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NIKOLA ŠAINOVIĆ AND MOMČILO GRUBAN
TRANSFERRED TO THE HAGUE

On 2 May 2002, Nikola Šainović and Momčilo Gruban were transferred from Serbia, Federal Republic of Yugoslavia (FRY), to the Detention Unit of the International Criminal Tribunal for the former Yugoslavia in The Hague.

Nikola Šainović

Nikola Šainović, born on 7 December 1948 in Bor, Serbia, is charged in an amended Indictment, confirmed on 29 October 2001. It alleges that, between 1 January 1999 and 20 June 1999, forces of the FRY and Serbia acting at the direction, with the encouragement, or with the support of the four accused, Nikola Šainović, Milan Milutinović, Vlastimir Đokić and Dragoljub Ojdanić, executed a campaign of terror and violence directed at Kosovo Albanian civilians. At all times relevant to this Indictment, Nikola Šainović held the post of Deputy Prime Minister of the FRY. According to the Indictment, he took an active role in negotiations establishing the OSCE Verification Mission for Kosovo, and he participated in numerous other meetings regarding the Kosovo crisis. At all times relevant to the Indictment, Nikola Šainović acted as the liaison between Slobodan Milošević and various Kosovo Albanian leaders.

It is alleged that the operations targeting the Kosovo Albanians were undertaken with the objective of expelling a substantial portion of the Kosovo Albanian population from Kosovo in an effort to ensure continued Serbian control over the province. The Indictment describes a series of well-planned and coordinated operations undertaken by the forces of the FRY and Serbia.

Approximately 800,000 Kosovo Albanian civilians were expelled from the province by their forced removal and subsequent looting and destruction of their homes, or by the shelling of villages. Surviving residents were sent to the borders of neighbouring countries. *En route*, many were killed, abused and had their possessions and identification papers stolen. Furthermore, specific massacres allegedly committed by Serb forces in places such as Đakovica/Gjakovë, Suva Reka/Suharekë, Račak/Reçak, Bela Crkva/Bellacërke, Mala Krusha/Krushë e Vogël, Velika Krusha/Krushë e Madhe, Padalište/Padalishtë, Izbica/Izbicë, Vučitrn/Vushtrri, Dubrava/Dubravë Prison complex, Meja/Mejë and Kačanik/Kacanik are listed in the Indictment.

Charges

The Indictment charges Nikola Šainović on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3) of the Statute of the Tribunal) with:

- one count of violations of the laws or customs of war (Article 3 of the Statute – murder),
- four counts of crimes against humanity (Article 5 of the Statute – deportation; inhumane acts; murder; persecutions on political, racial or religious grounds)

The date and time for the initial appearance of Nikola Šainović will be announced in due course.

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Momčilo Gruban

Momčilo Gruban also known as “Čkalja” is charged in an Indictment dated 2 June 1998. The Indictment alleges that, from about 25 May to about 30 August 1992, Serb forces collected and confined more than 3,000 Bosnian Muslims and Bosnian Croats from the Prijedor municipality, Bosnia and Herzegovina, in the Omarska camp, a former mining complex approximately 15 kilometres from the town of Prijedor. Many of Prijedor’s Muslim and Croat intellectuals, professional and political leaders were sent to Omarska. There were approximately 40 women in the camp, all the other prisoners in the camp were men.

It is alleged that living conditions at the Omarska camp were brutal and inhumane. Severe beatings were commonplace. The camp guards and others who came to the camp and physically abused the prisoners used all manner of weapons during these beatings. Both female and male prisoners were beaten, tortured, raped, sexually assaulted, and humiliated. In addition to regular beatings and abuse, there were incidents of multiple killings. Many, whose identities are known and unknown, did not survive the camp.

Charges

According to the Indictment, Momčilo Gruban was a shift commander supervising one of the three shifts of guards that operated the Omarska camp. The Indictment charges him on the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal) with:

- four counts of grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute – wilful killing; torture; wilfully causing great suffering; unlawful confinement of civilians),
- three counts of violations of the laws or customs of war (Article 3 of the Statute – murder; torture; outrages upon personal dignity, including humiliating and degrading treatment),
- four counts of crimes against humanity (Article 5 of the Statute – murder; torture; rape; unlawful imprisonment).

The date and time for the initial appearance of Momčilo Gruban will be announced in due course.
