

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-97-24-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

MILOMIR STAKIC

THIRD 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:

Milomir STAKIC

with **GENOCIDE, CRIMES AGAINST HUMANITY, and VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR**, as set forth below.

BACKGROUND FACTS

1. Prijedor Municipality 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.
2. In November 1990, democratic elections were held throughout Bosnia and Herzegovina, including Prijedor Municipality. There were three main parties, each of which was identified with one of the three principal population groups. The Party for Democratic Action (SDA) was identified, in the main, as the Bosnian Muslim national party. The Serbian Democratic Party (SDS) was identified as the principal Serbian national party. The Croatian Democratic Union (HDZ) was identified as the Croatian national party. The SDA won the largest number of seats in the Republic Assembly followed, in decreasing order, by the SDS, the HDZ, and then the remaining parties. In Prijedor Municipality, of the 90 seats in the Municipal Assembly, the SDA won 30 seats, the SDS 28 seats, and the HDZ 2 seats, with 30 seats split among other parties.
3. By the time of the 1990 elections, it appeared possible that Slovenia and Croatia might declare their independence from the Socialist Federal Republic of Yugoslavia (SFRY). Over the course of 1991, it came to appear possible that Bosnia and Herzegovina would also declare independence against the wishes of the SDS. The 1990 election results meant that the SDS would be unable through democratic means to prevent the secession of Bosnia and Herzegovina from the SFRY. SDS leaders, however, declared that the Serbs of Bosnia and Herzegovina could not be compelled to leave Yugoslavia. Certain areas of Bosnia and Herzegovina with a relative majority of Serbian

population began to organise themselves into new regional structures on the basis of existing constitutional provisions for regional "associations of municipalities". Among these was the Association of Bosnian Krajina Municipalities, centred in Banja Luka, which was established on 25 April 1991.

4. Following the declarations of independence of Slovenia and Croatia on 25 June 1991, it appeared increasingly likely that Bosnia and Herzegovina would also declare its independence. In the summer and autumn of 1991, the Serbian-dominated "associations of municipalities" were transformed into four Serbian autonomous districts and one Serbian autonomous region. On 16 September 1991, the Association of Bosnian Krajina Municipalities was transformed into the Autonomous Region of Krajina ("ARK"). Prijedor Municipality did not join the ARK at this time. A separate Assembly of the Serbian People in Bosnia and Herzegovina was established on 24 October 1991, dominated by the SDS.

5. On 19 December 1991, the SDS Main Board issued an "Instruction for the Organisation and Activity of the Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances" (hereinafter "Instructions") which provided a blueprint for SDS take-overs in municipalities such as Prijedor. One element of this blueprint was the establishment of SDS "crisis staffs" for each municipality. The "crisis staff" was assigned the exclusive authority for organising and supervising the setting up of parallel state organs in the municipality (executive committee, administrative organs, magistrate's court, public security station (police)). The structure of a Prijedor Municipality Crisis Staff was set out at the meeting of the SDS Municipal Board on 27 December 1991. Another element of the 19 December 1991 Instructions blueprint was to "convene and proclaim an assembly of the Serbian people in the municipality, composed of Serbian assemblymen in the municipal assembly and chairmen of local SDS boards."

6. On 9 January 1992, the Assembly of the Serbian People in Bosnia and Herzegovina adopted a Declaration on the Proclamation of the Serbian Republic of Bosnia and Herzegovina (hereinafter "Bosnian Serb Assembly"). The territory of that republic was declared to include "the territories of the Serbian Autonomous Regions and Districts and of other Serbian ethnic entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War Two ... ", and it was declared to be a part of the federal Yugoslav state. (On 12 August 1992, the name of this Serbian Republic of Bosnia and Herzegovina was changed to Republika Srpska).

7. In Prijedor Municipality (as with other municipalities in which Serbs did not represent a relative majority of the population), a separate parallel Assembly of the Serbian People of Prijedor Municipality was established, pursuant to the Instructions. The first session of this Assembly was scheduled for 7 January 1992. On 17 January 1992, the Assembly of the Serbian People of Prijedor Municipality declared that it joined the Serbian territories in Prijedor Municipality with the ARK.

