

**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-95-5/18-PT
	Date:	22 September 2008

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Iain Bonomy, Pre-Trial Judge
Judge Michéle Picard

Registrar: Mr. Hans Holthuis

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

***PUBLIC WITH PUBLIC AND CONFIDENTIAL
APPENDICES***

**MOTION TO AMEND THE FIRST AMENDED
INDICTMENT**

The Office of the Prosecutor:

Alan Tieger
Mark B. Harmon

The Accused:

Radovan Karadžić

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

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

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

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**MOTION TO AMEND THE FIRST AMENDED
INDICTMENT**

I. Introduction

1. The Prosecution submits a proposed amendment to the First Amended Indictment (the “Operative Indictment”)¹ in the form of a proposed Second Amended Indictment (the “Proposed Indictment”). The Proposed Indictment both narrows and clarifies the Prosecution’s allegations, updates the legal and factual pleadings in the Operative Indictment, and provides more precise notice of the Prosecution’s case to the Accused.
2. The Proposed Indictment contains four main amendments. First, the Prosecution has updated, clarified, and further particularized its legal and factual allegations relating to the Accused’s individual responsibility. Second, the Prosecution has significantly narrowed the scope of criminal conduct underlying the charges. The Accused is no longer charged with any criminal conduct in relation to 14 municipalities; the indictment has been reduced from

¹ *Prosecutor v. Karadžić*, IT-95-5/18-I, Amended Indictment, 28 April 2000.

41 to 27 municipalities.² Third, the Prosecution has restructured the counts in the indictment and legally re-characterized certain underlying criminal conduct which was already charged in the Operative Indictment. Fourth, the Prosecution has provided more precise notice of the charges against the Accused, both in the factual pleadings contained in the body of the Proposed Indictment, and by way of seven schedules attached to the Proposed Indictment.

3. As the Proposed Indictment is narrower than the Operative Indictment, it will contribute to a more efficient and expeditious presentation of the Prosecution's case. As it is more precise, with additional particulars, it will also 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.
4. The restructuring of the counts in the Proposed Indictment results in the following new charges:³ first, the re-characterization of certain criminal conduct previously alleged results in two new counts;⁴ second, the addition of underlying criminal conduct in relation to already existing counts results in an additional factual basis for liability in respect of four counts.⁵ Allowing the Accused to enter a plea and file preliminary motions with respect to these new charges will not cause any undue delay in light of the early stage of the proceedings. Any minor delay will be more than offset by the time savings resulting from a more focused and precise indictment.
5. The Proposed Indictment causes no unfair prejudice to the Accused. The Accused will benefit from enhanced notice of the charges against him, and the

² Srebrenica and the city of Sarajevo are not included in the list of Municipalities but are dealt with separately.

³ The term "new charge" in Rule 50(B) of the Rules of Procedure and Evidence has been interpreted as "a basis for conviction that is *factually and/or legally distinct* from any already alleged in the indictment: *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 ("Haradinaj Decision"), para. 13 (citing *Prosecutor v. Halilović*, IT-01-48-PT, Decision on Prosecutor's Motion Seeking Leave to Amend the Indictment, 17 December 2004, paras.30 and 34).

⁴ For the reasons described below, the Proposed Indictment contains one additional count of genocide (count 2), and one count of unlawful attacks on civilians (count 10).

⁵ count 3 (persecution) contains new factual allegations relating to three additional underlying persecutory acts as well as murder in relation to 13 municipalities; counts 4, 5, and 6 (extermination and murder) contain new factual allegations in relation to 13 municipalities and in relation to killings resulting from sniping and shelling in Sarajevo.

increased efficiency in the proceedings resulting from narrowed and clarified charges.

6. The proposed changes to the Operative Indictment are described below and set out in further detail in a table attached as Appendix A. The Proposed Indictment is attached as Appendix B. Supporting material satisfying the *prima facie* standard in Article 19 of the Statute for the amendments relating to joint criminal enterprise liability, and the further scheduled incidents, is included in Confidential Appendix C.

II. The Amendments

7. In addition to the four main amendments, each of which is discussed below, throughout the Proposed Indictment the Prosecution has more concisely pled the material facts underlying the charges, and made minor corrections to a number of factual allegations in the Amended Indictment.⁶

A. Individual Criminal Responsibility

8. 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 particularized these pleadings in the Proposed Indictment, narrowing its factual and legal allegations and providing greater notice to the Accused of the case against him.
9. In the Proposed Indictment, the Prosecution has revised the existing co-perpetration pleadings to reflect developments in the case law in relation to the legal elements of, and pleading requirements for, joint criminal enterprise liability.⁷

⁶ These minor amendments are noted in the table attached as Appendix A.

⁷ The required pleadings for joint criminal enterprise liability that have been established in the case law are: the nature and purpose of the enterprise; the period over which the enterprise is said to have existed; the identity of the participants in the enterprise; and the nature of the Accused's participation. *See, e.g., Kvočka et al.* Appeal Judgement, IT-98-30/1-A, 28 February 2005, para. 28 (citing *Prosecutor v. Stanišić*, IT-03-69-PT, 14 November 2003, Decision on Defence Preliminary Motions, p. 5; *Prosecutor v. Meakić et al.*, IT-02-65-PT, 4 April 2003, Decision on Duško Knežević's Preliminary Motion on the Form of the Indictment, p. 6; *Prosecutor v. Momčilo Krajišnik & Biljana Plavšić*, IT-00-39&40-PT, 4 March 2002, Decision on Prosecution's Motion for Leave to Amend the Consolidated Indictment, para. 13).

10. The Operative Indictment alleges that the Accused participated in the charged crimes “in concert” with others, and identifies by name two other co-perpetrators, Momčilo Krajišnik, and Biljana Plavšić.⁸ The charges in the Operative Indictment are based on: events in municipalities within Bosnian Serb-claimed territory between 1991 and 1995; the attack on the city of Sarajevo between 1992 and 1995; the events in Srebrenica in 1995; and the taking of hostages in 1995. Though it is evident that all crimes in relation to these events are alleged to have been committed “in concert” with others, the named co-perpetrators only relate to crimes committed by the end of 1992.
11. The Proposed Indictment specifies joint criminal enterprise liability as the form of co-perpetration alleged.⁹ In addition, the Proposed Indictment provides further notice to the Accused of the Prosecution’s joint criminal enterprise allegations as follows:
- The Proposed Indictment separates the criminal events for which the Accused is charged based on the relevant objective, the timeframe, the persons with whom he acted in concert, and the crimes for which he is charged as a result. As the alleged highest ranking political and military leader in the Bosnian Serb entity, the Accused did not carry out the crimes personally, but acted with different persons at different times depending on the criminal objective he was implementing;
 - By pleading four separate joint criminal enterprises which correspond to the criminal events as charged, the Proposed Indictment thereby 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 Ratko Mladić, along with the Accused, as a key member of each of these criminal enterprises, and identifies further named and/or unnamed members of each such enterprise;

⁸ Operative Indictment, paras. 9, 17, 34, 38, 45, 55 and 60.

⁹ In earlier judgments (including judgments rendered after the date of the Operative Indictment), the Appeals Chamber held that indictments charging “acting in concert” encompassed joint criminal enterprise liability. See, *Prosecutor v. Vasiljević*, IT-98-32-A, Appeal Judgment, 25 February 2004, paras.103-107; *Prosecutor v. Krnojelac*, IT-97-25-T, Trial Judgment, 15 March 2002, paras.84-85 and Appeal Judgment, IT-97-25-A, 17 September 2003, paras.136-138.

- 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 identifies the contributions of the Accused to each of the identified criminal objectives; and
 - The Proposed Indictment specifies, for each identified objective, which crime(s) fall within the objective, and which, if any, crimes were foreseeable consequences of the objective pursuant to the extended (third) form of joint criminal enterprise liability.
12. In addition, the Prosecution has provided more comprehensive and particularized pleadings for the other modes of liability it relies on. 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 clearly described the Accused's subordinates, 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.
13. The Proposed Indictment also specifies the requisite *mens rea* for each mode of liability.
14. The amendments relating to the Accused's individual criminal responsibility clarify and further particularize existing allegations against the Accused. They contain no new legal or factual bases for a conviction, and therefore contain no new charges.
15. In support of the more particularized pleadings of the objectives of the joint criminal enterprises and the Accused's contributions to those criminal enterprises, the Prosecution has provided, in Appendix C, material that meets the *prima facie* standard under Article 19 of the Statute.

B. Scope of Criminal Conduct Underlying the Charges

16. The allegations in both the Operative Indictment and the Proposed Indictment relate to three principle “crime bases”: a collection of municipalities located within territory claimed by the Bosnian Serbs; 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 during May and June 1995.
17. In relation to the municipality crime base, the Proposed Indictment reduces the number of municipalities by approximately one-third. The non-exhaustive list of 41 municipalities in the Operative Indictment has been narrowed to an exhaustive list of 27 municipalities.

Scope of the Killing Allegations

18. The Proposed Indictment rectifies an anomaly in the Operative Indictment, which distinguishes between killings and other crimes in the municipalities. While the Operative Indictment charges the Accused with persecutions, deportation, and forcible transfer in all 41 municipalities, the allegations with respect to genocide, extermination and murder are limited to 17 of those municipalities, plus the Srebrenica enclave. Under the Proposed Indictment, the overall geographical scope of the charges is reduced to 27 municipalities; however, the Accused is charged with extermination and murder in relation to all 27.¹⁰ As a result, the Proposed Indictment alleges killings in 13 additional municipalities.¹¹
19. These allegations constitute a new factual basis for liability – and therefore a “new charge” – in relation to counts 3, 4, 5, and 6 of the Proposed Indictment, thereby triggering the Accused’s right to enter a plea and file preliminary motions in relation to these new charges. However, this would not cause him any unfair prejudice for the following reasons:

¹⁰ The genocide charges in the Proposed Indictment are limited to ten municipalities, (plus the Srebrenica enclave), all ten of which are among the 17 identified “killing” municipalities in the Operative Indictment.

