

31 MAY 1999
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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-98-30-PT

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Mohamed Bennouna
Judge Patrick Lipton Robinson

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Date Filed: 31 May 1999

THE PROSECUTOR

v.

MIROSLAV KVOČKA
MILOJICA KOS a/k/a "KRLE"
MLAĐO RADIĆ a/k/a "KRKAN"
ZORAN ŽIGIĆ a/k/a "ŽIGA"

SUBMISSION OF AMENDED INDICTMENT
PURSUANT TO TRIAL CHAMBER ORDER OF 12 APRIL 1999

The Office of the Prosecutor:

Mr. Grant Niemann
Mr. Michael J. Keegan
Mr. Kapila Waidyaratne

Counsel for the Accused:

Mr. Krstan Simić for Kvočka
Mr. Toma Fila for Radić
Mr. Žarko Nikolić for Kos
Mr. Simo Tošić for Žigić

THE INTERNATIONAL CRIMINAL TRIBUNAL
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PURSUANT TO TRIAL CHAMBER ORDER OF 12 APRIL 1999

1. Pursuant to the Trial Chamber's "Decision on Defence Preliminary Motions on the Form of the Indictment" of 12 April 1999 the Prosecution submits the amended indictment with the additional particulars directed by the Trial Chamber.
2. In Part III of its Decision, the Trial Chamber directed the Prosecution to:
 - (i) delete the word "about" in the phrase "between about" whenever it appears in the Amended Indictment;
 - (ii) provide information that would allow for the identification of other participants in the crimes alleged against Miroslav Kvočka;
 - (iii) identify, to the extent possible, the names of the victims in the crimes alleged against all four accused;
 - (iv) identify, to the extent possible, the manner in which the crimes against all four accused were committed;

- (v) list, to the extent possible, whenever the term “including” appears in the Amended Indictment, additional names of victims of the crimes alleged;
- (vi) provide more information as to the specific acts of the accused, Mlado Radić and Miroslav Kvočka, that would establish their criminal responsibility under Article 7, paragraph 1, and Article 7, paragraph 3.

3. In compliance with the Trial Chamber’s Decision, the Prosecution has made the following changes to the amended indictment:

- (i) the word “about” has been deleted from paragraphs 13, 22(23), 29(31), 31(34), 32(35), 34(38), and 35(39) of the 12 June 1998 indictment. [the numbers in () represent the corresponding paragraphs in the 28 May 1999 amended indictment]
- (ii) Schedule A identifies, to the extent possible, the names of other participants in the crimes that are alleged against Miroslav Kvočka;
- (iii), (v) Schedules A-D identify, to the extent possible at this time, the names of victims in the crimes alleged against the four Accused;
- (iv), (vi) Paragraphs 24-28 of the Amended Indictment dated 12 June 1998 have been deleted. Paragraphs 25, 32, 34, 35, 36, 38, and 39 of the Amended Indictment dated 28 May 1999 and Schedules A-D provide information regarding the manner in which the crimes alleged against the Accused were committed and the specific acts of the Accused that would establish their criminal responsibility under Articles 7(1) and 7(3).

4. The Prosecution requests that the schedules of additional particulars - Schedules A-D - be marked confidential and not disclosed to the public, press, or any other persons pursuant to the Order of the Trial Chamber on the Prosecutor’s Motions to Protect Victims and Witnesses of 11 December 1998. Schedules A-D contain the names of victims and witnesses. Disclosure of the Schedules would breach the confidentiality

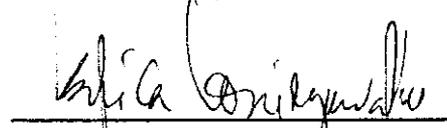
of the proceedings in this case and present an unnecessary risk to the security and privacy of the victims and witnesses.



Grant Niemann
Senior Trial Attorney



Michael J. Keegan
Trial Attorney



Kapila Waidyaratne
Trial Attorney

Dated this thirty-first day of May 1999
At The Hague, The Netherlands

Attachments:

Amended Indictment dated 31 May 1999
Confidential Schedules A-D

IT-98-30-PT
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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR

v.

