

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-11

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

MILAN MARTIC

INDICTMENT

Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (Tribunal Statute), charges:

1. Since the summer of 1991, the Armed Forces of the Republic of Croatia (HV) have been engaged in an armed conflict with the Armed Forces of the self-proclaimed Republic of Serbian Krajina (ARSK).
2. From the commencement of the war in the summer of 1991 until the end of the year, the ARSK with the assistance of the Yugoslav Peoples' Army (JNA) defeated the HV in numerous battles taking control of approximately one-third of the Republic of Croatia including parts of East and West Slavonia, and the Krajina.
3. After the cease fire in January of 1992, the United Nations Protection Force (UNPROFOR) was installed in the areas held by the ARSK.
4. One area held by the ARSK in Western Slavonia was the UN Western Zone also known as Sector West, which remained under the control of the ARSK until 1 May 1995.
5. On 1 May 1995, the HV attacked the ARSK forces in Sector West, and drove the ARSK forces south across the Sava River into the Serbian-held part of Bosnia.
6. In retaliation the military forces of the ARSK were given orders by **MILAN MARTIC**, the president of the self-proclaimed Republic of Serbian Krajina (RSK), to attack three Croatian cities, including Zagreb, the capital of the Republic of Croatia.
7. The Orkan rocket, a long range weapon, can be fitted with different warheads to accomplish distinct tasks: either to destroy military targets or to kill people. When the Orkan is fitted with a "cluster bomb", such as used against Zagreb, it is an anti-personnel weapon designed only to kill people.
8. On 2 May 1995, at approximately 10.25 hours, upon the orders of **MILAN MARTIC**, Orkan rockets fitted with "cluster-bomb" warheads were fired into the central part of Zagreb by the ARSK,

causing death and injury to civilians in Zagreb. This was an unlawful attack against the civilian population and individual citizens.

9. On 3 May 1995 at approximately 12.10 hours, upon the orders of **MILAN MARTIC**, the ARSK fired additional Orkan rockets with "cluster-bomb" warheads into the central part of Zagreb, again causing death and injury to civilians in Zagreb. This was also an unlawful attack against the civilian population and individual citizens.

THE ACCUSED

10. **MILAN MARTIC** was born on 18 November 1945 near Knin, Croatia. He is a graduate of the Croatian police academy, and was a senior inspector with the Croatian Ministry of Internal Affairs.

11. In January of 1991, **MILAN MARTIC** was named head of internal affairs for the self-proclaimed RSK. He was re-appointed to that post in 1993, and in February of 1994, he became president of the self-proclaimed RSK. He currently resides in Knin, the capital of the self-proclaimed RSK.

GENERAL ALLEGATIONS

12. At all relevant times, a state of armed conflict existed in the Republic of Croatia.

13. At all relevant times, the victims alleged in this indictment were civilians who were protected by the laws and customs of war.

14. At all relevant times, **MILAN MARTIC** was required to abide by the laws and customs governing the conduct of war.

CHARGES

COUNT I

15. On 2 May 1995, **MILAN MARTIC**, as president of the self-proclaimed RSK, knowingly and wilfully ordered an unlawful attack against the civilian population and individual civilians of Zagreb causing at least five deaths and numerous injuries to the civilian population and individual civilians of Zagreb, and in doing so, **MILAN MARTIC** violated the laws and customs governing the conduct of war, a crime recognised by Articles 3 and 7(1) of the Tribunal Statute; or alternatively,

COUNT II

16. On 2 May 1995, **MILAN MARTIC**, as president of the self-proclaimed RSK, knew or had reason to know that a subordinate in the ARSK was about to commit and did commit a war crime, that is, the unlawful rocket attack against the civilian population and individual civilians of Zagreb, and **MILAN MARTIC** failed to take the necessary and reasonable measures to prevent the attack and failed to punish the perpetrators of the attack, all in violation of Articles 3 and 7 (3) of the Tribunal Statute.

COUNT III

17. On 3 May 1995, **MILAN MARTIC**, as president of the self-proclaimed RSK, knowingly and wilfully ordered an unlawful attack against the civilian population and individual civilians of Zagreb causing at least two deaths and numerous injuries to the civilian population and individual civilians of Zagreb, and in doing so, **MILAN MARTIC** violated the laws and customs governing the conduct of war, a crime recognised by Articles 3 and 7 (1) of the Tribunal Statute; or alternatively,

COUNT IV

18. On 3 May 1995, **MILAN MARTIC**, as president of the self-proclaimed RSK, knew or had reason to know that a subordinate in the ARSK was about to commit and did commit a war crime, that is, the unlawful rocket attack against the civilian population and individual civilians of Zagreb, and **MILAN MARTIC** failed to take the necessary and reasonable measures to prevent the attack and failed to punish the perpetrators of the attack, all in violation of Articles 3 and 7 (3) of the Tribunal Statute.

Richard J. Goldstone
Prosecutor