¹¹ These thirteen municipalities are: Banja Luka, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Čajnice, Donji Vakuf, Hadžici, Ilidža, Kalinovik, Novo Sarajevo, Pale, Sokolac, and Vogošća. As described below, material meeting the *prima facie* standard under Article 19 of the Statute for these new killing allegations has been provided as part of the material supporting the killing incidents contained in the schedules to the Proposed Indictment.

- i. the 13 municipalities are already contained in the Operative Indictment;
- ii. the Accused is already charged with extermination and murder in other municipalities in relation to takeovers of town and villages and in relation to detention facilities. The additional factual allegations relate to the same pattern of conduct and do not alter the nature of these charges;
- iii. the Accused is already charged for crimes arising from events in these 13 municipalities, particularly various persecutory acts, deportation and forcible transfer. The Prosecution will present evidence of persecutory acts, deportation and forcible transfer for these 13 municipalities. It would require little additional time to present evidence of the alleged killings in these same municipalities;
- iv. a total of 15 killing incidents for these 13 municipalities are listed in the schedules to the Proposed Indictment, 14 of which have already been found by one or more trial chambers, and could be established by way of adjudicated facts; and
- v. any additional time needed to present evidence of these killings would be more than offset by the time saved as a result of the substantial reduction in the overall number of municipalities in the indictment.

Scope of the Persecution Allegations

20. The Prosecution has included three further underlying acts of persecution (unlawful detention, forced labour, and appropriation or plunder of property) which form part of the broader scope of persecutions that include such acts as killings, torture, rape, forcible transfer and unlawful detention as listed in count 3 of the Operative Indictment. These additional persecutory acts closely relate to the existing persecution allegations. As alleged in the Proposed

Indictment,¹² such acts form part of the same general pattern of persecutions, namely persecutory acts committed in the course of takeovers and attacks on towns and villages, the detention of Bosnian Muslims and Bosnian Croats in detention facilities, and their forcible removal from areas within Bosnian Serb-claimed territory. The existing material supporting the persecution charge in the Operative Indictment also supports these three added underlying acts of persecution.

21. Although the addition of these underlying acts of persecution constitutes a “new charge” in respect of count 3, triggering the Accused’s right to enter a plea and file preliminary motions in relation to these allegations, this would not cause him any unfair prejudice. The Accused is already charged for persecution in relation to all 27 municipalities. Because of the close connection between the underlying acts of persecution already charged and these additional three persecutory acts, these additional acts will largely be proven through the same evidence the Prosecution will present to establish the other persecutory acts in the municipalities. As a result, little, if any, additional time would be required to present evidence of these additional acts. Any minimal additional time required would be more than offset by the substantial reduction in the overall number of municipalities in the indictment.
22. The scope of criminal conduct underlying the Sarajevo and Srebrenica crime bases, as well as the hostage taking charge, remains unchanged.

C. Restructuring of the Counts

23. The Accused is charged with eleven counts in the Proposed Indictment, the same number contained in the Operative Indictment. These counts are not the same. Two counts have been removed, two counts have been added, and the Prosecution has re-characterized existing allegations of criminal conduct underlying certain existing charges in the Operative Indictment. This re-characterization results in new charges against the Accused, but causes him no unfair prejudice, particularly in light of the early stage of the proceedings.

Grave Breaches

¹² See in particular paragraphs 53-54 and 60(d), (e), and (f) of the Operative Indictment.

24. The single count alleging grave breaches of the Geneva Conventions has been removed. This obviates the need for the Prosecution to establish the existence of an international armed conflict, thereby reducing the complexity of its case.

Genocide

25. 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. Although this amounts to a new charge of genocide, no new criminal conduct is alleged. The additional count of genocide would not add to the length or complexity of the Prosecution's case.

Terror and Unlawful Attacks

26. The Operative Indictment charges the entire sniping and shelling campaign, including all its underlying criminal acts, under a single count of terror. In the Proposed Indictment the Prosecution has also charged two primary components of the campaign, namely unlawful attacks on civilians and deaths caused by sniping and shelling, under separate counts.¹³ These amendments reflect the scope and seriousness of the criminal acts constituting the campaign of sniping and shelling in Sarajevo, and provide a basis for conviction for these acts that does not depend on a finding that their primary purpose was to spread terror. However, these new charges would not increase the complexity or length of the Prosecution's case, as the Operative Indictment alleges the same underlying acts as the basis for the terror count.
27. The restructuring of the counts in the Proposed Indictment is merely a legal re-characterization of criminal conduct already alleged in the Operative Indictment that does not require additional supporting material. The material filed in support of the counts in the Operative Indictment also satisfies the *prima facie* standard in Article 19 with respect to these restructured counts.

¹³ Deaths caused by sniping and shelling have been included under the existing murder charges (counts 5 and 6), and a separate charge of unlawful attacks has been added (count 10).

D. More Precise Notice of Crimes

28. The Proposed Indictment provides further particulars of the individual criminal acts underlying the existing charges, primarily in the form of the following seven schedules attached to the Proposed Indictment:
- Schedule A provides a more extensive list of killing incidents during and after takeovers in municipalities than the Operative Indictment.¹⁴
 - Schedule B provides a more comprehensive list of killing incidents related to detention facilities than the Operative Indictment.¹⁵
 - Schedule C lists 86 detention facilities in the municipalities, compared with 21 examples of such facilities in the Operative Indictment.
 - Schedule D identifies destroyed cultural monuments and sacred sites in the municipalities, compared with a general description of such destruction in the Operative Indictment.
 - Schedule E lists 15 locations relating to 22 killing incidents for the Srebrenica crime base, compared with 11 examples of such incidents or locations in the Operative Indictment.
 - Schedules F and G identify sniping and shelling incidents as illustrations of the sniping and shelling campaign in Sarajevo compared with a general description of such incidents in the Operative Indictment.

¹⁴ In relation to the 14 municipalities for which killings are alleged in both the Operative Indictment and the Proposed Indictment, Schedule A lists 42 killing incidents during and after takeovers, compared with 15 such examples in the Operative Indictment.

¹⁵ In relation to the 14 municipalities for which killings are alleged in both the Operative Indictment and the Proposed Indictment, Schedule B lists 28 killing incidents related to detention centres, compared with 12 such examples in the Operative Indictment.

29. These additional particulars provide enhanced notice to the Accused of the existing charges against him. They do not amount to, or result in, new charges,¹⁶ as the identity of each individual victim, and precise locations and dates of underlying criminal acts are not material facts that the Prosecution is required to plead in large-scale cases such as this one.¹⁷
30. The Prosecution has provided in Appendix C material that meets the *prima facie* standard under Article 19 of the Statute for each of the scheduled incidents.

III. The Proposed Indictment Would not Cause any Unfair Prejudice to the Accused

31. 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.¹⁸ 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 result in undue delay in the proceedings, in particular whether it risks delaying the start date of trial.¹⁹

¹⁶ As noted above, the killing incidents relating to 13 municipalities for which killings are not alleged in the Operative Indictment do amount to a new charge.

¹⁷ *Prosecutor v. Kupreškić*, IT-95-16-A, Appeal Judgment, 23 October 2001, paras.89-90; *Prosecutor v. Gotovina et al.*, Decision on Ante Gotovina’s Preliminary Motions Alleging Defects in the Form of the Amended Indictment, IT-06-90-PT, 19 March 2007, paras.39-41; *Prosecutor v. Prlić et al.*, IT-04-74-PT, Decision on Defence Preliminary Motions Alleging Defect in the Form of the Indictment, 22 July 2005, paras.46-49.

¹⁸ *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).

¹⁹ Popović Decision, paras. 9-10, 21; Haradinaj Decision, paras.10-12.

32. By clarifying and further particularizing the charges against the Accused, the Proposed Indictment will help to ensure that the real issues in the case will be determined and will assist the Accused in his defence preparations.²⁰

[A] clearer and more specific indictment benefits the accused ... because the accused can tailor [his] preparations to an indictment that more accurately reflects the case [he] will meet, thus resulting in a more effective defence.

33. Moreover, the reduced scope and further clarity and precision of the Proposed Indictment will increase the efficiency of the proceedings.

34. Although the amendments include new charges, “giving an accused extra time to file additional challenges to an indictment is generally prejudicial only if trial is imminent.”²¹ Chambers have generally agreed that it does not cause undue delay or unfair prejudice to an accused to amend an indictment before a trial date has been set, whether or not the amendment contains new charges.²²

35. In this case, not only has no trial date been set, the Accused can only just have commenced preparing his defence. He has been detained for less than two months and received the material supporting the Operative Indictment just five days ago.²³ No undue delay or unfair prejudice arises in these circumstances.

²⁰ *Prosecutor v. Karemera et al.*, ICTR-98-44-AR73, Decision on Prosecutor’s Interlocutory Appeal Against Trial Chamber III Decision of 8 October 2003 Denying Leave to File an Amended Indictment, 19 December 2003, para. 15. This holding has been followed by ICTY Trial Chambers: *Prosecutor v. Milutinović et al.*, IT-05-87-PT, Decision on Motion to Amend the Indictment, 11 May 2006, para.12; *Prosecutor v. Halilović*, IT-01-48-PT, Decision on Prosecutor’s Motion Seeking Leave to Amend the Indictment, 17 December 2004, para. 23.

