

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yugoslavie

“PRIJEDOR” (IT-97-24)

MILAN KOVAČEVIĆ


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KOVAČEVIĆ**

Indicted for genocide; complicity in genocide; extermination; wilful killing; murder; persecution; torture; cruel treatment; wilfully causing great suffering; deportation; unlawful transfers; wanton destruction or devastation of villages; extensive destruction and appropriation of property



Served from 29 April 1992 to 31 December 1992 as a member of the Prijedor Crisis Staff, its successor the War Presidency, and the Municipal Committee for National Defence. At all times during this period, he was the President of the Executive Committee of the Municipal Assembly of Prijedor.

- Deceased on 1 August 1998
- Proceedings terminated on 24 August 1998

Crimes indicted for (examples):

Genocide, complicity in genocide (genocide)

Extermination; persecutions; torture; deportation (crimes against humanity)

Murder; cruel treatment; torture; wanton destruction of cities, towns or villages, or devastation not justified by military necessity (violations of the laws or customs of war)

Wilful killing; torture; wilfully causing great suffering; unlawful deportation or transfer; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (Grave breaches of the 1949 Geneva Conventions)

- Beginning in the spring of 1992, Milan Kovačević, as part of the Prijedor Crisis Staff, ordered and implemented a plan designed to expel the Bosnian Muslim and Bosnian Croat populations from the Prijedor municipality and the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory.
- The plan executed by Milan Kovačević and the Crisis Staff consisted of restricting the movement of the Bosnian Muslim and Bosnian Croat populations to their villages, and then ordering or initiating attacks on those areas by combined forces of the 43rd Brigade and other Yugoslav People's Army (JNA) units, Territorial Defence (TO) units from Prijedor, regular and reserve police members from Prijedor, and paramilitary units organized and equipped by the Serbian Democratic Party (SDS).
- The Bosnian Muslims and Bosnian Croats who were seized by the Bosnian Serb and Serb forces but not immediately killed were taken to the Omarska, Keraterm or Trnopolje detention camps, which had been established by order of the Crisis Staff. The Omarska, Keraterm, and Trnopolje camps were deliberately operated in a manner designed to inflict upon the detainees conditions intended to bring about their physical destruction with the intent to destroy, in part, the Bosnian Muslim and Bosnian Croat people as national, ethnic or religious groups. The conditions were abject and brutal.

- Between 29 April 1992 and 31 December 1992, Milan Kovačević knew or had reason to know that Bosnian Serb and Serb forces under the control of the Crisis Staff were killing Bosnian Muslims and Bosnian Croats or had done so, and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.
- During and after the attacks on non-Serb areas in Prijedor municipality, the Serb forces under the control of the Prijedor Crisis Staff systematically looted and destroyed Bosnian Muslim and Bosnian Croat villages and property, including homes, businesses, mosques and churches. The destruction was so extensive that nothing but portions of buildings and rubble were all that remained in many of the Bosnian Muslim and Bosnian Croat villages of the area and not one mosque was left standing in the towns of Prijedor and Kozarac.

MILAN KOVAČEVIĆ	
Born	10 February 1941, in the village of Božici, Prijedor Municipality, in Bosnia and Herzegovina
Indictment	Initial: 13 March 1997 ; amended: 23 January 1998
Arrested	10 July 1997, by SFOR
Transferred to ICTY	10 July 1997
Initial and further appearances	30 July 1997, pleaded not guilty to all counts; 6 July 1998 pleaded not guilty to all counts

STATISTICS

Trial	
Trial Chamber II	Judges Richard May (Presiding), Antonio Cassese, Florence Mumba
Counsel for the Prosecution	Brenda Hollis, Michael Keegan
Counsel for the Defence	Dušan Vučićević, John Ostojić

RELATED CASES <i>by geographical area</i>
STAKIĆ (IT-97-24) "PRIJEDOR"
DRLJAČA (IT-97-24) "PRIJEDOR"

INDICTMENT AND CHARGES

The initial indictment against Milan Kovačević and Simo Drljača was filed on 13 March 1997, and charged both accused in respect of the alleged persecution of Bosnian Muslims and Bosnian Croats in the Municipality of Prijedor between April and December 1992. Following Simo Drljača's death during an arrest attempt by SFOR in July 1997 the indictment was amended, and on 28 January 1998 the Prosecution filed the first amended indictment against Milan Kovačević alone.

The operative indictment against Milan Kovačević was a redacted indictment, which was filed on 12 May 1998. The amended indictment alleges that between 29 April 1992 and 31 December 1992, Milan Kovačević, with other members of the Crisis Staff, planned, organized, ordered, and implemented a campaign to expel the Bosnian Muslim and Bosnian Croat populations from the Prijedor Municipality and the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. A central aspect of this campaign was to kill a part of the Bosnian Muslim and Bosnian Croat populations to ensure the remainder would not want to return. This was accomplished through the killing and execution of members of those groups, subjecting others to serious bodily and mental harm, and the detention of Bosnian Muslims and Bosnian Croats from the Municipality of Prijedor in the Omarska, Keraterm and Trnopolje camps under conditions calculated to bring about the physical destruction of the detainees; all of these acts being done with the intent to destroy part of the Bosnian Muslim and Bosnian Croat groups in Prijedor.

Milan Kovačević was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) and superior criminal responsibility (Article 7(3) of the Statute) with:

- Genocide; complicity in genocide (genocide, Article 4)
- Extermination; persecutions; torture; deportation (crimes against humanity, Article 5)
- Murder; cruel treatment; torture; wanton destruction of cities, towns or villages, or devastation not justified by military necessity (violations of the laws or customs of war, Article 3; grave breaches of the Geneva Conventions of 1949, Article 2, and of Additional Protocol II to the 1949 Geneva Conventions, Article 2)
- Wilful killing; torture; wilfully causing great suffering; unlawful deportation or transfer; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (Grave breaches of the 1949 Geneva Conventions, Article 2)

THE TRIAL

The trial of Milan Kovačević commenced on 6 July 1998.

TERMINATION OF PROCEEDINGS

Milan Kovačević died on 1 August 1998 at the ICTY Detention Unit. On 24 August 1998, the Trial Chamber terminated proceedings against him.