

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**

**CASE NO. IT-95-16**

**THE PROSECUTOR OF THE TRIBUNAL**

**AGAINST**

**ZORAN KUPRESKIC  
MIRJAN KUPRESKIC  
VLATKO KUPRESKIC  
VLADIMIR SANTIC  
also known as "VLADO"  
STIPO ALILOVIC  
also known as "BRKO"  
DRAGO JOSIPOVIC  
MARINKO KATAVA  
DRAGAN PAPIC**

**INDICTMENT**

**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-BZ") considered itself an independent political entity inside the Republic of Bosnia-Herzegovina.
3. From at least January 1993 until at least the end of May 1993, the HZ-HB armed forces, known as the Croatian Defence Council ("HVO"), were engaged in an international 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 systematically 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. The persecution of Bosnian Muslim civilians escalated in frequency throughout the early part of 1993, culminating in simultaneous attacks throughout the Lasva Valley Region on 16 April 1993.
6. On the 16 April 1993 at approximately 0530 hrs, HVO forces attacked the town of Vitez and the nearby villages of Donja Veceriska, Sivrinovo Selo, Santici, Ahmici, Nadioci, Stara Bila, Gacice, Pirici and Preocica. All the villages are within a 10 kilometer radius from the village of Ahmici.
7. The pattern of attack was the same across the area. The villages were first shelled with an assortment of weaponry including mortars, rockets and anti-aircraft guns. Groups of HVO soldiers

then went from house to house killing and wounding Muslim civilians and finally burning houses, barns and livestock. After the attacks subsided large numbers of civilians were detained. The offensive which lasted several days was a highly coordinated military operation involving hundreds of HVO troops.

8. After the villages were attacked, Bosnian Muslims civilians were arrested and taken to various detention centers. While imprisoned, the HVO brought Bosnian Muslim male detainees to the front lines to dig trenches, subjecting those detainees to the cross fire between the HVO and BiH armies.

9. One of the villages where Bosnian Muslim detainees were forced to dig trenches in the midst of sniper fire was at Pirici, a small hamlet adjacent to Ahmici, Vitez.

## **THE ACCUSED**

10. ZORAN KUPRESKIC, son of Anto and brother of MIRJAN, was born on 23 September 1958 in the village of Pirici. He was an HVO soldier in the Ahmici area. Before the war, he operated a business in Ahmici with his cousin VLATKO KUPRESKIC.

11. MIRJAN KUPRESKIC, son of Anto, was born on 21 October 1963 in the town of Vitez. With his brother ZORAN and cousin VLATKO KUPRESKIC, he was an HVO soldier in Ahmici.

12. VLATKO KUPRESKIC, son of Franjo, was born on 1 January 1958 in the village of Pirici. He lived and worked in Ahmici where he owned a business with his cousin ZORAN KUPRESKIC before the war. He and his cousins, ZORAN and MIRJAN KUPRESKIC, were HVO soldiers.

13. VLADIMIR SANTIC also known as "VLADO" was born on 1 April 1958 in Donja Veceriska. Prior to the war he lived in Vitez and was a policeman by profession. He was an HVO soldier in Vitez.

14. STIPO ALILOVIC also known as "Brko" was born in Nadioci. He lived in Vitez and was an HVO soldier in Vitez.

15. DRAGO JOSIPOVIC, son of Niko, was born on 14 February 1955 in Santici. Before the war, he was a chemical worker by profession. He was an HVO soldier in Santici.

16. MARINKO KATAVA, a member of the HVO in Vitez. He also lived in Vitez and his wife was a pharmacist.

17. DRAGAN PAPIC was born in the village of Santici on 15 July 1967. He lived in Ahmici, Vitez and was an HVO soldier.

## **GENERAL ALLEGATIONS**

18. At all times relevant to this indictment, the acts and omissions alleged in this indictment took place during April 1993 in the Lasva River Valley Region in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.

19. 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.

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

21. 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.