8. The creation of the republic and the securing of its borders ultimately involved the permanent removal of nearly all of the Bosnian Muslim and Bosnian Croat population in Prijedor Municipality. Towards that end, the SDS leaders in Prijedor Municipality and elsewhere promoted and disseminated propaganda that portrayed the Bosnian Muslims and Bosnian Croats as fanatics intending to commit genocide on the Serbian people in order to gain control of Bosnia and Herzegovina.

9. The SDS crisis staffs were modelled on similar entities which had existed as part of the defence system of the SFRY and which were designed to take over the functions of municipal and other assemblies in time of war or emergency if they were unable to function. SDS crisis staffs were

created at both the regional and municipal levels as the bodies that would be responsible for the co-ordination and execution of most of the operational phase of the plan to remove non-Serbs, principally Bosnian Muslims and Bosnian Croats, and assume authority over the regions and municipalities.

10. On 4 April 1992, Radovan KARADZIC, as President of the National Security Council of the Assembly of the Serbian People in Bosnia and Herzegovina, ordered the activation of Crisis Staffs in certain circumstances. On 26 April 1992, the Government of the Serbian Republic of Bosnia and Herzegovina issued an Excerpt from the Instructions for the Work of Crisis Staffs of the Serbian People in Municipalities. According to these Instructions, the Crisis Staffs were to take over all prerogatives and functions of municipal assemblies, whenever they were not able to convene. On 27 April 1992, at the session of the National Security Council and the Government of the Serbian Republic a conclusion was adopted that a more detailed instruction should be drafted for Crisis Staffs which would include methods of political work in the field and the organisation of the functioning of the authorities.

11. During the early morning hours of 30 April 1992, police and army forces seized physical control of the town of Prijedor. The take-over initiated a series of events organised and directed first by the Crisis Staff, and later by the Serbian Municipal Assembly. By the end of 1992, these events would result in the death or forced departure of most of the non-Serbian population of Prijedor Municipality.

12. Following the forcible take-over of Prijedor, the Crisis Staff imposed severe restrictions on all aspects of life for non-Serbs, principally Bosnian Muslims and Bosnian Croats, including movement and employment. The effect of those restrictions was the containment of non-Serbs in villages and areas in the municipality where they lived. Beginning in late May 1992, those areas were then subjected to violent, large-scale attacks by the army of the Serbian Republic (VRS), paramilitary, territorial defence (hereinafter "TO"), police units and civilians armed by these forces (hereinafter "Bosnian Serb forces"). Many of the Bosnian Muslims and Bosnian Croats who survived the initial artillery and infantry attacks were arrested by the Bosnian Serb forces and transferred to detention facilities established and operated under the direction of the Crisis Staff.

13. On 18 May 1992, the ARK Crisis Staff declared that crisis staffs were the highest organs of authority in the municipalities. On 26 May 1992, the ARK Crisis Staff declared itself the highest organ of authority in the ARK and stated that its decisions were binding for all crisis staffs in the municipalities.

14. The Prijedor Municipal Assembly, at its session of 20 May 1992, adopted a Decision on the Organisation and Work of the Prijedor Municipal Crisis Staff (hereinafter "Prijedor Crisis Staff"). The decision stated that the Crisis Staff was established for the purpose of co-ordinating the functions of the authorities, defence of the territory of the municipality, ensuring the safety of the population and property, establishing government and organising all other aspects of life and work. The decision gave the Prijedor Crisis Staff the authority to decide on matters falling within the province of the Assembly jurisdiction should the Municipal Assembly be unable to sit in session. Appointments to the Prijedor Crisis Staff were formally announced on the same day, which designated **Milomir STAKIC** as President of the Crisis Staff.

15. The Prijedor Crisis Staff had as its official members the President and Vice-President of the Municipal Assembly; the President of the Municipality Executive Committee; the Commander of the TO Staff; Commander of the Municipal Civil Defence Staff; Chief of the Public Security Station; Secretary of the Municipal Secretariat for People's Defence; Secretary of the Municipal

Secretariat for the Economy and Social Affairs; Secretary of the Municipal Secretariat for Town Planning, Housing, Utilities, and Legal Property Affairs; the Health and Social Security Officer of the Municipal Secretariat for the Economy and Social Affairs. Members of the VRS also attended the Prijedor Crisis Staff meetings. The President signed decisions and orders.

