

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE
FORMER YUGOSLAVIA

CASE NO. IT-02-54-T

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

SLOBODAN MILO[EVI]

FIRST 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 International Criminal Tribunal for the Former Yugoslavia ("the Statute of the Tribunal") charges:

SLOBODAN MILO[EVI]

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

THE ACCUSED:

1. Slobodan MILO[EVI], son of Svetozar Milo{evi}, was born on 20 August 1941 in Po`arevac, in present-day Serbia. In 1964, he graduated from the Law Faculty of the University of Belgrade and began a career in management and banking. Until 1978, he held the posts of deputy director and later general director at Tehnogas, a major oil company in the Socialist Federal Republic of Yugoslavia ("SFRY"). Thereafter, he became president of Beogradska banka (Beobanka), one of the largest banks in the SFRY, a post he held until 1983.

2. Slobodan MILO[EVI] joined the League of Communists of Yugoslavia in 1959. In 1984, he became Chairman of the City Committee of the League of Communists of Belgrade. In 1986, he was

elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia and was re-elected in 1988. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia united, forming a new party named the Socialist Party of Serbia ("SPS"). On 17 July 1990, Slobodan MILO[EVI] was elected President of the SPS and has remained in that post until the present date, except during the period 24 May 1991 to 24 October 1992.

3. Slobodan MILO[EVI] was elected President of the Presidency of the then Socialist Republic of Serbia on 8 May 1989 and re-elected on 5 December 1989. After the adoption of a new Constitution, on 28 September 1990, the Socialist Republic of Serbia became the Republic of Serbia, and Slobodan MILO[EVI] was elected to the newly established office of President of the Republic of Serbia in multi-party elections, held in December 1990. He was re-elected to this office in elections held on 20 December 1992.

4. After serving two terms as President of the Republic of Serbia, Slobodan MILO[EVI] was elected President of the Federal Republic of Yugoslavia ("FRY") on 15 July 1997, beginning his official duties on 23 July 1997. Following his defeat in the Federal Republic of Yugoslavia's presidential election of September 2000, Slobodan MILO[EVI] relinquished his position on 6 October 2000.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute of the Tribunal

5. Slobodan MILO[EVI] is individually criminally responsible for the crimes referred to in Articles 2, 3, and 5 of the Statute of the Tribunal and described in this indictment, which he planned, instigated, ordered, committed, or in whose planning, preparation, or execution he otherwise aided and abetted. By using the word committed in this indictment the Prosecutor does not intend to suggest that the accused physically committed any of the crimes charged personally. Committing in this indictment refers to participation in a joint criminal enterprise as co-perpetrator.

6. Slobodan MILO[EVI] participated in a joint criminal enterprise as set out in paragraphs 24 to 26. The purpose of this joint criminal enterprise was the forcible removal of the majority of the Croat and other non-Serb population from the approximately one-third of the territory of the Republic of Croatia that he planned to become part of a new Serb-dominated state through the commission of crimes in violation of Articles 2, 3, and 5 of the Statute of the Tribunal. These areas included those regions that were referred to by Serb authorities and are hereinafter referred to as the "Serbian Autonomous District /Sprska autonomna oblast/ ("SAO") Krajina", the "SAO Western Slavonia", and the "SAO Slavonia, Baranja and Western Srem" (collectively referred to by Serb authorities after 19 December 1991 as the "Republic of Serbian Krajina /Republika Srpska krajina/" ("RSK")), and "Dubrovnik Republic /Dubrova•ka republika/".

7. This joint criminal enterprise came into existence before 1 August 1991 and continued until at least June 1992. Individuals participating in this joint criminal enterprise included Slobodan MILO[EVI], Borisav JOVI], Branko KOSTI], Veljko KADIJEVI], Blagoje AD@I], Milan BABI], Milan MARTI], Goran HAD@I], Jovica STANI[I], Franko SIMATOVI], also known as "Frenki", Tomislav SIMOVI], Vojislav [E[ELJ, Momir BULATOVI], Aleksandar VASILJEVI], Radovan STOJI^I], also known as "Bad`a", @eljko RA@NATOVI], also known as "Arkan", and other known and unknown participants.

8. The crimes enumerated in Counts 1 to 32 of this indictment were within the object of the joint criminal enterprise. Alternatively, the crimes enumerated in Counts 1 to 13 and 17 to 32 were the natural and foreseeable consequences of the execution of the object of the joint criminal enterprise and the accused was aware that such crimes were the possible outcome of the execution of the joint criminal enterprise.

9. In order for the joint criminal enterprise to succeed in its objective, Slobodan MILO[EVI] worked in concert with or through several individuals in the joint criminal enterprise. Each participant or co-perpetrator within the joint criminal enterprise played his own role or roles that significantly contributed to the overall objective of the enterprise. The roles of the participants or co-perpetrators include, but are not limited to, the following:

10. Borisav JOVI], holding different positions as a member, Vice-President, and President of the SFRY Presidency from 15 May 1989 until April 1992, as President of the SPS from May 1991 until October 1992,

and holding other key positions of the SPS until November 1995, and Branko KOSTI], the Vice-President and then Acting President of the SFRY Presidency in the relevant period, together with others, commanded, directed, or otherwise exercised effective control over the Yugoslav People's Army ("JNA") and the Territorial Defence ("TO") units and the volunteer units acting in co-ordination and under supervision of the JNA.

11. General Veljko KADIJEVI], as Federal Secretary for National Defence from 15 May 1988 until 6 January 1992, commanded, directed, or otherwise exercised effective control over the JNA and the TO units and the volunteer units acting in co-ordination and under supervision of the JNA.

12. General Blagoje AD@I], in his capacity as JNA Chief-of-Staff from October 1989 until 8 May 1992 and Acting Federal Secretary for National Defence from January 1992 until 8 May 1992, together with others commanded, directed, or otherwise exercised effective control over the JNA and the TO units and the volunteer units acting in co-ordination and under supervision of the JNA.

13. General Aleksandar VASILJEVI], in his capacity as a JNA general and chief of the JNA Security Administration until 8 May 1992, in particular the military counter-intelligence service Kontraobaveštajna služba ("KOS"), participated in activities designed to stir up hate, fear and violence, which significantly helped attain the overall objectives of the joint criminal enterprise. Agents of the KOS directed and supported the local Croatian Serb political leaders and the local Serb police and military forces, including the TO staff and volunteers from Serbia.

