

IT-96-23/2-PT
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16 JANUARY 2007

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-96-23/2-PT

IN THE TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge Christine Van den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

Date Filed: 16 January 2007

THE PROSECUTOR

v.

DRAGAN ZELENOVIĆ

JOINT SUBMISSION OF ANNEX TO PLEA AGREEMENT

The Office of the Prosecutor:
Ms. Hildegard Uertz-Retzlaff
Mr. Manoj Sachdeva

Counsel for the Accused
Mr. Zoran Jovanović

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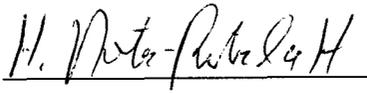
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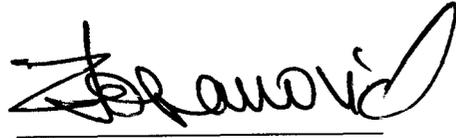
JOINT SUBMISSION OF ANNEX TO PLEA AGREEMENT

On 14 December 2006, pursuant to Rule 62 *ter* of the Rules of Procedure and Evidence, the Prosecution and the Defence jointly filed a Plea Agreement with the Trial Chamber. In a motion hearing on 16 January 2007, the Trial Chamber requested the parties to file an Annex to the Plea Agreement consisting of a redacted and revised copy of the indictment, reflecting the charges and underlying incidents the Accused intends to plead guilty to.

In compliance with this request, the parties file a redacted version of the indictment as Annex to this Submission in which all changes are indicated in bold.



Hildegard Uertz-Retzlaff
Senior Trial Attorney



Zoran Jovanović
Counsel for Dragan Zelenović

Dated this 16 of January 2007
At The Hague
The Netherlands

THE INTERNATIONAL CRIMINAL TRIBUNAL
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Case No. IT-96-23/2-PT

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DRAGAN ZELENOVIĆ

ANNEX TO PLEA AGREEMENT

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

CASE NO.: IT-96-23/2-PT

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

(REDACTED)

(REDACTED)

(REDACTED)

DRAGAN ZELENOVIĆ

(REDACTED)

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 Tribunal charges:

(REDACTED)

(REDACTED)

(REDACTED)

DRAGAN ZELENOVIĆ

(REDACTED)

with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

BACKGROUND

1.1 The city and municipality of Foča are located south-east of Sarajevo, in the Republic of Bosnia-Herzegovina and borders Serbia and Montenegro. According to the 1991 census, the population of Foča consisting of 40,513 persons was 51.6 % Muslim, 45.3 % Serbian and

3.1% others. The political and military take-over of the municipality of Foča started with the first military actions in the town of Foča on 7 April 1992. The Serb forces, supported by artillery and heavy weapons, proceeded to take over Foča, section by section. The take-over of Foča town was complete by 16 or 17 April 1992. The surrounding villages continued to be under siege until mid-July 1992.

1.2 As soon as the Serb forces had taken over parts of Foča town, military police accompanied by local and non-local soldiers started arresting Muslim and Croat inhabitants. Until mid-July 1992 they continued to round up and arrest Muslim villagers from the surrounding villages in the municipality. The Serb forces separated men and women and unlawfully confined thousands of Muslims and Croats in various short and long-term detention facilities or kept them essentially under house arrest. During the arrests many civilians were killed, beaten or subjected to sexual assault.

1.3 The Foča Kazнено-popravni Dom (hereinafter KP Dom), one of the largest prison facilities in the former Republic of Yugoslavia, was the primary detention facility for men. Muslim women, children and the elderly were detained in houses, apartments and motels in the town of Foča or in surrounding villages, or at short and long-term detention centres such as Buk Bijela, Foča High School and Partizan Sports Hall, respectively. Many of the detained women were subjected to humiliating and degrading conditions of life, to brutal beatings and to sexual assaults, including rapes.

1.4 Besides the above mentioned detention places, several women were detained in houses and apartments used as brothels, operated by groups of soldiers, mostly paramilitary. The ICRC and other organisations, unaware of these detention facilities, did not intervene. Therefore those detainees had no possibility of release or exchange.

