

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

**CASE NO.: IT-96-23/2-PT
THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

RADOVAN STANKOVIĆ

THIRD 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:

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 Bosnia and Herzegovina and borders Serbia and Montenegro. According to the 1991 census, the population of Foča consisted of 40,513 persons with 51.6 % Muslim, 45.3 % Serbian and 3.1% others. Serb forces launched an extensive attack targeting the non-Serb civilian population, with the first military actions in the town of Foča on 8 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 Once towns and villages were securely in their control, Serb military, police, paramilitaries and sometimes even Serb villagers started ransacking

or burning Muslim houses and apartments, and rounding up and capturing Muslims. Some Muslims were beaten or killed in the process.

1.3 The Serb forces separated the non-Serb men from the women. 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 in Foča. Some men spent as much as two and a half years in detention for no reason other than their being Muslim. 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. These women and girls had to live in intolerably unhygienic conditions, where they were mistreated in many ways including, for many of them, being raped repeatedly.

1.4 Some of these women and girls were taken out of these larger detention centres to privately owned apartments and houses, such as ulica Osmana Đikića 16, Karaman's house, or the house in Trnovače, where they were forced to cook, clean and serve the residents, who were Serb soldiers. These women and girls were also subjected to repeated sexual assaults. The International Committee of the Red Cross (ICRC) and other organisations, unaware of these detention facilities, did not intervene. Those detainees, therefore, had no possibility of release or exchange.

THE ACCUSED

2.1 **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. **RADOVAN STANKOVIĆ** was a soldier in the Miljevina Battalion of the Foča Tactical Brigade. The Miljevina Battalion was commanded by Pero Elez during the times relevant to the indictment. **RADOVAN STANKOVIĆ** was, along with other Bosnian Serb soldiers, in particular Neždo Samardžić and Nikola Brčić, in charge of Karaman's house in Miljevina.

GENERAL ALLEGATIONS

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

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

- 3.3 Unless otherwise set forth below, all acts and omissions set forth in this indictment took place between April 1992 and November 1992
- 3.4 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.
- 3.5 Witnesses and victims are identified in this indictment using code names or pseudonyms such as FWS-87 or initials, for example, D.B.
- 3.6 The accused is individually responsible for the crimes charged against him in this indictment, pursuant to Article 7 (1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, planning, instigating, ordering or aiding and abetting in the planning, preparation or execution of any acts or omissions set forth below.

THE CHARGES

COUNTS 1-4

Enslavement and Rape of FWS-75, FWS-87, FWS-132, FWS-190, A.S., A.B., J.B., J.G and other women in Karaman's House

- 4.1 Pero Elez, a Serb paramilitary leader in a position of regional authority commanded the Miljevina Battalion, which was subordinated to the Foča Tactical Brigade. The Miljevina Battalion was headquartered in the Miljevina Motel. Some of the soldiers under Elez's command, including the accused **RADOVAN STANKOVIĆ**, used the abandoned house of a Muslim, Nusret Karaman, as a residence. On or about 3 August 1992, Dragoljub Kunarac, in concert with Pero Elez, took FWS-75, FWS-87, FWS 190 and D.B., as set forth in paragraph 5.1 *infra*, from ulica Osmana Đikica no 16 to Miljevina, where they were handed over to Pero Elez and his men, who in turn transferred them to Karaman's house. Karaman's house is close to the headquarters of the battalion.
- 4.2 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 3 August 1992 and until on or about 10 October 1992 totalled at least nine, including FWS-75, FWS-87, FWS-132, FWS-190, A.S, AB, and J.B, and J.G, who was 12 or 13 years old, and who was detained at Karaman's House from about 6 August until about

mid-August 1992. D.B. as set forth *infra* in paragraphs 5.1-5.4, was detained at Karaman's House from 3 August 1992 through to on or about 10 October 1992.

