

**Chapter VI**  
**APPENDIX V**

**Attorney General Ivica Stanić letters to Alija Izetbegovic and other officials.**

HIGHER PUBLIC PROSECUTOR'S OFFICE

S A R A J E V O

[handwritten: A] No. [handwritten: 104/92]

Date: 30 July 1992

[stamp: P R E S I D E N C Y [illegible] REPUBLIC OF BOSNIA AND HERZEGOVINA S A R A J E V O			
Received: [handwritten: 30 July 1992]			
Organisational unit	Number	[illegible]	Values
[handwritten: 02]	011-571		— ]

TO THE PRESIDENCY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA

S A R A J E V O

In accordance with three Legislative Decrees (one on the non-application of the provisions of federal laws and regulations for the enforce of those laws on the territory of BiH<sup>1</sup>, one on the amendments to the Law on Regular Courts, and one on the transposition of the SFRY Criminal Code) military courts were abolished, while at the same time regular courts obtained jurisdiction to try perpetrators of crimes that had been under the jurisdiction of military courts. Therefore, pursuant to these Legislative Decrees, the regular courts now have the jurisdiction to try civilians serving in the Armed Forces of BiH and prisoners of war, with respect to all actions under Articles 13 and 14 of the former Law on Military Courts.

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<sup>1</sup> Translator's note: Bosnia and Herzegovina

Likewise, ordering the detention of military personnel or civilians serving in the Armed Forces for committing crimes which were under the jurisdiction of the former military courts is now under the jurisdiction of regular courts, as well as law enforcement authorities, provided that the duration of the detention is limited to up to three days. In view of the content and importance of the aforementioned Legislative Decrees, the decision to order detention of civilians for criminal offences under the jurisdiction of a military court can no longer be issued by any military officer or any authorised official of the Military Police, but instead the regular court is the only body that has the jurisdiction to issue such decisions.

The same is the case with military prisons that no longer exist as institutions according to the law.

In letters of 17 June 1992 and 22 July 1992, addressed to Minister Jerko Doko and Commandant Sefer Halilović, personally, I pointed to the occurrence of criminal conduct of persons with Military Police insignia, with special reference to unlawful conduct in connection with the apprehension and detention of citizens, mainly Serbs, emphasising that such conduct contained elements of a crime, that members of the Military Police performed such acts because they were not acquainted with the legal regulations (in my personal belief), and that it was necessary for these persons to be acquainted with them, while at the same time it should be requested that the jurisdiction of the Military Police be regulated.

Considering that citizens, mainly Serbs, are still being arrested and detained in so-called military prisons, that recently there has been an increase in the number of families searching for their members that had been taken from their houses/flats by persons wearing Military Police insignia, and

[Beginning of the 2<sup>nd</sup> page of original text.]

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of whom nothing has been heard since, that there have been cases of finding dead bodies in the territory controlled by the Armed Forces of BiH, identity of whom, due to the mutilation of the bodies, cannot, as a rule, be established, and that the dissatisfaction and anxiety in citizens, mainly Serbs, is increasingly evident, which is why, due to all these occurrences, I find it necessary to acquaint you, as the Supreme Command of the Armed Forces of the Republic of Bosnia and Herzegovina during wartime, with this situation.

We understand that you have other responsibilities in the current war situation, but rest assured that solving this problem is also a priority, since on it depends the serenity not only of the part of the Serb population who do not participate in the war on the side of the aggressor but also of the rest of the population of all nationalities, which will also affect the people's confidence in your wishes expressed through the adopted Platform.

For this reason and considering the fact that there are no legal provisions that determine the existence, jurisdiction, and work of the Military Police, as well as the existence of the so-called military prisons, that the current actions of persons in these military formations are unlawful, and that the competent officers in the Armed Forces of BiH have been informed thereof in a timely manner, as the current Public Prosecutor, and in order to protect the interests of the community, I will be forced to institute criminal proceedings against all persons who participate in such unlawful actions or hide the perpetrators of such unlawful actions, unless the status and the jurisdiction of the Military Police are urgently regulated.

