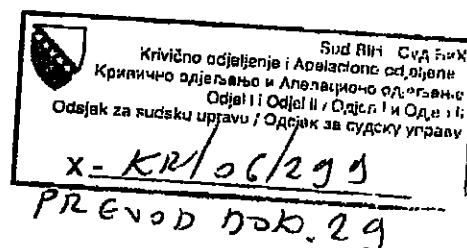


Bosnia and Herzegovina
Prosecutor's Office of BiH
Special Department for War Crimes
Number: KT-RZ 115/06
Sarajevo, 10 May 2007

31-05-2007
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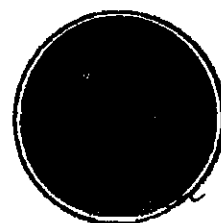
COURT OF BOSNIA AND HERZEGOVINA
Section I for War Crimes of the Criminal Division of the Court
Preliminary Hearing Judge
S a r a j e v o

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

INDICTMENT

Against:

Zijad Kurtović, aka Zijo, son of Bajro and mother Saja, née Hodžić, born on 30 January 1967 in Donja Drežnica, personal identification number 3001967150018, with residence at 75 Donja Drežnica, Mostar Municipality, Bosniak, worker, unemployed, married, citizen of Bosnia and Herzegovina, convicted by the Verdict of the Municipal Court in Mostar in the case Km-3/84 of 18 January 1985 for the criminal offence referred to in Article 148(1) of the CC SR BiH whereby the educational measure of committal to an educational institution was imposed on him; by the Verdict of the Municipal Court in Stolac in the case K-44/85 of 24 September 1985 for the criminal offence referred to in Article 153(1) and sentenced to a one-year imprisonment; by the Verdict of the Basic Court in Mostar in the case number K-400/89 of 28 September 1990 for the criminal offence referred to in Article 42(1) of the CC SR BiH and sentenced to a six-month imprisonment; these sentences were deleted by the Decision of the Police Station Mostar number 03-11/1-4-13/96 on 3 April 1996,



Because:

In the second half of 1993, during the armed conflict between the Croat Defense Council and the Army of the Republic of Bosnia and Herzegovina, in the place Donja Drežnica, Mostar Municipality, in the Roman Catholic Church of All Saints, as a member of the Army of R BiH, in his capacity as the Commander of the Military Police Platoon of the Independent Battalion Drežnica of the 4th Corps of the Army of R BiH, he acted contrary to the provision of Article 3(1)(a) and (c) of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, 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 and, during the armed conflict between the HVO and the Army of R BiH, violated the laws and customs of war, acting contrary to the provision of Article 22 of the Regulations Respecting the Laws and Customs of War on Land, which are a constituent part of the Convention Respecting the Laws and Customs of War on Land of 18 October 1907, intentionally damaging the Roman Catholic Church of All Saints, in the way that:

1. On an unknown date in late September or early October 1993, during the first night of detention, in the place Donja Drežnica, Mostar Municipality, after transferring around twenty detained Croats, civilians [REDACTED]

[REDACTED] from the Parish Office and detaining them in the Roman Catholic Church of All Saints, he ordered them to sit in pews two by two, and then he put on a clerical dress – a monastic habit and, holding a cross upside down in his hand, ordered them all to raise their hands above the heads and bow their heads down towards the floor; they remained in this position for a rather long period of time and that terrified them; and then, after some time, he ordered them to put on orange roadman clothes and, upon his order, unknown members of the Army of the Republic of Bosnia and Herzegovina wrote numbers from 1 to 20 on the back of each detainee, whereupon Zijad Kurtović called them out by numbers, took them out in front of the altar, questioned and punched them, and beat them with iron pipes and wooden laths, calling them "Ustashas" and using other abusive language;

2. During October 1993, in the place Donja Drežnica, Mostar Municipality, in the Roman Catholic Church of All Saints, on several occasions, he beat the detained Croats, civilians and prisoners of war, [REDACTED]

[REDACTED]

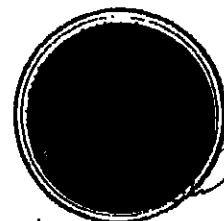
with truncheons, crosses, candlesticks, statues of saints over their heads and other parts of their bodies, rammed pictures of saints into their heads, made them eat leaves of the Bible and other religious books and swallow a rosary, ordered them to sing "od negdje do nekih vrata, neće biti Srba ni Hrvata"/"from somewhere to some door, there will not be any Serbs or Croats"/, ramming the pictures depicting the Christ's Way of the Cross into their heads as they were singing, keeping them in constant fear;

3. During October 1993, in the place Donja Drežnica, Mostar Municipality, in the Roman Catholic Church of All Saints, he ordered the members of the Drežnica Civilian Protection, [REDACTED] to take the detained Croat civilians and prisoners of war [REDACTED]

[REDACTED] on several occasions to the Vrđi front lines between the HVO and the Army of RBiH, where they were used as human shields, forced to dig trenches, make dugouts, and carry ammunition, food, water and the dead;

4. On an unknown date in October 1993, in the Roman Catholic Church of All Saints in Donja Drežnica, after he, together with Hasan Delić, forced the detained HVO members, brothers [REDACTED] to have oral sex, he ordered the detainee [REDACTED] to strip naked, and then, together with Hasan Delić, he beat him with a truncheon over different parts of his body for several hours and stubbed out cigarettes on his neck several times, as a result of which the detainee [REDACTED] lost consciousness, while his body became completely black as a consequence of heavy blows;

5. On an unknown date in early October 1993, in the night hours, in the Roman Catholic Church of All Saints in Donja Drežnica, together with unknown members of the Army of the Republic of Bosnia and Herzegovina, he forced the detained Croats, civilians and prisoners of war, including [REDACTED] to catch a live wire with their bare hands and then hold their hands and make a circuit in this way, whereupon, in order to improve electrical conductivity, he spilt water over the church floor, under the detainees' feet, as a result of which the detained Croats suffered intense physical pain;



6. On an unknown date in October 1993, during the night hours, in the place Donja Drežnica, Mostar Municipality, in the Roman Catholic Church of All Saints, together with Hasan Delić, aka Nono, Senad Bobić, aka Seno, Izet Kurtović, aka Bimbo, and other unknown members of the Army of RBiH, he ordered the detained Croats, civilians and prisoners of war, to play the church organ, and then, since he did not like how they played, he pulled out a pipe organ key and beat the following detainees over their heads with the side of the key with a nail - [REDACTED]

7. On an unknown date in October 1993, in the place Donja Drežnica, in the Roman Catholic Church of All Saints, after a certain Amir, member of the Army of R BiH unit *Igmanski vukovi /The Igman Wolves/*, in his presence, took a watch from the detainee [REDACTED] he approached the detainee [REDACTED] telling him: "Hey, the seventh, come here! Why didn't you say last night that you had a watch?", and ordered him to turn towards the wall and hit him several times with a wooden leg in the kidney region;

8. On an unknown date in early October 1993, during the first night of detention, in the place Donja Drežnica, Mostar Municipality, in the Roman Catholic Church of All Saints, he touched the detainee [REDACTED] with his hand and ordered him to stand up, and then held his left shoulder with his hand, while an unknown soldier of the Army of R BiH was kicking him with a boot in the spine region, whereupon Zijad Kurtović punched the detainee [REDACTED] several times in his head;

9. On an unknown date in early October 1993, in the Roman Catholic Church of All Saints in the place Donja Drežnica, he ordered the detainee [REDACTED] to lie down on the church floor and turn round like a crocodile, while four unknown soldiers of the Army of R BiH, in his presence, were kicking the detainee in his ribs;

10. On an unknown date in October 1993, in the evening hours, in the Roman Catholic Church of All Saints in the place Donja Drežnica, after an unknown member of the Army of R BiH, upon the order from and in the presence of Zijad Kurtović, kicked the detainee [REDACTED] in his mouth with his boots on and pulled out several teeth with his bare hands, saying: "Here, I have pulled your teeth out. Do you have 50 marks to pay?", Zijad Kurtović threw the detainee [REDACTED] over a pew and hit him several times in his back;

11. During October 1993, together with Hasan Delić, Nijaz Alić, aka Spina, Senad Bobić, aka Seno, Izet Kurtović, aka Bimbo, in the Roman Catholic Church of All Saints in Donja Drežnica, beating the detained Croats with religious pictures and statues, he destroyed and broke them, destroyed the altar and sacristies, burnt the pews, scribbled insulting words all over the church walls, drew testicles to saints on the pictures, destroyed the pictures of saints, taking them off the wall and ramming them onto the heads of the detained Croats, damaging the church interior in that way.

Therefore, violating rules of international law during the armed conflict, he tortured the detainees – civilians and prisoners of war, inflicted great suffering on them and violated their bodily integrity, participated in the infliction of great suffering and violation of bodily integrity, treated them inhumanely and participated in inhumane treatment, applied measures of intimidation and terror, forced them to labor and violated the laws and customs of war during the armed conflict by deliberately damaging and participating in the deliberate damaging of the establishment designated for religious purposes,

Whereby he committed:

- the criminal offence of War Crimes against Civilians referred to in Article 173(1)(c), e) and (f) of the CC BiH by the actions stated under items 1, 2, 3, 5, 6, 7, 8, 9 and 10 of the operative part of the indictment,

- the criminal offence of War Crimes against Prisoners of War referred to in Article 175(1)(a) and (b) of the CC BiH by the actions stated under items 1, 2, 3, 4, 5 and 6 of the operative part of the indictment

and

- the criminal offence of Violating the Laws and Practices of Warfare referred to in Article 179(1) and (2)(d) of the CC BiH by the actions stated under item 11 of the operative part of the indictment,

all in conjunction with Article 180(1), Article 29 and Article 53(1) of the Criminal Code of Bosnia and Herzegovina.



