

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

Ivica RAJIC
Also Known as Viktor ANDRIC

INDICTMENT

Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to his authority under Article 18 of the Statute, charges:

1. During October 1993, the armed forces of the self-proclaimed Croatian Community of Herceg-Bosna ("HZ-HB"), known as the Croatian Defence Council ("HVO"), were engaged in an armed conflict with the armed forces of the government of the Republic of Bosnia-Herzegovina.

2. In October 1993, the town of Vares in central Bosnia was under the control of the HVO. Stupni Do, a village located approximately four kilometres southeast of Vares, was inhabited by approximately two hundred and fifty people who were almost exclusively of Muslim origin. The inhabitants of the village regarded themselves as part of the Republic of Bosnia-Herzegovina.

3. On or about the 22nd of October 1993, **Ivica RAJIC**, who was the commander of the Second Operational Group of the HVO based in Kiseljak, came to Vares with HVO soldiers under his command. In the HVO military chain of command, units of the HVO in Vares were under the regional command of the Second Operational Group. On or about the 22nd of October 1993, the HVO forces in or about Vares, including the Bobovac Brigade, came under the direct personal command of **Ivica RAJIC**.

4. On the 23rd of October 1993, at 0800 hours or thereabouts, units of the HVO, under **Ivica RAJIC'S** command, attacked the village of Stupni Do. When the attack had been completed by the HVO, at least sixteen members of the civilian population had been killed. The village was almost totally destroyed and the inhabitants who had not been killed had been forced to flee.

THE ACCUSED

5. **Ivica RAJIC**, also known as Viktor ANDRIC, son of Ivan, was born on the 5th of May 1958, in the village of Johovac, in the municipality of Kiseljak, in Bosnia-Herzegovina. He is a graduate of a military academy of the former Yugoslavia and was formerly a captain (first class) in the former Yugoslav People's Army.

6. In August 1992, **Ivica RAJIC** became the HVO commander of the Second Operational Group for

the region covering the municipalities of Kiseljak, Kresevo, and Vares. He occupied this position in October 1993.

7. The Prosecutor has been informed that **Ivica RAJIC** is presently in the custody of the authorities of HZ-HB in connection with other crimes which are not the subject of this indictment.

GENERAL ALLEGATIONS

8. During October 1993, a state of armed conflict existed in the Republic of Bosnia-Herzegovina.

9. At all relevant times, the victims and property referred to in this Indictment were protected under the applicable provisions of the Geneva Conventions.

10. At all relevant times, the victims and property referred to in this Indictment were protected by the laws or customs of war.

11. At all relevant times, **Ivica RAJIC** was required to abide by the laws or customs governing the conduct of war and all the applicable provisions of the Geneva Conventions.

CHARGES

12. On or about the 23rd of October 1993, **Ivica RAJIC**, as commander of the HVO forces of the Second Operational Group, which included those HVO forces in Vares, ordered an unlawful attack against the civilian population and individual citizens of the village of Stupni Do causing death and injury to that civilian population and individual citizens and the almost total destruction of the village. In doing so, **Ivica RAJIC** committed:

Count I: A Grave Breach of the Geneva Conventions of 1949, as recognised by Articles 2(a) (wilful killing) and 7(1) of the Statute;

Count II: A Grave Breach of the Geneva Conventions of 1949, as recognised by Articles 2(d) (destruction of property) and 7(1) of the Statute; and

Count III: Violations of the Laws or Customs of War, as recognised by Articles 3 (deliberate attack on the civilian population and wanton destruction of the village) and 7(1) of the Statute.

OR ALTERNATIVELY

13. On or about the 23rd of October 1993, **Ivica RAJIC**, as commander of the HVO forces of the Second Operational Group, which included those forces in Vares, knew or had reason to know that a subordinate or subordinates in the HVO was or were about to unlawfully attack, and did attack, the civilian population and individual citizens of Stupni Do causing death and injury to that civilian population and individual citizens and the almost total destruction of the village. **Ivica RAJIC** failed to take the necessary and reasonable measures to prevent such an attack and failed to punish the perpetrators of this unlawful attack. In doing so, **Ivica RAJIC** committed:

Count IV: A Grave Breach of the Geneva Conventions of 1949, as recognised by Articles 2(a) (wilful killing) and 7(3) of the Statute;

Count V: A Grave Breach of the Geneva Conventions of 1949, as recognised by Articles 2(d) (destruction of property) and 7(3) of the Statute; and

Count VI: Violations of the Laws or Customs of War, as recognised by Articles 3 (deliberate attack on the civilian population and wanton destruction of the village) and 7(3) of the Statute.

23 August 1995
The Hague
The Netherlands

Richard J. Goldstone
Prosecutor