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Tribunal Pénal
International pour
l'ex-Yougoslavie

JUDGEMENT SUMMARY

(Exclusively for the use of the media. Not an official document)

TRIAL CHAMBER

The Hague, 22 November 2017

Trial Judgement Summary for Ratko Mladić

Please find below the summary of the Judgement read out today by Judge Orić.

The Chamber is sitting today to deliver its judgment in this case. The Chamber stresses that during this hearing it will only deliver a summary of its findings. This summary does not in any way form part of the judgment. The only authoritative account of the Chamber's findings is the written judgment, which will be made available after this hearing.

The Accused, Ratko Mladić, was indicted on 24 July and 16 November 1995. He was arrested in Serbia on 26 May 2011, almost 16 years after the initial indictments. His trial began on 16 May 2012 and the hearing of evidence lasted for over four years. Between 5 and 15 December 2016, the parties presented their closing arguments.

The Chamber sat for 530 trial days, during which it received the evidence of 592 witnesses and nearly 10,000 exhibits. The Chamber also took judicial notice of approximately 2,000 adjudicated facts.

The Accused stood trial for 11 counts of crimes allegedly committed in his capacity as the Commander of the Main Staff of the Army of the Bosnian-Serb Republic, also known as the VRS, between 12 May 1992 and 30 November 1995. The Indictment charged two counts of genocide and five counts of crimes against humanity, namely persecution, murder, extermination, deportation, and the inhumane act of forcible transfer. It also charged four counts of violations of the laws or customs of war, namely murder, acts of violence the primary purposes of which was to spread terror among the civilian population, unlawful attacks on civilians, and the taking of hostages. The geographical scope of the Indictment included Sarajevo, Srebrenica, and 15 municipalities in Bosnia-Herzegovina.

The Prosecution alleged that the Accused participated in four joint criminal enterprises, also known as JCEs, which I will now summarize.

First, an Overarching JCE, which had the objective of permanently removing Muslims and Croats from Serb-claimed territory in Bosnia-Herzegovina, through the commission of the crimes charged in the indictment, including Genocide, Persecutions, Extermination, Murder, the inhumane act of forcible transfer, and Deportation.

Second, a Sarajevo JCE, which had the objective of spreading terror among the civilian population through a campaign of sniping and shelling as charged in the indictment including through murder, acts of violence the primary purpose of which is to spread terror among the civilian population and Unlawful Attacks on Civilians.

Third, a Srebrenica JCE, the objective of which was the elimination of Bosnian Muslims in Srebrenica through the crimes charged in the indictment, including Genocide, Persecutions, Extermination, Murder, the inhumane act of forcible transfer, and Deportation.

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Fourth, a Hostage-taking JCE, the objective of which was taking UN personnel hostage to prevent NATO from conducting air strikes against Bosnian-Serb military targets through the crime of Taking of Hostages, as a war crime.

In addition, the Prosecution charged the Accused with having planned, instigated, ordered, and/or aided and abetted the crimes in the Indictment. Finally, it also charged the Accused as a superior pursuant to Article 7(3) of the Statute.

The Chamber will now briefly summarise its findings.

The Chamber will begin by addressing its factual and legal findings with regard to the crime base in each component of the case, and then turn to its findings concerning the responsibility of the Accused.

The Chamber found that there was an armed conflict in the territory of Bosnia-Herzegovina throughout the period relevant to the Indictment as required pursuant to Article 3 of the Statute.

The Chamber will now address the Municipalities component of the case. The Chamber found that in several of the municipalities, murders were committed which constituted crimes against humanity and violations of the laws or customs of war.

The Chamber found that before, during, and after Bosnian-Serb forces attacked non-Serb villages, many victims were killed. Circumstances were brutal; those who tried to defend their homes were met with ruthless force. Mass executions occurred and some victims succumbed after being beaten. Many of the perpetrators who had captured Bosnian Muslims, showed little or no respect for human life or dignity. For example:

On or about 31 May 1992, Bosnian-Serb forces rounded a group of Bosnian-Muslim men near the Vrhpolje Bridge in Sanski Most municipality. Four of them were killed on the way to the bridge. Once at the Bridge, the Bosnian Muslims were forced to jump into the river one by one. Once in the water, Bosnian-Serb forces opened fire, killing at least 28 of the Bosnian Muslims, all male, including a minor and two elderly men. One man survived.

