

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO.: IT-95-18-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

RATKO MLADIC and RADOVAN KARADZIC

with **GENOCIDE, CRIMES AGAINST HUMANITY and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

"SAFE AREA" OF SREBRENICA

1. After war erupted in the Republic of Bosnia and Herzegovina, Bosnian Serb military forces occupied Bosnian Muslim villages in the eastern part of the country, resulting in an exodus of Bosnian Muslims to enclaves in Gorazde, Zepa, Tuzla, and Srebrenica. All of the events referred to in this indictment took place in the Republic of Bosnia and Herzegovina.
2. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. Resolution 819 was reaffirmed by Resolution 824 on 6 May 1993 and by Resolution 836 on 4 June 1993.
3. Before the attack by Bosnian Serb forces, as described in this indictment, the estimated Bosnian Muslim population in the safe area of Srebrenica, was approximately 60,000.

ATTACK ON THE SAFE AREA OF SREBRENICA

4. On or about 6 July 1995, the Bosnian Serb army shelled Srebrenica and attacked United Nations observation posts that were manned by Dutch soldiers and located in the safe area. The attack on the Srebrenica safe area by the Bosnian Serb army continued through 11 July 1995, when the first units of the attacking Bosnian Serb forces entered Srebrenica.

5. The Bosnian Muslim men, women and children who remained in Srebrenica after the beginning of the Bosnian Serb attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the safe area of Srebrenica, where they sought the protection of the Dutch battalion responsible for the compound. They remained at the compound from 11 July 1995 until 13 July 1995, when they were all evacuated by buses and trucks under the control of and operated by Bosnian Serb military personnel.

6. A second group of approximately 15,000 Bosnian Muslim men, with some women and children, gathered at Susnjari during the evening hours of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian military personnel and armed civilians. The rest were unarmed civilians.

EVENTS IN POTOCARI

7. On 11 July 1995 and 12 July 1995, **RATKO MLADIC** and members of his staff met in Bratunac with Dutch military officers and representatives of the Muslim refugees from Potocari. At these meetings, **RATKO MLADIC** informed them, among other things, that Bosnian Muslim soldiers who surrendered their weapons would be treated as prisoners of war according to the Geneva Conventions and that refugees evacuated from Potocari would not be hurt.

8. On or about 12 July 1995, Bosnian Serb military forces burned and looted Bosnian Muslim houses in and around Potocari.

9. On or about 12 July 1995, in the morning hours, Bosnian Serb military forces arrived at the UN military compound in Potocari and its environs.

10. On or about 12 July 1995, **RATKO MLADIC** arrived in Potocari, accompanied by his military aides and a television crew. He falsely and repeatedly told Bosnian Muslims in and around Potocari that they would not be harmed and that they would be safely transported out of Srebrenica.

11. On or about 12 July 1995, at the direction and in the presence of **RATKO MLADIC**, approximately 50-60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the evacuation process of Bosnian Muslim refugees started. As Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children. This selection and separation of Muslim men took place in the presence of and at the direction of **RATKO MLADIC**.

12. The Bosnian Muslim men who had been separated from other refugees were taken to divers locations in and around Potocari. On or about 12 July 1995, **RATKO MLADIC** and Bosnian Serb military personnel under his command, informed some of these Muslim men that they would be evacuated and exchanged for Bosnian Serbs being held in Tuzla.

13. Most of the Muslim men who had been separated from the other refugees in Potocari were transported to Bratunac and then to the area of Karakaj, where they were massacred by Bosnian Serb military personnel.

14. Between 12 July 1995 and 13 July 1995, Bosnian Serb military personnel summarily executed Bosnian Muslim men and women at divers locations around the UN compound where they had taken refuge. The bodies of those summarily executed were left in fields and buildings in the immediate vicinity of the compound. These arbitrary killings instilled such terror and panic amongst

the Muslims remaining there that some of them committed suicide and all the others agreed to leave the enclave.

15. The evacuation of all able-bodied Muslim refugees concluded on 13 July 1995. As a result of the Bosnian Serb attack on the safe area and other actions, the Muslim population of the enclave of Srebrenica was virtually eliminated by Bosnian Serb military personnel.

