondić to go to SFRY No. 10/835, certified copy;

T-103 – Document of MUP PSC Prijedor No. 14-105 dated 30 October 1995, explanation for extraordinary promotion of Vinko Kondić, certified copy;

T-104 – Official Gazette No. 14 dated 3 July 1996 when Gojko Kličković appointed Kondić Minister of Labour and Social Protection, certified copy;

T-105 – Record of Examination of the Witness Crnalić, No. KT-RZ-119/05 dated 4 February 2008;

T-106 – Record of Examination of the Witness Fikret Zukanović, No. KT-RZ-119/05 dated 25 December 2007;

T-107 – Record of Examination of the Witness Šahić Mujo, No. KT-RZ-119/05 dated 6 April 2007;

T-108 – Record of Examination of the Witness Milenko Mladenović, No. KT-RZ-119/05 dated 24 December 2007;

T-109 – Record of Examination of the Witness Mile Radulović No. KT-RZ-119/05 dated 26 May 2007;

T-110 – Record of Examination of the Witness Mehmed Banjalučkić No. KT-RZ-119/05 dated 26 December 2007;

T-111 – Duty handover log book from 7 October 1992 to 18 December 1992;

T-112 – Record of Examination of the Witness Marinko Vejin dated 22 January 2008;

T-113 – Record of Examination of the Witness Ismet Kujundžić;

T-114 – Record of Examination of the Witness Stevan Karač;

T-115 – Record of Examination of the Witness Mehmed Begić;

T-116 – Record of Examination of the Witness Hazim Lozić dated 3 December 2007;

T-117 – Record of Examination of the Witness Esad Šulić dated 30 November 2007;

T-118 – Record of Examination of the Witness Flata Leopold

T-119 – Record of Examination of the Witness Merima Filipović

T-120 – CD containing photographs of destroyed religious buildings

T-121 – Record of Examination of the Witness Dušan Stanarević dated 28 January 2008, and death certificate for Dušan Stanarević;

T-122 – Record of Examination of Mina Ljutić dated 10 April 2008, and Death certificate for Mina Ljutić

T-123 – Record of Examination of the Witness Simo Vujičić dated 25 February 2008, and Death Certificate for Simo Vujičić;

T-124 – Record of Examination of the Witness Nermin Kapetanović No. KT-RZ-119/05 dated 3 April 2007;

T-125 – Document of Executive Board of SDS BiH No. 804-02/91 dated 22 October 1991;

T-126 – Instructions for the Organization and Activity of Organs of the Serb People in BiH in Extraordinary Circumstances, copy No. 0 through 96 dated 19 December 1991;

T-127 – Conclusion of the Assembly of Autonomous Region of Krajina, Banja Luka, dated 03-09/92 dated 3 February 1992;

T-128 – Order to form a collective camp for prisoners of war No. 15-1 dated 7 January 1992;

T-129 – Decision on accession of the Ključ Municipality to Autonomous Region of Bosanska Krajina No. 05-023-3/92 dated 16 January 1992;

T-130 – Order of the Commander of the 5th Corps, Op Strictly Confidential, No. 24-3 dated 18 February 1992;

T-131 – Opinion about applicants for selection of judges and a public prosecutor of SDS of the Ključ Municipality, No. 01/1-2-92 dated 26 February 1991;

T-132 – Official Gazette of Serb People in BiH year I- No. I, dated 15 January 1992;

T-133 – Official Gazette of Serb People in BiH year I- No. 3, dated 16 March 1992;

T-134 – Decision on Strategic Objectives of Serb People in BiH Official Gazette pg. 866 No. 22 dated 26 November 1993;

T-135 – Official Gazette of Republika Srpska, year I – No. I, dated 31 December 1992;

T-136 – Declaration on the Government and Political System of the State, Official Gazette of Srpska Republika, year I – No. 14, dated 7 September 1992;

T-137 – Decision on the return of displaced persons to the territory of Srpska Republika of BiH, Official Gazette of Serb People in BiH dated 8 June 1992;

T-138 – Law on Defense, Official Gazette, year I – No. 7, dated 1 June 1992;

T-139 – Decision on Public Mobilization Official Gazette of Autonomous Region of Krajina, year I – No. 2 dated 5 June 1992;

T-140 – Official Gazette of Republic of Bosnia and Herzegovina, year I – Number I dated

9 April 1992;

T-141 – Decision on Declaration of State of War, Official Gazette of RBiH, No. 7, pg. 234 dated 20 June 1992;

T-142 – Shorthand Transcript of the 14th session of the Assembly of the Serb People in BiH, dated 27 March 1992;

T-143 – Report on the formation of the 13th Partisan Brigade, number 60, dated 23 March 1992;

T-144 – Document of the Command of the Second Military District, the 5th Corps, strictly confidential, number 273-3, dated 3 April 1992

T-145 – Document of the Command of 30th Partisan Division;

T-146 – Excerpt from Instructions for the work of Crisis Staff, a document of RS;

T-147 – Minutes of the session of National Security Council dated 27 April 1992;

T-148 – Press release of the Assembly of the Serb People in BiH, dated 4 April 1992

T-149 – Minutes of the plenum of the National Security Council held on 22 April 1992;

T-150 – Decision of the Autonomous Region of Bosanska Krajina No. 01-1/92 dated 4 May 1992;

T-151 – Document of the Command of the 5th Corps, strictly confidential No. 44-1/130 dated 7 May 1992, regular combat report;

T-152 – Command of the Banja Luka Corps, confidential No. 420-1 dated 8 May 1992;

T-153 – Document of the Command of the 6th Partisan Brigade, no date, signed by Branko Basara

T-154 – Minutes of the 16th session of the Serb People Assembly dated 12 May 1992 held in Banja Luci;

T-155 – Minutes of the meeting with representatives of municipalities in the area of responsibility dated 14 May 1992, signed by Momčilo Dmitrović

T-156 – Document of the Command of the 30th Partisan Division, strictly confidential, No. 174-140 dated 16 May 1992;

T-157 – Minutes of the session of the Government of the Serb Republic of Bosnia and Herzegovina dated 23 May 1992;

T-158 – Instructions of the Government for the organization and work in municipalities in conditions of the imminent threat of war;

T-159 – Document to the Command of the 1st Krajina Corps, military secret-coded dated 27 May 1992;

T-160 – Document of the Command of the 1st Partisan Brigade Šipovo dated 28 May 1992, No. I-121/92, regular combat report;

T-161 – Document of the Command of the 1st Krajina Corps, strictly confidential No. 44-1/92 dated 29 May 1992, regular combat report, military secret;

T-162 – Decision on formation of war presidencies in municipalities at the time of imminent threat of war;

T-163 – Document of the Command of the 1st Krajina Corps dated 31 May 1992;

T-164 – Document of the Command of the 30th Partisan Division No. 939-1 dated 31

May 1992;

