

# THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-95-5/18-I

## THE PROSECUTOR OF THE TRIBUNAL AGAINST RATKO MLADIC

### AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

#### RATKO MLADIC

with **GENOCIDE, COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY**, and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth herein:

#### THE ACCUSED

1. **Ratko MLADIC** was born on 12 March 1942 in the municipality of Kalinovik in the Republic of Bosnia and Herzegovina ("BiH"). He was trained at the military academy of the Yugoslav People's Army ("JNA") in Belgrade, and was then a regular officer in the JNA and subsequently in the army of the Serbian Republic of Bosnia and Herzegovina/Republika Srpska ("VRS").
2. In June of 1991, **Ratko MLADIC** was posted to Knin as Commander of the 9<sup>th</sup> Corps of the JNA, during fighting between the JNA and Croatian forces. On 4 October 1991, he was promoted to General Major by the President of the Socialist Federal Republic of Yugoslavia ("SFRY"). On 24 April 1992, **Ratko MLADIC** was promoted to the rank of General Lieutenant, and on 25 April 1992 he was assigned to the post of Chief of Staff/Deputy Commander of the Second Military District Headquarters of the JNA in Sarajevo. He assumed that post on 9 May 1992. On 10 May 1992, **Ratko MLADIC** assumed the command of the Second Military District Headquarters of the JNA.
3. On 12 May 1992, **Ratko MLADIC** was appointed Commander of the Main Staff of the VRS, a position he held until at least 22 December 1996. On 24 June 1994, **Ratko MLADIC** was promoted to the rank of General Colonel.

#### STATEMENT OF FACTS

4. In 1990, multi-party elections were held in BiH for the first time since the Second World War. At the Republic level, the SDA (*Stranka Demokratske Akcije*), the main party of the Bosnian Muslims, won 86 seats in the Assembly; the SDS (*Srpska Demokratska Stranka*), the main party of the Bosnian Serbs, won 72 seats; and the HDZ (*Hrvatska Demokratska Zajednica*), the main party of the Bosnian Croats, won 44 seats. The policy of the SDS

included an emphasis on the unity of ethnic Serbs in a common state. By early 1991, the SDS began to organise certain areas of BiH into Serb regional areas.

5. On 25 June 1991, Slovenia and Croatia declared their independence from the SFRY. The following day, the JNA was engaged in armed conflict in Slovenia, and fighting broke out in Croatia soon thereafter. In the autumn of 1991, the JNA began to withdraw its forces from Croatia and re-deploy them into BiH. Working in conjunction with certain elements in the JNA, the SDS armed the Bosnian Serb population of BiH.
6. A separate Bosnian Serb Assembly, dominated by the SDS, was founded on 24 October 1991 as the highest representative and legislative organ of the Serbs in BiH. On 21 November 1991, the Bosnian Serb Assembly adopted a decision to endorse the Serb autonomous districts proclaimed in BiH, and on 9 January 1992, the Assembly proclaimed the Serbian Republic of Bosnia and Herzegovina, later called Republika Srpska. On 28 February 1992, the Constitution of the Serbian Republic of Bosnia and Herzegovina declared in Article 2 "that the territory of the Republic consists of Serb autonomous regions, municipalities and other Serbian ethnic entities, including the regions in which genocide was committed against the Serb people in the Second World War." Such territories were declared to be part of the federal state of Yugoslavia.
7. Shortly after BiH was internationally recognised as an independent state on 6 April 1992, hostilities broke out in Sarajevo, marking the beginning of a conflict within the city, which would last until 1995. Even before the conflict began, armed forces occupied strategic positions in and around Sarajevo. The city was subsequently subjected to blockade, bombardment and sniper attacks from these positions. From May 1992, Bosnian Serb Forces under the command and control of General **Ratko MLADIC** used shelling and sniping to target civilian areas of the city and its civilian population and institutions, killing and wounding civilians, and thereby also inflicting terror upon the civilian population. Much of the bombardment and sniping was from positions in the hills around and overlooking Sarajevo, from which the attackers had a commanding view of the city, its population and institutions.
8. On 12 May 1992, at the 16<sup>th</sup> session of the Bosnian Serb Assembly, Radovan KARADZIC announced the six "strategic objectives" of the Serbian People in Bosnia and Herzegovina:
  1. Establish State borders separating the Serbian people from the other two ethnic communities.
  2. Set up a corridor between Semberija and Krajina.
  3. Establish a corridor in the Drina River valley, that is, eliminate the Drina as a border separating Serbian States.
  4. Establish a border on the Una and Neretva Rivers.
  5. Divide the city of Sarajevo into Serbian and Muslim parts and establish effective state authorities in both parts.
  6. Ensure access to the sea for Republika Srpska.

