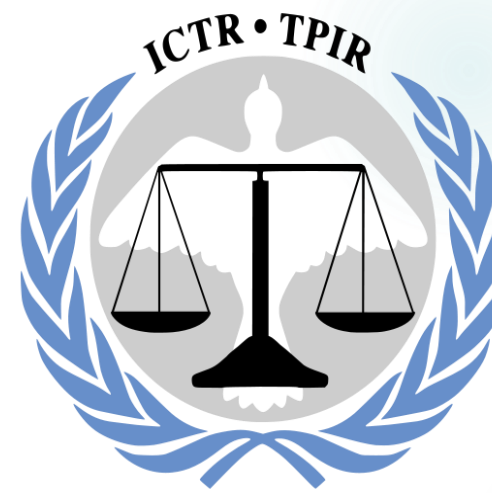




International Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie



The Practice of International Criminal Law

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International Criminal Law is a subset of public international law

- ▶ International criminal law places responsibility on individual persons.
- ▶ It proscribes and punishes acts that are defined as crimes by international law.

WAR CRIMINALS INDICTED BY THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

WARRANTS FOR THEIR ARREST ARE HELD BY THEIR RESPECTIVE CAPITALS

 <p>ZLATKO ALEKSOVSKI DOB: 06/01/60 NATIONALITY: CROATIAN DESCRIPTION: NOT AVAILABLE ADDRESS: MOSTAR, BIH</p>	 <p>TIHOFOL BLASKIĆ DOB: 02/11/60 NATIONALITY: CROATIAN DESCRIPTION: NOT AVAILABLE ADDRESS: MOSTAR, BIH</p>	 <p>RANKO ČEŠIĆ DOB: 01/01/64 NATIONALITY: BOSNIAN SERB DESCRIPTION: MEDIUM HEIGHT AND BUILD; BROWN HAIR AND EYES ADDRESS: RIJELINA, POSSIBLY BRČKO, BIH</p>	 <p>RADOVAN KARADŽIĆ DOB: 1906/65 NATIONALITY: BOSNIAN SERB DESCRIPTION: 185 CM; BROWNISH-GRAY HAIR; FLAMBOYANT ADDRESS: PALJE, BIH</p>	 <p>DARIO KORDIĆ DOB: 14/12/60 NATIONALITY: CROATIAN DESCRIPTION: 171 CM; DARK, CROPPED HAIR; GLASSES ADDRESS: PRESIDENT OF CROATIAN COMMUNITY OF HERCEGO-BOSNA</p>	 <p>MILAN MARTIĆ DOB: 18/11/54 NATIONALITY: SERBIAN DESCRIPTION: 172-180 CM; 85-90 KG; DARK BROWN HAIR; GREEN BROWN EYES ADDRESS: UNKNOWN</p>
 <p>ŽELJKO MEAKIĆ DOB: 02/08/64 NATIONALITY: BOSNIAN SERB DESCRIPTION: 175 CM; 65 KG; BROWN HAIR; BLUE EYES ADDRESS: PETROV GAJ</p>	 <p>SLOBODAN MILJKOVIĆ DOB: 01/01/57 NATIONALITY: SERBIAN DESCRIPTION: 180 CM; DARK BROWN HAIR; SCAR ON SIDE OF NOSE; TATTOOS ON BOTH ARMS ADDRESS: UNKNOWN</p>	 <p>RATKO MLADIĆ DOB: 12/03/63 NATIONALITY: BOSNIAN SERB DESCRIPTION: SHORT, STOCKY; RED-FACED ADDRESS: BELGRADE, SERBIA</p>	 <p>MILAN MRŠIĆ DOB: 20/07/47 NATIONALITY: SERBIAN DESCRIPTION: 190 CM; GRAY, WAVY HAIR ADDRESS: CDR, RSKA ARMY</p>	 <p>DRAGAN NIKOLIĆ DOB: 01/01/57 NATIONALITY: BOSNIAN SERB DESCRIPTION: 190-200 CM; BLOND HAIR ADDRESS: UNKNOWN</p>	 <p>DRAŽENKO PREDOJEVIĆ DOB: 02/04/70 NATIONALITY: BOSNIAN SERB DESCRIPTION: 175 CM; BLACK HAIR; MISSING FRONT TOOTH ADDRESS: GRADNJA, BIH</p>
 <p>MIROSLAV RADIĆ DOB: 01/01/61 NATIONALITY: SERBIAN DESCRIPTION: 180 CM; DARK, STRAIGHT HAIR; PROPORTIONAL BUILD ADDRESS: UNKNOWN</p>	 <p>MILADEN RADIĆ DOB: 15/05/52 NATIONALITY: BOSNIAN SERB DESCRIPTION: 170 CM; 100 KG; LIGHT BROWN HAIR, FAT BUILD ADDRESS: OMAŠKA, BIH</p>	 <p>VESELIN ŠLIVANČANIN DOB: 01/01/53 NATIONALITY: SERBIAN DESCRIPTION: 190 CM; DARK EYES; DARK, GRAYING, SHORT, THINNING HAIR ADDRESS: UNKNOWN</p>	 <p>STEVAN TODOROVIĆ DOB: 01/01/57 NATIONALITY: UNKNOWN DESCRIPTION: 180-185 CM; 80 KG; BROWN HAIR; BALDING ADDRESS: BOSANSKI SAMAC, BIH</p>	 <p>ZORAN ŽIGIĆ DOB: 20/05/58 NATIONALITY: BOSNIAN SERB DESCRIPTION: 175 CM; 80 KG; DARK BROWN HAIR ADDRESS: FORMER TAXI DRIVER IN PRIFEDOR, BIH</p>	

