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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:18-cv-570

Plaintiff,

v.

COMPLAINT TO REVOKE
NATURALIZATION
(8 U.S.C. § 1451(a))

SAMMY RASEMA YETISEN,
a/k/a Rasema Handanovic,
a/k/a Zolja,

Defendant.

The United States of America (“Plaintiff”) brings this civil action against Defendant Sammy Rasema Yetisen a/k/a Rasema Handanovic a/k/a “Zolja” (“Defendant”) under 8 U.S.C. § 1451(a) to revoke her naturalized U.S. citizenship. In support of its complaint, Plaintiff alleges as follows:

I. PRELIMINARY STATEMENT

Bosnia and Herzegovina was embroiled in war on the dawn of April 16, 1993, when Defendant executed a well-prepared attack on the village of Trusina with members of her unit, the Zulfikar Special Forces Detachment made up of elite, primarily ethnic Bosniak soldiers. The attack on Trusina, however, had no legitimate military purpose or objective, and resulted in war crimes committed against the ethnic Croats residing therein because of their Christian religion and Croat nationality. By early afternoon, Defendant’s unit had summarily executed twenty-two unarmed ethnic Croats, including women and the elderly, and seriously wounded four others, including a two-year-old girl. The incident became known as the Trusina massacre. Defendant

personally participated in the murder of at least six of the victims: three civilians and three prisoners of war taken during the attack.

For sixteen years, Defendant escaped accountability for the war crimes she committed at Trusina. After the war ended, Defendant entered the United States as a refugee—a class of persons fleeing the very type of atrocities she committed at Trusina—by claiming that she had never persecuted others based on their religion, ethnicity, or nationality. She became a permanent resident in 1998, and then a citizen of the United States in 2002, all the while serially misrepresenting and concealing her participation in the Trusina massacre.

Defendant's participation in the murders came to light years later, following comprehensive investigative efforts by the government of Bosnia and Herzegovina. At the request of the Bosnian-Herzegovinian government, the United States extradited Defendant in 2011 to face accountability for the massacre and stand trial for war crimes against civilians and prisoners of war. In April 2012, Defendant pleaded guilty in a Bosnian-Herzegovinian court to war crimes against civilians and war crimes against prisoners of war, for which she was sentenced to five years and six months in a prison in Bosnia and Herzegovina. She has since been released and returned to the United States.

The United States now brings this civil action against Defendant to revoke her naturalized U.S. citizenship. She misrepresented and concealed her war crimes and other material information on multiple immigration forms and while under oath at her naturalization interview, thereby procuring naturalization which would have been denied otherwise. As discussed below, Defendant is subject to the civil denaturalization statute, 8 U.S.C. § 1451, on the basis of her unlawful naturalization, and this Court must order her denaturalization.

II. JURISDICTION, VENUE, AND PARTIES

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization.

2. This Court has subject matter jurisdiction under 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

3. Plaintiff is the United States of America.

4. Defendant is a naturalized U.S. citizen whose current last name is Yetisen but who has previously used a maiden name of Rasema Handanovic and the *nom de guerre* Zolja.¹

5. Defendant's last known residence in the United States is in Beaverton, Washington County, Oregon, which is within the jurisdiction and venue of this Court. Thus, venue is proper in this district and division under 8 U.S.C. § 1451(a), 28 U.S.C. § 1391, and L.R. 3-2(a).

6. As required by 8 U.S.C. § 1451(a), an affidavit showing good cause for this action, signed by Michael DeGraaff, Special Agent, U.S. Immigration and Customs Enforcement, an agency within the Department of Homeland Security, is attached as Exhibit A.

III. FACTUAL BACKGROUND

A. A Brief Overview of the Balkans Conflict.

7. Defendant was born in 1972 in the Socialist Federal Republic of Yugoslavia ("Yugoslavia").

8. At the time, Yugoslavia comprised six socialist republics. Defendant's birthplace was located in the Socialist Republic of Bosnia and Herzegovina.

¹ Upon information and belief, "Zolja" is a reference to a handheld anti-tank rocket launcher, designed in the former Yugoslavia.

9. The Socialist Republic of Bosnia and Herzegovina was home to three ethnic nations: Bosnian Muslims, Bosnian Serbs, and Bosnian Croats.

10. The Bosnian Muslims, or Bosniaks, are, as their name suggests, predominantly Muslim.

11. Defendant is a Bosnian Muslim.

12. Serbs from Bosnia and Herzegovina are predominantly Eastern Orthodox Christians. This Complaint refers to Serbs from Bosnia and Herzegovina as “Bosnian Serbs” for brevity.

13. Croats from Bosnia and Herzegovina are predominantly Roman-Catholic Christians. This Complaint refers to Croats from Bosnia and Herzegovina as “Bosnian Croats” for brevity.

14. In the early 1990s, some of Yugoslavia’s republics began seceding, which triggered a series of ethnic-based conflicts.

15. In early 1992, the republic of Bosnia and Herzegovina held a referendum on independence from Yugoslavia. The Bosnian Serbs largely boycotted this referendum, as they generally favored remaining with Yugoslavia. Bosnian Muslims and Bosnian Croats overwhelmingly supported the measure and declared independence on March 3, 1992, as the Republic of Bosnia and Herzegovina.

16. Shortly thereafter, the Bosnian Serbs attacked the new state’s government. The Bosnian Serbs, who were loyal to the remaining Yugoslav state, declared sovereignty over ethnically Serbian territory within Bosnia and Herzegovina. In addition to their own army, the Bosnian Serbs drew the support of the Yugoslav People’s Army, which was based out of Belgrade.

17. The new Republic of Bosnia and Herzegovina was defended jointly by the Bosnian Muslims and the Bosnian Croats, which maintained separate military forces. The Bosnian Muslims commanded the Army of the Republic of Bosnia and Herzegovina (“Army of the Republic of the BiH”); the Bosnian Croats commanded the Croatian Defense Council.

18. Although the Bosnian Muslims and Bosnian Croats had both overwhelmingly supported the Republic of Bosnia and Herzegovina’s independence and were initially allied against the Serbs and Bosnian Serbs, distrust grew and their partnership began to deteriorate.

19. By January 1993, the underlying tensions developed into open conflict in the central parts of Bosnia and Herzegovina in what became known as the Croat-Bosniak War.

20. As part of this Croat-Bosniak War, members of the Army of the Republic of BiH targeted Bosnian Croats because of their Bosnian Croat nationality, Christian faith, or both.

B. The Trusina Massacre on April 16, 1993.

21. The Trusina massacre in which Defendant participated was part of this war-within-a-war between the Bosnian Muslims and the Bosnian Croats.

22. In January 1993, Defendant joined a special-forces unit within the Supreme Command Staff of the Army of the Republic of BiH, called the Zulfikar Special Purposes Detachment (“Zulfikar” or “Zulfikar Special Purposes Detachment”).

23. Defendant was given the nickname “Zolja,” which she kept throughout her tenure with Zulfikar.

24. The Zulfikar Special Purposes Detachment was formally known as military unit VJ 5683.

25. On April 16, 1993, Defendant and other members of Zulfikar engaged “in a well prepared and planned attack” on the village of Trusina, a village in what is now central Bosnia

and Herzegovina. Ex. B, First Instance Verdict at 4, *Prosecutor's Office of Bosnia and Herzegovina v. Rasema Handanovic*, No. S1 1 K 009162 12 Kro (Court of Bosnia and Herzegovina, Section I for War Crimes, April 30, 2012), *available for download at* http://www.sudbih.gov.ba/bundles/websitenews/gallery/predmet/2918/9162_1K_HR_prvostupanjska_30_04_2012_ENG.pdf.

26. Defendant and other members of Zulfikar were ordered by Zulfikar's deputy commander to leave no Bosnian Croat survivors in Trusina.

27. Trusina's population was roughly divided between Bosnian Muslims and Bosnian Croats. Bosnian Muslims lived in the Trusina hamlet of Brdo, and Bosnian Croats lived in the Trusina hamlet of Gaj.

28. The attack began in the early morning hours of April 16, 1993.

29. The Bosnian Muslim villagers in Trusina had been made aware of the attack ahead of time, and some Bosnian Muslim villagers served as guides during the attacks. Bosnian Croat villagers, however, were left unaware by their Bosnian Muslim neighbors and were taken by surprise.

30. During the attack, Defendant and her fellow Zulfikar members specifically targeted not only Croatian Defense Council soldiers, but also Bosnian Croat civilians.

31. Zulfikar members captured several Croatian Defense Council soldiers by telling them that they would kill the soldiers' wives and children if they did not surrender.

32. Members of Zulfikar also rounded up Bosnian Croat civilians.

33. Shortly after noon, Defendant and other members of Zulfikar lined up all captured Bosnian Croat soldiers, as well as some civilians, against a wall for execution.

34. Defendant advocated killing all captured Bosnian Croats.

35. After the women and children were removed from the lineup, seven men remained in line. These civilians and prisoners stood in a line facing the wall.

36. One of these seven men tried to escape from the firing squad. He was shot in the back by the firing squad as he attempted to vault a wall in order to escape.

37. Under orders from the Zulfikar deputy commander, the firing squad made up of Defendant and five other Zulfikar members, opened fire on, and killed, the remaining six unarmed men.

38. These executions occurred within earshot of the victims' families and neighbors

39. As they intended to do at the beginning of the attack on Trusina, Defendant and other Zulfikar members specifically targeted these six victims for their Christian religion and Croat ethnicity.

40. Defendant's victims were three prisoners of war:

- Ivan (son of Andrija) Drljo, b. 1971 (age 22);
- Nedeljko (son of Marinko) Kreso, b. 1953 (age 40); and
- Pero (son of Smiljko) Kreso, b. 1961 (age 32);

and three civilians:

- Zdravko (son of Ivan) Drljo, b. 1963 (age 30);
- Zeljko (son of Slavko) Blazevic, b. 1965 (age 28); and
- Franjo (son of Ilija) Drljo, b. 1942 (age 51).

Ex. B at 4, 15-16.²

² Fellow Zulfikar member Edin Dzeko was also convicted for these murders. In Dzeko's case, the trial court found that the prosecution had failed to establish that Zdravko Drljo, Zeljko Blazevic and Franjo Drljo qualified as "civilians." Second Instance Verdict, *Prosecutor's Office of Bosnia & Herzegovina v. Edin Dzeko*, No. S1 1 K 010294 14 Krz6 ¶¶ 23–27 (Sud Bosne i

41. After the summary execution, Defendant approached the Bosnian Croat victims' bodies and shot them again.

42. Zulfikar members used the surviving Bosnian Croat villagers as human shields to cover their retreat from the village of Trusina.

43. In addition to the six victims executed by firing squad, sixteen other Bosnian Croats were murdered in Trusina by Zulfikar members during the Trusina massacre.

C. Defendant's Admission into the United States and Concealment of Her Role in the Trusina Massacre.

44. Two and a half years after the Trusina massacre, Defendant appeared at the U.S. embassy in Austria seeking refugee status.

45. On October 31, 1995, Defendant filed a Form I-590, Registration for Classification as a Refugee ("Form I-590"). Ex. C, Form I-590.

46. Defendant's Form I-590, in Section 6, asked her to explain the reasons she claimed to have been displaced from her home country.

47. Defendant wrote in Section 6 that she "had no means for survival anymore (no home, food, clothing, shoes) as [she] had been receiving this from [her Bosnian army] unit VJ-5089."

48. Defendant's Form I-590, in Section 14, asked her to list the branch and organization of any military in which she had served.

49. Defendant wrote in Section 14 that she had served in the military of "Bosnia" in "VJ 5089."

Hercegovine, Appellate Panel, Dec. 4, 2014), *available for download at* http://www.sudbih.gov.ba/bundles/websitenews/gallery/predmet/2981/10294_1K_DzE_drugoste_pena_4_12_2014_eng.pdf. The court instead found that they were prisoners of war. *Id.* For purposes of this § 1451(a) denaturalization action, it is irrelevant whether these three men are more properly classified as prisoners of war or as civilians.

50. VJ 5089 was an Army of the Republic of BiH unit that was distinct from the Zulfikar Special Purposes Detachment.

51. Defendant did not disclose her membership in the Zulfikar Special Purposes Detachment, which was VJ 5683.

52. Thus, Defendant's representations in Sections 6 and 14 of her Form I-590 were false or materially incomplete.

53. Nevertheless, Defendant signed the certification on her Form I-590, which stated, "I . . . do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge"

54. On February 2, 1996, an officer with the former Immigration and Naturalization Service ("INS")³ interviewed Defendant in conjunction with her Form I-590.

55. Although there was a space on the Form I-590 for corrections to be identified, none were made during the interviews.

56. In conjunction with that interview, the INS officer completed a "Refugee Application Worksheet."

57. The worksheet, in Part VII, prompts, "Section [1101](a)(42)(B): The applicant has persecuted others. If yes, explain." Next to that prompt, the officer wrote, "Claims No."

58. Also during the interview, Defendant signed a Form G-646, Sworn Statement of Refugee Applying for Entry into the United States ("Form G-646"). Ex. D, Form G-646.

59. Defendant's Form G-646 contained at least two misrepresentations.

³ On March 1, 2003, INS ceased to exist and many of its relevant functions were transferred to the U.S. Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). Because many of the events in this case took place prior to the transfer, however, "INS" will be referenced where factually appropriate.

60. *First*, Defendant's Form G-646 advised that several classes of aliens were not admissible to the United States. The first class listed on the form is "[a]liens who have committed or who have been convicted of a crime involving moral turpitude."

61. The Form G-646 asked whether any of the classes listed applied to the applicant.

62. In response, Defendant marked "No." That representation was false in light of her role in the Trusina massacre.

63. *Second*, Defendant's Form G-646 contained a statement above the applicant's signature line which states, "*Further, I have never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion.*"

64. Defendant signed directly beneath that statement. That representation was false in light of her role in the Trusina massacre.

65. Based on the statements in Defendant's Form I-590 and Form G-646, and her sworn testimony during her refugee interview, INS approved her request for refugee status on May 2, 1996.

66. On May 15, 1996, Defendant entered the United States as a refugee.

67. On March 6, 1998, Defendant was granted lawful permanent resident status, retroactive to May 15, 1996.

D. Defendant Naturalized by Falsely Maintaining that She Was Properly Admitted for Permanent Residence and that She Possessed the Requisite Good Moral Character.

68. On July 12, 2001, Defendant applied for naturalization by filing a Form N-400, Application for Naturalization ("Form N-400"), with INS. Ex. E, Form N-400. Defendant's Form N-400 contained at least three willful misrepresentations.

69. *First*, Defendant's Form N-400, in Part 7, Question 3, asked, "Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion?"

70. In response, Defendant marked "No." That representation was false because in committing her war crimes at Trusina, she had specifically targeted and killed Bosnian Croats because of their nationality and religious beliefs.

71. *Second*, Defendant's Form N-400, in Part 7, Question 15(a), asked, "Have you ever . . . knowingly committed any crime for which you have not been arrested?"

72. In response, Defendant marked "No." That representation was false because she had knowingly committed war crimes for which she had not been arrested.

73. *Third*, Defendant's Form N-400, in Part 9, instructed her, "List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write 'none.'"

74. In response, Defendant wrote "None," indicating she had no history of military service. That representation was false because she had served in the Zulfikar Special Purposes Detachment of the Army of the Republic of BiH.

75. Defendant's Form N-400, in Part 11, states: "I certify . . . under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct."

76. Defendant signed beneath that statement on June 6, 2001, certifying under penalty of perjury that her responses to the questions on the Form N-400 were true and correct.

77. On March 25, 2002, INS Officer Judith Parker interviewed Defendant regarding her Form N-400 and qualifications for U.S. citizenship.

78. At the beginning of her interview, Defendant took an oath or affirmed that she would answer all questions truthfully.

79. Officer Parker marked all corrections or changes to the Form N-400 by numbering each one with a circle around it, and reviewed all such numbered changes with Defendant at the end of the interview.

80. Consistent with her written response in Part 7, Question 3 of the Form N-400, Defendant testified that she had never persecuted any person because of religion or national origin.

81. Consistent with her written response in Part 7, Question 15(a) of the N-400, Defendant testified that she had never knowingly committed any crime for which she had not been arrested.

82. Consistent with her written response in Part 9 of the N-400, Defendant testified that she had no past membership in any military service.

83. As set forth above, the foregoing representations were false in light of her role in the Trusina massacre.

84. At the end of her naturalization examination, Defendant again signed her Form N-400 under penalty of perjury under the laws of the United States, thereby certifying that the information in her application for naturalization (including five numbered corrections) was true to the best of her knowledge and belief.

85. At no point during the naturalization process did Defendant disclose to INS her commission of persecutory war crimes at Trusina or her presence during and participation in the Trusina massacre.

86. Based on Defendant's statements in her Form N-400, and her sworn testimony during her naturalization interview, INS approved her Form N-400 on March 25, 2002.

87. Defendant took the oath of allegiance and was naturalized as a US. citizen on May 23, 2002.

88. Defendant was issued Certificate of Naturalization No. 26755069. Ex. F, Certificate of Naturalization.

89. At the time, Defendant was living in Oregon.

E. Defendant's Extradition to Bosnia and Herzegovina to Stand Trial for War Crimes to which She Pleaded Guilty.

90. On September 21, 2009, the Prosecutor's Office of Bosnia and Herzegovina issued a Warrant of Arrest for Defendant, accusing her of participating in the execution-style murders of several civilians and prisoners of war during the April 16, 1993 attack in Trusina, which is located in the modern state of Bosnia and Herzegovina.

91. The Warrant of Arrest accused Defendant of violating Criminal Code of Bosnia and Herzegovina Article 173, War Crimes against Civilians, and Article 175, War Crimes against Prisoners of War, both in conjunction with Article 180(1) and Article 29.⁴

⁴ These provisions impose personal liability for conspiratorial acts. Criminal Code of Bosn. & Herz. arts. 180(1), 29.

92. Article 173(1)(c) of the Criminal Code of Bosnia and Herzegovina provides:

War Crimes against Civilians

(1) Whoever in violation of rules of international law in time of war, armed conflict or occupation, orders or perpetrates any of the following acts: . . .

c) Killings, intentional infliction of severe physical or mental pain or suffering upon a person (torture), inhuman treatment, . . .

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Criminal Code of Bosn. & Herz. art. 173(1), *available at* Bosnia and Herzegovina, Ministry of Security: State Investigation and Protection Agency,

<http://www.sipa.gov.ba/assets/files/laws/en/kz37-03.pdf> (last visited Mar. 21, 2018).

93. Article 175 of the Criminal Code of Bosnia and Herzegovina provides:

War Crimes against Prisoners of War

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 [sic] of their life (murders), intentional infliction of severe physical or mental pain or suffering upon persons (tortures), inhuman treatment, . . .

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

Criminal Code of Bosn. & Herz. art. 175.

