

Bosna i Hercegovina

Босна и Херцеговина



Sud Bosne i Hercegovine  
Суд Босне и Херцеговине

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Case No.: S 1 1 K 009162 12 Kro

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Preliminary Hearing Judge: Judge Jasmina Kosović

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

v.

RASEMA HANDANOVIĆ

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FIRST INSTANCE VERDICT

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

**Vesna Budimir**

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## IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, Section I for War Crimes, Preliminary Hearing Judge Jasmina Kosović, with the participation of Legal Advisor, Elma Karović, as the Minutes-taker, in the criminal case No. S 1 1 K 009162 12 Kro against the Accused Rasema Handanović, for the criminal offense of War Crimes Against Civilians in violation of Article 173(1)(c) of the Criminal Code of Bosnia and Herzegovina and the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) of the Criminal Code of BiH (the CC of BiH), all as read with Article 180(1) and Article 29 of the same Code, acting upon the Indictment of the Prosecutor's Office of Bosnia and Herzegovina No. T 20 0 KTRZ 0002955 12 dated 7 March 2012, confirmed on 19 March 2012, having reviewed and accepted the Plea Agreement entered on 2 March 2012 between the BiH Prosecutor's Office and the Accused Rasema Handanović, following a technical corrigendum thereof dated 26 April 2012, and following a sentencing hearing held in the presence of the Prosecutor of the BiH Prosecutor's Office, Vesna Budimir, the Accused Rasema Handanović and her Defense Counsel Senad Kreho, Attorney from Sarajevo, on 30 April 2012 delivered and publicly announced the following:

### VERDICT

**THE ACCUSED: RASEMA HANDANOVIĆ, aka “Zolja”**, daughter of Ajiz and Sebiha née Ališić, born on 25 September 1972 in Sanski Most, ethnicity ..., citizen of ... and ..., Personal Identification Number (PIN) ..., deprived of liberty on the territory of the United States of America upon an order of the Court of BiH on 13 April 2011,

### IS HEREBY FOUND GUILTY

Because:

During the war time in Bosnia and Herzegovina, as a member of the Special Purposes Detachment *Zulfikar* within the Supreme Command Staff of the Army of Republic of Bosnia and Herzegovina, she acted in violation of Article 3(1)(a) of the Geneva Convention on the Protection of Civilian Persons in Time of War dated 12 August 1949 and Article 3(1)(a) of the Geneva Convention relative to the Treatment of

Prisoners of War dated 12 August 1949, inasmuch as:

On 16 April 1993, during the morning hours, the Accused participated in a well prepared and planned attack on the village of Trusina, Municipality of Konjic, led by the Deputy Commander of the Special Purposes Detachment *Zulfikar* within the Supreme Command Staff of the Army of Republic of Bosnia and Herzegovina (*Zulfikar* SPD SCS) Nihad Bojadžić aka „Blek“ and „Nihko“, who ordered before the attack that there must be no survivors in the village of Trusina, and then from a high ground overlooking the village of Trusina, using a hand-held radio, led the attack by issuing orders to soldiers subordinated to him, members of the *Zulfikar* SPD SCS who held the village under attack from several directions, making no difference between civilian and military targets, and thereupon, during the afternoon hours of the same day, within the referenced order, Nedžad Hodžić aka „Džon Vejn“ and „Džoni“, in the hamlet of Gaj, in the village of Trusina, Konjic Municipality, ordered the execution of lined-up members of the Croat Defense Council (HVO) and civilians, whereupon Rasema Handanović aka „Zolja“, in concert with Nedžad Hodžić aka „Džoni“ and „Džon Vejn“, Edin Džeko, Mensur Memić aka „Menta“ and other members of the *Zulfikar* SPD SCS known to her, participated in the summary execution of the lined-up members of the HVO who had earlier surrendered, namely Ivan (Andrija) Drljo born in 1971, Nedeljko (Marinko) Krešo born in 1953, Pero (Smiljko) Krešo born in 1961 and civilians Zdravko (Ivan) Drljo born in 1963, Željko (Slavko) Blažević born in 1965 and Franjo (Ilija) Drljo born in 1942,

**Therefore**, she participated in the execution of several prisoners of war and civilians,

**Whereby** she committed the criminal offense of War Crimes against Civilians under Article 173(1)(c) (participation in killings) and the criminal offense of War Crimes against Prisoners of War under Article 175(1)(a) of the CC of BiH (participation in killings of prisoners of war), all as read with Article 180(1) and Article 29 of the same Code,

**Wherefore, applying Articles 42, 49 and 50 of the CC of BiH,**

for the criminal offense of War Crimes against Civilians under Article 173(1)(c) of the CC of BiH, as read with Article 180(1) and Article 29 of the same Code, **the Court sentenced the Accused:**

- **to imprisonment for a term of 5 (five) years,**

and for the criminal offense of War Crimes against Prisoners of War under Article 175(1)(a) of the Criminal Code of Bosnia and Herzegovina, as read with Article 180(1) and Article 29 of the same Code:

- **to imprisonment for a term of 5 (five) years,**

and applying Article 53(2)(b) of the CC of BiH, the Court

## **S E N T E N C E D**

### **THE ACCUSED TO A COMPOUND SENTENCE OF IMPRISONMENT FOR A TERM OF 5 (five) YEARS and 6 (six) MONTHS**

Pursuant to Article 56(1) of the Criminal Code of Bosnia and Herzegovina, the time the Accused spent in custody shall be credited toward the service of sentence, running from 13 April 2011 until the Accused is committed to serve the sentence of imprisonment.

Pursuant to Article 188(4) of the Criminal Procedure Code of Bosnia and Herzegovina (the CPC of BiH), the Accused is relieved of the duty to reimburse the costs of criminal proceedings which shall be paid from the budget appropriations of the Court.

Pursuant to Article 198(2) of the CPC of BiH, all injured parties are instructed to possibly pursue their claims under property law in a civil action.

## **REASONING**

### **I. INDICTMENT AND THE PLEA AGREEMENT**

1. On 7 March 2012, the Prosecutor's Office of Bosnia and Herzegovina filed against Rasema Handanović aka „Zolja” an Indictment No. T 20 0 KTRZ 0002955 12, which was confirmed on 19 March 2012.

2. The referenced Indictment charged Rasema Handanović with committing the criminal offenses of War Crimes against Civilians under Article 173(1)(c) and War Crimes against Prisoners of War under Article 175(1)(a) of the CC of BiH, all as read with Article 180(1) and Article 29 of the same Code.

3. In addition to the Indictment, the Prosecution has submitted a Plea Agreement of 2 March 2012, technically corrected on 26 April 2012, which was entered between the Accused Rasema Handanović and the Prosecutor of the BiH Prosecutor's Office, in the presence of the Defense Counsel for the Accused, Attorney Senad Kreho.

