

**THE PROSECUTOR OF THE TRIBUNAL**

**AGAINST**

**SLOBODAN MILJKOVIC a/k/a LUGAR,  
BLAGOJE SIMIC,  
MILAN SIMIC,  
MIROSLAV TADIC a/k/a MIRO BRKO,  
STEVAN TODOROVIC a/k/a STIV a/k/a STEVO a/k/a MONSTRUM,  
SIMO ZARIC a/k/a SOLAJA**

**INDICTMENT**

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

1. In 1991, almost 17,000 Bosnian Croats and Muslims, of a total population of about 33,000, lived in the municipality of Bosanski Samac in the Republic of Bosnia and Herzegovina. By May 1995, fewer than 300 of the Bosnian Croat and Muslim residents remained.
2. On 17 April 1992, Serb military forces from Bosnia and elsewhere in the former Yugoslavia seized control of the town of Bosanski Samac.
3. Because of its location at the northwestern edge of the "Posavina Corridor," control of Bosanski Samac was important to Serb efforts to create a Serb-controlled land bridge between Serbia and the Krajina Serbs in Croatia and western Bosnia and Herzegovina.
4. After seizing control in the military takeover, Serb authorities undertook a campaign of terror designed to force most Bosnian Croat and Muslim residents to leave the area.
5. Beginning on 17 April 1992, Serb military and political authorities coordinated and carried out the following actions as part of that campaign of terror:
  - a) arrested and detained most of the Bosnian Croat and Muslim men in the municipality, particularly the political, economic, professional, academic, and civic leaders;
  - b) established and operated, primarily under the authority of the Serb police, detention camps where prisoners were killed, beaten, tortured, sexually assaulted, and otherwise mistreated;
  - c) permitted units of paramilitary soldiers from Serbia to enter the detention camps to kill and beat

the prisoners;

d) forced Bosnian Croat and Muslim residents to leave their homes, and permitted Serb residents to move into the vacated homes;

e) expelled, through force or intimidation, Bosnian Croat and Muslim residents of the municipality to other countries and other parts of Bosnia and Herzegovina;

f) required Bosnian Croat and Muslim men, women, and children to work on forced labor projects, such as digging trenches and other work at military confrontation lines;

g) robbed Bosnian Croat and Muslim residents of their cars, cash and valuables, and looted their homes;

h) looted and dismantled equipment and inventories from Bosnian Croat and Muslim businesses;

i) issued orders prohibiting Bosnian Croats and Muslims from congregating in public and requiring Bosnian Croats and Muslims to wear white arm bands to identify themselves as non-Serbs;

j) confiscated the bank accounts of many Bosnian Croats and Muslims and blocked the funds in those accounts;

k) mobilised Bosnian Croat and Muslim men into the Bosnian Serb army and sent them to the front lines;

l) created such an atmosphere of fear and oppression among the non-Serb population that most Bosnian Croat and Muslim residents fled the area.

#### **THE ACCUSED: \_**

6. **Slobodan MILJKOVIC, a/k/a Lugar**, born in 1953, from Kragujevac, Serbia, was the Deputy Commander of the 2nd Posavina Brigade, also known as the "Gray Wolves," a paramilitary unit from Serbia.

7. **Blagoje SIMIC**, born in 1960, is a medical physician from Kruskovo Polje, Bosanski Samac municipality who is the president of the Serbian Democratic Party (SDS) in Bosanski Samac and was Vice-Chairman of the town assembly from 1991 through 17 April 1992. From 4 November 1991 through at least 30 November 1992, Blagoje Simic was the Deputy of the Assembly of the self-declared "Serb Autonomous Region of Northern Bosnia," later called the "Serb Autonomous Province of Semberija and Majevisa," of the "Serb Republic of Bosnia and Herzegovina." In March 1992, Blagoje Simic declared himself head of the "Serb Municipality Bosanski Samac." After the military takeover of Bosanski Samac on 17 April 1992, Blagoje Simic became Chairman of the Bosanski Samac Assembly, Chairman of the local SDS Crisis Staff and President of the Wartime Presidency.

