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Tribunal Pénal
International pour
l'ex-Yougoslavie

JUDGEMENT SUMMARY

(Exclusively for the use of the media. Not an official document)

CHAMBERS

The Hague, 20 July 2009

Judgement Summary For Milan Lukić and Sredoje Lukić

Please find below the summary of the Judgement read out today by Judge Robinson:

The Trial Chamber is sitting today to deliver its judgement in the trial of Milan Lukić and Sredoje Lukić. I will briefly summarise the Trial Chamber's findings. The Trial Chamber emphasises that this is but a summary of its findings and that the only authoritative account is the written judgement, which will be made available after this hearing.

This case concerns events that took place in the municipality of Višegrad, and the town of the same name, in Bosnia and Herzegovina between 7 June 1992 and 10 October 1994. The municipality is located in the south-eastern region of Bosnia close to the border of the Republic of Serbia on its eastern side. In April 1992, following acts of violence against the Muslim population in the municipality, the Yugoslav People's Army, or JNA, entered Višegrad. It eventually withdrew on 19 May 1992, having established Serb control over the town and the municipality. Following the JNA's departure, attacks on the non-Serb population, including murders, disappearances, rapes, beatings, and destruction of non-Serb property, increased. These attacks were carried out by paramilitary groups that operated in Višegrad with the complicity or acquiescence of the Serb authorities. The number of arbitrary killings and disappearances peaked in May and June 1992.

It was within this context that Milan Lukić and Sredoje Lukić both from the village of Rujšće near Višegrad town, allegedly committed the crimes with which they are charged.

Milan Lukić has been charged with committing or aiding and abetting persecution, murder, extermination, cruel treatment, and inhumane acts, as crimes against humanity and war crimes, in relation to six discrete incidents. The incidents are 1) the killing of five Muslim civilian men at the Drina river on or about 7 June 1992; 2) the killing of seven Muslim civilian men at the Varda factory in Višegrad town on or about 10 June 1992; 3) the events leading up to and including burning alive of approximately 70 Muslim civilians in Adem Omeragić's house on Pionirska street in Višegrad town on or about 14 June 1992; 4) the burning alive of approximately 70 Muslim civilians in Meho Aljić's house in Bikavac, also in Višegrad town, on or about 27 June 1992; 5) the killing of Hajra Korić, a Muslim civilian, in or about June 1992; and 6) the beating of Muslim detainees at the Uzamnica detention camp between August 1992 and October 1994.

Sredoje Lukić has been charged with committing or aiding and abetting the crimes of persecution, murder, extermination, cruel treatment, and inhumane acts, as crimes against humanity and war crimes, in relation to three of the above six incidents: 1) the burning alive of approximately 70 persons in Adem Omeragić's house; 2) the burning alive of approximately 70 Muslim civilians in Meho Aljić's house; and 3) the beating of Muslim detainees at the Uzamnica detention camp.

Internet address: <http://www.icty.org>

Media Office/Communications Service

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands

Tel.: +31-70-512-8752; 512-5343; 512-5356 Fax: +31-70-512-5355

In relation to the Drina river incident, the evidence shows 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 to still be alive. Five men perished. 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 shows that on about 10 June 1992 Milan Lukić entered the Varda factory and collected seven Muslim men from their workstations. He thereafter 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 watching, 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 shows 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 shows that the carpet of the room had been prepared with an accelerant. After a while, a lighted, explosive device was placed in the room which 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. The Trial Chamber has endorsed the view of the experts that the longer a crime scene investigation is delayed, the less reliable the conclusions that can be drawn. 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 has 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, has 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 shows 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 from the house who, reportedly, were raped. Milan Lukić participated in the transfer of the victims to Adem Omeragić's house, and the evidence shows that it was he who closed the door once the group was inside the room. The Trial Chamber also has found that it was Milan Lukić who placed the explosive device into the room, thereby setting the house ablaze.

Furthermore, the Trial Chamber has found that he shot at the windows of the house and that he shot at and wounded VG013 as she escaped.

The evidence shows 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 has found that he was also present during the transfer to Adem Omeragić's house. However, the Trial Chamber has concluded that there is 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 has, Judge Robinson dissenting, found 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 has 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. She presented a sad, tragic but heroic figure. Permanently disabled as a result of this event, and scarred for life, she has broken all ties with her former homeland. Her evidence, as well as the evidence of other witnesses, shows that Milan Lukić and other armed men forced a group of approximately 70 Muslim civilians into Meho Aljić's house, locking 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, "like the screams of cats". The Trial Chamber has found that at least 60 Muslim civilians were burned alive.