### **II. PLEA AGREEMENT CONSIDERATION (UNDER ARTICLE 231 OF THE CPC OF BIH)**

4. Pursuant to Article 231 of the CPC of BiH, the Court has taken under advisement the Plea Agreement entered between the Accused Rasema Handanović and her Counsel, Senad Kreho, Attorney from Sarajevo, on the one hand, and Vesna Budimir, Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, on the other hand. Having held the plea hearings on 19 and 27 April 2012, the Court established that the Accused had entered the Plea Agreement voluntarily and knowingly, with full understanding of the matter and the awareness of the factual description of the crime and the legal qualification thereof, and also of all possible consequences arising from the entered Plea Agreement, including the consequences pertaining to the claims under property law and the costs of criminal proceedings. The Court has also established that the Accused was aware that, by

entering the Plea Agreement, she would waive her right to a trial and the right to appeal the sentence to be imposed.

5. The Court has also found that the Accused is aware of the remaining consequences of the Plea Agreement, namely of the undertaken obligation to fully, truthfully and thoroughly disclose to the Prosecutor, or any other official person of the BiH Prosecutor's Office, when she is asked to do so, all the information in her possession pertaining to the events that had occurred in the territory of Municipalities of Konjic, Jablanica, Trnovo and Gornji Vakuf during the war in Bosnia and Herzegovina, that she would testify at trials before the Court of BiH, or any other court the BiH Prosecutor's Office deems necessary, as indicated in detail in the Plea Agreement. The undertaken obligation to disclose the information also implies providing all documentary and other evidence in the possession of or under control of the Accused, providing explanations in that regard, and providing all information about possible places where such evidence could be found.

6. In reviewing the Plea Agreement, the Court was particularly mindful of the interests and rights of the injured parties. The Court has examined if they were aware of the possibility to enter a plea agreement with the Accused Rasema Handanović.

7. In this regard, the Court has considered the Official Note made by the Prosecution on 2 March 2012, and tendered in the case record as an indisputable piece of evidence, which demonstrates that the Prosecutor had met the families' representatives of the persons executed, or killed in the village of Trusina, and notified them of the possibility to enter a plea agreement with the Accused, to which the injured parties consented. The injured parties personally signed the above referenced consent, as well as their agreement with the proposed sentence on a separate paper which constitutes an integral part of the Official Note in question.

8. The Court has further examined whether the sentence proposed under the Plea Agreement would satisfy the statutory requirements, that is, whether the proposed sentence could be imposed below the legally prescribed minimum sentence of imprisonment for each criminal offense at issue. The minimum sentence prescribed for both criminal offenses of War Crimes against Civilians and War Crimes against Prisoners of War is 10 years in prison, while the maximum sentence is a long-term imprisonment. The Court has found that the sentence proposed under the Plea Agreement was in

compliance with the law, namely that the proposed compound sentence of imprisonment for a term of 5 to 6 years can be imposed by the law applying the rule of punishment reduction for each individual crime and the rule of criminal offenses concurrence.

9. In view of the foregoing, the Court has found that all the statutory requirements have been satisfied, wherefore the entered Plea Agreement has been accepted.

10. Thereupon, the statement of the Accused Rasema Handanović was entered into the record pursuant to Article 231(7) of the CPC of BiH, and the Accused expressed her repentance and apologies to the victims and their respective families for the acts committed.

### **III. EVIDENCE ADDUCED**

11. Having ascertained that the Accused is fully aware of all legal consequences of the Plea Agreement, the Court examined, pursuant to Article 231(6)(b) of the CPC of BiH, whether there was sufficient evidence in support of the Accused's guilt, and called the Prosecutor to present their proposed evidence on which the Indictment was based.

12. At the hearing held on 19 April 2012, the Prosecutor presented and tendered in the case record 320 pieces of evidence, to which the Accused and her Counsel had no objections or complaints. Having reviewed the foregoing evidence, the Court concluded that the Prosecution offered sufficient evidence proving the guilt of the Accused, namely that at the time and in the way as described in the operative part of the Verdict the Accused Rasema Handanović committed the criminal offenses of Crimes against Civilians under Article 173(1)(c) and War Crimes against Prisoners of War under Article 175(1)(a) of the CC of BiH, all as read with Article 180(1) and Article 29 of the same Code. Therefore, the Court has accepted the Plea Agreement and found the Accused Rasema Handanović guilty of the commission of the referenced crimes.

13. The documentary evidence presented and tendered in the case record is specified in Annex to the Verdict and constitutes an integral part thereof.



#### **IV. PROSECUTION AND DEFENSE CLOSING ARGUMENTS PRESENTED IN EXPLANATION OF THE SENTENCE PROPOSED**

14. At the sentencing hearing, the Prosecutor has fully stood by the sentence proposed, and noted that the Accused Rasema Handanović showed repentance for the crimes she had committed, and that by testifying in the case pending before this Court against other accused persons, she has already contributed to the explanation of the event which had occurred in the village of Trusina.

15. Having fully accepted the Prosecutor's arguments, the Counsel for the Accused particularly noted that during the war the Accused herself was a victim of rape, and that many members of her family had been killed.

16. The Accused Rasema Handanović supported the arguments of her Counsel, again showed her remorse for the crimes she committed and conveyed her condolences to the families for their loss.

#### **V. APPLICABLE LAW**

17. Under the Plea Agreement, the Accused Rasema Handanović pled guilty to committing the criminal offenses of War Crimes against Civilians under Article 173 and War Crimes against Prisoners of War under Article 175 of the CC of BiH.

18. The criminal offense of War Crimes against Civilians was regulated under Article 142 of the SFRY Criminal Code, and the criminal offense of War Crimes against Prisoners of War under Article 143 of the same Code. The sentence prescribed for the referenced offenses was a minimum of 5 years in prison or a death penalty. The Criminal Code of Bosnia and Herzegovina prescribes the foregoing crimes under Article 173 and Article 175 respectively, which are punishable with the sentence of imprisonment for a term of minimum 10 years or a long-term imprisonment.

19. Given the time of alleged commission of the crimes (1993), and the then applicable substantive law, the Court has held that it is important to be mindful of both the principle of legality (*nullum crimen sine lege and nulla poena sine lege*), and the principle of time constraints regarding the criminal code applicability.

