

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-99-36-I

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**RADOSLAV BRDJANIN
MOMIR TALIC**

FURTHER AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia ("the Statute of the Tribunal"), charges:

RADOSLAV BRDJANIN and MOMIR TALIC

with **GENOCIDE, CRIMES AGAINST HUMANITY, GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949, and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

BACKGROUND

1. In November 1990, democratic elections were held in Bosnia and Herzegovina. There were three main parties, each of which was identified with one of the three principal population groups in Bosnia and Herzegovina. The Party of Democratic Action, the SDA, was identified, in the main, as the Bosnian Muslim national party. The Serbian Democratic Party, the SDS, was identified as the principal Serbian national party. The Croatian Democratic Union, the HDZ, was primarily identified as the Croatian national party. On the Republic level, the SDA won the most seats in the Republic Assembly, followed by the SDS and then the HDZ. The remaining seats were split between other parties, including the former communist party.
2. By the time of the 1990 elections, the difficulties regarding the union of republics within the former Socialist Federal Republic of Yugoslavia ("SFRY") had become apparent. The election results meant that, as time went on, the SDS would be unable through democratic means to keep the Republic of Bosnia and Herzegovina in a Serb-dominated Yugoslavia. As a result, certain areas of Bosnia and Herzegovina began to organise themselves into formal regional structures through the concept of "Associations of Municipalities" which existed under the 1974 Yugoslav constitutional regime. In April and May of 1991 the Association of Bosanska Krajina Municipalities, centred in Banja Luka, was formed. This association had a Serb political agenda.
3. Slovenia and Croatia declared independence from Yugoslavia on 25 June 1991. In Croatia fighting broke out in the summer of 1991 between the Yugoslav People's Army ("JNA") and Croatian armed forces. This fighting continued until late 1991.
4. As the war continued in Croatia it appeared increasingly likely that Bosnia-Herzegovina would

also declare its independence from the SFRY. The SDS, realising it could not maintain Bosnia and Herzegovina in the SFRY, began the creation of a separate Serbian entity within Bosnia and Herzegovina. In September and October 1991, the Associations of Municipalities referred to in paragraph 2 above were transformed into Serbian Autonomous Districts, including, on about 16 September 1991, the Association of Bosanska Krajina Municipalities into the Autonomous Region of Krajina ("ARK"). The ARK came to include (amongst others) the following municipalities: Banja Luka, Bihac-Ripac, Bosanska Dubica, Bosanska Gradiska, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Celinac, Donji Vakuf, Kljuc, Kotor Varos, Prijedor, Prnjavor, Sanski Most, Sipovo and Teslic. The municipalities of Bihac-Ripac, Bosanska Krupa, Donji Vakuf, Kljuc, Kotor Varos, Prijedor and Sanski Most all had a minority of Serbs.

5. A separate Assembly of the Serbian People in Bosnia and Herzegovina was established on 24 October 1991, dominated by the SDS. On 9 January 1992, that Assembly adopted a declaration on the Proclamation of the Serbian Republic of Bosnia and Herzegovina. The territory of that republic was declared to include "the territories of the Serbian Autonomous Regions and Districts and of other Serbian ethnic entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War Two", and it was declared to be a part of the federal Yugoslav state. The geographical area comprising the ARK thus became part of the Serbian Republic of Bosnia and Herzegovina. On 12 August 1992, the name of the Bosnian Serb Republic was changed to Republika Srpska.

6. SDS leaders viewed the significant Bosnian Muslim and Bosnian Croat population that lived in the areas being claimed as part of the Bosnian Serb Republic as a major impediment to the creation of that state. Thus the creation of the state and the securing of its borders ultimately involved the permanent removal, or "ethnic cleansing", of nearly all of the Bosnian Muslim and Bosnian Croat population.

7. There were three levels of the Bosnian Serb leadership: republic, regional and municipal. Beginning in 1991 the leadership of Serb nationalists (including the SDS) in the region of the ARK promoted and disseminated propaganda that portrayed the Bosnian Muslims and Bosnian Croats as fanatics intending to commit genocide on the Serbian people to gain control of Bosnia and Herzegovina. The purpose of this propaganda was to create support for the SDS program amongst the Bosnian Serb people, and to create amongst the Bosnian Serbs the willingness to commit crimes against their neighbours under the banner of defending the Serbian people. On 19 December 1991, the SDS issued instructions for the "Organisation and Activity of the Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances" which provided the blueprint for SDS take-overs in the municipalities.

8. From March 1992 onwards army, paramilitary, territorial defence ("TO"), police units and civilians armed by these forces (hereinafter "Bosnian Serb forces") seized control of those municipalities comprising the ARK as listed in paragraph 4 above and others. Logistical support and the organisation and direction of the take-overs and subsequent events were provided by the SDS, military and police leadership and the Crisis or War Staff.

9. The Crisis Staff was modelled on similar entities that had existed as part of the defence system in the SFRY, and was designed to take over all executive authority during times of war or a state of emergency when the Assembly, normally the highest authority of government, could not function.

