



The International Residual Mechanism for Criminal Tribunals (“Mechanism”) was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”), which closed in 2015 and 2017, respectively.

CASE INFORMATION SHEET

On 22 November 2017, an ICTY Trial Chamber issued its Judgement in the case of Ratko Mladić. Pursuant to Article 2(2) of the Transitional Arrangements, the Mechanism has competence over appellate proceedings originating from ICTY cases for which the notice of appeal is filed on or after 1 July 2013.

MICT-13-56

RATKO MLADIĆ



On 12 May 1992, Ratko Mladić was appointed Commander of the Main Staff of the Army of the Bosnian-Serb Republic (“VRS”). He remained in this position until at least 8 November 1996.

Indictment

Initial Indictment filed on 24 July 1995. Operational Indictment filed on 16 December 2011.

Arrest

Arrested on 26 May 2011 in Serbia. Transferred to the ICTY on 31 May 2011.

ICTY Trial Chamber Judgement

Delivered on 22 November 2017.

The Trial Chamber found Ratko Mladić guilty of genocide, crimes against humanity, and violations of the laws or customs of war. Mladić was sentenced to life imprisonment.

Mechanism Appeals Chamber

Judge Prisca Matimba Nyambe, Presiding
Judge Aminatta Lois Runeni N’gum
Judge Seymour Panton
Judge Elizabeth Ibanda-Nahamya
Judge Mustapha El Baaj

Mechanism Appeals Chamber Judgement

Delivered on 8 June 2021.

The Appeals Chamber affirmed Mladić’s convictions for genocide, crimes against humanity and violations of the laws or customs of war, as well as the sentence of life imprisonment imposed by the Trial Chamber.

Status of the Case

Completed.



PROCEEDINGS BEFORE THE MECHANISM

APPEALS PROCEEDINGS (COMPLETED)

On 18 December 2017, Ratko Mladić filed a motion seeking an extension of time to file his notice of appeal against the ICTY Trial Judgement. Mladić argued that, *inter alia*, the breadth and complexity of the ICTY Trial Judgement, as well as the extensive underlying record, warrant an extension of time by 150 days beyond the original date upon which his notice of appeal would have been due, namely 22 December 2017.

On 19 December 2017, the then-President of the Mechanism, Judge Theodor Meron, assigned a bench of five Judges to this case before the Appeals Chamber. On 20 December 2017, Judge Meron designated himself as the Pre-Appeal Judge in the case. On 21 December 2017, the Pre-Appeal Judge granted an extension of time for the filing of the notices of appeal and, on 22 March 2018, both parties filed their respective notices of appeal. Following a further extension of time granted on 22 May 2018 for the filing of the appellant's and respondent's briefs, the parties filed confidentially their respective appellant's briefs on 6 August 2018. On 7 August 2018 and 11 September 2018, respectively, the Prosecution and Mladić filed public redacted versions of their appellant's briefs.

On 18 June 2018, Mladić requested the disqualification of Judges Theodor Meron, Carmel Agius, and Liu Daqun from the appeals bench in this case on the basis of actual or apparent bias. On 20 June 2018, the President of the Mechanism referred the matter to Judge Jean-Claude Antonetti. On 3 September 2018, Judge Antonetti granted Mladić's requests and, on 4 September 2018, assigned Judges Mparany Mamy Richard Rajohnson, Gberdao Gustave Kam, and Elizabeth Ibanda-Nahamya to replace Judges Meron, Agius, and Liu on the appeals bench in this case. On 12 September 2018, Judge Rajohnson requested to withdraw from the bench in this case and, on 14 September 2018, he was replaced by Judge Aminatta Lois Runeni N'gum.

On 12 September 2018, following Judge Nyambe's election as the Presiding Judge in this case, Judge Nyambe designated herself as the Pre-Appeal Judge. On 14 November 2018, both parties filed their respective response briefs and on 29 November 2018, their respective reply briefs.

The appeal hearing in the case took place on 25 and 26 August 2020 at the Mechanism's Hague branch, after earlier postponements due to Mladić's health and coronavirus-related restrictions.

On 18 February 2021, the President of the Mechanism assigned Judge Mustapha El Baaj to replace Judge Kam on the appeals bench in this case after his unfortunate passing.