T-165 – Command of the 1st Krajina Corps, strictly confidential No. 44-1/ dated 2 June 1992, regular combat report, military secret;

T-166 – Command of the 1st Krajina Corps, strictly confidential No. 44-1/160 dated 2 June 1992, regular combat report, military secret;

T-167 – Criminal Report of the Banja Luka Army Post Office to the Military Prosecutor dated 5 June 1992 No. KU-33/92

T-168 – Complaint about unlawful deprivation of liberty sent to General Talić, Corps Commander;

T-169 – Statement of Boško Unčanin given to the authorized official person of the military police;

T-170 – Statement of Svetislav Račić given to the authorized official person of the military police;

T-171 – Statement of Ilija Krčmar given to the authorized official person of military police;

T-172 – Official Note dated 3 June 1992; Military Post Office 4627

T-173 – Conclusion of the meeting of Sub region (municipal political representatives) dated 7 June 1992;

T-174 – Order of the Commander of the 2nd Krajina Corps for further operations, strictly confidential No. 90-1 dated 8 June 1992;

T-175 – Daily Report of the 17th Light Infantry Brigade Ključ, Strictly Confidential No. 01-25/92 dated 12 June 1992;

T-176 – Daily Report of the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-31/92 dated 13 June 1992;

T-177 – Daily Report of the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-12/92

T-178 – Daily Report the 17th Light Infantry Brigade Ključ, strictly confidential No. 01/5-92

T-179 – Combat Report of the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-31-5/92 dated 17 June 1992;

T-180 – Document of the Command of the 1st Corps, Op. Strictly confidential No. 44-1/180 dated 14 June 1992;

T-181 – Document of the Command of the 1st Corps, Op. Strictly confidential No. 505-2 dated 14 June 1992;

T-182 – Document of the Command the 1st Corps, Op. Strictly confidential No. 482-1 dated 1 June 1992;

T-183 – Document of the Command of the 1st Corps No. 535-1 dated 19 June 1992;

T-184 – Daily Report the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-31-8/92 dated 23 June 1992;

T-185 – Order for further operations of the 17th Light Infantry Brigade, strictly confidential No. 01-93/92 dated 25 June 1992;

T-186 – Document of the Command of the 1st Krajina Corps, strictly confidential No. 44-1/201 dated 27 June 1992;

T-187 – Order for further operations of the Army Post Office Ključ, strictly confidential No. 03-135 dated 9 July 1992;

T-188 – Instructions of the Government of Srpska Republika of Bosnia and Herzegovina dated 13 July 1992, implementation of the decision of mandatory handover of the war booty;

T-189 – Activity report of the Command of the 17 Light Infantry Brigade Ključ dated 28 July 1992;

T-190 – Command of the 1st Krajina Corps – Selection of prisoners of war in the Manjača PWC, No. 21-50 dated 6 August 1992;

T-191 – Report of the Commission on visiting of collection centers and other facilities for prisoners in the Autonomous Region of Krajina dated 17 August 1992;

T-192 – Order of the Command of the 1st Krajina Corps, strictly confidential No. 765-1/92 dated 15 December 1992;

T-193 – Decision of the National Assembly of Republika Srpska repealing the decision on the establishment of war commissions in municipalities during the imminent threat of war or the state of war, number 02-1978/92, dated 17 December 1992;

T-194 – Report to the Command of the 1st Krajina Corps, strictly confidential No. 01-326-22/93 dated 16 February 1993;

T-195 – Document of the Command of the 2nd Krajina Corps, strictly confidential No. 3-93 dated 7 March 1993;

T-196 – Contribution to the monograph of the 1st Krajina Corps

T-197 – Analysis of activities by elements of combat readiness in 1992 of the Command of the 1st Krajina Corps from February 1993, marked as military secrets, strictly confidential;

T-198 – Analysis of VRS combat readiness and activity in 1992 (Han Pijesak, 1993);

T-199 – Document of the Command of the 1st Krajina Corps, regular combat report op. Confidential, No. 44-1/151 dated 28 May 1992;

T-200 – Minutes of the meeting attended by Vinko Kondić dated 26 March 1991;

T-201 – Records of SDS Ključ duty trips from 1 April 1991 to (it is not indicated until when);

T-202 – First joint press release of MBO and SDA;

T-203 – Minutes of the meeting of the SDS Executive Board and presidents of local SDS boards dated 9 May 1991;

T-204 – Minutes of the meeting of SDS Executive Board and presidents of local boards dated 15 May 1991;

T-205 – Minutes of the 7th session of Ključ Municipal Assembly dated 5 July 1991;

T-206 – Nomination of candidate of the Ključ SDS Executive Board to the president of the Ključ National Defense Council for the position of the Ključ Territorial Defense Commander, No. 01/1-24/91 dated 15 October 1991;

- T-207** – Minutes of the 3rd session of the Executive Board dated 2 October 1991;
- T-208** – Minutes of the 4th session of the Ključ SDS Executive Board dated 14 October 1991;
- T-209** – Minutes of the 5th session of the Ključ SDS Executive Board dated 24 October 1991;
- T-210** – Minutes of the 6th session of the Ključ SDS Executive Board dated 23 December 1991;
- T-211** – Minutes of the 7th session of the Ključ SDS Executive Board dated 25 February 1992;
- T-212** – Minutes of the 8th session of the Ključ SDS Executive Board dated 6 March 1992;
- T-213** – Minutes of the 9th session of the Ključ SDS Executive Board dated 12 March 1992;
- T-214** – Minutes of the 10th session of the Ključ Executive board dated 23 March 1992;
- T-215** – Minutes of the 11th session of the Ključ SDS Executive Board dated 30 March 1992;
- T-216** – Minutes of the 12th session of the Ključ SDS Municipal Board dated 14 July 1992;
- T-217** – Minutes of the 3rd session of the Ključ SDS Municipal Board dated 2 September 1991;
- T-218** – Minutes of the 5th session of the Ključ SDS Municipal Board and Caucus dated 22 January 1992;
- T-219** – Minutes of the 6th session of the Ključ SDS Municipal Board dated 18 February 1992;
- T-220** – Minutes of the 8th session of the Ključ SDS Municipal Board dated 29 April 1992;
- T-221** – Minutes of the session of the Presidency of the SDS Municipal Board dated 10 December 1992;
- T-222** – Excerpt from the session of the Ključ SDS Municipal Board held on 23 January 1993;
- T-223** – Document on informing the public about sessions of the Municipal Assembly and the Executive Board of Ključ from October 1991;
- T-224** – Information for the public from the sessions of the Ključ Municipal Assembly dated 29 December 199.;
- T-225** – Proposal of the Crisis Staff of the Ključ Municipal Assembly of the structure of municipal bodies in time of war, May 1992;
- T-226** – Handwritten list of members of the Ključ Territorial Defense from the meeting dated 3 April 1992;
- T-227** – Order of the President of the National Defense Council of the Ključ Municipal Assembly, No. 05- 01-45/92 dated 5 May 1992;
- T-228** – Press release of the Ključ Municipality Crisis Staff signed by Jovo Banjac
- T-229** – Book of minutes of sessions of the Ključ Municipality Crisis Staff;

