

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR OF
THE TRIBUNAL

AGAINST

CASE : IT-95-4-I
(MEAKIC and others - 19)

ZELJKO MEAKIC
MIROSLAV KVOCKA
DRAGOLJUB PRČAC
MLADEN RADIC a/k/a "KRKAN"
MILOJICA KOS a/k/a "KRLE"
MOMCILO GRUBAN a/k/a "CKALJA"
ZDRAVKO GOVEDARICA
GRUBAN
PREDRAG KOSTIC a/k/a "KOLE"
NEDELJKO PASPALJ
MILAN PAVLIC
MILUTIN POPOVIC
DRAZENKO PREDOJEVIC
ZELJKO SAVIC
MIRKO BABIC
NIKICA JANJIC
DUSAN KNEZEVIC a/k/a "DUCA"
DRAGOMIR SAPONJA
ZORAN ZIGIC a/k/a "ZIGA"

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 ("The Statute of the Tribunal"), charges:

1. From about 25 May to about 30 August, 1992, Serb forces collected and confined more than 3,000 Bosnian Muslims and Bosnian Croats from the opstina of Prijedor, Bosnia-Herzegovina, in the former Yugoslavia, in inhumane conditions, under armed guard, in the Omarska "camp", located in a former mining complex approximately fifteen kilometres from the town of Prijedor. As set forth below, the Serb forces killed, raped, sexually assaulted, beat and otherwise mistreated the prisoners at Omarska.

Background - Omarska camp:

2.1. In May, 1992, intensive shelling of Muslim areas in the opstina Prijedor caused the Muslim residents to flee their homes. The majority of them then surrendered or were captured by Serb forces. As the Serb forces rounded up the Muslims and any Croat residents, they forced the Muslims and Croats to march in columns bound for one or another of the prison camps that the Serbs had established in the opstina. The Serb forces pulled many of the Muslims and Croats from the columns and shot or beat them on the spot.

2.2. On about 25 May 1992, about three weeks after Serbs forcibly took control of government authority in the opstina, and two days after the start of large scale military attacks on Muslim population centres, the Serb forces began taking prisoners to the Omarska camp.

2.3. During the next several weeks, the Serb forces continued to round up Muslims and Croats from Kozarac, Prijedor town, and other places in the opstina and interned them in the camps. Many of Prijedor's Muslim and Croat intellectuals, professional and political leaders were sent to Omarska. There were approximately 40 women in the camp, and all the other prisoners in the camp were men.

2.4. Within the area of the Omarska mining complex that was used for the camp, the camp authorities generally confined the prisoners in three different buildings: the administration building, where interrogations took place and most of the women were confined; the garage or hangar building; the "white house," a small building where particularly severe beatings were administered; and on a cement courtyard area between the buildings known as the "pista". There was another small building, known as the "red house", where prisoners were sometimes taken but most often did not emerge alive.

2.5. Living conditions at Omarska were brutal. Prisoners were crowded together with little or no facilities for personal hygiene. They were fed starvation rations once a day and given only three minutes to get into the canteen area, eat, and get out. The little water they received was ordinarily foul. Prisoners had no changes of clothing and no bedding. They received no medical care.

2.6. Severe beatings were commonplace. The camp guards, and others who came to the camp and physically abused the prisoners, used all manner of weapons during these beatings, including wooden batons, metal rods and tools, lengths of thick industrial cable that had metal balls affixed to the end, rifle butts, and knives. Both female and male prisoners were beaten, tortured, raped, sexually assaulted, and humiliated. In addition to regular beatings and abuse, there were incidents of multiple killings and special terror. Many, whose identities are known and unknown, did not survive the camp.

3. The persons accused in this indictment were commanders, guards and others responsible for the conditions and mistreatment of prisoners in Omarska camp or otherwise assisted the accused.

The Accused:

4. **Zeljko MEAKIC** also known as (hereinafter a/k/a) **Mejakic**, a/k/a **Meagic**, was in charge of Omarska camp beginning in late June, 1992, and was in a position of superior authority to everyone else in the camp. Before he took command of the camp, he was chief of security and had full authority over all the guards and any visitors. Before the war began in Bosnia-Herzegovina, he was a police official in Omarska village.

