

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

“KOSOVO, CROATIA & BOSNIA” (IT-02-54)

SLOBODAN MILOŠEVIĆ



SLOBODAN MILOŠEVIĆ

Indicted for genocide; complicity in genocide; deportation; murder; persecutions on political, racial or religious grounds; inhumane acts/forcible transfer; extermination; imprisonment; torture; wilful killing; unlawful confinement; wilfully causing great suffering; unlawful deportation or transfer; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; plunder of public or private property; attacks on civilians; destruction or wilful damage done to historic monuments and institutions dedicated to education or religion; unlawful attacks on civilian objects



President of Serbia from 26 December 1990; President of the Federal Republic of Yugoslavia (FRY) from 15 July 1997 until 6 October 2000; as FRY President, he was also the President of the Supreme Defence Council of the FRY and the Supreme Commander of the Yugoslav Army

- Deceased on 11 March 2006
- Proceedings terminated on 14 March 2006

Crimes indicted for (examples):

KOSOVO

- Forced deportation of approximately 800,000 Kosovo Albanian civilians, facilitated by an intentionally created atmosphere of fear and oppression through the use of force, threats of force, and acts of violence.
- Murder of hundreds of Kosovo Albanian civilians - men, women, and children, which occurred in a widespread or systematic manner throughout the province of Kosovo.
- The sexual assault by forces of the FRY and Serbia against Kosovo Albanians, in particular women.
- Widespread or systematic campaign of destruction of property owned by Kosovo Albanian civilians accomplished by the widespread shelling of towns and villages; the burning and destruction of property, including homes, farms, businesses, cultural monuments and religious sites; and the destruction of personal property which made villages, towns, and entire regions uninhabitable for Kosovo Albanians.

CROATIA

- The extermination or murder of hundreds of Croat and other non-Serb civilians, including women and elderly persons, in Dalj, Erdut, Klisa, Lovas, Vukovar, Voćin, Baćin, Saborsko and neighbouring villages, Škabrnja, Nadin, Bruska, and Dubrovnik and its environs.
- The prolonged and routine imprisonment and confinement of thousands of Croat and other non-Serb civilians in detention facilities within and outside of Croatia, including prison camps located in Montenegro, Serbia, and Bosnia and Herzegovina.
- The establishment and perpetuation of inhumane living conditions for Croat and other non-Serb civilian detainees within the mentioned detention facilities.
- The deportation or forcible transfer of at least 170,000 Croat and other non-Serb civilians from the territories specified above, including the deportation to Serbia of at least 5,000 inhabitants from Ilok,

20,000 inhabitants from Vukovar; and the forcible transfer to locations within Croatia of at least 2,500 inhabitants from Erdut.

- The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat and other non-Serb population in Dubrovnik and its environs, Vukovar, Erdut, Lovas, Šarengrad, Bapska, Tovarnik, Voćin, Saborsko, Škabrnja, Nadin, and Bruska.
- The repeated torture, beatings and killings of Croat and other non-Serb civilian detainees in the mentioned detention facilities.
- Unlawful attacks on Dubrovnik and undefended Croat villages throughout the territories specified above.