Moreover, on 12 May 1992, the Bosnian Serb Assembly voted to create the VRS, effectively transforming the JNA units remaining in BiH into units of the VRS. At the same time, the Bosnian Serb Assembly appointed **Ratko MLADIC** as Commander of the VRS Main Staff.

9. On or about 20 May 1992, after a partial withdrawal of JNA forces from BiH, the JNA

Second Military District was effectively transformed into the nucleus of the Main Staff of the VRS.

10. From May 1992, Bosnian Serb Forces under the command and control of General **Ratko MLADIC** took control of municipalities in the Serbian Republic of BiH, primarily in the northwestern region of BiH known as the Bosnian Krajina and in eastern Bosnia. In these municipalities, the Bosnian Serb Forces participated in a campaign of persecutions to drive the non-Serb populations from these territories. Thousands of non-Serbs were deported or forcibly transferred from these municipalities. Many non-Serbs were killed, and many others were held in detention facilities, where they were physically and psychologically abused and subjected to cruel and inhumane conditions. In addition, non-Serb homes, businesses, and religious sites and property were looted, destroyed and/or appropriated.
11. On 19 November 1992, General **Ratko MLADIC**, in his capacity as Commander of the VRS Main Staff, issued Operational Directive 04, reaffirming the goals set forth in the "strategic objectives" referred to in paragraph 8 above.
12. From January to March 1993, in accordance with Operational Directive 04, Bosnian Serb Forces under the command and control of General **Ratko MLADIC** attacked the Cerska area in eastern BiH. Thousands of Muslims fled to BiH government-controlled territory including Srebrenica and Zepa. On 16 April 1993, the Security Council of the United Nations ("UN"), acting pursuant to Chapter VII of its Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in BiH treat Srebrenica, Zepa, Gorazde, and Sarajevo (and their surroundings) as "safe areas" which were to be free from any armed attack or any other hostile act. Thereafter, Bosnian Serb Forces under the command and control of General **Ratko MLADIC** began to focus particular attention on capturing the strategically located Srebrenica enclave and expelling the Bosnian Muslim population that had fled there in the wake of the 1992 and 1993 "ethnic cleansing" campaigns in eastern BiH referred to in paragraph 10 above.
13. From 26 May 1995 through 19 June 1995, Bosnian Serb Forces under the command and control of General **Ratko MLADIC** seized and held over two hundred UN military observers and UN peacekeepers as hostages, following air strikes by the North Atlantic Treaty Organization ("NATO") against Bosnian Serb Forces in BiH, in order to deter further air strikes in those areas where the hostages were being held. Some of the hostages were assaulted and otherwise maltreated during their captivity.
14. On 8 March 1995, Radovan KARADZIC, as the Supreme Commander of the VRS, issued Operational Directive 07, which directed the VRS to eliminate the Muslim enclaves of Srebrenica and Zepa, in furtherance of the "strategic objectives" of 12 May 1992. On 2 July 1995, Bosnian Serb Forces under the command and control of General **Ratko MLADIC** attacked the Srebrenica enclave. This attack on the enclave continued until 11 July 1995, when General **Ratko MLADIC** and the Bosnian Serb Forces entered Srebrenica. Subsequently, those Bosnian Serb Forces terrorised Bosnian Muslims, who were forcibly transferred to areas outside the enclave and many of whom fled in a huge column through the woods towards Tuzla. The majority of this group consisted of unarmed military personnel and civilians.
15. Between 12 July and about 20 July 1995, thousands of Bosnian Muslim men were captured by, or surrendered to, Bosnian Serb Forces under the command and control of General **Ratko MLADIC**. Over 7,000 Bosnian Muslim prisoners captured in the area around