THE ACCUSED

2.1 (REDACTED)

2.2 (REDACTED)

2.3 (REDACTED)

2.4 **DRAGAN ZELENOVIĆ a/k/a “Zelja” and “Zeleni”**, son of Bogdan, born on 12 February 1961 in Foča, lives at Nurije Pozderca 21 as of June 1996. He worked as an electrician in Miljevina before the war. **DRAGAN ZELENOVIĆ** was (REDACTED) **was a member of the “Dragan Nikolić unit”**. **He was a soldier and a *de facto* military policeman**. He was involved in the attack on Foča and its surrounding villages and in the arrest of civilians.

2.5 (REDACTED)

SUPERIOR AUTHORITY

3.1 (REDACTED)

GENERAL ALLEGATIONS

4.1 At all times relevant to this indictment, an armed conflict existed in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.

4.2 At all times relevant to this indictment, the accused were required to abide by the laws or customs governing the conduct of war.

4.3 Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between April 1992 and February 1993.

4.4 In each count charging crimes against humanity, a crime recognised by Article 5 of the Statute of the Tribunal, the acts or omissions were part of a widespread or large-scale or systematic attack against a civilian population, specifically the Muslim population of the municipality of Foča.

4.5 Witnesses and victims are identified in this indictment using code names or pseudonyms such as (REDACTED) **FWS-75** or initials, (REDACTED).

4.6 All accused are individually responsible for the crimes charged against them in this indictment, pursuant to Article 7 (1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below.

4.7 (REDACTED)

THE CHARGES

COUNTS 1-12

Torture and Rape at Buk Bijela

5.1 Buk Bijela refers to a settlement on a hydro-electric dam construction site on the road from Brod to Miljevina by the river Drina which was turned into a local military headquarters and barracks for Bosnian Serb forces and paramilitary soldiers after the April 1992 take-over of Foča and the surrounding villages. The Buk Bijela complex consisted of workers' barracks, where about 200 to 300 soldiers were barracked, and an adjoining motel. Buk Bijela was used as a temporary detention and interrogation facility for civilian women, children and the elderly who were captured in various villages in the municipality of Foča in July 1992.

5.2 On 3 July 1992, soldiers commanded by the accused **GOJKO JANKOVIĆ**, and among them **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ**, arrested a group of at least 60 Muslim women, children and a few elderly men from Trosanj and Mjesaja, and took them to Buk Bijela. After the attack on Foča, the villages of Trosanj and Mjesaja had offered armed resistance.

5.3 While detained at Buk Bijela for several hours, all the Muslim civilians were lined up along the river Drina and guarded by armed soldiers. They were threatened with being either killed or raped and were otherwise humiliated. The soldiers approached each detained civilian, and took him or her to the above-mentioned accused for questioning. The soldiers separated the women from their children. **GOJKO JANKOVIĆ**, **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ** interrogated the women. The interrogations focused on the hiding-places of the male villagers and weapons. The accused threatened the women with murder and sexual assault if they lied. **JANKO JANJIĆ** and **DRAGAN ZELENOVIĆ** and other soldiers acting under the control of **GOJKO JANKOVIĆ** gang-raped several women during or immediately after the interrogation who they suspected of lying. Paragraphs 5.4 to 5.7, hereunder, particularise some of those sexual assaults which occurred on or about 3 July 1992.

5.4 A witness code named FWS-75 was interrogated by **GOJKO JANKOVIĆ** and **DRAGAN ZELENOVIĆ** about her village and whether the villagers had weapons. **GOJKO JANKOVIĆ** warned the witness not to lie, otherwise she would be raped by soldiers and killed afterwards. As FWS-75 did not answer the questions sufficiently, a soldier took her to another room. There, at least ten unidentified soldiers raped her, in turn. The nature of the rape included vaginal penetration and fellatio. FWS-75 lost consciousness after the tenth soldier sexually assaulted her. The episode of sexual assault lasted between one to two hours. **DRAGAN ZELENOVIĆ did not personally rape the victim on that occasion.**

5.5 Another witness, FWS-87, a 15 year old, was interrogated by **DRAGAN ZELENOVIĆ** and three unidentified soldiers in a room at Buk Bijela. During the interrogation, they accused FWS-87 of not telling the truth. The interrogators removed her clothing and then, each one raped her. The nature of the rape was vaginal penetration. The first soldier also threatened her by putting a gun to her head. FWS-87 experienced severe pain during the assault, followed by heavy vaginal bleeding.

