

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO: IT-01-48-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

SEFER HALILOVIC

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:

SEFER HALILOVIC

with **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

THE ACCUSED

1) **Sefer HALILOVIC**: the son of Rustem, born on 6 January 1952 in Prijepolje in the region of Serbia known as Sandzak. He attended the military academy in Belgrade in 1971 for 3 years. In 1975 he went to the military school in Zadar where he became an Officer in the Yugoslav People's Army (JNA). On 31 August 1990 he went to Belgrade and attended a two-year course at the school for commanders.

When **Sefer HALILOVIC** left the JNA in September 1991 he was a professional military officer who had attained the rank of Major. He returned to Bosnia-Herzegovina in September 1991, joined the Patriotic League and planned the defence of Bosnia-Herzegovina. On 25 May 1992 he was appointed by the Presidency of the Republic of Bosnia and Herzegovina (RBiH) as Commander of the Territorial Defence (TO) Staff of the RBiH, replacing Hasan Efendic. Consequently he became the most senior Military Commander of the armed forces of the RBiH.

During the period 25 May 1992 until early July 1992, whilst the TO evolved into the Army, as per the Law of the Army of the Republic of Bosnia and Herzegovina dated 20 May 1992, **Sefer HALILOVIC** performed the function of the Commander of the TO Staff of the RBiH. His function meant he was also a member of the War Presidency. After July 1992, he functioned as the Chief of the General Staff of the Army of the Republic of Bosnia and Herzegovina (ABiH).

On 18 August 1992 the Presidency formed five corps of the ABiH with **Sefer HALILOVIC** as Chief of the Supreme Command Staff/ Chief of the Main Staff.

On 8 June 1993 a new position was created, Commander of the Supreme Command Staff. Rasim Delic filled this post. **Sefer HALILOVIC** retained the post of Chief of the Supreme Command Staff of the ABiH until November 1993.

Between 18 July 1993 to November 1993 **Sefer HALILOVIC** held the post of Deputy Commander of the Supreme Command Staff of the ABiH as well as Chief of the Supreme Command Staff.

After a meeting in Zenica on 20-21 August 1993 **Sefer HALILOVIC** was appointed Head of an Inspection Team and commander of an Operation called "NERETVA-93".

He is now a retired General of the ABiH and is a Minister in the Government of Bosnia-Herzegovina.

CHARGE

COUNT 1 MURDER

2) The Prosecutor re-alleges and incorporates by reference paragraph 1) and paragraphs 35)-44) in Count 1.

3) At a meeting on 21 to 22 August 1993 in Zenica, attended by most of the senior military commanders of the ABiH including Rasim Delic, it was decided that the ABiH would conduct a military Operation in Herzegovina. It was called "NERETVA-93". The main purpose of the Operation was to capture territory held by the Bosnian Croat forces (HVO) from Bugojno to Mostar thereby ending the blockade of Mostar. In order to achieve these aims the ABiH would launch offensives within this area. At the meeting an Operational plan which had been prepared and tabled by **Sefer HALILOVIC** was discussed. The Commander of the Supreme Command Staff, Rasim Delic, who was also present, agreed that an Inspection Team headed by his Deputy, **Sefer HALILOVIC** who was then also Chief of the Supreme Command Staff, would go to Herzegovina to command and co-ordinate the Operation. Units from the 1st, 3rd, 4th and 6th Corps including a unit which was commanded by Zulfikar Alispago were to be subordinated to **Sefer HALILOVIC** for the Operation.

4) **Sefer HALILOVIC** was the commander of the Operation and as such the troops involved in the "NERETVA-93" Operation were under his command and control.

These include the 9th Motorised Brigade, the 10th Mountain Brigade, the 2nd Independent Battalion and the Prozor Independent Battalion.

Sefer HALILOVIC was the most senior Military Commander for Operation "NERETVA-93", in the field.

The Inspection Team actually consisted of Vehbija Karic, Zicro Suljevic, Rifat Bilajac and Namik Dzankovic. The Operation was commanded and co-ordinated from the Forward Command Post in Jablanica. One line of attack was from Donja Grabovica to Vrdi. This part of the Operation was commanded by Zulfikar Alispago and involved the use of the 9th Motorised Brigade, the 10th Mountain Brigade and the 2nd Independent Battalion, all from the 1st Corps of the ABiH. Another line of attack was from Dobro Polje to Prozor. Enver Buza, who was the Commander of the Prozor Independent Battalion, was to command this line of attack. The village of Uzdol was along this line.

