

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-14/2

THE PROSECUTOR

v.

Dario KORDIC
Mario CERKEZ

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:

Dario KORDIC

Mario CERKEZ

with Crimes Against Humanity, Grave Breaches of the Geneva Conventions and Violations of the Laws or Customs of War.

BACKGROUND

1. The events alleged in this indictment took place against the background of the break-up of the former Yugoslavia. The Republic of Croatia declared its independence on 25 June 1991, the implementation of which was suspended until 8 October 1991. The Republic of Croatia was recognized by the European Community on 15 January 1992, and admitted by the United Nations as a member State on 22 May 1992. The Republic of Bosnia and Herzegovina declared its independence on 3 March 1992, and was recognized by the European Community on 6 April 1992, and admitted by the United Nations as a member State on 22 May 1992.

2. At times relevant to the indictment, the Croatian Democratic Union (the "HDZ") was a principal and influential political party in Croatia. Some of the HDZ's stated goals were to establish "the sovereignty of the Croatian people" and their "inalienable right to self-determination -- including the right to secession -- of the entire Croatian nation inside its historical and natural borders," and to promote "the economic and spiritual association between . . . Croatia and . . . Bosnia and Herzegovina, which comprise (or constitute) a natural, inseparable geopolitical entity and whose historical fate (or destiny) is directed toward partnership."

3. At times relevant to the indictment, the Croatian Democratic Union of Bosnia and Herzegovina (the "HDZ-BiH") was a principal Bosnian Croat political party in the Republic of Bosnia and Herzegovina. Among the HDZ-BiH's stated goals were "securing the right of the Croatian people to

self-determination, including the right to secession . . ."

4. The Croatian Community of Herceg-Bosna (the "HZ H-B") proclaimed its existence on 18 November 1991, claiming to be a separate or distinct "political, cultural, economic and territorial whole," in the territory of Bosnia and Herzegovina. Among its purposes was the establishment of closer ties to or a union with Croatia, as evidenced by the HZ H-B's use of Croatian currency, the Croatian language and the granting of Croatian citizenship by Croatia to Bosnian Croats. The HZ H-B's Presidency included a President, two Vice Presidents and a Secretary. The Presidency's powers included the appointment of executive and administrative authorities. On 28 August 1993, the HZ H-B declared itself the Croatian Republic of Herceg-Bosna ("HR H-B"), with its two principal officers being a President and a single Vice President. Neither the HZ H-B nor the HR H-B were ever recognized by the international community, and the HZ H-B was declared illegal by the constitutional court of Bosnia and Herzegovina on or about 14 September 1992.

5. By Article 2 of the 18 November 1991 Decision on the Establishment of the HZ H-B, the HZ H-B (and later the HR H-B) consisted of the following municipalities in the territory of Bosnia and Herzegovina: Jajce, Kresevo, Busovaca, Vitez, Novi Travnik, Travnik, Kiseljak, Fojnica, Skender Vakuf (Dobretici), Kakanj, Vares, Kotor Varos, Tomislavgrad, Livno, Kupres, Bugojno, Gornji Vakuf, Prozor, Konjic, Jablanica, Posusje, Mostar, Siroki Brijeg, Grude, Ljubuski, Citluk, Capljina, Neum, Stolac and Trebinje (Ravno). By virtue of Article 4 of the same Decision, the municipality of Zepce was added to the HZ H-B/HR H-B in about October 1992.

6. The Croatian Defence Council (the "HVO") was established in or about April 1992, and was the HZ H-B's and HR H-B's supreme executive, administrative and defence authority. The creation of municipal HVOs was authorized and such HVOs were subsequently established beginning in or about June 1992, as the municipal executive and military power. The HVO and every HVO member were subject and accountable to the HZ H-B Presidency, which in turn executed its powers and objectives through the HVO.

7. From approximately November 1991 to March 1994, various persons and groups associated or directed, instigated, supported or aided or abetted by the HDZ, the HDZ-BiH, the HZ H-B/HR H-B and HVO and various of their political, municipal and administrative bodies, armed forces, police, paramilitary and special units, caused, planned, prepared, instigated, supported, directed and engaged in a campaign of persecutions and ethnic cleansing and committed serious violations of international humanitarian law against the Bosnian Muslim population residing in the HZ H-B/HR H-B and the municipality of Zenica, in the territory of Bosnia and Herzegovina.

