

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-05/18-PT

IN TRIAL CHAMBER No. 3

Before: Judge Iain Bonomy, Presiding  
Judge Christoph Flügge  
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Date: 14 April 2009

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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MOTION TO DISMISS FOR ABUSE OF PROCESS

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The Office of the Prosecutor:

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic respectfully moves for an order dismissing his indictment due to abuse of process by the prosecution which is designed to intimidate and discourage his potential witnesses in Bosnia and which denies him the possibility of a fair trial.

**The Facts**

2. On 2 December 2008, at approximately 3:00 a.m., the residence of the wife of Dr. Karadzic in Pale, Bosnia was raided by international troops, who claimed to be acting on behalf of the ICTY.

3. As reported by the news media that day, soldiers were seen carrying out boxes and suitcases from the home. NATO spokesman Derek Chappell said that the purpose of the 3 a.m. raid was to question Dr. Karadzic's family members about Dr. Karadzic's connection to ICTY fugitives.



In this video image NATO peacekeepers in Bosnia secure the area outside the home of Serbian war criminal Radovan Karadzic's wife Ljiljana during a raid and interview with his family members over suspected links with war crimes fugitive Ratko Mladic.



In this video image NATO peacekeepers in Bosnia, secure the area outside the home of Radovan Karadzic's wife Ljiljana, right on doorstep, during a raid and interview with family members over suspected links with war crimes fugitive Ratko Mladic, in Pale, some 20 kilometers east of the Bosnian capital Sarajevo on Tuesday, Dec. 2, 2008.<sup>1</sup>

4. On 5 December 2008, Dr. Karadzic's legal advisor wrote to the Office of High Representative in Bosnia:

I note with great concern the actions of NATO troops in searching the home where Dr. Karadzic's wife was living at 3 a.m. on 2 December 2008 and interrogating the people there. This is a highly unusual and invasive law enforcement tactic.

Actions such as this can have a serious interference with our defence at the ICTY by intimidating and discouraging potential witnesses and sources of information for us. While I recognize that there is a legitimate law enforcement objective in apprehending fugitives, I am concerned that the manner in which this objective is carried out not have negative implications for Dr. Karadzic's right to a fair trial.<sup>2</sup>

5. After claiming that his Office was not involved in the raids and referring Dr. Karadzic to the relevant authorities, the Office of High Representative never responded to

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<sup>1</sup> Bosnia News, "NATO Troops raid home of Serbian War Criminal Radovan Karadzic's Wife" (2 December 2008), <http://bosnianews.blogspot.com/2008/12/nato-troops-raid-home-of-serbian-war.html>

<sup>2</sup> This letter is attached as "Annex A" to this motion.

Dr. Karadzic's two further letters asking who the relevant authorities were who were responsible for this raid.<sup>3</sup>

6. When Dr. Karadzic raised this matter with the Trial Chamber at a status conference on 19 January 2009, he was questioned about the link between the search and the ICTY and advised to file a written motion if he believed such a link existed.<sup>4</sup>

6. On 27 March 2009, they struck again, this time conducting a search of the residence of Dr. Karadzic's wife's sister in Pale. The search, which lasted for 2 ½ hours, was conducted pursuant to an order of a Bosnian court in Sarajevo.

7. On 1 April 2009, Dr. Karadzic made a written request to the prosecution for information about these two searches.<sup>5</sup> No response has ever been received.

8. When Dr. Karadzic raised this matter with the Trial Chamber at a status conference on 2 April 2009, he was once again advised to file a written motion if he had evidence of illegal action on the part of the ICTY.<sup>6</sup>

9. Dr. Karadzic wrote additional letters to the ICTY Registrar, Office of High Representative in Bosnia, and the NATO Commander in Sarajevo on 4 April 2009 requesting information on these searches.<sup>7</sup> However, on 7 April 2009, the Registrar denied having any information or involvement in these searches and refused to serve the letters on the High Representative and NATO.<sup>8</sup>

10. Despite the denials of ICTY involvement, Dr. Karadzic has come into possession of the Bosnian Court order for the search of his wife's sister's residence on 27 March 2009. On the last page of the order, it is specifically stated that the search was to be conducted with the involvement of Mr. Julian Nicholls, an attorney with the ICTY Office of the Prosecutor, and Paul Grady, an investigator with the ICTY Office of the Prosecutor.<sup>9</sup>

11. Therefore, although the Office of the Prosecutor has remained silent at the two status conferences about its involvement in these raids, and has not answered Dr. Karadzic's request for disclosure, there is now irrefutable evidence that it is behind these

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<sup>3</sup> See letters of 10 January 2009 and 30 January 2009, attached as Annexes B and C to this motion.

