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

CASE NO.: IT-96-23-I

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

**GOJKO JANKOVIĆ
JANKO JANJIĆ
ZORAN VUKOVIĆ
DRAGAN ZELENOVIĆ
RADOVAN STANKOVIĆ**

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:

**GOJKO JANKOVIĆ
JANKO JANJIĆ
ZORAN VUKOVIĆ
DRAGAN ZELENOVIĆ
RADOVAN STANKOVIĆ**

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

BACKGROUND

1.1 The city and municipality of Foča are located south-east of Sarajevo, in the Republic of Bosnia-Herzegovina and borders Serbia and Montenegro. According to the 1991 census, the population of Foča consisting of 40,513 persons was 51.6 % Muslim, 45.3 % Serbian and

3.1% others. The political and military take-over of the municipality of Foča started with the first military actions in the town of Foča on 7 April 1992. The Serb forces, supported by artillery and heavy weapons, proceeded to take over Foča, section by section. The take-over of Foča town was complete by 16 or 17 April 1992. The surrounding villages continued to be under siege until mid-July 1992.

1.2 As soon as the Serb forces had taken over parts of Foča town, military police accompanied by local and non-local soldiers started arresting Muslim and Croat inhabitants. Until mid-July 1992 they continued to round up and arrest Muslim villagers from the surrounding villages in the municipality. The Serb forces separated men and women and unlawfully confined thousands of Muslims and Croats in various short and long-term detention facilities or kept them essentially under house arrest. During the arrests many civilians were killed, beaten or subjected to sexual assault.

1.3 The Foča Kazneno-popravni Dom (hereinafter KP Dom), one of the largest prison facilities in the former Republic of Yugoslavia, was the primary detention facility for men. Muslim women, children and the elderly were detained in houses, apartments and motels in the town of Foča or in surrounding villages, or at short and long-term detention centres such as Buk Bijela, Foča High School and Partizan Sports Hall, respectively. Many of the detained women were subjected to humiliating and degrading conditions of life, to brutal beatings and to sexual assaults, including rapes.

1.4 Besides the above mentioned detention places, several women were detained in houses and apartments used as brothels, operated by groups of soldiers, mostly paramilitary. The ICRC and other organisations, unaware of these detention facilities, did not intervene. Therefore those detainees had no possibility of release or exchange.

THE ACCUSED

2.1 **GOJKO JANKOVIĆ**, son of Danilo, born on 31 October 1954 in the village of Trbušće in the municipality of Foča, was a permanent resident of Foča at I. G. Kovačića Street. For a period of time he had lived in Herceg Novi, Montenegro. Prior to the take-over of Foča, he worked in the Šipad Maglić Company and owned a cafe in Trnovača. **GOJKO JANKOVIĆ** was a sub-commander of the military police and one of the main paramilitary leaders in Foča.

2.2 **JANKO JANJIĆ** also known as (hereinafter a/k/a/) “Tuta”, son of Milorad, born on 17 June 1957 in Miljevina, municipality of Foča, was a permanent resident of Foča at Moše Pijade Street no. 6. He was a car mechanic and unemployed prior to the Bosnian Serb attack on Foča in April 1992. **JANKO JANJIC** became one of the sub-commanders of the military police and a paramilitary leader in Foča. He was involved in the attack on Foča and its surrounding villages and the arrest of civilians.

2.3 **ZORAN VUKOVIĆ**, son of Milojica, born on 6 September 1955 in the village of Brusna, municipality of Foča, was a permanent resident of Foča. He worked as a waiter and driver before the war. **ZORAN VUKOVIĆ** was involved in the attack on Foča and its surrounding villages and the arrest of civilians. He was one of the sub-commanders of the military police and a paramilitary leader in Foča.

2.4 **DRAGAN ZELENOVIĆ a/k/a “Zelja” and “Zeleni”**, son of Bogdan, born on 12 February 1961 in Foča, lives at Nurije Pozderca 21 as of June 1996. He worked as an electrician in Miljevina before the war. **DRAGAN ZELENOVIĆ** was one of the sub-commanders of the military police and a paramilitary leader in Foča. He was involved in the attack on Foča and its surrounding villages and in the arrest of civilians.