BOSNIA AND HERZEGOVINA

- Widespread killing of thousands of Bosnian Muslims during and after the take-over of territories within Bosnia and Herzegovina.
- The killing of thousands of Bosnian Muslims in detention facilities within Bosnia and Herzegovina.
- The causing of serious bodily and mental harm to thousands of Bosnian Muslims during their confinement in detention facilities within Bosnia and Herzegovina.
- The detention of thousands of Bosnian Muslims in detention facilities within Bosnia and Herzegovina, under conditions of life calculated to bring about the partial physical destruction of those groups, namely through starvation, contaminated water, forced labour, inadequate medical care and constant physical and psychological assault.
- The extermination, murder and wilful killings of non-Serbs, principally Bosnian Muslims and Bosnian Croats living in the territories of Banja Luka, Bihać, Bijeljina, Bileća, Bosanska Krupa, Bosanski Novi, Bosanski Šamac, Bratunac, Brčko, Čajniče, Doboj, Foča, Gacko, Sarajevo (Ilijaš), Ključ, Kalinovik, Kotor Varoš, Nevesinje, Sarajevo (Novi Grad), Prijedor, Prnjavor, Rogatica, Sanski Most, Srebrenica, Teslić, Višegrad, Vlasenica and Zvornik.
- The cruel and inhumane treatment of Bosnian Muslim, Bosnian Croat and other non-Serb civilians. Such inhumane treatment included, but was not limited to, sexual violence, torture, physical and psychological abuse and forced existence under inhumane living conditions.
- The imposition of restrictive and discriminatory measures against Bosnian Muslims, Bosnian Croats and other non-Serbs, such as, the restriction of freedom of movement; removal from positions of authority in local government institutions and the police; dismissal from jobs; arbitrary searches of their homes; denial of the right to judicial process and the denial of the right of equal access to public services, including proper medical care.
- The forcible transfer and deportation of thousands of Bosnian Muslim, Bosnian Croat and other non-Serb civilians to locations outside of Serb held territories.
- The intentional and wanton destruction of homes, other public and private property belonging to Bosnian Muslims and Bosnian Croats, their cultural and religious institutions, historical monuments and other sacred sites.
- The obstruction of humanitarian aid, in particular medical and food supplies, into the besieged enclaves Bihać, Goražde, Srebrenica and Žepa, and the deprivation of water from the civilians trapped in the enclaves, designed to create unbearable living conditions.

Born	20 August 1941 in Požarevac, Serbia and Montenegro
Indictment	"Kosovo": initial: 24 May 1999; amended: 29 June 2001; second amended: 29 October 2001 "Croatia": initial: 8 October 2001; amended: 23 October 2002; second amended: 28 July 2004 "Bosnia and Herzegovina": initial: 22 November 2001; amended: 22 November 2002
Arrested	1 April 2001, by Serbian authorities
Transferred to ICTY	29 June 2001
Initial and further appearances	3 July 2001, did not enter a plea to charges in the "Kosovo" indictment 29 October 2001, did not enter a plea to charges in the "Croatia" indictment 11 December 2001, did not enter a plea to charges in the "Bosnia" indictment

TRIAL

Commenced	12 February 2002
Trial Chamber III	Judge Richard May (presiding, until 31 May 2004), Judge Patrick Robinson (presiding), Judge O-Gon Kwon, Judge Iain Bonomy
Counsel for the Prosecution	Carla del Ponte, Geoffrey Nice, Dirk Ryneveld, Dermot Groome, Hildegard Uertz - Retzlaff
<i>Amici curiae</i>	Michail Wladimiroff (6 September 2001 - 22 November 2002) Branislav Tapušковиć (6 September 2001 - 23 June 2003) Steven Kay (6 September 2001 - 3 September 2004) Timothy McCormack (from 22 November 2002 until termination of proceedings)
Legal Associates	Ramsey Clark and John Livingston (15 November 2001 - 10 April 2002) Zdenko Tomanović and Dragoslav Ognjanović (from 10 April 2002 until termination of proceedings) Branko Rakić (from 23 October 2003 until termination of proceedings)
Court assigned counsel	Steven Kay, Gillian Higgins (from 3 September 2004 until termination of proceedings)
Proceedings terminated	14 March 2006

