

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-10

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**GORAN JELISIC, a/k/a Adolf ;
RANKO CESIC;**

INDICTMENT

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

1. Beginning on about 30 April 1992, Serb forces from Bosnia and elsewhere in the former Yugoslavia fought to obtain control of Brcko, a town and municipality in the Republic of Bosnia and Herzegovina in the former Yugoslavia. Serb forces forcibly expelled Croat and Muslim residents from their homes, and, with the assistance of local Serb authorities, held them at collection centres, where many were killed, beaten and otherwise mistreated. Many of the women, children and elderly were confined at the nearby village of Brezovo Polje. Most of the men of military age, and a few women, were taken to Luka camp.
2. From about 7 May 1992 until early July 1992, Serb forces confined hundreds of Muslim and Croat men, and a few women, at Luka camp in inhumane conditions and under armed guard. From about 7 May 1992 until about 21 May 1992, detainees were systematically killed at Luka. Almost every day during that time, the accused, often assisted by camp guards, entered Luka's main hangar where most detainees were kept, selected detainees for interrogation, beat them and then often shot and killed them.
3. The accused, often assisted by camp guards, usually shot detainees at close range in the head or back. Often, the accused and camp guards forced the detainees who were to be shot to put their heads on a metal grate that drained into the Sava River, so that there would be minimal clean-up after the shootings. The accused and guards then ordered other detainees to move the bodies to one of two disposal areas where the bodies were piled until they were later loaded on trucks and taken to mass graves outside the town of Brcko or disposed of in other ways.
4. From about 21 May 1992 until early July 1992, the detainees were subjected to beatings and, less frequently than before, killings.
5. In early July 1992, the surviving Luka detainees were transferred to another detention camp at Batkovic.
6. During the time Luka camp operated, the Serb authorities killed hundreds of Muslim and Croat

detainees.

THE ACCUSED

7. On about 1 May 1992, **Goran JELISIC**, who was born on 7 June 1968 in Bijeljina, came to Brcko from Bijeljina, where he had worked as an agricultural machinery mechanic. During most of May 1992, **Goran JELISIC** acted as the commander of Luka camp and called himself the "Serb Adolf".

8. **Ranko CESIC**, who was born in 1964 in Drvar, lived in Brcko before the war. During May and June 1992, he acted under the apparent authority of the Brcko police, and held a position of authority at Luka camp.

GENERAL ALLEGATIONS

9. Unless otherwise set forth below, all acts and omissions alleged in this indictment took place between about 17 April and 20 November 1992 in Brcko municipality in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

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

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

12. At all relevant times, **Goran JELISIC** and **Ranko CESIC** were required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

13. **Goran JELISIC** and **Ranko CESIC** are individually responsible for the crimes alleged against them in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any crime referred to in Articles 2 to 5 of the Tribunal Statute.

14. All acts and omissions charged as crimes against humanity were part of a widespread, systematic or large-scale attack directed against the Muslim and Croat civilian population of Brcko.

15. In each count of this indictment 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.

16. Paragraphs 9 to 15 are realleged and incorporated into each of the charges set forth below.

CHARGES

**COUNT 1
(GENOCIDE)**

17. In May 1992, **Goran JELISIC**, intending to destroy a substantial or significant part of the Bosnian Muslim people as a national, ethnical, or religious group, systematically killed Muslim detainees at the Laser Bus Co., the Brcko police station and Luka camp. He introduced himself as the "Serb Adolf", said that he had come to Brcko to kill Muslims, and often informed the Muslim detainees and others of the number of Muslims he had killed. In addition to killing countless detainees, whose identities are unknown, **Goran JELISIC** ordered or personally killed the victims described in paragraphs 18, 20-30, 35 and 38. By these actions, **Goran JELISIC** instigated, ordered, committed or aided and abetted:

Count 1: **GENOCIDE**, a crime recognized by Article 4(2)(a) of the Tribunal Statute.

