

THE INTERNATIONAL CRIMINAL TRIBUNAL

FOR THE FORMER YUGOSLAVIA

Case No. IT-02-65-PT

IN TRIAL CHAMBER III

Before: Judge Richard May, Presiding

Judge Patrick Lipton Robinson

Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Date Filed: 2 June 2003

THE PROSECUTOR

v.

ZELJKO MEAKIC

MOMCILO GRUBAN

DUSAN FUSTAR

PREDRAG BANOVIC

DUSKO KNEZEVIC

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ANNEX 1

TO

PLEA AGREEMENT

(FACTUAL BASIS OF PLEA AGREEMENT)

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*Confidential*

*And*

*Filed Under Seal*

*(Ex parte to all accused, except the Accused, Predrag Banovic)*

The Office of the Prosecutor:

Ms. Carla Del Ponte

Miss Joanna Korner

Ms. Sureta Chana

Counsel for the Accused:

Mr Jovan Babic

Mr. Thomas Rothpfeffer

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FACTUAL BASIS OF PLEA AGREEMENT

1. Predrag Banovic, also known as "Cupo", was born on 28 October 1969 in Prijedor, Bosnia and Herzegovina. Prior to the armed conflict in the former Yugoslavia, he worked as a waiter.
2. On 30 April 1992, Bosnian Serb forces overthrew the democratically elected Municipal Government of Prijedor. A Bosnian Serb Crisis Staff replaced the Municipal Government. From the end of May 1992, a series of attacks were carried out on villages and areas in which non-Serbs lived. Those attacks resulted in the displacement and capture of a large number of men, women and children. To deal with these persons, the Prijedor Municipal Crisis Staff established three major camps in the

municipality. One of these camps was Keraterm camp, which was located in a ceramics factory on the eastern outskirts of Prijedor town, in Cirkin Polje.

3. The establishment of these camps was part of a joint criminal enterprise of the Bosnian Serb leadership. The objective of the joint criminal enterprise was the permanent removal by force or other means of non-Serb inhabitants from the territory of the planned Serbian state within Bosnia and Herzegovina. The joint criminal enterprise was a plan of great magnitude, which required many participants and institutions for its successful accomplishment. Each participant and institution, from the highest to the lowest level of authority, contributed to its success. The plan's success depended on the engagement of Serb political, judicial, military and security forces at all levels.
4. The establishment of Keraterm and Omarska camps, amongst other camps, was an essential feature for the realisation of this criminal plan. The Prijedor Crisis Staff established and operated Keraterm and Omarska camps. They were operated in a manner designed to ill-treat and persecute non-Serbs from Prijedor and other areas, with the aim of ridding the territory of non-Serbs or of subjugating those who remained. Detention of non-Serbs in the camps was a prelude to killing them or transferring them to non-Serb areas.
5. As part of this system of ill treatment, crimes were committed in the camps against detainees, as alleged in the Consolidated Indictment. All of the accused named in the Consolidated Indictment were co-perpetrators and significantly participated in the joint criminal enterprise.
6. Between 20 June and 6 August 1992, Predrag Banovic regularly performed duties as a guard at Keraterm camp and participated in the mistreatment, beating and killing of detainees in the camp. He knew of the system of ill treatment in Keraterm camp, and intended to further this common concerted system of ill treatment. With that intention he committed the crimes specified below. The commission of these crimes by Predrag Banovic contributed significantly to the joint criminal enterprise established at the camp in pursuance of the Bosnian Serb leadership's criminal plan.
7. Keraterm Camp began operating on 23 May 1992 and held as many as 1,500 detainees. Persons detained in Keraterm camp between the end of May to the time when the camp closed in mid August 1992 were primarily Bosnian Muslim and Bosnian Croat males of military-age, whilst all of the guards were Serbs.
8. The Commander of Keraterm camp was Dusko Sikirica. As the Commander, Sikirica was in a position of superior authority to everyone else present in the camp. The guards at Keraterm camp included reserve police personnel and were organised into three shifts, with each shift consisting of between 10-15 guards. The shift commanders of the guards were Dragan Kolundzija, Damir Dosen and Dusan Fustar. As shift commanders, and when present in the camp, they were in a position of superior authority to all camp personnel (other than the Commander) and most, if not all, "visitors". Predrag Banovic was a guard in Damir Dosen's shift command. When he reported for duty, Damir Dosen would designate responsibilities to the guards.
9. The Bosnian Muslims, Bosnian Croats and other non-Serbs suffered inhumane conditions during their confinement in Keraterm camp. Conditions at the camp were brutal, inhumane and degrading, and the camp was operated in a manner that resulted in the physical debilitation or death of the non-Serb detainees. In addition, there was humiliation, harassment and psychological abuse. Some of the detainees died because of the mistreatment.
10. Upon arrival at Keraterm camp, many of the detainees had any remaining personal property confiscated and were then beaten prior to being forced into one of the four storage rooms, where they were locked behind metal doors during the height of the summer. Due to the overcrowding of these rooms, it was often the case that the detainees could not lie down and could not freely move about. Whether detained in the rooms or in the open area, detainees were only allowed to move

when specifically permitted to do so, usually only to receive their inadequate food ration. They were not provided the opportunity to exercise and no routine whereby they would even be permitted to regularly go outside of their rooms for fresh air.

