

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

MIROSLAV BRALO

also known as "CICKO"

INDICTMENT

Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (Tribunal Statute) alleges that:

1. On 6 March 1992, the Republic of Bosnia-Herzegovina ("BiH") declared its independence.
2. From at least 3 July 1992, the Croatian Community of Herzeg-Bosna ("HZ-HB") considered itself an independent political entity inside the Republic of Bosnia-Herzegovina.
3. From at least January 1993 through at least mid-July 1993, the HZ-BZ armed forces, known as the Croatian Defence Council ("HVO"), were engaged in an armed conflict with the armed forces of the government of the Republic of Bosnia-Herzegovina.
4. From the outset of hostilities in January 1993, the HVO attacked villages chiefly inhabited by Bosnian Muslims in the La{va River Valley region in Central Bosnia-Herzegovina. These attacks resulted in the death and wounding of numerous civilians.
5. In addition, other civilians were detained, transported from their places of residence, forced to perform manual labor, were tortured, subjected to sexual assaults, and other physical and mental abuse. Hundreds of Bosnian Muslims civilians were arrested by the HVO and taken to the locations such as the Vitez Cinema Complex and the Vitez Veterinary Station which were being used as detention facilities.
6. While imprisoned, numerous Bosnian Muslim prisoners were brought to the front lines where HVO soldiers forced them to dig protective trenches to protect HVO soldiers from being shot by BiH snipers. On several occasions Bosnian Muslim prisoners were killed and wounded while digging these protective trenches.
7. One of the locations relevant to this indictment where Bosnian Muslim prisoners were forced to dig trenches was at Kratine, a small hamlet in the Vitez municipality.

THE ACCUSED

8. MIROSLAV BRALO also known as "Cicko" was born in Kratine, Vitez on 13 October 1967, and currently lives in Nadioci. Prior to the war, he worked in the "Slobodan Princip Seljo" factory.

During all times relevant to this indictment, BRALO was a member of a special forces group within the HVO called the JOKERS (DZOKERI).

GENERAL ALLEGATIONS

9. At all times relevant to this indictment, a state of international armed conflict and partial occupation existed in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.

10. All acts or omissions set forth herein as grave breaches of the Geneva Conventions of 1949 (grave breaches) and recognised by Article 2 of the Statute of the Tribunal occurred during that armed conflict and partial occupation.

11. At all times relevant to this indictment, the victims referred to in the charges contained herein were persons protected by the Geneva Conventions of 1949.

12. At all times relevant to this indictment, the accused were required to abide by all laws or customs governing the conduct of war.

13. The accused is individually responsible for the crimes alleged against him in this indictment pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

14. The general allegations contained in Paragraphs 9 through 14 are realleged and incorporated into each of the charges set forth below.

THE CHARGES

COUNTS 1 - 2 (UNLAWFUL CONFINEMENT OF CIVILIANS)

15. Between 21 April 1993 and 10 May 1993, Miroslav BRALO in concert with other HVO soldiers arrested and confined Bosnian Muslim civilians and forced those civilians to dig trenches around the village of Kratine. At gun point, the prisoners worked under adverse weather conditions with limited food and rest. In addition, BRALO forced Muslim prisoners to practice rituals of the Catholic religion under threat of physical harm and death.

By the foregoing acts and omissions, MIROSLAV BRALO individually, and in concert with others, committed the following crimes:

COUNT 1: a GRAVE BREACH (unlawful confinement of civilians), as recognised by Article 2(g) of the Tribunal Statute; and

COUNT 2: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (outrages upon personal dignity) as recognised by Article 3 of the Tribunal Statute.

COUNTS 3 - 4 (INHUMANE AND CRUEL TREATMENT)

16. Between on 21 April 1993 and 10 May 1993, in the area of the village of Kratine, MIROSLAV BRALO individually and in concert with others did use and participated in the using of civilians as "human shields" in forcing Bosnian Muslim civilians to dig trenches on the front lines to protect HVO soldiers from gun fire by BiH snipers.

By the foregoing acts and omissions, MIROSLAV BRALO committed the following crimes:

COUNT 3: a GRAVE BREACH (inhumane treatment) as recognised by Article 2(b) of the Tribunal Statute; and

COUNT 4: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (cruel treatment) as recognised by Article 3 of the Tribunal Statute.

COUNTS 5 - 8 (TORTURE AND MURDER)

17. On a day between 21 April 1993 and 10 May 1993, in the area of the village of Kratine, Miroslav BRALO and other HVO soldiers arrested three Muslim civilians who had fled from the villages of Jelinak, Lon~ari and Travnik.

18. Pursuant to Miroslav BRALO's orders, the three Muslim men were taken into a nearby barn, were beaten and then tortured by having salt and water forced down their throats.

19. Several hours later, Miroslav BRALO and an assistant armed with rifles took the same three Muslim civilians into a wooded area and killed them.

By the foregoing acts and omissions, Miroslav BRALO individually, and in concert with others committed the following crimes:

COUNT 5: a GRAVE BREACH (wilful killing) recognised by Article 2(a) of the Tribunal Statute;

COUNT 6: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (murder) recognised by Article 3 of the Tribunal Statute;

COUNT 7: a GRAVE BREACH (torture or inhumane treatment) recognised by Articles 2(b) of the Tribunal Statute; and

COUNT 8: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR

(torture) recognised by Article 3 of the Tribunal Statute.

