

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-97-24-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

MILAN KOVACEVIC

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:

MILAN KOVACEVIC

with **GENOCIDE, CRIMES AGAINST HUMANITY, VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR, and GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949**, 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 approximately 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 November 1990, democratic elections were held in Bosnia and Herzegovina. There were three main parties, each of which was identified with one of the three principal population groups in Bosnia and Herzegovina. The Party of Democratic Action, the SDA, was identified as the Muslim national party ("Muslim" was recognized as a nationality or "people" beginning with the 1974 Constitution of the Socialist Federal Republic of Yugoslavia and was listed as such on the 1991 census in Bosnia and Herzegovina). The Serbian Democratic Party, the SDS, was identified as the Serbian national party. The Croatian Democratic Union, the HDZ, was identified as the Croatian national party.

3. The Prijedor Municipal Assembly had a total of 90 seats. As a result of the November 1990 vote, the SDA won 30 seats, the SDS won 28 seats, the HDZ won 2 seats, and 30 seats went to the so-called opposition parties. This result entitled the SDA to select people for the majority of municipal administration positions, as well as, first choice for the top positions. It also meant that, as time went

on, the SDS did not have sufficient power to achieve its goal of keeping Prijedor Municipality in a Serb-dominated Yugoslavia through the political process.

4. 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. The SDS, 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 SDS began in earnest the creation of a separate Serbian territory in Bosnia and Herzegovina. 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, the most crucial 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.

5. During 1991, the leaders of the Prijedor SDS began planning for the takeover of power in Prijedor Municipality and the subsequent implementation of the general plan. The municipal Crisis Staff (or *Krizni Stab*) was the body which executed the majority of the operational phase of the plan and assumed authority over the municipal administration. During the early morning hours of 30 April 1992, on the order of the Prijedor Crisis Staff, Serbian forces seized physical control of the town of Prijedor. The takeover initiated a series of events, organized and directed, first by the Crisis Staff, and later by the same group of individuals acting from their positions in the regular municipal government structure, that, by years end, would result in the death or forced departure of most of the Bosnian Muslim and Bosnian Croat population of the Municipality.

6. In July 1992, on the order of Radovan Karadzic, the regional and municipal Crisis Staffs were transformed into War Presidencies. The War Presidencies maintained the same structure and authority as the Crisis Staffs, and almost everywhere, including Prijedor, the same people continued in the same positions. It was simply a redesignation for political reasons and the bodies were still commonly referred to by the public as Crisis Staffs. (The term "Crisis Staff" as it appears throughout the rest of this document is intended to include the acts and authority of both Crisis Staff and War Presidency.)

7. Immediately after the takeover of Prijedor town, the Crisis Staff imposed severe restrictions on all aspects of life for non-Serbs, including freedom of movement and the right to employment. The effect of those restrictions was the containment of the non-Serb population 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 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 Crisis Staff.

8. In the camps and detention facilities, the Serb forces targeted the Bosnian Muslim and Bosnian Croat intellectuals, professional and political leaders, and military aged males for killing, torture, and other inhumane treatment. At a minimum, during the period from the end of May, 1992 to early August, 1992, hundreds of prisoners, whose identities are known and unknown, died. After the existence of the camps became known to the outside world in early August 1992, the Crisis Staff closed the Omarska and Keraterm camps and transferred the survivors to the remaining camp in Prijedor Municipality and to the Manjaca camp in the Banja Luka Municipality. From those camps, almost all of the Bosnian Muslim and Bosnian Croat survivors were then forcibly transferred or deported from the area.