**COUNTS 2-4
(KILLING OF KEMAL SULEJMANOVIC)**

18. On about 5 or 6 May 1992, **Goran JELISIC**, accompanied by several soldiers, entered the Laser Bus Company building in Brcko and announced to the detainees that he was the "Serb Adolf." **Goran JELISIC** took the Muslim detainee Kemal Sulejmanovic, also known as (hereafter a/k/a) Kemo, from the building and shot and killed him. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 2: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 3: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 4: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

**COUNTS 5-7
(KILLING OF SAKIB BECIREVIC AND FOUR OTHER MEN)**

19. On about 5 May 1992, **Ranko CESIC** went to the Brcko Partizan Sports Hall where Muslim civilians were being confined, and took the Muslim detainee Sakib Becirevic (a/k/a Kibe) and four other men named "Pepa", "Sale" and the two sons of a man called Avdo outside the hall. **Ranko CESIC** lined up and shot and killed the five detainees with bursts of gunfire. By these actions, **Ranko CESIC** committed:

Count 5: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 6: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 7: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 8-10

(KILLING OF UNKNOWN MALE)

20. On about 6 or 7 May 1992, **Goran JELISIC** escorted an unknown male detainee down a street near the Brcko police station and then shot him in the head with a Scorpion pistol. By these actions, **Goran JELISIC** committed:

Count 8: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 9: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 10: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 11-13
(KILLING OF HASAN JASAREVIC)**

21. On about 7 May 1992, **Goran JELISIC**, using a Scorpion pistol, shot and killed Hasan Jasarevic, a Muslim detainee who had fled the Brcko police station. By these actions, **Goran JELISIC** committed:

Count 11: a **GRAVE BREACH** recognized by Article 2 (a) (wilful killing) of the Tribunal Statute;

Count 12: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 13: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 14-16
(KILLING OF YOUNG MAN FROM SINTERAJ)**

22. On about 7 May 1992, **Goran JELISIC** left the Brcko police station with a young man from the neighborhood of Sinteraj, whose identity is unknown. **Goran JELISIC** escorted the young man away from the police station to an area where the young man was shot and killed. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 14: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 15: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 16: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 17-19
(KILLING OF AHMET HODZIC OR HADZIC)**

23. On about 7 May 1992, **Goran JELISIC** took the Muslim detainee Ahmet Hodzic (a/k/a Papa), a leader of the Brcko SDA (Muslim political party) outside the Brcko police station and beat him with a baton. Together with two guards, **Goran JELISIC** took Ahmet Hodzic to the same place where **Goran JELISIC**, earlier that day, had killed a young detainee from Sinteraj. **Goran JELISIC** told Ahmet Hod'ic that he was looking at his town for the last time and then killed him. By these actions, **Goran JELISIC** instigated, ordered, committed or aided and abetted:

Count 17: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 18: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 19: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 20-22 (KILLING OF SUAD)

24. On about 7 May 1992, **Goran JELISIC** took a Muslim detainee named Suad from the Brcko police station and beat him with a rifle butt. **Goran JELISIC**, together with some soldiers, walked Suad to the same area where **Goran JELISIC**, earlier that day, had killed Ahmet Hodzic and a young man from Sinteraj. After reaching the area, Suad was shot and killed. By these actions, **Goran JELISIC** instigated, ordered, committed or aided and abetted:

Count 20: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 21: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 22: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 23-25 (KILLING OF AMIR NOVALIC)

25. On about 7 May 1992, **Goran JELISIC** shot and killed the Muslim detainee Amir Novalic (a/k/a Fric) inside the Brcko police station. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 23: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 24: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 and of the Tribunal Statute and Article 3(1) (murder) of Geneva Conventions;

Count 25: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 26-28 (KILLING OF SEAD CERIMAGIC AND JASMINKO CUMUROVIC)

26. On about 8 May 1992, **Goran JELISIC** and **Ranko CESIC** took the Muslim detainee Sead Cerimagic (a/k/a Cita) and Jasminko Cumurovic (a/k/a Jasce, Jasmin) from the main hangar building at Luka camp and shot and killed them. By these actions, **Goran JELISIC** and **Ranko CESIC** instigated, ordered, committed or aided and abetted:

Count 26: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 27: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 28: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 29-31 (KILLING OF HUSO AND SMAJIL ZAHIROVIC)

27. On about 8 May 1992, at Luka camp, **Goran JELISIC** accused two Muslim brothers from Zvornik, Huso and Smajil Zahirovic, of fighting for the Muslim resistance. **Goran JELISIC** took them outside of the main hangar building where they were shot and killed. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 29: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 30: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 31: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 32-37 (TORTURE AND KILLING OF NAZA BUKVIC)

