

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

IT-95-10-PT
0884-0874
20 OCTOBER 1998

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SF

Case No. IT-95-10-PT

THE PROSECUTOR

AGAINST

GORAN JELISIĆ,
also known as Adolf
RANKO ČEŠIĆ

SECOND AMENDED INDICTMENT

Louise Arbour, 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 ("Tribunal Statute"), charges:

1. Beginning on about 30 April 1992, Serb forces from Bosnia and elsewhere in the former Yugoslavia fought to obtain control of Brčko, a town and municipality in the Republic of Bosnia and Herzegovina in the former Yugoslavia. Serb forces forcibly expelled Croat and Muslim residents from their homes, and, with the assistance of local Serb authorities, held them at collection centres, where many were killed, beaten and otherwise mistreated. Many of the women, children and elderly were confined at the nearby village of Brezovo Polje. Most of the men of military age, and a few women, were taken to Luka camp.

2. From about 7 May 1992 until early July 1992, Serb forces confined hundreds of Muslim and Croat men, and a few women, at Luka camp in inhumane conditions and under armed guard. From about 7 May 1992 until about 21 May 1992, detainees were systematically killed at Luka. Almost every day during that time, the accused, often assisted by camp guards, entered Luka's main hangar where most detainees were kept, selected detainees for interrogation, beat them and then often shot and killed them.

3. The accused, often assisted by camp guards, usually shot detainees at close range in the head or back. Often, the accused and camp guards forced the detainees who were to be shot to put their heads on a metal grate that drained into the Sava River, so that there would be minimal clean-up after the shootings. The accused and guards then ordered other detainees to move the bodies to one of two disposal areas where the bodies were piled until they were later loaded on trucks and taken to mass graves outside the town of Brčko or disposed of in other ways.

4. From about 21 May 1992 until early July 1992, the detainees were subjected to beatings and, less frequently than before, killings.

5. In early July 1992, the surviving Luka detainees were transferred to another detention camp at Batković.

6. During the time Luka camp operated, the Serb authorities killed hundreds of Muslim and Croat detainees.

The Accused

7. On about 1 May 1992, **Goran JELISIĆ**, who was born on 7 June 1968 in Bijeljina, came to Brčko from Bijeljina, where he had worked as an agricultural machinery mechanic. During most of May 1992, **Goran JELISIĆ** held a position at Luka camp and called himself the "Serb Adolf".

8. **Ranko ČEŠIĆ**, who was born in 1964 in Drvar, lived in Brčko before the war. During May and June 1992, he acted under the apparent authority of the Brčko police, and held a position of authority at Luka camp.

General Allegations

9. At all times relevant to this indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.

10. At all relevant times, **Goran JELISIĆ** and **Ranko ČEŠIĆ** were required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

11. **Goran JELISIĆ** and **Ranko ČEŠIĆ** are individually responsible for the crimes alleged against them in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any crime referred to in Articles 2 to 5 of the Tribunal Statute.

12. All acts and omissions charged as crimes against humanity were part of a widespread, systematic or large-scale attack directed against the Muslim and Croat civilian population of Brčko.

13. Paragraphs 9 to 13 are realleged and incorporated into each of the charges set forth below.

CHARGES

COUNT 1

Genocide

14. In May 1992, **Goran JELISIĆ**, intending to destroy a substantial or significant part of the Bosnian Muslim people as a national, ethnical, or religious group, systematically killed Muslim detainees at the Laser Bus Co., the Brčko police station and Luka camp. He introduced himself as the "Serb Adolf", said that he had come to Brčko to kill Muslims, and often informed the Muslim detainees and others of the number of Muslims he had killed. In addition to killing countless detainees, whose identities are unknown, **Goran JELISIĆ** personally killed the victims described in paragraphs 16-25, 30 and 33. By these actions, **Goran JELISIĆ** committed or aided and abetted:

Count 1: **GENOCIDE**, a crime recognized by Article 4(2)(a) of the Tribunal Statute.