14. Jovica STANI[I], in his capacity as deputy chief or chief of the State Security (Dr`avna bezbednost) ("DB") of the Republic of Serbia from March 1991 until October 1998, commanded, directed, or otherwise exercised effective control over members of the DB, who participated in the perpetration of the crimes specified in this indictment. In addition, he provided arms, funds, training, or other substantial assistance or support to Serb volunteer units and police units who perpetrated crimes specified in this indictment.

15. Franko SIMATOVI], also known as "Frenki", as head of the special operations component of the DB of the Republic of Serbia, commanded, directed, or otherwise exercised effective control over agents of the DB who perpetrated crimes specified in this indictment. In addition, he provided training, funds, arms, or other substantial assistance

or support to members of "Marti}'s Police" and Serb volunteer units who perpetrated crimes specified in this indictment.

16. Tomislav SIMOVI], in his position as Minister of Defence of the Republic of Serbia from 31 July 1991 until at least 19 December 1991, formed, deployed, and provided substantial assistance or support to Serb volunteer units and other Serb forces involved in the perpetration of crimes specified in this indictment.

17. Milan MARTI], as "Secretary of the Secretariat of Internal Affairs" of the SAO Krajina from 4 January 1991 until 29 May 1991; as "Minister of Defence" of the SAO Krajina from 29 May 1991 until 27 June 1991; and as "Minister of Internal Affairs" for the SAO Krajina (later Republic of Serbian Krajina) from 27 June 1991 until January 1994, established, commanded, directed, and otherwise exercised effective control over members of his police force (referred to as "Marti}'s Police", "Marti}'evci", "SAO Krajina Police" or "SAO Krajina Militia").

18. Milan BABI], as "President of the Executive Council" of the SAO Krajina from at least 19 January 1991 until 29 May 1991, "President of the Government" of the SAO Krajina from 29 May 1991 until December 1991, and as "President of the Republic" of the Republic of Serbian Krajina from 19 December 1991 until 26 February 1992, organised and administered the actions of the joint criminal enterprise in the SAO Krajina.

19. Goran HAD@I], in his capacity as "President of the Serbian National Council" of the SAO Slavonia, Baranja and Western Srem (SBWS) from 17 March 1991 until at least 25 September 1991, "President of the Government" of the SAO SBWS from at least 25 September 1991 until 26 February 1992, and then as "President of the Republic" of the Republic of Serbian Krajina until January 1994, established, commanded, directed, and otherwise exercised effective control over police (also known as Militia) units and the Serb National Security (SNB) of the SAO SBWS. He provided funding and other substantial assistance and support to the TO units of the SAO SBWS and the Republic of Serbian Krajina. In addition, he personally participated in crimes specified in paragraphs 50 to 55 in the indictment.

20. Radovan STOJI^I], also known as "Bad`a", previously the commander of a special police unit in Kosovo, on orders of Slobodan MILO[EVI], went to Croatia in summer 1991 and established the Serb TO units of SBWS, whose members perpetrated crimes as described in

this indictment. From early autumn 1991 until December 1991, he personally participated in these crimes as commander of the TO SBWS.

21. @eljko RA@NATOVI], also known as "Arkan", in 1990 established and commanded the Serbian Volunteer Guard, a volunteer unit commonly known as "Arkanovci" or "Arkan's Tigers", who were under the command of the TO of the SAO SBWS. During the time relevant to this indictment, they maintained a significant military base in Erdut, SAO SBWS, from where members of this unit participated in the crimes described in this indictment. This military base also served as the training centre of other TO units. @eljko RA@NATOVI] himself functioned as the commander of the base in Erdut and personally participated in the crimes specified in paragraphs 50 to 51, 53 to 54, and 56 to 58 in the indictment.

22. Vojislav [E[ELJ, as President of the Serbian Radical Party (SRS) from at least February 1991 throughout the time relevant to this indictment recruited or otherwise provided substantial assistance or support to Serb volunteers, commonly known as "chetniks" (•etnici), "Šešeljevci" or "[ešelj's men", who perpetrated crimes as specified in this indictment. In addition, he openly espoused and encouraged creation of a "Greater Serbia" by violence and other unlawful means, and actively participated in war propaganda and spreading inter-ethnic hatred.

23. Momir BULATOVI], as President of the Republic of Montenegro from 1990 until 1998, mobilised and provided substantial assistance to Montenegrin troops, including TO, police and volunteer units, who were deployed to the Republic of Croatia, forming part of the JNA, and who perpetrated crimes as specified in this indictment.

24. From 1987 until late 2000, Slobodan MILO[EVI] was the dominant political figure in Serbia. He acquired control of all facets of the Serbian government, including the police and other state security services. In addition, he gained control over the political leaders of Kosovo, Vojvodina, and Montenegro.

25. In his capacity as the President of Serbia and through his leading position in the SPS party, Slobodan MILO[EVI] exercised effective control or substantial influence over the above-listed participants in the joint criminal enterprise and either alone or acting in concert with them and additional known and unknown persons effectively controlled or substantially influenced the actions of the Federal Presidency of the SFRY and later the FRY, the Serbian Ministry of Internal Affairs

("MUP"), the JNA, the Serb-run TO staff in the territories subject to this indictment as well as Serb volunteer groups.

26. Slobodan MILO[EVI] , acting alone and in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise in the following ways:

- a) provided direction and assistance to the political leadership of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and RSK on the take-over of these areas and the subsequent forcible removal of the Croat and other non-Serb population.
- b) provided financial, material and logistical support for the regular and irregular military forces necessary for the take-over of these areas and the subsequent forcible removal of the Croat and other non-Serb population.
- c) directed organs of the government of the Republic of Serbia to create armed forces separate from the federal armed forces to engage in combat activities outside the Republic of Serbia, in particular in the said areas in Croatia and the subsequent forcible removal of the Croat and other non-Serb population.
- d) participated in the formation, financing, supply, support and direction of special forces of the Republic of Serbia Ministry of Internal Affairs. These special forces were created and supported to assist in the execution of the purpose of the joint criminal enterprise through the commission of crimes which are in violation of Articles 2, 3 and 5 of the Statute of the Tribunal.
- e) participated in providing financial, logistical and political support and direction to Serbian irregular forces and paramilitaries. Such support was given in furtherance of the joint criminal enterprise through the commission of crimes which are in violation of Articles 2, 3 and 5 of the Statute of the Tribunal.
- f) participated in the planning and preparation of the take-over of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic and the subsequent forcible removal of the Croat and other non-Serb population.

