

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

**Case No. IT-03-67-T**

**IN TRIAL CHAMBER III**

**Before: Judge Jean-Claude Antonetti, presiding  
Judge Frederik Harhoff  
Judge Flavia Lattanzi**

**Registrar: Mr. Hans Holthuis**

**Date filed: 07 December 2007**

**THE PROSECUTOR**

**v.**

**VOJISLAV ŠEŠELJ**

**PUBLIC**

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**PROSECUTION'S NOTICE OF COMPLIANCE WITH  
DECISION OF 27 NOVEMBER 2007**

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The Office of the Prosecutor

Christine Dahl  
Senior Trial Attorney

The Accused

Vojislav Šešelj

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

**THE PROSECUTOR**

**v.**

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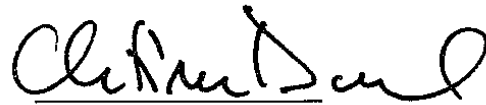
**PROSECUTION'S NOTICE OF COMPLIANCE WITH  
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1. The Prosecution gives notice of its compliance with the *Décision Relative à l'Exception Préjudicielle Déposée par L'Accusé* ("Decision"), issued 27 November 2007.
2. Attached is a "tracked changes" version of the indictment, now called "Third Amended Indictment." The attachment reflects the changes made to the Second Amended Indictment by the Prosecution consequent upon the Decision's instructions regarding paragraphs 10(d), 11, 15, 17(g), 17(i), 17(k), 20, 22, and 33.
3. The Prosecution does not possess the audio or video recordings of the speeches alleged in paragraph 5 and hence is unable to publish transcripts of them. The evidence of the contents of these speeches will be adduced through witnesses who appear at trial.
4. The Prosecution, in paragraphs 20, 22, and 23, has endeavoured to specify the victims of the speeches alleged in paragraph 5.
5. For ease of reference, paragraph 17(k) has been modified to incorporate paragraphs 20, 22, 33. The paragraph, however, does not reflect a change from "Zvornik" to "Mali Zvornik" (Serbia) because the Prosecution alleges that it is the non-Serb population of Zvornik who were targeted by the Accused in his speech.
6. In accordance with the Decision and the Prosecution's 28 September 2007 Notice of Compliance With Decision of 14 September 2007, the Prosecution includes the updated Annexes for victims from crime sites located in Mostar, Nevesinje,

Zvornik, and Vukovar. The Prosecution has corrected names and updated the lists of victims to conform to the evidence to be presented at trial.

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A handwritten signature in black ink, appearing to read 'Christine Dahl', written over a horizontal line.

Christine Dahl  
Senior Trial Attorney

Dated The 7<sup>th</sup> Day of December 2007  
The Hague, The Netherlands

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

**Case No. IT-03-67**

**THE PROSECUTOR  
OF THE TRIBUNAL**

**AGAINST**

**VOJISLAV ŠEŠELJ**

**THIRD AMENDED  
INDICTMENT**

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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:

**VOJISLAV ŠEŠELJ**

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

**THE ACCUSED**

1. **Vojislav ŠEŠELJ**, son of Nikola ŠEŠELJ, was born on 11 October 1954 in Sarajevo, Republic of Bosnia and Herzegovina ("Bosnia and Herzegovina"). He is a graduate of the faculty of law of Sarajevo University. He holds a Bachelor's Degree, a Masters Degree and a Doctorate obtained in 1976, 1978 and 1979 respectively. From 1981 to 1984 he worked as an assistant professor lecturing on political science at Sarajevo University.
2. Although he was originally a communist, **Vojislav ŠEŠELJ** eventually became critical of the communist regime in the former Yugoslavia and in the early 1980s he developed close relations with a group of Serbian nationalists. In 1984 he was convicted of "counter-revolutionary activities" and sentenced to eight years of imprisonment. Upon the commutation of the sentence by the Supreme Court of the Socialist Federal Republic of Yugoslavia ("SFRY") he was released in 1986.
3. After his release **Vojislav ŠEŠELJ** settled down in Belgrade and continued to engage in nationalistic politics. In 1989 he travelled to the USA and met the chairman of the "Movement of Chetniks in the Free World", Momčilo Đujić, who on the day of the 600<sup>th</sup> anniversary of the Battle of Kosovo - 28 June 1989 – appointed him a Chetnik "Vojvoda", meaning a "Duke" or leader. Following this appointment **Vojislav ŠEŠELJ** travelled in the USA, Canada, Australia and Western Europe collecting funds to support his nationalistic activities. On 23 January 1990, **Vojislav ŠEŠELJ** became the leader of the Serbian Freedom Movement and on 14 March

1990, formed an alliance with Vuk Drašković, another Serbian nationalist, and started the "Serbian Renewal Movement" ("SPO").

