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D 264 - D 242

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M.V.

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

CASE NO.: IT-96-23-I

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

NOTE TO THE FILE
THE ATTACHED IS
NOT A VALID INDICTMENT.
SEE AMENDED INDICTMENT
(STARTING WITH D 283...)

DRAGAN GAGOVIĆ
GOJKO JANKOVIĆ
JANKO JANJIĆ
RADOMIR KOVAĆ
ZORAN VUKOVIĆ
DRAGAN ZELENOVIĆ
DRAGOLJUB KUNARAC
RADOVAN STANKOVIĆ

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia,
pursuant to his authority under article 18 of the Statute of the Tribunal charges:

DRAGAN GAGOVIĆ
GOJKO JANKOVIĆ
JANKO JANJIĆ
RADOMIR KOVAĆ
ZORAN VUKOVIĆ
DRAGAN ZELENOVIĆ
DRAGOLJUB KUNARAC
RADOVAN STANKOVIĆ

with **CRIMES AGAINST HUMANITY, GRAVE BREACHES OF THE GENEVA CONVENTIONS (HEREAFTER, GRAVE BREACHES) and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

BACKGROUND

1.1 The city and municipality of Foča are located south-east of Sarajevo, in the Republic of Bosnia-Herzegovina and borders Serbia and Montenegro. According to the 1991 census, the population of Foča consisting of 40,513 persons was 51.6 % Muslim, 45.3 % Serbian and 3.1% others. The political and military take-over of the municipality of Foča started with the first military actions in the town of Foča on 7 April 1992. Regular military units from the Bosnian Serb army and irregular military units from Serbia and Montenegro, supported by artillery and heavy weapons, proceeded to take over Foča, section by section. The occupation of Foča town was complete by 16 or 17 April 1992. The surrounding villages continued to be under siege until mid July 1992.

1.2 As soon as the Serb forces had taken over parts of Foča town, military police accompanied by local and non-local soldiers started arresting Muslim and Croat inhabitants. Until mid July 1992 they continued to round up and arrest Muslim villagers from the surrounding villages in the municipality. The Serb forces separated men and women and unlawfully confined thousands of Muslims and Croats in various short and long-term detention facilities or kept them under constructive house arrest. During the arrests many civilians were killed, beaten or subjected to sexual assault.

1.3 During the take-over and the arrest of the non-Serb population, there was a close alliance between the Foča police (hereinafter, SUP) and the Serb forces. The arms and uniforms for the Serb soldiers were distributed from the SUP building. Serb soldiers were constantly going in and out of the SUP building and started their wave of arrests from there.

1.4 The Foča Kazneno-popravni Dom (hereinafter KP Dom), one of the largest prison facilities in the former Republic of Yugoslavia, was the primary detention facility for men. Muslim women, children and the elderly were detained in houses, apartments and motels in the town of Foča or in surrounding villages, or at short and long-term detention centres such as Buk Bijela, Foča High School and Partizan Sports Hall, respectively. Many of the detained women were subjected to humiliating and degrading conditions of life, to brutal beatings and to sexual assaults, including rapes.

1.5 Besides the above mentioned detention places, several women were detained in houses and apartments used as brothels, operated by groups of soldiers, mostly paramilitary. The ICRC and other organisations, unaware of these detention facilities, did not intervene. Therefore those detainees had no possibility of release or exchange.

THE ACCUSED

2.1 **DRAGAN GAGOVIĆ**, son of Milorad, born on 13 June 1960 in Ustikolina, was a permanent resident of Ustikolina in the municipality of Foča. Prior to the war he worked as a department commander of the Foča SUP. He was a member of the Serbian Democratic Party (hereinafter SDS). **DRAGAN GAGOVIĆ**, the former deputy of police, was appointed the Chief of Police in Foča by the SDS after the April 1992 take-over of Foča.

2.2 **GOJKO JANKOVIĆ**, son of Danilo, born on 31 October 1954 in the village of Trbušće in the municipality of Foča, was a permanent resident of Foča at I. G. Kovačića Street. For a period of time he had lived in Herceg Novi, Montenegro. Prior to the take-over of Foča, he worked in the Šipad Maglić Company and owned a cafe in Trnovača. **GOJKO JANKOVIĆ** was a sub-commander of the military police and one of the main paramilitary leaders in Foča.

2.3 **JANKO JANJIĆ** also known as (hereinafter a/k/a/) “Tuta”, son of Milorad, born on 17 June 1957 in Miljevina, municipality of Foča, was a permanent resident of Foča at Moše Pijade Street no. 6. He was a car mechanic and unemployed prior to the Bosnian Serb attack on Foča in April 1992 . **JANKO JANJIC** became one of the sub-commanders of the military police and a paramilitary leader in Foča. He was involved in the attack on Foča and its surrounding villages and the arrest of civilians.

2.4 **RADOMIR KOVAČ**, a/k/a “Klanfa,” son of Milenko, born on 31 March 1961 in Foča, was a permanent resident of Foča at Samoborska Street. **RADOMIR KOVAČ** was one of the sub-commanders of the military police and a paramilitary leader in Foča. He was involved in the attack on Foča and its surrounding villages and the arrest of civilians.

2.5 **ZORAN VUKOVIĆ**, son of Gojko, born in 1965 in the village of Prijedel, municipality of Foča, was permanent resident of Prijedel. He worked as a waiter and had lived in Herceg Novi, Montenegro. **ZORAN VUKOVIĆ** was involved in the attack on Foča and its surrounding villages and the arrest of civilians. He was one of the sub-commanders of the military police and a paramilitary leader in Foča.

2.6 **DRAGAN ZELENOVIĆ** a/k/a “Zelja” and “Zeleni”, son of Bogdan, born on 12 February 1961 in Foča, lives at Nurije Pozderca 21 as of June 1996. He worked as an electrician in Miljevina before the war. **DRAGAN ZELENOVIĆ** was one of the sub-commanders of the military police and a paramilitary leader in Foča. He was involved in the attack on Foča and its surrounding villages and in the arrest of civilians.