MIROSLAV KVOČKA
MILOJICA KOS
MLAĐO RADIĆ
ZORAN ŽIGIĆ

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 International Criminal Tribunal for the Former Yugoslavia ("the Statute of the Tribunal"), charges:

Miroslav KVOČKA, Milojica KOS, Mlađo RADIĆ and Zoran ŽIGIĆ

with **Crimes Against Humanity and Violations of the Laws or Customs of War**, as set forth below:

Background:

1. Prijedor Municipality (*opština*) is located in northwestern Bosnia and Herzegovina. According to the 1991 census, it had a total population of 112,543: 49,351 (43.9%) identified themselves as Muslims; 47,581 (42.3%) identified themselves as Serbs; 6,316 (5.6%) identified themselves as Croats; 6,459 (5.7%) identified themselves as Yugoslavs; and 2,836 (2.5%) were identified as other nationalities. The Municipality is situated along one of the main east-west travel corridors

in the former Yugoslavia. It was considered a strategic location by Serbian leaders because that corridor linked the Serbian-dominated area of the Croatian Krajina in the west with the Republic of Serbia in the east.

2. In 1991, after Slovenia and Croatia declared independence from Yugoslavia and war broke out, it appeared increasingly likely that Bosnia and Herzegovina would also declare its independence. Bosnian Serb leaders, however, wanted Bosnia and Herzegovina to remain a part of Yugoslavia. As time went by, and it became clear they would not be able to hold Bosnia and Herzegovina in the Yugoslav federation, the Bosnian Serb authorities, led by the Serbian Democratic Party (SDS), began in earnest the creation of a separate Serbian territory in Bosnia and Herzegovina.

3. As viewed by the SDS leaders, a major problem in the creation and control of the Serbian territory was the significant Bosnian Muslim and Bosnian Croat population that also lived in the areas being claimed. Thus, a significant aspect of the plan to create a new Serbian territory was the permanent removal or "ethnic cleansing" of nearly all of the Bosnian Muslim and Bosnian Croat population, allowing for the presence of only a small number of non-Serbs who would agree to the conditions for living in a Serb-dominated State.

4. During the early morning hours of 30 April 1992, Serbian forces seized physical control of the town of Prijedor. The takeover initiated a series of events that, by year's end, would result in the death or forced departure of most of the Bosnian Muslim and Bosnian Croat population of the Municipality.

5. Immediately after the takeover of Prijedor town, severe restrictions were imposed on all aspects of life for Bosnian Muslims, Bosnian Croats and some other non-Serbs, including freedom of movement and the right to employment. The effect of those restrictions was the containment of Bosnian Muslims and Bosnian Croats in the villages and areas in the Municipality where they lived. Beginning in late May, those areas were then subjected to extremely violent, large-scale attacks by the Serb military, paramilitary, and police forces. The Bosnian Muslims and Bosnian Croats who survived the initial artillery and infantry attacks were seized by the Serb forces and transferred to

camps and detention facilities established and operated under the direction of the Bosnian Serb authorities.

6. Between 24 May 1992 and 30 August 1992, Bosnian Serb authorities in the Prijedor municipality unlawfully segregated, detained and confined more than 6,000 Bosnian Muslims, Bosnian Croats and other non-Serbs from the Prijedor area in the Omarska, Keraterm, and Trnopolje camps. In Omarska camp the prisoners included military-aged males and political, economic, social and intellectual leaders of the Bosnian Muslim and Bosnian Croat population. There were about 37 women detained in the camp. At the Keraterm camp, the majority of the prisoners were military-aged males. At the Trnopolje camp the majority of prisoners were Bosnian Muslim and Bosnian Croat women, children, and the elderly, although men were also interned there either with their families or alone.

7. The Omarska camp was located in a former mining complex in the village of Omarska, approximately 20-25 kilometres from the town of Prijedor. The prisoners were generally confined in four locations: the administration building where interrogations took place and most of the women were confined; the garage or hangar building; a building known as the '*white-house*', where virtually every prisoner was tortured or severely beaten; and a cement courtyard area between the buildings known as the '*Pista*'. There was another small building known as the '*red-house*' where prisoners were taken, but rarely emerged alive. The Keraterm camp was located on the site of a ceramics factory located on the Prijedor-Banja Luka road, just outside the centre of the town of Prijedor. Prisoners were confined in four storage rooms which faced the road.

8. Living conditions at Omarska and Keraterm were brutal and inhumane. The two camps were operated in a manner that resulted in the physical debilitation or death of the non-Serb prisoners. The general living conditions were abject. Prisoners were crowded together so badly in the various rooms of both camps, that often they could not sit or lie down. There were little or no toilets or facilities for personal hygiene. The inadequate supply of water the prisoners received at both camps was usually foul. They had no change of clothing, no bedding, and virtually no medical care. The prisoners were fed starvation rations once a day. In addition, in Omarska, they were given approximately

three minutes to get into the canteen area, eat, and get out. The trip to the canteen was often accompanied by beatings and other abuse.