T-230 – Press release of the Crisis Staff and Command of the Ključ Municipality Defense No. 6/92 dated 2 June 1992;

T-231 – Minutes of the session of the Ključ Municipality Crisis Staff 13 and 14 May 1992;

T-232 – Order of the Crisis Staff of the Ključ Municipal Assembly, strictly confidential No. 02/92 dated 15 May 1992, signed by Jovo Banjac;

T-233 – Order of the Crisis Staff of the Ključ Municipal Assembly, strictly confidential No. 22/92 dated 25 May 1992;

T-234 – Order of the Ključ Municipality Crisis Staff, strictly confidential No. 01/92 dated 27 May 1992;

T-235 – Order of the Ključ Municipality Crisis Staff dated 28 May 1992;

T-236 – Order of the Ključ Municipality Defense Command dated 29 May 1992;

T-237 – Conclusion of the Ključ Municipality Crisis Staff No. 66/92 dated 18 June 1992;

T-238

1. Report of the Main HQ of the Ključ Municipality dated 3 June 1992;
2. Warning and Information of the main HQ of the Ključ Municipality;
3. Announcement of the Main HQ of the Ključ Municipality;
4. Dispatch of the Public Security Service Center Banja Luka;
5. Decision on moving out of the War Presidency of Ključ Municipality;
6. Notice of the Crisis Staff of the Ključ Municipality dated 8 June 1992;
7. Notice of the Crisis Staff of the Ključ Municipality dated 9 June 1992;
8. Brigade Command warnings dated 15 June 1992;
9. Document of the Ključ Public Security Service;
10. Document of the Ključ Municipality Crisis Staff of combat activities;
11. Daily report of the Ključ Municipality Crisis Staff dated 27 June 1992;
12. Document of the Public Security Service dated 6 August 1992;
13. Report of the Public Security Station on convoy escort;
14. Regular Report of the Public Security Station dated 7 July 1992;
15. Document of the session of the War Presidency held on 22 July 1992;
16. Public Security Station Report of destruction of the Mosque in Ključ;
17. Public Security Station Report of unrests in the Ključ proper;
18. Report of the War Presidency of the Ključ Municipality about security situation in the beginning of the school year;

T-239 – Order of the Crisis Staff of the Municipal Assembly of the Ključ Municipality No. 19/92 dated 4 June 1992;

T-240 – Announcement of the Crisis Staff of the Ključ Municipal Assembly No. 20/92 dated 4 June 1992;

T-241 – Address of the Banja Luka Bishop's Ordinariate sent to Jovo Banjac, No. 577/92 dated 13 August 1992;

T-242 – Document of the *ŠIP* Company in Ključ, delivery of information to the Ključ Municipal Assembly about managerial staff No. 02-483/92 dated 21 June 1992;

T-243 – Document of the ŠIP Company in Ključ, delivery of information about the managerial staff of the Ključ Municipal Assembly No. 01-737/92 dated 23 June 1992;

T-244 – Ključ Municipal Assembly - Overview of managerial posts occupied by Muslims dated 26 June 1992;

T-245 – Excerpt from the Minutes of the session of the War Presidency of Ključ Municipal Assembly dated 10 July 1992;

T-246 – Decision of the War Presidency of Ključ Municipal Assembly No. 05-01-93/92 dated 13 July 1992;

T-247 – Decision of the War Presidency of Ključ Municipal Assembly No. 05-01-99/92 dated 13 July 1992;

T-248 – Conclusion made at the session of the War Presidency of Ključ Municipal Assembly dated 10 July 1992;

T-249 – Conclusion of the War Presidency of Ključ Municipal Assembly No. 05-01-100/92 dated 15 July 1992;

T-250 – Excerpt from the Minutes of the 2nd session of the War Presidency of Ključ Municipal Assembly dated 21 July 1992;

T-251 – Decision on relieving of duty the President of the Executive Board of the Ključ Municipality dated 21 July 1992, Decision on Relieving of Duty of the Director of the Municipal Administration of Geodetic and Property Affairs and real Estate Cadastre dated 21 July 1992, Decision on Relieving of Duty of the Secretary of the Municipal Secretariat for General Administration dated 21 July 1992, Decision on Relieving of Duty of the Secretary of the Executive Board of Ključ Municipality dated 21 July 1992, Decision on Relieving of Duty of the Vice-president of the Ključ Municipal Assembly dated 21 July 1992, Decision of Relieving of Duty of the judge of the Basic Court in Ključ No. 05.03-7/92 dated 2 July 1992, Decision on Relieving of Duty of the judge of the Municipal Minor Offence Court in Ključ No. 05-03-4/92 dated 1 July 1992;

T-252 – Decision on Appointment of Acting President of the Basic Court in Ključ No. No. 05-03-5/92 dated 1 July 1992, decision on Appointment of judges of the basic Court in Ključ No. 0503-6/92 dated 1 July 1992;

T-253 – Decision of the War Presidency of Ključ Municipal Assembly on Cessation of employment of all workers who failed to respond to a call-out notice for mobilization dated 21 July 1992;

T-254 – Decision of War Presidency of Ključ Municipal Assembly No. 05.01-118/92 dated 21 July 1992, Decision of the War Presidency of Ključ Municipal Assembly No. 05.01./92 dated 21 July 1992;

T-255 – Excerpt from the Minutes of the 3rd session of the War Presidency of Ključ Municipal Assembly dated 22 July 1992;

T-256 – Excerpt from the Minutes of the War Presidency of Ključ Municipal Assembly dated 28 July 1992;

T-257 – Decision of the War Presidency of Ključ Municipal Assembly on criteria for moving out of the territory of Ključ municipality dated 30 July 1992;

T-258 – Minutes of the 13th session of Ključ Municipal Assembly dated 31 July 1992;