5. **Miroslav KVOCKA** and **Dragoljub PRCAC** were deputies to **Zeljko MEAKIC** and were in positions of authority superior to everyone in the camp other than **MEAKIC**. For most of the first month of the camp's operation, **KVOCKA** was the commander of the camp. Prior to the start of the war, both **KVOCKA** and **PRCAC** were officials at the Ministry of the Interior in Prijedor.

6. **Mladen RADIC** a/k/a **Mladjo RADIC** a/k/a **Krkan**; **Milojica KOS** a/k/a **Krle**; and **Momcilo GRUBAN** a/k/a **Ckalja** were shift commanders who each supervised one of the three shifts of guards that operated the camp. As shift commanders, when they were on duty, they were in positions of superior authority to all the camp personnel, second only to the camp commander and his deputies.

7. The following accused were among those who acted as guards in the Omarska camp:

- a. **Zdravko GOVEDARICA**
- b. first name unknown **GRUBAN**
- c. **Predrag KOSTIC** a/k/a **KOLE**
- d. **Nedeljko PASPALJ**
- e. **Milan PAVLIC**
- f. **Milutin POPOVIC**
- g. **Drazenko PREDOJEVIC**
- h. **Zeljko SAVIC**

8. In addition to the above-listed accused, who regularly performed duties in Omarska camp, other Serbs entered the camp, subject to the authority of **Zeljko MEAKIC**, **Miroslav KVOCKA**, and **Dragoljub PRCAC**, where they killed, beat or otherwise physically abused prisoners. Among those who entered the camp were the following accused:

- a. **Mirko BABIC**
- b. **Nikica JANJIC**
- c. **Dusan KNEZEVIC** a/k/a **Duca**
- d. **Dragomir SAPONJA**
- e. **Zoran ZIGIC** a/k/a **Ziga**

General Allegations:

9. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the territory of Bosnia-Herzegovina.
10. All acts or omissions set forth as grave breaches recognised by Article 2 of the Statute of the Tribunal occurred during that armed conflict and partial occupation.
11. All of the prisoners at the Omarska camp, and the Bosnian Muslims and Croats of the opstina of Prijedor referred to in this indictment were, at all relevant times, persons protected by the Geneva Conventions of 1949.
12. All of the accused in this indictment were required to abide by the mandate of the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.
13. Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between 24 May and 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 or a third person; and/or for any reason based upon discrimination of any kind.
15. In each paragraph charging crimes against humanity, a crime recognised by Article 5 of the Statute of the Tribunal, the alleged acts or omissions were part of a widespread or large-scale or systematic attack directed against a civilian population, specifically the Muslim and Croat population of the Prijedor district.
16. Paragraphs 4 through 15 are realleged and incorporated into each of the charges described below.
17. The term "Serb" refers either to Bosnian citizens of Serbian descent or to individuals for whom it is unknown whether they were Bosnian Serbs or citizens of Serbia proper.

CHARGES:

ACCUSED: Zeljko MEAKIC

- 18.1. **Zeljko MEAKIC**, intending to destroy, in whole or in part, the Bosnian Muslim and Bosnian Croat people as national, ethnic, or religious groups, was complicit with other persons in the killing of Bosnian Muslims and Bosnian Croats from the opstina Prijedor at the Omarska camp, thereby committing **GENOCIDE**, a crime recognised by Article 4(a) of the Statute of the Tribunal.
- 18.2. **Zeljko MEAKIC**, intending to destroy, in whole or in part, the Bosnian Muslim and Bosnian Croat people as national, ethnic, or religious groups, was complicit with other persons in causing serious bodily or mental harm to Bosnian Muslim and Bosnian Croat people from the opstina Prijedor in Omarska camp, thereby committing **GENOCIDE**, a crime recognised by Article 4(b) of the Statute of the Tribunal.
- 18.3. **Zeljko MEAKIC**, intending to destroy, in whole or in part, the Bosnian Muslim and Bosnian Croat people as national, ethnic, or religious groups, was complicit with other persons in the deliberate infliction of conditions of life on Bosnian Muslim and Bosnian Croat people from the opstina Prijedor at the Omarska camp calculated to bring about their physical destruction in whole or in part, thereby committing **GENOCIDE**, a crime recognised by Article 4(c) of the Statute of the Tribunal.
- 19.1. With respect to the allegations in this indictment, **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** knew or had reason to know that persons in positions of subordinate authority to them at Omarska camp were about to commit those acts, or had already committed those acts, and failed to take the necessary and reasonable steps to prevent those acts or to punish the perpetrators after the acts had been committed.
- 19.2. During the operation of Omarska camp, camp guards and others who were subordinate to **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** regularly and openly killed, raped, tortured, beat, and otherwise subjected prisoners to conditions of constant humiliation, degradation, and fear of death.