Srebrenica were summarily executed from 13 July to 19 July 1995. Killings continued thereafter. From about 1 August 1995 through about 1 November 1995, VRS units under the command and control of General **Ratko MLADIC** participated in an organised and comprehensive effort to conceal the killings and executions of the Bosnian Muslims of Srebrenica by reburying, in isolated locations, bodies exhumed from mass graves.

## INDIVIDUAL CRIMINAL RESPONSIBILITY

### Position of Accused/Superior Authority

16. As Commander of the Main Staff, General **Ratko MLADIC** was the most senior officer of the VRS, subordinate only to the Presidency/President of the Republika Srpska. As such he had overall authority and responsibility for the functioning of the VRS. He was responsible for planning and directing all operations of the VRS, and for monitoring the activities of all subordinate officers and units to ensure that his orders were implemented. He exercised military command and control through his Main Staff, which consisted of subordinates, assistants, and branch specialists.
17. In particular, as Commander of the Main Staff, General **Ratko MLADIC** exercised military command and control over the regular VRS forces throughout BiH, including the 1<sup>st</sup> Krajina Corps, 2<sup>nd</sup> Krajina Corps, East Bosnia Corps, Drina Corps, Sarajevo-Romanija Corps, Herzegovina Corps, the 65<sup>th</sup> Protection Regiment, and the 10<sup>th</sup> Sabotage Detachment. Each Corps within the VRS had a Corps commander and a command staff, all of whom were subordinated to General **Ratko MLADIC**. At times, General **Ratko MLADIC** exercised command and control of the VRS in co-ordination with paramilitary forces and volunteer units, the Bosnian Serb Territorial Defence, and the Bosnian Serb police (collectively, with the VRS, "Bosnian Serb Forces"), as well as other civilian bodies, including regional and municipal crisis staffs.
18. By virtue of his authority as set out in military regulations and instructions, General **Ratko MLADIC** controlled the work of the Main Staff; made decisions for the Main Staff and subordinate units; assigned tasks to subordinates; issued orders, instructions, and directives; ensured the implementation of these orders, instructions and directives and bore full responsibility for their completion; monitored the situation in the area of responsibility of the VRS; ensured the passage of information to civilian and police bodies; and was responsible for the overall state and conduct of the VRS.
19. General **Ratko MLADIC** was personally responsible for ensuring that Bosnian Serb Forces under his command and control respected and applied the rules of international law governing the conduct of warfare. General **Ratko MLADIC** was a principal figure in the establishment and administration of the VRS military justice system from May 1992 until at least mid-1993.

### Article 7(1) of the Statute of the Tribunal

20. General **Ratko MLADIC** is individually criminally responsible pursuant to Article 7(1) of the Statute of the Tribunal for the crimes referred to in Articles 3, 4, and 5 of the Statute of the Tribunal as alleged in this indictment, which he planned, instigated, ordered, committed, or in whose planning, preparation or execution he otherwise aided and abetted. By using the word "committed" in this indictment, the Prosecutor does not suggest that the accused

physically committed any of the crimes charged personally. "Committed" in this indictment includes participation in a joint criminal enterprise.

