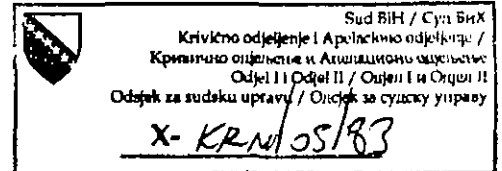


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**Bosnia and Herzegovina**  
**Prosecutor's Office of BiH**  
**Special Department for War Crimes**  
**Number: KT-RZ 90/05**  
**Sarajevo, 22 December 2006**  
**VT/VT**

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

*Pursuant to the provisions of Article 35(2) h) and Articles 226(1) of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby bring an*

**INDICTMENT**

**Against:**

**MARINKO MARIĆ**, son of Stjepan and mother Ljilja née Stanković, born on 9 May 1968 in Stolac, with permanent residence in the village of Grabovine bb, Municipality of Čapljina, menial worker, employed in the company "Medić" Međugorje, married, literate, completed secondary technical school, married, father of two, Croat, citizen of BiH, has no previous convictions,

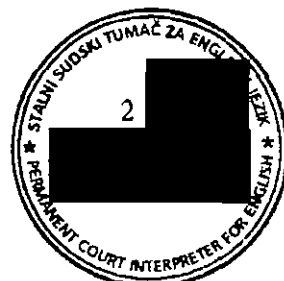
**Because:**



*In the second half of 1993, during the war in Bosnia and Herzegovina, and during the armed conflict between the HVO and the Army of the RBiH, in the „Gabela” Camp located in the place of Gabela, Municipality of Čapljina, as a member of an HVO Brigade “Knez Domagoj”, in the capacity of an interrogator of the Security Intelligence Service of this Brigade, he acted in violation of the provision of Article 3 (1) a) and c) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 by doing the following:*

*1. On 10 August 1993, in the investigative part of the “Gabela” Camp, located in the administration building right next to the entrance gate, together with Željko Rodin, an SIS interrogator, having interrogated detainees [REDACTED] he ordered them to take out in front of the building a detainee named [REDACTED] who was beaten up and lying unconscious in a blood puddle with a fractured skull and cut tongue, and pour water into his mouth from plastic bottles, which they did, whereupon this detainee died as a result of injuries he had sustained and the water poured into his mouth while he was in a lying posture;*

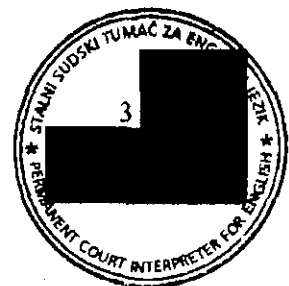
*2. At the beginning of October of 1993, in the “Gabela” Camp, in the administration building right next to the entrance gate, he entered a room where a group of detained Bosniak civilians were placed, including [REDACTED] who were half-conscious from physical ill-treatment they were subjected to in the Bone Diseases Hospital (interpreter’s note: “Koštana bolnica” in the original) in Stolac, whereupon he lined them up against a wall and ordered them to sing songs “At the ready for the Homeland” and “May the River Drina take away a hundred mujahedeen”, kicking them with his military boots on and punching them all over their bodies and swearing their “balija mother”, after which he ordered a detainee named [REDACTED] to stand telling him “if you but move, it will be the end of you”, ordering at the same time other detainees to lie down on the floor, and when they did,*



he threw iron army cots, a table and chairs at them, which were located in that room, causing fear and anxiety on their part, whereafter, on his way out of the room, he slapped [REDACTED]

3. On 30 September 1993, in the morning hours, in the "Gabela" Camp, while entering the administration building, he punched a detainee [REDACTED] in the stomach and on the head, and, having subsequently interrogated this detainee together with Andrun Nikola, Deputy Camp Warden, and the guard Almir Kudra aka Hogar, on the premises of the administration building, he punched him and kicked him with his military boots on several times all over his body, causing him to fall down, whereupon he lifted him up on his feet and Nikola Andrun buckled a belt around his neck in a form of a loop, after which, together with Nikola Andrun and Almir Kudra, he lifted [REDACTED] tied in such manner, causing him to faint due to the loss of air, and, when [REDACTED] regained his consciousness, he took him to another room with a washstand and a tap, where Nikola Andrun was waiting for them with a towel in his hands, placed him in the position so that he was facing the tap, and, after Nikola Andrun covered his face with a towel, he opened the tap and let the water fall into his nostrils, because of which, being unable to breathe, [REDACTED] fainted again, and, when he regained his consciousness, he took him to the solitary cell, holding him at the rifle point and telling him that he would come again during the night to interrogate and torture him, which caused fear and anxiety on the part of [REDACTED]

4. At the beginning of October 1993, in the silo (interpreter's note: "Silos" in the original) in Čapljina, he entered a room where a group of "Gabela" detainees were hidden from the officials of the ICRC, and, following interrogations, he ordered the detainees, including [REDACTED] to face the wall and surrender their wristwatches and valuable items, telling them that they would no longer need those items because for them the time had stopped, and when they did so, he punched the prisoner [REDACTED] in the temple due to which he fainted;



5. On an undetermined date, in late September or the beginning of October 1993, in the evening hours, together with Nikola Andrun, he took out from the "Gabela" Camp a detainee [REDACTED] and took him to the Police Station Čapljina, where he left him in a room in which Vlado Rajić, an interrogator in this Station, kicked him strongly several times with his shoes on all over his body, primarily in the chest, whereupon Marinko Marić entered the room, twisted his right hand finger breaking it, pressed a pistol against his mouth and cocked it and hit him strongly on the head several times with a chair handle, after which, together with Vlado Raić, he continued to beat him the entire night;

Consequently, during the war in Bosnia and Herzegovina, at the time of the armed conflict between the HVO and the RBiH Army, violating the rules of international humanitarian law, he took part in the murder of a detained civilian, tortured and took part in the torture of detained civilians, inflicted severe physical pain upon detained civilians and subjected detained civilians to measures of intimidation and terror,

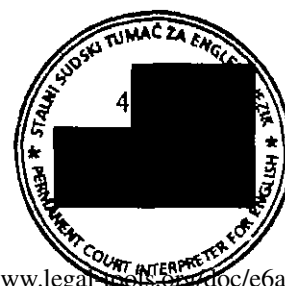
Whereby, he committed the criminal offence of War Crimes against Civilians in violation of Article 173 (1) c) and e) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180 (1) and Article 29 of the Criminal Code of Bosnia and Herzegovina.