94. The Prosecutor's Office of Bosnia and Herzegovina submitted an extradition request to the United States for Defendant on these allegations based upon a mutual extradition

treaty. Treaty between the United States and Servia for the Mutual Extradition of Fugitives from Justice, 32 Stat. 1890, 1902 WL 17946 (May 17, 1902).⁵

95. That treaty permits the United States to extradite persons charged with an array of offenses, including “[m]urder,” “attempt to commit murder,” and “manslaughter, when voluntary.” *Id.* art. II(1), 1902 WL 17946, at *1.

96. The U.S. Attorney’s Office for the District of Oregon filed a complaint for extradition, and Defendant was arrested. Ex. G, Compl., *In re Handanovic*, No. 3:11-mc-9097-ST (D. Or. filed Apr. 11, 2011).

97. Defendant opposed extradition, but U.S. Magistrate Judge Janice M. Stewart granted the United States’ request for a certificate of extraditability on November 1, 2011. *In re Handanovic*, 829 F. Supp. 2d 979 (D. Or. 2011).

98. Judge Stewart’s opinion cited the requirement “that the conduct underlying the offense must be criminal under the laws of both the requesting and requested nations.” *Id.* at 989. Judge Stewart found that the war crimes with which Defendant was charged were also proscribed under federal law, specifically the first-degree murder and attempted murder statutes. *Id.* at 990 (“The most closely analogous offenses in the United States for the acts allegedly committed by [Defendant] are first degree murder, 18 U.S.C. § 1111(a), and attempted murder, 18 U.S.C. § 1113, both of which are listed as extraditable offenses in the [Extradition] Treaty.”).

⁵ The extradition request asked the United States to extradite “**Rasema Handanovic**, aka Zolja, . . . a national of Bosnia and Herzegovina, who was born [in] 1972 in Sanski Most, for the purpose of prosecution and trial before the Court of Bosnia for probable cause that she committed the offence of ‘war crimes against civilians’ under Article 173(1)(a) and (b) of the Criminal Code of Bosnia and Herzegovina and for probable cause that she committed the offence of ‘war crimes against prisoners of war’ under Article 175(1)(a) and (b) of the Criminal Code of Bosnia and Herzegovina, in combination with Articles 180(1) and 29 of the Criminal Code of Bosnia and Herzegovina” See Ex. H, Compl. Ex. 1, *In re Handanovic*, No. 3:11-mc-9097-ST (D. Or.) (emphasis in original).

99. In December 2011, the United States extradited Defendant to Bosnia and Herzegovina pursuant to the extradition request.

100. On March 7, 2012, the Prosecutor's Office of Bosnia and Herzegovina filed an Indictment against Defendant. Ex. B at 6.

101. On April 26, 2012, Defendant, represented by counsel, voluntarily and knowingly entered into a Plea Agreement with the Bosnia and Herzegovina Prosecutor's Office. *Id.*

102. On April 30, 2012, Defendant was convicted of violating Articles 173(1)(c) (participation in War Crimes Against Civilians) and 175(a) (participation in War Crimes Against Prisoners of War) of the Criminal Code of Bosnia and Herzegovina. *Id.* at 3–4.

103. On April 30, 2012, the Court of Bosnia and Herzegovina, Section I for War Crimes, sentenced Defendant to a term of imprisonment of 5 years and 6 months. *Id.* at 4–5.

104. Upon information and belief, Defendant has been released, and has returned to Beaverton, Oregon, which is within the Portland, Oregon, metropolitan area.

IV. GOVERNING LAW

A. Congressionally-imposed prerequisites to the acquisition of citizenship.

105. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474)).

106. As a threshold matter, to qualify for naturalization, an applicant must have been “lawfully” admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also id.* §§ 1429, 1255(a).

107. An alien has been “lawfully accorded” permanent resident status only if she actually satisfies the immigration laws. *Monet v. I.N.S.*, 791 F.2d 752, 753–54 (9th Cir. 1986). “[A]ll grants of [lawful permanent resident] status that were not in substantive compliance with the immigration laws [are] void ab initio.” *Kyong Ho Shin v. Holder*, 607 F.3d 1213, 1217 (9th Cir. 2010).

108. Congress has also mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character.” *See* 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*; 8 C.F.R. § 316.10(a)(1).

109. However, the Government is not limited to reviewing the applicant’s conduct during the five years immediately preceding the application, but can consider conduct and acts that occurred at any time prior to that period if the conduct during the statutory period does not reflect that there has been a reform in character from an earlier period or if the acts from an earlier period are relevant to a determination of the applicant’s present moral character. 8 U.S.C. § 1427(e); *see* 8 C.F.R. § 316.10(a)(2).

110. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude during the statutory period and later either is convicted of the crime or admits his or her commission of the criminal activity. 8 U.S.C.

§ 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, they committed and were convicted of one or more crimes involving moral turpitude).

111. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character [I]t is enough that the offense was ‘committed’ during that time.” *United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)). Nevertheless, an individual who is convicted is collaterally estopped from contesting all issues necessarily decided in the criminal matter. *See Zhou*, 815 F.3d at 644.

112. Congress has also explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

113. Further, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

B. The Denaturalization Statute.

114. Recognizing that there are situations in which an individual has naturalized despite failing to comply with all congressionally-imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant her naturalization application, Congress enacted 8 U.S.C. § 1451.

115. Under 8 U.S.C. § 1451(a), a court must revoke a defendant’s naturalization and cancel her Certificate of Naturalization if her naturalization was either: (a) illegally procured; or (b) procured by concealment of a material fact or by willful misrepresentation.

116. “Illegal procurement” has occurred where an applicant naturalized despite failing to comply with all congressionally-imposed prerequisites to the acquisition of citizenship.

Fedorenko, 449 U.S. at 517.

117. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

118. Where the Government establishes that the defendant’s citizenship was procured illegally or by concealment or willful misrepresentation of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517

119. There is no statute of limitations in an action under 8 U.S.C. § 1451(a). *Costello v. United States*, 365 U.S. 265, 283 (1961).

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (PERSECUTOR INELIGIBLE FOR ADMISSION AS REFUGEE)

120. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

121. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

122. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *Monet*, 791 F.2d at 753–54; *Kyong Ho Shin*,

607 F.3d at 1217 (“[A]ll grants of [lawful permanent resident] status that were not in substantive compliance with the immigration laws [are] void ab initio.”).

123. Defendant entered the United States as a refugee and adjusted to permanent resident status based on that entry.

124. An alien who was granted refugee status cannot *lawfully* adjust status therefrom unless she demonstrates that she meets the statutory definition of “refugee.” 8 U.S.C. § 1159(b)(3).

125. The Immigration and Nationality Act (“INA”) defines the term “refugee” to exclude anyone who “ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101(a)(42).

126. Murder perpetrated on account of an 8 U.S.C. § 1101(a)(42)-protected ground constitutes “persecution.” *See, e.g., Chand v. I.N.S.*, 222 F.3d 1066, 1073 (9th Cir. 2000) (“Physical harm has consistently been treated as persecution.”); *Aldana-Ramos v. Holder*, 757 F.3d 9, 16 (1st Cir. 2014) (holding that threats of murder constitute persecution).

127. As set forth above, Defendant participated in the execution-style murders of several Bosnian Croat civilians and prisoners of war at Trusina, targeting the victims because of their religion, nationality, or both.

128. As such, those murders were acts of persecution under 8 U.S.C. § 1101(a)(42), and they precluded Defendant from establishing that she satisfied the legal definition of a refugee.

129. Because Defendant never met the legal definition of a refugee under 8 U.S.C. § 1101(a)(42), she was never eligible for adjustment of status to that of a permanent resident under 8 U.S.C. § 1159(b)(3).

130. Because Defendant was not lawfully admitted for permanent residence, she was and remains ineligible to naturalize under 8 U.S.C. §§ 1427(a)(1) and 1429.

131. Because she was ineligible to naturalize, Defendant procured her citizenship illegally, and this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (PROCURED BY FRAUD OR WILLFUL MISREPRESENTATION)

132. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

133. As set forth above, to qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

134. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *Monet*, 791 F.2d at 753-54; *Kyong Ho Shin*, 607 F.3d at 1217 (“[A]ll grants of [lawful permanent resident] status that were not in substantive compliance with the immigration laws [are] void ab initio.”).

135. An alien is inadmissible if she, by fraud or willfully misrepresenting a material fact, sought to procure, or has procured a visa, other documentation, or admission into the United States or any other immigration benefit. 8 U.S.C. § 1182(a)(6)(C)(i).

136. Defendant was never lawfully admitted as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because she was inadmissible at the time

of her admission as a permanent resident based on at least three fraudulent and willful misrepresentations by her of material facts.

137. *First*, in her Form I-590, Registration for Classification as Refugee, Defendant willfully misrepresented her military service claiming to only have served in the “VJ 5089” branch of the Army of the Republic of BiH when, in fact, she had served in the Zulfikar Special Purposes Detachment, which is the “VJ 5683” branch.

138. *Second*, in her Form G-646, Sworn Statement of Refugee Applying for Entry into the United States, Defendant willfully misrepresented that she had not committed a crime involving moral turpitude, when, in fact, she had personally participated in the execution-style murders of six unarmed civilians and prisoners of war in Trusina on April 16, 1993.

139. *Third*, in her Form G-646, Sworn Statement of Refugee Applying for Entry into the United States, Defendant willfully misrepresented whether she was subject to the persecutor bar by signing a statement in which she swore or affirmed that she had “never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion,” when, in fact, she had specifically targeted and executed Croats, a primarily Christian group, based on their nationality and religion.

140. Defendant’s misrepresentations were willful because she knew or should have known that her representations were false. Defendant could not have plausibly forgotten that in 1993 she murdered six unarmed people execution-style because they were Bosnian Croats, especially since she committed the war crimes only about three years before she made the misrepresentations.

141. Defendant’s misrepresentations were material, having a natural tendency to influence a decision by INS to approve her applications, because they concealed her participation

in the Trusina massacre. The murders committed during the Trusina massacre constitute persecution, which would have precluded her from receiving refugee status or permanent residency had she disclosed them.

142. Defendant's misrepresentations of material information made her substantively inadmissible to the United States at the time she adjusted status pursuant to 8 U.S.C. § 1181(a)(6)(C)(i).

143. Because Defendant was not lawfully admitted for permanent residence, she was and remains ineligible to naturalize under 8 U.S.C. §§ 1427(a)(1) and 1429.

144. Because she was ineligible to naturalize, Defendant procured her citizenship illegally, and this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (FALSE TESTIMONY)

145. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

146. As set forth above, to be eligible for naturalization an applicant must show that she has been a person of good moral character for at least the five-year statutory period before she files a naturalization application, and until the time she becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Defendant was required to establish that she was a person of good moral character from July 12, 1996, until the date she was admitted to U.S. citizenship, May 23, 2002 (the "statutory period").

147. A naturalization applicant is barred from establishing good moral character if, during the statutory period, she has given false testimony, under oath, for the purpose of receiving an immigration benefit. 8 U.S.C. § 1101(f)(6).

148. As set forth above, Defendant provided false testimony for the purpose of obtaining an immigration benefit when she testified, under oath, during her March 25, 2002 naturalization interview, that:

- a. she had never assisted, or otherwise participated in the persecution of any person because of religion or national origin;
- b. she had never knowingly committed any crime for which she had not been arrested; and
- c. she had no military service.

149. Because Defendant provided false testimony, under oath, during the statutory period for the purpose of obtaining her naturalization, she was barred under 8 U.S.C.

§ 1101(f)(6) from showing that she possessed the good moral character necessary to become a naturalized United States citizen.

150. Because Defendant was not a person of good moral character, she was ineligible to naturalize under 8 U.S.C. § 1427(a)(3).

151. Because she was ineligible to naturalize, Defendant procured her citizenship illegally, and this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (MURDER OUTSIDE STATUTORY PERIOD)

152. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

153. As set forth above, Defendant was required to establish that she was a person of good moral character from July 12, 1996, until the date she was admitted to U.S. citizenship, May 23, 2002. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

154. Although the INA does not define “good moral character,” it enumerates categories of applicants who lack such character. *See, e.g.*, 8 U.S.C. § 1101(f)(1)–(9). Section 1101(f) also contains a catch-all provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

155. Indeed, the governing question is always whether the applicant had the requisite good moral character based on the “the standards of the average citizen in the community of residence.” 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(a)(2).

156. Moreover, the Government may consider an applicant’s conduct at any time prior to the statutory period if her conduct during the statutory period does not reflect a reform of character, or if the earlier conduct is relevant to a determination of her moral character at the time she seeks to naturalize. *See* 8 U.S.C. § 1427(e), 8 C.F.R. § 316.10(a)(2).

157. “Only truly unconscionable conduct surpasses the threshold of moral turpitude.” *Robles-Urrea v. Holder*, 678 F.3d 702, 708 (9th Cir. 2012). Unsurprisingly, then, the persecution and murder of unarmed civilians during a time of war is a crime involving moral turpitude. *United States v. Theodorovich*, 102 F.R.D. 587, 591 (D.D.C. 1984) (finding a civil denaturalization defendant who served in a Nazi-supported police force had committed a crime involving moral turpitude by rounding up and murdering unarmed Jewish civilians).

158. More generally, voluntary murder also is a crime involving moral turpitude, *see, e.g., Rivera v. Lynch*, 816 F.3d 1064, 1075 (9th Cir. 2015), and an aggravated felony, *see* 8 U.S.C. § 1101(a)(43)(A), for which a conviction prior to naturalization would categorically preclude a finding of good moral character, *id.* § 1101(f)(3), (8).

159. Defendant committed the crime of murder four years prior to the beginning of the statutory period. As set forth above, on April 16, 1993, while a soldier in the Army of the Republic of BiH, Defendant participated in the execution-style murders of six unarmed civilians and prisoners of war in Trusina, crimes which constituted war crimes. She murdered these civilians and prisoners of war because of their Croat nationality, ethnicity, and Christian beliefs.

160. Over the next several years—including during the statutory period—Defendant repeatedly violated federal law by misrepresenting and concealing her role in the Trusina massacre, including while under penalty of perjury, to conceal from INS that she had committed the murders, and thereby secured U.S. citizenship.

161. As Judge Stewart found, Defendant’s war crimes correspond to first-degree murder as proscribed by federal statute. *In re Handanovic*, 829 F. Supp. 2d at 990 (“The most closely analogous offenses in the United States for the acts allegedly committed by [Defendant] are first degree murder, 18 U.S.C. § 1111(a), and attempted murder, 18 U.S.C. § 1113, both of which are listed as extraditable offenses in the [Extradition] Treaty.”). Accordingly, Defendant’s commission of crimes equivalent to murder prior to the statutory period remains directly relevant to the determination of her moral character at the time of naturalization.

162. Specifically, her commission of execution-style murders prior to the statutory period, and her subsequent criminal conduct within the statutory period to conceal those crimes, indicate that she had not reformed her character and was not a person of good moral character under “the standards of the average citizen in the community of residence” and thus was ineligible for naturalization at the time she took the oath and became a U.S. citizen. *See* 8 U.S.C. § 1101(f); *cf.* 8 C.F.R. § 316.10(b)(1)(i) (providing that a conviction for murder at any time prior

to naturalization, even outside the statutory period, renders the applicant to have lacked good moral character).

163. Because Defendant was not a person of good moral character, she was ineligible to naturalize under 8 U.S.C. § 1427(a)(3).

164. Because she was ineligible to naturalize, Defendant procured her citizenship illegally, and this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT V

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR BY WILLFUL MISREPRESENTATION

165. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

166. Under 8 U.S.C. § 1451(a), the Court must revoke a naturalized person's citizenship and cancel her certificate of naturalization if that person procured her naturalization by concealment of a material fact or by willful misrepresentation.

167. As set forth above, Defendant willfully misrepresented and concealed her military service and her participation in the summary executions of three civilians and three prisoners of war during the Trusina massacre, for which she was later convicted.

168. Specifically, Defendant misrepresented on her Form N-400 and falsely testified, under oath, during her March 25, 2002 naturalization interview, that:

- a. she had never assisted, or otherwise participated in the persecution of any person because of religion national origin;
- b. she had never knowingly committed a crime for which she had not been arrested;
and
- c. she had no military service.

169. Defendant knew those statements to be false. Defendant knew at the time she completed her Form N-400, and at the time of her naturalization interview, that she had in fact participated in the summary executions of three civilians and three prisoners of war during the Trusina massacre.

170. Defendant made her misrepresentations and concealments deliberately and voluntarily. She knew or should have known that her representations were false in light of her execution-style killing of six unarmed people because they were Christian and Bosnian Croats. Therefore, Defendant made her misrepresentations and concealments willfully.

171. Defendant's misrepresentations and concealments were material to her naturalization because they had a natural tendency to influence INS's decision whether to approve Defendant's naturalization application. Indeed, Defendant's participation in the summary executions of three civilians and three prisoners of war during the Trusina massacre rendered her ineligible for citizenship. INS would have denied Defendant's naturalization application had she been truthful.

172. Defendant therefore procured her citizenship by concealment of material fact and willful misrepresentation, and this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- A. A declaration that Defendant illegally procured her U.S. citizenship;
- B. A declaration that Defendant procured her U.S. citizenship by concealment or willful misrepresentation of material facts;

C. Judgment revoking and setting aside the naturalization of Defendant, and canceling Certificate of Naturalization No. 26755069, effective as of the original date of the order and certificate, May 23, 2002;

D. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to her May 23, 2002 grant of U.S. citizenship;

E. Judgment requiring Defendant, within ten (10) days of judgment, to surrender and deliver her Certificate of Naturalization, No. 26755069, and any copies thereof in her possession, and to make good faith efforts to recover and surrender any copies thereof that she knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel;

F. Judgment requiring Defendant, within ten (10) days of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, any U.S. passport, voter identification card, and other voting documents), and any copies thereof in her possession, and to make good faith efforts to recover and then surrender any copies thereof that she knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel; and

G. Judgment granting the United States such other relief as may be lawful and proper.

Dated: April 4, 2018

BILLY J. WILLIAMS
United States Attorney
District of Oregon

s/ James E. Cox, Jr.

JAMES E. COX, JR.
Assistant United States Attorney

Respectfully submitted,

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EXHIBIT

A

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:18-cv-_____

Plaintiff,

AFFIDAVIT OF GOOD CAUSE
(8 U.S.C. § 1451(a))

v.

SAMMY RASEMA YETISEN,
a/k/a Rasema Handanovic,
a/k/a Zolja,

Defendant.

Introduction

I, Michael DeGraaff, declare under penalty of perjury as follows:

- I. I am a Special Agent of Immigration and Customs Enforcement (“ICE”) within the United States Department of Homeland Security (“DHS”). In this capacity, I have access to the official records of DHS and ICE, including the immigration file of Sammy Rasema Yetisen, a/k/a Rasema Handanovic, a/k/a Zolja, File Number A [REDACTED] (“Ms. Yetisen”).¹
- II. I have examined the records relating to Ms. Yetisen’s case. Based upon my review of these records, I state on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.