9. Severe beatings, torture, killings, sexual assault, and other forms of physical and psychological abuse were commonplace at Omarska and Keraterm. The camp guards and others who came to the camps used all types of weapons and instruments to beat and otherwise physically abuse the prisoners. At a minimum, hundreds of prisoners, whose identities are known and unknown, did not survive the camps.

10. Interrogations were conducted on a daily basis at the Omarska and Keraterm camps. The interrogations were regularly accompanied by beatings and torture. Non-Serbs who were considered as extremists or to have resisted the Bosnian Serbs were often killed. In addition, Bosnian Muslim and Bosnian Croat political and civic leaders, intellectuals, and the wealthy, were especially subjected to malicious beatings, torture, and/or killed.

11. The Trnopolje camp was located in the village of Trnopolje, approximately ten kilometres from the town of Prijedor. Prisoners were detained in a cluster of buildings, including a school, cultural hall and cinema, and on the surrounding grounds. The conditions in the Trnopolje camp were also abject and brutal. The general living and hygiene facilities were grossly inadequate. Minimal rations were only provided on a sporadic basis. At various points, prisoners were allowed to leave the camp to forage for food in the surrounding area. Both male and female prisoners were killed, beaten and otherwise physically and psychologically maltreated by the camp personnel and others who were allowed into the camp for the purpose of inflicting serious bodily and mental harm on the prisoners.

12. In addition, many of the women detained at the Trnopolje camp were raped, sexually assaulted, or otherwise tortured by camp personnel, who were both police and military personnel, and by others, including military units from the area who came to the camp for that specific purpose. In many instances, the women and girls were taken from the camp and raped, tortured, or sexually abused at other locations. Some of the Bosnian Muslims and Bosnian Croats who were detained at Trnopolje had fled to the camp because they believed they were even less likely to survive if they stayed in their own homes and villages. Trnopolje camp served as the staging point for most of the

convoys that were used to forcibly transfer or deport the Bosnian Muslims, Bosnian Croats and other non-Serbs from Prijedor municipality.

GENERAL ALLEGATIONS

13. Unless otherwise set forth below, all acts and omissions set forth in the counts of this Indictment took place between 1 April 1992 and 30 August 1992.

14. In each paragraph 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; and/or for any reason based upon discrimination of any kind.

15. In each paragraph charging Crimes Against Humanity, the alleged acts or omissions were part of a widespread or systematic attack directed against a civilian population, specifically the Bosnian Muslim and Bosnian Croat populations of the Prijedor municipality.

16. **Miroslav KVOČKA, Milojica KOS, Mlado RADIĆ and Zoran ŽIGIĆ** are individually responsible for the crimes charged against them in this indictment, pursuant to Article 7(1) of the Statute of the Tribunal. As defined by Article 7(1), individual criminal responsibility includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below. The term "participation", as used in the Counts hereunder is intended to incorporate any and all forms of individual criminal responsibility as set forth in Article 7(1).

17. **Miroslav KVOČKA, Milojica KOS and Mlado RADIĆ** are also, or alternatively, criminally responsible for acts of their subordinates with respect to the crimes charged in the indictment by virtue of their positions of superior authority in the camps, pursuant to Article 7(3) of the Statute of the Tribunal. As defined by Article 7(3), a

person in a position of superior authority is responsible for the criminal acts of his subordinates if the superior knew or had reason to know that his subordinates were about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such acts or to punish the subordinates.

18. Paragraphs 1 through 17 are re-alleged and incorporated into each of the charges described below:

ACCUSED:

19. **Miroslav KVOČKA:** Born on 1 January 1957 in the village of Marička, Prijedor municipality, Bosnia and Herzegovina. He was a police officer in Prijedor municipality prior to the conflict and was the first commander of the Omarska camp. During June 1992, he was replaced by Željko Mejakić as the commander and thereafter held responsibility as a deputy commander of the camp. As a commander, he was in a position of authority superior to everyone in the camp. As a deputy commander, he was in a position of authority superior to everyone in the camp other than the camp commander.

20. **Milojica KOS, a.k.a. Krle:** Born on 1 April 1963 in the village of Lamovita, Prijedor municipality, Bosnia and Herzegovina. He was a reserve policeman who had been called to full-time duty at the time of his involvement in the Omarska camp. He was appointed as one of three shift commanders of guards at the Omarska camp. As a shift commander, and when present in the camp, he was in a position of superior authority to all camp personnel, other than the commander or deputy commander, and most visitors.