Sources of International Criminal Law

- ▶ Treaties
- ▶ Customary International Law (CIL)
- ▶ General principles of law
- ▶ Judicial decisions (subsidiary source)
- ▶ Learned writings (subsidiary source)

Core Crimes of International Criminal Law

- ▶ War Crimes
- ▶ Crimes against Humanity
- ▶ Genocide
- ▶ Aggression

WAR CRIMES

- VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR
- GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949

CRIMES AGAINST HUMANITY

- ATROCITIES AND OFFENCES COMMITTED AGAINST ANY CIVILIAN POPULATION, AS PART OF A WIDESPREAD ATTACK.

GENOCIDE

- GENOCIDE MEANS ANY OF THE FOLLOWING ACTS COMMITTED WITH INTENT TO DESTROY, IN WHOLE OR IN PART, A NATIONAL, ETHNIC, RACIAL OR RELIGIOUS GROUP

AGGRESSION

- THE USE OF ARMED FORCE BY A STATE AGAINST THE SOVEREIGNTY, INTEGRITY OR INDEPENDENCE OF ANOTHER STATE.

Establishment of ICTY

- ▶ Established by United Nations Security Council Res. 827 (25 May 1993)

Acting under Chapter VII of the Charter of the United Nations,

1. Approves the report of the Secretary-General;
2. Decides hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace and to this end to adopt the Statute of the International Tribunal annexed to the above-mentioned report;

The Break-Up of Yugoslavia

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Jurisdiction

- ▶ Jurisdiction from 1991 onwards
- ▶ Jurisdiction over territory of ex-Yugoslavia
- ▶ Jurisdiction over natural persons







Accused

**PERSONS INDICTED BY
THE ICTY FOR WAR CRIMES**

Warrants of Arrest are issued on behalf of the
International Criminal Tribunal for the former Yugoslavia

		<p>HADŽIĆ, Goran (Son of Branko) Born: 07.09.58 Vinkovci, Croatia Warrant date: 06.06.04 No known alias</p>
		<p>MLADIĆ, Ratko (Son of Nedjo) Born: 12.03.42 Bošanci, Bosnia & Herzegovina Warrant date: 25.07.95 No known alias</p>

