

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO.: IT-96-23/1-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

[redacted]

ZORAN VUKOVIC

[redacted]

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 Tribunal charges:

[redacted]

ZORAN VUKOVIC

[redacted]

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

BACKGROUND

1.1 The city and municipality of Foca are located south-east of Sarajevo, in the Republic of Bosnia-Herzegovina and borders Serbia and Montenegro. According to the 1991 census, the population of Foca consisting of 40,513 persons was 51.6 % Muslim, 45.3 % Serbian and 3.1% others. The political and military take-over of the municipality of Foca started with the first military actions in the town of Foca on 7 April 1992. The Serb forces, supported by artillery and heavy weapons, proceeded to take over Foca, section by section. The take-over of Foca town was complete by 16 or 17 April 1992. The surrounding villages continued to be under siege until mid-July 1992.

1.2 As soon as the Serb forces had taken over parts of Foca town, military police accompanied by local and non-local soldiers started arresting Muslim and Croat inhabitants. Until mid-July 1992 they continued to round up and arrest Muslim villagers from the surrounding villages in the municipality. The Serb forces separated men and women and unlawfully confined thousands of Muslims and Croats in various short and long-term detention facilities or kept them essentially under house arrest. During the arrests many civilians were killed, beaten or subjected to sexual assault.

1.3 The Foca Kazneno-popravni Dom (hereinafter KP Dom), one of the largest prison facilities in the former Republic of Yugoslavia, was the primary detention facility for men. Muslim women, children and the elderly were detained in houses, apartments and motels in the town of Foca or in surrounding villages, or at short and long-term detention centres such as Buk Bijela, Foca High School and Partizan Sports Hall, respectively. Many of the detained women were subjected to humiliating and degrading conditions of life, to brutal beatings and to sexual assaults, including rapes.

1.4 Besides the above mentioned detention places, several women were detained in houses and apartments used as brothels, operated by groups of soldiers, mostly paramilitary. The ICRC and other organisations, unaware of these detention facilities, did not intervene. Therefore those detainees had no possibility of release or exchange.

THE ACCUSED

2.1 [redacted]

2.2 [redacted]

2.3 **ZORAN VUKOVIC**, son of Milojica, born on 6 September 1955 in the village of Brusna, municipality of Foca, was a permanent resident of Foca. He worked as a waiter and driver before the war. **ZORAN VUKOVIC** was involved in the attack on Foca and its surrounding villages and the arrest of civilians. He was one of the sub-commanders of the military police and a paramilitary leader in Foca.

2.4 [redacted]

2.5 [redacted]

SUPERIOR AUTHORITY

3.1 [redacted]

GENERAL ALLEGATIONS

4.1 At all times relevant to this indictment, an armed conflict existed in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.

4.2 At all times relevant to this indictment, the accused [was] required to abide by the laws or customs governing the conduct of war.

4.3 Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between April 1992 and February 1993.

4.4 In each count charging crimes against humanity, a crime recognised by Article 5 of the Statute of the Tribunal, the acts or omissions were part of a widespread or large-scale or systematic attack against a civilian population, specifically the Muslim population of the municipality of Foca.

4.5 Witnesses and victims are identified in this indictment using code names or pseudonyms such as FWS-95 or initials, for example, D.B.

4.6 STheC accused SisC individually responsible for the crimes charged against ShimC 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.

4.7 [redacted]

THE CHARGES

COUNTS 1-12

Torture and Rape at Buk Bijela

5.1 Buk Bijela refers to a settlement on a hydro-electric dam construction site on the road from Brod to Miljevina by the river Drina which was turned into a local military headquarters and barracks for Bosnian Serb forces and paramilitary soldiers after the April 1992 take-over of Foca and the surrounding villages. The Buk Bijela complex consisted of workers' barracks, where about 200 to 300 soldiers were barracked, and an adjoining motel. Buk Bijela was used as a temporary detention and interrogation facility for civilian women, children and the elderly who were captured in various villages in the municipality of Foca in July 1992.

5.2 On 3 July 1992, soldiers commanded by the accused GOJKO JANKOVIC, and among them JANKO JANJIC, DRAGAN ZELENOVIC and **ZORAN VUKOVIC**, arrested a group of at least 60 Muslim women, children and a few elderly men from Trosanj and Mjesaja, and took them to Buk Bijela. After the attack on Foca, the villages of Trosanj and Mjesaja had offered armed resistance.

