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Tribunal Pénal
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l'ex-Yougoslavie

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REGISTRY
BUREAU DU GREFFE

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INDICTMENT AGAINST MIROSLAV BRALO MADE PUBLIC

On 12 October 2004, the Indictment against Miroslav Bralo was made public following an Order signed by Judge Kwon. The Indictment was originally confirmed on 10 November 1995, but subject to a non-disclosure Order. That Order was vacated yesterday.

Background

The Indictment generally alleges that, from at least January 1993 until through at least mid-July 1993, the so-called Croatian Community of Herzeg-Bosna (“HZ-HB”) 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 and Herzegovina (“BiH”). It is further alleged that from the outset of hostilities in January 1993, the HVO attacked villages chiefly inhabited by Bosnian Muslims in the Lašva River Valley region in central Bosnia and Herzegovina. These attacks resulted in the death and wounding of numerous civilians.

In addition, the Indictment alleges that other civilians were detained, transported from their places of residence, forced to perform manual labour, were tortured, subjected to rape, sexual assaults, and other physical and mental abuse. Hundreds of Bosnian Muslims were arrested by the HVO and taken to the locations such as the Vitez Cinema Complex and the Vitez Veterinary Station which were being used as detention facilities.

According to the Indictment, while imprisoned, numerous Bosnian Muslim prisoners were brought to the front lines where Miroslav Bralo and others forced them to dig trenches to protect HVO soldiers from being shot by BiH snipers. On several occasions Bosnian Muslim prisoners were killed and wounded while digging these protective trenches.

The Indictment also specifically charges Miroslav Bralo with the rape and torture of a Bosnian Muslim woman, Witness A, on numerous occasions. On one of the occasions, according to the Indictment,

“On or about 15 May 1993, members of the Jokers took Witness A, a Bosnian Muslim woman, to their headquarters in Nadioci, a building called the “Bungalow”. While there, Miroslav Bralo, in front of other soldiers, forced Witness A to remove her clothing, caressed her body with a knife, threatened to kill her and told her that all the men who were present in the room would rape her. Then, Miroslav Bralo forced Witness A to dance naked.

Miroslav Bralo next proceeded to rape Witness A by forcing her to perform oral sex and to swallow his sperm and urine. Miroslav Bralo forced Witness A to have sexual intercourse with him, both vaginally and anally. Miroslav Bralo penetrated Witness A’s mouth, vagina and anus with his penis. During these incidents Miroslav Bralo bit Witness A about the body including on her nipples. Miroslav Bralo forced Witness A to commit these acts with him

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several times. During these rapes, Miroslav Bralo rubbed his knife on Witness A's body and put his revolver in her mouth and against her forehead."

The Indictment states that Miroslav Bralo, also known as "Cicko", during all times relevant to the Indictment, was a member of a special forces group within the HVO called the Jokers (Dzokeri). The Accused is held individually responsible for the crimes alleged in the Indictment. 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 the Statute of the Tribunal.

Charges

The Indictment charges Miroslav Bralo on the basis of his individual criminal responsibility (Article 7(1) of the Statute) with:

- Nine counts of grave breaches of the Geneva Conventions of 1949 (unlawful confinement of civilians, inhumane treatment, wilful killing, torture or inhumane treatment) punishable under Article 2 of the Statute of the Tribunal; and
- Twelve counts of violations of the laws or customs of war (outrages upon personal dignity, cruel treatment, murder, torture, outrages upon human dignity including rape) punishable under Article 3 of the Statute of the Tribunal.