

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

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

Milan BABIĆ

INDICTMENT

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

Milan BABIĆ

with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF LAWS OR CUSTOMS OF WAR** as set forth below:

THE ACCUSED

1. **Milan BABIĆ**, son of Božo, was born on 26 February 1956 in Kukar, municipality of Sinj, Croatia. He is a dentist by profession. In 1989 he assumed the position of one of the acting directors in the medical centre in Knin.
2. **Milan BABIĆ**, previously a member of the League of Communists of Croatia, was a prominent political figure in the Serbian Democratic Party ("SDS") in Croatia since its inception in February 1990 and held a senior position in the SDS municipal committee in Knin. After Jovan RASKOVIĆ's death in 1992, **Milan BABIĆ** assumed the position as President of the SDS party, in which function he remained until 1995.
3. From 1990 until April 1994, **Milan BABIĆ** held the position of the President of the Municipal Assembly in Knin. From 31 July 1990 onwards, he was the President of the Serbian National Council ("SNC"). On 30 April 1991, **Milan BABIĆ** was elected President of the Executive Council of the so-called "Serbian Autonomous District/*Sprska autonomna oblast*/ ("SAO") Krajina." Subsequently, on 29 May 1991, he became the Prime Minister/President of the government of

the self-declared SAO Krajina. On 19 December 1991, the SAO Krajina proclaimed itself Republic of Serbian Krajina/*Republika Srpska Krajina* ("RSK") with **Milan BABIĆ** as President. **Milan BABIĆ** held the position until 15 February 1992. **Milan BABIĆ** became the Minister of Foreign Affairs of the RSK government in April 1994. In July 1995 he was elected Prime Minister of the RSK government, a position he held only until beginning August 1995 when in the course of the Croatian offensive known as Operation Storm the whole of the RSK leadership including **Milan BABIĆ** fled the RSK.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute of the Tribunal

4. **Milan BABIĆ** is individually criminally responsible for the crimes referred to in Articles 3 and 5 of the Statute of the Tribunal and described in this indictment. The accused committed, or otherwise aided and abetted in the planning, preparation, or execution of these crimes. By using the word "committed" in this indictment the Prosecutor does not intend to suggest that the accused physically committed any of the crimes charged personally. "Committing" in this indictment refers to participation in a joint criminal enterprise as a co-perpetrator or an aider and abettor.
5. **Milan BABIĆ** participated in a joint criminal enterprise that came into existence no later than 1 August 1991 and continued until at least June 1992. The purpose of this joint criminal enterprise was the permanent forcible removal of the majority of the Croat and other non-Serb population from approximately one-third of the territory of the Republic of Croatia ("Croatia"), in order to make them part of a new Serb-dominated state through the commission of crimes in violation of Articles 3 and 5 of the Statute of the Tribunal. These areas included those regions that were referred to by Serb authorities as the "SAO Krajina," the "SAO Western Slavonia," the "SAO Slavonia, Baranja and Western Srem" (after 19 December 1991, the "SAO Krajina" became known as the RSK; on 26 February 1992, the "SAO Western Slavonia" and the "SAO Slavonia, Baranja and Western Srem" joined the RSK), as well as the "Dubrovnik Republic /*Dubrovačka republika*".
6. The crimes enumerated in this indictment were within the objective of the joint criminal enterprise and **Milan BABIĆ** held the state of mind necessary for the commission of each of the crimes. Alternatively, the crimes enumerated in Counts 1 to 5 were the natural and foreseeable consequence of the execution of the objective of the joint criminal enterprise and **Milan BABIĆ** was aware that such crimes were the likely outcome of the execution of the joint criminal enterprise.
7. A number of individuals participated in this joint criminal enterprise at different times during its existence. Each participant or co-perpetrator within the joint criminal enterprise played his role or roles that significantly contributed to the overall objective of the enterprise. Individuals participating in this joint criminal enterprise included Slobodan MILOŠEVIĆ; Milan MARTIĆ; Goran HADŽIĆ; Jovica STANIŠIĆ; Franko SIMATOVIĆ, also known as "Frenki"; Vojislav

ŠEŠELJ; General Blagoje ADŽIĆ; General Ratko MLADIĆ and other known and unknown members of the Yugoslav People's Army ("JNA"); the Serb Territorial Defence ("TO") of Croatia, Serbia and Montenegro; local and Serbian police forces ("MUP forces"), including the State Security /*Državna bezbednost* ("DB") of the Republic of Serbia, and Serb police forces of the SAO Krajina and the RSK commonly referred to as "Martić's Police," "*Martićevci*," "SAO Krajina Police" or "SAO Krajina Milicija" (hereinafter "Martić's Police"). **Milan BABIĆ** participated in this joint criminal enterprise until at least February 1992.

