

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

CASE NO: IT-04-83-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

RASIM DELIĆ

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 (hereafter: Statute of the Tribunal), charges:

RASIM DELIĆ

with **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

THE ACCUSED

1. **Rasim DELIĆ**, son of Rašid, was born on 4 February 1949 in Čelić, Lopare municipality, Republic of Bosnia and Herzegovina (hereinafter: Bosnia and Herzegovina).
2. **Rasim DELIĆ** is a former professional military officer of the Yugoslav People's Army (hereinafter: JNA). Additional information concerning the professional career of **Rasim DELIĆ** is set forth in Annex A.
3. On 8 June 1993 the Presidency of Bosnia and Herzegovina issued a decision on the restructuring of the Bosnia and Herzegovina Supreme Command Headquarters to include establishing the post of Commander of the Main Staff of the Army of Bosnia and

Herzegovina (hereafter: ABiH). By the same decision **Rasim DELIĆ** was appointed Commander of the Main Staff of the ABiH (also referred to as Supreme Command Staff) (hereinafter: Main Staff), while Sefer Halilović was appointed as Chief of the Main Staff but was subordinate to **Rasim DELIĆ**.

4. According to the Constitution of Bosnia and Herzegovina, in the event of a state of war, an expanded Presidency included the Chief of Staff of the Territorial Defence (hereafter: TO) of the Republic. In the event of war or the imminent danger of war the Presidency was empowered to exercise legislative power. On this basis, **Rasim DELIĆ**, as Commander of the Main Staff, became a member of the Presidency.

STATEMENT OF FACTS

5. The events alleged in this indictment took place against the background of the break-up of the former Socialist Federal Republic of Yugoslavia (hereafter: SFRY).
6. On 9 January 1992, the self-proclaimed Assembly of the Serbian People in Bosnia and Herzegovina established the "Republic of the Serbian People of Bosnia and Herzegovina." The territory of that republic was declared to include "the territories of the Serbian Autonomous Regions and Districts and of other Serbian entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War Two" and it was declared to be part of the Yugoslav Federal State.
7. Following a referendum on the issue of independence held in Bosnia and Herzegovina on 29 February-1 March 1992, the European Community and the United States recognized Bosnia and Herzegovina as of 7 April 1992. On 20 June 1992 President Izetbegović issued the order proclaiming a state of war in the RBiH.
8. Early in the morning of 7 April 1992, the self-proclaimed Assembly of the Serbian People in Bosnia and Herzegovina declared the independence of the Serbian Republic of Bosnia and Herzegovina. Around this date an armed conflict began between the forces of Bosnia and Herzegovina and the Serbian Republic of Bosnia and Herzegovina. This conflict continued until the

conclusion of peace under the Dayton Peace Accords signed in Paris in December 1995.

9. On 12 May 1992, the self-proclaimed Assembly of the Serbian People in Bosnia and Herzegovina voted to establish the Army of the Serbian Republic of Bosnia and Herzegovina (hereafter: VRS), effectively transforming the JNA units remaining in Bosnia and Herzegovina into commands of the VRS.
10. From May 1992 until at least January 1994, the ABiH participated in an armed conflict with the Croatian Defence Council (hereafter: HVO) and the Army of the Republic of Croatia (hereafter: HV). In particular, in April 1993 and in early summer 1993, ABiH 3rd Corps units launched a series of heavy attacks against the HVO including, but not limited to, the municipalities of Bugojno, Busovaća, Kakanj, Maglaj, Novi Travnik, Travnik, Vareš, Vitez, Zavidovići, Zenica and Žepče. The ABiH operations culminated in a massive attack between 7 and 13 June 1993 within, *inter alia*, the municipalities of Kakanj, Travnik and Zenica.
11. During 1995, the ABiH and the VRS continued their armed conflict along various fronts in Bosnia Herzegovina. In particular, the ABiH and the VRS conducted offensive operations in the municipalities of Zavidovići, Maglaj, Lukavac and Banovići. The general ABiH military objective was to capture VRS controlled terrain in the Vozuća, Ozren mountain salient, thereby opening a secure road and line of communication between Zenica and Tuzla.
12. Foreign Muslim fighters, who referred to themselves as “Mujahedin” or “Holy Warriors”, began arriving in Bosnia and Herzegovina sometime during the middle of 1992. The “Mujahedin”, who were principally from Islamic countries, were prepared to conduct a “Jihad” or “Holy War” in Bosnia and Herzegovina against the enemies of the Bosnian Muslims.
13. After its formation on 19 November 1992, the 7th Muslim Mountain Brigade of the ABiH 3rd Corps incorporated and subordinated “Mujahedin” within its structure, as did other units of the ABiH 3rd Corps. The “Mujahedin” were involved in the combat activities of units of the ABiH 3rd Corps, including the 7th Muslim Mountain Brigade, and frequently spearheaded ABiH 3rd Corps combat operations.