ACCUSED: Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN in their capacity as superiors

- 19.3. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the wilful killing of Omarska prisoners, including those described in paragraphs hereunder, **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949** (hereinafter **GRAVE BREACHES**) recognised by Articles 2(a) and 7(3) of the Statute of the Tribunal, or;
- 19.4. Alternatively, **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the murder of Omarska prisoners, including those described in paragraphs hereunder, **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 19.5. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the murder of Omarska prisoners, including those described in paragraphs hereunder, **CRIMES AGAINST HUMANITY** recognised by Articles 5(a) and 7(3) of the Statute of the Tribunal.
- 19.6. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the torture of Omarska prisoners, **GRAVE BREACHES** recognised by Articles 2(b) and 7 (3) of the Statute of the Tribunal, or;
- 19.7. Alternatively, **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the torture of Omarska prisoners, **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 19.8. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the torture of Omarska prisoners, **CRIMES AGAINST HUMANITY** recognised by Articles 5(f) and 7(3) of the Statute of the Tribunal.
- 19.9. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the rape of

Omarska prisoners, including those described in paragraphs hereunder, **CRIMES AGAINST HUMANITY** recognised by Articles 5(g) and 7(3) of the Statute of the Tribunal.

- 19.10. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in wilfully causing great suffering to Omarska prisoners, including those described in paragraphs hereunder, **GRAVE BREACHES** recognised by Articles 2(c) and 7(3) of the Statute of the Tribunal, or;
- 19.11. Alternatively, **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the commission of outrages upon personal dignity, including humiliating and degrading treatment of the Omarska prisoners, **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Statute of the Tribunal and Article 3(1)(c) of the Geneva Conventions.
- 19.12. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for the acts of their subordinates in the unlawful confinement of civilians, including those listed in paragraphs hereunder, **GRAVE BREACHES** recognised by Articles 2(g) and 7(3) of the Statute of the Tribunal, or;
- 19.13. **Zeljko MEAKIC, Miroslav KVOCKA, Dragoljub PRCAC, Mladen RADIC, Milojica KOS and Momcilo GRUBAN** are criminally responsible for their own acts or omissions and for the acts of their subordinates in the unlawful imprisonment of the prisoners of Omarska, including those listed in paragraphs hereunder, **CRIMES AGAINST HUMANITY** recognised by Articles 5(e) and 7(3) of the Statute of the Tribunal.

ACCUSED: Zeljko MEAKIC

20.1. Around 20 July 1992, the last remaining pocket of Bosnian Muslims and Bosnian Croats was captured from the area west of Prijedor town known as the Brdo. Many were taken to Omarska camp. When they arrived, **Zeljko MEAKIC** and camp guards beat them severely with batons and others weapons.

- 20.2. **Zeljko MEAKIC** wilfully caused these prisoners great suffering or serious injury to body or health, a **GRAVE BREACH** recognised by Articles 2(c) and 7(1) of the Statute of the Tribunal, or;
- 20.3. Alternatively, **Zeljko MEAKIC** wilfully subjected these prisoners to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS**

OF WAR recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.

20.4. **Zeljko MEAKIC** committed inhumane acts on the Brdo prisoners, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.