8. **Milan SIMIC**, born in 1958, a cousin of **Blagoje SIMIC**, trained as an economist, was a member of the Fourth Detachment, and after 17 April 1992 became Chairman of the Executive Board of the Bosanski Samac Assembly;

9. **Miroslav TADIC, a/k/a Miro Brko**, born in 1937, from Odzak municipality, formerly a teacher, ran the cafe "AS" in Bosanski Samac and served as Simo Zaric's deputy in connection with the Fourth Detachment. After 17 April 1992, Miroslav Tadic became chairman of the Bosanski Samac "Exchange Commission."

10. **Stevan TODOROVIC, also known as (hereafter a/k/a) Stiv, Stevo or Monstrum**, born in 1957, from Donja Slatina, Bosanski Samac municipality, was appointed Chief of Police for Bosanski Samac after the 17 April 1992 military takeover. Before then, Stevan Todorovic was an executive in a bamboo furniture factory.

11. **Simo ZARIC, a/k/a Solaja**, born 25 July 1948, from Donja Dubica, Odzak municipality, was a former police chief of Bosanski Samac and State Security Service (SDB) agent who, from 1 January 1992 through at least 31 August 1992, organised and supervised a Serb territorial defence unit known at first as the Fourth Detachment and later renamed the 5th Battalion of the 2nd Posavina Brigade.

#### **GENERAL ALLEGATIONS:**

12. Unless otherwise set forth below, all acts and omissions alleged in this indictment took place between about 17 April and 20 November 1992 in Bosanski Samac municipality in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

13. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina.

14. At all times relevant to this indictment, all persons described in this indictment as victims were protected by the Geneva Conventions of 1949.

15. At all times relevant to this indictment, all of the accused in this indictment were required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

16. In each paragraph of this indictment 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.

17. All acts and omissions charged as crimes against humanity were part of a widespread, systematic or large-scale attack against the Croat and Muslim residents of the municipality of Bosanski Samac.

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

19. Paragraphs 12 through 18 are realleged and incorporated into each of the charges set forth below.

## CHARGES:

### **COUNTS 1 - 2 (DEPORTATION AND TRANSFER)**

20. From about 17 April 1992 through at least 4 September 1992, **Simo ZARIC** and **Miroslav TADIC** participated in the planning of, and preparation for, the unlawful deportation and forcible transfer of hundreds of Bosnian Croat and Muslim residents, including women, children and the elderly, from their homes in the Bosanski Samac municipality to other countries or to other parts of the Republic of Bosnia and Herzegovina not controlled by Serb forces. By these actions **Simo ZARIC** and **Miroslav TADIC** planned, instigated, ordered or committed:

**Count 1:** a **GRAVE BREACH** of the Geneva Conventions of 1949 (hereafter **Grave Breach**) recognised by Article 2(g) (unlawful deportation or transfer) of the Tribunal Statute;

**Count 2:** a **CRIME AGAINST HUMANITY** recognised by Article 5(d) (deportation) of the Tribunal Statute.

### **COUNTS 3 - 8 (KILLINGS AT CRKVINA)**

21. On about 6 May 1992, approximately 50 Bosnian Croat and Muslim detainees who had been detained at the Bosanski Samac Territorial Defence (hereafter TO) building were moved by the Serb authorities to an agricultural cooperative building in the nearby village of Crkvina. On about 7 May 1992, **Slobodan MILJKOVIC**, together with several other paramilitary soldiers, came to the agricultural cooperative building and ordered the detainees to line up against a wall. **Slobodan MILJKOVIC** then directed the soldiers to shoot and himself participated in the shooting and killing of 16 of the detainees: Ivan Agatic, Jozo Antunovic, Ivan Bartolovic, Luka Blazanovic, Niko Brandic, Luka Gregurevic, Sead Hurtic, Franjo Mandic, Ilija Matic, Ivo Mijic, Josip Orsolc, Ivo Tuzlak and four unknown males. At the same time, **Slobodan MILJKOVIC** caused fear of immediate death and great mental suffering among the other 34 detainees, including Juro Basic, Ibro Taletovic, Mato Tufekovic, and Vinko Tufekovic. By these actions, **Slobodan MILJKOVIC** ordered or committed:

**Counts 3 and 4:** **GRAVE BREACHES** recognised by Article 2(a) (wilful killing) and Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

**Counts 5 and 6:** **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) (cruel treatment) of the Geneva Conventions;

**Counts 7 and 8:** **CRIMES AGAINST HUMANITY** recognised by Article 5(a) (murder) and Article 5(i) (inhumane acts) of the Tribunal Statute.

### **COUNTS 9 - 11 (KILLING OF ANTO BRANDIC)**

22. On about 26 April 1992, at the Bosanski Samac TO building and yard, **Slobodan MILJKOVIC** killed Anto Brandic a/k/a Dikan by beating him repeatedly with a wooden club and shooting him. By these actions, **Slobodan MILJKOVIC** committed:

**Count 9:** a **GRAVE BREACH** recognised by Article 2(a) (wilful killing) of the Tribunal Statute;

**Count 10:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

**Count 11:** a **CRIME AGAINST HUMANITY** recognised by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 12 - 14**  
**(KILLING OF BARTOL KLJAJIC)**

23. On about 7 July 1992, after beating several detainees at the gymnasium of the Bosanski Samac secondary school, **Slobodan MILJKOVIC** shot Bartol Kljajic in the head. By these actions, **Slobodan MILJKOVIC** committed:

**Count 12:** a **GRAVE BREACH** recognised by Article 2(a) (wilful killing) of the Tribunal Statute;

**Count 13:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

**Count 14:** a **CRIME AGAINST HUMANITY** recognised by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 15 - 17**  
**(KILLING OF MARKO EVIC)**

24. On about 7 July 1992, after beating several detainees at the gymnasium of the Bosanski Samac secondary school and shooting Bartol Kljajic in the head, **Slobodan MILJKOVIC** ordered one of the guards to beat Marko Evic, and the guard shot and killed Marko Evic. By these actions, **Slobodan MILJKOVIC** instigated, ordered, or otherwise aided and abetted:

**Count 15:** a **GRAVE BREACH** recognised by Article 2(a) (wilful killing) of the Tribunal Statute;

**Count 16:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

**Count 17:** a **CRIME AGAINST HUMANITY** recognised by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 18 - 20**  
**(BEATINGS)**

25. On several different occasions between 17 April 1992 and 30 June 1992, at or near the Bosanski Samac police headquarters (hereafter SUP) and TO buildings, **Slobodan MILJKOVIC** beat Croat

and Muslim detainees who were confined there, including Muhamed Bicic, Esad Dagovic, Dragan Lukac, Father Jozo Puskaric, Sulejman Tihic, and Grgo Zubak by kicking them and hitting them with many different implements, including a police baton, a large metal wrench, an automobile shock absorber, and an automobile jack. By these actions, **Slobodan MILJKOVIC** committed:

**Count 18:** a **GRAVE BREACH** recognised by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

**Count 19:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 20:** a **CRIME AGAINST HUMANITY** recognised by Article 5(i) (inhumane acts) of the Tribunal Statute.

**COUNTS 21 - 23**  
**(BEATING OF FATHER JOZO PUSKARIC)**

26. On about 8 June 1992, **Slobodan MILJKOVIC** took Father Jozo Puskaric, a Roman Catholic priest, from the SUP building where Father Puskaric was being detained to a nearby building housing a radio transmitter, where **Slobodan MILJKOVIC** beat Father Puskaric and broke a bone in his face by striking him with a hard object. By these actions, **Slobodan MILJKOVIC** committed:

**Count 21:** a **GRAVE BREACH** recognised by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

**Count 22:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 23:** a **CRIME AGAINST HUMANITY** recognised by Article 5(i) (inhumane acts) of the Tribunal Statute.

