

THE INTERNATIONAL CRIMINAL TRIBUNAL

FOR THE FORMER YUGOSLAVIA

CASE NO: IT-02-65

THE PROSECUTOR

OF THE TRIBUNAL

AGAINST

ZELJKO MEAKIC

MOMCILO GRUBAN

DUSAN FUSTAR

PREDRAG BANOVIC

DUSKO KNEZEVIC

CONSOLIDATED INDICTMENT

(OMARSKA AND KERATERM CAMPS)

to further amend the

Amended Indictment (Case no IT-95-4-I) dated 18 July 2001;

Second Amended Indictment (Case no IT-95-8-PT) dated 3 January 2001.

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:

ZELJKO MEAKIC

MOMCILO GRUBAN

DUSAN FUSTAR

PREDRAG BANOVIĆ

DUSKO KNEZEVIĆ

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

THE ACCUSED

1. **Zeljko MEAKIC, also known by the last name of "Meagic" and "Mejagic"**, was born on 2 August 1964 in Petrov Gaj, Prijedor Municipality, Bosnia and Herzegovina. He was a police officer and the Commander of the Omarska Police Station prior to the conflict. He was the Commander of the Omarska Camp.
2. **Momcilo GRUBAN, also known as "Ckalja", "Momo" and "Momir"**, was born on 19 June 1961 in the village of Maricka, Prijedor Municipality, Bosnia and Herzegovina. Prior to the conflict he was a reserve policeman who had been called to perform full time duty at the Omarska camp. He was a guard shift commander at the Omarska camp who supervised one of the three shifts of guards that operated within the camp.
3. **Dusan FUSTAR**, was born on 29 June 1954 in Prijedor, Bosnia and Herzegovina. Prior to the conflict he worked as a mechanic at Autotransport Prijedor. He was a guard shift commander at the Keraterm camp who supervised one of the three shifts of guards that operated within the camp.
4. **Predrag BANOVIĆ, also known as "Cupo"**, was born on 28 October 1969 in Prijedor, Bosnia and Herzegovina. Prior to the conflict he worked as a waiter. He regularly performed duties as a guard at the Keraterm camp.
5. **Dusko KNEZEVIĆ also known as "Duca" and "Dusan"**, was born on 17 June 1967 in Orlovci, Prijedor municipality, Bosnia and Herzegovina. Prior to the conflict he worked as a waiter. He did not appear to hold an official position in either the Keraterm or the Omarska camp, but he had sufficient authority to be able to enter and leave the camps at will.

GENERAL ALLEGATIONS

6. At all times relevant to this Indictment, a state of armed conflict existed in the Republic of

Bosnia and Herzegovina.

7. All acts and omissions charged as Crimes Against Humanity, were part of a widespread or systematic attack directed against a civilian population, specifically the Bosnian Muslim, Bosnian Croat or other non Serb civilian populations of the Prijedor municipality.
8. **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC and Dusko KNEZEVIC** were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

STATEMENT OF FACTS

9. The municipality (opstina) of Prijedor is located in northwestern Bosnia and Herzegovina. According to the 1991 census, it had a total population of 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.
10. During the early morning hours of 30 April 1992, Bosnian Serb police and army forces seized physical control of the town of Prijedor. The take-over initiated a series of events organised and directed first by the Crisis Staff and later by the Serbian Municipal Assembly. By the end of 1992, these events would result in the death or forced departure of most of the non-Serb population of Prijedor Municipality.
11. Following the forcible take-over 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 the army of the Serbian Republic (VRS), paramilitary, territorial defence, police units and civilians armed by these 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.
12. Between May and August 1992, Bosnian Serb authorities in the Prijedor municipality unlawfully segregated, detained and confined more than 7,000 Bosnian Muslims, Bosnian Croats and other non-Serbs from the Prijedor area in the Keraterm, Omarska and Trnopolje camps.
13. The Omarska camp was located in a former mining complex in the village of Omarska, approximately 20-25 kilometres from the town of Prijedor. The detainees included military-aged males and political, economic, social, and intellectual leaders of the Bosnian Muslim and Bosnian Croat population. There were about 37 women detained in the camp.
14. The Keraterm camp was located on the site of a ceramics factory located on the "new" Prijedor-Banja Luka road, just outside the centre of the town of Prijedor. At the Keraterm camp, the majority of the detainees were military-aged males.
15. Interrogations were conducted on a daily basis at the Omarska and Keraterm camps. The

interrogations were frequently accompanied by beatings. Severe beatings, killings as well as other forms of physical and psychological abuse, including sexual assault, were commonplace at the Omarska and Keraterm camps. The camp guards and frequent visitors who came to the camps used all types of weapons and instruments to beat and otherwise physically abuse the detainees. In particular, Bosnian Muslim and Bosnian Croat political and civic leaders, intellectuals, the wealthy, and non-Serbs who were considered as extremists or to have resisted the Bosnian Serbs were especially subjected to beatings and mistreatment which often resulted in death. At a minimum, hundreds of detainees, whose identities are known and unknown, did not survive.

