

THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-5-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**RADOVAN KARADZIC
RATKO MLADIC**

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 ("The Statute of the Tribunal"), charges:

THE ACCUSED

1. **RADOVAN KARADZIC** was born on 19 June 1945 in the municipality of Savnik of the Republic of Montenegro. From on or about 13 May 1992 to the present, he has been president of the Bosnian Serb administration in Pale.

2. **RATKO MLADIC** was born on 12 March 1943 in the municipality of Kalinovik of the Republic of Bosnia and Herzegovina. He is a career military officer and holds the rank of general in the Bosnian Serb armed forces. From on or about 14 May 1992 to the present, he has been the commander of the army of the Bosnian Serb administration.

SUPERIOR AUTHORITY

RADOVAN KARADZIC

3. **RADOVAN KARADZIC** was a founding member and president of the Serbian Democratic Party (SDS) of what was then the Socialist Republic of Bosnia and Herzegovina. The SDS was the main political party among the Serbs in Bosnia and Herzegovina. As president of the SDS, he was and is the most powerful official in the party. His duties as president include representing the party, co-ordinating the work of party organs and ensuring the realisation of the programmatic tasks and goals of the party. He continues to hold this post.

4. **RADOVAN KARADZIC** became the first president of the Bosnian Serb administration in Pale on or about 13 May 1992. At the time he assumed this position, his *de jure* powers, as described in the constitution of the Bosnian Serb administration, included, but were not limited to, commanding the army on the Bosnian Serb administration in times of war and peace and having the authority to appoint, promote and discharge officers of the army.

5. In addition to his powers described in the constitution, **RADOVAN KARADZIC'S** powers as president of the Bosnian Serb administration are augmented by Article 6 of the Bosnian Serb Act on

People's Defence which vested in him, among other powers, the authority to supervise the Territorial Defence both in peace and war and the authority to issue orders for the utilisation of the police in case of war, immediate threat and other emergencies. Article 39 of the same Act empowered him, in cases of imminent threat of war and other emergencies, to deploy Territorial Defence units for the maintenance of law and order.

6. **RADOVAN KARADZIC'S** powers are further augmented by Article 33 of the Bosnian Serb Act on Internal Affairs, which authorised him to activate reserve police in emergency situations.

7. **RADOVAN KARADZIC** has exercised the powers described above and has acted and been dealt with internationally as the president of the Bosnian Serb administration in Pale. In that capacity, he has, *inter alia*, participated in international negotiations and has personally made agreements on such matters as cease-fires and humanitarian relief that have been implemented.

RATKO MLADIC

8. **RATKO MLADIC** was, in 1991, appointed commander of the 9th Corps of the Yugoslav People's Army (JNA) in Knin in the Republic of Croatia. Subsequently, in May 1992, he assumed command of the forces of the Second Military District of the JNA which then effectively became the Bosnian Serb army. He holds the rank of general and from about 14 May 1992 to the present, has been the commander of the army of the Bosnian Serb administration.

9. **RATKO MLADIC** has demonstrated his control in military matters by negotiating, *inter alia*, cease-fire and prisoner exchange agreements; agreements relating to the opening of Sarajevo airport; agreements relating to access for humanitarian aid convoys; and anti-sniping agreements, all of which have been implemented.

GENERAL ALLEGATIONS

10. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

11. All acts or omissions herein set forth as grave breaches of the Geneva Conventions of 1949 (hereafter "grave breaches") recognised by Article 2 of the Statute of the Tribunal occurred during that armed conflict and partial occupation.

12. In each paragraph charging crimes against humanity, crimes recognised by Article 5 of the Statute of the Tribunal, the alleged acts or omissions were part of a widespread, systematic or large-scale attack directed against a civilian population.

13. The term "UN peacekeepers" used throughout this indictment includes UN military observers of the United Nations.

14. The UN peacekeepers and civilians referred to in this indictment were, at all relevant times, persons protected by the Geneva Conventions of 1949.

15. The accused in this indictment were required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

CHARGES

16. The charges set forth in this indictment are in three parts:

Part I of the indictment, Counts 1 to 9, charges a crime of genocide, crimes against humanity and crimes that were perpetrated against the civilian population and against places of worship throughout the territory of the Republic of Bosnia and Herzegovina.

Part II of the indictment, Counts 10 to 12, charges crimes relating to the sniping campaign against civilians in Sarajevo.

Part III of the indictment, Counts 13 to 16, charges crimes relating to the taking of UN peacekeepers as hostages.