10. Crisis Staffs were created at both the regional and municipal levels of authority as the bodies that would be responsible for the co-ordination and execution of most of the operational phase of the plan to ethnically cleanse the Bosnian Serb Republic and assume authority over administration of

the regions and municipalities. On 5 May 1992, the formation of the ARK Crisis Staff was formally announced, the President being **Radoslav BRDJANIN**. **Momir TALIC** was a member of that Crisis staff. On 18 May 1992, the ARK Crisis Staff declared that Crisis Staffs in the municipalities were the highest organs of authority there. On 26 May 1992, the ARK Crisis Staff declared itself the highest organ of authority in the ARK and stated that its decisions were binding for all Crisis Staffs in the municipalities. Among its other actions, the Crisis Staff took control of the media and continued the campaign of propaganda against non-Serbs as a key instrument in the implementation of the aforementioned plan.

11. On 31 May and 10 June 1992, on the order of Radovan KARADZIC, in his capacity as President of the Presidency of the Serbian Republic of Bosnia and Herzegovina, the Crisis Staffs were re-designated as War Presidencies and then War Commissions in the municipalities. The War Presidencies/War Commissions essentially maintained the same structure and authority as the Crisis Staffs, and were still commonly referred to by the public as Crisis Staffs (hereinafter the expression "Crisis Staff" will also include the designations War Presidency and the War Commission at the relevant time).

12. On 12 May 1992, the Assembly of Serbian People in Bosnia and Herzegovina met. It was attended amongst others by **Radoslav BRDJANIN** and **Momir TALIC**. At this session, decisions were taken concerning the establishment of a separate Serb state in Bosnia and Herzegovina, the establishment of a Presidency and Serb objectives in Bosnia and Herzegovina. It was also decided to create the Army of the Serbian Republic of Bosnia and Herzegovina ("VRS"). This decision had the effect of transforming the JNA units remaining in Bosnia and Herzegovina into commands of the new VRS army. However, the VRS retained strong links with the JNA (re-named the Yugoslav Army ("VJ")). On 19 May 1992, **Momir TALIC** became commander of the 1st Krajina Corps of the VRS. After May 1992 units of the 1st Krajina Corps were engaged in military operations in municipalities included within the area of the ARK.

13. **Radoslav BRDJANIN**, as President of the Ark Crisis Staff and a prominent member of the SDS and **Momir TALIC** as commander of the 1st Krajina Corps and a member of the ARK Crisis Staff 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 ACCUSED

14. **Radoslav BRDJANIN** was born on 9 February 1948, in the village of Popovac, Celinac Municipality, in Bosnia and Herzegovina. He is a civil engineer by profession and worked in the construction industry prior to 1990. He was elected in 1990 as SDS deputy from Celinac to the Council of Municipalities of the Assembly of Bosnia and Herzegovina. On 25 April 1991, he was elected as the First Vice-President of the Association of the Bosanska Krajina Municipalities Assembly. In October 1991, he became a member of the Assembly of the Serbian People of Bosnia and Herzegovina and then on 5 May 1992, he was appointed President of the ARK Crisis Staff. On 15 September 1992, he was appointed the Minister for Construction, Traffic and Utilities and acting Vice-President in the Government of Republika Srpska.

15. **Momir TALIC** was born on 15 July 1942 in Piskavica in Bosnia and Herzegovina. He joined the Yugoslav Peoples Army (JNA) on 25 July 1961 as a professional military officer with a specialisation in armoured-mechanised units. On 26 July 1991, **Momir TALIC** was posted (in the rank of Colonel) to the JNA 5th Corps in Banja Luka into the position of Chief of Staff/Deputy Commander of the Corps. He remained in this position until the 19 March 1992 and during his

tenure as Chief of Staff/Deputy Commander was promoted to the rank of General Major. On the 19 March 1992, **Momir TALIC** was appointed Commander of the JNA 5th Corps which, on the 19 May 1992, was re-designated as the 1st Krajina Corps of the Army of the VRS. On 5 May 1992, **Momir TALIC** became a member of the ARK Crisis Staff. **Momir TALIC** was promoted to the rank of General Lieutenant Colonel on the 31 December 1992 and he remained as the Commander of the 1st Krajina Corps during the conflict in Bosnia and Herzegovina. On 27 June 1997, **Momir TALIC** was promoted to the rank of General Colonel, the highest rank in the VRS, and on 16 February 1998 he was appointed the Chief of the General Staff, the most senior position in the VRS, a post he took up on 6 March 1998.

INDIVIDUAL CRIMINAL RESPONSIBILITY

SUPERIOR AUTHORITY

16. **Radoslav BRDJANIN**, was a prominent member of the SDS closely linked, through the political positions he occupied, with the Presidency of the Serbian Republic of Bosnia and Herzegovina. As such, from the early stages he played a leading role in the take-over of power by the SDS, in particular, with respect to the propaganda campaign, which was an essential component of the SDS plan to create a Serbian state.