In July 1992, 24 Bosnian Muslim detainees suffocated while being transported from Betornika detention centre to Manjača camp. Guards at Betornika confiscated water bottles and forced some detainees to consume salt before the nine hour journey. The trucks were hot, cramped, covered with tarpaulins, and the detainees received no water. In an attempt to survive, a number of them drank their own urine and made holes in the tarpaulins to get air, but stopped when the policemen escorting the men threatened them. Once they arrived at Manjača camp, those deemed not healthy were put back on the truck as Božidar Popović, the camp commander, said [and I quote] 'put the shit back. I don't need dead people' [end of quote]

The Chamber found that some of these murders amounted to extermination as a crime against humanity. For example:

On or around 25 July 1992, police and members of the VRS aimed a machine-gun at the entrance of Room 3 in Keraterm camp where a large number of detainees were being held. During the night, some form of chemical gas was thrown into the room causing the detainees to panic and for some of them to try to exit. Spotlights were shone on the room and the soldiers and guards executed the detainees with automatic weapons as they exited, killing many of them. They then proceeded to shoot detainees inside the room, including some who were trying to hide. The soldiers and guards killed between 190 and 220 detainees that night.

The Chamber found that forcible transfer and deportation were committed in many municipalities. With regard to the conditions at the relevant times, the Chamber found, for

example, that from 12 May 1992 onwards, local authorities in Kotor Varoš Municipality imposed restrictions on Bosnian Muslims' and Bosnian Croats' freedom of movement, which were implemented by the VRS. Killings, unlawful detentions, and acts of inhumane treatment were also committed in the municipality in June and July 1992. The Chamber found that parts of the Bosnian-Muslim and Bosnian-Croat population, including women and children, were forcibly displaced from Kotor Varoš Municipality between June and November 1992. The Chamber found that deportation and the inhumane act of forcible transfer as a crime against humanity were committed in the municipalities of Banja Luka, Bijeljina, Foča, Ilidža, Ključ, Kotor Varoš, Novi Grad, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, and Vlasenica.

Turning now to the charge of persecution, the Chamber found, inter alia, that many victims were subjected to unlawful detention and cruel and inhumane treatment on the basis of political, racial or religious grounds. For example:

In several detention camps, conditions were appalling. Food and water were scarce, which led to some cases of severe malnutrition and death. Sanitation facilities were wholly inadequate. Detainees were often allowed to use bathroom facilities only once a day, and there was no consideration for hygiene or preventing the spread of diseases. Detainees were regularly beaten, sometimes with implements such as brass knuckles and iron bars. Medical care was also inadequate.

Detainees were forced to rape and engage in other degrading sexual acts with one another. Many Bosnian Muslim women who were unlawfully detained were raped. For example:

At a house known as Karaman's House in Foča Municipality, several groups of women, and girls as young as 12 years old, were routinely and brutally raped. The victims would sometimes be assigned to individual soldiers, and other times were forced to have sex with multiple men. One witness gave evidence that a soldier had taken her to a celebration where they were approached by the Accused who asked the soldier whether the witness was his [and I quote] 'Herzegovinian woman' [end of quote] before turning to the witness directly and asking her whether she was [quote] 'faring better than in Alija's state' [end of quote]

The Chamber now turns to Count 1, genocide in six of the municipalities. Genocide encompasses the commission of prohibited acts with the intent to destroy, in whole or part, a protected group, as such. These prohibited acts can include killing or causing serious bodily or mental harm. In this case, the protected groups were Bosnian Muslims and Bosnian Croats. The Chamber found that a large number of Bosnian Muslims and Bosnian Croats in some of these municipalities were subjected to killings and/or serious bodily or mental harm.