4. In June 1990 **Vojislav ŠEŠELJ** founded the "Serbian National Renewal Party", subsequently renamed the "Serbian Chetnik Movement" ("SČP"). In the elections of December 1990 his party received almost 100,000 votes. Shortly thereafter, the authorities of the SFRY banned the SČP". On 23 February 1991, **Vojislav ŠEŠELJ** was appointed President of the newly founded "Serbian Radical Party" ("SRS"). From 23 February 1991 to 28 April 1994, he remained leader of the SČP, and the SČP continued to exist operating in parallel to or incorporated within the SRS. In June 1991, **Vojislav ŠEŠELJ** was elected a member of the Assembly of the Republic of Serbia. In almost daily rallies and election campaigns, he called for Serb unity and war against Serbia's "historic enemies", namely the ethnic Croat, Muslim and Albanian populations within the territories of the former Yugoslavia. Additional relevant historical and political facts are set out in Annex I to this indictment.

### **INDIVIDUAL CRIMINAL RESPONSIBILITY**

#### **Article 7(1) of the Statute of the Tribunal**

5. **Vojislav ŠEŠELJ** is individually criminally responsible for the crimes referred to in Articles 3 and 5 of the Statute of the Tribunal and described in this indictment, which he planned, ordered, instigated, committed or in whose planning, preparation, or execution he otherwise aided and abetted. By using the word "committed" in this indictment, the Prosecutor does not intend to suggest that the accused physically committed **all** of the crimes charged personally. Physical commitment is pleaded only in relation to the charges of persecutions (Count 1) by direct and public ethnic denigration (paragraphs 15 and 17(k)) with respect to the Accused's speeches in Vukovar, Mali Zvornik and Hrtkovci, and by deportation and forcible transfer (paragraphs 15 and 17(i)) with respect to the Accused's speech in Hrtkovci, and in relation to the charges of deportation and inhumane acts (forcible transfer) (Counts 10 – 11, paragraphs 31 - 33), with respect to the Accused's speech in Hrtkovci. "Committed" in this indictment includes the participation of **Vojislav ŠEŠELJ** in a joint criminal enterprise as a co-perpetrator. By using the word "instigated", the Prosecution charges that the accused **Vojislav ŠEŠELJ's** speeches, communications, acts and/or omissions contributed to the perpetrators' decision to commit the crimes alleged.

6. **Vojislav ŠEŠELJ** participated in a joint criminal enterprise. The purpose of this joint criminal enterprise was the permanent forcible removal, through the commission of crimes in violation of Articles 3 and 5 of the Statute of the Tribunal, of a majority of the Croat, Muslim and other non-Serb populations from approximately one-third of the territory of the Republic of Croatia ("Croatia"), and large parts of Bosnia and Herzegovina, and from parts of Vojvodina, in the Republic of Serbia ("Serbia"), in order to make these areas part of a new Serb-dominated state. With respect to Croatia the areas included those regions that were referred to by Serb authorities as the "SAO Krajina" (i.e. the Serb Autonomous Region of Krajina), the "SAO Western Slavonia", and the "SAO Slavonia, Baranja and Western Srem" (after 19 December 1991, the "SAO Krajina" became known as the RSK ("Republic of Serbian Krajina"); on 26 February 1992, the "SAO Western Slavonia" and the "SAO

Slavonia, Baranja and Western Srem" joined the RSK), as well as the "Dubrovnik Republic /*Dubrovačka republika*". With respect to Bosnia and Herzegovina, the areas included Bosanski Šamac, Zvornik, five municipalities collectively known as "Greater Sarajevo" (Ilijaš, Vogošća, Novo Sarajevo, Ilidža and Rajlovac), Bijeljina, Mostar, Nevesinje and Brčko.

7. The crimes in this indictment were within the object of the joint criminal enterprise and **Vojislav ŠEŠELJ** shared the necessary intent for the commission of each of the crimes with the other participants in the joint criminal enterprise. Alternatively, the crimes enumerated in Counts 1, 4, 8, 9 and 12 to 14 of this indictment were the natural and foreseeable consequences of the execution of the object of the joint criminal enterprise and **Vojislav ŠEŠELJ** was aware that such crimes were the possible outcome of the execution of the joint criminal enterprise.