20. The Court has accepted the Code indicated under the Plea Agreement being first

led by the principle of legality referred to in Article 3 of the CC of BiH. The referenced Article prescribes that "*Criminal offenses and criminal sanctions shall be prescribed only by law*", and that "*No punishment or other criminal sanction may be imposed on any person for an act which, prior to being perpetrated, has not been defined as a criminal offense by law, and for which a punishment has not been prescribed by law*". The offenses, that is, the acts of which the Accused Rasema Handanović is found guilty were indeed codified at the time of commission thereof, and were punishable under the then applicable law. More specifically, the criminal acts specified in Article 173 of the CC of BiH and Article 175 of the CC of BiH can also be found in the law that was in effect in the relevant period of time - when the crimes were committed - namely in Article 142 and Article 143 of the SFRY CC.

21. Bearing in mind that the referenced criminal offenses are prescribed under both Codes, the Court has compared the sentences prescribed thereunder. Even though Article 4(1) of the CC of BiH prescribes that "*The law that was in effect at the time when the criminal offense was perpetrated shall apply to the perpetrator of the criminal offense*", Paragraph 2 of this Article also prescribes that "*If the law has been amended on one or more occasions after the criminal offense was perpetrated, the law that is more lenient to the perpetrator shall be applied*".

22. Article 7(1) of the European Convention on Human Rights (ECHR) has also prescribed the principle of legality. Pursuant to Article II(2) of the Constitution of BiH, the European Convention has primacy over all other laws in BiH. This provision of the European Convention contains a general principle under which it is prohibited to impose a more stringent punishment than the one which was applicable at the time of the crime commission, but does not provide for the application of the most lenient law.

23. In this regard, the application of the CC of BiH is acceptable for the Court given that the sentence prescribed under the Criminal Code of BiH is, in any case, more lenient than the death penalty which was in effect at the time of the crime commission, whereby the

principle of time constraints regarding the criminal code, that is, the application of a more lenient law to the perpetrator, has been satisfied.<sup>1</sup>

24. Furthermore, it should be taken into account that Article 4a) of the CC of BiH which stipulates that “*Articles 3 and 4 of the CC of BiH shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of international law*”.

25. In addition, Article 7(2) of the European Convention provides for the identical exemption provided that Paragraph 1 of the same Article “*shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by civilized nations*”.<sup>2</sup>

26. The foregoing has provided for both the possibility to depart, under prescribed requirements, from the principles set out in Articles 3 and 4 of the CC of BiH (and Article 7(1) of the European Convention) and thereby from the application of the criminal code that was in effect at the time when the crime was committed, and the possibility to apply a more lenient law in the proceedings conducted for the acts codified in international law.

27. The criminal offenses of War Crimes against Civilians and War Crimes against Prisoners of War charged against the Accused were also criminal pursuant to customary international law and therefore fall under “the general principles of international law”<sup>3</sup> as defined under Article 4a) of the Law on the Amendments to the CC of BiH and “the general

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<sup>1</sup> Such a view of the Court is compliant with the view taken in the Verdict of Section I of the Appellate Division of the Court of BiH in *Abduladhim Maktouf*, No. KPŽ 32/05 of 4 April 2006, and the Verdict in *Dragoje Paunović* No. KPŽ 05/16 of 27 October 2006, which was upheld in the Decision of the Constitutional Court of Bosnia and Herzegovina No.: AP -1785/06 of 30 March 2007.

<sup>2</sup> See also Article 15(1) and (2) of the International Covenant on Civil and Political Rights containing similar provisions. The State of Bosnia and Herzegovina, as one of the Yugoslavia successor-states, has ratified this Covenant.

<sup>3</sup> Customary status of criminal liability for Crimes against Humanity and War Crimes against Civilians and that of the individual responsibility for the war crimes committed in 1992 was also confirmed by the UN Secretary General, International Law Commission as well as the jurisprudence of both the ICTY and the International Criminal Tribunal for Rwanda (ICTR). These institutions have established that the criminal liability for Crimes against Humanity and War Crimes against Civilians is an imperative standard of international law, that is, a *jus cogens*. That is why it appears indisputable that in 1992, Crimes against Humanity and War Crimes against Civilians were a part of customary international law. The ICRC Study on Customary International Humanitarian Law by Jean-Marie Henckaerts and Louise Doswald-Beck has also confirmed this conclusion.

principles of law recognized by the civilized nations” as set forth in Article 7(2) of the European Convention. Therefore, pursuant to the foregoing provisions, the CC of BiH can be applied in the case at hand.

## **VI. FINDINGS OF THE COURT**

### **A. RELEVANT LAW**

28. Pursuant to the BiH Prosecutor’s Indictment, the Accused Rasema Handanović is charged with committing the criminal offenses of War Crimes against Civilians under Article 173(1)(c) (killings) and War Crimes against Prisoners of War under Article 175(1)(a) (murder).

29. Definitions of war crimes under Article 173 and Article 175 of the CC of BiH include common underlying elements of war crimes in general, which will be explained in detail further below.

30. Article 173(c) of the CC of BiH prescribes as follows:

Whoever in violation of rules of international law in time of war, armed conflict or occupation, orders or perpetrates any of the following acts:

c) killings, intentional infliction of severe physical or mental pain or suffering upon a person (torture), inhuman treatment, biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation, immense suffering or violation of bodily integrity or health

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

31. Article 175(a) of the CC of BiH prescribes as follows:

Whoever in violation of rules of international law, orders or perpetrates in regard to prisoners of war any of the following acts:

a) Depriving other persons of their lives (murders), intentional infliction of severe physical or mental pain or suffering upon persons (torture), inhuman treatment, including therein biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

32. The criminal offenses charged against the Accused Rasema Handanović have

common elements pursuant to their legal definition, wherefore the underlying elements of the criminal offenses of war crimes will be jointly addressed in the text below. Although Article 175 of the CC of BiH does not explicitly require the existence of an armed conflict, it is clear that the war crimes against prisoners of war were committed in such conditions in violation of the rules of international law.

33. All war crimes must satisfy the following criteria:

- The crime of the perpetrator must be perpetrated in violation of rules of international law;
- The violation must be committed in time of war, armed conflict or occupation;
- The act of the perpetrator must be related to the war, armed conflict or occupation;
- The perpetrator must order or perpetrate the crime;

**(i) The crime of the perpetrator must be perpetrated in violation of rules of international law**

34. The Prosecution has submitted that the Accused committed the crimes set forth in Article 173(c) and Article 175(a) of the CC of BiH by acting in violation of Article 3(1)(a) of the Geneva Convention on the Protection of Civilian Persons at Time of War dated 12 August 1949 and Article 3(1)(a) of the Geneva Convention relative to the Treatment of Prisoners of War dated 12 August 1949. The above referenced Article 3 is a common article for all the Geneva Conventions and it is known as “Common Article 3”.

