

Bosna and Hercegovina

Босна и Херцеговина



Court of Bosnia and Herzegovina

Case Number: S1 1 K 003472 12 Kžk

Date: 15 February 2013

Before the Appellate Panel composed of:

Judge Mirko Božović, Presiding

Judge Tihomir Lukes, Panel member

Judge Redžib Begić, Panel member

BiH PROSECUTOR'S OFFICE

v.

**the accused ZORAN BABIĆ, MILORAD ŠKRBIĆ, DUŠAN JANKOVIĆ AND ŽELJKO
STOJNIĆ**

SECOND-INSTANCE VERDICT

Prosecutor of the BiH Prosecutor's Office: Slavica Terzić

Defense Counsel for the accused persons:

Defense Counsel for Zoran Babić, Attorney Slavica Bajić

Defense Counsel for Milorad Škrbić, Attorney Slobodan Perić

Defense Counsel for Dušan Janković, Attorney Ranko Dakić

Defense Counsel for Željko Stojnić, Attorney Senad Kreho

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Sarajevo, 15 February 2013

IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, sitting as the Appellate Division Panel of Section I for War Crimes, comprised of Judge Mirko Božović, as the Presiding Judge, and judges Tihomir Lukes and Redžib Begić, as the panel members, with the participation of legal advisor-assistant Nevena Aličehajić as the record-taker, in the criminal case against the Accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, for the criminal offense of *Crimes against Humanity* in violation of Article 172(1)h), in conjunction with subparagraphs a), d), e), h) and k), all in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina (hereinafter: the CC of BiH), concerning the confirmed Indictment issued by the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ-48/06 dated 8 January 2009, as amended on 23 November 2010, following the public hearing before the Appellate Panel, from which the public was excluded during some parts, in the presence of the Prosecutor of the Prosecutor's Office of BiH, Slavica Terzić, the accused Zoran Babić and his Defense Counsel, Attorney Slavica Bajić; the accused Milorad Škrbić and his Defense Counsel, Attorney Slobodan Perić; the accused Dušan Janković and his Defense Counsel, Attorney Ranko Dakić; and the accused Željko Stojnić and his Defense Counsel, Attorney Senad Kreho, on 15 February 2013 rendered and publicly announced the following

VERDICT

The Accused:

1. **ZORAN BABIĆ, a.k.a. "Bakin"**, son of Dušan and Persa, nee Petrović, born in Prijedor on 1 June 1968, residing at ..., JMBG /Citizen Identification Number/ ..., of ... ethnicity, citizen of ..., locksmith, literate, completed secondary school of mechanical engineering (locksmith), married, father of one underage child, completed military service in Novo Mesto, Republic of Slovenia, in 1988/1989, holds the rank of lance corporal and is registered in the military records in Prijedor, no military decoration, of average financial

standing, no convictions and, according to his own statement, there are no ongoing criminal proceedings against him,

2. **MILORAD ŠKRBIĆ**, son of Drago and Lazarka, nee Radonjić, born in Veliko Palančište, Municipality of Prijedor, on 11 July 1960, JMBG ..., residing at ..., of ... ethnicity, citizen of ..., driver by occupation, literate, married, completed the military service in Ohrid in 1979, holds the rank of sergeant, does not know if he is listed in military records, no military decoration, indigent, no prior convictions and, according to his own statement, there are no ongoing criminal proceedings against him,

3. **DUŠAN JANKOVIĆ**, son of Dragoje and Anđa, nee Janković, born in Dera, village of Benkovac, Prijedor Municipality, on 8 March 1950, residing in ..., of ... ethnicity, citizen of ..., graduate traffic engineer, literate, graduated from the Faculty of Traffic and Transportation in Zagreb and completed postgraduate studies in Belgrade, married, father of two children of age, completed his military service in 1969/1970 in Niš and Leskovac, does not hold the rank of a senior officer, decorated by the police with the Miloš Obilić Medal, of average financial standing,

4. **ŽELJKO STOJNIĆ**, son of Boško and Stana, nee Kremić, born in Tukovi, Prijedor Municipality, on 10 October 1971, residing in ..., JMBG ..., of ... ethnicity, citizen of ..., police officer, literate, secondary school qualifications – mechanical engineering technician, married, father of two underage children, completed his military service in Belgrade in 1990/1991, registered in the military department in Prijedor, no military decoration, of average financial standing,

ARE GUILTY

Because:

During the period between late April and late September 1992, as part of a widespread and systematic attack carried out by the army and police of the Serb Republic of BiH (later Republika Srpska) against the Bosniak and Croat population of the Prijedor Municipality, knowing of such an attack and that their acts constituted a part thereof, Zoran Babić,

Milorad Škrbić and Željko Stojnić as reserve police officers of the Prijedor Public Security Station and members of the Prijedor Police Intervention Platoon, committed the crime of persecution by way of deliberate deprivation of life of persons on the convoy (by killing) and robbing the persons on the convoy, while Dušan Janković, as a member of the senior staff at the Prijedor Public Security Station, committed the crime of persecution by participating in the deprivation of life of persons on the convoy (by killing) and their robbing, by omission, because he was obligated to protect them, but failed to do so,

because:

On **21 August 1992**, Dušan Janković, as commander of the Prijedor Police Station, and other co-defendants as reserve police officers and members of the Police Intervention Platoon from Prijedor and officers of the Prijedor Public Security Station, were all present in uniforms and carrying weapons as escort and security of a convoy that set out from Tukovi, Prijedor Municipality, where civilians boarded the vehicles; some members of the escort headed for Trnopolje and the second part of the convoy carrying Bosniak civilians in four buses set out from the Trnopolje Camp; thereupon, all the vehicles and the convoy escort joined at a crossroads in Kozarac and proceeded towards Banja Luka and beyond. Dušan Janković ordered and organized the movement of the convoy from a police car and, together with the other co-defendants and other members of the Intervention Platoon from Prijedor, who were escorting the convoy, escorted the convoy consisting of at least 16 buses, trailer trucks, trucks and trucks with trailers carrying more than 1,200 crammed, predominantly Muslim and some Croat, civilians from Prijedor who, due to conditions of insecurity and fear for their lives created by the army and police of the Republika Srpska in the Prijedor Municipality, were forced to leave the Prijedor Municipality in order to save their lives. En route to the Travnik Municipality via the municipalities of Prijedor, Banja Luka, Kneževo/Skender Vakuf and Travnik, which was the convoy's final destination, as the uniformed and armed escort of the said vehicles transporting civilians, with an intention and knowing that the civilians (including many small children, women and elderly persons) in the convoy that moved slowly for hours in a blistering heat were crammed and unlawfully held aboard the vehicles in the convoy, in the trucks under tarpaulin, with not enough space, air, food or water, by making various serious threats to the Bosniak and Croat civilians being transported in the convoy (already in fear and in difficult transportation conditions) they robbed them of their money, gold and other valuables, during which some men from the convoy escort, including the accused Zoran Babić and

Željko Stojnić, who on one occasion even took a male civilian out of a vehicle, pressed a pistol against his head and threatened to kill him and toss a small child into the ravine if he did not gather as much valuables from the civilians on the convoy as possible. When the convoy stopped by the small river of Ilomska (a tributary of the Ugar River) on the Vlašić Mountain, the men from the escort left the vehicles and moved around or stood in small groups, while the Accused Dušan Janković arrived there by a *Golf* make police vehicle, got out of the car and, after briefly talking to the Intervention Platoon members Miroslav Paraš and Darko Mrđa, knowing that during the convoy movement people on the convoy were exposed to robbery as previously described, and knowing full well that Intervention Platoon members would separate from the vehicle (buses, trucks) male civilians who would thereafter be killed, he concurred with that, and then proceeded towards the final destination, after which the Accused, Zoran Babić, Milorad Škrbić, Željko Stojnić and other men from the convoy escort began separating from the rest of the convoy at least 150 able-bodied male civilians, by way of forcing the men to get off the buses, trailer trucks, trucks and trucks with trailers, and then forced the separated men to board two buses, whereupon **Zoran Babić, Milorad Škrbić and Željko Stojnić**, together with other members of the escort, took the separated male civilians aboard two buses to a location called Korićanske stijene on the Vlašić Mountain, where they ordered the men from one of the buses to come out onto the road and then marched them to the edge of the road above an abyss, ordered them to kneel down on the very edge of the road facing the abyss and then opened fire at them from automatic weapons at point blank range, whereupon the bodies of the killed men fell into the abyss; some of the men who were lined up, fearing for their lives because they were being shot at from automatic weapons, threw themselves into the abyss in an attempt to avoid death; many of them were unsuccessful because they fell from a considerable height onto rocks and stones and sustained fatal injuries. Thereafter, the defendants brought men from another bus in small groups of two or three to the same spot or nearby, and opened fire at them at point blank range from pistols and then from automatic rifles, after which the defendants threw hand grenades from the top of the precipice and opened fire at the bodies of those slain and wounded who shrieked with pain from the abyss, resulting in the death of an undetermined number of civilians, but not less than 150 able-bodied men, including: **Ahmetović (Fehim) Hamdija, Alić (Alija) Mujo, Alić (Rifet) Sejad, Antunović (Ivo) Ilija, Arifagić (Avdo) Enver, Arifagić (Ekrem) Muhamed, Avdić (Sulejman) Rasim, Bajrić (Ramo) Šerif, Bajrić (Šerif) Zafir, Bašić (Muharem) Rasim, Bešić (Meho) Nihad, Bešić (Ibrahim) Mustafa, Bešić (Izet) Nermin, Bešić (Adem) Sead, Bešić (Safet) Sejad, Bešlagić**

(Mustafa) Suvad, Blažević (Suljo) Šerif, Blažević (Hamdija) Ahmet, Blažević (Ibrahim) Fadil, Blažević (Himzo) Fikret, Blažević (Edhem) Mustafa, Blažević (Avdo) Elvir, Crljenković (Šaban) Muharem, Čejvan (Ibrahim) Zijad, Čaušević (Smail) Besim, Ćoralčić (Hasan) Emin, Ćustić (Mehmed) Hilmija, Ćustić (Mehmed) Ismet, Dergić (Džemal) Admir, Draguljić (Ivo) Anto, Duratović (Fehim) Fadil, Duračak (Redžep) Dževad, Đonlagić (Kemal) Emir, Elezović (Šerif) Šaban, Elezović (Kasim) Fahrudin, Elezović (Hajrudin) Jasmin, Elezović (Muharem) Edin, Elezović (Muharem) Emir, Elezović (Salih) Hajrudin, Fazlić (Derviš) Ismet, Fazlić (Ismet) Jasim, Fazlić (Ismet) Mirsad, Fazlić (Refik) Almir, Fazlić (Hilmija) Edin, Fazlić (Muharem) Emir, Garibović (Sadik) Samir, Garibović (Atif) Vasif, Garibović (Arif) Taib, Garibović (Hamdija) Kemal, Grabić (Abaz) Muhamed, Grabić (Meho) Mustafa, Gutić (Hasan) Mirsad, Hankić (Salih) Husein, Hasanagić (Hasan) Osman, Hirkić (Husein) Ismet, Hirkić (Husein) Rifet, Hirkić (Husein) Šefik, Hodžić (Fehim) Midhet, Hodžić (Husein) Ahmet, Hodžić (Hilmija) Mirsad, Horozović (Alija) Said, Horozović (Alija) Emsud, Hrnić (Mumin) Harun, Hrustić (Sefer) Mahmut, Ičić (Huska) Hajro, Ičić (Hajro) Sabahudin, Jakupović (Mustafa) Armin, Jusufagić (Latif) Senad, Kadirić (Meho) Zuhdija, Kahrimanović (Sulejman) Mehmed, Kahrimanović (Muharem) Uzeir, Kahrimanović (Abid) Rifet, Karabašić (Osman) Derviš, Karabašić (Derviš) Osman, Karabašić (Dedo) Samir, Kararić (Kadir) Elvir, Kararić (Husein) Kadir, Kauković (Mehmed) Elvin, Kljajić (Ahmet) Meho, Kljajić (Meho) Suad, Kljajić (Ahmet) Sakib, Krkić (Salih) Ahmet, Kulašić (Omer) Abaz, Marošlić (Ramo) Velid, Marošlić (Redžo) Himzo, Medić (Abaz) Ejub, Mehmedagić Alija, Mehmedagić (Husein) Osman, Memić (Mehmed) Asmir, Mrkalj (Omer) Himzo, Muretčehajić (Haso) Idriz, Mujkanović (Osman) Edin, Mujkanović (Hamdija) Husein, Mujkanović (Rasim) Refik, Mujkanović (Mahmut) Vasif, Memić (Sulejman) Nihad, Mujkanović (Esad) Senad, Mujkanović (Edhem) Fikret, Mujkanović (Edhem) Meho, Murčehajić (Derviš) Mehmed, Murčehajić (Derviš) Fuad, Paratušić (Osman) Faik, Paratušić (Sulejman) Zijad, Pervanović (Zaim) Mustafa, Rizvančević (Osman) Faik, Sadić (Džemal) Nail, Saldumović (Hamza) Bajazid, Saldumović (Mehmed) Jasmin, Selimović (Huska) Zijad, Sinanović (Jusuf) Ermin, Sivac (Šefik) Kasim, Sivac (Ibrahim) Merzuk, Sivac (Munib) Edin, Sivac (Munib) Nedžad, Sivac (Džemal) Safet, Sivac (Salko) Mujo, Sušić (Eniz) Nihad, Šljivar (Halil) Omer, Talić (Ibrahim) Mehmedalija, Trnjanin (Bejdo) Sakib, Vehabović (Miralem) Seid, Velić (Ramo) Fadil, Velić (Zuhdija) Ekrem, Velić (Zuhdija) Enes, Velić (Pašo) Zijad, Zahirović (Husein) Ziko, Zulić (Latif) Nedžad, Zulić (Uzeir) Mesud, Zulić (Alija) Mirsad, Žerić (Idriz) Sakib, Žerić (Idriz) Refik, Žerić (Karanfil) Ferid, while a

number of able-bodied men survived the execution, at least 12 of them; a number of complete corpses have been recovered, 11 of which have been identified, as well as a number of body parts of slain persons, which a DNA analysis identified as belonging to the victims, and a number of charred body remains belonging to approximately 10 victims, while the other bodies have yet to be recovered.

Therefore, as part of the widespread and systematic attack, knowing of such an attack and that their acts constituted a part thereof, they carried out persecution of Bosniaks and Croats from the Prijedor Municipality on ethnic grounds by way of deliberate deprivation of life (killing) and the robbing of those persons (except for the Accused Milorad Škrbić),

Whereby Zoran Babić, Milorad Škrbić and Željko Stojnić committed the criminal offense of *Crimes against Humanity* under Article 172(1)h), in conjunction with Article 29 of the Criminal Code of Bosnia and Herzegovina, while the Accused **Dušan Janković** committed the criminal offense of *Crimes against Humanity* under Article 172(1)h) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Articles 21 and 29 of the Criminal Code of Bosnia and Herzegovina.

Consequently, for the foregoing criminal offense, based on the foregoing statutory provisions and Article 285 of the Criminal Procedure Code of Bosnia and Herzegovina, applying the provisions set forth in Articles 39, 42, 42b and 48(1) of the CC of BiH, this Panel of the Court of Bosnia and Herzegovina

S E N T E N C E S

The Accused Zoran Babić TO A LONG-TERM IMPRISONMENT OF 22 (TWENTY-TWO) YEARS

The Accused Milorad Škrbić, TO A LONG-TERM IMPRISONMENT OF 21 (TWENTY-ONE) YEARS

The Accused Dušan Janković, TO A LONG-TERM IMPRISONMENT OF 21 (TWENTY-ONE) YEARS

The Accused Željko Stojnić, TO 15 (FIFTEEN) YEARS OF IMPRISONMENT.

Pursuant to Article 56 of the CC of BiH, the time the accused spent in custody shall be credited towards the pronounced sentence of long-term imprisonment and imprisonment, as well as any deprivation of liberty related to the criminal offense, as follows:

- for the accused Zoran Babić the time period from 27 May 2008 to 29 May 2008, from 21 December 2010 to 25 October 2011, and from 15 February 2013 until he was committed to serve his sentence of long-term imprisonment as imposed under this Verdict;
- for the accused Milorad Škrbić the time period from 14 October 2008 to 24 October 2008, from 21 December 2010 to 25 October 2011, and from 15 February 2013 until he was committed to serve his sentence of long-term imprisonment as imposed under this Verdict;
- for the accused Dušan Janković the time period from 27 May 2008 to 11 November 2009, and from 24 February 2012 onwards;
- for the accused Željko Stojnić the time period from 29 May 2008 to 11 November 2009, from 21 December 2010 to 25 October 2011 and from 15 February 2013 until he was committed to serve his sentence of long-term imprisonment as imposed under this Verdict.

In accordance with Article 188(4) of the Criminal Procedure Code of Bosnia and Herzegovina, the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić are relieved of the obligation to reimburse the costs of the criminal proceedings, which shall be paid from within budget appropriations.

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

REASONING

1. Under the amended Indictment issued by the Prosecutor's Office of Bosnia and Herzegovina, No. KT-RZ-48/06 dated 23 November 2010, the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić were charged, within a widespread and systematic attack, as participants in the joint criminal enterprise carried out by the civilian and military authorities of the Prijedor Municipality, to which they themselves belonged, with the commission of the criminal offence of *Crimes against Humanity* in violation of Article 172, paragraph 1, sub-paragraph h), in conjunction with sub-paragraphs a), d), e), h) and k) of the CC of BiH, all in conjunction with Article 180, paragraph 1 of the CC of BiH.

2. The first-instance verdict of the Court of Bosnia and Herzegovina, No. S1 1 K 003472 09 Krl (Ref. X-KR-08/549), dated 21 December 2010, found the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić guilty that by the acts described in the Enacting Clause of the Verdict in question they committed the criminal offense *Crimes against Humanity* under Article 172(1)h), as read with Subparagraphs a), d) and h) of the CC of BiH, all in conjunction with Article 180(1) of the CC of BiH, for which they received the following sentences: Zoran Babić, long-term imprisonment of 22 years, Milorad Škrbić, long-term imprisonment of 22 years, Dušan Janković, long-term imprisonment of 27 years, and the accused Željko Stojnić, 15 years of imprisonment.

3. The Appellate Verdict No. S1 1 K 003472 11 Krž 2, dated 4 October 2011, which in the relevant part has the character of a rescinding decision, because of the noticed essential violations of the criminal procedure, rescinded the first-instance verdict of the Court of Bosnia and Herzegovina No. S1 1 K 003472 09 Krl (Ref. X-KR-08/549), dated 21 December 2010, in the convicting part in relation to the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, and ordered a trial before the Appellate Division Panel.

I. EVIDENTIARY PROCEEDINGS

4. The Appellate Panel has accepted the proposal by the parties and the Defense Counsel to accept, at the hearing before the Appellate Panel, all evidence adduced before the First-Instance Panel, documentary as well as testimonial, after which the Appellate

Panel reviewed the evidence, while a number of statements given by witnesses for both the Prosecution and the Defense were reproduced at the hearing before the Appellate Panel, specifically 20 Prosecution witnesses and 28 witnesses for the Defense. Also accepted was all documentary evidence adduced before the First-Instance Panel, as well as the facts established by ICTY judgments and accepted by the First-Instance Panel under the Law on the Transfer of Cases from the International Criminal Tribunal for the former Yugoslavia to the BiH Prosecutor's Office and the use of evidence obtained by the International Criminal Tribunal for the former Yugoslavia in the proceedings before courts in Bosnia and Herzegovina (the Law on Transfer).

5. Further, both the Prosecution and the Defense have, during the proceedings before the Appellate Panel, adduced a number of new pieces of evidence, and all the pieces of evidence, those accepted from the first-instance proceedings and the new ones adduced directly before the Appellate Panel, testimonial as well as documentary, are listed in Annex 1 of the verdict.

II. PROCEDURAL DECISIONS

A. EXCLUSION OF THE PUBLIC

6. The Appellate Panel, acting in accordance with the obligation to keep in force the protective measures during the first-instance proceedings for certain witnesses, which included the exclusion of the public during testimony, at the hearings held on 7 May 2012, 18 June 2012, 19 June 2012 and 26 June 2012, partly excluded the public during the replaying of statements of those witness who were granted such protective measures during the first-instance proceedings.

7. The parties to the proceedings and the defense counsel did not object to keeping in force such protective measures.

B. WITNESS PROTECTION MEASURES

8. The Appellate Panel has accepted and kept in force all protective measures granted to witnesses during the investigation in this case and during the first-instance proceedings, with regard to both Prosecution witnesses and Defense witnesses.

9. While replaying the statements of witnesses KS-1, KS-2, K-1, KA-1, K-3, KO-15, KO-18, O-3 and O-4, the Panel was mindful of the obligation to apply the same measures that were previously granted to witnesses at various stages of the proceedings and under which they testified at the main trial during the first-instance proceedings, whereas regarding other witnesses with protective measures, whose statements were not replayed at the hearing before the Appellate Panel (witness A, witness B, KO-12, KO-7, KO-8 and alike), the Panel took care to protect their identity, all in accordance with the protective measures granted to them.

C. ADJOURNMENT OF HEARING LONGER THAN 30 DAYS

10. Article 251(2) of the Criminal Procedure Code of Bosnia and Herzegovina (CPC BiH) reads as follows: “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.”

11. Article 317(1) of the CPC of BiH stipulates that the provisions that apply to the main trial in first instance proceedings shall apply accordingly to a hearing before the Panel of the Appellate Division, and, in accordance with the mentioned provision and the provision set forth in Article 251(2) of the CPC of BiH, when it comes to the hearing before the Appellate Panel, if the adjournment lasted for more than 30 days it must be held anew.

12. In the proceedings held before the Appellate Panel in this case, in between the hearings held on 10 July 2012 and 10 September 2012 there was a time lapse longer than 30 days. For objective reasons, reflected in the obligation to use collective summer recess at the BiH Prosecutor's Office, and also the planned annual leaves by members of the Appellate Panel and the Defense Counsel for the accused, no hearing could be scheduled within the statutory time-frame.

13. For the aforementioned reason, at the hearing held on 10 July 2012, the Panel sought and received consent from the Parties and Defense Counsel to schedule the next hearing after the lapse of the statutory time-frame. The Prosecutor, the accused, and their

defense counsel all stated they would not challenge, in the further course of the trial, the decision to schedule the hearing before the Appellate Panel after the lapse of 30 days, nor would they move that the main trial be held anew, based on which the Panel decided to adjourn the hearing for 10 September 2012. At the hearing held on 10 September 2012, the President of the Appellate Panel noted that at the previous hearing consent was sought and received from the Parties and Defense Counsel to resume the trial, despite the lapse of the 30-day deadline, without starting everything anew, to which none of the Parties or Defense Counsel objected at the hearing in question.

D. HEARING WITNESSES IN THE PRESENCE OF LAWYERS AS ADVISORS

14. Article 84 of the CPC of BiH stipulates as follows:

(1) The witness shall be entitled to refuse to answer such questions with respect to which a truthful reply would result in the danger of bringing prosecution upon himself.

...

(5) A lawyer as the advisor may be assigned by the Court's decision to the witness during the hearing if it is obvious that the witness himself is not able to exercise his rights during the hearing and if his interests cannot be protected in some other manner.

15. Pursuant to the cited provision set forth in Article 84(5) of the CPC of BiH, the Appellate Panel decided to hear the witnesses proposed by the Defense for the Accused Zoran Babić, namely Petar Čivčić and Radoslav Knežević, and witnesses proposed by the Defense for the Accused Dušan Janković, namely Luka Gnjatović and Vitomir Lakić, in the presence of lawyers as advisors.

16. Witnesses Petar Čivčić and Radoslav Knežević were themselves accused and convicted by a non-final verdict in another case before this court for the same criminal event, while witnesses Luka Gnjatović and Vitomir Lakić requested that during their testimony a lawyer as advisor be present, believing that it was the only way to protect their own interests. The Panel found the requests by those witnesses, in most part, justifiable, all with the aim of respecting their rights and ensuring protection of their interests, and by special decisions of the court they were assigned lawyers as advisors who were then present during their testimony in the courtroom.

17. Witnesses Branko Topola and Marinko Ljepoja, who at the moment of testifying also had the status of accused persons in another case before this court for the same criminal event, and Milorad Radaković, who has been acquitted by the final first-instance verdict in this case for the same criminal event, were given an opportunity to testify in the presence of lawyers as advisors, but they specifically waived such a prerogative.

E. DECIDING ON MOTIONS TO ADDUCE EVIDENCE

1. Deciding on evidence adduced during the first-instance proceedings

18. At the status conference held before the commencement of trial before the Appellate Panel, the Parties and the Defense Counsel were given an opportunity to comment on the evidence proposed in the proceedings before the Appellate Panel. On 9 January 2012, the Prosecution filed a submission stating they adhered to all the evidence adduced before the First-Instance Panel, and proposed that they be adduced anew before the Appellate Panel, leaving it to the court's discretion to decide on the exact method of presentation. In accordance with the motion filed by the Prosecution, the Panel accepted all the Prosecution evidence adduced before the First-Instance Panel, documentary as well as testimonial, and the Panel decided that a number of witness statements be replayed at the hearing before the Appellate Panel.

19. The Defense for the accused maintained their proposals concerning the evidence adduced during the first-instance proceedings.

20. Also, the Defense for all the accused proposed new evidence.

2. Deciding on the Prosecutor's motions to adduce new evidence

21. Although the Prosecution originally did not have any new proposed evidence, in the framework of their rejoinder (challenging the Defense's rebuttal evidence), the Panel granted the motion to hear SIPA criminal inspectors Mevludin Mujezinović and Ejub Zukić.

22. During the proceedings, the Prosecution learned about the identities of new persons killed at the Korićanske stijene, and submitted DNA reports, which, at the

insistence of the Defense for the accused persons, were filed in the presence of the expert witnesses Ana Bilić and Nermin Sarajlić.

23. The Prosecution submitted a number of new pieces of evidence, listed in Annex 1 of the Verdict.

3. Deciding on the Motion to adduce new evidence as proposed by the Defense for the Accused Zoran Babić

24. The Defense for the Accused Zoran Babić has moved to hear 7 new witnesses. Having considered the Motion, and having obtained Prosecution's opinion, the Appellate Panel partially granted the Motion, while refusing the Motion to hear two witnesses, O-4 and KS-3.

25. Regarding witness O-4, the Panel considered the fact that the witness had already been heard in the first-instance proceedings against Zoran Babić *et al.*, back then as a witness for the then-accused, now convicted person Ljubiša Četić. The statement of this witness was replayed at the hearing before the Appellate Panel, at the proposal of the Defense for the Accused Babić.

26. The circumstances concerning which Defense Counsel for the Accused Zoran Babić proposed the witness to be heard are, as she stated in her submission dated 15 August 2012, the circumstances regarding the convoy escort, contact with members of the Intervention platoon, and especially contact with the Accused Babić, in regard to which Defense Counsel stated that during the first-instance proceedings, since she had the opportunity to only cross-examine the witness, she was limited by the questions that related exclusively to Ljubiša Četić, not the Accused Babić. However, having replayed the recording of the witness testimony, the Panel concluded that during the first-instance proceedings Defense Counsel for the Accused Babić was allowed much more leeway during the examination of the witness concerning the circumstances related to the Accused Babić, so it found his re-summoning and direct hearing to be quite redundant.

27. Regarding witness KS-3, based on a written proposal by defense counsel for the Accused Babić, as well as the oral explanation provided at the hearing of 11 September 2012, the Panel concluded that the Motion was not specific and reasoned to the extent

that would convince the Panel of the necessity to hear the witness in question. The thing is, a number of witnesses have been heard concerning the circumstances the Defense Counsel proposed the witness to be heard about (leading the convoy, contacting the police from the convoy etc.), and abundant evidence has been adduced as well, that of Prosecution and Defense alike, so that hearing another witness regarding the similar circumstances would, in this Panel's opinion, be to the detriment of the effectiveness and efficiency of the proceedings. For the aforementioned reasons, the Motion to hear witness KS-3 was denied.

28. The Panel accepted documentary evidence submitted by the Defense for the Accused as mentioned in Annex 1 of the Verdict.

4. Deciding on the Motion to adduce new evidence as proposed by the Defense for Milorad Škrbić

29. Defense Counsel for the Accused Milorad Škrbić, by his submission dated 12 August 2012, moved that 9 witnesses be heard directly in the proceedings before the Appellate Panel: Predrag Radulović, Said-Šore Hadžalić, Vehid Duratović, Amira Đulaš, Zlata Arifagić, Indira Uzelac, Davor Uzelac, Šefika Suljanović and Ranko Vrhovac.

30. Commenting on the Motion, the Prosecution said they in principle oppose the hearing of witness Predrag Radulović, noting that the Motion is not specific enough, and that it was not explained exactly what impact would the hearing of the witness have on the facts and circumstances of the case in question, as well as the Motion to hear witness Ranko Vrhovac, while regarding the remaining 7 witnesses the Prosecution said those were witnesses who would testify regarding one and the same set of circumstances, so that hearing all of them was unnecessary, and that hearing two witnesses on the same circumstances would quite suffice.

31. Commenting orally on the Motion, at the hearing held on 11 September 2012, Defense Counsel for the Accused withdrew the Motion to hear Predrag Radulović.

32. The Panel considered the Motion filed by Defense Counsel for the Accused, and decided to grant it in part, by granting the hearing of witnesses Said-Šore Hadžalić, Vehid Duratović, Zlata Arifagić, and Ranko Vrhovac.

33. The Panel denied the Motion to hear the remaining witnesses: Amira Đulaš, Indira Uzelac, Davor Uzelac and Šefika Suljanović, finding that those witnesses, proposed by the Defense, were supposed to testify regarding the same circumstances as witnesses whose direct hearing before this Panel was granted, as well as a certain number of witnesses who testified in the first-instance proceedings, whose statements were accepted before this Panel. That is why the Panel concluded that hearing the mentioned witnesses would not contribute to determining any new facts and circumstances that other witnesses had not already testified about, but that it would affect the effectiveness of the present criminal proceedings, which is why the Motion was denied.

34. However, when it comes to witnesses whose hearing was granted¹, even with the maximum effort, ultimately it was not possible to secure their appearance. The Panel has repeatedly sent subpoenas to the addresses of those witnesses as provided by Defense Counsel for the Accused. However, as they could not be found at those addresses, subpoenas to appear before the Court of Bosnia and Herzegovina were returned unopened. Every time such a subpoena returned unopened, the Panel would inform the Accused Škrbić and his Defense Counsel, advising Defense Counsel to try and obtain information when the witnesses in question would be available, present in Bosnia and Herzegovina, all with the aim to secure their testimony before the Panel. However, in the course of several months that took to complete the evidentiary proceedings, Defense Counsel failed to obtain any new information, but insisted that the subpoena be sent to the addresses he provided, which the Panel kept doing, but all those attempts to serve the subpoena on the witnesses in question ultimately failed. Witness Zlata Arifagić has submitted medical records showing that she was not capable of appearing before the court and testify in the case, and shortly thereafter she temporarily left Bosnia and Herzegovina to stay with her daughter abroad, which is why it was not possible to hear the witness, on which Defense Counsel for the Accused also no longer insisted.

35. Regarding the 3 remaining witnesses proposed by the Defense for the Accused Škrbić, on whom the subpoena could not have been served for they were outside Bosnia and Herzegovina, the Panel President, in an attempt to respect the rights of the Accused, informed the Parties and Defense Counsel that, pursuant to Article 261(2) of the CPC of BiH, which allows the Panel President to depart, in the interest of justice (Article 261(2)

¹ The witnesses were listed by name in Paragraph 32 of the Verdict.

Subparagraphs a) through f) of the CPC of BiH), from the statutory order of adducing the evidence, the subpoena would be sent to those witnesses before every next hearing, and they would be heard regardless of the stage of evidentiary proceedings if they have been served and if they appear before the court. By so doing, the Presiding Judge left enough time to the Defense Counsel, who claimed he had certain information on the movement of those witnesses, to try and secure their presence before the Court of Bosnia and Herzegovina.

36. However, despite all those measures, no subpoena could be served on any witnesses, during the period from October 2012 to 17 January 2013, which is when the evidentiary proceeding was completed (during which period a total of 10 hearings were held). As the Panel has the obligation to be mindful of the principle of effectiveness and efficiency of criminal proceedings, as well as the principle of a speedy trial, all in the interest of the persons accused in the case at issue, due to its inability to secure the hearing of the mentioned witnesses, the Panel could not prolong the criminal proceedings indefinitely, but after all the proposals to obtain evidence have been exhausted, those of the Parties and the Defense Counsel as well as the Court itself, and in the absence of proposals for new evidence by Defense Counsel for the Accused Škrbić, the evidentiary proceeding in the case at hand had to be completed without hearing the proposed witnesses.

5. Deciding on the Motion filed by the Defense for the Accused Dušan Janković to adduce new evidence

37. On 15 August 2012, Defense Counsel for the Accused Dušan Janković filed a Motion to adduce new evidence concerning the operation and functioning of the war-time police station (RSM), with a special view of the role of the PS Prijedor before the war and its transformation in the war circumstances, and the role and place of Dušan Janković in the SJB Prijedor. A total of 5 witnesses were proposed to be heard: Goran Babić, Mirko Marjanović, Željko Mejakić, Cvijo Marić and Milan Pilipović.

38. Further, it was proposed that witnesses Luka Gnjatović and Vitomir Lakić be heard again concerning their statements given to investigators for the BiH Prosecutor's Office; witness Nenad Stojaković and witness KS-1 concerning the movement of the convoy;

Milorad Radaković and Marinko Ljepoja, Intervention Platoon members who were escorting the convoy and thus have knowledge about the events during the convoy movement; Jusuf Muranović, one of the persons on the convoy; Rade Konta, RSM member who had knowledge of convoy departure; witnesses KA-1 and Damir Ivanković, regarding the discrepancies in the statements given in the case conducted against the Accused Janković and another case before this court, regarding the same event; witnesses Milenko Trifunović, Aleksandar Radovanović, Miloš Stupar and Željko Mejakić, as persons who visited the detention facility together with Ljubiša Ćetić, Damir Ivanković and Gordan Đurić, and who have knowledge of the testimony of those persons that served as a basis to conclude a guilty plea agreement with them; witness Ljiljana Trontelj, wife of Mario Trontelj, regarding the conversation Mario Trontelj had with Damir Ivanković; Rajko Lukač and Svetozar Radić, regarding the Accused Janković's alibi; Mirko Vujanović, SJB officer in charge of materiel, and the Accused Dušan Janković.

39. Commenting on the Motion filed by the Defense for the Accused Dušan Janković, the Prosecution said that, with regard to the first group of the proposed witnesses, it believes that hearing one witness only would suffice. The Prosecution opposed the Motion to hear the other witnesses, save the witness-accused Janković, with whose hearing it agrees. In their response to the Motion, the Prosecution said that should the Panel grant the Motion to hear witnesses Luka Gnjatović and Vitomir Lakić, concerning the circumstances proposed by the Defense, the Prosecution would, as rebuttal evidence, propose the hearing of authorized SIPA officials Mevludin Mujezinović and Ejub Zukić, who had taken statements from the two mentioned witnesses.

40. Having considered the Motion filed by the Defense for the Accused Janković, the Panel found it to be partly well-founded. The Panel granted the motion to hear one witness from the first group, regarding the functioning of the RSM Prijedor. In line with such a decision by the Panel, the Defense specified their Motion by selecting witness Cvijko Marić, who was summoned to the court and testified at the main trial.

41. The Panel granted the Motion to hear witnesses Luka Gnjatović and Vitomir Lakić, at the same time granting the Prosecutor's Motion to conduct, as rebuttal evidence, the hearing of witnesses Mevludin Mujezinović and Ejub Zukić.

42. Also granted was the Motion to hear Milorad Radaković and Marinko Ljepoja, Rade Konta, Damir Ivanković, Mirko Vujanović and Dušan Janković.

43. The Panel denied the Motion to hear witnesses Nenad Stojaković and KS-1, finding that a number of witnesses had already been heard regarding the convoy movement towards its destination, while granting the Motion to hear witnesses Ljepoja and Radaković, who it believed could have deep knowledge concerning the mentioned circumstances. Further, the Panel noted that a number of witnesses had already been heard concerning the circumstances that witness Jusuf Muranović was supposed to testify about, so that it found redundant to summon yet another witness to testify about the same circumstances. Also, the Panel denied the Motion to hear witness KA-1, finding that the witness, while giving statement in this case, was directly examined in detail by the Prosecution and cross-examined by the Defense. Further, the Panel found irrelevant the circumstances about which the proposed witnesses Milenko Trifunović, Aleksandar Radovanović, Miloš Stupar and Željko Mejakić were supposed to testify, so it denied as ill-founded the Motion to hear those witnesses. As regards the witness Ljiljana Trontelj, given the fact that during the first-instance proceedings witness Mario Trontelj was heard regarding the same circumstance for which Ljiljana Trontelj was proposed, with witness Mario Trontelj being a direct witness and participant in the event he testified about, while his wife only has circumstantial knowledge, the Panel concluded that she could not provide any new information so that the Motion to hear this witness was denied as ill-founded. Finally, with regard to the alibi of the Accused, this Panel finds that the Defense for the Accused has already called a number of witnesses, and that calling two more witnesses to testify about the same circumstance would be exclusively to the detriment of the effectiveness of the criminal proceedings.

44. At the hearing held on 18 January 2013, before the completion of the evidentiary proceedings, the Panel denied the Motion filed by Defense Counsel for the Accused Dušan Janković to introduce into evidence the closing arguments in the ICTY's case *Prosecutor v. Darko Mrđa*, because the Panel found that the document in question should have been known to the Defense Counsel from before, which means it does not have the character of a *novum*, which means new evidence, while also questionable is the evidentiary character of the closing arguments from another case. That is why the Motion to introduce such evidence was denied, while Defense Counsel was advised that he may comment on the evidence in his closing argument.

45. The remaining documentary evidence, stated in Annex 1 of the Verdict, proposed by the Defense for the Accused Janković, has been accepted by the Panel.

6. Deciding on the Motion filed by the Defense for the Accused Željko Stojnić to adduce new evidence

46. The Defense for the Accused Željko Stojnić, in the framework of newly proposed evidence, in its submission dated 14 July 2012 proposed the introduction into the case record, as evidence, the transcript of hearing of witness B from this Court's case No. S1 1 K 003365 09 Krl (Ref. X-KR-09/741), which the witness gave on 1 July 2010. The Panel granted this Motion.

47. Also accepted was new documentary evidence proposed by the Defense for the Accused, as listed in Annex 1 of the Verdict.

7. Court evidence

48. After the evidentiary proceedings have been completed, the Panel considered that it would be purposeful to call witness KA-1 again, who was already called and heard before the court on 7 December 2012, to clarify certain circumstances. In order to avoid the unnecessarily broad scope of questioning, it was decided that the witness be examined about specific circumstances only.

8. Established facts

49. As already stated in Paragraph 4 of the verdict, the Panel accepted all the facts established and accepted by the First-Instance Panel in the case, which are as such listed in Annex 2 of the Verdict.

III. CLOSING ARGUMENTS

A. PROSECUTOR'S CLOSING ARGUMENT

50. In her closing argument, the Prosecutor above all states that the Prosecution has managed to prove that the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić committed the criminal acts as charged in the Indictment.

51. Abundant evidence, witness statements as well comprehensive documentary evidence presented during the criminal proceedings and filed into the case record, as well as the accepted facts from ICTY judgments, in Prosecution's opinion, provide a sufficient basis for the Panel in this case to have a clear idea of the events in the Prijedor Municipality at the critical time, and consequently to find proven the Prosecutor's claim that during the critical period there was a widespread and systematic attack by the civilian and military authorities of the Prijedor Municipality against the Bosniak and Croat population.

52. Since the accused Zoran Babić, Milorad Škrbić and Željko Stojnić were members of the Intervention Platoon, which during the critical period was a rather important link in the security structure in Prijedor, the Prosecution argues that the accused surely participated in the searches and in taking away weapons, escorting of convoys, arrests and detention of non-Serb population, and accordingly they knew and shared the intent of discriminatory behavior towards the non-Serb population, all with the aim to ultimately force the exodus of the non-Serb population from the Prijedor Municipality. According to the Prosecution, the discriminatory intent of Dušan Janković as a senior official at the SJB Prijedor needs no elaboration. The Prosecution argues it has proven that the accused persons acted as members of a Joint Criminal Enterprise together with other persons listed in the Indictment.

53. The Prosecutor further notes that the accused Zoran Babić, Milorad Škrbić and Željko Stojnić never really questioned the charges that they personally participated in escorting at least two convoys each, and that, generally speaking, escorting convoys was one of the common tasks for the Intervention Platoon. According to the Prosecutor, such

statements of theirs are particularly relevant to understand and take a broader perspective of their role and actions they carried out while escorting the convoy on 21 August 1992.

54. The convoy in question, which partly set out from the Trnopolje camp, and partly from Tukovi, was the largest convoy carrying civilian, non-Serb population from Prijedor. Members of the Intervention Platoon, including the accused Zoran Babić, Milorad Škrbić and Željko Stojnić, who were armed and wearing uniforms, through escorting the convoy, boarding people on the convoy and banning their return to Prijedor, as the Prosecution argued, objectively significantly contributed to the furtherance of the forcible removal plan.

55. In the closing argument the Prosecution argues that it has fully proven exactly what happened on that sinister 21 August 1992, from the moment of convoy's departure from the settlement of Tukovi, Prijedor, and from the Trnopolje camp, during its movement and making „stops“, to the horrible executions of over 200 civilians at *Korićanske stijene*, and that it beyond any doubt proved exactly which role each of the accused had in the given event.

56. Commenting on the testimonial and documentary evidence provided by the Defense, the Prosecution argues that the aim of the entire body of evidence presented by all Defense teams was to avoid their individual criminal responsibility and to ensure alibies for the accused persons. However, the Prosecution argues that such evidence is unreliable, and that it did not bring into question the state of facts ensuing from the evidence presented by the Prosecution.

B. DEFENSE'S CLOSING ARGUMENTS

(a) Closing argument by Defense Counsel for the Accused Zoran Babić

57. In her closing argument, Defense Counsel for the Accused Zoran Babić first commented on the issue of applicable criminal law. According to Defense Counsel, in the specific case the Appellate Panel of the Court of Bosnia and Herzegovina was supposed to apply the Criminal Code that was in force at the time of the alleged commission of acts charged against the accused, which is the Criminal Code of SFRY, which, as an adopted law, was in force in the Republic of BiH, after it was recognized as an independent country, not the CC of BiH, which entered into force much later.

58. Defense Counsel challenges the existence of a Joint Criminal Enterprise (JCE), noting that the accused persons are charged with participation in the JCE based on a single action, which is the convoy escort on 21 August 1992, and based on the criminal offenses committed that day, all the more so because the Prosecution failed to prove the existence of any other actions or offenses that might have been committed before that, with the aim of persecuting the non-Serb population.

59. Also, according to the Defense, a question may be asked as to how the accused Babić could have participated in designing any plans to persecute the Bosniak and Croat population since April 1992, as stated in the Indictment, when, as stated by the Prosecution itself, the Intervention Platoon was formed in mid-June 1992.

60. The Defense further argues that the accused Babić was an ordinary police officer, without any rank or function, and that, just like other police officers, he too was given certain orders as a member of the Intervention Platoon, which he carried out. In that respect, Defense Counsel believes that those accused persons who are found to be criminally liable may be a subject only of complicity charges as a form of criminal responsibility, adding that the Indictment in relation to this form of criminal responsibility is imprecise, without specifying the actions taken by the Accused, for which he might possibly be held accountable.

61. Finally, the Defense for the first-accused Babić did not deny that on 21 August 1992 a crime was perpetrated at the Korićanske stijene and that those who committed it should

be held accountable and punished. However, the Defense argues that the Prosecution failed to prove beyond any reasonable doubt that the accused Zoran Babić took part in the commission of the crime, so it proposed that the Appellate Panel, for lack of evidence in relation to the Accused Babić, deliver a verdict acquitting the accused.

62. The accused fully agreed with the arguments presented by his Defense Counsel.

(b) Closing argument by Defense Counsel for the Accused Milorad Škrbić

63. In his closing argument, Defense Counsel for the second-accused Milorad Škrbić stated that the Prosecution failed to prove beyond any reasonable doubt that Milorad Škrbić committed any act that has elements of the criminal offense charged against the accused. Contrary to the case argued by the Prosecution during the evidentiary proceedings, the Defense for the Accused believes that they, through the evidence they presented, undoubtedly managed to prove that the accused Milorad Škrbić did not take part in the commission of the criminal offenses described in the Indictment.

64. The Defense for the Accused primarily challenges the concept of JCE as a form of perpetration of a criminal offense, but also the Accused's participation therein. In his closing argument, Defense Counsel noted that the Indictment issued by the BiH Prosecutor's Office charged the Accused Škrbić with, and by the previously rescinded first-instance verdict he was found guilty of, participation in the Joint Criminal Enterprise (JCE), whereby he committed the criminal offense he has been charged with. As Defense Counsel noted, the very concept of JCE is unknown in the criminal legislation of Bosnia and Herzegovina. Defense Counsel went on to say that JCE is a political rather than a legal category, for there is no such institution in the BiH legal system. According to Defense Counsel, such a concept has no foothold in the customary international law either.

65. According to the Defense, this concept stands in opposition to the principle of „*nullum crimen sine lege*“ – which is a generally accepted principle that there can be no criminal offense without a previously known statutory punishment.

66. In its closing argument the Defense cited the principle of „*in dubio pro reo*,“ according to which a court must render an acquittal not only when it is convinced in the innocence of the Accused, but also when it has doubts about his guilt. Defense Counsel for the Accused Milorad Škrbić argues that the Prosecution failed to prove beyond any

reasonable doubt that the accused committed the acts he has been charged with, since, according to Defense Counsel, there is no sufficient evidence to confirm beyond any doubt that Milorad Škrbić took part in the persecution, robbing and killing, or in carrying out any other activity which would contain the elements of criminal offenses he has been charged with. Accordingly, Defense Counsel believes that the Court, with regard to the unresolved issues, should take a position in favor of the Accused Milorad Škrbić, and by no means to his detriment, and should, while applying the mentioned principle, deliver an acquittal.

67. The accused fully agreed with the arguments presented by his Defense Counsel.

(c) Closing argument by Defense Counsel for the Accused Dušan Janković

68. Defense Counsel for the Accused Dušan Janković, Attorney Ranko Dakić, noted in his closing argument that his client was not guilty of the offense he has been charged with, adding that the Prosecution failed to prove the allegations from the Indictment.

69. According to the Defense, the Prosecution failed to present a single piece of evidence to corroborate that Dušan Janković ordered and organized the convoy, that he forcibly removed the non-Serb population, and deliberately deprived other people of their lives. Defense Counsel added that not a single reliable piece of evidence was presented to show that Janković issued any instruction or approval to those escorting the convoy to separate the men with the intent to kill civilians, and that no evidence points to Janković's superior position in relation to the perpetrators.

70. The Defense for the Accused argues that the existence of neither a JCE nor a widespread and systematic attack was ever proven.

71. According to the Defense, during the critical period there was no planned attack by the Prijedor-based Serb Territorial Defense and JNA units, against the Bosniak and Croat population. As Defense Counsel notes, it is pointless to charge the accused in this case with the knowledge of a widespread and systematic attack, and the participation therein, for if such an attack had existed at all, especially as part of a JCE plan, only the highest authorities and possibly the highest security officials could have decided on its commencement, about which neither the accused nor other soldiers or police officers would have been informed, and they would particularly not have had any decision-making authority. Based on the foregoing, the Defense seeks that the Panel accept as established

the ICTY's position from the Fatmir Limaj *et al.* Judgment in relation to the Accused Janković, and issue its own verdict accordingly.

72. Further, as the participation of Dušan Janković in the JCE was not proven, he cannot be deemed liable either under individual responsibility or as a co-perpetrator or an accessory. The Defense argues that it has proven that Dušan Janković's actions on the critical day do not constitute actions based on which he would be part of the JCE and based on which he could be charged with complicity, or aiding and abetting in the commission of the criminal offense.

73. The Defense further points to the fact that the Accused Janković, either in terms of space or time, is not connected with the events that took place between April and September 1992, given that, as underlined by Defense Counsel, during the period from 20 September 1991 to December 1993 Dušan Janković did not have either formal-legal or actual managerial, or command role in either the Prijedor Municipality police or the Republika Srpska police in general. If any responsibility could be attributed to Dušan Janković at all under his official position, according to the Defense it may be connected only to the period from 19 August 1991 to 20 September 1991, and by no means outside that period. His possible responsibility for further events described in the Indictment may, according to Defense Counsel, be linked only to the actions he took personally. Defense Counsel went on to say that Janković's role, place and official position during the period from 20 September 1991 until the end of 1992 cannot be related to command responsibility on any grounds, for his position in the then-structure of authority in the Prijedor Municipality, during the critical period, was at the level of a person performing the tasks and duties related to providing materiel and logistics for the reserve police stations, which the Defense proved by the evidence it presented.

74. Further, the Defense points to the fact that none of the Intervention Platoon members said that Dušan Janković had ever ordered him anything or that anyone had ever conveyed to him a direct order issued by Dušan Janković. According to the Defense, it ensues beyond a reasonable doubt from all adduced documentary evidence and statements of all witnesses that Janković, in relation to the Intervention Platoon, did not have any either *de facto* or *de iure* order-issuing authority.

75. The Defense also believes that the allegations from the Indictment that Dušan Janković removed the non-Serb population were not proven at all. The SJB Prijedor did not have any role in organizing the convoy, but was, as the Defense points out, informed

last in the chain about the convoys, and only when it was requested to provide security for convoys. According to Defense Counsel, people were leaving the territory of the Prijedor Municipality at their own incentive, because of the lack of safety and deteriorated security situation. Defense Counsel argues that the Prosecution failed to prove that, on the critical day, 21 August 1992, Janković was in Tukovi, noting that the Defense has beyond any reasonable doubt proven that he did not have anything to do with the convoy, nor was he in its escort, but was in the village of Sreflije, near Kozarska Dubica, all day long.

76. In the closing argument, the Defense also objected to the application of the 2003 Criminal Code of BiH, for it believes that the Criminal Code of SFRY and the Criminal Code of FBiH were more lenient to the perpetrator of the criminal offense, and stresses that the application of the CC of BiH is in violation of Article 7 of the ECHR and Article 15 of the International Covenant on Civil and Political Rights.

77. Finally, Defense Counsel stresses that the Prosecution has dropped command responsibility charges under Article 180(2), and that the evidence adduced effectively rules out his client's individual responsibility, so that acquittal remains the only possible verdict in relation to the Accused Dušan Janković.

78. The accused fully agreed with the closing argument of his Defense Counsel.

(d) Closing argument by Defense Counsel for the Accused Željko Stojnić

79. Defense Counsel for the Accused Željko Stojnić, Attorney Senad Kreho, said he fully agreed with the closing argument presented in the first-instance proceedings by the previous defense counsel for the Accused, and that in that regard he would not repeat in his own closing argument what had already been said, both in the original closing argument of his predecessor, as well as in closing arguments of Defense Counsel for the other accused persons in this case, with which he fully agreed.

80. Defense Counsel challenges the very concept of JCE, which he argues constitutes a criminal law notion based on a dubious extra-legal construct, which at the same time includes the Accused's *mens rea* aimed at the consequences.

81. In his closing argument, analyzing the evidence adduced that corroborates the Accused's alibi, Defense Counsel argues that the analysis resulted in a conclusion that the Accused Stojnić's presence at the time of execution at *Korićanske stijene* was not proven.

82. Defense Counsel notes that, in the continental legal system, as well as in national legislations, the burden of proof lies on the Prosecution, which means they are supposed to prove guilt beyond any reasonable doubt.

83. The Defense argues that the Court is obligated to deliver an acquittal, not only in case when innocence is proven, but also when guilt of the accused person has not been proven. Any doubt with regard to the existence of a legally relevant fact, according to Defense Counsel, must be reflected in favor of the Accused.

84. Therefore, this Panel, according to the Defense, must find fully justifiable the application of the *in dubio pro reo* principle, which is a rule saying that the facts detrimental to the Accused must be established with full certainty, which means beyond any reasonable doubt, and if there is a doubt in respect to those facts, and there indeed is a doubt in this specific case when it comes to the facts concerning the Accused Stojnić's guilt, they cannot be taken as established. On the other hand, as Defense Counsel points out, „the lower premise“ of the mentioned rule is that the facts in favor of the Accused are taken as established even if they are merely probable.

85. Finally, in accordance with the aforementioned, the Defense proposed that Željko Stojnić be acquitted.

86. The accused Željko Stojnić fully agreed with the closing argument of his Defense Counsel.

IV. APPLICABLE LAW

87. By the Indictment, the Prosecution charged the accused persons with the criminal offense of Crimes against Humanity under Article 172(1)h), in conjunction with Subparagraphs a), d), e), h) and k) of the CC of BiH, all as read with Article 180(1) of the CC of BiH.

88. The defense teams of all the accused persons have, throughout the proceedings, including the proceedings before the Appellate Panel, challenged the application of the CC of BiH in the case in question, arguing that the only law whose application in the specific case would be justifiable is the Criminal Code of the Socialist Federative Republic of Yugoslavia (CC SFRY), as the law that was in effect at the time when the given criminal offense was perpetrated.

89. Guided by Article 7 of the European Convention on Human Rights and Fundamental Freedoms (hereinafter: the ECHR), and Articles 3, 3a, 4 and 4a) of the CC of BiH, the Panel has considered the question as to which law needs to be applied in the specific case.

90. The criminal offense the accused are charged with was committed in August 1992, and they were charged under the criminal code that entered into force in 2003, which means long after the events in question. That is why it is important to pay attention to the principle of legality (*nullum crimen sine lege* and *nulla poena sine lege*) and the principle of time constraints regarding the application of criminal law.

91. The principle of legality, enshrined in Article 3 of the CC of BiH, stipulates that criminal offenses and criminal sanctions may be prescribed by law only, so that no one can be punished or given any other criminal sanctions for an action that, before it was committed, was not defined as a criminal offense by law or international law and for which the law did not prescribe any punishment. Article 4 of the CC of BiH stipulates that the law that was in effect at the time when the criminal offence was perpetrated shall apply to the perpetrator of the criminal offence, and if the law has been amended on one or more occasions after the criminal offence was perpetrated, the law that is more lenient to the perpetrator shall be applied.

92. Article 7 of the ECHR also provides for the principle of legality, where the ECHR, under Article 2(2) of the BiH Constitution, has primacy over all other laws. The mentioned legal provision defines the general principle prohibiting a more stringent punishment than the one applicable at the time of perpetration of the criminal offense, but not the application of the more lenient law. Further, Article 7(2) reads that *„this Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principle of law recognised by civilised nations,“* and the same principle is also, in an almost identical formulation, also defined in Article 15(2) of the International Covenant on Civil and Political Rights (hereinafter: the ICCPR). Both the ECHR and the ICCPR are documents which BiH, as a successor to the former SFRY, has ratified, so that those regulations have a mandatory character.

93. Article 7(2) of the ECHR, adopted into the current legislation of Bosnia and Herzegovina through Article 4.a) of the CC of BiH, from which it ensues that, despite the prohibitions set forth in Articles 3 and 4 of the CC of BiH, those provisions do not prejudice

the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principle of international law.

94. According to the principle of universal jurisdiction, customary international humanitarian law obligates every country in the world, regardless of whether it has ratified relevant international legal instruments, so that every country has the obligation of criminal prosecution and extradition (*aut dedere aut judicare*) of all persons suspected of having committed a violation of customary international humanitarian law. Any restriction imposed by the state in relation to the extradition of a person charged with a violation of customary international humanitarian law constituted a violation of that country's international obligations.

95. War crimes, including Crimes against Humanity as an act charged against the accused persons in this specific case, undoubtedly constitute crimes, also in accordance with international law, so in that regard they fall under „the general principle of international law“, as stipulated by Article 4.a) of the CC of BiH, and „the general principle of law recognized by civilised nations“, as stipulated in Article 7(2) of the ECHR, which makes fully justifiable the application of the CC of BiH in the specific case, as the Prosecution stated in the Indictment.

96. In the foregoing context, it is necessary to note that, on 10 April 2012, the European Court of Human Rights in Strasbourg delivered a judgment upon Application filed by the convicted person Boban Šimšić, denying the application as ill-founded, with the following reasoning:

The Court observes that the present applicant was convicted in 2007 of persecution as a crime against humanity with regard to acts which had taken place in 1992. While the impugned acts had not constituted a crime against humanity under domestic law until the entry into force of the 2003 Criminal Code, it is evident from the documents cited in paragraph 8-13 above that the impugned acts constituted, at the time when they were committed, a crime against humanity under international law. In that regard, it is noted that all the constituent elements of a crime against humanity were satisfied in this case: the impugned acts were committed within the context of a widespread and systematic attack targeting a civilian population and the applicant was aware of that attack (contrast *Korbely*, cited above, §§ 83-85).

1. The applicant argued that he could not have foreseen that his acts could have constituted a crime against humanity under international law. It is noted, however, that the applicant committed those acts as a police officer. The Court has held that persons carrying on a professional activity must proceed with a high degree of caution when pursuing their occupation and can be expected to take special care in assessing the risks that such activity entails (see *Kononov*, cited above, § 235). Furthermore, having in mind the flagrantly unlawful nature of his acts, which

included murders and torture of Bosniacs within the context of a widespread and systematic attack against the Bosniac civilian population of the Višegrad Municipality, even the most cursory reflection by the applicant would have indicated that they risked constituting a crime against humanity for which he could be held criminally accountable.

2. The Court concludes that the applicant's acts, at the time when they were committed, constituted an offence defined with sufficient accessibility and foreseeability by international law.

This complaint is therefore manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

97. Besides the aforementioned, although the criminal offense of Crimes against Humanity was not prescribed in the CC of SFRY as a separate crime, in the way it was prescribed by the new law, certain forms of commission of this criminal offense were covered by individual incriminations in Articles 136, 141 through 147, 154, 155 and 186 of the CC of SFRY. It ensues from the foregoing that those criminal offenses were punishable also under the criminal code in force at the time, which did not require the proving of all elements of Crimes against Humanity, which again goes to support the fact that the application of the CC of BiH is justifiable, as determined by this Panel as well.

98. Finally, the application of the CC of BiH is additionally justifiable by the fact that any punishment that can be imposed under this law for the given criminal offense is certainly more lenient than the death penalty that was in force under the law that was in force during the relevant period, which is why the application of the CC of BiH was also in conformity with the principle of legality and the principle of application of the more lenient law to the perpetrator. This position is in line with the position taken by this court in other cases involving Crimes against Humanity, which is also the position the BiH Constitutional Court confirmed in the case versus Abduladhim Maktouf².

