

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

«VIŠEGRAD» (IT-98-32/1)

MILAN LUKIĆ & SREDOJE LUKIĆ



MILAN LUKIĆ

Indicted for persecutions on political, racial and religious grounds, murder, inhumane acts, cruel treatment and extermination



Leader of the "White Eagles" or "Avengers", a group of local Bosnian Serb paramilitaries in Višegrad, south-eastern Bosnia and Herzegovina which worked with local police and military units in exacting a reign of terror upon the local Muslim population during the 1992-1995 conflict

Crimes indicted for (examples):

Persecutions on political, racial and religious grounds; murder; inhumane acts; and extermination (crimes against humanity)

Murder and cruel treatment (violations of laws or customs of war)

- He is charged with leading seven Bosnian Muslim men to a site on the bank of the River Drina, near Višegrad, forcing them to line up along the bank, and shooting the victims, killing five of them.
- He is charged with entering the Varda sawmill and furniture factory in Višegrad, forcing seven Bosnian Muslim men to go to the bank of the River Drina, and shooting them repeatedly, killing all seven men.
- He is accused of shooting and killing five Bosnian Muslim men on the bank of the River Drina on or about 7 June 1992.
- He is accused of murdering approximately 70 Bosnian Muslim women, children and elderly men in a house on Pionirska Street in Višegrad by barricading the victims in one room of the house, setting the house on fire and then firing automatic weapons at those people who tried to escape through the windows, killing some and injuring others.
- He is charged with murdering approximately 70 Bosnian Muslim women, children and elderly in a house in the village of Bikavac, near Višegrad, by forcing the victims into the house, barricading all the exits and throwing in several explosive devices.
- He is charged with brutally murdering a Bosnian Muslim woman in the Potok neighbourhood of Višegrad.
- On multiple occasions he is accused of beating Bosnian Muslim men who were detained in the detention camp at the Uzamnica military barracks in Višegrad.

Born	6 September 1967 in Foča, Bosnia and Herzegovina
Indictments	Initial indictment: 26 October 1998; amended: 12 July 2001; second amended: 27 February 2006
Arrested	8 August 2005, in Argentina
Transferred to ICTY	21 February 2006
Initial and further appearances	24 February 2006, pleaded not guilty to all charges; 31 March 2006, pleaded not guilty to all charges in the second amended indictment

SREDOJE LUKIĆ

Indicted for persecutions on political, racial and religious grounds, extermination, murder, inhumane acts, cruel treatment



Member of a group of local Bosnian Serb paramilitaries in Višegrad led by his cousin Milan Lukić; served as a police officer both before and during the 1992-1995 conflict

Crimes indicted for (examples):

Persecutions on political, racial and religious grounds; extermination; murder; and inhumane acts (crimes against humanity)

Murder; and cruel treatment (violations of laws or customs of war)

- He is accused of murdering approximately 70 Bosnian Muslim women, children and elderly men in a house on Pionirska Street in Višegrad by barricading the victims in one room of the house, setting the house on fire and then firing automatic weapons at those people who tried to escape through the windows, killing some and injuring others;
- He is accused of murdering approximately 70 Bosnian Muslim women, children and elderly in a house in the village of Bikavac, near Višegrad, by forcing the victims into the house, barricading all the exits and throwing in several explosive devices;
- He is charged with frequently entering the detention camp at the Uzamnica military barracks, located five kilometres outside Višegrad, repeatedly striking detainees with his rifle and kicking them with his boots. Many of the victims suffered serious and permanent injuries.

Born	5 April 1961 in Rujšite, Bosnia and Herzegovina
Indictments	Initial indictment: 26 October 1998; amended: 12 July 2001; second amended: 27 February 2006
Transferred to ICTY	16 September 2005
Initial appearance	20 September 2005, pleaded not guilty to all charges

STATISTICS

TRIAL	
Commenced	9 July 2008
Trial Chamber III	Judge Patrick Robinson (presiding), Judge Christine Van Den Wyngaert, Judge Pedro David
Counsel for the Prosecution	Dermot Groome, Frédéric Ossogo, Stevan Cole, Laurie Sartorio, Maxine Marcus
Counsel for the Defence	For Milan Lukić: Jason Alarid, Dragan Ivetić For Sredoje Lukić: Đuro Čepić; Jens Dieckmann

REFERRAL PROCEEDINGS	
Motion by the Prosecutor	1 February 2005
Decision by the Referral Bench	5 April 2007; 20 July 2007 (Sredoje Lukić only)
Referral Bench	Judge Alphonse Orié (presiding), Judge O-Gon Kwon, Judge Kevin Parker
Counsel for the Prosecution	Susan L. Somers, Mark Harmon
Counsel for the Defence	For Milan Lukić: Alan L. Yatvin; Jelena Lopičić For Sredoje Lukić: Đuro Čepić; Jens Dieckmann
Appeals Chamber	Judge Mohamed Shahabuddeen (presiding), Judge Mehmet Güney, Judge Liu Daqun, Judge Andrésia Vaz, Judge Theodor Meron
Appeals Chamber Decision	11 July 2007 (Milan Lukić only)

RELATED CASES <i>by geographical area</i>	
KARADŽIĆ (IT-95-5/ 18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"	
STANIŠIĆ, MIĆO (IT-04-79)	
VASILJEVIĆ (IT-98-32) "VIŠEGRAD"	

INDICTMENT AND CHARGES

The initial indictment against Milan Lukić, Sredoje Lukić and Mitar Vasiljević was confirmed on 26 October 1998. The indictment was kept confidential until 25 January 2000, when the indictment against Mitar Vasiljević was unsealed. The indictment against Milan Lukić and Sredoje Lukić was unsealed on 30 October 2000. The prosecution filed an amended indictment against Mitar Vasiljević, Milan Lukić and Sredoje Lukić which was orally granted by Judge Hunt on 20 July 2001. The indictment against Milan Lukić and Sredoje Lukić was amended on 1 February 2006.

