

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-94-1-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

DUSKO TADIC a/k/a "DULE" a/k/a "DUSAN"
GORAN BOROVNICA

INDICTMENT (AMENDED)

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") and Rule 50 of the Rules of Procedure and Evidence of the Tribunal, charges:

1. Beginning on about 23 May 1992, Serb forces, supported by artillery and heavy weapons, attacked Bosnian Muslim and Croat population centres in opstina Prijedor, Bosnia-Herzegovina. In the following days, most of the Muslims and Croats were forced from their homes and seized by the Serb forces. The Serb forces then unlawfully confined thousands of Muslims and Croats in the Omarska, Keraterm and Trnopolje camps. The accused, **Dusko TADIC a/k/a "Dule" a/k/a "Dusan"**, participated in the attack on, seizure, murder and maltreatment of Bosnian Muslims and Croats in opstina Prijedor both within the camps and outside the camps, between the period beginning about 23 May 1992 and ending about 31 December 1992. The accused, **Goran BOROVNICA**, participated with **Dusko TADIC** in the killing of Bosnian Muslims in the Kozarac area, as set forth below:

BACKGROUND

2.1. About 23 May 1992, approximately three weeks after Serbs forcibly took control of governmental authority in opstina Prijedor, intensive shelling by Serb forces of Bosnian Muslim and Croat areas in opstina Prijedor caused Muslim and Croat residents to flee their homes. The majority of them were seized by Serb forces. As the Serb forces rounded up the Muslim and Croat residents, they forced the Muslims and Croats to march in columns bound for one or another of the prison camps that the Serb authorities 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, shortly after the start of large scale military attacks on Muslim population centres, the Serb forces began taking prisoners to the Omarska, Keraterm and Trnopolje camps.

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 the Serb authorities 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. Many, whose identities are known and unknown, did not survive the camp. After the initial collection of thousands of Bosnian Muslims and Croats in late May, 1992, groups of Serbs, including the accused, continued to enter the villages in which Muslims and Croats remained, killing some villagers and driving others from their homes and into the camps.

2.7 Keraterm camp was located at a former ceramics factory in Prijedor. Conditions for prisoners were similar to those in Omarska camp; physical and psychological abuse, including assaults and killings, were common. Trnopolje camp was established at the site of a former school in Trnopolje village. Men, women and children were detained in Trnopolje camp; the majority of those detained were then expelled from opstina Prijedor. In Trnopolje, female detainees were sexually abused, and detainees were murdered and otherwise physically and psychologically abused.

GENERAL ALLEGATIONS

3. 1. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the territory of Bosnia-Herzegovina.

3.2. 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.

3.3. All of the prisoners at the Omarska, Keraterm and Trnopolje camps, and the Bosnian Muslims and Croats of opstina Prijedor referred to in this indictment were, at all relevant times, persons protected by the Geneva Conventions of 1949.

3.4. The accused in this indictment were required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

3.5. Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between about 23 May and about 31 December 1992.

3.6. 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.

3.7. 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 opstina Prijedor.

3.8. The term "Serb" refers either to Bosnian citizens of Serbian descent or to individuals of Serbian descent whose citizenship in the former Yugoslavia is unknown.

3.9. Paragraphs 3.1. through 3.8. are realleged and incorporated into each of the charges described below.

CHARGES:

COUNTS 1-3 (PERSECUTION AND DEPORTATION)

4. Between about 23 May 1992 and about 31 December 1992, **Dusko TADIC** participated with Serb forces in the attack, destruction and plunder of Bosnian Muslim and Croat residential areas, the seizure and imprisonment of thousands of Muslims and Croats under brutal conditions in camps located in Omarska, Keraterm and Trnopolje, and the deportation and/or expulsion of the majority of Muslim and Croat residents of opstina Prijedor by force or threat of force. During this time, Serb forces, including **Dusko TADIC**, subjected Muslims and Croats inside and outside the camps to a campaign of terror which included killings, rapes, assaults and other physical and psychological abuse. By his participation in these acts, **Dusko TADIC** committed:

COUNT 1:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(h) (persecution on political, racial and/or religious grounds) and 7(1) of the Statute of the Tribunal; and,

COUNT 2:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(d) (deportation) and 7(1) of the Statute of the Tribunal; and,

COUNT 3:

a **GRAVE BREACH** recognised by Article 2(g) (unlawful deportation or transfer or unlawful confinement of a civilian) and 7(1) of the Statute of the Tribunal.

