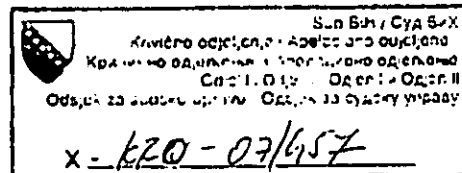


Bosnia and Herzegovina



Priloga 101. 70

Prosecutor's Office of Bosnia and Herzegovina

Special Department for War Crimes
Number: KT-RZ-240/07
Sarajevo, 23 November 2007

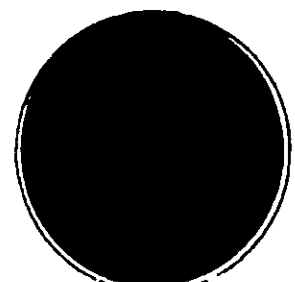
COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -

Sarajevo

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

INDICTMENT

AGAINST IDHAN SIPIĆ, a.k.a. "Nuno", son of Salih and mother Ismeta, maiden name Halilić, born on 9 April 1967 in Banja Luka, Personal Identification Number 0904967100036, resides in Bosanski Petrovac, at Safeta Hidića bb *no number*, a Bosniak, citizen of BiH, worker, literate, completed elementary school, single, did not complete his military service, no rank, no decorations, prior convictions, no other criminal proceedings pending against him, of poor financial standing, in custody under the Decision of the Court of BiH, No. X-KRN-07/457 dated 21 November 2007, which custody, under this Decision, may last until 21 January 2008 at the latest or pending a new decision of the Court;



B e c a u s e:

During the state of war in BiH, in the region of Ključ municipality, within and during the Operation "Sana 95", as a member of the Reconnaissance and Sabotage Company within the 5th Corps of the Army of BiH, he acted contrary to the rules of international humanitarian law, more specifically Article 3 (1) a), Article 4 (1) and Article 32 of IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, Article 72 and Article 75 (2) (a) i) of the First Protocol Additional to the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, by committing the following act:

On an unspecified date in mid-September 1995, in late afternoon, at the location of Korjenovo brdo above Sanica, Ključ municipality, together with Almir Harbaš, Idhan Sipić came in front and entered the house of [REDACTED] whom he immediately attacked with the intention of slitting her throat, at which time she cried out that she had two sons in the Serb army. After that, having the knowledge that the person in question was a civilian and with the intention of depriving this person of her life, Idhan Sipić pulled a bayonet from his waist belt and stabbed [REDACTED] in the front part of the neck through the larynx thereby perforating her neck and causing her death. [REDACTED] took the dead body of [REDACTED] out of the house and Idhan Sipić used the same bayonet to cut her body in pieces, which he then threw into the well located a few meters away from the house. Almir Harbaš returned back to the house and set a bed inside the house on fire, as a result of which the house of the aforementioned old woman burnt down.

Therefore,

during the state of war in BiH and contrary to the rules of international humanitarian law, he deprived of life one civilian person,

Whereby:

He committed the criminal offense of War Crimes against Civilians in violation of Article 173 (1) c) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180 (1) of the same Code.

Hence, I

PROPOSE

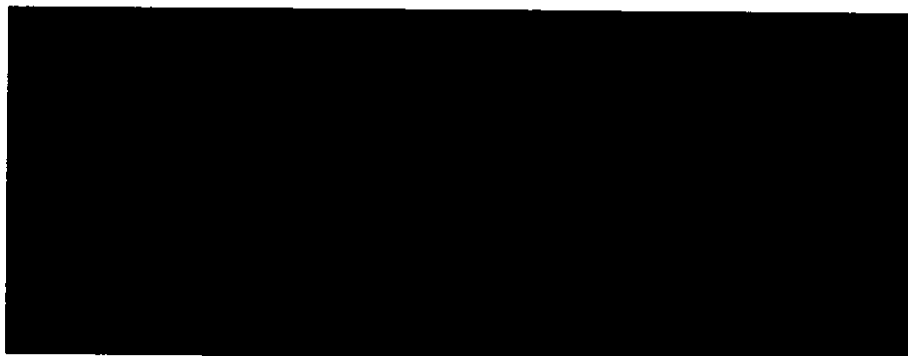
I. That following the confirmation of the Indictment, the following persons be summoned to appear at the main trial before the Court of Bosnia and Herzegovina, as the court with territorial and subject matter jurisdiction in this case:

- Prosecutor of the Prosecutor's Office of BiH,
- Suspect Idhan Sipić, personal details as stated in the operative part of this Indictment,
- Defense counsel for the suspect, Binasa Abaspahić, attorney from Sarajevo.

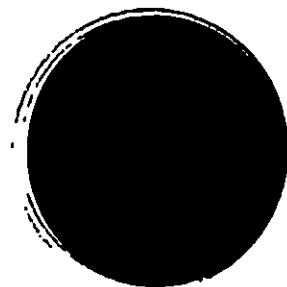
II. That the following evidence be presented at the main trial:

a) By hearing the witnesses:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



b) By examining the following documents:



1. Decision of the R BiH Presidency on the Proclamation of the State of War dated 20 June 1992, Official Gazette of R BiH, no. 7/92
2. Order for the attack under the code name "Sana" issued by the 5th Corps of the Army of BiH, number op. 01-1/352-327 dated 17 August 1995
3. Report on the committed criminal offense, number 05-1/04-5-133/07 dated 24 October 2007, by the Ministry of Interior of the Una-Sana Canton
4. Photo documentation and sketch of the crime scene, number 88/07 enclosed to the document of the Ministry of Interior of the Una-Sana Canton, number 05-1/04-5-04-3-907/07 dated 25 October 2007
5. CD with photo documentation and sketch of the place of exhumation of one body from the Korjenovo locality, number BL-6/2007-LM, photo documentation of the autopsy of the dead body, number BL-22/2007-OI dated 21 June 2007 and record of the forensic and criminal-technical examination of the dead body, number BL-22/2007-OT dated 21 June 2007, printed copies of the same documents and note of the investigator of the Prosecutor's Office of BiH dated 22 November 2007
6. Document of the Cantonal Ministry for Issues of Veterans and Disabled Veterans, Bosanski Petrovac Section, number 12/4-41-251-1/07 dated 29 October 2007
7. Suspect Examination Record, number KT-RZ-240/07 dated 24 October 2007 and 25 October 2007
8. Document of the State Investigation and Protection Agency (SIPA), number 17-12/03-04-2-109-2/07 dated 9 November 2007
9. Document of the Tax Administration Bosanski Petrovac, number 10-1/5.1-49-2979-1/07 dated 13 November 2007
10. Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, Records Section on the military obligation in the Una-Sana Canton, Bosanski Petrovac, number 07/76-03-32-1/07 dated 23 November 2007
11. Excerpts from the CIPS database for Idhan Sipić

12. Neuropsychiatric evaluation of Idhan Sipić conducted by Dr. [REDACTED] a neuropsychiatrist and certified court expert, dated 19 November 2007

RESULTS OF THE INVESTIGATION

Results of the investigation undoubtedly corroborate the well-foundedness of the Indictment, that is, that the suspect Idhan Sipić, son of Salih and mother Ismeta, maiden name Halilić, born on 9 April 1967 in Banja Luka, committed the criminal offense of War Crimes against Civilians in violation of Article 173 (1) c). It follows from the factual situation, which is based on the objective evidence and witness statements obtained in the course of the investigation, that during the state of war in BiH, as a member of the armed forces of the Army of BiH, Reconnaissance and Sabotage Company of the 5th Corps, the suspect acted in violation of Article 3 (1) a), Article 4 (1) and Article 32 of IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, Articles 72 and 75 (2) (a) i) of the First Protocol Additional to the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

It undoubtedly follows from the Decision of the RBiH Presidency on the Proclamation of the State of War, Official Gazette of RBiH, no. 7/92, that the state of war existed during the period relevant to in the Indictment.

It follows from the witness statements, in particular the statement of the Reconnaissance and Sabotage Company [REDACTED] that the suspect was a member of the Reconnaissance and Sabotage Company within the 5th Corps of the Army of BiH.

The order for the attack, op. no.01-1/352-327 under the code name "Sana", dated 17 August 1995, issued by the 5th Corps Commander, Division General Arif Dudaković proves that the movement of the 5th Corps units in the territory of the West Krajina municipalities, including Ključ where the locality of the commission of the criminal offense stated in the operative part of this Indictment is situated, had been planned in advance.

The suspect Idhan Sipić a.k.a. "Nuno" himself reported the commission of this criminal offense and he did that with full knowledge and under no duress from anyone, which is corroborated by witnesses [REDACTED]

It follows from the statement given by witness [REDACTED] that the person deprived of her life on the date stated in the operative part of the Indictment was a civilian and that the members of the Reconnaissance and Sabotage Company had knowledge of her status as a civilian person enjoying special protection under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the First Protocol Additional to the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

In addition, it follows from the statement given by witness [REDACTED] that the suspect Idhan Sipić was a member of the Reconnaissance and Sabotage Company within the 5th Corps of the Army of BiH.

It follows from all the aforementioned and documents enclosed to this Indictment that there exists grounded suspicion that Idhan Sipić a.k.a. "Nuno" committed the criminal offense of War Crimes against Civilians in violation of Article 173 (1) c) of the CC of BiH, in conjunction with Article 180 (1) of the same Code, at the time, place and in the manner described in the operative part of this Indictment by having deprived of life one civilian person although he knew that the person in question was a civilian. At the time of the commission of this criminal offense, the suspect acted with intent, that is, with direct intent because he was aware of his deed but still desired its perpetration.

Results of the investigation indicate that this Indictment is justified and based upon the law.

Materials corroborating the allegations in the Indictment:

1. Decision of the RBiH Presidency on the Proclamation of the State of War dated 20 June 1992, Official Gazette of RBiH, no. 7/92

2. Order for the attack under the code name "Sana" issued by the 5th Corps of the Army of BiH, number op. 01-1/352-327 dated 17 August 1995
3. Report on the committed criminal offense, number 05-1/04-5-133/07 dated 24 October 2007 by the Ministry of Interior of the Una-Sana Canton
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11. Excerpts from the CIPS database for Idhan Sipić
12. Neuropsychiatric evaluation of Idhan Sipić conducted by Dr. [REDACTED] a neuropsychiatrist and certified court expert, dated 19 November 2007
13. Record of the examination of witness [REDACTED] number KT-RZ-240/07 dated 12 November 2007

14. Record of the examination of witness [REDACTED] number KT-RZ-240/07 dated 12 November 2007
15. Record of the examination of witness [REDACTED] number KT-RZ-240/07 dated 13 November 2007
16. Record of the examination of witness [REDACTED] number KT-RZ-240/07 dated 13 November 2007
17. Record of the examination of witness [REDACTED] number KT-RZ-240/07 dated 13 November 2007
18. Record of the examination of witness [REDACTED] number KT-RZ-240/07 dated 14 November 2007

**DEPUTY CHIEF PROSECUTOR
PROSECUTOR'S OFFICE OF BiH**

Milorad Barašin
(stamp and signature affixed)

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

Sarajevo, 11 December 2007

*[REDACTED]
Certified Court Interpreter for English*