T-259 – Minutes of the Commission for collection of information for moving the inhabitants out of the territory of Ključ Municipality No. 05-01-135-14/92 dated 31 July 1992, - Minutes of the Commission for collection of information for moving of residents out the territory of the Ključ Municipality No. 05-01.135-59/92 dated 3 August 1992, - Minutes of the Commission for collection of information for moving of residents out of the territory of Ključ Municipality No. 05-01-135-40/92 dated 3 August 1992, Minutes of the Commission for collection of information for moving of residents out of the territory of Ključ Municipality No. 05-01-135-130/92 dated 4 August 1992 – Minutes of the commission for collection of information for moving of residents out of the territory of Ključ Municipality No. 05-01-135-183 dated 3 August 1992, - Minutes of the Commission for collection of information for moving of residents out of the territory of the Ključ Municipality No. 05-01-135-298/92 dated 7 August 1992 – Minutes of the Commission for collection of information for moving of residents out of the territory of Ključ Municipality No. 05-01-135-367/92 dated 10 August 1992 – Minutes of the Commission for collection of information for moving of residents out of the territory of Ključ municipality No. 05-01-135-470/92 dated 10 August 1992 – Minutes of the Commission for collection of information for moving of resident out of the territory of Ključ Municipality No. 05-01-135-753/92 dated 17 August 1992, - Minutes of the Commission for collection of information for moving of residents out of the territory of the Ključ municipality No. 05-01-155-787/92 dated 19 August 1992, - Minutes of the Commission for collection of information about moving of residents out of the territory of Ključ municipality No. 05-01-139763/92 dated 17 August 1992, - Minutes of the Commission for collection of information for moving of residents out of the territory of Ključ municipality No. 05-01-135-784/92 dated 18 August 1992, Minutes of the Commission for collection of information about moving of residents out of the territory of Ključ Municipality No. 05-01-135-1350/92 dated 8 September 1992;

T-260 – Activity Report of the Crisis Staff of the War Presidency of Ključ Municipal Assembly from 15 May 1992 to date;

T-261 – Activity Report of the Executive Board of Ključ Municipal Assembly in the time period from 31 May 1992;

T-262 – Excerpt from the Minutes of the 6th session of the War Presidency of Ključ Municipal Assembly dated 7 August 1992;

T-263 – Order of the War Presidency of Ključ Municipal Assembly dated 7 August 1992;

T-264 – Decision on Formation of the Disciplinary Commission No. 103/92;

T-265 – Decision of the Basic Court in Ključ No. SU: 10/92 dated 18 August 1992 and the Decision of the Basic Court in Ključ No. SU: 108/92 dated 18 August 1992;

T-266 – Request of the Basic Court in Ključ for opening of proceedings regarding disciplinary accountability of an employee Smajil Džaferagić and others No. 104/92 dated 17 August 1992;

T-267 – Official Letter of the Ključ Forest Industry Company to Ključ Municipal

Assembly No. 01-934/92 dated 4 September 1992;

T-268 – Decision of the War Presidency of Ključ Municipal Assembly No. 05-01-194/92 dated 7 September 1992;

T-269 – Minutes of the 14th session of Ključ Municipal Assembly dated 29 December 1992;

T-270 – Minutes of XII session of the War Presidency of Ključ Municipal Assembly held on 23 December 92;

T-271 – Minutes of the 15th meeting of Ključ Municipal Assembly dated 28 January 1993;

T-272 – Activity Report of the SDS Municipal Board in Ključ, to the SDS Executive in Pale No. 01/1-32/93 dated 27 October 1993;

T-273 – Minutes of the 19th session of Ključ Municipal Assembly dated 30 July 1993;

T-274 – Letter of Banja Luka Bishop to the President of Ključ Municipal Assembly written in February 1993;

T-275 – Official Note titled *Štab* dated 5 October 1991;

T-276 – Document of the Security Service Center in Banja Luka No. 11-128 dated 31 July 1991, subject – conclusions of council of experts;

T-277 – Agreement on association of municipalities of Bosanska Krajina dated 29 April 1991;

T-278 – Order of the Ministry of the Interior No. 01-1/92 dated 15 May 1992;

T-279 – Conclusions of the plenary session of the Center's Council held on 6 May 1992, Public Security Center No. 11-144 dated 20 May 1992;

T-280 – Dispatch of the Security Service Center Banja Luka No. 11-1/01-6 dated 1 July 1992;

T-281 – Dispatch of Security Service Center Banja Luka No. 11-170 dated 20 July 1992;

T-282 – Dispatch of Security Service Center Banja Luka, No. 11-1/02-1-301 dated 31 July 1992;

T-283 – Srpska Republika Bosna and Hercegovina, MoI Sarajevo, Summary of the meeting of MoI managerial personnel dated 11 July 1992;

T-284 – Srpska Republika Bosna and Hercegovina, MoI Sarajevo, Report of some aspects of the work and future tasks of 17 July 1992;

T-285 – Dispatch of Security Service Center Banja Luka No. 11-1/01-od-439 dated 19 August 1992;

T-286 – Instruction on training and usage of war units of Security Service Center No. 11-08-262/92 dated 25 August 1992;

T-287 – Minutes of the meeting of 11 February 1992 held in Banja Luka;

T-288 – Dispatch of Security Service Center Banja Luka No. 11-1/01-72 dated 27 August 1992;

T-289 – Order of the Ministry of the Interior of Srpska Republika No. 10-293/92 dated 6 September 1992;

T-290 – Dispatch of Security Service Center, No. 11-/01-4 dated 1992;

T-291 – Dispatch of Security Service Center Banja Luka No. 11-183 dated 18 September

1992;

T-292 – Activity Report from July to September 1992, Republika Srpska, MoI, copy No. 31, Sarajevo October 1992;

T-293 – Activity Report from April to December 1992, Republika Srpska, MoI, Bijeljina January 1993;

T-294 – Report of Analysis of Work of the Public Security Station in 1992 in the area of Security Service Center in Banja Luka, Banja Luka, March 1993;

T-295 – Assembly of Autonomous Region of Krajina, Municipal Secretariat for National Defense in Banja Luka, the list of dismissed and pardoned persons, No. 347/400 dated 7 October 1992;

T-296 – Overview of incoming and outgoing persons from the territory covered by the Security Service Center in Banja Luka;

T-297 – Dispatch of Security Services Center in Banja Luka No. 11-1/01-48 dated 28 May 1992;

T-298 – Dispatch of the Security Services Center in Banja Luka No. 11-1/01-54 dated 12 June 1992;

T-299 – Dispatch of Public Security Station Ključ, No. 88/91 dated 7 October 1991;

T-300 – Operational Plan of Activities of Security Services Center in Banjaluka for Public Security Center in Ključ for February 1992;

T-301 – Report of Ključ Public Security Station dated 24 October 1992;

T-302 – Document of Public Security Station in Ključ sent to the Municipal Secretariat for National Defense No. 11-8/08-83-16/92 dated 19 March 1992;

T-303 – List of prisoners in Stara Gradiška Camp;

T-304 – List of newly received prisoners in Stara Gradiška Camp, with list per category;

T-305 – Overview of the number of prisoners in Stara Gradiška Camp per category of persons;

T-306 – List of prisoners of war in the Manjača Camp, dated 15 June 1992;

T-307 – List of Prisoner of War from Ključ (for release) and the list of other prisoners of war;

T-308 – List of police employees and other official persons who signed an official oath.