¹ The subject of these proceedings legally changed her name to Sammy Rasema Yetisen at the time of her naturalization. Her birth name is Rasema Handanovic.

- III. Ms. Yetisen is a native of the former Yugoslavia. On November 27, 1995, she filed a Form I-590, Registration for Classification as a Refugee, with the Immigration and Naturalization Service (“INS”)² in Vienna, Austria. On May 15, 1996, she was admitted to the United States as a refugee, under section 207 of the Immigration and Nationality Act (“INA” or “Act”). On March 6, 1998, Ms. Yetisen adjusted her status to that of Lawful Permanent Resident (“LPR”), under section 209(a) of the Act, retroactive to May 15, 1996. On or about July 12, 2001, Ms. Yetisen filed an Application for Naturalization, Form N-400, with the District Office of the INS in Portland, Oregon. Her application was approved. On May 23, 2002, Ms. Yetisen took the oath of allegiance and was admitted as a citizen of the United States. She was issued a Certificate of Naturalization, number 26755069.
- IV. Ms. Yetisen illegally procured her citizenship because she was statutorily ineligible to naturalize at the time she took the Oath of Allegiance. She was ineligible to naturalize on three grounds. First, Ms. Yetisen was not lawfully admitted as a permanent resident. Second, Ms. Yetisen was unable to establish good moral character. Additionally, she obtained her citizenship by concealing and willfully misrepresenting material facts.
- V. Ms. Yetisen illegally procured her naturalization because she was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. *See* INA § 316, 8 U.S.C. § 1427; INA § 318, 8 U.S.C. § 1429.
- A. Ms. Yetisen was not eligible for adjustment of status because she did not meet the definition of a refugee when she entered the U.S. and she did not continue to be a

² On March 1, 2003, the Immigration and Naturalization Service (“INS”) ceased to exist as an agency within the Department of Justice and many of its functions were transferred to the Department of Homeland Security (“DHS”), including the responsibility for adjudicating benefit applications. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). Because Ms. Yetisen’s naturalization case was adjudicated before the transfer, this Affidavit of Good Cause will reference the INS as necessary.

refugee as required by INA § 209(b)(3), 8 U.S.C. § 1159(b)(3). As a result, she was not lawfully admitted for permanent residence.

1. A refugee may adjust to permanent resident status under section 209 of the Act if the following criteria are met: 1) the applicant applies for adjustment; 2) the applicant has been physically present in the U.S. for at least one year; 3) the applicant continues to be a refugee, the spouse, or child of a refugee within the meaning of the INA; 4) the applicant is not firmly resettled in another country; and 5) the applicant is admissible, except as otherwise provided in this section. *See* INA § 209(b), 8 U.S.C. § 1159(b).
2. Ms. Yetisen was not a refugee within the meaning of the INA when she entered the United States, nor when she adjusted to permanent resident status. Section 101(a)(42), 8 U.S.C. § 1101(a)(42), defines the term “refugee” and excludes anyone who “ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” Ms. Yetisen did not qualify as a refugee because she committed acts of persecution, as described in the Act, while serving in the Army of the Republic of Bosnia and Herzegovina.
3. On March 7, 2012, Ms. Yetisen was charged with two offenses of war crimes in the Criminal Court of Bosnia and Herzegovina, Section I for War Crimes. On April 30, 2012, the court found Ms. Yetisen guilty of War Crimes against Civilians and War Crimes against Prisoners of War, under Articles 173(1)(c) and 175(1)(a) of the Criminal Code of Bosnia and

Herzegovina. She was sentenced to five years and six months imprisonment.³

4. In reaching this verdict, the Criminal Court of Bosnia and Herzegovina found the following: Ms. Yetisen was a member of the Zulfikar Special Purposes Detachment within the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina. During a time of war in what is presently Bosnia and Herzegovina, her detachment attacked the village of Trusina with orders to leave no Croat survivors. During this attack, Ms. Yetisen participated in the execution of three Croat civilians and three prisoners of war (“POWs”) from the Croatian Defense Council.
 5. These acts, committed on account of religion and nationality, constitute persecution and preclude Ms. Yetisen from establishing that she is a refugee under the INA. As a result, she was ineligible for admission as a refugee and ineligible for adjustment of status pursuant to section 209 of the Act, 8 U.S.C. § 1159. Because Ms. Yetisen was not lawfully admitted as a permanent resident, she was ineligible for naturalization under INA § 316(a), 8 U.S.C. § 1427(a).
- B. Ms. Yetisen was not eligible for adjustment of status because she was inadmissible under section 212(a)(6)(C)(i) for having obtained her refugee status through fraud. *See* INA § 212(a)(6)(C)(i) (1998), 8 U.S.C. § 1182(a)(6)(C)(i).

³ Ms. Yetisen was convicted under her birth name, Rasema Handanovic.

1. In her refugee application process, Ms. Yetisen misrepresented her service in the Army of the Republic of Bosnia and Herzegovina. Ms. Yetisen claimed to only have served in the “VJ 5089” branch of the army, when, in fact, she served in the Zulfikar SPD, which is in the “VJ 5683” branch.
2. In her refugee application process, Ms. Yetisen misrepresented her involvement in the attack on Trusina. Specifically, she failed to disclose that she committed a crime involving moral turpitude when she executed three civilians and three POWs during the attack in Trusina.
3. On February 2, 1996, Ms. Yetisen attended an interview with the INS Attaché in Vienna, Austria. In that interview, she denied any participation in persecution. The interview worksheet includes a space to document whether the applicant had engaged in persecution. In that space, Assistant Officer in Charge Harold E. Woodward wrote, “Claims no.” Ms. Yetisen also signed a statement in which she swore or affirmed that she had never “committed or . . . been convicted of a crime involving moral turpitude” and “never ordered, assisted or otherwise participated in the persecution of any person because of race, religion, or political opinion.”
4. Had Ms. Yetisen disclosed the information, the INS could have discovered her involvement in executing three civilians and three POWs during the attack on Trusina. The above misrepresentations are material because they would have had a natural tendency to influence the decisionmaker—the INS. Indeed, had she disclosed the information, Ms. Yetisen would not have been admitted as a refugee. As noted above, the definition of

“refugee” excludes anyone who “ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” INA § 101(a)(42), 8 U.S.C. § 1101(a)(42).

5. Her misrepresentations of this material information and her commission of a crime involving moral turpitude made her inadmissible to the United States at the time of adjustment of status. Consequently, Ms. Yetisen’s adjustment to permanent residence was not lawful and she was ineligible for naturalization under INA § 316(a), 8 U.S.C. § 1427(a).

VI. Ms. Yetisen illegally procured her naturalization because she could not have established that she was a person of good moral character, as described in INA § 101(f), 8 U.S.C. § 1101(f).

A. Ms. Yetisen could not establish good moral character because she provided false testimony in her naturalization interview. *See* INA § 101(f)(6), 8 U.S.C. § 1101(f)(6).

1. An applicant for naturalization must establish that she has been a person of good moral character for the statutory period of five (5) years immediately preceding the application’s filing, and until the oath of allegiance is taken. *See* INA § 316(a)(3), 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).
2. As an applicant for naturalization, Ms. Yetisen was required to prove that she was, and continued to be, a person of good moral character from July 13, 1996 until May 23, 2002. *See* INA § 316(a)(3), 8 U.S.C. § 1427(a)(3).

3. On March 25, 2002, Ms. Yetisen was interviewed by INS Officer Judith Parker. At the start of the interview, Ms. Yetisen took an oath, swearing or affirming that she would answer all questions truthfully. During the interview and in order to adjudge her eligibility for naturalization, Officer Parker reviewed some of the questions in the naturalization application with Ms. Yetisen. When Officer Parker asked a question from the application, she asked the question exactly how it was written and made a red mark beside or through the question to indicate that Ms. Yetisen's answer was consistent with the information in the application. If the answer was different in any way, the new information was written on the application in red ink.
4. Part 7, Question 3 of Ms. Yetisen's naturalization application asks: "Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion?" In response to this question, Ms. Yetisen marked the box for "No."
5. In the naturalization interview, Officer Parker asked this question of Ms. Yetisen, as evidenced by the red mark across the answer box. The red mark across the box for "No," indicates that Ms. Yetisen affirmatively denied any involvement in acts of persecution. Had Ms. Yetisen changed her answer, the new information would have been written in red.
6. This testimony was false. In fact, Ms. Yetisen participated in the execution of three civilians and three POWs during the attack on Trusina. As a result

of this act, she was convicted of committing war crimes by the Court of Bosnia and Herzegovina, Section 1 for War Crimes. These are acts of persecution on account of religion and national origin.

7. Part 7, Question 15 of Ms. Yetisen's naturalization application asks: "Have you ever: a. knowingly committed any crime for which you have not been arrested?" In response to this question, Ms. Yetisen marked the box for "No."
8. In the naturalization interview, Officer Parker asked this question of Ms. Yetisen, as evidenced by the red mark across the answer box. The red mark across the box for "No," signifies that Ms. Yetisen denied knowingly committing a crime for which she had not been arrested. Had Ms. Yetisen changed her answer, the new information would have been written in red.
9. This testimony was false. In fact, Ms. Yetisen had committed war crimes during the attack on Trusina when she participated in the execution of three civilians and three POWs.
10. Part 9 of Ms. Yetisen's naturalization application prompts: "List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write 'none'." In response to this question, Ms. Yetisen wrote, "None."
11. In the naturalization interview, Officer Parker asked this question of Ms. Yetisen, as evidenced by the red mark across the answer box. The red mark

across the box for “None,” and the red-inked annotation of “none,” signifies that Ms. Yetisen denied membership in a foreign military. Had Ms. Yetisen changed her answer, the new information would have been written in red.

12. This testimony was false. In fact, Ms. Yetisen was a member of the Army of the Republic of Bosnia and Herzegovina. In that capacity, she committed war crimes by executing three civilians and three POWs during the attack on Trusina.

13. Because Ms. Yetisen provided false testimony in her naturalization interview, under oath and during the statutory period prior to naturalization, she could not establish that she possessed good moral character. *See* INA § 101(f)(6), 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi). Therefore, she was ineligible for naturalization.

B. Ms. Yetisen could not establish good moral character because she participated in the execution-style murders of three civilians and three POWs at Trusina. *See* INA § 101(f), 8 U.S.C. § 1101(f) ; 8 C.F.R. § 316.10(b)(3)(iii).

1. Although the Government must consider at least the five-year statutory period when assessing an applicant’s moral character, the Government may consider an applicant’s conduct at any time prior to the statutory period if her conduct during the statutory period does not reflect a reform of character, or if the earlier conduct is relevant to a determination of her moral character at the time she seeks to naturalize. *See* INA § 316(a)(3), 8 U.S.C. § 1427(e); 8 C.F.R. § 316.10(a)(2).

2. Absent extenuating circumstances, an applicant for naturalization cannot establish good moral character if he or she has “committed unlawful acts that adversely reflect upon the applicant’s moral character.” 8 C.F.R. §316.10(b)(3)(iii).
3. Furthermore, the INA’s definition of good moral character contains a residual provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” INA § 101(f), 8 U.S.C. § 1101(f).
4. The determination of good moral character is based on the “the standards of the average citizen in the community of residence.” 8 C.F.R. § 316.10(a)(2) (referencing INA § 101(f), 8 U.S.C. § 1101(f)).
5. Four years prior to the beginning of the statutory period, Ms. Yetisen committed the crime of murder by participating in the execution-style murders of six unarmed civilians and POWs in Trusina because of their religion and nationality. Over the next several years—including during the statutory period—Ms. Yetisen violated federal law by misrepresenting and concealing her role in the Trusina attack to conceal from the INS that she had committed the murders, and thereby secured United States citizenship.
6. Ms. Yetisen’s commission of these murders prior to the statutory period, and her subsequent efforts within the statutory period to conceal those crimes, indicate that she had not reformed her character and was not a

person of good moral character under “the standards of the average citizen in the community of residence.” 8 C.F.R. § 316.10(a)(2).

7. Because Ms. Yetisen could not establish that she possessed good moral character during the statutory period before naturalization, she was ineligible to naturalize. *See* INA § 101(f)(6), 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(3)(iii).

VII. Ms. Yetisen obtained her citizenship by willful misrepresentation and concealment of material facts. *See* INA § 340(a), 8 U.S.C. § 1451(a).

- A. A fact is material if it would have the natural tendency to influence the INS’s decision whether to approve her application.
- B. In her naturalization application, Ms. Yetisen concealed or misrepresented her military service and participation in the execution of three civilians and three POWs during the attack on Trusina.
 - i. Part 7, Question 3 of Ms. Yetisen’s naturalization application asks: “Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion?” In response to this question, Ms. Yetisen marked the box for “No.”
 - ii. Part 7, Question 15 of the application asks: “Have you ever: a. knowingly committed any crime for which you have not been arrested?” In response to this question, Ms. Yetisen marked the box for “No.”
 - iii. Part 9 of the application prompts: “List your present and past membership in or affiliation with every organization, association, fund, foundation, party,

club, society, or similar group in the United States or in any other place.

Include any military service in this part. If none, write ‘none.’” In response to this question, Ms. Yetisen wrote “None.”

- iv. Ms. Yetisen signed her naturalization application on June 6, 2001, thereby certifying, under penalty of perjury, that the information in his naturalization application was true and correct.
 - v. During her naturalization interview on March 25, 2002, Ms. Yetisen testified, under oath, that she had never participated in the persecution of any person because of race, religion, national origin, or political opinion, had never knowingly committed any crime for which she had not been arrested, and had not served in a foreign military.
 - i. At the conclusion of her March 25, 2002, Ms. Yetisen signed her naturalization application, under penalty of perjury and in the presence of INS Officer Judith Parker, attesting that all information contained therein and any corrections or notations made during the interview were true and correct.
- B. Ms. Yetisen’s misrepresentations and concealment of the foregoing facts were material to determining her eligibility for naturalization because they would have had the natural tendency to influence the INS’s decision whether to approve her naturalization application. In fact, had she disclosed her involvement in the Zulfikar SPD military brigade or the executions in Trusina, INS would likely have discovered that she was not lawfully admitted to permanent resident status because of the persecutor bar and because of her misrepresentations in her refugee application. With that knowledge, INS would have determined that Ms. Yetisen’s

permanent resident status was unlawfully procured and found her ineligible for naturalization.

VIII. Based on the facts outlined above, good cause exists to institute proceedings pursuant to INA § 340(a), 8 U.S.C. § 1451(a), to revoke Ms. Yetisen's citizenship and to cancel her certificate of naturalization.

IX. The last known address for Sammy Rasema Yetisen is:

[REDACTED]
Beaverton, OR [REDACTED]

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//
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EXHIBIT

B

Bosna i Hercegovina

Босна и Херцеговина



Sud Bosne i Hercegovine
Суд Босне и Херцеговине

Case No.: S 1 1 K 009162 12 Kro

Date: Published on: 30 April 2012

Written copy sent out on: 30 May 2012

Preliminary Hearing Judge: Judge Jasmina Kosović

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

v.

RASEMA HANDANOVIĆ

FIRST INSTANCE VERDICT

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

Vesna Budimir

Counsel for the Accused:

Attorney Senad Kreho

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IN THE NAME OF BOSNIA AND HERZEGOVINA!

The Court of Bosnia and Herzegovina, Section I for War Crimes, Preliminary Hearing Judge Jasmina Kosović, with the participation of Legal Advisor, Elma Karović, as the Minutes-taker, in the criminal case No. S 1 1 K 009162 12 Kro against the Accused Rasema Handanović, for the criminal offense of War Crimes Against Civilians in violation of Article 173(1)(c) of the Criminal Code of Bosnia and Herzegovina and the criminal offense of War Crimes against Prisoners of War in violation of Article 175(1)(a) of the Criminal Code of BiH (the CC of BiH), all as read with Article 180(1) and Article 29 of the same Code, acting upon the Indictment of the Prosecutor's Office of Bosnia and Herzegovina No. T 20 0 KTRZ 0002955 12 dated 7 March 2012, confirmed on 19 March 2012, having reviewed and accepted the Plea Agreement entered on 2 March 2012 between the BiH Prosecutor's Office and the Accused Rasema Handanović, following a technical corrigendum thereof dated 26 April 2012, and following a sentencing hearing held in the presence of the Prosecutor of the BiH Prosecutor's Office, Vesna Budimir, the Accused Rasema Handanović and her Defense Counsel Senad Kreho, Attorney from Sarajevo, on 30 April 2012 delivered and publicly announced the following:

VERDICT

THE ACCUSED: RASEMA HANDANOVIĆ, aka "Zolja", daughter of Ajiz and Sebiha née Ališić, born on [REDACTED] 1972 in Sanski Most, ethnicity ..., citizen of ... and ..., Personal Identification Number (PIN) ..., deprived of liberty on the territory of the United States of America upon an order of the Court of BiH on 13 April 2011,

IS HEREBY FOUND GUILTY

Because:

During the war time in Bosnia and Herzegovina, as a member of the Special Purposes Detachment *Zulfikar* within the Supreme Command Staff of the Army of Republic of Bosnia and Herzegovina, she acted in violation of Article 3(1)(a) of the Geneva Convention on the Protection of Civilian Persons in Time of War dated 12 August 1949 and Article 3(1)(a) of the Geneva Convention relative to the Treatment of

Prisoners of War dated 12 August 1949, inasmuch as:

On 16 April 1993, during the morning hours, the Accused participated in a well prepared and planned attack on the village of Trusina, Municipality of Konjic, led by the Deputy Commander of the Special Purposes Detachment *Zulfikar* within the Supreme Command Staff of the Army of Republic of Bosnia and Herzegovina (*Zulfikar* SPD SCS) Nihad Bojadžić aka „Blek“ and „Nihko“, who ordered before the attack that there must be no survivors in the village of Trusina, and then from a high ground overlooking the village of Trusina, using a hand-held radio, led the attack by issuing orders to soldiers subordinated to him, members of the *Zulfikar* SPD SCS who held the village under attack from several directions, making no difference between civilian and military targets, and thereupon, during the afternoon hours of the same day, within the referenced order, Nedžad Hodžić aka „Džon Vejn“ and „Džoni“, in the hamlet of Gaj, in the village of Trusina, Konjic Municipality, ordered the execution of lined-up members of the Croat Defense Council (HVO) and civilians, whereupon Rasema Handanović aka „Zolja“, in concert with Nedžad Hodžić aka „Džoni“ and „Džon Vejn“, Edin Džeko, Mensur Memić aka „Menta“ and other members of the *Zulfikar* SPD SCS known to her, participated in the summary execution of the lined-up members of the HVO who had earlier surrendered, namely Ivan (Andrija) Drljo born in 1971, Nedeljko (Marinko) Krešo born in 1953, Pero (Smiljko) Krešo born in 1961 and civilians Zdravko (Ivan) Drljo born in 1963, Željko (Slavko) Blažević born in 1965 and Franjo (Ilija) Drljo born in 1942,

Therefore, she participated in the execution of several prisoners of war and civilians,

Whereby she committed the criminal offense of War Crimes against Civilians under Article 173(1)(c) (participation in killings) and the criminal offense of War Crimes against Prisoners of War under Article 175(1)(a) of the CC of BiH (participation in killings of prisoners of war), all as read with Article 180(1) and Article 29 of the same Code,

Wherefore, applying Articles 42, 49 and 50 of the CC of BiH,

for the criminal offense of War Crimes against Civilians under Article 173(1)(c) of the CC of BiH, as read with Article 180(1) and Article 29 of the same Code, **the Court sentenced the Accused:**

- **to imprisonment for a term of 5 (five) years,**

and for the criminal offense of War Crimes against Prisoners of War under Article 175(1)(a) of the Criminal Code of Bosnia and Herzegovina, as read with Article 180(1) and Article 29 of the same Code:

- **to imprisonment for a term of 5 (five) years,**

and applying Article 53(2)(b) of the CC of BiH, the Court

S E N T E N C E D

THE ACCUSED TO A COMPOUND SENTENCE OF IMPRISONMENT FOR A TERM OF 5 (five) YEARS and 6 (six) MONTHS

Pursuant to Article 56(1) of the Criminal Code of Bosnia and Herzegovina, the time the Accused spent in custody shall be credited toward the service of sentence, running from 13 April 2011 until the Accused is committed to serve the sentence of imprisonment.