THE ACCUSED

9. **MILAN KOVACEVIC** aka "**Mico**" was born on 10 February 1941, in the village of Bozici, Prijedor Municipality, in Bosnia and Herzegovina. He is an anesthesiologist by profession and most recently served as the Director of the Prijedor Medical Center, after his resignation as President of the Executive Committee in March 1993. He joined the Serbian Democratic Party (SDS) in 1990. As a result of the negotiations that followed the municipal elections in November, 1990, he was officially appointed President of the Executive Committee of the Municipal Assembly of Prijedor on 4 January 1991. He was also appointed as a member of the Municipal Committee for National Defence, which included other senior officials of the municipal government, the Chief of the Public Security Station (SJB), and the local military commander. He was re-appointed to both positions in January 1992, by the SDS, when it formed the municipal government of the Serbian Municipality of Prijedor in preparation of the takeover. The members of the SDS-appointed Committee of National Defence, including the accused, would later become the Municipality of Prijedor Crisis Staff. When the Crisis Staff took over power, **MILAN KOVACEVIC** was appointed the Vice-president of the Crisis Staff.

10. As the President of the Executive Committee of the Municipal Assembly of Prijedor, **MILAN KOVACEVIC** held the most important position of executive authority in the municipal administration and was responsible for coordinating the operations of the Executive Committee, reporting its activities and recommendations to the Municipal Assembly, and for signing its decisions and orders. He convened, chaired and controlled the agenda of its sessions and could cast the deciding vote on all measures. No action could be taken or change recommended by the Executive Committee without his approval or acquiescence.

11. After the SDS Crisis Staff took over power, **MILAN KOVACEVIC** served as its Vice-president. His duties included: assisting the President in his duties and substituting for him in his absence; co-ordinating all activities of the civil defence (including, *inter alia*, planning protective measures for the Serbian population during attacks and the physical clean-up of dead bodies and destroyed buildings in the areas attacked); political work and propaganda; and, to ensure that all logistical support necessary for the successful conduct of the armed conflict and the operation of the Municipality was consistently realised.

12. As the Vice-president of the Crisis Staff, **MILAN KOVACEVIC** played a key role in the crimes that occurred in the Municipality of Prijedor, as alleged in this indictment. The core members of the Crisis Staff included the accused, the SDS-appointed President of the Municipal Assembly, the President of the Municipal Board of the SDS in Prijedor, the SDS-appointed Commander of the Territorial Defence (TO), the SDS-appointed Commander of the Public Security Center, and the Commander of the local Yugoslav People's Army (JNA) garrison. These essential members acted in concert in planning and deciding the complete range of operations related to the conduct of the hostilities and the destruction of the Bosnian Muslim and Bosnian Croat communities in the Municipality. The individual members then carried out their particular responsibilities under the plan, according to their position. Throughout its existence, the Crisis Staff worked as a collective body to co-ordinate and implement the overall plan to seize and "ethnically cleanse" Prijedor Municipality.

SUPERIOR AUTHORITY

13. From 29 April 1992 to 31 December 1992, **MILAN KOVACEVIC** served as a member of the Crisis Staff, its successor the War Presidency, and the Municipal Committee for National Defence. At all times during this period, he was the President of the Executive Committee of the Municipal

Assembly of Prijedor.

14. The Municipal Committee for National Defence was a body which had existed in the municipal structure in the Socialist Federal Republic Yugoslavia (SFRY). It was responsible for the planning, preparation, and conduct of the defence of the Municipality, under the guidance of the Municipal Assembly. As alleged above, **MILAN KOVACEVIC** was appointed to this committee by virtue of his position as President of the Executive Board in 1991. He was re-appointed to the position by the SDS in January 1992, when the SDS formed a shadow municipal government in preparation of the takeover. It was this SDS-appointed Municipal Committee for National Defence that made the initial preparations for the physical takeover in Prijedor, including the creation of the Crisis Staff.

15. The Crisis Staff was modelled on an entity that had existed as part of the defense plan in the SFRY, and was designed to take over the functioning of the municipal government during times of war or a state of emergency when the Municipal Assembly, normally the highest authority of government in the Municipality, could not meet. It was to cease functioning as soon as the Municipal Assembly was able to re-assume its role. When activated, the Crisis Staff had complete executive and legislative authority in the Municipality, and acted as a collective body, with participation by representatives from the critical areas of the municipal structure. The President of the Crisis Staff signed all decisions and orders.

