**We expect from ICTY to correctly qualify acts of genocide and other crimes and humanity and international law**

Numerous relevant sources of different provenance reliably suggest the two initial and basic, fundamental empiric and scientific facts surrounding modern events and episodes in the Republic of Bosnia and Herzegovina at the end of XX century:

- First, a classic armed aggression, that is, a crime against peace and safety of humanity was conducted against the Republic of Bosnia and Herzegovina, which is according to the basic understanding and definition an international armed conflict, and

- Second, the worst crime – crime of genocide was committed in the occupied territories of the independent and internationally recognized Republic of Bosnia and Herzegovina, a member of the United Nations, in all towns under siege, and also in the territory of the UN Safe Area against Bosniacs, members of the (protected) national, ethnic, and religious group as such.

Available and clear pieces of evidence corroborate the subjective (mental) element of genocide – intent (mens rea) for the commission of genocide against Bosniacs in the Republic of Bosnia and Herzegovina. To that end, it is necessary, inter alia, to highlight the evidence on genocidal intent by the Serbian leadership to establish a single Serbian state, whose establishment was in service of genocide, which was publicly presented by the highest officials, including Radovan Karadžić, who continuously worked on this joint criminal enterprise of genocidal character. The leadership of the pseudo-state creation of the Serbian Republic of Bosnia and Herzegovina / Republika Srpska, under the leadership of Radovan Karadžić, had genocidal intent and genocidal objective to exterminate Bosniacs in a way that it “one third of Muslims would be killed, the other baptized, and the third would leave the territory on its own”.

Radovan Karadžić, the president of nationalistic, or as Richard Holbrooke argues a Nazi style Serbian Democratic Party of Bosnia and Herzegovina, and the president of the pseudo-state creation of the Republika Srpska, inter alia:

- First, in collusion with others, planned, incited, orders, aided and abetted, supported, and committed the crime of genocide against Bosniacs (Bosnian Muslims), members of a national, ethnic, and religious group as such;

- Second, participated in joint criminal enterprise whose objective and intention were to destroy Bosniacs.

There is sufficient evidence (actus reus) corroborating that the crime of genocide was committed in all occupied towns in the Republic of Bosnia and Herzegovina, towns under siege and UN Safe Areas, particularly in Prijedor, Sanski Most, Ključ, Brčko, Bijeljina, Zvornik, Srebrenica, Bratunac, Vlasenica, Rogatica, Višegrad, Foča, Sarajevo under siege and all other places, in which thousands, dozens of thousands, and hundreds of thousands of people were killed, injured, raped, expelled, deported, whereas thousands of civilian-religious, educational, scientific, healthcare, and cultural facilities were demolished, destroyed or damaged.

Considering everything stated, including all relevant facts and pieces of evidence which corroborate, confirm, and verify these arguments, all in service of objective, scientific truth, human and societal truth, and justice – at least minimal, for all genocide victims, we expect from ICTY to correctly qualify and incriminates the underlying acts of genocide and other crimes and humanity and international law, and also, based on facts and legal qualification delivers the Verdict by which: Radovan Karadžić will be found guilty and responsible for genocide against Bosniacs, members of national, ethnic, and religious group as such, at least for genocide in the territory of Prijedor, Sanski Most, Ključ, Zvornik, Srebrenica, Bratunac, Vlasenica, and Foča, as well as for crimes against humanity and war crimes committed in the territories of other occupied municipalities.

Unfortunately, justice will not be served with such a Verdict, given that in certain continuity, for the reasons known only to ICTY, the Indictment against Radovan Karadžić was reduced from 32 to 11, and finally 8 municipalities. Nevertheless, the available, valid, and reliable documents, primarily empiric sources of data, confirm and prove that the genocide was committed in all occupied places and towns under siege, including the UN Safe Area, for which Radovan Karadžić is responsible, and the mere pronouncement of such Verdict would meet the expectation of genocide victims, serve justice, and send a clear message to all on the planet Earth that the fair punishment would follow the planning, preparation, organization, and commission of genocide. This would mean that there is inherent and developed awareness and system of universal values on the planet Earth in the contemporary democratic society, will and determination to act in the direction of prevention and punishment of crime of genocide, which would in reality of human and social life reaffirm the meaningfulness of the Convention on prevention and punishment of crime of genocide.

Institute for Research of Genocide Canada