Pursuant to Article 188(4) of the Criminal Procedure Code of Bosnia and Herzegovina (the CPC of BiH), the Accused is relieved of the duty to reimburse the costs of criminal proceedings which shall be paid from the budget appropriations of the Court.

Pursuant to Article 198(2) of the CPC of BiH, all injured parties are instructed to possibly pursue their claims under property law in a civil action.

REASONING

I. INDICTMENT AND THE PLEA AGREEMENT

1. On 7 March 2012, the Prosecutor's Office of Bosnia and Herzegovina filed against Rasema Handanović aka „Zolja” an Indictment No. T 20 0 KTRZ 0002955 12, which was confirmed on 19 March 2012.

2. The referenced Indictment charged Rasema Handanović with committing the criminal offenses of War Crimes against Civilians under Article 173(1)(c) and War Crimes against Prisoners of War under Article 175(1)(a) of the CC of BiH, all as read with Article 180(1) and Article 29 of the same Code.

3. In addition to the Indictment, the Prosecution has submitted a Plea Agreement of 2 March 2012, technically corrected on 26 April 2012, which was entered between the Accused Rasema Handanović and the Prosecutor of the BiH Prosecutor's Office, in the presence of the Defense Counsel for the Accused, Attorney Senad Kreho.

II. PLEA AGREEMENT CONSIDERATION (UNDER ARTICLE 231 OF THE CPC OF BIH)

4. Pursuant to Article 231 of the CPC of BiH, the Court has taken under advisement the Plea Agreement entered between the Accused Rasema Handanović and her Counsel, Senad Kreho, Attorney from Sarajevo, on the one hand, and Vesna Budimir, Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, on the other hand. Having held the plea hearings on 19 and 27 April 2012, the Court established that the Accused had entered the Plea Agreement voluntarily and knowingly, with full understanding of the matter and the awareness of the factual description of the crime and the legal qualification thereof, and also of all possible consequences arising from the entered Plea Agreement, including the consequences pertaining to the claims under property law and the costs of criminal proceedings. The Court has also established that the Accused was aware that, by

entering the Plea Agreement, she would waive her right to a trial and the right to appeal the sentence to be imposed.

5. The Court has also found that the Accused is aware of the remaining consequences of the Plea Agreement, namely of the undertaken obligation to fully, truthfully and thoroughly disclose to the Prosecutor, or any other official person of the BiH Prosecutor's Office, when she is asked to do so, all the information in her possession pertaining to the events that had occurred in the territory of Municipalities of Konjic, Jablanica, Trnovo and Gornji Vakuf during the war in Bosnia and Herzegovina, that she would testify at trials before the Court of BiH, or any other court the BiH Prosecutor's Office deems necessary, as indicated in detail in the Plea Agreement. The undertaken obligation to disclose the information also implies providing all documentary and other evidence in the possession of or under control of the Accused, providing explanations in that regard, and providing all information about possible places where such evidence could be found.

6. In reviewing the Plea Agreement, the Court was particularly mindful of the interests and rights of the injured parties. The Court has examined if they were aware of the possibility to enter a plea agreement with the Accused Rasema Handanović.

7. In this regard, the Court has considered the Official Note made by the Prosecution on 2 March 2012, and tendered in the case record as an indisputable piece of evidence, which demonstrates that the Prosecutor had met the families' representatives of the persons executed, or killed in the village of Trusina, and notified them of the possibility to enter a plea agreement with the Accused, to which the injured parties consented. The injured parties personally signed the above referenced consent, as well as their agreement with the proposed sentence on a separate paper which constitutes an integral part of the Official Note in question.

8. The Court has further examined whether the sentence proposed under the Plea Agreement would satisfy the statutory requirements, that is, whether the proposed sentence could be imposed below the legally prescribed minimum sentence of imprisonment for each criminal offense at issue. The minimum sentence prescribed for both criminal offenses of War Crimes against Civilians and War Crimes against Prisoners of War is 10 years in prison, while the maximum sentence is a long-term imprisonment. The Court has found that the sentence proposed under the Plea Agreement was in

compliance with the law, namely that the proposed compound sentence of imprisonment for a term of 5 to 6 years can be imposed by the law applying the rule of punishment reduction for each individual crime and the rule of criminal offenses concurrence.

9. In view of the foregoing, the Court has found that all the statutory requirements have been satisfied, wherefore the entered Plea Agreement has been accepted.

10. Thereupon, the statement of the Accused Rasema Handanović was entered into the record pursuant to Article 231(7) of the CPC of BiH, and the Accused expressed her repentance and apologies to the victims and their respective families for the acts committed.

III. EVIDENCE ADDUCED

11. Having ascertained that the Accused is fully aware of all legal consequences of the Plea Agreement, the Court examined, pursuant to Article 231(6)(b) of the CPC of BiH, whether there was sufficient evidence in support of the Accused's guilt, and called the Prosecutor to present their proposed evidence on which the Indictment was based.

12. At the hearing held on 19 April 2012, the Prosecutor presented and tendered in the case record 320 pieces of evidence, to which the Accused and her Counsel had no objections or complaints. Having reviewed the foregoing evidence, the Court concluded that the Prosecution offered sufficient evidence proving the guilt of the Accused, namely that at the time and in the way as described in the operative part of the Verdict the Accused Rasema Handanović committed the criminal offenses of Crimes against Civilians under Article 173(1)(c) and War Crimes against Prisoners of War under Article 175(1)(a) of the CC of BiH, all as read with Article 180(1) and Article 29 of the same Code. Therefore, the Court has accepted the Plea Agreement and found the Accused Rasema Handanović guilty of the commission of the referenced crimes.

13. The documentary evidence presented and tendered in the case record is specified in Annex to the Verdict and constitutes an integral part thereof.

IV. PROSECUTION AND DEFENSE CLOSING ARGUMENTS PRESENTED IN EXPLANATION OF THE SENTENCE PROPOSED

14. At the sentencing hearing, the Prosecutor has fully stood by the sentence proposed, and noted that the Accused Rasema Handanović showed repentance for the crimes she had committed, and that by testifying in the case pending before this Court against other accused persons, she has already contributed to the explanation of the event which had occurred in the village of Trusina.

15. Having fully accepted the Prosecutor's arguments, the Counsel for the Accused particularly noted that during the war the Accused herself was a victim of rape, and that many members of her family had been killed.

16. The Accused Rasema Handanović supported the arguments of her Counsel, again showed her remorse for the crimes she committed and conveyed her condolences to the families for their loss.

V. APPLICABLE LAW

17. Under the Plea Agreement, the Accused Rasema Handanović pled guilty to committing the criminal offenses of War Crimes against Civilians under Article 173 and War Crimes against Prisoners of War under Article 175 of the CC of BiH.

18. The criminal offense of War Crimes against Civilians was regulated under Article 142 of the SFRY Criminal Code, and the criminal offense of War Crimes against Prisoners of War under Article 143 of the same Code. The sentence prescribed for the referenced offenses was a minimum of 5 years in prison or a death penalty. The Criminal Code of Bosnia and Herzegovina prescribes the foregoing crimes under Article 173 and Article 175 respectively, which are punishable with the sentence of imprisonment for a term of minimum 10 years or a long-term imprisonment.

19. Given the time of alleged commission of the crimes (1993), and the then applicable substantive law, the Court has held that it is important to be mindful of both the principle of legality (*nullum crimen sine lege and nulla poena sine lege*), and the principle of time constraints regarding the criminal code applicability.

20. The Court has accepted the Code indicated under the Plea Agreement being first

led by the principle of legality referred to in Article 3 of the CC of BiH. The referenced Article prescribes that "*Criminal offenses and criminal sanctions shall be prescribed only by law*", and that "*No punishment or other criminal sanction may be imposed on any person for an act which, prior to being perpetrated, has not been defined as a criminal offense by law, and for which a punishment has not been prescribed by law*". The offenses, that is, the acts of which the Accused Rasema Handanović is found guilty were indeed codified at the time of commission thereof, and were punishable under the then applicable law. More specifically, the criminal acts specified in Article 173 of the CC of BiH and Article 175 of the CC of BiH can also be found in the law that was in effect in the relevant period of time - when the crimes were committed - namely in Article 142 and Article 143 of the SFRY CC.

21. Bearing in mind that the referenced criminal offenses are prescribed under both Codes, the Court has compared the sentences prescribed thereunder. Even though Article 4(1) of the CC of BiH prescribes 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*", Paragraph 2 of this Article also prescribes that "*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*".

22. Article 7(1) of the European Convention on Human Rights (ECHR) has also prescribed the principle of legality. Pursuant to Article II(2) of the Constitution of BiH, the European Convention has primacy over all other laws in BiH. This provision of the European Convention contains a general principle under which it is prohibited to impose a more stringent punishment than the one which was applicable at the time of the crime commission, but does not provide for the application of the most lenient law.

23. In this regard, the application of the CC of BiH is acceptable for the Court given that the sentence prescribed under the Criminal Code of BiH is, in any case, more lenient than the death penalty which was in effect at the time of the crime commission, whereby the

principle of time constraints regarding the criminal code, that is, the application of a more lenient law to the perpetrator, has been satisfied.¹

24. Furthermore, it should be taken into account that Article 4a) of the CC of BiH which stipulates that “*Articles 3 and 4 of the CC of BiH shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of international law*”.

25. In addition, Article 7(2) of the European Convention provides for the identical exemption provided that Paragraph 1 of the same Article “*shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by civilized nations*”.²

26. The foregoing has provided for both the possibility to depart, under prescribed requirements, from the principles set out in Articles 3 and 4 of the CC of BiH (and Article 7(1) of the European Convention) and thereby from the application of the criminal code that was in effect at the time when the crime was committed, and the possibility to apply a more lenient law in the proceedings conducted for the acts codified in international law.

27. The criminal offenses of War Crimes against Civilians and War Crimes against Prisoners of War charged against the Accused were also criminal pursuant to customary international law and therefore fall under “the general principles of international law”³ as defined under Article 4a) of the Law on the Amendments to the CC of BiH and “the general

¹ Such a view of the Court is compliant with the view taken in the Verdict of Section I of the Appellate Division of the Court of BiH in *Abduladhim Maktouf*, No. KPŽ 32/05 of 4 April 2006, and the Verdict in *Dragoje Paunović* No. KPŽ 05/16 of 27 October 2006, which was upheld in the Decision of the Constitutional Court of Bosnia and Herzegovina No.: AP -1785/06 of 30 March 2007.

² See also Article 15(1) and (2) of the International Covenant on Civil and Political Rights containing similar provisions. The State of Bosnia and Herzegovina, as one of the Yugoslavia successor-states, has ratified this Covenant.

³ Customary status of criminal liability for Crimes against Humanity and War Crimes against Civilians and that of the individual responsibility for the war crimes committed in 1992 was also confirmed by the UN Secretary General, International Law Commission as well as the jurisprudence of both the ICTY and the International Criminal Tribunal for Rwanda (ICTR). These institutions have established that the criminal liability for Crimes against Humanity and War Crimes against Civilians is an imperative standard of international law, that is, a *jus cogens*. That is why it appears indisputable that in 1992, Crimes against Humanity and War Crimes against Civilians were a part of customary international law. The ICRC Study on Customary International Humanitarian Law by Jean-Marie Henckaerts and Louise Doswald-Beck has also confirmed this conclusion.

principles of law recognized by the civilized nations” as set forth in Article 7(2) of the European Convention. Therefore, pursuant to the foregoing provisions, the CC of BiH can be applied in the case at hand.

VI. FINDINGS OF THE COURT

A. RELEVANT LAW

28. Pursuant to the BiH Prosecutor’s Indictment, the Accused Rasema Handanović is charged with committing the criminal offenses of War Crimes against Civilians under Article 173(1)(c) (killings) and War Crimes against Prisoners of War under Article 175(1)(a) (murder).

29. Definitions of war crimes under Article 173 and Article 175 of the CC of BiH include common underlying elements of war crimes in general, which will be explained in detail further below.

30. Article 173(c) of the CC of BiH prescribes as follows:

Whoever in violation of rules of international law in time of war, armed conflict or occupation, orders or perpetrates any of the following acts:

c) killings, intentional infliction of severe physical or mental pain or suffering upon a person (torture), inhuman treatment, biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation, immense suffering or violation of bodily integrity or health

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

31. Article 175(a) of the CC of BiH prescribes as follows:

Whoever in violation of rules of international law, orders or perpetrates in regard to prisoners of war any of the following acts:

a) Depriving other persons of their lives (murders), intentional infliction of severe physical or mental pain or suffering upon persons (torture), inhuman treatment, including therein biological, medical or other scientific experiments, taking of tissue or organs for the purpose of transplantation

shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

32. The criminal offenses charged against the Accused Rasema Handanović have

common elements pursuant to their legal definition, wherefore the underlying elements of the criminal offenses of war crimes will be jointly addressed in the text below. Although Article 175 of the CC of BiH does not explicitly require the existence of an armed conflict, it is clear that the war crimes against prisoners of war were committed in such conditions in violation of the rules of international law.

33. All war crimes must satisfy the following criteria:

- The crime of the perpetrator must be perpetrated in violation of rules of international law;
- The violation must be committed in time of war, armed conflict or occupation;
- The act of the perpetrator must be related to the war, armed conflict or occupation;
- The perpetrator must order or perpetrate the crime;

(i) The crime of the perpetrator must be perpetrated in violation of rules of international law

34. The Prosecution has submitted that the Accused committed the crimes set forth in Article 173(c) and Article 175(a) of the CC of BiH by acting in violation of Article 3(1)(a) of the Geneva Convention on the Protection of Civilian Persons at Time of War dated 12 August 1949 and Article 3(1)(a) of the Geneva Convention relative to the Treatment of Prisoners of War dated 12 August 1949. The above referenced Article 3 is a common article for all the Geneva Conventions and it is known as “Common Article 3”.

35. Article 3(1) of the Geneva Convention reads as follows:

‘In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in

any place whatsoever with respect to the above-mentioned persons:

a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture

36. Article 3 of the 1949 Geneva Convention is considered as a provision of customary law and it is binding on all parties to a conflict, national or international, wherefore this provision was in effect at the time and in the place the crimes charged against the Accused were committed. The referenced Article is common to all the Geneva Conventions, that is, it has been incorporated in all the four Geneva Conventions dated 12 August 1949. In addition to being applied in all types of conflicts (national and international), its essence is that certain rights are guaranteed to all persons taking no active part in the hostilities, that is, human treatment is guaranteed to them and certain acts against them are prohibited, as specified under items a) through d) of Article 3.

37. It is clear upon interpretation of this provision that it is not necessary that a perpetrator is aware of, or intends to act in violation of international rules, but rather it is sufficient that the mere perpetration thereof is in violation of the rules of international law. In order to establish violations of the rules of international law it is necessary to determine against whom the perpetration was directed, namely whether the act was directed against a specific category of persons protected under Article 3(1) of the Geneva Convention. In the concrete case, the Accused Rasema Handanović undertook the criminal acts against civilians and prisoners of war, that is, the persons taking no active part in the hostilities wherefore they fall within the category protected under this Article.

38. Violations of bodily integrity or health, particularly all types of killings, cruel treatment, torture, and all the acts leading to violations of personal dignity and humiliating treatment against this category are particularly prohibited. Therefore, there is no doubt that the Accused has violated the rules of international law.

39. In order to find violations of the rules of international law in the case at hand it is necessary to establish that the act was directed against a protected category of persons pursuant to Common Article 3 of the Geneva Conventions.

40. In terms of the criminal offense under Article 175 of the CC of BiH, and pursuant to Common Article 3 of the Geneva Conventions, victims of the alleged violation of the rules of international law were not allowed to take active part in the hostilities, including

members of the armed forces who had laid down their arms or persons placed *hors de combat* by sickness, wounds, deprivation of liberty or any other reason. In this case, prisoners of war are, pursuant to Article 175, defined as *members of armed forces who were placed hors de combat by deprivation of liberty or some other reason*.

41. Similarly to Article 175 of the CC of BiH, violations of Article 173 of the CC of BiH are based on Common Article 3, which prescribes that *victims of the violation of international law shall not take active part in the hostilities*. In the case at hand, the Accused Rasema Handanović committed the criminal acts against civilians, that is, persons taking no active part in the hostilities, and who, pursuant to the referenced Article, fall within the protected category of persons.

42. The Plea Agreement entered between the parties made indisputable the fact that the killed persons Ivan Drljo, Nedeljko Kršo and Pero Kršo had the status of prisoners of war, and that Zdravko Drljo, Željko Blažević and Franjo Drljo had the status of civilians. The Court has analyzed the foregoing pursuant to the criteria prescribed under Common Article 3 of the Geneva Conventions in relation to the question of which persons are to be considered either civilians or prisoners of war.

43. It ensues from the evidence of the heard witnesses, primarily the Croat villagers of Trusina, including the protected witnesses G and S, and witnesses Dragan Drljo, Mara Drljo, Tihomir Ivanković, Ivan Šagolj and Ruža Mlikota that when the attack was launched, HVO soldiers from the “Herceg Stjepan” Konjic Brigade were at the hill of Križ, including Ivan Drljo, Nedeljko Kršo and Pero Kršo, who had surrendered, and at that point acquired the **status of prisoners of war**, namely the persons protected under Common Article 3 of the Geneva Conventions. Witnesses Ilija Drljo and Mara Drljo testified that the surrender occurred after the soldiers who had attacked the village sent Milka Drljo to inform the men of the village of Trusina who held the position at Križ that their wives and children would be killed if they did not surrender. Most soldiers surrendered, including Ivan Drljo, Nedeljko Kršo and Pero Kršo, whereupon they were deprived of their lives. Bearing in mind the definition of prisoners of war under Common Article 3, namely that they are defined as *members of armed forces who were placed hors de combat due to arrest or any other reason*, it is obvious that Ivan Drljo, Nedeljko Kršo and Pero Kršo enjoyed the status of protected persons.