²¹ *Prosecutor v. Sredoje Lukić*, IT-98-32/1-PT, Decision Granting Prosecution’s Motion to Amend Indictment and Scheduling Further Appearance, 1 February 2006, para.20.

²² *Prosecutor v. Perišić*, IT-04-81-PT, Decision Granting Prosecution Motion to Amend Indictment, 12 December 2005, para.5 (holding that “Since pre-trial proceedings have just begun in this case, amending the indictment, even if it were to include new charges, would neither deny the Accused an adequate opportunity to prepare his defence nor cause undue delay.”); *Prosecutor v. Beara*, IT-02-58-PT, Decision on Prosecution Motion to Amend the Indictment, 24 March 2005, p.2; *Prosecutor v. Ljubičić*, IT-00-41-PT, Decision on Motion for Leave to Amend the Indictment, 2 August 2002, p.6; *Prosecutor v. Čermak and Markač and Prosecutor v. Gotovina*, IT-03-73-PT and IT-01-45-PT, Decision on Prosecution’s Consolidated Motion to Amend the Indictment and for Joinder, 14 July 2006, para.54; *Prosecutor v. Šešelj*, IT-03-67-PT, Decision on Prosecution’s Motion for Leave to Amend the Indictment, 27 May 2005, para.15; *Prosecutor v. Lukić and Lukić*, IT-98-32/1-PT, Decision Granting Prosecution’s Motion to Amend Indictment with Regard to Milan Lukić, 22 March 2006.

²³ Rule 72(A). Disclosure of Rule 66(a)(i) material was completed on 17 September 2008: *Prosecutor v. Karadžić*, 17 September 2008 hearing at T.59.

IV. Relief Requested

36. For these reasons the Prosecution requests the Chamber to allow the Prosecution to amend the Operative Indictment as set forth in the Proposed Indictment.
37. In order to provide a comprehensive description and explanation of the proposed amendments, the Prosecution has exceeded the word limit by approximately 1000 words, and seeks leave to do so.

Word Count: 4077 words



Alan Tieger
Senior Trial Attorney

Dated this 22nd day of September 2008
At The Hague, The Netherlands

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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THE PROSECUTOR

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PUBLIC

APPENDIX A

Table of Changes to the Amended Indictment

Table of Changes to the Amended Indictment

1. General Pleadings

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
The Accused	The identity of the Accused and facts relevant to his role are set out in paras. 1-8.	The Proposed Second Amended Indictment (“PSAI”) more concisely pleads the material facts relevant to the identity and role of the Accused in paras. 1-4.
General Allegations	The general allegations are set out in paras. 67-73.	<p>The chapeau elements and jurisdictional and other general requirements of the charged crimes are set out in paras. 88-91 of the PSAI.</p> <p>An international armed conflict is no longer pleaded as the PSAI contains no grave breaches charges.</p> <p>The allegations relating to the required mental state(s) of the charged crimes are now pleaded in the individual criminal responsibility section and/or the individual counts in the PSAI.</p> <p>The allegations relating to the individual responsibility of the Accused are now contained in the individual responsibility section of the PSAI.</p>
Additional Facts	“Additional Facts” are set out in paras. 74-92.	The PSAI contains no “Additional Facts” section. The PSAI has been revised such that the material facts underpinning each charge are pleaded under the relevant sections of the PSAI.

2. Individual Criminal Responsibility

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
Charged Modes of Liability under Article 7(1)	All Article 7(1) modes of liability, namely planning, instigating, ordering, committing (either individually or as a co-perpetrator), and aiding and abetting are alleged for all charged crimes (paras. 9, 17, 34, 38, 45, 55, and 60-63).	<p>The Accused remains charged under all Article 7(1) modes of liability for all charged crimes. The PSAI clarifies that the Accused is not charged with individual physical commission, but commission as a co-perpetrator.</p> <p>As described below, the PSAI more clearly defines the manner of co-perpetration alleged, and more specifically identifies the acts and conduct of the Accused underpinning each mode of liability charged.</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
<p>Committing through Co-Perpetration / Joint Criminal Enterprise</p>	<p><u>Nature of Co-Perpetration Liability:</u></p> <p>The Accused is alleged to have participated in the charged crimes by acting “in concert with others” (para. 9).</p> <p><u>Common Objective:</u></p> <p>The Accused is alleged to have acted in concert with others to secure control of areas within the proclaimed Serb Republic in Bosnia and Herzegovina by implementing a course of conduct that included creating impossible conditions of life that would have the effect of encouraging non-Serbs to leave those areas, deporting those who were reluctant to leave, and liquidating others (paras. 9-10).</p> <p>Other criminal objectives are implicitly identified in the description of the individual charged crimes (for example, in para. 55, that the Accused acted in concert with others in the taking of UN military observers and peacekeepers as hostages).</p> <p><u>Temporal Scope of the Objective:</u></p> <p>The Accused is generally alleged to have acted in concert with others between 1 July 1991 and 30 November 1995 (para. 9).</p> <p>The temporal scope of the Accused’s acts in concert with others is more limited for the crimes of genocide, complicity in genocide, extermination, murder and wilful killing (1 July 1991 – December 1992 and early March 1995 – November 1995); and the crime of the taking of hostages (2 May – 2 June 1995) (paras. 17 and 55).</p> <p><u>Identification of Co-Perpetrators/Tools:</u></p> <p>The Accused is charged with committing all the charged crimes by acting “in concert” with others, including, between 1 July 1991 and 31 December 1992 for counts 1-9, Momčilo Krajišnik and Biljana Plavšić (paras. 9, 17, 34, 38, 45, 55 and 60).</p> <p>The Amended Indictment also describes the Accused’s authority and control over, and use of, the forces and bodies involved in the commission of crimes (paras. 60-63).</p> <p><u>Contributions of the Accused:</u></p> <p>The Accused’s contributions to achieving the criminal objective(s) are generally identified as initiating and implementing a course of conduct involving the commission of crimes (para. 10). Other contributions are identified in the description of the Accused’s authority and control over, and use of, the forces and bodies involved in the commission of crimes (paras. 60-63).</p>	<p><u>Nature of Co-Perpetration Liability:</u></p> <p>The PSAI more specifically identifies the Accused’s co-perpetration liability as that of joint criminal enterprise liability (para. 6).</p> <p>The PSAI also identifies the precise form(s) of joint criminal enterprise relied on, and alleges the requisite <i>actus reus</i> and <i>mens rea</i> elements of each (paras. 9-29).</p> <p><u>Common Objective:</u></p> <p>Although the articulation of this objective has been slightly modified, the PSAI also alleges that the Accused acted with others to achieve an overarching objective that involved removing non-Serbs from Bosnian Serb-claimed territories through the commission of crimes (paras. 9-14).</p> <p>The PSAI explicitly identifies and describes three other criminal objectives that the Accused is alleged to have pursued in concert with others, and specifically identifies which crimes fall under each of the identified objectives (paras. 15-29).</p> <p><u>Temporal Scope of the Objective:</u></p> <p>The PSAI reduces the temporal scope of the overarching objective to between October 1991 and 30 November 1995 (para. 9).</p> <p>The PSAI alleges a more limited temporal scope for the other three criminal objectives: April 1992 – November 1995 for the objective of spreading terror in Sarajevo (para. 15); a few days before 11 July 1995 – 1 November 1995 for the objective of eliminating the Bosnian Muslims in Srebrenica (para. 20); and May and June 1995 for the objective of taking hostages (para. 25).</p> <p><u>Identification of Co-Perpetrators/Tools:</u></p> <p>The PSAI more specifically identifies the named and unnamed co-perpetrators with respect to each identified criminal objective (paras. 11-12, 16-17, 21-22, 26-27).</p> <p>The PSAI identifies those used by members of each joint criminal enterprise to carry out crimes in furtherance of each of the identified criminal objectives (paras. 13, 18, 23, 28).</p> <p><u>Contributions of the Accused:</u></p> <p>The PSAI more specifically identifies the Accused’s contributions to each of the identified criminal objectives (paras. 14, 19, 24, 29).</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
Other Modes of Liability under Article 7(1)	The Accused is charged with planning, instigating, ordering, or aiding and abetting each of the charged crimes (paras. 17, 34, 38, 45, and 55).	The PSAI provides additional descriptions of 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. 30-31). The PSAI also alleges the requisite <i>mens rea</i> for each of these modes of liability (para. 31).
Article 7(3) Liability	The Accused is charged with superior responsibility for the conduct of his subordinates for each of the charged crimes (paras. 31-32, 35-36, 42-43, 51-52, 58-59, and 64-66).	Under the PSAI, the Accused is also charged with superior responsibility for the conduct of his subordinates for each of the charged crimes. The identity of the Accused's subordinates is more clearly identified in the PSAI (para. 33). The PSAI also 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. 34), 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. 35).

