



United Nations
Nations Unies



International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

JUDGEMENT SUMMARY

(Exclusively for the use of the media. Not an official document)

TRIAL CHAMBER

The Hague, 24 March 2016

Trial Judgement Summary for Radovan Karadžić

Please find below the summary of the Judgement read out today by Judge O-Gon Kwon.

The Accused was a founding member of the SDS and served as its President from July 1990 to July 1996. He was the President of the National Security Council of the Serbian Republic of Bosnia and Herzegovina, and on 12 May 1992, the Accused was elected as the President of the Presidency of the Serbian Republic of Bosnia and Herzegovina. From 17 December 1992, he was the sole President of Republika Srpska, and the Supreme Commander of the armed forces of Republika Srpska.

The Accused stood trial for 11 Counts; two Counts of genocide, five Counts of crimes against humanity, (namely persecution, murder, extermination, deportation, and forcible transfer), and four Counts of violations of the laws or customs of war (namely murder, acts of violence the primary purpose of which was to spread terror among the civilian population, unlawful attacks on civilians, and the taking of hostages.

In the Indictment, the Prosecution alleged that the Accused participated in four joint criminal enterprises (“JCEs”). The Prosecution alleged the following:

From at least October 1991 to 30 November 1995, the Accused participated in a JCE, the objective of which was to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in BiH through the crimes charged therein (“Overarching JCE”);

Between April 1992 and November 1995, the Accused participated in a 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 (“Sarajevo JCE”);

Between approximately 26 May and 19 June 1995, the Accused participated in a JCE to take hostage over 200 UN peacekeepers and military observers in order to compel NATO to abstain from conducting air strikes against Bosnian Serb military targets (“Hostages JCE”); Between the days preceding 11 July 1995 and continuing until 1 November 1995, the Accused participated in a JCE 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 (“Srebrenica JCE”).

In addition, the Prosecution charged the Accused for having planned, instigated, ordered, and/or aided and abetted the crimes in the Indictment. It also charged the Accused as a superior pursuant to Article 7(3) of the Statute.

While the Prosecution made its opening statement on 27 October and 2 November 2009, the first witness for the Prosecution was heard on 13 April 2010. Closing arguments were heard between 30 September and 7 October 2014. The Chamber sat 499 trial days, during

www.icty.org

Follow the ICTY on [Facebook](#), [Twitter](#) and [YouTube](#)

Media Office/Communications Service

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands

Tel.: +31-70-512-8752; 512-5343; 512-5356

which it heard the evidence of 434 witnesses. It further received the evidence of 152 additional witnesses in writing. In total, 11,469 exhibits were tendered into evidence. The complete trial record amounts to over 48,000 transcript pages, over 95,000 pages of filings and over 190,000 pages of admitted exhibits, totalling to over 330,000 pages of trial record. The Chamber's findings and the reasons for these findings will be summarised here.

However, it should be noted that this is only a summary and does not in any way form part of the Judgement of the Chamber. The only authoritative account of the findings of the Chamber is in the written Judgement. Confidential copies will be made available to the Parties at the end of these proceedings, and a public redacted version will also be made available to the public.

Before addressing the four components set out above, the Chamber finds on the basis of the evidence that there was an armed conflict in BiH throughout the period relevant to the Indictment and that the other general requirements for crimes under Article 3 of the Statute are met. In relation to crimes against humanity, it finds that there existed a widespread and systematic attack against the civilian populations at all times relevant to the Indictment, that the relevant crimes formed part of that attack, and that the perpetrators knew of the attack and that the crimes were part of it.

Overarching JCE

The Chamber will first address the municipalities component of the case and the alleged Overarching JCE. It is alleged that crimes were committed in the municipalities of Bijeljina, Bratunac, Brčko, Foča, Rogatica, Sokolac, Višegrad, Vlasenica and Zvornik in Eastern BiH; in the municipalities of Banja Luka, Bosanski Novi, Ključ, Prijedor, and Sanski Most in the Autonomous Region of Krajina ("ARK"); and in the municipalities of Hadžići, Ilidža, Novi Grad, Novo Sarajevo, Pale, and Vogošća in the Sarajevo region. These will be referred to as the "Municipalities".

The Chamber finds that beginning at the end of March 1992 and continuing through 1992, Serb Forces took control of municipalities in Bosnian Serb-claimed territory in BiH. During the course of these well-planned and co-ordinated take-overs and after, there was an organised and systematic pattern of crimes committed against Bosnian Muslims and Bosnian Croats who resided in the Municipalities.

The Chamber finds that a vast number of Bosnian Muslims and Bosnian Croats in the Municipalities were forcibly displaced from their homes to other locations in BiH or to third states. The Accused's case was that the population movements in BiH were voluntary and a natural consequence of the war, and that there was no policy of expulsion. The Chamber finds, to the contrary, that in many cases the victims were forced to leave following attacks against their villages or after the take-over of towns by Serb Forces. Other victims were first arrested, detained in detention facilities, and then transported out of the Municipalities. These expulsions resulted in drastic changes to the ethnic composition in the Municipalities.

Bosnian Muslims and Bosnian Croats were also removed from positions of authority and dismissed from their employment in multiple Municipalities. In addition to unlawful arrests and arbitrary searches, there were restrictions placed on the movement of Bosnian Muslims in some of the Municipalities. Thousands of Bosnian Muslim and Bosnian Croat civilians were unlawfully detained in around 50 detention facilities across the Municipalities. Non-Serbs were often arrested en masse and taken to these detention facilities from their homes, following attacks on villages or towns. However, the Chamber notes that it did not enter a finding of unlawful detention with respect to the detainees who were combatants or civilians who had actively taken part in hostilities.

Bosnian Serb political and governmental organs and Serb Forces also established and perpetuated inhumane living conditions at a number of detention facilities. The victims were subjected to deplorable living conditions. Food and water were lacking, medical care

was inadequate or non-existent, sanitation and hygiene facilities were poor, as were sleeping conditions. In many of these detention facilities, detainees were also subjected to torture, beatings, and physical and psychological abuse by Serb Forces. During their detention Bosnian Muslim and Bosnian Croat women and men were subjected to rape and other acts of sexual violence by members of the Serb Forces. These crimes resulted in serious mental or physical suffering or injury to the victims. Non-Serb detainees were forced to perform labour at the frontlines or were used as human shields to protect Serb Forces.