44. **The civilian status of** Franjo Drljo, Zdravko Drljo and Željko Blažević ensues from the Examination Records for Witnesses-survivors from the village of Trusina. According to the survived witnesses Bosiljka Kršo, Mara Drljo, and Dragan Drljo, who had eye-witnessed the event, Franjo Drljo was captured in his family house in Gaj, he was in civilian clothing when arrested, and he was not at all militarily engaged during the war. The witnesses also testified that Zdravko Drljo and Željko Blažević were militarily engaged as members of the HVO. However, according to witness Tihomir Ivanković, these two persons were captured in their family houses because they had returned from the frontline just a night before. It undoubtedly transpires from the foregoing that Zdravko Drljo and Željko Blažević were members of the Croat Defense Council, but that they were not in combat at the moment when they were killed, namely that they were in their houses when Ivan Drljo came and told them they had to surrender or otherwise their family members would be killed. The foregoing has satisfied the definition of civilians under Common Article 3 that *victims of the violation of the rules of international law shall take no active part in the hostilities.*

(ii) The violation must be committed in time of war, armed conflict or occupation

45. Reviewing the Plea Agreement, the Court was mindful of all the underlying elements of the criminal offense of War Crimes against Civilians. In order to establish that the war and the armed conflict existed, the Court first took into account that the entered Plea Agreement has made these facts indisputable. In support of the fact that there was a war at the time the crime was committed also stands the fact that on 20 June 1992 the Presidency of the Republic of Bosnia and Herzegovina issued a Decision on the Proclamation of the State of War, published in Official Gazette of the RBiH No. 7/92 (Exhibit **T-103**), which was abolished also by the decision of the BiH Presidency on 22 December 1996 published in Official Gazette of the RBiH No. 50/95 (Exhibit **T-104**).

46. In addition, it is indisputable that at the critical time, in the territory of Bosnia and Herzegovina, in the Municipality of Konjic, there was an armed conflict between members of the Army BiH and the HVO. This fact was confirmed by all the witnesses who gave evidence (Enis Popara, Ramiz Bećiri, protected witnesses A, B, C, D, E, X, M, O, and R), and the Accused herself. In addition, the Prosecution tendered in the case record a large

number of orders and reports related to the combats in which armed groups of the HVO and the Army of BiH were engaged in the territory of Konjic Municipality, namely the Prosecution Exhibits T 108 – T -123.⁴

47. On the basis of tendered evidence and the witnesses' statements, the Court has undoubtedly found that during the armed conflict between the HVO and the Army BiH in the territory of Municipality Konjic, on 16 April 2012 */sic/* an attack was launched on the village of Trusina by members of the *Zulfikar* Special Purposes Detachment of the Supreme Command Staff of the R BiH Army. The foregoing is also confirmed by the contents of the documents tendered as exhibit Nos. T-125⁵, T-130⁶ and T-155⁷. The referenced evidence stated that the attack was launched on the village of Trusina, and described the crimes in which civilians were killed.

48. It undoubtedly ensues from the foregoing that the criminal offenses charged against the Accused were committed during the war in Bosnia and Herzegovina, and that the obtained evidence demonstrated beyond a reasonable doubt the existence of a causal link (nexus) between the war and the criminal offenses committed.

⁴ Order by the Chief of Staff of the Supreme Command of the Armed Forces of R BiH (hereinafter: the CS SC AF R BiH) number: 02/607-1 of 10 June 1993, ERN number: 0090 – 0239 (**T-108**); Letter of the Chief of Staff of the 4th Corps number: 02/1-966-92/93 of 27 March 1993, ERN number: 0129-8532 (**T-109**); Order by CS SC AF R BiH number: 02/101 of 28 April 1993, ERN number: 0180-5185 (**T110**); Report by a member of the SC AF R BiH number: 1-1 of 30 April 1993, ERN number: 0183-2608 (**T111**); Special Report by the Commander of the Operative Group Igman (OG Igman) number: CV-282-05/93 of 13 March 1993, ERN number: 0183-2876 (**T112**); Combat Report by the Commander of the OG Igman number: 03/592-7-2 of 18 April 1993, ERN number: 0183-2912 (**T113**); Special Report by the Commander of the OG Igman number: 02/665-2 of 18 April 1993, ERN number: 0183-2913 (**T114**); Special Report by the Commander of the OG Igman number: 03-592/7 of 18 April 1993 on conflicts with the HVO ERN number: 0183-2914 (**T115**); Copy of the Combat Report by the Commander of the OG Igman number: 03-592/8 of 19 April 1993, ERN number: 0183-2916 (**T116**); Daily Combat Report by the Commander of the OG Igman number: 03-592/10 of 21 April 1993, ERN number: 0183-2919 (**T117**); Daily Combat Report by the Commander of the OG Igman number: 1-20/8 of 22 April 1993, ERN number: 0183-2920-0183-2921 (**T118**); Evaluation of situation and proposal of measures by Assistant Commander of the Security Department of the 44th Mountain Brigade number 06/70-1-11/93 of 23 May 1993, ERN number: 0403-6133 – 0404-6134 (T119); Order by the Commander of the CS SC AF R BiH number: 02/607-1 of 10 June 1993, ERN number: 0601-2647 (**T120**); Order for attack by the IZM OZ SZ Herzegovina (Forward Command Post, Operative Zone, South West Herzegovina) number: 01-459 of 11 May 1993, ERN number: 0364-1778 – 0364- 1780 (**T121**); Instruction on the Manner of Collection of Facts Concerning War Crimes sent from the Command of the 4th Corps number: 07-1971/93 of 17 March 1993 ERN number: 0363-9519 - 0363-9526 (**T122**); Order by CS SC AF R BiH number: 14/75-24 of 13 March 1993, ERN number: 0185-0113 (**T123**);

⁵ Summary Report for 16 April 1993 by the HVO SC of 17 April 1993 informing about the attack on the village of Trusina ERN number: 0617-2036 – 0617-2039

⁶ Report by the Commander of the e Herceg Stjepan Brigade Konjic of 16 April 1993 about a severe conflict between the HVO and ARBiH in the village of Trusina and the massacre of civilians in the village of Trusina ERN number: 0151-6484

(iii) The act of the perpetrator must be related to the war, armed conflict or occupation

49. Analyzing the status of the Accused at the critical time is important from the aspect of the requirement necessary for the existence of this crime, namely that the act of the perpetrator must be related to the war, armed conflict or occupation.

50. What is important here is that „the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator’s ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed.”⁸

51. The armed conflict need not have been causal to the commission of the crime. In order to establish whether the crime is closely related to an armed conflict, the prosecutor must, at a minimum, prove that the armed conflict „have played a substantial part in the perpetrator’s ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed”.⁹ Hence, if it can be established that the perpetrator acted in furtherance of or under the guise of the armed conflict, it would be sufficient.¹⁰ However, it is not sufficient merely to show that the crime was committed “at the same time as an armed conflict” and/or “in any circumstances created in part by the armed conflict”.¹¹

52. Several factors can determine the existence of a nexus between the acts committed by the accused and the armed conflict. These factors are as follows: (i) the fact that **the** perpetrator is a combatant;¹² (ii) the fact that the victim is a non-combatant; the fact that the victim is a member of the opposing party; (iii) the fact that the act may be said to serve the ultimate goal of a military campaign; (iv) and the fact that the crime is committed as part of or in the context of the perpetrator’s official duties.

⁷ Report by the HVO Municipal Council Konjic No.: 01-251/95 of 13 March 1995 mentioning and describing, among other things, the crimes in Trusina ERN number: 0157-5145 – 0157-5152;

⁸ *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, case No.: IT-96-23 & IT-96-23/1-A Appeals Chamber Judgment of 12 June 2002, para. 58.

⁹ *Kunarac*, Appellate Judgment, para. 58.

¹⁰ *Kunarac*, Appellate Judgment, para. 58.

¹¹ *Rutaganda*, para. 570.

¹² *Kunarac et al.*, Second Instance Judgment, para. 59.

53. The Accused has confirmed the fact that at the relevant time she was a member of the *Zulfikar* Special Purposes Detachment within the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina. The foregoing ensues from both the witnesses' statements and the following documentary evidence: Letter of the Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War number: 07-03-96-1/11 of 26 January 2012 with Vob-2 and Vob-3 to the name of Rasema Handanović (T-296) and Vob 8 for military unit-SPD SCC ARBiH for Rasema Handanović aka Zolja (T-297). Accordingly, the Accused committed all the referenced acts as a member of the *Zulfikar* Special Purposes Detachment, which was exactly the position owing to which she was able to commit the referenced criminal offenses, as stated in the operative part of the Verdict, specifically the killings of civilians and prisoners of war, which acts are directly linked with the existence of war and armed conflict.

54. The Plea Agreement entered between the parties to the proceedings made it indisputable **that** Ivan Drljo, Nedeljko Kršo and Pero Kršo did have the status of war prisoners, and that Zdravko Drljo, Željko Blažević and Franjo Drljo did have the civilian status. The foregoing was also indisputably proved by the evidence explained in detail in the Verdict section titled "*The act must be committed in violation of the rules of international law.*"

(iv) The perpetrator must order or perpetrate the crime

55. Finally, Article 173(1) and Article 175(1) of the CC of BiH prescribe as a requirement that the Accused must directly commit or order an unlawful act.¹³

56. Therefore, the last general underlying element of the criminal offenses of War Crimes against Civilians and War Crimes against Prisoners of War has been satisfied given that the Accused committed the referenced crimes as a co-perpetrator.

57. The Accused was found guilty because by her acts she killed civilians and prisoners of war who were inhabitants of the village of Trusina.

¹³ Đukić, First Instance Judgment, para. 179.

B. CONCRETE CRIMINAL OFFENSE – ACTS OF COMMISSION AND THEIR FORM

Relevant provisions

58. The Accused Rasema Handanović is charged with committing the criminal offenses of War Crimes against Civilians under Article 173(1)(c) (killings) of the CC of BiH and War Crimes against Prisoners of War under Article 175(1)(a) (murder) of the CC of BiH, as read with Article 180(1) (individual criminal responsibility) of the CC of BiH and Article 29 (co-perpetration) of the CC of BiH.

(a) **Killings**

59. Common Article 3 strictly prohibits the killing of persons “taking no active part in the hostilities”.¹⁴ According to the ICTY jurisprudence, in order for a “murder” to constitute a violation of law and customs of war it is necessary that “the death of the victim is a result of an act of the accused, committed with the intention to cause death and against a person taking no active part in the hostilities.”¹⁵

60. **Murder** has consistently been defined by the ICTY and the ICTR as the death of the victim resulting from an act or omission of the accused committed with the intention to kill or to cause serious bodily harm which he/she should reasonably have known might lead to death.¹⁶

61. “The elements of the definition of “murder” under customary international law are as follows: the victim is dead, the death was caused by an act or omission of the accused, or of a person or persons for whose acts or omissions the accused bears criminal responsibility. That act was done, or that omission was made, by the accused, or a person or persons for whose acts or omissions he bears criminal responsibility, with an intention

¹⁴ See. e.g. IV Geneva Convention, Article 3(1)(a) (prohibiting) violations to life and bodily integrity, particularly all types of murder...” against persons taking no active part in the hostilities.

¹⁵ *Prosecutor v. Kordić and Čerkez*, IT-95-14/2-A, Judgment of 17 December 2004 (Second Instance Verdict); See Verdict in *Enes Handžić*, case No. S1 1 K 005760 11 KR1, dated 25 May 2011;

¹⁶ *Prosecutor v. Radislav Krstić*, Case IT-98-33 (Trial Panel), 2 August 2001, para. 485.

to kill, or to inflict grievous bodily harm, or to inflict serious injury, in the reasonable knowledge that such act or omission was likely to cause death.¹⁷

62. The Court of BiH has previously identified the elements of the crime of murder:

1) the deprivation of life;

2) the direct intention to deprive of life, as the perpetrator was aware of his act and wanted

the act to be perpetrated.¹⁸

63. The acts of the Accused have satisfied the underlying elements of the criminal offense of murder by depriving three civilians and three war prisoners of their lives with direct intention, that is, by execution. The Court has found the foregoing proved on the basis of the statements of witnesses D, B, O, and R, who were the Accused's co-combatants that eye-witnessed the event, the testimony of witness Bosiljka Krešo, and the Accused's admission given before the BiH Prosecutor's Office in her statements of 27 December 2011 and 27 February 2012 tendered in the case record under number **T-318** and **T-319**. Excerpts from the Register of Deaths for Ivan Drljo, Nedeljko Krešo, Pero Krešo, Zdravko Drljo, Željko Blažević and Franjo Drljo were tendered in the case record under numbers **T-246**, **T-244**, **T-242**, **T-240**, **T-248**, and **T-256**.

C. INDIVIDUAL CRIMINAL RESPONSIBILITY

64. Under the Plea Agreement, the Accused pled guilty as charged, however, the Court must examine both the validity of the referenced admission and the existence of sufficient evidence proving her criminal responsibility.

i. Co-perpetration (Article 29 of the CC of BiH)

65. Article 29 of the CC of BiH stipulates as follows:

¹⁷ *Prosecutor v. Mitar Vasiljević*, Judgment in IT 98-32 of the Trial Panel IT, 29 November 2002, para. 205.

¹⁸ See *Trbić*, X-KR-07/386 (Court of BiH), First Instance Verdict dated 16 October 2009, para. 177.

“If several persons who by participating in the perpetration of a criminal offense or by taking some other act by which a decisive contribution has been made to its perpetration, have jointly perpetrated a criminal offense, shall each be punished as prescribed for the criminal offense”.

66. The Court has recalled the First Instance Verdict in *Rašević and Todović*, in which the Trial Panel stated that “In order to be guilty of co-perpetration under the terms of Article 29, the accused must either participate in the *actus reus* of the crime or take some act “by which a *decisive contribution* has been made” to the commission of the crime.¹⁹ If the Accused, together with other persons, participated in the commission of the criminal offense itself, provided that the required *mens rea* exists, it is sufficient pursuant to Article 29 to consider the Accused a co-perpetrator and impose on him the same sentence that was imposed on the principal perpetrator.

ii. Individual Criminal Responsibility (Article 180(1) of the CC of BiH)

67. Article 180(1) of the CC of BiH prescribes the following:

“A person who planned, instigated, ordered, perpetrated or otherwise aided and abetted in the planning, preparation or execution of a criminal offense referred to in Article 173 (War Crimes against Civilians)....., of this Code shall be personally responsible for the criminal offense.”

68. The Panel has recalled that Article 180(1) of the CC of BiH is derived from and is identical to Article 7(1) of the ICTY Statute. The ICTY Appeals Chamber has concluded that Article 7(1) „...covers first and foremost the physical perpetration of a crime by the offender, or the culpable omission of an act that was mandated by a rule of criminal law”.

69. *Actus reus* required for the commission of the criminal offense is “...that the accused participated physically or otherwise directly or indirectly, in the material elements of the crime charged through positive acts or, based on a duty to act, omissions, whether individually or jointly with others. The accused himself need not have participated in all aspects of the alleged criminal conduct.²⁰ There can be several perpetrators in relation to

¹⁹ *Rašević and Todović*, X-KR-06/275 (Court of BiH), First Instance Verdict dated 28 February 2008, p. 185.

²⁰ *Stakić*, First Instance Judgment, para. 439.

the same crime where the conduct of each one of them fulfills the requisite elements of the definition of the substantive offence.²¹

70. The requisite *mens rea* is that the accused acted with an intent to commit the crime..."²² or, as in case of other forms of participation in crimes referred to in Article 7(1), "with an awareness of the probability, in the sense of the substantial likelihood that the crime would occur as a consequence of his conduct."²³

VII. CONCLUSION

71. Under the Plea Agreement, the Accused also pled guilty as charged for the type of criminal responsibility as indicated in the Indictment. The Court, however, must examine both the validity of the referenced admission and the existence of sufficient evidence proving her criminal responsibility.

72. In this regard, the Court has found that there is sufficient evidence proving the guilt of the Accused Rasema Handanović for the acts she committed as a co-perpetrator. This is so because in the acts of commission she participated in concert with other persons, by which acts she gave a decisive contribution to the commission of the criminal offense. On the basis of the presented evidence, the Court has found that in the early morning of 16 April 1993, as a member of the *Zulfikar* SPD SCS, the Accused Rasema Handanović participated in a well prepared and previously planned attack on the village of Trusina, Municipality of Konjic, and that, after Nedžad Hodžić aka Džon Vejn and Džoni had ordered the execution of the lined-up HVO members and civilians in the hamlet of Gaj, the Accused Rasema Handanović aka Zolja, in concert with other members of the *Zulfikar* SPD SCS known to her, participated in the execution of the **lined-up soldiers** of the Croat Defense Council who had earlier surrendered, namely Ivan Drljo, Nedeljko Krešo, Pero Krešo and **civilians** Zdravko Drljo, Željko Blažević and Franjo Drljo, committing all those acts knowingly and willfully. The Accused is criminally liable on the basis of individual criminal responsibility (Article 180(1) of the CC of BiH), because by her acts she directly *perpetrated* the crimes referred to in Article 173(1)(c) and Article 175(1)(a) of the CC of BiH.

²¹ *Prosecutor v. Kunarac et al.*, IT-96-23-T & IT-96-23/1, Judgment dated 22 February 2001.

²² *Limaj*, First Instance Judgment, para. 509.

²³ *Kvočka*, First Instance Judgment, para. 251; *Limaj*, First Instance Judgment, para. 509.

73. All the foregoing suggests the conclusion that there is sufficient evidence proving the guilt of the Accused Rasema Handanović, and that all the underlying elements of the criminal offenses of War Crimes against Civilians under Article 173(1)(c) and War Crimes against Prisoners of War under Article 175(1)(a) of the CPC of BiH have been satisfied by the acts of the Accused. The Court concluded that all other requirements set forth in Article 231 of the CPC of BiH have also been satisfied, wherefore it accepted the referenced Plea Agreement.

VIII. SENTENCING

74. Having ruled on the type and duration of the sentence as proposed and determined under the Plea Agreement pursuant to Articles 42, 49 and 50 of the Criminal Code of Bosnia and Herzegovina, for the criminal offense of War Crimes against Civilians under Article 173(1)(c) of the CC of BiH, as read with Article 180(1) and Article 29 of the same Code, the Court *i m p o s e d* on the Accused Rasema Handanović the sentence of imprisonment for a term of 5 (five) years, and for the criminal offense of War Crimes against Prisoners of War under Article 175(1)(a) of the CPC of BiH, as read with Article 180(1) and Article 29 of the same Code, the sentence of imprisonment for a term of 5 (five) years. Applying Article 53(2)(b) of the Criminal Code of Bosnia and Herzegovina, the Court sentenced the Accused for the referenced crimes to a compound sentence of imprisonment for a term of 5 years and 6 months.