Therefore, I

## **P R O P O S E**

### **1. That the following persons be summoned:**

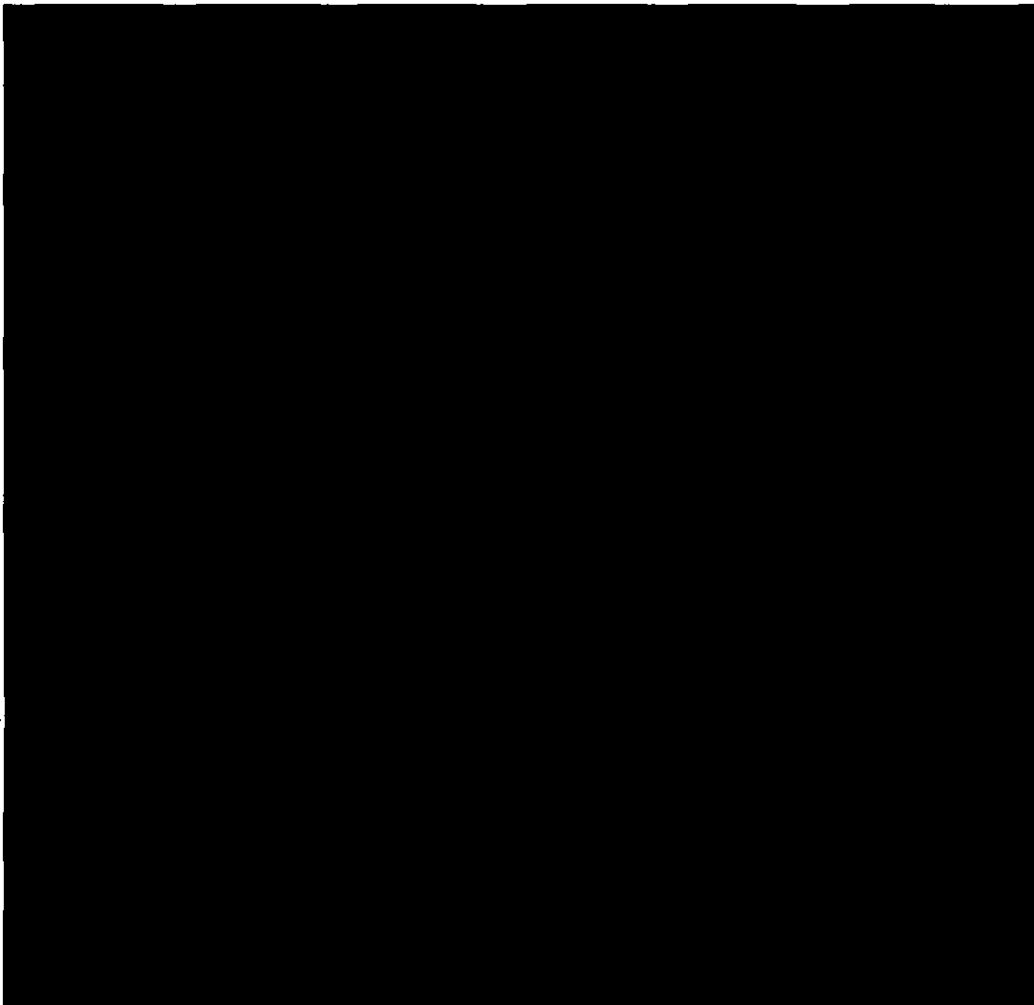
- Prosecutor of the Prosecutor's Office of BiH,
- Suspect Marinko Marić, and his Defense Counsel Davor Martinović, attorney-at-law practicing in Mostar,



**2. That the following pieces of evidence be presented:**

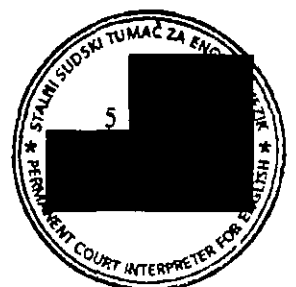
**a) Through the hearing of witnesses:**

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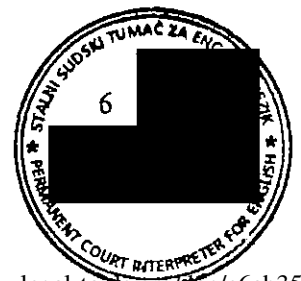
**b) Through the hearing of expert witness:**

- [REDACTED] forensic pathologist,



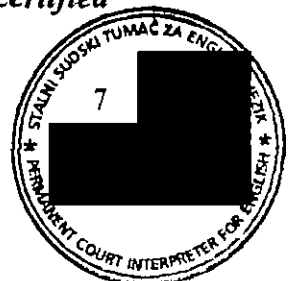
**c) That inspection be made of the following:**

- *Decision of the Presidency of the Republic of Bosnia and Herzegovina Proclaiming the State of War ("Official Gazette of BiH", number 7/92),*
- *Decision of the Presidency of the Republic of Bosnia and Herzegovina Terminating the State of War ("Official Gazette of BiH", number 50/95),*
- *Photocopy of the cover letter of the ICTY in The Hague, number: OUR REF: RU20051219- 02 of 16 January 2006 (original copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42), with the original copy of translation prepared by a certified court interpreter for English,*
- *Certified copy of the photocopy of the Decision of the Government of the Croat Republic Herzeg-Bosnia number: 01-I-728/93 of 22 December 1993 annulling the Decision on Establishment of the District Military Prison and the District Prison in Gabela, number: 01-I-350/93 of 8 June 1993, registered in the ICTY in The Hague under number 00570909. The authenticity of this Decision has been confirmed by the seal and signature of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report on the Sanitary Inspection in the Center for Preventive Isolation and the Detention Center in the location of Gabela, drafted on 29 September 1993 by the Infectologic-Epidemiologic-Toxicologic Service of the Croat Republic of Herzeg-Bosnia, HVO Defense Department, Health Sector, which was received on 2 October 1993 by the HVO, Defense Department in Mostar, and registered under number: 02-1-/355/93. This Report is registered in the ICTY in The Hague under numbers: 01519982, 01519983 and 01519984. The authenticity of three pages of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Information of the HVO, Defense Department, Security Sector, number: 02-4-1-1126/93 of 17 August 1993, registered in the ICTY in The Hague under numbers: 01505896 and 01505897. The authenticity of two pages of this Information is confirmed by the seal and signature of the authorized*



*person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

- *Certified copy of the photocopy of the Information marked with "A", drafted by the HVO, Defense Department, Security Sector under number: 02-4-1-1351/93 of 20 September 1993, concerning the security situation and the conditions of detainees placement in the Military Remand Prison "Gabela". This Information is registered in the ICTY in The Hague under numbers: 0150580 and 01505807. The authenticity of two pages of this Information is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Sector for SIS and Military Police concerning the work of the POW Accommodation Facilities "Gabela" and "Heliodrom", number: 02-4-2-93-10 of 18 November 1993, registered in the ICTY in The Hague under numbers: 01026832, 01026833, 01026834, 01026835, 01026836, 01026837. The authenticity of all six pages of this Report is confirmed by the seal and signature of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Information on Conditions in the "Gabela" Military Remand Prison, drafted by the SIS Center Čapljina under number 02-4/2-3-089/93 on 7 December 1993. This Information is registered in the ICTY in The Hague under numbers: 01546110, 01546112 and 01546111. The authenticity of all three pages of this Information is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the Croat Republic of Herzeg-Bosnia, Ministry of Defense, Security Sector number: 02-4-1/93-143 of 13 December 1993, registered in the ICTY in The Hague under number: 01550478. The ICTY in The Hague has confirmed the authenticity of this Order by its seal and signature of the authorized person affixed on it (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the HVO Report of the Čapljina Military Police, Crime Prevention Department Čapljina of 15 December 1993, registered in the ICTY in The Hague under number: 01550477. The authenticity of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified*



*copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

- *Certified copy of the photocopy of the Performance Report of the Coordinators and Prisoners of War (sic!) in the territory of the Croat Republic of Herzeg-Bosnia for the period from 22 July 1993 to 25 December 1993, which was received by the Croat Community of Herzeg-Bosnia, Defense Department, Security Sector Mostar, on 6 January 1994, and registered under number 42. This Report is registered in the ICTY in The Hague under number: 01566990. The authenticity of two pages of this report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Croat Republic of Herzeg-Bosnia, Service for Exchange of Prisoners and Other Persons of the Croat Republic of Herzeg-Bosnia number: 01-IP-2049/96 of 11 November 1996, registered in the ICTY in The Hague under numbers: 01543803 and 01543804. The authenticity of two pages of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Publication "HVO Camps in Herzegovina", registered in the ICTY in The Hague under numbers: 02064768 through 02064790. The authenticity of twenty- three pages of this Publication is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the Ministry of Defense document number 08-04-65-3/06 of 13 April 2006,*
- *Photocopy of the Report on Living Conditions in the Centers for Preventive Care, authored by the Commander of the IET Service GSS CR HB, Chief Physician Dr. Mr. Sci. Ivo Curić on 24 November 1993, registered in the ICTY in The Hague under number 01040293. The authenticity of this document is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the List of the Service for Exchange of Prisoners and Other Persons of the Croat Republic of Herzeg-Bosnia number: 01-IP-229/93 on 15 December 1993, registered in the*