Following or during their expulsion from their homes, the property of the victims was seized by the Bosnian Serb authorities. There was also widespread looting of non-Serb property and extensive destruction of Bosnian Muslim and Bosnian Croat villages and property by Serb Forces in many of the Municipalities. Serb Forces destroyed multiple mosques, Catholic churches and other cultural monuments and sacred sites in Bratunac, Bosanski Novi, Foča, Ključ, Novi Grad, Prijedor, Rogatica, Sanski Most, Sokolac, and Zvornik. The cultural monuments and sacred sites were targeted for destruction given their significance to the Bosnian Muslim or Bosnian Croat people in those locations. However, while the Chamber also finds that cultural monuments and sacred sites were destroyed in Bijeljina, Pale and Vogošća, the evidence presented was insufficient to conclude beyond reasonable doubt who was responsible for that destruction.

Serb Forces also killed many Bosnian Muslims and Bosnian Croats during and after the take-over of the Municipalities. Victims were killed in mass executions, or killed following attacks on non-Serb villages. Victims were also shot during their detention, or were taken away from detention facilities and killed by Serb Forces. In other cases, victims died as a result of severe beatings by Serb Forces or died as a result of the inhumane conditions which they were exposed to. With respect to 26 of the alleged scheduled killing incidents, the Chamber finds that the element of killing on a mass scale and such intent were established and, therefore, that they amounted to extermination.

The Chamber also finds that the perpetrators chose their victims in the Municipalities on the basis of their identity as Bosnian Muslims or Bosnian Croats and that therefore these crimes were committed with discriminatory intent.

Accordingly, the Chamber concludes that members of the Serb Forces and Bosnian Serb Political and Governmental Organs committed murder as a violation of the laws or customs of war and murder, extermination, deportation, and other inhumane acts (forcible transfer) and persecution, as crimes against humanity. Judge Howard Morrison appends a dissenting opinion in relation to Scheduled Incident B.12.2.

Under Count 1, the Prosecution alleged that in seven of the Municipalities, namely Bratunac, Foča, Ključ, Prijedor, Sanski Most, Vlasenica, and Zvornik, the alleged persecutory campaign included or escalated to include conduct and intent which amounted to genocide. The Chamber finds that in these municipalities, members of the protected groups, i.e., Bosnian Muslims and Bosnian Croats, were killed and subjected to serious bodily or mental harm, and therefore that the *actus reus* requirements for Articles 4(2)(a) and 4(2)(b) of the Statute have been satisfied. However, with respect to acts under Article 4(2)(c) of the Statute, while the Chamber finds that Bosnian Muslims and Bosnian Croats were held in terrible conditions, it is not convinced that the evidence demonstrated that this amounted to conditions of life calculated to bring about the physical destruction of the Bosnian Muslims or Bosnian Croats in these municipalities. Further, the Chamber is not satisfied that the acts falling under Article 4(2)(a) and 4(2)(b) of the Statute were carried out with genocidal intent, that is, with intent to destroy in part the Bosnian Muslim or Bosnian Croat groups as such. In conclusion, the Chamber was unable to identify or infer genocidal intent on the part of the Accused, the alleged JCE members, the physical perpetrators of these acts or from the pattern of crimes which were committed in these municipalities. Having analysed the totality of the evidence on this issue, the Chamber is not satisfied that the only reasonable inference was that there existed an intent to destroy part of the Bosnian Muslim and/or Bosnian Croat groups in these municipalities as such. The

Chamber therefore does not have sufficient evidence to find beyond reasonable doubt that genocide was committed in these municipalities.

The Chamber now turns to the Accused's responsibility for the crimes which were found to have been committed in the Municipalities.

The crux of the Accused's case was that the objectives of the Bosnian Serb leadership were not criminal and did not entail the commission of any crimes. In his submission, the movement of the non-Serb population in BiH was not the product of a JCE but was the result of people voluntarily moving to areas which were controlled by their own ethnic groups. In the Accused's submission, any individual case of forced expulsion was the product of hatred or revenge, and it was never the objective of the Bosnian Serb leadership. His defence also suggested that any crimes which were committed were isolated cases committed by individuals, for example paramilitaries, who were acting of their own accord and not in furtherance of the alleged common criminal purpose. In his case, the central authorities were unsuccessful in trying to exert their influence at a municipal level, and that in an environment of chaos he was unable to do more than he did.

The Chamber finds, to the contrary, that the creation of parallel Bosnian Serb political and governmental structures, the campaign of forcible take-over of municipalities, and the expulsion of non-Serbs, were carefully co-ordinated, directed, and ultimately intended by the Accused and the Bosnian Serb leadership. In order to further these objectives, precise directions in the form of the Variant A/B Instructions and the Strategic Goals, were promulgated and promoted by the Accused and the Bosnian Serb leadership. The Chamber weighed the evidence received on the acts and conduct of the Accused and other alleged members of the Overarching JCE in light of the systematic and organised manner in which crimes were committed in each of the Municipalities. On this basis the Chamber finds that between October 1991 and November 1995 there existed a common plan to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through the commission of crimes. The Accused, Momčilo Krajišnik, Nikola Koljević, Biljana Plavšić, Ratko Mladić, Mićo Stanišić, Momčilo Mandić, Željko Ražnatović (Arkan), and Vojislav Šešelj formed a plurality of persons who acted pursuant to this common plan and shared the intent for the crimes which formed part of the plan.

The Chamber also concludes that the Accused significantly contributed to the Overarching JCE. The Chamber had regard to the impact of his conduct by virtue of the functions and positions he held at the time. The Accused was at the forefront of developing and promoting the ideology and policies of the SDS and creating the parallel governmental, military, police and political structures that were used to establish and maintain authority over Bosnian Serb-claimed territory and further the objective of the Overarching JCE. The Accused was central in outlining the goals of the Bosnian Serb leadership including separation from Bosnian Muslims and Bosnian Croats, the take-over of Bosnian Serb-claimed territory, and the creation of a largely ethnically homogeneous Bosnian Serb state. The Accused was also a central figure in the dissemination of propaganda against Bosnian Muslims and Bosnian Croats, which identified them as the historic enemies of the Serbs and insisted that co-existence was impossible. The Accused played on this historical narrative and his rhetoric was used to engender fear and hatred of Bosnian Muslims and Bosnian Croats and had the effect of exacerbating ethnic divisions and tensions in BiH.

