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19 November, 1998  
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**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**CASE NO. IT-95-9**

**THE PROSECUTOR OF  
THE TRIBUNAL**

**AGAINST**

**BLAGOJE SIMIĆ  
MILAN SIMIĆ  
MIROSLAV TADIĆ also known as "MIRO BRKO"  
STEVAN TODOROVIĆ a/k/a "STIV" a/k/a "STEVO" a/k/a  
"MONSTRUM"  
SIMO ZARIĆ a/k/a "ŠOLAJA"**

**SECOND AMENDED INDICTMENT**

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

**Blagoje SIMIĆ,  
Milan SIMIĆ,  
Miroslav TADIĆ a/k/a Miro Brko,  
Stevan TODOROVIĆ a/k/a Stiv a/k/a Stevo a/k/a Monstrum, and  
Simo ZARIĆ a/k/a Šolaja**

with **CRIMES AGAINST HUMANITY, GRAVE BREACHES** of the **GENEVA CONVENTIONS** of 1949 and **VIOLATIONS OF THE LAWS and CUSTOMS OF WAR**, as set forth below:

**BACKGROUND**

1. The municipalities of Bosanski Šamac and Odžak are located along the northern border of Bosnia and Herzegovina just across the Sava River from the Republic of Croatia. The municipalities are located within an area referred to as the "Posavina Corridor" which links western Bosnia and Herzegovina with Serbia to the east.

2. In 1991, after Slovenia and Croatia declared their independence from the Socialist Federative Republic of Yugoslavia (SFRY), the citizens of Bosnia and Herzegovina were forced to consider whether to declare their independence or to remain a part of Yugoslavia. For the most part Bosnian Croats and Bosnian Muslims favoured independence, while the Bosnian Serbs, led by the Serbian Democratic Party (SDS) and the Yugoslav National Army (JNA) favoured remaining a part of Yugoslavia.
3. Bosnia and Herzegovina declared its independence from Yugoslavia on 29 February 1992. Long before this, however, the SDS and the JNA had been making plans for the probability of a war which included the creation of separate Serb-controlled municipalities throughout Bosnia and Herzegovina. The Republic of Bosnia and Herzegovina was recognised as an independent nation by the United States and countries of the European Community on 7 April 1992.
4. A significant aspect of the plans of the SDS and the JNA was to establish exclusive Serb control over large segments of territory in western, northern and eastern Bosnia and Herzegovina, much of which had large populations of Bosnian Croats, Bosnian Muslims and other non-Serb civilians. In order to achieve control over this territory, the Bosnian Serbs planned to isolate and expel as many non-Serbs as possible in a process that became known as "ethnic cleansing."
5. Because of their location on the northern edge of the "Posavina Corridor," control over the municipalities of Bosanski Šamac and Odžak was vital to Bosnian Serb efforts to create a Serb-controlled land bridge between Serbia in the east and the Krajina Serbs in Croatia and other parts of western Bosnia and Herzegovina.
6. On 29 February 1992, the Serb authorities announced the formation of a separate "Serbian Municipality of Bosanski Šamac."
7. On 17 April 1992, Serb military forces from Bosnia and Herzegovina and elsewhere in the former Yugoslavia seized control of the town of Bosanski Šamac by force and, within a few days, controlled the entire municipality of Bosanski Šamac. The Serbs then announced that the government of the municipality of Bosanski Šamac had been replaced by the "Serbian Municipality of Bosanski Šamac."
8. Prior to 17 April 1992, almost 17,000 Bosnian Croats and Bosnian Muslims, of a total population of about 33,000, lived in the municipality of Bosanski Šamac. Following the forcible take-over of the Bosanski Šamac

municipality by Serb forces, the majority of the non-Serb residents fled or were forced to leave the area so that by May 1995, fewer than 300 of the 17,000 Bosnian Croat and Bosnian Muslim residents remained.

