



(IT-09-92)

RATKO MLADIĆ



RATKO MLADIĆ *Indicted for genocide, persecutions, extermination, murder, deportation, inhumane acts, terror, unlawful attacks, taking of hostages*



Appointed Commander of the Main Staff of the Bosnian Serb Army (VRS) on 12 May 1992 (a position he held until at least 8 November 1996); promoted to the rank of Colonel General in June 1994.

Crimes alleged in the indictment (examples):

Genocide

- Between 12 May 1992 and 30 November 1995, Mladić participated in a joint criminal enterprise (JCE) to permanently remove Bosnian Muslims and Bosnian Croats from the territories of BiH claimed as Bosnian Serb territory;
- He participated in a joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children and some elderly men;

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

- Committed in the areas of Banja Luka, Bijeljina, Foča, Ilidža, Kalinovik, Ključ, Kotor Varoš, Novi Grad, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, Trnovo and Vlasenica.

Murder, terror, unlawful attacks on civilians and taking of hostages (violation of the laws or customs of war)

- Between 12 May 1992 and November 1995, he participated in a joint criminal enterprise to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population.

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; second amended: 1 June 2011; third amended: 20 October 2011; fourth amended: 16 December 2011
Arrested	26 May 2011
Transferred to ICTY	31 May 2011
Initial and further appearances	3 June 2011, postponed his plea for 30 days; 4 July 2011, failed to enter a plea, a plea of not guilty was entered on his behalf; 8 December 2011, pleaded not guilty (to the new charge in the third amended indictment)

STATISTICS

TRIAL	
Trial Chamber I	Judge Alphons Orié (presiding), Judge Bakone Justice Moloto and Judge Christoph Flügge
Counsel for the Prosecution	Dermot Groome, Peter McCloskey
Counsel for the Defence	Branko Lukić, Miodrag Stojanović

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"	
GALIĆ (IT-98-29) "SARAJEVO"	
KARADŽIĆ (IT-95-5/18)	
KRAJIŠNIK (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 "	
NIKOLIĆ, DRAGO (IT-02-63) "SREBRENICA"	
PLAYŠIĆ (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 <i>et al.</i> (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 (IT-05-88/2)	

INDICTMENT AND CHARGES

The initial indictment against Ratko Mladić and Radovan Karadžić was confirmed on 25 July 1995 and charged them with genocide and other crimes committed against civilians throughout the territory of Bosnia and Herzegovina (case number IT-95-5). A second indictment was confirmed on 16 November 1995 and dealt with events that took place in Srebrenica in July 1995 (case number IT-95-18). The two indictments were joined in July 1996 under the case number IT-95-5/18.

The joined indictment was amended insofar as it pertained to Karadžić on 31 May 2000, and was amended insofar as it pertained to Mladić on 11 November 2002. Both amended indictments were filed under case number IT-95-5/18. Mladić's 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. On 15 October 2009, the case of Mladić was officially severed from that of Karadžić, and was assigned a new number: IT-09-92. On 10 May 2010, the Prosecution filed a motion to amend the indictment in order to further clarify and specify its allegations against the accused. The request was granted and the Prosecution filed the new, second amended, indictment on 1 June 2011. On 13 October 2011, the Chamber granted the Prosecution's motion to amend the indictment and include crimes committed in the village of Bišina, eastern BiH. The Prosecution filed the third amended indictment on 20 October 2011. On 2 December 2011, the Chamber adopted the Prosecution's proposal in respect of the reduction of its case and the selection of crimes for each of the charges. Subsequently, the Prosecution filed the fourth amended indictment on 16 December 2011.

The indictment states that from 12 May 1992 until 30 November 1995, Mladić participated in a joint criminal enterprise to permanently remove Bosnian Muslim and Bosnian Croat inhabitants from the territories of Bosnia and Herzegovina (BiH) claimed as Bosnian Serb territory. Mladić acted in concert with other members of this JCE including: Karadžić, Momčilo Krajišnik, Slobodan Milošević, Biljana Plavšić, Nikola Koljević, Mićo Stanišić, Momčilo Mandić, Jovica Stanišić, Franko Simatović, Željko Ražnatović and Vojislav Šešelj. Each of these individuals, by acts or omissions, contributed to achieving their shared objective.

The indictment further alleges that between 12 May 1992 and November 1995, Mladić participated in another JCE to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population. He shared the intent for the commission of each of these crimes with others who acted in concert with him in this criminal enterprise including: Karadžić, Krajišnik, Plavšić, Koljević, Šešelj, Stanislav Galić and Dragomir Milošević.

Furthermore, commencing in the days immediately preceding the 11 July 1995 implementation of the plan to eliminate the Bosnian Muslims in Srebrenica and continuing until 1 November 1995, Mladić participated in a JCE to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, young children and some elderly men from the area.

Lastly, during May and June 1995, Mladić participated in a JCE to take United Nations personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian Serb military targets. He shared the intent for the commission of this crime with other members of this JCE, including Karadžić.

The indictment states that in addition to his liability through his participation in these JCEs, Mladić is individually criminally responsible for planning, instigating, ordering and/or aiding and abetting the crimes charged in the indictment.

The indictment states that, as Commander of the Main Staff, Mladić was the most senior officer of the VRS. In this capacity Mladić was the superior of, and had effective control over, members of the VRS and elements of Serb forces integrated into, or subordinated to, the VRS that participated in the crimes alleged in the indictment. It is further alleged that Mladić knew or had reason to know that crimes were about to be committed or had been committed by members of the VRS and/or elements of Serb forces under his effective control and that he failed to take the necessary and reasonable measures to prevent the commission of crimes and/or to punish the perpetrators thereof.

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:

- **Two counts of genocide** (Article 4),
- **Persecutions, extermination, murder, deportation, inhumane acts, terror, unlawful attacks on civilians and 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, if the Prosecutor satisfies the Chamber that the failure to service the arrest warrant on the accused was due to the failure or refusal of a State to cooperate with the Tribunal, the Chamber shall so certify. 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 against both Karadžić and Mladić 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 Karadžić and Mladić had committed the alleged crimes. The Chamber 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 Karadžić and 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 Chamber noted in particular that this failure was a breach of the obligations made on Republika Srpska's behalf by the FRY in the Dayton Peace Agreement. The Chamber stated that as the guarantor of Republika Srpska, the FRY was responsible for that entity's failure to honour its obligations to the Tribunal. Accordingly, the Chamber requested the Tribunal's President to report the FRY's failure to comply with its legal obligations to the UN Security Council, and on 11 July 1996 President Antonio Cassese sent a letter to this effect. Following receipt of the 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.

THE TRIAL

The trial commenced on 16 May 2012.