17. The creation of the Serbian state entailed a campaign designed to permanently remove by force, or fear, the non-Serb population from areas, designated as part of the state. In the positions **Radoslav BRDJANIN** occupied, first in the Bosanska Krajina Municipalities Assembly and then as President of the ARK Crisis Staff, he played a leading role in this campaign. **Radoslav BRDJANIN** facilitated the ethnic cleansing by securing all instruments of state power (the mass media, state services, state control of housing, medical services, the police, the judicial system, the means of production and employment) into the hands of the governing bodies and those persons committed to an ethnically pure Serb state. **Radoslav BRDJANIN** signed decisions and orders issued by the ARK Crisis Staff, which in turn directed and instigated the action taken in the Crisis Staffs at the municipal level, some members of which had direct involvement in the commission of the offences alleged.

18. In relation to those crimes, committed by members of the municipal Crisis Staffs or by members of the armed forces under the control of the leadership of the Bosnian Serbs, and for whom logistical support was provided through the medium of the Crisis Staffs, **Radoslav BRDJANIN** knew, or had reason to know that such crimes were about to be committed, or had been committed and failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

19. General **Momir TALIC** was the commander of the JNA 5th Corps from 19 March 1992 and on its transition to the 1st Krajina Corps from 19 May 1992 ("the Corps"). Each of the five Corps within the VRS had a Corps commander and a command staff all of whom were subordinated to General MLADIC and the Main Staff of the VRS.

20. As commander of the 5th Corps and the 1st Krajina Corps from 19 May 1992, by virtue of his authority set out in various military regulations and instructions (including "JNA Rules of Land Forces (Provisional)" dated 1990, "Regulations on the Authority of the Ground Forces Corps Commander in Peacetime 1990", "Serbian Republic of Bosnia and Herzegovina Law on the Army" dated 1 June 1992), 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. General **Momir TALIC** 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.

21. Between May and December 1992, the strength of the 1st Krajina Corps increased considerably due to mobilisation and the integration of the former territorial defence units (renamed light brigades) into the Corps structure. By December 1992, the units that **Momir TALIC** commanded included the following:

- Corps Headquarters
- 16 Krajina Motorised Brigade
- 5 Kozara Light infantry Brigade
- 22 Light Infantry Brigade
- 6 Sanska Light Infantry Brigade
- 30 Light Infantry Division
- 10 Krajina Infantry Division (disbanded late 1992)
- 11 Dubica Light Infantry Brigade
- 11 Mrkonjic Light Infantry brigade
- 43 Motorised Brigade
- 27 Motorised Brigade
- 1 Banja Luka Light Infantry Brigade
- 2 Banja Luka Light Infantry Brigade
- 3 Banja Luka Light Infantry Brigade
- 4 Banja Luka Light Infantry Brigade
- 1 Celinac Light Infantry Brigade
- 1 Laktasi Light Infantry Brigade
- 1 Srbac Light Infantry Brigade
- 1 Sipovo Light Infantry Brigade
- 19 Donji Vakuf Light Infantry Brigade
- 1 Gradiska Light Infantry Brigade
- 1 Novigrad Light Infantry Brigade
- 1 Prnjavor Light Infantry Brigade
- 1 Kotor Varos Light Infantry Brigade
- 1 Knezevo Light Infantry Brigade
- 2 Krajina Light Infantry Brigade
- 1 Ozren Light Infantry Brigade
- 2 Ozren Light Infantry Brigade
- 1 Trebiska Light Infantry Brigade
- 1 Osinje Light Infantry Brigade
- 1 Krnijn Light Infantry Brigade
- 1 Vucjak Light Infantry Brigade
- 1 Teslic Light Infantry Brigade
- 1 Dobojski Light Infantry Brigade
- 1 and 2 Armoured Brigades
- 1 and 9 Mixed Artillery Regiments
- 1 Mixed Anti-Tank Artillery Regiment
- 1 Light Anti-Aircraft Artillery Regiment
- 89 Rocket Brigade
- 1 and 9 Engineer Regiment
- 1 Pontoon Battalion

- 1 and 9 Communications Battalion
- 1 and 9 Military Police Battalion
- 1 Transport Battalion
- 1 Medical Battalion
- Manjaca Training Facility and Detention Unit

22. In order to facilitate an improvement in command and control of units and the control of the territory a number of temporary units were also established by the Corps. These included:

- Tactical Group - 1
- Tactical Group - 2
- Tactical Group - 3
- Tactical Group - 4
- Tactical Group - 5
- Operational Group Dobož
- Operational Group Prijedor
- Operational Group Vlasici
- Group of Light Brigades - Banja Luka

23. The JNA 5th Corps/1st Krajina Corps had a geographically defined area of responsibility which evolved in 1992. Apart from Bihac-Ripac and Bosanski Petrovac, all municipalities referred to in paragraph 4 above as part of the ARK, either fell directly within the area of responsibility of the Corps, were included in the area of responsibility of the Corps as it expanded in 1992 or were municipalities where units of the Corps operated in 1992.

24. General **Momir TALIC** as commander of the JNA 5th Corps/1st Krajina Corps and as a member of the ARK Crisis Staff used forces under his command, in co-ordination at times with police, paramilitary units, forces from other JNA/VRS Corps, and other civilian bodies to carry out a plan to establish and secure a Serb state and to separate the ethnic communities in Bosnia and Herzegovina. The implementation of this plan was a campaign of establishing control of all municipalities, the attacking and destruction of non-Serb villages, the killing and terrorising of the non-Serb population and the separation, deportation and permanent removal of non-Serbs who did not subjugate themselves to the Serb authorities.