3. Scope of the Charges

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
Geographical Scope of Criminal Conduct	The Accused is charged with crimes committed in three general areas (1) a non-exhaustive list of 41 municipalities within areas proclaimed as part of the Serbian republic; (2) the Sarajevo area; and (3) the Srebrenica area (paras. 9-15). The Accused is also charged with taking hostages. In relation to the charges of genocide, complicity in genocide, extermination, murder, and wilful killing, the Accused is charged in relation to a non-exhaustive list of 17 of the 41 municipalities identified above, plus the Srebrenica area (counts 1-6)	The PSAI reduces the scope of the indictment by at least one-third. Under the PSAI, the Accused is charged with criminal conduct in relation to (1) an exhaustive list of 27 of the 41 municipalities; (2) the Sarajevo area; and (3) the Srebrenica area. The Accused remains charged with taking hostages under the PSAI. The Accused is no longer charged with any criminal conduct for 14 of the 41 municipalities listed in the Amended Indictment. In the PSAI there is no distinction among the 27 listed municipalities in relation to the crimes of extermination, and murder. The Accused is charged with extermination, and murder in relation to all 27 municipalities (14 of which are among the 17 "killing" municipalities in the Amended Indictment) plus the Srebrenica area (counts 4, 5, and 6).
Article 2 Crimes	The Accused is charged with wilful killing as a grave breach of the Geneva Conventions under Article 2 of the Statute (count 6).	The Accused is no longer charged with any crimes under Article 2 of the Statute.

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
Article 3 Crimes	The Accused is charged with the violations of the laws or customs of war of: murder (count 5); unlawfully inflicting terror upon civilians (count 10); and the taking of hostages (count 11)	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); and the taking of hostages (count 11). In addition, the PSAI charges the Accused with unlawful attacks on civilians in relation to the same criminal conduct encompassed by the terror charge (count 10).
Article 4 Crimes	<u>Complicity in Genocide:</u> The Accused is charged with genocide (count 1) and complicity in genocide (count 2). <u>Genocide:</u> The single count of genocide relates to two distinct time periods and geographic locations: (1) between 1 July 1991 and December 1992 in a series of listed municipalities (paras. 18-22 and 29-30); and (2) between early March 1995 and November 1995 in the Srebrenica area (paras. 25-28).	<u>Complicity in Genocide:</u> The Accused is no longer charged with complicity in genocide. <u>Genocide:</u> The single count of genocide has been split into two counts of genocide, each of which relates to one of the two distinct time periods and locations.
Article 5 Crimes	The Accused is charged with the crimes against humanity of extermination (count 3), murder (count 4), persecution (count 7), deportation (count 8), and other inhumane acts (forcible transfer) (count 9).	Under the PSAI, the Accused remains charged with extermination (count 4), murder (count 5), persecution (count 3), deportation (count 7), and inhumane acts (forcible transfer) (count 8).

4. Crimes Charged

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
Genocide	<u>Scope of the Genocide Charges:</u> The single count of genocide relates to two distinct time periods and geographic locations: 1. Between 1 July 1991 and December 1992 in a list of 18 municipalities (paras. 18-22 and 29-30). 2. Between early March 1995 and November 1995 in the Srebrenica area (paras. 25-28). <u>Groups:</u> The Accused is charged with genocide against the Bosnian Muslim and Bosnian Croat groups (para. 17). <u>Underlying Acts of Genocide:</u> 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 in whole or in part (paras. 17(a), (b), and (c)).	<u>Scope of the Genocide Charges:</u> The single count of genocide has been split into two counts of genocide, one count for each of the distinct time periods and locations: 1. Between 31 March and 31 December 1992 in a reduced list of 10 municipalities, all of which are included in the 18 “genocide” municipalities listed in the Amended Indictment (Count 1). 2. Between a few days before 11 July 1995 – 1 November 1995 in the Srebrenica area (Count 2). <u>Groups:</u> The Accused remains charged with genocide against parts of the Bosnian Muslim and Bosnian Croat groups under Count 1 and against part of the Bosnian Muslim group under Count 2. <u>Underlying Acts of Genocide:</u> The same underlying acts of genocide are alleged in the PSAI under Count 1 (para. 40). 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. 47).

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
	<p><u>Particulars of Underlying Acts:</u></p> <p>Examples of these underlying acts are provided (paras. 18, 20, 22, and 28).</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>
Persecution	<p><u>Scope of Persecution Charge:</u></p> <p>The Accused is charged with persecutions in the non-exhaustive list of 41 municipalities plus persecutions relating to the Srebrenica enclave, all between 1 July 1991 and 30 November 1995 (count 7).</p> <p><u>Underlying Acts of Persecution:</u></p> <p>The underlying acts of persecution include: killing, forced transfer or deportation; inhumane treatment and/or torture; constant humiliation and degradation in detention facilities, the denial of fundamental rights, and wanton destruction (para. 34).</p> <p><u>Particulars of Underlying Acts:</u></p> <p>Examples of underlying acts of killing are provided (paras. 18, 20, 22, and 28).</p>	<p><u>Scope of Persecution Charge:</u></p> <p>Under the PSAI, the Accused is charged with persecutions in a reduced and exhaustive list of 27 out of the 41 municipalities, plus persecutions relating to the Srebrenica enclave, all between March 1992, and 30 November 1995 (count 3).</p> <p><u>Underlying Acts of Persecution:</u></p> <p>The PSAI includes the same underlying acts of persecution as contained in the Amended Indictment. Certain of these underlying acts have been slightly re-characterized (para. 60).</p> <p>The PSAI includes the additional underlying acts of unlawful detention, forced labour, and appropriation or plunder of property, and adds two components to the underlying act of “restrictive and discriminatory measures” (arbitrary searches and unlawful arrest) as compared to the “denial of fundamental rights” listed in the Amended Indictment (para. 60).</p> <p>As described below, in the PSAI, the underlying persecutory act of killing refers to killing incidents in an expanded list of municipalities as compared to the Amended Indictment.</p> <p><u>Particulars of Underlying Acts:</u></p> <p>As described below, the PSAI sets out further particulars of the underlying acts of killing, as well as cruel treatment/inhumane acts, unlawful detention and the destruction of cultural monuments and sacred sites in Schedules A, B, C, D, and E.</p> <p>In addition, the PSAI includes a more detailed description of the pattern of persecutions carried out in the municipalities and the Srebrenica enclave (paras. 48-60).</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 a list of 17 municipalities between 1 July 1991 and 31 December 1992, and in the Srebrenica area between early March 1995 and 30 November 1995 (paras. 16-32 and counts 3, 4, 5, and 6).</p>	<p><u>Scope of Extermination and Murder Charges:</u></p> <p>The Accused is charged with extermination and murder between March 1992 and 30 November 1995 in relation to a list of 27 municipalities (14 of which are among the 17 identified “killing” municipalities in the non-exhaustive list in the Amended Indictment) plus the Srebrenica area (paras. 61-67; counts 4, 5, and 6).</p> <p>Therefore, the PSAI includes allegations of killings in relation to 13 municipalities for which the Amended Indictment did not include allegations of killings.</p> <p>The Accused is also charged with murder for killings caused by sniping and shelling in the Sarajevo area (para. 65). Such killings were alleged as underlying acts of terror in the Amended Indictment (see para. 48). Schedules F and G list killing incidents related to the sniping and shelling campaign in Sarajevo.</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
	<p><u>Underlying Acts of Extermination and Murder:</u></p> <p>The Amended Indictment includes examples of killings incidents (1) during and after attacks on municipalities, (2) relating to detention facilities, and (3) relating to events in Srebrenica.</p> <p>1. 18 killing incidents during and after attacks on municipalities are listed as examples (para. 18).</p> <p>2. 12 killing incidents (para. 22) related to a list of 21 detention facilities (para. 20) are listed as examples.</p> <p>3. 11 killing sites relating to the Srebrenica area are listed as examples (para. 28).</p>	<p><u>Underlying Acts of Extermination and Murder:</u></p> <p>The PSAI provides additional particulars of such killing incidents in the form of schedules to the PSAI.</p> <p>1. Schedule A includes a more comprehensive list of 44 killing incidents during and after attacks on municipalities.</p> <p>All of the killing incidents listed in para. 18 of the Amended Indictment are included in Schedule A of the PSAI, except for:</p> <ul style="list-style-type: none"> - those relating to Bosanski Šamac, Dobojo and Zavidovići, municipalities that are no longer included in the PSAI; - the mass execution of men in Velagici – Kljuc municipality, which is listed in Schedule B (incident 10.1). <p>The incident in Čarakovo – Prijedor municipality has been renamed in Schedule A as an incident in one of the villages in the “Brdo area” (Incident 10.5). Other minor corrections to the dates and numbers of victims for incidents listed in para. 18 have been made in Schedule A.</p> <p>2. Schedule B includes a more comprehensive list of 42 killing incidents related to detention facilities. Schedule C contains a more comprehensive list of 86 detention facilities.</p> <p>All of the killing incidents listed in para. 22 of the Amended Indictment are included in Schedule B of the PSAI except for:</p> <ul style="list-style-type: none"> - the 15 June 1992 execution of at least 10 Bosnian Muslim males from Višegrad, which is listed in Schedule A (incident 14.2); - the killing at Gero’s slaughterhouse in Zvornik municipality, which is listed in Schedule A (incident 16.3). <p>Other minor corrections to the dates and numbers of victims for incidents listed in para. 22 have been made in Schedule B.</p> <p>All of the detention facilities listed in para. 20 of the Amended Indictment are included in Schedule C of the PSAI, except for those relating to Dobojo.</p> <p>3. Schedule E includes a more comprehensive list of killing incidents related to the Srebrenica area, divided into organized executions (Part 1) and “opportunistic” killings (Part 2).</p> <p>All 11 of the killing locations listed in para. 28 of the Amended Indictment are included in Schedule E of the PSAI.</p> <p>The executions at Pilica School and Branjevo Military Farm, which are listed separately in the Amended</p>

