

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-94-2-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

DRAGAN NIKOLIC

SECOND AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

DRAGAN NIKOLIC, also known as Jenki,

with **CRIMES AGAINST HUMANITY** as set forth below:

THE ACCUSED

1. **DRAGAN NIKOLIC**, born on 26 April 1957, is from the town of Vlasenica, Bosnia and Herzegovina. Before the war, he worked at the Alpro aluminium factory in Vlasenica. He lived with his family on Zarka Vukovica Street in the Krusevik section of Vlasenica. From at least early June 1992 until about 30 September 1992, **DRAGAN NIKOLIC** was the commander of Susica detention camp in Vlasenica.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute of the Tribunal

2. **DRAGAN NIKOLIC** is individually criminally responsible, pursuant to Article 7(1), for planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of all crimes charged in this indictment.

THE CHARGES

**COUNT 1
(Persecutions)**

3. From at least early June 1992 until about 30 September 1992, **DRAGAN NIKOLIC** persecuted the Muslim and non-Serb detainees at Susica camp on political, racial and/or

religious grounds.

4. **DRAGAN NIKOLIC** persecuted Muslim and non-Serb detainees at the Susica camp by subjecting them to inhumane conditions, killings, rapes, torture, beatings and sexual assaults as charged specifically in this indictment.
5. As part of the persecutions, **DRAGAN NIKOLIC** detained Muslim and non-Serbs at the Susica camp and assisted in the forcible transfer of those detained at the camp from the Vlasenica municipality. At the end of June 1992, large numbers of the male detainees were transferred from the camp to the larger Batkovic detention camp near Bijeljina in north-eastern Bosnia and Herzegovina. Most of the women and children detainees were transferred either to Kladanj or Cerska in Bosnian Muslim controlled territory.
6. By his participation in the acts or omissions described in paragraphs 3 –5, **DRAGAN NIKOLIC** is individually criminally responsible for:

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

COUNT 2 (Inhumane Conditions)

7. From at least early June 1992 until about 30 September 1992, the detainees at Susica camp were subjected to an atmosphere of terror created by the killing and physical abuse of detainees and to inhumane living conditions by being deprived of adequate food, water, medical care, sleeping and toilet facilities. As a result, detainees suffered severe psychological and physical trauma. **Dragan NIKOLIC** participated in creating and maintaining this atmosphere of terror and the inhumane conditions.
8. By his participation in the acts or omissions described in paragraph 7, **DRAGAN NIKOLIC** is individually criminally responsible for:

Count 2: Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) of the Statute of the Tribunal.

COUNT 3 (Murder)

Durmo HANDZIC and Asim ZILDZIC

9. One evening between about 13 June 1992 and about 24 June 1992, **DRAGAN NIKOLIC** and other guards at Susica camp entered the hangar building and called out Durmo HANDZIC and Asim ZILDZIC. After taking them outside the building, **DRAGAN NIKOLIC** and the guards subjected Durmo HANDZIC and Asim ZILDZIC to severe physical abuse, including punching, kicking and beatings with weapons such as lengths of wood lasting for at least 45 minutes, during which time the two men repeatedly begged for the beating to stop.
10. When the beating concluded, both detainees were brought back to the hangar. Asim

ZILDZIC died shortly after returning. The following morning, upon the order of **DRAGAN NIKOLIC**, two detainees buried Asim ZILDZIC.

11. Later that morning, **DRAGAN NIKOLIC** entered the hangar and approached Durmo HANDZIC. Although HANDZIC was in severe agony from being beaten the night before, **DRAGAN NIKOLIC** demanded information regarding Durmo HANDZIC'S son. Durmo HANDZIC died shortly after this encounter and was buried that day by other detainees.