5) **Sefer HALILOVIC** was intimately involved with the planning and implementation of the Operation and it was he who ordered the deployment of units of the 9th Motorised and 10th

Mountain Brigades from the 1st Corps in Sarajevo, to Herzegovina. Prior to the arrival of these units he had visited the operational area including the village of Grabovica on at least two occasions.

6) Both these units had notorious reputations for being criminal and uncontrolled in behaviour as well as having participated in an armed mutiny in July 1993. **Sefer**

HALILOVIC had knowledge of the behaviour of these units from discussions with members of the Ministry of Interior, the Military and others who were trying to find a way to deal with their criminal behaviour.

7) The ABiH had taken the village of Grabovica in May 1993. Grabovica is situated on the Neretva river and alongside the main road from Sarajevo to Mostar. The land rises sharply on either side of the river. On the one bank of the river there were the homes of mainly Bosnian Croat civilians. On the other bank there were some resident Bosnian Croat civilians as well as the majority of Bosnian Muslim refugees and later some former camp detainees. Some of the local Croat population had stayed in their homes after the village had been taken by the Bosnian Muslim Armed Forces. There was a measure of co-existence with the Muslims in the area even after the end of August 1993 when a number of Muslim refugees and former detainees were housed on both sides of the Neretva River.

8) A unit of the 9th Motorised Brigade, which was under the command of the Deputy- Brigade Commander, Ramiz Delalic, left Sarajevo on 7 September 1993. On arrival in Jablanica on 8 September 1993 this unit of the 9th Motorised Brigade was sent to be billeted in Grabovica, some 11-12km away. A small group of the 10th Mountain Brigade was also billeted in Grabovica that afternoon.

9) On 8 September 1993, after their arrival in Grabovica some soldiers of the 9th Motorised Brigade had problems securing accommodation with the local Bosnian Croat civilian population. The 2nd Independent Battalion, which was also from the 1st Corps in Sarajevo had already been billeted in Grabovica.

10) On that day Vehbija Karic, and some other members of the Inspection Team visited Grabovica to check on the troops. During that visit **Sefer HALILOVIC** was present in the village when the troops complained to Vehbija Karic that many of the Bosnian Croat civilians would not let them into their houses. Mustafa Hota, a soldier from the 9th Motorised Brigade, was one of those who had complained to Vehbija Karic about the accommodation. Vehbija Karic then in word and gesture indicated that the troops should try those Bosnian Croat civilians summarily and throw them into the Neretva river if they did not co-operate. **Sefer HALILOVIC** voiced his disapproval about the comment to Vehbija Karic but said nothing to prevent the soldiers from acting on it.

11) Some soldiers of the 9th Motorised Brigade sought accommodation at the house of Pero Maric and his wife, Dragica in Grabovica.

12) Initially Pero Maric refused them entry to the house. Sometime later Mustafa Hota arrived and he forced Pero Maric to give the troops access to the house. Mustafa Hota then left.

13) Mustafa Hota returned sometime later whilst Pero Maric and some of the troops were seated around a table outside the house. Mustafa Hota paced around the table and whilst talking he shot Pero Maric in the head. Later that evening Pero Maric's wife, Dragica was killed at the house.

14) There was continuous shooting in the village that evening and that night. Over the next two days the bodies of the Bosnian Croat civilians were seen in the village, alongside the Neretva river and floating in the river.