<sup>4</sup> Transcript of 19 January 2009 at pp 95-100

<sup>5</sup> A copy of his letter is attached as Annex D to this motion.

<sup>6</sup> Transcript of 2 April 2009 at pp. 181-85

<sup>7</sup> These letters are attached as Annexes E, F, and G

<sup>8</sup> The Registrar's letter is attached as Annex H.

<sup>9</sup> The order is attached as Annex I to this motion.

raids and is responsible for the distress and alarm they have caused among persons who will be needed as defence witnesses for Dr. Karadzic.

12. If the prosecution is ready for trial and has a strong case against Dr. Karadzic as it repeatedly claims, what possible justification could there be for conducting these searches 14-17 years after the events in his indictment?

13. Because the real and only purpose of these raids is to make it impossible for Dr. Karadzic to mount a defence, and to have a fair trial, Dr. Karadzic respectfully requests that the Trial Chamber dismiss his case for abuse of process by the prosecution.

#### **The Law**

14. The Appeals Chamber has established that the Tribunal has an inherent power to stay proceedings which are an abuse of process, such a power arising from the need for the Tribunal to be able to exercise effectively the jurisdiction which it has to dispose of the proceedings.<sup>10</sup>

15. A Chamber may decline – as a matter of discretion – to exercise its jurisdiction in cases “where to exercise that jurisdiction in light of serious and egregious violations of the accused’s right would prove detrimental to the court’s integrity.”<sup>11</sup> The abuse of process doctrine may be relied on if “in the circumstances of a particular case, proceeding with the trial of the accused would contravene the court’s sense of justice.”<sup>12</sup>

16. In the *Nikolic* case, the Trial Chamber found that the circumstances of the accused’s arrest by SFOR were not so egregious as to warrant declining to exercise jurisdiction.<sup>13</sup> However, that decision rested in large part on the lack of involvement of the ICTY and its prosecutors in the offensive conduct. In Dr. Karadzic’s case, he has irrefutable evidence of the direct involvement of the Office of the Prosecutor in the violation of the rights of the accused to a fair trial.

#### **Request for Evidentiary Hearing**

17. Dr. Karadzic has been given the run-around in his effort to get to the bottom of the responsibility for the searches directed at disrupting his defence. The Office of

<sup>10</sup> *Prosecutor v Bobetko*, No. IT-02-62-AR54bis, *Decision on Challenge by Croatia to Decision and Orders of Confirming Judge* (29 November 2002) at para. 15

<sup>11</sup> *Barayagwiza v Prosecutor*, No. ICTR-97-19-AR72, *Decision* (3 November 1999) at para. 74

<sup>12</sup> *Barayagwiza v Prosecutor*, No. ICTR-97-19-AR72, *Decision* (3 November 1999) at para. 75

<sup>13</sup> *Prosecutor v. Nikolic*, No. IT-94-2-PT, *Decision on Defence Motion Challenging the Exercise of Jurisdiction by the Tribunal* (9 October 2002) at para. 69

High Representative in Bosnia has refused to answer his inquiries, the Office of the Prosecutor has failed to respond to his request for disclosure, and the Registrar refuses to even deliver Dr. Karadzic's request for information to NATO.

18. The Trial Chamber is respectfully requested to hold an evidentiary hearing at which the justification, if any, and the responsibility for these searches can be definitively determined, and, at the conclusion of such a hearing, or in lieu of such a hearing, dismiss the indictment or stay the proceedings, as a result of the abuse of process in this case.