Rasid FERHATBEGOVIC, Muharem KOLAREVIC, Dzevad SARIC, and Ibrahim ZEKIC

12. During the night of 23 and 24 June 1992, **DRAGAN NIKOLIC** entered the hangar and ordered Muharem KOLAREVIC and Dzevad SARIC be taken outside. Sometime after that, other guards removed Ibrahim "Musa" ZEKIC also from the hangar. For approximately thirty minutes after the men were taken from the hangar, detainees inside heard cries of pain and then gunshots that came from a location close to the hangar.
13. After the gunshots were heard, a guard called two detainees from the hangar and ordered them to dispose of the bodies of Muharem KOLAREVIC and Dzevad SARIC behind the hangar. **DRAGAN NIKOLIC** ordered the two detainees to wash away the blood on the ground where the deceased had been beaten.
14. After attempting to wash away the blood, the two detainees waited outside the hangar. As **DRAGAN NIKOLIC** sat inside the nearby guard house, the two men watched the same guard who had called them out of the hangar shoot and kill Ibrahim ZEKIC.
15. Shortly after Ibrahim ZEKIC was killed, **DRAGAN NIKOLIC** and the guard who had shot ZEKIC entered the hangar with some local police. The police pointed at Rasid FERHATBEGOVIC and asked if he was the one who was running away. The guard who had shot Ibrahim ZEKIC said "yes." Rasid FERHATBEGOVIC was then taken outside, and shortly thereafter the other prisoners heard one shot.
16. Early the next morning, **DRAGAN NIKOLIC** entered the hangar and again called out the two detainees who had disposed of the bodies the day before. They went to the area of the camp that was being used as a toilet and found the body of Muharem KOLAREVIC slumped over a fence caught in wire. The guard who had shot Ibrahim ZEKIC the day before then shot KOLAREVIC again. The two prisoners then took the body of Muharem KOLAREVIC to where they had left the bodies the previous evening and there they saw the body of Rasid FERHATBEGOVIC with a bullet hole in the centre of his forehead.

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Ismet DEDIC

17. On or about 6 July 1992, **DRAGAN NIKOLIC** took Ismet DEDIC out of the hangar at Susica camp and closed the door behind them. Detainees inside the hall then heard Ismet DEDIC scream. A few minutes later, **DRAGAN NIKOLIC** directed two detainees to drag Ismet DEDIC inside the hangar, where the other detainees could see that Ismet DEDIC'S body was covered in blood. His body was barely recognisable and he appeared to have suffered serious injuries. Ismet DEDIC died shortly thereafter. His body was placed in a plastic bag and removed by other detainees.

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Mevludin HATUNIC

18. Mevludin HATUNIC, his wife and daughter were detained in Susica camp in early July 1992. Between about 3 July and 7 July 1992, while detained in the camp, Mevludin HATUNIC offered his house to a Serb in exchange for moving his family out of the area. HATUNIC was then permitted to leave the camp to arrange the transfer of the house. Upon his return, **DRAGAN NIKOLIC** accused HATUNIC of having told the Serb to whom he had given his house that HATUNIC would "wait for his opportunity to get even." That evening, because he had allegedly made such a statement, **DRAGAN NIKOLIC** beat Mevludin HATUNIC. The next morning **DRAGAN NIKOLIC** beat Mevludin HATUNIC again, until Mevludin HATUNIC lost consciousness. Later that evening, **DRAGAN NIKOLIC** returned and, finding that Mevludin HATUNIC had regained consciousness, beat him a third time. A short time later Mevludin HATUNIC died as a result of the beatings. His body was placed in a plastic bag and was removed from the hangar by other detainees.

Galib MUSIC

19. From about the second week of July 1992, over a seven-day period, **DRAGAN NIKOLIC** beat Galib MUSIC, a 60-year old detainee by, among other things, kicking him and beating him with a metal pipe. During the beatings, **DRAGAN NIKOLIC** accused Galib MUSIC of asking a Muslim organisation to come to expel the Serbs from Vlasenica. Each time **DRAGAN NIKOLIC** beat Galib MUSIC, MUSIC lost consciousness and, after approximately seven days, Galib MUSIC died.
20. By his participation in the acts and omissions described in paragraphs 9-19, in relation to Durmo HANDZIC, Asim ZILDZIC, Rasid FERHATBEGOVIC, Muharem KOLAREVIC, Dzevad SARIC, Ibrahim ZEKIC, Ismet DEDIC, Mevludin HATUNIC, and Galib MUSIC, **DRAGAN NIKOLIC** is individually criminally responsible for:

Count 3: Murder, A **CRIME AGAINST HUMANITY** punishable under Article 5(a) of the Statute of the Tribunal.

