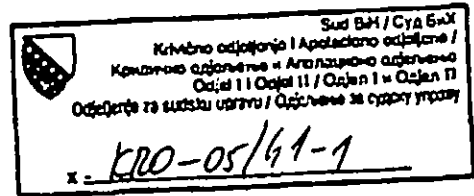


BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BiH
SARAJEVO
No: KT-RZ-39/08
Sarajevo, 25 July 2008



COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -
SARAJEVO

Pursuant to Articles 35 (2) (h), 226 (1) and 227 (1) of the Criminal Procedure Code of Bosnia and Herzegovina I hereby file the following:

INDICTMENT

Against:

ŠAKIĆ SLAVKO, son of Stipo and Ana, maiden name Breljak, born on 18 November 1972 in the village of Zlavast, Bugojno Municipality, residing in Livno, at bb /no number/ Brina Street, Personal ID No: 1811972191266, married, father of three minor children, unskilled worker, unemployed, completed his military service in 1991-1992, holds the rank of reserve military officer – lieutenant, registered in the Military Records of the Livno Municipality and in the Military Records of the Sisak Municipality – the Republic of Croatia, no decorations awarded, indigent, no previous convictions, not subject of another ongoing criminal proceedings, Croat by ethnicity, citizen of BiH and the Republic of Croatia, currently in custody pursuant to the Decision of the Court of BiH number X-KRN-05/41 dated 20 May 2008 and the Decision of the Court of BiH number X-KRN-05/41 dated 18 June 2008.

Because :

During the state of war in Bosnia and Herzegovina, in the period from 17 July 1993 until 28 July 1993, at the time of the armed conflict between the units of the Croat Defense Council (hereinafter: HVO) and members of the Army of Bosnia and Herzegovina (hereinafter: ABiH), in the territory of Bugojno Municipality, as a member of the HVO Garavi unit, acted in violation of international humanitarian law, specifically Article 3 (1) a) and c), and Article 33 (3) of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and in violation of the provisions of Article 51 (1), (2) and (3), wherein he participated in the murder and participated and assisted in the preparation and commission of the criminal offenses by way of inhumanely treating Bosniak detainees and participating in their ungrounded deprivation of liberty and detaining them in the Akvarijum (Aquarium) Motel as well as keeping them in inhumane conditions and participating in torture on several occasions, and coercing them to forced labor, inasmuch as he:

1. In mid July 1993, in the place called Vrbanja, Bugojno Municipality, together with other members of the Special Purposes Unit HVO-Garavi, participated in the deprivation of liberty of Bosniak civilians coming from the broader region of Bugojno and imprisoned them in the cellar of the Akvarijum (Aquarium) Motel in Bugojno, thus the following persons were imprisoned: [REDACTED]

[REDACTED]

civilians, whom, during their arrest, he searched and forcefully confiscated money and golden jewelry thereof.

2. In the period from 17-28 July 1993, in the cellar and other rooms of the Akvarijum Motel in Bugojno, on several occasions, together with other members of the Special Purposes Unit HVO-Garavi, he participated in the torture of the detained civilians, inflicting upon them serious bodily injuries with a wooden stick, military boots and sometimes even with an automatic rifle, so he tortured the following persons:

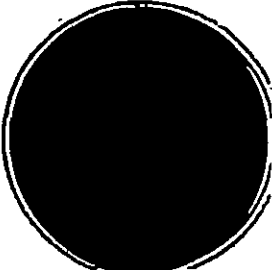
[REDACTED] and other detainees and in particular he tortured the detained old men [REDACTED] on whose palms, following numerous blows, he carved a cross.

3. On 26 July or 27 July 1993, in the cellar concerned, together with other members of the HVO, he was beating up and abusing [REDACTED] and then the same day, after he had beaten them up, he tied [REDACTED] hands with a string and cut on his head with a knife, telling the other detainees that he was taking him out to cut his throat, and after that he took [REDACTED] away from the premises of the Akvarijum Motel and he remained unaccounted for until August 1993 when he was found dead under the Kandijski Most (bridge) in the settlement of Vrbanja, Bugojno Municipality, with multiple lethal injuries inflicted by a cutting edge of a knife as well as fire arms.

4. In the same period as stated under Count 2, on several occasions, he was taking the detained Bosniak civilians to forced labor to dig dugouts and communication trenches along the first front line, on which occasion, on 21 July 1993, the detainee [REDACTED] while digging communication trenches with other detainees, in a crossfire, was wounded by a bullet in his ankle joint, after which he was returned and detained in the Akvarijum Motel cellar.

Therefore, during the war in Bosnia and Herzegovina, and the time of the armed conflict between the HVO and the Army of BiH, in violation of the rules of international humanitarian law specifically Article 3 (1) a) and c) of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, as a co-perpetrator he committed murder and also committed and assisted in the commission of unlawful detention, inhumane treatment, torture and coercing to forced labor.

