

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE NO. IT-99-36-I

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

RADOSLAV BRĐANIN
MOMIR TALIĆ
STOJAN ŽUPLJANIN

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 BRĐANIN, MOMIR TALIĆ,
and STOJAN ŽUPLJANIN

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 have insufficient political authority to keep the Republic of Bosnia and Herzegovina in a Serb-dominated Yugoslavia through democratic political process. Shortly after the elections, the SDS began to organise certain areas of Bosnia and Herzegovina 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. Although ostensibly formed on an economic basis, it had a political agenda which was in contravention of the 1974 constitutional regime.

3. During the summer of 1991, after Slovenia and Croatia declared independence from Yugoslavia, war broke out. The Yugoslav Peoples Army ("JNA") withdrew from Slovenia after a very short period, allowing Slovenia to secede from the SFRY. In Croatia, however, the fighting continued throughout the summer and into the autumn of 1991. The Serbian forces engaged in all-out warfare against the armed forces of Croatia in support of the creation of a separate Serbian entity, which later declared itself as the Republic of Serb Krajina. These forces included units under the control of the 5th Corps of the JNA, which were comprised of military, paramilitary and police units.

4. For the war in Croatia, the JNA issued mobilisation orders to the male population in Bosnia and Herzegovina. Those orders were opposed by the Government of Bosnia and Herzegovina, which issued instructions to the population that they did not have to respond to the mobilisation orders. As a result, very few Bosnian Muslims and Bosnian Croats responded to the call-up. On the other hand, the Bosnian Serbs responded in large numbers, exhorted to do so by the SDS and other Serbian nationalist parties.

5. As the war continued and it appeared increasingly likely that Bosnia and Herzegovina would also declare its independence, the SDS began in earnest the creation of a separate Serbian entity within Bosnia and Herzegovina. In September 1991, the various Associations of Municipalities 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 (among others) the following municipalities: Banja Luka, Prijedor, Sanski Most, Ključ, Kotor Varoš, Bosanska Dubica, Bosanski Novi, Bosanski Petrovac, Prnjavor, Bosanska Krupa, Bosanska Gradiška, Teslić, Šipovo, Skender Vakuf and Čelinac.

6. 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. On 12 August 1992, the name of the Bosnian Serb republic was changed to “*Republika Srpska*”.

7. As viewed by the SDS leaders, a major problem in the creation and control of the designated Serbian territory was the significant Bosnian Muslim and Bosnian Croat population that also lived in the areas being claimed. Thus, a significant aspect of the plan to create a new Serbian territory was the removal, or “ethnic cleansing”, of nearly all of the Bosnian Muslim and Bosnian Croat population.

8. To achieve this goal, the Bosnian Serb authorities, including **Radoslav BRĐANIN**, **Momir TALIĆ**, and **Stojan ŽUPLJANIN**, initiated and implemented a course of conduct which included: the creation of impossible conditions (involving pressure and terror tactics, including summary executions) that would have the effect of encouraging the non-Serbs to leave the area; the deportation and banishment of those who were reluctant to leave; and, the liquidation of those non-Serbs who remained and who did not fit into the concept of the Serbian State. **Radoslav BRĐANIN** declared that 2% was the acceptable limit of non-Serbs in the Serbian state.

9. According to a census in 1991 the total population of the Bosanska Krajina region was 1,191,709 of whom 567,293 were Serbs, 439,935 were Bosnian Muslims and 103,111 Croats. There were, however, only a majority of Muslims and Croats, in Sanski Most, Prijedor, Kotor Varoš and Bosanska Krupa municipalities.

10. 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 Serbian people, and to create amongst Serbs the willingness to commit crimes against their neighbours under the banner of defending the Serbian people.

11. Upon the implementation of the cease-fire in Croatia, in response to international pressure and establishment of UNPROFOR guarded areas, forces under the control of the JNA began to re-deploy to Bosnia and Herzegovina from Croatia. Part of this re-deployment included the return of units of the 5th Corps and their deployment in the ARK into, or near, areas predominantly inhabited by Bosnian Muslims and Bosnian Croats. These units were positioned on key terrain including the positioning of artillery on hills surrounding Bosnian Muslim and Bosnian Croats areas, such as in Kozarac.

12. Late in 1991, the leaders of the SDS began preparations for the physical take-over of power in those municipalities of Bosnia and Herzegovina where the Serbs did not have clear control, and for the subsequent implementation of the general plan for ethnically cleansing the areas considered to be Serbian. These take-overs were executed following instructions issued by the SDS leadership through Crisis Staffs that were brought into being for this purpose.