THE ACCUSED AND SUPERIOR AUTHORITY

Dario KORDIC

8. **Dario KORDIC**, son of Pero, was born on 14 December 1960 in Sarajevo, in the Republic of Bosnia and Herzegovina. He studied at the University of Sarajevo, where he concentrated on political science, and then worked as a journalist.

9. **Dario KORDIC** was an active member of the HDZ-BiH and rose to positions of increasing power, authority and influence in the Bosnian Croat leadership. He was part of the highest circle of political and military leaders in the HDZ-BiH, the HZ H-B, the HR H-B and HVO. In 1991, **Dario KORDIC** was named President of the HDZ-BiH in the municipality of Busovaca and also President of the Travnik Regional Community. As President of the Travnik Regional Community, **Dario KORDIC** co-chaired a meeting of the HDZ-BiH on 12 November 1991, where it was declared that

"the Croatian people in Bosnia and Herzegovina finally has to start conducting a decisive and active policy which should bring about the realisation of our eternal dream -- a joint Croatian state." Several days later, on 18 November 1991, **Dario KORDIC** was one of the leaders who signed the Decision establishing the HZ H-B and became one its two Vice Presidents, in which position he continued until approximately August 1993. By virtue of his position as a Vice President, **Dario KORDIC** was also a member of the HZ H-B Presidency, which also functioned as the HZ H-B's legislative body. When the HR H-B was declared in August 1993, **Dario KORDIC** was named Vice President, in which position he continued at times relevant to the indictment. Beginning on or about 10 July 1994, he became President of the HDZ-BiH. At times relevant to the indictment, **Dario KORDIC** represented himself and was regarded by others as a senior HVO official, and signed orders and documents as a senior HVO official. By his roles and positions, **Dario KORDIC** exercised power, command and authority in, over and through the HVO and its activities and operations.

10. **Dario KORDIC**, by virtue of his various offices, positions and authorities, his relationships with key Croatian and Bosnian Croat leadership figures and his political and military power in the HZ-HB/HR H-B, exerted power, influence and control over the political and military aims and operations of the HDZ-BiH, the HZ H-B, the HR H-B and HVO. **Dario KORDIC** demonstrated power, influence, authority and control on numerous occasions and in numerous ways including, by example, making policy and strategic decisions, negotiating cease-fire agreements on behalf of the HVO, issuing orders that were directly or indirectly of a military nature or consequence, representing himself as a HVO Colonel, Vice President or other senior HVO official, dressing in military attire, having a military operations room in his office at the PTT building in Busovaca, countermanding cease-fire agreements when the terms were not suitable to him, appointing and dismissing persons to or from various offices, jobs and positions, issuing orders for the arrest or release of influential Muslims detained by the HVO, authorizing travel and freedom of movement through various HVO-controlled territories, obtaining the release of stolen or seized vehicles or property, and negotiating the passage of relief convoys or United Nations vehicles through various checkpoints.

Mario CERKEZ

11. **Mario CERKEZ**, son of Tugomir, was born on 27 March 1959 in the village of Rijeka, municipality of Vitez, in the Republic of Bosnia and Herzegovina. **Mario CERKEZ** worked as a car mechanic and a clerk at the SPS Factory.

12. **Mario CERKEZ** became the commander of the HVO brigade in or about the municipality of Vitez (the "HVO Vitez Brigade") in 1992, and he remained in such position at all times relevant to the charges in this indictment. His position within the HVO meant that he was under the command of Tihomir BLASKIC, who was then the HVO Central Bosnia Operative Zone Commander. **Mario CERKEZ's** authority and duties as a commander are set forth in the Decree on the Armed Forces of the Croatian Community of Herceg-Bosna, dated 17 October 1992, which provides that a commander in his position was responsible for the combat readiness of the troops under his command and the mobilisation of the armed forces and police units, and had the authority to appoint and dismiss commanders.

13. At all times relevant to the charges in this indictment, **Mario CERKEZ**, by virtue of the positions and authority described above, demonstrated or exercised his control in military matters in a variety of ways including, by example, negotiating cease-fire agreements with opposing civil and military figures from within the Muslim community, negotiating with United Nations officials, issuing orders to deploy troops and other units under his command and controlling the detention and

treatment of detained civilians.

GENERAL ALLEGATIONS

14. 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 widespread, large-scale or systematic acts and conduct directed against Bosnian Muslim civilian populations residing in the HZ H-B/HR H-B and the municipality of Zenica, in the territory of Bosnia and Herzegovina.