Therefore, I hereby

P R O P O S E

1. That the following persons be summoned:

- Prosecutor of the Prosecutor's Office of BiH,
- Suspect Zijad Kurtović and his defense counsel, Attorney Fahrija Karkin from Sarajevo,

2. That the following evidence be presented:

a) Examination of the following witnesses:

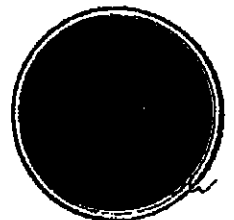


c) That the following be inspected:

- Copy of the Peace Agreement and the Annex to the Peace Agreement of 23 February 1994 (certified copy is in the Court of Bosnia and Herzegovina case number X-KR/05/42),
- List of documents which the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia in The Hague forwarded to

the Prosecutor's Office of BiH with the CD with the following certified documents RFA 20061110-01 of 22 January 2007:

- Certified copy of the Croatian radio report in English about combats around Gornji Vakuf where it is stated on page 6 that combats between the HVO and the Army of R BiH are ongoing in Drežnica, which is registered under numbers from 00085507-00085514 in the ICTY in The Hague; The authenticity of all eight pages of this report is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified translation into B/C/S of the Croatian radio report in English of 2 August 1993, which is registered under numbers from 00085507-00085514 in the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the Statement of the president of the UN Security Council number 326 of 10 May 1993 in English, which states that the Security Council is deeply concerned about a new large military offensive launched by paramilitary units of Bosnian Croats in the areas of Mostar, Jablanica and Drežnica, which is registered under number starting from 00377368 in the ICTY Office of the Prosecutor in the Hague; The authenticity of one page of this statement is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified translation into B/C/S of the Statement of the President of the UN Security Council number No. 326 of 10 May 1993, which is registered in the ICTY Office of the Prosecutor in The Hague under number starting from 00377368;
- Certified copy of the Bulletin for soldiers about the situation at the HVO front lines Command of the Central Bosnia Operations Zone Forward Command Post Vitez of 1 September 1993 in the Croatian language where it is stated on page two that a reconnaissance and sabotage group of the enemy was noticed and destroyed in the area of Drežnica, which is registered under numbers from 00383823-00383825 in the ICTY Office of the Prosecutor in The Hague; The authenticity of three pages of the bulletin is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified translation into English of the Bulletin for soldiers about the situation at the HVO front lines Command of the Central Bosnia Operations Zone Forward Command Post Vitez of 1 September 1993, which is registered under numbers from 00467289-00467292 in the ICTY Office of the Prosecutor in The Hague; The authenticity of four pages of the translation of the bulletin is confirmed by the

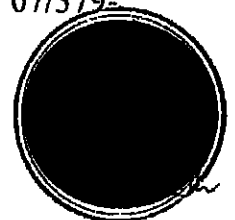


seal and signature of the ICTY Office of the Prosecutor in The Hague;

- Certified copy of the ID card file number 492/88 bearing the name of Zijad Kurtović, with his photograph, issued on 31 January 1988, which is registered in the ICTY Office of the Prosecutor in The Hague under number starting from 00587663; The authenticity of one page of the file is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the Order to attack of the Southeast Herzegovina Operations Zone HVO Second Brigade in the Croatian language reference number 02-1458/93 of 16 April 1993, where on page 1 it is stated that "in the zone of the attack of the 2nd Brigade of the HVO, an Army of BiH battalion is defending itself with around 800 soldiers in the areas of Gornja Drežnica-Donja Drežnica-Jasenjani, and that the enemy is preparing defense positions in the area of Donja Drežnica"; this Order is registered in the ICTY Office of the Prosecutor in The Hague under numbers 01094179 through 01094183; The authenticity of five pages of the Order is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified translation into English of the Order to attack of the Southeast Herzegovina Operations Zone HVO Second Brigade reference number 02-1458/93 of 16 April 1993; the translation of the Order is registered under numbers 01908357 through 01908360 in the ICTY Office of the Prosecutor in The Hague; The authenticity of four pages of the translation of the Order is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the Report of the Communications Centre of the Supreme Command Staff – Cryptographic Data Protection Department Sarajevo of the Army of RBiH Special detachment for special purposes Supreme Command Staff Supreme Command Staff Operations Group North 2 of 19 December 1993 in the Bosnian language where it is stated that a breakthrough of the aggressor's forces in the area of Gornja Drežnica was carried out in the way that 2000 shells fell in total; this Report is registered under number 01298673 in the ICTY Office of the Prosecutor in The Hague; The authenticity of one page of the Report is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the Report from the sector Drežnica of the HVO Posušje of the 5th Brigade Posušje file number 01-707/93 of 31 August 1993, which states that on 31 August 1993 there was no movement and combat operation by the enemy forces in the sector Drežnica; this Report is registered under number 01519110-

01519111 in the ICTY in The Hague; The authenticity of two pages of the Report is confirmed by the seal and signature of the ICTY in The Hague;

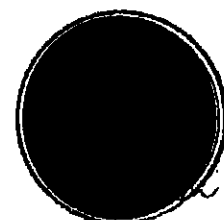
- Certified copy of the list of soldiers and civilians from the Drežnica parish who are detained in the Muslim camp in the museum *Jablanica* and the page entitled as the list of the detained and missing parishioners of the Drežnica parish, made by the Roman Catholic Parish Office Drežnica, namely the parish priest Father [REDACTED] under number 198/93 on 5 November 1993; these lists are registered under number 01551286-01551287 in the ICTY in The Hague; The authenticity of two pages of the lists is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Attachment number 13 in the Croatian language relating to crimes committed in Grabovica and Drežnica, which, on page 13, mentions the name and surname of Zijad Kurtović, aka Sekarić, born around 1965, as one of the persons who, as a member of the Army of BiH, abused the population in Drežnica; this Attachment is registered in the ICTY in The Hague under number 01571219-01571232; The authenticity of 14 pages of the attachment is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the translation into English of the attachment number 13 relating to crimes committed in Grabovica and Drežnica, which, on page 13, mentions the name and surname of Zijad Kurtović, aka Sekarić, born around 1965, as one of the persons who, as a member of the Army of BiH, abused the population in Drežnica; this translation is registered in the ICTY in The Hague under number ET0155-1219-0157-1232; The authenticity of 14 pages of the translation of the attachment is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Elements of the counterintelligence assessment on the territory in the area of responsibility of the Security and Information Service Centre Mostar, made by the Security and Information Service of the Ministry of Defense of the Croat Republic of Herceg-Bosna under number 02-08-2-439/95 of 14 April 1995, which states on page 2 that, according to the census of 21 March 1993, 806 Croats lived in Drežnica, while on 25 January 1994 Serbs and Croats were almost ethnically cleansed from the area; this assessment is registered in the ICTY in The Hague under number 01572627-01572640. The authenticity of 14 pages of the assessment is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Official Note of the 6th Corps of the Army of R BiH 44th Mountain Brigade strictly confidential number 07/379-



163/93 of 15 August 1993, which, on page 2, mentions the opinion of the persons who made the note, namely that the killing of the Croat local resident [REDACTED] was committed by members of the Army of BiH Drežnica; this note is registered in the ICTY in The Hague under number 04034733-04034734. The authenticity of two pages of the note is confirmed by the seal and signature of the ICTY in The Hague;

- Certified copy of the Information on some elements of the political and security situation of the Ministry of Internal Affairs of RBiH, Public Security Centre Jablanica, strictly confidential number 16-7/1-80-50/93 of 23 September 1993, which deals with the difficult position of Croats in the Jablanica municipality and combat operations in the direction of the Drežnica village; this information is registered in the ICTY in The Hague under number 04035997-04035999. The authenticity of three pages of the information is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the Bulletin of the Security Administration of the Supreme Command Staff of the Republic of Bosnia and Herzegovina number 82 of 3 June 1993, where it is stated that plunder, crime, endangering of public order and peace took place during the conflict between the HVO and the Army of R BiH in the area of Drežnica, in which members of the Drežnica Battalion of the Army of R BiH stood out; this bulletin is registered in the ICTY in The Hague under number 04036512-04036515. The authenticity of four pages of the information is confirmed by the seal and signature of the ICTY in The Hague;
- Record on the questioning of the suspect Zijad Kurtović KT-RZ 115/06 of 1 November 2006;
 - Record on the questioning of the suspect Zijad Kurtović KT-RZ 115/06 of 1 November 2006;
 - Record of the BiH State Investigation and Protection Agency on the handover of the person deprived of liberty to the Prosecutor of the Prosecutor's Office of BiH number 17-04/2-04-2-12/06 of 1 November 2006;
 - Official report on actions taken upon the Order of the Prosecutor's Office of BiH, made by the BiH State Investigation and Protection Agency on 2 November 2006 under number 17-04/2-04-2-972-4/06;
 - Record on the examination of Hasib Lulić made by the State Investigation and Protection Agency on 1 November 2006 under number 17-04/2-04-2-632/06;

- Official note on actions taken upon the Order of the Prosecutor's Office of BiH made by the State Investigation and Protection Agency on 1 November 2006 under number 17-04/2-04-2-184/06;
- Record on deprivation of liberty made by the State Investigation and Protection Agency on 1 November 2006 under number 17-04/2-04-2-12/06;
- State Investigation and Protection Agency Certificate on the temporary seizure of objects number 17-13/3-1-134/06 of 1 November 2006;
- State Investigation and Protection Agency Certificate on the temporary seizure of objects number 17-13/3-1-134-1/06 of 1 November 2006;
- State Investigation and Protection Agency Certificate on the temporary seizure of objects number 17-04/2-04-2-35/06 of 1 November 2006;
- Motion of the Prosecutor's Office of BiH to order custody of the suspect Zijad Kurtović number KT-RZ 115/06 of 2 November 2006;
- Decision of the Court of Bosnia and Herzegovina number X-KRN-06/299 of 3 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 3 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 3 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 4 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 5 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 21 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 22 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 23 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 23 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 29 September 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 18 October 2006;
- Record on the examination of witness [REDACTED] number KT-RZ of 17 October 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 18 October 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 13 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 13 November 2006;

