

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-98-32-I

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

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

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

BACKGROUND

1. Located in south-eastern Bosnia and Herzegovina, the municipality of Visegrad forms part of the eastern border with Serbia. The town of Visegrad lies on the east side of the Drina River, approximately 120 kilometres east of Sarajevo and 15 kilometres west of the Serbian border. According to the 1991 census, the population of the municipality of Visegrad was 21,199 persons, of which 62.8% were Muslims, 32.8% were Serb and 4.4% were classified as "other." Approximately 9,000 persons lived in the town of Visegrad.
2. The town of Visegrad was strategically important for a number of reasons. The town was a key transportation hub because it was located on the main road connecting Belgrade with Sarajevo and on the main road connecting Titovo Uzice in Serbia with Gorazde, Sarajevo and the Adriatic coast. Titovo Uzice, approximately 70 kilometres to the east, was the headquarters of the Uzice Corps of the Yugoslav People's Army (JNA). The JNA also maintained a base at the Uzamnica barracks in Visegrad. Visegrad is also the site of an important hydroelectric dam.
3. On 6 April 1992, Serb military units began shelling Visegrad and several of the nearby Bosnian Muslim villages. Many Bosnian Muslims fled the shelling. In retaliation, a small band of Bosnian Muslim men took several local Serbs hostage, seized control of the nearby hydroelectric dam, and threatened to blow it up. The crisis attracted considerable media attention and leaders on all sides became involved in the negotiations. Fearing the worst, many residents from all ethnic groups fled from the villages along the river in fear for their lives. Finally, on 12 April 1992, JNA commandos seized the dam and put an end to the siege.
4. On Monday, 13 April 1992, the Uzice Corps of the JNA crossed the border from Titovo Uzice in Serbia, and attacked Visegrad. There was some fighting, with pockets of Bosnian Muslim resistance,

but no major loss of life. JNA tanks and heavy artillery were strategically positioned around the town. The JNA collected and detained men and women, questioned them and beat some of them. After securing the town, JNA officers and Bosnian Muslim leaders jointly led a media campaign to encourage people to return to their homes. Concerned that they would lose their jobs and their homes, many Bosnian Muslims returned in late April.

5. The situation in Visegrad was relatively calm until the JNA Uzice Corps withdrew on 19 May 1992. After the JNA departure, local Serbs established the "Serbian Municipality of Visegrad" and took over all municipal government offices. Thereafter, paramilitary troops, local police, and local Serbs began a brutal campaign of ethnic cleansing designed to rid the area of all non-Serb inhabitants.

6. Serb armed forces attacked and destroyed a number of Bosnian Muslim villages. Hundreds of civilians in the town of Visegrad were killed in random shootings. Every day, men, women and children were killed on a famous bridge on the Drina and their bodies were dumped into the river. Many of the Bosnian Muslim men and women were arrested and detained at various locations in the town, including a camp created in the former JNA Uzamnica military barracks. Serb soldiers raped many women and beat and terrorised non-Serb civilians. Widespread looting and destruction of non-Serb homes and property took place daily and the two Bosnian Muslim mosques in town were destroyed.

7. The former JNA barracks at Uzamnica became one of several detention centres in the area. Non-Serb men and women were detained at the camps under brutal and inhumane conditions. Serb soldiers and guards beat the prisoners regularly and also permitted members of Serb paramilitary units to enter the camps to beat and torture the prisoners. Many prisoners were used for strenuous forced labour projects. Some detainees were kept at the Uzamnica camp for over two years.

8. The Vilina Vlas Hotel, a former resort, and the nearby Visegradaska Banja, a smaller hotel, served as detention facilities where prisoners were beaten, tortured and sexually assaulted.