PART I

COUNTS 1-2

(GENOCIDE)

(CRIME AGAINST HUMANITY)

17. **RADOVAN KARADZIC** and **RATKO MLADIC**, from April 1992, in the territory of the Republic of Bosnia and Herzegovina, by their acts and omissions, committed genocide.

18. Bosnian Muslim and Bosnian Croat civilians were persecuted on national, political and religious grounds throughout the Republic of Bosnia and Herzegovina. Thousands of them were interned in detention facilities where they were subjected to widespread acts of physical and psychological abuse and to inhumane conditions. Detention facility personnel who ran and operated the Omarska, Keraterm and Luka detention facilities, among others, including, but not limited to Zeljko Meakic (Omarska), Dusko Sikirica (Keraterm) and Goran Jelisic (Luka), intended to destroy Bosnian Muslim and Bosnian Croat people as national, ethnic, or religious groups and killed, seriously injured and deliberately inflicted upon them conditions intended to bring about their physical destruction. The conditions in the detention facilities, which are described in paragraphs 20-22 hereunder, are incorporated in full herein.

19. **RADOVAN KARADZIC** and **RATKO MLADIC**, between April 1992 and July 1995, in the territory of the Republic of Bosnia and Herzegovina, by their acts and omissions, and in concert with others, committed a crime against humanity by persecuting Bosnian Muslim and Bosnian Croat civilians on national, political and religious grounds. As set forth below, they are criminally responsible for the unlawful confinement, murder, rape, sexual assault, torture, beating, robbery and inhumane treatment of civilians; the targeting of political leaders, intellectuals and professionals; the unlawful deportation and transfer of civilians; the unlawful shelling of civilians; the unlawful appropriation and plunder of real and personal property; the destruction of homes and businesses; and the destruction of places of worship.

DETENTION FACILITIES

20. As soon as military forces from Bosnia and elsewhere in the former Yugoslavia began to attack towns and villages in the Republic of Bosnia and Herzegovina, thousands of Bosnian Muslim and Bosnian Croat civilians were systematically selected and rounded up on national, ethnic, political or religious grounds and interned in detention facilities throughout the territory occupied by the Bosnian Serbs. These facilities include, but are not limited to:

<u>Detention Facility</u>	<u>Dates of existence</u>
Omarska	May - August 1992

Keraterm	May - August 1992
Trnopolje	May - December 1992
Luka	May - July 1992
Manjaca	Summer 1991 - December 1992
Susica	June 1992 - September 1992
KP Dom Foca	April - mid-1993

21. Many of these detention facilities were staffed and operated by military and police personnel and their agents, under the control of **RADOVAN KARADZIC** and **RATKO MLADIC**. In addition, Bosnian Serb police and military interrogators had unfettered access to all of the detention facilities and operated in conjunction with the personnel in control of these detention facilities. These facilities and personnel include, but are not limited to:

<u>Detention Facility</u>	<u>Commander</u>	<u>Guards</u>
Omarska	Zeljko Meakic (police)	police/military
Keraterm	Dusko Sikirica (police)	police/military
Trnopolje	Slobodon Kuruzovic (military)	police/military
Luka	Goran Jelusic (police)	paramilitary
Manjaca	Bozidar Popovic (military)	military
Susica	Dragan Nikolic (military)	military
KP Dom Foca	Milorad Krnojelac	military

22. Thousands of Bosnian Muslim and Bosnian Croat civilians, including women, children and elderly persons, were detained in these facilities for protracted periods of time. They were not afforded judicial process and their internment was not justified by military necessity. They were detained, in large measure, because of their national, religious and political identity. The conditions in the detention facilities were inhumane and brutal. Bosnian Serb military and police personnel in charge of these facilities, including Dragan Nikolic (Susica), Zeljko Meakic (Omarska), Dusko Sikirica (Keraterm) and other persons over whom they had control, subjected the civilian detainees to physical and psychological abuse, intimidation and maltreatment. Detention facility personnel, intending to destroy Bosnian Muslim and Bosnian Croat people as national, ethnic or religious groups, killed, seriously injured and deliberately inflicted upon them conditions intended to bring about their physical destruction. Detainees were repeatedly subjected to and/or witnessed inhumane acts, including murder, rape, sexual assault, torture, beatings, robbery as well as other forms of mental and physical abuse. In many instances, women and girls who were detained were raped at the camps or taken from the detention centres and raped or otherwise sexually abused at other locations. Daily food rations provided to detainees were inadequate and often amounted to starvation rations. Medical care for the detainees was insufficient or non-existent and the general hygienic conditions were grossly inadequate.