75. In addition to the evaluation of all the circumstances surrounding the case, the Court was also mindful of the purpose of punishment, particularly serving the interests of justice, and above all, of the interests of the injured parties. The Court has also taken into account the fact that the sentence imposed should be proportionate to the degree of vulnerability of the protected values on the one hand, and the personality of the Accused as a perpetrator, on the other hand, as well as the fact that the purpose of sentence is both general and special deterrence.

76. In fashioning the sentence, the Court was also mindful of the previous life of the Accused Rasema Handanović, namely of the fact that until the moment of commission of the concrete crime she had no prior convictions, that she is a single mother of a minor child, and that at the time of the commission of the crime of which she was found guilty under this Verdict, she was a little older than age 20, namely that pursuant to her age and

life experiences she was within the category of adults who, by the law, could not be sentenced to a long-term imprisonment. The Court has also taken into account that during the war, the Accused herself had survived traumatic experiences of rape and that she had lost her family members, which has in no event justified the crimes she had committed. The Accused has not asked that her acts be justified, but she has rather asked the victims' relatives forgiveness for the pain she had inflicted upon them by her acts. In addition, the Accused showed openness and readiness towards the BiH Prosecutor's Office to offer her full cooperation in order to ensure a better understanding and explanation of the events that took place on 16 April 1993 in the village of Trusina, and of her role and responsibility in these dramatic events. In support of the sincerity of her intentions also stand the facts that the Accused Rasema Handanović has already testified in *Memić et al.* case which is pending before this Court, and that she has expressed her clear intentions to continue doing so in the future, when requested by the Prosecution, and in a way she is bound to under the entered Plea Agreement.

77. In addition to the foregoing, the Court has taken into account that, in such a way, the Accused contributed to the efficiency and economy of the proceedings, and even more importantly, that entering a plea agreement before the main trial commencement limits the need to continually and repeatedly summon the victims to testify in other cases before other courts, and thereby re-experience the painful memories of the war and the events in which they lost their families' closest members.

78. Finally, the Court has found that the sentence imposed is adequate and proportionate to the gravity of crimes committed by the Accused and to the degree of her criminal responsibility, but that she admitted her guilt and expressed her sincere regrets for what she had done.

79. Pursuant to Article 56(1) of the Criminal Code of Bosnia and Herzegovina, the time the Accused spent in custody, running from 13 April 2011 until her committal to serve the sentence of imprisonment, shall be credited towards her sentence of imprisonment.

**IX. DECISION ON THE COSTS OF PROCEEDINGS AND CLAIMS UNDER
PROPERTY LAW**

80. Considering the fact that the Accused Rasema Handanović is currently in custody, the Court has decided, applying Article 56(1) of the CC of BiH, that the time she spent in custody since 13 April 2011 until her committal to serve the sentence of imprisonment, will be credited towards the sentence imposed.

81. Pursuant to Article 188(4) of the CPC of BiH, the Court has relieved the Accused of the duty to reimburse the costs of criminal proceedings given the fact that their payment would jeopardize the support of the Accused and her family.

82. Pursuant to Article 198(2) of the CPC of BiH, the Court has instructed the injured parties that they may pursue their claims under property law in a civil action given the fact that ruling on this matter would significantly affect the length of the criminal proceedings. For the purpose of judicial efficiency and economy, the Court has ruled as stated in the operative part of this Verdict.

MINUTES-TAKER

Elma Karović

PANEL PRESIDENT

JUDGE

Jasmina Kosović

NOTE ON LEGAL REMEDY: An appeal from this Verdict may be filed within 15 days after the receipt thereof. No appeal lies from the decision on sentence.

X. ANNEX

Examination Record for the witness A, No.: KT-RZ 107/05, BiH Prosecutor's Office (T1);
Examination Record for the witness A, No.: KT-RZ 107/05, BiH Prosecutor's Office (T2);
Examination Record for the witness A, No.: KT-RZ 107/05, BiH Prosecutor's Office (T3);
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T4);
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T5);
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T6);
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T7);
Examination Record for the witness B, No.: KT-RZ 107/05 BiH Prosecutor's Office (T8);
Examination Record for the witness C, No.: KT-RZ 107/05 BiH Prosecutor's Office (T9);
Examination Record for the witness D, No.: KT-RZ 107/05 BiH Prosecutor's Office (T10);
Examination Record for the witness E, No.: KT-RZ 107/05 BiH Prosecutor's Office (T11);
Examination Record for the witness E, No.: KT-RZ 107/05 BiH Prosecutor's Office (T12);
Examination Record for the witness E, No.: KT-RZ 107/05 BiH Prosecutor's Office (T13);
Examination Record for the witness F, No.: KT-RZ 107/05 BiH Prosecutor's Office (T14);
Examination Record for the witness F, No.: KT-RZ 107/05 BiH Prosecutor's Office (T15);
Examination Record for the witness F, No.: KT-RZ 107/05 BiH Prosecutor's Office (T16);
Examination Record for the witness G, No.: KT-RZ 107/05 BiH Prosecutor's Office (T17);
Examination Record for the witness G, No.: KT-RZ 107/05 BiH Prosecutor's Office (T18);
Examination Record for the witness G, No.: KT-RZ 107/05 BiH Prosecutor's Office (T19);
Examination Record for the witness H, No.: KT-RZ 107/05 BiH Prosecutor's Office (T20);
Examination Record for the witness H, No.: KT-RZ 107/05 BiH Prosecutor's Office (T21);
Examination Record for the witness H, No.: KT-RZ 107/05 BiH Prosecutor's Office (T22);
Examination Record for the witness I, No.: KT-RZ 107/05 BiH Prosecutor's Office (T23);
Examination Record for the witness I, No.: KT-RZ 107/05 BiH Prosecutor's Office (T24);
Examination Record for the witness I, No.: KT-RZ 107/05 BiH Prosecutor's Office (T25);
Examination Record for the witness K, No.: KT-RZ 107/05 BiH Prosecutor's Office (T26);
Examination Record for the witness J, No.: KT-RZ 107/05 BiH Prosecutor's Office (T27);
Examination Record for the witness J, No.: KT-RZ 107/05 BiH Prosecutor's Office (T28);
Examination Record for the witness O, No. KT-RZ 107/05 BiH Prosecutor's Office (T29);
Examination Record for the witness O, No.: KT-RZ 107/05 BiH Prosecutor's Office (T30);
Examination Record for the witness L, No.: KT-RZ 107/05 BiH Prosecutor's Office (T31);
Examination Record for the witness M, No.: KT-RZ 107/05 BiH Prosecutor's Office (T32);
Examination Record for the witness N, No.: KT-RZ 107/05 BiH Prosecutor's Office (T33);
Examination Record for the witness R, No.: KT-RZ 107/05 BiH Prosecutor's Office (T34);

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name of Anđa Ivanković **(T-180)**; Report concerning dissection No. 376/94 issued to the name of Anđa Ivanković by the Department for Pathology of the Clinical/Health Center in Split on 9 November 1994 **(T-181)**; Permit for funeral issued to the name of Anđa Ivanković by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-182)**; Report of death issued by the Konjic Registrar's Office to the name of Pero Krešo, No. 2656/94 dated 9 November 1994 **(T-183)** Report on dissection No. 395/94 issued to the name of Pero Krešo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-184)**; Permit for funeral issued to the name of Pero Krešo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-185)**; Report of death issued by the Konjic Registrar's Office issued to the name of Stipo Mandić, No. 2652/94 on 9 November 1994 **(T-186)**; Report on dissection No. 379/94 issued to the name of Stipo Mandić by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1944 **(T-187)**; Permit for funeral issued to the name of Stipo Mandić by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-188)**; Report of death issued to the name of Milenko Mandić by the Konjic Registrar's Office, No. 2654/94 dated 9 November 1994 **(T-189)**; Copy of the Report on dissection No. 386/94 issued to the name of Milenko Mandić by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1944 **(T-190)**; Permit for funeral issued to the name of Milenko Mandić by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-191)**; Report of death issued by the Konjic Registrar's Office to the name of Ante Drljo, No.2663/94 dated 9 November 1994 **(T-192)**; Copy of the Report on dissection No. 383/94 issued to the name of Anto Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-193)**; Copy of the Permit for funeral issued to the name of Anto Drljo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-194)**; Report of death issued to the name of Ivan Drljo by the Konjic Registrar's Office, No. 2653/94 dated 9 November 1994 **(T-195)**; Copy of the Report on dissection, No. 384/94 issued to the name of Ivan Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-196)**; Copy of the Permit for funeral issued to the name of Ivan Drljo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-197)**; Report of death issued to the name of Ivan Drljo (born in 1971) by the Konjic Registrar's Office, No. 2665/94 dated 9 November 1994 **(T-198)**; Report on dissection No. 392/94 issued to the name of Ivan Drljo (born in 1971) by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-199)**; Permit for funeral issued to the name of Ivan Drljo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-200)**; Report of death issued to the name of Željko Blažević by the Konjic Registrar's Office, No. 2660/94 dated 9 November 1994 **(T-201)**; Report on dissection No. 393/94 issued to the name of Željko Blažević by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T202)**; Permit for funeral issued to the name of Željko Blažević by the

Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-203)**; Report of death issued to the name of Nedeljko Krešo by the Konjic Registrar's Office, No. 2668/94 dated 9 November 1994 **(T-204)**; Report on dissection No. 396/94 issued to the name of Nedeljko Krešo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-205)**; Permit for funeral issued to the name of Nedeljko Krešo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-206)**; Report of death issued to the name of Juro Anđelić by the Konjic Registrar's Office, 2659/94, dated 9 November 1994 **(T-207)**; Report on dissection No. 382/94 issued to the name of Juro Anđelić by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-208)**; Permit for funeral issued to the name of Juro Anđelić by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-209)**; Report of death issued to the name of Velimir Krešo, No. 2669/94 dated 9 November 1994, by the Konjic Registrar's Office **(T-210)**; Report on dissection No. 381/94 issued to the name of Velimir Krešo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-211)**; Permit for funeral issued to the name of Velimir Krešo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-212)**; Report of death issued to the name of Zdravko (Ivan) Drljo, No. 2664/94 dated 9 November 1994, by the Konjic Registrar's Office **(T-213)**; Report on dissection No. 387/94 issued to the name of Zdravko (Ivan) Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-214)**; Permit for funeral issued to the name of Zdravko (Ivan) Drljo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-215)**; Report of death issued to the name of Ivica Krešo, No. 2662/94 dated 9 November 1994, by the Konjic Registrar's Office **(T-216)**; Report on dissection No.380/94 issued to the name of Ivica Krešo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-217)**; Permit for funeral issued to the name of Ivica Krešo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-218)**; Report of death No. 2261/94 dated 9 November 1994 issued to the name of Andrija Drljo by the Konjic Registrar's Office **(T-219)**; Report on dissection No. 390/94 issued to the name of Andrija Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-220)**; Permit for funeral issued to the name of Andrija Drljo by the Split Clinical/Hospital Center on 9 November 1994 together with a burial transit permit **(T-221)**; Report of death No.2267/94 dated 9 November 1994 issued to the name of Tomo Drljo by the Konjic Registrar's Office **(T-222)**; Report on dissection No.391/94 issued to the name of Tomo Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 **(T-223)**; Permit for funeral issued to the name of Tomo Drljo along with a burial transit permit by the Split Clinical/Hospital Center "Firule" on 9 November 1994 **(T-224)**; Report of death issued to Kata Drljo by the Konjic Registrar's Office No. 2651/94 on 9 November 1994 **(T-225)**; Report on dissection No. 378/94 issued to the name of Kata Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November

1994 (**T-226**); Permit for funeral issued to the name of Kata Drljo along with a burial transit permit issued by the Split Clinical/Hospital Center on 9 November 1994 (**T-227**); Report of death issued to name of Franjo Drljo No. 2666/94 by the Konjic Registrar's Office on 9 November 1994 (**T-228**); Report on dissection No. 394/94 issued to the name of Franjo Drljo by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 (**T-229**); Permit for funeral issued to the name of Franjo Drljo along with a burial transit permit issued by the Split Clinical/Hospital Center on 9 November 1994 (**T-230**); Report of death issued to name of Stipo Ljubić No. 2671/94 by the Konjic Registrar's Office on 9 November 1994 (**T-231**); Report on dissection No. 389/94 issued to the name of Stipo Ljubić by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 (**T-232**); Permit for funeral issued to the name of Stipo Ljubić along with a burial transit permit issued by the Split Clinical/Hospital Center on 9 November 1994 (**T-233**); Report of death issued to the name of Kata Drljo (born in 1932) No. 2670/94 by the Konjic Registrar's Office on 9 November 1994 (**T-234**); Report on dissection No.385/94 issued to the name Kata Drljo (born in 1932) by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 (**T-235**); Permit for funeral issued to the name of Kata Drljo (born in 1932) along with a burial transit permit issued by the Split Clinical/Hospital Center on 9 November 1994 (**T-236**); Report of death issued to name of Branko Mlikota No. 2658/94 by the Konjic Registrar's Office on 9 November 1994 (**T-237**); Report on dissection No. 388/94 issued to the name of Branko Mlikota by the Department for Pathology of the Split Clinical/Hospital Center on 9 November 1994 (**T-238**); Copy of the Permit for funeral issued by the Split Clinical/Hospital Center "Firule" on 9 November 1994 to the name of Branko Mlikota along with a burial transit permit (**T-239**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Zdravko Drljo, number 09-15-3-4307/08 of 26 December 2008 (**T-240**); Copy of the decision establishing the death of Zdravko Drljo issued by the Municipal Court Konjic number R 171/05 of 22 December 2005 (**T-241**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Pero Krešo, number 09-15-3-4311/08 of 26 December 2008 (**T-242**); Decision establishing the death of Pero Krešo issued by the Municipal Court Konjic number R 545/99 of 26 January 2000 (**T-243**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Nedeljko Krešo, number 09-15-3-4316/08 of 26 December 2008 (**T-244**); Decision establishing the death of Nedeljko Krešo issued by the Municipal Court Konjic number R 68/00 of 17 April 2000 (**T-245**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Ivan Drljo, number 09-15-3-4312/08 of 26 December 2008 (**T-246**); Decision establishing the death of Ivan Drljo issued by the Municipal Court Konjic number R 530/99 of 10 January 2000 (**T-247**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Željko Blažević, number 09-15-3-4313/08 of 26 December 2008 (**T-248**); decision establishing the death of Željko Blažević issued by the Municipal Court Konjic number R 8/2000 of 23 February 2000 (**T-249**); Excerpt from the Register of Deaths HNK – Municipality

of Konjic to the name of Smiljko Krešo, number 09-15-3-4309/08 of 26 December 2008 (**T-250**); Decision establishing the death of Smiljko Krešo issued by the Municipal Court Konjic number R 544/99 of 26 January 2000 (**T-251**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Andrija Drljo, number 09-15-3-4314/08 of 26 December 2008 (**T-252**); Decision establishing the death of Andrija Drljo issued by the Municipal Court Konjic number R 531/99 of 10 January 2000 (**T-253**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Branko Mlikota, number 09-15-3-4290/08 of 25 December 2008 (**T-254**); Decision establishing the death of Branko Mlikota issued by the Municipal Court Konjic number 07 56 V 009072 V of 7 December 2000 (**T-255**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Franjo Drljo, number 09-15-3-4310/08 of 26 December 2008 (**T-256**); Decision establishing the death of Franjo Drljo issued by the Municipal Court Konjic number R 529/99 of 10 January 2000 (**T-257**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Tomo Drljo, number 09-15-3-4289/08 of 25 December 2008 (**T-258**); Decision establishing the death of Tomo Drljo issued by the Municipal Court Konjic number R 30/00 of 4 April 2000 (**T-259**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Ivan Drljo, number 09-15-3-4295/08 of 26 December 2008 (**T-260**); Decision establishing the death of Ivan Drljo issued by the Municipal Court Konjic number R 170/05 of 22 December 2005 (**T-261**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Anđa Ivanković, number 09-15-3-4318/08 of 26 December 2008 (**T-262**); Decision establishing the death of Anđa Ivanković issued by the Municipal Court Konjic number R 140/02 of 27 April 2004 (**T-263**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Ilija Ivanković, number 09-15-3-4317/08 of 26 December 2008 (**T-264**); Decision establishing the death of Ilija Ivanković issued by the Municipal Court Konjic number R 139/02 of 27 April 2004 (**T-265**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Ivan Krešo, number 09-15-3-4308/08 of 26 December 2008 (**T-266**); Decision establishing the death of Ivan Krešo issued by the Municipal Court Konjic number R 533/99 of 14 January 2000 (**T-267**); Excerpt from the Register of Deaths HNK – Municipality of Konjic to the name of Juro Anđelić, number 09-15-3-4287/08 of 25 December 2008 (**T-268**); Decision establishing the death of Juro Anđelić issued by the Municipal Court Konjic number R 363/99 of 1 October 1998 (**T-269**); Letter HNK Municipality Prozor-Rama, Registry Office Gračac, number 37/99 of 17 February 2009 (**T-270**); Excerpt from the Register of Deaths HNK– Municipality of Prozor-Rama to the name of Stipo Mandić, number 8/09 of 12 February 2009 (**T-271**); Excerpt from the Register of Deaths HNK– Municipality of Prozor-Rama to the name of Milenko Mandić, number 9/09 of 12 February 2009 (**T-272**); Letter of the Department for General Administration, Social Activities and Inspection Issues of the Municipality of Konjic number 09-15-3-4286/08 of 26 December 2008 (**T-273**); Excerpt from the Register of Births HNK– Municipality of Konjic to the name of Kata Drljo number 09-15-1-4319/08 of 26 December 2008 (**T-274**); Excerpt from the Register of Births HNK–