COUNTS 2-3

Killing of Sakib Bećirević and four other men

15. On about 5 May 1992, **Ranko ČEŠIĆ** went to the Brčko Partizan Sports Hall where Muslim civilians were being confined, and took the Muslim detainee Sakib Bećirević (a/k/a Kibe) and four other men named "Pepa", "Sale" and the two sons of a man called Avdo outside the hall. **Ranko ČEŠIĆ** lined up and shot and killed the five detainees with bursts of gunfire. By these actions, **Ranko ČEŠIĆ** committed:

Count 2: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 3: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 4-5

Killing of unknown male

16. On about 6 or 7 May 1992, **Goran JELISIĆ** escorted an unknown male detainee down a street near the Brčko police station and then shot him in the head with a Scorpion pistol. By these actions, **Goran JELISIĆ** committed:

Count 4: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 5: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 6-7

Killing of Hasan Jašarević

17. On about 7 May 1992, **Goran JELISIĆ**, using a Scorpion pistol, shot and killed Hasan Jašarević, a Muslim detainee who had fled the Brčko police station. By these actions, **Goran JELISIĆ** committed:

Count 6: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 7: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 8-9

Killing of a young man from Šinteraj

18. On about 7 May 1992, **Goran JELISIĆ** left the Brčko police station with a young man from the neighborhood of Šinteraj, whose identity is unknown. **Goran JELISIĆ** escorted the young man away from the police station to an area where the young man was shot and killed. By these actions, **Goran JELISIĆ** committed:

Count 8: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 9: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 10-11**Killing of Ahmet Hodžić or Hadžić**

19. On about 7 May 1992, **Goran JELISIĆ** took the Muslim detainee Ahmet Hodžić (a/k/a Papa), a leader of the Brčko SDA (Muslim political party) outside the Brčko police station. **Goran JELISIĆ** took Ahmet Hodžić to the same place where **Goran JELISIĆ**, earlier that day, had killed a young detainee from Šinteraj. After reaching the area, **Goran JELISIĆ** shot and killed Ahmet Hodžić. By these actions, **Goran JELISIĆ** committed:

Count 10: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 11: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 12-13**Killing of Suad**

20. On about 7 May 1992, **Goran JELISIĆ** took a Muslim detainee named Suad from the Brčko police station. **Goran JELISIĆ** walked Suad to the same area where **Goran JELISIĆ**, earlier that day, had killed Ahmet Hodžić and a young man from Šinteraj. After reaching the area, **Goran JELISIĆ** shot and killed Suad. By these actions, **Goran JELISIĆ** committed:

Count 12: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 13: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 14-15**Killing of Sead Čerimagić and Jasminko Čumurović**

21. On about 8 May 1992, **Goran JELISIĆ** took the Muslim detainees Sead Čerimagić (a/k/a Čita) and Jasminko Čumurović (a/k/a Jašče, Jasmin) from the main hangar building at Luka camp. **Goran JELISIĆ** shot and killed Jasminko Čumurović. By these actions, **Goran JELISIĆ** committed:

Count 14: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 15: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 16-17

Killing of Huso and Smajil Zahirović

22. On about 8 May 1992, at Luka camp, **Goran JELISIĆ** took two Muslim brothers from Zvornik, Huso and Smajil Zahirović, outside of the main hangar building where he shot and killed one of them. By these actions, **Goran JELISIĆ** committed:

Count 16: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 17: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 18-19

Killing of Naza Bukvić

23. On about 9 May 1992, near the main hangar building at Luka camp, **Goran JELISIĆ** beat Naza Bukvić with a police baton and then shot and killed her. By these actions, **Goran JELISIĆ** committed:

Count 18: **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 19: **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 20-21

Killing of Muharem Ahmetović

24. On about 9 May 1992, **Goran JELISIĆ** called the Muslim detainee Muharem Ahmetović, the father of Naza Bukvić, from the main hangar building at Luka camp and shot and killed him. By these actions, **Goran JELISIĆ** committed:

Count 20: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 21: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 22-23

Killing of Stipo Glavočević

25. On about 9 May 1992, **Goran JELISIĆ** shot and killed a Croat detainee named Stipo Glavočević (a/k/a Stjepo), just outside the entrance to the main hangar. By these actions, **Goran JELISIĆ** committed:

Count 22: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 23: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 24-25

Killing of Sejdo

26. On about 9 May 1992, Sejdo, a Muslim fisherman whose last name is unknown, arrived at Luka camp in the trunk of a car. **Ranko ČEŠIĆ** put Sejdo in a small warehouse, beat him and then shot and killed him. By these actions, **Ranko ČEŠIĆ** committed:

Count 24: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 25: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNTS 26-27