21.1. About 25 June 1992, during an interrogation on the first floor of the administration building, two guards beat Saud BESIC repeatedly with batons and kicked him. **Zeljko MEAKIC** entered the room, kicked Saud BESIC in the chest and the two guards continued to beat him until he lost consciousness.

21.2. **Zeljko MEAKIC** subjected Saud BESIC to inhuman treatment, a **GRAVE BREACH** recognised by Articles 2(b) and 7(1) of the Statute of the Tribunal, or;

21.3. Alternatively, **Zeljko MEAKIC** inflicted cruel treatment on Saud BESIC, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.

21.4. **Zeljko MEAKIC** subjected Saud BESIC to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.

ACCUSED: Mladen RADIC

22.1. During June and July, 1992, **Mladen RADIC** repeatedly subjected "A" to forcible sexual intercourse. The first occasion was on or about the night of 25 June 1992. **Mladen RADIC** took "A" to a room downstairs in the administration building, forced her on a table and subjected her to forcible sexual intercourse. Two or three nights later, **RADIC** again called "A" out of the room where she slept and again subjected her to forcible sexual intercourse. On at least three more occasions during June and July 1992, **Mladen RADIC** called "A" out of the room in the administration building where she slept and subjected her to forcible sexual intercourse. These crimes are charged separately below:

First Incident

22.2. Around 25 June, 1992, **Mladen RADIC** wilfully caused "A" great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal or;

22.3. Alternatively, around 25 June 1992, **Mladen RADIC** subjected "A" to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3

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

- 22.4. Around 25 June 1992, **Mladen RADIC** raped “A”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

Second Incident

- 22.5. Around 27 June 1992, **Mladen RADIC** wilfully caused “A” great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 22.6. Alternatively, around 27 June 1992, **Mladen RADIC** subjected “A” to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 22.7. Around 27 June, 1992, **Mladen RADIC** raped “A”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

Third Incident

- 22.8. During July, 1992, **Mladen RADIC** wilfully caused “A” great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 22.9. Alternatively, during July, 1992, **Mladen RADIC** subjected “A” to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 22.10. During July, 1992, **Mladen RADIC** raped “A”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

Fourth Incident

- 22.11. During late July, 1992, **Mladen RADIC** wilfully caused “A” great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 22.12. Alternatively, during late July, 1992, **Mladen RADIC** subjected “A” to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of

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

- 22.13. During late July, 1992, **Mladen RADIC** raped “A”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

Fifth Incident

- 22.14. During late July, 1992, **Mladen RADIC** wilfully caused “A” great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 22.15. Alternatively, during late July 1992, **Mladen RADIC** subjected “A” to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 22.16. During late July, 1992, **Mladen RADIC** raped “A”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

ACCUSED: Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC

- 23.1. In about July 1992, **Zoran ZIGIC, Dusan KNEZEVIC** and a third unknown person savagely beat Becir MEDUNJANIN on two occasions over a two day period in the “white house.” The accused assaulted Becir MEDUNJANIN with a club, a chair, a baton and kicked him. The morning after the second assault Becir MEDUNJANIN died in the room and his body was removed from the camp immediately.
- 23.2. **Zoran ZIGIC** and **Dusan KNEZEVIC** participated in the wilful killing of Becir MEDUNJANIN, a **GRAVE BREACH** recognised by Article 2(a) and 7(1) of the Statute of the Tribunal, or;
- 23.3. Alternatively, **Zoran ZIGIC** and **Dusan KNEZEVIC** participated in the murder of Becir MEDUNJANIN, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 23.4. **Zoran ZIGIC** and **Dusan KNEZEVIC** participated in the murder of Becir MEDUNJANIN, a **CRIME AGAINST HUMANITY** recognised by Articles 5(a) and 7(1) of the Statute of the Tribunal.

