

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO.: IT- 97- 25-I

**THE PROSECUTOR OF THE TRIBUNAL
AGAINST
MILORAD KRNOJELAC
also known as "Mico"**

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:

MILORAD KRNOJELAC

with **CRIMES AGAINST HUMANITY, GRAVE BREACHES OF THE GENEVA CONVENTIONS (GRAVE BREACHES) and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

BACKGROUND

1.1 Foca city and municipality are located in Bosnia-Herzegovina, southeast of Sarajevo, near the border of Serbia and Montenegro. According to the 1991 census, the population of Foca, which consisted of 40,513 persons, was 51.6 % Muslim, 45.3% Serbian and 3.1 % others. On 7 April 1992, Serb military forces, which included Bosnian Serbs and citizens of Serbian descent from other parts of the former Yugoslavia, began the occupation of Foca town, which was completed on 16 or 17 April 1992. Surrounding villages remained under siege until mid-July 1992.

1.2 As soon as the Serb forces controlled parts of Foca town, military police, accompanied by local and non-local soldiers, started arresting Muslim and other non-Serb inhabitants. Until mid-July 1992, the Serb authorities continued to round up and arrest Muslim villagers throughout the municipality. The Serb authorities separated the men from the women and unlawfully confined thousands of Muslims and other non-Serbs, including intellectuals, doctors and journalists. The Foca Kazneno-Popravni Dom (KP Dom), one of the largest prisons in the former Yugoslavia, became the primary detention facility for men. Beginning on or around 14 April 1992, the Serb civilian and military authorities began to use the prison to detain Muslims and other non-Serbs, mostly males, and a few Serbs who had tried to avoid military service. The Serb detainees were separated from the non-Serb detainees. Because of continuing arrests, the prison was overcrowded during the first few months, with the number of detainees reaching a peak of more than 760. During the remainder of 1992, the camp population averaged about 600 detainees. The majority of detainees were exchanged or released during 1992 and 1993, but the KP Dom functioned as a detention facility until October 5, 1994.

1.3 Most, if not all, detainees were civilians, who had not been charged with any crime, mostly Muslim men from 16 to 80 years of age, including mentally handicapped, physically disabled and

seriously ill persons.

1.4 The prison complex was surrounded by a wall of 3 metres height, with barbed wire on top, and watch towers with machine guns. The inner periphery was mined. Soldiers and prison guards watched the detainees from the towers and regularly patrolled the complex. The detainees were housed in a four-story building, which consisted of common prison cells and solitary confinement cells, 3 x 3 metres in size. The prison complex also included administration buildings, workshops and a furniture factory.

THE ACCUSED

2.1 **MILORAD KRNOJELAC**, also known as Mico, son of Bogdan, born on 25 July 1940, in the village of Birotici near Foca, resides in Foca. Before the war, he was a teacher. He had the rank of a Captain First Class in the JNA (Yugoslav National Army). From April 1992 until August 1993, **MILORAD KRNOJELAC** was the commander of the KP Dom.

SUPERIOR AUTHORITY

3.1 From April 1992 until August 1993, **MILORAD KRNOJELAC** was the commander of the KP Dom and was in a position of superior authority to everyone in the camp. As commander of the KP Dom, **MILORAD KRNOJELAC** was the person responsible for running the Foca KP Dom as a detention camp. **MILORAD KRNOJELAC** exercised powers and duties consistent with his superior position. He ordered and supervised the prison staff on a daily basis. He communicated with military and political authorities from outside the prison. **MILORAD KRNOJELAC** was present when detainees arrived, appeared during beatings, and had personal contact with some detainees.

GENERAL ALLEGATIONS

4.1 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.

4.2 All acts or omissions set forth as Grave Breaches of the Geneva Conventions of 1949 and recognised by Article 2 of the Statute of the Tribunal occurred during that armed conflict and partial occupation.

4.3 At all times relevant to this indictment, the detainees at the KP Dom referred to in the charges were persons protected by the Geneva Conventions of 1949.