16. Between 29 April and 31 December 1992, the Crisis Staff had authority and control over: the attacks on the non-Serb villages and areas; the seizure and detention of the Bosnian Muslim and Bosnian Croat populations; the establishment and operation of the detention camps; and, the deportation or forced transfer of the Bosnian Muslim and Bosnian Croat population out of the Municipality. It also had the authority to direct the SJB and Public Prosecutor to investigate, arrest and prosecute any persons believed to have committed crimes within the Municipality of Prijedor, whether in the camps or elsewhere.

GENERAL ALLEGATIONS

17. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

18. All acts or omissions herein set forth as grave breaches of the Geneva Conventions of 1949 ("grave breaches"), recognised by Article 2 of the Statute of the Tribunal, occurred during that armed conflict and partial occupation.

19. All of the Bosnian Muslims and Bosnian Croats of Prijedor Municipality referred to in this indictment were persons protected by the Geneva Conventions of 1949.

20. The accused was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949.

21. In each paragraph charging crimes against humanity, crimes recognised by Article 5 of the Statute of the Tribunal, the alleged acts or omissions were part of a widespread or systematic attack directed against a civilian population.

22. 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; and/or for any reason based upon discrimination of any kind.

CHARGES

COUNTS 1 and 2 (GENOCIDE) (COMPLICITY TO COMMIT GENOCIDE)

23. Beginning in the Spring of 1992, the Prijedor Crisis Staff, including **MILAN KOVACEVIC**, ordered and implemented a plan designed to expel the Bosnian Muslim and Bosnian Croat populations from the Prijedor Municipality and the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory. The execution of that plan, as described in paragraphs 4 through 8, above, included: (1) the killing of Bosnian Muslims and Bosnian Croats; (2) causing serious bodily or mental harm to Bosnian Muslims and Bosnian Croats; and, (3) deliberately inflicting on the Bosnian Muslims and Bosnian Croats conditions of life calculated to bring about the physical destruction of a part of the Bosnian Muslim and Bosnian Croat populations.

24. To effect this plan, the members of the Crisis Staff, including **MILAN KOVACEVIC**, first established restrictions on movement that confined the Bosnian Muslim and Bosnian Croat population to the villages and areas where they lived. The Crisis Staff, including **MILAN KOVACEVIC**, then ordered or initiated attacks on those areas by combined forces of the 43rd Brigade and other JNA units, TO units from Prijedor, regular and reserve police members from Prijedor, and paramilitary units organized and equipped by the SDS.

25. The attacks on the Bosnian Muslim and Bosnian Croat villages and areas usually began with heavy artillery bombardments that targeted homes and businesses, killing many. Following the bombardments, the Bosnian Serb and Serb forces moved in to round-up the survivors. As the forces went through the villages they executed many of the Bosnian Muslims and Bosnian Croats and looted and destroyed their homes. After large groups of the Bosnian Muslim and Bosnian Croat civilians had been rounded-up and were being marched to assembly points for transfer to the camps, many men who were considered of military age or had served as policeman were pulled out of the groups and executed. The attacks on villages and other areas of the Municipality where Bosnian Muslims and Bosnian Croats were congregated continued through-out June and July 1992.

26. The Bosnian Muslims and Bosnian Croats who were seized by the Bosnian Serb and Serb forces and not killed immediately, were then taken to one of the detention camps, including the Omarska, Keraterm and Trnopolje camps, which had been established by order of the Crisis Staff. During the operation of the camps, the Bosnian Serb military and police personnel in charge of these camps, their staff, and other persons who visited the camps - all of whom were subject to the authority and control of the Crisis Staff - killed hundreds of the Bosnian Muslim and Bosnian Croat detainees.

27. The Bosnian Serb military and police personnel in charge of these camps, their staff, and other persons who visited the camps - all of whom were subject to the authority and control of the Crisis Staff - also caused serious bodily and mental harm to the Bosnian Muslim and Bosnian Croat detainees by subjecting them to sexual assaults, torture, beatings and robbery, as well as other forms of mental and physical abuse. In Omarska and Keraterm, severe beatings and torture of prisoners were commonplace. The camp guards and others who came to the camps and physically abused the

detainees, used all manner of weapons during these beatings, including wooden batons, metal rods and tools, lengths of thick industrial cable, rifle butts and knives. After they were beaten, tortured, or sexually assaulted, the detainees were carried, dragged or forced to crawl back into their rooms without any form of medical care for their injuries.

