

Bosna i Hercegovina

Босна и Херцеговина



Sud Bosne i Hercegovine
Суд Босне и Херцеговине
Court of Bosnia and Herzegovina

Case number: S1 1 K 003368 13 Kžk

Delivered on: 4 March 2015

Sent out on: 3 April 2015

Before the Court Panel: Judge Redžib Begić, Presiding
Judge Mirko Božović, member
Judge Senadin Begtašević, member

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

v.

THE ACCUSED MEHURA SELIMOVIĆ, ADIL RUŽNIĆ AND EMIR MUSTAFIĆ

SECOND-INSTANCE VERDICT

Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina:
Gordana Tadić

Defense Counsel for the Accused:

Defense Counsel for the accused Mehura Selimović, lawyers Ilijas Midžić and Asim Crnalić

Defense Counsel for the accused Adil Ružnić, lawyer Alaga Bajramović

Defense Counsel for the accused Emir Mustafić, lawyer Hasan Veladžić

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Contents:

VERDICT	ERROR! BOOKMARK NOT DEFINED.
REASONING	11
I. PROCEDURAL HISTORY	11
II. PRESENTED EVIDENCE	13
1. Decision on the new evidence proposed by the Prosecution.....	13
2. Decision on the presentation of new evidence proposed by the Defense for the accused Mehura Selimović and Adil Ružnić	14
III. PROCEDURAL DECISIONS	16
A. PROTECTION MEASURES FOR WITNESSES	16
B. RESUMPTION OF THE TRIAL ADJOURNED LONGER THAN 30 DAYS	16
IV. CLOSING ARGUMENTS	17
A. PROSECUTION CLOSING ARGUMENT	17
B. DEFENSE CLOSING ARGUMENT	19
1. Closing argument by the Defense Counsel for the accused Mehura Selimović.....	19
2. Closing argument by the Defense Counsel for the accused Adil Ružnić	22
3. Closing argument by the Defense Counsel for the accused Emir Mustafić	25
V. STANDARDS OF PROOF	27
VI. CONVICTING PART OF THE VERDICT	31
A. APPLICABLE LAW	31
B. ESSENTIAL ELEMENTS OF THE CRIMINAL OFFENSE CHARGED AGAINST THE ACCUSED ADIL RUŽNIĆ AND EMIR MUSTAFIĆ	33
(a) Violations of international law	34
(i) Status of victims	35
(ii) Inhuman treatment.....	37
(b) Existence of an armed conflict.....	40
(c) Nexus between the acts of the Accused and the armed conflict	40
(d) The Accused must order or commit the offense	41

VII. FINDINGS OF FACT	42
A. STATUS OF THE ACCUSED ADIL RUŽNIĆ AND EMIR MUSTAFIĆ	42
(a) The accused Adil Ružnić	42
(b) The accused Emir Mustafić	43
B. SECTION I.1 OF THE OPERATIVE PART OF THE CONVICTING PART OF THE VERDICT	45
C. SECTION I.2 OF THE OPERATIVE PART OF THE CONVICTING PART OF THE VERDICT	60
D. DECISION ON CRIMINAL SANCTION	71
E. DECISION ON THE COSTS OF THE CRIMINAL PROCEEDING	73
F. DECISION ON THE PROPERTY LAW CLAIMS	74
VIII. ACQUITTING PART OF THE VERDICT.....	74
A. THE ACCUSED MEHURA SELIMOVIĆ	74
1. Section I.1. of the operative part of the acquitting part of the Verdict	76
2. Section I.2 of the operative part of the acquitting part of the Verdict (Count I.2. of the Indictment)	82
3. Section I.3.a) of the operative part of the Verdict (Count I.3.a) of the amended Indictment)	90
4. Section I.3.b) of the operative part of the Verdict (Count I.3.b) of the amended Indictment)	92
5. Section I.4 of the operative part of the Verdict (Count I.4 of the amended Indictment)	96
6. Section I.5 of the operative part of the Verdict (Count I.5 of the amended Indictment))	98
B. SECTION II.2 OF THE OPERATIVE PART OF THE VERDICT (ADIL RUŽNIĆ)	101
C. COSTS OF THE CRIMINAL PROCEEDING	107
D. DECISION ON THE PROPERTY LAW CLAIMS	107
IX. ANEX	ERROR! BOOKMARK NOT DEFINED.
A. DATES OF TESTIMONY AND HEARING A RERUN OF PROSECUTION WITNESSES TESTIMONY ..	108
B. LIST OF PROSECUTION DOCUMENTARY EVIDENCE ADMITTED IN THE CASE FILE	111
C. ATES OF TESTIMONY AND HEARING A RERUN OF DEFENSE WITNESSES TESTIMONY	127
D. DOCUMENTARY EVIDENCE FOR THE ACCUSED MEHURA SELIMOVIĆ	129
E. DOCUMENTARY EVIDENCE FOR THE ACCUSED ADIL RUŽNIĆ	147
F. DOCUMENTARY EVIDENCE FOR THE ACCUSED EMIR MUSTAFIĆ	163
G. EVIDENCE OF THE COURT	164

Number: S1 1 K 003368 13 Kžk
Sarajevo, 4 March 2015

IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, the Appellate Division Panel of Section I for War Crimes, composed of Judges Redžib Begić, as the Presiding Judge, and Mirko Božović and Senadin Begtašević, as the Panel members, with the participation of Legal Advisor Nevena Aličehajić as the record-taker, in the criminal case of the accused Mehura Selimović, Adil Ružnić and Emir Mustafić, charged with the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c) of the Criminal Code of Bosnia and Herzegovina and the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) and c) of the Criminal Code of Bosnia and Herzegovina, as read with Article 180(1) of the same law, acting upon the amended Indictment No. T20 0 KTRZ 000 4576 05 of 11 February 2014 issued by the Prosecutor's Office of Bosnia and Herzegovina, having held a public hearing before the Appellate Panel, in the presence of Ms. Gordana Tadić, Deputy Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, the accused Mehura Selimović and his Defense Counsel, attorneys Asim Crnalić and Ilijas Midžić, the accused Adil Ružnić and his Defense Counsel, attorney Alaga Bajramović, and the accused Emir Mustafić and his Defense Counsel, attorney Hasan Veladžić, on 4 March 2015 rendered and publicly pronounced the following:

VERDICT

The Accused:

Adil Ružnić, son of Murat and Rasema, maiden name Jusić, born on 2 August 1967 in Bihać, personal identification number: ..., residing in ... at ..., ... by ethnicity, citizen of ..., graduate economist, literate, graduated from the Faculty of Economics, married, father of three children, two of them under age, served the army in 1986/87 in Sarajevo, with the military rank of Major, no decorations awarded, no previous convictions, no other criminal proceedings pending against him, of average financial situation;

and

Emir Mustafić, son of Hašim and Muniba, maiden name Purić, born on 22 July 1961 in Bihać, personal identification number: ..., residing in ... at ... or ..., ... by ethnicity, citizen of ..., journalist-editor, literate, completed Secondary Commercial School, divorced, father of a minor child, did not serve the army, no rank, no decoration awarded, no previous convictions, no criminal proceedings pending against him,

ARE GUILTY

Because:

The accused ADIL RUŽNIĆ:

As the operations officer of the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of RBiH, violated the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska, acting in violation of Article 3 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, at the detention center in the *Adil Bešić* barracks in Bihać from mid-September 1995 through end January 1996

in as much as he:

I.1. During the interrogation of prisoners of war, he made various hand gestures to the NN soldiers who were there to beat the prisoners of war, putting them under psychological pressure in order to make them disclose information about criminal acts. The prisoners included: Nikola Stojanović, Saša Runjić, Milovan Mastikosa, Neđo Krndija, Mile Radulović, Bogdan Lakić, Radenko Kovačević, Petar Stojanović, Simo Aničić, Zvezdan Kovjenić and Siniša Vujić.

The accused EMIR MUSTAFIĆ

I.2. As a military police officer with the 5th Corps of the Army of R BiH, violated the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska, acting in violation of Article 3 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, from

September 1995 to 22 December 1995, at the detention center in the *Adil Bešić* barracks in Bihać, he ill-treated prisoners of war Sreto Sušić, Dragan Bosančić, Drago Đukić, Veljko Radić and Milovan Bjelić. While interrogating the prisoners of war under the beforehand prepared questionnaire, monitoring its filling out, he put the prisoners under psychological pressure so as to disclose information about criminal acts. He physically ill-treated Sreto Sušić by hitting him with a police baton all over his body, using a baton; he hit Dragan Bosančić on his head two times, although he was wounded; he hit Drago Đukić with a baton on his back and arms, although he too was wounded, then he gave him the baton to hit another prisoner, but when he concluded that Drago did not hit the prisoner hard enough, he took the baton from him and hit him several times. Using the baton, Mustafić hit Veljko Radić on his back, and Milovan Bjelić on his neck, where he had had a surgery.

Therefore,

The accused Adil Ružnić and Emir Mustafić violated the rules of international law in time of war and armed conflict and inhumanly treated the prisoners of war,

Whereby:

the accused **Adil Ružnić**, by his acts described in Section I.1, and the accused **Emir Mustafić**, by his acts described in Section I.2, committed the criminal offense of War Crimes against Prisoners of War codified under Article 144 of the Criminal Code of the Socialist Federal Republic of Yugoslavia, adopted pursuant to the Law on the Application of the Criminal Code of the Republic of Bosnia and Herzegovina and the Criminal Code of the Socialist Federal Republic of Yugoslavia, and with regard to the accused Adil Ružnić, also in conjunction with Article 22 of the same law,

So that, based on the same law and pursuant to Articles 33, 34, 38, 41, 42(2) and 43(1)(1) of the Criminal Code of the Socialist Federal Republic of Yugoslavia, adopted pursuant to the Law on the Application of the Criminal Code of the Republic of Bosnia and Herzegovina and the Criminal Code of the Socialist Federal Republic of Yugoslavia, this Panel s e n t e n c e s

the accused ADIL RUŽNIĆ to a prison term of 3 (three) years and 6 (six) months

and

the accused EMIR MUSTAFIĆ to a prison term of 3 (three) years and 6 (six) months.

Pursuant to Article 50(1) of the Criminal Code of the Socialist Federal Republic of Yugoslavia, adopted pursuant to the Law on the Application of the Criminal Code of the Republic of Bosnia and Herzegovina and the Criminal Code of the Socialist Federal Republic of Yugoslavia, the time the Accused spent in custody, namely from 8 April 2008 to 11 April 2008, shall be credited towards their prison sentences.

Pursuant to Article 188(4) of the CPC of BiH, the accused Adil Ružnić and Emir Mustafić are relieved of the obligation to reimburse the costs of criminal proceedings, which shall be paid from the budget appropriations of the court.

Pursuant to Article 198(2) of the Criminal Procedure Code of Bosnia and Herzegovina, the injured parties are hereby referred to take civil action to pursue their claims under property law.

II

In contrast, pursuant to Article 284(c) of the Criminal Procedure Code of Bosnia and Herzegovina

The accused MEHURA SELIMOVIĆ (personal data as stated in the case file) and the accused Adil Ružnić,

ARE ACQUITTED OF THE CHARGES

That:

The accused Mehura Selimović, son of Ismet and mother Mala, maiden name Bašalić, born on 4 April 1962 in Vrsta, Municipality of Bihać, personal identification number: ..., residing in ... at ..., ... by ethnicity, citizen of ..., literate, university education – Faculty of Technical Sciences, married, served army in 1981/82 in Karlovac and Koprivnica, with the military rank of Major by, no decorations, no previous convictions, no other criminal proceedings pending against him, of average financial situation,

As a counter-intelligence officer and operations officer of the Counter-Intelligence Section, Military Security Department with the Staff of the 5th Corps of the Army of RBiH, violated the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska, acting in violation of Articles 3 and 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and Articles 3 and 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, physically and psychologically ill-treated the prisoners in the detention centers located in *Luke* in Bihać, on the premises of the car-repair shop *Rad* in Cazin, *Adil Bešić* barracks in Bihać and *Park* Hotel in Bihać, where he subjected the prisoners of war and civilians to interrogations and physical and mental ill-treatments and ordered other soldiers who acted as interrogators to behave in the same manner, so that:

At the *Luke* detention center in Bihać, from 1994 until February 1995

- I. 1. He interrogated prisoner of war Mile Popović, threatened to kill him, intimidated him, accused him of committing crimes against the Bosniak population, exerted physical pressure on him to make him admit the commission of the criminal offense; he repeatedly interrogated prisoner of war Neđo Đukić, physically and mentally ill-treated him by putting him under psychological pressure in order to make him disclose information and admit to the commission of criminal acts; he enabled the unidentified soldiers to mistreat and beat the prisoner of war in the way that they were slapping him in the face and hit him with batons, rifle butts, fists, cursed and offended him in various manners.

At the detention center in the *Rad* Car-Repair Shop in Cazin from 25 November 1994 until 11 March 1995

- I. 2. He repeatedly interrogated prisoner of war Draško Đervida on which occasions he physically and psychologically mistreated him by putting him under psychological pressure in order to make him disclose information about the committed criminal offenses; he enabled the unidentified soldiers to mistreat and beat the prisoner of war in a way that they were hitting him with batons and fists; on a number of occasions, he interrogated prisoner of war Darko Kajtez,

physically and mentally ill-treated him by slapping him in the face, intimidating him and putting him under psychological pressure in order to make him disclose information about criminal offenses.

At the detention center in the *Adil Bešić* barracks in Bihać from July through 25 November 1994

- I. 3. a) he repeatedly interrogated prisoner of war Draško Đervida, physically and psychologically mistreated him by beating and intimidating him, accused him of committing crimes against the Bosniak population, exerted physical pressure on him to make him disclose information or admit to the commission of criminal acts.
- I. 3 b) on a number of occasions, he interrogated civilian Arif Vuković, psychologically ill-treated him by fatiguing him with numerous statements, threatening him he would be beaten up as he was on the day when he was deprived of liberty by members of the 5th Corps, forced him to write down incriminating allegations about Fikret Abdić, and enabled unidentified soldiers to beat Arif Vuković after those interrogations.

At the detention centre in the *Park Hotel* in Bihać in the first half of May 1995

- I. 4. He repeatedly interrogated prisoner of war Neđo Trivić, physically and psychologically ill-treated him by forcing him to write statements, although he was wounded in his arm, slapped him and threatened to kill him should he fail to cooperate with him.

At the Bihać hospital in January 1995

- I. 5. While interrogating prisoner of war Milorad Carić, he physically and psychologically mistreated him by threatening to kill him should he fail to provide him with information on military positions of the VRS, and ordered and enabled two unidentified soldiers to point their rifles at the prisoner of war.

The accused **ADIL RUŽNIĆ**

As the operations officer of the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of RBiH, violated of the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska, acting in violation of Articles 3 and 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949,

In as much as he:

II.2. during the period from mid-September 1995 to 27 January 1996, he mentally mistreated the prisoners of war in a way that, having them previously decently dressed, he took them from the *Adil Bašić* barracks and the prison *Luke* in which they had been detained to a café in Bihać, on which occasion he secretly video recorded them in order to make them incline towards the Army of RBiH and commit themselves to spy on the VRS after being exchanged, then showed them the footage and threatened them by blackmailing them on their life or safety of their families and their own safety, in which manner the following persons were mistreated: Živko Malešević, Brane Čičić, Rajko Pačavra, Stojan Katana and Lazo Bursać;

Therefore,

The accused **Mehura Selimović**, violating the rules of international law during the war and armed conflict, acted in an inhuman manner and intentionally inflicted severe bodily and mental pain or suffering (torture) upon prisoners of war, and, violating the rules of international law during the war and armed conflict, he intentionally inflicted severe bodily and mental pain or suffering (torture) upon civilians and treated them in an inhuman manner.

The accused **Adil Ružnić**, violating the rules of international law during the war and armed conflict, compulsively enlisted prisoners of war into the armed forces of an enemy power

Whereby:

The accused Mehura Selimović, by the acts described

under Counts I.1, I.2, I.3.a), I.4. and I.5. committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1) of the same law,

under Count I.3.b), the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1) of the same law.

The accused Adil Ružnić, by the acts described under Count II.2, committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(c) of the CC of BiH, in conjunction with Article 180 of the same law.

Pursuant to Article 189(1) of the Criminal Procedure Code of Bosnia and Herzegovina, the costs of the criminal proceeding relevant to the acquitting part of the Verdict shall be covered from the budget appropriations of the Court.

Pursuant to Article 198(3) of the Criminal Procedure Code of Bosnia and Herzegovina, the injured parties are hereby instructed to pursue their potential property claims in a civil proceeding.

R E A S O N I N G

I. PROCEDURAL HISTORY

1. Under the Court of BiH Verdict No: S1 1 K 003368 09 Krl of 17 September 2012, the accused Mehura Selimović, Adil Ružnić and Emir Mustafić were found guilty in as much as they, by the acts described in the operative part of the convicting part of the Verdict, committed the following offenses: **the accused Mehura Selimović** – by his acts described in Sections I, I. 1., I. 2., I. 3.a), I. 4. and I. 5., committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a), as read with Articles 180(1) and 29 of the Criminal Code of Bosnia and Herzegovina (CC of BiH), in Section I. 3.b), the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c), as read

with Articles 180(1) and 29 of the CC of BiH; **the accused Adil Ružnić**, by his acts described in Section II. 1, committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a), as read with Articles 180(1) and 29 of the Criminal Code of Bosnia and Herzegovina, in Section II. 2. the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(c), as read with Article 180(1) of the CC of BiH; and **the accused Emir Mustafić**, by his acts described in Section III. 1. committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a), as read with Article 180(1) of the CC of BiH and the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c), as read with Article 180(1) of the CC of BiH. The Trial Panel imposed on the accused Mehura Selimović a prison sentence of 6 (six) years for the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) of the CC of BiH, and a prison sentence of 5 (five) years for the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c) of the CC of BiH, and pursuant to these legal provisions, and by applying Articles 39, 42, 48, 49 and 53(2)(b) of the CC of BiH, **sentenced** him to a compound prison sentence of 8 (eight) years. The accused Adil Ružnić was sentenced to a prison term of 8 (eight) years for the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) and (c) of the CC of BiH, and pursuant to these legal provisions and by applying Articles 39, 42, 48 and 49 of the CC of BiH, **sentenced** him to a prison sentence of 8 (eight) years. The accused Emir Mustafić was **sentenced** to a prison term of 7 (seven) years for the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) of the CC of BiH, and a prison sentence of 5 (five) years for the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c) of the CC of BiH, and pursuant to these legal provisions and by applying Articles 39, 42, 48, 49 and 53(2)(b) of the CC of BiH, **sentenced** him to a compound prison sentence of 9 (nine) years. Pursuant to Article 188(1) of the Criminal Procedure Code of Bosnia and Herzegovina (CPC of BiH), as read with Article 186(2) of the same law, the Accused shall reimburse the costs of the criminal proceeding and the relevant lump sums in the amount determined by the court under a special decision. Pursuant to Article 198(2) of the CPC of BiH, the Accused were referred to pursue their potential property claims in a civil proceeding.

2. Under the same Verdict, pursuant to Article 284(c) of the CPC of BiH, the accused Mehura Selimović and Adil Ružnić were acquitted of the charges that by their acts described in Sections I. 1 , I. 2. 1.a) and I. 2. 1. b), specifically, the accused Mehura Selimović by his acts described in Sections I. 2. 2, I. 2. 4. c), I. 2. 4. d), I. 2. 5. b), I. 2. 5. d),

I. 2. 6. b) and I. 2. 8; and the accused Adil Ružnić by his acts described in Sections I. 2. 9, I. 2. 10. b), I. 2.10. c) and I. 2.12. of the acquitting part of the Verdict, committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) of the CC of BiH and War Crimes against Civilians in violation of Article 173(1)(c) and (e) of the CC of BiH, as read with Articles 180(1) and (2) and 29 of the same law. Pursuant to Article 188(2) of the CPC of BiH, the Accused were entirely relieved of the obligation to reimburse the costs of the criminal proceeding relevant to the acquittal, which would be paid from the budget appropriations of the Court. Pursuant to Article 198(3) of the CPC of BiH, the aggrieved parties were referred to pursue their potential property claims in a civil proceeding.

3. Under the Verdict No: S1 1 K 003368 13 Krž of 4 November 2013, the Appellate Panel of the Court of Bosnia and Herzegovina upheld the Appeals filed by the Defense Counsel for the accused Adil Ružnić and Emir Mustafić. With regard to the accused Mehura Selimović, the Appellate Panel of the Court of BiH revoked the Verdict No: S1 1 K 003368 09 Krl of 17 September 2012 in its convicting part pursuant to Article 309 of the CPC of BiH and ordered a retrial before the Appellate Division Panel of the Court of BiH. Under the same Verdict, the Appeal filed by the Prosecutor's Office of BiH was dismissed as unfounded, and the Verdict No: S1 1 K 003368 09 Krl of 17 September 2012 rendered by the Court of BiH was upheld in its acquitting part.

4. At a hearing before the Appellate Panel held on 11 February 2014, the Prosecutor filed an amended Indictment.

II. PRESENTED EVIDENCE

5. At the trial, upon the proposal of the parties and Defense Counsel, the Appellate Panel accepted the entire body of evidence presented before the Trial Panel, both documentary and testimonial evidence, while the testimony of 54 prosecution and defense witnesses was replayed at the trial before the Appellate Panel.

1. Decision on the new evidence proposed by the Prosecution

6. The Prosecution proposed the following: to read out the statements given by the deceased witness Dževad Čaušević (statements given by witness Dževad Čaušević No: KT – RZ 117/07 of 12 March 2012 and 22 March 2012), to examine witnesses Dževad

Mešić and Milorad Zorić, and to present and admit in the case file the VHS recording made by witness Milorad Zorić on 11 March 1995. The Prosecution originally proposed the examination of neuropsychiatrist expert witness Prim. Dr. Zorica Lazarević, but in the course of the proceeding, more precisely on 17 December 2014, the Prosecution decided to withdraw the proposal. Having examined the proposals, the Appellate Panel dismissed the Prosecution proposals at a pretrial hearing held on 6 April 2014 because the evidence, which was previously proposed in the Prosecution Appeal from the first instance Verdict, concerned those charges of the Indictment in relation to which the first instance Verdict had become final (acquitting part).

2. Decision on the presentation of new evidence proposed by the Defense for the accused Mehura Selimović and Adil Ružnić

7. In their submission of 22 January 2014, Defense Counsel for the accused Mehura Selimović moved for the examination of witness Fadil Islamović in the proceeding before the Appellate Panel, and provisionally proposed neuropsychiatric expert evaluation by expert witness Dr. Abdulah Kučukalić, should the court grant the Prosecution motion for the expert evaluation of the witnesses/aggrieved parties by expert witness Zorica Lazarević. However, since the Prosecution withdrew their motion for expert evaluation in the course of the proceeding, the Defense for the accused Selimović proceeded in the same manner. Also, the Defense for the accused Selimović abandoned the witness Islamović during the trial.

8. As part of new evidence, the Defense proposed drafting an expert evaluation report about the status of Arif Vuković by a military expert witness, and moved for admission of a certain number of exhibits relevant to that circumstance.

9. In their Motion of 24 January 2014, in which they proposed the presentation of new evidence in the proceeding before the Appellate Panel, the Defense for the accused Adil Ružnić *inter alia* proposed the examination of *NN* witness and Edin Halilagić, and the admission of a certain number of exhibits in the case file. However, when the trial resumed before the Appellate Panel, Defense Counsel for the accused Ružnić informed the court on 17 December 2014 that he abandoned those witnesses, but he maintained his proposal for the presentation of physical evidence.

10. Having obtained the response from the Prosecution with regard to the presentation of new Defense evidence, at a hearing of 17 December 2014, the Appellate Panel dismissed the motion filed by the Defense for the accused Mehura Selimović for expert evaluation by a military expert of the status of injured party Arif Vuković, since the Panel concluded that this piece of evidence did not satisfy the standard of a new evidence, more precisely, the Defense could have proposed this expert evaluation during the proceeding before the Trial Panel.

11. The Panel accepted the following Exhibits proposed by the Defense for the accused Mehura Selimović and Adil Ružnić: *the Defense for Selimović- (A-O-I-1)* Report for 11/12 June 1995 from 19:00 to 7:00 hrs, submitted by Hamdija Remić on 12 June 1995; **(A-O-I-2)** Report for 4/5 May 1995 from 7 to 7 hrs submitted by Hajrudin Ibrahimpašić; **(A-O-I-3a.)** - Order of the Commander-in-Chief of the Army of Western Bosnia, No. *St.pov.broj* 02/5-19 of 27 October 1994, signed by Fikret Abdić; **(A-O-I-3b.)** - Order of the Commander-in-Chief No. 01/44-1 of 13 November 1994; *strogo pov.* signed by Fikret Abdić; **(A-O-I-3c.)** - *Official Gazette of the RBiH AP Western Bosnia*, year I number 1, November 1993, with attachments - Decision on the Establishment of the Constitutive Parliament, on the establishment and constitutional principles of the Autonomous Province of Western Bosnia, election of the President and members of the Presidency of the Constitutive Parliament and the Decision on the election of the AP Western Bosnia Government; **(A-O-I-3d.)** Units Engagement Plan 02-13 of 19 October 1994, signed by Chief Šerif Mustedanagić; *the Defense for Ružnić - (A-O-II-1)*- Final Judgment issued by the Bihać Cantonal Court No. 01 0 K 008473 14 K of 3 July 2014 relevant to Slavko Bilbija **(A-O-II-2)** - Final Judgment of conviction issued by the Bihać Cantonal Court No. 01 0 K 008800 14 K of 22 May 2014 for Predrag Bajić and Siniša Babić; **(A-O-II-3a.)** – Final Judgment issued by the Bihać Cantonal Court No. 01 0 K 006076 12 K of 1 February 2012 relevant to: Jovica Tadić, Zoran Tadić, Zoran Berga, Željko Babić and Goran Mihajlović **(A-O-II-3b.)** - Decision issued by the Bihać Cantonal Court No. 01 0 K 007386 13 Kps of 26 April 2013 – confirmed Indictment of the Una-Sana Canton Prosecutor's Office of 22 April 2013; **(A-O-II-3c.)** - Letter of the Bihać Cantonal Court No. 01 0 K 007386 13 Kps of 5 November 2014, signed by preliminary hearing judge Nuriya Dervišević; **(A-O-II-4a.)** - Indictment issued by the Ključ Public Prosecutor's Office No. KT 33/93 of 2 August 1993 against Ratko Samac *et al*; **(A-O-II-4b.)** - Information of the District Prosecutor's Office of B.Luka, KT-659/04 of 29 December 2004, signed by chief district prosecutor Želimir Lepir; **(A-O-II-5)** - Indictment issued by the USC Prosecutor's Office No. T01 0 KTRZ 0009037 12 of 26

April 2013; **(A-O-II-5a)** - Decision issued by the Bihać Cantonal Court No. 01 0 K 007509 13 Kps of 6 May 2013; **(A-O-II-6)** –Indictment issued by the USC Prosecutor’s Office No. T01 0 KTRZ 0014671 12 of 21 May 2013; **(A-O-II-6a.)** Decision issued by the Bihać Cantonal Court No. 01 0 K 007262 13 Kps of 23 May 2014; **(A-O-II-7)-** Indictment issued by the USC Prosecutor’s Office No. T 01 0 KTRZ 0003456 98 of 20 February 2012 against Milan Škrbić; **(A-O-II-7a.)** Decision issued by the Bihać Cantonal Court No. 01 0 K 004843 12 Kps of 22 February 2012; **(A-O-II-8)** – Indictment issued by the USC Prosecutor’s Office No. T01 0 KTRZ 0008809 12 of 23 November 2012 against Milan Škrbić; **(A-O-II-8a)**-Decision issued by the Bihać Cantonal Court No. 01 0 K 007235 12 Kps od 27.11.2012; **(A-O-II-8b)** - Decision issued by the Bihać Cantonal Court No. 01 0 K 007235 12 Kps of 18 June 2013, signed by preliminary hearing judge Nurija Dervišević; **(A-O-II-9)** – Fingerprint card for Saša Runjić; **(A-O-II-10)** - Document of the 5th Corps Command Commission for Exchange of 5 December 1995, signed by the Commission President, Senior Capitan Šuhret Fazlić; **(A-O-II-11)** - Certificate issued by the Federation Pension and Disability Insurance Fund Mostar No. FZ4/2-49-3-8-2253/164 of 7 August 2014, signed by director Samir Veladžić.

12. Since there was no other proposed evidence, the evidentiary procedure was completed at the hearing held on 17 December 2015.

III. PROCEDURAL DECISIONS

A. PROTECTIVE MEASURES FOR WITNESSES

13. The Appellate Panel accepted and kept in force all protection measures granted to witnesses in the first instance proceeding. When listening to the audio records of the testimony of witnesses O-1 and O-2, the Panel ensured that the same measures be applied as those granted to the witnesses at the earlier stage of the proceeding when they testified during the first-instance trial.

B. RESUMPTION OF THE TRIAL ADJOURNED LONGER THAN 30 DAYS

14. Article 251(2) of the CPC of BiH reads: “The main trial that has been adjourned must recommence from the beginning if the composition of the Panel has changed, or if the adjournment lasted longer than 30 days, but upon the hearing of the parties, the Panel may decide that in such case the witnesses and experts shall not be examined again and

that the new crime scene investigation shall not be conducted but the minutes of the crime scene investigation and testimony of the witnesses and experts given at the prior main trial shall be read only.”

15. Article 317(1) of the CPC of BiH provides that provisions that apply to the main trial in the first instance proceeding shall accordingly apply to a hearing before the Panel of the Appellate Division, so that both this provision and Article 251(2) of the CPC of BiH foresee that if the adjournment lasted longer than 30 days, the trial must recommence from the beginning before the Appellate Panel as well.

16. In the proceeding before the Appellate Panel in this case, the time elapsed between the hearings held on 21 May 2014 and 2 July 2014, then on 9 July 2014 and 27 August 2014, exceeded 30 days.

17. In view of the above, at the hearings held on 2 July 2014 and 27 August 2014, the Appellate Panel obtained the consent of the parties and Defense Counsel to continue the proceeding before the Appellate Panel even upon the expiry of 30 days deadline, more precisely to resume the trial without replaying the already replayed testimony of witnesses.

IV. CLOSING ARGUMENTS

A. PROSECUTOR’S CLOSING ARGUMENT

18. The Prosecutor argued that a number of exhibits admitted in the case file indisputably proved that the Accused *tempore criminis* perpetrated the offenses charged against them under the Prosecution Indictment while they were assigned to positions within the military structure of the 5th Army of BiH Corps: the First Accused as the officer of the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of R BiH; the Second Accused as the operations officer of the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of R BiH; and the Third Accused as a military police officer of the Military Police Department of the 5th Corps of the Army of R BiH.

19. According to the Prosecution, a number of exhibits prove the actual connection between the Accused and the operation of the collection centers situated in the *Adil Bešić* barracks in Bihać and the *Rad* car-repair shop in Cazin. This also follows from the testimony of witnesses who spoke about the role of the First Accused and the Second

Accused in relation to the collection centers, which, in the opinion of the Prosecution, was not restricted only to formality, quite the opposite, the accused Selimović and Ružnić were in fact the only persons who were in charge of the people in the collection centers. It follows from the records and lists admitted in the case file as the Prosecution evidence that not only the prisoners of war were in the collection centers, but there were civilians there as well, who were treated in the same manner as POWs by the security officers in charge of the prisoners of war.

20. The Prosecutor proceeded by stating that the Prosecution adduced the evidence which proved the relationship between military security organs and other organizational units, more precisely with the military police units and wardens of the collection centers for prisoners of war situated in the *Adil Bešić* barracks in Bihać, the car-repair shop *Rad* in Cazin and the *Luke* prison. The evidence showed that the military security service *de facto* played the key role in the treatment of prisoners of war and civilians who were deprived of liberty and brought to the collection centers. It followed both from the statements given by victims/injured parties and from the documentary evidence that the First Accused and the Second Accused had straightforward and clearly defined responsibilities with regard to the treatment of prisoners of war, while a very small number of people was aware that the collection centers in which security officers, including the accused Selimović and Ružnić, conducted interrogations, had a warden, not to mention ever encountering him. The Military Security Department, exclusively in charge of the prisoners of war and their treatment, provided information to the commander of the barracks only when necessary and they did not need nor did they request any approval relevant to the treatment of prisoners of war. Speaking about the interrogations which involved physical and mental pressure on the imprisoned people, the Prosecutor stated that the statements given by prisoners of war were processed and typed, and although the prisoners did not know the contents of such typed statements, they still had to sign them and endorse them as their own statements, without any possibility to influence their contents. When addressing the issue of the intent of the Accused, the Prosecutor referred to the testimony of witnesses/injured parties, according to whom the accused Selimović and Ružnić rarely, almost never introduced themselves when they came to interrogate the prisoners of war, so that the prisoners often learned their names from other people. In the opinion of the Prosecution, all this confirms the fact that they were aware of their actions and the manner in which they were taken, more precisely that the examination of the prisoners of war and

a certain number of civilians, in the way they did it, amounted to inhuman treatment under international humanitarian law.

21. Then the Prosecutor thoroughly addressed the testimony of witnesses/injured parties under the counts of the Indictment relevant to the accused Mehura Selimović and Adil Ružnić, and proceeded by referring to the testimony which, in her opinion, corroborated the allegations of the amended Indictment against Emir Mustafić.

22. According to the Prosecutor, the presented evidence indisputably proved that the injured parties Milovan Bjelić and Arif Vuković had a civilian status, while the other injured parties had a prisoner-of-war status.

23. The Prosecutor concluded her closing argument by reflecting upon the concept of the defense and certain defense evidence, claiming that such evidence did not undermine the merits of the charges.

24. Finally, the Prosecutor moved the court to find the Accused guilty and impose on them sanctions prescribed by law.

B. DEFENSE'S CLOSING ARGUMENTS

1. Closing argument by Defense Counsel for the accused Mehura Selimović

25. Counsel for the accused Mehura Selimović presented his closing argument, which was also submitted to the court in a written form. He stated that it was a joint closing statement for both attorneys, but he would orally presented it and refer only to the key closing arguments in order to save time.

26. Counsel started by arguing that the evidentiary procedure before the Appellate Panel of the Court of BiH did not prove that Mehura Selimović had committed the criminal offenses charged against him under the amended Indictment, specifically that he, as the counter-intelligence officer, operations officer and very briefly as the Deputy Head of the Counter-Intelligence Section, Military Security Department with the Staff of the 5th Corps of the Army of RBiH, violated the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska. According to the Defense, the accused Selimović did not have the authority to organize or order the physical or mental ill-treatment of prisoners, nor did he personally

participate in that. It was not proved that he was able to take measures aimed at supervising the operation of the detention centers in accordance with the standards of international law because he did not have the authority to do that. The accused Selimović, as the Defense alleges, did not have any subordinates and, as the administrative security officer, he did not have the authority to take any measures to prevent and punish NN soldiers who perpetrated the acts described in the Indictment.

27. In their closing argument, the Defense gave a detailed analysis of the evidence relevant to each Count of the Indictment with regard to the accused Selimović, and alleged that the presented evidence failed to prove the account of facts as stated in the Indictment.

28. The Defense thoroughly elaborated on the elements of the criminal offense charged against the accused Selimović, arguing that the essential elements thereof were not satisfied, so that the acts of perpetration did not amount to torture or inhuman treatment. To that end, the Defense referred to the relevant case law, and cited the portions of ICTY judgments which contained definitions of torture and/or inhuman treatment. As for the acts described under Count I.1. of the Indictment charged against the accused Selimović, the Defense denied it was proved that Mile Popović had suffered serious mental pain as a result of threats exerted by the Accused, so that the essential elements of the criminal offense charged against the Accused were not satisfied.

29. With regard to Count I.2. of the Indictment, the Defense argued that the testimony of witnesses were inconsistent and contradictory. In addition, it did not follow from the Assignment Plan for Counter-Intelligence Department of 2 April 1994 and 4 December 1994 that the Accused had interrogated the prisoners of war/injured parties, since there was no statement given by prisoners of war in Cazin that was signed by Mehura Selimović.

30. As for Count I.3.a) of the Indictment, the Defense relied on their own evidence in arguing that the Accused did not have any authority to issue orders or any other similar authority in respect of the prisoners of war in the detention center or in the *Adil Bešić*¹ barracks; quite the opposite, it was indisputably proved that Asim Spahić was the barracks commander at the relevant period. The Defense referred to the testimony of witnesses Lazo Bursać, Siniša Malešević, Nebojša Trkulja, Stojan Katana, Zvezdan Kovjenić, Brano

Čičić and Ramo Čelebić, which contravened the testimony of witness Draško Đervida with regard to the place of interrogation. The presented evidence, in the opinion of the Defense, did not prove that Draško Đervida had sustained a physical injury that seriously damaged his health, nor had he sustained a mental trauma as a consequence of the alleged torture in the captivity. With regard to the injured party referred to in Count I.3.b) of the Indictment, the Defense pointed out that witness Arif Vuković expressly stated both during the investigation and at the main trial that the Accused had never ill-treated him, either physically or mentally, nor had he ever in the witness' presence ordered anyone to ill-treat him. He was never forced to write down anything he did not know about, but to write about the "dirty laundry". The testimony of this witness was unsubstantiated in its major part since he was a chronic alcoholic (relevant evidence thereof was admitted in the case file), and such persons are unreliable, phantasy-prone, tend to distort the facts and misinterpret events. When the witness testified, he still had the same diagnosis and Arif Vuković's character was additionally exposed by the testimony of witness Ramo Čelebić. The Defense further argued that the presented evidence indisputably proved that the injured party Arif Vuković did not have a civilian status, but was a spy, and spies are not protected by the Geneva Conventions.

31. According to the Defense, the Accused used to go to the *Adil Bešić* barracks as part of the military security service activities, he was ordered to interrogate prisoners of war, he did not do it of his own will, and he did that in line with the well-established methodology and procedure (as follows from the physical evidence presented both by the Defense and the Prosecution, and from the testimony of witnesses Salih Hodžić and Ljubomir Samardžija).

32. With regard to Count I.4. of the Indictment, the Defense primarily denied that the *Park* hotel in Bihać was ever used as a collection center for prisoners of war, since there was no single official document to support that fact. On the other hand, there existed the order to establish collection centers in the *Luke* prison, *Adil Bešić* barracks in Bihać and *Rad* car-repair shop in Cazin. Witness Neđo Trivić was express in stating that it was the Accused who interrogated him at the *Park* hotel, although the Defense proved on the grounds of the exhibits admitted in the case file that the Accused had interrogated prisoner of war Neđo Trivić at the *Luke* prison. The statement this witness gave to the Accused at

¹ The Defense referred to Exhibit O1-50, which is at the same time Exhibit T-59, Exhibits O1-70, O1-166,

that time was presented to him at the main trial, and the witness confirmed that it was his handwriting and signature.

33. With regard to Count I.5. of the Indictment, the Defense stated that witness Zdravko Radošević shared a hospital room with Milorad Carić, but Carić never mentioned any bad experiences or receiving any threats, nor did he mention that wounded people were subjected to any physical or mental ill-treatment, in particular not by the accused Selimović. It follows from the testimony of witnesses Darko Dojčinović, Darko Kajtez and Braco Kulenović that the prisoners of war who were placed in the hospital in Bihać were treated properly, so that the testimony of Milorad Carić stands in opposition to the other presented evidence, both documentary and testimonial.

34. Based on the foregoing, the Defense argued that it was not proved that the accused Selimović had committed the criminal offenses charged against him, and proposed to the Appellate Panel to acquit the accused Mehura Selimović.

35. The accused Mehura Selimović supported the arguments of his Counsel and had nothing to add.

2. Closing argument by Defense Counsel for the accused Adil Ružnić

36. Defense Counsel for the accused Adil Ružnić started by stating that the substratum of Count II.1. of the Indictment was deficient, incomprehensible and vague, since it was not drafted in accordance with Article 227(1)c) of the CPC of BiH, more precisely, it was not clearly stated what were the specific acts of intimidation allegedly undertaken by the Accused. In addition, the *NN* soldiers to whom the Accused allegedly made gestures indicating that they should slap and beat the prisoners, remained unidentified, so that this Count of the Indictment did not contain clear and decisive facts that would satisfy the legal requirements of the criminal offense of War Crimes against Prisoners of War. Relying on the above, the Defense argued that the Accused should be acquitted in accordance with the law, since his alleged act, as described in the Indictment, did not amount to a criminal offense at all.

37. Then the Defense turned to the analysis and evaluation of both prosecution and defense evidence. According to the Defense, there is no doubt that the Accused *tempore*

O1-166 a), O1-160

criminis was assigned as administrative-operations officer of the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of R BiH, that there was an internal conflict, that the individuals referred to in Counts II.1. and II.2. of the Indictment had a prisoner-of-war status and were confined at the *Adil Bešić* barracks, and that the Accused conducted interviews with the majority of those prisoners in accordance with the plan and orders of his superiors. However, the offenses described under Counts II.1. and II.2. of the Indictment were not proved, more precisely, it was not proved that the accused Ružnić had committed the criminal offense charged against him. The Defense argued that it was not proved that the accused Ružnić intimidated the prisoners of war, exerted psychological pressure on them to make them admit the commission of criminal offenses or disclose information of criminal offenses, nor was it proved that he made gestures to NN soldiers to slap and beat the prisoners, and that he blackmailed them and forced them to serve in the armed forces of the enemy power. In the opinion of the Defense, the presented evidence shows that the interviews were part of the method of work of the security organ, that they were planned and organized activities with the precisely defined goal, time, place, questions and time schedule, as in accordance with the 3rd Geneva Convention that does not prohibit the examination of prisoners of war. According to the Defense, the presented evidence² showed that the Accused was indeed assigned to take statements from the prisoners of war, that he exercised that duty on the order of his superiors and asked the questions he received from his superiors for the purpose of documenting war crimes and prosecution of the perpetrators, as requested by the OTP in The Hague.

38. The Defense then referred to Count II.1. of the Indictment and the 11 witnesses/injured parties mentioned therein, arguing that they did not deny that the Accused had taken statements from 7 out of those 11 witnesses, namely Petar Stojanović, Mile Radulović, Milovan Mastikosa, Neđo Krndija, Simo Aničić, Zvezdan Kovjenić and Nikola Stojanović (one statement). However, the Defense denied that the Accused had ever interrogated Radenko Kovačević, Bogdan Lakić, Saša Runjić and Siniša Vujić. In their closing argument, the Defense analyzed in detail the testimony of each of those 11 witnesses, and explained why, in their opinion, the testimony of those witnesses could not be taken as credible and allow finding the Accused criminally responsible for violation of their rights. According to the Defense, witnesses were uncertain about the identity of

² O2-34, O1-71, O1-16, T-102 and T-13c

persons who interrogated them and/or were present on such occasions; moreover, none of the witnesses described the alleged gestures in the same manner. Therefore, if the agreed gesture did indeed exist, it could have been only one sign, not a number of different gestures, as the examined witnesses described it. The Defense particularly highlighted the fact that the witnesses came to such a conclusion later on, when they exchanged their experiences and realized that the hand movements of the Accused, such as scratching and similar movements, were in fact signals to soldiers to hit the prisoners. Thus, such testimony was not based on the direct observation of the witnesses, as the Defense argued, but was a result of “subsequent constructs”. Speaking about the gestures, the Defense said that the Prosecution had examined 43 prisoners, but only 11 of them implicated the accused Ružnić in the offenses described under Count II.1, while the remaining 32 injured parties had not mentioned any gestures or ill-treatment, quite the opposite, they stated that the Accused had treated them professionally and properly.