8. **Milan BABIĆ**, acting individually or in concert with other members of the joint criminal enterprise participated in the joint criminal enterprise in the following ways:
 - a) In his capacity as the President of the SNC and subsequently as President/Prime Minister in the SAO Krajina and the RSK, he formulated, promoted, participated in, and/or encouraged the development and implementation of SDS and SAO Krajina/RSK governmental policies intended to advance the objective of the joint criminal enterprise. Throughout 1991, **Milan BABIĆ** attended meetings with the Serbian, SFRY and Bosnian Serb leadership defining these policies of the joint criminal enterprise and presented its positions in international negotiations.
 - b) He was instrumental in the establishment, support and maintenance of the government bodies ruling the SAO Krajina/RSK, which in co-operation with the military and police implemented the objective of the joint criminal enterprise and participated in the commission of crimes as listed in this indictment.
 - c) He participated in and contributed to the creation, organisation, recruitment, and direction of the Territorial Defence forces (TO) of the SAO Krajina and subsequently the RSK, which participated in the crimes listed in the indictment. From at least 1 June 1991 to including 15 February 1992, **Milan BABIĆ** was the *de jure* commander of the TO forces. On 8 August 1991 he appointed Milan MARTIĆ Deputy TO Commander.
 - d) Under **Milan BABIĆ's** tenure as President/Prime Minister, Milan MARTIĆ was appointed to the following positions within the SAO Krajina: On 04 January 1991 he was appointed Secretary of the Interior; On 29 May 1991 he was appointed Minister of Defence; On 27 June 1991 he was re-appointed Minister of Interior. **Milan BABIĆ** co-operated with Milan MARTIĆ, which led to MARTIĆ's command and control over "Martić's Police" involved in the commission of crimes.
 - e) He participated in the provision of financial, material, logistical and political support necessary for the military take-over of territories in the SAO Krajina, and the subsequent forcible removal of the Croat and other non-Serb population by the TO forces, who acted in co-operation with the JNA and "Martić's Police."
 - f) He made ethnically based inflammatory speeches during public events and in the media that created an atmosphere of fears and hatred amongst Serbs living in Croatia in order to win support for and participation in achieving the objective of the joint criminal enterprise.
 - g) He requested the assistance of or facilitated the participation of JNA forces to further the objective of the joint criminal enterprise.

- h) He encouraged and assisted in the acquisition of arms and their distribution to Croatian Serbs to further the objective of the joint criminal enterprise.
- 9. **Milan BABIĆ** knowingly and willfully participated in the joint criminal enterprise, while sharing the intent of other participants in the joint criminal enterprise, or having knowledge of the intent of other participants in the joint criminal enterprise, or being aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for these crimes under Article 7(1) of the Statute of the Tribunal in addition to his responsibility under the same article for otherwise aiding and abetting in the planning, preparation, or execution of these crimes.

GENERAL ALLEGATIONS

- 10. At all time relevant to this indictment, a state of armed conflict existed in Croatia.
- 11. All acts and omissions charged as Crimes against Humanity were part of a widespread and systematic attack directed against the Croat and other non-Serb civilian populations of large areas of Croatia.
- 12. At all times relevant to this indictment, **Milan BABIĆ** was required to abide by the laws and customs governing the conduct of armed conflicts.

THE CHARGES

COUNTS 1 to 5

- 13. From on or about 1 August 1991 until at least 15 February 1992, **Milan BABIĆ**, acting individually or in concert with other known and unknown members of a joint criminal enterprise, committed or otherwise aided and abetted in the planning, preparation, or execution of persecutions of the Croat and other non-Serb civilian populations in the SAO Krajina/RSK.
- 14. Throughout this period, Serb forces, comprised of JNA, local Serb TO units and TO units from Serbia and Montenegro, local and Serbian MUP police units, including "Martić's Police," and paramilitary units, attacked and took control of towns, villages and settlements in the SAO Krajina/RSK. After the take-over, Serb forces, in co-operation with the local Serb authorities, established a regime of persecutions designed to drive the Croat and other non-Serb civilian populations from these territories.
- 15. These persecutions were based on political, racial or religious grounds and included the following:
 - a) The extermination or murder of hundreds of Croat and other non-Serb civilians, including women and elderly persons, in Dubica, Cerovljani, Baćin, Saborsko, Poljanak, Lipovača and neighbouring hamlets, Škabrnja, Nadin, and Bruška in Croatia. Following is a description of these incidents:
 - i) From about 7 October 1991, Serb forces, comprised of JNA, members of the local Serb TO, and "Martić's Police" were in control of the area of Hrvatska Kostajnica. Most of the Croat civilians had fled their homes