The Chamber then examined the specific intent of the physical perpetrators. The Chamber found by majority, Judge Orić, dissenting, that the physical perpetrators in Sanski Most, Vlasenica, and Foča, and certain perpetrators in Kotor Varoš and Prijedor Municipalities intended to destroy the Bosnian Muslims in those Municipalities as a part of the protected group. The Chamber then considered whether the targeted part constituted a substantial part of the protected group, and concluded that the Bosnian Muslims targeted in each municipality formed a relatively small part of the protected group and were also in other ways not a substantial part. Consequently, the Chamber was not satisfied that the only reasonable inference was that the physical perpetrators possessed the required intent to destroy a substantial part of the protected group of Bosnian Muslims.

The Chamber will now address the Sarajevo component of the case. From mid May 1992 until November 1995, the VRS, in particular the Sarajevo Romanija Corps, also known as the SRK, deliberately shelled and sniped the civilian population of Sarajevo often at locations that had little or no military value. As a result, hundreds of civilians were killed and

thousands were injured. Many were shot while undertaking daily activities such as walking with their children, fetching water, collecting wood, or while at the market. For example,

On 18 November 1994, a member of the SRK shot a Bosnian-Muslim woman walking on the street with her children. The bullet passed through her abdomen and hit her seven-year-old son in the head, killing him.

On 5 February 1994, members of the Sarajevo Romanija Corps shelled Markale Market, resulting in the killing of 68 people and injuring over 140. Almost all of the victims were civilians and included women, children, and elderly.

In 1994 and 1995, the Sarajevo Romanija Corps attacked Sarajevo with modified air bombs, highly inaccurate weapons that had a devastating effect on impact. Consequently, the Chamber found that the use of modified air bombs constituted indiscriminate attacks on individual civilians and the civilian population as a whole.

The Chamber, having considered the nature, manner, timing, location, and duration of these sniping and shelling attacks, found that it was the intention of the perpetrators, all members of the Sarajevo Romanija Corps, to target civilians and to shell the city in an indiscriminate manner. The hardships the people of Sarajevo suffered were considerable; they routinely lacked basic necessities such as food, water, gas, and electricity. They were made to live in a state of constant distress. Every time they or their loved ones left their homes, they wondered if they would be targeted by sniper or artillery fire. Taking all of this into consideration, the Chamber found that the members of the SRK intended to spread terror among the population of Sarajevo and that the infliction of terror was the primary purpose of sniping and shelling. The Chamber found that members of the SRK committed murder, unlawful attacks on civilians, and terror as violations of the laws or customs of war; and murder as a crime against humanity.

The Chamber will now turn to the Srebrenica component of the case. On 8 March 1995, Radovan Karadžić issued Directive number 7 and ordered the Drina Corps to [I quote] 'create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica' [end of quote]. On 31 March 1995, Mladić signed Directive number 7/1 which translated Directive no. 7 into operational military tasks and called for a strategic operation against the enclave. Approximately 15 to 20 days before the take-over of Srebrenica Town, the VRS formed a plan called Krivaja-95 to attack the enclave, intending to make it disappear, to empty it, and to make the area Serbian territory by forcibly removing the Bosnian-Muslim population.

The VRS attack began on 6 July and by 11 July, they had entered Srebrenica Town. During the attack, the VRS embarked upon a campaign of burning Bosnian-Muslim houses and mosques. Thousands of Bosnian Muslims, mostly women, children, and elderly, fled to Potočari to seek shelter in the compound used by the UN Protection Force, known as UNPROFOR. The vast majority of the able-bodied Bosnian Muslim men fled the enclave on foot in an attempt to reach Tuzla.

By 12 July 1995, between 25,000 and 30,000 Bosnian-Muslim civilians had gathered in Potočari, five percent of whom were able-bodied men. Conditions in and around the UNPROFOR compound were dire: food and water were scarce and there was a shortage of medical supplies. People were exhausted and frightened. Serb forces created a terrifying atmosphere by shelling near the compound and by taking people away, some of whom never returned.