39. Reflecting upon the criminal offense of War Crimes against Prisoners of War by torture, the Defense pointed out the essential element thereof that must be proved – the victim must have suffered a severe physical or mental pain or suffering and that it was the intention of the perpetrator. In the opinion of the Defense, that element was not proved, even if the testimony of 11 witnesses relevant to the circumstance under Count II.1. of the Indictment were true.

40. With regard to the charges under Count II.2. of the Indictment, the Defense pointed out the inconsistencies contained in the account of facts therein by arguing that the elements of the criminal offense of compulsive enlistment into the armed forces of an enemy power codified in Article 175(1)(c) of the CC of BiH did not follow from such account of facts, since joining is a broader notion which does not necessarily imply service in the armed forces, same as espionage. On the other hand, the element of the criminal offense the Accused is charged with under this count of the Indictment requires active involvement and belonging to the “enemy” armed forces, which was neither described nor proved. The testimony of witnesses Živko Malešević, Brane Čičić, Rajko Pačavra, Stojan Katana and Lazo Bursać contravene other presented evidence; furthermore, the injured parties themselves did not say they were requested to join the Army of RBiH, to ally with the Army or engage into espionage.

41. Finally, the Defense for the accused Adil Ružnić cautioned that this was a typical example of a case when the Prosecutor should have referred to the adopted CC of SFRY,

as the more lenient law. The Defense added that the personal circumstances of the Accused did not change, apart from the fact that his pension was considerably reduced to KM 580³.

42. Based on the foregoing, Defense Counsel moved the Court to acquit the Accused since it was not proved that he had committed the criminal offense charged against him.

43. The accused Adil Ružnić supported the arguments of his Counsel and had nothing to add.

3. Closing Argument by Defense Counsel for the accused Emir Mustafić

44. Defense Counsel for the accused Emir Mustafić started his Closing Argument before the Appellate Panel by maintaining all his averments, claims and positions expressed in his Closing Argument in the first instance proceeding and in the Appeal from the trial Verdict.

45. With regard to the time of perpetration of the criminal offense charged against the Accused, Defense Counsel did not deny that the Accused was in the collection center in the *Adil Bešić* barracks from 20 October to 20 December, with several interruptions, or one month and a half at maximum, but only during the day. However, according to the Defense, it does not clearly follow from the account of facts in the Indictment what the status of the Accused was at the time the criminal offense was committed, specifically, if the Accused had perpetrated the acts as a security officer-interrogator, as a warden, as a guard or as a military policeman. Contrary to such an account of facts, it follows from the admitted documentary evidence and testimony of witnesses and the testimony of the Accused himself given as a witness, that Emir Mustafić was assigned to the 2nd anti-terrorist company of the 5th Military Police Battalion, but since he was unfit for military service (rated 100% disabled due to a complete loss of his right eye) and did not have any military training, he was assigned as a military files clerk, so called '*čato*', therefore, he did only administrative work and was not assigned to guard duty as a military policeman. According to the Defense, the presented evidence, in particular the examination of defense witnesses, undeniably proved that the Accused was assigned to the collection center at *Adil Bešić* barracks temporarily, to assist the warden to do the paperwork. He

³ Exhibit A-O-II-11

also did some administrative work on the order of the warden or the deputy warden until lunch break, when he returned to his unit – military police company, and would come back the following morning. During the night, he worked at Radio Bihać, which was his primary occupation.

46. The Defense reflected upon the status of Milovan Bjelić, the aggrieved party, who was mentioned in the Indictment as a civilian. The Defense argues that the Prosecution reached such a conclusion about his status only on the grounds of his age – Bjelić was 67 *tempore criminis* (he was born in 1928), but the Defense proved that the aggrieved party Milovan Bjelić too had a status of a prisoner of war. Speaking about the *mens rea* of the Accused, the Defense claims that the accused Mustafić could be held accountable of the criminal offense of War Crimes against Civilians only on condition that it was proved that he had known or had to know that the people who were targets of the prohibited acts were civilians, which was not proved in this case. According to the Defense, the Accused, who came to the collection center as a 'čato' and after all other captives, could only be aware that he was in a prisoner-of-war collection center and nothing else, in particular having in mind that he, as an ordinary man, not a proper soldier, could not make a distinction between a prisoner of war and a civilian.

47. The Defense proceeded by arguing that it follows from the account of facts in the Indictment that the Accused was charged twice with the same offenses, with one reason only – to strengthen the quantum of offenses allegedly perpetrated by the Accused. In addition, every charge against the Accused under this count of the Indictment is based on the testimony of a specific witness/ aggrieved party, but it is not supported by any other presented evidence, which makes the testimony of those witnesses utterly unreliable.

48. According to the Defense, it undeniably follows both from the testimony of witnesses and from the documentary evidence that the Accused was not a member of the logistics platoon, a military unit of temporary nature, whose commander was the warden of the collection center and had one assignment only – securing the buildings within the collection center in the barracks both in terms of sentry and guard duties. Instead, the Accused was a member of the military police battalion, who did the paperwork in the collection center during the day, as 'čato', and did not examine the prisoners of war, which was done exclusively by security officers. Moreover, he could not make any physical contact with the prisoners of war since the guards in the collection center would not so allow. With regard to establishing the decisive facts, the Defense pointed out as

particularly important the testimony of witnesses Jasmin Felić and Mirza Sadiković, as well as the Defense exhibits relevant to the assignment of the Accused and his absence from the unit for the purpose of organizing a music event in late October and early November 1995.

49. When reflecting upon the identification and description of the physical appearance of the Accused by the examined witnesses, the Defense argued that the witnesses recognized the Accused only by his eye, but were unable to mention his other identifying characteristics, like moustache and glasses. When properly suggested, the acts of ill-treatment are most easily “hung on” the person who is most easy to identify, which, in this case, the Defense claims is “the damaged eye”. Since the warden of the collection center, “Spase“, physically very much resembles the accused Mustafić (a bit long black hair and very thick moustache), it is possible that the person who interrogated and ill-treated the prisoners at the collection center during the night was misidentified. According to the Defense, the Accused possesses such physical and personality characteristics that show he is not prone to commission of any criminal acts, least not is he a violent person who takes advantage of someone else’s misfortune. Therefore, based on all this, the Defense moved the court to acquit the accused Emir Mustafić.

50. The Accused agreed with his Defense Counsel and had nothing to add.

V. STANDARDS OF PROOF

51. When delivering the Verdict, the Court is obligated to comply with Article 281(2) of the CPC of BiH and to conscientiously evaluate every item of evidence and its correspondence with the rest of the evidence. In so doing, the Panel is also obliged to take into account the fundamental principles set forth in the CPC of BiH and in the European Convention on Human Rights and Fundamental Freedoms (ECHR), which, pursuant to Article II.2 of the Constitution of BiH, has primacy over all national laws.

52. The purpose of one of the fundamental principles of criminal law, the principle of legality, which guided the Panel when rendering the Verdict, is to ensure that no innocent person is convicted and that the perpetrator of a criminal offense receives a criminal punishment or other criminal sanction within the range prescribed in the criminal code.

53. Further, the Panel was mindful of the presumption of innocence, defined in Article 3 of the CPC of BiH, which reads as follows: “A person shall be considered innocent of a crime until guilt has been established by a final verdict.” Besides, the Panel also bore in mind the *in dubio pro reo* principle as provided by Article 3(2) of the CPC of BiH: “A doubt with respect to the existence of facts composing characteristics of a criminal offense or on which depends an application of certain provisions of criminal legislation shall be decided by the Court with a verdict and in a manner that is the most favorable for the accused.”

54. Ultimately, the equality of arms principle guaranteed under Article 14 of the CPC of BiH, places an obligation on the court to treat the parties and defense attorneys equally and to provide each of the parties with equal access to the evidence and its presentation at the main trial. The same principle requires the court, the prosecutor and other parties to the proceeding to objectively study and establish with equal attention facts that are exculpatory as well as inculpatory for the suspect and/or the accused.

55. Our legal system recognizes the principle of free evaluation of evidence, as provided in Article 15 of the CPC of BiH, which provides that the court, when deciding if a decisive fact is proved or not, is not bound by any formal evidentiary rules. However, as stipulated in Article 281(1) of the CPC of BiH, the Court must base its verdict only on the facts and evidence presented at the main trial, and evaluate it as stipulated under Article 281(2) of the CPC of BiH.

56. Although the Panel has handed down the verdict while fully respecting the mentioned principles, and even though during deliberation it considered all the adduced evidence, both documentary and testimonial, presented by both the Prosecution and by the Defense, as well as the evidence adduced directly before the Appellate Panel, the evidence replayed before the Appellate Panel and all those pieces of testimonial and documentary evidence presented before the Trial Panel which were accepted by the Appellate Panel without being replayed or read out, bearing in mind the comprehensiveness of the evidence, in its Reasoning of the Verdict the Panel was not able to address each and every piece of evidence. While rendering the verdict, the Panel, therefore, considered and evaluated each presented piece of evidence, but in the reasoning of the verdict it referred to those pieces of evidence only that were of importance for the state of facts as established, both concerning the very existence of the criminal offense and the guilt of the accused, as well as regarding the decision by which the accused Selimović and Ružnić were acquitted of the charges.

57. As the evidentiary material in the given case consists mostly of witness statements, the evaluation of their statements and their credibility posed a significant challenge before this Panel, as would before any other Panel acting in a similar situation. The fact is that the in evaluating witness statements, the Panel may never *a priori* accept as true everything a witness says, whether it is a statement incriminating or exculpating the Accused. In evaluating witness statements, the Panel must pay due attention, minding the very substance of the testimony as well as the overall impression the witness leaves, and also the witness behavior, voice, posture, physical and emotional reactions to questions, and his comportment in relation to the parties and defense counsel. The Panel has the obligation to consider the witness statement while taking into account the overall atmosphere of his testimony.

58. This is of particular importance when it comes to witness statements, direct, but also indirect victims of the crimes that took place and that are a subject of criminal charges in the case. Such witnesses that have gone through a trauma, in the conditions when they must speak again about the things they experienced, are exposed to additional traumatization. In such circumstances it is necessary to be particularly cautious when evaluating the reliability of their evidence.

59. It is not only important for a witness statement to be given honestly (the Panel assumes that each witness, especially after taking an oath before the court, intended to testify honestly about the facts and circumstances he had knowledge of), but it is also important that the statement is reliable. Various factors affect the reliability of a witness statement, notably the ability to observe things and the variability of human perception, the lapse of time, the traumatic nature of the event itself, but also the witness's bias. All this may result in a situation where two witnesses, who witnessed one and the same event, regard that event from different mental, physical, and even chronological perspectives, which results in their giving statements that are not identical. Therefore, in evaluating witness statements, the Panel compared the facts the witness testified about with the facts established by other witnesses, but also with facts ensuing from the documentary evidence, and based on such a comprehensive assessment made a conclusion about the reliability of a witness statement.

60. It also needs to be noted that the Panel, while evaluating witness statements, found that some witnesses were honest and reliable, even to their own detriment, while some other witnesses were also honest, but certain parts of their testimony were not convincing,

for various reasons, starting from their limited perception, poorer power of perception, influence of time lapse, personal interests, but also their interest in affecting the outcome of the proceedings, their loyalty to the accused or their bias towards either the accused or the victims, which could have resulted in certain witness conclusions about what they had really seen or heard. Still, even with such witnesses there were situations that although the Panel found some parts of their testimony to be unreliable, it on the other side decided that parts of their statements included specific observations about certain facts, and in such situations the Panel was of the opinion that dismissing such statements in full would not be in the best interest of justice, but such statements were evaluated in the way so as to assess their reliability and the accuracy of each fact or circumstance the witness was asked.

61. The Panel compared witness statements, given during various stages of the proceedings, and analyzed the statements given during the investigation, when there were certain discrepancies with regard to decisive facts in relation to the statements given at the main trial, and based on such evaluation the Panel decided which evidence to trust.

62. Apart from the testimony of witnesses, voluminous material documentation which was admitted in the case file, both by the Prosecution and by the Defense for the accused, represents an important segment of the evidence relevant to the existence of the criminal offense and culpability of the Accused.

63. In evaluating the credibility of the documents, the Panel analyzed them in light of all other presented evidence, such as other documentary and testimonial evidence.

64. Besides, even where the Panel was convinced that the given document was credible, it did not automatically accept that its content represented a true presentation of facts, but evaluated the credibility of the content in each individual case.

65. Bearing in mind all the aforementioned, starting from the mentioned principles defined by national law, and Article 6(1) of the ECHR which imposes an obligation on all courts “to state clearly enough the grounds on which they base their decision,” the Panel carefully evaluated all the adduced evidence, whose evaluation will be presented further below.

VI. CONVICTING PART OF THE VERDICT

A. APPLICABLE LAW

66. Under the Indictment of the Prosecutor's Office of Bosnia and Herzegovina, the accused Adil Ružnić and Emir Mustafić are charged that, by the acts described in the account of facts thereof, they committed the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1) (a) of the CC of BiH (the accused Adil Ružnić under Count II.1, the accused Emir Mustafić under Count III), in concurrence with the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c) of the CC of BiH in respect of the accused Emir Mustafić.

67. The Panel was guided by the provisions of Article 280(2) of the CPC of BiH, which stipulates that the Court is not bound to accept the prosecutor's proposals regarding the legal evaluation of the act. The CC of BiH entered into force after the commission of the criminal offenses charged against the accused Ružnić and Mustafić, but the Panel had to adhere to one of the fundamental principles of criminal law – the time constraints regarding applicability – which foresees that the law that was in effect at the time when the criminal offence was perpetrated shall apply to the perpetrator of the criminal offence, and if the law has been amended on one or more occasions after the criminal offence was perpetrated, the law that is more lenient to the perpetrator shall be applied. Thus, the Panel had to examine which law was milder for the perpetrators in this case and had to be applied as such. In addition, this issue was stressed by Defense Counsel for the accused Ružnić and Mustafić.

68. In deciding which law was more lenient to the Accused in this case, and having in mind that both laws (the adopted CC of SFRY which was in force at the time of perpetration of the criminal offense, and the CC of BiH, as the subsequent law) prescribe the same essential elements of the criminal offenses charged against the Accused, while they differ only in terms of the foreseen range of sanctions, the Appellate Panel examined which of the two laws was more lenient to the Accused precisely from those aspects.

69. When the scope of sanctions for the criminal offense of War Crimes against Civilians is concerned, the CC of BiH prescribes *imprisonment for a term not less than 10 (ten) years or a long-term imprisonment*, while the adopted CC of SFRY foresees *a prison term of not less than 5 (five) years or the death penalty* for the same criminal offense.

70. In view of the above stated range of sanctions and the national and international case law established through the decisions issued by the ECtHR and the Constitutional Court of Bosnia and Herzegovina, this Panel concluded that the adopted CC of SFRY was more lenient to the Accused in this case, so that the criminal offenses charged against the Accused had to be defined in line with that law.

71. When reaching this conclusion, the Panel took into account that the European Court of Human Rights held in the Maktouf/Damjanović case that the application of the more lenient law has to be assessed on a case-by-case basis, and found violation of Article 7 of the ECHR in respect of the applicants Maktouf and Damjanović, „ ... *since there was a real possibility that the retroactive application of the 2003 Code operated to the applicants' disadvantage...*“. In reaching such a conclusion, the ECtHR took as the starting point the minimum foreseen sentence for the referenced criminal offense, and found that the applicants' had received sentences leaning towards the lower threshold of the sentencing range, for Maktouf it was mitigated even below the statutory minimum. Notwithstanding that, even if the earlier law – the adopted CC of SFRY, foresaw, as the special maximum, the death penalty for the offenses of which the Accused were found guilty, such penalty could have obviously been imposed only for the most serious types of war crimes, which certainly did not include those of which the applicants Maktouf and Damjanović were found guilty. To that end, when assessing which law was more lenient to them in specific case, it had to be established which law was more lenient with respect to the minimum sentence.

72. Such a position, in the opinion of this Panel, can entirely apply to this case. In reaching such a conclusion, the Panel gave particular weight to the fact that, same as appellants Maktouf and Damjanović, neither Ružnić nor Mustafić were charged under the Indictment with criminal liability for any loss of life, and the crimes of which they were convicted clearly did not belong to the category of the most serious criminal offenses punishable by the death penalty, even if they were tried at the time when the death penalty could have been imposed. Therefore, the application of the more lenient law to the Accused had to be examined in respect of a minimum foreseen sentence, which, in the opinion of this Panel, was undeniably the adopted CC of SFRY, which foresees as a minimum a prison sentence of 5 years for the referenced criminal offenses. Pursuant to the mitigating provisions of this law, this sentence may be reduced to a prison term of 1 (one) year.

73. In view of the above, this Panel holds that the adopted CC of SFRY, which was in force at the time of perpetration of the criminal offenses charged against the Accused, is more lenient than the CC of BiH, and, as such, must be applied in this case.

B. ESSENTIAL ELEMENTS OF THE CRIMINAL OFFENSE CHARGED AGAINST THE ACCUSED ADIL RUŽNIĆ AND EMIR MUSTAFIĆ

74. The essential elements of the criminal offense of War Crimes against Prisoners of War in violation of Article 144 of the adopted CC of SFRY, that is, its *chapeau* elements, which must be proved in every case, are the following:

- a) violation of the rules of international law,
- b) the offense must be targeted against prisoners of war,
- c) the accused must order or commit the offense.

The first essential element of the criminal offense that must be satisfied is violation of the rules of international law. The Indictment charges the Accused with violation of Article 3 common to the Geneva Conventions of 1949, which is applicable only to “armed conflicts not of an international character”. The second essential element of the criminal offense codified under Article 144 of the adopted CC of SFRY requires that the offense must be targeted against prisoners of war. According to Article 4 of the 3rd Geneva Convention relative to the Treatment of Prisoners of War, prisoners of war are “*members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces*”. This means that such category of protected persons may apply only under the circumstances of war, armed conflict or occupation, or be a result of such a conflict. This is why this Panel will proceed by examining the existence of an armed conflict, which, notwithstanding that the law does not expressly prescribe it, indirectly ensues from the above reasoning as another essential element of the criminal offense. The Panel will also examine the nexus between the Accused and the conflict.

75. The Panel holds that all the above stated essential elements of the criminal offense have been satisfied on the part of the accused Adil Ružnić and Emir Mustafić.

(a) Violation of the rules of international law

76. The Indictment of the Prosecutor's Office of BiH charges the accused Adil Ružnić with violating Articles 3 and 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, and the accused Emir Mustafić with the violation of those provisions, but also the provisions of Articles 3 and 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (4th Geneva Convention). Since this Panel did not establish that any of the aggrieved parties mentioned in the part of the Indictment relevant to these two Accused had a civilian status (including victim Milovan Bijelić, although the Indictment stated otherwise), there was no need to examine whether the 4th Geneva Convention was violated in the context of the offenses charged against the accused Mustafić. Both Accused were also charged with violating Article 4 of the 3rd Geneva Convention; however, having examined the contents of the referenced Article, the Appellate Panel concluded that the mentioned provision contains no prohibitions, it only defines the status of prisoners of war. On the other hand, Article 3 common to the Geneva Conventions, which sets forth a minimum core of mandatory rules, reflects the fundamental humanitarian principles which underlie international humanitarian law as a whole,⁴ and upon which the Geneva Conventions in their entirety are based. These principles constitute the minimum core applicable to all conflicts, regarded as governing both international and non-international conflicts.⁵ In addition, Common Article 3 is universally recognized as part of customary international law⁶. Since Article 4 of the 3rd Geneva Convention contains no prohibited acts, the Panel omitted that provision from the part of the operative part of the Verdict which refers to violation of international law, finding that it was possible and sufficient to use the stated provision for the purpose of defining the category of prisoner of war. The Panel concluded that the actions of the accused Ružnić and Mustafić violated Common Article 3, and this conclusion will be thoroughly explained further in the Verdict. It is precisely this violation that satisfies the essential element of the criminal offense of War Crimes against Prisoners of War, as prescribed under Article 144 of the adopted CC of SFRY.

⁴ Prosecutor v. Delalić, IT-96-21-A, Appeals Chamber Judgment of 20 February 2001, para 143.

⁵ Ibid.

⁶ Nicaragua v. USA, International Court of Justice, Case concerning the military and paramilitary activities in and against Nicaragua. Judgment of 27 June 1986, MSP Report, para 218; *Prosecutor v. Tadić*, IT-94-1, Appeals Chamber decision on Defense Motion for interlocutory appeal on jurisdiction, (Tadić, Decision on jurisdiction), paras 98 and 129; *Prosecutor v. Akayesu*, MCTR-96-4-T, Judgment of 2 September 1998 (Akayesu Judgment), paras 603-605; see CC Decision in Kadić v. Karadžić, 70 F 3d 232 (2.Cir.1995).

77. Article 3 common to the Geneva Conventions provides:

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

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

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

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture ...
- b) ...
- c) outrages upon personal dignity, in particular humiliating and degrading treatment ...”

78. Violation of Article 3 common to the Geneva Conventions is a precondition for the existence of the criminal offense of War Crimes against Prisoners of War, which is a blanket norm, therefore it is the obligation of the Panel to determine whether the acts of the accused, in this case the accused Ružnić and Mustafić, were targeted against the category of persons who enjoy protection under this Article, specifically, the persons who took no active part in the hostilities. In addition and with the same purpose, it has to be established if the accused acted contrary to his obligation arising from Common Article 3 – the obligation of humane treatment, more precisely if his acts violated some or all provisions listed from a) to d) under Article 3 common to the Geneva Conventions.

(i) Status of victims

79. The scope of protection of Common Article 3 extends to **persons taking no active part in the hostilities**, including **members of armed forces who have laid down their arms** and those placed '**hors de combat**' by sickness, wounds, **detention**, or any other cause.

80. Having examined the presented evidence, the Panel concluded that the aggrieved parties whose names are listed in Sections I.1 and I.2 of the operative part of the convicting part of the Verdict belonged to the category of protected persons, members of

armed forces who laid down their arms and who were placed 'hors de combat' due to their detention. It follows from the testimony of all aggrieved parties⁷, with the exception of Milovan Bijelić, whose status will be addressed separately by the Panel, that they were mobilized prior to their capture, that is, when captured, they were members of the VRS, which was in conflict with the ARBiH, whose members captured them. They were captured in the area of combat activities, they participated in the military operations at the time of their capture or immediately before that, they were armed at the time of conflict before their capture or surrender to the ARBiH as the opposing party to the conflict. All this leads to the conclusion, which was not disputed by the Defense, that those persons were prisoners of war. It was further established that the acts taken by the accused Ružnić and Mustafić were targeted against those aggrieved parties at the time when they were incarcerated in the detention center in the *Adil Bešić* barracks, i.e., a certain period after their capture. In view of all those circumstances, this Panel indisputably concluded that the first requirement of Common Article 3 has been satisfied, since the acts were targeted against persons who took no active part in the hostilities at that time, more precisely, they were members of armed forces who laid down their arms and/or were placed '*hors de combat*' due to their deprivation of liberty.

81. The status of the aggrieved party Milovan Bijelić who was referred to as a civilian in the Indictment, was the only point of controversy. The Defense for the accused Emir Mustafić disputed such status of the aggrieved party Milovan Bijelić. Having examined the entire body of presented evidence, the Panel concluded that Milovan Bijelić too had a status of prisoner of war. According to the standards established by the ICTY, when there is a doubt if a certain group is protected or not, the perception of the accused has to be taken into account, specifically, whether it can be expected under the circumstances of a specific case, that the accused will perceive the group within a certain status. The Panel found that Milovan Bijelić shared the room with other members of VRS - prisoners of war - in the detention center in the *Adil Bešić* barracks. This part of the detention center was physically separated from the part where other categories of prisoners were kept, for instance, members of the ARBiH imprisoned as deserters or for some other reason. The accused Mustafić spent a fairly short period in the detention center, where he secured the

⁷ Nikola Stojanović, Saša Runjić, Milovan Mastikosa, Neđo Krndija, Mile Radulović, Bogdan Lakić, Radenko Kovačević, Petar Stojanović, Simo Aničić, Zvezdan Kovjenić and Siniša Vujić (Section I.1. of the convicting part of the Verdict), Sreto Sušić, Dragan Bosančić, Drago Đukić, Veljko Radić (Section I.2. of the convicting part of the Verdict).

detainees as a military policeman, specifically, from September 1995 to 22 December 1995, and he denied the offenses charged against himself. However, it follows from his testimony as a witness that he was aware that the captives who were imprisoned in the detention center and whom he found there when he arrived in the detention center, had a prisoner-of-war status, namely that those were VRS members who were captured and brought in the collection center. Since the aggrieved party Milovan Bijelić was in the group of captives who were deprived of liberty as members of the armed forces of the other party to the conflict and who were treated as prisoners war in the collection center, the accused Mustafić clearly perceived Milovan Bijelić too as a prisoner of war. Based on the foregoing, the Panel concluded that all aggrieved parties referred to in Sections I.1. and I.2 of the operative part of the Verdict had a prisoner-of-war status and, as such, enjoyed protection guaranteed under Article 3 common to the Geneva Conventions as a protected group of people.

(ii) Inhuman treatment

82. As for the second provision stipulated under Common Article 3 as a precondition for the existence of the criminal offense of War Crimes against Prisoners of War, it had to be established whether the Accused failed to fulfill their obligation to treat the protected group humanely.

83. Neither the Geneva Conventions, nor the adopted CC of SFRY contains definition of inhuman treatment, however, such a definition stems from international jurisprudence. The ICTY Trial Panel in *Delalić et al.*⁸, defined inhuman treatment as follows:

“an intentional act or omission, that is an act which, judged objectively, is deliberate and not accidental, which causes serious mental or physical suffering or injury or constitutes a serious attack on human dignity.”

The same decision states that the notion of inhuman treatment, as such, “*forms the umbrella under which the remainder of the listed grave breaches in the Conventions fall,*” more precisely, all acts found to constitute torture or willfully causing great suffering or serious injury to body or health would also constitute inhuman treatment. However, this third category of offence is not limited to those acts already incorporated into the other two

⁸ ICTY Trial Judgment, case: IT-96-21-T of 16 November 1998, para 543.

and “extends further to other acts which violate the basic principle of humane treatment, particularly the respect for human dignity.”⁹

84. In light of the stated definition, international jurisprudence identified a sequence of specific acts that amount to inhuman treatment: mutilation and other types of severe bodily harm¹⁰; beatings and other acts of violence¹¹; serious physical and mental injury¹²; serious violations of physical or mental integrity¹³; serious attack upon human dignity¹⁴; forced labor which inflicted serious mental harm or physical suffering or injury, or constituted a serious attack on human dignity¹⁵; deportation or forcible transfer of groups of civilians¹⁶; enforced prostitution¹⁷ and enforced disappearance of persons.¹⁸

85. Various other judicial authorities, apart from the ICTY, have addressed the issue of inhuman treatment, so the European Court of Human Rights (ECtHR) has held that, in order for ill-treatment to fall within the scope of prohibition contained in Article 3 of the ECHR¹⁹ - *no one shall be subjected to torture or to inhuman or degrading treatment or punishment* - “it must attain a minimum level of severity ... The assessment of this minimum is relative: it depends on all the circumstances of the case, such as the nature and context of the treatment, its duration, its physical and mental effects and, in some instances, the sex, age and state of health of the victim.”²⁰

86. In assessing the seriousness of an act, all the factual circumstances must be taken into account, some of them being as follows: the nature of the act or omission, the context in which it occurs, the personal circumstances of the victim, including age, sex and health, and the physical, mental and moral effects of the act on the victim. The fact that the act may have left lasting consequences can be of importance for assessing the gravity of the

⁹ Ibid. para 545.

¹⁰ See *Kvočka et al*, ICTY Trial Judgment No:IT-98-30/1, para 208.

¹¹ Ibid, para 208.

¹² See *Kordić and Čerkez*, ICTY Appellate Judgment, No: IT-95-14/2, para 117.

¹³ See *Blaškić*, ICTY Appellate Judgment, No: IT-95-14, para 239, *Krstić*, ICTY Trial Judgment, No: IT-98-33 para 523.

¹⁴ See *Vasiljević*, ICTY Trial Judgment, para 239-240.

¹⁵ See *Naletilić and Martinović*, ICTY Trial Judgment, paras 271, 289, 303.

¹⁶ See *Kupreškić et al.*, ICTY Trial Judgment, para 566.

¹⁷ Ibid, para 566.

¹⁸ Ibid, para 566.

¹⁹ Article 3 of the ECHR stipulates that: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

²⁰ *Delalić et al*, Judgment, para 536, makes reference to the ECtHR Judgment in case A.v.UK of 23 September 1998, para 20 (citing ECtHR *Costello-Roberts v. UK*, 25 March 1993, 347-C RVHT (SER.A)1993.)

offense. However, the suffering inflicted by the act upon the victim need not be lasting so long as it is real and serious.²¹

87. The European Court and the European Commission of Human Rights have developed an extensive jurisprudence with regard to various forms of ill-treatment, such as torture, inhuman and degrading treatment, which are prohibited under Article 3 of the ECHR. For instance, in the case of *Tomasi v. France*, the European Court found that the Applicant had been slapped, kicked, punched and given forearm blows, made to stand for long periods and without support, hands handcuffed behind the back; he had been spat upon, made to stand naked in front of an open window, deprived of food, threatened with a firearm, which all amounted to inhuman treatment in violation of Article 3. The European Court held that the large number of blows inflicted on Mr. Tomasi and their intensity represent two elements that are sufficiently serious to render such treatment inhuman and degrading. In the opinion of the Court, the treatment is “inhuman” if it has been planned in advance, lasts incessantly for hours, and causes real bodily injuries and/or intense physical and mental suffering.

88. It is clear that various international judicial authorities that addressed the application of the criminal offense of inhuman treatment have developed its relative definition, taking into account all the circumstances of the case, such as the nature and context of the treatment, its duration, its physical and mental effects and, in some instances, the sex, age and state of health of the victim.

89. Bearing in mind the above stated, the Panel has examined all the circumstances surrounding the commission of the offenses charged against the accused Ružnić and Mustafić. Based on the testimony of witnesses/injured parties, the Panel has concluded that the acts of the accused Ružnić and Mustafić amount to inhuman treatment in light of the definitions examined above. The witnesses/injured parties were taken out for questioning, often repeatedly, and during those verbal or written interrogations they were beaten and treated with no respect any protected person should enjoy, in violation of the fundamental principles of international law, deliberately intended to degrade their dignity.

90. The specific acts of the Accused will be analyzed in every section of the convicting part of the Verdict.

²¹ ICTY Trial Judgment in *Krnojelac*, par.131.

91. Here, the Panel will reflect upon the required *mens rea* for inhuman treatment. This element is satisfied where the principal offender, at the time of the act or omission, had the intention to inflict serious physical or mental suffering or to commit a serious attack on the human dignity of the victim, or where he knew that his act or omission was likely to cause serious physical or mental suffering or a serious attack upon human dignity and was reckless as to whether such suffering or attack would result from his act or omission. It is found that this element is satisfied on the part of the accused Ružnić and Mustafić. In assessing this element, the Panel took into account the standards outlined in the ICTY judgment in the Kunarac case:

“the crime of outrages upon personal dignity requires that the accused knew that his act or omission could cause serious humiliation, degradation or otherwise be a serious attack on human dignity. The crime of outrages upon personal dignity requires only the awareness of the accused about the potential consequences of the act or omission charged against him.”

92. In the opinion of this Panel, all these elements have been satisfied in this specific case, and they will be analyzed in the reasoning of every section of the operative part of the Verdict.

(b) The existence of an armed conflict

93. The existence of an armed conflict has been undeniably established in this case. The fact that there was an armed conflict in Bihać and the broader area in the relevant period followed from the testimony of all examined witnesses. The aggrieved parties also confirmed they were members of the VRS and deployed in the Bihać area war zone at the time they were captured. Their testimony also showed that the armed conflict was between the VRS and the ARBiH, and that members of the ARBiH 5th Corps captured them.

94. Since the Defense did not dispute the existence of the armed conflict, the Panel is satisfied that this element of the criminal offense has been proved beyond any reasonable doubt.

(c) Nexus between the acts of the Accused and the armed conflict

95. In addition to the existence of an armed conflict, the prosecution must prove that there is an obvious link between the criminal act and the armed conflict.²² The armed

²² *Čelebići* case, Trial Judgment, para 193.

conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator's ability to commit it.²³

96. In determining such nexus, the Appeals Chamber in *Kunarac* took into account, *inter alia*, the following: the fact that the perpetrator is a combatant; the fact that the victim is a member of the opposing party; and the fact that the crime is committed as part of or in the context of the perpetrator's official duties.²⁴

97. The status of the accused Ružnić and Mustafić was not disputed by their Defense Counsel, namely, that the accused Ružnić was an operations officer at the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of RBiH, while the accused Mustafić was a military policeman assigned to the 5th Military Police Battalion within the 5th Corps at the relevant period. As has been already explained, the Panel indisputably established that the victims-aggrieved parties were prisoners of war, members of the opposing army. Besides, during the interrogations, either verbal when prisoners of war were taken to the accused Ružnić, or written, which were supervised by the accused Mustafić as a military policeman-guard in the collection center, the prisoners were put under pressure through various forms of ill-treatment so as to disclose information about the VRS – the party which was in conflict with the ARBiH – whose members were the accused persons. They wanted to obtain information about the VRS positions, weapons, and criminal acts committed by members of the other belligerent party. In the opinion of this Panel, these circumstances undeniably show a direct link between the acts of the Accused and the armed conflict.

(d) The Accused must order or commit the offense

98. The last essential element of the criminal offense of War Crimes against Prisoners of War requires that the perpetrator must order others to commit a criminal act against the prisoners of war, or he must commit it himself. This is precisely the element that the Defense for the accused Ružnić and Mustafić disputed during the proceeding.

²³ *Kunarac* case, Appeals Judgment, para 58.

²⁴ *Kunarac* case, Appeals Judgment, para 59.

99. The Defense for the accused Ružnić did not dispute that the Accused, as the operations officer at the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of RBiH, interrogated a number of the aggrieved parties listed under Section I-1 of the convicting part of the Verdict. However, the Defense denied that his acts satisfied the elements of the criminal offense of ill-treatment. The Defense for the accused Mustafić focused on disputing any connection with the prisoners of war, linking his presence in the collection center only to his administrative work for the warden and deputy warden, as the company files clerk, so called 'ćato'.

100. However, having evaluated and analyzed the presented evidence, as it will be explained further in the Verdict, the Panel is satisfied beyond doubt that the accused Adil Ružnić and Emir Mustafić inhumanly treated prisoners of war during interrogations, whereby they committed the criminal offense charged against them under the Indictment.

VII. FINDINGS OF FACT

A. STATUS OF THE ACCUSED ADIL RUŽNIĆ AND EMIR MUSTAFIĆ

(a) The accused Adil Ružnić

101. In Section I.1. of the convicting part of the Verdict, the accused Adil Ružnić was found guilty in as much as he, as the administrative-operations officer of the Military Security Department with the Staff of the 5th Corps of the Army of RBiH, from mid-September 1995 until end January 1996, perpetrated the offenses described under this Section, which, in the opinion of the Panel, satisfy the elements of the criminal offense of War Crimes against Prisoners of War in violation of Article 144 of the adopted CC of SFRY, as read with Article 22 of the same law.

102. It follows from a number of presented exhibits that the accused Ružnić was the administrative-operations officer of the Military Security Department with the Staff of the 5th Corps of the Army of R BiH at the relevant time: Report drafted by military and security

expert witness Doc.Dr. Dragomir Keserović²⁵ who concluded on the basis of available documentation that the accused Ružnić “*exercised the duty of the administrative-operations officer at the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of RBiH*” from 15 July 1995 through 22 April 1996, the relevant period being from mid-September 1995 until end January 1996. The conclusion about such a capacity of the accused Ružnić follows also from his Personal file,²⁶ which shows that he was assigned to VJ 5025 Bihać as an administrative-operations officer as of 15 July 1995, and from the testimony of the witnesses/aggrieved parties whose names are listed in Section I.2 of the convicting part of the Verdict, who confirmed that it was the accused Ružnić who interrogated them *tempore criminis* as the security officer of the 5th Corps. In addition to the Prosecution evidence, such a status of the accused Ružnić was not disputed by his Defense either, since his status at the relevant period was also confirmed by the military expert witness Himzo Pečenković²⁷, engaged by the Defense, by the Accused himself in his testimony as a witness²⁸, and even by Defense Counsel in his closing argument²⁹. Therefore, it clearly follows from the above that such a status of the Accused at the relevant period is an established fact.

103. Based on the foregoing, the Panel is satisfied beyond doubt that the accused Adil Ružnić exercised the duty of the administrative-operations officer of the Military Security Department with the Staff of the 5th Corps of the Army of R BiH at the relevant period, as charged under the amended Indictment.

(b) The accused Emir Mustafić

104. In Section I.2. of the convicting part of the Verdict, the accused Emir Mustafić was found guilty in as much as he, as a military police officer with the 5th Corps of the Army of R BiH, from September 1995 until 22 December 1995, perpetrated the offenses described under this Section, which, in the opinion of the Panel, satisfy the elements of the criminal

²⁵ Exhibit T-224, Expert evaluation report drafted by military and security expert witness with regard to the accused Mehura Selimović, Adil Ružnić and Emir Mustafić in case No. KT-R-30/05, March 2012, page 40.

²⁶ Exhibit T-209.

²⁷ Exhibit O-2-136, Expert evaluation report drafted by military expert witness Himzo Pečenković, Bihać, January 2012.

²⁸ Testimony of the accused Adil Ružnić as a witness at the main trial hearing of 5 October 2011.

²⁹ Closing Arguments of the Defense for the accused Adil Ružnić before the Appellate Panel, February 2015, page 3.

offense of War Crimes against Prisoners of War in violation of Article 144 of the adopted CC of SFRY.

105. Aiming to prove the status of the accused Mustafić at the relevant period, the Prosecution examined a number of witnesses/aggrieved parties, who were imprisoned in the *Adil Bešić* barracks in Bihać at the relevant time and who identified the accused as one of the police officers who guarded them. In addition, the Prosecution presented an expert evaluation report drafted by military expert witness with regard to the status of the accused Emir Mustafić. In his Report,³⁰ the expert witness found that the Accused was a member of the VJ 5665 from July 1995 to 22 December 1995, as also follows from Exhibit T-209³¹, and from the defense evidence the expert witness referred to in his Report.

106. The fact that the accused Emir Mustafić was mobilized in July 1995, and that he was assigned to the Military Police Company at the relevant period, was not disputed even by the Defense. Quite the opposite, it is precisely the Defense evidence that shows that the accused Emir Mustafić was mobilized in July 1995, as he himself said he responded to a call-up and went to the recruiting center on 2 July 1995, then he spent some time as a 'čato' with Jasmin Felić, after that, he was briefly sent to the war zone (one day and a half), after which he returned and again worked as a 'čato' with Butković, which is when he was eventually transferred to the *Adil Bešić* barracks in early September 1995, assigned to the Military Police Anti-Terrorist Company. This follows from the following defense evidence: Expert evaluation report drafted by Himzo Pečenковиć³², military expert witness hired by Defense Counsel, documentary evidence used by expert witnesses in drafting the Report, including Defense Exhibits O-3-6³³ and O-3-7³⁴, and from the testimony of the accused Emir Mustafić given at the main trial as a witness.³⁵

107. Notwithstanding that the status of the accused Mustafić as a member of the Military Police Company of the 5th Corps at the relevant period is not doubtful, the Accused presented ample evidence relevant to those circumstances attempting to prove that he

³⁰ Exhibit T-224, Expert evaluation report drafted by military and security expert witness with regard to the accused Mehura Selimović, Adil Ružnić and Emir Mustafić in case No KT-R-30/05, March 2012, page 40.

³¹ Exhibit T-209, Document of the FBiH Ministry for the Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, *pov. broj* 07-03-42-1/08 of 12 May 2008.

³² Exhibit O-2-136, Expert evaluation report drafted by military expert witness Himzo Pečenковиć, Bihać, January 2012.

³³ Exhibit T-209.

³⁴ Certificate issued by the FBiH Ministry for the Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number 07/16-02-03-1-3498/08 of 22 December 2008.

was not a guard at the detention center situated at the *Adil Bešić* barracks in Bihać, where the prisoners of war were held, that he was not armed, more precisely, that he did not *de facto* exercise the duty of a military police officer, nor did he have anything to do with the prisoners of war who were held in the detention center in the *Adil Bešić* barracks in Bihać. Instead, he did administrative work as a military files clerk, so-called 'čato', for the needs of warden or deputy warden. In the Reasoning of Section I.2. of the convicting part of the Verdict, the Panel will explain why they did not give credence to such defense for the accused Mustafić. The Panel will here only address the issue of establishing the status of the accused Emir Mustafić as a military police officer assigned to the 5th Corps Military Police Company at the relevant period.

B. SECTION I.1 OF THE OPERATIVE PART OF THE CONVICTING PART OF THE VERDICT
(COUNT II.1 OF THE AMENDED INDICTMENT)

108. Under Count II.1 of the amended Indictment, the accused Adil Ružnić was charged that, as the operations officer at the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of R BiH, he repeatedly interrogated prisoners of war at the detention center in the *Adil Bešić* barracks in Bihać from mid-September 1995 through end January 1996, physically and mentally ill-treated them by intimidating them, gave various hand gestures to the NN soldiers standing there to slap and beat the prisoners of war, put them under mental pressure in order to make them admit or disclose information about criminal acts. The names of 11 ill-treated prisoners are listed in this Count of the Indictment.

109. Throughout the proceeding, and in particular in their closing arguments, the Defense for the accused Ružnić argued that the acts of perpetration targeted against the prisoners of war charged against the accused Ružnić were vague, not precisely defined, so that, as such, they did not satisfy the elements of the criminal offense of War Crimes against Prisoners of War charged against the Accused. The Defense particularly pointed out that the act of interrogation of prisoners of war by the Accused, who was a security officer, was not as such prohibited even by the Geneva Conventions.

³⁵ Main trial hearing in case No: S1 1 K 003368 09 Kri (ref. X-KR-08/522) of 7 December 2011.

110. When assessing the merits of the charges, the Appellate Panel took into account such Defense allegations, and concluded that the account of facts in the Indictment was indeed imprecise to a certain extent. As a result, the Panel excluded from the account of facts of the operative part of the Verdict the acts of perpetration that were not found proven. The Panel upheld as justified the objections raised by Defense Counsel as to the imprecise account of facts with regard to the acts of intimidation of prisoners of war, since the Indictment failed to specify in what manner the Accused allegedly intimidated the prisoners. Furthermore, it did not follow from the testimony of a number of witnesses/aggrieved parties that the Accused had perpetrated any act of intimidation against the prisoners of war in any way whatsoever. On the other hand, the Panel is satisfied that the Accused's "giving various hand gestures to the NN soldiers who were there" to beat the prisoners of war in order to make them disclose information about the criminal acts, was described precisely, and it follows from the testimony of all examined witnesses that the accused Ružnić perpetrated the offense. In the opinion of this Panel, the fact that the NN soldiers, who beat the prisoners of war at the accused Ružnić's signal, were not identified either by their full name or by the unit to which they allegedly belonged, does not negate the perpetration of the act and the culpability of the Accused, since this act satisfies the elements of the criminal offense of whose commission the Accused was found guilty as a co-perpetrator with those NN persons, as it will be further elaborated. The identification of the NN persons would have been mandatory if the Accused had been charged with the commission of the criminal offense under the command responsibility principle, in order to establish the authority of the accused over those individuals and his responsibility for the perpetrated act. However, since he was charged and found guilty under the principle of individual responsibility as a co-perpetrator with the NN persons, it was sufficient to establish that multiple persons participated in the commission of the act, and/or otherwise jointly perpetrated the criminal offense, thus, that there were multiple perpetrators who each gave his own contribution to the act of perpetration of the criminal offense, but the identity of those co-perpetrators need not be established. This Panel is satisfied that these elements were proved beyond any reasonable doubt in this case.

