



COURT OF BOSNIA AND HERZEGOVINA

Case File No. X-KRŽ-07/346
Date: Pronounced on: 27 May 2011
Sent out on: 21 July 2011

Before: Judge Azra Miletić, Presiding
Judge Tihomir Lukes, Panel member
Judge Carol Peralta, Panel member

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA
vs.
LJUBO TOMIĆ and KRSTO JOSIĆ

SECOND INSTANCE VERDICT

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

Adnan Gulamović

Defence Counsel for the Accused Ljubo Tomić:

Petko M. Pavlović

Defence Counsel for the Accused Krsto Josić:

Nenad Rubež

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IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, Section I for War Crimes, Panel of the Appellate Division comprising Judge Azra Miletić, as the Presiding Judge, and Judges Tihomir Lukes and Carol Peralta as members of the Panel, with the participation of Legal Advisor Melika Murtezić, as the Minutes-Taker, in the criminal case against the Accused Ljubo Tomić and Krsto Josić, charged with the criminal offence of War Crimes against Civilians in violation of Article 173(1)(c) of the Criminal Code of Bosnia and Herzegovina (hereinafter: CC of BiH), in conjunction with Article 29 and 180(1) of the CC of BiH, deciding upon the Indictment of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ-174/07 of 16 April 2009, after the public main trial was held in the presence of the Prosecutor of the Prosecutor's Office of BiH Adnan Gulamović, the Accused Ljubo Tomić and his Defence Counsel Petko M. Pavlović and the Accused Krsto Josić and his Defence Counsel Nenad Rubež, on 24 May 2011 delivered and on 27 May 2011 publicly announced the following:

VERDICT

The Accused:

1. **LJUBO TOMIĆ**, son of Pero and Nevenka, nee Sandić, born on 29 June 1964 in the village of Malešići, Municipality of Zvornik, residing at Malešići, house no. 136; ethnic Serb, citizen of BiH; Citizen Identification Number 2906964183895, a construction machinery operator by profession, married with two children, literate, completed secondary school, served military service in Štip in 1984, former member of the Army of RS from February 1992 until the general demobilization, registered with Military Records of Zvornik, of average financial standing, no previous convictions, employed in Novi Sad, Republic of Serbia (*Vojvodina put* company);
2. **KRSTO JOSIĆ**, a.k.a. **Krele**, son of Ivan and Cvijeta, nee Ristanović, born on 10 June 1965 in the village of Malešići, Municipality of Zvornik, residing at Čelopek bb

/no number/, Municipality of Zvornik, ethnic Serb; citizen of BiH, Citizen Identification Number 1006965183916, a construction worker by profession, married with one child, literate, completed secondary school for construction trades, served military service in Kičevo in 1984/1985, registered with Military Records of Zvornik, of average financial standing, no previous convictions;

in terms of Article 284(c) of the Criminal Procedure Code of Bosnia and Herzegovina (CPC of BiH) are hereby declared

ACQUITTED OF THE CHARGES

that:

During the war and armed conflict in Bosnia and Herzegovina as members of the Army of the Serb Republic of BiH, they acted contrary to international humanitarian law, in violation of Article 3(1)(a) of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War dated 12 August 1949, in as much as they:

On 26 June 1992, in the so called *Marhoši* woods located in the township of Kozluk, Municipality of Zvornik, which was previously surrounded by members of the military formations of the Zvornik Territorial Defence, i. e. members of the Army of the Serb Republic of BiH, in order to track down the remaining Kozluk Bosniaks, including a certain number of previously expelled residents of the village of Kaludrani who had hidden there in fear for their safety, soldiers Ljubo Tomić and Krsto Josić recognized their neighbours Nurija Nuhanović, Izet Nuhanović, Šemso Nuhanović and Muradif Nuhanović, and shot at them from firearms with the intention of killing them, and on that occasion they killed Izet Nuhanović, Šemso Nuhanović and Muradif Ibrahimović, while Nurija Nuhanović managed to escape,

whereby they would have committed the criminal offence of War Crimes against Civilians in violation of Article 173(1)(c) of the CC of BiH in conjunction with Article 29 and Article 180(1) of the CC BiH.

II

Pursuant to Article 189(1) of the CPC BiH, the Accused are hereby relieved of the duty to pay costs of the criminal proceedings which shall be paid from the budget appropriations of the Court of BiH.