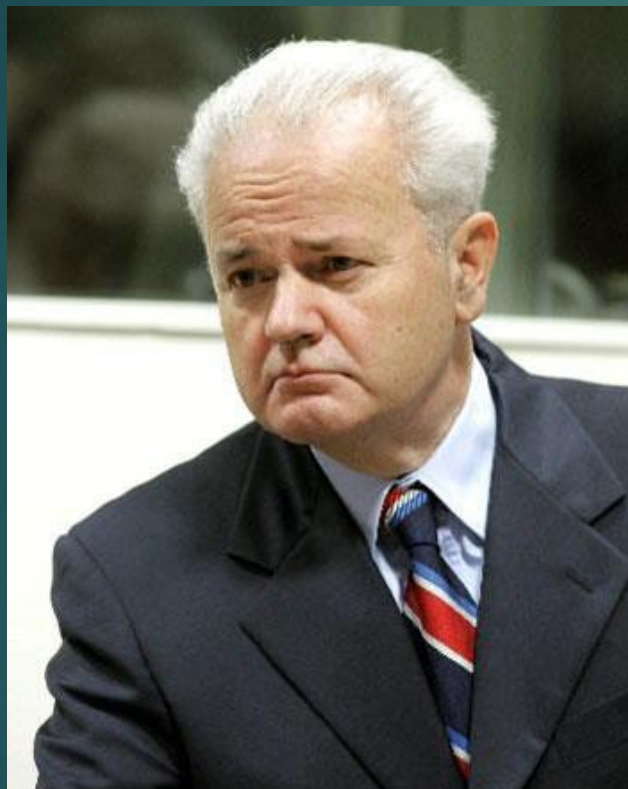
Updated as of: **30 JULY 2008**
PLEASE NOTE THAT APPEARANCES MAY HAVE CHANGED
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-The ICTY prosecutes persons considered the most responsible for the crimes in the former Yugoslavia

- A total of 161 indictees

The Main Accused

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Slobodan Milošević



Radovan Karadžić



Ratko Mladić

Prosecutor v. Ratko Mladić

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Indicted: July 25, 1995

Arrested: May 26, 2011

Trial Conviction: Nov. 22, 2017

Conviction Affirmed on Appeal:
June 8, 2021

Convicted of

- Genocide
- Crimes Against Humanity
- Violations of Laws or
Customs of War



WAR CRIMES

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43 month siege of Sarajevo
(May 1992 – November 1995)

The shelling and
sniping of civilians



SARAJEVO - OLYMPIC CITY 1984

SARAJEVO - SURROUNDED CITY 1992-1995

Almost 4 years under siege - Over 11000 killed people



- 1 ZETRA
 - Stade "Koševø"
 - Stadium "Koševø"
 - Stadion "Koševø"
 - Salle olympique
 - Olympic Hall
 - Olimpijska dvorana
 - Stade de patinage de vitesse
 - Speed Skating Stadium
 - Stadion za brzo klizanje

- 2 KENDERIJA
 - Patinage artistique
 - Figure Skating
 - Umjetničko klizanje
 - Hockey sur glace
 - Ice Hockey
 - Hokej na ledu
 - Patinage de vitesse
 - Speed Skating
 - Brzo klizanje

- 3 KENDERIJA
 - Centre de presse principal
 - Main Press Centre
 - Glavni pres-centar

- 4 TREBEŠIĆ
 - Bobsleigh
 - Luge
 - Bobsleigh and Luge
 - Bob i sankar

- 5 JAHORINA
 - Ski alpin - Femmes
 - Alpine skiing - Women
 - Alpsko smučanje - Žene
- 6 BIJELAŠNICA
 - Ski alpin - Hommes
 - Alpine skiing - Men
 - Alpsko smučanje - Muškarci

- 7 IGMAN - VELIKO POLJE
 - Ski de fond et Biathlon
 - Cross Country and Biathlon
 - Smučarska trčanja i biatlon
- 8 IGMAN - MALO POLJE
 - Sauts
 - Ski Jumps
 - Smučarski skokovi

- 9 MOJMILO
 - Village olympique
 - Olympic Village
 - Olimpijsko selo
 - ALIPAŠIN MOST
 - Centre RTV
 - RTV Centre
 - RTV centar