SURRENDER AND EXECUTIONS

16. Between the evening of 11 July 1995 and the morning of 12 July 1995, the huge column of Muslims which had gathered in Susnjari fled Srebrenica through the woods towards Tuzla.

17. Bosnian Serb military personnel, supported by armoured personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac - Milici road in an effort to interdict the column of Bosnian Muslims fleeing towards Tuzla.

18. As soon as the column reached Bosnian Serb held territory in the vicinity of Buljim, Bosnian Serb military forces attacked it. As a result of this and other attacks by Bosnian Serb military forces, many Muslims were killed and wounded and the column divided into several smaller parts which continued towards Tuzla. Approximately one-third of the column, mostly composed of military personnel, crossed the Bratunac-Milici road near Nova Kasaba and reached safety in Tuzla. The remaining Muslims were trapped behind the Bosnian Serb lines.

19. Thousands of Muslims were captured by or surrendered to Bosnian Serb military forces under the command and control of **RATKO MLADIC** and **RADOVAN KARADZIC**. Many of the Muslims who surrendered did so because they were assured that they would be safe if they surrendered. In many instances, assurances of safety were provided to the Muslims by Bosnian Serb military personnel who were with other Bosnian Serb soldiers wearing stolen UN uniforms, and by Muslims who had been captured and ordered to summon their fellow Muslims from the woods.

20. Many of the Bosnian Muslims who were captured by or surrendered to Bosnian Serb military personnel were summarily executed by Bosnian Serb military personnel at the locations of their surrender or capture, or at other locations shortly thereafter. Incidents of such summary executions include, but are not limited to:

20.1 On or about 13 July 1995, near Nezuk in the Republic of Bosnia and Herzegovina, a group of 10 Bosnian Muslim men were captured. Bosnian Serb soldiers summarily executed some of these men, including Mirsad Alispahic and Hajrudin Mesanovic.

20.2 On or about 13 July 1995, on the banks of the Jadar River between Konjevic Polje and Drinjaca, Bosnian Serb soldiers summarily executed 15 Bosnian Muslim men who had surrendered or been captured. Amongst those killed were Hamed Omerovic, Azem Mujic and Ismet Ahmetovic.

20.3 On or about 13 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers summarily executed hundreds of Muslims, including women and children.

20.4 On or about 17 July 1995 or 18 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers captured about 150-200 Bosnian Muslims and summarily executed about one-half of them.

20.5 On or about 18 July 1995 or 19 July 1995, in the vicinity of Nezuk, about 20 groups, each containing between 5-10 Bosnian Muslim men, surrendered to Bosnian Serb military forces. After the men surrendered, Bosnian Serb soldiers ordered them to line up and summarily executed them.

20.6 On or about 20 July 1995 or 21 July 1995, near the village of Meces, Bosnian Serb military personnel, using megaphones, urged Bosnian Muslim men who had fled Srebrenica to surrender and assured them that they would be safe. Approximately 350 Bosnian Muslim men responded to these entreaties and surrendered. Bosnian Serb soldiers then took approximately 150 of them, instructed them to dig their own graves and then summarily executed them.

20.7 On or about 21 July 1995 or 22 July 1995, near the village of Meces, an excavator dug a large pit and Bosnian Serb soldiers ordered approximately 260 Bosnian Muslim men who had been captured to stand around the hole. The Muslim men were then surrounded by armed Bosnian Serb soldiers and ordered not to move or they would be shot. Some of the men moved and were shot. The remaining men were pushed into the hole and buried alive.

21. Many of the Muslims who surrendered to Bosnian Serb military personnel were not killed at the locations of their surrender, but instead were transported to central assembly points where Bosnian Serb soldiers held them under armed guard. These assembly points included, among others, a hangar in Bratunac; soccer fields in Kasaba, Konjevic Polje, Kravica, and Vlasenica; a meadow behind the bus station in Sandici and other fields and meadows along the Bratunac - Milici road.

22. Between 12 July 1995 and 14 July 1995, at various of these assembly points, including the hangar in Bratunac and the soccer stadium in Kasaba, **RATKO MLADIC** addressed the Bosnian Muslim detainees. He falsely and repeatedly assured them that they would be safe and that they would be exchanged for Bosnian Serb prisoners held by Bosnian government forces.