2.7 **DRAGOLJUB KUNARAC** a/k/a “Zaga” and “Dragan”, son of Aleksa, was born on 15 May 1960 in Foča. He lives at D. Fundića Street No. 3 d as of June 1996. He lived in Tivat, Montenegro prior to the April 1992 attack on Foča. **DRAGOLJUB KUNARAC**, a paramilitary commander, was subordinate to Pero Elez, a paramilitary leader who was killed during the occupation of Foča and the surrounding villages.

2.8 **RADOVAN STANKOVIĆ** a/k/a “Raša”, son of Todor, born on 10 March 1969 in the village of Trebiča, municipality of Foča, was a permanent resident of Miljevina. He belonged to the Serb elite paramilitary unit of Pero Elez. **RADOVAN STANKOVIĆ**, was also a subordinate of Pero Elez. **RADOVAN STANKOVIĆ**, was in charge of Karaman’s house in Miljevina, where Muslim women were detained and sexually assaulted, including raped.

SUPERIOR AUTHORITY

3.1 **DRAGAN GAGOVIĆ**, in his capacity as chief of police, was the person in charge of the detention and the release of female Muslim detainees in Foča. He was

responsible for the living conditions of the detainees in Partizan Sports Hall, a detention facility that held women, children and elderly men from July 1992 through to August 1992. **DRAGAN GAGOVIĆ** exercised powers and duties indicative of his superior position. He decided that the arrested Muslim women should first be kept in the Foča High School and then transferred to the Partizan Sports Hall. Police staff, subordinate to **DRAGAN GAGOVIĆ**, guarded the detainees in both of these detention facilities. As the person who oversaw female Muslim detainees, **DRAGAN GAGOVIĆ** was responsible for the acts of the police guards and the soldiers who entered the Partizan Sports Hall. He knew or had reason to know that the women who were detained at the Partizan Sports Hall were frequently sexually assaulted. The Partizan Sports Hall was situated very close to the SUP building. Events that happened at the Partizan Hall could be heard and seen from the SUP building. **DRAGAN GAGOVIĆ** was physically present in the Partizan Sports Hall on several occasions. Around 16 July 1992, a group of detainees from the Partizan Sports Hall, went to the SUP building and informed **DRAGAN GAGOVIĆ** about the constant sexual assault of women in the detention facility. On or around 17 July 1992, **DRAGAN GAGOVIĆ** personally raped one of the women who, on the previous day, had complained about the incidences of sexual assaults.

3.2 **GOJKO JANKOVIĆ** was involved in the military attack on Foča town and various surrounding villages and the arrest of civilians in leading positions. **GOJKO JANKOVIĆ**, in his capacity as a sub-commander of the military police in Foča, was in charge of the soldiers who, on 3 July 1992, arrested a group of women and transported them to the military facility at Buk Bijela for interrogation. In his position, **GOJKO JANKOVIĆ** was responsible for the acts of soldiers subordinate to him and knew or had reason to know that his subordinates sexually assaulted Muslim women during or immediately following the interrogations. **GOJKO JANKOVIĆ** personally was involved in the interrogation and rape of women at Buk Bijela.

3.3 **DRAGOLJUB KUNARAC**, the commander of a special volunteer unit of non-local irregular Serb soldiers mainly from Montenegro, had his headquarters in a house in the Aladža neighbourhood in Foča at Ulica Osmana Đikića no. 16. There, he stayed with at least ten Montenegrin soldiers after the take-over of Foča. In his capacity as commander of these soldiers, **DRAGOLJUB KUNARAC** was responsible for the acts of soldiers subordinate to him and knew or had reason to know that his subordinates sexually assaulted Muslim women at his headquarters. He was personally involved in sexual assaults of women at his headquarters.

GENERAL ALLEGATIONS

4.1 At all times relevant to this indictment, a state of international armed conflict and partial occupation existed in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.

4.2 All acts or omissions set forth herein as Grave Breaches of the Geneva Conventions of 1949 and recognised by Article 2 of the Statute of the Tribunal, occurred during that armed conflict and partial occupation.

4.3 At all times relevant to this indictment, the victims, referred to in the charges contained herein were persons protected by the Geneva Conventions of 1949.

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

4.5 Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between April 1992 and February 1993.

4.6 In each count 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.

4.7 In each count charging crimes against humanity, a crime recognised by Article 5 of the Statute of the Tribunal, the acts or omissions were part of a widespread or large-scale or systematic attack against a civilian population, specifically the Muslim population of the municipality of Foča.

4.8 In this indictment, acts of forcible sexual penetration of a person, or forcing a person to sexually penetrate another are alleged. Sexual penetration includes penetration, however slight, of the vagina, anus or oral cavity, by the penis. Sexual penetration of the vulva or anus is not limited to the penis. Such acts can constitute an element of a crime against humanity, (enslavement under Article 5(c), torture under Article 5(f), rape under Article 5(g)), violations of the laws and customs of war, (torture under Article 3 and Article 3(1)(a) of the Geneva Conventions) and a grave breach of the Geneva Conventions,(torture under Article 2 (b)). Where the nature of the sexual assault is unspecified, the Prosecutor is not aware, at the present, of the precise form of penetration or sexual abuse.

4.9 The terms "Serb soldiers" or "Serb forces" used in this indictment refers to persons of Serbian descent under the command of the Bosnian Serb Army or paramilitary forces connected thereto, who were either citizens of Bosnia-Herzegovina or citizens from any other part of the former Yugoslavia.

4.10 Witnesses and victims are identified in this indictment using code names or pseudonyms such as FWS-95 or initials, for example, D.B.

4.11 All accused are individually responsible for the crimes charged against them in this indictment, pursuant to Article 7 (1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below.

4.12 **DRAGAN GAGOVIĆ** in respect of counts 29-31, **GOJKO JANKOVIĆ** in respect of counts 1-4 and **DRAGOLJUB KUNARAC** in respect of counts 40-43 are also, or alternatively, criminally responsible as superiors for their subordinates pursuant to Article 7 (3) of the Statute of the Tribunal. Superior criminal responsibility is the responsibility of a superior officer for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such further acts or to punish the subordinates thereof. By failing to take the actions required of a person in superior authority **DRAGAN GAGOVIĆ**,

GOJKO JANKOVIĆ and **DRAGOLJUB KUNARAC** are responsible for all the crimes set out in the respective counts pursuant to Article 7(3) of the Statute of the Tribunal.