² See AP-1785/06 dated 30 March 2007.

V. STANDARDS OF PROOF

A. GENERAL CONSIDERATIONS

99. In making any judicial decision, including this verdict as well, the Court Panel has the obligation to comply with and apply the provisions laid down in the Criminal Procedure Code, and accordingly deliver its verdict, being mindful that the ECHR has primacy in Bosnia and Herzegovina.

100. The purpose of one of the fundamental principles of criminal law, the principle of legality, is to ensure that no innocent person is convicted and that the perpetrator of a criminal offense receives a criminal punishment under the conditions prescribed in the CC of BiH.

101. Further, the Panel was mindful of the presumption of innocence, defined in Article 3 of the CPC of BiH, which reads as follows: *“A person shall be considered innocent of a crime until guilt has been established by a final verdict.”* Besides, the Panel also bore in mind that the burden of proof lies with the Prosecution, and that, as provided by Article 3(2), *“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 favorable for the accused.”* Ultimately, in line with Article 14 of the CPC of BiH, the Court is bound to objectively study and establish with equal attention facts that are exculpatory as well as inculpatory for the accused.

102. Our legal system recognizes the principle of free evaluation of evidence, as provided in Article 15 of the CPC of BiH. Therefore, the court is not bound by any formal evidentiary rules in delivering a verdict. However, the mentioned principle by no means provides the court with leeway to deliver a verdict at its own free discretion, but, as stipulated in Article 281 of the CPC of BiH, the Court must base its verdict only on the facts and evidence presented at the main trial. Further, the Court shall conscientiously evaluate every item of evidence and its correspondence with the rest of the evidence and, based on such evaluation, conclude whether the fact(s) have been proved.

103. Although the Panel has handed down the verdict while fully respecting the mentioned principles, and even though during deliberation it considered all the adduced evidence, presented by both the Prosecution and the Defense, as well as the evidence adduced by the Court, both documentary and testimonial evidence, bearing in mind the comprehensiveness of the evidence, in its Reasoning of the Verdict the Panel was not able to address each and every piece of evidence. While rendering the verdict, the Panel, therefore, considered and evaluated each presented piece of evidence, but in the reasoning of the verdict it referred to those pieces of evidence only that were of importance for the state of facts as established, both concerning the very existence of the criminal offense, as well as the guilt of the accused.

104. As the evidentiary material in the given case consists mostly of witness statements, the evaluation of their statements and their credibility posed a significant challenge before this Panel, as would before any other Panel acting in a similar situation. The fact is that the evaluation of witness statements can never be approached “plastically”, and *a priori* accept everything a witness says, whether it is a statement incriminating or exculpating the Accused. In evaluating witness statements, the Panel must pay due attention, minding the very substance of the testimony as well as the overall impression the witness leaves, and also the witness behavior, voice, posture, physical and emotional reactions to questions, and his comportment in relation to the parties and defense counsel. The Panel has the obligation to consider the witness statement while taking into account the overall atmosphere of his testimony.

105. This is of particular importance when it comes to witness statements, direct, but also indirect victims of the crimes that took place and that are a subject of criminal charges in the case. Such witnesses that have gone through a trauma, in the conditions when they are supposed to speak again about the things they experienced, are exposed to additional traumatization. In such circumstances it is necessary to be particularly cautious when evaluating the reliability of their evidence.

106. It is not only important for a witness statement to be given honestly (the Panel assumes that each witness, especially after taking an oath before the court, intended to testify honestly about the facts and circumstances he had knowledge of), but it is also important that the statement is reliable. Various factors affect the reliability of a witness statement, notably the ability to observe things and the variability of human perception, the lapse of time, the traumatic nature of the event itself, but also the witness’s bias. All this

may result in a situation where two witnesses, who witnessed one and the same event, regard that event from different mental, physical, and even chronological perspectives, which results in their giving statements that are not identical. Therefore, in evaluating witness statements, the Panel compared the facts the witness testified about with the facts established by other witnesses, but also with facts ensuing from the documentary evidence, and based on such a comprehensive assessment made a conclusion about the reliability of a witness statement.

107. It also needs to be noted that the Panel, while evaluating witness statements, found that some witnesses were honest and reliable, even to their own detriment, while some other witnesses, the Panel concluded, were also honest, but certain parts of their testimony were not convincing, for various reasons, starting from their limited perception, poorer power of perception, influence of time lapse, personal interests, but also their interest in affecting the outcome of the proceedings, their loyalty to the accused or their bias towards either the accused or the victims, which could have resulted in certain witness conclusions about what they had really seen or heard. Still, even with such witnesses there were situations that although the Panel found some parts of their testimony to be unreliable, it on the other side decided that parts of their statements included specific observations about certain facts, and in such situations the Panel was of the opinion that dismissing such statements in full would not be in the best interest of justice, but such statements were evaluated in the way so as to assess their reliability and the accuracy of each fact or circumstance the witness was asked about.

108. The Panel compared witness statements, given during various stages of the proceedings, and analyzed the statements given during the investigation, when there were certain discrepancies with regard to decisive facts in relation to the statements given at the main trial, and based on such evaluation the Panel decided which evidence to trust.

109. As the material documentation presented as evidence, by the Prosecution, as well as by the Defense for the accused, is voluminous, the Panel has evaluated such evidence above all in the context of Article 10 of the CPC of BiH, which regulates the issue of legality of evidence.

110. In evaluating the credibility of the documents, the Panel analyzed them in light of all other presented evidence, such as other documentary and testimonial evidence.

111. Besides, even where the Panel was convinced that the given document is credible, it did not automatically accept that its content represented a true presentation of facts, but evaluated the credibility of the content in each individual case.

112. Bearing in mind all the aforementioned, starting from the mentioned principles defined by the national law, and Article 6(1) of the ECHR which imposes an obligation on all courts to state clearly enough the grounds on which they base their decision³, the Panel carefully evaluated all the adduced evidence, whose evaluation will be presented further below.

B. WITNESS CREDIBILITY

113. The Panel also wanted to address the issue of the credibility of Prosecution witnesses Damir Ivanković, Gordan Đurić and Ljubiša Četić, who testified at the main trial, after concluding a guilty plea agreement with the Prosecutor. During the proceedings the Defense insisted that the substance of their testimony was conditioned by the attempt to secure for themselves a better procedural position, which means lenient punishments for the same criminal offense of which Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić were accused.

114. However, contrary to such a position by the Defense for the accused persons, the Panel finds that the mentioned circumstances do not bring into question the truthfulness of the witness testimony.

115. In making such a conclusion, the Panel was mindful of Article 15 of the CPC of BiH which defines principles of free evaluation of evidence, and Article 281(2) of the CPC of BiH, which reads: *“The Court shall conscientiously evaluate every item of evidence and its correspondence with the rest of the evidence and, based on such evaluation, conclude whether the fact(s) have been proved,”* and ultimately also the position of the BiH Constitutional Court regarding the possibility to use the evidence and the probative value of such witness statements.

116. In the aforementioned context, the BiH Constitutional Court says as follows:

³ The European Court of Human Rights, *Georgiadis v. Greece*, 1997, para 606.

“However, when obtaining evidence in such a manner (via guilty plea agreement), that is, when providing testimony by exercise of this institution in a country applying the continental legal system, as is Bosnia and Herzegovina, it is also necessary to apply other, fundamental principles of the criminal procedural law to that sort of evidence, such as careful and conscientious evaluation of evidence in isolation and in mutual connection, and the principle of *in dubio pro reo*. As already stated, by applying the principle of free evaluation of evidence, the courts cannot *a priori* attach greater value to such evidence because it was obtained on the basis of a guilty plea agreement concluded with the witness who was previously accused of the same offence. On the contrary, the courts have to evaluate this evidence in the same manner and based on the same rules prescribed under the law for any other presented evidence, i.e. in isolation and in connection with other evidence, and bring all presented evidence into a logical relation.”⁴

117. Further in the same case, the Constitutional Court concludes:

“Regarding the testimony of the mentioned witness (who testified after concluding a guilty plea agreement), even though such witnesses may often be unreliable, it in itself is not a reason not to trust such witness testimony.”⁵

118. Therefore, both the Constitutional Court and this Court in its previous verdicts⁶ have considered the possibility to use, during the proceedings, statements given by witnesses who have concluded a guilty plea agreement, and took a position that there were no obstacles for the statements of such witnesses to be used in the proceedings, and that they could be a basis for a verdict, while respecting other, fundamental principles of criminal procedure. In considering and evaluating statements given by a particular witness, the Panel must take into account all the facts that affect the reliability of his testimony. However, the aforementioned is the obligation of the Panel in evaluating the credibility of statements given by any witness, not just those who concluded a guilty plea agreement.

119. In considering the foregoing issue, the BiH Constitutional Court has taken a position defining under which conditions a statement by a witness who has concluded a guilty plea agreement may be used as evidence in criminal proceedings. In *Nihad Vlahovljak*⁷, the Constitutional Court said:

“In the opinion of the Constitutional Court, basing a decision on the statement of a witness who has concluded a guilty plea agreement must be considered in any individual case and there cannot be any rule set in that regard, except that in such a case during the proceedings a possibility must be given to challenge such a statement, with a convincing explanation.”

⁴ M.Š., Decision, Paragraph 38 (emphasis added).

⁵ *Id.*, Paragraph 37 (emphasis added).

⁶ See, e.g. Verdict of the Court of BiH No. S1 1K 006124 11 Kžk, Radomir Vuković *et al.*, dated 25 January 2012, pp.108-110, and Verdict of the Court of BiH No. X-KR-05/24 dated 29 July 2008, pp.12-15.

⁷ AP-661/04 dated 22 April 2005.

120. All witnesses who in this case testified as Prosecution witnesses after concluding a guilty plea agreement have been exposed to cross-examination by the Defense for the accused persons, whereby the defense teams were allowed to discredit those witnesses, but also to present, as part of their own case that followed, evidence to rebut their statements.

121. Ultimately, the statements of witness who testified after concluding a guilty plea agreement were evaluated by the Panel both individually and in correlation with the remaining evidence, and it was only after such an evaluation that the Panel drew a conclusion on their veracity and reliability.

122. Bearing in mind all the aforementioned, contrary to the Defense's position, the mere fact that a witness has concluded a guilty plea agreement, and then testified in the specific case, does not *a priori* result in qualifying such a testimony as untruthful or unreliable. In the Reasoning of the Verdict, the Panel provided reasons as to which witnesses and to what extent were given or not given trust.

(a) Witness statements by Luka Gnjatović and Vitomir Lakić as Defense witnesses (given before the Appellate Panel)

123. The accused Dušan Janković and his Defense Counsel, during the proceedings before the Appellate Panel, insisted that the substance of witness statements by Luka Gnjatović and Vitomir Lakić, given in the previous phases of the proceedings, which incriminate the Accused Dušan Janković, were conditioned by the pressures exerted on the witnesses by SIPA inspectors during their first investigative examination⁸. In that regard, Defense Counsel filed into the case record the statements given by those witnesses, specifically two statements by Luka Gnjatović and a statement by Vitomir Lakić,⁹ in which they deny seeing the Accused Dušan Janković in the convoy on 21 August 1992. At the request of Defense Counsel for the Accused, the Panel summoned the two witnesses for a hearing before the Appellate Panel in order to testify about the discrepancies between their statements.

⁸ T-47 Record of Examination of Witness Luka Gnjatović of 21 March 2006 and T-48 Record of Examination of Witness Vitomir Lakić of 22 March 2006.

⁹ Evidence A-O-III-4 Luka Gnjatović's statement, no number or date, handwritten, and A-O-III- 5 notary-certified statement by Luka Gnjatović and Vitomir Lakić.

124. At the same time, at the Prosecution's behest, also summoned for a hearing before the Appellate Panel were witnesses – SIPA inspectors Mevludin Mujezinović and Ejub Zukić, who took statements from witnesses Luka Gnjatović and Vitomir Lakić, so they too were directly heard regarding the circumstances of taking the relevant statements.

125. All the foregoing evidence, statements given by witnesses Gnjatović and Lakić, filed as documentary evidence, as well as their statements given at the hearing before first-instance and appellate panels, were considered by this Panel individually and in correlation with the other evidence, including the statements given by witnesses Mujezinović and Zukić, and based on that evaluation the Panel drew a conclusion about their reliability.

126. It ensues from the content of the statements given by those two witnesses during investigation that they merely presented the chronology of events, and that in those statements Dušan Janković's name was mentioned in the context of such a chronology, and not as a response to a direct question by the SIPA investigators, as clarified by the witnesses during the hearing before the Appellate Panel. The witnesses basically repeated those same statements at the hearing before the First-Instance Panel. They confirmed the accuracy of the statements taken during the investigation by their signature on the transcript, and at the hearing before the First-Instance Panel they verified that those indeed were their signatures.

127. Ultimately, witnesses Mujezinović and Zukić described the manner in which they had taken statements from these, as well as a number of other witnesses, so the Panel did not have any doubt or dilemma regarding the lawfulness of their actions.

128. In accordance with the aforementioned, the Panel found that the statements witnesses Gnjatović and Lakić gave after the first-instance verdict against the Accused Janković, in which, contrary to their previous statements given under oath during both the investigation and the main trial before the First-Instance Panel, they deny the accuracy of the content of their previous statements with regard to whether they saw the Accused Dušan Janković escorting the convoy, were given with the aim of exculpating the Accused Janković. Even though the Panel was not able to determine what exactly motivated the witnesses to depart so drastically from the previously given statements, it decided not to trust such altered statements, which were obviously given with the sole aim of helping the Accused.

VI. COURT FINDINGS – CONVICTION

A. CRIMES AGAINST HUMANITY – GENERAL ELEMENTS OF THE CRIMINAL OFFENSE

129. The Indictment issued by the BiH Prosecutor's Office charges the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić with the commission of the criminal offense of Crimes against Humanity under Article 172(1)h), as read with Subparagraphs a), d), e), h) and k) of the CC of BiH. In order for the actions of the accused to be legally qualified as the criminal offense the accused were charged with, or the criminal offense they were found guilty of, it was above all necessary to prove that their actions satisfied the essential elements of the criminal offense of Crimes against Humanity, which are reflected in the following:

- (a) that they were part of a widespread or systematic attack
- (b) that the attack was aimed against a civilian population,
- (c) that the accused knew of the attack and that their actions were part of the attack
(nexus)

1. Existence of a widespread and/or systematic attack

130. Based on ample evidence, documentary and testimonial alike, and the established facts adopted from ICTY judgments, based on the Law on the Transfer of Cases, the Appellate Panel concluded that during the relevant period, from late April 1992 to late September 1992, there existed a widespread and systematic attack in the territory of the Prijedor Municipality by the army and police of the Serb Republic of BiH, subsequently Republika Srpska, aimed against the Bosniak and Croat population of the Prijedor Municipality. In so concluding, the Panel primarily took into account the positions taken in the ICTY judgments, concerning the criteria determining whether a specific case includes a widespread and/or systematic attack.

131. It is above all necessary to determine exactly what the very notion of attack actually means. As defined by the ICTY jurisprudence¹⁰, the notion of attack differs from the notion of armed conflict. An attack may precede an armed conflict, may last longer than the conflict itself, or may continue during the conflict, but does not necessarily have to constitute its part. Further, as ensues from the verdict, an attack is not limited to the use of armed force, and covers all forms of civilian population abuse.

132. In order for the criminal offense of Crimes against Humanity to exist, it is necessary to determine that by its character the attack was widespread or systematic. Although it suffices, in order to be able to speak about the criminal offense of Crimes against Humanity, to characterize the attack either as widespread or systematic, because those elements are provided alternatively in the law, it often happens that the situation is such that the attack by its nature satisfies both those elements.

133. The notion of widespread attack pertains to the comprehensiveness of the attack and the number of victims¹¹. The attack's systematic nature pertains to an organized nature of the acts of violence and to the small probability that those acts might be random in their nature. International jurisprudence has set the criteria that need to be taken into account while determining whether an attack meets the requirement of being widespread, or the requirement of being systematic, or both, and those criteria are as follows: (i) consequences of the attack on the targeted population, (ii) the number of victims, (iii) nature of the act, and (iv) possible participation of officials or government representatives or some discernible or identifiable pattern of crime¹².

134. Based on the adduced evidence, as well as the established facts adopted from the final ICTY judgments, the Appellate Panel undoubtedly determined that during the relevant period there existed a widespread and systematic attack in the wider territory of the Prijedor Municipality by the army and police of the Serb Republic of Bosnia and Herzegovina, subsequently Republika Srpska, aimed at the civilian population.

¹⁰ See Appeal Judgment in *Kunarac*, paragraph 86.

¹¹ Appeal Judgment in *Kunarac*, paragraph 94.

¹² Ibid.

(a) Widespread nature of the attack

135. That the attack was widespread, which under the standards set forth by the ICTY jurisprudence means that it was comprehensive and included a large number of victims¹³, the Panel concluded primarily on the basis of the established facts accepted by the ICTY judgments, whose significance the Defense for the accused did not diminish by their own evidence, as well as on the basis of statements of witnesses heard during the proceedings, and the documentary evidence filed into the case record.

136. It follows from the established facts that on 30 April 1992 the SDS, without shedding any blood, took over the town of Prijedor with the assistance of military and police forces¹⁴, that the takeover itself was carried out in the early morning hours, when armed Serbs seized positions at check-points throughout Prijedor, together with soldiers and sharpshooters on the roofs of the main buildings¹⁵, and that JNA soldiers, wearing various kinds of uniforms, took control of all major institutions, such as the radio station, health clinic and bank. They entered buildings and declared they had just taken over the power and were changing the name of the Prijedor Municipality into the „Serb Municipality of Prijedor.“¹⁶

137. That the attack was not limited to the town of Prijedor only, but covered a much broader area, including the town of Kozarac with the environs, which includes a string of villages: Kamičani, Kozaruša, Sušići, Brđani and Babići¹⁷, the Brdo territory, covering the villages of Biščani, Rizvanovići, Rakovičani, Hambarine, Čarakovo and Zecovi¹⁸, and the village of Briševo¹⁹, is confirmed by the established facts presented in the marked footnotes.

138. All these territories were populated by the predominantly Muslim and Croat population. When it comes to the very town of Prijedor, the settlement that took the brunt of the attack was Stari Grad, almost exclusively populated by Muslims. The method in which the attack was carried out will be elaborated on in the part that deals with the systematic nature of the attack, while at this point the Panel will only address those facts

¹³ Appeal Judgment in *Kunarac*, paragraph 94.

¹⁴ EF 23.

¹⁵ EF 24.

¹⁶ EF 25.

¹⁷ EF 59.

¹⁸ EF 92-101.

¹⁹ EF 87-91.

that are relevant to determine the widespread nature of the attack, which, apart from the broad territory where the attack took place, as described in the previous paragraphs, also includes the number of victims.

139. It follows from the established facts that thousands of residents of the Prijedor Municipality have gone through at least one of the three detention camps, Omarska, Keraterm and Trnopolje, which were set up in Omarska, Prijedor and Trnopolje²⁰. Residents of Kozarac were no exception²¹. There used to be up to three thousand detainees in Omarska, men mostly, but also 36-38 women²². Hundreds of detainees were killed or went missing in the Omarska camp between late May and late August, when the camp was finally shut down²³. There were thousands of detainees in the Trnopolje camp as well, mostly elderly people, women and children. Some 1,600 detained men spent between two and three months there²⁴. A large number of Muslims and Croats fled the Prijedor Municipality²⁵. As regards the attack on Kozarac and the surrounding villages, at least 80 Bosnian Muslim civilians were killed when Bosnian Serb army and police members entered the Kozarac territory²⁶. By 28 May 1992, some 50% of Kozarac was destroyed, while the remaining damage was caused between June and August 1992²⁷. As for the attack on Hambarine, it follows from the established facts that a lot of residents, in order to avoid shelling, fled to other villages under Muslim and Croat control, or into the woods²⁸. Also ensuing from the established facts is that during the attack on the villages in the Kozarac territory, for example the village of Kozaruša, predominantly populated by Muslims, whole villages were destroyed, only the Serb homes remained intact²⁹. Further, at the Mrkalji hamlet clay pit³⁰, firing from rifles and heavy weapons Serb forces killed between 30 and 40 people, all of them in civilian clothes³¹, while the Muslim village of Čarakovo suffered huge damage and destruction... Fleeing population was shelled from mortars and artillery³². It follows from the established fact No. 207 that a large number of

²⁰ EF 44.

²¹ EF 75,76.

²² EF 133.

²³ EF 160.

²⁴ EF 168 and 169.

²⁵ EF 113, EF 114 „...Massive departures reached their peak in the months after taking over the rule...”

²⁶ EF 70.

²⁷ EF 79.

²⁸ EF 53,54.

²⁹ EF 86.

³⁰ A hamlet in the village of Bišćani.

³¹ EF 95.

³² EF 97.

people were taken to the SUP Prijedor building where they were subjected to beatings..., while from the established fact 216 it follows that at least 30 men were detained in the JNA barracks in Prijedor, where the staff were composed of Bosnian Serb army members.

140. According to the Panel, all the aforementioned points to the only possible conclusion, that during the relevant period there existed an attack by the Serb army and police in the territory of the Prijedor Municipality, against the civilian population, Muslims and Croats, and that the attack was widespread in its nature.

(b) Systematic nature of the attack

141. The systematic nature of the attack relates to the organized nature of the acts of violence and the improbability of their random occurrence, which is to say that the systematic nature of the attack means that it was „a pattern of crimes, that is, the non-accidental repetition of similar criminal conduct on a regular basis.”³³

142. Witness statements, but also the established facts, all point out that there was a pattern of conduct towards civilians, meaning that the attacks on various parts of the town, and on various areas of the Prijedor Municipality, were carried out in the same or similar manner.

143. It ensues from the established facts that, following the capture of the town of Prijedor³⁴, the Serb nationalist propaganda was increased³⁵ and the need was stressed to wake up the Serb people, with derogatory comments concerning the non-Serbs³⁶. Calls were issued to lay down weapons, the calls which, although addressed to the people in general, were applied to the Muslims and Croats only, while the military drafting of Serbs enabled a distribution of weapons to the Serb population³⁷.

³³ Prosecutor v. Kunarac *et al.*, No. IT-96-23/1-A, Judgment of 12 June 2002, Paragraph 94 („Appeal Judgment in *Kunarac et al.*”).

³⁴ See paragraph 54 of the Judgment, referring to EF 23.

³⁵ EF 29.

³⁶ EF 30.

³⁷ EF 31 and 32.

144. In the days and months that followed after taking control of Prijedor, a large number of non-Serbs were fired from work, so that only a small percentage of Muslims and Croats were still employed³⁸.

145. Also widespread was the pillaging of Muslim homes in the Prijedor Municipality. Apartments owned by non-Serbs were subjected to daily searches³⁹. Bosnian Muslims who have lived their whole lives in the Prijedor Municipality were expelled from their homes, their houses were marked for destruction, and in many cases were completely razed⁴⁰.

146. The movement of non-Serbs outside the Prijedor Municipality was practically made impossible, and was strictly limited by curfew and check-points. A large number of the Prijedor Municipality residents, Muslims and Croats, ended up in the camps set up in the territory of this municipality⁴¹.

147. The uniform pattern of behavior, by which actions were taken in the places populated by Muslims and Croats (Hambarine, Kozarac, Prijedor–Stari Grad), often meant setting an ultimatum by the Serb side towards the Muslim/Croat side, demanding surrender, and pledging loyalty to the Serb side, and surrender of weapons⁴².

148. As already explained in the paragraphs concerning the widespread nature of the attack, after the villages predominantly populated by the Muslims were seized in the territory of the Prijedor Municipality, the Muslim and Croat population were taken to detention camps.

149. Such a pattern of behavior was confirmed by witnesses Jusuf Žerić⁴³, Erna Kadirić⁴⁴, Munib Sivac⁴⁵, KO-15⁴⁶, Hakija Elezović⁴⁷, Sadik Suhonjić⁴⁸, Bekir Mujagić⁴⁹,

³⁸ EF 35.

³⁹ EF 37 and 39.

⁴⁰ EF 36.

⁴¹ Described in Paragraph 57 of the Judgment.

⁴² EF 64 „The Kozarac Territorial Defense was given an ultimatum demanding that the TD Kozarac and the police pledge loyalty to the newly-established authorities in the Serb Municipality of Prijedor, and surrender all their weapons.“; EF 50 „After the incident, the Crisis Staff of the Prijedor Municipality announced via Prijedor radio an ultimatum to the residents of Hambarine and the surrounding villages to hand over to the Prijedor authorities the men that manned the check-points, as well as all their weapons. The ultimatum also contained a threat that, if the demand is not met by the noon on the day that followed, an attack on Hambarine would take place.“

⁴³ Statement by Witness Jusuf Žerić, transcript from the Case No. X-KR-08/549 dated 18 May 2009.

⁴⁴ Statement by Witness Erna Kadirić, transcript from the Case No. X-KR-08/549 dated 08 September 2009.

⁴⁵ Statement by Witness Munib Sivac, transcript from the Case No. X-KR-08/549 dated 26 May 2009.

KO-5⁵⁰, Ferid Kovačević⁵¹ and some others as well. All those witnesses (except Erna Kadirić) were, in the first days of war, taken from their homes, or places where they were hiding, to some of the detention camps in the territory of the Prijedor Municipality.

150. Witness Jusuf Žerić says in his testimony that he lived in Kozaruša until shooting broke out, until 21 or 24 May 1992, when he fled into the woods where he remained in hiding for 6 days, only to be eventually captured and taken to the Omarska camp, from which he was transferred to Trnopolje after a month.

151. Witness Munib Sivac, in his own words, before the war used to live in the hamlet of Sivci, which belongs to Trnopolje, from where he was taken to Keraterm, and then to Trnopolje.

152. Witness Enes Džaferagić said he had to leave Prijedor to save his life.

153. Witness KO-15 resided in Tarčin in the early days of war, where he attended training at the Vraca police school. When the school was closed on 4 April 1992, he returned to Prijedor and reported to the Prijedor police station, which has already been taken over by the SDS. Because he did not want to wear Serb insignia and pledge loyalty to the Serb army, he stayed home and did not go to work. He claims he remained alive by pure chance, because on 20 July 1992 Prijedor suffered „ethnic cleansing.“ He and his father were taken to the Trnopolje camp.

154. Witness Hakija Elezović lived and worked at the Trnopolje fish farm. As he pointed out, he would go to work every day until May 1992, and after that he stayed home. According to this witness, ethnic cleansing was launched on 9 June 1992, and he too was taken to Keraterm that day, then on to Omarska and finally to Trnopolje, which he left on 21 August 1992 aboard a convoy.

155. Witness Sadik Suhonjić lived in Prijedor's neighborhood known as *Stari grad* (Old Town), which was predominantly populated by Muslims. After the attack on the town on 30 May 1992, together with “the entire Stari Grad” he too was taken to Trnopolje, from where

⁴⁶ Statement by Witness KO-15, transcript from the Case No. X-KR-08/549 dated 17 November 2009.

⁴⁷ Statement by Witness Hakija Elezović transcript from the Case No. X-KR-08/549 dated 1 June 2009.

⁴⁸ Statement by Witness Sadik Suhonjić, transcript from the Case No. X-KR-08/549 dated 8 June 2009.

⁴⁹ Statement by Witness Bekir Mjagić, transcript from the Case No. X-KR-08/549 dated 8 June 2009.

⁵⁰ Statement by Witness KO-5, transcript from the Case No. X-KR-08/549 dated 18 August 2009.

⁵¹ Statement by Witness Ferid Kovačević, transcript from the Case No. X-KR-08/549 dated 24 August 2009.

he fled with the assistance from two Serbs, and left Prijedor aboard a convoy on 21 August 2013. The witness said that those who wanted to leave Prijedor had to deposit a statement at the SUP waiving the right to their property; however, as he had none, he did not have to go give any such statement.

156. Witness Bekir Mujagić also spoke about the uniform manner in which the attack took place. In May 1992 he was arrested in Kozarac and taken to Keraterm, then transferred to Trnopolje, only to finally leave Prijedor on the 21 August 1992 convoy.

157. Witness Ferid Kovačević lived in Tukovi before the war, where he worked as a teacher in the Kozarac school, but since 23 April 1992 he was not allowed to go to work any more. On 31 May 1992 he was taken to the Omarska camp, but on 7 June 1992 he managed to get out. He went on to say he had spent his days hiding at home, and although he had a MUP pass he did not feel safe enough to move around. He described the situation in the village where he lived, saying that even among his neighbors there were those who threatened to kill him, who turned their heads away from him. An entire family from his neighborhood was taken away and killed.

158. Witness Enes Džaferagić left Prijedor on the 21 August 1992 convoy. In his testimony he says that the reason why he left Prijedor was „the aggression and all that,” which is why he had to leave, “run for his life”. He describes how Muslims from Prijedor were taken to detention camps, never to return home. He lived with a common-law wife of Serb ethnicity, and she told him she would look after him, but for his own sake he had better leave Prijedor, for they all saw what was happening to Muslims. He says that at the time the lives of non-Serbs were a cheap commodity.

159. That the killings of entire families were by no means an exception is confirmed by witness Erna Kadirić, who in May 1992, when Prijedor was attacked, was still an underage girl and lived there with her family. She could not go to school although in the beginning she was able to hang out with her friends, including some of the accused, but eventually she had to stay inside in a hallway. What prompted her family to leave Prijedor aboard the 21 August 1992 convoy was when they learned that an entire family had been murdered.

160. All those statements, and a lot of others, in the opinion of this Panel, confirm the uniform pattern by which the attack was carried out on the predominantly Muslim and Croat population of Prijedor and the surrounding villages, which points to its systematic nature.

2. Attack was aimed at the civilian population

161. It ensues from the foregoing that the attack targeted the civilian population. None of the examined witnesses, according to their own statements, was deprived of liberty and taken to any of the camps either in uniform or armed. All those people were mostly taken from their homes, even women and children.

162. That the attack targeted civilian structures, and by no means strategic military targets, is confirmed by the established facts, which show that neighborhoods, predominantly populated by Muslims and Croats, suffered heavy shelling, homes were burnt down and destroyed, mosques and catholic churches were razed to the ground etc., and ultimately it was the civilian population that fell victim in those neighborhoods, sometimes whole families, or they were taken to the camps set up in the Prijedor territory, none of which surely constituted a legitimate military target. According to the statements taken from the examined Prosecution witnesses, the attack was aimed against the civilian population, which did not have either uniforms or weapons, nor was it organized in any military formations. When it comes to the witnesses listed in the operative part of the verdict, victims of the crime committed at Korićanske stijene, according to the Panel there is no doubt that they too were all civilians. The witnesses examined during the main trial, both persons who were on board the convoy and members of the Intervention Platoon heard as witnesses, said the convoy was organized for the purpose of transporting the civilian Muslim population from the territory of the Prijedor Municipality to the so-called „free territory,“ meaning that the persons on convoy, including the slain men, were all civilians.

3. Actions taken by the accused were part of the attack and they knew of the attack **(nexus)**

163. In order for the essential element of the criminal offense of Crimes against Humanity to be satisfied, it is necessary to prove that the perpetrator not only had the intention to commit the criminal offense or the underlying acts, but had to be aware that his actions fell within a series of widespread or systematic crimes aimed against the civilian

population, and that his actions fit the pattern.⁵² The perpetrator does not have to be aware of the details of the attack, nor does he need to approve of the context in which his actions are taken;⁵³ it suffices that the accused understand the general context in which they operated.⁵⁴

164. The accused in this specific case are charged with the actions related to a specific event – the escort of a convoy with civilian Muslim and Croat population from the Prijedor Municipality, during which the civilian population that was transported was robbed by the people escorting the convoy, after which at least 150 men were separated from the convoy, and shot at the site known as Korićanske stijene, where a vast majority of them lost their lives. However, as this is a specific event, in order to classify it as the criminal offense of Crimes against Humanity, it was necessary to first of all consider whether the event itself, and therefore the acts of the accused, was part of a widespread and systematic attack, which, as previously explained, existed in the relevant period in the territory of the Prijedor Municipality. The specificity of the situation lies in the fact that the event the accused are charged with is geographically distant from the town and the territory of the Prijedor Municipality, for it pertains to the convoy movement, starting from Tukovi, a Prijedor neighborhood, and taking the men on board across the territories of other towns and municipalities, up to the site located in the Travnik Municipality, wherein the killing of at least 150 male civilians took place some 150km from Prijedor. All these circumstances guided the Defense for the accused in arguing that the event itself is an isolated incident, and that it was not part of any widespread and systematic attack, if it existed at all, in the territory of the Prijedor Municipality.

165. However, besides the mentioned geographical distance, the Panel concluded that the convoy itself, including the events within, was part of a widespread and systematic attack that existed in the territory of the Prijedor Municipality, and that regardless of the geographical distance there is a *nexus* between the acts of the accused and the attack itself. Specifically speaking, the acts of the accused constituted part of the attack, fitting the pattern according to which a series of inhumane acts against Bosniak and Croat civilians was carried out under the Indictment in the relevant geographical and temporal

⁵² Appeals Judgment in *Tadić*, par. 248.

⁵³ Trial Judgment in *Limaj*, par. 190.

⁵⁴ *Ibid.*, referring to the Trial Judgment in *Kordić*, par.185.

framework. Therefore, based on the adduced evidence the Panel has concluded beyond a doubt that the acts of the accused constituted part of the attack.

166. In so concluding, the Panel above all bore in mind the fact that the people transported on the convoy, including the men slain at Korićanske stijene, were from Prijedor, predominantly Muslims and a smaller number of Croats, who left Prijedor exactly because of the existence of the widespread and systematic attack on the civilian (Muslim and Croat) population. Further, the convoy escort, but also the persons who robbed the civilians and killed at least 150 men (individual incriminations will be elaborated in detail below), consisted of members of the Intervention Platoon of the Prijedor police, which the accused belonged to as well, save the Accused Dušan Janković, who, during the relevant period, which will be further elaborated on, was the Prijedor Police Station commander.

167. In the context of examining the nexus between the acts of the accused and the widespread and systematic attack, the Panel believes it is above all necessary to bear in mind the facts related to the establishment, role and tasks of the Intervention Platoon.

168. Abundant evidence, documentary⁵⁵ and testimonial⁵⁶ alike, has shown that in June 1992 a single Intervention Platoon was set up at the SJB Prijedor, and the accused persons (all but the Accused Janković) became members of its First Squad.

169. Damir Ivanković too testified about the Intervention Platoon tasks. He said that the Intervention Platoon carried out house and apartment searches, went to Pećani for arms inspection, and that they also carried out searches in those areas of Prijedor that were mostly populated by non-Serb population. Further, Intervention Platoon members were transporting to camps those Muslims who had been detained by the police, or intercepted at check points and then taken to the Keraterm and Omarska camps. Witness Ivanković mentioned convoy escort as one of the tasks of the Intervention Platoon, which he said were organized for the purpose of „relocating Muslims and Croats from Prijedor“.

170. Witnesses Gordan Đurić and Ljubiša Ćetić confirmed that one of the Intervention Platoon tasks was to escort convoys, which, as witness Ivanković said, were organized with the aim of relocating Muslims and Croats from Prijedor. Witness K-1, himself a

⁵⁵ T-245 Order by the Crisis Staff for the Prijedor Municipality No. 02-111-215/92, dated 17 June 1992, T-236 Information prepared by the SJB Prijedor, dated 14 June 1992, T-234 Information on the realization of the Prijedor Municipality Crisis Staff conclusions, No. 02-111-236/92-3 dated 13 July 1992.

⁵⁶ Witness statements by Damir Ivanković, Ljubiša Ćetić, Gordan Đurić, K-3, K-1, KA-1 and others.

member of the Intervention Platoon, said that the Intervention Platoon carried out tasks that regular police could not do, one of them being to provide escort, for instance to the Omarska camp. He also said that Intervention Platoon members repeatedly took part in the escort of convoys aimed at relocating „non-Serb population from Prijedor“, including the critical convoy of 21 August 1992. According to Witness K-3, also a member of the Intervention Platoon, his platoon's tasks, besides convoy escort, also included conducting spot-checks to find out whether certain persons possessed fire-arms, and collecting those fire-arms.

171. Witness Edin Mujadžić⁵⁷, who as a minor came with his father to Tukovi, which was the place from which the convoy set off on 21 August 1992, said that at one moment a yellow van passed them by, carrying policemen whom they called „prstaši“, and when they saw the van they knew things would not be good, and did not want to stick around, because that yellow van was associated with all the misdeeds in Prijedor. That this was none other than the Intervention Platoon van, and its members, can be concluded based on the further content of the statement given by this witness, who said that there were 4-6 persons in the van, wearing dark blue uniforms, including Dado Mrđa, Zoran Babić and others, which confirms that this was no ordinary van, but the van belonging to the Intervention Platoon; Dado Mrđa and Zoran Babić were beyond a doubt members of the Intervention Platoon, its First Squad to be specific.

172. Witness Melisa Bajrić⁵⁸ said in her statement that she had seen Zoran Babić and some other members of the Intervention Platoon during the mop-up operation in her village of Čarakovo. Although by the end of the May, which is when Prijedor's predominantly Muslim and Croat neighborhoods were subjected to ethnic cleansing, the Intervention Platoon was not yet officially formed, it cannot be ruled out that those persons, which were later members of the Intervention Platoon, had knowledge of the events in the Prijedor Municipality, in which they themselves participated.

173. Witness Erna Kadirić, who as a seventeen-year-old from Tukovi used to hang around with somewhat older neighbors, members of the First Squad of the Prijedor Police Intervention Platoon, including Željko Stojnić, Zoran Babić and others, said she did not want to leave Prijedor when her parents decided to get on the convoy on 21 August,

⁵⁷ Statement of witness Edin Mujadžić, transcript from the case No. X-KR-08/549 dated 13 October 2009.

⁵⁸ Statement of witness Melisa Bajrić, transcript from the case No. X-KR-08/549 dated 14 April 2009.

however Željko Stojnić advised her to go with her parents, that it would be better for her to do so and not ask why. She said she did not see that as a threat at all, but such a warning issued to a Bosniak friend goes to show that members of the Intervention Platoon were informed about the events in Prijedor, and the fact that the Muslim population of the town was in danger.

174. As for the Accused Dušan Janković, who was one of the senior officers at the Prijedor Police Station, which will be further elaborated below in the section addressing individual incriminations pertaining to this Accused, and who had direct knowledge of the Intervention Platoon activities and was one of the three persons, together with Simo Drljača and Milutin Čađo, who had the authority to issue orders to Intervention Platoon commanders, it is beyond a doubt that he had knowledge of the tasks and activities the Intervention Platoon carried out, but also of the situation in Prijedor and the environs.

175. The Panel made the conclusion on the existence of a *nexus* between the specific acts the accused have been convicted of (the killings at Korićanske stijene and the robbing of civilians on convoy) and the previously described and established attack against the civilians by considering the following circumstances: knowledge of the accused about the described events in the Prijedor Municipality, which they must have had as residents of that town, especially as official persons within the Intervention Platoon, and Dušan Janković as the commander of the Prijedor Police Station, direct participation of the Intervention Platoon members in certain parts of the attack against the civilians, such as unlawful abduction and detention of Muslim and Croat civilians in the camps, and other activities described above, as well as the gravity and nature of the underlying offense.

176. Taking into account the established factual situation, and the aforementioned criteria, the Panel concluded there was no doubt that the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić had knowledge of the existence of a series of widespread and systematic crimes against the Bosniak and Croat civilian population of the Prijedor Municipality, and there is also no doubt that they knew and wanted that their actions (robbing the civilians on the convoy on 21 August and killing the civilians at Korićanske stijene) be part of the attack and contribute to such an attack against the civilian population. With such an established factual situation, for the purpose of determining the required *nexus* with the attack against the civilians, completely irrelevant is the fact that at least 150 Bosniak male civilians were not executed in the very territory of the Prijedor Municipality, meaning that the crime, as argued by the Defense, was

„geographically distant“ from the territory where a widespread and systematic attack against the civilians was carried out.

177. Therefore, based on the adduced evidence, the Panel concluded that during the period relevant to the Indictment, which means from April to late September 1992, there was a widespread and systematic attack in the Prijedor Municipality, aimed against Bosniak and Croat civilians of the municipality, which included multiple killings, detention in camps and severe deprivation of liberty, torture and inhumane treatment, pillaging the civilian property, large-scale unlawful destruction and appropriation of property unjustifiable by military needs, destruction of religious institutions, or intentional and heavy deprivation of basic rights on the grounds of affiliation to a particular group of people; the attack was carried out by Bosnian Serb military and civilian authorities, to further the state politics, and in accordance with the programmed goals of the Serb Democratic Party.⁵⁹

178. Besides, the Panel concluded that the criminal event of which the accused were found guilty was beyond a doubt part of the attack against the civilian population, of which the accused knew, just as they knew that by their actions they participated in furthering the attack, so, bearing in mind the aforementioned, the Panel finds proven the general element of the criminal offense under Article 172 of the CC of BiH.

VII. UNDERLYING CRIME - PERSECUTION

179. The amended indictment by the Prosecutor's Office of Bosnia and Herzegovina charged the accused with the commission of the criminal offense of Crimes against Humanity under Article 172(1)h)-persecution, as read with Subparagraphs a)- murder, d)- forcible transfer of population, e)- detention, h)- persecution by way of looting and k)-other inhumane acts under the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1) of the CC BiH.

180. This Panel has found guilty the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, as specified in the operative part of the verdict, of the criminal

⁵⁹ T-174- Official Gazette of R. Srpska – Decision on Strategic Goals of the Serb People in Bosnia and Herzegovina; and T-175 Instruction on the Organization and Activity of Serb People's Bodies in BiH under extraordinary circumstances, and EF No. 43.

offense of Crimes against Humanity under Article 172(1)h) of the CC BiH, as read with Article 29 of the CC BiH, and in relation to the accused Dušan Janković also with Article 21 of the CC BiH, which (persecution) the accused Zoran Babić, Dušan Janković and Željko Stojnić committed by killing and looting, and the accused Milorad Škrbić by murder. This Panel did not find it proven that the actions of the accused satisfied the elements of the criminal offense of persecution by forcible transfer of population, unlawful detention and other inhumane acts under the Criminal Code of Bosnia and Herzegovina.

181. Article 172(1)h) of the CC of BiH in the relevant part stipulates that:

“(1) Whoever, as part of a widespread or systematic attack directed against any civilian population, being aware 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...”

Article 172(2)g) of the CC BiH provides a definition of persecution, as follows:

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

182. In the crime of persecution, the perpetrator, in a brutal manner and in contravention of international law, deprives one or more persons of fundamental or human rights, wherein the selection of such person or persons has been made based on the identity of a group or collectivity, or the given group or collectivity was exactly the one targeted. Such a selection is based on the differences among the groups or other reasons that are generally recognized as unacceptable under international law.⁶⁰

183. Bearing in mind the aforementioned, it follows that essential elements of persecution, as a crime against humanity, include as follows:

⁶⁰ See the Commentary on Criminal Laws in Bosnia and Herzegovina, Volume I, Joint Project of the Council of Europe and the European Commission, p. 565.

- i. intentional and severe deprivation of fundamental rights
- ii. in contravention of international law
- iii. by reason of the identity of a group or collectivity
- iv. against any group of people or collectivity on political, racial, national, ethnic, cultural, religious, gender or any other grounds universally recognized as impermissible under international law
- v. in connection with any offence listed in this paragraph of this Code, any offence listed in this Code or any offence falling under the jurisdiction of the Court of Bosnia and Herzegovina.

184. ICTY jurisprudence defines persecution in a similar way, stipulating that elements of prosecution, as a crime against humanity, consist of actions or omissions that

- i. are *de facto* discrimination and that deprives or violates a fundamental right defined by customary international law or treaty law;
- ii. have been committed intentionally, with the intent of discrimination on one of the listed grounds, more specifically on the grounds of racial, religious or political affiliation.

185. It can be concluded from the aforementioned that persecution represents a form of discrimination based on race, religion or political affiliation, with the intent and result of violation of fundamental individual rights⁶¹, or more specifically international law recognizes the mentioned grounds, racial, religious and political, as exclusive grounds for committing persecution as a crime against humanity.

186. However, unlike the previous case law of this and other courts, when persecution, as a form of *actus reus* of the criminal offense of Crimes against Humanity, was brought into connection with the *actus reus* described in Subparagraphs a) through k), Article 172(1) of the CC BiH, as concluded by the Appellate Panel in the document No. X-KRŽ-07/419 dated 28 January 2011, the aforementioned was not really necessary, but all that was necessary in the given case was that “facts find a foothold in the criminal offenses under the grounds stipulated in Article 172(1) Subparagraphs a) through k) of the CC BiH.”

⁶¹ See ICTY Trial Judgment in *Tadić*, paras 697 and 710.

187. Therefore, by proper interpretation of Article 172(1)h) of the CC BiH, one arrives at a conclusion that the act of persecution may be committed with all actions that, as a whole, constitute an intentional and serious denial of fundamental rights, in contravention of international law, on the grounds of affiliation to a group of people or collectivity. Unlike other gross violations of human rights, which have a character of crimes against humanity, when it comes to persecution it is necessary to prove that those gross and flagrant violations were committed with a discriminatory intent.

188. Having evaluated the presented evidence, this panel has concluded beyond any reasonable doubt that the accused acted with a discriminatory intent towards the Bosniaks and Croats. The accused surely knew the ethnic background of the victims, which pertains both to the passengers on the convoy which were mostly the victims of plundering, but also the men that were killed in the event in question. The Panel concludes that the murders and plundering were based exclusively on the national/ethnic affiliation of the victims based on the statements of the survived witnesses, who repeatedly heard during the convoy movement and subsequent separation and execution at the Korićanske stijene the curses “those *balija* mfckrs”⁶² or “those Turkish mfckrs”⁶³.

189. Pointing to the discriminatory character of the accused’s actions is a string of details the examined witnesses testified about, from which it ensues that the passengers on the convoy were members of a specific national/ethnic and religious group – Muslims - Bosniaks and a small number of Croats, and that the mentioned fact represents the exclusive reason for the appropriation of property, and ultimately also for the killing of able-bodied male civilians, at least 150 of them. The accused not only knew of the national-ethnic background of the convoy passengers, but that fact was the exclusive reason for the inhumane acts they undertook. Pointing to such a conclusion is the fact that the survived passengers repeatedly heard curses „*balija* mfckrs“, that the drivers of buses and trucks, who were Serbs, were not robbed, which can be concluded based on the fact that during the relevant period they had a work obligation at the „Autoprevoz“ company from Prijedor, while it stems from the established fact that during that period Muslims and Croats were not allowed to work. Not only that the drivers were not robbed, but they even received some of the money taken from the convoy passengers, as noted by witnesses Luka Gnjatović and Vitomir Lakić, themselves drivers on the convoy in question. Further,

⁶² The slang term „*balija*“ is a derogatory word for Muslims-Bosniaks.

the slain passengers were predominantly men from the 4 buses that set off from the Trnopolje camp. As already explained in the section of the verdict elaborating on the essential elements of the criminal offense of Crimes against Humanity, camps were populated by civilians from the Muslim villages and settlements of the Prijedor Municipality, exclusively based on their national or ethnic background. All the aforementioned, according to this panel, points beyond a doubt to a discriminatory character of the undertaken actions of murder and plunder, in the function of persecution of Muslim and Croat civilians from the territory of the Prijedor municipality.

a. Use of the term Bosniak

190. Although during the relevant period the term Bosniak was not generally accepted, the Panel adopted the terminology used in the Indictment. The term used there, Bosniak, is a historical, ethnic and cultural notion, which in vernacular speech is equated with a member of the Muslim people. The ethnic or national basis, established as grounds of persecution of the population in the Prijedor Municipality, are closely related and included in the term Bosniak. Therefore, even though it has been established that persecution of Muslim and Croat populations was carried out on ethnic grounds in the territory of Prijedor Municipality, adopting the term Bosniak instead of the term Muslim does not bring into question the ethnic grounds of persecution or the understandability of the verdict.

VIII. ISSUES RELATIVE TO THE FORMING OF THE INTERVENTION PLATOON, ITS TASKS, THE ACCUSED AS ITS MEMBERS AND THE PARTICIPATION OF THE INTERVENTION PLATOON MEMBERS IN THE ESCORT OF CONVOY ON 21 AUGUST 1992

(a) Forming of the Intervention Platoon, tasks and role of the Intervention Platoon members

191. Based on the adduced evidence the Trial Panel established beyond a doubt that after the attack on the town of Prijedor on 30 May 1992, that is, in June, an Intervention Platoon of the Special Police Prijedor was formed in Prijedor and that the Accused Zoran Babić, Milorad Škrbić and Željko Stojnić, together with some 20 other persons, became

⁶³ During the war, Muslims were often labeled as Turks.

members of the 1st Company of the newly formed unit. This fact was not contested by the Defense of the Accused anyway.

192. It thus stems from the *Order of the Crisis Staff of Prijedor Municipality*, No. 02-111-215/92 of 17 June 1992⁶⁴, that it was ordered to “the Prijedor Public Security Station [PSS; SJB in the vernacular – translator’s note] and the Prijedor Regional Command to form, within two days, a single Intervention Platoon, each giving 20 members...” The *Information on the implementation of the conclusions of the Crisis Staff of Prijedor Municipality* No. 02-111-236/92-3 of 13 July 1992⁶⁵, paragraph 1(8), reads: “Pursuant to Order No. 02-111-215/92 of 17 June 1992, the Prijedor PSS formed a single Intervention Platoon which, together with members of the Military Police, actively works on preventing and curbing criminal behavior, and initial results have been achieved in curbing looting and larceny and confiscating unlawfully acquired property”. Ultimately, that the Intervention Platoon was formed as ordered also follows from the letter of the Prijedor PSS No. 11-12Y-24 of 1 July 1992⁶⁶.

193. The referenced evidence is consistent with the statements of witnesses Damir Ivanković, Gordan Đurić, Ljubiša Ćetić, K-1, KA-1, and K-3, who themselves have said they had been members of the Intervention Platoon.

194. Speaking about the forming and the tasks of the Intervention Platoon, Damir Ivanković⁶⁷ stated that following the attack on Prijedor two Intervention Squads were formed as components of the Prijedor police force, comprising 40-45 “guys” in total, and that he was a member of one of the Squads. According to him, the Commander of both Intervention Squads was Miroslav Paraš. Although in the beginning the Intervention Platoon members had been dressed differently, in June 1992 they were issued with blue camouflage uniforms, so henceforth they were dressed identically. As the witness stressed, the Intervention Platoon was not given specific tasks, but was usually engaged when a problem occurred, so it took part in house and apartment searches, weapon inspections, post-operation searches conducted mostly in the areas populated by non-Serbs, taking of Muslims to camps and, finally, escort of convoys.

⁶⁴ Exhibit T-245.

⁶⁵ Exhibit T-234.

⁶⁶ T-233.

⁶⁷ Statement of witness Damir Ivanković, Transcript from the case No. X-KR-08/549 of 30 June 2009.

195. Witness Gordan Đurić⁶⁸ stated that two days following the attack on the Prijedor town he was called to report to the SUP [Secretariat of the Interior; translator's note], to the Intervention Unit of Police, which he did. It follows from his statement that at that meeting on the SUP premises in Prijedor, at which Miroslav Paraš was also present, the two Intervention Squads were formed and he became a member of the 1st Intervention Squad. He explained that they worked in turns, one day the 1st Squad, the other day the 2nd Squad, and he said that the Platoon's tasks were to maintain law and order, escort the convoys leaving Prijedor for other territories, guard some important facilities, and so on.

196. The aforesaid is also confirmed by witness Ljubiša Ćetić⁶⁹, who became a member of the 1st Intervention Squad of the Police in Prijedor some time in July 1992. He states that he was among the last ones who joined the Intervention Platoon. The two Intervention Squads operated in turns, that is, in shifts, and one of the tasks was to escort the convoys with civilian population leaving the town of Prijedor.

197. Witness K-1⁷⁰ stated in his testimony that in late May 1992 he shifted from the Military Police to the Reserve Police component, its Intervention Platoon. He states that the formed Intervention Company comprised two Squads, and that he became a member of the 1st Intervention Squad together with Željko Stojnić, Damir Ivanković, Zoran Babić, Milorad Škrbić, Gordan Đurić, and Milorad Radaković. According to the witness, the Intervention Platoon carried out the tasks and duties that the regular police could not, including escorting people to camps and escorting convoys. He also states that they wore blue camouflage uniforms.

198. The other examined witnesses, such as KA-1⁷¹ and K3⁷², testified in a similar manner about the forming of the Intervention Platoon and its tasks. Finally, witness Erna Kadirić stated that her male friends, including Zoran Babić and Željko Stojnić, put on uniforms and became members of the Intervention Platoon as soon as the war started. She stressed that there were two Intervention Squads. Members of the 1st Squad were mostly young men, her friends, so she socialized with them, whereas she did not know the

⁶⁸ Statement of witness Gordan Đurić, Transcripts from the case No. X-KR-08/549 of 7 July 2009 and 7 September 2009.

⁶⁹ Statement of witness Ljubiša Ćetić, Transcript from the case No. X-KR-08/549 of 16 March 2010.

⁷⁰ Statement of witness K-1, Transcript from the case No. X-KR-08/549 of 26 May 2009.

⁷¹ Statement of witness KA-1, Transcript from the case No. X-KR-08/549 of 6 July 2009.

⁷² Statement of witness K-3, Transcript from the case No. X-KR-08/549 of 25 August 2009.

members of the 2nd Intervention Squad, who were mostly older than the members of the 1st Squad.

199. The adduced evidence, therefore, confirms that the Intervention Platoon was formed in June 1992, that the Commander of both squads of the Intervention Platoon was Miroslav Paraš, and that the Accused Babić, Stojnić and Škrbić were members of the 1st Intervention Squad.

200. The Accused Dušan Janković was not a member of the Intervention Platoon, and the Indictment did not charge him with it, either. This Panel considers that in the evidentiary proceedings the Prosecution succeeded in proving beyond a reasonable doubt that the Accused Dušan Janković carried out the duty of the Commander of the Prijedor Police Station in the pertinent period, and that the Defense did not succeed in contesting this assertion with its evidence. His position, role and tasks, primarily in the escort of the convoy on 21 August 1992, shall be discussed later in the reasoning of the Verdict.

(b) Convoy of 21 August 1992

201. On the basis of the evaluation and analysis of the adduced evidence, the Panel concludes that it was proven beyond any reasonable doubt that on 21 August 1992 a convoy was organized in which the civilian population, mostly Muslims and a certain number of Croats, left the territory of the town of Prijedor and its environs in the direction of the town of Travnik, that is, for the territory under the control of the Army of Bosnia and Herzegovina. The final destination of the convoy, which took the Prijedor-Banja Luka-Skender Vakuf (Kneževo)-Mt. Vlašić road, was a plateau on Mt. Vlašić, a place called Smetovi in the immediate vicinity of Travnik. According to the statements of a number of examined witnesses, the starting point of the convoy was the stadium in Tukovi⁷³, while a smaller part of the convoy, that is, four buses, set out from the Trnopolje camp. The convoy was escorted by the Intervention Platoon of the Prijedor police, as had been the case with some convoys that had left the Prijedor area previously.

202. With respect to the size of the convoy, the exact number of the vehicles could not be established with certainty from the witnesses' statements. The witnesses agree that the convoy comprised buses, trucks and trucks with trailers, but they are inconsistent when it comes to the exact number of the vehicles.

⁷³ Tukovi is a suburb of Prijedor, only a few kilometers away from the town.

203. Witness Damir Ivanković, one of the Intervention Platoon members escorting the convoy on 21 August 1992, stated that he was on leave because of his grandfather's death at the time when the convoy was being organized, and that the Intervention Platoon gave him a white van to use it. However, on 20 August 1992, Dado Mrđa informed him that on the following day, 21 August 1992, when a regular change of shift for his Intervention Squad was scheduled, he had to report to work and return the vehicle, as a convoy would set out from Prijedor, the biggest hitherto, and a large number of vehicles and people for escort would be needed. In the morning on 21 August 1992, he and other members of the Intervention Platoon were transported by the Intervention Platoon's vans to Tukovi, next to the stadium, the place which was the starting point of the convoy. As he stated, there they found "an enormous number of people", some 1,500, and 14-15 vehicles parked -- buses, trailer trucks, trucks, and trucks with trailers. Regarding the final number of vehicles in the convoy, he stated that four buses from Trnopolje joined the convoy in Kozarac.

204. Witness Gordan Đurić, who also escorted the convoy, stated that when they arrived in Tukovi they found plenty of people – around 1,000 in his estimate, and that the convoy consisted of 15-20 vehicles after the buses from Trnopolje joined it in Kozarac.

205. Concerning the number of vehicles in the convoy of 21 August 1992, witness Ljubiša Četić stated that they learned from Commander Paraš that a convoy would set out from Tukovi, that it would be of greater scope than the previous ones, and that because of the number of vehicles comprising the convoy all members of the Intervention Platoon would be engaged in its escort, due to which they were ordered not to leave the Police Station compound. When they arrived in Tukovi, they found plenty of people, those getting on board or already on board the vehicles and the others who were seeing them off. The convoy formed there consisted of 15-20 vehicles, either trucks or buses, and four buses from Trnopolje subsequently joined it in Kozarac.

206. Witness KA-1 stated that the convoy consisted of some 10 buses and 8-10 trucks.

207. Witness Luka Gnjatović⁷⁴, a co-driver in the truck driven by Vitomir Lakić, said that their truck was the ninth or the tenth vehicle in the column, that behind it were at least one bus and a TAM truck carrying car mechanics. According to Gnjatović, the convoy

⁷⁴ Statement of witness Luka Gnjatović, Transcript from the case No. X-KR-08/549 of 5 October 2009.

comprised at least five buses and seven trucks. He also testified that in Kozarac the convoy was “supplemented” by buses from Trnopolje.

208. According to witnesses Berislav Herceg⁷⁵, KO-12⁷⁶, Hasan Elkaz⁷⁷, Ferid Kovačević, Šefik Šanta⁷⁸ and other passengers of the convoy who got on board in Tukovi, already in early morning there were plenty of people by the stadium in Tukovi and a large number of vehicles – buses, trucks and trucks with trailers – arrived, the people started “boarding” them, and the convoy made the first stop in Kozarac where it was joined by buses from Trnopolje. Witnesses K-1, K-3 and KA-1D also confirm in their statements that the buses from Trnopolje joined the Tukovi convoy when the convoy made the first stop in Kozarac.

