

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

MITAR VASILJEVIC

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:

MITAR VASILJEVIC

with **CRIMES AGAINST HUMANITY**, and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

BACKGROUND

1. Located in south-eastern Bosnia and Herzegovina, the municipality of Visegrad forms part of the eastern border with Serbia. The town of Visegrad lies on the east side of the Drina River, approximately 120 kilometres east of Sarajevo and 15 kilometres west of the Serbian border. According to the 1991 census, the population of the municipality of Visegrad was 21,199 persons, of which 62.8% were Muslims, 32.8% were Serb and 4.4% were classified as "other." Approximately 9,000 persons lived in the town of Visegrad.

2. The town of Visegrad was strategically important for a number of reasons. The town was a key transportation hub because it was located on the main road connecting Belgrade with Sarajevo and on the main road connecting Titovo Uzice in Serbia with Gorazde, Sarajevo and the Adriatic coast. Titovo Uzice, approximately 70 kilometres to the east, was the headquarters of the Uzice Corps of the Yugoslav People's Army (JNA). The JNA also maintained a base at the Uzamnica barracks in Visegrad. Visegrad is also the site of an important hydroelectric dam.

3. On 6 April 1992, Serb military units began shelling Visegrad and several of the nearby Bosnian Muslim villages. Many Bosnian Muslims fled the shelling. In retaliation, a small band of Bosnian Muslim men took several local Serbs hostage, seized control of the nearby hydroelectric dam, and threatened to blow it up. The crisis attracted considerable media attention and leaders on all sides became involved in the negotiations. Fearing the worst, many residents from all ethnic groups fled from the villages along the river in fear for their lives. Finally, on 12 April 1992, JNA commandos seized the dam and put an end to the siege.

4. On Monday, 13 April 1992, the Uzice Corps of the JNA crossed the border from Titovo Uzice in

Serbia, and attacked Visegrad. There was some fighting, with pockets of Bosnian Muslim resistance, but no major loss of life. JNA tanks and heavy artillery were strategically positioned around the town. The JNA collected and detained men and women, questioned them and beat some of them. After securing the town, JNA officers and Bosnian Muslim leaders jointly led a media campaign to encourage people to return to their homes. Concerned that they would lose their jobs and their homes, many Bosnian Muslims returned in late April.

5. The situation in Visegrad was relatively calm until the JNA Uzice Corps withdrew on 19 May 1992. After the JNA departure, local Serbs established the "Serbian Municipality of Visegrad" and took over all municipal government offices. Thereafter, paramilitary troops, local police, and local Serbs began a brutal campaign of ethnic cleansing designed to rid the area of all non-Serb inhabitants.

6. Serb armed forces attacked and destroyed a number of Bosnian Muslim villages. Hundreds of civilians in the town of Visegrad were killed in random shootings. Every day, men, women and children were killed on a famous bridge on the Drina and their bodies were dumped into the river. Many of the Bosnian Muslim men and women were arrested and detained at various locations in the town, including a camp created in the former JNA Uzamnica military barracks. Serb soldiers raped many women and beat and terrorised non-Serb civilians. Widespread looting and destruction of non-Serb homes and property took place daily and the two Bosnian Muslim mosques in town were destroyed.

7. The former JNA barracks at Uzamnica became one of several detention centres in the area. Non-Serb men and women were detained at the camps under brutal and inhumane conditions. Serb soldiers and guards beat the prisoners regularly and also permitted members of Serb paramilitary units to enter the camps to beat and torture the prisoners. Many prisoners were used for strenuous forced labour projects. Some detainees were kept at the Uzamnica camp for over two years.

8. The Vilina Vlas Hotel, a former resort, and the nearby Visegradska Banja, a smaller hotel, served as detention facilities where prisoners were beaten, tortured and sexually assaulted.