24.1. On or about 10 June 1992, **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** went to the Omarska camp. **ZIGIC, KNEZEVIC, SAPONJA, and JANJIC** were not regular guards at the camp, but were allowed into the camp to murder, beat or otherwise physically abuse the prisoners. On that particular day, they called four prisoners at the Omarska camp, Emir BEGANOVIC, Rezak HUKANOVIC, Asef KAPETANOVIC, and Sefik TERZIC into the “white house” and severely beat them. The accused used metal batons and cables, a knife, their fists and kicked the victims with their military-style boots.

victim: Emir BEGANOVIC

- 24.2. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in wilfully causing serious injury to the body or health of Emir BEGANOVIC, a **GRAVE BREACH** recognised by Articles 2(c) and 7(1) of the Statute of the Tribunal, or;
- 24.3. Alternatively, **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Emir BEGANOVIC to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 24.4. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Emir BEGANOVIC to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.

victim: Rezak HUKANOVIC

- 24.5. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in wilfully causing serious injury to the body or health of Rezak HUKANOVIC, a **GRAVE BREACH** recognised by Articles 2(c) and 7(1) of the Statute of the Tribunal, or;
- 24.6. Alternatively, **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Rezak HUKANOVIC to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 24.7. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Rezak HUKANOVIC to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.

victim: Asef KAPETANOVIC

- 24.8. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in wilfully causing serious injury to the body or health of Asef KAPETANOVIC, a **GRAVE BREACH** recognised by Articles 2(c) and 7(1) of the Statute of the Tribunal, or;
- 24.9. Alternatively, **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Asef KAPETANOVIC to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 24.10. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Asef KAPETANOVIC to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.

victim: Sefik TERZIC

- 24.11. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in wilfully causing serious injury to the body or health of Sefik TERZIC, a **GRAVE BREACH** recognised by Articles 2(c) and 7(1) of the Statute of the Tribunal, or;
- 24.12. Alternatively, **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Sefik TERZIC to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 24.13. **Zoran ZIGIC, Dusan KNEZEVIC, Dragomir SAPONJA, and Nikica JANJIC** participated in subjecting Sefik TERZIC to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.

ACCUSED: GRUBAN

25.1. Between early June and 3 August 1992, a guard at the Omarska camp with the surname **GRUBAN**, who was a member of Mladen RADIC's shift, repeatedly forced "F" from the room where she was sleeping, took her to another room on the first floor of the administration building in the Omarska camp and subjected her to forcible sexual intercourse.

- 25.2. **GRUBAN** wilfully caused "F" great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;

- 25.3. Alternatively, **GRUBAN** subjected “F” to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 25.4. **GRUBAN** raped “F”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

ACCUSED: Predrag KOSTIC a/k/a KOLE

- 26.1. Between early June and 3 August 1992, **Predrag KOSTIC**, a guard at the Omarska camp, forced “F” from the room where she was sleeping, took her to another room on the first floor of the administration building in the Omarska camp and subjected her to forcible sexual intercourse.
- 26.2. **Predrag KOSTIC** wilfully caused “F” great suffering by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 26.3. Alternatively, **Predrag KOSTIC** subjected “F” to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 26.4. **Predrag KOSTIC** raped “F”, a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

ACCUSED: MILUTIN POPOVIC, DRAZENKO PREDOJEVIC, ZELJKO SAVIC and NEDELJKO PASPALJ

- 27.1. Around 6 July 1992, on the “pista”, the victim Rizah HADZALIC, in response to a comment by a guard, used a common polite Bosnian Muslim expression, “Bujrum”. The accused **Milutin POPOVIC**, together with the co-accused **Drazenko PREDOJEVIC**, **Zeljko SAVIC**, **Nedeljko PASPALJ** and a guard known only as “Nedo”, went to Rizah HADZALIC and beat him for using this Muslim expression. The four accused and “Nedo” beat Rizah HADZALIC until he fell to the ground in a sitting position. About half an hour later, Rizah HADZALIC died as a result of the beating.
- 27.2. **Milutin POPOVIC**, **Drazenko PREDOJEVIC**, **Zeljko SAVIC** and **Nedeljko PASPALJ** participated in the wilful killing of Rizah HADZALIC, a **GRAVE BREACH** recognised by Article 2(a) and 7(1) of the Statute of the Tribunal, or;
- 27.3. Alternatively, **Milutin POPOVIC**, **Drazenko PREDOJEVIC**, **Zeljko SAVIC** and **Nedeljko PASPALJ** participated in the murder of Rizah HADZALIC, a **VIOLATION OF THE LAWS OR CUSTOMS OF**

WAR recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.