TARGETING OF POLITICAL LEADERS, INTELLECTUALS AND PROFESSIONALS

23. Particularly singled out for persecution by the Bosnian Serb military, Bosnian Serb police and their agents, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, were civilian political leaders and members of the primary Bosnian Muslim political party, the Party for Democratic Action (SDA), and the principal Bosnian Croat political party, the Croatian Democratic Union (HDZ), from the cities of Prijedor, Vlasenica, Bosanski Samac and Foca, amongst others. In many

instances, lists identifying leaders of the SDA and the HDZ were provided by the SDS to personnel of the Bosnian Serb military, police and their agents. Using these lists, Bosnian Muslim and Bosnian Croat political leaders were arrested, interned, physically abused and, in many instances, murdered. Some local SDA leaders who were persecuted because of their political beliefs include, but are not limited to, Muhamed Cehajic (Prijeedor), Sulejman Tihic (Bosanski Samac), and Ahmet Hadzic (Brcko).

24. In addition to persecutions of Bosnian Muslim and Bosnian Croat political leaders, the Bosnian Serb military, police and their agents systematically targeted for persecution on national or religious grounds, Bosnian Muslim and Bosnian Croat intellectuals and professionals in many towns and villages including Prijedor, Vlasenica, Bosanski Samac and Foca, among others. Individuals who were persecuted include, but are not limited to Abdulah Puskar (academic), Ziko Crnalic (businessman) and Esad Mehmedalija (attorney) from Prijedor; Osman Vatic (attorney) from Brcko.

DEPORTATION

25. Thousands of Bosnian Muslims and Bosnian Croats from the areas of Vlasenica, Prijedor, Bosanski Samac, Brcko and Foca, among others, were systematically arrested and interned in detention facilities established and maintained by the Bosnian Serb military, police and their agents and thereafter unlawfully deported or transferred to locations inside and outside of the Republic of Bosnia and Herzegovina. In addition, Bosnian Muslim and Bosnian Croat civilians, including women, children and elderly persons, were taken directly from their homes and eventually used in prisoner exchanges by Bosnian Serb military and police and their agents under the control and direction of **RADOVAN KARADZIC** and **RATKO MLADIC**. These deportations and others were not conducted as evacuations for safety, military necessity or for any other lawful purpose and have, in conjunction with other actions directed against Bosnian Muslim and Bosnian Croat civilians, resulted in a significant reduction or elimination of Bosnian Muslims and Bosnian Croats in certain occupied regions.

SHELLING OF CIVILIAN GATHERINGS

26. Beginning in July 1992 and continuing through to July 1995, Bosnian Serb military forces, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, unlawfully fired on civilian gatherings that were of no military significance in order to kill, terrorise and demoralise the Bosnian Muslim and Bosnian Croat civilian population. These incidents include, but are not limited to the following:

<u>Location/Type of Civilian Gathering</u>	<u>Municipality</u>	<u>Date</u>	<u>Casualties</u>
Sarajevo (picnic)	Sarajevo	03/07/92	10
Sarajevo (airport)	Sarajevo	11/02/93	4
Srebrenica (playground)	Srebrenica	12/4/93	15
Dobrinja (soccer game)	Sarajevo	01/06/93	146
Dobrinja (water line)	Sarajevo	12/07/93	27
Sarajevo (residential street)	Sarajevo	28/11/93	11
Ciglane Market (fruit market)	Sarajevo	06/12/93	20
Alipasino Polje (children playing)	Sarajevo	22/01/94	10
Cetinjska St (children playing)	Sarajevo	26/10/94	7

Sarajevo (Livanjska Street)	Sarajevo	08/11/94	7
Sarajevo (flea market)	Sarajevo	22/12/94	9
Tuzla (plaza)	Tuzla	24/05/95	195

APPROPRIATION AND PLUNDER OF PROPERTY

27. Shortly after armed hostilities broke out in the Republic of Bosnia and Herzegovina, Bosnian Serb forces quickly suppressed armed resistance in most villages and cities. During and after the course of consolidating their gains, Bosnian Serb military and police personnel, and other agents of the Bosnian Serb administration, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, systematically and wantonly appropriated and looted the real and personal property of Bosnian Muslim and Bosnian Croat civilians. The appropriation of property was extensive and not justified by military necessity. It occurred from April 1992 to January 1993 in the municipalities of Prijedor, Vlasenica, and Bosanski Samac, among others.

28. The appropriation and looting of said property was accomplished in the following manner and by the following means, among others:

A. Thousands of Bosnian Muslim and Bosnian Croat civilians were forced into detention facilities where they remained for protracted periods of time. Upon entering these internment facilities, the personnel who ran the internment facilities systematically stole the personal property of the detainees, including jewellery, watches, money and other valuables. The detainees were rarely provided receipts for the property taken from them or given their property back upon their release.