35. Article 3(1) of the Geneva Convention reads as follows:

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

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

36. Article 3 of the 1949 Geneva Convention is considered as a provision of customary law and it is binding on all parties to a conflict, national or international, wherefore this provision was in effect at the time and in the place the crimes charged against the Accused were committed. The referenced Article is common to all the Geneva Conventions, that is, it has been incorporated in all the four Geneva Conventions dated 12 August 1949. In addition to being applied in all types of conflicts (national and international), its essence is that certain rights are guaranteed to all persons taking no active part in the hostilities, that is, human treatment is guaranteed to them and certain acts against them are prohibited, as specified under items a) through d) of Article 3.

37. It is clear upon interpretation of this provision that it is not necessary that a perpetrator is aware of, or intends to act in violation of international rules, but rather it is sufficient that the mere perpetration thereof is in violation of the rules of international law. In order to establish violations of the rules of international law it is necessary to determine against whom the perpetration was directed, namely whether the act was directed against a specific category of persons protected under Article 3(1) of the Geneva Convention. In the concrete case, the Accused Rasema Handanović undertook the criminal acts against civilians and prisoners of war, that is, the persons taking no active part in the hostilities wherefore they fall within the category protected under this Article.

38. Violations of bodily integrity or health, particularly all types of killings, cruel treatment, torture, and all the acts leading to violations of personal dignity and humiliating treatment against this category are particularly prohibited. Therefore, there is no doubt that the Accused has violated the rules of international law.

39. In order to find violations of the rules of international law in the case at hand it is necessary to establish that the act was directed against a protected category of persons pursuant to Common Article 3 of the Geneva Conventions.

40. In terms of the criminal offense under Article 175 of the CC of BiH, and pursuant to Common Article 3 of the Geneva Conventions, victims of the alleged violation of the rules of international law were not allowed to take active part in the hostilities, including

members of the armed forces who had laid down their arms or persons placed *hors de combat* by sickness, wounds, deprivation of liberty or any other reason. In this case, prisoners of war are, pursuant to Article 175, defined as *members of armed forces who were placed hors de combat by deprivation of liberty or some other reason*.

41. Similarly to Article 175 of the CC of BiH, violations of Article 173 of the CC of BiH are based on Common Article 3, which prescribes that *victims of the violation of international law shall not take active part in the hostilities*. In the case at hand, the Accused Rasema Handanović committed the criminal acts against civilians, that is, persons taking no active part in the hostilities, and who, pursuant to the referenced Article, fall within the protected category of persons.

42. The Plea Agreement entered between the parties made indisputable the fact that the killed persons Ivan Drljo, Nedeljko Kršo and Pero Kršo had the status of prisoners of war, and that Zdravko Drljo, Željko Blažević and Franjo Drljo had the status of civilians. The Court has analyzed the foregoing pursuant to the criteria prescribed under Common Article 3 of the Geneva Conventions in relation to the question of which persons are to be considered either civilians or prisoners of war.

43. It ensues from the evidence of the heard witnesses, primarily the Croat villagers of Trusina, including the protected witnesses G and S, and witnesses Dragan Drljo, Mara Drljo, Tihomir Ivanković, Ivan Šagolj and Ruža Mlikota that when the attack was launched, HVO soldiers from the “Herceg Stjepan” Konjic Brigade were at the hill of Križ, including Ivan Drljo, Nedeljko Kršo and Pero Kršo, who had surrendered, and at that point acquired the **status of prisoners of war**, namely the persons protected under Common Article 3 of the Geneva Conventions. Witnesses Ilija Drljo and Mara Drljo testified that the surrender occurred after the soldiers who had attacked the village sent Milka Drljo to inform the men of the village of Trusina who held the position at Križ that their wives and children would be killed if they did not surrender. Most soldiers surrendered, including Ivan Drljo, Nedeljko Kršo and Pero Kršo, whereupon they were deprived of their lives. Bearing in mind the definition of prisoners of war under Common Article 3, namely that they are defined as *members of armed forces who were placed hors de combat due to arrest or any other reason*, it is obvious that Ivan Drljo, Nedeljko Kršo and Pero Kršo enjoyed the status of protected persons.

44. **The civilian status of** Franjo Drljo, Zdravko Drljo and Željko Blažević ensues from the Examination Records for Witnesses-survivors from the village of Trusina. According to the survived witnesses Bosiljka Kršo, Mara Drljo, and Dragan Drljo, who had eye-witnessed the event, Franjo Drljo was captured in his family house in Gaj, he was in civilian clothing when arrested, and he was not at all militarily engaged during the war. The witnesses also testified that Zdravko Drljo and Željko Blažević were militarily engaged as members of the HVO. However, according to witness Tihomir Ivanković, these two persons were captured in their family houses because they had returned from the frontline just a night before. It undoubtedly transpires from the foregoing that Zdravko Drljo and Željko Blažević were members of the Croat Defense Council, but that they were not in combat at the moment when they were killed, namely that they were in their houses when Ivan Drljo came and told them they had to surrender or otherwise their family members would be killed. The foregoing has satisfied the definition of civilians under Common Article 3 that *victims of the violation of the rules of international law shall take no active part in the hostilities*.

**(ii) The violation must be committed in time of war, armed conflict or occupation**

45. Reviewing the Plea Agreement, the Court was mindful of all the underlying elements of the criminal offense of War Crimes against Civilians. In order to establish that the war and the armed conflict existed, the Court first took into account that the entered Plea Agreement has made these facts indisputable. In support of the fact that there was a war at the time the crime was committed also stands the fact that on 20 June 1992 the Presidency of the Republic of Bosnia and Herzegovina issued a Decision on the Proclamation of the State of War, published in Official Gazette of the RBiH No. 7/92 (Exhibit **T-103**), which was abolished also by the decision of the BiH Presidency on 22 December 1996 published in Official Gazette of the RBiH No. 50/95 (Exhibit **T-104**).

46. In addition, it is indisputable that at the critical time, in the territory of Bosnia and Herzegovina, in the Municipality of Konjic, there was an armed conflict between members of the Army BiH and the HVO. This fact was confirmed by all the witnesses who gave evidence (Enis Popara, Ramiz Bećiri, protected witnesses A, B, C, D, E, X, M, O, and R), and the Accused herself. In addition, the Prosecution tendered in the case record a large



number of orders and reports related to the combats in which armed groups of the HVO and the Army of BiH were engaged in the territory of Konjic Municipality, namely the Prosecution Exhibits T 108 – T -123.<sup>4</sup>

47. On the basis of tendered evidence and the witnesses' statements, the Court has undoubtedly found that during the armed conflict between the HVO and the Army BiH in the territory of Municipality Konjic, on 16 April 2012 */sic/* an attack was launched on the village of Trusina by members of the *Zulfikar* Special Purposes Detachment of the Supreme Command Staff of the R BiH Army. The foregoing is also confirmed by the contents of the documents tendered as exhibit Nos. T-125<sup>5</sup>, T-130<sup>6</sup> and T-155<sup>7</sup>. The referenced evidence stated that the attack was launched on the village of Trusina, and described the crimes in which civilians were killed.