111. Also, the Panel made some modifications of the account of facts under this Count of the Indictment relevant to the act of perpetration which remained and of which the accused Ružnić was found guilty, seeking to harmonize the account of facts contained in the operative part of the Verdict with the account of facts that followed from the presented evidence, but in no way to the detriment of the Accused. So, the Panel removed the words

“slap in the face” from the account of facts of the operative part of the Verdict, since slap is just a form of blow, therefore, if the original account of facts were to remain as formulated in the Indictment “... *made gestures indicating ... that they should slap and beat the prisoners*”, slapping would in fact represent duplication, yet another form of blow. Moreover, in the opinion of the Panel, it did not follow from the testimony of the examined witnesses that any of the prisoners of war was pressured during the interrogation to admit to the commission of any criminal offense, but they were pressured to disclose information about the committed criminal offenses. As a result, that part of the account of facts, more precisely the words “*to make them admit to the commission*” (of the criminal offenses) was also excluded. However, those modifications to the account of facts of the Indictment by no means disturbed the nexus between the Indictment and the Verdict.

112. As already stated, when presenting his defense, the accused Adil Ružnić did not deny that he was an operations officer at the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of R BiH at the relevant period - from mid-September 1995 until end January 1996 - nor did he deny that there was an armed conflict between the A RBiH to which he belonged and the VRS at the relevant period, that there was a detention center at the *Adil Bešić* barracks in Bihać, or as the Defense calls it – the “collection center” for prisoners of war, and that he interrogated a certain number of those prisoners of war. What the Defense denied was the fact that the accused Ružnić inhumanly treated those prisoners of war during the interrogations, that is, that he violated the provisions of Article 3 common to the Geneva Conventions while exercising his duties as the security officer of the 5th Corps of the Army of R BiH. However, the Panel ruled out his defense as ill-founded and concluded that the accused Adil Ružnić had committed the offenses described under this Section of the operative part of the Verdict, which satisfy the elements of inhuman treatment, as an element of the criminal offense of War Crimes against Prisoners of War in violation of Article 144 of the adopted CC of SFRY, committed as a co-perpetrator.

113. The Panel reached such a conclusion on the basis of the presented evidence, in particular the testimony of witnesses/aggrieved parties: Saša Runjić, Milovan Mastikosa, Neđo Krndija, Mile Radulović, Bogdan Lakić, Radenko Kovačević, Petar Stojanović, Simo Aničić, Zvezdan Kovjenić and Siniša Vujić, who were directly examined at the main trial, and from the testimony of witness Nikola Stojanović which was read out, since this witness had died. When presenting his defense, the Accused himself did not deny that, as a security officer, he had interrogated aggrieved parties Petar Stojanović, Mile Radulović,

Milovan Mastikosa, Neđo Krndija, Simo Aničić and Zvezdan Kovjenić, while he denied to have participated in the interrogation of the aggrieved parties Radenko Kovačević, Bogdan Lakić, Saša Runjić and Siniša Vujić. However, having evaluated the testimony of those witnesses/aggrieved parties, the Panel did not give credence to such defense, since the witnesses gave a very clear and convincing account of those interrogations, identifying the accused Ružnić as the person who questioned them, and confirmed the same pattern of interrogations described by other witnesses/aggrieved parties whose interrogation was not denied even by the accused Ružnić himself.

114. According to witness Radenko Kovačević, when he was captured on 30 September 1995 by members of the 501 AR BiH Brigade, he was a VRS military policeman. Four days after his capture, he was transferred to the 27. July³⁶ barracks in Bihać, where he stayed until the exchange. During his stay in the barracks, he was repeatedly interrogated, both verbally and in a written form. The written interrogations were carried out in the form of 32 military-related questions, as far the witness remembered, to which they had to answer, *inter alia* “to which unit we belonged, our names, where we were deployed, who destroyed the mosques, who destroyed Muslim graves ... and similar questions.”³⁷ During such interrogations, the accused Ružnić would only distribute sheets of paper to them, and he treated the witness fairly on those occasions. But, there were verbal interrogations as well. Some time in December, as the witness recalls, security officers from other units arrived and prisoners, including himself, were taken for questioning to Ružnić’s office. During the verbal interrogation, Emir Hrkić stood behind his back, a military policeman who the witness remembered as one of the guards who secured them. It was Ružnić who asked the questions, for instance “were there Muslims in Mrkonjić?”³⁸, to which the witness answered “yes”, then Ružnić “winked and the man slapped me with the open hand from behind”³⁹. Ružnić then asked “how many?”, and winked again, and Hrkić again slapped the witness with the open hand, fist behind the back. After the second blow, Ružnić told him to take the witness out and he did not experience any other problems afterwards. The witness described the security officer Ružnić as a blond, heavy-built man who was around 45 years of age *tempore criminis*. When he was asked in the courtroom to take a look at

³⁶ The Panel notes that some witnesses refer to the *Adil Bešić* barracks in which they were imprisoned as to the 27 July barracks, which was its pre-war name, but it is undeniably established that it was the same detention facility.

³⁷ Transcript of the main trial hearing of 21 April 2010, page 22.

³⁸ Ibid, page 28.

³⁹ Ibid, page 28.

the people present there and say if he saw that security officer there, the witness pointed at the accused Ružnić and said he thought it was him.

115. Witness Bogdan Lakić too described his stay and interrogation in the 27 July barracks, where he was brought after being captured as a VRS soldier by AR BiH members on 20 September 1995. While they were in the barracks, they were taken for interrogations every other day to the "Corps security officer", where they were subjected to both verbal and written questionings. During written interrogations, they were given a sheet of paper with already written around 50 questions to which they had to answer, but they were not subjected to any ill-treatment during those written interrogations. There was another form of interrogation – verbal one, to which the witness was taken very often, "maybe even every other day." The witness described the interrogator - security officer as a 172-173 cm tall man, not older than 40, chunky, rather short, blond and chubby, and, looking around in the courtroom, the witness said "*it could be the accused Ružnić.*" During those verbal interrogations, the interrogator asked the questions like "*where were you, what is your unit, tell me all about your movements, what weapons does your unit have and so on*"⁴⁰. According to the witness, although frequent, those interrogations did not last long, some 15 to 20 minutes each. However, prisoners were sometimes physically ill-treated during those verbal interrogations, but not always. The interrogations were conducted in the manner that the prisoner would stand and the security officer would sit opposite from him. There was another policeman in the interrogation room, it was the deputy camp warden, in the opinion of the witness. That policeman stood beside the witness and slapped him "*because he was an enemy soldier, a Serb, but it is possible that the slapping was caused by his answer ...*"⁴¹, because the witness noticed that the security officer had made certain gestures which preceded a slap. The witness described the gesture by saying that "*he (referring to the security officer) made a hand gesture to the policeman ... followed by a blow from behind the back. Because he was in command, he could issue orders. When I turned to the left, I received a slap that knocked me down...*"⁴², and the interrogation would continue after the slap. In the opinion of the witness, it was the security officer who knew "*just how many slaps I should get*"⁴³.

⁴⁰ Transcript from the main trial hearing of 29 September 2010, page 35.

⁴¹ Ibid.

⁴² Ibid, page 23.

⁴³ Ibid.

116. In his testimony, witness Saša Runjić gave a detailed account of his stay in the *Adil Bešić* barracks in Bihać, and of the method of interrogations he was subjected to during his detention in the barracks. As a VRS member, he was captured on 16 September 1995 in the Bihać war zone, and was the following day transferred to the *27 July* barracks. During his stay in the barracks, he was subjected to both verbal and written interrogations. While he was detained in the barracks, he was taken to the office of the security officer Ružnić for verbal interrogations on two occasions. The witness described the process of interrogation by saying that he sat on a chair with his hands back tied, while one soldier stood behind his back. When he did not know how to answer some questions, "*Ružnić would only touch his hair and it was a signal to the guard to hit me...*"⁴⁴ Upon receiving that signal, the guard would hit him using his "*fists, slapped me, he was behind my back ... until he signaled the guard to stop ... this happened every single time I did not know the answer to a question ...*"⁴⁵ According to the witness, the security officer made hand gestures some 15 times for beating and he also made hand gestures when he wanted the beating to stop. Second time when the witness was in contact with Ružnić, responding to a question asked by the security officer, he said that he was in the army in Zalužani, then they told him to draw the barracks. He described the security officer as a blond man with short hair, who was between 35-40 years of age and rather heavy-built. He recognized him in the courtroom as Adil Ružnić.

117. According to another witness, Siniša Vujić, the security officer Ružnić was the person who interrogated him and who, during the interrogation, gave a signal to a person who was behind the witness' back to hit him. This witness too was a VRS soldier, captured by the AR BiH on 22 September 1995 and was 12 days afterwards transferred to the *27 July* barracks. The security officer Ružnić interrogated him the first day in the presence of another person, as the witness stated "*there was a man with the moustache in the office ... I think it was the camp warden*". The witness did not know his name, but said that the man had hit him so hard in the ear during the interrogation that he fell off a chair and some blood came out of his ear. The witness noticed that the security officer made a hand gesture, and then the camp warden hit him, but he explained that he had not realized that it was a sign to hit him before he talked to other prisoners, who told him that they too had noticed some hand gestures, which were followed by blows. The witness recognized the

⁴⁴ Transcript from the main trial hearing of 3 February 2010, page 10.

⁴⁵ Ibid.

accused Ružnić in the courtroom as the security officer who had interrogated him on that occasion. Before that, he described Ružnić as a “*man of medium height with blond-brown hair*”.

118. The accused Ružnić denied that he had interrogated those four witnesses/aggrieved parties during their stay in the *Adil Bešić* barracks, but the Appellate Panel did not find his defense credible. All four witnesses gave a convincing account of their suffering during their stay in the *Adil Bešić* barracks, and their testimony provided an honest account of their experience, without any intention to incriminate the Accused for the offenses he had not committed. So, while the witnesses Vujić and Kovačević described the ill-treatment during verbal interrogations, when the Accused made gestures for beating, they were express in stating that the accused security officer Ružnić treated them properly on other occasions (for instance, when he distributed questionnaires for written questioning to them). According to witness Bogdan Lakić, while he was in the *Adil Bešić* barracks, he got two slaps in the face during verbal interrogation, at the accused Ružnić’s signal, but he had been beaten much more severely by some other persons prior to his arrival in the barracks. This Panel is satisfied that the accused Ružnić was the security officer who had interrogated the witnesses not only because they recognized him in the courtroom and some of them knew his last name, but also because these witnesses described the same pattern of interrogation which included dealing blows at the Accused’s signal, and because the six other witnesses gave the same account of interrogations. The fact is that even the accused Ružnić did not deny the interrogation of those six witnesses, but he denied giving any signals whatsoever.

119. Witness Milovan Mastikosa too described his stay in the *Adil Bešić* barracks in Bihać, to which he was transferred in October 1995, 21 days after his capture by AR BiH members. It follows from his testimony that he was repeatedly interrogated by Captain Ružnić during his stay in the barracks and the interrogations were conducted in a separate room in which guards were quartered. According to the witness, a guard would come to the room where he stayed with other prisoners and take him to Ružnić for interrogation. The witness was never alone with Ružnić in the interrogation room, the guard who brought him there would stay in the room and stand behind his back. The witness would sit on a chair, while Ružnić, who was asking questions, would sit behind the desk opposite from the witness. During the interrogation, he was hit once or twice from behind his back, then the witness proceeded by explaining that Ružnić “*asked me a question, but he was probably dissatisfied with my answer. He made a gesture as far as I remember, he*

scratched his head or something like that ... after that, I was hit ... by a baton in my back or punched. I do not believe that it was a coincidence."⁴⁶ According to the witness, during those interrogations, Ružnić attempted to extort information about other prisoners. While the witness described how he was beaten at Ružnić's signal, which could not be a coincidence in his opinion, the witness nevertheless stated that Ružnić *"yelled at the policeman, asking him why he hit me, why he did that"*⁴⁷.

120. When presenting his defense, the accused Adil Ružnić did not deny he had interrogated Milovan Mastikosa, whose interrogation was proved by the pertinent official note signed by the Accused, which was admitted in the case file⁴⁸. However, the Accused denied any ill-treatment of the aggrieved party during the interrogation.

121. It follows from the testimony of witness Neđo Krndija that he too was taken to the accused Ružnić for verbal interrogations during his stay in the *Adil Bešić* barracks. He described the procedure, how he was beaten by the policemen who were present there during the interrogations and hit him at the accused Ružnić's signal. The witness was interrogated on multiple occasions by Captain Ružnić, and he stated *"if I could not answer to some questions, I was slapped and beaten... by the policemen who were ordered to do so by that Captain Ružnić ... he gave them signals, in my opinion, those were signals to hit me ... he made hand gestures ..."*⁴⁹ and *"I was slapped from behind my back and hit in my back"*⁵⁰. The interrogations lasted for approximately one hour each, and they asked him "where he was, what he did, about his military service". The witness described the accused Ružnić as a person of medium height, who was around 40 years old and had a brown-blond hair. The witness recognized the accused Ružnić in the courtroom.

122. Witness Mile Radulović was captured on 10 October 1995, and seven days later he was transferred to the *Adil Bešić* barracks in Bihać, where he stayed with other captives. On several occasions, he was subjected to verbal interrogations by Hrkić, and several times by Ružnić. Out of 10 interrogations in total to which he was taken, Ružnić interrogated him 3-4 times and those questionings lasted for 10-15 minutes. When Ružnić interrogated him, he sat opposite from the witness and asked questions about killings,

⁴⁶ Transcript of the main trial hearing of 29 September 2009, page 80.

⁴⁷ Ibid.

⁴⁸ Defense Exhibit O-2-39d – Official Note of the Military Security Department No. 03/73-281 of 17 October 1995.

⁴⁹ Transcript of the main trial hearing of 26 August 2009, page 13.

⁵⁰ Ibid.

mass graves and so on, and he answered to the questions to which he knew the answers. However, if he failed to give an answer, Ružnić would give a signal, and Hrkić, who stood behind the witness' back during the interrogations, would hit him. The witness described it as follows: *"when he touched his hair with both hands, Hrkić would hit me from behind the back with his both hands in my ears, so that I had to fall down"*⁵¹. During each of those interrogations whenever the witness did not know the answer, Ružnić gave a signal and Hrkić or another policeman who was there, would hit him. The witness described Ružnić as a blond man, a little bit fat, and he recognized him in the courtroom.

123. Witness Petar Stojanović described how he was taken to interrogations, both verbal and written ones, while he was incarcerated in the *Adil Bešić* barracks in Bihać, and asked questions like "how many Muslims he killed, who killed who, who set on fire/destroyed the mosque and so on." The witness answered to the questions to which he knew the answers. He gave a detailed account of the verbal questioning procedure with the security officer, captain, which took place in the office - the witness had to sit on the chair, while the security officer was across the table, asking him questions. On several occasions during the interrogations, the witness and the security officer were alone, but on multiple instances a man who had "a damaged eye" was also present, and there were instances when a number of other persons were there as well. The witness explained how he had been beaten during those interrogations by the security officer: *"they agreed upon certain signals as to when and which of them would hit people in the back ... you should get ready, it still hurts, you did not know when and which of them would hit you ... some signals, signs, gestures and so on. Most probably those were prearranged signals for them to know whose turn it was to hit us."*⁵² The security officer was always present, but the witness never saw him criticize the people who beat him. He described the security officer as a blond man with short hair, he wore a service cap, was 35-40 years old, around 180cm tall, he saw him in the courtroom, but was afraid to identify him.

124. Witness Simo Aničić was captured and brought to the *27 July* barracks in Bihać in October, where he stayed until the exchange. He too described his multiple interrogations by the security officer. A guard would bring him to the office of the security officer, where the prison warden was also present. The warden would stand on his left side, the guard on

⁵¹ Transcript of the main trial hearing of 13 January 2010, p.10.

⁵² Transcript of the main trial hearing of 24 March 2010, p.13.

the right side and they would hit him whenever he was unable to answer the questions asked by the security officer. The witness described it as follows:

“When the security officer questioned me, he asked me things about which I had no idea. Whenever he ran his hand through his hair, I felt batons hitting me all over ... The prison warden who was on the left side hit me twice and ... once on the head and once in the back... I mean, when he used his left-side gestures showing him to beat me. When he wanted the other man to beat me, he scratched his head and the man on the other side beat me ... also with batons ... After that, the prison warden did not hit me in the back any more, but he told me to extend my arm. So, I extended my arm like this, then he hit me two-three times so hard that my arm went numb and I put it down on my knee. When I did that, he did not let me keep it on my knee, but he went on hitting my arm - nonstop, whenever the security officer gave him a sign, he beat me ... Than it stopped. As for the man on my right side, I wish to tell the court, honorable judges, I am grateful to the man who was on my right side. I thank him because whenever he took a swing, he never hit me, he just let down the baton ... But this warden, he hit me so hard that my arm was all black the day after.”⁵³

According to the witness, the questioning with the security officer lasted for some 15-20 minutes, and after the verbal interrogation the security officer gave him some questions that concerned mass graves. The witness described the security officer as a blond man, who had a round face and a receding hairline, he was 35-45 years old at that time. When the witness was asked to look around in the courtroom and see if the security officer was present there, he pointed at the accused Ružnić and said: “*This is that security officer*”⁵⁴.

125. Same as all other witnesses whose testimony is analyzed above, Zvezdan Kovjenić was also captured by the AR BiH as a VRS member and then brought to the detention center in the *Adil Bešić* barracks in Bihać. It follows from his testimony that he too was subjected to both verbal and written questioning by the captain, whose name he subsequently learned was Ružnić, and he recognized him as the accused Adil Ružnić in the courtroom. During the interrogations, the witness was asked questions like: *who destroyed the mosque in Banja Luka? how many Muslim women he raped? questions about the movement of units?*, but he could not answer to such questions, simply because he did not know. He was also subjected to multiple verbal interrogations that lasted for around 15 minutes each. On those occasions, in addition to the man who questioned him, whose name he later on found was Ružnić, there were some policemen there who stood behind his back. The witness was physically ill-treated during those questionings, specifically, at a signal given by the interrogator, which included “*scratching his head,*

⁵³ Transcript of the main trial hearing of 3 February 2010, p. 48.

⁵⁴ Ibid, p.54.

*behind his ear, chin, maybe nose too*⁵⁵, those policemen would start beating him, more precisely, they would *“hit him several times on his head”*⁵⁶. When asked about the signals he noticed, the witness explained that he talked with other prisoners afterwards (when they met in 1996 or 1997), and all of them mentioned those gestures, so that he concluded that they were actually signals for beating.

126. The testimony of witness Nikola Stojanović was read out at the main trial since the witness had died. His testimony shows the same pattern of verbal questioning the accused Ružnić applied during the examination. According to this witness too, two guards were standing behind his back during the questioning, he was standing, while the accused Ružnić was sitting and asking questions to which the witness answered. Should his answer be to Ružnić’s dissatisfaction, he would nod and one of the guards would punch him or hit him with a baton on the head and in the back.

127. It follows from the testimony of witnesses that they stayed in the detention center in the *Adil Bešić* barracks from mid-September 1995 at the earliest (the testimony of witness Nikola Stojanović shows that he was captured on 13 September 1995, and transferred to the barracks two days later) to almost end January 1996 (all witnesses–injured parties listed under this Count were exchanged on 27 January 1996), and all questionings described above took place during the foregoing period.

128. The Panel is satisfied that the testimony of these witnesses is honest, impartial, mutually consistent about the decisive facts and sufficient for a conclusion that the accused Ružnić, during the interrogation of those witnesses, made some gestures signaling the NN soldiers, or military policemen, guards or even the warden or the deputy warden of the collection center who were occasionally present, to hit the prisoners in order to obtain answers to the questions to which they did not answer. The witnesses could not response because very often they did not know answers to those questions, or the security officer Ružnić was not satisfied with their answers. In their closing argument, the Defense particularly emphasized that the witnesses-injured parties gave different descriptions of the signs used by the accused Ružnić, however, in the opinion of the Panel, this does not undermine the credibility of their testimony. The fact is that all 10 heard witnesses-injured parties, including the witness Nikola Stojanović, whose testimony was read out, when

⁵⁵ Transcript of the main trial hearing of 28 October 2009, p.38.

⁵⁶ Ibid., p. 11.

examined about these charges, described a pattern, consistent in its important elements, used by the security officer Ružnić in taking their statements. As opposed to the Defense arguments that the accused Ružnić was alone in the office while taking the statements from the captives, all witnesses-injured parties were consistent in stating that, in addition to the security officer, other soldiers were also present in the room, some witnesses could identify them by their names (for instance, military policeman Hrkić, whom the witnesses recognized ...) or by the function – military policemen, guards or deputy warden. More importantly, in deciding about the credibility of the testimony of these witnesses, the Panel gave special weight to the fact that all of them were unison in stating that the NN person or persons were there with one task only – to hit a prisoner at the Accused's signal. Notably, not a single witness deviated from this fact in his testimony, a decisive one in the opinion of the Panel, quite the opposite, they gave identical accounts of how those NN persons were positioned (behind the witness' back, facing the Accused who questioned them), and how they hit captives upon receiving a certain mimic signal. The witnesses described a variety of different strikes, from a "slap behind the back or in the face", to strong blows which would knock them off the chair or cause bleeding from the ear, even baton blows, but they were all unison in stating that such blows were preceded by a mimic signal, which was given when the witnesses-injured parties, in their opinion, failed to provide a satisfactory answer to the question asked.

129. The truth is that some witnesses-injured parties, when describing the security officer who interrogated them in the detention center, referred to him as to a person older than the accused Ružnić actually was in 1995. However, an assessment of someone's age depends on a number of things, in particular when it involves an officer who wears a uniform, a "captain", as is the case here, who was seen by all examined witnesses as a person superior "by virtue of his function" to other persons with whom they had contacts. The time span between the relevant incident and the day of their testimony has to be taken account, same as the fact that different people have different perceptions of certain characteristics, especially someone's age. To that end, some witnesses said that the Accused was over 30, others that he was between 35-40 years old, while witness Mile Radulović mentioned 50-55 years of age. According to the witnesses, the accused Ružnić was a security officer, he was blond, had a round face, medium height, many of them knew his family name, and even those who were not sure who the security officer who interrogated them actually was, described the identical pattern of questioning which all of the witnesses heard associated solely with the accused Ružnić, not with other persons

who interrogated them, and they also described his physical characteristics. In the opinion of the Panel, all this leaves no doubt that it was none other than the accused Ružnić who interrogated them on such occasions and, putting pressure on them to give answers to the questions about the committed criminal offenses, gave signals to NN soldiers to hit them.

130. In his closing argument, Defense Counsel stressed that out of the 43 witnesses–injured parties who were examined by the Prosecution, only 11 of them incriminated the Accused, thereby implying that those witnesses gave false testimony. However, in the opinion of this Panel, the fact that the Accused did not inhumanely treat all imprisoned people, but only some of them, by no means excludes his culpability for the acts which satisfy the elements of the criminal offense. The Panel is satisfied that his culpability is proved beyond doubt in respect of those 11 individuals whose names are listed in this Section of the Enacting Clause of the Verdict. The testimony of witness O-2, who was also imprisoned at the *Adil Bešić* barracks, but did not have any bad experiences with the Accused, does not cast doubt on the credibility of other witnesses' testimony, whose account of the interrogations with the accused Ružnić was identical in the important parts. The Panel holds that the manner of interrogation satisfies the elements of inhumane treatment. Similarly, the testimony of witness Milenko Karakaš, to which the Defense also referred in the closing argument, in the opinion of this Panel, does not undermine the reliability of witness Nikola Stojanović's testimony that was read out. It follows from the testimony of witness Stojanović that witness Karakaš did not complain to him that he had been beaten up, or confessed anything like that to him, nor did Karakaš see any consequences of beating on the witness. However, this does not mean that the witness did not experience what he had described in his testimony, that is, the manner of interrogation by the security officer Ružnić and the beating he had suffered there. His testimony was found reliable precisely because it was consistent with the testimony of other witnesses–injured parties.

131. The Panel examined the evidence tendered by the Defense for the Accused Ružnić in the proceeding before the Appellate Panel,⁵⁷ individually and in correlation with other evidence. The Defense repeatedly emphasized during the proceeding that the witnesses–injured parties had given statements to security officers of the 5th Corps, including the accused Ružnić (some of those statements were admitted in the case file as defense

exhibits), and they had told the truth, disclosed the perpetrators of the criminal offenses within the VRS, revealed mass graves sites and so on. As a result of their statements, numerous crimes have been uncovered and their perpetrators prosecuted or the proceedings are ongoing, which is proved by confirmed indictments and/or judgments issued by competent prosecutor's offices and courts. Such evidence was used by the Defense for the accused Ružnić in their effort to persuade this Panel that the witnesses were motivated to give false testimony and incriminate the accused Ružnić, and that the statements that contained truthful information on the committed crimes were given under duress. This Panel does not dispute, in particular after evaluating the testimony of defense witnesses⁵⁸, that the information obtained from the statements of prisoners of war which were taken by security officers of the 5th Corps, including the accused Ružnić, mostly about the killings and mass graves sites, were used and provided important information about the crimes committed by the opposite party to the conflict. Such information was very often vital for uncovering those crimes, and it could even be used as the basis for prosecuting their perpetrators. As it follows from the attached Exhibits A-O-II-1- through A-O-II-8b, perpetrators of crimes were undoubtedly prosecuted in some instances. All of this, as opposed to the contrary allegations of the Defense, does not cast doubt on the credibility of the witnesses' testimony.

132. In the opinion of this Panel, the acts of the accused Ružnić, whose account of facts is outlined in this Section of the Enacting Clause of the Verdict, amount to inhumane treatment; however, they do not satisfy the standard of torture, as it was argued in the Indictment on top of inhumane treatment. In reaching their conclusion, the Panel has taken into account all the above stated elements relating to the definition of inhumane treatment. The acts of perpetration of the accused Ružnić, giving mimic signals to the soldiers to hit the injured parties, were obviously aimed at pressuring the prisoners of war during the examination to disclose information on the committed criminal offenses. The Panel arrived at such a conclusion upon evaluating all the circumstances surrounding the examinations of the prisoners of war by the Accused, such as: prisoners of war were often taken out of the rooms in which they were kept and escorted by guards to multiple interrogations by the Accused, and, on such occasions, as it follows from their consistent testimony, they were beaten at his signal, being already aware of beatings that other prisoners had also

⁵⁷ Judgments and confirmed Indictments of competent Prosecutor's Offices tendered as evidence by the Defense for the accused Ružnić (A-O-II-1 to A-O-II-8b).

suffered during such interrogations. Such a conduct undoubtedly amounts to a serious attack upon human dignity of the prisoners of war. Witness Zvezdan Kovjenić gave a particularly indicative account of the situation the prisoners of war had faced „...*the situation itself, where are we ... what will happen next, I don't know how to explain it .. Here today, gone tomorrow ...*“, so did witness Bogdan Lakić „... *whether we will survive or not, and so on*“. Their statements describe the situation and show the extent of degradation, humiliation and hopelessness of the witnesses. All this was accompanied by physical ill-treatment: „... *he hit me with his both hands in my ears, so that I had to fall down ... of course, it hurt*“ (Mile Radulović), „...*I received a slap that knocked me down*“ (Bogdan Lakić), „... *he hit me so hard that my arm was all black the day after*“ (Simo Aničić), „... *they hit me so hard that I fell off a chair and later on I saw some blood came out of my ear*“ (Siniša Vujić), „*they hit me so hard that my both arms were swollen like a leavened bread*“ (Petar Stojanović). This leads to a firm conclusion that the acts of the Accused, perpetrated together with other unidentified persons who participated in the interrogations and beat the injured parties, amount to a serious attack on human dignity, as an element of inhumane treatment, notwithstanding the overall context of the events and regardless of the fact that those acts did not result in grave and lasting consequences with the victims, or at least the Prosecution failed not only to prove so, but even to describe it in the Indictment. The injured parties, who were imprisoned by the opposite party to the conflict and, as such, enjoyed protection under Article 3 common to the Geneva Conventions, which was not granted to them, were subjected to multiple interrogations, when they were asked questions to which they could not answer, and at the same time they were pressured by threats and physical beating. In the opinion of this Panel, such acts, regardless of the intensity of beating and the potential consequences thereof, in particular having in mind the circumstances surrounding those events, were aimed at additional humiliation and degradation of people, therefore, they amount to a serious attack on human dignity of the injured parties, which, as such, satisfies the elements of inhumane treatment as War Crimes against Prisoners of War.

133. As it follows from the testimony of examined witnesses, the accused Ružnić did not personally hit any of the prisoners of war; however, the described pattern of behavior shows that he gave signals to unidentified persons to hit the prisoners of war – injured parties, and in so doing exerted prohibited pressure on them in order to disclose

⁵⁸ Witness examination record for Ljubomir Samardžija of 6 July 2011, Esad Bajramović of 25 May 2011.

information about the perpetrated criminal offenses. This Panel is satisfied that his acts amount to participation in the commission of the criminal offense together with those unidentified persons, that he was a co-perpetrator, aware of the offense and wanting its perpetration; thus, he acted with direct intent. This conclusion is in particular supported by the fact that the accused Ružnić, as a security officer, had to be aware of the rules for the treatment of prisoners of war, including the Geneva Conventions, which prohibit any form of inhumane treatment, including violations of both bodily integrity and human dignity. In the opinion of this Panel, it has been proven beyond any reasonable doubt that the Accused acted in violation of the above stated provisions.

C. SECTION I.2 OF THE OPERATIVE PART OF THE CONVICTING PART OF THE VERDICT
(COUNT III OF THE AMENDED INDICTMENT)

134. Under Section I.2 of the Operative Part of the Verdict, the accused Emir Mustafić was found guilty in as much as he, from September 1995 to 22 December 1995, as a military policeman, exercising his duty in the collection center at the *Adil Bešić* barracks in Bihać, committed the criminal acts described in detail in this Section, specifically that he, while interrogating the prisoners of war under the beforehand prepared questionnaire, monitoring its filling out, put the prisoners under psychological pressure so as to disclose information about the criminal acts, and ill-treated prisoners of war Sreto Sušić, Dragan Bosančić, Drago Đukić, Veljko Radić and Milovan Bjelić in the manner described in the Operative Part of the Verdict.

135. Based on the presented evidence, the Appellate Panel is satisfied beyond doubt that the Accused ill-treated the prisoners Sreto Sušić, Dragan Bosančić, Drago Đukić, Veljko Radić and Milovan Bjelić. On the other hand, the Panel does not find proved the prosecution allegations that the accused Mustafić engaged in acts of inhumane treatment or torture, as charged under the Indictment in relation to the prisoners Mile Zec, Milovan Mastikosa and Predrag Veriš, so that their names are excluded from the account of facts of the Indictment. In the opinion of the Panel, it does not follow from the presented evidence that the accused Mustafić gave instructions to anyone to ill-treat the injured party Mile Zec, although the evidence shows that the prisoner was beaten up for three consecutive nights. In addition, the testimony of witness Milovan Mastikosa does not show that it was the accused Mustafić who ill-treated him, while the Indictment provides no specific account as to the manner the Accused allegedly either psychologically or

physically ill-treated this injured party. Finally, as for the incriminations charged against the Accused in respect of the injured party Predrag Veriš, who, according to many witnesses, was beaten up during his stay in the detention center in the *Adil Bešić* barracks, but none of them stated that the Accused had forced him to “run while he was performing labor, standing beside the victim with his rifle in his hands.” The victim himself could not be examined even during the investigation since he got killed in a car accident. Such allegation follows exclusively from the statement given by witness Sušić to the Doboj PSC in 2005. However, since that particular incrimination against the accused Mustafić is not corroborated by any other piece of evidence, the Panel dismissed it as unproven and excluded that part too from the account of facts from the Operative Part of the Verdict. In so doing, the Panel did not call in question the existence of the criminal offense, since the acts of the accused Mustafić and his other proven actions satisfy the essential elements of the criminal offense of War Crimes against Prisoners of War, committed by inhumane treatment of prisoners, whose number was smaller than the one charged under the prosecution Indictment. Thus, the Panel concluded that the Accused could not be acquitted of the referenced acts. The smaller number of victims than the one charged under the Indictment may have a bearing on a decision on the criminal sentence, and the Panel definitely took into account this fact when meting out the sentence. Other interventions into the account of facts under this Section of the Verdict, in relation to the relevant Count of the Indictment, were made in order to harmonize the account of facts with the contents of evidence presented at the main trial. However, by such interventions, this Panel did not call in question the identity of either the Indictment or the Verdict, nor were those interventions detrimental to the accused Mustafić.

136. When presenting his defense, the accused Emir Mustafić did not deny that he was a military policeman *tempore criminis*, but he denied that he had exercised his duty as a guard in the collection center at the *Adil Bešić* barracks, where the prisoners of war had been detained, including the injured parties Sreto Sušić, Dragan Bosančić, Drago Đukić, Veljko Radić and Milovan Bijelić, in particular that he had perpetrated the offenses charged against him in relation to those prisoners of war.

137. Presenting his defense as a witness, the accused Mustafić confronted the prosecution allegations by stating that he had not served the compulsory military service due to his disability (visual impairment resulting from an accident in his childhood), which was precisely why he was not mobilized. The Defense presented other evidence in support of this circumstance. According to the Accused, contrary to the prosecution

allegations, he had received the call-up papers in end June 1995 due to the general situation in Bihać, more precisely, because “*the Canton was about to fall and the situation was extremely difficult*”.⁵⁹ On 2 July 1995, he responded to the call-up, went to the recruiting center and was assigned as a military files clerk. However, after a month or so, he was given a rifle and sent to the war zone, where he stayed for a rather short period of time, only a day and a half, which is when he was told to report to Jasmin Felić, and was reassigned to the duty of a military files clerk, so called “ćato”. The Witness proceeded by explaining that, in early September, he was transferred to the anti-terrorist company⁶⁰ of the Military Police Battalion, and then, in mid-September, he was assigned to the *Adil Bešić* barracks in Bihać to assist the warden and deputy warden in administrative work. Although being accused, when testifying as a witness Mustafić did not deny that he had been assigned to the Adil Bešić barracks in Bihać as a military policeman, but he denied that he had exercised the duty of a guard, or that he had anything to do with the prisoners of war, or with the guards who were in charge of prisoners of war. According to him, when he came to the *Adil Bešić* barracks, he was first assigned to the reception of the barracks, where he kept the Entry/Exit Log Book during the day, because of his vision impairment, but he actually did the work of a military files clerk, so-called “ćato”. It further follows from his testimony that during his stay in the collection center, “Spase” (Ibrahim Ibrahimpašić) was the newly appointed warden, his deputy was Ismet Hrkić, and they were in charge of the collection center, while his superior was Jasmin Felić. The witness does not deny that he typed some papers for “Spase”, while he was assigned as a “ćato”. So, he happened to be in the office on one occasion, when Ružnić came to question prisoners of war, and Spaso, in front of him, took out of the safe the statements given by witnesses and gave them to Ružnić. He and Spaso then had to leave the office, and when they returned, Ružnić was not there anymore.

138. The testimony of the accused Mustafić in which he stated that he had been assigned as a military files clerk (so-called “ćato”) in the collection center was confirmed by some other defense witnesses, including: Jasmin Felić, Ismet Hrkić, Emin Đug, Suvad Čehajić, Senad Alijagić and Mirza Sadiković. Nevertheless, in the opinion of this Panel, such testimony of theirs did not cast doubt on the consistent testimony of several witnesses-

⁵⁹ Record of the main trial hearing of 7 November 2011, testimony of the accused Mustafić as witness.

⁶⁰ This fact is supported by witness Jasmin Felić in his testimony (Record of the main trial hearing of 14 November 2011), and by Exhibit O-3-8 (List, numerical strength of the 2nd Company as at 18 September 1995, which includes the name of the Accused).

injured parties, who identified precisely the accused Mustafić as the military policeman-guard in the prison who subjected them to the acts explained in Section 1.2 of the Operative Part of the Verdict. This Panel has no dilemma that the accused Mustafić was indeed assigned as a military files clerk, as those defense witnesses stated, and that he was sent to the collection center where the prisoners of war were held to assist the warden and deputy warden in administrative work. Finally, witness-injured party Sreto Sušić, who directly identified him as the perpetrator of the relevant offenses, confirmed in his testimony that “Emir Mustafić was a military files clerk”, but he was at the same time “the cruelest of them all”. According to witnesses Milenko Golić, Arif Vuković, and witness O-2, who were imprisoned *tempore criminis*, confirmed that Mustafić was a military files clerk (“čato”). However, in the opinion of this Panel, this fact does not exclude the possibility that the Accused, in addition to the administrative work he did for the warden and deputy warden, monitored the filling out of the questionnaires by prisoners of war, at the same time putting them under pressure to disclose information about the criminal acts as described in this Section of the Operative Part of the Verdict. The Panel is satisfied that this fact has been undeniably proven by the consistent testimony of the witnesses-injured parties, and corroborated by other presented evidence.

139. This Panel holds that numerous witnesses who were imprisoned in the detention center at the *Adil Bešić* barracks as prisoners of war firmly identified the accused Emir Mustafić as the guard present during the written examination they had been subjected to, he had monitored the examination and beaten them in the process, in order to pressure them to give answers to the questions from the questionnaire and disclose information about the committed criminal offenses, which, in the opinion of this Panel, amounts to inhumane treatment.

140. It follows from the testimony of witness Sreto Sušić that he was captured as a member of the Special Unit Brigade of the Republika Srpska Police in May 1995, and about 5 (five) months later he and his colleague Predrag Veriš were transferred to the *Adil Bešić* barracks in Bihać, where he was subjected to both verbal and written interrogation by the Police that guarded them. Describing the verbal interrogations, the witness said that they had received questions from the policemen who had guarded them, and ill-treated them on those occasions, but he did not remember their names. Still, at the main trial, the witness described the policeman who physically ill-treated him as a “*dark man with a*

*moustache, who was approximately of his age.*⁶¹ When he was asked in the courtroom to identify the man, he pointed at the accused Emir Mustafić, and said: *“I think I recognize if I am right, I think that it is the man farther down, in the third row, sitting by the wall, if I am not mistaken, I am not sure.”*⁶² In addition, the witness confirmed the truthfulness of his statement given during the investigation⁶³, which contained a much more detailed account of the events, which, in the opinion of this Panel, can be explained by the fact that it was given not so long after the relevant incident. The witness said that he had been taken for questioning and forced to sign a statement of 10 sheets, on which occasion he had been *„savagely beaten all over his body ... mostly with a police baton“* by a guard whom he on that occasion identified by his full name as Emir Mustafić. This Panel is satisfied beyond doubt that it was none other than the Accused, *inter alia* because the witness said that Emir Mustafić, *„was in charge ... and the cruelest of all“*, he was a military files clerk, and had worked as a salesman in the *Beograd* Department Store in Bihać.⁶⁴ He described the Accused as a *„short, thin man, with dark hair and dark complexion, he had a moustache and a visibly damaged eye“*. According to the witness, he and the other captives were taken for those written examinations and had to write statements of approximately 10 pages, but if Emir was not satisfied with their answers, he would start *„... to beat them mercilessly, mostly with a police baton.“*

141. In the opinion of this Panel, the veracity of witness Sušić's statement is confirmed by the testimony of witnesses Petar Stojanović and Zvezdan Kovjenić. These two witnesses were imprisoned together with Sreto Sušić in the *Adil Bešić* barracks, and although they were not directly ill-treated by the Accused during their written examination, they described what the aggrieved party Sušić and some other people had suffered. Witness Petar Stojanović explained what he had seen in the corridor (it follows from the statements of many heard witnesses that they wrote statements precisely in the corridor), *“he went from one person to another, randomly, how many times, who, ... Milovan Bjelić, who sat on my left-hand side, I saw him beating Milovan'. I sat there too, very close '.. Sušić was also there, he had bad luck ... He was most severely beaten by a gentleman with a damaged eye.”*⁶⁵ Witness Kovjenić heard from Sreto Sušić (and Predrag Veriš) that it was Emir who

⁶¹ Audio record of the main trial hearing of 15 December 2010.

⁶² Ibid, time - 26:15.

⁶³ Witness statement of Sreto Sušić, given in the Mol, Doboj PSC, no. 11-02/2-230-520/04 of 30 May 2005.

⁶⁴ In his testimony given as witness at the main trial (7 November 2011), the accused Mustafić stated that, before the war, he had worked in the Department Store in Bihać, at the Music Section.

⁶⁵ Transcript of the main trial hearing of 24 March 2010, page 15.

had beaten them; he explained that the person in question was a prison guard, was “rather short and had ‘unpaired’ eyes”, and the witness recognized him as the accused Emir Mustafić, saying “it could be him, only he has such eyes.”

142. Witness Dragan Bosančić was also captured as a VRS member by the AR BiH in October 1995, and was shortly afterwards transferred to the *Adil Bešić* barracks. He gave a very similar account of the questioning to which he was subjected. The witness was taken to written examinations, and had to answer to the questions like “*who destroyed the mosques, camps and so on?*” During those examinations, a guard stood in front of the witness, stood in front of him, he would take a short walk from time to time, have a cigarette and then come back, he would check what the witness had written down, and then, as the witness said, “he would yell: go on, write.” The guard hit the witness two times in the head because he did not know the answers to the questions written on the paper. He described it as follows:

“Let me explain it to you. The question was, well ... who was in a camp, at Manjača, I wrote down that I did not know. He hit me because I did not know ... then ... who destroyed the mosques, I wrote Karadžić, then he hit me for the second time. That’s it ... with a baton, in my head ...”⁶⁶

According to witness Bosančić, the name of the guard who monitored the questioning in the described manner and hit the witness to pressure him to give answers to the questions, to which the witness did not know the answers, was Emir. He did not know his last name, but his description of the guard corresponded to the physical appearance of the accused Mustafić. The witness described the guard as a man “*who was 25-30 years old, 1,70 - 1,80 tall, with brown-black hair, in uniform*”, he explained that he remembered him well “*because his one eye was off, like white*.”⁶⁷ and identified the accused Mustafić in the courtroom as that guard. Speaking about his condition when he was captured and transferred to the *Adil Bešić* barracks, he said that it was “pretty bad” because he was wounded.

143. Witness Drago Đukić too described the questioning to which he was taken during his stay in the *Adil Bešić* barracks in Bihać. He was questioned by Emir, who was in charge of him, asking him the questions that should be asked. The witness was not so good at writing, so he talked, and Emir wrote down the answers. Same as witnesses Sušić and

⁶⁶ Transcript of the main trial hearing of 4 November 2009, page 81.

⁶⁷ Ibid, page 77.

Bosančić, this witness too was physically ill-treated by Emir during the questioning. The majority of questions were about the Serb army, where and what kind of camps they had, but as the witness did not know anything about that, he was unable to answer such questions, and, as a result, he was beaten. The witness said:

„... it was impossible to avoid beating there, usually with a white baton, but he had a black one as well. Emir beat him... he had a baton, and whenever I ... well ... I did not know what I should say ... whenever I said ... for example that I was in the Serb Army, he would hit me with the baton .. here .. in my back“⁶⁸

The witness proceeded by stating that Emir had taken him out of the room to slap prisoner Sušić, while he examined him. On that occasion, he gave him a baton to hit Sušić, and the witness “*kind of hit him in the back with the baton two to three times*”, but Emir found that it was not hard enough, so he took the baton, “*hit the witness Đukić five or six times and sent him back to the cell.*” Same as other witnesses, whose testimony was analyzed above, this witness too described the guard Emir, who questioned him in the above stated manner, as a dark man of medium height, pointing out one feature of Emir’s – “*his one eye was white*”.