B. Civilians interned in these camps witnessed and/or were subjected to physical and psychological abuse. After witnessing or experiencing serious abuse, thousands of internees were forcibly transferred from these camps to locations inside and outside the Republic of Bosnia and Herzegovina. Before being forcibly transferred, many detainees were compelled to sign official Bosnian Serb documents wherein they "voluntarily" relinquished to the Bosnian Serb administration title to and possession of their real and personal property.

C. In many instances, Bosnian Muslim and Bosnian Croat civilian detainees were taken from internment camps to their homes and businesses and forced to turn over to their escorts money and other valuables. In other instances, they were used as labourers to load property from Bosnian Muslim and Bosnian Croat homes and businesses onto trucks for transportation to parts unknown. This occurred with the consent and approval of those in control of the detention facilities.

D. Many Bosnian Muslim and Bosnian Croat civilians who were not interned in camps were forced to stay in their communities where they were subjected to physical and psychological abuse from Bosnian Serb military and police and their agents, paramilitary forces and lawless elements of the Bosnian Serb community. Conditions for many became intolerable and they left. Before leaving, many civilians were compelled to sign official Bosnian Serb documents wherein they "voluntarily" relinquished to the Bosnian Serb administration their rights to their real and personal property. In some cases, Bosnian Muslim and Bosnian Croat civilians who left their communities were permitted to take with them limited amounts of personal property and money, but even that property was stolen from them at Bosnian Serb checkpoints or at other locations.

E. In many instances during and after the Bosnian Serb military take-over of towns and villages, Bosnian Serb military, police and their agents, entered the homes of non-Serb civilians and plundered the personal property of non-Serb civilians.

DESTRUCTION OF PROPERTY

29. Persecution throughout the occupied territory by Bosnian Serb military, police and their agents, or third parties with their acquiescence, involved the systematic destruction of Bosnian Muslim and Bosnian Croat homes and businesses. These homes and businesses were singled out and systematically destroyed in areas where hostilities had ceased or had not taken place. The purpose of this unlawful destruction was to ensure that the inhabitants could not and would not return to their homes and communities. The cities, villages and towns, or Bosnian Muslim and Bosnian Croat portions thereof, where extensive destruction of property occurred include, but are not limited to the following:

<u>Town/Village</u>	<u>Municipality</u>	<u>Approximate dates of destruction</u>
Grebnice	Bosanski Samac	19-22 April 1992
Hrvatska Tisina	Bosanski Samac	19-22 April 1992
Hasici	Bosanski Samac	19-22 April 1992
Derventa	Derventa	4 April 1992
Vijaka	Derventa	4 April 1992
Bosanski Brod	Bosanski Brod	3 March 1992
Odzak	Odzak	July 1992
Modrica	Modrica	Late April 1992
Vidovice	Orasje	29 April and 4 May 1992
Gradacac	Gradacac	mid-1992
Piskavice	Vlasenica	22 April 1992
Gobelje	Vlasenica	28 April 1992
Turalici	Vlasenica	28 April 1992
Djile	Vlasenica	1-3 May 1992
Pomol	Vlasenica	1 May 1992
Gaj	Vlasenica	1 May 1992
Besici	Vlasenica	1 May 1992
Nurici	Vlasenica	1 May 1992
Vrsinje	Vlasenica	1 May 1992
Dzamdzici	Vlasenica	8 May 1992
Pivici	Vlasenica	11 May 1992
Hambarine	Prijedor	23 May 1992
Ljubija	Prijedor	23 May 1992
Kozarac	Prijedor	24 May 1992
Biscani	Prijedor	20 July 1992
Carakovo	Prijedor	20 July 1992
Rizvanovici	Prijedor	20 July 1992
Sredice	Prijedor	20 July 1992
Zikovi	Prijedor	20 July 1992

DESTRUCTION OF SACRED SITES

30. Muslim and Catholic places of worship were systematically damaged and/or destroyed by Bosnian Serb military forces and others. In many instances, where no military action had taken place or had ceased, these sacred sites were also damaged and/or destroyed. These places of worship include, but are not limited to those mentioned in paragraph 37 of this indictment. Bosnian Serb military and police forces failed to take reasonable and necessary measures to ensure that these religious sites would be protected.

31. The events described above were directed against Bosnian Muslim and Bosnian Croat civilians. Individually and collectively, these actions taken by or on behalf of the Bosnian Serb administration, have been on such a large scale and implemented in such a systematic way that they have destroyed, traumatised or dehumanised most aspects of Bosnian Muslim and Bosnian Croat life in those areas where the Bosnian Serb administration has taken control.