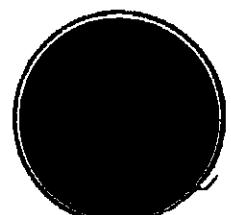


- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 16 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 21 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ of 15 February 2007;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 21 February 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 29 March 2007;
- Record on the examination of witness [REDACTED] number KT-RZ of 29 March 2007;
- Excerpt from the search of the Civilian register database (CIPS) for Zijad Kurtović;
- The *Zijad Kurtović* file which was delivered with a cover letter to the Cantonal Prosecutor's Office Mostar by the BiH Intelligence and Security Agency, with part A (the suspect's identification data), part B (war crimes that the suspect is charged with), part C (overview of facts) and part D (prosecution evidence); the Cantonal Prosecutor's Office Mostar received the file on 4 August 2004;
- Cover letter with the list of documents which the BiH Ministry of Defense delivered to the Prosecutor's Office of BiH on 25 December 2006 under number 08-04-149-14/06, containing the following documents:
 - Certified copy of the certificate on salaries of members of the R BiH armed forces for Zijad Kurtović, reference number 492074502240 of 21 May 1996;
 - Certified copy of the supplementary register file from the military records for Zijad Kurtović;
 - Certified copy of the Personal file from the military records – Copy number I, II and III bearing the name of Zijad Kurtović;
 - Certified copy of the Decision of the Main Staff of the R BiH Armed Forces number 02/ 700-2 of 26 July 1992 on establishing units of the Army of R BiH, where, under item 2, the First Detachment of the Army of R BiH Drežnica is established;
 - Certified copy of the Total overview of war units in each corps of the Department for the organization of the armed forces, strictly confidential number 14/53-4 of 15 March 1993, in which, under item 4, it is stated that the 1st Detachment Drežnica is resubordinated to the 1st Mostar Brigade;
 - Certified copy of the 4th Corps Command Order on the organization and establishment of the Independent Battalion Drežnica of 15 October 1994, strictly confidential number 02-2448;
 - Certified Decision on commissions – promotions in the Army of R BiH of the R BiH Presidency of 5 October 1994, where, on page 3, it is stated that, as of

the day of issuing of this Decision, Zijad Kurtović, son of Bajro, Commander of the Military Police Platoon of the Independent Battalion Drežnica of the 4th Corps is promoted to the rank of lieutenant;

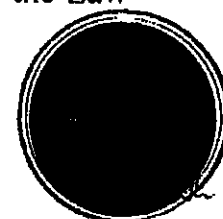
- Certified copy of the Proposal of the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina for promotions in the Army of R BiH, confidential number 05-1/6-32 of 6 October 1994 delivered to the Presidency of R BiH. The proposal was signed by the Army General Rasim Delić. On page 10, Army General Rasim Delić proposes to promote to the rank of lieutenant Zijad Kurtović, son of Bajro – Commander of the Military Police Platoon of the Independent Battalion Drežnica of the 4th Corps;

- Letter of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ 115/06 of 20 April 2007 asking the BiH Ministry of Defense to have access, to copy and certify the documentation that was the basis for the Proposal of the Supreme Command Staff of the Army of BiH for promotions in the Army of R BiH, confidential number 05-1/6-32 of 6 October 1994, relating to members of the Independent Battalion Drežnica of the 4th Corps, including Zijad Kurtović, son of Bajro;
- Letter of the Prosecutor's Office of BiH number KT-RZ 115/06 of 17 April 2007 asking the Ministry of Defense of Bosnia and Herzegovina to deliver the history of the Independent Battalion Drežnica covering the period from its establishment until the end of the war, and its command structure, especially in the second half of 1993;
- Letter of the Prosecutor's Office of BiH number KT-RZ 115/06 of 3 April 2007 asking the BiH Ministry of Defense to deliver the documentation relating to members of the Independent Battalion Drežnica and the records VOB-8 of conscripts of that battalion;
- Certified photocopy of the VOB-8 form for Zijad Kurtović delivered with the cover letter of the BiH Ministry of Defense number 08-04-149-5/06 of 13 September 2006;
- Authenticated personal file from the conscripts' records for Zijad Kurtović delivered with the cover letter of the Ministry of Defense number 08-04-149-3/06 of 8 September 2006;
- Original Questionnaire for collecting data on camps and other detention places and types of torture in them during the Homeland War in BiH 1991-1996 of the Croat Association of Camp Detainees in the Homeland War in BiH, branch office Herzegovina-Neretva – Mostar;
- Certified copy of the Temporary instruction on the work of the duty military police with attachments, made in the Military Police of the 4th Corps on 24 July 1993, reference number 117/93;
- Certified copy of the document Command and control in brigades and independent battalions over the military police in the area of responsibility



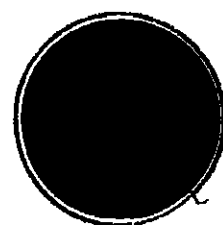
- of the units of the 4th Corps Command, strictly confidential number 1822-06 of 3 December 1993;
- Certified copy of the Order to attack of the Special detachment for special purposes within the Supreme Command Staff – *Zulfikar*, issuing the decision to carry out the military operation *Defense of people's rights – VRDI 93*;
 - Certified copy of the List of prisoners of war in the collection centre Buturović Polje made in the 45th Mountain Brigade under number 07-120/93 of 2 September 1993, including [REDACTED]
 - Certified copy of the Official note made in the security organ of the 6th Corps of the Army of R BiH – Municipal Defense Staff Prozor number 01-1-173/20/93 of 26 September 1993 in relation to the statement of [REDACTED]
 - Certified copy of a copy of the Rule book on commendations and incentives in the armed forces of R BiH number 04.2-9-236/94 of 26 December 1994;
 - Certified copy of the Official note of the Security and Information Service Centre Mostar file number 02-08-2-677/94 of 16 May 1994 on the Negotiations between the HVO and representatives of the Army of BiH on the exchange of the bodies of killed persons and the status of the remaining Croat population in Drežnica;
 - Certified copy of the Official note of the Security and Information Service Centre Mostar file number 02-08-2-513/94 of 14 April 1994 on the Negotiations between the HVO and representatives of the Army of BiH on the exchange of the bodies of killed persons and the problem concerning Croat civilians in Drežnica;
 - Certified copy of the Official note on the interview held with [REDACTED] in the Ministry of Internal Affairs of the Croat Republic of Herceg-Bosna, Police Administration Mostar, number 03-9/22-;
 - Certified copy of the Daily report of the Army of R BiH – the 4th Corps, Military Police Battalion reference number 01/P-5-03-84/93 of 7 June 1993, where it is stated, among other things, that on 7 June 1993 the Commander of the Military Police Company Jablanica was sent to Drežnica in order to establish a military police squad;
 - Certified copy of the original of [REDACTED] Report to the Command of the 4th Corps Military Security Service Konjic number 01/P-S-191/94 of 12 May 1994 in which, after visiting Drežnica with the task to organize and establish a military police platoon in the Independent Battalion Drežnica, he states what the present situation is like, among other things, he states that the military police platoon was formed earlier within the Independent Drežnica Battalion and describes the measures taken;

- Certified copy of the List of prisoners of war from the collection centre Buturović Polje who were handed over to the Military Police Battalion of the 6th Corps number 07-132/93 of 14 September 1993, including [REDACTED]
- Certified copy of the Instruction on the application of the international law of war in the Army of R BiH from 1992 and the Order on the application of the international law of war in the R BiH Armed Forces of 23 August 1992, delivered with a cover letter to the Prosecutor's Office of BiH by the Ministry of Defense on 26 December 2006 under number 08-04-6813-3/06;
- Extract from the criminal and operative records of the Police Administration Mostar number 02-02/5-2-12-494/06 of 8 November 2006 for Zijad Kurtović;
- Occupancy list number 63, cadastral district Drežnica, and a copy of the cadastral plan for the requested cadastral units, delivered to the Prosecutor's Office of BiH by the Department for Urban Planning and Civil Engineering of the Herzegovina-Neretva Canton of the F BiH with a cover letter on 16 November 2006;
- Land register extract for the Church of All Saints Drežnica with a cover letter, delivered by the Municipal Court Mostar number Su. 3446/06 on 9 November 2006;
- 10 original photographs of the church in Drežnica which constituted a part of the file *Zijad Kurtović*, delivered by the Intelligence and Security Agency to the Cantonal Prosecutor's Office Mostar on 2 August 2004 under number UP-05/02-2377;
- CD with photographs of the church facilities in Donja Drežnica, delivered with a cover letter to the Prosecutor's Office of BiH by the Bishop's Ordinariate Mostar on 20 February 2007, record number 292/2007;
- Photographs in color printed from the CD delivered by the Mostar-Duvno and Trebinje-Mrkan Diocese, Bishop's Ordinariate Mostar on 20 February 2007, record number 292/2007;
- Original document of the Mostar-Duvno and Trebinje-Mrkan Diocese, Bishop's Ordinariate Mostar, record number 591/2007 of 19 April 2007;
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] with a copy of the personal camp prisoner's file of [REDACTED]
- Certified copies of the medical findings and opinion from the Clinical Centre Mostar, Neuropsychiatry Department, of [REDACTED] and [REDACTED] for [REDACTED]
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
- Certified copy of the Medical history with the findings of the War Hospital of the Health Centre Tomislavgrad of [REDACTED] for [REDACTED]
- Certified copy of the Decision on the payment of personal disability pay number [REDACTED] of [REDACTED] to [REDACTED] with the findings and opinion of the medical board for the examination of persons covered by the Law



- on the rights of veterans and their family members number [REDACTED] of [REDACTED]
[REDACTED] for [REDACTED]
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
 - Certified copy of the Decision stating that [REDACTED] is partially fit for military service, issued by the Secretariat for National Defense of the Municipal Assembly Jablanica number [REDACTED] on [REDACTED]
 - Certified copy of two general mobilization drafts sent to [REDACTED] number [REDACTED] of [REDACTED] and [REDACTED] of [REDACTED] by the Executive Committee of the Jablanica Municipality;
 - Certified copies of 14 findings and opinions of the Clinical Hospital Mostar for [REDACTED]
 - Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
 - Certified copies of 13 findings and opinions of the Clinical Hospital Mostar and the Health Centre Čitluk and other medical documentation for [REDACTED]
 - Certified copies of 12 findings and opinions of different medical institutions and other medical documentation for [REDACTED]
 - Certified copy of the Psychological examination findings for [REDACTED] issued in the Clinical Hospital Centre Zagreb, Psychiatric Clinic of the Medical School on [REDACTED]
 - Certified copy of the Findings of a psychologist in the Health Centre Mostar number [REDACTED] of [REDACTED] for [REDACTED]
 - Certified copy of the Certificate of the Defense Administration Mostar, Defense Department Jablanica number [REDACTED] of [REDACTED] stating that [REDACTED] was a member of the HVO during the Homeland War, that he was captured on [REDACTED] in Jablanica by members of the R BiH Army while performing military duty, that he was held in captivity until [REDACTED] and that he was mentally and physically abused;
 - Certified copy of the Findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members in the first instance proceedings number [REDACTED] of [REDACTED] for [REDACTED]
 - Certified copy of the Decision on recognizing the status of a disabled veteran class: [REDACTED] file number [REDACTED] of [REDACTED] bearing the name of [REDACTED] with the enclosed certified Findings and opinion of the Military Disability Board for establishing bodily injuries of wounded members of the HVO Military District Mostar number [REDACTED] of [REDACTED] for [REDACTED]
 - Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]