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

4.5 All acts and omissions alleged in this indictment took place between April 1992 and August 1993, unless otherwise indicated.

4.6 In each COUNT 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.

4.7 In each COUNT charging crimes against humanity, the acts or omissions were part of a widespread, large-scale or systematic attack against a civilian population, specifically the Muslim and Croat population of the municipality of Foca.

4.8 Witnesses and victims are identified in this indictment using code names or pseudonyms, such as FWS-137 or initials, such as E.G.

4.9 **MILORAD KRNOJELAC**, from April 1992 until August 1993, is individually responsible for the crimes charged against him in this indictment pursuant to Article 7 (1) of the Statute of the Tribunal relating to the events occurring at KP Dom. Individual criminal responsibility includes committing, planning, ordering or otherwise aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below.

4.10 **MILORAD KRNOJELAC** is also, or alternatively, criminally responsible as a superior for the acts of his subordinates pursuant to Article 7(3) of the Statute of the Tribunal. Command criminal responsibility is the responsibility of a superior officer for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such further acts or to punish the subordinate.

THE CHARGES

COUNT 1 (PERSECUTIONS)

5.1 **MILORAD KRNOJELAC**, from April 1992 until August 1993, while acting as the camp commander at the Foca KP Dom, together with the KP Dom guards under his command and in common purpose with the guards and soldiers specified elsewhere in this indictment, persecuted the Muslim and other non-Serb male civilian detainees at the KP Dom facility on political, racial or religious grounds.

5.2 As part of the persecution, **MILORAD KRNOJELAC** participated in or aided and abetted the execution of a common plan involving:

- a. the prolonged and routine imprisonment and confinement within the KP Dom facility of Muslim and other non-Serb male civilian inhabitants of Foca municipality and its environs;
- b. the repeated torture and beatings of Muslim and other non-Serb male civilian detainees at KP Dom;
- c. numerous killings of Muslim and other non-Serb male civilian detainees at KP Dom;
- d. the prolonged and frequent forced labour of Muslim and other non-Serb male civilian detainees at KP Dom; and
- e. the establishment and perpetuation of inhumane conditions against Muslim and other non-Serb male civilian detainees within the KP Dom detention facility.

MILORAD KRNOJELAC participated in the prolonged and routine imprisonment of non-Serb civilians under inhumane conditions by providing the detention facilities, by being in the position of camp administrator and by establishing living conditions characterised by inhumane treatment, overcrowding, starvation, forced labour, and constant physical and psychological assault.

In concert with other high-level prison staff, **MILORAD KRNOJELAC** established a pattern of torture and beatings whereby guards took the detainees out of their cells and brought them to the interrogation rooms and provided the office in which these day-time interrogations and beatings took place. In concert with political leaders or military commanders and other high-level prison staff, **MILORAD KRNOJELAC** prepared lists of detainees to be further beaten during night-time interrogations and established a daily routine for these beatings. In concert with other high-level prison staff, **MILORAD KRNOJELAC** ordered the guards to beat detainees even for minor violations of the prison rules; in conjunction with his subordinates he subjected the other detainees to collective punishment; in concert with other high-level prison staff, he participated by ordering the punishment. **MILORAD KRNOJELAC** participated in the beatings of detainees by allowing the Serb military personnel to enter the prison and assault the detainees whenever they wanted and by instructing his guards to lead the soldiers to the cells and select detainees for beatings; he encouraged and approved assaults by the guards.

MILORAD KRNOJELAC participated in the beatings and killings of non-Serb civilian detainees by ordering and supervising the actions of his guards and allowing military personnel access to the detainees for this purpose.

MILORAD KRNOJELAC, in concert with other high-level prison staff, formed and began to supervise a workers group of approximately 70 of the detainees with special skills. Most of these detainees were kept imprisoned from the summer 1992 until 5 October 1994, for the primary purpose of being used for forced labour.