23. Between 12 July 1995 and 14 July 1995, Bosnian Serb military personnel arbitrarily selected Bosnian Muslim detainees and summarily executed them.

MASS EXECUTIONS NEAR KARAKAJ

24. On or about 14 July 1995, Bosnian Serb military personnel transported thousands of Muslim detainees from Bratunac, Kravica and other locations to an assembly point in a school complex near Karakaj. At this assembly point, Bosnian Serb military personnel ordered the Muslim detainees to take off their jackets, coats and other garments and place them in front of the sports hall. They were then crowded into the school building and adjacent sports hall and held under armed guard.

25. On or about 14 July 1995, at this school complex near Karakaj, **RATKO MLADIC** conferred with his military subordinates and addressed some of the Muslims detained there.

26. At various times during 14 July 1995, Bosnian Serb military personnel killed Bosnian Muslim detainees at this school complex.

27. Throughout 14 July 1995, Bosnian Serb military personnel removed all the Muslim detainees, in small groups, from the school building and sports hall and loaded them onto trucks guarded and driven by Bosnian Serb soldiers. Before boarding the trucks, many of the detainees had their hands tied behind their backs or were blindfolded. They were then driven to at least two locations in the vicinity of Karakaj.

28. Once the trucks arrived at these locations, Bosnian Serb military personnel ordered the bound or blindfolded Muslim detainees off the trucks and summarily executed them. The summary executions took place from approximately noon to midnight on 14 July 1995.

29. Bosnian Serb military personnel buried the executed Bosnian Muslim men in mass graves near the execution sites.

30. On or about 14 July 1995, **RATKO MLADIC** was present at one of the mass execution sites when Bosnian Serb military personnel summarily executed Bosnian Muslim men.

31. The summary executions of Bosnian Muslim males, which occurred on 14 July 1995 in the vicinity of Karakaj, resulted in the loss of thousands of lives.

THE ACCUSED

32. **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.

33. **RATKO MLADIC** was born on 12 March 1943 in Kalinovik municipality 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

34. **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.

35. **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 of the Bosnian Serb administration in times of war and peace and having the authority to appoint, promote and discharge officers of the army. As president, he was and is a position of superior authority to **RATKO MLADIC** and every member of the Bosnian Serb army and all units and personnel assigned or attached to the Bosnian Serb army.

36. 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. This Act 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.

37. **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.

38. **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, and these agreements have been implemented.

RATKO MLADIC

39. **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. 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. In that capacity, he was and is in a position of superior authority to every member of the Bosnian Serb army and all units and personnel assigned or attached to that army.

40. **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

41. 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.

42. In each paragraph charging genocide, a crime recognised by Article 4 of the Statute of the Tribunal, the alleged acts or omissions were committed with the intent to destroy, in whole or in part, a national, ethnical, or religious group, as such.

43. 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 or systematic or large-scale attack directed against a civilian population.

44. **RATKO MLADIC** and **RADOVAN KARADZIC** are individually responsible for the crimes alleged against them in this indictment pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

45. **RATKO MLADIC** and **RADOVAN KARADZIC** are also, or alternatively, criminally responsible as commanders for the acts of their subordinates pursuant to Article 7(3) of the Tribunal Statute. Command criminal responsibility is the responsibility of a superior officer for the acts of his subordinate if he knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such

acts or to punish the perpetrators thereof.

46. The general allegations contained in paragraphs 41 through 45 are realleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1-2 (GENOCIDE) (CRIME AGAINST HUMANITY)

47. Between about 12 July 1995 and 13 July 1995, Bosnian Serb military personnel, under the command and control of **RATKO MLADIC** and **RADOVAN KARADZIC**, arrived in Potocari where thousands of Muslim men, women and children had sought refuge in and around the UN military compound. Bosnian Serb military personnel, under the command and control of **RATKO MLADIC** and **RADOVAN KARADZIC**, summarily executed many Bosnian Muslim refugees who remained in Potocari.

48. Between about 13 July 1995 and 22 July 1995, Bosnian Serb military personnel, under the command and control of **RATKO MLADIC** and **RADOVAN KARADZIC**, summarily executed many Bosnian Muslim men who fled to the woods and were later captured or surrendered.