2.5 **RADOVAN STANKOVIĆ a/k/a “Raša”**, son of Todor, born on 10 March 1969 in the village of Trebiča, municipality of Foča, was a permanent resident of Miljevina. He belonged to the Serb elite paramilitary unit of Pero Elez. **RADOVAN STANKOVIĆ**, was also a subordinate of Pero Elez. **RADOVAN STANKOVIĆ**, was in charge of Karaman’s house in Miljevina, where Muslim women were detained and sexually assaulted, including raped.

SUPERIOR AUTHORITY

3.1 **GOJKO JANKOVIĆ** was involved in the military attack on Foča town and various surrounding villages and the arrest of civilians in leading positions. **GOJKO JANKOVIĆ**, in his capacity as a sub-commander of the military police in Foča, was in charge of the soldiers who, on 3 July 1992, arrested a group of women and transported them to the military facility at Buk Bijela for interrogation. In his position, **GOJKO JANKOVIĆ** was responsible for the acts of soldiers subordinate to him and knew or had reason to know that his subordinates sexually assaulted Muslim women during or immediately following the

interrogations. **GOJKO JANKOVIĆ** personally was involved in the interrogation and rape of women at Buk Bijela.

GENERAL ALLEGATIONS

4.1 At all times relevant to this indictment, an armed conflict existed in the Republic of Bosnia-Herzegovina in the territory of the former Yugoslavia.

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

4.3 Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between April 1992 and February 1993.

4.4 In each count charging crimes against humanity, a crime recognised by Article 5 of the Statute of the Tribunal, the acts or omissions were part of a widespread or large-scale or systematic attack against a civilian population, specifically the Muslim population of the municipality of Foča.

4.5 Witnesses and victims are identified in this indictment using code names or pseudonyms such as FWS-95 or initials, for example, D.B.

4.6 All accused are individually responsible for the crimes charged against them in this indictment, pursuant to Article 7 (1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, initiating, ordering or aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below.

4.7 **GOJKO JANKOVIĆ** in respect of counts 1-4 is also, or alternatively, criminally responsible as a superior for his subordinates pursuant to Article 7 (3) of the Statute of the Tribunal. Superior 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 subordinates thereof. By failing to take the actions required of a person in superior authority, **GOJKO JANKOVIĆ** is responsible for all the crimes set out in the respective counts pursuant to Article 7(3) of the Statute of the Tribunal.

THE CHARGES

COUNTS 1-12 Torture and Rape at Buk Bijela

5.1 Buk Bijela refers to a settlement on a hydro-electric dam construction site on the road from Brod to Miljevina by the river Drina which was turned into a local military headquarters and barracks for Bosnian Serb forces and paramilitary soldiers after the April 1992 take-over of Foča and the surrounding villages. The Buk Bijela complex consisted of workers' barracks, where about 200 to 300 soldiers were barracked, and an adjoining motel. Buk Bijela was used as a temporary detention and interrogation facility for civilian women, children and the elderly who were captured in various villages in the municipality of Foča in July 1992.

5.2 On 3 July 1992, soldiers commanded by the accused **GOJKO JANKOVIĆ**, and among them **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ**, arrested a group of at least 60 Muslim women, children and a few elderly men from Trosanj and Mjesaja, and took them to Buk Bijela. After the attack on Foča, the villages of Trosanj and Mjesaja had offered armed resistance.

5.3 While detained at Buk Bijela for several hours, all the Muslim civilians were lined up along the river Drina and guarded by armed soldiers. They were threatened with being either killed or raped and were otherwise humiliated. The soldiers approached each detained civilian, and took him or her to the above-mentioned accused for questioning. The soldiers separated the women from their children. **GOJKO JANKOVIĆ**, **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ** interrogated the women. The interrogations focused on the hiding-places of the male villagers and weapons. The accused threatened the women with murder and sexual assault if they lied. **JANKO JANJIĆ** and **DRAGAN ZELENOVIĆ** and other soldiers acting under the control of **GOJKO JANKOVIĆ** gang-raped several women during or immediately after the interrogation who they suspected of lying. Paragraphs 5.4 to 5.7, hereunder, particularise some of those sexual assaults which occurred on or about 3 July 1992.