- Certified copies of 11 findings and opinions of the Health Centre Čitluk and the Clinical Hospital Mostar for [REDACTED]
- Certified copy of the Referral slip referring [REDACTED] to hospital to a specialist – psychologist of [REDACTED]
- Certified copy of the Findings of a psychologist of the Health Centre Mostar number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members in the review proceedings number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran of the Administration for Veterans' Issues Mostar – Sector for Veterans' Issues (HVO, Ministry of Internal Affairs) number [REDACTED] of [REDACTED] bearing the name of [REDACTED]
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] with a certified copy of the personal camp prisoner's file for [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran of the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality number [REDACTED] of [REDACTED] bearing the name of [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran of the Defense Administration Mostar, Defense Office Konjic class: [REDACTED] file number [REDACTED] of [REDACTED] bearing the name of [REDACTED]
- Certified copy of the Certificate of the Defense Administration Mostar, Defense Office Konjic number [REDACTED] of [REDACTED] on the HVO membership and captivity in the Army of R BiH prisons for [REDACTED]
- Certified copy of the Findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members in the first instance proceedings number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the War Hospital Seonica number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Request to provide findings and opinion of the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Request to the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality sent by [REDACTED] on [REDACTED]



- Certified copy of the Request to the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality sent by [REDACTED] on [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar – Mental Illness Department number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar – Mental Illness Department number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar – Mental Illness Department of [REDACTED] for [REDACTED]
- Certified copy of the Referral slip referring [REDACTED] to an orthopedist of [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar – Mental Illness Department number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Card for diabetes patients of the Clinic for diabetes, endocrinology and metabolism diseases *Vuk Vrhovac* Zagreb, bearing the name of [REDACTED]
- Certified copy of the Medical history of the Health Centre Velika Gorica for [REDACTED]
- Certified copy of the Findings and opinion of the doctor [REDACTED] of [REDACTED] for [REDACTED]
- Certified copies of the findings and opinion of the Specialized Psychiatric Office [REDACTED] Velika Gorica for [REDACTED]
- Certified copies of the medical documentation for [REDACTED] of [REDACTED]
- Certified copy of the ID card of the International Committee of the Red Cross number [REDACTED] bearing the name of [REDACTED]
- Certified copies of the medical documentation for [REDACTED] with a cover letter of the Clinical Hospital Mostar number [REDACTED] of [REDACTED]

INVESTIGATION RESULTS

The results of the investigation conducted by the Prosecutor's Office of BiH indisputably confirm the well-foundedness of this indictment, namely the assertions that the suspect, personally and together with other members of the R BiH Army, in the manner, at the time, in the place and under the circumstances stated in the operative part of the indictment, ordered, perpetrated and participated in the perpetration of the criminal actions stated under items 1 through 11 of the indictment, which constitute all essential elements of the criminal offence of War Crimes against Civilians referred to in Article 173(1)(c),(e) and (f) of the CC BiH, the criminal offense of War Crimes against Prisoners of War referred to in Article 175(1)(a) and (b) of the CC BiH and the criminal offence of Violating the Laws and Practices of Warfare referred to in Article 179(1) and (2)(d) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1), Article 29 and Article 53(1) of the Criminal Code of Bosnia and Herzegovina.

The following has been established by both the material evidence and statements of the examined witnesses obtained by the Prosecutor's Office of Bosnia and Herzegovina during the investigation:

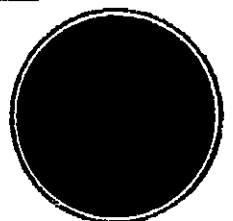
- The criminal actions that the suspect Zijad Kurtović has been charged with under this indictment **were committed during the armed conflict between the HVO and the Army of R BiH in the Roman Catholic Church of All Saints in Donja Drežnica, Mostar Municipality.**

- All criminal actions that Zijad Kurtović has been charged with under this indictment **constitute serious violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 28 August 1949 (Article 147), serious violations of the Geneva Convention relative to the Protection of Prisoners of War of 28 August 1949 (Article 130) and violations of the provision 22 of the Regulations Respecting the Laws and Customs of War on Land, which are a constituent part of the Convention Respecting the Laws and Customs of War on Land of 18 October 1907, and they are a result of the armed conflict.**

- All victims mentioned in the indictment were civilians

and prisoners of war – HVO members

and



throughout the period of time relevant for this indictment they were persons protected by the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 28 August 1949 and the Geneva Convention relative to the Protection of Prisoners of War of 28 August 1949.

- The suspect Zijad Kurtović was, as a member of the Army of R BiH and, based on the statements of the witnesses – injured parties and material evidence, as the Commander of the Military Police Platoon of the Independent Drežnica Battalion within the 4th Corps of the Army of R BiH, „obliged to observe the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 28 August 1949 and the Geneva Convention relative to the Protection of Prisoners of War of 28 August 1949 and the laws and customs of war on land.

- No criminal action committed by Zijad Kurtović in his capacity as the Commander of the Military Police of the Independent Drežnica Battalion was justified by any military necessity.

- The suspect Zijad Kurtović was a member of the armed forces participating in the armed conflict (member of the Army of R BiH).

In the statements given in the Prosecutor's Office of BiH during the investigation, the witnesses – injured parties clearly, decidedly and consistently described the circumstances of the captivity of a group of 20 Croats in the Roman Catholic Church in the place Donja Drežnica, Mostar municipality.

The witnesses – injured parties point out in their statements that at the time of the perpetration of these criminal offences Zijad Kurtović was “in charge” of the group of the Army of R BiH members who were “responsible” for twenty Croats detained in the church in Donja Drežnica. The examined witnesses – injured parties, twelve of them, state that Zijad Kurtović tortured them, inflicted great suffering on them, violated their bodily integrity, treated them inhumanely, applied measures of intimidation and terror, issued orders to members of the Army of R BiH to torture the detained Croats, treat them inhumanely, use them as human shields, forced them to labor (to carry ammunition and food, as well as the dead from the front lines between the HVO and the Army of R BiH), which they carried out unquestioningly, and that the interior of the Roman Catholic church in Donja Drežnica, where they were detained for almost a month, was completely destroyed. The examined Croats who were detained in the church in Donja Drežnica state that, at the moment of their detention in the church, the church was in a perfectly normal condition, ready for the mass, that the statues of saints were intact and at their places, pictures of saints intact

and hanging on the church walls, pews well preserved and arrayed as if mass was going to be celebrated that day, the altar in a normal condition, sacristies at the altar and well preserved.

The detainees – injured parties [REDACTED]

[REDACTED] testify about the condition of the church at the end of the captivity in it.

They all consistently state that the interior of the church was completely devastated after around 20 days of captivity. Different insulting words were scribbled all over the walls, the pictures of saints were destroyed, holy books were torn and thrown over the floor, statues of saints broken, the altar and sacristies destroyed, pews burnt or cut.

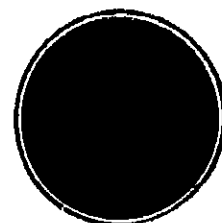
The witnesses, detainees in the church in Donja Drežnica, Croats - Catholics, particularly point out that their captivity in the Roman Catholic church, in their God's house, beating them with the statues of saints, ramming the pictures of saints onto their heads, forcing them to eat leaves of the Bible and other holy books and to swallow a rosary, was a flagrant violation of their human dignity, national and religious affiliation.

Armed conflict between the HVO and the Army of R BiH

It is evident that there was an armed conflict between the HVO and the Army of BiH in Herzegovina and in the territory of the Mostar municipality in the critical period of time.

From the material evidence which the Prosecutor's Office of Bosnia and Herzegovina obtained during the investigation and from the statements of the witnesses who were examined in the Prosecutor's Office of Bosnia and Herzegovina indisputably follows that there was an armed conflict between the HVO and the Army of R BiH in the second half of 1993 in the territory of Herzegovina and the territory of the Mostar municipality.

The Peace Agreement and the Annex to the Peace Agreement between the HVO and the Army of R BiH were signed on 23 February 1994 in Zagreb. The agreement was signed by General Ante Roso on behalf of the HVO and General Rasim Delić on behalf of the Army of R BiH. The signatories of this agreement on behalf of the international community were Mr. Akashi and General Cot.



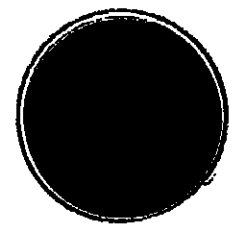
With this agreement, both sides agreed to the cease-fire which included immediate and complete cessation of hostilities, cessation of offensive operations and attacks, and cessation of all types of propaganda of one side against the other.

The agreement came into force on 25 February 1994 at 12:00 hours.

