

Bosna i Hercegovina

Босна и Херцеговина



Sud Bosne i Hercegovine
Суд Босне и Херцеговине

Case No. S1 1 K 003420 12 Krž 8

Delivered on: 3 February 2015

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Before the Panel of Judges:

Tihomir Lukes, as the Presiding
Mirko Božović, member
Azra Miletić, member

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

v.

RATKO DRONJAK

SECOND INSTANCE VERDICT

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

Ms. Džemila Begović

Counsel for the convicted person Ratko Dronjak:

Mr. Slobodan Perić, Attorney

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Number: S1 1 K 003420 12 Krž 8
Sarajevo, 3 February 2015

IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, Section I for War Crimes, the Panel of the Appellate Division, comprising Judge Tihomir Lukes, as the Presiding, and Judges Mirko Božović and Azra Miletić, as members of the Panel, with the participation of Legal Advisor Elma Karović, as the minutes-taker, in the criminal case against the convicted person Ratko Dronjak, for the criminal offense of Crimes against Humanity, in violation of Article 172(1)(h), in connection with sub-paragraphs a), e), f), i) and k) of the Criminal Code of Bosnia and Herzegovina (CC BiH) and the criminal offense of War Crimes against Prisoners of War, in violation of Article 175(1)(a) and (b) of the CC BiH, as read with Article 180(1) of the CC BiH, upon a Decision of the Constitutional Court of Bosnia and Herzegovina No. AP-3280/13 of 7 October 2014, revoking, in part, the Verdict of the Court of Bosnia and Herzegovina No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, in the part concerning the application of substantive law, after a public session of the Appellate Division attended by the Prosecutor of the BiH Prosecutor's Office, Ms. Džemila Begović, the convicted person Ratko Dronjak and his Defense Attorney, Mr. Slobodan Perić, on 3 February 2015, rendered the following:

V E R D I C T

The Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, is hereby **revised** in the part pertaining to the application of substantive law and the decision on sentence, in the way in which the acts described in Sections **III-5, III-6, III-7, III-8, III-9, III-10, III-11, III-12, III-13, III-14** of which the referenced Verdict found Ratko Dronjak guilty, are legally qualified as the criminal offense of War Crimes against Prisoners of War under Article 144 of the Criminal Code of the Socialistic Federative Republic of Yugoslavia, which was adopted pursuant to the Law on the Application of the Criminal Code of the Republic of Bosnia and Herzegovina and the Criminal Code of SFRY¹, for which criminal

¹ The Decree with the Force of Law concerning the application of the Criminal code of the Republic of Bosnia and Herzegovina and the Criminal Code of the Socialistic Federative Republic of Yugoslavia, which was adopted as the

offense, pursuant to the referenced legal provision, and Articles 33, 38 and 41 of the CC SFRY, the convicted person will receive the following:

SENTENCE OF 10 (TEN) YEARS IN PRISON

and upholding, at the same time, the sentence of **10 (ten) years** in prison, imposed under the Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013 for the criminal offense of Crimes against Humanity, in violation of Article 172(1)(h) of the CC BiH, wherefore, applying Article 48(2)(3) of the CC SFRY, the Court imposes on him the following

COMPOUND SENTENCE OF IMPRISONMENT FOR A TERM OF 15 (FIFTEEN) YEARS

Pursuant to Article 50(1) of the CC SFRY, the time the convicted person spent in custody, running from 21 January 2010 through 14 June 2013, and serving the prison sentence after the finality of the Verdict of the Court of BiH No. S 1 1 K 003420 12 Krž 7 of 21 February 2013 onwards, shall be credited towards the imposed prison sentence.

The Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, shall stay unaltered in the remaining part thereof.