Whereby Slavko Šakić committed the criminal offense of War Crimes against Civilians referred to in Article 173 (1) a), c), e) and f) of the BiH CC in conjunction with Article 180 (1) of the BiH CC as read with Article 29 of the BiH CC.



I therefore,

PROPOSE

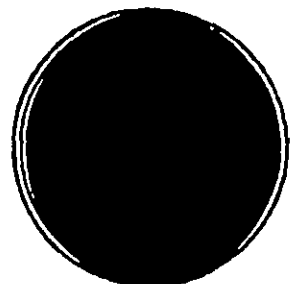
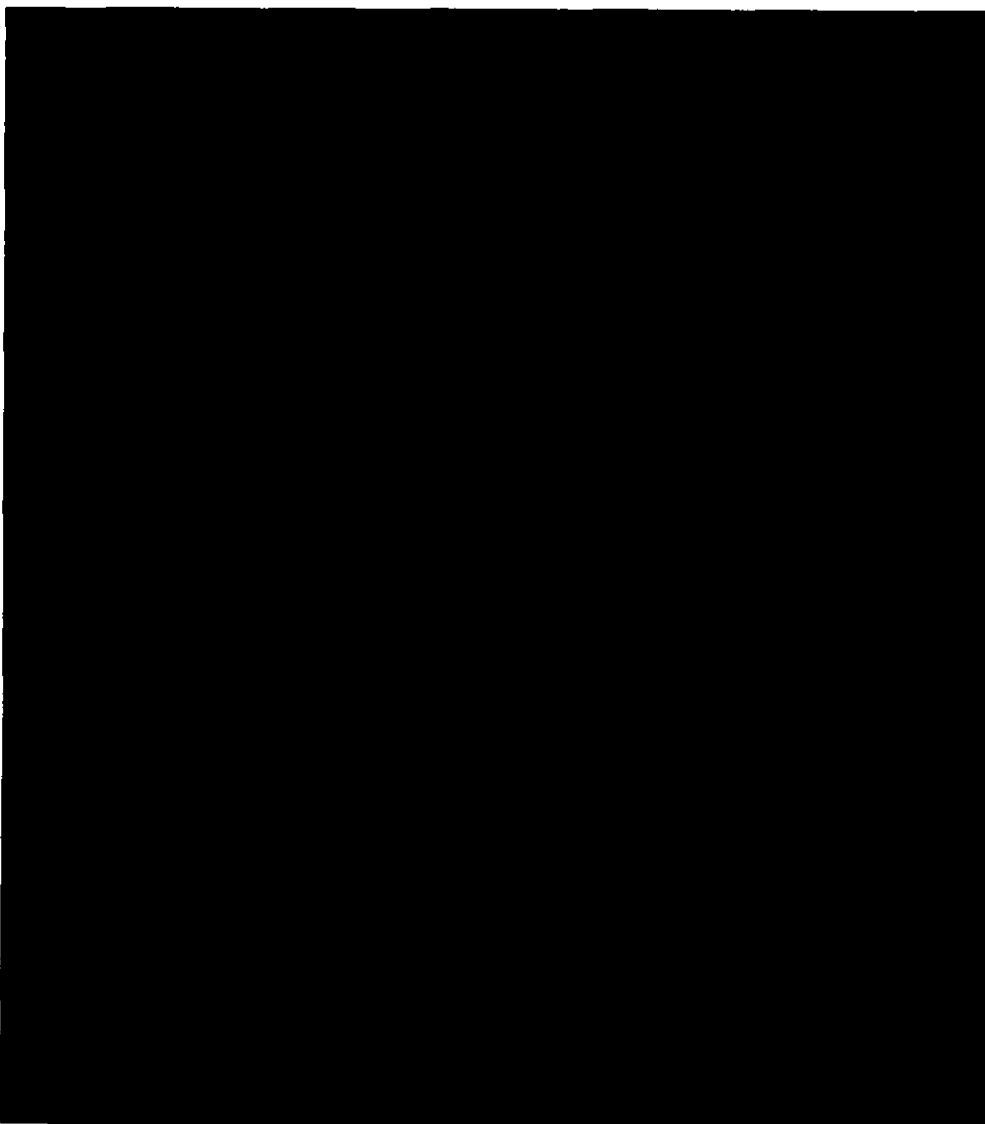
1. *That the following persons be summoned:*

- *Prosecutor of the Prosecutor's Office of BiH.*
- *Suspect Slavko Šakić, currently in the Istočno Sarajevo prison.*
- *Defense Counsel Branka Praljak, attorney from Novi Travnik.*

2. *That the following evidence be presented:*

a) *By hearing the witnesses below:*

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b) *By reading out the following statements:*

1. [REDACTED]
2. [REDACTED]

c) *By examining the expert witness pertaining to the circumstances of injuries that the detainees sustained during their detention:*

1. [REDACTED]

d) *By examining the expert witness pertaining to the circumstances surrounding [REDACTED] incapability to testify*

1. [REDACTED]

e) *By inspection of the following documents:*

1. Record on questioning the suspect Slavko Šakić number KT-RZ 37/05 dated 19 May 2008.
2. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
3. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 June 2007.
4. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 June 2007.
5. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 5 June 2007.
6. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 June 2008.
7. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 22 April 2008.
8. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 and KT-RZ 39/08 dated 18 July 2008.
9. Record on Examination of the Witness [REDACTED] No. KT-RZ 37/05 and KT-RZ 39/08 dated 7 June 2007.
10. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 and KT-RZ 39/08 dated 23 May 2008.
11. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 8 October 2007.
12. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 May 2008.
13. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 May 2008.
14. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
15. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
16. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.

17. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
18. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 4 July 2007,
19. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
20. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
21. Record on Examination of the Witness KT-RZ 37/05 dated 5 June 2007 (not to be forwarded to the defense).
22. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 7 June 1997.
23. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
24. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 4 July 2007,
25. Record on Examination of the Witness [REDACTED] number KT-RZ 239/08 / dated 26 June 1994.
26. Record on Examination of the Witness [REDACTED] number KT-RZ 239/08 / dated 26 June 1994,
27. Record on Examination of the Witness [REDACTED] number KT-RZ 239/08 / dated 26 June 1994.
28. Record on Examination of the Witness [REDACTED] number KT-RZ 39/08 / dated 26 June 1994,
29. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 / dated 18 July 2007,
30. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 / dated 4 July 2007,
31. Unit Record of a soldier of the Armed Forces of the Croat Community of Herceg-Bosna number 6231/5 for the suspect Slavko Šakić.
32. Payroll List No. 01-2135/93 for the Garavi unit members dated 17 August 1993, where the suspect Slavko Šakić is listed under number 5.
33. Official Notes drafted by the Bugojno PSC dated 16 September 1993 in which the name of [REDACTED] is stated under number 13.
34. Photo-documentation of the mortal remains of [REDACTED] and [REDACTED] with relevant explanation,
35. Decision No. 01-V-18/93 issued on 25 July 1993 by the Bugojno Municipality War Presidency on the establishment of the commission for identification of killed persons.
36. Regular Combat Report No. 02-263-83 drafted by the Defence Staff of Bugojno Municipality dated 27 July 1993.
37. Patients Record No. 995/96 dated 10 December 1996.
38. Death Certificate No. 5581 dated 9 December 1996 issued to the name of [REDACTED]
39. Death Certificate No. 5604 dated 10 December 1996 issued to the name of [REDACTED]
40. Death Certificate No. 5605 dated 10 December 1996 issued to the name of [REDACTED]
41. Death Certificate No. 5612 dated 10 December 1996 issued to the name of [REDACTED]

42. Letter No. 014832/GB/RR471 - standard marking "A" of the ICTY Office of the Prosecutor in the Hague, the case of suspect Slavko Šakić dated 20 June 2001.
43. Photo copy of the ID No. 15018448, Mol Petrinja – R Croatia, issued in the name of Slavko Šakić.
44. Photo copy of the inquiry into the CIPS data base – travel document in the name of Slavko Šakić.
45. State Investigation and Protection Agency Report dated 19 May 2008.
46. Decision on the Proclamation of the State of War issued by the Presidency of the Republic of Bosnia and Herzegovina (Official Gazette of R BiH number 7/92 dated 20 June 1992).
47. Findings and Opinion of the expert witness, specialist in forensic medicine, ██████████ MD, dated 3 July 2006 referring to the injuries that the injured parties sustained.
48. Criminal Records for the suspect Slavko Šakić.
49. Death Certificate,
50. List of the issued military cards for the unit R 1438 (page 36).
51. Regular Combat Report of the Military Police of the 307 Motorized Brigade for the period 18 July 1993 - 31 July 1993, number 1100-1083/93, dated 10 August 1993.
52. Order on Appointment, Croat Defense Council number 02-1-766/93 dated 1 July 1993.
53. Recruitment Analysis for the Municipality of Bugojno made by the Croat Defense Council on 6 June 1993,
54. Document on the Promotion to an Officer's Rank, Croat Defense Council number 02-129-746/93 dated 14 June 1993.
55. Review of the required documentation from the records of the Ministry of Defense made by the Institute for War Crimes and International Law,
56. Unit Record of a soldier of the Armed Forces of the Croat Community of Herceg-Bosna,
57. Records on the Mobilization of the Eugen Kvaternik Brigade members, number 08-03/93 dated 29 March 1993.
58. Letter on Demobilization Order referring to Vlatko Lučić issued by the Croat Defense Council number 01-109-860/92 date 14 December 1992.
59. Subject: Information on Missing Croats from Bugojno.
60. Open letter referring to the taken group of Bugojno people,
61. Report on Killed Croats,
62. Letter by the Cripto-Protection Department.
63. Letter by the Ministry of Internal Affairs on the conflicts between the unit of ARBiH and Croat Defense Council units No. n-4-2351 dated 7 August 1993.
64. Newspaper article from Večernje Novine,
65. Information on Prisoners of War, Supreme Command Staff of the Armed Forces number 03/39-42 dated 30 August 1993.
66. Letter by the Cripto-Protection Department.
67. Certificate Recognizing the Status of Camp Inmate of Bosnia and Herzegovina issued in the name of ██████████ dated 25 July 2002.
68. Medical findings of the Specialist Service of the Public Institution - Bugojno Medical Center dated 30 August 2006 and 16 November 2008,
69. Letter by the Bugojno Medical Center, subject: forwarding the required data, dated 16 November 2006.

70. Certificate of the Camp Inmates Association referring to the establishment of the prison in the settlement of Vrpeč, Bugojno Municipality, called Akvarijum, dated 29 August 2006.
71. Certificate Recognizing the Status of Camp Inmate of Bosnia and Herzegovina issued for the protected witness, dated 25 July 2002.
72. Medical findings of the Specialist Service of the Public Institution - Bugojno Medical Center for the protected witness, dated 28 June 2004.
73. Findings and Opinion of Psychologist of the Specialist Service of the Public Institution - Bugojno Medical Center for the protected witness dated 16 November 2006.
74. Letter by the Bugojno Medical Center dated 11 April 2002.
75. Medical findings of the Specialist Service of the Public Institution - Bugojno Medical Center, dated 19 August 2002.
76. Certificate of the Camp Inmates Association referring to the establishment of the prison in the settlement of Vrpeč, Bugojno Municipality, called Akvarijum, dated 29 August 2006.
77. Statement by ██████████ dated 25 April 2002, on the exchange of wounded HVO soldiers from Bugojno and detainees of the Akvarijum Motel.
78. Photograph album of the Vrbanja settlement, Bugojno Municipality, July 1993.

RESULTS OF THE INVESTIGATION

Based on the evidence collected during the investigation conducted by the Prosecutor's Office BiH it was established indisputably that there exist grounds for the Indictment, that is, arguments that the suspect Slavko Šakić, in a manner, at the time as well as at the place and circumstances as stated in the operative part of the Indictment, committed the criminal actions referred to in the Indictment, which resulted in all the essential elements of the criminal offense of War Crimes against Civilians referred to in Article 173 (1) a), c) and e) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 180 of the Criminal Code of Bosnia and Herzegovina.

a) War in Bosnia and Herzegovina

Pursuant to Article 8 of the Decree Law on Defense (Official Gazette of RBiH number 4/92), upon the proposal of the of the Main Staff of the Armed Forces of the Republic of Bosnia and Herzegovina, the Presidency of the Republic of Bosnia and Herzegovina, at its session held on 20 June 1992, issued the Decision on Proclamation of a State of War based on which the state of war was proclaimed in the territory of the Republic Bosnia and Herzegovina. The Decision on Proclamation of a State of War was published in the Official Gazette of RBiH number 7/92 and it entered into force on the day of its publication in the Official Gazette of RBiH, that is, on 20 June 1992.

Starting from the General Framework Agreement for Peace in Bosnia and Herzegovina dated 14 December 1995, the Presidency of the Republic of Bosnia and Herzegovina, upon the proposal of the Ministry of Defense, at the session held on 22 December 1996, issued the Decision on Termination of the State of War.

b) Armed Conflict between the HVO and the Army of BiH

The fact that there was an armed conflict in the territory of Bugojno Municipality between the ARBiH and the HVO arises from numerous pieces of evidence collected by this Prosecutor's Office during the investigation. The documentary evidence as well as the statements of witnesses interviewed in the Prosecutor's Office of Bosnia and Herzegovina indisputably result in the fact that the conflict between the ARBiH and the HVO in Bugojno commenced on 18 July 1993. This conflict was not only limited to military targets but also the HVO members deprived of liberty many Bosniak civilians in the streets or in their houses and finally detained them in the Akvarijum Motel in the Vrbanja settlement, Bugojno Municipality.

In the extraordinary report of the operations body of the Joint Command of the Army in Bugojno number 02/788-6 dated 11 July 1993 sent to the Operations Group Zapad, inter alia, under item 2, it is stated: "the situation in the territory of Bugojno is still complex and tense", while under Item 3, it is stated: "our forces are in full combat readiness. The activities pertaining to planning combat activities and regrouping one part of the forces are ongoing."

In the combat report of the military police of the 307th Motorized Brigade for the period 18 July 1993 until 31 July 1993 number 1100-1083/93 dated 10 August 1993, inter alia, it is stated: "Given that for a longer period of time a visible tension can be sensed in the relations between the Army of RBiH and units of the HVO in Bugojno, and that on 18 July 1993 that tension culminated, the combat readiness of our unit is raised to the highest level. The building of the Military Police Command is without delay secured in an appropriate manner and all the members of our unit apart from those who were on their regular leave that day, are in full combat readiness. That day, all the required preparations were made in order for the unit to be put into action without delay."

In the relevant period, in the territory of Bugojno Municipality, there was a conflict between the Croat Defense Council on one side, and the Army of the Republic of Bosnia and Herzegovina on the other, which stems from the evidence collected by this Prosecutor's Office during the investigation.

It arises from the collected evidence as well as from the statements of the all heard witnesses that Slavko Šakić committed the criminal offense concerned as a member of the Garavi unit - HVO Bugojno and together with other members of the Special Purposes Unit Garavi and members of the HVO, in the period 18 -28 July 1993, at the time of the armed conflict between members of the Army of Bosnia and Herzegovina and members of the HVO in the territory of Bugojno Municipality.

c) Capacity of the Suspect

It stems from the documentary evidence collected during the investigation that the suspect Slavko Šakić, in the relevant period, was a member of the Special Purposes Unit Garavi-HVO in Bugojno. This facts arises from the objective documentation and statements of numerous witnesses.

d) Capacity of Victims - Injured Parties

It indisputably arises from the statements of the heard witnesses that all the persons deprived of liberty were not actively involved in the hostilities at the relevant time but that they were captured in their homes as civilians, in civilian clothes, and without weapons. Pursuant to the aforementioned, the captured persons, as deemed by the Prosecutor's Office of Bosnia and Herzegovina, had the status of civilians and enjoyed protection under the rules of international humanitarian law, particularly because these were underage persons, women and old men in an advanced age, therefore, persons protected by the Geneva Conventions as stated in the operative part of the Indictment.

d) Criminal Acts that the Suspect is charged with

1) Inhumane treatment - by deprivation of liberty and detention in inhumane conditions

Numerous statements of the heard witnesses confirm that the detained civilians were staying in inhumane conditions. All the witnesses identically state that life conditions in the cellar of the Akvarijum Motel were unbearable, without water, sanitary conditions below human dignity, that the food was miserable, that they were lying on the floor of the cellar and on other premises of this building and with no adequate medical assistance in particular for the minors as well as elderly and fragile people.

2) Inhumane treatment - by participation in taking detainees to forced labor

Numerous statements of the heard witnesses confirm that the detainees in the Akvarijum Motel were treated inhumanly. The witnesses stated that on several occasions they were taken to forced labor to the front line held by the Croat Defense Council against the Army of RBiH, where they were digging trenches, communication trenches and dugouts and where there was frequent fire, thus they were used as human shields. On one occasion, during works, one detainee sustained bodily injuries and when they were returned to the Motel the detainee [REDACTED] did not receive adequate medical assistance. Inhumane treatment - by taking detainees to forced labor is confirmed by the statement of the witness [REDACTED] who stated that from the very beginning of detention in this building it was a common thing for the detainees to be taken to forced labor, to the front line, held by members of the ARBiH against HVO, that is, the lines held by members of the RS Army, and that members of the Garavi unit were guarding them. He was personally digging communication trenches and trenches on several occasions.

3) By participation in murder and torture

Numerous heard witness state that the detainees in the Akvarijum Motel were tortured regardless of their age and sex, indicating that Slavko Šakić stood out in torture and abuse of the detainees, torturing them in different ways. His crudeness was manifested in particular when on 26 July 1993, in the same cellar, he beat up and abused [REDACTED] by a wooden stick, milita

boots and as well as an automatic rifle, and subsequently the detained old men [REDACTED] on whose palms he carved a cross. Then, he tied [REDACTED] hands with a string, and while taking him out of the premises of the Akvarijum Motel, he cut his face with a knife several times and drove him by car in an unknown direction, until the beginning of August 1993 when he was found dead under the Kandijski Most (bridge) in the settlement of Vrbanja, Bugojno Municipality, with multiple lethal injuries inflicted by a cutting edge of a knife all over his body as well as fire arms.

e) Blanket Regulation

Article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 regulates that:

(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 be treated humanely, without any adverse distinction founded on race, color, 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.

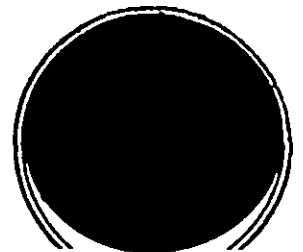
Taking into consideration that, as stated above, we have already described the capacity of the victims-injured parties in this criminal case, that is, that these are persons protected by the aforementioned Geneva Convention, the suspect, by the criminal acts that he is charged with in the operative part of the Indictment, acted in violation of the above mentioned provisions of the Geneva Convention.

Considering in detail the factual substratum given in the operative part of the Indictment, which is corroborated by the evidence, both documentary and subjective, the only possible conclusion is that the actions of the suspect Slavko Šakić constitute all the essential elements of the criminal offense of War Crimes against Civilians referred to in Article 173 (1) c), e) and f) of the BiH CC in conjunction with Article 180 (1) and Article 29 of the BiH CC, for which criminal offense this Indictment is filed against Slavko Šakić, and pursuant to the aforementioned I hereby move the Preliminary Hearing Judge of the Court of BiH to confirm the Indictment.

Materials corroborating the arguments of the Indictment:

1. Record on questioning the suspect Slavko Šakić number KT-RZ 37/05 dated 19 May 2008.

2. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
3. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 June 2007,
4. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 June 2007.
5. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 5 June 2007.
6. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 5 June 2008.
7. Record on Examination of the Witness [REDACTED] [REDACTED] number KT-RZ 37/05 dated 5 June 2008.
8. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 and KT-RZ 39/08 dated 18 July 2008.
9. Record on Examination of the Witness [REDACTED] No. KT-RZ 37/05 and KT-RZ 39/08 dated 18 July 2008,
10. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 and KT-RZ 39/08 dated 18 July 2008.
11. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 8 October 2007.
12. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
- 13.
14. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 May 2008.
15. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 6 May 2008.
16. Record on Examination of the Witness H.K. number KT-RZ 37/05 dated 18 July 2007.
17. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
18. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
19. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 18 July 2007.
20. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 4 July 2007.
21. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
22. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.
23. Record on Examination of the Witness KT-RZ 37/05 dated 5 June 2007 (not to be forwarded to the defense).
24. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 7 June 1997.
25. Record on Examination of the Witness [REDACTED] number KT-RZ 37/07 dated 7 June 2007.
26. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 20 June 2006.



27. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 4 July 2007.
28. Record on Examination of the Witness [REDACTED] number Ki 201/94 dated 24 June 1994.
29. Record on Examination of the Witness [REDACTED] number KT-RZ 239/08 / dated 26 June 1994.
30. Record on Examination of the Witness [REDACTED] number KT-RZ 239/08 / dated 26 June 1994.
31. Record on Examination of the Witness [REDACTED] number KT-RZ 239/08 / dated 26 June 1994.
32. Record on Examination of the Witness [REDACTED] number KT-RZ 39/08 dated 8 July 2008.
33. Record on Examination of the Witness [REDACTED] number KT-RZ dated 8 July 2008.
34. Record on Examination of the Witness [REDACTED] number KT-RZ 37/05 dated 4 July 2007.
35. Unit Record of a soldier of the Armed Forces of the Croat Community of Herceg-Bosna number 6231/5 for the suspect Slavko Šakić.
36. Payroll List No. 01-2135/93 for the Garavi unit members dated 17 August 1993, where the suspect Slavko Šakić is listed under number 5.
37. Official Notes drafted by the Bugojno PSC dated 16 September 1993 in which the name of [REDACTED] is stated under number 13.
38. Photo-documentation of the mortal remains of [REDACTED] and [REDACTED] with relevant explanation.
39. Decision No. 01-V-18/93 issued on 25 July 1993 by the Bugojno Municipality War Presidency on the establishment of the commission for identification of killed persons.
40. Regular Combat Report No. 02-263-83 drafted by the Defence Staff of Bugojno Municipality dated 27 July 1993.
41. Patients Record No. 995/96 dated 10 December 1996.
42. Death Certificate No. 5581, dated 9 December 1996, issued to the name of [REDACTED]
43. Death Certificate No. 5604 dated 10 December 1996 issued to the name of [REDACTED]
44. Death Certificate No. 5605 dated 10 December 1996 issued to the name of [REDACTED]
45. Death Certificate No. 5612 dated 10 December 1996 issued to the name of [REDACTED]
46. Letter No. 014832/GB/RR471 - standard marking "A" of the ICTY Office of the Prosecutor in the Hague, the case of suspect Slavko Šakić dated 20 June 2001.
47. Photo copy of the ID No. 15018448, Mol Petrinja - R Croatia, issued in the name of Slavko Šakić.
48. Photo copy of the inquiry into the CIPS data base - travel document in the name of Slavko Šakić.
49. State Investigation and Protection Agency Report dated 19 May 2008.
50. Decision on the Proclamation of State of War issued by the Presidency of the Republic of Bosnia and Herzegovina (Official Gazette of R BiH number [REDACTED] dated 20 June 1992).

51. Findings and Opinion of the expert witness, specialist in forensic medicine, [REDACTED] MD, dated 3 July 2006, referring to the injuries that the injured parties sustained.
52. Criminal Records for the suspect Slavko Sakić,
53. Death Certificate.
54. List of the issued military cards for the unit R 1438 (page 36).
55. Combat Report of the Military Police of the 307 Motorized Brigade, for the period 18 July 1993- 31 July 1993, number 1100-1083/93, dated 10 August 1993.
56. Order on Appointment, Croat Defense Council number 02-1-766/93 dated 1 July 1993.
57. Recruitment Analysis for the Municipality of Bugojno made by the Croat Defense Council on 6 June 1993.
58. Document on the Promotion to an Officer's Rank, Croat Defense Council number 02-129-746/93 dated 14 June 1993.
59. Review of the required documentation from the records of the Ministry of Defense made by the Institute for War Crimes and International Law.
60. Unit Record of a soldier of the Armed Forces of the Croat Community of Herceg-Bosna.
61. Records on the Mobilization of members of the Eugen Kvaternik Brigade members number 08-03/93 dated 29 March 1994.
62. Letter on Demobilization Order referring to Vlatko Lučić issued by the Croat Defense Council number 01-109-860/92 dated 14 December 1992.
63. Subject: Information on Missing Croats from Bugojno.
64. Open letter referring to the taken group of the Bugojno people.
65. Report on Killed Croats.
66. Letter by the Cripto- Protection Department.
67. Letter by the Ministry of Internal Affairs on the conflicts between the unit of ARBiH and Croat Defense Council units No. n-4-2351 dated 7 August 1993.
68. Newspaper article from Večernje Novine.
69. Information on Prisoners of War, Supreme Command Staff of the Armed Forces number 03/39-42 dated 30 August 1993.
70. Letter by the Cripto- Protection Department.
71. Certificate Recognizing the Status of Camp Inmate of Bosnia and Herzegovina issued to the name of [REDACTED] dated 25 July 2002.
72. Medical findings of the Specialist Service of the Public Institution- Bugojno Medical Center dated 30 August 2006 and 16 November 2008.
73. Letter by the Bugojno Medical Center, subject: forwarding the required data, dated 16 November 2006.
74. Certificate of the Camp Inmates Association referring to the establishment of the prison in the settlement of Vrpeč, Bugojno Municipality, called Akvarijum dated 29 August 2006.
75. Medical findings of the Specialist Service of the Public Institution- Bugojno Medical Center for the protected witness dated 28 June 2004.
76. Findings and Opinion of Psychologist of the Specialist Service of the Public Institution- Bugojno Medical Center for the protected witness dated 16 November 2006.
77. Letter by the Bugojno Medical Center referring to the protected witness dated 11 April 2002.

78. Medical findings of the Specialist Service of the Public Institution- Bugojno Medical Center dated 19 August 2002.
79. Certificate of the Camp Inmates Association referring to the establishment of the prison in the settlement of Vrpeć, Bugojno Municipality, called Akvarijum dated 29 August 2006.
80. Statement by [REDACTED] dated 25 April 2002, on the exchange of wounded HV/O soldiers from Bugojno and detainees of the Akvarijum Motel.
81. Photograph album of the Vrbanja settlement of, Bugojno Municipality, July 1993

MOTION TO EXTEND CUSTODY

Pursuant to Article 227 (3) in conjunction with Article 137 of the BiH CPC, I hereby move the Court, if it confirms the Indictment, to extend custody of the suspect Slavko Šakić due to the fulfillment of the general requirement for ordering and extending custody, and the existence of special custody grounds referred to in Article 132 (1) a) and b) of the BiH CPC, because we are of the opinion that there still exist all the custody grounds which existed at the time of rendering the decision ordering custody and extending the custody during the investigation.

As it has already been stated in the motions to order and extend custody of the then suspect Slavko Šakić, conducting the investigation the Prosecutor's Office of BiH found that Slavko Šakić has the CIPS identification card as well as that his place of residence is in the Municipality of Livno, the registered address is Brina bb. However, based on the SIPA Report No. 17-04/2-04-2-305/07 dated 17 July 2007 it can be seen that at the registered address of Slavko Šakić there is a house under construction, that the house cannot be used for living and that it is uninhabited, as well as that the SIPA officers could not locate the real address of Slavko Šakić. Therefore, we still believe that the aforementioned circumstances clearly point to the intention of the suspect Slavko Šakić to hide.

Such a position is further confirmed if we take into consideration that the suspect falsely introduced himself as Ante when being arrested by the SIPA officers, but that the SIPA officers identified the suspect as Slavko Šakić, as it can be seen in the SIPA Report dated 19 May 2008. It can also be added that even during the arrest the suspect's address could not be identified, so he was arrested in one of the cafés in Livno, which can also be seen in the above mentioned Report. The accused stated that he did not have a travel document of Bosnia and Herzegovina, which proved to be right and the Court may check it by inspecting the CIPS travel documents database. While questioned by the Prosecutor and providing his personal details during the hearing to order custody, asked by the Preliminary Proceedings Judge, Slavko Šakić stated that he holds the citizenship of both Bosnia and Herzegovina and the Republic of Croatia and that he also has a passport of the Republic of Croatia. The ID No. 15018448 issued in the name of Slavko Šakić in the Republic of Croatia proves that he holds Croatian citizenship. His place of residence in the Republic of Croatia is noted to be in Petrinja, at 2 Trg D. Trstenjaka. We would like to remind once again that the Republic of Croatia, pursuant to Article 9 of the Constitution of the RH and using the authorities referred to in Article 26 of the European Convention on Extradition, made reservation in respect to the extradition of its citizens, that is, it shall not allow the extradition or transit of its citizens. Also, we would like to note the distance from Livno to the border with the Republic of Croatia, around 20-30 kilometres, which is

distance that can be travelled in a short period of time. One should not disregard the fact indicated by the defence of Slavko Šakić that he often goes to the Republic of Croatia to work, therefore, we are of the opinion that he formed numerous acquaintances and friendships so it would not be difficult for him to cross into the territory of the Republic of Croatia.

Due to the aforementioned, we are of the opinion that the accused Slavko Šakić, if released, could become unavailable to the prosecution authorities of Bosnia and Herzegovina. All the above stated gains additional importance if we take into consideration the fact that the accused, with the confirmation of the Indictment against him, has become more aware of the existence of grounded suspicion that he has committed the grave criminal offense with the prescribed long-term imprisonment, therefore he is surely even more motivated to try to flee or hide. All these circumstances still represent the circumstances indicating a real risk that the accused Slavko Šakić, if released, could leave the territory of BiH, that is, these circumstances indicate the risk of flight and hiding, thus he could become unavailable to the prosecution authorities of BiH, which means meeting the requirements to extend custody referred to in Article 132 (1) a) of the BiH CPC.

Also, the Prosecutor's Office of BiH is still of the opinion that there exist the circumstances indicating that the custody of the accused continues to be necessary also on the grounds referred to in Article 132 (1) b) of the BiH CPC.

The Prosecutor's Office of BiH reiterates that the grounded suspicion is mostly based on the statements of the witnesses who were direct victims of the criminal acts that the accused is charged with and whose identity is well known to the accused, given that Bugojno, as the place of perpetration of the criminal offense concerned, is a small place. Also, the fact that the Prosecutor's Office heard a number of witnesses of the same ethnicity as the accused himself has to be taken into consideration in particular, so, the accused, if released and being aware of gravity of the criminal offense that he is charged with as well as the evidence that the Indictment is based on, would certainly influence both the victims and other witnesses. If the accused is released, that would evoke the feeling of insecurity with the witnesses and they would certainly be exposed to the influence which would reflect on their testimony. Once again, we would like to point out that in reference to the criminal offense concerned the Prosecutor's Office is also conducting an investigation against other co-perpetrators who are still at large. One of those co-perpetrators is Nikica Šakić, brother of the accused Slavko Šakić, of which the Court can satisfy itself by inspecting the Order number X-KRN/05/41 dated 19 July 2005 according to which the Court of BiH, upon the motion of the Prosecutor's Office of BiH, took over this case. Due to the above mentioned, we believe that the accused, if released, given the charges against him, would certainly contact his brother but also the other co-perpetrators, aimed at avoiding or diminishing his personal criminal responsibility, thus he would certainly threaten further investigation of the criminal offenses concerned and hinder the criminal proceedings. This fear is even bigger than when the custody of the accused Slavko Šakić was ordered and extended because, currently, there is an even greater possibility of hindering the proceedings given that following the confirmation of the Indictment the accused has access to all the documentary evidence as well as to the names and addresses of the witnesses.

Considering all the aforementioned, the Prosecutor's Office of BiH is of the opinion that there still exist special circumstances referred to in Article 132 (1) b) of the BiH

CPC indicating justification of extension of custody of the accused for the stated legal grounds.

Based on the foregoing, I am of the opinion that the legal grounds to order the accused Slavko Šakić into extended custody pursuant to Article 132 (1) a) and b) of the Criminal Procedure Code of BiH have been met, therefore I move the Preliminary Hearing Judge of Section I of the Criminal Division of the Court of BiH to grant the motion of the Prosecutor's Office of BiH to extend the custody of the accused pursuant to the BiH CPC.

**PROSECUTOR
OF THE PROSECUTOR'S OFFICE OF BIH
Slavica Terzić**

