

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-98-32-PT

THE PROSECUTOR OF THE TRIBUNAL**AGAINST****MILAN LUKIC
SREDOJE LUKIC
MITAR VASILJEVIC****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 charges:

MILAN LUKIC**SREDOJE LUKIC****and****MITAR VASILJEVIC**

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

The Accused

1. **Milan Lukic**, a Bosnian Serb, son of Mile, born 6 September 1967 in Foca, is from the village of Rujiste approximately 15 kilometres north of Visegrad. **Milan Lukic** lived for a period of time in Germany, Switzerland and Obrenovac, Serbia. **Milan Lukic** returned to Visegrad in 1992 and organised a group of local paramilitaries that were sometimes referred to as the "White Eagles" This group had ties to the Visegrad police and Serb military units.

2. **Sredoje Lukic**, a Bosnian Serb, son of Dordje, born 5 April 1961, in Rujiste, Visegrad municipality, is a cousin of **Milan Lukic**. Before and during the war, **Sredoje Lukic** worked as a policeman in Visegrad. After the war started, **Sredoje Lukic** joined **Milan Lukic's** group of paramilitaries.

3. **Mitar Vasiljevic**, a Bosnian Serb, son of Ljubisav, was born 25 August 1954, in the village of Durevici, Visegrad municipality. Before the war, he worked as a waiter at the Hotel Panos in Visegrad. After the war started, **Mitar Vasiljevic** joined **Milan Lukic's** group of paramilitaries.

The Charges**Count 1
(Extermination)**

4. The Prosecutor alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

5. Between approximately May 1992 and approximately July 1992, **Milan Lukic, Sredoje Lukic** and **Mitar Vasiljevic** acting in concert with other unknown individuals, committed, planned, instigated, ordered, and otherwise aided and abetted the planning, preparation, and execution of a **Crime Against Humanity**, that is, the extermination of a significant number of Bosnian Muslim civilians, including women, children and the elderly.

By these acts **Milan Lukic, Sredoje Lukic** and **Mitar Vasiljevic** committed:

Count 1:

Extermination, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (b) of the Statute of the International Criminal Tribunal for the former Yugoslavia.

Count 2
(Persecution)

6. The Prosecutor alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

7. Between approximately May 1992 and approximately October 1994, **Milan Lukic and Sredoje Lukic** acting in concert with other uncharged individuals, committed, planned, instigated, ordered, and otherwise aided and abetted the planning, preparation, and execution of a **Crime Against Humanity**, that is, the persecution of Bosnian Muslim civilians on political, racial, and religious grounds, throughout the municipality of Visegrad and elsewhere in the territory of the Republic of Bosnia and Herzegovina.

8. The crime of persecution was perpetrated, executed and carried out by and through the following means:

- a.) The murder of Bosnian Muslims and other non-Serb civilians;
- b.) The cruel and inhumane treatment of Bosnian Muslims and other non-Serb civilians including severe beatings over extended periods of time;
- c.) The unlawful detention and confinement of Bosnian Muslims and other non-Serb civilians under inhumane conditions;
- d.) The harassment, humiliation, terrorisation and psychological abuse of Bosnian Muslim and other non-Serb civilians; and
- e.) The theft and destruction of personal property of Bosnian Muslims and other non-Serb civilians.

By these acts **Milan Lukic** and **Sredoje Lukic** committed:

Count 2:

Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (h) of the Statute of the International Criminal Tribunal for the former

Yugoslavia.

Count 3
(Persecution)

9. The Prosecutor alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

10. Between approximately May 1992 and approximately July 1992, **Mitar Vasiljevic** acting in concert with the other accused, **Milan Lukic** and **Sredoje Lukic**, and other uncharged individuals, committed, planned, instigated, ordered, and otherwise aided and abetted the planning, preparation, and execution of a **Crime Against Humanity**, that is, the persecution of Bosnian Muslim civilians on political, racial, and religious grounds, throughout the municipality of Visegrad and elsewhere in the territory of the Republic of Bosnia and Herzegovina.

11. The crime of persecution was perpetrated, executed and carried out by and through the following means:

- a.) The murder of Bosnian Muslims and other non-Serb civilians;
- b.) The harassment, humiliation, terrorisation and psychological abuse of Bosnian Muslim and other non-Serb civilians; and
- c.) The theft and destruction of personal property of Bosnian Muslims and other non-Serb civilians.