TOPIC	AMENDED INDICTMENT	CHANGES IN PROPOSED SECOND AMENDED
		<p>Indictment, are listed in Schedule E as separate incidents under a single location ("Kula School and Branjevo Military Farm").</p> <p>In addition, the following five new locations, each involving one incident, have been added to Schedule E: Jadar River, Sandići Meadow, Snagovo, Bišina, and Trnovo.</p> <p>The killings at Orahovac, Petkovci, Ročević School and Kozluk (described in the Amended Indictment as "near Kozluk"), and Potočari have been further clarified through the identification of specific incidents for each location, and minor corrections and additions have been made to the executions at Ceska Valley, Luke School near Tišca (described in the Operative Indictment as "near Tišca"), Kravica Warehouse, and Pilica Cultural Centre.</p>
Deportation / Forcible Transfer	<p><u>Scope of Deportation/Forcible Transfer Charges:</u></p> <p>The Accused is charged with deportation and other inhumane acts (forcible transfer) between 1 July 1991 and 30 November 1995 in the non-exhaustive list of 41 municipalities plus the Srebrenica enclave (para. 38).</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 the reduced and exhaustive list of 27 of the 41 municipalities, plus the Srebrenica enclave (counts 7 and 8; paras. 68-75).</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. 68-75).</p>
Terror / Unlawful Attacks	<p><u>Scope of Terror/Unlawful Attacks Charges:</u></p> <p>The Accused is charged with the unlawful infliction of terror upon civilians in relation to a campaign of shelling and sniping in Sarajevo between 1 July 1991 and 30 November 1995 (paras. 44-52; Count 10).</p> <p><u>Underlying Acts of Terror/Unlawful Attacks:</u></p> <p>The Amended Indictment includes a factual description of the shelling and sniping campaign (paras. 46-50).</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> <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>In addition to a factual description of the sniping and shelling campaign (paras. 76-82), lists of specific sniping and shelling incidents illustrative of the campaign are attached as Schedule F and Schedule G to the PSAI.</p>
Taking of Hostages	<p>The Accused is charged with the taking of hostages between 26 May and 2 June 1995 (paras. 53-59; Count 11).</p>	<p>Under the PSAI, the Accused remains charged with the taking of hostages (Count 11).</p> <p>The temporal scope of this charge has been expanded to between 26 May and 19 June 1995 and added details of the facts underpinning this charge have been pleaded (paras. 83-87).</p>

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

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

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

APPENDIX B

Proposed Amended Indictment

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

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

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

RADOVAN KARADŽIĆ

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:

RADOVAN KARADŽIĆ

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

THE ACCUSED

1. **Radovan KARADŽIĆ** was born on 19 June 1945 in the municipality of Šavnik, Republic of Montenegro, Federal Republic of Yugoslavia.

2. **Radovan KARADŽIĆ** was a founding member of the Serbian Democratic Party of Bosnia and Herzegovina, *Srpska Demokratska Stranka* (“SDS”), which was established within Bosnia and Herzegovina (“BiH”) on 12 July 1990. He was President of the SDS from 12 July 1990 until his resignation on 19 July 1996.

3. **Radovan KARADŽIĆ** acted as Chairman of the National Security Council of the Serbian Republic of Bosnia and Herzegovina (later the Republika Srpska and hereinafter identified along with Republika Srpska as “RS”), which was created on 27 March 1992. He became a member of the three-member Presidency of the RS on 12 May 1992, the date of its creation. On the same day, he was elected President of the Presidency. From the beginning of June 1992 until 17 December 1992, **Radovan KARADŽIĆ** was also President of the expanded Presidency of the RS. The Presidency, and later the expanded Presidency, was the Supreme Commander of the RS armed forces until **Radovan KARADŽIĆ** became sole President of the RS on 17 December 1992. **Radovan KARADŽIĆ** was sole President of the RS and Supreme Commander of the RS armed forces from 17 December 1992 until about 19 July 1996.

4. From at least March 1992 until about 19 July 1996, **Radovan KARADŽIĆ** was the highest civilian and military authority in the RS.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute

5. **Radovan KARADŽIĆ** 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

6. **Radovan KARADŽIĆ** 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 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.

7. **Radovan KARADŽIĆ** and Ratko MLADIĆ 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.

8. In particular, at various times during the existence of the overarching joint criminal enterprise, **Radovan KARADŽIĆ** and Ratko MLADIĆ 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

9. From at least October 1991 until 30 November 1995, **Radovan KARADŽIĆ** 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). **Radovan KARADŽIĆ** shared the intent for the commission of each of these crimes with other members of this joint criminal enterprise.

10. Alternatively, **Radovan KARADŽIĆ** 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, **Radovan KARADŽIĆ** willingly took that risk.

11. **Radovan KARADŽIĆ** acted in concert with other members of this criminal enterprise including: Momčilo KRAJIŠNIK; Ratko MLADIĆ; 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.

12. Other members of this joint criminal enterprise included: members of the Bosnian Serb leadership; members of 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 Yugoslav People’s Army (“JNA”), the Yugoslav Army (“VJ”), the army of the Serbian Republic of BiH, later the army of the RS (“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.

13. 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”).

14. **Radovan KARADŽIĆ** 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) formulating, promoting, participating in, and/or encouraging the development and implementation of SDS and Bosnian Serb governmental policies intended to advance the objective of the joint criminal enterprise;
- (b) participating in the establishment, support and/or maintenance of Bosnian Serb Political and Governmental Organs and of the VRS, the TO, the MUP, and Bosnian Serb paramilitary forces and volunteer units (“Bosnian Serb Forces”) through which the objective of the joint criminal enterprise was implemented;
- (c) 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;

(d) directing, encouraging, facilitating, and/or authorizing Bosnian Serb Political and Governmental Organs, SDS officials and members, and Serb Forces to carry out acts in furtherance of the objective of the joint criminal enterprise;

(e) participating in the design or formulation of acts carried out by Bosnian Serb Political and Governmental Organs, SDS officials and members, and Serb Forces in furtherance of the objective of the joint criminal enterprise;

(f) obtaining, facilitating, encouraging and/or supporting the participation of JNA/VJ forces and Serbian paramilitary forces to further the objective of the joint criminal enterprise;

(g) failing, while under a duty stemming from his positions described in paragraph 33, to take adequate steps to ensure that Bosnian Serb Political and Governmental Organs and/or Bosnian Serb Forces would act to protect Bosnian Muslims and Bosnian Croats residing in areas under their control;

(h) facilitating and/or encouraging the commission by Serb Forces and Bosnian Serb Political and Governmental Organs of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his positions described in paragraph 33, to take adequate steps to prevent and/or investigate

such crimes, and/or arrest and/or punish the perpetrators of such crimes;

(i) 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; and

(j) directing and/or authorizing the restriction of humanitarian aid to Bosnian Muslim and/or Bosnian Croat enclaves located in territory controlled by Bosnian Serb Political and Governmental Organs and/or Bosnian Serb Forces 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

15. Between April 1992 and November 1995, **Radovan KARADŽIĆ** 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 objective involved the commission of the crimes of terror, unlawful attacks on civilians, and murder charged in this indictment.

16. **Radovan KARADŽIĆ** shared the intent for the commission of each of these crimes with others who acted in concert with him in this criminal enterprise including: Momčilo KRAJIŠNIK; Ratko MLADIĆ; 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.

17. 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.

18. 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”).

19. **Radovan KARADŽIĆ** 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 14(a) through 14(f), and 14(h) through 14(j) in relation to the objective of spreading terror.

c. Crimes Committed to Eliminate the Bosnian Muslims in Srebrenica

20. 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, **Radovan KARADŽIĆ** 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.

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

22. 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.

23. 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.

24. **Radovan KARADŽIĆ** 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 14(a) through 14(e) and 14(g) through 14(j) in relation to the objective of eliminating the Bosnian Muslims in Srebrenica.

d. Crime of Taking Hostages

25. During May and June 1995, **Radovan KARADŽIĆ** 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.

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

27. 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.

28. 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.

29. **Radovan KARADŽIĆ** significantly contributed to achieving the objective of taking hostages in one or more of the ways set out in paragraph 14(a), (b), (d), (e), and (h) in relation to the objective of taking hostages.

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

30. In addition to his liability through his participation in these joint criminal enterprises, **Radovan KARADŽIĆ** 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 14.

31. **Radovan KARADŽIĆ** planned (through acts including those described in paragraph 14(a), and/or (e) in relation to the individual crimes charged), instigated (through acts and omissions including those described in paragraph 14(a), (b), (c), (d), (e), (f), and/or (h) in relation to the individual crimes charged), and ordered (through acts including those described in paragraph 14(d) and/or (j) 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. **Radovan KARADŽIĆ** aided and abetted the crimes charged in this indictment through acts and omissions including those described in paragraph 14(a), (b), (c), (d), (e), (f), (g), (h), (i) and/or (j) 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

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

33. From at least March 1992 until about 19 July 1996, **Radovan KARADŽIĆ** was the highest civilian and military authority in the RS. In his capacities as President of the SDS, member of the National Security Council of the RS, member and President of both the Presidency and the expanded Presidency of the RS, and President of the RS and Supreme Commander of the RS armed forces, and pursuant to his *de facto* authority as the acknowledged leader of the Bosnian Serbs, he was the superior of, and had effective control over, the Bosnian Serb Forces and Bosnian Serb Political and Governmental Organs that participated in the crimes alleged in this indictment.

34. **Radovan KARADŽIĆ** knew or had reason to know that crimes were about to be committed or had been committed by members of the Bosnian Serb Forces and/or Bosnian Serb Political and Governmental Organs 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 Bosnian 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.