209. Witnesses KO-15, Sadik Suhonjić, KO-5, KO-18⁷⁹, Husein Jakupović,⁸⁰ and A⁸¹, who set off as part of the convoy from the Trnopolje camp, agree that four buses arrived in Trnopolje on 21 August 1992, that they got on board the buses and that in Kozarac they joined the convoy comprising a large number of vehicles. This is also confirmed by witness Vlado Beben, who, according to his own words, was the driver of the last, fourth bus that came to take aboard passengers from the Trnopolje camp.

210. With respect to the number of people transported in the convoy, as noted earlier, witnesses Damir Ivanković, Gordan Đurić and Ljubiša Četić stated that upon the arrival of the Intervention Platoon in Tukovi, they found plenty of people there, some 1,500 according to witness Ivanković. Witness B said that the stadium in Tukovi was “full of civilians and military”. Witness KO-18 stated in his evidence that the buses that set off from Trnopolje were packed, so they were told in Kozarac that a certain number of people could switch to trucks. Witness Husein Jakupović stated that he entered the last, that is, the fourth bus in Trnopolje, which was packed, but it was nevertheless “said that 10 more people may get in”, so he managed to get on board, too. There was no sitting room left on the bus. Witness Erna Kadirić stated in her testimony: *“There were so many of us on board*

⁷⁵ Statement of witness Berislav Herceg, Transcript from the case No. X-KR-08/549 of 9 June 2009.

⁷⁶ Statement of witness KO-12, Transcript from the case No. X-KR-08/549 of 23 June 2009.

⁷⁷ Statement of witness Hasan Elkaz, Transcript from the case No. X-KR-08/549 of 17 August 2009.

⁷⁸ Statement of witness Šefik Šanta, Transcript from the case No. X-KR-08/549 of 22 September 2009.

⁷⁹ Statement of witness KO-18, Transcript from the case No. X-KR-08/549 of 4 October 2010.

⁸⁰ Statement of witness Husein Jakupović, Transcript from the case No. X-KR-08/549 of 9 June 2009.

⁸¹ Statement of witness A, Transcript given in the case No. X-KR-08/549 of 21 April 2009.

*the truck that we were sitting on one another.”*⁸² Witness Enis Džaferagić, who set off from Tukovi aboard one of the buses, stated that he was sitting “*between those rows of seats, some bags, seats, that was it, there were plenty of us, it was packed, we, we could hardly breathe so crowded it was*”⁸³.

211. Mindful of the foregoing, this Panel has concluded that, although it was not possible to establish the exact number of vehicles and passengers in the convoy of 21 August 1992, it comprised at least 16 vehicles -- buses, trucks, trucks with trailers, and one technical vehicle, the so called TAM truck transporting car mechanics, and that the convoy had two starting points -- the stadium in Tukovi and the Trnopolje camp. Also, in view of the statements of the examined witnesses -- passengers in the convoy, who said that the vehicles on board of which they were transported were packed, that they were sitting crammed on the floors of the trailers of the trucks, and that on board the buses, which were the *Ikarus* city transport buses with 30-50 seats, the passengers were also sitting on the floor, it is beyond doubt that more than 1,000 civilians were transported in the convoy, although the exact number of the convoy passengers could not be established.

(c) Participation of the Accused in the escort of the convoy of 21 August 1992

212. It was on the basis of the witnesses' statements that the Panel reached the conclusion that the 1st Squad of the Intervention Platoon, whose members were the Accused Babić, Škrbić and Stojnić, provided escort to the convoy on 21 August 1992. Those were primarily the statements of the Intervention Platoon members whom the Prosecution examined as witnesses, but also of a certain number of witnesses who were passengers in the convoy who could identify the persons escorting the convoy vehicles as members of the Intervention Platoon, and recognize among them certain Accused or other persons who were beyond doubt members of the 1st Squad of the Intervention Platoon (for example, Darko Mrđa) whose members were the three referenced Accused.

⁸² Transcript from the case No. X-KR-08/549 of 8 September 2009, p. 41.

⁸³ Statement of witness Enes Džaferagić, Transcript made in the case No. X-KR-08/549 of 29 November 2010, p. 13.

213. All members of the Intervention Platoon who were examined as witnesses⁸⁴ and the Accused who testified as witnesses to their defense, agree about one fact – in June 1992, the Intervention Platoon of the Prijedor police was issued with identical blue camouflage uniforms, which differentiated them from the regular police, the Military Police, and the army that was present in Prijedor at that time.

214. All passengers in the convoy, as well as the drivers of the trucks and buses, who were examined as witnesses, stated that each vehicle in the convoy had an escort who wore a blue camouflage uniform. Distinguishing on the basis of such uniform, many witnesses stressed that escort during the convoy's journey was provided by the Intervention Platoon. Some witnesses, such as Erna Kadirić, who had known certain members of the Intervention Platoon from Prijedor, also confirmed that the Intervention Platoon provided escort to the convoy. She saw the Accused Zoran Babić and Željko Stojnić and some other members of the Intervention Platoon, whom she had known from before and with whom she had socialized, in Tukovi on the morning concerned and also later during the journey escorting the convoy.

215. Also, the examined witnesses, the Intervention Platoon members and the convoy passengers alike, stated that throughout the whole journey a *Golf* police vehicle with active police officers inside was at the helm of the column. On the basis of the adduced evidence the Panel concluded that the Accused Dušan Janković was in that police vehicle at the helm during the convoy's journey.

216. Describing the events on and prior to the relevant day, witness Damir Ivanković stressed that he learned about the convoy from Dado Mrđa on the previous day⁸⁵. According to him, the other members of the Intervention Platoon learned about the convoy that morning or prior to it, but they were all dispatched to Tukovi upon their arrival at work in the morning of 21 August 1992. They were transported to Tukovi in several turns by two vans that the Intervention Platoon had at its disposal. According to him, all three accused members of the Intervention Platoon (Babić, Škrbić and Stojnić) were in a group of members who were transported to Tukovi on the relevant morning and engaged to escort the convoy. Also, according to this witness, upon arriving in Tukovi, in addition to the Intervention Platoon members, also present there were members of the Territorial Defense

⁸⁴ Damir Ivanković, Gordan Đurić, Ljubiša Četić, K-1, K-3, KA-1.

⁸⁵ See paragraph 203 of the Verdict.

(TO) from Tukovi and the military. He also saw there a *Golf* vehicle with the police emblem which belonged to the Prijedor PSS and by which the Accused Dušan Janković and witness K-2 came together. As he added, the Intervention Platoon members were not deployed as convoy escorts following any particular order, but Commander Miroslav Paraš ordered that they should each take one vehicle, which they did. He stated that he chose a trailer truck whose driver he knew.

217. Witness Gordan Đurić stated in his statement that 21 August 1992 was a working day for his squad of the Intervention Platoon and that on the premises of the Intervention Unit someone passed on Miroslav Paraš' order that they should move to the Tukovi Local Community by a van in order to secure the passage of the convoy. He thinks that the whole Intervention Platoon was there except perhaps for a couple of young men who were absent for personal reasons, in any case 15-17 of them. Consistently with witness Ivanković, he stated that the Intervention Platoon members were transported to Tukovi in several turns by the vans that the Platoon had at its disposal. He also stated that the Accused Babić, Škrbić and Stojnić were in the group of the Platoon members when they were given a task to get to Tukovi in order to secure escort for the convoy that was to set off from that location. The witness also described the situation in Tukovi, the multitude of people and vehicles present there, and stressed that they were given a task to pick a vehicle to which they would provide security. He said that there were enough of them for the vehicles present, perhaps even "too many". Witness Đurić also noticed a police *Golf* in Tukovi which, as he stated, drove at the helm of the convoy from its start in the Tukovi Local Community and also after the first stopover in Kozarac, where the convoy merged with the buses from Trnopolje. According to the witness, the *Golf* dictated the pace of the convoy.

218. Witness Ljubiša Četić stated that in the morning on 21 August 1992, upon arriving at work for the start of the shift of their 1st Squad of the Intervention Platoon, they were deployed to escort the convoy. The order for escort pertained to all members of the Intervention Platoon as the convoy was large, larger than all previous convoys, as they were told by Commander Paraš. As he added, they were transported to Tukovi, the convoy's starting point, in two vans belonging to the Intervention Platoon. All members of the Intervention Platoon were transported there except Miljan Zubanović, who was not involved in the referenced task. In Tukovi he stood next to witness K-1 as an escort of a truck. He said that he saw Željko Stojnić escorting the truck that was the second or the third behind his in the column. He also saw Zoran Babić, who left Tukovi at one moment

together with Radoslav Knežević and went to Prijedor, to the *Autotransport* company, to check if there were additional available buses, as there were too few vehicles given the multitude of people. He stated that in Tukovi he also noticed Dule Janković, who was in the company of several other members of the active police force and who was in the police vehicle at the helm of the convoy while the convoy was in motion.

219. Witness Marinko Ljepoja⁸⁶, also a member of the Intervention Platoon who was assigned to escort the convoy on 21 August 1992, stated that in the morning of 21 August he came to Tukovi by the Intervention Platoon's white van and that he found Zoran Babić and Željko Stojnić there among many Platoon members. As he stressed, Zoran Babić had gone in the direction of the town together with Radoslav Knežević some 10 minutes before the convoy set off from Tukovi.

220. Witness KA-1, also a member of the Intervention Platoon, stated that in the morning of 21 August 1992 he arrived in Tukovi by one of the two vans used by the Platoon, and that Zoran Babić, Željko Stojnić and a certain number of other Platoon members also set off together with him. In Tukovi he saw the Accused Janković, among others. While the convoy was in motion the Accused Janković was in the police vehicle at its helm. He saw Mile Škrbić later on, when the convoy was in motion.

221. Witness K-1 said in his statement that on the morning concerned he came to the police station where he saw that Miroslav Paraš gathered a group of members of the Intervention Platoon and that some conferring was going on. In his recollection, all members of the Intervention Platoon were there and they were told that a convoy from Prijedor should be escorted to Skender Vakuf. Paraš told him not to go, the witness assumes because he was in charge of a BRDM (armored reconnaissance vehicle), but, by coincidence, colleague Ljubiša Ćetić invited him to go with them and so he went. In Tukovi he got on board a truck together with the Accused Ćetić.

222. Witness K-3 also confirmed that in the morning of 21 August 1992, Zoran Babić, Milorad Škrbić and Željko Stojnić were "on the list" of members of the Intervention Platoon who were to escort the convoy, and that some 15 of them who were selected for the escort were transported to Tukovi in several turns by the Intervention Platoon vans. To his knowledge, five members of the Intervention Platoon at most did not take part in escorting

⁸⁶ Statement of witness Marinko Ljepoja, Transcript from the case No. X-KR-08/549 of 14 December 2009.

the convoy, but the witness did not include the accused persons in this case among them. This witness also made reference to the stopover in Kozarac, when the convoy was joined by several buses from Trnopolje and where he noticed the Accused Dušan Janković together with Miroslav Paraš next to the police *Golf* vehicle at the convoy's helm, whose driver's identity had been unknown to him until that moment.

223. Also, all witnesses who were passengers on the convoy without exception describe that every vehicle was escorted by a person wearing a dark blue camouflage uniform. It was established beyond a doubt that these uniforms were the uniforms of the Intervention Platoon of the police in Prijedor. Some of the convoy passengers had known the accused persons from before, so they could identify them in a far more detailed manner, by their full names, not only as members of the Intervention Platoon of the Prijedor police. Thus witness Erna Kadirić, who was 17 in 1992 and who in her native Tukovi had kept company with the Intervention Platoon members, young men who, as she noted, had "put on" uniforms at the very beginning of the war, saw and recognized the Accused Željko Stojnić and Zoran Babić among the Intervention Platoon members in Tukovi in the morning of 21 August 1992. She also saw Željko Stojnić while the convoy was on the move as an escort in the cabin of the truck on board whose trailer she and her family were.

224. Witness KO-15 was incarcerated in the Trnopolje camp and there he managed to get on board one of the four buses that had arrived there. As he noted, in addition to the four buses, members of the Intervention Platoon of the Prijedor police also arrived in the camp that morning, among whom he recognized Zoran Babić whom he had known since childhood. This witness stated that he also saw Zoran Babić later during the convoy's movement and stopover, among the other members of the Intervention Platoon, and finally the execution by firing squad at Korićanske Stijene. However, the Panel will make a particular reference to this in the part of the Verdict reviewing the role of this Accused in the killings, as one of the relevant acts of persecution of the Muslim and the Croat population from Prijedor, the underlying offense of the Crimes against Humanity.

225. Witness Sadik Suhonjić recognized Zoran Babić and Željko Stojnić among the convoy escorts in Tukovi. He stated that he also saw Stojnić later on, during the stopover. Witness B also saw the Accused Stojnić while the convoy was in motion.

226. Witness Munib Sivac, an inmate of the Trnopolje camp who left the camp on 21 August 1992 aboard one of the four buses that set out of the camp, stated that the escort aboard his bus was one "Mile". When testifying at the main trial, in the courtroom he

pointed at the Accused Milorad Škrbić, a.k.a. Mile, as the person resembling that escort. This witness confirms the statement of the Accused Škrbić, who said himself that he escorted the referenced convoy and that he escorted one of the buses which set off from Trnopolje.

227. With respect to the role of the Intervention Platoon in the escort of the convoy, the Panel considers it necessary to stress that the Accused also did not deny that the Intervention Platoon of the Prijedor police was assigned to escort the convoy on 21 August 1992. The Accused Milorad Škrbić and Željko Stojnić did not deny their own participation in the convoy escort, either; specifically Milorad Škrbić that he set off as an escort of one bus from the Trnopolje camp and the Accused Stojnić as an escort of a truck from Tukovi. For this reason this Panel does not consider it necessary to elaborate more precisely on the referenced fact, which the parties to the proceedings did not contest, but only to note that the conclusion on the presence of the Accused Škrbić and Stojnić in the escort of the convoy follows from the witnesses' statements, as explained earlier. The Panel will provide detailed reasons below as to why it did not trust the Defense Counsel of these Accused in the part where the Counsel claimed that the Accused Škrbić stayed on the bus that had broken down before the separation of the men who would be subsequently killed, that is, that the Accused Stojnić reached Smetovi, the final destination of the convoy. It suffices here to establish that they escorted the convoy, which was established beyond a doubt indeed.

228. The Accused Zoran Babić and Dušan Janković based their defense on the evidence that they had not set off to escort the convoy on the day concerned at all. The Accused Zoran Babić based his defense on the averment that he had not set off from Tukovi to escort the convoy, but had returned to Prijedor. With a view to proving these assertions, the Accused Babić adduced evidence by examining his wife, Danijela Babić, and witness O-4, both of whom had allegedly seen him in Prijedor later on the pertinent day. On the other hand, the Accused Janković claimed that on the day concerned, after his shift in the Prijedor Police Station had ended, at 07.00 hrs on 21 August 1992, he left the Police Station, as he was no longer on duty, and went home, whereupon he went together with his son to the patron saint celebration.

229. The Panel did not find the alibis of the Accused Zoran Babić and Dušan Janković to be reliable, so the Panel could not trust such alibis that were contradictory to the other adduced evidence.

230. With respect to the alibi of the Accused Zoran Babić, at a hearing before the Appellate Panel his Defense Counsel summoned as a witness his wife, Danijela Babić, whom he had dated at the time of the relevant event, according to her statement⁸⁷. Witness Danijela Babić stated that in the morning of 21 August 1992 the Accused Babić came alone to pick her up in a civilian vehicle and that they went to Tukovi, where people had already been loaded on the vehicles. They stayed briefly in Tukovi as she did not find the friend she was looking for, whereupon the Accused Babić drove her back to Pećani, to her aunt's, in the vehicle in which the two of them were alone. Although she did not see the Accused again that day, she stated that her aunt told her that he had been looking for her later that same day, as he had actually come to the door of her aunt's apartment, but she had been at a girlfriend's.

231. In an attempt to prove the alibi of the Accused, his Defense Counsel also made a reference to the evidence by witness O-4, who stated that she had seen the Accused Babić, dressed in civilian clothes, in the morning of 21 August 1992 in Tukovi, that he had been walking a dog and that he had not set out to escort the convoy on the pertinent day, but that she saw him in Prijedor that afternoon.

232. The Panel did not find the statements of the referenced witnesses to be reliable and could not trust them, as it considered them to be contrary to all the other evidence. First of all, when it comes to the statement of witness O-4, not a single witness confirmed that the Accused Babić was in civilian clothes or that he walked a dog. This also pertains to the Accused Babić's wife, who testified to his defense and stated that on the morning concerned she was with him in Tukovi. This Panel notes that the Accused using a dog to dispel the people who remained in Tukovi would undoubtedly have been noticed by someone else as well. The witness also stated that the Accused Babić did not start with the convoy, but stayed there after the vehicles had gone and dispelled the gathered people with his dog, which is contradictory to the statements of the Accused himself, witness Danijela Babić and the other examined witnesses, who all stated that at one moment the Accused had gone in the direction of Prijedor in the Intervention Platoon van.

233. Witness Danijela Babić gave a statement obviously aimed at assisting her husband to avoid liability. This witness' statement is contrary not only to the other adduced evidence, but also to the statement that the Accused Babić gave in the capacity as a

⁸⁷ Statement of witness Danijela Babić in the case No. S1 1 K 003472 12 Kžk of 24 September 2012.

witness. While testifying as a witness, the Accused did not once say that his wife, the then girlfriend, had been with him, but said that he had gone to Tukovi to look for a person named Alen, which his female friend who had dated Alen had asked him to do. Therefore, if their respective statements were compared, the Defense theory that in his first testimony the Accused did not want to mention his wife as he was on bad terms with her and, therefore, alluded to a “female friend”, cannot be regarded as logical, either, given that he himself said that he had gone to look for that “friend’s” boyfriend.

234. These statements are contrary to a number of statements of the Prosecution witnesses, who confirmed beyond doubt that they had seen the Accused Babić on the pertinent day, both in Tukovi and later on while the convoy was on the move and, finally, at the execution site, for which reasons this Panel has found the alibi that the Accused Babić used as his defense to be unreliable.

235. The Accused Dušan Janković also contested his presence in the escort of the convoy on the day concerned. Testifying as a witness to his own defense, the Accused Janković stated that on 21 August 1992 he finished the shift that had begun at 07.00 hrs on the previous day (which the Defense attempted to prove by introducing the attendance sheet for the referenced days⁸⁸), went home in the official *Golf* vehicle and then, before 10.00 hrs, went with his son to the village of Sreflije for the patron saint’s celebration. As he said, he returned to Prijedor on the referenced day, but not before 18.00 hrs. Witnesses Dragica Delić⁸⁹, Mirko Zlojutro⁹⁰ and Milan Kukić⁹¹ also testified about his presence at the celebration in the village of Sreflije. Also, Milan Gavrilović⁹², examined as a witness for the Defense of the Accused Janković, stated that he was in Tukovi in the morning of 21 August 1992, that there were plenty of people around the stadium as “that space could accommodate 1,000 persons”, but that he was sure that the Accused Janković was not there that morning.

236. The Panel did not find the alibi of the Accused Janković to be proven, either. The witnesses examined about the alibi of the Accused gave statements that this Panel did not find reliable and could not trust. The statements of the three referenced witnesses are

⁸⁸ A-O-III-8 Attendance sheet

⁸⁹ Statement of witness Dragica Delić of 24 May 2010.

⁹⁰ Statement of witness Mirko Zlojutro of 31 May 2010.

⁹¹ Statement of witness Milan Kukić of 11 May 2010.

⁹² Statement of witness Milan Gavrilović of 4 May 2010.

contrary to all the other adduced evidence and this Panel concludes that the manner of their testifying leads to the conclusion that those were concocted statements rehearsed in advance, given with a view to helping the Accused who, according to these witnesses, is their friend. Thus, although 18 years have elapsed since the event concerned and although it is an "observance" carried out every year in a more or less the same circle, all witnesses are certain, without the slightest dilemma, that on 21 August 1992 the Accused Dušan Janković came to the patron saint's ceremony clad in a police uniform in an official vehicle with his son Mladen, and that he arrived at 10.00-10.30 hrs and stayed there until late afternoon, that is, 18.00 hrs at least. With respect to the referenced facts that are decisive for his alibi, the statements of all witnesses are precise and without any deviation. However, when a Panel member asked witness Kukić how old the Accused Janković' son was at that time, the witness, although allegedly a good friend of the Accused Janković and remembering all details of the Accused's arrival and stay in the village of Sreflije, could not answer it even approximately, but just said that "he was a young lad".

237. Also, with respect to the statement of Defense witnesses Milan Gavrilović⁹³ and Bogoljub Kos⁹⁴, the Panel does not consider it contestable that they were in Tukovi on the pertinent day and even accepts that they did not see the Accused Janković. However, the Panel cannot accept the witnesses' averments that "Janković was not there for sure", given that these and a number of other witnesses speak about a great commotion, a crowd exceeding 1,000 people, in which circumstances it is quite possible for one person - the Accused Janković in the case at hand -- to go unnoticed by witness Gavrilović or witness Kos.

238. Therefore, in the opinion of this Panel, the evidence on which the Defense of the Accused Janković created his alibi is unconvincing and uncorroborated by other evidence, for which reason this Panel could not trust it. First of all, a number of the examined witnesses confirmed the presence of the Accused Dušan Janković in Tukovi. They all speak in a very similar way about the arrival of a *Golf* vehicle in the vicinity of the stadium in Tukovi, where they saw the Accused Janković⁹⁵ together with some other active policemen. Also, it follows from the statements of a number of witnesses that the police *Golf* was at the helm of the convoy when the convoy was on the move. Witnesses Ljubiša

⁹³ Statement of witness Milan Gavrilović of 4 May 2010.

⁹⁴ Statement of witness Bogoljub Kos of 13 April 2010.

⁹⁵ Damir Ivanković, Ljubiša Četić, KA-1, Vitomir Lakić, Edin Mujadžić, Šefik Šanta and other.

Četić and KA 1 confirmed that the Accused Janković, together with witness K-2, was in that *Golf* at the helm of the convoy.

239. Although the Defense tried to challenge these assertions of the witnesses, stressing that two *Golf* vehicles escorted the convoy, witness KA-1 did not deny it, either, stating that there was indeed another *Golf*, in which he saw Paraš and Mrđa, but that the Accused Janković was in the one at the helm of the convoy.

240. The presence of the Accused Janković in the escort of the convoy of 21 August 1992 was also confirmed by witness K-3, who stressed that he saw him in Kozarac, at the place where the part of the convoy that had set off from Tukovi merged with the part that had set off from Trnopolje. This witness also confirmed that the *Golf* vehicle moved at the helm of the convoy. At the moment when the two columns merged, next to the official police vehicles he saw Paraš, Dule Janković and some of the drivers in escort.

241. Witnesses Luka Gnjatović and Vitomir Lakić also confirm the presence of the Accused Janković in the escort of the convoy. Vitomir Lakić⁹⁶ states that the police addressed Janković in Tukovi regarding the “loading” of the passengers onto the vehicles, and during the movement of the convoy he saw him when the convoy stopped at the location where the men were separated. Witness Luka Gnjatović⁹⁷ reiterated at the main trial the statement given during the investigation that Janković was in the group of policemen when money was requested.

242. In the opinion of this Panel, the statements of the referenced witnesses, who were consistent about the convoy being escorted by the police *Golf* which, in a way, dictated the pace of movement and stops, and who identified the Accused Janković as a policeman who was in the referenced vehicle, completely abrogate the alibi of the Accused.

243. Based on the foregoing, this Panel has established beyond any reasonable doubt that on the day relevant for the Indictment all the Accused participated in the escort of the convoy, and in the further reasoning of the Verdict the Panel will deal with the specific acts of each Accused individually.

⁹⁶ Statement of witness Vitomir Lakić, Transcript from the case No. X-KR-08/549 of 5 October 2009.

⁹⁷ Statement of witness Luka Gnjatović, Transcript from the case No. X-KR-08/549 of 5 October 2009.

IX. *ACTUS REUS* OF PERSECUTION AS AN UNDERLYING OFFENSE OF CRIMES AGAINST HUMANITY

244. Having established that all Accused participated in the escort of the convoy of 21 August 1992, the Panel then had to establish their role and contribution to the commission of the specific criminal offenses they have been found guilty of, namely the persecution by way of looting with respect to the Accused Zoran Babić, Željko Stojnić and Dušan Janković, and persecution by way of murder with respect to all four Accused.

A. LOOTING IN THE CONVOY OF 21 AUGUST 1992 AS *ACTUS REUS* OF THE CRIME OF PERSECUTION

245. It was established beyond a doubt from the adduced evidence that money and valuables were confiscated from the convoy passengers in several instances when it made stops on its journey between Prijedor and Smetovi.

246. The Panel has established that the Accused Babić, Stojnić and Janković gave a decisive contribution to the looting, seizure of money, gold jewelry and other valuables from the civilians in the convoy, but, being mindful of the elements of Crimes against Humanity and persecution as an underlying offense of that crime, the Panel was obligated to establish whether the looting of civilians satisfied the essential elements of the referenced criminal offense.

247. The looting of civilians implies a large scale seizure of property and is punishable under Article 173(1)(f) of the CC B-H. The protected value with reference to this criminal offense is the right to property, which is a right that, although undoubtedly not enjoying the same degree of protection as the right to life or to freedom as fundamental values of every individual, does enjoy protection under international law. However, in order for looting to constitute an element of Crimes against Humanity it was necessary to establish that the looting of the civilians in the convoy of 21 August 1992 constituted a gross and flagrant violation of fundamental human rights, and for the looting of civilians to constitute *actus reus* of persecution, it had to be done on discriminatory grounds.

248. Having analyzed the adduced evidence, the Panel established that the looting of the civilians – passengers in the convoy of 21 August 1992 was carried out in a particularly harsh manner. In reaching such a conclusion, the Panel was mindful of the overall situation – the fact that the civilians left their homes and everything they had, and that, in an attempt to save their lives, they ventured into the unknown with a minimum of belongings packed in a few bags. It follows from the witnesses' statements that throughout the whole journey they felt fear and anxiety, that they were uncertain about their fate, and that the few things they had managed to bring along constituted their whole possession at the time.

249. The very manner in which the civilians were looted, which implied death threats to a Muslim civilian from a vehicle in the convoy who was selected to collect money, gold jewelry and other valuables from the passengers, or to some other passenger if the bag was not full, cursing "balija's mothers", pressing weapons against individuals' foreheads and requesting them to surrender everything they had, indicates a particularly high degree of harshness and ruthlessness on the part of the perpetrators of the acts concerned. According to the examined witnesses, those perpetrators were members of the Intervention Platoon, including Babić and Stojnić. Members of the Intervention Platoon kept for themselves only a small portion of the seized money and valuables, while the major part ended in the hands of the leading officers of the Prijedor PSS, including the Accused Dušan Janković.

250. Also, what is decisive for the referenced acts to qualify as a form of persecution of the civilian population from the Prijedor Municipality is the fact that they were directed against the passengers in the convoy solely because of their national/ethnic background, which is a circumstance the perpetrators were aware of and which constituted a decisive, if not the sole motive for such an unlawful conduct.

251. Having evaluated all referenced circumstances, and in particular the looting related to the murder that followed, the Panel concluded that at issue here was a gross and flagrant violation of fundamental human rights, and that the undertaken acts of looting the civilians in the convoy imply all elements under which those acts should and must qualify as persecution of a civilian population on national and ethnic grounds.

1. The method of looting

252. A considerable number of the examined witnesses, the convoy passengers and the Intervention Platoon members alike, gave evidence about the looting carried out in the

convoy on 21 August 1992. They stated that looting in convoys, the one in the case at hand and the previous convoys to which the Intervention Platoon had provided escort, was rather customary.

253. Witness Erna Kadirić stated that when the first stopover was made in Kozarac, they were informed that they would get one plastic bag which they were to fill with “*valuable items*”. The witness clarified that it meant that they were to hand over “*money, jewelry, everything they had ...*”, and that they were threatened that “if the bag is not full, a pistol will go off and hit someone randomly”. The witness who knew the Intervention Platoon members well and socialized with them, as noted earlier, recognized the voice of the person who uttered this threat as the voice of Dado Mrđa, who was an Intervention Platoon member and one of the escorts of the convoy, which was established beyond a doubt.

254. Witness KO-15 stated that during the first break, when the convoy made a stop, he saw Radoslav Knežević, whom he had known from before and who was beyond doubt a member of the 1st Squad of the Intervention Platoon, talking to the escort who was providing security to his vehicle. He then gave him a bag to collect money and valuables from the people on board the bus. However, as the witness stated, the people did not want or did not have anything to give, and that guard, the escort, was angry with him.

255. Witness KO-18 also stated that there were several instances of items seizure during the journey and that a plastic bag for collecting money was distributed around.

256. Witness B⁹⁸ stated in her evidence that during the stopover in Omarska, which was the second stopover since the start of the convoy, the Accused Željko Stojnić pointed at Suad Kadirić, who had entered her truck during the previous stopover in Kozarac, so he got off the truck. Shortly afterward Suad Kadirić returned carrying a plastic bag and said that he had to collect money from the persons on board the truck. At the next stop Suad Kadirić handed over the bag to the Accused Stojnić, but the Accused was not pleased. Suad Kadirić quickly returned to the truck and said that he had to collect DM 5,000, and the passengers managed to collect that money among them. At the next stopover, Suad Kadirić handed over the bag to the Accused Stojnić, however, that was not the end of it either, but the Accused then requested that the passengers should collect all watches and

⁹⁸ Statement of witness B, Transcript from the case No. X-KR-08/549 of 12 May 2009.

other valuables and threatened that he would throw into a canyon one baby and the baby's mother who were on board the same truck.

257. The statement of witness B is fully corroborated by witness Sadik Suhonjić, obviously a passenger on the same truck. This witness also states, like witness B, that at one stopover -- although he thinks it was the first one -- Suad Kadirić was taken out and then returned with a plastic bag telling them they had to fill it with money. According to the witness, Suad was shaking with fear and was so scared that he was not able to explain what was going on. However, the passengers on board the truck understood that money was being requested so they filled the bag. At the next stop, Suad Kadirić got out to hand over the bag, but he returned with it shortly afterward saying that the bag had to be filled and that they should hand over all gold and other jewelry they had on them. During the third stopover there was another request to have the bag filled and Suad said: "The baby will be done away with if the bag is not filled". During that stopover the witness saw the Accused Željko Stojnić.

258. Witness Berislav Herceg also referred to the looting that was taking place in the trailer of the truck on which he was. He stated that at one moment after the start a plastic bag appeared into which money was collected first, and then other valuables, gold jewelry and watches as well. The bag was brought into the truck and handed over filled with valuables by a certain young man who had been among the last ones to get on board in Omarska. The witness describes that such a method of confiscation of money and valuables was agonizing, that those were "ugly scenes" when parents took earrings off their daughters' ears and tore the shirts, but there was no other way out as the convoy passengers were threatened that the children would be killed.

259. KO-12⁹⁹ stresses that several times during the convoy's journey Dado Mrđa, and then another young man wearing the same blue uniform as Dado, lifted the truck's tarpaulin under which they were seated and handed them over a plastic bag to collect among themselves all valuables they had.

260. Witness Hasan Elkaz, one of the passengers on board of one of the trucks that set off from Tukovi, said that the convoy made frequent stops, at least four after Banja Luka, and on those occasions the passengers were requested to deliver money and valuables.

The witness also confirmed the pattern of looting -- uniformed members of the escort would hand over plastic bags to the convoy passengers into which they were supposed to put valuables, while one of the convoy passengers (in his truck that was a young man named Hasan Zulić) would have to collect the money and valuables and hand them over to a person in a camouflage uniform.

261. Witness KO-5 also testified about the looting of the passengers in the convoy, stressing that during the several stops that the convoy made Dado Mrđa would approach the trucks and ask them to hand over the valuables. The witness states that at one stopover one lady handed over a bag full of jewelry to Mrđa, but he gave her another and told her to continue collecting the valuables. At one of the next stops Mrđa took one man out of the vehicle, hit him in the head with a pistol several times so hard that the witness and the other passengers thought he would kill him, but Mrđa took him back to the truck and ordered him to collect money and jewelry. People were taken out of the truck at the next stops as well. According to this witness, at one of the next stops that the convoy made, Mrđa took out of the vehicle one sick man and one young man, and, finally, the witness himself, too, and beat them and then forced them to collect money from their fellow passengers. Finally, their watches were seized at a place by the river where the convoy stopped.

262. Witness Ferid Kovačević stated that they felt insecure while the convoy was in motion, that money and valuables were seized from the passengers on at least four occasions during the stopovers, and that the looting started already during the first stopover in Kozarac.

263. At the first stop the convoy made in Kozarac, witness Šefik Šanta overheard a conversation of the driver and the escort who got off that a civilian or a boy should be selected to collect the money. After that conversation they chose a boy of 18-19, in this witness' estimate, to whom they gave a plastic bag and who came on board the truck to collect money, gold and other jewelry, and watches, and then got off and handed over the bag. However, according to the witness, at one of the next stops, somewhere after Karanovac, the same thing was done, but, since that time the young man collected few valuables into the bag he was given, someone hit him when he got off the truck and he returned to the truck covered in blood, saying that he was threatened he would be killed

⁹⁹ Statement of witness KO-12, Transcript from the case No. X-KR-08/549 of 23 June 2009.

unless he filled the bag, so the people started giving their belongings away. According to this witness, there was another such stopover after Skender Vakuf when more looting took place.

264. Witness KO-08¹⁰⁰ also confirms the identical pattern of looting in the convoy carried out by the Intervention Platoon members, that is, “the unit that provided security” to them. According to this witness, on one such occasion the Accused Zoran Babić, nicknamed Babin, by which nickname the witness knows him, came and threatened them that someone would be killed should the bag not be filled. This witness states that looting and threats that a passenger of the convoy would be killed if not enough money and valuables were collected happened several times.

265. In addition to the convoy passengers, the Intervention Platoon members whom the Prosecution examined as witnesses also testified about the looting of the civilian passengers of the convoy. Damir Ivanković stated that looting in convoys was customary, that everything valuable was seized from passengers (money, gold jewelry, watches), but that members of the Intervention Platoon did not keep those valuables, which would instead “end up with Simo Drljača and commanders more powerful than them.” Some times they would be given appropriate reward -- once they received DM 100 (German mark) each. Since the uniforms had large pockets, members of the Intervention Platoon were able to sometimes hide some of the collected valuables, according to this witness.

266. Witness Gordan Đurić also stated that he had previously avoided participation in the escort of convoys leaving Prijedor because of the unpleasant experiences he had heard about. He also stated that passengers were subjected to looting, with money, gold jewelry and other valuables being seized from them. The convoy of 21 August 1992 was no exception to it. He was an escort in that convoy and on one occasion, when the convoy made a stop after Banja Luka, his commander Miroslav Paraš gave him a bag and told him to collect valuables from the passengers. The witness confirmed the pattern of looting already described by the convoy passengers, as he, too, stated that he passed the bag to the end of the trailer where the passengers were, found a young man and told him to collect the valuables, whereupon that man handed over to him the filled bag at the next stop which he then handed over to Paraš.

¹⁰⁰ Statement of witness KO-8, Transcript from the case No. X-KR-08/549 of 12 October 2009.

267. Witness Ćetić also states that the convoy passengers were victims of looting. Witness K-1, who was on the same truck with witness Ćetić, states that after the truck driver told him to look at the rearview mirror, the witness saw Ćetić putting something into the side pockets of his trousers. The witness states that he is aware that the Intervention Platoon members carried out the looting, which is also confirmed by witnesses KA-1 and K-3, who also had to collect valuables from the passengers on board the vehicle they escorted under the order of Paraš and Mrđa.

268. Finally, the looting of the passengers did not go unnoticed by the drivers of the buses and trucks, either. Thus witness KS-1 states that passengers of convoys were looted by members of the Prijedor police. Vlado Beben¹⁰¹, driver of one of the four buses that set off from Trnopolje, also stated that it was customary to take money from the passengers, but that he asked the policemen on board of his bus to give back the DM 200 that Mujkanović, a passenger who was his acquaintance, had handed over and they did so. Witness Lakić states that he and Luka Gnjatović were given DM 100 each by the policemen who were in the escort.

2. Participation of the Accused in the looting of civilians; the knowledge and intent on the part of the Accused

269. In determining the guilt of the Accused for the persecution by way of looting, the Panel had to establish the specific actions and role of each Accused, therefore establish their decisive contribution to the referenced looting of the convoy passengers carried out in the above described manner.

270. The Panel concludes that the Accused Babić, Stojnić and Janković gave their decisive contribution to the looting of the convoy passengers and that they committed persecution by way of looting. However, it could not be established beyond a doubt on the basis of the adduced evidence that the Accused Milorad Škrbić participated in the acts of looting the civilians, although he was established beyond a doubt to have been in the escort of the convoy of 21 August 1992, so ultimately he was not found guilty of persecution by way of looting.

271. With respect to the Accused Milorad Škrbić, having analyzed the adduced evidence the Panel could not establish that he had seized money and valuables from the convoy passengers. As the Accused Škrbić said in his evidence, he joined the convoy as an escort on one of the buses that set off from Trnopolje. Also aboard that bus was witness Munib Sivac, who stated that the escort aboard his bus was nicknamed Mile, and he described him and then identified him in the courtroom pointing at the Accused Škrbić¹⁰². Since among the members of the 1st Squad of the Intervention Platoon there was no other escort named Mile¹⁰³, the Panel concludes that this could not be reference to anyone else but the Accused Škrbić. The referenced witness stressed that the escort, that is, the Accused Škrbić, said as early as in Kozarac, in a nice tone of voice, that whoever had “the Serb money just issued” should hand it over, as they would no longer need it. However, it does not follow from the witness’ statement that the passengers were forced in any way to deliver money and valuables. Also, witness Enes Džaferagić, who was on board the bus in which the Accused Škrbić subsequently came to replace witness KA-1, after the bus breakdown, does not confirm that during that period, while the Accused Škrbić was with the passengers, there was any confiscation of money or valuables. Also, none of the witnesses – passengers in the convoy who identified certain members of the Intervention Platoon as persons who carried out the looting of the civilians (for example, Mrđa, Četić, Babić, Stojnić), and none of the Intervention Platoon members specifically said that the Accused Milorad Škrbić took part in the acts of looting. For that reason this Panel did not find it proven that the Accused Škrbić committed the persecution of the Muslim and Croat civilian population by way of looting, hence he was not found guilty of it.

272. Contrary to the Accused Škrbić, the Panel concludes that it was proven beyond any reasonable doubt that the Accused Babić, Stojnić and Janković decisively contributed to the looting of the civilians, which is one of the acts of persecution of the Muslim and Croat civilian population from the Prijedor Municipality.

273. The Panel was mindful of the fact that the convoy passengers identified the Accused Babić and Stojnić as escorts who took part in the looting and that it was them, including some other members of the Intervention Platoon, who made grave threats to the passengers, such as the threats with death, with throwing children into the canyon, and the

¹⁰¹ Statement of witness Vlado Beben, Transcript from the case No. X-KR-08/549 of 18 May 2009.

¹⁰² Statement of witness Munib Sivac, Transcript from the case No. X-KR-08/549 of 26 May 2009, p. 22.

like. Thus, as previously noted, witness B and Sadik Suhonjić described that the Accused Stojnić took Suad Kadirić several times out of the truck on which they were, and gave him a plastic bag that Kadirić had to fill with valuables belonging to the passengers. Both witnesses described in the identical manner the taking out of the aggrieved party Suad Kadirić and the threat that “a child will be thrown out” if the bag was not filled. Also, both these witnesses, who were eyewitnesses to the pertinent event, described the infinite fear of Suad Kadirić after such taking out, which was understandable given that on one such occasion the Accused pressed a pistol against his head threatening to kill him if he did not collect DM 5,000, as described by witness B. The fear of Suad Kadirić was most completely described by these witnesses, who said that on one occasion, after he got on board the truck, Kadirić could not even explain what he had been requested to do, but the passengers figured it out from his conduct and the overall course of the events, so they started collecting money and valuables which he then handed over to the Accused Stojnić. The Accused Stojnić did not deny that he had seized money and valuables from the convoy passengers in the manner described by the passengers, but stressed that he had done so under Paraš’ order. However, the Panel considers that this fact does not bear any weight on the issue of his guilt. Also, witness KO-08 described in a detailed and convincing manner, and consistently with the other examined witnesses, the pattern of looting of the convoy passengers by the Intervention Platoon members. He identified the Accused Zoran Babić, whom he knew under the nickname of Bakin, as one of the persons who did the looting and made death threats.

274. Based on the foregoing, and mindful of the fact that the looting of the civilians was done on discriminatory grounds only, more precisely the passengers were looted and subjected to grave threats only because they were Bosniaks or Croats, the Panel concluded beyond a reasonable doubt that the Accused Zoran Babić and Željko Stojnić committed persecution of the Muslim and Croat civilian population from the Prijedor Municipality by way of looting.

275. With respect to the decisive contribution of the Accused Dušan Janković to the acts of looting, given his specific role and guilt based on omission to act (Article 21 of the CC B-H), the Panel will explain separately his role in the commission of the criminal offense of persecution by way of looting and murders.

¹⁰³ As numerous witnesses confirmed, Milorad Radaković was nicknamed Srbo, and there is no evidence

B. MURDER AS ACTUS REUS OF PERSECUTION

276. The Appellate Panel concludes that the acts of the Accused satisfy all essential elements of persecution committed by way of murder.

277. First of all, it should be noted that already when expounding on the reasons why the acts of looting and murder constituted the *actus reus* of the crime of persecution, the Panel established that killing a person, especially in the manner described in the operative part of the Verdict, had a character of an intentional and grave violation of one of the fundamental rights of every individual, the right to life, in contravention of international law. Further, having in mind the fact that the victims of the relevant crime – the murder at Korićanske Stijene – were men, the majority of whom were Bosniaks, with a small number of Croats, and that they were killed solely because of their national, that is, ethnic background, the Panel concluded that the murder had discriminatory grounds, that is, that, together with all the previously described elements, it constituted the *actus reus* of persecution as Crime against Humanity, punishable under Article 172(1)(a) of the CC B-H.

278. Murder, qualified as an act of Crime against Humanity, implies the killing of another with direct intent. Therefore, the perpetrator must be aware of his act and must possess volition to do so.

279. *Mens rea* of the perpetrator, or his state of mind, implies the existence of intention to kill or inflict grievous bodily harm that is likely to result in death or a reckless disregard of human life.¹⁰⁴

280. The Panel has found it proven that the Accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić decisively contributed to the murder of at least 150 Muslim and Croat civilian men at the locality known as Korićanske Stijene. Also, in the opinion of this Panel, the evidence confirms that the referenced murder was committed with discriminatory intent against the Bosniaks and Croats on ethnic grounds, which intent the

that he started escorting the convoy from Trnopolje.

¹⁰⁴*Zejnir Delalić et al.* (the *Čelebići* case), case No. IT-96-21-T, Trial Judgment, 16 November 1998, 439; *Akayesu*, Trial Judgment 589; *Dario Kordić et al.*, case No. IT-95-14/2-T, Trial Judgment, 26 February 2001, 236.

Accused possessed, as perpetrators of the relevant crime. For the foregoing reasons this Panel concluded that the murder of at least 150 civilian men constituted the *actus reus* of persecution as Crime against Humanity.

1. The convoy's stopover by the Ilomska River

281. Numerous examined witnesses described the stops the convoy made on its journey and all agree about one fact – that the last stop of the convoy before the final destination, the Smetovi plateau, was at one layby, a flat place on the road by the river. Although the majority of witnesses were not familiar with the road that the convoy took, some of them nevertheless knew that it was a layby by the Ilomska River, a tributary of the Ugar River, which is also confirmed in the Site Visit Record¹⁰⁵.

282. That stopover differed from the previous ones, according to the witnesses. The witnesses do not remember it by looting, characteristic for the previous ones, but state that on that occasion they were even allowed to get off the vehicles, walk by the river and freshen up.

283. Witness Munib Sivac said that the column stopped next to the Ugar River and the escort of his bus conferred about something with another person, whereupon they were allowed to alight and freshen up. He got out with his sons. The escort was somewhere around and told them not to move far away and not to cross the river.

284. Witness KO-15 stresses that the break by the river was a “general one” as they caught up with the other buses and trucks, that it lasted longer than the previous ones, and that the majority of passengers got off the vehicles during the break.

285. Witness KO-18 also states that the convoy stopped after Skender Vakuf and that the majority of passengers alighted on that occasion.

286. Although witness Sadik Suhonjić did not get off his truck when the convoy made the stop, he knows that the stop was made by some river, and he afterward learned that it was the Ugar River. He stated that voices were heard outside and that “something was going on”, but they were “in hell under the tarpaulin” and did not know what was happening.

¹⁰⁵ Exhibit S-1.

287. However, the witnesses also remember that stop by another fact – it was there that a group of men was separated from the rest of the convoy and held next to two parked empty buses, while the convoy with the remaining passengers resumed its journey toward its final destination.

2. Separation of the men

288. All convoy passengers, the Intervention Platoon members and the drivers of the buses who were examined as witnesses described the method of separation of a group comprising at least 150 men, as this Panel established, who were subsequently executed by firing squad at the locality called Korićanske Stijene.

289. As described earlier, the witnesses remembered the stop made after Skender Vakuf, in the immediate vicinity of the Ugar River, or, more precisely, its tributary, the Ilomska River, not only by the fact that they were finally allowed to get out and freshen up after a long and troublesome journey under extremely bad conditions, but also by the fact that two buses were vacated at that very place, and the passengers were regrouped into the remaining vehicles, while at the same time a certain number of men were singled out into two ranks next to those parked buses, and those men did not continue travelling with the convoy that resumed the journey toward its final destination.

290. Witness A states that when the convoy stopped by the river, which was the third stop from the beginning of its journey, he got off the vehicle he was traveling in and went closer to the river to relieve himself. He states that during that stop they were allowed to get out and relieve themselves, drink some water and the like. On his way back to the vehicle he saw policemen and uniformed soldiers separating women and children and lining up young able-bodied men, hitting them with rifle butts in the process. In order to dodge the blows, especially because he “felt very ill” from dysentery, the witness ran on his own initiative to join one of the two ranks of men. They were ordered to lower their heads as they were not allowed to watch, so, as the witness stated, he only heard a roar of machinery from the direction in which the trucks and buses were leaving. After that they were ordered to run and board the buses that remained there, and he noticed while he was running that there were two buses there. The witness also described the crowded condition inside the bus: *“It was so crowded that one could easily lift one’s feet off the floor*

and be supported by the others, so crowded it was, almost one-on-one so to speak, it was packed".¹⁰⁶

291. Witness B stated that quite a long break was made at Koričanske Stijene and that, although nobody got off the truck that she was on, she saw a bus full of men with their heads bowed and hands crossed at shoulders.

292. According to witness Jusuf Žerić, at a place that he identifies as Koričanske Stijene the convoy was stopped and it was ordered that everyone should get off the bus. He added that a bearded man with a red beret stood in front of the door and ordered him to get out and cursed his "balija's mother". However, Vlado Beben, the driver of the bus the witness was on, said that the witness was not a camp inmate but his escort, a car mechanic, so the witness was not taken out. He added that he and Bejzel Mujkanović hid under the seats and that Vlado covered them with some blankets and bags. Other passengers started getting on board the bus after a while. The two of them left their position under the seats only when the convoy continued its journey. As he states, he managed to see that the passengers who had been taken off his and the other buses, a large group in total, were taken to "a grove next to a forest".

293. This witness' statement was confirmed by Vlado Beben, who stressed that at the place where the convoy was halted *"the first two buses were moved aside"* and that the people were ordered to get off. They then also searched the other buses, primarily the "Trnopolje ones", since, according to the witness, *"the order was that they wanted to kill there the two busloads [of people] from Trnopolje"*. The witness says that he hid Jusuf Žerić, Mujkanović and another two men under the seats, where they stayed until the moment of departure. When the journey resumed the witness did not see the escort who had set off from Trnopolje on board the bus that the witness drove; the witness said that every trace of him was lost.

294. Witness Husein Jakupović also describes the stopping of the convoy at the layby by the little bridge by the Ugar River. That stop lasted 30-45 minutes, whereupon the passengers started boarding the buses. However, as he stresses, "the Serb troops" started separating the men by leaving the younger men there while the elderly men were allowed to board the buses and go. All young men, the witness included, were bundled

¹⁰⁶ Transcript from the case No. X-KR-08/549 of 21 April 2009, p. 17.

onto a bus in which there were more people than in the previous one, around 80, and they were all men. They were forced to bow their heads and they waited in that position for a while until the rest of the convoy passed by them. Some 15 minutes later, the bus he was on set off in the same direction in which the convoy had left, but those vehicles were no longer within their sight. Soldiers entered the bus, three-four each through the front and rear doors. The witness was not sure about the uniforms that the soldiers who entered the buses wore and could not say which color they were, only that they were camouflage uniforms. However, he allowed for a possibility that the uniforms of those soldiers who got on board the buses were blue camouflage ones.

295. Witness KS-2¹⁰⁷ described the stopping by the Ugar River, stating that there was some line-up there, chiefly of able bodied men. There he saw Mrđa, who commanded over them, and Paraš and the other policemen, members of the escort. The able bodied men who were separated there were lined up in two ranks and were told to get on board the bus he was driving and another one. The women and children from these two buses were transferred to other vehicles.

296. Witness KS-1¹⁰⁸ states that the convoy was stopped at a place after Kneževo and before Korićanske Stijene and that all passengers and policemen got out of the vehicles at that place. Some 15-20 minutes later, “an order was issued” and the passengers started boarding the buses, but this time only the women and children. However, no passenger boarded his and another bus. Little farther away from these two parked buses, Dado Mrđa, whom he had known from before, was lining up the men, mainly the able bodied ones, and those men from that line that was longer than the length of the two parked buses¹⁰⁹ boarded his and the other parked bus after someone ordered that the other vehicles should move away.

297. Also, witness KO-15 described the break by the river, which he called “a general break”, as all trucks and buses made a stop on that occasion and the passengers were allowed to alight, while all escorts formed one group and were receiving some instructions from Dado Mrđa. It was the witness’ impression that Dado Mrđa was superior to these escorts. According to the witness, they stayed at that location for 20-30 minutes,

¹⁰⁷ Statement of witness KS-2, Transcript from the case No. X-KR-08/549 of 25 May 2009.

¹⁰⁸ Statement of witness KS-1, Transcript from the case No. X-KR-08/549 of 19 May 2009.

¹⁰⁹ The witness stated that the *Ikarus* bus such as he drove on the pertinent day was precisely 12 meter long.

whereupon they boarded the buses in order to resume their journey, but it was then ordered that two buses should be vacated and all men lined up in a two-by-two column. Under the order of Dado Mrđa, the men aged between 18 and 65 were separated from that column, while the others, whom they considered not to be able bodied, were returned to the trucks. He and his father stayed in the group of separated men and boarded the second of the two parked buses. The number of people on board the bus was doubled compared with the previous stage of the journey and they were ordered to lie down on the floor on one another, so they were lying there in three layers.

298. Witness KO-18 also states that the convoy stopped at a locality close to a river and that the passengers were allowed to get out and freshen up. On his way back to his bus, he saw some people, "his camp inmates", lined up by "the men in blue", as he called them, that is, the escorts. When he and one "Braco" tried to return to the bus, they were halted by one "man in blue" who cursed their "Turkish mother", so they had to leave the children and stand in line. When they stood in line, they were ordered to bow their heads, but even in such position he could see that a lot of people were lined up, more than 150, in his estimate. The women and children from the two parked buses next to which they were lined up had meanwhile been transferred to other vehicles, so someone ordered the convoy to proceed and they who were lined up remained there. While they were standing in line, he heard the conversation of the men in blue and the sentence: "Guys, from now on we will do as we have agreed". They were told to board the two parked buses and so he boarded the first bus which was turned in the direction of Travnik.

299. While the convoy was in motion, witness KO-8 recognized the Accused Babić as the escort of the truck which was behind his in the convoy. According to the witness, through the rear tarpaulin of the truck he could see a *FAP* truck and the Accused Babić, armed and uniformed, sitting in the truck's cabin next to the driver. Also, when the convoy stopped on Mt. Vlašić by some drinking fountain, he got out to fill bottles with water and saw the Intervention Platoon members Babić and Ćetić together with some other armed persons whom he did not know and who were smoking there. It was either at that or the next stop somewhat farther away that a certain number of passengers from the other trucks were transferred to his truck, after which they travelled for another hour or hour-and-a-half toward the final destination. According to the witness, his truck and the *FAP* truck, which travelled behind his, arrived at the final destination at the same time, but he no longer saw the Accused Babić in the cabin.

300. Witnesses – members of the 1st Squad of the Intervention Platoon who had escorted the convoy also testified about the separating of the able bodied men from the rest of the convoy at the locality by the Ugar River.

301. Witness Damir Ivanković stressed that at the moment when he arrived with his truck at the locality by the river, he noticed two buses parked separately, next to which only men were standing. Dado Mrđa approached the truck in which Ivanković was the escort and pointed at several able bodied men on his truck, whereupon three or four men got off. Dado Mrđa told him to tell the driver to proceed but that he (Ivanković) had to stay there. The witness also saw Zoran Babić, Željko Stojnić and Milorad Škrbić from the Intervention Platoon at that place. The witness added that Dado Mrđa said that there would be an exchange, but he understood well that there would not be any exchange and that the men, whose personal belongings and documents were being seized on that occasion, would be killed.

302. Witness Gordan Đurić also stressed that when the convoy made a stop by the river, a large number of passengers got out to freshen up, and that he too got out of the vehicle, stayed there for a short while, and then went some 50 meter farther to Marinko Ljepoja, whose bus was broken. From that place he noticed a commotion and saw the Intervention Platoon members separating some men and grouping them to place them separately on board two buses, while transferring the women, children and the remaining passengers from those two buses to the other buses. According to witness Đurić, in addition to these separated men, he also noticed members of the Intervention Platoon, including Babić, Stojnić and Škrbić.

303. Witness Ljubiša Četić also stated that the passengers were separated after the convoy stopped by the Ilomska River. He notes that the police *Golf* vehicle, which had been at the helm of the convoy during its journey, stopped at that place, with the other buses and trucks lining behind it. Dule Janković, K-2 and one active policeman got out of the police *Golf*, moved around in the perimeter of some 10 meters, and then Dado Mrđa and Miroslav Paraš came there, met briefly with Janković and K-2 and went back. Together with witness K-1 he passed water to the passengers and at one moment he set off toward the vehicle in which some of his acquaintances were, to check whether they needed anything. He came across a group of the Intervention Platoon members, including Mrđa, Paraš and some others, accompanied by a couple of civilians. Paraš told him to go with them. Somewhere at the end of the parked column he again saw Dušan Janković

walking from one vehicle to the next and then returning to the helm of the convoy. In the meantime, at a distance of a couple of meters he also saw Željko Stojnić, Milorad Škrbić, Marinko Ljepoja, K-3, and Gordan Đurić, who were standing next to the truck. With a group of the Intervention Platoon members he approached the two buses, already full of passengers and parked in a column with the others, which is when Paraš ordered those remaining civilians to get on board the already full bus.

304. Witness K-1 and K-3 also stated that the convoy stopped at a place by the river, that the passengers got out there, and that the escorts also got off the vehicles and gathered in one group, according to witness K-1. Witness K-1 “hung around with the driver” and did not hear what Paraš said to the gathered members of the Intervention Platoon. When the passengers started returning to the vehicles, the separating begun. Dado Mrđa and Miroslav Paraš toured the vehicles saying that able bodied men should be taken out for exchange. Witness K-1 states that he climbed on the edge of the truck and saw several able bodied men but told them to hide, while he told Mrđa and Paraš that only women and children were on board his truck. Witness K-3 states that Miroslav Paraš and Draško Krndija approached his bus and told him and the passengers that able bodied men should get out, whereupon they called out 10-12 men from Tukovi by their names. After the men had been taken off the bus, a number of passengers from the other buses were transferred to his bus. These men were taken to separate vehicles. The other members of the Intervention Platoon were somewhere around.

305. Witness Vitomir Lakić described the stopping of the convoy by the Ugar River: *“Well, I saw those young policemen and then I saw Dule Janković talking with them, I do not know now what he was talking about and what ...”*¹¹⁰

306. The Panel has established beyond a doubt, having evaluated the statements of the examined witnesses, that the Accused Babić, Škrbić and Stojnić were in the group of the Intervention Platoon members who, as escorts of the referenced convoy, came to the place by the river where the convoy stopped and where the able bodied men were separated from the rest of the convoy, the men who would subsequently be executed by firing squad at Korićanske Stijene.

¹¹⁰ Transcript from the case No. X-KR-08/549 of 5 October 2009, p. 69.

307. With respect to the Accused Zoran Babić, witnesses Damir Ivanković and Gordan Đurić were consistent that they saw him in the group of the Intervention Platoon members at the place where the able bodied men were separated. As witness Ivanković stated, the Accused Babić was standing together with the other members of the Intervention Platoon next to the parked buses while the last 20 men were boarding them. In addition, witness KO-15, who had known the Accused Babić from before, saw him in the group of the Intervention Platoon members who were receiving some instructions from Dado Mrđa to whom they were subordinated, and the separating of the able bodied men into two vacated buses followed shortly afterward. Finally, witness KO-8, who noticed the Accused Babić as an escort of the truck which was behind his truck in the column, saw him in the cabin next to the driver while the convoy was in motion and in the group of the Intervention Platoon members when the convoy stopped, but when they arrived at Smetovi he no longer saw him in the cabin of the vehicle in whose escort he was.

308. Witnesses Damir Ivanković, Gordan Đurić and Ljubiša Četić are consistent in their statements that they saw the Accused Milorad Škrbić in the group of the Intervention Platoon members at the place where the convoy stopped for the last time. Witnesses Ivanković and Đurić specified that he was in the group of escorts standing next to the separated men by the two parked buses.

309. Also, witness Munib Sivac described the escort of the bus on board which he had set off from Trnopolje as a black-haired man in a blue camouflage uniform nicknamed Mile. When giving evidence in the courtroom he answered the Prosecutor's questions, including the one whether he recognized anyone present in the courtroom. The witness looked around the courtroom and among the then eight Accused in the case and their respective Defense Counsel present at the time, he pointed at the Accused Milorad Škrbić, that is, the person nicknamed Mile, saying that that person "looks like" the escort of his bus. Describing the stopover by the river when the passengers got out of the vehicle, the witness stated that he saw the escort standing nearby, but that in the further course of the convoy's journey and upon its arriving at the final destination, Smetovi, he no longer saw the escort, that is, the Accused Škrbić.

310. The Panel did not trust the alibi of the Accused Škrbić and it will state its reasons in the part of the Verdict addressing his individual responsibility (Chapter X.2.(ii)).

