

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE NO: IT-95-8-PT

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

Duško SIKIRICA a/k/a "Sikira"
Damir DOŠEN a/k/a "Kajin"
Dragan FUŠTAR a/k/a "Fuštar"
Dragan KULUNDŽIJA a/k/a "Kole"
Nenad BANOVIĆ a/k/a "Bani"
Predrag BANOVIĆ a/k/a "Čupo"
Dušan KNEŽEVIĆ a/k/a "Duća"
Zoran ŽIGIĆ a/k/a "Žiga"

INDICTMENT

Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia (hereinafter "the Statute"), charges:

1. From about 24 May to about 30 August, 1992, Serb forces unlawfully seized and confined more than 3,000 Bosnian Muslims and Bosnian Croats from the opština Prijedor, in the Republic of Bosnia-Herzegovina, in inhumane conditions, under armed guard, in the Keraterm "camp", located in a former ceramics factory and storage area complex located just outside the town of Prijedor. As set forth below, detainees at Keraterm camp were killed, sexually assaulted, tortured, beaten, and otherwise subjected to cruel and inhuman treatment.
2. Unless otherwise specified, all acts and omissions set forth in this indictment took place between 24 May and 30 August 1992.
3. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia-Herzegovina.
4. All acts or omissions set forth as grave breaches recognised by Article 2 of the Statute and violations of the laws or customs of war pursuant to Article 3 of the Statute occurred during that armed conflict and partial occupation.

5. All of the Bosnian Muslim and Bosnian Croat detainees at Keraterm camp, and the Bosnian Muslims and Croats of the opština Prijedor referred to in this indictment were, at all relevant times, persons protected by the Geneva Conventions of 1949.
6. All of the accused in this indictment were required to abide by the mandate of the laws and customs governing the conduct of armed conflict, including the Geneva Conventions of 1949.
7. In each paragraph charging torture, the acts were committed by, or at the instigation of, or with the consent or acquiescence of, an official or person acting in an official capacity, and for one or more of the following purposes: to obtain information or a confession from the victim or a third person; to punish the victim for an act the victim or a third person committed or was suspected of having committed; to intimidate or coerce the victim or a third person; and/or for any reason based upon discrimination of any kind.
8. In each paragraph charging crimes against humanity, crimes recognised by Article 5 of the Statute, the alleged acts or omissions were part of a widespread or large-scale or systematic attack directed against a civilian population.
9. The term "Serb" refers to persons of Serbian descent who were either Bosnian citizens or citizens from any other part of the former Yugoslavia.

The Accused:

10. The persons accused in this indictment were commanders, guards, interrogators, and others responsible for the conditions and mistreatment of detainees in Keraterm camp.
- 10.1. **Duško SIKIRICA** also known as (hereinafter a/k/a) "**Sikira.**" **Date and place of birth** (hereinafter **DPOB**): 23 March 1964, Čirkin Polje, Opština Prijedor, Bosnia-Herzegovina. **Current Address:** Čirkin Polje. He was in charge of Keraterm camp and was in a position of superior authority to everyone else in the camp.
- 10.2. The following three men were shift commanders who each supervised one of the three shifts of guards that operated the camp. As shift commanders, when on duty, they were in positions of superior authority to all persons within the camp, second only to the camp commander.
- (a) **Damir DOŠEN** a/k/a "**Kajin**"
 - (b) **Dragan FUŠTAR** a/k/a "**Fuštar**"
DPOB: 28 Mar. 1956, Prijedor, Bosnia-Herzegovina.
Current address: 1 May Street, No. 41, Prijedor.
 - (c) **Dragan KULUNDŽIJA** a/k/a "**Kole**"
DPOB: 31 July 1966, Gradina, Bosnia-Herzegovina.
Current address: Prijedor.