9. Sometime in the Spring of 1992, a group of local men formed a paramilitary unit in Visegrad which worked with the Serb police and military units to rid the area of all non-Serb residents. **Mitar VASILJEVIC**, a local waiter, was a member of the paramilitary unit which was sometimes referred to as the "White Eagles". From mid-April 1992 until at least October 1994, the men in this paramilitary unit committed dozens, if not hundreds, of crimes in the Visegrad municipality including murders, torture, beatings, looting and destruction of property.

THE ACCUSED

10. **Mitar VASILJEVIC**, son of Ljubisav, was born 25 August 1954, in the village of Durevici, Visegrad municipality. Before the war, he worked as a waiter at the Hotel Panos in Visegrad. After the war started, **Mitar VASILJEVIC** joined the paramilitary unit referred to in paragraph nine. **Mitar VASILJEVIC** currently resides in Visegrad and at one time worked as a waiter at a restaurant in the former Visegradanka department store.

GENERAL ALLEGATIONS

11. Unless otherwise set forth below, all acts and omissions alleged in this indictment occurred from in or about April 1992 through in or about October 1994 in the Visegrad municipality and the

surrounding area in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

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

13. All acts and omissions charged as crimes against humanity were part of a widespread, systematic or large-scale attack against the Bosnian Muslim civilians and other non-Serb civilians of the municipality of Visegrad and its surroundings.

14. 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 liability includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any crime referred to in Articles 2 to 5 of the Tribunal Statute.

15. Paragraphs 11 through 14 are re-alleged and incorporated into each of the charges set forth below.

CHARGES

COUNT 1 (EXTERMINATION)

16. Beginning in about May 1992 and continuing through at least 10 October 1994, **Mitar VASILJEVIC** and other members of the paramilitary unit wilfully killed a significant number of Bosnian Muslim civilians, including women, children and the elderly. In at least two incidents in June 1992, **Mitar VASILJEVIC** and other members of the paramilitary unit committed, planned, instigated, ordered, or otherwise aided and abetted the mass murder of approximately 135 Bosnian Muslim civilians by locking those persons inside two houses and setting the houses on fire. In one of the incidents, 46 members of one family were killed.

By these actions **Mitar VASILJEVIC** committed:

Count 1: a CRIME AGAINST HUMANITY, punishable under Article 5(b)(extermination) of the Statute of the Tribunal.

COUNT 2 (PERSECUTIONS)

17. Beginning in about May 1992 and continuing through at least 10 October 1994, **Mitar VASILJEVIC** and other members of the paramilitary unit committed, planned, instigated, ordered, or otherwise aided and abetted the planning, preparation, or execution of a crime against humanity, that is, the persecutions of Bosnian Muslim civilians on political, racial, or religious grounds, throughout the municipality of Visegrad and elsewhere in the territory of Bosnia and Herzegovina.

18. The crime of persecutions was perpetrated, executed and carried out by or through the following means:

(a) the murder of dozens of Bosnian Muslim and other non-Serb civilians, including men, women, children and elderly persons;

(b) the cruel and inhumane treatment of Bosnian Muslim and other non-Serb civilians including severe beatings over an extended period of time;

(c) the unlawful detention or confinement of Bosnian Muslim and other non-Serb civilians under inhumane conditions;

(d) the harassment, humiliation, terrorisation and psychological abuse of Bosnian Muslim and other non-Serb civilians; and

(e) the theft and destruction of personal property of Bosnian Muslims and other non-Serb civilians.

By these actions **Mitar VASILJEVIC** committed:

Count 2: a CRIME AGAINST HUMANITY, punishable under Article 5(h) (persecutions on political, racial and religious grounds) of the Statute of the Tribunal.

COUNTS 3-6 (HOUSE BURNING ON PIONEER STREET)

19. In approximately mid-June 1992, **Mitar VASILJEVIC** and other members of the paramilitary unit forced approximately 65 Bosnian Muslim women, children and old men, most of whom were from the village of Koritnik, into one room in the house of Adem Omeragic located on Pioneer Street in the Visegrad neighbourhood of Nova Mahala.