He was also at the apex of political, governmental, and military structures and able to use his power and influence to further the objective of the Overarching JCE. He ultimately supported the military implementation of their goals which necessarily entailed the take-over of territory and the forcible movement of the non-Serb population. He was central to the mobilisation and creation of the Bosnian Serb TO, VRS, and a separate Bosnian Serb police structure. Furthermore, following the withdrawal of the JNA from BiH, the Accused supported the operational co-operation of military forces and local authorities and, in some instances, paramilitaries. These military structures and units were used to take over power and maintain Bosnian Serb authority in Bosnian Serb-claimed territory and to further the objective of the Overarching JCE. While the Accused did take some steps to control

paramilitaries later in the conflict, these measures were only taken after these paramilitaries had been used to further the objectives of the Overarching JCE and once they started turning against the Bosnian Serb municipal authorities. The Accused and other members of the JCE used their authority and influence over Crisis Staffs, TO, VRS, Bosnian Serb MUP, and paramilitaries to carry out the crimes envisaged by the common plan of the Overarching JCE. Furthermore, at times, paramilitaries, local Serbs, JNA, Bosnian Serb MUP, TO, and VRS units acted at the behest of the Crisis Staffs, which were under the Accused's authority and influence, to commit crimes in furtherance of the common plan. The crimes that were committed by Serb Forces in the Municipalities are thus imputed to the JCE members or to the Accused.

While the civilian courts existed during the conflict and the Accused established the military courts, the system functioned in a discriminatory manner, with a lack of attention to crimes committed against non-Serbs. The Accused's failure to exercise his authority to adequately prevent or punish crimes committed against non-Serbs gave the signal that such criminal acts would be tolerated throughout the period of the Overarching JCE and therefore had the effect of encouraging and facilitating the crimes which formed part of the objective of the JCE.

At the same time that he was learning about crimes committed against non-Serbs and not taking sufficient steps to prevent or punish them, the Accused consistently and systematically provided misleading information to representatives of international organisations, the public, and to the media in relation to these crimes. By his denials that Serb Forces were committing crimes in the Municipalities and his disingenuous portrayal of the reality on the ground, of which he was in fact fully aware, the Accused created an environment in which Serb Forces could continue to commit the crimes through which the common purpose of the Overarching JCE was implemented.

The Accused and the other members of the Overarching JCE were not only informed about the forcible take-over of towns by Serb Forces, but were also aware that this had led to massive demographic changes through the forcible displacement of non-Serb civilians and resulted in ethnic homogenisation, which they supported. In addition, the manner in which the take-over of the Municipalities was carried out by Serb Forces also involved the widespread practice of unlawfully arresting and detaining thousands of non-Serbs prior to removing them from Bosnian Serb-claimed territory. The Accused and the Bosnian Serb leadership were not only aware of these detention facilities but used such unlawful detention as a core element in achieving the objective of Overarching JCE.

Based on these findings, the Chamber concludes that the only reasonable inference is that the crimes of deportation, forcible transfer, and persecution were intended by the Overarching JCE members to achieve the objective of the Overarching JCE. The underlying acts of persecution which were intended and formed part of the objective of the Overarching JCE were forcible transfer and deportation, unlawful detention, and the imposition and maintenance of restrictive and discriminatory measures. The Accused and other members of that JCE shared the intent for these crimes. However, the Chamber is not satisfied that the other underlying acts of persecution or the crimes of murder and extermination were included in the common plan or intended by the Accused.

The Chamber had regard to the broad geographical scope of the common plan and finds that there was no genuine concern for the manner in which power in the Municipalities was taken and the plan of the Overarching JCE was executed. The Chamber finds that having regard to the nature of the common plan and the manner in which it was carried out, it was foreseeable that Serb Forces might commit violent crimes against non-Serb during and after the take-overs in the municipalities and the campaign to forcibly remove non-Serbs. In addition, the evidence of the Accused's knowledge of criminal activity in the Municipalities demonstrates that he was well aware of the environment of extreme fear in which non-Serbs were forced to leave. The Chamber further finds that the Accused knew that the common plan, whereby thousands of non-Serb civilians were expelled en masse from their homes during and after the forcible take-over of towns and villages, and detained in

facilities throughout the Municipalities, was carried out in a context of inter-ethnic animosity and violence. Furthermore, he knew that there was a climate of impunity for crimes committed against non-Serbs.

Having weighed these factors, the Chamber finds that the Accused ought to have known that the non-Serb population was vulnerable to violent crimes that might be perpetrated by members of the Serb Forces who were carrying out his common plan. The Accused was indifferent to that possibility and acted in furtherance of the common plan with the awareness of the possibility that these crimes might be committed during the execution of the common plan and he willingly took that risk.

In consequence, the Chamber finds that murder, extermination, and persecution were foreseeable to the Accused. The underlying acts of persecution which were foreseeable were cruel treatment, forced labour at the frontlines, the use of non-Serbs as human shields, the appropriation or plunder of property, and the wanton destruction of private property, including cultural and sacred sites.

Therefore, in conclusion, in relation to the Municipalities, the Accused bears individual criminal responsibility pursuant to Article 7(1) of the Statute for persecution, extermination, murder, deportation and forcible transfer as crimes against humanity; and murder, a violation of the laws or customs of war. However, in light of the conclusion that the Chamber was not satisfied that genocide was committed in the seven municipalities referred to above, the Accused is not held responsible for genocide under Count 1.

Sarajevo JCE

The Chamber will now address the Sarajevo component of the case and the alleged Sarajevo JCE.

The Chamber finds that from late May 1992 until October 1995, the civilian population of Sarajevo was shelled and sniped by members of the Bosnian Serb Forces, namely the Sarajevo Romanija Corps ("SRK"). Throughout this period the SRK units held positions on the hills around the city, thus encircling it and holding it under siege.

From their positions, they deliberately sniped at civilians in Sarajevo, including at trams. This practice of sniping at civilians was common and persistent. It took place on an almost daily basis, and continued generally unabated during the entirety of the conflict. Sarajevo civilians were sniped while fetching water, walking in the city, and when using public transport. Furthermore, children were sniped at while playing in front of their houses, walking with their parents or walking home from school, and even when cycling. The SRK units would open sniper fire on civilians from a number of notorious locations around the city in which they had set up professionally constructed, long-standing sniper nests.

