

**UNITED
NATIONS**

International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of the former Yugoslavia since 1991

Case No. IT-09-92-I
Date: 10 May 2010

BEFORE THE CONFIRMING JUDGE

Before: Judge Alphons Orie

Registrar: Mr. John Hocking

Date: 10 May 2010

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC WITH PUBLIC AND CONFIDENTIAL APPENDICES

**MOTION TO AMEND THE AMENDED INDICTMENT AND
FOR ORDERS UNDER RULES 53(A), 55 AND 59 *bis* (A)**

The Office of the Prosecutor:

Serge Brammertz

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

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I. Introduction

1. The Prosecution submits a proposed amendment to the Amended Indictment (the “Operative Indictment”)¹ in the form of a proposed Second Amended Indictment (the “Proposed Indictment”). The Proposed Indictment clarifies and further specifies the Prosecution’s allegations against the Accused and updates the legal and factual pleadings in the Operative Indictment.

2. The Proposed Indictment contains four main amendments. First, the Prosecution has updated, clarified, and further particularised its allegations relating to the Accused’s individual responsibility. Second, although the overall scope of the criminal conduct charged remains essentially unchanged, the Prosecution has made minor changes to the criminal conduct underpinning the charges. Third, the Prosecution has restructured and reduced the number of counts in the indictment and legally re-characterised certain underlying criminal conduct which was already charged in the Operative Indictment. Fourth, the Prosecution has provided more precise notice of the underlying criminal conduct alleged, both in the factual pleadings contained in the body of the Proposed Indictment and in the attached schedules.

¹ *Prosecutor v. Mladić*, IT-95-5/18-I, Amended Indictment, dated 10 October 2002 and filed on 11 October 2002.

3. The Proposed Indictment causes no unfair prejudice to the Accused. To the contrary, the more precise and detailed pleadings will assist the Accused in understanding the Prosecution's case against him and in preparing an effective defence, and will help to ensure that the real issues in the case will be determined. As the Accused is at large, the amendment of the Operative Indictment at this stage causes no undue delay.

4. The proposed changes to the Operative Indictment are described below and set out in further detail in a table attached as Public Appendix A. The Proposed Indictment is attached as Public Appendix B. The necessary supporting material satisfying the *prima facie* standard in Article 19 of the Statute is included in Confidential Appendix C. Relevant items that were previously provided as supporting material for the Operative Indictment are included in Appendix C, and identified as such. Therefore, Appendix C contains a comprehensive set of supporting material satisfying the *prima facie* standard for all the allegations in the Proposed Indictment.

II. The Amendments

A. Individual Criminal Responsibility

5. Both the Operative Indictment and the Proposed Indictment plead all Article 7(1) and Article 7(3) modes of responsibility. The Prosecution has updated and further particularised these pleadings in the Proposed Indictment, providing more precise notice of its case against the Accused.

6. The Operative Indictment alleges that the Accused participated in a single joint criminal enterprise (JCE) encompassing all of the charged criminal conduct, and identifies other participants in this joint criminal enterprise. The Operative Indictment describes the Accused's alleged participation in this joint criminal enterprise through a list of acts and omissions.

7. The Proposed Indictment provides further notice of the Prosecution's joint criminal enterprise allegations as follows:

- The Proposed Indictment updates and further specifies the legal and factual pleadings to reflect the current state of joint criminal enterprise liability jurisprudence and pleading requirements;

- By pleading four separate joint criminal enterprises, corresponding to the four “crime bases” in the indictment, the Proposed Indictment specifies that the Accused acted in concert with different people at different times, in pursuit of four distinct, but related, criminal objectives;
- The Proposed Indictment identifies Radovan Karadžić, along with the Accused, as key members of each of these criminal enterprises, and identifies further named and/or unnamed members of each such enterprise;²
- The Proposed Indictment identifies those used by members of each joint criminal enterprise to carry out their crimes in furtherance of each of the identified criminal objectives;
- The Proposed Indictment provides a more detailed description of the acts and omissions of the Accused through which he is alleged to have contributed to each of the identified criminal objectives and specifies which acts and omissions relate to each criminal objective; and
- The Proposed Indictment specifies, for each identified objective, which crimes fall within the objective, and which, if any, were foreseeable consequences of the objective pursuant to the extended (third) form of joint criminal enterprise liability.

8. In addition, the Prosecution has provided more comprehensive and particularised pleadings for the other modes of liability on which it relies. The Prosecution has more specifically described the acts and omissions of the Accused that form the basis for planning, instigating, ordering and aiding and abetting under Article 7(1) of the Statute. In relation to Article 7(3) of the Statute, the Prosecution has more precisely described the manner in which the Accused knew or had reason to know of the involvement of his subordinates in the commission of crimes, and the manner in which he failed to take the necessary and reasonable measures to prevent crimes or punish the perpetrators thereof.

² Although the Operative Indictment also identifies named and unnamed joint criminal enterprise members, the Proposed Indictment provides greater detail, and identifies a distinct set of participants for each of the four joint criminal enterprises.

9. The Proposed Indictment also specifies the requisite *mens rea* for each mode of liability.

B. Scope of Criminal Conduct Underlying the Charges

10. The scope of criminal conduct underlying the charges in the Proposed Indictment is essentially the same as that of the Operative Indictment. Both the Operative and Proposed Indictments encompass three principal “crime bases”: a collection of municipalities located within territory claimed by the Bosnian Serbs (the “Municipalities”); the Sarajevo area; and the Srebrenica area. Both the Operative Indictment and the Proposed Indictment also charge the Accused for the taking of UN personnel as hostages.

11. In relation to the Municipalities crime base, the Proposed Indictment contains the same number of municipalities, although six municipalities have been removed, and six others have been added.³

12. The Accused remains charged with crimes associated with the siege of Sarajevo, in particular acts of violence the primary purpose of which is to inflict terror, unlawful attacks on civilians and murder, though the indictment no longer contains counts of cruel treatment or inhumane acts in relation to Sarajevo.

13. The scope of criminal conduct underlying the Srebrenica crime base, as well as the hostage taking charge, remains essentially unchanged.

14. The date-range for the criminal conduct charged in the Operative Indictment extends into 1996. The Proposed Indictment clarifies that the charges against the Accused relate to criminal conduct carried out between 12 May 1992 and late 1995.

C. Restructuring of the Counts

15. The Accused is charged with eleven counts in the Proposed Indictment, reduced from the fifteen in the Operative Indictment. In addition, the Prosecution has

³ In both the Operative Indictment and the Proposed Indictment, the “Municipalities” refers to the municipalities within Bosnia and Herzegovina in which certain of the charged criminal incidents occurred. In the Operative Indictment, Srebrenica is included amongst the Municipalities, whereas in the Proposed Indictment, the events in Srebrenica have been treated as a separate crime base. Bihać-Ripač, Bosanska Gradiška, Doboj, Gacko, Nevesinje, and Teslić, all of which are listed in the Operative Indictment, have not been included in the Proposed Indictment, while Hadžići, Iliđža, Novo Sarajevo, Pale, Sokolac, and Trnovo have been added to the Proposed Indictment.

re-characterised existing allegations of criminal conduct underlying certain existing charges in the Operative Indictment.

Genocide

16. The Prosecution has restructured the genocide counts to remove the charge of complicity in genocide and to divide the single count of genocide into two counts (counts 1 and 2), one for each of the distinct time periods and locations in which genocide is alleged.

Counts relating to the siege of Sarajevo

17. The Operative Indictment charges the entire Sarajevo sniping and shelling campaign, including all its underlying criminal acts, under six counts. These are reduced to two counts in the Proposed Indictment. As noted above, the Proposed Indictment no longer alleges cruel treatment or inhumane acts in relation to the siege of Sarajevo. In addition, the Proposed Indictment groups all alleged instances of murder under two counts, as opposed to four in the Operative Indictment.

D. More Precise Notice of Crimes

18. The Proposed Indictment provides further particulars of the individual criminal acts underlying the existing charges, primarily in the form of schedules attached to the Proposed Indictment. In particular:⁴

- Schedule C provides a more extensive list of detention facilities in the Municipalities than Schedule C of the Operative Indictment⁵ and it specifies the time period during which each detention facility is alleged to have been in operation.
- Schedule D identifies destroyed cultural monuments and sacred sites in the Municipalities, compared with a general description of such destruction in the Operative Indictment.

⁴ The Prosecution has provided in Appendix C the necessary supporting material that meets the *prima facie* standard under Article 19 of the Statute for each of the scheduled incidents.

⁵ In relation to the 17 municipalities featuring in both the Operative Indictment and the Proposed Indictment, Schedule C of the Proposed Indictment lists 54 detention facilities, compared with 49 such facilities listed at Schedule C of the Operative Indictment.

- Schedule E provides a more extensive and detailed list, setting out 15 locations relating to 22 killing incidents for the Srebrenica crime base, compared with 13 such incidents or locations identified in Schedule B of the Operative Indictment.
- Schedules F and G identify 16 sniping and 18 shelling incidents as illustrations of the sniping and shelling campaign in Sarajevo compared with a general description of such incidents in the Operative Indictment.

19. In addition, the factual descriptions of the crimes within the body of the Proposed Indictment are more detailed than those in the Operative Indictment.

III. The Proposed Indictment will Cause no Unfair Prejudice to the Accused

20. A Trial Chamber will generally grant leave to amend an indictment where it may help to “ensure that the real issues in the case will be determined,” provided that the amendment does not result in unfair prejudice to the accused and material amendments are supported by documentation or other material meeting the *prima facie* standard under Article 19 of the Statute of the Tribunal.⁶ The two main factors relevant to determining whether an amendment would cause unfair prejudice are: (a) whether the amendment would deprive the accused of an adequate opportunity to prepare an effective defence and (b) whether the amendment would unduly delay the proceedings, in particular whether it risks delaying the start date of trial.⁷

21. The Proposed indictment would cause no unfair prejudice to the Accused. The more specific and detailed pleadings would assist, rather than impair, the Accused’s ability to prepare an effective defence. Moreover, as the Accused remains at large, there is no risk of delay caused by the proposed amendments.

⁶ *Prosecutor v. Popović et al.*, IT-05-88-PT and IT-05-88/1-PT, Decision on Further Amendments and Challenges to the Indictment, 13 July 2006, (“Popović Decision”) para. 8 (referring to numerous decisions including *Prosecutor v. Brdanin and Talić*, IT-99-36-PT, Decision on Form of Further Amended Indictment and Prosecution Application to Amend, 26 June 2001. para. 50).

⁷ Popović Decision, paras. 9-10, 21; *Prosecutor v. Haradinaj et al.*, IT-04-84-PT, Decision on Motion to Amend the Indictment and on Challenges to the Form of the Amended Indictment, 25 October 2006, paras.10-12.

IV. The Proposed Indictment will Enhance the Efficiency of the Proceedings

22. The overall scope of the Accused's alleged criminal responsibility in the Proposed Indictment is comparable to that of the Operative Indictment, and the proposed amendments would enhance the efficiency of the proceedings. In particular, although the Proposed Indictment contains the same number of municipalities as the Operative Indictment, charged crimes committed in each of the municipalities included in the Proposed Indictment have been adjudicated in at least one prior case before this Tribunal. Most of the crime base evidence concerning these municipalities could therefore be presented by way of adjudicated facts, or adduced without the need for extensive *viva voce* testimony. In contrast, the crime base relating to two of the municipalities that the Prosecution proposes to remove from the Operative Indictment have never been adjudicated by this Tribunal.⁸

23. In addition, the more precise and detailed pleadings in the Proposed Indictment would assist in focusing the trial on the real issues in dispute, thereby facilitating the expeditious conduct of the proceedings.

24. Finally, the scope and structure of the Proposed Indictment largely conforms to the current indictment in the *Karadžić* case, reflecting the fact that Mladić is charged as the key JCE member in each of the joint criminal enterprises in the operative *Karadžić* indictment. Therefore, the Proposed Indictment would facilitate the possible joinder of this case, either in whole or in part, with the *Karadžić* case, in the event that the Accused is arrested within a reasonable period of time. Given that Karadžić and Mladić are the two key members of each of the joint criminal enterprises in the Proposed Indictment and in the operative *Karadžić* indictment, they would be particularly suited to joinder. Although this consideration is not directly related to the length of any eventual trial against Ratko Mladić, joinder of these two cases would enhance the overall efficiency of proceedings before this Tribunal.

V. Request for non-Disclosure Order under Rule 53(A)

25. Pursuant to Rule 53 (A), the Prosecution requests an order preventing public disclosure of the supporting material until further order. Such an order was granted – and remains in force – in respect of the supporting materials for the Operative

Indictment.⁹ This request is made in order to prevent a breach of the existing non-disclosure order for items in Appendix C that are encompassed by that order, and to protect the identity of witnesses referenced in the supporting materials, some of whom are already the subject of existing protective measures orders.

VI. Request under Rule 55 and Rule 59 bis (A)

26. Upon approval of the Proposed Indictment, the Prosecution requests, pursuant to Rule 55 and Rule 59 bis (A), that the Confirming Judge issue a Warrant of Arrest Order for Surrender based on the Proposed Indictment and order copies of the arrest warrant to be transmitted to:

- a) the Office of the Prosecutor;
- b) Bosnia and Herzegovina including the authorities of Republika Srpska, Montenegro and the Republic of Serbia.