16. **Milomir STAKIC**, as President of the Prijedor Crisis Staff and head of the Prijedor Municipal Council for National Defence instigated the military attacks which began in May 1992 on locations in Prijedor Municipality inhabited principally by Bosnian Muslims and Bosnian Croats. The Prijedor Crisis Staff co-operated with and thereby aided and abetted the VRS and police, by monitoring and co-ordinating logistical support for the measures and actions taken by the military and the police.

17. The Prijedor Crisis Staff exercised authority over the TO and police force in Prijedor Municipality. With this authority and the powers set out in paragraph 14 above, the Prijedor Crisis Staff, over which **Milomir STAKIC** presided, carried out the following actions in Prijedor Municipality:

- (a) Established and provided tasks for local crisis staffs within Prijedor Municipality in order to, *inter alia*, maintain effective defence and secure all prerequisites essential for successful armed combat, control the security of the territory, co-ordinate the actions of the military and police, and report to the Prijedor municipal Crisis Staff and keep it informed.
- (b) Took control over media in Prijedor and advanced a discriminatory campaign against non-Serbs;
- (c) Ordered mobilisation of conscripts;
- (d) Ordered termination of the public-sector and private-sector employment of the detainees;
- (e) Co-ordinated logistical support to the army and police for their activities;
- (f) Ordered essential supplies for the army and police;
- (g) Issued orders to the TO, military police and Public Security Station in Prijedor;
- (h) Established and operated detention facilities;
- (i) Arrested and detained non-Serbs, principally Bosnian Muslims and Bosnian Croats;
- (j) Investigated, arrested and prosecuted persons;
- (k) Prohibited the release of detainees;
- (l) Deported and forcibly transferred non-Serbs, principally Bosnian Muslims and Bosnian Croats, out of Prijedor Municipality;

(m) Prohibited the return of detainees to Prijedor.

18. On or about 30 May 1992, following an attempt by a small resistance group, comprised primarily of Bosnian Muslims and Bosnian Croats, to re-take Prijedor town from Bosnian Serbs, the Bosnian Serb authorities then accelerated their on-going campaign to permanently remove the majority of the Bosnian Muslims and Bosnian Croats from Prijedor. In the hours immediately following the attack, thousands of non-Serbs, including men, women and children, were rounded up from their homes and transported on buses to detention facilities around Prijedor Municipality, including Omarska, Keraterm and Trnopolje camps. A number of non-Serbs were killed in Prijedor in the immediate aftermath of the attack. Subsequently, many houses of non-Serbs along the Sana River, over which the resistance group had crossed to enter Prijedor, were damaged or destroyed. A section of Prijedor town known as "Stari Grad" or "Old City", which was populated almost exclusively by Bosnian Muslims, was largely destroyed.

19. In the detention facilities, many prisoners were killed, tortured, and subjected to other inhumane treatment by Bosnian Serb forces or persons under their control, especially targeting prominent individuals, such as intellectual, professional, business, political and religious leaders. At a minimum, during the period from late May 1992 to early August 1992, hundreds of detainees died. After the existence of the detention camps became known to the international community, the Bosnian Serb authorities closed the Omarska and Keraterm camps in August 1992, and transferred survivors to remaining facilities in Prijedor Municipality and to Manjaca camp in the Banja Luka Municipality. From those facilities, almost all of the survivors were eventually forcibly transferred or deported from the area.

20. On 31 May and 10 June 1992, on the order of Radovan KARADZIC, in his capacity as President of the Presidency of the Serbian Republic of Bosnia and Herzegovina, the Crisis Staffs were re-designated as War Presidencies and then War Commissions in the municipalities. The War Presidencies/War Commissions essentially maintained the same structure and authority as the Crisis Staffs, and were still commonly referred to by the public as Crisis Staffs.