Respectfully,

HIGHER PUBLIC PROSECUTOR

Ivica Stanić

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Addendums:

- Letter to Minister Jerko Doko.
- Letter to Sefer Halilović

[stamp: Republic of Bosnia and Herzegovina  
Higher Public Prosecutor's Office in Sarajevo]

HIGHER PUBLIC PROSECUTOR'S OFFICE

S A R A J E V O

No.A. 83/92

Date: 17 June 1992

TO THE MINISTRY FOR NATIONAL DEFENCE OF BiH  
- to the Commandant of the BiH TO<sup>1</sup>, personally -

S A R A J E V O

Through an information document from the Ministry of the Interior of the Republic of BiH (June 1992) we were informed about the occurrence of a rapid increase in all forms of crime, with an indication that among the perpetrators of crimes there have also been persons with insignia of the Territorial Defence and the Military Police.

Usually, these are crimes against property (aggravated theft, robbery, etc.), which are often accompanied by violent behaviour and physical abuse of the victim.

We hereby indicate to 8 such cases that were mentioned in the information document:

- A group of TO members with Military Police insignia, on 9 May 1992, threw two grenades inside the Magnum Restaurant – 18 Kranjičevićeva Street – after which they looted a certain amount of foodstuffs, technical goods, art paintings, and alcohol.
- From the apartment of Desanka Žerajić – 7 Braće Vujčića Street – TO members with Military Police insignia, on 12 May 1992, looted 520 Swiss Francs, DM<sup>2</sup> 1080, 114 dollars, and 30,000 dinars.
- A group of TO members with Military Police insignia, on 9 May 1992, broke into and moved into the flat of Safija Gackić – 23 6. Novembra Street.
- In 3 Kidričeva Street, members of the Military Police, on 13 May 1992, with

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<sup>1</sup> t/n: Territorial Defence

<sup>2</sup> t/n: Deutsche Marks – German Marks, a currency

committing violent acts of assault, confiscated a gun from Dr Omer Bezdob, without issuing a certificate of confiscation of weapons.

- A group of Military Police members securing the President of the Stari Grad Municipal Assembly, on 8 May 1992, robbed the warehouse of the Bosnaplod company. The selling of the stolen goods at the market was later organised and realised.
- TO Military Police stole DM 200 and 100 Swiss Francs from Professor Predrag Vuksanović on 14 May 1992.
- A group of TO members, on 18 May 1992 broke into the Pulmonary Clinic Unit – 4 Dositejeva Street – and looted medical supplies.

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Most shops and warehouses in the city of Sarajevo were robbed, and many citizens stated that they had personally seen such objects being broken into by uniformed persons with insignia of the TO and the TO Military Police.

Since these are serious crimes and since their perpetrators (in my personal belief, there is a small number of those persons) with their conduct do enormous damage to the hard-earned reputation of members of these honourable military formations of our republic, practically doing the same things that the aggressors are doing in the area of Sarajevo and other occupied parts of the Republic, it is necessary for your authorised commanders or officers of the Territorial Defence and Military Police formations to provide us with information on these persons, as well as any evidence, material or subjective, about their involvement in those actions, in order for criminal proceedings against these persons to be instituted. This also applies to all other crimes not covered in this letter, in which members of the TO or Military Police participated as perpetrators. We are convinced, given the above, that it is in your Ministry's interest not to include such persons in the aforementioned formations but to have them prosecuted, which will best preserve the reputation of the members of the TO and Military Police.

Please note that the act of failing to report a crime or perpetrator of a crime entails criminal liability within the meaning of Article 188 of the Criminal Code of the Republic of BiH.

There is an acute problem of the apprehension and detention of citizens by the members

of the TO Military Police, who are not authorised by law to execute such actions, regardless of the reasons for detaining the citizens in custody.