VII. Relief Requested

27. For these reasons the Prosecution requests the Chamber to allow the Prosecution to amend the Operative Indictment as set forth in the Proposed Indictment and to issue orders under Rules 53(A), 55 and 59 bis (A) as described above.

Word Count: 2,446



Serge Brammertz
Prosecutor

Dated this 10th day of May 2010
At The Hague,
The Netherlands

⁸ These are Bihać-Ripač and Bosanska Gradiška. These two municipalities were included in the *Brdanin* indictment, but charges pertaining to them were withdrawn by the Prosecution during trial.

⁹ See *Prosecutor v. Ratko Mladić*, Case No. IT-95-5/18-I, Order Granting Leave to File an Amended Indictment and Confirming the Amended Indictment, 8 November 2002, p. 9.

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Appendix A

Table of Changes to the Amended Indictment

Table of Changes to the Amended Indictment

1. General Pleadings

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
The Accused	The identity of the Accused and facts relevant to his role are set out in paras. 1-3 of the Amended Indictment ("AI").	The Proposed Second Amended Indictment ("PSAI") contains a similar description of the identity and role of the Accused with minor updates and additions in paras. 1-3.
Statement of Facts	A "Statement of Facts" is set out in paras. 4-15.	The PSAI contains no "Statement of Facts" section. The PSAI has been revised such that the material facts underpinning each charge are pleaded under the relevant sections of the PSAI.
General Allegations	The general allegations are set out in paras. 29-31.	The chapeau elements and jurisdictional and other general requirements of the charged crimes are set out with greater specificity in paras. 87-90.

2. Individual Criminal Responsibility

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
Charged Modes of Liability under Article 7(1)	All Article 7(1) modes of liability, namely planning, instigating, ordering, committing (as a participant in a joint criminal enterprise), and aiding and abetting are alleged for all charged crimes (paras. 20-26).	The Accused remains charged under all Article 7(1) modes of liability for all charged crimes. As described below, the PSAI provides greater detail of the Accused's alleged joint criminal enterprise liability, and more specifically identifies the acts and conduct of the Accused underpinning each mode of liability charged.
Joint Criminal Enterprise	<p>The Accused is alleged to have responsibility for all of the charged crimes through his participation in a single joint criminal enterprise (paras. 20-26).</p> <p><u>Common Objective:</u></p> <p>The objective of the JCE is 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 (para. 21).</p> <p><u>Temporal Scope of the Objective:</u></p> <p>The joint criminal enterprise is alleged to have been in existence at the time of the commission of the underlying criminal acts alleged in the indictment and at the time of the participatory acts of the accused in furtherance thereof (para. 23).</p>	<p>The PSAI updates and further specifies the legal and factual joint criminal enterprise pleadings. The PSAI identifies four distinct criminal objectives, involving different participants and time-frames, through which the Accused is alleged to have committed the charged crimes (paras. 8-28).</p> <p><u>Common Objective:</u></p> <p>The articulation of the overarching objective has been slightly modified in the PSAI: to permanently remove Bosnian Muslim and Bosnian Croat inhabitants from the territories of BiH claimed as Bosnian Serb territory by means which included the commission of the crimes of genocide, persecution, extermination, murder, deportation, and inhumane acts (forcible transfer) (para. 8).</p> <p>The PSAI explicitly identifies an alternative overarching objective which includes a smaller range of crimes within it (para. 9) and describes three other criminal objectives that the Accused is alleged to have pursued in concert with others (paras. 14-28). The PSAI identifies the crimes falling under each of the identified objectives (paras. 14, 19 and 24).</p> <p><u>Temporal Scope of the Objective:</u></p> <p>The PSAI more precisely identifies the temporal scope of each criminal objective: October 1991 – 30 November 1995 for the overarching objective (para. 5); April 1992 – November 1995 for the objective of spreading terror in Sarajevo (para. 14); the days</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
	<p><u>Identification of Co-Participants/Tools:</u></p> <p>The named participants in the joint criminal enterprise are: General Momir Talić, General Stanislav Galić, General Dragomir Milošević, General Radislav Krstić, Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, and Slobodan Milošević (para. 24).</p> <p>The unnamed participants include members of the Bosnian Serb forces (identified in para. 17 as the VRS, paramilitary forces and volunteer units, the Bosnian Serb Territorial Defence and Bosnian Serb police); members of the leadership of the Bosnian Serbs and the SDS; members of civilian bodies within BiH, including regional and municipal crisis staffs; members of the JNA and Yugoslav Army; other military and political figures from the SFRY and the Republic of Serbia; and members of Serbian paramilitary and volunteer forces. (para. 24).</p> <p><u>Contributions of the Accused:</u></p> <p>The Accused's contributions to achieving the criminal objective(s) are largely identified as planning, preparing, facilitating, or executing the campaigns or operations that included or comprised the charged crimes, or aiding and abetting or instigating the charged crimes by failing to investigate, follow up on investigations, and punish subordinates (para. 25).</p>	<p>immediately preceding 11 July 1995 – 1 November 1995 for the objective of eliminating the Bosnian Muslims in Srebrenica (para. 19); and May and June 1995 for the objective of taking hostages (para. 24).</p> <p>The PSAI also specifies that the Accused did not begin participating in any of these objectives until 12 May 1992 (paras. 8, 14).</p> <p><u>Identification of Co-Participants/Tools:</u></p> <p>There is some overlap between the membership of the joint criminal enterprise alleged in the AI and the joint criminal enterprises alleged in the PSAI. However, the PSAI more specifically identifies the named and/or unnamed co-perpetrators with respect to each criminal objective and some named members in the AI are no longer specifically named in the PSAI (paras. 10-11, 15-16, 20-21, 25-26).</p> <p>The PSAI also identifies those used by members of each joint criminal enterprise to carry out crimes in furtherance of each criminal objective (paras. 12, 17, 22, 27).</p> <p><u>Contributions of the Accused:</u></p> <p>The PSAI more precisely and specifically identifies the Accused's acts and omissions that comprise his contributions to the criminal objectives (paras. 13, 18, 23, 28).</p>
Other Modes of Liability under Article 7(1)	<p>The Accused is charged with planning, instigating, ordering, or aiding and abetting each of the charged crimes (paras. 20 and 26).</p>	<p>Under the PSAI, the Accused remains charged with each of these Article 7(1) modes of liability.</p> <p>The PSAI specifically describes the acts and omissions of the Accused that constitute the <i>actus reus</i> of each of the modes of liability of planning, instigating, ordering, and aiding and abetting (paras. 29-30).</p> <p>The PSAI also alleges the requisite <i>mens rea</i> for each of these modes of liability (para. 30).</p>
Article 7(3) Liability	<p>The Accused is charged with superior responsibility for the conduct of his subordinates for each of the charged crimes (para. 27).</p> <p>The Accused's subordinates are identified as the Bosnian Serb Forces that participated in the alleged crimes (para. 27).</p>	<p>Under the PSAI, the Accused is also charged with superior responsibility for the conduct of his subordinates for each of the charged crimes. (paras. 31-34).</p> <p>The PSAI pleads with greater specificity the conduct of the Accused by which he knew or had reason to know that crimes were about to be or had been committed (para. 33), and the conduct of the Accused by which he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof (para. 34).</p> <p>The identity of the Accused's subordinates is more clearly and narrowly identified in the PSAI (para. 32).</p>

3. Scope of the Charges

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
Geographical Scope of Criminal Conduct	The Accused is charged with (1) crimes committed against the non-Serb populations of 24 municipalities (including Srebrenica); (2) crimes committed in connection with the shelling and sniping campaign in the Sarajevo area; and (3) the crime of taking hostages in Pale, Sarajevo and other locations (paras. 32-47).	<p>The geographic scope of criminal conduct under the PSAI is similar. Under the PSAI, the Accused is charged with criminal conduct in relation to (1) 23 municipalities; (2) the Sarajevo area; (3) the Srebrenica area (which is treated as a separate crime base under the PSAI rather than one of the municipalities); and (4) taking hostages in locations including Pale, Sarajevo, Banja Luka and Goražde (paras. 14, 19, 47, 85).</p> <p>Six municipalities included in the AI (Bihać-Ripač, Bosanska Gradiška, Doboј, Gacko, Nevesinje, and Teslić) have been removed from the scope of the PSAI, and another six municipalities (Hadžići, Ilidža, Novo Sarajevo, Pale, Sokolac, and Trnovo) have been added (para. 47).</p>
Scope of Criminal Charges	The Accused is charged with 15 counts of war crimes (Article 3), genocide (Article 4), and crimes against humanity (Article 5).	The number of counts is reduced in the PSAI. The Accused is charged with 11 counts of war crimes (Article 3), genocide (Article 4), and crimes against humanity (Article 5). Two counts of murder, and one count each of complicity in genocide, cruel treatment and inhumane acts have been removed from the PSAI. One count of genocide has been added to the PSAI.
Article 3 Crimes	The Accused is charged with the violations of the laws or customs of war of: murder (counts 6 and 10); unlawfully inflicting terror upon civilians (count 9); cruel treatment (count 12); attacks on civilians (count 14) and the taking of hostages (count 15)	<p>Under the PSAI, the Accused remains charged with the violations of the laws or customs of war of: murder (count 6); acts of violence the primary purpose of which is to spread terror among the civilian population (count 9); unlawful attacks on civilians (count 10); and the taking of hostages (count 11).</p> <p>The PSAI no longer charges the Accused with cruel treatment as a violation of the laws or customs of war.</p> <p>The two counts of murder as a violation of the laws or customs of war have been streamlined into a single count under the PSAI.</p>
Article 4 Crimes	<p><u>Complicity in Genocide:</u></p> <p>The Accused is charged with genocide (count 1) and complicity in genocide (count 2).</p> <p><u>Genocide:</u></p> <p>The single count of genocide relates to two distinct time periods and locations: (1) during 1992 and 1993 in various municipalities; and (2) after the fall of Srebrenica (paras. 33, 34(a)).</p>	<p><u>Complicity in Genocide:</u></p> <p>The Accused is no longer charged with complicity in genocide.</p> <p><u>Genocide:</u></p> <p>The single count of genocide has been split into two counts of genocide, one relating to each of the two distinct time periods and locations, between 31 March and 31 December 1992 (count 1) in various municipalities (paras. 37, 39) and between the days immediately preceding 11 July 1995 and 1 November 1995 (count 2) in the Srebrenica area (para. 46).</p>
Article 5 Crimes	The Accused is charged with the crimes against humanity of persecution (count 3); extermination (count 4); murder (counts 5 and 11); deportation (count 7); inhumane acts (forcible transfer) (count 8); and inhumane acts (in relation to the shelling and sniping campaign in Sarajevo) (count 13).	<p>Under the PSAI, the Accused remains charged with persecution (count 3); extermination (count 4); murder (count 5); deportation (count 7); and inhumane acts (forcible transfer) (count 8).</p> <p>The PSAI no longer charges the Accused with inhumane acts as a crime against humanity in relation to the shelling and sniping campaign in Sarajevo.</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
		The two counts of murder as a crime against humanity have been streamlined into a single count under the PSAI.