T-309 – List of employees of reserve police forces engaged in PSS in July 1992;

T-310 – List of authorized employees of PSS Ključ who received official badges;

T-311 – List of reservists who signed an official oath

T-312 – War Recruitment and Systematization Plan of Ključ Public Security Station;

T-313 – Photo / 21/ members of Ključ Public Security Station

T-314 – Document of Public Security Station in Ključ No. 11-8/08-80-280/92 dated 23 October 1992, list of reserve forces of Traffic Safety Police Station;

T-315 – Document of Public Security Station Ključ dated 4 July 1992;

T-316 – Document of Public Security Station Ključ No. 11-8/08-80-96/92 dated 4 August 1992;

T-317 – List of engaged members of Reserve Police Forces Gornji Ribnik in July 1992;

T-318 – List of persons issued with arms, list was made by the Chief of Public security Station in Ključ, Vinko Kondić;

T-319 – Dispatch Note of the Security Services Center in Banja Luka No. 11-1/01-180 date 22 October 1992, as well as the list of police – made by the Chief of Public Security Station Ključ, Vinko Kondić;

T-320 – List of detained persons from the town of Ključ, not signed;

T-321 – Public Security Station Ključ – list of persons detained on 29 May 1992;

T-322 – PSS Ključ: List of persons brought in u SRN Sanica for further interrogation 14 June 1992;

T-323 – Ključ Public Security Station Stanica – List of soldiers of enemy formations brought from the area of Sanica dated 16 June 1992;

T-324 – Document of the Public Security Station in Ključ sent to the Command of Manjača Camp, No. sl/92 dated 24 June 1992;

T-325 – Document of Ključ Public Security Station - two lists of persons apprehended during the mopping up of terrain of Ključ Municipality No. S1/92 dated 27 June 1992;

T-326 – Request of the Ključ Public Security Station for consent of the SDS Executive Board, No. 11-8/01-01-20/92 dated 30 June 1992;

T-327 – Official Note of Ključ Public Security Station dated 10 July 1992;

T-328 – Document of Ključ Public Security Station – List of persons sent to the Manjača Camp dated 22 July 1992;

T-329 – Activity report of Ključ Public Security Station during combat activities in the territory of Ključ municipality No. 9/92 July 1992;

T-330 – Document of Ključ Public Security Station sent to the Security Services Centre in Banja Luka, No. 437/92 dated 5 August 1992;

T-331 – Document of the Ključ Public Security Station – List of prisoner from the territory of Ključ municipality in Manjača Camp for prisoners of war No. 11-8/01-01-SJ/92 dated 29 August 1992;

T-332 – Dispatch of Ključ Public Security Station to Security Services Center in Banja Luka, No. 770/92 dated 25 September 1992;

T-333 – Report of crimes committed in the area of municipality since the armed uprising started on 27 May 1992, No. 17/92 dated 28 September 1992;

T-334 – Official Note of the sector of national Security of the war department in Ključ dated 29 September 1992;

T-335 – Dispatch of the Security Services Center in Banja Luka, No. 11-1/02-1-441 dated 17 November 1992, and the document of Ključ Public Security Station;

T-336 – Dispatch of Public Security Station Ključ No. 860/92 dated 24 November 1992;

T-337 – Dispatch of Public Security Station Ključ No. 859/92 dated 24 November 1992;

T-338 – Ključ Public Security Station - Plan of investigation into Sabotage and Terrorist Group in the area of Galaja, strictly confidential No. 3/93 dated 1 December 1992;

T-339 – Dispatch of Public Security Station Ključ No. 3/93 dated 6 February 1993;

T-340 – Report of Public Security Station Ključ for the first quarter, April 1993;

T-341 – PSS Ključ: Contribution for monograph on participation of the police employees in the war No. 1112/01-80-25/93 dated 1 October 1993;

T-342 – Dispatch of Ključ Public Security Station sent to Security Services Center Banja Luka dated 3 May 1993;

T-343 – Ključ Public Security Station – List of able-bodied Muslim men dated 25 May 1993, at request of the Ministry of Defense;

T-344 – Document of Ključ Public Security Station No. 7/93 dated 4 July 1993;

T-345 – Document of Basic Public Prosecutor's Office sent to Ključ PSS dated 1 February 1993;

T-346 – Document of Basic Public Prosecutor's Office Ključ sent to PSS Ključ from: 1 February, 24 November, 24 July and 10 August 1992 as well as 18 February, 23 November, 28 July and 1 February 1993;

T-347 – Dispatch of Ključ Public Security, with no reference number dated 5 January 1991 sent to SSC Banja Luka;

T-348 – Dispatch of Ključ PSS sent to SSC Banja Luka responding to the Dispatch of SSC 4, 8 and 16 February 1994 – three documents;

T-349 – List of persons to be transferred from Ključ dated 3 March 1994;

T-350 – Dispatch of Ključ PSS dated 11 March 1994 responding to the document of SSC Banja Luka;

T-351 – Document of PSS Ključ dated 1 November 1993, that is the Dispatch explaining the employment in the police;

T-352 – Dispatch of PSS Ključ dated 26 March 1993 sent to SSC Banja Luka;

T-353 – Work plan for the seizure of passenger vehicles kept by Serb citizens which they were obliged to hand over to the Municipal Committee since 1994;

T-354 – Official Note dated 17 November 1992 by which we wish to prove looting of Muslims;

T-355 – Commission for Seized Goods, Approval of the War Presidency of Ključ Municipality;

T-356 – Decision of the War Presidency of Serb Municipality of Ključ dated 16 November 1992;

T-357 – Activity Report of PSS Ključ on prevention of crime for third quarter;

T-358 – Report of Islamic Community Board in Ključ on culturocide from March 1998;

T-359 – Statistic Bulletin of the 1991 Census;

T-360 – Notebook of five page handwriting of unidentified author as well as eight typed pages Manjača 1992;

T-361 – Document of the 30th Partisan Division, strictly confidential dated 9 June 1992;

T-362 – Photo-documents of the Specialized Crime Police Department Sanski Most dated 10 January 2008, photo documents of the Ključ municipality building dated 10 January 2008, photo-documents of football stadium dated 10 January 2008, photo-documents of the Municipal Court in Ključ dated 10 January 2008, photo-documents of religious buildings in Ključ dated 10 January 2008, photo-documents of *Šipad Komerc* in Ključ

dated 10 January 2008 and photo-documents of PSS in Ključ with premises dated 10 January 2008;

T-363 – Personal file of Boško Lukić;

T-364 – Certificate of information registered in the master register of PIO /Pension and Disability Insurance/ in the name of Boško Lukić

T-365 – Personal file of Marko Adamović, and Certificate of PIO – MIO from 1991;

T-366 – Shorthand notes of the inaugural session of the Assembly of the Serb People in BiH, dated 24 October 1991

T-367 – Proclamation of Town Board of SDA and MBO in Ključ, dated 21 September 1991;

T-368 – Document of the District Territorial Defense HQ dated 18 February 1991 on staffing of the TO of Ključ Municipality;

T-369 – Document of District TO HQ dated 26 August 1991 on usage of business premises of the TO Municipal HQ;

T-370 – Minutes of the first session of the War Presidency of Ključ dated 5 November 1994 signed by Jovo Banjac