The Chamber is also convinced that starting in late May 1992 the SRK units engaged in deliberate shelling of the civilian population in the city, or opened disproportionate and/or indiscriminate fire on the city. They did so using a multitude of heavy weapons, including 80 and 120 mm mortars, as well as artillery weapons, all of which were located, more or less permanently, on the hills surrounding Sarajevo. Thousands of shells fell on the city throughout the conflict, including on the residential areas and civilian facilities, such as hospitals, markets, and other locations where civilian population would gather. There was often no military value in the targets that were selected by SRK's firing crews and fire was randomly scattered around the city. In 1995, the SRK units also launched a number of modified air bombs on the city, a weapon which was highly destructive and yet had not been tested properly. As such, these modified air bomb attacks were indiscriminate.

This practice of sniping and shelling of civilians continued for over three years. Bearing in mind the longevity and the nature of the practice, the Chamber finds that the intention of the SRK units, and their commanders, was to target civilians and use indiscriminate or disproportionate fire on the city. Thus the Chamber is convinced that the SRK conducted a

campaign of sniping and shelling of Sarajevo with the intention to, among other things, terrorise the civilian population living there. The Chamber also finds that this campaign resulted in thousands of wounded and killed civilians in the city during the relevant period. Furthermore, the Chamber notes that all of the civilians living in the city during that time experienced extreme fear and suffered great hardship as they never knew when they would be targeted by the SRK.

The Chamber notes that in reaching the above conclusions it relied both on the general evidence relating to the situation in the city between 1992 and 1995 and on the evidence concerning specific shelling and sniping incidents listed in Schedules F and G of the Indictment. With respect to the latter, the Chamber finds the SRK responsible for all but three of those incidents, namely, Scheduled Incidents F.5, F.7, and G.6. In addition, Judge Melville Baird appends his dissenting opinion in relation to Scheduled Incident G.8.

The Accused argued during the case that SRK units never targeted civilians but were instead responding to attacks coming from the city and, in doing so, focused on military targets located therein. The Accused also argued that the Bosnian Muslim side shelled and sniped its own civilians in order to lay blame on the Bosnian Serbs and provoke an intervention by the international community. However, in reaching the conclusions enunciated above, the Chamber has rejected these claims by the Accused. The Chamber accepts that the war was waged by both sides, that the two warring sides engaged each other throughout the conflict, and that the SRK units also targeted military personnel and military positions of their opponent. However, the evidence in this case is replete with examples of SRK fire that was not directed at military targets in the city but rather at civilian objects and of SRK fire that was opened in a random or disproportionate manner. The specific scheduled incidents for which the SRK was found to be responsible are clear examples of such fire. Further, the persistence of the sniping and shelling directed at the civilian population and the high number of civilian casualties in the city cannot be explained by the fact that the war in Sarajevo was waged by both sides. It is therefore clear to the Chamber that civilians were either directly targeted by the SRK, as amply illustrated by the scheduled sniping incidents for example, or were subject to indiscriminate or disproportionate fire, such as when the SRK launched modified air bombs on the city or fired mortar shells on locations where civilians would gather.

With respect to the Accused's argument that the Bosnian Muslim side targeted its own civilians, the Chamber accepts that the Bosnian Muslim side was intent on provoking the international community to act on its behalf and, as a result, at times, engaged in targeting UN personnel in the city or opening fire on territory under its control in order to lay blame on the Bosnian Serbs. However, the evidence indicates that the occasions on which this happened pale in significance when compared to the evidence relating to SRK fire on the city. As such they do not affect the Chamber's view as to the SRK's practice of targeting the civilians in the city or launching indiscriminate or disproportionate attacks.

The Chamber therefore finds that members of the SRK committed murder, unlawful attacks on civilians, and terror as violations of the laws or customs of war and also murder as a crime against humanity. The Chamber now turns to the Accused's responsibility for those crimes.

The Accused's case in relation to this component was that there was no Sarajevo JCE, no plan to establish a campaign of sniping and shelling, and no intention to kill, attack, or terrorise the civilian population in the city. Instead, according to him, the city was engulfed in war, and the terror that the population felt was simply a regular consequence of that war.

However, as outlined above, the persistence of the sniping and shelling directed at the civilian population and the high number of civilian casualties in the city cannot be explained by the fact that there was a war in Sarajevo. In addition, the Chamber is convinced that individual snipers or sniper units within the SRK, as well as its mortar and artillery firing crews were all under control of the SRK Command, and ultimately the VRS Main Staff. Finally, from the very beginning of the conflict in BiH, the political and military leadership

of the Bosnian Serbs, particularly the Accused, Momčilo Krajišnik, Nikola Koljević, Biljana Plavšić, and Ratko Mladić, recognised and championed the importance of Sarajevo to the Bosnian Serb cause and the conflict in BiH. The city was important not only because of its symbolism and the fact that without it the Bosnian Muslim side would not have a functioning independent state, but also because it carried special significance for the Accused who had considered it his hometown. Because of this, they all desired to gain control over Sarajevo, or at least parts thereof, a project to which they were devoted throughout the conflict and which, given the multi-ethnic nature of the city, could only be achieved by a wall of fire, that is through sniping and shelling.

Accordingly, the Chamber finds that there was a common plan that started in late May 1992 and lasted through to October 1995, and that it emanated from the Bosnian Serb political and military leadership. The primary purpose of that plan was to spread terror among the civilian population of Sarajevo through the campaign of sniping and shelling. Based on the evidence relating to scheduled sniping and shelling incidents, the Chamber is also satisfied that this plan involved the commission of murder, terror, and unlawful attacks against civilians. The Accused, Ratko Mladić, Stanislav Galić, Dragomir Milošević, Momčilo Krajišnik, Nikola Koljević, and Biljana Plavšić formed a plurality of persons who acted pursuant to this common plan and shared the intent for the crimes that formed part of the plan.

The Chamber also finds that the Accused significantly contributed to this plan. Being at the apex of political, military, and governmental structures, the Accused supported Mladić in his strategy in Sarajevo, which was to intensify the campaign of sniping and shelling and solve the situation in the city militarily. As the Supreme Commander of the VRS, the Accused also issued or approved military directives which concerned Sarajevo and thus prolonged the siege, allowing in turn the campaign of sniping and shelling to continue unabated. Furthermore, having de jure control over the SRK and the VRS, which he was able to exercise in fact throughout the conflict, the Accused was directly involved in military matters in Sarajevo and issued many orders related thereto, both at the strategic and at the operational level. He also promoted and rewarded Mladić, Galić, and Dragomir Milošević at various times, despite his knowledge that they were implicated in attacks on Sarajevo civilians.