35. **Radovan KARADŽIĆ** failed to take the necessary and reasonable measures to prevent the commission of crimes by members of the Bosnian Serb Forces and/or Bosnian Serb Political and Governmental Organs 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 **Radovan KARADŽIĆ** 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 Bosnian Serb Forces and/or Bosnian Serb Political and Governmental Organs;

(b) his failure to report information about the commission or possible commission of crimes by Bosnian Serb Forces and/or Bosnian Serb Political and Governmental Organs to the appropriate authorities;

(c) his failure to discipline, dismiss, demote or refrain from promoting or rewarding members of the Bosnian Serb Forces and/or Bosnian Serb Political and Governmental Organs 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 Bosnian Serb Forces and/or Bosnian Serb Political and Governmental Organs.

THE CHARGES

COUNT 1 GENOCIDE

36. **Radovan KARADŽIĆ** 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, **Radovan KARADŽIĆ** 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.

37. As alleged in paragraphs 9 to 14, **Radovan KARADŽIĆ** participated in a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from the territories of BiH claimed as Bosnian Serb territory.

38. 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, Brčko, Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, Višegrad, Vlasenica and Zvornik.

39. Members of this joint criminal enterprise shared the intent to partially destroy these groups. Alternatively, as alleged in paragraph 10, 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. **Radovan KARADŽIĆ** 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.

40. Between 31 March 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.

Radovan KARADŽIĆ 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

41. **Radovan KARADŽIĆ** 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, **Radovan KARADŽIĆ** 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.

42. As alleged in paragraphs 20 to 24, **Radovan KARADŽIĆ** 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. **Radovan KARADŽIĆ** 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.

43. Alternatively, as alleged in paragraph 10, 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. **Radovan KARADŽIĆ** was aware that such genocide was a possible consequence of the implementation of this overarching objective, and willingly took that risk.

44. In March 1995, **Radovan KARADŽIĆ**, 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.

45. On about 6 July 1995, Bosnian Serb Forces attacked the Srebrenica enclave. Within days of the attack, **Radovan KARADŽIĆ**, 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, **Radovan KARADŽIĆ** 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.

46. 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.

47. 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.

Radovan KARADŽIĆ 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

48. **Radovan KARADŽIĆ** 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. **Radovan KARADŽIĆ** is specifically charged for persecutions in the following municipalities: Banja Luka; Bijeljina; Bosanska Krupa; Bosanski Novi; Bosanski Petrovac; Bratunac; Brčko; Čajnice; Donji Vakuf; Foča; Hadžići; Ilidža; Ilijaš; Kalinovik; Ključ; Kotor Varoš; Novi Grad; Novo Sarajevo; Pale; Prijedor; Rogatica; Sanski Most; Sokolac; Višegrad; Vlasenica; Vogošća and Zvornik (“Municipalities”), as well as persecutions of the Bosnian Muslims of Srebrenica. In addition, **Radovan KARADŽIĆ** 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.

49. 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. **Radovan KARADŽIĆ** 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.

50. As alleged in paragraphs 9 to 14, **Radovan KARADŽIĆ** 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 60 in the Municipalities on political and/or religious grounds. Alternatively, as alleged in paragraph 10, 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. **Radovan KARADŽIĆ** 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

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

57. In March 1995, **Radovan KARADŽIĆ** 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.

58. As described in paragraphs 45 to 46, in the days immediately preceding 11 July 1995, **Radovan KARADŽIĆ**, 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, and 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.

59. Alternatively, as alleged in paragraph 10, 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. **Radovan KARADŽIĆ** 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.

60. 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 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 inhuman 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.

Radovan KARADŽIĆ 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

61. **Radovan KARADŽIĆ** 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, **Radovan KARADŽIĆ** 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.

62. As alleged in paragraphs 9 to 24, **Radovan KARADŽIĆ** participated in a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from territories of BiH claimed as Bosnian Serb territory; 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.

63. The acts of extermination and murder that formed part of the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory were carried out between March 1992 and 30 November 1995 by members of the Serb Forces and Bosnian Serb Political and Governmental Organs. They 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**.

64. Alternatively, as alleged in paragraph 10, 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. **Radovan KARADŽIĆ** 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.

65. The 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 were carried out between April 1992 and November 1995 by members of the Sarajevo Forces. They include the deaths caused by sniping and shelling described in **Schedule F** and **Schedule G**.

66. 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)**.

67. Alternatively, as alleged in paragraph 10, 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. **Radovan KARADŽIĆ** 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.

Radovan KARADŽIĆ 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

68. **Radovan KARADŽIĆ** 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, **Radovan KARADŽIĆ** 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.

69. 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.

70. As alleged in paragraphs 9 to 14 **Radovan KARADŽIĆ** 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.

71. 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.

72. 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.

73. Many Bosnian Muslims who were forcibly displaced from their homes in Eastern Bosnia both during and after 1992, fled to the Srebrenica enclave. On 16 April 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.

74. Beginning in March 1995, with the objective of permanently removing Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory, **Radovan KARADŽIĆ** 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 take over, 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.

75. As described in paragraphs 45 to 46, in the days immediately preceding 11 July 1995, **Radovan KARADŽIĆ**, 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.

Radovan KARADŽIĆ 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

76. **Radovan KARADŽIĆ** committed in concert with others, planned, instigated, ordered, and/or aided and abetted the crimes of terror and unlawful attacks on civilians. In addition, **Radovan KARADŽIĆ** knew or had reason to know that his subordinates were committing the crimes of terror and unlawful attacks on civilians or had done so. **Radovan KARADŽIĆ** failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

77. As alleged in paragraphs 15 to 19, **Radovan KARADŽIĆ** 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 65.

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.

78. 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.

79. Between April 1992 and November 1995, **Radovan KARADŽIĆ** in concert with other 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.

80. 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.

81. The Sarajevo Forces sniped and shelled civilians as they conducted every-day 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.

82. 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.

Radovan KARADŽIĆ 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

83. **Radovan KARADŽIĆ** 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, **Radovan KARADŽIĆ** 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.

84. As alleged in paragraphs 25 to 29, **Radovan KARADŽIĆ** 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.

85. 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.

86. 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.

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

Radovan KARADŽIĆ 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

88. 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.

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

90. 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.

91. **Radovan KARADŽIĆ** 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 22 September 2008
At The Hague
The Netherlands

Schedule A

Killings Not Related to Detention Facilities

MUNICIPALITY	INCIDENT	DATE
1. Bijeljina	1.1 The killing of at least 48 civilians in the town of Bijeljina.	On 1 and 2 April 1992
2. Bosanski Novi	2.1 The killing of approximately 3 men at the Blagaj Japra bridge	On or about 9 June 1992
3. Bratunac	3.1 The killing of at least 12 people in the village of Hranča.	Between 3 and 9 May 1992
	3.2 The killing of at least 65 men in the village of Glogova.	On or about 9 May 1992
4. Brčko	4.1 The killing of at least 10 men at the Hotel Posavina.	On or about 4 May 1992
	4.2 The killing of at least 6 people in the village of Mujkići.	On or about 7 May 1992
	4.3 The killing of a number of men in the Stari Grad area of Brčko and in the vicinity of the SJB.	On or about 7 May 1992
5. Foča	5.1 The killing of at least 9 men in a military warehouse in Pilipovići.	On or about 26 April 1992
	5.2 The killing of a number of civilians from the village of Jeleč.	Between 1 and 5 May 1992
	5.3 The killing at least 27 people in the Čohodor Mahala neighbourhood in the town of Foča.	Mid-June 1992
	5.4 The killing of a number of people hiding in the woods near Mješaja/Trošanj.	Early July 1992
6. Ilijaš	6.1 The killing of at least 20 people from the village of Lješevo.	Between 4 and 5 June 1992
7. Ključ	7.1 The killing of a number of people in Pudín Han.	On or about 28 May 1992
	7.2 The killing of at least 38 people in Prhovo village and further on the road to Peći.	On or about 1 June 1992

MUNICIPALITY	INCIDENT	DATE
	7.3 The killing of at least 144 people in Biljani.	On or about 10 July 1992
8. Kotor Varoš	8.1 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
	8.2 The killing of a number of men in Dabovci.	Mid- August 1992
	8.3 The killing of at least 8 people in the mosque in Hanifići.	Mid- August 1992
	8.4 The killing of a number of men in or around the school in Grabovica.	On or about 3 November 1992
9. Novi Grad	9.1 The killing of at least 15 men after they were captured fleeing from the village of Ahatovići.	On or about 29 May 1992
10. Prijedor	10.1 The killing of a number of people in Kozarac and the surrounding areas.	Between 24 May and June 1992
	10.2 The killing of a number of people in the Hambarine and Ljubija area.	Between 23 May and 1 July 1992
	10.3 The killing of a number of people in Kamičani.	On or about 26 May 1992
	10.4 The killing of a number of men in the village of Jaskići	On or about 14 June 1992
	10.5 The killing of a number of people in the villages of the Brdo area.	Between 1 and 23 July 1992
	10.6 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
	10.7 The killing of a number of men in the Ljubija iron ore mine Kipe.	On or about 25 July 1992
	10.8 The killing of a number of men	On or about 25

