

**Bosnia and Herzegovina  
BiH Prosecutor's Office  
Special Department for War Crimes  
No. KT-RZ 172/07  
Sarajevo, 2 February 2009**

**COURT OF BOSNIA AND HERZEGOVINA  
S A R A J E V O  
Section I for War Crimes of the Criminal Division of the Court of BiH  
Preliminary Hearing Judge  
Sarajevo**

Pursuant to Article 35 paragraph 2 sub-paragraph h) and Article 226 paragraph 1 of the BiH Criminal Procedure Code, I hereby file the following

**INDICTMENT**

**AGAINST:**

1. **FARUK PRČIĆ**, son of Dževad and Karolina née Klepej, born on 25 December 1938 in Tuzla, residing in Tuzla, 29 Ismeta Mujezinovića Street, of Bosniak ethnicity, citizen of BiH, married, father of two, retired, awarded a military decoration "Golden Lily", no previous convictions, at large, defended by the appointed defence attorneys - Edina Rešidović and Vasvija Vidović, lawyers from Sarajevo

Because of the following:

During the period between June and October 1992 in Tuzla, during the armed conflicts in BiH, as the commander of the engineers unit of the 2 Corps of the BiH Army, he acted contrary to Article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 by unlawfully detaining civilians of Serb ethnicity, ordering or directly participating in tortures and inhumane treatments of the detained civilians, or failing to prevent or punish such actions made by the members of his Unit or by other members of the BiH Army over whom he took actual control, although being aware of them; thus he:

1. participated in the unlawful detention, torture and inhumane treatments of the protected witness "S-1", who was unlawfully deprived of liberty on 13 June 1992 at his workplace and brought to the premises of the *Rudarski Institut*, by asking from him to write down on the piece of paper the names of the Serbs, who were members of the SDS and the "Chetniks"; being dissatisfied with

the list, he started maltreating him physically, punching, kicking, pistol-whipping him and hitting him over other parts of his body, putting the pistol barrel into his mouth, having previously cocked, causing serious bodily injuries to the injured party as a result of such a maltreatment,

2. participated in the unlawful detention, torture and inhumane treatment of [REDACTED] whom he maltreated on an undetermined date in the summer of 1992 at his workplace in the Energoinvest Company by asking from to write down on the list of paper the names of the Serbs who were "Chetniks"; being dissatisfied with what he wrote, four or five members of his Unit, who were present in the room, started physically maltreating the injured party hitting him all over his body; one of them pulled out a knife and pulled the injured party's hair, threatening him by saying that he would pluck his eyes out, which the suspect did not prevent, but on the contrary, he agreed with such a maltreatment; he afterwards ordered that a certain "Bijeli" be called, who continued with the physical maltreatment of the injured party, beating him with an army waist belt, kicking and punching him for a couple of hours, causing serious bodily to the injured party as a result of such an hours-long maltreatment; the Suspect left the room together with his escort,
3. participated in the unlawful detention, torture and inhumane treatment of [REDACTED] who was unlawfully deprived of liberty at his workplace on 20 July 1992 and brought to the premises of the *Rudarski Institut*, by asking from him to write down on the piece of paper the names of the Serbs who were on guards; being dissatisfied with the list, he started hitting him, after which the members of the Suspect's Unit entered the room and continued hitting the injured party, with the suspect having agreed with such treatment; shortly afterwards, the suspect joined the hitting and torture, ordering the two of his soldiers to throw the injured party down on the floor face down and to tie up his hands; afterwards he started stepping on his back and all over his body, causing grievous life threatening injuries to the injured party as a result of an hours-long maltreatment,
4. participated in the unlawful detention, torture and inhumane treatment of [REDACTED] who was unlawfully deprived of liberty in his apartment in the evening hours on 21 September 1992 and brought to the premises of the *Rudarski Institut*, by ordering the three members of his Unit to beat up this civilian, which they did, hitting him with a rifle, waist belt, punching, kicking him all over his body, after which the Suspect asked from him to write down on a piece of paper the names of the "the Chetniks" and the members of the SDS he knew; since [REDACTED] refused to do so, the Suspect ordered his soldiers to continue hitting him, also joining the hitting, punching and kicking him, and afterwards ordering him to strip naked, ordering his soldiers to continue slogging and humiliating him, physically and mentally maltreating him in different manners as well as forcing the injured party to fight with [REDACTED] who were also unlawfully detained and maltreated; it lasted until the early morning hours, causing the injured party [REDACTED] grievous bodily injuries,