**COUNTS 24 - 26**  
**(BEATING OF MUHAMED BICIC)**

27. On an occasion sometime between about 1 June and 30 June 1992, in the hallway of the gymnasium of the Bosanski Samac primary school, **Milan SIMIC** and several others kicked Muhamed Bicic and beat him repeatedly with iron bars and chair legs. By these actions, **Milan SIMIC** committed or otherwise aided and abetted:

**Count 24:** a **GRAVE BREACH** recognised by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

**Count 25:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 26:** a **CRIME AGAINST HUMANITY** recognised by Article 5(i) (inhumane acts) of the Tribunal Statute.

**COUNTS 27 - 29**

**(KILLING OF ANTO BRANDIC)\_**

28. On about 29 July 1992, in the hallway of the SUP building in Bosanski Samac, **Stevan TODOROVIC** and others killed Anto Brandic a/k/a Antesa by repeatedly beating and kicking him with police batons and heavy boots. By these actions, **Stevan TODOROVIC** committed or otherwise aided and abetted:

**Count 27:** a **GRAVE BREACH** recognised by Article 2(a) (wilful killing) of the Tribunal Statute;

**Count 28:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (murder) of the Geneva Conventions;

**Count 29:** a **CRIME AGAINST HUMANITY** recognised by Article 5(a) (murder) of the Tribunal Statute.

**COUNTS 30 - 32  
(BEATINGS IN THE SUP BUILDING)\_**

29. On about 29 July 1992, in the hallway of the SUP building in Bosanski Samac, **Stevan TODOROVIC** and others repeatedly beat and kicked Enver Ibralic, Hasan Jasarevic, Omer Nalic, and Father Jozo Puskaric with police batons and heavy boots, thereby causing the victims physical injury. By these actions, **Stevan TODOROVIC** committed or otherwise aided and abetted:

**Count 30:** a **GRAVE BREACH** (wilfully causing great suffering) recognised by Article 2(c) of the Tribunal Statute;

**Count 31:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 32:** a **CRIME AGAINST HUMANITY** recognised by Article 5(i) (inhumane acts) of the Tribunal Statute.

**COUNTS 33 - 35  
(BEATING OF SILVESTAR ANTUNOVIC)\_**

30. On about 15 July 1992, in the gymnasium of the Bosanski Samac primary school, **Stevan TODOROVIC** and others repeatedly beat Silvestar Antunovic with a large wooden club. As a result of the beating, Silvestar Antunovic suffered partial paralysis and other serious physical injury. By these actions, **Stevan TODOROVIC** committed or otherwise aided and abetted:

**Count 33:** a **GRAVE BREACH** recognised by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

**Count 34:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 35:** a **CRIME AGAINST HUMANITY** recognised by Article 5(i) (inhumane acts) of the Tribunal Statute.

**COUNTS 36 -38**  
**(SEXUAL ASSAULT)**

31. On about 13 June 1992 in the hallway of the Bosanski Samac SUP building, **Stevan TODOROVIC** forced Witness A and Witness B to perform sexual acts upon each other in the presence of several other prisoners and guards. By these actions, **Stevan TODOROVIC** instigated, ordered, and committed:

**Count 36:** a **GRAVE BREACH** recognised by Article 2(b) (inhuman treatment) of the Tribunal Statute;

**Count 37:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(c) (humiliating and degrading treatment) of the Geneva Conventions;

**Count 38:** a **CRIME AGAINST HUMANITY** recognised by Article 5(g) (rape, which includes other forms of sexual assault) of the Tribunal Statute.