5.4 A witness code named FWS-75 was interrogated by **GOJKO JANKOVIĆ** and **DRAGAN ZELENOVIĆ** about her village and whether the villagers had weapons. **GOJKO JANKOVIĆ** warned the

witness not to lie, otherwise she would be raped by soldiers and killed afterwards. As FWS-75 did not answer the questions sufficiently, a soldier took her to another room. There, at least ten unidentified soldiers raped her, in turn. The nature of the rape included vaginal penetration and fellatio. FWS-75 lost consciousness after the tenth soldier sexually assaulted her. The episode of sexual assault lasted between one to two hours.

5.5 Another witness, FWS-87, a 15 year old, was interrogated by **DRAGAN ZELENović** and three unidentified soldiers in a room at Buk Bijela. During the interrogation, they accused FWS-87 of not telling the truth. The interrogators removed her clothing and then, each one raped her. The nature of the rape was vaginal penetration. The first soldier also threatened her by putting a gun to her head. FWS-87 experienced severe pain during the assault, followed by heavy vaginal bleeding.

5.6 A further witness, FWS-48, was interrogated by **JANKO JANJIĆ** in a room at Buk Bijela. During the interrogation, **JANKO JANJIĆ** forcibly undressed her. When FWS-48 tried to resist, he slapped and pushed her and threatened to bring in ten soldiers to rape her. **JANKO JANJIĆ** then raped FWS-48 by vaginal penetration.

5.7 A fourth witness, FWS-74, was led by **JANKO JANJIĆ** to a room to be interrogated in the presence of an unidentified soldier. During the interrogation, **JANKO JANJIĆ** instructed FWS-74 to undress. At that moment the other soldier asked **JANKO JANJIĆ** to leave the room. After **JANKO JANJIĆ** had left, the soldier undressed FWS-74. During a period of about twenty minutes, the soldier raped her by vaginal penetration.

5.8 By the foregoing acts and omissions in relation to the victims FWS-75, FWS-87, FWS-48 and FWS-74, **GOJKO JANKović** committed:

COUNT 1
(Torture)

Count 1: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 2
(Rape)

Count 2: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 3
(Torture)

Count 3: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 4
(Rape)

Count 4: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

5.9 By the foregoing acts and omissions in relation to the victims FWS-75 and FWS-87, **DRAGAN ZELENVIĆ** committed:

COUNT 5
(Torture)

Count 5: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 6
(Rape)

Count 6: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 7
(Torture)

Count 7: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and

recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 8
(Rape)

Count 8: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

5.10 By the foregoing acts and omissions in relation to the victims FWS-48 and FWS-74, **JANKO JANJIĆ** committed:

COUNT 9
(Torture)

Count 9: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 10
(Rape)

Count 10: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 11
(Torture)

Count 11: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 12
(Rape)

Count 12: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

COUNTS 13-28
Torture and Rape
at Foča High School

6.1 During the occupation that followed the take-over of the town of Foča, the Foča High School, situated in the Aladža area, functioned as a barracks for Serb soldiers, and as a short term detention facility for Muslim women, children and the elderly.

6.2 Between 3 July and about 13 July 1992, at least 72 Muslim inhabitants of the municipality of Foča were detained in two classrooms in the Foča High School, including the women, children and the elderly who had earlier been held at Buk Bijela, mentioned above. On or about 13 July 1992, all detainees were transferred from Foča High School to the Partizan Sports Hall in Foča.

6.3 At the Foča High School, the detainees were surrounded by armed Serb soldiers, who patrolled outside the Foča High School and constantly entered and left the building. There were also two armed police guards from the Foča SUP patrolling the corridor outside of the detention rooms.

6.4 Many of the female detainees were subjected to sexual abuse during their detention at the Foča High School. From the second day of their detention, every evening, groups of Serb soldiers sexually assaulted, including gang-rape, some of the younger women and girls in class-rooms or apartments in neighbouring buildings. Among them were witnesses FWS-50, FWS-75, FWS-87, FWS-95, FWS-74 and FWS-88, as set forth below. The soldiers threatened to kill the women or the women's children if they refused to submit to sexual assaults. Women who dared to resist the sexual assaults were beaten. The above mentioned groups of soldiers consisted of members of the military police. They referred to themselves "Ćosa's Guards", named for the local commander of the military police Ćosović. The accused **GOJKO JANKOVIĆ**, **DRAGAN ZELENKOVIĆ**, **JANKO JANJIĆ** and **ZORAN VUKOVIĆ** were among these groups of soldiers.

