

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie**"BOSNIA AND HERZEGOVINA" & "SREBRENICA"****(IT-95-5/18)****KARADŽIĆ AND
MLADIĆ***The Prosecutor v. Radovan Karadžić and Ratko Mladić**Indicted for genocide, complicity in genocide, extermination, murder, wilful killing, persecutions, deportation, inhumane acts, unlawfully inflicting terror upon civilians, taking of hostages***RADOVAN KARADŽIĆ**

Founding member, and President of the Serbian Democratic Party (SDS) until 19 July 1996; became President of the National Security Council of the so-called Serbian Republic of Bosnia and Herzegovina on 27 March 1992; became the President of the three-member Presidency of the Serbian republic on 12 May 1992 and served on the Presidency until 17 December 1992; member of the Supreme Command of the armed forces of the Serbian republic, from on or about the 30 November 1992; the sole President of Republika Srpska and Supreme Commander of the armed forces from 17 December 1992.

- Remains at large

Crimes indicted for (examples):

Genocide, complicity in genocide, extermination, murder, wilful killing (grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, genocide, crimes against humanity) committed in the areas that include but are not limited to the municipalities in Bosnia and Herzegovina of Bijeljina, Bratunac, Bosanski Šamac, Brčko, Doboј, Foča, Ilijaš, Ključ, Kotor Varoš, Novi Grad, Prijedor, Rogatica, Sanski Most, Srebrenica, Višegrad, Vlasenica, Zavidovići and Zvornik, and the Srebrenica enclave:

- The killing of Bosnian Muslims and Bosnian Croats which took place during and after the attacks on and within the municipalities; the killing of Bosnian Muslims and Bosnian Croats in and after they had been taken away from camps and detention facilities; and the killing of Bosnian Muslims after their captivity in several different locations in and around the Srebrenica enclave.
- The causing of serious bodily or mental harm to Bosnian Muslims and Bosnian Croats during their confinement in camps and detention facilities, and during their interrogations at these locations, police stations and military barracks, where detainees were continuously subjected to, or forced to witness, inhumane acts including murder, sexual violence, torture, beatings and robbery.
- The detention of Bosnian Muslims and Bosnian Croats in camps and detention facilities under conditions of life calculated to bring about the physical destruction in whole or in part of those national, ethnical, racial or religious groups.

Persecutions, deportation, inhumane acts, unlawfully inflicting terror upon civilians, taking of hostages (violations of the laws or customs of war, crimes against humanity) committed in the areas that include but are not limited to the municipalities of Banja Luka, Bijeljina, Bileća, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Bosanski Šamac, Bratunac, Brčko, Čajniče, Čelinac, Doboј, Donji Vakuf, Foča, Gacko, Hadžići, Ilidža, Ilijaš, Jajce, Ključ, Kalinovik, Kotor Varoš, Nevesinje, Novi Grad, Novo Sarajevo, Pale, Prijedor, Prnjavor, Rogatica, Rudo, Sanski Most, Šekovići, Šipovo, Sokolac, Teslić, Trnovo, Višegrad, Vlasenica, Vogošća, Zavidovići, and Zvornik and the Srebrenica enclave:

- The killing of thousands of Bosnian Muslims and Bosnian Croats during and after the attacks and in the camps and detention facilities; and the killing of thousands of Bosnian Muslims after their captivity in several different locations in and around the Srebrenica enclave.
- The forced transfer or deportation of thousands of Bosnian Muslims, Bosnian Croats and other non-Serbs the killing of thousands of Bosnian Muslims from the Srebrenica enclave.
- The inhumane treatment and/or torture of Bosnian Muslims, Bosnian Croats and other non-Serbs and the constant humiliation and degradation, including physical violence, mental suffering, and sexual violence against Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed above.
- The denial of fundamental rights to Bosnian Muslims, Bosnian Croats and other non-Serbs, including the right to work, freedom of movement, the right to judicial process, and the right of equal access to public services including proper medical care.
- The systematic wanton destruction by Bosnian Serb forces of Bosnian Muslim, Bosnian Croat and other non-Serb cities, towns and villages.

