

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**

**CASE NO.: IT- 97- 25-I**

**THE PROSECUTOR OF THE TRIBUNAL**

**AGAINST**

**MILORAD KRNOJELAC**  
**also known as "Mico"**

**INDICTMENT**

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal charges:

**MILORAD KRNOJELAC**

with **CRIMES AGAINST HUMANITY, GRAVE BREACHES OF THE GENEVA CONVENTIONS (GRAVE BREACHES) and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

**BACKGROUND**

1.1 Foca city and municipality are located in Bosnia-Herzegovina, southeast of Sarajevo, near the border of Serbia and Montenegro. According to the 1991 census, the population of Foca, which consisted of 40,513 persons, was 51.6 % Muslim, 45.3% Serbian and 3.1 % others. On 7 April 1992, Serb military forces, which included Bosnian Serbs and citizens of Serbian descent from any other parts of the former Yugoslavia, began the occupation of Foca town, which was completed on 16 or 17 April 1992. Surrounding villages remained under siege until mid-July 1992.

1.2 As soon as the Serb forces controlled parts of Foca town, military police, accompanied by local and non-local soldiers, started arresting Muslim and other non-Serb inhabitants. Until mid-July 1992, the Serb authorities continued to round up and arrest Muslim villagers throughout the municipality. The Serb authorities separated the men from the women and unlawfully confined thousands of Muslims and other non-Serbs, including intellectuals, doctors and journalists. The Foca Kazneno-Popravni Dom (KP Dom), one of the largest prisons in the former Yugoslavia, became the primary detention facility for men. Beginning on or around 14 April 1992, the Serb civilian and military authorities began to use the prison to detain Muslims and other non-Serbs, mostly males, and a few Serbs who had tried to avoid military service. The Serb detainees were separated from the non-Serb detainees. Because of continuing arrests, the prison was overcrowded during the first few months, with the number of detainees reaching a peak of more than 760. During the remainder of 1992, the camp population averaged about 600 detainees. The majority of detainees were exchanged or released during 1992 and 1993, but the KP Dom functioned as a detention facility until October 5, 1994.

1.3 Most, if not all, detainees were civilians, who had not been charged with any crime, mostly Muslim men from 16 to 80 years of age, including mentally handicapped, physically disabled and seriously ill persons.

1.4 The prison complex was surrounded by a wall of 3 metres height, with barbed wire on top, and watch towers with machine guns. The inner periphery was mined. Soldiers and prison guards watched the detainees from the towers and regularly patrolled the complex. The detainees were housed in a four-story building, which consisted of common prison cells and solitary confinement cells, 3 x 3 metres in size. The prison complex also included administration buildings, workshops and a furniture factory.

## **THE ACCUSED**

2.1 **MILORAD KRNOJELAC**, also known as Mico, son of Bogdan, born on 25 July 1940, in the village of Birotici near Foca, residing in Foca. Before the war, he was a teacher. He had the rank of a Captain First Class in the JNA (Yugoslav National Army). From April 1992 until at least August 1993, **MILORAD KRNOJELAC** was the commander of the KP Dom.

## **SUPERIOR AUTHORITY**

3.1 From April 1992 until at least August 1993, **MILORAD KRNOJELAC** was the commander of the KP Dom and was in a position of superior authority to everyone in the camp. As commander of the KP Dom, **MILORAD KRNOJELAC** was the person responsible for running the Foca KP Dom as a detention camp. **MILORAD KRNOJELAC** exercised powers and duties consistent with his superior position. He ordered and supervised the prison staff on a daily basis. He communicated with military and political authorities from outside the prison. **MILORAD KRNOJELAC** was present when detainees arrived, appeared during beatings, and had personal contact with some detainees.

## **GENERAL ALLEGATIONS**

4.1 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.

4.2 All acts or omissions set forth as Grave Breaches of the Geneva Conventions of 1949 and recognised by Article 2 of the Statute of the Tribunal occurred during that armed conflict and partial occupation.

4.3 At all times relevant to this indictment, the detainees at the KP Dom referred to in the charges were persons protected by the Geneva Conventions of 1949.

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

4.5 All acts and omissions alleged in this indictment took place between April 1992 and October 1994, unless otherwise indicated.

4.6 In each COUNT charging torture, 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 a third person; and/or for any reason based upon discrimination of any kind.