From 11 to 12 July 1995, three meetings took place at Hotel Fontana in Bratunac between the VRS, UNPROFOR DutchBat officers, and individuals selected to represent the Bosnian Muslims to discuss what was described as the evacuation of the civilian population in Potočari. The VRS's screening of men aged between 16 and 60 for war crimes was also discussed. On 17 July 1995 a document was signed stating that the civilians were to be [I

quote] ‘evacuated’ [end of quote] to Kladanj Municipality by the VRS and Bosnian-Serb Republic police forces under the supervision and escort of UNPROFOR.

From 12 to 14 July 1995, the VRS and the Ministry of the Interior, known as the MUP, organized the transport of approximately 25,000 Bosnian Muslims, mostly women, children, and elderly, out of the Srebrenica enclave to territory under control of the Army of Bosnia-Herzegovina, in convoys of buses and trucks. Bosnian-Serb soldiers systematically separated Bosnian-Muslim men of military age who were trying to get onboard. Some of the separated males were as young as 12 years old and some older than 60 years. The separations were frequently aggressive. The people being transferred were told that the Bosnian-Muslim men would follow later. They never followed.

The Bosnian-Muslim men taken from Potočari were detained in temporary detention facilities and later, together with others captured from the column fleeing on foot, bussed to various execution sites in Srebrenica, Bratunac, and Zvornik municipalities. The Chamber found that many of these men and boys were cursed, insulted, threatened, forced to sing Serb songs, and beaten while awaiting their execution. Bosnian-Serb forces, primarily members of the VRS, systematically murdered several thousands Bosnian-Muslim men and boys, the vast majority over just a few days from 12 until 17 July 1995.

The Chamber will now describe some specific examples. On 13 and 14 July 1995, approximately 1,000 unarmed Bosnian-Muslim males, including children and elderly, were executed in Kravica Warehouse. On 16 July 1995, between 1,000 and 1,200 Bosnian-Muslim civilians at the Branjevo Military Farm were summarily executed. Prior to the execution, some of them had their hands tied, were blindfolded, and forced to pray in [I quote] “the Muslim manner” [end quote]. On the very same day, approximately 500 Bosnian-Muslim men and two women were executed inside Pilica Cultural Centre.

During several weeks in September and early October 1995, senior members of the VRS and the MUP attempted to conceal their crimes by exhuming their victims’ remains from several mass graves, and then reburying those remains in more remote areas in Zvornik and Bratunac municipalities. Their attempt to cover up the Srebrenica massacres ultimately failed.

The Chamber found that Bosnian-Serb forces engaged in an operation to murder thousands of Bosnian Muslims from Srebrenica with discriminatory intent so as to constitute the crime of persecution. Some of those murder incidents were found to constitute extermination. The Trial Chamber also found that several of the charged incidents constituted the inhumane act of forcible transfer.

The Chamber now turns to the allegation of genocide in Srebrenica, Count 2 of the Indictment. The Chamber found that the prohibited acts, as set out in the legal definition of Genocide, of killing and causing serious bodily and mental harm were committed by the physical perpetrators against the Bosnian Muslims of Srebrenica.

The Chamber then examined the specific intent of the physical perpetrators. As explained in detail in the judgment, the Chamber found that the physical perpetrators intended to destroy the Bosnian Muslims in Srebrenica, a substantial part of the protected group. The Chamber therefore found that the crimes of genocide, persecution, extermination, murder, and the inhumane act of forcible transfer were committed against Bosnian Muslims in and around Srebrenica.

The Chamber now turns to the Hostages component of the case. Between 25 May and 24 June 1995, VRS soldiers and officers, including members of the military police, and Bosnian-Serb police officers, arrested and detained between 260 and 400 UN Military Observers, known as UNMOs, and UNPROFOR personnel in Bosnia-Herzegovina. The UNMOs arrested by police officers were placed in VRS custody. Some were tied with chains or handcuffs, at times at gunpoint, outside locations of strategic military importance while others were told

they would be killed if NATO were to launch further air strikes. Some of the UN personnel were filmed. Threats were also directly communicated to UN officials. The UN personnel were detained in order to, inter alia, exert leverage over NATO to stop air strikes. Between 2 and 24 June 1995, the VRS, and in particular the Accused, ordered the release of the UN personnel pursuant to an order from Karadžić.