25. As commander of the 5th Corps of the JNA and subsequently as commander of the 1st Krajina Corps General **Momir TALIC** was personally responsible for ensuring that units under his command respected and applied the rules of international law governing the conduct of warfare. Moreover, General **Momir TALIC** was expressly obliged by superior order to initiate proceedings for legal sanctions against individuals under his command who had violated the international law of war.

26. By virtue of "Instructions on the Application of the International Laws of War in the Armed Forces of the SFRY" (published 1988) General **Momir TALIC** knew that by failing to prevent or punish any group or individuals from committing breaches of international humanitarian law that he would be personally liable for such breaches of the law. Moreover, he knew by virtue of the same legislation that repeated failure to take action against such groups or individuals would make him an instigator or accomplice to such breaches of international humanitarian law.

27. **Radoslav BRDJANIN** and **Momir TALIC** each participated in a criminal enterprise, in their roles as set out in paragraphs 17-28 above, the common purpose of which was the permanent removal of the majority of Bosnian Muslim and Bosnian Croat inhabitants from the territory of the

planned Serbian state, including the municipalities listed in paragraph 4 above. This enterprise came into existence no later than the establishment of the Assembly of the Serbian people in Bosnia and Herzegovina on 24 October 1991 and continued throughout the period of the conflict in Bosnia and Herzegovina until the signing of the Dayton Accords in 1995. A great many individuals participated in this enterprise, including **Radoslav BRDJANIN** and **Momir TALIC**, other members of the ARK Crisis Staff, the leadership of the Serbian republic, including Radovan KARADZIC, Momcilo KRAJISNIK and Biljana PLAVSIC, and the SDS, members of the Assembly of the Autonomous Region of Krajina and the Assembly's Executive Committee, the Serb Crisis staffs of the ARK municipalities, the army of the Republika Srpska, Serb paramilitary forces and others. After the dissolution of the ARK Crisis Staff, **Radoslav BRDJANIN** and **Momir TALIC** continued with the implementation of this enterprise in their respective positions in the Bosnian Serb power structures. Each of the crimes enumerated in Counts 1 through 12 of this indictment, were natural and foreseeable consequences of this enterprise.

GENERAL ALLEGATIONS

28. All acts or omissions charged as Genocide or Complicity in Genocide, were committed with intent to destroy, in whole or in part, Bosnian Muslims and Bosnian Croats, a national, ethnical, racial or religious group, as such.

29. All acts and omissions charged as Crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim and Bosnian Croat civilian populations of Bosnia and Herzegovina.

30. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina. For the period material to this indictment, the armed forces of the Republika Srpska were acting under the overall control of and on behalf of the Federal Republic of Yugoslavia (Serbia and Montenegro). Hence, the armed conflict in Bosnia and Herzegovina between the Bosnian Serbs and the central authorities of Bosnia and Herzegovina was an international armed conflict.

31. All acts and omissions charged as Grave breaches of the Geneva Conventions of 1949 ("grave breaches") occurred during the armed conflict and partial occupation of Bosnia and Herzegovina.

32. Each of the accused were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

33. Each of the accused are individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2, 3, 4 and 5 of the Tribunal Statute.

34. Each of the accused whilst holding the positions of superior authority as set out in the foregoing paragraphs, is also criminally responsible for the acts of his subordinates, pursuant to Article 7(3) of the Tribunal Statute. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

CHARGES

COUNTS 1 AND 2 (GENOCIDE, COMPLICITY IN GENOCIDE)

35. The Prosecutor re-alleges and reincorporates by reference paragraphs 16-34 in Counts 1 and 2.

36. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** acting individually or in concert with each other and also 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 listed in paragraph 4 above, which formed part of the ARK, the most extreme manifestation of which took place in the municipalities of Bosanski Novi, Kljuc, Kotor Varos, Prijedor, and Sanski Most.

37. Following the political take-overs of the municipalities listed in paragraph 4 above, the execution of the above campaign included:

(1) the killing of Bosnian Muslims and Bosnian Croats by Bosnian Serb forces (including units of the 5th Corps/1st Krajina Corps) in villages and non-Serb areas; in camps and other detention facilities; and during the deportation or forcible transfer of the Bosnian Muslims and Bosnian Croats.

(2) causing serious bodily or mental harm to Bosnian Muslims and Bosnian Croats during their confinement in camps, other detention facilities, and during their interrogations at police stations and military barracks when detainees were continuously subjected to or forced to witness inhumane acts including murder, rape, sexual assault, torture and beating.

(3) detaining Bosnian Muslims and Bosnian Croats under conditions calculated to bring about the physical destruction of a part of those groups; namely through beatings or other physical maltreatment as described above, starvation rations, contaminated water, insufficient or non-existent medical care, unhygienic conditions and lack of space.