R e a s o n i n g

I. PROCEDURAL HISTORY

1. The Verdict of the Court of Bosnia and Herzegovina, No. S 1 1 K 003420 10 Kri (X-KR-09/684) of 1 June 2012, found the then accused Ratko Dronjak guilty of the criminal offense of War Crimes against Humanity under Article 172(1)(h) and the criminal offense of War Crimes against Prisoners of War under Article 173(1)(c) of the CC BiH, in

Republic law during the imminent danger of war, or during the war time (Official Gazette of the RBiH, No. 6/92) and the Law concerning the Confirmation of the Decree with the Force of Law (Official Gazette of the RBiH, No. 3/94) – hereinafter the adopted CC SFRY.

connection with Articles 29 and 180(1) of the CC BiH, all as read with Article 53 of the CC BiH. Having applied Articles 39, 42, 48, 49 and 50 of the CC BiH for the criminal offense under Article 172(1)(h), in connection with sub-paragraphs a), f) and i), as read with Articles 29 and 180(1) of the CC BiH, the Court of BiH imposed on the Accused a prison sentence for a term of seven (7) years, and for the criminal offense of War Crimes against Civilians under Article 173(1)(c), in connection with Articles 29 and 180(1) of the CC BiH, a prison sentence for a term of nine (9) years, and, applying Article 53(2)(b) of the CC BiH, imposed on the Accused a compound sentence of imprisonment for a term of **15 (fifteen) years**.

2. Having acted upon the appeals filed by the Accused's Defense Attorney and the Prosecution, the Appellate Panel of Section I for War Crimes of the Court of BiH granted, in part, the appeal filed by Counsel for the accused Ratko Dronjak, and the appeal filed by the BiH Prosecutor's Office, and thus revised the Verdict of the Court of BiH No. S 1 1 K003420 10 Kri (X-KR-09/684) of 1 June 2012 in the part concerning the application of criminal code by legally qualifying the acts described under Sections I-1, II-1, II-2, II-3 and II-4, and Sections III-1, III-2, III-3 and III-4 of the enacting clause of the Trial Verdict, of which the Accused was found guilty, as the criminal offense of Crimes against Humanity (by Persecution), under Article 172(1)(h) of the CC BiH, and by qualifying the acts described under Sections III-5 through III-14 of the enacting clause of the Trial Verdict as the criminal offense of War Crimes against Prisoners of War under Article 175(a) and (b) of the CC BiH, all as read with Article 180(1) of the CC BiH. As to the sentencing, applying the referenced provisions and Articles 39, 42 and 48 of the CC BiH for both the criminal offense under Article 172(1)(h) of the CC BiH and the criminal offense under Article 175(a) and (b) of the CC BiH, the Panel meted out the sentence of imprisonment for a term of 10 (ten) years each, and, applying Article 53(2)(b) of the CC BiH, imposed a compound sentence of imprisonment for a term of **18 (eighteen) years**, and upheld the Trial Verdict in the remaining part thereof.

3. Acting upon an appeal filed by the convicted person Ratko Dronjak, on 7 October 2014 the Constitutional Court of Bosnia and Herzegovina (Constitutional Court of BiH) issued Decision No. AP- 3280/13 granting, in part, the referenced appeal, finding a violation of the right to a fair trial under Article II/3.e) of the Constitution of Bosnia and Herzegovina and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, revoking the Verdict of the Court of BiH, No. S 1 1 K

003420 12 Krž 7 of 21 February 2013 in the part concerning the application of substantive law in relation to the criminal offense of War Crimes against the Prisoners of War under Article 175(a) and (b) of the CC BiH. The Constitutional Court has held that the Court of BiH violated the Applicant's right set forth in Article II/3.e) of the Constitution of BiH and Article 6(1) of the European Convention by providing, in relation to the application of Article 175 of the CC BiH, the reasoning which is not compliant with Article 4(2) of the CC BiH, and by failing, in the application of substantive law, to determine the more lenient law from the aspect of both the legally prescribed minimum sentence and the relevant provisions concerning the concurrence of criminal offenses.

4. The Constitutional Court of BiH has noted, in the referenced Decision, that the revoking, in part, of the Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, shall in no way affect the Applicant's deprivation of liberty and remand in custody, which are under the exclusive jurisdiction of the Court of BiH. The case was referred back to the Court of BiH, which shall, as a matter of urgency, render a new decision relating to the sentencing pursuant to Article II/3.e of the Constitution of BiH and Article 6(1) of the ECHR.