RELATED CASES

by geographical area

BABIĆ (IT-03-72)
BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"
BLAGOJEVIĆ & JOKIĆ (IT-02-60) "SREBRENICA"
BOROVNIĆA (IT-95-3) "PRIJEDOR"
BRĐANIN (IT-99-36) "KRAJINA"
ČEŠIĆ (IT-95-10/1) "BRČKO"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
HADŽIĆ (IT-04-75)
HARADINAJ <i>ET AL.</i> (IT-04-84)
JANKOVIĆ <i>et al.</i> (IT-96-23/2) "FOČA"
JELISIĆ (IT-95-10) "BRČKO"
JOKIĆ (IT-01-42/1) "DUBROVNIK"
KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KOVAČEVIĆ & DRLJACA (IT-97-24) "PRIJEDOR"
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"
KRNOJELAC (IT-97-25) "FOČA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
KUNARAC <i>et al.</i> (IT-96-23 & 23/1) "FOČA"
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA, KERATERM & TRNOPOLJE CAMPS"
LIMAJ <i>ET AL.</i> (IT-03-66)
LUKIĆ MILAN & LUKIĆ SREDOJE (IT-98-32/1) "VIŠEGRAD"
MARTIĆ (IT-95-11) "RSK"
MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"

MILUTINOVIĆ <i>ET AL.</i> (IT-05-87) "KOSOVO"
MRĐA (IT-02-59) "VLAŠIĆ MOUNTAIN"
NIKOLIĆ DRAGO (IT-02-63) "SREBRENICA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
ORIĆ (IT-03-68)
PERIŠIĆ (IT-04-81)
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"
POPOVIĆ <i>et al.</i> (IT-05-88) "SREBRENICA"
PRLIĆ <i>et al.</i> (IT-04-74)
ŠEŠELJ (IT-03-67)
SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"
SIMIĆ <i>et al.</i> (IT-95-9) "BOSANSKI ŠAMAC"
SIMIĆ MILAN (IT-95-9/2) "BOSANSKI ŠAMAC"
STAKIĆ (IT-97-24) "PRIJEDOR"
STAKIĆ (IT-97-24) "PRIJEDOR"
STANIŠIĆ & SIMATOVIĆ (IT-03-69)
STANIŠIĆ, MICO (IT-04-79)
TADIĆ (IT-94-21) "PRIJEDOR"
TODOROVIĆ (IT-95-9/1) "BOSANSKI ŠAMAC"
TODOVIĆ & RAŠEVIĆ "FOČA" (IT-97-25/1)
VASILJIJEVIĆ (IT-98-32) "VIŠEGRAD"
ŽUPLJANIN (it-99-36) "KRAJINA"

INDICTMENT AND CHARGES

KOSOVO

The initial indictment against Slobodan Milošević, Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić and Vlajko Stojiljković (case nr. IT-99-37), concerning crimes committed in Kosovo was confirmed on 24 May 1999 and made public on 27 May 1999. This indictment was amended on 29 June 2001.

On 29 October 2001, the Prosecution filed a second amended indictment. On 5 September 2002, the Trial Chamber separated the proceedings against Slobodan Milošević from proceedings against the other accused.

The operative indictment alleged that between 1 January 1999 and 20 June 1999, Slobodan Milošević participated in a joint criminal enterprise (JCE) together with a number of other individuals including Milan Milutinović, Nikola Šainović, Dragoljub Ojdanić, Vlajko Stojiljković and others known and unknown. During this period, the forces of the Federal Republic of Yugoslavia (FRY) and Serbia, acting at the direction, with the encouragement, or with the support of the JCE, executed a campaign of terror and violence directed at Kosovo Albanian civilians.

It was alleged that the purpose of the JCE was the expulsion of a substantial portion of the Kosovo Albanian population from Kosovo, in an effort to ensure continued Serbian control over the province.

Milošević was held individually responsible for the crimes alleged against him, pursuant to Article 7(1) of the Statute of the Tribunal, and for the crimes or omissions of their subordinates, pursuant to Article 7(3) of the Statute.

According to the indictment, during the relevant period, Slobodan Milošević was the President of FRY, President of the Supreme Defence Council of the FRY and the Supreme Commander of the Yugoslav Army (VJ). Pursuant to his position, he exercised command authority over the VJ and the police forces subordinated to the VJ. In addition to his *de jure* powers, he also exercised extensive *de facto* control over numerous institutions essential to, or involved in, the conduct of the crimes alleged in the indictment.