THE CHARGES

COUNTS 1-12 Torture and Rape at Buk Bijela

5.1 Buk Bijela refers to a settlement on a hydro-electric dam construction site on the road from Brod to Miljevina by the river Drina which was turned into a local military headquarters and barracks for Bosnian Serb forces and paramilitary soldiers after the April 1992 take-over of Foča and the surrounding villages. The Buk Bijela complex consisted of workers' barracks, where about 200 to 300 soldiers were barracked, and an adjoining motel. Buk Bijela was used as a temporary detention and interrogation facility for civilian women, children and the elderly who were captured in various villages in the municipality of Foča in July 1992.

5.2 On 3 July 1992, soldiers commanded by the accused **GOJKO JANKOVIĆ**, and among them **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ**, arrested a group of at least 60 Muslim women, children and a few elderly men from Trosanj and Mjesaja, and took them to Buk Bijela. After the attack on Foča, the villages of Trosanj and Mjesaja had offered armed resistance.

5.3 While detained at Buk Bijela for several hours, all the Muslim civilians were lined up along the river Drina and guarded by armed soldiers. They were threatened with being either killed or raped and were otherwise humiliated. The soldiers approached each detained civilian, and took him or her to the above mentioned accused for questioning. The soldiers separated the women from their children. **GOJKO JANKOVIĆ**, **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ** interrogated the women. The interrogations focused on the hiding-places of the male villagers and weapons. The accused threatened the women with murder and sexual assault if they lied. **JANKO JANJIĆ** and **DRAGAN ZELENOVIĆ** and other soldiers acting under the control of **GOJKO JANKOVIĆ** gang-raped, several women during or immediately after the interrogation who they suspected of lying. Paragraphs 5.4 to 5.7, hereunder particularise some of those sexual assaults which occurred on or about 3 July 1993.

5.4 A witness code named, FWS-75, was interrogated by **GOJKO JANKOVIĆ** and **DRAGAN ZELENOVIĆ** about her village and whether the villagers had weapons. **GOJKO JANKOVIĆ** warned the witness not to lie, otherwise she would be raped by soldiers and killed afterwards. As FWS-75 did not answer the questions sufficiently, a soldier took her to another room. There, at least ten unidentified soldiers, raped her, in turn. The nature of the rape included vaginal penetration and fellatio. FWS-75 lost consciousness after the tenth soldier sexually assaulted her. The episode of sexual assault lasted between one to two hours.

5.5 Another witness, FWS-87, a 15 year old, was interrogated by **DRAGAN ZELENović** and three unidentified soldiers in a room at Buk Bijela. During the interrogation, they accused FWS-87 of not telling the truth. The interrogators removed her clothing and then, each one raped her. The nature of the rape was vaginal penetration. The first soldier also threatened her by putting a gun to her head. FWS-87 experienced severe pain during the assault, followed by heavy vaginal bleeding.

5.6 A further witness, FWS-48, was interrogated by **JANKO JANJIĆ** in a room at Buk Bijela. During the interrogation, **JANKO JANJIĆ** forcibly undressed her. When FWS-48 tried to resist, he slapped and pushed her and threatened to bring in ten soldiers to rape her. **JANKO JANJIĆ** then raped FWS-48 by vaginal penetration.

5.7 A fourth witness, FWS-74, was led by **JANKO JANJIĆ** to a room to be interrogated in the presence of an unidentified soldier. During the interrogation, **JANKO JANJIĆ** instructed FWS-74 to undress. At that moment the other soldier asked **JANKO JANJIĆ** to leave the room. After **JANKO JANJIĆ** had left, the soldier undressed FWS-74. During a period of about twenty minutes, the soldier raped her by vaginal penetration.

5.8 By the foregoing acts and omissions in relation to the victims FWS-75, FWS-87, FWS-48 and FWS-74, described in the paragraphs 5.4, 5.5, 5.6 and 5.7 **GOJKO JANKović** committed:

Count 1:

A CRIME AGAINST HUMANITY punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 2:

A CRIME AGAINST HUMANITY punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 3:

A GRAVE BREACH punishable under Article 2 (b) (torture) 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) (torture) of the Geneva Convention.

5.9 By the foregoing acts and omissions in relation to the victims FWS-75 and FWS-87, described in the paragraphs 5.4 and 5.5, **DRAGAN ZELENović** committed:

Count 5:

A CRIME AGAINST HUMANITY punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 6:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 7:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) 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) (torture) of the Geneva Convention.

5.10 By the foregoing acts and omissions in relation to the victims FWS-48 and FWS-74, described in the paragraphs 5.6 and 5.7 **JANKO JANJIĆ** committed:

Count 9:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 10:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 11:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) 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) (torture) of the Geneva Convention.

COUNTS 13-28
Torture and Rape
at Foča High School

6.1 During the occupation that followed the take-over of the town of Foča, the Foča High School, situated in the Aladža area, functioned as a barracks for Serb soldiers, and as a short term detention facility for Muslim women, children and the elderly.

6.2 Between 3 July and about 13 July 1992, at least 72 Muslim inhabitants of the municipality of Foča were detained in two classrooms in the Foča High School, including the women, children and the elderly who had earlier been held at Buk Bijela, mentioned above. On or about 13 July 1992, all detainees were transferred from Foča High School to the Partizan Sports Hall in Foča.

6.3 At the Foča High School, the detainees were surrounded by armed Serb soldiers, who patrolled outside the Foča High School and constantly entered and left the building. There were also two armed police guards from the Foča SUP patrolling the corridor outside of the detention rooms.

6.4 Many of the female detainees were subjected to sexual abuse during their detention at the Foča High School. From the second day of their detention, every evening, groups of Serb soldiers sexually assaulted, including gang-rape, some of the younger women and girls in class-rooms or apartments in neighbouring buildings. Among them were witnesses FWS-50, FWS-75, FWS-87, FWS-95, FWS-74 and FWS-88, as set forth below. The soldiers threatened to kill the women or the women's children if they refused to submit to sexual assaults. Women who dared to resist the sexual assaults were beaten. The above mentioned groups of soldiers consisted of members of the military police. They referred to themselves "Cosa's Guards", named for the local commander of the military police Cosović. The accused **GOJKO JANKOVIĆ, DRAGAN ZELENOVIĆ, JANKO JANJIĆ** and **ZORAN VUKOVIĆ** were among these groups of soldiers.