32. **RADOVAN KARADZIC** and **RATKO MLADIC** knew or had reason to know that subordinates in detention facilities were about to kill or cause serious physical or mental harm to Bosnian Muslims and Bosnian Croats with the intent to destroy them, in whole or in part, as national, ethnic or religious groups or had done so and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

33. **RADOVAN KARADZIC** and **RATKO MLADIC** individually and in concert with others planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of persecutions on political and religious grounds or knew or had reason to know that subordinates were about to do the same or had done so and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By these acts and omissions, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 1: GENOCIDE as recognised by Articles 4(2)(a),(b),(c) and 7(3) of the Statute of the Tribunal.

Count 2: a CRIME AGAINST HUMANITY as recognised by Articles 5(h) and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 3-4 (UNLAWFUL CONFINEMENT OF CIVILIANS)

34. From the outset of hostilities in the Republic of Bosnia and Herzegovina, thousands of Bosnian Muslim and Bosnian Croat civilians were unlawfully interned in detention facilities. Many of these facilities were established and operated by the Bosnian Serb military, police and their agents under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**. As described in paragraphs 18 and 20-22 of this indictment and incorporated in full herein, the conditions in these facilities were inhumane. Countless civilians were abused and many perished in these internment facilities.

35. **RADOVAN KARADZIC** and **RATKO MLADIC** individually and in concert with others planned, ordered, instigated or otherwise aided and abetted in the planning and preparation or execution of the unlawful detention of civilians or knew or had reason to know that subordinates were unlawfully detaining civilians and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By these acts and omissions, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 3: a GRAVE BREACH as recognised by Articles 2(g) (unlawful confinement of civilians), 7(1) and 7(3) of the Statute of the Tribunal.

Count 4: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (outrages upon personal dignity) as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

**COUNT 5
(SHELLING OF CIVILIAN GATHERINGS)**

36. As described in paragraph 26 of this indictment, which is incorporated in full herein, Bosnian Serb military forces fired upon civilian gatherings that were of no military significance, thereby causing injury and death to hundreds of civilians. **RADOVAN KARADZIC** and **RATKO MLADIC**, individually and in concert with others planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of unlawful attacks against the civilian population and individual civilians with area fire weapons such as mortars, rockets and artillery or knew or had reason to know that the Bosnian Serb military forces were about to unlawfully attack the civilian population and individual civilians, or had already done so, and failed to take the necessary and reasonable steps to prevent such shelling or to punish the perpetrators thereof.

By these acts and omissions, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 5: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (deliberate attack on the civilian population and individual civilians) as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

**COUNT 6
(DESTRUCTION OF SACRED SITES)**

37. Since April 1992 to the end of May 1995, in territory of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb military and police, including areas where no military conflict was ongoing, there has been widespread and systematic damage to and destruction of Muslim and Roman Catholic sacred sites. In areas such as Banja Luka, the near total obliteration of these religious sites has occurred. The sites in the Banja Luka area include the following:

MUSLIM SACRED SITES

<u>Name of Mosque</u>	<u>Location</u>	<u>Date of Destruction or Damage</u>
Sefer-Beg Mosque	Banja Luka	09.04.93
Ferhadija Mosque	Banja Luka	07.05.93
Arnaudija Mosque	Banja Luka	07.05.93
Mosque in Vrbanje	Banja Luka	11.05.93
Zulfikarova Mosque	Banja Luka	15.05.93
Behram-Efendija Mosque	Banja Luka	26.05.93
Mehidibeg Mosque	Banja Luka	04.06.93
Sufi Mehmed-Pasa Mosque	Banja Luka	04.06.93
Hadzi-Begzade Mosque	Banja Luka	04.06.93
Gazanferija Mosque	Banja Luka	04.06.93
Hadzi-Sebenova Mosque	Banja Luka	14.06.93
Hadzi-Kurt Mosque	Banja Luka	14.06.93

Hadzi-Pervis Mosque	Banja Luka	06.09.93
Hadzi-Osmanija Mosque	Banja Luka	08.09.93
Hadzi-Omer Mosque	Banja Luka	09.09.93
Hadzi-Salihija Mosque	Banja Luka	09.09.93