5.6 (REDACTED)

5.7 (REDACTED)

5.8 (REDACTED)

COUNT 1
(Torture)
(REDACTED)

COUNT 2
(Rape)
(REDACTED)

COUNT 3
(Torture)
(REDACTED)

COUNT 4
(Rape)
(REDACTED)

5.9 By the foregoing acts and omissions in relation to the victim FWS-75 (incident paragraph 5.4) DRAGAN ZELENOVIĆ aided and abetted to and in relation to victim FWS-87 (incident paragraph 5.5) DRAGAN ZELENOVIĆ committed:

COUNT 5
(Torture)

Count 5: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 6
(Rape)

Count 6: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 7
(Torture)
(REDACTED)

COUNT 8
(Rape)
(REDACTED)

5.10 (REDACTED)

COUNT 9
(REDACTED)

COUNT 10
(REDACTED)

COUNT 11
(REDACTED)

COUNT 12
(REDACTED)

COUNTS 13-28
Torture and Rape
at Foča High School

6.1 During the occupation that followed the take-over of the town of Foča, the Foča High School, situated in the Aladža area, functioned as a barracks for Serb soldiers, and as a short term detention facility for Muslim women, children and the elderly.

6.2 Between 3 July and about 13 July 1992, at least 72 Muslim inhabitants of the municipality of Foča were detained in two classrooms in the Foča High School, including the women, children and the elderly who had earlier been held at Buk Bijela, mentioned above. On or about 13 July 1992, all detainees were transferred from Foča High School to the Partizan Sports Hall in Foča.

6.3 At the Foča High School, the detainees were surrounded by armed Serb soldiers, who patrolled outside the Foča High School and constantly entered and left the building. There were also two armed police guards from the Foča SUP patrolling the corridor outside of the detention rooms.

6.4 Many of the female detainees were subjected to sexual abuse during their detention at the Foča High School. From the second day of their detention, every evening, groups of Serb soldiers sexually assaulted, including gang-rape, some of the younger women and girls in class-rooms or apartments in neighbouring buildings. Among them were witnesses (REDACTED), FWS-75, FWS-87, (REDACTED), as set forth below. The soldiers threatened to kill the women or the women's children if they refused to submit to sexual assaults. Women who dared to resist the sexual assaults were beaten. (REDACTED) The accused **GOJKO JANKOVIĆ, DRAGAN ZELENOVIĆ, JANKO JANJIĆ** and **ZORAN VUKOVIĆ** were among these groups of soldiers.

6.5 The physical and psychological health of many female detainees seriously deteriorated as a result of these sexual assaults. Some of the women endured complete exhaustion, vaginal discharges, bladder problems and irregular menstrual bleedings. The detainees lived in constant fear. Some of the sexually abused women became suicidal. Others became indifferent as to what would happen to them and suffered from depression.

6.6 On or about 6 or 7 July 1992, **DRAGAN ZELENOVIĆ** in concert with **(REDACTED) other co-perpetrators**, selected **(REDACTED) an unidentified woman**, FWS-75, FWS-87, **(REDACTED) and an unidentified woman** out of the group of detainees. The accused led them to another classroom where unidentified soldiers stood waiting. Then **DRAGAN ZELENOVIĆ** decided which woman should go to which man. The women were ordered to remove their clothes. **(REDACTED)**. Then **DRAGAN ZELENOVIĆ** raped FWS-75 (vaginal penetration). **(REDACTED) The other perpetrators raped the other women.**