By these acts **Mitar Vasiljevic** committed:

Count 3:

Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (h) of the Statute of the International Criminal Tribunal for the former Yugoslavia.

Counts 4, 5, 6 and 7
(Murder/Inhumane Acts: Killing of 5 Bosnian Muslim Men by the Drina River)

12. The Prosecutor re-alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

13. On or about 7 June 1992, **Milan Lukic**, **Mitar Vasiljevic** and other uncharged individuals led seven Bosnian Muslim men to the Drina River and forced them to line up along its bank. **Milan Lukic**, **Mitar Vasiljevic**, and others then opened fire and shot at the men with automatic weapons thereby causing the deaths of: Meho Dzafic, Ekrem Dzafic, Hasan Kustura, Hasan Mutapcic and Amir Kurtalic.

By these acts, **Milan Lukic** and **Mitar Vasiljevic** committed:

Count 4:

Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) of the Statute of the Tribunal.

Count 5:

Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 (1)(a) of the Geneva Conventions.

Count 6:

Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal.

Count 7:

Violence to life and person, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3(1)(a) of the Geneva Conventions.

Counts 8 and 9
(Murder: Killing of 7 Bosnian Muslim Men at the Varda Factory)

14. The Prosecutor re-alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

15. On or about 10 June 1992, **Milan Lukic** and another uncharged individual drove to the Varda sawmill and furniture factory in Visegrad, entered the factory and forced seven Bosnian Muslim men to go to the bank of the river by the factory. **Milan Lukic** then shot them repeatedly with an automatic weapon thereby causing the death of: Nusret Aljosevic, Nedžad Bektaş, Musan Cancar, Ibrisim Memisevic, Hamed Osmanagic, Lutvo Tvrtkovic and Sabahudin Velagic.

By these acts **Milan Lukic** committed:

Count 8:

Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (a) of the Statute of the Tribunal.

Count 9:

Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 (1)(a) of the Geneva Conventions.

Counts 10, 11, 12 and 13
(Murder/Inhumane Acts: House burning on Pionirska Street)

16. The Prosecutor re-alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

17. On or about 14 June 1992, **Mitar Vasiljevic** directed approximately 65 Bosnian Muslim women, children and elderly men to go and stay in the house of Jusuf Memić on Pionirska street in Nova Mahala in Visegrad municipality.

18. Later on the same day, **Milan Lukic**, **Sredoje Lukic** and other unknown individuals arrived at the house and forcibly moved the group to the nearby house of Adem Omeragic, also on Pionerska

street.

19. **Milan Lukic, Sredoje Lukic, Mitar Vasiljevic** and others acting in concert, then barricaded the people in one room of the house of Adem Omeragic and placed an incendiary device in the room, engulfing both them and the house in flames.

20. Further, **Mitar Vasiljevic** shone a light on people who tried to escape through the windows while **Milan Lukic** and **Sredoje Lukic** fired upon them with automatic weapons causing the death of some and the injury of others. By these actions **Milan Lukic, Sredoje Lukic** and **Mitar Vasiljevic** caused the death of approximately 70 people, some of whom are named in Annex A to this indictment, and serious injury to several people who survived the fire.

By these acts, **Milan Lukic, Sredoje Lukic** and **Mitar Vasiljevic** committed:

Count 10:

Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5(a) of the Statute of the Tribunal.

Count 11:

Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 (1)(a) of the Geneva Conventions.

Count 12:

Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5(i) of the Statute of the Tribunal.

Count 13:

Violence to life and person, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3(1)(a) of the Geneva Conventions.

Counts 14, 15, 16 and 17
(Murder/Inhumane Acts: House burning in Bikavac)

21. The Prosecutor re-alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

22. On or about 27 June 1992, **Milan Lukic, Sredoje Lukic**, and other uncharged individuals went to the settlement of Bikavac, near Visegrad, and forced approximately 70 Bosnian Muslim people into the house of Meho Aljic. **Milan Lukic, Sredoje Lukic**, and others then barricaded the exits, and threw several explosive devices into the house which injured the people inside and ignited the house. The fire quickly engulfed the house and the people inside thereby causing the death of all of the people in the house except for one survivor. By these actions **Milan Lukic, and Sredoje Lukic** caused the death of approximately 70 people, some of whom are named in Annex B to this indictment, and serious permanent injury to the sole person who survived the fire.

