

THE PROSECUTOR

v.

**ZORAN KUPRESKIC
MIRJAN KUPRESKIC
VLATKO KUPRESKIC
DRAGO JOSIPOVIC
DRAGAN PAPIC
VLADIMIR SANTIC
also known as "VLADO"**

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:

**ZORAN KUPRESKIC,
MIRJAN KUPRESKIC,
VLATKO KUPRESKIC,
DRAGO JOSIPOVIC,
DRAGAN PAPIC and
VLADIMIR SANTIC**

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

BACKGROUND

1. On 03 March 1992, Bosnia and Herzegovina declared its independence; it was recognised as an independent state by the European Council on 06 April 1992.
2. From at least 03 July 1992, the Croatian Community of Herzeg-Bosna ("HZ-HB") considered itself an independent political entity inside Bosnia and Herzegovina.
3. From at least October 1992 until at least the end of May 1993, the 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 Bosnia and Herzegovina.
4. From the outset of hostilities in January 1993, the HVO systematically attacked villages chiefly inhabited by Bosnian Muslims in the Lasva River Valley Region in Central Bosnia and

Herzegovina. These attacks resulted in the death and wounding of numerous civilians.

5. The persecution of Bosnian Muslim civilians escalated in frequency throughout the early part of 1993, culminating in simultaneous attacks throughout the Lasva River Valley Region on 16 April 1993.

6. On 16 April 1993, at approximately 0530 hrs., HVO forces attacked the town of Vitez and the nearby villages of Donja Veceriska, Sivrino Selo, Santici, Ahmici, Nadioci, Stara Bila, Gacice, Pirici and Preocica. All the villages are within a ten kilometre radius from the village of Ahmici.

7. During the attacks, groups of HVO soldiers went from house-to-house killing and wounding Bosnian Muslim civilians and burning houses, barns and livestock. The offensive, which lasted several days, was a highly co-ordinated military operation involving hundreds of HVO troops.

8. When the HVO forces attacked the villages and towns in the Lasva River Valley on 16 April 1993, the village of Ahmici experienced significant killing and destruction. Located approximately five kilometres east of Vitez, Ahmici had a pre-attack population of approximately 466 inhabitants, with approximately 356 Bosnian Muslims and 87 Bosnian Croats. After the attack, there were no Bosnian Muslims left living in Ahmici.

9. ZORAN KUPRESKIC, MIRJAN KUPRESKIC, VLATKO KUPRESKIC, DRAGO JOSIPOVIC, DRAGAN PAPIC and VLADIMIR SANTIC helped prepare the April attack on the Ahmici-Santici civilians by: participating in military training and arming themselves; evacuating Bosnian Croat civilians the night before the attack; organising HVO soldiers, weapons and ammunition in and around the village of Ahmici-Santici; preparing their homes and the homes of their relatives as staging areas and firing locations for the attack; and, by concealing from the other residents that the attack was imminent.

10. The HVO attack on Ahmici-Santici targeted houses, stables, sheds and livestock owned by Bosnian Muslim civilians. The HVO first shelled Ahmici-Santici from a distance, then groups of soldiers went from house-to-house attacking civilians and their properties using flammable tracer rounds and explosives. The HVO soldiers deliberately and systematically fired upon Bosnian Muslim civilians. The HVO soldiers also set fire to virtually every Bosnian Muslim-owned house in Ahmici-Santici.

11. Approximately 103 Bosnian Muslim civilians were killed in and around Ahmici-Santici. Of the 103 persons killed, approximately 33 were women and children. The HVO soldiers destroyed approximately 176 Bosnian Muslim houses in Ahmici-Santici, along with two mosques.

THE ACCUSED

12. ZORAN KUPRESKIC, son of Anto and brother of Mirjan, was born on 23 September 1958 in the village of Pirici. He was a HVO soldier in the Ahmici area. Before the war, he operated a business in Ahmici with his cousin, VLATKO KUPRESKIC.

13. MIRJAN KUPRESKIC, son of Anto and brother of Zoran, was born on 21 October 1963 in the town of Vitez. He was a HVO soldier in the Ahmici area, together with his brother, ZORAN KUPRESKIC, and cousin, VLATKO KUPRESKIC.

14. VLATKO KUPRESKIC, son of Franjo, was born on 01 January 1958 in the village of Pirici.

Before the war, he lived and worked in Ahmici where he operated a business with his cousin, ZORAN KUPRESKIC. He was a HVO soldier in the Ahmici area, together with his cousins, MIRJAN KUPRESKIC and ZORAN KUPRESKIC.

15. DRAGO JOSIPOVIC, son of Niko, was born on 14 February 1955 in Santici. Before the war, he was a chemical worker by profession. He was a HVO soldier in Santici.