5. participated in the unlawful detention, torture and inhumane treatment of [REDACTED] who was unlawfully deprived of liberty in his apartment in mid-June 1992 and brought to the premises of the *Rudarski Institut*, being present in the room while the members of his Unit were beating the injured party; although he was obliged to prevent them from doing that – he failed to do so, approving this maltreatment in such a manner; for another few days during which the injured party was unlawfully detained in this building under completely inhumane conditions, with not enough food and water, he knew that he was subjected to physical and mental maltreatment on a daily bases by the members of his Unit, as well as to the hitting with various objects, kicking, punching, threatening and insulting, without preventing or punishing the perpetrators, causing grievous bodily injuries to the injured party as a result of maltreatment,
6. knew but did not prevent or punish the unlawful detention, torture and inhumane treatment of [REDACTED] who was unlawfully deprived of liberty in his apartment in mid-June 1992 and brought to the premises of the *Rudarski Institut*, where he was detained in the cellar premises for a couple of days under completely inhumane conditions, with not enough food and water, subjected to physical and mental maltreatment on a daily bases by the members of the Suspect's Unit, as well as to the hitting with various objects, kicking, punching, threatening and insulting, without preventing or punishing the perpetrators, causing grievous bodily injuries to the injured party as a result of maltreatment,
7. knew but did not prevent or punish the unlawful detention, torture and inhumane treatment of [REDACTED] who was unlawfully deprived of liberty in his apartment in mid-June 1992 and brought to the premises of the *Rudarski Institut*, where he was detained and subjected to physical and mental maltreatment by the members of the Suspect's Unit, whereupon the injured party, having such grievous and serious injuries, being in a very difficult mental condition as a result of such a maltreatment, committed suicide on 22 June 1992 by hanging in the room where he was detained,
8. knew but did not prevent or punish the unlawful detention, torture and inhumane treatment of [REDACTED] who was unlawfully deprived of liberty at his workplace in mid-June 1992 and brought to the premises of the *Rudarski Institut*, where he was detained in the cellar premises for about twenty days under completely inhumane conditions, with not enough food and water, subjected to physical and mental maltreatment on a daily bases by the members of the Suspect's Unit and to the hitting with various objects, kicking, punching, threatening and insulting, without preventing or punishing the perpetrators, causing grievous bodily injuries to the injured party as a result of maltreatment,

Whereby he committed:

- the criminal offence of War Crimes against Civilians under Article 173 paragraph 1 sub-paragraphs c) and e) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 29 and Article 180 paragraphs 1 and 2 of the same Code.

**PROPOSAL**  
**to present the following evidence**

**I To examine the following witnesses:**

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]

**II To examine the following expert witnesses:**

1. [REDACTED]
2. [REDACTED]

**II To review the following documents:**

1. Decision to take over the case, issued by the Court of BiH number X-KRN-07/362 dated 11 May 2007
2. Evaluation issued by the Department "Rules of the Road" of the ICTY Prosecutor's Office regarding the Suspect Faruk Prcić, number: 07078/CDP/PR1071 dated 2 July 2004.
3. Decision on proclamation of the immediate war danger issued by the Presidency of the R BiH dated 8 April 1992 (Official Gazette of R BiH number 1/92)
4. Decision on proclamation of the state of war of the Presidency of R BiH dated 20 June 1992 (Official Gazette of R BiH, number 7/92)
5. ICTY Judgement number IT-03-68 in the case against Naser Orić, par. 259 and par. 260

