

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

MILOMIR STAKIC

SECOND 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:

Milomir STAKIC

with **GENOCIDE, COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY, AND VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR**, as set forth below:

THE ACCUSED:

1. **Milomir STAKIC** was born on 19 January 1962, in Maricka in Prijedor Municipality of Bosnia and Herzegovina. He is a medical doctor by profession.
2. As a prominent member of the Serbian Democratic Party (SDS) in Prijedor, **Milomir STAKIC** was elected Vice-President of the Prijedor Municipal Assembly on 4 January 1991, the President of the Assembly being Muhamed CEHAJIC of the Party of Democratic Action (SDA).
3. On 11 September 1991, **Milomir STAKIC** was elected Vice-President of the SDS Municipal Board in Prijedor.
4. **Milomir STAKIC** was also "President" of a "shadow", parallel "Assembly of the Serbian People of Prijedor Municipality", established pursuant to instructions from the SDS Main Board in Sarajevo. **Milomir STAKIC** acted as "President" of this "Assembly of the Serbian People of Prijedor Municipality" as early as 17 January 1992.
5. On 30 April 1992, the SDS seized power in Prijedor by force. With the removal of Municipal Assembly President Muhamed Cehajic, **Milomir STAKIC** was installed as "President" of the "Municipal Assembly".
6. On or about 30 April 1992, **Milomir STAKIC** became "President" of an SDS "Crisis Staff of the Municipality of Prijedor". He continued to preside over the "Crisis Staff" and its successor bodies, including a "War Presidency", as well as "President" of the "Municipal Assembly", following the

resumption of its activities. He also headed the "Municipal Council for National Defence".

7. During the period of 30 April 1992 until 30 September 1992, in his role as "President" of the "Crisis Staff" or its successor bodies, **Milomir STAKIC**, either *de jure* or *de facto*, headed the body that held power in Prijedor Municipality. As "President" of the "Crisis Staff" or its successor bodies, **Milomir STAKIC**, together with other "Crisis Staff" members, had extraordinary executive and legislative power within Prijedor Municipality during the time period relevant to this Second Amended Indictment.

8. Subsequent to the period relevant to this Second Amended Indictment, **Milomir STAKIC** continued to occupy positions of leadership, either *de jure* or *de facto*, in Prijedor Municipality.

CHARGES:

9. 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 organised and directed first by the "Crisis Staff" or its successor bodies, and later by the group of individuals acting from their positions in the new Serbian municipal government structure. By year's end, these events would result in the death or forced departure of most of the non-Serbian population of Prijedor Municipality.

10. Immediately after the forcible takeover of Prijedor, the "Crisis Staff" imposed severe restrictions on all aspects of life for non-Serbs, principally Bosnian Muslims and Bosnian Croats, including movement and employment. The effect of those restrictions was the containment of non-Serbs in villages and areas in the Municipality where they lived. Beginning in late May 1992, those areas were then subjected to violent, large-scale attacks by Bosnian Serb forces. Many of the Bosnian Muslims and Bosnian Croats who survived the initial artillery and infantry attacks were arrested by the Bosnian Serb forces and transferred to detention facilities established and operated under the direction of the "Crisis Staff" or its successor bodies.

11. Following an unsuccessful attempt by a small resistance group, comprised primarily of Bosnian Muslims and Bosnian Croats, to re-take Prijedor town from Bosnian Serbs on or about 31 May 1992, the Serbian authorities used this incident as a pretext to justify and accelerate their on-going campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor. In the hours immediately following the attack, thousands of non-Serbs, principally Bosnian Muslims and Bosnian Croats, including men, women and children, were rounded up from their homes and transported on buses to detention facilities around Prijedor Municipality, including Omarska, Keraterm and Trnopolje camps. Many non-Serbs, principally Bosnian Muslims and Bosnian Croats, were killed in Prijedor in the immediate aftermath of the attack. Subsequently, many houses of non-Serbs along the Sana River, over which the resistance group had crossed to enter Prijedor, were damaged or destroyed. A section of Prijedor town known as "Stari Grad" or "Old City", which was populated almost exclusively by Bosnian Muslims, was largely destroyed.

12. In the detention facilities, many prisoners were killed, tortured, and subjected to other inhumane treatment by Bosnian Serb forces or persons under their control, especially targeting prominent individuals, such as intellectual, professional, business, political and religious leaders. At a minimum, during the period from late May 1992 to early August 1992, hundreds of detainees, identities of many of whom are known, died. After the existence of the detention camps became known to the international community, the Serbian authorities closed the Omarska and Keraterm camps in August 1992, and transferred survivors to remaining facilities in Prijedor Municipality and to Manjaca camp in Banja Luka Municipality. From those facilities, almost all of the survivors were eventually forcibly transferred or deported from the area. During this period of time, **Milomir**

STAKIC continued to preside over the successor bodies to the "Crisis Staff" as well as over the "Municipal Assembly" and the "Council for National Defence of Prijedor Municipality".

13. **Milomir STAKIC** held positions of power, either *de jure* or *de facto*, from which he exercised effective control over persons committing the offenses set forth in this Second Amended Indictment. Among these positions were "President" of the "Crisis Staff", "President" of the "War Presidency", "President" of the "Council for National Defence of the Prijedor Municipality", "President" of the "Municipal Assembly of Prijedor", and Vice-President of the Municipal Board of Prijedor SDS.