By these acts, **Milan Lukic** and **Sredoje Lukic** committed:

Count 14:

Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (a) of the Statute of the Tribunal.

Count 15:

Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 (1)(a) of the Geneva Conventions.

Count 16:

Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) of the Statute of the Tribunal.

Count 17:

Violation to life and person, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3(1)(a) of the Geneva Conventions.

**Count 18 and 19
(Beatings at Uzamnica Detention Camp)**

23. The Prosecutor re-alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

24. On multiple occasions beginning approximately in August of 1992 and ending approximately in October of 1994, **Milan Lukic, Sredoje Lukic** and other unknown individuals beat Bosnian Muslim men who were detained at the detention camp at the Uzamnica military barracks in Visegrad.

25. **Milan Lukic, Sredoje Lukic** and other members of **Milan Lukic's** group of paramilitaries on numerous occasions entered the camp and repeatedly struck the detainees with their fists, rifle butts and wooden sticks, and kicked them with their boots. As a result of these assaults, many of the victims suffered serious and permanent injuries.

By these acts, **Milan Lukic** and **Sredoje Lukic** committed:

Count 18:

Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) of the Statute of the Tribunal.

Count 19:

Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3(1)(a) of the Geneva Conventions.

**Count 20 and 21
(Killing of Hajira Koric)**

26. The Prosecutor re-alleges and incorporates by reference those paragraphs contained in the sections entitled "Individual Criminal Responsibility" and "General Allegations" at paragraphs 28 to 44, *infra*.

27. In or about June 1992, **Milan Lukic**, with a group of unknown individuals, went to the "Potok" neighbourhood in Visegrad. After searching some of the houses, **Milan Lukic** questioned Hajra Koric, a Bosnian Muslim woman, after which he shot her repeatedly causing her death.

By these acts, **Milan Lukic** committed:

Count 20:

Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (a) of the Statute of the Tribunal.

Count 21:

Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 (1)(a) of the Geneva Conventions.

Individual Criminal Responsibility

28. **Milan Lukic**, **Sredoje Lukic** and **Mitar Vasiljevic** are each individually responsible for the crimes alleged against them in this indictment pursuant to Article 7(1) of the Tribunal Statute. Each of the accused, acting in concert with each other and other unknown individuals planned, instigated, ordered, committed and otherwise aided and abetted in the planning, preparation and execution of the crimes charged in this indictment.

General Allegations

29. All acts and omissions alleged in this indictment occurred from approximately April of 1992 through approximately October of 1994 in the Visegrad municipality and its surrounding areas in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

30. At all times relevant to this indictment, a state of armed conflict existed in Bosnia and Herzegovina.

31. All of the acts and omissions charged in this indictment were temporally and geographically connected with the armed conflict that existed in Bosnia and Herzegovina.

32. All of the acts and omissions charged in this indictment were directed against a civilian population.

33. All of the acts and omissions charged in this indictment were part of a widespread and systematic attack against the Bosnian Muslim civilians and other non-Serb civilians of the municipality of Visegrad and its surrounding area.

Additional Facts

34. Visegrad is a small town in south-east section of the Republic of Bosnia and Herzegovina. It is one of several towns along the Drina River in close proximity to the Serbian border.

35. According to the census taken before the conflict in 1991 the municipality of Visegrad had a population of 21,199 people. Of those people, 62.8% were of Muslim ethnicity, 32.8% were of Serb ethnicity and 4.4% were classified as "other."

36. The town of Visegrad has a number of features which made it important strategically during the

conflict. First, the town is the site of an important hydroelectric dam. This dam not only provided electricity but controlled the level of the Drina River preventing flooding in the areas downstream. Second, it is situated on the main road connecting Belgrade and Titovo Uzice in Serbia with Gorazde and Sarajevo in Bosnia and Herzegovina. This road was a vital link for the Uzice Corps of the Yugoslav People's Army (JNA) with its base camp in Uzamnica as well as other strategic locations implicated in the conflict.

37. JNA units began an artillery bombardment of the town and its environs on 6 April 1992. Muslim neighbourhoods and villages were predominantly affected. In retaliation a small group of Bosnian Muslim men took several local Serbs hostage and seized control of the hydroelectric dam and threatened to blow it up. One of these men released water from the dam causing flooding to some houses and streets. This crisis attracted considerable media attention and leaders on both sides became involved in intense negotiations. Many residents, both Serb and Muslim, fled to the hills around the town to await the outcome of the crisis.