9. On or about 13 July 1992, the 1st Krajina Corps of the Bosnian Serb Army seized control of the neighbouring municipality of Odžak by force. As the Serb military forces advanced on Odžak, the majority of the non-Serb residents fled from the area. Those non-Serbs who had not fled before the take-over fled, were killed, or were forced to leave.

10. Prior to July 1992, approximately 22,500 Bosnian Croat and Bosnian Muslim residents, out of a total population of 30,000, lived in the Odžak municipality. In November 1995, at the time of the signing of the Dayton Peace Agreement, virtually all of the 22,500 Bosnian Croat and Bosnian Muslim residents had fled or were forced to leave the Odžak municipality.

11. Immediately after the forcible take-over of the Bosanski Šamac municipality, Serb authorities established the "Serbian Municipality of Bosanski Šamac Crisis Staff" (Serb Crisis Staff) which took the place of the duly-elected municipal assembly and maintained control over all aspects of the municipal government. In accordance with their plan for "ethnic cleansing," Serb authorities arrested and detained a large number of the non-Serb men, forced many of the non-Serb residents to leave their homes, transferred many non-Serb residents to other villages where they were detained against their will, instituted a number of discriminatory laws and regulations directed against the non-Serbs, required most of the non-Serbs to participate in forced labour projects, undertook the wide-scale looting of the private and commercial property belonging to the non-Serbs, expelled and deported a significant number of the non-Serb residents, and otherwise made life so impossible and oppressive that most Bosnian Croat, Bosnian Muslim and other non-Serb residents of the municipality fled or were forced to leave the area.

12. After the military take-over of the Odžak municipality, the Serb Crisis Staff in Bosanski Šamac also assumed control over the civilian government of the Odžak municipality. Although most of the non-Serb residents had fled from the Odžak municipality before the Serb military forces took control, those who remained were subjected to similar acts of discrimination and oppression as those imposed on the non-Serb residents in the Bosanski Šamac municipality. Many of the non-Serb residents working on forced labour projects in Bosanski Šamac were ordered to take part in looting the private and commercial property of the non-Serb residents of the Odžak municipality.

13. From approximately 1 September 1991 through 31 December 1993, **Blagoje SIMIĆ, Milan SIMIĆ, Miroslav TADIĆ, Stevan TODOROVIĆ, and Simo ZARIĆ**, along with various individuals on the Serb Crisis Staff and other political, municipal and administrative bodies, the police force, and the army, committed, planned instigated, ordered or otherwise aided and abetted a campaign of persecutions and “ethnic cleansing” and committed other serious violations of international humanitarian law directed against the Bosnian Croat, Bosnian Muslim and other non-Serb civilians residing in the Bosanski Šamac and Odžak municipalities in the territory of Bosnia and Herzegovina.

### THE ACCUSED

14. **Blagoje SIMIĆ**, born in 1960, is a medical physician from Kruškovo Polje, Bosanski Šamac municipality. From 1991 to 1995, **Blagoje SIMIĆ** was president of the Serbian Democratic Party (SDS) in Bosanski Šamac. **Blagoje SIMIĆ** was Vice-Chairman of the town assembly from 1991 through 17 April 1992, and from 4 November 1991 through at least 30 November 1992, he was the Deputy of the Assembly of the self-declared “Serb Autonomous Region of Northern Bosnia,” later called the “Serb Autonomous Province of Semberija and Majevisa,” of the “Serb Republic of Bosnia and Herzegovina.” On or about 17 April 1992, **Blagoje SIMIĆ** was appointed President of the Serb Crisis Staff in the “Serbian Municipality of Bosanski Šamac.” On or about 21 July 1992, the Crisis Staff was re-named the “War Presidency of the Serbian Municipality of Bosanski Šamac,” and **Blagoje SIMIĆ** was named President of the War Presidency. On or about 22 January 1993, **Blagoje SIMIĆ** was elected President of the “Šamac Municipal Assembly” and served in that position until after the announcement of the original indictment in this case. In each of these positions beginning on or about 17 April 1992, and at all times material to this indictment, **Blagoje SIMIĆ** was the highest ranking civilian official in the municipality of Bosanski Šamac.