4.7 In each COUNT charging crimes against humanity, the acts or omissions were part of a widespread, large-scale or systematic attack against a civilian population, specifically the Muslim and Croat population of the municipality of Foca.

4.8 Witnesses and victims are identified in this indictment using code names or pseudonyms, such as FWS-137 or initials, such as for example, E.G.

4.9 **MILORAD KRNOJELAC**, from April 1992 until August 1993, **and others** are individually responsible for the crimes charged against them in this indictment, pursuant to Article 7 (1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below.

4.10 **MILORAD KRNOJELAC**, **and others** are also, or alternatively, criminally responsible as superiors for the acts of their subordinates pursuant to Article 7 (3) of the Statute of the Tribunal. Command criminal responsibility is the responsibility of a superior officer for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such further acts or to punish the subordinate.

## **THE CHARGES**

### **COUNT 1 (PERSECUTIONS)**

5.1 **MILORAD KRNOJELAC**, from April 1992 until August 1993, while acting as the camp authority at the Foca KP Dom, persecuted the Muslim and other non-Serb males, on racial, political and religious grounds.

5.2 **MILORAD KRNOJELAC** persecuted the Muslim and other non-Serb males by subjecting them to prolonged and routine imprisonment and confinement, repeated torture and beatings, COUNTless killings, prolonged and frequent forced labour, and inhumane conditions within the KP Dom detention facility. As part of the persecution, **MILORAD KRNOJELAC** assisted in the deportation or expulsion of the majority of Muslim and non-Serb males from the Foca municipality.

5.3 By his participation in the acts or omissions described in paragraph 5.2, **MILORAD KRNOJELAC** committed:

### **COUNT 1:**

**A CRIME AGAINST HUMANITY**, punishable under Article 5 (h) (persecutions on political, racial and/or religious grounds) of the Statute of the Tribunal.

**COUNTS 2 - 7**  
**(TORTURE AND BEATINGS)**  
**(BEATINGS IN THE PRISON YARD)**

5.4 On their arrival in the prison and/or during their confinement, many detainees of the KP Dom were beaten on numerous occasions by the prison guards or by soldiers in the presence of regular prison personnel.

5.5 On several occasions between April and December 1992, soldiers approached and beat the detainees in the prison yard, among them FWS-137, while the guards watched without interfering.

5.6 On 17 April 1992, FWS-54 was taken to KP Dom, together with at least 60 other Muslim men, who had been arrested in the Cohodor Mahala neighbourhood of Foca. When they arrived in the prison yard, Serb soldiers beat and kicked the detainees and hit them with rifle butts.

5.7 On 25 May 1992, FWS-71 arrived at KP Dom, in a group of 21 detainees, mostly from Foca, arrested in Montenegro. When they arrived at KP Dom, Serb soldiers forced them to line up against the prison wall with their hands above their heads, then beat, kicked and hit them with rifle butts.

**(BEATINGS ASSOCIATED WITH THE MESS)**

5.8 In the KP Dom it was common for KP Dom guards, or the soldiers from outside, to assault the detainees on their way to or from the mess and during the meals. In August 1992, a group of 7 or 8 unknown military policemen from Trebinje entered the prison and approached a group of detainees, who were on their way back from the mess. In the presence of several guards, the military policemen beat the detainees severely. At first the guards watched without interfering. Only after the men from Trebinje pointed their weapons at the detainees and intended to shoot them, did the guards commander intervene.

5.9 In June 1992, the detainee E. G., who was disabled in one arm and leg, and who also suffered from epilepsy, complained about the small food rations. As a result, he was beaten and kicked by three guards.

**(ARBITRARY BEATINGS)**

5.10 During their confinement, the detainees were subjected to sudden arbitrary beatings by guards or soldiers from outside KP Dom, as revenge for VRS (Bosnian Serb Army) losses on the battlefield and other unknown reasons. **MILORAD KRNOJELAC** allowed the Serb military personnel to enter the prison and assault the detainees whenever they wanted. Usually during the evenings and nights, local paramilitary staff came to the prison. The prison guards led the soldiers to the various cells to select detainees for beatings.

5.11 On 10 June 1992, the detainee Z. B. was beaten severely by a Serb soldier. After the beating, he was locked into a solitary confinement cell for about one month. Due to the beating, Z. B. became deaf.