ROMAN CATHOLIC SACRED SITES

<u>Name of Church</u>	<u>City</u>	<u>Date of Destruction or Damage</u>
Church of St. Joseph at Trno	Banja Luka	24.10.91
Parish Church	Banja Luka	00.12.91
St. Bonaventura Cathedral	Banja Luka	31.12.91
St. Vincent Monastery	Banja Luka	00.12.92
Village Church	Vujnovici	05.05.95
Parish Church	Petricovac	06.05.95
St. Anthony of Padua Church and Franciscan Monastery	Banja Luka	07.05.95
Parish Church	Sergovac	07.05.95
Village Church	Majdan	08.05.95
Parish Church	Presnace	12.05.95

38. In other areas, damage and destruction to places of worship has been widespread. These sites include, but are not limited to the Aladza Mosque (Foca); the Sultan Selim Mosque (Doboj); the Church of St. Peter and St. Paul, the Obri Chapel and the Sevri-Hadzi Mosque (Mostar); the parish church (Novi Seher) and the Carsijska Mosque (Konjic). Bosnian Serb military and police forces failed to take reasonable and necessary measures to ensure that these religious sites were protected.

39. **RADOVAN KARADZIC** and **RATKO MLADIC**, individually and in concert with others planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the destruction of sacred sites or knew or had reason to know that subordinates were about to damage or destroy these sites or had done so and failed to take necessary and reasonable measures to prevent them from doing so or to punish the perpetrators thereof.

By these acts and omissions, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 6: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** (destruction or wilful damage to institutions dedicated to religion) as recognised by Articles 3(d), 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 7 (EXTENSIVE DESTRUCTION OF PROPERTY)

40. After the take-over of Foca (8 April 1992), Bosanski Samac (17 April 1992), Vlasenica (21 April 1992), Prijedor (30 April 1992), Brcko (30 April 1992) and other municipalities in the Republic of Bosnia and Herzegovina, Bosnian Serb military and police forces and other elements over whom they had control, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, systematically destroyed, or permitted others to destroy, for no justifiable military reasons, Bosnian Muslim and Bosnian Croat businesses and residences in occupied cities and villages. The areas where

extensive destruction occurred include those areas described in paragraph 29 of this indictment, which is incorporated in full herein.

41. **RADOVAN KARADZIC** and **RATKO MLADIC**, individually and in concert with others planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the extensive, wanton and unlawful destruction of Bosnian Muslim and Bosnian Croat property, not justified by military necessity or knew or had reason to know that subordinates were about to destroy or permit others to destroy the property of Bosnian Muslim or Bosnian Croat civilians or had done so and failed to take necessary and reasonable measures to prevent this destruction or to punish the perpetrators thereof.

By these acts and omissions, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 7: a GRAVE BREACH as recognised by Articles 2(d) (destruction of property), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 8-9 (APPROPRIATION AND PLUNDER OF PROPERTY)

42. As described in paragraphs 27-28 of this indictment, which are incorporated in full herein, Bosnian Serb military and police personnel and other agents of the Bosnian Serb administration, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, systematically appropriated and looted the real and personal property of Bosnian Muslim and Bosnian Croat civilians.

43. **RADOVAN KARADZIC** and **RATKO MLADIC**, individually and in concert with others planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the extensive, wanton and unlawful appropriation of real and personal property owned by Bosnian Muslim and Bosnian Croat civilians or knew or had reason to know that subordinates were about to appropriate real and personal property of Bosnian Muslim and Bosnian Croat civilians or had done so and failed to take necessary and reasonable measures to prevent this appropriation or to punish the perpetrators thereof.

By these acts and omissions, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 8: a GRAVE BREACH as recognised by Articles 2(d) (appropriation of property), 7(1) and 7(3) of the Statute of the Tribunal.

Count 9: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (plunder of public or private property) as recognised by Articles 3(e), 7(1) and 7(3) of the Statute of the Tribunal.

PART II

COUNTS 10-12 (SARAJEVO SNIPING)

44. Since 5 April 1992, the City of Sarajevo has been besieged by forces of the Bosnian Serb army. Throughout this siege, there has been a systematic campaign of deliberate targeting of civilians by snipers of the Bosnian Serb military and their agents. The sniping campaign has terrorised the civilian population of Sarajevo and has resulted in a substantial number of civilian casualties, killed and wounded, including women, children and elderly. Between 5 May 1992 and 31 May 1995, snipers have systematically, unlawfully and wilfully killed and wounded civilians in the area of Sarajevo, including but not limited to the following individuals:

KILLED

Children

Elma Jakupovic, age 2, at Jukiceva Street, No 17, on 20 July 1993
Elvedina Colic, age 4, at Kobilja Glava on 8 August 1993
Adnan Kasapovic, age 16, at Dj.A.Kuna Street on 24 October 1994
Nermina Omerovic, age 11, at Djure Danicica Street on 8 November 1994

