

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

«VIŠEGRAD» (IT-98-32/1)

MILAN LUKIĆ & SREDOJE LUKIĆ



MILAN LUKIĆ

Convicted of persecutions on political, racial and religious grounds, murder, inhumane acts, cruel treatment and extermination



Leader of the “White Eagles” or “Avengers”, a group of local Bosnian Serb paramilitaries in Višegrad, south-eastern Bosnia and Herzegovina, which worked with local police and military units in exacting a reign of terror upon the local Muslim population during the 1992-1995 conflict

- Sentenced to **life imprisonment**
- The case is pending before the Appeals Chamber

Crimes convicted of (examples):

Persecutions on political, racial and religious grounds; murder; inhumane acts; and extermination (crimes against humanity)

Murder; and cruel treatment (violations of the laws or customs of war)

- Milan Lukić led seven Bosnian Muslim men to a site on the bank of the River Drina, near Višegrad, forced them to line up along the bank, and then shot them, killing five of the men.
- He forced seven Bosnian Muslim men from the Varda sawmill and furniture factory in Višegrad to go to the bank of the River Drina, and then shot them repeatedly, killing all seven men.
- He murdered approximately 70 Bosnian Muslim women, children and elderly men in a house on Pionirska Street in Višegrad by barricading the victims in one room of the house, setting the house on fire and then firing automatic weapons at those people who tried to escape through the windows, killing some and injuring others.
- He murdered approximately 70 Bosnian Muslim women, children and elderly men in a house in the village of Bikavac, near Višegrad, by forcing the victims into the house, barricading all the exits and throwing in several explosive devices.
- He brutally murdered a Bosnian Muslim woman in the Potok neighbourhood of Višegrad.
- He beat, on multiple occasions, Bosnian Muslim men who were detained in the detention camp at the Uzamnica military barracks in Višegrad.

Born	6 September 1967 in Foča, Bosnia and Herzegovina
Indictments	Initial indictment: 26 October 1998; amended: 12 July 2001; second amended: 27 February 2006
Arrested	8 August 2005, in Argentina
Transferred to ICTY	21 February 2006
Initial and further appearances	24 February 2006, pleaded not guilty to all charges; 31 March 2006, pleaded not guilty to all charges in the second amended indictment
Trial Chamber Judgement	20 July 2009, sentenced to life imprisonment

**SREDOJE
LUKIĆ***Convicted of inhumane acts, cruel treatment; aiding and abetting persecutions, murder, inhumane acts and cruel treatment*

Member of a group of local Bosnian Serb paramilitaries in Višegrad led by his cousin Milan Lukić; served as a police officer both before and during the 1992-1995 conflict

- Sentenced to **30 years' imprisonment**
- The case is pending before the Appeals Chamber

Crimes convicted of (examples):

Inhumane acts; aiding and abetting persecutions on political, racial and religious grounds, murder (crimes against humanity)

Cruel treatment; aiding and abetting cruel treatment, murder; (violations of laws or customs of war)

- Sredoje Lukić substantially contributed to the deaths of 59 people trapped in a house in the Pionirska Street;
- He frequently entered the detention camp at the Uzamnica military barracks, located five kilometres outside Višegrad, and repeatedly struck detainees with his fist, truncheon, stick and rifle butt. Many of the victims suffered serious and permanent injuries.

Born	5 April 1961 in Rujšite, Bosnia and Herzegovina
Indictments	Initial indictment: 26 October 1998; amended: 12 July 2001; second amended: 27 February 2006
Transferred to ICTY	16 September 2005
Initial appearance	20 September 2005, pleaded not guilty to all charges
Trial Chamber Judgement	20 July 2009, sentenced to 30 years' imprisonment

STATISTICS

Trial days	85
Witnesses called by Prosecution	46
Prosecution exhibits	347
Witnesses called by Defence	Milan Lukić: 28 Sredoje Lukić: 3
Defence exhibits	Milan Lukić: 250 Sredoje Lukić: 70
Witnesses called by Chamber	4