8. (a) The aforesaid joint criminal enterprise came into existence before 1 August 1991 and continued at least until December 1995. **Vojislav ŠEŠELJ** participated in the joint criminal enterprise until September 1993 when he had a conflict with Slobodan Milošević. **Vojislav ŠEŠELJ** worked in concert with members of the joint criminal enterprise to succeed in its objective. Each participant in the joint criminal enterprise played a role that significantly contributed to the objective of the enterprise. Participants in this joint criminal enterprise include Slobodan MILOŠEVIĆ, General Veljko KADIJEVIĆ, General Blagoje ADŽIĆ, Colonel Ratko MLADIĆ, Radmilo BOGDANOVIĆ, Jovica STANIŠIĆ, Franko SIMATOVIĆ also known as "Frenki", Radovan STOJIČIĆ, also known as "Badža", Milan MARTIĆ, Goran HADŽIĆ, Milan BABIĆ, Radovan KARADŽIĆ, Momčilo KRAJIŠNIK, Biljana PLAVŠIĆ, Željko RAŽNATOVIĆ, also known as "Arkan" and other political figures from the (S)FRY, the Republic of Serbia, the Republic of Montenegro and the Bosnian and Croatian Serb leadership. Participants in the joint criminal enterprise also included "Serb Forces", collectively defined as members of the Yugoslav People's Army ("JNA"), later the Yugoslav Army ("VJ"), the newly-formed Serb Territorial Defence ("TO") of Croatia and of Bosnia and Herzegovina, the army of the *Republika Srpska Krajina* ("SVK") and the army of the *Republika Srpska* ("VRS"), and the TOs of Serbia and of Montenegro, local Serb, Republic of Serbia and Republika Srpska police forces ("MUP forces"), including the State Security/*Državna bezbednost*/ ("DB") Branch of the Ministry of Interior of the Republic of Serbia, and Serb special police forces of the SAO Krajina and the RSK commonly referred to as "Martić's Police", *Martićevci*, "SAO Krajina Police" or "SAO Krajina Milicija" (collectively, "Martić's Police") and members of Serbian, Montenegrin, Bosnian and Croatian Serb paramilitary forces and volunteer units including "Chetniks", or "Šešeljevci" (translated as "Šešelj's men").

(b) Alternatively, the individuals and groups identified above participated in a joint criminal enterprise and implemented its objective by using persons and groups in the Serb Forces defined in Paragraph 8(a), above, to carry out the *actus reus* of the crimes in this indictment.

(c) **Vojislav ŠEŠELJ** is responsible for all crimes the *actus reus* of which was carried out by a person used by him or any other participant in the joint criminal enterprise, where either the *actus reus* of the crime formed part of the objective of the joint criminal enterprise, or (i) it was foreseeable that the crime might be perpetrated by a person used by **Vojislav ŠEŠELJ** or any other participant in the joint criminal enterprise in order to carry out the *actus reus* of the crime, and (ii) **Vojislav ŠEŠELJ**

willingly took that risk – that is, with the awareness that such crimes were a possible consequence of the implementation of the joint criminal enterprise, he decided to participate in that enterprise.

**9. Vojislav ŠEŠELJ**, as President of the SRS, was a prominent political figure in the SFRY/FRY in the time period relevant to this indictment. He propagated a policy of uniting “all Serbian lands” in a homogeneous Serbian state. He defined the so-called Karlobag-Ogulin-Karlovac-Virovitica line as the western border of this new Serbian state (which he called “Greater Serbia”) which included Serbia, Montenegro, Macedonia and considerable parts of Croatia and Bosnia and Herzegovina.

**10. Vojislav ŠEŠELJ** participated in the joint criminal enterprise in the following ways:

- a. **Vojislav ŠEŠELJ** participated in the recruitment, formation, financing, supply, support and direction of Serbian volunteers connected to the SRS and/or SČP through and/or with the assistance of the SRS Crisis, then War Staff. These volunteer units were created and supported to assist in the execution of the joint criminal enterprise through the commission of crimes in violation of Articles 3 and 5 of the Statute of the Tribunal.
- b. **Vojislav ŠEŠELJ** made inflammatory speeches in the media, during public events, and during visits to the volunteer units and other Serb forces in Croatia and Bosnia and Herzegovina, instigating those forces to commit crimes in violation of Articles 3 and 5 of the Statute of the Tribunal.
- c. **Vojislav ŠEŠELJ** espoused and encouraged the creation of a homogeneous “Greater Serbia”, encompassing the territories specified in this indictment, by violence, and thereby participated in war propaganda and incitement of hatred towards non-Serb people.
- d. In public speeches **Vojislav ŠEŠELJ** called for the expulsion of Croat civilians from parts of the Vojvodina region in Serbia (namely Hrtkovci, Nikinci, Ruma, Šid, and other places bordering Croatia) and thus instigated his followers and the local authorities to engage in a persecution campaign against the local Croat population.
- e. **Vojislav ŠEŠELJ** participated in the planning and preparation of the take-over of towns and villages in two SAOs in Croatia and in the municipalities of Bosanski Šamac, Zvornik, “Greater Sarajevo”, Bijeljina, Mostar, Nevesinje and Brčko in Bosnia and Herzegovina and the subsequent forcible removal of the majority of the non-Serb population from these areas.
- f. **Vojislav ŠEŠELJ** participated in the provision of financial, material, logistical and political support necessary for such take-overs. He obtained this support, with the help of Slobodan Milošević, from the Serbian authorities and from Serbs living abroad where he collected funds to support the aim of the joint criminal enterprise.
- g. **Vojislav ŠEŠELJ** recruited Serbian volunteers connected to the SRS and indoctrinated them with his extreme ethnic rhetoric so that they

engaged in the forcible removal of the non-Serb population in the targeted territories through the commission of the crimes in this indictment with particular violence and brutality.

