

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-17/1

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

ANTO FURUNDZIJA

INDICTMENT

(NOTE: This is a redacted copy giving details of the charges against Anto Furundzija. Paragraph numbers have been changed accordingly.)

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) alleges that:

1. On 6 March 1992, the Republic of Bosnia-Herzegovina ("BiH") declared its independence.
2. From at least 3 July 1992, the Croatian Community of Herzeg-Bosna ("HZ-HB") considered itself an independent political entity inside the Republic of Bosnia-Herzegovina.
3. From at least January 1993 through at least mid-July 1993, the HZ-BZ armed forces, known as the Croatian Defence Council ("HVO"), were engaged in an armed conflict with the armed forces of the government of the Republic of Bosnia-Herzegovina.
4. From the outset of hostilities in January 1993, the HVO attacked villages chiefly inhabited by Bosnian Muslims in the Lasva River Valley region in Central Bosnia-Herzegovina. These attacks resulted in the death and wounding of numerous civilians.
5. In addition, other civilians were detained, transported from their places of residence, forced to perform manual labour, were tortured, subjected to sexual assaults, and other physical and mental abuse. Hundreds of Bosnian Muslim civilians were arrested by the HVO and taken to the locations such as the Vitez Cinema Complex and the Vitez Veterinary Station which were being used as detention facilities.

[REDACTED]

THE ACCUSED

[REDACTED]

6. ANTO FURUNDZIJA was born in Travnik on 8 July 1969, and currently resides

in Dubravica, Vitez. During the war, he was a commander of the JOKERS working out of their headquarters (the "Bungalow") in Vitez.

[REDACTED]

GENERAL ALLEGATIONS

7. 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.

8. All acts or omissions set forth herein as grave breaches of the Geneva Conventions of 1949 (grave breaches) and recognised by Article 2 of the Statute of the Tribunal occurred during that armed conflict and partial occupation.

9. 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.

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

11. 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 responsibility includes committing, planning, instigating, ordering or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 and 3 of the Tribunal Statute.

12. The general allegations contained in paragraphs [REDACTED] are realleged and incorporated into each of the charges set forth below.

THE CHARGES

COUNTS 1 - 11

[REDACTED]

COUNTS 12-14 (TORTURE 'RAPE)

13. On or about 15 May 1993, at the Jokers Headquarters in Nadioci (the "Bungalow"), Anto FURUNDZIJA the local commander of the Jokers, [REDACTED] and another soldier interrogated Witness A. While being questioned by FURUNDZIJA, [REDACTED] rubbed his knife against Witness A's inner thigh and lower stomach and threatened to put his knife inside Witness A's vagina should she not tell the truth.

14. Then Witness A and Victim B, a Bosnian Croat who had previously assisted Witness A's family, were taken to another room in the "Bungalow". Victim B had been badly beaten prior to this time.

While FURUNDZIJA continued to interrogate Witness A and Victim B, [REDACTED] beat Witness A and Victim B on the feet with a baton. Then [REDACTED] forced Witness A to have oral and vaginal Sexual intercourse with him. FURUNDZIJA was present during this entire incident and did nothing to stop or curtail [REDACTED] actions.

By the foregoing acts and omissions, [REDACTED] Anto FURUNDZIJA committed the following crimes:

COUNT 1: a GRAVE BREACH (torture or inhumane treatment) recognised by Article 2(b) of the Tribunal Statute;

COUNT 2: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (torture) recognised by Article 3 of the Tribunal Statute.

COUNT 3: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (outrages upon personal dignity including rape) recognised by Article 3 of the Tribunal Statute.

COUNTS 15-25
[REDACTED]

Richard J Goldstone
Prosecutor

2 November 1995
The Hague
The Netherlands