

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie**"BOSNIA AND HERZEGOVINA" & "SREBRENICA"**

(IT-95-5/18)

**RADOVAN
KARADŽIĆ**

Indicted for genocide, complicity in genocide, extermination, murder, wilful killing, persecutions, deportation, inhumane acts, unlawfully inflicting terror upon civilians, taking of hostages

RADOVAN KARADŽIĆ

Founding member, and President of the Serbian Democratic Party (SDS) until 19 July 1996; became President of the National Security Council of the so-called Serbian Republic of Bosnia and Herzegovina on 27 March 1992; became the President of the three-member Presidency of the Serbian republic on 12 May 1992 and served on the Presidency until 17 December 1992; member of the Supreme Command of the armed forces of the Serbian republic, from on or about the 30 November 1992; the sole President of Republika Srpska and Supreme Commander of the armed forces from 17 December 1992.

Crimes indicted for (examples):

Genocide, complicity in genocide, extermination, murder, wilful killing (grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, genocide, crimes against humanity) committed in the areas that include but are not limited to the municipalities in Bosnia and Herzegovina of Bijeljina, Bratunac, Bosanski Šamac, Brčko, Doboj, Foča, Ilijaš, Ključ, Kotor Varoš, Novi Grad, Prijedor, Rogatica, Sanski Most, Srebrenica, Višegrad, Vlasenica, Zavidovići and Zvornik, and the Srebrenica enclave:

- The killing of Bosnian Muslims and Bosnian Croats which took place during and after the attacks on and within the municipalities; the killing of Bosnian Muslims and Bosnian Croats in and after they had been taken away from camps and detention facilities; and the killing of Bosnian Muslims after their captivity in several different locations in and around the Srebrenica enclave.
- The causing of serious bodily or mental harm to Bosnian Muslims and Bosnian Croats during their confinement in camps and detention facilities, and during their interrogations at these locations, police stations and military barracks, where detainees were continuously subjected to, or forced to witness, inhumane acts including murder, sexual violence, torture, beatings and robbery.
- The detention of Bosnian Muslims and Bosnian Croats in camps and detention facilities under conditions of life calculated to bring about the physical destruction in whole or in part of those national, ethnical, racial or religious groups.

Persecutions, deportation, inhumane acts, unlawfully inflicting terror upon civilians, taking of hostages (violations of the laws or customs of war, crimes against humanity) committed in the areas that include but are not limited to the municipalities of Banja Luka, Bijeljina, Bileća, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Bosanski Šamac, Bratunac, Brčko, Čajniče, Čelinac, Doboj, Donji Vakuf, Foča, Gacko, Hadžići, Ilidža, Ilijaš, Jajce, Ključ, Kalinovik, Kotor Varoš, Nevesinje, Novi Grad, Novo Sarajevo, Pale, Prijedor, Prnjavor, Rogatica, Rudo, Sanski Most, Šekovići, Šipovo, Sokolac, Teslić, Trnovo, Višegrad, Vlasenica, Vogošća, Zavidovići, and Zvornik and the Srebrenica enclave:

- The killing of thousands of Bosnian Muslims and Bosnian Croats during and after the attacks and in the camps and detention facilities; and the killing of thousands of Bosnian Muslims after their captivity in several different locations in and around the Srebrenica enclave.

- The forced transfer or deportation of thousands of Bosnian Muslims, Bosnian Croats and other non-Serbs.
- The inhumane treatment and/or torture of Bosnian Muslims, Bosnian Croats and other non-Serbs and the constant humiliation and degradation, including physical violence, mental suffering, and sexual violence against Bosnian Muslims, Bosnian Croats and other non-Serbs from the municipalities listed above.
- The denial of fundamental rights to Bosnian Muslims, Bosnian Croats and other non-Serbs, including the right to work, freedom of movement, the right to judicial process, and the right of equal access to public services including proper medical care.
- The systematic wanton destruction by Bosnian Serb forces of Bosnian Muslim, Bosnian Croat and other non-Serb cities, towns and villages.

Born	19 June 1945, in the municipality of Šavnik, Montenegro
Indictment	Initial indictment: 25 July 1995; second: 16 November 1995; amended: 31 May 2000
Arrested	21 July 2008 (announced by the Serbian authorities)
Transferred to ICTY	30 July 2008
Initial and further appearances	31 July 2008, postponed his plea for 30 days; 29 August 2008, failed to enter a plea, a plea of not guilty was entered on his behalf

STATISTICS

PRE-TRIAL	
Trial Chamber III	Judge Patrick Robinson (presiding), Judge Iain Bonomy and Judge Michèle Picard
Counsel for the Prosecution	Serge Brammertz, Mark Harmon, Alan Tieger
Counsel for the Defence	Self-representation