6. ICTY Judgement number IT-96-21 in the case against Zdravko Mucić and others (Čelebići), par. 192, par. 214, par. 234
7. Letter of the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008, along with the following supporting documentation:
  - a. VOB-I registry certificate
  - b. Certificate on participation in the armed forces issued by the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008
  - c. Certificate on awarded military decoration issued by the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008
  - d. Order on appointment issued by the Command of the 2 Corps of the BiH Army number conf. 03/99-41 dated 8 February 2003
8. Report of the Engineers Battalion OPS TO Tuzla number 39/5/92 dated 27 May 1992
9. Report of the Engineers Battalion OPŠ TO Tuzla number 59/6/92 dated 8 June 1992
10. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 248/07/92 dated 28 July 1992
11. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 440/087/92 dated 18 August 1992
12. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 451/92 dated 21 August 1992
13. Letter of the Command of the I Engineers Battalion OPŠ TO Tuzla number 455/08 dated 21 August 1992
14. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 596/09/92 dated 26 September 1992
15. Permission of the Command of the Engineers Battalion OPŠ TO Tuzla number 681 dated 14 October 1992
16. Letter of discharge issued by The District Headquarters, TO Tuzla in the name of the protected witness "S-1"
17. Statement of the protected witness "S-1" dated 17 June 1992 given before the Military Police, OS TO Tuzla
18. Decision-Letter of discharge issued by the District Headquarters TO Tuzla number 355/92 dated 25 September 1992 in the name of [REDACTED]
19. Medical findings dated 29 September 1992 in the name of [REDACTED]
20. Doctor's referral to the specialist dated 6 October 1992 in the name of [REDACTED]
21. Specialist findings dated 8 October 1992 in the name of [REDACTED]
22. Doctor's referral to the specialist dated 21 October 1992 in the name of [REDACTED]
23. Specialist findings dated 23 October 1992 in the name of [REDACTED]

24. Photographs of bodily injuries inflicted on [REDACTED] (14 photographs in total)
25. Record on forensic expertise of the bodily injuries inflicted on [REDACTED] dated 19 April 1994 made by the forensic specialist, [REDACTED]
26. Letter of discharge issued by the KMC "Dr. Mustafa Mujbegović" Tuzla, number 210/3007 dated 30 July 1992 in the name of [REDACTED]
27. Medical background issued by the KMC "Dr. Mustafa Mujbegović" reg. number 210/3007 with the supporting documentation in the name of [REDACTED]
28. Statement given by [REDACTED] dated 27 August 1992 before the Military Police of the BiH Army, OS Tuzla
29. Medical certificate number 48/92 dated 28 August 1992 in the name of [REDACTED]
30. Receipt on seizure of objects from [REDACTED] dated 23 June 1992
31. Receipt on return of objects to [REDACTED] dated 24 June 1992
32. Personal statements given by [REDACTED] along with the transcripts (16 statements in total)
33. Receipt on seizure of objects from [REDACTED] dated 23 June 1992
34. Receipt on return of objects to [REDACTED] dated 24 June 1992
35. On-site investigation into the suicide by hanging committed by [REDACTED] issued by the District Headquarters TO number KU-35/92 dated 22 June 1992
36. On-spot outline of the suicide by hanging committed by [REDACTED] issued by the District Headquarters TO number KU-35/92 dated 22 June 1992
37. Certificate on death issued by Dr. [REDACTED] dated 22 June 1992
38. Official Note issued by the Military Police OKŠTO Tuzla dated 22 June 1992 on the interview conducted with [REDACTED]
39. Official Note issued by the Military Police OKŠTO Tuzla dated 23 June 1992 on the interview conducted with [REDACTED]
40. Official Note issued by the Military Police OKŠTO Tuzla dated 24 June 1992 on the interview conducted with Faruk Prcić
41. Personal statements of [REDACTED] along with the transcripts (24 statements in total)
42. Receipt on temporary seized objects issued by OKŠTO Tuzla dated 23 June 1992
43. Certificate on handover of the objects issued by OKŠTO Tuzla dated 25 June 1992
44. Report of the District Headquarters TO number KU-35/92 dated 15 July 1992 submitted to the Higher Public Prosecutor's Office Tuzla
45. Report on post-mortem examination of the body of [REDACTED] issued by the Higher Court Tuzla number Kri.98/92 dated 24 June 1992 with the scheme presentation of the corps of [REDACTED] with the injuries marked
46. Receipt on death of [REDACTED] number 848/92 dated 24 June 1992
47. Death certificate for [REDACTED] number 10/13 dated 26 February 1992
48. Request of the Higher Public Prosecutor's Office Tuzla number KTA 116/92 dated 3 September 1992
49. Findings and opinion dated 6 December 2008 on bodily injuries inflicted on the injured parties [REDACTED] issued by the forensic expert witness, [REDACTED]
50. CIPS database certificate for the Suspect Faruk Prcić
51. Criminal record certificate for the Suspect Faruk Prcić