TRIAL	
Commenced	9 July 2008
Closing arguments	19 - 20 May 2009
Trial Chamber III	Judge Patrick Robinson (presiding), Judge Christine Van Den Wyngaert, Judge Pedro David
Counsel for the Prosecution	Dermot Groome, Frédéric Ossogo, Stevan Cole, Laurie Sartorio, Maxine Marcus
Counsel for the Defence	For Milan Lukić: Jason Alarid, Dragan Ivetić For Sredoje Lukić: Đuro Čepić; Jens Dieckmann
Judgement	20 July 2009

REFERRAL PROCEEDINGS	
Motion by the Prosecutor	1 February 2005
Decision by the Referral Bench	5 April 2007; 20 July 2007 (Sredoje Lukić only)
Referral Bench	Judge Alphonse Orié (presiding), Judge O-Gon Kwon, Judge Kevin Parker
Counsel for the Prosecution	Susan L. Somers, Mark Harmon
Counsel for the Defence	For Milan Lukić: Alan L. Yatvin; Jelena Lopičić For Sredoje Lukić: Đuro Čepić; Jens Dieckmann
Appeals Chamber	Judge Mohamed Shahabuddeen (presiding), Judge Mehmet Güney, Judge Liu Daqun, Judge Andrésia Vaz, Judge Theodor Meron
Appeals Chamber Decision	11 July 2007 (Milan Lukić only)

APPEALS	
Appeals Chamber	Judge Mehmet Güney (presiding), Judge Fausto Pocar, Judge Liu Daqun, Judge Carmel Agius and Judge Howard Morrison
Counsel for the Prosecution	Paul Rogers
Counsel for the Defence	For Milan Lukić: Tomislav Višnjić and Dragan Ivetić For Sredoje Lukić: Đuro Čepić; Jens Dieckmann

RELATED CASES <i>by geographical area</i>	
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	
PLAYŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"	
STANIŠIĆ, MIĆO (IT-04-79)	
VASILJEVIĆ (IT-98-32) "VIŠEGRAD"	

INDICTMENT AND CHARGES

The initial indictment against Milan Lukić, Sredoje Lukić and Mitar Vasiljević was confirmed on 26 October 1998. The indictment was kept confidential until 25 January 2000, when the indictment against Mitar Vasiljević was unsealed. The indictment against Milan Lukić and Sredoje Lukić was unsealed on 30 October 2000. The prosecution filed an amended indictment against Mitar Vasiljević, Milan Lukić and Sredoje Lukić which was orally granted by Judge Hunt on 20 July 2001. On 24 July 2001, with his two co-accused still at large, the Trial Chamber ordered that Mitar Vasiljević be tried separately. The indictment against Milan Lukić and Sredoje Lukić was further amended on 1 February 2006.

Mitar Vasiljević, who was named on the initial indictment, was tried and convicted before the Tribunal for his involvement in the killing of five men on the bank of the River Drina which is one of the murder incidents Milan Lukić is also charged with. On 25 February 2004, the Tribunal sentenced Mitar Vasiljević to 15 years' in prison.

The indictment alleged that on 6 April 1992 units from the Yugoslav People's Army ("JNA") began bombarding the town of Višegrad and its environs with artillery. Višegrad is a small town in south-eastern Bosnia and Herzegovina, close to the Serbian border. It has a number of features which made it strategically important during the conflict, including the fact that the town is the site of an important hydroelectric dam and a vital road link to Serbia. The bombardment predominantly affected Muslim neighbourhoods and villages. The indictment stated that in retaliation, a small group of Bosnian Muslims took several Serbs hostage, seized control of the dam and threatened to blow it up. The crisis was diffused on 12 April 1992 when JNA commandos seized the dam and, following some light resistance, took

control of Višegrad. The indictment alleged that the JNA detained men and women for questioning. Some of these detainees reported being beaten.