g) exerted effective control or substantial influence over the JNA which participated in the planning, preparation and execution of the forcible removal of the Croat and other non-Serb population from the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic.

h) provided financial, logistical and political support to TO units and Serb volunteer units acting in the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic, which assisted in the execution of the purpose of the joint criminal enterprise through the commission of crimes which are in violation of Articles 2, 3 and 5 of the Statute of the Tribunal.

i) effectively ordered the passage of laws and regulations relative to the involvement of the JNA, the TO and Serb volunteer units in Croatia.

j) directed, commanded, controlled, or otherwise provided substantial assistance or support to the JNA, the Serb-run TO staff, and volunteer forces deployed in the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic engaged in the execution of the purpose of the joint criminal enterprise through the commission of crimes which are in violation of Articles 2, 3 and 5 of the Statute of the Tribunal.

k) directed, commanded, controlled, or otherwise provided substantial assistance or support to the police forces within the MUP of the Republic of Serbia, including the DB, whose members assisted in the execution of the purpose of the joint criminal enterprise in the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic.

l) financed Serb military, police, and irregular soldiers in Croatia who perpetrated crimes as specified in this indictment.

m) controlled, contributed to, or otherwise utilised Serbian state-run media outlets to manipulate Serbian public opinion by spreading exaggerated and false messages of ethnically based attacks by Croats against Serb people in order to create an atmosphere of fear and hatred among Serbs living in Serbia and Croatia. The propaganda generated by the Serbian media was an important tool in contributing to the perpetration of crimes in Croatia.

27. Slobodan MILO[EVI] knowingly and wilfully participated in the joint criminal enterprise, sharing the intent of other participants in the joint criminal enterprise or aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for these crimes under Article 7 (1) of the Statute of the Tribunal in addition to his responsibility under the same Article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation and execution of these crimes.

28. The accused and other participants in the joint criminal enterprise shared the intent and state of mind required for the commission of each of the crimes charged in counts 1 to 32.

Article 7(3) of the Statute of the Tribunal

29. Slobodan MILO[EVI], while holding positions of superior authority, is also individually criminally responsible for the acts or omissions of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is responsible for the criminal acts of his subordinates if he knew or had reason to know that his subordinates were about to commit such acts or had done so, and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.

30. From at least March 1991 until 15 June 1992, Slobodan MILO[EVI] exercised control over the four members of the "Serbian Bloc" within the Presidency of the SFRY (later the FRY). These four individuals were Borisav JOVI], the representative of the Republic of Serbia; Branko KOSTI], the representative of the Republic of Montenegro; Jugoslav KOSTI], the representative of the Autonomous Province of Vojvodina; and Sejdo BAJRAMOVI], the representative of the Autonomous Province of Kosovo and Metohia. Slobodan MILO[EVI] used Borisav JOVI] and Branko KOSTI] as his primary agents in the Presidency, and through them, he directed the actions of the "Serbian Bloc". From 1 October 1991, in the absence of the representatives of the Presidency from Croatia, Slovenia, Macedonia, and Bosnia and Herzegovina, the four members of the "Serbian Bloc" exercised the powers of the Presidency, including that of collective "Commander-in-Chief" of the JNA. This "Rump Presidency" acted without dissension to execute Slobodan MILO[EVI]'s policies. The

Federal Presidency had effective control over the JNA as its "Commander-in-Chief" and the TO units and volunteer units acting in co-ordination and under supervision of the JNA. Generals Veljko KADIJEVI] and Blagoje AD@I] , who directed and supervised the JNA forces in Croatia, were in constant communication and consultation with the accused.

31. Slobodan MILO[EVI] exercised effective control over KOS, the counterintelligence component of the JNA. His control over the leaders of KOS, particularly over General Aleksandar VASILJEVI] , enabled the engagement of KOS agents in Croatia. Agents of the KOS carried out the policies of Slobodan MILO[EVI] in Croatia by directing the actions of local Croatian Serb political leaders, directing and supporting the local Serb police and security forces, and introducing Serb volunteer groups into Croatia and supporting their activities.

32. Slobodan MILO[EVI] is therefore individually criminally responsible under Article 7 (3) of the Statute of the Tribunal for the participation of the members of the JNA, the TO units and the volunteer units acting in co-ordination and under supervision of the JNA in the crimes described in this indictment.

33. From the time Slobodan MILO[EVI] came to power in Serbia, he exercised control over key officials in the Serbian MUP, among them Radmilo BOGDANOVI] and Zoran SOKOLOVI] , who were both, at different times, Minister of Internal Affairs of Serbia, Radovan STOJI^I] , the Deputy Minister of Internal Affairs, and Jovica STANI[I] and Franko SIMATOVI] , both high-ranking officials in the DB. Through these officials, Slobodan MILO[EVI] exercised effective control over agents of the MUP and the DB who directed and supported the actions of local Croatian Serb political leaders, and Serb police and security forces, and introduced Serb volunteer groups into Croatia and supported their activities. The accused Slobodan MILO[EVI] is therefore individually criminally responsible under Article 7 (3) of the Statute of the Tribunal for the participation of the members of the Serbian MUP and the DB in the crimes described in this indictment.

THE CHARGES:

COUNT 1 (PERSECUTIONS)

34. From on or about 1 August 1991 until June 1992, Slobodan MILO[EVI], acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the persecutions of the Croat and other non-Serb civilian population in the territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, and the Dubrovnik Republic.

35. Throughout this period, Serb forces, comprised of JNA units, local TO units and TO units from Serbia and Montenegro, local and Serbian MUP police units and paramilitary units, attacked and took control of towns, villages and settlements in these territories listed above. After the take-over, the Serb forces in co-operation with the local Serb authorities established a regime of persecutions designed to drive the Croat and other non-Serb civilian population from these territories.

36. These persecutions were based on political, racial or religious grounds and included the following:

a. The extermination or murder of hundreds of Croat and other non-Serb civilians, including women and elderly persons, in Dalj, Erdut, Klisa, Lovas, Vukovar, Vo}in, Ba}in, Saborsko and neighbouring villages, [kabrnja, Nadin, Bru{ka, and Dubrovnik and its environs, as described in detail in paragraphs 38 to 59 and 73 to 75.

b. The prolonged and routine imprisonment and confinement of thousands of Croat and other non-Serb civilians in detention facilities within and outside of Croatia, including prison camps located in Montenegro, Serbia, and Bosnia and Herzegovina, as described in detail in paragraph 64.

c. The establishment and perpetuation of inhumane living conditions for Croat and other non-Serb civilian detainees within the mentioned detention facilities.

d. The repeated torture, beatings and killings of Croat and other non-Serb civilian detainees in the mentioned detention facilities.