## **RESULTS OF THE INVESTIGATION**

After the issuance of the Decision of the Court of BiH number X-KRN-07/362 dated 11 May 2007 to take over the entire case from the District Prosecutor's Office Bijeljina number KT-59/00 for further action, this Prosecutor's Office separated the case and opened a special investigation against the Suspect Faruk Prcić for the suspicion that he had committed the criminal offence of War Crimes against Civilians in violation of article 173 of the BiH CC, accepting some investigative actions conducted by the Investigative Judge.

This case was previously submitted by the District Court Bijeljina, for both review and evaluation, to the Department "Rules of the Road" of the ICTY Prosecutor, whereby the actions of the Suspect Faruk Prcić were given the standard marking "A, under number: 07078/CDP/PR1071 dated 2 July 2004.

The result of the investigation conducted supports unquestionably the well-foundedness of this Indictment according to which the Suspect Faruk Prcić committed the criminal offence in violation of Article 173 paragraph 1 subparagraphs c) and e) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 29 and Article 180 paragraphs 1 and 2 of the same Code.

It follows from the state of facts established in the investigation based on both the objective evidence and the statements of the examined witnesses, that the Suspect, during the conflict in BiH, as the commander of the engineers unit of the 2 Corps of BiH Army, acted contrary to Article 3 of the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, having participated in the unlawful detention, torture and inhumane treatment of the Serb civilians, knowing about such treatments and without doing anything to prevent or punish the perpetrators.

The criminal actions with which the Suspect Faruk Prcić is charged by this Indictment were committed at the time of the armed conflict. It indisputably follows from the Decision on the proclamation of the immediate war danger by the Presidency of the R BiH dated 8 April 1992 (Official Gazette of R BiH number 1/92), the Decision on the proclamation of the state of war of the Presidency of R BiH dated 20 June 1992 (Official Gazette of R BiH, number 7/92) and the statement of the examined witnesses that such a conflict existed in the territory of BiH and accordingly in the territory of Tuzla. It can be also clearly seen from the following facts established by the ICTY final judgements:

### **1. ICTY Judgement number IT-03-68 in the case against Naser Orić**

- par. 259: "... during the period relevant to the Indictment (April 1992-early 1995), an armed conflict existed in the territory of BiH.";
- par. 260: "Furthermore, the alleged wanton destruction of Bosnian Serb property took place in the context of combat activity in eastern BiH. It follows that the alleged offenses with which the Accused is charged were committed during an armed conflict and were closely related to that conflict."

**2. ICTY Judgement number IT-96-21 in case against Zdravko Mucić and others (Čelebići):**

- par. 192: "... "the armed conflict" existed in Bosnia and Herzegovina in the period relevant to the Indictment (April 1992- December 1992),
- par. 214: "...In Bosnia and Herzegovina the armed conflict ... existed on the date of its recognition as an independent state on 6 April 1992."
- par. 234: "... the armed conflict which took place in Bosnia and Herzegovina at least from April 1992, continued during all that year..."

Pursuant to Article 4 of the Law on the Transfer of Cases from the ICTY to the Prosecutor's Office of BiH and the use of evidence obtained by the ICTY in the proceedings before the Court of BiH, should the Indictment be confirmed, the Prosecutor's Office will submit a special motion regarding these facts.

All criminal actions with which the Suspect is charged constitute serious violations of the Geneva Convention on Protection of Civilians in Time of War of 12 August 1949, being the consequence of the armed conflict.

It follows from the Letter of the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008 and the other attached documents, which were signed by the Suspect in the incriminating period when he was the commander of the above stated Unit and from the statements of the examined witnesses, that the Suspect was the commander of the engineers unit of II Corps of the BiH Army.

All victims stated in the Indictment were civilians and persons protected by the above Geneva Convention in the period covered by the Indictment.

The fact that they were randomly and unlawfully detained as civilians or that they were persons having no active role in the hostilities, has been confirmed by the witnesses-injured parties' statements in which they described when and in which manner they had been deprived of liberty and afterwards detained on the premises of the building *Rudarski Institut* in Tuzla and the manner in which they were maltreated. The detainees, who were transferred to the prison situated in the military barracks "Husinska buna" or to the District Prison after being detained and maltreated in this building, pointed out in their statements that they had obtained certificates on detention in these facilities. However, these certificates do not indicate the period, which they previously spent in the building of *Rudarski Institut*. It can be also clearly seen from the document of the District Staff of OS Tuzla (Decision-letter of discharge number 355/92 dated 25 September 1992), in which it is stated that the injured party [REDACTED] was detained in the military barracks "Husinska buna" during the period from 22 September 1992 to 25 September 1992; however, it follows from the statement of this witness that he was deprived of liberty on 21 September 1992 and detained on the premises of the *Rudarski Institut*, where he was subjected to torture and inhumane treatments; it also follows that he was not transferred to the military barracks until the next day, on 22 September 1992. The protected witness "S-1", who was issued with the letter of discharge on the time he



had spent in the District Court Tuzla during the period from 14 June 1992 and 18 June 1992, was treated in the same way. However, it clearly follows from his statement that he was taken away from his workplace on 13 June 1992 and detained on the premises of the *Rudarski Institut*, where he was subjected to torture and inhumane treatment. Not until the following day, on June 1992, was he transferred to the District Prison in Tuzla. The situation is similar with the other witnesses.

In their statements, the witnesses unmistakably and decisively described the circumstances of their detention in the building of *Rudarski Institut* and the circumstances under which they were subjected to tortures, that is, to the intentional infliction of severe pain or suffering, whether physical or mental, inhumane treatment, particularly describing the actions and omissions made by the suspect Faruk Prcić.

During the examination before the Prosecutor's Office of BiH, the Suspect Faruk Prcić used his legal right to remain silent.

However, it undeniably follows from the adduced evidence that the Suspect committed the offense, that he was aware of it and that he wanted its perpetration. To wit, as the commander of an armed formation, the Suspect Faruk Prcić knew and was aware of the fact that the civilians were unlawfully detained, since none of them was lawfully deprived of liberty and because there were no legal proceedings initiated against them; while being detained in the building of *Rudarski Institut*, they were not examined in accordance with the provisions of the criminal procedure in force at that time or issued with any kind of certificate to show the ground on which they were detained; on the contrary, all these civilians were detained and maltreated only on the basis of their ethnicity. The fact that the civilians were subsequently transferred to detention units or prisons where they were issued with certificates of confinement or that some proceedings were conducted against them, does not justify their previous detention in the building of *Rudarski Institut* where they were kept with no legal ground, under inhumane conditions and subjected to torture and inhumane treatments. The fact that they were issued with the certificates of confinement in other prisons directly confirms that their previous detention in the building of *Rudarski Institut* was unlawful. In addition, the Suspect knew and was aware that all kinds of maltreatment of civilians under conditions of immediate war danger and state of war constitutes a crime. Despite of the above, he willingly committed the criminal actions as charged by the Indictment.

The attached pieces of evidence also clearly show that the Suspect had a superior position to the low-ranking soldiers and the actual power to control their actions. Therefore, the Suspect is also individually responsible for all actions committed in his presence by his subordinates, because he approved and encouraged the perpetration of the criminal offence by his presence. He is also responsible for the criminal offences committed by his subordinates in his absence because he knew about their actions, failing to prevent them or punish the perpetrators.