COUNTS 4-5
(Torture and Rape)

Saha BERBIC

21. On or about 3 June 1992 through about August 1992, **DRAGAN NIKOLIC** entered the hangar and took detainee, Saha BERBIC, a young woman approximately 13 to 15 years old, out of the hangar at the Susica camp. **DRAGAN NIKOLIC** forced her to go with him to a house outside the camp and raped her. Despite Saha BERBIC's attempts to resist, **DRAGAN NIKOLIC** took Saha BERBIC from the hangar almost every night during her detention and raped her. When she returned on these occasions, her hair was tousled, her clothes were torn and disheveled, and she often looked like she had been beaten. One evening **DRAGAN NIKOLIC** took Saha BERBIC from the hangar and she never returned. Her family has not seen her since her detention at Susica camp.

22. By his participation in the acts and omissions described in paragraph 21, in relation to Saha BERBIC, **DRAGAN NIKOLIC** is individually criminally responsible for:

Count 4: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5(f) of the Statute of the Tribunal.

Count 5: Rape, a **CRIME AGAINST HUMANITY**, punishable under Article 5(g) of the Statute of the Tribunal.

COUNTS 6-7
(Torture and Inhumane Acts)

Fikret "Cice" ARNAUT

23. From about 1 June to about 18 July 1992, **DRAGAN NIKOLIC** beat Fikret "Cice" ARNAUT, by kicking him, stomping on him and punching him with metal "knuckles" on his fists. The beatings took place both inside and outside the hangar. Several of the beatings took place in a corner of the hangar known as the "punishment" corner.
24. On one occasion, **DRAGAN NIKOLIC** came into the hangar and told Fikret ARNAUT to kneel on the floor, put his hands behind his head and tilt his head back. **DRAGAN NIKOLIC** then put a bayonet in his mouth and asked him about his brother, who **DRAGAN NIKOLIC** claimed had joined a group of "ustasa". Later that same day, two men came to the hangar and took Fikret ARNAUT outside. When Fikret ARNAUT returned, he had been beaten severely and was bleeding from his mouth. Shortly thereafter, **DRAGAN NIKOLIC** came to Fikret ARNAUT in the hangar and said words to the effect, "What? They did not beat you enough; if it had been me, you would not be able to walk. They are not as well trained to beat people as I am."
25. On one occasion, **DRAGAN NIKOLIC** took Fikret ARNAUT outside the hangar and beat Fikret ARNAUT with metal "knuckles". Fikret ARNAUT fell to the ground and **DRAGAN NIKOLIC** kicked his ribs and back around the kidney area. During this beating, **DRAGAN NIKOLIC** accused Fikret ARNAUT of organising the Muslims.
26. On a subsequent occasion, **DRAGAN NIKOLIC** approached Fikret ARNAUT in the hangar and said words to the effect, "I can't believe how an animal like this can't die; he must have two hearts." **DRAGAN NIKOLIC** then beat Fikret ARNAUT again and stomped on his chest.

Sead AMBESKOVIC and Hajrudin OSMANOVIC

27. On 11 June 1992, Sead AMBESKOVIC was arrested in Vlasenica. Police first interrogated him and then took him to Susica camp. Once in the camp, **DRAGAN NIKOLIC** and others beat Sead AMBESKOVIC, using axe handles, iron bars and rifle butts.
28. In the morning of 14 June 1992, guards took Sead AMBESKOVIC and Hajrudin

OSMANOVIC from the hangar. The two men were ordered to kneel with their hands behind their heads. **DRAGAN NIKOLIC** asked them where their weapons were and to identify others who had weapons. During the interrogation, **DRAGAN NIKOLIC** and others then beat them with iron bars, wooden bats and rifle butts for approximately one and one-half hours. As a result of this beating, the back of Sead AMBESKOVIC's head was cut, four teeth on the left side of his mouth were knocked out, and three ribs were broken.

29. On or about 16 June 1992, **DRAGAN NIKOLIC** again called Sead AMBESKOVIC and Hajrudin OSMANOVIC out of the hangar. Once outside, **DRAGAN NIKOLIC** demanded to know if they had weapons and who else had weapons. **DRAGAN NIKOLIC** and two other guards immediately began beating them with bats for 10 to 15 minutes.
30. On 3 July 1992, Hajrudin OSMANOVIC was taken from the Susica camp to perform forced labour; he has never been seen since.