14. On 13 August 1993, **Rasim DELIĆ** ordered the establishment within the ABiH 3rd Corps area of responsibility of the "El Mujahed" unit comprised of foreign volunteers, with immediate effect, but not later than 31 August 1993. After its official formation, this unit was subordinated to the ABiH 3rd Corps, whose commander ordered its subordination to units under his command for specific combat operations. This unit remained part of the ABiH 3rd Corps until its disbandment on 12 December 1995.
15. At all times relevant to this indictment, the 306th Mountain Brigade and the 7th Muslim Mountain Brigade were under the subordination of the ABiH 3rd Corps, which was a subordinate formation under the command and effective control of the accused, **Rasim DELIĆ**. In addition, following the establishment of the El Mujahed Detachment on 13 August 1993 until its dissolution on 12 December 1995, that unit was under the subordination of the ABiH 3rd Corps, which was a subordinate formation under the command and effective control of the accused, **Rasim DELIĆ**. Finally, at all times relevant to this indictment, the 21st Division, 22nd Division and 25th Division were under the subordination of the ABiH 2nd Corps, which was a subordinate formation under the command and effective control of the accused, **Rasim DELIĆ**.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Position of Accused/Superior Responsibility

16. As Commander of the Main Staff, **Rasim DELIĆ** was the most senior member of the ABiH, subordinate only to the Presidency/President of Bosnia and Herzegovina. As such, he had overall authority and responsibility for the functioning of the ABiH. He was responsible for planning and directing all ABiH operations and for monitoring the activities of all subordinate officers and units to ensure that his orders were implemented. He exercised command and control through the ABiH Main Staff, Supreme Command Staff and during 1995 the General Staff.
17. In particular, as Commander of the Main Staff, **Rasim DELIĆ** exercised military command and control of the ABiH in coordination with paramilitary forces and volunteer units, regular and reserve police forces re-subordinated to the ABiH by the Ministry of the Interior, as well as other civilian bodies, including regional and municipal crisis staffs.

18. By virtue of his authority as set out in military regulations and instructions, **Rasim DELIĆ** controlled the work of the Main Staff; made decisions for the Main Staff and its subordinate units; assigned tasks to subordinates; issued orders, instructions and directives; ensured the implementation of these orders, instructions and directives and bore full responsibility for their completion; monitored the military situation throughout Bosnia and Herzegovina; and was responsible for the overall state of and conduct of the ABiH.

Article 7(3) of the Statute of the Tribunal

19. **Rasim DELIĆ**, while holding a position of superior authority, is individually criminally responsible for the acts or omissions of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. **Rasim DELIĆ**, as Commander of the Main Staff, exercised *de jure* and *de facto* command and control over the ABiH forces that participated in the crimes alleged in this Indictment. **Rasim DELIĆ** knew or had reason to know that all crimes alleged in this Indictment were about to be committed or had been committed by his subordinates and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof. **Rasim DELIĆ**'s duty to punish included an obligation to investigate and establish the facts of the crimes alleged in this Indictment, to put an end to the criminal activity, and to impose appropriate punitive measures and to report the crimes to competent authorities. **Rasim DELIĆ** knew that by failing to prevent or punish his subordinates constituted breaches of international humanitarian law, and that he would be personally liable for such breaches of the said law.

GENERAL ALLEGATIONS

20. All acts and omissions alleged in this indictment as violations of the laws or customs of war occurred on or about 8 June 1993 and from 21 July 1995 until 31 October 1995 in the territory of Bosnia and Herzegovina.
21. At all times relevant to this indictment, an armed conflict existed in the territory of Bosnia and Herzegovina.

