

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yugoslavie

“KRAJINA” (IT-99-36/1)

MOMIR TALIĆ**MOMIR TALIĆ**

Indicted for genocide; complicity in genocide; persecutions; deportation; extermination; wilful killing; torture; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion; unlawful and wanton extensive destruction and appropriation of property not justified by military necessity



Posted to the Yugoslav National Army (JNA) 5th Corps in Banja Luka located in north-western Bosnia and Herzegovina on 26 July 1991 as Chief of Staff/Deputy Commander of the Corps until he became the Commander of the JNA 5th Corps/1st Krajina Corps of the Republika Srpska Army (VRS) on 19 March 1992

- Deceased on 28 May 2003
- Proceedings terminated on 12 June 2003

*Crimes indicted for (examples):***Genocide, complicity in genocide (genocide)****Extermination; persecutions; torture; deportation (crimes against humanity)****Wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion (violations of the laws or customs of war)****Unlawful and wanton extensive destruction and appropriation of property not justified by military necessity (grave breaches of the Geneva Conventions)**

- Between about 1 April 1992 and 31 December 1992, Momir Talić acting individually or in concert with others in the Bosnian Serb leadership, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of a campaign designed to destroy Bosnian Muslims and Bosnian Croats, in whole or in part, as national, ethnical, racial, or religious groups, as such, in the municipalities, which formed part of the Autonomous Region of Krajina (“ARK”), the most extreme manifestation of which took place in the municipalities of Bosanski Novi, Ključ, Kotor Varoš, Prijedor, and Sanski Most;
- The execution of the above campaign included the intentional infliction of severe pain or suffering on Bosnian Muslim or Bosnian Croat non-combatants by inhumane treatment including sexual assaults, rape, brutal beatings and other forms of severe maltreatment in camps, police stations, military barracks and private homes or other locations, as well as during transfers of persons and deportations. Camp guards and others, including members of the Bosnian Serb forces, used all manner of weapons during these assaults. Many Bosnian Muslims and Bosnian Croats were forced to witness executions and brutal assaults on other detainees;
- The execution of the above campaign included deportation or forcible transfer of a large proportion of the Bosnian Muslim and the Bosnian Croat population, from areas within the ARK municipalities to areas under the control of the legitimate government of Bosnia and Herzegovina (Travnik) and to Croatia (Karlovac). From early April 1992, the organised forcible transfer of the Bosnian Muslim and Bosnian Croat populations of those municipalities began. The forced transfers and deportations were organised by the Bosnian Serb police forces and other Bosnian Serb municipal organs acting at the direction of the Crisis Staffs. In many cases, non-Serbs were

required to sign documents stating that they were relinquishing all of their property to the Bosnian Serb republic in order to obtain permission to leave or to obtain their release from detention facilities

Born	15 July 1942 in Piskavica, Bosnia and Herzegovina
Indictment	Initial: 14 March 1999; amended: 17 December 1999; second amended: 12 March 2001; third amended: 16 July 2001; fourth amended (corrected version): 10 December 2001
Arrested	25 August 1999 in Austria by Austrian authorities
Transferred to ICTY	25 August 1999
Initial and further appearances	31 August 1999, pleaded not guilty to all counts; 11 January 2000, pleaded not guilty to all counts

STATISTICS

Trial	
Trial Chamber II	Judges Wolfgang Schomburg (Presiding), Florence Mumba, Carmel Agius
Counsel for the Prosecution	Joanna Korner, Andrew Cayley
Counsel for the Defence	Slobodan Zečević, Natacha Fauveau-Ivanović

RELATED CASES <i>by geographical area</i>
Brđanin (IT-99-36) "KRAJINA"
Župljanin (IT-99-36-I) "KRAJINA"

INDICTMENT AND CHARGES

The initial indictment against Momir Talić and Radoslav Brđanin charged both accused with individual and superior responsibility in respect of the alleged persecution of Bosnian Muslims and Bosnian Croats in the Autonomous Region of Krajina (ARK) between April and December 1992. Both accused challenged the form of the indictment resulting in three further indictments being filed. The ill health of Momir Talić resulted in separating the proceedings against him from those against Radoslav Brđanin on 20 September 2002. Subsequently, on 7 October 2002, the Prosecution filed a new, fifth amended indictment against the accused Radoslav Brđanin only.

The final indictment brought against Momir Talić was the fourth corrected amended indictment and it was filed on 10 December 2001. This is the operative indictment in the case and alleges that Momir Talić was Chief of Staff/Deputy Commander of the JNA 5th Corps in Banja Luka as of 26 July 1991. He remained in this position until 19 March 1992, when he was appointed Commander of the same Corps, which was re-designated as the 1st Krajina Corps of the Republika Srpska Army (VRS). By virtue of his authority, General Talić, directly or through his Chief of Staff, his assistants, heads of branches, and other officers, commanded all units of the 1st Krajina Corps and units attached to it. He directly controlled the work of the Corps Command; made decisions for the Corps and subordinate units; assigned tasks to subordinates; issued orders, instructions and directives; ensured the implementation of these orders, instructions and directives and bore full responsibility for their completion; monitored the situation in the area of responsibility of the Corps; ensured the passage of information to superior commands, civilian and police bodies; and was responsible for the overall state and conduct of the Corps.

According to the indictment, it was in this capacity that Momir Talić implemented the policy of incorporating the ARK into a Serb State. The implementation of that policy required the permanent removal of the Bosnian Muslim and Bosnian Croat people, and the destruction of their culture in those municipalities where they had lived for centuries. The indictment also states that General Momir Talić was publicly named as one of the members of the ARK Crisis Staff. This Crisis Staff, later renamed War Presidency, was one of the structures put in place by the leadership of the Bosnian Serbs in order to achieve the common purpose of the joint criminal enterprise. It is alleged that General Momir Talić and other members of the ARK Crisis Staff were co-perpetrators in this joint criminal enterprise and, as such, their participation in the execution of the common purpose of the enterprise included activities of the Crisis Staff. The accused General Momir Talić was allegedly criminally responsible for conduct of other participants in the joint criminal enterprise, including members of the ARK Crisis Staff and those implementing its decisions, when their conduct was within the common purpose of the enterprise or was a natural and foreseeable consequence of the execution of the common purpose.

Momir Talić was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) and superior criminal responsibility (Article 7(3) of the Statute) with:

- Genocide; complicity in genocide (genocide, Article 4)
- Persecutions; deportation; inhumane acts (crimes against humanity, Article 5)
- Extermination; wilful killing; torture (crimes against humanity, Article 5; and grave breaches of the Geneva Conventions, Article 2)
- Wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion (violations of the laws or customs of war, Article 3)
- Unlawful and wanton extensive destruction and appropriation of property not justified by military necessity (grave breaches of the Geneva Conventions, Article 2)

THE TRIAL

The trial of Radoslav Brđanin and Momir Talić commenced on 23 January 2002.

Momir Talić was provisionally released because of health reasons on 20 September 2002 and his case was separated from the Radoslav Brđanin case on the same date.

TERMINATION OF PROCEEDINGS

Momir Talić died on 28 May 2003 in Belgrade while on provisional release. On 12 June 2003, the Trial Chamber terminated proceedings against him.