III

Pursuant to Article 198(3) of the CPC BiH, the aggrieved parties are hereby instructed to take civil action to pursue their claims under property law.

REASONING

I. COURSE OF THE PROCEEDING

1. By the Indictment of the Prosecutor's Office of BiH, No. KT-RZ-174/07 of 16 April 2009, the Accused Ljubo Tomić and Krsto Josić were charged with the commission of the criminal offence of War Crimes against Civilians in violation of Article 173(1) (c) of the CC of BiH.

2. The First Instance Verdict, No. X-KR-07/346 of 12 March 2010, acquitted the Accused of the charge of War Crimes against Civilians in violation of Article 173(1)(c) of the CC of BiH in conjunction with Article 29 and Article 180(1) of the CC of BiH. In terms of Article 189(1) of the CPC of BiH, the Accused were relieved of the duty to reimburse the costs of the criminal proceedings and, in terms of Article 198(3) of the CPC of BiH, the aggrieved parties were instructed to pursue their claims under property law in a civil action.

3. The Prosecutor's Office of BiH timely appealed the First Instance Verdict on the grounds of:

(i) essential violations in terms of Article 297 of the CPC of BiH and

(ii) the incomplete and erroneous establishment of the state of facts in terms of Article 299 of the CPC of BiH,

requesting the Appellate Panel for the Appeal to be granted and the First Instance Verdict revoked.

4. Having established the existence of an essential violation in the First Instance Verdict in terms of Article 297(1)(k) of the CPC of BiH, the Appellate Panel revoked the said Verdict in a decision of the 14th of September 2010 and scheduled a retrial.

A. TRIAL BEFORE PANEL OF THE APPELLATE DIVISION

5. In terms of Article 317 of the CPC of BiH, the trial before the Appellate Panel was held during which it reviewed the audio-visual recordings of evidence given by the Prosecution witnesses: Nizama Nuhanović, Borislav Rikanović, Nuriya Nuhanović, Šerif Islamović, Agan Ibrahimović and expert witness Vedo Tuco during the First Instance proceedings.

6. Audio-visual recordings of the following Defence witnesses were also reviewed: Krsto Josić, Dragan Tomić, Dragomir Tomić, Zoran Josić, Cvijan Tomić, Milan Blagojević, Veselin Erdelić, Dragan Tomić, Ljubinka Stevanović, Mitra Božić, Radica Dokić, Jovica Stevanović and expert witness Dr. Vidak Simić.

7. The Appellate Panel has also reviewed all documentary evidence which had been presented during the first instance proceedings.¹

8. The Appellate Panel, having reviewed the said evidence, hereby concludes that this evidence is not sufficient to prove that the Accused have committed the criminal offence of which they are charged and this for the following reasons.

II. GENERAL ISSUES

A. PRELIMINARY ISSUE: JURISDICTION OF THE COURT OF BOSNIA AND HERZEGOVINA

9. During the preliminary proceedings before this Panel, Defence Counsels for both Accused challenged the jurisdiction of the Court of BiH. The Defence believes that, following the refusal of the Cantonal Court in Tuzla to hear the case on the grounds of lack

¹ List of documentary exhibits is contained in Annex 1 of the Verdict and is an integral part hereof.

of jurisdiction, the case should have been referred to the District Court of Bijeljina as the Court with primary territorial jurisdiction.

10. The jurisdiction of the Court of BiH over criminal offences is defined by Article 7 of the Law on the Court of Bosnia and Herzegovina (the Law on the Court), which, among other things, prescribes that the Court of BiH:

*“has jurisdiction over criminal offences defined in the Criminal Code of Bosnia and Herzegovina and other laws of Bosnia and Herzegovina“.*²

11. Article 449 of the CPC of BiH further prescribes the manner of dealing with cases which fall within the competence of the Court of BiH and which were pending before other courts and/or prosecutor’s offices, prior to the entry into force of the CPC of BiH.³ Cases which have been instituted after the entry into force of the CPC of BiH and the CC of BiH fall under the exclusive jurisdiction of the Court of BiH.

12. The Accused are charged with having committed the criminal offence of War Crimes against Civilians in terms of Article 173 of the CC of BiH. In terms of Article 7 of the Law on the Court, the Court of BiH has jurisdiction over this case.