- e. [Deleted]
- f. [Deleted]
- g. The unlawful attacks on Dubrovnik and undefended Croat villages throughout the territories specified above.
- h. [Deleted]
- i. The beating and robbing of Croat and other non-Serb civilians.
- j. The torture and beatings of Croat and other non-Serb civilians during and after their arrest.
- k. The deportation or forcible transfer of at least 170,000 Croat and other non-Serb civilians from the territories specified above, including the deportation to Serbia of at least 5,000 inhabitants from Ilok, 20,000 inhabitants from Vukovar; and the forcible transfer to locations within Croatia of at least 2,500 inhabitants from Erdut, as described in detail in paragraphs 67 to 69.
- l. The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat and other non-Serb population in Dubrovnik and its environs, Vukovar, Erdut, Lovas, [arengrad, Bapska, Tovarnik, Vo}in, Saborsko, [kabrnja, Nadin, and Bru{ka, as described in paragraphs 71 and 77 to 82.

37. By these acts and omissions, Slobodan MILO[EVI] committed:

Count 1: Persecutions on political, racial, and religious grounds, a CRIME AGAINST HUMANITY, punishable under Articles 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 2 to 5
(EXTERMINATION, MURDER, WILFUL KILLING)

38. From 1 August 1991 until June 1992, Slobodan MILO[EVI], acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the extermination, murder and wilful killings of Croat and other non-Serb civilians in the territories of the SAO Western Slavonia, the SAO Krajina, and the SAO SBWS, as specified in paragraphs 39 through 59 of this indictment.

SAO WESTERN SLAVONIA

39. Beginning August 1991, the Serb forces including the volunteer units "[e{elj's men" and the "White Eagles" were in control of Vo}in. On 13 December 1991, while the Serb forces withdrew from Vo}in and the surrounding area, they went from house to house, killing a substantial portion of the remaining Croat civilian population. A total of thirty-two civilians were killed by these two units before they withdrew on 13 December 1991. The only survivors were those in hiding, whom the Serb forces did not find. The names of the victims are set out in Annex I attached to this indictment.

SAO KRAJINA

40. From about 7 October 1991, the Serb forces, comprised of the JNA, members of the TO and members of the Militia of the SAO Krajina (also known as the SAO Krajina Police and Marti}'s Police) were in control of the area of Hrvatska Kostajnica. Most of the Croat civilians had fled their homes during the attack in September 1991. Approximately 120 Croat civilians, mostly women, the elderly or the infirm, remained in the villages of Dubica, Cerovljani, and Ba}in. On the morning of 20 October 1991, members of the Serb forces rounded up fifty-three civilians in Dubica and detained them in the village fire

station. Over the course of the day and night ten were released, because they were either Serbs or had connections with Serbs. On 21 October 1991, the Serb forces took the remaining forty-three detained Croats to a location near the village of Ba}in. In addition, the Serb forces brought at least thirteen non-Serb civilians from Ba}in and Cerovljani to the same location. All fifty-six victims were killed there. At approximately the same time, the Serb forces took away an additional thirty civilians from Ba}in and twenty-four from the villages Dubica and Cerovljani into an unknown location where they killed them. The names of the victims are set out in Annex I attached to this indictment.

41 From early August 1991 until 12 November 1991, the Croat villages of Saborsko, Poljanak and Lipovani} were attacked by Serb forces including JNA, TO and "Marti}'s Police". As soon as the Serb forces entered the villages, they killed all remaining non-Serb inhabitants they found.

42 On 28 October 1991, TO units entered Lipovani} and killed eight civilians. The names of the victims are set out in Annex I attached to this indictment.

43. On 7 November 1991, JNA and TO units, in particular a special JNA unit from Ni{, entered the hamlet of Vukovi}i near Poljanak and executed nine civilians. The names of the victims are set out in Annex I attached to this indictment.

44. On 12 November 1991, members of the JNA, "Marti}'s Police" and the TO entered the village of Saborsko where they killed at least twenty Croat civilians. Afterwards, the village was leveled to the ground. The names of the victims are set out in Annex I attached to this indictment.

45. In November 1991, Serb forces comprised of JNA and TO units and "Marti}'s Police" attacked the village of [kabrnja, near Zadar. On 18 November 1991, the Serb forces entered [kabrnja. Moving from house to house, they killed at least thirty-eight non-Serb civilians in their homes or in the streets. The names of the victims are set out in Annex I attached to this indictment.

46. In addition, when Serb forces attacked the neighbouring villages of Nadin the next day, they killed seven non-Serb civilians. The names of the victims are set out in Annex I attached to this indictment.

47. Between 18 November and February 1992, all remaining Croat civilians in [kabrnja died. Serb forces killed twenty-six of the remaining elderly and infirm Croat civilians. The names of the victims are set out in Annex I attached to this indictment.

48. On 21 December 1991, Serb forces, in particular members of "Marti}'s Police", entered the village of Bru{ka and the hamlet of Marinovi} where they killed ten civilians, among them nine Croats. The names of the victims are set out in Annex I attached to this indictment.

VUKOVAR HOSPITAL

49. On or about 20 November 1991, as part of the overall persecution campaign, Serb military forces under the command, control or influence of the JNA, the TO SBWS and other participants of the joint criminal enterprise, removed approximately two hundred and fifty-five Croats and other non-Serbs from Vukovar Hospital in the aftermath of the Serb take-over of the city. The victims were transported to the JNA barracks and then to the Ov~ara farm located about 5 kilometers south of Vukovar. There, members of the Serb forces beat and tortured the victims for hours. During the evening of 20 November 1991, the soldiers transported the victims in groups of 10-20 to a remote execution site between the Ov~ara farm and Grabovo, where they shot and killed them. Their bodies were buried in a mass grave. The names of the victims are set out in Annex I attached to this indictment.

SAO SBWS

50. In September and October 1991, the Serb TO forces and Militia of the SAO SBWS arrested Croat civilians and kept them in a detention facility in the police building in Dalj. On 21 September 1991, Goran HAD@I] and @eljko RA@NATOVI] visited the detention facility and ordered the release of two of the detainees. Members of the TO of the SAO SBWS led by @eljko RA@NATOVI] shot eleven detainees and buried their bodies in a mass grave in the village of]elija. The names of the victims are set out in Annex I attached to this indictment.