- 27.4. **Milutin POPOVIC, Drazenko PREDOJEVIC, Zeljko SAVIC and Nedeljko PASPALJ** participated in the murder of Rizah HADZALIC, a **CRIME AGAINST HUMANITY** recognised by Article 5(a) and 7(1) of the Statute of the Tribunal.

ACCUSED: Milan PAVLIC

28.1. In early June, 1992, a large group of prisoners were confined in the canteen area of the administration building of the Omarska Camp. One night an elderly man, Mehmedalija NASIC, stood up and shouted in apparent protest over the prisoners' confinement. He was, at the time, distressed and possibly mentally disturbed by the conditions that he had been forced to endure. The accused, **Milan PAVLIC**, a regular guard at Omarska, ordered him to sit down. NASIC did not sit down, and after a few minutes **PAVLIC** fired his rifle, killing the victim and wounding several other prisoners sitting nearby.

- 28.2. **Milan PAVLIC**, wilfully killed Mehmedalija NASIC, a **GRAVE BREACH** recognised by Article 2(a) of the Statute of the Tribunal, or;
- 28.3. Alternatively, **Milan PAVLIC**, murdered Mehmedalija NASIC, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.
- 28.4. **Milan PAVLIC**, murdered Mehmedalija NASIC, a **CRIME AGAINST HUMANITY** recognised by Article 5(a) of the Statute of the Tribunal.

ACCUSED: Zdravko GOVEDARICA

29.1. On or about 17 June 1992, **Zdravko GOVEDARICA**, a guard in the Omarska camp, with four other guards whose names are not known, took Serif VELIC, a prisoner in the camp, to a room in the Administration Building where they stripped him to his underwear, kicked him in the testicles, repeatedly beat him with a baton and rifle, and kicked him in the ribs, causing him to lapse in and out of consciousness.

- 29.2. **Zdravko GOVEDARICA** wilfully subjected Serif VELIC to great suffering, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 29.3. Alternatively, **Zdravko GOVEDARICA** subjected Serif VELIC to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.

- 29.4. **Zdravko GOVEDARICA** subjected Serif VELIC to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Article 5(i) of the Statute of the Tribunal.

ACCUSED: Mirko BABIC

- 30.1. "F" was taken to the Omarska camp as a prisoner in early June 1992. Sometime between early June and 3 August 1992, "F" was taken to the Separacija building at the entrance to the Omarska camp and placed in a room where **Mirko BABIC** subjected "F" to forcible sexual intercourse.
- 30.2. **Mirko BABIC** wilfully caused great suffering to "F" by subjecting her to forcible sexual intercourse, a **GRAVE BREACH** recognised by Article 2(c) of the Statute of the Tribunal, or;
- 30.3. Alternatively, **Mirko BABIC** subjected "F" to cruel treatment by forcible sexual intercourse, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions of 1949.
- 30.4. **Mirko BABIC** raped "F", a **CRIME AGAINST HUMANITY** recognised by Article 5(g) of the Statute of the Tribunal.

ACCUSED: Dusan KNEZEVIC

- 31.1. Around the latter part of June or first part of July, 1992, near the building known as the "white house," a group of Serbs from outside the camp, including **Dusan KNEZEVIC**, ordered prisoners, whose names are not known, to drink water like animals from puddles on the ground, jumped on their backs and beat them until they were unable to move. As the victims were removed in a wheelbarrow, one of the Serbs discharged the contents of a fire extinguisher into the mouth of one of the victims.
- 31.2. **Dusan KNEZEVIC** participated in wilfully causing a group of Omarska prisoners, whose names are not known, great suffering or serious injury to body or health, a **GRAVE BREACH** recognised by Articles 2(c) and 7(1) of the Statute of the Tribunal, or;
- 31.3. Alternatively, **Dusan KNEZEVIC** participated in subjecting these unknown Omarska prisoners to cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions.