11. **Vojislav ŠEŠELJ** knowingly and wilfully participated in the joint criminal enterprise, sharing the intent of other participants in the joint criminal enterprise or being aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for having committed the crimes under Article 7(1) of the Statute of the Tribunal, in addition to his responsibility under the same Article for having planned, ordered instigated, physically committed or otherwise aided and abetted in the planning, preparation and execution of those crimes.

### **GENERAL ALLEGATIONS**

12. At all times relevant to this indictment, a state of armed conflict existed in Croatia and Bosnia and Herzegovina. A nexus existed between this state of armed conflict and the alleged crimes in Croatia, Bosnia and Herzegovina, and parts of Vojvodina, Serbia.

13. At all times relevant to this indictment, **Vojislav ŠEŠELJ** was required to abide by the laws and customs governing the conduct of armed conflicts.

14. Conduct charged as a crime against humanity was part of a widespread or systematic attack directed against the Croat, Muslim and other non-Serb civilian populations within large areas of Croatia, Bosnia and Herzegovina and Vojvodina, Serbia. With regard to conduct as a crime against humanity, **Vojislav ŠEŠELJ** acted knowing that the civilian population was being attacked and that his acts comprised part of those attacks.

### **THE CHARGES:**

#### **COUNT 1 (PERSECUTIONS)**

15. From on or about 1 August 1991 until at least September 1993, **Vojislav ŠEŠELJ**, acting individually or as a participant in a joint criminal enterprise, planned, ordered, instigated, committed or otherwise aided and abetted in the planning, preparation or execution of or physically committed persecutions of Croat, Muslim and other non-Serb civilian populations in the territories of the SAO SBWS (Slavonia, Baranja and Western Srem), and in the municipalities of Zvornik, "Greater Sarajevo", Mostar, and Nevesinje in Bosnia and Herzegovina and parts of Vojvodina in Serbia.

16. Throughout this period, the Serb forces defined in paragraph 8(a), above, including volunteers recruited and/or instigated by **Vojislav ŠEŠELJ**, attacked and took control of towns and villages in these territories. After the take-over, these Serb forces, in co-operation with the local Serb authorities, established a regime of persecutions designed to drive the non-Serb civilian population from these territories.

17. These persecutions were committed on political, racial and religious grounds and included:



- a. The [REMOVED]<sup>1</sup> murder of many Croat, Muslim and other non-Serb civilians, including women, children and elderly persons, in the municipality of Vukovar, in the municipalities of Zvornik, "Greater Sarajevo", Mostar and Nevesinje in Bosnia and Herzegovina, as described in paragraphs 18 to 27.
- b. The prolonged and routine imprisonment and confinement of Croat, Muslim and other non-Serb civilians in detention facilities within Croatia and Bosnia and Herzegovina, including prison camps in Vukovar, and in Zvornik, "Greater Sarajevo", Mostar, and Nevesinje as described in paragraphs 28 to 30.
- c. The establishment and perpetuation of inhumane living conditions for Croat, Muslim and other non-Serb civilian detainees within the said detention facilities.
- d. Killings and repeated torture and beatings of Croat, Muslim and other non-Serb civilian detainees in the said detention facilities.
- e. Prolonged and frequent forced labour of Croat, Muslim and other non-Serb civilians detained in the said detention facilities or under house arrest in their respective homes in Vukovar, Zvornik, "Greater Sarajevo" and Mostar. The forced labour included digging graves, loading ammunition for the Serb forces, digging trenches and other forms of manual labour at the frontlines.
- f. Sexual assaults of Croat, Muslim and other non-Serb civilians by Serb soldiers during their capture and while detained in the said detention facilities.
- g. The imposition of restrictive and discriminatory measures against the Croat, Muslim and other non-Serb civilian populations, including persons in Zvornik, "Greater Sarajevo", Mostar and Nevesinje in Bosnia and Herzegovina, and in parts of Vojvodina, Serbia (namely Hrtkovci, Nikinci, Ruma, Šid, and other places bordering Croatia), such as restriction of movement; removal from positions of authority in local government institutions and the police; dismissal from jobs; denial of medical care; and arbitrary searches of homes.
 

