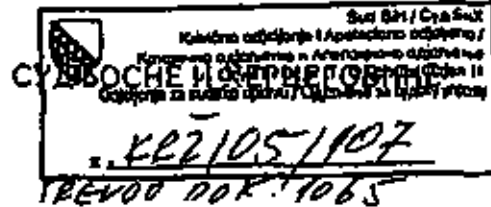


SUD BOSNE I HERCEGOVINE



Nr: X-KRŽ-05/107
Sarajevo, 28 April 2008

The Court of Bosnia and Herzegovina, Section I for War Crimes, sitting in the Panel of the Appellate Division comprised of Judge Azra Miletić as the Presiding Judge and Judges Robert Carolan and Elizabeth Fahey as members of the Panel, with the participation of the Legal Advisor Sanida Vahida as minutes-taker, in the criminal case against the accused Goran Damjanović, for the criminal offense of Illegal Manufacturing and Trade of Weapons or Explosive Materials under Article 399 (1) in conjunction with (2) of the Criminal Code of Republika Srpska (the RS CC), pursuant to Article 317 (1) in conjunction with Article 38 of the Criminal Procedure Code of Bosnia and Herzegovina, at the session held on 28 April 2008, rendered the following

DECISION

Dismissing the criminal proceedings for the criminal offense of Illegal Manufacturing and Trade of Weapons or Explosive Materials under Article 399 (1) in conjunction with Article 399 (2) of the Criminal Code of Republika Srpska, referred to in Count 2 of the Indictment of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ-57/05 dated 2 June 2006 and confirmed on 9 June 2006,

against the accused

GORAN DAMJANOVIĆ a.k.a. Panija, son of Luka and Slavica, nee Bejkušić, born on 12 July 1966 godine, in Sarajevo, Municipality of Centar, residing at Ilidža /Istočno, 10 Meše Selimovića Street, BiH citizen, of Serb ethnicity, married, father of one minor child, literate, served the army.

Reasoning

By the Verdict of the Court of BiH number X-KRŽ-05/107 dated 19 November 2007, the appeals filed by the accused Goran and Zoran Damjanović, defense counsel for the accused Zoran Damjanović and partially the appeal filed by the defense counsel for the accused Goran Damjanović, were dismissed as unfounded, and the Verdict of the Court of BiH number X-KR-05/107 dated 18 June 2007, upheld in the part whereby the accused Goran and Zoran Damjanović (Section 1 of the operative part) were found guilty of the criminal offense of War Crimes against Humanity under Article 173 (1) c) in conjunction with Article 180 (1) of the BiH CC, and sentenced to imprisonment, namely the accused Goran Damjanović for a term of 11 (eleven) years and the accused Zoran Damjanović for a term of 10 (ten) years and 6 (six) months. Also, the appeal filed by the defense counsel for the accused Goran Damjanović was partially upheld and the Verdict of the Court of BiH number X-KR-05/107 dated 18 June 2007, in relation to Section 2 of the operative part, by which the accused Goran Damjanović was found guilty of the criminal offense of Illegal Manufacturing and Trade of Weapons or Explosive Materials under Article 399 (1) in conjunction with (2) of RS CC, was revoked and a new hearing before the Appellate Panel ordered.

By:

Kraljice Jelene br. 88, 71 000 Sarajevo, Bosna i Hercegovina. Tel: 033 707 100. Faks: 033 707 22
Крaљицe Јелене бр. 88, 71 000 Сарајево, Босна и Херцеговина. Тел: 033 707 100. Факс: 033 7



At the session of the Panel held on 6 March 2008, in the presence of Philip Alcock, Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, and attorney Senad Kroho, defense counsel for the accused Goran Damjanović, the issue of the material jurisdiction of the Court of BiH to continue the criminal proceedings was considered given that the criminal offense concerned is stipulated by the entity law, specifically, by the Criminal Code of Republika Srpska (the RS CC).

At the session, the Prosecutor stated that he abandoned the prosecution pertaining to the criminal offense under Count 2 of the Indictment and Article 399 (1) in conjunction with (2) of the RS CC.

The defense counsel for the accused Goran Damjanović stated that the Prosecutor had already told him that he would abandon the prosecution of his client referring to the aforementioned Count of the Indictment and stated that from the beginning of the first instance proceedings he was pointing out that the Court of BiH had no material jurisdiction over the criminal offense from the entity law.

On 10 March and also on 26 March 2008, the Prosecutor filed with the Court the statement pursuant to Article 38 of the BiH CPC, in which he explicitly abandoned the prosecution of the accused Goran Damjanović, in respect to the criminal offense under Article 399 (1) in conjunction with (2) of the RS CC, which was covered by Count 2 of the Indictment of the Prosecutor's Office of BiH number KT-RZ-57/05 dated 2 June 2006 and confirmed by the Court of BiH on 9 June 2006.

Starting from the provision of Article 38 of the BiH CPC, which stipulates that the prosecutor may abandon prosecution before the end of a main trial or during the proceedings before the Panel of the Appellate Division and pursuant to Article 317 (1) of the BiH CPC, in the case when the Panel of the Appellate Division decides to hold a hearing, this Panel, accepting the statement of the prosecutor to abandon the prosecution of the accused Goran Damjanović, pertaining to Count 2 of the Indictment, dismissed the criminal proceedings against accused Goran Damjanović, as in the operative part of the Decision, pursuant to Article 317 (1) of the BiH CPC.

PRESIDING JUDGE
JUDGE
Azra Miletić

REMEDY: No appeal shall be allowed against this Decision.

*I hereby confirm that this document is
Sarajevo, 29 April 2008*

Certified Court Interpreter

Croatian/Serbian