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Tribunal Pénal
International pour
l'ex-Yougoslavie

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REGISTRY

GREFFE

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CHARGES AGAINST MOMČILO PERIŠIĆ
RELEASED TO THE PUBLIC

Today, 7 March 2005, the International Criminal Tribunal for the former Yugoslavia released the detailed charges against Momčilo Perišić. The indictment was confirmed on 24 February 2005, by Judge Antonetti.

The indictment states that Momčilo Perišić was the Chief Of the General Staff of the Yugoslav Army (VJ) from around 26 August 1993 until 24 November 1998. According to the indictment, Momčilo Perišić, as the most senior officer in the VJ having overall authority and responsibility of its functioning, planned, instigated, ordered, committed, or otherwise aided and abetted in the planning, preparation, or execution of crimes of:

- eight counts of crimes against humanity (Article 5 – murder; inhumane acts; persecutions on political, racial or religious grounds; extermination).
- five counts of violations of the laws or customs of war (Article 3 – murder; attacks on civilians).

As well as being charged on the basis of his individual criminal responsibility -- Article 7(1) of the Statute, Momčilo Perišić is also charged on the basis of his superior or command responsibility – Article 7(3). This means that Perišić is responsible for the crimes charged in the indictment if he knew or had reason to know that they were about to be committed by his subordinates and failed to take the necessary and reasonable measures to prevent them, or to punish his subordinates for committing the crimes.

The indictment states that:

“Under Yugoslav law he was subordinate only to the President of the Federal Republic of Yugoslavia (FRY) and the FRY Supreme Defence Council (SDC) which was comprised of the President of the FRY, and the presidents of the two constituent republics of Serbia and Montenegro . Momčilo Perišić’s authority over the VJ included authority over its military and civilian personnel within the policies and limitations set by the SDC.”

The 13 counts Perišić is charged with in the indictment were committed in the three separate locations of Sarajevo, Zagreb and Srebrenica. With regard to Sarajevo, the indictment alleges the following:

“Between August 1993 and November 1995, Momčilo 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.

In this time period, the commanders of the Sarajevo Romanija Corps of the VRS, General Stanislav Galić (10 September 1992 to 10 August 1994) and General Dragomir Milošević (10 August

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1994 to November 1995) and their superior General Ratko Mladić, continued an extensive shelling and sniping attack on Sarajevo, mostly from positions in the hills surrounding the city.

The Sarajevo Romanija Corps conducted a protracted campaign of shelling and sniping upon Sarajevo during which civilians were either specifically targeted or were the subject of reckless fire into areas where civilians were known to have been.

Momčilo Perišić had reason to know that subordinates of his, including Ratko Mladić, Stanislav Galić, Dragomir Milošević and other VJ officers serving in the VRS via the 30th Personnel Centre had participated in the perpetration of crimes in Sarajevo... Momčilo 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."

With regard to Zagreb, the indictment alleges that:

"On 2 May 1995, at approximately 10:25 hours, on the order of Milan Martić, General Čeleketić of the SVK ordered his subordinates to fire an Orkan Multiple Barrel Rocket Launcher fitted with "cluster bomb" warheads from the area of Petrova Gora into the central part of Zagreb and the airport (Pleso). These rockets impacted in several locations within the central commercial district of Zagreb, primarily the areas of Stara Vlačka Street, Josip Juraj Strossmayer Square and Križanićeva Street. During this unlawful attack, at least five civilians were killed and at least 121 six civilians wounded.

On 3 May 1995, at approximately 12:10 hours on the orders of Milan Martić, the Orkan Multiple Barrel Rocket Launcher fitted with "cluster bomb" warheads was once again fired from the area of Petrova Gora into the centre of Zagreb. Rockets impacted in the areas of Klaićeva Street, Medulićeva Street, Ilica Street and near the Croatian National Theatre. This unlawful attack caused the death of two civilians and wounded forty-eight others.

Momčilo Perišić had reason to know that subordinates of his, including Milan Čeleketić and other VJ officers serving in the SVK via the 40th Personnel Centre had participated in the perpetration of crimes in Zagreb... Momčilo Perišić, 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.

The indictment alleges the following with regard to Srebrenica:

"On 2 July 1995, the VRS and other Bosnia Serb forces under the command and control of General Ratko Mladić attacked the Srebrenica enclave. The attack on the enclave continued until 11 July 1995, when General Ratko Mladić and the VRS and other Bosnia Serb forces under Mladić's command and control entered Srebrenica. Momčilo Perišić knew an attack was planned. Momčilo Perišić 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 full text of the indictment will be available on the Tribunal's website in due course <http://www.un.org/icty>. Hard copies can also be obtained from the Media Office.