

COUNTY MILITARY COURT IN SARAJEVO  
NUMBER Ki-III 4008/93  
Sarajevo, 16.12.1993

On 15.12.1993, the County Military Court in Sarajevo, specifically investigative judge Nihad Šeremet in the presence of court reporter Vasvija Krupalija, brought the following Decision based on Article 158 Paragraph 1 and Article 159 Paragraph 1, in the criminal investigation procedure against the accused, Senad Hasić and others, for the criminal act war crime against civilians, defined in Article 142 of the CPA of SFRY. By this Decision, it was decided on conducting the investigation of the County Military Prosecutor's Office No. KTV-IV-11/93 from 24.11.1993. The Decision follows:

D E C I S I O N  
O N C O N D U C T I N G T H E I N V E S T I G A T I O N

AGAINST:

1. SENAD HASIĆ, son of father Redžep and mother (illegible), born on 15.06.1956 in Sarajevo, with residence in Sarajevo, Krka street no. 7, member of the 10<sup>th</sup> Hill Brigade, security officer, in custody,
2. DŽEMO TOPALIVIĆ, son of father Nehmed and mother Devlija, born on 27.08.1952 in Sarajevo, with residence in Sarajevo, Gajevi street no. 11, member of the 10<sup>th</sup> H.Br, commander of the battalion, in custody,
3. NIHAD HODŽIĆ, son of father (illegible) and mother Rabija, born on 19.10.1953 in Sarajevo, with residence in Sarajevo, Tome Masarika street no. 11, member of the 10<sup>th</sup> H.Br. assistant commander for intelligence and security affairs of the 3<sup>rd</sup> Battalion, in custody,
4. HUSEIN HODŽIĆ, son of father Ismet and mother Fatima, born of 12.07.1961 in Sarajevo, with residence in Sarajevo, Skenderija street no. 24, deputy commander of the 1<sup>st</sup> Battalion of the 10<sup>th</sup> H.Br, in custody,
5. ASIF ALIBAŠIĆ, son of father (illegible) and mother Hasiba, born on 08.04.1960 in Sarajevo, with residence in Sarajevo, (illegible) street no. 2, member of the 10<sup>th</sup> H.Br, in custody,
6. ZIJO KUBAT, son of father Jusuf and mother Ajša, born on 29.06.1954 in Sarajevo, with residence in Sarajevo, Mrakuša street no. 63, member of the 10<sup>th</sup> H.Br, in custody,
7. SABAHUDIN ŽIGA, son of father Rezrija and mother Nura, born on 08.08.1964, with residence in Sarajevo, Petra Đokića street no. 16, member of the 10<sup>th</sup> H.Br, in custody,
8. ESAD TUCAKOVIĆ, aka. (illegible), son of father Bešlija and mother Sevda, born on 18.04.1958 in Sarajevo, with residence in Sarajevo, Kasindolska street no. 55, chief of technical service in 10<sup>th</sup> H.Br, in custody,