COUNTS 1-2
(GENOCIDE; COMPLICITY IN GENOCIDE)

14. The Prosecutor re-alleges and incorporates by reference paragraphs 1-13, *supra*, and 57-73, *infra*, in Counts 1-2.

15. From on or about 30 April 1992 until 30 September 1992, the Prijedor "Crisis Staff" or its successor bodies, presided over by **Milomir STAKIC**, ordered, instigated and implemented, or otherwise aided and abetted in the execution of a campaign designed to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality. The execution of that campaign, involving a campaign of persecutions, escalated from on or about 22 May 1992 to 30 September 1992, to include, in addition to the forcible transfer: (a) the killing of Bosnian Muslims and Bosnian Croats; (b) causing serious bodily or mental harm to Bosnian Muslims and Bosnian Croats; and, (c) deliberately inflicting on the Bosnian Muslims and Bosnian Croats conditions of life calculated to bring about the physical destruction of a part of the Bosnian Muslim and Bosnian Croat populations, as such.

16. To effect this campaign, the members of the Prijedor "Crisis Staff", presided over by **Milomir STAKIC**, first established restrictions on movement that confined the Bosnian Muslim and Bosnian Croat populations to the villages and areas where they lived. The "Crisis Staff" or its successor bodies, presided over by **Milomir STAKIC**, then ordered or initiated attacks on those areas by combined forces of the 43rd Motorised Brigade, 5th Kozara Brigade and other units, "Territorial Defence" (TO) units from Prijedor, regular and reserve police members from Prijedor Municipality and elsewhere, and paramilitary units organised and equipped by the SDS.

17. The attacks on villages and areas inhabited primarily by Bosnian Muslims and Bosnian Croats sometimes began with heavy artillery bombardments that targeted homes and businesses, killing many. Following the bombardments, the Bosnian Serb forces moved in to round up the survivors. As the Bosnian Serb forces went through the villages they executed many of the Bosnian Muslims and Bosnian Croats and looted and destroyed their homes. After large groups of the Bosnian Muslim and Bosnian Croat populations had been rounded up and were being marched to assembly points for transfer to camps and other detention facilities, many men were pulled out of the groups and executed. The attacks on areas of the Municipality where Bosnian Muslims and Bosnian Croats were concentrated began in May 1992 and continued throughout June and July 1992. Killings occurred during or in the aftermath of these attacks and the "ethnic cleansing". Some incidents of these killings include the following:

- the killing of a number of people in Kozarac and the surrounding areas, between May and June 1992;
- the killing of a number of people at Mehmed Sahoric's house in Kamicani on or about 26 May 1992;
- the killing of a number of people in the village of Hambarine from May through July 1992;

- the killing of a number of men in the village of Jaskici on or about 14 June 1992;
- the killing of a number of men in the village of Sivci on or about 14 July 1992;
- the killing of a number of men in the village of Biscani during July 1992;
- the killing of a number of people in the village of Carakovo and surrounding areas during July 1992;
- the killing of a number of people in the village of Brisevo on or about 24 July 1992;
- the killing of a number of men at the Ljubija football stadium on or about 25 July 1992;
- the killing of a number of men in the Ljubija iron ore mine area on or about 25 July 1992.

18. Many of the Bosnian Muslims and Bosnian Croats who survived the attacks by the Bosnian Serb forces were arrested and taken to one or more of the detention camps, including the Trnopolje, Keraterm and Omarska camps, which had been established by order of the "Crisis Staff". **Milomir STAKIC** presided over the "Crisis Staff" or its successor bodies, which established and controlled these detention facilities, and **Milomir STAKIC** exercised effective control over same during the time period relevant to this Second Amended Indictment. During the operation of the camps, the Bosnian Serb military and police personnel in charge of these camps, their staff, and other persons who had access to the camps - all of whom were subject to the authority and control of the "Crisis Staff" or its successor bodies - were responsible for the killings and disappearances of hundreds of Bosnian Muslim and Bosnian Croat detainees. Some incidents of killings by Bosnian Serb forces of Bosnian Muslims and Bosnian Croats in the camps and detention facilities, or subsequent to their removal from these locations, include the following:

- the killing of a number of people at military barracks at Benkovac in late May 1992;
- the killing of between 100 and 150 men in "Room 3" at Keraterm camp between 24 and 25 July 1992;
- the killing of approximately 20 men at Keraterm camp in late July 1992;
- the killing of approximately 100 prisoners in late July 1992 at Omarska camp following cleansing of the "Brdo" area;
- the killing of approximately 50 men and women taken on a bus from Omarska camp in late July 1992, at least some of whose remains were exhumed from Jama Lisac (Bosanska Krupa Municipality);
- the killing of approximately 120 men taken on two buses from the Keraterm and Omarska camps on or about 5 August 1992, at least some of whose remains were exhumed from Hrastova Glavica (Sanski Most Municipality);
- the killing of a number of men immediately outside Manjaca camp after their transport from Omarska camp on or about 6 August 1992;
- the execution, near the Koricanske stijene in the Vlastic mountain area, of approximately 200 men travelling on a convoy which originated, in part, from Trnopolje camp on or about 21 August 1992;
- the killing of a number of people at Omarska camp between approximately 27 May and approximately 21 August 1992;
- the killing of a number of people at Keraterm camp between 24 May and 5 August 1992;
- the killing of a number of people in Trnopolje camp between approximately 25 May and approximately 30 September 1992.