6.5 The physical and psychological health of many female detainees seriously deteriorated as a result of these sexual assaults. Some of the women endured complete exhaustion, vaginal discharges, bladder problems and irregular menstrual bleedings. The detainees lived in constant fear. Some of the sexually abused women became suicidal.

Others became indifferent as to what would happen to them and suffered from depression.

6.6 On or about 6 or 7 July 1992, **DRAGAN ZELENOVIĆ** in concert with **JANKO JANJIĆ** and **ZORAN VUKOVIĆ**, selected FWS-50, FWS-75, FWS-87, FWS-95 out of the group of detainees. The accused led them to another classroom where unidentified soldiers stood waiting. Then **DRAGAN ZELENOVIĆ** decided which woman should go to which man. The women were ordered to remove their clothes. FWS-95 refused to do so and **JANKO JANJIĆ** slapped her and held her at gun point. Then **DRAGAN ZELENOVIĆ** raped FWS-75 (vaginal penetration). **ZORAN VUKOVIĆ** raped FWS-87 (vaginal penetration) and **JANKO JANJIĆ** raped FWS-95 (vaginal penetration) within the same room. One of the other soldiers took FWS-50 to another classroom and raped her (vaginal penetration).

6.7 Between or about 8 July and about 13 July 1992, in addition to the sexual assaults described under paragraph 6.6, on at least five other occasions **DRAGAN ZELENOVIĆ** led a group of soldiers that sexually abused FWS-75 and FWS-87. First the women were taken into another classroom in the Foča High School. There **ZORAN VUKOVIĆ** and **DRAGAN ZELENOVIĆ** raped FWS-75 and FWS-87 (vaginal penetration).

6.8 Between or about 8 July and about 13 July 1992, on three occasions, FWS-75 and FWS-87 were taken from the Foča High School to an apartment building called Brena in the centre of Foča. The building was near the Zelengora hotel, a military headquarters of the Serb forces. The first time, the two women went to an apartment owned by **DRAGAN ZELENOVIĆ**. The accused **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and two other unidentified soldiers raped FWS-75 (vaginal and anal penetration and fellatio) while **DRAGAN ZELENOVIĆ** raped FWS-87 (vaginal penetration).

6.9 Between about 8 July and about 13 July 1992, on two occasions **DRAGAN ZELENOVIĆ** and several other unidentified soldiers took FWS-75 and FWS-87 to Brena and raped them. On these occasions, the accused raped FWS-75 (vaginal and anal penetration and fellatio) and raped FWS-87 (vaginal penetration).

6.10 Between about 8 July and about 13 July 1992, on another occasion, FWS-75, FWS-87 and Z. G. were taken by **DRAGAN ZELENOVIĆ** to an abandoned house of a Muslim policeman in Gornje

Polje. There **DRAGAN ZELENOVIĆ** raped FWS-87 (vaginal penetration). An unidentified soldier raped Z. G.

6.11 Between or about 8 July and about 13 July 1992, in addition to the acts described in paragraph 6.6, FWS-95 was sexually assaulted in different classrooms in the Foča High School. Because she had previously been beaten and threatened when sexually assaulted FWS-95 dared not resist the soldiers again. She was raped on numerous occasions by many perpetrators among them **JANKO JANJIĆ**, **DRAGAN ZELENOVIĆ** and **GOJKO JANKOVIĆ** (vaginal and anal penetration and fellatio)

6.12 On or about 8 July 1992, **JANKO JANJIĆ** selected FWS-74 and took her to an empty room in Foča High School. On the way to the room, she argued with **JANKO JANJIĆ**. At that moment **DRAGAN ZELENOVIĆ** passed by and threatened to take her to a hundred soldiers on the front line. After this threat, FWS-74 was raped by **JANKO JANJIĆ** (vaginal penetration and fellatio).

6.13 On or about 8 July 1992, **JANKO JANJIĆ** took FWS-88 to an apartment in the Brena block. There, during the whole night, he raped her repeatedly (vaginal and anal penetration and fellatio). As she was a virgin before these acts, FWS-88 experienced terrible pain during the rape. Two days later, **JANKO JANJIĆ** took her to the house of a Muslim goldsmith, close to the bus station. There, he again raped her twice (vaginal penetration).