48. It undoubtedly ensues from the foregoing that the criminal offenses charged against the Accused were committed during the war in Bosnia and Herzegovina, and that the obtained evidence demonstrated beyond a reasonable doubt the existence of a causal link (nexus) between the war and the criminal offenses committed.

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<sup>4</sup> Order by the Chief of Staff of the Supreme Command of the Armed Forces of R BiH (hereinafter: the CS SC AF R BiH) number: 02/607-1 of 10 June 1993, ERN number: 0090 – 0239 (**T-108**); Letter of the Chief of Staff of the 4<sup>th</sup> Corps number: 02/1-966-92/93 of 27 March 1993, ERN number: 0129-8532 (**T-109**); Order by CS SC AF R BiH number: 02/101 of 28 April 1993, ERN number: 0180-5185 (**T110**); Report by a member of the SC AF R BiH number: 1-1 of 30 April 1993, ERN number: 0183-2608 (**T111**); Special Report by the Commander of the Operative Group Igman (OG Igman) number: CV-282-05/93 of 13 March 1993, ERN number: 0183-2876 (**T112**); Combat Report by the Commander of the OG Igman number: 03/592-7-2 of 18 April 1993, ERN number: 0183-2912 (**T113**); Special Report by the Commander of the OG Igman number: 02/665-2 of 18 April 1993, ERN number: 0183-2913 (**T114**); Special Report by the Commander of the OG Igman number: 03-592/7 of 18 April 1993 on conflicts with the HVO ERN number: 0183-2914 (**T115**); Copy of the Combat Report by the Commander of the OG Igman number: 03-592/8 of 19 April 1993, ERN number: 0183-2916 (**T116**); Daily Combat Report by the Commander of the OG Igman number: 03-592/10 of 21 April 1993, ERN number: 0183-2919 (**T117**); Daily Combat Report by the Commander of the OG Igman number: 1-20/8 of 22 April 1993, ERN number: 0183-2920-0183-2921 (**T118**); Evaluation of situation and proposal of measures by Assistant Commander of the Security Department of the 44<sup>th</sup> Mountain Brigade number 06/70-1-11/93 of 23 May 1993, ERN number: 0403-6133 – 0404-6134 (T119); Order by the Commander of the CS SC AF R BiH number: 02/607-1 of 10 June 1993, ERN number: 0601-2647 (**T120**); Order for attack by the IZM OZ SZ Herzegovina (Forward Command Post, Operative Zone, South West Herzegovina) number: 01-459 of 11 May 1993, ERN number: 0364-1778 – 0364- 1780 (**T121**); Instruction on the Manner of Collection of Facts Concerning War Crimes sent from the Command of the 4<sup>th</sup> Corps number: 07-1971/93 of 17 March 1993 ERN number: 0363-9519 - 0363-9526 (**T122**); Order by CS SC AF R BiH number: 14/75-24 of 13 March 1993, ERN number: 0185-0113 (**T123**);

<sup>5</sup> Summary Report for 16 April 1993 by the HVO SC of 17 April 1993 informing about the attack on the village of Trusina ERN number: 0617-2036 – 0617-2039

<sup>6</sup> Report by the Commander of the e Herceg Stjepan Brigade Konjic of 16 April 1993 about a severe conflict between the HVO and ARBiH in the village of Trusina and the massacre of civilians in the village of Trusina ERN number: 0151-6484

**(iii) The act of the perpetrator must be related to the war, armed conflict or occupation**

49. Analyzing the status of the Accused at the critical time is important from the aspect of the requirement necessary for the existence of this crime, namely that the act of the perpetrator must be related to the war, armed conflict or occupation.

50. What is important here is that „the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator’s ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed.”<sup>8</sup>

51. The armed conflict need not have been causal to the commission of the crime. In order to establish whether the crime is closely related to an armed conflict, the prosecutor must, at a minimum, prove that the armed conflict „have played a substantial part in the perpetrator’s ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed”.<sup>9</sup> Hence, if it can be established that the perpetrator acted in furtherance of or under the guise of the armed conflict, it would be sufficient.<sup>10</sup> However, it is not sufficient merely to show that the crime was committed “at the same time as an armed conflict” and/or “in any circumstances created in part by the armed conflict”.<sup>11</sup>

52. Several factors can determine the existence of a nexus between the acts committed by the accused and the armed conflict. These factors are as follows: (i) the fact that **the** perpetrator is a combatant;<sup>12</sup> (ii) the fact that the victim is a non-combatant; the fact that the victim is a member of the opposing party; (iii) the fact that the act may be said to serve the ultimate goal of a military campaign; (iv) and the fact that the crime is committed as part of or in the context of the perpetrator’s official duties.

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<sup>7</sup> Report by the HVO Municipal Council Konjic No.: 01-251/95 of 13 March 1995 mentioning and describing, among other things, the crimes in Trusina ERN number: 0157-5145 – 0157-5152;

<sup>8</sup> *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, case No.: IT-96-23 & IT-96-23/1-A Appeals Chamber Judgment of 12 June 2002, para. 58.

<sup>9</sup> *Kunarac*, Appellate Judgment, para. 58.

<sup>10</sup> *Kunarac*, Appellate Judgment, para. 58.

<sup>11</sup> *Rutaganda*, para. 570.

<sup>12</sup> *Kunarac et al.*, Second Instance Judgment, para. 59.

53. The Accused has confirmed the fact that at the relevant time she was a member of the *Zulfikar* Special Purposes Detachment within the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina. The foregoing ensues from both the witnesses' statements and the following documentary evidence: Letter of the Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War number: 07-03-96-1/11 of 26 January 2012 with Vob-2 and Vob-3 to the name of Rasema Handanović (T-296) and Vob 8 for military unit-SPD SCC ARBiH for Rasema Handanović aka Zolja (T-297). Accordingly, the Accused committed all the referenced acts as a member of the *Zulfikar* Special Purposes Detachment, which was exactly the position owing to which she was able to commit the referenced criminal offenses, as stated in the operative part of the Verdict, specifically the killings of civilians and prisoners of war, which acts are directly linked with the existence of war and armed conflict.