15. At all times relevant to this indictment, a state of international armed conflict and partial occupation existed on the territory of the Republic of Bosnia and Herzegovina.

16. All acts or omissions herein set forth as grave breaches of the Geneva Conventions of 1949 (hereafter "grave breaches"), recognised by Article 2 of the Statute of the Tribunal, occurred during such international armed conflict and partial occupation.

17. All of the victims referred to in the charges contained in this indictment were, at all relevant times, persons protected by the Geneva Conventions of 1949.

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

19. **Dario KORDIC**, from about November 1991 to approximately March 1994, is individually responsible for the crimes charged against him in this indictment, pursuant to Article 7(1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, instigating, initiating, ordering or aiding and abetting the planning, preparation or execution of any acts or omissions set forth in this indictment.

20. **Dario KORDIC**, from about November 1991 to approximately March 1994, is also, or alternatively, criminally responsible as a superior for the acts of his subordinates pursuant to Article 7(3) of the Statute of the Tribunal. A superior is criminally responsible for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent further such acts or to punish his subordinate. As to each charge in the indictment, **Dario KORDIC**, in addition to being individually responsible, knew or had reason to know, and it was foreseeable, that persons subordinate to him were about to commit various crimes, persecutions and illegal acts, or had done so, and failed to take necessary and reasonable measures to prevent such crimes, persecutions and acts or punish the perpetrators thereof.

21. **Mario CERKEZ**, from about April 1992 to approximately August 1993, is individually responsible for the crimes charged against him in this indictment, pursuant to Article 7(1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, instigating, initiating, ordering or aiding and abetting the planning, preparation or execution of any acts or omissions set forth in this indictment.

22. **Mario CERKEZ**, from about April 1992 to approximately August 1993, is also, or alternatively, criminally responsible as a superior for the acts of his subordinates pursuant to Article 7(3) of the Statute of the Tribunal. A superior is criminally responsible for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to

prevent further such acts or to punish the subordinate. As to each charge in the indictment, **Mario CERKEZ**, in addition to being individually responsible, knew or had reason to know, and it was foreseeable, that persons subordinate to him were about to commit various crimes, persecutions and illegal acts, or had done so, and failed to take necessary and reasonable measures to prevent such crimes, persecutions and acts or punish the perpetrators thereof.

23. The general allegations contained in paragraphs 1 through 22, as well as the allegations in paragraphs 24 through 35 below, are realleged and incorporated in each charge.

CHARGES

24. One of the principal aims of the HDZ-BiH, the HZ H-B, the HR H-B and HVO was to control various municipalities and territories in Bosnia and Herzegovina and connect or unify them with the Republic of Croatia. To achieve this aim, the HDZ-BiH, the HZ H-B/HR H-B and HVO caused, planned, instigated, prepared, initiated, supported and executed a political-military campaign to gain control of these territories, and to ethnically cleanse them of, or substantially reduce and subjugate, the Bosnian Muslim population. This campaign was carried out by various practices, means and methods which demonstrated, by their pattern, consistency and frequency, that an orchestrated and widespread campaign was implemented throughout the HZ H-B/HR H-B and the municipality of Zenica, from about 18 November 1991, when the HZ H-B proclaimed its existence, to approximately 1 March 1994, when the Washington Agreement was signed.

25. In his various high-ranking positions and through the power and influence that he exercised, **Dario KORDIC** played a central role in developing, establishing and executing the policies, objectives and strategies of the HDZ-BiH, the HZ H-B, the HR H-B and the HVO. Along with others, he launched, planned, instigated, prepared, ordered, committed and aided and abetted a political-military campaign to persecute and terrorise Bosnian Muslims, which involved, or resulted in, the commission of serious violations of international humanitarian law. **Dario KORDIC** was a definite integral and important figure in the whole campaign, and had power, authority and responsibility to direct, control and shape its policies and execution, and to prevent, limit or punish crimes, violations or abuses which occurred or were carried out in the campaign. He publicly advocated the campaign's goals and encouraged and instigated the ethnic hatred, strife and distrust which served its ends.