4. The Crimes Charged

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
Genocide	<p><u>Scope of the Genocide Charges:</u></p> <p>The single count of genocide relates to two distinct time periods and locations: during 1992 and 1993 in various municipalities, and after the fall of Srebrenica (paras. 33, 34(a)). The identified municipalities (relating to both of these periods/locations) are: Banja Luka, Bosanska Krupa, Bratunac, Ključ, Kotor Varoš, Prijedor, Sanski Most, Srebrenica, Vlasenica, and Zvornik. However, it is not always clearly specified which acts are alleged to have occurred during which time period (see, for example, paras. 34 (b)-(c) and Schedule C).</p> <p><u>Groups:</u></p> <p>The Accused is charged with genocide against part of the Bosnian Muslim group (para. 33).</p> <p><u>Underlying Acts of Genocide:</u></p> <p>The alleged underlying acts of genocide are killing members of the group, causing serious bodily or mental harm to members of the group, and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction (para. 34(a), (b) and (c)).</p> <p><u>Particulars of Underlying Acts:</u></p> <p>Particulars of these underlying acts are provided in Schedules A, B and C.</p>	<p><u>Scope of the Genocide Charges:</u></p> <p>The single count of genocide has been split into two counts of genocide, one count for each of the distinct time periods and locations:</p> <ol style="list-style-type: none"> Between 31 March and 31 December 1992 in various municipalities (Bratunac, Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, Vlasenica, and Zvornik are identified as locations evidencing the most extreme manifestations of genocidal intent) (count 1). Between the days immediately preceding 11 July 1995 – 1 November 1995 in the Srebrenica area (count 2). <p>The underlying scheduled incidents for each count are separately scheduled: Schedules A, B and C relate to count 1, and Schedule E relates to count 2. It is therefore clearer which acts are alleged to have occurred during each distinct time period and area.</p> <p><u>Groups:</u></p> <p>The Accused is charged with genocide against parts of the Bosnian Muslim and Bosnian Croat groups under count 1 (para. 35) and against part of the Bosnian Muslim group under count 2 (para. 40).</p> <p><u>Underlying Acts of Genocide:</u></p> <p>The same underlying acts of genocide are alleged in the PSAI under count 1 (para. 39).</p> <p>Under count 2, only the underlying acts of killing members of the group, and causing serious bodily or mental harm to members of the group are alleged (para. 46).</p> <p><u>Particulars of Underlying Acts:</u></p> <p>As described below, the PSAI sets out further particulars of these underlying acts in Schedules A, B, C and E.</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
Persecution	<p><u>Scope of Persecution Charge:</u></p> <p>The Accused is charged with persecutions in 24 municipalities including Srebrenica between 12 May 1992 and 22 December 1996 (count 3).</p> <p><u>Underlying Acts of Persecution:</u></p> <p>The underlying acts of persecution are divided into 12 categories, and include: killing, cruel or inhumane treatment, torture, psychological abuse, sexual violence, forced transfer or deportation; unlawful detention, forced labour, plunder, wanton destruction and restrictive and discriminatory measures (para. 37).</p> <p><u>Particulars of Underlying Acts:</u></p> <p>Particulars of underlying acts of killing and acts relating to detention facilities (unlawful detention, cruel or inhumane treatment and inhumane living conditions) are provided in Schedules A, B and C.</p>	<p><u>Scope of Persecution Charge:</u></p> <p>Under the PSAI, the Accused is charged with persecution in 23 municipalities between 12 May 1992 and 30 November 1995, and persecution relating to the Srebrenica enclave between 11 July 1995 and 1 November 1995 (count 3).</p> <p>As noted above, although the overall number of municipalities is the same, six municipalities included in the AI have been removed from the scope of the PSAI, and another six municipalities have been added to the scope of the PSAI (para. 47).</p> <p><u>Underlying Acts of Persecution:</u></p> <p>The PSAI includes similar underlying acts of persecution as contained in the AI, divided into 11 categories, with some variations in their categorization and descriptions (para. 59). In particular, the PSAI identifies rape and other acts of sexual violence as a distinct category of persecution (para. 59(c)). Also, killings and wanton destruction are each alleged as one category of underlying acts of persecution (para. 59(a) and (j)), as opposed to two categories each in the AI.</p> <p><u>Particulars of Underlying Acts:</u></p> <p>The PSAI sets out further particulars of the underlying acts of killing and acts relating to detention facilities (cruel or inhumane treatment, rape and other acts of sexual violence, inhumane living conditions, and unlawful detention) in Schedules A, B, C and E. Unlike the AI, the PSAI includes particulars of the destruction of cultural monuments and sacred sites in Schedule D.</p> <p>Moreover, the PSAI includes a more detailed description than the AI of the pattern of persecutions carried out in the municipalities and in relation to the Srebrenica enclave (paras. 47-59).</p>
Extermination / Murder	<p><u>Scope of Extermination and Murder Charges:</u></p> <p>The Accused is charged with extermination and murder in relation to the 24 municipalities included in the persecution count (see above) between 12 May 1992 and 22 December 1996 and is separately charged with murder caused by shelling and sniping in the Sarajevo area (paras. 39-40 and 43-44 and counts 5, 6, 10, and 11).</p> <p><u>Underlying Acts of Extermination and Murder:</u></p> <p>Particulars of underlying acts of killing are provided in Schedules A and B.</p> <ol style="list-style-type: none"> 73 killing incidents during and after attacks on municipalities and in detention facilities in municipalities are listed in Schedule A. 	<p><u>Scope of Extermination and Murder Charges:</u></p> <p>The Accused is charged with extermination and murder between 12 May 1992 and 30 November 1995 in relation to 23 municipalities, as well as the Srebrenica area, and is charged with murder for killings caused by sniping and shelling in the Sarajevo area (paras. 60-66; counts 4, 5, and 6).</p> <p><u>Underlying Acts of Extermination and Murder:</u></p> <p>The PSAI provides additional particulars of killing incidents in Schedules A, B, C, E, F and G.</p> <ol style="list-style-type: none"> Schedule A lists 28 killing incidents during and after attacks on municipalities. Schedule B lists 34 killing incidents related to detention facilities. And Schedule C lists 62 detention facilities (the murder and extermination charges include deaths resulting from cruel and inhumane treatment at Schedule C detention facilities). <p>The killing incidents and detention facilities listed in</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
	<p>2. 13 Srebrenica-related killing incidents are listed in Schedule B.</p>	<p>these schedules have been revised to take into account information gathered through investigations and trials that have taken place since the date of the AI.</p> <p>2. Schedule E includes a more comprehensive and detailed list of killing incidents related to the Srebrenica area, divided into organized executions involving 17 incidents in 13 locations (Schedule E Part 1) and “opportunistic” killings involving 5 incidents in 2 locations (Schedule E Part 2).</p> <p>12 of the 13 killing incidents listed in Schedule B of the AI are included in Schedule E of the PSAI. Incident 1.1 of Schedule B of the AI is not included in the PSAI, reflecting the current state of Prosecution evidence.</p> <p>The executions at Pilica School and Branjevo Military Farm, which are listed separately in the AI, are listed in Schedule E as separate incidents under a single location (“Kula School and Branjevo Military Farm”).</p> <p>Similarly, the executions at Petkovci School and the Dam near Petkovci, which are listed separately in the AI, are listed in Schedule E as separate incidents under a single location (“Petkovci (School and Dam)”).</p> <p>The killings at Orahovac School and Nearby Field (described in the AI as “a field in Orahovac”) and Ročević School and Kozluk (described in the AI as “an isolated field in Kozluk”) have been further clarified through the identification of an additional specific incident for each location. The killings in Bratunac Town (described in the AI as “a number of men inside and outside various vehicles and facilities in which they were being temporarily detained in Bratunac”) have been further clarified through the identification of three separate incidents.</p> <p>Other minor corrections have been made and additional details added to the 12 incidents which were previously included in the AI.</p> <p>In addition, the following five new locations have been added to Schedule E: Sandići Meadow, Snagovo, Bišina, Trnovo and Potočari.</p>
<p>Deportation / Forcible Transfer</p>	<p><u>Scope of Deportation/Forcible Transfer Charges:</u></p> <p>The Accused is charged with deportation and other inhumane acts (forcible transfer) in relation to the 24 municipalities included in the persecution count (see above) between 12 May 1992 and 22 December 1996 (paras. 41-42, counts 7 and 8).</p>	<p><u>Scope of Deportation/Forcible Transfer Charges:</u></p> <p>Under the PSAI, the Accused is charged with deportation and other inhumane acts (forcible transfer) in relation to 23 municipalities, as well as the Srebrenica area (paras. 67-74, counts 7 and 8).</p> <p>The PSAI provides more detailed allegations as to the manner in which the acts of deportation and forcible transfer were carried out (paras. 67-74).</p>
<p>Terror / Unlawful Attacks</p>	<p><u>Scope of Terror/Unlawful Attacks Charges:</u></p> <p>The Accused is charged with the unlawful infliction of terror upon civilians and attacks on civilians in relation to a campaign of shelling and sniping in Sarajevo between 12 May 1992 and 22 December 1996 (paras. 43-44; counts 9 and 14).</p>	<p><u>Scope of Terror/Unlawful Attacks Charges:</u></p> <p>The characterization of the terror charge has been slightly revised in the PSAI to reflect recent jurisprudence. Under the PSAI, the Accused is charged with acts of violence, the primary purpose of which is to spread terror among the civilian population in relation to a campaign of sniping and shelling in Sarajevo between April 1992 and November 1995 (count 9).</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PSAI
	<p><u>Underlying Acts of Terror/Unlawful Attacks:</u></p> <p>The AI includes a brief factual description of the shelling and sniping campaign (para. 43).</p>	<p>Under the PSAI, the Accused is also charged with unlawful attacks on civilians in relation to the same underlying criminal conduct of sniping and shelling (count 10).</p> <p><u>Underlying Acts of Terror/Unlawful Attacks:</u></p> <p>The PSAI contains a more detailed factual description of the sniping and shelling campaign (paras. 75-78).</p> <p>In addition, the PSAI lists specific sniping and shelling incidents illustrative of the campaign in Schedules F and G.</p>
<p>Taking of Hostages</p>	<p>The Accused is charged with the taking of hostages between 26 May 1995 and 22 December 1996 (paras. 45-47; count 15).</p>	<p>Under the PSAI, the Accused remains charged with the taking of hostages (paras. 82-86; count 11).</p> <p>The temporal scope of this charge has been narrowed to between 26 May and 19 June 1995 and added details of the facts underpinning this charge have been pleaded (paras. 82-86).</p>

PUBLIC

Appendix B

Proposed Second Amended Indictment

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-09-92-I

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

RATKO MLADIĆ

PROPOSED SECOND AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia (“Statute”), charges:

RATKO MLADIĆ

with **GENOCIDE, CRIMES AGAINST HUMANITY** and **VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR** as set forth below:

THE ACCUSED

1. **Ratko MLADIĆ** 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. On 3 July 1991, **Ratko MLADIĆ**, then a Colonel, was posted to the Command of the 9th Corps of the JNA in Knin. On 20 July 1991 he was appointed Chief of Staff (and Deputy Commander) of the 9th Corps, and on 30 December 1991 he was appointed 9th Corps Commander. On 4 October 1991, **Ratko MLADIĆ** was promoted to Major General, by the President of the Socialist Federal Republic of Yugoslavia. On 24 April 1992, **Ratko MLADIĆ** was promoted to the rank of Lieutenant General, 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 MLADIĆ** assumed the command of the Second Military District Headquarters of the JNA.

3. On 12 May 1992 the VRS was formed and **Ratko MLADIĆ** was appointed Commander of the Main Staff of the VRS. The formation of the VRS effectively transformed the JNA units remaining in BiH into units of the VRS. **Ratko MLADIĆ** remained in command of the VRS Main Staff until at least 8 November 1996. In June 1994, **Ratko MLADIĆ** was promoted to the rank of Colonel General.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute

4. **Ratko MLADIĆ** is individually criminally responsible pursuant to Article 7(1) of the Statute for the crimes referred to in Articles 3, 4, and 5 of the Statute as alleged in this indictment which he planned, instigated, ordered, committed and/or aided and abetted. By using the word “committed” in this indictment, the Prosecutor does not mean that the accused physically committed any of the crimes charged personally. “Committed,” in the context of the accused’s liability under Article 7(1), refers to his participation in a joint criminal enterprise.

Joint Criminal Enterprise

5. **Ratko MLADIĆ** committed each of the charged crimes in concert with others through his participation in several related joint criminal enterprises, each of which is described below. Radovan KARADŽIĆ and, as of 12 May 1992, **Ratko MLADIĆ**, were key members of an overarching joint criminal enterprise which lasted from at least October 1991 until 30 November 1995. Their objective was the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in BiH through crimes charged in this indictment.

6. **Ratko MLADIĆ** and Radovan KARADŽIĆ acted in concert with various other individuals depending on the crimes that were carried out in different locations and at different times as alleged in the indictment in order to achieve their objectives.

7. In particular, at various times during the existence of the overarching joint criminal enterprise, **Ratko MLADIĆ** and Radovan KARADŽIĆ participated in three additional joint criminal enterprises, the objectives of which were (1) to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling, (2) to eliminate the Bosnian Muslims in Srebrenica, and (3) to take United Nations personnel as hostages. The pursuit of each of these objectives was related to the objective of the overarching joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in BiH.

a. Crimes Committed to Permanently Remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed Territory

8. From 12 May 1992 until 30 November 1995, **Ratko MLADIĆ** participated in an overarching joint criminal enterprise to permanently remove Bosnian Muslim and Bosnian Croat inhabitants from the territories of BiH claimed as Bosnian Serb territory by means which included the commission of the following crimes charged in this indictment: genocide (under count 1), persecution, extermination, murder, deportation, and inhumane acts (forcible transfer). **Ratko MLADIĆ** shared the intent for the commission of each of these crimes with other members of this joint criminal enterprise.

9. Alternatively, **Ratko MLADIĆ** and the other members' shared objective included at least the crimes of deportation and inhumane acts (forcible transfer). It was foreseeable that the crimes of genocide (under count 1 and/or count 2), persecution, extermination, and murder might be perpetrated by one or more members of this joint criminal enterprise or by persons used by any member of the joint criminal enterprise in order to

carry out the *actus reus* of the crimes forming part of the shared objective. With the awareness that such crimes were a possible consequence of the implementation of the objective of the joint criminal enterprise, **Ratko MLADIĆ** willingly took that risk.

10. **Ratko MLADIĆ** acted in concert with other members of this criminal enterprise including: Radovan KARADŽIĆ; Momčilo KRAJIŠNIK; Slobodan MILOŠEVIĆ; Biljana PLAVŠIĆ; Nikola KOLJEVIĆ; Mićo STANIŠIĆ; Momčilo MANDIĆ; Jovica STANIŠIĆ; Franko SIMATOVIĆ; Željko RAŽNATOVIĆ (aka “Arkan”) and Vojislav ŠEŠELJ. Each of these individuals, by his or her acts or omissions, contributed to achieving their shared objective.

11. Other members of this joint criminal enterprise included: members of the Bosnian Serb leadership; members of the Serbian Democratic Party (“SDS”) and Bosnian Serb government bodies at the republic, regional, municipal, and local levels, including Crisis Staffs, War Presidencies, and War Commissions (“Bosnian Serb Political and Governmental Organs”); commanders, assistant commanders, senior officers, and chiefs of units of the Serbian Ministry of Internal Affairs (“Serbian MUP”), the JNA, the Yugoslav Army (“VJ”), the VRS, the Bosnian Serb Ministry of Internal Affairs (“MUP”) and the Bosnian Serb Territorial Defence (“TO”) at the republic, regional, municipal and local level; and leaders of Serbian and Bosnian Serb paramilitary forces and volunteer units. Alternatively, some or all of these individuals were not members of the joint criminal enterprise, but were used by members of the joint criminal enterprise to carry out crimes committed in furtherance of its objective as described below.

