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Tribunal Pénal
International pour
l'ex-Yougoslavie

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REGISTRY

GREFFE

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**MILAN BABIĆ INDICTED BY THE ICTY FOR CRIMES AGAINST HUMANITY
AND WAR CRIMES**

On Monday 17 November 2003, Judge Jean-Claude Antonetti confirmed an Indictment against Milan Babić.

The Accused

According to the Indictment, Milan Babić was born on 26 February 1956 in Kukar in municipality of Sinj, Croatia. He was a previous member of the League of Communists of Croatia and a prominent political figure in the Serbian Democratic Party ("SDS") in Croatia since its inception in February 1990. He held a senior position in the SDS municipal committee in Knin.

The Indictment further states that Milan Babić assumed the position as President of the SDS Party after the death of Jovan Raskovic's death in 1992. He remained in this position until 1995, and from 1990 until April 1994 he held the position of President of the Municipal Assembly in Knin. From 31 July 1990 onwards, he was the President of the Serbian National Council ("SNC"). On 30 April 1991, Milan Babić was elected President of the Executive Council of the so-called "Serbian Autonomous District/*Srpska autonomna oblast*" ("SAO") Krajina."

In addition the Indictment states, "*On 29 May 1991, Milan Babić became the Prime Minister/President of the government of the self-declared SAO Krajina. On 19 December 1991, the SAO Krajina proclaimed itself Republic of Serbian Krajina/Republika Srpska Krajina ("RSK") with Milan Babić as President. Milan Babić held the position until 15 February 1992. Milan Babić became the Minister of Foreign Affairs of the "RSK" government in April 1994. In July 1995, he was elected Prime Minister of the "RSK" government, a position he held only until beginning August 1995 when in the course of the Croatian offensive known as Operation Storm the whole of the "RSK" leadership including Milan Babić fled the "RSK".*"

Joint Criminal Enterprise

According to the Indictment, *Milan Babić participated in a joint criminal enterprise that came into existence no later than 1 August 1991 and continued until at least June 1992. The purpose of this joint criminal enterprise was the permanent forcible removal of the majority of the Croat and other non-Serb population from approximately one-third of the territory of the Republic of Croatia ("Croatia"), in order to make them part of a new Serb-dominated state through the commission of crimes in violation of Articles 3 and 5 of the Statute of the Tribunal.*"

Internet address: <http://www.un.org/icty>

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In addition the Indictment states “*Individuals participating in this joint criminal enterprise included Slobodan Milošević; Milan Martić; Goran Hadžić; Jovica Stanišić; Franko Simatović, also known as "Frenki"; Vojislav Šešelj; General Blagoje Adžić; General Ratko Mladić and other known and unknown members of the Yugoslav People’s Army ("JNA"); the Serb Territorial Defence ("TO") of Croatia, Serbia and Montenegro; local and Serbian police forces ("MUP forces"), including the State Security /Državna bezbednost ("DB") of the Republic of Serbia, and Serb police forces of the SAO Krajina and the RSK commonly referred to as "Martić’s Police," "Martićevci," "SAO Krajina Police" or "SAO Krajina Milicija" (hereinafter "Martić’s Police"). Milan Babić participated in this joint criminal enterprise until at least February 1992.*”

The Indictment further states that Milan Babić acting individually and/or in concert with other members of the joint criminal enterprise participated in the joint criminal enterprise in the following ways:

“In his capacity as the President of the SNC and subsequently as President/Prime Minister in the SAO Krajina and the RSK, he formulated, promoted, participated in, and/or encouraged the development and implementation of SDS and SAO Krajina/RSK governmental policies intended to advance the objective of the joint criminal enterprise. Throughout 1991, Milan Babić attended meetings with the Serbian, SFRY and Bosnian Serb leadership defining these policies of the joint criminal enterprise and presented its positions in international negotiations.”

Factual Allegations

According to the Indictment, “*From on or about 1 August 1991 until at least 15 February 1992, Milan Babić, acting individually or in concert with other known and unknown members of a joint criminal enterprise, committed or otherwise aided and abetted in the planning, preparation, or execution of persecutions of the Croat and other non-Serb civilian populations in the SAO Krajina/RSK.*”

The Indictment alleges that the persecutions were based on political, racial or religious grounds and included “*The extermination or murder of hundreds of Croat and other non-Serb civilians, including women and elderly persons, in Dubica, Cerovljani, Bačin, Saborsko, Poljanak, Lipovača and neighbouring hamlets, Škabrnja, Nadin, and Bruška in Croatia.*”

In addition, the Indictment states that the persecutions included “*The prolonged and routine imprisonment and confinement of several hundred of Croat and other non-Serb civilians in inhumane living conditions in the old hospital and the JNA barracks in Knin.*”

The Indictment further states that “*Virtually the whole Croat, Muslims and non-Serb population of the SAO Krajina/RSK was forcibly removed, deported or killed.*”

Furthermore, the Indictment states that the persecutions included “*The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat and other non-Serb population in Dubica, Cerovljani, Bacin, Saborsko, Poljanak, Lipovaca and neighbouring hamlets, Vaganac, Skabrnja, Nadin, and Bruska in the SAO Krajina/RSK.*”

The Charges

The Indictment charges Milan Babić on the basis of his individual criminal responsibility (Article 7(1) of the Statute) with:

- One count of crimes against humanity (persecutions on political, racial, and religious grounds punishable under Articles 5(h), and 7(1) of the Statute of the Tribunal.)
- Four counts of violations of the laws or customs of war (murder; cruel treatment; wanton destruction of villages, or devastation not justified by military necessity; and destruction or wilful damage done to institutions dedicated to education or religion punishable under Articles 3 and 7(1) of the Statute of the Tribunal.)

The full text of the Indictment can be found in English on the Tribunal's website at www.un.org/icty