311. The Accused Željko Stojnić did not deny his presence at the location by the Ugar River, where the able bodied men were separated and where they boarded the buses

separated from the rest of the convoy. However, his defense was based on the averment that, as an escort for the vehicle aboard which he had set off from Tukovi, he continued the journey with the convoy toward Smetovi, its final destination. In order to prove such claims the Defense primarily relied on the statement of Prosecution witness B. Testifying in this Court's case against the Accused Saša Zečević and others¹¹¹, the transcript of which testimony the Defense Counsel for the Accused Željko Stojnić tendered into the case file as evidence, this witness stated that she had seen the Accused Željko Stojnić and Milorad Radaković at the location where the passengers were getting out of the convoy¹¹². However, the Panel evaluated this witness' statement in view of its correspondence with her statement given in the case at hand¹¹³, her statement in the investigation stage of the case at hand, the circumstances under which she testified, as well as the correspondence with all the other evidence. The Panel concluded that if that statement is analyzed in such a comprehensive way, it does not confirm the presence of the Accused Željko Stojnić at Smetovi¹¹⁴.

312. The Accused Dušan Janković denied his participation in the escort of the convoy. However, in Chapter VIII(c) the Panel provided the reasons why it concluded that the Accused Janković participated in the escort of the convoy in the police *Golf* that was at the helm of the column. It follows from the adduced evidence, especially the statements of witnesses Ljubiša Ćetić and Vitomir Lakić, that he was also at the place of the separation and that following his conversation with Paraš and Mrđa the able bodied men were separated from the vehicles of the convoy.

313. The Panel could not establish that the Accused Janković issued the order to the Intervention Platoon members to separate the able bodied men, so the factual description of the operative part of the Verdict has been revised accordingly. However, the presence of the Accused Janković at the place of the separation was established beyond doubt.

¹¹¹ Transcript of the evidence by witness B from the case of the Court of B-H No. S1 1 K 003365 09 Krl of 1 July 2010.

¹¹² Ibid, p. 12 of the Transcript: "**Prosecutor:** When getting off the vehicle, in addition to these soldiers, do you also see the other vehicles from the column? **Witness:** I do. **Prosecutor:** Do you see at that section where you got off, do you see those uniformed, your escorts whom you have mentioned to us, err, by the stadium? **Witness:** I do. **Prosecutor:** Do you remember whom you saw there? Well, I say again, I saw Željko, Radaković..."

¹¹³ Transcript from the case No. X-KR-08/549 of 12 May 2009.

¹¹⁴ The Panel will analyze this witness' statement in more detail in the part of the Verdict addressing the individual responsibility of the Accused Stojnić.

3. Escorting the Men to the Execution Site

314. After the able bodied men were separated at the layby next to the river and lined up by the two parked buses, the remaining part of the convoy resumed the journey. The referenced men were ordered to get on board the parked buses, as follows from the witnesses' statements.

315. Certain convoy passengers saw the lined-up men still standing when the vehicles they were on started moving farther, while some other passengers, probably those in the vehicles in the rear of the column, saw the two parked buses already full of people, but all agree that only men were separated and lined up by the road.

316. The Panel also established that only a small number of the Intervention Platoon members, escorts of the vehicles that made up the convoy, continued the journey to the final destination (for example, K1, K3), while the majority of them, including the Accused Zoran Babić, Milorad Škrbić and Željko Stojnić, stayed at the place of separation and escorted the separated men to the execution site.

317. Therefore, it was established beyond a doubt that two buses and a group of separated men stayed at the place of separation, as did a group of the Intervention Platoon members, including the Accused Babić, Škrbić and Stojnić. These men were then loaded onto the buses which the Intervention Platoon members -- escorts boarded, too.

318. First of all, in order to avoid ambiguities in the further reasoning of the Verdict, the Panel notes that it will refer to the buses as "the first bus" and "the second bus", the former being the bus parked first in line in the direction of Travnik and the first one to get moving following the order for move and to arrive at Korićanske Stijene, the latter being the bus that set off immediately after the first one and arrived at Korićanske Stijene immediately after the first one, but halted some 50 meters farther away, according to the witnesses. The driver of the "first bus" was witness KS-2, while the driver of "the second bus" was witness KS-1, and both were examined at the main trial.

319. Witness Gordan Đurić got on board the first parked bus, on board of which were also the Intervention Platoon members Željko Zec, Draško Krndija, Radoslav Knežević and Željko Stojnić. Witness Đurić stated that he was the last one to get on board the full bus

and he stood on the first step by the door and he noticed the Accused Stojnić standing facing the passengers. The composition of the passengers was changed, there were no women and children and the bus was full, so *"literally every inch in the bus was occupied, the room between the seats, it was crammed... jam-packed, so to speak. It was crowded."*¹¹⁵ When the rest of the column left, two buses and the police *Golf* remained at that place and the *Golf* signaled for motion and that the driver should follow that vehicle at a distance of 50-100 meters in the direction of Travnik. However, that ride lasted no longer than 15 minutes and then they stopped at the place called Korićanske Stijene. After the consultations between Dado Mrđa and Miroslav Paraš, the first bus went farther ahead and stopped 50-70 meters in front of the second bus near a protruding cliff.

320. Witness Ivanković got on board the second parked bus together with Miroslav Paraš and Dado Mrđa, upon the order of Miroslav Paraš. The bus was already full of people who were there in all sorts of positions, standing, sitting, with their heads bowed, *"crammed, as the bus was totally full"*. They entered through the front door and stood right next to the driver, and he was on the second step at the front door. From his position he could see the bus that was parked in front of the bus that he boarded and he saw the Intervention Platoon members getting on board that bus, too, among whom he recognized Željko Zec, Draško Krndija, Radoslav Knežević, and Gordan Đurić who entered the bus at the last moment, just before it would get going. When he mentioned the names of the Intervention Platoon members whom he had seen aboard the buses he did not mention the names of the other Accused. However, in the remaining part of his evidence he stated that the Accused Željko Stojnić, Milorad Škrbić and Zoran Babić were at the execution site, Korićanske Stijene, where the Intervention Platoon members, himself included, fired on at least 150 civilian men, who had been separated from the convoy and transported to that place aboard two buses.

321. Witness Ljubiša Četić got on board the second parked bus in which he saw Damir Ivanković. When Paraš told them to get on board that second parked bus, it was already full and there were several passengers who were still outside as they could not enter the bus. Nevertheless, these civilians also got on board, as it stems from witness Četić's statement, whereupon the Intervention Platoon members Damir Ivanković, Miroslav Paraš, Željko Bulić and Dado Mrđa entered through the front door, while he and Saša Zečević

¹¹⁵ Transcript from the case No. X-KR-08/549 of 7 July 2009, p. 25.

entered through the rear door. The middle door of the bus was closed, according to the witness. They stayed for a while on board of that full bus and they saw the whole column that passed them by, and, finally, they too started moving.

322. Witness KO-15 entered the second parked bus together with his father. Describing the situation aboard the bus the witness states that the seats were already occupied and that they were ordered to lie on the floor on top of each other, "in three layers". He says that the number of people was doubled in comparison with the number of passengers during the previous stage of the convoy's journey. After the bus started moving he saw a certain number of escorts aboard, but not the same number as when they "conferred" during the last stopover. He recognized Dado Mrđa among the escorts during the convoy's journey. However, after a ride of some 15-20 minutes, when they were ordered to get off the bus, among the present escorts he also recognized Zoran Babić, Ljubiša Ćetić, Saša Zec, Željko Predojević and Branko Topola.

323. Witness KO-18, having been separated from the convoy with some other men at a place by the Ilomska River, entered the first of the two buses turned toward Travnik. He states that on that bus they were "packed like sardines". Given that they were ordered to keep their heads bowed, he could not see the second bus, either during the ride or upon getting off the bus. The witness estimates that the ride did not last long.

324. Witness KS-2 was the driver of the first bus that stayed at the separation site¹¹⁶. As he states, when the convoy was stopped and the passengers allowed to get off, he got off too, and all three doors of the bus remained open. He noticed some lining up and recognized Mrđa and Paraš as the persons who were lining up the passengers, while the other policemen were standing around them. The passengers were lined up in two ranks -- some 150 men in the witness' estimate, while the other passengers were shifted to the other vehicles. The witness was not present when the separated men got on board the two separated buses, but when he returned to his bus, passengers were already aboard. The rest of the column resumed the journey leaving behind at the separation place only the two buses with the men who had been lined in two files, the police *Golf* and a number of escorts. On board of his bus, next to him there stood an escort and, he thinks, another policeman. The escort ordered him to get going after the *Golf* set off in front of them and it

¹¹⁶ The bus driven by this witness will be referred to hereinafter as "the first bus".

all happened 5-10 minutes after the rest of the convoy had gone. After a short ride of some 5-10 minutes, in this witness' estimate, they made a stop at Korićanske Stijene.

325. Witness KS-1, who drove the second bus¹¹⁷ from the place of separation to Korićanske Stijene, states that after the men had been lined up the other vehicles in the convoy were ordered to move farther and only the two buses and the police *Golf* remained. The lined-up men boarded the two buses, so, according to the witnesses, there were 60-70 passengers on each bus. The *Golf* set off in front of the first bus, which moved in front of the witness' bus, and they stopped after some 3-4 kilometers. The witness could not see the *Golf*, but assumed that the stop was ordered by the persons who were in it. When they stopped, the witness got off through the front door and one of the policemen ordered him to keep the other two doors closed. The witness states that he assumed that something bad would happen, so he went "up the road, toward a cliff." He was accompanied by the driver of the bus that had stopped in front of his and a policeman named Đurić.

326. The Panel has found the statements of the referenced witnesses regarding the manner of the passengers' boarding the buses and their taking to the execution site, to be consistent and mutually corresponding, and concludes that they can be trusted and that they prove beyond a doubt that the group of men previously separated from the convoy was taken aboard the two buses that had also been separated from the convoy and vacated, and escorted by the Intervention Platoon members to the place called Korićanske Stijene where shortly afterward the men were executed by firing squad.

327. It transpires from the adduced evidence that execution by firing squad of the men from the second bus started first, followed by the execution of the men from the first bus, so this Panel will follow that chronology when presenting its arguments and commenting on the evidence corroborating that state of facts.

¹¹⁷ The bus driven by witness KS-1 will be referred to hereinafter as "the second bus".

4. The execution of men at Korićanske Stijene

(a) Execution of the men from the second bus

328. Based on the statements of witnesses Damir Ivanković and Ljubiša Ćetić, as the Intervention Platoon members, and witnesses – aggrieved parties KO-15, Husein Jakupović and witness A, the Panel drew a conclusion about the method of execution of the men from the second bus, the protagonists of the event, and the timing of the execution in relation to the execution of the men from the first bus.

329. Witness Damir Ivanković described in a detailed and convincing manner the situation upon their arrival at Korićanske Stijene. According to him, upon arriving at the said location both buses pulled over and Dado Mrđa got out, conferred with Miroslav Paraš, whereupon the first bus went ahead for another 50-70 meters to level with the cliffs, next to one protruding cliff. The ones who got off his bus were Dado Mrđa, Miroslav Paraš, Željko Bulić and he, that is, the persons whom he said earlier were at the front door of the bus. Ljubiša Ćetić, Saša Zečević and Marinko Ljepoja also showed up at that moment. Dado Mrđa ordered the men to get off the bus, and Miroslav Paraš ordered them to cross to the other side of the road next to an abyss, where they were lined up in two files by the edge of the abyss. The witness stated that it became clear to him what would happen and he quarreled with Mrđa, who told him: *“If you do not want to [do it], stand in line together with them. Drop your weapons and stand in line with them.”* The men were ordered to cross to the other side of the road and they then again stood in two lines, so the men in the first line were ordered to kneel and look ahead. It was then that the men realized that they would not be exchanged and they started jumping, pushing one another, and at that moment the shooting started, bursts and single rounds alike. Witness Ivanković stated:

“it was not possible to save oneself and then they started pushing one another and then the shooting started and one could hear – *look at them, they are jumping* – and the like; it defies description people were simply disappearing from the road ...”¹¹⁸

While the shooting lasted, the witness saw some Intervention Platoon members. He stated that he saw that Milorad Škrbić and Zoran Babić participated in the shooting, among

¹¹⁸ Transcript from the case No. X-KR-08/549 of 30 June 2009, pp. 53-54.

others, and he heard that Željko Stojnić was there as well. According to this witness, Babić had a rifle with an extended butt and Ljubiša Ćetić had a small caliber rifle with an extended butt.

330. Ljubiša Ćetić described the execution by firing squad of the men from the second bus in an almost identical manner. Consistently with the statement of witness Ivanković, Ljubiša Ćetić stated that upon arriving at Korićanske Stijene the Intervention Platoon members got off the vehicle, while Darko Mrđa stayed at the front door and told the passengers to get off the bus. All passengers alighted and went 20-30 meters further down the road, to the place where Miroslav Paraš was standing. He ordered them to cross to the other side of the road next to the abyss and kneel. While the men were kneeling, the Intervention Platoon members encircled them and the shooting started immediately and lasted some 10 minutes. The bodies fell down into the abyss.

331. Witness Đurić, who arrived at Korićanske Stijene aboard the first bus, followed Paraš's order and moved behind a cliff in the direction of Travnik in order to "watch out lest someone should come by". This was also confirmed by witnesses KS-1 and KS-2, the drivers of the buses, who were together with him behind the cliff. At the same time he noticed that the Intervention Platoon members who had been with him aboard the bus were moving toward the middle door or toward the place where the other bus was parked. Witness Đurić stated that he was heavy with "foreboding", which came true, as shortly after he arrived at the spot behind the cliff, around 100 meters in front of the first halted bus, he heard heavy simultaneous fire from several automatic rifles. Judging by the sound he could conclude that the shooting was coming from the place where the second bus was halted and it lasted for some 10-15 minutes.

332. Witnesses – aggrieved parties Husein Jakupović, KO-15 and witness A, as direct victims of the pertinent event who survived the execution by firing squad, confirm the statements of witnesses Ivanković and Ćetić about the manner of execution and its perpetrators.

333. Witness Husein Jakupović states that when they arrived at Korićanske Stijene, the men from his bus were ordered to get out and line up two-by-two, cross to the other side of the road and wait for an exchange of the living for the living. Then two groups of soldiers arrived, one from the direction from which the bus had come, the other from the opposite direction, making a total of some 10 soldiers, including the ones who had been on board the bus together with them. They kneeled for a few minutes facing the abyss and then "the

shooting started and they started falling down the cliffs into the abyss“. He jumped down on his own initiative and got stuck between cliffs, owing to which he survived.

334. Witness KO-15 stated that upon their arrival at Korićanske Stijene, Dado Mrđa ordered that the men should get off the bus two-by-two and then pass by the bus in a column, again two-by-two. While they were moving toward the spot farther away from the bus, where they were subsequently ordered to turn leftward and make three steps ahead and kneel down by the edge of the abyss, he saw the Intervention Platoon members grouped nearby, among whom he recognized Zoran Babić. When they knelt down, he heard a voice saying “this is where we shall exchange the living for the living, the dead for the dead“, whereupon shooting from automatic weapons began. His father, who was with him, pushed him down into the abyss, but he cannot remember any other detail about it. He states that he fell, “lost consciousness“, he was tumbling and trying to come to a halt. He finally came to a halt in a sitting position and he could still hear the shooting and detonations of hand grenades. His ankle joint was dislocated as a result of the fall, so he was immobile. At one moment he saw a person who descended into the abyss, some 15 meters away from him, shooting at the men. He heard shooting and hand grenade detonations coming from the left-hand side, presumably from the place where the second bus was parked.

335. Witness A describes the events at Korićanske Stijene in a very similar way. According to him, there they were ordered to get off the bus running with their hands at the back of their heads, whereupon they were lined up in two files on the right-hand side by a cliff, and some 10 minutes later they were ordered to cross to the other side of the road, next to the edge and “squat as if they were praying“. The witness knelt down, again in the second line as he had done on the previous occasion, and he was about to put his hands on his neck, as ordered, but at that moment shooting was heard. He managed to turn around and saw a policeman shooting at him. That policeman had an automatic rifle and two ammunition clips. He managed to go down the slope between two persons and he stopped “by two fir trees“, where he waited for the end of the shooting, which lasted 10-15 minutes. When the shooting above him stopped, he heard voices from the road, curses of “Turkish mother“ and questions if there was anyone left alive, and then detonations. He then heard steps down in the abyss where people had fallen and occasional shots. Somewhat farther away shooting could be heard after the shooting above his head had stopped.

(b) Execution of the men from the first bus

336. Witness Damir Ivanković stated that after the execution by firing squad of the men from the second bus had been completed, shooting was heard from the place where the first bus was parked and it lasted 10-15 minutes. This witness was assigned to descend to the bottom of the abyss and check if there were any survivors, and, as he stressed, while he was going down, when he was approximately mid-way, shooting could be heard from the place where the first bus was stopped and he also heard detonations of two grenades.

337. Witness Gordan Đurić stated in his evidence that at the place of the last stopover and separation of the men, the last member of the Intervention Platoon got on board the first bus which was oriented toward Travnik. On that bus he saw the Accused Željko Stojnić, who was standing facing the passengers. The driver of that first bus was witness KS-2. Witness Đurić and witness KS-2 both described in their statements the events following the arrival at Korićanske Stijene.

338. Witness KS-2 stated that upon their arrival at Korićanske Stijene, the *Golf* that had been driving in front of the bus stopped, and the policeman from his bus ordered him to stop, too. At the same time the second bus also stopped, some 30-50 meters behind them. He saw four uniformed persons next to the *Golf*, among whom he recognized Mrđa and Paraš. He was ordered to turn the engine off and get off, which he did. He got off through the front door, while the other doors of the bus remained closed and the passengers remained on board, with their heads leaning on their hands and on the head rests, and the ones who were sitting on the floor with their heads leaning on their knees. The policemen also got off the bus. He moved some 10 meters away from the bus when he heard one of them uttering the order: "Come on, I need two men to get out". As he stated:¹¹⁹

"[He] stood by the door and said that two passengers should get off. So, two men got off, probably the first ones in line at the front end. They told them to stand there and turn toward that abyss. These policemen were around them. [These two passengers] stood there for a short while, a minute or two, perhaps... They did not return. Someone – it was either agreed or ordered by someone, I don't remember - started shooting at them. The police were shooting..."

339. The witness was there long enough to hear: "Next two, then the next two". As he stated, at that point his colleague, the driver of the second bus, came on foot, and Đurić was also standing on the side. According to the witness, Đurić was standing on the side,

¹¹⁹ Transcript from the case No. X-KR-08/549 of 25 May 2009, pp. 14-16, 18-20.

somehow aloof, and someone ordered him to go behind that curve, behind the cliff, to be on guard lest someone should come by. The witness said that he and the driver of the second bus went behind the cliff. He added that they moved some 50-60 meters away, to a spot from which he could no longer see the buses or hear the roll-call, but he did hear the shooting, both individual rounds and bursts. He stated that occasional hand grenade detonations could be heard as well. All that lasted half an hour at the most.

340. Witness Gordan Đurić said that upon arriving at Korićanske Stijene the driver stopped the bus, while the second bus parked some 30-40 meters down the road. The witness states that visibility was impaired by a cliff. Describing the place at which the bus stopped he said that there was a huge cliff on the left-hand side and an abyss on the right-hand side. He stated that at that moment it occurred to him that the passengers might be robbed, beaten or killed, and he had a bad feeling about it. He was the first one to get off the bus and he was followed by the Intervention Platoon members, including Željko Zec, Željko Stojnić, Draško Krndija and Radoslav Knežević. They went toward the middle door of the bus and alighted. He was approached by Miroslav Paraš. He said he was not sure whether Paraš got out of the *Golf* which left in the meantime or out of the second bus, parked some 30 meters down the road. Paraš ordered him to go behind the curve and cliff and watch out not to have someone come from the opposite direction.

341. Witness KS-1 described that he had caught up with the driver of the first bus, witness KS-2, and Gordan Đurić just before they hid behind the cliff. The shooting started shortly before they arrived at that spot, and it was diverse, comprising both bursts from automatic weapons and individual shots. It could be heard from the distance of 70-100 meters, which, according to this witness and witnesses Đurić and KS-2, was the approximate distance between them and the two parked buses (which were parked 30-40 meters from each other). The witness said that he also heard a detonation of a hand grenade.

342. As he added, he climbed up a mild slope accompanied by the drivers of both buses. All the time he was heavy with foreboding, which turned out to be true as shooting was heard. Describing the shooting, the witness stressed that he first heard a strong simultaneous fire from several automatic rifles¹²⁰ and then he heard individual rounds and

¹²⁰ See paragraphs 329-335 describing the manner of execution by firing squad of the men from the second bus.

a short burst from one or two pieces of weapon, which, judging by the sound, was closer to the place where he and the drivers were standing than the preceding fierce bursts. According to the witness, from the place where he was he could see only the front and the right-hand side of the first bus, but as the intensity of fire by the second bus subsided, he noticed that passengers were getting off the first bus in groups of two-three and going behind the bus, whereupon individual shots and bursts of lower intensity could be heard. Such pattern was repeated several times in the span of 25-30 minutes, according to this witness. A couple of detonations of hand grenades were meanwhile also heard.

343. In the opinion of this Panel, witness KO-18, who testified before the Court as the sole survivor from the first bus, testified in a very graphic and convincing manner, sincerely and poignantly, about what he had lived through upon arriving at Korićanske Stijene. According to the witness, when they stopped at Korićanske Stijene, they could hear the sound of a machine gun shooting for a long time. However, the witness cannot estimate the duration of the shooting saying that even five minutes was long for him. When the “machine gun” stopped shooting, someone got on board of his bus and said: “You, you and you – out you go.” The witness did not see who was calling the passengers or who was getting out of the bus, but recognized the voice of his friend Emir Fazlić, who asked “Why me?”, to which a soldier cursed his “Turkish mother”. They were taken out and shooting was heard. That was repeated over a long time, as they would take out groups of three, according to the witness. One passenger started panicking, shouting that they would all be killed, and the same person who had previously taken out several turns of two-three men each and whom the witness knew by his voice, ordered that passenger to get out with another two men, and after they got out shooting was heard again. After that, as the witness stated, they made a break and closed all doors of the bus.

344. A while later they opened the rear door, entered the bus and asked if anyone had any foreign currency on him, and *“while cursing our mother again he said that he wanted to save [people] and that whoever had foreign currency could continue the journey”*. One passenger who was the witness’ neighbor and friend said that he had 100 marks and asked if that would suffice for him and his brother. The man who had called them said *“I’ll ask Žuti [the blond one; translator’s note]”*, whereupon he returned and said *“it’s OK, you may go ahead”*, but shooting was heard as soon as they got off. After that another passenger asked if gold jewelry was acceptable, but the man swore heavily: *“May Alija s...w him. When Alija comes after him he should give him that.”* Then the roll-call *“you, you, ...”* was resumed, but they now started from the rear. At one moment he felt a barrel

pressed against his right shoulder, which meant that it was his turn to get off, together with two other passengers.

345. As the witness added:

“since I was standing practically facing the front part I turned around ... so, we got out through the rear door at that moment. I got out, I again saw them, those men in blue. Standing aside were perhaps five men, practically next to the abyss, as I call it, there were three men in front of whom there were like groundsheets lain on which weapons were placed, different kinds of weapons, different kinds of weapons. They all wore identical blue uniforms ... That practically stood between, those groundsheets stood between those three men and the three of us. We were practically facing them, that was how we were standing ... And I mostly committed to memory the man ... the man who shot at me. I was practically looking at him and I said to myself – this is a nice guy, he will not shoot ... All that time, up to that moment, it was as if I were in a film. And I thought that if I were looking at him he would not shoot at me. You know, I said to myself that he had a nice face ... At that moment the swearing of our Turkish mothers started again and they did not want to look us in our faces, so [they ordered us to] turn our back. As I was turning around I felt that a bullet passed through me. And I fell. I was tumbling and a small fir tree stopped me and threw me backward and that is how I lay down...”¹²¹

346. On that occasion the witness was hit in the shoulder, but he stayed alive. He tumbled down into the abyss, at the bottom of which, according to him, there were many dead people, and the shooting was repeated “three more times” and then everything went quiet.

(c) “Checking” the men who survived the execution by firing squad

347. As Damir Ivanković stated in his testimony, he was the one assigned from the first bus to go down to the abyss to check whether anyone had survived the execution by firing squad. This was also confirmed by witness Ćetić.

348. Witness Ivanković described that while the shooting went on, cries were heard from the abyss into which the people were falling, into which they were “disappearing”, and bodies breaking into two from the impact with the cliffs could also be seen. When the execution was over, Dado Mrđa ordered him to go down to the bottom of the abyss and check for survivors. The witness followed the order, of which he says:

“Well, I went all the way down ... to the bottom, when I descended I also saw the river ... I saw one surviving man whose last name was Sušić. One colleague whom

¹²¹ Transcript from the case No. X-KR-08-549, 4 January 2010, pp. 27-28.

I knew – he was young, perhaps 20 or 21 ... [I stayed there] very briefly, as it was a ghastly scene, lots of blood, lots, lots of intestines, lots...”¹²²

349. According to the witness, his descent and return to the road lasted for about 45 minutes.

350. Witness Ljubiša Četić also confirmed that witness Ivanković was assigned to go down the cliff and check for survivors. According to witness Četić, Željko Bulić and Saša Zečević should have helped Ivanković in that task, but, according to witness Ivanković, he went down to the abyss alone as Željko Bulić did not succeed in it.

351. Witnesses from the second bus who survived the execution, Husein Jakupović, KO-15 and witness A, also described the events after they had tumbled down into the abyss and after the fierce shooting above their heads died down.

352. As described earlier, when the shooting started witness Husein Jakupović jumped from the cliff on his own. He felt that someone crashed at him and he stayed stuck between rocks. From the abyss underneath he heard people's cries and from the road “the same military that had executed them” were shooting at the people who had tumbled down into the abyss and throwing hand grenades¹²³.

353. Witness KO-15, whom his father pushed from the edge of the road down into the abyss, tumbled and tried to stop, but lost consciousness due to the fall. He was almost immobile as his ankle joint was dislocated due to the fall down the cliffs. When he regained consciousness, he found himself sitting. He saw the person who went down into the abyss and started shooting at the people. That person was some 15 meters behind him and he pretended he was dead.

354. Witness A managed to go down the cliff and stop at the “small fir trees” at a site from which he could not see either the place from which he descended or from which the shooting was heard. However, when the fierce shooting above his head stopped, while the shooting on his left hand side could still be heard, from the place where the first bus was parked, from the road above him, he heard the cursing of the Turkish mother and queries “Is there anyone left alive?”, whereupon detonations were heard, and after that also

¹²² Transcript from the case No. X-KR-08/549 of 30 June 2009, pp. 55-56.

¹²³ Transcript from the case No. X-KR-08/549 of 9 June 2009, p. 16.

footsteps at the bottom of the abyss where the bodies had fallen and a sporadic individual shot or burst.

355. All three survivors stressed that they lay low at the place where they came to a halt after they had fallen down the cliffs. Witness Jakupović found his rescue behind a small bush to which he managed to descend using his belt, after he had spent more than five hours squeezed between cliffs. It was only on the following day that he managed to flee into the woods and farther toward Travnik. Witness KO-15 and witness A waited for the night to fall and only then managed to leave the crime scene.

356. Witness KO-18, survivor of the execution of the men from the first bus, stood by the edge of the road and was then hit by a bullet in his left shoulder, whereupon he tumbled into the abyss. His fall was interrupted by a fir tree located some 10 meters below the edge of the road, underneath the place where he was standing when the shooting started. However, since it was a canyon, he could not see the road from that place, but he heard voices, he heard one person telling another to go check if there were any survivors. He tried to jump down into the abyss, but he was again shot, this time in his left leg, and he could no longer move. He heard voices above saying “here comes the army”, whereupon they turned the bus engine on and left.

5. Return to Prijedor

(a) Return and stopover in Kneževo

357. After the execution at Korićanske Stijene was carried out, the perpetrators of the referenced crime, members of the Intervention Platoon of the Prijedor police, left the scene.

358. The drivers of the buses, witnesses KS-1 and KS-2, who were shielded behind the cliff together with Gordan Đurić, stress that someone ordered them to turn the buses around and go back.

359. Witness KS-2 states that once the shooting stopped, someone called all three of them to get on board the buses and get going, telling them *"it's all over"*. He sat in his bus in which there were no longer any passengers and set off toward the first village, to the spot where he could make a U-turn. He thinks that one or two policemen got on board the bus together with him. In the village they very briefly waited for the other buses and trucks that were returning from Smetovi, and he then set off in the direction of Prijedor. As the witness states, at the execution site some blood could be seen by the edge of the road, and down there in the abyss clothes could be discerned, but *"I simply could not even take a look because of disgust"*.

360. Witness KS-1 set off toward his bus immediately after the witness KS-2. He turned the bus around in the first village and returned to Prijedor. According to him, there were no longer any policemen or passengers with him on the bus. When he was passing by the execution place he turned his head away.

361. Witness K-1, who reached Smetovi, the final destination, on board the truck in whose escort he was, stressed that on their way back, before the location of the last break, they came across two buses turned in the direction of Travnik. There he saw his colleagues, the Intervention Platoon members, among whom he recognized Gordan Đurić and another policeman. The colleagues waved them to pass by. He noticed blood and pieces of tissue lying on the road.

362. Witness K-3 stated that he stayed at Smetovi to redirect the vehicles and explain to the drivers of the arriving buses where to make a U-turn, so the truck that he had escorted to the final destination meanwhile went back. He, therefore, boarded one of the buses. The

first person that he came across on the way back was Željko Stojnić, who was standing by the road waving to them to give him a lift. The driver stopped, he boarded the bus and said: *“What have we done, we will all end up at Tunjica”*. Some 200-300 meters later they came by the crime scene and there came across a soldier in an olive drab uniform who was saying: *“What have you done; why have you killed these men?”* When they arrived in Kneževo they stopped so that everyone who was in the escort would gather. He thinks that he and Stojnić got out and that the driver drove the bus farther. There in Kneževo all or the majority of the Intervention Platoon members who had escorted the convoy gathered and discussed the event at Korićanske Stijene over coffee and drinks. The witness stated: *“Draško Krndija was the loudest, as it was quite an experience for him; Dado made some comments, while some others kept quiet”*.

363. Witnesses Damir Ivanković, Gordan Đurić and Ljubiša Četić also made reference to the return from the execution site and described the stopover at the bar in Kneževo.

364. Witness Damir Ivanković states that while he was still down in the abyss, he noticed a couple of vehicles returning from the direction of Travnik toward Kneževo, precisely two buses and one trailer truck. When he climbed up on the road, their bus was gone and his colleagues told him that the bus had gone to make a U-turn. He waited together with other members of the Intervention Platoon and he remembers that Miroslav Paraš, Dado Mrđa, Željko Zec, the Accused Zoran Babić, and Saša Zečević, six or seven men in total, were there too. A bus came by and they boarded it to go back, and he remembers that Marinko Ljepoja and Milorad Škrbić were also on board. He noticed that the driver of the bus with which they were returning was not the same one who had driven them to Korićanske Stijene. On their way back, they made a stopover at a petrol station in Kneževo. Although the event was generally not discussed, certain individuals made some comments, so it was said that Željko Zec had thrown the hand grenades. While they were standing there, Dušan Janković passed by in a police *Golf*, driven by K-2, according to the witness.

365. Witness Gordan Đurić states, just as witnesses KS-1 and KS-2 did, that after the shooting stopped someone told the drivers to get going and he went with them on his own initiative. He got on board the first parked bus together with the driver and they set off in the direction of Travnik to make a U-turn. At the layby where they made a U-turn they waited for the second bus, from which Radoslav Knežević, Miroslav Paraš, Željko Bulić, Željko Stojnić and another one or two members of the Intervention Platoon got off, and from there they set off in the direction of Kneževo. They passed by the execution site and

there, little farther down the road, they came across several other members of the Intervention Platoon, including Dado Mrđa, Damir Ivanković, and Zoran Babić. Farther down from that site, they came across the Intervention Platoon's white van.

366. Witness Ljubiša Ćetić stressed that while Damir Ivanković was still in the abyss checking for survivors, he got on board the truck that came by and left the site, while the others must have stayed to wait for Damir.

367. Witness K-1 stated that a stop was made in Kneževo in order for all members of the escort to gather. He and Stojnić, who had entered his bus just before the execution site, got off the vehicle and the driver drove away.

368. The drivers of the trucks and buses, Luka Gnjatović, Vitomir Lakić, and Vlado Beben, who had arrived at the final destination, described the return from Smetovi. Witness Vlado Beben stated that on his way back from Smetovi, 3-4 kilometers away "from the cliffs", he came across the two Trnopolje buses, empty and parked facing Prijedor.

369. Witnesses Luka Gnjatović and Vitomir Lakić were together on the same truck on the way to Smetovi and on the way back to Prijedor. Witness Gnjatović states that on their way back they passed by the execution site where they found a group of villagers on the road who asked:

"What have you done down there that people are walking alive? What people, what do you mean by alive? I ask where the police are, they say there is no police, not a single policeman, nobody at sight ..."¹²⁴

Asked by the Prosecutor if he saw those people that the villagers had warned them about and in what position they were, the witness stated:

"That is a crowd, that, how could I explain it [*Did you see for yourself whether these men were alive?*] I didn't, how could have I, I couldn't have, it was not, the cliffs there ran 100 meter deep for sure."¹²⁵

370. Witness Vitomir Lakić stated that after they unloaded the passengers at Smetovi, they took the same road back to Prijedor. He drove the truck and he slowed down a little when passing by the crime scene. He saw the traces of blood and one man hanging by his trousers from a tree. As he added, they all stopped in Kneževo and one policeman handed

¹²⁴ Transcript from the case No. X-KR-08/549 of 5 October 2009, pp.19-20.

¹²⁵ Ibid., p. 20.

over 100 marks to each driver. He and Luka Gnjatović each received 100 marks only after an intervention with that policeman that there were two drivers in that truck, the two of them, and following the policeman's consultation with Janković.

(b) Fleeing to Kozara

371. After the events at Korićanske Stijene, members of the 1st Squad of the Intervention Platoon arrived in Prijedor and were moved out of sight to Mt. Kozara. According to Damir Ivanković, on the following day, upon their return to Prijedor, members of the 2nd Squad of the Intervention Platoon were called to report to the Police Station in Prijedor, although it was a non-working day for them. Simo Drljača shouted at Paraš and all of them, he was brusque, and he addressed certain members of the Intervention Platoon, primarily Paraš, Mrđa and Petar Čivčić. They were ordered to pack up and flee to Mt. Kozara, so they stayed in Dado Mrđa's weekend house.

372. Witness KA-1 also confirmed that members of the 2nd Squad of the Intervention Platoon were moved away to Mt. Kozara after their return from escorting the convoy. According to this witness, upon the return they reported to the police station, and already on the following day rumors could be heard about the murders that had happened in the convoy of 21 August 1992. They also heard a rumor that General Subotić would dispatch some special units to arrest them, so they went to Mt. Kozara or some place in the vicinity where they spent the night. However, the following day someone brought the news that there would not be any sanctions, but that they would be dispatched to the frontline on Mt. Romanija or in Han Pijesak, so they returned to Prijedor.

373. Witness K-3 stressed that the events at Korićanske Stijene gave rise to tensions, commotion and debate as early as the following morning. All members of the Intervention Platoon had to gather, he thinks that the 1st Squad too was summoned. Paraš, Mrđa and some others went to the SUP. He knows that there was a fierce argument in the SUP regarding the events, whereupon they were ordered to collect personal arms and equipment and were relocated to Mt. Kozara. They stayed on Mt. Kozara for some 36 hours perhaps. According to the witness, Paraš and Dado Mrđa returned to Prijedor in the meantime, made some deal with Simo Drljača, whereupon the Intervention Platoon members returned to Prijedor. The witness states:

“Paraš’ goal was probably to keep us out of sight until the situation around us caused by the disagreeable event was resolved. And they went there as some sort of negotiators. I know that they returned to the SUP, to Simo Drljača’s, I don’t know who else was present there, but I am convinced that they negotiated directly with Simo about what to do next concerning us. Well, as far as I remember, they made some deal with Simo, agreed on something, and after that we were ordered to return.”¹²⁶

374. Witnesses Gordan Đurić and K-1 also confirmed in their respective statements that members of the 2nd Squad of the Intervention Platoon were relocated to Mt. Kozara following their return to Prijedor until the situation calmed down. Witness K-1 stated that he heard that there existed the order “that both Squads of the Intervention Platoon should be done away with.”

6. Clearing up the terrain

375. As described by the Intervention Platoon members examined as witnesses at the main trial, as well as witnesses Boško Peulić and Milan Komljenović, several days after the killings at Korićanske Stijene some attempts were made to extract and remove the bodies of those slain, but they failed because of the inaccessible crime scene.

376. Damir Ivanković said that seven-eight days upon their return to Prijedor from Mt. Kozara, where they had been “moved out of sight”, both Squads of the Intervention Platoon were dispatched to the crime scene by bus. A crane was also sent from Prijedor and they had gloves and gas masks. When they reached the site they found a chaotic situation – the bodies were still in the abyss, decomposing, so a strong stench was felt. The crane extracted perhaps four bodies and then broke down, and, as no other crane arrived, they returned to Prijedor since they could not clear up the terrain.

377. Witness Gordan Đurić said that he refused to join the clearing up of the terrain, as he had not participated in the killings. However, together with Radoslav Knežević, Željko Zec, and Ranko Basrak, he went in a yellow van to do the reconnaissance of the terrain the day after the crime. He saw some people in civilian clothes descending into the abyss, while the dead bodies were still on one heap.

378. Witness K-1 also stressed that seven-eight days after the crime, “complete” two Squads of the Intervention Platoon, nearly 40 men, went to the scene, 15-20 of whom went down to the abyss where the bodies were still on a heap; he actually thinks that there were two heaps and a certain number of bodies strewn around. They succeeded in

¹²⁶ Transcript from the case No. X-KR-08/549 of 25 August 2009, pp. 40-42.

extracting no more than three-four bodies when the crane broke down, and, as no other crane arrived, they spent the night there and then went back.

379. Witness Boško Peulić was the Commander of the 122nd Infantry Brigade, in whose zone of responsibility the killing of the men from the convoy of 21 August 1992 had happened. He learned of the event the same day, in the evening hours (at around 23.00 hrs), so he immediately went to the scene and there saw traces of blood at the edge of the road, while a strong stench was spreading from the abyss. When he returned to the command post, he undertook steps to report about the situation in the field. He said that two-three days later, firstly Colonel Subotić came and then two men from Prijedor - Simo Drljača and Milomir Stakić. He refused the suggestion that the Brigade should take part in the clearing up of the terrain, since it had not taken part in the killings, but “presented [his] own view that an ecological catastrophe was looming and that the bodies should be evacuated and buried”, which he thinks was ultimately not accepted. After that he heard that they tried to set the bodies on fire using pine tree branches¹²⁷, but he does not have the information as to what happened to the bodies.

380. Witness Milan Komljenović, who was the Chairman of the Kneževo Municipal Assembly in the relevant period, learned of the crime the day after it took place, in the morning as soon as he arrived at work. He went to the site and found a horrible scene there, heaps of people lying on top of each other and people hanging from branches and cliffs. He heard informally already then that members of the Prijedor police escorting the convoy had committed the crime, so he tried to get in touch with Stojan Župljanin, and, as he could not reach him, he contacted Banja Luka Public Security Center (CJB) inspector Savo Todorović, from whom he requested to take the necessary measures. He engaged the Civilian Protection, but they were not particularly successful in extracting the bodies. Several meetings were held and attended by authorized persons¹²⁸ and, although no final conclusion was made as to what to do with the bodies, it was decided that people from Prijedor should be included in the clearing of the terrain. A crane was brought in, but the extraction proceeded with difficulties as the terrain was inaccessible. He eventually heard that the bodies were buried on the site, next to the Ilomska River.

¹²⁷ The referenced statement is consistent with the finding and opinion of expert witness Ewa Klonowska, who said that a large number of the bones found during the exhumation at Korićanske Stijene, around 28 kilogram, had been treated by fire.

7. The number of victims

381. The Indictment issued by the Prosecutor's Office of Bosnia and Herzegovina charges the Accused with having selected more than 200 able bodied civilian men whom they subsequently executed by firing squad.

382. With respect to the number of the men killed at Korićanske Stijene, although on the basis of the adduced evidence the Panel could not establish the exact number of direct victims of this crime, it concluded that it was 150 men at least.

383. To reach such a conclusion the Panel was guided by the information contained in the documentary evidence, as well as the statements of numerous witnesses who testified about the number of the killed, that is, the number of the men loaded onto the two buses parked aside at the place of the separation.

384. It follows from the documentary evidence, Prosecution Exhibits T-161¹²⁹ and T-162¹³⁰, that there were around 100 killed men.

385. Exhibit T-161, paragraph 4, reads:

“...When escorting a column of refugees across Mt. Vlašić for Travnik, a group of policemen from Prijedor and Sanski Most separated from the rest of the convoy around 100 Muslims, killed them in different ways and threw them into an abyss.”

Also, Exhibit T-162, paragraph 3 “*Situation in the field*”, reads:

“... On 21 August, in the period from 18.30 to 19.00 hrs, a massacre of Muslim civilian men was committed. The perpetrators are a group of police officers who escorted a convoy of refugees toward Travnik. The site of the massacre is Korićanske Stijene -- canyon of the Ilomska River on Mt. Vlašić. Around 100 men were killed in different ways and left in the canyon.”

386. Also, it stems from the Letter of the Prijedor Security Services Center (CSB)¹³¹ and Dispatch Note of the Prijedor Security Services Center¹³², Operative Report¹³³ and

¹²⁸ Attending the meetings were Đuro Galić on behalf of the CJB, Col Peulić, Republic Prosecutor Pantić, Milomir Stakić and Simo Drljača, Vlado Glamočić and Nenad Krejić, as the Chief of the Public Security Station (SJB), and the witness.

¹²⁹ Combat Report of the 1st Krajina Corps Command No. 44-1/314 of 28 February 1998 sent to the Main Staff of the Republika Srpska Army.

¹³⁰ Regular Combat Report of the 1st Krajina Corps Command No. 44-1/315 of 22 August 1992 sent to the Main Staff of the Republika Srpska Army.

¹³¹ Exhibit T-163, Letter of the Security Services Center (CSB) Banja Luka No. 11-1/02-2-345 of 11 September 1992 to the Prijedor Public Security Station (SJB) – Chief.

Criminal Report of Banja Luka CSB¹³⁴ that around 150 persons were killed, which also follows from the statements of witnesses Dragomir Marković¹³⁵, Boško Peulić¹³⁶ and Nenad Krejić¹³⁷.

387. Contrary to the referenced evidence are the statements of witnesses Čedo Vukotić, Milan Komljenović and Slobodan Udovičić, who confirmed that there was a report that some 200 persons had been killed.

388. The Panel was also mindful of the fact that, although the identity of all the men killed at Korićanske Stijene was not established, a major number of the killed men was identified nevertheless, namely 11 complete bodies and a considerable number of mortal remains, so DNA reports confirming the identity of those killed were tendered as evidence¹³⁸. It should also be noted that the DNA reports, both in the proceedings before the Trial Panel and the proceedings before the Appellate Panel, were introduced in the presence of expert witnesses Miroslav Rakočević, Sabiha Silajdžić-Brkić, Ana Bilić, Nermin Sarajlić or Ewa Klonowska, who presented their opinions at the main trial.

389. Expert witness Miroslav Rakočević¹³⁹, specialist in forensic medicine and pathology, performed autopsy of four bodies discovered at the locality of Korićanske Stijene. While performing an autopsy of the mortal remains of the slain Seid (father's name Miralem) Vehabović¹⁴⁰, which was subsequently established by a DNA analysis, the expert witness established, as indicated in the "description of the injury" in the autopsy record, that the cause of death was a perforating wound of the pelvis because there was an incomplete circular perforating fracture with bone missing in the lower part, which indicates a residue of a bullet round, which is what caused the death, while the other injuries could be a result

¹³² Exhibit T-164, Dispatch note of the Security Services Center (CSB) Banja Luka No. 11-1/02-2-345 dated 1 September 1992 to the Prijedor Public Security Station (SJB) – Chief.

¹³³ Exhibit T-2, Extraordinary Operative Report No. 21/08 of 21 August 1992.

¹³⁴ Exhibit T-168, Criminal Report of the Security Services Center (CSB) Banja Luka No. 11-1/02-230- of 8 September 1992 sent to the Basic Public Prosecutor's Office Banja Luka from which it stems that around 140 bodies were counted by that time.

¹³⁵ Dragomir Marković said that he counted more than 140 bodies and that he could not count some because they were thrown on top of one another. (Statement of 11 May 2009).

¹³⁶ He said that there were 80-100 "corpses" in one water-worn ravine-abyss, and 40-50 in another. (Statement of 31 March 2009).

¹³⁷ When they came to the scene, he said: "And there were some 150 corpses, in our estimate." Transcript from the case No. X-KR-08/549 of 14 April 2009, p.12.

¹³⁸ Information about the identified killed persons listed in Annex III to the Verdict.

¹³⁹ Transcript from the case No. X-KR-08-549 of 27 October 2009.

¹⁴⁰ Exhibit T-98 -- Death certificate No. 04-202-1-650/2008 of 8 December 2008, T-138 Autopsy report for Seid Vehabović.

of a blow with a hard blunt object or a fall from high altitude. With respect to the body of Edin (father's name Hilmija) Fazlić¹⁴¹, the expert witness established that the cause of death was the penetrating gunshot wounds of the head, neck, thorax, pelvis and right upper arm, which were definitely caused by more than two bullets, although it was not possible to state how many bullets precisely. Also, as the expert witness stated, the cause of death of Elvin Kauković was the gunshot wounds to the head and thorax, while the other injuries (fracture of the pubic bone) might have been posthumous, but, in any case, his was a violent death.¹⁴² Finally, Ahmet (father's name Salih) Krkić¹⁴³ also died a violent death caused by gunshot wounds to the head, thorax and pelvis.

390. By the time expert witness Nermin Sarajlić¹⁴⁴ gave evidence before the Court of B-H, he had managed to process seven bodies exhumed at the locality of Korićanske Stijene. He established that the cause of death of Osman Mehmedagić was the perforating wounds to the head, one in the frontal region, the other in the jaw, and that this person might have been between 28 and 35 years old at the moment of death; the cause of death of Enver (father's name Avdo) Arifagić was the penetrating gunshot wounds to the head, one in the skull, the other in the lower jaw, as well as the gunshot wounds to the upper arm and pelvis, and that he might have been 48; the cause of death of Sead (father's name Adem) Bešić was a perforating wound to the head inflicted by a pistol or a revolver, which could be concluded by the number of cracks which were but few, and his estimated age was 23; the cause of death of Fikret (father's name Himzo) Blažević was also a perforating wound, and although the complete skull is missing, it can be concluded from the position and the size of the defect that a projectile had to impact on the brain or spinal chord and that that caused the death; the expert witness could not state the cause of death of Ferid (father's name Karanfil) Žerić due to the incomplete mortal remains, but could state the existence of bone fractures inflicted by hard blunt mechanical objects¹⁴⁵. With respect to the discovered mortal remains of Muzeir Kahrimanović and Ekrem (Zuvdija) Velić, the expert witness could not state the cause of death for them, either, except that the death might also have been caused by the observed fracture of skull bones, while the bones

¹⁴¹ Exhibit T-96 – Death certificate No. 04-202-1-463/2008 of 12 August 2008, Exhibit T-139 Autopsy report for Edin Fazlić.

¹⁴² Exhibit T-97 -- Death certificate No. 04-202-1-651/2008 of 8 December 2008, T-100 – Death certificate for Elvin Kauković.

¹⁴³ T-101 – Death certificate for Ahmo or Ahmet Krkić, T-141 – Record on re-autopsy for Ahmed Krkić.

¹⁴⁴ Statement given at the main trial on 27 September 2010.

¹⁴⁵ Expert witness Silajdžić explained that injuries of the same kind could also be caused by a fall from high altitude.

identified as belonging to Kahrimanović also bear the defects that might have been caused by some mine-explosive ordnance.

391. Expert witness Ana Bilić,¹⁴⁶ as a member of the Commission for Missing Persons, participated in the analyses of the mortal remains discovered at Korićanske Stijene and in the drafting of DNA reports. As she stated, by the time of her testimony at the main trial before the Trial Panel, 236 reports had been composed on the basis of which 58 persons had been identified.

392. However, as it was a continuous process, in the period following the testimony of expert witnesses Bilić and Sarajlić at the trial before the Trial Panel, the identification of the persons continued. The expert witnesses were therefore summoned again for the trial before the Appellate Panel¹⁴⁷, when new DNA reports for the persons identified in the meantime were tendered as evidence¹⁴⁸.

393. Expert witness Sabiha Silajdžić-Brkić¹⁴⁹, specialist in forensic medicine and subspecialist of medical cytology, who participated in the exhumation at Korićanske Stijene and carried out an analysis of the discovered mortal remains of the killed persons, stressed that the referenced exhumation was specific, that not a single complete body, not even a complete skull, was found, only bone fragments, and that many discovered bones were damaged. The expert witness noted that such a condition of the mortal remains was a result of the configuration of the terrain where multiple factors were at play, including water pouring down, weather, and animals displacing these mortal remains. According to the expert witness, they had sent more than 100 samples for analysis and they received the results, or, more precisely, the findings for 38 persons by the moment of her testimony before the Court of B-H. Based on these remains the following persons were identified: Sakib Tranjanin, Zarif Bajrić, Sakib (father's name Bejdo) Pranjanin, Šerif (father's name Zarif) Bajrić, Ismet (father's name Husein) Hirkić, Šefik (father's name Husein) Hirkić, Rifet (father's name Husein) Hirkić, Himzo (father's name Omer) Mrkalj, Jasmin (father's name Hajrudin) Elezović, Zuhdija (father's name Meho) Kadirić, Ahmed (father's name Hamdija) Blažević, Mezur (father's name Ibrahim) Sivac, Zijad (father's name Ibrahim) Čejvan, Abaz (father's name Omer) Kulasić, Mustafa (father's name Meho) Grabić, Vejsil (father's name

¹⁴⁶ Statement given at the main trial on 12 October 2010.

¹⁴⁷ Expert witness Ana Bilić on 7 December 2012 and expert witness Nermin Sarajlić on 21 December 2012.

¹⁴⁸ Exhibits AT-2, AT-3 and AT-4.

¹⁴⁹ Transcript from the case No. X-KR-08-549 of 9 November 2009.

Meho) Grabić, Senad (father's name Hamdija) Turkanović, Suad (father's name Hamdija) Turkanović, Mustafa (father's name Edhem) Blažević, Hajrudin (father's name Salih) Elezović, Omer (father's name Halil) Šljivar, Mirsad (father's name Hasan) Gutić, Himzo (father's name Redžo) Maruslić, Nedžad (father's name Latif) Zulić, Ćamil (father's name Sejdo) Blažević, Džemal (father's name Sejdo) Blažević, Alija (father's name Bećo) Mehmedagić, Edin (father's name Muharem) Elezović, Emir (father's name Muharem) Elezović, Rasim (father's name Sulejman) Avdić, Rifet (father's name Abid) Kahrimanović, Idriz (father's name Haso) Murehajić, Samir (father's name Dedo) Karabašić, Edin (father's name Munib) Sivac, Nedžad (father's name Munib) Sivac, Kasim (father's name Šefik) Sivac, Mirsad (father's name Alija) Zulić, Sabahudin (father's name Hajro) Ičić, Isak (father's name Ahmet) Karačić, and Hasan (father's name Džemal) Čolić.

394. Expert witness anthropologist, Professor Dr. Ewa Klonowska¹⁵⁰, who participated as a part of the team in the exhumation at Korićanske Stijene, described the manner in which the exhumation, gathering and analysis of the mortal remains at Korićanske Stijene were carried out. She echoed the statement of expert witness Silajdžić stressing that the conditions under which the exhumation was carried out were very difficult due to the rugged terrain and that the recovered mortal remains were in a very bad state. She noted that there was a considerable quantity of bones (28 kilograms) treated by fire, which caused their fracturing. After the bones and the other discovered objects and remains were gathered, their task was to clean and count the bones, attempt to assemble the skeletons and send the samples for DNA analysis. As the expert witness stated, 368 samples were sent for DNA analysis. DNA extraction was then performed and it provided profiles of DNA samples fitting for comparison with the DNA samples obtained from the victims' closest relatives. Their mutual comparison resulted in 59 cases of "matching" in the first cycle, or, more precisely, 59 persons were identified by their full names.

395. In the process of identification conducted so far, mortal remains of 131 persons have been identified, of which 11 complete bodies and parts of bodies of the remaining 120 identified persons, while a certain number of persons have not been identified to the present day due to all circumstances on which the expert witnesses examined in the proceedings presented their findings and opinion.

¹⁵⁰ Statement of 7 September 2010.

396. However, mindful of the foregoing, the information obtained on the basis of the expert witnesses' analyses and opinions, the information contained in the adduced documentary evidence, and the statements of witnesses who obtained certain findings after the events in the convoy of 21 August 1992, this Panel brought in correlation the referenced information with the statements of the witnesses-eyewitnesses of the convoy, who, *inter alia*, testified about the number of passengers who had been separated onto two buses at the convoy's last stopover and subsequently executed by firing squad.

397. Witness KS-2, the driver of the first bus that transported the civilian men to the execution site, stated that, after the men were separated into two lines, around 70 men boarded his bus, and the same number boarded the second bus, which makes around 150 men in total. Witness KS-1, the driver of the second bus, also confirmed that there were 60-70 passengers on board of his bus on that final leg from the place of the separation to the execution site.

398. Damir Ivanković and Gordan Đurić also confirmed that each of the two buses separated from the rest of the convoy had around 70 passengers on board. Witness Damir Ivanković stated that one bus could accommodate 60-70 passengers, not more, since a certain number of the Intervention Platoon members got on board together with the passengers, while witness Đurić estimated the number of the men on board of his bus at 70-80. Witness Ljubiša Četić stated that the buses were full and that when he reached the bus on the layby by the Ilomska River there were some 10 passengers who had not managed to get on board, but they were also loaded subsequently.

399. Witness Husein Jakupović stated that there were around 80 men, mainly young ones, on the bus which he was "forced to board" at the place of the separation, and that it was so cramped that they lay on one another.

400. Witness KO-15, who was on the same bus as witness Jakupović, noted consistently with Jakupović's statement that the seats were already occupied on the bus that his father and he boarded, and that they were ordered to lie on the floor on one another in three layers. The witness states that the number of people on board the bus was twice the number in the preceding part of the journey.

401. Witness KO-18 stresses that they were "packed like sardines" on the bus and that there were around 100 men on board.

402. In view of the previously analyzed body of evidence, the Panel established that on 21 August 1992, at least 150 civilian men were separated by the Ilomska River from the convoy travelling from the direction of Banja Luka in the direction of Mt. Vlašić and subsequently killed at Korićanske Stijene.

X. MODE OF COMMISSION AND GUILT OF THE ACCUSED

A. KNOWLEDGE AND INTENT OF THE ACCUSED

1. The Appellate Panel finds that the joint criminal enterprise charged in the Indictment has not been proved

403. Under the Indictment of the Prosecutor's Office of Bosnia and Herzegovina, the Accused were charged that by their acts they committed the criminal offense as participants in the joint criminal enterprise (JCE) comprising civilian and military authorities of the Prijedor Municipality, the Accused themselves and Damir Ivanković, Gordan Đurić, Ljubiša Ćetić, Simo Drljača - Chief of the Prijedor Public Security Station (SJB), Milomir Stakić - President of the Prijedor Municipality Crisis Staff, Slobodan Kuruzović - Warden of Trnopolje camp, with a view to effecting a common aim of persecution of Bosniaks and Croats that involved forcible transfer, murders, unlawful imprisonment of persons aboard vehicles in a convoy and perpetrating other inhumane acts against them such as robbing them of their possessions, with this aim including discriminatory persecution of Bosniaks and Croats on political, national, ethnic and religious grounds from the territory controlled by the army and police of the Serb Republic of BiH, later Republika Srpska.

404. However, this Panel finds that the JCE charged in the Indictment has not been proven.

405. Although the Prosecution presented some evidence suggesting the existence of common aim of persecution by murders, robbery, unlawful imprisonment, forcible transfer of the Bosniak and Croat population of Prijedor Municipality, as well as by perpetrating other inhumane acts of a similar character, this Panel finds that it has not been proved, even if such plan existed, that the Accused knew of the plan prior or at least at the time of the convoy's departure, that is, that at the time when they were assigned to escort the convoy, the Accused had the requisite *mens rea* that would primarily imply their intent to

commit the criminal offense of persecution by murder of at least 150 Bosniaks and Croats, and then also other criminal offenses listed in the Indictment.

406. With respect to the issue of the existence of a common plan, or rather the possibility that the Accused knew of the plan to commit murders before their departure from Prijedor, this Panel evaluated the testimony of witnesses who stated that even before the convoy's departure, that morning or one or two days before, they had some insight into what was going to happen.

407. Witness Melisa Bajrić testified that on 20 August 1992, that is, a day before the convoy's departure, she learnt from Dragomir Gligić, member of the Intervention Platoon, that there was going to be a 'clean-up' on the convoy scheduled to go through Trnopolje and that she should tell her father and brother not to get on the convoy.¹⁵¹ She further testified that Željko Goronja, who heard what Dragomir Gligić had told her, cursed him as a 'treacherous mfckr'.¹⁵²

408. Furthermore, witness B testified that the morning before the convoy's departure, witness K-1, another member of the Intervention Platoon, advised her that her sons should not get on the convoy because there was going to be a 'taking off'.¹⁵³

409. Witness K-1 testified that he learnt in the van, which transported him together with other members of the Intervention Platoon from their base to Tukovi, that some people would need to be singled out and murdered.¹⁵⁴

410. Witness KA-1 too testified that in the van transporting members of the Intervention Platoon to Tukovi, there was talk among them that 'all kinds of things were going to happen today'.¹⁵⁵

411. In his testimony witness Velimir Vrapčić explained how Miroslav Paraš made him return from the stadium in Tukovi:

"Since Paraš and I were not on the same frequency or wave length, so to say, even before... somehow, he always held me in low regard as a soldier... he simply made me go back by saying: 'You're not up to it!' And that was it..."¹⁵⁶

¹⁵¹ Transcript of the hearing in the Case No. X-KR-08/549 of 14 April 2009, p. 46.

¹⁵² Ibid, p. 61.

¹⁵³ Transcript of the hearing in the Case No. X-KR-08/549 of 12 May 2009, p. 5.