19. The Bosnian Serb military and police personnel in charge of these camps, their staff, and other persons who had access to the camps - all of whom were subject to the authority and control of the "Crisis Staff" or its successor bodies - also caused serious bodily and mental harm to the Bosnian Muslim and Bosnian Croat detainees by subjecting them to sexual assaults, torture, beatings and robbery, extortion, as well as other forms of mental and physical abuse. In Omarska and Keraterm, severe beatings and torture of prisoners were commonplace. The camp personnel, including guards and others who came to the camps and physically abused the detainees, used various weapons and

objects during these beatings, including wooden batons, metal rods and tools, lengths of thick industrial cable, rifle butts and knives. After they were beaten, tortured, or sexually assaulted, the detainees were carried, dragged or forced to return to their rooms, usually without medical care for their injuries.

20. 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 Muslims and Bosnian Croats as national, ethnic or religious groups, as such. The conditions were abject and brutal. Daily food rations, when provided to detainees, amounted to starvation rations. Medical care for the detainees was insufficient or non-existent and hygienic conditions were grossly inadequate. In the camps and detention facilities, detainees were subjected to or forced to witness inhumane acts, including murder, rape and sexual assaults, torture, beatings, robbery and extortion, as well as other forms of mental and physical abuse. In Trnopolje camp, detained women were subjected to sexual assault, rape, and torture by camp personnel, police, military and others given access to the camp. In many instances, women and girls were taken from the camp and were raped, tortured, or sexually abused at other locations.

21. After international media exposed the existence of the camps in Prijedor Municipality in late July and early August 1992, one of several mass deportations and forced transfers of Bosnian Muslims and Bosnian Croats occurred. On or about 21 August 1992, one of the convoys, which in part originated from Trnopolje camp and was under the control of Bosnian Serb forces including police from Prijedor, stopped along a road on Vlasic mountain. The Bosnian Serb forces ordered approximately 200 men off of the buses, and put them on two other buses. These buses were driven to a location called Koricanske stijene. The Bosnian Serb forces ordered these men off the buses near the edge of a precipice and executed all but a few who managed to escape.

22. From as early as 11 September 1991 until 30 September 1992, **Milomir STAKIC**, in concert with other members or supporters of the SDS, planned, organised, co-ordinated, assisted or otherwise aided and abetted in the planning and preparation of a campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality through a campaign of persecutions. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC**, with other members of the "Crisis Staff" or its successor bodies ordered, instigated, and implemented, or otherwise aided and abetted in the execution of this campaign in Prijedor Municipality. From about 22 May 1992, the campaign escalated to include the destruction, in part, of the Bosnian Muslims and Bosnian Croats in Prijedor, as such, in particular their leadership. 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 Prijedor Municipality in the Omarska, Keraterm and Trnopolje camps under conditions calculated to bring about the physical destruction of the detainees.

23. Between about 22 May 1992 and 30 September 1992, **Milomir STAKIC** knew or had reason to know that Bosnian Serb forces under the control of the "Crisis Staff" or its successor bodies were about to kill Bosnian Muslims and Bosnian Croats, cause serious physical or mental harm to Bosnian Muslims and Bosnian Croats, and subject Bosnian Muslims and Bosnian Croats to conditions calculated to bring about their physical destruction in the detention camps, or had done so; all with the intent to destroy the Bosnian Muslims and Bosnian Croats in Prijedor, in part, as a national, ethnical, or religious group, as such, and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By this conduct, Milomir STAKIC committed:

Count 1: genocide, punishable under Articles 4(3)(a), and 7(1) and 7(3) of the Statute of the Tribunal; or,

Count 2: complicity in genocide, punishable under Articles 4(3)(e), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 3-5
(MURDER; EXTERMINATION)

24. The Prosecutor re-alleges and incorporates by reference paragraphs 1-13, 15-21, *supra*, and 57-73, *infra*, in Counts 3-5.

25. On about 23 May 1992, approximately three weeks after the Serbian takeover in Prijedor, **Milomir STAKIC**, together with other members of the "Crisis Staff", initiated and ordered a co-ordinated attack by Bosnian Serb forces on areas in Prijedor Municipality principally occupied by Bosnian Muslims and Bosnian Croats. The attacks began with the areas around the villages of Hambarine and Kozarac. Thousands of residents of Kozarac, predominately Bosnian Muslims, were forced to flee from their homes as a result of the attack. Bosnian Serb forces rounded them up, executed some and took the survivors to various detention facilities principally in Prijedor Municipality. The attacks sometimes involved intensive bombardment, followed by infantry assaults. During these attacks and their aftermath a large number of Bosnian Muslims and Bosnian Croats were killed.