COUNTS 4-6 (FORCIBLE SEXUAL INTERCOURSE WITH "F")

5. "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 **Dusko TADIC** subjected "F" to forcible sexual intercourse. By these acts, **Dusko TADIC** committed:

COUNT 4:

a **GRAVE BREACH** recognised by Articles 2(b) (inhuman treatment) and 7(1) of the Statute of the Tribunal; and,

COUNT 5:

a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) and 7(1) of the Geneva Conventions of 1949; and,

COUNT 6:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(g) (rape) and 7(1) of the Statute of the Tribunal.

COUNTS 7-13

(KILLING OF EMIR KARABASIC, JASMIN HRNIC, ENVER ALIC, AND FIKRET HARAMBASIC, BEATING OF EMIR BEGANOVIC AND INHUMANE ACTS AGAINST "G" AND "H" IN OMARSKA CAMP)

6. During the period between 1 June and 31 July 1992, a group of Serbs, including **Dusko TADIC**, severely beat numerous prisoners, including Emir KARABASIC, Jasmin HRNIC, Enver ALIC, Fikret HARAMBASIC and Emir BEGANOVIC, in the large garage building or hangar of Omarska camp. The group forced two other prisoners, "G" and "H," to commit oral sexual acts on HARAMBASIC and forced "G" to sexually mutilate him. KARABASIC, HRNIC, ALIC, and HARAMBASIC died as a result of the assaults. By his participation in these acts, **Dusko TADIC** committed:

COUNT 7:

a **GRAVE BREACH** recognised by Articles 2(a) (wilful killing) and 7(1) of the Statute of the Tribunal; and,

COUNT 8:

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) (murder) of the Geneva Conventions; and,

COUNT 9:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(a) (murder) and 7(1) of the Statute of the Tribunal; and,

COUNT 10:

a **GRAVE BREACH** recognised by Articles 2(b) (torture or inhuman treatment) and 7(1) of the Statute of the Tribunal; and,

COUNT 11:

a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body and health) and 7(1) of the Statute of the Tribunal; and,

COUNT 12:

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) (cruel treatment) of the Geneva Conventions; and,

COUNT 13:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

COUNTS 14-16

(BEATING OF SEFIK SIVAC IN OMARSKA CAMP)

7. Around July 10, 1992, in the building known as the "white house" in Omarska camp, a group of Serbs from outside the camp, including **Dusko TADIC**, severely beat **SEFIK SIVAC**, threw him onto the floor of a room and left him there, where he died. By his participation in these acts, **Dusko TADIC** committed:

COUNT 14:

a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health) and 7(1) of the Statute of the Tribunal; and,

COUNT 15:

a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions; and,

COUNT 16:

a **CRIME AGAINST HUMANITY** recognised by Article 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

COUNTS 17-19

(BEATINGS OF SALIH ELEZOVIC, SEJAD SIVAC, HAKIJA ELEZOVIC AND OTHER UNNAMED PRISONERS IN OMARSKA CAMP)

8. Around late July, 1992, behind the building known as the "white house" in Omarska camp, a group of Serbs from outside the camp, including **Dusko TADIC**, severely beat and kicked Hakija ELEZOVIC, Salih ELEZOVIC, Sejad SIVAC and other prisoners. Hakija ELEZOVIC survived the beating. Salih ELEZOVIC, Sejad SIVAC, and other prisoners were found dead in the same spot later that day. By his participation in these acts, **Dusko TADIC** committed:

COUNT 17:

a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health) and 7(1) of the Statute of the Tribunal; and,

COUNT 18:

a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR** recognised by Articles 3 and 7(1) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions; and,

COUNT 19:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

(COUNTS 20-22)

