



CASE INFORMATION SHEET

(IT-98-33)

RADISLAV KRSTIĆ



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Chief of Staff/Deputy Commander of the Drina Corps of the Bosnian Serb Army (VRS); appointed Commander of the Drina Corps on 13 July 1995

Indictment	Initial: 2 November 1998; operational indictment filed: 27 October 1999
Arrested	2 December 1998
Transferred to ICTY	3 December 1998
Plea	25 November 1999, pleaded not guilty
Commencement of Trial	13 March 2000
Closing arguments	26-29 June 2001
Trial Chamber Judgement	2 August 2001, convicted of genocide, crimes against humanity and violations of the laws or customs of war
Appeals Chamber Judgement	19 April 2004, convicted of aiding and abetting genocide, crimes against humanity and violations of the laws or customs of war
Sentence	35 years' imprisonment
Serving sentence	20 December 2004, transferred to the United Kingdom to serve the remainder of his sentence; credit was given for time spent in custody. Subsequently transferred to Poland on 20 March 2014

INDICTMENT

One count of genocide (Count 1)

One count of complicity to commit genocide (Count 2)

Five counts of crimes against humanity

- Extermination (Count 3)
- Murder (Count 4)
- Persecutions (Count 6)
- Deportation (Count 7)
- Inhumane acts (forcible transfer) (Count 8)

Four counts of violations of the laws or customs of war

- Murder (Count 5)

Alleged responsibility of the Accused

In the indictment, it was alleged that Krstić played a leading role in an operation code-named "Krivaja 95" which involved an attack on the Srebrenica enclave. Part of this operation was the shelling of Srebrenica, which was calculated to terrify the Bosnian Muslim population and to drive them to Potočari where there was a UN presence, and where a total lack of food,

shelter and necessary services would increase their fear and panic and ultimately their willingness to leave the territory.

It was alleged that, between 13 and 19 July 1995, 7,000 to 8,000 Bosnian Muslim men were systematically murdered in mass executions and that the remainder of the Bosnian Muslim population present at Srebrenica – estimated to comprise approximately 25,000 women, children and elderly - were forcibly transferred out of the enclave.

THE TRIAL

The trial commenced on 13 March 2000.

The Closing Arguments were heard from 26 until 29 June 2001.

The Judgement was delivered on 2 August 2001.

TRIAL CHAMBER JUDGEMENT

The Trial Chamber found that genocide was committed in Srebrenica.

The Trial Chamber concluded beyond reasonable doubt that Krstić participated in a joint criminal enterprise to kill the Bosnian Muslim military-aged men from Srebrenica from the evening of 13 July onward. According to the Trial Chamber, Krstić may not have devised the killing plan, or participated in the initial decision to escalate the objective of the criminal enterprise from forcible transfer to destruction of Srebrenica's Bosnian Muslim military-aged male community. However, the Chamber found that, from the moment he learned of the widespread and systematic killings and became clearly involved in their perpetration, Krstić shared the genocidal intent to kill the men.

The Chamber further found Radislav Krstić guilty as a member of a joint criminal enterprise (JCE). The objective of the JCE was to forcibly transfer the Bosnian Muslim women, children and elderly from Potočari on 12 and 13 July and to create a humanitarian crisis in support of this endeavour by causing the Srebrenica residents to flee to Potočari where a total lack of food, shelter and necessary services would accelerate their fear and panic and ultimately increase their willingness to leave the territory.

Radislav Krstić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of genocide, crimes against humanity, and violations of the laws or customs of war. He was sentenced to 46 years' imprisonment.

APPEALS PROCEEDINGS

Both parties appealed the Judgement. On 21 November 2003, an evidentiary hearing took place and the appeals hearing took place on 26 and 27 November 2003.

APPEALS CHAMBER JUDGEMENT

The Appeals Judgement was pronounced on 19 April 2004. The Appeals Chamber found that the Trial Chamber's conclusion that the soldiers of the VRS Bratunac Brigade were dispatched by Krstić to assist in the executions at Branjevo Farm and the Pilica Dom on 16 July 1995 was not one that a reasonable trier of fact could have made. According to the Appeals Chamber, the evidence failed to establish the involvement of the Drina Corps in carrying out these executions, and as such could not be relied upon as evidence of Krstić's direct involvement in assisting executions. However, the Appeals Chamber found that the evidence did establish that Krstić knew that the killings were occurring and that he permitted the Main Staff to use personnel and resources under his command to facilitate them. In these circumstances, the Appeals Chamber found that Krstić's criminal responsibility was that of an aider and abettor to murder, extermination and persecutions, and not of a principal co-perpetrator.

Furthermore, the Appeals Chamber found that Krstić was aware of the intent to commit genocide on the part of some members of the VRS Main Staff. However, there was a demonstrable failure by the Trial Chamber to supply adequate proof

that Krstić possessed genocidal intent. Krstić was therefore pronounced not guilty of genocide as a principal perpetrator, but guilty as an aider and abettor to genocide.

The final convictions are as follows:

Radislav Krstić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of:

- Aiding and abetting genocide
- Aiding and abetting murder (violations of the laws or customs of war)
- Extermination, persecution (crimes against humanity)
- Murder (violations of the laws or customs of war)

Sentence: 35 years' imprisonment

Judge Mohamed Shahabuddeen appended a partial dissenting opinion.

STATISTICS

Trial days	98
Prosecution witnesses	103
Prosecution exhibits	910
Defence witnesses	13
Defence exhibits	183
Chamber exhibits	5

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