The perpetrators knew that UNMO and UNPROFOR personnel were taking no active part in the hostilities when captured and placed in detention, and that they were entitled to the protection of Common Article 3 of the Geneva Conventions. The Chamber found that these acts constituted the crime of hostage-taking, a violation of the laws or customs of war punishable under Article 3 of the Statute.

The Chamber will now turn to the responsibility of the Accused in relation to each alleged joint criminal enterprise.

The Chamber found that the Accused held various positions in the Yugoslav People's Army and as of 12 May 1992 served as the Commander of the Main Staff of the Army of the Bosnian-Serb Republic, the VRS. He remained in this position until at least 8 November 1996.

With respect to the Overarching joint criminal enterprise, the Chamber found that between 1991 and 30 November 1995, there existed a JCE with the objective of permanently removing Muslims and Croats from Serb-claimed territory in Bosnia-Herzegovina through persecution, extermination, murder, the inhumane act of forcible transfer, and deportation. Having assessed inter alia, the statements, speeches, and conduct of the Accused and the Bosnian-Serb leadership, and the acts committed by the physical perpetrators, the Chamber found that the evidence did not support a finding that the crime of genocide formed part of the objective of the Overarching JCE.

The members of the Overarching joint criminal enterprise included: Radovan Karadžić; Momčilo Krajišnik; Biljana Plavšić; Nikola Koljević, Bogdan Subotić; Momčilo Mandić; and Mićo Stanišić.

Many of the charged crimes were committed by units used as tools in furtherance of the Overarching joint criminal enterprise. These included: members of the VRS, MUP, and Territorial Defence under the supervision of the Bosnian-Serb Ministry of Defence; various paramilitary groups; and members of regional and municipal authorities.

The Chamber now turns to the Accused's responsibility for the crimes which were found to have been committed in the Municipalities component of the case. To determine the Accused's contribution, the Chamber considered the Accused's acts during the existence of the Overarching JCE, in particular the Accused's acts vis-à-vis the VRS, given that many of the principal perpetrators of crimes were VRS members. Between May 1992 and 1995, the Accused issued orders which established and organized the VRS and its organs. The Accused was also closely involved in VRS operations as evidenced by regular briefings, meetings, and inspections; and issued orders and Operational Directives to VRS units as well as other groups.

The Accused commanded and controlled VRS units and tasked some of them to cooperate with the MUP. He was in direct contact with members of the leadership in Serbia and members of the General Staff of the army of the Federal Republic of Yugoslavia to ensure that the military needs of the VRS were met. The Accused also addressed the Bosnian-Serb Assembly during several of its sessions on issues surrounding the development of policies of the Bosnian-Serb political leadership and often suggested to Bosnian-Serb politicians what position they should take during peace negotiations in order to achieve the strategic objectives as initially defined.

The Accused further placed severe restrictions on the delivery of humanitarian aid for the civilian population from 10 April 1994 onwards by ordering all VRS units to immediately block all UNPROFOR and humanitarian organisations' activities in the territory of the Bosnian-Serb Republic.

Between September 1992 and at least March 1995, the Accused introduced and maintained a controlled and centralised system of spreading propaganda related to Bosnian Croats and Bosnian Muslims. The Accused also made deliberately misleading statements to members of the media and the international community in relation to crimes committed.

The Accused's acts were so instrumental to the commission of the crimes that without them, the crimes would not have been committed as they were. In light of this, the Chamber found that through his actions, the Accused significantly contributed to achieving the common objective of permanently removing Muslims and Croats from Serb-claimed territory in Bosnia-Herzegovina by committing the crimes of persecution, extermination, murder, deportation, and the inhumane act of forcible transfer.