during the initial attack in September 1991. Approximately 120 Croat civilians, mostly women, the elderly or the infirm remained behind. In the morning of 20 October 1991, members of the Serb forces rounded up fifty-three civilians in Dubica and detained them in the village fire station. Shortly after, ten were released because they were either Serbs or had connections with Serbs. On 21 October 1991, the Serb forces took the remaining forty-three detained Croats to a location near the village of Baćin. In addition, the Serb forces brought thirteen non-Serb civilians from Baćin and Cerovljani to the same location. All fifty-six victims were killed there. At approximately the same time, the Serb forces took away an additional thirty civilians from Baćin and twenty-four from the villages Dubica and Cerovljani into an unknown location where they killed them.

- ii) From early August 1991 until 12 November 1991, the Croat villages of Saborsko, Poljanak and Lipovača were attacked by members of Serb forces, in particular the JNA, the TO and "Martić's Police," killing all remaining non-Serb inhabitants. On 28 October 1991, TO units entered Lipovača and killed seven civilians. On 7 November 1991, JNA and TO units, in particular a special JNA unit from Niš, entered the hamlet of Vukovići near Poljanak and executed ten civilians. On 12 November 1991, members of the JNA, the TO and "Martić's Police" entered the village of Saborsko where they killed twenty-nine Croat civilians.
- iii) In November 1991, forces comprised of the JNA, TO units, and "Martić's Police" attacked the village of Škabrnja, near Zadar. On 18 November 1991, the Serb forces entered Škabrnja. Moving from house to house, they killed thirty-eight non-Serb civilians in their homes or in the streets. In addition, when Serb forces attacked the neighbouring villages of Nadin the next day, they killed seven non-Serb civilians. Between 18 November and February 1992, all remaining Croat civilians in Škabrnja died, including twenty-six of the remaining elderly and infirm Croat civilians.
- iv) On 21 December 1991, members of "Martić's Police" and other Serb forces entered the village of Bruška and the hamlet of Marinović where they killed ten persons, among them nine Croat civilians.

The names of all victims are listed in attached Annex 1.

- b) The prolonged and routine imprisonment and confinement of several hundred of Croat and other non-Serb civilians in inhumane living conditions in the old hospital and the JNA barracks in Knin, as set forth below, which were used as detention facilities and run by the members of "Martić's Police" and the JNA respectively, acting in co-operation with local Serb authorities and other Serb forces, including Serbian State Security officials.
 - i) Old hospital in Knin run by "Martić's Police," approximately one hundred and twenty detainees, operating from at least August 1991 until at least November 1991.
 - ii) JNA barracks in Knin operated by the JNA, approximately one hundred and fifty detainees from at least August 1991 until at least November 1991.
- c) The deportation or forcible transfer of thousands of Croat and other non-Serb civilians from the SAO Krajina/RSK. According to the 1991 census the total population of the SAO Krajina/RSK was 286,716. Croats amounted to 78,611 (27, 42%) of the total population. Only 1,932 (0,67%) Muslims were

registered at that time. Virtually the whole Croat, Muslims and non-Serb population of the SAO Krajina/RSK was forcibly removed, deported or killed.

- d) The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat and other non-Serb population in Dubica, Cerovljani, Baćin, Saborsko, Poljanak, Lipovača and neighbouring hamlets, Vaganac, Škabrnja, Nadin, and Bruška in the SAO Krajina/RSK.

16. By these acts and omissions, **Milan BABIĆ** committed:

Count 1: Persecutions on political, racial, and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), and 7(1) of the Statute of the Tribunal.

Count 2: In relation to the conduct described in paragraph 15 a), Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 3: In relation to the conduct described in paragraph 15 b), Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 4: In relation to the conduct described in paragraph 15 d), Wanton destruction of villages, or devastation not justified by military necessity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(b) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 5: In relation to the conduct described in paragraph 15 d), Destruction or wilful damage done to institutions dedicated to education or religion, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(d) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Dated this 6th of November 2003
At The Hague
The Netherlands


Carla Del Ponte
Prosecutor



ANNEX I

VICTIMS BAĆIN -
PARAGRAPH 15 (a) (i)