- 4.3 **RADOVAN STANKOVIĆ**, together with Serb soldiers, Nedžo and Nidžo Samardžić and Nikola Brčić, was in charge of Karaman's house. **RADOVAN STANKOVIĆ** not only stocked Karaman's House with Muslim girls and women so that Serb soldiers and other Serb men could sexually assault them, but also kept tight control on their movements. During the indictment period **RADOVAN STANKOVIĆ**, brought FWS 132 and A.S. to Karaman's House in mid-August 1992. **RADOVAN STANKOVIĆ** also brought A.B and M, Muslim girls, aged 12 years old and 14 years old respectively to Karaman's House for two days. He released them two days later. Afterwards, in mid-September 1992 **RADOVAN STANKOVIĆ**, travelled to Foča and removed A.B. from a bus, used to deport Muslims from Foca. The Accused did this while A.B was in the bus with her parents. **RADOVAN STANKOVIĆ** returned with A.B to Karaman's House where she was detained and subsequently raped and otherwise assaulted by Pero Elez.
- 4.4 **RADOVAN STANKOVIĆ** participated in the assignment of girls and women to Serb soldiers so that those soldiers could rape and otherwise sexually assault them. The girls and women not specifically assigned to certain Serb soldiers, such as A.S, FWS-132, and A.B., could be raped by any soldier allowed into Karaman's House. **RADOVAN STANKOVIĆ** assigned FWS-190 to himself from 3 August until on or about 6 August 1992. **RADOVAN STANKOVIĆ** assigned J.G. to Nicola Brčić, on or about 7 August 1992. He later assigned FWS-75 to a Serb soldier named Rocco. **RADOVAN STANKOVIĆ** also assigned FWS-87 to Rocco. On one further occasion **RADOVAN STANKOVIĆ** brought a Serb soldier, Radivoje Marković and told him to rape FWS-75. On the last day that FWS 75 was at Karaman's House, **RADOVAN STANKOVIĆ** brought a Serb man named Cicmil to the house to rape FWS-75. When FWS-75 refused, **RADOVAN STANKOVIĆ** gave A.S. to Cicmil to rape.
- 4.5 In contrast to larger detention facilities such as 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 any 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. **RADOVAN STANKOVIĆ** told FWS-75, that the Serb soldiers who came to Karaman's House needed his permission to be allowed in the house. When the Serb soldiers entered Karaman's House, **RADOVAN STANKOVIĆ**, as a general practice, ensured that the women fed them and he gave them alcohol before assigning the women to them. Although the girls and women were not guarded, they could not escape. They had nowhere to go as Serb soldiers and civilians surrounded them.

- 4.6 **RADOVAN STANKOVIĆ**, Pero Elez, Nicola Brčić, Nedžo and Zoran Samardžić and the Serb soldiers living in the house degradedly treated the women and girls as their personal property. At times, the girls and women were forced to bathe the soldiers before they were raped. Some of the girls and women were forced to take on Serb names and dress in provocative clothes. **RADOVAN STANKOVIĆ** would call them "Bule" or other derogatory names.
- 4.7 During the entire period of their detention the girls and women were subjected to repeated rapes and sexual assaults. Most of the perpetrators were armed Serb soldiers who belonged to Pero Elez's group; others were soldiers from Montenegro. Nikola Bričić raped FWS-75, on or about 3 August 1992. On that same day also, Pero Elez repeatedly raped FWS-75 and FWS-87 together in the same bed. He raped and sexually assaulted them the two following nights in the same manner. Whenever Pero Elez was not present at Karaman's House, **RADOVAN STANKOVIĆ** permitted Serb soldiers, such as Zelenović to rape FWS-87. Serb soldiers such as Zoran Smardžić, Mladjo LNU and Miško LNU raped FWS 75. At times, the soldiers would both rape and beat the females. **RADOVAN STANKOVIĆ** knew that the Serb soldiers, including Pero Elez raped and otherwise sexually assaulted the girls and women. He was also aware that Nikola Brčić, sometimes beat and raped J.G. and that other soldiers beat A.S. **RADOVAN STANKOVIĆ** was usually present in Karaman's House during these incidents.
- 4.8 **RADOVAN STANKOVIĆ** raped FWS-87. On one occasion, he raped her, during the daytime, in one of the rooms upstairs in Karaman's House. On another occasion, **RADOVAN STANKOVIĆ** took FWS-87 to the bathroom, forced her to completely undress and placed her in the bathtub. When FWS-87 refused to wash him, he violently struck her, causing her to suffer bruises and lumps on her head and face. **RADOVAN STANKOVIĆ** constantly threatened to rape FWS 87 in the presence of D.B. On one occasion, after FWS 87 was forced to drink alcohol, **RADOVAN**

STANKOVIĆ raped FWS 87 in the living room while DB was present. He also threatened to rape FWS-75.