The climate in the town remained relatively calm and stable during the later part of April and the first two weeks of May. This dramatically changed on 19 May 1992 when the JNA officially withdrew from the town. Once the JNA left, local Serb leaders established the "Serbian Municipality of Višegrad" and took control of all municipal government offices. The indictment alleged that, soon thereafter, local Serbs, police and paramilitaries began one of the most notorious campaigns of ethnic cleansing in the conflict. This was, according to the indictment, designed to permanently rid the town of its Bosnian Muslim population. Allegedly, a large number of unarmed Muslim civilians from Višegrad were killed because of their ethnicity. Many of the Muslim men, women and children who were killed around the town and on the historic Ottoman bridge crossing the River Drina were dumped into the river. Serbian forces were allegedly involved in systematically looting and destroying Muslim homes and villages. Both of Višegrad's mosques were completely destroyed.

The indictment alleged that many of the Muslims who were not immediately killed were detained at various locations in the town, as well as the former JNA military barracks at Uzamnica, five kilometres outside of Višegrad. According to the indictment those detained in the barracks were kept in inhumane conditions, subjected to regular beatings and used for strenuous forced-labour projects.

During the spring of 1992, the indictment alleged that Milan Lukić returned to Višegrad and formed a group of paramilitaries, which included his cousin Sredoje Lukić and close family friend Mitar Vasiljević. The indictment alleges that this group worked with local police and military units in exacting a reign of terror upon the local Muslim population.

Milan Lukić was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- **Persecutions on political, racial and religious grounds; murder; inhumane acts; and extermination** (crimes against humanity, Article 5)
- **Murder; and cruel treatment** (violations of laws or customs of war, Article 3)

Sredoje Lukić was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- **Persecutions on political, racial and religious grounds; extermination; murder; and inhumane acts** (crimes against humanity, Article 5)
- **Murder; and cruel treatment** (violations of laws or customs of war, Article 3)

REFERRAL IN ACCORDANCE WITH RULE 11*bis*

For a case to be referred pursuant to Rule 11*bis* of the Tribunal's Rules of Procedure and Evidence, the Referral Bench, comprised of three judges, has to order a referral of its own accord or following a request from the Prosecutor. A decision to refer a case is rendered only if the Bench is fully satisfied that the accused would be tried in accordance with international standards and that neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment were factors that would make a referral to the national authorities inappropriate.

The Prosecution filed a motion for referral of the case against Milan Lukić and Sredoje Lukić to the authorities of Bosnia and Herzegovina on 1 February 2005.

On 15 September 2006, the parties met before the Referral Bench for a hearing pursuant to Rule 11*bis* of the Rules. Representatives of Bosnia and Herzegovina, the Republic of Serbia and the Republic of Argentina were present.

On 5 April 2007, the Referral Bench ordered that the case be referred to the authorities of Bosnia and Herzegovina.

On 19 April 2007, Milan Lukić filed his notice of appeal against the referral decision. On the same day, Sredoje Lukić notified the Referral Bench that he would not appeal the decision.

On 11 July 2007, the Appeals Chamber granted the appeal by Milan Lukić and ordered that the case be tried before the Tribunal. The Chamber also called upon the Referral Bench to reconsider its decision relating to Sredoje Lukić as well on the ground that *"it would be judicially more appropriate for both cases to be heard by the same judicial body."*

Subsequently, on 20 July 2007, the Referral Bench revoked its referral decision regarding Sredoje Lukić, meaning that Milan Lukić and Sredoje Lukić would be tried jointly at the Tribunal.

THE TRIAL

The trial commenced on 9 July 2008. The Prosecution completed its case-in-chief on 11 November 2008. From 3 April until 8 April 2009 and then on 19 May 2009, the Prosecution examined a number of rebuttal witnesses.

The Defence case commenced on 1 December 2008 and was completed on 21 April 2009.