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Suad MAHMUTOVIC

31. From about 13 June to about 3 July 1992, Suad MAHMUTOVIC suffered frequent, sometimes daily beatings by **DRAGAN NIKOLIC** at Susica camp. **DRAGAN NIKOLIC** beat Suad MAHMUTOVIC with iron bars, rifle butts and rubber tubing with lead inside. During one beating, seven of Suad MAHMUTOVIC's ribs were broken. On a separate occasion, **DRAGAN NIKOLIC** kicked Suad MAHMUTOVIC in the face with his boot which caused a cut that left permanent scars.
32. On one occasion, **DRAGAN NIKOLIC** placed a cocked pistol inside Suad MAHMUTOVIC's mouth. **DRAGAN NIKOLIC** tried to force Suad MAHMUTOVIC to admit that his neighbour had a weapon, but Suad MAHMUTOVIC refused. **DRAGAN NIKOLIC** then pulled the trigger, but the gun was not loaded.
33. By his participation in the acts and omissions described in paragraphs 23-32, in relation to Fikret "Cice" ARNAUT, Sead AMBESKOVIC, Hajrudin OSMANOVIC and Suad MAHMUTOVIC, **DRAGAN NIKOLIC** is individually criminally responsible for:

Count 6: Torture, a **CRIME AGAINST HUMANITY**, punishable under Article 5(f) of the Statute of the Tribunal.

Count 7: Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) of the Statute of the Tribunal.

COUNT 8
(Inhumane Acts)

Redjo CAKISIC

34. Redjo CAKISIC was arrested on 2 June 1992 and taken to Susica camp. Upon arrival, **DRAGAN NIKOLIC** and other guards searched him. He was then taken to the hangar where, with other detainees, he was ordered to line up and lean against the wall with his

hands behind his back. **DRAGAN NIKOLIC** then hit Redjo CAKISIC and other detainees with his rifle butt and kicked them with his boots.

35. Approximately ten days later, **DRAGAN NIKOLIC** called Redjo CAKISIC from the hangar during the night. Two men were waiting outside with **DRAGAN NIKOLIC**. **NIKOLIC** said to them words to the effect, "Here, I brought you something for dinner." The two men, who were not camp guards, hit Redjo CAKISIC in the back with rifle butts, and kicked him in the stomach and sides. During this beating **DRAGAN NIKOLIC** was approximately five metres away in the guard house. The beating continued for about 20 minutes.

Hasna CAKISIC

36. Hasna CAKISIC, a 70-year old woman, was arrested on 24 June 1992 and taken to Susica camp. While at the camp, guards took her for interrogation three times. **DRAGAN NIKOLIC** was present and participated in these interrogations. The interrogators slapped Hasna CAKISIC on the face and repeatedly hit her hands with a police baton because she would not disclose the whereabouts of her son. As a result, Hasna CAKISIC has had continual health problems with her hands.

Su-032

37. On or about 8 July 1992, Serb forces took Su-032 to Susica camp. On or about 9 July 1992, in the evening, **DRAGAN NIKOLIC** ordered Su-032 out of the hangar and took her to the guard house. When Su-032 entered the guard house, she saw a camp guard whom she had known before the war. After **DRAGAN NIKOLIC** left, the guard hugged and touched Su-032 and removed her T-shirt. The guard then undressed himself and told Su-032 to put his penis in her mouth. Su-032 began to cry and begged to be let go. The guard then forced Su-032 to touch his penis with her hands. After spending one hour with him in the guard house, Su-032 went back to the hangar.
38. By his participation in these acts and omissions described in paragraphs 34-37, in relation to Redjo CAKISIC, Hasna CAKISIC and Su-032, **DRAGAN NIKOLIC** is individually criminally responsible for:

Count 8: Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) of the Statute of the Tribunal.

GENERAL LEGAL ALLEGATIONS

39. All acts or omissions charged as Crimes Against Humanity occurred during an armed conflict in Bosnia Herzegovina and were related to a widespread or systematic attack directed against a civilian population, specifically the Muslim and non-Serb population of the Vlasenica municipality.