38. The crisis at the dam was defused on 12 April 1992, when JNA commandos were able to seize the dam. They were followed the next day by the Uzice Corps of the JNA who crossed the border from Titovo Uzice. The Uzice Corp encountered some light resistance, but ultimately had little difficulty in taking control of the town. After taking control of the town, the JNA positioned tanks and heavy artillery around the town. The JNA detained men and women for questioning; some of these detainees reported being beaten. Shortly, thereafter JNA officers and Muslim leaders jointly led a media campaign to encourage Muslims to come out from hiding and return to their homes and jobs. Many of the Bosnian Muslims returned to their homes and workplaces concerned that if they did not they would lose their jobs.

39. The climate in the town remained relatively calm and stable during the later part of April and the first two weeks of May. This dramatically changed on 19 May 1992 when the JNA Uzice Corps officially withdrew from the town. Upon their removal local Serb leaders established the "Serbian Municipality of Visegrad" and took control of all municipal government offices. Soon thereafter, local Serbs, police and paramilitaries began one of the most notorious campaigns of ethnic cleansing in the conflict. This was designed to permanently rid the town of its Bosnian Muslim population.

40. Serb forces attacked and destroyed a number of Bosnian Muslim villages. A large number of unarmed Muslim civilians in the town of Visegrad were killed because of their ethnicity. The Drina River was used to dump many of the bodies of the Muslim men, women and children who were killed around the town and on the historic Turkish bridge crossing the Drina. Serb forces were implicated in the systematic looting and destruction of Muslim homes and villages. Both of the town's mosques were completely destroyed.

41. Many of the Muslims who were not immediately killed were detained at various locations in the town, as well as the former JNA military barracks at Uzamnica, 5 kilometres outside of Visegrad. Some were detained in the Hotel Vilina Vlas or other detention sites in the area.

42. Those Muslims detained at the Uzamnica were subjected to inhumane conditions. Many were subjected to regular beatings. Serb paramilitaries were also permitted to enter the camp to beat and torture the prisoners. Many prisoners were used for strenuous forced-labour projects. Some of these detainees were kept at this site for over two years.

43. During the spring of 1992 a former inhabitant of Visegrad, **Milan Lukic**, returned to Visegrad and formed a group of paramilitaries which worked with local police and military units in exacting a reign of terror upon the local Muslim population. This group of paramilitaries was often referred to as "White Eagles" and "Avengers" included **Milan Lukic's** cousin **Sredoje Lukic** and a close family friend by the name of **Mitar Vasiljevic**.

44. From May 1992 until October 1994, **Milan Lukic** and his group of paramilitaries committed a multitude of crimes in the Visegrad municipality including murder, torture, assault, looting and the destruction of property.

Carla Del Ponte
Prosecutor

Dated this twelfth day of July 2001
At The Hague
The Netherlands

ANNEX A

Among those killed in the house burning on Pionerska Street (counts 10, 11, 12 and 13 of the indictment) are:

1	Ajanovic, Mula	Approximately 75 years old.
2	Delija, Adis	Approximately 2 years old
3	Delija, Ajnija	Approximately 50 years old
4	Delija, Jasmina	Approximately 24 years old
5	Family name unknown, Hasena	Age unknown
6	Jasarevic, Tima	Age unknown
7	Jasarevic, Hajra	Approximately 35 years old.
8	Jasarevic, Meho	Approximately 42 years old.
9	Jasarevic, Mujo	Approximately 47 years old.
10	Kurspahic, Aisa	Approximately 49 years old.
11	Kurspahic, Aida	Approximately 12 years old.
12	Kurspahic, Ajka	Approximately 62 years old.
13	Kurspahic, Alija	Approximately 55 years old.
14	Kurspahic, Almir	Approximately 10 years old.
15	Kurspahic, Aner	Approximately 6 years old.
16	Kurspahic, Becar	Approximately 52 years old.
17	Kurspahic, Bisera	Approximately 50 years old.
18	Kurspahic, Bula	Approximately 58 years old.