9. SAMIR SEFEROVIĆ, aka. "Cebile," son of father Mustafa and mother Avdija, born on 04.05.1963 in Sarajevo, with residence in Sarajevo, Bistrik brijeg no. 25-A, commander of the 3<sup>rd</sup> Battalion of the 10<sup>th</sup> H.Br, in custody,
10. SUAD OMANOVIĆ, aka. Cuto, son of father Omer and mother Derviša, born on 26.06.1965 in Goražde, with residence in Sarajevo, Boruševac street no 37, a sniper of the 3<sup>rd</sup> Battalion of the 10<sup>th</sup> H.Br, in custody,
11. OMER TENDŽO, son of father Meho and mother Senija, born on 08.12.1960 in Sarajevo, with residence in Sarajevo, Dajanli Osman bega street no. 7, member of the 3<sup>rd</sup> Battalion of the 10<sup>th</sup> H.Br, in custody,
12. SEJO KADIĆ, aka. Guz, son of father Hamdija and mother Hidajeta, born on 30.06.1962 in Sarajevo, with residence in Sarajevo, Božidara Adžije street no. 6, member of the 10<sup>th</sup> H.Br, in custody,
13. SAMIR LJUBOVIĆ, aka. Mićo, son of father Muhamed and mother Avdija, born on 01.07.1963 in Sarajevo, with residence in Sarajevo, Mesuda Džemidžića street no. 3, member of the 10<sup>th</sup> H.Br, in custody,
14. FAHRUDIN RONDJIĆ, son of father Nezir, born on 03.06.1964 in Sarajevo, with residence in Sarajevo, Moše Pijade street no. 26, member of the 3<sup>rd</sup> Battalion of the 10<sup>th</sup> H.Br, in custody,
15. ESAD RAONIĆ, aka. Eso Maskirni, son of father Nusret and mother Mejra, born on 04.08.1972 in Rudo, with residence in Sarajevo, Mala Berkuša street no. 21, member of the 10<sup>th</sup> H.Br, in custody,
16. EMIR TOPALOVIĆ, aka Nane, son of father Sakib and mother Fatima, born on 16.06.1958 in Sarajevo, with residence in Sarajevo, Dragice Pravice street no. 10, in hospital custody,
17. REFIK ČOLAK, son of father Mehmed and mother Aiša, born on 12.04.1971 in Priboj, with residence in Sarajevo, Džeka street no. 62, member of the 10<sup>th</sup> H.Br, in custody,
18. MEVLUDIN SELAK, son of father Salko, born on 25.10.1963 in Čajniče, with residence in Sarajevo, in Velika Brkuša street no. 10-A, member of the 10<sup>th</sup> H.Br, in custody,
19. MEHO TURČALO, son of father Hasib and mother Šemsa, born on 15.07.1968 in Sarajevo, with residence in Sarajevo, Bostarići street no. 49-A, member of the 10<sup>th</sup> H.Br, in custody,
20. EKREM DORIĆ, son of father Hamdija and mother Ismaila Smajić, born on 23.06.1946 in Sarajevo, with residence in Sarajevo, Džeka street no. 525, married, member of the 10<sup>th</sup> H.Br, in custody,
21. SENAD HARAČIĆ, son of father Fadil and mother Zunreta, born on 10.06.1963 in Sarajevo, with residence in Sarajevo, Hriste Boteva street no. 6, member of the 10<sup>th</sup> H.Br, in custody,
22. ARMIN HODŽIĆ, son of father Sead and mother Esma, born in 16.02.1973 in Sarajevo, with residence in Sarajevo, Mujkavnovića street no. 2-A, member of the 10<sup>th</sup> H.Br, a follower of Mirsad Topalović "Caco," in custody,
23. ISMET SADOVIĆ, son of father Hamdo and mother Uma, born on 29.03.1964 in Bitola, with residence in Sarajevo, VI Novembra street no. 56, member of the 10<sup>th</sup> H.Br, in custody,

24. ĐURĐICA ŠKORIĆ, daughter of father Đuro and mother Marija, born on 27.04.1951 in Kutina, with residence in Sarajevo, Alifakovac street no. 1/2, was a member of the 10<sup>th</sup> H.Br, in custody,
25. HARIS NUMIĆ, aka. Hare, son of father Nedžad and mother Emira, born on 12.08.1964 in Sarajevo, with residence in Sarajevo, VI Proleterske brigade street no. 3, member of the 10<sup>th</sup> H.Br, in custody,
26. OSMAN GEŽO, son of father Mustafa and mother Hajra, born on 13.12.1959 in Sarajevo, with residence in Sarajevo, Bostarići street no. 26, member of the 10<sup>th</sup> H.Br,
27. SAMIR BEJTIĆ, son of father Ramo, born on 14.01.1969 in Gračanica, with residence in Sarajevo, Džeka street no. 36,

because of the existence of reasonable doubt that they, as military personnel during wartime have:

killed individual civilians, citizens of Sarajevo, against the rules of international law, Article 3 of the Geneva Convention on Protection of Civilians during wartime from 12.08.1949. Prior to killing them, the accused have first illegally incarcerated the civilians, tortured them and inhumanely abused them, causing them grave suffering and injuries, in such a way that:

- 1 ZIJO KUBAT, ESAD TUCAKOVIĆ, SAMIR SEFEROVIĆ, SUAD OMANOVIĆ, OMER TENDŽO, HARIS NUMIĆ, FAHRUDIN RONDIĆ, MEHO TURČALO, ASIF ALIBAŠIĆ, MEVLUDIN SELAK, EKREM DORIĆ - together, have