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- h. Torture, beating and robbing of Croat, Muslim and other non-Serb civilians.
- i. Deportation or forcible transfer of tens of thousands of Croat, Muslim and other non-Serb civilians from the territories as specified above, and from parts of Vojvodina, Serbia (namely Hrtkovci, Nikinci, Ruma, Šid, and other places bordering Croatia) as described in paragraphs 31 to 33.
 

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<sup>1</sup> The word [REMOVED] indicates a change in accordance with the Decision of the Trial Chamber pursuant to Rule 73 *bis*, dated 8 November 2006.

- j. Deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat, Muslim and other non-Serb civilian populations in the municipality of Vukovar in Croatia, and in the municipalities of Zvornik, "Greater Sarajevo", Mostar and Nevesinje in Bosnia and Herzegovina as described in paragraph 34.
- k. Direct and public denigration through "hate speech" of the Croat, Muslim and other non-Serb populations in Vukovar, Zvornik and Hrtkovci on the basis of their ethnicities as described in paragraphs 20, 22, and 33.

By his participation in these acts, **Vojislav ŠEŠELJ** committed:

**Count 1:** Persecutions on political, racial or religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal.

#### **COUNT[S 2 TO] 4 (MURDER)**

**18.** From on or about 1 August 1991 until June 1992 in the territory of the SAO SBWS in Vukovar, from on or about 1 March 1992 until at least September 1993 in the municipalities of Zvornik, "Greater Sarajevo", Mostar and Nevesinje in Bosnia and Herzegovina, **Vojislav ŠEŠELJ**, acting individually or as a participant in a joint criminal enterprise, planned, ordered, instigated, committed or otherwise aided and abetted in the planning, preparation, or execution of the [Removed] murder of Croat, Muslim and other non-Serb civilians as specified in paragraphs 20-22, 24, 26, and 27.

#### **CROATIA**

[Removed]

**19.** [Removed]

#### *SAO SBWS - VUKOVAR*

**20.** In November 1991 while Serb forces fought to take over Vukovar, **Vojislav ŠEŠELJ** visited the town. On or about 8 November 1991, Vojislav ŠEŠELJ publicly pronounced "This entire area will soon be cleared of Ustaša." On or about 13 November 1991, Vojislav ŠEŠELJ, both publicly and privately, pronounced "Not one Ustaša must leave Vukovar alive." These speeches persecuted Croats and instigated the killing of Croats. On or about 20 November 1991, as part of the overall persecution campaign, Serb forces, including volunteers recruited and/or incited by **Vojislav ŠEŠELJ**, removed approximately four hundred Croats and other non-Serbs from Vukovar Hospital in the aftermath of the Serb take-over of the city. Approximately three hundred of these non-Serbs were transported to the JNA barracks and then to the Ovčara farm located about 5 kilometres south of Vukovar. There, members of the Serb forces beat and tortured the victims for hours. During the

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evening of 20 November 1991, the soldiers transported the victims in groups of 10-20 to a remote execution site between the Ovčara farm and Grabovo, where they shot and killed approximately **two hundred and sixty-four** non-Serbs from Vukovar Hospital. Their bodies were buried in a mass grave. The names of the murder victims are set out in Annex III attached to this indictment.

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21. After Serb forces took control of Vukovar on 18 November 1991, over one thousand civilians gathered at the Velepromet facility. Some were compelled to go there by Serb forces and others went voluntarily seeking protection. By 19 November 1991, approximately two thousand people had gathered inside the Velepromet facility. The JNA considered about eight hundred of these persons to be prisoners of war. By the evening of 19 November 1991, shortly after the JNA began to transfer the alleged prisoners of war to their Sremska Mitrovica detention facility in Serbia, Serb forces, including volunteers recruited and/or incited by **Vojislav ŠEŠELJ**, separated a number of individuals from the alleged group of prisoners of war. They took these selected individuals out of the Velepromet facility and killed them. The bodies of some of those killed were transported to the Ovčara farm and buried there in the mass grave. The bodies of six other victims were left lying on the ground behind the Velepromet facility. The names of these six murder victims are set out in Annex IV attached to this indictment.