22. At all times relevant to this indictment, **Rasim DELIĆ** was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the Additional Protocols thereto. As the Commander of the ABiH, **Rasim DELIĆ** was responsible for ensuring that military units under his command and effective control respected and applied these rules of international law. Moreover, **Rasim DELIĆ** was obliged by superior order to initiate proceedings for legal sanctions against individuals under their command and effective control who had violated the international law of war or international humanitarian law.
23. **Rasim DELIĆ**, while holding the position of Commander of the ABiH as set out in the preceding paragraphs, is criminally responsible for the acts of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) were 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.

THE CHARGES

COUNT 1: MURDER

COUNT 2: CRUEL TREATMENT

Maline/Bikoši: June 1993

24. On 8 June 1993, the day that **Rasim DELIĆ** assumed the post of Commander of the Main Staff, units of the ABiH 3rd Corps, including the 306th Mountain Brigade, 7th Muslim Mountain Brigade and the Mujahedin, launched an attack on the village of Maline in Travnik Municipality. Following the HVO surrender, more than 200 Bosnian Croat civilians and HVO soldiers were captured and ordered by the Military Police of the ABiH 306th Mountain Brigade to march towards Mehurići, a village several kilometres from Maline. As this column was approaching the village of Poljanice, several hundred metres from Mehurići, a group of approximately 10 Mujahedin and local Bosnian Muslim soldiers approached from the direction of Mehurići and ordered the column to stop. Approximately 35-40 Bosnian Croats and surrendered HVO soldiers were removed from the column and ordered to walk back in the direction towards Maline.

25. Shortly thereafter, this group met a smaller group of persons who had also been captured in Maline and the two groups proceeded towards Maline. When the group arrived at the junction that led to Bikoši, they were ordered to turn towards that village and after arriving there, they were ordered to form a line. The Mujahedin then indiscriminately opened gunfire on the group, executing some of the survivors of this initial shooting by single gun-shots to the head. Those victims whose identities are known are set forth in Annex B to this Indictment.
26. At least six individuals received serious gunshot wounds in this massacre, but otherwise survived, including Pavo BARAĆ, Marijan BOBAŠ, Berislav MARJANOVIĆ, Zdravko PRANJEŠ, Darko PUŠELJA, and Željko PUŠELJA.
27. The accused **Rasim DELIĆ** was put on notice of the murders and woundings in Maline/Bikoši, but nevertheless failed to take the proper steps to punish the perpetrators.

Kamenica Camp: Victims from Krčevine-Livade, Zavidovići Municipality

28. In the early hours of 21 July 1995, the El Mujahed unit of the ABiH 3rd Corps launched an attack in Krčevine in the Zavidovići Municipality. Soldiers of the VRS were captured and taken to Livade village. Two captured VRS soldiers, Momir MITROVIĆ and Predrag KNEŽEVIĆ, were killed and decapitated by the ABiH soldiers. The prisoners were subjected to daily beatings in Livade and on the 23rd July 1995 they were taken to the Kamenica Camp.
29. The Kamenica Camp was located in the Gostović valley, next to the river Gostovići, about 10 kilometres south from Zavidovići. In the camp area there was a building which was used as a detention facility for captured VRS soldiers in 1995. This detention facility was operated by ABiH soldiers from the El Mujahed.
30. On 24 July 1995, one VRS prisoner Gojko VUJIČIĆ was decapitated in the Kamenica Camp and all the other prisoners were forced to kiss the severed head, after which the head was placed on a hook of the wall in the room where the prisoners were held.

31. The VRS prisoners held in Kamenica Camp were tortured and beaten; some received electrical shocks and others suffered terrible pain through the use of high pressure air hoses that were attached to their legs.
32. On or about 23 or 24 August 1995, this group of VRS prisoners were transferred from Krčevine to Zenica KP Dom (prison).
33. The accused **Rasim DELIĆ** was put on notice that ABiH soldiers from the El Mujahed unit had a propensity to commit crimes, and particularly crimes against captured enemy combatants and civilians and that the El Mujahed unit was operating the Kamenica Camp. Nevertheless, the accused **Rasim DELIĆ** failed to take the proper steps to prevent the crimes that occurred in this camp as described above.