MUNICIPALITY	INCIDENT	DATE
	at the Ljubija football stadium and the surrounding areas.	July 1992
	10.9 The killing of at least 68 people in the village of Briševo.	Between 23 and 26 July 1992
11. Rogatica	11.1 The killing of at least 24 men taken from the village of Duljevac and used as human shields.	After May 1992
12. Sanski Most	12.1 The killing of about 28 men between Begići and Vrhpolje bridge.	On or about 31 May 1992
	12.2 The killing of a number of people in Hrustovo village.	On or about 31 May 1992
	12.3 The killing of about 18 men from Kenjari in the hamlet of Blaževići.	On or about 27 June 1992
	12.4 The killing of a number of people from the hamlet of Budin, Lukavice village.	On or about 1 August 1992
	12.5 The killing of approximately 7 men near the village of Škrļjevitā.	On or about 2 November 1992
13. Sokolac	13.1 The killing of at least 40 men in the village of Novoseoci.	On or about 22 September 1992
14. Višegrad	14.1 The killing of approximately 70 civilians in the house of Adem Omeragić on Pionirska street.	14 June 1992
	14.2 Following their expulsion from Višegrad, the killing of approximately 48 civilians at a place called Paklenik near the village of Kalimanići, Sokolac municipality.	15 June 1992
	14.3 The killing of a number of civilians on bridges over the Drina River.	Between May and June 1992
15. Vlasenica	15.1 The killing of at least 20 men in the village of Drum.	On or about 2 June 1992

MUNICIPALITY	INCIDENT	DATE
	15.2 The killing at least 60 people in the village of Zaklopača.	16 May 1992
16. Zvornik	16.1 The killing of at least 15 people in the town of Zvornik.	Between 9-10 April 1992
	16.2 The killing of approximately 36 people in Rašidov Han.	Between 28 and 29 April 1992
	16.3 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. Bosanska Krupa	3.1 The killing of at least 11 men during detention in Petar Kočić elementary school.	In or around May 1992
4. Bratunac	4.1 The killing of approximately 50 people while detained at the Vuk Karadžić school in Bratunac.	Between 10 and 16 May 1992
5. Brčko	5.1 The killing of a number of men at Luka camp.	Between 8 May and 6 June 1992
	5.2 The killing of a number of men at the Partisan Sports Hall in Brčko.	On or about 5 May 1992
	5.3 The killing of a number of men taken out of the Laser Bus Company.	On or about 5 and 6 May 1992
	5.4 The killing of approximately 12 men in the SJB building in Brčko and in the areas surrounding the SJB building in Brčko.	On or about 7-8 May 1992

MUNICIPALITY	INCIDENT	DATE
6. Čajnice	6.1 The killing of at least 30 men detained at the container adjacent to the Mostina hunting lodge.	On or about 18 May 1992
7. Donji Vakuf	7.1 A number of men died at Vrbas Promet factory or after they were taken away.	Between June and August 1992
	7.2 A number of men died at the TO warehouse.	Between June and July 1992
8. Foča	8.1 The killing of over 200 detainees at KP Dom Foča.	Between June and December 1992
9. Kalinovik	9.1 The killing of at least 20 men taken away from the ammunition warehouse in Jalašaćko Polje in Kalinovik and killed in a stable in Ratine in the municipality of Foča.	On or about 5 August 1992
10. Ključ	10.1 The killing of at least 77 men at a school in Velagići.	On or about 1 June 1992
11. Kotor Varoš	11.1 A number of men died as a result of beatings in the prison building.	Between June and September 1992
12. Novi Grad	12.1 The killing of a number of men from the cisterns near the Rajlovac barracks.	Between 1 and 14 June 1992
	12.2 The killing of at least 47 men taken from the Rajlovac camp near Srednje in Ilijaš municipality.	On or about 14 June 1992
13. Novo Sarajevo	13.1 The killing of at least two detainees in KP Dom Butmir (Kula).	On or about 7 April 1992
	13.2 The killing of 37 men from Kasindolska Street who were taken away from KP Dom Butmir (Kula).	Mid-May 1992
	13.3 The killing of 3 detainees while performing forced labour at KP Dom Butmir (Kula).	Between 23 July and 24 November 1992
14. Pale	14.1 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	Between June and July 1992

MUNICIPALITY	INCIDENT	DATE
	gym).	
15. Prijedor	15.1 The killing of approximately 150 people in "Room 3" at Keraterm camp.	On or about 24 and 25 July 1992
	15.2 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
	15.3 The killing of a number of men and women taken from the Omarska camp in the area called Hrastova Glavica.	On or about 5 August 1992
	15.4 The execution of over 150 men from the "Brdo" region of Prijedor at Omarska camp.	On or about 20 July 1992
	15.5 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
	15.6 The killing of approximately 200 men from Trnopolje camp on Vlasić mountain in Skender Vakuf.	On or about 21 August 1992
16. Rogatica	16.1 The killing of a number of men taken from the Veljko Vlahović secondary school.	Between June and September 1992
	16.2 The killing of at least 27 men taken from the detention facilities at Rasadnik.	15 August 1992
17. Sanski Most	17.1 The killing of approximately 17 men taken from Betonirka camp in Kriva Cesta near the Partisan cemetery.	On or about 22 June 1992
18. Vlasenica	18.1 The killing of approximately 9 men from Sušica camp.	Between June and August 1992
	18.2 The killing of up to 140 detainees in Sušica camp.	On or about 30 September 1992
	18.3 The killing of one man in the SJB building in Vlasenica.	On or about 22 May 1992

MUNICIPALITY	INCIDENT	DATE
	18.4 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 May and June 1992
19. Vogošća	19.1 The killing of a number of detainees who were taken out from Planjo's House in Svrake for forced labour and served as human shields.	Between 30 May and December 1992
20. Zvornik	20.1 The killing of approximately 88 men in Drinjača school.	On or about 30 May 1992
	20.2 The killing of a number of men at the Čelopek Dom Kulture.	Between 10 and 28 June 1992
	20.3 The killing of approximately 160 men at the Karakaj Technical School.	Between 1 and 5 June 1992
	20.4 The killing of one man in Ekonomija Farm.	Between April and 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 and December 1992
	1.2 Manjača camp	Between 21 April and 18 December 1992
	1.3 Mali Logor	At least between June 1992 and June 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 May and July 1992
	3.2 Jasenica school	Between April and May 1992
4. Bosanski Novi	4.1 Mlakve football stadium	At least between May 1992 and July 1992
	4.2 Bosanski Novi Fire Station	Throughout the war
	4.3 Bosanski Novi Police Station	At least between 17 May and 23 July 1992
	4.4 Bosanska Kostajnica Police Station	At least between 17 May and 23 July 1992
5. Bosanski Petrovac	5.1 Kozila logging camp	At least between July 1992 and August 1992
6. Bratunac	6.1 Bratunac football stadium	17 May 1992
	6.2 Vuk Karadžić school	At least between 1 May and 31 December 1992
7. Brčko	7.1 SJB Building in Brčko	At least from about 7 May until mid July 1992
	7.2 Luka camp	At least from about 7

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
		May until mid July 1992
	7.3 Laser Bus Company building	At least from about 7 May until mid July 1992
	7.4 Brčko Partisan Sports Hall	At least from about 7 May until mid July 1992
	7.5 Wooden Mosque (Kolobara)	May 1992
8. Čajnice	8.1 Container adjacent to Mostina Lodge	At least between Mid-April and May 1992
9. Donji Vakuf	9.1 SJB Building in Donji Vakuf	Between 27 May and mid-September 1992
	9.2 TO warehouse building	Between mid-June and mid-September 1992
	9.3 Vrbas Promet warehouse	Between May and mid-September 1992
	9.4 "A house" opposite the SJB building in Donji Vakuf	At least between May and mid-September 1992
10. Foča	10.1 KP Dom Foča	From 18 April 1992 until at least 31 December 1992
	10.2 Karaman's house in Miljevina	At least between August and October 1992
	10.3 Bukovina Motel	During 1992
	10.4 Worker's Huts at Buk Bijela	June 1992
	10.5 Partizan Hall	During 1992
	10.6 TO military warehouses at Livade	Between 14 and 17 April 1992
	10.7 Srednja škola – Foča high school	During 1992
11. Hadžići	11.1 Garage of the Hadžići Municipal Assembly building	From 20 May
	11.2 Hadžići Culture and Sport centre	From at least 25 May until September 1992

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
12. Ilidža	12.1 Old Health Center	13 May 1992 until 20 November 1992
	12.2 Graphic School	15 May 1992 until 11 November 1992
13. Ilijaš	13.1 SJB Building in Ilijaš	At least during June and July 1992
	13.2 Podlugovi Railway Station	At least during June 1992
	13.3 Ilijaš elementary school (Gornja Bioča school)	At least during the beginning of June 1992
14. Kalinovik	14.1 Kalinovik elementary school (Miladin Radojević school)	From 25 June 1992
	14.2 An ammunition warehouse in Jelašačko Polje	From 6 July 1992 until 5 August 1992
15. Ključ	15.1 SJB Building in Ključ	At least between May and August 1992
	15.2 Nikola Mačkić elementary school	At least between 1 May and July 1992
	15.3 Velagići school	At least 30 May to 1 June 1992
16. Kotor Varoš	16.1 SJB Building in Kotor Varoš	At least between June and September 1992
	16.2 Kotor Varoš Prison	At least between June and December 1992
	16.3 Kotor Varoš Sawmill	At least between the end of June and August 1992
	16.4 Kotor Varoš elementary school	Between July and late September 1992
17. Novi Grad	17.1 Cisterns near the Rajlovac Army barracks	June 1992
18. Novo Sarajevo	18.1 Slaviša Vajner Čiča Barracks in Lukavica	22 June until September
	18.2 KP Dom Butmir (Kula Prison)	May until October 1992
19. Pale	19.1 SJB Building in Pale	At least between May and August 1992