¹⁵⁴ Transcript of the hearing in the Case No. X-KR-08/549 of 26 May 2009, p. 266.

¹⁵⁵ Transcript of the hearing in the Case No. X-KR-08/549 of 6 July 2010, p. 12.

This witness further stated that from the expression on Paraš's face he realized he was not up to it although he did not know what was going to happen.

412. On the basis of the testimony of these witnesses, this Panel, however, could not establish that the accused members of the Intervention Platoon Zoran Babić, Milorad Škrbić and Željko Stojnić, and ultimately the Accused Dušan Janković, acted in furtherance of a previously arranged plan and that they shared a common criminal purpose.

413. Based on the presented evidence, the Appellate Panel is satisfied that during the convoy's journey and at the latest when the convoy made its last stop by the Ilomska river, all the Accused became aware that the group of separated men were going to be killed. The Appellate Panel, however, could not establish with certainty that the Accused knew of the plan before the convoy's departure.

414. In spite of the alleged warnings which some members of the Intervention Platoon (Dragoljub Gligić and K-1) gave to Melisa Bajrić and witness B, members of their families, more precisely witness Melisa Bajrić's father and brother and witness B's younger son, still got on the convoy on 21 August 1992. It should be noted that witness Bajrić testified that she did not know if her father and brother were made to join the convoy, or they did it voluntarily thereby accepting the risks involved, which is understandable as she had not been in Trnopolje camp at the time.

415. However, having analyzed the testimony of other witnesses who boarded the buses in the Trnopolje camp, this Panel concludes that people have not been coerced into getting on the buses, but they voluntarily tried to get on the four buses departing from Trnopolje camp, which could not fit all of them.

416. Further, as for members of the Intervention Platoon, all those who testified described that the two vans used by the Intervention Platoon made several trips to Tukovi taking members of the Intervention Platoon there, but the Appellate Panel could not establish with certainty which group or groups included the Accused Babić, Škrbić and Stojnić. Accordingly, even if some members of the Intervention Platoon (K-1, KA-1) had insight that some of the men were going to be killed and that there was talk about it in the van, the Appellate Panel could not establish with certainty that the Accused in this case

¹⁵⁶ Transcript of the hearing in the Case No. X-KR-08/549 of 12 July 2010, p. 26.

were part of that particular transport that would have enabled them to hear this talk, especially in absence of any other evidence pointing to their knowledge of such a plan.

417. As for the Accused Dušan Janković, apart from witness KA-1 who testified that the morning before the convoy's departure, the Accused Janković, together with Čađo, was giving some instructions to Petar Čivčić, which the witness only assumes were instructions as he did not hear the actual conversation, the Prosecution failed to present any other evidence suggesting that the Accused Janković knew about the existence of a murderous plan before the convoy's departure or, for that matter, that he ordered that the group of men be separated from the rest of the convoy and killed. In this part, the Appellate Panel made some changes in the operative part of the Verdict in relation to the factual description of the crime from the Indictment.

418. The Appellate Panel feels compelled to note that given that the JCE constitutes only a mode of commission rather than an independent criminal offense, it was not necessary to render an acquitting verdict in relation to the omitted parts of the factual description from the Indictment.

419. Further, the conclusion of this Panel that the Accused did not commit the criminal offense as participants in the JCE does not *a priori* mean that such a joint criminal enterprise aimed at the persecution of the Bosniak and Croat population from the territory of Prijedor municipality, by all acts with which the Prosecution charged the Accused in the present case, did not exist. On the contrary, this Panel is of the view that the crime that took place at Korićanske Stijene on 21 August 1992 was not an incident, an isolated and unplanned act by some men in the convoy's escort, but it was a designed form of persecution of the Bosniak and Croat population based exclusively on discriminatory grounds. However, the Appellate Panel could not establish, as already noted above, that the Accused in the present case were aware of the common plan at the time when they must have been in order to be considered participants in the JCE. Therefore, without questioning the existence of the JCE, this Panel found the Accused Babić, Škrbić, Janković and Stojnić guilty as co-perpetrators, and in doing so it endorsed the position already taken by this Court that *"[t]his mode of liability is not appropriate for each and*

*every case or each and every accused. It cautiously applies to certain actors whose actions and intent meet the criteria...*¹⁵⁷ As noted in the *Vuković et al.* case:

“.... It does not follow that every soldier who committed a crime pursuant to the general plan to commit genocide did so as a knowing participant in a joint criminal enterprise. Nor does it follow that the Court must determine whether they did. It suffices, when it is proven beyond a reasonable doubt that the accused persons directly participated in the murder of a large number of prisoners, to make a finding that they committed the crime alleged – here, genocide, but without having to determine whether they did so as participants in a joint criminal enterprise.”¹⁵⁸

420. In light of all the above, that is, the absence of evidence that the Accused knew of the existence of a common plan, this Panel left out the JCE contained in the factual description of the crime as presented in the Indictment from the operative part of the Verdict, and found the Accused guilty as co-perpetrators, and in relation to the Accused Dušan Janković for the crime committed by omission, which will be explained in more detail below.

2. Co-perpetration

(a) On co-perpetration as a mode of accomplice liability

421. A criminal offense may be committed by the act of one or several persons. When a criminal offense is committed by a concerted action of several persons under certain conditions, there exists complicity. For the existence of complicity it is not sufficient that several persons participated in the perpetration of a criminal offense, but there has to be a specific subjective and objective nexus between the persons participating in the perpetration of a criminal offense.

422. Objective nexus implies that although separate from each other the acts of several persons who act as accomplices in the same criminal offense must form a whole, or more precisely they must be aimed at achieving the same result.

423. Subjective nexus is reflected in the awareness of each of the accomplices about acting in concert with other persons.

¹⁵⁷ Verdicts of the Trial and Appellate Panels of the Court of BiH in the Cases nos. X-KR-06/180-1 *Vuković et al.* and X-KR-07/386 *Trbić*.

¹⁵⁸ Verdict of the Trial Panel of the Court of BiH in the Case No. X-KR-06/180-2 *Vuković et al.*

424. Co-perpetration, as a form of joint commission of the criminal offense, is defined under Article 29 of the CC of BiH, which reads:

“If several persons who, by participating in the perpetration of a criminal offense, or by taking some other act by which a decisive contribution has been made to its perpetration, have jointly perpetrated a criminal offense, shall each be punished as prescribed for the criminal offense.”

425. Co-perpetration is a form of perpetration which exists when several persons, who meet all conditions required for a perpetrator, based on their joint decision, knowingly and willingly, decide to perpetrate a criminal offense. Unlike accomplices in a narrower sense (*aider and abettor, inciter*), co-perpetrators do not participate in the offense committed by another – another's offense, but they all act in concert in the perpetration of their joint offense – their own offense. In doing so, each of the co-perpetrators contributes to the perpetration of their joint offense, which is important and without which the criminal offense could not have been perpetrated at all, or could not have been perpetrated as planned. In other words, it is required that each co-perpetrator makes *a decisive contribution to the perpetration of the criminal offense*. This *decisive contribution* means contribution at the level of the act of commission, contribution that is such that the act is no longer what the law implies when it describes aiding and abetting as something that facilitates and supports the offense committed by another. This contribution must be at the same level as perpetration, which makes this person, co-perpetrator, a partner to the perpetrator himself, gives him functional control over the offense and puts him in a position of ultimately holding the very commission of the offense in his hands. So, the contribution of a co-perpetrator to the perpetration of the offense must match that of the perpetrator himself.

(b) The Accused as co-perpetrators of the crime

426. This Panel found that the Accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić acted as co-perpetrators in the commission of the criminal offense of persecution by murder, and all of them, except for the Accused Milorad Škrbić, also of persecution by robbery, and that they had the intent to commit these criminal offenses. The capacity of the Accused, in terms of their ability to comprehend the significance of their acts and to control their conduct, was never contested during the evidentiary

proceedings, and it is presumed as such. The capacity and intent, or negligence, as prescribed by law, constitute elements for the existence of guilt.¹⁵⁹

427. As already noted above in the part where this Panel did not accept the JCE as charged in the Indictment because it could not establish with certainty that the Accused knew of the common plan of persecution before the convoy's departure, in the view of this Panel it has been proved beyond a reasonable doubt that during the convoy's journey and at the latest at the place where a group of men were separated from the rest of the convoy, the Accused knew that the group of separated men were going to be killed, that they wanted the murder and gave a decisive contribution to it.

428. The Appellate Panel reached this conclusion by analyzing and cross-checking the testimony of witnesses who were on the convoy, whether as passengers, guards escorting the convoy, or drivers.

429. Witness Damir Ivanković testified that during the convoy's journey there was no talk about what was going to happen – no mention of it whatsoever, until they reached the place where the convoy made its last stop. It was at this place, according to his account, that Dado Mrđa came to the vehicle to which he was assigned as a guard, ordered him to join him and instructed the driver to move on. At this moment in time, witness Ivanković saw the two separated, parked buses and, as he stated in his testimony, it was at this time that he realized or rather assumed what was going to happen. In his words, even then no one was really saying what was going to happen:

“... First, Dado was saying that there was going to be an exchange of some sort, but it was there and then that I realized there wasn't going to be any exchange. Well, I saw that... It was strange as people were robbed of their possessions... They were even stripped of their documents and everything else they had on them. My instinct was telling me that it was not going to end well for them, that they were going to be killed.”¹⁶⁰

Given that witness Ivanković realized at the time what fate awaited the separated men, as he himself explained in his testimony, he told witness KO-4 to hide in order to avoid being taken off.

430. Witness Gordan Đurić too testified that he saw the separated men by the two parked buses at the place where the convoy made its last stop. Miroslav Paraš told him to

¹⁵⁹ Article 33 of the CC of BiH.

get on one of those buses and although Paraš said nothing about what was going to happen, witness Đurić sensed it. He described it in the following words:

“Commander Miroslav Paraš told me that I should get on the first bus. I should explain that as the rest of the convoy moved on, it passed by the two buses that were left behind. As I said, Paraš told me to get on the first bus... that I should go with them up there and that something was to be done... Although, back there, seeing that men were separated from the rest of the convoy and everything else that was happening, I sensed, or rather realized, that they were not going to end up well.”¹⁶¹

431. Witness Ljubiša Četić testified that at the place where men were separated from the rest of the convoy, he heard from witness K-1 that ‘some were to be killed there’.

432. Witness KO-5 boarded the bus in the Trnopolje camp, to which Draško Krndija was assigned as a guard. That those escorting the convoy, including Draško Krndija, knew what fate awaited the passengers even in the early stage of the convoy’s journey in Kozarac, is clear because Krndija instructed him and two other passengers at the time when they made a stop in Kozarac that they should move to the truck in order to have more room. However, as witness KO-5 testified, the conditions in trucks were far worse and they only managed to board the fourth truck because the other three passing trucks were overcrowded whereas in the bus they had a seat just behind the driver. The Appellate Panel holds that this points to the conclusion that Draško Krndija, as a member of the Intervention Platoon, could have known what was going to happen with the convoy, and that men from the Trnopolje camp were at the greatest risk in view of the fact that all witnesses confirmed that most of the men, who were separated and eventually killed, had been taken off the buses that departed from Trnopolje camp. As it turned out, Draško Krndija decided to save his acquaintance, witness KO-5.

433. That the drivers of vehicles in the convoy were also aware of the tragic fate awaiting the separated men, and surely those escorting the convoy must have been aware of it too, is supported by the testimony of witness Jusuf Žerić who explained how one of the bus drivers Vlado Beben saved him by telling the following words to the police officer who wanted to take him off the bus along with others who were separated from the rest of the convoy: ‘He is not a camp inmate. He’s with me - my mechanic.’¹⁶² Vlado Beben himself

¹⁶⁰ Transcript of the hearing in the Case No. X-KR-08/549 of 30 June 2009, p. 43.

¹⁶¹ Transcript of the hearing in the Case No. X-KR-08/549 of 7 September 2009, p.16.

¹⁶² Transcript of the hearing in the Case No. X-KR-08/549 of 18 May 2009, p.12.

confirmed this in his testimony by saying that he hid Jusuf Žerić and Bejzel Mujkanović on the bus.¹⁶³

434. Finally, that the killing of the separated men was not an isolated incident, as argued by the Defense, but a premeditated murder, is clear, in the view of this Panel, from the manner in which it was committed. Men were first separated from the rest of the convoy and then taken to Korićanske Stijene, in the Ilomska river canyon, which shows that all members of the Intervention Platoon escorting those buses, including beyond a doubt the Accused Babić, Škrbić and Stojnić, knew that the separated men were going to be murdered, which they learnt by the time the convoy made its last stop at the latest. In other words, they were aware of the prohibited consequence that was a foreseeable result of their acts and they desired this consequence, on the basis of which this Panel found that they acted with direct intent.

435. This is particularly corroborated by the testimony of witness KO-18 who, as the men were separated from the rest of the convoy and ordered to board the two buses, heard the following exchange between a group of members of the Intervention Platoon, which, as this Panel beyond a reasonable doubt already established above, included the Accused Babić, Škrbić and Stojnić: 'Guys, we'll proceed as planned.'¹⁶⁴

436. The Defense failed to prove that any of the Accused protested or refused to carry out the order to execute the separated men. On the contrary, fully aware of the fact that the men were separated only to be subsequently murdered, all of them gave decisive contribution to cause such prohibited consequence because the Accused Babić, Škrbić and Stojnić, as armed guards escorting the convoy and together with other members of the Intervention Platoon, having separated at least 150 military-aged men from the rest of the convoy, took them to the execution site where they shot and killed them. In doing so, they acted with direct intent to deprive these persons of their lives, while the decisive contribution of the Accused Janković to the commission of this criminal offense by omission, which has no bearing on his role of a co-perpetrator, will be explained separately below.

¹⁶³ Ibid, p. 42.

¹⁶⁴ Transcript of the hearing in the Case No. X-KR-08/549 of 4 January 2010, p.19.

(i) The Accused Zoran Babić

437. Analyzing the participation of the Accused Babić in the commission of the crime in question, this Panel reviewed evidence that directly implicates him in the commission of the crimes charged. Based on a conscientious evaluation of this evidence, individually and in connection with other evidence, this Panel was able to make inferences about his role in and contribution to the crime charged.

438. As already explained above in paragraphs 230-234, the Appellate Panel did not give faith to the alibi of the Accused Babić that was based on the claim that from Tukovi, where he came together with his then girlfriend, he returned to Prijedor and thus did not participate in escorting the convoy.

439. In view of all the evidence, in particular the testimony of witnesses Damir Ivanković, Gordan Đurić, KA-1, KO-15 and KO-8, as well as witness KS-1, Erna Kadirić and a number of other witnesses whose accounts provide valuable indirect evidence about the role of the Accused Babić, this Panel is satisfied that the Accused Zoran Babić was assigned as a member of the Intervention Platoon to participate in escorting the convoy on 21 August 1992, that together with other members of the Intervention Platoon he came to Tukovi and that a white van then transported him and a few other members of the Intervention Platoon to the Trnopolje camp. This Panel is also satisfied that he participated in escorting the convoy as an armed guard in one of the vehicles in the convoy, more specifically the FAP */Priboj Automobile Factory/* truck, which he boarded, as the evidence suggests, in Kozarac, where the two parts of the convoy (one departing from Tukovi and the other from Trnopolje camp) joined to form a single convoy, that he was present at the place where men were separated from the rest of the convoy and finally that he was present at the execution site too, all of which reflects his decisive contribution to the commission of the crime charged.¹⁶⁵

440. Damir Ivanković and Gordan Đurić consistently testified that the Accused Babić was in the group of members of the Intervention Platoon by the two buses where a group of at least 150 men were separated from the rest of the convoy.

¹⁶⁵ In earlier sections of the Verdict, the Appellate Panel already analyzed evidence suggesting the participation of the Accused Babić in escorting the convoy and his active participation in robbing the passengers of their last possessions up to the place where men were separated from the rest of the convoy. In order to avoid unnecessary repetition, analyzed from paragraph 440 onwards will be his further participation in the commission of the charged crimes, as well as his role in the murders.

441. Witness Damir Ivanković testified that after the rest of the convoy left, 12-13 members of the Intervention Platoon stayed behind, guarding the group of the separated men. Initially, he saw only Paraš, Mrđa, Zec and Bulić, with whom he came from the truck, to which he was assigned as a guard, to the parked buses, but as the rest of the convoy set off and as the last 15-20 men boarded the parked bus, he was able to see the remaining members of the Intervention Platoon, including the Accused Zoran Babić.

442. Witness Gordan Đurić testified that after the convoy made its last stop by the Ilomska river, he noticed a certain commotion by the two buses. He saw a fairly large group of men being separated and boarding the buses and next to them two groups of members of the Intervention Platoon. Although it seemed to witness Đurić that Dado Mrđa and Miroslav Paraš were in charge of separating these men and having them board the buses, he confirmed that other members of the Intervention Platoon, including the Accused Babić, were right there by the buses.

443. Further, witness KS-1, the driver of the second bus that stayed behind by the Ilomska river after the rest of the convoy proceeded on its journey, testified to having heard the Intervention Platoon members there call each other by their nicknames 'Srbo' and 'Bakin'.¹⁶⁶ As established in the course of the proceedings, 'Bakin' or 'Babin' is the nickname of the Accused Zoran Babić.

444. Ultimately, witness KO-15 who knew the Accused Zoran Babić from before¹⁶⁷ and who made a positive identification of him in the courtroom, testified truthfully, in the view of this Panel, as to the persons he had seen both at the place where men were separated from the rest of the convoy and at the execution site. Witness KO-15 distinctly remembered the Accused Zoran Babić because he carried a long knife at his waist, and further he testified to having seen the Accused Babić both at the place where men were

¹⁶⁶ Transcript of the hearing in the Case No. X-KR-08/549 of 19 May 2009, pp. 47-48. Witness KS-1 confirmed the veracity of his investigative statement given to the Prosecution, no. KT-RZ-48/06 of 26 March 2008 in the part in which he spoke of nicknames of the Intervention Platoon members that he heard at the place where men were separated from the rest of the convoy.

¹⁶⁷ Transcript of the hearing in the Case No. X-KR-08/549 of 17 November 2009, pp. 14-15. Testimony of witness KO-15: "I have known Zoran Babić ever since our childhood days in the elementary school and later in the high school. We all knew him as a good athlete, he was into athletics. I remember that back in those days, there were always cultural and sporting events organized to mark the day of the liberation of Prijedor and among them was a marathon run through the streets of Prijedor. I ran these marathons although I did not actively pursue light athletics, but I did it more as part of my high school physical education curriculum and upon insistence of my physical education teacher. It was through this marathon and long-distance running that I also knew Zoran Babić."

separated from the rest of the convoy and at Korićanske Stijene where they were executed by firing squad. In the view of this Panel, the veracity of witness KO-15's testimony is particularly supported by the fact that, for instance, he spoke of having seen Radoslav Knežević and Petar Čivčić at the convoy's last stop, but he emphasized that he had not seen them at the execution site. In spite of the trauma he had suffered, witness KO-15 made an obvious effort to be objective and to give a truthful account about the perpetrators of the massacre at Korićanske Stijene.

445. Apart from witness KO-15 who came to the execution site in the second bus, as already described above, and who saw the Accused Zoran Babić among members of the Intervention Platoon at the execution site just before the shooting started, another witness placed the Accused Zoran Babić at the execution site as well. It was witness Damir Ivanković who came to Korićanske Stijene also on the second bus, and who testified that the Accused Babić was there, by the second bus, shooting at the men taken off that bus and kneeling at the side of the road above a deep ravine.

446. That the Accused Zoran Babić was at Korićanske Stijene where he directly participated in the execution of men as described above is confirmed by the testimony of witness Gordan Đurić too. After the drivers were ordered to turn the buses around and after one of the buses carrying witness Đurić made a U-turn and proceeded on its way back to the main road, he saw a group of members of the Intervention Platoon, including the Accused Babić, a bit further down the road from the execution site.

447. Finally, witness Damir Ivanković who descended to the bottom of the cliff to check for any survivors and who stated that his descent and ascent lasted about 45 minutes, testified that upon his return to the top of the cliff he found a group of the Intervention Platoon members boarding one of the buses that came by, as the buses that had taken them to Korićanske Stijene had already left, according to what his fellow Platoon members told him. Along with other Intervention Platoon members who waited for him on the road, including the Accused Babić, witness Ivanković boarded this bus taking them back to Prijedor.

448. In light of the foregoing, the Appellate Panel finds it proven beyond a reasonable doubt that the Accused Zoran Babić, on the critical day and after at least 150 military-aged men had been separated from the rest of the convoy by members of the Intervention Platoon, in his capacity as an armed guard, knowing that the separated civilian men were going to be killed, participated in escorting them to the execution site and then prevented

their escape while they were ordered off the bus and lined up along the edge of the cliff by standing along with other armed members of the Intervention Platoon just a few meters behind the lined up men facing the edge of the cliff, and finally shot and killed the lined up men, whereby he participated along with other members of the Intervention Platoon in the commission of the crime, and is thus found to have incurred individual criminal responsibility as a co-perpetrator pursuant to Article 29 of the CC of BiH.

(ii) The Accused Milorad Škrbić

449. Having reviewed the presented evidence, the Appellate Panel finds it proven that contrary to his defense and alibi presented to the Court alleging that before reaching the place where men were separated from the rest of the convoy the bus to which he was assigned as a guard broke down forcing him to stay behind with the passengers, the Accused Milorad Škrbić was present both at the place by the Ilomska river where men were separated from others, and at the execution site.

450. The Appellate Panel will first address the alibi of the Accused Škrbić, explaining why it did not give faith to his version of events.

451. Although he did not dispute that on the critical day he participated in escorting the convoy as a guard on one of the buses departing from the Trnopolje camp, the Accused Milorad Škrbić based his defense on the claim that he did not reach the place where men were separated from the rest of the convoy at the time when this was done, and thus could not have been present at the execution site. The Defense argued that the Accused Škrbić replaced witness KA-1 on the bus that broke down on the way from Kneževo to Smetovi (on Mt. Vlašić) before reaching the place by the Ilomska river where men were separated from the rest of the convoy, and that he stayed with passengers on the broken bus until the evening. In the evening, according to the Defense, the Accused Škrbić and passengers moved to another bus and proceeded on with their journey to the final destination (Smetovi). However, after this second bus broke down too, the Accused Škrbić allegedly spent the night in the woods together with passengers and it was only in the morning hours of the next day that he reached the final destination.

452. The Appellate Panel, however, finds that the defense's theory is not supported by the evidence presented in the case. This Panel does not dispute the finding that at one point in time the Accused Škrbić indeed moved to the other bus and that, after this other bus broke down, he spent the night in the woods together with passengers from the bus, and, finally, that on the next day he escorted them to the convoy's final destination of

Smetovi. This Panel, however, established beyond a reasonable doubt that based on the presented evidence the switch of guards on the broken bus happened much later than the Defense claimed, that is, that the Accused Škrbić reached the broken bus and the stranded passengers no sooner than that evening, after he had directly participated in the separation of men and their subsequent murder, of which more detail will be provided below.

453. In reaching this conclusion the Appellate Panel relied on the testimony of witness KA-1, Enes Džaferagić, Munib Sivac, as well as witnesses Damir Ivanković, Gordan Đurić and Ljubiša Ćetić.

454. As for witness KA-1, who was initially a guard assigned to the bus that broke down, having compared his investigative statements with his testimony given at the main trial, this Panel finds that there are certain discrepancies between them with respect to details of some events that transpired on that critical day. The Defense particularly insisted on this in the course of the proceedings. However, this Panel notes that in all his accounts witness KA-1 is consistent with respect to what in the view of this Panel is a key fact, namely that the Accused Škrbić indeed replaced him as a guard on the broken bus, but only 3-4 hours after the bus broke down. Witness KA-1 also testified that while the broken bus was parked on the side of the road, no other buses passed by from the direction of Banja Luka, which is consistent with the testimony of witness Enes Džaferagić, one of the passengers on the broken bus.

455. In his testimony given at the main trial, witness Enes Džaferagić stated that after the bus broke down they waited for at least 3 hours, during which time they did not see any guards. It was only after 3 hours or so that a bus came from the direction of Travnik and they all moved to this bus. Witness Džaferagić testified that a guard who came with the bus was not KA-1, but 'Mile', that is, the Accused Škrbić.

456. The Appellate Panel cross-checked the testimony of witnesses KA-1 and Enes Džaferagić with that of Munib Sivac, already presented above.¹⁶⁸ Witness Munib Sivac notably did not mention anywhere in his testimony that the bus he was in made a stop by the broken bus and he was also quite explicit that a guard named Mile who was with them on the bus departing from Trnopolje camp escorted the bus all the way to the place by the

¹⁶⁸ See paragraph 271 of this Verdict.

Ilomska river where men were separated from the rest of the convoy, and that he was there during the separation of men too.

457. Having analyzed the presented evidence, this Panel finds that there is insufficient evidence to support the Defense claim that during the separation and subsequent murder of the separated men, the Accused Škrbić was some place else, more precisely that he was with the broken bus at the section of the Kneževo-Smetovi road before one gets to the lay-by by the Ilomska river where the convoy made its last stop and some distance away from Korićanske Stijene.

458. This is particularly the case if the above testimonial evidence is viewed in connection with the accounts of the Intervention Platoon members who testified in the present case, and who explicitly said they had seen the Accused Milorad Škrbić at the place where men were separated from the rest of the convoy, with witness Ivanković placing him at the execution site too.

459. In the part of his testimony where he listed all members of the Intervention Platoon whom he had seen at the lay-by by the Ilomska river, the convoy's last stop, witness Ljubiša Četić mentioned the Accused Milorad Škrbić too.

460. Describing the circumstances surrounding the boarding of the two buses by the separated civilian men, witnesses Damir Ivanković and Gordan Đurić testified that among the Intervention Platoon members standing by the buses and the remaining men waiting to board the buses, they saw the Accused Milorad Škrbić.

461. In light of all the above, the Appellate Panel is satisfied that the Accused Škrbić was present at the place where military-aged men were separated from the rest of the convoy, later to be executed by firing squad.

462. That the Accused Milorad Škrbić was present at Korićanske Stijene where members of the Intervention Platoon shot and killed at least 150 civilian men follows from the testimony of witness Damir Ivanković, who saw him in the group of the Intervention Platoon members by the second bus, with the Accused Škrbić, according to witness

Ivanković's testimony, shooting together with others at the men lined up along the edge of the cliff.¹⁶⁹

463. Finally, witness Ivanković named the Accused Škrbić as one of the Intervention Platoon members with whom he returned from Korićanske Stijene on the same bus.

464. Having reviewed all the evidence, both individually and in connection with other evidence, this Panel finds it proven beyond a reasonable doubt that the Accused Milorad Škrbić gave decisive contribution to the separation of men at the place where the convoy made its last stop, and, knowing that those men were going to be killed, he participated in escorting them to Korićanske Stijene, and, finally, by shooting and killing the lined up men he decisively contributed to the commission of the crime, and thus is found to have incurred individual criminal responsibility as a co-perpetrator pursuant to Article 29 of the CC of BiH.

(iii) The Accused Željko Stojnić

465. The Appellate Panel finds it proved that the Accused Željko Stojnić too participated in the separation of military-aged men at the place where the 21 August 1992 convoy made its last stop, in escorting them to the execution site and finally in shooting and killing them at Korićanske Stijene.

466. In the course of the evidentiary proceedings the Accused Stojnić did not dispute his participation in escorting the convoy departing from Tukovi, but he based his defense on the claim that after the convoy's last stop at the lay-by by the Ugar river, he proceeded with the rest of the convoy and reached the final destination of Smetovi on Mt. Vlašić.

467. In the view of this Panel, the defense theory is not supported by the presented evidence, which, as will be explained in more detail below, points to a rather different state of facts, namely that the Accused Željko Stojnić participated in the separation, escorting and killing of men at the location of Korićanske Stijene.

468. With respect to the testimony of witness B who is the crucial defense witness for corroborating the claim that the Accused Stojnić proceeded with the rest of the convoy after the last stop and that he reached the final destination, this Panel finds it necessary to

¹⁶⁹ Transcript of the hearing in the Case No. X-KR-08/549 of 30 June 2009, pp. 99-100.

note that this witness first gave an investigative statement¹⁷⁰ in the case of *Zoran Babić et al.* and then testified at the main trial before the Trial Panel.¹⁷¹ However, the Defense based its claims primarily on the testimony of this witness in the case of *Saša Zečević et al.*¹⁷² The Defense for the Accused Željko Stojnić tendered the transcript of her testimony into evidence and this Panel reviewed it individually and in connection with other evidence.

469. On the occasion of testifying in the case of *Saša Zečević et al.*, witness B stated that she had seen the Accused Željko Stojnić and Milorad Radaković at the place where passengers from the rest of the convoy finally alighted.¹⁷³ The entire defense of the Accused Stojnić was based on this sentence.

470. However, an evaluation of a single piece of evidence in isolation is entirely against the imperative norm set forth in Article 281(2) of the BiH CPC, which is why the Appellate Panel reviewed this evidence in connection with the testimony of the same witness in the present case¹⁷⁴ and her investigative statement. In doing so, this Panel was also mindful of the circumstances in which she testified and other relevant evidence.

471. In her testimony in the *Zoran Babić et al.* case, witness B was undecided as to when was the last time she had seen the Accused Stojnić. Her testimony in that part where an explanation was sought as to where she had seen the Accused Stojnić for the last time, whether it was at the place of the convoy's last stop where men were separated from the rest of the convoy, the place which she calls Korićanske Stijene, or at the final destination of Smetovi, is quite convoluted. Given the importance of this fact for their case, the Defense tried through cross examination to get clearer answers from the witness as to where exactly she had seen the Accused Stojnić for the last time. Although her answers were no less vague, she finally managed to say that she ‘... *had last seen the policemen at Korićanske Stijene*’.¹⁷⁵ To the Defense's next question as to whom she had seen upon alighting the truck and proceeding on foot in the direction of Travnik, she stated: ‘*I did not*

¹⁷⁰ Record of the witness B's interview with the Prosecutor's Office of BiH, No. KT-RZ-48/06 of 13 March 2008.

¹⁷¹ Witness B's testimony before the Trial Panel in the Case No. X-KR-08/549 of 12 May 2009.

¹⁷² Transcript of witness B's testimony in the *Zečević et al.* case before the Court of BiH, No. S1 1 K 003365 09 Krl of 1 July 2010.

¹⁷³ Ibid, p. 12 of the Transcript: "Prosecutor: Upon getting off, did you see any other vehicles from the convoy? Witness: Yes, I did. Prosecutor: At the place where you got off, did you see the uniformed guards whom, as you indicated earlier, you had seen at the stadium? Witness: Yes, I did. Prosecutor: Do you remember whom exactly you saw there? Witness: Well, I'm saying again. I saw Željko, Radaković ..."

¹⁷⁴ Transcript of the hearing in the Case No. X-KR-08/549 of 12 May 2009.

see any of these guys from Prijedor.¹⁷⁶ Additionally, in her investigative statement, witness B never mentioned that at the Mt. Vlašić plateau (Smetovi) where passengers alighted the buses and trucks and headed on foot in the direction of Travnik, she had seen the Accused Stojnić or any of the guards.

472. In view of all the above, having analyzed both the investigative statement and the testimony of witness B in the present case, as well as her testimony in another case before this Court, in connection with other presented evidence, the Appellate Panel concludes that this evidence, contrary to the Defense claims, falls short of confirming that the Accused Željko Stojnić made it along with the rest of the convoy to its final destination of Smetovi on Mt. Vlašić.

473. Similarly, having analyzed the testimony of defense witness Elvir Hadžimuratović¹⁷⁷ in detail, this Panel is again not satisfied that the Accused Stojnić made it to the final destination. During the direct examination, witness Hadžimuratović testified that upon his arrival in Smetovi, which this witness refers to as ‘the separation line’, he saw a number of soldiers. Asked by the Defense if he had seen the Accused Stojnić there, he said:

“I think I’d seen him in a group of soldiers, but I was so scared that I simply grabbed my sister by the hand, flung my bag over my shoulder and moved away as quickly as I could.”¹⁷⁸

However, in response to the Prosecution’s question during cross examination if he was sure that he had seen the Accused Stojnić at Smetovi, witness Hadžimuratović recanted his earlier statement by saying:

“Well, I’m not sure. As I was getting off the truck, I automatically assumed that he must be there because he was a guard on our truck... As I said before, I picked that bag, grabbed my sister by the hand and joined the women, wanting to move away from there as quickly as I could... So, it was a reflex thinking since he was a guard on our truck...”

Finally, he explicitly stated that he did not see any of the Intervention Platoon members at ‘the separation line’.¹⁷⁹

¹⁷⁵ From witness B’s testimony up to this point, it is clear that she refers to the place where the convoy made its last stop and where men were separated from the rest of the convoy as Korićanske Stijene.

¹⁷⁶ Transcript of the hearing in the Case No. X-KR-08/549 of 12 May 2009, pp. 57-58.

¹⁷⁷ Transcript of the hearing in the Case No. X-KR-08/549 of 14 June 2010.

¹⁷⁸ Ibid, p. 11.

¹⁷⁹ Ibid, p. 16.

474. Contrary to this evidence which, in the view of this Panel, by itself does not consistently confirm the Defense's claim that the Accused Stojnić made it to Smetovi with the rest of the convoy, the testimony of Damir Ivanković, Gordan Đurić and witness K-3 directly implicates him in the separation of military-aged men from the rest of the convoy, taking them to Korićanske Stijene and finally executing them there.

475. Witnesses Damir Ivanković and Gordan Đurić were consistent in their accounts that the Accused Željko Stojnić was in the group of the Intervention Platoon members by the two buses as the last among the passengers, who had been separated from others earlier, boarded the buses. Witness Ivanković, who got on the second bus, testified that after all passengers were aboard the Accused Stojnić boarded the first bus together with Željko Zec, Draško Krndija and Radoslav Knežević. Gordan Đurić joined them by 'jumping in at the last minute'.

476. His testimony is consistent with that of Gordan Đurić who testified that as he boarded the first bus through the front door, the last Intervention Platoon member to get on that bus, among those already on the bus were Željko Zec, Draško Krndija, Radoslav Knežević, and Željko Stojnić whom he identified in the courtroom.

477. Logically, witness Ivanković was not in a position to see the Accused Stojnić shoot and kill the civilian men at Korićanske Stijene because they were at the two different buses. He did testify, however, to subsequently hearing other people say that the Accused Stojnić was in the group of the Intervention Platoon members who shot and killed these men.

478. That the Accused Stojnić directly participated in the murder of men from the first bus is evident from the reaction of the Accused Stojnić himself when, immediately after the murder, as witness K-3 explained in his testimony, he and the truck driver who were coming back from Smetovi came across the Accused Stojnić some 200-300 meters away from the execution site and gave him a lift. In the words of witness K-3:

"As he entered the cabin the first thing he said, which I will never forget, was: 'What have we done?! We'll all end up in Tunjice [prison].'"¹⁸⁰

479. In view of all the above, the Appellate Panel finds it proven beyond a reasonable doubt that together with Zoran Babić, Milorad Škrbić and other guards, the Accused Željko

Stojnić gave a decisive contribution to the separation of men at the place of the convoy's last stop, taking them to Korićanske Stijene and finally shooting and killing the men from the first bus. In this way, knowing that the separated men were going to be murdered, and sharing this intent, he decisively contributed to the commission of the crime, and is thus found to have incurred individual criminal responsibility as a co-perpetrator pursuant to Article 29 of the CC of BiH.

480. The Appellate Panel feels compelled to note that in view of all the circumstances surrounding the commission of the crime, initially the separation of men for the purpose of murdering them, loading them into the overcrowded buses where they were forced to lay on top of each other, selecting the site suitable for execution and taking them there, and his very presence and positioning at the site as an armed guard preventing any escape of the men who were ordered off the buses and lined up along the edge of the cliff – which is confirmed by the fact that no one tried to escape, but the only way they tried to save themselves was to leap into the chasm which, given the configuration of the terrain, was jumping into certain death, even assuming that none of the guards fired a single round at the lined up men at Korićanske Stijene, it does not bring into question their role as co-perpetrators in the commission of the crime. All these actions in which the Accused Babić, Škrbić and Stojnić directly participated, as explained above, constitute a decisive contribution to the commission of the criminal offense of murder of at least 150 men by approximately 15 members of the Intervention Platoon over a short period of time of about one hour, and thus the Accused Babić, Škrbić and Stojnić are found to have incurred individual criminal responsibility as co-perpetrators pursuant to Article 29 of the CC of BiH.

(iv) The Accused Dušan Janković

481. As for the Accused Dušan Janković, he was not charged with direct perpetration of any of the underlying offenses of the crime of persecution, including robbery and murder. Moreover, this Panel finds that it has not been proved that the Accused Janković ordered the commission of any of these underlying offenses, as charged under the Indictment. As a result, this Panel made some interventions in the operative part of the Verdict and adjusted the factual description to bring it more in line with the presented evidence.¹⁸¹ Still, in the view of this Panel, the role of the Accused Janković in the 21 August 1992 convoy is not inconsequential. On the contrary, his omission to prevent the prohibited consequence

¹⁸⁰ Transcript, Case No. X-KR-08/549, 25 August 2009, p. 33.

of the criminal offense, which it was his legal duty to do, carries the same weight as the acts of direct perpetrators, the Accused Babić, Škrbić and Stojnić in the criminal offense of murder and the Accused Babić and Stojnić in the criminal offense of robbery.

482. This Panel has already explained above why it decided not to give faith to the alibi of the Accused Janković¹⁸² and why it concluded that on the critical day the Accused Janković was present in Tukovi, that he participated in escorting of the convoy and finally that he was present at the place where men were separated from the rest of the convoy. Therefore, this Panel will not analyze again the evidence confirming that the Accused Janković participated in escorting the convoy.

483. The Defense for the Accused Janković was trying to prove that on the morning of 21 August 1992, Simo Drljača, Chief of the Prijedor SJB, was on the premises of the police station in Prijedor, in an effort if not to exclude then at least to diminish the criminal responsibility of the Accused Janković. Witness Bogoljub Kos testified in relation to this circumstance, but since his testimony was inconsistent with the accounts of all Intervention Platoon members who testified in the case and who were in agreement that Simo Drljača had not been at work that morning, this Panel could not accept witness Kos's testimony as reliable and credible.

a. Position of the Accused Janković in the managerial structure of the Prijedor Police Station

484. The Defense further claimed that during the relevant period the Accused Janković had no managerial role at the Prijedor SJB, but that he was an inspector responsible for logistics.¹⁸³ The Defense called a few witnesses in an effort to substantiate these claims by their testimony, and some of them even stated, in an obvious attempt to diminish the role of the Accused Janković, that he had been demoted, so much so that he performed the duties of a police officer responsible for materiel and technical equipment. Witnesses Đuro Prpoš¹⁸⁴, Vaso Škondrić¹⁸⁵ and Mirko Vujanović¹⁸⁶ testified to this effect. However, having reviewed the Defense claims and the evidence presented in their support, this Panel is not

¹⁸¹ In doing so, the Appellate Panel did not violate the objective identity of the Verdict or the Indictment.

¹⁸² See paragraphs 235-242.

¹⁸³ The closing argument of the Defense for the Accused Janković; witness Radovan Rajlić's testimony of 26 April 2010.

¹⁸⁴ Đuro Prpoš's testimony of 23 March 2010.

¹⁸⁵ Vaso Škondrić's testimony of 31 May 2010.

¹⁸⁶ Mirko Vujanović's testimony of 22 October 2012.

satisfied that they rise to the level of refuting or bringing into question the Prosecution's solid evidence, primarily documentary but also testimonial evidence, clearly showing that during the relevant period the Accused Janković had the role of Commander at the Prijedor SJB, as alleged in the Indictment.

485. When considering the position of the Accused Janković, the Appellate Panel was mindful of the functioning and the structure of the Prijedor police station. The Defense did not dispute that the Accused Janković was the commander of the Prijedor police station in the period from 19 August until 20 September 1991. However, the Defense argued that with the conscription in the second half of September in 1991, the so called peace-time Prijedor police station was disbanded and a number of the so called war-time or reserve police stations were set up, including the Prijedor-Centar reserve police station. This was extensively elaborated by the Accused Janković in his testimony, as well as by the defense witnesses Milan Gavrilović and Milutin Čađo.

486. This Panel accepts and finds it proven, on the basis of both the Prosecution and Defense evidence, that, in the period after the conscription, a number of reserve police stations were set up in the Prijedor municipality (a total of 8 of them, and as of 30 April 1992 there were 10 such police stations).¹⁸⁷ However, contrary to the Defense claims, this Panel finds it proven that in spite of the setting up of reserve police stations, the regular, or peace-time, police station in Prijedor continued to function, with the Accused Janković retaining his position as the police station commander during this period. This state of facts is confirmed, in the view of this Panel, by Prosecution exhibits T-104 and T-105. The List of police employees for the purpose of income calculation in the period from 16 March to 15 April 1992¹⁸⁸ is a document of the Prijedor police station, that is, a peace-time regular station that continued to function during this period, which is evident by its issuing of documents such as the one mentioned above, long after September 1991 when it was allegedly disbanded according to the Defense claims. Under number 23, the List includes the name of the Accused Dušan Janković, with his name and position 'Dušan Janković, Police Station Commander' appearing again at the end of the document, though it should be added that someone else signed it on his behalf. On the other hand, Exhibit T-105, the List of members of the reserve police forces (for income calculation purposes) engaged in May 1992 is a document of the Prijedor-Centar reserve police station signed by the

¹⁸⁷ Dušan Janković's testimony of 6 November and 12 November 2012.

reserve police station commander Milutin Čađo, which makes no mention of the Accused Dušan Janković. In the view of this Panel, this counters the Defense theory and confirms that the regular Prijedor police station and the reserve Prijedor-Centar police station existed in parallel, and that each of them had a commander, the Accused Dušan Janković and Milutin Čađo respectively.

487. Further, the evidence that entirely disputes the Defense's claims about the position of the Accused Dušan Janković as the logistics inspector during the relevant period is the Decision of 17 June 1992, by which the Accused Janković:

„... is employed at the Ministry of Interior of the Serb Republic of BiH on 1 April 1992 and temporarily assigned... to the duty of COMMANDER, BANJA LUKA SECURITY SERVICES CENTER (CSB), PRIJEDOR SJB, PRIJEDOR POLICE STATION.“¹⁸⁹

This Panel did not find convincing the Defense's claim aimed at undermining the importance of this evidence and suggesting that the above decision was issued for the purpose of protecting the labor rights already acquired by the Accused Janković.¹⁹⁰

488. That the Accused Janković held the above position during the relevant period is also confirmed by the Questionnaire for Dušan Janković¹⁹¹ filled out on 29 December 1992 in Prijedor. Under item no. 27 'Duties and responsibilities', it is stated that Dušan Janković performs the duties and responsibilities of the police station commander, and as can be seen from items 24 and 25 of the questionnaire, this concerns the Prijedor police station operating as part of the Prijedor SJB. In support of its conclusion, this Panel also refers to the Personal questionnaire¹⁹² dated 15 October 1994, wherefrom it follows that Dušan Janković has been the police station commander in the Prijedor SJB operating as part of the Banja Luka CSB and the RS Ministry of Interior (item 14 of the Personal questionnaire).

489. Further, that the Accused Dušan Janković held the position of the Prijedor police station commander in August 1992 is confirmed by a document that precedes the critical event by only a few days, namely the List of employees authorized to issue police ID cards, with Dušan Janković's name mentioned under no. 10 on the List. It is stated there

¹⁸⁸ Exhibit T-104.

¹⁸⁹ Exhibit T-139, Decision of the Banja Luka Security Services Center, No. 11-120-1/1367 of 17 June 1992.

¹⁹⁰ Closing arguments of the Defense for the Accused Dušan Janković, p. 29.

¹⁹¹ Exhibit T-140.

¹⁹² Exhibit T-145.

that Dušan Janković performs the duties of the police station commander, and his name reappears in the signature section of the document.¹⁹³ The list, along with the enclosed letter¹⁹⁴, both signed by Dušan Janković in the capacity of the police station commander, was sent by the Prijedor SJB to the Banja Luka CSB on 13 August 1992, just over a week before the fateful convoy.

490. Other pieces of evidence that, in this Panel's view, corroborate the conclusion that the Accused Janković held the position of the police station commander and was 'a man of trust' are exhibits T-175¹⁹⁵ and T-245.¹⁹⁶ It follows from the Order of the Prijedor CJB concerning the activities to be carried out in order to 'restore peace as quickly and as efficiently as possible' that Simo Drljača, who issued the order, designated the Accused Janković as the person responsible for overseeing the execution of the order.¹⁹⁷ Furthermore, it follows from Exhibit T-245 that the Prijedor Crisis Staff, in its Order addressed to the Accused Janković, assigned to him the responsibility of establishing an Intervention Platoon. In the view of this Panel, this is solid evidence about the role and reputation the Accused Janković enjoyed in 1992. This evidence is further corroborated by testimony of the Intervention Platoon members. In their accounts on the organization and structure of the Intervention Platoon and the hierarchy in the Prijedor police station in general, they consistently testified that Miroslav Paraš was the commander of both Intervention Platoons and that he was subordinate to Dušan Janković and Milutin Čađo who were higher up in the hierarchy and who reported directly to Simo Drljača as the Chief of the Prijedor SJB.

491. Witness Damir Ivanković testified:

„Well, Paraš was subordinate... I know this from the problems and what happened later... Milutin Čađo and Dule Janković were in the same office, and they reported to Simo Drljača...”¹⁹⁸

This is confirmed by witness Ljubiša Četić:

¹⁹³ As this evidence is an ICTY exhibit, it bears the ICTY electronic stamp and the part of the text in the signature section of the document that is visible reads: „S... COMMANDER , Dušan Jan...” However, as there is no other person named Dušan whose last name starts with „Jan...”, it is clear that it refers to the Accused Janković whose name along with his position of the police station commander is also found in the signature of the letter enclosed with the List.

¹⁹⁴ Letter of the Prijedor PS, SJB, No. 11-12/01-1- strictly confidential no. 41/92 of 13 August 1992.

¹⁹⁵ Order of the Prijedor CJB, No. 11-12-20 of 31 May 1992.

¹⁹⁶ Order of the Prijedor Crisis Staff No. 02-111-215/92 of 17 June 1992.

¹⁹⁷ Item no. 17 of the Prijedor CJB Order No. 11-12-20 of 31 May 1992 (Exhibit T-175).

¹⁹⁸ Transcript of the hearing in the Case No. X-KR-08/549 of 30 June 2009, p. 8.

“Above Miroslav Paraš in the hierarchy was Simo Drljača, and in his absence there were Dušan Janković and Milutin Čađo... [Simo Drljača] was the police chief for the entire district and Janković was his deputy. The third one [Milutin Čađo] was the chief of the Prijedor police station.”¹⁹⁹

Witnesses K-1 and K-3 too confirmed that Simo Drljača was the chief of the Prijedor SJB and that the Accused Janković was his deputy. In the words of witness K-1, Janković deputized for Drljača when the latter was absent.

492. Finally, in determining the role and position of the Accused Janković in relation to the Intervention Platoon members, this Panel also relies on the testimony of witness Vitomir Lakić. Describing the situation in Tukovi while passengers were boarding the vehicles, witness Lakić testified that a policeman came to the vehicle with him and Luka Gnjatović in it, and said that there could be only one driver per vehicle. Witness Lakić replied that he had a superior and that it was his superior who decided on it. In his own words: ‘You have your own boss and you know what he orders you to do, and I have mine’, to which the policeman said that he was taking orders ‘from Dule Janković’. Even in his testimony before the Appellate Panel in which he tried to completely exonerate the Accused Janković of any guilt, witness Lakić still stated that at the time of the fateful convoy the Accused Janković held the position of ‘deputy chief of the police’.²⁰⁰

493. Based on the above evidence, the Appellate Panel concludes that during the period material to the Indictment, the Accused Janković was not a demoted police officer, logistics inspector as claimed by the Defense, but he was in the higher echelons of the Prijedor SJB holding the position of the Prijedor police station commander. Although this position did not necessarily imply that the person holding it was a *de jure* deputy chief of the Prijedor SJB, the Accused Janković *de facto* had such a status. Since the Prosecution did not charge the Accused Janković with command responsibility, but only individual criminal responsibility, these circumstances are important only insofar as they prove the authority and reputation the Accused Janković enjoyed among the Intervention Platoon members.

494. The Appellate Panel did not accept the Defense’s claims that a signature to be found on dispatches and documents of this type was the signature of the on-duty officer making it possible for the document to reach its intended recipient in-house. Similarly, this

¹⁹⁹ Transcript of the hearing in the Case No. X-KR-08/549 of 16 March 2010, p. 5.

²⁰⁰ Witness Vitomir Lakić’s testimony of 23 October 2012.

Panel did not accept the claim that the Accused Janković attended meetings, such as, for instance, the meeting that took place shortly after the commission of the crime at Korićanske Stijene where those present discussed what should be done in relation to such a pressing matter, simply because as a police officer responsible for materiel and equipment he had a desk and a chair in the office where the meeting was taking place.²⁰¹ This Panel finds that these claims are neither logically coherent, nor are they consistent with the other evidence analyzed above.

b. Role of the Accused Janković in the 21 August 1992 convoy

495. The authority and reputation of the Accused Janković, as well as the fact that he was the highest ranked police officer among those participating in escorting the 21 August 1992 convoy, are of great importance for determining his guilt for the committed crimes.

496. There are two key facts that are of decisive importance when considering the guilt of the Accused Janković: (1) As the evidence shows, the Accused Janković participated in escorting the 21 August 1992 convoy in his capacity as the highest ranked police officer among those present; (2) The Accused Janković commanded authority among the Intervention Platoon members and they all considered him superior to their commander Miroslav Paraš.

497. This Panel finds it proven beyond any reasonable doubt that the Accused Dušan Janković came to Tukovi in the Golf vehicle with police markings and that it was in this same vehicle that he participated in escorting the convoy. Based on the presented evidence, this Panel concludes that although there is a mention of two Golf vehicles at different stages of the convoy's journey, the Accused Janković was in the police Golf that was at the head of the convoy during its journey. The Accused Janković was inside the police Golf together with the driver - witness K-2, and active police officer Vladimir Šobot.

498. The Defense for the Accused Janković called witness Vladimir Šobot²⁰² to the stand and tendered the statement of witness K-2²⁰³ into the record in proceedings before the Appellate Panel, with both of them denying that the Accused Janković was with them in the police vehicle during the convoy's journey. Instead, they claimed that Miroslav Paraš was with them in the vehicle up to a certain point in the convoy's journey. This Panel,

²⁰¹ Witness Milan Gavrilović's testimony of 4 May 2010.

²⁰² Witness Vladimir Šobot's testimony of 9 November 2010.

²⁰³ Record of the Prosecution's interview with witness K-2, no. KT-RZ-48/06 of 28 August 2008.

however, did not give faith to these accounts as they are inconsistent with the other presented evidence. The Panel finds that both these witnesses were trying to alleviate the position of the Accused Janković, for which there could be different motives and interests. In relation to witness K-2, it follows from the Interview Record that prior to giving a statement to the Prosecution he had been sought by the Accused Janković's brother and his Defense Counsel, but witness K-2 refused to meet with them. In spite of this refusal, this may be an indication that witness K-2 deliberately avoided to mention the Accused Janković in his statement.

499. That the Accused Janković came to Tukovi in the police Golf together with witness K-2 is confirmed by the consistent testimony of witnesses Damir Ivanković, Gordan Đurić and Ljubiša Četić. As for the other Golf vehicle used by Miroslav Paraš and Dado Mrđa until they reached the place where men were separated from the rest of the convoy, witness Četić clearly explained that this other vehicle was indeed a Golf, but unlike the vehicle in which the Accused Janković was, it was grey in color and without police markings. According to the testimony of witness Četić, on a few occasions when the convoy stopped this other Golf would move to the back of the convoy, while the police Golf was always at the head of the convoy since the moment the two parts of the convoy, one departing from Tukovi and the other from Trnopolje camp, joined to form a single convoy in Kozarac. As witness Četić further stated, the Accused Janković, witness K-2 and another active police officer were in the police Golf. Witness Ivanković testified that this other Golf was in Tukovi and that Zdravko Torbica arrived in it. He was clear, however, that the Accused Janković was in the police Golf. Witness KA-1 too testified that the Accused Janković sat in the police Golf in Tukovi together with a few other active police officers, and witness K-2 and Vladimir Šobot were indeed members of the active police force.

500. Witnesses KA-1 and Ljubiša Četić consistently testified that the police Golf, already in Tukovi, positioned itself at the head of the convoy, dictating the pace of its journey.

501. As for robbing the passengers on the convoy of their remaining possessions, which for the most part occurred during the convoy's stops along the way, as already explained above, this Panel finds that there is no doubt that the Accused Janković, who was in the police Golf at the head of the convoy and who thus decided on the places and dynamics of the convoy's stops, knew about this open robbery, that he wanted it to happen or at least consented to it, especially in view of the time it took the passengers to collect their valuables and put them in the plastic bag provided for this purpose. Moreover, witness

Damir Ivanković testified that most of the valuables ended up with Simo Drljača and 'higher-up commanders' (and the Accused Janković's position in the hierarchy has already been explained above). That the Accused Janković knew about the open robbery of civilians on the convoy is also evident from the testimony of witness Luka Gnjatović, who stated on the record that the Accused Janković was in the group of policemen splitting the money from the robbery, on which occasion the drivers also received 100 German marks each.

502. Furthermore, with respect to the separation and subsequent murder of at least 150 military-aged Bosniak men, the Panel finds that this was by no means an excess on the part of a few individuals, but these murders constituted the realization of persecution of the Bosniak and Croat population on the national and ethnic grounds from the Prijedor municipality. According to the testimonial evidence, it is clear that the convoy's last stop differed from the earlier short stops along the way. The place where the convoy made its last stop, which is very close to the execution site, was obviously not selected randomly. Sitting in the police Golf at the head of the convoy, which, according to the witness accounts, dictated both the pace of the convoy's journey and stops to be made along the way, the Accused Janković must have been aware of what was going to happen, especially in light of his position and role in the convoy.

503. As already explained above, the Appellate Panel is satisfied that, at the latest by the time the convoy made its last stop, all participants in the incident, direct perpetrators of the murder, knew that the separated men were going to be killed. The Accused Janković, whom witness Četić had seen get out of the police Golf at the place where the convoy made its last stop and talk to Paraš and Mrđa and then move from one vehicle to the other at the back of the convoy, as witness Četić clearly stated in his testimony, must have known this too. It follows from the testimony of witness Gordan Đurić, as well as witnesses KS-1 and KS-2, that the police Golf that was at the head of the convoy during its entire journey up to that point stayed by the two parked buses and, once the loading of men onto the buses had been completed, it headed in the direction of Korićanske Stijene while the two buses followed suit. Upon their arrival at Korićanske Stijene, these witnesses lost sight of the police Golf. Obviously, the police Golf, with the Accused Janković in it among others, proceeded in the direction of the final destination of Smetovi. However, the presence of the Accused Janković at the place where all the 'preparations' for the subsequent massacre took place, his contacts and conversations with direct perpetrators of the murder and finally his witnessing of the separation of men from the rest of the

convoy at the lay-by by the Ilomska river, in the view of this Panel, point to the only reasonable conclusion that the Accused Janković was aware and intended the prohibited consequence, that is, that he shared with the other accused the intent for the crime that was subsequently committed.

504. Additionally, the authority and reputation the Accused Janković enjoyed among the Intervention Platoon members as the second in command in the police structures with only Simo Drljača above him, as testified to by the Intervention Platoon members themselves, and the agreement or at least consent to what was about to happen by the person of that stature and rank could have only served as an additional incentive to encourage the perpetrators of the crime to finish what they had started.

c. Intent of the Accused Janković in relation to the criminal offenses of persecution by way of robbery and murder, and the manner of commission of offenses

505. This Panel found the Accused Dušan Janković guilty as a co-perpetrator, along with the other accused Zoran Babić, Milorad Škrbić and Željko Stojnić, in the commission of the criminal offense of Crimes against Humanity in violation of Article 172(1)(h) of the CC of BiH (persecution) committed by way of robbery and murder.

506. The notion of co-perpetration under Article 29 of the CC of BiH has already been explained above. However, unlike in the case of the other three accused who have been found guilty of direct perpetration, the Appellate Panel is compelled to explain here the commission of the criminal offense by omission, which is the form of liability incurred by the Accused Dušan Janković.

507. The Accused Dušan Janković has been found guilty of the criminal offense under Article 21 of the CC of BiH that concerns 'the manner of perpetrating criminal offense,' which reads as follows:

“(1) A criminal offense can be perpetrated by an act or omission to act. (2) A criminal offense is perpetrated by omission when the perpetrator, who is legally obliged to avert the consequence of a criminal offense defined by law, fails to do so, and such failure to act is tantamount in its effect and significance to the perpetration of such an offense by an act.”

508. With respect to the committed criminal offense of persecution by way of robbery and murder as an underlying offense of the criminal offense of Crimes against Humanity, this Panel finds that the acts of the Accused Janković, or rather his failure to act, satisfy the elements of conscious omission as the manner of perpetrating the criminal offense.

509. As a police officer participating in escorting of the convoy, the police station commander with a long-term police experience and a person most expected to abide by the rules of service (protection of lives and personal security of citizens, prevention and detection of criminal offenses),²⁰⁴ the Accused Janković failed to act and take necessary measures, although he was legally obliged to do so in order to protect civilians on the convoy, and as a result of his omission they were robbed of their last possessions during the convoy's journey, whereby their rights to property were flagrantly violated, and subsequently at least 150 of them were murdered.

510. This manner of perpetrating the criminal offense by the Accused Janković indicated that he committed the criminal offense by conscious omission. In other words, he failed to discharge his duty to protect civilians on the convoy although, as a police officer and even more so the police station commander, he was legally obliged to do so. Such omission, in the view of this Panel, carries more weight than if the omission had been done by a civilian because the Accused Janković's position and authority add to his liability and render his failure to act tantamount to the acts of direct perpetrators of robbery and murder. Although there is no evidence that he personally robbed or shot at any of these men (nor is he charged with that under the Indictment), by wanting or at least consenting to the acts of the Intervention Platoon members he allowed the prohibited consequence to occur. In light of the consequences for victims of this criminal offense, this omission, both in terms of its effect and significance, is tantamount to perpetrating robbery and murder.

511. Based on all the above, this Panel finds that personal contribution of the Accused Janković to the commission of these crimes, that is, his failure to prevent the robbing of civilians on the convoy and the subsequent murder of at least 150 men separated from the rest of the convoy, takes on the form of personal participation of the Accused Janković in the commission of the criminal offense by omission, in accordance with Articles 21 and 29 of the CC of BiH. It is for this reason that the Appellate Panel has found him guilty as a co-perpetrator in the commission of the criminal offense of Crimes against Humanity (persecution), with his liability arising from his failure to 'avert the consequence of a criminal offense defined by law'.

