



**Number: X-KRŽ-06/299**

**Sarajevo, 7 September 2009**

The Court of Bosnia and Herzegovina, Section I for War Crimes, Judge Dragomir Vukoje, as the President of the Appellate Panel, in the criminal case against the accused Zijad Kurtović, for the criminal offence of War Crimes against Civilians under Article 173 (1) c), e) and f), the criminal offence of War Crimes against Prisoners of War under Article 175 (1) a) and b), and the criminal offence of Violating the Laws and Practices of Warfare under Article 179(1) and (2) d), in conjunction with Article 180(1) and Article 29 and 53(1) of the Criminal Code of Bosnia and Herzegovina (the CC of BiH), pursuant to Article 291(1) of the Criminal Procedure Code of Bosnia and Herzegovina (the CPC of BiH), on 7 September 2009 rendered the following:

### **DECISION**

**The Judgement of this Court No. X-KRŽ-06/299 dated 25 March 2009 is hereby corrected** so that after the section of the **operative part** that reads: „War Crimes against Civilians under Article 142(1)" the following text is added: "of the Criminal Code of the SFRY, adopted pursuant to“, while after the phrase: "of the Law on the Application of the Criminal Code" the following words are added: "of the Republic".

In the **Reasoning** of the Judgement, in Paragraph 64, following the part of the sentence that reads: “War Crimes against Civilians under Article 142(1)" the following text is added: "of the Criminal Code of the SFRY which was adopted pursuant to", and after the part of the sentence that reads: “of the Law on the Application of the Criminal Code", the following words are added: "of the R BiH".

The foregoing Judgement remains unchanged in its other parts.

### **Reasoning**

On 25 March 2009, in the criminal case against the accused Zijad Kurtović, the Appellate Panel (No. X-KRŽ-06/299) rendered a second-instance judgement by which the Appeal of the Prosecutor’s Office of BiH was refused as ungrounded, while the Appeal of the defence counsel for the accused Zijad Kurtović was partially upheld, and as a result, the Judgement of this Court No. X-KR-06/299, dated 30 April 2008, was revised in its legal assessment and legal qualification of the offence.

Deciding *ex officio*, the Court established that the aforementioned Judgement, particularly **in the operative part** and **the Reasoning** in Paragraph 64, contained an obvious technical error made while referring to the applicable Law imprecisely.

Given the fact that this was an obvious error in writing, an omission which amounts to a formal (technical) defect which alters neither the contents of the Judgement nor the Decision rendered, therefore the Court, by applying the provision set forth in Article 291(1) of the CPC of BiH, has decided as indicated in the operative part.

**PRESIDENT OF THE  
TRIAL PANEL  
Dragomir Vukoje**

**LEGAL REMEDY:** No appeal lies from this Decision.

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

Sarajevo, 10 September 2009

Maida Šahinagić  
Certified Court Interpreter/Translator for English