It was further alleged that approximately 800,000 Kosovo Albanian civilians were expelled from the province by their forced removal and subsequent looting and destruction of their homes, or by the shelling of villages. In the process, many were killed, abused and had their possessions and identification papers stolen.

CROATIA

The initial indictment against Slobodan Milošević concerning crimes committed in Croatia, was confirmed on 8 October 2001 and made public on 9 October 2001. On 23 October 2002, the Prosecution filed an amended version of the "Croatia" indictment. The indictment was further amended on 26 July 2004. This second amended indictment became the operative indictment on 28 July 2004.

According to the indictment, Slobodan Milošević participated in a JCE which came into existence before 1 August 1991 and continued until at least June 1992. Individuals participating in the JCE included Borisav Jović, Branko Kostić, Veljko Kadijević, Blagoje Adžić, Milan Babić, Milan Martić, Goran Hadžić, Jovica Stanišić, Franko Simatović (also known as "Frenki"), Tomislav Simović, Vojislav Šešelj, Momir Bulatović, Aleksandar Vasiljević, Radovan Stojičić (also known as "Badža"), Željko Ražnatović (also known as "Arkan") and other known and unknown participants. The purpose of this enterprise was the forcible removal of the majority of the Croat and other non-Serb population from approximately one-third of the territory of the Republic of Croatia, an area he planned to become part of a new Serb-dominated state. This area included those regions that were referred to by Serb authorities as the "Serbian Autonomous District (SAO) Krajina", the "SAO Western Slavonia", and the "SAO Slavonia, Baranja and Western Srem" (collectively referred to by Serb Authorities after 19 December 1991 as the "Republic of Serbian Krajina (RSK)") and the "Dubrovnik Republic".

According to the indictment, during the relevant period, Slobodan Milošević was the President of the Republic of Serbia and as such exercised effective control or substantial influence over the participants of the JCE and, either alone or acting in concert with others, effectively controlled or substantially influenced the actions of the Federal Presidency of the Socialist Federative Republic of Yugoslavia (SFRY) and later the FR Yugoslavia, the Serbian Ministry of Internal Affairs (MUP), the Yugoslav Peoples' Army (JNA), the Serb-run Territorial Defence (TO) staff in the relevant territories, and the Serb volunteer groups.

It was alleged that, between 1 August 1991 and June 1992, Serb forces, comprised of the JNA units, local TO units, as well as TO units from Serbia and Montenegro, local and MUP units and paramilitary units, attacked and took control of towns, villages and settlements in the territories listed above. After the take-over, the Serb forces, in cooperation with the local Serb authorities, established a regime of persecutions designed to drive the Croat and other non-Serb civilian population from these territories. This regime included the extermination or murder of hundreds of Croat and other non-Serb civilians, including women and elderly persons, the deportation or forcible transfer of at least 170,000 Croat and other non-Serb civilians and the confinement or imprisonment under inhumane conditions of thousands of Croat and other non-Serb civilians. Furthermore, public and private property in all the relevant areas was intentionally and wantonly destroyed and plundered, including homes, religious, historical and cultural buildings.

BOSNIA AND HERZEGOVINA

The initial indictment against Slobodan Milošević concerning crimes committed in Bosnia and Herzegovina was confirmed on 22 November 2001 and made public on 23 November 2001. On 22 November 2002, the Prosecution filed an amended version of the indictment. On 21 April 2004, this version of the indictment became the operative one.

The indictment alleged that Milošević participated in a JCE, which came into existence by 1 August 1991 and continued until at least 31 December 1995. The individuals participating in the JCE included Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Ratko Mladić, Borisav Jović, Branko Kostić, Veljko Kadijević, Blagoje Adžić, Milan Martić, Jovica Stanišić, Franko Simatović (also known as "Frenki"), Vojislav Šešelj, Radovan Stojičić (also known as "Badža"), Željko Ražnatović "Arkan" and other known and unknown participants. The purpose of the JCE was the forcible and permanent removal of the majority of non-Serbs, principally Bosnian Muslims and Bosnian Croats, from large areas of Bosnia and Herzegovina.