28. On about 9 May 1992, near the main hangar building at Luka camp, **Goran JELISIC**, **Ranko CESIC** and others questioned the Muslim detainee Naza Bukvic about the whereabouts and activities of her brother, beat her with police batons and a shovel and then killed her. By these actions, **Goran JELISIC** and **Ranko CESIC** instigated, ordered, committed or aided and abetted:

Count 32 and 33: **GRAVE BREACHES** recognized by Articles 2(b) (torture) and 2(a) (wilful killing) of the Tribunal Statute;

Count 34 and 35: **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (torture) and (murder) of the Geneva Conventions;

Count 36 and 37: **CRIMES AGAINST HUMANITY** recognized by Articles 5(f) (torture) and 5(a) (murder) of the Tribunal Statute.

COUNTS 38-40
(KILLING OF MUHAREM AHMETOVIC)

29. On about 9 May 1992, **Goran JELISIC** called the Muslim detainee Muharem Ahmetovic, the father of Naza Bukvic, from the main hangar building at Luka camp and killed him. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 38: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 39: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 40: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 41-43
(KILLING OF STIPO GLAVOCEVIC)

30. On about 9 May 1992, **Goran JELISIC** brought a Croat detainee named Stipo Glavocevic (a/k/ a Stjepo), who had at least one ear cut off and was covered in blood, into the main hangar building at Luka and forced him to kneel in the center of the hangar. **Goran JELISIC** beat Stipo Glavocevic. **Goran JELISIC** then directed a guard to shoot and kill Stipo Glavocevic just outside the entrance to the main hangar. By these actions, **Goran JELISIC** instigated, ordered, committed or aided and abetted:

Count 41: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 42: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 43: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 44-46
(KILLING OF SEJDO)

31. On about 9 May 1992, Sejdo, a Muslim fisherman whose last name is unknown, arrived at Luka camp in the trunk of a car. **Ranko CESIC** put Sejdo in a small warehouse, beat him and then shot and killed him. By these actions, **Ranko CESIC** committed:

Count 44: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 45: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 46: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 47-49
(KILLING OF MIRSAD GLAVOVIC)

32. On about 11 May 1992, **Ranko CESIC** called the Muslim policeman Mirsad Glavovic from the main hangar building at Luka camp. **Ranko CESIC** ordered Mirsad Glavovic to say good-bye and shake hands with the other detainees. **Ranko CESIC** then took Mirsad Glavovic outside the hangar building, beat him and killed him. By these actions, **Ranko CESIC** instigated, ordered or committed:

Count 47: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 48: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 49: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 50-52
(SEXUAL ASSAULT)

33. On about 11 May 1992, at Luka camp, **Ranko CESIC** forced, at gunpoint, Muslim detainees A and B, who were brothers detained there, to beat each other and perform sexual acts on each other in the presence of others, causing them great humiliation and degradation. By these actions, **Ranko CESIC** instigated, ordered or committed:

Count 50: a **GRAVE BREACH** recognized by Article 2(b) (inhuman treatment) of the Tribunal Statute;

Count 51: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(c) (humiliating and degrading treatment) of the Geneva Conventions;

Count 52: a **CRIME AGAINST HUMANITY** recognized by Article 5(g) (rape, which includes other forms of sexual assault) of the Tribunal Statute.

COUNTS 53-55
(BEATINGS OF ZEJCIR AND RESAD OSMIC)

34. Between 10 and 12 May 1992, **Goran JELISIC** participated in the interrogation and beating of the Muslim brothers Zejcir and Resad Osmic. **Goran JELISIC** beat Zejcir and Resad Osmic with a baton and cut Resad Osmic's forearms with a military knife. Both brothers suffered head injuries, and Resad lost consciousness as a result of the beatings. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 53: a **GRAVE BREACH** recognized by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

Count 54: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 55: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the Tribunal Statute.

COUNTS 56-58
(KILLING OF NOVALIJA)

35. On about 12 May 1992, in the main hangar building at Luka camp, **Goran JELISIC** beat Novalija, an elderly Muslim man, with a metal pipe, shovel, and wooden stick. Novalija died as a result of the beatings. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 56: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 57: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 58: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 59-61
(KILLING OF NIHAD JASAREVIC)

36. On about 12 or 13 May 1992, in the main hangar building at Luka camp, **Ranko CESIC** and another person beat the Muslim detainee Nihad Jasarevic with a wooden club that contained a lead cylinder, killing Nihad Jasarevic. By these actions, **Ranko CESIC** instigated, ordered, committed or aided and abetted:

Count 59: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 60: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 61: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 62-64
(BEATINGS OF MUHAMED BUKVIC)

37. On about 13 May 1992, at Luka, **Goran JELISIC**, used a baton to beat the Muslim detainee Muhamed Bukvic over his entire body. By these actions, **Goran JELISIC** committed:

Count 62: a **GRAVE BREACH** recognized by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

Count 63: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 64: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the

Tribunal Statute.