Killings

38. The killings by Bosnian Serb forces of Bosnian Muslims and Bosnian Croats included:

- The killing of a number of people in Kozarac and the surrounding areas between May and June 1992 - Prijedor municipality
- The killing of a number of people in Mehmed Sahoric's house in Kamicani on or about 26 May 1992 - Prijedor municipality
- The killing of a number of people in Pudun Han on or about 27 May 1992 - Kljuc municipality
- Killing of a number of men between Begici and Vrhpolje bridge - on or about 31 May 1992 - Kljuc municipality
- The killing of a number of members of Merdanovic's family in the hamlet of Kukavice,

- Hrustovo village on or about 31 May 1992 - Sanski Most Municipality
- The killing of a number of people in Prhovo village and a number of men on the road to Peci on 1 June 1992 - Kljuc municipality
 - The killing of a number of men in Lisnja on or about 1 June 1992 - Prnjavor municipality
 - The killing of a number of men in front of the school in Velagici on or about 1 June 1992 - Kljuc municipality
 - The killing of a number of people during the expulsion of Bosnian Muslims from the village of Blagaj Japra and the surrounding areas on or about 9 June 1992 - Bosanski Novi municipality
 - The killing of a number of people in Hambarine between May and June 1992 - Prijedor Municipality
 - The killing of a number of men in the village of Jaskici on or about 14 June 1992 - Prijedor municipality
 - The killing of a number of men in the village of Alici on or about 23 June 1992 - Bosanski Novi Municipality
 - The killing of a number of men in the village of Vrbanjci on 25 June 1992 - Kotor Varos municipality
 - The killing of a number of men on the way from Kukavice and surrounding areas and a number of men in front of the Medical Centre in Kotor Varos on or about 25 June 1992 - Kotor Varos municipality
 - The killing of a number of men in Dujo Banovic's house in Kenjari on or about 27 June 1992 - Sanski Most Municipality
 - The killing of a number of men in the village of Biscani on or about 20 July 1992 - Prijedor Municipality
 - The killing of a number of people in the village of Carakovo and surrounding areas during July 1992 - Prijedor municipality
 - The killing of a number of people in the village of Brisevo on or about 24 July 1992 - Prijedor municipality
 - The killing of a number of men in the Ljubija iron ore mine on or about 25 July 1992 - Prijedor municipality
 - The killing of a number of men at the football stadium on or about 25 July 1992 - Prijedor municipality
 - The killing of number of members of the Alibegovic family in Budin - on or about 1 August 1992 - Sanski Most municipality
 - The killing of a number of men in Dabovci on or about 13 August 1992 - Kotor Varos municipality
 - The killing of a number of people in the village of Culum-Kostic on or about 14 August 1992 - Banja Luka municipality
 - The killing of a number of men in the mosque in Hanifici on or about 15 August 1992 - Kotor Varos municipality
 - The killing of a number of people in Edhem Cirkic's house in Cirkino Brdo in about mid August 1992 - Kotor Varos municipality
 - The killing of a number of people in the villages of Orasce and Duljci between 20 and 23 September 1992 - Bihac-Ripac municipality
 - The killing of a number of men near the village of Skrljevita on or about 2 November 1992 - Sanski Most municipality
 - The killing of a number of men in the school in Grabovice on or about 3 November 1992 - Kotor Varos municipality
 - The killing of a number of people in Tomasica on or about 3 December 1992 - Prijedor municipality

Camps

39. Military and civilian camps and detention facilities were established in the municipalities by the Bosnian Serb authorities. Following the attacks on the municipalities, Bosnian Serb forces rounded up thousands of civilian Bosnian Muslims and Bosnian Croats and forced them to march to assembly points, for transfer to the camps and detention facilities. Bosnian Muslim and Bosnian Croat males were pulled from the columns during these marches and executed. The conditions in these camps and detention facilities were often brutal and inhumane.

40. These camps and detention facilities, staffed and operated by military and police personnel under the direction of Crisis Staffs and the VRS, included:

- Banja Luka municipality (CSB Building, Mali Logor, Manjaca and Viz Tunjice Penitentiary)
- Bosanska Dubica municipality (SUP Building)
- Bosanska Gradiska municipality (Stara Gradiska Military Prison)
- Bosanska Krupa municipality (Jasenica Primary School and Petar Kocic Elementary School)
- Bosanski Novi municipality (Bosanska Kostajnica Police Station, Bosanski Novi Fire Station and Mlakve Football Stadium)
- Bosanski Petrovac municipality (Kozila)
- Kljuc municipality (SUP Building and Nikola Mackic Elementary School)
- Kotor Varos municipality (Grabovica School, Kotor Varos Police Station, Kotor Varos Elementary School, Prison and Sawmill)
- Prijedor municipality (Prijedor Barracks, Keraterm, Miska Glava, Omarska, SUP Building and Trnopolje)
- Prnjavor municipality (Ribnjak, Sloga Shoe Factory and Stari Mlin)
- Bihac-Ripac municipality (Traktorski Servis in Ripac)
- Sanski Most municipality (Betornika Cement Factory, Hasan Kikic School and Krings Factory)
- Teslic municipality (Pribinic and TO Building, SUP Building)