The Milan Lukić Defence also challenged the occurrence of the Bikavac fire through its experts. For the reasons mentioned earlier, the Trial Chamber has placed little weight on this evidence as relates to the Bikavac fire. It has 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 concludes that these differing accounts do not cast doubt on Zehra Turjačanin evidence, and that she is a witness of truth.

The Trial Chamber is 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, has found that Zehra Turjačanin's evidence is inconclusive. Therefore, the Trial Chamber by majority, Judge David dissenting, is not satisfied that Sredoje Lukić was present at the Bikavac incident.

The Trial Chamber will now turn to the last two incidents in the indictment. In respect of the killing of Hajra Korić, the evidence shows that Milan Lukić searched for Hajra Korić among a group of women and children who were fleeing. Once Milan Lukić found her, he 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 shows 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 injuries and permanent injuries they sustained and the suffering they endured.

Milan Lukić presented alibis for the Drina river, Varda factory, Pionirska street, Bikavac and the Uzamnica camp incidents. The Drina river and Varda factory alibi is that Milan Lukić was in Belgrade and Novi Pazar in Serbia from 7 to 10 June 1992. The Trial Chamber has found that the purported alibi suffers from a number of glaring inconsistencies, and has held that the evidence of two key witnesses, MLD1 and MLD10, is lacking in credibility. MLD10 also testified in support of the alibi for the Bikavac incident, that at the end of June 1992 Milan Lukić was in Rujšite for three or four days. Also in this respect has the Trial Chamber found MLD10's evidence to be wholly unreliable. Particularly damaging to MLD10's credibility overall was the credible and reliable evidence of Hamdija Vilić that MLD10 received payment in exchange for false testimony.

Milan Lukić's alibi for the Pionirska street incident is that on 13 to 15 June 1992, he was deployed as a reserve policeman in Kopito. The Trial Chamber has found that the evidence of witnesses who are fundamental to the alibi as a whole, notably MLD4, MLD7 and Goran Đeric, display discrepancies on matters that are central to the alibi. The Trial Chamber has also found MLD4's and Goran Đeric's evidence to be unreliable.

There was little evidence advanced in support of the alibi for the Uzamnica detention camp charges, according to which Milan Lukić was imprisoned for some of the relevant time. The Trial Chamber has found that Milan Lukić's imprisonment for some time in spring 1993 and possibly 1994 has no bearing on the evidence showing that he beat the detainees because it does not correspond to the same time period.

Sredoje Lukić presented alibis for the Pionirska street and Bikavac incidents. In light of its majority finding that the Prosecution has not proved beyond reasonable doubt that Sredoje Lukić was present at the Bikavac incident, the Trial Chamber has not made any findings in relation to the alibi for the Bikavac incident. In relation to the alibi for the Pionirska street incident, which is that Sredoje Lukić met Veroljub Živković and Branimir Bugarski in Obrenovac, Serbia, in the evening of 14 June 1992, the Trial Chamber has found that aspects of the evidence presented are implausible and that the evidence of Veroljub Živković, a key witness, is neither credible nor reliable.

For each incident where an alibi has been presented, the Trial Chamber has considered the evidence as a whole, that is, the evidence led by the Prosecution and the evidence led by the Defence, and found that the alibi is not reasonably possibly true. In particular, the Trial Chamber has rejected the alibi for the Drina river and Varda factory incidents as a cynical and callously-orchestrated artifice. The Trial Chamber has concluded that the Prosecution has proved beyond reasonable doubt the relevant charges.

A very large amount of evidence was presented of other crimes that were committed in Višegrad during the indictment period, including specific instances of murders, rapes and beatings, some of which were allegedly committed by Milan Lukić and Sredoje Lukić. A significant proportion of this evidence, including several incidents of rape, was presented by the Prosecution for the purpose of rebutting the alibis presented. As Milan Lukić and Sredoje Lukić have not been charged with any crimes arising out of these incidents, the Trial Chamber has not made any determination of guilt in relation to them.

The perpetration by Milan Lukić and Sredoje Lukić of crimes in this case is characterised by a callous and vicious disregard for human life. The Trial Chamber has found that Milan Lukić personally killed at least 132 Muslim people. 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 has found that Milan Lukić played a dominant role in both the Pionirska street and Bikavac incidents, in which, respectively, 59 people and at least 60 people burned alive. While Sredoje Lukić did not himself set Adem Omeragić's house on fire, he knew what would happen to the victims that he helped herd to Adem Omeragić's house.