In addition, **MILORAD KRNOJELAC** assisted in the deportation or expulsion of the majority of Muslim and non-Serb males from the Foca municipality by selecting detainees from the KP Dom for deportation to Montenegro.

5.3 By his participation in the acts or omissions described in paragraph 5.2, **MILORAD KRNOJELAC** committed:

COUNT 1:

A **CRIME AGAINST HUMANITY**, punishable under Article 5 (h) (persecutions on political, racial and/or religious grounds) of the Statute of the Tribunal.

COUNTS 2 - 7 (TORTURE AND BEATINGS) (BEATINGS UPON ARRIVAL IN THE PRISON YARD)

5.4 Upon their arrival in the prison-camp between April and December 1992, detainees of the KP Dom, including FWS-71, FWS-46 and other Muslim male detainees whose identity is unknown ("unidentified") were beaten in the prison yard by the prison guards or by soldiers in the presence of regular prison personnel, as described in paragraphs 5.5 and 5.6. **MILORAD KRNOJELAC** participated in these beatings by granting soldiers access to the detainees and instructing his guards

not to intervene. He also encouraged and approved assaults by the guards.

5.5 On 25 May 1992, FWS-71 arrived at KP Dom in a group of 21 detainees, mostly from Foca and arrested in Montenegro. When they arrived at KP Dom, soldiers forced them to line up against the prison wall with their hands above their heads, then beat, kicked and hit them with rifle butts.

5.6 On 1 June 1992, FWS-46 and 47 other male inhabitants of Jelec who had been captured in Kalinovik and temporarily detained in Bileca were transferred to KP Dom. Upon their arrival at KP Dom, they were beaten by guards.

(BEATINGS ASSOCIATED WITH THE CANTEEN)

5.7 Between May and December 1992, KP Dom guards and Serb soldiers from outside the KP Dom assaulted detainees on their way to or from the canteen and during the meals, as described in paragraphs 5.8 through 5.13. **MILORAD KRNOJELAC** participated in these beatings by granting soldiers access to the detainees and instructing his guards not to intervene. He also encouraged and approved assaults by the guards.

5.8 On an unknown date in August 1992, a group of 7 or 8 unidentified military policemen from Trebinje entered the prison and approached a group of unidentified detainees, who were on their way back from the mess. In the presence of several unidentified guards, the military policemen beat the detainees severely. At first, the guards watched without interfering. Only after the men from Trebinje pointed their weapons at the detainees and intended to shoot them, did the guards commander intervene.

5.9 On an unknown date in June 1992, the detainee E. G., who was disabled in one arm and leg, and also suffered from epilepsy, complained about the small food rations. As a result, he was beaten and kicked by three unidentified guards.

5.10 On an unknown date in July 1992, while detainee P. ("Pace") was lining up in front of the canteen, he was beaten by the guard Pedrag Stefanovic.

5.11 On several unknown occasions between April and December 1992, unidentified soldiers from outside the KP Dom approached detainee FWS-137, who was on his way to or from the canteen in a group of unidentified detainees, and assaulted him and the other detainees, while unidentified guards watched without interfering.

5.12 On an unknown date at the end of October or beginning of November 1992, in the presence of unidentified guards, unidentified soldiers from Nevisenje assaulted detainees FWS-214 and FWS-113 when they left the canteen.

5.13 At lunchtime on 30 October 1992, a group of 3 or 4 unidentified soldiers from outside the KP Dom assaulted FWS-215 and other unidentified detainees who were standing in front of the canteen. The soldiers hit the detainees with their rifle butts and kicked them for about 10 minutes in the presence of unidentified guards, who watched without interfering.

(ARBITRARY BEATINGS)

5.14 During their confinement, the detainees were subjected to sudden arbitrary beatings by guards

or soldiers from outside KP Dom for unknown reasons. Usually during the evenings and nights, local military and paramilitary staff came to the prison. The prison guards led the soldiers to the various cells to select detainees for beatings. These beatings are described in paragraphs 5.15 and 5.16 and attached **Schedule A. MILORAD KRNOJELAC** participated in these beatings by allowing the Serb military personnel to enter the prison and assault the detainees whenever they wanted and by instructing his guards to lead the soldiers to the cells and select detainees for beatings.