12. Members of this criminal enterprise implemented their objective by personally committing crimes, and/or through and by using others to carry

out crimes committed in furtherance of their objective. Those used to carry out these crimes were members of the Bosnian Serb Political and Governmental Organs; and members of the MUP, VRS, JNA, VJ, TO, the Serbian MUP, Serbian and Bosnian Serb paramilitary forces and volunteer units, and local Bosnian Serbs (“Serb Forces”).

13. **Ratko MLADIĆ** significantly contributed to achieving the objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through the commission of crimes in one or more of the following ways:

- (a) participating in the establishment, organization and/or maintenance of the VRS, one of the organs used to implement the objective of the joint criminal enterprise;
- (b) commanding and controlling the VRS, including issuing orders, formulating plans, and monitoring, authorizing and/or directing operations in furtherance of the objective of the joint criminal enterprise;
- (c) commanding and controlling elements of Serb Forces integrated into, or subordinated to, the VRS in furtherance of the objective of the joint criminal enterprise;
- (d) directing, monitoring and/or authorizing the VRS’s cooperation and coordination with other elements of Serb Forces and with Bosnian Serb Political and Governmental Organs in furtherance of the objective of the joint criminal enterprise;
- (e) participating in procuring material and military assistance from the VJ in furtherance of the objective of the joint criminal enterprise;

(f) participating in the development and implementation of Bosnian Serb governmental policies intended to advance the objective of the joint criminal enterprise;

(g) disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise, including:

- that Bosnian Serbs were in jeopardy of oppression, including genocide, at the hands of Bosnian Muslims and Bosnian Croats; and
- that territories on which Bosnian Muslims and Bosnian Croats resided were Bosnian Serb land;

(h) engaging in, supporting and/or facilitating efforts to deny or provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes in furtherance of the objective of the joint criminal enterprise;

(i) failing to take adequate measures to protect Bosnian Muslim and Bosnian Croat prisoners of war and detainees within the custody or control of the VRS and other elements of Serb Forces under his effective control while under a duty to do so stemming from his position described in paragraph 32. Such measures included:

- ensuring the humane treatment of such prisoners and detainees and their protection from physical and mental harm;
- preventing the inhumane treatment and physical and mental harm of such prisoners and detainees or intervening to stop any such ongoing mistreatment; and
- requiring or ensuring that the VRS and other elements of Serb Forces under his effective control sought and obtained sufficient assurances that such prisoners and detainees would be treated humanely before any transfer of their custody;

(j) facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position described in paragraph 32, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes; and

(k) directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian Muslim and/or Bosnian Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian Serb paramilitary forces and volunteer units (“Bosnian Serb Forces”) and/or Bosnian Serb Political and Governmental Organs in an effort to create unbearable living

conditions for these inhabitants in furtherance of the objective of the joint criminal enterprise.

b. Crimes Committed to Spread Terror among the Civilian Population of Sarajevo through a Campaign of Sniping and Shelling

14. Between 12 May 1992 and November 1995, **Ratko MLADIĆ** participated in a joint criminal enterprise to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population. This joint criminal enterprise existed between April 1992 and November 1995. The objective of this criminal enterprise involved the commission of the crimes of terror, unlawful attacks on civilians, and murder charged in this indictment.

15. **Ratko MLADIĆ** shared the intent for the commission of each of these crimes with others who acted in concert with him in this criminal enterprise including: Radovan KARADŽIĆ; Momčilo KRAJIŠNIK; Biljana PLAVŠIĆ; Nikola KOLJEVIĆ; Stanislav GALIĆ; Dragomir MILOŠEVIĆ; and Vojislav ŠEŠELJ. Each of these individuals, by his or her acts or omissions, contributed to achieving this objective.

16. Other members of this joint criminal enterprise included: members of the Bosnian Serb leadership; republic-level members of Bosnian Serb Political and Governmental Organs; regional, municipal and local level members of Bosnian Serb Political and Governmental Organs with responsibility in or for the Sarajevo area; commanders, assistant commanders, senior officers, and chiefs of JNA, VRS, TO, and MUP units whose areas of responsibility included the Sarajevo area; and leaders of Serbian and Bosnian Serb paramilitary forces and volunteer units operating

in or with responsibility over the Sarajevo area. Alternatively, some or all of these individuals were not members of this joint criminal enterprise, but were used by members of the joint criminal enterprise to carry out crimes committed in furtherance of its objective as described below.

17. Members of this joint criminal enterprise implemented their objective by personally committing crimes, and/or through and by using others to carry out crimes committed in furtherance of their objective. Those used to carry out these crimes were: until about 20 May 1992, members of the JNA operating in or with responsibility over the Sarajevo area; members of the VRS, in particular the Sarajevo Romanija Corps; and members of other elements of the Serb Forces operating in or with responsibility over the Sarajevo area (“Sarajevo Forces”).

18. **Ratko MLADIĆ** significantly contributed to achieving the objective of spreading terror among the civilian population of Sarajevo through a campaign of sniping and shelling in one or more of the ways set out in paragraph 13(a) through 13(h), 13(j) and 13(k) in relation to the objective of spreading terror.

c. Crimes Committed to Eliminate the Bosnian Muslims in Srebrenica

19. Commencing in the days immediately preceding the 11 July 1995 implementation of the plan to eliminate the Bosnian Muslims in Srebrenica and continuing until 1 November 1995, **Ratko MLADIĆ** participated in a joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children and some elderly men from Srebrenica. This objective amounted to or included the commission of the crimes of genocide (under

count 2), persecution, extermination, murder, deportation, and inhumane acts (forcible transfer) charged in this indictment.

20. **Ratko MLADIĆ** shared the intent for the commission of each of these crimes with other members of this joint criminal enterprise including Radovan KARADŽIĆ. Each of these members, by his acts or omissions, contributed to achieving this objective.

21. Other members of this joint criminal enterprise included: republic-level members of Bosnian Serb Political and Governmental Organs; regional, municipal and local level members of Bosnian Serb Political and Governmental Organs with responsibility in or for the Srebrenica, Vlasenica, Bratunac and/or Zvornik areas; and commanders, assistant commanders, senior officers, and chiefs of the VRS and MUP operating in or with responsibility over territory within the Drina Corps area of responsibility and/or Trnovo municipality; and members of a Serbian MUP unit called the Scorpions. Alternatively, some or all of these individuals were not members of the joint criminal enterprise, but were used by members of the joint criminal enterprise to carry out crimes committed in furtherance of its objective as described below.

22. Members of this criminal enterprise implemented their objective by personally committing crimes, and/or through and by using others to carry out crimes committed in furtherance of their objective. Those used to carry out these crimes were members of the VRS and MUP operating in or with responsibility over territory within the Drina Corps area of responsibility and/or Trnovo municipality and a Serbian MUP unit called the Scorpions (“Srebrenica Forces”). The Scorpions only operated and committed crimes in Trnovo municipality.

23. **Ratko MLADIĆ** significantly contributed to achieving the objective of eliminating the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, children and some elderly men in one or more of the ways set out in paragraph 13(a) through 13(k) in relation to the objective of eliminating the Bosnian Muslims in Srebrenica.

d. Crime of Taking Hostages

24. During May and June 1995, **Ratko MLADIĆ** participated in a joint criminal enterprise to take United Nations (“UN”) personnel hostage in order to compel the North Atlantic Treaty Organization (“NATO”) to abstain from conducting air strikes against Bosnian Serb military targets. This objective involved the commission of the crime of the taking of hostages charged in this indictment.

25. **Ratko MLADIĆ** shared the intent for the commission of this crime with other members of this joint criminal enterprise including Radovan KARADŽIĆ. Each of these members, by his acts or omissions, contributed to achieving this objective.

26. Other members of this joint criminal enterprise included: members of Bosnian Serb Political and Governmental Organs; and commanders, assistant commanders, senior officers, and chiefs of the VRS and MUP. Alternatively, some or all of these individuals were not members of the joint criminal enterprise, but were used by members of the joint criminal enterprise to carry out the crimes committed in furtherance of its objective as described below.

27. Members of this criminal enterprise implemented their objective by personally committing crimes, and/or through and by using members of the

VRS and the MUP to carry out crimes committed in furtherance of their objective.

28. **Ratko MLADIĆ** significantly contributed to achieving the objective of taking hostages in one or more of the ways set out in paragraph 13(a), (b), (d), (f) and (j) in relation to the objective of taking hostages.

Planning, Instigating, Ordering, and/or Aiding and Abetting

29. In addition to his liability through his participation in these joint criminal enterprises, **Ratko MLADIĆ** is individually criminally responsible for planning, instigating, ordering and/or aiding and abetting the crimes charged in this indictment through the acts and omissions described in paragraph 13.

30. **Ratko MLADIĆ** planned (through acts including those described in paragraph 13(b), (c), and/or (f) in relation to the individual crimes charged), instigated (through acts and omissions including those described in paragraph 13(b), (c), (d), (f), (g), (h) and/or (j) in relation to the individual crimes charged), and ordered (through acts including those described in paragraph 13(b), (c), (d) and/or (k) in relation to the individual crimes charged) each of the crimes charged in this indictment. He directly intended or was aware of the substantial likelihood that the execution of his plans and orders, and/or the carrying out of the acts and conduct which he instigated, would involve or result in the crimes charged in this indictment. **Ratko MLADIĆ** aided and abetted the crimes charged in this indictment through acts and omissions including those described in paragraph 13(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and/or (k) in relation to the individual crimes charged. He was aware of the probability that the crimes charged would be

committed and that his acts or omissions would contribute to their commission.

Article 7(3) of the Statute

31. In addition, **Ratko MLADIĆ** is individually criminally responsible as a superior pursuant to Article 7(3) of the Statute for the crimes charged.

32. Between 12 May 1992 and 8 November 1996, **Ratko MLADIĆ** was the most senior officer of the VRS. In this capacity, **Ratko MLADIĆ** was the superior of, and had effective control over, members of the VRS and elements of Serb Forces integrated into, or subordinated to, the VRS that participated in the crimes alleged in this indictment.

33. **Ratko MLADIĆ** knew or had reason to know that crimes were about to be committed or had been committed by members of the VRS and/or elements of Serb Forces under his effective control through numerous sources, including:

- (a) his own involvement in the preparation, design, and/or execution of such crimes;
- (b) his receipt of information about the commission of such crimes from members of the Serb Forces, Bosnian Serb leadership, Bosnian Serb Political and Governmental Organs and the international community, the media, and/or other persons; and/or
- (c) his personal observation of evidence of the commission of such crimes.

34. **Ratko MLADIĆ** failed to take the necessary and reasonable measures to prevent the commission of crimes by members of the VRS and elements of Serb Forces under his effective control and/or to punish the perpetrators thereof. The term “committed”, as used in the context of Article 7(3) of the Statute, includes all modes of liability covered by Articles 7(1) and 7(3) of the Statute. The acts and omissions of **Ratko MLADIĆ** that demonstrate his failure to take such necessary and reasonable measures include:

- (a) his failure to order or initiate genuine or adequate investigations into credible allegations of the commission of crimes by members of the VRS and/or elements of Serb Forces under his effective control;
- (b) his failure to report information about the commission or possible commission of crimes by members of the VRS and/or elements of Serb Forces under his effective control to the appropriate authorities;
- (c) his failure to discipline, dismiss, demote or refrain from promoting members of the VRS and/or elements of Serb Forces under his effective control who were involved in the commission of crimes and/or who failed to prevent or punish the commission of crimes by their subordinates; and/or
- (d) his failure to issue the orders that were necessary and reasonable in the circumstances to prohibit or put a stop to the commission of crimes by members of the VRS and/or elements of Serb Forces under his effective control.

THE CHARGES

COUNT 1 GENOCIDE

35. **Ratko MLADIĆ**, committed in concert with others, planned, instigated, ordered and/or aided and abetted genocide against a part of the Bosnian Muslim and/or Bosnian Croat national, ethnical, and/or religious groups as such. In addition, **Ratko MLADIĆ** knew or had reason to know that genocide was about to be or had been committed by his subordinates, and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

36. As alleged in paragraphs 8 to 13, between 12 May 1992 and 30 November 1995 **Ratko MLADIĆ** participated in a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from the territories of BiH claimed as Bosnian Serb territory.

37. The objective of this joint criminal enterprise was primarily achieved through a campaign of persecutions as alleged in this indictment. In some municipalities, between 31 March 1992 and 31 December 1992 this campaign of persecutions included or escalated to include conduct that manifested an intent to destroy in part the national, ethnical and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such. In such municipalities, a significant section of the Bosnian Muslim and/or Bosnian Croat groups, namely their leaderships, as well as a substantial number of members of these groups were targeted for destruction. The most extreme manifestations of an intent to partially destroy these groups took place in

Bratunac, Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, Vlasenica and Zvornik.

38. Members of this joint criminal enterprise shared the intent to partially destroy these groups. Alternatively, as alleged in paragraph 9, it was foreseeable that genocide might be perpetrated by one or more members of this joint criminal enterprise and/or by persons used by any such member(s) to carry out the crimes of deportation and forcible transfer. **Ratko MLADIĆ** was aware that genocide was a possible consequence of the implementation of the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territories and willingly took that risk.

