

THE PROSECUTOR

v.

MIROSLAV KVOCKA,
MILOJICA KOS,
MLADEN RADIC,
ZORAN ZIGIC

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 International Criminal Tribunal for the Former Yugoslavia ("the Statute of the Tribunal"), charges:

Miroslav KVOCKA, Milojica KOS, Mladen RADIC and Zoran ZIGIC

with **Crimes Against Humanity and Violations of the Laws or Customs of War**, as set forth below:

BACKGROUND:

1. Prijedor Municipality (*opstina*) 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. The Municipality is situated along one of the main east-west travel corridors in the former Yugoslavia. It was considered a strategic location by Serbian leaders because that corridor linked the Serbian-dominated area of the Croatian Krajina in the west with the Republic of Serbia in the east.

2. In 1991, after Slovenia and Croatia declared independence from Yugoslavia and war broke out, it appeared increasingly likely that Bosnia and Herzegovina would also declare its independence. Bosnian Serb leaders, however, wanted Bosnia and Herzegovina to remain a part of Yugoslavia. As time went by, and it became clear they would not be able to hold Bosnia and Herzegovina in the Yugoslav federation, the Bosnian Serb authorities, led by the Serbian Democratic Party (SDS), began in earnest the creation of a separate Serbian territory in Bosnia and Herzegovina.

3. As viewed by the SDS leaders, a major problem in the creation and control of the Serbian

territory was the significant Bosnian Muslim and Bosnian Croat population that also lived in the areas being claimed. Thus, a significant aspect of the plan to create a new Serbian territory was the permanent removal or "ethnic cleansing" of nearly all of the Bosnian Muslim and Bosnian Croat population, allowing for the presence of only a small number of non-Serbs who would agree to the conditions for living in a Serb-dominated State.

4. During the early morning hours of 30 April 1992, Serbian forces seized physical control of the town of Prijedor. The takeover initiated a series of events that, by year's end, would result in the death or forced departure of most of the Bosnian Muslim and Bosnian Croat population of the Municipality.

5. Immediately after the takeover of Prijedor town, severe restrictions were imposed on all aspects of life for Bosnian Muslims, Bosnian Croats and some other non-Serbs, including freedom of movement and the right to employment. The effect of those restrictions was the containment of Bosnian Muslims and Bosnian Croats in the villages and areas in the Municipality where they lived. Beginning in late May, those areas were then subjected to extremely violent, large-scale attacks by the Serb military, paramilitary, and police forces. The Bosnian Muslims and Bosnian Croats who survived the initial artillery and infantry attacks were seized by the Serb forces and transferred to camps and detention facilities established and operated under the direction of the Bosnian Serb authorities.

6. From about 26 May 1992 until 30 August 1992, Bosnian Serb authorities in the Prijedor municipality unlawfully segregated, detained and confined more than 6,000 Bosnian Muslims, Bosnian Croats and other non-Serbs from the Prijedor area in the Omarska, Keraterm, and Trnopolje camps. In Omarska camp 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. At the Keraterm camp, the majority of the detainees were military-aged males. At the Trnopolje camp the majority of detainees were Bosnian Muslim and Bosnian Croat women, children, and the elderly, although men were also interned there either with their families or alone.

7. 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 were generally confined in four locations: the administration building where interrogations took place and most of the women were confined; the garage or hangar building; a building known as the '*white-house*', where virtually every detainee was tortured or severely beaten; and a cement courtyard area between the buildings known as the '*Pista*'. There was another small building known as the '*red-house*' where detainees were taken, but rarely emerged alive. The Keraterm camp was located on the site of a ceramics factory located on the Prijedor-Banja Luka road, just outside the center of the town of Prijedor. Detainees were confined in four storage rooms which faced the road.

8. Living conditions at Omarska and Keraterm were brutal and inhumane. The two camps were operated in a manner that resulted in the physical debilitation or death of the non-Serb detainees. The general living conditions were abject. Detainees were crowded together so badly in the various rooms of both camps, that often they could not sit or lie down. There were little or no toilets or facilities for personal hygiene. The inadequate supply of water the detainees received at both camps was usually foul. They had no change of clothing, no bedding, and virtually no medical care. The detainees were fed starvation rations once a day. In addition, in Omarska, they were given approximately three minutes to get into the canteen area, eat, and get out. The trip to the canteen was often accompanied by beatings and other abuse.