On 8 June 2021, the Appeals Chamber delivered its judgement on the appeals. The Appeals Chamber unanimously dismissed Mladić's appeal in relation to the Hostage-Taking joint criminal enterprise ("JCE") and dismissed his appeal, Judge Nyambe dissenting, in relation to the Overarching JCE, the Sarajevo JCE, the Srebrenica JCE, as well as arguments related to his fair trial rights. The Appeals Chamber affirmed Mladić's convictions pursuant to Article 7(1) the ICTY Statute for genocide, for persecution, extermination, murder, deportation, and other inhumane acts (forcible transfer) as crimes against humanity, as well as for murder, terror, unlawful attacks on civilians, and hostage-taking as violations of the laws or customs of war under Counts 2 to 11 of the Indictment.

The Appeals Chamber dismissed the Prosecution's appeal in its entirety, with Judges N'gum and Panton dissenting, and accordingly affirmed the Trial Chamber finding that Mladić is not guilty of genocide under Count 1 of the Indictment in relation to crimes committed against Bosnian Muslims and Bosnian Croats in certain municipalities in Bosnia and Herzegovina ("BiH").

The Appeals Chamber affirmed the sentence of life imprisonment imposed on Mladić by the Trial Chamber, with Judge Nyambe dissenting.



CASE BACKGROUND INFORMATION

INDICTMENT

Ratko Mladić was charged before the ICTY with two counts of genocide, five counts of crimes against humanity, and four counts of violations of the laws or customs of war committed by Serb forces during the armed conflict in BiH from 1992 until 1995.

Mladić was alleged to be individually criminally responsible for those crimes through, *inter alia*, his participation in several related joint criminal enterprises. The alleged objective of the first, Overarching JCE was the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territories in BiH through the crimes charged in the indictment.

Mladić was also charged as a superior pursuant to Article 7(3) of the Statute of the Mechanism for, *inter alia*, knowing or having reason to know that crimes were about to be committed or had been committed by forces under his effective control and failing to prevent the crimes or punish the perpetrators.

The charges were:

Two counts of genocide (Counts 1 and 2)

Five counts of crimes against humanity

- Persecutions (Count 3)
- Extermination (Count 4)
- Murder (Count 5)
- Deportation (Count 7)
- Inhumane acts (forcible transfer) (Count 8)

Four counts of violations of the laws or customs of war

- Murder (Count 6)
- Terror (Count 9)
- Unlawful attacks on civilians (Count 10)
- Taking of hostages (Count 11)

ICTY TRIAL CHAMBER JUDGEMENT

On 22 November 2017, Trial Chamber I of the ICTY issued its Judgement in the case of Ratko Mladić. The ICTY Trial Chamber convicted Mladić of genocide in the area of Srebrenica in 1995 and of persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians and the taking of hostages. Mladić was acquitted of the charge of genocide in six of the municipalities in BiH in 1992.

The ICTY Trial Chamber found that Mladić committed these crimes through his participation in four JCEs: (i) the Overarching JCE had the objective of permanently removing Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in BiH through the commission of the crimes charged in the indictment; (ii) the Sarajevo JCE had the objective of spreading terror among the civilian population of Sarajevo through a campaign of sniping and shelling; (iii) the Srebrenica JCE had as its objective the elimination of Bosnian Muslims in Srebrenica; and (iv) the Hostage-Taking JCE had as its objective the taking of United Nations personnel hostage to prevent NATO from conducting air strikes against Bosnian Serb military targets.

Start of ICTY Trial	16 May 2012		
Prosecution Case	Started	16 May 2012	Closed 26 February 2014
Defence Case	Started	19 May 2014	Closed 16 August 2016
Closing Arguments	Started	5 December 2016	Closed 15 December 2016
ICTY Trial Chamber Judgement	22 November 2017		Verdict Life imprisonment



STATISTICS

ICTY trial days	530						
Total exhibits admitted at trial	9914	Prosecution	7803	Defence	2108	Chamber	3
Total witnesses called at trial	592*	Prosecution	169**	Defence	208**	Chamber	0

* Out of this number, 377 witnesses appeared in court

** Only witnesses who appeared in court

For more information please visit the Mechanism website www.irmct.org.

For press inquiries, email mict-press@un.org.