The closing arguments were held on 19 and 20 May 2009.

RULE 98bis DECISION

After the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule on whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charges, it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of Defence evidence.

On 13 November 2008, the Trial Chamber issued an oral decision pursuant to Rule 98bis and dismissed the motions for acquittal filed by the Defence of Milan Lukić.

TRIAL CHAMBER JUDGEMENT

In relation to the Drina River incident, the evidence showed that Milan Lukić collected seven Muslim men on 7 June 1992, and eventually drove them to the Drina River near Sase where he lined them up at the river's edge. Milan Lukić ignored the victims' pleas for their lives and told the soldiers with him to shoot the men with single shots. He and the soldiers then shot the men in the back, killing some of them instantly and then returning to fire additional shots into those bodies they thought were still alive. Five men died. Only VG014 and VG032, both of whom testified before the Trial Chamber, survived by pretending they were dead.

With regard to the Varda factory incident, the evidence showed that on or about 10 June 1992 Milan Lukić entered the Varda factory and collected seven Muslim men from their workstations. He then took them down to the bank of the Drina River in front of the factory where he lined them up. Milan Lukić then shot the men in full view of a number of people, including the wife and daughter of one of the victims, Ibrišim Memišević. All seven men were killed.

Considerable evidence was received concerning the Pionirska Street incident. The evidence showed that a group of 70 Muslim civilians, most of whom came from the village of Koritnik and included many members of the Kurspahić family, were taken by a group of armed Serbs to Jusuf Memić's house on Pionirska Street, where they were robbed at gunpoint. Women and some children were then strip-searched, after which a number of women were taken away, stating upon being brought back to the house that they had been raped. Later in the evening, the group of victims was transferred to the nearby house of Adem Omeragić, where they were locked into a ground-floor room. The evidence showed that the carpet of the room had been prepared with an accelerant. After a while, a lighted explosive device was placed in the room, the device ignited an intense fire when it exploded. As the victims tried to escape the flames through the two windows of the room, they were shot at by the armed men outside the house. Other explosive devices

were also thrown into the room. Witnesses VG078 and VG101, who had escaped and were hiding close by, could hear shots coming from Adem Omeragić's house. VG101 said to VG078: "These people are killing our mother, our mother-in-law, and our brother's two children. They didn't do anything wrong". Only a handful of people survived, and all of those who are still alive came to testify before the Trial Chamber. However, 59 people were burned alive. The Milan Lukić Defence challenged the very occurrence of the fire in Adem Omeragić's house through a number of experts who visited the site in January 2009. Under cross-examination by the Prosecution, the experts qualified their conclusions to such an extent as to render their overall findings practically without foundation, including by agreeing that a fire could have taken place and that an incendiary device exploded in Adem Omeragić's house. Therefore, the Trial Chamber placed little weight on their evidence. On the basis of the acceptance by the Vasiljević Trial Chamber of Mitar Vasiljević's alibi in relation to the Pionirska Street incident, the Milan Lukić Defence also challenged the credibility of a number of Prosecution witnesses who recalled seeing Mitar Vasiljević there. On the evidence presented in this case, the Trial Chamber by majority, Judge Robinson dissenting, found that Mitar Vasiljević was, in fact, present on Pionirska Street during the robbery in Jusuf Memić's house, and during the transfer to and burning of Adem Omeragić's house. The evidence showed that Milan Lukić was inside Jusuf Memić's house and that he robbed the victims of their valuables. He was present and armed when the strip-searches were being carried out. He also participated in removing a number of women, who were reportedly raped. Milan Lukić participated in the transfer of the victims to Adem Omeragić's house, and the evidence showed that it was he who closed the door once the group was inside the room. The Trial Chamber also found that it was Milan Lukić who placed the explosive device into the room, thereby setting the house ablaze. Furthermore, the Trial Chamber found that he shot at the windows of the house and that he shot at and wounded VG013 as she escaped.