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
October 1991	BAĆIN & surroundings	ALAVANČIĆ, Katarina ALAVANČIĆ, Terezija ANTOLOVIĆ, Josip ANTOLOVIĆ Marija BARIĆ, Sofija BARUNOVIĆ, Ivo BARUNOVIĆ, Marija BARUNOVIĆ, Matija BARUNOVIĆ, Nikola BATINOVIĆ, Anka BATINOVIĆ, Marija BLINJA, Ana BLINJA, Josip BLINJA, Katarina BLINJA, Nikola BUNJEVAĆ, Toma BUNJEVAC, Antun BUNJEVAC, Kata ČORIĆ, Antun ČORIĆ, Barica ČORIĆ, Josip CORIĆ, Josip ČORIĆ, Mara ČORIĆ, Vera ČOVIĆ, Mijo DELIĆ, Marija DIKULIĆ, Ana DIKULIĆ, Maca DIKULIĆ, Ruža DIKULIĆ, Sofija DIKULIĆ, Stjepan ĐUKIĆ, Antun ĐUKIĆ, Danica ĐUKIĆ, Kata ĐUKIĆ, Liza ĐUKIĆ, Marija ĐURINOVIĆ, Antun	1910/ FEMALE 1922/ FEMALE 1910/ MALE 1917/ FEMALE Not Known/ FEMALE Not Known/MALE Not Known/ FEMALE 60 years/MALE Not Known/MALE Not Known/ FEMALE 1901/ FEMALE 1923/ FEMALE 1926/ MALE 1933/ FEMALE 1922/ MALE 60 years/MALE 40 years/MALE Not Known/ FEMALE 50 years/MALE 60 years/ FEMALE 30 years/MALE 60 years/MALE 1939/ FEMALE 60 years/FEMALE 1915/ MALE Not Known/ FEMALE 1942/ FEMALE Not Known/ FEMALE 1913/ FEMALE 1946/ FEMALE Not Known/ MALE 1933/ MALE Not Known/ FEMALE Not Known/ FEMALE Not Known/ FEMALE 1923/ FEMALE Not Known/ MALE

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
		FELBABIĆ, Nikola	50 years/MALE
		FERIĆ, Ana	1926/ FEMALE
		FERIĆ, Juraj	1923/ MALE
		FERIĆ, Kata	1925/ FEMALE
		GLAVINIĆ, Grga	60 years/MALE
		JOSIPOVIĆ, Anka	60 years/ FEMALE
		JOSIPOVIĆ, Ankica	50 years/ FEMALE
		JOSIPOVIĆ, Ivo	50 years/MALE
		JUKIĆ, Filip	1949/ MALE
		JUKIĆ, Iva	Not Known/ FEMALE
		JUKIĆ, Marija	1924/ FEMALE
		JUKIĆ, Vera	1920/ FEMALE
		JURATOVIĆ, Marija	Not Known/ FEMALE
		JURIĆ, Janja	Not Known/ FEMALE
		KARAGIĆ, Josip	50 years/MALE
		KARANOVIĆ, Jozo	Not Known/ MALE
		KRAMARIĆ, Terezija	1922/ FEMALE
		KRIVAJIĆ, Antun	Not Known/ MALE
		KRIVAJIĆ, Reza	Not Known/ FEMALE
		KRNIĆ, Štefo	Not Known/ MALE
		KRNIĆ, Marija	Not Known/ FEMALE
		KRNIĆ, Mijo	1929/ MALE
		KROPF, Barbara	1928/ FEMALE
		KROPF, Pavao	1931/ MALE
		KULIŠIĆ, Ivan	1926/ MALE
		KULIŠIĆ, Ivica	1972/ MALE
		LAZIĆ, Mijo	Not Known/MALE
		LIKIĆ, Andrija	1908/ MALE
		LIKIĆ, Anka	Not Known/ FEMALE
		LIKIĆ, Antun	Not Known/ MALE
		LIKIĆ, Jelka	Not Known/ FEMALE
		LONČAR, Ana	1923/ FEMALE
		LONČAR, Antun	1908/ MALE
		LONČAR, Kata	60 years/ FEMALE
		LONČAR, Kata	1906/ FEMALE
		LONČAR, Stjepan	60 years/MALE
		LONČAREVIĆ, Antun	Not Known/ MALE
		LONČARIĆ, Nikola	1910/ MALE
		LUJIĆ, Janja	1954/ FEMALE
		MATIJEVIĆ, Dragica	Not Known/ FEMALE
		MILAŠINOVIĆ, Marija	Not Known/ FEMALE
		MIŠIĆ, Mijo	Not Known/ MALE
		MUCAVAC, Antun	1946/MALE
		MUCAVAC, Mara	Not Known/ FEMALE
		ORDANIĆ, Antun	60 years/MALE