Born	19 June 1945, in the municipality of Savnik, Republic of Montenegro, Serbia and Montenegro
Indictment	Initial indictment: 25 July 1995; second: 16 November 1995; amended: 31 May 2000

RATKO MLADIĆ <i>Indicted for genocide, complicity in genocide, persecutions, extermination and murder, deportation and inhumane acts, unlawfully inflicting terror upon civilians, murder, cruel treatment, attacks on civilians, taking of hostages</i>	
	<p>Posted to Knin as Commander of the 9th Corps of the Yugoslav People’s Army (JNA) in June of 1991; promoted to the rank of General Major on 4 October 1991; promoted to the rank of General Lieutenant on 24 April 1992; assumed the post of Chief of Staff/Deputy Commander of the Second Military District Headquarters of the JNA in Sarajevo on 9 May 1992; assumed the command of the Second Military District Headquarters of the JNA on 10 May 1992; appointed Commander of the Main Staff of the Bosnian Serb Army (VRS) on 12 May 1992 (a position he held until at least 22 December 1996); promoted to the rank of General Colonel on 24 June 1994.</p> <p>- Remains at large</p>

Crimes indicted for (examples):

Genocide, complicity in genocide (genocide) committed in the areas of Banja Luka, Bosanska Krupa, Bratunac, Ključ, Kotor Varoš, Prijedor, Sanski Most, Srebrenica, Vlasenica and Zvornik:

- The widespread killing, deportation and forcible transfer of non-Serbs in furtherance of the 1992 and 1993 “ethnic cleansing” campaigns in the Bosnian Krajina and in eastern Bosnia.
- Causing serious bodily or mental harm to Bosnian Muslims including torture, physical and psychological abuse, sexual violence and beatings.
- Creating conditions in detention facilities calculated to bring about the physical destruction of Bosnian Muslims, including the failure to provide adequate accommodation, shelter, food, water, medical care of hygienic sanitation facilities.
- Under his command and control, VRS units participated in an organised and comprehensive effort to conceal the killings and executions of the Bosnian Muslims of Srebrenica by reburying, in isolated locations, bodies exhumed from mass graves

Persecutions, extermination and murder, deportation, inhuman acts, taking of hostages (violation of the laws or customs of war, crime against humanity, Articles 3 and 5) committed in the areas of Banja Luka, Bihać-Ripač, Bijeljina, Bosanska Gradiška, Bosanska Krupa, Bosanski Novi, Bratunac, Brčko, Doboj, Foča, Gacko, Kalinovik, Ključ, Kotor Varoš, Nevesinje, Novi Grad, Prijedor, Rogatica, Sanski Most, Srebrenica, Teslić, Vlasenica, Vogošća and Zvornik:

- The killing, during and after the attacks on these municipalities, of Bosnian Muslims, Bosnian Croats and other non-Serbs; in addition to inhuman treatment of the same people which included their torture, physical and psychological abuse, sexual violence and the imposition of inhuman living conditions.
- Planned, instigated and ordered a protracted military campaign in which Bosnian Serb forces under his control, in particular the Sarajevo Romanija Corps, used artillery and mortar shelling and sniping to target civilian areas of Sarajevo, killing and wounding civilians.
- Bosnian Serb forces under his control detained and took hostage over 200 UN peacekeepers and military observers in Pale, Sarajevo and other locations. They then held the hostages in locations of particular strategic or military importance thereby rendering the locations immune from NATO air strikes.

Born	12 March 1942, in the municipality of Kalinovik, Bosnia and Herzegovina
Indictment	Initial indictment: 25 July 1995; second: 16 November 1995; amended: 8 November 2002
	Remains at large