39. Between 12 May 1992 and 31 December 1992, Bosnian Serb Political and Governmental Organs and Serb Forces carried out the following acts against Bosnian Muslims and Bosnian Croats:

- (a) the killing of Bosnian Muslims and Bosnian Croats, including leading members of these groups. These killings include:
 - i. killings carried out during and after takeovers, including those listed in **Schedule A**; and
 - ii. killings related to detention facilities, including those listed in **Schedule B**, as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at detention facilities listed in **Schedule C**.

- (b) the causing of serious bodily or mental harm to thousands of Bosnian Muslims and Bosnian Croats, including leading members of these groups, during their confinement in detention facilities, including those listed in **Schedule C**. At these locations, detainees were

subjected to cruel or inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence and beatings; and

(c) the detention of thousands of Bosnian Muslims and Bosnian Croats, including leading members of these groups, in detention facilities, including those listed in **Schedule C**, under conditions of life calculated to bring about their physical destruction, namely through cruel and inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, inhumane living conditions, forced labour and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.

Ratko MLADIĆ is criminally responsible for:

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

COUNT 2 GENOCIDE

40. **Ratko MLADIĆ** committed in concert with others, planned, instigated, ordered and/or aided and abetted genocide against a part of the Bosnian Muslim national, ethnical, and/or religious group as such. In addition, **Ratko MLADIĆ** knew or had reason to know that genocide was about to be or had been committed by his subordinates, and he failed to take

the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

41. As alleged in paragraphs 19 to 23, **Ratko MLADIĆ** participated in a joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children and some elderly men from Srebrenica. **Ratko MLADIĆ** intended to destroy the Bosnian Muslims in Srebrenica as part of the Bosnian Muslim national, ethnical and/or religious group. He shared this intent with other members of this joint criminal enterprise.

42. Alternatively, as alleged in paragraph 9, it was foreseeable that one or more members of the overarching joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory, and/or persons used by any such member(s) to carry out the crimes of deportation and forcible transfer, might perpetrate genocide against the Bosnian Muslims of Srebrenica. **Ratko MLADIĆ** was aware that such genocide was a possible consequence of the implementation of this overarching objective, and willingly took that risk.

43. In March 1995, **Ratko MLADIĆ**, in concert with others, implemented, and/or used others to implement, a plan to take over the Srebrenica enclave and forcibly transfer and/or deport its Bosnian Muslim population. Such action was part of their objective as members of the joint criminal enterprise to permanently remove the Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory.

44. On about 6 July 1995, Bosnian Serb Forces attacked the Srebrenica enclave. Within days of the attack, **Ratko MLADIĆ** and others formed the

shared objective to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, young children and some elderly men. By 11 July 1995, **Ratko MLADIĆ** and others began to implement and/or use others to implement their shared objective: to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, young children and some elderly men from the enclave.

45. Between 11 and 13 July 1995, Srebrenica Forces terrorised and abused the Bosnian Muslims present in Potočari. On 12 July 1995, Srebrenica Forces began to separate the men and boys of Srebrenica from the women and young children. Some elderly men were permitted to remain with their families. Over one thousand men and boys were separated and detained in Potočari. The same day, Srebrenica Forces began to force the women, young children and some elderly men out of the enclave. During and after the forcible transfer operation, Bosnian Muslim men and boys were executed through “opportunistic” killings. In addition to the over one thousand men and boys who were separated and detained in Potočari, thousands of men and boys who had attempted to flee the enclave were captured by, or surrendered to, Srebrenica Forces. Men and boys were beaten prior to their execution. On 13 July 1995, Srebrenica Forces began the organised executions of the men and boys who had been separated and detained, and those who had surrendered or been captured. The victims of the executions were buried; some were subsequently exhumed and reburied in an effort to conceal the crimes.

46. Between 11 July 1995 and 1 November 1995, Srebrenica Forces carried out the following acts:

- (a) killing over 7,000 Bosnian Muslim men and boys of Srebrenica through both organised and opportunistic executions, including those

listed in **Schedule E (Part 1) and Schedule E (Part 2)**; and

(b) causing serious bodily or mental harm to thousands of female and male members of the Bosnian Muslims of Srebrenica, including but not limited to the separation of men and boys from their families and the forcible removal of the women, young children and some elderly men from the enclave.

Ratko MLADIĆ is criminally responsible for:

Count 2: GENOCIDE, punishable under Articles 4(3)(a), and 7(1) and 7(3) of the Statute.

COUNT 3

PERSECUTIONS

47. **Ratko MLADIĆ** committed in concert with others, planned, instigated, ordered, and/or aided and abetted persecutions on political and/or religious grounds against Bosnian Muslims and/or Bosnian Croats. **Ratko MLADIĆ** is specifically charged for persecutions in the following municipalities: Banja Luka; Bijeljina; Bosanska Krupa; Bosanski Novi; Bratunac; Brčko; Foča; Hadžići; Ilidža; Kalinovik; Ključ; Kotor Varoš; Novi Grad; Novo Sarajevo; Pale; Prijedor; Rogatica; Sanski Most; Sokolac; Trnovo; Vlasenica; Vogošća and Zvornik (“Municipalities”), as well as persecutions of the Bosnian Muslims of Srebrenica. In addition, **Ratko MLADIĆ** knew or had reason to know that these persecutions were about to be or had been committed by his subordinates, and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

48. Such persecutory acts were committed as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats in the Municipalities, as well as part of the objective to eliminate the Bosnian Muslims in Srebrenica. **Ratko MLADIĆ** acted in concert with various other individuals, depending on the time period and location, to achieve these objectives through the commission of the crime of persecutions.

49. As alleged in paragraphs 8 to 13, between 12 May 1992 and 30 November 1995 **Ratko MLADIĆ** participated in a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from the territories of BiH claimed as Bosnian Serb territory through the commission of crimes, including persecution. Members of this joint criminal enterprise shared the intent to commit the persecutory acts enumerated in paragraph 59 in the Municipalities on political and/or religious grounds. Alternatively, as alleged in paragraph 9, it was foreseeable that such persecutory acts might be perpetrated by one or more members of this joint criminal enterprise and/or by persons used by any such member(s) to carry out the crimes of deportation and forcible transfer. **Ratko MLADIĆ** was aware that persecution was a possible consequence of the implementation of the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territories and willingly took that risk.

50. The persecutory acts carried out in the Municipalities and against Bosnian Muslims in Srebrenica are illustrative of the wider persecutory campaign implemented in large areas of BiH pursuant to the objective to permanently remove Bosnian Muslims and Bosnian Croats from the territories of BiH claimed as Bosnian Serb territory.

51. Pursuant to this objective, beginning in March 1992, Serb Forces and Bosnian Serb Political and Governmental Organs attacked and/or took control of towns and villages in the Municipalities. Most of these takeovers were carried out during 1992, but they continued thereafter. The enclave of Srebrenica was taken over in July 1995.

52. During and after these takeovers and continuing until 30 November 1995, Serb Forces and Bosnian Serb Political and Governmental Organs carried out persecutory acts against Bosnian Muslims and Bosnian Croats including the imposition of restrictive and discriminatory measures, arbitrary searches, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, and destruction of houses, cultural monuments and sacred sites.

53. Serb Forces and Bosnian Serb Political and Governmental Organs also established and controlled detention facilities in the Municipalities where Bosnian Muslims and Bosnian Croats were detained and subjected to persecutory acts including killing, cruel treatment, torture, rape and other acts of sexual violence, forced labour, unlawful detention and inhumane treatment.

54. These acts as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee the Municipalities in fear. Others were physically driven out.

55. Thousands of Bosnian Muslims who were forcibly displaced from their homes in Eastern Bosnia fled to the Srebrenica enclave.

56. In March 1995, **Ratko MLADIĆ** and those he acted in concert with to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian

Serb-claimed territory implemented, and/or used others to implement, a plan to take over the Srebrenica enclave and forcibly transfer and/or deport its Bosnian Muslim population. Prior to the takeover, humanitarian aid was restricted to the enclave and civilian targets were shelled and sniped in an effort to make life impossible for the inhabitants of the enclave and to remove its population.

57. As described in paragraphs 44 to 45, in the days immediately preceding 11 July 1995, **Ratko MLADIĆ** and others formed the shared objective to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, children and some of the elderly men. The objective of its members was implemented between 11 July 1995 and 1 November 1995 through the killing of the men and boys of Srebrenica and the forcible removal of women, young children and some elderly men from the enclave. The forcible transfer and/or deportation of the women, young children and some elderly men from Srebrenica, the terrorising and abuse of Bosnian Muslims in Potočari, the beating of men and boys prior to their execution, and the “opportunistic” and organised executions of men and boys formed part of the objective of the joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica. Members of this joint criminal enterprise shared the intent to commit these acts on political and/or religious grounds.

58. Alternatively, as alleged in paragraph 9, it was foreseeable that one or more members of the overarching joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through deportation and forcible transfer, and/or persons used by any such member(s) to carry out such crimes, might perpetrate persecutions against the Bosnian Muslims of Srebrenica. Persecutions were carried out through one or more of the acts of the terrorising and abuse of Bosnian Muslims in Potočari, the beating of men and boys prior to their execution, the

“opportunistic” and organised executions of men and boys and the forcible transfer and/or deportation of the women, young children and some elderly men from Srebrenica. **Ratko MLADIĆ** was aware that one or more of these persecutory acts were a possible consequence of the implementation of this overarching objective, and willingly took that risk.

59. Acts of persecution carried out by members of the Serb Forces and Bosnian Serb Political and Governmental Organs pursuant to one or more of the joint criminal enterprises between 12 May 1992 and 30 November 1995 included:

- (a) killings, including:
 - i. killings during and after takeovers in the Municipalities, including those listed in **Schedule A**;
 - ii. killings related to detention facilities in the Municipalities, including those listed in **Schedule B**, as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at detention facilities listed in **Schedule C**;
 - iii. organised killings of Bosnian Muslims from Srebrenica during July and August 1995, including those listed in **Schedule E (Part 1)**; and
 - iv. opportunistic killings of Bosnian Muslims from Srebrenica during July and August 1995, including those listed in **Schedule E (Part 2)**;

- (b) torture, beatings, and physical and psychological abuse during and after takeovers in the Municipalities and in detention facilities in the Municipalities, including those detention facilities listed in **Schedule C**, as cruel or inhumane treatment;

- (c) rape and other acts of sexual violence during and after takeovers in the Municipalities and in detention facilities in the Municipalities, including those detention facilities listed in **Schedule C**, as cruel and inhumane treatment;
- (d) the establishment and perpetuation of inhumane living conditions in detention facilities in the Municipalities, including those listed in **Schedule C**, as cruel or inhumane treatment. The inhumane living conditions established and perpetuated in detention facilities included the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities;
- (e) the terrorising and abuse of Bosnian Muslims of Srebrenica in Potočari and the beating of men and boys of Srebrenica prior to their execution, as cruel or inhumane treatment;
- (f) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes within the Municipalities and from Srebrenica;
- (g) unlawful detention in detention facilities in the Municipalities, including those listed in **Schedule C**;
- (h) forced labour including digging graves and trenches and other forms of forced labour at front lines and the use of Bosnian Muslims and Bosnian Croats as human shields;
- (i) the appropriation or plunder of property, during and after takeovers in the Municipalities, during arrests and detention, and in the

course of or following deportations or forcible transfers. The appropriation of property included the practice of forcing Bosnian Muslims and Bosnian Croats to sign documents turning over their property to Bosnian Serb Political and Governmental Organs in order to be allowed to leave the Municipalities;

(j) the wanton destruction of private property including homes and business premises and public property, including cultural monuments and sacred sites listed in **Schedule D**; and/or

(k) the imposition and maintenance of restrictive and discriminatory measures including:

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

Ratko MLADIĆ is criminally responsible for:

Count 3: Persecutions on Political, Racial and Religious Grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h) and 7(1) and 7(3) of the Statute.

COUNTS 4, 5 and 6
EXTERMINATION, MURDER

60. **Ratko MLADIĆ** committed in concert with others, planned, instigated, ordered, and/or aided and abetted the extermination and murder of Bosnian Muslims and Bosnian Croats in the Municipalities, the extermination and murder of Bosnian Muslims from Srebrenica, and the murder of members of the civilian population of Sarajevo and/or persons not taking active part in the hostilities. In addition, **Ratko MLADIĆ** knew or had reason to know that extermination and murder were about to be or had been committed by his subordinates, and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

61. As alleged in paragraphs 8 to 23, between 12 May 1992 and 30 November 1995 **Ratko MLADIĆ** participated in a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from territories of BiH claimed as Bosnian Serb territory; between 12 May 1992 and November 1995 he participated in a joint criminal enterprise to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling; and he participated in a joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, children and some elderly men. The crimes of extermination and/or murder formed part of the objectives of all three of these criminal enterprises.

62. Acts of extermination and murder that formed part of the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory carried out between 12 May 1992 and 30 November 1995 by members of the Serb Forces and Bosnian Serb Political and

Governmental Organs include:

(a) killings during and after takeovers in the Municipalities including those listed in **Schedule A**; and

(b) killings related to detention facilities in the Municipalities, including those listed in **Schedule B**, as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at detention facilities listed in **Schedule C**.

63. Alternatively, as alleged in paragraph 9, if extermination and/or murder did not form part of this objective, it was foreseeable that such crimes might be perpetrated by one or more members of the joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory and/or by persons used by any such member(s) to carry out the crimes of deportation and forcible transfer. **Ratko MLADIĆ** was aware that extermination and/or murder were a possible consequence of the implementation of the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territories and willingly took that risk.

