

**UNITED
NATIONS**International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-55-A

Date: 20 March 2019

Original: English

IN THE APPEALS CHAMBER

Before: Judge Vagn Prüsse Joensen, Presiding
Judge William Hussein Sekule
Judge José Ricardo de Prada Solaesa
Judge Graciela Susana Gatti Santana
Judge Ivo Nelson de Caires Batista Rosa

Registrar: Mr. Olufemi Elias

Judgement of: 20 March 2019

PROSECUTOR

v.

RADOVAN KARADŽIĆ***PUBLIC REDACTED*****JUDGEMENT****The Office of the Prosecutor:**

Mr. Serge Brammertz
Ms. Laurel Baig
Ms. Barbara Goy

Counsel for Mr. Radovan Karadžić:

Mr. Peter Robinson
Ms. Kate Gibson

4. Alleged Errors Concerning Untested Evidence and Adjudicated Facts (Ground 31)

446. The Trial Chamber concluded that Karadžić significantly contributed to the furtherance of the common purpose of the Overarching JCE and shared the intent to expel Bosnian Muslims and Bosnian Croats from the Overarching JCE Municipalities.¹¹⁷³ In the context of Karadžić's participation in the Overarching JCE, the Trial Chamber found that he was responsible for the crimes alleged as Scheduled Incidents in the Indictment¹¹⁷⁴ related to the take-over of 20 municipalities located in Eastern Bosnia,¹¹⁷⁵ the Autonomous Region of Krajina ("ARK"),¹¹⁷⁶ and the Sarajevo area.¹¹⁷⁷ As a result of these findings, the Trial Chamber found Karadžić responsible, pursuant to Article 7(1) of the ICTY Statute, for persecution, extermination, murder, deportation, and inhumane acts (forcible transfer) as crimes against humanity as well as murder as a violation of the laws or customs of war.¹¹⁷⁸

447. The Trial Chamber further found that Karadžić significantly contributed to the furtherance of the common purpose of the Srebrenica JCE and shared the intent to eliminate Bosnian Muslims in Srebrenica.¹¹⁷⁹ The Trial Chamber convicted Karadžić pursuant to Article 7(1) of the ICTY Statute of genocide, persecution, extermination and other inhumane acts (forcible transfer) as

¹¹⁷³ Trial Judgement, paras. 3434-3524, 5996.

¹¹⁷⁴ Trial Judgement, paras. 6002-6007.

¹¹⁷⁵ Trial Judgement, paras. 596-1365. With respect to Eastern Bosnia, the Trial Chamber analysed evidence concerning crimes committed in the municipalities of Bijeljina, Bratunac, Brčko, Foča, Rogatica, Sokolac, Višegrad, Vlasenica, and Zvornik. *See* Trial Judgement, paras. 617-679 (with respect to the crimes committed in the municipality of Bijeljina), 733-791 (with respect to the crimes committed in the municipality of Bratunac), 799-833 (with respect to the crimes committed in the municipality of Brčko), 862-934 (with respect to the crimes committed in the municipality of Foča), 981-1040 (with respect to the crimes committed in the municipality of Rogatica), 1055-1074 (with respect to the crimes committed in the municipality of Sokolac), 1080-1093 (with respect to the crimes committed in the municipality of Višegrad), 1135-1222 (with respect to the crimes committed in the municipality of Vlasenica), 1254-1274, 1296-1365 (with respect to the crimes committed in the municipality of Zvornik).

¹¹⁷⁶ Trial Judgement, paras. 1366-2061. With respect to the ARK, the Trial Chamber analysed evidence concerning crimes committed in the municipalities of Banja Luka, Bosanski Novi, Ključ, Prijedor, and Sanski Most. *See* Trial Judgement, paras. 1375-1430 (with respect to the crimes committed in the municipality of Banja Luka), 1451-1483 (with respect to the crimes committed in the municipality of Bosanski Novi), 1513-1568 (with respect to the crimes committed in the municipality of Ključ), 1617-1637, 1641-1657, 1664-1715, 1720-1735, 1739-1913 (with respect to the crimes committed in the municipality of Prijedor), 1952-1978, 1980-2035 (with respect to the crimes committed in the municipality of Sanski Most).

¹¹⁷⁷ Trial Judgement, paras. 2062-2438. With respect to the Sarajevo Area, the Trial Chamber analysed evidence concerning crimes committed in the municipalities of Hadžići, Ilidža, Novi Grad, Novo Sarajevo, Pale, and Vogošća. *See* Trial Judgement, paras. 2095-2115 (with respect to the crimes committed in the municipality of Hadžići), 2136-2165 (with respect to the crimes committed in the municipality of Ilidža), 2189-2237 (with respect to the crimes committed in the municipality of Novi Grad), 2274-2288 (with respect to the crimes committed in the municipality of Novo Sarajevo), 2316-2352 (with respect to the crimes committed in the municipality of Pale), 2392-2438 (with respect to the crimes committed in the municipality of Vogošća).

¹¹⁷⁸ Trial Judgement, paras. 3524, 5996, 6002-6007, 6022-6024, n. 20574.

¹¹⁷⁹ Trial Judgement, paras. 5998, 6001-6007.