6.5 The physical and psychological health of many female detainees seriously deteriorated as a result of these sexual assaults. Some of the women endured complete exhaustion, vaginal discharges, bladder problems and irregular menstrual bleedings. The detainees lived in constant fear. Some of the sexually abused women became suicidal. Others became indifferent as to what would happen to them and suffered from depression.

6.6 On or about 6 or 7 July 1992, **DRAGAN ZELENOVIĆ** in concert with **JANKO JANJIĆ** and **ZORAN VUKOVIĆ**, selected FWS-50, FWS-75, FWS-87, FWS-95 out of the group of detainees. The accused led them to another classroom where unidentified soldiers stood waiting. Then **DRAGAN ZELENOVIĆ** decided which woman should go to which man. The women were ordered to remove their clothes. FWS-95 refused to do so and **JANKO JANJIĆ** slapped her and held her at gun point. Then **DRAGAN ZELENOVIĆ** raped FWS-75 (vaginal penetration). **ZORAN VUKOVIĆ** raped FWS-87 (vaginal penetration) and **JANKO JANJIĆ** raped FWS-95 (vaginal penetration) within the same room. One of the other soldiers took FWS-50 to another classroom and raped her (vaginal penetration).

6.7 Between or about 8 July and about 13 July 1992, in addition to the sexual assaults described under paragraph 6.6, on at least five other occasions **DRAGAN ZELENOVIĆ** led a group of soldiers that sexually abused FWS-75 and FWS-87. First the women were taken into another classroom in the Foča High School. There **ZORAN VUKOVIĆ** and **DRAGAN ZELENOVIĆ** raped FWS-75 and FWS-87 (vaginal penetration).

6.8 Between or about 8 July and about 13 July 1992, on three occasions, FWS-75 and FWS-87 were taken from the Foča High School to an apartment building called Brena in the centre of Foča. The building was near the Zelengora hotel, a military headquarters of the Serb forces. The first time, the two women went to an apartment owned by **DRAGAN ZELENOVIĆ**. The accused **JANKO JANJIĆ, DRAGAN ZELENOVIĆ** and two other unidentified soldiers raped FWS-75 (vaginal and anal penetration and fellatio) while **DRAGAN ZELENOVIĆ** raped FWS-87 (vaginal penetration).

6.9 Between about 8 July and about 13 July 1992, on two occasions **DRAGAN ZELENOVIĆ** and several other unidentified soldiers took FWS-75 and FWS-87 to Brena and raped them. On these occasions, the accused raped FWS-75 (vaginal and anal penetration and fellatio) and raped FWS-87 (vaginal penetration).

6.10 Between about 8 July and about 13 July 1992, on another occasion, FWS-75, FWS-87 and Z. G. were taken by **DRAGAN ZELENOVIĆ** to an abandoned house of a Muslim policeman in Gornje Polje. There **DRAGAN ZELENOVIĆ** raped FWS-87 (vaginal penetration). An unidentified soldier raped Z. G.

6.11 Between or about 8 July and about 13 July 1992, in addition to the acts described in paragraph 6.6, FWS-95 was sexually assaulted in different classrooms in the Foča High School. Because she had previously been beaten and threatened when sexually assaulted FWS-95 dared not resist the soldiers again. She was raped on numerous occasions by many perpetrators among them **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **GOJKO JANKOVIĆ** (vaginal and anal penetration and fellatio)

6.12 On or about 8 July 1992, **JANKO JANJIĆ** selected FWS-74 and took her to an empty room in Foča High School. On the way to the room, she argued with **JANKO JANJIĆ**. At that moment **DRAGAN ZELENOVIĆ** passed by and threatened to take her to a hundred soldiers on the front line. After this threat, FWS-74 was raped by **JANKO JANJIĆ** (vaginal penetration and fellatio).

6.13 On or about 8 July 1992, **JANKO JANJIĆ** took FWS-88 to an apartment in the Brena block. There, during the whole night, he raped her repeatedly (vaginal and anal penetration and fellatio). As she was a virgin before these acts, FWS-88 experience terrible pain during the rape. Two days later, **JANKO JANJIĆ** took her to the house of a Muslim goldsmith, close to the bus station. There, he again raped her twice (vaginal penetration).

6.14 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-75, FWS-87 and FWS-95, described in the paragraphs 6.6, 6.7, 6.8, 6.9, 6.10 and 6.11 **DRAGAN ZELENOVIĆ** committed:

Count 13:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 14:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 15:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 16:

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) (torture) of the Geneva Convention.

6.15 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-75, FWS-87, FWS-95, FWS-74 and FWS-88, described in the paragraphs 6.6, 6.8, 6.11, 6.12 and 6.13 **JANKO JANJIĆ** committed:

Count 17:

A CRIME AGAINST HUMANITY punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 18:

A CRIME AGAINST HUMANITY punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 19:

A GRAVE BREACH punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 20:

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) (torture) of the Geneva Convention.

6.16 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-95, FWS-75 and FWS-87, described in the paragraphs 6.6 and 6.7, **ZORAN VUKOVIĆ** committed:

Count 21:

A CRIME AGAINST HUMANITY punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 22:

A CRIME AGAINST HUMANITY punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 23:

A GRAVE BREACH punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 24:

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) (torture) of the Geneva Convention.

6.17 By the foregoing acts and omissions in relation to the victim FWS-95, described in paragraph 6.11, **GOJKO JANKOVIĆ** committed:

Count 25:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 26:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 27:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 28:

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) (torture) of the Geneva Convention.

COUNTS 29-31

Persecution in Partizan Sports Hall committed by DRAGAN GAGOVIĆ

7.1 Partizan Sports Hall (hereinafter, "Partizan") functioned as a detention centre for women, children and the elderly from at least on or about 13 July 1992, and continued to be so used until at least 13 August 1992. The detainees held at Partizan, during this time period, numbered at least 72. The detainees were all civilian Muslim women, children and a few elderly persons from villages in the municipality of Foča. The accused **DRAGAN GAGOVIĆ**, in his capacity as chief of police in Foča and as the person in charge of the detention and release of the female Muslims, participated in the imprisonment of Muslim inhabitants of the municipality of Foča at Partizan.