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
		ORDANIĆ, Luka	60 years/MALE
		PAVIĆ, Antun	1936/ MALE
		PAVIĆ, Matija	60 years/MALE
		PERKOVIĆ, Nevenka	Not Known/ FEMALE
		PERKOVIĆ, Vlado	Not Known/MALE
		PERKOVIĆ, Zoran	Not Known/MALE
		PEZO, Ivo	Not Known/ MALE
		PEZO, Sofija	1922/ FEMALE
		PIKTAJA, Anka	1920/ FEMALE
		SABLIJAR, Stjepan	1912/ MALE
		ŠESTIĆ, Jula	Not Known/ FEMALE
		ŠESTIĆ, Marija	1922/ FEMALE
		ŠESTIĆ, Milan	1941/ MALE
		STANKOVIĆ, Veronika	1915/ FEMALE
		ŠVRAČIĆ, Antun	1920/ MALE
		ŠVRAČIĆ, Marija	1924/ FEMALE
		TEPIĆ, Ana	1925/ FEMALE
		TEPIĆ, Dušan	Not Known/ MALE
		TRNINIĆ, Ivan	1913/ MALE
		TRNINIĆ, Ivo	Not Known/ MALE
		TRNINIĆ, Kata	1925/ FEMALE
		TRNINIĆ, Terezija	Not Known/ FEMALE
		VLADIĆ, Katarina	1931/ FEMALE
		VOLAREVIĆ, Soka	1905/ FEMALE
		VRPOLJAC, Nikola	55 years/MALE
		VUKOVIĆ, Pero	Not Known/ MALE

****Plus 2 Unidentified Persons

ANNEX I

**VICTIMS LIPOVAČA -
PARAGRAPH 15 (a) (ii)**

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
28 October 1991	LIPOVAČA	BROZINČEVIĆ, Franjo BROZINČEVIĆ, Marija BROZINČEVIĆ, Mata BROZINČEVIĆ, Mira BROZINČEVIĆ, Mirko BROZINČEVIĆ, Roža CINDRIĆ, Katarina aka CINDRIĆ, Katja	1930/MALE Not Known/ FEMALE Not Known/FEMALE 1925/FEMALE 1971/ MALE Not Known/FEMALE 1925/ FEMALE

ANNEX I

VICTIMS - VUKOVIĆI
PARAGRAPH 15 (a) (ii)

DATE	LOCATION	VICTIMS	YEAR OF BIRTH/SEX
7 November 1991	VUKOVIĆI	MATOVINA, Josip MATOVINA, Nikola VUKOVIĆ, Dane VUKOVIĆ, Dane VUKOVIĆ, Ivan VUKOVIĆ, Lucija VUKOVIĆ, Milka VUKOVIĆ, Nikola VUKOVIĆ, Nikola VUKOVIĆ, Vjekoslav	Not Known/MALE Not Known/MALE Not Known/ MALE Not Known/ MALE 1934/MALE Not Known/ FEMALE Not Known/ FEMALE 1926/MALE 1938/MALE Not Known/MALE

ANNEX I

**VICTIMS SABORSKO -
PARAGRAPH 15 (a) (ii)**

DATE	LOCATION	VICTIMS	YEAR OF BIRTH/SEX
12 November 1991	SABORSKO	BIČANIĆ, Ana BIČANIĆ, Milan BIČANIĆ, Nikola BIČANIĆ, Petar CONJAR, Leopold DUMENČIĆ, Ante DUMENČIĆ, Darko DUMENČIĆ, Kata DUMENČIĆ, Nikola DUMENČIĆ, Ivica MATOVINA, Ivan MATOVINA, Kata MATOVINA, Kata aka MATOVINA, Kate MATOVINA, Lucija MATOVINA, Marija MATOVINA, Marta MATOVINA, Mate MATOVINA, Mate MATOVINA, Milan MATOVINA, Slavica SERTIĆ, Slavko ŠPEHAR, Mate ŠTRK, Josip VUKOVIĆ, Ivan VUKOVIĆ, Jela VUKOVIĆ, Jure VUKOVIĆ, Jure VUKOVIĆ, Petar	1924/ FEMALE 1927/MALE 1928/MALE 1935/MALE 1898/MALE 1962/MALE 1970/MALE 1930/FEMALE 1930/MALE Not Known/MALE 1930/MALE Not Known/ FEMALE Not Known/ FEMALE 1906/FEMALE 1909/FEMALE Not Known/ FEMALE 1895/MALE Not Known/MALE Not Known/MALE 1959/FEMALE 1941/MALE Not Known/MALE Not Known/MALE Not Known/MALE Not Known/ FEMALE Not Known/MALE Not Known/MALE 1932/MALE