144. In his testimony, witness Veljko Radić also described written questioning in the corridor of the *Adil Bešić* barracks, to which he had been taken with another prisoner during his stay in that collection centre after his capture. They were questioned in the presence of one guard, whom the witness described as “*a crooked man, as we say ... the man was maybe ... I said there 175 tall, he had black hair... He was a dark man, I am not sure about his age ... maybe 30 or 40 as far as I know*”⁶⁹, they had to write answers to already written questions, and the guard, whose name he knew was Emir, would take his statement and say:

„...it’s not like this, then he would take a baton and hit me in the back, after that, he would take off my coat, those prison coats something like that, then he beat me severely on my back. He told me: you must write down as I tell you.“⁷⁰

The witness identified the accused Emir Mustafić in the courtroom as the guard he was talking about.

⁶⁸ Transcript of the main trial hearing of 13 January 2010, pages 45-46.

⁶⁹ Transcript of the main trial hearing of 1 September 2010, page 45.

⁷⁰ Transcript of the main trial hearing of 1 September 2010, page 45.

145. Witness Milovan Bijelić, who this Panel found had a prisoner-of-war status, described his stay at the *Adil Bešić* barracks *tempore criminis*, and the questionings and ill-treatment he had been subjected to at that time. Same as other witnesses, witness Bijelić stated that they had filled in the questionnaire with already written questions, and *“if you failed to write down the answers, you were hit by a baton in your back and so on.”* The witness had undergone a neck surgery and he was beaten precisely on that part of his body, so that he suffered severe pain. The witness said: *“This is where I had the surgery, it had just healed, but he hit me with a baton and the node got bigger, I felt a constant pulsating pain, my ears kept ringing, buzzing, my whole head was sizzling, I couldn’t sleep at all”*⁷¹. The witness described the person who had beaten him during the questioning, he said that *“Emir Mustafić was in charge in the prison”*, a chunky man, wobbled slightly, his pupil in the right eye was dried, and blackish hair, he thinks. The witness explained that Emir had pressured him to write by saying: *“Write! If I did not write and answer properly, I wrote down the answers in those questionnaires, but in vain, he beat me all over, in my leg, thigh, my back, everywhere, I had to write and that’s it.”*⁷²

146. Notwithstanding that the Panel has not found proved the charges against the accused Mustafić in respect of the witnesses-injured parties Mile Zec (“on his instructions, the guards beat him with batons on his arms, legs, and back for three consecutive nights”), and Milovan Mastikosa (“physically and psychologically ill-treated”), the Panel nevertheless assessed their testimony as well. The Panel is satisfied that it also follows from their testimony that the accused Mustafić, as a military policeman, was assigned as guard in the collection center for prisoners of war, which fact was disputed by the Defense, and that he supervised the filling in of the questionnaires during the written questioning of the prisoners of war. Witness Mile Zec said that he had been beaten for three consecutive nights by five men, but the Panel did not find proven that the accused Mustafić had given the instructions to the guards to beat up the injured party, as alleged in the Indictment. On the other hand, the testimony of this witness undeniably shows that he too remembered the military policeman, the guard, whose “one eye was injured, damaged, not normal”. Also, in his testimony, witness Milovan Mastikosa described how the food was distributed, and he mentioned “the accused Emir”. The fact that the accused Mustafić was assigned as guard in the collection centre follows from the testimony of some other witnesses as well,

⁷¹ Transcript of the main trial hearing of 23 September 2009, page 11.

⁷² Ibid, page 13.

such as Mile Radulović, who mentioned the guard Emir as being present during the questioning. He remembered him, among other things, by a damaged eye, and identified him in the courtroom. Ljubo Bojić spoke about the beating of Sreto Sušić and Predrag Veriš in the corridor, he saw *the military policeman Emir, who had a faulty eye, when he had come to the door of the cell to call one of the men. Later on, he heard from Sušić and Veriš that it was Emir who had beaten them most.* Witness Blaž Štrkić has heard from Predrag Veriš that the guard Emir, whom he identified in the courtroom, had beaten them most, while the guard Emin Đug only pretended to beat him, but had not actually hit him. In his testimony, witness Blaž Štrkić gave a detailed description of the guard Emir: *“He had a moustache, black hair, not too long, neither short nor long, drooping black moustache, I think he had a problem with one eye, but I do not remember which one, left or right”*.⁷³ Witness Darko Petrušić remembered Emir by his *“somehow strange eye”*, he was a guard-military policeman in the detention center, and the witness identified the accused Mustafić in the courtroom as the guard in question. Finally, defense witness O-2, although he spoke affirmatively about the guard with a damaged eye, mentioned such a guard and said that he had treated him fairly, thereby corroborating the fact, disputed by the Defense, that the accused Mustafić had exercised the duty of a guard in the detention center.

147. Based on the consistent testimony of the heard witnesses, who were in agreement in important parts, this Panel is satisfied it has been undeniably proved that the accused Emir Mustafić, as a military policeman, in addition to his administrative work he performed for the warden and the deputy warden, was *tempore criminis* also a guard at the collection center, and perpetrated the offenses of which he was found guilty. The distinctive appearance of the Accused, which, as he himself stated in his testimony, has not changed at all (long hair, moustache), and the physical impediment which distinguished him from other people (damaged eye), were precisely the features described identically by a number of witnesses, by which they were able to identify him. Some of the witnesses examined at the main trial recognized the Accused in the courtroom on the basis of those characteristics. This Panel has found such identification of the Accused as the guard who physically ill-treated the injured parties Sreto Sušić, Dragan Bosančić, Drago Đukić, Veljko Radić and Milovan Bijelić, to be entirely reliable and credible.

⁷³ Transcript of the main trial hearing of 24 February 2010, page 38.

148. In reaching the conclusion about this decisive fact, the Panel has also examined two allegations of the Defense: (1) the mistaken identity, that is, there was another guard in the detention center whose name was Emir or Emin, and who was the real perpetrator of the offenses charged against the Accused, and (2) the witness-injured party Sreto Sušić, in his statement given to the Doboj PSC on 30 May 2005, whose lawfulness is disputed by the Defense, blamed the accused Mustafić for ill-treatment he had suffered during his stay in the Adil Bešić barracks in Bihać. According to the Defense, his distinctive eye made the Accused the easiest person to accuse, since his physical impediment made him the easiest person to recognize. All other statements incriminating the Accused resulted from the statement of witness Sušić. However, the Panel found such Defense allegations to be ill-founded because they were not supported by any other presented evidence.

149. According to the Defense, the Accused was a victim of the allegedly mistaken identity, who was confused for the other guard in the detention center whose name was Emir or Emin. However, the Panel dismissed such Defense arguments as unproven precisely because the witnesses, as follows from their earlier analyzed consistent testimony, identified the Accused not only by his name, or even by his full name, but furthermore described him, and in so doing identified him by his characteristic physical appearance, including his physical impediment. Also, the Panel finds unproven the allegation that the accused Mustafić ended up as a suspect/accused of a war crime merely because his physical impediment made him easily identifiable, and, as such, he was best suited to be labelled as the person culpable of the incidents in the collection center, which all started with the statement of witness Sušić given during the investigation. Such a defense arguments could be considered as probable and potentially well-founded had the witnesses given previously agreed testimony regarding the identification of the accused Mustafić. However, each of the examined witnesses explained his/her own reasons as to why the face of the guard who had ill-treated them, or who they knew had beaten others, or remembered him as one of the guards, was etched in their memory. All of them, without any exception, mentioned some eye impairment, but every witness described such feature of the Accused in his own way, which this Panel holds is exactly what makes the testimony of those witnesses reliable, and makes ill-founded the arguments forwarded by the accused Mustafić's Defense that all other witness testimonies practically ensue from the statement given by witness Sušić, who falsely incriminated the Accused. So, witness Bosančić refers to him as "*a person with a strange eye*", witness Đukić remembers the person who beat him up by his "*faulty eye*", witness Veljko Radić, describes his torture and

mentioned “*one man with a damaged eye*”, witness Bijelić says that policeman Emir who beat him had “*a dried pupil in the eye*”, witness Petar Stojanović describes the accused Mustafić as a “*gentleman with a damaged eye*”, witness Kovjenić says that he had “*unpaired eyes*”, while witness Bojić says that “*there was something about him, he was wounded in the eye, or something like that.*”

150. The Defense argues that witness Sušić falsely charged the accused Mustafić, and that he chose him “as the culprit” because he was the easiest person for identification. The Panel dismisses such allegations as unfounded because the decisive facts contained in the testimony of witness Sušić, who described how Mustafić had beaten up him during the written examination, was corroborated by the testimony of other witnesses. It follows from the above analyzed testimony of several witnesses that Sreto Sušić and Predrag Veriš were beaten most of all. Some of them have heard already during their captivity that it was the Accused who had beaten them, or the guard with a damaged eye, as they described him. Witness Ljubo Bojić has also heard from Sušić and Veriš that it was the accused Mustafić who had beaten them, and he saw the Accused when he came to the door of the cell to take one of those two men outside.

151. Finally, the Panel dismisses as unsubstantiated the defense’s allegation expressed in their closing argument that Sreto Sušić’s statement given on the premises of the Doboj PSC on 30 May 2005 was unlawful evidence, for the statement had been given before the investigation in the case of Emir Mustafić and others was even opened. The point is that precisely that statement, admitted in the case file as prosecution evidence, contains the facts relevant to the incidents charged against the Accused, and it was obviously one of the pieces of evidence based on which the investigation in this case was opened in the first place. On top of that, witness Sušić was examined at the main trial, both directly and in cross-examination, the statement was presented to him, and the Defense had the opportunity to cross-examine the witness and dispute the contents of the statement.

152. Therefore, in view of the above stated, the Panel holds that it has been undeniably proved that the accused Emir Mustafić had perpetrated the offenses of which he was found guilty, and that those offenses satisfy the elements of the criminal offense of War Crimes against Prisoners of War. Having examined the entire body of the presented evidence, both individually and in correlation, the Panel has concluded that, contrary to the Defense allegations, the Accused did exercise the duty of the guard in the detention center in the *Adil Bešić* barracks in Bihać *tempore criminis*, he did monitor the written

interrogation of the prisoners of war under the beforehand prepared questionnaire, more precisely, their filling out, and he did pressure the prisoners to disclose information about the criminal acts by beating them, in the manner as described in the Operative Part of the Verdict; therefore, the acts of the Accused, in view of all the circumstances surrounding those interrogations, amount to inhumane treatment. Although the presented evidence does not show that the acts of the accused Mustafić resulted in lasting and permanent consequences, they nevertheless undoubtedly caused both physical pain and suffering to the aggrieved parties at the time of their commission, and they were intended to humiliate and degrade them. As such, they amounted to an attack on their human dignity. This follows from all the circumstances surrounding the commission of those acts, in particular from the testimony of witness Drago Đukić. According to this witness, the Accused even told him to beat another prisoner with a baton, and then, when he concluded that Đukić did not hit the prisoner hard enough, the Accused beat him. It stems from the testimony of witnesses that the Accused used his position to expose the aggrieved parties to suffering and humiliation, he was aware of his acts and the consequences thereof, and wanted their occurrence. Based on this, this Panel concludes that the acts, which satisfy the elements of inhumane treatment as the war crime against prisoners of war, were perpetrated by the Accused with direct intent.

D. DECISION ON SENTENCE

153. When meting out the sentence for the accused Adil Ružnić and Emir Mustafić for the criminal offenses of which they were found guilty under this Verdict, the Panel has primarily taken into account the purpose of punishment set forth in Article 33 of the adopted CC of SFRY, which foresees both special deterrence - preventing the offender from committing criminal acts and his rehabilitation, and general deterrence - rehabilitative influence on others not to commit criminal acts. The so defined purpose of punishment requires imposing an adequate sentence that is indispensable and commensurate with the aims and circumstances that have already been taken into account with respect to the criminal offense itself and the impact on the community, but at the same time aimed at preventing the commission of new criminal acts and rehabilitation of the offender.

154. Notwithstanding that the legislator prescribes the range of sanctions for each individual criminal offense and bounds the court to stay within the given range, and prescribes the obligation of the court to take into account the purpose of punishment when meting out the sentence, there is another obligation of the panel – to respect the general

principles in fixing punishment set forth in Article 41(1) of the adopted CC of SFRY, taking into account all the circumstances bearing on the magnitude of punishment. The most important circumstances in fixing punishment, which are aimed at preventing the commission of new criminal acts and rehabilitation of the offender, *inter alia* include: the degree of criminal responsibility, the conduct of the offender prior to the commission of the criminal acts, or immediately before their commission, or at the time of their commission, his conduct after the commission of the criminal act, the motives from which the act was committed, and the personality of the offender. The court shall fix the punishment within the limits provided by statute for such an act, taking into account all the circumstances bearing on the magnitude of punishment (extenuating and aggravating circumstances),

155. Also, Article 42 of the adopted CC of SFRY provides that the court may set the punishment below the limit prescribed by statute, or impose a milder type of punishment; when provided by statute that the offender's punishment may be reduced; or when it finds that such extenuating circumstances exist which indicate that the aims of punishment can be attained by a lesser punishment.

156. In order to achieve the purpose of punishment, the legislator defines the general principles in fixing punishment in Article 41(1) of the adopted CC of SFRY, in particular: the degree of criminal responsibility, the motives from which the act was committed, the degree of danger or injury to the protected object, the circumstances in which the act was committed, the past conduct of the offender, his personal situation and his conduct after the commission of the criminal act, as well as other circumstances relating to the personality of the offender.

157. This Panel has evaluated all the above stated circumstances when meting out the sentences for the accused Ružnić and Mustafić. The Panel has primarily taken into account the statutory range of sanctions for the criminal offense of which the accused Adil Ružnić and Emir Mustafić were found guilty, that is, the referenced offense carries out a prison sentence of minimum 5 (five) years, or the death penalty. Then, the Panel has taken into account the gravity of the committed criminal offenses. While they are undoubtedly serious, and as such belong to the category of criminal offenses codified both under national and international legislation, for which there is no statute of limitations, however, the nature of the committed acts and the consequences thereof undeniably do not classify them in the category of the most serious offenses of this type.

158. In fixing the punishment, the Panel has given special weight to the number of injured parties – prisoners of war who were victims of inhumane treatment of the Accused, and the degree of their criminal responsibility in acting with direct intent.

159. As for the extenuating circumstances on the part of the accused Adil Ružnić, the Panel has taken into account his family situation – he is married and a father of three children, he has no prior convictions, nor has been criminally prosecuted, his exceptionally proper conduct before the court throughout the proceeding, and that he has not committed a new criminal offense over the fairly long period that lapsed since the commission of the criminal offense charged against him in this case. On the other hand, the Panel has not found any aggravating circumstances on the part of this Accused. The Panel has determined that the mentioned extenuating circumstances amount to highly extenuating circumstances, which indicate that the purpose of punishment can be attained by a punishment below the statutory minimum. In the opinion of this Panel, the imposed prison sentence of three years and six months is proportionate to the gravity of the offense and the degree of criminal responsibility of the Accused, it shall entirely achieve the purpose of punishment, from both aspects – special and general deterrence.

160. As for the extenuating circumstances on the part of the accused Emir Mustafić, the Panel has also taken into account his family situation – being a father of one school-age child, no prior convictions, nor has he been criminally prosecuted, his exceptionally proper conduct before the court throughout the proceeding, his deteriorated health, and that he has not committed a new criminal offense over the fairly long period that lapsed since the commission of the criminal offense charged against him in this case. The Panel has determined that the mentioned extenuating circumstances amount to highly extenuating circumstances, and in the absence of any aggravating circumstances the purpose of punishment can be attained by a punishment below the statutory minimum. In the opinion of this Panel, the imposed prison sentence of three years and six months is proportionate to the gravity of the offense and the degree of criminal responsibility of the Accused, and it shall entirely achieve the purpose of punishment of the accused Mustafić as well.

E. DECISION ON THE COSTS OF THE CRIMINAL PROCEEDING

161. During the proceeding the accused Adil Ružnić and Emir Mustafić proved their poor financial situation. During the trial before the Appellate Panel, the Defense for the accused

Ružnić tendered into evidence proof that his present income is lesser than the one when the first instance Verdict was rendered.

162. Having evaluated the available information about the financial situation of the Accused and their family situations, the Panel has concluded that the subsistence of the Accused and the family members they have to support would be threatened should they have to reimburse the costs of the proceeding. Therefore, pursuant to Article 188(4) of the Criminal Procedure Code of Bosnia and Herzegovina, the Panel has decided to relieve the accused Adil Ružnić and Emir Mustafić of the obligation to reimburse the costs of the criminal proceeding.

F. DECISION ON PROPERTY CLAIMS

163. Pursuant to Article 198(2) of the Criminal Procedure Code of Bosnia and Herzegovina, the Panel refers the injured parties to take civil action to pursue their claims under property law, since the data obtained during these criminal proceedings do not provide a reliable basis for a decision thereof.

VIII. ACQUITTING PART OF THE VERDICT

THE ACCUSED MEHURA SELIMOVIĆ

164. The amended Indictment charges the accused Mehura Selimović that he, as the counter-intelligence officer and operations officer of the Counter-Intelligence Section, Military Security Department with the Staff of the 5th Corps of the Army of RBiH, violating the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska, physically and psychologically ill-treated the prisoners in the detention centers located in *Luke* in Bihać, on the premises of the car-repair shop *Rad* in Cazin, *Adil Bešić* barracks in Bihać and *Park* Hotel in Bihać, at the time as stated under each Count of the Indictment, by subjecting the prisoners of war and civilians to interrogation and physical and psychological ill-treatment and ordering other soldiers to behave in the same manner.

165. As for the status of the Accused *tempore criminis* (under the amended Indictment, it is the period from January 1994 until early May 1995), this Panel is satisfied that the

Prosecution, based on the presented evidence, has proved beyond a doubt that the accused Mehura Selimović was the counter-intelligence officer and operations officer of the Counter-Intelligence Section, Military Security Department with the Staff of the 5th Corps of the Army of RBiH, which fact was not disputed by the Defense. Such a conclusion relating to the accused Mehura Selimović's capacity ensues from the documentary exhibits tendered by the Prosecution, namely: Duty assignment order of the 5th Corps Str. conf. No. 05/53-171 of 22 January 1995,⁷⁴ Appointment Order by the Commander of the 5th Corps for Mehura Selimović Str. conf. No. 05/53-388 of 29 April 1994⁷⁵, Promotion Order issued by Commander of the 5th Corps strict. conf. No. 05/357-05 of 29 May 1995⁷⁶, Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number conf. 01/1-41-1820/08 of 15 May 2008⁷⁷, Document of the BiH Defense Ministry number 13-04-1-3256-9/05 of 28 August 2008, with attachments, certified copies of excerpts taken from VOB-8⁷⁸ and Expert opinion by military and security expert witness Doc. Dr. Dragomir Keserović, Banja Luka, March 2012⁷⁹, which the Accused himself ultimately confirmed in the evidence he gave in the capacity of a witness⁸⁰.

166. The Panel did not conclude it was proved that the accused Mehura Selimović indeed committed the acts as described in Counts I.1 through I.5 of the Indictment, by which acts the underlying elements of the criminal offenses of War Crimes against Prisoners of War, or War Crimes against Civilians for the acts described in Count I.3 of the Indictment would have been satisfied.

167. Prior to addressing the individual charges described in the referenced Counts of the Indictment, the Panel primarily finds it necessary to note that the Indictment remains vague with regard to the form of commission of the acts factually described in the Indictment substratum charged against the accused Selimović, as well as with regard to the concretization of the acts of commission per se. Specifically, the Amended Indictment did not charge the accused Selimović pursuant to the principle of command responsibility. However, one of the charges in the introductory part of the factual substratum of the

⁷⁴ T-98.

⁷⁵ T-148.

⁷⁶ T-145.

⁷⁷ T-209.

⁷⁸ T-210.

⁷⁹ T-224.

⁸⁰ Records of the main trial hearing of 14 September and 28 September 2011.

Indictment alleged that he “ordered other soldiers” acting as interrogators to psychologically and physically mistreat the prisoners of war and civilians. With such a factual description, the Indictment itself comes into collision since it describes the form of responsibility with which the Accused was not charged at all, while at the same time the Prosecution adduces no evidence whatsoever to show who those “other soldiers” were, and on what grounds the Accused was in a position to issue any orders to them whatsoever.

168. In addition to the acts of commission charged against the Accused, which he directly undertook against prisoners of war and civilian Arif Vuković, by which in the Prosecution’s view the elements of the crime of torture or inhuman treatment as a war crime were satisfied, the Indictment also charged the accused Selimović with “allowing” NN soldiers to ill-treat the prisoners of war and a civilian, or with “enabling” them to do so. The Panel is satisfied that the referenced forms of commission of the crime point to command responsibility, the form of responsibility that was not charged against the Accused.

169. The acts of ill-treatment committed directly by the accused Selimović according to the Indictment, described as “physical and psychological ill-treatment of the prisoners of war”, “putting the prisoners of war under psychological pressure”, “intimidation of prisoners of war”, were in the Panel’s view described vaguely, because the manner in which the Accused allegedly committed those acts was not specified. The Panel has examined and evaluated all the adduced evidence to determine whether the witnesses’ testimonies contain description of the acts that could be characterized as physical and psychological ill-treatment, intimidation, etc. However, the Panel concluded that it does not ensue from the evidence given by the witnesses that the Accused’s acts, even if they were committed by the Accused during the interrogation of the prisoners of war and civilian Arif Vuković, were indeed of such a character, and that they would as such constitute torture or inhumane treatment.

1. Section I.1 of the Operative Part of the acquitting part of the Verdict

170. Count I.1 of the Indictment, or Section I.1 of the acquitting part of the Verdict, charged the Accused that:

“In the *Luke* detention center in Bihać, from 1994 until February 1995

- I. 1. He interrogated prisoner of war Mile Popović, threatened to kill him, intimidated him, accused him of committing crimes against the Bosniak

population, exerted physical pressure on him to make him admit the commission of the criminal offense; he repeatedly interrogated prisoner of war Neđo Đukić, physically and mentally ill-treated him by putting him under mental pressure in order to make him disclose information and admit to the commission of the criminal act; he enabled unidentified soldiers to mistreat and beat the prisoner of war by allowing them to slap him in the face and hit him with batons, rifle butts, fists, while cursing and offending him in various ways.”

171. Examined by the Prosecution about the circumstances described in this Count of the Indictment were the witnesses-injured parties Mile Popović and Neđo Đukić, and witness Radovan Popović, the injured party Mile Popović’s brother. In addition, the Prosecution tendered as documentary evidence the statements these witnesses gave to the Prosecution during the investigation. The accused Selimović also gave evidence regarding the interrogation of these witnesses while they were held at the Luke detention center. Also reviewed as evidence were the Official Note made on the first examination of Neđo Đukić⁸¹ No. 03/360-2 of 29 April 1994, Escort Sheet for Neđo Đukić No. 07-5/94 of 9 May 1994, transferring this person from the military-remand prison Bihać to the detention unit in the *Adil Bešić* barracks and the Prosecution documentary exhibit⁸² - Examination Record for Neđo Đukić No. 03/1188-10 of 30 April 1994 (signed by Mehura Selimović) with Supplementary Statement of Neđo Đukić (bearing no signature and no date); Examination Record for Neđo Đukić No. 03/360-3 of 30 April 1994 (signed by Mehura Selimović); Letter number Str. conf. No. 03/360-3 of 8 May 1994 delivering the Statement given by prisoner Neđo Đukić (the statement signed by Mehura Selimović); Supplementary statement of Neđo Đukić (no date, signed by the statement signed by Mehura Selimović); supplementary statement of Neđo Đukić (no date or signature) and questions for Neđo Đukić (typed text, no date).

172. In the Panel’s view, however, the tendered evidence has not proved the Prosecution’s allegations under this Count.

173. In relation to the acts of the commission of the crime at issue, the Panel first notes that the Indictment charged the Accused that he did the following against prisoner of war Mile Popović, “*threatened to kill him, intimidated him, accused him of committing crimes against the Bosniak population, exerted physical pressure on him to make him admit the commission of the criminal offense*”. The Indictment, however, did not describe the manner

⁸¹ Exhibit T-69, at the same time the Defense Exhibit O-1-1a Official Note on the first examination of Neđo Đukić, Security Sector of the 5th Corps number 03/360-2 of 29 April 1994, signed by Edin Halilagić, with attached photography.

in which the Accused allegedly intimidated the injured party, or which type of mental pressure he exerted on him. It does not ensue from the testimony of witness Mile Popović that the Accused threatened to kill him, or charged him with the commission of a crime. Also, the Panel notes that, in a situation when the injured party is in fact grateful to the Accused for the fact that he was still alive, any discussion on the prisoner being intimidated or put under mental pressure, is irrelevant/unnecessary.

174. Witness Mile Popović testified he was captured on 13 January 1995 and, after several days, transferred to the central prison in Bihać⁸³. The witness further stated that the accused Mehura Selimović interrogated him while he was detained in the Bihać prison. The Accused himself did not contest this fact in his testimony. The Panel, however, notes that the Indictment allegations do not ensue from the testimony of this witness, the injured party in the charged incident pursuant to the Indictment. Specifically, witness Popović describes that the accused Selimović gave him a paper to write about what he had known. The witness stated “*we were requested to admit things, who is who, what he did, who was where, you understand, who is what in which brigade, who is deputy*”. In the Panel’s view, these questions do not exceed the scope of what the person holding the security officer position is allowed to inquire about. The witness further stated the accused Selimović did not physically ill-treat him in the course of this interrogation. In addition, the witness stated in relation to the questions concerning physical ill-treatment that the accused Selimović asked them if anyone had ill-treated them, and that they always “*responded negatively*” being thoughtful of the other prisoners as they feared to admit that they were indeed physically ill-treated by some other persons, until one occasion when a person came and beat them so heavily that they ultimately admitted to the accused Selimović, but that was only 2-3 months after they had actually been beaten. According to the witness, the accused Selimović said at the time that he would speak with them, underlying that the beating of prisoners was not allowed. The witness stated that after that, prisoners were no longer physically mistreated. Truly, the witness stated that, in the course of one interrogation, the accused Selimović told him “*I killed your brother, admit that he had fired at Muslims in Vakuf,.. I will kill you too if you do not tell me everything*”⁸⁴. The witness further added that the Accused told him: “*I know that my brother had never cut even a hen ... so, if you killed my brother, you may kill me as well. I subsequently realized, however,*

⁸² Exhibit T-2, at the same time the Defense Exhibit O1-1.

⁸³ The central prison in Bihać is the Luke prison.

*that this was just a trick/snare, and that he wanted to infer some conclusions from that.*⁸⁵

Even though the referenced sentence, viewed in itself and extracted from the overall context of the witness's testimony, can be a threat or intimidation, or putting pressure on the witness with the intention to make him admit that he committed a crime, examining the witness's testimony in whole, and particularly correlating it with the testimony of his brother, who was the target of the potential threat as alleged in the Indictment, in the Panel's view it takes on quite a different sense, and the outspoken sentence as such does not have the significance the Prosecution attributes to it under the Indictment. It further ensues from witness Popović's evidence that he even had a drink with Mehura during this interrogation, and that it was exactly Mehura who organized that the witness join his brother again, from whom he had been separated for a certain period of time after being captured. The witness described that episode as follows: *"Several days later, when Mr. Mehura took me to see my brother, I was all in tears, and I could not say anything"*. The witness also stated, in relation to Mehura's statement during the interrogation, that he had killed his brother, the following: *"I subsequently realized that it was just a farce, to make us admit something, and the other thing, I cannot say anything bad about this gentleman; he personally did nothing to harm me, and I did not hear him telling anyone to beat me ..."*⁸⁶

175. Witness Radovan Popović testified about his detention at the Luke prison in Bihać, where he was brought in after being captured together with his brother Mile Popović. Witness Radovan Popović also confirmed he was taken to the accused Selimović for interrogation. The witness stated that, on that occasion, he was given a sheet of paper and a pencil, with a request to write down *"who, what, how, where I was, at whose place you were, and all those standard questions"*⁸⁷. Despite confirming the very fact that he was interrogated by the Accused, this witness's testimony confirms no allegations under the Indictment. This is so because this witness stated, even explicitly, that there were neither physical ill-treatment nor threats on the part of the accused Selimović, which also confirms the witness is unaware of any form of inhumane treatment, or torture committed by the Accused against his brother. On the contrary, the witness stated that the accused Mehura Selimović never ill-treated him, and that, whenever he was present, no one else ill-treated them, but rather in his absence. Like his brother Mile Popović, the witness stated that they

⁸⁴ Transcript of the main trial hearing of 23 September 2009, page 42.

⁸⁵ Ibid;

⁸⁶ Ibid, str.52

⁸⁷ Ibid, page 58.

did not dare admitting to the accused Selimović that they were beaten by others, even though he inquired if they had been beaten by anyone, and that he could not notice their injuries. The witness confirms that Mehura told him once, during the interrogation, that he had killed his (witness's) brother, and that the witness responded *"If you killed him, you may kill me too"*⁸⁸, adding further that *"this was probably a method of his interrogation"*⁸⁹, because already on that very day, or on the following day, his brother, from whom he was separated for 6-7 days, came to his cell, more precisely the accused Selimović *joined him and his brother*. The witness ultimately stated: *"Like my brother, I have personally known Mehura Selimović because we were a sort of neighbors before the war; and when I saw him, I had a hope that I would survive..."*⁹⁰. The witness stated that the hope became true *perhaps owing to him too*.

176. Witness Simo Aničić, who was detained in the Luke prison together with the Popović brothers and taken before the accused Selimović for interrogation, also had no information whatsoever that the Accused allegedly ill-treated Mile Popović. Testifying about his experiences during the interrogation, witness Aničić described the accused Selimović positively, stating that he liked most when he was taken to Mehura, since he was a fair person, who had even offered him cigarettes during the first interrogation. Witness Aničić, like the Popović brothers, stated that, while they were in the Luke prison, he was beaten by the guards, but that the accused Selimović could not know that they had been beaten because, despite being asked by Mehura if anyone ill-treated them, they did not dare admit that.

177. Witness Mile Popović, as an eye-witness and the party injured under the charges referred to in Count I.1 of the Indictment, does not incriminate the accused Selimović in the way as described under the Indictment. Having examined his testimony in its entirety, and correlated it with the testimony of his brother Radovan Popović, also examined as a witness, and with the other indirect evidence, the Panel concludes that the acts of the accused Mehura Selimović, undertaken during the interrogation of witness Mile Popović, have not satisfied the elements of torture or inhumane treatment as a war crime against prisoners of war, charged against the Accused.

⁸⁸ Ibid, page 60.

⁸⁹ Ibid.

⁹⁰ Ibid, page 64.

178. The Appellate Panel also considers unproved the second portion of the charges described in Count I.1 of the Indictment, relating to the ill-treatment of the injured party Neđo Đukić during the interrogation. The only direct witness to this fact is the injured party Neđo Đukić himself, who completely denied the Indictment allegations at the main trial before the Trial Panel. The witness explicitly stated at the main trial that the accused Selimović was not violent. Describing the way of interrogation by the Accused, the witness stated that the questions were mostly the following: *“(what was) the unit composition, place of birth, occupation, father’s name and last name, ... mostly ... military information”*⁹¹. The witness also stated: *“I was mostly with Mr. Mehura, I think. He was a fair person, and there was no violent interrogation whatsoever.”*⁹² Even though the witness stated that sometimes several or just a few persons were present in the room where he was interrogated by the Accused, he denied being beaten by anyone in the presence of the accused Selimović, despite the fact that there were beatings on other occasions. Thus, the witness stated that once during the interrogation “in the absence of Mr. Mehura” a young man *“beat him with a stick on his head, or back, with that wooden part of a rifle .. he knocked me on my head”*⁹³. Witness Đukić completely withdrew the statement he gave to the Prosecution during the investigation phase, which the Prosecutor presented to him, and where he stated as follows:

*“I was interrogated in the way that Mehura asked me questions, while the other soldier present in the interrogation room held a rifle and a stick. He beat me with the stick on my back, and with a wooden part of the rifle he beat me on my head. Mehura told me several times to talk and answer his questions. He also told me that the soldier’s brother had been killed by members of the VRS, and that he understood why he was beating me ... the said soldier beat me so heavily that I told him he’d better killed me, because by this beating, he only distracted me from answering Mehura’s questions. Thereupon, the soldier threatened me, with a locker on his rifle, and touching the trigger on the rifle pointed at me.... I was every day subjected to interrogation that was, as on the first day, carried out by Mehura Selimović...”*⁹⁴

179. After being presented with this statement of his, and asked to explain the obvious discrepancies in relation to his testimony from the main trial, the witness stated that “perhaps some changes occurred, that perhaps some persons or theories were confused...”, adding further that “he was nervous, and that he had not slept the whole night”. The witness stood by his statement that the Accused had never beat him, that he

⁹¹ Transcript of the main trial hearing of 26 August 2009, page 47.

⁹² Ibid.

⁹³ Ibid, page 48.

treated him in a fair manner, that he offered him a cigarette, that he even defended him from the men who wanted to beat him, and that he (the Accused) left a good impression on him.

180. Testifying at the main trial, witness Đukić completely withdrew his investigative statement, and, even after being presented with parts of his investigative statement, he consistently stood by the statement that the contents of the referenced record were untrue, explaining the record's contents with the fact that "theories got confused", namely that he was nervous, and that he was slightly drunk when he gave the statement to the Prosecutor. Considering the foregoing, the Panel could not base a convicting verdict on such an investigative statement, whose truthfulness was contested by the witness himself, and which was uncorroborated by any other piece of the adduced evidence. The Panel concluded that the quality of evidence regarding the charges under this Count leaves a significant degree of doubt that the acts indeed occurred in the way as described in the Indictment, wherefore an acquitting verdict was rendered pursuant to the principle of *in dubio pro reo*.

2. Section I.2 of the Operative Part of the acquitting part of the Verdict **(Count I.2 of the Indictment)**

181. Count II.2 of the Indictment, or Section II.2. of the operative part of the acquitting part of the Verdict, charged the accused Mehura Selimović that:

"In the detention centre in the Car-Repair Shop *Rad* in Cazin from 25 November 1994 until 11 March 1995

I 2. He repeatedly interrogated prisoner of war Draško Đervida on which occasions he physically and mentally mistreated him by putting him under mental pressure in order to make him disclose information about the committed criminal offenses, he enabled the unidentified soldiers to mistreat and beat the prisoner of war by allowing them to hit him with batons and fists; on a number of occasions he interrogated prisoner of war Darko Kajtez, physically and mentally ill-treated him by slapping him in the face, intimidating him and putting him under mental pressure in order to make him disclose information about the criminal offenses."

182. Therefore, the Indictment charged the accused Selimović with interrogating and ill-treating the injured parties Draško Đervida and Darko Kajtez on the premises of the Car-

⁹⁴ Ibid, page 52.

Repair Shop Rad in Cazin, and enabling NN soldiers to ill-treat and beat the injured party Đervida by allowing them to hit him with batons and fists.

183. The injured parties Draško Đervida and Darko Kajtaz were Prosecution's key witnesses who gave evidence with regard to these circumstances. Also, a certain body of evidence was adduced to corroborate the evidence of these direct witnesses/eyewitnesses.

184. Witness Draško Đervida testified that, in mid-November 1994, he was transferred from the *Adil Bešić* barracks in Bihać to the Car-Repair Shop *Rad* in Cazin, where he stayed through February 1995. The witness stated that, while he was in the Car-Repair Shop *Rad* in Cazin, he was taken to the accused Selimović for interrogation, as well as that, during that period, they were physically ill-treated by the two police officers who guarded them, one Suad and one Refko. The witness described the way in which interrogations were conducted by the accused Selimović, namely that the Accused wanted the witness to tell him all about the men detained in the Omarska camp, and to tell him the information he had known. The witness, however, did not know the answers, which is why he could not tell *who was where, or who was killed by whom*. On one occasion, the witness cannot remember when, Mehura told him during the interrogation: *"I will kill you, or you will admit. Speak up! What can I tell you!. Kill me, I do not know what to say. In the end, he told me: You'll speak in the evening."* As it ensues from the witness's testimony, Suad, Refko and another man came there in the evening. Mehura brought them there especially to beat the men. They took him out of the room in which they slept, and beat him. The witness described the beating as follows:

"...They beat me, telling me to admit this and that. I somehow endured until they threw me on a table... They first beat me with batons, as heavily as they could. I do not know how many baton hits, until I fell exhausted. Thus they threw me on the table. When they saw that I have urinated, and relieved myself into my clothing, they wanted to slit my throat with an axe. They asked me to admit, this and that. In the end, they gave up. Thereupon, I wrote down that I knew all sorts of things, that I knew that certain men used to kill ... This was their interest, to have such information that we did not know. I simply did not know."

Witness Đervida further stated that Mehura watched all that from a house trailer parked there. After the beating, when the swelling on his hand subsided, the witness wrote a statement, where he indicated false information. The witness stated that on that very night, Trkulja and other man were also ill-treated, having been taken out of the room where they had slept before him.

185. The witness correlated the beating to which he was subjected by NN persons with the accused Selimović because Mehura allegedly told him, during the interrogation on that morning, that he would “speak up in the evening”, namely that he would “sing out in the evening”. The witness stated that the accused Selimović allegedly watched the beating from a house trailer.

186. Testifying in the capacity of a witness, the accused Mehura Selimović denied taking any statement from the injured party Draško Đervida in the Car-Repair Shop in Cazin at the relevant time. The accused Selimović stated that he took the statement from the injured party while he was detained in the *Adil Bešić* barracks in Bihać, in September 1994. This statement was tendered as evidentiary exhibit in the case record⁹⁵. The Accused stated that he started taking this statement on 13 September 1993, and that it was typed out on 20 September 1994, and that subsequently it was not necessary to take any statement from this person in Cazin. The Accused added that he repeatedly visited the detention center, Car-Repair Shop Rad in Cazin, to take statements from two members of the SAO Krajina, Fikret Abdić’s supporters, and that he took no statements whatsoever from the prisoners of war, members of the VRS.

187. Witness Edin Kovačević was appointed warden of the collective center, Car-Repair Shop *Rad* in Cazin, on 25 November 1994. The witness confirmed that the accused Selimović visited the collection center two or three times.

188. In the effort to prove the assertions that the Accused took statements from detainees-members of the VRS on the premises of the Car-Repair Shop *Rad* in Cazin, the Prosecution tendered in the case file the Assignment Plan for Counterintelligence Department for 2 December 1994 and the Assignment Plan for Counterintelligence Department for 4 December 1994⁹⁶, assigning certain tasks to members of the Department, including Mehura Selimović. It ensues from Exhibit T-124, the Assignment Plan for Counterintelligence Department for 2 December 1994, that the accused Selimović was tasked with “processing the captured members of the SCA (Serb-Chetnik army) in Cazin (on the Cazin ground)”, while pursuant to the Assignment Plan for Counterintelligence Department for 4 December 1994, the accused Selimović was tasked with “visiting the 502 MBr, making preparations to visit Cazin for the purpose of processing the

⁹⁵ Exhibit T-4.

⁹⁶ Exhibit T-124.

captured (members) of the SCA". Obviously, the period at issue is the period when the prisoners were detained at the Car-Repair Shop *Rad* in Cazin, after being transferred from the Adil Bešić detention center in Bihać. The Defense contested the referenced evidence arguing that the plan itself is not a proof that the Accused had indeed interrogated the prisoners, because in the concrete case the plan itself is not consistent with the statement given by any of the prisoners of war, as the Defense proved in the case of other war prisoners' interrogations⁹⁷.

189. Even if the accused Selimović indeed came to the prison in the Car-Repair Shop *Rad* to interrogate war prisoners-members of the VRS, rather than members of Fikret Abdić's army, as he stated in his defense, and that the Accused indeed interrogated the prisoners was, in addition to witness Đervida, also confirmed by the testimony of witnesses Nebojša Trkulja, Marko Golić, Darko Kajtez, Aleksandar Juić and Pero Plavšić, the Panel concluded that Draško Đervida's testimony, evaluated both in isolation and in correlation with the other evidence, still leaves a significant degree of doubt that the incident, described in Section I.2. of the Indictment, indeed occurred in the described way, namely that the accused Mehura Selimović was in any way connected with this prisoner's beating. Therefore, pursuant to the principle of *in dubio pro reo*, the Panel rendered an acquitting verdict in relation to the referenced actions.

190. Among the incriminations described in this Count, the gravest is the beating of war prisoner Draško Đervida by one Suad and Refko, and a third person as well, the responsibility for which witness Đervida attributes to the accused Selimović, as charged in the Indictment, alleging that he "enabled" or "allowed" such ill-treatment. On the other hand, considering the interrogation itself, even if it were proven beyond a doubt that the accused Selimović indeed interrogated the injured party Đervida in Cazin too, and that in the course of interrogation he told the witness to "*speak up, or I will kill you*", as the witness testified, that sentence alone, in the absence of any other action by which the underlying elements of inhumane treatment or torture would be satisfied, contains no elements of a war crime. Therefore, to be able to discuss torture/inhumane treatment as the acts of commission of the criminal offense of War Crimes against Prisoners of War, the Panel had to determine whether the Prosecution succeeded to prove the nexus between the Accused and the beating of the injured party Đervida by police officers Suad, Refko

⁹⁷ Exhibits O-1-105, O-1-138 and T-140.

and a third person, namely the connection between the interrogation of the injured party conducted by the Accused and the beating to which he was subjected.

191. There is no doubt for the Panel that the beatings indeed occurred in the way as described by the injured party Đervida. In the Panel's view, witness's Đervida's testimony, in the part describing what he had suffered on the referenced night as result of the acts of the police officers who guarded them, one Suad and one Refko, is sincere, reliable, and presented with many poignant details. Therefore, the Panel had no reason not to credit this part of the witness's testimony. In addition, witnesses Nebojša Trkulja and Marko Golić also testified that the two of them and the injured party Đervida were during one night taken out of the cells where they had slept on the premises of the Car-Repair Shop *Rad* in Cazin, and beaten severely.

192. Witness Trkulja testified that he was the first one taken outside, thereupon Draško Đervida and Marko Golić, that they were beaten so heavily, with all sorts of items, that they could not recover for 4-5 days. The witness stated they were beaten with batons all over their hands and legs.

193. Witness Golić also confirms he was, on one night, taken out of the cell by Refko and Suad, and thereupon beaten by batons on his head and chest.

194. The Panel, however, did not find proved any connection between the accused Selimović and the referenced beating, or more precisely, the Panel concluded that witness Đervida tendentiously tried to indicate the accused Selimović as a culprit for all his suffering in the captivity. Specifically, the witness concluded that the accused Mehura Selimović had sent those persons to beat him based merely on the sentence "you will speak up in the evening." The witness neither heard nor saw the Accused saying anything to police officers Suad and Refko, giving them any orders, or contacting Suad and Refko. According to the Panel, witness Đervida's testimony is unconvincing with regard to the fact that, while being beaten by Suad and Refko, he saw the accused Selimović watching the beating from a nearby house trailer. According to the testimony of witness Đervida, and the testimony of witness Trkulja too, the beating was carried out inside the Car-Repair Shop, and in front of the cells they had slept in. Therefore, this raises the question as to how the witness could see the house trailer and the Accused in it, which in such a case had to be located somewhere outside. In addition, it is impossible to disregard the fact, confirmed by all the three examined witnesses, that the beating took place in the evening rather than in the daylight, and during a winter month when the day is short. Ultimately,

neither witness Trkulja nor witness Golić testified, which they would have certainly mentioned had they noticed it, that anyone, particularly the accused Selimović, watched this beating. In addition, notwithstanding that they described the beatings they received on the same night when witness Đervida was also beaten, they did not confirm the accused Selimović had any connection with the referenced beating. On the contrary, while speaking about the accused Selimović, witness Trkulja “*evaluates his actions as human*”⁹⁸, explaining that several times during his detention the accused Selimović gave him his father’s greetings, told him to write a letter to his father and that he would take it to his father, and that he brought to him the things his father had sent to him. Witness Golić stated that, even though Mehura had interrogated him also the day before he was beaten by Suad and Refko, and he believes the Accused saw his injuries, the witness made no complaints about that. Witness Golić stated: “*Well, I did not (tell him), it did not occur to me*”⁹⁹, stating further that “*as far as he is personally concerned, I know that I could freely ask him even for a cigarette, and that he indeed offered a cigarette to me sometimes, and that this man had never personally even touched me*”¹⁰⁰.

