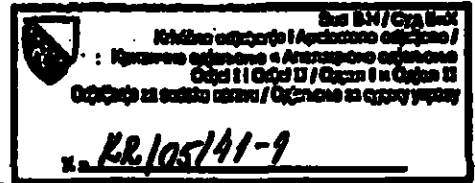


Bosna i Hercegovina

Bosnia and Herzegovina



Court of Bosnia and Herzegovina **PREVOD DOK. 132**

No: X-KR-05/41-1
Sarajevo, 29 October 2008

The Court of Bosnia and Herzegovina, in the Panel composed of Judge Jasmina Kosović as the Presiding Judge, Judges Zoran Božić and Mitja Kozamernik as members of the Panel, with the participation of legal officer Lejla Haračić as record taker, in the criminal case against the accused Slavko Šakić, for the criminal offense of War Crimes against Civilians, as referred to under Article 173(1) a), c), e) and f) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina, all in conjunction with Article 29 of the Criminal Code of Bosnia and Herzegovina, following the Indictment of the Prosecutor's Office of Bosnia and Herzegovina, No. KT-RZ-39/08, dated 25 July 2008, confirmed on 29 July 2008, following the acceptance of the Plea Agreement dated 5 September 2008 and having held a public sentencing hearing in the presence of the BiH Prosecutor, Slavica Terzić, the accused Slavko Šakić and his Defence Attorney Branka Brajčak, lawyer from Novi Travnik, on 26 September 2008, rendered and on 29 September announced the following:

VERDICT

THE ACCUSED:

SLAVKO ŠAKIĆ, son of Stipo and Ana (nec Brejčak), born on 18 November 1972, in the village of Zlavast, Municipality of Bugojno, residing in Livno, Brina bb, JMBO /personal ID number/: 1811972191266, married, father of three underage children, no professional qualifications, unemployed, served the army in 1991/92, holds the rank of reserve military officer – lieutenant, registered in the military records of Livno Municipality and in the military records of Sisak Municipality, Republic of Croatia, no decorations, unemployed, indignant, no prior convictions, no other criminal proceedings pending against him, Croat, citizen of the Republic of Croatia and BiH, currently in custody under the BiH Court Decision No. X-KRN-05/41 dated 20 May 2008,

IS FOUND GUILTY

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- Perpetration of the crime must involve violation of international law by being aimed against civilians, that is, persons who do not take part in the armed conflict or have laid their arms or have been disabled for combat, and who are protected by the Geneva Convention relative to the Protection of Civilian Persons in Time of War dated 12 August 1949;
- Violation of the stated provisions must take place in time of war, armed conflict or occupation;
- Act of the perpetrator must have a link (nexus) with that war, armed conflict or occupation;
- The perpetrator must commit *actus reus* of the offense by perpetrating or ordering some of the acts alternatively provided in the subparagraphs of this Article.

Prior to reasoning on the individual criminal responsibility of the Accused under counts of the Indictment, the Court shall note the existence of all the stated general elements.

- Violation of the provisions of international law

To determine the existence of one of the elements of this criminal offense, it is necessary to consult relevant international conventions, specifically the Geneva Convention on Protection of Civilian Persons in Time of War dated 12 August 1949. Regarding the criminal offenses against humanity and values protected by international law, the perpetrator does not necessarily have to be aware of the violation of blanket regulations, but it is enough that his actions objectively constitute violation of the rules of international law.

The actions of perpetration of this criminal offense are stipulated alternatively, as stated earlier, and the Accused in the specific case is charged with taking the action of perpetration under Article 173 a), c), e) and f) of the CC BiH.

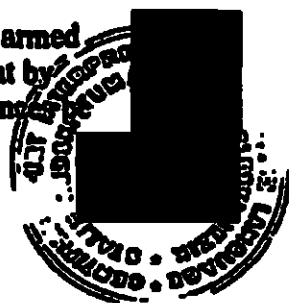
Specifically, the Prosecution alleges that the accused Slavko Šakić, during the armed conflict, violated the rules of international humanitarian law, specifically Article 3(1) a) and c) of the Geneva Convention Relative to Protection of Civilian Persons in Time of War dated 12 August 1949, and Article 51(1)(2)(3) of the Convention, as he took part in unlawful detention, torturing of civilians and forcing them to labor.

In order to determine the violation of the stated provisions, it is necessary to analyze their content and the domain of their application in the specific case. To wit, Article 3(1) a) and c) of the Geneva Conventions from 1949, which is applied in Bosnia and Herzegovina on the grounds of Annex 6 of the Dayton Agreement, stipulates that:

"In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances

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treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;

Common Article 3 of all Geneva Conventions sets forth a minimum core of mandatory rules, reflects the fundamental humanitarian principles upon which the Geneva Conventions in their entirety are based, and it is applicable in the non-international conflicts. Additionally, the viewpoint that the Common Article 3 is a part of customary international law is broadly accepted¹, so that all the actions listed in this Article of the Conventions constitute serious violation of the international humanitarian law,² and as such incur individual criminal responsibility.³

Since it has been indisputably concluded in the proceedings that during the period relevant to the Indictment, in the territory of Bugojno Municipality and a wider area, there was an internal armed conflict, so it is justified to conclude that the Common Article 3 of the Conventions had to be applied all the time during the armed conflict.

Therefore, pursuant to the Convention, the Accused violated basic guaranties of the protected category of population through the perpetration of the criminal offenses of which he has been found guilty, that is, through his actions, he violated Article 3(1)(a)(c) of Geneva Conventions from 1949. It is the same when it comes to the violation of Article 51 of the mentioned Convention, which stipulates the conditions and types of forced labour. The stated provisions precisely state that individuals can be subjected to forced labour under certain circumstances, whereby they cannot be placed in the position of participants in the armed conflict. In further reasoning, the Court shall point out that this Article was violated by the Accused through the criminal actions under Count 4 of the Indictment. Additionally, we should also refer to Article 33 of the Convention, stipulating prohibition of use of any repressive measures in relation to the protected persons and their property. The Accused violated this Article of the Convention by taking the criminal actions under Count 1 of the Indictment.

¹ Jurisdiction Decision, *Tadić*, paragraph 89; Appeals Chamber Judgment, *Čelebići*, paragraph 143.

² Prosecutor v Tihomir Blaškić, No. IT-95-14-T, Judgment dated 3 May 2000 (Trial Chamber Judgment, *Blaškić*), paragraph 176.

³ Appeals Chamber Judgment in *Čelebići* case, paragraph 153-174, particularly paragraph 167. The Trial Panel notes that provisions of the SFRY Criminal Code that were applied in Bosnia and Herzegovina in April 1992 (SFRY Criminal Code, 1990, Article 142-143), stipulate jurisdiction of Bosnian courts for crimes committed during the war, armed conflict or occupation, without making any difference between internal and international armed conflicts. Thus, the accused in this case, according to the national legislation, can be regarded as individually criminally responsible for crimes alleged in the Indictment.



- **Status of protected persons – civilian population**

When it comes to the applicability of Article 3 of Geneva Conventions in internal conflicts, it is necessary to determine whether the international law has been violated in relation to the special category of population that is protected by the Geneva Convention Relative to Protection of Civilian Persons in Time of War dated 12 August 1949. Pursuant to this Convention, the status of protected persons is given to all persons who do not take any part in the hostilities during the armed conflict, which includes even members of military and police formations who laid their arms or persons disabled for combat.

In the specific case, persons who are direct victims of the crime were not members of any military force in conflict in the critical moment, nor did they take active role in the hostilities. To wit, it is obvious from the testimonies of the victims who survived the crime that all the persons had the status of civilians at the time of unlawful arrest and detention. The testimonies evidently imply that the persons were deprived of liberty while they were in their houses or were moving in the street as part of their work obligations, when none of the witnesses were in uniform or had weapons at the moment of their arrest.

In July 1993, only the witness Karabeg Sihanuk was a member of Army of BiH, Construction Platoon; however, he was arrested on a weekend while he was in the family house of his father with his wife and parents. The situation regarding the witness Mustafa Ćolak is similar. On 12 December 1992, he was mobilized as soldier in the 770 Sbbn /Glorious Mountain Brigade/, Army of BiH; however, he was arrested while cycling his bicycle to Vrbanja, wearing civilian clothes. Therefore, at the time of unlawful arrest and detention, even these persons who were given the status of soldiers can be regarded as civilians, since Article 3 of Geneva Conventions stipulates that protected persons are "*persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause.*"

- **Existence of Armed Conflict**

Furthermore, Article 173(1) of the CC BiH, stipulates the existence of armed conflict or occupation as a general requirement for the existence of crime, without insisting on the character of the conflict itself, that is, there is no distinction between internal and international conflicts. In international case law, an armed conflict exists "whenever there is a resort to armed force between states or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state."⁴

Making connection between the violation of international law and the existence of armed conflict, we should point out that the international humanitarian law is still applied "in the whole territory of the warring states or in the case of internal armed conflicts, the whole territory under the control of a party to the conflict, whether or not the actual combat takes place there, and continue to apply until the general conclusion

⁴ Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic, No. IT-96-23 and IT-96-24/1-A, Judgment of 12 June 2002 (Kunarac, et al, Appeals Judgment, paragraph 56)

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of peace or, in the case of internal armed conflict, until a peaceful settlement is achieved."⁵

Therefore, it is evident that the compliance with the generally accepted principles of rules and customs of war, and guarantees provided in the common Article 3 of Geneva Conventions is related to the conflicts of international character as well as to internal conflicts within a state. Therefore, where the accused is charged with the violation of Article 173 of the CC BiH, on the grounds of violation of common Article 3 of the Conventions, as in the case at hand, it is irrelevant whether the armed conflict had the character of international or internal conflict.⁶

In the specific case, based on the Prosecution evidence, the Panel has concluded that there was an internal armed conflict in a wider territory of Bugojno Municipality during the period in question, involving the Croat Defence Council (HVO) on one side, and members of the Army of Bosnia and Herzegovina (Army of BiH) on the other side. Since the application of the international humanitarian rules does not require that the actual combat takes place at a specific location, the Panel did not confine itself to determining the existence of an armed conflict in Bugojno Municipality, but to its existence in a wider territory, a constituent part of which is this Municipality.

To wit, all witnesses agree that the armed conflict between the HVO and the Army of BiH started in mid July 1993, more precisely on 17 or 18 July 1993, while tensions between the mentioned parties could be noticed even before. Witness Edhem Čehaja, who lived in Kordići, Bugojno Municipality, in 1992, says in his statement given in the investigation that in mid July the inhabitants of this settlement could clearly notice certain negative tensions between members of the BiH Army and HVO units. Additional anxiety among people was also caused by stories about "war events" in the place of Crkvine, as well as about preparations for the attack on Kordići village. Generally speaking, it ensues from the statements of all witnesses heard during the investigation that the armed conflict between the mentioned parties was particularly intensive in the settlements of Vrbanja, Kordići, Crniče and Vrpeč, which were a part of Bugojno Municipality at the time.

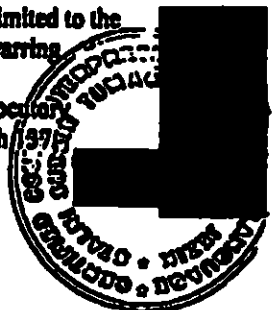
As a confirmation of the aforementioned, it is necessary to mention only statements of certain witnesses. For example, witness Abdulah Karabeg claims that on 17 July 1993, while he shortly left the basement of his house in Vrbanja settlement, he noticed that the neighbouring houses were shelled, which is also confirmed by Idriz Čatić who definitely claims that in summer 1993, the villages of Crniče and Vrbanja were shelled and, according to him, there was "shooting from all directions".

Witness Zijad Redžić describes the period from 18 July to 27 July 1993 in more details, saying that he could not go to Vrbanja, Crnići and Vrpeč at the time, because the conflicts were also intensive in the place Porič where he was, as well as in a wider

⁵ Kunarac, et al, Appeals Chamber Judgment, paragraphs 57 and 64. In para 64, the Appeals Chamber holds "Appeals Chamber considers that the Prosecutor did not have to prove that there was an armed conflict in each and every square inch of the general area. The state of armed conflict is not limited to the areas of actual military combat but exists across the entire territory under the control of the warring parties."

⁶ Prosecutor v. Duško Tadić, No. IT-94-I-AR-72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, dated 2 October 1995 (Jurisdiction Decision in Tadić case), paragraph 643, Appeals Chamber Judgment in Čelebići case, para 140 and 150.

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territory of Bugojno, so movements during that period were restricted, while a protected witness states that she clearly remembers that Bugojno was considerably shelled on 17 July 1993, which lasted the whole day.

The existence of armed conflict during the relevant period is corroborated by Information from the Ministry of Interior, State Security Service Sarajevo, pertaining to conflicts between the Army of BiH and HVO units in Bugojno on 7 August 1993, which specifically states that conflicts between the Army of BiH and the HVO in Bugojno Municipality commenced on Saturday, 17 July 1993. The report reads that HVO members started arresting civilians at the check points in Ristovi and Vrbanja villages on the same day, and at the check point near the Okašnica River, which was confirmed by a great number of witnesses who had been arrested at the mentioned locations. On 19 July 1993, HVO units opened fire on facilities of the BiH Army, using all available artillery pieces, so that the "intense combat" took place in all parts of the town and in a wider area of Bugojno Municipality. Also, the Information further alleges that parts of the HVO together with Croat civilians from Bugojno withdrew from the locations of Kandij, Crniče, Vrbanja and Crnički Podovi in the evening hours on 28 July 1993, and went in the direction of Mračaj, Kupres and Tomislavgrad.

Additionally, the combat report of the military police, 307 Motorized Brigade, Army of BiH, covering the period from 18 July 1993 to 31 July 1993, also clearly states the locations where the armed conflict between the Army and the HVO took place, and number of military police members who were engaged "at the base and in the field during the most intensive conflicts". The report also describes in detail the strongholds of parties to the conflict and quantity of weapons used in direct conflicts, which ended, according to this report, on 31 July 1993, when the aforementioned settlements of Bugojno Municipality were taken under the control of the BiH Army.

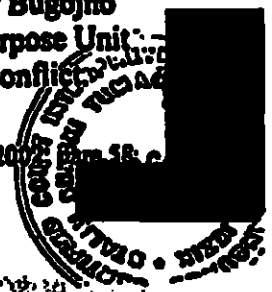
- **Relation between the crime of the perpetrator and the armed conflict**

The status of the Accused during the relevant period is significant from the aspect of another requirement necessary for the existence of this criminal offense, that is, the perpetrated crime must be connected to the war, armed conflict or occupation.

Therefore, in order to determine the existence of the mentioned element, it is necessary to view the status of the accused during the relevant period of time, as well as the existence of interconnectedness and interdependence between the perpetration of the crime and the existence of the described armed conflict in a wider territory of Bugojno Municipality. In the specific case, the Panel examined whether "the existence of an armed conflict has played a substantial part in the perpetrator's ability to commit it, his decision to commit it, the manner in which it was committed, or the purpose for which it was committed."⁷

The evidence submitted to the Court indisputably implies that the crimes of which the accused Slavko Šakić is found guilty were committed exactly at the time and as a part of the armed conflict between the HVO and the BiH Army in the territory of Bugojno Municipality, and the Accused himself, as a member of the HVO Special Purpose Unit *Garavi* obviously participated in it as a member of one of the parties in the conflict.

⁷ Prosecutor v. Kunarac, et al, case no. IT-96-23 & IT-96-23/1-A, Judgment dated 12 June 2001, para 58; c. Sud Bosne i Hercegovine, Sarajevo, ul. Kraljice Jelene br. 88; Telefon ++ 387 33 707 100; Fax: ++ 387 33 707 227



The mentioned capacity of the Accused ensues from documentary evidence as well as from witness statements. For example, it ensues from the statement of Abdulah Bevrnja that HVO members who participated in the unlawful detention of civilians wore black uniforms with black barrettes, Croatian coat of arms, and *Garavi* insignia, while the witness Vahid Karagić describes in more details that the ATG /Anti Terrorist Group/ *Garavi* unit was actually in the composition of 104 Brigade - *Eugen Kvaternik*, with its seat in Gornji Vakuf, the commander of which was Vinko Žuljević a.k.a. Klica. This witness also claims that the accused Šakić boasted a few times in the presence of detained civilians that he was a member of this "elite" unit.

This fact is corroborated by information from a letter from the Municipal Staff in Bugojno- Personnel Service, number, 02-109/92 dated 12 October 1992, which was sent to the *Eugen Kvaternik* Brigade Command. The letter evidently implies that the *Garavi* unit, which was a part of this Brigade, has the total of 40 members. Furthermore, based on the unit file of the HVO 104 Brigade *Eugen Kvaternik*, it is obvious that Vinko Žuljević a.k.a. Klica is under number 135, marked as the commander of *Garavi* unit, while the accused Slavko Šakić is under number 111 of the same list, as a member of this unit. Finally, the payroll of *Garavi* unit, No. 01-2135/93 dated 17 August 1993 clearly shows that the accused Slavko Šakić is under number 5.

In any event, for the existence of the criminal offense, it is essential that, because of the existence of the armed conflict, the Accused was engaged in the HVO military structures and due to such a status, he was in a position to commit the criminal offenses as charged.

- The next requirement that must be met in order for the stated criminal offense to exist is that the perpetrator ordered or committed some of the actions stated under Article 173(1) a), c), e), f) of the CC BiH.

Under the Agreement, the Accused pleaded guilty to all the offenses he is charged with by the Indictment of the BiH Prosecutor's Office, No. KT-RZ-39/08; however, the Court was under the obligation to assess the validity of that admission, which has been done, and also to determine if there is sufficient evidence indicating the criminal responsibility of the accused Slavko Šakić under all counts of the Indictment.

The Court holds that the responsibility of the Accused for the criminal actions under Count 1 of the Indictment indisputably follows from the submitted evidence. Many people who were deprived of their liberty and detained in the cellar and other premises of the *Akvarijum* motel have testified about this circumstance.

According to the ICTY practice, in order to find unlawful detention of civilians, it is necessary to establish the existence of individual elements, primarily to establish that a person was deprived of liberty, then that the deprivation was done arbitrarily, meaning that there was no legal ground that would justify the deprivation of liberty, and that the act or omission by which an individual was deprived of liberty was committed by the Accused or persons under his responsibility, with an intention to deprive a person of his/her physical liberty, or being reasonably aware that his action or omission might cause arbitrary deprivation of physical liberty.

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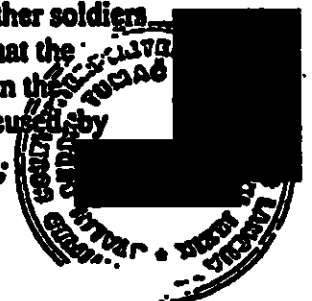
Based on the evidence attached to the Agreement, it is indisputable that the Accused, in mid June 1993, in Vrbanja settlement, Bugojno Municipality, together with other members of the HVO Special Purpose Unit *Garavi*, participated in the arrest of Bosniak civilians from a wider area of Bugojno, who were then detained in the cellar of *Akvarijum* motel in Bugojno. First of all, all witnesses agree that during their deprivation of liberty and the detention in the motel, they did not get any explanation from the HVO members, nor were they ever served with a written document stating legal grounds for their detention. Witness Abdulah Bevrnja describes a situation that happened in front of his house, when the HVO set up a checkpoint where soldiers with black uniforms and black barrettes and *Garavi* insignia stood guard. According to him, they started arresting Bosniaks from the Vrbanja settlement as early as 17 July 1993. He noticed that Bahrudin Šeremet, Esad Karamustafić, Ševala Smajić and Husein Mlaćo were arrested on that day, while this witness was deprived of his liberty on the following day, that is, on 18 July 1993; he was arrested in front of his house by armed members of the *Garavi* unit, among which he recognized Ivica Vučak, Kristijan Pocrnja, Slavko Šakić and a few more neighbors.

Therefore, all the witnesses agree that members of the *Garavi* unit, which certainly included the Accused, participated in the unlawful deprivation of liberty and escorting of civilians to the *Akvarijum* motel, while some witnesses confirmed that members of this unit were also engaged in plundering after they brought civilians in front of the motel. Witness Mihra Huskić claims that a group of civilians including her was ordered to lay face down on the ground when they arrived in front of the motel; she could notice that men were beaten, and then *"they listed down our names and took our gold by ripping it off our necks and fingers"*. This has been confirmed in the statements of Ešref Čatić and Idriz Čatić, who were brought from the village of Crniče, Bugojno Municipality, like the woman witness Huskić. They also stated that the civilians, when they arrived in front of the motel, were ordered to lay face down on the asphalt; that soldiers then requested their documents and maltreated men by kicking them and beating them with their rifle butts, while they took off earrings from the women and other jewelry they were wearing. In addition to taking the jewelry, Šerifa Čatić testifies about a search conducted by the soldiers when DEM 2,500 was appropriated from her. She claims that *"they took away money from other people too"*. According to witness Soraja Kovač, the money and jewelry was never returned to the civilians.

In addition to the unlawful deprivation of liberty and detention, it is indisputable that civilians were treated inhumanely, because in addition to them being beaten at the very arrival, they were placed in entirely ill-conditioned cellar of the motel, which was confirmed from the statements of all the witnesses. For example, Esad Karamustafić explains that they even made holes on the doors in order to have enough air. This witness also states that prisoners received insufficient portions of food, because only three kilograms of bread would arrive for 26 prisoners. They could only go to toilet once a day and had very little water.

Therefore, it is clear that the accused Slavko Šakić, together with other members of the *Garavi* unit, participated in the unlawful deprivation of liberty and detention of the civilian population and taking them to the *Akvarijum* motel, where he and other soldiers appropriated jewelry and money from the civilians. It is also indisputable that the civilians were subjected to beating at their initial arrival and placed them on the premises completely inadequate for an entire day's stay. Therefore, the Accused, by

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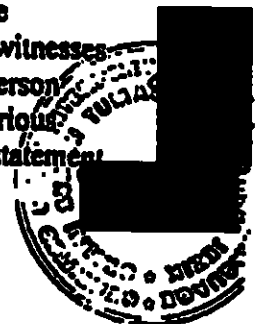


taking the actions stated under Count 1 of the Indictment, committed the criminal offense under Article 173(1) e) pertaining to the unlawful detention of civilians, and the criminal offense under subparagraph (f) of the same Article pertaining to the property confiscation or pillaging of people, as well as the inhuman treatment under Article 173(1) c), as read with Article 29 of the CC BiH. In the commission of the incriminating actions, the Accused acted with direct intent, being aware of the unlawfulness of depriving those civilians of liberty and unlawfulness of their property confiscation and holding the prisoners in inhuman conditions, but he anyway openly showed his will and volition to cause prohibited consequences of this criminal offense.

Furthermore, the evidence submitted to the Court imply that the accused Slavko Šakić, through his actions on the premises of *Akvarijum* motel, participated in the torturing of detained civilians in the relevant period, inflicting numerous bodily injuries upon them by kicking them with his military boots on, and beating them with his rifle butt and his wooden baton.

Witnesses who were tortured by the accused Slavko Šakić and by other members of the *Garavi* unit testify about these circumstances. For example, Vahid Karagić points at Slavko Šakić in his statement as the most brutal person who came to the premises where civilians were detained. The reason for this is that this Accused, according to the witness, often ferociously beat the detained civilians by kicking them with his boots on, beating them with wooden batons and rifle butts. This would often happen when some of his dear ones would get killed. He would vent his rage in that way. He clearly remembers that the Accused once gave him a few blows to his head and left arm using a police baton. He still feels the consequences of this beating. Abdulah Karabeg, who was also detained in the cellar of the *Akvarijum* motel, points out that the soldier Slavko Šakić mostly demonstrated his hatred against him. This witness remembers that on 28 July 1993, when the exchange of prisoners was planned, the Accused entered the hotel cellar together with Željko Pavić, sat on a chair whilst holding a baton in one hand and a pistol in the other hand and pointed it at the witness and "pounced upon" him by ordering him to lay face down on the floor and to hold out his right arm on which he then put out a cigarette, and when he threw it away he ordered the witness to swallow it threatening that he would be killed if he did not obey. Later he requested the witness to lick his dirty boots. He also spat on the floor while the witness was ordered to lick it up. Throughout this time the Accused "unsparingly" hit him with baton over his back, as a consequence of which the witness occasionally lost consciousness. He did the same to the witness' brother, Husein Karabeg, whom he beat with baton over various parts of his body and ordered him to lick his own blood of the floor, and the witness did so. During this time, according to Ešref Čatić, the Accused insulted Husein telling him "lick the blood Balija!" In his statement made during the investigation, witness Kemal Morić also pointed at the accused Slavko Šakić and at a person whom the prisoners knew as Vučko's uncle, as persons "who beat, maltreated and tortured us every day", while Mehmed Tanković, in addition to the name of Slavko Šakić, mentions a certain Pavković, describing them as the cruelest HVO members who came to the motel every day and beat the prisoners with various objects, batons, rifles, boots. He was personally beaten by the accused Šakić several times. The beating and maltreatment of the prisoners by the Accused using the aforementioned objects was confirmed by witnesses Edhem Čehaja and Muhamed Čehaja, who also singled out the Accused as a person who maltreated, insulted and beat them and other prisoners every day using various objects. How unnecessary and arbitrary the abuse was is best described in the statement

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of Esad Karamustafić who claims that a reason to beat a prisoner was when he would not know the month of his birth in the Croatian calendar.

Additionally, it indisputably ensues from the evidence that the Accused in particular tortured the detained old men Hidajet Imširpašić and Sulejman Basara on whose palms, following numerous blows, he carved a cross. This is corroborated by the statement of Abdulah Karabeg who claims that the Accused particularly abused an elderly man from Vrbanja who passed away after a few days, and the statement by the witness Ešref Čatić, who knows that in addition to every-day maltreatment of the prisoners the accused Šakić carved crosses on Sulajman Basara's palms.

In order to establish the responsibility of the Accused for the criminal offenses he is charged with, that is, the responsibility for taking part in the torturing of detained civilians, it is first necessary to point at Article 173(1) c) of the CC BiH, which requires that the pain and suffering be "severe", which is quite an imprecise standard. Since the national law does not provide a clear definition of the word "torture", the Court referred to legal regulations on torture in the customary international law, which is also used by ICTY and ICTR.

For the criminal offense of torture to be regarded as a war crime, the following requirements should be met:

- (i) The infliction, by act or omission, of severe pain or suffering, whether physical or mental.
- (ii) The act or omission must be intentional.
- (iii) The act or omission must aim at obtaining information or a confession, or at punishing, intimidating or coercing the victim or a third person, or at discriminating, on any ground, against the victim or a third person.⁸

Since the statements of the witnesses point at every-day, repeated beating of prisoners by the Accused, and by other soldiers from the *Garavi* unit who accompanied him, occasionally, it can be concluded beyond doubt that the Accused participated in the torturing of the detained civilians by beating them with batons, rifle butt, kicking them with his boots on, as a consequence of which some of them lost consciousness. Taking into account that this conduct of his was accompanied by humiliating actions as described by the witnesses, it is justified to claim that the prisoners were subjected to severe physical and mental pain and suffering, wherefore the Court finds that the Accused, through his actions described under Count 2 of the Indictment, committed the criminal offense of torture under Article 173(1) c) of the CC BiH, as read with Article 29 of the CC BiH.

During the commission of the crime, the Accused acted with direct intent, being aware of the possibility of producing prohibited consequences, because injuries on the prisoners who were beaten every day were clearly visible, which is corroborated by statement of the witness Sutka Karabeg, whom they took one night into a room where men were staying, and she states that the "men looked terrible; they all had visible injuries and bruises". Additionally, the Accused clearly showed through his actions that he wanted the prohibited consequences to arise in relation to each person abused.

⁸ Appeals Chamber Judgment, *Kunarac*, para 142.



During the perpetration of this criminal offense he demonstrated particular cruelty and brutality towards the unlawfully detained civilians, some of which were old. He also demonstrated particular persistence since the beating took place almost on a daily basis.

Therefore, it is clear that the Accused followed the well-established pattern in the abuse of inferior victims, detained civilians, guided by prohibited discriminatory goal. This goal ensues from the statements of witnesses who claim that the Accused insulted prisoners on ethnical basis every time he beat them, using abusive language and subjecting them to various humiliating acts.

We should also point out that Article 173(1) c) sets forth that the commission of this criminal offense includes "killings, intentional infliction of severe physical or mental pain or suffering upon a person (...)", and based on the presented evidence it is evident that the actions of the Accused produced serious consequences for the physical and mental integrity of the victims.

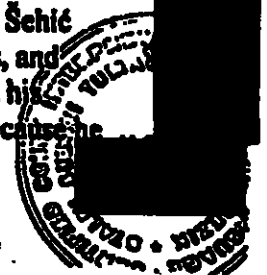
In the specific case, the results of such behaviour of the Accused, in addition to the mental pain and trauma existing in the case of each witness, the consequences of violation of bodily integrity are also clearly noted, as explained in detail in the findings and opinion of the certified court expert Dr. Hamza Žujo, dated 8 July 2008, which is based on the medical documentation of the JU Medical Centre Bugojno where the civilians detained in the *Akvartum* motel were examined immediately after the exchange on 28 July 1993. The findings pertain to the following victims: Abdulah Karabeg, Abdulah Bevrnja, Idriz Čatić, Bahrudin Šeremet, Esad Karamustafić, Mustafa Čolak, Smail Ljubunčić, Mustafa Morić, Adis Hakanović and Kemo Morić. The findings establish that the injuries sustained by the victims were mostly inflicted by punches and blows delivered by mechanical blunt objects used by the inflictors and with fists, which supports statements of witnesses who described the manner and means of abuse during their detention.

The Court further finds that the responsibility of the Accused for the criminal actions under Count 3 of the Indictment ensues from the filed evidence. Specifically, all the prisoners testified about the killing of Selmir Šehić.

Witness Abdulah Karabeg remembers well that the incident in question took place on 26 July 1993, since in the afternoon of that day the accused Slavko Šakić "kicked him fiercely in his head and over various parts of his body with his shoe on", and he clearly remembers that in the evening of the same day he took away Selmir Šehić, who was then lost without a trace. Muhamed Tanković, who was beaten with other prisoners in the afternoon of the same day, precisely states that it was done by Slavko Šakić, a certain Pavković and Poernja. This is described in more details by Sihanuk Karabeg, who also claims that the incident described in the Indictment occurred two days before the exchange, that is, on 26 July 1993. As he could notice, in the afternoon of the same day, Slavko Šakić, Željko Pavić, Kristijan Poernja and a soldier a.k.a. Tiki came to the premises where the detainees were placed and beat up other prisoners.

In the same evening Slavko Šakić singled out 4 or 5 prisoners including Selmir Šehić whom he first interrogated about family matters, just like he did with the others, and then he fiercely beat him and led him away in an unknown direction. Based on his conduct, this witness concluded that Slavko knew Selmir Šehić from before, because he

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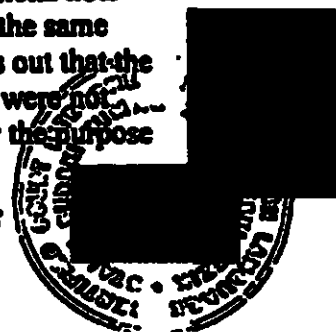
was the only one whom he called by full name in a manner indicating that these persons had some unsettled relations from before. Furthermore, Ešref Čatić claims in his statement that, after Selmir Šehić was taken away from the detention premises, Željko Pavić from Karadže, who guarded the prisoners, said: "I know that they will kill Selmir, but I cannot prevent it", while Mustafa Čolak remembers that the soldier who then took away Selmir Šehić said to everyone in the room: "If anyone ever asks you, tell that it was the chief in *Garavi*, and this is the last time you see Selmir".

Evidence further implies that the offense was committed in the manner described in the operative part of the Indictment. Specifically, witness Edhem Čehaja explains in his statement how a group of soldiers including the Accused treated a minor who could only have been either 7 or 18 years old at the time, and whose name was, as he found out later, Selmir Šehić. The accused Slavko tied this person's hands with a rubber cord and took him out of the cellar telling the witness to follow them. At the exit from the room, the witness was ordered by other soldiers to take the garbage out and throw it away. On that occasion he observed the incident from a corridor separated by a glass panel, so he could clearly see how Slavko took Selmir to a group of soldiers, where he was beaten with everything within their reach. Then Slavko "threw him into" a reddish vehicle and sat on the driver's seat. This was also confirmed by the witness Soraja Kovač who clearly saw from a motel window upstairs that soldiers were putting Selmir Šehić into a *Jugo* vehicle. She knew this person from before. After that, he was never brought back to the motel. Witness Smail Ljubunčić stated that one day after taking away Selmir Šehić, HVO members ordered him and another two boys to wash the car, which was full of blood. This was confirmed by Muhamed Čehaja because the soldiers ordered him and his cousin Abdulah to clean the vehicle that had a puddle of blood on the back seat.

Witness Rusmir Alispahić was a member of the Commission that took part in the exhumation of killed persons after the conflict between the HVO and the BiH Army ended. After the team received a report about a body found under the *Kandijski* Bridge, he and his colleagues Dr. Softić, Amela Kahvedžić and two policemen went to the site. On a concrete sub-wall under the bridge they found a corpse dressed in a sweater. Upon the inspection of the documents they established that it was Selmir Šehić. On that occasion stabbing wounds were visible on the upper part of the body – rib cage and stomach, and on his back. According to the witness, one of the upper or lower arms was broken. The witness could not elaborate about the facial injuries, since the body was already in a state of decay, but he remembers that the corpse had a noose tied under the chest and concludes that the person was probably led in that way.

This person's death was recorded in the official note of the SJB /Public Security Station/ Bugojno dated 16 September 1993, which reads the names of all persons killed in the conflicts between the HVO and the BiH Army during the period 18 July 1993 – 28 July 1993. Bodies of those persons were later found and identified by the Commission for Identification of Killed Persons established by the War Presidency under the Decision No.01-V-18/93 dated 25 July 1993. In the mentioned official note the name of Selmir Šehić is under number 13. The injuries are described in the same manner as stated by witness Rusmir Alispahić, while the official note points out that the corpse was found in civilian clothes, massacred, with stabbing wounds that were not deep; therefore, according to doctor's opinion, the blows were delivered for the purpose of inflicting pain upon the victim and not for the purpose of killing him.

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Therefore, all the witnesses agreed that the accused Slavko Šakić stood out in particular for the brutal and cruel treatment of the prisoners. Furthermore, it is indisputable from statements of the witnesses that the critical event took place on 26 July 1993, when the accused Šakić, together with several members of the *Garavi* unit, participated in the beating and abuse of the detained civilians, including Selmir Šehić. After the beating he tied up this person's hands and led him away in an unknown direction. In late August 1993, he was found dead under the *Kandžiski* Bridge. By the mentioned actions, the accused Šakić committed the criminal offense of attack on individual civilians as set forth under 173(1)(a) of the CC BiH, as read with Article 29 of the CC BiH. This action resulted with the death of Selmir Šehić. The Accused committed these criminal offenses with direct intent, being aware that prohibited consequences might arise in relation to the abused persons, particularly in relation to Selmir Šehić, whom he treated with particular ruthlessness and mercilessness, while his further actions additionally point at an open intention for this person to die as a final result of the abuse.

Finally, the Panel holds that the file contains sufficient evidence that undoubtedly indicates that the Accused participated in the actions alleged under Count 4 of the Indictment, that is, during the period referenced in the Indictment, on a number of occasions, he took detained Bosniak civilians from the cellar of the *Akvarijum* motel to the front lines to perform forced labor by way of digging dugouts and trenches. As a result, on 21 July 1993, detainee Adis Hakanović, while digging communication trenches with other detainees, was wounded by a bullet in his right ankle joint due to a cross fire of the parties to conflict. After that, he was returned and detained in the cellar of the *Akvarijum* motel.

All the witnesses confirmed in their statements that most men, during their stay in the motel, were taken to the front lines every day to dig trenches, communication trenches, so they were often used as "human shields". Additionally, they were taken to perform labor consisting of clearing up the terrain and digging graves for HVO members that were killed.

The aforementioned ensues primarily from statements of the witnesses who were taken to perform forced labor. For example, Adis Hakanović claims that the men were taken to dig trenches and communication trenches from the cellar room where he was detained, and occasionally they were taken to clean motel rooms where soldiers stayed. He clearly remembers that on 21 July 1993, while digging trenches on the front line he was wounded in his right ankle joint. He also remembers that a prisoner who worked with him got him out of the trench and that the soldiers who guarded them were asked for help.

Then, witness Hakanović was taken to the stairs of the *Akvarijum* motel and ordered to wait there, when an HVO member, a certain Vučak, asked him "Who wounded you, Baliija?" and "threw" him from the stairs, jumped on his chests, and "made a cut under his throat from ear to ear" using a bayonet he carried in his hand. He then sustained some more beatings and was transferred to the motel cellar. This was also confirmed by witness Karabeg Sihanuk who was taken with his nephew on this critical occasion to dig trenches. He remembers that he and his nephew were digging grave sites when the soldiers came carrying a wounded Bosniak and ordered them to take him to the cellar of the *Akvarijum* motel, while the witness Muhamed Smajić remembers a young man of about 25 years old whom they "threw in" the cellar on one occasion, and he confirmed

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clearly see that the person was wounded in his leg. However, all witnesses agreed that on that occasion the soldiers warned all the present prisoners in the cellar that they must not go near the injured man or help him in any way.

The injury sustained by Adis Hakanović was also recorded in the medical documents of the JU Medical Centre Bugojno, where he was examined just before the exchange dated 28 July 1993, when it was established that Hakanović sustained injuries consisting of an entry-exit wound in both lower legs. Certified court expert witness, Dr. Hamza Žujo defined this as a severe bodily injury in his report dated 8 July 2008.

Therefore, statements of witnesses heard during the investigation undoubtedly imply that HVO soldiers, more precisely soldiers from the *Garavi* unit, whose member was the accused Šakić, took the detained men every day to perform forced labor, primarily consisting of digging trenches, dugouts and communicating trenches. They performed these jobs at the front lines, being exposed to cross fire all the time, which is why most witnesses claim that they were at the same time being used as "human shields". When it comes to this type of labor, voluntariness was absolutely excluded. Witnesses agree that the soldiers issued them orders and assignments which they had to obey, often under the threat of being killed, so they could not refuse going there. This is corroborated by witness Mustafa Čolak, who points out that the soldiers would first take the prisoners to the corridor, beat them there, and then they would take them to labour, which additionally implies that it was forced labour and points to the fact that they never had a choice.

Taking into account the aforementioned, the Accused acted with direct intent in the commission of the criminal offenses under this Count of the Indictment, because he was aware of the possibility of causing forbidden consequences in relation to the persons who were taken to dig trenches and dugouts. Therefore, although he was aware of the danger that prisoners, while performing labor at the front lines, were exposed to cross fire on a daily basis, the Accused participated with other soldiers in taking them to perform the forced labor. Acting in this manner, he openly showed an intention for these persons to be killed or injured as a result of such exposure. This intention was best demonstrated in the case of injured Adis Hakanović, whom the soldiers carried to the motel premises forbidding other prisoners to offer any help to the injured. In accordance with the aforementioned, the Court has found that the case file contains sufficient evidence that the Accused committed the criminal offense under Article 173(1) f) of the CC BiH, as read with Article 29 of the CC BiH.

Based on the statements of the witnesses and the attached documentary evidence, it is obvious that the offenses committed by the Accused were aimed at depriving others of the right to life, freedom and safety, which is contrary to the international humanitarian law or common Article 3 of Geneva Conventions. Furthermore, the offenses were committed against unarmed persons, that is, against persons who were protected under the Convention, during the armed conflict that the Accused knew of and in which he undoubtedly participated.

Therefore, during the armed conflict in BiH between the HVO and the BiH Army, in the period between 17 July 1993 and 28 July 1993, the Accused violated international humanitarian law, specifically Article 3(1) a) and c) of the Geneva Convention Relative to Protection of Civilian Persons in Time of War dated 12 August 1949, together with

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other HVO members, that is, members of the *Garavi* unit, which was a part of the 104 Brigade – *Eugen Kvaternik*, by committing and contributing to a decisive extent to the perpetration of criminal acts consisting of torture and unlawful detention of civilians and forcing them to carry out labor.

Based on the filed evidence, the Court has found that the actions of the Accused contain elements of the criminal offense of War Crimes against Civilians, set forth under Article 173(1) a), c), e) and f), and that he is individually responsible for their perpetration, as set forth under Article 180(1) of the CC BiH, as read with Article 29 of the CC BiH.

- **Fashioning the sentence**

The criminal offense of which the Accused is found guilty is punishable by imprisonment for a term of not less than 10 years or a long-term imprisonment.

At the sentencing hearing dated 26 September 2008, parties presented circumstances existing on the part of the Accused that had been taken into consideration by the Court in the course of deciding on the duration of the sentence.

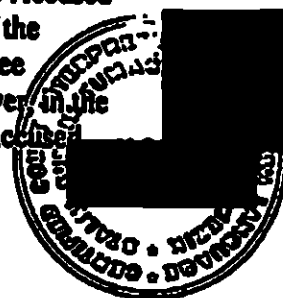
At the mentioned hearing, the Prosecutor stated that she maintained her position on the range of punishment as proposed in the Agreement. As a mitigating circumstance she presented the fact that the Accused admitted his guilt for the criminal offenses as charged, and that he was not subject to any criminal proceedings after the period in question. She stated that the Accused was a young adult at the time of perpetration of the criminal offenses.

The Defence Attorney for the Accused stated, *inter alia*, that the Accused admitted the perpetration of the crimes and expressed his deep regret for everything he had done. Furthermore, this is a person who had a marginal role in the perpetration of the crimes and a person who was only 20 years old at the relevant time. Furthermore, she pointed out that the Accused was a viceless person who had not been criminally prosecuted or tried hitherto. Additionally, the Accused is a disabled person and suffers from PTSD; his financial status is poor since he is unemployed, and so is his wife; they have three underage children whom they support. The situation is additionally aggravated by the fact that they have not even solved their housing problem. Accordingly, the Defence holds that the threshold of punishment should not exceed 7 years, which is the lower limit of the sentence proposed by the Agreement.

The Accused agreed with the arguments of the Defense Attorney and once again expressed his deep regret for the crimes he admitted.

In the course of fashioning the sentence, the Court was guided by the range of sentence envisaged in the Agreement on the Admission of Guilt, pursuant to Article 231(3) of the CPC BiH, and the evaluation of all circumstances pertaining to the Accused. In the course of meting out the sentence, the Court took into account the fact that the Accused admitted the criminal offense and expressed his regrets for the commission of the crime. Furthermore, the Accused has no prior convictions; he is a father of three children; at the time of perpetration of the crime he was a young adult. However, in the course of deciding on the sentence, the Court also took into account that the Accused

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committed many criminal offenses against many civilians, acting with direct intent, and that he did it with particular cruelty and brutality, as confirmed by all the witnesses.

Taking into account all the aforementioned, as well as the degree of participation of the Accused and his contribution to the perpetration of criminal offense, the Court holds that the pronounced sentence has been fashioned pursuant to Article 48(1) of the CC BiH, and that the pronounced sentence will achieve the purpose of punishment stipulated under Article 39 of the CC BiH.

Pursuant to Article 56 of the CC BiH, the time spent in custody pending trial, starting from 19 May 2008, shall be counted as part of the sentence of imprisonment.

- **Decision on costs**

The accused Slavko Šakić, by signing the Agreement on the Admission of Guilt dated 5 September 2008, took the obligation under Article 4 that he would bear the costs of the criminal proceedings. However, pursuant to Article 188(4) of the CPC BiH, the Court has decided that the costs of these proceedings shall be paid from the budget funds, since the Accused is unemployed and father of three underage children, wherefore his payment of the costs would threaten his sustenance and that of his family.

- **Decision on the property claim**

Taking into account that the Accused entered into the Agreement on the Admission of Guilt with the BiH Prosecutor's Office, and that the main trial was not held where the injured parties could state their positions regarding a claim under property law and its amount, the Court has referred them to take civil action pursuant to Article 198(2) of the CPC BiH.

Record taker
Lejla Haračić
/hand signature duly affixed/

PRESIDING JUDGE
Jasmina Kosović
/hand signature duly affixed/

LEGAL REMEDY: This Verdict may be appealed with the Appellate Panel of this Court within 15 days following the date of its reception. Pursuant to Article 231(6) e) of the CPC BiH, an appeal as to the sentence imposed shall not be allowed

I hereby confirm that this document is a true translation of the original written in
Bosnian/Serbian/Croatian
Sarajevo, 19 November 2008
Name [REDACTED]
Certified Court Interpreter [REDACTED]



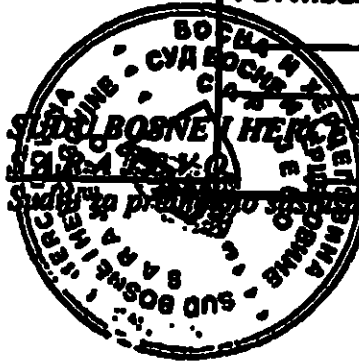
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Telefon ++ 387 33 707 100; Fax: ++ 387 33 707 227**

Sud BiH / G.đ. BiH
 Kancelarija općinskog i Apelacionog suda /
 Kancelarija općinskog i Apelacionog suda
 Odsj. I i Odsj. II / Odsj. I i Odsj. II
 Odsj. za vanjske odnose / Odsj. za vanjske odnose

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BOSNA I HERCEGOVINA
TUŽILAŠTVO – TUŽITELJSTVO BOSNE I HERCEGOVINE
SARAJEVO
BROJ: KT-30/08
Sarajevo, 21.11.2008.godine
AH/SB

Optužnica K T 30/08
 POTVRĐENA DANA 28.11.2008.



Na osnovu člana 226. stav 1. i člana 227. stav 1. ZKP-a BiH, podižem:

OPTUŽNICU

PRIMLJENO
 dana 21.11.2008.
 20. godina
SUD BIH SARAJEVO
 Odsj. za vanjske odnose

PROTIV:

1. **KRSTIĆ STEVANA**, sin Čedomira i majke Dušanke, rođena Stevanović, rođen 22.06.1973. godine u Bijeljini, nastanjen u selu Amajlije bb, opština Bijeljina, po zanimanju poljoprivrednik, oženjen, otac troje djece, po nacionalnosti Srbin, državljanin BiH, JMBG 2206973180856, ranije kažnjavan,
2. **SRDIĆ MARINKA**, sin Ljube i majke Desanke, rođena Damjanović, rođen 15.11.1970. godine u Drvaru, nastanjen u selu Amajlije bb, opština Bijeljina, po zanimanju mesar, oženjen, otac dvoje djece, po nacionalnosti Srbin, državljanin BiH, JMBG 1511970113248,
3. **JEVTIĆ TOMISLAVA**, sin Janka i majke Nevenke, rođena Stevanović, rođen 27.10.1961. godine u Bijeljini, nastanjen u selu Amajlije bb, opština Bijeljina, po zanimanju poljoprivrednik, oženjen, otac dvoje djece, po nacionalnosti Srbin, državljanin BiH, JMBG 2710961180850,
4. **NIKOLIĆ PREDRAGA**, sin Đorđa i majke Dragoslave, rođena Tomić, rođen 01.02.1964.godine u Bijeljini, nastanjen u selu Amajlije bb, opština Bijeljina, po zanimanju bravar, oženjen, otac troje djece, po nacionalnosti Srbin, državljanin BiH, JMBG 0102964180862,

5. **TOMIĆ MILISAVA**, sin Vase i majke Petre, rođene Stevanović, rođen 07.05.1941. godine u selu Amajljama, nastanjen u selu Amajlije bb, opština Bijeljina, po zanimanju poljoprivrednik, oženjen, otac dvoje djece, po nacionalnosti Srbin, državljanin BiH, JMBG 0705941180853,
6. **DIKIĆ STANKA**, sin Miladina i majke Zore, rođene Krsmanović, rođen 24.06.1978. godine u Bijeljini, nastanjen u selu Amajlije bb, opština Bijeljina, po zanimanju poljoprivrednik, po nacionalnosti Srbin, državljanin BiH, JMBG 2406978180888, ranije kažnjavan.