15. **Milan SIMIĆ**, born 9 August 1960 in Sarajevo, was trained as an economist and worked for a variety of companies in Bosanski Šamac. At the time of the forcible take-over of Bosanski Šamac, he was a member of the Fourth Detachment, a JNA-organised territorial defence unit. On 30 May 1992, **Milan SIMIĆ** was appointed President of the Executive Board of the Bosanski Šamac Assembly and became a member of the Serb Crisis Staff. As President of the Executive Board, **Milan SIMIĆ** was responsible for the governmental affairs of the municipality which

included implementing the social plan, annual budget and financial reports, overseeing municipal housing and city planning needs, and implementing the policies, decisions and other regulations of the Serb Crisis Staff and War Presidency. **Milan SIMIĆ** was released from this position on or about 24 June 1993 after being shot and seriously wounded in an assassination attempt.

16. **Miroslav TADIĆ**, also known as Miro Brko, born 12 May 1937 in the village of Novi Grad, Odžak municipality, worked as a high school teacher and later ran the cafe "AS" at his home in Bosanski Šamac. In 1991 **Miroslav TADIĆ** became a member of the Fourth Detachment, a JNA-organised territorial defence unit. As the Assistant Commander for Logistics, he worked closely with Simo ZARIĆ in their respective roles within the Fourth Detachment. After 17 April 1992, **Miroslav TADIĆ** became Chairman of the Bosanski Šamac "Exchange Commission" and was responsible for organising and carrying out the majority of so-called prisoner "exchanges" through which non-Serb civilians were expelled from their homes. He remained a member of the Exchange Commission until at least 1995. While serving in the capacity of Chairman of the Exchange Commission, **Miroslav TADIĆ** also was a member of the Serb Crisis Staff.

17. **Stevan TODOROVIĆ**, born 29 December 1957, from Donja Slatina in the municipality of Bosanski Šamac, was appointed Chief of Police for Bosanski Šamac municipality after the 17 April 1992 military take-over. While serving as the Chief of Police, **Stevan TODOROVIĆ** was a member of the Serb Crisis Staff and occupied a position of superior authority to all other police officers in Bosanski Šamac. **Stevan TODOROVIĆ** was trained as a machine engineer, and prior to April 1992, he was an executive in a wicker furniture factory.

18. **Simo ZARIĆ**, also known as Šolaja, born 25 July 1948, in the village of Trnjak, Odžak municipality, is a former police chief of Bosanski Šamac and a former intelligence agent for the State Security Service (SDB). In 1991, **Simo ZARIĆ** began to organise and supervise a JNA-sponsored territorial defence unit known at first as the Fourth Detachment and later renamed the 5th Battalion of the 2nd Posavina Brigade. Upon creation of the Fourth Detachment, **Simo ZARIĆ** was appointed the "Assistant Commander for Intelligence, Reconnaissance, Morale and Information." On 29 April 1992, **Simo ZARIĆ** was appointed "Chief of National Security Service" for Bosanski Šamac by the Serb Crisis Staff. After the Serb take-over of Odžak in July 1992, **Simo ZARIĆ** was appointed by the Bosanski Šamac Crisis Staff to be the "Deputy to the

President of the War Council for Security Matters” of the Odžak municipality. In these positions of authority, **Simo ZARIĆ** reported directly to and took orders from the Serb Crisis Staff in Bosanski Šamac. On 1 September 1992, **Simo ZARIĆ** was appointed “Assistant Commander of the 2nd Posavina Brigade for Morale and Information” of the Bosnian Serb Army. Between April and July, 1992, **Simo ZARIĆ** worked with Miroslav TADIĆ to arrange so-called prisoner “exchanges” through which non-Serb civilians were expelled from their homes. **Simo ZARIĆ** remained a member of the Bosnian Serb Army until 1995.