195. In view of the foregoing, based solely on witness Đervida’s testimony, which is in the relevant part based only on his assumptions, and in the absence of any other evidence supporting such assumptions, the Panel did not find proven the connection between the accused Selimović and the beating of the injured party Đervida by police officers Suad, Refko and possibly a third man, during his detention at the Car-Repair Shop *Rad* in Cazin. In addition, the Defense presented evidence which can indicate this witness’s motive to falsely incriminate the Accused, or the witness’s hand-written statement the witness gave to the accused Selimović (which was, according to the Accused, taken in September 1994 while witness Đervida was held in the *Rad* detention center in Bihać), which the witness said to have contained untrue and fabricated information. The Defense, however, proved that the witness indicated full names of real persons, often prosecuted perpetrators of war crimes, as became apparent subsequently. The foregoing has further undermined the Panel’s trust into the witness’s testimony in the part where he tries to put the blame for the ill-treatment he survived on the accused Selimović. Considering the foregoing, the Panel concluded that the Prosecution did not prove beyond a doubt that the accused Selimović indeed committed the acts factually described in this Count of the Indictment against the

⁹⁸ Transcript of the main trial hearing of 10 February 2010, page 26.

⁹⁹ Transcript of the main trial hearing of 18 November 2009, page 30.

injured party Draško Đervida, by which the essential elements of torture or inhumane treatment would be satisfied. Therefore, pursuant to the principle of *in dubio pro reo*, the Panel acquitted the Accused of the charges at issue.

196. In the Panel's view, also unproved beyond a doubt is the remaining part of the charges described in this Count of the Indictment, pursuant to which the accused Mehura Selimović was charged with repeated interrogations of the war prisoner Darko Kajtez, while ill-treating him physically and mentally by slapping him, intimidating him, and putting pressure on him to disclose to him information related to committed crimes.

197. Witness Darko Kajtez testified that 21 days after being captured on 12 November 1994, which time he spent in the hospital for the injuries sustained, he was transferred to the premises of the Car-Repair Shop *Rad* in Cazin. The witness described the interrogation to which he was subjected during his confinement in the Car-Repair Shop in Cazin. The witness stated he was mostly interrogated by the accused Mehura Selimović. The interrogation included answering the questions like *"where were you, what did you do, were some Muslims captured"*¹⁰¹, and similar questions. There were threats and physical ill-treatment during the interrogation. The witness stated he was most physically ill-treated by Mr. Mehura. The witness stated that his mere physical appearance *"made his blood freeze ... in his veins. He was a sinister man, and I really feared him"*.¹⁰² According to the witness, the Accused's mere appearance made him feel fear, and *"his mere interrogation, and the threat that he would break me, fracture me, to get some information that I had no connection with at all, and (men) I did not know who they were. In all of that ... he would sometimes slap me, sometimes not, but the very way in which he interrogated me caused me to fear him most."*¹⁰³ In relation to being slapped by Mehura, the witness stated Mehura mostly slapped him with his hand. Mehura was most of the time alone in his office during interrogations that perhaps lasted for half an hour-an hour, and subsequently for about 15-20 minutes. Interrogations were carried out perhaps on the second or third day, while one week it took place on a daily basis, until the witness ultimately told the Accused: *"Do*

¹⁰⁰ Ibid.

¹⁰¹ Transcript of the main trial hearing of 14 October 2009, page 10.

¹⁰² Ibid, page 11.

¹⁰³ Ibid, page 12.

whatever you want to do. I know nothing. Thereupon, he did not interrogate me that much."¹⁰⁴

198. Having analyzed the referenced witness's testimony, in the absence of any other evidence confirming the factual allegations of the Indictment in this part, the Panel concluded that the charges at issue were unproved. Considering the witness's testimony in its entirety, it is clear that the witness indicates that the appearance of the accused Selimović and the course of interrogation conducted by him caused fear in the witness. However, the accused's 'appearance'¹⁰⁵, which according to the Panel may be interpreted as his physical appearance, which not even the witness himself described as terrifying, the fact that he never stated that the accused was armed or anything similar, and the course of interrogation, during which the Accused, according to the witness, asked questions that did not go beyond the scope of questions that a security officer can pose while performing his duty, even if the interrogations were repeated over several days, do not confirm the allegations relating to inhuman treatment or torture by the Accused. The Indictment charged the Accused that he "physically ill-treated the prisoner of war Kajtez by 'slapping' him", while the witness himself gave no major significance to those slaps, but rather just stated "*he would sometimes slap me, sometimes not, but the very course of that interrogation made me feel most fear.*"¹⁰⁶ The witness, however, did not describe any concrete actions by which the Accused allegedly intimidated or put mental pressure on him, and the Prosecution's Indictment did not concretize such actions either. In view of the foregoing, the Panel could not conclude, based solely on this witness's testimony, that the Accused's acts, if committed at all, satisfied the essential elements of at least inhumane treatment, as *actus reus* of the crime. Considering that the testimony of witness Kajtez, as the only witness who gave evidence about these circumstances, leaves a considerable degree of doubt with regard to the referenced changes, the Panel concluded, applying the principle of *in dubio pro reo*, that it was necessary to acquit the Accused of the references charges.

¹⁰⁴ Ibid, page 13.

¹⁰⁵ The witness describes Mehura as a person in uniform, age between 40 and 50 at the time, height 180-185 cm maximum, grey hair – and identified him in the courtroom.

¹⁰⁶ Ibid, page 12.

3. Section I.3.a) of the Operative Part of the Verdict
(Count I.3.a) of the Amended Indictment)

199. Section I.3.a) of the amended Indictment charged the accused Mehura Selimović that:

"In the detention center at the *Adil Bešić* barracks in Bihać from July through 25 November 1994

I 3. a) he repeatedly interrogated prisoner of war Draško Đervida, physically and mentally mistreated him by beating and intimidating him, accused him of committing crimes against Bosniak population, exerted physical pressure on him to make him disclose information or admit to the commission of the criminal acts."

200. In relation to this Count of the Indictment, the Prosecution examined witness Draško Đervida. The witness stated that, during the first week following his arrest, specifically from 12 September 1994 through mid-November 1994, he was held at the Adil Bešić barracks in Bihać. The witness stated he was interrogated while he was detained at the Adil Bešić barracks, and was not certain if it was immediately on the first night, but on the following day for sure, and that he was interrogated by Mehura Selimović. The witness describes the course of interrogation as follows: *"He simply asked me to be, I do not know, a criminal, and to tell him everything that I cannot confirm; I cannot explain that to you now. When the interrogations starts, I know what I am, what I am ... I did nothing bad to anyone during the war, and Mehura treated me as if I, I do not know, had killed half of those men in Prijedor; that's how he treated me ..."*¹⁰⁷ The Prosecutor asked the witness if he was ill-treated, and the witness stated that the interrogation was *unfair*, that the Accused had a *sort of attitude*, but even then, the witness mentioned no beating. Only after the third question, when he was asked to describe the physical ill-treatment by the Accused, did the witness say *"...well, physical and mental, you know, when I would come to his office, he would sit down and order you to speak; to speak what, and he would then hit me to force me to explain it; what to speak about, always one and the same, and I must ..."*; then the witness explains *"... Admittedly, he did not hit me so many times nor did he order others to beat me ... He interrogated me and let me go down some stairs, at the bottom of which they waited for me, and beat me so heavily that I could not urinate for, I myself do not know for how long.. yes, he slapped me, or kicked me, or something, but not that I can say*

¹⁰⁷ Transcript from the hearing held on 9 September 2009, pp. 8-9.

*that he beat me continually for 10-15 minutes; I cannot say that wrongly...*¹⁰⁸. The witness further explained that he was thus heavily beaten by soldiers.

201. Testifying in the capacity of a witness, the accused Selimović did not contest taking a statement from the witness-injured party Draško Đervida, namely that he started it on 13 September 1994 by writing the first three pages of the statement himself, whereupon the witness continued writing it. The Accused stated that the referenced statement was typed out on 20 September 1994. This is in compliance with the statement tendered by the Prosecution in the case record as Exhibit T-4, while the Defense tendered witness Draško Đervida's statement in his handwriting, dated 13 September 1994, about which the witness exactly stated during the examination¹⁰⁹ that he was not certain that he had written the first three pages thereof, but that the rest was indeed his handwriting. The Accused, however, denied ill-treating the war prisoner Draško Đervida in any way, also stating he had no information whatsoever that the injured party was beaten by anyone.

202. Having examined the testimony of witness Draško Đervida, the only witness to the circumstances described in this Count of the Indictment, the Appellate Panel concluded it was not proved beyond a doubt that, in the course of interrogation of the referenced injured party, the accused Mehura Selimović committed the acts that would satisfy the essential elements of torture or inhumane treatment as a war crime against prisoners of war. Specifically, the acts were indicated too vaguely in the factual substratum of the Indictment because the accused Mehura Selimović was charged that the injured party Đervida was "*hit, intimidated and charged with committing crimes...by him, that he put mental pressure on him*", but the Indictment did not specify the manner of the alleged commission of each action individually, while the injured party himself does not confirm such acts in his testimony. As to the allegation of the Accused's beating the witness during the interrogation, the Panel cannot but notice that it was not until the third time the Prosecutor asked him that same question that the witness described the slap or blow he allegedly received from the Accused, however adding further that "*he cannot make false accusations*", that the Accused did not "*beat him that heavily*", referring again to the beatings he received from soldiers. Based on either the Indictment or the witness's

¹⁰⁸ Ibid. page 9.

¹⁰⁹ Record of the main trial hearing of 29 June 2011, direct examination of witness Đervida by Counsel for the accused Selimović.

statement itself no connection whatsoever can be found between the accused Selimović and the referenced beating.

203. In view of the foregoing, the Panel concluded that the tendered evidence provided insufficient grounds to conclude beyond a reasonable doubt that, during the interrogation of war prisoner Draško Đervida, the accused Selimović committed the acts charged against him under this Count, so that, applying the principle of *in dubio pro reo*, it acquitted the accused Selimović of the charges concerning the referenced Count of the Indictment too.

4. Section I.3.b) of the Operative Part of the Verdict **(Count I.3.b) of the Amended Indictment**

204. Section I.3.b) of the Indictment charged the accused Mehura Selimović with committing the criminal offense of War Crimes against Civilians in violation of Article 173(1)(c) of the CC BiH, in as much as:

In the detention center at the *Adil Bešić* barracks in Bihać from July through 25 November 1994

I 3 b) on a number of occasions, he interrogated civilian Arif Vuković, psychologically ill-treated him by fatiguing him with numerous statements, threatening him he would be beaten up like he was on the day when he was deprived of liberty by members of the 5th Corps, forced him to write down incriminating allegations about Fikret Abdić, and enabled unidentified soldiers to beat Arif Vuković after those interrogations.

205. The acts of commission charged against the accused Selimović under this Count of the Indictment are “psychological ill-treatment” of civilian Arif Vuković and “enabling” NN soldiers to beat Arif Vuković after interrogation.

206. Witness Arif Vuković was examined with regard to these facts. Also examined was the accused Mehura Selimović who gave evidence in relation to this injured party’s testimony.

207. Witness Arif Vuković provided a comprehensive description of the torture and humiliation he experienced when members of the 502nd Brigade captured him and escorted him to the *Luke* prison in Bihać. However, this part of the witness’s testimony is irrelevant to the case at hand because the accused Mehura Selimović is charged with the treatment to which the injured party Arif Vuković was subjected during the interrogation the

accused Selimović conducted in the *Adil Bešić* barracks in Bihać, where the injured party Vuković was transferred 6-7 days after being captured, as well as with the treatment NN soldiers accorded to Arif Vuković after being interrogated by the accused Selimović.

208. With regard to the foregoing, witness Arif Vuković stated that Selimović gave him a piece of paper and a pencil, and told him to write down “what was going there”. The witness explained that he was demanded to write about Fikret Abdić and Irfan Saračević-Žilo. The witness did it in handwriting; Selimović thereupon took his statements to be typed out, and the witness ultimately signed the typed out versions of the statements. The witness stated: *“Everything was OK while I was giving the statements. However, since I did not know who did what, who gave whom what, he was not satisfied with what I wrote down... and then he told me that if I did not write down the way somebody wanted me to write, I do not know who, something worse than what already happened will happen to me, ... than what happened on 9 July”*¹¹⁰. The witness further described the beatings he received from NN soldiers. The witness stated that it occurred two days after the above described conversation with the accused Selimović. The witness stated:

“Two days later, the lights went off...in the solitary cell and the hallway...Two, I don’t know, maybe three men came in and put on me... it was dark, I could not see ... I say, I can’t see, and they put a head scarf over my eyes, handcuffed me and took me somewhere, perhaps some hundred or two hundred meters away ... One of them held me by my one arm, and the other by my other arm ... I walked, on foot, with nothing on my feet, and so on.... I kneeled, and after they brought me in a room I only saw meager light through the scarf slit. They started beating me: one of them stood in front of me, the other behind me; they beat me all over my body, from my feet upward. After fifteen or twenty minutes of the beating, one of those soldiers just whispered in my ear he would ask me just one question about my father’s whereabouts. Thereupon, they brought me back to the solitary cell ...”¹¹¹

Counsel further asked the witness if he knew who could possibly send those two-three men who had beat him. The witness responded: *“I do not want to talk about what I do not know”*¹¹². Two days after the beating, the accused Mehura Selimović came again to the witness’s cell. The Prosecutor asked the witness if they had any conversation, and the witness responded:

¹¹⁰ Transcript of the main trial hearing of 16 December 2009, page 16 – the witness explains that July 9 is the day when he was captured, when he suffered all the ill-treatment and humiliations by members of the 502nd Brigade who had captured him, which he described in the first part of the statement.

¹¹¹ Ibid, page 17.

¹¹² Ibid, page 19.

“Well, I only said, how I said, what will happen, and it indeed happened as I said it would. Then I had to write some other annexes, to supplement the statements, and something like that. He simply told me he was interested in sordid details, the dirty staff of what was happening in Velika Kladuša, and so on.”¹¹³

The witness stated he wrote statements for Mehura on 2-3 occasions, that is, around 10 pages in total. Due to the fact that Mehura told him that something worse than what he had experienced on July 9 would happen to him, the witness holds the accused Mehura guilty for all that happened to him. The witness stated: *“I haven’t come here to knock somebody’s head off....Mr. Selimović made only one mistake when I am concerned...”*

209. The accused Selimović did not deny interrogating the injured party Arif Vuković during his detention in the *Adil Bešić* barracks. The Accused stated that questions of interest for the intelligence service were made ready for the injured party. The Accused added that, after his first encounter with Arif at Izačić (which Arif Vuković also describes as the first one), the Accused took a statement from him. However, the analysts wanted a clarification of the statement, which is why the witness was interrogated again through a supplemented statement, pursuant to the established procedures. The accused Selimović, however, stated he made no threats to the injured party Vuković while taking the statement, and that he even handed over to him the personal things the witness’s brother had sent him while the witness was held imprisoned.

210. Witness Ramo Čelebić, the then warden of the *Adil Bešić* collection center, stated he knew Arif Vuković very well; that they even were friends; and that he knew that the injured party Vuković was beaten up when arrested as he had visible injuries after being brought to the center. Witness Čelebić does not know that the injured party Vuković was beaten while he was imprisoned at the *Adil Bešić* barracks.

211. The Appellate Panel has examined witness Arif Vuković’s testimony and concluded that the witness describes, in a comprehensive and convincing manner, all traumatic experiences he had from the moment when he was captured up until the moment when he was exchanged, which undoubtedly resulted in significant consequences for the witness. According to the witness, the most traumatic experience is related to the moments when he was arrested, beaten and humiliated. All those are all the acts with which the accused Mehura Selimović was not charged. Also, the incident when the injured party Vuković was heavily beaten by NN persons, who had just appeared on one night, took him out of the

¹¹³ Ibid.

solitary cell where he was held, is undoubtedly the event of such a gravity that the persons who committed it and those who had ordered its commission must be held responsible and prosecuted. Having reviewed the witness's Vuković's testimony, however, the Panel could not conclude beyond a doubt that the interrogation conducted by the accused Selimović, or the statement which he gave to the Accused, as interpreted by the witness in his testimony, was indeed a motive for the beatings he was subjected to. The witness drew such a conclusion from the fact that, during the interrogation, the Accused allegedly told him that *"even worse things would happen to him than what had already actually occurred"*. However, the persons who beat the injured party did not mention the accused Selimović during the beating, nor made any mention of the interrogation the Accused conducted; they rather just asked him: "Where is your father¹¹⁴?". The Accused did not come to interrogate him again immediately after this beating, which would be logical had the beating been connected with the taking of the statement, or extorting the statement, but rather two days later. Therefore, even though it does not question the fact that the injured party Vuković was indeed beaten up in the way as he testified, the Panel could not establish beyond a doubt that the accused Selimović had any connection with the act committed by NN persons, and that the accused Selimović is thereby guilty of the referenced beatings. The testimony of witness Vuković, a sole eyewitness or indirect witness to this incident, leaves a significant degree of doubt regarding the referenced decisive facts. Since the Court shall resolve in its verdict any doubt in the facts constituting the essential elements of the crime, or the facts on which the application of any legal provision depends, in the way more favorable to the Accused, the Panel did not conclude that the charges under this Count of the Indictment were proved. Also, in relation to the remaining acts covered by this Count, the Panel concludes that witness Vuković's evidence does not show that the accused Selimović indeed "exhausted the witness by taking many statements from him" because the witness himself stated he was taken for interrogation for 2-3 times, and wrote a total of around 10 pages. Also, the mere sentence, even if the accused Selimović indeed said that "even worse things will happen to the witness than what had already happened", with no proved connection between the Accused and the beatings to which the injured party Vuković was subjected, cannot in itself be considered as such a serious threat to which the character of inhumane treatment or torture can be attributed. Also, the Panel notes that the fact that the Accused asked the

¹¹⁴ Which was the nickname of Fikret Abdić, for whom he worked.

witness for information relating to Fikret Abdić or to “disclose sordid details”, does not confirm the Prosecution’s theory that the Accused “forced the witness to write malevolent details about Fikret Abdić”, but rather that the Accused, in the capacity of a security officer, obtained information about the Commander of the armed forces of the opposing belligerent party, that is, the security information the witness as “the head of office” and Fikret Abdić’s “person in confidence” (the status confirmed by the witness himself) might have had and provided.

212. In view of the foregoing, applying the principle of *in dubio pro reo*, the Panel concluded it was necessary to render an acquitting verdict also in relation to Count I.3.b) of the Indictment. Considering the Panel’s conclusion that the concrete acts of commission of the referenced crime, as charged against the accused Selimović under the Indictment, were not proved, the Panel did not address the issue of establishing the status of the injured party Arif Vuković, indicated as a civilian under the Indictment, which the Defense for the accused Selimović contested during the proceedings.

5. Section I.4 of the Operative Part of the Verdict
(Count I.4 of the Amended Indictment)

213. Count I.4. of the Indictment charged the accused Mehura Selimović that:

“At the detention centre in the *Park Hotel* in Bihać in early May 1995

I.4. He repeatedly interrogated prisoner of war Neđo Trivić, physically and psychologically ill-treated him by forcing him to write statements, although he was wounded in his arm, slapped him and threatened to kill him should he fail to cooperate with him.”

214. The witness-injured party Neđo Trivić, as well as the accused Selimović, gave evidence with regard to this Count of the Indictment. The Accused did not contest that he had interrogated witness Neđo Trivić, but rather highlighted that the detainee was interrogated during his detention in the *Luke* prison rather than in the *Park Hotel* in Bihać, as alleged in the Indictment. Also, both the Prosecution and the Defense tendered a certain body of documentary evidence relating to the circumstances described in this Count of the Indictment.

215. Witness Neđo Trivić testified he was a member of the VRS. When he was arrested by the A RBiH, on 4 May 1995, he was wounded in his hand and the right side of his lungs, which is why he was taken to hospital, and thereupon to the detention facility in the

Park Hotel in Bihać. After eight days, he was transferred to the *Luke* prison with two other prisoners. Witness Trivić stated that, while he was detained in the *Park* Hotel in Bihać, he was interrogated by the accused Mehura Selimović, a security officer in the 5th Corps, but that sometimes also present were certain members of the civilian authorities. The witness stated that the interrogation by Mehura Selimović and other security officers was carried out three-four times daily, lasted for around 15-20 minutes, and that he was questioned about his unit, the airport and artillery positions, etc. The witness stated as follows:

“He mostly asked me about my unit, and the airport, and that’s that... I orally answered some questions, and he asked me to draw something, I mean, to make a drawing of the airport, simply a sketch...of the Mahovljani airport and the artillery (position), to draw its position. That’s what he asked me to do...”¹¹⁵

216. The Prosecutor asked the witness if he had received any threats during the referenced interrogation. The witness stated that the Accused threatened him and “*shouted [that] if I did not cooperate and made that drawing for him, I would not see my home (again), that I would be executed, that all sorts of things would happen...*”. Asked if he was physically ill-treated, the witness responded: “Physically, he slapped me twice during those eight days, he personally.... *And from the others, I received blows on the eighth day when I was allegedly supposed to be transferred, it was a kind of farewell*”.

217. The Appellate Panel examined the evidence of this witness (who is the sole eyewitness to the circumstances described in this Count of the Indictment) in the context of the factual allegations of the Indictment, and concluded that the foregoing, as well as the other circumstantial allegations, did not confirm these allegations. The Prosecution’s allegation, that the accused Selimović physically and psychologically ill-treated witness Trivić, is based on the witness’s assertion that the accused Selimović *forced Trivić to write statements even though he was wounded in his hand*. However, having examined witness Trivić’s evidence in its entirety, the Panel concluded that the foregoing does not issue from his evidence. The witness’s evidence shows that the accused Selimović interrogated him orally, and that he only requested the witness to make a sketch of the airport. As also ensues from the witness’s evidence, the Accused was mindful of the fact that the witness was wounded, because according to the witness:

¹¹⁵ Transcript of the main trial hearing of 19 May 2010, page 9.

“But I could not do that either. I immediately told him, since I was wounded; my hand was in bandages, that I cannot do it fast. He told me to do it in two or three (days), it wasn’t important, while you are here, do that for me ...”¹¹⁶

As to the slapping of the witness, the Panel could not conclude, based on his evidence, that the accused Selimović indeed slapped him, because any person remembers any form of physical ill-treatment (he/she is subjected to), and feels urged to underline it. Witness Trivić mentioned the two slaps he allegedly received from the accused Selimović only after the Prosecutor particularly asked him about that during the examination. When he was for the first time asked if he was physically ill-treated while being held in the *Park* Hotel, the witness responded: “*I was not physically ill-treated as much as the two other detainees who were with me*”. However, the witness’s testimony was not confirmed indirectly by any other examined witness. On the contrary, witness Jeftenić, detained together with witness Trivić at the *Park* Hotel detention center, had only commendable words about the accused Selimović. Witness Jeftenić stated they were indeed interrogated but not ill-treated by the accused Selimović, and that each time the Accused came in, it meant something new, and they could hardly wait for that.

218. The Panel did not find convincing Selimović’s defense theory that he did not interrogate the detainees in the *Park* Hotel, considering that in addition to witness Trivić, witness Jeftenić also confirmed the fact that he was interrogated in the *Park* Hotel by the security officer Selimović. This also ensues from the deceased witness Miodrag Dejanović’s statement that was read out. Notwithstanding the foregoing, the Panel concludes that the tendered evidence did not prove beyond a doubt that, during the interrogation of witness Trivić detained in the *Park* Hotel in Bihać, the Accused indeed committed (against him) the acts factually described under this Count of the Indictment, by which the essential elements of torture or inhumane treatment would be satisfied. Therefore, pursuant to the principle of *in dubio pro reo*, the Panel acquitted the accused Selimović also of the charges under this Count of the Indictment.

6. Section I.5 of the Operative Part of the Verdict

(Count I.5 of the Amended Indictment)

219. Count I.5 of the amended Indictment charged the accused Selimović that:

¹¹⁶ Ibid, page 20.

"In the Bihać hospital in January 1995

I.5. While interrogating prisoner of war Milorad Carić, he physically and mentally mistreated him by threatening to kill him should he fail to provide him with information on VRS military positions, and ordered and enabled two unidentified soldiers to point their rifles at the prisoner of war."

220. The Prosecution examined witness Milorad Carić with regard to the foregoing allegation. Testifying at the main trial, the witness stated that, as a member of the VRS, he was captured by the Army BiH at the Bihać frontline on 13 January 1995; that he was wounded on this occasion and transported to the Bihać hospital where he underwent a surgery. He stayed in the hospital for around 40 days, during which he was visited by security officers, including the accused Mehura Selimović, whom the witness had known from before. The witness further stated that, on the referenced occasion, the Accused introduced himself to him by saying: *"I am a security officer, and I conduct interrogations"*. The witness further added: *"Anyway, he came in threatening like this; I do not mean he threatened something from the beginning, no, but he seemed rather as he were a rigorous person. Thereupon, this interrogation was conducted..."*¹¹⁷ Describing the course of interrogation itself, the witness stated that Mehura gave an introduction, with general questions, and thereupon took them, one by one, to a room. According to the witness:

"...He asked us to tell him the units' deployment, which I did not know. How could I have known that, how could I know where some cannons were deployed? When he believed that I did not tell the truth... I cannot forget that, it remained deeply etched in my memory... he called for guards. Thereupon, two young men entered, holding rifles. I cannot say what kind of rifles were in question; whether PAP (semi-automatic rifles) or carbines. I am not certain about that. He ordered them to point the rifles at me. They hit the door of a room, perhaps this was a central room; they pointed the rifles at me, and he asked me if I wanted them to execute me immediately. All that appeared as if they will do exactly that. Normally, I got scared, but I stated, I kept saying (to him)..... tell me what do you want me to tell you, and I'll tell you."¹¹⁸

221. Further in the context of Mehura's interrogations, the witness stated he was most frightened because Mehura had great expectations of him, and he believed the witness lied, which is why the witness thought Mehura would punish him. The witness, however, stated: *"He did nothing to me, nothing bad... He did nothing, he did not hit me. I only say that all that has affected me mentally. That's how it is."*

¹¹⁷ Transcript of the main trial hearing of 30 June 2010, page 10.

¹¹⁸ Ibid, page 11.

222. The witness stated that Mehura had visited the hospital for about 10 times, and that some other men also visited there.

223. Witness Carić testified that, at the time when Mehura came to the hospital to interrogate them, Zdravko Radošević and Jovo Kovačević were in the hospital together with him.

224. The Defense summoned and examined witness Radošević about the time he had spent in the Bihać hospital. The witness confirmed he was in the same hospital room with Milorad Carić and Jovo Kovačević, who had been captured and wounded as members of the VRS. The witness stated they were kept separate from the other sick people in the hospital; that a military police officer secured the door and occasionally entered the room; and that the accused Mehura Selimović came to interrogate them. The witness stated that they were interrogated both orally and in writing; that Mehura recorded their answers but “did not ask them to tell him what they did not know, although they did not know much, as they had held lower ranks”. As to the interrogation in writing, the witness stated that Mehura gave them sheets of paper and pencils, and told them: “You have time, answer the questions freely. Take your time, I will come back tomorrow”. Mehura had no objections if they left certain questions unanswered. The witness knows that the accused Selimović spoke with Carić in the same way; that he took no statement from Jovo; that no other soldiers came in together with the Accused; that no one made any threats to them, or pointed weapons at them, etc. During those 14-15 days the witness spent in the hospital he was not ill-treated by the accused Selimović in any way.

225. As to the fact of taking statements in the Bihać hospital, the accused Selimović did not contest that he visited the hospital and took statements from certain prisoners, including witness Carić. The accused, however, denied that the prisoners were ill-treated or intimidated in any way during their interrogation. The Accused stated he was mindful of the prisoners’ health condition, namely that he interrogated them only upon physicians’ confirmation that the prisoners’ health condition was good. Also, the Accused stated that the relation between him as the interrogator and the prisoners was good.

226. Having examined the evidence presented in relation to this Count of the Indictment, the Panel concluded it was not proved beyond a doubt that the Accused’s acts satisfied the essential elements of the criminal offense charged against the accused Selimović. Describing the interrogation by the accused Mehura, as it can be ultimately concluded from his evidence, witness Carić admitted gaining an impression that Mehura would

punish him for his inability to disclose certain information to him, while in fact, Mehura “did nothing, nothing bad”. In addition, the Panel did not credit the part of witness Carić’s testimony, stating that Mehura brought two soldiers who intimidated him by pointing their rifles at him, and threatening him by execution, because such a way of interrogation by the Accused was not confirmed by any other prisoner hospitalized for their wounds like witness Carić. On the contrary, the Defense brought into a serious doubt the reliability of this witness’s testimony in the part where he incriminates the accused Selimović, by tendering the testimony of witness Radošević, who was in the hospital at the same time with witness Carić and interrogated by the accused Selimović, and who underlined that the Accused accorded a fair treatment to all the prisoners. Considering that three members of the VRS had shared a hospital room for at least 15 days, and were repeatedly visited by a security officer of the belligerent party to interrogate them, the Panel notes it would be expected that they complained among themselves about any ill-treatment, if it existed at all. Witness Radošević explicitly mentioned they were accorded a fair treatment during the interrogation.

227. In view of all the foregoing, the Panel concluded that the charges described in this Count of the Indictment were not proved. Therefore, applying the principle of *in dubio pro reo*, the Panel acquitted the accused Mehura Selimović of the charges under this Count of the Indictment too.

B. SECTION II.2 OF THE OPERATIVE PART OF THE VERDICT (ADIL RUŽNIĆ)

228. Count II.2. of the amended Indictment, the Prosecution charged the accused Adil Ružnić with the following:

“As the operations officer of the Counter-Intelligence Section within the Military Security Department with the Staff of the 5th Corps of the Army of RBiH, he violated the rules of international law in time of war, during the armed conflict in BiH between the 5th Corps of Army of the RBiH and the Army of Republika Srpska, acting in violation of Articles 3 and 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, in as much as

II.2. during the period from mid-September 1995 to 27 January 1996, he psychologically mistreated the prisoners of war in a way that, having them previously decently dressed, he took them from the *Adil Bašić* barracks and the prison *Luke* in which they had been detained to a café in Bihać, on which occasion he secretly video recorded them in order to make them incline towards the Army of RBiH and commit themselves to spy on the VRS after being exchanged, then showed them the footage and threatened them by blackmailing them on their life or safety of their families and their own safety, in which manner

the following persons were mistreated: Živko Malešević, Brane Čičić, Rajko Pačavra, Stojan Katana and Lazo Bursać.”

229. The following witnesses were examined by the Prosecution in relation to the foregoing circumstances: Živko Melešević, Brano Čičić, Rajko Pačavra, Stojan Katana and Lazo Bursać.

230. All the examined witnesses confirmed that, at the relevant time, after being captured as members of the VRS by the A RBiH, they were imprisoned from mid-September through 27 January 1996, in the detention centers at the *Adil Bešić* barracks or the *Luke* prison in Bihać. All the witnesses, with no exception, confirmed that, at one point of time during their detention in one of the referenced detention facilities, the accused Adil Ružnić took them out to a café in Bihać, where they were video recorded.

231. Witness Živko Malešević testified that, once before the exchange, the accused Ružnić took him out of the *Luke* prison and went with him to Bihać. The witness stated that, already before this, there were discussions that an exchange would be carried out, and thereupon that nothing would come out of all that. Thus, on one day, when Mr. Ružnić came to the cell and told the witness “Let’s go...do you have anything to wear”¹¹⁹, the witness was thrilled believing he would be exchanged. However, the witness got surprised after seeing that just two of them alone sat in a “red *Jugo* vehicle”. The witness further added that Ružnić stopped the vehicle in front of a kiosk/stand, bought a pack of cigarettes and they headed off across a bridge, talking along the way. While crossing the bridge, the witness saw a white van and a man in the van holding a video-camera, filming the two of them, but he pretended as if he saw nothing. The witness was in civilian clothing, while Ružnić wore a uniform. A café was located on the other side of the bridge. They entered the café and Ružnić told him to sit in a separate booth, where a blond young girl and a young man were sitting already. The witness sat across of them. While they were sitting there, the witness noticed a camera placed among the flowers with a red small lamp on. They offered him a beer, and the witness tried to refuse it. During that time, the young girl, sitting at the table, kept leaning towards him (the witness) and asking him about his place of origin. Ružnić thereupon stated: “*This is my colleague from Banja Luka*”¹²⁰. The witness stated they all spoke a little louder so that everything could be audio and video recorded.

¹¹⁹ Transcript of the main trial hearing of 8 November 2010, page 21.

¹²⁰ Ibid, page 24.

They spent about half an hour in the café, and when they started off, Ružnić told the witness: *"Don't you tell me now that we behaved badly."*¹²¹ When they returned to the prison, the witness asked Ružnić: *"What was all that about...this van, video and audio recording, the camera in the café placed over there among ...?"*¹²² Ružnić told the witness they would later on discuss it all. The witness further stated that a couple of days before the exchange Ružnić came to the prison, and took him to a room where a guard was present and a video-recorder mounted. Ružnić told the witness: *"Here you are, you see...we have the footage, you were video-recorded living here with us, how was that for you, ... if you do not contact us and cooperate with us, we will sent this footage to your people down there"*.¹²³ The witness responded he would cooperate, and Ružnić further told him that, on the day he was supposed to leave, he would be given instructions about the way in which he would contact them; and on the exchange day, Ružnić singled out the witness and told him he would send messages through the Red Cross addressed to the name Selimović or some other name (the witness was not quite certain about the name in question), and that someone would contact him in Banja Luka. After being exchanged, that is, on the very day of exchange, the witness reported to the (State) Security Service and told them everything that had happened, and that Brane Čičić "was recruited for real...that he believed his family would be killed". The witness stated he had sent a message via Red Cross, but never received any response. The witness added that all the men who had been in the cell together with him signed "those decisions on cooperation" and underwent the same treatment.

232. Witness Brane Čičić stated that, while he was detained in the *Luke* prison, the accused Ružnić once came in and told him that an exchange would probably be organized. The Accused took the witness to an office, chose for him some clothing to wear and took him outside. The witness stated they went to a café, where he had a coffee and a glass of beer; than a lady arrived, who was also a soldier, and he talked with her informally about their acquaintances in Sanski Most. The witness immediately realized what kind of scheme was in operation there, just like in American movies, and this was funny for him at first. However, when they returned to the prison, Ružnić played for him a video-footage from a CD. The witness realized that his leaving the prison on the referenced occasion with Ružnić and the visit to the café were video-recorded. Ružnić showed the witness the

¹²¹ Ibid.

¹²² Ibid.

video footage and explained to him that he had to read and sign something that they had already prepared in writing. Ružnić even added that if the witness did not sign this, they would hold his wife and children. The witness read in front of the camera what he was told to read, namely that *“he was purportedly a false collaborator of someone or something against himself ...”*¹²⁴

233. Witness Rajko Pačavra also testified that, during his detention in the *Adil Bešić* barracks (or the “July 27” barracks, as the witness called it), the accused Ružnić took him once out to a café to have a glass of beer. The witness stated the following:

“He arrived by car. I do not know which one, but I think it was a “Jugo”, privately owned, rather than an official vehicle. We drove to, I think, it was the Command, to his office. I was dressed up nicely; I put on a little necktie, shoes, etc. ... There was a plenty of clothing in a wardrobe... I dressed up nicely there, and we went out. We arrived in a café. Believe me, I do not even know the café’s name. We had... I had two Kaiser beers and he asked me if I would have another one. I said I certainly would, because I had missed beer very much...”¹²⁵

The witness stated they had stayed there for about 40 minutes, or even shorter, and thereupon returned to the office, where he returned the clothing and went back to the barracks. Two or three days later, Mr. Ružnić arrived there, took the witness to his office and played for him a video-tape. The witness saw that all that had been filmed: when he was taken out from the barracks, the visit to the café, the witness having a beer and having a conversation with them. Ružnić thereupon told him:

“We have the video footage now. Now I will send this to your men there and I will tell them you have been cooperating with us, and so on. As a favor in return, he asked me to sign something like a statement of loyalty in case I was exchanged. This meant that if I were released I had to sign something (confirming) that I will cooperate with them, and that Bosna will be united, etc... Thereupon, (I was told that) if I wanted to see my wife and kids... I should sign the paper.”¹²⁶

The witness stated he signed it since he wanted to go home, and he saw his chance in signing that paper.

234. Witness Stojan Katana described his experience similarly when once, just before the exchange, the accused Ružnić took him out to a café outside the military barracks compound. The witness stated they came by car to pick him up. They first took him to a

¹²³Ibid.

¹²⁴ Transcript of the main trial hearing of 7 October 2009, page 21.

¹²⁵ Transcript of the main trial hearing of 26 August 2009, page 93.

¹²⁶ Ibid, page. 94.

building, to Mr. Ružnić's office, to change his clothing. They subsequently went to a café. They even took a walk along a certain section of the road. The witness was not even tied up. Having had a drink in the café, they brought the witness back to the military barracks. In the evening of the same day, or on the following day, they took the witness to the accused Ružnić, where the witness realized he had been video-recorded. They showed him the video-footage. The witness described: *"They turned on the camera, and I watched myself ... I saw myself walking across the bridge, walking on foot, having a coffee in the café over there..."*¹²⁷ The witness realized this was a classical way of recruitment, when everything was explained to him, and when he had to sign a statement that he would work for the state of BiH. The witness stated he was told that *"if you think of going home, you must sign that."*¹²⁸

235. Witness Lazo Bursać described his experience when on one occasion, 4 days before the exchange, the accused Ružnić took him out of the prison. The witness stated that a courier came to pick him up, took him to Adil Ružnić's, where he was given a shaving kit. When he finished shaving, they gave him a suit to put on. Adil told him they would go to the witness's apartment where a woman lived. However, they did not go to his apartment, but rather to a café where they had a drink. The witness stated that 5-6 persons were in the café, including a girl who sat next to the witness, and gave him a cigarette. Thereupon, Adil bought him a pack of Marlboro cigarettes. They stayed in the café for around a half an hour, as long as it took them to have a drink. They subsequently went back to the military barracks. In the morning of the following day, he was presented with a video-footage, showing all of them who had sat in the café. Then Adil spoke with the witness and told him the following:

"...to work for the Army BiH. He did not force me, but rather simply spoke with me; asked me if I would ... we have the video-footage, we can do this...we can do that...we can blackmail you by sending the footage, for example, to your wife....or we can send it to your unit, or broadcast it on TV ..."129

Responding to the Prosecutor's question, the witness stated that he assumed he was supposed to cooperate with the A RBiH after being released, and that he consented to cooperate only with regard to the questions he did not know to answer during the

¹²⁷ Transcript of the main trial hearing of 4 November 2009, page 18.

¹²⁸ Ibid, page 19.

¹²⁹ Transcript of the main trial hearing of 14 July 2010, page 19.

interrogation. The witness stated that all that happened a few days before the exchange, that after this conversion he was registered with the Red Cross and thereupon exchanged.

236. Notwithstanding that it ensues from the testimony of the examined witnesses that, as described in the Indictment, the accused Ružnić indeed took out the injured parties Živko Malešević, Brano Čičić, Rajko Pačavra, Stojan Katana and Lazo Bursać from the detention centers where they were held, dressed them up properly, took them to a café in Bihać, on which occasion they were video-recorded, and this footage was subsequently played to them, the Panel concludes it was not proved that the Accused's acts satisfied the essential elements of the criminal offense of War Crimes against Prisoners of War by forcing them to serve in the belligerent party's armed forces, as charged against this Accused in the Prosecution's amended Indictment. In the Panel's view, for the existence of this criminal offense it should have been proved that the Accused actually forced the injured parties to participate in the armed forces as combatants, or in some other way, e.g. in the hostile army's quartermaster service, but in any case that they were forced to take concrete actions rather than to make promises for *pro futuro* actions.

237. Contrary to the foregoing, it ensues from the testimony of the witnesses-injured parties, that the Accused's acts, if undertaken at all, were directed at obtaining promises for future activities, after the prisoners' exchange, and if they were exchanged. Contrary to the Prosecution's assertion, this does not prove that the Accused indeed forced the prisoners of war to serve in the armed forces of the hostile army. The Panel concludes, based on the witnesses' evidence, that the Accused indeed carried certain activities to recruit the injured parties for a certain form of cooperation with the A RBiH, but only after their exchange, when it was no longer possible to control their activities, as the war prisoners would be beyond any responsibility/control of both security officers from the 5th Corps of the A RBiH and the personnel of the collection centers where they were detained. In view of the foregoing, the Panel concludes that the Prosecution's tendered evidence did not prove that, by the acts he undertook against the prisoners of war, the accused Ružnić indeed committed the criminal offense referred to in Article 175(c) of the CC BiH. Therefore, applying the principle of *in dubio pro reo*, the Appellate Panel acquitted the Accused of the charges for the referenced criminal offense.

C. COSTS OF THE CRIMINAL PROCEEDINGS

238. Considering that the Panel rendered an acquitting verdict in relation to all the charges filed against the accused Mehura Selimović, and in relation to Count II.2 of the Indictment charged against the accused Adil Ružnić, it was decided, pursuant to Article 189(1) of the CPC BiH, that the costs of criminal proceedings relating to the acquitting part of the Verdict shall be paid from the Court's budget appropriations.

D. DECISION ON CLAIMS UNDER PROPERTY LAW

239. Pursuant to Article 198(3) of the CPC BiH, all injured parties under all Counts of the Indictment were instructed that they may pursue their claims under property law in a civil action.

MINUTES-TAKER

PANEL PRESIDENT

JUDGE

Nevena Aličehajić

Redžib Begić

NOTE ON LEGAL REMEDY: No appeal lies from this Verdict.

IX. ANNEX

A. DATES OF TESTIMONY/REPLAY OF PROSECUTION WITNESSES¹³⁰

No.	Witness	Testified on	Note	Testimony replayed on
1	Neđo Krndija	26.08.2009.		12.02.2014.
2	Neđo Đukić	26.08.2009.		19.02.2014. 26.02.2014.
3	Rajko Pačavra	26.08.2009.		02.07.2014.
4	Milutin Zrnić	09.09.2009.		
5	Draško Đervida	09.09.2009.		26.02.2014.
6	Darko Dojčinović	09.09.2009.		
7	Milovan Bijelić	23.09.2009.		10.09.2014.
8	Mile Popović	23.09.2009.		19.02.2014.
9	Radovan Popović	23.09.2009.		19.02.2014.
10	Brane Čičić	07.10.2009.		28.04.2014.
11	Slavko Bilbija	07.10.2009.	Directly examined by the Defense for the 2 nd Accused	
12	Darko Kajtez	14.10.2009.		05.03.2014.
13	Zvezdan Kovjenić	28.10.2009.		28.04.2014.
14	Stojan Katana	04.11.2009.		02.07.2014.
15	Dragan Bosančić	04.11.2009.		27.08.2014.
16	Drago Vranjković	11.11.2009.		08.10.2014.
17	Milorad Ajder	11.11.2009.		
18	Marko Golić	18.11.2009.		
19	Ljubo Jovičić	18.11.2009.		