10.3. The accused listed below were among those who acted as guards or interrogators in the Keraterm camp:

- (a) **Nenad BANOVIĆ** a/k/a “**Bani**”
DPOB: 28 Oct. 1969, Prijedor, Bosnia-Herzegovina.
Current address: Skender Kulenović Street 31, Prijedor.
- (b) **Predrag BANOVIĆ** a/k/a “**Čupo**”
DPOB: 28 Oct. 1969, Prijedor, Bosnia-Herzegovina.
Current address: Skender Kulenović Street 31, Prijedor

10.4. In addition to the accused described above who regularly performed duties in Keraterm camp, others frequently entered the camp and killed, beat or otherwise abused detainees. While they were in the camp, they were subject to the authority of **Duško SIKIRICA**, **Damir DOŠEN**, **Dragan FUŠTAR**, and **Dragan KULUNDŽIJA**. Among those who entered the camp were the following:

- (b) **Dušan KNEŽEVIĆ** a/k/a “**Duća**”
DPOB: at or about 1955.
Current address: Donji Orlovci, Bosnia-Herzegovina.
- (e) **Zoran ŽIGIĆ** a/k/a “**Žiga**”
DPOB: 20 Sept. 1958, Kozarac, Bosnia-Herzegovina.
Current address: Muharem Softic Street 16, Prijedor; or Military Detention Area, Banja Luka.

11. Paragraphs 1 through 10 are re-alleged and incorporated into each of the charges set forth below.

CHARGES:

I. GENOCIDE

ACCUSED: Duško SIKIRICA

12. **Duško SIKIRICA**, intending to destroy, in whole or in part, the Bosnian Muslim and Bosnian Croat people as national, ethnic, or religious groups, was complicit in committing **GENOCIDE**, a crime recognised by Article 4(3)(e) of the Statute, by participating in, or being responsible for, the following acts:

Count:

12.1. killing members of the groups from the opština Prijedor in the Keraterm camp (Art. 4(2)(a));

Count:

12.2. causing serious bodily or mental harm to members of the groups from the opština Prijedor in the Keraterm camp (Art. (2)(b)); and

Count:

12.3. deliberate infliction of conditions of life on members of the groups from the opština Prijedor in Keraterm camp, calculated to bring about their physical destruction, in whole or part (Art. 4(2)(c)).

II. CRIMINAL RESPONSIBILITY IN THE CAPACITY AS A SUPERIOR AUTHORITY

ACCUSED: Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA in their capacity as superiors

13.1. During the operation of Keraterm camp, the vast majority of the detainees were held in the Keraterm factory building, in what were previously four storage areas, known as "room 1, room 2, room 3, and room 4." The overcrowded conditions in the rooms were extreme, to the extent that on many occasions the detainees could not lie down. Facilities for personal hygiene were all but non-existent. The toilet facilities were completely inadequate, so that frequently the toilet area was awash in urine and faeces. The detainees were fed starvation rations once a day, with little time to eat. The little water they received was ordinarily foul. Detainees had no changes of clothing and no bedding. They received little or no medical care.

13.2. On a regular basis, camp guards and others who came to the camp to abuse the detainees, all of whom were subordinate to **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA**, subjected the detainees to physical violence, constant humiliation, degradation, inhumane conditions, and fear of death. Hundreds of detainees were killed by the guards and others. Severe beatings were commonplace. All manner of weapons were used during these beatings, including wooden batons, metal rods, baseball bats, lengths of thick industrial cable that had metal balls affixed to the end, rifle butts, and knives. The killings, beatings, sexual assaults, and other cruel and humiliating actions were committed on every shift and were often inflicted in full view of the other detainees. Many detainees, whose identities are known and unknown, did not survive. The corpses of detainees were piled next to a garbage area adjacent to room 4 prior to their removal from the camp.

13.3. With respect to the acts described above and each act or omission charged hereafter in this indictment, except those charges where one or more of these accused is separately charged, **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA** knew or had reason to know that persons in positions of subordinate authority to them were about to commit those acts, or had already committed those acts, and failed either to take the necessary and reasonable steps to prevent those acts or to punish the perpetrators after the acts had been committed.

13.4. **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA** are criminally responsible for the killing of Keraterm camp detainees by their respective subordinates and others subject to their authority, including the killings described in paragraphs 14, 15, 17 - 20, 24 and 25, and thereby committed:

Count:

13.4.1. **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949** (hereinafter **GRAVE BREACHES**), wilful killings, recognised by Articles 2(a) and 7(3) of the Statute;

Count:

13.4.2. **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, murder, recognised by Articles 3 and 7(3) of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

13.4.3. **CRIMES AGAINST HUMANITY**, murder, recognised by Articles 5(a) and 7(3) of the Statute.