54. The Plea Agreement entered between the parties to the proceedings made it indisputable **that** Ivan Drljo, Nedeljko Kršo and Pero Kršo did have the status of war prisoners, and that Zdravko Drljo, Željko Blažević and Franjo Drljo did have the civilian status. The foregoing was also indisputably proved by the evidence explained in detail in the Verdict section titled "*The act must be committed in violation of the rules of international law.*"

**(iv) The perpetrator must order or perpetrate the crime**

55. Finally, Article 173(1) and Article 175(1) of the CC of BiH prescribe as a requirement that the Accused must directly commit or order an unlawful act.<sup>13</sup>

56. Therefore, the last general underlying element of the criminal offenses of War Crimes against Civilians and War Crimes against Prisoners of War has been satisfied given that the Accused committed the referenced crimes as a co-perpetrator.

57. The Accused was found guilty because by her acts she killed civilians and prisoners of war who were inhabitants of the village of Trusina.

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<sup>13</sup> Đukić, First Instance Judgment, para. 179.

## **B. CONCRETE CRIMINAL OFFENSE – ACTS OF COMMISSION AND THEIR FORM**

### **Relevant provisions**

58. The Accused Rasema Handanović is charged with committing the criminal offenses of War Crimes against Civilians under Article 173(1)(c) (killings) of the CC of BiH and War Crimes against Prisoners of War under Article 175(1)(a) (murder) of the CC of BiH, as read with Article 180(1) (individual criminal responsibility) of the CC of BiH and Article 29 (co-perpetration) of the CC of BiH.

#### **(a) Killings**

59. Common Article 3 strictly prohibits the killing of persons “taking no active part in the hostilities”.<sup>14</sup> According to the ICTY jurisprudence, in order for a “murder” to constitute a violation of law and customs of war it is necessary that “the death of the victim is a result of an act of the accused, committed with the intention to cause death and against a person taking no active part in the hostilities.”<sup>15</sup>

60. **Murder** has consistently been defined by the ICTY and the ICTR as the death of the victim resulting from an act or omission of the accused committed with the intention to kill or to cause serious bodily harm which he/she should reasonably have known might lead to death.<sup>16</sup>

61. “The elements of the definition of “murder” under customary international law are as follows: the victim is dead, the death was caused by an act or omission of the accused, or of a person or persons for whose acts or omissions the accused bears criminal responsibility. That act was done, or that omission was made, by the accused, or a person or persons for whose acts or omissions he bears criminal responsibility, with an intention

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<sup>14</sup> See. e.g. IV Geneva Convention, Article 3(1)(a) (prohibiting) violations to life and bodily integrity, particularly all types of murder...” against persons taking no active part in the hostilities.

<sup>15</sup> *Prosecutor v. Kordić and Čerkez*, IT-95-14/2-A, Judgment of 17 December 2004 (Second Instance Verdict); See Verdict in *Enes Handžić*, case No. S1 1 K 005760 11 KR1, dated 25 May 2011;

<sup>16</sup> *Prosecutor v. Radislav Krstić*, Case IT-98-33 (Trial Panel), 2 August 2001, para. 485.

to kill, or to inflict grievous bodily harm, or to inflict serious injury, in the reasonable knowledge that such act or omission was likely to cause death.<sup>17</sup>

62. The Court of BiH has previously identified the elements of the crime of murder:

1) the deprivation of life;

2) the direct intention to deprive of life, as the perpetrator was aware of his act and wanted

the act to be perpetrated.<sup>18</sup>

63. The acts of the Accused have satisfied the underlying elements of the criminal offense of murder by depriving three civilians and three war prisoners of their lives with direct intention, that is, by execution. The Court has found the foregoing proved on the basis of the statements of witnesses D, B, O, and R, who were the Accused's co-combatants that eye-witnessed the event, the testimony of witness Bosiljka Krešo, and the Accused's admission given before the BiH Prosecutor's Office in her statements of 27 December 2011 and 27 February 2012 tendered in the case record under number **T-318** and **T-319**. Excerpts from the Register of Deaths for Ivan Drljo, Nedeljko Krešo, Pero Krešo, Zdravko Drljo, Željko Blažević and Franjo Drljo were tendered in the case record under numbers **T-246**, **T-244**, **T-242**, **T-240**, **T-248**, and **T-256**.

### **C. INDIVIDUAL CRIMINAL RESPONSIBILITY**

64. Under the Plea Agreement, the Accused pled guilty as charged, however, the Court must examine both the validity of the referenced admission and the existence of sufficient evidence proving her criminal responsibility.

#### **i. Co-perpetration (Article 29 of the CC of BiH)**

65. Article 29 of the CC of BiH stipulates as follows:

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<sup>17</sup> *Prosecutor v. Mitar Vasiljević*, Judgment in IT 98-32 of the Trial Panel IT, 29 November 2002, para. 205.

<sup>18</sup> See *Trbić*, X-KR-07/386 (Court of BiH), First Instance Verdict dated 16 October 2009, para. 177.

“If several persons who by participating in the perpetration of a criminal offense or by taking some other act by which a decisive contribution has been made to its perpetration, have jointly perpetrated a criminal offense, shall each be punished as prescribed for the criminal offense”.

66. The Court has recalled the First Instance Verdict in *Rašević and Todović*, in which the Trial Panel stated that “In order to be guilty of co-perpetration under the terms of Article 29, the accused must either participate in the *actus reus* of the crime or take some act “by which a *decisive contribution* has been made” to the commission of the crime.<sup>19</sup> If the Accused, together with other persons, participated in the commission of the criminal offense itself, provided that the required *mens rea* exists, it is sufficient pursuant to Article 29 to consider the Accused a co-perpetrator and impose on him the same sentence that was imposed on the principal perpetrator.

## ii. Individual Criminal Responsibility (Article 180(1) of the CC of BiH)

67. Article 180(1) of the CC of BiH prescribes the following:

“A person who planned, instigated, ordered, perpetrated or otherwise aided and abetted in the planning, preparation or execution of a criminal offense referred to in ..... Article 173 (War Crimes against Civilians)....., of this Code shall be personally responsible for the criminal offense.”

68. The Panel has recalled that Article 180(1) of the CC of BiH is derived from and is identical to Article 7(1) of the ICTY Statute. The ICTY Appeals Chamber has concluded that Article 7(1) „...covers first and foremost the physical perpetration of a crime by the offender, or the culpable omission of an act that was mandated by a rule of criminal law”.

69. *Actus reus* required for the commission of the criminal offense is “...that the accused participated physically or otherwise directly or indirectly, in the material elements of the crime charged through positive acts or, based on a duty to act, omissions, whether individually or jointly with others. The accused himself need not have participated in all aspects of the alleged criminal conduct.<sup>20</sup> There can be several perpetrators in relation to

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<sup>19</sup> *Rašević and Todović*, X-KR-06/275 (Court of BiH), First Instance Verdict dated 28 February 2008, p. 185.