15) **Sefer HALILOVIC** was notified during the night of 8 September 1993 about the killings of civilians. Once he was notified and having knowledge of the criminal reputation of the 9th Motorised and 10th Mountain Brigades and having been present earlier that day when Vehbija Karic had made the remark referred to in paragraph 10 above, **Sefer HALILOVIC** was duty bound to act urgently. **Sefer HALILOVIC** had to take immediate and effective steps to eliminate a further threat and danger to the surviving civilians by either evacuating them or ensuring they were properly protected in the village. To accomplish this **Sefer HALILOVIC** should have ordered his subordinates, including the commanders of the units billeted in the village of Grabovica, to take immediate steps to ensure that their troops in Grabovica were brought under control and prevented from killing or harming the surviving civilians. **Sefer HALILOVIC** should have requested or ordered members of the 6th Corps military police companies that were located in Jablinica and Konjic and/or the Neretvica Brigade military police company in Pasovici to secure the village of Grabovica with the purpose of protecting the surviving and injured civilians. **Sefer HALILOVIC** should have ordered the use of other military security personnel to assist the military police and have ordered the use of force, where necessary, to implement his order. **Sefer HALILOVIC** should have ordered medical personnel to go to the village to assist the wounded and to provide other medical attention, where necessary. He was also duty bound to order the immediate arrest and detention of the suspects and to immediately initiate an investigation.

16) During the period 8 to 9 September 1993, two young boys, Goran and Zoran Zadro were at their home in Grabovica when three Muslim soldiers came to the house and enquired about the livestock they had. Their father, grandfather and grandmother took the soldiers to the barn. The boys remained with their mother and young sister. The boys heard shots being fired and their mother told them to run into the forest. When they returned during the course of the day on 9 September 1993 they saw five dead bodies of their entire family near their house. They also saw the bodies of some of their neighbours.

17) On the morning of 9 September 1993 three soldiers of the 9th Motorised Brigade who were billeted in Pero Maric's house went to look for fruit above the Grabovica railway track. One of them was Enes Sakrak.

18) At one point they met a woman who was carrying a young child. They were the mother and sister of Goran and Zoran Zadro, referred to above. Enes Sakrak shot them both. Other members of the same family were found killed nearby their home.

19) Later that day soldiers of the 9th Motorised Brigade found the two Zadro boys and handed them over to Ramiz Delalic who took them to the Zulfikar unit's base in Donja Jablanica. There was a meeting held, at which **Sefer HALILOVIC** was present to decide what to do with the boys. It was eventually decided that they should be sent to stay in the town of Jablanica.

20) Ramiz Delalic, the Deputy-Commander of the 9th Motorised Brigade had ordered the bodies of those killed to be hidden. Soldiers of the 9th Motorised Brigade and of the 10th Mountain Brigade buried and burned some of those bodies. Local soldiers from Zulfikar's unit transported some bodies out of the village in trucks.

21) In all thirty-three Bosnian Croat civilians were killed in Grabovica, their names are listed

hereunder:

1. Pero CULJAK, son of Mijat, born 15 November 1913
2. Matija CULJAK, wife of Pero, born 17 May 1917
3. Cvitan LOVRIC, son of Tadija, born 11 October 1936
4. Jela LOVRIC, wife of Cvitan, born 20 November 1940
5. Mara MANDIC, wife of Tomo, born in 1912
6. Ivan MANDIC, son of Marko, born 15 June 1935
7. Ilka MILETIC, daughter of Ilija, born 20 January 1926
8. Anica PRANJIC, wife of Ivan, born 7 February 1914
9. Franjo RAVLIC, son of Stjepan, born 17 May 1918
10. Ivan SARIC, son of Pero, born 13 August 1939
11. Pero MARIC, son of Ilija, born 27 September 1914
12. Dragica MARIC, wife of Pero, born 21 September 1914
13. Josip BREKALO, son of Ivan, born 29 June 1939
14. Luca BREKALO, wife of Josip, born 14 September 1939
15. Andrija DREZNJAK, son of Tomo, born 23 February 1921
16. Mara DREZNJAK, daughter of Andrija, born 21 April 1921
17. Dragica DREZNJAK, daughter of Andrija, born 25 November 1953
18. Ilka MARIC, daughter of Simun, born 20 January 1921
19. Ruza MARIC, daughter of Simun, born 17 February 1956
20. Martin MARIC, son of Blaz, born 7 August 1911
21. Marinko MARIC, son of Martin, born 6 January 1941
22. Luca MARIC, wife of Marinko, born 25 November 1944
23. Marko MARIC, son of Ante, born 28 February 1906
24. Matija MARIC, wife of Marko, born 14 November 1907
25. Ruza MARIC, daughter of Mijo, born 13 April 1935
26. Ivan ZADRO, son of Andrija, born 28 March 1924
27. Matija ZADRO, wife of Ivan, born 23 September 1923
28. Mladen ZADRO, son of Ivan, born 18 June 1956
29. Ljubica ZADRO, wife of Mladen, born 8 July 1956
30. Mladenka ZADRO, daughter of Mladen, born 13 August 1989
31. Zivko DREZNJAK, son of Blaz, born 29 August 1933
32. Ljuba DREZNJAK, wife of Zivko, born 15 May 1932
33. Jozo ISTUK, son of Ante, born 16 April 1930