5.12 On 11 July 1992, two guards called out the detainee FWS-71 from his cell, took him to the solitary confinement cells in the detainees' building and beat him with various objects for about 20 minutes until FWS-71 fainted. When FWS-71 regained consciousness in his cell, he had bruises all

over his body.

### (TORTURE AND BEATINGS AS PUNISHMENT)

5.13 ..... in concert with **MILORAD KRNOJELAC** and others ordered the guards to beat detainees even for minor violations of the prison rules.

5.14 The detainee FWS-54 was in charge of distributing food to the detainees. While giving him this task, he had been warned him not to give any extra food to any detainee. On 8 August 1992, FWS-54 gave an extra slice of bread to a detainee. As punishment the witness was kicked and beaten with a truncheon by a guard and locked in solitary confinement. He was released FWS-54 after four days.

5.15 In the summer of 1992, the detainees A. M., F. M., H. T. and S., who passed messages to one another, were beaten by guards as a punishment.

5.16 The guards also subjected the detainees to collective punishment. From the beginning of their confinement, the detainees were threatened with death if anyone tried to escape. In June 1994, the detainee E. Z., who worked in the mechanical workshop at KP Dom, tried to escape. As a collective punishment, the food rations of all detainees in KP Dom were halved for at least 10 days. FWS-73 and at least 10 other detainees, all work companions of the escapee and the detainee in charge of the escapee's room, were called out from their rooms, one by one, and severely beaten by about 10 members of the prison staff. FWS-73 was beaten and kicked mostly in his lower abdominal region for about 5 minutes. As further punishment, FWS-73 was locked in solitary confinement for 15 days. The detainee FWS-110 was locked in solitary confinement for several days. He was kicked so severely that FWS-110 lost consciousness.

### (TORTURE AND BEATINGS DURING INTERROGATIONS)

5.17 Policemen from the local or the military police, in concert with the prison authorities, interrogated the detainees after their arrival. The interrogations focused on whether the detainee was an SDA (Party for Democratic Action) member, possessed weapons, or had fought against the Serb forces. During or after the interrogation, the guards and others often beat the detainees.

5.18 On 24 May 1992, military police arrested FWS-03 and H.D., both members of the SDA, and their neighbour H. S. and took them to KP Dom. On the same day, 5 or 6 military policemen interrogated them. To force them to give a confession, the policemen beat all three of them during the interrogation. The beatings were so severe that H. S. fainted twice.

5.19 On several occasions, between April and August 1992, KP Dom guards severely beat Hasim Glusac. Due to these beatings, in concert with the brutal living conditions, his lungs were damaged, which led to his death on 7 May 1994.

5.20 In May or June 1992, KP Dom guards severely beat Ibrahim Sandal, in connection with interrogation, and returned him to his cell seriously injured.

5.21 On numerous evenings from April until July 1992, the KP Dom guards used prepared lists to select detainees who were to be beaten. **MILORAD KRNOJELAC**, in concert with political leaders or military commanders used the lists to select which detainees would be beaten. The selected detainees were mostly prominent inhabitants of Foca, who were suspected of not having told the truth during the official interrogations, who were accused of possessing weapons, or who

were members of the SDA. Most evenings, the lists were delivered to the guards, who then took the detainees to the administration building for additional interrogations and beatings. Generally, the guard commander was present during the selection of the detainees. Sometimes he read out the names of the selected detainees from the lists. Then, the detainees were led to the administration building, where they were beaten by prison guards or soldiers who had been allowed to enter the prison to beat the detainees. The guards and soldiers assaulted the detainees with all sorts of weapons, including batons, rifle butts, knives and tools. Some of the detainees returned to their rooms severely injured. Some of the detainees were selected for beatings several times. A substantial number of the selected detainees never returned from the beatings and are still missing.

5.22 In June or July 1992, KP Dom guards, on at least two occasions, severely beat Nurko Nisic, a former officer from the municipality administration and an SDA member, Zulfo Veiz and Salem Bico, both former policemen, and Krunoslav Marinovic, a Croat reporter, and returned them to their cells bruised, bloody and seriously injured.

5.23 In June 1992, the KP Dom guards tortured and beat detainee S. M. having mistaken him for another detainee, whose name appeared on the list of detainees who had been selected for interrogation and torture. The perpetrators beat and cut S. M. with a knife. They threatened to take out his eye. While he was being beaten, **MILORAD KRNOJELAC** appeared, discovered the mistake, and ordered the guards to stop beating S.M. The victim was returned to his cell, seriously injured and covered in blood.