**** Plus 2 Unidentified Deceased

ANNEX I

**VICTIMS ŠKABRNJA CASE ONE -
PARAGRAPH 15 (a) (iii)**

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
18-19 Nov. 1991	ŠKABRNJA	BRKIĆ, Joso BRKIĆ, Marija BRKIĆ, Marko ČURKOVIĆ, Željko DRAŽINA, Marija HORVAT, Vladimir JURIĆ, Ana JURIĆ, Grgo JURIĆ, Nediljko JURIĆ, Petar MILJANIĆ, Josip MILJANIĆ, Slavko PAVIČIĆ, Mile PAVIČIĆ, Niko PAVIČIĆ, Petar PERICA, Gašpar PERICA, Josip PERICA, Ljubo RAŽOV, Ante RAŽOV, Ivan RAŽOV, Jela ROGIĆ, Kata ROGIĆ, Marko ROGIĆ, Nikola ŠEGARIĆ, Šime ŠEGARIĆ, Grgica ŠEGARIĆ, Ivica ŠEGARIĆ, Krsto ŠEGARIĆ, Rade ŠEGARIĆ, Vice ŠKARA, Nediljko VICKOVIĆ, Stana VICKOVIĆ, Stanko ŽILIĆ, Mara ŽILIĆ, Pavica ŽILIĆ, Roko ŽILIĆ, Tadija ŽUPAN, Marko	1924/ MALE 1943/ FEMALE 1943/MALE 1968/ MALE Age 71/FEMALE 1953/ MALE Age 77/FEMALE 1909/ MALE 1955/MALE 1936/MALE 1928/MALE 1956/MALE 1965/MALE 1922/MALE 1942/MALE 1955/MALE 1934/ MALE 1932/ MALE 1955/MALE 1927/MALE Age 86/FEMALE 1932/FEMALE 1959/MALE 1939/MALE 1955/ MALE 1911/FEMALE 1961/MALE 1927/MALE 1931/MALE 1933/MALE 1955/MALE 1936/FEMALE 1956/ MALE 1914/ FEMALE 1928/FEMALE 1929/MALE 1928/MALE 1932/MALE

ANNEX I

**VICTIMS NADIN -
PARAGRAPH 15 (a) (iii)**

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
19 Nov.1991	NADIN	ATELJ, Novica BRKIĆ, Stoja BRZOJA, Danka ČIRJAK, Ika ČIRJAK, Maša ŠESTAN, Jakov ŠESTAN, Marija	1965/MALE 1928/FEMALE 1951/FEMALE 1922/FEMALE 1921/FEMALE 1911/MALE 1933/FEMALE

ANNEX I

**VICTIMS ŠKABRNJA CASE TWO -
PARAGRAPH 15 (a) (iii)**

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
18 November 1991 to February 1992	ŠKABRNJA	BABIĆ, Ivan BILAYER, Grgo BILAYER, Marija BILAYER, Peka BRKIĆ, Ana BRKIĆ, Josipa BRKIĆ, Kata BRKIĆ, Kata BRKIĆ, Marija BRKIĆ, Mato BRKIĆ, Mijat ERLIĆ, Jure GOSPIĆ, Dumica IVKOVIĆ, Ljubomir IVKOVIĆ, Nedjeljko IVKOVIĆ, Tereza JURJEVIĆ, Šimica KARDUM, Mirko PERICA, Kata RAŽOV, Šime RAŽOV, Grgica RAŽOV, Marko ŠEGARIĆ, Luca ŠKARA, Pera STURA, Božo STURA, Draginja	1941/MALE 1915/MALE 1921/FEMALE Not Known/FEMALE 1925/FEMALE 1920/FEMALE 1935/FEMALE 1939/FEMALE 1906/ FEMALE 1918/MALE 1915/MALE 1925/MALE 1914/FEMALE Not Known/MALE 1952/MALE Age 78/FEMALE 1912/FEMALE 1919/MALE Age 60/FEMALE 1938/MALE 1899/FEMALE Not Known/MALE 1920/FEMALE Not Known/FEMALE Not Known/MALE 1917/FEMALE

ANNEX I

**VICTIMS BRUŠKA -
PARAGRAPH 15 (a) (iv)**

DATE	LOCATION	VICTIMS	YEAR OF BIRTH / SEX
21 December 1991	BRUŠKA	DRAČA, Svetlo (Serbian) MARINOVIĆ, Dragan MARINOVIĆ, Draginja MARINOVIĆ, Dušan MARINOVIĆ, Ika MARINOVIĆ, Krste MARINOVIĆ, Manda MARINOVIĆ, Petar MARINOVIĆ, Roko MARINOVIĆ, Stana	Not Known/MALE Not Known/MALE Not Known/FEMALE Not Known/MALE Not Known/ FEMALE Not Known/MALE 1927/ FEMALE 1923/MALE Not Known/MALE 1926/FEMALE