51. On 4 October 1991, members of the TO of the SAO SBWS led by @eljko RA@NATOVI] entered the detention facility in the police building in Dalj and shot twenty-eight Croat civilian detainees. The bodies of the victims were then taken from the building and dumped into the nearby Danube River. The names of the victims are set out in Annex I attached to this indictment.

52. On 18 October 1991, members of the JNA, the TO of the SAO SBWS, and Dušan Silni volunteer unit forced fifty Croat civilians, who had been detained for forced labour in the Zadruga building in Lovas, to march into a minefield on the outskirts of the village of Lovas, located approximately 20 kilometers south-west of the town of Vukovar. On the way to the minefield, one detainee was shot dead by these Serb forces. Upon reaching the minefield, the detainees were forced to enter the minefield and sweep their feet in front of them to clear the field of mines. At least one mine exploded, and the Serb forces opened fire on the detainees. Twenty-one detainees were killed either through mine explosions or gunfire. The names of the victims are set out in Annex I attached to this indictment.

53. On 9 November 1991, members of the TO of the SAO SBWS led by [eljko RA@NATOVI] and members of the Militia of the SAO SBWS arrested ethnic Hungarian and Croat civilians in Erdut, Dalj Planina, and Erdut Planina and took them to the training centre of the TO in Erdut where twelve of them were shot dead the following day. The names of the victims are set out in Annex I attached to this indictment. Several days after 9 November 1991, members of the SNB of the SAO SBWS in co-operation with several members of "Arkan's Tigers" arrested and executed three civilians, two of them family members of the original Hungarian victims who had inquired about the fate of their relatives. The bodies of eight of the initial twelve victims were buried in the village of]elija and one victim was buried in Daljski Atar. The bodies of the three additional victims were thrown in a well in Borovo. The names of the victims are set out in Annex I attached to this indictment. On 3 June 1992, members of the SNB, in co-operation with members of "Arkan's Tigers", arrested Marija Sena{i (born 1937), a female family member of the original Hungarian victims who had continued to make inquiries about the fate of her relatives. This woman was subsequently murdered and her body was thrown into an abandoned well in Dalj Planina.

54. On 11 November 1991, members of the TO of SAO SBWS, under the command of [eljko RA@NATOVI], arrested seven non-Serb civilians in the village of Klisa. Two of the detainees who had Serb relatives were released. The remaining five civilians were taken to the TO training centre in Erdut. After their interrogation, the victims were killed and buried in a mass grave in the village of]elija. The names of the victims are set out in Annex I attached to this indictment.

55. Between 18 and 20 November 1991, after the termination of the military operations in and around Vukovar, the JNA deported thousands of Croat and other non-Serb inhabitants into the territory of the Republic

of Serbia. Following a request of Goran HAD@I] to retain those non-Serbs who were suspected of participation in the military operations, the JNA transported a large number of inhabitants of Vukovar to the detention facilities in Dalj on around 20 November 1991. There, Serb TO members selected those suspected of participating in the defence of Vukovar. The selected detainees were interrogated, beaten and tortured. At least thirty-four were executed. The names of the victims are set out in Annex I attached to this indictment.

56. On 10 December 1991, members of the TO of the SAO SBWS led by @eljko RA@NATOVI] and members of the Militia of the SAO SBWS arrested **five** non-Serb villagers from Erdut. The victims were taken to the TO training centre in Erdut and subsequently killed. The bodies of three of the victims were later disposed of in a well in Daljski Atar. The names of the victims are set out in Annex I attached to this indictment.

57. From 22 December 1991 to 25 December 1991, members of the TO of the SAO SBWS led by @eljko RA@NATOVI] and members of the Militia of the SAO SBWS arrested seven ethnic Hungarian and Croat civilians in Erdut and took them to the TO training centre in Erdut. On 26 December 1991, they were shot and killed. The bodies of six of the victims were buried in Daljski Atar. The names of the victims are set out in Annex I attached to this indictment.

58. On 21 February 1992, members of the TO of the SAO SBWS led by @eljko RA@NATOVI] and members of the Militia of the SAO SBWS arrested four non-Serb civilians in Erdut. All of the victims were interrogated in the Territorial Defence training centre in Erdut and then killed. The bodies of the victims were buried in a mass grave in Daljski Atar. The names of the victims are set out in Annex I attached to this indictment.

59. On 4 May 1992, members of the special operations component of the DB, arrested five non-Serb civilians in the village of Grabovac. The civilians were taken away and killed. Their bodies were later buried in Tikve{ Park. The names of the victims are set out in Annex I attached to this indictment.

60. By the acts and omissions in relation to the incidents referred to in the paragraphs 39 to 49, Slobodan MILO[EVI] committed:

Count 2: Extermination, a CRIME AGAINST HUMANITY, punishable under Articles 5(b) and 7(1) and 7(3) of the Statute of the Tribunal.

61. By the acts and omissions in relation to all incidents referred to in the paragraphs 39 to 59, Slobodan MILO[EVI] committed:

Count 3: Murder, a CRIME AGAINST HUMANITY, punishable under Articles 5(a) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 4: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

62. By the acts and omissions in relation to all incidents referred to in the paragraphs 39 to 49, 52 to 59, Slobodan MILO[EVI] committed:

Count 5: Wilful killing, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(a) and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 6 to 13
(UNLAWFUL CONFINEMENT, IMPRISONMENT,
TORTURE and INHUMANE ACTS)

63. From August 1991 until March 1992, Slobodan MILO[EVI], acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the unlawful confinement or imprisonment under inhumane conditions of the Croat and other non-Serb civilian population in the territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, and the Dubrovnik Republic.

64. Serb military forces, comprised of JNA, TO and volunteer units acting in co-operation with local and Serbian police staff and local Serb authorities, arrested and detained thousands of Croat and other non-Serb civilians from the territories specified in the following short- and long-term detention facilities:

- a. Military warehouse in Morinje in Montenegro, run by the JNA, approximately three hundred and twenty detainees.
- b. Military barracks in Kumbor in Montenegro, a transit detention facility run by the JNA that also included scores of long-term detainees.
- c. Military barracks in Bile}a in Bosnia and Herzegovina run by the JNA, approximately one hundred detainees.
- d. STAJI] EVO agricultural farm in Serbia run by the JNA, approximately one thousand and seven hundred detainees.
- e. Military barracks in Begejci in Serbia run by the JNA, approximately two hundred and sixty detainees.
- f. Military barracks in Zrenjanin in Serbia run by the JNA, scores of detainees.
- g. Military prison Sremska Mitrovica in Serbia run by the JNA, hundreds of detainees.
- h. Prison in Knin, SAO Krajina run by the JNA, approximately one hundred and fifty detainees.
- i. Old hospital in Knin, SAO Krajina run by "Marti•'s Militia", approximately one hundred and twenty detainees.
- j. Police buildings and the hangar near the railway station in Dalj, SAO SBWS run by the JNA and TO, hundreds of detainees.
- k. Zadruga Building in Lovas, SAO SBWS run by members of the TO and the Du}an Silni volunteer unit, approximately seventy detainees.
- l. Territorial Defence training centre in Erdut, also referred to as "Arkan's" military base, SAO SBWS, run by members of

the TO and "Arkan's Tigers", approximately fifty-two detainees.