11. The conditions at Keraterm camp were deplorable. Keraterm camp had few toilets or facilities for personal hygiene. The portions of food provided were grossly insufficient. The water supply for the detainees was inadequate, particularly during the hot summer months of 1992. They had no change of clothing, no bedding, and limited medical care. The camp personnel routinely yelled racial epithets at the detainees.
12. The majority of the detainees at Keraterm camp were called for interrogation at some time during their incarceration. Serb "inspectors" from Banja Luka CSB and Prijedor SJB carried out formal interrogations. These "inspectors" arrived in the camp in the morning and left in the evening. Beatings regularly accompanied the detainees' journeys to and from interrogations. As a result of the interrogations, detainees were "classified" and either transferred to the Omarska camp nearby, or placed back in a specific room at Keraterm according to their new "classification".
13. Keraterm camp authorities, as well as "visitors" to the camp (one such "visitor" being Dusko Knezevic), regularly subjected the detainees to severe beatings, killings, and other forms of physical and psychological mistreatment. The camp guards and "visitors" who came to the camp used all types of weapons and tools for beatings (such as baseball bats, police truncheons and cables with iron balls attached to them.) Beatings and/or other cruel and humiliating actions were generally inflicted in full view of other detainees and were accompanied by derogatory and humiliating comments to the victims or their families and general threats to the other detainees. After they were beaten, insufficient or no medical care was provided for the detainees. In particular, Muslim and Croat political and civic leaders, intellectuals, the wealthy, and non-Serbs who were considered to be "extremists" or to have resisted the Serbs, were especially likely to be beaten and/or killed. Many of these so-called "extremists" were later transported to the Omarska camp. Some detainees were called out of the detention rooms to perform work tasks and were never seen or heard from again.
14. Many detainees, whose respective identities are both known and unknown, did not survive Keraterm camp. Frequently, the bodies of detainees would be placed in or next to a garbage container that was located at the end of the factory building in the vicinity of Room 4. When the corpses were taken out of the camp, fellow detainees would be forced to load them into vehicles. Many of these corpses were later buried in graves at Pasinac Cemetery in Prijedor.
15. Predrag Banovic was one of the participants, amongst others, who took part in the beatings of the detainees at Keraterm camp, which resulted in their deaths. Predrag Banovic was thereby responsible for participating in five murders for which the Prosecution has sufficient evidence from witnesses who would have testified against him at trial. The murders, as set out in Schedule D attached to the Consolidated Indictment, to which Predrag Banovic pleads guilty, namely:
  - a. Schedule D, Item 02 – Murder of Jovo Radocaj.
  - b. Schedule D, Item 03 – Murder of Drago Tokmadzic.
  - c. Schedule D, Item 04 – Murder of Jasmin a/k/a "Zvezdas".
  - d. Schedule D, Item 05 – Murder of Dzevad Karabegovic.
  - e. Schedule D, Item 06 – Murder of Dzermal Mesic.
16. Beatings contributed in large part to the atmosphere of terror in Keraterm camp and caused both serious physical and mental harm to the victims and mental harm to those who witnessed such events. Predrag Banovic took part in the beatings of the detainees at Keraterm camp as alleged and for which the Prosecution has sufficient evidence from witnesses who would have testified at trial, against him at trial. The beatings are set out in the Consolidated Indictment, Schedule D, to which Predrag Banovic pleads guilty, namely:

- a. Schedule D, Item 08 – Beating of Ramadan Bahonjic.
- b. Schedule D, Item 09 – Beating of Meho Kapetanovic.
- c. Schedule D, Item 10 – Beating of Faruk Hrcic.
- d. Schedule D, Item 11 – Beating of Enver Modronja.
- e. Schedule D, Item 13 – Beating of Adib Bajric.
- f. Schedule D, Item 14 – Beating of Uzeir Causevic a/k/a Zejro.
- g. Schedule D, Item 15 – Beating of Saban Elezovic.
- h. Schedule D, Item 16 – Beating of Edin Ganic.
- i. Schedule D, Item 17 – Beating of the three Alisic brothers, Armin, Edo and a third brother, whose first name is unknown.
- j. Schedule D, Item 18 – Shooting of an unidentified detainee.
- k. Schedule D, Item 19 – Beating of Ismet Garibovic.
- l. Schedule D, Item 20 – Beating of Vasif Mujkanovic.
- m. Schedule D, Item 21 – Beating of Mujo Sivac.
- n. Schedule D, Item 22 – Beating of Sulejman Sivac.
- o. Schedule D, Item 25 – Beating of Mirsad Karagic.
- p. Schedule D, Item 26 – Beating of Esad Islamovic.
- q. Schedule D, Item 27 – Beating of a prisoner with the family name Mesic.
- r. Schedule D, Item 28 – Beating of Jasmin Ramadanovic a/k/a "Sengin".
- s. Schedule D, Item 29 – Beating of Suad Halvadzic.
- t. Schedule D, Item 30 – Beating of Besim Fazlic, Mehmed Avdic, Muharem Sivac and Mirsad Crljenkovic.
- u. Schedule D, Item 31 – Shooting of a detainee called "Smail".
- v. Schedule D, Item 32 – Beating of Ismet Bajic.

17. Predrag Banovic had the state of mind necessary for the commission of each of these crimes.

18. Predrag Banovic did not hold any rank and was a guard. When he was on duty, he had no control over the equally ranked guards on his shift, and he did not himself have power to punish anybody.

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Predrag Banovic

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Jovan Babic

Lead counsel for Predrag Banovic

Dated this second day of June 2003

In The Hague

The Netherlands