**COUNTS 39 - 41**  
**(TORTURE OF OMER NALIC)**

32. On about 19 June 1992, at the Bosanski Samac primary school, while questioning Omer Nalic about a radio transmitter, **Stevan TODOROVIC** ordered three men to beat Omer Nalic. By these actions, **Stevan TODOROVIC** instigated, ordered, committed or aided and abetted:

**Count 39:** a **GRAVE BREACH** recognised by Article 2(b) (torture) of the Tribunal Statute;

**Count 40:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Article 3 of the Tribunal Statute and Article 3(1)(a) (torture) of the Geneva Conventions;

**Count 41:** a **CRIME AGAINST HUMANITY** recognised by Article 5(f) (torture) of the Tribunal Statute;

**COUNTS 42 - 56**  
**(SUPERIOR AUTHORITY)**

33. After about 17 April 1992, **Blagoje SIMIC** was the highest ranking civilian official in the municipality of Bosanski Samac, and as such, was in a position of superior authority to **Stevan TODOROVIC**, the newly-appointed Serb Chief of Police.

34. With respect to the acts and omissions of **Stevan TODOROVIC** set forth in this indictment, **Blagoje SIMIC** knew or had reason to know that **Stevan TODOROVIC** was about to commit such acts or had done so, and **Blagoje SIMIC** failed to take the necessary and reasonable measures to prevent such acts or to punish **Stevan TODOROVIC**. By these acts or omissions, **Blagoje SIMIC** was criminally responsible for the actions of **Stevan TODOROVIC** and committed:

regarding the killing of Anto Brandic described in paragraph 28:



**Count 42:** a **GRAVE BREACH** recognised by Articles 2(a) and 7(3) (wilful killing) of the Tribunal Statute;

**Count 43:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Tribunal Statute and Article (3)(1)(a) (murder) of the Geneva Conventions;

**Count 44:** a **CRIME AGAINST HUMANITY** recognised by Articles 5(a) and 7(3) (murder) of the Tribunal Statute.

regarding the beatings described in paragraph 29:

**Count 45:** a **GRAVE BREACH** recognised by Articles 2(c) and 7(3) (wilfully causing great suffering) of the Tribunal Statute;

**Count 46:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, recognised by Articles 3 and 7(3) of the Tribunal Statute and Article (3)(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 47:** a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(3) (inhumane acts) of the Tribunal Statute.

regarding the beating of Silvestar Antunovic described in paragraph 30:

**Count 48:** a **GRAVE BREACH** recognised by Articles 2(c) and 7(3) (wilfully causing great suffering) of the Tribunal Statute;

**Count 49:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Tribunal Statute and by Article (3)(1)(a) (cruel treatment) of the Geneva Conventions;

**Count 50:** a **CRIME AGAINST HUMANITY** recognised by Articles 5(i) and 7(3) (inhumane acts) of the Tribunal Statute.

regarding the sexual assault described in paragraph 31:

**Count 51:** a **GRAVE BREACH** recognised by Articles 2(b) and 7(3) (inhuman treatment) of the Tribunal Statute;

**Count 52:** a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Tribunal Statute and by Article (3)(1)(c) (humiliating and degrading treatment) of the Geneva Conventions;

**Count 53:** a **CRIME AGAINST HUMANITY** recognised by Articles 5(g) and 7(3) (rape and other forms of sexual assault) of the Tribunal Statute.

regarding the torture of Omer Nalic described in paragraph 32:

**Count 54:** a **GRAVE BREACH** recognised by Articles 2(b) and 7(3) (torture) of the Tribunal Statute;

**Count 55: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR** recognised by Articles 3 and 7(3) of the Tribunal Statute and by Article (3)(1)(a) (torture) of the Geneva Conventions;

**Count 56: a CRIME AGAINST HUMANITY** recognised by Articles 5(f) and 7(3) (torture) of the Tribunal Statute.

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Richard J. Goldstone  
Prosecutor