21. The objective of the joint criminal enterprise within BiH was the elimination or permanent removal, by force or other means, of Bosnian Muslim, Bosnian Croat, or other non-Serb inhabitants from large areas of BiH through the commission of crimes which are punishable under Articles 3, 4, and 5 of the Statute of the Tribunal. General **Ratko MLADIC** participated in the joint criminal enterprise as a co-perpetrator and/or an aider and abettor.
22. The crimes enumerated in all the counts of this indictment were within the objective of the joint criminal enterprise, and General **Ratko MLADIC** possessed the state of mind necessary for the commission of each of these crimes. Alternatively, such crimes as were not within the objective of the joint criminal enterprise were the natural and foreseeable consequence of the execution of the joint criminal enterprise, and General **Ratko MLADIC** was aware that these crimes were the possible consequence of the execution of the joint criminal enterprise.
23. The joint criminal enterprise was in existence at the time of the commission of the underlying criminal acts alleged in this indictment and at the time of the participatory acts of the accused in furtherance thereof.
24. Numerous individuals participated in this joint criminal enterprise. Each participant, by acts or omissions, significantly contributed to the overall objective of the enterprise. General **Ratko MLADIC** worked in concert with or through other members of the joint criminal enterprise, including General Momir TALIC, General Stanislav GALIC, General Dragomir MILOSEVIC, General Radislav KRSTIC and other members of the Bosnian Serb Forces; Radovan KARADZIC, Momcilo KRAJISNIK, Biljana PLAVSIC and other members of the leadership of the Bosnian Serbs and of the SDS; members of civilian bodies within BiH, including regional and municipal crisis staffs; members of the JNA and the Yugoslav Army ("VJ"); Slobodan MILOSEVIC and other military and political figures from the SFRY and the Republic of Serbia; and members of Serbian paramilitary and volunteer units.
25. As Commander of the Main Staff of the VRS, General **Ratko MLADIC**, acting individually and in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise from no later than 12 May 1992 until at least 22 December 1996 in the following ways:
  - a. Planning, preparing, facilitating, or executing a campaign of persecutions, which included acts of genocide, within BiH, by establishing control of the municipalities listed in Paragraph 36 of the indictment; attacking and destroying non-Serb towns and villages, as well as looting, destroying, and/or appropriating residential, commercial and religious properties in the municipalities; killing and terrorising the non-Serb inhabitants, and submitting them to cruel and inhumane treatment and conditions, including physical, psychological and sexual abuse, often in detention facilities; using non-Serbs for forced labour, including at front lines, and as human shields; imposing restrictive and discriminatory measures on the non-Serb population; and separating, deporting, and permanently removing non-Serbs who did not subjugate themselves to Serb authorities;
  - b. Planning, preparing, facilitating, or executing a protracted military campaign of artillery and mortar shelling and sniping into civilian areas of Sarajevo and upon its

civilian population and institutions, killing and wounding civilians, and thereby inflicting terror upon its civilian population;

- c. Planning, preparing, facilitating, or executing an operation to take UN military observers and UN peacekeepers as hostages following NATO air strikes on 25 and 26 May 1995;
  - d. Planning, preparing, facilitating, or further executing the campaign of persecutions, which included acts of genocide, after the capture of Srebrenica in July 1995, by forcibly transferring the Bosnian Muslim women and children from the Srebrenica enclave to Kladanj; capturing, detaining, summarily executing, and burying thousands of Bosnian Muslim men and boys from Srebrenica, all of whom were either separated from the group of Bosnian Muslim refugees in Potocari or captured from the column of Bosnian Muslim men escaping the Srebrenica enclave; and exercising command and control over an organised and comprehensive operation designed to conceal the execution campaign by exhuming bodies from the initial mass graves and reburying them, *en masse*, in isolated secondary locations;
  - e. Aiding and abetting, or instigating the commission of, further crimes by failing to investigate, to follow up on investigations, and to punish subordinates in the Bosnian Serb Forces for crimes committed against Bosnian Muslims, Bosnian Croats, or other non-Serbs.
26. General **Ratko MLADIC** knowingly and wilfully participated in the joint criminal enterprise, while sharing the intent of other participants in the joint criminal enterprise, or having knowledge of the intent of other participants in the joint criminal enterprise, or being aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for these crimes under Article 7(1) of the Statute of the Tribunal in addition to his responsibility under the same Article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation, or execution of these crimes.