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
	19.2 Former Culture Centre/Dom Culture in Pale (also referred to as a Gym)	At least between May and August 1992
20. Prijedor	20.1 SJB Building in Prijedor	Between 24 May and September 1992
	20.2 Omarska camp	Between 15 May and 21 August 1992
	20.3 Keraterm camp	Between 15 May and 6 August 1992
	20.4 Trnopolje camp	Between at least 15 May and 30 September 1992
	20.5 Miška Glava Dom	Between about 21 and 25 July 1992
	20.6 Ljubija football stadium	On or about 25 July
	20.7 Prijedor barracks	Between at last May and June 1992
21. Rogatica	21.1 Veljko Vlahović secondary school	At least between 1 May and 31 August 1992
	21.2 The garage of Novica Andrić	On or about 14 August 1992
	21.3 Rasadnik	At least between August 1992 to October 1994
22. Sanski Most	22.1 SJB Building and Prison in Sanski Most	At least between 26 May and August 1992
	22.2 Betonirka factory garage	At least between 27 May and 7 July 1992
	22.3 Hasan Kikić school sport halls	At least between May and July 1992
	22.4 Krings Hall	At least between May and July 1992
	22.5 Magarica military facility	At least between May and June 1992
23. Sokolac	23.1 Former elementary school in Čavarine	At least October 1992 – March 1993

MUNICIPALITY	NAME AND/OR LOCATION OF DETENTION FACILITY	DATE
	23.2 Slaviša Vajner Čiča elementary school	July until October 1992
24. Višegrad	24.1 Vilina Vlas	At least between April and July 1992
	24.2 Hasan Valetovac elementary school	At least between May and June 1992
	24.3 SJB Building in Višegrad	At least between May and June 1992
25. Vlasenica	25.1 SJB Building in Vlasenica	At least between May and July 1992
	25.2 The Prison building in Vlasenica	At least between June and July 1992
	25.3 Sušica camp	At least between May and about 30 September 1992
	25.4 Civil Defence Building/Prison next to the SUP	May 1992
26. Vogošća	26.1 Planjo's house (Planjina kuća) in Svrake	At least from August until December 1992
	26.2 SJB building in Vogošća	At least between May and July 1992
	26.3 "Bunker" in Vogošća	At least between May and July 1992
27. Zvornik	27.1 Čelopek Dom Culture	At least between May and June 1992
	27.2 Karakaj Technical School	At least between May and June 1992
	27.3 Alhos Factory	On or about 9 April 1992
	27.4 Novi Izvor company (also known as Ciglana)	At least between 29 May and 30 July 1992
	27.5 Drinjaća building (Dom Culture)	At least between May and June 1992
	27.6 Ekonomija Farm	Between April and December 1992
	27.7 Standard Factory	At least between April and end of June 1992

Schedule D

Destruction of Cultural Monuments and Sacred Sites

MUNICIPALITY	NAME AND/OR LOCATION OF SITE	DATE
1. Banja Luka	The Franciscan Monastery in Petričevac	On or about 9 April 1992
2. Bijeljina	Atmačići mosque, Janjari mosque, Srednja Trnova mosque	Summer of 1992
3. Bosanska Krupa	Bosanska Krupa town mosque, and three mosques in Bosanska Otoka	At least between April and November 1992
4. Bosanski Novi	Stara Suhača mosque and the Suhača mosque, the mosque in Blagaj Japra, the mosques in Prekosanje, Urije, and Gornji Agići, the old wooden mosque in Blagaj Rijeka, the town mosque in Bosanski Novi (Gradska Džamija), and the Vidorije mosque	At least between March and June 1992
5. Bosanski Petrovac	Two town mosques in the town of Bosanski Petrovac, Bijel mosque, Rašinovac mosque, Srednji Bišćani mosque, Donji Bišćani mosque	At least between July and September 1992
6. Bratunac	Bratunac town mosque, Glogova mosque, a Qur'an school in Glogova, and the Islamic archives of Bratunac	At least between April and May 1992
7. 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 May and September 1992
8. Čajnice	Mir Muhamed mosque in the town of Čajnice	June 1992
9. Donji Vakuf	Mehmed Čelebi-Dužica mosque, Bas Džamija, Korenići mosque, Torlakovac mosque, Jemanlići mosque, Sokolina mesdžid, Šeherdžik mosque, Prusak's three mosques	At least between May and September 1992
10. Foča	Aladža mosque, Jeleč mosque	At least between

MUNICIPALITY	NAME AND/OR LOCATION OF SITE	DATE
		April and August 1992
11. Ilijaš	Town mosque, Old mosque in Ilijaš, Bioča mekteb, Misoča mosque, Tarančin Do church	At least between May and September 1992
12. Kalinovik	Ulog mosque, Hotovlje mosque, Jesalica mosque, Kutina mosque	After July 1992
13. Ključ	Town mosque, Biljani – Džaferagići mosque, Puđin Han mosque, Velagići mosque, Donji Budelj mosque, Humići mosque, Krasulje mosque, Sanica mosque, Tićevići mosque, Town Catholic church	At least between May and August 1992
14. Kotor Varoš	Hanifići mosque, Vrbanjci mosque, the Roman Catholic church in the town of Kotor Varoš, Hrvanćani 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
15. Novi Grad	Ahatovići mosque	On or about 4 June 1992
16. Pale	Three mosques including mosques at Prača, Podvitez, Bogovići	Between July - September 1992
17. Prijedor	Kozaruša mosque, Stari Grad mosque, Čarakovo mosque, Hambarine old mosque, Čaršijska mosque – town of Prijedor, Zagrad mosque – town of Prijedor, Biščani mosque, Gornja/Donja Puharska mosque, Rizvanovići mosque, Brezičani mosque, Ališići mosque, Zecovi mosque, Čejreci mosque, Gomjenica mosque, Kevljani mosque, Kamičani mosque, Kozarac – Mutnik mosque, Prijedor town Catholic church, Briševo church	At least between May and December 1992
18. Rogatica	Arnaudija mosque in the town of Rogatica, Čaršija mosque in the town of Rogatica, three mosques in Vragolovi	At least between June and December 1992
19. Sanski Most	Town mosque, Pobrježje mosque,	At least between

MUNICIPALITY	NAME AND/OR LOCATION OF SITE	DATE
	Hrustovo-Kukavice mosque, Hrustovo-Keranovići mosque, 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	May and December 1992
20. Sokolac	Kruševci mosque, Knežina mosque, Kaljina mosque, Novoseoci mosque, Koštica mosque	At least between August and September 1992
21. Vogošća	Ugorsko mosque, Karauka-Donja Vogošća mosque, Semizovac church	At least between April and September 1992
22. Zvornik	At least 28 mosques including Đulići mosque, Kula Grad mosque, Kozluk mosque, Divić mosque, Snagovo mosque, Novo Selo mosque, Skočić mosque, Svrake mosque, Drinjača mosque, Glumina mosque, Donja Kamenica mosque, Gornja Kamenica mosque, Klisa mosque, Kovačevići mosque, Rijeka mosque, Selimovići mosque	At least between April 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.	13 July 1995, in the early afternoon hours
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
	6.2 The killing of approximately 1,000 Bosnian Muslim men who were	14 July 1995, beginning in the

LOCATION	INCIDENT	DATE
	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.	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 portion of the approximately 1,200 Bosnian Muslim men who were detained in the Kula School. The men were transported by bus to Branjevo	16 July 1995

LOCATION	INCIDENT	DATE
	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 outside the Vuk Karadžić elementary school and in the surrounding area.	12 July 1995, at approximately 2200 hours – 15 July 1995, in the morning
	15.2 The killing of two Bosnian Muslim men who were taken off a	13 July 1995, at approximately

LOCATION	INCIDENT	DATE
	truck in Bratunac town, led to a nearby garage and summarily executed.	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	19 June 1994

INCIDENT	DATE
<p>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. 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.</p>	
<p>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.</p>	26 June 1994
<p>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 Čengiće Vila area of Sarajevo.</p>	22 July 1994
<p>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.</p>	8 October 1994
<p>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.</p>	18 November 1994
<p>13 Sanela DEDOVIĆ, a 12 year old girl, was wounded in the left ankle while walking to school. The incident occurred at the junction of Sedrenik Street and Redžepa Gorušanića Street, in the north eastern corner of Sarajevo.</p>	22 November 1994
<p>14 Afeza KARAČIĆ, a 31 year old woman, and Sabina ŠABANIĆ, a 26 year old woman, were</p>	23 November 1994

INCIDENT	DATE
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.	
15 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
16 Azem AGOVIĆ, a 46 year old man, and Alen 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.	3 March 1995
17 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	22 January 1994

INCIDENT	DATE
<p>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 wounded. The origin of fire was from VRS/SRK -held territory approximately to the west.</p>	
<p>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.</p>	4 February 1994
<p>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.</p>	5 February 1994
<p>9 Two 76 mm shells in quick succession hit a flea market in the old commercial quarter of Bašćaršija in Old Town. 2 persons were killed and 7 were injured. The origin of fire was Trebević, VRS/SRK-held territory.</p>	22 December 1994
<p>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.</p>	7 April 1995

INCIDENT	DATE
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 injured and 15 persons were slightly injured. It was determined that the fire came from VRS/SRK-held territory in the west-south-west.	26 May 1995
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,	28 June 1995, at about 0920 hours

INCIDENT	DATE
VRS/SRK-held territory.	
18 A modified explosive device exploded on the staircase between the 2nd and the 3rd floors of the BITAS building in Zmaja od Bosne Street 64. 1 person died and another suffered light injuries. The origin of fire was VRS/SRK-held territory in the southwest.	22 August 1995
19 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