16. In addition, Omarska and Keraterm camps also operated in a manner designed to discriminate and subjugate the non-Serbs by inhumane acts and cruel treatment. These acts included the brutal living conditions imposed on the prisoners. There was a deliberate policy of overcrowding and lack of basic necessities of life, including inadequate food, polluted water, insufficient or non-existent medical care and unhygienic and cramped conditions. The prisoners all suffered serious psychological and physical deterioration and were in a state of constant fear.
17. After the existence of the Omarska and Keraterm camps became known to the international community, the Bosnian Serb authorities closed the two camps in August 1992, and transferred survivors to remaining facilities, including Trnopolje camp, in Prijedor Municipality and to Manjaca camp in the Banja Luka Municipality. From those facilities, almost all of the survivors were eventually forcibly transferred or deported from the area.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute of the Tribunal

18. **Zeljko MEAKIC, MOMCILO GRUBAN, Dusan FUSTAR, Predrag BANOVIC and Dusko KNEZEVIC**, are individually criminally responsible pursuant to Article 7(1) of the Statute of the Tribunal for the crimes referred to in Articles 3 and 5 of the Statute of the Tribunal as alleged in this Indictment, which crimes they planned, instigated, ordered, committed or in whose planning, preparation, or execution they otherwise aided and abetted. By using the word "committed" in the Indictment, the Prosecutor also includes acts that the accused allegedly committed, by participating in a joint criminal enterprise as co-perpetrators and/or aiders and abettors.
19. The Prijedor Crisis Staff set up the Omarska and Keraterm camps in order to carry out a part of the overall objective of the joint criminal enterprise of the Bosnian Serb leadership, namely the permanent forcible removal of Bosnian Muslim, Bosnian Croat or other non-Serb inhabitants from the territory of the planned Serbian State in Bosnia and Herzegovina through the commission of crimes, including those alleged in Counts 1 to 5 of the Indictment. In furtherance of this objective, between 24 May 1992 and 30 August 1992, the Keraterm and Omarska camps were operated in a manner designed to ill-treat and persecute non-Serbs from Prijedor and other areas as a means to rid the territory of or to subjugate non-Serbs. The participation of the accused in the joint criminal enterprise was limited to their activities within the two camps.
20. The crimes enumerated in all the counts of this Indictment were within the object of the

joint criminal enterprise which operated within the Keraterm and Omarska camps and **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** each had the state of mind necessary for the commission of each of these crimes. Alternatively, such crimes as were not within the object of the joint criminal enterprise, were the natural and foreseeable consequence of the execution of the joint criminal enterprise and each of the accused were aware that these crimes were the possible consequence of the execution of the joint criminal enterprise.

21. Numerous individuals, including Miroslav Kvočka, Milojica Kos, Mlado Radic, Zoran Zigic, Dragoljub Prcac, Dusko Sikirica, Damir Dosen and Dragan Kolundzija, participated in the joint criminal enterprise within the Omarska and Keraterm camps. These participants, with the knowledge and intention to further the system of ill-treatment and persecution and by the authority they exercised within the camps, contributed in sustaining and furthering the objective of the joint criminal enterprise. In particular;
 - (a) Within the Omarska camp, **Zeljko MEAKIC, Momcilo GRUBAN and Dusko KNEZEVIC** are not only liable for the acts and/or omissions they committed, but are also liable for the acts and/or omissions of each other and other participants, more fully pleaded within **Schedules A, B and E** to the Indictment and Paragraphs 15, 16, 24 to 26, 29, 31 and 33 of the Indictment.
 - (b) Within the Keraterm camp, **Dusan FUSTAR, Predrag BANOVIC and Dusko KNEZEVIC** are not only liable for the acts and/or omissions they committed, but are also liable for the acts and/or omissions of each other and other participants, more fully pleaded within **Schedules C, D and F** to the Indictment and Paragraphs 15, 16, 25, 26, 29, 31 and 33 of the Indictment.
22. Despite their awareness of the possible consequences, **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** knowingly and wilfully participated in the joint criminal enterprise. On this basis, they bear individual responsibility under Article 7(1) of the Statute of the Tribunal, in addition to their responsibility under the same article for having planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the crimes pleaded within the Indictment.