STATISTICS

RELATED CASES <i>by geographical area</i>
BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"
BEARA (IT-02-58) "SREBRENICA"
BLAGOJEVIĆ AND JOKIĆ (IT-02-60) "SREBRENICA"
BOROVČANIN (IT-02-64)
BOROVNICA (IT-95-3) "PRIJEDOR"
BRĐANIN (IT-99-36) "KRAJINA"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
KRAJISNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"
KRNOJELAC (IT-97-25) "FOČA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
KUNARAC, KOVAČ & VUKOVIĆ (IT-96-23 & 23/1) "FOČA"
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA CAMP & KERATERM CAMP"
MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"
MRĐA (IT-02-59) "VLASIC MOUNTAIN"
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA "
DRAGO NIKOLIĆ (IT-02-63) "SREBRENICA"
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
PANDUREVIĆ & TRBIĆ (IT-05-86) "SREBRENICA-DRINA CORPS"
PERIŠIĆ (IT-04-81)
POPOVIĆ (IT-02-57) "SREBRENICA"
SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"
STANIŠIĆ (IT-04-79)
STAKIĆ (IT-97-24) "PRIJEDOR"
TADIĆ (IT-94-1) "PRIJEDOR"
TOLIMIR, MILETIĆ, GVERO (IT-04-80-1)

INDICTMENT AND CHARGES

The first indictment against Radovan Karadžić and Ratko Mladić was confirmed on 25 July 1995 and charged them with genocide and other crimes committed against civilians throughout the territory of Bosnia and Herzegovina. The second indictment was confirmed on 16 November 1995 and dealt with events that took place in Srebrenica in July 1995.

Radovan Karadžić

The amended indictment against Radovan Karadžić (IT-95-5/18) was confirmed on 31 May 2000 and included one count of a grave breach of the Geneva conventions of 1949, three counts of violations of the laws or customs of war, two counts of genocide and five counts of crimes against humanity.

The amended indictment alleges that Radovan Karadžić, acting individually or in concert with others, including Momčilo Krajišnik and Biljana Plavšić between 1 July 1991 and 31 December 1992, participated in crimes he is charged with in order to secure control of those areas of Bosnia and Herzegovina which had been proclaimed part of the so-called "Republika Srpska". In order to achieve this objective, the Bosnian Serb leadership, including Radovan Karadžić, and at relevant times Momčilo Krajišnik, Biljana Plavšić and others, initiated and implemented a course of conduct which included the creation of impossible conditions of life, involving persecution and terror tactics, that would have the effect of encouraging non-Serbs to leave those areas. This included the deportation of those who were reluctant to leave and the liquidation of others.

The indictment states that Bosnian Serb forces including military, paramilitary, territorial defence and police units, SDS and government authorities acting under the direction and control of Radovan Karadžić, and at relevant times Momčilo Krajišnik, Biljana Plavšić and others, were engaged in variety of actions to significantly reduce the Bosnian Muslim, Bosnian Croat and other non-Serb populations of the municipalities listed in the Indictment.

The indictment further alleges that from late March to 31 December 1992, Bosnian Serb forces seized physical control of these municipalities, often through violent attacks which occurred in a co-ordinated and planned manner. Organisation and direction of the take-overs that occurred between late March and 31 December 1992 and the continuing acts of persecution and deportation that occurred up to 30 November 1995, in particular from the municipalities of Bijeljina, Banja Luka and the UN designated "safe area" of Srebrenica and its surroundings, were provided by the SDS, military and police leadership, and the governing organs of Serb municipalities, including the Crisis Staffs, War Presidencies and War Commissions.

Radovan Karadžić, is charged on the basis of individual criminal responsibility (Article 7(1)) and superior criminal responsibility (Article 7(3)) with:

- **Genocide, complicity in genocide, extermination, murder, wilful killing** (grave breaches of the 1949 Geneva Conventions, violation of the laws or customs of war, genocide, crime against humanity, Articles 2-5),
- **Persecutions, deportation, inhumane acts, unlawfully inflicting terror upon civilians, taking of hostages** (violations of the laws or customs of war, crimes against humanity, Articles 3 and 5).

Ratko Mladić

An amended indictment (IT-95-5/18-I) against Ratko Mladić was confirmed on 11 October 2002. The amended indictment consolidated the first and second indictments and reduced the total number of charges, leaving only the most serious counts which included six counts of violations of the laws or customs of war, seven counts of crimes against humanity and two counts of genocide.