26. **Dario KORDIC** extended his sphere of authority, command and influence over a wide range of municipalities, and was closely involved in preparing, instigating and carrying out the campaign's objectives and operations. **Dario KORDIC** not only personally voiced and promoted the campaign's objectives and participated in various criminal acts, but was also aware of and had every reason to know - in the highly charged and volatile environment of Bosnia and Herzegovina - of the dangers, abuses and consequences of the campaign's policies and objectives, and the courses of conduct that he and others set in motion. Persecution, oppression and violence against Bosnian Muslim civilians, institutions and property were fully foreseeable and no adequate steps were taken to prevent, stop or punish such abuses and violations. **Dario KORDIC** knew or had reason to know that various subordinates and aiders and abettors were about to persecute and oppress Bosnian Muslims, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.

27. As an HVO commander, **Mario CERKEZ** implemented by military means the HDZ-BiH's, the HZ H-B's, the HR H-B's and HVO's goals, policies and objectives, and committed and aided and abetted the persecution campaign. He was the commander of the HVO Vitez Brigade, which was directly and actively involved in the wide-scale persecution against Bosnian Muslim civilians.

Mario CERKEZ also knew or had reason to know that various subordinates and aiders and abettors under his control were about to persecute and oppress Bosnian Muslim civilians, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.

28. The campaign of persecution, violence and ethnic cleansing was perpetrated and carried out on a widespread or systematic basis, by various means and methods, including attacks on cities, towns and villages with no military significance inhabited by Bosnian Muslim civilians, and killing and causing serious injury to Bosnian Muslim civilians. Many of the attacks commenced early in the morning when most of the inhabitants were in their homes and asleep. At least one hundred defenceless Bosnian Muslim civilians, including women, children, the elderly and the infirm, were killed and many wounded or harmed in their homes or yards, while attempting to hide or escape from the HVO attacks or bombardments or after they had been detained by the HVO.

29. Detention and imprisonment were other means used to persecute Bosnian Muslims, who were systematically selected, detained and imprisoned in HZ H-B/ HR-H-B and HVO detention facilities, on political, racial, ethnic or religious grounds. Imprisoned and otherwise detained Bosnian Muslim civilians were subjected to physical and psychological abuse, including beatings and sexual assaults, and suffered inhumane deprivations of basic necessities, such as adequate food, water, shelter and clothing. There was often little or no medical attention, and overcrowded and unsanitary conditions.

30. As part of the persecutions, Bosnian Muslims were forced to proclaim their allegiance to the HZ H-B/HR H-B and/or the HVO or face losing their jobs. Many Bosnian Muslims were dismissed or removed from government, municipal and other positions, or relegated to positions of no real power or authority.

31. Many of the Bosnian Muslims who were imprisoned and detained were also forced to dig trenches in hostile and otherwise hazardous conditions, were used in forced labor, used as hostages to promote the HZ H-B/HR H-B and HVO political-military objectives and also used as human shields. Some such persons were killed in the course of being detained and forced to engage in such activities.

32. The persecution against Bosnian Muslims was also accomplished by encouraging, instigating and fomenting hatred, distrust and division on political, racial, ethnic or religious grounds, by propaganda, speeches and otherwise.

33. The widespread persecution of Bosnian Muslims also included coercing, intimidating, terrorising and forcibly transferring such civilians from their homes and villages. Many of the persecuted Bosnian Muslims were either killed, transferred or forced to move to Muslim-dominated areas outside the municipalities of Vitez, Novi Travnik and Busovaca. Many of the detained or transferred civilians were taken to HVO checkpoints and then made to walk to Bosnian Muslim territory.

34. To promote and advance this ethnic cleansing, various members of the HDZ-BiH, the HZ H-B/ HR H-B and HVO, together with their agents and others, instigated, caused and engaged in the wanton and extensive destruction and plundering of Bosnian Muslim civilian property, with no military justification. Bosnian Muslim dwellings and buildings, as well as civilian personal property and livestock, were destroyed or severely damaged. Bosnian Muslim businesses were blown up and destroyed. Many of these acts and much of this damage was meant to ensure that the Muslim inhabitants could not or would not return to their homes and communities. In addition, many Bosnian Muslim buildings, sites and institutions dedicated to religion or education were targeted for

destruction or otherwise damaged or violated.

35. As a result of the persecution and ethnic cleansing campaign, the Bosnian Muslim civilian population was substantially reduced and relocated from those areas of the HZ H-B/HR H-B where the HDZ-BiH, the HZ H-B/HR H-B and HVO and their leaders and agents seized control.

COUNT 1
(PERSECUTIONS)

36. From about November 1991 to approximately March 1994, **Dario KORDIC**, together with various members of the HDZ-BiH, the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, a crime against humanity, that is, the widespread or systematic persecutions of Bosnian Muslim civilians on political, racial, ethnic or religious grounds, throughout the HZ H-B/HR H-B and the municipality of Zenica, in the territory of Bosnia and Herzegovina.