49. Thousands of Bosnian Muslim men, who fled Srebrenica and who surrendered or had been captured, were transported from various assembly locations in and around Srebrenica to a main assembly point at a school complex near Karakaj.

50. On or about 14 July 1995, Bosnian Serb military personnel, under the command and control of **RATKO MLADIC** and **RADOVAN KARADZIC**, transported thousands of Muslim men from this school complex to two locations a short distance away. At these locations, Bosnian Serb soldiers, with the knowledge of **RATKO MLADIC**, summarily executed these Bosnian Muslim detainees and buried them in mass graves.

51. **RATKO MLADIC** and **RADOVAN KARADZIC**, between about 6 July 1995 and 22 July 1995, individually and in concert with others, planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the following crimes:

a) summary executions of Bosnian Muslim men and women in and around Potocari on 12 July 1995 and 13 July 1995,

b) summary executions, which occurred between 13 July 1995 and 22 July 1995, of Bosnian Muslims who were *hors de combat* because of injury, surrender or capture after fleeing into the woods towards Tuzla,

c) summary executions of Bosnian Muslim men, which occurred on or about 14 July 1995 at mass execution sites in and around Karakaj.

By their acts and omissions in relation to the events described in paragraphs 13, 14, 20.1-20.7, 23, 26 and 28, **RATKO MLADIC** and **RADOVAN KARADZIC** committed:

Count 1: GENOCIDE as recognised by Article 4(2)(a) (killing members of the group) of the Statute of the Tribunal.

Count 2: A CRIME AGAINST HUMANITY as recognised by Article 5(b) (extermination) of the Statute of the Tribunal.

COUNTS 3-4
(CRIME AGAINST HUMANITY)
(VIOLATION OF THE LAWS OR CUSTOMS OF WAR)

52. By their acts and omissions in relation to the summary executions of Bosnian Muslim men and women that occurred in and around Potocari between 12 July 1995 and 13 July 1995, described heretofore in paragraph 13, **RATKO MLADIC** and **RADOVAN KARADZIC** committed:

Count 3: A CRIME AGAINST HUMANITY as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 4: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Article 3 (murder) of the Statute of the Tribunal.

COUNTS 5-18
(CRIMES AGAINST HUMANITY)
(VIOLATION OF THE LAWS OR CUSTOMS OF WAR)

53. By their acts and omissions in relation the summary executions of Bosnian Muslims who fled Srebrenica into the woods between 13 July 1995 and 22 July 1995 as described heretofore in paragraphs 20.1 to 20.7, **RATKO MLADIC** and **RADOVAN KARADZIC** committed:

Count 5: A CRIME AGAINST HUMANITY (in relation to paragraph 20.1) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 6: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.1) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 7: A CRIME AGAINST HUMANITY (in relation to paragraph 20.2) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 8: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.2) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 9: A CRIME AGAINST HUMANITY (in relation to paragraph 20.3) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 10: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.3) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 11: A CRIME AGAINST HUMANITY (in relation to paragraph 20.4) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 12: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.4) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 13: A CRIME AGAINST HUMANITY (in relation to paragraph 20.5) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 14: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.5) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 15: A CRIME AGAINST HUMANITY (in relation to paragraph 20.6) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 16: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.6) as recognised by Article 3 (murder) of the Statute of the Tribunal.

Count 17: A CRIME AGAINST HUMANITY (in relation to paragraph 20.7) as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Counts 18: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR (in relation to paragraph 20.7) as recognised by Article 3 (murder) of the Statute of the Tribunal.

COUNTS 19-20
(CRIME AGAINST HUMANITY)
(VIOLATION OF THE LAWS OR CUSTOMS OF WAR)

54. By their acts and omissions in relation to the summary executions of Bosnian Muslim men at mass execution sites in and around Karakaj, on or about 14 July 1995, as described in paragraph 28, **RATKO MLADIC** and **RADOVAN KARADZIC** committed:

Count 19: A CRIME AGAINST HUMANITY as recognised by Article 5(a) (murder) of the Statute of the Tribunal.

Count 20: A VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Article 3 (murder) of the Statute of the Tribunal.

Richard J. Goldstone
Prosecutor

14 November 1995
The Hague,
The Netherlands