

The Tribunal issues an international arrest warrant against Milan Martić.

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THE TRIBUNAL ISSUES AN INTERNATIONAL ARREST WARRANT AGAINST MILAN MARTIĆ

The Trial Chamber I, presided over by Judge Claude Jorda, reconfirmed, on 7 March 1996, all four counts of the indictment against Milan MARTIĆ and issued an international arrest warrant to be sent to all States. The Chamber also considered that the warrant of arrest must be sent to the Multi-national Military Implementation Force (IFOR) deployed on the territory of Bosnia and Herzegovina pursuant to the Dayton Agreement.

The charges

Milan MARTIĆ, ex-President of the self-proclaimed Republic of Serbian Krajina, is accused of having knowingly and wilfully ordered the shelling of Zagreb with Orkan rockets on 2 and 3 May 1995 (counts I and III). The attacks allegedly killed and wounded civilians in the city. Milan MARTIĆ is also accused of being responsible for the shelling because of his position of authority and his alleged failure to prevent the attack or to punish the perpetrators (counts II and IV). The shelling falls under the competence of the Tribunal pursuant to Article 3, concerning violations of the laws and customs of war, and Article 7 (1) and 7 (3) of the Statute, concerning individual criminal responsibility and command responsibility for violations of the Statute.

On 13 February 1996, the indictment against Milan MARTIĆ, together with several warrants of arrest with orders of transfer, issued on 25 July 1995 and still non-executed, were submitted to Trial Chamber I. Pursuant to Rule 61 of the Rules of Procedure and Evidence, the Chamber reexamined in public the indictment against Milan Martić. The hearing was held on 27 February 1996 at the Seat of the Tribunal in the Hague.

During the hearing, the Trial Chamber examined all the evidence submitted by the Prosecutor in support of the indictment. Four witnesses were called before the Trial Chamber: an investigator in the Office of the Prosecutor, two police officers from Zagreb and a military expert in the field of weapons. A number of photos and a videotape were submitted in order to present the general situation in Zagreb after the shelling of 2 and 3 May 1995.

Based on the evidence produced and the testimonies heard, the Trial Chamber was satisfied that reasonable grounds existed for believing that, on 2 and 3 May 1995, the civilian population of the city of Zagreb was attacked with Orkan rockets on orders from Milan MARTIĆ, the then President of the self-proclaimed Republic of Serbian Krajina. The attacks killed and wounded many civilians and caused significant damage. In respect of its accuracy and striking force, the use of the Orkan rocket in this case was not designed to hit military targets but to terrorise the civilians of Zagreb. These attacks are therefore contrary to fundamental rules of customary and conventional international law which fall within the scope of Article 3 of the Statute of the Tribunal.