COUNTS 9 - 11 (TORTURE/RAPE)

20. On or about 15 May 1993, members of the Jokers took Witness A, a Bosnian Muslim woman, to their headquarters in Nadioci, a building called the "Bungalow". While there, Miroslav BRALO, in front of other soldiers, forced Witness A to remove her clothing, caressed her body with a knife, threatened to kill her and told her that all the men who were present in the room would rape her.

Then, BRALO forced Witness A to dance naked.

21. Miroslav BRALO next proceeded to rape Witness A by forcing her to perform oral sex and to swallow his sperm and urine. BRALO forced Witness A to have sexual intercourse with him, both vaginally and anally. Miroslav BRALO penetrated Witness A's mouth, vagina and anus with his penis. During these incidents Miroslav BRALO bit Witness A about the body including on her nipples. Miroslav BRALO forced Witness A to commit these acts with him several times. During these rapes, Miroslav BRALO rubbed his knife on Witness A's body and put his revolver in her mouth and against her forehead.

By the foregoing acts and omissions, Miroslav BRALO committed the following crimes:

COUNT 9: a GRAVE BREACH (torture or inhumane treatment) recognised by Articles 2(b) of the Tribunal Statute;

COUNT 10: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (torture) recognised by Article 3 of the Tribunal Statute; and

COUNT 11: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (outrages upon personal dignity including rape) recognised by Article 3 of the Tribunal Statute.

COUNTS 12 - 14
(TORTURE/RAPE)

22. On or about 15 May 1993, shortly after the events described in paragraphs 18 and 19, at the Jokers Headquarters in Nadioci (the "Bungalow"), Anto FURUND@IJA, the local commander of the Jokers, Miroslav BRALO and another soldier interrogated Witness A. While being questioned by Anto FURUND@IJA, Miroslav BRALO rubbed his knife against Witness A's inner thigh and lower stomach, and threatened to put his knife inside Witness A's vagina should she not tell the truth.

23. Then Witness A and Victim B, a Bosnian Croat who had previously assisted Witness A's family, were taken to another room in the "Bungalow". Victim B had been badly beaten prior to this time. While FURUND@IJA continued to interrogate Witness A and Victim B, Miroslav BRALO beat Witness A and Victim B on the feet with a baton. Then Miroslav BRALO forced Witness A to have oral and vaginal sexual intercourse with him. Anto FURUND@IJA was present during this entire incident and did nothing to stop or curtail Miroslav BRALO's actions.

By the foregoing acts and omissions, Miroslav BRALO committed the following crimes:

COUNT 12: a GRAVE BREACH (torture or inhumane treatment) recognised by Article 2(b) of the Tribunal Statute;

COUNT 13: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR

(torture) recognised by Article 3 of the Tribunal Statute.

COUNT 14: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (outrages upon personal dignity including rape) recognized by Article 3 of the Tribunal Statute.

COUNTS 15 - 17
(TORTURE/RAPE)

24. On or about 16 May 1993, Witness A was taken from the "Bungalow" to Accused B weekend house in the Nadioci area. While there approximately ten HVO soldiers, who were members of the Jokers, arrived. Miroslav BRALO, Accused B and another soldier forced Witness A to have sexual intercourse with them. Soldiers watched from the window as Accused B had forcible sexual intercourse with Witness A.

By the foregoing acts and omissions, Miroslav BRALO committed the following crimes:

COUNT 15: a GRAVE BREACH (torture or inhumane treatment) recognised by Article 2(b) of the Tribunal Statute; and

COUNT 16: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (torture) recognised by Article 3 of the Tribunal Statute; and

COUNT 17: a VIOLATION OF THE LAWS AND CUSTOMS OF WAR (outrages upon personal dignity including rape) recognised by Article 3 of the Tribunal Statute.

COUNTS 18 - 21
(TORTURE/RAPE, UNLAWFUL CONFINEMENT)

25. Around mid-June 1993, Witness A attempted to escape from Accused B weekend house. Witness A ran to a nearby house and hid in the shed. Witness A was caught by the owner and Miroslav BRALO. The owner threatened that she would be killed that night. Later that night, Miroslav BRALO returned to the same house and had forcible oral, vaginal and anal sexual intercourse with Witness A. Miroslav BRALO forced Witness A to lick his penis clean after he had raped her anally. Witness A was so physically injured that she could hardly walk the following day.

By the foregoing acts and omissions Miroslav BRALO committed the following crimes:

COUNT 18: a GRAVE BREACH (torture or inhumane treatment) recognised by Article 2(b) of the Tribunal Statute;

COUNT 19: a GRAVE BREACH (unlawful confinement) recognised by Article 2(g) of the Tribunal Statute;

COUNT 20: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (torture) recognised by Article 3 of the Tribunal Statute; and

COUNT 21: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (outrages upon personal dignity including rape) recognised by Article 3 of the Tribunal Statute.

The Netherlands

Richard J. Goldstone
Prosecutor