ANNEX II

ADDITIONAL POLITICAL AND HISTORICAL FACTS

1. On 17 February 1990, the Serbs in the Krajina regional, headed by Dr. Jovan Rašković, including **Milan BABIĆ**, founded the Serbian Democratic party "SDS."
2. In April and May 1990, the first multi-party elections after World War II were held in the Socialist Republic of Croatia, one of the federal units of the Socialist Federative Republic of Yugoslavia ("SFRY"). In these elections, Croatian Democratic Union ("HDZ") won 41.5% of votes and 2/3 of seats in the Parliament (Sabor) of the Socialist Republic of Croatia. The new Sabor then, on 30 May 1990, elected the HDZ candidate Dr. Franjo TUDMAN President of the Presidency of the Socialist Republic of Croatia as well as six other members of the Presidency
3. On 25 July 1990, a gathering of several thousand Croatian Serbs including the leadership of the SDS, including **Milan BABIĆ**, and of the Serb Orthodox Church passed a Declaration "on the Sovereignty and Autonomy of the Serbian Nation" in Srb, in Croatia. This declaration stipulated the establishment of a political representation of the Serbs in Croatia, the Serbian Sabor seated in Srb and a Serbian National Council (SNC) as the executive organ of the Serbian Sabor. Further, the declaration determined that the SNC could call a referendum on the question of status of Serbs in Croatia, including all other issues arising with respect to autonomy and sovereignty.
4. On 31 July 1990, during the SNC's first constituent session, a plebiscite, which would confirm the autonomy and sovereignty of the Serb nation in Croatia, was decided upon. On 16 August 1990, in the SNC's second session, a resolution was passed to this effect.
5. On 17 August 1990, the Croatian government declared that referendum illegal. Rumours surfaced that the Croatian police moved towards several Serb towns in the Krajina region and towards Knin. Serbs, organised by Milan MARTIĆ, put up barricades and "Martić's Police" distributed weapons to Serbs. This incident became commonly known as the "log-revolution." From 17 August onwards, armed Serb formations supported by the JNA were in control in Knin.
6. Between 19 August and 2 September 1990, Croatian Serbs held a referendum on the issue of Serb "sovereignty and autonomy" in Croatia. The vote was conducted in pre-dominantly Serb communities and in settlements where Serbs lived and was limited to only Serb voters including Croatian Serbs living abroad. 99,7 % of those who voted (567,317) were in support of Serb autonomy.
7. On 30 September 1990, the SNC declared "the autonomy of the Serbian people on ethnic and historic territories on which they live and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia."
8. On 21 December 1990, Croatian Serbs in Knin lead by **Milan BABIĆ** announced the creation of a "Serbian Autonomous District" ("SAO") of Krajina by adopting a statute.

9. On 4 January 1991, the Executive Council of the SAO Krajina passed a decision to appoint Milan MARTIĆ as the Secretary of the Interior of the SAO Krajina.
10. On 28 February 1991, the SAO Krajina officially declared itself independent from the Republic of Croatia. On the same day, the municipalities of Gračac, Korenica, Donji Lapac and Glina, as well as some local communities within the municipalities of Sinj and Šibenik, joined the SAO Krajina.
11. On 1 April 1991, the Executive Council of the SAO Krajina passed the decision to join the SAO Krajina to the Republic of Serbia. That decision stipulated that the Constitution and laws of the Republic of Serbia, as well as the constitutional-legal system of the SFRY, were applied on the territory of the SAO Krajina.
12. On 12 May 1991, a referendum was held in the SAO Krajina concerning the annexation of the SAO Krajina to the Republic of Serbia and its remaining in Yugoslavia with Serbia, Montenegro and others that wished to preserve Yugoslavia. 99.8% of those voting supported the annexation.
13. On 19 May 1991, Croatia held a referendum in which the electorate voted overwhelmingly for independence from the SFRY. On 25 June 1991, Croatia and the Republic of Slovenia declared their independence from Yugoslavia.
14. On 29 May 1991, the Assembly of the SAO Krajina appointed Milan MARTIĆ Minister of Defense of the SAO Krajina. On the same day, the Assembly passed a decision on establishing special purpose units of the Ministry of Interior of the SAO Krajina under the name "Milicija Krajine" (the Krajina Militia), which were put under the authority of the Ministry of Defense.
15. On 25 June 1991, the JNA moved to suppress Slovenia's secession.
16. On 27 June 1991, the Assembly of the SAO Krajina appointed Milan MARTIĆ as Minister of Interior of the SAO Krajina.
17. The European Community sought to mediate in the conflict. On 8 July 1991, an agreement was reached that Croatia and Slovenia would suspend implementation of their independence until 8 October 1991. The European Community ultimately recognised Croatia as an independent state on 15 January 1992.
18. On 18 July 1991, the Federal Presidency, with support of the Serbian and Montenegrin government and General KADIJEVIĆ, voted to withdraw the JNA from Slovenia, thereby acceding to its secession and the dissolution of the SFRY.
19. The Serbs in the Krajina region, in Eastern Slavonia, and in Western Slavonia began receiving increasing support from the government of the Republic of Serbia. By August 1991, Serb volunteer, TO and police forces in these regions were being supplied, trained and partly led by officials of the Republic of Serbia Ministry of Interior.
20. Throughout August and September 1991, substantial areas of Croatia came under Serb control as a result of actions by Serb military, JNA, TO, volunteer and police forces including "Martić's Police."
21. On 8 September 1991 Milan MARTIĆ and a JNA security officer were stopped at a road blockade in Otoka, municipality of Bosanska Krupa, and subsequently detained. Various high-ranking JNA officers and members of the joint criminal enterprise specified in paragraph 7 of the indictment, among them **Milan BABIĆ**, were involved in securing his release.