### **Article 7(3) of the Statute of the Tribunal**

27. General **Ratko MLADIC**, while holding a position of superior authority, 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 Commander of the Main Staff of the VRS, General **Ratko MLADIC** exercised *de jure* and *de facto* command and control over the Bosnian Serb Forces that participated in the crimes alleged in this indictment. General **Ratko MLADIC** knew or had reason to know that all crimes alleged in this indictment were about to be committed or had been committed by his subordinates and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof. General **Ratko MLADIC**'s duty to punish included an obligation to investigate and establish the facts of the crime, to put an end to the criminal activity, and to impose appropriate punitive measures on the perpetrator.
28. General **Ratko MLADIC** knew that by failing to prevent or punish breaches of international humanitarian law, he would be personally liable for such breaches of the law. Moreover, he knew that repeated failure to take action against such groups or individuals would make him an instigator or accomplice to such breaches of international humanitarian law.

## GENERAL ALLEGATIONS

29. All acts and omissions charged in this indictment as crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim, Bosnian Croat or other non-Serb civilian populations of BiH.
30. At all times relevant to this indictment, a state of armed conflict existed in BiH.
31. General **Ratko MLADIC** was required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the Additional Protocols thereto.

## THE CHARGES

### **COUNTS 1 and 2 GENOCIDE, COMPLICITY IN GENOCIDE**

By his acts and omissions, General **Ratko MLADIC** participated in:

**Count 1: GENOCIDE**, punishable under Articles 4(3)(a), 7(1) and 7(3) of the Statute of the Tribunal;

**Count 2: COMPLICITY IN GENOCIDE**, punishable under Articles 4(3)(e), 7(1) and 7(3) of the Statute of the Tribunal.

32. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC**, acting individually or in concert with other participants in the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the intentional partial destruction of the Bosnian Muslim national, ethnical, racial or religious group, as such, from Kljuc, Kotor Varos, Prijedor, Sanski Most, and Srebrenica.
33. As alleged in paragraphs 20 to 26, General **Ratko MLADIC** participated in a joint criminal enterprise. The main objective of the joint criminal enterprise was primarily achieved through a manifest pattern of persecutions as alleged in this indictment. This campaign of persecutions included or escalated to include conduct committed with the intent to destroy in part the national, ethnical, racial or religious group of Bosnian Muslims, as such, in certain municipalities within BiH. Bosnian Serb Forces under the command and control of General **Ratko MLADIC** targeted a significant part of the Bosnian Muslim group for intended destruction. This form of partial destruction of the Bosnian Muslims took place in Banja Luka, Bosanska Krupa, Bratunac, Kljuc, Kotor Varos, Prijedor, Sanski Most, Srebrenica, Vlasenica and Zvornik.
34. The destruction of these groups was effected by:
  - a. the widespread killing, deportation, and forcible transfer of non-Serbs during and after the attacks on Kljuc, Kotor Varos, Prijedor, Sanski Most, and Srebrenica. Bosnian Muslims were killed and hundreds of thousands deported or forcibly transferred in furtherance of the 1992 and 1993 "ethnic cleansing" campaigns in the

Bosnian Krajina and in eastern Bosnia. These killings include those in Banja Luka, Bosanska Krupa, Kljuc, Kotor Varos, Prijedor and Sanski Most specified in **Schedule A**. In eastern Bosnia, a large segment of the Bosnian Muslim population was driven into the area of Cerska-Kamenica and then ultimately routed to Tuzla and Srebrenica. After the fall of Srebrenica, thousands of Bosnian Muslim males were executed in Bratunac, Srebrenica, Vlasenica and Zvornik in an organised and systematic fashion over the course of several days, an event which occurred contemporaneously with the forcible transfer of the remainder of the Bosnian Muslim community of Srebrenica. These killings include those specified in **Schedule B**;