13.5. **Duško SIKIRICA** is criminally responsible for the torture of Keraterm detainees by his subordinates and others subject to his authority, including those described in paragraphs 21, 22, and 30, and thereby committed:

Count:

13.5.1. a **GRAVE BREACH**, torture, recognised by Articles 2(b) and 7(3) of the Statute;

Count:

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

Count:

13.5.3. a **CRIME AGAINST HUMANITY**, torture, recognised by Articles 5(f) and 7(3) of the Statute.

Count:

13.6. **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA** are criminally responsible for the wilful causing of great suffering to all the Keraterm detainees, including those acts or omissions described in paragraphs 14, 16, 19, 20, 23, 26 - 29, and 31 - 33, by their respective subordinates and others subject to their authority and thereby committed **GRAVE BREACHES** recognised by Articles 2(c) and 7(3) of the Statute.

Count:

13.7. **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA** are criminally responsible for the commission of outrages upon the personal dignity of all the Keraterm detainees, including those described in paragraphs 14 - 33, by their respective subordinates and others subject to their authority, and thereby committed **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Statute and Article 3(1)(c) of the Geneva Conventions.

Count:

13.8. **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA** are criminally responsible for the acts of their respective subordinates and others subject to their authority, who subjected the Bosnian Muslim and Bosnian Croat detainees of Keraterm, including those described in paragraphs 14 - 33, to persecution on political, racial, and/or religious grounds, and thereby committed a **CRIME AGAINST HUMANITY** recognised by Articles 5(h) and 7(3) of the Statute.

Count:

13.9. **Duško SIKIRICA, Damir DOŠEN, Dragan FUŠTAR, and Dragan KULUNDŽIJA** are criminally responsible for the acts or omissions of their respective subordinates and others subject to their authority, in subjecting the detainees of Keraterm, including those described in paragraphs 14 - 33, to inhumane acts and treatment, and thereby committed a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(3) of the Statute.

III. INDIVIDUAL CRIMINAL RESPONSIBILITY

ACCUSED: Duško SIKIRICA; Damir DOŠEN; Dragan FUŠTAR; Dragan KULUNDŽIJA; Nenad BANOVIĆ; Predrag BANOVIĆ; (name deleted); Dušan KNEŽEVIĆ; (name deleted); (name deleted); (name deleted); (name deleted); Zoran ŽIGIĆ

14.1. About 20 July 1992, detainees from an area of the opština Prijedor known as "Brdo," which included the villages of Hambarine, Carakovo, Rakovcani, Biscani, and Rizvanovici, were brought to Keraterm camp. The detainees from the Brdo area were crowded into room 3. The previous occupants of room 3, had earlier been transferred to other rooms.

14.2. About 24 July 1992, the detainees in room 3 were not allowed out of the room. During the day and early evening, machine guns were set up in front of the rooms. That night soldiers were brought into the camp and formed a semi circle around room 3.

14.3. Later that night, the guards and soldiers, including **Zoran ŽIGIĆ**, began firing into the room with machine guns and heavy calibre guns. The firing continued off and on over a period of several hours, alternating between continuous fire and short bursts of fire. The fire was directed toward room 3. However, some of the bullets went into at least one of the other rooms. On that evening, **Dragan KULUNDŽIJA** was the guard shift commander. He gave orders that the other rooms were not to be fired on. He gave no orders that room 3 was not to be fired on.

14.4. **Dragan KULUNDŽIJA**, as guard shift commander, **Zoran ŽIGIĆ**, and camp guards and others whose identities are unknown, participated in the murder of at least 140 men from the "Brdo" area detained in room 3, including:

Salko CRLJENKOVIĆ, Senad CRLJENKOVIĆ, Muharem SIKIRIĆ, Fahrudin AVDIĆ, Halid ALIŠKOVIĆ, another man named Halid ALIŠKOVIĆ, Jusuf ALIŠKOVIĆ, Kasim FAZLIĆ, Adem FAZLIĆ, Besim FAZLIĆ, Dzemaal FAZLIĆ, Kemal FAZLIĆ, Hasan CRLJENKOVIĆ, Muharem BEGOVIĆ, Nazmija BEGOVIĆ, Mirhad ČAUŠEVIĆ, Nihad ČAUŠEVIĆ, Suad ŽERICIĆ, "Ita" ŽERICIĆ, Ćazim MUJADŽIĆ, Hasan MUJADŽIĆ, "Kiba", Mehmed AVDIĆ, Mehmedalija SIKIRIĆ, "Džole" MEDIĆ, Nazmija ALIŠKOVIĆ, Emsud ALIŠKOVIĆ, Sulejman DŽAMASTAGIĆ, Ferid DŽAMASTAGIĆ, Šefko DŽAMASTAGIĆ, Sulejman RAMČINOVIĆ, Karanfil ALIŠKOVIĆ, Mehmedalija KARDUMOVIĆ, Mustafa FAZLIĆ, Hasan DŽAMASTAGIĆ, a/k/a Sivi, Damir DŽAMASTAGIĆ, Sejfo DŽAMASTAGIĆ, Samir KARDUMOVIĆ, Sakib KARDUMOVIĆ, Asmir KARDUMOVIĆ, Saud ČAUŠEVIĆ, Mirhad DURATOVICI a/k/a Mita, Fahrudin AVDIĆ, Huzeir RAMULIĆ, Bego AVDIĆ, Smail SIKIRIĆ, Ferid SIKIRIĆ a/k/a Eka, Fadil HAMULIĆ, and Fikret MEDIĆ a/k/a Jovo. **Dragan KULUNDŽIJA**, by being a superior responsible for the acts of his subordinates and by direct participation, and **Zoran ŽIGIĆ** thereby committed:

Count:

- 14.4.1. a **GRAVE BREACH**, wilful killing, recognised by Articles 2(a) and 7(1) of the Statute, and, with respect to **Dragan KULUNDŽIJA**, also Article 7(3) of Statute;

Count:

- 14.4.2. a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, murder, recognised by Articles 3 and 7(1) of the Statute, and with respect to **Dragan KULUNDŽIJA** also 7(3) of the Statute, and by Article 3(1)(a) of the Geneva Conventions; and

Count:

- 14.4.3. a **CRIME AGAINST HUMANITY**, murder, recognised by Articles 5(a) and 7(1) of the Statute, and, with respect to **Dragan KULUNDŽIJA**, also Article 7(3) of the Statute.

14.5. **Dragan KULUNDŽIJA, Zoran ŽIGIĆ** and camp guards, and others whose identities are unknown, participated in wounding, by gunfire, approximately 50 men from the "Brdo" area detained in room 3, including: Safet CRLJENKOVIĆ, Derviš CRLJENKOVIĆ, Ramo CRLJENKOVIĆ, and Alija HRAPIĆ. **Dragan KULUNDŽIJA**, as a superior responsible for the acts of his subordinates and by direct participation, **Zoran ŽIGIĆ**, and camp guards and others whose identities are unknown thereby committed:

Count:

- 14.5.1. a **GRAVE BREACH**, wilfully causing great suffering or serious injury to body or health, recognised by Articles 2(c) and 7(1) of the Statute, and, with respect to **Dragan KULUNDŽIJA**, also Article 7(3) of the Statute;

Count:

- 14.5.2. a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, cruel treatment, recognised by Articles 3 and 7(1) and with respect to **Dragan KULUNDŽIJA** also 7(3) of the Statute, and by Article 3(1)(a) of the Geneva Conventions; and

Count:

- 14.5.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Articles 5(i) and 7(1) of the Statute, and, with respect to **Dragan KULUNDŽIJA**, also Article 7(3) of the Statute.

15. On or about 25 July 1992, the morning after the attack on room 3, **Duško SIKIRICA** was present with **Dragan FUŠTAR** when **FUŠTAR** told the surviving detainees of room 3 that six detainees had escaped and that the organisers of the escapes would be held responsible. Twenty detainees were then selected, brought outside the room and summarily executed. By being superiors responsible for the acts of their subordinates and by direct participation in the killing of 20 detainees, **Duško SIKIRICA** and **Dragan FUŠTAR** thereby committed:

Count:

- 15.1. a **GRAVE BREACH**, wilful killing, recognised by Articles 2(a), 7(1) and 7(3) of the Statute of the Tribunal;

Count:

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

Count:

- 15.3. a **CRIME AGAINST HUMANITY**, murder, recognised by Articles 5(a), 7(1) and 7(3) of the Statute of the Tribunal.

