



(IT-04-81)
**MOMČILO
PERIŠIĆ**



MOMČILO PERIŠIĆ *Indicted for murder, inhumane acts, persecutions on political, racial or religious grounds, extermination, attacks on civilians*



From about 26 August 1993 until 24 November 1998, Chief of the General Staff of the Yugoslav Army (VJ)

Crimes indicted for (examples):

Murder; inhumane acts; persecutions on political, racial or religious grounds; extermination (crimes against humanity)

Murder; attacks on civilians (violations of laws or customs of war)

- Between August 1993 and November 1995, Perišić aided and abetted the planning, preparation, or execution of a military campaign of artillery and mortar shelling and sniping onto civilian areas of Sarajevo and upon its civilian population, killing and wounding thousands of civilians.
- Perišić failed to initiate an inquiry into what role his subordinates may have played in the shelling of civilian areas in the city of Zagreb and its civilian population which resulted in the death and wounding of civilians.
- He aided and abetted crimes which included unlawful killings, inhumane acts and forcible transfers, with the knowledge that the assistance he provided would be used in the commission of these crimes; these crimes were perpetrated with the intent to discriminate against the Bosnian Muslim population of Srebrenica on political, racial or religious grounds and Perišić was aware of the discriminatory intent of the perpetrators; he failed to initiate an inquiry into what role his subordinates may have played in the commission of these crimes.

Born	22 May 1944 in Koštunići, Serbia
Indictment	Initial, 24 February 2005, made public on 7 March 2005; amended: 29 August 2005; revised second amended: 17 January 2008
Surrendered	7 March 2005
Transferred to ICTY	7 March 2005
Initial appearance	9 March 2005, pleaded not guilty to all charges

STATISTICS

TRIAL	
Commenced	2 October 2008
Trial Chamber I	Judge Bakone Justice Moloto (presiding), Judge Pedro David, Judge Michèle Picard
Counsel for the Prosecution	Mark Harmon, Daniel Saxon
Counsel for the Defence	Novak Lukić, Gregor Guy-Smith

RELATED CASES by geographical area
BLAGOJEVIĆ & JOKIĆ (IT-02-60) "SREBRENICA"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA AND BOSNIA"
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
NIKOLIĆ MOMIR (IT-02-60/1) "SREBRENICA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
ORIĆ (IT-03-68)
PERIŠIĆ (IT-04-81)
POPOVIĆ <i>et al.</i> (IT-05-88) "SREBRENICA"
STANIŠIĆ & SIMATOVIĆ (IT-03-69)
TOLIMIR (IT-05-88/2) "SREBRENICA"
TRBIĆ (IT-05-88/1) "SREBRENICA"

INDICTMENT AND CHARGES

The indictment against Perišić was confirmed 24 February 2005, and made public on 7 March 2005. The Prosecution filed the amended indictment on 26 September 2005.

On 20 November 2006, the Trial Chamber invited the Prosecution, pursuant to Rule 73*bis*, to reduce the scope of the indictment by at least one-third. On 4 December 2006, the Prosecution declined to accept the invitation but indicated its preference to further amend the indictment. On 15 May 2007, the Trial Chamber ordered the Prosecution to file a new indictment containing all the amendments proposed by the Prosecution, and ordered them not to lead evidence on terror in relation to the Sarajevo counts, pursuant to Rule 73*bis*. The Prosecution filed the second amended indictment on 13 September 2007. On 17 January 2008, the Trial Chamber ordered the Prosecution to file a revised indictment. Subsequently, on 5 February 2008, the Prosecution filed the revised second amended indictment.

The indictment states that Perišić was the Chief of the General Staff of the Yugoslav Army (VJ) from about 26 August 1993 until 24 November 1998. According to the indictment, Perišić, as the most senior officer in the VJ, had *de jure* and *de facto* authority to:

- make and implement decisions for the VJ General Staff and all subordinate units;
- issue orders, instructions and directives, and ensure their implementation; and
- transfer and second VJ personnel to the Army of Republika Srpska (VRS) and the Army of Serbian Krajina (SVK) via the 30th and 40th Personnel Centres of the VJ General Staff for short temporary assignments or longer indefinite periods.