The existence of the armed conflict is also evident from the following material evidence:

- Certified copy of the Croatian radio report in English about combats around Gornji Vakuf where it is stated on page 6 that combats between the HVO and the Army of R BiH are ongoing in Drežnica, which is registered under numbers from 00085507-00085514 in the ICTY in The Hague; The authenticity of all eight pages of this report is confirmed by the seal and signature of the ICTY in The Hague;
- Certified translation into B/C/S of the Croatian radio report in English of 2 August 1993, which is registered under numbers from 00085507-00085514 in the ICTY in The Hague;
- Certified copy of the Statement of the president of the UN Security Council number 326 of 10 May 1993 in English, which states that the Security Council is deeply concerned about a new large military offensive launched by paramilitary units of Bosnian Croats in the areas of Mostar, Jablanica and Drežnica, which is registered under number starting from 00377368 in the ICTY in The Hague; The authenticity of one page of this statement is confirmed by the seal and signature of the ICTY in The Hague;
- Certified translation into B/C/S of the Statement of the president of the UN Security Council number No. 326 of 10 May 1993, which is registered in the ICTY in The Hague under number starting from 00377368;
- Certified copy of the Bulletin for soldiers about the situation at the HVO front lines Command of the Central Bosnia Operations Zone Forward Command Post Vitez of 1 September 1993 in the Croatian language where it is stated on page two that a reconnaissance and sabotage group of the enemy was noticed and destroyed in the area of Drežnica, which is registered under numbers from 00383823-00383825 in the ICTY in The Hague; The authenticity of three pages of the bulletin is confirmed by the seal and signature of the ICTY in The Hague;
- Certified translation into English of the Bulletin for soldiers about the situation at the HVO front lines Command of the Central Bosnia Operations Zone Forward Command Post Vitez of 1 September 1993, which is registered under numbers from 00467289-00467292 in the ICTY in The Hague; The authenticity of four pages of the translation of the bulletin is confirmed by the seal and signature of the ICTY in The Hague;

- Certified copy of the ID card file number 492/88 bearing the name of Zijad Kurtović, with his photograph, issued on 31 January 1988, which is registered in the ICTY in The Hague under number starting from 00587663; The authenticity of one page of the file is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Order to attack of the Southeast Herzegovina Operations Zone HVO Second Brigade in the Croatian language reference number 02-1458/93 of 16 April 1993, where on page 1 it is stated that an Army of BiH battalion is defending itself with around 800 soldiers in the areas of Gornja Drežnica-Donja Drežnica-Jasenjani, and that the enemy is preparing defense positions in the area of Donja Drežnica"; this Order is registered in the ICTY in The Hague under numbers 01094179 through 01094183; The authenticity of five pages of the Order is confirmed by the seal and signature of the ICTY in The Hague;
- Certified translation into English of the Order to attack of the Southeast Herzegovina Operations Zone HVO Second Brigade reference number 02-1458/93 of 16 April 1993; the translation of the Order is registered under numbers 01908357 through 01908360 in the ICTY in The Hague; The authenticity of four pages of the translation of the Order is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Report of the Communications Centre of the Supreme Command Staff – Cryptographic Data Protection Department Sarajevo of the Army of RBiH Special detachment for special purposes Supreme Command Staff Supreme Command Staff Operations Group North 2 of 19 December 1993 in the Bosnian language where it is stated that a breakthrough of the aggressor's forces in the area of Gornja Drežnica was carried out in the way that 2000 shells fell in total; this Report is registered under number 01298673 in the ICTY in The Hague; The authenticity of one page of the report is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Report from the sector Drežnica of the HVO Posušje of the 5th Brigade Posušje file number 01-707/93 of 31 August 1993, which states that on 31 August 1993 there was no movement and combat operation by the enemy forces in the sector Drežnica; this Report is registered under number 01519110-01519111 in the ICTY in The Hague; The authenticity of two pages of the Report is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the List of soldiers and civilians from the Drežnica parish who are detained in the Muslim camp in the museum *Jablanica* and the page entitled as the list of the detained and missing parishioners of the Drežnica parish, made by the Roman Catholic Parish Office Drežnica, namely the parish priest Father [REDACTED] under number 198/93 on 5 November 1993; these lists are registered under number 01551286-



- 01551287 in the ICTY in The Hague; The authenticity of two pages of the lists is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Attachment number 13 in the Croatian language relating to crimes committed in Grabovica and Drežnica, which, on page 13, mentions the name and surname of Zijad Kurtović as one of the persons who, as a member of the Army of BiH, abused the population in Drežnica; this Attachment is registered in the ICTY in The Hague under number 01571219-01571232; The authenticity of 14 pages of the attachment is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the translation into English of the Attachment number 13 relating to crimes committed in Grabovica and Drežnica, which, on page 13, mentions the name and surname of Zijad Kurtović as one of the persons who, as a member of the Army of BiH, abused the population in Drežnica; this translation is registered in the ICTY in The Hague under number ET0155-1219-0157-1232; The authenticity of 14 pages of the translation of the attachment is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the Elements of the counterintelligence assessment on the territory in the area of responsibility of the Security and Information Service Centre Mostar, made by the Security and Information Service of the Ministry of Defense of the Croat Republic of Herceg-Bosna under number 02-08-2-439/95 of 14 April 1995, which states on page 2 that, according to the census of 21 March 1993, 806 Croats lived in Drežnica, while on 25 January 1994 Serbs and Croats were almost ethnically cleansed from the area; this assessment is registered in the ICTY in The Hague under number 01572627-01572640. The authenticity of 14 pages of the assessment is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the Official note on the interview with [REDACTED] in the Croatian language, made by the Ministry of Defense of the Croat Republic of Herceg-Bosna under file number 02-08-2-1536/95 of 27 October 1995, which is registered in the ICTY in The Hague under number 01574936-01574940. The authenticity of five pages of the note is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the translation into English of the Official note on the interview with [REDACTED] made by the Ministry of Defense of the Croat Republic of Herceg-Bosna under file number 02-08-2-1536/95 of 27 October 1995, which is registered in the ICTY in The Hague under number ET 0157-4936-0157-4940. The authenticity of four pages of the translation is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the Official Note of the 6th Corps of the Army of R BiH 44th Mountain Brigade strictly confidential number 07/379-163/93 of 15 August 1993, which, on page 2, mentions the opinion that the killing of the

Croat local resident [REDACTED] was committed by members of the Army of BiH Drežnica; this note is registered in the ICTY in The Hague under number 04034734-04034735. The authenticity of two pages of the note is confirmed by the seal and signature of the ICTY in The Hague;

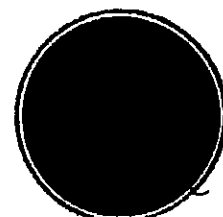
- Certified copy of the Information on some elements of the political and security situation of the Ministry of Internal Affairs of RBiH, Public Security Centre Jablanica, strictly confidential number 16-7/1-80-50/93 of 23 September 1993, which deals with the difficult position of Croats in the Jablanica municipality and combat operations in the direction of the Drežnica village; this information is registered in the ICTY in The Hague under number 04035997-04035999. The authenticity of three pages of the information is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Bulletin of the Security Administration of the Supreme Command Staff of the Republic of Bosnia and Herzegovina number 82 of 3 June 1993, where it is stated that plunder, crime, endangering of public order and peace took place during the conflict between the HVO and the Army of R BiH in the area of Drežnica, in which members of the Drežnica Battalion of the Army of R BiH stood out; this bulletin is registered in the ICTY in The Hague under number 04036512-04036515. The authenticity of four pages of the information is confirmed by the seal and signature of the ICTY in The Hague;

The existence of the armed conflict between the HVO and the Army of the Republic of Bosnia and Herzegovina in the territory of Herzegovina, more precisely in the Mostar Municipality, is also evident from the statements of the examined witnesses

[REDACTED]

The status of the detainees

- It indisputably follows from the statements of the examined witnesses -- detainees in the church in Donja Drežnica, [REDACTED] that they and [REDACTED] and [REDACTED] were arrested as civilians in their apartments, in the street, and that all of them were persons protected by the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 28 August 1949.



- It follows from the statements of the examined witnesses – detainees in the church in Donja Drežnica, [REDACTED]

[REDACTED] that they and [REDACTED] and [REDACTED] were arrested as members of the HVO, in the military uniforms with the HVO insignia and armed, during combats with members of the Army of R BiH and upon the surrender to members of the Army of R BiH after the combats. Some of them [REDACTED] and [REDACTED]

[REDACTED] were members of the HVO brigade *Herceg Stjepan*, while [REDACTED] and [REDACTED] were members of the HVO brigade *Hrvoje Vukčić Hrvatinić*. It is indisputable that all of them were members of the HVO, that is, members of a party to the conflict, and that, pursuant to the provision of Article 4 of the Geneva Convention relative to the Protection of Prisoners of War of 28 August 1949, they were prisoners of war enjoying protection on the basis of the provision of Article 3 of this Convention, and that they were, pursuant to the provision of Article 5 of this Convention, protected "from the time they fell into the power of the enemy until their final release and repatriation."

Before being brought to Donja Drežnica, all 20 detained Croats were detained in *Rogića kuće /the Rogićs' houses/* in Donja Jablanica, where the base of the Army of R BiH special unit *Zulfikar* was located. Prior to being brought to and detained in *Zukina baza /Zuko's base/*, some of them had been detained in the Buturović Polje primary school and some of them in the camp *Muzej /Museum/* Jablanica.

Escorted by unknown members of the Handžar division and the Zulfikar unit, all 20 Croats were brought from the detention in *Zuko's base* in Donja Jablanica to Donja Drežnica and handed over to Zijad Kurtović and "his team" in the late evening hours in late September or early October 1993.

When they were brought to Donja Drežnica, Zijad Kurtović took all the detainees to the Parish Office, where they were questioned, and, a couple of hours later, he transferred this group of Croats, escorted by unknown members of the Army of R BiH, to the Roman Catholic Church of All Saints.

Conditions in prison in the church were brutal and unhealthy.

The detainees were sleeping on wooden benches, they did not have the ability to meet their hygienic needs, they relieved themselves outside the church under escort, and they had small quantities of food and water.

For the entire time the detainees were kept in the church, Zijad Kurtović, Hasan Alić, aka Spina, Izet Kurtović, aka Bimbo, Hasan Delić, aka Nono, and other unknown members of the Army of R BiH were subjecting the detained Croats to beatings and cruel treatment, keeping them in constant fear of physical and mental abuse.

The detained Croats were maltreated, insulted on grounds of their ethnicity and humiliated. Such treatment had a lasting effect on their mental and physical health.

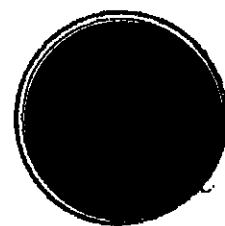
Independent Drežnica Battalion

It is evident from the statements of the examined witnesses [REDACTED] that the Independent Drežnica Battalion was formed on 15 April 1992, that the area of responsibility of this battalion was the territory of the local community Drežnica, and that the Military Police Platoon operated within this battalion.

The capacity of the suspect

It has been indisputably established on the basis of the material evidence obtained during the investigation (VOB-8 forms, personal file of Zijad Kurtović, Decision of the R BiH Presidency on commissions – promotions in the Army of R BiH of 5 October 1994) that the suspect Zijad Kurtović, in the critical period of time, was a member of the Army of R BiH, that he joined the Army of R BiH on 15 April 1992, that he was demobilized on 1 June 1996, that he was the commander of a squad with the rank of lieutenant 11107, and that, by the Decision of the R BiH Presidency on commissions – promotions in the Army of R BiH of 5 October 1994, he was promoted to the rank of lieutenant as the Commander of the Military Police Platoon of the Independent Battalion Drežnica of the 4th Corps.