From the moment the Sarajevo JCE came into existence, the Accused was also consistently informed about SRK attacks on civilians in the city, including many of the scheduled incidents discussed in detail in the Judgement. However, instead of ensuring that the targeting of civilians stopped, he denied that the SRK was responsible for the attacks and instead accused the Bosnian Muslim side of perpetrating them. He also deflected any criticism related to SRK firing practices by raising unconnected issues or by emphasising that it was necessary to act in such manner in order to defend the Bosnian Serb territory. Despite the functioning system of military justice within the VRS and SRK, there was not a single attempt to prosecute any SRK soldiers for opening fire on civilians in Sarajevo, revealing in turn that the culture within the SRK was one of absolute impunity. While there were times when the Accused made some attempts to curb the targeting of civilians in Sarajevo, this happened only when he was under pressure by the international community or under threat of a NATO intervention and never resulted in actual punishment of any SRK soldiers. Conversely, when such pressure was absent, he allowed the campaign of sniping and shelling to intensify again. He also intensified the campaign when the Bosnian Muslim leadership refused to agree to peace deals on his terms. The Chamber is therefore convinced that the Accused used the campaign of sniping and shelling, causing terror among the civilian population in Sarajevo, as a means of exerting pressure on the Bosnian Muslim leaders and the international community in pursuit of his political goals. Based on all these contributions, the Chamber finds that, as was the case with Mladić, Galić, and Dragomir Milošević, the Accused was so instrumental in the Sarajevo JCE that without his support the SRK attacks on civilians in the city could not have occurred.

The Chamber also finds that the only reasonable inference that can be drawn from these acts and omissions of the Accused, and from his statements outlined in detail in the

Judgement, is that he intended murder, unlawful attack on civilians, and terror, and that he shared this intent with the other Sarajevo JCE members.

Accordingly, in relation to Sarajevo JCE, the Accused bears individual criminal responsibility pursuant to Article 7(1) of the Statute for murder, unlawful attacks on civilians, and terror, as violations of the laws or customs of war and for murder as a crime against humanity.

Hostages JCE

The Chamber now turns to the Hostages component. On 26 May 1995, following NATO air strikes against Bosnian Serb military targets in Pale, UNPROFOR and UNMO personnel in BiH were detained by Bosnian Serb Forces and taken to various locations throughout BiH. Some of them were driven to locations of military significance to the Bosnian Serbs, such as the Mount Jahorina radar station and various military barracks.

During their detention by Bosnian Serb Forces, UN personnel received threats: some of them were told they would be harmed or even killed if NATO launched further air strikes. These threats were communicated to the UN. Some were handcuffed outside locations of military significance. Once it became clear that NATO would no longer be conducting air strikes against Bosnian Serb military targets, the Accused ordered the release of UN personnel and by 18 June, all UN personnel had been released.

The Chamber finds that all UN personnel who were detained by Bosnian Serb Forces were entitled to the protections under Common Article 3, including the prohibition against hostage taking. The Chamber rejects the Accused's argument that the NATO air strikes resulted in UN personnel being deemed combatants and therefore not entitled to the protections set out in Common Article 3. The Chamber finds that the UN and its associated peace keeping forces were not a party to the conflict and, further, that the detained UN personnel took no active part in hostilities.

Between approximately 26 May and 19 June 1995, UNPROFOR and UNMO personnel were detained by Bosnian Serb Forces and threats were made against them in order to obtain a concession, namely that NATO cease its air strikes against Bosnian Serb military targets in BiH. The detention of the UN personnel was intentionally carried out for the purpose of obtaining this concession. The Chamber therefore finds that the elements of the crime of taking hostages as a violation of the laws or customs of war, under Article 3, are met.

The Chamber is satisfied beyond reasonable doubt that a JCE existed with the common purpose of taking UN personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian Serb targets. The common purpose came to fruition following the NATO air strikes on 25 and 26 May 1995 and ended once all of the UN personnel were released. The JCE involved a plurality of persons including the Accused, Mladić, Krajišnik and Milovanović.

The only reasonable inference the Chamber can draw from the evidence it received with regard to the statements, acts, and conduct of the Accused is that not only did he intend to detain the UN personnel but he also intended for threats to be issued against them during their detention in order to achieve the objective of stopping the NATO air strikes. In reaching that conclusion the Chamber found that prior to the hostage-taking events, the Accused warned UNPROFOR that he would treat UN soldiers as enemies if NATO air strikes were conducted and he made it clear that if NATO conducted air strikes, UN forces would be attacked, or at least detained. On 27 May 1995, the Accused approved an order to place captured UN personnel and staff of other international humanitarian organisations at potential targets that may come under air strike. Once the hostages were taken, the Accused also publicly warned against the use of military intervention to free the hostages, stating that it would end in a "catastrophe" and a "slaughter". Therefore, the Chamber rejects the Accused's argument that the Prosecution failed to prove his *mens rea* for this

offence and his claim that although he had agreed to the detention of UN personnel, he never contemplated or agreed to threats being made against them.

The Chamber also finds that the Accused significantly contributed to the common purpose to take UN personnel hostage in order to deter NATO from engaging in further air-strikes. The Accused was the driving force behind the hostage taking and an active participant in every aspect of the events. He directly participated in the operation to take UN personnel hostage as evidenced by his involvement in: formulating and implementing the hostage taking plan; the statements he made to attack and detain UN personnel; directing others to detain the UN personnel and place them in locations of military significance to the VRS after the NATO air strikes; monitoring the hostage taking operation; receiving reports about the hostages; and placing conditions on the release of the hostages. In relation to the Hostages JCE, the Accused therefore bears individual criminal responsibility pursuant to Article 7(1) of the Statute for the crime of taking hostages pursuant to Count 11 of the Indictment.

Srebrenica JCE

Finally, the Chamber will address the Srebrenica component of the case. As the Chamber has already found, as early as October 1991, there existed a common plan to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory. In early 1993, following a series of Bosnian Serb attacks in nearby villages, including Cerska and Konjević Polje, the Bosnian Muslim population fled to Srebrenica, which was proclaimed a safe area on 16 April 1993.

