

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT of TENNESSEE
at CHATTANOOGA

2023 DEC -6 PM 2:31

US DISTRICT COURT
EASTERN DIST. TENN.

UNITED STATES OF AMERICA)
)
 v.)
)
 SEAD MILJKOVIĆ)
 also known as Sead Dukic)

1:23-cr-55
Judge Atchley
Magistrate Judge Steger

SUPERSEDING INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment:

1. Between 1992 and 1995, there was armed conflict in Bosnia and Herzegovina (hereinafter “Bosnia”) after it declared independence from the Socialist Federal Republic of Yugoslavia.
2. In or around 1993, Bosnian Muslims opposed to the central Bosnian government established their own government in northwestern Bosnia. That government ruled a self-proclaimed state known as the Autonomous Province of Western Bosnia (Autonomna Pokrajina Zapadna Bosna or “APZB”).
3. The APZB government controlled defined territory, exercised control over a civilian population, had a legislature, entered into agreements with other governments, and maintained an army, the Army of the Autonomous Province of Western Bosnia (“APZB Army”).
4. Defendant SEAD MILJKOVIĆ, also known as “Sead Dukic” (hereinafter “MILJKOVIĆ”), served in the Security for Buildings and Persons (Obezbjedenje objekata i lica) or “OBL,” of the APZB. Between in or about December 1994 and in or about August 1995, defendant MILJKOVIĆ was stationed as a member of the OBL at the Old Fort or “Stari Grad,”

near the town of Velika Kladuša, Bosnia. The Old Fort was a reconstructed castle on a hill that was surrounded by other smaller buildings that served as the APZB's headquarters.

5. Beginning in November 1994, Bosnian Muslims who were serving in the Bosnian Army and were involved in combat operations in northwestern Bosnia against the APZB Army were captured and taken prisoner by members of the APZB Army.

6. Between in or about December 1994 and in or about August 1995, the prisoners were transported from detention camps to perform forced labor at the Old Fort under the supervision and control of defendant MILJKOVIĆ and other OBL members. Defendant MILJKOVIĆ and other OBL members inflicted severe beatings on the prisoners that created a foreseeable risk of serious bodily injury or death, including sustained beatings, beatings with instruments, and beatings causing the victims to lose consciousness or suffer other injuries. MILJKOVIĆ and other OBL members also threatened prisoners with death, intentionally withheld water even while forcing the prisoners to perform hard physical labor, and forced the prisoners to fight one another.

7. The conduct described above occurred outside the jurisdiction of any particular State or District. Venue for trial of the offenses charged in the Superseding Indictment, as provided by 18 U.S.C. § 3238, lies within the Eastern District of Tennessee, in that defendant MILJKOVIĆ resides in East Ridge, Tennessee, and will be arrested in the Eastern District of Tennessee.

Count One
(Torture)

8. Paragraphs 1 through 7 are incorporated by reference.

9. The Grand Jury further charges that between on or about March 18 and on or about May 31, 1995, inclusive, while outside of the United States and in Bosnia, the defendant, SEAD MILJKOVIĆ, together with others both known and unknown to the grand jury did, while specifically intending to inflict severe physical and mental pain and suffering (other than pain or suffering incidental to lawful sanctions), commit and attempt to commit torture, while acting under color of law, by committing and causing and aiding and abetting others to commit acts against another person known to the Grand Jury (referred to herein as Victim 1), an unarmed prisoner, that is, by: striking Victim 1 severely and repeatedly on multiple occasions with instruments including a rubber baton, metal pipe, and a rifle butt; and bracing a knife or bayonet on the back of a chair while pushing Victim 1's head down towards the knife or bayonet as if to impale his throat on the blade, causing Victim 1 to think he was going to die, all while Victim 1 was within the custody and physical control of SEAD MILJKOVIĆ and other OBL members, and, further, the defendant, SEAD MILJKOVIĆ, together with others both known and unknown to the grand jury, did knowingly and intentionally aid, abet, counsel, command, induce, and procure each others' participation in the commission of said offense.

All in violation of Title 18, United States Code, Sections 2340 and 2340A and 2.

Count Two
(Torture)

10. Paragraphs 1 through 7 are incorporated by reference.

11. The Grand Jury further charges that between on or about December 9, 1994, and on or about August 7, 1995, inclusive, while outside of the United States and in Bosnia, the defendant, SEAD MILJKOVIĆ, together with others both known and unknown to the grand jury did, while specifically intending to inflict severe physical and mental pain and suffering (other than pain or suffering incidental to lawful sanctions), commit and attempt to commit torture, while acting under color of law, by committing and causing and aiding and abetting others to commit acts against another person known to the grand jury (referred to herein as Victim 2), an unarmed prisoner, that is, by: beating Victim 2 severely and repeatedly on multiple occasions with instruments including bats, spades, sticks, and the handle of a shovel, causing Victim 2 to suffer serious injuries; threatening to kill Victim 2; and forcing Victim 2 to fight other prisoners, all while Victim 2 was within the custody and physical control of SEAD MILJKOVIĆ and other OBL members, and, further, the defendant, SEAD MILJKOVIĆ, together with others both known and unknown to the grand jury, did knowingly and intentionally aid, abet, counsel, command, induce, and procure each others' participation in the commission of said offense.