26. From approximately 23 May 1992 through the end of July 1992, the attacks continued. The final large scale military attack conducted by the Bosnian Serb forces in the Municipality began on or about 20 July 1992 against the predominately Bosnian Muslim and Bosnian Croat villages in the hilly region known as the "Brdo" (hill) on the west and south-west side of Sana River. Many of those who had escaped capture after the attacks on the other parts of Prijedor Municipality in May and June 1992 had fled to this area. As had occurred in the earlier attacks, many Bosnian Muslims and Bosnian Croats were killed during the attack and subsequent round-up. Many of those who survived the attack and round-up were taken to the Omarska, Keraterm or Trnopolje camps. Between 24 and 25 July 1992, approximately 150 men from the "Brdo" region detained in Room 3 of the Keraterm camp were executed by machine gun fire. The next day, approximately 20 were executed. In late July 1992, at least 60 non-Serbian civilian males of all ages were taken by bus to the Ljubija mine area, known as Redak or Kipe, and executed by Bosnian Serb forces.

27. From as early as 11 September 1991 until 30 September 1992, **Milomir STAKIC**, in concert with other members or supporters of the SDS, planned, organised, co-ordinated, assisted or otherwise aided and abetted in the planning and preparation of a campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality through a campaign of persecutions. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC**, with other members of the "Crisis Staff" or its successor bodies, ordered, instigated, and implemented, or otherwise aided and abetted in the execution of this campaign in Prijedor Municipality. As a part of this campaign a significant number of the Bosnian Muslims and Bosnian Croats were intentionally killed by the Bosnian Serb forces under the control of Bosnian Serb leadership, including the "Crisis Staff" or its successor bodies during the attacks on their homes and villages, during their detention in the camps established by order of the "Crisis Staff", and during the forced transfers and deportations.

28. Between about 23 May 1992 and 30 September 1992, **Milomir STAKIC** knew or had reason to know that Bosnian Serb forces under the control of the "Crisis Staff" or its successor bodies 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.

By this conduct, Milomir STAKIC committed:

Count 3: murder, a crime against humanity, punishable under Articles 5(a), and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 4: extermination, a crime against humanity, punishable under Articles 5(b), 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 recognized 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 6
(PERSECUTIONS)

29. The Prosecutor re-alleges and incorporates by reference paragraphs 1-13, 15-21, 25-26, *supra*, and 37-38, 42, 46 and 57-73, *infra*, in Count 6.

30. From 30 April 1992, the "Crisis Staff" ordered, authorised or implemented increasingly stringent restrictions on non-Serbs in Prijedor Municipality. Following directives of the "Crisis Staff" of the "Autonomous Region of Krajina" ("ARK"), all non-Serbs, primarily Bosnian Muslims and Bosnian Croats, who held positions in the municipal administration were expelled from their positions. **Milomir STAKIC** signed some dismissal notices, immediately appointing "loyal" Serbs to those positions. Businesses and economic organizations followed in the same manner, dismissing almost all non-Serbian employees. Private and commercial property, both movable and immovable, of Bosnian Muslims and Bosnian Croats was looted and plundered.

31. The restrictions imposed by the "Crisis Staff" or its successor bodies included roadblocks which were set up throughout the Municipality, particularly around villages and areas inhabited principally by Bosnian Muslims and Bosnian Croats, and in Prijedor town. Within Prijedor town, checkpoints were set up in large apartment building complexes to check the identity of people entering and leaving buildings.

32. Many Bosnian Muslim and Bosnian Croat residents who survived the aforementioned attacks were arrested by Bosnian Serb forces, forced to march in columns to assembly points, and taken to one of the detention facilities established by order of the "Crisis Staff". During the arrest and transfer process, the Bosnian Muslims and Bosnian Croats were subjected to verbal and physical assaults, including the many men who were pulled from the columns and beaten. Many Bosnian Muslim and Bosnian Croat prisoners, both male and female, were taken to police stations, military barracks, and other detention facilities in Prijedor Municipality where some were severely abused both physically and psychologically. Many of the detainees were taken to the Omarska, Keraterm or Trnopolje camps.

33. The detention facilities were staffed and operated by military and police personnel and their agents, under the control of the Prijedor "Crisis Staff" or its successor bodies. Additionally, other Bosnian Serb police, military and civilians not directly assigned to the camps were given access thereto. In conjunction with or with the acquiescence by the camp personnel, these persons

subjected the detainees to physical maltreatment, including torture and murder, as well as psychological abuse. In none of the detention facilities were the detainees afforded judicial process. They were detained and subjected to abuse primarily because of their national, ethnic, political or religious identity.

34. From as early as 11 September 1991 until 30 September 1992, **Milomir STAKIC**, in concert with other members or supporters of the SDS, planned, organised, co-ordinated, assisted or otherwise aided and abetted in the planning and preparation of a campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality through a campaign of persecutions. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC**, with other members of the "Crisis Staff" or its successor bodies ordered, instigated, and implemented, or otherwise aided and abetted in the execution of this campaign in Prijedor Municipality. As a part of this campaign the acts described in paragraphs 29-33 were committed against members of the Bosnian Muslim and Bosnian Croat populations because of their political, racial or religious identity.

35. Between 30 April 1992 and 30 September 1992, **Milomir STAKIC** knew or had reason to know that Serbian forces under the control of the "Crisis Staff" or its successor bodies were committing the acts described in paragraphs 29-33, above, or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in this conduct, Milomir STAKIC committed:

Count 6: persecutions on political, racial, or religious grounds, a crime against humanity, punishable under Articles 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 7-9
(TORTURE; CRUEL TREATMENT)

36. The Prosecutor re-alleges and incorporates by reference paragraphs 1-13, 29-33 *supra*, and 57-73, *infra*, in Counts 7-9.