Municipality of Konjic to the name of Velimir Drljo number 09-15-1-4291/08 of 25 December 2008 (T-275); Excerpt from the Register of Births HNK– Municipality of Konjic to the name of Anto Drljo number 09-15-1-4292/08 of 25 December 2008 (T-276); Excerpt from the Register of Births HNK– Municipality of Konjic to the name of Kata Drljo number 09-15-1-4293/08 of 25 December 2008 (T-277); Excerpt from the Register of Marriages HNK– Municipality of Konjic to the names of Stipe Ljubić and Jela Bekavac number 09-15-1-4291/08 of 25 December 2008 (T-278); Letter of the Municipality Široki Brijeg – Local Office Biograci number 200-1/21 of 8 January 2009 (T-279); Excerpt from the Register of Deaths HNK– Municipality of Široki Brijeg to the name of Stipe Ljubić, number 202-1/21 of 8 January 2009 (T-280); Application for the purpose of registration into the Register of Deaths to the name of Stipe Ljubić, Municipality of Široki Brijeg number 02 of 7 February 1995 (T-281); Letter of the Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War number 01/2-41-32/09 of 12 November 2009 delivering copies of the military registration documents for Mensur Memić, Dževad Salčin, Nedžad Hodžić and Senad Hakalović (T-282); Order by the Commander of the Special Purposes Detachment number 1-10-878/94 of 16 April 1994 (T-283); Copy-Appointment– SPD SCS number 1-10/110-93 of 29 October 1993 (T-284); Copy of the cover letter of the State Investigation and Protection Agency No. 17-04/2-04-2-337-168/07 of 18 January 2010 with the document of the MUP RS No. 02/7-10978/09 of 13 October 2009 and the Document of the Federation Police Department No. 14/2-2-21 of 7 December 2009 (T-285); Copy of the Document of the BiH Ministry of Justice with the Document of the MUP of the Republic of Serbia No. 235-14360/09 of 1 December 2009 (T-286); Data on the anniversary of the establishment of the Unit made by the SPD Commander No.: 04-10-2303/94 of 19 August 1994 ERN number: 0414-9193 (T-287); Order by Chief of SCS RBiH No.: 86-1 of 22 February 1993 establishing the Special Purposes Detachment and the supplement to the Order No.: 86-2 of 5 February 1993 stating that the military unit number of the Special Purposes Detachment is 5683 ERN number: 0185-0039 – 0185-0041 (T-288); Order by Chief of SCS RBiH No.: 13/37-39 of 4 March 1993 appointing Zulfikar Ališpago as the Commander of the Special Purposes Detachment, and Nihad Bojadžić as Deputy Commander ERN number: 0180-5165 (T-289); Letter of the CS SC AF R BiH number: 02/280-1 of 18 February 1993 informing the SPD Commander, Zulfikar Ališpago about the order that his Detachment be issued with the material and technical equipment by the Defense Forces Jablanica and Konjic and a Letter to the Commander of the *Neretvica* Brigade number 02/280-1 of 18 February 1993 on the release of captured vehicles and drivers ERN number 0185-8638-0185-8639 ERN number: 0185-8638 – 0185-8639 (T-290); Order of the CS SC AF R BiH number: 14/75-22 of 11 March 1993 reassigning 100 conscripts from the 9^h Motorized Brigade to the Special Purposes Detachment of the CS SC AF R BiH ERN number 0185-0108 (T-291); Proposal by the Commander of the Special Purposes Detachment number: 1-10-901/94 of 11 April 1994 on the Stimulation Measures Allocation from which it can be seen that Samir Šemsović, who was killed in the village of

Trusina on 16 April 1993, was proposed to be awarded the highest state decoration *Zlatni ljiljan* /Golden Lilly/ (T-292); Order of the Command of the 4th Corps number: 02/1-966-122/93 of 13 April 1993 (T-293); VOB 8 Book 2 VJ 5683- 4th RSB to the names of Zulfikar Ališpago, Nihad Bojadžić and Samir Šemsović (T-294); VOB 8 Book 4 VJ 5683 – 4th RSB to the name of Ahmet Kokić (T-295); Letter of the Dopis Federation Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War number: 07-03-96-1/11 with Vob-2 and Vob-3 to the name of Rasema Handanović (T-296); Vob 8 for Military unit Special Purposes Detachment of the Supreme Staff of ARBiH for Rasema Handanović aka Zolja (T-297); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 9 November 2010 (T-298); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 12 November 2010 (T-299); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 9 December 2011(T-300); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 30 May 2011 (T-301); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 16 December 2011 (T-302); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 14 November 2011 (T-303); Transcript from the trial in the criminal case No.: S1 1K 003369 10 Krl of 14 March 2011 (T-304); Decision of the Court of BiH ordering custody of 21 December 2009 No. X-KRN – 09/786 (T-305); ORDER of the Court of BiH issuing international warrant of 31 December 2009 No. X-KRN – 09/786 (T-306); SIPA Official Note No. 17-04/2-04-2-1409/08 of 1 December 2008 with the ID file containing an ID card, photo and a finger print to the name of RASEMA HANDANOVIĆ (T-307) ; Excerpt from the Register of Births 05-13-1-132/09 Municipality Sanski Most of 7 January 2009 to the name of RASEMA HANDANOVIĆ (T-308); Citizenship Certificate No. 05-13-4-14/09 Municipality Sanski Most of 7 January 2009 to the name of RASEMA HANDANOVIĆ (T-309); SIPA Official Note No. 17-04/2-2-04-2-337-564/09 of 4 May 2009 regarding the lack of possibility to arrest RASEMA HANDANOVIĆ (T-310); E-mail by Mr. Michael MacQueen of 2 April 2009 regarding the names used in the USA by RASEMA HANDANOVIĆ (T-311); SIPA Official Note No.: 17-04/2-1-04-2-200/09 I.V. of 17 February 2009 (T-312); VOB VJ 5683 – 4. IDB to the name of Rasema Handanović (T-313); Examination Record for the protected witness M of 17 January 2012 (T-314); Examination Record for the protected witness X of 17 January 2012 (T-315); Examination Record for the protected witness O of 16 January 2012 (T-316); Witness Examination Record for Ramiz Bečirij of 10 January 2012 (T-317); Suspect Questioning Record for Rasema Handanović No. KT-RZ 24/10 of 27 December 2011 (T-318); Suspect Questioning Record for Rasema Handanović No.: T 20 0 KTRZ 0002955 12 of 27 February 2012 (T-319); Official Note of 2 March 2012 (T-320).

EXHIBIT

C

International Rescue Committee

1010 Wien, Herzinggasse 6/G/H/E

Tel. 63 92 77 53 59 92

Form Approved
Budget Bureau No. 43-R0404

**REGISTRATION
FOR CLASSIFICATION AS
REFUGEE**
Section 207
Immigration and
Nationality Act

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE**

File No.
A [redacted]

REGISTRANT TO FURNISH THE FOLLOWING INFORMATION (READ INSTRUCTIONS ON REVERSE)

TYPE OR PRINT

1. My name is:		First Rasema	Middle ---	Handanovic	Last
2. My present address is: Unteraichwald 18 Pension Anderwald 9582 Latschach					
3. I was born on: (month)(day)(year) [redacted] 72		Place of birth (city or town) Sanski Most	(Province) Bosnia	(Country) Yug.	My present nationality is: Bosnian
4. Height cm	Weight 60 kg	Eyes green	Hair black	Complexion fair	Marks or Scars on the left arm tattoo: HARI

5. I fled or was displaced from (Name of country) Bosnia	On or about (month) (day) (year) 12.8.95
---	---

6. Reasons: (State in detail) I was a member of the Bosnian army from Sept. 3, 1992 until May 12, 1995. I demobilized because I had no means for survival anymore (no home, food, clothing, shoes) as I had been receiving this from my unit VJ-5089. I dismissed myself and went to Austria where I have no-one.

7. My present immigration status in Austria (Country in which residing)	is: refugee
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The evidence of my immigration status in the country in which I am residing is:

(Describe) camp card

8. My spouse's name is: n.d.	9. (His)(Her) present address is:	10. Spouse's nationality is: Bosnian
---------------------------------	-----------------------------------	---

11. My spouse will will not accompany me to the United States

12. Name of child(ren) n.d.	Date of birth	Place of birth	Present address
			INE RE 27.10.92

Place a mark (X) in front of name of each child who will accompany you to the United States

13. Schooling or Education			
Name and location of school	Type	Dates attended	Title of Degree or Diploma
Narodni front-primary school in San. Most		79-87	
Ivan Goran Kovacic-chem. techn. secondary school in Sanski Most		1987-91	
" - textile techn. school		profess. exams in 1991	
" - commerc. techn. school		" in 1991	

14. Military Service				
Country	Branch and Organisation	Dates	Serial No.	Rank Attained
Bosnia	VJ 5089	3.9.92-12.5.95	02756	---

15. I list below all organizations, societies, clubs, and associations, past or present, in which I have held membership, and the periods and places of such membership. (If you have never been a member of any organization, state "None") _____
 None

16. I have have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date and place and nature of each charge and the final result) _____

17. I have have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry. Visitor, permanent resident, student, seaman, etc.) _____
 File or Alien Registration number _____

18. I have the following close relatives in the United States:

Names	Relationship	Present address
[REDACTED]	[REDACTED]	[REDACTED]

19. I am being sponsored by (Give name and address of United States Sponsor)
 as above

Date 31.10.95 Signature of registrant
Handanovic Rasema

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections, numbered () to (), were made by me or at my request, and that this registration was signed by me with my full, true name:

Handanovic Rasema
 (Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at VIENNA, AUSTRIA on 2 2 96
 (month)(day)(year)

[Signature]
 A O I C; VNA
 (Signature and title of officer)

INTERVIEW

DATE 2 2 96

AT VNA; A O I C
 Immigration Officer

APPROVED REFUGEE STATUS

DATE 5 2 96

[Signature]
 Officer in Charge

ADMITTED AS A REFUGEE PURSUANT TO SECTION 207 OF THE INA FOR AN INDEFINITE PERIOD OF TIME AND WHO DEPART THE U.S. YOU WILL NEED PRIOR PERMISSION FROM INS TO RETURN.

EMPLOYMENT AUTHORIZED.
 MAY 15 1996 2689
 NYC JFK DATE

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer-in-Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

1. REGISTRATION - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form in behalf of a child under 14 years of age shall be executed by the parent or guardian.
2. ASSURANCES - Assurance Form I-591 executed by a United States sponsor will be required before your refugee status may be authorized but need not be submitted at this time.

RE - 1

PASSED USPHS QUARANTINE STATION
 MAY 15 1996
 INSPECTOR #18
 NEW YORK, NY

REGISTRACIJA
ZA KLASIFIKACIJU KAO
USLOVNI USELJENIK

Glava 203 (a)(7)
Zakon o Useljavanju
i Državljanstvu

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

International Rescue Committee
1010 Wien, Horrengasse 6/G/116
533 02 77 533 59 92

Form Approved
Budget Bureau No. 43-R0408

File No.

A

POPUNITE SLEDEĆE INFORMACIJE (za uputstva okrenite list)

SLUŽITE SE PISAČOM MAŠINOM ILI POPUNITE RUKOM ŠTAMPANIM SLOVIMA

1. Ime RASEMA		Srednje ime		Prezime HANDANOVIĆ	
2. Sadržaj adresa: UNTERAICHWALD 18, 9582 LATSCHACH,					
3. Mesec, dan i godina rođenja		Mesto rođenja	Pokrajina	Država	Sadržaj državljanstvo
4. Visina cm	Težina kg	Boja očiju	Boja kose	Boja kože	Obeležja ili ožiljci
	60	zelene	crna	BIJELA	TEKURANJE HARI "LISEVO RANE"

5. Ja sam pobjegao (pobegla) ili bio (bila) nasilno odveden (odvedena) iz (ime zemlje)		Tačan (mesec) (dan) (godina)	
POBJEGLA		BIH 12.08. 1995 god	
6. Navedite razloge (detaljno): BILA SAM PRIPADNIK ARMIJE BIH OD 03.09.92 GODINE DO 12.05.95 god I DETORILISANA POSLIJE NISAM IMALA USLOVA ZA ŽIVOT (STAN, HRANU, ODJEĆU I OBUĆU) JER SAM TO PRIJE DOBIVALA OD VJ-5089, PREPUŠTENA SAM SEBI STIGLA SAM U AUSTRIJU GDIJE NEMAM NIKOGA			
7. Moj sadanji status u		je:	
ÖSTERREICH		AZILANKINJA	
(država u kojoj živite)			

Kao dokaz mog statusa u državi u kojoj živim postoje sledeći dokumenti: **BESCHEINIGUNG, ÜBER DIE GEWAHRUNG, DER BUNDESBETREUUNG, (LAGER KARTA)**
(Opišite)

8. Ime moje supruge (ili supruga) je:	9. (Njena) (njegova) sadanja adresa je:	10. (Supruzino) (suprugovo) državljanstvo je:	
11. (Moja supruga) (moj suprug) <input type="checkbox"/> dolazi <input type="checkbox"/> ne dolazi sa mnom u Sjedinjene Države.			
12. Imena dece	Datum rođenja	Mesto rođenja	Sadržaj adresa

Obeležite znakom (X) ispred imena svakog deteta koje dolazi sa vama u Sjedinjene Države.

13. Školsko obrazovanje

Ime i mesto škole	Vrsta	Datumi pohađanja	Akadske titule i diplome
NARODNI FRONT SAN. POST	OSNOVNA ŠKOLA	1979 - 1987	
IVAN GERAN KOVAČIĆ SANSKI	HEMIJSKI TEHNIČAR SSS	1987 - 1991	
IVAN GERAN KOVAČIĆ SAN. POST	TEKSTILNA SSS	STRUČNI ISPITI 1991	
I. G. KOVAČIĆ SANSKI POST	TRGOVAČKA SSS	STRUČNI ISPITI 1991	

14. Vojna služba

Država	Rod oružja i jedinica	Datumi	Identifikacioni broj	Čin
BiH	VJ-5089	od 03.09.92	02756	
		do 12.05.95		

Form I-590 (Serbian)
(Rev. 5-15-68)

15. Slede sve organizacije, društva, klubovi i udruženja kojima sam pripadao prošlosti ili sada pripadam, kao i datumi i mesta mog članstva (Ako nikada niste pripadali ma kakvoj organizaciji izjavite u tom smislu)

NISAM NIKAD PRIPADALA
MA KAKVOJ ORGANIZACIJI

16. Ja sam Ja nisam nikada bio izveden pred sud pod optužbom da sam prekršio zakon. (Ako ste ikada bili optuženi da ste prekršili zakon, navedite datum, mesto i prirodu svakog pojedinog prekršaja kao i odluke suda)

17. Ja sam Ja nisam nikada bio u Sjedinjenim Državama. (Ako ste ikada bili u Sjedinjenim Državama navedite datum ulaska i izlaska iz zemlje, kao i cilj vaše posete. Posetilac, zakoniti stalni rezident, student, mornar, itd.)

Upisni broj ili Registracioni broj za strance

18. Imam sledeće bliske rođjake u Sjedinjenim Američkim Državama:

Ime(na)

Srodstvo

Sadanja adresa

19. Odgovoran za mene u Sjedinjenim Državama je (ime, prezime i adresa jemca u Sjedinjenim Američkim Državama)

TALIC MINA 2351 SE 124 AVE #9 PORTLAND OREGON 97233 USA

Datum

Potpis osobe koja se registruje

31.10.1995

Handanović Rasema

NEMOJTE PISATI ISPOD OVE LINIJE

Ja, _____, zaklinjem se (potvrđujem) da sam svestan sadržaja ove registracije, koju sam potpisao, kao i priključenih dokumenata, da su isti poimom časnom mišljenju originalni, i, da su ispravke numerisane od () do () učinjene ili s' moje sopstvene strane ili na moj zahtev. Isto tako ja se zaklinjem da sam svojeručno potpisao ovu registraciju, mojim punim, pravim imenom.

(Potpuni i originalni potpis osobe koja se registruje)

Subscribed and sworn to before me by the above-named applicant at _____ on _____ month, day, year

(Signature and title of officer)

INTERVIEW

DATE

AT

Immigration Officer

APPROVED

DATE

Officer in Charge

UPUTSTVO

Ovaj formular treba popuniti, potpisati i podneti nadležnom činovniku najbliže kancelarije Useljeničke Službe Sjedinjenih Američkih Država u inostranstvu. Kada Vaše ime bude registrovano biće Vam dostavljena naknadna uputstva.

1. REGISTROVANJE: Poseban formular za registrovanje mora biti popunjen od svakog prijavljenog i podnesen u jednom primerku. Registracioni formular za decu ispod 14 godina starosti treba biti popunjen od strane roditelja ili staratelja.

2. GARANTIJE: Garantni formular I-591 popunjen od strane odgovorne osobe (garanta) iz Sjedinjenih Američkih Država zahtevaće se pre nego što Vaš uslovni ulazak može biti odobren, ma da isti ne treba podneti sada.

International Rescue Committee
1010 Wien, Herrngasse 6/6/11/6
Tel. 638276 335992

Vols IRC
USRP No. AU-330 907

ENGLISH : read write speak

SUPPLEMENTAL QUESTIONNAIRE FOR REFUGEE APPLICANTS

Rasema Handanovic

1. Name _____
Date of birth [redacted] 95 Country of birth Yug. _____

2. Close relatives in the United States:

Name [redacted] Relationship [redacted]
Address [redacted] [redacted] _____

Immigration status [redacted] _____

Name _____ Relationship _____
Address _____

Immigration status _____

Name _____ Relationship _____
Address _____

Immigration status _____

3. Other close relatives outside your home country who reside in countries other than the United States:

Name [redacted] Relationship [redacted]
Country where now located _____ Germany

Name _____ Relationship _____
Country where now located _____

Would you return to your home country? _____ Yes XXX No

4. Explain what you think would happen to you if you returned to your home country. _____

I have nowhere to return to in Bosnia.

5. Have you taken any action that you think would result in your being persecuted if you were to return to your home country? Explain

I would continue to be persecuted for being a Moslem.

If you checked any, specify location, date and circumstances.
The Chetnik authorities interrogated me in Sanski Most from 6.6.1992 until 20.8.1992 and put me under house arrest.

7. If you base your claim for refugee status on current conditions in your home country, would these conditions affect you more than the rest of the country's population? XXX yes no
If yes, explain.
Because I am a Moslem.
8. Have you or any member of your immediate family ever been persecuted by the authorities in your home country? XXX yes no
if yes, indicate whether it was because of race XXX religion XXX nationality XXX political opinion membership in a particular social group? other reasons? Please explain.
I fought for Bosnia in the Bosnian army, but when I was no longer able to do battle, I was demobilized and left without help, shelter, and worst of all, without food.
9. If you have ever been a member of the Communist Party, list any offices you have held and your duties and responsibilities.
I was never a member.
10. After leaving your home country, did you reside in any other country before arriving in the country where you are now applying for admission to the United States? yes XXX no
If yes, indicate length and purpose of stay, reason for leaving, and whether you are entitled to return to reside in that country.
11. If you have ever applied for asylum in any country, give details.

12. Are you currently registered for resettlement in any other country?
 yes XXX no
If yes, indicate country and date of application.

DATE: 31.10.1995

L-2
Signature of applicant.

EXHIBIT

D

Name HANDANOVIC, Rasema	A [REDACTED]
--------------------------------	--------------

APPLICANTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES, EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES:

1. Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations);
2. Aliens who have been engaged in or who intend to engage in any commercialized sexual activity;
3. Aliens who are or at any time have been, anarchists, or members of or affiliated with any communist or other totalitarian party, including any subdivision or affiliate thereof;
4. Aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States;
5. Aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature;
6. Aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marijuana, or who have been illicit traffickers in narcotic drugs or marijuana;
7. Aliens who have been involved in assisting any other aliens to enter the United States in violation of law;
8. Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.
9. Aliens who are mentally retarded, insane, or have suffered one or more attacks of insanity;
10. Aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease;
11. Aliens who have a physical defect, disease or disability affecting their ability to earn a living;
12. Aliens who are paupers, professional beggars or vagrants;
13. Aliens who are polygamists or advocate polygamy;
14. Aliens who have been excluded from the United States within the past year, or who at any time have been deported from the United States, or who at any time have been removed from the United States at Government expense;
15. Aliens who have procured or attempted to procure a visa by fraud or misrepresentation;
16. Aliens who have departed from or remained outside the United States to avoid military service in time of war or national emergency.