Kamenica Camp: Victims from Vozuća, Zavidovići Municipality

34. On 10 September 1995, following a combined offensive approved by the Supreme Command Staff and under the command of the ABiH 2nd and 3rd Corps, units and elements of the 21st Division, 22nd Division and 25th Division of the 2nd Corps and units and elements of the 35th Division and 37th Division of the 3rd Corps conducted military operations against VRS forces defending the Vozuća, Mount Ozren salient, causing the VRS-held lines to collapse, resulting in the ABiH conquering territory formerly held by the VRS.
35. On 11 September 1995, approximately 60 soldiers of the VRS were captured along with civilians, including three females, who had remained after Vozuća was taken. The captured group was briefly taken to Kesten, Zavidovići Municipality, and was then transferred to the Kamenica Camp.
36. With the exception of three female civilians, all of the approximately 60 VRS soldiers that were captured in Vozuća and subsequently taken to Kesten and then to Kamenica are missing and presumed dead. Those victims whose identities are known are set forth in Annex C to this Indictment.
37. As Vozuća fell to the ABiH on 10 September 1995, other VRS soldiers fled through the forest in an attempt to find their way towards Doboij, a Bosnian-Serb controlled area. A group of 10

VRS soldiers wandered in the forest for 7-8 days until they decided to surrender to the ABiH forces on account of physical exhaustion and an inability to return to Bosnian-Serb controlled territory. Upon surrendering to ABiH forces near Zavidovići, this group was initially taken to a local ABiH headquarters and from there they were transported to Kamenica Camp.

38. When this group arrived in Kamenica Camp, they joined the other VRS prisoners. This group of ten VRS prisoners were badly beaten in the Kamenica Camp throughout the time that they remained there, which was approximately twelve days. During the time period that this group of ten VRS soldiers were detained in the Kamenica Camp, Nenad JOVIĆ, an elderly Bosnian Serb man was brought into the camp and detained. He was beaten, stripped of his clothes and given water mixed with petrol to drink; he died in the Camp after a few days.
39. On 29 September 1995, this group of ten VRS prisoners were transferred to Zenica KP Dom.
40. The accused **Rasim DELIĆ** was put on notice that ABiH soldiers from the El Mujahed unit had a propensity to commit crimes, and particularly crimes against captured enemy combatants and civilians and that the El Mujahed unit was operating the Kamenica Camp. Nevertheless, the accused **Rasim DELIĆ** failed to take the proper steps to prevent the crimes that occurred in this camp as described above.

By all of these omissions **Rasim DELIĆ** committed:

Count 1: MURDER, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.

Count 2: CRUEL TREATMENT, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.

COUNT 3: RAPE
COUNT 4: CRUEL TREATMENT

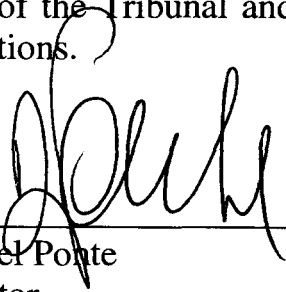
Kamenica Camp: Rape and Cruel Treatment of three women from Vozuća, Zavidovići Municipality

41. Three women, DRW 1, DRW 2 and DRW 3, were captured during the attack on Vozuća and taken to the Kamenica Camp on 11 September 1995. The women, who were kept separate from the male prisoners, were beaten and kicked, hit with metal sticks and rifle butts and subjected to sexual assaults, including rape.
42. The three women stayed two nights in the Kamenica Camp and were then transferred to Zenica, where they were kept until 15 November 1995, when they were released.
43. The accused **Rasim DELIĆ** was put on notice that ABiH soldiers from the El Mujahed unit had a propensity to commit crimes, and particularly crimes against captured civilians and that the El Mujahed unit was operating the Kamenica Camp. Nevertheless, the accused **Rasim DELIĆ** failed to take the proper steps to prevent the crimes that occurred in this camp as described above.

By these omissions **Rasim DELIĆ** committed:

Count 3: RAPE, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(3) of the Statute of the Tribunal.

Count 4: CRUEL TREATMENT, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.