21. **Mlado RADIĆ, a.k.a. Krkan:** Born on 15 May 1952 in the village of Lamovita, Prijedor municipality, Bosnia and Herzegovina. He was a police officer in Prijedor municipality prior to the conflict and served as one of three shift commanders of guards at the Omarska camp. As a shift commander, and when present in the camp, he was in a position of superior authority to all camp personnel, other than the commander or deputy commander, and most visitors.

22. **Zoran ŽIGIĆ, a.k.a Žiga:** Born on 20 September 1958 in the village of Balte, Prijedor municipality, Bosnia and Herzegovina. Prior to the conflict he was a taxi driver in the Prijedor area. During the period of 26 May to 30 August 1992, he entered all three camps for the purpose of abusing, beating, torturing and/or killing prisoners.

**COUNTS 1 to 3
(PERSECUTIONS; INHUMANE ACTS; and
OUTRAGES UPON PERSONAL DIGNITY)**

23. Between 24 May 1992 and 30 August 1992, **Miroslav KVOČKA, Milojica KOS, Mlado RADIĆ and Zoran ŽIGIĆ** participated in persecutions of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area, on political, racial or religious grounds.

24. The persecution included the following means:

- a. the murder of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including many of those detained in the Omarska, Keraterm and Trnopolje camps, amongst whom were the persons listed in the attached confidential schedules of additional particulars (hereinafter Schedules A-D) ;
- b. the torture and beating of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including many of the people detained in the Omarska, Keraterm and Trnopolje camps in addition to those listed in Schedules A-D;
- c. the sexual assault and rape of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including prisoners detained in the Omarska, Keraterm and Trnopolje camps, amongst whom were those persons listed in Schedules A-D;
- d. the harassment, humiliation and psychological abuse of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including all the people detained in the

Omarska, Keraterm and Trnopolje camps, as represented by those persons set forth in Schedules A-D; and

e. the confinement of Bosnian Muslims, Bosnian Croats and other non-Serbs, including those persons set forth in Schedules A-D, in inhumane conditions in the Omarska, Keraterm and Trnopolje camps.

25. **Miroslav KVOČKA** instigated, committed or otherwise aided and abetted the persecutions of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area, on political, racial or religious grounds, as well as the commission of the other crimes charged in this indictment, through his direct participation in crimes and through his approval, encouragement, acquiescence, and assistance in the development and continuation of the conditions in the camp and the on-going commission of crimes as described in paragraph 24 against the prisoners in the Omarska camp, including those set forth in Schedule A.

26. As the Camp Commander and then Deputy Commander, **Miroslav KVOČKA** had the authority to alter the conditions of confinement that existed in the camps. He had the authority to control the conduct of the guards in the camp and to prevent or control the conduct of any visitors to the camp. He had the authority to set the daily regime of the prisoners and to grant them more freedoms and rights within the camp, including access to potable water, reasonable living conditions and hygienic standards, and contact with their families or friends to receive clothing, hygienic supplies, food and medicines. In addition, as an active duty policeman, **Miroslav KVOČKA** had an independent duty to uphold the laws in force on the territory of Bosnia and Herzegovina and to safeguard the lives and property of civilians.

27. **Milojica KOS** and **Mlado RADIĆ** instigated, committed or otherwise aided and abetted the persecutions of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area, on political, racial or religious grounds, as well as the other crimes charged in this indictment, by their direct participation in the various crimes and by their instigation, approval, encouragement, acquiescence, and assistance in the development and continuation of the conditions in the camp and the on-going commission of crimes as described in paragraph

24, against the prisoners in the Omarska camp, including those listed in Schedules B and C.

28. As Shift Commanders in the Omarska camp, **Milojica KOS** and **Mlado RADIĆ** had the authority to alter the conditions of confinement that existed in the camps during the times they were on duty. They had the authority to control the conduct of the guards assigned to their shifts and to prevent or control the conduct of any visitors to the camp. They had the authority to grant the prisoners more freedoms and rights within the camp, including access to potable water, reasonable living conditions and hygienic standards, and contact with their families or friends to receive clothing, hygienic supplies, food and medicines. In addition, as policemen, **Milojica KOS** and **Mlado RADIĆ** had an independent duty to uphold the laws in force on the territory of Bosnia and Herzegovina and to safeguard the lives and property of civilians.

