



(IT-09-92)

RATKO MLADIĆ

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Indicted for genocide, complicity in genocide, persecutions, extermination and murder, deportation and inhumane acts, unlawfully inflicting terror upon civilians, murder, cruel treatment, attacks on civilians, taking of hostages



Posted to Knin as Commander of the 9th Corps of the Yugoslav People's Army (JNA) in June of 1991; assumed the post of Chief of Staff/Deputy Commander of the Second Military District Headquarters of the JNA in Sarajevo on 9 May 1992; assumed the command of the Second Military District Headquarters of the JNA on 10 May 1992; appointed Commander of the Main Staff of the Bosnian Serb Army (VRS) on 12 May 1992 (a position he held until at least 22 December 1996); promoted to the rank of General Colonel on 24 June 1994.

- Remains at large

*Crimes indicted for (examples):***Genocide, complicity in genocide**

- Acting individually or in concert with other participants in a joint criminal enterprise (JCE) Mladić planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the intentional partial destruction of the Bosnian Muslim national, ethnical, racial or religious group, as such, in Ključ, Kotor Varoš, Prijedor, Sanski Most and Srebrenica.
- The destruction of these groups was effected by: the widespread killing, deportation and forcible transfer of non-Serbs in furtherance of the 1992 and 1993 "ethnic cleansing" campaigns in the Bosnian Krajina and in eastern Bosnia; by causing serious bodily or mental harm to Bosnian Muslims, including torture, physical and psychological abuse, sexual violence and beatings; and by subjecting Bosnian Muslims to conditions of life calculated to bring about their physical destruction, namely through cruel and inhumane treatment, including torture, inhumane living conditions and forced labour. These alleged crimes were variously committed in Banja Luka, Bosanska Krupa, Bratunac, Ključ, Kotor Varoš, Prijedor, Sanski Most, Srebrenica, Vlasenica and Zvornik.

Persecutions on political, racial and religious grounds, extermination, murder, deportation (crimes against humanity, Articles 5 and 7)

- Committed in the areas of Banja Luka, Bihać-Ripač, Bijeljina, Bosanska Gradiška, Bosanska Krupa, Bosanski Novi, Bratunac, Brčko, Doboј, Foča, Gacko, Kalinovik, Ključ, Kotor Varoš, Nevesinje, Novi Grad, Prijedor, Rogatica, Sanski Most, Srebrenica, Teslić, Vlasenica, Vogošća and Zvornik .

Murder, unlawfully inflicting terror upon civilians, cruel treatment, attacks on civilians, taking of hostages (violation of the laws or customs of war, Articles 3 and 7)

- Mladić, acting individually or in concert with other JCE members, planned, ordered, committed or otherwise aided and abetted a protracted military campaign in which Bosnian Serb forces under his control, in particular the Sarajevo Romanija Corps, used artillery and mortar shelling and sniping to target civilian areas of Sarajevo, killing and wounding civilians.

Born	12 March 1942, in the municipality of Kalinovik, Bosnia and Herzegovina
Indictment	Initial indictment: 25 July 1995; second: 16 November 1995; amended: 8 November 2002
	Remains at large

RELATED CASES <i>by geographical area</i>	
BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"	
BEARA (IT-02-58) "SREBRENICA"	
BLAGOJEVIĆ AND JOKIĆ (IT-02-60) "SREBRENICA"	
BOROVČANIN (IT-02-64)	
BOROVNICA (IT-95-3) "PRIJEDOR"	
BRĐANIN (IT-99-36) "KRAJINA"	
ERDEMOVIĆ (IT-96-22) "PILICA FARM"	
GALIĆ (IT-98-29) "SARAJEVO"	
KARADŽIĆ (IT-95-5/18)	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
KRNOJELAC (IT-97-25) "FOČA"	
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"	
KUNARAC, KOVAČ & VUKOVIĆ (IT-96-23 & 23/1) "FOČA"	
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA CAMP & KERATERM CAMP"	
MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"	
MRĐA (IT-02-59) "VLASIC MOUNTAIN"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA "	
NIKOLIĆ, DRAGO (IT-02-63) "SREBRENICA"	
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"	
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"	
PANDUREVIĆ & TRBIĆ (IT-05-86) "SREBRENICA-DRINA CORPS"	
PERIŠIĆ (IT-04-81)	
POPOVIĆ <i>et al.</i> (IT-02-57) "SREBRENICA"	
SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"	
STANIŠIĆ (IT-04-79)	
STAKIĆ (IT-97-24) "PRIJEDOR"	
TADIĆ (IT-94-1) "PRIJEDOR"	
TOLIMIR (IT-05-88/2)	

INDICTMENT AND CHARGES

The initial indictment against Ratko Mladić and Radovan Karadžić was confirmed on 25 July 1995 and charged them with genocide and other crimes committed against civilians throughout the territory of Bosnia and Herzegovina (case number IT-95-5). A second indictment was confirmed on 16 November 1995 and dealt with events that took place in Srebrenica in July 1995 (case number IT-95-18). The two indictments were joined in July 1996 under the case number IT-95-5/18.