37. Many of the Bosnian Muslim and Bosnian Croat residents who survived the attacks on the villages were arrested by the Serbian forces, forced to march in columns to assembly points, and taken to one of the detention camps established by order of the "Crisis Staff". During the arrest and transfer process, the Bosnian Muslims and Bosnian Croats were subjected to verbal and physical assaults, including many men who were pulled from the columns and beaten or shot. A number of both male and female Bosnian Muslim and Bosnian Croat prisoners were taken to the police station and military barracks in Prijedor before being taken to one of the detention facilities. While at the police station and military barracks some of the detainees were severely maltreated both physically and psychologically. The majority of the Bosnian Muslims and Bosnian Croats arrested by the Bosnian Serb forces were eventually taken to the Omarska, Keraterm or Trnopolje camps.

38. In the camps and other detention facilities, the detainees were subjected to inhumane conditions, torture and other forms of physical violence, constant humiliation, degradation and fear of death on a daily basis. The detention facilities were staffed and operated by military and police personnel and their agents, under the direct control of the Prijedor "Crisis Staff" or its successor bodies.

39. From as early as 11 September 1991 until 30 September 1992, **Milomir STAKIC**, in concert with other members or supporters of the SDS, planned, organised, co-ordinated, assisted or

otherwise aided and abetted in the planning and preparation of a campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality through a campaign of persecutions, including, *inter alia*, the commission of the acts described in paragraphs 37-38. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC**, with other members of the "Crisis Staff" or its successor bodies ordered, instigated, and implemented, or otherwise aided and abetted in the execution of this campaign in Prijedor Municipality. As a part of this campaign, the Bosnian Muslim and Bosnian Croat populations were intentionally subjected to inhumane conditions, torture and other forms of physical violence, constant humiliation, degradation and fear of death on a daily basis by military and police personnel and their agents, who were under the control of the Prijedor "Crisis Staff" or its successor bodies. The "Crisis Staff" or its successor bodies, including **Milomir STAKIC**, initiated, ordered, co-ordinated, assisted, and otherwise aided and abetted in the commission of those acts.

40. Between 30 April 1992 and 30 September 1992, **Milomir STAKIC** knew or had reason to know that Bosnian Serb forces under the control of the "Crisis Staff" or its successor bodies were committing the acts described in paragraphs 37-38, above, or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in this conduct, Milomir STAKIC committed:

Count 7: torture, a crime against humanity, punishable under Articles 5(f), and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 8: cruel treatment, a violation of the laws or customs of war, as recognized 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; and,

Count 9: torture, a violation of the laws or customs of war, as recognized 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 10-11
(DEPORTATION, INHUMANE ACTS)

41. The Prosecutor re-alleges and incorporates by reference paragraphs 1-13, 29-33, *supra*, and 57-73, *infra*, in Counts 10-11.

42. In early June 1992, there began a series of mass forced transfers of the Bosnian Muslim and Bosnian Croat populations of Prijedor to areas in Bosnia and Herzegovina under the control of the Government of Bosnia and Herzegovina, and to Croatia. The forced transfers and deportations were directly and indirectly organised by the Prijedor police and other municipal organs operating at the direction of the "Crisis Staff" or its successor bodies. The majority of the Bosnian Muslims and Bosnian Croats had to sign documents stating that they were turning over their property to the Bosnian Serb "republic" prior to being forcibly transferred. The forced transfers and deportations continued through September 1992, and resulted in the expulsion of most Bosnian Muslims and Bosnian Croats.

43. From as early as 11 September 1991 until 30 September 1992, **Milomir STAKIC**, in concert with other members or supporters of the SDS, planned, organised, co-ordinated, assisted or otherwise aided and abetted in the planning and preparation of a campaign to permanently remove

the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality through a campaign of persecutions including, among other things, the commission of the acts described in paragraph 42. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC**, with other members of the "Crisis Staff" or its successor bodies ordered, instigated, and implemented, or otherwise aided and abetted in the execution of this campaign in Prijedor Municipality. As a part of this campaign the Bosnian Muslim and Bosnian Croat populations were forcibly transferred and deported from Prijedor Municipality. Further, the "Crisis Staff" or its successor bodies, including **Milomir STAKIC** initiated, ordered, co-ordinated, assisted, and otherwise aided and abetted in the commission of the acts described in paragraph 42, above.

44. Between 30 April 1992 and 30 September 1992, **Milomir STAKIC** knew or had reason to know that Bosnian Serb forces under the control of the "Crisis Staff" or its successor bodies were committing the acts described in paragraph 42, above, or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in this conduct, Milomir STAKIC committed:

Count 10: deportation, a crime against humanity, punishable under Articles 5(d), and 7 (1) and 7(3) of the Statute of the Tribunal; and,

Count 11: inhumane acts (forcible transfer), a crime against humanity, punishable under Articles 5(i), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 12-14

(WANTON DESTRUCTION OR DEVASTATION OF CITIES, TOWNS OR VILLAGES; DESTRUCTION OR WILFUL DAMAGE TO INSTITUTIONS DEDICATED TO RELIGION; PLUNDER OF PUBLIC OR PRIVATE PROPERTY)

45. The Prosecutor re-alleges and incorporates by reference paragraphs 1-13, 29-33, *supra*, and 57-73, *infra*, in Counts 12-14.