16. Around 25 June 1992, a group of detainees including Redžep GRABIĆ were frequently called out of room 2. **Damir DOŠEN, Dušan KNEŽEVIĆ, Zoran ŽIGIĆ** and others then severely beat the group of detainees from room 2 including Redžep GRABIĆ with objects, including wooden clubs and metal bars. As a result of the beatings, Redžep GRABIĆ lost consciousness. **Damir DOŠEN**, by being a superior responsible for the acts of his subordinates and by direct participation, **Dušan KNEŽEVIĆ** and **Zoran ŽIGIĆ** thereby committed:

Count:

- 16.1. a **GRAVE BREACH**, great suffering, recognised by Articles 2(c), 7(1), and, with respect to **Damir DOŠEN**, also 7(3) of the Statute;

Count:

- 16.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, cruel treatment, recognised by Articles 3, 7(1), and, with respect to **Damir DOŠEN**, also 7(3) of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

- 16.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Articles 5(i), 7(1), and, with respect to **Damir DOŠEN**, also 7(3) of the Statute.

17. During the middle of July, 1992, on one evening Besim HRGIĆ was called out of room 4 and severely beaten by **Predrag BANOVIĆ, Dušan KNEŽEVIĆ**, and **(name deleted)**. HRGIĆ died of the injuries received during that beating. By their actions, **Predrag BANOVIĆ, Dušan KNEŽEVIĆ**, and **(name deleted)** thereby committed:

Count:

- 17.1. a **GRAVE BREACH**, wilful killing, recognised by Article 2(a) of the Statute.

Count:

- 17.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and,

Count:

- 17.3. a **CRIME AGAINST HUMANITY**, murder, recognised by Article 5(a) of the Statute.

18. On one evening during the middle of July, 1992, a large number of detainees were called out of the rooms separately, by a group of guards and others, and severely beaten in turn. Several men died as a result of those beatings. Among them were: Jasmin IZEJIRI, "Špija" MEŠIĆ, and Drago TOKMANOVIĆ. Among the group of guards and others who took part in the beatings and killings were **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ.**

Count:

- 18.1. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted)** and **Zoran ŽIGIĆ**, did thereby commit a **GRAVE BREACH**, wilful killing of Jasmin IZEJIRI, recognised by Article 2(a) of the Statute;

Count:

- 18.2. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ**, did thereby commit a **GRAVE BREACH**, wilful killing of "Špija" MEŠIĆ, recognised by Article 2(a) of the Statute;

Count:

- 18.3. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ** did thereby commit a **GRAVE BREACH**, wilful killing of Drago TOKMANOVIĆ, recognised by Article 2(a) of the Statute;

Count:

- 18.4. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted) and Zoran ŽIGIĆ**, did thereby commit a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder of Jasmin IZEJIRI, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions;

Count:

- 18.5. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ**, did thereby commit a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder of “Špija” MEŠIĆ, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions;

Count:

- 18.6. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ** did thereby commit a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder of Drago TOKMANOVIĆ, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions;

Count:

- 18.7. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted) and Zoran ŽIGIĆ**, did thereby commit a **CRIME AGAINST HUMANITY**, murder of Jasmin IZEJIRI, recognised by Article 5(a) of the Statute;

Count:

- 18.8. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ**, did thereby commit a **CRIME AGAINST HUMANITY**, murder of “Špija” MEŠIĆ, recognised by Article 5(a) of the Statute;

Count:

- 18.9. **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted), Dušan KNEŽEVIĆ, and Zoran ŽIGIĆ** did thereby commit a **CRIME AGAINST HUMANITY**, murder of Drago TOKMANOVIĆ, recognised by Article 5(a) of the Statute; or

Count:

18.10. alternatively to paragraphs 18.1 to 18.9, **Predrag BANOVIĆ, Nenad BANOVIĆ, (name deleted), (name deleted), Dušan KNEŽEVIĆ,** and **Zoran ŽIGIĆ** did thereby commit a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