29. **Zoran ŽIGIĆ** instigated, committed or other wise aided and abetted the persecutions of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area, including those set forth in Schedule D, on political, racial or religious grounds, as well as the other crimes charged in this indictment, by his direct and continuing participation in the various crimes and his instigation, approval, encouragement, acquiescence, and assistance in the development and continuation of the conditions in the camp and the on-going commission of crimes as described in paragraph 24.

30. In addition, between 24 May 1992 and 30 August 1992, **Miroslav KVOČKA**, **Milojica KOS** and **Mlado RADIĆ** knew or had reason to know that persons subordinate to them in the Omarska camp were about to participate in the persecution of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area, including those persons listed in Schedule A, on political, racial or religious grounds, or had done so, and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators.

By their involvement in the above acts and omissions, **Miroslav KVOČKA, Milojica KOS, Mlađo RADIĆ and Zoran ŽIGIĆ** committed:

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

Count 2: inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i) and 7(1) of the Statute of the Tribunal;

Count 3: outrages upon personal dignity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(c) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

In addition, **Miroslav KVOČKA, Milojica KOS and Mlađo RADIĆ**, are criminally responsible for the crimes set forth in **Counts 1 to 3** pursuant to Article 7(3) of the Statute of the Tribunal.

COUNTS 4 & 5 (MURDER)

31. Between 24 May 1992 and 30 August 1992, **Miroslav KVOČKA, Milojica KOS and Mlađo RADIĆ** participated in the murder of prisoners at the Omarska camp, including those listed in Schedules A-D. During that period, camp guards and other Serbs allowed into the Omarska camp, who were subject to the authority and control of **Miroslav KVOČKA, Milojica KOS, and Mlađo RADIĆ**, murdered prisoners in the Omarska camp, subjected prisoners to torture and beatings that often resulted in death, and/or confined prisoners in inhumane conditions which resulted in their physical debilitation or death.

32. **Miroslav KVOČKA, Milojica KOS, and Mlađo RADIĆ** instigated, committed or otherwise aided and abetted the murder of Bosnian Muslim and Bosnian Croat prisoners by their approval,

encouragement, acquiescence, assistance and, in certain instances, direct participation in the acts described above and in Schedules A-D.

33. In addition, between 24 May 1992 and 30 August 1992, **Miroslav KVOČKA**, **Milojica KOS**, and **Mlađo RADIĆ** knew or had reason to know that persons subordinate to them in the Omarska camp were about to participate in the murder of Bosnian Muslim, Bosnian Croat and non-Serb prisoners in the Omarska camp, or had done so, and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators.

By their participation in the acts or omissions described in the above paragraphs, the accused **Miroslav KVOČKA**, **Milojica KOS** and **Mlađo RADIĆ** committed:

Count 4: murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a) and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 5: murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 6 & 7 (MURDER)

34. Between 24 May 1992 and 30 August 1992, **Zoran ŽIGIĆ**, alone or with others, entered the Omarska and Keraterm camps and directly participated in the murder of prisoners, including:

a. During late June 1992, at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, severely beat a group of prisoners, including Emsud Bahunjić and a man named Sead Jusufagić, known by the nickname "Car", over a period of several days. Bahunjić and "Car" were particularly subjected to violent beatings and various degrading and humiliating and/or painful acts, such as being forced to lie on broken glass, to repeatedly jump from a truck, and to commit fellatio with

another prisoner. Bahonjić and "Car" died several days later as a result of the injuries received from the beatings.

b. During mid-July 1992, at the Keraterm camp, **Zoran ŽIGIĆ**, along with camp guards, including Predrag Banović, and others, brutally beat many prisoners, including Jasmin Izeiri, "Špija" Mešić and Drago Tokmadžić in the area in front of the detention rooms. Jasmin Izeiri, "Špija" Mešić and Drago Tokmadžić died as a result of the injuries suffered during those beatings.

c. During June 1992, in the White House at the Omarska camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, brutally beat Bećir Medunjanin to death over a two day period.

d. Around 20 July 1992, Bosnian Muslim, Bosnian Croat and other non-Serb men from an area of the Prijedor municipality known as "Brdo", that included the villages Hambarine, Čarakovo, Rakovčani, Biščani and Rizvanovići, were brought to the Keraterm camp and confined in Room 3. During the evening of 24 July 1992, Serb forces, including **Zoran ŽIGIĆ**, fired at Room 3 with machine guns resulting in the killing of the majority of the prisoners therein.