Women

Almasa Konjhodzic, age 56, at the intersection of Kranjcevic and Brodska Streets on 27 June 1993
Sevda Kustura, age 50, at Spicasta Stijena on 5 August 1993
Sada Pohara, age 19, at Zarka Zgonjanina Street, No 13, on 30 August 1993
Saliha Comaga, age 38, at Mujkica Brdo, Ugorsko, on 8 September 1993
Edina Trto, age 25, at Ivana Krndelja Street on 26 September 1993
Hatema Mukanovic, age 38, at Obala 27 July 89 Street on 11 January 1994
Radmila Plainovic, age 51, at Vojvode Putnika Street on 7 February 1994
Lejla Bajramovic, age 24, at B. Boris Kidric Street, No 3, on 8 December 1994

Elderly

Hajrija Dizdarevic, age 66, at Ivo Kranjcevic Street 11 on 17 July 1993
Marko Stupar, age 64, at Zmaja od Bosne No 64 Street on 12 January 1994
Fadil Zuko, age 63, at Stara Cesta Street, bb on 2 February 1994
Dragomir Culibrk, aged 61, at Prvomajska BB on 16 June 1994

Men

Adnan Mesihovic, age 34, at Hasana Brkica Street on 3 September 1993
Junuz Campara, age 59, at Milutin Djuraskovic Street on 6 September 1993
Augustin Vucic, age 57, at Ante Babica Street on 13th March 1994
Jasmin Podzo, age 23, at Mala Berkusa Street 10 on 4 March 1995

WOUNDED

Children

Boy, age 2, at Stara Cesta Street on 26 June 1993
Boy, age 12, at Kupalista swimming pool on 5 August 1993
Girl, age 9, at Kobilja Glava on 8 August 1993
Boy, age 14, at Dzemal Bijedic Street on 3 September 1993
Girl, age 8, at Ivana Krndelja Street on 3 September 1993
Boy, age 15, at X transversale Street bb on 4 October 1993
Boy, age 13, at Donji Hotonj II Street on 10 November 1993
Boy, age 12, at Petra Drapsina Street on 28 November 1993
Boy, age 17, at Dzemala Bijedica Street on 10 January 1994
Boy, age 5, at Zmaja od Bosne Street on 19 June 1994
Girl, age 16, at Senada Mandica-Dende Street on 26 June 1994
Boy, age 13, at Miljenka Cvitkovica Street on 22 July 1994
Boy, age 7, at Zmaja od Bosne Street on 18 November 1994
Girl, age 13, at the cross-roads of Rogina and Sedrenik Streets on 22 November 1994
Boy, age 14, at Sedrenik Street on 6 March 1995

Women

Female, age 20, at Hotonj on 5 August 1993
Female, age 52, at Franca Rozmana Street on 6 August 1993
Female, age 55, at Spanskih Boraca Street on 30 August 1993
Female, age 35, at Ivana Krndelja Street on 3 September 1993
Female, age 32, at Nikola Demonja/ Grada Bakua Street area on 6 January 1994
Female, age 46, at Olimpijska Street, No 15, on 18 January 1994
Female, age 42, at 21 Maj Street on 9 May 1994
Female, age 50, and female, age 62, at Nikole Demonje Street on 25 May 1994
Female, age 45, at Mojmiilo- Dobrinja Road on 13 June 1994
Female, age 46, at Zaim Imamovic Street, No 15 on 20 July 1994
Female, age 54, at Baruthana Street on 8 November 1994
Female, age 28, at Zmaja od Bosne Street on 9 November 1994
Female, age 28, at Zmaja od Bosne Street on 18 November 1994
Female, age 24, at Franca Lehara Street, No 3 on 8 December 1994
Female, age 49, at Sedrenik Street on 10 December 1994

Elderly

Female, age 71, at "Ciglane" Market on 17 September 1993
Female, age 72, at Nikola Demonje Street on 2 October 1993
Female, age 60, at Lovcenska Street on 7 December 1993
Male, age 63, at St Anto Babic on 13 March 1994
Male, age 62, at Omladinskih Radnih Brigada Street on 16 June 1994
Male, age 61, at Prvomajska BB on 16 June 1994
Male, age 67, at Senad Mandic Denda Street, on 17 July 1994
Male, age 63, at Sedrenik Street on 11 December 1994
Male, age 62, at Sedrenik Street on 13 December 1994
Female, age 73, at the intersection of Zmaja od Bosne and Muzejska Streets on 18 December 1994

