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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

Press Release. Communiqué de presse

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

REGISTRY

GREFFE

The Hague, 15 May 2002
CC/P.I.S./675e

MILAN MARTIĆ AND MILE MRKŠIĆ TRANSFERRED TO THE HAGUE

Today, 15 May 2002, Milan Martić and Mile Mrkšić were transferred from Serbia, Federal Republic of Yugoslavia, to the Detention Unit of the International Criminal Tribunal for the former Yugoslavia in The Hague.

Milan Martić

Milan Martić is charged in an Indictment which was confirmed on 25 July 1995. It is alleged that Martić, the "President" of the self-proclaimed "Republic of Serb Krajina" ("RSK") ordered the military forces of the "RSK" to attack the central part of Zagreb on 2 and 3 May 1995, causing death and injury to a number of civilians in Zagreb.

Charges

The Indictment charges the accused on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) or, alternatively, on the basis of his superior responsibility (Article 7(3)) with four counts of:

- Violations of the laws or customs of war (Article 3 – unlawful attack against the civilian population and individual civilians).

Rule 61 proceedings

Following the failure of the appropriate authorities to arrest the accused, the Tribunal proceeded in 1996 under Rule 61 of its Rules of Procedure and Evidence. In proceedings under Rule 61, 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.

On 13 February 1996, Judge Jorda asked the Prosecutor, Richard Goldstone, to report on his attempts to transmit the warrants and to effect service of the Indictment. After having heard the Prosecutor and determining that the measures taken to transmit the arrest warrants and to serve Martić were reasonable, Judge Jorda ordered the Indictment be submitted to his Trial Chamber for review under Rule 61.

The hearing was held on 27 February 1996. In addition to written evidence, the Prosecutor presented the live testimony of four witnesses. The witnesses described the prevailing military and political situation in Zagreb, the attacks on the city and their consequences. In addition, a military expert testified about the features of the type of rocket used in the attack.

On 8 March 1996, the Trial Chamber issued a Decision holding that there were reasonable grounds for believing that on 2 and 3 May 1995 the civilian population of Zagreb was attacked with Orkan rockets on orders from the accused and in contravention of the laws and customs of war. It further issued an international arrest warrant for Martić that was sent to all States and to the NATO-led Implementation Force (IFOR).

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

Public Information Services/Press Unit

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Tel.: +31-70-512-5356; 512-5343 Fax: +31-70-512-5355

Mile Mrkšić

Mile Mrkšić is charged in a second amended Indictment which was confirmed on 2 December 1997 along with the other so-called “Vukovar Three”, Miroslav Radić and Veselin Šljivančanin. The Indictment alleges that on about 20 November 1991, the JNA and Serb paramilitary soldiers, under the command or supervision of Mrkšić, Radić and Šljivančanin, removed at least 200 non-Serb individuals from the Vukovar Hospital and then transported them to a farm building in Ovčara, where they beat them for several hours. Soldiers then transported their non-Serb captives in groups of about 10 to 20 to a site between the Ovčara farm and Grabovo where they shot and otherwise killed at least 198 men and two women. After the killings, the bodies of the victims were buried by bulldozer in a mass grave at the same location.

According to the Indictment, during the relevant period, Mile Mrkšić was a colonel in the JNA and commander of the Guards Brigade which had primary responsibility for the attack on Vukovar. After the siege of Vukovar, he was promoted to general rank with the Yugoslav Army (JA) and later became the commanding officer of the Army of the “Republic of Serb Krajina” (“RSK”).

Charges

Mile Mrkšić is charged on the basis of individual criminal responsibility (Article 7(1)) also, or alternatively, superior criminal responsibility (Article 7(3) of the Statute)) with:

- two counts of grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute – wilfully causing great suffering; wilful killing),
- two counts of violations of the laws or customs of war (Article 3 of the Statute – cruel treatment; murder), and
- two counts of crimes against humanity (Article 5 of the Statute – inhumane acts; murder).

Rule 61 proceedings

Following the failure of the appropriate authorities to arrest the accused, the Tribunal proceeded in 1996 under Rule 61 of its Rules of Procedure and Evidence. In proceedings under Rule 61, 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.

A Rule 61 hearing in the Vukovar case was held on 20 and 26-28 March 1996. The Prosecutor provided the Chamber with written evidence and presented the testimony of several witnesses. These witnesses included persons in the hospital when it was captured, one person who escaped the alleged mass killing and a soldier of the Yugoslav People’s Army (JNA) who took part in activities in the area.

On 3 April 1996, the Trial Chamber issued its Decision, confirming that there were reasonable grounds for believing that the accused had committed the crimes charged. It further issued international arrest warrants for the accused. Finally, the Chamber held that the failure to execute the warrants of arrest could be ascribed to the refusal of FRY to cooperate with the Tribunal and so certified for the purposes of notifying the Security Council. On 24 April 1996, FRY’s refusal to cooperate with the Tribunal was reported by the President to the Security Council.

On 9 December 1998, following a request by the Prosecutor, Trial Chamber I requested the Federal Republic of Yugoslavia to defer proceedings instituted against Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić. Furthermore, the Trial Chamber ordered the Registrar of the Tribunal to transmit to the Tribunal’s Prosecutor and to the Belgrade court a copy of the international arrest warrant and the order for the surrender of the accused (see Press Release 374-e).

The date and time for their initial appearances will be announced in due course.