T-371 – Report of the Army Post Office Ključ on civil affairs dated 19 May 1993 with supporting document sent to the Ključ Municipal Assembly;

T-372 – Decision of formation of commission on appointment within Serb Municipality of Ključ related to Boško Lukić and the Certificate approving Boško Lukić the financial support;

T-373 – List of citizens from Kopljenica who surrendered their arms dated 22 November 1994;

T-374 – Decisions of the Crisis Staff of the Ključ Municipal Assembly dated 6 July 1992;

T-375 – Document of the Command the 17th Light Mountain Brigade 30 July 1995;

T-376 – Decision on formation of the War Presidency of the Ključ Municipality dated 31 July 1995;

T-377 – Document of PSS Ključ on systematization of posts in the police dated 24 September 1991 sent to SSC Banjaluka;

T-378 – Support letter of the Ključ Municipal Assembly dated 27 August 1992;

T-379 – Request for use of business premises in the Municipality of Ključ;

T-380 – Document of the Crisis Staff of the Ključ Municipality, certified by the Hague Tribunal;

T-381 – Minutes of the meeting of the headquarters protection company of the Municipal Staff of the Territorial Defense Ključ, dated 25 October 1991;

T-382 – Document of the Municipal Board for MBO and SDA dated 24 December 1992

Press Release of MBO Ključ dated 18 September 1991;

T-383 – Notice of SDS to the SDS Municipal Board in Ključ

T-384 – Document of the Ključ Municipal Assembly and Autonomous Region of Krajina dated 27 March 1992;

T-385 – Document of the Executive Board of the Municipal SDS Ključ dated 24 September 1991;

T-386 – Nomination of candidates for information, moral and religious affairs of SDS, application of Marko Adamović for membership in SDS RS dated 20 January 1991;

T-387 – Record issued by the Ključ Municipal Assembly for Ivan Jakundić, Record on financial standing of Slavko Blazević, Record on financial standing of Ismet Mešić, Record on financial standing of Kana Mešić, Record on financial standing of Suad Perdić, Record of financial standing of Kadir Brković;

T-388 – List of persons to be brought in from Humići;

T-389 – Document of the Ključ PSS, list of persons captured on 1 June 1992;

T-390 – List of prisoners from enemy formations dated 26 June 1992, the list includes 7 persons;

T-391 – Handwritten List of prisoners held in the gym, including 60 persons;

T-392 – Order of the Crisis Staff and the Command of Ključ dated 30 May 1992;

T-393 – List of PSS Ključ on persons who put up a resistance to the Serb forces dated 11 June 1992;

T-394 – Document of PSS Ključ dated 20 July 1992, List of persons committed to the Manjača Prison Camp including 9 persons;

T-395 – Document of PSS Ključ dated 30 August 1992, Report of activity of extremists of Green Berets;

T-396 – List made by PSS Ključ of unprocessed persons from the settlement of Krasulje, list of members of enemy formations captured on 9 June 1992, list of members of enemy formations captured on 23 June 1992, list of persons from Rejzovići captured on 12 June 1992, list of members of enemy formations captured in Velagići, list of persons from the area of Ramići and Krasulje examined on 31 May 2010, list of persons released from the PW Camp;

T-397 – Document of the Command of the 13th Partisan Brigade of Ključ Municipality dated 18 March 1992, the village of Baraci;

T-398 – Document of the Ministry of Defense, Department of Ključ, sent to PSS Ključ dated 24 May 1993;

T-399 – Document of the Radio Ključ Public Company dated 12 August 1992 Ministry of Information of the Srpska Republika of BiH, Document of Radio Ključ Public Company dated 5 February 1993, Document of the Radio Ključ Public Company dated 19 July 1992;

T-400 – Official Announcement of MBO, Ključ Municipal Board dated 1 August 1991, Official Announcement of MBO, Municipal Board of Ključ dated 8 October 1991, Document of SDS of the Municipal Board in Ključ dated 10 August 1991, Document of V Kapetanović on the fifth anniversary of crime against Serb people, official announcement of the Ključ Municipal Assembly, Document of the President of Ključ Municipal Assembly, Radio Ključ.

T-401 – Decision on general mobilization of Serb people in the Ključ Municipality

T-402 – Decision disapproving the reunion of the Municipality of the Ključ, Autonomous Region of Bosanska Krajina;

- T-403** – Order of the Crisis Staff of Ključ Municipal Assembly on seizure of property benefit dated 30 May 1992;
- T-404** – Document of Defense HQ of Ključ, signed by Boško Lukić;
- T-405** – Certificate of the Command of Army Post Office of Ključ dated 28 September 1992;
- T-406** – Press release of the Crisis Staff of Ključ Municipal Assembly;
- T-407** – Document of the Ključ Municipal Assembly dated 8 May 1992 sent to the Prijedor Municipal Assembly;
- T-408** – Document of the HQ of the Municipal Territorial Defense dated 6 March 1992, Order of the Commander of Territorial Defense of the Ključ Municipality dated 6 March 1992, Ranko Viđinović, Order of the Commander of Territorial Defense of the Ključ Municipality dated 6 March 1992, Drago Ivanović, Order of the Commander of the Territorial Defense of Ključ Municipality dated 6 March 1992, Drago Macanović, Order of the Commander of the Ključ Municipality Territorial Defense dated 6 March 2010 of Zoran Savanović;
- T-409** – Document of the Nikola Mačkić Primary School and the record of inspection of the Ključ Municipality Building dated 26 June 1992;
- T-410** – Handwritten List of pieces of automatic weapon, including 101 persons;
- T-411** – Document sent to the District HQ of Banja Luka sent by the Republic HQ. Document made by the 1st Krajina Corps dated 17 May 1992;
- T-412** – Document of the Command of the 30th Partisan Brigade dated 28 April 1992;
- T-413** – Document of Municipal Board of SDS Ključ, appointment of the Commander of the TOHQ dated 6 November 1991;
- T-414** – Document of the Command of the 17th Mountain Brigade dated 15 June 1995, Report of subordinated units dated 7 July 1995, Report of subordinated units dated 6 July 1995, Report of subordinated units dated 23 June 1995, Report of subordinated units dated 7 July 1995, order of the 17th Mountain Brigade for carrying out of the combat activities dated 17 June 1995, Order of the Command of the 2nd Krajina Corps for taking actions in decisive defense;
- T-415** – Document of the Crisis Staff of Ključ Municipal Assembly dated 5 June 1992 , Order to star working of the UKUS Public Company Ključ;
- T-416** – Decision of the Ključ Municipal Assembly dated 29 December 1992, Official Gazette of the Ključ Municipality;
- T-417** – Decision of the President of the Ključ Municipal Assembly,
- T-418** – Combat Report of the Command of the 17th Partisan Light Brigade dated 18 June 1992;
- T-419** – Two handwritten sheets indicating events which took place in the area of the Ključ Municipality;
- T-420** – Law on All-people's Defense published in the Official Gazette dated 9 February 1984;
- T-421** – Handwritten List of prisoners in the Biljani School, photocopy of the notebook

dated 10 July 1992 in the Primary School of Biljani.