5.24 Between May and July 1992, on at least two occasions, the KP Dom guards and military policemen tortured and beat the detainees Vahida Dzemal, a former policeman, Enes Uzunovic, an SDA member, A. S. and E. C. As a result of the torture and beatings, A. S. suffered three broken ribs, Dzemal Vahida's jaw was broken, and Dzemal Vahida lost several teeth. Three fingers of E. C.'s hand were broken and his body was bruised. After the beatings the victims were kept in solitary confinement for several days and then returned to their cells severely injured. Enes Uzunovic and Dzemal Vahida later were killed as described in paragraph 5. 27; A. S. and E. C. are missing.

5.25 By his participation in the acts or omissions described in the paragraphs 5.13 to 5.24, the accused **MILORAD KRNOJELAC** committed:

**COUNT 2:**

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

**COUNT 3:**

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal;

**COUNT 4:**

A **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3 (1) (a) (torture) of the Geneva Conventions.

5.26 By his participation in the acts or omissions described in the paragraphs 5.4 to 5.24, the accused **MILORAD KRNOJELAC** committed:

**COUNT 5:**

A **CRIME AGAINST HUMANITY** punishable under Article 5(i) (inhumane acts) of the Statute of the Tribunal;

**COUNT 6:**

A **GRAVE BREACH** punishable under Article 2(c) (wilfully causing serious injury to body or health) of the Statute of the Tribunal;

**COUNT 7:**

A **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (cruel treatment) of the Geneva Conventions.

**COUNTS 8 - 10  
(WILFUL KILLINGS AND MURDER)**

5.27 Between June and August 1992, the KP Dom guards increased the number of interrogations and beatings. During this period, guards selected groups of detainees and took them, one by one, into a room in the administration building. In this room, the guards often would chain the detainee, with his arms and legs spread, before beating him. The guards kicked and beat each detainee with rubber batons, axe-handles and fists. During the beatings, the guards asked the detainees where they had hidden their weapons or about their knowledge of other persons. After some of the beatings, the guards threw the detainees on blankets, wrapped them up and dragged them out of the administration building.

5.28 An unknown number of the tortured and beaten detainees died during these incidents. Some of those still alive after the beatings were shot or died from their injuries in the solitary confinement cells. The beatings and torture resulted, at least, in the death of the detainees listed in Schedule A to this indictment.

5.29 By his participation in the acts or omissions described in paragraphs 5.27 and 5.28, the accused **MILORAD KRNOJELAC** committed:

**COUNT 8:**

A **CRIME AGAINST HUMANITY** punishable under Article 5 (a) (murder) of the Statute of the Tribunal;

**COUNT 9:**

A **GRAVE BREACH** punishable under Article 2 (a) (wilful killing) of the Statute of the Tribunal;

**COUNT 10:**

A **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the

Statute of the Tribunal and recognised by Article 3 (1) (a) (murder) of the Geneva Conventions.

**COUNTS 11 - 15**  
**(UNLAWFUL CONFINEMENT, IMPRISONMENT**  
**AND INHUMANE CONDITIONS AT KP DOM)**

5.30 Beginning on or around 14 April 1992 until 5 October 1994, the Serb civilian and military authorities used the KP Dom to detain Muslims and other non-Serbs, mostly males, including mentally handicapped, physically disabled and seriously ill persons. Although the occupation of Foca town was completed on 16 or 17 April 1992, and the entire Foca municipality was under Serb control at least from mid-July 1992 onwards, the KP Dom functioned as a detention facility for male Muslim and non-Serb civilians until 5 October 1994. Among the detainees were intellectuals, doctors, journalists and SDA members.

5.31 The conditions in the KP Dom were brutal. While **MILORAD KRNOJELAC** was the head of the prison in the years 1992 and 1993, the living conditions in the detention camp were characterised by inhumane treatment, overcrowding, starvation, forced labour, and constant physical and psychological assault.

5.32 During their confinement, the detainees were locked in their cells, except when they were lined up and taken to the mess to eat or to work duties. After April 1992, the cells were overcrowded, with insufficient facilities for bedding and personal hygiene. The detainees were fed starvation rations. They had no change of clothes. During the winter they had no heating. They received no proper medical care. As a result of the living conditions in the KP Dom, the health of many detainees was destroyed. Due to the lack of proper medical treatment, the 40-year old detainee, Enes Hadzic, died in April or May 1992 from a perforated ulcer.