*ICTY in The Hague under numbers: 01538807, 01538808, 01538809, 01538810 and 01538811. The authenticity of this list is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

- *Certified copy of the photocopy of the List authored by the Jablanica Municipality, Jablanica Reporting Center, number: Sl. of 20 October 1993, concerning 551 camp detainees who came to Jablanica from the "Gabela" Camp. This list is registered in the ICTY in The Hague under numbers: 107895, 107896, 107897, 107898, 107899, 107900, 107901 and 107902. The authenticity of this List is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Service for Exchange of Prisoners and Other Persons of the Croat Republic of Herzeg-Bosnia number: 01-IP-2/94 of 3 January 1994, with the tabular overview of detainees released from the prisons of the CR HB, which is registered in the ICTY in The Hague under numbers: 01570126, 0157027 and 01570128. The authenticity of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *CD containing a map, photographs and video footages of the "Gabela" Camp, delivered to the Prosecutor's Office of BiH by the ICTY in The Hague under number Ref: RU 20051219-02,*
- *Certified copy of the photocopy of the Peace Agreement and Annex to the Peace Agreement of 23 February 1994 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO Main Staff number: 02-2/1-01-646/93 of 17 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Proclamation of the 4<sup>th</sup> Corps of the RBiH Army, which was received by the Defense Department of the HVO CC of Herzeg-Bosnia, Police Administration, on 28 May 1993, (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Glorious 41<sup>st</sup> Motorized Brigade of the RBiH Army of 24 April 1993 (certified copy*



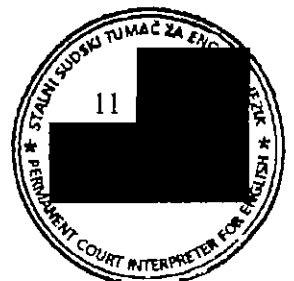
*thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

- *Certified copy of the photocopy of the Report of the HVO First Brigade "Knez Domagoj" number: 1100-11-17-93-92 of 18 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the HVO First Brigade "Knez Domagoj" number: 1100-11-17-93-82 of 15 June 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO Main Staff number: 02-1-438/93 of 25 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Daily Report of the Čapljina Military Police for 4<sup>th</sup> and 5<sup>th</sup> December 1993, number: 02-4/3-13/3-217/93 of 5 December 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Daily Report of the Čapljina Military Police for 20<sup>th</sup> and 21<sup>st</sup> November 1993, number: 02-4/3-13/3-217/93 of 5 December 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-01-93-521 of 28 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-93-318 of 23 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-93-480 of 8 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-93-497 of 6 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Agreement on Cessation of Hostilities concluded between General Milivoj Petković and General*



*Sefer Halilović on 12 May 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

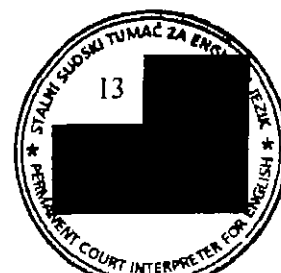
- *Certified copy of the photocopy of the Joint Statement signed by Messrs. Alija Izetbegović and Mate Boban on 27 January 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Foundation for Structuring Current Political Relations between Croats and Muslims, authored by the representatives of SDA, Islamic Religious Community, Cultural Association "Preporod" and "Merhamet" (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours, authored by the Main Staff of the CR-HB Armed Forces number: 02-2/1-02-3183/93 of 26 October 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Information of the Main Staff of the CR-HB Armed Forces number: 02-2/1-02-3168/93 of 25 October 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Information of the Main Staff of the CR-HB Armed Forces number: 02-2/1-01-3109/93 of 21 October 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Extraordinary Report of the HVO Main Staff number: Strictly confidential 03-485/93 of 11 June 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO Main Staff number: 02-2/1-01-646/93 of 17 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours, no. 02-2/1-02-2227/93 of 30 August 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours for 28/29 August 1993, no. 02-2/1-01-2224/93 of 29 August 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*



- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours number: 02-2/1-02-2194/93 authored by the HVO Main Staff on 28 August 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-02-1998/93 of 17 August 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-02-1930/93 of 16 August 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2-/1-01-1862/93 of 13 August 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the photocopy of the Operational Report of the HVO Main Staff for the day of 5 August 1993 number: 01-279/93 of 5 August 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-01-15-23/93 of 24 July 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the photocopy of the Situation Overview upon Reports of 14 July 1993, authored by the HVO Main Staff under number: 02-2/1-02-1363/93 of 15 July 1993 (***certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42***),
- Certified copy of the Order of the Higher Court in Mostar, number: Kri-41/94 of 11 November 1996,
- Certified copy of the Record on the On-sight Investigation of the Higher Court in Mostar, number: Kri-41/96 of 12 November 1996,
- Certified copy of the Order of the Cantonal Court in Mostar, number KPP-8/03 of 17 November 2003,
- Certified copy of the Findings and Opinion of the forensic pathologist, [REDACTED] of 12 and 13 November 1996,
- Certified copy of the Information of the Ministry of Interior, Security Services Center, on the course of identification of 26 bodies which where to be delivered for identification on the basis of the agreement between the representatives of the IV Corps and the HVO,



- Certified copy of the Order of the Higher Court in Mostar, number: Kri-41/96 of 23 April 1996, ordering expert evaluation of soil samples taken from the bodies delivered by the Croat side on 9 November 1996,
- Certified copy of the Report of the Institute of Agropedology in Sarajevo dated June 1997 on the analysis of soil samples taken from the corpses delivered by the Croat side;
- Certified copy of the Autopsy Report of the Institute of Forensic Medicine no. 67/03-E of 17 November 2003,
- Order of the Prosecutor's Office of BiH no. KT-RZ-90/05 of 13 April 2006,
- Findings and Opinion of the expert witness, forensic pathologist [REDACTED] of 5 May 2006,
- Original excerpt from the Register of Deaths to the name of [REDACTED] no. [REDACTED] of 19 December 2005,
- Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 19 July 1994 to the name of [REDACTED]
- Certified copy of the photocopy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 2 August 1994 to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
- Certified copy of the photocopy of the ICRC ID card number: [REDACTED] to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
- Certified copy of the photocopy of the Certificate of the Association of Camp Detainees of Bosnia and Herzegovina number: [REDACTED] of 11 May 2001 to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
- Certified copy of the ICRC ID card number: [REDACTED] on the name of [REDACTED]
- Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 12 July 1994 on the name of [REDACTED]
- Certified copy of the message sent to [REDACTED] through the ICRC-
- Certified copy of the photocopy of the Certificate of the State Commission for Exchange of Prisoners of War of the Republic of Bosnia and Herzegovina number: [REDACTED] of 7 April 1994, confirming that [REDACTED] was registered as a detainee in the period from 23 April 1993 to 19 March 1994 (certified copy