5. The same Decision refused, as ill-founded, Ratko Dronjak's appeal filed from the Verdicts of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013 and No. S 1 1 K 003420 10 Kri (X-KR-09/684) of 1 June 2012 in relation to the other appellate arguments concerning the violations of the rights under Article II/3.e) of the Constitution of BiH and Article 6(1) and (2) of the European Convention. The referenced Decision instructed the Court of BiH to notify the Constitutional Court of BiH, within 3 (three) months after the service of the Decision, about the measures undertaken for the purpose of enforcing the Decision.

6. The Decision of the Constitutional Court of BiH, No. AP- 3280/13 of 7 October 2014, was served to the Court of BiH on 18 November 2014.

7. Having acted pursuant to the duty transpiring from the Decision of the Constitutional Court of BiH, No. AP- 3280/13 of 7 October 2014, for the purpose of its urgent implementation, the Appellate Panel scheduled a session, on 1 December 2014, which was re-scheduled until the Constitutional Court of BiH gave its comments, upon a request filed by the BiH Prosecutor's Office to review the Decision of the Constitutional Court of BiH. The Court of BiH received, for information, a letter of the Constitutional Court of BiH,

stating it would not review its Decision for the reasons presented by the BiH Prosecutor's Office, the Appellate Panel held a public session, on 3 February 2015, which was attended by the Prosecutor of the BiH Prosecutor's Office, Ms. Džemila Begović, the convicted person Ratko Dronjak and his Defense Attorney, Mr. Slobodan Perić.

8. The Prosecutor reiterated, in her oral presentation, that the BiH Prosecutor's Office had appealed the Verdict for the decision on criminal sanction and the decision on the costs of criminal proceedings. The Prosecutor argued that the imposed sentence was inadequate for the criminal offense of which Ratko Dronjak was convicted, leaving it to the panel of the Appellate Division of the Court of BiH to evaluate the application of law and possible violations found by the Constitutional Court of BiH.

9. Defense Attorney for the convicted person Ratko Dronjak, Mr. Slobodan Perić, submitted that the decision of the Constitutional Court found two violations: in the part pertaining to the application of a more lenient law, since the minimum prison sentence prescribed under the CC of SFRY for the criminal offense of War Crimes against Prisoners of War was 5 years, and in the part concerning the relevant provisions on the plurality of criminal offenses. Counsel argued that, in relation to the application of the provision relating to the plurality of criminal offenses, more lenient was the provision under the CC SFRY, pursuant to which it was possible to impose a maximum prison sentence for a term of 15 (fifteen) years by applying the provisions on the concurrence of criminal offenses. Thus, Counsel requested that the principle applied in one of the cases of the Court of BiH, where three 10-year prison sentences and one compound prison sentence for a term of 11 years were imposed, be applied to his client too.

II. PROCEDURAL SITUATION AFTER THE DECISION OF THE CONSTITUTIONAL COURT OF BIH

10. Prior to rendering a new decision on sentence pursuant to Article II/3 e) of the Constitution of BiH and Article 6(1) of the ECHR, as ordered under the referenced Decision of the Constitutional Court of BiH, this Panel has held it necessary to provide, in brief, the reasons concerning the new procedural situation after the revocation of the Second Instance Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, in the part as presented above.

11. The Constitutional Court of BiH had adopted, in its Decision, the explicit position

regarding the other appellate arguments advanced by the applicant and convicted person, Ratko Dronjak. In this regard, it was noted that the applicant's arguments, contesting the Verdict of the Court of BiH, *inter alia*, for the violations of Article II/3.e) of the Constitution of BiH and Article 6(1) and (2) of the ECHR, were ill-founded. The reasoning of the Decision of the Constitutional Court of BiH explicitly stated as follows:

“On the other hand, the Constitutional Court has found that the applicant's right to a fair trial under Article II/3.e) of the Constitution of BiH and Article 6(1) and (2) of the European Convention was not violated because in the circumstances, surrounding the concrete case, there is nothing pointing to a conclusion that, in the remaining parts of the contested decisions, the Court of BiH was arbitrary in relation to the other complaints unreasonably advanced by the applicant.”