Witness [REDACTED] who, in the Independent Drežnica Battalion, performed the duty of the [REDACTED] which people called the [REDACTED] and who was the escort of the [REDACTED] for a certain period of time, states that only commanding officers of the Drežnica Battalion could be promoted, while privates could not be promoted. The witness states that he also attained a rank by the Decision of the BiH Presidency [REDACTED] as Zijad Kurtović.



That Zijad Kurtović was the Commander of the Military Police in Drežnica in the critical period of time follows also from the statements of the witnesses examined before the Prosecutor's Office of Bosnia and Herzegovina during the investigation.

The examined witnesses – injured parties, [REDACTED] and [REDACTED] knew Zijad Kurtović since before the war. Marinko Ljoljo points out in his statement that, during the captivity in the church in Donja Drežnica, he learnt from Ahmet Kurtović, brother of Zijad Kurtović, that Zijad Kurtović was the Commander of the Military Police in Drežnica.

Witness [REDACTED] states in his statement that he learnt the name of Zijad Kurtović after the first night of captivity, since all the soldiers who were torturing the detainees said their names. Witnesses [REDACTED] and [REDACTED] also confirm this.

Witnesses [REDACTED] and [REDACTED] concluded that Zijad Kurtović was "in charge" first of all on the basis of his behavior. Zijad Kurtović was ordering other members of the Army of R BiH to torture the detainees, treat them inhumanely, apply measures of intimidation and terror, and take them to perform forced labor and the soldiers were carrying out these orders unquestioningly.

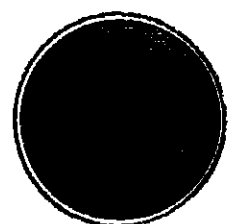
It is indisputable that with these actions, that is, by carrying out the actions stated under items 1 through 11 of this indictment, Zijad Kurtović committed serious violations of international humanitarian law referred to in Article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and serious violations of international humanitarian law referred to in Article 130 of the Convention relative to the Protection of Prisoners of War of 12 August 1949, and acted contrary to the provision of Article 22 of The Hague Regulations Respecting the Laws and Customs of War on Land from 1907, which are a constituent part of the 4th Hague Convention Respecting the Laws and Customs of War on Land (The Hague, 18 October 1907), by destroying the interior of the church in Donja Drežnica.

Also, it is indisputable that Zijad Kurtović acted contrary to the Order on the application of the rules of the international law of war in the Armed Forces of the Republic of Bosnia and Herzegovina and the Instruction on the application of the rules of the international law of war in the armed forces of the Republic of Bosnia and Herzegovina, in the way that he ordered others to torture the detained Croats in the Church of All Saints in Donja Drežnica, to take them to perform forced labor, to treat them inhumanely, on his own and together with others tortured the detained Croats, applied measures of intimidation and terror against them and treated them inhumanely and with these actions destroyed the interior of the church.

The Order on the application of the rules of the international law of war in the armed forces of the Republic of Bosnia and Herzegovina was issued by the President of the R BiH Presidency, Alija Izetbegović, on 23 August 1992. It orders that unit commanders and each member of the armed forces individually are responsible for the application of the rules of the international law of war, that trainings will be regularly organized in order to get acquainted with the rules of the international law of war in the armed forces and that all members of the armed forces have to attend it, and that a wartime commanding officer is obliged to initiate proceedings to pronounce legally prescribed sanctions against persons violating rules of the international law of war.

On the basis of this Order, the defense minister of the Republic of Bosnia and Herzegovina, on 5 November 1992, under M. number 22/67-1/92, issued the Instruction on the application of the rules of the international law of war in the Armed Forces of the Republic of Bosnia and Herzegovina. This Instruction, among other things, regulates that the Armed Forces of the Republic of Bosnia and Herzegovina shall apply the rules of the international law of war in the armed conflict and that "war crimes and other serious violations of the rules of the international law of war shall include: the crime of genocide, war crimes against civilians, against the wounded, the sick, medical staff, against prisoners of war and other serious violations of the rules of the law of war..."

It indisputably follows from the results of the investigation, statements of the examined witnesses and material evidence that the suspect Zijad Kurtović, Commander of the Military Police Platoon of the Independent Battalion Drežnica within the 4th Corps of the Army of Bosnia and Herzegovina, at the time and place stated in the operative part of the filed indictment, ordered that the detainees be tortured, taken to forced labor, used as human shields, treated inhumanely, and inflicted with great suffering, and that he tortured, violated bodily integrity, inflicted great suffering, treated inhumanely, applied measures of intimidation and terror, inflicted severe mental pain and participated in the torture, inhumane treatment, infliction of great suffering, violation of bodily integrity, infliction of severe mental pain upon the group of 20 detained Croats and damaged and participated in damaging the Church of All Saints in Donja Drežnica, committing the criminal offence of War Crimes against Civilians referred to in Article 173(1)(c), (e) and (f) of the CC BiH, the criminal offence of War Crimes against Prisoners of War referred to in Article 175(1)(a) and (b) of the CC BiH and the criminal offence of Violating the Laws and Practices of Warfare referred to in Article 179(1) and (2)(d) of the CC BiH, all in conjunction with Article 180(1), Article 29 and Article 53 of the Criminal Code of Bosnia and Herzegovina.

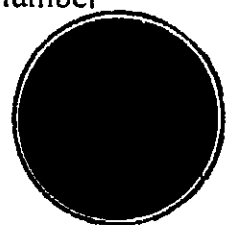


Material corroborating allegations in the indictment

- Copy of the Peace Agreement and the Annex to the Peace Agreement of 23 February 1994 (**certified copy is in the Court of Bosnia and Herzegovina case number X-KR/05/42**),
- List of documents which the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia in The Hague forwarded to the Prosecutor's Office of BiH with the CD with the certified documents RFA 20061110-01 of 22 January 2007, namely:
 - Certified copy of the Croatian radio report in English about combats around Gornji Vakuf where it is stated on page 6 that combats between the HVO and the Army of R BiH are ongoing in Drežnica, which is registered under numbers from 00085507-00085514 in the ICTY in The Hague; The authenticity of all eight pages of this report is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
 - Certified translation into B/C/S of the Croatian radio report in English of 2 August 1993, which is registered under numbers from 00085507-00085514 in the ICTY Office of the Prosecutor in The Hague;
 - Certified copy of the Statement of the president of the UN Security Council number 326 of 10 May 1993 in English, which states that the Security Council is deeply concerned about a new large military offensive launched by paramilitary units of Bosnian Croats in the areas of Mostar, Jablanica and Drežnica, which is registered under number starting from 00377368 in the ICTY Office of the Prosecutor in The Hague; The authenticity of one page of this statement is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
 - Certified translation into B/C/S of the Statement of the president of the UN Security Council number No. 326 of 10 May 1993, which is registered in the ICTY Office of the Prosecutor in The Hague under number starting from 00377368;
 - Certified copy of the Bulletin for soldiers about the situation at the HVO front lines Command of the Central Bosnia Operations Zone Forward Command Post Vitez of 1 September 1993 in the Croatian language where it is stated on page two that a reconnaissance and sabotage group of the enemy was noticed and destroyed in the area of Drežnica, which is registered under numbers from 00383823-00383825 in the ICTY Office of the Prosecutor in The Hague; The

authenticity of three pages of the bulletin is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;

- Certified translation into English of the Bulletin for soldiers about the situation at the HVO front lines Command of the Central Bosnia Operations Zone Forward Command Post Vitez of 1 September 1993, which is registered under numbers from 00467289-00467292 in the ICTY Office of the Prosecutor in The Hague; The authenticity of four pages of the translation of the bulletin is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the ID card file number 492/88 bearing the name of Zijad Kurtović, with his photograph, issued on 31 January 1988, which is registered in the ICTY Office of the Prosecutor in The Hague under number starting from 00587663; The authenticity of one page of the file is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the Order to attack of the Southeast Herzegovina Operations Zone HVO Second Brigade in the Croatian language reference number 02-1458/93 of 16 April 1993, where on page 1 it is stated that "in the zone of the attack of the 2nd Brigade of the HVO, an Army of BiH battalion is defending itself with around 800 soldiers in the areas of Gornja Drežnica-Donja Drežnica-Jasenjani, and that the enemy is preparing defense positions in the area of Donja Drežnica"; this Order is registered in the ICTY Office of the Prosecutor in The Hague under numbers 01094179 through 01094183; The authenticity of five pages of the Order is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified translation into English of the Order to attack of the Southeast Herzegovina Operations Zone HVO Second Brigade reference number 02-1458/93 of 16 April 1993; the translation of the Order is registered under numbers 01908357 through 01908360 in the ICTY Office of the Prosecutor in The Hague; The authenticity of four pages of the translation of the Order is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;
- Certified copy of the Report of the Communications Centre of the Supreme Command Staff – Cryptographic Data Protection Department Sarajevo of the Army of RBiH Special detachment for special purposes Supreme Command Staff Supreme Command Staff Operations Group North 2 of 19 December 1993 in the Bosnian language where it is stated that a breakthrough of the aggressor's forces in the area of Gornja Drežnica was carried out in the way that 2000 shells fell in total; this Report is registered under number

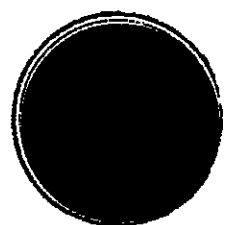


01298673 in the ICTY Office of the Prosecutor in The Hague; The authenticity of one page of the Report is confirmed by the seal and signature of the ICTY Office of the Prosecutor in The Hague;