The Chamber considered the Accused's significant contribution to the objective of the Overarching joint criminal enterprise as well as his statements, in particular his repeated use of derogatory references to Bosnian Muslims and Bosnian Croats; and his expressions of commitment to an ethnically homogenous Bosnian-Serb Republic even in territories that previously had a large percentage of non-Serb inhabitants. It found that the Accused was aware of and intended for the crimes of deportation, the inhumane act of forcible transfer, murder, extermination, and persecution to be committed against Bosnian Muslims and Bosnian Croats. The Chamber found that the Accused shared the intent to achieve the common objective of the Overarching JCE and held this intent as early as 12 May 1992. Therefore, he was a member of the Overarching JCE from 12 May 1992.

The Chamber now turns to the Sarajevo joint criminal enterprise. The Chamber found that between 12 May 1992 and November 1995, there existed a JCE with the primary purpose of spreading terror among the civilian population through a campaign of sniping and shelling. The objective of this JCE involved the commission of the crimes of terror, unlawful attacks against civilians, and murder.

The members of the Sarajevo joint criminal enterprise were members of the Bosnian-Serb military and political leadership and included: Radovan Karadžić; Stanislav Galić; Dragomir Milošević; Momčilo Krajišnik; Biljana Plavšić; and Nikola Koljević.

The charged crimes were all committed by units of the Sarajevo Romanija Corps.

The Chamber now turns to the Accused's responsibility for the crimes which were found to have been committed in the Sarajevo component of the case. The Chamber considered the Accused's acts and omissions during the existence of the Sarajevo joint criminal enterprise in order to determine whether he significantly contributed to this JCE. The Chamber found that the Accused was involved in the establishment of the Sarajevo Romanija Corps and made personnel decisions concerning the SRK; commanded SRK units from 1992 to 1995 in various operations; procured military assistance from the army of the Federal Republic of Yugoslavia during the siege; ordered the production and use of modified air bombs on Sarajevo; and participated in policy discussions between 1992 and 1995 with members of the Bosnian-Serb government.

In addition, the Accused participated in the dissemination of anti-Muslim and anti-Croat propaganda and provided misleading information about crimes to representatives of the international community. The Accused also frequently ordered the restriction of humanitarian aid to Sarajevo and failed to take adequate steps to prevent crimes or adequately investigate and punish the perpetrators of crimes, all of whom were under his effective control. The Accused's acts were instrumental to the commission of crimes in Sarajevo. Through his actions, the Accused significantly contributed to achieving the

objective of the Sarajevo JCE by way of committing the crimes of terror, unlawful attacks against civilians, and murder.

In determining whether the Accused shared the intent to achieve the common objective of the joint criminal enterprise, the Trial Chamber considered the Accused's statements and conduct throughout the Indictment period. In particular, the Chamber considered that the Accused personally directed the shelling of Sarajevo that took place on 28 May 1992, was involved in selecting targets, and directed fire away from Serb-populated areas; and commanded the Sarajevo Romanija Corps and formulated and issued directives. Further, in the spring of 1995, the Accused proposed that Sarajevo be bombarded with explicit disregard for the safety of civilians; and on 6 September 1995, the Accused ordered the SRK Command to cut utilities supplying Sarajevo, forcing the inhabitants of Sarajevo to go outside and be exposed to sniping and shelling.

The Chamber found that the Accused intended to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo. Further, the Chamber found that the Accused intended this campaign to spread terror among the civilian population of Sarajevo, and that he intended to perpetrate the crimes of terror, unlawful attacks on civilians, and murder. The Chamber found that the Accused held this intention throughout the Indictment period. As such, he was a member of the Sarajevo JCE.

With respect to the Srebrenica joint criminal enterprise, the Chamber found that there existed a JCE with the primary purpose of eliminating the Bosnian Muslims in Srebrenica by killing the men and boys, and forcibly removing the women, young children, and some elderly men. In the days immediately preceding 11 July 1995, the objective of the Srebrenica JCE involved the commission of the crimes of persecution and the inhumane act of forcible transfer, which occurred after the VRS attacked the enclave with a view to emptying it. By the early morning of 12 July 1995, the crimes of genocide, extermination, and murder also became part of the means to achieve the objective, prior to the first crime being committed. In this respect, Momir Nikolić, Svetozar Kosorić, and Vujadin Popović discussed the killings and potential execution sites on the morning of 12 July 1995, and Tolimir first ordered that Batković camp be prepared for a large number of detainees. He then conveyed that this plan had been given up. The JCE existed until at least October 1995, when reburials in Zvornik and Bratunac municipalities took place.