9. Severe beatings, torture, killings, sexual assault, and other forms of physical and psychological abuse were commonplace at Omarska and Keraterm. The camp guards and others who came to the camps used all types of weapons and instruments to beat and otherwise physically abuse the detainees. At a minimum, hundreds of detainees, whose identities are known and unknown, did not survive the camps.

10. Interrogations were conducted on a daily basis at the Omarska and Keraterm camps. The interrogations were regularly accompanied by beatings and torture. Non-Serbs who were considered as extremists or to have resisted the Bosnian Serbs were often killed. In addition, Bosnian Muslim and Bosnian Croat political and civic leaders, intellectuals, and the wealthy, were especially subjected to malicious beatings, torture, and/or killed.

11. The Trnopolje camp was located in the village of Trnopolje, approximately ten kilometres from the town of Prijedor. Detainees were detained in a cluster of buildings, including a school, cultural hall and cinema, and on the surrounding grounds. The conditions in the Trnopolje camp were also abject and brutal. The general living and hygiene facilities were grossly inadequate. Minimal rations were only provided on a sporadic basis. At various points, detainees were allowed to leave the camp to forage for food in the surrounding area. Both male and female detainees were killed, beaten and otherwise physically and psychologically maltreated by the camp personnel and others who were allowed into the camp for the purpose of inflicting serious bodily and mental harm on the detainees.

12. In addition, many of the women detained at the Trnopolje camp were raped, sexually assaulted, or otherwise tortured by camp personnel, who were both police and military personnel, and by others, including military units from the area who came to the camp for that specific purpose. In many instances, the women and girls were taken from the camp and raped, tortured, or sexually abused at other locations. Some of the Bosnian Muslims and Bosnian Croats who were detained at Trnopolje had fled to the camp because they believed they were even less likely to survive if they stayed in their own homes and villages. Trnopolje camp served as the staging point for most of the convoys that were used to forcibly transfer or deport the Bosnian Muslims, Bosnian Croats and other non-Serbs from Prijedor municipality.

GENERAL ALLEGATIONS

13. Unless otherwise set forth below, all acts and omissions set forth in the counts of this Indictment took place between about 1 April 1992 and about 30 August 1992.

14. In each paragraph 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; and/or for any reason based upon discrimination of any kind.

15. In each paragraph charging Crimes Against Humanity, the alleged acts or omissions were part of a widespread or systematic attack directed against a civilian population, specifically the Bosnian Muslim and Bosnian Croat populations of the Prijedor municipality.

16. **Miroslav KVOCKA, Milojica KOS, Mladen RADIC and Zoran ZIGIC** are individually responsible for the crimes charged against them in this indictment, pursuant to Article 7(1) of the Statute of the Tribunal. As defined by Article 7(1), individual criminal responsibility includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning,

preparation or execution of any acts or omissions set forth below. The term "participation", as used in the Counts hereunder is intended to incorporate any and all forms of individual criminal responsibility as set forth in Article 7(1).

17. **Miroslav KVOCKA, Milojica KOS and Mladen RADIC** are also, or alternatively, criminally responsible for acts of their subordinates with respect to the crimes charged in the indictment by virtue of their positions of superior authority in the camps, pursuant to Article 7(3) of the Statute of the Tribunal. As defined by Article 7(3), a person in a position of superior authority is responsible for the criminal acts of his subordinates if the superior 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.

18. Paragraphs 1 through 17 are re-alleged and incorporated into each of the charges described below:

ACCUSED:

19. **Miroslav KVOCKA:** Born on 1 January 1957 in the village of Maricka, Prijedor municipality, Bosnia and Herzegovina. He was a police officer in Prijedor municipality prior to the conflict and was the first commander of the Omarska camp. During June 1992, he was replaced by Zeljko Meakic as the commander and thereafter held responsibility as a deputy commander of the camp. As a commander, he was in a position of authority superior to everyone in the camp. As a deputy commander, he was in a position of authority superior to everyone in the camp other than the camp commander.