64. Acts of murder that formed part of the objective to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling carried out between 12 May 1992 and November 1995 by members of the Sarajevo Forces include the deaths caused by sniping and shelling described in **Schedule F** and **Schedule G**.

65. The acts of extermination and murder that formed part of the objective to eliminate the Bosnian Muslims in Srebrenica were carried out between 11

July 1995 and 1 November 1995 by members of the Srebrenica Forces. They include:

- (a) organised executions, including those listed in **Schedule E (Part 1)**; and
- (b) opportunistic killings, including those listed in **Schedule E (Part 2)**.

66. Alternatively, as alleged in paragraph 9, it was foreseeable that one or more members of the overarching joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory, and/or persons used by any such member(s) to carry out the crimes of deportation and forcible transfer, might perpetrate these crimes of extermination and murder. **Ratko MLADIĆ** was aware that such acts of extermination and/or murder were a possible consequence of the implementation of this overarching objective, and willingly took that risk.

Ratko MLADIĆ is criminally responsible for:

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

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

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, and 7(1) and 7(3) of the Statute.

COUNTS 7 and 8
DEPORTATION, INHUMANE ACTS

67. **Ratko MLADIĆ** committed in concert with others, planned, instigated, ordered, and/or aided and abetted the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from the Municipalities and from Srebrenica. In addition, **Ratko MLADIĆ** knew or had reason to know that forcible transfer and deportation were about to be or had been committed by his subordinates, and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

68. As described below, between March 1992 and 30 November 1995, Serb Forces and Bosnian Serb Political and Governmental Organs forcibly displaced Bosnian Muslims and Bosnian Croats from areas within the Municipalities and within Srebrenica in which they were lawfully present either across a *de facto* or *de jure* border or internally without the crossing of a *de facto* or *de jure* border. **Ratko MLADIĆ** is criminally responsible for these acts of forcible displacement carried out between 12 May 1992 and 30 November 1995.

69. As alleged in paragraphs 8 to 13, between 12 May 1992 and 30 November 1995 **Ratko MLADIĆ** participated in a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from the territories of BiH claimed as Bosnian Serb territory by means which included the crimes of forcible transfer and deportation.

70. Beginning in March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of

sexual violence, killing, and destruction of houses and cultural monuments and sacred sites, all targeting Bosnian Muslims and Bosnian Croats in the Municipalities, as well as the threat of further such acts, caused Bosnian Muslims and Bosnian Croats to flee in fear. Others were physically driven out.

71. As a result of these acts, most of the Bosnian Muslims and Bosnian Croats from the Municipalities had been forcibly displaced by the end of 1992. However, acts of forcible displacement continued thereafter, including between January and March 1993 when Serb Forces attacked the Cerska (Vlasenica municipality) and Konjević Polje (Bratunac municipality) areas in eastern BiH, causing thousands of Bosnian Muslims to flee.

72. Many Bosnian Muslims who were forcibly displaced from their homes in Eastern Bosnia both during and after 1992, fled to the Srebrenica enclave. By resolutions dated 16 April 1993 and 6 May 1993, the UN Security Council declared Srebrenica, Žepa, Goražde and Sarajevo (and their surroundings) as “safe areas” which were to be free from armed attack or any other hostile act.

73. Beginning in March 1995, with the objective of permanently removing Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory, **Ratko MLADIĆ** in concert with other members of this joint criminal enterprise implemented, and/or used others to implement, a plan to take over the Srebrenica enclave and forcibly transfer and/or deport its Bosnian Muslim population. Prior to the takeover, humanitarian aid was restricted to the enclave, and civilian targets were shelled and sniped in an effort to make life impossible for the inhabitants of the enclave and to remove its population.

74. As described in paragraphs 44 to 45, in the days immediately preceding 11 July 1995, **Ratko MLADIĆ** and others formed the shared objective to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, children and some elderly men. The objective of its members was implemented between 11 July 1995 and 1 November 1995 through the killing of the men and boys of Srebrenica and the forcible removal of women, young children and some elderly men from the enclave. These acts of forcible transfer formed part of the objective to eliminate the Bosnian Muslims in Srebrenica. Alternatively, these acts of forcible transfer formed part of the overarching objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory.

Ratko MLADIĆ is criminally responsible for:

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

Count 8: Inhumane Acts (forcible transfer), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i), and 7(1) and 7(3) of the Statute.

COUNTS 9 and 10

TERROR, UNLAWFUL ATTACKS

75. **Ratko MLADIĆ** committed in concert with others, planned, instigated, ordered, and/or aided and abetted the crimes of terror and unlawful attacks on civilians. In addition, **Ratko MLADIĆ** knew or had reason to know that his subordinates were committing the crimes of terror

and unlawful attacks on civilians or had done so. **Ratko MLADIĆ** failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

76. As alleged in paragraphs 14 to 18, between 12 May 1992 and November 1995 **Ratko MLADIĆ** participated in a joint criminal enterprise to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population. This campaign included the crimes of terror and unlawful attacks on civilians, as well as murder as alleged in paragraph 64. Members of this joint criminal enterprise shared the intent to spread terror among the civilian population of Sarajevo as the primary purpose of the campaign.

77. Armed hostilities broke out in Sarajevo around the time BiH was internationally recognised as an independent state on 6 April 1992. Around the same time, the city was subjected to blockade, bombardment and sniper attacks.

78. Between April 1992 and November 1995, members of this joint criminal enterprise established and implemented, and/or used members of the Sarajevo Forces to establish and implement, a military strategy that used sniping and shelling to kill, maim, wound and terrorize the civilian inhabitants of Sarajevo. The sniping and shelling killed and wounded thousands of civilians of both sexes and all ages, including children and the elderly.

79. The sniping and shelling campaign comprised direct attacks on the civilian population or on individual civilians not taking direct part in hostilities. Such attacks included indiscriminate attacks and excessive

attacks which were disproportionate in relation to the concrete and direct military advantage anticipated.

80. The Sarajevo Forces sniped and shelled civilians as they conducted everyday civilian activities. People were injured and killed inside their homes. The lack of gas, electricity or running water forced people to leave their homes, thereby increasing the risk of death. The constant threat of death and injury caused trauma and psychological damage to the civilian inhabitants of Sarajevo.

81. Specific instances of the sniping and shelling attacks forming part of the campaign, by way of illustrative examples, include the incidents set forth in **Schedule F** and **Schedule G** respectively.

Ratko MLADIĆ is criminally responsible for:

Count 9: Acts of Violence the Primary Purpose of which is to Spread Terror among the Civilian Population, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3, and 7(1) and 7(3) of the Statute; and

Count 10: Unlawful Attacks on Civilians, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3, and 7(1) and 7(3) of the Statute.

COUNT 11

TAKING OF HOSTAGES

82. **Ratko MLADIĆ** committed in concert with others, planned, instigated, ordered, and/or aided and abetted the taking of UN military observers and peacekeepers as hostages. In addition, **Ratko MLADIĆ** knew or had reason to know that the taking of hostages was about to be or had been committed by his subordinates, and he failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

83. As alleged in paragraphs 24 to 28 **Ratko MLADIĆ** participated in a joint criminal enterprise to take hostages in order to compel NATO to abstain from conducting air strikes against Bosnian Serb military targets. Members of the joint criminal enterprise shared the intent to take hostages in order to compel NATO to abstain from air strikes.

84. In response to shelling attacks on Sarajevo and other areas of BiH by Bosnian Serb Forces, NATO forces carried out air strikes against Bosnian Serb military targets in BiH on 25 and 26 May 1995.

85. Between approximately 26 May 1995 and 19 June 1995, Bosnian Serb Forces detained over two hundred UN peacekeepers and military observers in various locations, including Pale, Sarajevo, Banja Luka, and Goražde and held them at various locations in the RS, including locations of strategic or military significance, in order to render the locations immune from NATO air strikes and to prevent air strikes from continuing. Threats were issued to third parties, including NATO and UN commanders, that further NATO attacks on Bosnian Serb military targets would result in the injury, death, or continued detention of the detainees. Some of the detainees were assaulted or otherwise maltreated during their captivity.

86. During and after negotiations with Serbian and Bosnian Serb leaders, including **Ratko MLADIĆ**, the detainees were released in stages between 3 and 19 June 1995.

Ratko MLADIĆ is criminally responsible for:

Count 11: 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, and 7(1) and 7(3) of the Statute.

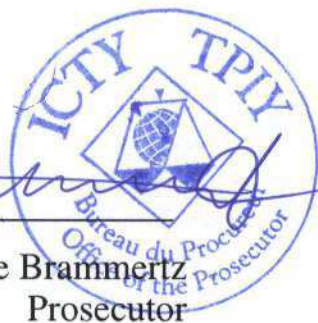

GENERAL ALLEGATIONS

87. All acts and omissions charged as crimes against humanity, except those that formed part of the sniping and shelling campaign in Sarajevo, were part of a widespread or systematic attack directed against Bosnian Muslim and Bosnian Croat civilian populations of BiH. All acts and omissions charged as crimes against humanity that formed part of the sniping and shelling campaign in Sarajevo were part of a widespread or systematic attack directed against the civilian population of Sarajevo.

88. At all times relevant to this indictment, a state of armed conflict existed in BiH.

89. For all crimes charged as violations of Common Article 3 of the Geneva Conventions of 1949, the victims were persons taking no active part in hostilities.

90. **Ratko MLADIĆ** 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.



Serge Brammertz
Prosecutor

Dated this 10th day of May 2010
At The Hague
The Netherlands

Schedule A

Killings Not Related to Detention Facilities

MUNICIPALITY	INCIDENT	DATE
1. Bosanski Novi	1.1 The killing of approximately 3 men at the Blagaj Japra bridge.	On or about 9 June 1992
2. Foča	2.1 The killing of a number of people hiding in the woods near Mješaja/Trošanj.	Early July 1992
3. Ključ	3.1 The killing of a number of people in Pudin Han.	On or about 28 May 1992
	3.2 The killing of at least 38 people in Prhovo village and further on the road to Peći.	On or about 1 June 1992
	3.3 The killing of at least 144 people in Biljani.	On or about 10 July 1992
4. Kotor Varoš	4.1 The killing of a number of men in the settlement of Kotor and on the way from Kotor to the Medical Centre in Kotor Varoš and in front of the Medical Centre in Kotor Varoš.	On or about 25 June 1992
	4.2 The killing of a number of men in Dabovci.	Mid-August 1992
	4.3 The killing of at least 8 people in the mosque in Hanifići.	Mid-August 1992
	4.4 The killing of a number of men in or around the school in Grabovica.	On or about 3 November 1992
5. Novi Grad	5.1 The killing of at least 15 men after they were captured fleeing from the village of Ahatovići.	On or about 29 May 1992
6. Prijedor	6.1 The killing of a number of people in Kozarac and the surrounding areas.	Between 24 May and June 1992
	6.2 The killing of a number of people in the Hambarine and Ljubija area.	Between 23 May and 1 July 1992
	6.3 The killing of a number of people in Kamičani.	On or about 26 May 1992
	6.4 The killing of a number of men in	On or about 14

MUNICIPALITY	INCIDENT	DATE
	the village of Jaskići.	June 1992
	6.5 The killing of a number of people in the villages of the Brdo area.	Between 1 and 23 July 1992
	6.6 The killing of a number of men in the village of Biščani and the surrounding hamlets of Hegići, Mrkalji, Ravine, Duratovići, Kadići, Lagići and Čemernica.	On or about 20 July 1992
	6.7 The killing of a number of men in the Ljubija iron ore mine Kipe.	On or about 25 July 1992
	6.8 The killing of a number of men at the Ljubija football stadium and the surrounding areas.	On or about 25 July 1992
	6.9 The killing of at least 68 people in the village of Briševo.	Between 23 and 26 July 1992
7. Sanski Most	7.1 The killing of about 28 men between Begići and Vrhpolje bridge.	On or about 31 May 1992
	7.2 The killing of a number of people in Hrustovo village.	On or about 31 May 1992
	7.3 The killing of about 18 men from Kenjari in the hamlet of Blaževići.	On or about 27 June 1992
	7.4 The killing of a number of people from the hamlet of Budin, Lukavice village.	On or about 1 August 1992
	7.5 The killing of approximately 7 men near the village of Škrļjevitā.	On or about 2 November 1992
8. Sokolac	8.1 The killing of at least 40 men in the village of Novoseoci.	On or about 22 September 1992
9. Vlasenica	9.1 The killing of at least 20 men in the village of Drum.	On or about 2 June 1992
	9.2 The killing of at least 60 people in the village of Zaklopača.	16 May 1992
10. Zvornik	10.1 The killing of approximately 190 men at Gero's Slaughterhouse.	Between 5 and 8 June 1992