13. In support of this argument, it is to be taken into consideration that an Order to Conduct an Investigation against the Suspects Ljubo Tomić and Krsto Josić was only issued on the 28th of May 2006. Witness Nuriya Nuhanović had only given a statement on the 11th of May 2006, which statement was filed in another case from 1996. Only after this statement was the order to investigate the two Accused, Ljubo Tomić and Krsto Josić given and this investigation was carried out in that and the following year.

14. It is, therefore, evident that proceedings commenced after the 1st of March 2003, when the CPC of BiH came into effect. Because of these reasons, these proceedings fall

² See **(criminal jurisdiction)**, Article 7 of the Law on the Court of Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina No. 49/09* (consolidated version).

³ **(Deciding on Cases Pending before Other Courts and Prosecutor's Offices)**, Article 449 of the CPC of BiH reads: „(1) Cases falling within the competence of the Court that are pending before other courts prior to the entry into force of this Code shall be finalized by these courts if the indictment is confirmed or in legal effect in these cases. (2) Cases falling within the competence of the Court which are pending before other courts or prosecutor's offices and in which the indictment is not legally effective or confirmed, shall be finalized by the courts with territorial jurisdiction unless the Court, ex officio or upon the reasoned proposal of the parties or defense attorney, decided to take such a case,

under the exclusive jurisdiction of the Court of BiH. The Cantonal Court in Tuzla has, therefore, acted in accordance with the law by declining jurisdiction because of subject-matter over these proceedings and by referring them to this Court.⁴

15. Because of these reasons, these proceedings cannot be subsumed under Article 449 of the CPC of BiH. The arguments of the Defence which challenge the jurisdiction of the Court of BiH are, therefore, ungrounded.

B. BURDEN OF PROOF: BASIC PRINCIPLES

16. Article 3(1) of the CPC of BiH defines “presumption of innocence” in that a person is to be considered innocent until his/her guilt has been established by a final verdict.⁵

17. The procedural presumption of innocence is the “*rebuttable presumption*” or “*praesumptio iuris tantum*” where innocence is assumed until otherwise proven. Since this presumption has been adopted, the accused has been relieved of the burden of proof of his innocence. The burden of proof to the contrary now lies with the Prosecution. Presumption of innocence does not only relate to questions of guilt of the accused, but, also to all other essential elements normally associated with the concept of a criminal offence like the “*actus reus*”, unlawfulness or punishability.

18. As judgments or “*judicatio*” of the European Court of Human Rights (ECHR)⁶ confirm, presumption of innocence has, *inter alia*, the following consequences:

(i) the accused has no duty to prove his innocence and the burden of proof is placed, squarely on the adverse party to the proceedings, in other words, on the prosecutor and:

(ii) the court must deliver an acquitting verdict not only when it is convinced of the Accused’s innocence but also in those situations where reasonable doubt exists.

taking into account the gravity of the criminal offence, capacity of perpetrators and other circumstances relevant for the assessment of case complexity.“

⁴ Exhibit T-10, Decision by the Tuzla Cantonal Court number 003-0-Kps-07-000015 of 3 April 2007.

⁵ This provision is completely consistent with international documents (Article 14(2) of the ICCPR and Article 6(2) of the ECHR).

⁶ For instance *Saunders v. Great Britain*, 1996, Report 1996-IV, *Barbera, Messegue and Jabardo v. Spain*, 1988, series A No. 146.

19. One of the direct consequences of the presumption of innocence is the creation of Article 3(2) of the CPC of BiH which provides that:

“ a doubt with respect to the existence of facts constituting elements of a criminal offence or on which the application of certain provisions of criminal legislation depends shall be decided by the Court verdict in the manner more favourable for the accused.”

This is the principle of *“in dubio pro reo,”* or the principle which most favours the accused.

20. The Court is to consider a fact as an “established one” when it is convinced of its existence, which must emerge from the evidence produced during the trial and the adjudicating panel no longer has any doubts as to its existence. This entails that all the facts which militate against the accused (*in peius*) must be established with absolute certainty. They must be proven. If this is not the case, it must be considered that they do not exist. All facts which are in favour or *“in favorem”* of the accused are to be considered to be existent even if established with only “likelihood” and not with certainty. If doubts remain, even after a thorough selective and collective evaluation of the evidence produced the Court shall always decide in the manner more favourable for the accused in terms of this Article.

21. The application of the *“in dubio pro reo”* rule must always result in the pronouncement of a verdict in favour of the accused. Doubts as to legally relevant facts prescribed under substantive criminal law must militate in favour of the accused not only in a more lenient sentence to be applied when guilt has been established but also in an acquitting verdict in those cases where the main trial could not eliminate the doubt as to whether the accused did commit the criminal offence as charged.