- 10 MARIJIN DVOR
 - Hôtel "Sarajevo" - CD
 - Hotel "Sarajevo" - IOC
 - Hotel "Sarajevo" - MOK
 - Gare
 - Railway Station
 - Željeznička stanica

Sniper Alley

CRIMES AGAINST HUMANITY

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Crimes against Humanity,
including:

- Persecution
- Murder
- Extermination
- Deportation
- Forcible Transfer



GENOCIDE



Srebrenica

July 11-22, 1995

The
systematic
execution of
7,000 Muslim
men and
boys



Excavating Mass Graves

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International Criminal Tribunal for Rwanda (ICTR)

- ▶ Established in November 1994 in response to the Rwandan Genocide
- ▶ Established under Chapter VII of the Charter of the United Nations
- ▶ Has jurisdiction over “persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994”
- ▶ Primacy over national courts

Special Court for Sierra Leone (SCSL)

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- ▶ Created in 2002 in response to brutal civil war in Sierra Leone
- ▶ Established by agreement between UN and Sierra Leone
- ▶ For those who “bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996”
- ▶ Crimes against Humanity, serious violations of Common Article 3 and Additional Protocol II, ‘other serious violations’ of IHL and some Sierra Leonean crimes
- ▶ Only Tribunal to have a system to deal with offenders aged 15-18

Special Tribunal for Lebanon (STL)

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- ▶ The assassination of Rafik Hariri, 14 February 2005
- ▶ Established by agreement between UN and Lebanon
- ▶ Brought into force 10 June 2007
- ▶ Applies (primarily) domestic Lebanese law, supplemented where required by international law

Extraordinary Chambers in the Courts of Cambodia (ECCC)

- ▶ Khmer Rouge, 1975-1979
- ▶ Established by agreement between UN and Cambodia, ratified by Cambodian parliament in 2004
- ▶ Has the power to try “senior leaders of Democratic Kampuchea and those most responsible for the crimes... committed during the period from 17 April 1975 to 6 January 1979” (Law on establishment of the ECCC, Art 1)
- ▶ Subject-matter jurisdiction over “crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognised by Cambodia” (Art 1)

The International Criminal Court

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- ▶ Established at the 1998 Rome Conference
- ▶ 1 July 2002, entry into force after 60 ratifications
- ▶ Operates on a system of complementarity

ICC – Subject matter jurisdiction

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- ▶ The core crimes (Art 5): Genocide (Art 6), Crimes Against Humanity (Art 7), War Crimes (Art 8) and Aggression (Art 8*bis*)
- ▶ Crimes against the administration of justice, e.g. perjury
- ▶ Terrorism, drug-smuggling offences – not as of yet

ICC – Bases of Jurisdiction

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- ▶ Territoriality – crimes committed on the territory of a State party
- ▶ Active nationality – crimes committed by a national of a State party
- ▶ Art 12(3) – acceptance by a State of jurisdiction
 - ▶ Avoidance of the possibility of victor's justice
- ▶ The UNSC referral system
 - ▶ ICC has jurisdiction regardless of whether the State is a party

ICC – initiation of proceedings (Art 13)

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- ▶ By a State Party
 - ▶ Uganda (Jan 2004), Central African Republic (twice – December 2004, May 2014), Democratic Republic of Congo (April 2004), Mali (July 2012)
- ▶ UNSC Referral
 - ▶ Darfur (Resolution 1593 (March 2005)) and Libya (Resolution 1970 (February 2011))
- ▶ *Ex proprio motu*
 - ▶ Kenya (March 2010); Côte d'Ivoire (October 2011); Georgia (January 2016)

ICC - Opposition

- ▶ Currently 123 States party to the ICC Statute
- ▶ In its history, has faced opposition from superpowers, notably the United States
- ▶ Criticism for an alleged focus on crimes in Africa.



ICC – Arrest Warrant for Vladimir Putin

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- ▶ Issued on March 17, 2023
- ▶ Indicted for war crimes committed in Ukraine
 - ▶ Art. 8(2)(a)(vii), 8(2)(b)(viii)
 - ▶ Related to the unlawful deportation and transfer of children from occupied areas of Ukraine to Russia.