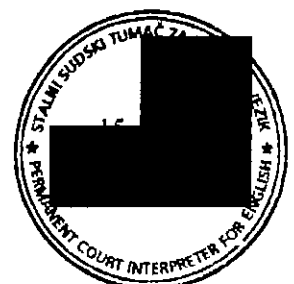


*thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

- *Certified copy of the photocopy of the ICRC ID card number: [REDACTED] to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the ICRC Certificate number: [REDACTED] issued in Zagreb to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 19 May 1994 to the name of [REDACTED]*
- *Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 19 July 1994 to the name of [REDACTED]*
- *Certified copy of the ICRC ID card to the name of [REDACTED]*
- *Certified copy of the list of former camp detainees from the Municipality of Čapljina- Opličići, issued by the Association of Camp Detainees of Bosnia and Herzegovina,*
- *Certified copy of the medical documentation to the name of [REDACTED] to wit:*
  - *Findings and opinion issued by the Clinical Center of the Sarajevo University, Neurosurgery Ward, number: 917;*
  - *Findings and opinion of the specialist of the Regional Medical Center "dr. Safet Mujić" Mostar of 7 November 2005;*
  - *Findings and opinion of the neuropsychiatrist of the RMC Mostar, number: 3933/94,*
  - *Findings and opinion of the specialist of the RMC "dr. Safet Mujić" Mostar, Neurosurgery Ward, number: 427/04 of 22 September 2004;*
  - *Findings and opinion of the physician of the RMC- City Hospital Mostar, protocol number: 4184/94 of 1 November 1994;*
  - *Findings of the orthopedist, [REDACTED]*
  - *Findings and opinion of the physician of RMC – City Hospital Mostar, protocol number: 3387/94 of 25 August 1994;*
  - *Findings and opinion of the specialist, protocol number: 5113/94 of 29 December 1994;*
  - *Findings and opinion of the physician of the RMC-City Hospital in Mostar, protocol number: 6152/94 of 3 November 1994;*
- *Certified copy of the medical documentation to the name of [REDACTED] to wit:*



- Findings and opinion of the Higher Military Medical Panel of the Military Unit 5024 Mostar, number: 5127 of 30 November 1995;
- Findings and opinion of the physician of the City Hospital Mostar, protocol number: 7286/95;
- Findings and opinion of the physician of the RMC-City Hospital Mostar, protocol number: 5108/95 of 22 August 1995;
- Findings of the neuropsychiatrist, [REDACTED] protocol numbers: 6645/95;
- Findings of the physician of the City Hospital Mostar, protocol number: 4934/95 of 26 June 1995;
- Findings of the neuropsychiatrist, [REDACTED] protocol numbers: 4038/95; 4201/95; 4629/95;
- Certified copy of the Record authored by Marinko Marić on 10 October 1993, on behalf of the SIS, HVO First Brigade "Knez Domagoj", upon a verbal order of the Brigade Deputy Commander for Security, Mr. Žarko Pavlović, received in the Defense Department, CC HB Security Intelligence Service Mostar on 11 October 1993 and registered under number: 02-4/2-3-09/93,
- Certified copy of the sketch of the warehouse "Gabela" in Čapljina number: 06-01/6-4.4-816-4/05, delivered to the Prosecutor's Office of BiH on 29 December 2005 by the Federal Ministry of Defense, Security and Intelligence Sector,
- Document of the Federal Ministry of Defense, Sector for Military Compulsory Service and Mobilization, number: 07-03-34-1-1078-3/05 of 13 July 2005,
- Original excerpt from the criminal records of the Stolac Police Department, number: 02-02/6-4-04-2563/06 of 6 November 2006,
- Document of the Office of the Prosecutor of the ICTY in The Hague number: 014834/GB/RR/403a-d of 28 June 2001,
- Motion of the Cantonal Prosecutor's Office in Mostar for conduct of investigation against Marinko Marić, number: Kt. 109/01 of 2 April 2002,
- Decision of the Cantonal Court in Mostar to conduct investigation against Marinko Marić, number: Ki 16/02 of 6 June 2002,
- Decision of the Court of BiH number X-KRN/05/83 of 17 October 2005 on the takeover of the criminal case,
- Record of the examination of Marinko Marić number Ki-16/02 of 22 May 2002, which was resumed on 6 June 2002.



## **RESULTS OF THE INVESTIGATION**

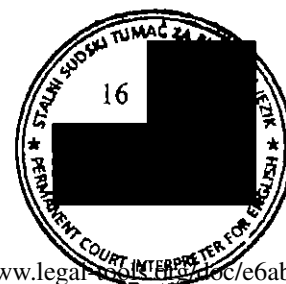
*The results of the investigation conducted by the Prosecutor's Office of BiH undoubtedly confirm the well-foundedness of this Indictment, namely the allegations that the suspect, alone or together with other HVO members, committed the criminal acts in the way, at the time, at the location and under the circumstances outlined in the enacting part of the Indictment, and participated in the commission of the criminal acts described in Counts 1 through 5 of the Indictment, from which all the essential elements of the criminal offence of War Crimes against Civilians referred to in Article 173 (1) c) and e) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180 (1) and Article 29 of the Criminal Code of Bosnia Herzegovina, arise.*

*It has been established through evidence obtained by the Prosecutor's Office during the investigation, both the material evidence and statements of the examined witnesses that:*

- the suspect Marinko Marić committed the criminal offence charged against him in the Indictment during the war in Bosnia and Herzegovina, in the course of the armed conflict between the HVO and the RBiH Army,*
- all criminal acts charged against Marinko Marić constitute grave breaches of the Geneva Convention on the Protection of Civilian Persons in Time of War of 28 August 1949;*

*Namely, by taking part in the murder of the detainee [REDACTED] by participating in the torture of detainees [REDACTED] by torturing a group of detainees, including [REDACTED] by inflicting severe physical pain upon the detainee [REDACTED] and by applying measures of intimidation and terror, the suspect Marinko Marić acted in violation of the provision of Article 3 of the quoted Convention and in the described manner violated the rules of international law.*

- all detainees, that is, victims listed in the Indictment were civilians, and at all relevant times referred to in the Indictment, were protected by the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 28 August 1949,*





- *the majority of criminal acts were committed in the "Gabela" Camp, in the place of Gabela, Municipality of Čapljina, except for the criminal act described under Count 4 of the Indictment, which was committed in the "Silos" Camp, located in the vicinity of Čapljina, and the criminal act described under Count 5, which was committed in the Čapljina Police Station,*
- *the suspect Marinko Marić committed the criminal offence charged against him in the Indictment as a member of the HVO Brigade "Knez Domagoj", in the capacity of an SIS interrogator in the composition of this Brigade, in the second half of 1993,*

*and*

- *none of the criminal acts committed by Marinko Marić in his capacity of the SIS interrogator of the HVO Brigade "Knez Domagoj" were justified by military exigency.*

#### ***a) War in Bosnia and Herzegovina***

*The Presidency of the Republic of Bosnia and Herzegovina, at the session held on 20 June 1992, passed the Decision Proclaiming the State of War. The state of war in Bosnia and Herzegovina lasted until 20 June 2005 (sic!) when the Presidency of Bosnia and Herzegovina passed the Decision Terminating the State of War.*

*It is evident from the Indictment that Marinko Marić is charged of having committed all the criminal acts charged against him, which comprise the criminal offence of War Crimes against Civilians, in the second half of 1993.*

*It undoubtedly follows from the abovementioned that the criminal offence charged against the suspect in the Indictment of the Prosecutor's Office of Bosnia and Herzegovina was committed during the war in Bosnia and Herzegovina.*

#### ***b) Armed conflict between the HVO and RBiH Army***



*It follows from the results of the investigation that the criminal offence at issue was committed during the conflict between the HVO and the RBiH Army.*

*Namely, it derives from the statements of all witnesses, former detainees of the "Gabela" Camp, who were examined during the investigation, that Bosniaks were deprived of liberty, marched away and detained in prison camps and expelled from their pre-war homes in the territory of the Municipalities of Čapljina and Stolac, in April 1993 and especially during the month of May 1993.*

*It undoubtedly follows from 33 pieces of documentary evidence that there was an armed conflict between the HVO and the BiH Army in the territory of the Municipalities of Čapljina and Stolac in the second half of 1993 and that it was terminated on 23 February 1994 with the signing of the Peace Agreement and the Annex to the Peace Agreement between the HVO and the RBiH Army in Zagreb. This Agreement entered into force on 25 February 1994 at 12:00 hrs.*