22. In Geneva on 23 November 1991, Slobodan MILOŠEVIĆ, Federal Secretary of People's Defence Veljko KADIJEVIĆ, and Franjo TUĐMAN entered into an agreement signed under the auspices of the United Nations Special Envoy Cyrus VANCE. This agreement called for the lifting of blockades by Croatian forces on JNA barracks and for the withdrawal of JNA forces from Croatia. Both sides committed themselves to an immediate cease-fire throughout Croatia by units "under their command, control, or political influence" and further bound themselves to ensure that any paramilitary or irregular units associated with their forces would also observe the cease-fire.
23. Throughout that time **Milan BABIĆ**, despite the repeated insistence of SFRY officials including Slobodan MILOŠEVIĆ, vehemently opposed the VANCE Plan in its proposed form as a viable peace option for the SAO Krajina. He opposed the complete demilitarisation of the Krajina (i.e. disbanding of TO forces), the withdrawal of the JNA (which he considered the Croatian Serbs' only "protector" in Croatia), the position of the international forces within the SAO Krajina/RSK territory and the territorial composition of the various protected areas.
24. On 19 December 1991, the SAO Krajina proclaimed itself the Republic of Serbian Krajina ("RSK"). On 26 February 1992, the SAO Western Slavonia and SAO Slavonia, Baranja and Western Srem joined the RSK, which initially had only encompassed the territories within the SAO Krajina.
25. On 3 January 1992, another cease-fire agreement was signed by Franjo TUĐMAN and Slobodan MILOŠEVIĆ paving the way for the implementation of a United Nations peace plan put forward by Cyrus VANCE. Under the VANCE Plan, four United Nations Protected Areas (UNPAs) were established in the areas occupied by Serb forces. The Vance Plan called for the withdrawal of the JNA from Croatia and for the return of displaced persons to their homes in the UNPAs. Although the JNA officially withdrew from Croatia in May 1992, large portions of its weaponry and personnel remained in the Serb-held areas and were turned over to the "police" of the RSK. Displaced persons were not allowed to return to their homes and those few Croats and other non-Serbs who had remained in the Serb-occupied areas were expelled in the following months.
26. On 16 February 1992, the RSK Assembly, against the expressed will of **Milan BABIĆ**, adopted the VANCE Plan.
27. Around that time **Milan BABIĆ** was already politically ostracised by Belgrade and its political allies in the RSK, such as Mile PASPALJ, Goran HADŽIĆ and Milan MARTIĆ. On 26 February 1992, Goran HADŽIĆ replaced **Milan BABIĆ** as President/Prime Minister of the RSK.
28. **Milan BABIĆ** remained in politics throughout the existence of the RSK but in a considerably weakened position.
29. The Serb-held territories in the RSK remained under RSK forces "SVK" control until two operations successfully restored Croatian control over these territories. In May 1995, a massive Croatian offensive, commonly called "Operation Flash", was launched against Western Slavonia, resulting in a defeat of the SVK forces. Later in early August another operation, commonly referred to as "Operation Storm," resulted in an exodus of the Croatian Serbs from Knin and marked the demise of the RSK. The remaining area of Serb control in Eastern Slavonia was peacefully re-integrated into Croatia in 1998.