19. Around the latter part of June, 1992, **Predrag BANOVIĆ, (name deleted), Dušan KNEŽEVIĆ, (name deleted), (name deleted), (name deleted), Zoran ŽIGIĆ** and others repeatedly called from room 2 a group of detainees including Emsud BAHONJIĆ. **Predrag BANOVIĆ, (name deleted), KNEZEVIĆ, (name deleted), (name deleted), ŽIGIĆ** and others severely beat Emsud BAHONJIĆ and the other detainees using their fists and objects. The beatings occurred frequently over a period lasting approximately ten or more days. During this period, **KNEŽEVIĆ, ŽIGIĆ** and others also forced BAHONJIĆ to engage in various degrading, humiliating and/or painful acts, such as lying on broken glass, repeatedly jumping from a truck, and engaging in fellatio. BAHONJIĆ died from injuries received during the beatings.

19.1. By participating in the beatings causing the death of Emsud BAHONJIĆ, **Predrag BANOVIĆ, (name deleted), Dusan KNEŽEVIĆ, (name deleted), (name deleted) (name deleted),** and **Zoran ŽIGIĆ** thereby committed:

Count:

19.1.1. a **GRAVE BREACH**, wilful killing, recognised by Article 2(a) of the Statute;

Count:

19.1.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

19.1.3. a **CRIME AGAINST HUMANITY**, murder, recognised by Article 5(a) of the Statute; or

Count:

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

19.2. By participating in forcing Emsud BAHONJIĆ to engage in the degrading, humiliating and/or painful acts, **Dusan KNEŽEVIĆ** and **Zoran ŽIGIĆ** committed:

Count:

19.2.1. a **GRAVE BREACH**, great suffering, recognised by Article 2(c) of the Statute;

Count:

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

Count:

19.2.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

20. Around the latter part of June, 1992, **Predrag BANOVIĆ, (name deleted), Dušan KNEŽEVIĆ, (name deleted), (name deleted), (name deleted), (name deleted), Zoran ŽIGIĆ** and others frequently took from room 2 a group of detainees including a man called "Car" with a last name of JUSUFOVIĆ or JUSUFAGIĆ. **Predrag BANOVIĆ, (name deleted), KNEŽEVIĆ, (name deleted), (name deleted), (name deleted), ŽIGIĆ,** and others severely beat "Car" and the other detainees using their fists and objects. The beatings occurred frequently over a period lasting approximately ten or more days. During this period, **KNEŽEVIĆ, ŽIGIĆ,** and others also forced "Car" to engage in various humiliating and/or painful acts, such as running while carrying a heavy machine gun and engaging in fellatio. "Car" died from injuries received during the beatings.

20.1. By participating in the beatings causing the death of "Car," **Predrag BANOVIĆ, (name deleted), Dušan KNEŽEVIĆ, (name deleted), (name deleted), (name deleted), (name deleted), and Zoran ŽIGIĆ** thereby committed:

Count:

20.1.1. a **GRAVE BREACH**, wilful killing, recognised by Article 2(a) of the Statute;

Count:

20.1.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

20.1.3. a **CRIME AGAINST HUMANITY**, murder, recognised by Article 5(a) of the Statute; or

Count:

20.1.4. alternatively, a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute;

20.2. By participating in forcing “Car” to engage in humiliating and/or painful acts, **Dušan KNEŽEVIĆ** and **Zoran ŽIGIĆ** thereby committed:

Count:

20.2.1. a **GRAVE BREACH**, great suffering, recognised by Article 2(c) of the Statute;

Count:

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

Count:

20.2.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

21. Between 1 June 1992 and 5 August 1992, **Dušan KNEŽEVIĆ**, (**name deleted**), **Zoran ŽIGIĆ**, and others took out, on repeated occasions, Jasmir RAMADANOVIĆ known as “Sengin.” **KNEŽEVIĆ**, (**name deleted**), **ŽIGIĆ** and others accused Jasmir RAMADANOVIĆ of being a Muslim extremist. They then beat Jasmir RAMADANOVIĆ severely. As a result of the beatings, RAMADANOVIĆ received a large open wound to his head, his body was severely bruised, and he was unable to eat for approximately ten days. **Dušan KNEŽEVIĆ**, (**name deleted**) and **Zoran ŽIGIĆ** thereby committed:

Count:

21.1. a **GRAVE BREACH**, torture, recognised by Article 2(b) of the Statute;

Count:

21.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, torture, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

- 21.3. a **CRIME AGAINST HUMANITY**, torture, recognised by Article 5(f) of the Statute.