- in mid-October 1993, in Sarajevo, following orders of Mušan Topalović, stormed the apartment of and imprisoned Vasilije Lavljiv and his wife Ana Lavljiv from Sarajevo, in such a way that Esad Tucaković, Omer Tendžo Asif Alibašić, and Mevludin Selak have brought them to the HQ of the 10<sup>th</sup> H.Br. in Bistrik, they abused and beat them, and then, in order to kill them, Zijo Kubat, Omer Tendžo, Samir Seferović, Esad Tucaković, and Asif Alibašić brought them by car towards Bostarić at the location called "Kazani," a natural gap in the rocks in the area of responsibility of the 3<sup>rd</sup> Battalion of the 10<sup>th</sup> Hill Brigade. Afterward, Samir Seferović and Meho Turčilo returned to the HQ to pick up Mileva Drašković and brought her to the "Kazani" location as well, where Zijo Kubat, Esad Tucaković, Samir Seferović, Suad Omanović, and Omer Tendžo beat all three civilians by fists and feet. Suad Omanović later hit them with a pick, Esad Tucaković with a shovel and Zijo Kubat with a club. They stripped them naked, after which Samir Seferović and Zijo Kubat forced Mileva Drašković to do fellatio to Vasilije Lavljiv, and Suad Omanović ordered Ana Lavljiv to lay down and spread her legs, after which he shoved a stick into her vagina. At the same time, Esad Tucaković burned her pubic hair with a lighter. Zijo Kubat then slew Vasilije Lavljiv, severed his head from his body, and pushed his body into a so-called "kazan." Esad Tucaković slew Ana Lavljiv, severed her head from her body, and pushed her body in a pit, so-called "kazan." Samir Seferović and Suad Omanović slew Mileva Drašković and threw her into a pit, so-called "kazan." The snipers of the 3<sup>rd</sup> Battalion, 2<sup>nd</sup> Hill Brigade, watched all this with approval. The snipers who secured the place of this event were Haris Numić, Fahrudin Rondić, Ekrem Dorić, Meho Turčalo, Mevludin Selak, Asif Alibašić, Refik Čolak. Haris Numić washed the knife removing blood from it, and together with Refik Čolak, Suad Omanović, and Fahrudin Rondić, he removed the bloodstains from the place of the event.

- 2 SAMIR SEFEROVIĆ, SEJO KADIĆ, SAMIR BEJTIĆ, ARMIN HODŽIĆ, SABAHUDIN ŽIGA, SENAD HASIĆ, ESAD RAONIĆ, SAMIR LJUBOVIĆ, OSMAN GEŽO, and MEVLUDIN SELAK - together, have:

- in mid-September 1993 in Sarajevo, in the HQ of the 10<sup>th</sup> Hill Brigade in Bistrik beat the forcibly mobilized members of the war platoon of the 1<sup>st</sup> Battalion, 10<sup>th</sup> Hill Brigade, Ervin Nikolić, aka. Ero, and Duško Jovanović, aka. Tarli. The beating was done by Samir Bejtić, Nihad Hodžić, Sejo Kadić Samir Seferović, and Mevludin Selak. After the beating, they brought them towards Boguševac, at the location called "Kazani," brought them into a sniper platoon dugout, where Armin Hodžić, Sabahudin Žiga, Samir Bejtić, Senad Hasić, Sejo Kadić, Samir Ljubović aka. Mićo, Mevludin Selak, and Esad Raonić, aka. Maskirni continued beating them in order to kill them. Samir Bejtić took a saber with both hands, pushed into the throat of Ermin Nikolić, and then Armin Hodžić and Sabahudin Žiga stabbed Nikolić over his body with knives. Armin Hodžić and Sejo Kadić stabbed Duško Jovanović with knives, and afterward, everybody started stabbing the two, namely Samir Seferović, Mušan Topalović, Sabahudin Žiga, Esad Raonić aka. Maskirni. Esad Raonić, aka. Maskirni stabbed Nikolić in the stomach, Semir Ljubović, aka. Mićo took a knife from Caco and stabbed Jovanović, and Samir Bejtić, Sejo Kadić do the same. Afterward, they brought the bodies of the killed near the edge of a pit where they continued to massacre them. Samir Ljubović stabbed Jovanović in the throat, and then Samir Bejtić severed Nikolić's head from his body. The two bodies were then thrown into the pit, while Osman Gežo and Mevludin Selak watched all this. Osman Gežo and Mevludin Selak later cleaned the blood off the floor of the dugout at the place of the event.