- m. Ov-ara farm, near Vukovar, SAO SBWS run by the JNA, approximately three hundred detainees.
- n. Velepromet warehouse near Vukovar, SAO SBWS run by the JNA, approximately one hundred detainees.
- o. Military prison in [id in Serbia run by the JNA, approximately one hundred detainees.
- p. Police station in Opatovac, SAO SBWS run by the JNA, scores of detainees.
- q. Stable or workshop in Borovo Selo, SAO SBWS, run by members of the militia and TO, approximately eighty detainees.

65. The living conditions in these detention facilities were brutal and characterised by inhumane treatment, overcrowding, starvation, forced labour, inadequate medical care, and constant physical and psychological assault, including mock executions, torture, beatings, and sexual assault.

66. By these acts and omissions, Slobodan MILO[EVI] committed:

Count 6: Imprisonment, a CRIME AGAINST HUMANITY punishable under Article 5(e) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 7: Torture, a CRIME AGAINST HUMANITY punishable under Article 5(f) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 8: Inhumane acts, a CRIME AGAINST HUMANITY punishable under Article 5(i) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 9: Unlawful confinement, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 punishable under Article 2(g) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 10: Torture, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 punishable under Article 2(b) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 11: Wilfully causing great suffering, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949 punishable under Article 2(c) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 12: Torture, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Common Article 3 (1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 13: Cruel treatment, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Common Article 3 (1)(a) of the Geneva Conventions of 1949, punishable under Article 3 and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

COUNTS 14 to 16 (DEPORTATION, FORCIBLE TRANSFER)

67. From 1 August 1991 until May 1992, Slobodan MILO[EVI], acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the deportations or forcible transfers of the Croat and other non-Serb civilian population in the territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina, and the Dubrovnik Republic.

68. In order to achieve this objective, Serb forces comprised of JNA, TO and volunteer units, including the "White Eagles", "[e{elj}'s men", "Du{an Silni" and "Arkan's Tigers", in co-operation with police units, including "Marti}'s Police", SNB and Serbian MUP, and others under the effective control of Slobodan MILO[EVI] or other participants in the joint criminal enterprise, surrounded Croat towns and villages and demanded their inhabitants to surrender their weapons, including legally owned hunting rifles. Then, the town and villages were attacked, even those inhabitants who had complied with the demands. These attacks were intended to compel the population to flee. After taking control of

the towns and villages, the Serb forces sometimes rounded up the remaining Croat and other non-Serb civilian population and forcibly transported them to locations in Croatia controlled by the Croatian government or deported them to locations outside Croatia, in particular Serbia and Montenegro. On other occasions, the Serb forces in cooperation with the local Serb authorities imposed restrictive and discriminatory measures on the non-Serb population and engaged in a campaign of terror designed to drive them out of the territory. The majority of the non-Serbs that remained were then deported or forcibly transferred.

69. According to the 1991 census, the Croat and other non-Serb population of these areas was approximately as follows:

SAO Krajina: 28 % Croats (70,708), 5 % others (13,101).

SAO Western Slavonia: 29 % Croats (6864), 11 % others (2577).

SAO SBWS: 47 % Croats (90,454), 21 % others (40,217).

Virtually the whole Croat and non-Serb population of these areas was forcibly removed, deported or killed. According to the 1991 census, the Croat and other non-Serb population of the Dubrovnik Republic was approximately 82 % Croats (58,836), 11 % others (7,818). The joint criminal enterprise did not achieve its goal of forcibly removing, deporting or killing the entire Croat and non-Serb population of the Dubrovnik Republic.

70. By these acts and omissions, Slobodan MILO[EVI] committed:

Count 14: Deportation, a CRIME AGAINST HUMANITY, punishable under Articles 5(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 15: Inhumane Acts (Forcible Transfers), a CRIME AGAINST HUMANITY, punishable under Articles 5(i) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 16: Unlawful Deportation or Transfer, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(g) and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 17 to 20
(WANTON DESTRUCTION, PLUNDER OF PUBLIC OR
PRIVATE PROPERTY)

71. From 1 August 1991 until May 1992, Slobodan MILO[EVI], acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the wanton destruction and plunder of the public and private property of the Croat and other non-Serb population, within the territories of the SAO SBWS, the SAO Western Slavonia and the SAO Krajina although these actions were not justified by military necessity. This intentional and wanton destruction and plunder included the plunder and destruction of homes and religious and cultural buildings, and took place in the following towns and villages:

SAO SBWS, from August until October 1991: the towns and villages Dalj, [elija, Vukovar, Erdut, Lovas, [arengrad, Bapska and Tovarnik.

SAO Western Slavonia, from August to December 1991: the town Vo}in.

SAO Krajina, from August to December 1991: the towns and villages Saborsko, [kabrnja, Nadin, and Bru{ka.

72. By these acts and omissions, Slobodan MILO[EVI] committed:

Count 17: Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(d) and 7(1) and 7 (3) of the Statute of the Tribunal.

Count 18: Wanton destruction of villages, or devastation not justified by military necessity, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3 (b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 19: Destruction or wilful damage done to institutions dedicated to education or religion, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 20: Plunder of public or private property, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(e) and 7(1) and 7(3) of the Statute of the Tribunal.

DUBROVNIK

COUNTS 21 to 27 (MURDER, WILFUL KILLING, WILFULLY CAUSING GREAT SUFFERING, CRUEL TREATMENT, ATTACKS ON CIVILIANS)

73. From 1 October 1991 until 7 December 1991, Slobodan MILO[EVI] , acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of a military campaign directed at the city of Dubrovnik and its surroundings in order to achieve the forcible removal of its non-Serb population.