16. DRAGAN PAPIC was born in the village of Santici on 15 July 1967. He lived in Ahmici, Vitez and was a HVO soldier.

17. VLADIMIR SANTIC, also known as "VLADO", was born on 01 April 1958 in Donja Veceriska. Before the war he lived in Vitez and was a policeman by profession. He was a HVO soldier in Vitez.

GENERAL ALLEGATIONS

18. At all times relevant to this indictment, the accused were required to abide by the laws and customs governing the conduct of war.

19. 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 responsibility includes committing, planning, instigating, ordering, or otherwise aiding and abetting, in the planning, preparation or execution of any crimes referred to in Articles 2, 3 and 5 of the Tribunal Statute.

CHARGES

COUNT 1 (PERSECUTIONS)

20. From October 1992 until April 1993, ZORAN KUPRESKIC, MIRJAN KUPRESKIC, VLATKO KUPRESKIC, DRAGO JOSIPOVIC, DRAGAN PAPIC and VLADIMIR SANTIC persecuted the Bosnian Muslim inhabitants of Ahmici-Santici and its environs on political, racial or religious grounds by planning, organising and implementing an attack which was designed to remove or "cleanse" all Bosnian Muslims from the village and surrounding areas.

21. As part of the persecution, ZORAN KUPRESKIC, MIRJAN KUPRESKIC, VLATKO KUPRESKIC, DRAGO JOSIPOVIC, DRAGAN PAPIC and VLADIMIR SANTIC participated in or aided and abetted:

(a) the deliberate and systematic killing of Bosnian Muslim civilians;

(b) the comprehensive destruction of Bosnian Muslim homes and property; and

(c) the organised detention and expulsion of the Bosnian Muslims from Ahmici-Santici and its environs.

22. By their participation in the acts described in paragraphs 9, 10, 20 and 21, ZORAN KUPRESKIC, MIRJAN KUPRESKIC, VLATKO KUPRESKIC, DRAGO JOSIPOVIC, DRAGAN PAPIC and VLADIMIR SANTIC committed the following crime:

Count 1: A CRIME AGAINST HUMANITY, punishable under Article 5(h) (persecutions on political, racial or religious grounds) of the Statute of the Tribunal.

**COUNTS 2-9
(AHMIC FAMILY)
(MURDER, INHUMANE ACTS AND CRUEL TREATMENT)**

23. When the attack on Ahmici-Santici commenced in the early morning of 16 April 1993, Sakib Ahmic was residing with his son, Naser Ahmic, Naser's wife, Zehrudina, and their two children, Elvis (age 4) and Sejad (age 3 months).

24. Armed with an automatic weapon, ZORAN KUPRESKIC entered the Ahmic house and shot and killed Naser Ahmic. ZORAN KUPRESKIC then shot and wounded Zehrudina Ahmic.

25. MIRJAN KUPRESKIC then entered the Ahmic house and poured flammable liquid onto the furniture to set the house on fire. Then MIRJAN KUPRESKIC and ZORAN KUPRESKIC, aiding and abetting each other, directed gunfire at the two children, Elvis and Sejad Ahmic. When Sakib Ahmic fled the burning residence, Zehrudina, who was wounded, was still alive, but ultimately perished in the fire.

26. Naser Ahmic, Zehrudina Ahmic, Elvis Ahmic and Sejad Ahmic all died and Sakib Ahmic received burns over his head, face and hands.

27. By the foregoing acts, ZORAN KUPRESKIC and MIRJAN KUPRESKIC, aiding and abetting each other, committed the following crimes:

**COUNTS 2 and 3
(MURDER OF NASER AHMIC)**

Count 2: By killing Naser Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) (murder) of the Statute of the Tribunal.

Count 3: By killing Naser Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable by Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

**COUNTS 4 and 5
(MURDER OF ZEHRUNDINA AHMIC)**

Count 4: By killing Zehrudina Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) (murder) of the Statute of the Tribunal.

Count 5: By killing Zehrudina Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC

committed a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable by Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

**COUNTS 6 and 7
(MURDER OF ELVIS AHMIC)**

Count 6: By killing Elvis Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) (murder) of the Statute of the Tribunal.

Count 7: By killing Elvis Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable by Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

**COUNTS 8 and 9
(MURDER OF SEJAD AHMIC)**

Count 8: By killing Sejad Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) (murder) of the Statute of the Tribunal.

Count 9: By killing Sejad Ahmic, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable by Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

**COUNTS 10 and 11
(INHUMANE ACTS AND CRUEL TREATMENT OF SAKIB AHMIC)**

Count 10: By killing Sakib Ahmic's family before his eyes and causing him severe burns by burning down his home while he was still in it, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable by Article 5(i) (inhumane acts) of the Statute of the Tribunal.