- 3 HUSEIN HODŽIĆ, SABAHUDIN ŽIGA, OMER TENDŽO, NIHAD HODŽIĆ, ASIF ALIBAŠIĆ, MEVLUDIN SELAK, SUAD OSMANOVIĆ, SENAD HARAČIĆ, ARMIN HODŽIĆ, MUHIDIN RAONIĆ, ESAD HASIĆ, DŽEMO TOPALOVIĆ, SAMIR BEJTIĆ AND SAMIR SEFEROVIĆ - together, have:

- in mid-October 1993, in Sarajevo, following orders of Mušan Topalović, stormed the apartment of Predrag Salipur and Katarina Salipur in Sarajevo, Borisa Kidriča street no. 3. They took them away from the apartment and brought them to the HQ of the 10<sup>th</sup> Hill Brigade, together with Branislav Radosavljević, who happened to be in the Salipurs' apartment. In the HQ they were beaten by Sabahudin Žiga, Armin Hodžić, Samir Bejtić, Senad Haračić, Samir Seferović, Nihad Hadžić, Džemo Topalović, Asif Alibašić, Omer Tendžo, Senad Hasić, Mevludin Selak, and Mevludin Raonić. Then, following orders of Mušan Topalović and Džemo Topalović, they brought the victims to so-called "kazani," namely Mušan Topalović, Sabahudin Žiga, Senad Haračić, who were later accompanied by Omer Tendžo, Asif Alibašić, Husein Hodžić, Suad Omanović, Nihad Hodžić, and Mevludin Selak. They continued beating them in such a way that Asif Alibašić and Mevludin Selak pulled Branislav, while Suad Omanović and Senad Haračić pulled Predrag. Mušan Topalović kicked Branislav in the head with his feet while he was laying on the ground, and then Mušan Topalović gave a knife to Nihad Hodžić who pushed the knife two or three times against Branislav's throat, slaying him. Mušan Topalović started stabbing the neck of the murdered Branislav, and by splitting the cervical vertebrae, he severed his head. Afterward, he stabbed Predrag multiple times and then gave the knife to Husein Hodžić, who severed the head off the body of Predrag. Predrag was already killed by Sabahudin Žiga and Omer Tendžo. After the killings, the bodies of the dead were pushed into the pit called "kazani."

- 4 SAMIR BEJTIĆ, ARMIN HODŽIĆ, OMER TENDŽO, ASIF ALIBAŠIĆ, REFIK ČOLAK, and SEVLUDIN SELAK - together, have:

- at the end of June 1993, in Sarajevo, after the death of six children which was a consequence of the aggressor's shelling near the HQ of the 10<sup>th</sup> Hill Brigade in Dragice Pravice street, Mušan Topalović, and Senad Hasić ordered the incarceration of a Serb pair Marina Komljenac and Radoslav Komljenac as an act of revenge. They took them from their apartment in Dragice Pravice street no. 7/2 in Sarajevo, specifically Samir Bejtić and Armin Hodžić, took them by car to the HQ. Once in the HQ, they were questioned by the Brigade command. Later, as per the order of Mušan Topalović, Armin Hodžić and Samir Bejtić again brought them by car towards Boguševac, where they were handed over to Omer Tendžo and Asif Alibašić. Their orders were to kill the pair. In the immediate proximity of the so-called "kazan," Omer Tendžo ordered the snipers Refik Čolak and Mevludin Selak to kill the two persons. On this occasion, Omer Tendžo gave his knife to Mevludin Selak, and Asif Alibašić gave his knife to Refik Čolak. These two killed the two persons in such a way that Mevludin Selak took Radoslav Komljenac from the back, putting his left hand over his mouth and sliding the knife in his right hand over his throat slaying him. Refik Čolak brought Marina Komljenac to the ground and slid his knife over her throat. When they saw she was not dead yet, Omer Tendžo and Asif Alibašić ran near, and while Refik Čolak held Marina Komljenac, his left hand covering her mouth, and his right hand holding her left hand, Asif Alibašić held her right hand. Omer Tendžo took the knife from Refik Čolak, pushed in into the throat of Marina Komljenac, sliding it over her larynx, after which they threw both bodies into the pit, "kazan."