The indictment states that Ratko Mladić was a member of a joint criminal enterprise whose objective was the elimination or permanent removal of Bosnian Muslim, Bosnian Croat, or other non-Serb inhabitants from large areas of BiH. Numerous individuals participated in this joint criminal enterprise. Each participant, by acts or omissions, significantly contributed to the overall objective of the enterprise and included Momir Talić, Stanislav Galić, Dragomir Milošević, Radislav Krstić and other members of the Bosnian Serb forces; Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić and other members of the leadership of the Bosnian Serbs and of the Serbian Democratic Party (SDS), the main party of Bosnian Serbs; members of civilian bodies within BiH, including regional and municipal crisis staffs; members of

the JNA and the Yugoslav Army (VJ), Slobodan Milošević and other military and political figures from the Socialist Federal Republic of Yugoslavia and the Republic of Serbia; and members of Serbian paramilitary and volunteer units. Ratko Mladić participated in the joint criminal enterprise as a co-perpetrator and/or aider abettor.

The indictment also states that in 1990 following multi-party elections in Bosnia and Herzegovina (BiH) the Serbian Democratic Party (SDS) followed a policy of unifying Serbs into a common state and began to organise certain areas of BiH into Serb regional areas. On 25 June 1991 Slovenia and Croatia declared their independence from the SFRY. Working in conjunction with certain element of the JNA, the SDS armed the Bosnian Serb population of BiH.

Further, according to the indictment, a separate Bosnian Serb Assembly, dominated by the SDS, was founded on 24 October 1991 as the highest representative and legislative organ of the Serbs in BiH. On 21 November 1991 the Bosnian Serb assembly adopted a decision to endorse the Serb autonomous districts proclaiming them the Serbian Republic of Bosnia and Herzegovina, later called Republika Srpska.

The indictment further alleges that shortly after BiH was internationally recognised as an independent state on 6 April 1992, hostilities broke out in Sarajevo, marking a beginning of a conflict within the city, which would last until 1995. From May 1992, Bosnian Serb forces under the command of Ratko Mladić used shelling and sniping to target civilian areas of the city and its civilian population killing and wounding civilians and inflicting terror upon the population.

According to the indictment, on 12 May 1992 Radovan Karadžić announced six "strategic objectives" of the Serbian people in Bosnia and Herzegovina:

1. Establish state borders separating the Serbian people from the other two ethnic communities.
2. Set up a corridor between Semberija and Krajina.
3. Establish a corridor in the Drina River valley, that is, eliminate the Drina as a border separating Serbian states.
4. Establish a border on the Una and Neretva Rivers.
5. Divide the city of Sarajevo into Serbian and Muslim parts and establish effective state authorities in both parts.
6. Ensure access to the sea for Republika Srpska.

Moreover, the indictment alleges that on 12 May 1992 the Bosnian Serb Assembly voted to create the army of the Serbian Republic of Bosnia and Herzegovina/Republika Srpska (VRS) effectively transforming the JNA units in BiH into units of the VRS. At the same time the Bosnian Serb Assembly appointed Ratko Mladić as Commander of the VRS Main Staff.

It is further alleged that from May 1992, Bosnian Serb forces under the command and control General Ratko Mladić took control of several areas of Bosnia and Herzegovina, primarily in the north-western region known as the Bosnian Krajina as well as in eastern part of the country. In these municipalities, Bosnian Serb forces participated in a campaign of persecutions to drive the non-Serb populations from these territories. Thousands of non-Serbs were deported or forcibly transferred from these municipalities. Many non-Serbs were killed, and many others were held in detention facilities, where they were physically and psychologically abused and subjected to cruel and inhumane conditions. In addition, non-Serb homes, businesses, and religious sites and property were looted, destroyed and/or appropriated.

According to the indictment, from January to March 1993, Bosnian Serb forces under the command and control of General Ratko Mladić attacked the Cerska area in eastern BiH. Thousands of Muslims fled to BiH government controlled territory including Srebrenica and Žepa. Thereafter, Bosnian Serb forces under the command and control of General Ratko Mladić began to focus particular attention on capturing the strategically located Srebrenica enclave and expelling the Bosnian Muslim population that had fled there in the wake of the 1992 and 1993 "ethnic cleansing" campaigns in eastern BiH.