22. Around the first part of June 1992, (name deleted), **Dušan KNEŽEVIĆ**, (name deleted), and **Zoran ŽIGIĆ** took out Fajzo MUKANOVIĆ and questioned him. When MUKANOVIĆ failed to provide the desired information, (name deleted), **KNEŽEVIĆ**, (name deleted) and **ŽIGIĆ** cut him across the neck with a knife and brought his wife and child to the camp to witness the assault. (Name deleted), **Dušan KNEŽEVIĆ**, (name deleted), and **Zoran ŽIGIĆ** thereby committed:

Count:

- 22.1. a **GRAVE BREACH**, torture, recognised by Article 2(b) of the Statute;

Count:

- 22.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, torture, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

- 22.3. a **CRIME AGAINST HUMANITY**, torture, recognised by Article 5(f) of the Statute.

23. Around 23 June 1992, **Dušan KNEŽEVIĆ** and **Zoran ŽIGIĆ** took out from room 3 a group of detainees including Faudin HRUSTIĆ. **KNEŽEVIĆ**, **ŽIGIĆ** and others beat the detainees including Faudin HRUSTIĆ using objects including batons, iron bars and wooden baseball bats. **Dušan KNEŽEVIĆ** and **Zoran ŽIGIĆ** thereby committed:

Count:

- 23.1. a **GRAVE BREACH**, great suffering, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 23.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

24. On one evening during July, 1992, **Predrag BANOVIĆ** called for a specific prisoner. When he could not find him, **BANOVIĆ** then called for "Cačko," whose name was Fikret AVDIĆ. **BANOVIĆ** and others beat AVDIĆ using a baseball bat and also kicked AVDIĆ. AVDIĆ was put back into room 2 and died early the next morning. **Predrag BANOVIĆ** thereby committed:

Count:

24.1. a **GRAVE BREACH**, wilful killing, recognised by Article 2(a) of the Statute;

Count:

24.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, murder, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

24.3. a **CRIME AGAINST HUMANITY**, murder, recognised by Article 5(a) of the Statute of the Tribunal; or

Count:

24.4. alternatively, a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute;

25. Around the latter part of June 1992, Jovo RADOČAJ, a detainee of Serbian origin, who was married to a Muslim woman and believed to be a supporter of the Bosnian Muslim Party of Democratic Action, was taken out at night. **Predrag BANOVIĆ** and others then beat him severely for an extended period of time. Jovo RADOČAJ died from his injuries several hours after the beating. **Predrag BANOVIĆ** thereby participated in the commission of:

Count:

25.1. a **CRIME AGAINST HUMANITY**, murder, recognised by Article 5(a) of the Statute; or

Count:

25.2. alternatively, a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

26. Around 30 July 1992, **Predrag BANOVIĆ** stopped and demanded money from Mirzet HODŽIĆ while Mirzet HODŽIĆ was attempting to fill a water bottle. After Mirzet HODŽIĆ indicated that he did not have money, **Predrag BANOVIĆ** beat Mirzet HODŽIĆ with a baseball bat and stabbed him in the arm with a knife. **Predrag BANOVIĆ** thereby committed:

Count:

- 26.1. a **GRAVE BREACH**, great suffering, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 26.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

27. Around the first part of August 1992, while Mirzet HODŽIĆ was outside room 2, **Predrag BANOVIĆ** beat Mirzet HODŽIĆ into unconsciousness by banging his head against the wall and by kicking him with his boots. **Predrag BANOVIĆ** thereby committed:

Count:

- 27.1. a **GRAVE BREACH**, great suffering or serious injury, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 27.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