41. The killing by Bosnian Serb forces of Bosnian Muslim and Bosnian Croats in the camps and detention facilities, or subsequent to their removal therefrom, included:

- The killing of a number of men on the premises of the Public Security Service and the Territorial Defence building in Teslic, and in the Pribinic prison during June 1992 - Teslic municipality
- The killing of a number of men in front of the Manjaca camp after their transportation from Hasan Kikic elementary school in Sanski Most on or about 3 June 1992 - Banja Luka municipality
- Killing of a number of men during the transportation from Betonirka detention facility to Manjaca on or about 7 July 1992 - Sanski Most/Banja Luka municipality
- The killing of a number of men in Biljani on or about 10 July 1992 - Kljuc municipality
- The killing of a number of men in "Room 3" at Keraterm camp on or about 24 July 1992 - Prijedor municipality
- The killing of a number of men in the Peter Kocic Elementary School in Bosanska Krupa between July and August 1992 - Bosanska Krupa municipality
- The killing of a number of men taken from the Keraterm and Omarska on or about 5 August 1992 in the area called Hrastova Glavica - Sanski Most municipality
- The killing of a number of men in front of the Manjaca camp after their transportation from Omarska on or about 6 August 1992 - Banja Luka municipality
- The execution of a large number of men from the Trnopolje camp in the Vlasic mountain, the area of Koricanske stijene on or about 21 August 1992 - Skender Vakuf municipality

- The killing of a number of people at Omarska camp between 28 May and 6 August 1992 - Prijedor municipality
- The killing of a number of men in Trnopolje camp between 28 May and October 1992 - Prijedor municipality
- The killing of a number of men in Manjaca between 1 June and 18 December 1992 - Banja Luka municipality

Causing Serious Bodily Or Mental Harm

42. In the camps and detention facilities, Bosnian Serb forces and others who were given access to the camps, subjected Bosnian Muslim and Bosnian Croat detainees from the municipalities to physical and mental abuse including torture, beatings with weapons, sexual assaults and the witnessing of inhumane acts, including murder, causing them serious bodily or mental harm. As a result of these inhumane acts, during the period from 1 April 1992 to 31 December 1992, a large number of Bosnian Muslims and Bosnian Croats died in these detention facilities.

Conditions Calculated To Bring About Physical Destruction

43. The brutal and inhumane conditions in the camps and detention facilities included inadequate food (often amounting to starvation rations), contaminated water, insufficient or non-existent medical care, inadequate hygiene conditions and lack of space.

44. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** knew or had reason to know that Bosnian Serb forces under their control were about to commit such acts or had done so, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRDJANIN** and **Momir TALIC** committed:

Count 1: GENOCIDE, punishable under Articles 4(3)(a), and 7(1) and 7(3) of the Statute of the Tribunal;

AND/OR

Count 2: COMPLICITY IN GENOCIDE, punishable under Articles 4(3)(e), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 3 (PERSECUTIONS)

45. The Prosecutor re-alleges and reincorporates by reference paragraphs 16-34, paragraphs 35-43 above and paragraphs 58-59 below in Count 3.

46. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** acting individually or in concert with each other and also with others in the Bosnian Serb leadership, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions on political, racial or religious grounds of the Bosnian Muslim and Bosnian Croat population in the municipalities listed in paragraph 4, which formed part

of the ARK.

47. The above planning, preparation or execution of persecutions included:

(1) the killing of Bosnian Muslims and Bosnian Croats by Bosnian Serb forces (including units of the 5th Corps/1st Krajina Corps) in villages and non-Serb areas, in detention camps and other detention facilities;

(2) torture, physical violence, rapes and sexual assaults, constant humiliation and degradation of Bosnian Muslims and Bosnian Croats; and,

(3) the destruction of Bosnian Muslim and Bosnian Croat villages and areas, including the destruction or wilful damage to religious and cultural buildings and the looting of residential and commercial property, included:

- Banja Luka municipality

Banja Luka city	Cathedral St. Bonaventura Ferhadija Mosque Arnaudija Mosque Sefer Beg Mosque
Budzak	Roman Catholic Subsidiary Church Pastoral Centre
Dervisi	Roman Catholic Chapel
Durbica Brdo	Roman Catholic Subsidiary Church
Kuljani	Roman Catholic Subsidiary Church
Petricevac	Roman Catholic Franciscan Church / Monastery
Rekavice	Roman Catholic Chapel

- Bihac-Ripac municipality

Ripac town	Mosque
Cukovi hamlet	Mosque
Kulen Vakuf	Sultan Ahmad's Mosque
Orasac hamlet	Mosque

- Bosanska Dubica

Bosanska Dubica town	Gradska Town Mosque Carsijska Mosque Puhalska Mosque Roman Catholic Church
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- Bosanska Gradiska

Bosanska Gradiska town	Mosque
Bukvik	Roman Catholic Chapel
Catrnja	Roman Catholic Subsidiary Church
Mackovac	Roman Catholic Subsidiary Church
Orahova	Mosque
Rovine	Mosque
Nova Topola	Roman Catholic Parish Church / Monastery