**c) "GABELA" District Military Prison**

*The "Gabela" District Military Prison was established under the Decision of the HVO Croat Community of Herzeg-Bosnia number: 01-I-350/93 of 8 June 1993. It was set up on the premises of the military barracks of the former Yugoslav Peoples Army in the place of Gabela, Municipality of Čapljina.*

*The following derives from the statements of questioned witnesses, former detainees of this camp:*

*The "Gabela" camp was surrounded by barbed wire. There were several observation posts around the Camp. There were two guard posts at the entrance gate with armed HVO members. Inside the camp, immediately next to the entrance gate there was the administration building. On the upper floor of the building were offices of the Camp Administration, whereas on the ground floor were the premises on which distinguished and rich Bosniaks and members of the RBiH Army were detained, solitary cells in which detained Bosniaks were tortured and one room in which HVO members, who were under the suspicion of having committed criminal offences, were detained. Inside the camp there were four hangars. The area*



of one hangar was about 400-500 m<sup>2</sup>. Between 500 and 600 Bosniaks were detained in each hangar. The detainees of the Camp were Bosniaks. Among them, there was a number of boys under sixteen [REDACTED] and men over sixty [REDACTED]

The conditions in the Camp were cruel and unhealthy due to overcrowded rooms, lack of beds, and inappropriate toilets. The detainees would daily receive 1-2 meals of "food", in small quantities and a thin slice of bread. One loaf was cut into 14-20 slices. The detainees lay on the concrete on a very small space. For a rather long period of time they used tin pails in the hangars as toilets. In mid-July 1993, during the combats on the Dubravka plateau, the HVO members kept the detained Bosniaks inside, without fresh air, food and water for several days, because of which many would lose their consciousness. The situation on the battlefield reflected to a considerable extent on the living conditions and torturing of the detainees. Members of HVO special units, i.e., the "Božen Šimović" Unit and "Ludvig Pavlović" Unit, had free access to the camp and subjected the detained Bosniaks to torture and inhumane treatment. The members of the Camp administration, the SIS investigators, the Camp guards as well as members of the "Ludvig Pavlović" Unit and "Božen Šimović" Unit subjected the detained Bosniaks, throughout their detention at the "Gabela" camp, to beatings and cruel treatment, keeping them in a constant fear from physical and mental abuse. The detained Bosniaks were maltreated, insulted on ethnic grounds and humiliated. Such treatment resulted in deaths of a number of detainees, including [REDACTED]

Under the Decision of the Government of the Croat Republic of Herzegovina number: 01-I-728/93 of 22 December 1993, the Decision on establishment of the District Military Prison in Gabela of 8 June 1993 was revoked. In compliance with this Decision, "Gabela" was closed. A number of detained Bosniaks was relocated to the Military Remand Prison in Ljubuški and the "Heliodrom" Military Prison, a number was transferred to the territory under control of the Army of the Republic of Bosnia and Herzegovina, and a number of detainees left for the third countries.

The statements of witnesses questioned during the investigation show that "Gabela", although it was established as a District Military Prison, although the names "POW Accommodation Facility" and "Prisoners



Center" are also used in the documents issued by the institutions and bodies of Herzeg-Bosnia, "Gabela" was a camp in the true meaning of the word.

**d) Capacity of the suspect**

*It was undoubtedly established from the material evidence obtained during the investigation that the suspect Marinko Marić was, during the relevant period, an SIS interrogator in the Gabela camp.*

*This fact arises from the following:*

*Publication "HVO Camps in Herzegovina" which is registered in the ICTY in The Hague under numbers: 02064786 through 02064790. The authenticity of twenty three pages of this Publication is confirmed by the seal and signature of the authorized official of the ICTY in The Hague.*

*Page 1 of the Publication reads as follows:*

*"Gabela" Čapljina*

*Warden: Boško Previšić*

*Deputy Warden: Nikola Andrun*

*Deputy Warden: Mirsad Muminović*

*Interrogator in the camp: Marinko Marić, the son of Stjepan, born on 9 May 1968 in Stolac...*

*- Document of the Ministry of Defense of Bosnia and Herzegovina number 08-04-65-3/06 dated 13 April 2006, indicating that the said Publication is a PART of the Military Expert Analysis "HVO CC H-B (1992-1995)" produced in the period from late 2000 until early 2001 by the Federation Ministry of Defense expert group for the needs of the ICTY OTP from The Hague.*



*- Record of an incident of 10 October 1993 that took place between 19:30 and 24:00 hrs in the place called Gagrice. The Record was made by Marinko Marić on behalf of the SIS of the First HVO Brigade "Knez Domagoj", based on an oral order of the Deputy Commander for Security of the Brigade, Mr. Žarko Pavlović. The Record was received in the CC H-B, Defense Department, Security-Intelligence Service Mostar on 11 October 1993 and recorded under the reference number 02-4/2-3 09/93.*

*The fact that the suspect Marinko Marić was an interrogator in the Gabela Camp derives from the statements of the questioned witnesses, former detainees in the Gabela Camp:*

[REDACTED]

*The statements of the questioned witnesses show as follows:*

*- That the criminal actions referred to under Counts 1-5 of the Indictment charging the suspect Marinko Marić with the perpetration of the criminal offence of War Crimes against Civilians in violation of Article 173 paragraph 1 items c) and e) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 180 paragraph 1 and Article 29 of the Criminal Code of Bosnia and Herzegovina, have been committed in the "Gabela" Camp (Counts 1, 2 and 3), "Silos" Camp in Čapljina (count 4 of the Indictment) and in the Čapljina Police Station (count 5 of the Indictment).*

*- That Marinko Marić ordered that the detainees [REDACTED] should take out the lifeless body of [REDACTED] who had been beaten up, from the room in the administration building to the Gabela compound near a tap and to pour water in his mouth, while he was lying unconscious, which caused the death of the detainee [REDACTED]*



*- That Marinko Marić tortured a group of detained Bosniaks –* [REDACTED]

*- That Marinko Marić took part in the torturing of the detainee* [REDACTED]

*- That Marinko Marić intentionally inflicted severe physical pain upon the detainee* [REDACTED]

*- That Marinko Marić took part in the torturing of the detainee* [REDACTED]

*The statements of witnesses (former detainees of the "Gabela" Camp) questioned by the Prosecutor's Office in the course of the investigation, and proposed to be heard as witnesses at the main trial before the Court of Bosnia and Herzegovina, undoubtedly show that Marinko Marić, as a member of the HVO "Knez Domagoj" Brigade, in the capacity of an HVO SIS interrogator, by the actions listed and described under Counts 1-5 hereof (participation in murder, torture, participation in torture, inflicting severe physical pain and applying measures of intimidation and terror), which constitute key elements of the criminal offence of War Crimes against Civilians in violation of Article 173 paragraph 1 items c) and e) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 180 paragraph 1 and Article 29 of the Criminal Code of Bosnia and Herzegovina, acted in violation of*

***Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949***

***Article 3***

*(1) Persons taking no active part in the hostilities, including members of armed forces, by detention, or any other cause, shall in all circumstances be*



*treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.*

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

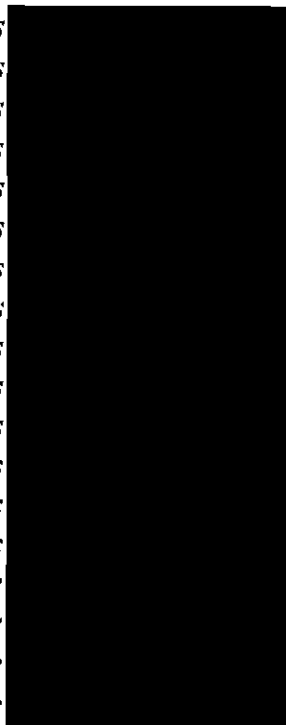
*(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*