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ADDITIONAL FACTS

40. The municipality (opstina) of Vlasenica is in eastern Bosnia and Herzegovina, approximately 50 kilometres west of the Serbian border and approximately 120 kilometres north-east of Sarajevo. According to the 1991 census, the municipality had approximately 33,817 citizens, of whom approximately 55% were Muslim, 43% were Serb, and 2% were described as "other". The town of Vlasenica is located within the municipality of the same name. In 1991, the town of Vlasenica had approximately 7500 citizens, approximately 65% of whom were Muslim and 35% were Serb.
41. In January 1992, Serbs from Vlasenica and eight neighbouring municipalities declared the area to be the "Birac Autonomous Region" within the Federal Republic of Yugoslavia. Tensions increased in the spring of 1992 with the referendum on the proposed independence of Bosnia and Herzegovina.
42. About 21 April 1992, Serb forces took over the town of Vlasenica and declared it to be a Serbian town. JNA soldiers, including soldiers purporting to be from the Novi Sad Corps from Serbia, paramilitary forces and local military soldiers participated in the take-over. During the day, police vehicles drove around Vlasenica town and issued an ultimatum over loud speakers for Muslims to turn in their weapons. The Muslim population complied with the ultimatum and did not resist.
43. Once the Serbs took control of the municipality, the Crisis Staff (Krizni Stab) administered the town and appointed Serbs to all official positions. Local Serb men were mobilised and took over military responsibilities from the JNA forces. Among other things, local Serb military forces guarded important facilities and later were formed into companies and used to search surrounding woods for armed Muslims.
44. After the take-over, conditions for Muslims and other non-Serbs in the municipality deteriorated. The Serb authorities fired Muslims and other non-Serbs from their jobs and limited their withdrawal of funds from banks. The Serb authorities did not permit the Muslims and other non-Serbs to travel without special passes. Muslim men were frequently arrested and brought to the police station for interrogation. Beatings and murders sometimes accompanied the interrogations.
45. Many Muslims and other non-Serbs fled the Vlasenica area and beginning in May 1992 and continuing until September 1992, those Muslims and other non-Serbs who had remained were either forcibly expelled or arrested. By September 1992, virtually no Muslims or other non-Serbs remained in Vlasenica.
46. The Serb forces initially held the arrested Muslims and other non-Serbs either at a local school or the local prison in Vlasenica. In approximately late May or early June 1992, the Serb forces established a detention camp at Susica, the main detention facility in the Vlasenica area, and sent the arrested Muslims and non-Serbs there. The Susica camp was run by the military and the local police militia. The camp guards were generally soldiers from the local area.
47. Susica camp was located approximately one kilometre from the town of Vlasenica, in a military facility that had previously been used for storage of military equipment. Men, women and children were kept in the camp, however, the women and children generally stayed for only short periods of time before being forcibly transferred to nearby Muslim areas. Before being forcibly transferred, non-Serbs usually had to sign a document stating that they were leaving the area voluntarily, and that they were giving up their possessions.

48. Susica camp consisted of two main buildings: a warehouse or hangar ("the hangar"), 50 metres by 30 metres, which was used to house the detainees and a second smaller building which was used for storage of uniforms and equipment. There was also a small house used by the guards and the commander of the camp to interrogate detainees when they arrived. Between late May and October 1992, as many as 8,000 Muslim civilians and other non-Serbs from Vlasenica and the surrounding villages were detained in the hangar in Susica camp.
49. The number of detainees in the hangar at any one time varied, but was generally between 300 and 500 detainees. The building was severely overcrowded, detainees were not provided with anything to sleep on, toilet facilities were limited, and there were no showers. The food provided was sparse and often spoiled. The guards brutally beat the detainees on a daily basis. Many detainees died from the beatings by the guards.
50. Many of the detained women were subjected to sexual assaults, including rape. Camp guards or other men who were allowed to enter the camp frequently took women out of the hangar at night. When the women returned, they were often in a traumatised state and other detainees observed that the women were distraught.

Carla Del Ponte
Prosecutor

Dated this 7th day of January 2002
At The Hague
The Netherlands