6.14 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-75, FWS-87 and FWS-95, **DRAGAN ZELENOVIĆ** committed:

COUNT 13
(Torture)

Count 13: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 14
(Rape)

Count 14: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 15
(Torture)

Count 15: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 16
(Rape)

Count 16: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

6.15 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-75, FWS-87, FWS-95, FWS-74 and FWS-88, **JANKO JANJIĆ** committed:

COUNT 17
(Torture)

Count 17: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 18
(Rape)

Count 18: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 19
(Torture)

Count 19: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 20
(Rape)

Count 20: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

6.16 By the foregoing acts and omissions in relation to the victims FWS-50, FWS-95, FWS-75 and FWS-87, **ZORAN VUKOVIĆ** committed:

COUNT 21
(Torture)

Count 21: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 22
(Rape)

Count 22: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 23
(Torture)

Count 23: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 24
(Rape)

Count 24: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

6.17 By the foregoing acts and omissions in relation to the victim FWS-95, **GOJKO JANKOVIĆ** committed:

COUNT 25
(Torture)

Count 25: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 26
(Rape)

Count 26: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 27
(Torture)

Count 27: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 28
(Rape)

Count 28: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

COUNTS 29-44

**Torture and Rape of FWS-48, FWS-50, FWS-75, FWS-87, FWS-95
and other women at Partizan Sports Hall**

7.1 Partizan Sports Hall ("Partizan") functioned as a detention centre for women, children and the elderly from at least on or about 13 July 1992 until at least 13 August 1992. The detainees held at Partizan, during this time period, numbered at least 72. The detainees were all civilian Muslim women, children and a few elderly persons from villages in the municipality of Foča.

7.2 Partizan was a medium-sized building situated in the centre of Foča town close to the Foča police ("SUP") building. Partizan was separated from the SUP building by about seventy metres. Partizan was on slightly higher ground than the other buildings in the neighbourhood

and could therefore be seen clearly from the surrounding areas, including the SUP building. Partizan was also close to the main municipal building, where the Serb authorities had their principle offices. Partizan consisted of two large halls. All detainees were held in one of the halls only. This hall measured roughly 12 metres by 7 metres.

7.3 Two policemen were stationed as guards outside the main door of Partizan. The guards, who were subordinate to the chief of the SUP were armed at all times with automatic weapons. People who entered Partizan had to pass the guards on their way into the halls. Detainees could not leave Partizan because of the armed guards.

7.4 Living conditions in Partizan were brutal. The detention was characterised by inhumane treatment, unhygienic facilities, overcrowding, starvation, physical and psychological torture, including sexual assaults.

7.5 Immediately after the transfer of women to Partizan, a pattern of sexual assaults commenced. Armed soldiers, mostly in groups of three to five, entered Partizan, usually in the evenings, and removed women. When the women resisted or hid, the soldiers beat or threatened the women to force them to obey. The soldiers took the women from Partizan to houses, apartments or hotels for the purpose of sexual assault and rape.

7.6 Three witnesses, identified by the pseudonyms FWS-48, FWS-95 and FWS-50, a 16 year old girl, were detained at Partizan from about 13 July until 13 August 1992. Two others, identified by the pseudonyms FWS-75 and FWS-87, a 15 year old girl, were detained in Partizan from about 13 July until 2 August 1992. Almost every night during their detention, Serb soldiers took FWS-48, FWS-95, FWS-50, FWS-75 and FWS-87 out of Partizan and sexually abused them (vaginal and anal penetration and fellatio).

7.7 On or around 13 August 1992, most detainees were released from Partizan and deported to Montenegro. The women who left on the 13 August convoy received medical care for the first time in Montenegro. Many women suffered permanent gynaecological harm due to the sexual assaults. At least one woman can no longer have children. All the women who were sexually assaulted suffered psychological and emotional harm; some remain traumatised.

7.8 On or around 13 July 1992, **JANKO JANJIĆ** took FWS-48 together with two other female detainees to a house across the road from

Partizan. There, **JANKO JANJIĆ** raped FWS-48 (vaginal penetration), while two unidentified soldiers raped the other two females in the same room.