## BOSNIA and HERZEGOVINA

### ZVORNIK

22. In March 1992, **Vojislav ŠEŠELJ** gave a speech at a rally in Mali Zvornik, located across the Drina river from Zvornik. **Vojislav ŠEŠELJ** said: "Dear Chetnik brothers, especially you across the Drina river, you are the bravest ones. We are going to clean Bosnia of pagans and show them a road which will take them to the east, where they belong." This speech persecuted and/or instigated the persecution of non-Serbs in Zvornik. In April 1992, Serb forces, including volunteers known as "Šešelj's men" and "Arkan's tigers", attacked and took control of the town of Zvornik and surrounding villages. During the attack, Serb forces killed many non-Serb civilians. On or about 9 April 1992, Serb forces, including members of Arkan's unit, executed twenty Bosnian Muslim and Croat men and boys in Zvornik town. Following the take-over, non-Serbs were routinely detained, beaten, tortured and killed. From April to July 1992, hundreds of non-Serb civilians were detained in or near Zvornik in the "Standard" shoe factory, the "Ciglane" factory, the Ekonomija farm, the Drinjača Dom Kulture and the Čelopek Dom Kulture. On or about 12 May 1992, at the Ekonomija farm, Serb forces, including the leader of a group of "Šešelj's men", beat to death a detainee named Nesib Dautović. Between 12 and approximately 20 May 1992, Serb forces killed at least four other Muslim men at the Ekonomija farm. In June or July 1992, Serb forces, including volunteers known as "Šešelj's men", killed a non-Serb male detainee at the "Ciglane" factory. Between 30 and 31 May 1992, Serb forces, including a group of "Šešelj's men", tortured and killed 88 Bosnian Muslim males at Drinjača Dom Kulture. Between 1 and 5 June 1992, Serb forces killed more than 150 Bosnian Muslim males at Karakaj Technical School. Between 7 and 9 June 1992, Serb forces killed more than 150 detainees at Gero's slaughter-house. Between 1 and 26 June 1992, Serb forces killed more than forty non-Serb male detainees at Čelopek Dom Kulture. The names of the identified

murder victims at the “Cigłana” factory, Drinjača Dom Kulture, Karakaj Technical School, Gero's slaughter-house, Čelopek Dom Kulture, and Ekonomija farm are set out in Annex V to this indictment.

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#### “GREATER SARAJEVO”

24. Beginning in April 1992, Serb forces, including volunteers known as “Šešelj’s men”, attacked and took control of towns and villages in the area of “Greater Sarajevo,” including the town of Ilijaš and the village of Lješevo in Ilijaš municipality, the village of Svrače in Vogošća municipality and the neighborhood of Grbavica in Novo Sarajevo municipality. Following the take-over, non-Serbs were routinely detained, beaten, tortured and killed. On or about 5 June 1992, members of a unit of “Šešelj’s men” killed 22 non-Serb civilians in the village of Lješevo. During the summer of 1993, members of a unit of “Šešelj’s men” cut off the head of a civilian and killed four prisoners-of-war in the area of Crna Rijeka in Ilijaš municipality. In the summer of 1993, members of a unit of “Šešelj’s men” killed twenty-five non-Serb men who were being used as “human shields”, and two non-Serb men who refused to act as “human shields”, at Žuč in Vogošća municipality. On 17 July 1993, members of a unit of “Šešelj’s men” killed two prisoners-of-war, Živko Krajišnik and Rusmir Hamalukić, on Mount Igman in Ilidža municipality. The names of identified victims of murder/[REMOVED] at Lješevo and Žuč are set out in Annex VII to this indictment.

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#### MOSTAR

26. Between April 1992 and June 1992, Serb forces, including volunteers known as “Šešelj’s men”, attacked and took control of the town of Mostar and surrounding villages. Following the attack, non-Serbs were routinely detained, beaten, tortured, and killed. On or about 13 June 1992 Serb forces, including volunteers known as “Šešelj’s men”, arrested and transported eighty-eight non-Serb civilians from the neighbourhood of Zalik and from the villages of Potoci, Kutli Livač, Vrapčići and other nearby villages to Vrapčići football stadium, detained them in the locker room, and subsequently killed them. The bodies of these non-Serbs were found in the dump in Uborak. On or about 13 June 1992, Serb forces arrested eighteen non-Serb civilians from Zalik and transported them to the city mortuary in Sutina. They were subsequently killed in Sutina in the vicinity of the city mortuary and dumped near the Neretva River in a pit. “Šešelj’s men” participated in the detention and killings. The names of identified victims of murder/[REMOVED] at Uborak and Sutina are set out in Annex IX to this indictment.