Thus, the statement of the witness [REDACTED] unmistakably shows that the Suspect must have known about his maltreatment carried out by other persons although he did not personally participate in it, just because, first of all, he knew that the injured party had been unlawfully detained and because he should have noticed the injured

party's condition when the Suspect was visiting him. The same pertains to other witnesses.

In view of the above, we are of the opinion that there exist sufficient evidence for grounded suspicion that the Suspect Faruk Prcić committed the criminal offence as charged by this Indictment, which is why we move the Preliminary Hearing Judge to fully confirm this Indictment.

## **M O T I O N**

### **TO TRANSFER THE CONDUCT OF THE PROCEEDINGS TO THE COURT WITH TERRITORIAL JURISDICTION**

The Prosecutor's Office of BiH is of the opinion that there exist grounds in the instant case to support the well-foundedness of the Motion to transfer the conduct of these proceedings to the court with territorial jurisdiction and in whose territory the criminal offence was committed.

To wit, it is the fact that the capacities and the level of staffing in the Prosecutor's Office or the Court of BiH are insufficient at this moment to conduct a speedy and efficient prosecution of war crime cases, especially taking into consideration the huge number of cases in the investigation phase, which require full engagement of the Prosecutor on one hand, and the obligation of the Court on the other hand to establish the Court Panel for each trial upon the war crimes Indictments and to ensure fixed terms for holding hearings, which due to the insufficient number of courtrooms may cause delays in the proceedings and the violation of the right of the accused to a trial within reasonable time. Additionally, all Prosecutors of the Special Department for War Crimes of the Prosecutor's Office of BiH intensively work on the completion of as many as possible war crimes investigations, and it is realistic to expect the bringing of new indictments, which will additionally burden the Court, especially having in mind the transfer of II Category cases to this Prosecutor's Office in 2009.

On the contrary, the courts in the BiH Federation and Republika Srpska do not have an excessive war crimes caseload, as is the case in the Court of BiH, but they have potentials and necessary expert knowledge to process them. We also consider that the Entity Court should not have any major difficulties in the execution of the protective measures requested by Witness "S-1", taking into consideration that he only seeks the protection of his image from the public, which may be achieved by placing a screen in the courtroom on the place where the witness sits. To conclude, no use of any special technical equipment with which the entity courts do not dispose is required in this case. As a matter of fact, at the request of the Entity Court, this piece of evidence may be presented in one of the courtrooms of the BiH Court if necessary.

The case against the suspect Faruk Prcić is not complex or extensive, which can be seen from the attached evidence. In addition, the consequences of the criminal offence in question are more lenient than they are in the majority of cases processed and are

supposed to be processed before the Court of BiH. This is why we consider that in the instant case the court with territorial jurisdiction could conduct quality and efficient criminal proceedings.

In addition to the above, during the examination in the investigation, the Suspect stated that he suffered from a heavy heart disease which he supported by the medical documentation from which it follows that he has been receiving medical treatment for a number of years in the UKC Tuzla, Clinic for Cardiovascular Diseases, that he underwent medical treatment and was operated on several times. Taking into consideration such a health condition of the Suspect, it is reasonable to expect that constant travelling to the seat of the Court of BiH could be harmful to his already worsened health condition and could cause delays in the proceedings because of the medical treatment, which would also bring into question the efficiency and cost-effectiveness of the proceedings, which is certainly not in the interest of any of the parties to the proceedings. Consequently, it is evident that these reasons are also relevant for the transfer of the conduct of the proceedings to the place where the criminal offence was committed since it is also the place of residence and the place where the Suspect is medically treated.

In view of the above, pursuant to Article 27 of the CPC of BiH, we move the Court to issue the decision to transfer the conduct of these proceedings to the competent court in whose territory the criminal offence was committed with which the Suspect is charged.