**GENERAL ALLEGATIONS:**

19. Unless otherwise set forth below, all acts and omissions alleged in this indictment took place between in or about September 1991 and on or about 31 December 1993 in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

20. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina.

21. At all times relevant to this indictment, all of the persons described in this indictment as victims were protected by the Geneva Conventions of 1949.

22. Each of the accused in this indictment was required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

23. All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack against the Bosnian Croat and Bosnian Muslim civilian residents of the municipalities of Bosanski Šamac and Odžak.

24. In each paragraph charging torture, the acts were committed by, or at the instigation of, or with the consent or acquiescence of, an official or person acting in an official capacity, and for one or more of the following purposes: to obtain information or a confession from the victim or a third person; to punish the victim for an act the victim or a third person committed or was suspected of having committed; to intimidate or coerce the victim or a third person; and/or for any reason based upon discrimination of any kind.

25. Each of 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 liability includes planning, instigating, ordering committing or otherwise aiding and abetting the planning, preparation or execution of any crime referred to in Articles 2 to 5 of the Statute of the Tribunal.

26. **Blagoje SIMIĆ** is also, or alternatively, criminally responsible as a superior for the acts of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is criminally responsible for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

27. **Stevan TODORVIĆ** is also, or alternatively, criminally responsible as a superior for the acts of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is criminally responsible for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

28. Paragraphs 19 through 27 are re-alleged and incorporated into each of the charges set forth below.

## CHARGES:

### **COUNT 1** (Persecutions)

29. Beginning in or about September 1991 and continuing through at least 31 December 1993, **Blagoje SIMIĆ, Milan SIMIĆ, Miroslav TADIĆ, Stevan TODORVIĆ, and Simo ZARIĆ**, together with other Serb civilian and military officials planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of a crime against humanity, that is, the persecutions of Bosnian Croat, Bosnian Muslim and other non-Serb civilians on political, racial, or religious grounds, throughout the municipalities of Bosanski Šamac, Odžak and elsewhere in the territory of Bosnia and Herzegovina.

30. The crime of persecutions was perpetrated, executed and carried out by or through the following means:

- (a) the forcible take-over by Serb forces of cities, towns and villages inhabited by Bosnian Croat, Bosnian Muslim and other non-Serb civilians;
- (b) the unlawful arrest, detention or confinement of Bosnian Croats, Bosnian Muslims and other non-Serb civilians on political, racial or religious grounds and not for their protection and safety;
- (c) the cruel and inhumane treatment of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including beatings, torture, forced labour assignments and confinement under inhumane conditions;
- (d) the deportation, forcible transfer and expulsion of Bosnian Croats, Bosnian Muslims and other non-Serb civilians from their homes and villages by force, intimidation and coercion; and
- (e) the wanton and extensive destruction, plundering and looting of the property of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including dwellings, businesses, personal property and livestock.

31. From on or about 17 April 1992 through at least 31 December 1993, **Blagoje SIMIĆ**, both prior to and while serving as President of the Bosanski Šamac Serb Crisis Staff and as President of the War Presidency, committed and aided and abetted the commission of the crime of persecutions as described in paragraphs 29 and 30 above, through his participation in the following acts or omissions, among others:

- (a) the forcible take-over of the municipality of Bosanski Šamac by Serb forces;
- (b) the issuance of orders, policies, decisions and other regulations in the name of the Serb Crisis Staff and War Presidency and the authorisation of other official actions which violated the rights of the Bosnian Croat, Bosnian Muslim and other non-Serb civilians to equal treatment under the law and infringed upon their enjoyment of basic and fundamental rights;

- (c) the unlawful arrest, detention or confinement of Bosnian Croats, Bosnian Muslims and other non-Serb civilians on political, racial or religious grounds and not for their protection and safety;
- (d) the cruel and inhumane treatment of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including beatings, torture, forced labour assignments and confinement under inhumane conditions;
- (e) the deportation, forcible transfer and expulsion of Bosnian Croats, Bosnian Muslims and other non-Serb civilians from their homes and villages by force, intimidation and coercion; and
- (f) the wanton and extensive destruction, plundering and looting of the property of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including dwellings, businesses, personal property and livestock.