Article 7(3) of the Statute of the Tribunal

23. **Zeljko MEAKIC, Momcilo GRUBAN and Dusan FUSTAR**, while holding positions of superior authority, are also individually criminally responsible for the acts or omissions of their subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is responsible for the criminal acts of his subordinates, if he knew or had reason to know that his subordinates were about to commit such acts, or had done so, and the superior failed to take necessary and reasonable measures to prevent such acts or to punish the subordinates.
24. **Zeljko MEAKIC** in his position of camp commander of the Omarska camp, had effective control over the guard shift commanders, camp guards, and other persons working within or frequently visiting the Omarska camp.
25. **Momcilo GRUBAN** in his position as a guard shift commander in the Omarska camp and **Dusan FUSTAR** in his position as a guard shift commander in the Keraterm camp; had

effective control over camp guards and other persons working within or frequently visiting the respective camps.

26. In addition, **Zeljko MEAKIC**, **Momcilo GRUBAN** and **Dusan FUSTAR** had the authority and duty to alter the conditions of confinement that existed in the Omarska or Keraterm camps during the times they were on duty and in command. They had the authority and duty to control the conduct of the guard shift commanders and/or guards assigned to their shifts and to prevent or control the conduct of persons working within or frequently visiting the respective camps. They had the authority and duty to grant the prisoners more freedoms and rights within the camp, including access to potable water, reasonable living conditions and hygienic standards, and contact with their families or friends to receive clothing, hygienic supplies, food and medicines.
27. **Zeljko MEAKIC**, **Momcilo GRUBAN** and **Dusan FUSTAR** knew or had reason to know that all crimes alleged within the Indictment were about to be committed or had been committed by their subordinates and they failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. Each accused is therefore individually criminally responsible under Article 7(3) of the Statute of the Tribunal.

THE CHARGES

28. The facts pleaded in Paragraphs 1 to 27 of the Indictment are re-alleged within this Part of the Indictment.

COUNT 1 **(PERSECUTIONS)**

29. Between 24 May 1992 and 30 August 1992, **Zeljko MEAKIC**, **Momcilo GRUBAN**, **Dusan FUSTAR**, **Predrag BANOVIĆ** and **Dusko KNEZEVIĆ** acting individually and in concert with each other and other participants within the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Omarska and Keraterm camp, on political, racial or religious grounds. The persecutions included the:
- (a) Murder, beatings and sexual assault of Bosnian Muslims, Bosnian Croats and other non-Serbs detained in the Omarska and Keraterm camps; referred to in Paragraphs 15 and 16 of the Indictment and **Schedules A to F** attached to the Indictment;
- (b) Confinement in inhumane conditions, harassment, humiliation and psychological abuse of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Omarska and Keraterm camps; referred to in Paragraphs 15 and 16 of the Indictment.

30. By their involvement in these:

(a) Acts pursuant to Article 7(1) of the Statute of the Tribunal, **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** committed;

(b) Omissions pursuant to Article 7(3) of the Statute of the Tribunal, **Zeljko MEAKIC, Momcilo GRUBAN** and **Dusan FUSTAR** committed:

Count 1: Persecutions on political, racial or religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 2 to 3
(MURDER)

31. Between 24 May 1992 and 30 August 1992, **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** acting individually and in concert with each other and other participants within the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of murder, referred to in Paragraph 29(a) of the Indictment.

32. By their involvement in these:

(a) Acts pursuant to Article 7(1) of the Statute of the Tribunal, **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** committed;

(b) Omissions pursuant to Article 7(3) of the Statute of the Tribunal, **Zeljko MEAKIC, Momcilo GRUBAN** and **Dusan FUSTAR** committed:

Count 2: Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a), 7(1) and 7(3) of the Statute of the Tribunal;

Count 3: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal;

COUNTS 4 to 5
(INHUMANE ACTS and CRUEL TREATMENT)

33. Between 24 May 1992 and 30 August 1992, **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** acting individually and in concert with each other and other participants within the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of other inhumane acts and cruel treatment, referred to in Paragraph 29(a)(b) of the Indictment.

34. By their involvement in these:

(a) Acts pursuant to Article 7(1) of the Statute of the Tribunal, **Zeljko MEAKIC, Momcilo GRUBAN, Dusan FUSTAR, Predrag BANOVIC** and **Dusko KNEZEVIC** committed;

(b) Omissions pursuant to Article 7(3) of the Statute of the Tribunal, **Zeljko MEAKIC, Momcilo GRUBAN** and **Dusan FUSTAR** committed:

Count 4: Inhumane Acts, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i), 7(1) and 7(3) of the Statute of the Tribunal; and

Count 5: Cruel Treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

Graham Blewitt

Deputy Prosecutor

Dated this 5th day of July 2002

The Hague, The Netherlands