5.15 On 10 June 1992, the detainee Z. B. was beaten severely by a Serb soldier from outside the KP Dom. After the beating, he was locked into a solitary confinement cell for about one month. Due to the beating, Z. B. became deaf.

5.16 On 11 July 1992, two guards called out the detainee FWS-71 from his cell, took him to the solitary confinement cells in the detainees building and beat him with various objects for about 20 minutes until FWS-71 fainted. When FWS-71 regained consciousness in his cell, he had bruises all over his body.

(TORTURE AND BEATINGS AS PUNISHMENT)

5.17 **MILORAD KRNOJELAC**, in concert with other high-level prison staff, ordered the guards to beat detainees even for minor violations of the prison rules, as described in paragraphs 5.18 through 5.21.

5.18 The detainee FWS-54 was in charge of distributing food to the detainees. While giving him this task, he had been warned not to give any extra food to any detainee. On 8 August 1992, FWS-54 gave an extra slice of bread to a detainee. As punishment the witness was kicked and beaten with a truncheon by a guard and locked in solitary confinement. He was released FWS-54 after four days.

5.19 On an unknown date during the summer of 1992, detainees A. M., F. M., H. T. and S., who passed messages to one another, were beaten by a guard, Dragomir Obrenovic (aka "Dragan," "Obren") as punishment.

5.20 On an unknown date in April or May 1993, at approximately 6:00 in the morning, guards Dragomir Obrenovic (aka "Dragan," "Obren") and Zoran Matovic called out detainees FWS-71, FWS-76, and I.I. and D.C. from their rooms and led them to the solitary confinement cells in the prisoners quarters. In the corridor, these guards beat the detainees as punishment for stealing bread from the canteen the previous day.

5.21 In June, July or August 1993, after the detainee E. Z., who worked in the mechanical workshop at KP Dom, tried to escape, **MILORAD KRNOJELAC** and his subordinates subjected the other detainees to collective punishment. **MILORAD KRNOJELAC**, in concert with other high-level prison staff, participated by ordering the punishment. From the beginning of their confinement, the detainees were threatened with death if anyone tried to escape. As a collective punishment after E. Z.'s escape, the food rations of all detainees in KP Dom were halved for at least 10 days. FWS-73, FWS-110, FWS-144, FWS-210 and approximately 10 other detainees, all work companions of the escapee and the detainee in charge of the escapee's room, were taken to the administration building and in the presence of **MILORAD KRNOJELAC**, severely beaten by about 10 members of the prison staff. FWS-73 was beaten and kicked mostly in his lower abdominal region for about 5 minutes. FWS-110 was kicked so severely that he lost consciousness. As further punishment, FWS-73, FWS-110, FWS-144, FWS-210, and other unidentified detainees were locked in solitary confinement for various time periods lasting up to 15 days.

(TORTURE AND BEATINGS DURING INTERROGATIONS)

5.22 Local and military police, in concert with the prison authorities, interrogated the detainees after their arrival at the KP Dom. **MILORAD KRNOJELAC**, in concert with other high-level prison staff, established a pattern whereby guards took the detainees out of their cells and brought them to the interrogation rooms. He also provided the office in which these day-time interrogations took place. The interrogations focused on whether the detainee was an SDA (Party for Democratic Action) member, possessed weapons, or had fought against the Serb forces. During or after the interrogation, the guards and police often beat the detainees, as described in paragraphs 5.23 through 5.25. **MILORAD KRNOJELAC** aided and abetted these beatings by granting local and military police access to the detainees and encouraging and approving the actions of his guards.