32. From on or about 17 April 1992 through February 1993, **Milan SIMIĆ**, both prior to and while serving as President of the Executive Board of the Bosanski Šamac Assembly and as a member of the Serb Crisis Staff, committed and aided and abetted the commission of the crime of persecutions as described in paragraphs 29 and 30 above, through his participation in the following acts or omissions, among others:

- (a) the implementation of orders, policies, decisions and other regulations promulgated by the Serb Crisis Staff and War Presidency and the authorisation of other official actions which violated the rights of the Bosnian Croat, Bosnian Muslim and other non-Serb civilians to equal treatment under the law and infringed upon their enjoyment of basic and fundamental rights;
- (b) the unlawful detention and confinement of Bosnian Croats, Bosnian Muslims and other non-Serb civilians under inhumane conditions on political, racial or religious grounds and not for their protection and safety;
- (c) the torture and beating of Bosnian Croats, Bosnian Muslims and other non-Serb civilians confined at detention camps, including but not limited to Hasan Bičić, Muhamad Bičić, Perica Mišić, Ibrahim Salkić and Safet Hadžialjagić.

33. From about September 1991 to at least 31 December 1993, **Miroslav TADIĆ**, both prior to and while serving as a member and as Chairman of the Exchange Commission and as a member of the Serb Crisis Staff, committed and aided and abetted the commission of the crime of persecutions as described in paragraphs 29 and 30 above, through his participation in the following acts or omissions, among others:

- (a) the forcible take-over of the municipality of Bosanski Šamac by Serb forces;
- (b) the unlawful arrest and confinement of numerous Bosnian Croat, Bosnian Muslim and other non-Serb civilians on political, racial or religious grounds and not for their protection and safety;
- (c) the cruel and inhumane treatment of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including beatings, torture, forced labour assignments and confinement under inhumane conditions;
- (d) the deportation, forcible transfer and expulsion of Bosnian Croats, Bosnian Muslims and other non-Serb civilians, including women, children and the elderly, from their homes and villages by force, intimidation and coercion; and
- (e) the destruction, plundering and looting of the property of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including dwellings, businesses, personal property and livestock.

34. From on or about 17 April 1992 through at least 31 December 1993, **Stevan TODORVIĆ**, while serving as Chief of Police of Bosanski Šamac and as a member of the Serb Crisis Staff, committed and aided and abetted the commission of the crime of persecutions as described in paragraphs 29 and 30 above, through his participation in the following acts or omissions, among others:

- (a) the forcible take-over of the municipality of Bosanski Šamac by Serb forces;
- (b) the murders, sexual assaults and repeated beatings of numerous Bosnian Croats, Bosnian Muslims and other non-Serb civilians detained in various detention camps in and around the Bosanski Šamac municipality;

- (c) the unlawful detention and confinement of Bosnian Croats, Bosnian Muslims and other non-Serb civilians under inhumane conditions on political, racial or religious grounds and not for their protection and safety;
- (d) the cruel and inhumane treatment of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including beatings, torture, forced labour assignments and confinement under inhumane conditions;
- (e) the interrogation of Bosnian Croats, Bosnian Muslims and other non-Serb civilians who had been arrested and detained and forcing them to sign false and coerced statements;
- (f) the deportation, forcible transfer and expulsion of Bosnian Croats, Bosnian Muslims and other non-Serb civilians, including women, children and the elderly, from their homes and villages by force, intimidation and coercion; and
- (g) the issuance of orders and directives which violated the rights of the Bosnian Croat, Bosnian Muslim and other non-Serb civilians to equal treatment under the law and infringed upon their enjoyment of basic and fundamental rights.