19	Kurspahic, Dzheva	Approximately 22 years old.
20	Kurspahic, Enesa	Approximately 2 years old.
21	Kurspahic, first name unknown	Approximately 2 days old.
22	Kurspahic, Hasa	Approximately 18 years old
23	Kurspahic, Hajrija	Approximately 60 years old.
24	Kurspahic, Halida	Approximately 10 years old.
25	Kurspahic, Hana	Approximately 30 years old.
26	Kurspahic, Hasan	Approximately 50 years old.
27	Kurspahic, Hasiba	Age unknown
28	Kurspahic, Hasnija	Approximately 62 years old
29	Kurspahic, Hata	Approximately 68 years old.
30	Kurspahic, Ifeta	Approximately 17 years old.
31	Kurspahic, Igabala	Approximately 58 years old.
32	Kurspahic, Ismet	Approximately 3 years old.
33	Kurspahic, Ismeta	Approximately 26 years old.
34	Kurspahic, Izeta	Approximately 24 years old
35	Kurspahic, Kada	Approximately 40 years old
36	Kurspahic, Latifa	Approximately 23 years old.
37	Kurspahic, Lejla	Approximately 4 years old.
38	Kurspahic, Maida	Age is unknown, she was a little girl.
39	Kurspahic, Medina	Approximately 28 years old.
40	Kurspahic, Medo	Approximately 50 years old.
41	Kurspahic, Mejra	Approximately 47 years old.
42	Kurspahic, Meva	Approximately 45 years old.
43	Kurspahic, Mina	Approximately 20 years old.
44	Kurspahic, Mirela	Approximately 3 years old.
45	Kurspahic, Mujesira	Approximately 35 years old.
46	Kurspahic, Munevera	Approximately 20 years old.
47	Kurspahic, Munira	Approximately 12 years old.

48	Kurspahic, Munira	Approximately 55 years old
49	Kurspahic, Osman	Approximately 67 years old
50	Kurspahic, Pasana or Pasija	Approximately 56 years old
51	Kurspahic, Ramiza	Approximately 57 years old
52	Kurspahic, Sabiha	Approximately 14 years old
53	Kurspahic, Sadeta	Approximately 18 years old
54	Kurspahic, Safa	Approximately 50 years old
55	Kurspahic, Saha	Approximately 70 years old
56	Kurspahic, Sajma	Approximately 20 years old
57	Kurspahic, Seila	Approximately 2 years old
58	Kurspahic, Seniha	Approximately 9 years old
59	Kurspahic, Sumbula	Approximately 62 years old
60	Kurspahic, Vahid	Approximately 8 years old
61	Memisevic, Fazila	Approximately 54 years old
62	Memisevic, Redzo	Approximately 57 years old
63	Sadikovic, Rabija	Approximately 52 years old
64	Sehic, Enver	Approximately 13 years old
65	Sehic, Faruk	Approximately 12 years old
66	Sehic, Haraga	Age unknown
67	Sehic, Kada	Approximately 39 years old
68	Velic, Nurka	Approximately 70 years old
69	Velic, Tima	Approximately 35 years old
70	Vila, Jasmina	Approximately 20 years old

ANNEX B

Among those killed in the house burning in Bikavac (counts 14, 15, 16 and 17 of the indictment) are:

1	A boy whose name is unknown	Approximately 11 years old
2	Aljic, first name unknown, father of Suhra Aljic	Approximately 65 years old

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| 3 | Aljic, first name unknown,
mother of Suhra Aljic | Approximately 65 years old |
| 4 | Aljic, first name unknown, son
of Suhra Aljic | Approximately 1 year old |
| 5 | Aljic, Suhra | Approximately 25 years old |
| 6 | Jelacic, first name unknown | Age unknown |
| 7 | Tufekcic, Dehva | Approximately 28 years old |
| 8 | Tufekcic, Elma | Approximately 5 years old |
| 9 | Tufekcic, Ensar | Approximately 1.5 years old |
| 10 | Turjacanin, Dulka | Approximately 51 years old |
| 11 | Turjacanin, Sada | Approximately 29 years old |
| 12 | Turjacanin, Selmir | Approximately 9 years old |
| 13 | Vilic, first name unknown,
daughter of Mina Vilic | Age unknown |
| 14 | Vilic, first name unknown, son
of Mina Vilic | Age unknown |
| 15 | Vilic, Mina | Approximately 32 years old |
| 16 | Vilic, Mirzeta | Approximately 8 years old |