12. Considering the foregoing reasoning of the Constitutional Court of BiH, it is clear that, in the concrete case, the Constitutional Court did not bring into question the proper verdict of the Court of BiH, in the part relating to the existence of the criminal offense of War Crimes against Prisoners of War and the guilt of the convicted person Ratko Dronjak, for the acts for which the Panels of the Appellate Division of the Court of BiH established his guilt, as well as for the convicted person's guilt for the criminal offense of War Crimes against Humanity under Article 172 of the CC BiH².

13. In view of the foregoing, after receiving the Decision of the Constitutional Court of BiH, the Panel of the Appellate Division of the Court of BiH found itself in a situation, which was not, in fact, regulated by the procedural law, because the CPC BiH contains no rules providing for a possibility of revoking a final verdict and remanding the case for renewed proceedings.³ Particularly, the CPC of BiH contains no provisions to act upon in the case a second instance verdict was rescinded by a decision of the Constitutional Court of BiH, in the part pertaining to the decision on the “application of substantive law”, when the issue of guilt is undisputed, such as the situation in the concrete case. Therefore, starting primarily from the fact that the Constitutional Court of BiH ordered the Court of BiH to render a new decision, as a matter of urgency, in relation to the sentencing, this Panel made efforts to find the most efficient possible way to act in such a situation.

² This is a reason too for the Constitutional Court of BiH to revoke the Verdict of the Court of BiH, No. X S 1 1 K 003420 12 Krž 7 of 21 February 2013 only in the part relating to the application of substantive law to the criminal offense of War Crimes against Prisoners of War under Article 175(a) and (b) of the CC BiH.

³ Article 315 of the CPC BiH governs the requirements for the revocation of the first instance verdict, where the Appellate Panel itself will conduct the trial.

14. The Appellate Panel has held that, in the concrete situation, it is most efficient to act pursuant to Article 314 of the CPC BiH. The referenced Article provides that “*By honoring an appeal, the Panel of the Appellate Division shall render a verdict revising the verdict of the first instance if the Panel deems that the decisive facts have been correctly ascertained in the verdict of the first instance and that in view of the state of the facts established, a different verdict must be rendered when the law is properly applied.*” The Panel bore in mind that, when the appellate panel concludes the Trial Panel misapplied the law, but it is satisfied with the properly established state of facts by the Trial Panel, it will revise the verdict in the light of the proper application of law, and if needed, mete out an adequate sentence, as provided for in Articles 314 and 308 of the CPC BiH.

15. In the concrete case, there is no appeal to be the subject of adjudication. Despite the foregoing, the Panel has taken account of the fact that the Decision of the Constitutional Court of BiH found that the Panel of the Appellate Division of the Court of BiH misapplied the law. In the regular proceedings, such a decision may be rendered by the Appellate Panel when such an appellate complaint exists. In the process, deciding on the other Applicant’s objections too, the Constitutional Court found no *arbitrariness in the contested Verdict in the determination and evaluation of the facts, nor any other violations of the procedure*. Therefore, it ensues from the decision of the Constitutional Court of BiH that the Constitutional Court is satisfied with the state of facts properly established by the Appellate Panel of the Court of BiH in the Verdict No. S 1 1 K 003420 12 Krž 7 of 21 February 2013. Therefore, in the Panel’s view, the factual situation is similar to the procedural situation regulated under Article 314 of the CPC BiH. For this very reason, in the absence of strict legal provisions regulating the way of taking action in a situation as appeared in the concrete case, the Panel has held it is most functional and efficient, for the purpose of rendering a new decision to remedy the violation found under the Decision of the Constitutional Court of BiH, which is binding on this Court, as a matter of urgency, as ordered by the Decision of the Constitutional Court, to revise the Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, in the way as stated in the enacting clause of the Verdict.

III. APPLICABLE LAW

16. In rendering the previous Verdict, which was by the above referenced Decision of the Constitutional Court of BiH revoked in the part pertaining to the application of substantive law, the Appellate Panel has considered the issue of the application of the more lenient

law to the criminal offense of War Crimes against Prisoners of War. The Appellate Panel has carried out a comparative analysis of the sentences prescribed under the adopted CC SFRY and the CC BiH in relation to the statutory magnitude of the sentence. The Appellate Panel had noted that, with regard to the statutory minimum sentence, the CC BiH is not more lenient or more favorable to the Accused, as the law applicable at the time of prosecution. This is because the CC SFRY prescribes, for the referenced offense, a sentence not less than five years in prison, while the sentence prescribed under the CC BiH is not less than ten years in prison. However, bearing in mind that the established sentence for the criminal offense of War Crimes against Prisoners of War for a term of 10 (ten) years in prison is possible under both referenced laws, in order to avoid the combining of the laws in relation to the Accused and his acts, the Appellate Panel applied to this offense too the law of the time of prosecution, as well as to the offense of Crimes against Humanity under Article 172 of the CC BiH, but did not bring the Accused into a less favorable position. The previous Verdict provided a comprehensive body of arguments for the foregoing, which is why it will not be repeated here.

17. Obviously, the Constitutional Court of BiH did not uphold such a line of arguments, since its Decision revoked the previous Verdict in this part, pursuant to which the Appellate Panel's reasoning relating to the application of the law more lenient to the perpetrator is, essentially, non-compliant with Article 4(2) of the CC BiH. In view of the foregoing, this Panel has addressed the issue of application of the more lenient law for the criminal offense of War Crimes against Prisoners of War from the aspect of the statutory prescribed minimum sentence.

18. Article 4(1) of the CC BiH provides 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. The same Article, in paragraph 2, provides for an exemption from the foregoing: *"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."*

19. Pursuant to the CC SFRY⁴, as the law that was in force at the time when the offense was committed, the criminal offense of War Crimes against Prisoners of War carries a

⁴ Article 144 of the CC SFRY: "Whoever, in violation of the rules of international law, orders, murders, tortures or inhuman treatment of prisoners of war, including therein biological experiments, causing of great

sentence of imprisonment for a term not less than five years, while pursuant to the CC BiH⁵ the same criminal offense carries a prison sentence of not less than ten years. A comparison between these two laws from the aspect of the statutory prescribed minimum sentences, pursuant to Article 4(2) of the CPC BiH, the CC BiH is not more lenient to the perpetrator. This Panel has, along this line, qualified the criminal offense of War Crimes against Prisoners of War pursuant to Article 144 of the CC SFRY, as the law that was in effect at the time when the criminal offense was committed.

IV. SENTENCING

20. In ruling on the sentence, the Panel has relied on the general rules governing the meting out of the sentence set forth in Article 41 of the CC SFRY, and the purpose of punishment set forth in Article 33 of the CC SFRY. In the process, pursuant to Article 41(1) of the CC SFRY, the Panel imposed on the convicted person Ratko Dronjak a prison sentence for the criminal offense of War Crimes against Prisoners of War under Article 144 of the CC SFRY for a term of 10 (ten) years. The Panel has considered this sentence adequate given the degree of criminal activity, the number of offenses and the circumstances of the crime in the concrete case.

21. Therefore, all the circumstances affecting the length of sentence were properly evaluated in the Verdict of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013. The Court of BiH had properly used its discretionary powers in the evaluation of the aforementioned circumstances and concluded that they all, in their entirety, justify the sentence imposed.

22. However, executing the Decision of the Constitutional Court of BiH, and applying the CC SFRY, which was in effect at the relevant time, regardless of the fact that under the Second Instance Verdict the convicted person received a prison sentence for a term of 10

suffering or serious injury to the bodily integrity or health, compulsive enlistment into the armed forces of an enemy power, or deprivation of the right to a fair and impartial trial, or who commits some of the foregoing acts, shall be punished by imprisonment for not less than five years or by the death penalty.”