35. From about September 1991 to about 31 December 1992, **Simo ZARIĆ**, both prior to and while serving in such various positions as the "Assistant Commander for Intelligence, Reconnaissance, Morale and Information" of the Fourth Detachment, "Chief of National Security Service" in Bosanski Šamac, "Deputy to the President of the War Council for Security Matters" in Odžak and "Assistant Commander of the 2nd Posavina Brigade for Morale and Information," committed and aided and abetted the commission of the crime of persecutions as described in paragraphs 29 and 30 above, through his participation in the following acts or omissions, among others:

- (a) the forcible take-over of the municipality of Bosanski Šamac by Serb forces;
- (b) the unlawful arrest and confinement of numerous Bosnian Croat, Bosnian Muslim and other non-Serb civilians on political, racial or religious grounds and not for their protection and safety;
- (c) the cruel and inhumane treatment of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including beatings,

torture, forced labour assignments and confinement under inhumane conditions;

(d) the interrogation of Bosnian Croats, Bosnian Muslims and other non-Serb civilians who had been arrested and detained and forcing them to sign false and coerced statements;

(e) the deportation, forcible transfer and expulsion of Bosnian Croats, Bosnian Muslims and other non-Serb civilians, including women, children and the elderly, from their homes and villages by force, intimidation and coercion; and

(f) the destruction, plundering and looting of the property of Bosnian Croats, Bosnian Muslims and other non-Serb civilians including dwellings, businesses, personal property and livestock.

By these actions **Blagoje SIMIĆ**, **Milan SIMIĆ**, **Miroslav TADIĆ**, **Stevan TODORVIĆ** and **Simo ZARIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 1:** Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5(h) of the Statute of the Tribunal.

### **COUNTS 2 and 3** (Deportation and Transfer)

36. From about 17 April 1992 through about 31 December 1993, **Blagoje SIMIĆ** planned, instigated, ordered committed or otherwise aided and abetted the planning, preparation or execution of the unlawful deportation and forcible transfer of hundreds of Bosnian Croat, Bosnian Muslim and other non-Serb civilians, including women, children and the elderly, from their homes in the Bosanski Šamac municipality to other countries or to other parts of the Republic of Bosnia and Herzegovina not controlled by Serb forces.

37. From about 17 April 1992 through about 31 December 1993, **Miroslav TADIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the unlawful deportation and forcible transfer of hundreds of Bosnian Croat, Bosnian Muslim and other non-Serb civilians, including women, children and the elderly, from their homes in the Bosanski Šamac municipality to other

countries or to other parts of the Republic of Bosnia and Herzegovina not controlled by Serb forces.

38. From about 17 April 1992 through about 31 December 1993, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the unlawful deportation and forcible transfer of hundreds of Bosnian Croat, Bosnian Muslim and other non-Serb civilians, including women, children and the elderly, from their homes in the Bosanski Šamac municipality to other countries or to other parts of the Republic of Bosnia and Herzegovina not controlled by Serb forces.

39. From about 17 April 1992 through at least 31 December 1992, **Simo ZARIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the unlawful deportation and forcible transfer of hundreds of Bosnian Croat, Bosnian Muslim and other non-Serb civilians, including women, children and the elderly, from their homes in the Bosanski Šamac municipality to other countries or to other parts of the Republic of Bosnia and Herzegovina not controlled by Serb forces.

By these actions **Blagoje SIMIĆ, Miroslav TADIĆ, Stevan TODORVIĆ** and **Simo ZARIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 2:** Deportation, a **CRIME AGAINST HUMANITY**, punishable under Article 5(d) of the Statute of the Tribunal; and

**Count 3:** Unlawful deportation or transfer, a **GRAVE BREACH** of the Geneva Conventions of 1949 (hereafter Grave Breach), punishable under Article 2(g) of the Statute of the Tribunal.