9. Sometime in the Spring of 1992, Milan LUKIC, a former resident of the area, returned to Visegrad from Serbia and joined a paramilitary unit which worked with the Serb police and military units to rid the area of all non-Serb residents. Members of the paramilitary unit, sometimes referred to as the "White Eagles", included Milan LUKIC's cousin, Sredoje LUKIC, a policeman from Visegrad, and Mitar VASILJEVIC, a local waiter. From mid-April 1992 until at least October 1994, Milan LUKIC and the men in his paramilitary unit committed dozens, if not hundreds, of crimes in the Visegrad municipality including murders, torture, beatings, looting and destruction of property.

THE ACCUSED

10. **Milan LUKIC**, son of Mile, born 6 September 1967 in Foca, is from the village of Rujiste approximately 15 kilometres north of Visegrad. **LUKIC** attended secondary school in the Visegrad area and received training in metal working. **Milan LUKIC** lived for a period of time in Germany, Switzerland and Obrenovac, Serbia. **Milan LUKIC** returned to Visegrad in 1992 and joined the special operations paramilitary unit referred to as the "White Eagles" which had ties to the Visegrad police and Serb military units. **Milan LUKIC** currently owns several cafes in Visegrad.

11. **Sredoje LUKIC**, son of Dorde, born 5 April 1961, in Rujiste, Visegrad municipality, is a cousin of **Milan LUKIC**. Before the war, **Sredoje LUKIC** worked as a policeman in Visegrad. After the war started, **Sredoje LUKIC** joined **Milan LUKIC**'s paramilitary unit. **Sredoje LUKIC** is currently a resident of Garce settlement, Visegrad municipality.

12. **Mitar VASILJEVIC**, 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, **VASILJEVIC** joined **Milan LUKIC**'s paramilitary unit. **Mitar VASILJEVIC** currently resides in Visegrad and works as a waiter at a restaurant in the former Visegradanka department store.

GENERAL ALLEGATIONS

13. Unless otherwise set forth below, all acts and omissions alleged in this indictment occurred from in or about April 1992 through in or about October 1994 in the Visegrad municipality and the surrounding area in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

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

15. All acts and omissions charged as crimes against humanity were part of a widespread, systematic or large-scale attack against the Bosnian Muslim civilians and other non-Serb civilians of the municipality of Visegrad and its surroundings.

16. Each of the accused is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal liability includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any crime referred to in Articles 2 to 5 of the Tribunal Statute.

17. Paragraphs 13 through 16 are re-alleged and incorporated into each of the charges set forth below.

CHARGES

COUNT 1 (Extermination)

18. Beginning in about May 1992 and continuing through at least 10 October 1994, **Milan LUKIC**, **Sredoje LUKIC** and **Mitar VASILJEVIC** wilfully killed a significant number of Bosnian Muslim civilians, including women, children and the elderly. In at least two incidents in June 1992, **Milan LUKIC**, **Sredoje LUKIC** and **Mitar VASILJEVIC** committed, planned, instigated, ordered, or otherwise aided and abetted the mass murder of approximately 135 Bosnian Muslim civilians by locking those persons inside two houses and setting the houses on fire. In one of the incidents, 46 members of one family were killed.

By these actions **Milan LUKIC**, **Sredoje LUKIC** and **Mitar VASILJEVIC** committed:

Count 1: a CRIME AGAINST HUMANITY, punishable under Article 5(b)(extermination) of the Statute of the Tribunal.

COUNT 2 (Persecutions)

19. Beginning in about May 1992 and continuing through at least 10 October 1994, **Milan LUKIC**, **Sredoje LUKIC** and **Mitar VASILJEVIC** committed, planned, instigated, ordered, or otherwise aided and abetted the planning, preparation, or execution of a crime against humanity, that is, the persecutions of Bosnian Muslim civilians on political, racial, or religious grounds, throughout the municipality of Visegrad and elsewhere in the territory of Bosnia and Herzegovina.