The accused is charged on basis of individual criminal responsibility for aiding and abetting in the planning, preparation, or execution of murder, inhumane acts, persecutions on political, racial or religious grounds, extermination, and attacks on civilians. He is also charged, in his capacity as a superior officer, for failing to take necessary and reasonable measures to prevent or punish the commission crimes by his subordinates.

According to the indictment, between August 1993 and November 1995, Perišić aided and abetted the planning, preparation, or execution of a military campaign of artillery and mortar shelling and sniping onto civilian areas of Sarajevo and upon its civilian population, killing and wounding thousands of civilians. These crimes were, in part, planned, instigated, ordered, committed and aided by members of the 30th Personnel Centre of the VJ General Staff including but not limited to General Ratko Mladić, Commander of the VRS; General Stanislav Galić, Commander of the Sarajevo Romanija Corps (until August 1994); and General Dragomir Milošević, Commander of the Sarajevo Romanija Corps (after August 1994). Perišić had reason to know that subordinates of his, including Mladić, Galić, Milošević and other VJ officers serving in the VRS via the 30th Personnel Centre had participated in the perpetration of crimes in Sarajevo. Perišić, failed to initiate an inquiry into what role members of the 30th Personnel Centre of the VJ General Staff may have played in the commission of these crimes.

The indictment further alleges that, on 2 May 1995, on the order of Milan Martić, General Milan Čeleketić of the Army of the Serbian Krajina (SVK) ordered his subordinates to fire an “Orkan” multiple-barrel rocket launcher fitted with “cluster bomb” warheads into central Zagreb and the airport (Pleso). On 3 May 1995, on the orders of Martić, the “Orkan” multiple-barrel rocket launcher fitted with “cluster bomb” warheads was once again fired into the centre of Zagreb. These unlawful attacks caused the death of at least seven civilians and the wounding of at least 194 civilians.

The subordinates of Perišić who participated in the perpetration of crimes in Zagreb included Milan Čeleketić and other senior officers of the SVK who served in the SVK via the 40th Personnel Centre of the VJ General Staff. Perišić had reason to know that they had participated in the perpetration of the crimes, but he failed to initiate an inquiry into what role members of the 40th Personnel Centre of the VJ may have played in the commission of these crimes.

It is also alleged that, on 6 July 1995, the Bosnian Serb Army (VRS) and other Bosnian Serb forces under the command and control of General Mladić attacked the Srebrenica enclave. The attack on the enclave continued until 11 July 1995, when Mladić and the forces under his command and control entered Srebrenica. Perišić knew an attack was planned, and also knew that some members of the VRS would engage in criminal conduct against the Bosnian Muslim civilian population of Srebrenica after its capture; criminal conduct which would include persecution, forcible transfers and killings.

The indictment further states that, between 12 July and about 20 July 1995, thousands of Bosnian Muslim men were captured by, or surrendered to, Bosnian Serb forces. Thousands of Bosnian Muslim prisoners captured in the area around Srebrenica were summarily executed from 13 July to 19 July 1995 and thereafter many were buried in mass graves. The crimes committed in and around Srebrenica were, in part, planned, instigated, ordered, committed and aided by members of the 30th Personnel Centre of the VJ. Perišić had reason to know that his subordinates had participated in the perpetration of crimes in Srebrenica, but he failed to initiate an inquiry into what role members of the 30th Personnel Centre of the VJ may have played in the commission of these crimes.

Perišić is charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) and on the basis of superior criminal responsibility (Article 7(3) of the Statute) with:

- **Murder; inhumane acts; persecutions on political, racial or religious grounds; extermination** (crimes against humanity, Article 5)
- **Murder; attacks on civilians** (violations of laws or customs of war, Article 3).

PRE-TRIAL

Perišić was granted provisional release on 9 June 2005. On 27 August 2008, the Trial Chamber terminated the provisional release and ordered Perišić to return to the Detention Unit on 18 September 2008.

THE TRIAL

The trial commenced on 2 October 2008. The Prosecution rested its case on 25 January 2010. The Defence case commenced on 22 February 2010.