The joined indictment was amended insofar as it pertained to Karadžić on 31 May 2000, and was amended insofar as it pertained to Mladić on 11 November 2002. Both amended indictments were filed under case number IT-95-5/18. Mladić's amended indictment consolidated the first and second indictments and reduced the total number of charges, leaving only the most serious counts which included six counts of violations of the laws or customs of war, seven counts of crimes against humanity and two counts of genocide. On 15 October 2009, the case of Mladić was officially severed from that of Karadžić, and was assigned a new number: IT-09-92.

The indictment states that Mladić was a member of a joint criminal enterprise (JCE) the objective of which was the elimination or permanent removal of Bosnian Muslim, Bosnian Croat, or other non-Serb inhabitants from large areas of Bosnia and Herzegovina (BiH). Numerous individuals participated in this JCE, and each participant, by acts or omissions, significantly contributed to the overall objective of the enterprise. Among these individuals were Momir Talić, Stanislav Galić, Dragomir Milošević, Radislav Krstić and other members of the Bosnian Serb forces; Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić and other members of the leadership of the Bosnian Serbs and of the Serbian Democratic Party (SDS), the main party of Bosnian Serbs; members of civilian bodies within BiH, including regional and municipal crisis staffs; members of the JNA and the Yugoslav Army (VJ), Slobodan Milošević and other military and political figures from the Socialist Federal Republic of Yugoslavia (SFRY) and the Republic of Serbia; and members of Serbian paramilitary and volunteer units. Mladić participated in the JCE as a co-perpetrator and/or an aider and abettor.

The indictment also states that in 1990, following multi-party elections in BiH, the policy of the SDS included an emphasis on unifying Serbs into a common state, and that by early 1991 the party had begun to organise certain areas of BiH into Serb regional areas. On 25 June 1991, Slovenia and Croatia declared their independence from the SFRY. Working in conjunction with certain elements of the JNA, the SDS armed the Bosnian Serb population of BiH.

A separate Bosnian Serb Assembly, dominated by the SDS, was founded on 24 October 1991 as the highest representative and legislative organ of the Serbs in BiH. On 21 November 1991, the Bosnian Serb assembly adopted a decision to endorse the Serb autonomous districts proclaimed in BiH, and on 9 January 1992, the Assembly announced the creation of the Serbian Republic of Bosnia and Herzegovina, later called Republika Srpska.

The indictment further alleges that shortly after BiH was internationally recognised as an independent state on 6 April 1992, hostilities broke out in Sarajevo, marking the beginning of a conflict within the city, which would last until 1995. From May 1992, Bosnian Serb forces under the command and control of Mladić used shelling and sniping to target civilian areas of the city and its civilian population killing and wounding civilians and inflicting terror upon the population.

According to the indictment, on 12 May 1992 Radovan Karadžić announced the six "strategic objectives" of the Serbian people in Bosnia and Herzegovina:

1. Establish State borders separating the Serbian people from the other two ethnic communities.
2. Set up a corridor between Semberija and Krajina.
3. Establish a corridor in the Drina River valley, that is, eliminate the Drina as a border separating Serbian states.
4. Establish a border on the Una and Neretva Rivers.
5. Divide the city of Sarajevo into Serbian and Muslim parts and establish effective state authorities in both parts.
6. Ensure access to the sea for Republika Srpska.

Moreover, the indictment alleges that, on 12 May 1992, the Bosnian Serb Assembly voted to create the army of the Serbian Republic of Bosnia and Herzegovina/Republika Srpska (VRS) effectively transforming the JNA units in BiH into units of the VRS. At the same time the Bosnian Serb Assembly appointed Mladić as Commander of the VRS Main Staff.

It is further alleged that from May 1992, Bosnian Serb forces under the command and control of Mladić took control of several areas in the Serbian Republic of BiH, primarily in the north-western region known as the Bosnian Krajina and in the eastern part of BiH. In these municipalities, Bosnian Serb forces participated in a campaign of persecutions to drive the non-Serb populations from these territories. Thousands of non-Serbs were deported or forcibly transferred from these municipalities. Many non-Serbs were killed, and many others were held in detention facilities, where they were physically and psychologically abused and subjected to cruel and inhumane conditions. In addition, non-Serb homes, businesses, and religious sites and property were looted, destroyed and/or appropriated.