According to the indictment, during the relevant period Slobodan Milošević was the President of Serbia and as such exercised effective control or substantial influence over participants in the JCE, and, either alone or acting in concert with them and additional known and unknown persons, effectively controlled or substantially influenced the actions of the Federal Presidency of the SFRY and later the FR Yugoslavia, the MUP, the JNA and later the VJ, the Bosnian Serb Army (VRS), as well as Serb paramilitary groups.

It was alleged that, from on or about 1 March 1992 until 31 December 1995, Slobodan Milošević, acting alone or in concert with other members of the JCE, planned, instigated, ordered, committed or otherwise

aided and abetted the planning, preparation and execution of the widespread killing of thousands of Bosnian Muslims during and after the take-over of territories within Bosnia and Herzegovina and the detention of thousands of Bosnian Muslims in detention facilities within Bosnia and Herzegovina, under conditions of life calculated to bring about the partial physical destruction of those groups. During their confinement in detention facilities, thousands of Bosnian Muslims were killed or caused serious bodily and mental harm.

As a co-perpetrator in the JCE, Milošević was also held responsible for the extermination or murder and forcible transfer and deportation of thousands of Bosnian Muslim, Bosnian Croat and other non-Serb civilians. The charges also included numbers of acts of intentional and wanton destruction of homes, other public and private property belonging to Bosnian Muslims and Bosnian Croats, their cultural and religious institutions, historical monuments and other sacred sites and the appropriation and plunder of property belonging to Bosnian Muslim, Bosnian Croat and other non-Serb civilians.

Slobodan Milošević was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), and on the basis of superior criminal responsibility (Article 7(3) of the Statute) with:

KOSOVO

- Deportation; murder; persecutions on political, racial or religious grounds; and other inhumane acts/forcible transfer (crimes against humanity, Article 5),
- Murder (violations of the laws or customs of war, Article 3).

CROATIA

- Persecutions on political, racial or religious grounds; extermination; murder; imprisonment; torture; inhumane acts; deportation; inhumane acts (forcible transfers) (crimes against humanity, Article 5),
- Wilful killing; unlawful confinement; torture; wilfully causing great suffering; unlawful deportation or transfer; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (grave breaches of the Geneva conventions of 1949, Article 2),
- Murder; torture; cruel treatment; wanton destruction of villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to education or religion; plunder of public or private property; attacks on civilians; destruction or wilful damage done to historic monuments and institutions dedicated to education or religion; unlawful attacks on civilian objects (violations of the laws or customs of war, Article 3).

BOSNIA AND HERZEGOVINA

- Genocide; complicity in genocide (genocide, Article 4),
- Persecutions on political, racial or religious grounds; extermination; murder; imprisonment; torture; deportation; inhumane acts; and forcible transfers (crimes against humanity, Article 5),
- Wilful killing; unlawful confinement; torture; wilfully causing great suffering; unlawful deportation or transfer; and extensive destruction and appropriation of property (grave breaches of the Geneva conventions of 1949, Article 2),
- Murder; torture; cruel treatment; wanton destruction of villages, or devastation not justified by military necessity; wilful destruction or wilful damage done to historic monuments and institutions dedicated to education or religion; plunder of public or private property; attacks on civilians (violations of the laws or customs of war involving, Article 3).

***AMICI CURIAE*, ASSIGNED COUNSEL AND LEGAL ASSOCIATES**

Slobodan Milošević elected to represent himself before the Tribunal. In absence of trained Defence Counsel and in order to secure a fair trial, the Trial Chamber issued, on 30 August 2001, an order to the Registrar to designate counsel to appear before the Chamber as so-called *amici curiae* (friends of the Court). On 6 September 2001, the Registrar assigned Steven Kay, Branislav Tapušković and Michail Wladimiroff. The *amici curiae* were appointed not to represent the accused but to assist in the proper determination of the case.