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

23. Each of 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 to 5 of the Tribunal Statute.

24. The general allegations contained in paragraphs 1 through 9 and 18 through 23 are realleged and incorporated into each of the charges set forth below.

### **CHARGES**

25. When HVO forces attacked villages and towns in the Lasva Valley Region on 16 April 1993, the village of Ahmici experienced the most significant killing and destruction. Located approximately 5 kilometres east of Vitez, Ahmici had a population of approximately 466 inhabitants, with 356 being of Muslim ethnicity and 87 of Croat ethnicity prior to April 16, 1993. After the attack, there were no Bosnian Muslims still living in Ahmici.

26. Using a similar pattern of attack employed for other villages, the HVO attack on Ahmici targeted houses, stables, sheds and livestock owned by Muslim civilians. The HVO first shelled Ahmici from a distance, then groups of soldiers went from house to house attacking civilians and their properties using flammable tracer rounds and explosives. Several houses were destroyed by pouring inflammable liquid on the outside or inside and setting it on fire. Every Muslim owned house in Ahmici was burned, and many unarmed Muslim civilians were deliberately and systematically shot. At least 41 civilians were killed and numerous others were wounded.

27. In the neighbourhood of Zume, in Ahmici, witnesses observed approximately 100 HVO soldiers on their way to the village, and ten minutes later on their way back from the village. In the interim, numerous houses in Zume were set on fire and a large proportion of the Muslim inhabitants were killed.

28. Between 150 and 200 Muslim civilians sought refuge in the house of a Muslim civilian in Gornji Ahmici. When UNPROFOR forces of the British Battalion came to the village at about 12.00 hrs the HVO stopped shooting, but the shooting immediately resumed when the British Battalion left. The HVO forces then fired directly at the house where the civilians were hiding, both with an anti-aircraft gun and other artillery. At around 2000 hrs, the 150-200 civilians were able to evacuate the house and fled to the mosque in Vrhovine, two kilometers north of Ahmici.

29. Numerous Bosnian Muslim civilians were arrested and were taken to detention centers. The detainees were told they were being held for exchange, but also as hostages if the HVO was defeated by the BiH armies on the frontlines. Many detainees were taken to the front lines near

Ahmici, to the village of Pirici, to dig protective trenches.

30. A minimum of 103 Muslim civilians were killed in and around Ahmici. Of the 103 persons killed, 33 were women and children. All 176 Muslim houses in Ahmici along with the mosque were destroyed.

### **COUNTS 1 - 2**

31. Between 16 April 1993 until on or about 25 April 1993, all of the accused were HVO soldiers who participated in an unlawful attack against the civilian population and individual citizens of the village of Ahmici causing death and injury to that civilian population and individual citizens and the total destruction of the Muslim homes in the village.

By the foregoing acts and omissions the accused individually and in concert with others committed the following crimes:

**COUNT 1:** ZORAN KUPRESKIC, MIRJAN KUPRESKIC, VLATKO KUPRESKIC, VLADIMIR SANTIC, STIPO ALILOVIC, DRAGO JOSIPOVIC, MARINKO KATAVA and DRAGAN PAPIC participated in the unlawful and wanton destruction of property not justified by military necessity, a grave breach recognized by Article 2 (d) of the Tribunal Statute; and

**COUNT 2:** ZORAN KUPRESKIC, MIRJAN KUPRESKIC, VLATKO KUPRESKIC, VLADO SANTIC, STIPO ALILOVIC, DRAGO JOSIPOVIC, MARINKO KATAVA and DRAGAN PAPIC participated in the deliberate attack on the civilian population and wanton destruction of a village, a violation of the laws or customs of war recognized by Article 3 of the Tribunal Statute.

### **COUNTS 3 - 9**

32. When the attack on Ahmici commenced in the early morning hours of 16 April 1993, Sakib Ahmic was residing with his son, Naser Ahmic, Naser's wife Zehrudina, and their two children Elvis (4 years of age) and Sejad (3 months of age).

