

CRIMINAL COURT (ICTY)

- Established by the UN in 1993 for the former Yugoslavia. **Resolution 827, 25 May 1993** 'Ad hoc'.
 - Aim: to prevent violations of international law by the Federal Republic of Yugoslavia after 1991. The territorial jurisdiction of the International Tribunal shall extend over the territory of the former Socialist Federal Republic of Yugoslavia, including its land area, airspace, and territorial waters (Art. 8).
- **Prosecutable offences:**
 - Genocide (Art. 4)
 - Violations of the 1949 Geneva Convention (Art. 2)
 - Crimes against humanity (Art. 5)
 - Violations of laws or use of war (Art. 3)





What happened here?



Por estos hechos ocurridos en Bosnia, Milosevic sería acusado el 22.11 por Genocidio por el TPIY (el último delito que se le atribuye)



Who are they?



OFFENCES PROSECUTED:

▪ **Genocide (Art. 4 Statute for the Former Yugoslavia)**

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- a) Killing of group members;
- b) Serious injury to the physical or mental integrity of the members of the group;
- c) Intentional subjection of the group to conditions of existence that will result in its physical destruction, in whole or in part;
- d) Measures to prevent births within the group;
- e) Forcibly transferring children from the group to another group.



■ **Crimes against humanity (Art. 5 Statute for the Former Yugoslavia)**

A 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against a civilian population, with knowledge of the attack:

- ❖ Murder.
- ❖ Extermination.
- ❖ Deportation or forcible transfer of population.
- ❖ Persecution of a self-identified group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds universally recognised as unacceptable under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.
- ❖ Other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.



- **Karadzic** was born in Montenegro (Bosnia-Herzegovina) in 1945.
- 1990: establishment of the Serbian Democratic Party
- 1992: declaration of independence of the Serb Republic of Bosnia and Herzegovina.
 - Boycott by Bosnian Serbs of the referendum on independence.
- 6 April 1992: the Republic is recognised as an independent state by the United Nations.
- Karadzic is president of the republic and acquires command of the army.
 - Able to promote or demote any army officer.
 - He unleashed a war together with General Ratko Mladic, in which Bosnians and Croats were ethnically cleansed.



■ Karadzic trial:

- Started: 26 October 2009. He was suspended for waiving the right to counsel and claiming that he needed time to prepare a defence.
- It resumed on 1 March 2010.
- Final trial phase: 2014.
- Sentencing: 24 March 2016.



4. RESOLUTION

- **1995: 4 indictments**
 - Two counts of genocide
 - Five counts of crimes against humanity
 - Three counts of violations of the laws of war; war crimes
 - One count of grave breaches of the Geneva Conventions
- **2016: Sentenced to 40 years in prison for all these crimes committed in Srebrenica in 1995.**
 - Innocent of committing genocide in seven other Serb municipalities during 1992.
- Karadzic's appeal for procedural flaws.
- The prosecutor asks that he be sentenced to life imprisonment and that the crimes committed in 1992 be considered.
- The judge in charge of the case has scheduled the final verdict for sentencing in December this year.



ICTY - INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

INDICTMENT OF RATKO MLADIC

- **First appearance:** 3 June 2011
- **Sentenced:** 22 November 2017
- **Accused of:** Srebrenica massacre.
 - 5 counts of crimes against humanity



Art. 5 ICTY Statute

*The International Tribunal shall have jurisdiction to prosecute those alleged to be responsible for the following **crimes** when committed **against the civilian population during an armed conflict** (internal or international):*

*a) **murder**; b) **extermination**; c) slavery; d) **deportation**; e) imprisonment; f) torture; g) rape; h) **persecution on** political, racial or **religious grounds**; i) other inhumane acts.*