20. The crime of persecutions was perpetrated, executed and carried out by or through the following

means:

- (a) the murder of dozens of Bosnian Muslim and other non-Serb civilians, including men, women, children and elderly persons;
- (b) the cruel and inhumane treatment of Bosnian Muslim and other non-Serb civilians including severe beatings over an extended period of time;
- (c) the unlawful detention or confinement of Bosnian Muslim 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 actions **Milan LUKIC, Sredoje LUKIC** and **Mitar VASILJEVIC** committed:

Count 2: a CRIME AGAINST HUMANITY, punishable under Article 5(h) (persecutions on political, racial and religious grounds) of the Statute of the Tribunal.

COUNTS 3-6

(House burning on Pioneer Street)

21. In approximately mid-June 1992, **Milan LUKIC, Sredoje LUKIC, Mitar VASILJEVIC** and others forced approximately 65 Bosnian Muslim women, children and old men, most of whom were from the village of Koritnik, into one room in the house of Adem Omeragic located on Pioneer Street in the Visegrad neighbourhood of Nova Mahala.

22. While **Sredoje LUKIC** waited outside, **Milan LUKIC** and another man ordered all the people into a room and forced them to turn over all their money and jewellery. While this was happening, all the people, including women and children, were strip-searched.

23. **Milan LUKIC, Sredoje LUKIC** and **Mitar VASILJEVIC** locked and barricaded the people in the house to prevent their escape. Later, as **Sredoje LUKIC** and **Mitar VASILJEVIC** stood behind him, **Milan LUKIC** opened the door, placed an incendiary device on the floor and lit the fuse. Within seconds, the entire house was engulfed in flames and it continued to burn for the next hour.

24. Some people tried to jump out the windows, but **Milan LUKIC** and **Sredoje LUKIC** stood outside shooting at them while **Mitar VASILJEVIC** shined a light on the victims.

25. The cries and screams of the people in the house could be heard for approximately two hours after the fire began. All but six of the people locked in the house were killed. The victims either died in the fire or were shot trying to escape. Among the victims were several young children and babies, and 46 members of one family. The names of some of the victims are listed in Annex A.

By these actions **Milan LUKIC, Sredoje LUKIC** and **Mitar VASILJEVIC** committed:

Count 3: a CRIME AGAINST HUMANITY, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 4: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(murder) of the Geneva Conventions.

By their acts and omissions in relation to the treatment of the civilians who survived the house burning, **Milan LUKIC, Sredoje LUKIC and Mitar VASILJEVIC** committed:

Count 5: a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) (inhumane acts) of the Statute of the Tribunal; and

Count 6: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a) (violence to life and person) of the Geneva Conventions.

COUNTS 7 - 10

(House burning in Bikavac)

26. On or about 27 June 1992, **Milan LUKIC, Sredoje LUKIC, Mitar VASILJEVIC** and others went to the settlement of Bikavac, near Visegrad. **LUKIC** went through the neighbourhood looking for Bosnian Muslims from the area of Zupa, which is near the village of Rujiste where **LUKIC** was raised.

27. After locating a number of people from Zupa, **Milan LUKIC** ordered them and some other Bosnian Muslim people who lived in Bikavac to go into the house of Meho Aljic.

28. **Milan LUKIC, Sredoje LUKIC, Mitar VASILJEVIC** and others forced approximately 70 people into the house and demanded they turn over their money. **Milan LUKIC, Sredoje LUKIC, Mitar VASILJEVIC** and others then boarded up all the exits, threw stones into the house and started shooting.

29. **Milan LUKIC, Sredoje LUKIC, Mitar VASILJEVIC** and others threw several grenades into the house which injured the people inside and set the house on fire. The fire quickly engulfed the house and everyone inside, with the exception of one young woman, was killed.

30. The survivor was wounded from shrapnel from the grenades and was badly burned about her head and hands. Among those killed were young children, women and elderly persons.

By these acts and omissions **Milan LUKIC, Sredoje LUKIC, and Mitar VASILJEVIC** committed:

Count 7: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 8: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(murder) of the Geneva Conventions.

By their acts and omissions in relation to the treatment of the sole survivor, **Milan LUKIC, Sredoje LUKIC and Mitar VASILJEVIC** committed:

Count 9: a **CRIME AGAINST HUMANITY**, punishable under Article 5(i)(inhumane acts) of the Statute of the Tribunal; and

Count 10: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(violence to life and person) of the Geneva Conventions.