Word count: 1410

Respectfully submitted,

  
Radovan Karadzic

## **ANNEX “A”**

**PETER ROBINSON**  
*International Criminal Law*  
**P.O. Box 1844**  
**Santa Rosa, California 95402**  
**(707) 575-0540**  
**E-mail: [peter@peterrobinson.com](mailto:peter@peterrobinson.com)**

December 5, 2008

The Honorable Miroslav Lajcak  
High Representative and  
EU Special Representative  
Emerika Bluma 1  
71 000 Sarajevo, Bosnia

FAX: 387 33 283 501

Re: Searches directed at Karadzic family members

Dear Representative Lajcak,

I am assigned by the International Criminal Tribunal for the former Yugoslavia (ICTY) as Legal Advisor to Radovan Karadzic.

I note with great concern the actions of NATO troops in searching the home where Dr. Karadzic's wife was living at 3 a.m. on 2 December 2008 and interrogating the people there. This is a highly unusual and invasive law enforcement tactic.

Actions such as this can have a serious interference with our defence at the ICTY by intimidating and discouraging potential witnesses and sources of information for us. While I recognize that there is a legitimate law enforcement objective in apprehending fugitives, I am concerned that the manner in which this objective is carried out not have negative implications for Dr. Karadzic's right to a fair trial.

In order to determine whether the actions of NATO troops on the morning of 2 December 2008 ought to be the basis of a motion filed in Dr. Karadzic's case at the ICTY, I am requesting that you kindly inform me of the legal authority for that raid. Was there a search warrant or other order signed by a judge? Was there some other legal process which authorized the raid?



The Honorable Miroslav Lajcak

--page two--

I would appreciate it if you would provide me with copies of any legal process which explains the basis for the raid. If there was no written authorization, I would appreciate it if you could inform me upon what basis the raid was undertaken.

By way of background on me, I have been working at the ICTY since 2000, and have also been lead counsel in a case at the International Criminal Tribunal for Rwanda since 2002. I was a federal prosecutor in the United States for ten years and a criminal defence lawyer in the United States for 12 years after that. For what it is worth, I have been listed in the publication, *Best Lawyers in America* and have the highest rating for legal ethics in the Martindale Hubbell law directory.

Thank you very much for your cooperation, and I look forward to hearing from you soon. It is best to contact me at the e-mail address listed above.

Respectfully,

/s/

PETER ROBINSON  
Legal Advisor  
Radovan Karadzic Defence Team--ICTY

CC: Raffi Gregorian  
Trial Chamber III, ICTY

## **ANNEX B**

**PETER ROBINSON**  
*International Criminal Law*  
**P.O. Box 1844**  
**Santa Rosa, California 95402**  
**(707) 575-0540**  
**E-mail: [peter@peterrobinson.com](mailto:peter@peterrobinson.com)**

10 January 2009

Mr. Edouard d'Aoust  
Head of Department of Legal Affairs  
High Representative and  
EU Special Representative  
Emerika Bluma 1  
71 000 Sarajevo, Bosnia

FAX: 387 33 283 501

Re: Searches directed at Karadzic family members

Dear Mr. d'Aoust,

Thank you for your letter of 5 January 2009. It was gratifying to get a response, and I apologize for your office not having received my first letter.

You indicate that the Office of High Representative was not involved in the search and detention of Dr. Karadzic's wife and others on 2 December 2008 and have referred me to the relevant authorities.

Who are the relevant authorities? I would appreciate it if you could provide me with their identities and contacts. I am particularly interested in knowing which civilian authorities authorized or were involved in the search of this private residence so I might review the appropriate warrants or other legal documentation which authorized it.

Your clarification would be most appreciated.

Respectfully,

PETER ROBINSON  
Legal Advisor  
Radovan Karadzic Defence Team

## **ANNEX "C"**

**PETER ROBINSON**  
*International Criminal Law*  
**P.O. Box 1844**  
**Santa Rosa, California 95402**  
**(707) 575-0540**  
**E-mail: [peter@peterrobinson.com](mailto:peter@peterrobinson.com)**

30 January 2009

Mr. Edouard d'Aoust  
Head of Department of Legal Affairs  
High Representative and  
EU Special Representative  
Emerika Bluma 1  
71 000 Sarajevo, Bosnia

FAX: 387 33 283 501

Re: Searches directed at Karadzic family members

Dear Mr. d'Aoust,

Can you please respond to my letter of 10 January 2009,  
attached?

Thank you.