Mitar Vasiljević, who was named on the initial indictment, was tried and convicted before the Tribunal for his involvement in the killing of five men on the bank of the River Drina which is one of the murder incidents Milan Lukić is also charged with. On 25 February 2004, the Tribunal sentenced Mitar Vasiljević to 15 years' in prison and he is currently serving his sentence.

Višegrad is a small town in south-eastern Bosnia and Herzegovina, close to the Serbian border. It has a number of features which made it strategically important during the conflict, including the fact that the town is the site of an important hydroelectric dam and a vital road link to Serbia.

The indictment alleges that on 6 April 1992 units from the Yugoslav People's Army ("JNA") began bombarding the town and its environs with artillery. The bombardment predominantly affected Muslim neighbourhoods and villages. The indictment states that in retaliation, a small group of Bosnian Muslims took several Serbs hostage, seized control of the dam and threatened to blow it up. The crisis was diffused on 12 April 1992 when JNA commandos seized the dam and following some light resistance took control of Višegrad. The indictment alleges that the JNA detained men and women for questioning. Some of these detainees reported being beaten.

The climate in the town remained relatively calm and stable during the later part of April and the first two weeks of May. This dramatically changed on 19 May 1992 when the JNA officially withdrew from the town. Once the JNA left, local Serb leaders established the "Serbian Municipality of Višegrad" and took control of all municipal government offices. Soon thereafter, the indictment alleges that local Serbs, police and paramilitaries began one of the most notorious campaigns of ethnic cleansing in the conflict. This was, according to the indictment, designed to permanently rid the town of its Bosnian Muslim population. Allegedly, a large number of unarmed Muslim civilians from Višegrad were killed because of their ethnicity. Many of the Muslim men, women and children who were killed around the town and on the historic Ottoman bridge crossing the River Drina were dumped into the river. Serbian forces were allegedly involved in systematically looting and destroying Muslim homes and villages. Both of Višegrad's mosques were completely destroyed.

The indictment alleges that many of the Muslims who were not immediately killed were detained at various locations in the town, as well as the former JNA military barracks at Uzamnica, five kilometres outside of Višegrad. According to the indictment those detained in these barracks were kept in inhumane conditions, subjected to regular beatings and used for strenuous forced-labour projects.

During the spring of 1992, the indictment alleges that Milan Lukić, returned to Višegrad and formed a group of paramilitaries, which included his cousin Sredoje Lukić and close family friend Mitar Vasiljević. The indictment alleges that this group worked with local police and military units in exacting a reign of terror upon the local Muslim population.

Milan Lukić is charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- **Persecutions on political, racial and religious grounds; murder; inhumane acts; and extermination** (crimes against humanity, Article 5)
- **Murder and cruel treatment** (violations of laws or customs of war, Article 3)

Sredoje Lukić is charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- **Persecutions on political, racial and religious grounds; extermination; murder; and inhumane acts** (crimes against humanity, Article 5)

- Murder; and cruel treatment (violations of laws or customs of war, Article 3)

REFERRAL IN ACCORDANCE WITH RULE 11*bis*

For a case to be referred pursuant to Rule 11*bis* of the Tribunal's Rules of Procedure and Evidence, the Referral Bench, comprised of three judges, has to order a referral of its own accord or following a request from the Prosecutor. A decision to refer a case is rendered only if the Bench is fully satisfied that the accused would be tried in accordance with international standards and that neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment were factors that would make a referral to the national authorities inappropriate.

The Prosecution filed a motion for referral of the case against Milan Lukić and Sredoje Lukić to the authorities of Bosnia and Herzegovina on 1 February 2005.

On 15 September 2006, the parties met before the Referral Bench for a hearing pursuant to Rule 11*bis* of the Rules. Representatives of Bosnia and Herzegovina, the Republic of Serbia and the Republic of Argentina were present.

On 5 April 2007, the Referral Bench ordered that the case be referred to the authorities of Bosnia and Herzegovina.

On 19 April 2007, Milan Lukić filed his notice of appeal against the referral decision. On the same day, Sredoje Lukić notified the Referral Bench that he would not appeal the decision.

On 11 July 2007, the Appeals Chamber granted the appeal by Milan Lukić and ordered that the case be tried before the Tribunal. The Chamber also called upon the Referral Bench to reconsider its decision relating to Sredoje Lukić as well on the ground that *"it would be judicially more appropriate for both cases to be heard by the same judicial body."*

Subsequently, on 20 July 2007, the Referral Bench revoked its referral decision regarding Sredoje Lukić, meaning that the case of Milan Lukić and Sredoje Lukić will be tried jointly at the Tribunal.

THE TRIAL

The trial commenced on 9 July 2008. The Prosecution completed its case on 11 November 2008.

The Defence case is scheduled to commence on 1 December 2008.

RULE 98*bis* DECISION

After the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule on whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charge(s), it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of Defence evidence.

On 13 November 2008, the Trial Chamber issued an oral decision pursuant to Rule 98*bis* and dismissed the motions for acquittal filed by the Defence of Milan Lukić.