<sup>20</sup> *Stakić*, First Instance Judgment, para. 439.

the same crime where the conduct of each one of them fulfills the requisite elements of the definition of the substantive offence.<sup>21</sup>

70. The requisite *mens rea* is that the accused acted with an intent to commit the crime...<sup>22</sup> or, as in case of other forms of participation in crimes referred to in Article 7(1), “with an awareness of the probability, in the sense of the substantial likelihood that the crime would occur as a consequence of his conduct.”<sup>23</sup>

## VII. CONCLUSION

71. Under the Plea Agreement, the Accused also pled guilty as charged for the type of criminal responsibility as indicated in the Indictment. The Court, however, must examine both the validity of the referenced admission and the existence of sufficient evidence proving her criminal responsibility.

72. In this regard, the Court has found that there is sufficient evidence proving the guilt of the Accused Rasema Handanović for the acts she committed as a co-perpetrator. This is so because in the acts of commission she participated in concert with other persons, by which acts she gave a decisive contribution to the commission of the criminal offense. On the basis of the presented evidence, the Court has found that in the early morning of 16 April 1993, as a member of the *Zulfikar* SPD SCS, the Accused Rasema Handanović participated in a well prepared and previously planned attack on the village of Trusina, Municipality of Konjic, and that, after Nedžad Hodžić aka Džon Vejn and Džoni had ordered the execution of the lined-up HVO members and civilians in the hamlet of Gaj, the Accused Rasema Handanović aka Zolja, in concert with other members of the *Zulfikar* SPD SCS known to her, participated in the execution of the **lined-up soldiers** of the Croat Defense Council who had earlier surrendered, namely Ivan Drljo, Nedeljko Krešo, Pero Krešo and **civilians** Zdravko Drljo, Željko Blažević and Franjo Drljo, committing all those acts knowingly and willfully. The Accused is criminally liable on the basis of individual criminal responsibility (Article 180(1) of the CC of BiH), because by her acts she directly *perpetrated* the crimes referred to in Article 173(1)(c) and Article 175(1)(a) of the CC of BiH.

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<sup>21</sup> *Prosecutor v. Kunarac et al.*, IT-96-23-T & IT-96-23/1, Judgment dated 22 February 2001.

<sup>22</sup> *Limaj*, First Instance Judgment, para. 509.

<sup>23</sup> *Kvočka*, First Instance Judgment, para. 251; *Limaj*, First Instance Judgment, para. 509.

73. All the foregoing suggests the conclusion that there is sufficient evidence proving the guilt of the Accused Rasema Handanović, and that all the underlying elements of the criminal offenses of War Crimes against Civilians under Article 173(1)(c) and War Crimes against Prisoners of War under Article 175(1)(a) of the CPC of BiH have been satisfied by the acts of the Accused. The Court concluded that all other requirements set forth in Article 231 of the CPC of BiH have also been satisfied, wherefore it accepted the referenced Plea Agreement.

## VIII. SENTENCING

74. Having ruled on the type and duration of the sentence as proposed and determined under the Plea Agreement pursuant to Articles 42, 49 and 50 of the Criminal Code of Bosnia and Herzegovina, for the criminal offense of War Crimes against Civilians under Article 173(1)(c) of the CC of BiH, as read with Article 180(1) and Article 29 of the same Code, the Court *i m p o s e d* on the Accused Rasema Handanović the sentence of imprisonment for a term of 5 (five) years, and for the criminal offense of War Crimes against Prisoners of War under Article 175(1)(a) of the CPC of BiH, as read with Article 180(1) and Article 29 of the same Code, the sentence of imprisonment for a term of 5 (five) years. Applying Article 53(2)(b) of the Criminal Code of Bosnia and Herzegovina, the Court sentenced the Accused for the referenced crimes to a compound sentence of imprisonment for a term of 5 years and 6 months.

75. In addition to the evaluation of all the circumstances surrounding the case, the Court was also mindful of the purpose of punishment, particularly serving the interests of justice, and above all, of the interests of the injured parties. The Court has also taken into account the fact that the sentence imposed should be proportionate to the degree of vulnerability of the protected values on the one hand, and the personality of the Accused as a perpetrator, on the other hand, as well as the fact that the purpose of sentence is both general and special deterrence.

76. In fashioning the sentence, the Court was also mindful of the previous life of the Accused Rasema Handanović, namely of the fact that until the moment of commission of the concrete crime she had no prior convictions, that she is a single mother of a minor child, and that at the time of the commission of the crime of which she was found guilty under this Verdict, she was a little older than age 20, namely that pursuant to her age and



life experiences she was within the category of adults who, by the law, could not be sentenced to a long-term imprisonment. The Court has also taken into account that during the war, the Accused herself had survived traumatic experiences of rape and that she had lost her family members, which has in no event justified the crimes she had committed. The Accused has not asked that her acts be justified, but she has rather asked the victims' relatives forgiveness for the pain she had inflicted upon them by her acts. In addition, the Accused showed openness and readiness towards the BiH Prosecutor's Office to offer her full cooperation in order to ensure a better understanding and explanation of the events that took place on 16 April 1993 in the village of Trusina, and of her role and responsibility in these dramatic events. In support of the sincerity of her intentions also stand the facts that the Accused Rasema Handanović has already testified in *Memić et al.* case which is pending before this Court, and that she has expressed her clear intentions to continue doing so in the future, when requested by the Prosecution, and in a way she is bound to under the entered Plea Agreement.

77. In addition to the foregoing, the Court has taken into account that, in such a way, the Accused contributed to the efficiency and economy of the proceedings, and even more importantly, that entering a plea agreement before the main trial commencement limits the need to continually and repeatedly summon the victims to testify in other cases before other courts, and thereby re-experience the painful memories of the war and the events in which they lost their families' closest members.

78. Finally, the Court has found that the sentence imposed is adequate and proportionate to the gravity of crimes committed by the Accused and to the degree of her criminal responsibility, but that she admitted her guilt and expressed her sincere regrets for what she had done.

79. Pursuant to Article 56(1) of the Criminal Code of Bosnia and Herzegovina, the time the Accused spent in custody, running from 13 April 2011 until her committal to serve the sentence of imprisonment, shall be credited towards her sentence of imprisonment.

## **IX. DECISION ON THE COSTS OF PROCEEDINGS AND CLAIMS UNDER PROPERTY LAW**

80. Considering the fact that the Accused Rasema Handanović is currently in custody, the Court has decided, applying Article 56(1) of the CC of BiH, that the time she spent in custody since 13 April 2011 until her committal to serve the sentence of imprisonment, will be credited towards the sentence imposed.

81. Pursuant to Article 188(4) of the CPC of BiH, the Court has relieved the Accused of the duty to reimburse the costs of criminal proceedings given the fact that their payment would jeopardize the support of the Accused and her family.