Schedule B

Killings Related to Detention Facilities

MUNICIPALITY	INCIDENT	DATE
1. Banja Luka	1.1 The killing of at least 6 men in front of Manjača camp after their transportation from Hasan Kikić elementary school in Sanski Most.	On or about 3 June 1992
	1.2 A number of prisoners suffocated in trucks while being transported from Betonirka detention facility in Sanski Most to Manjača camp.	7 July 1992
	1.3 The killing of a number of men in front of Manjača camp upon their arrival from Omarska camp.	On or about 6 August 1992
	1.4 The killing of at least 10 men in Manjača camp.	Between 1 June and 18 December 1992
2. Bijeljina	2.1 The killing of at least 6 men in Batković camp.	June 1992 until June 1995
3. Bosanski Krupa	3.1 The killing of at least 11 men during detention in Petar Kočić elementary school.	Between 1 and 10 August 1992
4. Brčko	4.1 The killing of a number of men at Luka camp.	Between at least 12 May and 6 June 1992
5. Foča	5.1 The killing of over 200 detainees at KP Dom Foča.	Between June and December 1992
6. Ilidža	6.1 The killing of 3 detainees while performing forced labour at KP Dom Butmir (Kula).	Between 23 July and 24 November 1992
7. Kalinovik	7.1 The killing of at least 20 men taken away from the ammunition warehouse in Jalašačko Polje in Kalinovik and killed in a stable in Ratine in the municipality of Foča.	On or about 5 August 1992
8. Ključ	8.1 The killing of at least 77 men at a school in Velagići.	On or about 1 June 1992

MUNICIPALITY	INCIDENT	DATE
9. Kotor Varoš	9.1 A number of men died as a result of beatings in the prison building.	Between June and September 1992
10. Novi Grad	10.1 The killing of a number of men taken from the cisterns near the Rajlovac barracks.	Between 1 and 14 June 1992
	10.2 The killing of at least 47 men taken from the cisterns near the Rajlovac barracks.	On or about 14 June 1992
11. Novo Sarajevo	11.1 The killing of 47 men taken from the Lukavica barracks.	In June 1992
12. Pale	12.1 A number of men died as a result of beatings in the building of the former Culture Centre/Dom Culture in Pale (also referred to as a gym).	Between June and July 1992
13. Prijedor	13.1 The killing of approximately 150 people in "Room 3" at Keraterm camp.	On or about 24 and 25 July 1992
	13.2 The killing of a number of people at Omarska camp and at various places after they were taken from the camp.	Between 27 May and 21 August 1992
	13.3 The killing of a number of men and women taken from the Omarska and Keraterm camps in the area called Hrastova Glavica.	On or about 5 August 1992
	13.4 The execution of over 150 men from the "Brdo" region of Prijedor at Omarska camp.	On or about 20 July 1992
	13.5 The killing of a number of people in Trnopolje camp and at various places after they were taken from the camp.	Between 28 May and October 1992
	13.6 The killing of approximately 200 men from Trnopolje camp on Vlasić mountain in Skender Vakuf.	On or about 21 August 1992
14. Rogatica	14.1 The killing of a number of men taken from the Veljko Vlahović	Between June and September 1992

MUNICIPALITY	INCIDENT	DATE
	secondary school.	
	14.2 The killing of at least 24 men taken from the detention facilities at Rasadnik.	15 August 1992
15. Sanski Most	15.1 The killing of approximately 17 men taken from Betonirka camp in Kriva Cesta near the Partisan cemetery.	On or about 22 June 1992
16. Vlasenica	16.1 The killing of approximately 9 men from Sušica camp.	Between June and August 1992
	16.2 The killing of up to 140 detainees in Sušica camp.	On or about 30 September 1992
	16.3 The killing of one man in the SJB building in Vlasenica.	On or about 22 May 1992
	16.4 The killing of at least 29 men taken away from the Civil Defence Building/Prison next to the SUP and killed on the side of the road near the village of Nova Kasaba.	Between 18 May and June 1992
17. Vogošća	17.1 The killing of a number of detainees who were taken out from Planjo's House in Svrake for forced labour and who served as human shields.	Between August and December 1992
18. Zvornik	18.1 The killing of approximately 88 men in Drinjača school.	On or about 30 May 1992
	18.2 The killing of a number of men at the Čelopek Dom Kulture.	Between 10 and 28 June 1992
	18.3 The killing of approximately 160 men at the Karakaj Technical School.	Between 1 and 5 June 1992
	18.4 The killing of one man in Ekonomija Farm.	Between 12 and 31 May 1992

Schedule C

Detention Facilities

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
1. Banja Luka	1.1 CSB Building Banja Luka	At least between June 1992 and September 1993
	1.2 Manjača camp	At least between early June and 18 December 1992
	1.3 Mali Logor	At least between June 1992 and sometime in 1995
	1.4 Banja Luka prison (Tunjice)	At least between July 1992 and the end of October 1992
2. Bijeljina	2.1 Batković camp	At least between 1 June 1992 and 31 December 1995
3. Bosanska Krupa	3.1 Petar Kočić elementary school	Between sometime in May and August 1992
4. Bosanski Novi	4.1 Mlakve football stadium	At least between sometime in May and July 1992
	4.2 Bosanski Novi fire station	At least between July 1992 and January 1993
	4.3 Bosanski Novi police station	At least between 17 and 29 May 1992
	4.4 Bosanska Kostajnica police station	At least between 17 May and 23

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
		July 1992
	4.5 Vatrogasno camp in Bosanski Novi	At least between January and February 1993
5. Brčko	5.1 Luka camp	At least between 12 May and mid July 1992
6. Foča	6.1 KP Dom Foča	At least between 12 May and 31 December 1992
	6.2 Karaman's house in Miljevina	At least between August and October 1992
	6.3 Worker's Huts at Buk Bijela/Bukovica Motel	Between June and July 1992
	6.4 Partizan Hall	During 1992
	6.5 Srednja škola – Foča high school	During 1992
7. Hadžići	7.1 Garage of the Hadžići Municipal Assembly building	From 20 May 1992 until at least June 1992
	7.2 Hadžići Culture and Sport centre	Between at least 25 May and September 1992
8. Ilidža	8.1 KP Dom Butmir (Kula Prison)	At least between 12 May 1992 and 28 October 1994
9. Kalinovik	9.1 Kalinovik elementary school (Miladin Radojević school)	From 25 June 1992 until sometime in July 1992
	9.2 An ammunition warehouse in Jelašaćko Polje	From 6 July 1992 until 5 August 1992
10. Ključ	10.1 SJB Building in Ključ	At least between sometime in May and August

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
		1992
	10.2 Nikola Mačkić elementary school	At least between late May and mid June 1992
	10.3 Velagići school	At least between 30 May and 1 June 1992
11. Kotor Varoš	11.1 SJB Building in Kotor Varoš	At least between June and July 1992
	11.2 Kotor Varoš prison	At least between June 1992 and July 1993
	11.3 Kotor Varoš sawmill	At least between sometime in July 1992 and August 1992
	11.4 Kotor Varoš elementary school	Between July and late September 1992
12. Novi Grad	12.1 Cisterns near the Rajlovac Army barracks	June 1992
13. Novo Sarajevo	13.1 Slaviša Vajner Čiča Barracks in Lukavica	22 June until September 1992
14. Pale	14.1 SJB Building in Pale	June 1992
	14.2 Former Culture Centre/Dom Culture in Pale (also referred to as a gym)	At least between 12 May and August 1992
15. Prijedor	15.1 SJB Building in Prijedor	Between 24 May and June 1992
	15.2 Omarska camp	Between 27 May and 21 August 1992
	15.3 Keraterm camp	Between 25 May and 21 August 1992
	15.4 Trnopolje camp	Between at least 24 May and 30

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
		September 1992
	15.5 Miška Glava Dom	Between about 21 and 25 July 1992
	15.6 Ljubija football stadium	On or about 25 July 1992
	15.7 Prijedor barracks	At least between late May and June 1992
16. Rogatica	16.1 Veljko Vlahović secondary school	At least between 12 May and 31 August 1992
	16.2 The garage of Novica Andrić	On or about 14 August 1992
	16.3 Rasadnik	At least between August 1992 and October 1994
17. Sanski Most	17.1 SJB Building and prison in Sanski Most	At least between 26 May and August 1992
	17.2 Betonirka factory garage	At least between 27 May and 7 July 1992
	17.3 Hasan Kikić school sport halls	At least between late May and July 1992
	17.4 Krings Hall	At least between late May and July 1992
	17.5 Magarica military facility	At least between late May and June 1992
18. Sokolac	18.1 Former elementary school in Čavarine	At least between October 1992 and March 1993
	18.2 Slaviša Vajner Čiča elementary school	July until October 1992
19. Vlasenica	19.1 SJB Building in Vlasenica	At least between

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
		late May and early June 1992
	19.2 The prison building in Vlasenica	At least between June and July 1992
	19.3 Sušica camp	At least between 12 May and about 30 September 1992
	19.4 Civil Defence building/prison next to the SUP	Between 18 May and 25 May 1992
20. Vogošća	20.1 Planjo's house (Planjina kuća) in Svrake	From early July 1992 until February 1993
	20.2 "Bunker" in Vogošća	At least between 12 May and July 1992
21. Zvornik	21.1 Čelopek Dom Culture	At least between late May and June 1992
	21.2 Karakaj Technical School	At least between late May and June 1992
	21.3 Novi Izvor company (also known as Ciglana)	At least between 29 May and 30 July 1992
	21.4 Drinjača building (Dom Culture)	At least between late May and June 1992
	21.5 Ekonomija farm	At least between 12 May and late May 1992
	21.6 Standard factory	At least between 12 May and late May 1992

Schedule D

Destruction of Cultural Monuments and Sacred Sites

MUNICIPALITY	NAME AND/OR LOCATION OF SITE	DATE
1. Bijeljina	Atmačići mosque, Janjari mosque, Srednja Trnova mosque.	Summer of 1992
2. Bosanska Krupa	Three mosques in Bosanska Otoka.	At least between 12 May and November 1992
3. Bosanski Novi	The mosque in Blagaj Japra, the town mosque in Bosanski Novi (Gradska Džamija), and the Vidorijska mosque.	At least between 12 May and June 1992
4. Brčko	Bijela mosque, Sava mosque, Old Hadži Paša mosque, Dizdaruša mosque, Rijeka mosque, Omerbegova mosque, Palanka mosque, Brčko church, Dubrave church, Gorica church, Poljaci church.	At least between 12 May and September 1992
5. Foča	Aladža mosque.	At least between 12 May and August 1992
6. Kalinovik	Ulog mosque, Hotovlje mosque, Jesalica mosque, Kutina mosque.	After July 1992
7. Ključ	Town mosque, Biljani – Džaferagići mosque, Pudina Han-Velagići mosque, Donji Budeljski mosque, Humići mosque, Krasulje mosque, Sanica mosque, Tičevići mosque, town Catholic church.	At least between 12 May and August 1992
8. Kotor Varoš	Hanifići mosque, Vrbanjski mosque, the Roman Catholic church in the town of Kotor Varoš, Hrvančani mosque, old mosque in Večići, new mosque in Večići, Vranić mosque, Ravne mosque, Donji Varoš mosque, Hadrovci mosque.	At least between June and December 1992
9. Novi Grad	Ahatovići mosque.	On or about 4 June 1992
10. Pale	Three mosques including mosques at Prača, Podvitez, Bogovići.	Between July and September 1992
11. Prijedor	Kozaruša mosque, Stari Grad mosque,	At least between 12

MUNICIPALITY	NAME AND/OR LOCATION OF SITE	DATE
	Čarakovo mosque, Hambarine old mosque, Čaršijska mosque – town of Prijedor, Zgrad mosque – town of Prijedor, Biščani mosque, Gornja/Donja Puharska mosque, Rizvanovići mosque, Brežičani mosque, Ališići mosque, Zecovi mosque, Čejreci mosque, Gomjenica mosque, Kevljani mosque, Kamičani mosque, Kozarac – Mutnik mosque, Prijedor town Catholic church, Briševo church.	May and December 1992
12. Rogatica	Arnaudija mosque in the town of Rogatica, Čaršija mosque in the town of Rogatica, three mosques in the area of Vragolovi.	At least between June and December 1992
13. Sanski Most	Town mosque, Pobježje mosque, the old and new mosques at Hrustovo-Kukavice, Vrhpolje mosque, Šehovci mosque, Trnova mosque, Stari Majdan (Palanka) mosque, Stari Majdan (Utriška) mosque, Dževar mosque, Husimovci mosque, Donji Kamengrad mosque, Skucani Vakuf mosque, Lukavice mosque, Tomina mosque, Čaplje mosque, town Catholic church.	At least between 12 May and December 1992
14. Sokolac	Kruševci mosque, Knežina mosque, Kaljina mosque, Novoseoci mosque, Koštica mosque.	At least between August and September 1992
15. Vogošća	Ugorsko mosque.	At least between 12 May and September 1992
16. Zvornik	Novo Selo mosque, Glumina mosque, Gornja Kamenica mosque, Kovačevići mosque and Selimovići mosque.	At least between 12 May and November 1992

Schedule E
Srebrenica Killings

LOCATION	INCIDENT	DATE
<i>Part 1: Organised Killings</i>		
1. Jadar River	1.1 The killing of about 15 Bosnian Muslim men in an isolated area on the bank of the Jadar River.	13 July 1995, at approximately 1100 hours
2. Cerska Valley	2.1 The killing and subsequent burial of approximately 150 Bosnian Muslim men in an area along a dirt road in the Cerska Valley about three (3) kilometres from Konjević Polje.	Between 13 and 17 July 1995
3. Kravica Warehouse	3.1 The killing of over 1,000 Bosnian Muslim men in a large warehouse in the village of Kravica. The bodies of the victims were transported to two large mass graves located in the nearby villages of Glogova and Ravnice on 14 July 1995.	13 July 1995
4. Sandići Meadow	4.1 The killing of approximately 15 Bosnian Muslim prisoners who were detained at Sandići meadow and summarily executed in an area near Sandići.	13 July 1995, after dark
5. Luke School near Tišća	5.1 The killing of 25 Bosnian Muslim men who were detained at the Luke school and summarily executed in an isolated nearby pasture.	On or about 13 July or 14 July 1995
6. Orahovac (School and Nearby Field)	6.1 The killing of two Bosnian Muslim prisoners who were detained at the school in Orahovac. The two prisoners were removed from the school and summarily executed by rifle fire.	On or about 14 July 1995