7.2 Partizan was a medium sized building situated in the centre of Foča town close to the SUP building. Partizan was separated from the SUP building by about seventy metres. Partizan was on slightly higher ground than the other buildings in the neighbourhood and could therefore be seen clearly from the surrounding areas, including the SUP building. Partizan was also close to the main municipal building, where the Serb authorities had their principle offices. Partizan consisted of two large halls. All detainees were held in one of the halls only. This hall measured roughly 12 metres by 7 metres.

7.3 **DRAGAN GAGOVIĆ**, stationed two policemen, as guards outside the main door of Partizan. The guards, who were subordinate to **DRAGAN GAGOVIĆ**, were armed at all times with automatic weapons. People who entered Partizan had to pass the guards on their way into the halls. Detainees could not leave Partizan because of the armed guards.

7.4 Living conditions in Partizan were brutal. The detention was characterised by inhumane treatment, unhygienic facilities, overcrowding, starvation, physical and psychological torture, including sexual assaults. There were neither blankets nor towels provided for the detainees. Only a few mattresses were provided for sleeping. Food, allotted on an irregular basis, was meagre. Medical care for the detainees, either

on a regular or on an emergency basis was not authorised. Some women were beaten and in need of urgent care. Women bled and suffered pain as a result of sexual abuse. Two women died in Partizan due to beatings inflicted upon them by Serb soldiers.

7.5 Immediately after the transfer of women to Partizan, a pattern of sexual assaults commenced that was similar to the sexual abuse experienced at Foča High School. Armed soldiers, mostly in groups of three to five, entered Partizan, usually in the evenings, and removed women. The guards at the entrance, with the exception of one shift, did not attempt to stop these soldiers. When the women resisted or hid, the soldiers beat or threatened the women to force them to obey. The Serb soldiers took the women from Partizan to houses and apartments or to hotels and barracks, such as the Hotel Zelengora or Buk Bijela respectively. Among the women subjected to sexual assaults were witnesses FWS-48, FWS-87, FWS-75, FWS-50 and FWS-95 as set forth below.

7.6 In addition to these specified sexual assaults, unidentified soldiers removed witnesses FWS-31 and FWS-95 from Partizan on numerous occasions and witness FWS-51 from Partizan once, to various places and sexually abused them.

7.7 On one occasions, on or about 12 August 1992, the evening prior to the release of the detainees, two unidentified soldiers took FWS-95 and victim H. B. to the stadium in Foča, which is close to the Zelengora Hotel. There, a large group of soldiers, among them Montenegrins and soldiers from Serbia, stood waiting. That night, countless soldiers gang-raped FWS-95 and H.B. on the benches in the stadium. Groups of soldiers raped FWS-95 and H.B. while other soldiers watched the scene.

7.8 Afterwards, on the same night, several soldiers took FWS-95 and H. B. to Buk Bijela. At Buk Bijela, the soldiers separated the women and raped them (vaginal penetration).

7.9 Two groups of perpetrators operated at Partizan. One group described themselves as "Cosa's Guards", which operated at the Foča High School also operated at Partizan. The other group, under the command of **DRAGOLJUB KUNARAC**, was a volunteer guard detail comprising mostly irregular Serb soldiers from Montenegro. This second group maintained their headquarters in a house in the Aladža neighbourhood in Foča at Ulica Osmana Đikića no. 16.

7.10 On or around 13 August, 1992, most detainees were released from Partizan and were deported to Montenegro. The women who left on the 13 August convoy, received medical care for the first time in Montenegro. Many women suffered permanent gynaecological harm due to the sexual assaults. At least one woman can no longer have children. All the women who were sexually assaulted suffered psychological and emotional harm; some remain traumatised.

7.11 **DRAGAN GAGOVIĆ**, in his capacity as chief of police in Foča and as the person in charge of the detention of the female Muslim population in Foča, was responsible for the detention conditions at Partizan. He was also responsible for the release and issuing of exit permits for the detainees. **DRAGAN GAGOVIĆ** knew about the brutal living conditions at Partizan. He was physically present at Partizan on numerous occasions and saw the conditions in which the women lived. He likewise knew about the sexual abuse of the women at Partizan. On one occasion, the guards at

Partizan allowed some detainees to go to the SUP building to lodge a complaint with **DRAGAN GAGOVIĆ** about the sexual assaults. In his capacity as Chief of Police, responsible for the detention of the female Muslim, **DRAGAN GAGOVIĆ** failed to take the necessary and reasonable measures to improve the detention conditions and to prevent sexual assaults.

7.12 By his participation in these acts and omissions, **DRAGAN GAGOVIĆ** committed:

Count 29:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (h) (persecution on political, racial and/or religious grounds) of the Statute of the Tribunal;

Count 30:

A **GRAVE BREACH** punishable under Article 2 (c) (wilfully causing great suffering) of the Statute of the Tribunal and;

Count 31:

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) (c) (outrages upon personal dignity) of the Geneva Convention.

COUNTS 32-35

Torture and Rape of FWS-48 at Partizan Sports Hall committed by **DRAGAN GAGOVIĆ**

8.1 Around 16 July 1992, FWS-48 and FWS-95 went to the SUP building and complained to **DRAGAN GAGOVIĆ** about the sexual assaults. As a result of this complaint, the next day, around 10:30 a.m., **DRAGAN GAGOVIĆ** entered Partizan, and ordered FWS-48 to come with him for interrogation. **DRAGAN GAGOVIĆ** took FWS-95 and FWS-48 to an apartment close to Partizan. On the way to the apartment, FWS-48 told **DRAGAN GAGOVIĆ** about the continuous sexual assaults that were taking place in Partizan. In the apartment, **DRAGAN GAGOVIĆ** took FWS-48 to a room pretending to take a statement, while FWS-95 waited in the kitchen. Instead of taking a statement, **DRAGAN GAGOVIĆ** pushed FWS-48 on a bed and ripped off her clothes. FWS-48 resisted, and **DRAGAN GAGOVIĆ** threatened her with his pistol. To punish or intimidate her for reporting sexual assaults, **DRAGAN GAGOVIĆ** then raped FWS-48 (vaginal and anal penetration and fellatio). During the sexual assault, he pointed his rifle at FWS-48's neck. After the assault, **DRAGAN GAGOVIĆ** threatened, intimidated and coerced FWS-48 saying that he would find her in five different countries if she told anyone that he had raped her.