The members of the Srebrenica joint criminal enterprise included Radovan Karadžić, Radislav Krstić, Vujadin Popović, Zdravko Tolimir, Ljubomir Borovčanin, Svetozar Kosorić, Radivoje Miletić, Radoslav Janković, Ljubiša Beara, Milenko Živanović, Vinko Pandurević, and Vidoje Blagojević.

The charged crimes, except for the ill-treatment and killing near the town of Trnovo of six Bosnian Muslim men and boys, were committed by VRS or MUP units, all under the operational command of the Drina Corps or the Main Staff at the time. As such, JCE members used these units to commit the Srebrenica crimes in furtherance of the joint criminal enterprise.

The Chamber now turns to the Accused's responsibility in relation to the Srebrenica component of the case. In determining whether the Accused significantly contributed to the Srebrenica joint criminal enterprise the Chamber has considered the Accused's acts and omissions during its existence.

The Accused, in particular, recommended the promotion of Krstić to replace Živanović as Commander of the Drina Corps, this recommendation was implemented on 13 July 1995; between at least 11 July and 11 October 1995, he issued several orders to VRS forces, including the Drina Corps, concerning the operation in and around Srebrenica; and on 11 and 12 July 1995, gave orders to MUP commander Borovčanin and his units. Further, in July and August 1995 the Accused provided misleading information about the crimes; and he failed to take adequate steps to prevent crimes or to adequately investigate or punish

members of the VRS and other elements of the Serb Forces under his effective control for such crimes.

The principal perpetrators of the crimes forming part of the Srebrenica joint criminal enterprise were members of the VRS or MUP. The Accused commanded and controlled both VRS and MUP units during the Srebrenica operation and its aftermath. The Accused's acts were so instrumental to the commission of the crimes that without them the crimes would not have been committed as they were. Therefore, the Chamber found that the Accused significantly contributed to achieving the objective of the Srebrenica JCE by way of committing the crimes of genocide, persecution, extermination, murder, and the inhumane act of forcible transfer.

In determining whether the Accused shared the intent to achieve the common objective of the Srebrenica joint criminal enterprise, the Chamber considered his statements and conduct throughout the take-over of the enclave. These included, among other things, his role in the Hotel Fontana meetings on 11 and 12 July 1995 and his presence at a meeting at the Bratunac Command Centre on 13 July 1995 with VRS and MUP officers during which the task of killing or liquidating Muslim males near Konjević Polje was discussed. They also included his orders to separate the Bosnian-Muslim men from the women, children, and elderly in Potočari from 12 July 1995 and his presence during the gathering of Bosnian Muslims in Potočari on 12 and 13 July 1995 and during the separation of Bosnian-Muslim men. Finally, the Chamber considered the Accused's denial of the crimes committed in Srebrenica as well as the measures he took to provide misleading information and to prevent the media from knowing what was happening there.

The Chamber has further considered the Accused's presence at Nova Kasaba football field and Sandići Meadow on 13 July 1995, where several thousand Bosnian-Muslim males were detained, and his misleading assurances that they would be taken to Bratunac to be exchanged.

The Chamber found that from at least 1994 and throughout July 1995, the Accused made numerous statements expressing a need to take revenge on the Bosnian Muslims from Srebrenica, adding that they would have [and I quote] 'disappeared a long time ago' [end of quote] had it not been for the involvement of the international community. He further stated on several occasions during the Hotel Fontana meetings that the Bosnian Muslims from Srebrenica could [I quote] 'live or vanish' [end of quote] and [again, I quote] 'survive or disappear' [end of quote].