33. Armed with an automatic weapon, ZORAN KUPRESKIC entered the Ahmic house, and shot and killed Naser Ahmic. ZORAN KUPRESKIC then shot and wounded Zehrudina.

34. When MIRJAN KUPRESKIC entered the Ahmic house, he poured flammable liquid onto the furniture to set the house on fire. Gunfire was then directed toward the two children, Elvis and Sejad Ahmic. When Sakib Ahmic fled the burning residence, Zehrudina who was wounded was still alive, but ultimately perished in the fire.

35. Naser Ahmic, Zehrudina Ahmic, Elvis Ahmic and Sejad Ahmic all died and Sakib Ahmic received burns over his head, face and hands.

By the foregoing acts and omissions, the accused individually and in concert with others committed the following crimes:

**COUNT 3:** ZORAN KUPRESKIC participated in the wilful killing of Naser Ahmic, a grave breach recognised by Articles 2(a) of the Tribunal Statute;

**COUNT 4:** ZORAN KUPRESKIC participated in the murder of Naser Ahmic, a violation of the laws or customs of war recognised by Article 3 of the Tribunal Statute;

**COUNT 5:** ZORAN KUPRESKIC and MIRJAN KUPRESKIC participated in the wilful killing of Zehrudina Ahmic, Elvis Ahmic and Sejad Ahmic, a grave breach recognised by Article 2(a) of the Tribunal Statute;

**COUNT 6:** ZORAN KUPRESKIC and MIRJAN KUPRESKIC participated in the murder of Zehrudina Ahmic, Elvis Ahmic and Sejad Ahmic, a violation of the laws or customs of war recognised by Article 3 of the Tribunal Statute;

**COUNT 7:** ZORAN KUPRESKIC and MIRJAN KUPRESKIC participated in wilfully causing Sakib Ahmic great suffering or serious injury to body or health, a grave breach recognised by Article 2(c) of the Tribunal Statute; and

**COUNT 8:** ZORAN KUPRESKIC and MIRJAN KUPRESKIC participated in wilfully subjecting Sakib Ahmic to cruel treatment, a violation of the laws or customs of war recognised by Article 3 of the Tribunal Statute.

#### **COUNTS 9 - 12**

36. Prior to the 16 April attack, HVO soldiers armed with automatic rifles congregated at the residence of VLATKO KUPRESKIC in Ahmici. When the attack commenced, several HVO units departed from VLATKO KUPRESKIC's residence. Other HVO soldiers shot at Bosnian Muslim civilians from VLATKO KUPRESKIC's house throughout the attack.

37. As the shooting continued, members of the Pezer family, who were Bosnian Muslim, gathered in their shelter to hide from HVO soldiers. Shortly thereafter, the Pezer family along with other Bosnian Muslims who had also taken refuge in the shelter decided to escape through the forest.

38. As the Pezer family ran toward the forest with the other Bosnian Muslims, VLATKO KUPRESKIC and other HVO soldiers began to shoot at the group from in front of VLATKO KUPRESKIC's house. Fata Pezer, the wife of Ismail Pezer, was shot and killed, while their daughter Dzenana Pezer and another Bosnian Muslim civilian were shot and wounded.

By the foregoing acts and omissions, the accused individually and in concert with others committed the following crimes:

**COUNT 9:** VLATKO KUPRESKIC participated in the wilful killing of Fata Pezer, a grave breach recognised by Article 2(a) of the Tribunal Statute;

**COUNT 10:** VLATKO KUPRESKIC participated in the murder of Fata Pezer, a violation of the laws or customs of war recognised by Article 3 of the Tribunal Statute;

**COUNT 11:** VLATKO KUPRESKIC participated in wilfully causing Dzenana Pezer and a Bosnian Muslim civilian great suffering or serious injury to body or health, a grave breach recognised by Article 2(c) of the Tribunal Statute; and

**COUNT 12:** VLATKO KUPRESKIC subjected Dzenana Pezer and a Bosnian Muslim civilian to

cruel treatment, a violation of the laws or customs of war recognised by Article 3 of the Tribunal Statute.