Respectfully,

PETER ROBINSON  
Legal Advisor  
Radovan Karadzic Defence Team

cc: Miroslav Lajcak

## **ANNEX "D"**

Dr. Radovan Karadzic

1 April 2009

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff  
Office of the Prosecutor  
ICTY

I am requesting that you provide me with copies of the following items which are material to the preparation of my defence:

1. Copies of all reports, memoranda, e-mails or other correspondence, applications and orders for legal process, photographs, and seized items pertaining to searches conducted in Republika Srpska on the residences of family members of Dr. Radovan Karadzic on or about 2 December 2008 (wife of Dr. Karadzic) and on or about 27 March 2009 (sister of Dr. Karadzic's wife).

Thank you for your cooperation.

Yours truly,



Dr. Radovan Karadzic

# **ANNEX "E"**



Dr. Radovan Karadzic  
International Criminal Tribunal for  
The Former Yugoslavia  
The Hague, The Netherlands

6 April 2009

Mr. John Hocking  
Acting Registrar  
International Criminal Tribunal for  
the former Yugoslavia

Dear Mr. Hocking,

On 2 December 2008 and again on 27 March 2009, authorities conducted raids on the homes of my family members in Bosnia. These raids prejudice my defence at the ICTY by creating a climate of fear among those who I am counting on to support my defence, either as witnesses or persons providing information to my defence team.

If there is a legal basis for these raids, I would like to know what it is. If not, I intend to bring a motion before the Trial Chamber of the ICTY alleging interference with my defence case by those authorities who participated in these raids.

Therefore, I am requesting the various entities who may have been involved in these raids to provide me with copies of the following documents:

Copies of all reports, memoranda, e-mails or other correspondence, applications and orders for legal process, photographs, and seized items pertaining to searches conducted in Republika Srpska on the residences of family members of Dr. Radovan Karadzic on or about 2 December 2008 (wife of Dr. Karadzic) and on or about 27 March 2009 (sister of Dr. Karadzic's wife).

After each of these raids, the authorities in Bosnia claim to be acting at the request of and in cooperation with the ICTY. I have requested this information from the Office of the Prosecutor to no avail. Therefore, in the event that the Registrar, or anyone working for the Registry, in furtherance of its investigation of my assets or other purpose, is in possession of any documents which meet the above description, I am requesting that such documents be disclosed to me.

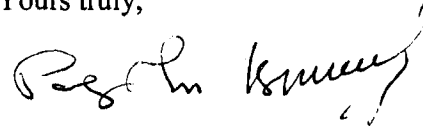
Furthermore, I am making the same request of the Office of High Representative and NATO in Bosnia. I am attaching letters I have drafted to these entities with the request that you serve them through diplomatic channels. These letters are the first step in what will likely be a motion under Rule 54 *bis* for a binding order .

Mr. John Hocking

--page two--

Thank you for your cooperation.

Yours truly,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', with a stylized flourish at the end.

Radovan Karadzic

## **ANNEX "F"**

Dr. Radovan Karadzic  
International Criminal Tribunal for  
The Former Yugoslavia  
The Hague, The Netherlands

6 April 2009

The Honorable Valentin Inzko  
High Representative and  
EU Special Representative  
Emerika Bluma 1  
71 000 Sarajevo, Bosnia

Dear Representative Inzko.

On 2 December 2008 and again on 27 March 2009, authorities conducted raids on the homes of my family members in Bosnia. These raids prejudice my defence at the ICTY by creating a climate of fear among those who I am counting on to support my defence, either as witnesses or persons providing information to my defence team.

If there is a legal basis for these raids, I would like to know what it is. If not, I intend to bring a motion before the Trial Chamber of the ICTY alleging interference with my defence case by authorities under your control.

Therefore, I am requesting that you provide me with copies of the following documents:

Copies of all reports, memoranda, e-mails or other correspondence, applications and orders for legal process, photographs, and seized items pertaining to searches conducted in Republika Srpska on the residences of family members of Dr. Radovan Karadzic on or about 2 December 2008 (wife of Dr. Karadzic) and on or about 27 March 2009 (sister of Dr. Karadzic's wife).

You may contact my Legal Advisor Peter Robinson at [peter@peterrobinson.com](mailto:peter@peterrobinson.com) if you have any questions about this request. If I have not had a response within 10 days of service of this letter on your office, I will seek an order from the Trial Chamber for you to produce this material.