22) **Sefer HALILOVIC** was in the village the day after the killings occurred. **Sefer HALILOVIC** was also present at a meeting in Jablanica when Vehbija Karic said that he had not intended the troops to have interpreted the words he had used literally, to kill the civilians, but meant it as a form of encouragement to them to be brave.

23) The Minister of the Interior of the RBiH, twice met with **Sefer HALILOVIC**, once in Jablanica and on the second occasion in a military facility known as the ARK in the Konjic Municipality and suggested to him that the Operation be stopped and that a full investigation be conducted by the military into the civilian deaths.

24) Following the incident in Grabovica the Commander of the Supreme Command Staff, Rasim Delic, sent an order, dated 12 September 1993, to **Sefer HALILOVIC** requesting him to re-consider the scope of the "NERETVA-93" Operation, to isolate the perpetrators of the incident, to take active measures and to immediately report on the measures he had taken. He was also ordered to do everything to prevent such events in the future. **Sefer HALILOVIC** failed to implement the order resulting in a failure to punish the perpetrators of the crime who were in the area until 19

September 1993.

25) On 14 September 1993 in the course of the operation "NERETVA-93", the Prozor Independent Battalion, under the command of Enver Buza attacked the village of Uzdol. Uzdol consists of a number of small hamlets in particularly hilly terrain in the Prozor Municipality. It was then exclusively inhabited by Bosnian Croat civilians.

26) **Sefer HALILOVIC** sent Zicro Suljevic, a member of his Inspection Team, with the Commander of the Prozor Independent Battalion to ensure the attack was carried out.

27) During the course of the attack twenty-nine Bosnian Croat civilians, who were not combatants were killed. An HVO prisoner, Slavko Mendes, was captured and executed.

28) The event in Uzdol was widely broadcast on the local radio and television media as well as on the international media. After international inquiries had been made about the event, both the President of the Republic of Bosnia and Herzegovina and another of Rasim Delic's Deputy's between 15 and 16 September 1993 asked the 6th Corps Command to provide them with details of the event. The written request was sent through the communications centre in Jablanica.

29) In all twenty-nine Bosnian Croat civilians and one HVO prisoner of war were killed in Uzdol. The names of the civilians are listed hereunder:

1. Stjepan ZELIC born 2 January 1983
2. Marija ZELIC born 12 September 1980
3. Ruza ZELIC born 25 December 1944
4. Jadranka ZELENKA born 8 January 1981
5. Lucija RAJIC born 26 September 1933
6. Stanko RAJIC born 20 May 1927
7. Mijo RAJIC born 12 September 1924
8. Ivka RAJIC born 29 April 1921
9. Sima RAJIC born 6 July 1914
10. Ivka RAJIC born 16 April 1934
11. Domin RAJIC born 21 September 1936
12. Mara RAJIC born 26 November 1938
13. Jela DZALTO born 5 June 1950
14. Kata LJUBIC born 10 September 1948
15. Anica STOJANOVIC born 5 December 1949
16. Franjo STOJANOVIC born 6 January 1916
17. Anto STOJANOVIC born 5 March 1923
18. Serafina STOJANOVIC born 12 February 1922
19. Luca ZELENKA born 25 April 1906
20. Ivan ZELENKA born 1 June 1930
21. Ruza ZELENKA born 14 April 1931
22. Janja ZELENKA born 28 August 1931
23. Dragica ZELENKA born 25 April 1934
24. Mato LJUBIC born 6 November 1923
25. Kata PERKOVIC born 24 November 1923
26. Martin RATKIC born 19 January 1925
27. Kata RATKIC born 24 November 1928
28. Zorka GLIBO born 10 October 1938
29. Mara GRUBESA born 1 May 1943

30) On 16 September 1993 **Sefer HALILOVIC** was ordered to stop all combat activities against the HVO immediately or at the latest by noon on 18 September 1993.