The evidence showed that Sredoje Lukić, a police officer in Višegrad, was also present, and armed, at Jusuf Memić's house, including while the robbery and strip-searches were taking place inside, and when the women were removed. The Trial Chamber found that he was also present during the transfer to Adem Omeragić's house. However, the Trial Chamber concluded that there was no reliable evidence that Sredoje Lukić set Adem Omeragić's house on fire or shot at the windows as people tried to escape. Nevertheless, the Trial Chamber found, Judge Robinson dissenting, that by his presence and by being armed, Sredoje Lukić substantially contributed to the deaths of the 59 people trapped in the house. The Trial Chamber further found that Sredoje Lukić aided and abetted in the cruel treatment and inhumane acts committed against all the members of the group.

The other incident charged in which Muslim civilians were burned alive occurred at Meho Aljić's house in Bikavac. Zehra Turjačanin testified in relation to this incident. Her evidence, as well as the evidence of other witnesses, showed that Milan Lukić and other armed men forced a group of approximately 70 Muslim civilians into Meho Aljić's house, and locked them inside. All the exits had been blocked by heavy furniture and a garage door was also placed against a door to prevent escape. Gunshots were fired at the house and grenades were thrown inside, setting the house on fire. Witnesses VG058 and VG035 vividly remembered the terrible screams of the people in the house. The Trial Chamber found that at least 60 Muslim civilians were burned alive. The Milan Lukić Defence challenged the occurrence of the Bikavac fire through its experts. For the reasons mentioned earlier, the Trial Chamber placed little weight on this evidence as related to the Bikavac fire. It placed no weight on the evidence of the Defence psychological expert, George Hough, who provided views on the evidence of Zehra Turjačanin, the sole survivor of the incident, without having had any contact with her. The Defence also challenged the credibility of Zehra Turjačanin because in the period immediately following her escape from the fire she gave various accounts to Serb soldiers and a doctor of how she received her horrific burns. The Trial Chamber concluded that these differing accounts did not cast doubt on Zehra Turjačanin evidence, and that she was a witness of truth. The Trial Chamber was satisfied that Milan Lukić was present and armed throughout the incident. He used the butt of his rifle to push people into the house, saying, "Come on, let's get as many people inside as possible." After the victims were locked inside, he shot at the house, threw grenades into it and subsequently set it on fire using petrol.

With respect to Sredoje Lukić's presence during the incident, the Trial Chamber by majority, Judge David dissenting, found that Zehra Turjačanin's evidence was inconclusive. Therefore, the Trial Chamber by majority, Judge David dissenting, was not satisfied that Sredoje Lukić was present at the Bikavac incident.

In respect of the killing of Hajra Korić, the evidence showed that Hajra Korić was among a group of 10 to 15 women and children who were hoping to join a convoy heading for Macedonia. Hajra Korić told the women that "Milan Lukić and his group" were looking for her husband and son. The group of women and children, including Hajra Korić, decided to try to reach Bikavac on foot. After a short while they

encountered Milan Lukić and his group; Lukić found Hajra Korić among the women and children, singled her out, and shot her at point blank range. He was laughing when he turned her body over with his foot and shot her in the back.

In relation to the Uzamnica camp, the evidence showed that both Milan Lukić and Sredoje Lukić were opportunistic visitors to the camp, although Sredoje Lukić came to the camp less frequently than Milan Lukić. When at the camp, both Milan Lukić and Sredoje Lukić severely and repeatedly kicked and beat the detainees with their fists, truncheons, sticks and rifle butts. Several victims testified before the Trial Chamber about these brutal beatings and the grave and permanent injuries they sustained and the suffering they endured.

