

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

**THE PROSECUTOR  
OF THE TRIBUNAL**

**AGAINST**

**ZORAN MARINIĆ  
also known as "ŠVABO"**

**INDICTMENT**

**Richard J. Goldstone**, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (Tribunal Statute) alleges that:

1. On 6 March 1992, the Republic of Bosnia-Herzegovina declared its independence.
2. From at least 3 July 1992, the Croatian Community of Herzeg-Bosna ("HZ-HB") declared itself an independent political entity inside the Republic of Bosnia-Herzegovina.
3. From at least January 1993 through at least May 1993, the HZ-BZ armed forces, known as the Croatian Defence Council ("HVO"), were engaged in an armed conflict with the armed forces of the government of the Republic of Bosnia-Herzegovina.
4. From the outset of hostilities in January 1993, the HVO systematically began to attack villages chiefly inhabited by Bosnian Muslims in the Lašva River Valley region in Central Bosnia-Herzegovina, killing and wounding numerous civilians. In addition, the HVO detained and transported numerous other Bosnian Muslim civilians from their places of residence.
5. Busovača is a town located in the Lašva River Valley Region situated in Central Bosnia-Herzegovina approximately 60 kilometres northwest of Sarajevo. Busovača's population is predominantly of Croatian and Muslim ethnicity with a small percentage being Serbian.
6. In January 1993, HVO units began to persecute Muslims in the Busovača area. On 16 April 1993, the conflict culminated when the HVO attacked Muslim towns and villages throughout the Lašva River Valley Region. These

systematic attacks against Bosnian Muslim civilians continued until at least the end of May 1993.

### **THE ACCUSED**

7. Zoran MARINIĆ also known as "ŠVABO" was born on or about 6 June 1963 in the Ravan area of Busovača and continues to live in Busovača. After the formation of HZ-HB, MARINIĆ became an HVO military policeman in Busovača.

### **GENERAL ALLEGATIONS**

8. At all times relevant to this indictment, a state of international armed conflict and partial occupation existed in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.
9. All acts or omissions set forth as grave breaches of the Geneva Conventions of 1949 (grave breaches) and recognised by Article 2 of the Tribunal Statute occurred during that armed conflict and partial occupation.
10. At all times relevant to this indictment, the victims referred to in the charges contained herein were persons protected by the Geneva Conventions of 1949.
11. At all times relevant to this indictment, the accused was required to abide by all laws and customs governing the conduct of war.
12. The accused is individually responsible for the crimes alleged against him in this indictment pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.
13. The general allegations contained in Paragraphs 8 through 12 are realleged and incorporated into each of the charges set forth below.

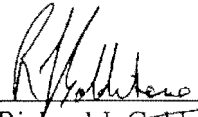
### **STATEMENT OF FACTS**

14. After hostilities erupted in the Lašva Valley Region in January 1993, many Muslims in Busovača and the surrounding areas were removed by the HVO or left of their own accord. Several Muslim families stayed in Busovača such as the Topalović and the Hodžić families who lived approximately eighty metres from each other. Their neighbour was the accused, Zoran MARINIĆ, who lived approximately one hundred and fifty metres from the Hodžić residence.
15. At approximately 2200 hours on the night of 26 April 1993, Zoran MARINIĆ and several unidentified HVO soldiers entered the Hodžić and Topalović homes. Zoran MARINIĆ and an unidentified HVO military policeman first

Count 3 a **GRAVE BREACH** recognized by Article 2(c)  
(wilfully causing serious injury) of the Tribunal  
Statute; and

Count 4 a **VIOLATION OF THE LAWS OR CUSTOMS  
OF WAR** recognized by Article 3 (cruel treatment)  
of the Tribunal Statute.

2 November 1995  
The Hague  
The Netherlands

  
Richard J. Goldstone  
Prosecutor

entered the Hodžić' house looking for Ramiz Hodžić. After Ramiz Hodžić fled, he observed his house burning and shots being fired in and around the house.

16. Shortly thereafter, at approximately 2300 hours, Zoran MARINIĆ and an unidentified HVO military policeman entered the Topalović house still looking for Ramiz Hodžić. At his time, five occupants were inside the house: Ahmet Topalović (DOB 1908); Sabrija Topalović (DOB 14/02/49); Bedrija Topalović (DOB June 1949); Adil Topalović (DOB 21/04/77); and Veda Smulo (a young orphaned niece DOB unknown).
17. Zoran MARINIĆ started to question Sabrija Topalović, who was confined to a wheelchair. Upon obtaining unsatisfactory answers, Zoran MARINIĆ loaded his rifle and fired shots directly at Sabrija Topalović killing him. Then Zoran MARINIĆ shot Bedrija Topalović who fell wounded to the floor. After a burst of gun fire, Ahmet Topalović, Veda Smulo and Adil Topalović fell mortally wounded. Shortly after the shooting, other soldiers and neighbours removed the family while the house burned. Ahmet Topalović and Sabrija Topalović died at the scene. Adil died after a few hours and Veda died two days later.

## CHARGES

### COUNTS 1 - 2 KILLINGS OF SABRIJA TOPALOVIĆ, AHMET TOPALOVIĆ, ADIL TOPALOVIĆ AND VEDA SMULO

18. On or about 26 April 1993 at Busovača in Central Bosnia Herzegovina, Zoran MARINIĆ killed and participated in the killing of Sabrija Topalović, Ahmet Topalović, Adil Topalović and Veda Smulo. By these acts, Zoran MARINIĆ committed the following crimes:

- Count 1 a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute; and
- Count 2 a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 (murder) of the Tribunal Statute.

### COUNTS 3 - 4 SHOOTING AND WOUNDING OF BEDRIJA TOPALOVIĆ

19. On or about 26 April 1993 at Busovača in Central Bosnia Herzegovina, Zoran MARINIĆ shot and wounded Bedrija Topalović. By this act, Zoran MARINIĆ committed the following crimes: