



Number: X-KR-08/494-1
Sarajevo, 10 July 2009

IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, Section I for War Crimes, in the panel of judges presided by Judge Mira Smajlović, and the panel members, judges Senadin Begtašević and Carol Peralta, with the legal advisor Šaćir Hadžić participating as the record-taker, in the criminal case against the Accused Blagoje Golubović for the criminal offense of Crimes against Humanity in violation of Article 172(1)a) in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina (hereinafter referred to as the BiH CC), following the oral and open main trial, in the presence of the Prosecutor of the Prosecutor's Office of BiH Behaija Krnjić, the Accused Blagoje Golubović and Attorney Bajro Čilić from Sarajevo, Defence Counsel for the Accused, on 10 July 2009 handed down and publicly announced the following

VERDICT

Against the Accused:

Blagoje Golubović, son of Kosta and Milka, née Elez, born in Strganci, the Foča Municipality, on 18 April 1965, with permanent residence registered in Miljevina, the Foča Municipality, Miljevina bb Street, Serb by ethnicity, citizen of Bosnia and Herzegovina, driver by occupation, literate, completed secondary school, married, father of three underage children, served military term in Kičevo, the Republic of Macedonia, in 1985/86, holds no rank, registered in the Foča military records, no decorations, indigent, no prior convictions, no other proceedings pending against him, at liberty,

CHARGES ARE DISMISSED

that:

in the period between April 1992 and February 1993 when a widespread and systematic attack was carried out by military, paramilitary and police forces of the so-called Serb Republic of Bosnia and Herzegovina, and subsequently the

Republika Srpska, directed against non-Serb civilians of the Foča Municipality, being aware of such attack and that his actions were part thereof, as a member of those forces, together with other members of those forces, he knowingly and deliberately participated in the joint criminal enterprise by taking part in the implementation of a joint plan with a view to accomplishing the common goal of depriving non-Serbs of their lives (killing), insofar as:

1. on an undetermined day, in late May 1992, together with a group of some twenty members of armed forces of the Republika Srpska, he came near the place of Podkolun, the Foča Municipality, whereupon he, Ranko Vuković, Rajko Vuković and Ranko Golubović, all armed with automatic weapons, separated themselves from the group and entered the village while other members of the group positioned themselves around the village to stand guard, and then arrived at the family house of Avdija Hukara, son of Hasan, born in 1909, whom they found in the house and with the view to depriving him of his life, one or more of them from the group fired several rounds from firearms and shot the victim in the region of thorax and head, thus inflicting on him exit-entry wounds which caused his death, whereupon they took the road leaving the village, and walking along that road, they found Mejra Bekrija, daughter of Hasan, born in 1927, hilling up potatoes in a tilled field near the road they took, and then with the view to depriving her of life, one or more of them from the group fired several rounds from their firearms and shot the victim in the region of thorax, inflicting on her exit-entry wounds which caused her death, and then rejoined the rest of the group and left in an unknown direction,

therefore,

within a widespread and systematic attack carried out by military, paramilitary and police forces of the so-called Serb Republic of Bosnia and Herzegovina, directed against non-Serb civilians of the Foča Municipality, being aware of such attack and that his actions were part thereof, as a member of those forces, acting together with other members of those forces, particularly Ranko Vuković, Rajko Vuković and Ranko Golubović, he knowingly and deliberately took part in a basic form, that is, the first category of the joint criminal enterprise, the common goal of which was to deprive non-Serb civilians of their lives (murder), by taking part in the implementation of a joint plan that implied killings of non-Serb civilians,

whereby he would have committed the criminal offence of Crimes against Humanity in violation of Article 172(1)a) in conjunction with Article 180(1) of the BiH CC.

Pursuant to Article 189(1) of the BiH CPC, the criminal proceedings costs shall be paid from budget appropriations of the Court.

Pursuant to Article 198(3) of the BiH CPC, the injured parties in these proceedings with their claims under property law are instructed to take civil action.

R e a s o n i n g

By the Indictment of the Prosecutor's Office of BiH, Number KT-RZ-30/06 of 10 February 2009, which was confirmed on 13 February 2009, Blagoje Golubović was charged that he committed the criminal offence of Crime against Humanity in violation of Article 172(1)a) in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina.

On 6 July 2009 the Prosecutor's Office of BiH notified the Court that it dismissed the charges against the Accused Blagoje Golubović and moved that the custody of the Accused be terminated.

At the main trial held on 10 July 2009, the Prosecutor stated that he dismissed the charges in this criminal case.

Article 283(1)b) of the BiH CPC stipulates that the Court shall hand down the verdict dismissing the charges if the Prosecutor dropped the charges between the beginning and the end of the main trial.

Given the aforementioned, and bearing in mind the dismissing of the charges by the Prosecutor seised of the case, the Verdict dismissing the charges had to be handed down pursuant to Article 283(1)b) of the BiH CPC.

Pursuant to Article 198(3) of the BiH CPC, the injured parties in these proceedings with their prospective claims under property law are instructed to take civil action.

A decision on the criminal proceedings costs is based on Article 189(1) of the BiH CPC which prescribes *inter alia* that, when the court renders the verdict rejecting the charges, the verdict shall pronounce that the costs of criminal

proceedings referred to in Article 185(2) subparagraphs a) through f) of the BiH CPC and the necessary expenditures of the accused and the necessary expenditures and remuneration of defense attorney shall be paid from budget appropriations.

Šaćir Hadžić
RECORD-TAKER

Mira Smajlović
JUDGE
PRESIDENT OF THE PANEL

/signature and seal affixed/

LEGAL REMEDY: This Verdict may be appealed with the Appellate Panel of the Court of BiH within 15 (fifteen) days of the receipt of the written copy thereof.

I hereby confirm that this document is a true translation of the original written in Bosnian/Serbian/Croatian.

Sarajevo, 14 July 2009

Šefika Krilić

Certified Court Interpreter for English