THE ACCUSED

21. **Milomir STAKIC** was born on 19 January 1962, in Maricka, Prijedor Municipality, Bosnia and Herzegovina. He is a medical doctor by profession. As a prominent member of the SDS in Prijedor, **Milomir STAKIC** was elected Vice-President of the Prijedor Municipal Assembly on 4 January 1991.

22. On 11 September 1991, **Milomir STAKIC** was elected Vice-President of the SDS Municipal Board in Prijedor. **Milomir STAKIC** was also President of a shadow, parallel Assembly of the Serbian People of Prijedor Municipality from as early as 17 January 1992. On 30 April 1992, after the SDS seized power in Prijedor, **Milomir STAKIC** became President of the Prijedor Municipal Assembly and head of the Prijedor Municipal Council for National Defence. On or about 30 April 1992, **Milomir STAKIC** became President of an SDS Crisis Staff of Prijedor Municipality, which was also became known as the War Presidency. On 20 May 1992, **Milomir STAKIC** was officially appointed President of the Prijedor Municipal Crisis Staff.

INDIVIDUAL CRIMINAL RESPONSIBILITY

23. The accused **Milomir STAKIC** was involving in the planning and establishment of the parallel Serbian government, Crisis Staff and police force in Prijedor, in preparation for the takeover of

power by force. **Milomir STAKIC**, in his roles set out in paragraph 22 above instigated or otherwise aided and abetted the commission of the crimes committed in the Prijedor Municipality. **Milomir STAKIC** organised and supported the municipal government structures that led a campaign of persecution directed against the non-Serb population. This campaign included imposing conditions of life that would force the non-Serb population to leave the area, deportations and forced expulsions.

24. **Milomir STAKIC** participated in the functioning of the Crisis Staff and actively carried out his duties as President. He presided over Crisis Staff meetings and signed the majority of orders/decisions issued by the Crisis Staff. These orders/decisions included an order to establish the Omarska and Keraterm detention camps; the principal purpose of which was the persecution of the non-Serb population, to terminate the employment of all those detained at the Omarska and Keraterm camps, and to prohibit the individual release of detainees. Local police and TO forces implemented these decision and orders of the Crisis Staff and reported their actions to the Crisis Staff.

25. **Milomir STAKIC** made statements in the media which aided and abetted the joint criminal enterprise as set out below and instigated the commission of crimes by members of the Prijedor police and the TO. As a member of the Prijedor Crisis Staff, **Milomir STAKIC** co-operated fully with the VRS, the Civil Defence and the Public Security Station through their senior officers or organs of those institutions. Although the Crisis Staff was not within the army's chain of command, it synchronised and co-ordinated the measures and actions essential for the waging of armed combat and provided logistical support. The attacks on towns, round-ups, forced removals to camps, and deportations/forced transfers were instigated, directed, supported, assisted, or otherwise aided and abetted by the Prijedor Crisis Staff and occurred with the knowledge of the Crisis Staff. **Milomir STAKIC** played a major role in the events which took place in Prijedor Municipality in the knowledge that the killings and the persecutory conduct as described below would be the outcome of the decisions taken by the Prijedor Crisis Staff.

26. **Milomir STAKIC** participated in the joint criminal enterprise, in his roles as set out in paragraph 22 above. The purpose of the joint criminal enterprise was the permanent forcible removal of Bosnian Muslim and Bosnian Croat inhabitants from the territory of the planned Serbian state, including a campaign of persecutions through the commission of the crimes alleged in Counts 1 to 8 of the Indictment. The accused **Milomir STAKIC**, and the other members of the joint criminal enterprise, each shared the state of mind required for the commission of each of these offences, more particularly, each, was aware that his or her conduct occurred in the context of an armed conflict and was part of a widespread or systematic attack directed against a civilian population.