The Trial Chamber found that the perpetration by Milan Lukić and Sredoje Lukić of crimes in this case was characterised by a callous and vicious disregard for human life. The Trial Chamber further found that Milan Lukić personally killed at least 132 Muslim civilians. In early June 1992 and within a matter of days, Milan Lukić summarily executed 12 Muslim men at the Drina River with indifference and deliberateness. He carried out the cold-blooded murder of Hajra Korić in a flippant and cavalier manner. As opportunistic visitors to the Uzamnica camp, both Milan Lukić and Sredoje Lukić came for no other reason than to inflict violence on the detainees. Although Sredoje Lukić came to the camp with less frequency than Milan Lukić, both accused beat the detainees with extraordinary brutality, causing them serious and permanent damage.

The Trial Chamber found that Milan Lukić played a dominant role in both the Pionirska Street and Bikavac incidents, in which, respectively, 59 and at least 60 people burned alive. While Sredoje Lukić did not set Adem Omeragić's house on fire himself, he knew what would happen to the victims that he helped herd to there.

In its judgement the Trial Chamber stated that the Pionirska Street fire and the Bikavac fire exemplify the worst acts of inhumanity that a person may inflict upon others. In the all too long, sad and wretched history of man's inhumanity to man, the Pionirska Street and Bikavac fires must rank high. The judgement goes on to say that at the close of the twentieth century, a century marked by war and bloodshed on a colossal scale, these horrific events stand out for the viciousness of the incendiary attack, for the obvious premeditation and calculation that defined it, for the sheer callousness and brutality of herding, trapping and locking the victims in the two houses, thereby rendering them helpless in the ensuing inferno, and for the degree of pain and suffering inflicted on the victims as they were burnt alive. The Trial Chamber further stated that there was a unique cruelty in expunging all traces of the individual victims which must heighten the gravity ascribed to these crimes.

On 20 July 2009, the Trial Chamber rendered its judgement convicting Milan Lukić, on the basis of individual criminal responsibility (Article 7 (1) of the Statute of the Tribunal) of:

- Persecutions on political, racial and religious grounds (crimes against humanity, Article 5);
- Murder (crimes against humanity, Article 5);
- Murder (violations of the laws and customs of war, Article 3);
- Inhumane acts (crimes against humanity, Article 5);
- Cruel treatment (violations of the laws and customs of war, Article 3);

Furthermore, the Chamber, by majority, Judge Van den Wyngaert dissenting, convicted Milan Lukić of:

- Extermination (crimes against humanity, Article 5)

Sentence: life imprisonment

On 20 July 2009, the Trial Chamber rendered its judgement convicting Sredoje Lukić, on the basis of individual criminal responsibility (Article 7 (1) of the Statute of the Tribunal) of:

- Inhumane acts (crimes against humanity, Article 5);
- Cruel treatment (violations of the laws and customs of war, Article 3);

Sredoje Lukić was also found guilty of aiding and abetting:

- Persecutions (crimes against humanity, Article 5);
- Inhumane acts (crimes against humanity, Article 5);
- Cruel treatment (violations of the laws and customs of war, Article 3);

Furthermore, the Chamber by majority, Judge Robinson dissenting, found Sredoje Lukić guilty of aiding and abetting:

- Murder (crimes against humanity, Article 5);
- Murder (violations of the laws and customs of war, Article 3);

Sredoje Lukić was found not guilty on the following counts:

- Extermination (crimes against humanity, Article 5);
- Murder (crimes against humanity, Article 5);
- Murder (violations of the laws and customs of war, Article 3);
- Inhumane acts (crimes against humanity, Article 5);
- Cruel treatment (violations of the laws and customs of war, Article 3)

Sentence: 30 years' imprisonment

APPEALS PROCEEDINGS

On 19 August 2009, both Defence teams filed their notices of appeal, and the Prosecution filed a notice of appeal with regard to Sredoje Lukić.

On 2 November 2009, the Prosecution and the Defence of Sredoje Lukić filed their appeal briefs.

On 17 March 2010, the Defence of Milan Lukić filed its appeal brief.

The appeals hearing is scheduled to take place on 14 and 15 September 2011.