²⁰⁴ Exhibit O-IV-56, Article 2 of the Rulebook on the performance of duties of the Public Security Station (Official Gazette of SR BiH, no. 22/77) adopted in accordance with Article 92 of the Law on Internal Affairs (Official Gazette of SR BiH, no. 37/72, 6/73, 19/74 and 40/75).

XI. PARTS OF THE INDICTMENT AND LEGAL QUALIFICATION THAT HAVE NOT BEEN ACCEPTED BY THE APPELLATE PANEL

512. In addition to finding that the JCE charged in the Indictment has not been proved (as explained in paragraphs 403-420 of this Verdict), the Appellate Panel made some interventions in the factual description of the offense in the operative part of the Verdict in relation to the factual description of the offense provided in the Indictment. The Appellate Panel also made some changes to the legal qualification of the offense because it found that the Accused Babić, Škrbić, Janković and Stojnić committed the criminal offense of Crimes against Humanity in violation of Article 172(1)(h) of the CC of BiH, persecution by way of robbery and murder, whereas it did not find that the accused committed or that they were guilty of forcible transfer, unlawful imprisonment, inhumane treatment or other inhumane acts of a similar character.

513. Since the omitted parts of the Indictment do not constitute a separate criminal offense (they all relate to persecution as an underlying offense of Crimes against Humanity) and given that the joint criminal offense too does not constitute a separate criminal offense but only a mode of perpetration of the offense, in the view of this Panel there was no need for rendering an acquittal in relation to those parts of the Indictment that have been omitted from the operative part of the Verdict. The Appellate Panel was guided in its actions by the principle that the court's interventions in the factual description of the offense are allowed if they serve to clarify the offense. In doing so, the Appellate Panel was mindful not to exceed the charges from the Indictment, that is, not to bring the accused in a procedurally more difficult position than the existing one. The result of the Appellate Panel's interventions is that the factual description of the offense is in line with the state of facts established in the case, the legal qualification of the offense is not more disadvantageous to the accused and the omitted parts of the Indictment do not bring the accused in a procedurally more difficult position.

1. Persecution by way of forcible transfer

514. This Panel finds that it has not been proved that the Accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić committed persecution by way of forcible transfer.

515. As defined under Article 172(2)(d) of the CC of BiH “[d]eportation or forcible transfer of population means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.”

516. The Prosecution argued that the displacement of the Bosniak and Croat population from the Prijedor municipality was forced and that the Accused knowingly and willingly participated in the acts of persecution by way of forcible transfer. The Defense, on the other hand, insisted that the transfer of the Bosniak and Croat population from the Prijedor municipality was voluntary.

517. The Appellate Panel did not find it proven and consequently did not give faith to the Defense claims that the transfer was voluntary, but, based on the presented evidence, this Panel concluded that the Bosniak and Croat population were expelled from their homes by the use of different coercive measures and, simultaneously or subsequent to being expelled from their homes, they were also displaced from the area of the Prijedor municipality, in which they were lawfully present, so their expulsion had no foothold under international law.

518. However, this Panel does not find it proven that the *mens rea* of the Accused included all the necessary elements required for the criminal offense of persecution by way of forcible transfer.

519. That the transfer was not voluntary and that the population was in fact expelled from the area of Prijedor municipality, this Panel concluded based on the review of testimonial evidence, mostly the accounts of witnesses who themselves were passengers on that fateful convoy of 21 August 1992.

520. Witness Erna Kadirić testified that before her family decided to leave Prijedor on the 21 August 1992 convoy, she could no longer go to school and they spent most of their time in a hallway inside the house, not daring to go out. Witness Kadirić stated on the record that she did not want to leave her hometown, her house and her friends, but her parents told her that they had no other choice. She further described how other neighbors

cast them away and stopped communicating with them and how they finally decided to leave Prijedor after the murder of an entire family.

521. Witness Ferid Kovačević testified similarly about the situation in Prijedor prior to 21 August 1992. He stated that although he managed to get out of the Omarska camp where he spent 7 days, and although he had a note from the Ministry of Interior on his release from the camp, he did not feel secure enough to move about the town. As witness Kovačević noted, relations between neighbors deteriorated:

“... I did not go out. I spent most of my time in the house. I did not have freedom of movement... as I did not want to experience any problems in the public, to have guys who until recently played at the stadium near my house hurl abuses at me...”²⁰⁵

Witness Kovačević further described being threatened in the street and, consistent with Erna Kadirić's testimony, the murder of an entire family, all of which caused him to live in a constant state of fear and finally to leave Prijedor on a convoy.

522. It follows from the testimony of a number of other witnesses (Sadik Suhonjić, Šefik Šanta, Berislav Herceg, KO-12, KO-8, KO-7 and others) that they were leaving Prijedor out of fear for their own safety and the safety of their families.

523. In the part of the Verdict dealing with essential elements of the criminal offense of Crimes against Humanity, the Appellate Panel has already described the pattern of taking population of this municipality to one of the camps as evidence of the systematic nature of the attack in the Prijedor municipality. A number of witnesses who testified in the present case joined the part of the convoy departing from the Trnopolje camp. Witness Jusuf Žerić and witness A testified that convoys were the only means to leave the Trnopolje camp.

524. Ultimately, that the transfer of population was not voluntary as claimed by the Defense, but that the people were expelled, is confirmed by the consistent testimony of witnesses KO-12 and Sadik Suhonjić who described how in order to get on the convoy one had to relinquish all property. As witness KO-12 testified, his wife had found out that he could leave Trnopolje camp provided that he obtained 'de-registration' from the Ministry of Interior, which meant that 'he was leaving everything to them'. It also meant that after that he had to leave Prijedor on the first convoy.

²⁰⁵ Transcript of the hearing in the Case No. X-KR-08/549 of 24 August 2009, p. 11.

525. The Bosniak and Croat population of the Prijedor municipality faced a situation in which they could either live in fear of being taken to one of the camps, of death or in the least of being the object of insults and humiliation, or they could relinquish all their possessions that they have worked for all their lives and venture into the unknown. In the view of this Panel, leaving Prijedor in these circumstances cannot, in any way, be considered voluntary. This conclusion is consistent with the view taken by the ICTY Trial Chamber in the *Stakić* case wherein it is noted that "... the atmosphere in the municipality of Prijedor during the time relevant to the Indictment was of such a coercive nature that the persons leaving the municipality cannot be considered as having voluntarily decided to give up their homes."²⁰⁶

526. However, although it concluded that there is no room for the thesis about the voluntary departure of the Bosniak and Croat population from the Prijedor municipality, but that they were in fact expelled from the territory of the municipality in which they lived, and that such forced displacement of the population had been planned by the top civilian and military authorities in the Prijedor municipality,²⁰⁷ this Panel could not establish the guilt of the accused in the present case for such a forcible and unlawful transfer of civilians.

527. As described by many witnesses, the 21 August 1992 convoy was at least the fourth in a series of such convoys. The escorting of these earlier convoys was also done by members of the Intervention Platoon, while the Prijedor SJB and members of the active police force were responsible for traffic security. The Intervention Platoon members received orders from their superiors to escort the convoys, and according to the accounts of witnesses Ivanković, Đurić, Četić, K-1, K-3 and others, escorting the convoys was one of the regular duties of the Intervention Platoon. The very order to escort convoys transferring the population is not *a priori* unlawful as is the case with the order for robbery or murder. Such order cannot lead to the conclusion that a police officer, whether an active police officer responsible for traffic security, or a reserve police officer, member of the Intervention Platoon, responsible for the security of passengers on the convoy, had to be aware that the order was manifestly unlawful, in which case he would be obligated to refuse such an order.

²⁰⁶ ICTY Trial Chamber Judgment in the *Stakić* case, paragraph 707.

²⁰⁷ Milomir Stakić, President of the Prijedor Crisis Staff, was convicted by the ICTY for deportation, among other counts.

528. The convoys taking the Bosniak and Croat population out of the territory of the Prijedor municipality were organized by the Prijedor Crisis Staff,²⁰⁸ and since none of the accused were members of the Crisis Staff nor was it proven through the evidence presented in the case that the accused had any role in organizing the convoy, assisting in these activities or providing significant or decisive contribution other than participating in escorting the convoy, which had already been organized beforehand, the Appellate Panel has no other recourse but to acquit the accused of the charge that they committed persecution by way of forcible transfer of population.

2. Persecution by way of unlawful imprisonment

529. Imprisonment as an underlying offense of the criminal offense of Crimes against Humanity is a severe deprivation of physical liberty in violation of fundamental rules of international law.

530. When describing the acts of the accused that allegedly meet the elements of this criminal offense in the Indictment, the Prosecution states only: ‘... with intent and knowing that the civilians... were... unlawfully imprisoned aboard the vehicles in the convoy...’

531. In the factual description of the Indictment, the Prosecution failed to specify the acts that allegedly constituted the unlawful imprisonment of passengers on the convoy. It seems that in making this allegation the Prosecution did not go any further from the mere fact that civilians were aboard these vehicles. From such a restricted description, it cannot, in any way, be inferred that the accused committed the charged offense. Since it failed to detect elements of the alleged underlying offense of unlawful imprisonment in the factual description of the Indictment, the Appellate Panel did not delve further into considering potential guilt, nor was it able to consider acts of the accused and their potential contribution to this offense. Accordingly, as it found no legal basis to qualify the offense as unlawful imprisonment, the Appellate Panel had no other recourse but to acquit the accused of this charge and to reflect this position in the factual description of the offense provided in the operative part of this Verdict.²⁰⁹

²⁰⁸ Exhibit T-178, Report of the Prijedor SJB for the last nine months of 1992.

²⁰⁹ The Appellate Panel did so by omitting the word ‘unlawful’ from the operative part of the Verdict.

3. Persecution by way of other inhumane acts of a similar character

532. Other inhumane acts of a similar character as an underlying offense of Crimes against Humanity are those acts that intentionally cause great suffering, or serious injury to body or to physical or mental health.

533. In order for an act to amount to the commission of the criminal offense of Crimes against Humanity under Article 172(1) of the CC of BiH, it is necessary to prove that the act or omission in question is of similar gravity to that required for other underlying offenses stipulated in Article 172(1) of the CC of BiH, and that the act or omission is attributable to the accused.

534. However, the evaluation of the gravity of such an act or omission will inevitably vary depending on the specific circumstances of each concrete case, such as: character of the act or omission, the context in which it takes place, duration or repetition, the physical, mental or moral effect on the victims and personal circumstances of the victims, including their age, sex and health condition.

535. In the factual description of the Indictment, the Prosecution states that civilians, among them many small children, women and elderly, were transported in the convoy:

“... that moved slowly and for hours in a blistering heat [where they] were crammed and unlawfully imprisoned aboard the vehicles in the convoy, in the trucks under tarpaulin, with not enough space, air, food or water or the opportunity to relieve themselves, without [the guards] taking any measures to change the situation inside the vehicles; instead, with a view to effecting a common aim, by making various serious threats to the Bosniac and Croat civilians being transported in the convoy, already in fear and facing difficult transportation conditions, they robbed them of their money, gold and other valuables, in which Željko Stojić particularly stood out; he even took a male civilian out of a vehicle, pressed a pistol against his head and threatened to kill him and toss a small child into the chasm if he did not collect all the remaining valuables from the civilians on the convoy, thereby inflicting great suffering and serious injuries to body or to physical or mental health of the civilians, children in particular...”

536. The Appellate Panel finds it proven based on the testimonial evidence, and as already explained above in more detail, that the conditions on the convoy were just as the Prosecution described them in the Indictment. In other words, the passengers, among them many small children, women and elderly, were ‘crammed and... imprisoned aboard the vehicles in the convoy, in the trucks under tarpaulin, with not enough space, air, food or water...’ However, bearing in mind the very definition of inhumane acts of a similar character and the criteria listed in paragraph 400 of this Verdict that are of relevance for assessing the gravity of an act, that is, whether it is of the same gravity as that required for

other underlying offenses of Crimes against Humanity, the Appellate Panel is not satisfied that the conditions of transport in the convoy, although far from proper, were of such gravity that they fit the context required for Crimes against Humanity. Such conditions, although undeniably pervasive, did not last for several days or months in order to cause 'great suffering and serious injuries to body or to physical or mental health' (for which the Prosecution ultimately failed to offer any evidence such as medical findings of the injured parties, reports on their health condition and similar). Instead, they lasted several hours during the convoy's journey, which in the view of this Panel does not meet the standard required for Crimes against Humanity. Furthermore, the Prosecution failed to prove that the accused members of the Intervention Platoon, other Intervention Platoon members or the Accused Dušan Janković, for that matter, were in any way responsible for the conditions of transport. Finally, when alleging that the accused failed to '... tak[e] any measures to change the situation inside the vehicles', the Prosecution failed to suggest what measures, assuming that the accused had taken such measures, could change the existing conditions inside the vehicles.

537. When charging the accused with persecution by way of other inhumane acts of a similar character, and assuming that the Court would take the position that the conditions of transport met the required standard for Crimes against Humanity, which is not the case here, the Prosecution still failed to explain the element of intent in the factual description of the Indictment. In support of this legal qualification, the Prosecution had to prove, which it failed to do, that the conditions of transport were not a result of negligence but of intent on the part of the convoy's organizers, and for guards to incur liability it would have to be proven that they had the intent to cause 'great suffering and serious injuries to body or to physical or mental health' of the civilians being transported in the convoy. Ultimately, it was necessary to offer evidence that these consequences, due to the conditions of transport, indeed came about, which too the Prosecution failed to do.

538. With respect to the Accused Željko Stojnić's 'press[ing]... a pistol against... [a civilian's] head' and making threats, the Appellate Panel has already considered this act in the context of the criminal offense of robbery. This Panel finds this charge proven and will take it into account when deciding on the sentence to be imposed on the Accused Stojnić.

539. In view of all the above, the Appellate Panel is not satisfied that the Accused committed persecution by way of other inhumane acts of a similar character as participants in the JCE. If this Panel were to accept the JCE charged in the Indictment,

“[s]uch a considerable expansion of the responsibility of the accused on the basis of JCE would be in complete violation of the fundamental principles of criminal law.”²¹⁰ Conversely, in full compliance with the principle of individual criminal responsibility, each accused is criminally liable for the offense he personally committed and cannot be held responsible for the offenses committed by superiors unless it has been proven that he contributed to the commission of those offenses.²¹¹

XII. SENTENCING

540. In deciding on the sentence for the committed criminal offense, the Appellate Panel was primarily mindful of Article 2 of the CC of BiH, which prescribes that “... the types and the range of criminal sanctions shall be based upon the necessity for criminal justice compulsion and its proportionality with the degree and nature of the danger against personal liberties, human rights and other basic values.”

541. Furthermore, the Appellate Panel was mindful of the purpose of punishment set forth in Article 39 of the CC of BiH, including: “... a) To express the community's condemnation of a perpetrated criminal offense; b) To deter the perpetrator from perpetrating criminal offenses in the future and encourage his rehabilitation; c) To deter others from perpetrating criminal offenses; and d) To increase the consciousness of citizens of the danger of criminal offenses and of the fairness of punishing perpetrators.”

542. Although the legislator prescribed the sentencing range for each individual criminal offense and the court is obligated to impose sentences within that range, and although the legislator prescribed the obligation of every judicial body to be mindful of the purpose of punishment in sentencing, the Panel is also obliged to take into account general principles stipulated in Article 48 of the CC of BiH, as well as all other circumstances bearing on the magnitude of punishment.

543. Accordingly, in deciding on the sentences to be imposed on the Accused in the present case, this Panel was mindful of all the specific circumstances of the case, primarily that it concerns one of the gravest criminal offenses for which there is no statute of

²¹⁰ Verdict of the Appellate Panel of the Court of BiH in the *Vuković et al.* case, No. S1 1 K 006124 11 of 25 January 2012.

²¹¹ Ibid.

limitation, a crime that is punishable both under national and international law, and that according to the applicable national law the punishment for this type of offense is the minimum sentence of ten (10) years of imprisonment or a long-term imprisonment. All of this indicates that 'the degree and nature of the danger' to the protected values is extremely high.

544. Furthermore, this Panel was also mindful of the fact that the accused were found to have acted with discriminatory intent, that is, that the motive for looting and subsequent murder of civilians on the convoy was solely and exclusively their national/ethnic identity.

545. With respect to the circumstances surrounding the commission of this crime, the Appellate Panel is convinced that it exceeds the pattern usually found in offenses of this type. This is particularly the case in relation to the cold-blooded and cruel murder of at least 150 civilian men. Some of the attending elements that point to the cold-blooded nature of the murder include: selection of the site and manner of execution that entailed not only execution by firing squad, but also the fall over the cliff of both the dead and the wounded, with some of them even jumping over the edge of the cliff in an effort to survive the massacre. None of the accused objected or voiced their disagreement with the murder at any point during or after the incident.

546. All of this, in the view of the Appellate Panel, is to be considered in the context of aggravating circumstances on the part of all the Accused. In relation to the Accused Dušan Janković, this Panel considered as an aggravating circumstance on his part the fact that he was an active police officer at the time of the commission of the criminal offense, a person most expected to respect law and order and to protect lives, property and safety of citizens. He violated all his duties and obligations in the most brutal way by allowing for the looting of many civilians on the convoy and the murder of at least 150 men among them. As for the Accused Željko Stojnić, the Appellate Panel is convinced that he displayed a considerable degree of brutality in the looting of civilians, which is to be considered an aggravating circumstance on his part.

547. As for mitigating circumstances on the part of the Accused Zoran Babić, the Appellate Panel was mindful of his health condition, which is reflected in the fact that he is a person with disability using a wheelchair.

548. This Panel did not find any mitigating circumstances in relation to the accused Milorad Škrbić, Dušan Janković and Željko Stojnić. Bearing in mind the nature of the

committed crime that left many families without their closest members, the fact that all of the accused are family men could not be considered as a mitigating circumstance.

549. Finally, this Panel was mindful of the fact that the Accused Škrbić, following the commission of the crime, spent the night with passengers in the broken bus in the woods protecting them from the threat posed by soldiers. However, given that the intention behind it was to secure him an alibi for what he had done earlier that day, this Panel did not consider it as a mitigating circumstance on his part.

550. All of the above, in the view of this Panel, does not leave any room for any sentences other than those of long-term imprisonment.²¹² This Panel was mindful of the fact that each crime must be adequately punished, but in case of a crime of this magnitude, especially for the aggrieved parties and victims' family members, no punishment is sufficient. Still, although each crime that results in the death of even one person is horrific, and in the present case there is a large number of deaths, at least 150, it is necessary to bear in mind that even when it comes to long-term imprisonment there needs to be a certain gradation depending on the role and degree of one's guilt. This applies equally to sentencing in a single multi-accused case and across different cases with different defendants charged with a different set of crimes. Although the crime of which the accused have been found guilty in the present case is extremely grave, there are unfortunately other crimes that resulted in a larger number of victims and that involved superior role of the accused or command responsibility. In light of the sentencing framework prescribed in the law and in line with the principle of fairness in sentencing, it is necessary to leave room for the more culpable perpetrators whose crimes resulted in even more disastrous consequences than those in the present case to be punished more severely.

551. As for the Accused Željko Stojnić, although his role and his acts are essentially not different from the acts of the other Accused, bearing in mind that he was not 21 at the time of the commission of the criminal offense, he cannot be sentenced to long-term imprisonment in accordance with Article 42b.(3) of the CC of BiH.

552. Based on all of the above, the Appellate Panel is satisfied that the sentences of long-term imprisonment for the term of 22 years imposed on the Accused Zoran Babić, the

²¹² Except in relation to the Accused Željko Stojnić, which will be explained separately below.

long-term imprisonment for the term of 21 years imposed on the accused Dušan Janković and Milorad Škrbić, and imprisonment for the term of 15 years imposed on the Accused Željko Stojnić will achieve both general and special deterrence.

XIII. DECISION ON THE COSTS

553. Pursuant to Article 188(4) of the CPC of BiH, given the personal and family circumstances of the accused and their financial standing, this Panel decides to relieve the Accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić of the obligation to pay the costs of the criminal proceedings, which shall be borne by the budget of the Court.

XIV. DECISION ON THE PROPERTY LAW-CLAIMS

554. Pursuant to Article 198(2) and (3) of the CPC of BiH, this Panel refers the aggrieved parties to pursue their property law claims by taking civil action. The aggrieved parties who were heard in the first-instance proceedings did not state their position with respect to pursuing property law claims, as this Panel established by reviewing the record of the first-instance proceedings. The information from the criminal proceedings, in the view of this Panel, does not provide a reliable basis for either full or partial adjudication of this matter. Therefore, the decision contained in the operative part of the Verdict is deemed the most purposeful.

RECORD-KEEPER

Nevena Aličehajić

PRESIDING JUDGE

Mirko Božović

NOTE ON LEGAL REMEDY: No appeal lies from this Verdict.

XV. ANNEX 1

A. PRESENTED EVIDENCE

1. Evidence from the first-instance proceedings

(a) Testimonial evidence

(i) Prosecution witnesses

1. Boško Peulić,
2. Milan Komljenović,
3. Čedo Vukotić,
4. Živorad Pelengić,
5. Radovan Đukarić,
6. Slobodan Udovičić,
7. The accused Zoran Babić,
8. Drago Slavnić,
9. Nenad Krejić,
10. Melisa Bajrić,
11. Witness A,
12. Milivoje Pavičić,
13. Dragomir Marković,
14. Nebojša Pantić,
15. Witness B,
16. Jevto Janković,
17. Jusuf Žerić,
18. Vlado Beben,
19. Witness KS-1,
20. Witness KS-2,
21. Ostoja Barišić,
22. Munib Sivas,
23. Witness K-1,
24. Hakija Elezović,
25. Nedžad Bašić,
26. Sadik Suhonjić,
27. Bekir Mujagić,
28. Husein Jakupović,
29. Berislav Herceg,
30. Witness KO-12,

31. The Accused Damir Ivanković,
32. The Accused Gordan Đurić,
33. Hasan Elkaz,
34. Ranko Mijić,
35. Witness KO-5,
36. Ferid Kovačević,
37. Enes Džaferagić,
38. Witness K-3,
39. Witness KO-7,
40. Erna Kadirić,
41. Šefik Šanta,
42. Luka Gnjatović,
43. Vitomir Lakić,
44. Witness KO-8,
45. Edin Mujadžić,
46. Witness KO-15,
47. Savo Krejić,
48. Witness KA-1,
49. Miljan Zubanović,
50. Velimir Vrabičić,
51. Said Grabić,
52. Witness KO-18.

(ii) Expert witnesses

1. Elwira Ewa Klonowska,
2. Nermin Sarajlić,
3. Ana Bilić,
4. Miroslav Rakočević,
5. Sabiha Silajdžić Brkić

(iii) Witnesses of the Defense for Zoran Babić

1. Milovan Đurđević,
2. Savo Krejić,
3. Marinko Ljepoja,
4. Neđo Vračar,
5. The Accused Zoran Babić

(iv) Witnesses of the Defense for Milorad Škrbić

1. Nenad Stojaković,
2. Radovan Martić,
3. Radenko Stakić,
4. Velid Blažević,
5. Milojko Crnogorac,
6. The Accused Milorad Škrbić,
7. Enes Džaferagić

(v) Witnesses of the Defense for Dušan Janković

1. Rajko Maksić,
2. Brane Topić,
3. Đuro Prpoš,
4. Milutin Čađo,
5. Boško Stupar,
6. Lazar Basrak,
7. Bogoljub Kos,
8. Slobodan Vrhovac,
9. Mladen Stakić,
10. Vinko Kos,
11. Slobodan Brdar,
12. Radovan Rajlić,
13. Jovan Vukoje,
14. Slavko Kovačević,
15. Gorjanka Kovačević,
16. Milan Gavrilović,
17. Milan Kukić,
18. Mario Trontelj,
19. Dragica Delić,
20. Radovan Kečan,
21. Mirko Zlojutro,
22. Vaso Škondrić,
23. Vukan Prodan,
24. Živko Kos,

25. Zdravko Torbica,
26. Ratko Radić,
27. Marko Đenadija,
28. Vladimir Šobot.

(vi) Witnesses of the Defense for Željko Stojnić

1. Elvir Hadžimuratović,
2. The Accused Željko Stojnić

(b) Documentary evidence

(i) Prosecution documentary evidence

T-1 - Record of the interview with witness Boško Peulić, No. KT-RZ-48/06 dated 27 March 2008;

T-2 - Interim report, operations number 21/8, Command of the 22nd Light Infantry Brigade dated 21 June 1992;

T-3 - Record of the interview with witness Milan Komljenović, No. KT-RZ-48/06 dated 27 March 2008;

T-3a - Journal;

T-4 - Record of the interview with witness Čedo Vuković, No. KT-RZ-48/06 dated 28 March 2009;

T-5 - Record of the interview with witness Živorad Pelengić, No. KT-RZ-48/06 dated 28 March 2009;

T-6 - Record of the interview with witness Radovan Đukarić, No. KT-RZ-48/06 dated 25 March 2009;

T-7 - Record of the interview with witness Slobodan Udovičić, No. KT-RZ-48/06 dated 28 March 2008;

T-8 - Record of the interview with witness Zoran Babić, No. KT-RZ-48/06 dated 27 April 2006;

T-9 - Record of the interview with witness Drago Slavnić, No. KT-RZ-48/06 dated 3 April 2005;

T-10 - Record of the interview with witness Nenad Krejić, No. KT-RZ-48/06 dated 27 March 2008;

T-11 - Record of the interview with witness Melisa Bajrić, No. KT-RZ-48/06 dated 18 July 2008;

- T-12 - Record of the interview with witness A, No. KT-RZ-48/06 dated 6 April 2006;
- T-13 - Record of the interview with witness Milivoje Pavičić, No. KT-RZ-48/06 dated 24 April 2006;
- T-14 - Record of the interview with witness Dragomir Marković, No. KT-RZ-48/06 dated 19 May 2008;
- T-15 - Record of the interview with witness Nebojša Pantić, No. KT-RZ-48/06 dated 7 May 2008;
- T-16 - Record of the interview with witness B, No. KT-RZ-48/06 dated 13 March 2008;
- T-17 - Record of the interview with witness Jevto Janković, No. KT-RZ-48/06 dated 7 May 2008;
- T-18 - Record of the interview with witness Jusuf Žerić, No. KT-RZ-48/06 dated 22 October 2008;
- T-19 - Record of the interview with witness Vlado Beben, No. KT-RZ-48/06 dated 4 April 2006;
- T-20 - Record of the interview with witness KS-1, No. KT-RZ-48/06 dated 26 March 2008;
- T-21 - Record of the interview with witness KS-1, No. KT-RZ-48/06 dated 13 August 2008;
- T-22 - Record of the interview with witness KS-2 dated 26 March 2008;
- T-23 - Record of the interview with witness KS-2 dated 13 August 2008;
- T-24 - Record of the interview with witness KS-2 dated 9 July 2008;
- T-25 - Record of the interview with witness Ostoja Barišić, No. KT-RZ-48/06 dated 25 March 2008;
- T-26 - Record of the interview with witness Munib Sivac, No. KT-RZ-48/06 dated 15 July 2008;
- T-27 - Record of the interview with witness K-1, No. KT-RZ-48/06 dated 26 June 2008;
- T-27a - Record of the interview with witness K-1, No. KT-RZ-48/06 dated 30 October 2008;
- T-28 - Record of the interview with witness Hakija Elezović, No. KT-RZ-48/06 dated 6 April 2006;
- T-29 - Record of the interview with witness Nedžad Bašić, No. KT-RZ-48/06 dated 26 March 2008;
- T-30 - Record of the interview with witness Sadik Suhonjić, No. KT-RZ-48/06 dated 5 April 2006;

T-31 - Record of the interview with witness Bekir Mujagić, No. KT-RZ-48/06 dated 12 March 2008;

T-32 - Record of the interview with witness Husein Jakupović, No. KT-RZ-48/06 dated 12 June 2008;

T-33 - Record of the interview with witness Berislav Herceg, No. KT-RZ-48/06 dated 15 May 2008;

T-34 - Record of the interview with witness KO-12, No. KT-RZ-48/06 dated 17 October 2008;

T-35 - Record of the interview with witness (Accused) Damir Ivanković, No. KT-RZ-48/06 dated 16 June 2009;

T-35a, b and c - 3 photographs

T-36 - Record of the interview with witness Gordan Đurić, No. KTA-RZ-120/07 dated 3 July 2009;

T-37 - Record of the interview with witness Hasan Elkaz dated 16 October 2008;

T-38 - Record of the interview with witness Ranko Mijić dated 25 March 2008 and 4 December 2008;

T-39 - Record of the interview with witness KO-5 dated 16 July 2008;

T-40 - Record of the interview with witness Ferid Kovačević dated 20 October 2009;

T-41 - Record of the interview with witness Enes Džaferagić dated 15 August 2009;

T-42 - Record of the interview with witness K-3 dated 18 December 2009;

T-43 - Record of the interview with witness (Accused) Gordan Đurić dated 31 August 2009;

T-44 - Record of the interview with protected witness KO-7;

T-45 - Record of the interview with witness Erna Kadirić dated 24 December 2009;

T-46 - Record of the interview with witness Šefik Šanta dated 17 July 2008;

T-47 - Record of the interview with witness Luka Gnjatović dated 21 March 2006;

T-48 - Record of the interview with witness Vitomir Lakić dated 22 March 2006;

T-49 - Record of the interview with witness KO-8 dated 16 July 2008;

T-50 - Record of the interview with witness Edin Mujadžić dated 14 July 2008;

T-51 - Death certificate for Enver Arifagić;

T-52 - Death certificate for Rasim Avdić;
T-53 - Death certificate for Šerif Bajrić;
T-54 - Death certificate for Zafir Bašić;
T-55 - Death certificate for Rasim Bašić;
T-56 - Death certificate for Nihad Bešić;
T-57 - Death certificate for Suvad Bešlagić;
T-58 - Death certificate for Besim Čaušević;
T-59 - Death certificate for Hilmija Ćustić;
T-60 - Death certificate for Ismet Ćustić;
T-61 - Death certificate for Admir Dergić;
T-62 - Death certificate for Edin Elezović;
T-63 - Death certificate for Emir Elezović;
T-64 - Death certificate for Hajrudin Elezović;
T-65 - Death certificate for Jasim Fazlić;
T-66 - Death certificate for Mirsad Fazlić;
T-67 - Death certificate for Kemal Garibović;
T-68 - Death certificate for Osman Hasanagić;
T-69 - Death certificate for Ismet Hirkić;
T-70 - Death certificate for Rifet Hirkić;
T-71 - Death certificate for Midhet Hodžić;
T-72 - Death certificate for Ahmet Hodžić;
T-73 - Death certificate for Hajro Ičić;
T-74 - Death certificate for Armin Jakupović;
T-75 - Death certificate for Sakib Kljajić;
T-76 - Death certificate for Himzo Marošlić;
T-77 - Death certificate for Ejub Medić;

T-78 - Death certificate for Asmir Memić;

T-79 - Death certificate for Idriz Muratčehajić;

T-80 - Death certificate for Nihad Memić;

T-81 - Death certificate for Husein Mujkanović;

T-82 - Death certificate for Senad Mujkanović;

T-83 - Death certificate for Mehmed Muratčehajić;

T-84 - Death certificate for Bajazid Saldumović;

T-85 - Death certificate for Nedžad Zulić;

T-86 - Death certificate for Šerif Blažević;

T-87 - Decision of the Prijedor Basic Court declaring death of Šerif Blažević;

T-88 - Record of the Prijedor Basic Court on declaring death of Šerif Blažević;

T-89 - Death certificate for Fadil Blažević;

T-90 - Decision of the Prijedor Basic Court declaring death of Fadil Blažević;

T-91 - Record of the Prijedor Basic Court on declaring death of Fadil Blažević;

T-92 - Death certificate for Almir Fazlić;

T-93 - Decision of the Prijedor Basic Court declaring death of Almir Fazlić;

T-94 - Record of the Prijedor Basic Court on declaring death of Almir Fazlić;

T-95 - Death certificate for Seid Vehabović;

T-96 - Death certificate for Edin Fazlić;

T-97 - Death certificate for Elvin Kauković;

T-98 - Death certificate for Ahmo Krkić in the Ivanković case (to the name Ahmed);

T-99 - Record on the inspection of dead bodies at Korićanske Stijene (T56)

T-100 - Copy of the photo-documentation depicting remains of bones found at Korićanske Stijene;

T-101 - Copy of the photo-documentation depicting human skeletal remains at Korićanske Stijene;

T-102 - Copy of the photograph;

- T-103 - List of all Intervention Platoon members (including the names of protected witnesses);
- T-104 - List of members of the Prijedor police force, payroll list
- T-105 - Report on the overtime work of the Prijedor SJB (in English);
- T-106 - List of all reserve component members;
- T-107 - List of the members of the Reserve Police for July 1992 /employed/;
- T-108 - List of the members of the Reserve Police for July 1992 /unemployed/;
- T-109 - Objection to the salary calculation by Miroslav Paraš;
- T-110 - List of employees of the Prijedor SJB authorized to issue police ID cards dated 13 August 1992 (certified copy of the ICTY exhibit);
- T-111 - Copy of the list of the Prijedor SJB employees certified by the ICTY;
- T-112 - List of the unemployed members of the Prijedor SJB (ICTY exhibit);
- T-113 - List of the members of the reserve component of the Prijedor SJB for September 1992 (ICTY exhibit);
- T-114 – List of military conscripts, employees of the Prijedor SJB from September (ICTY exhibit)
- T-115 - Original military ID card for Zoran Babić;
- T-116 - Certified copy of the application to the RS Ministry of Interior vacancy to the name of Zoran Babić;
- T-117 - Certified copy of a certificate issued to the name of Zoran Babić - Ministry of Defense Prijedor;
- T-118 - Request for issuance of certificate to the name of Zoran Babić;
- T-119 - Certificate for Zoran Babić, sent for field training in the Prijedor SJB;
- T-120 - Certificate of completed course issued to Zoran Babić;
- T-121 - Certificate on passed professional exam issued to Zoran Babić;
- T-122 - Decisions of the Ministry of Interior, Sarajevo issued to the name of Zoran Babić, assigned to the Prijedor CJB;
- T-123 - Certified copy of the personal questionnaire for Zoran Babić;
- T-124 - Decision of the Ministry of Interior, Sarajevo, RS dated 20 October 1995 on the promotion of Zoran Babić;

T-125 - War service recognition certificate issued by the Ministry of Defense, Prijedor dated 4 December 2002 to Zoran Babić;

T-126 - Decision of the RS Pension and Disability Insurance fund, Prijedor branch office dated 26 March 2004;

T-127 - Decision of the RS Ministry of Interior dated 13 May 2004;

T-128 - Photograph of the JNA soldier, Zoran Babić;

T-129 and T-129a - Master file and Unit record for Zoran Babić;

T-131 and T-131a - Certified copy of the master file and unit record for Milorad Škrbić;

T-132 - Original military ID for Ljubiša Četić;

T-133 - Document issued by the Banja Luka SB dated 12 February 2004 with the record on exhumation;

T-134 - Copy of photo documentation of the Ministry of Interior, Bihać on exhumation of four bodies of unknown persons, dated 3 October 2003;

T-135 - Autopsy report for Seid Vehabović;

T-136 - Autopsy report for Edin Fazlić;

T-137 - Record on re-autopsy for Elvin Kauković;

T-138 - Record on re-autopsy for Ahmed Krkić;

T-139 - Decision issued by the CSB dated 17 June 1992 to the name of Dušan Janković;

T-140 - Questionnaire of the home office for Dušan Janković dated 29 December 1992, Prijedor;

T-141 - Decision of the Ministry of Interior, Bijeljina issued to the name of Dušan Janković dated 27 October 1993;

T-142 - Decision of the RS Ministry of Interior, Sarajevo issued to the name of Dušan Janković dated 3 November 1993;

T-143 - Decision of the RS Ministry of Interior, Sarajevo issued to the name of Dušan Janković dated 27 December 1993;

T-144 - Decision of the RS Ministry of Interior, Sarajevo issued to the name of Dušan Janković dated 27 May 1994;

T-145 - Personal questionnaire of the Ministry of Interior for Dušan Janković dated 15 October 1994 designating him as the commander of the Ministry of Interior;

T-146 – Personal questionnaire of the Ministry of Interior, Prijedor SJB, for Dušan Janković dated 19 October 1995;

T-147 - Decision on allocation of rank dated 20 October 1995 related to Dušan Janković;

T-148 - Decision of the RS Ministry of Interior issued to the name of Dušan Janković dated 24 April 1996;

T-149 - Decision of the RS Ministry of Interior on promoting Dušan Janković to a higher rank from 1997;

T-150 - Certificate of the Ministry of Interior, Prijedor CJB issued to the name of Dušan Janković dated 14 April 1997;

T-151 - Decree on decoration issued to the name of Dušan Janković (ICTY exhibit);

T-152 - Supplementary information to the Decree on decoration dated 26 April 1995 (ICTY exhibit); this exhibit also refers to Dušan Janković;

T-153 - Miloš Obilić's Order;

T-154 and T-154a - Master file and Unit record for Dušan Janković;

T-155 - Decision of the RS Ministry of Interior issued to the name of Željko Stojnić dated 1 September 1990;

T-156 - Decision of the RS Ministry of Interior, Sarajevo issued to the name of Željko Stojnić dated 1 October 1994;

T-157 - Personal questionnaire of the Ministry of Interior, Prijedor SJB for Željko Stojnić dated 14 September 1995;

T-158 - Proposal for special promotion, Ministry of Interior, Prijedor to the name of Željko Stojnić dated 23 October 1995;

T-159 - Decision on special promotion for Željko Stojnić dated 20 October 1995;

T-160 and T-160a - Master file and Unit record of the Prijedor SJB for Željko Stojnić;

T-161 - Combat report of the 1st Krajina Corps Command dated 22 August 1992;

T-162 - Regular combat report of the 1st Krajina Corps Command dated 22 August 1992;

T-163 - Dispatch note dated 1 September 1992, Prijedor SJB;

T-164 - Dispatch note of the Banja Luka CJB dated 11 September 1992 (ICTY exhibit);

T-165 - Dispatch note of the Banja Luka CJB dated 14 September 1992 (ICTY exhibit);

T-166 - Dispatch note of the Banja Luka SJB dated 7 October 1992 (ICTY exhibit);

T-167 - Coded dispatch note of Banja Luka SJB dated 13 October 1992 (ICTY exhibit);

T-168 - Criminal report against unknown perpetrators, Banja Luka SJB dated 8 September 1992 (ICTY exhibit);

T-169 - Proposal for undertaking investigative actions, Banja Luka dated 8 September 1992 (ICTY exhibit);

T-170 - Document of the Banja Luka Basic Court dated 24 September 1992 (ICTY exhibit);

T-171 - Request of the Banja Luka Public Prosecutor's Office dated 30 September 2009;

T-172 - Document issued by the 1st Krajina Corps Command dated 16 October 1992 (ICTY exhibit)

T-173 - Instruction for the Organization and Activity of the Organs of the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances dated 19 December 1991 (ICTY exhibit)

T-174 - RS Official Gazette containing Decision on the Strategic Goals of the Serb People in Bosnia and Herzegovina dated 9 May 1992;

T-175 - Order of the Chief of Prijedor SJB from 1992;

T-176 - Dispatch note of the Banja Luka SJB dated 21 August 1992;

T-177 - Information on the execution of conclusions and decisions of the Executive Board of the Prijedor SJB dated 3 September 1992 (ICTY exhibit);

T-178 - Report on the work of Prijedor SJB from January 1993 (ICTY exhibit);

T-179 - Excerpt from the criminal record of Damir Ivanković dated 4 August 2008;

T-180 - Excerpt from the criminal records dated 15 September 1992;

T-181 - Excerpt from the criminal record of Ljubiša Četić dated 15 October 2008;

T-182 - Excerpt from the criminal record of Milorad Radaković dated 15 October 2008;

T-183 - Record of the interview with suspect Zoran Babić dated 28 May 2008;

T-184 - Record of the interview with suspect Milorad Radaković dated 14 October 2008;

T-185 - Record of the interview with suspect Milorad Škrbić dated 15 October 2008;

T-186 - Record of the interview with Ljubiša Četić dated 14 October 2008;

T-187 - Record of the interview with suspect Dušan Janković dated 27 May 2008;

T-188 - Record of the interview with suspect Željko Stojnić dated 30 May 2008;

T-189 - Forensic report of expert witness Sabiha Silajdžić Brkić;

T-190 - Record on exhumation, Cantonal Court Travnik and photo documentation of the Central Bosnia Canton from 2003 with the sketch of the site from 2003;

T-191 - Photo documentation of the Central Bosnia Canton Ministry of Interior, Inspection of bones exhumed from the Visoko cemetery – Korićanske Stijene;

T-192 - DNA report for Rasim (son of Sulejman) Avdić dated 24 November 2003;

T-193 - DNA report for Ahmet (son of Hamdija) Blažević dated 24 November 2003;

T-194 - DNA report for Mustafa (son of Edhem) Blažević dated 2 March 2004;

T-195a, b and c - DNA report for Zijada (son of Ibrahim) Čejvan dated 13 November 2003;

T-196 - DNA report for Hajrudina (son of Salih) Elezović dated 10 November 2003;

T-197 - DNA report for Jasmin (son of Hajrudin) Elezović dated 3 June 2005;

T-198 - DNA report for Mirsad (son of Hasan) Gutić dated 8 November 2003;

T-199 - DNA report for Šefik (son of Husein) Hirkić dated 26 November 2003;

T-200 - DNA report for Zuhdiye (son of Meho) Kadirić dated 14 September 2004;

T-201a, b, c and d - DNA reports for Abaz (son of Omer) Kulašić dated 24 November, 8 November and 8 March 2003;

T-202a, b and c - DNA reports for Himzo (son of Ibro) Marošlić dated 6 May, 8 March and 8 December 2003;

T-203 and T-203a - DNA report for Alija (son of Bećo) Mehmedagić dated 8 December 2003;

T-204 and T-204a - DNA reports for Himzo (son of Omer) Mrkalj dated 16 April and 13 February 2004;

T-205 - DNA report for Mirsad Muratčehajić dated 6 May 2003;

T-206a and b - DNA report for Merzuk (son of Ibrahim) Sivac dated 21 January 2003;

T-207 and T-207a - DNA report for Kasim Sivac dated 18 February 2005;

T-208 - DNA report for Omer Šljivar dated 8 November 2003;

T-209 - DNA report for Sakib Trnjanjin dated 11 February 2005;

T-210 and T-210a - DNA reports for Nedžad Zulić dated 11 December and 2 December 2003;

T-211 and T-211a - DNA reports for Emir and Edin (sons of Muharem) Elezović dated 8 November 2003;

T-212 and T-212a - DNA reports for Edin and Nedžad Sivac dated 6 May 2004;

T-213 - Record of the interview with witness KO-15 and photo album no. KT-RZ-48/06 dated 19 December 2008;

T-214 - Record of the interview with Ljubiša Četić, No. KTA-RZ-48/06 dated 9 March 2010;

T-215 - Dispatch note of the Banja Luka CJB Chief Stojan Župljanin, No. 11-1/01-55 dated 18 August 1992 (certified by the ICTY)

T-216 - Dispatch note sent by Stojan Župljanin to all police stations, No. 11-1/02-1-301 dated 31 July 1992 (copy with the ICTY certification);

T-217 - Dispatch note of the Banja Luka CJB sent by Stojan Župljanin on 15 May 1992, No. 11-1/01-38 (certified by the ICTY);

T-218 - Conclusions of the Ministry of Interior, Sarajevo sent to Prijedor SJB, No. 11-12 dated 11 May 1992 (certified by the ICTY);

T-219 - Excerpt from the criminal record, Prijedor SJB, No. 11-12-120-63-5/92 dated 20 August 1992 (copy with the ICTY certification);

T-220 - Order and dispatch note of the Minister of Interior on custody measures and instruction on collection centers dated 10 August 1992 (certified by the ICTY);

T-221 - Dispatch note of the Public Security Station, No. 11-12-2169 pertaining to engagement of 300 police officers for daily security of collection centers Keraterm and Omarska dated 1 August 1992 (certified by the ICTY);

T-222 - Excerpt from the criminal record for Branislav Gavranović dated 24 July 1992;

T-223 - Work report for first six months of 1992 – chronology of all events (certified by the ICTY)

T-224 - Response to the dispatch note, No. 11-12-2057 dated 12 June 1992 (certified by the ICTY);

T-225 - Bulletin of the Prijedor CJB from November 1994 (certified by the ICTY);

T-226 - Dispatch note of the Bosanska Dubica SJB, No. 11-4/01-262/92 dated 19 June 1992 sent to the Prijedor SJB (certified by the ICTY);

T-227 - Dispatch note dated 19 June 1992 (certified by the ICTY);

T-228 - Dispatch note of the Prijedor SJB, No. 11-12-2089 dated 29 June 1992 (certified by the ICTY);

T-229 - Rulebook on systematization lacking a signature, No. 11-12 dated 23 October 1992 (certified by the ICTY);

T-230 - Signed rulebook on internal organization and systematization of the Prijedor SJB, No. 11-12-117 dated 23 October 1992 (certified by the ICTY);

- T-231 - Official Gazette no. 2/92 with Order of Dr Milomir Stakić, No. 02-11-215/92 dated 17 June 1992 on establishing the Intervention Platoon (certified by the ICTY);
- T-232 - Request of the professional service of the Prijedor Municipal Assembly, No. 02-111-236/92-2 dated 30 June 1992 addressed to Simo Drljača (certified by the ICTY)
- T-233 - Information on the implementation of the Crisis Staff conclusions, No. 11-12Y-24 dated 1 July 1994 (certified by the ICTY);
- T-234 - Information on the implementation of the Crisis Staff conclusions, No. 02-111-236/92-3 from July 1992 (certified by the ICTY);
- T-235 - Order of the Prijedor Crisis Staff on fuel provisioning dated 6 June 1992 (certified by the ICTY);
- T-236 - Information sent by the shift commander Milan Gavrilović to the Chief of Prijedor CJB dated 14 June 1992 (certified by the ICTY);
- T-237 - Statement of witness KA-1 dated 18 June 2009;
- T-238 - Record of the interview with witness Miljan Zubanović dated 15 September 2009;
- T-239 - Record of the interview with witness Velimir Vrabčić dated 28 August 2009;
- T-240 - Response to the Dispatch note, No. 11-1-01-51 dated 4 June 1992, number 11-12-2-2042 – Response concerns the composition of the Prijedor station on 5 June 1992 (certified by the ICTY);
- T-241 - Copy of the list of the Prijedor police station employees – those who have signed the solemn declaration and those who have not – dated 29 May 1992, the name of Dušan Janković is listed under number 23 (certified by the ICTY);
- T-242 - Dispatch note no. 11-12-2031 dated 29 May 1992, responding to the query from the Prijedor SJB dispatch note (certified by the ICTY);
- T-243 - Copy of the SJB Prijedor dispatch note, No. 11-12-2304 dated 29 September 1992 (certified by the ICTY);
- T-244 - Information no. 11-12-38 dated 4 August 1992 (certified by the ICTY);
- T-245 - Copy (in BCS and English) of the Order of the SR BiH Autonomous Region of Krajina Crisis Staff, No. 02-111-215/92 dated 17 June 1992 (certified by the ICTY)
- T-246 - Order of the 1st Krajina Corps Commander, No. 11-1/01 dated 8 September 1992 (in BCS and English, certified by the ICTY);
- T-247 - Dispatch note no. 11-12-1873 dated 30 April 1992, Simo Drljača's response to the dispatch note dated 29 April 1992 (certified by the ICTY);
- T-248 - Report to the SR BiH on the work of the Security services center, July 1992, signed by the Banja Luka CSB Chief, Stojan Župljanin (certified by the ICTY);

T-249 - Report no.11-169 dated 30 July 1992 (certified by the ICTY);

T-250 - Personal questionnaire signed by Milutin Čađo, certified copy, his progress in service is described on pg. 2;

T-251 - Record no. 7/02 dated 9 March 2002 composed by Milutin Čađo;

T-252 - Response to the Prosecution request no. 60/10 dated 11 June 2010 to provide material from the Prijedor SDS archives (original);

T-252a - Request of the Prosecutor's Office of BiH sent to the SDS, No. KT-RZ-48/06 dated 10 June 2010 (original);

T-253 - Dispatch note of the Banja Luka CSB, No. 11-1/01-69 dated 25 August 1992;

T-254 - Record of the interview with Said Grabić, No. 17-04/2-2-04-2-1301/08 dated 25 December 2008;

T-255 - Order of the Court of BiH, No. X-KRN-09/752 dated 16 July 2009;

T-256 - Order of the Cantonal Prosecutor's Office, Travnik no. KTA-1/09-RZ dated 17 July 2009, order for execution;

T-257 - Photo documentation made by the Ministry of Interior, Travnik on exhumation carried out at the location of Donji Korićani, Skender Vakuf/Kneževo upon the above referenced orders (T-255 and T-256);

T-258 - Order for execution based on the Court of BiH Order rendered by the Travnik Prosecutor's Office, No. KTA-1/09-RZ dated 9 September 2009;

T-259 - Order of the Cantonal Prosecutor's Office, Travnik no. KTA-1/09-RZ dated 22 September 2009;

T-260 - Report on the examination of bodies exhumed at Korićanske Stijene dated 6 November 2009, attached to which are records on the handover of mortal remains dated 19 October 2009, 6 October 2009 and 5 October 2009;

T-260a - Addendum to the handover dated 19 October 2009, 154 samples handed over;

T-260b - Addendum to the handover dated 6 October 2009, 44 samples handed over;

T-260c - Addendum to the handover dated 5 October 2009, 170 samples handed over for DNA analysis;

T-261 - Order of the Cantonal Prosecutor's Office, Travnik KTA-1/09-RZ dated 18 August 2010;

T-262 - Order of the Cantonal Prosecutor's Office, Travnik KTA-1/09-RZ dated 17 September 2010;

T-263 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Ferid (son of Karanfil) Žejić dated 22 September 2010;

T-264 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Fikreta (son of Himzo) Blažević dated 22 September 2010;

T-265 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Sead (son of Adem) Bešić dated 22 September;

T-266 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Enver (son of Avdo) Arihagić dated 22 September 2010;

T-267 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Osman (son of Husein) Mehmedagić dated 22 September 2010;

T-268 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Uzeir (son of Muharem) Kahrimanović dated 22 September 2010;

T-269 - Autopsy report composed upon the Exhumation order no. KTA-1/09-RZ for Ekrem (son of Zuhdija) Velić dated 22 September 2010.

(ii) Documentary evidence of the Defense for the Accused Zoran Babić

O-I-1 Discharge papers for Zoran Babić from the Military Hospital dated 17 October 1996 and Discharge papers from the Belgrade Military Hospital dated 30 April 1996;

O-I-2 Findings of the specialist doctor for Zoran Babić issued by the Military Hospital on 16 October 2000;

O-I-3 Findings of the specialist doctor for Zoran Babić issued by the Military Hospital on 7 May 2001;

O-I-4 Discharge papers for Zoran Babić issued by the Prijedor hospital dated 10 September 2007;

O-I-5 Findings of the specialist doctor for Zoran Babić issued by the Banja Luka clinic;

O-I-6 Discharge papers for Zoran Babić issued by the Banja Luka clinic dated 15 October 2007;

O-I-7 Findings and opinion of the medical review board dated 25 December 2003 to the name of Zoran Babić;

O-I-8 Decision dated 21 February 2005 recognizing Zoran Babić's status as a disabled person.

(iii) Documentary evidence of the Defense for the Accused Milorad Škrbić

O-III-1 - Death certificate for Lazarka Škrbić dated 4 December 2009;

O-III-2 - Discharge papers from the Prijedor Hospital, no. 3/95 dated 3 February 1995;

O-III-3 - Findings and opinion of the Military Hospital Center – Prijedor garrison no. 1664/3755 dated 12 September 1995;

O-III-4 - Finding and opinion of the Prijedor General Hospital no. 3705 dated 12 September 1995;

O-III-5 - Findings and opinion, Military Post 394/395 dated 7 February 1995;

O-III-6 - Referral to the Military Post 7081 dated 8 August 1994;

O-III-7 - Findings and opinion, Military Post 7362 no. 2118/94 dated 10 August 1994;

O-III-8 - Referral to the Military Post 7362, no. 5522 dated 12 December 1984;

O-III-9 - Admittance sheet for outpatient treatment in the Prijedor hospital dated 3 December 2009;

O-III-10 - Admittance sheet for outpatient treatment in the Prijedor hospital dated 20 November 2009;

O-III-11 - Admittance sheet for outpatient treatment in the Prijedor hospital dated 30 September 2008;

O-III-12 - Finding and opinion of Dr Zorica Lazarević.

(iv) Documentary evidence of the Defense for the Accused Dušan Janković

O-IV-1 - Rulebook on internal organization of the Republic Secretariat of Interior, Prijedor SJB dated 29 January 1992;

O-IV-2 - Dispatch note of the Prijedor SJB dated 26 July 1991;

O-IV-3 - Dispatch note of the Ministry of Interior, Prijedor SJB dated 31 July 1991;

O-IV-4 - Dispatch note of the Prijedor SJB dated 1 August 1991;

O-IV-1 - Copy of the Dispatch note of the Prijedor SJB dated 1 August 1992 (certified by the ICTY);

O-IV-5 - Dispatch note of the Ministry of Interior dated 19 August 1991 pertaining to appointment of Dušan Janković to head the Prijedor SJB (certified by the ICTY);

O-IV-6 - Information of the Federation Ministry of Interior, No. 07-07/1-34-1/243 dated 6 April 2010;

O-IV-7 - Information of the Federation Ministry of Interior, No. 01-219 dated 30 April 2010;

O-IV-7a - Decision of the Federation Ministry of Interior on access to information, No. 01-03-49-1-1138 dated 27 April 2010;

O-IV-7b - Decision of the Republic Secretariat of Interior, No. 99/4-120-1/117 dated 9 January 1991;

O-IV-7c - Decision of the RBiH Ministry of Interior dated 17 July 1995;

O-IV-7d - Decision of the RS Ministry of Interior, Security Services Center, No. 11-120-1/1376 dated 17 June 1992;

O-IV-8 - Minutes of the 33rd session of the SR BiH Presidency dated 19 September 1991, No. 02-011-881/91, at which the decision on mobilization was adopted (certified by the ICTY);

O-IV-9 - Dispatch note of the Prijedor SJB, No. 11-12-4013 dated 20 September 1991 (certified by the ICTY);

O-IV-10 - Dispatch note of the Prijedor SJB, No. 11-12-4014 dated 20 September 1991 (certified by the ICTY);

O-IV-11 - Dispatch note of the Prijedor SJB, No. 11-12-4012 dated 20 September 1991 (certified by the ICTY);

O-IV-12 - Dispatch note of the Banja Luka CSB, No. 11-1/08-269 dated 18 September 1991 (certified by the ICTY);

O-IV-13 - Information of the Prijedor SDS Municipal Board, no. 32/10 dated 18 March 2010;

O-IV-14 - Submission of data by the RS Ministry of Interior, No. 08-1-10/02-KU-104/93 dated 2 December 2009;

O-IV-15 - Submission of data by the Banja Luka District Prosecutor's Office, Prijedor branch, no. KTN-87/93 dated 10 December 2009;

O-IV-16 - Decision of the RS Ministry of Interior, No. 09-6492 dated 27 December 1993 (tendered into the record as Prosecution exhibit T-143);

O-IV-17 - Decision of the RS Ministry of Interior, No. 09-6731 dated 27 May 1994 (Prosecution exhibit T-144);

O-IV-18 - Decision of the RS Ministry of Interior, Bijeljina no. 09/3-120-1110 dated 24 April 1996 (Prosecution exhibit T-148);

O-IV-19 - Decision of the RS Ministry of Interior, Bijeljina no. 01-01-39/97 dated 19 September 1997;

O-IV-20 - Decision of the RS Ministry of Interior, Bijeljina no. 06/3-120858 dated 8 April 1998;

O-IV-21 - Decision of the RS Ministry of Interior, Banja Luka no. 03/1-2-120-10020 dated 31 December 1999;

O-IV-22 - Decision of the RS Ministry of Interior, Banja Luka no. 03/1-2-126- 424 dated 3 September 2001;

O-IV-23 - Master file for Dušan Janković (Prosecution exhibit T-154) (uncertified copy)

O-IV-23a - Unit record for Dušan Janković (Prosecution exhibit T-154a)

O-IV-24 - Letter of the Prijedor SJB, no. 08-1-10/02-2-23-235/49-36/08 dated 4 August 2008 (Prosecution exhibit T-179);

O-IV-25 - List of all Intervention Platoon members (Prosecution exhibit T-103);

O-IV-26 - List of all reserve component members for July 1992 (Prosecution exhibit T-106)

O-IV-27 - List of reserve police members for July 1992 /unemployed/ (Prosecution exhibit T-107) (certified by the ICTY);

O-IV-28 - List of reserve police members for August /unemployed/ in the Prijedor-Centar reserve police station (Prosecution exhibit T-111);

O-IV-29 - List of police members for September 1992 /unemployed/ (Prosecution exhibit T-112) (certified by the ICTY);

O-IV-30 - List of reserve police members for November 1992 /unemployed/ (certified by the ICTY);

O-IV-31 - List of reserve police members for December 1992 /unemployed/ (certified by the ICTY);

O-IV-32 - Dispatch note of the Prijedor SJB, No. 11-12-460/92 dated 28 May 1992 (certified by the ICTY);

O-IV-33 - Dispatch note of the Prijedor SJB, operations duty no. 11-12-2136 dated 18 July 1992 (certified by the ICTY);

O-IV-34 - Dispatch note of the Prijedor SJB, No. 11-12-2138 dated 19 July 1992 (certified by the ICTY);

O-IV-35 - Dispatch note of the Prijedor SJB, No. 11-12-2104 dated 5 July 1992 (certified by the ICTY);

O-IV-36 - Dispatch note of the Banja Luka CSB, No. 11-1-01-OD-439 dated 19 August 1992 (certified by the ICTY);

O-IV-37 - Dispatch note of the Prijedor SJB, No. 11-12-2207 dated 20 August 1992 (certified by the ICTY);

O-IV-38 - Dispatch note of the 22nd Light Infantry Brigade, no. 43/4 dated 21 August 1992;

O-IV-39 - Circular dispatch note of Banja Luka CSB, No. 11-1/02-2-345 dated 11 September 1992 (Prosecution exhibit T-164) (certified by the ICTY);

O-IV-40 - Dispatch note of the Prijedor SJB, No. 11-12-2267 dated 14 September 1992 (Prosecution exhibit T-165) (certified by the ICTY);

O-IV-41 - Dispatch note of the Banja Luka CSB, No. 11-1/02-2-370 dated 7 October 1992 (Prosecution exhibit T-166) (certified by the ICTY);

O-IV-42 - Criminal report of the Banja Luka CSB, No. 11-1/02-230 dated 8 September 1992 (Prosecution exhibit T-168) (certified by the ICTY);

O-IV-43 - Proposal of the Banja Luka District Prosecutor's Office, No. KTN-2293/92 dated 14 September 1992 (Prosecution exhibit T-169) (certified by the ICTY);

O-IV-44 - Letter of the investigative judge of the Banja Luka Basic Court dated 24 September 1992 (Prosecution exhibit T-170) (certified by the ICTY);

O-IV-45 - Request of the Banja Luka District Prosecutor's Office, No. KTN 2293/92 dated 30 September 1992 (Prosecution exhibit T-171) (certified by the ICTY);

O-IV-46 - Record on the forensic examination of the locality of Korićanske Stijene dated 31 August 1992 (Prosecution exhibit T-99);

O-IV-47 - Dispatch note of the Banja Luka CSB, No. 11-1-01/67 dated 21 August 1992 (Prosecution exhibit T-176) (certified by the ICTY);

O-IV-48 - Report of the Chief of the Prijedor SJB, No. 11-12-13 dated 3 September 1992 (Prosecution exhibit T-178);

O-IV-49 - Questionnaire pertaining to Dušan Janković dated 29 December 1992 (Prosecution exhibit T-140);

O-IV-50 - Information from the Public Security Station, excerpts from the criminal records for Četić, Radaković and Škrbić, No. 08-1-10/02-2-23-235/49-104/08 dated 15 October 2008 (Prosecution exhibit T-180);

O-IV-51 - Information from the RS Ministry of Interior, No. 02/2-3-04-8-2/4263/08 dated 15 October 2008 indicating that Četić has been convicted in 4 different proceedings;

O-IV-52 - Dispatch of the Prijedor SJB, No. 11-12-97 dated 10 February 1993 (certified by the ICTY);

O-IV-53 - Dispatch notes of the Prijedor SJB certified by the Hague Tribunal, a total of 32 dispatch notes;

O-IV-54 - 6 dispatch notes

- no. 331 dated 26 September 1991 on activating the reserve police component;
- Dispatch note of the Prijedor SJB dated 5 August 1992;
- Excerpt from the law on all-people's defense;
- Act of the reserve police component, list for Omarska;
- Dispatch note of the Prijedor SJB dated 21 August 1992;
- Dispatch note of the Prijedor SJB dated 21 August 1992 signed by Drljača sent to the Banja Luka CSB.