27. This joint criminal enterprise came into existence no later than the establishment of the Assembly of the Serbian people in Bosnia and Herzegovina on 24 October 1991 and continued throughout the period of the conflict in Bosnia and Herzegovina until the signing of the Dayton Accords in 1995. The campaign included or escalated to include conduct committed with intent to destroy in part the Bosnian Muslims and Bosnian Croats in Prijedor, as such. Numerous individuals participated in this joint criminal enterprise, including **Milomir STAKIC**, Milan KOVACEVIC, Simo DRLJACA, other members of the Prijedor Crisis Staff, members of the Assembly of the Serbian People in Prijedor Municipality and Assembly's Executive Committee, Radoslav BRDANIN, General Momir TALIC and Stojan ZUPLJANIN, other members of the ARK Crisis Staff, the leadership of the Serbian republic and the SDS, including Radovan KARADZIC, Momcilo KRAJISNIK and Biljana PLAVSIC, members of the Assembly of the ARK and the Assembly's Executive Committee, the Serb Crisis staffs of the ARK municipalities, members of the VRS, Serb and Bosnian Serb paramilitary forces and others.

28. Alternatively, the accused is individually responsible for the crimes enumerated in Counts 1 to 8 on the basis that these crimes were natural and foreseeable consequences of the execution of the common purpose of the joint criminal enterprise and **Milomir STAKIC** was aware that these crimes were the possible consequence of the execution of the joint criminal enterprise.

29. Despite his awareness of the possible consequences, **Milomir STAKIC** knowingly and wilfully participated in the joint criminal enterprise. On this basis, he bears individual criminal responsibility for these crimes under Article 7(1) in addition to his responsibility under the same article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation, or execution of these crimes.

30. **Milomir STAKIC**, while holding positions of superior authority is also individually criminally responsible for the acts or omissions of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. **Milomir STAKIC**, by virtue of his role as President of the Prijedor Crisis Staff and Head of the National Defence Council in Prijedor Municipality, had control and authority over the TO and police forces that participated in the crimes alleged in this indictment.

31. **Milomir STAKIC** knew or had reason to know that all crimes alleged in this indictment were about to be committed or had been committed by his subordinates and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof. The accused is therefore individually criminally responsible under Article 7(3) of the Statute of the Tribunal.

GENERAL ALLEGATIONS

32. All acts or omissions charged as Genocide or Complicity in Genocide, were committed with intent to destroy, in whole or in part, Bosnian Muslims and Bosnian Croats, a national, ethnical, racial or religious group, as such.

33. All acts and omissions charged as Crimes against Humanity were part of a widespread or systematic attack directed against the non-Serb, principally Bosnian Muslim and Bosnian Croat, civilian population of Prijedor Municipality.

34. At all times relevant to this Indictment, a state of armed conflict existed in Prijedor Municipality.

35. **Milomir STAKIC** was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

36. "Non-combatants" as used in this indictment means persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any cause.

37. **Milomir STAKIC** is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2, 3, 4 and 5 of the Tribunal Statute. By using the word "committed" in this indictment, the Prosecution does not intend to suggest that the accused physically perpetrated any of the crimes charged personally.

38. **Milomir STAKIC** whilst holding the positions of superior authority as set out in the foregoing paragraphs, is also criminally responsible for the acts of his subordinates, pursuant to Article 7(3) of the Tribunal Statute. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

CHARGES

COUNTS 1-5

(Genocide, Complicity in Genocide; Murder, Extermination)

39. The Prosecutor re-alleges and reincorporates by reference paragraphs 23-38 *supra* in Counts 1 to 5.

40. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC** acting individually or in concert with others in the Bosnian Serb leadership, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation, or execution of a campaign designed to destroy Bosnian Muslims and Bosnian Croats, in whole or in part, as national, ethnical, racial, or religious groups, as such, in Prijedor Municipality.

41. Following the take-over of the municipality, the execution of the above campaign included:

(1) The killing of Bosnian Muslim and Bosnian Croat non-combatants by Bosnian Serb forces (including units of the 5th Corps/1st Krajina Corps) in villages and non-Serb areas; in camps and other detention facilities; and during the deportation or forcible transfer of the Bosnian Muslims and Bosnian Croats.

(2) Causing serious bodily or mental harm to Bosnian Muslim and Bosnian Croat non-combatants during their confinement in camps, other detention facilities, and during their interrogations at police stations and military barracks when detainees were continuously subjected to or forced to witness inhumane acts including murder, rape, sexual assault, torture and beatings.