All in violation of Title 18, United States Code, Sections 2340 and 2340A and 2.

Count Three
(Torture)

12. Paragraphs 1 through 7 are incorporated by reference.

13. The Grand Jury further charges that between on or about January 29, 1995, and on or about August 7, 1995, inclusive, while outside of the United States and in Bosnia, the defendant, SEAD MILJKOVIĆ, together with others both known and unknown to the grand jury did, while specifically intending to inflict severe physical and mental pain and suffering (other than pain or suffering incidental to lawful sanctions), commit and attempt to commit torture, while acting under color of law, by committing and causing and aiding and abetting others to commit acts against another person known to the grand jury (referred to herein as Victim 3), an unarmed prisoner, that is, by: beating Victim 3 severely and repeatedly with instruments including a rubber baton and a shovel handle, and causing Victim 3 to lose consciousness and think he was going to die, all while Victim 3 was within the custody and physical control of SEAD MILJKOVIĆ and other OBL members, and, further, the defendant, SEAD MILJKOVIĆ, together with others both known and unknown to the grand jury, did knowingly and intentionally aid, abet, counsel, command, induce, and procure each others' participation in the commission of said offense.

All in violation of Title 18, United States Code, Sections 2340 and 2340A and 2.

Count Four
(Passport Fraud)

The Grand Jury further charges that on or about April 22, 2017, in the Eastern District of Tennessee, the defendant, SEAD MILJKOVIĆ, also known as Sead Dukic, willfully and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States,

contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant attested to the following, which statements he knew to be false:

- a. That the defendant's last name was Dukic,
- b. That the defendant's date of birth was November 3, 1971,
- c. That the defendant had not used other names.

All in violation of Title 18, United States Code, Section 1542.

Count Five
(Passport Fraud)

The Grand Jury further charges that on or about April 22, 2017, in the Eastern District of Tennessee, the defendant, SEAD MILJKOVIĆ, also known as Sead Dukic, did willfully and knowingly use a passport, issued under the authority of the United States, in the name of Sead Dukic with a passport number ending in 23423, the issuance of which was secured by reason of a false statement made in the application therefore, to wit: the use of a false last name, the use of a false date of birth, and a false statement that the defendant had not used other names; said passport the defendant used in support of his application for a passport renewal.

All in violation of Title 18, United States Code, Section 1542.

Count Six
(Passport Fraud)

The Grand Jury further charges that on or about June 7, 2023, in the Eastern District of Tennessee, the defendant, SEAD MILJKOVIĆ, also known as Sead Dukic, did willfully and knowingly attempt to use a passport, issued under the authority of the United States, in the name of Sead Dukic with a passport number ending in 95213, the issuance of which was secured by reason of a false statement made in the application therefore, to wit: the use of a false last name,

the use of a false date of birth, and a false statement that the defendant had not used other names;
said passport the defendant attempted to use to depart the United States.

All in violation of Title 18, United States Code, Section 1542.

A TRUE BILL:



FRANCIS M. HAMILTON III
United States Attorney

By:

Handwritten signature of Jay Woods in blue ink, written over a horizontal line.

Jay Woods
Assistant United States Attorney

NICOLE M. ARGENTIERI
Acting Assistant Attorney General
United States Department of Justice
Criminal Division

By:

Handwritten signature of Chelsea Schinnour in blue ink, written over a horizontal line.

Chelsea Schinnour
Elizabeth Nielsen
Trial Attorneys
Human Rights and Special Prosecutions Section

CRIMINAL CASE COVER SHEET

By: INDICTMENT SUPERSEDING Case Number: 1:23-cr-55
 INFORMATION (Requires AO 455 Waiver of Indictment for Felony Cases)
 RULE 20

USA V. SEAD MILJKOVIĆ a/k/a Sead Dukic

Felony Class A Misdemeanor (AO86A Consent form required at Initial Appearance)
 Misdemeanor (Not class A) Petty Offense

Defendant is being added to existing criminal case Zone A Zone B
 Charges/Counts Added

Immigration Cases

Name of Assigned AUSA: JAY WOODS & CHELSEA SCHINNOUR

Matter Sealed: YES NO Place of Offense: Hamilton County

Interpreter Required Language: Bosnian/Serbo-Croatian

Issue: WARRANT SUMMONS WRIT (Motion to be filed)

Arresting Agency: DEA ATF USMS FBI Other: HSI

Current Trial Date (if any): January 9, 2024 before Judge Atchley

Criminal Complaint Filed Case Number: 1:23-mj-155
 Defendant on Supervised Release Case Number: _____

Related Case/Attorney:
Case Number _____ Attorney _____
Reason for Related Case Determination _____

Defense Counsel (if any): Bryan Hoss & Janie Varnell

Federal Defender CJA Retained

Appointed by Target Letter Case Number: _____
Appointed in Pending Indictment Case Number: _____

CHARGES: Total # of Counts for this Defendant 6

	Title & Section	Description of Offense Charged	New Count? Y or N	New Count #	Old Count #
1	18 U.S.C. §§ 2340 and 2340A and 2	Torture	Y	1	

(Attach additional page, if needed)

Attorney Signature 