7.9 The same night, after **JANKO JANJIĆ** returned the women to Partizan, Dragoljub Kunarac took the same three women to the Hotel Zelengora. FWS-48 refused to go with him and Dragoljub Kunarac kicked her and dragged her out. At Hotel Zelengora, FWS-48 was placed in a separate room and both Dragoljub Kunarac and **ZORAN VUKOVIĆ** raped her (vaginal penetration and fellatio). Both perpetrators told her that she would now give birth to Serb babies.

7.10 On or around 14 July 1992, **JANKO JANJIĆ** again took FWS-48 together with FWS-87 and Z. G. to the Brena apartment block near Hotel Zelengora. When they arrived, **ZORAN VUKOVIĆ** and an unidentified soldier were waiting. Then, **ZORAN VUKOVIĆ**, raped FWS-48 (vaginal penetration) while the unidentified soldier raped FWS-87 (vaginal penetration) and **JANKO JANJIĆ** raped Z. G.

7.11 On or around 14 July 1992, **ZORAN VUKOVIĆ** came to Partizan to remove FWS-50 and FWS-87. As FWS-50 hid, **ZORAN VUKOVIĆ** threatened to kill the other detainees if she did not come out of hiding. FWS-50 then did so. The two girls were taken to an apartment close to Partizan, where an unidentified soldier stood waiting. There **ZORAN VUKOVIĆ** raped FWS-50 (vaginal penetration), while the unidentified soldier raped FWS-87.

7.12 On one occasion in July 1992, **JANKO JANJIĆ** and two other soldiers took FWS-75 together with FWS-87 and drove them to the Brena building. There, **JANKO JANJIĆ** removed FWS-75 from the car and led her to an apartment, while the other soldiers drove away with FWS-87. In the apartment, **JANKO JANJIĆ** raped FWS-75 (vaginal penetration). Afterwards on three occasions, **JANKO JANJIĆ** took FWS-75 to the same place and raped her each time.

7.13 In July 1992, witness FWS-87 was frequently taken out, and raped (vaginal and anal penetration and fellatio). On one occasion witness FWS-87 was gang-raped by 4 men including **DRAGAN ZELENOVIĆ** and **ZORAN VUKOVIĆ**.

7.14 Among the men who frequently sexually assaulted FWS-87 at Partizan were **JANKO JANJIĆ**, **GOJKO JANKOVIĆ** and Dragoljub

Kunarac. Due to the frequent sexual assaults, FWS-87 became suicidal during her detention at Partizan.

7.15 On or around 15 July 1992, **GOJKO JANKOVIĆ** led FWS-48 to an empty Muslim house in the Aladža neighbourhood. When FWS-48 arrived, about 14 Montenegrin soldiers were already present. **DRAGAN ZELENOVIĆ** then arrived with about 8 more soldiers, among them **ZORAN VUKOVIĆ**. **DRAGAN ZELENOVIĆ** took FWS-48 to a room and threatened to slash her throat if she resisted. Then, **DRAGAN ZELENOVIĆ** raped FWS-48 (vaginal penetration and fellatio) together with at least other 7 soldiers. **ZORAN VUKOVIĆ** was the 6th man who raped her. During the sexual assault, **ZORAN VUKOVIĆ** bit her nipples a number of times. Although the witness was bleeding from these bites, the 7th man squeezed and pinched her breasts as he raped her. FWS-48 fainted as a result of the pain.

7.16 On or around 18 July 1992, **GOJKO JANKOVIĆ** took FWS-48, FWS-95 and B. P. to a house near the bus station. From there, Dragoljub Kunarac took her to another house in the Donje Polje neighbourhood where he raped her (vaginal penetration and fellatio).

7.17 On or around 23 July 1992, **DRAGAN ZELENOVIĆ** and some unidentified soldiers took FWS-48 to a house close to Partizan. **DRAGAN ZELENOVIĆ** took her into a separate room and raped her (vaginal penetration). During this incident, he said that she would give birth to good Serbian children. After this sexual assault, an unidentified soldier took her to another room where FWS-48 saw another women being sexually assaulted. At that moment, the soldier who had taken her to that room pushed FWS-48 onto a bed and raped her.

