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Tribunal Pénal
International pour
l'ex-Yougoslavie

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TRIAL CHAMBER
CHAMBRE DE
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The Hague, 30 January 2004
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THE TRIAL OF MOMČILO KRAJIŠNIK TO COMMENCE
ON TUESDAY 3 FEBRUARY 2004

On 29 January 2004, Trial Chamber I consisting of Judges Alphons Orie, (Presiding), Amin El-Mahdi and Joaquín Martín Canivell issued an order confirming that the trial of Momčilo Krajišnik will commence on Tuesday 3 February 2004 at 3.15 p.m. in Courtroom I.

The Trial Chamber further ordered that the pre-trial conference should be held at 2.15 p.m. the same day, also in Courtroom I.

Background on the Trial:

The amended consolidated Indictment, submitted on 7 March 2002 pursuant to the Decision of the Trial Chamber dated 4 March 2002, generally alleges that, between 1 July 1991 and 30 December 1992, Momčilo Krajišnik, Biljana Plavšić and others, including Slobodan Milošević, Željko Ražnatović aka “Arkan”, Radovan Karadžić and Ratko Mladić, participated in a Joint Criminal Enterprise, in which they planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the partial destruction of the Bosnian Muslim and Bosnian Croatian national, ethnical racial or religious groups, in the territories within Bosnia and Herzegovina. The objective of the Joint Criminal Enterprise was primarily achieved through a manifest pattern of persecutions as alleged in the Indictment.

According to the Indictment the destruction of these groups was effected by:

- “the widespread killing of Bosnian Muslims and Bosnian Croats, including leading members of their communities, which took place during and after the attack on towns and villages in the Municipalities and the killing of Bosnian Muslims and Bosnian Croats related to detention facilities”,
- “the causing of serious bodily or mental harm to Bosnian Muslims and Bosnian Croats, including leading members of their communities, during their confinement in detention facilities”,
- “the detention of Bosnian Muslims and Bosnian Croats, including leading members of their communities, in detention facilities under conditions of life calculated to bring about their physical destruction, namely through cruel and inhuman treatment, including torture, physical and psychological abuse and sexual violence, inhumane living conditions, forced labour and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities”.

Internet address: <http://www.un.org/ictv>

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It is alleged that Momčilo Krajišnik held a prominent position in the Bosnian Serb leadership. He was a member of the National Security Council, the Expanded Presidency of the “Serbian Republic of Bosnia and Herzegovina”, the Main Board of the Serbian Democratic Party of Bosnia and Herzegovina (“SDS”) and the Bosnian Serb Assembly, of which he was also President. By virtue of those associations, positions and memberships, he had *de facto* control and authority over the Bosnian Serb forces and Bosnian Serb political and governmental organs and their agents, who participated in the crimes alleged in the Indictment.

Charges

The Indictment charges the Accused on the basis of individual criminal responsibility (Article 7(1) of the Statute) and superior criminal responsibility (Article 7(3) of the Statute) with:

- Two counts of genocide (Article 4 of the Statute – genocide; and/or, complicity to commit genocide),
- Five counts of crimes against humanity (Article 5 of the Statute – persecutions on political, racial and religious grounds; extermination; murder; deportation; inhumane acts),
- One count of violations of the laws or customs of war (Article 3 of the Statute – murder),

On 2 October 2002, co-accused Biljana Plavšić pleaded guilty to one count of persecutions on political, racial and religious grounds, a crime against humanity. Following this, on 25 November 2002, the Trial Chamber ordered that the trial of Momčilo Krajišnik be severed from the sentencing proceedings for Biljana Plavšić. On 27 February 2003, she was sentenced to 11 years’ imprisonment.

The start of the trial of Momčilo Krajišnik was previously scheduled to commence on Monday 12 May 2003, but was postponed due to the Tribunal’s withdrawal of his lead Defence Counsel, Mr. Deyan R. Brashich, following his temporary suspension from his bar association in the United States.