6.7 **(REDACTED)**

6.8 Between or about 8 July and about 13 July 1992, on three occasions, FWS-75 and FWS-87 were taken from the Foča High School to an apartment building called Brena in the centre of Foča. The building was near the Zelengora hotel, a military headquarters of the Serb forces. **(REDACTED) On the first of those three occasions**, the two women went to an apartment owned by **DRAGAN ZELENOVIĆ**. The accused **JANKO JANJIĆ, DRAGAN ZELENOVIĆ** and two other unidentified soldiers raped FWS-75 (vaginal and anal penetration and fellatio) while **DRAGAN ZELENOVIĆ** also raped FWS-87 (vaginal penetration).

6.9 Between about 8 July and about 13 July 1992, on **the other** two occasions **DRAGAN ZELENOVIĆ** and several other unidentified soldiers took FWS-75 and FWS-87 to Brena and raped them. On these occasions, the accused raped FWS-75 (vaginal and anal penetration and fellatio) and raped FWS-87 (vaginal penetration).

6.10 Between about 8 July and about 13 July 1992, on another occasion, FWS-75 and FWS-87 **(REDACTED)** were taken by **DRAGAN ZELENOVIĆ** to an abandoned house of a Muslim policeman in Gornje Polje. There **DRAGAN ZELENOVIĆ** raped FWS-87 (vaginal penetration). **(REDACTED) On this occasion FWS-75 was not raped.**

6.11 **(REDACTED)**

6.12 **(REDACTED)**

6.13 **(REDACTED)**

6.14 By the foregoing acts and omissions in relation to the victims **(REDACTED) an unidentified woman, FWS-75, FWS-87 and (REDACTED) an unidentified woman, DRAGAN ZELENović** committed:

COUNT 13
(Torture)

Count 13: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 14
(Rape)

Count 14: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 15
(Torture)
(REDACTED)

COUNT 16
(Rape)
(REDACTED)

6.15 (REDACTED)

COUNT 17
(REDACTED)

COUNT 18
(REDACTED)

COUNT 19
(REDACTED)

COUNT 20
(REDACTED)

6.16 (REDACTED)

COUNT 21
(REDACTED)

COUNT 22
(REDACTED)

COUNT 23
(REDACTED)

COUNT 24
(REDACTED)

6.17 (REDACTED)

COUNT 25
(Torture)
(REDACTED)

COUNT 26
(Rape)
(REDACTED)

COUNT 27
(Torture)
(REDACTED)

COUNT 28
(Rape)
(REDACTED)

COUNTS 29-44

Torture and Rape (REDACTED) at Partizan Sports Hall

7.1 Partizan Sports Hall (“Partizan”) functioned as a detention centre for women, children and the elderly from at least on or about 13 July 1992 until at least 13 August 1992. The detainees held at Partizan, during this time period, numbered at least 72. The detainees were all

civilian Muslim women, children and a few elderly persons from villages in the municipality of Foča.

7.2 Partizan was a medium-sized building situated in the centre of Foča town close to the Foča police ("SUP") building. Partizan was separated from the SUP building by about seventy metres. Partizan was on slightly higher ground than the other buildings in the neighbourhood and could therefore be seen clearly from the surrounding areas, including the SUP building. Partizan was also close to the main municipal building, where the Serb authorities had their principle offices. Partizan consisted of two large halls. All detainees were held in one of the halls only. This hall measured roughly 12 metres by 7 metres.

7.3 Two policemen were stationed as guards outside the main door of Partizan. The guards, who were subordinate to the chief of the SUP were armed at all times with automatic weapons. People who entered Partizan had to pass the guards on their way into the halls. Detainees could not leave Partizan because of the armed guards.

7.4 Living conditions in Partizan were brutal. The detention was characterised by inhumane treatment, unhygienic facilities, overcrowding, starvation, physical and psychological torture, including sexual assaults.