46. During and after the attacks on areas of Prijedor Municipality inhabited principally by Bosnian Muslims and Bosnian Croats, the Serbian forces under the control of the Prijedor "Crisis Staff" or its successor bodies systematically looted and destroyed Bosnian Muslim and Bosnian Croat villages and property, including homes, businesses, mosques and churches. The destruction was extensive, and in places only portions of buildings and rubble remained. Most of the mosques in the towns of Prijedor and Kozarac were destroyed. There was no significant resistance to these attacks by the Bosnian Muslim and Bosnian Croat populations. The following were among the non-Serbian institutions dedicated to religion which were damaged or destroyed in the Prijedor Municipality between 30 April and 30 September 1992:

- the mosque in Hambarine on or about 24 May 1992;
- the "Mutnik" mosque in Kozarac in late May or early June 1992;
- the mosque in Kozarusa in late May 1992;
- the "Carsijska" or town mosque in Prijedor on or about 30 May 1992;
- the mosque in the Stari Grad section of Prijedor between 30 May and 20 June 1992;
- the mosque in Kamicani in June 1992;
- the mosque in Donja Ljubija in May 1992;
- the mosque in Biscani on or about 20 July 1992;
- the Catholic church in Brisevo on or about 29 July 1992;
- the Catholic church in Prijedor on or about 28 August 1992;

- the mosque in Puharska section of Prijedor on or about 28 August 1992.

47. From as early as 11 September 1991 until 30 September 1992, **Milomir STAKIC**, in concert with other members or supporters of the SDS, planned, organised, co-ordinated, assisted or otherwise aided and abetted in the planning and preparation of a campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor Municipality through a campaign of persecutions including, *inter alia*, the commission of the acts described in paragraph 46. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC**, with other members of the "Crisis Staff" or its successor bodies ordered, instigated, and implemented, or otherwise aided and abetted in the execution of this campaign in Prijedor Municipality. As a part of this campaign the villages and property of the Bosnian Muslim and Bosnian Croat populations were intentionally and wantonly looted and destroyed.

48. Between 30 April 1992 and 30 September 1992, **Milomir STAKIC** knew or had reason to know that Bosnian Serb forces under the control of the "Crisis Staff" or its successor bodies were committing the acts described in paragraph 46 above, or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in this conduct, Milomir STAKIC committed:

Count 12: wanton destruction of cities, towns or villages, or devastation not justified by military necessity, a violation of the laws or customs of war, punishable under Articles 3(b), and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 13: destruction or wilful damage done to institutions dedicated to religion, a violation of the laws or customs of war, punishable under Articles 3(d), and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 14: plunder of public or private property, a violation of the laws or customs of war, punishable under Articles 3(e), and 7(1) and 7(3) of the Statute of the Tribunal.

CRIMINAL RESPONSIBILITY OF THE ACCUSED MILOMIR STAKIC:

49. The criminal responsibility of the accused **Milomir STAKIC** is based on his authority, either *de jure* or *de facto*, and his conduct between 11 September 1991 and 30 September 1992, as a leader in the Prijedor SDS, the "Assembly of the Serbian People of Prijedor Municipality", the Prijedor municipal "Crisis Staff" or its successor bodies, the Prijedor "Municipal Assembly" and other bodies established or taken over by Prijedor SDS. His criminal responsibility under Article 7(1) of the Statute is based on his function as an SDS leader in the municipal "Crisis Staff", later "War Presidency", in Prijedor, the municipal "Council for National Defence" in Prijedor, the Prijedor "Municipal Assembly", and in SDS Prijedor. His criminal responsibility under Article 7(3) of the Statute is based on his function as "President" of the SDS municipal "Crisis Staff", later "War Presidency", as well as the municipal "Council for National Defence" and the "Municipal Assembly" in Prijedor.

50. During 1991 and 1992, **Milomir STAKIC** was a leader of Prijedor SDS. In the period 30 April to 30 September 1992, **Milomir STAKIC** served as the "President" of a municipal "Crisis Staff", later "War Presidency", a municipal "Council for National Defence", an "Assembly of the Serbian People of Prijedor Municipality", and from 30 April 1992 through at least 30 September 1992, the "Municipal Assembly".

51. The SDS municipal "Crisis Staff" in Prijedor was created to exercise executive and legislative power in the Serbian-controlled municipality of Prijedor following the takeover. The formation of this "Crisis Staff" was formally announced by the Prijedor "Municipal Assembly" in May 1992, which designated **Milomir STAKIC** as "President" of the "Crisis Staff". The decision provided that the powers of this "Crisis Staff" included co-ordination of the functions of government, defence of the territory of the municipality, ensuring the safety of the population and property, and organising "all other aspects of life and work". On 18 May 1992, the "ARK Crisis Staff" declared that "crisis staffs" were the highest organs of authority in the municipalities.

52. The Prijedor "Crisis Staff" or its successor bodies, therefore, assumed authority over local armed forces involved in the attacks on locations in Prijedor Municipality inhabited principally by Bosnian Muslims and Bosnian Croats; the arrest and detention of non-Serbs, principally Bosnian Muslims and Bosnian Croats, in Prijedor; the establishment and operation of detention facilities in Prijedor; the deportation or forced transfer of non-Serbs, principally Bosnian Muslims and Bosnian Croats, out of Prijedor Municipality; and over local officials who could investigate, arrest and prosecute persons.