20. Members of the paramilitary unit ordered all the people into a room and forced them to turn over all their money and jewellery. While this was happening, all the people, including women and children, were strip-searched.

21. **Mitar VASILJEVIC** and another member of the paramilitary unit locked and barricaded the people in the house to prevent their escape. Later, as **Mitar VASILJEVIC** stood behind him, the other member of the paramilitary unit opened the door, placed an incendiary device on the floor and lit the fuse. Within seconds, the entire house was engulfed in flames and it continued to burn for the next hour.

22. Some people tried to jump out the windows, but the other member of the paramilitary unit stood outside shooting at them while **Mitar VASILJEVIC** shined a light on the victims.

23. The cries and screams of the people in the house could be heard for approximately two hours after the fire began. All but six of the people locked in the house were killed. The victims either died in the fire or were shot trying to escape. Among the victims were several young children and babies, and 46 members of one family. The names of some of the victims are listed in Annex A.

By these actions **Mitar VASILJEVIC** committed:

Count 3: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

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)(murder) of the Geneva Conventions.

By his acts and omissions in relation to the treatment of the civilians who survived the house burning, **Mitar VASILJEVIC** committed:

Count 5: a **CRIME AGAINST HUMANITY**, punishable under Article 5 (i) (inhumane acts) of the Statute of the Tribunal; and

Count 6: 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) (violence to life and person) of the Geneva Conventions.

COUNTS 7 - 10 (HOUSE BURNING IN BIKAVAC)

24. On or about 27 June 1992, **Mitar VASILJEVIC** and other members of the paramilitary unit went to the settlement of Bikavac, near Visegrad. One member of the paramilitary unit went through the neighbourhood looking for Bosnian Muslims from the area of Zupa north of Visegrad.

25. After locating a number of people from Zupa, a member of the paramilitary unit ordered them and some other Bosnian Muslim people who lived in Bikavac to go into the house of Meho Aljic.

26. **Mitar VASILJEVIC** and other members of the paramilitary unit forced approximately 70 people into the house and demanded they turn over their money. **Mitar VASILJEVIC** and other members of the paramilitary unit then boarded up all the exits, threw stones into the house and started shooting.

27. **Mitar VASILJEVIC** and other members of the paramilitary unit threw several grenades into the house which injured the people inside and set the house on fire. The fire quickly engulfed the house and everyone inside, with the exception of one young woman, was killed.

28. The survivor was wounded from shrapnel from the grenades and was badly burned about her head and hands. Among those killed were young children, women and elderly persons.

By these acts and omissions **Mitar VASILJEVIC** committed:

Count 7: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 8: 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.

By his acts and omissions in relation to the treatment of the sole survivor, **Mitar VASILJEVIC** committed:

Count 9: a **CRIME AGAINST HUMANITY**, punishable under Article 5(i)(inhumane acts) of the Statute of the Tribunal; and

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)(violence to life and person) of the Geneva Conventions.

COUNTS 11-14
(KILLING OF 5 BOSNIAN MUSLIM MEN BY THE DRINA RIVER)

29. On or about 7 June 1992, a member of the paramilitary unit and another man nicknamed "Montenegro" drove a Volkswagen to the apartment of a Bosnian Muslim in Visegrad. After searching the apartment, the member of the paramilitary unit ordered two Bosnian Muslim men to accompany him.

30. The member of the paramilitary unit, "Montenegro", and the two Bosnian Muslim men got into a Volkswagen and drove to a cross-roads where they met some other men in a Yugo car. At the cross-roads, the member of the paramilitary unit ordered five other Bosnian Muslim men into the two vehicles.

31. The member of the paramilitary unit and "Montenegro" then drove the seven Bosnian Muslim men to the Hotel Vilina Vlas located outside of Visegrad where they were joined by **Mitar VASILJEVIC**.

32. After spending a short time at the hotel, the member of the paramilitary unit, **Mitar VASILJEVIC** and "Montenegro" got back into the Volkswagen and the Yugo and drove the seven Bosnian Muslim men to the Drina River in the village of Sase.