19. **Milojica KOS, a.k.a. Krle:** Born on 1 April 1963 in the village of Lamovita, Prijedor municipality, Bosnia and Herzegovina. He served as one of three shift commanders of guards at the Omarska camp. As a shift commander, and when present in the camp, he was in a position of superior authority to all camp personnel, other than the commander or deputy commander, and most visitors.

20. **Mladen RADIC, a.k.a. Krkan, Mla|o:** Born on 15 May 1952 in the village of Lamovita, Prijedor municipality, Bosnia and Herzegovina. He was a police officer in Prijedor municipality prior to the conflict and served as one of three shift commanders of guards at the Omarska camp. As a shift commander, and when present in the camp, he was in a position of superior authority to all camp personnel, other than the commander or deputy commander, and most visitors.

21. **Zoran ZIGIC, a.k.a Ziga:** Born on 20 September 1958 in the village of Balte, Prijedor municipality, Bosnia and Herzegovina. Prior to the conflict he was a taxi driver in the Prijedor area. During the period of 26 May to 30 August 1992, he entered all three camps for the purpose of abusing, beating, torturing and/or killing detainees.

COUNTS 1 to 3

(PERSECUTIONS; INHUMANE ACTS; and OUTRAGES UPON PERSONAL DIGNITY)

22. Between about 26 May 1992 until about 30 August 1992, **Miroslav KVOCKA, Milojica KOS, Mladen RADIC and Zoran ZIGIC** participated in persecutions of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area, on political, racial or religious grounds.

23. The persecution included the following means:

- a. the murder of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including those detained in the Omarska, Keraterm and Trnopolje camps;
- b. the torture and beating of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including those detained in the Omarska, Keraterm and Trnopolje camps;
- c. the sexual assault and rape of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including those detained in the Omarska, Keraterm and Trnopolje camps;
- d. the harassment, humiliation and psychological abuse of Bosnian Muslims, Bosnian Croats and other non-Serbs in Prijedor municipality, including those detained in the Omarska, Keraterm and Trnopolje camps; and
- e. the confinement of Bosnian Muslims, Bosnian Croats and other non-Serbs in inhumane conditions in the Omarska, Keraterm and Trnopolje camps.

24. In addition, between about 26 May 1992 and 30 August 1992, **Miroslav KVOCKA**, **Milojica KOS** and **Mladen RADIC** knew or had reason to know that persons subordinate to them in the Omarska camp were about to participate in the persecution of Bosnian Muslims, Bosnian Croats and other non-Serbs in the Prijedor area on political, racial or religious grounds, or had done so, and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators.

25. Between about 26 May and about 15 July 1992, **Miroslav KVOCKA**, while serving as camp commander and then deputy commander, participated in the daily murder, torture, sexual assault, beating, humiliation, psychological abuse, and/or confinement in inhumane conditions, of Bosnian Muslim, Bosnian Croat and other non-Serb detainees in the Omarska camp, including the beating or torture of Emir Beganovic, Rezak Hukanovic, Asef Kapetanovic, and Sefik Terzic.

26. Between about 26 May 1992 and about 30 August 1992, **Milojica KOS**, while serving as a shift commander at the Omarska camp, participated in the daily murder, torture, sexual assault, beating, humiliation, psychological abuse, and/or confinement in inhumane conditions, of Bosnian Muslim, Bosnian Croat and other non-Serb detainees at the Omarska camp.

27. Between about 26 May 1992 and about 30 August 1992, **Mladen RADIC**, while serving as a shift commander at the Omarska camp, participated in the daily murder, torture, sexual assault, beating, humiliation, psychological abuse, and/or confinement in inhumane conditions, of Bosnian Muslim, Bosnian Croat and other non-Serb detainees at the Omarska camp, including: the rape and sexual assault of several of the female detainees, among them witnesses A and F; the murder and torture of unnamed detainees on Petrovdan (a Serbian holiday); and, the plunder of valuables from detainees.