5.23 On 24 May 1992, military police arrested FWS-03 and H.D., both members of the SDA, and their neighbour H. S. and took them to KP Dom. On the same day, 5 or 6 military policemen interrogated them at KP Dom. To force them to give a confession, the policemen beat all three of them during the interrogation. The beatings were so severe that H. S. fainted twice.

5.24 On several unknown dates between April and August 1992, unidentified KP Dom guards severely beat Hasim Glusac. Due to these beatings, in concert with the brutal living conditions, his lungs were severely damaged.

5.25 On an unknown date in May or June 1992, KP Dom guards severely beat Ibrahim Sandal, in connection with interrogation, and returned him to his cell seriously injured.

5.26 From April until July 1992, **MILORAD KRNOJELAC**, in concert with political leaders or military commanders and other high-level prison staff, prepared lists of detainees to be further beaten during nighttime interrogations and established a daily routine for these beatings. The selected detainees were mostly prominent inhabitants of Foca, who were suspected of not having told the truth during the daytime interrogations, who were accused of possessing weapons, or who were members of the SDA. Most evenings during this time, the lists were delivered to the guards, who then took the detainees to the administration building for additional interrogations and beatings. Generally, the guard commander was present during the selection of the detainees. Sometimes he read out the names of the selected detainees from the lists. Then, the detainees were led to the administration building, where they were beaten by unidentified prison guards or soldiers whom **MILORAD KRNOJELAC** had allowed to enter the prison to beat the detainees. The guards and soldiers assaulted the detainees with all sorts of weapons, including batons, rifle butts, knives and tools. Some of the detainees returned to their rooms severely injured. Some of the detainees were selected for beatings several times. A substantial number of the selected detainees never returned from the beatings and are still missing. These incidents are further described in paragraphs 5.27 through 5.29 and attached **Schedule B**.

5.27 In June or July 1992, KP Dom guards, on at least two occasions, severely beat Nurko Nisic, a former officer from the municipality administration and an SDA member, Zulfo Veiz and Salem Bico, both former policemen, and Krunoslav Marinovic, a Croat reporter, and returned them to their cells bruised, bloody and seriously injured.

5.28 In June 1992, the KP Dom guards tortured and beat detainee S. M. having mistaken him for another detainee, whose name appeared on the list of detainees who had been selected for interrogation and torture. The perpetrators beat and cut S. M. with a knife. They threatened to take out his eye. While he was being beaten, **MILORAD KRNOJELAC** appeared, discovered the

mistake, and ordered the guards to stop beating S.M. The victim was returned to his cell, seriously injured and covered in blood.

5.29 Between May and July 1992, on at least two occasions, the KP Dom guards and military policemen tortured and beat the detainees Vahida Dzermal, a former policeman, Enes Uzunovic, an SDA member, A. S. and E. C. As a result of the torture and beatings, A. S. suffered three broken ribs, Dzermal Vahida s jaw was broken, and Dzermal Vahida lost several teeth. Three fingers of E. C. s hand were broken and his body was bruised. After the beatings the victims were kept in solitary confinement for several days and then returned to their cells severely injured. Enes Uzunovic and Dzermal Vahida later were killed as described in paragraph 5.32; A. S. and E. C. are missing.

5.30 By his participation in the acts or omissions described in the paragraphs 5.17 to 5.29, the accused **MILORAD KRNOJELAC** committed:

COUNT 2:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (f) (torture) of the Statute of the Tribunal;

COUNT 3:

A **GRAVE BREACH** punishable under Article 2 (b) (torture) of the Statute of the Tribunal;

COUNT 4:

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) (torture) of the Geneva Conventions.

5.31 By his participation in the acts or omissions described in the paragraphs 5.4 to 5.29, the accused **MILORAD KRNOJELAC** committed:

COUNT 5:

A **CRIME AGAINST HUMANITY** punishable under Article 5(i) (inhumane acts) of the Statute of the Tribunal;

COUNT 6:

A **GRAVE BREACH** punishable under Article 2(c) (wilfully causing serious injury to body or health) of the Statute of the Tribunal;

COUNT 7:

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) (cruel treatment) of the Geneva Conventions.