7.18 The same night, after being taken back to Partizan, **JANKO JANJIĆ** took FWS-48, together with two other women, to the Brena apartment block, where **ZORAN VUKOVIĆ** and a certain Panto were already waiting. Panto raped FWS-48 (vaginal penetration). She heard **ZORAN VUKOVIĆ** and **JANKO JANJIĆ**, at the same time, sexually assaulting the other women in the next room.

7.19 On or around 11 August 1992, **DRAGAN ZELENOVIĆ** and other soldiers took FWS-48 to the Hotel Zelengora. When she arrived, many soldiers were present, eating and drinking. Immediately thereafter, a person identified as Spomenko approached FWS-48, took her to a room upstairs and raped her (vaginal penetration).

7.20 On 12 August 1992, **DRAGAN ZELENOVIĆ** and **GOJKO JANKOVIĆ** took FWS-48 together with FWS-95 and other women to a house in Donje Polje. There, **DRAGAN ZELENOVIĆ** raped FWS-48 twice. That night **DRAGAN ZELENOVIĆ** told FWS-48 that everything would end in a few days.

7.21 After midnight, on the same night, **JANKO JANJIĆ** took FWS-48 together with other women to the Brena apartments. While leaving Partizan, a group of soldiers approached the women and tried to pull them away. **JANKO JANJIĆ** told these soldiers that he needed these women for his own people and that they should go into Partizan and find other women. **ZORAN VUKOVIĆ** and Panto joined them at the Brena apartments. That night, **JANKO JANJIĆ** raped FWS-48. During the sexual assault, he mentioned that it would be the last time.

7.22 From July 1992 to 13 August 1992, FWS-95 was removed to different houses and apartments, almost every night by groups of soldiers, commanded by Dragoljub Kunarac, **JANKO JANJIĆ** and **DRAGAN ZELENOVIĆ**. Sometimes, she was taken alone, sometimes together with other women. On each of these occasions, FWS-95 was raped, (vaginal penetration and fellatio). Sometimes, she was gang-raped. Dragoljub Kunarac, **JANKO JANJIĆ**, **GOJKO JANKOVIĆ** and **DRAGAN ZELENOVIĆ** were among the soldiers who frequently assaulted her.

7.23 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-75, FWS-87 and FWS-95, **JANKO JANJIĆ** committed:

COUNT 29
(Torture)

Count 29: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 30
(Rape)

Count 30: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 31
(Torture)

Count 31: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 32
(Rape)

Count 32: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

7.24 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-50 and FWS-87, **ZORAN VUKOVIĆ** committed:

COUNT 33
(Torture)

Count 33: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 34
(Rape)

Count 34: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 35
(Torture)

Count 35: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 36

(Rape)

Count 36: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

7.25 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-87 and FWS-95, **GOJKO JANKOVIĆ** committed:

COUNT 37

(Torture)

Count 37: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 38

(Rape)

Count 38: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 39

(Torture)

Count 39: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 40

(Rape)

Count 40: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

7.26 By the foregoing acts and omissions in relation to the victims FWS-48, FWS-87 and FWS-95, **DRAGAN ZELENOVIĆ** committed:

COUNT 41
(Torture)

Count 41: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5 (f) of the Statute of the Tribunal.

COUNT 42
(Rape)

Count 42: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 43
(Torture)

Count 43: Torture, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal and recognised by Common Article 3 (1) (a) (torture) of the Geneva Conventions.

COUNT 44
(Rape)

Count 44: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

COUNTS 45-48
Enslavement and Rape of FWS-75, FWS-87 and Seven Other Women in Karaman's House

8.1 Pero Elez, a Serb paramilitary leader in a position of regional authority commanded an elite unit of Vukovar fighters. Pero Elez's headquarters were in the Miljevina Hotel. On 2 August 1992, Dragoljub Kunarac, in concert with Pero Elez, took FWS-75, FWS-87 and D. B. from the Montenegrin headquarters in Foča to the Miljevina Hotel because the women had spoken to journalists the day before about the living conditions in Partizan Sports Hall. Pero Elez ordered the detention of the three women in a house, which was close to the Hotel, and owned by Nusret Karaman, a Muslim who lived in Germany. Later on, other women and girls were detained at Karaman's house. Some were as young as twelve and fourteen years of age. The number of women and

girls detained at Karaman's house between 2 August 1992 and at least until 30 October 1992 totalled nine. **RADOVAN STANKOVIĆ**, a soldier from the elite unit commanded by Pero Elez, was in charge of Karaman's house after the death of Pero Elez. **RADOVAN STANKOVIĆ** ran Karaman's house similar to a brothel.