28. Between about 26 May 1992 and about 30 August 1992, **Zoran ZIGIC** participated in the murder, torture, sexual assault, beating, humiliation, psychological abuse, and/or confinement in inhumane conditions, of Bosnian Muslim, Bosnian Croat and other non-Serb detainees both in and

out of the Omarska, Keraterm and Trnopolje camps, including: the torture and murder of Becir Medunjanin in the Omarska camp; the beating and torture of Emir Beganovic, Rezak Hukanovic, Asef Kapetanovic, and Sefik Terzic in the Omarska camp; the beating and torture of Fajzo Mukanovic, Jasmin Ramadanovic, known as "Sengin", Fikret Alic, Faudin Hrustic, and Red`ep Grabic in the Keraterm camp; the torture and murder of Emsud Bahonjic, a man known as "Car", Jasmin Izejiri, "Spija" Mesic, and Drago Tokmanovic in the Keraterm camp; and, the murder of approximately 150-200 men in the Keraterm camp on about 24 July 1992.

By their involvement in the above acts and omissions, **Miroslav KVOCKA, Milojica KOS, Mladen RADIC** and **Zoran ZIGIC** committed:

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

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

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

In addition, **Miroslav KVOCKA, Milojica KOS** and **Mladen RADIC**, are criminally responsible for the crimes set forth in **Counts 1 to 3** pursuant to Article 7(3) of the Statute of the Tribunal.

COUNTS 4 & 5 (MURDER)

29. Between about 26 May 1992 and about 30 August 1992, **Miroslav KVOCKA, Milojica KOS** and **Mladen RADIC** participated in the murder of detainees at the Omarska camp. During that period, camp guards and other Serbs allowed into the Omarska camp, who were subject to the authority and control of **Miroslav KVOCKA, Milojica KOS**, and **Mladen RADIC**, murdered detainees, subjected detainees to torture and beatings that often resulted in the death, and/or confined the detainees in inhumane conditions which resulted in their physical debilitation or death. At a minimum, hundreds of detainees, including Becir Medunjanin, Sefik Sivac, and Rizah Had`alic, died as a result of these incidents.

30. In addition, between about 26 May 1992 and about 30 August 1992, **Miroslav KVOCKA, Milojica KOS**, and **Mladen RADIC** knew or had reason to know that persons subordinate to them in the Omarska camp were about to participate in the murder of Bosnian Muslim, Bosnian Croat and non-Serb detainees in the Omarska camp, or had done so, and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators.

By their participation in the acts or omissions described in the above paragraphs, the accused **Miroslav KVOCKA, Milojica KOS** and **Mladen RADIC** committed:

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

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

the Statute of the Tribunal.

COUNTS 6 & 7 (MURDER)

31. Between about 26 May 1992 and about 30 August 1992, **Zoran ZIGIC**, alone or with others, entered the Omarska and Keraterm camps and participated in the murder of detainees, including:

a. During late June 1992, at the Keraterm camp, the severe beating of a group of detainees, including Emsud Bahonjic and a detainee known by the nickname "Car", over a period of several days. Bahonjic and "Car" were particularly subjected to violent beatings and various degrading and humiliating and/or painful acts, such as lying on broken glass, repeatedly jumping from a truck and having to commit fellatio with another detainee. They both died several days later as a result of the injuries received from the beatings.

b. During mid-July 1992, at the Keraterm camp, the brutal beating of many detainees. Those beatings resulted in the deaths of Jasmin Izejiri, "Spija" Mesic and Drago Tokmanovic.

c. During July 1992, in the Omarska camp, the brutal beating, over a two-day period, of Becir Medunjanin, which resulted in his death.

d. On about 20 July 1992, Bosnian Muslim, Bosnian Croat and other non-Serb men from an area of the Prijedor municipality known as "Brdo", that included the villages Hambarine, Carakovo, Rakovcani, Biscani and Rizvanovici, were brought to the Keraterm camp and confined in Room 3. During the evening of about 24 July 1992, **Zoran ZIGIC** along with other Serb forces fired at Room 3 with machine guns resulting in the killing of the majority of the detainees therein.