74. In this time period, Serb forces comprised of JNA land, air and naval units, as well as TO and volunteer units and special police units from Serbia and Montenegro subordinated to the JNA and under the effective control of Slobodan MILO[EVI] and other members of the joint criminal enterprise, in particular Momir BULATOVI] , launched an extensive military attack on the coastal regions of Croatia between the town of Neum, Bosnia and Herzegovina, in the north-west and the Montenegrin border in the south-east. It was the objective of the Serb forces to detach this area from Croatia and to annex it to Montenegro. While the Serb forces seized the territory to the south-east and north-west of the city of Dubrovnik within two weeks, the city itself was under attack throughout the time alleged in this indictment.

75. During an unlawful extensive shelling campaign conducted from high ground east and north of Dubrovnik, with an unobstructed view of the city and its environs, and from JNA naval vessels offshore, forty-three Croat civilians were killed and numerous others wounded. The shelling incidents and the names of the killed civilians are set out in Annex II attached to this indictment.

76. By these acts and omissions, Slobodan MILO[EVI] committed:

Count 21: Murder, a CRIME AGAINST HUMANITY, punishable under Articles 5(a) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 22: Wilful killing, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(a) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 23: Murder, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 24: Inhumane acts, a CRIME AGAINST HUMANITY, punishable under Articles 5(i) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 25: Wilfully causing great suffering, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(c) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 26: Cruel treatment, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 27: Attacks on civilians, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 51(2) of Additional Protocol I and Article 13(2) of Additional Protocol II to the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 28 to 32
(WANTON DESTRUCTION, PLUNDER OF PUBLIC OR
PRIVATE PROPERTY)

77. From 1 October 1991 until 7 December 1991, during this same shelling attack, Slobodan MILO[EVI], acting alone or in concert with other known and unknown members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation and execution of the wanton destruction or wilful damage and plunder of the public and private property of the Croat and other non-Serb population within the area of the Dubrovnik Republic. This campaign included the destruction, damage or plunder of homes, religious, historical and cultural buildings and other civilian public or private buildings, not justified by military necessity.

78. During this shelling campaign, approximately 1000 shells fired by the Serb forces impacted in the Old Town area of the city. The Old Town district of Dubrovnik was an UNESCO World Cultural Heritage Site in its entirety. A number of the buildings in the Old Town and the towers on the city walls were marked with the symbols mandated by the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954). No military targets were located on or within the walls of the Old Town.

79. During the shelling on 8 to 13 November 1991 of the city of Dubrovnik, buildings in the Old Town were damaged, as well as hotels, housing refugees and other civilian structures in other parts of the city.

80. During the shelling on 6 December 1991 of the city of Dubrovnik, at least six buildings in the Old Town were destroyed in their entirety and hundreds more suffered damage. Hotels, housing refugees and other civilian structures were severely damaged or destroyed in other parts of Dubrovnik, specifically in the Lapad and Babin Kuk areas.

81. In October 1991, the Serb forces took control of the Croatian towns and villages Konavle, @upa Dubrava-ka, and Primorje in the proximity of the city of Dubrovnik. In the aftermath of this take-over, from 2 to 24 October 1991, JNA troops systematically plundered public, commercial and private property in the towns and villages Brgat, ^ilipi, Dubravka, Gruda, Mo~i}i, Osojnik, Slano, Donja Ljuta, Popovi}i, Mihani}i, Drivenik, Konavle, Plat, ^epiku}e, Uskoplje, Gabrili, Pridvoje, Molunat, Donja ^iba}a, Karasovi}i and Zvekovica. Much of this property was transported to Montenegro in JNA military vehicles. The JNA thereafter instituted measures to track and maintain the looted property.

82. JNA troops also systematically destroyed public, commercial, and religious buildings as well as private dwellings in the above listed towns and villages. This destruction took place after the cessation of fighting when the areas were securely under the control of the JNA.

83. By these acts and omissions, Slobodan MILO[EVI] committed:

Count 28: Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Articles 2(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 29: Wanton destruction of villages, or devastation not justified by military necessity, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 30: Destruction or wilful damage done to historic monuments and institutions dedicated to education or religion, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 31: Plunder of public or private property, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Articles 3(e) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 32: Unlawful attacks on civilian objects, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 52(1) of Additional Protocol I to the Geneva Conventions of 1949 and customary law, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

GENERAL ALLEGATIONS:

84. All acts and omissions alleged in this indictment between 1 August 1991 and June 1992 occurred on the territory of the former Yugoslavia.

85. Between at least 1 August 1991 and at least June 1992, a state of armed conflict existed in Croatia. Until 7 October 1991, this armed conflict was internal in nature. From 8 October 1991 an international armed conflict and partial occupation existed in the Republic of Croatia.

86. All acts and omissions charged as Grave Breaches of the Geneva Conventions of 1949 occurred during the international armed conflict and partial occupation of Croatia.

87. At all times relevant to this indictment, the victims of Grave Breaches of the Geneva Conventions of 1949 were persons protected under the provisions of the relevant Geneva Conventions.

88. All acts and omissions charged relative to the destruction of property as Grave Breaches of the Geneva Conventions of 1949 involved "protected property" under the relevant provisions of the Geneva Conventions.

89. At all times relevant to this indictment, Slobodan MILO[EVI] was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

90. All acts and omissions charged as Crimes against Humanity were part of a widespread and systematic attack directed against the Croat and other non-Serb civilian population of large areas of Croatia.

ADDITIONAL FACTS:

91. The Republic of Croatia, formerly one of the six republics of the SFRY, is located in south-eastern Europe and borders Slovenia and Hungary to the north and north-east and the Federal Republic of Yugoslavia and Bosnia and Herzegovina to the east and south.

92. The territories of the SAO SBWS, the SAO Western Slavonia, the SAO Krajina and the Dubrovnik Republic are indicated in the attached Annex III.

93. In the 1991 census, the population of the Republic of Croatia was 4,784,265 of which 3,736,356 (78.1%) were Croats; 581,663 (12.2%) were Serbs; 43,469 (0.9%) were Muslims; 22,355 (0.5%) were Hungarians; 106,041 (2.2%) were Yugoslavs; and 294,381 (6.1%) were others or undeclared.

94. In April and May 1990, the Republic of Croatia held elections in which the Croatian Democratic Union (HDZ) won a plurality of votes and secured a majority of seats in the Croatian Sabor (parliament). The new Sabor then elected the HDZ candidate Franjo TU\MAN President of Croatia.