COUNTS 65-67
(KILLING OF ADNAN KUCALOVIC)

38. On about 18 May 1992, **Goran JELISIC** called the Muslim detainee Adnan Kucalovic from the main hangar at Luka. **Goran JELISIC** accused Adnan Kucalovic of having a brother who was fighting with the Muslim resistance. **Goran JELISIC** then participated in the shooting and killing of Adnan Kucalovic. By these actions, **Goran JELISIC** instigated, ordered, committed or aided and abetted:

Count 65: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 66: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 67: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 68-70
(BEATINGS OF AMIR DIDIC)

39. Between about 20 May and 28 May 1992, **Goran JELISIC** interrogated and regularly beat the Muslim detainee Amir Didic with a baton, a cable and the nozzle of a fire hose, causing Amir Didic to lose consciousness. By these actions, **Goran JELISIC** instigated, ordered or committed:

Count 68: a **GRAVE BREACH** recognized by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

Count 69: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 70: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the Tribunal Statute

COUNTS 71-73
(KILLING OF TWO UNKNOWN MALES)

40. Between about 1 June and 6 June 1992, **Ranko CESIC** took four detainees, whose identities are unknown, from the office building at Luka camp to the paved road in front of the main hangar building and, with the assistance of two guards, shot and killed at least two of the detainees. By these actions, **Ranko CESIC** instigated, ordered, committed or aided and abetted:

Count 71: a **GRAVE BREACH** recognized by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 72: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 73: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 74-76
(GENERAL CONDITIONS AT LUKA CAMP)**

41. From about 7 May to about 28 May 1992, **Goran JELISIC**, acting as the commander of Luka, created an atmosphere of terror by killing, abusing and threatening the detainees, thereby subjecting them to extreme psychological trauma, degradation and fear of bodily injury and death. **Goran JELISIC** also created and maintained inhumane conditions at Luka by depriving them of adequate food, water, medical care and sleeping and toilet facilities. **Ranko CESIC** assisted **Goran JELISIC** in creating the atmosphere of terror and the inhumane conditions at Luka. By these actions, **Goran JELISIC** and **Ranko CESIC** instigated, ordered, committed or aided and abetted:

Count 74: a **GRAVE BREACH** recognized by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

Count 75: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 76: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the Tribunal Statute.

**COUNT 77
(PLUNDER OF PRIVATE PROPERTY)**

42. From about 7 May to about 28 May 1992, **Goran JELISIC** participated in the plunder of money, watches and other valuable property belonging to persons detained at Luka camp, including Hasib Begic, Zejcir Osmic, Enes Zukic and Armin Drapic. By these actions, **Goran JELISIC** instigated, ordered, committed or aided and abetted:

COUNT 77: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 (e) (plunder) of the Tribunal Statute.

Richard J. Goldstone
Prosecutor

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**GORAN JELISIC, a/k/a Adolf ;
RANKO CESIC;**

PROSECUTOR'S CERTIFICATE

I, Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to my authority under Rule 47 of the Tribunal Rules of Procedure and Evidence, having determined that there is sufficient evidence to provide reasonable grounds for believing that the suspects listed above have committed a crime within the jurisdiction of the Tribunal, hereby transmit the above indictment with the attached supporting material to a judge of the Trial Chamber of the Tribunal, for confirmation in accordance with Article 19 of the Tribunal Statute.

The investigation of this case is continuing. This indictment is submitted pursuant to the reasonable belief standard set forth in Rule 47(A) of the Tribunal Rules of Procedure and Evidence. This standard is to be distinguished from, and requires less evidence than, the prima facie and beyond a reasonable doubt standards set forth, respectively in Article 18(4) of the Tribunal Statute and Rule 87 (A) of the Tribunal Rules of Procedure and Evidence.

Richard J. Goldstone
Prosecutor