Carla Del Ponte
Prosecutor



Dated this 17th day of March 2005
At The Hague
The Netherlands

Annex A:
Background Information Concerning Rasim DELIĆ

1. **Rasim DELIĆ** studied at the Military Academy for Land Forces from 1 October 1967 until 31 July 1971, at which time he commenced service with the JNA. In the 1970s **Rasim DELIĆ** held positions in different JNA artillery units. From 15 October 1980 until 20 September 1984 he was the Commander of an Artillery Battalion. From 21 September 1984 until 27 August 1985 he was the Chief of Staff and Deputy Commander of the Joint Artillery Regiment. From 28 August 1985 until 31 August 1988 and from 1 August 1989 until 15th July 1990 he was Commander of the Joint Artillery Regiment. From 16 July 1990 until 13 April 1992 **Rasim DELIĆ** was Assistant Chief of the Department for Operational and Training Services in the Command of JNA 4th Corps in Sarajevo. He was promoted to Lieutenant-Colonel on 22 December 1987. Between 1st September 1988 and 31 July 1989 he attended the Command Staff School. **Rasim DELIĆ** officially requested to leave the JNA on 13th April 1992.
2. Shortly after 13 April 1992 **Rasim DELIĆ** was appointed Head of the Training and Operations Organ of the TO of Bosnia and Herzegovina. On 16 April 1992, **Rasim DELIĆ** was ordered to leave Sarajevo and on 19 April 1992, he arrived in Visoko, where he worked with a group of TO officers on the formation of TO units in Central Bosnia. Eventually, the Visoko Tactical Group was formed with **Rasim DELIĆ** at its head. By 12 May 1992, **Rasim DELIĆ** was also a member of the Main Staff of the TO, and on that date he was officially tasked with organising and commanding armed combat activities in the territory of the municipalities of Fojnica, Kreševo, Kiseljak, Visoko, Ilijaš, Vogošća, Breza, Vareš and Olovo.
3. On 20 May 1992, the forces of the TO became the ABiH and on 17 October 1992 Sefer Halilović, then the Chief of the Main Staff, ordered the appointment of **Rasim DELIĆ** as Acting Head of the Department for Operations Planning and Training of the ABiH, within the Main Staff.
4. On 27 April 1993, Sefer Halilović appointed the ABiH members of the Joint Command of the ABiH and HVO, including **Rasim DELIĆ**, Mustafa Hajrulahović, Stjepan Šiber

and Vehbija Karić representing the ABiH. The Joint Command was effectively dissolved on 9 June 1993.

5. In June 1993, **Rasim DELIĆ** was one of the members of the Presidency who boycotted peace negotiations in Geneva, the others being Alija Izetbegović and Ejup Ganić.
6. On 29 February 2000, the Chairman of the Presidency of Bosnia and Herzegovina, Alija Izetbegović, announced that **Rasim DELIĆ** would be retired as Commander of the Joint Command of the Army of the Federation of Bosnia and Herzegovina. The official date of his retirement was 1 September 2000.

ANNEX B:

Known Victims killed during the massacre at
Maline/Bikoši on 08 June 1993:

Anto BALTA
Ivo BALTA
Jozo BALTA
Luka BALTA
Nikica BALTA
Bojan BARAĆ
Davor BARAĆ
Goran BOBAŠ
Niko BOBAŠ
Slavko BOBAŠ
Srećo BOBAŠ
Pero BOBAŠ-PUPIĆ
Dalibor JANKOVIĆ
Stipo JANKOVIĆ
Slavko KRAMAR
Anto MATIĆ
Tihomir PEŠA
Ana PRANJEŠ
Ljubomir PUŠELJA
Predrag PUŠELJA
Jakov TAVIĆ
Mijo TAVIĆ
Stipo TAVIĆ
Ivo VOLIĆ

ANNEX C:

Known Victims in the Kamenica Camp from the VRS soldiers who
surrendered in and around Vozuća on 11 September 1995:

Radomir BLAGOJEVIĆ
Čedo DABIĆ
Drago DIMŠIĆ
Mitar JOVIĆ
Miroslav KNEŽEVIĆ
Marko MARIĆ
Mirko MATIČIĆ
Miodrag MATIČIĆ
Dragan PEJIĆ
Miloš PEJIĆ
Milovan SAVIĆ
Slađan RAVLOVIĆ
Savo TODORVIĆ
Žvinko TODORVIĆ