**COUNTS 4-6**  
(Killing of Anto Brandić)

40. On about 29 July 1992, in the hallway of the police (SUP) building in Bosanski Šamac, **Stevan TODOROVIĆ** and others killed Anto Brandić a/k/a Anteša by repeatedly beating and kicking him with police batons and heavy boots. By these actions, **Stevan TODOROVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 4:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) of the Statute of the Tribunal;

**Count 5:** Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions; and

**Count 6:** Wilful killing, a **GRAVE BREACH**, punishable under Article 2(a) of the Statute of the Tribunal.

**COUNTS 7-9**  
(Beatings in the Police (SUP) Building)

41. On about 29 July 1992, in the hallway of the police (SUP) building in Bosanski Šamac, **Stevan TODOROVIĆ** and others repeatedly beat and kicked Enver Ibralić, Hasan Jašarević, Omer Nalić, and Father Jozo Puškarić with police batons and heavy boots, thereby causing the victims physical injury. By these actions, **Stevan TODOROVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 7:** Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal;

**Count 8:** Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions; and

**Count 9:** Wilfully causing great suffering, a **GRAVE BREACH**, punishable under Article 2(c) of the Statute of the Tribunal.

**COUNTS 10-12**

(Beating of Silvestar Antunović)

42. On about 15 July 1992, in the gymnasium of the Bosanski Šamac primary school, **Stevan TODORVIĆ** and others repeatedly beat Silvestar Antunović with a large wooden club. As a result of the beating, Silvestar Antunović suffered partial paralysis and other serious physical injuries. By these actions, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 10:** Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal;

**Count 11:** Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions; and

**Count 12:** Wilfully causing great suffering, a **GRAVE BREACH**, punishable under Article 2(c) of the Statute of the Tribunal.

**COUNTS 13-15**

(Beatings in the Detention Centres)

43. On several occasions between 17 April 1992 and 21 November 1992, in the primary school, the secondary school and the Territorial Defence building in Bosanski Šamac, **Stevan TODORVIĆ** and others beat many civilian men detained at the buildings including, among others, Hasan BIČIĆ, Kemal BOBIĆ, Hasan ČERIBAŠIĆ, Abdulah DRLJAČIĆ, Zlatko DUBRIĆ, Roko JELAVIĆ and Hasan SUBAŠIĆ. As a result of the beatings the civilian men suffered a variety of physical injuries. By these actions, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 13:** Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal;

**Count 14:** Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions; and

**Count 15:** Wilfully causing great suffering, a **GRAVE BREACH**, punishable under Article 2(c) of the Statute of the Tribunal.

**COUNTS 16-18**  
(Sexual Assaults)

44. On or about 13 June 1992 in the hallway of the Bosanski Šamac police (SUP) building, **Stevan TODORVIĆ** forced Witness A and Witness B to perform acts of fellatio upon each other in the presence of several other prisoners and guards. By these actions, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 16:** Rape (which includes other forms of sexual assault), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(g) of the Statute of the Tribunal;

**Count 17:** Humiliating and degrading treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(c) of the Geneva Conventions; and

**Count 18:** Torture or inhuman treatment, a **GRAVE BREACH**, punishable under Article 2(b) of the Statute of the Tribunal.

**COUNTS 19-21**  
(Sexual Assaults)

45. On or about 10 May 1992, while in an office in the Bosanski Šamac police (SUP) building, **Stevan TODORVIĆ** ordered Witness C and Witness D to perform fellatio on each other. By these actions, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 19:** Rape (which includes other forms of sexual assault), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(g) of the Statute of the Tribunal;

**Count 20:** Humiliating and degrading treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of

the Statute of the Tribunal and recognised by Article 3(1)(c) of the Geneva Conventions; and

**Count 21:** Torture or inhuman treatment, a **GRAVE BREACH**, punishable under Article 2(b) of the Statute of the Tribunal.