28. The Omarska, Keraterm, and Trnopolje camps were deliberately operated in a manner designed to inflict upon the detainees conditions intended to bring about their physical destruction with the intent to destroy, in part, the Bosnian Muslim and Bosnian Croat people as national, ethnic or religious groups. The conditions were abject and brutal. Daily food rations, when provided to detainees, amounted to starvation rations. Medical care for the detainees was insufficient or non-existent and the general hygienic conditions were grossly inadequate. In all camps, detainees were continuously subjected to or forced to witness inhumane acts, including murder, rape and sexual assaults, torture, beatings and robbery, as well as other forms of mental and physical abuse.

29. Trnopolje also served an additional sinister purpose: it was a location for the sexual assault, rape, and torture of the detained women by camp personnel, who were both police and military personnel, and by other military units from the area who came to the camp for that purpose. In many instances, women and girls were taken from the camp and were raped, tortured, or sexually abused at other locations.

30. After the international media exposed the existence of the camps in Prijedor Municipality in early August 1992, the final mass deportation and forced transfer of Bosnian Muslims and Bosnian Croats began. On about 21 August 1992, during one of the convoys from Trnopolje camp under the control of police forces from Prijedor, the convoy stopped along a mountain road adjacent to a steep cliff into a canyon. The police forces ordered approximately 250 men of military age off of the buses, lined them up on the precipice and machined-gunned them to death.

31. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC**, with other members of the Crisis Staff, planned, organized, ordered, and implemented a campaign to expel the Bosnian Muslim and Bosnian Croat populations from the Prijedor Municipality and the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. A central aspect of this campaign was to kill a part of the Bosnian Muslim and Bosnian Croat populations to ensure the remainder would not want to return. This was accomplished through the killing and execution of members of those groups, subjecting others to serious bodily and mental harm, and the detention of Bosnian Muslims and Bosnian Croats from the Municipality of Prijedor in the Omarska, Keraterm and Trnopolje camps under conditions calculated to bring about the physical destruction of the detainees; all of these acts being done with the intent to destroy part of the Bosnian Muslim and Bosnian Croat groups in Prijedor, as such.

32. Further, between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC** knew or had reason to know that Bosnian Serb and Serb forces under the control of the Crisis Staff were killing Bosnian Muslims and Bosnian Croats, causing serious physical or mental harm to Bosnian Muslims and Bosnian Croats, and were subjecting Bosnian Muslims and Bosnian Croats to conditions calculated to bring about their physical destruction in the detention camps; all being done with the intent to destroy the Bosnian Muslims and Bosnian Croats, in part, as national, ethnic or religious groups or had done so, and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By these acts and omissions, MILAN KOVACEVIC committed:

Count 1: GENOCIDE, punishable under Articles 4(3)(a), and 7(1) and 7(3) of the Statute of the

Tribunal; and,

Count 2: COMPLICITY TO COMMIT GENOCIDE, punishable under Articles 4(3)(e), and 7 (1) and 7(3) of the Statute of the Tribunal.

**COUNTS 3-5
(EXTERMINATION, WILFUL KILLING AND MURDER)**

33. The Prosecutor re-alleges and reincorporates by reference paragraphs 4-31 above in Counts 3 through 5.

34. On about 23 May 1992, approximately three weeks after the takeover in Prijedor, **MILAN KOVACEVIC**, together with other members of the Crisis Staff, initiated and ordered a coordinated attack by Bosnian Serb and Serb forces, including members of the 43rd Brigade and other JNA units, territorial defence (TO) units, paramilitary units, and police units, on Bosnian Muslim and Bosnian Croat areas in the Prijedor Municipality. The attacks began with the areas around the villages of Hambarine and Kozarac. The attacks combined intensive artillery and tank shelling, followed by infantry assaults, as described in paragraph 25 above. During these attacks a large number of Bosnian Muslims and Bosnian Croats were killed.