### COUNTS 13 - 14

39. In another part of Ahmici, the home of Musafer and Suhreta Puscul was attacked by numerous HVO soldiers while the family slept.

40. Several HVO soldiers who participated in the attacks were neighbours of the Puscul family such as Zeljo Livancic (deceased). Other HVO soldiers who participated in the attack and were known to the Puscul family include the following accused: VLADIMIR SANTIC, STIPO ALILOVIC, DRAGO JOSIPOVIC and MARINKO KATAVA.

41. After an unidentified HVO soldier ordered Musafer Puscul and his family from their home, Zeljo Livancic (deceased), VLADIMIR SANTIC, DRAGO JOSIPOVIC and MARINKO KATAVA took Musafer Puscul behind a nearby shed, and shot and killed him while STIPO ALILOVIC held Musafer's family at gunpoint.

42. Thereafter all of the HVO soldiers including VLADIMIR SANTIC, the group's commander, went into the Puscul's home, vandalized it, and set it ablaze. Upon leaving the premises, HVO soldiers shot flammable bullets into the residence starting additional fires at various locations in the home.

By the foregoing acts and omissions, the accused individually and in concert with others committed the following crimes:

**COUNT 13:** VLADIMIR SANTIC, DRAGO JOSIPOVIC, MARINKO KATAVA, and STIPO ALILOVIC participated in the wilful killing of Musafer Puscul, a grave breach recognised by Article 2(a) of the Tribunal Statute;

**COUNT 14:** VLADIMIR SANTIC, DRAGO JOSIPOVIC, MARINKO KATAVA, and STIPO ALILOVIC participated in the murder of Musafer Puscul, a violation of the laws and customs of war recognized by Article 3 of the Tribunal Statute;

### COUNTS 15 - 16

43. After the Ahmici attack on 16 April, Bosnian Muslims were taken into custody and were used as forced labour. Specifically they were compelled to dig protective trenches at Pirici, a village adjacent to Ahmici, by DRAGAN PAPIC and other HVO soldiers. While digging the trenches, the detainees were fed only one meal per day and were frequently exposed to the cross fire between the HVO and BiH armies. At least one Bosnian Muslim male was shot by an unknown sniper while digging trenches at Pirici.

By the foregoing acts and omissions, the accused individually and in concert with others committed the following crimes:

**COUNT 15:** DRAGAN PAPIC participated in the unlawful confinement of civilians, a grave breach recognized by Article 2(g) of the Tribunal Statute; and

**COUNT 16:** DRAGAN PAPIC participated in outrages upon the personal dignity of another, a violation of the laws or customs of war recognized by Article 3 of the Tribunal Statute.

**COUNTS 17 - 18**

44. The accused DRAGAN PAPIC and other HVO soldiers continued to force Bosnian Muslim prisoners to dig trenches from approximately 16 April 1993 until approximately 25 April 1993.

45. During this period of time, one of the Bosnian Muslim detainees named Jusuf Ibrakovic also known as "Jusa" attempted to escape. He was recaptured and beaten by DRAGAN PAPIC and other HVO soldiers. The accused DRAGAN PAPIC and another HVO soldier then shot and killed Jusuf Ibrakovic while he lay unconscious on the ground.

By the foregoing acts and omissions, the accused individually and in concert with others committed the following crimes:

**COUNT 17:** DRAGAN PAPIC participated in the unlawful killing of Jusuf Ibrakovic, a grave breach recognized by Article 2(a) of the Tribunal Statute; and

**COUNT 18:** DRAGAN PAPIC participated in the murder of Jusuf Ibrakovic, a violation of the laws or customs of war recognized by Article 3 of the Tribunal Statute.

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Richard J. Goldstone  
Prosecutor

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The Hague,  
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