

Sud BiH / Суд БиХ
Kriminalno odjeljenje / Апелационо одјелјење /
Kriminalno одјелјење и Апелационо одјелјење /
Odsjek I / Odsjek II / Odsjek I = Odsjek II
Uprava za izvršenje kaznenih / Одјелјење за извршење казни

x. KR-06/202

mesod priloga 1 dok. / 255

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BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA
SARAJEVO
Number KT-RZ-89/06
Sarajevo, 31 March 2008

COURT OF BOSNIA AND HERZEGOVINA
Ref. No. X-KR-06/202

Pursuant to Article 275 of the Criminal Procedure Code of BiH, we hereby submit
the a m e n d e d

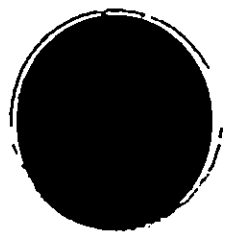
INDICTMENT

AGAINST:

ŽELJKO LELEK, son of Čedomir and Stana, maiden name Radulović, born on 9 February 1962 in Goražde, residing in Višegrad at Jove Jovanovića Zmaja 21/XIII, Serb, citizen of BiH, personal identification number 0902962133642, unemployed, married, father of two children, completed military service in JNA in 1981, discharged from Čačak, no decorations, average financial situation, no previous convictions, no other criminal proceedings pending against him, deprived of liberty on 5 May 2006 at 09:00 hrs, currently in custody in the Kula Penal and Correctional Institution.

Because:

During the armed conflict in Bosnia and Herzegovina and a widespread and systematic attack by the Serb army, police and Serb paramilitary formations directed against the Bosniak civilian population in the area of the Višegrad Municipality, knowing about the attack, throughout April, May, and June 1992, as a member of the reserve force of the Public Security Station Višegrad, he persecuted Bosniak civilian population on political, national, ethnical, cultural, religious grounds by killing, enforced



disappearance, unlawful imprisonment, torturing and beating, forcible transfer, rape and other forms of sexual violence, as follows:

1. On an unspecified date, in the summer of 1992, in a group with Mitar Vasiljević and three other unidentified men, all armed, he brought four unidentified elderly Bosniak civilian men by a TAM truck from the direction of the "Vilina Vlas" spa to a concrete plateau on the Drina river bank in the place called Sase, where they forced them to step into the river up to their waist, cursed and insulted them by saying: "Step in, Balija, breathe a little longer" and then they shot them dead.

2. Throughout May and June 1992, in a group of several armed members of the Serb army and police, he participated in the taking away and enforced disappearance of Bosniak civilian men from their homes in the settlements of Dušće and Crnča, among them: [REDACTED]

[REDACTED] whereas on the occasion of the abduction of [REDACTED] they abused his family members by forcing his wife [REDACTED] and her mother, an eighty-year old woman, to strip naked, extorting money from them; he also participated in the abduction of several Bosniak women from their estates, including witness S previously physically abused by the Accused, as well as her three daughters, and her mother-in-law, after which he brought them in front of the Red Cross building in the centre of Višegrad; he then participated in the forcible transfer of these civilians - mainly women and children, from Višegrad to the areas under control of the Republic of Bosnia and Herzegovina, by escorting those buses, armed with a rifle, on at least one occasion.

3. By using force, he coerced Bosniak women to sexual intercourse or an equivalent sexual act, as follows:

- a. In April 1992, he came to the "Vilina Vlas" spa where the protected witness A was staying for treatment; during her stay in the spa the protected witness A was raped on multiple occasions by Milan Lukić and other unidentified

soldiers, including the accused Željko Lelek, who also crudely insulted, cursed and beat her;

- b. In June 1992, he came to the "Vilina Vlas" spa, where Bosniak women were unlawfully confined, including witness D who had previously been brought to the spa, raped on multiple occasions, and physically and mentally abused by Milan Lukić and other unidentified soldiers, while *inter alia*, she was raped by the accused Željko Lelek;
- c. In June 1992, he came to the "Vilina Vlas" spa where the protected witness M.H. stayed; she was brought there under threat and by force on a daily basis and raped by Milan Lukić, and other unidentified soldiers, including the accused Željko Lelek who cursed and insulted her on national grounds,
- d. In May or June 1992, he came armed to the house of the protected witness C and forced her to an act equivalent to sexual intercourse by forcing her to touch him on the genitals and stroke his penis, while he slapped and beat her, and cursed her "Turkish mother",

4. In May 1992, after the Bosniak civilians, including [REDACTED] [REDACTED] and a young man, aka [REDACTED] had been brought and detained in the Višegrad Police Station, he assisted in their imprisonment and took part in their torture as follows: having brought the previously severely beaten young man aka [REDACTED] to the premises on which Bosniaks were detained, he ordered him to slap his own face and curse himself, after which the Accused beat him severely all over his body, and kicked him several times with his knee in the genital area, and grabbing him by his hair he banged his head against the wall.

Therefore,

By the actions described under Counts 1, 2, 3, a, b, c, d, and 4 of the Indictment, within a widespread and systematic attack directed against the Bosniak civilian population, knowing about the attack, he persecuted the Bosniak civilian population on political, national, ethnic, cultural, and religious grounds in relation to killings, enforced disappearance of persons, forcible transfer of population, rape, imprisonment, torture, and the infliction of serious physical and mental injuries,

whereby he committed the criminal offence of Crimes against Humanity in violation of Article 172 (1) (h) in conjunction with items:

- a) Depriving another person of life,
- d) Forcible transfer of population,
- e) Imprisonment,
- f) Torture,
- g) Coercing another by force or by threat of immediate attack upon their life or limb, to sexual intercourse or an equivalent sexual act (rape),
- i) Enforced disappearance of persons,
- k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to physical or mental health,

all in conjunction with Articles 29, 31 and 180 (1) of the Criminal Code of Bosnia and Herzegovina.

**PROSECUTOR OF THE
PROSECUTOR'S OFFICE OF BIH
Božidarka Dodik**
/Signature and stamp affixed/

I hereby confirm that this document is a true translation of the original written in Bosnian/Croatian/Serbian.

Sarajevo, 1 April 2003

Certified Court Interpreter for English

