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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

**Press Release . Communiqué de presse**  
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**TRIAL CHAMBER**  
**CHAMBRE DE 1ERE**  
**INSTANCE**

The Hague, 20 May 2003  
JL/P.I.S./754-e

**INITIAL APPEARANCE OF MIROSLAV RADIĆ SCHEDULED TO TAKE PLACE**  
**ON WEDNESDAY 21 MAY 2003**

Please be advised that the Initial Appearance of Miroslav Radić is scheduled to take place at 3 p.m., on Wednesday 21 May 2003, in Courtroom I, before Judge Agius (Trial Chamber II).

**Background Information:**

Radić was transferred to the Detention Unit of the ICTY on Saturday 17 May 2003.

Miroslav Radić was indicted along with Mile Mrkšić and Veselin Šljivančanin in a Indictment confirmed on 7 November 1995. Slavko Dokmanović was added to the amended Indictment, confirmed on 3 April 1996. The amended Indictment remained under seal until the detention of Dokmanović by the United Nations Transitional Administration for Eastern Slavonia (UNTAES) on 27 June 1997.

A second amended Indictment, dated 2 December 1997, alleges that, by late August 1991, the federal Yugoslav Peoples Army (JNA) had surrounded the city of Vukovar and engaged in a sustained artillery assault on the city, resulting in its fall on 18 November 1991. In the last days of the siege, several hundred people sought refuge at Vukovar Hospital.

According to the Indictment, on about 20 November 1991, the JNA and Serb paramilitary soldiers, aided and abetted by Dokmanović, and under the command or supervision of Mrkšić, Radić and Šljivančanin, removed about 400 non-Serb individuals from the Vukovar Hospital and then transported around 300 of them to a farm building in Ovčara, where they beat them for several hours. Afterwards, soldiers 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 2 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, Miroslav Radić was a captain in the JNA during the relevant period. He commanded a special infantry unit which was a component of the Guards Brigade from Belgrade.

**Charges:**

Along with Mile Mrkšić, Veselin Šljivančanin and Slavko Dokmanović, Miroslav Radić, was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and, or alternatively, superior criminal responsibility (Article 7(3)) with:

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

Dokmanović died in custody of the ICTY on 29 June 1998. All proceedings against him were terminated on 15 July 1998.

Mrkšić was transferred to the Detention Unit of the ICTY on 15 May 2002. A second amended Indictment for him was filed on 28 August 2002.

### **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 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. The warrant is intended to ensure that the accused will be arrested if he crosses international borders. In addition, the Chamber may certify, upon proof by the Prosecutor, 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 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 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 who were 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, the President of the Tribunal reported the refusal of FRY to cooperate with the International Tribunal to the Security Council for the first time.

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