Yours truly,

  
Dr. Radovan Karadzic

# **ANNEX "G"**

Dr. Radovan Karadzic  
International Criminal Tribunal for  
The Former Yugoslavia  
The Hague, The Netherlands

6 April 2009

Brigadier General Sabato Errico  
Senior Military Representative  
North Atlantic Treaty Organization  
Camp Butmir  
Sarajevo, Bosnia 71000

Dear General Errico,

On 2 December 2008 and again on 27 March 2009, authorities conducted raids on the homes of my family members in Bosnia. These raids prejudice my defence at the ICTY by creating a climate of fear among those who I am counting on to support my defence, either as witnesses or persons providing information to my defence team.

If there is a legal basis for these raids, I would like to know what it is. If not, I intend to bring a motion before the Trial Chamber of the ICTY alleging interference with my defence case by those authorities who participated in these raids.

Therefore, I am requesting that you provide me with copies of the following documents:

Copies of all reports, memoranda, e-mails or other correspondence, applications and orders for legal process, photographs, and seized items pertaining to searches conducted in Republika Srpska on the residences of family members of Dr. Radovan Karadzic on or about 2 December 2008 (wife of Dr. Karadzic) and on or about 27 March 2009 (sister of Dr. Karadzic's wife).

You may contact my Legal Advisor Peter Robinson at [peter@peterrobinson.com](mailto:peter@peterrobinson.com) if you have any questions about this request. If I have not had a response within 10 days of service of this letter on your office, I will seek an order from the Trial Chamber for you to produce this material.

Yours truly,



Dr. Radovan Karadzic

## **ANNEX “H”**



United Nations  
Nations Unies



International  
Criminal Tribunal  
for the former  
Yugoslavia

Registry

Tribunal Penal  
International pour  
l'ex-Yougoslavie

Greffé

7 April 2009

Dear Mr. Karadžić,

I write to you in relation to your letter dated 6 April 2009 in which you request that any material, obtained in the course of "raids" on the residences of your family members in Republika Srpska on or about 2 December 2008 and 27 March 2009, be disclosed to you. Further, you request that two additional letters, attached to your letter, be served on the Office of the High Representative (OHR) and the North Atlantic Treaty Organisation (NATO) in Bosnia, through diplomatic channels.

In the letter, you do not identify the authorities which conducted these "raids". However, you do state that the authorities claimed to be acting at the request of and in cooperation with the ICTY. I would like to inform you that the Registry of the ICTY has had no involvement in the events you are referring to. Further, no staff member of the Registry, acting in his/her official capacity, obtained any of the requested material in relation to these events.

In relation to the second part of your request, you will recall that in my letter dated 30 March 2009, I advised you that the diplomatic channels of the Registry are reserved only for its correspondence. Hence, the Registry cannot accommodate the requested service. I note that you already possess addresses of both OHR and NATO. Therefore, you can establish direct contact with the two organisations.

I further note that the Registry is currently remunerating services of two of your legal associates and one investigator and that you additionally engaged seven *pro bono* legal associates. These persons are expected to undertake such duties and not Registry staff.

Should you need additional information in relation to the above, please feel free to contact the *Pro Se* Office.

Yours sincerely,

John Hocking  
Acting Registrar

To: Mr. Radovan Karadžić,  
UNDU  
Cc: Mr. Peter Robinson, Legal Advisor  
/per email/  
Mr. Goran Petronijević, Legal Advisor  
/per email/



# **ANNEX "I"**

SUD BOSNE I HERCEGOVINE



СУД БОСНЕ И ХЕРЦЕГОВИНЕ

Sud BiH / Суд БиХ	
Кривично одељење и Апелационо одељење	
Одељење I : Одељење II / Одељење I : Одељење II	
KRN/06/318	
27-03-2009	
(Str./QTP.)	