28. Around the latter part of June 1992, **Dušan KNEŽEVIĆ** took out from room 2 Ilijaz JAKUPOVIĆ and Zijad JAKUPOVIĆ. **KNEŽEVIĆ** and others severely beat Ilijaz JAKUPOVIĆ and Zijad JAKUPOVIĆ, using fists, feet, and a baton. **Dušan KNEŽEVIĆ** thereby committed:

Count:

- 28.1. a **GRAVE BREACH**, great suffering or serious injury, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 28.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

29. Between 1 June 1992 and 5 August 1992, **Dušan KNEŽEVIĆ** and others severely beat Uzeir ČAUŠEVIĆ using their fists and objects, causing large open wounds on his arms and body. The wounds subsequently became infected and ČAUŠEVIĆ became so ill that he could barely move. ČAUŠEVIĆ was later taken away in a truck filled with corpses and wounded persons and was never seen again. **Dušan KNEŽEVIĆ** thereby committed:

Count:

- 29.1. a **GRAVE BREACH**, great suffering or serious injury, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 29.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

30. Around 4 June 1992, Senahid ČIRKIĆ was interrogated by three men. When ČIRKIĆ did not provide the answers desired by the interrogators, one of the interrogators told **Zoran ŽIGIĆ** to take ČIRKIĆ outside and beat him until he talked. ŽIGIĆ then brought ČIRKIĆ outside and beat him, using fists, feet, and a rifle. **Zoran ŽIGIĆ** thereby committed:

Count:

- 30.1. a **GRAVE BREACH**, torture, recognised by Article 2(b) of the Statute;

Count:

- 30.2. a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, torture, recognised by Article 3 of the Statute and by Article (3)(1)(a) of the Geneva Conventions; and

Count:

- 30.3. a **CRIME AGAINST HUMANITY**, torture, recognised by Article 5(f) of the Statute.

31. Between 14 June and 5 August 1992, **Zoran ŽIGIĆ** took out Fikret ALIĆ and several other detainees. **ŽIGIĆ** then beat Fikret ALIĆ by hitting him with a pistol and by kicking him in the mouth, knocking out four of his teeth. **Zoran ŽIGIĆ** thereby committed:

Count:

- 31.1. a **GRAVE BREACH**, great suffering or serious injury, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 31.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

32. Around 24 June 1992, a group of detainees including Redžep GRABIĆ were brought to Keraterm camp. **Zoran ŽIGIĆ** and others beat the new detainees including Redžep GRABIĆ, as well as selected detainees from room 2, throughout the day and night. **ŽIGIĆ** and others used their fists, their feet, and truncheons to beat the detainees. **Zoran ŽIGIĆ** thereby committed:

Count:

- 32.1. a **GRAVE BREACH**, great suffering, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 32.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Articles 5(i) of the Statute.

GENERAL CHARGE

33. During the operation of Keraterm camp, **Predrag BANOVIĆ, Dušan KNEŽEVIĆ, (name deleted), Zoran ŽIGIĆ** and others participated in the regular and open abuse of detainees. Actions taken by **BANOVIĆ, KNEŽEVIĆ, (name deleted), and ŽIGIĆ** include: the beating or assault of numerous individuals including Amir CRLJENKOVIĆ, a man called "Senadin," a man from Čarakovo, Jusuf ARIFAGIĆ, Adnan BAHONJIĆ, Suad BAJRIĆ, and Fikret ALIĆ; the extortion of money and valuables from detainees; and those set out in Paragraphs 14.3. through 14.5.3. and 16. through 32.3. As a result of the regular and open abuse of select detainees by **BANOVIĆ, KNEŽEVIĆ, (name deleted), ŽIGIĆ** and others, detainees at Keraterm camp observing the abuse were subjected to extreme psychological trauma, constant degradation and constant fear of bodily injury and/or death. **Predrag BANOVIĆ, Dušan KNEŽEVIĆ, (name deleted) and Zoran ŽIGIĆ** thereby committed:

Count:

- 33.1. a **GRAVE BREACH**, great suffering, recognised by Article 2(c) of the Statute;

Count:

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

Count:

- 33.3. a **CRIME AGAINST HUMANITY**, inhumane acts, recognised by Article 5(i) of the Statute.

Richard J. Goldstone
Prosecutor