LOCATION	INCIDENT	DATE
	6.2 The killing of approximately 1,000 Bosnian Muslim men who were detained at the school in Orahovac, blindfolded, transported to a nearby field by truck, and summarily executed. The bodies of the victims were buried in mass graves at the execution site on 14 and 15 July 1995.	14 July 1995, beginning in the early afternoon
7. Petkovci (School and Dam)	7.1 The killing at Petkovci school of some of the approximately 1,000 Bosnian Muslim men detained at the school.	On or about 14 July 1995
	7.2 The killing of the surviving portion of the approximately 1,000 Bosnian Muslim men who were detained at Petkovci school. The men were summarily executed in an area below the dam near Petkovci. While the executions continued on 15 July, excavators and heavy equipment were used to bury the victims.	On or about 14 July 1995, in the evening - 15 July 1995, in the morning
8. Ročević School and Kozluk	8.1 The killing at Ročević school of some of the approximately 1,000 Bosnian Muslim men detained at the school.	On or about 14 or 15 July 1995
	8.2 The killing of the surviving portion of the approximately 1,000 Bosnian Muslim men detained at Ročević school. The men were summarily executed at a site on the bank of the Drina River near Kozluk. The victims of the executions were buried in a nearby mass grave.	15 July 1995
9. Kula School and Branjevo Military Farm	9.1 The killing at Kula school near Pilica of some of the approximately 1,200 Bosnian Muslim men detained at the school.	On or about 14 or 15 July 1995
	9.2 The killing of the surviving	16 July 1995

LOCATION	INCIDENT	DATE
	portion of the approximately 1,200 Bosnian Muslim men who were detained in the Kula school. The men were transported by bus to Branjevo Military Farm and summarily executed. The hundreds of victims subsequently were buried in a nearby mass grave.	
10. Pilica Cultural Centre	10.1 The killing of approximately 500 Bosnian Muslim men inside the Pilica Cultural Centre. The victims were subsequently buried in a mass grave at Branjevo Military Farm.	16 July 1995
11. Snagovo	11.1 The killing of six Bosnian Muslim men who were captured upon becoming separated from the column of men retreating from the Srebrenica enclave and were executed in the woods near the town of Snagovo.	On or about 22 July 1995
12. Bišina	12.1 The killing of over thirty Bosnian Muslim men, some of whom were previously detained in Sušica prison, in Bišina in Šekovići Municipality.	23 July 1995
13. Trnovo	13.1 The killing of six Bosnian Muslim men and boys from Srebrenica near the town of Trnovo.	Late July or early August 1995
<i>Part 2: Opportunistic Killings</i>		
14. Potočari	14.1 The killing of nine Bosnian Muslim men near the UN Compound on the Budak side of the main road.	On or about 12 July 1995
	14.2 The killing of one Bosnian Muslim man behind a building near the "White House."	On or about 13 July 1995
15. Bratunac Town	15.1 The killing of 50 or more Bosnian Muslim men inside and	12 July 1995, at approximately

LOCATION	INCIDENT	DATE
	outside the Vuk Karadžić elementary school and in the surrounding area.	2200 hours to 15 July 1995, in the morning
	15.2 The killing of two Bosnian Muslim men who were taken off a truck in Bratunac town, led to a nearby garage and summarily executed.	13 July 1995, at approximately 2130 hours
	15.3 The killing of a mentally retarded Bosnian Muslim man who was taken off a bus parked in front of the Vuk Karadžić elementary school in Bratunac and summarily executed.	13 July 1995, in the evening

Schedule F

Sniping Incidents in Sarajevo

INCIDENT	DATE
1. Anisa PITA, a 3 year old girl, was shot and wounded in her right leg on the porch of her residence on Žagrići Street in the Širokača area of Sarajevo.	13 December 1992
2. A 9 year old girl was shot and wounded in the back while playing in the front garden of her house in the Sedrenik area of Sarajevo.	17 April 1993
3. Munira ZAMETICA, a 48 year old woman, was shot dead while collecting water from the Dobrinja River in the area of Dobrinja.	11 July 1993
4. Nafa TARIĆ, a 35 year old woman, and her 8 year old daughter Elma TARIĆ, were shot and wounded by a single bullet while walking together on Ivana Krndelja Street, in the centre of Sarajevo. The bullet wounded the mother in her left thigh, and wounded the daughter on her right hand and in her abdomen.	3 September 1993
5. Ramiza KUNDO, a 38 year old woman, was shot and wounded in her left leg while carrying buckets of water across Briješko Brdo Street (presently Bulbulistan Street) in the west end of Sarajevo.	2 November 1993
6. Sanija DŽEVLAN, a 32 year old woman, was shot and wounded in her buttocks while riding a bicycle across a bridge on Nikolje Demonja Street in Dobrinja.	6 January 1994
7. Sehadeta PLIVAC, a 53 year old woman, and Hajra HAFIZOVIĆ, a 62 year old woman, were both shot and wounded in their legs while travelling in a crowded bus near the junction of Nikolje Demonje and Bulevar Avnoj (presently Nikolje Demonje and Bulevar Branioca Dobrinja) in Dobrinja.	25 May 1994
8. Jasmina KUČINAR, a 31 year old woman, and her 4 year old son Damir KUČINAR, were shot and lightly wounded in their legs while travelling in a crowded tram. The tram was travelling west on Zmaja od Bosne Street towards Alipašino Polje.	19 June 1994

INCIDENT	DATE
Mensur JUSIĆ, a 36 year old man, sustained a slight leg wound and Belma SUKIĆ née LIKIĆ, a 23 year old woman, was wounded in her left armpit in the same attack. The tram was near the Holiday Inn at the time of the incident.	
9. Sanela MURATOVIĆ, a 16 year old girl, was shot and wounded in her right shoulder while walking with a girlfriend on Đure Jakšića Street (presently Adija Mulabegovića) in the west end of Sarajevo.	26 June 1994
10. Seid SOLAK, a 13 year old boy, was shot and wounded in his abdomen while window-shopping with his mother and sister on Miljenka Cvitkovića Street (presently Ferde Hauptmana) in the Čengić Vila area of Sarajevo.	22 July 1994
11. Alma ĆUTUNA, a 43 year old woman, was wounded in the right upper leg while travelling on a tram on Zmaj od Bosne in Sarajevo.	8 October 1994
12. Dženana SOKOLOVIĆ, a 31 year old woman, and her 7 year old son Nermin DIVOVIĆ, were fired on while walking on Zmaj od Bosne. Dženana SOKOLOVIĆ was wounded by a bullet in the abdomen. The bullet passed through her and hit her son in the head, killing him. They were walking home from Hrasno, where they had gone to collect firewood the previous day.	18 November 1994
13. Afeza KARAČIĆ, a 31 year old woman, and Sabina ŠABANIĆ, a 26 year old woman, were both wounded in the right shoulder when the tram they were travelling in came under fire on Zmaj od Bosne, between the Technical School and Marsal Tito Barracks.	23 November 1994
14. Senad KESMER, a 31 year old man, Alma ČEHAJIĆ, a 19 year old woman, Alija HOLJAN, a 55 year old man, and others were shot and wounded while travelling in a westbound tram on Zmaj od Bosne. The tram was near the Tito barracks at the time.	27 February 1995
15. Azem AGOVIĆ, a 46 year old man, and Alen	3 March 1995

INCIDENT	DATE
GIČEVIĆ, a 33 year old man, were shot and wounded while travelling in an eastbound tram on Zmaj od Bosne. The tram was near the Holiday Inn at the time of the incident.	
16. Tarik ŽUNIĆ, a 14 year old boy, was shot and wounded in the hand while walking home from school at Sedrenik Street, in the northeast of Sarajevo. He was hit when he emerged from behind a protective screen about 100 metres from his house.	6 March 1995

Schedule G

Shelling Incidents in Sarajevo

INCIDENT	DATE
1. The city of Sarajevo was heavily shelled, damaging and destroying civilian targets, causing the deaths of several civilians and injuring others.	From on or about 28 May 1992
2. A massive bombardment of the city was carried out with a variety of artillery fired from positions all around the city. Civilian targets were damaged and destroyed and a number of civilians were killed and wounded.	From on or about 6 June 1992
3. The National Library of Sarajevo was targeted with tank and artillery fire. The bombardment resulted in extensive damage to the structure and set the building ablaze. Many of the volumes and documents stored in the building were destroyed, many of which were irreplaceable ancient manuscripts and books.	On or about 25 August 1992
4. Two shells were fired upon a crowd of approximately 200 persons who were watching and participating in a football game in a parking lot bordered on three sides by residential apartment blocks and on the fourth side by the Lukavica Road in Dobrinja IIIB, a residential settlement. Over 10 people were killed and approximately 100 were wounded. The origin of fire was VRS/SRK-held territory approximately to the east-south-east.	1 June 1993
5. An 82 mm mortar shell was fired at about 100 civilians who were waiting to access a communal water pump in the front yard of a residence at 39 Hakije Turajlića (previously Aleja Branka Bulića then Spasenije Cane Babović) in Dobrinja, a residential settlement. 13 people were killed and 14 were wounded. The origin of fire was VRS/SRK-held territory approximately to the west-north-west.	12 July 1993
6. Three mortar shells landed in the area of Alipašino Polje, the first in a park behind, and the second and third in front of residential apartment buildings at 3 Geteova Street (previously Centinjska Street) and at 4 Bosanka Street (previously Klara Cetkin Street), where children were playing. 6 children were killed and 5 people were	22 January 1994

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wounded. The origin of fire was from VRS/SRK-held territory approximately to the west.	
7. A salvo of three 120 mm mortar shells hit civilians in the Dobrinja residential area. The first landed in front of a block of flats at Oslobodilaca Sarajeva Street, hitting persons who were distributing and receiving humanitarian aid and children attending religious classes. The second and third landed among persons trading at a market in an open area to the rear of the apartment buildings at Mihajla Pupina Street and Oslobodilaca Sarajeva Street. 8 people were killed and at least 18 people were wounded. The origin of fire was from VRS/SRK-held territory, approximately to the east.	4 February 1994
8. A 120 mm mortar shell hit a crowded open air market called "Markale" situated in a civilian area of Old Town Sarajevo, killing 66 people and wounding over 140 people. The origin of fire was VRS/SRK-held territory approximately to the north-north-east.	5 February 1994
9. Two 76 mm shells in quick succession hit a flea market in the old commercial quarter of Baščaršija in Old Town. 2 persons were killed and 7 were injured. The origin of fire was Trebević, VRS/SRK-held territory.	22 December 1994
10. A modified aircraft bomb hit a residential area in Hrasnica at the foot of Mount Igman destroying one dwelling, severely damaging eleven other dwellings, and inflicting civilian casualties of 1 killed and 3 injured. The origin of fire was Ilidža, VRS/SRK-held territory.	7 April 1995
11. A missile projectile landed and exploded on the asphalt of Safeta Zajke street, killing 2 and injuring 5 people. The origin of fire was southeast, VRS/SRK-held territory.	24 May 1995
12. A modified airbomb landed at Majdanska Street bb. 2 civilians were killed and 6 were wounded. The origin of fire was southeast, VRS/SRK-held territory.	24 May 1995
13. A modified airbomb struck a building near apartment blocks in Safeta Hadžica Street, destroying the top three floors of an apartment building. This explosion was followed by several artillery rounds. Serious damage was caused to a number of buildings. 2 persons were seriously	26 May 1995

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injured and 15 persons were slightly injured. It was determined that the fire came from VRS/SRK-held territory in the west-south-west.	
14. A modified aircraft bomb was fired from VRS/SRK-held territory in the northwest. The bomb landed and exploded on the building of the UMC and Oncology Department at Dositejeva Street 4-a. There was substantial damage and 3 persons were slightly injured. After having received medical attention, the victims were sent home.	16 June 1995, at about 1000 hours
15. A modified aircraft bomb, fired from Lukavica, VRS/SRK-held territory, exploded next to 10 Trg Međunarodnog Prijateljstva, lightly injuring 7 persons and causing considerable damage to neighboring buildings.	16 June 1995, at about 1520 hours
16. A 120 mm mortar shell struck a line of civilians, numbering approximately 50-70, waiting for water distribution in Marka Oreškovića Street, Dobrinja. 7 persons were killed and 12 were injured. The origin of fire was Nedžarići, VRS/SRK-held territory.	18 June 1995
17. A modified aircraft bomb struck the TV building in Sarajevo. 1 person was killed and 28 people were injured. The origin of fire was Ilidža, VRS/SRK-held territory.	28 June 1995, at about 0920 hours
18. A 120 mm mortar shell landed in Mula-Mustafe Bašeskije Street outside the entrance to the City Market. 43 people were killed and 75 were injured. The origin of fire was Trebević, VRS/SRK-held territory.	28 August 1995

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Appendix C

Supporting Material