13. 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 the functioning of the municipalities or republic government, as the case may be, during times of war or a state of emergency when the Assembly, normally the highest authority of government, could not function. The Crisis Staff was to cease functioning when the relevant Assembly was able to re-assume its role. When activated, the Crisis Staff had complete executive and regulatory authority and acted as a collective body, with participation by representatives from the critical areas of the government and society.

14. 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 and assume authority over administration of the regions and municipalities. In May 1992, the ARK Crisis Staff publicly declared itself as the highest organ of authority at the regional level in Bosanska Krajina. The implementation of its directives and orders was mandatory. The ARK Crisis Staff also declared that the municipal Crisis Staffs were the highest

authorities in the municipalities, subject to the authority of the regional Crisis Staff. 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.

15. On 31 May and 10 June 1992, on the order of Radovan Karadžić, 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 phrases War Presidency and the War Commission at the relevant time).

16. Between April and December 1992, forces under the control of the Bosnian Serb authorities seized possession of those municipalities deemed to be a risk to the accomplishment of the overall plan to create a Serbian state within Bosnia and Herzegovina. The forces (hereinafter referred to as "Serb forces") involved in the take-overs were comprised of the army, paramilitary, territorial defence ("TO") and police units. These take-overs initiated a series of events, organised and directed by the Serb authorities which included the Crisis Staffs at municipal and regional level, that, by the end of 1992, would result in the death of hundreds and the forced departure of thousands of the Bosnian Muslim and Bosnian Croat population from those areas.

THE ACCUSED

17. **Radoslav BRĐANIN** was born on 9 February 1948, in the village of Popovac, Čelinac 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 Čelinac 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*.

18. **Momir TALIĆ** was born on 15 July 1942 in Piskavica. He joined the JNA on 25 July 1961. Throughout 1991 and up to 19 March 1992, he served as the Chief of Staff/Deputy Commander of the 5th Corps of the

JNA based in Banja Luka. He took command of the 5th Corps on 19 March 1992 and he remained in command of the 5th Corps, which on 19 May 1992 was re-designated as the 1st Krajina Corps. He was promoted to the rank of Colonel General on 27 June 1997. He remained in command of the Corps until his assignment as the Chief of the General Staff of the Army of *Republika Srpska* (VRS), the top post in the VRS. He was a member of the ARK Crisis Staff.

19. **Stojan ŽUPLJANIN** was born in 1951, in the village of Maslovare, Kotor Varoš Municipality, in Bosnia and Herzegovina. He graduated from law school in Sarajevo and was employed by the Banja Luka Secretariat of the Interior (SUP), working as the Commander of the police station in Mejdan and then as Head of the ordinary crimes office at the central police station in Banja Luka. From 1991 on, he served as the head or commander of the regional Security Services Centre (CSB) which had offices of both the Public Security Service (SJB) or police, and the State Security Service (SDB). His appointment to that office was supported by Radoslav BRĐANIN on 25 January 1991. He was a member of the ARK Crisis Staff. He later served as the Minister of Internal Affairs of the ARK and a special advisor to the President of *Republika Srpska*.

INDIVIDUAL CRIMINAL RESPONSIBILITY SUPERIOR AUTHORITY

20. **Radoslav BRĐANIN**, as a prominent member of the SDS and the vice-president of the ARK Assembly, played a leading role in the establishment of structures for the take-over of power in the Banja Luka region by the Serbian authorities. As President of the ARK Crisis Staff, he held the most important position of executive authority in the ARK. He was responsible for, *inter alia*, managing the work of the Crisis Staff, the implementation and co-ordination of Crisis Staff decisions and conclusions, reporting its activities, and for signing its decisions and orders. He also convened, chaired and controlled the agenda of its sessions. In addition, he played a significant role in the propagation of the propaganda campaign that was essential to the success of the plan to create a Serbian state.

21. As the Commander of the 5th Corps/1st Krajina Corps, **Momir TALIĆ** had the authority to direct and control the actions of all forces assigned to the 5th Corps/1st Krajina Corps or within his area of control. As Commander of the 5th Corps/1st Krajina Corps, all plans for military engagement and attack plans had to be approved by him before any

forces were committed to battle or other operations. Troops under the command of **Momir TALIĆ** took part in the activities which are the subject of the allegations described below. All units under his command were required to report their activities. Any significant activity or action by forces under the command or control of the 5th Corps/1st Krajina Corps required the approval or consent of the Commander.