By his participation in the above acts, **Zoran ZIGIC** committed:

Count 6: a CRIME AGAINST HUMANITY, punishable under Articles 5(a) (murder) and 7(1) of the Statute of the Tribunal; and,

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

COUNTS 8 to 10 (TORTURE and CRUEL TREATMENT)

32. Between about 26 May 1992 and about 30 August 1992, **Miroslav KVOCKA**, **Milojica KOS**, and **Mladen RADIC** participated in the torture and beating of Bosnian Muslim, Bosnian Croat and other non-Serb detainees in the Omarska camp. During that time period, detainees at the Omarska camp were subjected to torture and/or severe beatings on a daily basis. For many detainees, the beatings began upon their arrival at the camp and continued throughout their detention. Camp guards and others who came to the camp used all kinds of weapons and implements to inflict the torture and/or beatings. Many detainees were tortured and/or beaten on repeated occasions, including: Emir Beganovic, Rezak Hukanovic, Asef Kapetanovic, Sefik Terzic, Senad Muslimovic, Eno Alic, Jasmin Hrnica, Fikret Harambasic, Emir Karabasic, and Hase Ilic.

33. In addition, during the relevant time frame, **Miroslav KVOCKA**, **Milojica KOS** and **Mladen RADIC** knew or had reason to know that persons subordinate to them in the Omarska camp were about to participate in the torture and/or beating of Bosnian Muslim, Bosnian Croat and other non-Serb detainees in the Omarska camp, or had done so, and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators.

By their participation in the acts or omissions described above, **Miroslav KVOCKA**, **Milojica KOS** and **Mladen RADIC** committed:

Count 8: a CRIME AGAINST HUMANITY, punishable under Articles 5(f) (torture) and 7(1) and 7(3) of the Statute of the Tribunal;

Count 9: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, (torture, 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.

Count 10: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, (cruel treatment, 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 11 to 13 (TORTURE and CRUEL TREATMENT)

34. Between about 26 May 1992 and about 30 August 1992, **Zoran ZIGIC** participated in the torture and/or beating of Bosnian Muslim, Bosnian Croat and other non-Serb detainees in the Omarska, Keraterm and Trnopolje camps, including:

- a. Faizo Mukanovic at the Keraterm camp during the first part of June 1992;
- b. Senahid Cirkic at the Keraterm camp on about 4 June 1992;
- c. Emir Beganovic, Rezak Hukanovic, Asef Kapetanovic and Sefik Terzic at the Omarska camp on about 10 June 1992;
- d. Fikret Alic at the Keraterm camp between about 14 June 1992 and about 5 August 1992;
- e. a group of detainees in Room 3, including Farudin Hrustic, at the Keraterm camp on about 23 June 1992;
- f. a group of detainees confined in Room 2, including Redzep Grabic, at the Keraterm camp on about 25 June 1992; and,
- g. Jasmin Ramadanovic, known as "Sengin" at the Keraterm camp between about 27 May 1992 and about 5 August 1992.

By his participation in the acts described above, **Zoran ZIGIC** committed:

Count 11: a **CRIME AGAINST HUMANITY**, punishable under Articles 5(f) (torture) and 7(1) of the Statute of the Tribunal;

Count 12: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, (torture, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949) punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 13: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, (cruel treatment, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949) punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

COUNTS 14 to 17
(RAPE; TORTURE; and OUTRAGES UPON PERSONAL DIGNITY)

35. Between about 27 May 1992 and about 30 August 1992, at the Omarska camp, **Mladen RADIC** raped and sexually assaulted female detainees, including the rape of witness A on multiple occasions and the sexual assault of witness F.

By the foregoing acts **Mladen RADIC** committed:

Count 14: a **CRIME AGAINST HUMANITY**, punishable under Articles 5(f) (torture) and 7(1) of the Statute of the Tribunal;

Count 15: a **CRIME AGAINST HUMANITY**, punishable under Articles 5(g) (rape) and 7(1) of the Statute of the Tribunal;

Count 16: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, (torture, as recognised by Article 3(1)(a) of the Geneva Conventions of 1949) punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Count 17: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, (outrages upon personal dignity, as recognised by Article 3(1)(c) of the Geneva Conventions of 1949) punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

Louise Arbour
Prosecutor
Dated this twelfth day of June 1998
The Hague, The Netherlands