31.4. **Dusan KNEZEVIC** participated in subjecting these unknown Omarska prisoners to inhumane acts, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(1) of the Statute of the Tribunal.



Richard J. Goldstone
Prosecutor



THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR OF
THE TRIBUNAL

AGAINST

CASE: IT-95-4-I
(MEAKIC and others - 19)

ZELJKO MEAKIC
MIROSLAV KVOCKA
DRAGOLJUB PRCAC
MLADEN RADIC a/k/a "KRKAN"
MILOJICA KOS a/k/a "KRLE"
MOMCILO GRUBAN a/k/a "CKALJA"
ZDRAVKO GOVEDARICA
GORAN GRUBAN
PREDRAG KOSTIC a/k/a "KOLE"
NEDELJKO PASPALJ
MILAN PAVLIC
MILUTIN POPOVIC
DRAZENKO PREDOJEVIC
ZELJKO SAVIC
MIRKO BABIC
NIKICA JANJIC
DUSAN KNEZEVIC a/k/a "DUCA"
DRAGOMIR SAPONJA
ZORAN ZIGIC a/k/a "ZIGA"

REVIEW OF INDICTMENT

I, ADOLPHUS GODWIN KARIBI-WHYTE being a Judge of the International Criminal Tribunal for the former Yugoslavia;

- (1) Considering Article 19 of the Statute of the Tribunal and Rule 47 of the Rules of Procedure and Evidence of the Tribunal;
- (2) upon reviewing the above Indictment, together with the attached supporting material;

~~*(3) upon hearing _____ of the Prosecutor's Office, ~~

~~*(4) upon viewing the additional material supplied by _____ and
marked  ,~~

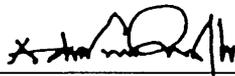
hereby find that I am satisfied / ~~not satisfied~~

that there is sufficient evidence to provide reasonable grounds to enable the Prosecutor to form the requisite belief pursuant to Rule 47(A) of the Rules of Procedure and Evidence of the Tribunal in respect of all / counts numbered 18.1 — 31.3 of the above Indictment and in conformity with Article 19(1) of the Statute of the Tribunal and I hereby

confirm / ~~dismiss all~~ / counts numbered 18.1 — 31.3 of the above Indictment / ~~adjourn the review~~.

By order this 13th day of February 1995.

ICTY Seal



Judge, Trial Chamber
International Criminal Tribunal
for the former Yugoslavia

* Delete if not required



Article 21

Rights of the accused

1. All persons shall be equal before the International Tribunal.
2. In the determination of charges against him, the accused shall be entitled to a fair and public hearing, subject to article 22 of the Statute.
3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:
 - a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - c) to be tried without undue delay;
 - d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - f) to have the free assistance of an interpreter if he cannot understand or speak the language used in the International Tribunal;
 - g) not to be compelled to testify against himself or to confess guilt.

Rule 42

Rights of Suspects during Investigation

- A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:
- (i) the right to be assisted by counsel of his choice or to have legal assistance assigned to him without payment if he does not have sufficient means to pay for it; and
 - (ii) the right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning.
- B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel.

Rule 43

Recording Questioning of Suspects

Whenever the Prosecutor questions a suspect, the questioning shall be tape-recorded or video-recorded, in accordance with the following procedure:

- (i) the suspect shall be informed in a language he speaks and understands that the questioning is being tape-recorded or video-recorded;
- (ii) in the event of a break in the course of the questioning, the fact and the time of the break shall be recorded before tape-recording or video-recording ends and the time of resumption of the questioning shall also be recorded;
- (iii) at the conclusion of the questioning the suspect shall be offered the opportunity to clarify anything he has said, and to add anything he may wish, and the time of conclusion shall be recorded;
- (iv) the tape shall then be transcribed and a copy of the transcript supplied to the suspect, together with a copy of the recorded tape or, if multiple recording apparatus was used, one of the original recorded tapes; and
- (v) after a copy has been made, if necessary, of the recorded tape for purposes of transcription, the original recorded tape or one of the original tapes shall be sealed in the presence of the suspect under the signature of the Prosecutor and the suspect.