It is further alleged that, between 12 July and about 20 July 1995, thousands of Bosnian Muslim men were captured by, or surrendered to, Bosnian Serb forces under the command and control of General Ratko Mladić. Over 7,000 Bosnian Muslim prisoners captured in the area around Srebrenica were summarily executed from 13 July to 19 July 1995. From about 1 August 1995 through about 1 November 1995, VRS units under the command and control of General Ratko Mladić participated in an organised and comprehensive effort to conceal the killings and executions of the Bosnian Muslims of Srebrenica by reburial, in isolated locations, bodies exhumed from mass graves.

The indictment states that as Commander of the Main Staff Ratko Mladić was the most senior member of the VRS, subordinate only to the president of Republika Srpska, Radovan Karadžić. He controlled the work of the main staff, made decisions, assigned tasks to subordinates, issued orders, instructions and directives and was responsible for the overall state and conduct of the VRS. He was personally responsible for ensuring that Bosnian Serb forces under his command and control respected and applied the rules of international law governing the conduct of warfare. The indictment alleges that Ratko Mladić knew that all the crimes were about to be committed, or had been committed by his subordinates and failed to take necessary and reasonable measures to prevent acts or punish the perpetrators.

Ratko Mladić, is charged on the basis of on the basis of individual criminal responsibility (Article 7(1)) and superior criminal responsibility (Article 7(3)) with:

- **Genocide** (genocide, complicity in genocide, Article 4),
- **Persecutions, extermination and murder, deportation, inhuman acts, taking of hostages** (violations of the laws or customs of war, crimes against humanity, Articles 3 and 5).

RULE 61 PROCEEDINGS

In certain instances, where the Tribunal has been unable to obtain custody of an accused, it has proceeded under Rule 61 of its Rules of Procedure and Evidence. In proceedings under this rule a full Trial Chamber examines an indictment and the supporting evidence in public and, if it determines that there are reasonable grounds for believing that the accused committed any or all of the crimes charged, confirms the indictment and issues an international arrest warrant. The latter is intended to ensure that the accused will be arrested if he crosses international borders. In addition, the Chamber may certify, upon proof by the Prosecutor, that the failure to service the arrest warrant on the accused was due to the failure to execute an arrest warrant or refusal of a State to co-operate with the Tribunal. The President of the Tribunal, in consultation with the presiding Judges of the Trial Chambers, may then notify the Security Council of such failure or refusal by a State. A Rule 61 hearing is not a trial in absentia and does not provide for a finding of guilt.

After the indictments were confirmed on 24 July 1995 and on 16 November 1995, warrants of arrest were transmitted to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Bosnia and Herzegovina and the Bosnian Serb administration (which has become Republika Srpska). On 18 June 1996, given that the warrants had not been executed and that the Prosecutor had taken reasonable attempts to inform the accused of their existence, Judge Claude Jorda ordered that both the indictments be submitted to the Trial Chamber for review under Rule 61 of the Rules of Procedure and Evidence.

On 11 July 1996, the Trial Chamber confirmed all counts of the indictments, being satisfied that the Prosecutor had presented evidence constituting reasonable grounds for believing that Radovan Karadžić and Ratko Mladić had committed the alleged crimes. It issued an international arrest warrant, ordering it be sent to all States and to the NATO led multinational military Implementation Force (IFOR), which was then operating in BiH.

The Trial Chamber also considered that the failure to arrest Radovan Karadžić and Ratko Mladić could be ascribed to the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Republika Srpska to cooperate with the ICTY. The Trial Chamber noted in particular that this failure was a breach of the obligations made on Republika Srpska's behalf by FRY during the Dayton peace agreements. They stated that as the guarantor of Republika Srpska, the FRY is responsible for that entity's failure to honour its obligations. Accordingly, the Trial Chamber requested the Tribunal's President to report this failure to comply with their legal obligations to the UN Security Council and on 11 July 1996 President Antonio Cassese sent a letter to this effect. Following this letter the Security Council issued a number of resolutions urging compliance with the Tribunal and stating that they would remain actively seized of the matter.