5.33 Torture, beatings and killings were commonplace in the KP Dom prison. The detainees could hear the sounds of the torture and beatings. The detainees lived in constant fear that they would be next. The detainees kept in solitary confinement were terrified because the solitary confinement cells were generally known to be used for severe assaults. Because all detainees lived in a constant state of fear, some became suicidal, while others simply became indifferent as to what would happen to them. Most, if not all of the detainees, suffered from depression and still bear the physical and psychological wounds resulting from their confinement at KP Dom.

5.34 By his participation in the acts or omissions described in paragraph 5.30, the accused **MILORAD KRNOJELAC** committed:

**COUNT 11:**

A **CRIME AGAINST HUMANITY** punishable under Article 5 (e) (imprisonment) of the Statute of the Tribunal;

**COUNT 12:**

A **GRAVE BREACH** punishable under Article 2 (g) (unlawful confinement of a civilian) of the Statute of the Tribunal.

5.35 By his participation in the acts or omissions described in paragraphs 5.31 to 5.33, the accused **MILORAD KRNOJELAC** committed:

### **COUNT 13:**

A **CRIME AGAINST HUMANITY** punishable under Article 5 (i) (inhumane acts) of the Statute of the Tribunal;

### **COUNT 14:**

A **GRAVE BREACH** punishable under Article 2 (c) (wilfully causing great suffering) of the Statute of the Tribunal;

### **COUNT 15:**

A **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3 (1) (a) (cruel treatment) of the Geneva Conventions.

### **COUNTS 16-18 (ENSLAVEMENT)**

5.36 From the summer of 1992 until October 1994, detainees were subjected to forced labour. In July 1992, ..... in concert with **MILORAD KRNOJELAC**, formed and supervised a workers' group of at least 70 of the detainees with special skills. Most of these detainees were kept imprisoned from the summer 1992 until 5 October 1994, for the primary purpose of using them for forced labour.

5.37 Throughout the years 1992 until 1994, the guards called out members of the workers' group on a daily basis and forced them to work inside and outside the camp, from 7 a. m. to at least 3 or 4 p. m. The detainees were not paid for their work. Work was not voluntary. Even ill or injured detainees were forced to work. Those who refused were sent to solitary confinement. During their work, the detainees were either guarded by the regular prison guards or by Serb soldiers.

5.38 Within the prison, the detainees had to work in the kitchen, the furniture factory and the metal and mechanical workshop. In the workshop, the detainees usually had to repair army vehicles or looted cars.

5.39 Outside the prison, the detainees were forced to perform farming jobs at the prison outpost, Brioni, to work in mills and the Miljevina mine, and were taken to various places in Foca to clean up rubble of damaged buildings. The detainees were forced to repair the two private houses of **MILORAD KRNOJELAC** and to install a bar in the house of one of his sons. The detainees were ordered by prison staff to help the Serb soldiers to loot Muslim houses and mosques.

5.40 Some of the detainees were taken to the front lines to perform work, such as digging trenches or building barracks. From around June until October 1992, the detainee FWS-141 had to drive soldiers and material to the front lines. Several detainees, among them the drivers FWS-109 and G. K. were taken to the Kalinovik police station for the discovery of land mines. Between September 1992 and March 1993, on at least 8 occasions, the detainees had to drive ahead of Serb convoys to detect land mines. For at least 10 days in the winter 1992/1993, a group of KP Dom detainees, among them the witness FWS-110, was taken to the front lines in Previla to cut wood and take it to

the trenches. FWS-110 also had to lay telephone lines to connect the trenches.

5.41 By his participation in the acts or omissions described in paragraphs 5.36 to 5.40, **MILORAD KRNOJELAC** committed:

**COUNT 16:**

A **CRIME AGAINST HUMANITY** punishable under Article 5 (c) (enslavement) of the Statute of the Tribunal;

**COUNT 17:**

A **GRAVE BREACH** punishable under Article 2 (b) (inhuman treatment) of the Statute of the Tribunal;

**COUNT 18:**

A **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised under the Slavery

Convention and International Customary Law (slavery).

Louise Arbour  
Prosecutor

6 June 1997  
The Hague  
The Netherlands