(3) Detaining Bosnian Muslim and Bosnian Croat non-combatants under conditions calculated to bring about the physical destruction of a part of those groups; namely through beatings or other physical maltreatment as described above, inadequate food, polluted water, insufficient or non-existent medical care, and unhygienic and cramped conditions.

42. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC** acting individually or in concert with others planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of a campaign designed to exterminate members of the Bosnian Muslim and Bosnian Croat population in Prijedor Municipality.

43. As part of the above campaign, a significant number of the Bosnian Muslims and Bosnian Croats were killed by Bosnian Serb forces in villages and non-Serb areas, in camps and other detention facilities and during the deportations or forcible transfers.

Killings

44. The killings by Bosnian Serb forces of Bosnian Muslim and Bosnian Croat non-combatants included:

(1) The killing of a number of people in Kozarac and the surrounding areas between May and June 1992

(2) The killing of a number of people in Mehmed Sahoric's house in Kamicani on or about 26 May 1992.

(3) The killing of a number of people in Hambarine and surrounding areas between May and July 1992.

(4) The killing of a number of men in the village of Jaskici on or about 14 June 1992.

(5) The killing of a number of people in the village of Biscani and surrounding areas during July 1992.

(6) The killing of a number of people in the village of Carakovo and surrounding areas during July 1992.

(7) The killing of a number of people in the village of Brisevo on or about 24 July 1992.

(8) The killing of a number of men at the Ljubija football stadium on or about 25 July 1992.

(9) The killing of a number of men in the Ljubija iron ore mine area (also known as "Redak" or "Kipe") on or about 25 July 1992.

Camps

45. Military and civilian camps and detention facilities were established in Prijedor Municipality by the Bosnian Serb authorities. Following the attacks in the Municipality, Bosnian Serb forces rounded up hundreds of Bosnian Muslim and Bosnian Croat non-combatants and forced them to march to assembly points, for transfer to the camps and detention facilities where they were interned. The conditions in these camps and detention facilities were often brutal and inhumane.

46. These camps and detention facilities, staffed and operated by military and police personnel under the direction of Crisis Staff and the VRS, included:

(1) Prijedor JNA Barracks

(2) Keraterm camp

(3) Miska Glava Community Centre

(4) Omarska camp

(5) SUP Building, Prijedor

(6) Trnopolje camp.

47. The killing by Bosnian Serb forces of Bosnian Muslim and Bosnian Croat non-combatants in the camps and detention facilities, or subsequent to their removal therefrom, included:

(1) The killing of a number of people at military barracks at Benkovac in late May 1992.

(2) The killing by machine gun fire of between 100 and 150 men from the "Brdo" region detained in "Room 3" of the Keraterm camp on or about 24 July 1992.

(3) On or about a day after the "Room 3" killing, the killing of approximately 20 men at Keraterm camp.

(4) The killing of approximately 100 prisoners in late July 1992 at Omarska camp following cleansing of the "Brdo" area.

(5) The killing of approximately 50 men and women taken on a bus from Omarska camp in late July 1992, at least some of whose remains were exhumed from Jama Lisac (Bosanska Krupa Municipality).

(6) The killing of approximately 120 men taken on two buses from the Keraterm and Omarska camps on or about 5 August 1992, at least some of whose remains were exhumed from Hrastova Glavica (Sanski Most Municipality).

(7) The killing of a number of men immediately outside Manjaca camp after their transport from Omarska camp on or about 6 August 1992.

(8) The killing, near the *Koricanske stijene* in the Vlastic mountain area, of approximately 200 men travelling on a convoy which originated, in part, from Trnopolje camp on or about 21 August 1992.

(9) The killing of a number of people at Omarska camp between approximately 27 May and approximately 21 August 1992.

(10) The killing of a number of people at Keraterm camp between 24 May and 5 August 1992.

(11) The killing of a number of people in Trnopolje camp between approximately 25 May and approximately 30 September 1992.