O-IV-55 - 14 dispatch notes

- Dispatch note addressed to all chiefs of the public security stations;
- Dispatch of the Banja Luka CSB addressed to all chiefs of the SJB, circulated by Marko Đenadija;
- Dispatch note of the Banja Luka CSB dated 28 May 1992 addressed to all chiefs of the SJB, circulated by Radovan Kečan;
- Dispatch note of the Banja Luka CSB dated 8 June 1992 addressed to all chiefs of the SJB, circulated by Miloš and Rada;
- Dispatch note of the Banja Luka SCB dated 29 July 1992 addressed to all chiefs of the SJB, circulated by Marko Đenadija;
- Dispatch note of the Banja Luka CSB dated 3 August 1992 addressed to all chiefs of the SJB, circulated by Marko Đenadija;
- Dispatch note of the Banja Luka CSB dated 4 August 1992 addressed to the Chief of the Prijedor SJB, circulated by Ranko Mijić and Olga Pavić;
- Dispatch note of the Banja Luka CSB dated 10 August 1992 addressed to the chief of the SJB, circulated by Đuro Prpoš and Olga Pavić;
- Dispatch note of the Banja Luka CSB dated 13 August 1992 addressed to the Chief of the Prijedor SJB, circulated by Đuro Prpoš, Miloš Janković and Olga Pavić;
- Conclusion of the Prijedor SJB Executive Board dated 17 August 1992, circulated by Vlado Kondić;
- Dispatch note of the SR BiH Ministry of Interior dated 24 August 1992, addressed to all the CSB and SJB, circulated by Ranko Mijić;
- Dispatch note of the Banja Luka CSB dated 27 August 1992, addressed to all chiefs of the SJB, circulated by Ranko Mijić;
- Dispatch note of the Banja Luka CSB dated 11 September 1992, addressed to the Chief of the Prijedor SJB, circulated by Marko Đenadija;
- Dispatch note of the Banja Luka CSB dated 16 October 1992, addressed to the Prijedor SJB, circulated by Marko Đenadija.

O-IV-56a - Document dated 4 September 1992, signed by an unknown person from the Prijedor SJB Aliens Office;

O-IV-56b - Excerpt from the Rulebook on the execution of tasks in the SJB;

O-IV-57 - Alija Delimustafić's order dated 29 April 1992;

O-IV-58 - Dispatch note of the Prijedor SJB dated 30 April 1992;

O-IV-59 - Simo Drljača's interview with *Kozarski vijesnik*

O-IV-60 - Certified copy of the Prijedor Crisis Staff Order dated 17 June 1992;

O-IV-61 - Solemn declaration signed by Senada Jakupović dated 14 May 1992;

O-IV-62 - Report on the work of the Red Cross covering the period May-September 1992;

O-IV-63 - Dispatch note of the Banja Luka CSB dated 8 June 1992, addressed to all chiefs of the SJB, on pg. 2 it is stated that all authorized personnel of the SJB are to be informed of its content;

O-IV-64 - Evidence concerning the family circumstances of the Accused Dušan Janković:

- Testimonial from 1950, to the name of the Accused Dušan Janković's uncle;
- Testimonial from 1950, to the name of the Accused Dušan Janković's other uncle;
- Testimonial from 1950, to the name of Dušan Janković - the Accused's uncle (with the same first and last name);
- Testimonial to victims of the fascist terror issued to Savan Janković, the Accused's grandfather;
- Testimonial to victims of the fascist terror issued to the Accused's uncle;
- Testimonial to victims of the fascist terror issued to Nada Janković, the Accused's aunt.

(v) Documentary evidence of the Defense for the Accused Željko Stojnić

O-V-1 - Record of the interview with witness Elvir Hadžimuratović at the Prosecutor's Office of BiH, No. KT-RZ-48/06 dated 28 January 2008;

O-V-2 - Birth certificate for Željko Stojnić.

(vi) Evidence of the Court

S-1 - List handed over to the Court by protected witness O-3;

S-2a - Video material of the Panel's visit to the site of Korićanske Stijene;

S-2b - Photographs from the Panel's visit to the site of Korićanske Stijene.

2. Evidence presented in the proceedings before the panel of the Appellate Division

(a) Testimonial evidence

(i) Prosecution witnesses

1. Ejub Zukić;
2. Mevludin Mujezinović.

Expert witnesses

3. Ana Bilić;
4. Nermin Sarajlić.

(ii) Witnesses of the Defense for the Accused Zoran Babić

1. Danijela Babić;
2. Branko Topola;
3. Petar Čivčić;
4. Radoslav Knežević;
5. Željko Rudak.

(iii) Witnesses of the Defense for the Accused Milorad Škrbić

1. Ranko Vrhovac.

(iv) Witnesses of the Defense for the Accused Dušan Janković

1. Marinko Ljepoja;

2. Milorad Radaković;

3. Rade Konta;

4. Cvijo Marić;

5. Mirko Vujanović;

6. Damir Ivanković;

7. Luka Gnjatović;

8. Vitomir Lakić;

9. The Accused Dušan Janković - testifying in his own defense.

(v) Witnesses of the Court

1. KA-1.

(a) Documentary evidence

(i) Prosecution documentary evidence

AT-1 - Document of the Prijedor SJB, No. 11-12-39 dated 2 August 1992 (tendered into the record on 29 November 2012);

AT-2 - List of DNA reports in the Korićanske Stijene case contains the following names:

1. Sadik (son of Arif) Garibović, ICMP ID 10241; **2.** Taib (son of Arif) Garibović, ICMP ID 10253; **3.** Ahmet (son of Husein) Hodžić, ICMP ID 14854; **4.** Zilhad (son of Husko) Selimović, ICMP ID 14646; **5.** Zilhad (son of Husko) Selimović, ICMP ID 14646; **6.** Zilhad (son of Husko) Selimović, ICMP ID 14646; **7.** Zilhad (son of Husko) Selimović, ICMP ID 14646; **8.** Zilhad (son of Husko) Selimović, ICMP ID 14646; **9.** Ziko (son of Husein) Zahirović, ICMP ID 7541; **10.** Ziko (son of Husein) Zahirović, ICMP ID 7541; **11.** Nermin (son of Izet) Bešić, ICMP ID 8337; **12.** Mustafa (son of Zaim) Pervanić, ICMP ID 10230; **13.** Mustafa (son of Zaim) Pervanić ICMP ID 10230; **14.** Midhet (son of Fehim) Hodžić, ICMP ID 7197; **15.** Zijad (son of Sulejman) Petarušić, ICMP ID 10234; **16.** Suvad (son of Mustafa) Bešlagić, ICMP ID 8272; **17.** Fikret (son of Edhem) Mujkanović, ICMP ID 8604; **18.** Meho (son of Edhem) Mujkanović, ICMP ID 8602; **19.** Husein (son of Hamdija) Mujkanović, ICMP ID 8704; **20.** Fadil (son of Ibrahim) Blažević, ICMP ID 14087; **21.** Muharem (son of Šaban) Crljenković, ICMP ID 11773; **22.** Ismet (son of Derviš) Fazlić, ICMP ID 11889; **23.** Ismet (son of Derviš) Fazlić, ICMP ID 11889; **24.** Senad (son of Latif)

Jusufagić, ICMP ID 14405; **25.** Sakib (son of Ahmet) Kljajić, ICMP ID 14764; **26.** Suad (son of Meho) Kljajić, ICMP ID 18305; **27.** Faik (son of Osman) Rizvančević, ICMP ID 12713; **28.** Faik (son of Osman) Rizvančević, ICMP ID 12713; **29.** Sakib (son of Idriz) Zerić, ICMP ID 15869; **30.** Zuhdija (son of Meho) Kadrić, ICMP ID 12895; **31.** Šaban (son of Šerif) Elezović, ICMP ID 15872; **32.** Mehmed (son of Ekrem) Arifagić, ICMP ID 15613; **33.** Mujo (son of Alija) Alić, ICMP ID 17607; **34.** Elvir (son of Kadir) Kararić, ICMP ID 18364; **35.** Mahmut (son of Sefer) Hrustić, ICMP ID 18158; **36.** Osman (son of Hasan) Hasanagić, ICMP ID 17804; **37.** Fadil (son of Ramo) Velić, ICMP ID 17805; **38.** Ekrem (son of Zuhdija) Velić, ICMP ID 8408; **39.** Enes (son of Zuhdija) Velić, ICMP ID 8409, **40.** Zijad (son of Pašo) Velić, ICMP ID 7674; **41.** Zijad (son of Pašo) Velić, ICMP ID 7674; **42.** Zijad (son of Pašo) Velić, ICMP ID 7674; **43.** Zijad (son of Pašo) Velić, ICMP ID 7674; **44.** Zijad (son of Pašo) Velić, ICMP ID 7674; **45.** Zijad (son of Pašo) Velić, ICMP ID 7674; **46.** Mujo (son of Salko) Sivac, ICMP ID 10319; **47.** Mujo (son of Salko) Sivac, ICMP ID 10319; **48.** Mujo (son of Salko) Sivac, ICMP ID 10319; **49.** Mujo (son of Salko) Sivac, ICMP ID 10319; **50.** Safet (son of Džemal) Sivac, ICMP ID 15875; **51.** Edin (son of Munib) Sivac, ICMP ID 15250; **52.** Nedžad (son of Munib) Sivac, ICMP ID 15251, **53.** Zafir (son of Šerif) Bajrić, ICMP ID 4969; **54.** Emin (son of Hasan) Coralić, ICMP ID 17826; **55.** Rifet (son of Abid) Kahrimanović, ICMP ID 16084; **56.** Rifet (son of Abid) Kahrimanović, ICMP ID 16084; **57.** Rifet (son of Abid) Kahrimanović, ICMP ID 16084; **58.** Rifet (son of Abid) Kahrimanović, ICMP ID 16084; **59.** Rifet (son of Abid) Kahrimanović, ICMP ID 16084; **60.** Samir (son of Dedo) Karabašić, ICMP ID 04536; **61.** Sabahudin (son of Hajro) Ičić, ICMP ID 17567; **62.** Nihad (son of Eniz) Sušić, ICMP ID 12939; **63.** Mirsad (son of Alija) Zulić, ICMP ID 10292; **64.** Mesud (son of Uzeir) Zulić, ICMP ID 10328; **65.** Ilija (son of Ivo) Antunović, ICMP ID 21662; **66.** Mirsad (son of Hasan) Gutić, ICMP ID 14322; **67.** Mirsad (son of Hasan) Gutić, ICMP ID 14322; **68.** Himzo (son of Redžo) Marošlić, ICMP ID 15252; **69.** Himzo (son of Redžo) Marošlić, ICMP ID 15252; **70.** Anto (son of Ivo) Draguljić, ICMP ID 19662; **71.** Admir (son of Džemal) Dergić, ICMP ID 10581; **72.** Armin (son of Mustafa) Jakupović, ICMP ID 15313; **73.** Sakib (son of Bejdo) Tanjanin, ICMP ID 4610; **74.** Refik (son of Idriz) Žerić, ICMP ID 15871; **75.** Refik (son of Idriz) Žerić, ICMP ID 15871; **76.** Refik (son of Idriz) Žerić, ICMP ID 15871; **77.** Refik (son of Idriz) Žerić, ICMP ID 15871; **78.** Refik (son of Idriz) Žerić, ICMP ID 15871; **79.** Refik (son of Idriz) Žerić, ICMP ID 15871; **80.** Refik (son of Idriz) Žerić, ICMP ID 15871; **81.** Refik (son of Idriz) Žerić, ICMP ID 15871.

AT-3 - Photo documentation no. 46/11 - Autopsies of the bodies recovered from Korićanske Stijene:

From 1 to 17 Autopsy of the skeletal remains of Sejad (son of Rifet) Alić, case number SK-16 (SK 03/09-16/19 RFM-3) carried out on 21 June 2011;

From 18 to 23 Autopsy of the skeletal remains of Mehmed (son of Ekrem) Arifagić, case number SK 03/09-66 A/H-31-RFM carried out on 21 June 2011;

From 24 to 29 Autopsy of the skeletal remains of Mustafa (son of Ibrahim) Bešić, case number SK-21 (KTA-1/09-RZ-21-LP) carried out on 21 June 2011;

From 30 to 39 Autopsy of the skeletal remains of Nermin (son of Izet) Bešić, case number: SK-64 (SK 03/09-64 MXT) carried out on 21 June 2011;

From 40 to 49 Autopsy of the skeletal remains of Suvad (son of Mustafa) Bešliagić, case number SK-30 (SK 03/09-30 LHM) carried out on 22 June 2011;

From 50 to 66 Autopsy of the skeletal remains of Fadil (son of Ibrahim) Blažević, case number SK-18 (SK 03/09-16/19-17 MDT) carried out on 22 June 2011;

From 67 to 77 Autopsy of the skeletal remains of Besim (son of Smail) Čaušević, case number SK-084 (SK 03/09-84 RTB) carried out on 22 June 2011;

From 78 to 81 Autopsy of the skeletal remains of Hilmija (son of Mehmed) Ćustić, case number SK 03/09-66 A/H-79 RFM carried out on 22 June 2011;

From 82 to 85 Autopsy of the skeletal remains of Ismet (son of Mehmed) Ćustić, case number SK 03/09-66 A/H-30 LFM carried out on 22 June 2011;

From 86 to 91 Autopsy of the skeletal remains of Ahmet (son of Husein) Hodžić, case number SK 03/09-66 A/H-45-LFM carried out on 22 June 2011;

From 92 to 102 Autopsy of the skeletal remains of Mirsad (son of Hilmija) Hodžić, case number SK-044 (SK 03/09-44 LFM) carried out on 22 June 2011;

From 103 to 109 Autopsy of the skeletal remains of Osman (son of Hasan) Hasanagić, case number SK-62 (SK 03/09-62 LFM) carried out on 22 June 2011;

From 110 to 135 Autopsy of the skeletal remains of Vasif (son of Atif) Garibović, case number SK-95 (SK 03/09-95 MXT) carried out on 22 June 2011;

From 136 to 141 Autopsy of the skeletal remains of Husein (son of Salih) Hankić, case number SK-72 (SK 03/09-72 LFM-1) carried out on 22 June 2011;

From 142 to 152 Autopsy of the skeletal remains of Taib (or Sadik) (son of Arif) Garibović, case number SK 03/09-66 A/H-4 LIN carried out on 22 June 2011;

From 153 to 163 Autopsy of the skeletal remains of Ismet (son of Derviš) Fazlić, case number SK 03/09-66 A/H-2 LIN carried out on 22 June 2011;

From 164 to 170 Autopsy of the skeletal remains of Kemal (son of Hamdija) Garibović, case number SK-61 (SK 03/09-61 RFM) carried out on 22 June 2011;

From 171 to 181 Autopsy of the skeletal remains of Muhamed (son of Abaz) Grabić, case number SK-11 (SK 03/09-11 RFM) carried out on 22 June 2011;

From 182 to 198 Autopsy of the skeletal remains of Admir (son of Džemal) Dergić, case number SK-42 (SK 03/09-42 LFM) carried out on 22 June 2011;

From 199 to 205 Autopsy of the skeletal remains of Senad (son of Latif) Jusufagić, case number SK 03/09-66 A/H-5 LIN carried out on 22 June 2011;

From 206 to 211 Autopsy of the skeletal remains of Mehmed (son of Sulejman) Kahrimanović, case number SK 03/09-66 A/H-9 LIN carried out on 22 June 2011;

From 212 to 218 Autopsy of the skeletal remains of Osman (son of Derviš) Karabašić, case number SK-73 (03/09-73 LFM) carried out on 22 June 2011;

From 219 to 235 Autopsy of the skeletal remains of Derviš (son of Osman) Karabašić, case number SK-51 (03/09-51 MDT) carried out on 22 June 2011;

From 236 to 239 Autopsy of the skeletal remains of Velid (son of Ramo) Marošlić, case number SK 03/09-66 A/H-87 LFM carried out on 22 June 2011;

From 240 to 243 Autopsy of the skeletal remains of Meho (son of Ahmet) Kljajić, case number SK 03/09-66 A/H-81 RFM carried out on 22 June 2011;

From 244 to 249 Autopsy of the skeletal remains of Asmir (son of Mehmed) Memić, case number SK 03/09-66 A/H-112 MDT carried out on 23 June 2011;

From 250 to 258 Autopsy of the skeletal remains of Ziko (son of Husein) Zahirović, case number SK 03/09-66 A/H-13 LIN carried out on 23 June 2011;

From 259 to 272 Autopsy of the skeletal remains of Elvir (son of Kadir) Kararić, case number SK 03/09-66 A/H-16 LIN carried out on 23 June 2011;

From 273 to 290 Autopsy of the skeletal remains of Kadir (son of Husein) Kararić, case number SK-94 (03/09-94 RFM) carried out on 23 June 2011;

From 291 to 301 Autopsy of the skeletal remains of Mehmedalija (son of Ibrahim) Talić, case number SK-67 (SK 03/09-67 RTB) carried out on 23 June 2011;

From 302 to 314 Autopsy of the skeletal remains of Husein (son of Hamdija) Mujkanović, case number: SK-81 (SK 03/09-81 LTB) carried out on 23 June 2011;

From 315 to 317 Autopsy of the skeletal remains of Fuad (son of Derviš) Murčehajić, case number: SK 03/09-66 A/H-75 RFM carried out on 23 June 2011;

From 318 to 328 Autopsy of the skeletal remains of Šaban (son of Šerif) Elezović, case number: SK 03/09-66 A/H-25 LFM carried out on 23 June 2011.

AT-4 - Photo documentation and the examination of bodies dated 11 July 2012

1. Record on attending the examination, No. 05-1/08-1-770/11/P.D. dated 11 July 2012, BiH, FBiH, Una-Sana Canton, Ministry of Interior;
2. Photo documentation no. 371/12, examination of the body, case no. SK 06122010 for Ejub Medić;
3. Photo documentation no. 372/12, examination of the body, case no. SK 049 (SK-3109-49 LFM) for Ermin Sinanović;
4. Photo documentation no. 373/12, examination of the body, case no. SK 03/09-66A/H-85 LT-22 for Safet Sivac;
5. Photo documentation no. 374/12, examination of the body, case no. SK-038 (KTA-1/09-RZ-38-RH) for Emir Fazlić;
6. Photo documentation no. 375/12, examination of the body, case no. SK 03/09-66-A/H-23 for Sejad Bešić;
7. Photo documentation no. 376/12, individual bone examination for Ilija Antunović;
8. Photo documentation no. 377/12, individual bone examination for Anto Dragugić;
9. Photo documentation no. 378/12, individual bone examination for Samir Karabašić;
10. Photo documentation no. 379/12, individual bone examination for Mustafa Pervanić;
11. Photo documentation no. 380/12, individual bone examination for Armin Jakupović;
12. Photo documentation no. 381/12, individual bone examination for Hamdija Ahmetović;
13. Photo documentation no. 382/12, individual bone examination for Dževad Duračak;
14. Photo documentation no. 383/12, individual bone examination for Sakib Trnjanin;
15. Photo documentation no. 384/12, individual bone examination for Nihad Sušić;
16. Photo documentation no. 385/12, individual bone examination for Hajrudina Elezović;
17. Photo documentation no. 386/12, individual bone examination for Mesud Zulić;
18. Photo documentation no. 387/12, individual bone examination for Zijad Velić;
19. Photo documentation no. 388/12, individual bone examination for Elvir Blažević;
20. Photo documentation no. 389/12, individual bone examination for Harun Hrnić.

AT-5 - Transcript of the hearing in the *Zečević et al.* case, No. X-KR-09/741 of 18 February 2010;

AT-6 - Order no. KT-TZ-48/06 dated 3 December 2010;

AT-7 - Transcript of witness Vitomir Lakić's testimony of 29 June 2010;

AT-8 - Transcript of witness Luka Gnjatović's testimony of 29 June 2010;

AT-9 - Record on the handover of attendance sheets and attendance sheets log.

(ii) Documentary evidence of the Defense for the Accused Zoran Babić

AO-I-1 - Transcript of the hearing in the Case no. X-KR-09/741 of 29 May 2012.

(iii) Documentary evidence of the Defense for the Accused Dušan Janković

AO-III-1 - Rulebook on internal organization of the SR BiH Secretariat of Interior dated 29 January 1990;

AO-III-2 - Rulebook on internal organization of the SR BiH Secretariat of Interior dated 29 January 1990 (tendered into the record on 29 November 2012);

AO-III-3 - Battalion rules;

AO-III-4 - Luka Gnjatović's statement;

AO-III-5 - Luka Gnjatović's statement;

AO-III-6 - Data from the Banja Luka CJB;

AO-III-7 - Record of the interview with witness K-2 dated 28 August 2008;

AO-III-8 - Attendance sheet;

AO-III-9 - List of authorized police officials (Prosecution exhibit T-109);

AO-III-10 - Excerpt from the SR BiH Law on Internal Affairs;

AO-III-11 - Contract on the real estate swap.

(iv) Documentary evidence of the Defense for the Accused Željko Stojnić

AO-IV-1 - Transcript of the hearing in the Case no. X-KR-09/741 of 1 July 2010;

AO-IV-2 - Record of the interview with witness Damir Ivanković in the Banja Luka District Prosecutor's Office dated 20 July 2007.

XVI. ANNEX II

A. ADJUDICATED FACTS

555. The Appellate Panel has accepted all the facts that were, in the first instance proceedings, accepted by the Trial Panel as adjudicated, as follows:

1. Under the 1946 Yugoslav Constitution, the SFRY was divided into six republics – Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia, and Montenegro. The population of Bosnia and Herzegovina, more so than any other republic of the former Yugoslavia, had been multiethnic for centuries, with Serbs, Croats, and Muslims as the largest ethnic groups (para. 9 of the ICTY Judgment in *Kvočka*);

2. In 1990, the first multi-party elections were held in each of the republics, resulting in the election of strongly nationalist parties that, in turn, heralded the break-up of the federation. In Bosnia and Herzegovina, these parties were the Muslim Party of Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croat Democratic Union (HDZ) (para. 10 of the ICTY Judgment in *Kvočka*);

3. On 25 June 1991, Slovenia and Croatia declared their independence from the SFRY (para. 10 of the ICTY Judgment in *Kvočka*);

4. In September 1991, several Serb Autonomous Regions in Bosnia and Herzegovina were proclaimed. One of these, the Serb Autonomous Region of Krajina (ARK), consisted of the Banja Luka region and surrounding municipalities; however the Prijedor municipality, in which the SDA held a small majority, did not join the Autonomous Region (para. 11 of the ICTY Judgment in *Kvočka*);

5. 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” to “increase mobility and readiness for the defense of the interests of the Serbian people” (para. 69 of the ICTY Judgment in *Brđanin*);

6. The Variant A and B Instructions included, amongst others, the directive that the SDS Municipal Boards should form Crisis Staffs of the Serbian people in their respective municipalities (para. 70 of the ICTY Judgment in *Brđanin*);

7. The Republic of Serbian People of Bosnia and Herzegovina (later to become the *Republika Srpska*) had been declared by the Serbs on 9 January 1992, and was slated to come into force upon formal international recognition of the Republic of Bosnia and Herzegovina (para.10 of the ICTY Judgment in *Kvočka*);

8. It was composed of so-called Serbian autonomous Regions and districts, which included the ARK (para. 71 of the ICTY Judgment in *Brđanin*);

9. In Bosnia and Herzegovina, a referendum on independence held in February 1992 was opposed by the Bosnian Serbs; an overwhelming majority abstained from voting. Nonetheless, Bosnia and Herzegovina declared independence in March 1992. That independence was recognized by the European Community and the United States of America in April 1992 (para. 10 of the ICTY Judgment in *Kvočka*);

10. [Opština Prijedor covers north-western Bosnia and Herzegovina.] (para. 55 of the ICTY Judgment in *Tadić*);

11. Opština (district) Prijedor ... which includes the town of Prijedor and the town of Kozarac, some ten kilometers to its east (para. 55 of the ICTY Judgment in *Tadić*);

12. Opština Prijedor was significant to the Serbs because of its location as part of the land corridor that linked the Serb-dominated area in the Croatian Krajina to the west with Serbia and Montenegro to the east and south (para. 127 of the ICTY Judgment in *Tadić*);

13. Before the take-over opština Prijedor was ethnically a relatively mixed area, in 1991 ... Muslims were the majority in the opština; out of a total population of 112,000, 49,700

(44%) were Muslims, and about 40,000 (42.5%) Serbs, with the remainder made up of Croats (5.6%), Yugoslavs (5.7%) and aliens (2,2%) (para. 128 of the ICTY Judgment in *Tadić*; see, also, para. 51 of the ICTY Judgment in *Stakić*);

14. Prior to the outbreak of war the various ethnic groups in the opština lived harmoniously, together, with only limited signs of division (para. 129 of the ICTY Judgment in *Tadić*);

15. Such tension as existed was exacerbated by the use of propaganda and political manoeuvres (para. 130 of the ICTY Judgment in *Tadić*; also, see paras. 80 and 82 of the ICTY Judgment in *Brđanin*);

16. The Prijedor Municipal Assembly, for which elections were held in November 1990, comprised a total of 90 seats, with opština Prijedor divided into five electoral units. Each party had a total of 90 candidates on the ballot. In the outcome the SDA won 30 seats, the SDS 28, the HDZ 2 and 30 seats went to other parties: the so-called opposition parties, namely the Social Democratic, the Liberal Alliance, and the Reformist parties (para. 132 of the ICTY Judgment in *Tadić*; also, see para. 49 of the ICTY Judgment in *Stakić*);

17. [T]hus, according to the SDA, if the election results were followed it would be entitled to 50 percent of the appointed positions with the SDS and HDZ entitled to the remaining 50 percent. The SDS, however, insisted upon 50 percent of the seats for itself (para. 132 of the ICTY Judgment in *Tadić*);

18. That agreement was implemented at the Municipal Assembly of Prijedor in January 1991. Velibor Ostojić, then acting Minister for Information in the Government of the Republic of Bosnia and Herzegovina and one of Radovan Karadžić's confidants, was present at that session to help mediate the agreement (para. 132 of the ICTY Judgment in *Tadić*);

19. Once implemented, difficulties arose between the SDA and the SDS over the allocation of important government posts, although it was agreed that both the Mayor of Prijedor and the Chief of Police would be from the SDA (para. 133 of the ICTY Judgment in *Tadić*);

20. In Prijedor the SDS surreptitiously established a separate Serbian Assembly at the direction of the Central ... as well as a separate police force and security unit ... Prijedor ... (para. 134 of the ICTY Judgment in *Tadić*);

21. The SDS wanted to remain with Serbia as part of Yugoslavia, emphasizing that all Serbs should remain in one state. Because of this disagreement with the non-Serbs, who wanted to withdraw from the federation, the SDS proposed a division of opština Prijedor (para. 136 of the ICTY Judgment in *Tadić*).

22. An atmosphere of mistrust, fear, and hatred was fuelled by the political tensions in the municipality from the second half of 1991 until the takeover of power on 30 April 1992 (para. 688 of the ICTY Judgment in *Stakić*)

23. On 30 April 1992 the SDS conducted a bloodless take-over of the town of Prijedor with the aid of the military and police forces (para. 137 of the ICTY Judgment in *Tadić*; see, also, para. 74 of the ICTY Judgment in *Stakić* and para. 104 of the ICTY Judgment in *Brđanin*);

24. The actual take-over was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings (para. 137 of the ICTY Judgment in *Tadić*);

25. JNA soldiers, wearing a variety of uniforms, occupied all of the prominent such as the radio station, medical center and bank. They entered buildings, declared institutions that they had taken power and announced their decision to rename opština Prijedor "Srpska opština Prijedor" (para. 137 of the ICTY Judgment in *Tadić*);

26. A local Crisis Staff was established ("Prijedor Crisis Staff") which implemented a number of decisions made by the ARK Crisis Staff (para. 139 of the ICTY Judgment in *Tadić*);

27. ... [C]ontrol was immediately taken of the two local media sources: Radio Prijedor and the newspaper Kozarski Vjesnik... (para. 139 of the ICTY Judgment in *Tadić*);

28. ... thereafter their principal function became the dissemination of propaganda (para. 139 of the ICTY Judgment in *Tadić*);

29. ... [S]erb nationalist propaganda intensified (para. 93 of the ICTY Judgment in *Tadić*);

30. The “need for the awakening of the Serb people” was stressed and derogatory remarks against non-Serbs increased (para. 93 of the ICTY Judgment in *Tadić*);

31. Calls were also made at that time for the surrender of weapons which, although, addressed to the population at large, were only enforced in respect to Muslims and Croats... (para. 139 of the ICTY Judgment in *Tadić*);

32. At the same time the mobilization of Serbs allowed for the distribution of weapons to the Serb population (para. 139 of the ICTY Judgment in *Tadić*).

33. On 12 May 1992, the 16th session of the Assembly of the Serbian People in Bosnia and Herzegovina was held in Banja Luka. At the session Radovan Karadžić outlined the six strategic goals of the Bosnian Serb leadership in Bosnia and Herzegovina ... The first two strategic goals read as follows:

- “ The first such goal is separation from the other two national communities – separation of states. Separation from those who are our enemies and who have used every opportunity, especially in this century, to attack us, and who would continue with such practices if we were to continue to stay together in the same state.”
- “The second strategic goal, it seems to me, is a corridor between Semberija and Krajina. That is something for which we may be forced to sacrifice something here and there, but is of the utmost strategic importance for the Serbian people, because it integrates the Serbian lands, not only of Serbian Bosnia and Herzegovina, but it integrates Serbian Bosnia and Herzegovina with Serbian Krajina and Serbian Krajina with Serbian Bosnia and Herzegovina and Serbia. So, that is a strategic goal which has been placed high on the priority list, which we have to achieve because Krajina, Bosnian Krajina, Serbian Krajina, or the alliance of Serbian states is not feasible if we fail to secure that corridor, which will integrate us, which will provide us unimpeded flow from one part of our state to another. ” (paras. 41- 42 of the ICTY Judgment in *Stakić*);

34. After the takeover ... SDS leaders assumed positions in the municipal government, and legally elected Muslim and Croat politicians were forcibly removed. Other leading SDS members were installed in strategic positions throughout the municipality (para. 473 of the ICTY Judgment in *Stakić*; see also, para. 150 of the ICTY Judgment in *Tadić*);

35. ... [in] the days and months after the takeover in Prijedor, many non-Serbs were dismissed from their jobs. Indeed, only an extremely small percentage of Muslims and Croats were able to continue working (para. 307 of the ICTY Judgment in *Stakić*; see also, para. 125 of the ICTY Judgment in *Stakić*, and para. 150 of the ICTY Judgment in *Tadić*);

36. ... Bosnian Muslims who had lived their whole lives in the municipality of Prijedor were expelled from their homes ..., their houses were marked for destruction, and in many cases were destroyed along with mosques and Catholic churches (para. 544 of the ICTY Judgment in *Stakić*; see also paras. 545-546 of the ICTY Judgment in *Stakić*);

37. ... [the] widespread looting of Muslim homes in the municipality [Prijedor] (para. 294 of the ICTY Judgment in *Stakić*);

38. Travel outside of the opština [Prijedor] for non-Serbs was prevented and within the opština severely restricted by means of a curfew and checkpoints (para. 465 of the ICTY Judgment in *Tadić*; also, see para. 150 of the ICTY Judgment in *Tadić*);

39. Daily searches were conducted in almost every apartment inhabited by non-Serbs ... (para. 465 of the ICTY Judgment in *Tadić*);

40. ... [m]ost of the non-Serb population in the Municipality of Prijedor was directly affected [by the events which took place] (para. 627 of the ICTY Judgment in *Stakić*);

41. ... [t]he Serb military forces had the overwhelming power as compared to the modest resistance forces of the non-Serbs (para. 627 of the ICTY Judgment in *Stakić*);

42. After the take-over of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques

and everything that belonged to the “balijas”, a derogatory term for Muslims, as well as the need to destroy the “balijas” themselves (para. 153 of the ICTY Judgment in *Tadić*);

43. ... [T]hose attacks, and the ones that followed in the broader Brđo region, coupled with the arrests, detention and deportation of citizens that came next, were primarily directed against the non-Serb civilian population in the Municipality of Prijedor (para. 627 of the ICTY Judgment in *Stakić*; see also, para. 629 of the ICTY Judgment in *Stakić*);

44. ... [t]housands of citizens of Prijedor municipality passed through one or more of the three main detention camps, Omarska, Keraterm and Trnopolje, established in the towns of Omarska, Prijedor and Trnopolje respectively (para. 630 of the ICTY Judgment in *Stakić*);

45. Non-Serbs in opština Prijedor were subjected to gross abuses ... (para. 466 of the ICTY Judgment in *Tadić*);

46. [M]nogo je ljudi ubijeno tokom napada vojske bosanskih Srba na sela i gradove širom prijedorske opštine u kojima su većinom živjeli bosanski Muslimani, a izvršeno je i nekoliko pokolja nad Muslimanima (para. 544 of the ICTY Judgment in *Stakić*; see also, paras. 545-546, 629 of the ICTY Judgment in *Stakić*);

47. As a result of the increased tensions between the various ethnic communities, checkpoints were established and run by the different groups (para. 140 of the ICTY Judgment in *Tadić*; see also, para. 129 of the ICTY Judgment in *Stakić*);

48. One Muslim checkpoint was located at Hambarine and it was an incident that occurred there on 22 May 1992 that provided a pretext for the attack by Serb forces on that outlying area (para. 140 of the ICTY Judgment in *Tadić*; see also, para. 130 of the ICTY Judgment in *Stakić*);

49. ... [t]he Muslim checkpoint personnel opened fire first (para. 130 of the ICTY Judgment in *Stakić*; see also, para. 401 of the ICTY Judgment in *Brđanin*);

50. Following the incident the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor

authorities the men who had manned the checkpoint as well as all weapons. The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine (para. 140 of the ICTY Judgment in *Tadić*; see also, para. 131 of the ICTY Judgment in *Stakić*, and paras. 104, 401 of the ICTY Judgment in *Brđanin*);

51. The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked (para. 140 of the ICTY Judgment in *Tadić*; see also, para. 132 of the ICTY Judgment in *Stakić*);

52. After several hours of shelling by artillery, armed Serb forces entered the area supported by tanks and other weaponry and after a brief period of intermittent fighting local leaders collected and surrendered most of the weapons (para. 140 of the ICTY Judgment in *Tadić*; see also, para. 132 of the ICTY Judgment in *Stakić*);

53. The TO tried to defend the village, but the residents were forced to flee to other villages or to the Kurevo woods to escape the shelling (para. 133. of the ICTY Judgment in *Stakić*);

54. By this time many of the inhabitants had already fled to other Muslim or Croat dominated areas, heading north to other villages or south to a forested area which was also shelled (para. 141 of the ICTY Judgment in *Tadić*);

55. A number of the residents eventually returned to Hambarine, by then under Serb control, although only temporarily because on 20 July 1992 the last major cleansing in the opština occurred with the removal of approximately 20,000 non-Serbs in Hambarine and nearby Ljubija (para. 141 of the ICTY Judgment in *Tadić*);

56. ... [d]uring the onslaught on Hambarine, at least three civilians died (para. 401 of the ICTY Judgment in *Brđanin*);

57. At least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces (para. 291 of the ICTY Judgment in *Stakić*);

58. ... [t]he mosque in Hambarine was shelled during the attack on Hambarine (para. 297 of the ICTY Judgment in *Stakić*);

59. The area of Kozarac, surrounding Kozarac town, comprises several villages, including Kamičani, Kozaruša, Sušići, Brđani, Babići. Before the war, the population of Kozarac was predominantly Muslim (para. 139 of the ICTY Judgment in *Stakić*);

60. After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of opština Prijedor. Approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 percent were Muslim (psrs. 142 of the ICTY Judgment in *Tadić*; see also, para. 13 of the ICTY Judgment in *Kvočka*);

61. As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens (para. 142 of the ICTY Judgment in *Tadić*);

62. As of 21 May 1992, the Serb inhabitants of Kozarac started to leave the town (para. 141 of the ICTY Judgment in *Stakić*);

63. On 22 May 1992 telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult (para. 143 of the ICTY Judgment in *Tadić*);

64. An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognize their subordination to the new authorities in Srpska opština Prijedor, as well as to surrender all weapons (para. 143 of the ICTY Judgment in *Tadić*; see also, para. 141 of the ICTY Judgment in *Stakić*);

65. Following the ultimatum, negotiations took place between the Muslim and the Serb sides which were unsuccessful (para. 141 of the ICTY Judgment in *Stakić*);

66. ... [t]he Serb army was already positioned around the Kozarac area beforehand, and ... overwhelming force of around 6,700 Serb soldiers was already prepared to encounter only 1,500-2,000 Muslims without heavy weapons (para.157 of the ICTY Judgment in *Stakić*);

67. Around 2p.m. on 24 May 1992, after the expiration of the ultimatum at noon and an announcement on Radio Prijedor, Kozarac was attacked. The attack began with heavy shelling, followed by the advance of tanks and infantry. After the shelling the Serb infantry entered Kozarac, and began setting houses on fire one after another (para. 143 of the ICTY Judgment in *Tadić*; also, see para. 142 of the ICTY Judgment in *Stakić*);

68. Houses were looted and destroyed on both sides of the road leading to the center of town [Kozarac] ... [t]he destruction was not the result of war operations, rather, houses were deliberately destroyed after the attack, mostly through arson (para. 287 of the ICTY Judgment in *Stakić*);

69. After the attack, the houses had been not only destroyed, but leveled to the ground using heavy machinery (para. 145 of the ICTY Judgment in *Stakić*);

70. Muslim and Croat houses in Kozarac were targeted for destruction, while Serb houses were spared (para. 288 of the ICTY Judgment in *Stakić*);

71. In the attack on Kozarac care was taken to try to avoid damage to Serb property ... [u]nlike unlike the mosque, the Serbian Orthodox church survived the attack and subsequent destruction (para. 144 of the ICTY Judgment in *Tadić*);

72. ... [t]he Mutnik mosque was destroyed by Serbs [in May/June 1992] (para. 299 of the ICTY Judgment in *Stakić*);

73. The attack continued until 26 May 1992 when it was agreed that the people should leave the territory of Kozarac (para. 143 of the ICTY Judgment in *Stakić*);

74. During the attack the civilian population had sought shelter in various locations and, as the Serb infantry entered Kozarac, requiring people to leave their shelters, long columns of civilians were formed and taken to locations where they were gathered and separated (para. 146 of the ICTY Judgment in *Tadić*; see also, para. 143 of the ICTY Judgment in *Stakić*);

75. A large number of Muslim citizens of these areas who did not succeed in fleeing in the face of the assaults were rounded up, taken into custody and detained in one of the three camps ... (para. 13 of the ICTY Judgment in *Kvočka*);

76. [S]ubject to some exceptions the men were taken either to the Keraterm or Omarska camps and the women and elderly to the Trnopolje camp (para. 146 of the ICTY Judgment in *Tadić*);

77. ... [at] least 80 Bosnian Muslim civilians were killed when Bosnian Serb soldiers and police entered the villages of the Kozarac area (para. 403 of the ICTY Judgment in *Brđanin*);

78. On 26 May 1992, pursuant to an agreement between the Kozarac police department and the Serbs, the wounded were evacuated from the town in an ambulance [However, before this agreement, no wounded had been allowed out of Kozarac (para. 146 of the ICTY Judgment in *Stakić*);

79. It was reported that by 28 May 1992 Kozarac was about 50 percent destroyed, with the remaining damage occurring in the period between June and August 1992 (para. 143 of the ICTY Judgment in *Tadić*; see also, para. 287 of the ICTY Judgment in *Stakić*);

80. Throughout the opština mosques and other religious institutions were targeted U for destruction and the property of Muslims and Croats, worth billions of dinar, was taken (para. 150 of the ICTY Judgment in *Tadić*);

81. Unlike Hambarine, the non-Serb population was not permitted to return to after the attack and, subject to some exceptions, the men were taken either to Kozarac the Keraterm or Omarska camps and the women and elderly to the Trnopolje camp (para. 146 of the ICTY Judgment in *Tadić*);

82. Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac (para. 146 of the ICTY Judgment in *Tadić*);

85. [In July 1992] the mosque in Kamičani was destroyed by Serbs ... they saw the mosque being set alight (para. 301 of the ICTY Judgment in *Stakić*);

86. ... [t]he village of Kozaruša, which had a majority Muslim population, was destroyed, and... only Serb houses remained, for the most part, untouched (para. 289 of the ICTY Judgment in *Stakić*);

87. The village of Briševo comprised approximately 120 houses and was inhabited almost exclusively by Croats (para 284 of the ICTY Judgment in *Stakić*);

88. On 27 May in the morning hours, Briševo was shelled and as the day progressed the shells were complemented by artillery and infantry fire. The soldiers who participated in the attack wore JNA uniforms with red ribbons tied around their arms or attached to their helmets. 68 houses were partially or completely destroyed by fire during the attack. In addition, the soldiers looted various items from the houses, such as television sets, video recorders, radios and certain items of furniture (para. 284 of the ICTY Judgment in *Stakić*; see, also para. 411 of the ICTY Judgment in *Brđanin*);

89. In the early morning hours of 24 July 1992, Bosnian Serb military launched an attack Briševo. Mortar shells landed on the houses, and the residents hid in cellars. The shelling continued throughout the day and, on the next day, infantry fire joined the artillery. On the evening of 25 July 1992, Bosnian Serb infantry entered Briševo. The soldiers wore JNA uniforms with red ribbons around their arms or helmets (para. 412 of the ICTY Judgment in *Brđanin*);

90. The village of Briševo was shelled on 23 July 1992. 77 Croats were killed in the village between 24 and 26 July 1992, including three Croats in a maize field and four others at the edge of the woods near Briševo (para. 269 of the ICTY Judgment in *MKSJ Stakić*);

91. ... [on] 29 July 1992 the Catholic church in Briševo was destroyed (para. 303 of the ICTY Judgment in *Stakić*);

92. Brdo comprises the villages of Biščani, Rizvanovići, Rakovčani, Hambarine, Čarakovo and Zecovi (para. 204 of the ICTY Judgment in *Stakić*);

93. Bišćani was a village and a local commune comprising the following hamlets: Mrkalji, Hegići, Ravine, Duratovići, Kadići, Alagići and Čemernica. On 20 July 1992, Serb forces attacked this village (para. 256 of the ICTY Judgment in *Stakić*).

94. ... [a]fter the shelling of the village of Bišćani, Serb soldiers looted the Muslim houses while the owners were still inside ... Muslim houses were found destroyed with traces of fire (para. 290 of the ICTY Judgment in *Stakić*; see also, para. 258 of the ICTY Judgment in *Stakić*);

95. Approximately 30 to 40 people were killed by Serb forces with rifles and heavy weapons on an APC near a clay pit... The soldiers were wearing camouflage uniforms and the victims were wearing civilian clothes (para. 256 of the ICTY Judgment in *Stakić*)

96. ... [t]he mosque in Bišćani was destroyed (para. 302 of the ICTY Judgment in *Stakić*);

97. ... [M]uslim village of Čarakovo suffered extensive damage and destruction and that houses were looted. The village of Čarakovo was attacked by Serb soldiers on 23 July 1992. The soldiers fired mortars and artillery at the fleeing population (para. 286 of the ICTY Judgment in *Stakić*);

98. Several people were killed (para. 267 of the ICTY Judgment in *Stakić*; see also, paras. 266 and 268 of the ICTY Judgment in *Stakić*);

99. At a date he could not state precisely, in June-July 1992, shelling started at night on Rizvanovići village (para. 831 of the ICTY Judgment in *Stakić*);

100. ... [h]omes were destroyed and personal belongings looted in the attack on Rizvanovići, a predominantly Muslim village ... [a]fter the cleansing of Rizvanovići, he saw that all the houses were ablaze ...[v]aluable were looted in the days following the cleansing (para. 292 of the ICTY Judgment in *Stakić*);

101. Several men from the village of Rizvanovići were taken out by soldiers and have not been seen since (para. 197 of the ICTY Judgment in *Stakić*);

102. Stari grad was the oldest part of the town of Prijedor and, before the conflict, its residents were predominantly Muslim (para. 277 of the ICTY Judgment in *Stakić*);

103. After an unsuccessful attempt to regain control of the town of Prijedor on 30 May 1992 by a small group of poorly armed non-Serbs, non-Serbs in Prijedor were ordered to use sheets of white material to mark their homes and indicate that they surrendered (para. 151 of the ICTY Judgment in *Tadić*; see also, para. 128 of the ICTY Judgment in *Stakić*);

104. Serb soldiers and artillery encircled the old town ("Stari Grad") and inhabitants were forcibly removed from their homes and taken to the camps (para. 277 of the ICTY Judgment in *Stakić*);

105. Ultimately they were divided into two groups: one which consisted of men aged between 12 to 15 or 60 to 65, and one of women, children and elderly men. Generally the men were taken to the Keraterm and Omarska camps and the women to the Trnopolje camp (para. 151 of the ICTY Judgment in *Tadić*; see also, paras. 14 and 15 of the ICTY Judgment in *Kvočka*);

106. Some individuals were arrested later in the summer on the basis of a pre-designated list of intellectuals and prominent members of society. These community leaders were routinely taken to the Prijedor police station and beaten (para. 14 of the ICTY Judgment in *Kvočka*);

107. ... [the] Stari grad section of the town of Prijedor, and in particular those houses, and businesses belonging to Muslim residents, suffered extensive damage, looting and destruction (para. 276 of the ICTY Judgment in *Stakić*);

108. ... [two] mosques were already destroyed in May 1992, amongst them, the Čaršijska mosque (para. 298 of the ICTY Judgment in *Stakić*);

109. ... [Prijedor] mosque was destroyed on 28 August 1992 by Serbs (para. 305 of the ICTY Judgment in *Stakić*);

110. A group of ... [Serbs] entered the yard outside the main mosque in Prijedor and set alight (para. 298 of the ICTY Judgment in *Stakić*);

111. ... [the] Catholic church in Prijedor was blown up in the early hours of 28 August 1992 ... by Serb army and police (para. 304 of the ICTY Judgment in *Stakić*; see also, para. 652 of the ICTY Judgment in *Brđanin*).

112. Throughout the period immediately after the takeover [of Prijedor], Dr. Stakić, in co-operation with the Chief of Police, Simo Drljača, and the most senior military figure in Prijedor, Colonel Vladimir Arsić, worked to strengthen and unify the military forces under Serb control (para. 479 of the ICTY Judgment in *Stakić*);

113. ... [a] large number of Muslims and Croats fled the territory the Municipality Prijedor [over the period between 30 April 1992 and 30 September 1992 (para. 322 of the ICTY Judgment in *Stakić*; also see, paras. 314 and 601 of the ICTY Judgment in *Stakić*; para. 310 of the ICTY Appeals Judgment in *Stakić*, and para. 159 of the ICTY Judgment in *Brđanin*);

114. The exodus of the mainly non-Serb population from Prijedor started as early as 1991 but accelerated considerably in the run-up to the takeover. The mass departure reached a peak in the months after the takeover. Most people travelled on one of the daily convoys of buses and trucks leaving the territory. These convoys would depart from specified areas within the municipality of Prijedor and were also organized on a regular basis from the Trnopolje camp (para. 692 of the ICTY Judgment in *Stakić*);

115 ... [the Serb] the Serb authorities organized and were responsible for escorting convoys out of Serb-controlled territory (para. 318 of the ICTY Judgment in *Stakić*).

116. ... [the] camps were set up in conformity with a decision of the Prijedor civilian authorities... (para. 821 of the ICTY Judgment in *Stakić*; see also, paras. 159-161, and 477 of the ICTY Judgment in *Stakić*, and para. 159 of the ICTY Judgment in *Brđanin*);

117. ... [the] Crisis Staff ... determined who should be responsible for the running of those camps (para. 159 of the ICTY Judgment in *Stakić*);

118. Generally the camps were established and run either at the direction of, or in cooperation with, the Crisis Staffs, the armed forces and the police (para. 154 of the ICTY Judgment in *Tadić*).

119. ... [t]he security of the local populace was entrusted to the Police division of the Public Security Service, which was attached to the Ministry of Interior and was separate from the State Public Security Service. At the regional level, each police division was divided into police stations, which in turn were sub-divided into police station departments (para. 334 of the ICTY Judgment in *Kvočka*);

120. ... [t]he Omarska police station department grew to the status of a police station in April 1992, before the Prijedor take-over by the Serb authorities ... (para. 338 of the ICTY Judgment in *Kvočka*);

123. The camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps (para. 155 of the ICTY Judgment in *Tadić*);

124. It was located at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village (para. 155 of the ICTY Judgment in *Tadić*);

125. Although efforts had already begun to set up the camp and staff and detainees began arriving around the 27th of May, the Prijedor Chief of Police, Simo Drljača issued the official order to establish the camps on 31 May 1992 (para. 17 of the ICTY Judgment in *Kvočka*);

126. With the arrival of the first detainees, permanent guard posts were established around the camp, and anti-personnel landmines were set up around the camp (para. 166 of the ICTY Judgment in *Stakić*).

127. The camp consisted of two large buildings, the hangar and the administrative building, and two smaller buildings, known as the "white house" and the "red house" (para. 155 of the ICTY Judgment in *Tadić*);

133. Omarska held as many as 3,000 prisoners at one time, primarily men, but also had at least 36 to 38 women (para. 155 of the ICTY Judgment in *Tadić*; see also, para. 840 of the ICTY Judgment in *Brđanin*, and para. 21 of the ICTY Judgment in *Kvočka*);

134. With little exception, all were Muslims or Croats (para. 155 of the ICTY Judgment in *Tadić*; see also, para. 840 of the ICTY Judgment in *Brđanin*);

135. The only Serb prisoners sighted by any of the witnesses were said to have been there because they were on the side of the Muslims (para. 155 of the ICTY Judgment in *Tadić*);

136. Boys as young as 15 were seen in the early days of the camp, as well as some elderly people (para. 21 of the ICTY Judgment in *Kvočka*);

137. Minors and mentally impaired individuals were also detained at the camp (para. 842 of the ICTY Judgment in *Brđanin*);

138. Inmates were unofficially grouped into three categories. Category one comprised intellectuals and political leaders from the Bosnian Muslim and Bosnian Croat communities, who were earmarked for elimination. Persons who associated themselves with those from the first category would fall into the second category, and the third category encompassed detainees that were in the view of the Bosnian Serb authorities the least 'guilty', and eventually were to be released. (para. 443 of the ICTY Judgment in *Brđanin*; see also para. 843 of the ICTY Judgment in *Brđanin*);

139. However, in practice, people from all three categories were kept detained in the camp (para. 443 of the ICTY Judgment in *Brđanin*).

142. ... [t]he hygienic conditions and the medical care available in Omarska camp were grossly inadequate (para. 67 of the ICTY Judgment in *Kvočka*);

145. The detainees at Omarska had one meal a day (para. 168 of the ICTY Judgment in *Stakić*; see also para. 51 of the ICTY Judgment in *Kvočka* and para. 160 of the ICTY Judgment in *Tadić*);

147. The quantity of water supplied to the detainees was clearly inadequate (para. 57 of the ICTY Judgment in *Kvočka*);

148. By contrast, the camp personnel enjoyed proper food (para. 932 of the ICTY Judgment in *Brđanin*).

149. Prisoners were called out for interrogation, usually some days after their arrival and would be taken by a guard to the first floor of the administration building; guards would beat and kick them as they went (para. 163 of the ICTY Judgment in *Tadić*);

160. ... [hundreds] of detainees were killed or disappeared in the Omarska camp between the end of May and the end of August when the camp was finally closed (para. 220 of the ICTY Judgment in *Stakić*);

161. ... [K]eraterm was staffed by employees of the SJB [(Public Security Service)] Prijedor and the Prijedor Military Police. As in Omarska, interrogators also consisted of members of the Banja Luka CSB [(Security Services Center)] and of the Banja Luka Corps. Sikirica was the camp commander. Nenad Banović aka “Čupo” and Zoran Žigić were amongst the guards. Damir Došen aka “Kajin” was amongst the shift commanders (para. 849 of the ICTY Judgment in *Brđanin*);

162. ... [the] the Keraterm factory was set up as a camp on or around 23/24 May 1992 (para. 162 of the ICTY Judgment in *Stakić*; see also, para. 168 of the ICTY Judgment in *Tadić*);

163. The Keraterm camp, located on the eastern outskirts of Prijedor, was previously used as a ceramic tile factory (para. 168 of the ICTY Judgment in *Tadić*).

164. The detainees were mostly Muslims and Croats (para. 162 of the ICTY Judgment in *Stakić*; para. 111 of the ICTY Judgment in *Kvočka*)

168. The Trnopolje camp was located near the Kozarac station, on the Prijedor-Banja-Luka railway line (para. 172 of the ICTY Judgment in *Tadić*);

169. The camp held thousands of prisoners, most of whom were older men and women and children (para. 172 of the ICTY Judgment in *Tadić*);

170. The 1,600 male detainees were held for approximately two to three months (para. 940 of the ICTY Judgment in *Brđanin*);

172. Armed soldiers guarded the camp. The commander of the camp was Slobodan Kuruzović (para. 172 of the ICTY Judgment in *Tadić*);

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173. ... and the guards were Bosnian Serb soldiers from Prijedor (para. 449 of the ICTY Judgment in *Brđanin*);

174. Trnopolje camp was officially closed down at the end of September 1992, but some of the detainees stayed there longer (para. 450 of the ICTY Judgment in *Brđanin*; see also, para. 940 of the ICTY Judgment in *Brđanin*).

175. The camp consisted of a two-storied former school building and what had been a municipal center and attached theatre, known as the "dom" (para. 173 of the ICTY Judgment in *Tadić*; also, see para. 16 of the ICTY Judgment in *Kvočka*);

176. An area of the camp was surrounded by barbed wire (para. 173 of the ICTY Judgment in *Tadić*);

179. There was almost no water to drink, as only one pump existed for the whole camp (para. 177 of the ICTY Judgment in *Tadić*);

180. No food was supplied by the camp authorities at Trnopolje (para. 174 of the ICTY Judgment in *Tadić*).

181. At Trnopolje there was no regular regime of interrogations or beatings, as in the other camps, but beatings and killings did occur (para. 175 of the ICTY Judgment in *Tadić*; also, see paras. 225, 242 of the ICTY Judgment in *Stakić*, and para. 450 of the ICTY Judgment in *Brđanin*);

184. Because this camp [Trnopolje] housed the largest number of women and girls, there were more rapes at this camp than at any other (para. 175 of the ICTY Judgment in *Tadić*);

192. On 21 August 1992, buses started to arrive in the Trnopolje camp and the detainees were told to board them.... The buses had been organized by the Serb authorities to transport people out of Prijedor into Muslim-held territory (para. 215 of the ICTY Judgment in *Stakić*);

207. ... [M]any people ... were taken to the SUP building in Prijedor and subjected to beatings. ... [T]hey had in common that all of them were non-Serbs... [S]evere beatings ... were also committed ... in the SUP building...(paras. 248, 780 of the ICTY Judgment in *Stakić*; see also, para. 199 of the ICTY Judgment in *Stakić*);

209. Detainees were beaten with metal objects by members of the intervention squad, composed of men from Prijedor (para. 863 of the ICTY Judgment in *Brđanin*);

213. All non-Serb men arrested and taken to the SUP were then bussed to either the Omarska camp or the Keraterm camp (para 15 of the ICTY Judgment in *Kvočka*)

214. Women, children, and the elderly tended to be taken to the Trnopolje camp (para 15. of the ICTY Judgment in *Kvočka*);

216. The JNA barracks in Prijedor, where at least 30 Bosnian Muslim men were detained, were staffed by the Bosnian Serb military (para 864 of the ICTY Judgment in *Brđanin*).