35. From 23 May 1992 through July 1992, the attacks continued. The final large scale military attack conducted by the Serb and Bosnian Serb forces in the municipality occurred on about 20 July 1992 against the predominately Bosnian Muslim and Bosnian Croat villages in the hilly region, known as the "Brdo" (hill), on the west and south-west side of the Sana river. Many of those who had escaped capture after the attacks on the other parts of the Municipality in May and June 1992 had fled to this area. As had occurred in the earlier attacks, many of Bosnian Muslims and Bosnian Croats were killed during the attack and round-up. Those who survived the attack and round-up were also taken to the Omarska, Keraterm or Trnopolje camps. A couple of nights later, more than 150 military-aged men from the "Brdo" region were executed by machine gun fire in Keraterm camp. The next day, another 50 were executed. Many more lost their lives in the camps as described in paragraphs 26 through 29 above.

36. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC**, with other members of the Crisis Staff, planned, organized, ordered, and implemented the conduct of a campaign designed to drive the Bosnian Muslim and Bosnian Croat populations of the Prijedor Municipality out of the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. As a part of this campaign a significant number of the Bosnian Muslims and Bosnian Croats were intentionally killed by the Bosnian Serb forces under the control of the Crisis Staff during the attacks on their homes and villages, during their detention in the camps established by order of the Crisis Staff, and during the forced transfers and deportations.

37. Further, between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC** knew or had reason to know that Bosnian Serb and Serb forces under the control of the Crisis Staff were killing Bosnian Muslims and Bosnian Croats or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By these acts and omissions, MILAN KOVACEVIC committed:

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

Count 4: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, ((murder), as recognized by Article 3(1)(a) of the Geneva Conventions of 1949 and Article 4(2)(a) of Additional Protocol II to the Geneva Conventions of 1949) punishable under Articles 3, and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 5: a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(a) (wilful killing), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 6 (PERSECUTION)

38. The Prosecutor re-alleges and reincorporates by reference paragraphs 4-37 above in Count 6.

39. As described above, in the weeks following 29 April 1992, the Crisis Staff implemented or authorized increasingly strict restrictions on the lives of non-Serbs in the Municipality of Prijedor. Following the directions of the Crisis Staff of the Autonomous Region of the Krajina (ARK), all non-Serbs who held positions in the municipal administration, and any Serbs who did not meet the test of absolute loyalty, were expelled from their positions. **MILAN KOVACEVIC** signed many of the dismissal notices himself, immediately appointing "loyal" Serbs to those positions. Businesses and economic organizations quickly followed in the same manner dismissing almost all non-Serb employees.

40. The physical restrictions imposed by the Crisis Staff included roadblocks which were set up throughout the Municipality, particularly around predominately non-Serb villages and in Prijedor town. Within the town, checkpoints were even set up in large apartment building complexes to check the identity of people entering and leaving buildings. The roadblocks and checkpoints were used to prevent non-Serbs from leaving the vicinity of their homes or villages.

41. Once the attacks, as described in paragraphs 24 and 25 began, the majority of Bosnian Muslim and Bosnian Croat residents who survived were seized by the Serb forces, forced to march in columns to assembly points, and taken to one of the detention camps established by order of the Crisis Staff. During the seizure and transfer process, the Bosnian Muslims and Bosnian Croats were subjected to verbal and physical assaults, including the many men who were pulled from the columns and beaten or shot on the spot. A number of both male and female Bosnian Muslim and Bosnian Croat prisoners were taken to the police station and military barracks in Prijedor before being taken to one of the camps or released. While at the police station and military barracks many of the detainees were severely maltreated both physically and psychologically. The majority of the Bosnian Muslims and Bosnian Croats seized by the Serbian forces, however, were taken to the Omarska, Keraterm or Trnopolje camps.