8.2 In contrast to Partizan Sports Hall, the detainees at Karaman's house had sufficient food. They were not guarded or locked inside the house. The detainees even had a key they could use to lock the door and prevent soldiers, not belonging to Pero Elez's group, from entering. The detainees were also given the telephone number of the Miljevina motel, and were told that they should call this number if any soldier without authorisation tried to enter the house. When the women did call this number, either **RADOVAN STANKOVIĆ** or Pero Elez would come to prevent other persons from entering the house. Although the detainees were not guarded, they could not escape. They had nowhere to go as they were surrounded by Serbs, both soldiers and civilians.

8.3 FWS-75 and FWS-87 were detained in Karaman's house between or about 3 August until or about 30 October 1992, together with 7 other women. Pero Elez treated the women as his personal property.

8.4 During the entire period of their detention at Karaman's house, FWS-75, FWS-87 and the other female detainees were subjected to repeated rapes and sexual assaults at night. All the perpetrators were Serb soldiers who belonged to Pero Elez's group. Among the soldiers who frequently raped FWS-75 and FWS-87 (vaginal and anal penetration) was **RADOVAN STANKOVIĆ**.

8.5 The first time both women were raped in Karaman's house was on or about 3 August 1992, shortly after their arrival. An unidentified soldier raped FWS-75 (vaginal penetration) while **RADOVAN STANKOVIĆ** raped FWS-87 that day.

8.6 In addition to the rapes and other sexual assaults, all the female detainees were forced to work for the Serb soldiers, washing uniforms, cooking and cleaning the house. FWS-87 was taken three times from Karaman's house to other buildings in Miljevina. On these occasions, she was forced to clean rooms in the buildings, cook for the soldiers and paint the window-frames. On one of the three occasions, when she was taken out with another woman, two Montenegrin soldiers sexually assaulted both women.

8.7 At Karaman's house, the detainees constantly feared for their lives. If any woman refused to obey orders, she would be beaten. Soldiers often told the women that they would be killed after the soldiers were finished with them because they knew too much. FWS-87 felt suicidal during the entire time of her detention in Karaman's house.

8.8 By the foregoing acts and omissions, **RADOVAN STANKOVIĆ** committed:

COUNT 45
(Enslavement)

Count 45: Enslavement, a **CRIME AGAINST HUMANITY** punishable under Article 5 (c) of the Statute of the Tribunal.

COUNT 46
(Rape)

Count 46: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 47
(Rape)

Count 47: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

COUNT 48
(Outrages Upon Personal Dignity)

Count 48: Outrages upon personal dignity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.

COUNT 49
Rape of FWS-75 and FWS-87 and Two Other Women

9.1 On or about 30 October 1992, FWS-75, FWS-87 and two other women were taken from Karaman's house to Foča by **DRAGAN**

ZELENOVIĆ, GOJKO JANKOVIĆ and JANKO JANJIĆ. These women continued to be detained at different houses and apartments, and continued to be subjected to sexual assaults.

9.2 On or about 30 October 1992, the three above-mentioned perpetrators took FWS-75, FWS-87 and the two other women into an apartment near the Fish Restaurant in Foča. There, all four women were raped by **DRAGAN ZELENKOVIĆ, GOJKO JANKOVIĆ and JANKO JANJIĆ.**

9.3 By the foregoing acts and omissions, **GOJKO JANKOVIĆ, DRAGAN ZELENKOVIĆ and JANKO JANJIĆ** committed:

COUNT 49
(Rape)

Count 49: Rape, a **CRIME AGAINST HUMANITY** punishable under Article 5 (g) of the Statute of the Tribunal.

COUNT 50
(Rape)

Count 50: Rape, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 of the Statute of the Tribunal.



Carla Del Ponte
Prosecutor

Dated this 5th day of October 1999
At The Hague
The Netherlands