- b. the causing of serious bodily or mental harm to Bosnian Muslims in Banja Luka, Bosanska Krupa, Bratunac, Kljuc, Kotor Varos, Prijedor, Sanski Most, Srebrenica, Vlasenica and Zvornik, including during their confinement in the detention facilities in Banja Luka, Kljuc, Kotor Varos, Prijedor and Sanski Most specified in **Schedule C**. Bosnian Muslims in these municipalities were subjected to cruel or inhumane treatment, including torture, physical and psychological abuse, sexual violence and beatings;
  - c. the subjecting of Bosnian Muslims to conditions of life calculated to bring about their physical destruction, namely through cruel and inhumane treatment, including torture, physical and psychological abuse and sexual violence, inhumane living conditions, and forced labour, in Banja Luka, Bosanska Krupa, Bratunac, Kljuc, Kotor Varos, Prijedor, Sanski Most, Srebrenica, Vlasenica and Zvornik. In addition, in the detention facilities in Banja Luka, Kljuc, Kotor Varos, Prijedor and Sanski Most specified in **Schedule C**, the conditions calculated to bring about the physical destruction of Bosnian Muslims also included the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.
35. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC** knew or had reason to know that the crimes alleged in paragraphs 32 to 34 above were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

### **COUNT 3 PERSECUTIONS**

By his acts and omissions, General **Ratko MLADIC** participated in:

**Count 3:** Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), 7(1) and 7(3) of the Statute of the Tribunal.

36. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC**, acting individually or in concert with other participants in the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the persecution of the Bosnian Muslim, Bosnian Croat or other non-Serb populations of the following municipalities: Banja Luka, Bihac-Ripac, Bijeljina, Bosanska Gradiska, Bosanska Krupa, Bosanski Novi, Bratunac, Brcko, Doboj, Foca, Gacko, Kalinovik, Kljuc, Kotor Varos, Nevesinje, Novi Grad, Prijedor, Rogatica, Sanski Most, Srebrenica, Teslic, Vlasenica, Vogosca and Zvornik ("Municipalities").



37. Bosnian Serb Forces under the command and control of **Ratko MLADIC**, committed persecutions in the Municipalities upon Bosnian Muslims, Bosnian Croats and other non-Serbs. The persecutions included:
- a. killings during and after attacks on towns and villages in the Municipalities, including those listed in **Schedule A** and **Schedule B**;
  - b. terrorisation and cruel or inhumane treatment during and after the attacks on towns and villages in the Municipalities including torture, physical and psychological abuse, sexual violence and the imposition of inhumane living conditions;
  - c. forcible transfer and deportation;
  - d. unlawful detention in detention facilities, including those listed in **Schedule C**;
  - e. killings related to detention facilities, including those listed in **Schedule A**;
  - f. cruel or inhumane treatment in detention facilities including those listed in **Schedule C**. This treatment included torture, physical and psychological abuse and sexual violence;
  - g. the establishment and perpetuation of inhumane living conditions in detention facilities, including those listed in **Schedule C**. These conditions included the failure to provide adequate:
    - i. accommodation or shelter;
    - ii. food or water;
    - iii. medical care;
    - iv. hygienic sanitation facilities;
  - h. forced labour, including digging graves and trenches and other forms of forced labour at front lines, and the use of Bosnian Muslim, Bosnian Croat or other non-Serb individuals as human shields;
  - i. the appropriation or plunder of property during and after attacks, in detention facilities and in the course of deportations or forcible transfers. The appropriation of property included the practice of forcing non-Serbs to sign over their property to Bosnian Serb authorities before being permitted to leave the Municipalities;
  - j. the intentional or wanton destruction of private property including homes and business premises, and public property including cultural monuments and sacred sites;
  - k. the destruction of personal property and effects, including identification documents;
  - l. the imposition and maintenance of restrictive and discriminatory measures including:
    - i. the denial of freedom of movement;

- ii. the denial of employment through removal from positions of authority in local government institutions, the military, and the police, and general dismissal from employment;
- iii. the invasion of privacy through arbitrary searches of homes;
- iv. the denial of the right to judicial process; and
- v. the denial of equal access to public services.

38. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC** knew or had reason to know that the crimes alleged in paragraphs 36 and 37 above were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

#### **COUNTS 4, 5 and 6 EXTERMINATION AND MURDER**

By his acts and omissions, General **Ratko MLADIC** participated in:

**Count 4:** Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(b), 7(1) and 7(3) of the Statute of the Tribunal;

**Count 5:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a), 7(1) and 7(3) of the Statute of the Tribunal;

**Count 6:** Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

39. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC**, acting individually or in concert with other participants in the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the extermination and murder of Bosnian Muslims, Bosnian Croats or other non-Serbs in the Municipalities. The extermination and murder was effected by killings during and after attacks on towns and villages and in relation to detention facilities, including those listed in **Schedules A and B**.

40. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC** knew or had reason to know that the crimes alleged in paragraph 39 above were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

#### **COUNTS 7 and 8 DEPORTATION, INHUMANE ACTS**

By his acts and omissions, General **Ratko MLADIC** participated in:

**Count 7:** Deportation, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(d), 7(1) and 7(3) of the Statute of the Tribunal;

**Count 8:** Inhumane acts (forcible transfer), a **CRIME AGAINST HUMANITY**, punishable under

Articles 5(i), 7(1) and 7(3) of the Statute of the Tribunal.

41. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC**, acting individually or in concert with other participants in the joint criminal enterprise, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the forcible transfer and deportation of Bosnian Muslims, Bosnian Croats or other non-Serbs from and within BiH, including those areas comprising the Municipalities.
42. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC** knew or had reason to know that the crimes alleged in paragraph 41 above were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

**COUNTS 9 to 14**  
**UNLAWFULLY INFLICTING TERROR UPON CIVILIANS, MURDER, CRUEL TREATMENT, INHUMANE ACTS, ATTACKS ON CIVILIANS**

By his acts and omissions, General **Ratko MLADIC** participated in:

**Count 9:** Unlawfully inflicting terror upon civilians, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as set forth in Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal;

**Count 10:** Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal;

**Count 11:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a), 7(1) and 7(3) of the Statute of the Tribunal;

**Count 12:** Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal;

**Count 13:** Inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i), 7(1) and 7(3) of the Statute of the Tribunal;

**Count 14:** Attacks on civilians, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 51(2) of Additional Protocol I and Article 13(2) of Additional Protocol II to the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

43. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC** acting individually or in concert with other participants of the joint criminal enterprise, planned, ordered, committed, or otherwise aided and abetted the planning, preparation or execution of a protracted military campaign in which Bosnian Serb Forces under his command and control, and in particular the Sarajevo Romanija Corps, used artillery and mortar shelling and sniping to target civilian areas of Sarajevo and its civilian population

and institutions, killing and wounding civilians, and thereby also inflicting terror upon its civilian population.

44. From no later than 12 May 1992 until at least 22 December 1996, General **Ratko MLADIC** knew or had reason to know that the crimes alleged in paragraph 43 above were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

### **COUNT 15 TAKING OF HOSTAGES**

By his acts and omissions, General **Ratko MLADIC** participated in:

**Count 15:** Taking of hostages, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(b) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1) and 7(3) of the Statute of the Tribunal.

45. From no later than 26 May 1995 until at least 22 December 1996, **Ratko MLADIC**, acting individually or in concert with other members of the joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted in the planning, preparation or execution of the taking of UN military observers and UN peacekeepers as hostages, following NATO air strikes on 25 and 26 May 1995.
46. Bosnian Serb Forces under the command and control of General **Ratko MLADIC** detained and took hostage over two hundred UN peacekeepers and military observers in Pale, Sarajevo and other locations. They held them at locations of strategic or military significance across BiH in order to render these particular locations immune from further NATO airstrikes, and to prevent further NATO airstrikes generally.
47. From no later than 26 May 1995 until at least 22 December 1996, General **Ratko MLADIC** knew or had reason to know that the crimes alleged in paragraphs 45 and 46 above were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

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Carla Del Ponte  
Prosecutor

Dated this tenth day of October 2002  
At The Hague,  
The Netherlands