- Bosanska Krupa

Bosanska Krupa town	Mosque Roman Catholic Church
Arapusa	Mosque
Otoka	Mosque

- Bosanski Novi

Bosanski Novi town	Gradska Dzamija Mosque Roman Catholic Church
Donji Agici	Mosque
Gornji Agici	Mosque
Bosanska Kostajnica	Mosque Roman Catholic Church
Blagaj Japra	Mosque
Blagaj Rijeka	Mosque
Brdjani	Mosque
Hozici	Mosque
Preskosanje	New Mosque
Suhaca	Old Mosque New Mosque
Urije	Mosque

Vidorije Mosque

- Bosanski Petrovac

Donji Biscani Mosque

Gornji Biscani Mosque

Srednji Biscani Mosque

Bjelaj Mosque

Rasinovac Mosque

- Celinac

Celinac town Two Mosques
Roman Catholic Parish Church

Basici Mosque

Presnace Roman Catholic Church

Stara Dubrava Roman Catholic Church

- Donji Vakuf

Donji Vakuf town Three Mosques including:
Basdzamija Mosque

Balhodzici Mosque

Cehajici Mosque

Dobro Brdo Mosque

Jemanlici Mosque

Korjenici Mosque

Prusac Three Mosques

Seherdzik Mosque

Sokolina Mosque

Stara Selo Mosque

Suhodol Mosque

Torklakovac Mosque

- Kljuc

Kljuc town Mosque
Roman Catholic Church

Biljani Mosque

Donji Budelj Mosque

Humici Mosque

Husici Mosque

Kamicak Mosque

Krasulje Mosque

Ramici Mosque

Sanica Mosque

- Kotor Varos

Kotor Varos town Mosque
Roman Catholic Church

Bilice Roman Catholic Church

Hanifici Harem Dzamije Mosque

Jakotina Roman Catholic Church

Orahova Roman Catholic Subsidiary Church

Rujevica Roman Catholic Subsidiary Church

Sokoline Roman Catholic Parish Church

Vrbanjci Mosque
Roman Catholic New Parish Church

- Prijedor

Prijedor town Roman Catholic Church

Alic Mosque

Brdjani Mosque

Brisevo Roman Catholic Chapel

Hrustici Mosque

Jakupovica Mosque

Kalate Mosque

Kamicani	Mosque
Kevljani	New Mosque
Kozarac	Mutnik Mosque Deri Kozaracka Mosque Roman Catholic Subsidiary Church
Kozarusa	Mosque
Ljubija	Roman Catholic Parish Church
Mahmuljani	Mosque
Mujkanovici	Mosque
Gornja Puharska	Mosque
Donja Ravska	Parish Church

Softici	Mosque
Srednji Jakupovici	Mosque
Stara Rijeka	Roman Catholic Church Roman Catholic Parish House
Tomasica	Roman Catholic Subsidiary Church

- Prnjavor

Prnjavor town	Mosque Roman Catholic Church
Galjipovci	Mosque
Konjuhovci	Mosque
Kulasi	Roman Catholic Church
Lisnja	Mosque
Macino Brdjo	Roman Catholic Chapel
Puraci	Mosque
Ralutinac	Roman Catholic Parish Church
Stivor	Roman Catholic Church

- Sanski Most municipality

Sanski Most town	Roman Catholic Church
Capalj	Mosque
Hrustovo	Mosque
Kamengrad	Mosque
Kljevci	Roman Catholic Church
Lukavice	Mosque
Sasina	Roman Catholic Church Religious Centre
Tomina	Mosque

- Sipovo municipality

Staro Sipovo	Mosque
Besnjevo	Mosque
Pljeva	Mosque
Vrazic	Mosque

- Teslic municipality

Teslic town	Roman Catholic Church
Gornji Teslic	Mosque
Barici	Mosque
Hrankovici	Mosque
Kamenica	Mosque
Marica	Mosque
Pribinic	Mosque
Ruzevici	Mosque
Stenjak	Mosque
Trnovaca	Mosque

During and after the attacks on these municipalities, Bosnian Serb forces systematically destroyed or damaged Bosnian Muslim and Bosnian Croat cities, towns, villages and property, including homes, businesses and Muslim and Roman Catholic sacred sites listed above. Buildings were shelled, torched or dynamited. Residential and commercial property was looted before the damage or destruction. However, buildings associated with the Serbian Orthodox religion were not damaged.

(4) the deportation or forcible transfer of Bosnian Muslims and Bosnian Croats occurred from areas within the ARK municipalities listed in paragraph 4 above, 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 these 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 for Bosnian Serb authorities to allow them to leave or to release them from detention facilities.

(5) the denial of fundamental rights to Bosnian Muslims and Bosnian Croats, including the right to employment, freedom of movement, right to proper judicial process, or right to proper medical care.

48. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC**, knew or had reason to know that Bosnian Serb forces under their control were about to commit such acts or had done so, and they failed to take the necessary and reasonable measures to

prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRDJANIN** and **Momir TALIC** committed:

Count 3: Persecutions, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 4 and 5
(EXTERMINATION; WILFUL KILLING)

49. The Prosecutor re-alleges and reincorporates by reference paragraphs 16-34 and paragraphs 35-43 above in Counts 4 and 5.

50. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** acting individually or in concert with each other and also 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 exterminate members of the Bosnian Muslim and Bosnian Croat population in the municipalities listed in paragraph 4, which formed part of the ARK.

51. As part of the above campaign, a significant number of the Bosnian Muslims and Bosnian Croats were killed by Bosnian Serb forces in villages and non-Serb areas, in camps and other detention facilities and during the deportations or forcible transfers.

52. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** knew or had reason to know that Bosnian Serb forces under their control were about to commit such acts or had done so, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRDJANIN** and **Momir TALIC** committed:

Count 4: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(b), 7(1) and 7(3) of the Statute of the Tribunal.

Count 5: Wilful Killing, a **GRAVE BREACH** of the Geneva Conventions of 1949, punishable under Articles 2(a), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 6 and 7
(TORTURE)

53. The Prosecutor re-alleges and reincorporates by reference paragraphs 16-34 and paragraphs 42-43 above in Counts 6 and 7.

54. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** acting individually or in concert with each other and also 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 of terror designed to drive the Bosnian Muslim and Bosnian

Croat population from the municipalities listed in paragraph 4 above, which formed part of the ARK.

55. The execution of the above campaign included the intentional infliction of severe pain or suffering on Bosnian Muslims or Bosnian Croats 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.

56. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** knew or had reason to know that Bosnian Serb forces under their control were about to commit such acts or had done so, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRDJANIN** and **Momir TALIC** committed:

Count 6: Torture, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(f), 7(1) and 7 (3) of the Statute of the Tribunal.

Count 7: Torture, a **GRAVE BREACH** of the Geneva Conventions of 1949, punishable under Articles 2(b), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 8 and 9 (DEPORTATION)

57. The Prosecutor re-alleges and reincorporates by reference paragraphs 16-34 and paragraphs 46-47 above in Counts 8 and 9.

58. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** acting individually or in concert with each other and also 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 eliminate the Bosnian Muslim and Bosnian Croat population from the municipalities listed in paragraph 4 above, which formed part of the ARK.

59. The execution of the above campaign included deportation or forcible transfer of a large proportion of the Bosnian Muslim and Bosnian Croat population, from areas within the ARK municipalities, as listed in paragraph 4 above, 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 these 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.

60. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** knew or had reason to know that Bosnian Serb forces under their control were about to commit such acts or had done so, and they failed to take the necessary and reasonable measures to

prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRDJANIN** and **Momir TALIC** committed:

Count 8: Deportation, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(d), 7(1) and 7(3) of the Statute of the Tribunal.

Count 9: Inhumane Acts (forcible transfer), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 10 to 12

(UNLAWFUL AND WANTON EXTENSIVE DESTRUCTION AND APPROPRIATION OF PROPERTY; WANTON DESTRUCTION OR DEVASTATION OF VILLAGES AND INSTITUTIONS DEDICATED TO RELIGION)

61. The Prosecutor re-alleges and reincorporates by reference paragraphs 17-35 and paragraph 47(3) above in Counts 10 to 12.

62. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN** and **Momir TALIC** acting individually or in concert with each other and also with others in the Bosnian Serb leadership, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of:

(1) the destruction or wilful damage to Bosnian Muslim and Bosnian Croat property within ARK municipalities listed in paragraph 4 above;

(2) the unlawful wanton destruction or devastation of Bosnian Muslim and Bosnian Croat villages and areas within ARK municipalities listed in paragraph 4 above;
and,

(3) the destruction or wilful damage to Bosnian Muslim and Bosnian Croat religious institutions, within ARK municipalities listed in paragraph 4 above.

63. During and after the attacks on these municipalities, Bosnian Serb forces systematically destroyed or damaged Bosnian Muslim and Bosnian Croat cities, towns, villages and property, including homes, businesses and Muslim and Roman Catholic sacred sites. Buildings were shelled, torched or dynamited. Residential and commercial property was looted before the damage or destruction. However, buildings associated with the Serbian Orthodox religion were not damaged.

64. Between about 1 April 1992 and 31 December 1992, **Radoslav BRDJANIN**, **Momir TALIC** knew or had reason to know that Bosnian Serb forces under their control were about to commit such acts or had done so, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRDJANIN** and **Momir TALIC** committed:

Count 10: Unlawful and wanton extensive destruction and appropriation of property not justified by

military necessity, a **GRAVE BREACH** of the Geneva Conventions of 1949, punishable under Articles 2(d), 7(1) and 7(3) of the Statute of the Tribunal.

Count 11: Wanton destruction of cities, towns or villages, or devastation not justified by military necessity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(b), 7(1) and 7(3) of the Statute of the Tribunal.

Count 12: Destruction or wilful damage done to institutions dedicated to religion, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(d), 7(1) and 7(3) of the Statute of the Tribunal.

Graham Blewitt
Deputy Prosecutor
for Carla Del Ponte
Prosecutor

Dated this ninth day of March 2001
At The Hague
The Netherlands