#### NEVESINJE

27. In June 1992, Serb forces, including volunteers known as “Šešelj’s men”, took control of the town of Nevesinje and attacked Muslim villages in the municipality. During this time, non-Serbs were routinely detained, beaten, tortured, and killed. On or about 22 June 1992, Serb forces, including volunteers known as “Šešelj’s men”, arrested seventy-six Muslim civilians in the woods in the area of Velež and took them to the primary school in the village of Dnopolje in Zijemlje Valley. They separated the men from the women and children. The men were killed. Their bodies were found in a place known as “Teleća Lastva”. The women and children were transported to and detained in the heating factory in Kilavci, Nevesinje. Forty-four of them were killed at the dump pit at Lipovača. “Šešelj’s men” participated in the detention and killing. Five of the women from the heating factory were further detained at the resort at Boračko Jezero, part of the Konjic municipality, which was used by Serb forces, including “Šešelj’s men”, as a military post. Two of the five women detained at that location, Fadila Mahinić and Mirsada Mahinić, were subsequently killed. On or about 26 June 1992, eleven Muslim civilians from the areas of Hrušta and Kljuna were arrested in Teleća Lastva. They were detained and tortured in the primary school in Zijemlje. Seven were taken away and subsequently killed. Their bodies were found in a pit in Zijemlje. “Šešelj’s men” participated in these killings. The names of identified victims of murder/[REMOVED] at the Lipovača pit and [REMOVED], as well as the names of identified victims of murder[REMOVED] whose bodies were found at “Teleća Lastva” and the pit at Zijemlje are set out in Annex X to this indictment.

By his participation in these acts, **Vojislav ŠEŠELJ** committed:

**Count 2:** [Removed]

**Count 3:** [Removed]

**Count 4:** Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

#### **COUNTS ~~[5 to 7]~~ 8 to 9 (TORTURE and CRUEL TREATMENT)**

28. From August 1991 until September 1993, **Vojislav ŠEŠELJ**, acting individually or as a participant in a joint criminal enterprise, planned, ordered, instigated, committed or otherwise aided and abetted in the planning, preparation or execution of the imprisonment under inhumane conditions of Muslim, Croat and other non-Serb civilians in the territories listed above.

29. Serb forces, including those volunteer units recruited and/or incited by **Vojislav ŠEŠELJ**, captured and detained hundreds of Croat, Muslim and other non-Serb civilians. They were detained in the following short- and long-term detention facilities:

- a) The Velepromet warehouse, Vukovar, SAO SBWS, November 1991, run by JNA, approximately twelve hundred detainees.

- b) The Ovčara farm, near Vukovar, SAO SBWS, November 1991, run by JNA, approximately three hundred detainees.
- c) [Removed]
- d) [Removed]
- e) The "Standard" shoe factory, the "Ciglana" factory, the Ekonomija farm, the Drinjača Dom Kulture, the Karakaj Technical School, Gero's slaughter-house and the Čelopek Dom Kulture in Zvornik, Bosnia and Herzegovina between April and July 1992, hundreds of detainees.
- f) [Removed]
- g) The "Iskra" warehouse in the village of Podlugovi, Ilijaš municipality, "Planja's house" in the village of Svake, Vogošća municipality, "Sonja's house" in Vogošća municipality, the barracks in Semizovac village, Vogošća municipality and the tire repair garage at the Vogošća crossroad in Vogošća municipality between April 1992 and September 1993, dozens of detainees.
- h) [Removed]
- i) [Removed]
- j) The city mortuary in Sutina, Mostar and the stadium in Vrapčići, Mostar during June 1992, more than one hundred detainees.
- k) The basement of the heating factory in Kilavci, Nevesinje, the resort at Boračko Jezero, Nevesinje, the primary school in Zijemlje, Nevesinje and the SUP building in Nevesinje during June 1992, more than one hundred detainees.

**30.** The living conditions in these detention facilities were brutal and characterised by inhumane treatment, overcrowding, starvation, forced labour, inadequate medical care and systematic physical and psychological assault, including torture, beatings and sexual assault.

By his participation in these acts, **Vojislav ŠEŠELJ** committed:

**Count 5:** [Removed]

**Count 6:** [Removed]

**Count 7:** [Removed]

**Count 8:** Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

**Count 9:** Cruel Treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

#### **COUNTS 10 to 11 (DEPORTATION, FORCIBLE TRANSFER)**

**31.** From on or about 1 August 1991 until May 1992 in the SAOs in Croatia and the RSK, from on or about 1 March 1992 until at least September 1993 in Bosnia and

Herzegovina, and between May and August 1992 in parts of Vojvodina, Serbia, **Vojislav ŠEŠELJ**, acting individually or as a participant in a joint criminal enterprise, planned, instigated, committed, or otherwise aided and abetted in the planning, preparation, or execution of the deportation or forcible transfer of the Croat, Muslim and other non-Serb civilian populations from their legal domiciles, in Vukovar (SAO SBWS) in November 1991, in the municipality of Zvornik in Bosnia and Herzegovina between March 1992 and September 1993, in "Greater Sarajevo" in Bosnia and Herzegovina between April 1992 and September 1993, in the municipality of Nevesinje in Bosnia and Herzegovina between June 1992 and September 1993 and in parts of Vojvodina, Serbia, including the village of Hrtkovci, between May and August 1992.