22. Article 284(c) of the CPC of BiH provides that:

“if it is not proved that the accused committed the criminal offence with which he is charged ...”

which implies not only those cases in which no damning evidence has been produced but also those cases in which evidence, although existent is not sufficient enough for the Court to arrive at a conclusion that the facts, as stated in the Indictment have been, definitely, established.

III. EVALUATION OF PRESENTED EVIDENCE – STATE OF FACTS

23. In terms of Article 281 of the CPC of BiH, this Panel has evaluated all the evidence which has been produced, both separately and conjunctively and has found that there is insufficient evidence to reasonably conclude that the Accused, Ljubo Tomić and Krsto Josić, did kill Izet Nuhanović, Šemso Nuhanović and Muradif Ibrahimović, that is, that they undertook the acts of commission underlying the crime charged.

24. The Appellate Panel has examined the statement given by Nurija Nuhanović because this witness is the only one with direct knowledge of the relevant events. Such condemning evidence must be carefully analyzed because it cannot leave any doubt whatsoever as to its accuracy nor as to the witness's credibility and integrity. The Appeals Chamber of the International Criminal Tribunal for Former Yugoslavia (the ICTY) in the Krnojelac case notes that:

“a reasonable Trial Chamber must take into account the difficulties associated with the identification evidence in a particular case and must carefully evaluate any such evidence, before accepting it as the sole basis for sustaining a conviction.”⁷

As alleged in the Indictment, the witness, Nurija Nuhanović, had been hiding in the *Marhoši* woods for some time with Izet Nuhanović, Šemso Nuhanović and Muradif Ibrahimović. This also emerges from his statement. On the 26th of June 1992, when they were most probably killed, he managed to escape. The statement of this witness, however, is not complete and contains numerous contradictions and arbitrary conclusions which cannot be corroborated by other evidence produced. Therefore, certainty remains elusive.

25. From this statement it emerges that Nurija Nuhanović never witnessed the Accused killing the victims, which include his son Izet Nuhanović. The bodies were recovered in 2003 and only after the bodies being found did this witness conclude that the victims had been killed on the 26th of June 1992 or on the day of his escape. In the statement of the 11th of May 2006 before the Cantonal Prosecutor's Office in Tuzla, the witness explicitly states:

*“I went into the woods and saw that skeletons were recovered exactly at the place where I had left my son and the other two. Based on that, I clearly conclude that Ljubo Tomić and Krsto Josić killed those three men.”*⁸

26. Nurija Nuhanović is not an eye witness to the killing of Izet Nuhanović, Šemso Nuhanović and Muradif Ibrahimović. He admits so himself. He, arbitrarily, concludes that the Accused are to be blamed for these killings only because of the location where the mortal remains of the victims were discovered. At the main trial, the witness had testified that he was certain about the Accused having killed them. In his statement, however, the same witness unequivocally declares that, at the moment when it all happened, he was not certain whether Ljubo Tomić and Krsto Josić had killed them but hoped that the two Accused, whom he presumed had captured the three victims when he escaped would let them live.⁹ However, everything was clear to him about how things must have gone once the bodies were discovered in the location where the witness had last seen them.

27. Šerif Islamović¹⁰ and Agan Ibrahimović testify that, immediately after the relevant event, Nurija Nuhanović did not identify the perpetrators by name, but only said that:

“those three were most probably killed”

and that:

*“this was done by the Tomićs.”*¹¹

One must take into consideration the fact that this event took place in times of war and that, therefore, this was vital information to be shared and also the fact that this was a matter of personal interest to him considering that one of the victims was his son.

28. Nizama Nuhanović testifies that, in a telephone conversation which took place 6 months after the killing, Nurija, who was in Germany at the time, had told her who the

⁷ *Prosecutor v. Kupreškić et al.*, Appeals Judgment of 23 October 2001, paragraph 34.

⁸ Exhibit T-3-a, Record of Examination of Witness Nurija Nuhanović number KT-RZ-586/96 of 11 May 2006, p. 4.

⁹ Witness Nuhanović: *„I was not sure, I thought that they would let them live“*, transcript of the main trial of 28 September 2009, p. 69.