XVII. ANNEX III

A. IDENTITY OF THE VICTIMS

Mujo (Alija) Alić

DNA Report for Mujo (Alija) Alić – **case No. 9135140** – Protocol No. 12720/09 of 17 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-68-MDT, Prosecution Exhibit T-270;

Sejad (Rifet) Alić

1. DNA Report for Sejad (Rifet) Alić – case No. 9135062 – Protocol No. 12764/09 of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 RFM-3, Prosecution Exhibit T-270;
2. DNA Report for Sejad (Rifet) Alić – case No. 9135049 – Protocol No. 12764/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-68-MDT, Prosecution Exhibit T-270;
3. DNA Report for Sejad (Rifet) Alić – case No. 9135057 - Protocol 12764/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 RTB-1, Prosecution Exhibit T-270.

Enver (Avdo) Arifagić

1. DNA Report for Enver (Avdo) Arifagić - **case No. 9135060** – Protocol No. 12765/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 LTB-2, Prosecution Exhibit T-270;
2. DNA Report for Enver (Avdo) Arifagić - **case No. 9135064** – Protocol No. 12765/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19-11 MXT, **Prosecution Exhibit T-270;**
3. DNA Report for Enver (Avdo) Arifagić - **case No. 9135071** – Protocol No. 12765/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-18 LMT, **Prosecution Exhibit T-270;**
4. DNA Report for Enver (Avdo) Arifagić - **case No. 9135056** – Protocol No. 12765/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 RFM-1, **Prosecution Exhibit T-270;**
5. DNA Report for Enver (Avdo) Arifagić - **case No. 9135050** - Protocol No. 12765/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-17 LIN, **Prosecution Exhibit T-270;**

6. DNA Report for Enver (Avdo) Arifagić - **case No. 9135053** – Protocol No. 12765/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 LUL-2, **Prosecution Exhibit T-270**;
7. DNA Report for Enver (Avdo) Arifagić - **case No. 9135068** – Protocol No. 12765/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19-15 MD, **Prosecution Exhibit T-270**;
8. DNA Report for Enver (Avdo) Arifagić - **case No. 9135055** – Protocol No. 12765/09r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 RHM-3, **Prosecution Exhibit T-270**;
9. DNA Report for Enver (Avdo) Arifagić - **case No. 9136814** – Protocol No. 12765/09r of 15 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19 RFM-1, **Prosecution Exhibit T-270**;
10. Excerpt from the Register of Deaths No. 04-202-1-425/2008 of 12 August 2008, **Prosecution Exhibit T-51**;

Mehmed (Ekrem) Arifagić

1. DNA Report for Mehmed (Ekrem) Arifagić - **case No. 9135534** – Protocol No. 12776/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-55-LTB, **Prosecution Exhibit T-270**;
2. DNA Report for Mehmed (Ekrem) Arifagić - **case No. 9135006** – Protocol No. 12776/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-31-RFM, **Prosecution Exhibit T-270**;

Rasim (Sulejman) Avdić

1. DNA Report No.149 for Rasim (Sulejman) Avdić - **case No. 9108789** – Protocol No. 2877/03 of 24 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-192**;
2. Excerpt from the Register of Deaths No. 04-202-1-4583/2008 of 11 August 2008, **Prosecution Exhibit T-52**;

Šerif (Ramo) Bajrić

Excerpt from the Register of Deaths No. 04-202-1-4585/2008 of 11 August 2008, **Prosecution Exhibit T-53**;

Zafir (Šerif) Bajrić

Excerpt from the Register of Deaths No. 04-202-1-4586/2008 of 11 August 2008,
Prosecution Exhibit T-54;

Rasim (Muharem) Bašić

Excerpt from the Register of Deaths No. 04-202-1-486/2008 of 12 August 2008,
Prosecution Exhibit T-55;

Nihad (Meho) Bešić

Excerpt from the Register of Deaths No. 04-202-1-427/2008 of 12 August 2008,
Prosecution Exhibit T-54;

Mustafa (Ibrahim) Bešić

1. DNA Report for Mustafa (Ibrahim) Bešić - **case No. 9135559**-Protocol No. 12854/10 of 21 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-77-rfm, **Prosecution Exhibit T-270;**
2. DNA Report for Mustafa (Ibrahim) Bešić - **case No. 9137933** – Protocol No. 12854/10 of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 21-LP, **Prosecution Exhibit T-270;**

Nermin (Izet) Bešić

1. DNA Report for Nermin (Izet) Bešić – **case No. 9135135** - Protocol No. 12721/09 of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-64 MHT, **Prosecution Exhibit T-270;**
2. DNA Report for Nermin (Izet) Bešić – **case No. 9135620** - Protocol No. 12721/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-133-LFB, **Prosecution Exhibit T-270;**
3. DNA Report for Nermin (Izet) Bešić – **case No. 9135153** – Protocol No. 12721/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-77 RTB-ex, **Prosecution Exhibit T-270;**
4. DNA Report for Nermin (Izet) Bešić – **case No. 9134990** – Protocol No. 12721/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-15 LIN, **Prosecution Exhibit T-270;**

5. DNA Report for Nermin (Izet) Bešić – **case No. 9135151** – Protocol No. 12721/09r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-76 RFM, **Prosecution Exhibit T-270**;
6. DNA Report for Nermin (Izet) Bešić – **case No. 9136504** – Protocol No. 12721/09r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-101-MDT, **Prosecution Exhibit T-270**;

Sead (Adem) Bešić

1. DNA Report for Sead (Adem) Bešić – **case No. 9135082** – Protocol No. 12762/09 of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-28 MDT, **Prosecution Exhibit T-270**;
2. DNA Report for Sead (Adem) Bešić – **case No. 9135079** – Protocol No. 12762/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-26 LFM, **Prosecution Exhibit T-270**;

Suvad (Mustafa) Bešliagić

1. DNA Report for Suvad (Mustafa) Bešliagić – **case No. 9135085** – Protocol No. 12822/09 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-30 LHM, **Prosecution Exhibit T-270**;
2. DNA Report for Suvad (Mustafa) Bešliagić – **case No. 9135084** – Protocol No. 12822/09r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-30 LFM, **Prosecution Exhibit T-270**;
3. Excerpt from the Register of Deaths No. 04-202-1-429/2008 of 12 August 2008, **Prosecution Exhibit T-57**;

Šerif (Suljo) Blažević

1. Excerpt from the Register of Deaths No. 04-202-1-458/2008 of 12 August 2008, **Prosecution Exhibit T-86**;
2. Decision declaring death of a missing person, No. R: 784/02 of 20 August 2002, **Prosecution Exhibit T-87**;
3. Record of the Basic Court in Prijedor No. R: 784/02 of 20 August 2002, **Prosecution Exhibit T-88**;

Ahmet (Hamdija) Blažević

DNA Report No.147 for Ahmet (Hamdija) Blažević – **case No. 9108804** – Protocol No. 2783/03 of 24 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-193**;

Fadil (Ibrahim) Blažević

1. DNA Report for Fadil (Ibrahim) Blažević – **case No. 9135070** – Protocol No. 12719/09 of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19-17 MDT, **Prosecution Exhibit T-270**;
2. DNA Report for Fadil (Ibrahim) Blažević – **case No. 9135067** - Protocol 12719/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19-14 MTX, **Prosecution Exhibit T-270**;
3. DNA Report for Fadil (Ibrahim) Blažević – **case No. 9137855** – Protocol No. 12719/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 18-RP, **Prosecution Exhibit T-270**;
4. Excerpt from the Register of Deaths No. 04-202-1-459/2008 of 12 August 2008, **Prosecution Exhibit T-89**;
5. Decision declaring the death of a missing person, No. R: 290/02 of 26 November 2002, **Prosecution Exhibit T-90**;
6. Record of the Basic Court in Prijedor No. R: 790/02 of 6 August 2002, **Prosecution Exhibit T-91**;

Fikret (Himzo) Blažević

1. DNA Report for Fikret (Himzo) Blažević – **case No. 9135020** – Protocol No. 12740/09 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-1 LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Fikret (Himzo) Blažević – **case No. 9135022** – Protocol No. 12740/09r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-1 MDT, **Prosecution Exhibit T-270**;
3. DNA Report for Fikret (Himzo) Blažević – **case No. 9135021** - Protocol No. 12740/09r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-1 LHM, **Prosecution Exhibit T-270**;

Mustafa (Edhem) Blažević

DNA Report No.76 for Mustafa (Edhem) Blažević – **case No. 9108927** – Protocol No. 3289/03 of 2 March 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-194**;

Muharem (Šaban) Crljenković

1. DNA Report for Muharem (Šaban) Crljenković – **case No. 9134986** – Protocol No. 12705/09 of 4 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-11-lin, **Prosecution Exhibit T-270**;
2. DNA Report for Muharem (Šaban) Crljenković – **case No. 9135003** – Protocol No. 12705/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-28-lfm, **Prosecution Exhibit T-270**;
3. DNA Report for Muharem (Šaban) Crljenković – **case No. 9135536** – Protocol No. 12705/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-57-lhm, **Prosecution Exhibit T-270**;
4. DNA Report for Muharem (Šaban) Crljenković – **case No. 9135595** – Protocol No. 12705/09r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-109-MDT, **Prosecution Exhibit T-270**;
5. DNA Report for Muharem (Šaban) Crljenković – **case No. 9137870** – Protocol No. 12705/09r of 2 September 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-155-LU-2, **Prosecution Exhibit T-270**;

Zijad (Ibrahim) Čejvan

1. DNA Report No.33 for Zijad (Ibrahim) Čejvan – **case No. 9108547** – Protocol No. 2773/03 of 14 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 195a**;
2. DNA Report No. 33 for Zijad (Ibrahim) Čejvan – **case No. 9108767** – Protocol No. 2773/03 of 13 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 195 b**;
3. DNA Report No.33 for Zijad (Ibrahim) Čejvan – **case No. 9108755** – Protocol No. 2773/03 of 8 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 195**;

Besim (Smail) Čaušević

1. DNA Report for Besim (Smail) Čaušević – **case No. 9135570** – Protocol No. 12792/09 of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-84-RTB, **Prosecution Exhibit T-270**;
2. DNA Report for Besim (Smail) Čaušević – **case No. 9135163** – Protocol No. 12792/09r of February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-84-RFM, **Prosecution Exhibit T-270**;
3. DNA Report for Besim (Smail) Čaušević – **case No. 9135626** – Protocol No. 12792/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-139-LFB, **Prosecution Exhibit T-270**;
4. Excerpt from the Register of Deaths No. 04-202-1-430/2008 of 11 August 2008, **Prosecution Exhibit T-58**;

Ismet (Mehmed) Ćustić

1. DNA Report for Ismet (Mehmed) Ćustić - **case No. 9135005** - protocol No. 12820/09 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-30-LFM, **Prosecution Exhibit T-270**;
2. Excerpt from the Register of Deaths No. 04-202-1-433/2008 of 12 August 2008, **Prosecution Exhibit T-53**;

Hilmija (Mehmed) Ćustić

1. DNA Report for Hilmija (Mehmed) Ćustić - **case No. 9135562** - Protocol No. 12780/09 of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-79-RFM, **Prosecution Exhibit T-270**;
2. Excerpt from the Register of Deaths No. 04-202-1-432/2008 of 11 August 2008, **Prosecution Exhibit T-60**;

Admir (Džemal) Dergić

1. DNA Report for Admir (Džemal) Dergić - **case No. 9135103** - Protocol No. 12723/09r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-41/52 MDT, **Prosecution Exhibit T-270**;
2. DNA Report for Admir (Džemal) Dergić - **case No. 9135102** - Protocol No. 12723/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-42 LFM, **Prosecution Exhibit T-270**;

3. DNA Report for Admir (Džemal) Dergić - **case No. 9135089** - Protocol No. 12723/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-34 RTB, **Prosecution Exhibit T-270**;
4. DNA Report for Admir (Džemal) Dergić - **case No. 9135106** - Protocol No. 12723/09 of 28 May 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-43 MXT, **Prosecution Exhibit T-270**;
5. DNA Report for Admir (Džemal) Dergić - **case No. 9137905** - Protocol No. 12723/09r of 26 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 41/52-LU, **Prosecution Exhibit T-270**;
6. Excerpt from the Register of Deaths No. 04-202-1-401/2008 of 8 August 2008, **Prosecution Exhibit T-61**;

Fadil (Fehim) Duratović

1. DNA Report for Fadil (Fehim) Duratović - **case No. 9135098** - Protocol No. 12763/09 of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-39 MDT, **Prosecution Exhibit T-270**;
2. DNA Report for Fadil (Fehim) Duratović - **case No. 9135093** - Protocol No. 12763/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-35 LFM, **Prosecution Exhibit T-270**;
3. DNA Report for Fadil (Fehim) Duratović - **case No. 9135037** - Protocol No. 12763/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-10 RPT, **Prosecution Exhibit T-270**;

Šaban (Šerif) Elezović

1. DNA Report for Šaban (Šerif) Elezović - **case No. 9135000** - Protocol No. 12845/10 of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-25-LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Šaban (Šerif) Elezović - **case No. 9135016** - Protocol No. 12845/10r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-43-LIN, **Prosecution Exhibit T-270**;
3. DNA Report for Šaban (Šerif) Elezović - **case No. 9135639** - Protocol No. 12845/10r of 15 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-152-RRD, **Prosecution Exhibit T-270**;

4. DNA Report for Šaban (Šerif) Elezović - **case No. 9137860** - Protocol No. 12845/10r of 2 September 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66a-h-62-LH-2, **Prosecution Exhibit T-270**;

Fahrudin (Kasim) Elezović

Confirmed by witness Hakija Elezović;

Jasmin (Hajrudin) Elezović

DNA Report No. 39 for Hajrudin (Salih) Elezović - **case No. 9108553** - Protocol No. 5608/05 of 3 June 2005 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-197**;

Edin (Muharem) Elezović and Emir (Muharem) Elezović

1. DNA Report No. 46 for Edin (Muharem) Elezović or Emir (Muharem) Elezović - **case No. 9108560** – Protocol No. 2594/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-211**;
2. DNA Report No. 46 for Edin (Muharem) Elezović or Emir (Muharem) Elezović - **case No. 9108757** – Protocol No. 2779/03 of 31 March 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-211a**;
3. Excerpt from the Register of Deaths No. 04-202-1-4506/2008 of 7 August 2008 (for Edin Elezović), **Prosecution Exhibit T-61**;
4. Excerpt from the Register of Deaths No. 04-202-1-4507/2008 of 7 August 2008 (for Emir Elezovića), **Prosecution Exhibit T-63**;

Hajrudin (Salih) Elezović

1. DNA Report No. 92 for Hajrudin (Salih) Elezović - **case No. 9108766** - Protocol No. 2780/03 of 10 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-196**;
2. Excerpt from the Register of Deaths No. 04-202-1-398/2008 of 8 August 2008, **Prosecution Exhibit T-64**;

Jasmin (Ismet) Fazlić

Excerpt from the Register of Deaths No. 04-202-1-434/2008 of 12 August 2008, **Prosecution Exhibit T-65**;

Mirsad (Ismet) Fazlić

Excerpt from the Register of Deaths No. 04-202-1-435/2008 of 12 August 2008,
Prosecution Exhibit T-66;

Almir (Refik) Fazlić

1. Excerpt from the Register of Deaths No. 04-202-1-4498/2008 of 7 August 2008,
Prosecution Exhibit T-92;
2. Decision declaring the death of a missing person, No. R: 157/2000 of 26 March 2001,
Prosecution Exhibit T-93;
3. Record of the Basic Court in Prijedor No. R. 157/2000 of 26 March 2001, **Prosecution Exhibit T-94;**

Edin (Hilmija) Fazlić

Excerpt from the Register of Deaths No. 04-202-1-463/2008 of 12 August 2008,
Prosecution Exhibit T-96;

Ismet (Derviš) Fazlić

1. DNA Report for Ismet (Derviš) Fazlić - **case No. 9134977** - Protocol No. 12699/09 of 4 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-2-lin, **Prosecution Exhibit T-270;**
2. DNA Report for Ismet (Derviš) Fazlić - **case No. 9134994** - Protocol No. 12699/09r of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-19-LFM, **Prosecution Exhibit T-270;**
3. DNA Report for Ismet (Derviš) Fazlić - **case No. 9135529** - Protocol No. 12699/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-50-LTB, **Prosecution Exhibit T-270;**
4. DNA Report for Ismet (Derviš) Fazlić - **case No. 9135631** - Protocol No. 12699/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-144-LRD, **Prosecution Exhibit T-270;**
5. DNA Report for Ismet (Derviš) Fazlić - **case No. 9135617** - Protocol No. 12699/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-131-LFB, **Prosecution Exhibit T-270;**

Kemal (Hamdija) Garibović

1. DNA Report for Kemal (Hamdija) Garibović - **case No. 9135131** - Protocol No. 12796/09 of 12 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-61 RFM, **Prosecution Exhibit T-270**;
2. DNA Report for Kemal (Hamdija) Garibović - **case No. 9135122** - Protocol No. 12796/09r of 15 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-53 LIN, **Prosecution Exhibit T-270**;
3. Excerpt from the Register of Deaths No. 04-202-1-436/2008 of 12 August 2008, **Prosecution Exhibit T-67**;

Samir (Sadik) Garibović

Confirmed by Witness A in his testimony before the Court;

Vasif (Atif) Garibović

1. DNA Report for Vasif (Atif) Garibović - **case No. 9135176** - Protocol No. 12735/09 of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-95 MXT, **Prosecution Exhibit T-270**;
2. DNA Report for Vasif (Atif) Garibović - **case No. 9135582** - Protocol No. 12735/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-96-LTB, **Prosecution Exhibit T-270**;
3. DNA Report for Vasif (Atif) Garibović - **case No. 9135181** - Protocol No. 12735/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-102 RHM, **Prosecution Exhibit T-270**;
4. DNA Report for Vasif (Atif) Garibović - **case No. 9135576** - Protocol No. 12735/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-90-LFM, **Prosecution Exhibit T-270**;
5. DNA Report for Vasif (Atif) Garibović - **case No. 9135580** - Protocol No. 12735/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-94-RTB, **Prosecution Exhibit T-270**;
6. DNA Report for Vasif (Atif) Garibović - **case No. 9135182** - Protocol No. 12735/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on the SK-03/09-66 102 RPT sample, **Prosecution Exhibit T-270**;
7. DNA Report for Vasif (Atif) Garibović - **case No. 9137913** - protocol No. 12735/09r of 26 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-134-LFB-2, **Prosecution Exhibit T-270**;

Muhamed (Abaz) Grabić

1. DNA Report for Muhamed (Abaz) Grabić - **case No. 9135171** - Protocol No. 12726/09 of 17 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-92 MXT, **Prosecution Exhibit T-270**;
2. DNA Report for Muhamed (Abaz) Grabić - **case No. 9135040** - Protocol No. 12726/09r of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-11 RFM, **Prosecution Exhibit T-270**;
3. DNA Report for Muhamed (Abaz) Grabić - **case No. 9135172** - Protocol No. 12726/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-92 mdt, **Prosecution Exhibit T-270**;
4. DNA Report for Muhamed (Abaz) Grabić - **case No. 9135036** - Protocol No. 12726/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-9 MXT, **Prosecution Exhibit T-270**;
5. DNA Report for Muhamed (Abaz) Grabić - **case No. 9135174** - Protocol No. 12726/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-93 LFB, **Prosecution Exhibit T-270**;
6. DNA Report for Muhamed (Abaz) Grabić - **case No. 9137915** - Protocol No. 12726/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 11-LF-1, **Prosecution Exhibit T-270**;

Mirsad (Hasan) Gutić

DNA Report No. 95 for Mirsad (Hasan) Gutić - **case No. 9108776** - Protocol No. 2765/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 198**;

Husein (Salih) Hankić

1. DNA Report for Husein (Salih) Hankić - **case No. 9135148** - Protocol No. 12797/09 of 12 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-72 LFM-1, **Prosecution Exhibit T-270**;
2. DNA Report for Husein (Salih) Hankić - **case No. 9135146** - Protocol No. 12797/09r of 12 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-72 LIN, **Prosecution Exhibit T-270**;
3. DNA Report for Husein (Salih) Hankić - **case No. 9135618** - Protocol No. 12797/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-98-RPR, **Prosecution Exhibit T-270**;

Osman (Hasan) Hasanagić

1. DNA Report for Osman (Hasan) Hasanagić - **case No. 9135126-** Protocol No. 12789/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-56 RFM, **Prosecution Exhibit T-270;**
2. DNA Report for Osman (Hasan) Hasanagić - **case No. 9135541** - Protocol No. 12789/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-62-RPT, **Prosecution Exhibit T-270;**
3. DNA Report for Osman (Hasan) Hasanagić - **case No. 9135168** - Protocol No. 12789/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-89 RTB, **Prosecution Exhibit T-270;**
4. DNA Report for Osman (Hasan) Hasanagić - **case No. 9135132** - Protocol No. 12789/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-62-LFM, **Prosecution Exhibit T-270;**
5. DNA Report for Osman (Hasan) Hasanagić - **case No. 9134976** - Protocol No. 12789/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-1-LIN, **Prosecution Exhibit T-270;**
6. Excerpt from the Register of Deaths No. 04-202-1-437/2008 of 12 August 2008, **Prosecution Exhibit T-68;**

Ismet (Husein) Hirkić

Excerpt from the Register of Deaths No. 04-202-1-438/2008 of 12 August 2008, **Prosecution Exhibit T-69;**

Rifet (Husein) Hirkić

Excerpt from the Register of Deaths No. 04-202-1-399/2008 of 8 August 2008, **Prosecution Exhibit T-70;**

Šefik (Husein) Hirkić

DNA Report No.124 for Šefik (Husein) Hirkić - **case No. 9108780** - Protocol No. 2767/03 of 26 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 199;**

Midhet (Fehim) Hodžić

Excerpt from the Register of Deaths No. 04-202-1-4590/2008 of 11 August 2008, **Prosecution Exhibit T-71;**

Ahmet (Husein) Hodžić

1. DNA Report for Ahmet (Husein) Hodžić - **case No. 9135524** - Protocol No. 12753/09 of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-45-LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Ahmet (Husein) Hodžić - **case No. 9135528** – Protocol No. 12753/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-49-LTB, **Prosecution Exhibit T-270**;
3. DNA Report for Ahmet (Husein) Hodžić - **case No. 9135010** - Protocol No. 12753/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-36-LHM, **Prosecution Exhibit T-270**;
4. DNA Report for Ahmet (Husein) Hodžić - **case No. 9135593** - Protocol No. 12753/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-107-LPT, **Prosecution Exhibit T-270**;
5. DNA Report for Ahmet (Husein) Hodžić - **case No. 9135594** - Protocol No. 12753/09r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-108-MXT, **Prosecution Exhibit T-270**;
6. DNA Report for Ahmet (Husein) Hodžić - **case No. 9137923** - Protocol No. 12753/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-146-RU, **Prosecution Exhibit T-270**;
7. Excerpt from the Register of Deaths No. 04-202-1-4591/2008 of 11 August 2008, **Prosecution Exhibit T-72**;

Mirsad (Hilmija) Hodžić

1. DNA Report for Mirsad (Hilmija) Hodžić - **case No. 9135121** - Protocol No. 12722/09 of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-52 MDT-2, **Prosecution Exhibit T-270**;
2. DNA Report for Mirsad (Hilmija) Hodžić - **case No. 9135110** - Protocol No. 12722/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-46 LTB, **Prosecution Exhibit T-270**;
3. DNA Report for Mirsad (Hilmija) Hodžić - **case No. 9135111** - Protocol No. 12722/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-47 LIN, **Prosecution Exhibit T-270**;

4. DNA Report for Mirsad (Hilmija) Hodžić - **case No. 9135108** - Protocol No. 12722/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-44 LFM, **Prosecution Exhibit T-270**;
5. DNA Report for Mirsad (Hilmija) Hodžić - **case No. 9137925** - Protocol No. 12722/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 45-RH, **Prosecution Exhibit T-270**;

Said (Alija) Horozović and Emsud (Alija) Horozović

Confirmed by Witness KO-7;

Mahmut (Sefer) Hrustić

1. DNA Report for Mahmut (Sefer) Hrustić - **case No. 9135142** - Protocol No. 12839/10 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-69 LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Mahmut (Sefer) Hrustić - **case No. 9135145** - Protocol No. 12839/10 of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-71 LHM, **Prosecution Exhibit T-270**;

Hajro (Husko) Ičić

Excerpt from the Register of Deaths No. 04-202-1-441/2008 of 12 August 2008, **Prosecution Exhibit T-73**;

Armin (Mustafa) Jakupović

Excerpt from the Register of Deaths No. 04-202-1-442/2008 of 12 August 2008, **Prosecution Exhibit T-74**;

Senad (Latif) Jusufagić

1. DNA Report for Senad (Latif) Jusufagić - **case No. 9134980** - Protocol No. 12704/09 of 3 December 2010 Excerpt from the Register of Deaths No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-5-LIN, **Prosecution Exhibit T-270**;
2. DNA Report for Senad (Latif) Jusufagić - **case No. 9135566** - Protocol No. 12704/09 of 21 January 2010 Excerpt from the Register of Deaths No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-83-LFM, **Prosecution Exhibit T-270**;

Zuhdija (Meho) Kadirić

DNA Report No. 42 for Zuhdija (Meho) Kadirić - **case No. 9108556** - Protocol No. 4202/04 of 14 September 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-200**;

Mehmed (Sulejman) Kahrimanović

1. DNA Report for Mehmed (Sulejman) Kahrimanović - **case No. 9134984** - Protocol No. 12718/09 of 17 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-9-LIN, **Prosecution Exhibit T-270**;
2. DNA Report for Mehmed (Sulejman) Kahrimanović - **case No. 9135625** - Protocol No. 12718/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-138-LFB, **Prosecution Exhibit T-270**;
3. DNA Report for Mehmed (Sulejman) Kahrimanović - **case No. 9135558** - Protocol No. 12718/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-76-RFM, **Prosecution Exhibit T-270**;
4. DNA Report for Mehmed (Sulejman) Kahrimanović - **case No. 9135662** - Protocol No. 12718/09r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-175-LRD, **Prosecution Exhibit T-270**;
5. DNA Report for Mehmed (Sulejman) Kahrimanović - **case No. 9134999** - Protocol No. 12718/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-24-LFM, **Prosecution Exhibit T-270**;
6. DNA Report for Mehmed (Sulejman) Kahrimanović - **case No. 9135539** - Protocol No. 12718/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-60-LHM, **Prosecution Exhibit T-270**;

Uzeir (Muharem) Kahrimanović

1. DNA Report for Uzeir (Muharem) Kahrimanović - **case No. 9135034** - Protocol No. 12732/09 of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-7 LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Uzeir (Muharem) Kahrimanović - **case No. 9135031** - Protocol No. 12732/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-7 MD, **Prosecution Exhibit T-270**;
3. DNA Report for Uzeir (Muharem) Kahrimanović - **case No. 9135032** - Protocol No. 12732/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-7 OCC, **Prosecution Exhibit T-270**;

4. DNA Report for Uzeir (Muharem) Kahrimanović - **case No. 9135628** - Protocol No. 12732/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on the SK-03/09- a/h-141-RFB sample, **Prosecution Exhibit T-270**;
5. DNA Report for Uzeir (Muharem) Kahrimanović - **case No. 9135033** - Protocol No. 12732/09r of 11 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-7 LHM, **Prosecution Exhibit T-270**;

Derviš (Osman) Karabašić

1. DNA Report for Derviš (Osman) Karabašić - **case No. 9135118**- Protocol No. 12766/09 of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-51 MDT, **Prosecution Exhibit T-270**;
2. DNA Report for Derviš (Osman) Karabašić - **case No. 9135615** - Protocol No. 12766/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 a/h-129-RFB, **Prosecution Exhibit T-270**;
3. DNA Report for Derviš (Osman) Karabašić - **case No. 9135116** – Protocol No. 12766/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-51 LIN, **Prosecution Exhibit T-270**;
4. DNA Report for Derviš (Osman) Karabašić - **case No. 9135115** - Protocol No. 12766/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-50 LFM, **Prosecution Exhibit T-270**;
5. DNA Report for Derviš (Osman) Karabašić - **case No. 9135130** – Protocol No. 12766/09r of 25 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-60 RTB, **Prosecution Exhibit T-270**;
6. DNA Report for Derviš (Osman) Karabašić - **case No. 9135117** - Protocol No. 12766/09r of 7 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-51 LHM, **Prosecution Exhibit T-270**;

Osman (Derviš) Karabašić

1. DNA Report for Karabašić (Derviš) Osman - **case No. 9135149** - Protocol No. 12791/09r of 27 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-73 LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Karabašić (Derviš) Osman - **case No. 9135141** - Protocol No. 12791/09r of 27 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-69 RFM-ex, **Prosecution Exhibit T-270**;

3. DNA Report for Karabašić (Derviš) Osman - **case No. 9135569** - Protocol No. 12791/09r of 27 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-84-LHM-2, **Prosecution Exhibit T-270**;
4. DNA Report for Karabašić (Derviš) Osman - **case No. 9137898** - Protocol No. 12791/09r of 2 September 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-163-LU, **Prosecution Exhibit T-270**;

Elvir (Kadir) Kararić

1. DNA Report for Elvir (Kadir) Kararić - **case No. 9135616** - Protocol No. 12746/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-130-LFB, **Prosecution Exhibit T-270**;
2. DNA Report for Elvir (Kadir) Kararić - **case No. 9134995** - Protocol No. 12746/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-20-LFM, **Prosecution Exhibit T-270**;
3. DNA Report for Elvir (Kadir) Kararić - **case No. 9134991** - Protocol No. 12746/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-16-LIN, **Prosecution Exhibit T-270**;
4. DNA Report for Elvir (Kadir) Kararić - **case No. 9135643** - Protocol No. 12746/09r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on the SK-03/09-66 A/H-156-lui sample, **Prosecution Exhibit T-270**;
5. DNA Report for Elvir (Kadir) Kararić - **case No. 9135597** - Protocol No. 12746/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-111-MXT, **Prosecution Exhibit T-270**;
6. DNA Report for Elvir (Kadir) Kararić - **case No. 9135017** - Protocol No. 12746/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-44-LTB, **Prosecution Exhibit T-270**;
7. DNA Report for Elvir (Kadir) Kararić - **case No. 9135637** - Protocol No. 12746/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-150-LRD, **Prosecution Exhibit T-270**;
8. DNA Report for Elvir (Kadir) Kararić - **case No. 9137845** - Protocol No. 12746/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-32-RH, **Prosecution Exhibit T-270**;

Kadir (Husein) Kararić

1. DNA Report for Kadir (Husein) Kararić - **case No. 9135178** - Protocol No. 12734/09 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-97 MXT, **Prosecution Exhibit T-270**;
2. DNA Report for Kadir (Husein) Kararić - **case No. 9135175** - Protocol No. 12734/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-94 RFM, **Prosecution Exhibit T-270**;
3. DNA Report for Kadir (Husein) Kararić - **case No. 9135179** - Protocol No. 12734/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-98 MDT, **Prosecution Exhibit T-270**;
4. DNA Report for Kadir (Husein) Kararić - **case No. 9135180** - Protocol No. 12734/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-100 RTB, **Prosecution Exhibit T-270**;
5. DNA Report for Kadir (Husein) Kararić - **case No. 9137844** - Protocol No. 12734/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 96-RH, **Prosecution Exhibit T-270**;

Elvin (Mehmed) Kauković

Excerpt from the Register of Deaths, No. 04-202-1-651/2008 of 8 December 2008, **Prosecution Exhibit T-97**;

Meho (Ahmet) Kljajić

DNA Report for Meho (Ahmet) Kljajić - **case No. 9135564** - Protocol No. 12790/09 of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-81-RFM, **Prosecution Exhibit T-270**;

Ahmet (Salih) Krkić

Excerpt from the Register of Deaths, No. 04-202-1-649/2008 of 8 December 2008, **Prosecution Exhibit T-98**;

Abaz (Omer) Kulašić

1. DNA Report No.12 for Abaz (Omer) Kulašić - **case No. 9108532**- Protocol No. 2592/03 of 24 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 201**;

2. DNA Report No.12 for Abaz (Omer) Kulašić - **case No. 9108536-** Protocol No. 2592/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 201a;**
3. DNA Report No.12 for Abaz (Omer) Kulašić - **case No. 9108543-** Protocol No. 2592/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 201b;**
4. DNA Report No.12 for Abaz (Omer) Kulašić - **case No. 9108551-** Protocol No. 2592/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 201c;**
5. DNA Report No.12 for Abaz (Omer) Kulašić - **case No. 9108772 -** Protocol No. 2592/03 of 8 March 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 201d;**

Sakib (Ahmet) Kljajić

1. DNA Report for Sakib (Ahmet) Kljajić - **case No. 9135065 -** Protocol No. 12724/09 of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-16/19-12 MXT, **Prosecution Exhibit T-270;**
2. DNA Report for Sakib (Ahmet) Kljajić - **case No. 9135107 -** Protocol No. 12724/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-43 LHM, **Prosecution Exhibit T-270;**
3. DNA Report for Sakib (Ahmet) Kljajić - **case No. 9135087 -** Protocol No. 12724/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-33 RTB, **Prosecution Exhibit T-270;**
4. DNA Report for Sakib (Ahmet) Kljajić - **case No. 9135101 -** Protocol No. 12724/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-42 RIN-EX, **Prosecution Exhibit T-270;**
5. DNA Report for Sakib (Ahmet) Kljajić - **case No. 9135100 -** Protocol No. 12724/09r of 25 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-41 LFM, **Prosecution Exhibit T-270;**
6. Excerpt from the Register of Deaths No. 04-202-1-4513/2008 of 7 August 2008, **Prosecution Exhibit T-75;**

Velid (Ramo) Marošlić

1. DNA Report for Velid (Ramo) Marošlić - **case No. 9135630** - Protocol No. 12823/10r of 18 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-143-RFB, **Prosecution Exhibit T-270**;
2. DNA Report for Velid (Ramo) Marošlić - **case No. 9135561** - Protocol No. 12823/10r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-78-RFM, **Prosecution Exhibit T-270**;
3. DNA Report for Velid (Ramo) Marošlić - **case No. 9135573** - Protocol No. 12823/10 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-87-LFM, **Prosecution Exhibit T-270**;

Himzo (Redžo) Marošlić

1. DNA Report No. 26 for Himzo (Redžo) Marošlić - **case No. 9108540** – Protocol No.2732/03 of 6 May 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 202**;
2. DNA Report No.26 for Himzo (Redžo) Marošlić - **case No. 9108799** - Protocol No. 2732/03 of 5 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 202a**;
3. DNA Report No.26 for Himzo (Redžo) Marošlić - **case No. 9108788** - Protocol No. 2732/03 of 8 March 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 202b**;
4. DNA Report No. 26 for Himzo (Redžo) Marošlić - **case No. 9108788** - Protocol No. 2732/03 of 8 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 202c**;
5. Excerpt from the Register of Deaths No. 04-202-1-405/2008 of 8 August 2008, **Prosecution Exhibit T-76**;

Ejub (Abaz) Medić

Excerpt from the Register of Deaths No. 04-202-1-482/2008 of 12 August 2008, **Prosecution Exhibit T-77**;

Alija (Bećo) Mehmedagić

1. DNA Report No. 43 for Alija (Bećo) Mehmedagić - **case No. 9108754** - Protocol No. 3162/03 of 8 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-203**;

2. DNA Report No. 43 for Alija (Bećo) Mehmedagić - **case No. 9108754** - Protocol No. 3162/03 of 8 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 203a**;

Osman (Husein) Mehmedagić

1. DNA Report for Osman (Husein) Mehmedagić - **case No. 9135035** - Protocol No. 12733/09 of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-8 RIN, **Prosecution Exhibit T-270**;
2. DNA Report for Osman (Husein) Mehmedagić - **case No. 9135048** - Protocol No. 12733/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-15 RFM, **Prosecution Exhibit T-270**;
3. DNA Report for Osman (Husein) Mehmedagić - **case No. 9135123** - Protocol No. 12733/09r of 12 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-54 LFM, **Prosecution Exhibit T-270**;

Asmir (Mehmed) Memić

1. DNA Report for Asmir (Mehmed) Memić - **case No. 9135579** - Protocol No. 12793/09 of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-93-LTB, **Prosecution Exhibit T-270**;
2. DNA Report for Asmir (Mehmed) Memić - **case No. 9135598** - Protocol No. 12793/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-112-MDT, **Prosecution Exhibit T-270**;
3. DNA Report for Asmir (Mehmed) Memić - **case No. 9137912** - Protocol No. 12793/09r of 26 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-148-LR-2, **Prosecution Exhibit T-270**;
4. Excerpt from the Register of Deaths No. 04-202-1-413/2008 of 8 August 2008, **Prosecution Exhibit T-78**;

Himzo (Omer) Mrkalj

1. DNA Report No.142 for Himzo (Omer) Mrkalj - **case No. 9108754** - Protocol No. 3302/03 of 13 February 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 204**;
2. DNA Report No.142 for Himzo (Omer) Mrkalj - **case No. 9108805** - Protocol No. 3302/03 of 16 April 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 204a**;

Idriz (Haso) Muretčehajić

1. DNA Report No.113 for Idriz (Haso) Muretčehajić - **case No. 9108792** - Protocol No. 2785/03 of 6 May 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-205**;
2. Excerpt from the Register of Deaths No. 04-202-1-404/2008 of 8 August 2008, **Prosecution Exhibit T-79**;

Edin (Osman) Mujkanović

1. DNA Report for Edin (Osman) Mujkanović - **case No. 9135531** - Protocol No. 12754/09 of 11 January 2010 made pursuant to Order No KTA-1/09-RZ based on sample SK-03/09-66 A/H-52-LTB, **Prosecution Exhibit T-270**;
2. DNA Report for Edin (Osman) Mujkanović - **case No. 9135645** - Protocol No. 12754/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-158-LUI, **Prosecution Exhibit T-270**;
3. DNA Report for Edin (Osman) Mujkanović - **case No. 9135659** - Protocol No. 12754/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-172-LRD, **Prosecution Exhibit T-270**;
4. DNA Report for Edin (Osman) Mujkanović - **case No. 9135591** - Protocol No. 12754/09r of 21 January 2010 made pursuant to Order No KTA-1/09-RZ based on sample SK-03/09-66 A/H-105-MXT, **Prosecution Exhibit T-270**;
5. DNA Report for Edin (Osman) Mujkanović - **case No. 9135607** - Protocol No. 12754/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-121-MDT, **Prosecution Exhibit T-270**;
6. DNA Report for Edin (Osman) Mujkanović - **case No. 9135158** - Protocol No. 12754/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-79-LFM, **Prosecution Exhibit T-270**;
7. DNA Report for Edin (Osman) Mujkanović - **case No. 9135125** - Protocol No. 12754/09r of 4 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-55 LPT, **Prosecution Exhibit T-270**;
8. DNA Report for Edin (Osman) Mujkanović - **case No. 9135159** - Protocol No. 12754/09r of 12 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-80 LTB, **Prosecution Exhibit T-270**;

9. DNA Report for Edin (Osman) Mujkanović - **case No. 9135629** - Protocol No. 12754/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-142-RFB, **Prosecution Exhibit T-270**;
10. DNA Report for Edin (Osman) Mujkanović - **case No. 9135547** - Protocol No. 12754/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-66-LHM, **Prosecution Exhibit T-270**;
11. DNA Report for Edin (Osman) Mujkanović - **case No. 9135136** - Protocol No. 12754/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-65 LIN, **Prosecution Exhibit T-270**;
12. DNA Report for Edin (Osman) Mujkanović - **case No. 9137920** - Protocol No. 12754/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 52-LT-2, **Prosecution Exhibit T-270**;
13. DNA Report for Edin (Osman) Mujkanović - **case No. 9137851** - Protocol No. 12754/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-56-RH, **Prosecution Exhibit T-270**;

Husein (Hamdija) Mujkanović

1. DNA Report for Husein (Hamdija) Mujkanović - **case No. 9134992** - Protocol No. 12745/09 of 18 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-17-LIN, **Prosecution Exhibit T-270**;
2. DNA Report for Husein (Hamdija) Mujkanović - **case No. 9135571** - Protocol No. 12745/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-85-LFM, **Prosecution Exhibit T-270**;
3. DNA Report for Husein (Hamdija) Mujkanović - **case No. 9135160** - Protocol No. 12745/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-81 LTB, **Prosecution Exhibit T-270**;
4. Excerpt from the Register of Deaths No. 04-202-1-446/2008 of 12 August 2008, **Prosecution Exhibit T-81**;

Refik (Rasim) Mujkanović

1. DNA Report for Refik (Rasim) Mujkanović - **case No. 9135004** - Protocol No. 12309/09 of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-29-RFM, **Prosecution Exhibit T-270**;

2. DNA Report for Refik (Rasim) Mujkanović - **case No. 9135648** - Protocol No. 12309/09r of 29 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-161 RUI, **Prosecution Exhibit T-270**;
3. DNA Report for Refik (Rasim) Mujkanović - **case No. 9137862** - Protocol No. 12309/09r of 26 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-12 RP, **Prosecution Exhibit T-270**;

Vasif (Mahmut) Mujkanović

DNA Report for Vasif (Mahmut) Mujkanović - **case No. 9135550** - Protocol No. 12818/09 of 21 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-69-RHM, **Prosecution Exhibit T-270**;

Nihad (Sulejman) Memić

Excerpt from the Register of Deaths, No. 04-202-1-445/2008 of 12 August 2008, **Prosecution Exhibit T-80**;

Senad (Esad) Mujkanović

Excerpt from the Register of Deaths, No 04-202-1-447/2008 of 12 August 2008, **Prosecution Exhibit T-82**;

Fuad (Derviš) Muretčehajić

DNA Report for Fuad (Derviš) Muretčehajić - **case No. 9135557** - Protocol No. 12775/09 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-75-RFM, **Prosecution Exhibit T-270**;

Mehmed (Derviš) Muretčehajić

1. DNA Report for Mehmed (Derviš) Muretčehajić - **case No. 9135563** - Protocol No. 12749/09 of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-80-RFM, **Prosecution Exhibit T-270**;
2. DNA Report for Mehmed (Derviš) Muretčehajić - **case No. 9135577** – Protocol No. 12749/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-91 LFM, **Prosecution Exhibit T-270**;
3. DNA Report for Mehmed (Derviš) Muretčehajić - **case No. 9135624** - Protocol No. 12749/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-137-LFB, **Prosecution Exhibit T-270**;

4. DNA Report for Mehmed (Derviš) Muretčehajić - **case No. 9135624** - Protocol No. 12749/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-95-LTB, **Prosecution Exhibit T-270**;
5. DNA Report for Mehmed (Derviš) Muretčehajić - **case No. 9135581** - Protocol No. 12749/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-186-LIN, **Prosecution Exhibit T-270**;
6. Excerpt from the Register of Deaths No. 04-202-1-449/2008 of 12 August 2008, **Prosecution Exhibit T-83**;

Faik (Osman) Rizvančević

1. DNA Report for Faik (Osman) Rizvančević - **case No. 9135156** - Protocol No. 12814/09 of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-77 RFM, **Prosecution Exhibit T-270**;
2. DNA Report for (Osman) Rizvančević - **case No. 9135603** - Protocol No. 12814/09r of 15 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-117-MXT, **Prosecution Exhibit T-270**;
3. DNA Report for Faik (Osman) Rizvančević - **case No. 9135154** - Protocol No. 12814/09r of 25 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-77 RIN, **Prosecution Exhibit T-270**;
4. DNA Report for Faik (Osman) Rizvančević - **case No. 9136505** - Protocol No. 12814/09r of 1 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-114-MDT, **Prosecution Exhibit T-270**;
5. DNA Report for Faik (Osman) Rizvančević - **case No. 9135152** - Protocol No. 12814/09r of 7 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-77 LFM, **Prosecution Exhibit T-270**;

Nail (Džemal) Sadić

1. DNA Report for Sadić (Džemal) Nail - **case No. 9135019** - Protocol No. 12741/09 of 17 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66-g-1-MXT, **Prosecution Exhibit T-270**;
2. DNA Report for Sadić (Džemal) Nail - **case No. 9135606** - Protocol No. 12741/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66- A/H-120-RPT, **Prosecution Exhibit T-270**;

3. DNA Report for Sadić (Džemal) Nail - **case No. 9135578** - Protocol No. 12741/09r of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66- A/H-92-LFM, **Prosecution Exhibit T-270**;
4. DNA Report for Sadić (Džemal) Nail - **case No. 9135619** - Protocol No. 12741/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-132-LFB, **Prosecution Exhibit T-270**;
5. DNA Report for Sadić (Džemal) Nail - **case No. 9135545** - Protocol No. 12741/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-64-RTB, **Prosecution Exhibit T-270**;
6. DNA Report for Sadić (Džemal) Nail - **case No. 9135667** - protocol No. 12741/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-180-RUI, **Prosecution Exhibit T-270**;
7. DNA Report for Sadić (Džemal) Nail - **case No. 9135538** - Protocol No. 12741/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-59-RHM, **Prosecution Exhibit T-270**;
8. DNA Report for Sadić (Džemal) Nail - **case No. 9135129** - Protocol No. 12741/09r of 12 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-59-RIN, **Prosecution Exhibit T-270**;
9. DNA Report for Sadić (Džemal) Nail - **case No. 9137840** - Protocol No. 12741/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 77-LT-2, **Prosecution Exhibit T-270**;

Bajazid (Hamza) Saldumović

1. DNA Report for Bajazid (Hamza) Saldumović - **case No. 9135574** - Protocol No. 12779/09 of 15 April 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-88-LFM, **Prosecution Exhibit T-270**;
2. Excerpt from the Register of Deaths No. 04-202-1-450/2008 of 12 August 2008, **Prosecution Exhibit T-84**;

Jasmin (Mehmed) Saldumović

1. DNA Report for Jasmin (Mehmed) Saldumović - **case No. 9134996** - Protocol No. 12778/09 of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-21-LFM, **Prosecution Exhibit T-270**;

2. DNA Report for Jasmin (Mehmed) Saldumović - **case No. 9135627** - Protocol No. 12778/09r of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-140-RFB, **Prosecution Exhibit T-270**;
3. DNA Report for Jasmin (Mehmed) Saldumović - **case No. 9135532** - Protocol No. 12778/09r of 24 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-53-RTB, **Prosecution Exhibit T-270**;
4. DNA Report for Jasmin (Mehmed) Saldumović - **case No. 9135661** - Protocol No. 12778/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-174-LRD, **Prosecution Exhibit T-270**;
5. DNA Report for Jasmin (Mehmed) Saldumović - **case No. 9137902** - Protocol No. 12778/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample 66a-h-14-rp, **Prosecution Exhibit T-270**;

Kasim (Šefik) Sivac

1. DNA Report No. 96 for Kasim (Šefik) Sivac - **case No. 9108797** - Protocol No. 5121/05 of 11 February 2005 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 207**;
2. DNA Report No. 96 for Kasim (Šefik) Sivac - **case No. 9108782** - Protocol No. 5121/05r of 11 February 2005 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 207a**;

Merzuk (Ibrahim) Sivac

1. DNA Report No.109 for Merzuk (Ibrahim) Sivac - **case No. 9108797** - Protocol No. 2876/03 of 21 January 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 206**;
2. DNA Report No.109 for Merzuk (Ibrahim) Sivac - **case No. 9108795** - Protocol No. 2876/03 of 21 January 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 206a**;
3. DNA Report No.109 for Merzuk (Ibrahim) Sivac - **case No. 9108803** - Protocol No. 2876/03 of 17 March 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 206b**;

Edin (Munib) Sivac and Nedžad (Munib) Sivac

1. DNA Report No. 91 for Edin (Munib) Sivac or Nedžad (Munib) Sivac - **case No. 9108749** - Protocol No. 2596/03 of 6 May 2004 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-212**;
2. DNA Report No. 91 for Edin (Munib) Sivac or Nedžad (Munib) Sivac - **case No. 9108790** - Protocol No. 2596/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-212a**;

Omer (Halil) Šljivar

DNA Report No. 7 for Omer (Halil) Šljivar - **case No. 9108529** - Protocol No. 2731/03 of 8 November 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 208**;

Zilhad (Huska) Selimović

1. DNA Report for Zilhad (Huska) Selimović - **case No. 9135013** - Protocol No. 12750/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-39-LTB, **Prosecution Exhibit T-270**;
2. DNA Report for Zilhad (Huska) Selimović - **case No. 9135609** - Protocol No. 12750/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-123-LFB, **Prosecution Exhibit T-270**;
3. DNA Report for Zilhad (Huska) Selimović - **case No. 9134981** - Protocol No. 12750/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-6-LIN, **Prosecution Exhibit T-270**;

Mehmedalija (Ibrahim) Talić

1. DNA Report for Mehmedalija (Ibrahim) Talić - **case No. 9134983** - Protocol No. 12697/09 of 10 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-8-LIN, **Prosecution Exhibit T-270**;
2. DNA Report for Mehmedalija (Ibrahim) Talić - **case No. 9135552** - Protocol No. 12697/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-71-RHM, **Prosecution Exhibit T-270**;
3. DNA Report for Mehmedalija (Ibrahim) Talić - **case No. 9135127** - Protocol No. 12697/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-57-LTB, **Prosecution Exhibit T-270**;

4. DNA Report for Mehmedalija (Ibrahim) Talić - **case No. 9135565** - Protocol No. 12697/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-82-LFM, **Prosecution Exhibit T-270**;
5. DNA Report for Mehmedalija (Ibrahim) Talić - **case No. 9135646** - Protocol No. 12697/09r of 27 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-195-RUI, **Prosecution Exhibit T-270**;
6. DNA Report for Mehmedalija (Ibrahim) Talić - **case No. 9135138** - Protocol No. 12697/09r of 29 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-67-RTB, **Prosecution Exhibit T-270**;

Sakib (Bejdo) Trnjanin

DNA Report No. 40 for Sakib (Bejdo) Trnjanin - **case No. 9108554** - Protocol No. 5039/04 of 11 February 2005 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T- 209**;

Seid (Miralem) Vehabović

Excerpt from the Register of Deaths No. 04-202-1-650/2008 of 8 December 2008, **Prosecution Exhibit T-95**;

Fadil (Ramo) Velić

1. DNA Report for Fadil (Ramo) Velić - **case No. 9134985** - Protocol No. 12755/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-10-LIN, **Prosecution Exhibit T-270**;
2. DNA Report for Fadil (Ramo) Velić - **case No. 9135523** - Protocol No. 12755/09 of 14 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-40-LTB, **Prosecution Exhibit T-270**;
3. DNA Report for Fadil (Ramo) Velić - **case No. 9135614** - Protocol No. 12755/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-128-RFB, **Prosecution Exhibit T-270**;
4. DNA Report for Fadil (Ramo) Velić - **case No. 9135150** - Protocol No. 12755/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-75-RFM, **Prosecution Exhibit T-270**;

Ekrem (Zuhdija) Velić

1. DNA Report for Ekrem (Zuhdija) Velić or Enes (Zuhdija) Velić - **case No. 9135024** - Protocol No. 12777/09 of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-3 RPT, **Prosecution Exhibit T-270**;
2. DNA Report for Ekrem (Zuhdija) Velić or Enes (Zuhdija) Velić - **case No. 9135520** - Protocol No. 12777/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-11 a-LVT, **Prosecution Exhibit T-270**;
3. DNA Report for Ekrem (Zuhdija) Velić or Enes (Zuhdija) Velić - **case No. 9135043** - Protocol No. 12777/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-11 a-LVT, **Prosecution Exhibit T-270**;

Ziko (Husein) Zahirović

1. DNA Report for Ziko (Husein) Zahirović - **case No. 9135002** - Protocol No. 12747/09r of 18 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-27-LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Ziko (Husein) Zahirović - **case No. 9134988** - Protocol No. 12747/09r of 18 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-13-LIN, **Prosecution Exhibit T-270**;
3. DNA Report for Ziko (Husein) Zahirović - **case No. 9135548** - Protocol No. 12747/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-67-LHM, **Prosecution Exhibit T-270**;
4. DNA Report for Ziko (Husein) Zahirović - **case No. 9135589** - Protocol No. 12747/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-103-MDT, **Prosecution Exhibit T-270**;
5. DNA Report for Ziko (Husein) Zahirović - **case No. 9135590** - Protocol No. 12747/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-104-MDT, **Prosecution Exhibit T-270**;
6. DNA Report for Ziko (Husein) Zahirović - **case No. 9135657** - Protocol No. 12747/09r of 12 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-170-LUI, **Prosecution Exhibit T-270**;

Nedžad (Latif) Zulić

1. DNA Report No.115 for Nedžad (Latif) Zulić - **case No. 9108800** - Protocol No. 2867/03 of 11 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-210**;

2. DNA Report No. 115 for Nedžad (Latif) Zulić - **case No. 9108800** - Protocol No. 2867/03 of 2 December 2003 made pursuant to Order No. KRI-8/03, **Prosecution Exhibit T-210a**;
3. Excerpt from the Register of Deaths No. 04-202-1-454/2008 of 12 August 2008, **Prosecution Exhibit T-85**;

Ferid (Karanfil) Žerić

1. DNA Report for Žerić (Karanfil) Ferid – **case No. 9135029** - Protocol No. 12698/09 of 10 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-5 MDT, **Prosecution Exhibit T-270**;
2. DNA Report for Žerić (Karanfil) Ferid - **case No. 9135027** - Protocol No. 12698/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-4-RFM, **Prosecution Exhibit T-270**;
3. DNA Report for Žerić (Karanfil) Ferid - **case No. 9135023** - Protocol No. 12698/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-2-RPT, **Prosecution Exhibit T-270**;

Sakib (Idriz) Žerić

1. DNA Report for Sakib (Idriz) Žerić – **case No. 9134997** - Protocol No. 12744/09 of 23 December 2009 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-22-LFM, **Prosecution Exhibit T-270**;
2. DNA Report for Sakib (Idriz) Žerić - **case No. 9135530** - Protocol No. 12744/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-51-RTB, **Prosecution Exhibit T-270**;
3. DNA Report for Sakib (Idriz) Žerić - **case No. 9135072** - Protocol No. 12744/09r of 11 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-19 LIN, **Prosecution Exhibit T-270**;
4. DNA Report for Sakib (Idriz) Žerić - **case No. 9135592** - Protocol No. 12744/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-106-MDT, **Prosecution Exhibit T-270**;
5. DNA Report for Sakib (Idriz) Žerić - **case No. 9135623** - Protocol No. 12744/09r of 21 January 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-136-LFB, **Prosecution Exhibit T-270**;

6. DNA Report for Sakib (Idriz) Žerić - **case No. 9135604** - Protocol No. 12744/09r of 25 February 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-118-MDT, **Prosecution Exhibit T-270**;
7. DNA Report for Sakib (Idriz) Žerić - **case No. 9135586** - Protocol No. 12744/09r of 4 March 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66 A/H-100-MXT, **Prosecution Exhibit T-270**;
8. DNA Report for Sakib (Idriz) Žerić - **case No. 9137859** - Protocol No. 12744/09r of 18 August 2010 made pursuant to Order No. KTA-1/09-RZ based on sample SK-03/09-66a -h-61-rh-2, **Prosecution Exhibit T-270**;

Ilija (Ivo) Antunović - AT-2-65 ICMP ID 21662,

Hamdija (Fehim) Ahmetović - AT-4 - Photo-documentation No. 381/12, single bone autopsy for Hamdija Ahmetović,

Taib (Arif) Garibović - AT-2- 2. ICMP ID 10253,

Harun (Mumin) Hrnić - AT-4 - Photo-documentation No. 389/12, single bone autopsy for Harun Hrnić,

Zulić (Uzeir) Mesud- AT-4 Photo-documentation No. 386/12, single bone autopsy for Mesud Zulić,

Zijad (Pašo) Velić - AT-2- 40-45-2 Zijad (Pašo) Velić ICMP ID 7674, **AT-4** Photo-documentation No. 387/12, single bone autopsy for Zijad Velić,

Elvir (Avdo) Blažević - AT-4 Photo-documentation No. 388/12, single bone autopsy for Elvir Blažević,

Ermin (Jusuf) Sinanović - AT-4-3 Photo-documentation No. 372/12, body autopsy marked as „SK 049 (SK-3109-49 LFM)“ for Ermin Sinanović,

Safet (Džemal) Sivac - AT-2- 50 ICMP ID 15875; **AT-4-4-** Photo-documentation No. 373/12, body autopsy marked as „SK 03/09-66A/H-85 LT-22“ for Safet Sivac,

Emir (Muharem) Fazlić - AT-4-5 Photo-documentation No. 374/12, body autopsy marked as „SK-038 (KTA-1/09-RZ-38-RH)“ for Emir Fazlić,

Bešić (Safet) Sejad - AT-4-6 Photo-documentation No.: 375/12, body autopsy marked as „SK 03/09-66-A/H-23“ for Sejad Bešić,

Anto (Ivo) Draguljić - AT-1-70 ICMP ID 19662,

Samir (Dedo) Karabašić - AT-1-60 ICMP ID 04536; AT-4 Photo-documentation No. 378/12, single bone autopsy for Samir Karabašić,

Mustafa (Zaim) Pervanović - AT-1-12 ICMP ID 10230, AT-4-10 Photo-documentation No. 379/12, single bone autopsy for Mustafa Pervanović

Dževad (Redžep) Duračak - AT-4-13 Photo-documentation No. 382/12, single bone autopsy for Dževad Duračak,

Nihad (Eniz) Sušić - AT-2-62 ICMP ID 12939; AT-4-15 Photo-documentation No. 384/12, single bone autopsy for Nihad Sušić,

Zljad (Sulejman) Paratušić, AT-2- 15 ICMP ID 10234,

Fikret (Edhem) Mujkanović, AT-2-17 ICMP ID 8604,

Meho (Edhem) Mujkanović, AT-2-18 ICMP ID 8602,

Suad (Meho) Kljajić, AT-2-26 ICMP ID 18305, **AT-3** 240-243- Skeleton autopsy of the mortal remains of Meho Kljajić son of Ahmet, case marked as No. „(SK 03/09-66 A/H-81 RFM)“, carried on 22 June 2011;

Enes (Zuhtija) Velić - AT-2-39 ICMP ID 8409,

Mujo (Salko) Sivac - AT-2-46-49 ICMP ID 10319,

Emin (Hasan) Ćoralić - AT-2-54 ICMP ID 17826,

Rifet (Abid) Kahrimanović - AT-2-55 ICMP ID 16084,

Sabahudin (Hajro) Ičić - AT-2-61 ICMP ID 17567,

Mirsad (Alija) Zulić - AT-2-63 ICMP ID 10292,

Refik (Idriz) Žerić - AT-2-74-81 ICMP ID 15871,

Mustafa (Meho) Grabić - AT-3,

Emir (Kemal) Donlagić - AT-3.