8.2 By the foregoing acts, **DRAGAN GAGOVIĆ** committed:

Count 32:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 33:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 34:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and ;

Count 35:

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) (torture) of the Geneva Convention.

COUNT 36-55

Torture and Rape of FWS-48, FWS-50, FWS-75, FWS-87, FWS-95 and other women at Partizan Sports Hall

9.1 The witnesses FWS-48, FWS-95 and FWS-50, a 16 year old girl, were detained at Partizan from about 13 July until 13 August 1992. FWS-75 and FWS-87, a 15 year old girl, were detained in Partizan from about 13 July until 2 August 1992. During their detention, Serb soldiers frequently raped FWS-48, FWS-95, FWS-50, FWS-75 and FWS-87 (vaginal and anal penetration and fellatio). Almost every night soldiers took FWS-48, FWS-95, FWS-50, FWS-75 and FWS-87 out of Partizan to houses and apartments and sexually abused them. Often, one group of soldiers removed the women as soon as they had been returned by another group of soldiers.

9.2 On or around 13 July 1992, **JANKO JANJIĆ** took FWS-48 together with two other female detainees to a house across the road from Partizan. There, **JANKO JANJIĆ** raped FWS-48 (vaginal penetration), while two unidentified soldiers raped the other two females in the same room.

9.3 The same night, after **JANKO JANJIĆ** returned the women to Partizan, **DRAGOLJUB KUNARAC** took the same three women to the Hotel Zelengora. FWS-48 refused to go with him and **DRAGOLJUB KUNARAC** kicked her and dragged her out. At Hotel Zelengora, FWS-48 was placed in a separate room and both **DRAGOLJUB KUNARAC** and **ZORAN VUKOVIĆ** raped her (vaginal penetration and fellatio). Both perpetrators told her that she would now give birth to Serb babies.

9.4 On or around 14 July 1992, **JANKO JANJIĆ** again took FWS-48 together with FWS-87 and Z. G. to the Brena apartment block near Hotel Zelengora. When they arrived, **ZORAN VUKOVIĆ** and an unidentified soldier were waiting. Then, **ZORAN VUKOVIĆ**, raped FWS-48 (vaginal penetration) while the unidentified soldier raped FWS-87 (vaginal penetration) and **JANKO JANJIĆ** raped Z. G.

9.5 On or around 14 July 1992, **ZORAN VUKOVIĆ** came to Partizan to remove FWS-50 and FWS-87. As FWS-50 hid, **ZORAN VUKOVIĆ** threatened to kill the other detainees if she did not come out of hiding. FWS-50 then did so. The two girls were taken to an apartment close to Partizan, where an unidentified soldier stood waiting. There **ZORAN VUKOVIĆ** raped FWS-50 (vaginal penetration), while the unidentified soldier raped FWS-87.

9.6 On one occasion in July 1992, **JANKO JANJIĆ** and two other soldiers took FWS-75 together with FWS-87 and drove them to the Brena building. There, **JANKO JANJIĆ** removed FWS-75 from the car and led her to an apartment, while the other soldiers drove away with FWS-87. In the apartment, **JANKO JANJIĆ** raped FWS-75 (vaginal penetration). Afterwards on three occasions, **JANKO JANJIĆ** took FWS-75 to the same place and raped her each time.

9.7 In July 1992, witnesses FWS-87 were frequently taken out, and raped (vaginal and anal penetration and fellatio). On one occasion witness FWS-87 was gang-raped by 4 men including **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ**.

9.8 On two occasions, **DRAGOLJUB KUNARAC** took FWS-87 to the Montenegrin headquarters in the Aladža area, knowing that she might be sexually assaulted there. On both occasions, two Montenegrin soldiers were present and raped FWS-87.

9.9 Among the men who frequently sexually assaulted FWS-87 at Partizan were **JANKO JANJIĆ**, **GOJKO JANKOVIĆ** and **DRAGOLJUB KUNARAC**. Due to the frequent sexual assaults, FWS-87 became suicidal, during her detention at Partizan.

9.10 **DRAGOLJUB KUNARAC** took FWS-75 and D. B. at least five times to his headquarters, that housed a group of Montenegrin soldiers in the Aladža neighbourhood at Ulica Osmana Đikica No. 16. **DRAGOLJUB KUNARAC** commanded these soldiers. In mid July 1992, FWS-75 and D. B. were brought to this house for the first time. When they arrived at the headquarters, a group of soldiers were waiting. **DRAGOLJUB KUNARAC** took D. B. to a separate room and sexually assaulted her, while FWS-75 was left behind together with the other Montenegrin soldiers. For about 3 hours, FWS-75 was gang-raped by at least 15 soldiers (vaginal and anal penetration and fellatio). They sexually abused her in all possible ways. The soldiers put their penises into her hands and ejaculated all over her. During the sexual assault, one soldier took out a knife and threatened to cut off her breast, but another soldier prevented him from doing so. This incident was the only gang-rape FWS-75 experienced in the Montenegrin headquarters. At other times in the headquarters, one to three soldiers, in turn, raped her.

9.11 On or around 15 July 1992, **GOJKO JANKOVIĆ** led FWS-48 to an empty Muslim house in the Aladža neighbourhood. When FWS-48 arrived, about 14 Montenegrin soldiers were already present. **DRAGAN ZELENOVIĆ** then arrived with about 8 more soldiers, among them **ZORAN VUKOVIĆ**. **DRAGAN ZELENOVIĆ** took FWS-48 to a room and threatened to slash her throat if she resisted. Then, **DRAGAN ZELENOVIĆ** raped FWS-48 (vaginal penetration and fellatio) together with at least other 7 soldiers. **ZORAN VUKOVIĆ** was the 6th man

who raped her. During the sexual assault, **ZORAN VUKOVIĆ** bit her nipples a number of times. Although the witness was bleeding from these bites, the 7th man squeezed and pinched her breasts as he raped her. FWS-48 fainted as a result of the pain.