Broj: X-KRN-06/318

Sarajevo, 27.03.2009. godine

**HITNO****STROGO POVJERLJIVO**

Sud Bosne i Hercegovine, sudija Snezhana Botusharova kao sudija za prethodni postupak, u postupku pružanja pravne pomoći Međunarodnog krivičnog suda za bivšu Jugoslaviju (MKSJ), odlučujući po zahtjevu Tužilaštva Bosne i Hercegovine broj A – 232/09 od 27.03.2009. godine za izdavanje naredbe za pretres i privremeno oduzimanje predmeta, na osnovu članova 51., 53. stav 2., 55. u vezi sa članom 63. Zakona o krivičnom postupku Bosne i Hercegovine (ZKP BiH), dana 27.03.2009. godine izdaje sljedeću

**NAREDBU**

Nalaže se pretresanje sljedećih prostorija u cilju pronalaska dokaza važnih za krivični postupak koji je u toku pred MKSJ zbog krivičnih djela genocida, zločina protiv čovječnosti i ratnih zločina, i to:

**I**

- Pretres stana/kuće u vlasništvu Ljubice Kerleta-Zelen na adresi ul. Dobroslava Jevđevića broj 0-9, 71 420 Pale
- Pretres kuće u kojoj su smještene prostorije radia "Sv. Jovan" a koja je dio Instituta Sveti Jovan na Palama na adresi: ul. Trifka Grabeža 117, 71 420 Pale

**II**

Prilikom pretresa svih navedenih objekata izvršić se i privremeno oduzimanje predmeta i dokumentacije, uključujući ali ne ograničavajući se na sljedeće:

1. Predsjednička arhiva SR BiH, kasnije Republike Srpske (RS)
2. Djelovodnici službenih putovanja Vlade RS
3. Službeni glasnici RS
4. Knjiga protokola ulazne korespondencije Predsjednika i Narodne skupštine
5. Knjiga protokola izlazne korespondencije Predsjednika i Narodne skupštine
6. Personalni program rada (podsjetnik) Radovana Karadžića
7. Ratne bilješke Radovana Karadžića
8. CV knjige protokola Republičkog centra za komunikacije
9. Knjiga protokola ulazne i izlazne teleks korespondencije
10. Knjiga protokola Ministarstva odbrane, registri i drugi dokumenti
11. Knjiga protokola Ministarstva unutrašnjih poslova, registri i drugi dokumenti
12. Korespondencija Ministarstva unutrašnjih poslova i službene bilješke
13. Zapisnici, registri, drugi dokumenti, odluke i zaključci Nacionalnog savjeta za bezbjednost
14. Zapisnici proširenog Predsjedništva RS-a
15. Bilješke Momčila Krajišnika
16. Bilješke Biljane Plavšić

SUD BOSNE I HERCEGOVINE



СУД БОСНЕ И ХЕРЦЕГОВИНЕ

17. Bilješke Bogdana Subotića
18. Originalni dopisi/pisma od Miloša Vukašinića
19. Originalni dopisi/pisma od Aleksandre zv. Saške Pavićević
20. Odluke, zaključci, zapisnici i zabilješke Predsjedništva i narodne skupštine SRBiH i RS
21. Lična korespondencija Radovana Karadžića
22. Fotografije i spomeni Radovana Karadžića u toku rata i poslije
23. Dokumentacija koja je prije izuzeta u pretresu Pink kuće na Palama 2004. i 2005. godine, koja je vraćena 2004. godine a nestala 2005. godine
24. Hard diskovi kompjutera
25. Floppy diskovi
26. CD-ovi
27. kompjuterske procesne jedinice
28. Lap-top kompjuteri
29. Vojne naredbe, dnevni izvještaji o borbenim dejstvima kao i mjesečni i godišnji sažeci,
30. Drugi dokumenti Komande Vojske RS
31. Naredbe Ministarstva unutrašnjih poslova, dnevni izvještaji o borbenim dejstvima kao i mjesečni i godišnji sažeci
32. Druga korespondencija, drugi dokazi i dokumenti koji upućuju na plan ili zavjeru da se sakrije ili uništi službena dokumentacija RS-a.

Osim navedenih, prilikom pretresa privremeno će se oduzeti i drugi identificirani predmeti koji se mogu dovesti u vezu sa radnjama u vezi sa nestalom predsjedničkom arhivom.

