

COURTSIDE: Bosanska Krajina Trial

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Terminally ill Talic is granted provisional release mid-proceedings.

Momir Talic, charged with genocide against non-Serbs in northern Bosnia, was provisionally released last week, in order to receive treatment for his terminal illness.

Talic is to have chemotherapy treatment for lung cancer at the Military-Medical Hospital, VMA, in Belgrade. The prosecution has agreed not to appeal against the trial chamber decision.

The proceedings will be halted in his absence, with his case separated from that of his co-accused Radoslav Brdjanin, who is standing trial for the same crimes.

One medical expert said Talic was in the terminal phase of his illness, and two other specialists said chemotherapy might prolong his life by a few months. While the latter agreed that a point would come when the defendant was not fit to stand trial, they could not predict when this would happen.

The defence asked for Talic to be allowed to receive medical treatment at VMA, and spend time in Banja Luka, Republika Srpska, RS, and/or in Belgrade. Their client promised to contact the police daily and to accept unannounced visits to confirm his whereabouts.

The trial chamber ruled that Talic must stay in Belgrade unless permitted otherwise and not have any contact with his co-accused or with potential witnesses.

The prosecution did not believe Talic's illness automatically entitled him to provisional release, because of the weight of allegations against him and the evidence submitted.

It argued provisional release would compromise its authority and the investigations it is carrying out in the region, as witnesses "in the context of their own suffering ... will not understand the humanitarian motivation behind such a release".

But Judge Carmel Agius said Talic would not violate the conditions of his release and emphasised that the chamber must accommodate his health condition. "His condition is incurable...and can only get worse," he said. "It is not likely that Talic will be alive when this trial ends or that his health would permit him to serve his sentence."

Judge Agius ruled that the defendant must stay in Belgrade and said he believed that, in the event of any recovery, the Yugoslav government would send Talic back to The Hague.

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Location: [Bosnia and Herzegovina](#)

Focus: [International Criminal Tribunal for the former Yugoslavia](#)

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