In March 1995, the Accused issued Directive 7, ordering the Drina Corps to “create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica”. Following the issuance of Directive 7, restrictions on humanitarian aid and UNPROFOR re-supply convoys intensified, resulting in disastrous conditions in the Srebrenica enclave.

On 2 July, days after the Accused’s visit to the Drina Corps Command, the Drina Corps Commander, Živanović, issued an order for active combat operations aimed at reducing the enclaves of Srebrenica and Žepa to their urban areas. Bosnian Serb Forces made slow progress following the launch of active combat operations on 6 July, but Mladić arrived in Bratunac on 8 July, and by the following day, the Accused was informed that favourable conditions for extending the attack towards Srebrenica had been created. The Accused approved this and ordered the take-over of Srebrenica. By the end of the day on 11 July, the town fell to Bosnian Serb Forces. Bosnian Serb Forces called upon those who remained to leave their houses. Mladić turned to the television cameras and said: “Finally [...] the time has come to take revenge on the Turks in this region”.

The Bosnian Muslim population had already fled the relentless shelling of the town earlier that day. The vast majority of the able-bodied men formed a column and departed the enclave on foot in an attempt to reach Tuzla, while the women, children, and elderly men moved north to the UN Compound in Potočari. As they fled, the group moving towards the UN Compound was shelled. The humanitarian situation in Potočari was also catastrophic. During the night between 12 and 13 July, the Bosnian Muslims who gathered in Potočari could hear the sound of gunfire in the vicinity; some observed members of the Bosnian Serb Forces beating and sexually assaulting Bosnian Muslims, while other Bosnian Muslims were taken away by members of the Bosnian Serb Forces and did not return. These combined circumstances exacerbated the fear and panic permeating the atmosphere in Potočari.

That evening and the following morning, Mladić summoned members of UNPROFOR and representatives of the Bosnian Muslim population gathered in Potočari to a series of three meetings at the Hotel Fontana in Bratunac in order to discuss their fate. During one meeting, Mladić told the Bosnian Muslim representative that he wished to receive “a clear position [...] on whether you want to survive [...] stay or vanish [...] The future of your people

is in your hands, not only in this territory”. However, overnight, Mladić, Živanović, and deputy Drina Corps commander Radislav Krstić mobilised a vast quantity of buses to report to Bratunac on the following day. At the third and final Hotel Fontana meeting held the next morning, Mladić gave the impression that the wishes of the Bosnian Muslim representatives would be respected, but also implied that they had no choice but to leave in order to survive. He also announced that Bosnian Muslim males between the ages of about 15 and 70 would be subjected to a screening procedure.

Just prior to the meeting, Drina Corps Chief of Security Vujadin Popović had told Bratunac Brigade Chief of Security Momir Nikolić that the Bosnian Muslim women and children gathered in Potočari would be transferred, while the military-aged men would be separated. Popović told Nikolić that “all the balijas should be killed”. The Accused challenges Momir Nikolić’s credibility both generally and in relation to this conversation specifically. However, as enunciated in detail in the written Judgement, the Chamber finds Momir Nikolić’s testimony on this point to be reliable and thus accepts his account of the conversation.

Between mid-day on 12 July and 8 p.m. on 13 July, approximately 30,000 Bosnian Muslim women, children, and elderly men were bussed from Potočari to Bosnian Muslim-held territory. Mindful of Mladić’s statements at the Hotel Fontana meetings, the Chamber finds that the collective circumstances arising from the imposition of restrictions of humanitarian aid pursuant to Directive 7, the attack on Srebrenica, as well as the atmosphere in Potočari created a coercive environment in which the Bosnian Muslims had no other viable alternative but to leave the enclave. Contrary to the Accused’s contention that the departure of Bosnian Muslims from Potočari reflected a genuine choice on the part of the population, the Chamber finds that the removal of the Bosnian Muslim population was forced.

On the basis of the totality of the evidence, noting in particular the mobilisation of the massive bussing resources, which took place as Bosnian Serb Forces consolidated control over the Bosnian Muslims gathered in Potočari, the Chamber finds that, as Srebrenica fell, the long-term strategy aimed at removing the Bosnian Muslim population from Srebrenica, began to be transformed into a concrete common plan to eliminate them. This elimination operation first took the form of forcible removal of the Bosnian Muslim population. The Chamber has no doubt that Mladić’s overtures at the Hotel Fontana meetings were merely a façade intended to mask the fact that a concrete common plan was already in place to forcibly remove the Bosnian Muslim women, children, and elderly men from Srebrenica on the vehicles that had already been mobilised. Noting the pervasive involvement in the encirclement and ultimate take-over of Potočari by Bosnian Serb Forces as well as the large scale bussing operation, the Chamber is satisfied that Mladić, Živanović, Krstić, Popović, and Kosorić shared the common purpose of eliminating the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men.

After the first convoy departed Potočari, members of the Bosnian Serb Forces began to separate the Bosnian Muslim men and boys approaching the vehicles, forcing them to leave behind their families—as well as personal belongings such as ID cards—and taking them to the building known as the White House, which was located across the road. Separations continued throughout the day on 12 and 13 July. As the house filled and became crammed with Bosnian Muslim males, buses arrived to take them to Bratunac, where they were detained in equally crowded conditions throughout the town. Meanwhile, Bosnian Serb Forces began to receive information about the column of Bosnian Muslim males attempting to reach Tuzla and began to take steps to intercept it by way of ambush or shelling.

Following vigorous attacks on and pursuit of the column, on 13 July, between 1,500 and 2,000 Bosnian Muslim males, who surrendered or were captured, came to be detained by Bosnian Serb Forces at the Konjević Polje intersection, the Sandići Meadow, and the Nova Kasaba football field. In the afternoon and evening, the detainees were removed from these locations and taken either to the Kravica Warehouse or on trucks and buses to

Bratunac town. Beginning late that afternoon and continuing overnight, Bosnian Serb Forces killed between 755 and 1,016 Bosnian Muslim males at the Kravica Warehouse. That evening, Miroslav Deronjić, whom the Accused had appointed two days earlier as the civilian commissioner for the Serbian Municipality of Srebrenica, complained to Main Staff Chief of Security Ljubiša Beara about the presence of the buses full of detainees parked throughout Bratunac town, which were causing concern to the Bratunac population. At approximately 8 p.m., Deronjić spoke to the Accused, who asked, “how many thousands?” Deronjić replied that there were “about two for the time being [...] but there’ll be more during the night”. The Accused then told Deronjić that “all the goods must be placed inside the warehouses before twelve tomorrow [...] not in the warehouses over there, but somewhere else”.