¹⁰ Exhibit T-4, Record of Examination of Witness Šerif Islamović number KtRZ-11/06 of 5 March 2007: *„I do not remember whether on that night Nurija mentioned the names of people who shot at his group“*.

¹¹ Exhibit T-30, Record of Examination of Witness Agan Ibrahimović number KtRz-11/06 of 21 December 2007: *„He told us that they were most probably killed and that they were killed by Tomić's.“*

murderers were. However, Nurija Nuhanović himself specifically denies this conversation having ever taken place, explaining that he had never been in contact with her because, being a refugee, he did not know her location at the time:

“I never spoke with her about that, I just told my wife that they were killed and she passed that on to her.”¹²

Moreover, Nurija Nuhanović’s statement proves that he was not in Germany at the time, but was, actually, taken prisoner and detained until February 1992, and, immediately, departed for Croatia and in June 1993 to Germany. Because of these reasons, the Appellate Panel finds that the statements of Nizama Nuhanović and of Nurija Nuhanović are not compatible.

29. The Appellate Panel also finds that no evidence has been produced which can confirm that “*the Tomić’s*” mentioned by Nurija Nuhanović to Islamović and Ibrahimović immediately after his escape are Ljubo Tomić and Krsto Josić. The Appellate Panel further notes that although the witness allegedly knows the identity of the perpetrators, he fails to report them to the relevant institutions and only mentions them in his 2006 statement after the bodies had been exhumed in 2003.

30. This Court cannot accept this witness’s explanation that he did not report the matter because of fear that he would be killed to eliminate him as a possible witness to the murders. It has always been possible for the Accused to do away with the witness without having to wait for him to report them since it is very likely that the Accused and the witness recognised one another at the time when the crime was committed. The Court is aware of the fact that there are many secure ways of reporting perpetrators to the proper authorities.

31. Moreover, the “nexus” or “causal link” between the action taken and the consequences thereof must be proven with certainty. In this context, the Appellate Panel cannot, with certainty, establish whether the persons, whose arrival at the location of *Marhoši* woods is described by witness Nurija Nuhanović and who start shooting at him when he escapes into the woods, are indeed the same persons who, actually, are responsible for the killing of the three victims. These killings have not been witnessed. It,

¹² Witness Nuhanović, transcript of the main trial of 28 September 2009, p. 82.

further, results that both this witness and Šerif Islamović relate that other soldiers were also present in that particular and defined area at the same time. This adds confusion to the entire evidence.¹³

32. The Appellate Panel finds that the identification of the Accused as the perpetrators of this crime has not been established with certainty. The presented evidence produced throughout these proceedings only allows for the possibility, or even a certain degree of probability that these killings took place in the manner as described in the Indictment. This, however, is insufficient in terms of Article 3 of the CPC of BiH.

33. The burden of proving the existence of the important elements of the criminal offence, the elements of the guilt of the Accused, and the identification of the perpetrators rests, solely, with the Prosecution. The evidence produced by the Prosecution during these proceedings is not of such certainty as to exclude any reasonable doubt and lead this Panel to convict Ljubo Tomić and Krsto Josić of the charges contained in the Indictment filed against them. It, therefore, acquits them.

34. This Panel shall not evaluate the evidence concerning the date of death of the victims or Krsto Josić's alibi since these facts are now irrelevant.

IV. DECISION ON THE COSTS OF THE CRIMINAL PROCEEDINGS AND CLAIMS UNDER PROPERTY LAW

35. Article 189(1) of the CPC of BiH prescribes that, in an acquittal, the costs of the criminal proceedings provided for in Article 185, Paragraph 2, Subparagraphs a) through f) of the CPC of BiH and the necessary expenditures of the accused and the remuneration of their defence lawyers shall be paid from budget appropriations.

36. Article 198(3) of the CPC of BiH prescribes that should the Court render an acquittal, it shall instruct the aggrieved party that he may pursue his claim under property law in a civil action.

¹³Witness Nurija Nuhanović, *Ibid*, p. 42; witness Šerif Islamović, transcript of main trial of 12 October 2009, p. 27.

37. Having in mind the mentioned legal provisions, and since the Appellate Panel has rendered a verdict which acquits the Accused of all the charges brought against them, the costs of these criminal proceedings shall be paid for from budget appropriations of the Court of BiH. The aggrieved parties are instructed to pursue their claims under property law in civil proceedings.