82. Pursuant to Article 198(2) of the CPC of BiH, the Court has instructed the injured parties that they may pursue their claims under property law in a civil action given the fact that ruling on this matter would significantly affect the length of the criminal proceedings. For the purpose of judicial efficiency and economy, the Court has ruled as stated in the operative part of this Verdict.

**MINUTES-TAKER**

**Elma Karović**

**PANEL PRESIDENT**

**JUDGE**

**Jasmina Kosović**

**NOTE ON LEGAL REMEDY:** An appeal from this Verdict may be filed within 15 days after the receipt thereof. No appeal lies from the decision on sentence.

## X. ANNEX

Examination Record for the witness A, No.: KT-RZ 107/05, BiH Prosecutor's Office (T1);  
Examination Record for the witness A, No.: KT-RZ 107/05, BiH Prosecutor's Office (T2);  
Examination Record for the witness A, No.: KT-RZ 107/05, BiH Prosecutor's Office (T3);  
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T4);  
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T5);  
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T6);  
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T7);  
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T8);  
Examination Record for the witness C, No.: KT-RZ 107/05 BiH Prosecutor's Office (T9);  
Examination Record for the witness D, No.: KT-RZ 107/05 BiH Prosecutor's Office (T10);  
Examination Record for the witness E, No.: KT-RZ 107/05 BiH Prosecutor's Office (T11);  
Examination Record for the witness E, No.: KT-RZ 107/05 BiH Prosecutor's Office (T12);  
Examination Record for the witness E, No.: KT-RZ 107/05 BiH Prosecutor's Office (T13);  
Examination Record for the witness F, No.: KT-RZ 107/05 BiH Prosecutor's Office (T14);  
Examination Record for the witness F, No.: KT-RZ 107/05 BiH Prosecutor's Office (T15);  
Examination Record for the witness F, No.: KT-RZ 107/05 BiH Prosecutor's Office (T16);  
Examination Record for the witness G, No.: KT-RZ 107/05 BiH Prosecutor's Office (T17);  
Examination Record for the witness G, No.: KT-RZ 107/05 BiH Prosecutor's Office (T18);  
Examination Record for the witness G, No.: KT-RZ 107/05 BiH Prosecutor's Office (T19);  
Examination Record for the witness H, No.: KT-RZ 107/05 BiH Prosecutor's Office (T20);  
Examination Record for the witness H, No.: KT-RZ 107/05 BiH Prosecutor's Office (T21);  
Examination Record for the witness H, No.: KT-RZ 107/05 BiH Prosecutor's Office (T22);  
Examination Record for the witness I, No.: KT-RZ 107/05 BiH Prosecutor's Office (T23);  
Examination Record for the witness I, No.: KT-RZ 107/05 BiH Prosecutor's Office (T24);  
Examination Record for the witness I, No.: KT-RZ 107/05 BiH Prosecutor's Office (T25);  
Examination Record for the witness K, No.: KT-RZ 107/05 BiH Prosecutor's Office (T26);  
Examination Record for the witness J, No.: KT-RZ 107/05 BiH Prosecutor's Office (T27);  
Examination Record for the witness J, No.: KT-RZ 107/05 BiH Prosecutor's Office (T28);  
Examination Record for the witness O, No. KT-RZ 107/05 BiH Prosecutor's Office (T29);  
Examination Record for the witness O, No.: KT-RZ 107/05 BiH Prosecutor's Office (T30);  
Examination Record for the witness L, No.: KT-RZ 107/05 BiH Prosecutor's Office (T31);  
Examination Record for the witness M, No.: KT-RZ 107/05 BiH Prosecutor's Office (T32);  
Examination Record for the witness N, No.: KT-RZ 107/05 BiH Prosecutor's Office (T33);  
Examination Record for the witness R, No.: KT-RZ 107/05 BiH Prosecutor's Office (T34);

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Trusina on 16 April 1993, was proposed to be awarded the highest state decoration *Zlatni ljiljan* /Golden Lilly/ (T-292); Order of the Command of the 4<sup>th</sup> Corps number: 02/1-966-122/93 of 13 April 1993 (T-293); VOB 8 Book 2 VJ 5683- 4<sup>th</sup> RSB to the names of Zulfikar Ališpago, Nihad Bojadžić and Samir Šemsović (T-294); VOB 8 Book 4 VJ 5683 – 4<sup>th</sup> RSB to the name of Ahmet Kokić (T-295); Letter of the Dopis Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War number: 07-03-96-1/11 with Vob-2 and Vob-3 to the name of Rasema Handanović (T-296); Vob 8 for Military unit Special Purposes Detachment of the Supreme Staff of ARBiH for Rasema Handanović aka Zolja (T-297); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 9 November 2010 (T-298); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 12 November 2010 (T-299); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 9 December 2011(T-300); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 30 May 2011 (T-301); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 16 December 2011 (T-302); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 14 November 2011 (T-303); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 14 March 2011 (T-304); Decision of the Court of BiH ordering custody of 21 December 2009 No. X-KRN – 09/786 (T-305); ORDER of the Court of BiH issuing international warrant of 31 December 2009 No. X-KRN – 09/786 (T-306); SIPA Official Note No. 17-04/2-04-2-1409/08 of 1 December 2008 with the ID file containing an ID card, photo and a finger print to the name of RASEMA HANDANOVIĆ (T-307) ; Excerpt from the Register of Births 05-13-1-132/09 Municipality Sanski Most of 7 January 2009 to the name of RASEMA HANDANOVIĆ (T-308); Citizenship Certificate No. 05-13-4-14/09 Municipality Sanski Most of 7 January 2009 to the name of RASEMA HANDANOVIĆ (T-309); SIPA Official Note No. 17-04/2-2-04-2-337-564/09 of 4 May 2009 regarding the lack of possibility to arrest RASEMA HANDANOVIĆ (T-310); E-mail by Mr. Michael MacQueen of 2 April 2009 regarding the names used in the USA by RASEMA HANDANOVIĆ (T-311); SIPA Official Note No.: 17-04/2-1-04-2-200/09 I.V. of 17 February 2009 (T-312); VOB VJ 5683 – 4. IDB to the name of Rasema Handanović (T-313); Examination Record for the protected witness M of 17 January 2012 (T-314); Examination Record for the protected witness X of 17 January 2012 (T-315); Examination Record for the protected witness O of 16 January 2012 (T-316); Witness Examination Record for Ramiz Bečirij of 10 January 2012 (T-317); Suspect Questioning Record for Rasema Handanović No. KT-RZ 24/10 of 27 December 2011 (T-318); Suspect Questioning Record for Rasema Handanović No.: T 20 0 KTRZ 0002955 12 of 27 February 2012 (T-319); Official Note of 2 March 2012 (T-320).