COUNTS 11-12

(Killing of 7 Bosnian Muslim men at the Varda factory)

31. On or about 10 June 1992, **Milan LUKIC** and another man drove to the Varda sawmill and furniture factory in Visegrad in the red Volkswagen Passat car **LUKIC** was known to drive. **LUKIC** entered the factory and came back out with seven Bosnian Muslim men: Nusret Aljosevic, Nedžad Bektaş, Musan Cancar, Ibrisim Memisevic, Hamed Osmanagic, Lutvo Tvrtkovic, and Sabahudan Velagic. **Milan LUKIC** led the men to the nearby river. After first demanding that the men empty their pockets and take off their jackets, **Milan LUKIC** shot them repeatedly with an automatic weapon. Family members and colleagues of the victims later found some of the bodies with multiple gun shot wounds floating in the river.

By these actions **Milan LUKIC** committed:

Count 11: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 12: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(murder) of the Geneva Conventions.

COUNTS 13-16

(Killing of 5 Bosnian Muslim men by the Drina River)

32. On or about 7 June 1992, **Milan LUKIC** and another man nicknamed "Montenegro" drove the red Volkswagen Passat to the apartment of a Bosnian Muslim in Visegrad. After searching the apartment, **Milan LUKIC** ordered two Bosnian Muslim men to accompany him.

33. **Milan LUKIC**, "Montenegro", and the two Bosnian Muslim men got into the red Volkswagen Passat and drove to a cross-roads where they met some other men in a Yugo car. At the cross-roads, **LUKIC** ordered five other Bosnian Muslim men into the two vehicles.

34. **Milan LUKIC** and "Montenegro" then drove the seven Bosnian Muslim men to the Hotel Vilina Vlas located outside of Visegrad, where they were joined by **Mitar VASILJEVIC**.

35. After spending a short time at the hotel, **Milan LUKIC**, **Mitar VASILJEVIC**, and "Montenegro" got back into the red Volkswagen Passat and the Yugo and drove the seven Bosnian Muslim men to the Drina River in the village of Sase.

36. **Milan LUKIC**, **Mitar VASILJEVIC** and "Montenegro" led the seven Bosnian Muslim men to the bank of the river and ordered them to line up. **Milan LUKIC**, **Mitar VASILJEVIC** and "Montenegro" then opened fire and shot at the seven Bosnian Muslim men with automatic weapons. After the shooting, **LUKIC**, **VASILJEVIC** and "Montenegro" returned to their vehicles and left. Five of the men were killed, but two survived.

By these acts, **Milan LUKIC** and **Mitar VASILJEVIC** committed:

Count 13: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 14: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(murder) of the Geneva Conventions.

By their acts and omissions as to the two survivors, **Milan LUKIC** and **Mitar VASILJEVIC** committed:

Count 15: a **CRIME AGAINST HUMANITY**, punishable under Article 5(i)(inhumane acts) of the Statute of the Tribunal; and

Count 16: a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(violence to life and person) of the Geneva Conventions.

COUNTS 17-18
(Killing of Hajra Koric)

37. In or about June 1992, **Milan LUKIC**, with a group of seven or eight other Serbs, went to a neighbourhood in Visegrad. After searching through some of the houses, **Milan LUKIC** asked Hajra Koric, a Bosnian Muslim woman, where her husband was. When Hajra Koric informed **LUKIC** she did not know where he was, **Milan LUKIC** fired an automatic weapon at her at close range. The force of the bullets killed her and tore the fingers from her hands. After she fell on her side, **Milan LUKIC** shot another burst of gunfire into her shoulder.

By this act, **Milan LUKIC** committed:

Count 17: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 18: a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(murder) of the Geneva Conventions.