95. In advance of the 1990 elections, the nationalistic Serbian Democratic Party (SDS) was founded in Knin, advocating the autonomy and later secession of predominately-Serb areas from Croatia.

96. Between 19 August and 2 September 1990, Croatian Serbs held a referendum on the issue of Serb "sovereignty and autonomy" in Croatia. The vote took place in predominately Serb areas of Croatia and was limited only to Serb voters. Croats who lived in the affected region were barred from participating in the referendum. The result of the vote was overwhelmingly in support of Serb autonomy. On 30 September 1990, the "Serbian National Council", presided over by Milan BABI], declared "the autonomy of the Serbian people on ethnic and historic territories on which he lives and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia".

97. On 21 December 1990, Croatian Serbs in Knin announced the creation of a "Serbian Autonomous District" and declared their independence from Croatia. Conflicts between Serbs and Croatian police forces erupted throughout the spring of 1991.

98. In March 1991, the conflict intensified when Serb police forces attempted to consolidate power over areas with significant Serb populations. The Serb police, headed by Milan MARTI], took control of a police station in Pakrac and battles erupted when the Croatian government attempted to re-establish its authority in the area. At Plitvice, a bus carrying Croatian policemen was attacked by Serbs and another

battle erupted. The JNA deployed troops in the area and issued an ultimatum to the Croatian police to withdraw from Plitvice.

99. In March 1991, the collective Federal Presidency of the SFRY reached deadlock on several issues including the issue of instituting a state of emergency in Yugoslavia. The representatives on the Presidency from the Republic of Serbia, the Republic of Montenegro, the Autonomous Province of Vojvodina, and the Autonomous Province of Kosovo and Metohia all resigned from their posts. In a televised address on 16 March 1991, Slobodan MILO[EVI], in his capacity as President of the Republic of Serbia, declared that Yugoslavia was finished and that Serbia would no longer be bound by decisions of the Federal Presidency.

100. On 19 May 1991, Croatia held a referendum in which the electorate voted overwhelmingly for independence from the SFRY. On 25 June 1991, Croatia and the Republic of Slovenia declared their independence from Yugoslavia. On 25 June 1991, the JNA moved to suppress Slovenia's secession.

101. The European Community sought to mediate in the conflict. On 8 July 1991, an agreement was reached that Croatia and Slovenia would suspend implementation of their independence for 90 days until 8 October 1991. The European Community ultimately recognised Croatia as an independent state on 15 January 1992, and Croatia became a member of the United Nations on 22 May 1992.

102. On 18 July 1991, the Federal Presidency, with the support of the Serbian and Montenegrin governments and General Veljko KADIJEVI], voted to withdraw the JNA from Slovenia, thereby acceding to its secession and the dissolution of the SFRY.

103. Slobodan MILO[EVI]'s calls for the union of all Serbs in one state coincided with those agitating for the creation of a "Greater Serbia." The Serbs in the Knin Krajina region, in Eastern Slavonia, and in Western Slavonia began receiving increasing support from the government of the Republic of Serbia. By August 1991, Serb volunteer and police forces in these regions were being supplied and led by officials of the Republic of Serbia Ministry of Internal Affairs.

104. In the Knin area, the JNA forces began openly assisting the Serb police forces led by Milan MARTI]. They participated jointly in an attack on the Croatian village of Kijevo in August 1991. Throughout August and September 1991, substantial areas of Croatia came under Serb

control as a result of actions by Serb military, volunteer and police forces, conducted with the support of the JNA.

105. In the Serb-occupied regions of Northern Dalmatia, Lika, Kordun, Banija, Western Slavonia, and Baranja, the Croatian and other non-Serb population was systematically driven out and the areas were incorporated into various "Serbian Autonomous Districts". The JNA remained deployed in the areas where the Serb insurgents had taken control, thereby securing their gains.

106. In August 1991, the JNA undertook operations against towns in Eastern Slavonia, resulting in their occupation by JNA and other Serb forces. The Croat and other non-Serb population of these areas was forcibly expelled. In late August, the JNA laid siege to the city of Vukovar. By mid-October 1991, all other predominately Croat towns in Eastern Slavonia had been taken by Serb forces except Vukovar. Non-Serbs were subjected to a brutal occupation regime consisting of persecution, murder, torture and other acts of violence. Almost all of the non-Serb population was eventually killed or forced from the occupied areas.

107. The siege of Vukovar continued until 18 November 1991 when the city fell to the Serb forces. During the course of the three-month siege, the city was largely destroyed by JNA shelling and hundreds of persons were killed. When the JNA/Serb forces occupied the city, hundreds more Croats were killed by Serb troops. The non-Serb population of the city was expelled within days of its fall under Serb control.

108. In Geneva on 23 November 1991, Slobodan MILO[EVI], Federal Secretary of People's Defence Veljko KADIJEVI], and Franjo TU\NMAN entered into an agreement signed under the auspices of the United Nations Special Envoy Cyrus VANCE. This agreement called for the lifting of blockades by Croatian forces on JNA barracks and for the withdrawal of JNA forces from Croatia. Both sides committed themselves to an immediate cease-fire throughout Croatia by units "under their command, control, or political influence" and further bound themselves to ensure that any paramilitary or irregular units associated with their forces would also observe the cease-fire.

109. On 3 January 1992, another cease-fire agreement was signed by Franjo TU\NMAN and Slobodan MILO[EVI] paving the way for the implementation of an United Nations peace plan put forward by Cyrus VANCE. Under the Vance Plan, four United Nations Protected Areas (UNPAs) were established in the areas occupied by Serb forces. The

Vance Plan called for the withdrawal of the JNA from Croatia and for the return of displaced persons to their homes in the UNPAs. Although the JNA officially withdrew from Croatia in May 1992, large portions of its weaponry and personnel remained in the Serb-held areas and were turned over to the "police" of the Republic of Serbian Krajina (RSK). Displaced persons were not allowed to return to their homes and those few Croats and other non-Serbs who had remained in the Serb-occupied areas were expelled in the following months. The territory of the RSK remained under Serb occupation until large portions of it were re-taken by Croatian forces in two operations in 1995. The remaining area of Serb control in Eastern Slavonia was peacefully re-integrated into Croatia in 1998.

110. The SFRY existed as a sovereign state until 27 April 1992 when the constitution of the Federal Republic of Yugoslavia was adopted, replacing the Constitution of the Socialist Federal Republic of Yugoslavia of 1974.

Dated this day of 2002
At The Hague
The Netherlands

Carla del Ponte
Prosecutor