Count 11: By killing Sakib Ahmic's family before his eyes and causing him severe burns by burning down his home while he was still in it, ZORAN KUPRESKIC and MIRJAN KUPRESKIC committed 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) (cruel treatment) of the Geneva Conventions.

**COUNTS 12-15
(PEZER FAMILY)
(MURDER, INHUMANE AND CRUEL TREATMET)**

28. Before the 16 April 1993 attack, HVO soldiers armed with automatic rifles congregated at the residence of VLATKO KUPRESKIC in Ahmici. When the attack commenced, several HVO units used VLATKO KUPRESKIC's residence as a staging area. Other HVO soldiers shot at Bosnian Muslim civilians from VLATKO KUPRESKIC'S house throughout the attack.

29. As the shooting continued, members of the Pezer family, who were Bosnian Muslims, gathered

in their shelter to hide from HVO soldiers. Shortly thereafter, the Pezer family, along with other Bosnian Muslims who had taken refuge in the shelter, decided to escape through the forest.

30. As the Pezer family, with other Bosnian Muslims, ran by VLATKO KUPRESKIC's house toward the forest, VLATKO KUPRESKIC and other HVO soldiers in front of VLATKO KUPRESKIC's house yelled at the fleeing civilians. VLATKO KUPRESKIC and the HVO soldiers, aiding and abetting each other, shot at the group from in front of VLATKO KUPRESKIC's house. As the Pezer family fled toward the forest, VLATKO KUPRESKIC and other HVO soldiers, aiding and abetting each other, wounded Dzenana Pezer, the daughter of Ismail and Fata Pezer, and another woman. Dzenana Pezer fell to the ground and Fata Pezer returned to assist her daughter. VLATKO KUPRESKIC and the HVO soldiers, aiding and abetting each other, then shot Fata Pezer and killed her.

31. By the foregoing acts and omissions, VLATKO KUPRESKIC committed the following crimes:

COUNTS 12 and 13
(MURDER OF FATA PEZER)

Count 12: By participating in or aiding and abetting the killing of Fata Pezer, VLATKO KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) (murder) of the Statute of the Tribunal.

Count 13: By participating in or aiding and abetting the killing of Fata Pezer, VLATKO KUPRESKIC committed a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable by Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

COUNTS 14 and 15
(WOUNDING OF DZENANA PEZER)

Count 14: By participating in or aiding and abetting in the shooting of Dzenana Pezer, VLATKO KUPRESKIC committed a **CRIME AGAINST HUMANITY**, punishable by Article 5(i) (inhumane acts) of the Statute of the Tribunal.

Count 15: By participating in or aiding and abetting in the shooting of Dzenana Pezer, VLATKO KUPRESKIC committed 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) (cruel treatment) of the Geneva Conventions.

COUNTS 16-19
(KILLING OF MUSAHER PUSCUL AND BURNING OF THE PUSCUL HOME)

32. On 16 April 1993 numerous HVO soldiers, including DRAGO JOSIPOVIC and VLADIMIR SANTIC attacked the home of Musaher and Suhreta Puscul, while the family, which included two young daughters, was sleeping.

33. During the attack, DRAGO JOSIPOVIC, VLADIMIR SANTIC and other HVO soldiers, aiding and abetting one another, forcibly removed the family from their home and then killed Musaher Puscul.

34. As part of the attack, the HVO soldiers, including DRAGO JOSIPOVIC and VLADIMIR SANTIC, vandalised the home and then burned it to the ground.

35. By the foregoing acts, DRAGO JOSIPOVIC and VLADIMIR SANTIC committed the following crimes:

COUNTS 16 and 17
(MURDER OF MUSAFER PUSCUL)

Count 16: By killing or aiding and abetting the killing of Musafér Puscul, DRAGO JOSIPOVIC and VLADIMIR SANTIC committed a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) (murder) of the Statute of the Tribunal.

Count 17: By killing or aiding and abetting the killing of Musafér Puscul, DRAGO JOSIPOVIC and VLADIMIR SANTIC committed a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable by Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (murder) of the Geneva Conventions.

COUNTS 18 and 19
(INHUMANE ACTS AND CRUEL TREATMENT)

Count 18: By forcibly removing the Puscul family from their home and holding family members nearby while they killed Musafér Puscul, and burned the family home, DRAGO JOSIPOVIC and VLADIMIR SANTIC committed a **CRIME AGAINST HUMANITY**, punishable by Article 5(i) (inhumane acts) of the Statute of the Tribunal.

Count 19: By forcibly removing the Puscul family from their home and holding family members nearby while they killed Musafér Puscul, and burned the family home, DRAGO JOSIPOVIC and VLADIMIR SANTIC committed 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) (cruel treatment) of the Geneva Conventions.

Signed:
Graham T. Blewitt
Deputy Prosecutor
(Filed 9 February 1998)