37. This campaign of widespread or systematic persecutions was perpetrated, executed and carried out by or through the following means:

- (a) attacking cities, towns and villages inhabited by Bosnian Muslim civilians;
- (b) killing and causing serious injury or harm to Bosnian Muslim civilians, including women, children, the elderly and the infirm, both during and after such attacks;
- (c) encouraging, instigating and promoting hatred, distrust and strife on political, racial, ethnic or religious grounds, by propaganda, speeches and otherwise;
- (d) selecting, detaining and imprisoning Bosnian Muslims on political, racial, ethnic or religious grounds;
- (e) dismissing and removing Bosnian Muslims from government, municipal and other positions;
- (f) coercing, intimidating, terrorising and forcibly transferring Bosnian Muslim civilians from their homes and villages;
- (g) physical and psychological abuse, inhumane acts, inhuman treatment, forced labor and deprivation of basic human necessities, such as adequate food, water, shelter and clothing, against Bosnian Muslims who were detained or imprisoned;
- (h) using detained or imprisoned Bosnian Muslims to dig trenches;
- (i) using detained or imprisoned Bosnian Muslims as hostages and human shields;
- (j) wanton and extensive destruction and/or plundering of Bosnian Muslim civilian dwellings, buildings, businesses, and civilian personal property and livestock; and
- (k) the destruction and wilful damage of institutions dedicated to Muslim religion or education.

By these acts and omissions, **Dario KORDIC** committed:

Count 1: a CRIME AGAINST HUMANITY, as recognised by Articles 5(h), 7(1) and 7(3) (persecutions on political, racial, or religious grounds) of the Statute of the Tribunal.

**COUNT 2
(PERSECUTIONS)**

38. From about 1 April 1992 to September 1993, **Mario CERKEZ**, together with various members of the HDZ-BiH, the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, a crime against humanity, that is, the widespread or systematic persecutions of Bosnian Muslim civilians on political, racial, ethnic or religious grounds, in the municipalities of Vitez, Busovaca and Novi Travnik, in the territory of Bosnia and Herzegovina.

39. This campaign of widespread or systematic persecutions was perpetrated, executed and carried out by or through the following means:

- (a) attacking cities, towns and villages inhabited by Bosnian Muslim civilians;
- (b) killing and causing serious injury or harm to Bosnian Muslim civilians, including women, children, the elderly and the infirm, both during and after such attacks;
- (c) encouraging, instigating and promoting hatred, distrust and strife on political, racial, ethnic or religious grounds, by propaganda, speeches and otherwise;
- (d) selecting, detaining and imprisoning Bosnian Muslims on political, racial, ethnic or religious grounds;
- (e) coercing, intimidating, terrorising and forcibly transferring Bosnian Muslim civilians from their homes and villages;
- (f) physical and psychological abuse, inhumane acts, inhuman treatment, forced labor and deprivation of basic human necessities, such as adequate food, water, shelter and clothing, against Bosnian Muslims who were detained or imprisoned;
- (g) using detained or imprisoned Bosnian Muslims to dig trenches;
- (h) using detained or imprisoned Bosnian Muslims as hostages and human shields;
- (i) wanton and extensive destruction and/or plundering of Bosnian Muslim civilian dwellings, buildings, businesses, and civilian personal property and livestock; and
- (j) the destruction and wilful damage of institutions dedicated to Muslim religion or education.

By these acts and omissions, **Mario CERKEZ** committed:

Count 2: a CRIME AGAINST HUMANITY, as recognised by Articles 5(h), 7(1) and 7(3)

(persecutions on political, racial, or religious grounds) of the Statute of the Tribunal.

COUNTS 3 - 4
(UNLAWFUL ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS)

40. From about January 1993 to approximately October 1993, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, unlawful attacks on civilians and civilian objects and wanton destruction not justified by military necessity in the following cities, towns and villages on about the dates indicated:

Busovaca January 1993
Merdani January 1993
Vitez April 1993
Stari Vitez April 1993
Veceriska-Donja Veceriska April 1993
Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Loncari April 1993
Putis April 1993
Ocehnici April 1993
Rotilj April 1993
Zenica April 1993
Novi Travnik October 1993
Stupni Do October 1993

By these acts and omissions, **Dario KORDIC** committed:

Count 3: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and customary law, Article 51(2) of Additional Protocol I and Article 13(2) of Additional Protocol II (unlawful attack on civilians).