RELATED CASES <i>by geographical area</i>	
BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"	
BEARA (IT-02-58) "SREBRENICA"	
BLAGOJEVIĆ AND JOKIĆ (IT-02-60) "SREBRENICA"	
BOROVCANIN (IT-02-64)	
BOROVNICA (IT-95-3) "PRIJEDOR"	
BRĐANIN (IT-99-36) "KRAJINA"	
ERDEMOVIĆ (IT-96-22) "PILICA FARM"	
GALIĆ (IT-98-29) "SARAJEVO"	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
KRNOJELAC (IT-97-25) "FOČA"	
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"	
KUNARAC, KOVAČ & VUKOVIĆ (IT-96-23 & 23/1) "FOČA"	
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA CAMP & KERATERM CAMP"	
MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"	
MLADIĆ (IT-95-5/18)	
MRĐA (IT-02-59) "VLASIC MOUNTAIN"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA "	
NIKOLIĆ, DRAGO (IT-02-63) "SREBRENICA"	
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"	
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"	
PANDUREVIĆ & TRBIĆ (IT-05-86) "SREBRENICA-DRINA CORPS"	
PERIŠIĆ (IT-04-81)	
POPOVIĆ <i>et al.</i> (IT-02-57) "SREBRENICA"	
SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"	
STANIŠIĆ (IT-04-79)	
STAKIĆ (IT-97-24) "PRIJEDOR"	
TADIĆ (IT-94-1) "PRIJEDOR"	
TOLIMIR (IT-05-88/2)	

INDICTMENT AND CHARGES

The first indictment against Radovan Karadžić and Ratko Mladić was confirmed on 25 July 1995 and charged them with genocide and other crimes committed against civilians throughout the territory of Bosnia and Herzegovina. The second indictment was confirmed on 16 November 1995 and dealt with events that took place in Srebrenica in July 1995.

Consolidating the two initial indictments into one single document, an amended indictment against Radovan Karadžić (IT-95-5/18) was confirmed on 31 May 2000, and included one count of a grave breach of the Geneva conventions of 1949, three counts of violations of the laws or customs of war, two counts of genocide and five counts of crimes against humanity.

The amended indictment alleges that Radovan Karadžić, acting individually or in concert with others, including Momčilo Krajišnik and Biljana Plavšić between 1 July 1991 and 31 December 1992, participated in crimes he is charged with in order to secure control of those areas of Bosnia and Herzegovina which had been proclaimed part of the so-called "Republika Srpska". In order to achieve this objective, the Bosnian Serb leadership, including Radovan Karadžić, and at relevant times Momčilo Krajišnik, Biljana Plavšić and others, initiated and implemented a course of conduct which included the creation of impossible conditions of life, involving persecution and terror tactics, that would have the effect of encouraging non-Serbs to leave those areas. This included the deportation of those who were reluctant to leave and the liquidation of others.

The indictment states that Bosnian Serb forces including military, paramilitary, territorial defence and police units, SDS and government authorities acting under the direction and control of Radovan Karadžić, and at relevant times Momčilo Krajišnik, Biljana Plavšić and others, were engaged in variety of actions to significantly reduce the Bosnian Muslim, Bosnian Croat and other non-Serb populations of the municipalities listed in the Indictment.

The indictment further alleges that from late March to 31 December 1992, Bosnian Serb forces seized physical control of these municipalities, often through violent attacks which occurred in a co-ordinated and planned manner. Organisation and direction of the take-overs that occurred between late March and 31 December 1992 and the continuing acts of persecution and deportation that occurred up to 30 November 1995, in particular from the municipalities of Bijeljina, Banja Luka and the UN designated "safe area" of Srebrenica and its surroundings, were provided by the SDS, military and police leadership, and the governing organs of Serb municipalities, including the Crisis Staffs, War Presidencies and War Commissions.

Radovan Karadžić, is charged on the basis of individual criminal responsibility (Article 7(1)) and superior criminal responsibility (Article 7(3)) with:

- **Genocide, complicity in genocide, extermination, murder, wilful killing** (grave breaches of the 1949 Geneva Conventions, violation of the laws or customs of war, genocide, crime against humanity, Articles 2-5),
- **Persecutions, deportation, inhumane acts, unlawfully inflicting terror upon civilians, taking of hostages** (violations of the laws or customs of war, crimes against humanity, Articles 3 and 5).

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 this rule 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 latter 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 to execute an arrest warrant or refusal of a State to co-operate 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 is not a trial *in absentia* and does not provide for a finding of guilt.

After the indictments against both Radovan Karadžić and Ratko Mladić were confirmed on 24 July 1995 and on 16 November 1995, warrants of arrest were transmitted to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Bosnia and Herzegovina and the Bosnian Serb administration (which has become Republika Srpska). On 18 June 1996, given that the warrants had not been executed and that the Prosecutor had taken reasonable attempts to inform the accused of their existence, Judge Claude Jorda ordered that both the indictments be submitted to the Trial Chamber for review under Rule 61 of the Rules of Procedure and Evidence.

On 11 July 1996, the Trial Chamber confirmed all counts of the indictments, being satisfied that the Prosecutor had presented evidence constituting reasonable grounds for believing that Radovan Karadžić and Ratko Mladić had committed the alleged crimes. It issued an international arrest warrant, ordering it be sent to all States and to the NATO led multinational military Implementation Force (IFOR), which was then operating in BiH.

The Trial Chamber also considered that the failure to arrest Radovan Karadžić and Ratko Mladić could be ascribed to the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Republika Srpska to cooperate with the ICTY. The Trial Chamber noted in particular that this failure was a breach of the obligations made on Republika Srpska's behalf by FRY during the Dayton peace agreements. They stated that as the guarantor of Republika Srpska, the FRY is responsible for that entity's failure to honour its obligations. Accordingly, the Trial Chamber requested the Tribunal's President to report this failure to comply with their legal obligations to the UN Security Council and on 11 July 1996 President Antonio Cassese sent a letter to this effect. Following this letter the Security Council issued a number of resolutions urging compliance with the Tribunal and stating that they would remain actively seized of the matter.