7.5 Immediately after the transfer of women to Partizan, a pattern of sexual assaults commenced. Armed soldiers, mostly in groups of three to five, entered Partizan, usually in the evenings, and removed women. When the women resisted or hid, the soldiers beat or threatened the women to force them to obey. The soldiers took the women from Partizan to houses, apartments or hotels for the purpose of sexual assault and rape.

7.6 (REDACTED)

7.7 On or around 13 August 1992, most detainees were released from Partizan and deported to Montenegro. The women who left on the 13 August convoy received medical care for the first time in Montenegro. Many women suffered permanent gynaecological harm due to the sexual assaults. At least one woman can no longer have children. All the women who were sexually assaulted suffered psychological and emotional harm; some remain traumatised.

7.8 (REDACTED)

7.9 (REDACTED)

7.10 (REDACTED)

7.11 (REDACTED)

7.12 (REDACTED)

7.13 In July 1992, witness FWS-87 was frequently taken out, and raped (vaginal and anal penetration and fellatio). On one occasion witness FWS-87 was gang-raped by 4 men including **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ**.

7.14 (REDACTED)

7.15 (REDACTED)

7.16 (REDACTED)

7.17 (REDACTED)

7.18 (REDACTED)

7.19 (REDACTED)

7.20 (REDACTED)

7.21 (REDACTED)

7.22 (REDACTED)

7.23 (REDACTED)

COUNT 29
(REDACTED)

COUNT 30
(REDACTED)

COUNT 31
(REDACTED)

COUNT 32

(REDACTED)

7.24 (REDACTED)

COUNT 33
(REDACTED)

COUNT 34
(REDACTED)

COUNT 35
(REDACTED)

COUNT 36
(REDACTED)

7.25 (REDACTED)

COUNT 37
(Torture)
(REDACTED)

COUNT 38
(Rape)
(REDACTED)

COUNT 39
(Torture)
(REDACTED)

COUNT 40
(Rape)
(REDACTED)

7.26 By the foregoing acts and omissions in relation to the victims (REDACTED), FWS-87 and (REDACTED), **DRAGAN ZELENović** committed:

COUNT 41
(Torture)

Count 41: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 42
(Rape)

Count 42: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 43
(Torture)
(REDACTED)

COUNT 44
(Rape)
(REDACTED)

COUNTS 45-48
Enslavement and Rape of FWS-75, FWS-87 and Seven Other
Women in Karaman's House

8.1 **(REDACTED)**

8.2 **(REDACTED)**

8.3 **(REDACTED)**

8.4 **(REDACTED)**

8.5 **(REDACTED)**

8.6 **(REDACTED)**

8.7 **(REDACTED)**

8.8 **(REDACTED)**

COUNT 45

(Enslavement)
(REDACTED)

COUNT 46
(Rape)
(REDACTED)

COUNT 47
(Rape)
(REDACTED)

COUNT 48
(Outrages Upon Personal Dignity)
(REDACTED)

COUNT 49
Rape of FWS-75 and FWS-87 and Two Other Women

9.1 On or about 30 October 1992, FWS-75, FWS-87 and two other women were taken from Karaman's house to Foča by **DRAGAN ZELENOVIĆ, GOJKO JANKOVIĆ** and JANKO JANJIĆ. These women continued to be detained at different houses and apartments, and continued to be subjected to sexual assaults. **DRAGAN ZELENOVIĆ was not involved in the further detention and abuse of these women, except for the incident described in the following paragraph.**

9.2 On or about 30 October 1992, the three above-mentioned perpetrators took FWS-75, FWS-87 and the two other women into an apartment near the Fish Restaurant in Foča. **(REDACTED) There, DRAGAN ZELENOVIĆ raped FWS-87 while the other co-perpetrators raped the other women.**

9.3 By the foregoing acts and omissions, **(REDACTED) DRAGAN ZELENOVIĆ (REDACTED)** committed:

COUNT 49
(Rape)

Count 49: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 50

(Rape)
(REDACTED)

Carla Del Ponte
Prosecutor

Dated this 5th day of October 1999
At The Hague
The Netherlands