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Tribunal Pénal
International pour
l'ex-Yougoslavie

Press Release - Communiqué de presse

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PRESIDENT MILOSEVIC AND FOUR OTHER SENIOR FRY OFFICIALS INDICTED FOR MURDER, PERSECUTION AND DEPORTATION IN KOSOVO

Today, Thursday 27 May 1999, the International Criminal Tribunal for the former Yugoslavia (ICTY) has announced the indictment of, and has issued warrants of arrests against:

- Slobodan MILOSEVIC, the President of the Federal Republic of Yugoslavia (FRY),
- Milan MILUTINOVIC, the President of Serbia,
- Nikola SAINOVIC, Deputy Prime Minister of the FRY,
- Dragoljub OJDANIC, Chief of Staff of the Yugoslav Army,
- Vljako STOJILJKOVIC, Minister of Internal Affairs of Serbia.

This follows the confirmation by Judge David Hunt, on Monday 24 May 1999, of an indictment against the five accused submitted on 22 May 1999 by the Prosecutor, Justice Louise Arbour. Judge Hunt granted the Prosecutor's request for delayed disclosure of the indictment and the arrest warrants until today. The latter and other related orders were transmitted at noon today to the Federal Minister of Justice of the FRY, all United Nations Member States and the Confederation of Switzerland.

The United Nations Member States were also ordered to make inquiries to discover whether any of the accused had assets located in their territory and, if so, to freeze such assets until the accused are taken into custody.

As pointed out by Justice Arbour in her application to Judge Hunt, *"this indictment is the first in the history of this Tribunal to charge a Head of State during an on-going armed conflict with the commission of serious violations of international humanitarian law"*.

The indictment alleges that, between 1 January and late May 1999, forces under the control of the five accused persecuted the Kosovo Albanian civilian population on political, racial or religious grounds. By the date of the indictment, approximately 740,000 Kosovo Albanians, about one-third of the entire Kosovo Albanian population, had been expelled from Kosovo. Thousands more are believed to be internally displaced. An unknown number of Kosovo Albanians have been killed in the operations by forces of the FRY and Serbia. Specifically, the five indictees are charged with the murder of over 340 persons identified by name in an annex to the indictment.

Each of the accused is charged with three counts of crimes against humanity and one count of violations of the laws or customs of war.

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

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Background on the indictment

The indictment against the accused was submitted on 22 May 1999. It alleges that, between 1 January 1999 and late May 1999, the military forces and some police units of the FRY, the police force of Serbia and associated paramilitary units jointly engaged in a widespread and systematic series of offensives against many towns and villages predominantly inhabited by Albanians in the Autonomous Province of Kosovo in the southern part of the Republic of Serbia, FRY.

It is alleged that hundreds of thousands of Kosovo Albanian civilians were expelled from the Province by forced removal from, and subsequent looting and destruction of, their homes, or by the shelling of villages. Surviving residents were sent to the borders of neighbouring countries. *En route* many were killed, abused and had their possessions and identification papers stolen. Furthermore, specific massacres in villages such as Racak, Bela Crkva, Velika Kruse, Mali Krusa, Djakovica, Crkolez, and Izbica are also covered by the indictment.

These alleged factual events are underlying the four counts in the indictment charging the accused with:

1. **Murder**, a crime against humanity, punishable under Article 5(a) of the Statute, and also a violation of the laws or customs of war, punishable under Article 3 of the Statute (namely a violation of Article 3 common to the 1949 Geneva Conventions);
2. **Persecutions on political, racial or religious grounds**, a crime against humanity pursuant to Article 5(h) of the Statute the Tribunal; and
3. **Deportation**, a crime against humanity, punishable under Article 5(d) of the Statute of the Tribunal.

All accused are charged with individual criminal responsibility pursuant to Article 7(1) of the Statute. By virtue of their high positions of power, the accused Milosevic, Milutinovic, Ojdanic and Stojiljkovic are also, or alternatively, charged with superior criminal responsibility under Article 7(3) of the Statute. The case against each of these four accused is based on both their legal and *de facto* relationship with the military and police forces mentioned above.

Background on the related orders

In addition to confirming all counts in the indictment, Judge Hunt also ordered, further to requests by the Prosecutor, that:

1. Certified copies of the arrest warrants be transmitted to:
 - a) The Federal Minister of Justice of the FRY, Mr. Zoran Knezevic, as the most appropriate person in authority to execute the arrest warrants;
 - b) All UN Member States and the Confederation of Switzerland, pursuant to Sub-rule 55(D) of the Rules of Procedure and Evidence;
 - c) The Prosecutor, so she may seek the assistance of the International Criminal Police Organisation (INTERPOL).
2. In order to ensure the safety of persons within or close to the FRY, such as staff of the Office of the Prosecutor or other United Nations, Governmental and humanitarian agencies, pursuant to Rule 53, the indictment, the review and confirmation of the indictment, the arrest warrants and the Prosecutor's application not be disclosed before today, 27 May 1999, at noon, unless otherwise ordered. However, the Prosecutor was allowed beforehand to inform the Secretary-General of the United Nations and those Governments whose personnel are at risk of reprisals or intimidation.

3. In order to protect the witnesses whose evidence was submitted in support of the indictment, pursuant to Sub-rule 47(B), there be no disclosure of the supporting material until the arrest of all of the accused.
4. Lastly, pursuant to Article 19(2) of the Statute and Rule 54, all UN Member States inquire whether any of the accused's assets are located in their territories, and, if so, to provisionally freeze such assets until the accused are taken into custody. This measure, which is without prejudice to the rights of third parties, was taken in light of the consistent non-co-operation of the FRY with the Tribunal and the possibility that such assets be used to evade arrest.