Count 4: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and customary law and Article 52(1) of Protocol I (unlawful attack on civilian objects).

COUNTS 5 - 6
(UNLAWFUL ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS)

41. During or about April 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, unlawful attacks on civilians and civilian objects and wanton destruction not justified by military necessity in the following cities, towns and villages on about the dates indicated:

Vitez April 1993
Stari Vitez April 1993
Veceriska-Donja Veceriska April 1993

Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993

By these acts and omissions, **Mario CERKEZ** committed:

Count 5: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and customary law, Article 51(2) of Additional Protocol I and Article 13(2) of Additional Protocol II (unlawful attack on civilians).

Count 6: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and customary law and Article 52(1) of Protocol I (unlawful attack on civilian objects).

COUNTS 7 - 13

(WILFUL KILLING, MURDER , CAUSING SERIOUS INJURY, INHUMANE ACTS AND INHUMAN TREATMENT)

42. From about January 1993 to approximately October 1993, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, murders and wilful killings of, and wilful causing and infliction of serious injury and great suffering to body and health, both physical and mental, inhumane acts and inhuman treatment upon and against Bosnian Muslims, in the following cities, towns and villages on about the dates indicated:

Busovaca January 1993
Rotilj April 1993
Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Vitez April 1993
Stari Vitez April 1993
Veceriska-Donja Veceriska April 1993
Zenica April 1993
Tulica June 1993
Han Ploca/Grahovci June 1993
Stupni Do October 1993

By these acts and omissions, **Dario KORDIC** committed:

Killings:

Count 7: a CRIME AGAINST HUMANITY, as recognised by Articles 5(a) (murder), 7(1) and 7(3) of the Statute of the Tribunal.

Count 8: a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 (hereinafter "GRAVE BREACH"), as recognised by Articles 2(a) (wilful killing), 7(1) and 7(3) of the Statute of

the Tribunal.

Count 9: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (murder) of the Geneva Conventions.

Injuries:

Count 10: a **CRIME AGAINST HUMANITY**, as recognised by Articles 5(i) (inhumane acts), 7(1) and 7(3) of the Statute of the Tribunal.

Count 11: a **GRAVE BREACH**, as recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health), 7(1) and 7(3) of the Statute of the Tribunal.

Count 12: a **GRAVE BREACH**, as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal

Count 13: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (violence to life and person) of the Geneva Conventions.

COUNTS 14 - 20

(WILFUL KILLING, MURDER CAUSING SERIOUS INJURY, INHUMANE ACTS AND INHUMAN TREATMENT)

43. During or about April 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, murders and wilful killings of, and wilful causing and infliction of serious injury and great suffering to body and health, both physical and mental, inhumane acts and inhuman treatment upon and against Bosnian Muslims, in the following cities, towns and villages on about the dates indicated:

Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Vitez April 1993
Stari Vitez April 1993
Veceriska-Donja Veceriska April 1993

By these acts and omissions, **Mario CERKEZ** committed:

Killings:

Count 14: a **CRIME AGAINST HUMANITY**, as recognised by Articles 5(a) (murder), 7(1) and 7(3) of the Statute of the Tribunal.

Count 15: a **GRAVE BREACH**, as recognised by Articles 2(a) (wilful killing), 7(1) and 7(3) of the Statute of the Tribunal.

Count 16: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (murder) of the Geneva Conventions.

Injuries:

Count 17: a CRIME AGAINST HUMANITY, as recognised by Articles 5(i) (inhumane acts), 7(1) and 7(3) of the Statute of the Tribunal.

Count 18: a GRAVE BREACH, as recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health), 7(1) and 7(3) of the Statute of the Tribunal.

Count 19: a GRAVE BREACH, as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal

Count 20: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (violence to life and person) of the Geneva Conventions.

COUNTS 21 - 28

(IMPRISONMENT, INHUMAN TREATMENT, TAKING OF HOSTAGES AND USE OF HUMAN SHIELDS)

44. From about 1 January 1993 to approximately 31 March 1994, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the imprisonment, unlawful confinement and inhuman treatment of Bosnian Muslims at about the following locations, in the territory of Bosnia and Herzegovina:

Kaonik Prison,
Vitez Cinema Complex,
Vitez Veterinary Station,
SDK Offices in Vitez,
The chess club in Vitez,
Dubravica Elementary School,
Municipal Building in Kiseljak,
Kiseljak Barracks,
Rotilj village,
Nova Trgovina, and
Silos

45. Many Bosnian Muslims were expelled or forcibly transferred from their homes and villages. Bosnian Muslims were detained and beaten, subjected to physical and/or psychological abuse, intimidation and inhuman treatment, including being confined in overcrowded and unsanitary conditions, deprived of adequate food and water, and provided little or no medical attention.