22. As the Commander of the 5th Corps/1st Krajina Corps, **Momir TALIĆ** also had the authority to punish or initiate disciplinary proceedings against members of the forces under his command or within the area under his control for any crimes they may have committed. In addition, with respect to attacks conducted against Bosnian Muslim and Bosnian Croat areas in municipalities such as Prijedor and Sanski Most, **Momir TALIĆ** had the power to direct and control the actions of the TO, police, and paramilitary forces that participated in those attacks and subsequent operations.

23. Between 1 April 1992 and 31 December 1992, **Stojan ŽUPLJANIN**, as Commander of the CSB, had operational control over municipal and regional police forces in the ARK area, including those responsible for the operation of detention camps. The municipal police forces were required to report their activities to him on a daily basis. He was also responsible for the co-ordination of the activities of municipal and regional police forces with the 1st Krajina Corps for military operations and other actions. Police forces under the command of **Stojan ŽUPLJANIN** took part in the activities which are the subject of the allegations described below.

24. Similarly, **Stojan ŽUPLJANIN**, as the Commander of the CSB, had the authority to punish or initiate disciplinary proceedings against member of the forces under his command for any crimes that they may have committed. He also had the authority to direct and control the actions of the forces under his command.

25. The Bosnian Serb authorities, including the ARK Crisis Staff during the relevant period, had authority and control over: attacks on non-Serb villages and areas in the ARK; destruction of villages and institutions dedicated to religion; the seizure and detention of the Bosnian Muslims and Bosnian Croats; the establishment and operation of detention camps; the killing and physical maltreatment of Bosnian Muslims and Bosnian Croats; and the deportation or forcible transfer of the Bosnian Muslims and Bosnian Croats from the area designated as the ARK. The Bosnian Serb authorities, including at the relevant time, the ARK Crisis Staff, also had the power to direct the regional CSB and the

Public Prosecutor to investigate, arrest and prosecute any persons believed to have committed crimes within the ARK area, whether in the camps or elsewhere.

26. **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN**, as members of the ARK Crisis Staff, participated individually or in concert in the operations relating to the conduct of the hostilities and the destruction of the Bosnian Muslim and Bosnian Croat communities in the ARK area. The individual members then carried out their particular responsibilities under the plan, according to their position. Throughout its existence, the ARK Crisis Staff worked as a collective body to co-ordinate and implement the overall plan to seize control of and “ethnically cleanse” the area of the ARK. After the dissolution of the ARK Crisis Staff, **Radoslav BRĐANIN, Momir TALIĆ and Stojan ŽUPLJANIN** continued with the implementation of the plan in their respective positions in the Bosnian Serb power structures.

GENERAL ALLEGATIONS

27. At all times relevant to this indictment, a state of armed conflict and partial occupation existed in the Republic of Bosnia and Herzegovina. All acts or omissions herein set forth as Grave Breaches of the Geneva Conventions of 1949, recognised by Article 2 of the Statute of the Tribunal, occurred during that armed conflict and partial occupation.

28. Each of the accused is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering 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.

29. Each of the accused, whilst in the position of 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, which concerns the responsibility of a superior for the acts of his subordinate if he knew or had reason to know that his subordinate was 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 perpetrator thereof.

30. At all times relevant to this indictment, all of the accused were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949.

31. In each paragraph charging genocide or complicity in genocide, crimes recognised by Article 4 of the Statute of the Tribunal, the alleged acts or omissions were committed with intent to destroy Bosnian Muslims and Bosnian Croats, in whole or in part, as national, ethnical, racial, or religious groups, as such.

32. In each paragraph charging crimes against humanity, crimes recognised by Article 5 of the Statute of the Tribunal, the alleged acts or omissions were part of a widespread or systematic attack directed against a civilian population.

CHARGES

COUNTS 1 and 2 (Genocide, Complicity in Genocide)

33. The Prosecutor re-alleges and reincorporates by reference paragraphs 1-32 in Counts 1 and 2.

34. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, Stojan ŽUPLJANIN** and others, individually and in concert 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 area designated as the ARK, including, but not limited to, the municipalities of Prijedor, Kotor Varoš, Sanski Most, Ključ and Banja Luka.

35. The execution of the above campaign included, but was not limited to:

(1) the killing of Bosnian Muslims and Bosnian Croats which took place:

(a) during and after attacks by Bosnian Serb and Serb military forces, including units of the 5th Corps/1st Krajina Corps, TO units, paramilitary units and police units on villages and non-Serb areas;

- (b) in camps and other detention facilities; and,
 - (c) 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 stay 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, foul water, insufficient or non-existent medical care, unhygienic conditions and lack of space.

36. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN**, knew or had reason to know that Serb forces under their control were committing the acts described above with intent to destroy Bosnian Muslims and Bosnian Croats, in whole or in part, as national, ethnical, racial or religious groups, as such, or had done so, and they failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** 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)

37. The Prosecutor re-alleges and reincorporates by reference paragraphs 1-32 above in Count 3.

38. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, Stojan ŽUPLJANIN** and others, individually and in concert 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 area designated as the ARK, including, but not limited to, the municipalities of Prijedor, Kotor Varoš, Sanski Most, Ključ and Banja Luka.

39. The above planning, preparation or execution of persecutions included, but was not limited to:

- (1) the killing of Bosnian Muslims and Bosnian Croats during and after attacks on 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;
- (3) the wanton destruction of Bosnian Muslim and Bosnian Croat villages and areas, including the destruction of religious and cultural buildings and the looting of residential and commercial property;
- (4) the deportation or forcible transfer of Bosnian Muslims and Bosnian Croats from areas of Bosnia and Herzegovina which had been proclaimed as part of the Serbian Republic of Bosnia and Herzegovina; and,
- (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.

40. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** knew or had

reason to know that Serb forces under their control were committing the acts described above 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 BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** 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)

41. The Prosecutor re-alleges and reincorporates by reference paragraphs 1-32 above in Counts 4 and 5.

42. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, Stojan ŽUPLJANIN** and others, individually and in concert planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a campaign designed to exterminate the Bosnian Muslim and Bosnian Croat population in the area designated as the ARK, including, but not limited to, the municipalities of Prijedor, Kotor Varoš, Sanski Most, Ključ and Banja Luka.

43. As part of the above campaign, a significant number of the Bosnian Muslims and Bosnian Croats were killed by Serb forces during and after attacks on villages, in camps and other detention facilities and during the deportations or forcible transfers.

44. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** knew or had reason to know that Serb forces under their control were committing the acts described above and they failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** 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)

45. The Prosecutor re-alleges and reincorporates by reference paragraphs 1-32 above in Counts 6 and 7.

46. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, Stojan ŽUPLJANIN** and others, individually and in concert 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 area designated as the ARK, including, but not limited to, the municipalities of Prijedor, Kotor Varoš, Sanski Most, Ključ and Banja Luka.

47. 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 other detention facilities, as well as during transfers of persons and deportations. The camp guards and others, including members of the Serb forces, used all manner of weapons during these beatings.

48. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** knew or had reason to know that Serb forces under their control were committing the acts described above and they failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** 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)

49. The Prosecutor re-alleges and reincorporates by reference paragraphs 1-32 above in Counts 8 and 9.

50. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, Stojan ŽUPLJANIN** and others, individually and in concert 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 area designated as the ARK, including, but not limited to, the municipalities of Prijedor, Kotor Varoš, Sanski Most, Ključ and Banja Luka.

51. The execution of the above campaign included deportation or forcible transfer of the Bosnian Muslim and Bosnian Croat population, from areas of Bosnia and Herzegovina that had been proclaimed as part of the Serbian Republic of Bosnia and Herzegovina, to areas under the control of the legitimate government of Bosnia and Herzegovina and to Croatia. In many cases non-Serbs were required to sign documents stating that they were relinquishing their property to the Bosnian Serb republic in order to allow them to leave or to gain release from detention facilities.

52. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** knew or had reason to know that Serb forces under their control were committing the acts described above and they failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By their involvement in these acts or omissions **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** 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)

53. The Prosecutor re-alleges and reincorporates by reference paragraphs 1-32 above in Counts 10 to 12.

54. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, Stojan ŽUPLJANIN** and others, individually and in concert planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of:

- (1) the unjustified wanton destruction or devastation of Bosnian Muslim and Bosnian Croat villages and areas within the area designated as the ARK;
- (2) the destruction or wilful damage to Bosnian Muslim and Bosnian Croat religious institutions within the area designated as the ARK.

55. Between about 1 April 1992 and 31 December 1992, **Radoslav BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** knew or had reason to know that Serb forces under their control were committing the acts described above 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 BRĐANIN, Momir TALIĆ, and Stojan ŽUPLJANIN** 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.



Carla Del Ponte
Prosecutor

Dated this sixteenth day of December 1999
At The Hague
The Netherlands