9.12 On or around 18 July 1992, **GOJKO JANKOVIĆ** took FWS-48, FWS-95 and B. P. to a house near the bus station. From there, FWS-48 **DRAGOLJUB KUNARAC** took her to another house in the Donje Polje neighbourhood where he raped her (vaginal penetration and fellatio).

9.13 On or around 23 July 1992, **DRAGAN ZELENOVIĆ** and some unidentified soldiers took FWS-48 to a house close to Partizan. **DRAGAN ZELENOVIĆ** took her into a separate room and raped her (vaginal penetration). During this incident, he said that she would give birth to good Serbian children. After this sexual assault, an unidentified soldier took her to another room where FWS-48 saw another women being sexually assaulted. At that moment, the soldier who had taken her to that room pushed FWS-48 onto a bed and raped her.

9.14 The same night, after being taken back to Partizan, **JANKO JANJIĆ**, took FWS-48, together with two other women, to the Brena apartment block, where **ZORAN VUKOVIĆ** and a certain Panto were already waiting. Panto raped FWS-48 (vaginal penetration). She heard **ZORAN VUKOVIĆ** and **JANKO JANJIĆ**, at the same time, sexually assaulting the other women in the next room.

9.15 On 2 August 1992, **DRAGOLJUB KUNARAC** took FWS-75, FWS-87, FWS-50 and D. B. to the Montenegrin headquarters. Some women from the Kalinovik women's detention camp were also present. On this occasion, **DRAGOLJUB KUNARAC** and three other soldiers raped FWS-87. Several unidentified perpetrators raped FWS-75 during the whole night. A Montenegrin soldier who raped FWS-50 (vaginal penetration) threatened to cut her arms and legs and to take her to church to baptise her.

9.16 On or around 11 August 1992, **DRAGAN ZELENOVIĆ** and other soldiers took FWS-48 to the Hotel Zelengora. When she arrived, many soldiers were present, eating and drinking. Immediately thereafter, a person identified as Spomenko approached FWS-48, took her to a room upstairs and raped her (vaginal penetration).

9.17 On 12 August 1992, **DRAGAN ZELENOVIĆ** and **GOJKO JANKOVIĆ** took FWS-48 together with FWS-95 and other women to a house in Donje Polje. There **DRAGAN ZELENOVIĆ** raped FWS-48 twice. That night **DRAGAN ZELENOVIĆ** told FWS-48 that everything would end in a few days.

9.18 After midnight, on the same night, **JANKO JANJIĆ** took FWS-48 together with other women to the Brena apartments. While leaving Partizan, a group of soldiers approached the women and tried to pull them away. **JANKO JANJIĆ** told these soldiers that he needed these women for his own people and that they should go into Partizan and find other women. **ZORAN VUKOVIĆ** and Panto joined them at the Brena apartments. That night, **JANKO JANJIĆ** raped FWS-48. During the sexual assault, he mentioned that it would be the last time.

9.19 On 13 August 1992, FWS-48 was deported to Montenegro. Due to the multiple sexual assaults, FWS-48 can no longer give birth to children.

9.20 From July 1992 to 13 August 1992, FWS-95 was removed to different houses and apartments, almost every night by groups of soldiers, commanded by **DRAGOLJUB KUNARAC, JANKO JANJIĆ** and **DRAGAN ZELENOVIĆ**. Sometimes, she was taken alone, sometimes together with other women. On each of these occasions, FWS-95 was raped, (vaginal penetration and fellatio). Sometimes, she was gang-raped. **DRAGOLJUB KUNARAC, JANKO JANJIĆ, GOJKO JANKOVIĆ** and **DRAGAN ZELENOVIĆ** were among the soldiers who frequently assaulted her.

9.21 On or about 2 August 1992, **DRAGOLJUB KUNARAC**, in concert with Pero Elez, a Serb paramilitary leader in a position of regional authority, transferred FWS-75, FWS-87 and two other women from Partizan to Miljevina.

9.22 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-75, FWS-87 and FWS-95, described in the paragraphs 9.2, 9.4, 9.6, 9.9, 9.14, 9.18 and 9.20, **JANKO JANJIĆ** committed:

Count 36:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 37:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 38:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 39:

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) (torture) of the Geneva Convention.

9.23 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-50, FWS-75, FWS-87 and FWS-95, described in the paragraphs 9.3, 9.8, 9.9, 9.10, 9.12, 9.15 and 9.21, **DRAGOLJUB KUNARAC** committed:

Count 40:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 41:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 42:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 43:

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) (torture) of the Geneva Convention.

9.24 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-50 and FWS-87, described in the paragraphs 9.3, 9.4, 9.5, 9.7, 9.11 and 9.14, **ZORAN VUKOVIĆ** committed:

Count 44:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 45:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 46:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal;

Count 47:

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) (torture) of the Geneva Convention.

9.25 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-87 and FWS-95, described in the paragraphs 9.9, 9.11, 9.17 and 9.20, **GOJKO JANKOVIĆ** committed:

Count 48:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 49:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 50:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 51:

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) (torture) of the Geneva Convention.

9.26 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-87 and FWS-95, described in the paragraphs 9.7, 9.11, 9.13, 9.16, 9.17 and 9.20, **DRAGAN ZELENOVIĆ** committed:

Count 52:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

Count 53:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 54:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal and;

Count 55:

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) (torture) of the Geneva Convention.

COUNTS 56-59

Enslavement and Rape of FWS-75, FWS-87 and Seven Other Women in Karaman's House

10.1 Pero Elez, a Serb paramilitary leader in a position of regional authority commanded an elite unit of Vukovar fighters. Pero Elez's headquarters were in the Miljevina Hotel. On 2 August 1992, **DRAGOLJUB KUNARAC**, in concert with Pero Elez, took FWS-75, FWS-87 and D. B. from the Montenegrin headquarters in Foča to the Miljevina Hotel because the women had spoken to journalists the day before about the living conditions in Partizan Sports Hall. Pero Elez ordered the detention of the three women in a house, which was close to the Hotel, and owned by Nusret Karaman, a Muslim who lived in Germany. Later on, other women and girls were detained at Karaman's house. Some were as young as twelve and fourteen years of age. The number of women and girls detained at Karaman's house between 2 August 1992 and at least until 30 October 1992 totalled nine. **RADOVAN STANKOVIĆ**, a soldier from the elite unit commanded by Pero Elez, was in charge Karaman's house after the death of Pero Elez. **RADOVAN STANKOVIĆ** ran Karaman's house similar to a brothel.