Beginning that evening, pursuant to Mladić’s order, thousands of Bosnian Muslim males were bussed from Bratunac to Zvornik, where they were held for short periods of time at the Orahovac School, the Petkovci School, the Ročević School, the Kula School, and the Pilica Cultural Centre. Over the following few days, they were taken from their places of detention to nearby locations throughout Zvornik Municipality: a field in Orahovac, the Petkovci Dam, the banks of the Drina River near Kozluk, and the Branjevo Military Farm. There, they were shot by members of the Bosnian Serb Forces. Even prior to the large-scale killings in Zvornik, beginning on 12 July, Bosnian Muslim males were shot by Bosnian Serb Forces at Potočari, Sandići Meadow, Luke School near Tišća; on the bank of the Jadar River; and outside the Vuk Karadžić School in Bratunac. In the days following the conclusion of the killing operation in Zvornik, members of the Bosnian Serb Forces continued to kill Bosnian Muslim males who came into their custody, as exemplified by the killings of Bosnian Muslim males at Snagovo, Bišina, and Trnovo. The evidence tendered in this case has shown that at least 5,115 Bosnian Muslim males were killed in connection with the Scheduled Incidents charged in the Indictment. However, the Chamber has been unable to establish beyond reasonable doubt that Scheduled Incident E.2 took place as alleged in the Indictment.

The Chamber is satisfied that these killings were carried out pursuant to a systematic and highly organised plan. In reaching that conclusion, the Chamber is mindful that Bosnian Serb Forces began to obtain detailed intelligence regarding the presence of Bosnian Muslim males amongst the population in Potočari on the night of 11 July and, around the same time, began to receive reports about the existence and movement of the column of Bosnian Muslim men and boys attempting to make their way towards Tuzla. Further, before the third Hotel Fontana meeting at 10 a.m. on 12 July, Popović told Momir Nikolić that “all the balijas should be killed”. The Chamber is convinced that a plan to kill all the able-bodied Bosnian Muslim men and boys in Srebrenica had been established by the time the third Hotel Fontana meeting commenced. The Accused contends that the plan to kill the Bosnian Muslim men and boys detained by Bosnian Serb Forces did not exist at least until the killing incident at the Kravica Warehouse on the afternoon of 13 July. However, the Chamber considers that this incident marks the beginning of the large scale implementation of the plan to kill.

This insidious operation was overseen and implemented on the ground by numerous VRS officers at all levels of the command hierarchy, from the Main Staff to the members of the battalions of the Zvornik and Bratunac Brigades. The Chamber particularly notes the ubiquitousness of security officers from the Main Staff, Drina Corps, and Zvornik Brigade—namely Beara, Popović, and Drago Nikolić—at the killing sites across Zvornik between 14 and 17 July 1995. The Chamber further finds that the complex killing operation would not have been possible without the authorisation and orders of the VRS Commander, Mladić. Accordingly, the Chamber finds that Mladić, Beara, and Popović shared the expanded common purpose of eliminating the Bosnian Muslims of Srebrenica by killing the men and boys and thus intended murder, extermination, and persecution through the underlying act of killing.

Further, the Chamber notes the Bosnian Serb Forces’ vigorous pursuit of the members of the column and their dogged commitment to killing all Bosnian Muslim males taken into Bosnian Serb custody, irrespective of whether they were combatants or civilians and

regardless of whether they were captured or had surrendered from the column. The Chamber considers that this, combined with the manner as well as the systematic and highly organised nature of the killings, demonstrate a clear intent to kill every able-bodied Bosnian Muslim male from Srebrenica. Noting that killing every able-bodied male of a group results in severe procreative implications that may lead to the group's extinction, the Chamber finds that the only reasonable inference is that members of the Bosnian Serb Forces orchestrating this operation intended to destroy the Bosnian Muslims in Srebrenica as such.

In conclusion, mindful of the omnipresence and involvement of Beara and Popović at multiple mass killing sites in Zvornik, their numerous actions in furtherance of the killing operation, and the fact that the vast operation was conducted with Mladić's essential involvement, the Chamber is satisfied that the members of the Srebrenica JCE who agreed to the expansion of means so as to encompass the killing of the men and boys, i.e, Mladić, Beara and Popović, intended to kill all the able-bodied Bosnian Muslim males, which intent in the circumstances is tantamount to the intent to destroy the Bosnian Muslims in Srebrenica.

The Chamber now turns to the Accused's responsibility for the crimes which were found to have been committed in the Srebrenica component of the case. The Accused acknowledges that he approved the initial plan to "shrink" the Srebrenica enclave and thereafter to "take the undefended town of Srebrenica", but claims that this plan never contemplated the execution of Bosnian Muslim detainees. The Accused asserts that he was never informed about these killings.

The Chamber has found that, at least by the time Directive 7 was issued in March 1995, the Accused and Mladić had devised a long-term plan aimed at the eventual forcible removal of the Bosnian Muslims in Srebrenica, and considers that the Accused's establishment of Bosnian Serb structures in Srebrenica to be demonstrative of the intent to permanently and forcibly remove the Bosnian Muslim population. In reaching this conclusion, the Chamber notes that throughout the operations in Srebrenica, the Accused was receiving information through various channels, including contacts with high-ranking VRS officers such as Gvero and Tolimir, as well as Živanović on the night of 11 July and Mladić during the afternoon of 13 July. The Accused also met twice with Tomislav Kovač of the RS MUP, who spent the evening of 13 July and the day of 14 July in the Bratunac and Srebrenica areas. The Accused also received regular written reports from multiple branches of the Bosnian Serb Forces, including daily VRS combat reports which revealed that the Bosnian Serb Forces observed relatively few able-bodied Bosnian Muslim males in Potočari and described the actions taken by the Bosnian Serb Forces in pursuit of the column.