53. Among its actions, the Prijedor "Crisis Staff" or successor bodies over which **Milomir STAKIC** presided, either *de jure* or *de facto*, took control over media in Prijedor and advanced a discriminatory campaign against non-Serbs; ordered mobilisation of conscripts; established detention facilities; prohibited the release of detainees; prohibited the return of detainees to Prijedor; ordered essential supplies to the army and police; issued orders to the military police and Public Security Station in Prijedor; ordered termination of the public-sector and private-sector employment of the detainees; and established and tasked local "crisis staffs" within Prijedor Municipality to, *inter alia*, maintain effective defence and secure all prerequisites essential for successful armed combat, control the security of the territory, co-ordinate the actions of the military and police, and report to the Prijedor municipal "Crisis Staff" or its successor bodies, and keep it informed. The Prijedor "Crisis Staff" or its successor bodies acted as a body, and included military, police and territorial defence leaders among its members. The "President" signed its decisions and orders.

54. **Milomir STAKIC** knew or had reason to know that crimes committed by armed forces under the control of the Prijedor "Crisis Staff" or its successor bodies were about to be committed or had been committed, and failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

55. In Bosnia and Herzegovina, a municipal council for national defence was responsible, *inter alia*, for planning, preparation, and conduct of the defence of the municipalities, under the guidance of the municipal assembly. **Milomir STAKIC** was "President" of the "Municipal Council for National Defence" in the Prijedor Municipality.

56. As regards the criminal responsibility of the accused **Milomir STAKIC** under Article 7(1), he participated in a joint criminal enterprise, in his roles as set out above.

(a) The initial common purpose of this criminal enterprise was the permanent forcible removal of the majority of non-Serbian, principally Bosnian Muslim and Bosnian Croat, inhabitants from Prijedor Municipality, by the commission of the crimes alleged in this Second Amended Indictment, involving a campaign of persecutions against non-Serbs in Prijedor Municipality, which was designated as part of a new Serbian state. The criminal enterprise came into existence prior to the declaration of the "Assembly of the Serbian People of Prijedor Municipality" of 17 January 1992 on the "joining" of "Serbian territories in Prijedor Municipality" with the "ARK". From about 22 May

1992, the campaign escalated to include the destruction, in part, of the Bosnian Muslims and Bosnian Croats in Prijedor, as such, in particular their leadership. The enterprise existed at least until 30 September 1992.

(b) In the positions which **Milomir STAKIC** occupied, first in Prijedor Municipality and Prijedor SDS, then in the "Assembly of the Serbian People of Prijedor Municipality" and other bodies established by Prijedor SDS, he played a leading role in this campaign in concert with other Bosnian Serb leaders in Prijedor. **Milomir STAKIC** and the other participants in the joint criminal enterprise each shared the state of mind required for the commission of each of the crimes charged in this Second Amended Indictment.

(c) If any of the crimes charged in this Second Amended Indictment were not part of the common purpose described above, they were natural and foreseeable consequences of the execution of the common purpose. **Milomir STAKIC** was aware that these crimes were possible consequences of the execution of this common purpose.

(d) Despite his awareness of the possible consequences, **Milomir STAKIC** knowingly and wilfully participated in the joint criminal enterprise. On this basis, he bears individual criminal responsibility for these crimes under Article 7(1) in addition to his responsibility under the same Article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation, or execution of these crimes.

GENERAL ALLEGATIONS:

57. All conduct charged under Article 5 in this Second Amended Indictment was part of a widespread or systematic attack directed against the non-Serbian, principally Bosnian Muslim and Bosnian Croat, civilian population of Prijedor Municipality.

58. At all times relevant to charges under Articles 3 and 5 in this Second Amended Indictment, there existed an armed conflict in Prijedor Municipality.

59. At all times relevant to charges under Article 3 in this Second Amended Indictment, the accused **Milomir STAKIC** was required to abide by the laws and customs governing the conduct of armed conflicts.

60. In each count charging torture in this Second Amended Indictment, 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; or for any reason based upon discrimination of any kind.

61. The accused **Milomir STAKIC** had the requisite mental state for the offences charged in this Second Amended Indictment.

62. The accused **Milomir STAKIC** is individually responsible for the crimes alleged against him in this Second Amended Indictment, pursuant to Article 7(1). Individual criminal responsibility includes planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 3, 4 and 5.

63. The accused **Milomir STAKIC**, while holding the positions of superior authority set out in the foregoing paragraphs, is also criminally responsible for the conduct of his subordinates, pursuant to Article 7(3). A superior is responsible for the conduct of his subordinate(s) if he knew or had reason to know that his subordinate(s) were about to commit such conduct or had done so and the superior failed to take the necessary and reasonable measures to prevent such conduct or to punish the perpetrators thereof.

ADDITIONAL FACTUAL ALLEGATIONS:

64. Prijedor Municipality is located in northwestern Bosnia and Herzegovina. According to the 1991 census, it had a total population of approximately 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.