10.2 In contrast to Partizan Sports Hall, the detainees at Karaman's house had sufficient food. They were not guarded or locked inside the house. The detainees

even had a key they could use to lock the door and prevent soldiers, not belonging to Pero Elez's group, from entering. The detainees were also given the telephone number of the Miljevina motel, and were told that they should call this number if any soldier without authorisation tried to enter the house. When the women did call this number, either **RADOVAN STANKOVIĆ** or Pero Elez would come to prevent other persons from entering the house. Although the detainees were not guarded, they could not escape. They had no where to go as they were surrounded by Serbs, both soldiers and civilians.

10.3 FWS-75 and FWS-87 were detained in Karaman's house between or about 3 August until or about 30 October 1992, together with 7 other women. Pero Elez treated the women as his personal property.

10.4 During the entire period of their detention at Karaman's house, FWS-75, FWS-87 and the other female detainees were subjected to repeated rapes and sexual assaults at night. All the perpetrators were Serb soldiers who belonged to Pero Elez's group. Among the soldiers who frequently raped FWS-75 and FWS-87 (vaginal and anal penetration) was **RADOVAN STANKOVIĆ**.

10.5 The first time both women were raped in Karaman's house was on or about 3 August 1992, shortly after their arrival. An unidentified soldier raped FWS-75 (vaginal penetration) while and **RADOVAN STANKOVIĆ** raped FWS-87 that day.

10.6 In addition to the rapes and other sexual assaults, all the female detainees were forced to work for the Serb soldiers, washing uniforms, cooking and cleaning the house. FWS-87 was taken three times from Karaman's house to other buildings in Miljevina. On these occasions, she was forced to clean rooms in the buildings, cook for the soldiers and paint the window-frames. On one of the three occasions, when she was taken out with another woman, two Montenegrin soldiers sexually assaulted both women.

10.7 At Karaman's house, the detainees constantly feared for their lives. If any woman refused to obey orders, she would be beaten. Soldiers often told the women that they would be killed after the soldiers were finished with them because they knew too much. FWS-87 felt suicidal during the entire time of her detention in Karaman's house.

10.8 By the foregoing acts and omissions, **RADOVAN STANKOVIĆ** committed:

Count 56:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (c) (enslavement) of the Statute of the Tribunal;

Count 57:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

Count 58:

A **GRAVE BREACH** punishable by Article 2 (b) (inhuman treatment) of the Statute of the Tribunal and;

Count 59:

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) (c) (outrages upon personal dignity) of the Geneva Convention.

COUNT 60

Rape of FWS-75 and FWS-87 and Two Other Women

11.1 On or about 30 October 1992, FWS-75, FWS-87 and two other women were taken from Karaman's house to Foča by **DRAGAN ZELENOVIĆ, GOJKO JANKOVIĆ** and **JANKO JANJIĆ**. These women continued to be detained at different houses and apartments, and continued to be subjected to sexual assaults.

11.2 On or about 30 October 1992, the three above-mentioned perpetrators took FWS-75, FWS-87 and the two other women into an apartment near the Fish Restaurant in Foča. There, all four women were raped by **DRAGAN ZELENOVIĆ, GOJKO JANKOVIĆ** and **JANKO JANJIĆ**.

11.3 By the acts, described in paragraph 11.2, **GOJKO JANKOVIĆ, DRAGAN ZELENOVIĆ** and **JANKO JANJIĆ** committed:

Count 60:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;

COUNTS 61-62

Enslavement and Rape. of FWS-75 and FWS-87 in the Brena Apartment

12.1 **RADOMIR KOVAĆ** detained, between or about 31 October 1992 until December 1992 witness FWS-75 and until February 1993 witness FWS-87. **RADOMIR KOVAĆ** was in charge of an apartment in the Brena block and had taken over the two witnesses together with two other women he had received from **DRAGAN ZELENOVIĆ, GOJKO JANKOVIĆ** and **JANKO JANJIĆ**. Their situation was similar to what they had experienced in Karaman's house. They had to perform household chores and were frequently sexually assaulted.

12.2 FWS-75 was detained in this apartment from about 31 October until about 20 November 1992. During that time she had to do household chores and sexually please soldiers. **RADOMIR KOVAĆ** and others frequently raped her. Around 20 November 1992, **RADOMIR KOVAĆ** took FWS-75 and victim A. B. from the apartment to a house near the Hotel Zelengora. They were kept there for about twenty days, during which time they were frequently sexually assaulted by a group of Serbian soldiers. Although the two women were no longer in the Brena apartment, **RADOMIR KOVAĆ** still was in charge of the them. Around 10 December 1992, FWS-75 and victim A.B. were moved from the house near Hotel Zelengora to a flat in the Pod

Masala neighbourhood of Foča. There, they stayed for about fifteen days, together with the same soldiers as the weeks before. FWS-75 and A.B. were frequently raped during those fifteen days. On the night when FWS-75 and the other women were brought back to the apartment, **RADOMIR KOVAĆ** sold A. B. to an unidentified soldier for 200 DM. In December 1992 FWS-75 was handed over to **JANKO JANJIĆ**.

12.3 FWS-87 was detained in **RADOMIR KOVAĆ**'s apartment from on or about 31 October until about 25 February, 1993. During this entire time, she was raped by **RADOMIR KOVAĆ** and another unidentified man.

12.4 On one occasion, during their detention in **RADOMIR KOVAĆ**'s place, FWS-75, FWS-87 and the other women were forced to take all their clothes off and dance naked on a table, while **RADOMIR KOVAĆ** watched.

12.5 On or about 25 February, 1993, FWS-87 and another woman were sold by **RADOMIR KOVAĆ** for 500 DM each to two unidentified Montenegrin soldiers, who took them to Montenegro.

12.6 By the foregoing acts and omissions, **RADOMIR KOVAĆ** committed:

Count 61:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (c) (enslavement) of the Statute of the Tribunal;

Count 62:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (g) (rape) of the Statute of the Tribunal;



Richard J. Goldstone
Prosecutor

18-6-96