T-422 – Order of the Federal Secretariat of National Defense /SSNO/dated 28 November 1991;

T-423 – Order of the Technical Administration of SSNO, confidential No. 2268-1 dated 30 December 1991;

T-424 – Document of the Command of the 2nd Military District No. 31/103-6-1 dated 9 January 1992

T-425 – Mobilization Plan of Territorial Defense of SR BiH, strictly confidential No. 05/1898-4/87 dated 8 December 1989 with Charts;

T-426 – Conclusions and tasks from the session of Army Council of SSNO dated 23 May 1991;

T-427 – Request to the Yugoslav National Army No. 02-52/91 dated 11 December 1992;

T-428 – Order of the Command of the 2nd Military District, strictly confidential No. 09/63-56 dated 7 March 1992, Conclusion of the Command of the 2nd Military District dated 20 March 1992, Order of the Command of the 2nd Military District, strictly confidential No. 09/80-23 dated 4 April 199., Order of the Command of the 2nd Military District, DT No. 12/82-16 dated 10 March 1992;

T-429 – Decision of the Serb People's Assembly dated 24 October 1991;

T-430 – Decision of the Serb People's Assembly on formation of the Army of Serb Republic of BiH No. 03-234/92 dated 12 May 1992;

T-431 – Document of the Command of the 30th Partisan Division, strictly confidential No. 865-2 dated 16 May 1992;

T-432 – Document with Charts (List of units of the 2nd Military District, SSNO and War Aviation and Anti-Aircraft Defense in the Territory of the 2nd Military District;

T-433 – Document of the Command of the 2nd Military District No. 31/104-40-1 dated 24 April 1992;

T-434 – Chart of the formation structure of the 2nd Military District;

T-435 – Document of the Command of the 2nd Military District, strictly confidential No. 31/101-230 dated 7 April 1992;

T-436 – Order to expand the structure of the Territorial Defense of the Armed Forces of SFRY from 1990 to 1995.

T-437 – Order for collection and surrender of arms, strictly confidential No. 06/1-79-121 dated 23 October 1990;

T-438 – Note from the meeting of the representatives of Federal Secretariat for National Defense regarding the Report of the Command of the 2nd Military District;

T-439 – Official Note of the Basic Court in Ključ No. Kri 1/93 dated 2 January 1993 (about setting the Catholic church ablaze);

T-440 – List of (Chart) processed and detained persons from Prhovo;

T-441 – Decision of the Republic Ministry of NRO No. 1/92 dated 16 April 1992;

T-442 – Excerpt from the form Vob-8 for Marko Adamović and Military ID booklet bearing the name of Marko Adamović;

T-443 – Personal profile of the Accused Boško Lukić – Excerpt from the Vob-8 form for Boško Lukić, Document of Boško Lukić sent to the Ministry of Defense of the Municipality of Serb Ključ (Ribnik), Permit bearing the name of Boško Lukić No. 01-38-RP/95, Decision on appointment, confidential No. 08/511-1 dated 5 December 1991, Certificate No. 05-023-2039/96 dated 17 September 1996 of the Executive Board Ključ issued under the name of Lukić Boško;

T-444 – Order of the Commander of the Main Staff of the Republika Srpska Army strictly confidential No. 30/18-25 dated 3 July 1992;

T-445 – Order of the War Presidency of the Ključ Municipality, No. 05-01-104/94 dated 8 November 1994;

T-446 – Record of the persons brought in the Sanica-92 Department

T-447 – ICTY Judgment in the Krajišnik case: IT-00-39, ICTY Judgment in the Brđanin case No. IT-99-36, ICTY Judgment in Kordić and Čerkez case No. IT 95-14/2 , submitted on CD.

T-448 – Bosnian Serbs Crisis Staffs, Investigative report of Dorothea Hanson, dated 30 July 2002 and 26 November 2004;

T-449 – Military situation in Bosanska Krajina 1992, situation analysis, military analyst Ewan Brown dated 27 November 2002;

T-450 – Management of Bosnian Serbs 1990-1992, supplement to the power structure in the Autonomous Region of Krajina 1991, 1992, investigative report of Patrick J.Treanor.

T-451 – List of documents with CD enclosed containing the scanned photo-documents of completed exhumation;

T-452 – List of documents with CD enclosed containing the scanned death certificates

T-453 – Diary of the witness “D”

T-454 /rebuttal/ – Record of the examination of the witness “D” given to the Prosecutor's Office of Bosnia and Herzegovina No. KT-RZ-50/08 dated 17 October 2008 and No. KT-RZ-50/08 dated 10 October 2008;

T-455 – Group of 61 exhibits, the physical evidence listed in the documents of Prosecutor's Office of BiH dated 15 April 2011 as follows:

1. Document of the Command of the TG 2 dated 25 June 1992;
2. Document of the Command of the TG 2 dated 2 October 1992;
3. Document of the Command of the TG 2 dated 21 October 1992;
4. Document of the Command of the TG 2 dated 29 September 1992;
5. Document of the Command of the TG 2 dated 27 September 1992;
6. Document of the Command of the TG 2 dated 24 September 1992;
7. Document of the Command of the TG 2 dated 22 September 1992;
8. Document of the Command of the 2nd Krajina Corps Drvar, strictly confidential No. 2-174 dated 1 July 1992;
9. Document of the Command of the 2nd Krajina Corps , strictly confidential No. 2-168 dated 29 June 1992;
10. Document of the Command of the 2nd Krajina Corps, strictly confidential

- dated 90-5 dated 16 June 1992;
11. Document of the Command of the 1st Drvar Brigade, strictly confidential No. 90-4 dated 15 June 1992;
 12. Document of the Command of the 2nd Krajina Corps, strictly confidential, No. 2-113 dated 17 June 1992;
 13. CD – PLIVA 92
 14. Document of the Command of the 1st Drvar Brigade, confidential No. 18-13 dated 16 June 1992;
 15. Document of the Command of the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-31-8/92 dated 20 June 1992;
 16. Document of the Command 17th Light Infantry Brigade Ključ, strictly confidential No. 01-31-8/92 dated 23 June 1992;
 17. Document of the Command V.P.2207 Ključ strictly confidential No. 01-31-18 dated 11 July 1992;
 18. Document of the Command VP 2207 Ključ strictly confidential No. 01-31-23 dated 16 July 1992;
 19. Document of the Command V.P. 7327 Ključ strictly confidential No. 01-31-05 dated 5 August 1992;
 20. Document of the Command V.P. 2207 Ključ strictly confidential No. 01-31-32 dated 28 July 1992;
 21. Document of the Command 7227 Ključ, strictly confidential No. 01-31-17 dated 17 August 1992;
 22. Document of the Command 7327 Ključ strictly confidential No. 01-31-15 dated 15 August 1992;
 23. Document of the Command of the 2nd Krajina Corps, strictly confidential No. 303-1 dated 4 August 1992;
 24. Excerpt from the war diary of the 17th Light Infantry Brigade;
 25. Order of the Command of the 17th Light Infantry Brigade , strictly confidential No. 01/257 dated 9 August 1992;
 26. Order of the Command of TG 2 s.Magalj Dolj dated 1 September ;
 27. Order of the Command of the TG2 of the 17th Light Infantry Brigade, strictly confidential No. 01/436 dated 12 October 1992;
 28. Document of the Command of the 17th Light Infantry Brigade dated 24 October 1992;
 29. Document of the Command the 30 Krajina Corps Drvar, strictly confidential No. 174-544 dated 22 September 1992;
 30. Document of the Command of TG 2, strictly confidential No. 1/372/92 dated 22 September 1992;
 31. Document of the Command the 2nd Krajina Corps Drvar, strictly confidential No. 2/1-122 dated 27 October 1992;
 32. Document of the Command the 2nd inzp strictly confidential No. 384-124