**Attachment:**

- Submission by the Defence Attorney for the Suspect dated 15 September 2008 with the medical documentation in the name of the Suspect Faruk Prcić

**MATERIAL SUPPORTING THE ALLEGATIONS FROM THE  
INDICTMENT**

1. Record on the examination of the Suspect Faruk Prcić before the Prosecutor's Office of BiH number KT-RZ- 172/07 dated 2 September 2008
2. Entry for appearance issued to Sadik Hota, lawyer from Sarajevo, dated 1 September 2008
3. Entry for appearance issued to Edina Rešidović and Vasvija Vidović, lawyers from Sarajevo, dated 1 September 2008
4. Record on examination of the protected witness "S-1" before the Prosecutor's Office of BiH number KT-RZ- 172/07 dated 20 June 2008
5. Record on examination of the witness [REDACTED] before the Prosecutor's Office of BiH number KT-RZ- 172/07 dated 20 July 2008
6. Record on examination of the witness [REDACTED] before the Prosecutor's Office of BiH number KT-RZ- 172/07 dated 20 July 2008
7. Record on examination of the witness [REDACTED] before the District Court in Belgrade number Kri 1502/94 dated 14 October 1994 and the Official Note of the Prosecutor's Office of BiH on the interview conducted with the witness, number KT-RZ-172/07, dated 27 November 2008

8. Record on examination of the witness [REDACTED] before the Prosecutor's Office of BiH number KT-RZ- 172/07 dated 19 July 2007
9. Record on examination of the witness [REDACTED] before the Basic Court in Zvornik number Kri 22/95 dated 24 January 1995 and the Official Note of the Prosecutor's Office of BiH on the interview conducted with the witness, number KT-RZ-172/07, dated 27 November 2008
10. Record on examination of the witness [REDACTED] before the State Investigation and protection Agency number 17-15/3-1-04-2-2/06 dated 25 October 2007
11. Record on examination of the witness [REDACTED] before the State Investigation and protection Agency number 17-15/3-1-04-2-2/06 dated 27 March 2008
12. Record on examination of the witness [REDACTED] before the State Investigation and Protection Agency number 17-15/3-1-04-2-2/06 dated 3 December 2008
13. Record on examination of the witness [REDACTED] before the Prosecutor's Office of BiH number KT-RZ- 172/07 dated 28 January 2009
14. Decision to take over the case number X.KRN-07/362 dated 11 May 2007 issued by the Court of BiH
15. Evaluation issued by the Department "Rules of the Road" of the ICTY Prosecutor's Office regarding the Suspect Faruk Prcić , number: 07078/CDP/PR1071 dated 2 July 2004.
16. Decision on proclamation of the immediate war danger issued by the Presidency of the R BiH dated 8 April 1992 (Official gazette of R BiH number 1/92)
17. Decision on proclamation of the state of war of the Presidency of R BiH dated 20 June 1992 (Official gazette of R BiH
18. Judgement in the case against Naser Orić, par. 259 and par. 260
19. ICTY Judgement number IT-96-21 in the case against Zdravko Mucić and others (Čelebići), par. 192, par. 214, par. 324
20. Letter of the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008 along with the following supporting documentation:
  - a. VOB-1 registry certificate
  - b. Certificate on participation in the armed forces issued by the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008
  - c. Certificate on awarded military decoration issued by the Federation Ministry for Issues of the Veterans and Disabled Veterans of the Liberation-Defence War, Department for records on military service Tuzla, number: 07/12-03-684-1/08 dated 29 October 2008
  - d. Order on appointment issued by the Command of the 2 Corps of the BiH Army number conf. 03/99-41 dated 8 February 2003
21. Report of the Engineers Battalion OPS TO Tuzla number 39/5/92 dated 27 May 1992
22. Report of the Engineers Battalion OPŠ TO Tuzla number 59/6/92 dated 8 June 1992
23. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 248/07/92 dated 28 July 1992

24. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 440/087/92 dated 18 August 1992
25. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 451/92 dated 21 August 1992
26. Letter of the Command of the I Engineers Battalion OPŠ TO Tuzla number 455/08 dated 21 August 1992
27. Permission of the Command of the I Engineers Battalion OPŠ TO Tuzla number 596/09/92 dated 26 September 1992
28. Permission of the Command of the Engineers Battalion OPŠ TO Tuzla number 681 dated 14 October 1992
29. Letter of discharge issued by The District Headquarters, TO Tuzla in the name of the protected witness "S-1"
30. Statement of the protected witness "S-1" dated 17 June 1992 given before the Military Police, OŠ TO Tuzla
31. Decision- Letter of discharge issued by the District Headquarters TO Tuzla number 355/92 dated 25 September 1992 in the name of [REDACTED]
32. Medical findings dated 29 September 1992 in the name of [REDACTED]
33. Doctor's referral to the specialist dated 6 October 1992 in the name of [REDACTED]
34. Specialist findings dated 8 October 1992 in the name of [REDACTED]
35. Doctor's referral to the specialist dated 21 October 1992 in the name of [REDACTED]
36. Specialist findings dated 23 October 1992 in the name of [REDACTED]
37. Photographs of bodily injuries inflicted to [REDACTED] (14 photographs in total)
38. Record on forensic expertise of the bodily injuries inflicted to [REDACTED] dated 19 April 1994 made by the forensic specialist, Dr. [REDACTED]
39. Letter of discharge issued by the KMC "Dr. Mustafa Mujbegović" Tuzla, number 210/3007 dated 30 July 1992 in the name of [REDACTED]
40. Medical background issued by the KMC "Dr. Mustafa Mujbegović" ID number 210/3007 with the supporting documentation in the name of [REDACTED]
41. Statement given by [REDACTED] dated 27 August 1992 before the Military Police of the BiH Army, OŠ Tuzla
42. Medical certificate number 48/92 dated 28 August 1992 in the name of [REDACTED]
43. Receipt on seizure of objects from [REDACTED] dated 23 June 1992
44. Receipt on return of objects to [REDACTED] dated 24 June 1992
45. Personal statements given by [REDACTED] along with the transcripts (16 statements in total)
46. Receipt on seizure of objects from [REDACTED] dated 23 June 1992
47. Receipt on return of objects to [REDACTED] dated 24 June 1992
48. On-site investigation into the suicide by hanging committed by [REDACTED] issued by the District Headquarters TO number KU-35/92 dated 22 June 1992
49. On-spot outline of the suicide by hanging committed by [REDACTED] issued by the District Headquarters TO number KU-35/92 dated 22 June 1992
50. Receipt on death issued by Dr. [REDACTED] dated 22 June 1992
51. Official Note issued by the Military Police OKŠTO Tuzla dated 22 June 1992 on the interview conducted with [REDACTED]
52. Official Note issued by the Military Police OKŠTO Tuzla dated 23 June 1992 on the interview conducted with [REDACTED]

53. Official Note issued by the Military Police OKŠTO Tuzla dated 24 June 1992 on the interview conducted with Faruk Prcić
54. Personal statements of [REDACTED] along with the transcripts (24 statements in total)
55. Receipt on temporary seized objects issued by OKŠTO Tuzla dated 23 June 1992
56. Receipt on handover of the case issued by OKŠTO Tuzla dated 25 June 1992
57. Report of the District Headquarters TO number KU-35/92 dated 15 July 1992 submitted to the Higher Public Prosecutor's Office Tuzla
58. Report on post-mortem examination of the body of [REDACTED] issued by the Higher Court Tuzla number Kri.98/92 dated 24 June 1992 with the outline of the corps of [REDACTED] containing the injuries marked
59. Receipt on death of [REDACTED] number 848/92 dated 24 June 1992
60. Death certificate for [REDACTED] number 10/13 dated 26 February 1992
61. Request of the Higher Public Prosecutor's Office Tuzla number KTA 116/92 dated 3 September 1992
62. Findings and opinion dated 6 December 2008 on bodily injuries inflicted on the injured parties: protected witness "S-1", [REDACTED] and [REDACTED] issued by the forensic expert witness, Dr. [REDACTED]
63. CIPS database certificate for the Suspect Faruk Prcić
64. Criminal record certificate for the Suspect Faruk Prcić

**PROSECUTOR  
PROSECUTOR'S OFFICE OF BIH**

**Božidarka Dodik**  
*/signature affixed/*