- Certified copy of the Report from the sector Drežnica of the HVO Posušje of the 5th Brigade Posušje file number. 01-707/93 of 31 August 1993, which states that on 31 August 1993 there was no movement and combat operation by the enemy forces in the sector Drežnica; this Report is registered under number 01519110-01519111 in the ICTY in The Hague; The authenticity of two pages of the Report is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the list of soldiers and civilians from the Drežnica parish who are detained in the Muslim camp in the museum *Jablanica* and the page entitled as the list of the detained and missing parishioners of the Drežnica parish, made by the Roman Catholic Parish Office Drežnica, namely the parish priest Father [REDACTED] under number 198/93 on 5 November 1993; these lists are registered under number 01551286-01551287 in the ICTY in The Hague; The authenticity of two pages of the lists is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Attachment number 13 in the Croatian language relating to crimes committed in Grabovica and Drežnica, which, on page 13, mentions the name and surname of Zijad Kurtović, aka Sekarić, born around 1965, as one of the persons who, as a member of the Army of BiH, abused the population in Drežnica; this Attachment is registered in the ICTY in The Hague under number 01571219-01571232; The authenticity of 14 pages of the attachment is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the translation into English of the attachment number 13 relating to crimes committed in Grabovica and Drežnica, which, on page 13, mentions the name and surname of Zijad Kurtović, aka Sekarić, born around 1965, as one of the persons who, as a member of the Army of BiH, abused the population in Drežnica; this translation is registered in the ICTY in The Hague under number ET0155-1219-0157-1232; The authenticity of 14 pages of the translation of the attachment is confirmed by the seal and signature of the ICTY in The Hague;
- Certified copy of the Elements of the counterintelligence assessment on the territory in the area of responsibility of the Security and Information Service Centre Mostar, made by the Security and Information Service of the Ministry of Defense of the Croat Republic of Herceg-Bosna under number 02-08-2-439/95 of 14 April 1995,

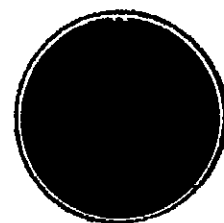
which states on page 2 that, according to the census of 21 March 1993, 806 Croats lived in Drežnica, while on 25 January 1994 Serbs and Croats were almost ethnically cleansed from the area; this assessment is registered in the ICTY in The Hague under number 01572627-01572640. The authenticity of 14 pages of the assessment is confirmed by the seal and signature of the ICTY in The Hague;

- Certified copy of the Official Note of the 6th Corps of the Army of R BiH 44th Mountain Brigade strictly confidential number 07/379-163/93 of 15 August 1993, which, on page 2, mentions the opinion of the persons who made the note, namely that the killing of the Croat local resident [REDACTED] was committed by members of the Army of BiH Drežnica; this note is registered in the ICTY in The Hague under number 04034733-04034734. The authenticity of two pages of the note is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the Information on some elements of the political and security situation of the Ministry of Internal Affairs of RBiH, Public Security Centre Jablanica, strictly confidential number 16-7/1-80-50/93 of 23 September 1993, which deals with the difficult position of Croats in the Jablanica municipality and combat operations in the direction of the Drežnica village; this information is registered in the ICTY in The Hague under number 04035997-04035999. The authenticity of three pages of the information is confirmed by the seal and signature of the ICTY in The Hague;
 - Certified copy of the Bulletin of the Security Administration of the Supreme Command Staff of the Republic of Bosnia and Herzegovina number 82 of 3 June 1993, where it is stated that plunder, crime, endangering of public order and peace took place during the conflict between the HVO and the Army of R BiH in the area of Drežnica, in which members of the Drežnica Battalion of the Army of R BiH stood out; this bulletin is registered in the ICTY in The Hague under number 04036512-04036515. The authenticity of four pages of the information is confirmed by the seal and signature of the ICTY in The Hague;
- Record on the questioning of the suspect Zijad Kurtović KT-RZ 115/06 of 1 November 2006;
 - Record on the questioning of the suspect Zijad Kurtović KT-RZ 115/06 of 1 November 2006;
 - Record of the BiH State Investigation and Protection Agency on the handover of the person deprived of liberty to the Prosecutor of the Prosecutor's Office of BiH number 17-04/2-04-2-12/06 of 1 November 2006;



- Official report on actions taken upon the Order of the Prosecutor's Office of BiH made by the BiH State Investigation and Protection Agency on 2 November 2006 under number 17-04/2-04-2-972-4/06;
- Record on the examination of Hasib Lulić made by the State Investigation and Protection Agency on 1 November 2006 under number 17-04/2-04-2-632/06;
- Official note on actions taken upon the Order of the Prosecutor's Office of BiH made by the State Investigation and Protection Agency on 1 November 2006 under number 17-04/2-04-2-184/06;
- Record on deprivation of liberty made by the State Investigation and Protection Agency on 1 November 2006 under number 17-04/2-04-2-12/06;
- State Investigation and Protection Agency Certificate on the temporary seizure of objects number 17-13/3-1-134/06 of 1 November 2006;
- State Investigation and Protection Agency Certificate on the temporary seizure of objects number 17-13/3-1-134-1/06 of 1 November 2006;
- State Investigation and Protection Agency Certificate on the temporary seizure of objects number 17-04/2-04-2-35/06 of 1 November 2006;
- Motion of the Prosecutor's Office of BiH to order custody of the suspect Zijad Kurtović number KT-RZ 115/06 of 2 November 2006;
- Decision of the Court of Bosnia and Herzegovina number X-KRN-06/299 of 3 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 3 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 3 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 4 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 5 July 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 21 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 22 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 23 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 23 August 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 29 September 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 18 October 2006;
- Record on the examination of witness [REDACTED] number KT-RZ of 17 October 2006;

- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 18 October 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 13 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 13 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 16 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 21 November 2006;
- Record on the examination of witness [REDACTED] number KT-RZ of 15 February 2007;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 21 February 2006;
- Record on the examination of witness [REDACTED] number KT-RZ 115/06 of 29 March 2007;
- Record on the examination of witness [REDACTED] number KT-RZ of 29 March 2007;
- Excerpt from the search of the Civilian register database (CIPS) for Zijad Kurtović;
- The *Zijad Kurtović* file which was delivered with a cover letter to the Cantonal Prosecutor's Office Mostar by the BiH Intelligence and Security Agency, with part A (the suspect's identification data), part B (war crimes that the suspect is charged with), part C (overview of facts) and part D (prosecution evidence); the Cantonal Prosecutor's Office Mostar received the file on 4 August 2004;
- Cover letter with the list of documents which the BiH Ministry of Defense delivered to the Prosecutor's Office of BiH on 25 December 2006 under number 08-04-149-14/06, containing the following documents:
 - Certified copy of the certificate on salaries of members of the R BiH armed forces for Zijad Kurtović, reference number 492074502240 of 21 May 1996;
 - Certified copy of the supplementary register file from the military records for Zijad Kurtović;
 - Certified copy of the Personal file from the military records – Copy number I, II and III bearing the name of Zijad Kurtović;
 - Certified copy of the Decision of the Main Staff of the R BiH Armed Forces number 02/ 700-2 of 26 July 1992 on establishing units of the Army of R BiH, where, under item 2, the First Detachment of the Army of R BiH Drezhnica is established;
 - Certified copy of the Total overview of war units in each corps of the Department for the organization of the armed forces, strictly confidential



number 14/53-4 of 15 March 1993, in which, under item 4, it is stated that the 1st Detachment Drežnica is resubordinated to the 1st Mostar Brigade;

- Certified copy of the 4th Corps Command Order on the organization and establishment of the Independent Battalion Drežnica of 15 October 1994, strictly confidential number 02-2448;
- Certified Decision on commissions – promotions in the Army of R BiH of the R BiH Presidency of 5 October 1994, where, on page 3, it is stated that, as of the day of issuing of this Decision, Zijad Kurtović, son of Bajro, Commander of the Military Police Platoon of the Independent Battalion Drežnica of the 4th Corps is promoted to the rank of lieutenant;
 - Certified copy of the Proposal of the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina for promotions in the Army of R BiH, confidential number 05-1/6-32 of 6 October 1994 delivered to the Presidency of R BiH. The proposal was signed by the Army General Rasim Delić. On page 10, Army General Rasim Delić proposes that Zijad Kurtović, son of Bajro – Commander of the Military Police Platoon of the Independent Battalion Drežnica of the 4th Corps be promoted to the rank of lieutenant;
 - Letter of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ 115/06 of 20 April 2007 asking the BiH Ministry of Defense to have access, to copy and certify the documentation that was the basis for the Proposal of the Supreme Command Staff of the Army of BiH for promotions in the Army of R BiH, confidential number 05-1/6-32 of 6 October 1994, relating to members of the Independent Battalion Drežnica of the 4th Corps, including Zijad Kurtović, son of Bajro;
 - Letter of the Prosecutor's Office of BiH number KT-RZ 115/06 of 17 April 2007 asking the Ministry of Defense of Bosnia and Herzegovina to deliver the history of the Independent Battalion Drežnica covering the period from its establishment until the end of the war, and its command structure, especially in the second half of 1993;
 - Letter of the Prosecutor's Office of BiH number KT-RZ 115/06 of 3 April 2007 asking the BiH Ministry of Defense to deliver the documentation relating to members of the Independent Battalion Drežnica and the records VOB-8 of conscripts of that battalion;
 - Certified photocopy of the VOB-8 form for Zijad Kurtović delivered with the cover letter of the BiH Ministry of Defense number 08-04-149-5/06 of 13 September 2006;
 - Authenticated personal file from the conscripts' records for Zijad Kurtović delivered with the cover letter of the Ministry of Defense number 08-04-149-3/06 of 8 September 2006;
 - Original Questionnaire for collecting data on camps and other detention places and types of torture in them during the Homeland War in BiH 1991-

1996 of the Croat Association of Camp Detainees in the Homeland War in BiH, branch office Herzegovina-Neretva – Mostar

- Certified copy of the Temporary instruction on the work of the duty military police with attachments, made in the Military Police of the 4th Corps on 24 July 1993, reference number 117/93;
- Certified copy of the document Command and control in brigades and independent battalions over the military police in the area of responsibility of the units of the 4th Corps Command, strictly confidential number 1822-06 of 3 December 1993;
- Certified copy of the Order to attack of the Special detachment for special purposes within the Supreme Command Staff – *Zulfikar*, issuing the decision to carry out the military operation *Defense of people's rights – VRDI 93*;
- Certified copy of the List of prisoners of war in the collection centre Buturović Polje made in the 45th Mountain Brigade under number [REDACTED] of 2 September 1993, including [REDACTED] and [REDACTED] as prisoners;
- Certified copy of the Official note made in the security organ of the 6th Corps of the Army of R BiH – Municipal Defense Staff Prozor number [REDACTED] of 26 September 1993 in relation to the statement of [REDACTED];
- Certified copy of a copy of the Rule book on commendations and incentives in the armed forces of R BiH number 04.2-9-236/94 of 26 December 1994;
- Certified copy of the Official note of the Security and Information Service Centre Mostar file number 02-08-2-677/94 of 16 May 1994 on the Negotiations between the HVO and representatives of the Army of BiH on the exchange of the bodies of killed persons and the status of the remaining Croat population in Drežnica;
- Certified copy of the Official note of the Security and Information Service Centre Mostar file number 02-08-2-513/94 of 14 April 1994 on the Negotiations between the HVO and representatives of the Army of BiH on the exchange of the bodies of killed persons and the problem concerning Croat civilians in Drežnica;
- Certified copy of the Official note on the interview held with [REDACTED] in the Ministry of Internal Affairs of the Croat Republic of Herceg-Bosna, Police Administration Mostar, number [REDACTED];
- Certified copy of the Daily report of the Army of R BiH – the 4th Corps Military Police Battalion reference number 01/P-5-03-84/93 of 7 June 1993, where it is stated, among other things, that on 7 June 1993 the Commander of the Military Police Company Jablanica was sent to Drežnica in order to establish a military police squad;