**COUNTS 22-24**  
(Sexual Assaults)

46. In or about mid-May 1992, while in a room in the Bosanski Šamac police (SUP) building, **Stevan TODORVIĆ** ordered Witness E and Witness F to perform fellatio on each other. By these actions, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 22:** Rape (which includes other forms of sexual assault), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(g) of the Statute of the Tribunal;

**Count 23:** Humiliating and degrading treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(c) of the Geneva Conventions; and

**Count 24:** Torture or inhuman treatment, a **GRAVE BREACH**, punishable under Article 2(b) of the Statute of the Tribunal.

**COUNTS 25-27**  
(Torture of Omer Nalić)

47. On about 19 June 1992, at the Bosanski Šamac primary school, while questioning Omer Nalić about a radio transmitter, **Stevan TODORVIĆ** ordered three men to beat Omer Nalić. By these actions, **Stevan TODORVIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 25:** Torture, a **CRIME AGAINST HUMANITY**, punishable under Article 5(f) of the Statute of the Tribunal;

**Count 26:** Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions; and

**Count 27:** Torture or inhuman treatment, a **GRAVE BREACH**, punishable under Article 2(b) of the Statute of the Tribunal.

#### **COUNTS 28-32**

(Beatings and Torture of Hasan Bičić, Muhamed Bičić, Perica Mišić, and Ibrahim Salkić)

48. One night between about 10 June and 3 July 1992, in the hallway of the gymnasium of the Bosanski Šamac primary school, **Milan SIMIĆ**, while serving in the position of President of the Executive Board of the Municipal Assembly of Bosanski Šamac, and a member of the Serb Crisis Staff, and accompanied by other Serb men, beat Hasan Bičić, Muhamed Bičić, Perica Mišić, and Ibrahim Salkić with a variety of weapons. **Milan SIMIĆ** kicked Hasan Bičić, Muhamed Bičić, Perica Mišić, and Ibrahim Salkić in their genitals and fired a gun shot over the heads of Hasan Bičić, Muhamed Bičić, Perica Mišić, and Ibrahim Salkić.

By these actions, **Milan SIMIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 28:** Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal;

**Count 29:** Torture, a **CRIME AGAINST HUMANITY**, punishable under Article 5(f) of the Statute of the Tribunal;

**Count 30:** Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions;

**Count 31:** Torture or inhuman treatment, a **GRAVE BREACH**, punishable under Article 2(b) of the Statute of the Tribunal; and

**Count 32:** Wilfully causing great suffering, a **GRAVE BREACH**, punishable under Article 2(c) of the Statute of the Tribunal.

**COUNTS 33-37**

(Beating and Torture of Safet Hadžialijagić)

49. One night in or about June 1992, in the hallway of the gymnasium building of the Bosanski Šamac primary school, **Milan SIMIĆ**, while in the position of President of the Executive Board of the Municipal Assembly of Bosanski Šamac, and a member of the Serb Crisis Staff, and accompanied by other Serb men, kicked Safet Hadžialijagić and beat him repeatedly with a variety of weapons. **Milan SIMIĆ** placed the barrel of his gun in Safet Hadžialijagić's mouth. During the beating, the other Serb men who accompanied **Milan SIMIĆ** repeatedly pulled down the victim's pants and threatened to cut off his penis. During the course of the beating, **Milan SIMIĆ** fired gun shots over the head of Safet Hadžialijagić.

By these actions, **Milan SIMIĆ** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of:

**Count 33:** Torture, a **CRIME AGAINST HUMANITY**, punishable under Article 5(f) of the Statute of the Tribunal;

**Count 34:** Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal;

**Count 35:** Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions;

**Count 36:** Torture or inhuman treatment, a **GRAVE BREACH**, punishable under Article 2(b) of the Statute of the Tribunal; and

**Count 37:** Wilfully causing great suffering, a **GRAVE BREACH**, punishable under Article 2(c) of the Statute of the Tribunal.



Louise Arbour  
Prosecutor