46. From about 1 January 1993 to approximately 31 January 1994, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation and

execution of, the use of Bosnian Muslim detainees to dig trenches in hostile, hazardous and combat conditions, in the municipalities of Kiseljak, Vitez, Busovaca, Novi Travnik and Zepce, which resulted in a number of such detainees being killed or injured.

47. From about 1 January 1993 to approximately 31 January 1994, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the use of various Bosnian Muslims detained or imprisoned at the facilities or locations described in Paragraph 44 as hostages.

48. From about June 1993 to approximately September 1993, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and

abetted the planning, preparation or execution of, the use of Bosnian Muslims as hostages in Novi Travnik in order to transfer Bosnian Muslim and Bosnian Croat populations.

49. From about 1 January 1993 to approximately 31 October 1993, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the use of Bosnian Muslims as human shields in order to prevent armed forces hostile to the HVO from attacking or firing on HVO positions or to force Bosnian Muslims to surrender:

Merdani January 1993

Skradno January-February 1993

Strane January-February 1993

Katici January-February 1993

Kula April - May 1993

Vitez April 1993

Zepce June 1993

Novi Travnik July 1993

By these acts and omissions, **Dario KORDIC** committed:

Imprisonment/Unlawful Confinement:

Count 21: a **CRIME AGAINST HUMANITY**, as recognised by Articles 5(e) (imprisonment), 7(1) and 7(3) of the Statute of the Tribunal.

Count 22: a **GRAVE BREACH**, as recognised by Articles 2(g) (unlawful confinement of civilians), 7(1) and 7(3) of the Statute of the Tribunal.

Inhuman and/or Cruel Treatment of Detainees:

Count 23: a **GRAVE BREACH** as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal.

Count 24: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva

Conventions.

Hostages:

Count 25: a **GRAVE BREACH** as recognised by Articles 2(h) (taking civilians as hostages), 7(1) and 7(3) of the Statute of the Tribunal.

Count 26: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(b) (taking of hostages) of the Geneva Conventions.

Human Shields:

Count 27: a **GRAVE BREACH** as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal;

Count 28: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions.

COUNTS 29 - 36

(IMPRISONMENT, INHUMAN TREATMENT, TAKING OF HOSTAGES AND USE OF HUMAN SHIELDS)

50. From about 1 April 1993 to approximately 31 August 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the imprisonment, unlawful confinement and inhuman treatment of Bosnian Muslims at the following locations in the territory of Bosnia and Herzegovina:

Kaonik Prison,
Vitez Cinema Complex,
Vitez Veterinary Station,
SDK Offices in Vitez,
The chess club in Vitez,
Dubravica Elementary School,

51. Many Bosnian Muslims were expelled or forcibly transferred from their homes and villages. Bosnian Muslims were detained and beaten, subjected to physical and/or psychological abuse and intimidation, and inhuman treatment, including being confined in overcrowded and unsanitary conditions, deprived of adequate food and water, and provided little or no medical attention.

52. From about 1 April 1993 to approximately 31 August 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR-HB and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation and execution of, the use of Bosnian Muslim detainees to dig trenches in hostile, hazardous and combat conditions, in the municipality of Vitez.

53. During or about April 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B

and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the use of Bosnian Muslims detained or imprisoned at or about the facilities or locations described in Paragraph 50 as hostages.

54. During or about April 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the use of Bosnian Muslims as human shields in or about Vitez, in order to prevent armed forces hostile to the HVO from attacking or firing on HVO positions or to force Bosnian Muslims to surrender.

By these acts and omissions, **Mario CERKEZ** committed:

Imprisonment/Unlawful Confinement:

Count 29: a **CRIME AGAINST HUMANITY**, as recognised by Articles 5(e) (imprisonment), 7(1) and 7(3) of the Statute of the Tribunal.

Count 30: a **GRAVE BREACH**, as recognised by Articles 2(g) (unlawful confinement of civilians), 7(1) and 7(3) of the Statute of the Tribunal.