Upon the accused's request to receive legal advice from Ramsey Clark and John Livingston, the Trial Chamber issued an order on 15 November 2001 providing them with the status of legal advisors. As such, Ramsey Clark and John Livingston were granted privileged access to the accused, which meant that their communication with the accused, whether in meetings or on the telephone, was not monitored by Tribunal authorities.

On 10 April 2002, the accused identified in court Zdenko Tomanović and Dragoslav Ognjanović as associates with whom he wished to communicate. On 16 April 2002, the Trial Chamber issued an order by which it replaced Ramsey Clark and John Livingston and appointed Zdenko Tomanović and Dragoslav Ognjanović as lawyers with whom the accused could communicate for the purpose of preparing his defence. The Trial Chamber determined that, as such, they must be subject to the Code of Professional Conduct for Defence Counsel Appearing before the International Tribunal and bound to existing Chamber orders on protective measures. On 23 October 2003, the Trial Chamber extended its order to enable the accused to communicate with Branko Rakić under the same conditions.

On 10 October 2002, the Trial Chamber revoked the appointment of Michail Wladimiroff as *amicus curiae*. On 22 November 2002, the Trial Chamber designated Timothy McCormack as the third *amicus curiae*.

On 27 June 2003, the Trial Chamber indicated that, due to the conclusion of the Prosecution case, it no longer required the services of *amicus curiae* Branislav Tapušković.

On 3 September 2004, pursuant to an order by the Trial Chamber, the Registrar appointed assigned counsel to Slobodan Milošević. Steven Kay was appointed as counsel and Gillian Higgins as co-counsel.

THE TRIAL

The trial commenced on 12 February 2002 before Judge Richard May (presiding, until 31 May 2004), Judge Patrick Robinson (presiding) and Judge O-Gon Kwon with evidence relevant only to the charges relating to Kosovo. The Prosecution concluded its case regarding Kosovo on 11 September 2002. On 26 September 2002, the Prosecution started the presentation of its case regarding Croatia and Bosnia and Herzegovina. The Prosecution concluded the presentation of its evidence in chief on 25 February 2004.

On 12 April 2004, the UN Secretary-General appointed Lord Bonomy as a Judge of the ICTY. Lord Bonomy, whose appointment was effective as of 1 June 2004, replaced Judge Richard May who had retired due to ill-health.

The Defence case commenced on 31 August 2004.

RULE 98*bis* PROCEEDINGS

After the Prosecution concludes the presentation of its evidence, the Defence can ask for the dismissal of the case, if it believes that the presented evidence was insufficient to prove the charges. If the Trial Chamber believes that the Prosecution has not presented sufficient evidence, it can dismiss the case or certain charges and enter a judgement of acquittal before the beginning of the presentation of defence evidence.

On 16 June 2004, following the completion of the presentation of the Prosecution case, the Trial Chamber found that there was sufficient evidence to support each count in the three indictments.

However, pursuant to Rule 98*bis*, the Trial Chamber also found that there was no or insufficient evidence to support certain allegations relevant to some of the charges in the "Croatia" and "Bosnia and Herzegovina" indictments. The acquitted allegations included:

- Existence, conditions, organisation and possible crimes committed at the detention facilities described in the paragraphs 64(b), 64(f), 64(h) and 64(p) of the "Croatia" indictment.
- Numbers of allegations from the Schedule A (killings not associated with detention facilities); Schedule B (killings associated with detention facilities); Schedule C (existence of detention facilities); and Schedule D (forcible transfers of non-Serb civilians) of the "Bosnia" indictment.
- All but one of the 44 alleged sniper incidents in Sarajevo.

- All but one of the 26 alleged shelling incidents in Sarajevo.

TERMINATION OF PROCEEDINGS

Slobodan Milošević passed away on 11 March 2006.

On 14 March 2006, the Trial Chamber terminated proceedings against the accused.