Zato što su:

Dana 08.12.2007. godine, oko 20,00 časova, po prethodnom dogovoru sa njima poznatim licima, čamcima preko rijeke Drine, sa područja Republike Srbije u Bosnu i Hercegovinu prevezli 30 grla krupne stoke u rejon naselja Popovi i Amajlije, opština Bijeljina, koju su prethodno kupili na području opštine Šabac – Republika Srbija, pri čemu osumnjičeni Krstić Stevan sedam, Srdić Marinko tri, Jeftić Tomislav pet, Nikolić Predrag tri, Tomić Milisav pet i Dikić Stanko sedam grla, potom stoku utovarili na teretno motorno vozilo marke „Štajer“, reg.ozn. 633-E-884, traktor marke „Internacional“, bez registarskih oznaka, traktor marke „Torpedo“, reg.ozn. BN 62-96 i traktor marke „Belorus“, bez registarskih oznaka, sve na način da su izbjegli mjere carinske kontrole i bez dozvole – odobrenja Ureda za veterinarstvo Bosne i Hercegovine iz člana 4. i 5. Odluke o uslovima uvoza i prevoza živih životinja, proizvoda i namirnica životinjskog porijekla, lijekova, stočne hrane i otpadaka u Bosnu i Hercegovinu („Službeni glasnik BiH“, broj: 17/04), a što je utvrđeno od strane ovlaštenih službenih lica Centra javne bezbjednosti Bijeljina.

Dakle, bez odgovarajućeg odobrenja, izbjegavajući mjere carinske kontrole, preko carinske linije prenijeli robu čiji uvoz zahtijeva posebno odobrenje.

Čime su, počinili krivično djelo krijumčarenje iz člana 214. stav 2. u vezi sa članom 29. KZ BiH.

Rezultati istrage:

Istragom je na nesumnjiv način utvrđeno da su osumnjičeni Krstić Stevan, Srdić Marinko, Jeftić Tomislav, Nikolić Predrag, Tomić Milisav i Dikić Stanko počinili inkriminisane radnje u vrijeme i na način pobliže opisan u dispozitivu optužnog akta, u kojim radnjama su se stakla sva bitna obilježja bića krivičnog djela krijumčarenja iz člana 214. stav 2. u vezi sa članom 29. KZ-a BiH. To prije svega proizilaze iz dokaza objektivne prirode, odnosno Prijemnica – potvrda „MESOPRODUKT-a“ a.d. Bijeljina, broj: 01393, broj: 01394, broj: 01395 i broj: 01606 od 08.12.2007.godine, Zapisnika o izvršenom inspekcijskom

pregledu Veterinarske inspekcije Republičke uprave za inspeksijske poslove Republike Srpske – Odjeljenje Bijeljina, broj: 26.5.05/336-193/07 od 08.12.2007.godine, Rješenja Veterinarske inspekcije – Odjeljenja Bijeljina broj: 26.5.05/336-240/07 od 10.12.2007.godine, broj: 26.5.05/336-240-2/07 od 18.12.2007.godine i broj: 26.5.05/336-279-1/07 od 18.12.2007.godine, Fotodokumentacije Centra javne bezbjednosti Bijeljina, broj: SI/07 od 08.12.2007.godine, Zapisnika o dobrovoljnoj predaji predmeta Centra javne bezbjednosti Bijeljina, broj: 12-02/2-SI/07 od 08.12.2007. godine, te Izvještaja o izvršenom krivičnom djelu Centra javne bezbjednosti Bijeljina, broj: 12-02/2-230-19/08 KU-4 od 03.01.2008.godine. Navedeni materijalni dokazi potkrijepljeni su izjavama svjedoka

te priznanja osumnjičenih Krstić Stevana, Srdić Marinka, Jeftić Tomislava, Nikolić Predraga, Tomić Milisava i Dikić Stanka.

Radi toga stavljam:

**PRIJEDLOG
dokaza koje treba izvesti**

I

A. Da se u svojstvu svjedoka sasušaju:



B. Da se izvrši uvid u:

- Prijemnicu – potvrdu „MESOPRODUKT-a“ a.d. Bijeljina, broj: 01393 od 08.12.2007.godine,
- Prijemnicu – potvrdu „MESOPRODUKT-a“ a.d. Bijeljina, broj: 01394 od 08.12.2007.godine,
- Prijemnicu – potvrdu „MESOPRODUKT-a“ a.d. Bijeljina, broj: 01395 od 08.12.2007.godine,

- Prijemnicu – potvrdu „MESOPRODUKT-a“ a.d. Bijeljina, broj: 01606 od 08.12.2007.godine,
- Zapisnik o izvršenom inspekcijskom pregledu Veterinarske inspekcije Republičke uprave za inspekcijske poslove Republike Srpske – Odjeljenje Bijeljina, broj: 26.5.05/336-193/07 od 08.12.2007.godine,
- Rješenje Veterinarske inspekcije – Odjeljenja Bijeljina, broj: 26.5.05/336-240/07 od 10.12.2007. godine,
- Rješenje Veterinarske inspekcije – Odjeljenja Bijeljina, broj: 26.5.05/336-240-2/07 od 18.12.2007.godine,
- Rješenje Veterinarske inspekcije – Odjeljenja Bijeljina, broj: 26.5.05/336-279-1/07 od 18.12.2007.godine,
- Fotodokumentaciju Centra javne bezbjednosti Bijeljina, broj: SI/07 od 08.12.2007.godine,
- Zapisnik o dobrovoljnoj predaji predmeta Centra javne bezbjednosti Bijeljina, broj: 12-02/2-SI/07 od 08.12.2007. godine,
- Zapisnik o dobrovoljnoj predaji predmeta Centra javne bezbjednosti Bijeljina, broj: 12-02/2-SI/07 od 08.12.2007. godine i
- Izvještaj o izvršenom krivičnom djelu Centra javne bezbjednosti Bijeljina, broj: 12-02/2-230-19/08 KU-4 od 03.01.2008.godine.

II

Da se u smislu odredbi člana 74. stav 1. KZ BiH od osumnjičenog Krstić Stevana oduzme jedna motorola sive boje, bez serijskih oznaka i nepoznate marke, a od osumnjičenog Nikolić Predraga jedna ručna radio stanica marke „YEASU“, model „FT-23R“.

III

Da se osumnjičeni obaveže na troškove krivičnog postupka u iznosu od 50,00 KM na ime putnih troškova svjedoka [REDACTED] te za paušalni iznos čiju će visinu Sud odrediti u zavisnosti od složenosti postupka.

Radi navedenog Sudiji za prethodo saslušanje Suda BiH predlažem da optužnicu potvrdi shodno odredbama člana 228. ZKP-a BiH.