42. The camps and detention facilities were staffed and operated by military and police personnel and their agents, under the direct control of the military and civilian members of the Prijedor Crisis Staff. In addition, other Bosnian Serb police, military and civilians not directly assigned to the guard staff of the camps were given unfettered access to all of the detention facilities, and acted in conjunction with the personnel in control of the camps in subjecting the detainees to the physical and psychological maltreatment described in paragraphs 26-29 above. In none of the camps were the detainees afforded proper judicial process. They were detained and subjected to abuse and maltreatment primarily because of their religious, ethnic, or national identity.

43. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC**, with other members

of the Crisis Staff, planned, organized, ordered, and implemented the conduct of a campaign designed to drive the Bosnian Muslim and Bosnian Croat population of the Prijedor Municipality out of the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. As a part of this campaign, **MILAN KOVACEVIC**, with other members of the Crisis Staff initiated, ordered, co-ordinated, assisted, and otherwise aided and abetted the commission of the acts described in paragraphs 4-42 above. These acts were committed against members of the Bosnian Muslim and Bosnian Croat populations because of their political, racial, and religious identity.

44. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC** knew or had reason to know that Serb forces under the control of the Crisis Staff were committing the acts described in paragraphs 4-46 above or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in these acts and omissions, MILAN KOVACEVIC committed:

Count 6: a CRIME AGAINST HUMANITY, punishable under Articles 5(h) (persecutions on political, racial, or religious grounds) and 7(1) and 7(3) of the Statute of the Tribunal; and,

COUNTS 7-11

(TORTURE, CRUEL TREATMENT, AND WILFULLY CAUSING GREAT SUFFERING)

45. The Prosecutor re-alleges and reincorporates by reference paragraphs 4-44 above in Counts 7-11.

46. As described in paragraphs 25 and 26 above, the majority of Bosnian Muslim and Bosnian Croat residents who survived the attacks on the villages were seized by the Serb forces, forced to march in columns to assembly points, and taken to one of the detention camps established by order of the Crisis Staff. During the seizure and transfer process, the Bosnian Muslims and Bosnian Croats were subjected to verbal and physical assaults, including many men who were pulled from the columns and beaten or shot on the spot. A number of both male and female Bosnian Muslim and Bosnian Croat prisoners were taken to the police station and military barracks in Prijedor before being taken to one of the camps or released. While at the police station and military barracks many of the detainees were severely maltreated both physically and psychologically. The majority of the Bosnian Muslims and Bosnian Croats seized by the Serbian forces, however, were taken to the Omarska, Keraterm or Trnopolje camps.

47. In the camps, as described in paragraphs 27-29, above, the detainees were subjected to inhuman conditions, torture and other forms of physical violence, constant humiliation, degradation and fear of death on a daily basis. The camps and detention facilities were staffed and operated by military and police personnel and their agents, under the direct control of the military and civilian members of the Prijedor Crisis Staff.

48. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC**, with other members of the Crisis Staff, planned, organized, ordered, and implemented the conduct of a campaign designed to drive the Bosnian Muslim and Bosnian Croat populations of the Prijedor Municipality out of the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. As a part of this campaign the Bosnian Muslim and Bosnian Croat populations were intentionally subjected to inhuman conditions, torture and other forms of physical violence, constant humiliation, degradation and fear of death on a daily basis by military and police personnel and their agents, who were under the direct control of the Prijedor Crisis Staff. Further, the Crisis Staff, including **MILAN KOVACEVIC**, initiated, ordered, co-ordinated, assisted, and

otherwise aided and abetted the commission of those acts.

49. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC** knew or had reason to know that Bosnian Serb and Serb forces under the control of the Crisis Staff were committing the acts described in paragraphs 45 -48 above or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in these acts and omissions, MILAN KOVACEVIC committed:

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

Count 8: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, (cruel treatment, as recognized by Article 3(1)(a) of the Geneva Conventions of 1949 and Article 4(2)(a) of Additional Protocol II to the Geneva Conventions of 1949) punishable under Articles 3, and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 9: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, (torture, as recognized by Article 3(1)(a) of the Geneva Conventions of 1949 and Article 4(2)(a) of Additional Protocol II to the Geneva Conventions of 1949) punishable under Articles 3, and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 10: a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(b) (torture), and 7(1) and 7(3) of the Statute of the Tribunal; and,