- dated 9 June 1992;
33. Document of the Command the 17th Light Infantry Brigade Ključ, strictly confidential No. 01/08/92 dated 9 June 1992;
 34. Document of the Command the 17th Light Infantry Brigade Ključ, strictly confidential, No. 01-1/92 dated 5 June 1992;
 35. Document of the Command the 17th Light Infantry Brigade Ključ, strictly confidential No. 01/5-92;
 36. Document of the Command the 17th Light Infantry Brigade Ključ, strictly confidential No. 01/5-1-92 dated 7 June 1992;
 37. Document of the Command the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-06-2/92;
 38. Document of the Command the 17th Light Infantry Brigade Ključ, No. 01-12/92;
 39. Document of the Command the 17 Light Infantry Brigade Ključ, strictly confidential No. 01-20/92 dated 11 June 1992;
 40. Document of the Command the 17 Light Infantry Brigade Ključ, strictly confidential No 01-25/92 dated 12 June 1992;
 41. Document of the Command the 17 Light Infantry Brigade, strictly confidential No 01-20-2/92 dated 12 June 1992;
 42. Document of the Command 17 the 17 Light Infantry Brigade Ključ, strictly confidential No 01-31/92 dated 13 June 1992;
 43. Document of the Command 17 the 17 Light Infantry Brigade, strictly confidential No. 01-31-2/92 dated 13 June 1992;
 44. Document of the Command 17 the 17 Light Infantry Brigade Ključ, strictly confidential No 01-31-1/92 dated 15 June 1992;
 45. Document of the Command 17 the 17 Light Infantry Brigade Ključ, strictly confidential No. 01-31-2/92 dated 15 June 1992;
 46. Document of the Command 17 the 17 Light Infantry Brigade Ključ, strictly confidential No 01-39-1/92 dated 15 June 1992;
 47. Document of the Command 17 the 17 Light Infantry Brigade Ključ, strictly confidential No 01-31-3/92 dated 16 June 1992;
 48. Document of the Command 17 the 17 Light Infantry Brigade Ključ, strictly confidential No 01-31-5/92 dated 17 June 1992;
 49. Order, strictly confidential No. 11/28-201 dated 9 June 1992;
 50. Order, strictly confidential No. 11/28-197 dated 9 June 1992;
 51. Document of the Command VP 7327 Ključ, strictly confidential No. 01-31-20 dated 20 August 1992;
 52. Document of the Command the 2nd Krajina Corps, strictly confidential No. 12/26-5 dated 15 June 1992;
 53. Document of the Command the 17th Light Infantry Brigade Ključ, strictly confidential No. 01-31-6/92 dated 18 June 1992;

54. Document of the Command 17th Light Infantry Brigade Ključ, No. 01-31-7/92 dated 18 June 1992;
55. Document of the Command of the 17th Light Infantry Brigade No. 13 December 1992 at 24:00 hours
56. Order strictly confidential No. 11/27-187 dated 13 September 1992;
57. Law on Amendments to the Law on National Defense;
58. Decision No. 0-5 dated 19 May 1992;
59. Order confidential No. 380-1 dated 17 September 1992;
60. Order, confidential No. 01/365 dated 21 September 1992;
61. Document of the Command of the 1st Krajina Corps, confidential No. 174-652

C. DEFENCE WITNESS TESTIMONY DATES

1.	Accused Boško Lukić examined as a witness	25 October 2010 3 November 2010
2.	Slobodan Jurišić	8 November 2010
3.	Rajko Kalabić	15 November 2010
4.	Stevan Jovičić	17 November 2010
5.	Rade Malešević	17 November 2010
6	Vito Dvizac	22 November 2010
7	Witness D	24 November 2010
8	Accused Marko Adamović examined as a witness	29 November 2010 1 December 2010
9	Drago Radojčić	6 December 2010
10.	Dušan Dragić	8 December 2010
11.	Dušan Prolić	13 December 2010
12.	Mirko Kosić	15 December 2010
13.	Dušan Grabež	15 December 2010
14.	Rajko Kalabić	20 December 2010
15	Milorad Bodiroža	22 December 2010
16	Cvijo Popović	10 January 2011
17	Cvijo Škavić	12 January 2011
18	Ahmed Čenanović	24 January 2011
19	Radenko Kuburić	24.01.2011
20.	Boro Kosić	26 January 2011
21	Slobodan Jurišić	7 February 2011
22	Expert witness Radomir Lukić (expert witness for the first and second accused)	28 February 2011
23	Expert witness Slobodan Kosovac (expert witness for the first and second accused)	21 March 2011 23 March 2011 13 April 2011

D. DOCUMENTARY EVIDENCE OF THE ACCUSED BOŠKO LUKIĆ

O1-1 – Expert Opinion of Prof. Dr. Radomir Lukić, February 2011;

O1-2 – Expert report “Defense system in RS, Ključ “ Expert Opinion of the military expert Slobodan Kosovac, 27 February 2011;

E. DOCUMENTARY EVIDENCE OF THE ACCUSED MARKO ADAMOVIĆ

O2-1 – Certificate of the Military Post Office 7041 Mrkonjić Grad No. 19-505 dated 20 November 1995 on the death of the military conscript Miodrag Marković;

O2-2 – Expert opinion of Prof. Dr. Radomir Lukić, February 2011;

O2-3 – Expert Report “Defense System in RS, Ključ “ Expert Opinion of the military expert Slobodan Kosovac, 27 February 2011;

F. EVIDENCE OF THE COURT

During the proceedings there was no evidence whose presentation was ordered by the Judge or the Panel.

*We hereby confirm that this document is a true translation of the original written in Bosnian/Serbian/Croatian.
Sarajevo, 12 September 2011*

Alisa Rajak-Čolaković

Certified Court Interpreter for English

Dinka Bevrnja

Certified Court Interpreter for English