COUNTS 8 - 10

(WILFUL KILLINGS AND MURDER)

5.32 Between June and August 1992, **MILORAD KRNOJELAC** and the KP Dom guards under his control increased the number of interrogations and beatings. During this period, guards selected groups of detainees according to lists provided by the prison authorities and took them, one by one, into a room in the administration building. In this room, the guards and soldiers, including members of the military police, often would chain the detainee, with his arms and legs spread, before beating him. The guards and soldiers, including members of the military police, kicked and beat each detainee with rubber batons, axe-handles and fists. During the beatings, the guards and soldiers, including members of the military police, asked the detainees where they had hidden their weapons or about their knowledge of other persons. After some of the beatings, the guards threw the detainees on blankets, wrapped them up and dragged them out of the administration building. **MILORAD KRNOJELAC** participated in these beatings and killings by ordering and supervising the actions of his guards and allowing military personnel access to the detainees for this purpose.

5.33 An unknown number of the tortured and beaten detainees died during these incidents. Some of those still alive after the beatings were shot or died from their injuries in the solitary confinement cells. The beatings and torture resulted in the death of the detainees listed in **Schedule C** to this indictment, as well as an unknown number of other unidentified detainees.

5.34 By his participation in the acts or omissions described in paragraphs 5.32 and 5.33, the accused **MILORAD KRNOJELAC** committed:

COUNT 8:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (a) (murder) of the Statute of the Tribunal;

COUNT 9:

A **GRAVE BREACH** punishable under Article 2 (a) (wilful killing) of the Statute of the Tribunal;

COUNT 10:

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) (murder) of the Geneva Conventions.

COUNTS 11 - 15

(UNLAWFUL CONFINEMENT, IMPRISONMENT AND INHUMANE CONDITIONS AT KP DOM)

5.35 Beginning on or around 14 April 1992 until 5 October 1994, the Serb civilian and military authorities used the KP Dom to detain Muslims and other non-Serbs, mostly males, including mentally handicapped, physically disabled and seriously ill persons. Although the occupation of Foca town was completed on 16 or 17 April 1992, and the entire Foca municipality was under Serb control at least from mid-July 1992 onwards, the KP Dom functioned as a detention facility for male Muslim and non-Serb civilians until 5 October 1994. Among the detainees were intellectuals, doctors, journalists and SDA members. From April 1992 until August 1993, **MILORAD KRNOJELAC** participated in implementing the unlawful confinement through his actions as head of the prison-camp.

5.36 The conditions in the KP Dom were brutal. While **MILORAD KRNOJELAC** was the head of the prison from April 1992 until August 1993, the living conditions in the detention camp were characterised by inhumane treatment, overcrowding, starvation, forced labour, and constant physical and psychological assault.

5.37 During their confinement, the detainees were locked in their cells, except when they were lined up and taken to the canteen to eat or to work duties. After April 1992, the cells were overcrowded, with insufficient facilities for bedding and personal hygiene. The detainees were fed starvation rations. They had no change of clothes. During the winter they had no heating. They received no proper medical care. As a result of the living conditions in the KP Dom, the health of many detainees was destroyed. Due to the lack of proper medical treatment, the 40-year old detainee, Enes Hadzic, died in April or May 1992 from a perforated ulcer. Additional incidents are described in the attached **Schedule D**.

5.38 The sounds of the torture, beatings, and killings, as specified in paragraphs 5.4 to 5.33 of this Indictment, were audible to the detainees. As a result, the detainees lived in constant fear that they would be the next victims. The solitary confinement cells were used as a source of terror and threats. Because all detainees lived in a constant state of fear, some became suicidal, while others simply became indifferent as to what would happen to them. Most, if not all of the detainees, suffered from depression and still bear the physical and psychological wounds resulting from their confinement at KP Dom. These incidents are described in attached **Schedule D**.