Inhuman and/or Cruel Treatment of Detainees:

Count 31: a **GRAVE BREACH** as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal.

Count 32: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions.

Hostages:

Count 33: a **GRAVE BREACH** as recognised by Articles 2(h) (taking civilians as hostages), 7(1) and 7(3) of the Statute of the Tribunal.

Count 34: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(b) (taking of hostages) of the Geneva Conventions.

Human Shields:

Count 35: a **GRAVE BREACH** as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal;

Count 36: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions.

COUNTS 37 - 39
(DESTRUCTION AND PLUNDER OF PROPERTY)

55. From about 1 October 1992 to approximately 31 December 1993, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the unlawful, wanton and extensive destruction, devastation and plunder of Bosnian Muslim dwellings, buildings, businesses, civilian personal property and livestock, which was not justified by military necessity, in the following cities, towns and villages on or about the dates indicated:

Novi Travnik October 1992 -
December 1993
Busovaca January-February 1993
Merdani January-February 1993
Putis April 1993
Ocehnici April 1993
Loncari April 1993
Kiseljak April 1993
Visnjica April 1993
Kazagici April 1993
Behrici April 1993
Svinjarevo April 1993
Gomionica April 1993
Gromiljak April 1993
Polje Visnjica April 1993
Visnjica April 1993
Rotilj April 1993
Tulica June 1993
Han Ploca/Grahovci June 1993
Vitez April 1993
Stari Vitez April 1993
Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Veceriska-Donja Veceriska April 1993
Gacice April 1993
Divjak (Divjaka) September 1993
Stupni Do October 1993

By these acts and omissions, **Dario KORDIC** committed:

Count 37: a GRAVE BREACH, as recognised by Articles 2(d) (extensive destruction of property), 7(1) and 7(3) of the Statute of the Tribunal.

Count 38: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3(b) (wanton destruction not justified by military necessity), 7(1) and 7(3) of the Statute of the Tribunal.

Count 39: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles

3(e) (plunder of public or private property), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 40 - 42
(DESTRUCTION AND PLUNDER OF PROPERTY)

56. During or about April 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the unlawful, wanton and extensive destruction, devastation and plunder of Bosnian Muslim dwellings, buildings, businesses, civilian personal property and livestock, which was not justified by military necessity, in the following cities, towns and villages on or about the dates indicated:

Vitez April 1993
Stari Vitez April 1993
Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Donja Veceriska April 1993

By these acts and omissions, **Mario CERKEZ** committed:

Count 40: a **GRAVE BREACH**, as recognised by Articles 2(d) (extensive destruction of property), 7(1) and 7(3) of the Statute of the Tribunal.

Count 41: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Articles 3(b) (wanton destruction not justified by military necessity), 7(1) and 7(3) of the Statute of the Tribunal.

Count 42: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Articles 3(e) (plunder of public or private property), 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 43
(DESTRUCTION OF INSTITUTIONS DEDICATED
TO RELIGION OR EDUCATION)

57. From about October 1992 to approximately November 1993, **Dario KORDIC**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the destruction or wilful damage of Bosnian Muslim institutions dedicated to religion or education in the following towns and villages, on or about the dates indicated:

Ahmici April 1993
Stari Vitez April 1993
Han Ploca June 1993
Kiseljak July-August 1993
Divjak September 1993
Stupni Do October 1993

By these acts and omissions, **Dario KORDIC** committed:

Count 43: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3(d) (destruction or wilful damage to institutions dedicated to religion or education), 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 44

(DESTRUCTION OF INSTITUTIONS DEDICATED TO RELIGION OR EDUCATION)

58. From about April 1993 to approximately September 1993, **Mario CERKEZ**, together with members of the HZ H-B/HR H-B and HVO and their leaders, armed forces and agents, caused, planned, instigated, ordered or committed, or aided and abetted the planning, preparation or execution of, the destruction or wilful damage of Bosnian Muslim institutions dedicated to religion or education in the following towns and villages, on or about the dates indicated:

Stari Vitez April 1993

Ahmici April 1993

Divjak September 1993

By these acts and omissions, **Mario CERKEZ** committed:

Count 44: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3(d) (destruction or wilful damage to institutions dedicated to religion or education), 7(1) and 7(3) of the Statute of the Tribunal.

By Authority of the Prosecutor:

Gavin F. Ruxton
Senior Legal Advisor

Dated this 30 September 1998
The Hague
The Netherlands