(ABUSE OF UNKNOWN PRISONERS IN OMARSKA CAMP)

9. 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 **Dusko TADIC**, 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, **TADIC** discharged the contents of a fire extinguisher into the mouth of one of the victims. By his participation in these acts, **Dusko TADIC** committed:

COUNT 20:

a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health) and 7(1) of the Statute of the Tribunal; and,

COUNT 21:

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) (cruel treatment) of the Geneva Conventions; and,

COUNT 22:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

COUNTS 23-25

(BEATING AND ABUSE OF HASE ICIC AND OTHER UNNAMED PRISONERS IN OMARSKA CAMP)

10. About 8 July 1992, in the building known as the "white house," a group of persons from outside the camp, including **Dusko TADIC**, called prisoners individually from one room in the "white house" to another, where they were beaten. After a number of prisoners were called out, Hase ICIC was taken into the room, where members of the group, including **Dusko TADIC**, beat and kicked him until he was unconscious. By his participation in these acts, **Dusko TADIC** committed:

COUNT 23:

a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health) and 7(1) of the Statute of the Tribunal; and,

COUNT 24:

a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(1) Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions; and,

COUNT 25:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

COUNTS 26-30

(KILLING OF EKREM KARABASIC, ISMET KARABASIC, SEIDO KARABASIC AND REDO FORIC IN KOZARAC)

11. About 27 May 1992, Serb forces seized the majority of Bosnian Muslim and Bosnian Croat people of the Kozarac area. As Muslims and Croats marched in columns to assembly points in Kozarac for transfer to camps, Serb forces, including **Dusko TADIC** and **Goran BOROVNICA**, ordered Ekrem KARABASIC, Ismet KARABASIC, Seido KARABASIC and REDO FORIC from the column and shot and killed them. By his participation in these acts, **Dusko TADIC** committed:

COUNT 26:

a **GRAVE BREACH** recognised by Articles 2(a) (wilful killing) and 7(1) of the Statute of the Tribunal; and,

COUNT 27:

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) (murder) of the Geneva Conventions; and,

COUNT 28:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(a) (murder) and 7(1) of the Statute of the Tribunal; or,

COUNT 29:

Alternatively, a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health) and 7(1) of the Statute of the Tribunal; and,

COUNT 30:

Alternatively, a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

COUNTS 31-36

(KILLING OF SAKIB ELKASEVIC, OSME ELKASEVIC, ALIJA JAVOR, ABAZ JASKIC AND NIJAZ JASKIC AND BEATING OF MEHO KENJAR, ADAM JAKUPOVIC, SALKO JASKIC, ISMET JASKIC, BEIDO BALIC, SEFIK BALIC, NIJAS ELKASEVIC AND ILIJAS ELKASEVIC IN AREA OF JASKICI AND SIVCI)

12. About 14 June 1992, armed Serbs, including **Dusko TADIC**, entered the area of Jaskici and Sivci in opstina Prijedor and went from house to house calling out residents and separating men from the women and children. The armed Serbs killed Sakib ELKASEVIC, Osme ELKASEVIC, Alija JAVOR, Abaz JASKIC and Nijaz JASKIC in front of their homes. They also beat Meho KENJAR, Adam JAKUPOVIC, Salko JASKIC, Ismet JASKIC, Beido BALIC, SEFIK BALIC, Nijas ELKASEVIC and Ilijas ELKASEVIC and then took them from the area to an unknown location. By his participation in these acts, **Dusko TADIC** committed:

COUNT 31:

a **GRAVE BREACH** recognised by Articles 2(a) (wilful killing) and 7(1) of the Statute of the Tribunal; and,

COUNT 32:

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) (murder) of the Geneva Conventions; and,

COUNT 33:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(a) (murder) and 7(1) of the Statute of the Tribunal; and,

COUNT 34:

a **GRAVE BREACH** recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health) and 7(1) of the Statute of the Tribunal; and,

COUNT 35:

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) (cruel treatment) of the Geneva Conventions; and,

COUNT 36:

a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) (inhumane acts) and 7(1) of the Statute of the Tribunal.

Richard J. Goldstone
Prosecutor