According to the indictment, from January to March 1993, Bosnian Serb forces under the command and control of Mladić attacked the Cerska area in eastern BiH. Thousands of Muslims fled to BiH government-controlled territory including Srebrenica and Žepa. Thereafter, the Bosnian Serb forces began to focus particular attention on capturing the strategically located Srebrenica enclave and expelling the Bosnian Muslim population that had fled there in the wake of the 1992 and 1993 "ethnic cleansing" campaigns in eastern BiH.

It is further alleged that, between 12 July and about 20 July 1995, thousands of Bosnian Muslim men were captured by, or surrendered to, Bosnian Serb forces under the command and control of Mladić. Over 7,000 Bosnian Muslim prisoners captured in the area around Srebrenica were summarily executed from 13 July to 19 July 1995. From about 1 August 1995 through about 1 November 1995, VRS units under the command and control of Mladić participated in an organised and comprehensive effort to conceal the killings and executions of the Bosnian Muslims of Srebrenica by reburying, in isolated locations, bodies exhumed from mass graves.

The indictment states that as Commander of the Main Staff Mladić was the most senior member of the VRS, subordinate only to the president of Republika Srpska, Radovan Karadžić. He controlled the work of the Main Staff; made decisions for the Main Staff and subordinate units; assigned tasks to subordinates; issued orders, instructions and directives; and was responsible for the overall state and conduct of the VRS. He was personally responsible for ensuring that Bosnian Serb forces under his command and control respected and applied the rules of international law governing the conduct of warfare. It is further alleged that Mladić knew that all the crimes outlined in the indictment were about to be committed or had been committed by his subordinates, and that he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators.

Ratko Mladić is charged on the basis of on the basis of individual criminal responsibility (Article 7(1)) and superior criminal responsibility (Article 7(3)) with:

- **Genocide, complicity in genocide** (Article 4),
- **Persecutions, extermination, murder, deportation, inhumane acts, unlawfully inflicting terror upon civilians, cruel treatment, attacks on civilians, taking of hostages** (violations of the laws or customs of war, crimes against humanity, Articles 3 and 5).

RULE 61 PROCEEDINGS

In certain instances, where the Tribunal has been unable to obtain custody of an accused, it has proceeded under Rule 61 of its Rules of Procedure and Evidence. In proceedings under this rule 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. The latter is intended to ensure that the accused will be arrested if he crosses international borders. In addition, if the Prosecutor satisfies the Chamber that the failure to service the arrest warrant on the accused was due to the failure or refusal of a State to cooperate with the Tribunal, the Chamber shall so certify. The President of the Tribunal, in consultation with the presiding Judges of the Trial Chambers, may then notify the Security Council of such

failure or refusal by a State. A Rule 61 hearing is not a trial *in absentia* and does not provide for a finding of guilt.

After the indictments against both Karadžić and Mladić were confirmed on 24 July 1995 and on 16 November 1995, warrants of arrest were transmitted to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Bosnia and Herzegovina, and the Bosnian Serb administration (which has become Republika Srpska). On 18 June 1996, given that the warrants had not been executed and that the Prosecutor had taken reasonable attempts to inform the accused of their existence, Judge Claude Jorda ordered that both the indictments be submitted to the Trial Chamber for review under Rule 61 of the Rules of Procedure and Evidence.

On 11 July 1996, the Trial Chamber confirmed all counts of the indictments, being satisfied that the Prosecutor had presented evidence constituting reasonable grounds for believing that Karadžić and Mladić had committed the alleged crimes. The Chamber issued an international arrest warrant, ordering it be sent to all States and to the NATO led multinational military Implementation Force (IFOR), which was then operating in BiH.

The Trial Chamber also considered that the failure to arrest Karadžić and Mladić could be ascribed to the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Republika Srpska to cooperate with the ICTY. The Chamber noted in particular that this failure was a breach of the obligations made on Republika Srpska's behalf by the FRY in the Dayton Peace Agreement. The Chamber stated that as the guarantor of Republika Srpska, the FRY was responsible for that entity's failure to honour its obligations to the Tribunal. Accordingly, the Chamber requested the Tribunal's President to report the FRY's failure to comply with its legal obligations to the UN Security Council, and on 11 July 1996 President Antonio Cassese sent a letter to this effect. Following receipt of the letter, the Security Council issued a number of resolutions urging compliance with the Tribunal and stating that they would remain actively seized of the matter.