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. 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. There is a unique cruelty in expunging all traces of the individual victims which must heighten the gravity ascribed to these crimes.

Lastly, Milan Lukić and Sredoje Lukić are alleged to have committed the crime of persecution through a number of underlying acts. The Trial Chamber has found that Milan Lukić acted with discriminatory intent when committing the underlying acts charged. It has also found that Sredoje Lukić acted with discriminatory intent when aiding and abetting the underlying acts charged. Judge Robinson dissents from this Trial Chamber's finding insofar as the underlying acts pertain to the transfer of the approximately 70 Muslim civilians to Adem Omeragić's house and their detention and murder in that house during the Pionirska street incident.

Milan Lukić, please rise.

The Trial Chamber finds you, Milan Lukić, GUILTY pursuant to Article 7(1) of the Statute of committing:

Persecutions, a crime against humanity, count 1
Murder, a crime against humanity, count 2
Murder, a violation of the laws and customs of war, count 3
Inhumane acts, a crime against humanity, count 4
Cruel treatment, a violation of the laws and customs of war, count 5
Murder, a crime against humanity, count 6
Murder, a violation of the laws and customs of war, count 7
Murder, a violation of the laws and customs of war, count 10
Inhumane acts, a crime against humanity, count 11
Cruel treatment, a violation of the laws and customs of war, count 12
Murder, a violation of the laws and customs of war, count 15
Inhumane acts, a crime against humanity, count 16
Cruel treatment, a violation of the laws and customs of war, count 17
Murder, a crime against humanity, count 18
Murder, a violation of the laws and customs of war, count 19
Inhumane acts, a crime against humanity, count 20, and
Cruel treatment, a violation of the laws and customs of war, count 21

The Trial Chamber by majority, Judge Van den Wyngaert dissenting, finds you, Milan Lukić, GUILTY pursuant to Article 7(1) of the Statute of committing:

Extermination, a crime against humanity, count 8, and
Extermination, a crime against humanity, count 13

The Trial Chamber sentences you to a term of imprisonment for the remainder of your life.

Pursuant to Rule 101(C), you are entitled to credit for time spent in detention, which as of the date of this judgement amounts to 1443 days, and for such additional time you may serve pending the determination of any appeal. This information is provided in the event that it becomes necessary in any subsequent proceedings. Pursuant to Rule 103(C), you shall remain in the custody of the Tribunal pending finalisation of arrangements for your transfer to the State where you shall serve your sentence.

Milan Lukić, you may sit.

Sredoje Lukić, please rise.

The Trial Chamber by majority, Judge David dissenting, finds you, Sredoje Lukić, NOT GUILTY on the following counts:

Count 8: Extermination, a crime against humanity
Count 13: Extermination, a crime against humanity
Count 14: Murder, a crime against humanity
Count 15: Murder, a violation of the laws and customs of war
Count 16: Inhumane acts, a crime against humanity
Count 17: Cruel treatment, a violation of the laws and customs of war

The Trial Chamber finds you, Sredoje Lukić, GUILTY pursuant to Article 7(1) of the Statute of committing:

Inhumane acts, a crime against humanity, count 20 and
Cruel treatment, a violation of the laws and customs of war, count 21

The Trial Chamber finds you, Sredoje Lukić, GUILTY pursuant to Article 7(1) of the Statute of aiding and abetting:

Persecutions, a crime against humanity, count 1,
Inhumane acts, a crime against humanity, count 11,
Cruel treatment, a violation of the laws and customs of war, count 12

The Trial Chamber by majority, Judge Robinson dissenting, finds you, Sredoje Lukić, GUILTY pursuant to Article 7(1) of the Statute of aiding and abetting:

Murder, a crime against humanity, count 9
Murder, a violation of the laws and customs of war, count 10

The Trial Chamber sentences you, Sredoje Lukić, to a sentence of 30 years of imprisonment.

Pursuant to Rule 101(C), you are entitled to credit for time spent in detention, which as of the date of this judgement amounts to 1404 days, and for such additional time you may serve pending the determination of any appeal. Pursuant to Rule 103(C), you shall remain in the custody of the Tribunal pending finalisation of arrangements for your transfer to the State where you shall serve your sentence.

Sredoje Lukić, please sit.

The hearing is adjourned.