By his participation in the above acts, **Zoran ŽIGIĆ** committed:

Count 6: murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a) and 7(1) of the Statute of the Tribunal; and,

Count 7: murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

COUNTS 8 to 10 (TORTURE and CRUEL TREATMENT)

35. Between 24 May 1992 and 30 August 1992, **Miroslav KVOČKA**, **Milojica KOS**, and **Mlađo RADIĆ** participated in the

torture and beating of Bosnian Muslim, Bosnian Croat and other non-Serb prisoners in the Omarska camp, including those prisoners listed in Schedules A-D. During that time period, prisoners at the Omarska camp were subjected to torture and/or severe beatings on a daily basis. For many prisoners, the beatings began upon their arrival at the camp and continued throughout their detention. Camp guards and others who came to the camp used all kinds of weapons and implements to inflict the torture and/or beatings. Many prisoners were tortured and/or beaten on repeated occasions.

36. **Miroslav KVOČKA, Milojica KOS, and Mlađo RADIĆ** instigated, committed or otherwise aided and abetted the torture and beating of Bosnian Muslim and Bosnian Croat prisoners by their approval, encouragement, acquiescence, assistance and, in certain instances, direct participation in the acts described above and in Schedules A-D.

37. In addition, during the relevant time frame, **Miroslav KVOČKA, Milojica KOS and Mlađo RADIĆ** knew or had reason to know that persons subordinate to them in the Omarska camp were about to participate in the torture and/or beating of Bosnian Muslim, Bosnian Croat and other non-Serb prisoners in the Omarska camp, or had done so, and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators.

By their participation in the acts or omissions described above, **Miroslav KVOČKA, Milojica KOS and Mlađo RADIĆ** committed:

Count 8: torture, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(f) and 7(1) and 7(3) of the Statute of the Tribunal;

Count 9: torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1), and 7(3) of the Statute of the Tribunal.

Count 10: cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 11 to 13
(TORTURE and CRUEL TREATMENT)

38. Between 24 May 1992 and 30 August 1992, **Zoran ŽIGIĆ** and others participated in the torture and/or beating of Bosnian Muslim, Bosnian Croat and other non-Serb prisoners in the Omarska, Keraterm and Trnopolje camps, including:

- a. During the first part of June 1992, at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, brutally beat and cut Fajzo Mujkanović;
- b. Between 1 and 7 June 1992, at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, brutally beat dSenahid Ćirkić;
- c. Between 5 and 15 June 1992, in the Omarska camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, severely beat Emir Beganović, Rezak Hukanović, Asef Kapetanović and Šefik Terzić;
- d. Between 14 June 1992 and 5 August 1992 at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, beat Fikret Alić;
- e. Between 20 and 25 June 1992, at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, brutally beat a group of prisoners in Room 3, including Faudin Hrustić;
- f. Between 22 and 27 June 1992, at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, brutally beat a group of prisoners confined in Room 2, including Redžep Grabić; and,
- g. Between 27 May 1992 and 5 August 1992, at the Keraterm camp, **Zoran ŽIGIĆ** and others, including Dušan Knežević, brutally beat Jasmin Ramadanović, known as "Sengin".
- h. Between 26 May 1992 and 30 August 1992, at the Trnopolje camp, **Zoran ŽIGIĆ** beat Hasan Karabašić.

By his participation in the acts described above, **Zoran ŽIGIĆ** committed:

Count 11: torture, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(f) and 7(1) of the Statute of the Tribunal;

Count 12: torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 13: cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

**COUNTS 14 to 17
(RAPE; TORTURE; and
OUTRAGES UPON PERSONAL DIGNITY)**

39. Between 24 May 1992 and 30 August 1992, at the Omarska camp, **Mlado RADIĆ** raped and sexually assaulted female prisoners, including the rape of witness A on five occasions during June and July 1992, the rape of witness K on one occasion around the middle of July, the sexual assault of witness E between 22 June 1992 and 26 June 1992, the sexual assault of witness F between 1 June 1992 and 3 August 1992, the sexual assault of witness J on several occasions between 9 June 1992 and 3 August 1992, and the sexual assault of witness L between 22 June 1992 and 3 August 1992.

By the foregoing acts **Mlado RADIĆ** committed:

Count 14: torture, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(f) and 7(1) of the Statute of the Tribunal;

Count 15: rape, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(g) and 7(1) of the Statute of the Tribunal;

Count 16: torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva

Conventions of 1949 punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 17: outrages upon personal dignity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(c) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.



Louise Arbour
Prosecutor

Dated this thirty-first day of May 1999
The Hague, The Netherlands