

IT-98-32/1-R77.1
D 854- D 850
22 DECEMBER 2009

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**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

CASE NO: IT-98-32/1-R77.1

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

ZUHDIJA TABAKOVIĆ

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia ("Tribunal"), pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia ("Statute of the Tribunal") and Rule 77 of the Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia ("the Rules of the Tribunal"), charges:

ZUHDIJA TABAKOVIĆ

with **CONTEMPT OF THE TRIBUNAL**.

THE ACCUSED

1. **ZUHDIJA TABAKOVIĆ**, son of Ramo, was born on 16 February 1964 in Višegrad, Bosnia and Herzegovina.

CHARGES
COUNT 1 and 2
CONTEMPT OF THE TRIBUNAL

2. On or about 18 October 2008, **Zuhdija TABAKOVIĆ** met with Jelena RAŠIĆ at a café in Sarajevo, Bosnia and Herzegovina. At the time, Jelena RAŠIĆ had been assigned as “case manager” for the Milan LUKIĆ Defence in the case of The Prosecutor v Milan LUKIĆ and Sredoje LUKIĆ, IT-98-32/1-T. During this meeting or shortly after, Jelena RAŠIĆ showed **Zuhdija TABAKOVIĆ** a statement to be used in the case of The Prosecutor v Milan LUKIĆ and Sredoje LUKIĆ, IT-98-32/1-T that had already been prepared and told him she would give him 1,000 euros if he put his name upon it, signed it and had his signature certified at the Novi Grad (Sarajevo) Municipality building. She told him he would be given more money if he came to The Hague to testify in a manner consistent with the statement on behalf of Milan LUKIĆ in the case being brought against him at the Tribunal. **Zuhdija TABAKOVIĆ** read the statement and knew that by putting his name upon it and signing it, he would be providing a false statement. **Zuhdija TABAKOVIĆ** did not witness, and had no knowledge of, the events described in the statement. He nevertheless agreed to put his name upon the statement and to sign it. He knew that the statement was taken for the purpose of being used in Tribunal proceedings. In addition, he agreed to testify before the Tribunal in a manner consistent with the false statement.
3. On or about 20 October 2008, **Zuhdija TABAKOVIĆ** met Jelena RAŠIĆ at the Novi Grad (Sarajevo) Municipality building. He signed multiple copies of the false statement and these signatures were certified by a municipality worker. He gave Jelena RAŠIĆ the original statement and kept a copy.
4. After his signature on the statement was certified, Jelena RAŠIĆ provided to **Zuhdija TABAKOVIĆ** an envelope containing 1,000 euros.
5. On 19 November 2008 a summary of the material parts of his statement appeared in the Defence 65^{ter} Witness List filed with the Chamber and served on the Prosecution. On 20 January 2009 the substance of this statement was served on the Prosecution.

By all of these acts and omissions, **Zuhdija TABAKOVIĆ** committed:

Count 1: Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(A) of the Rules of the Tribunal.

Alternatively by all these acts and omissions, **Zuhdija TABAKOVIĆ** attempted to commit:

Count 2: Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(B) of the Rules of the Tribunal.

COUNTS 3, 4, 5 and 6 CONTEMPT OF THE TRIBUNAL

6. During the meeting referred to in paragraph 2 above, Jelena RAŠIĆ showed **Zuhdija TABAKOVIĆ** two additional pre-prepared statements to be used in the case of The Prosecutor v Milan LUKIĆ and Sredoje LUKIĆ, IT-98-32/1-T and asked him to find two other men [REDACTED] to sign them. Jelena RAŠIĆ told **Zuhdija TABAKOVIĆ** she would also pay each man 1,000 euros for signing statements and more money once they testified in The Hague in a manner consistent with the statements. **Zuhdija TABAKOVIĆ** agreed to find two men [REDACTED] to sign the statements.
7. **Zuhdija TABAKOVIĆ** found two men to sign the statements: [REDACTED], both born in [REDACTED]. On a date between 17 October 2008 and 24 October 2008, **Zuhdija TABAKOVIĆ** met with [REDACTED], showed to each man the pre-prepared statements and asked each whether he would be willing to sign one of the statements in exchange for payment of 1,000 euros. Both

men agreed. [REDACTED] each knew that by putting his name to the statement and by signing it, he would be providing a false statement. Neither man had any knowledge of the events recorded in the statements. **Zuhdija TABAKOVIĆ** also knew that the men would be providing false statements by putting their names to these statements and signing them.

8. On or about 23 October 2008, **Zuhdija TABAKOVIĆ** met with [REDACTED] [REDACTED] near the Novi Grad (Sarajevo) Municipality building. He accompanied each man individually and in turn [REDACTED] first, then [REDACTED] – from the [REDACTED] to the Municipality building. There, he introduced each man to Jelena RAŠIĆ, who accompanied each man in turn into the Municipality building where they signed their false statements and had their signatures certified. As a result of their putting their names upon the statements and signing them, each man received 1,000 euros from a man named “Dragan”, who was associated with Jelena RAŠIĆ. **Zuhdija TABAKOVIĆ** was present at the Municipality building when [REDACTED] signed their statements and were paid, and he escorted each man back to the café.
9. On 19 November 2008 a summary of the material parts of these statements appeared in the Defence 65^{ter} Witness List filed with the Chamber and served on the Prosecution. On 20 January 2009 the substance of these statements was served on the Prosecution.

By all of these acts and omissions, **Zuhdija TABAKOVIĆ** committed:


Count 3 (in relation to [REDACTED]): Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(A) of the Rules of the Tribunal; and

Count 4 (in relation to [REDACTED]): Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(A) of the Rules of the Tribunal.

Alternatively by all these acts and omissions, **Zuhdija TABAKOVIĆ** incited:

Count 5 (in relation to [REDACTED]): Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(B) of the Rules of the Tribunal; and

Count 6 (in relation to [REDACTED]): Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(B) of the Rules of the Tribunal.


for Serge Brammertz
Prosecutor

Dated this 30th day of October 2009
At The Hague
The Netherlands