- Certified copy of the original of [REDACTED] Report to the Command of the 4th Corps Military Security Service Konjic number [REDACTED] of 12 May 1994 in which, after visiting Drežnica with the task to organize and establish a military police platoon in the Independent Battalion Drežnica, he states what the present situation is like, among other things, he states that the military police platoon was formed earlier within the Independent Drežnica Battalion and describes the measures taken;
- Certified copy of the List of prisoners of war from the collection centre Buturović Polje who were handed over to the Military Police Battalion of the 6th Corps number 07-132/93 of 14 September 1993, including [REDACTED]
- Certified copy of the Instruction on the application of the international law of war in the Army of R BiH from 1992 and the Order on the application of the international law of war in the R BiH Armed Forces of 23 August 1992, delivered with a cover letter to the Prosecutor's Office of BiH by the Ministry of Defense on 26 December 2006 under number 08-04-6813-3/06;
- Extract from the criminal and operative records of the Police Administration Mostar number 02-02/5-2-12-494/06 of 8 November 2006 for Zijad Kurtović;
- Occupancy list number 63, cadastral district Drežnica, and a copy of the cadastral plan for the requested cadastral units, delivered to the Prosecutor's Office of BiH by the Department for Urban Planning and Civil Engineering of the Herzegovina-Neretva Canton of the F BiH with a cover letter on 16 November 2006;
- Land register extract for the Church of All Saints Drežnica with a cover letter, delivered by the Municipal Court Mostar number Su. 3446/06 on 9 November 2006;
- 10 original photographs of the church in Drežnica which constituted a part of the file *Zijad Kurtović*, delivered by the Intelligence and Security Agency to the Cantonal Prosecutor's Office Mostar on 2 August 2004 under number UP-05/02-2377;
- CD with photographs of the church facilities in Donja Drežnica, delivered with a cover letter to the Prosecutor's Office of BiH by the Bishop's Ordinariate Mostar on 20 February 2007, record number 292/2007;
- Photographs in color printed from the CD delivered by the Mostar-Duvno and Trebinje-Mrkan Diocese, Bishop's Ordinariate Mostar on 20 February 2007, record number 292/2007;
- Original document of the Mostar-Duvno and Trebinje-Mrkan Diocese, Bishop's Ordinariate Mostar, record number 591/2007 of 19 April 2007;
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] with a copy of the personal camp prisoner's file of [REDACTED]
- Certified copies of the medical findings and opinion from the Clinical Centre Mostar, Neuropsychiatry Department, of [REDACTED] and [REDACTED] for [REDACTED]

- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
- Certified copy of the Medical history with the findings of the War Hospital of the Health Centre Tomislavgrad of [REDACTED] for [REDACTED]
- Certified copy of the Decision on the payment of personal disability pay number [REDACTED] of [REDACTED] to [REDACTED] with the findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members number [REDACTED] of 30 December 2005 for [REDACTED]
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
- Certified copy of the Decision stating that [REDACTED] is partially fit for military service, issued by the Secretariat for National Defense of the Municipal Assembly Jablanica number [REDACTED] on [REDACTED]
- Certified copy of two general mobilization drafts sent to [REDACTED] number [REDACTED] of [REDACTED] and [REDACTED] of [REDACTED] by the Executive Committee of the Jablanica Municipality;
- Certified copies of 14 findings and opinions of the Clinical Hospital Mostar for [REDACTED]
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
- Certified copies of 13 findings and opinions of the Clinical Hospital Mostar and the Health Centre Čitluk and other medical documentation for [REDACTED]
- Certified copies of 12 findings and opinions of different medical institutions and other medical documentation for [REDACTED]
- Certified copy of the Psychological examination findings for [REDACTED] issued in the Clinical Hospital Centre Zagreb, Psychiatric Clinic of the Medical School on [REDACTED]
- Certified copy of the Findings of a psychologist in the Health Centre Mostar number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Certificate of the Defense Administration Mostar, Defense Department Jablanica number [REDACTED] of [REDACTED] stating that [REDACTED] was a member of the HVO during the Homeland War, that he was captured on [REDACTED] in Jablanica by members of the R BiH Army while performing military duty, that he was held in captivity until [REDACTED] and that he was mentally and physically abused;
- Certified copy of the Findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members in the first instance proceedings number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran class: [REDACTED] file number [REDACTED] of [REDACTED]



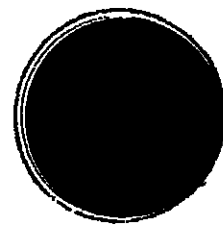
bearing the name of [REDACTED] with the enclosed certified Findings and opinion of the Military Disability Board for establishing bodily injuries of wounded members of the HVO Military District Mostar number [REDACTED]

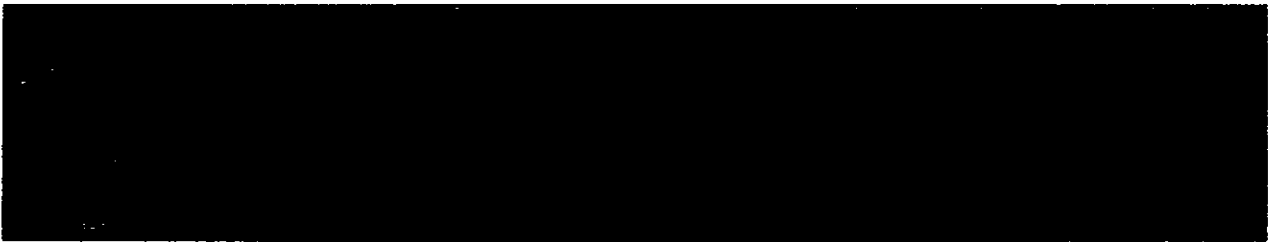
[REDACTED] of [REDACTED] for [REDACTED]

- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] for [REDACTED]
- Certified copies of 11 findings and opinions of the Health Centre Čitluk and the Clinical Hospital Mostar for [REDACTED]
- Certified copy of the Referral slip referring [REDACTED] to hospital to a specialist – psychologist of [REDACTED]
- Certified copy of the Findings of a psychologist of the Health Centre Mostar number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members in the review proceedings number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran of the Administration for Veterans' Issues Mostar – Sector for Veterans' Issues (HVO, Ministry of Internal Affairs) number [REDACTED] of [REDACTED] bearing the name of [REDACTED]
- Certified copy of the International Committee of the Red Cross certificate number [REDACTED] issued in Zagreb on [REDACTED] with a certified copy of the personal camp prisoner's file for [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran of the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality number [REDACTED] of [REDACTED] bearing the name of [REDACTED]
- Certified copy of the Decision on recognizing the status of a disabled veteran of the Defense Administration Mostar, Defense Office Konjic class: [REDACTED] file number [REDACTED] of [REDACTED] bearing the name of [REDACTED]
- Certified copy of the Certificate of the Defense Administration Mostar, Defense Office Konjic number [REDACTED] of [REDACTED] on the HVO membership and captivity in the Army of R BiH prisons for [REDACTED]
- Certified copy of the Findings and opinion of the medical board for the examination of persons covered by the Law on the rights of veterans and their family members in the first instance proceedings number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the War Hospital Seonica number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Request to provide findings and opinion of the Service for issues of veterans, disabled persons, refugees and displaced persons and social

welfare of the Konjic municipality number [REDACTED] of [REDACTED] for [REDACTED]

- Certified copy of the Request to the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality sent by [REDACTED] on [REDACTED]
- Certified copy of the Request to the Service for issues of veterans, disabled persons, refugees and displaced persons and social welfare of the Konjic municipality sent by [REDACTED] on [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar - Mental Illness Department number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar - Mental Illness Department number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar - Mental Illness Department of [REDACTED] for [REDACTED]
- Certified copy of the Referral slip referring [REDACTED] to an orthopedist of [REDACTED]
- Certified copy of the Findings and opinion of the Clinical Hospital Mostar - Mental Illness Department number [REDACTED] of [REDACTED] for [REDACTED]
- Certified copy of the Card for diabetes patients of the Clinic for diabetes, endocrinology and metabolism diseases *Vuk Vrhovac* Zagreb, bearing the name of [REDACTED]
- Certified copy of the Medical history of the Health Centre Velika Gorica for [REDACTED]
- Certified copy of the Findings and opinion of the doctor [REDACTED] of [REDACTED] for [REDACTED]
- Certified copies of the findings and opinion of the Specialized Psychiatric Office [REDACTED] Velika Gorica for [REDACTED]
- Certified copies of the medical documentation for [REDACTED] of [REDACTED]
- Certified copy of the ID card of the International Committee of the Red Cross number NO.CICR: [REDACTED] bearing the name of [REDACTED]
- Certified copy of the medical documentation for [REDACTED] with a cover letter of the Clinical Hospital Mostar number [REDACTED] of [REDACTED]





Given that the investigation results indisputably show that the suspect Zijad Kurtović, at the time of the armed conflict between the Croat Defense Council and the Army of the Republic of Bosnia and Herzegovina, in October 1993, as a member of the Army of R BiH, in his capacity as the Commander of the Military Police Platoon of the Independent Battalion Drežnica within the 4th Corps of the Army of R BiH, perpetrated the criminal offences in question, I propose that the preliminary hearing judge confirm the indictment of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ 115/06 of 10 May 2007 in its entirety.

**PROSECUTOR'S OFFICE OF BiH
Special Department for War Crimes
Prosecutor**

Vesna Tančica
(Signature and seal affixed)

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

Sarajevo, 29.05.2007

Certified Court Interpreter for English