⁵ Article 175 of the CC BiH: „Whoever, in violation of the rules of international law, orders or perpetrates in regard to prisoners of war any of the following acts: a) Depriving another persons of their life (murders), intentional infliction of severe physical or mental pain or suffering upon persons (tortures), inhuman treatment, including therein biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation; b) Causing of great suffering or serious injury to bodily integrity or health; c) Compulsive enlistment into the armed forces of an enemy power, or deprivation of the right to a fair and impartial trial, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.“

years for the criminal offense of War Crimes against Prisoners of War under Article 175 of the CC BiH, which is a special minimum under the referenced Code, this Panel has not imposed on the convicted person Ratko Dronjak a 5-year prison sentence pursuant to the CC SFRY as a special minimum for this criminal offense. This is because the circumstances surrounding the concrete case indicate that a 5-year prison sentence would be an inadequate sentence by which the purpose of punishment could not be achieved.

23. In view of the foregoing, this Panel has held that a sentence of imprisonment for a term of 10 (ten) years is the only adequate punishment considering the gravity of the committed crime, as well as the circumstances under which the offense was committed, its consequences, the way of commission, the concrete acts of the convicted person, and his personality, and that thereby, the purpose of punishment, set forth in Article 33 of the CC SFRY, shall be achieved.

24. Also, under the final Verdict of the Appellate Panel of the Court of BiH, No. S 1 1 K 003420 12 Krž 7 of 21 February 2013, Ratko Dronjak was convicted for the criminal offense of Crimes against Humanity under Article 172 of the CC BiH, and received a prison sentence for a term of 10 (ten) years, and the Constitutional Court did not revoke the referenced Verdict in this part.

25. Bearing in mind that, in the concrete case, the convicted person Ratko Dronjak is found guilty of committing two criminal offenses, with the acts specified in the enacting clause of the Verdict, and received a prison sentence for each offense at issue, the Decision of the Constitutional Court indicated that, in applying both the substantive law and the more lenient law, an account should be taken of the provision on the concurrence of criminal offenses that is more lenient to the perpetrator too.

26. Having compared the provisions on the concurrence of criminal offenses under Article 53(2)(b) of the CC BiH and Article 48(2)(3) of the CC SFRY, the Panel has concluded that the CC SFRY is the more favorable law.

27. Article 53(2)(b) of the CC BiH provides as follows:

“If the court has determined punishment of imprisonment for the concurrent criminal offences, the compound punishment must be higher than each of the individual punishments, but the compound punishment may not be as high as the sum of all incurred punishments, nor may it exceed a period of twenty years;

28. Article 48(2)(3) of the CC SFRY provides as follows:

“If the court has decided upon punishments of imprisonment for the combined criminal acts, the integrated punishment shall consist of an aggravation of the most severe punishment assessed, but the aggravated punishment may not be as high as the total of all incurred punishments, and may not exceed a period of 15 years' imprisonment.”

29. In view of the foregoing, in meting out a compound sentence of imprisonment, the Appellate Panel has taken into account the statutory prescribed sentence limit pursuant to the CC SFRY, namely that a compound punishment must be higher than each of the individual punishments, but may not be as high as the sum of all incurred punishments, and may not exceed a period of fifteen years' imprisonment. Therefore, applying Article 48(2)(3) of the CC SFRY, the Appellate Panel imposed on the convicted person Ratko Dronjak a compound sentence of imprisonment for a term of 15 (fifteen) years, which it deems, in the given legal circumstances, as the only adequate punishment considering the gravity of the committed criminal offenses and the individually incurred prison sentence.

30. Pursuant to Article 50 of the CC SFRY, the Appellate Panel credited the time the Accused spent in custody, running from 21 January 2010 through 14 June 2013, and the time spent serving the prison sentence imposed under the Verdict of the Court of BiH, No. S1 1 K 003420 12 Krž 7 of 21 February 2013, towards the imposed prison sentence.

31. In view of all the foregoing, and pursuant to Article 314 of the CPC BiH, the Appellate Panel has revised the contested Verdict in the parts concerning the legal qualification of the offense and the decision on criminal sanction, and decided as stated in the enacting clause of the present Verdict.

MINUTES-TAKER
Legal Advisor

Elma Karović

PANEL PRESIDENT
JUDGE

Tihomir Lukes

NOTE ON LEGAL REMEDY: No appeal lies from this Verdict.