According to the existing Law on Criminal Procedure, which was transposed, as well as the amendments made to that Law, adopted Legislative Decrees, the right to determine and detain citizens in custody as suspected perpetrators of crimes is no longer held by the law enforcement bodies either, but, instead, this right is exclusively within the jurisdiction of the courts, in accordance with strictly prescribed legal procedure.

Since such actions of the members of the TO Military Police contain elements of the crime of unlawful deprivation of liberty as specified in Article 52 of the Criminal Code of the RBiH<sup>3</sup> and since their actions, according to my personal belief, are exclusively the result of ignorance of the law and the result of their belief that with those actions they were contributing to the rapid defeat of the aggressor, and not the result of the misuse of their position, it is necessary to indicate such unlawful conduct to the command staff of the TO Military Police and its members, noting that they are to apprehend the suspected persons, upon discovering them, and bring them to the Security Services Centre.

As the jurisdiction of the Military Police is currently in dispute, I believe that the above information will be useful for the prompt and comprehensive legal resolution, in which your Ministry will participate, especially when it comes to the jurisdiction to search flats and persons in accordance with the existing Law on Criminal Procedure of the RBiH.

Respectfully,

HIGHER PUBLIC PROSECUTOR

Ivica Stanić

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[stamp: Republic of Bosnia and Herzegovina  
Higher Public Prosecutor's Office in Sarajevo]

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<sup>3</sup> t/n: Republic of Bosnia and Herzegovina

HIGHER PUBLIC PROSECUTOR'S OFFICE

S A R A J E V O

No.A. 83/92

Date: 17 June 1992

TO THE MINISTRY FOR NATIONAL DEFENCE OF BiH

- to Minister Doko Jerko, personally -

S A R A J E V O

In the letter No.A.83/92 of 17 June 1992, we informed you of the occurrence of a rapid increase in crime, with an indication that among the perpetrators of crimes there have often been persons with insignia of the Territorial Defence and the Military Police.

To support that claim, we have provided you with 8 such cases and a request (paragraph 3 of Article 153 of the transposed Law on Criminal Procedure) to deliver us the information on those persons, as well as all material evidence you possess in connection with these cases.

However, to date, we have not received any information from you, despite the fact that such persons in your ranks do enormous damage to the reputation of the Army of BiH and its Military Police, and despite the fact that this crime has become more drastic since in some cases it ends in murders.

In addition, the apprehensions of persons, mainly Serbs, by the persons with Military Police insignia, and their detention in custody still persist, even though only the MUP<sup>1</sup> and the regular court have jurisdiction over this type of restriction of citizens' freedom and even though we have already been acquainted with this negative occurrence. Please note that this Prosecution has been informed, though off the record, about the existence of private prisons in which arrested persons are abused, as well as killed, which is confirmed by a number of human bodies found in the areas controlled by the Army and Military Police of BiH. I am convinced that the perpetrators of these crimes are persons that have spun out of your control and the control of your subordinate officers, and that you are also interested in such persons leaving your ranks and having them punished for the crimes

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<sup>1</sup> t/n: Ministry of the Interior

they have committed. The actions of these persons, in relation to the acts of abuse and killing, are no different from the actions of the aggressor against the civilian population. There are rumours in the public about a private prison owned by a person nicknamed "Kruško", who is a member of the Army of BiH.

Pursuant to all of the above, in accordance with paragraph 3 of Article 153 of the Law on Criminal Procedure, you are required to immediately provide us with information on such perpetrators of crimes, and if your services do not possess the information requested or if you know nothing of the aforementioned occurrences, you are also required to inform us thereof.

Respectfully,

HIGHER PUBLIC PROSECUTOR

Ivica Stanić

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Delivered to:

- Defence Minister Jerko Doko
- Commandant Sefer Halilović



HIGHER PUBLIC PROSECUTOR'S OFFICE

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Delivered to:

- Defence Minister Jerko Doko
- Commandant Sefer Halilović