4.9 In addition to the rapes and other sexual assaults, **RADOVAN STANKOVIĆ** regularly ordered all the female detainees to work for him and the other Serb soldiers, by washing uniforms and by cooking and cleaning the house. FWS-87 was taken three times from Karaman's house to other buildings in Miljevina. She was forced to clean rooms in the buildings, cook for the soldiers and paint the window-frames.

4.10 At Karaman's house, the detainees constantly feared for their lives. If any of the women or girls refused to obey orders, they 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.

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

COUNT 1
(Enslavement)

Count 1: Enslavement, a **CRIME AGAINST HUMANITY** punishable under Article 5 (c) 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
(Rape)

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

COUNT 4
(Outrages Upon Personal Dignity)

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

COUNTS 5-8
Rape and enslavement of D.B.

- 5.1 On or about 3 August 1992, Dragoljub Kunarac, in concert with Pero Elez, took D. B., along with FWS-75, FWS-87, FWS 190, as set forth in paragraph 4.1 *supra* from ulica Osmana Đikica no 16 to Miljevina, where they were handed over to Pero Elez and his men, who in turn transferred them to Karaman's house. Karaman's house is close to the headquarters of the battalion. D.B. and the other women and girls were detained at Karaman's house as described in paragraphs 4.1-4.10 *supra*.
- 5.2 During the entire period of her detention at Karaman's house, D.B., along with the other female detainees were subjected to repeated rapes and sexual assaults. All the perpetrators were Serb soldiers who belonged to Pero Elez's group.
- 5.3 On or about 7 August 1992, **RADOVAN STANKOVIĆ** claimed D.B. for his own and raped (vaginal, oral and anal penetration) and otherwise sexually assault her repeatedly until he released her from his control on or about 3 November 1992. **RADOVAN STANKOVIĆ** raped D.B. in the living room of Karaman's House at times while Nedžo Samardžić was present in the room, raping J.G. On occasion, **RADOVAN STANKOVIĆ** raped D.B. in the bathroom.
- 5.4 **RADOVAN STANKOVIĆ** took D.B. away from Karaman's house on or about 10 October 1992. During the period that D.B. remained in Karaman's house, she was subjected to the treatment described in paragraphs 4.1-4.10. The Prosecution, by reference, incorporates and reiterates the allegations concerning D.B.'s treatment by **RADOVAN STANKOVIĆ** in Karaman's house during this time period.
- 5.5 After removing D.B. from Karaman's house on or about 10 October 1992, **RADOVAN STANKOVIĆ** first took D.B. to an apartment in Miljevina for about ten days, and he then moved her to an apartment in the Lepa Brena apartment block in Foča. At both locations, **RADOVAN STANKOVIĆ** treated D.B. as his personal property, forcing her to cook, clean the apartment and wash his clothes. **RADOVAN STANKOVIĆ** also frequently raped and otherwise sexually assaulted D.B during this entire period, except

for one week in late October, when **RADOVAN STANKOVIĆ** was absent because he required medical care for a war wound. **RADOVAN STANKOVIĆ** released D.B. to Montenegro on 3 November 1992.

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

COUNT 5
(Enslavement)

Count 5: Enslavement, a **CRIME AGAINST HUMANITY** punishable under Article 5 (c) 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
(Rape)

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

COUNT 8
(Outrages Upon Personal Dignity)

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


Carla Del Ponte
Prosecutor



Bureau du Procureur
Office of the Prosecutor

Dated this 8th day of December 2003
At The Hague
The Netherlands