*(c) outrages upon personal dignity, in particular humiliating and degrading treatment.*

***It is indisputable that by such conduct, that is, by perpetrating the actions referred to under Counts 1-5 hereof, Marinko Marić committed serious breaches of international humanitarian law referred to in Article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.***

***Materials corroborating the charges in the Indictment:***

- *Witness examination record for the witness*
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- *Witness examination record for the witness Huso Marić*
- *Witness examination record for the witness Senad Šetka*
- *Witness examination record for the witness Fadil Razić,*
- *Witness examination record for the witness Arif Zelo,*
- *Record of examination of the accused Marinko Marić before the investigative judge of the Cantonal Court of Mostar dated 22 May 2002. The examination resumed on 6 June 2002 in the presence of his defense attorney Marko Martinović, attorney from Mostar,*
- *Decision of the Presidency of the Republic of Bosnia and Herzegovina Proclaiming the State of War ("Official Gazette of BiH", number 7/92),*
- *Decision of the Presidency of the Republic of Bosnia and Herzegovina Terminating the State of War ("Official Gazette of BiH", number 50/95),*
- *Photocopy of the cover letter of the ICTY in The Hague, number: OUR REF: RU20051219- 02 of 16 January 2006 (original copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42), with the original copy of translation prepared by a certified court interpreter for English,*
- *Certified copy of the photocopy of the Decision of the Government of the Croat Republic Herzeg-Bosnia number: 01-I-728/93 of 22 December 1993 annulling the Decision on Establishment of the District Military Prison and the District Prison in Gabela, number: 01-I-350/93 of 8 June 1993, registered in the ICTY in The Hague under number 00570909. The authenticity of this Decision has been confirmed by the seal and signature of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report on the Sanitary Inspection in the Center for Preventive Isolation and the Detention Center in the location of Gabela, drafted on 29 September 1993 by the Infectologic-Epidemiologic-Toxicologic Service of the Croat Republic of Herzeg-Bosnia, HVO Defense Department, Health Sector, which was received on 2 October 1993 by the HVO, Defense Department in Mostar, and registered under number: 02-I-/355/93. This Report is registered in the ICTY in The Hague under numbers: 01519982, 01519983 and 01519984. The authenticity of three pages of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

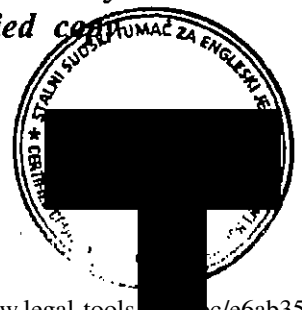




- *Certified copy of the photocopy of the Information of the HVO, Defense Department, Security Sector, number: 02-4-1-1126/93 of 17 August 1993, registered in the ICTY in The Hague under numbers: 01505896 and 01505897. The authenticity of two pages of this Information is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Information marked with "A", drafted by the HVO, Defense Department, Security Sector under number: 02-4-1-1351/93 of 20 September 1993, concerning the security situation and the conditions of detainees placement in the Military Remand Prison "Gabela". This Information is registered in the ICTY in The Hague under numbers: 0150580 and 01505807. The authenticity of two pages of this Information is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Sector for SIS and Military Police concerning the work of the POW Accommodation Facilities "Gabela" and "Heliodrom", number: 02-4-2-93-10 of 18 November 1993, registered in the ICTY in The Hague under numbers: 01026832, 01026833, 01026834, 01026835, 01026836, 01026837. The authenticity of all six pages of this Report is confirmed by the seal and signature of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Information on Conditions in the "Gabela" Military Remand Prison, drafted by the SIS Center Čapljina under number 02-4/2-3-089/93 on 7 December 1993. This Information is registered in the ICTY in The Hague under numbers: 01546110, 01546112 and 01546111. The authenticity of all three pages of this Information is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the Croat Republic of Herzeg-Bosnia, Ministry of Defense, Security Sector number: 02-4-1/93-143 of 13 December 1993, registered in the ICTY in The Hague under number: 01550478. The ICTY in The Hague has confirmed the authenticity of this Order by its seal and signature of the authorized person affixed on it (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*



- *Certified copy of the photocopy of the HVO Report of the Čapljina Military Police, Crime Prevention Department Čapljina of 15 December 1993, registered in the ICTY in The Hague under number: 01550477. The authenticity of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Performance Report of the Coordinators and Prisoners of War (sic!) in the territory of the Croat Republic of Herzeg-Bosnia for the period from 22 July 1993 to 25 December 1993, which was received by the Croat Community of Herzeg-Bosnia, Defense Department, Security Sector Mostar, on 6 January 1994, and registered under number 42. This Report is registered in the ICTY in The Hague under number: 01566990. The authenticity of two pages of this report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Croat Republic of Herzeg-Bosnia, Service for Exchange of Prisoners and Other Persons of the Croat Republic of Herzeg-Bosnia number: 01-IP-2049/96 of 11 November 1996, registered in the ICTY in The Hague under numbers: 01543803 and 01543804. The authenticity of two pages of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Publication "HVO Camps in Herzegovina", registered in the ICTY in The Hague under numbers: 02064768 through 02064790. The authenticity of twenty- three pages of this Publication is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the Ministry of Defense document number 08-04-65-3/06 of 13 April 2006,*
- *Photocopy of the Report on Living Conditions in the Centers for Preventive Care, authored by the Commander of the IET Service GSS CR HB, Chief Physician Dr. Mr. Sci. Ivo Curić on 24 November 1993, registered in the ICTY in The Hague under number 01040293. The authenticity of this document is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

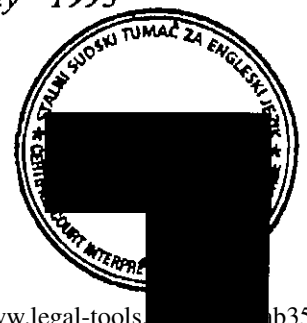


*thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*

- *Certified copy of the photocopy of the List of the Service for Exchange of Prisoners and Other Persons of the Croat Republic of Herzeg-Bosnia number: 01-IP-229/93 on 15 December 1993, registered in the ICTY in The Hague under numbers: 01538807, 01538808, 01538809, 01538810 and 01538811. The authenticity of this list is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the List authored by the Jablanica Municipality, Jablanica Reporting Center, number: Sl. of 20 October 1993, concerning 551 camp detainees who came to Jablanica from the "Gabela" Camp. This list is registered in the ICTY in The Hague under numbers: 107895, 107896, 107897, 107898, 107899, 107900, 107901 and 107902. The authenticity of this List is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Report of the Service for Exchange of Prisoners and Other Persons of the Croat Republic of Herzeg-Bosnia number: 01-IP-2/94 of 3 January 1994, with the tabular overview of detainees released from the prisons of the CR HB, which is registered in the ICTY in The Hague under numbers: 01570126, 0157027 and 01570128. The authenticity of this Report is confirmed by the seal and signature of the authorized person of the ICTY in The Hague (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *CD containing a map, photographs and video footages of the "Gabela" Camp, delivered to the Prosecutor's Office of BiH by the ICTY in The Hague under number Ref: RU 20051219-02,*
- *Certified copy of the photocopy of the Peace Agreement and Annex to the Peace Agreement of 23 February 1994 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Order of the HVO Main Staff number: 02-2/1-01-646/93 of 17 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Proclamation of the 4<sup>th</sup> Corps of the RBiH Army, which was received by the Defense Department of the HVO CC of Herzeg-Bosnia, Police Administration, on 28 May 1993,*