Count 11: a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(c) (willfully causing great suffering), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 12-13 (DEPORTATION AND UNLAWFUL TRANSFER)

50. The Prosecutor re-alleges and reincorporates by reference paragraphs 4-49 above in Counts 12-13.

51. Beginning in early June 1992, a series of mass forced transfers to areas in Bosnia and Herzegovina under the control of the recognised government of Bosnia and Herzegovina and deportations to Croatia of the Bosnian Muslim and Bosnian Croat populations of Prijedor began. The forced transfers and deportations were organized by the Prijedor police and other municipal organs operating at the direction of the Crisis Staff. In order to be allowed to leave the camps, the majority of the Bosnian Muslims and Bosnian Croats were forced to sign documents stating that they were turning over all of their property to the self-declared Bosnian Serb republic. The forced transfers and deportations continued through December 1992 and resulted in the expulsion of approximately 40, 000 Bosnian Muslims and Bosnian Croats.

52. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC**, with other members of the Crisis Staff, planned, organized, ordered, and implemented the conduct of a campaign designed to drive the Bosnian Muslim and Bosnian Croat populations of the Prijedor Municipality out of the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. As a part of this campaign the Bosnian Muslim and Bosnian Croat

populations were forcibly transferred and deported from the Prijedor Municipality. Further, the Crisis Staff, including **MILAN KOVACEVIC**, initiated, ordered, co-ordinated, assisted, and otherwise aided and abetted the commission of the acts described in paragraphs 4-51 above.

53. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC** knew or had reason to know that Bosnian Serb and Serb forces under the control of the Crisis Staff were committing the acts described in paragraph 52 above or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in these acts and omissions, MILAN KOVACEVIC committed:

Count 12: a **CRIME AGAINST HUMANITY**, punishable under Articles 5(d) (deportation), and 7 (1) and 7(3) of the Statute of the Tribunal; and,

Count 13: a **GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949**, punishable under Articles 2(g) (unlawful deportation or transfer), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 14-15
(WANTON DESTRUCTION OR DEVASTATION OF VILLAGES, EXTENSIVE
DESTRUCTION AND APPROPRIATION OF PROPERTY)

54. The Prosecutor re-alleges and reincorporates by reference paragraphs 4-53 above in Counts 14 and 15.

55. During, and in particular, after the attacks on non-Serb areas in Prijedor municipality, the Serb forces under the control of the Prijedor Crisis Staff, systematically looted and destroyed Bosnian Muslim and Bosnian Croat villages and property, including homes, businesses, mosques and churches. The destruction was so extensive that nothing but portions of buildings and rubble are all that remains in many of the Bosnian Muslim and Bosnian Croat villages of the area and not one mosque was left standing in the towns of Prijedor or Kozarac. For most of these attacks there was no resistance at all by the Bosnian Muslim and Bosnian Croat population. At no time was there ever any significant resistance.

56. Between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC**, with other members of the Crisis Staff, planned, organized, ordered, and implemented the conduct of a campaign designed to drive the Bosnian Muslim and Bosnian Croat populations of the Prijedor Municipality out of the area of Bosnia and Herzegovina that had been proclaimed as Serbian territory by the Bosnian Serb leadership. As a part of this campaign the villages and property of the Bosnian Muslim and Bosnian Croat population were intentionally and wantonly looted and destroyed.

57. Further, between 29 April 1992 and 31 December 1992, **MILAN KOVACEVIC** knew or had reason to know that Bosnian Serb and Serb forces under the control of the Crisis Staff were committing the acts described in paragraph 55 above or had done so and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By his involvement in these acts and omissions, MILAN KOVACEVIC committed:

Count 14: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles

3(b) (wanton destruction of cities, towns, or villages or devastation not justified by military necessity), and 7(1) and 7(3) of the Statute of the Tribunal ; and,

Count 15: a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(d) (extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly), and 7(1) and 7(3) of the Statute of the Tribunal.

Graham T. Blewitt
Deputy Prosecutor
for the Prosecutor

Dated this 28th day of January 1998
At The Hague
The Netherlands