65. In November 1990, democratic elections were held throughout Bosnia and Herzegovina, including Prijedor Municipality. There were three main parties, each of which was identified with one of the three principal population groups. The SDA was identified, in the main, as the Bosnian Muslim national party. The SDS was identified as the principal Serbian national party. The Croatian Democratic Union (HDZ) was identified as the Croatian national party. The SDA won the largest number of seats in the Republic Assembly followed, in decreasing order, by the SDS, the HDZ, and then the remaining parties. In Prijedor Municipality, of the 90 seats in the Municipal Assembly, the SDA won 30 seats, the SDS 28 seats, the HDZ 2 seats, with 30 seats split among other parties.

66. By the time of the 1990 elections, it appeared possible that Slovenia and Croatia might declare their independence from the Socialist Federal Republic of Yugoslavia (SFRY). Over the course of 1991, it came to appear possible that Bosnia and Herzegovina would also declare independence against the wishes of the SDS. The 1990 election results meant that the SDS would be unable through democratic means to prevent the secession of Bosnia and Herzegovina from the SFRY. SDS leaders, however, declared that the Serbs of Bosnia and Herzegovina could not be compelled to leave Yugoslavia. As a result, certain areas of Bosnia and Herzegovina with a relative majority of Serbian population began to organise themselves into formal regional structures known as "associations of municipalities". Among these was the "Association of Bosnian Krajina Municipalities", centred in Banja Luka, which was established on 25 April 1991.

67. Following the declarations of independence of Slovenia and Croatia on 25 June 1991, it appeared increasingly likely that Bosnia and Herzegovina would also declare its independence. The SDS therefore accelerated the creation of a separate Serbian entity within Bosnia and Herzegovina. In the summer and fall of 1991, the Serbian-dominated "associations of municipalities" were transformed into four "Serbian autonomous districts" and one "Serbian autonomous region". On 16 September 1991, the "Association of Bosnian Krajina Municipalities" was transformed into the "Autonomous Region of Krajina" ("ARK"). Although Prijedor Municipality did not join the "ARK", on 17 January 1992 the "Assembly of the Serbian People of Prijedor Municipality" declared that it "joined" the "Serbian territories in Prijedor Municipality" with the "ARK". In Prijedor Municipality, similar to other municipalities in which Serbs did not represent a relative majority of the population, a separate parallel "Assembly of the Serbian People of Prijedor Municipality" was established, pursuant to an "Instruction for the Organisation and Activity of the Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances" issued by the SDS Main Board on 19 December 1991. The first session of this "Assembly" was scheduled for 7 January 1992.

68. The 19 December 1991 "Instruction" provided a blueprint for SDS take-overs in such

municipalities. One element of this blueprint was the establishment of SDS "crisis staffs" for each municipality. The structure of a Prijedor "Crisis Staff" was set out on 27 December 1991.

69. A separate "Assembly of the Serbian People in Bosnia and Herzegovina" was established on 24 October 1991, dominated by the SDS. On 9 January 1992, that "Assembly" adopted a "Declaration on the Proclamation of the Serbian Republic of Bosnia and Herzegovina". The territory of that "republic" was declared to include "the territories of the Serbian Autonomous Regions and Districts and of other Serbian ethnic entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War Two...", and it was declared to be a part of the federal Yugoslav state. On 12 August 1992, the name of this "Serbian Republic of Bosnia and Herzegovina" was changed to "Republika Srpska".

70. SDS leaders viewed the significant Bosnian Muslim and Bosnian Croat populations that lived in the areas being claimed to be "Serbian territories" as a major impediment to the creation of that "republic". Thus the creation of the "republic" and the securing of its borders ultimately involved the permanent removal of nearly all of the Bosnian Muslims and Bosnian Croats.

71. Toward that end, the SDS leaders in Prijedor Municipality and elsewhere promoted and disseminated propaganda that portrayed the Bosnian Muslims and Bosnian Croats as fanatics intending to commit genocide on the Serbian people in order to gain control of Bosnia and Herzegovina. The purpose of this propaganda was to create support for the SDS program amongst the Bosnian Serbs and a willingness on their part to commit crimes against their neighbours under the banner of defending the Serbian people.

72. The SDS "crisis staffs" were modeled on similar entities which had existed as part of the defence system of the SFRY and which were designed to take over the functions of municipal and other assemblies in time of war or emergency if they were unable to function. SDS "crisis staffs" were created at both the regional and municipal levels as the bodies that would be responsible for the co-ordination and execution of most of the operational phase of the plan to remove non-Serbs, principally Bosnian Muslims and Bosnian Croats, and assume authority over the regions and municipalities. On 18 May 1992, the "ARK Crisis Staff" declared that "crisis staffs" in the municipalities were the highest organs of authority there. On 26 May 1992, the "ARK Crisis Staff" declared itself the highest organ of authority in the "ARK" and stated that its decisions were binding for all "crisis staffs" in the municipalities.

73. On 31 May and 10 June 1992, by a Decision of the "Presidency" of the "Serbian Republic of Bosnia and Herzegovina", the SDS municipal "crisis staffs" were re-designated as "war presidencies" and then as "war commissions". The "war presidencies"/"war commissions" essentially maintained the same structure and authority as the "crisis staffs," and were still commonly referred to as "crisis staffs".

Carla Del Ponte
Prosecutor

Dated this 31st day of August 2001
At The Hague
The Netherlands