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for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

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REGISTRY

GREFFE

The Hague, 10 March 2005
OK/MOW/947e

INDICTMENT AGAINST MIĆO STANIŠIĆ RELEASED TO THE PUBLIC

Today, 10 March 2005, the International Criminal Tribunal for the former Yugoslavia released the detailed charges against Mićo Stanišić. The indictment was confirmed on 25 February 2005, by Judge El Mahdi.

THE ACCUSED

Mićo Stanišić was born on 30 June 1954, in the village of Ponor, Pale Municipality, in Bosnia and Herzegovina ("BiH"). From 21 December 1991, Mićo Stanišić was Minister Without Portfolio of the Council of Ministers which was named by the Assembly of the Serbian People of BiH. From 1 April 1992, he was Minister of the newly established Serbian Ministry of Internal Affairs in BiH ("RS MUP"). As Minister of the RS MUP, Mićo Stanišić was the highest authority in the MUP. His official responsibility included public and state security. He had overall authority and responsibility for the functioning of the police forces within Republika Srpska ("RS"). All commanders of the Security Services Centres ("CSB") were directly subordinated to him.

According to the indictment, Mićo Stanišić is individually criminally responsible pursuant to Article 7(1) of the Statute of the Tribunal for crimes referred to in Articles 3 and 5 of the Statute of the Tribunal as alleged in this indictment, which he committed, instigated, or in whose planning, preparation or execution he aided and abetted. By using the word "committed" in this indictment, the Prosecutor does not allege that the accused personally committed any of the crimes charged. "Committed" in this indictment includes participation in a joint criminal enterprise ("JCE").

While holding the position of superior authority, Mićo Stanišić is also individually criminally responsible for the acts or omissions of his subordinates pursuant to Article 7(3) of the Statute of the Tribunal. In his capacity as Minister of Interior, he exercised *de jure* and *de facto* command and control over the police forces that participated in the crimes alleged in this indictment.

JOINT CRIMINAL ENTERPRISE

The indictment alleges that JCE came into existence no later than the establishment of the Assembly of the Serbian People in BiH on 24 October 1991 and continued throughout the period of the conflict in BiH until the signing of the Dayton Accords in 1995. The objective of the JCE was to permanently remove and ethnically cleanse, by force or other means, Bosnian Muslims, Bosnian Croats and other non-Serbs from the territory of the planned Serbian state by the commission of the crimes alleged.

The indictment alleges that Mićo Stanišić participated in the JCE as a co-perpetrator from no later than 1 April 1992 until at least 31 December 1992 by commanding and directing members and agents of the RS MUP who were engaged in implementing the objective of the JCE or who participated in the perpetration of the crimes listed in the indictment; and by encouraging and facilitating and thus instigating the commission of crimes against Bosnian Croats, Bosnian Muslims and other non-Serbs by not taking any active steps to investigate, arrest, and/or punish the perpetrators of such crimes.

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

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THE CHARGES

Mičo Stanišić is charged with:

- 7 counts of crimes against humanity - Article 5 of the Tribunal's Statute: persecutions, extermination, murder, torture, inhumane acts (including forcible transfer), deportation, and
- 3 counts of violations of the laws or customs of war – Article 3 of the Tribunal's Statute: murder, torture, cruel treatment.

The full text of the indictment is available on the Tribunal's website www.un.org/icty.