5.3 While detained at Buk Bijela for several hours, all the Muslim civilians were lined up along the river Drina and guarded by armed soldiers. They were threatened with being either killed or raped and were otherwise humiliated. The soldiers approached each detained civilian, and took him or her to the above-mentioned accused for questioning. The soldiers separated the women from their children. GOJKO JANKOVIC, JANKO JANJIC, DRAGAN ZELENOVIC and **Zoran VukoviC** interrogated the women. The interrogations focused on the hiding-places of the male villagers and weapons. The accused threatened the women with murder and sexual assault if they lied. [redacted]

5.4 [redacted]

5.5 [redacted]

5.6 [redacted]

5.7 [redacted]

5.8 [redacted]

COUNT 1

[redacted]

COUNT 2

[redacted]

COUNT 3

[redacted]

COUNT 4

[redacted]

5.9 [redacted]

COUNT 5

[redacted]

COUNT 6

[redacted]

COUNT 7

[redacted]

COUNT 8

[redacted]

5.10 [redacted]

COUNT 9

[redacted]

COUNT 10

[redacted]

COUNT 11

[redacted]

COUNT 12

[redacted]

COUNTS 13-28 (TORTURE AND RAPE AT FOCA HIGH SCHOOL)

6.1 During the occupation that followed the take-over of the town of Foca, the Foca High School, situated in the Aladza area, functioned as a barracks for Serb soldiers, and as a short term detention facility for Muslim women, children and the elderly.

6.2 Between 3 July and about 13 July 1992, at least 72 Muslim inhabitants of the municipality of Foca were detained in two classrooms in the Foca High School, including the women, children and the elderly who had earlier been held at Buk Bijela, mentioned above. On or about 13 July 1992, all detainees were transferred from Foca High School to the Partizan Sports Hall in Foca.

6.3 At the Foca High School, the detainees were surrounded by armed Serb soldiers, who patrolled outside the Foca High School and constantly entered and left the building. There were also two armed police guards from the Foca SUP patrolling the corridor outside of the detention rooms.

6.4 Many of the female detainees were subjected to sexual abuse during their detention at the Foca High School. From the second day of their detention, every evening, groups of Serb soldiers sexually assaulted, including gang-rape, some of the younger women and girls in class-rooms or apartments in neighbouring buildings. Among them were witnesses FWS-50, FWS-75, FWS-87, FWS-95, FWS-74 and FWS-88, as set forth below. The soldiers threatened to kill the women or the women's children if they refused to submit to sexual assaults. Women who dared to resist the sexual assaults were beaten. The above mentioned groups of soldiers consisted of members of the military police. They referred to themselves "Cosa's Guards", named for the local commander of the military police Cosovic. The accused GOJKO JANKOVIC, DRAGAN ZELENOVIC, JANKO JANJIC and **ZORAN VUKOVIC** were among these groups of soldiers.

6.5 The physical and psychological health of many female detainees seriously deteriorated as a result of these sexual assaults. Some of the women endured complete exhaustion, vaginal discharges, bladder problems and irregular menstrual bleedings. The detainees lived in constant fear. Some of the sexually abused women became suicidal. Others became indifferent as to what would happen to them and suffered from depression.

6.6 On or about 6 or 7 July 1992, DRAGAN ZELENOVIC in concert with JANKO JANJIC and **ZORAN VUKOVIC**, selected FWS-50, FWS-75, FWS-87, FWS-95 out of the group of detainees. The accused led them to another classroom where unidentified soldiers stood waiting. Then

DRAGAN ZELENOVIC decided which woman should go to which man. The women were ordered to remove their clothes. FWS-95 refused to do so and JANKO JANJIC slapped her and held her at gun point. Then DRAGAN ZELENOVIC raped FWS-75 (vaginal penetration). **ZORAN VUKOVIC** raped FWS-87 (vaginal penetration) and JANKO JANJIC raped FWS-95 (vaginal penetration) within the same room. One of the other soldiers took FWS-50 to another classroom and raped her (vaginal penetration).

6.7 Between or about 8 July and about 13 July 1992, in addition to the sexual assaults described under paragraph 6.6, on at least five other occasions DRAGAN ZELENOVIC led a group of soldiers that sexually abused FWS-75 and FWS-87. First the women were taken into another classroom in the Foca High School. There **ZORAN VUKOVIC** and DRAGAN ZELENOVIC raped FWS-75 and FWS-87 (vaginal penetration).