Killing of Mirsad Glavović

27. On about 11 May 1992, **Ranko ČEŠIĆ** called the Muslim policeman Mirsad Glavović from the main hangar building at Luka camp. **Ranko ČEŠIĆ** ordered Mirsad Glavović to say good-bye and shake hands with the other detainees. **Ranko ČEŠIĆ** then took Mirsad Glavović outside the hangar building, beat him and killed him. By these actions, **Ranko ČEŠIĆ** instigated, ordered or committed:

Count 26: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 27: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 28-29
Sexual Assault

28. On about 11 May 1992, at Luka camp, **Ranko ČEŠIĆ** forced, at gunpoint, Muslim detainees A and B, who were brothers detained there, to beat each other and perform sexual acts on each other in the presence of others, causing them great humiliation and degradation. By these actions, **Ranko ČEŠIĆ** instigated, ordered or committed:

Count 28: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(c) (humiliating and degrading treatment) of the Geneva Conventions;

Count 29: a **CRIME AGAINST HUMANITY** recognized by Article 5(g) (rape, which includes other forms of sexual assault) of the Tribunal Statute.

COUNTS 30-31
Beatings of Zejćir and Rešad Osmić

29. Between 10 and 12 May 1992, **Goran JELISIĆ** beat the Muslim brothers Zejćir and Rešad Osmić with a baton. Both brothers suffered head injuries, and Rešad lost consciousness as a result of the beatings. By these actions, **Goran JELISIĆ** committed:

Count 30: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 31: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the Tribunal Statute.

COUNTS 32-33
Killing of Novalija

30. On about 12 May 1992, in the main hangar building at Luka camp, **Goran JELISIĆ** beat Novalija, an elderly Muslim man, with a police baton.

Novalija died as a result of the beatings. By these actions, **Goran JELISIĆ** committed:

Count 32: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 33: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 34-35

Killing of Nihad Jašarević

31. On about 12 or 13 May 1992, in the main hangar building at Luka camp, **Ranko ČEŠIĆ** and another person beat the Muslim detainee Nihad Jašarević with a wooden club that contained a lead cylinder, killing Nihad Jašarević. By these actions, **Ranko ČEŠIĆ** instigated, ordered, committed or aided and abetted:

Count 34: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 35: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 36-37

Beatings of Muhamed Bukvić

32. On about 13 May 1992, at Luka camp, **Goran JELISIĆ**, used a police baton to beat the Muslim detainee Muhamed Bukvić over his entire body. By these actions, **Goran JELISIĆ** committed:

Count 36: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 37: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the Tribunal Statute.

COUNTS 38-39

Killing of Adnan Kucalović

33. On about 18 May 1992 at Luka camp, **Goran JELISIĆ** shot and killed Adnan Kucalović. By these actions, **Goran JELISIĆ** committed:

Count 38: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 39: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute;

COUNTS 40-41

Beatings of Amir Didić

34. Between about 20 May and 28 May 1992 at Luka camp, **Goran JELISIĆ** beat the Muslim detainee Amir Didić with a police baton, causing Amir Didić to lose consciousness. By these actions, **Goran JELISIĆ** committed:

Count 40: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

Count 41: a **CRIME AGAINST HUMANITY** recognized by Article 5(i) (inhumane acts) of the Tribunal Statute.

COUNTS 42-43

Killing of two unknown males

35. Between about 1 June and 6 June 1992, **Ranko ČEŠIĆ** took four detainees, whose identities are unknown, from the office building at Luka camp to the paved road in front of the main hangar building and, with the assistance of two guards, shot and killed at least two of the detainees. By these actions, **Ranko ČEŠIĆ** instigated, ordered, committed or aided and abetted:

Count 42: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognized by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

Count 43: a **CRIME AGAINST HUMANITY** recognized by Article 5(a) (murder) of the Tribunal Statute.

COUNT 44
Plunder of private property

36. From about 7 May to about 28 May 1992, **Goran JELISIĆ** stole money belonging to persons detained at Luka camp, including Hasib Begić, Zejćir Osmić, Enes Zukić and Armin Drapeć. By these actions, **Goran JELISIĆ** committed:

COUNT 44: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR recognized by Article 3(e) (plunder) of the Tribunal Statute.



Graham Blewitt
Deputy Prosecutor

Dated this 19th day of October 1998
At The Hague
The Netherlands