- 1993, (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
- Certified copy of the photocopy of the Report of the Glorious 41<sup>st</sup> Motorized Brigade of the RBiH Army of 24 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Report of the HVO First Brigade "Knez Domagoj" number: 1100-11-17-93-92 of 18 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Report of the HVO First Brigade "Knez Domagoj" number: 1100-11-17-93-82 of 15 June 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Order of the HVO Main Staff number: 02-1-438/93 of 25 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Daily Report of the Čapljina Military Police for 4<sup>th</sup> and 5<sup>th</sup> December 1993, number: 02-4/3-13/3-217/93 of 5 December 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Daily Report of the Čapljina Military Police for 20<sup>th</sup> and 21<sup>st</sup> November 1993, number: 02-4/3-13/3-217/93 of 5 December 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Order of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-01-93-521 of 28 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Report of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-93-318 of 23 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Order of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-93-480 of 8 July 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
  - Certified copy of the photocopy of the Order of the HVO First Brigade "Knez Domagoj" number: 1100-01-01-93-497 of 6 July 1993



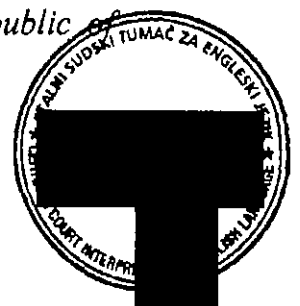
- (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Agreement on Cessation of Hostilities concluded between General Milivoj Petković and General Sefer Halilović on 12 May 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Joint Statement signed by Messrs. Alija Izetbegović and Mate Boban on 27 January 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Foundation for Structuring Current Political Relations between Croats and Muslims, authored by the representatives of SDA, Islamic Religious Community, Cultural Association "Preporod" and "Merhamet" (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours, authored by the Main Staff of the CR-HB Armed Forces number: 02-2/1-02-3183/93 of 26 October 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Information of the Main Staff of the CR-HB Armed Forces number: 02-2/1-02-3168/93 of 25 October 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Information of the Main Staff of the CR-HB Armed Forces number: 02-2/1-01-3109/93 of 21 October 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Extraordinary Report of the HVO Main Staff number: Strictly confidential 03-485/93 of 11 June 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Order of the HVO Main Staff number: 02-2/1-01-646/93 of 17 April 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
  - *Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours, no. 02-2/1-02-2227/93 of 30 August 1993 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*



- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours for 28/29 August 1993, no. 02-2/1-01-2224/93 of 29 August 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours number: 02-2/1-02-2194/93 authored by the HVO Main Staff on 28 August 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-02-1998/93 of 17 August 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-02-1930/93 of 16 August 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-01-1862/93 of 13 August 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Operational Report of the HVO Main Staff for the day of 5 August 1993 number: 01-279/93 of 5 August 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Front-lines Status Report for the Previous 24 Hours of the HVO Main Staff number: 02-2/1-01-15-23/93 of 24 July 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the photocopy of the Situation Overview upon Reports of 14 July 1993, authored by the HVO Main Staff under number: 02-2/1-02-1363/93 of 15 July 1993 (*certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42*),
- Certified copy of the Order of the Higher Court in Mostar, number: Kri-41/94 of 11 November 1996,
- Certified copy of the Record on the On-sight Investigation of the Higher Court in Mostar, number: Kri-41/96 of 12 November 1996,
- Certified copy of the Order of the Cantonal Court in Mostar, number KPP-8/03 of 17 November 2003,
- Certified copy of the Findings and Opinion of the forensic pathologist, [REDACTED] of 12 and 13 November 1996,



- *Certified copy of the Information of the Ministry of Interior, Security Services Center, on the course of identification of 26 bodies which where to be delivered for identification on the basis of the agreement between the representatives of the IV Corps and the HVO,*
- *Certified copy of the Order of the Higher Court in Mostar, number: Kri-41/96 of 23 April 1996, ordering expert evaluation of soil samples taken from the bodies delivered by the Croat side on 9 November 1996,*
- *Certified copy of the Report of the Institute of Agropedology in Sarajevo dated June 1997 on the analysis of soil samples taken from the corpses delivered by the Croat side;*
- *Certified copy of the Autopsy Report of the Institute of Forensic Medicine no. 67/03-E of 17 November 2003,*
- *Order of the Prosecutor's Office of BiH no. KT-RZ-90/05 of 13 April 2006,*
- *Findings and Opinion of the expert witness, forensic pathologist [REDACTED] of 5 May 2006,*
- *Original excerpt from the Register of Deaths to the name of [REDACTED] no. [REDACTED] of 19 December 2005,*
- *Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 19 July 1994 to the name of [REDACTED]*
- *Certified copy of the photocopy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 2 August 1994 to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the ICRC ID card number: [REDACTED] to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the photocopy of the Certificate of the Association of Camp Detainees of Bosnia and Herzegovina number: [REDACTED] of 11 May 2001 to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),*
- *Certified copy of the ICRC ID card number: [REDACTED] on the name of [REDACTED]*
- *Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 12 July 1994 on the name of [REDACTED]*
- *Certified copy of the message sent to [REDACTED] through the ICRC-*
- *Certified copy of the photocopy of the Certificate of the State Commission for Exchange of Prisoners of War of the Republic of*



Bosnia and Herzegovina number: [REDACTED] of 7 April 1994, confirming that [REDACTED] was registered as a detainee in the period from 23 April 1993 to 19 March 1994 (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),

- Certified copy of the photocopy of the ICRC ID card number: [REDACTED] to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
- Certified copy of the photocopy of the ICRC Certificate number: [REDACTED] issued in Zagreb to the name of [REDACTED] (certified copy thereof is a part of the case file of the Court of BiH no. X-KR/05/42),
- Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 19 May 1994 to the name of [REDACTED]
- Certified copy of the ICRC Certificate number: [REDACTED] issued in Zagreb on 19 July 1994 to the name of [REDACTED]
- Certified copy of the ICRC ID card to the name of [REDACTED]
- Certified copy of the list of former camp detainees from the Municipality of Čapljina- Oplicići, issued by the Association of Camp Detainees of Bosnia and Herzegovina,
- Certified copy of the medical documentation to the name of [REDACTED] to wit:
  - Findings and opinion issued by the Clinical Center of the Sarajevo University, Neurosurgery Ward, number: 917;
  - Findings and opinion of the specialist of the Regional Medical Center "dr. Safet Mujić" Mostar of 7 November 2005;
  - Findings and opinion of the neuropsychiatrist of the RMC Mostar, number: 3933/94,
  - Findings and opinion of the specialist of the RMC "dr. Safet Mujić" Mostar, Neurosurgery Ward, number: 427/04 of 22 September 2004;
  - Findings and opinion of the physician of the RMC- City Hospital Mostar, protocol number: 4184/94 of 1 November 1994;
  - Findings of the orthopedist, [REDACTED]
  - Findings and opinion of the physician of RMC – City Hospital Mostar, protocol number: 3387/94 of 25 August 1994;
  - Findings and opinion of the specialist, protocol number: 5113/94 of 29 December 1994;