As mentioned before, at approximately 8 p.m. on 13 July, the Accused spoke to Deronjić, who as civilian commissioner of Srebrenica answered directly to the Accused, about the fate of the thousands of Bosnian Muslim male detainees then being held in Bratunac town. Despite the fact that they did not explicitly mention the killing of detainees during the conversation, the Accused and Deronjić spoke in code, referring to the detainees as "goods" which had to be placed "inside the warehouses before twelve tomorrow". Moreover, the Chamber recalls that immediately after this conversation, Beara and Deronjić discussed where—not whether—the detainees were to be killed. It is therefore clear that by that time, a decision had already been made to kill the detainees, and Deronjić invoked the Accused's authority to convince Beara to accede to their movement to Zvornik. The Chamber finds that this conversation, in addition to the Accused's subsequent acts, demonstrates beyond reasonable doubt the Accused's agreement to the expansion of the objective to encompass the killing of the Bosnian Muslim males. As the President of the RS and Supreme Commander of the VRS, the Accused was the sole person within the RS with the power to intervene to prevent the Bosnian Muslim males from being killed. Yet far from intervening to prevent the killings from taking place at all, the Accused himself ordered that the Bosnian Muslim male detainees who were then being held in Bratunac be transferred elsewhere to be killed; they were then taken to Zvornik and killed.

With full knowledge of the ongoing killing operation, the Accused declared a state of war in the area of Srebrenica-Skelani Municipality on 14 July, which had the practical effect of allowing the armed forces deployed in the area of responsibility of the Drina Corps to utilise all human and material resources without having to follow complicated procedural protocols, thereby facilitating the ongoing killing operation. On the basis of the totality of the evidence, the Chamber finds that the Accused shared the expanded common purpose of killing the Bosnian Muslim males of Srebrenica and that he significantly contributed to it. The Chamber now turns to the issue whether the Accused participated in the Srebrenica JCE with intent to destroy the Bosnian Muslims of Srebrenica.

The Chamber has no doubt that the Accused knew that the thousands of Bosnian Muslim male detainees being held by Bosnian Serb Forces in the Srebrenica area constituted a very significant percentage of the Bosnian Muslim males from Srebrenica. Despite his contemporaneous knowledge of its progress as set out above, the Accused agreed with and therefore did not intervene to halt or hinder the killing aspect of the plan to eliminate between the evening of 13 July and 17 July. Instead, he ordered that the detainees be moved to Zvornik, where they were killed. Moreover, once Pandurević reported on 16 July that he had opened a corridor to allow members of the column who had not yet been captured or surrendered to pass through, Karišik was promptly sent to investigate and the corridor was closed within a day. Finally, the Chamber recalls that although the Accused touted the opening of the corridor when speaking to the international press, in a closed session of the Bosnian Serb Assembly held weeks later, he expressed regret that the Bosnian Muslim males had managed to pass through Bosnian Serb lines. Accordingly, the Chamber considers that the only reasonable inference available on such evidence is that the Accused shared with Mladić, Beara, and Popović the intent that every able-bodied Bosnian Muslim male from Srebrenica be killed, which, in the Chamber's view, amounts to the intent to destroy the Bosnian Muslims in Srebrenica as such.

The Chamber notes, however, that it can only conclude that the Accused agreed to the expanded common purpose as of the time of his conversation with Deronjić at 8 p.m. on 13 July. He therefore cannot be held responsible for the killings and the related acts of persecution which occurred prior to that time through his participation in the Srebrenica JCE. Regarding those killings which occurred prior to his conversation with Deronjić on the night of 13 July, the Chamber finds that the Accused knew or had reason to know that crimes had been committed by his subordinates in the aftermath of the fall of the Srebrenica enclave and that he failed in his duty as Supreme Commander to take necessary and reasonable measures to punish the commission of genocide, murder, extermination, and killing as an underlying act of persecution. He is therefore criminally responsible for such failures pursuant to Article 7(3) of the Statute. However, since the Chamber has already found the Accused responsible for genocide on the basis of his participation in the Srebrenica JCE, the Chamber will not enter a conviction pursuant to Article 7(3) of the Statute in relation to Count 2

Sentencing

In determining the appropriate sentence to be imposed on the Accused, the Chamber has had regard to the particular gravity of the crimes for which he is found responsible and the significant contribution he made to their commission. These are among the most egregious of crimes in international criminal law and include extermination as a crime against humanity and genocide.

In mitigation, the Accused presented evidence in relation to an agreement he claims to have entered with Richard Holbrooke in July 1996 whereby he resigned from public and party office and withdrew from public life with the understanding that he would not be prosecuted at the Tribunal. The Chamber considers that regardless of the reason or reasons behind his decision, the Accused's decision to resign from public and party offices in July 1996, is a mitigating factor. The Chamber has also given regard to the Accused's other arguments, such as his expressions of regret, his good conduct at the UNDU, and his personal circumstances. With respect to cumulative convictions, where there were overlapping killing incidents, the Chamber finds that murder as a crime against humanity

was subsumed under extermination and no conviction with regard to these incidents is entered under Count 5. For all remaining established killing incidents, the Chamber enters a conviction for murder as a crime against humanity. This does not impact the conviction for murder as a violation of the laws or customs of war under Article 3 of the Statute, which is not impermissibly cumulative with murder or extermination as crimes against humanity.

Disposition

For the reasons summarised above, the Chamber, having heard all of the evidence presented by the Prosecution and the Defence, finds the Accused:

NOT GUILTY of **COUNT 1**: genocide.

GUILTY of the following counts:

COUNT 2: genocide;

COUNT 3: persecution, a crime against humanity;

COUNT 4: extermination, a crime against humanity;

COUNT 5: murder, a crime against humanity;

COUNT 6: murder, a violation of the laws or customs of war;

COUNT 7: deportation, a crime against humanity;

COUNT 8: inhumane acts-forcible transfer, a crime against humanity;

COUNT 9: terror, a violation of the laws or customs of war;

COUNT 10: unlawful attacks on civilians, a violation of the laws or customs of war; and

COUNT 11: hostage-taking, a violation of the laws or customs of war.

The Chamber hereby sentences the Accused, to a single sentence of 40 years of imprisonment. The Accused has been in custody since 21 July 2008; and, pursuant to Rule 101(C) of the Rules, he is entitled to credit for time spent in detention thus far.

Pursuant to Rule 103(C) of the Rules, the Accused shall remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the state where he shall serve his sentence.

Judge Howard Morrison and Judge Melville Baird append partially dissenting opinions to the Judgement.

The court stands adjourned.