6.8 [redacted]

6.9 [redacted]

6.10 [redacted]

6.11 [redacted]

6.12 [redacted]

6.13 [redacted]

6.14 [redacted]

COUNT 13

[redacted]

COUNT 14

[redacted]

COUNT 15

[redacted]

COUNT 16

[redacted]

6.15 [redacted]

COUNT 17

[redacted]

COUNT 18

([redacted])

COUNT 19

[redacted]

COUNT 20

[redacted]

6.16 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-95, FWS-75 and FWS-87, **ZORAN VUKOVIC** committed:

**COUNT 21
(TORTURE)**

Count 21: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

**COUNT 22
(RAPE)**

Count 22: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

**COUNT 23
(TORTURE)**

Count 23: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (TORTURE) of the Geneva Conventions.

**COUNT 24
(RAPE)**

Count 24: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

6.17 [redacted]

COUNT 25

[redacted]

COUNT 26

[redacted]

COUNT 27

[redacted]

COUNT 28

[redacted]

COUNTS 29-44

(TORTURE AND RAPE OF FWS-48, FWS-50, FWS-75, FWS-87, FWS-95 AND OTHER WOMEN AT PARTIZAN SPORTS HALL)

7.1 Partizan Sports Hall ("Partizan") functioned as a detention centre for women, children and the elderly from at least on or about 13 July 1992 until at least 13 August 1992. The detainees held at Partizan, during this time period, numbered at least 72. The detainees were all civilian Muslim women, children and a few elderly persons from villages in the municipality of Foca.

7.2 Partizan was a medium-sized building situated in the centre of Foca town close to the Foca police ("SUP") building. Partizan was separated from the SUP building by about seventy metres. Partizan was on slightly higher ground than the other buildings in the neighbourhood and could therefore be seen clearly from the surrounding areas, including the SUP building. Partizan was also close to the main municipal building, where the Serb authorities had their principle offices. Partizan consisted of two large halls. All detainees were held in one of the halls only. This hall measured roughly 12 metres by 7 metres.

7.3 Two policemen were stationed as guards outside the main door of Partizan. The guards, who were subordinate to the chief of the SUP were armed at all times with automatic weapons. People who entered Partizan had to pass the guards on their way into the halls. Detainees could not leave Partizan because of the armed guards.

7.4 Living conditions in Partizan were brutal. The detention was characterised by inhumane treatment, unhygienic facilities, overcrowding, starvation, physical and psychological torture, including sexual assaults.

7.5 Immediately after the transfer of women to Partizan, a pattern of sexual assaults commenced. Armed soldiers, mostly in groups of three to five, entered Partizan, usually in the evenings, and removed women. When the women resisted or hid, the soldiers beat or threatened the women to force them to obey. The soldiers took the women from Partizan to houses, apartments or hotels for the purpose of sexual assault and rape.

7.6 Three witnesses, identified by the pseudonyms FWS-48, FWS-95 and FWS-50, a 16 year old girl, were detained at Partizan from about 13 July until 13 August 1992. Two others, identified by the pseudonyms FWS-75 and FWS-87, a 15 year old girl, were detained in Partizan from about 13 July until 2 August 1992. Almost every night during their detention, Serb soldiers took FWS-48, FWS-95, FWS-50, FWS-75 and FWS-87 out of Partizan and sexually abused them (vaginal and anal penetration and fellatio).

7.7 On or around 13 August 1992, most detainees were released from Partizan and deported to Montenegro. The women who left on the 13 August convoy received medical care for the first time in Montenegro. Many women suffered permanent gynaecological harm due to the sexual assaults. At least one woman can no longer have children. All the women who were sexually assaulted suffered psychological and emotional harm; some remain traumatised.

7.8 [redacted]

7.9 The same night Son or around 13 July 1992C, after JANKO JANJIC returned the women to Partizan, Dragoljub Kunarac took the same three women to the Hotel Zelengora. FWS-48 refused to go with him and Dragoljub Kunarac kicked her and dragged her out. At Hotel Zelengora, FWS-48 was placed in a separate room and both Dragoljub Kunarac and **ZORAN VUKOVIC** raped her (vaginal penetration and fellatio). Both perpetrators told her that she would now give birth to Serb babies.