COUNTS 19-20
(Beatings at Uzamnica detention camp)

38. On multiple occasions from in or about August 1992 through in or about October 1994, **Milan LUKIC**, **Sredoje LUKIC** and other members of **Milan LUKIC**'s paramilitary unit brutally beat the Bosnian Muslim men being detained at the detention camp at the Uzamnica military barracks in Visegrad.

39. **Milan LUKIC**, **Sredoje LUKIC** and other members of **Milan LUKIC**'s paramilitary unit entered the camp, usually late at night, and repeatedly punched the detainees with their fists, hit the detainees with rifle butts and wooden sticks, and kicked the men with their boots.

40. As a result of the beatings, many of the victims suffered serious and long lasting injuries.

By these actions **Milan LUKIC** and **Sredoje LUKIC** committed:

Count 19: a **CRIME AGAINST HUMANITY**, punishable under Article 5(i)(inhumane acts) of the Statute of the Tribunal; and

Count 20: a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(cruel treatment) of the Geneva Conventions.

Louise Arbour
Prosecutor

ANNEX A

Among those killed in the house burning on Pioneer Street, referred to in Counts 3-6, were:

1. Ajanovic, Mula about 75 years old
2. Jasarevic, Hajra about 35 years old
3. Jasarevic, Meho about 42 years old
4. Jasarevic, Mujo about 47 years old
5. Kurspahic, Aisa about 20 years old
6. Kurspahic, Aisa about 49 years old
7. Kurspahic, Aida about 12 years old
8. Kurspahic, Ajka age unknown
9. Kurspahic, Alija about 55 years old
10. Kurspahic, Almir about 10 years old
11. Kurspahic, Aner about 6 years old
12. Kurspahic, Baby girl two days old
13. Kurspahic, Becar about 52 years old
14. Kurspahic, Bisera about 50 years old
15. Kurspahic, Bula about 58 years old
16. Kurspahic, Dzheva about 22 years old
17. Kurspahic, Enesa about 2 years old
18. Kurspahic, Hajrija about 60 years old
19. Kurspahic, Halida about 10 years

	old
20. Kurspahic, Hana	about 30 years old
21. Kurspahic, Hasan	about 50 years old
22. Kurspahic, Hata	about 68 years old
23. Kurspahic, Ifeta	about 17 years old
24. Kurspahic, Igabala	about 58 years old
25. Kurspahic, Ismet	about 3 years old
26. Kurspahic, Ismeta	about 26 years old
27. Kurspahic, Latifa	about 23 years old
28. Kurspahic, Lejla	about 4 years old
29. Kurspahic, Maida	little girl
30. Kurspahic, Medina	about 28 years old
31. Kurspahic, Medo	about 50 years old
32. Kurspahic, Mejra	about 47 years old
33. Kurspahic, Meva	about 45 years old
34. Kurspahic, Mina	about 20 years old
35. Kurspahic, Mirela	about 3 years old
36. Kurspahic, Mujesira	born in 1957
37. Kurspahic, Munevera	about 20 years
38. Kurspahic, Munira	about 50 years
39. Kurspahic, Osman	about 67 years old
40. Kurspahic, Pasana or Pasija	about 56 years old
41. Kurspahic, Ramiza	about 20 years

	old
42. Kurspahic, Sabiha	about 14 years old
43. Kurspahic, Sadeta	about 18 years old
44. Kurspahic, Safa	about 50 years old
45. Kurspahic, Saha	about 70 years old
46. Kurspahic, Sajma	about 20 years old
47. Kurspahic, Sejla	about 2 years old
48. Kurspahic, Seniha	about 9 years old
49. Kurspahic, Sumbula	about 62 years old
50. Kurspahic, Vahid	about 8 years old
51. Memisevic, Fazila	about 54 years old
52. Memisevic, Redzo	about 57 years old
53. Sehic, Faruk	about 12 years old
54. Sehic, Haraga	age unknown
55. Sehic, Kada	about 39 years old
56. Velic, Nurka	about 70 years old
57. Velic, Tima	about 35 years old
58. Vila, Jasmina	about 20 years old