31) On 20 September 1993 **Sefer HALILOVIC** and the other members of his Inspection Team signed a report about their mission in Herzegovina. The report recommends criminal procedures be instituted against certain military officers and civilian officials yet makes no mention about the Grabovica or Uzdol incidents.

32) Save for a trip to Sarajevo in September 1993, **Sefer HALILOVIC** remained as commander of the Operation in the area until 5 October 1993 and was able to initiate an investigation into the killings in Uzdol and have the perpetrators punished.

33) On 26 September 1993, **Sefer HALILOVIC** attended a meeting where the President of the RBiH said that he did not want to have anything to do with troops who slaughtered children and women. The President then referred to crimes committed by the ABiH, in particular the slaughters near Grabovica and Uzdol and said they should be stopped. **Sefer HALILOVIC**, who spoke at the meeting, neither referred to nor disputed what the President had to say about the Grabovica and Uzdol incidents.

34) Notwithstanding his duties as a commander that have been set out above, **Sefer HALILOVIC** did not take effective measures to prevent the killings of civilians in Grabovica. Further, despite the order from Rasim Delic, dated 12 September 1993, **Sefer HALILOVIC** did not take steps to carry out a proper investigation to identify the perpetrators of the killings in both Grabovica and Uzdol and as commander of the Operation to punish them accordingly.

By these acts and omissions in relation to the killings in Grabovica and Uzdol, **Sefer HALILOVIC** committed,

COUNT 1: Murder, 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) of the Geneva Conventions, and Article 7(3) of the Statute of the Tribunal.

SUPERIOR RESPONSIBILITY

SEFER HALILOVIC:

35) **Sefer HALILOVIC** was appointed by Rasim DELIC to command the Operation "NERETVA-93".

36) **Sefer HALILOVIC** was Chief of the Supreme Command Staff, one of Rasim Delic's deputies and was the most senior ranking Commander in Herzegovina at that time for the Operation. The ABiH Disciplinary Regulations, in particular those gazetted on 13 August 1992, as amended, to implement the rules relating to the investigation of war crimes, also bound him.

37) He was an experienced Commander, had exercised control and command over military units and was well-versed in military disciplinary procedures.

38) At all times relevant to the charges in the indictment, by virtue of his position and authority as

Commander of the Operation he had effective control over the units subordinated to him. These included the 9th Motorised Brigade, the 10th Mountain Brigade, the 2nd Independent Battalion and the Prozor Independent Battalion.

39) **Sefer HALILOVIC** demonstrated both formal *de jure* and *de facto* power, by his command and control in military matters in a manner consistent with the exercise of superior authority, by issuing orders, instructions and directives to the units, by ensuring the implementation of these orders, instructions and directives and bearing full responsibility for their implementation. He also assigned lines of attack and co-ordinated the combat activities of the units. He planned and was instrumental in the implementation of the military operations carried out by the units which took part in the "NERETVA-93" Operation.

GENERAL ALLEGATIONS

40) At all times relevant to this indictment, an armed conflict existed on the territory of the Republic of Bosnia and Herzegovina.

41) All of the victims to whom the charge refers, whether they were civilians or prisoners of war, were, at all relevant times, persons protected by the Geneva Conventions of 1949.

42) The accused in this indictment was required to abide by the regulations of the laws or customs of war governing the conduct of war, including the Geneva Conventions.

43) **Sefer HALILOVIC**, whilst holding the position of superior authority as set out in the foregoing paragraphs, is criminally responsible for the acts of his subordinates, pursuant to Article 7(3) of the Tribunal Statute.

A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

ADDITIONAL FACTS

44) The Republic of Bosnia and Herzegovina declared its independence on 3 March 1992 and was recognised by the European Community on 6 April 1992. On 22 May 1992 the United Nations admitted the Republic of Bosnia and Herzegovina as a member State.

Carla Del Ponte
Prosecutor

Dated this 10 day of September, 2001
The Hague Netherlands