¹³⁰ Dates when the testimony was replayed are stated only for the witnesses whose testimony was replayed before the Appellate Panel, while the testimony of other witnesses was admitted under the Decision of 17 January 2015 issued by the Appellate Panel and was not read out or replayed. The names of those witnesses are bolded.

20	Arif Vuković	16.12.2009.		12.03.2014.
21	Mile Radulović	13.01.2010.		26.03.2014.
22	Drago Đukić	13.01.2010.	Directly examined by the Defense for the 2 nd Accused	27.08.2014.
23	Simo Aničić	03.02.2010.		16.04.2014.
24	Saša Runjić	03.02.2010.		26.03.2014.
25	Nebojša Trkulja	10.02.2010.	Directly examined by the Defense for the 1st Accused	
26	Pero Plavšić	10.02.2010.		29.10.2014.
27	Jasminko Čehobašić	24.02.2010.		
28	Blaže Štrkić	24.02.2010.		
29	Darko Petrušić	10.03.2010.		
30	Ljubo Bojić	10.03.2010.		
31	Ranko Stanojević	17.03.2010.		
32	Milenko Golić	17.03.2010.		
33	Petar Stojanović	24.03.2010.	Directly examined by the Defense for the 2 nd Accused	09.04.2014. 16.04.2014.
34	Siniša Malešević	24.03.2010.		
35	Slavko Aničić	07.04.2010.		01.10.2014.
36	Braco Pezić	07.04.2010.		
37	Dragan Jeftenić	14.04.2010.		17.09.2014.
38	Vojislav Kondić	14.04.2010.		
39	Radenko Kovačević	21.04.2010.	Directly examined by the Defense for the 2 nd Accused	02.04.2014. 09.04.2014.
40	Slavko Rajlić	12.05.2010.		
41	Dušan Rodić	12.05.2010.		
42	Neđo Trivić	19.05.2010.		19.03.2014.
43	Siniša Vujić	19.05.2010.		26.03.2014.
44	Stradimir Vukičević	26.05.2010.		

45	Željko Šarac	26.05.2010.		12.11.2014.
46	Dragan Stupar	23.06.2010.		
47	Milorad Carić	30.06.2010.		19.03.2014.
48	Tomislav Danilović	30.06.2010.		
49	Aleksandar Juić	07.07.2010.		
50	Lazo Bursać	14.07.2010.		09.07.2014.
51	Perica Kerkez	16.07.2010.		
52	Duško Knežević	16.07.2010.		
53	Ljubomir Kojić	16.08.2010.		
54	Ranko Gojić	18.08.2010.		
55	Proko Pilipović	18.08.2010.		
56	Ivo Marić	01.09.2010.		
57	Veljko Radić	01.09.2010.		03.09.2014.
58	Bogdan Lakić	29.09.2010.		02.04.2014.
59	Milovan Mastikosa	29.09.2010.	Witness examined only directly	10.09.2014.
60	Milan Gvozdenović	13.10.2010.		
61	Miloš Jelić	13.10.2010.		
62	Luka Kajtez	13.10.2010.		
63	Mile Zec	27.10.2010.	Witnesses examined in the Banja Luka District Court, audio records replayed in the Court of BiH on 16.02.2011.	03.09.2014.
64	Rade Paraš	27.10.2010.		
65	Jovo Reljić	27.10.2010.		
66	Nikola Stojanović	03.11.2010.	Testimony read out at the main trial since the witnesses deceased	
67	Branislav Kalaš	03.11.2010.		
68	Marinko Kos	03.11.2010.		
69	Živko Malešević	18.11.2010.		21.04.2014.
70	Sreto Sušić	15.12.2010.		09.07.2014.
71	Zoran Babić	07.03.2012.		
72	Miodrag Dejanović	07.03.2012.	Testimony read out at the main trial since the	

			witness deceased	
73	Ljubomir Gogić	14.03.2012.	Handwriting expert witness	
74	Milan Ivančević	14.03.2012.		
75	Dragomir Keserović	04.04.2012.	Military expert witness. Cross-examined on 11.04. and 18.04.2012.	

B. LIST OF ADMITTED PROSECUTION EXHIBITS

T-1 - Record on the examination of witness Neđo Krndija, Prosecutor's Office of BiH, No. KT-RZ-30/05 and 117/07 dated 8 April 2008;

T-2 (O1-1) - Record on the examination of witness Neđo Đukić number 03/1188-10 dated 30 April 1994; Supplementary statement of Neđo Đukić; Record on the examination of witness Neđo Đukić br. 03/360-3 of 30 April 1994; Supplementary statement of Neđo Đukić; Questions for Neđo Đukić;

T-3 - Record on the examination of witness Neđo Đukić, Prosecutor's Office of BiH No. KT-RZ 117/07 and KT-RZ- 30/05 of 27 March 2008;

T-4 (O1-3; O1-4A; O1-4B and O2-135) – Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Draško Đervida *str. pov.* no. 03/1188-32 dated 20 September 1994; Draško Đervida's statement in handwriting dated 15 February 1995, Draško Đervida's supplementary statement given to the Staff of the 5th Corps OSVB /MSS Authority/ dated 15 March 1995 and fingerprint card for Draško Đervida;

T-5 - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Milutin Zrnić SP no. 03/1188-48 of 27 September 1994;

T-5A - Military Security Department with the Staff of the 5th Corps - File Cover – 14 September 1994; fingerprint card for Milutin Zrnić and Milutin Zrnić's handwritten statement;

T-6 (O1-5) - Military Security Department with the Staff of the 5th Corps, Official Note for Darko Dojčinović, *str. pov.* no. 03/1182-28 of 23 September 1994;

T-6A (O1-5) - Official Note for Darko Dojčinović of 1 September 1994 in handwriting;

T-7 (O1-7; O2-135) - Military Security Department, Statement on the establishment of organised cooperation with MSS of AF R BiH by Darko Dojčinović of 10 March 1995;

T-8 (O1-9) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Mile Popović No. 03/73-7/95 of 24 January 1995;

T-9 - Record on the examination of witness Radovan Popović, Prosecutor's Office of BiH, No. KT-RZ-117/07 and KT-RZ-30/05 of 7 February 2008;

T-10 (O1-11) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Radovan Popović No. 03/73-5 of 23 January 1995 drafted on 22 January 1995;

T-10A (O1-11) - Fingerprint card for Radovan Popović of 7 February 1995;

T-11- Fingerprint card for Slavko Bilbija, Prosecutor's Office of BiH, No. KT-RZ-117/07 and KT-RZ-30/05 of 28 August 2007;

T-12 (O1-13) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Drago Vranjković of 4 September 1995;

T-13 (O1-15) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Marko Golić, No. *str. pov.br.* 03/1188-23 of 23 September 1994;

T-13A – Written statement (12 pages);

T- 13B - Fingerprint card for Marko Golić;

T-13C – Ministry of Defense, Security Administration number 06.1/28-307-2 of 5 November 1994;

T-14 (O1-17) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Ljubo Jovičić No. *str.pov.br.* 03/1188-39 of 18 November 1994;

T-14A - Official Note dated 25 October 1994 for Ljubo Jovičić composed on the premises of the 501st Brigade;

T-14B – Ljubo Jovičić's Statement/Official Note composed on the premises of 'Adil Bešić' barracks on 18 November 1994;

T-14C – Fingerprint card for Ljubo Jovičić of 6 February 1995;

T-15 - Record on the examination of witness Ljubo Jovičić, Prosecutor's Office of BiH, No. KT-RZ-117/07 and KT-RZ-30/05 of 31 March 2008;

T-16 (O1-19)

- Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Arif Vuković, No. *str.pov.br.* 03/ of 22 July 1994;
- Supplement to the statement of Arif Vuković *All Fikret's Connections (Sve Fikretove veze)*, number 12039427.TXT in the right corner;
- Handwritten supplement to the statement of Arif Vuković and Arif Vuković's statement (33 pages);

- Supplement to the statement of Arif Vuković, Military Security Department with the Staff of the 5th Corps of the Army of R BiH, *strogo pov*, No. 03 of 2 August 1994 (number 22079403);
- Supplement to the statement of Arif Vuković;
- Statement of Arif Vuković (number 10089430.TXT in the right upper corner);
- Supplement to the statement of Arif Vuković, Military Security Department with the Staff of the 5th Corps of the Army of R BiH, *strogo pov*, 03 of 18 August 1994 (number 22079403.TXT in the right upper corner);
- Supplement to the statement of Arif Vuković (five pages);
- Supplement to the statement of Arif Vuković, Military Security Department with the Staff of the 5th Corps of the Army of R BiH, *strogo pov*, no. 03/696-3 of 2 August 1994 (number 22079403 TXT in the right upper corner);

T-17 (O1-21) - Military Security Department with the Staff of the 5th Corps, Official Note for Nebojša Trkulja, No. *str.pov.br.* 03/1188-21 of 25 September 1994 and Fingerprint card for Nebojša Trkulja;

T-18 (O1-23)

- Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Pero Plavšić No. 03/1188-46 of 11 November 1994 and Supplement to the statement;
- Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Pero Plavšić No. 03-480/94 of 11 November 1994, composed on 25 October 1994 Supplement to the statement;

T-19 (O1-25) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Siniša Malešević, No. *str.pov.br.* 03/1182-52 of 28 September 1994 with attached handwritten statement and a Fingerprint card of 6 February 1995;

T-20 - Record on the examination of witness Slavko Aničić, Prosecutor's Office of BiH, No. KT-RZ-30/05 and KT-RZ-117/07 of 25 June 2008;

T 21 - Record on the examination of witness Braco Pezić, State Investigation and Protection Agency, No: 17-12/3-04-2-50/08 of 22 July 2008;

T-22 (O1-26) - Military Security Department with the Staff of the 5th Corps, Official Note for Dragan Jeftenić, SP No. 03/73-60-1 of 5 May 1995;

T- 23 - Record on the examination of witness Dragan Jeftenić, Prosecutor's Office of BiH, made on the premises of the Prijedor PSS, No: KT-RZ 30/05 and KTRZ 117/07 of 20 November 2008;

T-24 (O1-28) - Supplement to the statement of Vojislav Kondić (5 pages);

T-25 - Record on the examination of witness Vojislav Kondić, Prosecutor's Office of BiH, No. KT-RZ-30/05 and KT-RZ-117/07 of 4 March 2008;

T-26 - Record on the examination of witness Slavko Rajlić, Prosecutor's Office of BiH No. KT-RZ-117/07 and KT-RZ-30/05 of 29 August 2007;

T-27 (O1-30) - Military Security Department with the Staff of the 5th Corps, Official Note for Neđo Trivić, SP No. 03/73-56-1 of 24 June 1995;

T-28 (O1-30) – Statement of Neđo Trivić (28 pages);

T-28A - Supplement to the statement of Neđo Trivić of 10 June 1995;

T-29 (O1-30) – Fingerprint card for Neđo Trivić, 1995, OSVB */Military Security Service Organ/*, Bihać; Military Security Department with the Staff of the 5th Corps, List of necessary information for Neđo Trivić dated 6 May 1995;

T-30 - Record on the examination of witness Tomislav Danilović, No. KT-RZ-117/07 and KT-RZ-30/05 of 1 April 2008;

T 31 (O1-32) - Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Statement of Perica Kerkez SP No. 03-1188-80 of 20 December 1994; Fingerprint card for Perica Kerkez and a handwritten statement;

T-32 (O1-33) – File cover for Duško Knežević No. 03/1188-57-82 (attachments: Record made by the 501st Mountain Brigade, Security Department dated 9 December 1994, Record made by the 501st Mountain Brigade, Security Department No. 03/1182-82 of 9 December 1994; Fingerprint card for Duško Knežević and a handwritten sheet of paper;

T-33 - Record on the examination of witness Nikola Stojanović, Prosecutor's Office of BiH No. KT-RZ-30/05 and KT-RZ-117/07 of 19 February 2008;

T-33A – Death Certificate for Nikola Stojanović, Municipality of Gradiška, No. 03/1-202-1-1533/10, issued in Gradiška 29 July 2010;

T-34 Record on the examination of witness Branislav Kalaš, Prosecutor's Office of BiH No. KT-RZ-30/05 and KT-RZ-117/07 of 10 March 2008;

T-34A - Death Certificate for Branislav Kalaš, Municipality of Banja Luka No. 1-202-1-2439/2010 of 27 August 2010, Banja Luka;

T-35 (O2-9) – Record on taking a statement from witness Marinko Kos, Banja Luka Public Security Center, No. 10-02/2-271/05 of 20 May 2005;

T-35A - Death Certificate for Marinko Kos, Municipality of Banja Luka No. 1-202-1-8309/2010 of 21 September 2010, Banja Luka;

T-35B – Power of attorney dated 13 April 2008 issued to lawyer Simo Tošić and his notification of death of Marinko Kos to the Prosecutor's Office of BiH (case: KT-RZ-30-05);

T-35C – A Red Cross message sent to Marinko Kos by his wife Stana Kos dated 25 October 1995;

T-36 - Record on taking a statement from witness Sreto Sušić, Doboj Public Security Center, No. 11-02/2-230-520/04 of 30 May 2005;

T-37 – Fingerprint card for Sreto Sušić with photographs and fingerprints, dated 28 October 1995;

T-38 - Decision of the Presidency of R BiH declaring the state of war, “*Official Gazette of R BiH*” No.7/04 of 20 June 1992;

T-39 (O1-35) - Document number: 01049510 FRM – Table showing formation duties of the Military Security Service of the 5th Corps of the Army of R BiH;

T-40 (O1-36) – Organizational chart of the Bihać District Security Organs;

T-41 (O1-37 and O2-12) - Instructions of the 5th Corps Military Security Service Department with the Army of R BiH number: SP 03/321-12 of 3 September 1995 relative to the treatment of prisoners of war;

T-42 (O1-38) - Rules on the treatment of prisoners of war in the Bihać collection centre, number *Pov.* 07/900-1 of 8 August 1993;

T-43 (O1-39) - Decision on the establishment of the prison for prisoners of war, number: 01-S-012-113/92 of 17 August 1992, issued by the Bihać District Assembly;

T-44 (O1-40) - Document *str.pov.*09-1/193-27 of 1 July 1996, Attack Order under the code name “*Sana 95*”, 5th Corps of the Army of R BiH number 01-1/352-327 of 17 August 1995;

T-45 - Order to apply the rules on international law of war in the armed forces of R BiH, Official Gazette of RBiH number: 15/92 of 5 September 1992;

T-46 - Rules of service in the Army of the Republic of Bosnia and Herzegovina, “*Official Gazette*” number 11/92 of 1 August 1992;

T-47 (O1-41) - Authorisation of the 5th Corps Military Security Service Department with the Army of R BiH, number: 03/845-1 of 9 September 1994;

T-48 (O1-42 and O2-13) - Permission issued by the Military Security Service Department to visit and register prisoners of war, number: 03/388-47 of 23 October 1995;

T-49 (O1-43 and O2-14) - Records on prisoners of war number: 03/73-68-4 of 19 October 1995, Military Security Service Department;

T-50 (O1-44 and O2-15) - Records on captured SČV (Serbian Chetnik soldiers), strictly confidential, number: 03/73-68-3 of 12 October 1995;

T-51 (O2-16) - Records on captured SČV (Serbian Chetnik soldiers), number: 03/73-68-2 of 5 October 1995;

T-52 (O1-45) – Request of the 511th Glorious Mountain Brigade – Security Organ – for a

transfer of a prisoner of war, member of the so-called NO APZB /*National Defence of the Autonomous Province of Western Bosnia*/ to Cazin, No. Pov. 03/112-118 of 22 September 1995;

T-53 (O1-46) – Decision recognizing prisoner-of-war status No. pov. 07/49-5 of 29 December 1994 issued by the Commander of the 5th Corps;

T-54 (O1-47) - Decision recognizing prisoner-of-war status No. pov. 07/49-4 of 21 November 1994 issued by the Commander of the 5th Corps;

T-55 - Provision of information on the captured members of SČA (Serbian Chetnik Army), number: SP 03/1042-7 of 15 November 1994, Staff of the 5th Corps;

T-56 (O1-48) - List of captives who were denied status of prisoners of war, number: pov. 03/794-1 of 26 December 1994, 503rd Mountain Brigade, CC for prisoners of war in Cazin;

T-57 (part of Exhibit O2-17) - Books of Records on PoWs and various lists of prisoners of war, 6 individual lists;

T-58 (O1-49) - Order number: str. pov. 04-1/853-1 of 13 October 1995, issued by 5th Corps Command;

T-59 (O1-50 and O2-18) - Order number: str. pov. 07/3102-1 of 10 May 1994, issued by 5th Corps Command;

T-60 (O1-51 and O2-19) - Assessment of security situation in the Collection Center for prisoners of war, No. 03/378-2 of 11 May 1994, the 5th Corps Military Security Service Department;

T-61 (O1-52) - Study of safeguarding the Collection Center for prisoners of war, number: 03/378-6 of 14 May 1994, the 5th Corps Military Security Service Department;

T-62 (O1-53 and O2-20) - Ordinance for the Military Security Service in the armed forces, number: 02-011-714/92 of 11 September 1992, issued by the Presidency of R BiH;

T-63 (O1-54) Record on statement taken from Milorad Carić number: 14-1/02-4-255/95 of 16 February 1995, Public Security Center, Bihać Police Sector;

T-64 (O1-55) - Record on statement taken from Dragan Blanuša, number: 02-132/95 of 27 January 1995, Public Security Center, Bihać SDB Sector /*State Security Service Sector*/;

T-65 (O1-56) - Record on statement taken from Radovan Popović, number: 02-142/7/95 of 27 January 1995, Public Security Center, Bihać SDB Sector /*State Security Service Sector*/;

T-66 (O1-57) - Record on statement taken from Zdravko Radošević, number: 02-146/9/95 of 28 January 1995, Public Security Center, Bihać SDB Sector /*State Security Service Sector*/;

T-66A (O1-58) – Record on examination of Zdravko Radošević, No. 02-146/10/95 of 28 January 1995, Public Security Center, Bihać SDB Sector /*State Security Service Sector*/;

T-67 (O1-59) – Official Note – Darko Kajtez's Statement, Military Security Department No. SP 03/1188-75 of 13 November 1994; Document of the Military Security Department No. Str.pov.br. 03/1188-78 of 22 December 1994; Document of the Military Security Department No. 03/1188-77 of December 1994; Document of the Public Security Center, Bihać Police Sector, No. 14-1/02-4-1502/94 of 9 December 1994; Record of the Ministry of Security Public Security Center No. 02-1254/94 of 2 December 1994; Photocopy - Fingerprint card for Darko Kajtez, February 1995;

T-68 - Data supplement, Military Security Service Department, strictly confidential, No. 03/67-12 of 31 August 1995, List of persons, Military Security Service Department, strictly confidential, No. 03/67-11 of 29 August 1995; Decision of the Army of R BiH – 5th Corps, confidential, No. 07-3/2033-1 of 7 August 1995, and Decision of the Army of R BiH – 5th Corps, confidential, No. 07-3/2290-1 of 1 September 1995;

T-69 (O1-1A) - Official Note on the first examination of Neđo Đukić, No. 03/360-2 of 24 April 1994 with photographs attached; Escort Sheet for Neđo Đukić, No. 07-5/94 of 9 May 1994; Personal file of Neđo Đukić of 15 June 1995, Military Security Service Department; Letter of Security Administration number: 7-3/28-111 of 28 March 1995, Letter of Military Security Service Department requesting instructions for exchange of Draško Đervida and other people, No. SP 03/1040-2 of 23 March 1995 and a message of Neđo Đukić through IRC of 15 September 1994;

T-70 (O1-60) - Document of the Department for Military Security Service, strictly confidential, No. 03/329-12 of 1995;

T-71 (O1-61) - Document of the Military Security Service Department No. 03/329-7 of 13 April 1995;

T-72 (O2-26) – Security Situation Report, File Cover No. 03/535-2; Military Security Department Report No. 03/535-2 of 28 June 1994, Order: pov.br. 02/4244-1 of 27 June 1994 issued by Commander Atif Dudaković;

T-73 (O2-27) - Military Security Service Department Document, strictly confidential, No. 03/388-40 of 13 September 1995 on provision of a list of prisoners of war;

T-74 (O2-28) - Military Security Service Department Document, strictly confidential, No. 03/67-7 of 15 August 1995 on provision of data on the aggression soldiers;

T-75 (O2-29) - Document No. 14/02-4-1448/95 of 14 November 1995, Ministry of Internal Affairs, Security Service Centre, Police Station Bihać;

T-76 (O2-30) – Notification of the Military Security Service Department, strictly confidential, No. 03/388-50 of 9 November 1995;

T-77 - List of persons subjected to criminal investigation procedures on the premises of the Bosanski Petrovac Police Station;

T-78 (O2-31) - Document, Military Security Service Department, strictly confidential, No. 03/388-38 of 5 September 1995;

T-79 - Document, Military Security Service Department, strictly confidential, No. 03/388-51 of 9 November 1995;

T-80 (O1-62) - Document of the High Court in Bihać No. 5/95-RZ of 17 April 1995;

T-81 - Document of the High Court in Bihać, No.Ki.12/94-RZ of 28 February 1995;

T-82- Military Security Service Department Document, strictly confidential, No. 03/252-2 of 10 March 1995;

T-83 (O1-63) - Official Note of the Military Security Service Department, strictly confidential, No. 03/1188-61 of 29 November 1994, and a fingerprint card for Tomislav Danilović dated 7 February 1995;

T-84 (O1-64) - Document, Military Security Service Department, confidential, No. *Pov.br.* 03/493-2 of 17 June 1994;

T-85 - Decision issued by the 5th Corps recognizing prisoner-of-war status of Vojislav Kondić, No. 07/49-1 of 10 February 1994;

T-86 - Decision issued by the 5th Corps recognizing prisoner-of-war status of 10 individuals, confidential, No. 07/6163-1 of 20 September 1994;

T-87 (O2-32) – List of captured soldiers, Military Security Service Department, strictly confidential, No. 03/73-68 of 8 September 1995;

T-88 (O1-65) - Document issued by the 5th Corps Command, Military Security Service Department, strictly confidential, No. 03/85-12 of 2 February 1995;

T-89 (O1-66) - Personal file of Pero Balaban No. 07/5-45/95 of 25 January 1995;

T-90 - Information on the situation, developments and problems in the District Military Prison and proposed measures, No. SU-34/94 of 21 April 1994, Military District Court in Bihać;

T-91 – Military Police Battalion Report on accidental death of Milan Demić, No. 07/5-109/95 of 7 March 1995, Military Police Battalion Official Note on interview with Stanko Turopoljac No. 07/5-469/95 of 5 March 1995, and Military Police Battalion Official Note on interview with Šaban Šaković No. 07/5-46-2/95 of 5 March 1995;

T-92 – Report No. 12/170-1 dated 6 January 1994 on the International Red Cross visit to the “*Adil Bešić*” barracks made by Asim Spahić, Commander of the “*Adil Bešić*” barracks;

T-93 – Order issued by the 5th Corps, confidential, No. 07/7762-1 of 9 December 1994;

T-94 - Decision issued by the 5th Corps recognizing prisoner-of-war status, confidential, No. 07-3/1585-1 of 30 May 1995;

T-95 – Request made by Asim Spahić, Commander of the barracks for recognition of prisoner-of-war status, confidential, No. 12/7165-1 of 6 November 1994;

T-96 (O1-67) - Order issued by the 5th Corps Commander to exchange prisoners, strictly confidential, No. 07-1/202-1 of 10 March 1995;

T-97 (O1-68) - Order issued by the 5th Corps Command to exchange prisoners, strictly confidential, No. 04-1/1106-1 of 22 December 1995;

T-98 (O1-69) - Duty appointment document of the 5th Corps, strictly confidential, No. 05/53-171 of 22 January 1995;

T-99 - Order issued by the 5th Corps Command to exchange prisoners, strictly confidential, No. 04-1/1047-1 of 28 November 1995;

T-100 (O1-70 and O2-33) – Ministry of Defense, Guidelines for Taking statements from captured Chetniks, No. 01.3/96-39 of 5 July 1994;

T-101 - Official Note, 503 Mountain Brigade Security Organ, *Pov.br.* 03-146/95 of 21 February 1995;

T-102 - (O1-71 and O2-34) - Case File of the MSS Department of 5th Corps of 15 June 1995;

T-103 - List of members of a Company of the Serbian Chetnik Army – 5th Corps Military Security Department, reg. number: 03/360-4 of 4 May 1994;

T-104 - Military Security Service Department, Staff of the 5th Corps, Additional findings from the statements of captured members of the Serbian Chetnik Army, *str.pov.br.* 03/297-1 of 21 March 1995;

T-105 (O1-72) - Military Security Service Department, Report on inspection of 505th Vmtbr and 506th bobr. of 4 April 1995;

T-106 (O1-73 and O2-35) – 501 Mountain Brigade Daily Report, *Str.pov.br.* 03/1-13 of 14 January 1995;

T-107 (O1-74) - Military Security Service Department - Transfer of a prisoner of war, *SP* number: 03/699-2 of 24 September 1995;

T-108 (O2-36) - Plan and Programme for Training of Senior Military Officers of the MSS of 5th Corps, 10 February 1995;

T-109 (O2-37) - Plan and Programme for Training of Senior Military Officers of the MSS of 5th Corps, 4 March 1995;

T-110 (O2-38) - Verification of Čelebić, Lipović, Pašić, in handwriting, 26 May 1994;

T-111 (O2-38) - Verification of Lipović and Pašić, in handwriting, of 26 May 1994;

T-112 (O2-38) - Verification of Bećirspahić, in handwriting, of 25 May 1994;

T-113 - Rules for Military Police Operations, number: 02/90-31 of 11 September 1994;

T-114 - Personal questionnaire and statements of Miroslav Prtija and Milovan Mastikosa of 19 October 1995;;

T-115 - Personal questionnaire and statement of Petar Marjanović of 19 October 1995;

T-116 – Order of the 5th Corps, *pov. br.* 07/305-1 of 14 August 1994;

T-117 - (O2-40) – Official Note, Military Security Department, *Str. pov. br.* 03 of 12 July 1994;

T-118 - (O2-41) - Document of the Ministry of Defence of RBiH, findings, number: 01.3/28-230 of 21 July 1994;

T-119 (O2-42) - Report, Military Security Department, *str. pov. br.* 03/548-6 of 25 July 1994;

T-120 (O1-75) - Official Note, *str. pov. br.* 03/73-2 of 20 January 1995, about statement taking from Dragan Blanuša, supplement to the statement and fingerprint card of Dragan Blanuša and three handwritten statements;

T-121 - Document, Military Security Department, *str. pov. br.* 03/1136-1 and 03/1188-30 of 1 December 1994, with the attachment;

T-122 – Document, Public Security Center, number 02-1232-2/94 of 7 December 1994, with the attachment;

T-123 (O1-76) - Interview plan for Jelenko Bosnić and the Official Note on taking a statement from Jelenko Bosnić, *SP* number 03/1034-4 -1188-25 of 30 October 1994;

T-124 - Assignment Plan for Counterintelligence Department (CID) on 2 December and 4 December 1994;

T-125 (O2-43) - Assignment Plan for Counterintelligence Department (CID) on 21 December 1994 and 22 December 1994;

T-126 (O2-43) - Assignment Plan for CID on 23 December 1994 and 24 December 1994;

T-127 - Assignment Plan for CID on 26 December 1994 and 27 December 1994;

T-128 (O2-43) - Assignment Plan for CID on 28 December 1994 and 29 December 1994;

T-129 - Assignment Plan for CID from 1 to 31 January 1995;

T-130 - Assignment Plan for CID from 1 February to 5 February 1995;

T-131 (O2-44) - Monthly plan of activities of the Department for Military Security Service of 5th Corps for April 1995;

T-132 (O1-77 and O2-45) - Plan of activities of the Counter-Intelligence Department for September 1995, dated 24 August 1995;

T-133 (O1-78 and O2-45) - Plan of activities of the Counter-Intelligence Department for November 1995, dated 26 October 1995;

T-134 (O2-46) - Report on an unusual incident number 07/5-364/95 of 17 November 1995, Report on the death of Sveto Čamber in the barracks in Bihać, On-site Investigation Report no. 07/5-189-1/95 of 17 November 1995, Information on an unusual incident number 07/5-364 of 7 November 1995, Three Official Notes, Army of R BiH, 5th Military Police Battalion, Šemsudin Mešić, no. 07/5-189-1/95 of 7 November 1995, Autopsy Report drafted by dr. Miroslav Rakočević, specialist forensic pathologist, dated 16 November 1995, and a handwritten statement of 22 November 1995;

T-135 (O1-79) – Military Security Records of the 5th Corps, File of Mile Matijević number 03/1188-55;

T-136 - Official Note on taking a statement from Nikola Mrkšić, str. pov.br. 03-1188-54 of 22 September 1994;

T-137 (O1-80) - Fingerprint card of Stevo Karanović, Official Note, SP, number 03/1188-42, Official Note on taking a statement number 03/1188-43 of 11 November 1994, Interview plan for Stevo Karanović, a (handwritten) Statement of Stevo Karanović;

T-138 (O1-81) - Escort Sheet for Ranko Gojić of 28 November 1994, Military Detention of the 503 Mountain Brigade;

T-139 (O1-83) - Official Note on taking a statement from Zdravko Radošević, SP number 03/73-3/95 of 18 January 1995;

T-140 - Official Note on taking a statement from Momir Đurić str.pov.br. 03/73-10/95 of 26 January 1995, supplement to the statement of Momir Đurić (handwritten statement) and a fingerprint card of Momir Đurić;

T-141 - Official Note on taking a statement from Goran Kavržić, str.pov.br. 03/1188-73/94 of 25 November 1994;

T-142 - Official Note on taking a statement from Rade Popović, str.pov.br. 03/1188-66, dated 31 October 1994;

T-143 - Official Note on taking a statement from Trivo Zorić, str.pov.br. 03/1188-64 of 31 October 1994;

T-144 (O1-84) – Certificate of the 501st Mountain Brigade, str.pov.br. 03/7-1 of 18 January 1995;

T-145 (O2-48) - Promotion Order issued by Commander of the 5th Corps, pov. br. 05/357-05 of 29 May 1995;

T-146 (O2-49) - Appointment Order, str.pov.br. 05/53-392 of 29 April 1994 05/53-392;

T-147 (O2-50) - Order on Redeployment of Adil Ružnić issued by Commander of the 5th Corps, str.pov.br. 05/340-490 of 29 April 1994;

T-148 - Appointment Order for Mehura Selimović, issued by Commander of the 5th Corps, str.pov.br. 05/53-388 of 29 April 1994;

T-149 - Approval, Military Security Department, SP number 03/675-1 of 12 September 1995;

T-150 (O2-51) - Military Security Department - Criminal Report, SP number 03/73-63 of 5 September 1995;

T-151 – Military District Court in Bihać, Approval number Kri 3814/95 of 8 September 1995;

T-152 (O1-188) - Official Note on taking a statement from Miodrag Dejanović, SP number 03/73-61 of 19 May 1995;

T-153 (O1-85) - Official Note on taking a statement from Krstan Lakić, SP number 03/73-50-1 of 6 June 1995, fingerprint card of Krstan Lakić, a handwritten statement (11 pages);

T-154 - Official Note on taking a statement from Obrad Romanić, SP number 03/73-59-1 of 4 September 1995, questionnaire for Obrad Romanić, fingerprint card for Obrad Romanić and a handwritten statement;

T-155 (O1-86) - Official Note on taking a statement from Milorad Perić, SP number 03/73-29 of 12 June 1995;

T-156 (O1-87) - Official Note on taking a statement from Milan Kosijer, SP number 03/73-31 of 12 June 1995;

T-157 (O1-88) - Official Note on taking a statement from Marko Kaužljjar, SP number 03/73-32 of 11 June 1995;

T-158 (O1-89) - Official Note on taking a statement from Stanko Turopoljac, SP number 03/73-16 of 13 March 1995 and a fingerprint card of Stanko Turopoljac;

T-159 (O2-54) – Order issued by the Corps Commander, str. pov. br. 03/3174-1 of 12 May 1994;

T-160 - List of detainees per cells in the *Luke* prison (in handwriting);

T-161 - Fingerprint card for Predrag Veriš;

T-162 - Fingerprint card for Anto Topalović;

T-163 - Official Note on taking a statement from Mileta Kokir, SP number 03/73-21 of 12 June 1995;

T-164 – Official Note on taking a statement from Milić Banda, SP number 03/73-23 of 9 June 1995;

T-165 (O2-55) – Military Security Department Document, SP number 03/707-3 of 4 October 1995;

T-166 (O2-56) - Taking Prisoner Report, SP number 03/73-56 of 4 September 1995; Taking Prisoner Report, SP number 03/73-55-2 of 4 September 1995; Taking Prisoner Report, SP number 03/73-60 of 4 September 1995; Taking Prisoner Report, SP number 03/73-50-2 of 4 September 1995; Taking Prisoner Report, SP number 03/73-62 of 4 September 1995; Taking Prisoner Report, SP number 03/73-58 of 4 September 1995; Taking Prisoner Report, SP number 03/73-59 of 4 September 1995; Taking Prisoner Report, SP number 03/73-57-1 of 4 September 1995;

T-167 - Official Note on taking a statement from Stevo Petrović SP number 03/73-49-1 of 30 May 1995;

T-168 - Official Note on taking a statement from Borislav Jokić, SP number 03/73-62-1 of 17 May 1995;

T-169 (O2-57) - Official Note on taking a statement from Nikola Radaković, SP number 03/73-58-1 of 17 May 1995;

T-170 (O2-58) - Official Note on taking a statement from Đuro Mutić, SP number 03/73-57 of 4 September 1995;

T-171 - Questionnaire for Brane Čičić and a handwritten statement of Brane Čičić;

T-172 (O1-189) - Statement of Miodrag Dejanović;

T-173 - Official Note on taking a statement from Milorad Čamber of 22 September 1994;

T-174 - Official Note on taking a statement from Milan Predojević of 16 September 1994;

T-175 - Official Note on interview with Milan Stolić of 12 February 1996;

T-176 (O1-90 and O2-60) – Order of the 5th Corps, Pov. number 07/7519-1 of 25 November 1994;

T-177 (O1-91 and O2-60) - List of prisoners of war, members of Serbian Chetnik Army in the *Adil Bešić* Collective Centre for Prisoners of War (date 25 November 1994, hand-over of the prisoners of war after the transfer);

T-178 - Order issued by the 5th Corps Commander, SP number 07/4102-1 of 20 June 1994;

T-179 (O2-61) – Order issued by the 5th Corps Commander, str.pov.br. 04-1/911-1 of 28 October 1995, supported by a list of prisoners of war;

T-180 – Order of the 5th Corps Command, SP number 03-1/840-1 of 3 October 1995;

T-181 - Dispatch Note of RS Intelligence-Security Service (ISS) number 506-362 of 22 August 2000 and Dispatch Note RS Intelligence-Security Service number 506-624 of 22 August 2000 (*MKS* number 03719078);

T-182 – RS Ministry of Internal Affairs Official Note number B0018152 of 14 February 1996 related to interview with Zoran Babić (ICTY number B0018152);

T-183 - RS Ministry of Internal Affairs Information on attempted recruitment of Stojan Katana of 22 February 1995 (ICTY number B0018171);

T-184 (O2-63) - RS Ministry of Internal Affairs, State Security Department (SSD), Banja Luka Center, dated 10 June 1996 (ICTY number B0018103);

T-185 (O1-92) - State Security Department, Banja Luka Center, Interview number 52/95 of 13 March 1995, (ICTY number B0067181);

T-186 - RS Ministry of Internal Affairs Information on interview of Milan Gvozdenović, str.pov.br. 10-3-361/95 of 13 April 1995, (ICTY number B0067285);

T-187 - RS Ministry of Internal Affairs Official Note of 21 March 1995 (ICTY number B0066980);

T-188 - Dispatch Note of the State Security Department, Bijeljina Center, number 01-84/96 of 2 March 1996, *MKS* number B0018164;

T-189 (O1-93) - RS Ministry of Internal Affairs Official Note, Banja Luka Center of 16 March 1995 (ICTY number B0067327);

T-190 (O1-94) – Some security findings, RS Ministry of Internal Affairs document, SSD Banja Luka, April 1995 (ICTY number B0035877);

T-191 (O1-95) - Order of the 5th Corps Command number 02-1/906-1 of 26 October 1995, (ICTY number 01852421);

T-192 (O2-64) - Official Note and Record of the RS Ministry of Internal Affairs, Banja Luka SSD Center of 6 June 1996 (ICTY number B0018111);

T-193 - Official Note of the RS Ministry of Internal Affairs, Banja Luka SSD Center, about interview of Slavko Aničić, number 55/95 of 22 March 1995 (ICTY number B0067314);

T-194 (O1-96) – Record of the RS Ministry of Internal Affairs, SSD Banja Luka of 17 November 1995 (ICTY number B0039299);

T-195 - Record on examination of witness Dragan Jeftenić, number Kri-373/95 of 4 November 1995;

T-196 (O1-97) - Official Note of the RS Ministry of Internal Affairs, Banja Luka SSD Center, dated 16 March 1995 (ICTY number B0066927);

T-197 (O1-98) - Section of a document of RS SSD, ICTY number B0035882 - B0035885;

T-198 - Official Note – brief breakdown of findings about the *Skakač* operation, dated 29 March 1996, *MKS* number B0018139;

T-199 (O1-99) – RS Ministry of Internal Affairs Information on security findings about the circumstances surrounding the capturing of Stevo Karanović, number 10-3-397/95 of 24 April 1995 (ICTY number B0032131);

T-200 (O1-100) - RS Ministry of Internal Affairs Official Note about the interview of Milorad Carić number 56/95 of 22 March 1995 (ICTY number B0067001);

T-201 - Dispatch Note of 1.KK (1st Krajina Corps), str.pov.br. 14-52 of 27 November 1994, (ICTY number 01291700);

T-202 (O1-101 and O2-66) - Information of CRDB (State Security Department Centre) Prijedor number 03-33 of 9 November 1995 (ICTY number P0000993);

T-203 - Death Certificate for Mijodrag Dejanović number 1946 of 19 November 2008, Banja Luka Municipality;

T-204 - Official Note of the Military Security Department, str.pov.br. 03/1014-1 of 15 October 1994;

T-205 - Report of the Banja Luka Public Security Center on the committed criminal offense and the perpetrators, number KU-2440/05 of 5 September 2005;

T-206 - Document of the PSC Banja Luka number KU-2440/05 of 2 May 2006, with attachments of the BiH Ministry of Defense and the Federation Ministry of Internal Affairs;

T-207 (part of Defense Exhibit O2-5) - Document of the District Prosecutor's Office of Banja Luka number KTA-RZ-11/05 of 14 March 2005, with attachments;

T-208 - Document of the District Prosecutor's Office of Banja Luka number KTA-RZ-30/05 of 12 April 2005, with attachments;

T-209 - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: pov.01/1-41-1820/08 of 15 May 2008, with attachments;

T-210 - Document of the BiH Ministry of Defense number 13-04-1-3256-9/05 of 28 August 2008, with attachments (certified copies of excerpts taken from VOB-8);

T-211 - Document of the Una-Sana Cantonal Ministry of Internal Affairs number 05-1/06-2-04-1-799/08 of 16 April 2008, with the attachments (copies of criminal records for the accused);

T-212 - Document of the Municipality of Bihać number 07/1-13-316/08 of 16 April 2008, with the attachments (certificates of citizenship for the accused);

T-213 - Record on questioning of suspect Mehura Selimović, number KT-RZ-30/05 of 9 April 2008, Record on questioning of suspect Adil Ružnić number KT-RZ-30/05 of 9 April 2008; Record on questioning of suspect Emir Mustafić number KT-RZ-30/05 of 9 April 2008;

T-214 (O1-102) - Official Note of the Military Security Department, SP number 03/1188-71 of 25 November 1994 on statement taking from Aleksandar Juić;

T-215 (O1-103) - Official Note on taking a statement from Milan Demić, str.pov. number: 03/73-13 of 13 March 1995;

T-215 A - Official Note str.pov.br. 03/13-3 of 25 February 1995 - handwritten;

T-215 B - Official Note of the Military Security Department str.pov.br. 03/13-3 of 25 February 1995;

T-216 (O1-104) - Official Note on taking a statement from Proko Pilipović, str.pov.br. 03/1188-37 of 12 November 1994;

T-216 A - A handwritten Statement of Proko Pilipović;

T-217 (O1-105) - Official Note on taking a statement from Milorad Carić, str.pov.br. 03/73-4/95 of 20 January 1995;

T-218 (O1-106) - Document of the RS Commission for Missing Persons number 918/07 of 13 November 2007, List of exchanged people and a DVD on the exchange of 11 March 1995;

T-219 - CD video footage showing Arif Vuković;

T-220 – Examination Record for witness Miodrag Dejanović, Banja Luka District Court, dated 4 November 1995;

T-221 - Expert opinion by expert witness Ljubomir Gogić, hand writing examiner of documents, banknotes, and signatures of 10 December 2008;

T-222 - SIPA Examination Record 16-11/3-1-04-2-52/07-2/12 for witness Milan Ivančević of 31 January 2012;

T-223 - A DVD on the exchange of 11 March 1995;

T-223A - Documents supporting the DVD footage;

T-224 - Expert opinion by military and security expert witness doc. dr Dragomir Keserović, Banja Luka, March 2012.

C. DATES OF TESTIMONY/RERUN OF THE DEFENSE FOR THE ACCUSED MEHURA

SELIMOVIC, ADIL RUŽNIC AND EMIR MUSTAFIC¹³¹

No.	Witness	Testified on	Note	Testimony replayed on
1.	Ismail Kličić	30.03.2011.	1 st , 2 nd and 3 rd accused	
2.	Aleksandar Mrenica	06.04.2011.	1 st , 2 nd and 3 rd accused	24.09.2014.
3.	Radomir Radaković	06.04.2011.	1 st accused	
4.	Husnija Avdagić	13.04.2011.	1 st and 2 nd accused	
5.	Kemal Komić	20.04.2011.	1 st and 2 nd accused	
6.	Edin Salihović	20.04.2011.	1 st and 2 nd accused	
7.	Abdulmedžid Mušić	11.05.2011.	1 st and 2 nd accused	
8.	Ismet Karabegović	11.05.2011.	1 st and 2 nd accused	29.10.2014.
9.	Danijela Mršić	18.05.2011.	1 st accused	
10.	Ramo Čelebić	18.05.2011.	1 st and 2 nd accused	01.10.2014.
11.	Salih Hodžić	18.05.2011.	1 st and 2 nd accused	
12.	Šuhret Fazlić	25.05.2011.	1 st and 2 nd accused	
13.	Slavko Lipić	25.05.2011.	1 st and 2 nd accused	
14.	Esad Bajramović	25.05.2011.	1 st and 2 nd accused	05.11.2014.
15.	Braco Kulenović	01.06.2011.	1 st accused	
16.	Ismet Mujanović	01.06.2011.	1 st accused	

¹³¹ Dates when the testimony was replayed are stated only for the witnesses whose testimony was replayed before the Appellate Panel, while the testimony of other witnesses was admitted under the Decision of 17 January 2015 issued by the Appellate Panel and was not read out or replayed. The names of those witnesses are bolded.