Based on the foregoing, the Chamber found that the Accused intended to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, young children, and some elderly men through the commission of the crimes of persecution, murder, extermination, and the inhumane act of forcible transfer. The Chamber found that the only reasonable inference was that the Accused intended to destroy the Bosnian Muslims in Srebrenica as a substantial part of the protected group of Muslims in Bosnian-Herzegovina. Accordingly, the Chamber found that the Accused intended to carry out the objective of the Srebrenica joint criminal enterprise through the commission of the crime of genocide and was a member of the Srebrenica JCE.

With respect to the Hostage-taking joint criminal enterprise, the Chamber found that a JCE existed from around 25 May 1995 when NATO air strikes against Bosnian-Serb targets commenced, until approximately 24 June 1995 when the last UN personnel were released. This JCE had the purpose of capturing UN personnel in various parts of Bosnia-Herzegovina and detaining them in strategic military locations to prevent NATO from launching further military air strikes on Bosnian-Serb military targets.

The members of the Hostage-taking joint criminal enterprise were members of the VRS Main Staff; the VRS Corps Commands; Radovan Karadžić; and Nikola Koljević.

These members implemented the common objective themselves and used VRS personnel, including members of the military police, to implement the common objective. The Chamber considered that orders and their implementation; the reporting obligations by the members of the JCE; as well as their statements; establish that the members of the JCE shared the intent to achieve the common criminal objective.

The Chamber further found that the Accused significantly contributed to the JCE's common objective. The Accused was closely involved from around 25 May 1995 and throughout every stage of the hostage-taking. He ordered VRS units to detain the UNPROFOR personnel and to place them at potential NATO air strike targets. He also ordered the release of the detained UNPROFOR personnel and informed an UNPROFOR representative that such release was contingent on the cessation of air strikes. The Chamber found that the Accused's contributions to the hostage-taking joint criminal enterprise were central to the implementation of the JCE's objective.

Based on the Accused's statements and conduct throughout the hostage-taking incidents, the Chamber found that the Accused intended the objective of the hostage-taking joint criminal enterprise, to capture UN personnel and detain them in strategic military locations to prevent NATO from launching further air strikes. The Chamber found that the Accused's statements, in particular with regard to the fate of UNPROFOR personnel, were tantamount to having issued threats to continue to detain or to kill UN personnel, and that these threats were meant to end the air strikes. The Trial Chamber found that the Accused was a member of the hostage-taking JCE.

Disposition

Having summarized its findings, the Chamber will now give its verdict.

For the reasons summarised during this hearing, having considered all of the facts, evidence, and arguments of the parties; as well as the Statute and the Rules; and based upon the factual and legal findings set out in detail in the written Judgment, the Chamber finds Ratko Mladić:

NOT GUILTY of **Count 1**, genocide; and

GUILTY, as a member of various joint criminal enterprises, of the following counts:

Count 2, Genocide.

Count 3, Persecution, a crime against humanity;

Count 4, Extermination, a crime against humanity;

Count 5, Murder, a crime against humanity;

Count 6, Murder, a violation of the laws or customs of war;

Count 7, Deportation, a crime against humanity;

Count 8, the inhumane act of Forcible Transfer, a crime against humanity;

Count 9, Terror, a violation of the laws or customs of war;

Count 10, Unlawful attacks on civilians, a violation of the laws or customs of war; and

Count 11, Taking of hostages, a violation of the laws or customs of war.

In determining the appropriate sentence to be imposed, the Chamber has taken into account the gravity of the crimes of which Mr. Mladić has been found guilty. The crimes committed rank among the most heinous known to humankind and include genocide and extermination as a crime against humanity.

As mitigating factors, the Defence referred to various circumstances including his benevolent treatment of, and assistance to, some victims; his good character; his diminished mental capacity, poor physical health, and advanced age.

For the reasons set out in the judgment, the Chamber considers that most of the factors raised in mitigation by the Defence carry little or no weight.

For having committed these crimes, the Chamber sentences Mr. Mladić to life imprisonment.

This concludes the delivery of the Judgment. The Chamber stands adjourned.