- 5 SENAD HASIĆ, EMIR TOPALOVIĆ, SAMIR BEJTIĆ, ARMIN HODŽIĆ, and ISMET SADOVIĆ - together, have:

- following orders of Senad Hasić on 25.12.1992, illegally brought Zoran Vučerević from Sarajevo to dig up trenches in the area of responsibility of the 2 Battalion of the Brigade, in order to forcefully mobilize him to conduct the works. When Zoran Vučerević refused to dig, Enes Haskić and Ismet Ramić brought him to the HQ of the Brigade in Bistrik. Mušan Topalović, Senad Hasić, Samir Bejtić, Armin Hodžić, and Emir Topalivoci tortured and abused Zoran Vučerević in the HQ. They first beat him, and then, following orders of Mušan Topalović and Senad Hasić, Armin Hodžić and Samir Bejtić brought him to Bostarići by a vehicle brand "Puh" in order to kill him. Samir Bejtić brought 3-4 bottles of bleach to burn the body. When they arrived at the destination at Bostarići, Samir Bejtić used Armin Hodžić's scorpion and shot Zoran Vučerević in the back of the head, killing him. After this, Samir Bejtić covers the body of murdered Zoran Vučerević with bleach and burns it. Samir Bejtić and Armin Hodžić then left the scene and ordered Ismet Sadović to, should someone ask about the flames, say that, as he was there, that the division point was marked in such a way. Ismet Sadović did this saying this to his commander Zlatan Beganović.

- 6 ŠKORIĆ ĐURĐICA, SAMIR BEJTIĆ, and EMIR TOPALOVIĆ - together, have:

- at the end of June 1993, after Đurđica Škorić told Mušan Topalović that regular tenant, Božidar Šljivić, lives in the apartment she got for temporary use, Mušan Topalović, Emir Topalović, and Samir Bejtić went to the apartment of Božidar Šljivić, came into the apartment and beat Božidar Šljivić, then took him towards Bistrik near the Bistrik tunnel. Having taken him out of the car, Mušan Topalović fired two shots from his "scorpion" to Božidar Šljivić's head killing him and then left the scene.

7 FAHRUDIN RONDIĆ - alone:

- on an unknown day in November 1992, in Sarajevo, around 19:00 hours, he killed a Serb pair Aleksandar and Toda Milinković from Sarajevo, in Špire Kneževića street, as a revenge for the Serb aggression on the R B&H. He did so after he drank alcohol with Fahro Alić and Nedžad Čolić. He entered the apartment of Milinković family and fired 7-8 shots from an automatic rifle to the body on Aleksandar Milinković, and when Toda Milinković tried to run away through a window, he jumped after her and fired a burst to her body.

All the accused, from points 1 through 7, perpetrated criminal act war crime against civilians described in Article 142 Paragraph 1 of the CPA of SFRY. The accused, number 19, 20, 23, 25, and 26, perpetrated criminal act non-reporting the perpetrator of the crime described in Article 188 Paragraph 1 of the CPA of R B&H.

#### EXPLANATION

County Military Prosecutor's Office in Sarajevo filed a claim against the accused ordering conducting an investigation because of the existence of reasonable doubt that they have perpetrated criminal acts described in the introduction of this Decision.

After the accused have given their testimonies, i.e., after their defense has elaborated their points related to some accused, the official deputy of CMPO changed the legal qualification of criminal acts for which there exists reasonable doubt that the accused perpetrated the crimes.

After the entire documentation was inspected and after the defense has presented their arguments, i.e., after the accused gave their testimonies, the investigative judge confirmed that there exist enough elements that indicate the application of legal acts from Article 158 Paragraph 1 and 159 Paragraph 1 of the CPA, and brought a decision as described in the operative part of this Decision.

It will be necessary to conduct other investigative actions in the following investigative procedure.

INVESTIGATIVE JUDGE  
Nihad Šeremet

#### LEGAL REMEDY

A complaint can be filed to a criminal council as per this Decision within 3 days of its delivery.