Men

Male, age 36, at Trg of Zavnobih on 1 February 1993
Male, age 52, at Kobilja Glava on 25 June 1993
Male, age 29, at Stara Cesta Street on 7 October 1993
Male, age 50, and male, age 56, at Brace Ribara Street on 2 November 1993
Male, age 36, at Stara Cesta Street on 14 December 1993
Male, age 27, at Zmaja od Bosne Street on 19 June 1994
Male, age 20, male, age 27, male, age 39, and male, age 34, at Zmaja od Bosne Street on 9 November 1994
Male, age 29, at Sedrenik Street on 8 December 1994
Male, age 46, and male, age 33, at intersection of Franje Rackog and Marsala Tita Streets on 3 March 1995
Male, age 52, at Sedrenik Street on 6 March 1995

45. **RADOVAN KARADZIC** and **RATKO MLADIC** individually and in concert with others planned, ordered, instigated or otherwise aided and abetted in the planning, preparation or execution of the sniping of civilians or knew or had reason to know that subordinates were sniping civilians and failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

As to the deliberate attacks by sniper fire against the civilian population and individual civilians, which resulted in death and injury to said civilians, and acts and omissions related thereto, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 10: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (deliberate attack on the civilian population and individual civilians) as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

As to the killing by sniper fire of these civilians, among others, and acts and omissions related thereto, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 11: a CRIME AGAINST HUMANITY as recognised by Articles 5(a) (murder), 7(1) and 7(3) of the Statute of the Tribunal.

As to the wounding by sniper fire of these civilians, among others, and acts and omissions related thereto, **RADOVAN KARADZIC** and **RATKO MLADIC** committed:

Count 12: a CRIME AGAINST HUMANITY as recognised by Articles 5(i) (inhumane acts), 7(1) and 7(3) of the Statute of the Tribunal.

PART III

COUNTS 13-16 (HOSTAGES/HUMAN SHIELDS)

46. Between 26 May 1995 and 2 June 1995, Bosnian Serb military personnel, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, seized 284 UN peacekeepers in Pale, Sarajevo, Gorazde and other locations and held them hostage in order to prevent further North Atlantic Treaty Organisation (NATO) airstrikes. Bosnian Serb military personnel held the UN peacekeepers throughout their captivity by force or by the threat of force. In some instances, the UN hostages were assaulted. During and after protracted negotiations with Bosnian Serb leaders, the UN hostages were released in stages between 3 June 1995 and 19 June 1995.

47. After seizing UN peacekeepers in the Pale area, Bosnian Serb military personnel, under the direction and control of **RADOVAN KARADZIC** and **RATKO MLADIC**, immediately selected certain UN hostages to use as "human shields," including but not limited to Capt. Patrick A. Rechner (Canada), Capt. Oldrich Zidlik (Czech Republic) Captain Teterevsky (Russia), Maj. Abdul Razak Bello (Nigeria), Capt. Ahmad Manzoor (Pakistan) and Maj. Gunnar Westlund (Sweden). From on or about 26 May 1995 through 27 May 1995, Bosnian Serb military personnel physically secured or otherwise held the UN peacekeepers against their will at potential NATO air targets, including the ammunition bunkers at Jahorinski Potok, the Jahorina radar site and a nearby communications centre in order to render these locations immune from further NATO airstrikes. High level Bosnian Serb political and military delegations inspected and photographed the UN hostages who were handcuffed at the ammunition bunkers at Jahorinski Potok.

48. **RADOVAN KARADZIC** and **RATKO MLADIC**, individually and in concert with others planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the taking of civilians, that is UN peacekeepers, as hostages and, additionally, using them as "human shields" and knew or had reason to know that subordinates were about to take and hold UN peacekeepers as hostages and about to use them as "human shields" or had done so and failed to take necessary and reasonable measures to prevent them from doing so or to punish the perpetrators thereof.

In regard to UN peacekeepers seized and held hostage between 26 May 1995 and 19 June 1995, **RADOVAN KARADZIC** and **RATKO MLADIC**, by their acts and omissions, committed:

Count 13: a **GRAVE BREACH** as recognised by Articles 2(h) (taking civilians as hostage), 7(1) and 7(3) of the Statute of the Tribunal.

Count 14: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** (taking of hostages) as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

In regard to the UN peacekeepers used as "human shields" on 26 and 27 May 1995, **RADOVAN KARADZIC** and **RATKO MLADIC**, by their acts and omissions, committed:

Count 15: a **GRAVE BREACH** as recognised by Articles 2(b) (inhuman treatment), 7(1) and 7(3) of the Statute of the Tribunal.

Count 16: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** (cruel treatment) as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

July 1995

Richard J. Goldstone
Prosecutor