5.39 By his participation in the acts or omissions described in paragraphs 5.35 to 5.38, the accused **MILORAD KRNOJELAC** committed:

COUNT 11:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (e) (imprisonment) of the Statute of the Tribunal;

COUNT 12:

A **GRAVE BREACH** punishable under Article 2 (g) (unlawful confinement of a civilian) of the Statute of the Tribunal.

5.40 By his participation in the acts or omissions described in paragraphs 5.36 to 5.38, the accused **MILORAD KRNOJELAC** committed:

COUNT 13:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (i) (inhumane acts) of the Statute of the Tribunal;

COUNT 14:

A **GRAVE BREACH** punishable under Article 2 (c) (wilfully causing great suffering) of the Statute of the Tribunal;

COUNT 15:

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) (cruel treatment) of the Geneva Conventions.

COUNTS 16-18 (ENSLAVEMENT)

5.41 From May 1992 until October 1994, detainees were subjected to forced labour. **MILORAD KRNOJELAC** participated in these criminal actions from May 1992 until August 1993. During May 1992, **MILORAD KRNOJELAC** approved decisions to force individual detainees to work. In July 1992, **MILORAD KRNOJELAC**, in concert with other high-level prison staff, formed and began to supervise a workers group of approximately 70 of the detainees with special skills. Most of these detainees were kept imprisoned from the summer 1992 until 5 October 1994, for the primary purpose of being used for forced labour. Further details of the forced labour occurring during the administration of **MILORAD KRNOJELAC** are described in paragraphs 5.42 through 5.45. The names of detainees subjected to forced labour are provided in attached **Schedule E**.

5.42 At all times relevant to this Indictment, the guards called out members of the workers group on a daily basis and forced them to work inside and outside the camp, from 7 a.m. to at least 3 or 4 p.m. The detainees were not paid for their work. Work was not voluntary. Even ill or injured detainees were forced to work. Those who refused were sent to solitary confinement. During their work, the detainees were either guarded by the regular prison guards or by Serb soldiers.

5.43 Within the prison, the detainees had to work in the kitchen, the furniture factory and the metal and mechanical workshop. In the workshop, the detainees had to repair army vehicles or looted cars.

5.44 Outside the prison, the detainees were forced to perform farming jobs at the prison outpost Brioni, to work in mills and the Miljevina mine, and to clean up rubble of damaged buildings at various places in Foca. During the winter of 1992 to 1993, detainees were forced to repair the private house of **MILORAD KRNOJELAC**, to install a bar in the house of one of his sons, and to furnish a store for one of his sons. The detainees were ordered by prison staff to help the Serb soldiers to loot Muslim houses and mosques.

5.45 Detainees were taken to the front lines to perform work, such as digging trenches or building barracks. From around June until October 1992, the detainee FWS-141 had to drive soldiers and material to the front lines. Detainees FWS-109 and G. K. were taken to the Kalinovik police station for the discovery of land mines. Between September 1992 and March 1993, on at least 8 occasions, they had to drive ahead of Serb convoys to detect land mines. For approximately 10 days in the winter 1992/1993, a group of KP Dom detainees, among them the witness FWS-110, was taken to the front lines in Previla to cut wood and take it to the trenches. FWS-110 also had to lay telephone lines to connect the trenches.

5.46 By his participation in the acts or omissions described in paragraphs 5.41 to 5.45, **MILORAD KRNOJELAC** committed:

COUNT 16:

A **CRIME AGAINST HUMANITY** punishable under Article 5 (c) (enslavement) of the Statute of

the Tribunal;

COUNT 17:

A **GRAVE BREACH** punishable under Article 2 (b) (inhuman treatment) of the Statute of the Tribunal;

COUNT 18:

A **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised under the Slavery

Convention and International Customary Law (slavery).

Carla Del Ponte
Prosecutor

Dated this 2nd day of March 2000
At The Hague
The Netherlands