## II

Pretres i oduzimanje predmeta obaviti će sljedeći službenici Ministarstva unutrašnjih poslova (MUP) RS:

- Ranko Karanović, viši inspektor i šef odjeljenja za ratne zločine MUP-a RS,
- Goran Gvero, inspektor u Posebnom odjeljenju za ratne zločine MUP-a RS,
- Milanko Karišik, viši inspektor Posebnom odjeljenju za ratne zločine MUP-a RS,
- Predrag Grubor, inspektor u Posebnom odjeljenju za ratne zločine MUP-a RS,
- Saša Stupar, inspektor u Posebnom odjeljenju za ratne zločine MUP-a RS,
- Goran Balaban, viši inspektor u Specijalnoj policijskoj jedinici MUP-a RS,
- Branislav Kovačević, mlađi inspektor u Specijalnoj policijskoj jedinici MUP-a RS,
- Dragan Šukur, mlađi inspektor u Specijalnoj policijskoj jedinici MUP-a RS,
- Goran Božićković, mlađi inspektor u Specijalnoj policijskoj jedinici MUP-a RS,
- Jovan Mičić, narednik u Specijalnoj policijskoj jedinici MUP-a RS,
- Vedran Simić, mlađi inspektor u Specijalnoj policijskoj jedinici MUP-a RS,
- Saša Japundža, viši policijski službenik u Specijalnoj policijskoj jedinici MUP-a RS,
- Siniša Brborović, viši policijski službenik u Specijalnoj policijskoj jedinici MUP-a RS,
- Duško Opačić, viši policijski službenik u Specijalnoj policijskoj jedinici MUP-a RS, i
- Darko Milić, policijski službenik u Specijalnoj policijskoj jedinici MUP-a RS.

SUD BOSNE I HERCEGOVINE



СУД БОСНЕ И ХЕРЦЕГОВИНЕ

## III

Pretres i oduzimanje predmeta obaviti će se, u skladu sa članom 59. ZKP BiH, u roku od 15 dana od dana izdavanja ove naredbe. Naredba će se u skladu sa članom 55. stav 2. ZKP BiH izvršiti u bilo koje vrijeme zato što postoji osnovana sumnja da pretresanje neće moći biti izvršeno u vremenskom periodu od 6 sati do 21 sata, da će se traženi predmeti skloniti ili uništiti ako se naredba ne izvrši odmah, kao i da će osoba koja se traži pobjeći ili počiniti drugo krivično djelo ili da može ugroziti bezbjednost ovlaštene službene osobe ili druge osobe ako se naredba ne izvrši odmah ili u vremenskom periodu od 21 sata do 6 sati.

Također, u skladu sa članom 55. stav 2. ZKP BiH ovlaštena službena osoba može izvršiti naredbu bez prethodne predaje naredbe iz razloga postojanja osnovane sumnje da se traženi predmeti mogu lahko i brzo uništiti ako se odmah ne oduzmu, da predaja naredbe može ugroziti bezbjednost ovlaštene službene ili druge osobe kao i da će osoba koju se traži počiniti drugo krivično djelo ili ugroziti bezbjednost ovlaštene službene ili druge osobe.

## IV

Prilikom oduzimanja predmeta naznačiće se gdje su isti pronađeni i opisaće se, a po potrebi će se i na drugi način osigurati utvrđivanje njihove istovjetnosti. O privremenom oduzimanju predmeta u smislu člana 63. ZKP BiH izdaće se potvrda koja će biti predata osobama od kojih se predmeti oduzimaju, a sačinje se i zapisnik u smislu odredbe člana 62. ZKP BiH.

## V

Privremeno oduzeti predmeti dostaviti će se Sudu BiH radi evidentiranja u KDP Suda, dok će se potom pohraniti i čuvati u prostorijama Tužilaštva BiH radi eventualnog korištenja u krivičnom postupku.

## VI

O svim preduzetim radnjama po ovoj Naredbi sačiniti će se izvještaj o postupanju i isti dostaviti Sudu, odnosno Tužilaštvu BiH.

## VII

Koordinacija provedbe Naredbe povjerava se međunarodnom tužiocu Tužilaštva BiH, Thierry Pons-u uz podršku službenih lica Tužiteljstva Međunarodnog krivičnog suda, tužitelja Julian Nicholls-a i istražitelj-a Paul Grady-a.

SUDIJA ZA PRETHODNI POSTUPAK

Snezhana Botushar