17.	Enes Demirović	01.06.2011.	1 st accused	
18.	“O1”	15.06.2011.	1 st accused	05.11.2014.
19.	Zdravko Radošević	15.06.2011.	1 st accused	17.09.2014.
20.	Bogdan Vojinović	15.06.2011.	1 st accused	
21.	Sveto Kukolj	29.06.2011.	1 st accused	22.10.2014.
22.	Mile Međed	29.06.2011.	1 st accused	
23.	Draško Đervida	29.06.2011.	1 st accused	05.03.2014.
24.	Ljubomir Samardžija	06.07.2011.	1 st and 2 nd accused	24.09.2014.
25.	Edin Kovačević	06.07.2011.	1 st and 2 nd accused	22.10.2014.
26.	Mehura Selimović	14.09.2011. 05.10.2011.	Accused as witness	
27.	Adil Ružnić	28.09.2011. 05.10.2011.	Accused as witness	
28.	Husnija Šabić	05.10.2011.	2 nd accused	
29.	Bećo Bašanović	19.10.2011.	2 nd accused	19.11.2014.
30.	Senad Čoralić	19.10.2011.	2 nd accused	
31.	Samir Delić	19.10.2011.	2 nd accused	
32.	Reuf Hodžić	19.10.2011.	2 nd accused	
33.	Milenko Karakaš	26.10.2011.	2 nd accused	12.11.2014.
34.	Senad Đulić	26.10.2011.	2 nd accused	03.12.2014.
35.	Husein Delić	26.10.2011.	2 nd accused	17.12.2014.
36.	“O2”	02.11.2011.	2 nd accused	05.11.2014.
37.	Milenko Golić	02.11.2011.	2 nd and 3 rd accused	19.11.2014.
38.	Emir Mustafić	07.12.2011.	Accused as witness	14.01.2015.
39.	Ismet Hrkić	14.12.2011.	2 nd and 3 rd accused	26.11.2014.
40.	Jasmin Felić	14.12.2011.	3 rd accused	19.11.2014.
41.	Emin Đug	21.12.2011.	2 nd and 3 rd accused	26.11.2014.
42.	Suvad Čehajić	21.12.2011.	2 nd and 3 rd accused	
43.	Mirza Sadiković	11.01.2012.	3 rd accused	

44.	Senad Alijagić	11.01.2012.	2 nd and 3 rd accused	26.11.2014.
45.	Himzo Pećenković	25.01.2012. 01.02.2012.	Military expert witness 2 nd and 3 rd accused	
46.	Andrej Ižaković	15.02.2012.	2 nd and 3 rd accused	

D. DOCUMENTARY EVIDENCE FOR THE ACCUSED MEHURA SELIMOVIĆ

O1-1 (T-2) - Record on the examination of witness Neđo Đukić number 03/1188-10 dated 30 April 1994; Supplementary statement of Neđo Đukić; Record on the examination of witness Neđo Đukić br. 03/360-3 of 30 April 1994; Supplementary statement of Neđo Đukić; Questions for Neđo Đukić;

O1-1a (T-69) - Official Note on the first examination of Neđo Đukić, No. 03/360-2 of 24 April 1994 with photographs attached, signed by Edin Malagić; Escort Sheet for Neđo Đukić, No. 07-5/94 of 9 May 1994 (transfer of the person from the military-investigation prison in Bihać to the detention in the *Adil Bešić* barracks); Personal file of Neđo Đukić of 15 June 1995, Military Security Service Department; Letter of Security Administration number: 7-3/28-111 of 28 March 1995, Letter of Military Security Service Department requesting instructions for exchange of Draško Đervida and other people, No. SP 03/1040-2 of 23 March 1995 and a message of Neđo Đukić through IRC of 15 September 1994;

O1-2 – Document No. 02-526/94 of the Public Security Center, Bihać MSD Sector relating to the hand-over of prisoner of war Neđo Đukić, dated 13 June 1994;

O1-2a – Neđo Đukić's statement No. 02-553/94 of 20 June 1994;

O1-2b - Official Note on the first examination of Neđo Đukić No. 2586 of 1 May 1994;

O1-2c – Witness Examination Record for Neđo Đukić, Ribnik Police Station, No: 10-2-18/02-19/05 of 25 January 2005;

O1-2d - Document of the 5th Corps Command, Military Security Department no. stro. pov. 03/360-7 and number 1188/13 of 14 May 1994, and Document No. 01.3/9-18 of 3 July 1994;

O1-3 (T4 and O2-135) – Army of BiH, 5th Corps Command, Military Security Department, Official Note str. pov.br. 03/1188-32 Draško Đervida of 20 September 1994; Handwritten statement of Draško Đervida of 15 February 1995, Supplement to statement of Draško

Đervida given to the 5th Corps Command Department of MSS of 15 March 1995, Fingerprint card for Draško Đervida;

01-4 – MSD Bihać Sector, Record for Draško Đervida no. 02-1271/94 of 2 December 1994;

01-4a - (T4) Military Security Department with the Staff of the 5th Corps of the Army of R BiH, Official Note for Draško Đervida *str. pov.* no. 03/1188-32 dated 20 September 1994; Draško Đervida's statement in handwriting dated 15 February 1995, Draško Đervida's supplementary statement given to the Staff of the 5th Corps OSVB /MSS Authority/ dated 15 March 1995 and fingerprint card for Draško Đervida;

01-4b - (T4) Army of BiH 5th Corps Command, Military Security Department, Official Note for Draško Đervida, *str.pov.br.* 03/1188-32 od 20 September 1994; Draško Đervida's statement in handwriting dated 15 February 1995; Draško Đervida's supplementary statement given to the Staff of the 5th Corps MSS dated 15 March 1995 and fingerprint card for Draško Đervida;

01-4c - Daily Report of the Luke prison in Bihać of 19/20 February 1995;

01-4d - Video footage of the exchange of 8 June 1995 with the notary certified statement of author Irman Alijagić;

01-4e – Translated testimony of Draško Đervida via video link from the Hague Tribunal of 8 April 2001;

01-5 (T-6) - Official Note of the Military Security Department on taking a statement from Darko Dojčinović, *Str.pov.br.* 03/1188-28 of 23 September 1994;

01-6 – Record of the Bihać Public Security Center, number: 02-1261/94 of 2 December 1994;

01-6a – Document of the Military Security Department, *Str.pov.br.* 03/1136-1 of 1 December 1994;

01-6b - Document of the Bihać PSC no. 02-1232-2 of 7 December 1994;

01-7 (T-7 and O2-135) - Statement on the establishment of organised cooperation with MSS of AF RBiH by Darko Dojčinović of 10 March 1995;

01-8 – Official Note of the RS Ministry of Internal Affairs, State Security Department (SSD), Banja Luka Center of 24 June 1997 (ICTY number B 0018010) ;

01-9 (T-8) - Official Note of the Military Security Department on taking a statement from Mile Popović *strogo pov.* 03/73-7/95 of 24 January 1995;

01-10 – Handwritten Statement given by Mile Popović (35 pages);

01-10a – Record of the Bihać Public Security Center, number 14-1/02-4-288/95 of 15 February 1995;

01-10b – Statement of the Potkozarje Police Station on the examination of citizen Mile Popović, number 10-01/8-02/05 of 28 December 2004;

01-11 (T-10) - Official Note of the Military Security Department on taking a statement from Radovan Popović, Str.pov. 03/73-5 of 23 January 1995, supplement to the statement and fingerprint card of Radovan Popović dated 7 February 1995;

01-12 - Record on the examination of witness Radovan Popović, Public Security Center, Bihać Police Sector, number 14-1/02-4-319/95 of 1 March 1995;

01-12a - Statement of the Potkozarje Police Station on the examination of citizen Mile Popović, number 10-01/8-02/05 of 28 December 2004;

01-13 (T-12) - Official Note of the Military Security Department on taking a statement from Drago Vranjković, SP number 03/73-55 of 4 September 1995;

01-14 – Interview plan for Drago Vranjković, two almost unreadable sheets of paper, very poor document, certified photocopies;

01-14a – Two handwritten statements of Drago Vranjković;

01-14b (O2-98) - File Cover number IK 365/95 – Drago Vranjković, with attachments;

01-15 (T-13) - Official Note of the Military Security Department, number 03/1188-23 of 23 September 1994 on taking a statement from Marko Golić, fingerprint card for Marko Golić, a handwritten statement, a letter of the Security Administration number 06.1/28-307-2 of 5 November 1994;

01-16 – Order of the Military Security Department number: 00230 of 8 October 1994;

01-16a – Supplement to the Statement of Marko Golić;

01-16b – Handwritten Supplement to the Statement of Marko Golić;

01-16c – Record of the Security Services Center, State Security Service - Bihać Sector no. 02-1266/94 of 3 December 1994;

01-17 (T-14) - Official Note on taking a statement *strogo pov.* 03/1183-39 of 18 November 1994; Official Note on taking a statement number 03/1183-40 of 18 November, Fingerprint card for Ljubo Jovičić of 6 February 1995;

01-18 – Record of the Security Services Center, Bihać Police Sector, on taking a statement from Ljubo Jovičić no. 14-1/02-4-178/95 of 29 January 1995;

01-18a - Record of the Security Services Center, Bihać Police Sector, on taking a statement from Ljubo Jovičić no. 02-1260/94 of 3 December 1994;

01-19 (T-16) - Official Note of the Military Security Department *strogo pov. br.* 03 of 22 July 1994 on taking a statement from Arif Vuković; Supplement to the Statement of Arif Vuković *All Fikret's Connections (Sve Fikretove veze)*, supplement to the statement of Arif Vuković, number: *Str.pov.br.* 03/696-3 of 2 August 1994, supplement to the statement of

Arif Vuković number: 10089430, supplement to the statement of Arif Vuković, number: *str.pov.* 03 of 18 August 1994;

O1-20 – Interview plan for Arif Vuković of 11 July 1994;

O1-20a – Order of the 5th Corps no. 07/4649-1 of 17 July 1994;

O1-20b - Order of the 5th Corps no. 07-1/827-2 of 30 September 1995;

O1-20c – Document of the 5th Corps no. 07/230-1 of 20 June 1994;

O1-21 (T-17) – Official Note of the Military Security Department *strogo pov. br.* 03/1182-21 of 25 September 1994 on taking a statement from Nebojša Trkulja and Fingerprint card for Nebojša Trkulja;

O1-22 – Statement of Nebojša Trkulja;

O1-22a - Record of the Security Services Center, State Security Service - Bihać Sector, no. 02-1257/94 of 2 December 1994;

O1-23 (T-18) - Official Note of the Military Security Department on taking a statement from Pero Plavšić, no. 03/1188-46 of 11 November 1994 and a handwritten Supplement to the Statement of Pero Plavšić;

O1-24 – Cover letter - Security Services Center, State Security Service Bihać, no. 02-1274/94 of 5 December 1994 and Record no. 02-1249/94 of 3 December 1994;

O1-25 (T-19) - Fingerprint card for Siniša Malešević, Official Note of the Military Security Department *strogo pov. br.* 03/1188-52 of 28 September 1994 and a handwritten Statement of Siniša Malešević;

O1-26 (T-22) - Official Note of the Military Security Department on taking a statement from Dragan Jeftenić *strogo pov. br.* 03/73-60-1 of 5 May 1995;

O1-27 (O2-98) - Official Note of the Command of the 501st G. Mountain Brigade of 5 May 1995 on the interview with Dragan Jeftenić; Record of the Security Services Center, Bihać Police Sector, no. 14-1/02-4-908/95 of 12 June 1995 attached to the Judgment No: IK 369/05 issued by the Military District Court in Bihać, dated 5 October 1995;

O1-28 (T-24) - Supplement to the Statement of Vojislav Kondić;

O1-29 – A handwritten Statement of Vojislav Kondić of 1 March 1994; Record of the first examination of Vojislav Kondić No. 09029404, Record of the first examination of Vojislav Kondić No. 10039400 of 9 February 1994, a handwritten Statement of Vojislav Kondić (5 sheets); a handwritten Statement of Vojislav Kondić; a handwritten Statement of Vojislav Kondić; Record of the Public Security Center, State Security Service - Bihać Sector on the examination of Vojislav Kondić no. 02-235/94 of 15 March 1994 and an Official Note of the State Security Department Center – Prijedor Department of 12 January 1995, B 0032694;

O1-30 (T-27, T-28 and T-29) – Official Note of the Military Security Service on taking a statement from Neđo Trivić SP br. 03/73-56-1 of 24 June 1995, Fingerprint card for Neđo Trivić, a handwritten Statement (28) pages; Supplement to the Statement and an overview of necessary information relating to the person of interest to security;

O1-31 (O2-98) – Official Note of the Intelligence and Security Department no. 02/4-2-30 on the interview with Neđo Trivić dated 5 May 1995; Judgment no. IK-374/95 issued by the Military District Court in Bihać, dated 3 October 1995;

O1-32 (T-31) - Document of the Military Security Department of the 5th Corps, SP number: 03/1188-80 of 20 December 1994, on statement taking from Perica Kerkez;

O1-33 (T-32) - Document of the 501st Brigade Security Sector, SP number: 03/1188-80 of 20 December 1994, on statement taking from Perica Kerkez;

O1-34 - Official Note no. 07129400 drafted on 7 December 1994 on the examination of Duško Knežević;

O1-35 (T-39) - Document of the Military Security Department number: 01049510 – Table showing formation duties of the 5th Corps;

O1-36 (T-40) - Organisational scheme of the Bihać District Security Organs;

O1-37 (T-41 and 02-13) - Instructions of the 5th Corps Military Security Service Department with the Army of R BiH number: 03/321-12 of 3 September 1995;

O1-38 (T-42) – Rule Book on the treatment of prisoners of war in the collective centre Bihać, number: 07/900-2 of 8 August 1993;

O1-39 (T-43) - Decision on the establishment of the prison for prisoners of war number: 01-S-012-113/92 of 17 August 1992, by the Bihać District Assembly;

O1-40 (T-44) - Document *str.pov.* 09-1/193-27 of 1 July 1996, Attack Order under the code name *Sana*, 5th Corps of the Army of R BiH number op. 01-1/352-327 of 17 August 1995 with the text-tabular part of the plan for the Operation and the force grouping deployment, and the Order for logistics, number (01857104);

O1-41 (T-47) - Authorisation of the 5th Corps Military Security Service Department with the Army of R BiH, number: 03/845-1 of 9 September 1994;

O1-42 (T-48 and 02-13) - Permission to the International Red Cross Committee to visit and register prisoners of war, number: 03/388-47 of 23 October 1995;

O1-43 (T-49 and 02-14) - Military Security Department, Records captured SČV (Serbian Chetnik soldiers), SP number: 03/73-68-4 of 19 October 1995;

O1-44 (T-50 and 02-15) - Military Security Department, Records on captured SČV (Serbian Chetnik soldiers), SP number: 03/73-68-3 of 12 October 1995;

01-45 (T-52) – Document of the 511th Glorious Mountain Brigade, *Pov. broj*: 03/112-118 of 22 September 1995;

01-46 (T-53) - Decision number: 07/49-5 of 29 December 1994, by 5th Corps of the Army of BiH;

01-47 (T-54) - Decision number: 07/49-4 of 21 November 1994 by 5th Corps of the Army of BiH;

01-48 (T-56) - List of captives of the 503rd Mountain Brigade who were not granted the status of prisoners of war, *pov. br*: 03/794-1 of 26 December 1994;

01-49 (T-58) - Order number: 04-1/853-1 of 13 October 1995, by 5th Corps Command;

01-50 (T-59 and O2-18) - Order number: 07/3102-1 of 10 May 1994, by 5th Corps Command;

01-51 (T-60 and O2-19) - Assessment of security in the Collective Centre for prisoners of war, no. 03/378-2 of 11 May 1994;

01-52 (T-61) - Study of safeguarding the Collective Centre for prisoners of war, number: 03/378-6 of 14 May 1994;

01-53 (T-62 and O2-20) - Ordinances for the Military Security Service in the armed forces of R BiH number: 02-011-714/92 of 11 September 1992, issued by the Presidency of BiH;

01-54 (T-63) - Record of the Security Services Center, Bihać Police Sector on taking a statement from Milorad Carić number: 14-1/02-4-255/95 of 16 February 1995;

01-55 (T-64) - Record of the Security Services Center, Bihać Police Sector on taking a statement from Dragan Blanuša, number: 02-132/95 of 27 January 1995;

01-56 (T-65) - Record of the Security Services Center, State Security Service - Bihać Sector on taking a statement from Radovan Popović, number: 02-142/7/95 of 27 January 1995;

01-57 (T-66) - Record of the Security Services Center, State Security Service Bihać on examination of Zdravko Radošević, number: 02-146/10/95 of 28 January 1995;

01-58 (T-66A) - Record of the Security Services Center, State Security Service Bihać on examination of Zdravko Radošević, number: 02-146/9/95 of 28 January 1995;

01-59 (T-67) - Official Note of the Military Security Department, SP number: 03/1188-75/94 of 13 November 1994, on statement taking from Darko Kajtez, Document of the Military Security Department, number: 03/1188-78 of 22 December 1994, Document of the Military Security Department, number: 03/1188-77 of December 1994, Document of the Military Security Department, number: 14-1/02-4-1502/94 of 9 December 1994, Record of the Bihać Security Services Center on the interview with Darko Kajtez, number: 02-1254/94 of 2 December 1994 and a fingerprint card of Darko Kajtez, February 1995;

01-60 (T-70) - Document of the Department for Military Security Service, SP number: 03/329-12 of 24 (*month is illegible*) 1995;

01-61 (T-71) - Document of the Department for Military Security Service, number: 03/329-7 of 13 April 1995;

01-62 (T-80) - Document of the High Court in Bihać number. 5/95-RZ of 17 April 1995;

01-63 (T-83) - Official Note of the Military Security Department, str.pov.br: 03/1188-61 of 29 November 1994, on statement taking from Tomislav Danilović and a fingerprint card of 7 February 1995;

01-64 (T-84) - Document of the Military Security Department, pov.br: 03/493-2 of 17 June 1994;

01-65 (T-88) – Document of the Department for Military Security Service, SP number: 03/85-12 of 2 February 1995, data on MSS members;

01-66 (T-89) - Personal file of Pero Balaban number: 07/5-45/95 of 25 January 1995;

01-67 (T-96) - Order of the 5th Corps Command to Exchange Prisoners, SP number 07-1/202-1 of 10 March 1995;

01-68 (T-97) - Order of the 5th Corps Command to Exchange Prisoners, str.pov.br. 04-1/1106-1 of 22 December 1995;

01-69 (T-98) – Order of the Commander of the 5th Corps on duty appointment, str.pov.br: 05/53-171 of 22 January 1995;

01-70 (T-100 and O2-33) - Document of the Ministry of Defense – Security Administration, Guidelines for taking statements from captured Chetniks, number: 01.3/96-39 of 5 July 1994;

01-71 (T-102 and O2-34) - Case File of the 5th Corps MSS Department of 15 June 1995;

01-72 (T-105) - Report on inspection of the 505th Vmtbr /Chivalrous Motorized Brigade/ and 506th bobr. of 4 April 1995;

01-73 (T-106 and O2-35) - Daily Report, 501st Mountain Brigade, str.pov.br.number: 03/1-13 of 14 January 1995;

01-74 (T-107) - Document of the MSS Department - Transfer of a prisoner of war, SP number: 03/699-2 of 24 September 1995;

01-75 (T-120) - Official Note of the MSS Department, str.pov.br: 03/73-2 of 20 January 1995, about statement taking from Dragan Blanuša, Supplement to the statement, Fingerprint card of Dragan Blanuša and three handwritten statements;

01-76 (T-123) Interview plan for Jelenko Bosnić and Official Note on taking a statement from Jelenko Bosnić, SP number: 03/1034-4 -1188-25 of 30 October 1994;

01-77 (T-132) – Work Plan for Counterintelligence Department (CID) for September 1995 of 24 August 1995;

01-78 (T-133) - Work Plan for Counterintelligence Department (CID) for November 1995 of 26 October 1995;

01-79 (T-135) - File of the 5th Corps MSS Department of Mile Matijević number 03/1188-55;

01-80 (T-137) - Fingerprint card of Stevo Karanović of 6 February 1995, Official Note of the MS Department, SP number: 03/1188-42 of 11 November 1994, Statement of Stevo Karanović (handwritten), Official Note of the 501st Mountain Brigade on taking a statement from Stevo Karanović of 27 October 1994, Interview plan for Stevo Karanović;

01-81 (T-138) - Escort Sheet for Ranko Gojić of 28 November 1994;

01-82 – Official Note of the 511th Glorious Mountain Brigade, number: 03/6-41 of 10 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-48 of 18 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-45 of 14 October 1994; Document of the 511th GMB Intelligence and Security Organ, number: 03/6-47 of 16 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-46 of 16 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-43 of 13 October 1994; Document number: 03/6-45 of 14 October 1994, a handwritten Statement of Ranko Gojić (6 sheets); Document of the 511th GMB, MSS Department, number: 03/6-52 of 19 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-53 of 20 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-54 of 21 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-56 of 23 October 1994; Document of the 511th GMB, MSS Department, number: 03/6-57 of 24 October 1994; Record of the Public Security Center Bihać no. 02-1250/94 of 3 December 1994; a handwritten Statement of Ranko Golić; Photograph of Suljo Suljanović and photograph of Fehim Halilović;

01-83 (T-139) - Official Note of the MS Department on taking a statement from Zdravko Radošević, strictly confidential, number 03/73-3/95 of 18 January 1995;

01-84 (T-144) - Certificate, strictly confidential, number 03/7-1 of 18 January 1995;

01-85 (T-153) - Official Note on taking a statement from protected witness “O1”, SC number 03/73-50-1 of 6 June 1995, fingerprint card for protected witness “O1”, a handwritten statement /11 pgs./;

01-86 (T-155) - Official Note of the MSS Department on taking a statement from Milorad Perić, SC number 03/73-29 of 12 June 1995;

01-87 (T-156) - Official Note of the MSS Department on taking a statement from Milan Kosijer, SC number 03/73-31 of 12 June 1995;

01-88 (T-157) - Official Note of the MSS Department on taking a statement from Marko Kaužljjar, SC number 03/73-32 of 11 June 1995;

01-89 (T-158) - Official Note of the MSS Department on taking a statement from Stanko Turopoljac, SC number 03/73-16 of 13 March 1995 and a fingerprint card of Stanko Turopoljac;

01-90 (T-176 and O2-60) – Order issued by the 5th Corps Commander, pov.broj: 07/7519-1 of 25 November 1994, and a list of prisoners of war;

01-91 (T-177 and O2-60) - List of prisoners of war, members of Serbian Chetnik Army in the *Adil Bešić* Collective Centre for Prisoners of War to be transferred to Cazin;

01-92 (T-185) - Interview with Slavko Aničić, number 52/95 of 13 March 1995, (ICTY number B 0067181);

01-93 (T-189) - Official Note of the Republic of Serbia Ministry of Internal Affairs about interview of Luka Kajtez of 16 March 1995, (ICT number B0067327);

01-94 (T-190) - Some security findings, April 1995, document of RS RDB Drvar (State Security Department), (ICT number B0035877);

01-95 (T-191) - Order of the 5th Corps Command, number 02-1/906-1 of 26 October 1995, (ICTY number 01852421);

01-96 (T-194) - Record on supplemented statement of Stevo Petrović, Republika Srpska Ministry of Internal Affairs, 17 November 1995 (ICTY number B0039299);

01-97 (T-196) - Official Note of RS RDB Drvar about interview of Luka Kajtez of 16 March 1995, (ICTY number B0066927);

01-98 (T-197) - Section of a document of RDB RS, (ICTY number B0035882 - B0035885);

01-99 (T-199) - Information of the Republika Srpska Ministry of Internal Affairs on security findings about the circumstances surrounding the capturing of Stevo Karanović, 24 April 1995, (ICTY number B0032131);

01-100 (T-200) - Official Note of the Republika Srpska Ministry of Internal Affairs about the interview of Milorad Carić number 56/95 of 22 March 1995, (ICTY number B0067001);

01-101 (T-202) - Information of CRDB (State Security Department Centre) Prijedor number 03-33 of 9 November 1995, (ICTY number P0000993);

01-102 (T-214) - Official Note of the MS Department, SC number 03/1188-71 of 25 November 1994 on statement taking from Aleksandar Juić;

01-103 (T-215 a and b) - Official Note of the MSS Department on taking a statement from Milan Demić, *str. pov.broj*: 03/73-13 of 13 March 1995;

01-104 (T-216) - Official Note of the MSS Department on taking a statement from Proko Pilipović, *str. pov.broj*: 03/1188-37 of 12 November 1994;

01-105 (T- 217) - Official Note of the MSS Department on taking a statement from Milorad Carić, *str. pov.broj*: 03/73-4/95 of 20 January 1995;

01-106 (T-218) - Document of the RS Commission on Missing Persons number 918/07 of 13 November 2007 and a DVD on the exchange of 11 March 1995 (played from minute 14);

01-107 - Official Note of the MS Department no. 03/73-8 of 20 January 1995 on the interview of Jovan Kovačević;

01-108 – Official Note of the 503rd Mountain Brigade Security Organ, number: 03-703/94, 03/1188-85 of 5 December 1994 on the interview of Đorđe Marjanović;

01-109 – A handwritten Official Note, Milovan Mastikosa 14 sheets;

01-109a - A handwritten statement, Milovan Mastikosa;

01-109b – Statement of Edin Halilagić, 9 August 2011;

01-110 - Official Note of the 503rd Mountain Brigade Security Organ, number: 03/1188-84/94 on the interview of Branislav Kalaš;

01-110a - Official Note of the 503rd Mountain Brigade Security Organ, number: 03-479/94 of 10 November 1994 on the interview of Branislav Kalaš;

01-110b – Record of the Public Security Center, Bihać SDB Sector, number: 02-1268/94 of 3 December 1994 on the interview of Branislav Kalaš and a fingerprint card for Branislav Kalaš;

01-111 – Official Note on the questioning of captured soldier Milan Gvozdenović no. 20109400;

01-111a - Official Note of the MS Department, *str. pov.br.* 03/1188-79 of 19 November 1994 on the interview of Milan Gvozdenović;

01-111b - Gvozdenović Milan, a handwritten statement;

01-111c - Record of the Public Security Center, Bihać SDB Sector, number: 02-1267/94 of 3 December 1994 and a fingerprint card for Milan Gvozdenović;

01-112 - File Cover for the case of Luka Kajtez, *reg.broj*: 03/1188-65 with a list of items

- Official Note of the MS Department no. 03/1188-65 of 21 November 1994 on the conducted interview,
- A fingerprint card for Luka Kajtez,
- Record of the Public Security Center, SDB Sector no. 02-1263/94 of 2 December 1994,
- Official Note composed on the premises of the 501st Mountain Brigade MSS Sector, no. 03/1188-64 of 20 November 1994,

e) A handwritten supplement to the statement of Luka Kajtez;

01-113 - Record of the Public Security Center, Bihać SDB Sector, number: 02-1253/94 of 3 December 1994 on taking a statement from Proko Pilipović;

01-114 – Document no. 07/174-1 of the 5th Corps Command dated 2 May 1994;

01-115 - Document no. 03/771-1 of the 5th Corps Command dated 25 August 1994;

01-116 (O2-106) – Order of the Army of RBiH Main Staff no. 7-1/5-162 of 17 July 1995;

01-117 – Report no. 03 of 4 April 1995;

01-117a - Order of the 5th Corps Command no. 07-1/295-1 of 13 April 1995;

01-118 - Document no. 03/3101-2 of the 5th Corps Command dated 11 September 1993;

01-119 – Document of the European Community Monitoring Mission, Bihać Team of 26 September 1994 – Information on the visit of General Caillox to Velika Kladuša;

01-120 - Document of the 5th Corps Command, Military Security Department, *str.pov.br.* 03/1017-8 of 22 October 1994 on the training of military policemen, escort staff, schedule of classes;

01-121 – **Order** of the 5th Military Police Battalion Command no. 01-32/95 of 6 May 1995;

01-122 (O2-107) – Order of the Army of R BiH Supreme Command Staff, Security Administration no. 03/28-251 of 24 December 1993;

01-123 - Document of the 5th Corps Command, MS Sector, *pov.br.* 03/251-1 of 30 March 1994;

01-124 - Document of the 5th Corps Command *pov.br.* 04/1051-2 of 15 February 1994;

01-125 (O2-108) - Code Book of 5th Corps units;

01-126 (O2-109) – Order of the 5th Corps Command *SP br.* 02/3020-1 of 4 May 1994;

01-127 - Document of the 5th Corps Command no. 02-2/80-1 of 20 January 1995;

01-128 – Order of the 5th Corps Command *str.pov.br.* 02-1/313-2 of 24 April 1995;

01-129 - Document of the 5th Corps Command *str.pov.br.* 02-2/521-1 of 17 May 1995;

01-130 – Report of the 5th Corps Military Police Battalion *str.pov.br.* 01/02-4/95 of 4 January 1995;

01-131 - Report of the 5th Corps Military Police Battalion *pov.br.* 5/4-588 of 8 December 1994;

01-132 - Information of the 5th Corps Military Police Battalion *pov.br.* 01-16-1/95 of 7 January 1995;

01-133 – Operations Report of the 5th Corps Military Police Battalion *SP.br.* 01/1-88-1 of 31 January 1994;

01-134 (O2-110) - Operations Report of the 5th Corps Military Police Battalion *Sp.br.* 01/05-10 of 2 December 1995;

O1-135 (O2-111) - Report of the 5th Corps Military Police Battalion *SP.br.* 01/02-154 of 3 September 1995;

O1-136 (O2-112) - Report of the 5th Corps Military Police Battalion *SP.br.* 01/02-71 of 3 June 1995;

O1-137 – Order of the 5th Corps Command *Pov.br.* 07/3910-1 of 13 June 1994;

O1-138 - Record of the Public Security Center, Bihać Police Sector no. 14-1/02-4-329/95 of 6 March 1995 on the interview with Slavko Aničić;

O1-139 - Record of the Banja Luka Public Security Center, no. 10-02/2-656/05 of 11 November 2005 on taking a statement from Dragan Stupar;

O1-140 – Document of the 5th Corps Command *pov.br.* 07-3/2613-1 of 16 October 1995;

O1-141 (O2-113) – Order of the Supreme Command Staff of the BiH Armed Forces (SCS BiH AF), *str.pov.br.* 02/595-2 of 10 May 1992;

O1-141a (O2-113) - Order of the SCS BiH AF no. 03/21-1 of 4 January 1993;

O1-141b (O2-113) - Order of the 5th Corps Command *str.br.* 07/4870-1 of 26 July 1994;

O1-141c (O2-113) – Order of the Commander of the 5th Corps 501st Brigade, *sp.br.* 07/87-10 of 27 July 1994;

O1-141d (O2-113) - Order of the Commander of the 5th Corps 511th, *str.pov.br.* 03/161-2 of 29 July 1994;

O1-141e (O2-113) - Order of the Commander of the 5th Corps 1st Bosnian Liberation Brigade, *str.br.* 07-3327/94 of 29 July 1994;

O1-141f (O2-113) - Order of the Commander of the 517th Light Brigade, *pov.br.* 08/74-4/94 of 30 July 1994;

O1-141g (O2-113) - Order of the Commander of the 502nd Brigade, *pov.br.* 07/42-411 of 1 August 1994;

O1-141h (O2-113) - Order of the Commander of the 505th Chivalrous Motorized Brigade, *str.pov.br.* 09-937-2 of 2 August 1994;

O1-142 (O2-98) – Judgment of the Bihać District Military Court, no. Ik-366/95 of 27 November 1995;

O1-143 (O2-114) - State Commission for the Exchange of PoWs, no. 12-987/95 of 6 December 1995;

O1-143a - State Commission for the Exchange of PoWs, no. 12-854/95 of 8 October 1995;

O1-143b - State Commission for the Exchange of PoWs, no. 12-625/95 of 28 June 1995;

O1-143c - State Commission for the Exchange of PoWs, no. 09-21/95 of 5 January 1995;

O1-143d - State Commission for the Exchange of PoWs, no. 12-273/95 of 10 March 1995;

O1-143e - State Commission for the Exchange of PoWs, no. 18-73/96 of 18 January 1996;

O1-144 – Letter to the President of the Commission for the Exchange of PoWs, no. 04-3/581-1 of 24 February 1995;

O1-144a - Letter to the President of the Commission for the Exchange of PoWs of 26 February 1995;

O1-145 – 5th Corps Command, Report on the exchange, no. 04/3-13 of 12 March 1995;

O1-145a - 5th Corps Command, Report on the exchange conducted on 27 January 1996;

O1-146 – Document of the 5th Corps Command, no. 04/3-64 of 19 June 1995;

O1-147 (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-73 of 11 July 1995;

O1-147a (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-78 of 11 August 1995;

O1-147b (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-29 of 8 April 1995;

O1-147c (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-82 of 31 August 1995;

O1-147d (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-79 of 24 August 1995;

O1-147e (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-102 of 4 October 1995;

O1-147f (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-18 of 27 March 1995;

O1-147g (O2-115) - Document of the 5th Corps Command, *pov.br.* 04/3-74 of 4 August 1995;

O1-148 (O2-116) – Document of the Bihać Municipality with attachment, no. 05-534-42/95 of 25 October 1995;

O1-149 (O2-117) – ICRC Bulletin on Bihać, no. 95/0725 SF of 25 July 1995;

O1-150 (O2-117) – Report on the ICRC visit to the Bihać Regional Prison, no. 95/1408-ABR/RB of 27 April 1995;

O1-151 - Report on the ICRC visit to the Barracks in Bihać on 6 April 1995, no. 95/1377-ABR/RB/SM of 27 April 1995;

O1-152 – ICRC Information, no. 96/0108 CS of 8 January 1996;

O1-153 – Document – Exchange Commission – Report of the meeting held on 23 February 1995;

O1-153a - Document – Exchange Commission – Report of the meeting held on 13 January 1995;

O1-153b - Document – Exchange Commission – Report of the meeting held on 1 June 1995;

O1-153c - Document of the 5th Corps Command no. 02/3-3/71-1 of 8 January 1995;

O1-153d – Request, ICRC no. 95/1018 cs of 18 October 1995;

O1-153e - ICRC Information of 23 August 1995;

O1-154 – Official Note no. 04/3-15 of 14 March 1995;

O1-155 - Bihać Garrison Command, Report no. 02/1013-9 of 28 October 1995;

O1-155a - Garrison Command, Report no. 01/155-27 of 29 May 1995;

O1-155b - Garrison Command, Report no. 01/155-26 of 29 May 1995;

O1-155c - Garrison Command, Report no. 01/155-30 of 31 May 1995;

O1-155d - Garrison Command, Report no. 01/155-29 of 31 May 1995;

O1-155e - Garrison Command, Report no. 01/155-33 of 2 June 1995;

O1-155f - Garrison Command, Report no. 01/155-6 of 18 February 1995;

O1-155g - Garrison Command, Report no. 01/155-10 of 8 March 1995;

O1-155h - Garrison Command, Report no. 01/155-18 of 6 April 1995;

O1-155i - Garrison Command, Report no. 01/155-16 of 14 April 1995;

O1-155j - Garrison Command, Report no. 01/326-1 of 29 March 1995;

O1-155k - Garrison Command, Report no. 01/489-1 of 18 May 1995;

O1-155l - Bosanska Krupa Civilian Protection Staff, document no. 11.1-32-02-111/95 of 20 November 1995;

O1-155lj – Document no. 11.1-B2-02-111/95 of 20 November 1995;

O1-156 – Medical Service Performance Report, military unit no. 5905 *sp.br.* 174-1/94 of 29 January 1994;

O1-156a – Military Unit no. 5905 – Monthly Report no. 1178-2/94 of 25 August 1994 with attachments;

O1-156b – Military Unit no. 5905 – Monthly Report no. 1397-1/94 of 30 September 1994 with attachments;

O1-156c - Military Unit no. 5905 - Monthly Report no. 1499-2/94 of 29 October 1994 with attachments;

O1-156d – Record of examined patients no. 221 and attachment no. 221/1;

O1-156e - Record of examined patients no. 72, 72/1 and 72/2;

O1-156f - Record of examined patients no. 348, 348/1, 348/2 ,348/3 ,348/4, 348/5, 348/6, 348/7, 348/8, 348/9, 348/10;

O1-157 (O2-119) – Document of the “Dr. Irfan Ljubijankić” Cantonal Hospital Bihać, no. 8633/10 of 24 December 2010 – supply of certified copies of medical documentation for the following persons:

a) medical documents for Darko Dojčinović,

- b) medical documents for Tomislav Danilović
- c) medical documents for Perica Kerkez
- d) medical documents for Darko Kajtez
- e) copies of the ambulatory surgery admission unit for Siniša Malešević
- f) copies of the ambulatory surgery admission unit for Zdravko Radošević
- g) copies of the ambulatory surgery admission unit for Milorad Carić
- h) medical documents for Đuro Mutić

01-158 – Order of the 5th Corps Military Police Battalion no. 01/400-1 of 11 May 1994;

01-159 - Order of the 5th Corps Military Police Battalion *pov.br.* 01/221-1 of 8 September 1993;

01-160 - Order of the 5th Corps Military Police Battalion no. 01/565-1 of 9 August 1994;

01-161- Order of the 5th Corps Commander no. 05/4064-1 of 18 June 1994;

01-162 – The 5th Corps Military Police Battalion Performance Report no. 01/05-2/95 of 2 February 1995; the 5th Corps Military Police Battalion Performance Report no. 01/199-1 of 1 April 1995; Military Police Battalion Regular Combat Report no. 01/2-149 of 29 August 1995; Report of the Military Police Battalion Services Department no. 07/5-406/94 of 21 October 1994; Order of the Military Police Battalion no. 01/567 of 12 August 1994 and Order of the Military Police Battalion no. 01-3-29-95 of 22 April 1995;

01-163 (O2-120) - Disciplinary measure - 5th Corps Military Police Battalion no. 05/7-32/95 of 13 April 1995; Disciplinary measure - 5th Corps Military Police Battalion no. 2Č/N-1/95 of 14 May 1995; Disciplinary measure - 5th Corps Military Police Battalion no. 05/7-37 of 20 June 1995 and Disciplinary measure - 5th Corps Military Police Battalion no. 05/7-53 of 22 August 1995;

01-164 (O2-121) – The 5th Corps Military Police Battalion Minutes of the interview of Dragoljub Dragojević, dated 6 August 1995 and 5th Corps Military Police Battalion Minutes of the interview of Nikola Šijan dated 7 August 1995;

01-165 (O2-122) - Order of the 5th Corps Command no. 12/7494-1 of 23 November 1994;

01-166 (O2-123) – Instruction of the Barracks Commander *br.ev.* 238 and 238/1 and Order of the Barracks Commander no. 12/3536-1 of 28 May 1994;

01-167 – Request of the 501st Brigade Command for work detail no. 03/7-42 of 26 August 1995;

01-168 (O2-124) - Mazowiecki Report 1992-1995 (6 pages) and “The War in Bosnia and Herzegovina – stories and records” author Erich Rathfelder (4 sheets)

01-169 - Order of the 5th Corps Command no. 02-1/65-1 of 24 January 1995; Order of the 5th Corps Command no. 02-1/79-1 of 29 January 1995 and Order of the 5th Corps Command no. 01/916-1 of 7 February 1994;

01-170 - Order of the 5th Corps Command no. 07/5775-1 of 5 September 1994;

01-171 - Order of the 5th Corps Command no. 04-1/853-1 of 13 October 1995;

a) Order of the 5th Corps Command no. 04-1/242-1 of 27 March 1995;

01-172 (O2-125) – Document of the 5th Corps Command no. 04/3-127 of 13 January 1996; Document of the Army of RBiH Main Staff no. 01/8-16 of 16 January 1996; Document of the 5th Corps Command no. 04-1/1081-2 of 10 December 1995, and Document of the 5th Corps Command no. 04/3-132 of 25 January 1996;

01-173 - a) Document of the 5th Corps Command no. 02-2/1114-1 and no. 02-2/1114-2 of 15 September 1995; b) Document of the 5th Corps Command no. 02-2/1123-1 of 17 September 1995, and c) Document of the Bihać Ministry of Internal Affairs no. 14-1/01-1209/95 of 14 September 1995;

01-174 (O2-126) – The 5th Corps Command Report on the work of the 5th Corps Commission for the Exchange of PoWs no. 04/3-131 of 19 January 1996; Order of the 5th Corps Commander *SP. br.* 07-1/418-3 of 1 June 1995; Order of the 5th Corps Commander *SP. br.* 07-1/202-1 of 10 March 1995; Order of the 5th Corps Commander *SP. br.* 07/261-1 of 2 April 1995; Order of the 5th Corps Commander *SP. br.* 07-1/202-2 of 14 March 1995; Order of the 5th Corps Commander *str.pov.br.* 04-1/85-2 of 27 January 1996; Order of the 5th Corps Commander *str.pov.br.* 07-1/448-1 of 8 June 1995; Order of the 5th Corps Commander *pov.br.* 07/165-1 of 26 April 1994, and Order of the 5th Corps Commander *str.pov.br.* 07/6433-1 of 4 October 1994;

01-175 (O2-127) – Decision of the 5th Corps Command no. 07/49-1 of 10 February 1994 recognizing prisoner-of-war status; Decision of the 5th Corps Command no. 07-3/2290-1 of 1 September 1995 recognizing prisoner-of-war status; Decision of the 5th Corps Command no. 07/6163-1 of 20 September 1994 recognizing prisoner-of-war status; Decision of the 5th Corps Command no. 07/49-4 of 21 November 1994 recognizing prisoner-of-war status; Decision of the 5th Corps Command no. 07-3/2033-1 of 7 August 1995 recognizing prisoner-of-war status, and Decision of the 5th Corps Command no. 07-3/1585-1 of 30 May 1995 recognizing prisoner-of-war status;

01-176 (O2-128) – Certificate of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War no. 07/16-02-03/1-1-303/11 of 21 March 2011 and Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War no. 07/16-02-03/1-361-1/09 of 22 June 2009;

O1-177 (O2-129) – Orders on appointment of the 5th Corps Commander *str.pov.br.* 05/53-168 of 22 January 1995, no. 05/53-1669 of 19 October 1995 and no. 05/53-1670 of 19 October 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1665 of 19 October 1995; Orders on appointment of the 5th Corps Commander *str.pov.br.* 05/53-169 of 22 January 1995 and no. 05/53-1331 of 11 July 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-174 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-179 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-170 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-173 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-176 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-172 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-178 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-181 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-180 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1341 of 13 July 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1342 of 13 July 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1371 of 24 July 1995; Orders on appointment of the 5th Corps Commander *str.pov.br.* 05/53-177 of 22 January 1995 and no. 05/53-1344 of 13 July 1995;.