33. The member of the paramilitary unit, **Mitar VASILJEVIC** and "Montenegro" led the seven Bosnian Muslim men to the bank of the river and ordered them to line up. All three men then opened fire and shot at the seven Bosnian Muslim men with automatic weapons. After the shooting, the three men returned to their vehicles and left. Five of the men were killed, but two survived.

By these acts, **Mitar VASILJEVIC** committed:

Count 11: a **CRIME AGAINST HUMANITY**, punishable under Article 5(a)(murder) of the Statute of the Tribunal; and

Count 12: 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.

By his acts and omissions as to the two survivors, **Mitar VASILJEVIC** committed:

Count 13: a **CRIME AGAINST HUMANITY**, punishable under Article 5(i)(inhumane acts) of the Statute of the Tribunal; and

Count 14: a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Article 3(1)(a)(violence to life and person)

of the Geneva Conventions.

Louise Arbour
Prosecutor

ANNEX A

Among those killed in the house burning on Pioneer Street, referred to in Counts 3-6, were:

- | | |
|------------------------|--------------------|
| 1. Ajanovic, Mula | about 75 years old |
| • Jasarevic, Hajra | about 35 years old |
| • Jasarevic, Meho | about 42 years old |
| • Jasarevic, Mujo | about 47 years old |
| • Kurspahic, Aisa | about 20 years old |
| • Kurspahic, Aisa | about 49 years old |
| • Kurspahic, Aida | about 12 years old |
| • Kurspahic, Ajka | age unknown |
| • Kurspahic, Alija | about 55 years old |
| • Kurspahic, Almir | about 10 years old |
| • Kurspahic, Aner | about 6 years old |
| • Kurspahic, Baby girl | two days old |
| • Kurspahic, Becar | about 52 years old |
| • Kurspahic, Bisera | about 50 years old |
| • Kurspahic, Bula | about 58 years old |
| • Kurspahic, Dzheva | about 22 years old |
| • Kurspahic, Enesa | about 2 years old |
| • Kurspahic, Hajrija | about 60 years old |
| • Kurspahic, Halida | about 10 years old |

- Kurspahic, Hana about 30 years old
- Kurspahic, Hasan about 50 years old
- Kurspahic, Hata about 68 years old
- Kurspahic, Ifeta about 17 years old
- Kurspahic, Igabala about 58 years old
- Kurspahic, Ismet about 3 years old
- Kurspahic, Ismeta about 26 years old
- Kurspahic, Latifa about 23 years old
- Kurspahic, Lejla about 4 years old
- Kurspahic, Maida little girl
- Kurspahic, Medina about 28 years old
- Kurspahic, Medo about 50 years old
- Kurspahic, Mejra about 47 years old
- Kurspahic, Meva about 45 years old
- Kurspahic, Mina about 20 years old
- Kurspahic, Mirela about 3 years old
- Kurspahic, Mujesira born in 1957
- Kurspahic, Munevera about 20 years
- Kurspahic, Munira about 50 years
- Kurspahic, Osman about 67 years old
- Kurspahic, Pasana or Pasija about 56 years old
- Kurspahic, Ramiza about 20 years old
- Kurspahic, Sabiha about 14 years old
- Kurspahic, Sadeta about 18 years old
- Kurspahic, Safa about 50 years old
- Kurspahic, Saha about 70 years old

- Kurspahic, Sajma about 20 years old
- Kurspahic, Sejla about 2 years old
- Kurspahic, Seniha about 9 years old
- Kurspahic, Sumbula about 62 years old
- Kurspahic, Vahid about 8 years old
- Memisevic, Fazila about 54 years old
- Memisevic, Redzo about 57 years old
- Sehic, Faruk about 12 years old
- Sehic, Haraga age unknown
- Sehic, Kada about 39 years old
- Velic, Nurka about 70 years old
- Velic, Tima about 35 years old
- Vila, Jasmina about 20 years old