**32.** In order to achieve this objective, Serb forces, including the "White Eagles" and "Dušan Silni", and volunteers recruited and/or incited by **Vojislav ŠEŠELJ**, surrounded Croatian and Bosnian towns and villages and demanded that the inhabitants surrender their weapons, including legally owned hunting rifles. Then, the towns and villages were attacked or otherwise taken-over, even those where the inhabitants surrendered their weapons. These attacks were intended to compel the population to flee. After taking control of the towns and villages, the Serb forces sometimes rounded up the remaining Croat, Muslim and other non-Serb civilian populations and forcibly transported them to locations within Croatia or Bosnia and Herzegovina not controlled by Serbs, or deported them to locations outside Croatia or Bosnia and Herzegovina, in particular Serbia and Montenegro. On other occasions, Serb forces, in co-operation with the local Serb authorities, imposed restrictive and discriminatory measures on the non-Serb population and engaged in a campaign of terror designed to drive them out of the territory. The majority of the non-Serbs that remained were later deported or forcibly transferred from their homes.

**33.** In May 1992, **Vojislav ŠEŠELJ** came to Vojvodina and met with his associates in the SRS. **Vojislav ŠEŠELJ** instructed his associates to contact non-Serbs and threaten them with death if they did not leave the area. On 6 May 1992 **Vojislav ŠEŠELJ** gave an inflammatory speech in the village of Hrtkovci, Vojvodina, calling for the expulsion of Croats from the area and reading a list of individual Croat residents who should leave for Croatia. As a result of this speech, a number of Croat residents decided to leave Hrtkovci. After this speech, supporters and associates of the accused, including members of the SRS and the SČP ("Srpski Četnički Pokret"/"Serbian Chetnik Movement"), began a campaign of ethnic cleansing directed at non-Serbs, particularly Croats, in Hrtkovci. During the next three months, many non-Serbs were harassed, threatened with death and intimidated, forcing them to leave the area. Homes of Croats were looted and occupied by Serbs. Serb families who had been displaced from other parts of the former Yugoslavia often occupied the homes of those non-Serbs who had been compelled to leave. The victims of the offences enumerated in Counts 1, 10, and 11, with respect to Hrtkovci, were the non-Serb residents of Hrtkovci. Annex XI sets out the names of the victims that are known.

By his participation in these acts, Vojislav ŠEŠELJ committed:

**Count 10:** Deportation, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(d) and 7(1) of the Statute of the Tribunal.

**Count 11:** Inhumane Acts (Forcible Transfers), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i) and 7(1) of the Statute of the Tribunal.



**COUNTS 12 to 14**  
**(WANTON DESTRUCTION and PLUNDER OF PUBLIC OR PRIVATE**  
**PROPERTY)**

**34.** From on or about 1 August 1991 until May 1992 in the territories of the SAOs in Croatia and the RSK, from on or about 1 March 1992 until at least September 1993 in the municipalities of Zvornik, "Greater Sarajevo", Mostar and Nevesinje in Bosnia and Herzegovina, **Vojislav ŠEŠELJ**, acting individually or as a participant in a joint criminal enterprise, planned, ordered, instigated, committed, or otherwise aided and abetted in the planning, preparation, or execution of the wanton destruction and plunder of public and private property of the Croat, Muslim and other non-Serb populations, acts which were not justified by military necessity. This intentional and wanton destruction and plunder included the plunder and destruction of homes and religious and cultural buildings, and took place in the following towns and villages:

(a) SAO SBWS: Vukovar: (hundreds of homes destroyed and many homes plundered);

(b) Bosnia and Herzegovina: Zvornik (hundreds of homes plundered, and many mosques and other places of worship and a religious archive destroyed); "Greater Sarajevo" (homes plundered and many homes destroyed, and mosques and Catholic churches and other places of worship destroyed in the municipality of Ilijaš; homes plundered and many homes destroyed, and mosques and Catholic churches and other places of worship destroyed in the municipality of Vogošća); Mostar (many homes plundered and destroyed and several mosques destroyed) and Nevesinje (many homes plundered and destroyed and many mosques destroyed).

By his participation in these acts, Vojislav ŠEŠELJ committed:

**Count 12:** Wanton destruction of villages, or devastation not justified by military necessity, **a VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(b) and 7(1) of the Statute of the Tribunal.

**Count 13:** Destruction or wilful damage done to institutions dedicated to religion or education, **a VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(d) and 7(1) of the Statute of the Tribunal.

**Count 14:** Plunder of public or private property, **a VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(e) and 7(1) of the Statute of the Tribunal.

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Carla Del Ponte  
Prosecutor

Dated this 7<sup>th</sup> day of December 2007  
In The Hague  
The Netherlands