7.10 On or around 14 July 1992, JANKO JANJIC again took FWS-48 together with FWS-87 and Z. G. to the Brena apartment block near Hotel Zelengora. When they arrived, **ZORAN VUKOVIC** and an unidentified soldier were waiting. Then, **ZORAN VUKOVIC**, raped FWS-48 (vaginal penetration) while the unidentified soldier raped FWS-87 (vaginal penetration) and JANKO JANJIC raped Z. G.

7.11 On or around 14 July 1992, **ZORAN VUKOVIC** came to Partizan to remove FWS-50 and FWS-87. As FWS-50 hid, **ZORAN VUKOVIC** threatened to kill the other detainees if she did not come out of hiding. FWS-50 then did so. The two girls were taken to an apartment close to Partizan, where an unidentified soldier stood waiting. There **ZORAN VUKOVIC** raped FWS-50 (vaginal penetration), while the unidentified soldier raped FWS-87.

7.12 [redacted]

7.13 In July 1992, witness FWS-87 was frequently taken out, and raped (vaginal and anal penetration and fellatio). On one occasion witness FWS-87 was gang-raped by 4 men including DRAGAN ZELENOVIC and **ZORAN VUKOVIC**.

7.14 [redacted]

7.15 On or around 15 July 1992, GOJKO JANKOVIC led FWS-48 to an empty Muslim house in the Aladza neighbourhood. When FWS-48 arrived, about 14 Montenegrin soldiers were already present. DRAGAN ZELENOVIC then arrived with about 8 more soldiers, among them **ZORAN VUKOVIC**. DRAGAN ZELENOVIC took FWS-48 to a room and threatened to slash her throat if she resisted. Then, DRAGAN ZELENOVIC raped FWS-48 (vaginal penetration and fellatio) together with at least other 7 soldiers. **ZORAN VUKOVIC** was the 6th man who raped her. During the sexual assault, **ZORAN VUKOVIC** bit her nipples a number of times. Although the witness was bleeding from these bites, the 7th man squeezed and pinched her breasts as he raped her. FWS-

48 fainted as a result of the pain.

7.16 [redacted]

7.17 [redacted]

7.18 The same night Son or around 23 July 1992C, after being taken back to Partizan, JANKO JANJIC took FWS-48, together with two other women, to the Brena apartment block, where **ZORAN VUKOVIC** and a certain Panto were already waiting. Panto raped FWS-48 (vaginal penetration). She heard **ZORAN VUKOVIC** and JANKO JANJIC, at the same time, sexually assaulting the other women in the next room.

7.19 [redacted]

7.20 [redacted]

7.21 After midnight, on the same night S12 August 1992C, JANKO JANJIC took FWS-48 together with other women to the Brena apartments. While leaving Partizan, a group of soldiers approached the women and tried to pull them away. JANKO JANJIC told these soldiers that he needed these women for his own people and that they should go into Partizan and find other women. **ZORAN VUKOVIC** and Panto joined them at the Brena apartments. That night, JANKO JANJIC raped FWS-48. During the sexual assault, he mentioned that it would be the last time.

7.22 [redacted]

7.23 [redacted]

COUNT 29

[redacted]

COUNT 30

[redacted]

COUNT 31

[redacted]

COUNT 32

[redacted]

7.24 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-50 and FWS-87, **ZORAN VUKOVIC** committed:

COUNT 33

(TORTURE)

Count 33: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

**COUNT 34
(RAPE)**

Count 34: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

**COUNT 35
(TORTURE)**

Count 35: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (TORTURE) of the Geneva Conventions.

**COUNT 36
(RAPE)**

Count 36: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

7.25 [redacted]

COUNT 37

[redacted]

COUNT 38

[redacted]

COUNT 39

[redacted]

COUNT 40

[redacted]

7.26 [redacted]

COUNT 41

[redacted]

COUNT 42

[redacted]

COUNT 43

[redacted]

COUNT 44

[redacted]

COUNTS 45-48

[redacted]

8.1 [redacted]

8.2 [redacted]

8.3 [redacted]

8.4 [redacted]

8.5 [redacted]

8.6 [redacted]

8.7 [redacted]

8.8 [redacted]

COUNT 45

[redacted]

COUNT 46

[redacted]

COUNT 47

[redacted]

COUNT 48

[redacted]

COUNT 49 - 50

[redacted]

9.1 [redacted]

9.2 [redacted]

9.3 [redacted]

COUNT 49

[redacted]

COUNT 50

[redacted]

Carla Del Ponte
Prosecutor

Dated this 5th day of October 1999
At The Hague
The Netherlands