Minutes-Taker:

PRESIDING JUDGE

Melika Murtezić

JUDGE

[signature affixed]

Azra Miletić

[signature and stamp affixed]

LEGAL REMEDY: No Appeal lies from this Verdict.

V. ANNEX – THE EVIDENCE

A. PROSECUTION DOCUMENTARY EXHIBITS

1. T-1 Record of Examination of Witness Nizama Nuhanović dated 20 February 2007
2. T-2 Record of Examination of Witness Borislav Rikanović dated 26 December 2006
3. T-3a Record of Examination of Witness Nurija Nuhanović dated 11 May 2006
4. T-3b Record of Examination of Witness Nurija Nuhanović dated 26 December 2006
5. T-4 Record of Examination of Witness Šerif Islamović dated 5 March 2007
6. T-5 Findings and Opinion of Expert Witness Vedo Tuco dated 2 October 2009
7. T-6 Decision Declaring the Imminent Threat of War dated 8 April 1992
8. T-7 Decision Declaring the State of War issued by the Presidency of the Republic of BiH dated 20 June 1992
9. T-8 Notification by the Tuzla Cantonal Prosecutor's Office dated 22 September 2006
10. T-9 Document by the Tuzla Cantonal Prosecutor's Office dated 13 February 2007
11. T-10 Decision by the Tuzla Cantonal Court number 003-kps-07-000015 dated 3 April 2007
12. T-11 Document by the Court of BiH number X-KRN-07/346 dated 23 May 2007
13. T-12 Order by the Tuzla Cantonal Court dated 3 April 2003
14. T-13 Exhumation Record by the Tuzla Cantonal Court including Letter by the Tuzla Cantonal Court dated 28 December 2006
15. T-14 Photo Documentation of the Site dated 20 October 2003
16. T-15 Forensic Examination Report dated 14 January 2004
17. T-16 Record on Identification of Izet Nuhanović, son of Nurija, dated 7 May 2004
18. T-17 DNA Report dated 26 April 2004
19. T-18 Death Statement for Izet Nuhanović dated 31 March 2009
20. T-19 Forensic Examination Report dated 19 January 2004
21. T-20 Record on Identification of Šemso Nuhanović, son of Fehim, dated 7 May 2004
22. T-21 DNA Report dated 26 April 2004
23. T-22 Death Statement for Šemso Nuhanović dated 31 March 2009
24. T-23 Forensic Examination Report dated 19 January 2004
25. T-24 Record on Identification of Muradif Ibrahimović, son of Mujo, dated 22 July 2004
26. T-25 DNA Report dated 5 May 2004
27. T-26 Death Statement for Muradif Ibrahimović dated 31 March 2009
28. T-27 Information from the Criminal Record for Ljubo Tomić dated 20 December 2006
29. T-28 CIPS Database Record for Ljubo (son of Pero) Tomić
30. T-29 CIPS Database Record for Krsto (son of Ivan) Josić

31. T-30 Record of Examination of Witness Agan Ibrahimović dated 21 February 2007

A. DEFENCE DOCUMENTARY EXHIBITS

1. O-1 Report by Expert Witness Dr. Vidak Simić dated 24 September 2009
2. O-2 Set of Photographs made by expert witness dr. Vidak Simić, marked with a through f
3. O-3 Document by the Federation Ministry for War Veterans number 07-03-1683-1/09 dated 6 October 2009
4. O-4 Death Certificates for Šemso Nuhanović, Muradif Ibrahimović, Izet Nuhanović, all dated 22 October 2009
5. O-5 Proposal to Declare a Person Dead for Izet Nuhanović dated 7 December 1998
6. O-6 Proposal to Declare a Person Dead for Šemso Nuhanović dated 2 December 1998
7. O-7 Proposal to Declare a Person Dead for Muradif Ibrahimović dated 13 October 2004
8. O-8 Record of the Kalesija Municipal Court number R-394/98 dated 25 March 1999
9. O-9 Record of the Kalesija Municipal Court number R-394/98 dated 13 July 1999
10. O-10 Decision by the Kalesija Municipal Court number R2-182/04 dated 30 November 2004
11. O-11 Decision by the Kalesija Municipal Court number R-411/98 dated 14 July 1999

Minutes-Taker:

PRESIDING JUDGE

Melika Murtezić

JUDGE

[signature affixed]

Azra Miletić

[signature and stamp affixed]

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

Sarajevo, 27 July 2011

Ljiljana Krsmanović-Šešum, Certified Court Interpreter for English Language