O1-178 (O2-130) – Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-145 of 22 January 1995 and Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-147 of 22 January 1995;

O1-179 (O2-131) - Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-1415 of 30 July 1995 and Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-1375 of 27 July 1995;

O1-180 (O2-132) - Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-171 of 22 January 1995; Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-1339 of 13 July 1995; Order of the 5th Corps Commander on removal from duty *str.pov.br.* 05/53-1492 of 25 August 1995 and Order of the 5th Corps Commander rendering out of force the Order on removal from duty *str.pov.br.* 05/53-1758 of 9 November 1995;

O1-181 - Certificate of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War no. 07/16-02-03-1-1651/08 of 16 April 2008;

O1-182 (O2-96) – Document of the Missing Persons Institute no. 01-40-4131/2010 of 9 August 2010 with the attached information on exhumed and identified persons;

01-183 – Document of the Army of RBiH Main Staff no. 7-2/27-335 of 12 December 1995 – decision on entry into military security service;

01-184 - Medical documentation for Arif Vuković - *Dr. Irfan Ljubijankić* – *Bihać* Cantonal Hospital;

01-185 (O2-104) – Copy of the photograph of members of the 5th Corps MSS, October 1995;

01-186 (O3-21) – Order of the 5th Corps Command no. 05/53-545 of 27 August 1993;

01-187 – Witness examination record for Zoran Babić no. KT-RZ 117/07 of 29 December 2011;

01-188 (T-152) – Official Note no. 03/73-61 Miodrag Dejanović;

01-189 (T-172) - Draško Đervida's handwritten statement of 15 February 1995, Draško Đervida's supplementary statement given to the OSVB /MSS Authority/ dated 15 March 1995, and fingerprint card, Official Note on taking a statement from Draško Đervida number 03/1188-32 of 20 September 1994;

01-190 - Original front page of the "Oslobođenje" daily of 9 April 2008;

01-191 – Witness examination record no. KT-RZ-117/07 of 12 March 2007, Judgment of the Bihać Military Court no: IK -118/94 of 21 April 1994;

01-192 – Chart showing stay of prisoners of war in the collection centers;

01-193 – Articles from daily and weekly newspapers:

- a) "BiH Council of Ministers abolished prohibition of entry in BiH for Mladić's, Hadžić's and Ulemek's families ("Dnevni Avaz", 7 December 2011)
- b) "Attack on Srpska" ("Internet Novine Serbske", no date)
- c) "Striking Fist" ("Krajiški Vojnik", Milka Tošić, no date)
- d) "Commanding is indivisible" ("Seanse Tribunal", 10 June 2011)
- e) "Mission impossible for colonel" ("Seanse Tribunal", 10 May 2011)
- f) "Blockade of the Srebrenica area cleansing operation" ("Seanse Tribunal", 11 May 2011)
- g) "Tolimir" International Forces spied on the VRS ("Seanse Tribunal", 12 May 2011)
- h) "Tolimir" Data about the number of Srebrenica victims fabricated" ("Seanse Tribunal", 16 May 2011)
- i) "Inzko abolished sanctions for 92 individuals: Amnesty for Šarović and Vučurović" ("Nezavisne Novine", 10 June 2011)

01-194 – Report on assumption of duty of 13 May 1994, Decision recognizing the right to a military allowance of 3 July 1994, Decision on special emolument of 20 July 1994, Document on re-assignment of Dragomir Keserović to peacetime establishment dated 15

February 1994, Order on training of MSS and MP BR. ½-96 senior officers of 1 February 1995, Order no. 200-273 of 11 December 1995; Application filed by Dragomir Keserović (handwritten) of 3 April 1996, Order no. 20-12 on duty relief and referral to school of 18 January 1996 and Report on assumption of duty dated 20 May 1997.

E. DOCUMENTARY EVIDENCE FOR THE ACCUSED ADIL RUŽNIĆ

02-1- Slavko Rajlić's statement given to the 503rd Glorious Mountain Brigade Security Authority No. 03-561/95 of 18 October 1995;

- a) Slavko Rajlić - A handwritten statement (10 sheets);
- b) Slavko Rajlić - File cover KI 2506/95 Military District Court in Bihać;
- c) Request to open investigation no. I Vtk : 2748/95 of 13 November 1995;
- d) Information KI 2506/95 of 15 March 1996, and
- e) Information no. I Vtk: 2748/95 of 11 April 1996;

02-2 - Željko Šarac's statement given to the 503rd Glorious Mountain Brigade Security Organ no.03-557/95 of 18 October 1995;

- a) Željko Šarac - A handwritten statement (14 pages)
- b) Željko Šarac - File cover KI 2505/95
- c) Request to open investigation no. I Vtk: 2750/95 of 13 November 1995;
- d) Information of 15 March 1996;
- e) Information of 13 April 1996;

02-3 - Stradimir Vukičević's statement given to the 503rd Glorious Mountain Brigade Security Organ no. 03-553/95 of 18 October 1995;

- a) Stradimir Vukičević - A handwritten statement (10 pages),
- b) Stradimir Vukičević – Fingerprint card 30 October 1995;
- c) Stradimir Vukičević – File cover KI 2504/95
- d) Request to open investigation no. I Vtk: 2751/95 of 13 November 1995;
- e) Information of 15 March 1996;
- f) Information of 27 March 1996;

02-4 – Record on taking a statement from Neđo Krndija no. 10-02/2-212/05 – Banja Luka Public Security Center, 20 April 2005;

- a) Neđo Krndija – A handwritten statement (7 sheets);
- b) Neđo Krndija - Fingerprint card of 28 October 1995;
- c) Neđo Krndija – File cover KI - 2519/95 Military District Court Bihać;
- d) Request to open investigation no. 2802/95 of 14 November 1995;

e) Information no. KI – 2519/95 of 15 March 1996, and

f) Information of the Military Prosecutor's Office no. 2802/95 of 9 April 1996.

02-5 (T-207) - Record on taking a statement from Milutin Zrnić no. 02-1259/94 – Security Services Center, Bihać SDB Sector of 3 December 1994;

a) Decision of the Municipal Secretariat for Soldiers and War Victims Issues no.03-560-152/96 of 6 May 1996, recognizing a disabled veteran status to Milutin Zrnić;

02-6 - Record on taking a statement from Slavko Bilbija no. 10-1-10/02-2-401/05 of 9 June 2005 – Prijedor Public Security Station;

a) Slavko Bilbija – Questionnaire, 24 September 1995,

b) Slavko Bilbija – A handwritten statement (14 sheets),

c) Slavko Bilbija's statement given to the 503rd Glorious Mountain Brigade Security Organ no. 03-546/95 of 18 October 1995,

d) Slavko Bilbija – File cover KI 2509/95, Military District Court in Bihać,

e) Request to open investigation no. I Vtk: 2760/95 of 13 November 1995,

f) Information no. KI: 2509/95 of 15 March 1996,

g) Document no: I Vtk: 2760/95 of 15 April 1996.

02-7 – A handwritten statement - Braco Pezić - 4 sheets,

a) Braco Pezić - File cover KI 2490/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2771/95 of 10 November 1995,

c) Information no. KI 2490/95 of 15 March 1996, and

e) Letter no. I Vtk: 2771/95 of 19 April 1996, Military District Court.

02-8 – Official Note no. 03/73-199 of 17 October 1995, 5th Corps Military Security Service Department on the interview of Nikola Stojanović,

a) Nikola Stojanović – Fingerprint card of 27 October 1995,

b) Nikola Stojanović – File cover no. KI 2501/95, Military District Court in Bihać,

c) Request to open investigation no. I Vtk: 2763/95 of 13 November 1995,

d) Information no. KI 2501/95 of 15 March 1996,

e) Information no. I Tvk: 2763/95 of 19 April 1996.

02-9 (T-35) - Record on taking a statement from witness Marinko Kos no. 10-02/2-271/05 of 20 May 2005, Banja Luka Public Security Center;

a) Official Note no. 03/73-198 of 17 October 1995 on the interview of Marinko Kos, 5th Corps Military Security Service Department;

b) Marinko Kos – File cover no. KI 2484/95, Military District Court in Bihać,

c) Request to open investigation no. I Vtk 2767/95 of 10 November 1995,

d) Information no. I Vtk: 2767/95 of 19 April 1996,

- 02-10** - Sušić Sreto – File cover no. KI 2531/95, Military District Court in Bihać,
a) Request to open investigation no. I Vtk: 2797/95 of 14 November 1995,
b) Information no. 15 March 1996,
c) Information no. I Vtk:2797/95 of 11 April 1996,
d) Official Note no. 03/73-259 of 18 October 1995 on the interview of Sreto Sušić, Military Security Service Department;
e) Official Note no. 02/4-2-38 of 26 May 1995 on the interview of Sreto Sušić, Intelligence and Security Service Department.
- 02-11** - Lazo Bursać – File cover no. KI 2518/95, Military District Court in Bihać,
a) Request to open investigation no. I Vtk 2811/95 of 14 November 1995,
b) Information of 15 March 1996,
c) Information no. I Vtk: 2811/95 of 8 April 1996.
- 02-12** (T- 41 and O1-37) – Instruction no. *SP br.* 03/321-12 of 3 September 1995 relative to the treatment of prisoners of war, 5th Corps Military Security Service Department;
- 02-13** (T- 48 and O1-42) – Authorization no. *SP br.* 03/388-47 of 23 October 1995, 5th Corps Command;
- 02-14** (T- 49 and O1-43) - Records relative to the captured SČV (Serbian Chetnik soldiers), no. 03/73-68-4 of 19 October 1995;
- 02-15** (T-50 and O1-44) - Records relative to the captured SČV no. 03/73-68- 3 of 12 October 1995;
- 02-16** (T- 51) - Records relative to the captured SČV no. 03/73-68-2 of 5 October 1995;
- 02-17** (T-57) - Records relative to the captured SČV, List of prisoners of war in the CC (notebook of 56 pages);
- 02-18** (T-59 and O1-50) – Order no. 07/3102-1 issued by the 5th Corps Commander dated 10 May 1994;
- 02-19** (T-60 and O1-51) – Military Security Department – Assessment of security in the Collective Centre for prisoners of war, no. 03/378-2 of 11 May 1994;
- 02-20** (T-62 and O1-53) - Ordinance for the Military Security Service in the armed forces, number: 02-011-714/92 of 11 September 1992, issued by the Presidency of R BiH;
- 02-21** - Dragan Đukić – File cover no. KI 2495/95, Military District Court in Bihać,
a) Request to open investigation no. I Vtk: 2746/95 of 13 November 1995,
b) Information of 15 March 1996, and
c) Information no. I Vtk: 2746/95 of 19 April 1996.
- 02-22** – Decision no. UP-1-05-1/08-2-196/09 of 3 September 2009 issued by the 3rd Police Administration Sanski Most of 3 September 2009 allowing access to information –

Witness examination record and the attachment – Witness examination Record for Milena Vuković no. 05-6/03-2-22/05 of 15 December 2005, Ključ Police Station;

- a) Milovan Bjelić – Questionnaire and a handwritten statement (14 sheets),
- b) Milovan Bjelić - File cover no. KI 2514/95, Military District Court in Bihać,
- c) Request to open investigation no. I Vtk: 2806/95 of 14 November 1995,
- d) Information of 15 March 1996,
- e) Information no. Vtk: 2806/95 of 8 April 1996.

O2-23 - Saša Runjić - File cover no. KI 2494/95, Military District Court in Bihać;

- a) Request to open investigation no. I Vtk: 2764/95 of 11 November 1995;
- b) Information of 15 March 1996,
- c) Information no. I Vtk: 2764/95 of 27 March 1996.

O2-24 - Siniša Vujić - File cover no. KI 2493/95, Military District Court in Bihać,

- a) Request to open investigation no. I Vtk: 2772/95 of 10 November 1995,
- b) Information of 15 March 1996, and
- c) Information no. I Vtk: 1772/95 of 9 April 1996.

O2-25 - Blaže Štrkić - File cover no. KI 2485/95, Military District Court in Bihać,

- a) Request to open investigation no. I Vtk: 2775/95 of 10 November 1995,
- b) Information of 15 March 1996, and
- c) Information no. I Vtk: 2775/95 of 15 April 1996.

O2-26 (T-72) - File cover, Military Security Department Report no. 03/535-2 of 28 June 1994, and Order no. 02/4244-1 of 27 June 1994;

O2-27 (T-73) - Military Security Service Department Document number: 03/388-40 of 13 September 1995 attached to the list of the so-called SRY prisoners of war;

O2-28 (T-74) - Military Security Service Department Document number: 03/67-7 of 15 August 1995 attached to the list of the so-called SRY captives;

O2-29 (T-75) - Document No. 14/02-4-1448/95 of 14 November 1995, Ministry of Internal Affairs, Bihać Security Service Centre – provision of the list of civilians of Serbian ethnicity in the collective centers of the Una-Sana Canton to the 5th Corps Command - Military Security Service Department;

O2-30 (T-76) - Notification of the Military Security Service Department, *SP. no.* 03/388-50 of 9 November 1995;

O2-31 (T-78) – Document *SP. no.* 03/388-38 of 5 September 1995 Military Security Service Department, Captured SČV documents;

O2-32 – List of captured soldiers, Military Security Service Department, *SP. no.* 03/73-68 of 8 September 1995;

02-33 (T-100 and O1-70) – Ministry of Defense - Security Administration - Guidelines for taking statements from captured persons, no. 01.3/96-39 of 5 July 1994;

02-34 (T-102 and O1-71) - Case File of the 5th Corps MSS Department of 15 June 1995;

02-35 (T-106 and O1-73) – Daily Report no. *str.pov.br.* 03/1-13 of 14 January 1995, 501st Mountain Brigade;

02-36 (T-108) - Plan and Programme for Training of Senior Military Officers of the MSS of 5th Corps, 10 February 1995;

02-37 (T-109) - Plan and Programme for Training of Senior Military Officers of the MSS of 5th Corps, 4 March 1995;

02-38 (T-110, 111 and 112) - Verification of Čelebić, Lipović and Pašić, in handwriting, 26 May 1994; Verification of Lipović and Pašić of 26 May 1994, and Verification of Bećirspahić, in handwriting, of 25 May 1994;

02-39 - Milovan Mastikosa – File cover no. KI 2482/95, Military District Court in Bihać;

a) Request to open investigation no. I Vtk:2783/95 of 8 November 1995,

b) Information of 15 March 1996,

c) Information of 15 April 1996,

d) Official Note no. 03/73-281 of 17 October 1995, Military Security Service Department;

02-40 (T -117) - Official Note no. 03 of 12 July 1994, Military Security Department;

02-41 (T-118) - Document of the Ministry of Defence of RBiH, findings, number: 01.3/28-230 of 21 July 1994;

02-42 (T-119) - Report, Military Security Department, *str. pov. br.* 03/548-6 of 25 July 1994;

02-43 (T-125, 126 and 128) - Assignment Plan for Counter-intelligence Department (CID) on 21 December 1994 and 22 December 1994; Assignment Plan for CID on 23 December 1994 and 24 December 1994, and Assignment Plan for CID on 28 December 1994 and 29 December 1994;

02-44 (T-131) - Monthly plan of activities of the 5th Corps Department for Military Security Service for April 1995;

02-45 (T-132 and O1-77) and (T-133 and O1-78) - Plan of activities of the Counter-Intelligence Department for September 1995, dated 24 August, and Plan of activities of the Counter-Intelligence Department for November 1995, dated 26 October 1995;

02-46 (T-134) - Report on an unusual incident number 07/5-364/95 of 17 November 1995, the death of Sveto Čamber, On-site Investigation Report no. 17/5-189-1/95 of 17 November 1995, Information on an unusual incident number 07/5-364/95 of 7 November 1995, Official Note no. 07/5-189-1/95 of 7 November 1995, Official Note no. 07/5-189-2/95

of 7 November 1995, Official Note no. 07/5-189-3/95 of 7 November 1995, Autopsy Report for Sveto Čamber of 7 November 1995;

O2-47 –Missing Persons Institute, document attached to the List taken from the database on missing and captured persons – RS Government Office on Missing and Captured Persons, Banja Luka, no. 01-40-4131/2010 of 9 August 2010;

O2-48 (T-145) - Promotion Order issued by Commander of the 5th Corps, *pov. br.* 05/357-05 of 29 May 1995;

O2-49 (T-146) - Appointment Order for Adil Ružnić, no. 05/53-392 of 29 April 1994;

O2-50 (T-147) - Order on Redeployment of Adil Ružnić issued by Commander of the 5th Corps, *str.pov.br.* 05/340-490 of 29 April 1994;

O2-51 (T-150) - Military Security Department - Criminal Report, SP number 03/73-63 of 5 September 1995;

O2-52 (T-151) - Military District Court in Bihać, Approval number: Kri 3814/95 of 8 September 1995;

O2-53 - Judgment of the Bihać District Military Court in respect of Obrad Romanić, no. KI-367/95 of 9 October 1995;

O2-54 (T-159) – Order no. 03/3174-1 of 12 May 1994;

O2-55 (T-165) – Order of the Military Security Department Document, no. 03/707-3 of 4 October 1995;

O2-56 (T-166) - Taking Prisoner Report, no. 03/73-56, no. 03/73-55-2, no. 03/73-60, no. 03/73-50-2, no. 03/73-62, no. 03/73-58, no. 03/73-59, no. 03/73-57-1 of 4 September 1995;

O2-57 (T-166) - Military Security Service Department - Official Note on taking a statement from Nikola Radaković, *SP number.* 03/73-58-1 of 17 May 1995;

O2-58 (T-170) - Military Security Service Department - Official Note on taking a statement from Đuro Mutić, *SP number.* 03/73-57 of 4 September 1995;

O2-59 – Čičić Brane – Official Note no. 02/4-2-88 of 28 September, Intelligence and Security Department on the first interview of Brane Čičić;

a) Brane Čičić – File cover no. KI 2508/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2761/95 of 13 November 1995,

c) Information of 15 March 1996,

d) Information of 15 April 1996.

O2-60 (T-176 and O1-90) and (T-177 and O1-91) – Order of the 5th Corps Commander, *pov. br.* 07/7519-1 of 25 November 1994, and List of prisoners of war, members of Serbian

Chetnik Army in the *Adil Bešić* Collective Centre for Prisoners of War to be transferred to Cazin;

O2-61 (T-179) - Order issued by the 5th Corps Commander, *str.pov.br.* 04-1/911-1 of 28 October 1995, supported by a list of prisoners of war;

O2-62 – Public Security Center Banja Luka, Sanski Most Public Security Station, Record on taking a statement from Mile Radulović of 13 October 1995;

- a) A handwritten statement of Mile Radulović - 45 pages,
- b) File cover no. Ki 2515/95, Military District Court in Bihać,
- c) Request to open investigation no. I Vtk: 2805/95 of 14 November 1995,
- d) Information of 15 March 1996,
- e) Information of 9 April 1996,
- f) Transcript of the main trial hearing in the case of Adamović *et al.* of 16 December 2009.

O2-63 (T-184) - Information of 10 June 1996 - Banja Luka State Security Center (ICTY number: B 0018103);

O2-64 (T-192) –Official Note and Record of the Banja Luka SSD Center of 6 June 1996;

O2-65 – Witness examination record for Dragan Stupar, Prosecutor's Office of BiH, No. KT-RZ-117/07 and KT-RZ-30/05 of 17 April 2007,

- a) Record on taking a witness statement, Banja Luka CPS /Crime Police Sector/ no. 10-02/2-656/05 of 11 November 2005,
- b) File cover no. KI-2481/95, Military District Court in Bihać,
- c) Request to open investigation no. I Vtk: 2784/95 of 8 November 1995,
- d) Information of 15 March 1996, and
- e) Information of 15 April 1996.

O2-66 (T-202) – Information of CRDB (State Security Department Centre) Prijedor, number 03-33 of 9 November 1995 (ICTY number: P0000993);

O2-67 – Record on taking a statement from Dušan Rodić, Prijedor PSS, no. 10-1-10/01-4-MM/05 of 6 June 2005,

- a) A handwritten statement (24 pages),
- b) Dušan Rodić's statement given to the 503rd Mountain Brigade Security Authority, no. 03-547/95 of 18 October 1995,
- c) Witness examination record for Dušan Rodić, Prosecutor's Office of BiH, No. KT-RZ-117/07 and KT-RZ-30/05 of 12 July 2007,
- d) File cover no. KI 2402/95, Military District Court in Bihać,
- e) Request to open investigation no. I VTK 2688/95 of 9 November 1995,
- f) Information of 15 March 1996, and

g) Information of 29 March 1996.

02-68 – A handwritten statement of Ljubomir Kojić

a) Witness examination record for Ljubomir Kojić, no. 10-2-18/02-94/05 of 23 May 2005, Banja Luka Public Security Center,

b) Judgments issued by the Basic Court in Mrkonjić Grad no. 75 0 K 000908 08 K of 2 March 2009 and no. 75 0 K 00 5954 08 K of 2 June 2009;

02-69 – Official Note no. 13-8/02/95 of 25 September 1995 on the interview of Bogdan Lakić, Bosanski Petrovac PSS,

a) Witness examination record for Bogdan Lakić, Prosecutor's Office of BiH no. KT-RZ-117/07 and KT-RZ-30/05 of 12 May 2008,

b) Questionnaire of 10 October 1995,

c) Bogdan Lakić – a handwritten statement (14 pages),

d) Bogdan Lakić – File cover no. KI 2478/95, Military District Court in Bihać,

e) Request to open investigation no. I Vtk: 2778/95 of 8 November 1995,

f) Information of 15 March 1996, and

g) Information of 11 April 1996,

02-70 – Fingerprint card for Petar Stojanović of 28 October 1995 and a handwritten statement on 13 pages;

02-71 - Ivo Marić - a handwritten statement

a) Marić Ivo - File cover no. KI 2527/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2745/95 of 14 November 1995,

c) Information of 15 March 1996, and

d) Information of 19 April 1996.

02-72 - Ranko Stanojević's handwritten statement (6 sheets)

a) Stanojević Ranko - File cover no. KI 2412/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk 2677/95 of 8 November 1995,

c) Information of 15 March 1996, and

d) Information of 29 March 1996.

02-73 – Record of the interview of Simo Aničić no. 14-8/02-/95 of 9 October 1995, Public Security Services Bihać, Bosanski Petrovac PSS,

a) Simo Aničić – Fingerprint card of 28 October 1995,

b) Simo Aničić – A handwritten statement (6 sheets)

c) Simo Aničić - File cover no. KI 2466/95, Military District Court in Bihać,

d) Request to open investigation no. I Vtk: 2780/95 of 8 November 1995,

e) Information of 15 March 1996, and

f) Information of 13 April 1996.

02-74 - Record of the interview of Rajko Pačavra no. 10-02/2-327/05 of 9 June 2005, Banja Luka Public Security Center,

a) Rajko Pačavra - File cover no. KI2465/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2781/95 of 8 November 1995,

c) Information of 15 March 1996, and

d) Information of 13 April 1996.

02-75 - Milorad Ajder – A handwritten statement,

a) Milorad Ajder - File cover no. KI 2413/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk:2676/95 of 8 November 1995,

c) Information of 15 March 1996, and

d) Information of 29 March 1996.

02-76 - Jasminko Čehobašić - A handwritten statement,

a) Jasminko Čehobašić - File cover no. KI 2487/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk:2767/95 of 10 November 1995,

c) Information of 15 March 1996, and Information of 19 April 1996,

02-77 - Veljko Radić – A handwritten statement,

a) Veljko Radić - File cover no. KI 2473/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2790/95 of 8 November 1995,

c) Information of 15 March 1996, and

d) Information of 19 April 1996,

d) Medical report - Bihać Regional Medical Center of 12 November 1995.

02-78 - Darko Petrušić – A handwritten statement,

a) Darko Petrušić - File cover no. KI 2530/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2799/95 of 14 November 1995,

c) Information of 15 March 1996,

d) Information of 11 April 1996.

02-79 - Milenko Golić - A handwritten statement,

a) Milenko Golić - File cover no. KI 2491/95, Military District Court in Bihać,

b) Request to open investigation no. I Vtk: 2770/95 of 10 November 1995,

c) Information of 15 March 1996, and

d) Information of 19 April 1996,

e) Milenko Golić - A handwritten statement,

f) Mahmut Prnjat - A handwritten statement of 12 November 1995;

02-80 - Dragan Bosančić - A handwritten statement,

- a) Dragan Bosančić - File cover no. KI 2521/95, Military District Court in Bihać,
- b) Request to open investigation no. I Vtk. 2794/95 of 14 November 1995,
- c) Information of 15 March 1996, and
- d) Information of 8 April 1996.

O2-81 - Stojan Katana - A handwritten statement,

- a) Stojan Katana – File cover no. KI 2483/95, Military District Court in Bihać,
- b) Request to open investigation no. I Vtk: 2765/95 of 10 November 1995,
- c) Information of 15 March 1996, and
- d) Information of April 1996.

O2-82 - Zvezdan Kovjениć - A handwritten statement,

- a) Zvezdan Kovjениć - File cover no. KI 2474/95, Military District Court in Bihać,
- b) Request to open investigation no. I Vtk: 2787/95 of 8 November 1995,
- c) Information of 15 March 1996, and
- d) Information of 19 April 1996.

O2-83 – Witness examination record for Radenko Kovačević, no. KT-RZ-117/07 and KT-RZ-30/05 of 24 May 2008, Prosecutor's Office of BiH,

- a) Radenko Kovačević - A handwritten statement,
- b) Witness examination record no. 10-2-16/02-2-EPR-164/05 of 7 July 2005, Mrkonjić Grad,
- c) Radenko Kovačević - File cover no. KI 2492/95, Military District Court in Bihać,
- d) Request to open investigation no. I Vtk: 2773/95 of 10 November 1995,
- e) Information of 15 March 1996, and
- f) Information of 9 April 1996.

O2-84 - Record of the interview of Živko Malešević of 23 September 1995, Bosanski Petrovac PSS,

- a) Findings no. 03/73-205-23 of 3 December 1995 – Military Security Service Department
- b) Questions and a handwritten statement
- c) Živko Malešević – File cover no. KI 2517/95, Military District Court in Bihać,
- d) Request to open investigation no. I Vtk:2809/95 of 14 November 1995,
- e) Information of 15 March 1996, and
- f) Information of 8 April 1996.

O2-85 - Ljubo Bojić - A handwritten statement,

- a) Bojić Ljubo - File cover no. KI2486/95, Military District Court in Bihać,
- b) Information of 15 March 1996, and
- c) Information of 15 April 1996..

O2-86 – Document of the Army Main Staff, Security Administration no. 7-2/28-114 of 13 April 1995 – Terms of Reference of the ŠB and VPP departments

O2-87 – 5th Corps Command, Military Security Service Department, Assignment of duties within the ŠB and VPP departments of 16 March 1993;

O2-88 - Document of the Military Security Service Department – Work Report for June 1995 of 6 July 1995, Document of the Military Security Service Department - Work Report for June 1995 of 6 July 1995, and Document of the Military Security Service Department – Monthly Report no. 03/404-22 of 30 July 1994;

O2-89 - RS Ministry of Internal Affairs - Official Note of 24 June 1997 - State Security Department (SSD), Banja Luka Center;

O2-90 – Reports of the Luke Military Prison for 20/21 August 1995, 26/27 October 1995, ½ December 1995, and 8/9 December 1995;

O2-91- Order of the day - Adil Bešić Barracks of 1 April 1995. to 15 October 1995, record no. 341;

O2-92 –*Adil Bešić* Barracks, Guard Logbook from 1 June 1995 to 22 March 1996, record no. 347;

O2-93 - *Adil Bešić* Barracks, Operative Logbook, from 1 October 1994 to 27 November 1994, record no. 345;

a) *Adil Bešić* Barracks, Operative Logbook, from 1 April 1995 to 4 October 1995, record no. 346 and b) *Adil Bešić* Barracks, Operative Logbook, from 5 October 1995 to 31 March 1996, record no. 343;

O2-94 – Court of BiH, Document no. S1 1 K 003368 09 Krl (X-KR-08/522) of 2 March 2011 - Republika Srpska Ministry of Labor and Veterans;

O2-95 – List of exchanged members of the ARBiH 5th Corps, HVO and civilians

a) Interview plan for exchanged persons

b) Breakdown of information obtained from exchanged persons

O2-96 – Missing Persons Document no. 01-40-4131/2010 of 9 August 2010 with attached information on exhumed and identified persons;

O2-97 – Decision amending the Decision on Appointment of the president and members of the Municipal Commission for the Exchange of PoWs, no. 02-017-67 of 5 July 1995;

a) Document no. 04/3-133 of 10 March 1996, on the missing members of the 5th Corps;

b) Document no. 04/3-138 of 22 May 1996, on the missing members of the 5th Corps;

O2-98 – Judgment no. IK-372/95 of 4 October 1995 - Đuro Mutić, Military District Court in Bihać; Judgment no. IK-368/95 of 9 October 1995 - Nikola Radaković, Military District Court in Bihać; Judgment no. IK-365/95 of 5 October 1995 - Drago Vranjković, Military

District Court in Bihać; Judgment no. IK-369/95 of 5 October 1995 - Dragan Jeftenić
Military District Court in Bihać; Judgment no. 371/95 of 4 October 1995 - Borislav Jokić,
Military District Court in Bihać; Judgment no. IK – 374/95 of 3 October 1995 - Neđo Trivić
Military District Court in Bihać; Judgment no. IK–370/95 of 3 October 1995 - Miodrag
Dejanović, Military District Court in Bihać; and Judgment no. IK-366/95 of 5 November
1995 - Stevo Petrović, Military District Court in Bihać;

02-99 – 5th Corps Command Military Security Service Department – Criminal Report no.
03/73-243 of 27 October 1995; 5th Corps Command Military Security Service Department –
Criminal Report no. 03/73-250 of 5 November 1995;

02-100 – Professional Training Manual for senior military security officers of the AR BiH,
February 1995, record no. 418;

02-101 – Rules of Service for the Security Organ in the SFRY Armed Forces, 1984,
record no. 4062; Rules of Service in the State Security Service – August 1992;
Professional Training Manual for reserve security forces in the JNA Armed Forces of 1984;

02-102 – Document no. 03/378-6 of 14 May 1994 – 5th Corps Command Military Security
Department with attachment – Security analysis of 10 May 1994;

02-103 - Federation Ministry for Issues of Veterans and Disabled Veterans of the
Defensive-Liberation War – Certificate no. 07/16-02-03/1-1-493/11 of 27 April 2011 for
Reuf Hodžić; Federation Ministry for Issues of Veterans and Disabled Veterans of the
Defensive-Liberation War – Certificate no. 07/16-02-03/1-1-528/11 of 9 May 2011 for
Senad Đulić; Federation Ministry for Issues of Veterans and Disabled Veterans of the
Defensive-Liberation War – Certificate no. 07/16-02-03/1-1-499/11 of 4 May 2011 for
Husein Delić;

02-104 (O1-185) – A photograph of a group of senior officers of September 1995, January
1996 from Cazin; A photograph of a group of senior officers of the 5th Corps MSS, October
1995; A photograph of Asim Spahić a.k.a. and a photograph of Ibrahim Ibrahimpašić a.k.a.
Spase;

02-105 - Federation Ministry for Issues of Veterans and Disabled Veterans of the
Defensive-Liberation War – Certificate no. 07/16-02-03/1-1-752 /11 of 22 January 1995 for
Adil Ružnić; Order of the 5th Corps Commander on the appointment of Adil Ružnić no.
05/53-175 of 22 January 1995; Order of the 5th Corps Commander on the appointment of
Adil Ružnić, no. 05/53-1338 of 13 July 1995, and Decision of the Federation Ministry for
Issues of Veterans and Disabled Veterans of the Defensive-Liberation War no. 07/16-03-
05/1-3-100-1/09 of 6 December 2010 to delete the information in the PK-1 /business book/
relative to the wounding of Adil Ružnić;

O2-106 (O1-116) – Order of the Army of R BiH Main Staff no. 7-1/5-162 of 17 July 1995;

O2-107 (O1-122) – Order of the Army of R BiH Supreme Command Staff, Security Administration no. 03/28-251 of 24 December 1993;

O2-108 (O1-125) - Code Book of 5th Corps units;

O2-109 (O1-126) - Order of the 5th Corps Command *SP.br.* 02/3020-1 of 4 May 1994;

O2-110 (O1-134) - Operations Report of the 5th Corps Military Police Battalion *Sp.br.* 01/05-10 of 2 December 1995;

O2-111 (O1-135) - Report of the 5th Corps Military Police Battalion *SP.br.* 01/02-154 of 3 September 1995;

O2-112 (O1-136) - Report of the 5th Corps Military Police Battalion *SP.br.* 01/02-71 of 3 June 1995;

O2-113 (O1-141) - Order of the Supreme Command Staff of the BiH Armed Forces (SCS BiH AF), *str.pov.br.* 02/595-2 of 10 May 1992; Order of the SCS BiH AF no. 03/21-1 of 4 January 1993; Order of the 5th Corps Command *str.br.* 07/4870-1 of 26 July 1994; Order of the Commander of the 5th Corps 501st Brigade, *sp.br.* 07/87-10 of 27 July 1994; Order of the Commander of the 5th Corps 511th, *str.pov.br.* 03/161-2 of 29 July 1994; Order of the Commander of the 5th Corps 1st Bosnian Liberation Brigade, *str.br.* 07-3327/94 of 29 July 1994; Order of the Commander of the 517th Light Brigade, *pov.br.* 08/74-4/94 of 30 July 1994; Order of the Commander of the 502nd Brigade, *pov.br.* 07/42-411 of 1 August 1994; Order of the Commander of the 505th Chivalrous Motorized Brigade, *str.pov.br.* 09-937-2 of 2 August 1994;

O2-114 (O1-143) - State Commission for the Exchange of PoWs, no. 12-987/95 of 6 December 1995; State Commission for the Exchange of PoWs, no. 12-854/95 of 8 October 1995; State Commission for the Exchange of PoWs, no. 12-625/95 of 28 June 1995; State Commission for the Exchange of PoWs, no. 09-21/95 of 5 January 1995; State Commission for the Exchange of PoWs, no. 12-273/95 of 10 March 1995; State Commission for the Exchange of PoWs, no. 18-73/96 of 18 January 1996;

O2-115 (O1-147) - Document of the 5th Corps Command, *pov.br.* 04/3-73 of 11 July 1995; Document of the 5th Corps Command, *pov.br.* 04/3-78 of 11 August 1995; Document of the 5th Corps Command, *pov.br.* 04/3-29 of 8 April 1995; Document of the 5th Corps Command, *pov.br.* 04/3-82 of 31 August 1995; Document of the 5th Corps Command, *pov.br.* 04/3-79 of 24 August 1995; Document of the 5th Corps Command, *pov.br.* 04/3-102 of 4 October 1995; Document of the 5th Corps Command, *pov.br.* 04/3-18 of 27 March 1995; Document of the 5th Corps Command, *pov.br.* 04/3-74 of 4 August 1995;

O2-116 (O1-148) - Document of the Bihać Municipality with attachment, no. 05-534-42/95 of 25 October 1995;

O2-117 (O1-149; O1-150; O1-151; O1-152; O1-153D i O1-153E) - ICRC Bulletin on Bihać, no. 95/0725 SF of 25 July 1995; Report on the ICRC visit to the Bihać Regional Prison, no. 95/1408-ABR/RB of 27 April 1995; Report on the ICRC visit to the Barracks in Bihać on 6 April 1995, no. 95/1377-ABR/RB/SM of 27 April 1995; ICRC Information, no. 96/0108 CS of 8 January 1996; Document – Exchange Commission – Report of the meeting held on 23 February 1995; Document – Exchange Commission – Report of the meeting held on 13 January 1995; Document – Exchange Commission – Report of the meeting held on 1 June 1995; Document of the 5th Corps Command no. 02/3-3/71-1 of 8 January 1995; Request, ICRC no. 95/1018 cs of 18 October 1995; ICRC Information of 23 August 1995;

O2-118 (O1-156; O1-156A; O1-156B; O1-156C; O1-156D; O1-156E O1-156F) - Medical Service Performance Report, military unit no. 5905 *sp.br.* 174-1/94 of 29 January 1994; Military Unit no. 5905 – Monthly Report no. 1178-2/94 of 25 August 1994 with attachments; Military Unit no. 5905 – Monthly Report no. 1397-1/94 of 30 September 1994 with attachments; Military Unit no. 5905 - Monthly Report no. 1499-2/94 of 29.10.1994. with attachments; Record of examined patients no. 221 and attachment no. 221/1; Record of examined patients no. 72, 72/1 and 72/2; Record of examined patients no. 348, 348/1, 348/2 ,348/3 ,348/4, 348/5, 348/6, 348/7, 348/8, 348/9, 348/10;

O2-119 (O1-157a-h) - Document of the “Dr. Irfan Ljubijankić” Cantonal Hospital Bihać, no. 8633/10 of 24 December 2010 – supply of certified copies of medical documentation for the following persons:

- a) medical documents for Darko Dojčinović,
- b) medical documents for Tomislav Danilović
- c) medical documents for Perica Kerkez
- d) medical documents for Darko Kajtez
- e) copies of the ambulatory surgery admission unit for Siniša Malešević
- f) copies of the ambulatory surgery admission unit for Zdravko Radošević
- g) copies of the ambulatory surgery admission unit for Milorad Carić
- h) medical documents for Đuro Mutić.

O2-120 (O1-163c) - 5th Corps Military Police Battalion, no. 05/7-53 of 22 August 1995 - Disciplinary measure – Request for early release from prison;

O2-121 (O1-164 i O1-164a) - The 5th Corps Military Police Battalion Minutes of the interview of Dragoljub Dragojević, dated 6 August 1995, and 5th Corps Military Police Battalion Minutes of the interview of Nikola Šijan dated 7 August 1995;

02-122 (O1-165) – Order of the 5th Corps Command no. 12/7494-1 of 23 November 1994;

02-123 (O1-166) - Instruction of the Barracks Commander *br.ev.* 238 and 238/1, and Order of the Barracks Commander no. 12/3536-1 of 28 May 1994;

02-124 (O1-168) - Mazowiecki Report 1992-1995, and “The War in Bosnia and Herzegovina – stories and records” author Erich Rathfelder;

01-125 (O1-172) - Document of the 5th Corps Command no. 04/3-127 of 13 January 1996; Document of the Army of RBiH Main Staff no. 01/8-16 of 16 January 1996; Document of the 5th Corps Command no. 04-1/1081-2 of 10 December 1995, and Document of the 5th Corps Command no. 04/3-132 of 25 January 1996;

02-126 (O1-174) - Order of the 5th Corps Commander *str.pov.br.* 04-1/85-2 of 27 January 1996;

02-127 (O1-175) - Decision of the 5th Corps Command no. 07-3/2290-1 of 1 September 1995 recognizing prisoner-of-war status; Decision of the 5th Corps Command no. 07/6163-1 of 20 September 1994 recognizing prisoner-of-war status; Decision of the 5th Corps Command no. 07-3/2033-1 of 7 August 1995 recognizing prisoner-of-war status, and Decision of the 5th Corps Command no. 07-3/1585-1 of 30 May 1995 recognizing prisoner-of-war status;

02-128 (O1-176) - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War no. 07/16-02-03/1-361-1/09 of 22 June 2009;

01-129 (O1-177) – Orders on appointment of the 5th Corps Commander *str.pov.br.* 05/53-168 of 22 January 1995, no. 05/53-1669 of 19 October 1995 and no. 05/53-1670 of 19 October 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1665 of 19 October 1995; Orders on appointment of the 5th Corps Commander *str.pov.br.* 05/53-169 of 22 January 1995 and no. 05/53-1331 of 11 July 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-174 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-179 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-170 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-173 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-176 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-172 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-178 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-181 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-180 of 22 January 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-

1341 of 13 July 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1342 of 13 July 1995; Order on appointment of the 5th Corps Commander *str.pov.br.* 05/53-1371 of 24 July 1995; Orders on appointment of the 5th Corps Commander *str.pov.br.* 05/53-177 of 22 January 1995 and no. 05/53-1344 of 13 July 1995;

O2-130 (O1-178) - Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-145 of 22 January 1995 and Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-147 of 22 January 1995;

O2-131 (O1-179) - Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-1415 of 30 July 1995 and Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-1375 of 27 July 1995;

O2-132 (O1-180) - Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-171 of 22 January 1995; Appointment Order of the 5th Corps Commander *str.pov.br.* 05/53-1339 of 13 July 1995;

O2-133 - HTV-Bihać - Video record (February - March 1995) – “Bihać horror and miracle” from 00,00 - 14,03 min.

O2-134 – Newspaper article of 26 December 1994, *The Los Angeles Times* daily – a two-sheet document translated and certified by certified court interpreter for English (Edin Neretljak); English version of the same article, downloaded from the Internet, date 26 July 2011 (<http://articles.latimes.com>);

a) Newspaper article of 13 May 1995, *The Reuters* news agency – an one-page document translated and certified by certified court interpreter for English (Edina Neretljak), English version of the same article, downloaded from the Internet, date 28 July 2011 (<http://articles.sfgate.com>),

b) Newspaper article of 27 November 1994, *The independent* daily - a two-sheet document translated and certified by certified court interpreter for English (Edin Neretljak), English version of the same article, downloaded from the Internet, date 26 July 1994, (<http://www.independent.co>);

O2-135 (T-7, O1-7, T-4 i O1-3) - Darko Dojčinović's Statement relative to the establishment of organized cooperation with MSS of AF RBiH of 10 March 1995; A handwritten statement of Draško Đervida of 15 February 1995;

O2-136 – Findings and opinion of the military expert witness Himzo Pečenковиć, January 2012.

F. DOCUMENTARY EVIDENCE FOR THE ACCUSED EMIR MUSTAFIĆ

- 03-1** – Decision on Employment of Emir Mustafić with the *JP RTV Bihać* no. 23-45/94 of 28 January 1994;
- 03-2** - RTV Bihać Identification card no. 035 in the name of Emir Mustafić, and Approval issued by the Bihać Ministry of Internal Affairs no. 57 of 26 October 1994;
- 03-3** – Certificate no. 1-1-1130/94 of 17 December 1994, Municipal Secretariat of National Defense - Bihać;
- 03-4** - *JP RTV Bihać* Certificate no. 984-1/95 of 21 August 1995; Secretariat of Defense - Bihać Document no. 11.1-A3-1231-1/95 of 24 August 1995, and Document no. *pov.* 05/5-102 dated 27 August 1995, VJ 5665 Bihać;
- 03-5** – Call-up paper for Emir Mustafić no. 840 of 30 June 1995, Secretariat of Defense - Bihać;
- 03-6** - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: 07-03-42-1/08 of 12 May 2008;
- 03-7** – Certificate of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: 07/16-02-03-1-3498/08 of 22 December 2008;
- 03-8** - List, Numerical strength of the 2nd *PT* company as at 18 September 1995;
- 03-9** – Application and request of the Una-Sana Canton Association of Musicians *Azra* no: 10-262-261/95 of 23 October 1995, and Document no. 05/5-139 of 26 October 1995 - VJ 5665 Bihać (Military Police Battalion);
- 03-10** - – Application and request of the Una-Sana Canton Association of Musicians *Azra* no. 10-280-279/95 of 31 October 1995, and Document no. 05/5-147 of 2 November 1995 - VJ 5665 Bihać (Military Police Battalion);
- 03-11** - *JP RTV Bihać* Document no. 1208-1/95 of 14 December 1995, and Document: *pov broj:* 05/5-247 of 20 December 1995 - VJ 5665 Bihać (Military Police Battalion);
- 03-12** – Order of the 5th Corps Command: *str. pov. broj:* 04-1/1047-1 of 28 November 1995;
- 03-13** - Order of the 5th Corps Command: *pov. broj:* 07-1/827-2 of 30 September 1995;
- 03-14** – Evaluation, finding and opinion - Military Medical Board with the 5025 Military Unit Bihać, no. 14/92 of 26 January 1993;
- 03-15** – Newspaper article - *Dnevni avaz* daily of 11 April 2008;
- 03-16** – Military Police Certificate – release of the person deprived of liberty no. Sp-069/DP/08 of 11 April 2008;
- 03-17** – A photograph of the third-accused (November 1995);

- O3-18** – Document under the title Logistics Platoon – Platoon Commander Senad Đulić;
- O3-19** – Ministry of Internal Affairs, Police Certificate for Emir Mustafić no. 05-1/06-2-04-1-799/08 of 16 April 2008;
- O3-20** – Court of BiH Decision no. X-KRN-08/522 of 15 April 2008 on dismissal and appointment of *ex officio* attorney for the suspect;
- O3-21** (O1-186) - Order of the 5th Corps Command no. 05/53-545 of 27 August 1993;
- O3-22** - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: 07/16-02-03/1-1-1406/11 of 19 December 2011;
- O3-23** - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: 07/16-02-03/1-1-1349/11 of 15 December 2011;
- O3-24** - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: 07/16-02-03/1-1-1402/11 of 16 December 2011;
- O3-25** - Document of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, number: 07/16-02-03/1-1-1402/11 of 16 December 2011;
- O3-26** – Findings and opinion – Military expert witness Himzo Pečenković, January 2012.

G. EVIDENCE OF THE COURT

During the proceedings, there was no evidence whose presentation was ordered by the Court and/or the Panel.