- Findings and opinion of the physician of the RMC-City Hospital in Mostar, protocol number: 6152/94 of 3 November 1994;
- Certified copy of the medical documentation to the name of [REDACTED] to wit:
  - Findings and opinion of the Higher Military Medical Panel of the Military Unit 5024 Mostar, number: 5127 of 30 November 1995;
  - Findings and opinion of the physician of the City Hospital Mostar, protocol number: 7286/95;
  - Findings and opinion of the physician of the RMC-City Hospital Mostar, protocol number: 5108/95 of 22 August 1995;
  - Findings of the neuropsychiatrist, [REDACTED] protocol numbers: 6645/95;
  - Findings of the physician of the City Hospital Mostar, protocol number: 4934/95 of 26 June 1995;
  - Findings of the neuropsychiatrist, [REDACTED] protocol numbers: 4038/95; 4201/95; 4629/95;
- Certified copy of the Record authored by Marinko Marić on 10 October 1993, on behalf of the SIS, HVO First Brigade "Knez Domagoj", upon a verbal order of the Brigade Deputy Commander for Security, Mr. Žarko Pavlović, received in the Defense Department, CC HB Security Intelligence Service Mostar on 11 October 1993 and registered under number: 02-4/2-3-09/93,
- Certified copy of the sketch of the warehouse "Gabela" in Čapljina number: 06-01/6-4.4-816-4/05, delivered to the Prosecutor's Office of BiH on 29 December 2005 by the Federal Ministry of Defense, Security and Intelligence Sector,
- Document of the Federal Ministry of Defense, Sector for Military Compulsory Service and Mobilization, number: 07-03-34-1-1078-3/05 of 13 July 2005,
- Original excerpt from the criminal records of the Stolac Police Department, number: 02-02/6-4-04-2563/06 of 6 November 2006,
- Document of the Office of the Prosecutor of the ICTY in The Hague number: 014834/GB/RR/403a-d of 28 June 2001,
- Motion of the Cantonal Prosecutor's Office in Mostar for conduct of investigation against Marinko Marić, number: Kt. 109/01 of 2 April 2002,
- Decision of the Cantonal Court in Mostar to conduct investigation against Marinko Marić, number: Ki 16/02 of 6 June 2002,



- *Decision of the Court of BiH number X-KRN/05/83 of 17 October 2005 on the takeover of the criminal case,*
- *Record of the examination of Marinko Marić number Ki-16/02 of 22 May 2002, which was continued on 6 June 2002,*
- *Power of attorney for representation dated 4 June 2002, given to the Martinović Law Firm and signed by Marinko Marić,*
- *Order of the Prosecutor's Office of BiH for deprivation of Marinko Marić of liberty number KT-RZ 90/05 dated 27 December 2005,*
- *Report of the State Investigation and Protection Agency of BiH, Center for Investigation of War Crimes, number 17-04/2-04-2-90-7/05 dated 18 April 2006 on actions undertaken upon the Order of the Prosecutor's Office of BiH,*
- *Report of the State Investigation and Protection Agency of BiH, Center for Investigation of War Crimes, number 17-04/2-04-2-90-8/05 dated 29 August 2006 on actions undertaken upon the Order of the Prosecutor's Office of BiH,*
- *Summons for questioning in the capacity of a suspect, sent to Marinko Marić, in an envelope,*
- *Certificate of CIPS records of persons for Marinko Marić.*



**Motion to order custody upon confirmation of the indictment**

*The existence of the grounded suspicion that the accused Marinko Marić committed the criminal offence of War Crimes against Civilians in violation of Article 173 paragraph 1 items c) and e) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180 paragraph 1 and Article 29 thereof, undoubtedly derives from the results of the investigation, that is, the evidence collected.*

*As the Prosecutor's Office of Bosnia and Herzegovina proved by the evidence collected in the investigation the existence of the grounded suspicion that Marinko Marić committed the criminal offence at issue, which is a basic requirement to order and extend custody, I move the Court of Bosnia and Herzegovina to order custody against Marinko Marić, upon the confirmation of the Indictment, pursuant to Article 137 paragraph 1 of the Criminal Procedure Code of Bosnia and Herzegovina, on the grounds provided for under Article 132 paragraph 1 item a).*

*It is a matter of fact that prior to the Decision of the Court of Bosnia and Herzegovina on the takeover of this case, the investigation in the case had been conducted by the Cantonal Court of Mostar under the reference number Ki-16/02, based on the Motion to conduct investigation of the Cantonal Prosecutor's Office of Mostar number Kt-109/01 dated 2 April 2002. Marinko Marić was questioned, as a suspect, in the presence of his defense attorney Marko Martinović, attorney from Mostar, before the Cantonal Court of Mostar on 22 May 2002, when he was duly warned of all the rights and duties as provided for by the then applicable provisions.*

*After the Decision of the Court of Bosnia and Herzegovina number X-KRN/05/83 dated 17 October 2005, the Prosecutor's Office of Bosnia and Herzegovina, having collected evidence undoubtedly indicating the existence of the grounded suspicion that Marinko Marić committed the said criminal offence, on 27 December 2005 issued the Order for deprivation of*



*Marinko Marić of liberty number KT-RZ-90/2005 to the State Investigation and Protection Agency – Center for Investigation of War Crimes, pursuant to Article 139 paragraph 1 of the Criminal Procedure Code of Bosnia and Herzegovina.*

*Acting upon the Prosecutor's Office Order for deprivation of Marinko Marić of liberty, State Investigation and Protection Agency – Center for Investigation of War Crimes on 18 April 2006 and 29 August 2006 respectively delivered the reports under the respective reference numbers 17-04/2-04-2/90-7/05 and 17-04/2-04-2-90-8/05. The Reports indicate that the foregoing person could not be located, wherefore it was impossible to properly execute the Order of the Prosecutor's Office for deprivation of Marinko Marić of liberty.*

*In view of the foregoing, the Prosecutor's Office of Bosnia and Herzegovina searched the Civil Register of Persons Data Base (CIPS) for Marinko Marić and determined he was still registered at the address Grabovine near Čapljina, whereupon the Prosecutor's Office sent summons to this person to attend the Prosecutor's Office of BiH for questioning in the capacity of a suspect in this criminal case on 12 April 2006. On 7 April 2006, the summons was returned to the Prosecutor's Office with the note: "The named person has moved from the given address".*

*All of the above indicates that Marinko Marić is hiding, that is, that he is a fugitive and unavailable to the law enforcement bodies of Bosnia and Herzegovina.*

*These circumstances constitute grounds for ordering custody under Article 132 paragraph 1 item a) of the Criminal Procedure Code of Bosnia and Herzegovina.*

*Pursuant to Article 225 paragraph 2 of the Criminal Procedure Code of Bosnia and Herzegovina, the Prosecutor shall question the suspect prior to the completion of the investigation if this has not been done previously. As*



*a matter of fact, Marinko Marić was questioned in 2002 before the investigative judge of the Cantonal Court of Mostar, warned of all the rights and duties pursuant to the then applicable legal provisions and he presented his defense in the presence of the defense attorney, Marko Martinović, attorney from Mostar. Likewise, it is a matter of fact that the Prosecutor's Office of Bosnia and Herzegovina undertook all actions prescribed by the Law, in order to question the suspect during the investigation. It is also a fact that Marinko Marić is charged in this Indictment with the criminal actions that were included in the Motion to conduct investigation and the Decision on conduct of investigation and that Marinko Marić had the opportunity to respond thereto during the questioning before the investigative judge of the Cantonal Court of Mostar. The Prosecutor's Office of Bosnia and Herzegovina believes that by taking over this criminal case, the Court of Bosnia and Herzegovina took over all actions undertaken in accordance with the then applicable legal provisions by the investigative judge of the relevant Court up until the time of the takeover.*

*Since the results of the investigation indicate that Marinko Marić at the time of war in Bosnia and Herzegovina and at the time of the armed conflict between the HVO and RBiH Army, in the "Gabela" Camp in the second half of 1993, as a member of the HVO "Knez Domagoj" Brigade, in the capacity of the SIS interrogator in this Brigade, committed the instant criminal offence, I believe this Indictment is entirely founded and I move the preliminary hearing judge to confirm it in its entirety.*

***Prosecutor's Office of BiH  
Special Department for War Crimes  
Prosecutor***

***Vesna Tančica***



*I hereby confirm that this translation is entirely in conformance with the original  
written in Bosnian/Croatian/Serbian language.*

*Sarajevo, 8 January 2007*

██████████ *certified court interpreter for English, pg. 1-18*



██████████ *certified court interpreter for English, pg. 19-32*