Causing Serious Bodily Or Mental Harm

48. In the camps and detention facilities, Bosnian Serb forces and others who were given access to

the camps, subjected non-combatant Bosnian Muslim and Bosnian Croat detainees from the municipalities to physical and mental abuse including torture, beatings with weapons, sexual assaults and the witnessing of inhumane acts, including murder, causing them serious bodily or mental harm. As a result of these inhumane acts, during the period from 30 April 1992 to 30 September 1992, a large number of Bosnian Muslims and Bosnian Croats died in these detention facilities.

49. The infliction of serious bodily or mental harm on numerous Bosnian Muslims and Bosnian Croats included:

(1) Between May 1992 and September 1992, thousands of Bosnian Muslim and Bosnian Croat non-combatants were detained by the police and military forces (both regular and irregular) at Omarska Camp, Keraterm Camp, Trnopolje Camp, the Miska Glava Community Centre, the Ljubija Football Stadium, the Prijedor SUP and Prijedor JNA barracks.

(2) At the Omarska Camp detainees were beaten on arrival at the camp and beaten and tortured both routinely and during interrogation with electric cables, rifle butts, police batons and wooden clubs. Beatings occurred during the day and at night. Detainees were humiliated and tortured. Prominent and educated Bosnian Muslims were subjected to severe beatings and humiliation. In some cases the beatings were so severe as to result in serious injury, permanent disfigurement and death. Beatings and humiliation were often administered in front of other detainees. Female detainees were raped and sexually assaulted.

(3) At the Keraterm Camp detainees were beaten on arrival at the camp and during interrogations and while they waited to receive food. Beatings were carried out with wooden clubs, baseball bats, electric cables, police batons and rifle butts. Beatings occurred during the day and at night. Detainees were humiliated and tortured. Certain detainees were singled out for particularly harsh treatment. In some cases the beatings were so severe as to result in serious injury, permanent disfigurement and death. Beatings and humiliation were often administered in front of other detainees. Female detainees were raped.

(4) At the Trnopolje Camp detainees were predominantly women, children and the elderly. However, younger men were also detained. Male detainees were interrogated and beaten. Detainees were beaten in front of other detainees. Female detainees were raped.

(5) In Omarska, Keraterm and Trnopolje detention camps, non-camp personnel were given access to the camp. These non-camp personnel also beat and humiliated the detainees.

(6) At Miska Glava community centre and the Ljubija Football stadium over a hundred Bosnian Muslim men were beaten with axes, knives, police batons and rifle butts. Many detainees died as a result of the beatings and the detainees remaining alive were forced to load the dead on to transport.

(7) At the Prijedor SUP and JNA Barracks predominantly prominent members of the Bosnian Muslim and Bosnian Croat communities were interrogated and beaten and tortured.

Conditions Calculated To Bring About Physical Destruction

50. The brutal and inhumane conditions in the camps and detention facilities included inadequate food, polluted water, insufficient or non-existent medical care, and unhygienic and cramped conditions.

51. By his involvement in these acts or omissions Milomir STAKIC committed:

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

AND/OR

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

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

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

Count 5: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, 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.

COUNT 6 (Persecutions)

52. The Prosecutor re-alleges and reincorporates by reference paragraphs 23-50 *supra* and paragraphs 57-58 *infra* in Count 6.

53. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC** acting individually or in concert with others in the Bosnian Serb leadership, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of persecutions on political, racial or religious grounds of the Bosnian Muslim and Bosnian Croat population in Prijedor Municipality.

54. The above planning, preparation or execution of persecutions included:

(1) The killing of Bosnian Muslims and Bosnian Croats by Bosnian Serb forces (including units of the 5th Corps/1st Krajina Corps) in villages and non-Serb areas, in detention camps and other detention facilities;

(2) Torture, physical violence, rapes and sexual assaults, constant humiliation and degradation of Bosnian Muslims and Bosnian Croats;

(3) (a) Destruction, wilful damage and looting of residential and commercial properties in the parts of towns, villages and other areas in Prijedor Municipality inhabited predominantly by a Bosnian Muslim and Bosnian Croat population, including:

- (i) Town of Prijedor
- (ii) Brisevo
- (iii) Kamicani
- (iv) Carakovo
- (v) Kozarac
- (vi) Kozarusa
- (vii) Biscani
- (viii) Hambarine
- (ix) Rakovcani
- (x) Rizvanovici
- (xi) Donja and Gornja Ravska
- (xii) Kevljani
- (xiii) Other Bosnian Muslim and Bosnian Croat hamlets and areas attached to these villages;

(b) the destruction of, or wilful damage to, Bosnian Muslim and Bosnian Croat religious and cultural buildings including:

- (i) the mosque in Donja Ljubija in May 1992;
- (ii) the mosque in Hambarine on or about 24 May 1992;
- (iii) the mosque in Kozarusa in late May 1992;
- (iv) the "Carsijska" or town mosque in Prijedor on or about 30 May 1992;
- (v) the "Mutnik" mosque in Kozarac in late May or early June 1992;

(vi) the mosque in the Stari Grad section of Prijedor between 30 May and 20 June 1992;

(vii) the mosque in Kamicani in June 1992;

(viii) the mosque in Biscani on or about 20 July 1992;

(ix) the Catholic church in Brisevo on or about 29 July 1992;

(xii) the Catholic church in Prijedor on or about 28 August 1992;

(xiii) the mosque in Puharska section of Prijedor on or about 28 August 1992.

During and after the attacks in the municipality, Bosnian Serb forces systematically destroyed or damaged Bosnian Muslim and Bosnian Croat towns, villages and other non-Serb areas, and property, including homes, businesses and Muslim and Roman Catholic sacred sites listed above. Buildings were shelled, torched or dynamited. Residential and commercial property was looted before the damage or destruction;

(4) the deportation or forcible transfer of Bosnian Muslims and Bosnian Croats from Prijedor Municipality to areas under the control of the legitimate government of Bosnia and Herzegovina (Travnik) and to Croatia (Karlovac). From late May 1992, the organised forcible transfer of the Bosnian Muslim and Bosnian Croat population began. The forced transfers and deportations were organised by the Bosnian Serb police forces and other Bosnian Serb municipal organs acting at the direction of the Crisis Staffs. In many cases, non-Serbs were required to sign documents stating that they were relinquishing all of their property to the Bosnian Serb republic in order for the Bosnian Serb authorities to allow them to leave or to release them from detention facilities;

(5) the denial of fundamental rights to Bosnian Muslims and Bosnian Croats, including the right to employment, freedom of movement, right to proper judicial process, or right to proper medical care.

55. By his involvement in these acts or omissions **Milomir STAKIC** committed:

Count 6: Persecutions, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 7 and 8
(Deportation, Inhumane Acts)

56. The Prosecutor re-alleges and reincorporates by reference paragraphs 23-38 and 53-54 *supra* in Counts 10 and 11.

57. Between about 30 April 1992 and 30 September 1992, **Milomir STAKIC** acting individually or with others in the Bosnian Serb leadership, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation, or execution of a campaign designed to eliminate the Bosnian Muslim and Bosnian Croat population from Prijedor Municipality.

58. The execution of the above campaign included deportation or forcible transfer of a large proportion of the Bosnian Muslim and Bosnian Croat population, from areas within Prijedor Municipality, to areas under the control of the legitimate government of Bosnia and Herzegovina (Travnik) and to Croatia (Karlovac). From late May, the organised forcible transfer of the Bosnian Muslim and Bosnian Croat population began. The forced transfers and deportations were organised by the Bosnian Serb police forces and other Bosnian Serb municipal organs acting at the direction of the Crisis Staffs. In many cases, non-Serbs were required to sign documents stating that they were relinquishing all of their property to the Bosnian Serb republic in order to obtain permission to leave or to obtain their release from detention facilities.

59. By his involvement in these acts or omissions **Milomir STAKIC** committed:

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

Count 8: Inhumane Acts (forcible transfer), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i), 7(1) and 7(3) of the Statute of the Tribunal.

Graham Blewitt
Deputy Prosecutor

Dated this twenty-eighth day of February 2002
At The Hague, The Netherlands