Do any of the foregoing classes apply to you? Yes No

(If answer is Yes, explain on reverse)

Further, I have never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion.

I understand all the foregoing statements, having asked for and obtained a translation or explanation of every point which was not understood or clear to me.

p. Handanovic' Rasema
(COMPLETE & TRUE SIGNATURE OF APPLICANT)

p. M. May
Signature of Interpreter

Name of Interpreter (Print)

Signature of Interpreter

Name of Interpreter (Print)

Subscribed and sworn to (Affirmed) by the above named applicant before me
this 19 day of 2 2 96
at VIENNA; AUSTRIA

[Signature]

Signature of Officer
ASSISTANT OFFICER IN CHARGE; VNA

Title



EXHIBIT

E

U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0009
Application for Naturalization

START HERE - Please Type or Print

Part 1. Information about you.

Family Name YETISEN	Given Name Rasema	Middle Initial -
U.S. Mailing Address - Care of		
Street Number and Name [Redacted] 560 Eggert Way	Apt. # -	
City Beaverton	County Washington	
State OR	ZIP Code 97007	
Date of Birth (month/day/year) [Redacted] /72	Country of Birth Bosnia	
Social Security # [Redacted]	A # [Redacted]	

Part 2. Basis for Eligibility (check one).

- a. I have been a permanent resident for at least five (5) years.
- b. I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. I am a permanent resident child of United States citizen parent(s).
- d. I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B
- e. Other. (Please specify section of law)

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) 5/15/96	Port admitted with an immigrant visa or INS Office where granted adjustment of status. Lincoln, NE
Citizenship Bosnian	
Name on alien registration card (if different than in Part 1) Handanovic, Rasema	
Other names used since you became a permanent resident (including maiden name) Handanovic, Rasema	
Sex <input checked="" type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Height 5'7"
Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Can you speak, read and write English? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes.	

Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? No Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
11/4/97	1/6/98	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Croatia	Visit Family
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

FOR INS USE ONLY

Returned	Receipt
Resubmitted	 07/23/2001 LIN*000364549 LINS000339203
Reloc Sent	
Reloc Rec'd	
<input checked="" type="checkbox"/> Applicant Interviewed JP 3-25-02	
<input checked="" type="checkbox"/> At interview <input type="checkbox"/> Request naturalization ceremony at court	 Saunmy Rasema Yetisen
<div style="border: 2px solid red; padding: 5px; text-align: center;"> APPROVED U.S. DISTRICT DIRECTOR MAR 25 2002 <i>Justin Pan</i> POO 9625 </div>	
To Be Completed by Attorney or Representative, if any <input checked="" type="checkbox"/> Fill in box if G-28 is attached to represent the applicant VOLAG# ATTY State License #	

JUL 12 '01 7:00 AM 2000

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper:

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To
(3)124th / 15 Union 1996 to 1998 Beaverton, OR 97007 USA	4/23/01	Present
Beaverton, OR 97008 USA	10/1/99	4/23/01
Beaverton, OR 97008 USA	3/1/99	10/1/99
Portland, OR USA	5/98	3/99

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
wacker Siltation	7200 NW Front Ave Portland, OR 97210	7/00	Present	Operator 1
OHSU	3181 SW Sam Jackson Park Rd. Portland, OR 97201			
Western Business	425 SW Washington St. Portland, OR 97204	11/99	8/00	student
Pinkerton Security	9570 SW Barbur Blvd. Portland, OR 97219	5/97	11/99	Sargent

Part 5. Information about your marital history.

A. Total number of times you have been married 1. If you are now married, complete the following regarding your husband or wife.

Family name	Given name	Middle initial
Address unknown		
Date of birth (month/day/year)	Country of birth	Citizenship
1/6/66	Turkey	Turkish
Social Security#	A# (if applicable)	Immigration status (If not a U.S. citizen)
		Former Asylum Applicant - Granted Voluntary departure until 6/7/01
Naturalization (If applicable) (month/day/year)	Place (City, State)	

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

B. Total Number of Children 1. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
		USA	USA	None	with me

Continued on back

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

- 1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? Yes No
- 2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
 - a. The Nazi Government of Germany? Yes No
 - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? Yes No
- 3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? Yes No
- 4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? Yes No
- 5. Have you ever failed to comply with Selective Service laws? Yes No
 If you have registered under the Selective Service laws, complete the following information:
 Selective Service Number: _____ Date Registered: _____
 If you registered before 1978, also provide the following:
 Local Board Number: _____ Classification: _____
- 6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? Yes No
- 7. Have you ever deserted from the military, air or naval forces of the United States? Yes No
- 8. Since becoming a permanent resident, have you ever failed to file a federal income tax return? Yes No
- 9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? Yes No
- 10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? Yes No
- 11. Have you ever claimed in writing, or in any way, to be a United States citizen? Yes No
- 12. Have you ever:
 - a. been a habitual drunkard? Yes No
 - b. advocated or practiced polygamy? Yes No
 - c. been a prostitute or procured anyone for prostitution? Yes No
 - d. knowingly and for gain helped any alien to enter the U.S. illegally? Yes No
 - e. been an illicit trafficker in narcotic drugs or marijuana? Yes No
 - f. received income from illegal gambling? Yes No
 - g. given false testimony for the purpose of obtaining any immigration benefit? Yes No
- 13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? Yes No
- 14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State? Yes No
- 15. Have you ever:
 - a. knowingly committed any crime for which you have not been arrested? Yes No
 - b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations? Yes No

4 voted? no

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

- 1. Do you believe in the Constitution and form of government of the U.S.? Yes No
- 2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) Yes No
- 3. If the law requires it, are you willing to bear arms on behalf of the U.S.? Yes No
- 4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? Yes No
- 5. If the law requires it, are you willing to perform work of national importance under civilian direction? Yes No

Continued on back

Part 9. Memberships and organizations.

A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

NOV 95

None

Part 10. Complete only if you checked block "C" in Part 2.

How many of your parents are U.S. citizens? One Both (Give the following about one U.S. citizen parent:)

Family Name	Given Name	Middle Name
Address		

Basis for citizenship: <input type="checkbox"/> Birth <input type="checkbox"/> Naturalization Cert. No.	Relationship to you (check one):	<input type="checkbox"/> natural parent	<input type="checkbox"/> adoptive parent
		<input type="checkbox"/> parent of child legitimated after birth	

If adopted or legitimated after birth, give date of adoption or, legitimation: (month.day.year) _____

Does this parent have legal custody of you? Yes No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. (Read the information on penalties in the instructions before completing this section).

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature Rosema Yetisen Date 06/06/01

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

Part 12. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date
<u>[Signature]</u>	<u>Meghan M. Wyszong</u>	<u>6/6/01</u>
Firm Name and Address		

SOAR - 2906 NE Glisan Portland, OR 97232

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 5 through 1, that the corrections, numbered 1 through 5, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

Rosema Yetisen
(Complete and true signature of applicant)

Subscribed and sworn to before me by the applicant.

[Signature] 3.25.02
(Examiner's Signature) Date

Part 4. List your residences and employment. (cont.)

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less.

██████████	Portland, OR	from 1/98	to 5/98
██████ ██████	Portland, OR	7/76	1/98
██████ ██████	Portland, OR	5/95	7/96

B. List your employers during the past five years.

Name	Address	Position	from	to
Boston Market	Portland, OR	Cashier	4/97	7/97
Nike	1 Bowerman Dr. Beaverton, OR 97005	Production	12/96	2/97
Shoji's	Portland, OR	Asst. Manager	6/96	5/97
Clarion Hotel	6233 NE 78 th Ct. Portland, OR 97218	Janitor	6/96	8/96

page 1

EXHIBIT

F

THE UNITED STATES OF AMERICA

No. 26755069

35
L

DEPARTMENT OF



NATURALIZATION

Personal description of holder
as of date of naturalization:

INS Registration No. A [REDACTED]

Date of birth: [REDACTED] 1972

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Sex: FEMALE

Height: 5 feet 7 inches

(Complete and true signature of holder)

Marital status: DIVORCED

Be it known that, pursuant to an application filed with the Attorney General
at: PORTLAND, OREGON

Country of former nationality:
BOSNIA-HERZEGOVINA

The Attorney General having found that:
SAMMY RASEMA YETISEN

Sammy Rasema Yetisen



then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

US DISTRICT COURT DISTRICT OF OREGON

at: PORTLAND, OREGON

on: MAY 23, 2002

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE.
WITHOUT LAWFUL AUTHORITY.

[Signature]

Commissioner of Immigration and Naturalization

DEPARTMENT OF JUSTICE

EXHIBIT

G

FILED '11 APR 11 11:17 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

'11-MC-9097

IN THE MATTER OF THE
EXTRADITION OF

CASE NO. _____

RASEMA HANDANOVIC,
aka "ZOLJA,"
aka SAMMY RASEMA YETISEN.

COMPLAINT
18 U.S.C. § 3184
INTERNATIONAL EXTRADITION

****FILED UNDER SEAL****

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. In this matter I act for and on behalf of the Government of the Republic of Bosnia and Herzegovina ("Bosnia");
2. An extradition treaty is currently in force between the United States and Bosnia, a successor state to Yugoslavia, which in turn was a successor state to the Kingdom of Serbia, namely the Treaty between the United States of America and Servia¹ for the Mutual Extradition of Fugitives from Justice, U.S.-Yugo., Oct. 25, 1901, 32 Stat. 1890 ("the Treaty");
3. Pursuant to the Treaty, Bosnia, the requesting state, has submitted a formal request through diplomatic channels for the extradition of Rasema Handanović, aka Zolja, aka

¹ As Serbia was then transliterated.

Sammy Rasema Yetisen (“Handanović”);²

4. Handanović is wanted in Bosnia to answer to charges of War Crimes against Civilians, in violation of Article 173(1)(a) and (b) of the Criminal Code of Bosnia and Herzegovina (P 92), and War Crimes against Prisoners of War, in violation of Article 175(a) of the Criminal Code of Bosnia and Herzegovina (P 94), both in conjunction with Article 180(1) and Article 29 of the same code (P 321), committed within the jurisdiction of Bosnia;

5. A warrant for Handanović’s arrest was issued on September 21, 2009, by the Prosecutor’s Office of Bosnia and Herzegovina (PP 331-332);

6. The warrant was issued on the basis of, *inter alia*, a number of witness statements, including from individuals who served in the same unit of the Bosnian army as Handanović, and Bosniak and Croat residents of the village of Trusina (where the crimes are alleged to have occurred); a document establishing that Handanović was a member of the Zulfikar Special Purposes Detachment of the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina when the attack on Trusina occurred; copies of daily combat and situation reports summarizing actions taken by the Zulfikar and other army units in Konjic in the period between April 14, 1993, and April 17, 1993; and death

² The formal request, with supporting documentation, is marked collectively as Government’s Exhibit #1 and filed with this Complaint. An additional working copy of the formal request and documents, tabbed and paginated, is filed for the Court’s convenience. Page references herein refer to the corresponding pages in the Court’s working copy.

certificates, autopsy reports, and permits for burial for various individuals (PP 27-32).

The formal request from Bosnia includes the redacted statements of five witnesses, who gave their statements under pseudonyms pursuant to a decision from the Court of Bosnia and Herzegovina granting them protection measures (P 27).³ These statements, together with the other evidence summarized in the request, establish the following: In the morning hours of April 16, 1993, Handanović, a member of the Zulfikar Special Purposes Detachment of the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina, participated in the attack on the village of Trusina, Konjic Municipality, Bosnia (e.g., PP 28, 134, 203, 267, 356). At the time, Trusina's population consisted of both Bosniak (Muslim) and Croat civilians (e.g., PP 28, 30, 137). Handanović and the members of her unit specifically targeted for attack Croat civilians and soldiers of the Croatian Defense Council ("HVO") (e.g., PP 28, 137-138, 178, 206, 241, 268). As a result of this attack on Trusina, sixteen civilians were killed, and four were seriously injured, including two infants (e.g., P 27). During the attack on Trusina, Handanović personally shot a civilian woman two or three times in the chest, killing her (P 240). Handanović, using an automatic rifle, also shot and killed an elderly couple, aged 65-70, who had been removed from "a Croat house" (P 360). In addition, on the same day, Handanović participated in the firing-squad style execution of three unarmed HVO

³ The English translations of the witness statements can be found on the following pages: Witness A (PP 129-144), Witness B (PP 173-180, 352-362), Witness D (PP 200-210), Witness E (PP 233-244), and Witness O (PP 264-274).

soldiers captured by her unit and three other civilians in the hamlet of Gaj (PP 27, 140-141, 177-178, 206, 271). After the members of the firing squad had concluded their shooting, Handanović approached the individuals on the ground and fired additional shots at close range into the bodies of those who still showed signs of life (PP 29, 141, 178, 271);

7. Handanović, a citizen of Bosnia and the United States, was born in Sanski Most, Bosnia, on [REDACTED], 1972. Her father's name is [REDACTED] and her mother's name is [REDACTED]. She is believed to be residing within the jurisdiction of this Court at [REDACTED] [REDACTED], Beaverton, OR 97007. Handanović's photograph and partial fingerprints are included in the request (PP 280-282). Handanović was positively identified from photographic arrays by Witness A (PP 122, 143), Witness B (PP 159, 344, 361), Witness D (PP 192, 210), and Witness O (PP 259, 273);

8. Patricia E. McDonough, an attorney in the Office of the Legal Adviser of the U.S. Department of State, has provided the Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the extradition treaty between the United States and Bosnia, stating that the offenses for which extradition is demanded are covered by Article II of the Treaty, and confirming that the documents supporting the request for extradition are properly certified by the principal American diplomatic or consular officer in Bosnia, in accordance with Title 18, United States Code, Section 3190, so as to enable them to be

received in evidence (PP 1-10); and

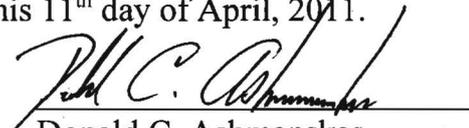
9. Handanović would be likely to flee to evade extradition if she learned of the existence of a warrant for her arrest due to the seriousness of the offenses, which are subject to a mandatory minimum of ten (10) years' imprisonment under Bosnia's laws.

WHEREFORE, the undersigned requests that a warrant for the arrest of Handanović be issued in accordance with the extradition treaty between the United States and Bosnia, and Title 18, United States Code, Section 3184, so that she may be arrested and brought before this court, "to the end that the evidence of criminality may be heard and considered"; and furthermore requests that this Complaint and the warrant be placed under the seal of the court until such time as the warrant is executed.



DAVID L. ATKINSON
ASSISTANT UNITED STATES ATTORNEY

Sworn to before me and subscribed in my presence this 11th day of April, 2011.



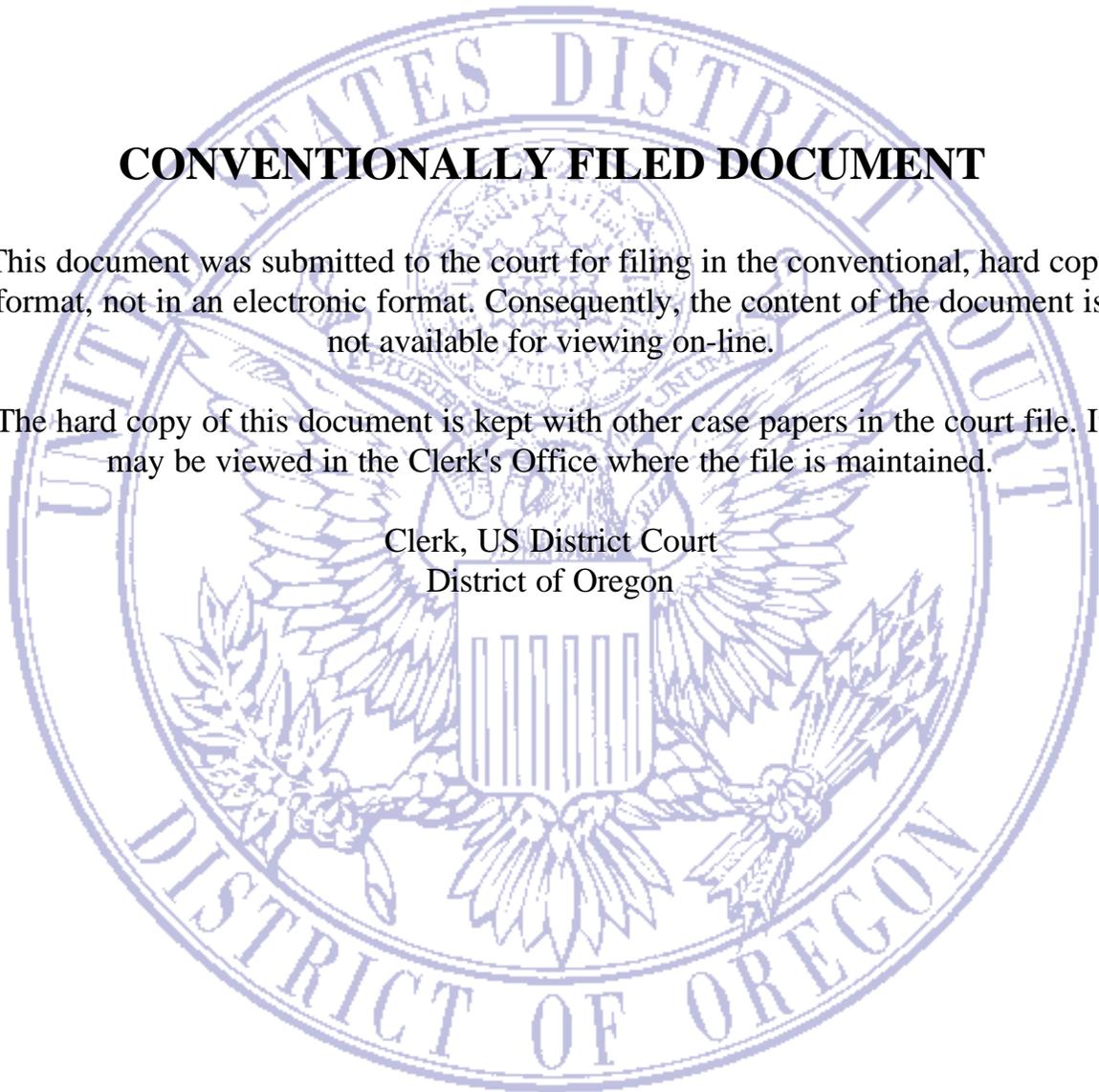
Donald C. Ashmanskas
United States Magistrate/Judge

CONVENTIONALLY FILED DOCUMENT

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Clerk, US District Court
District of Oregon



**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

**IN THE MATTER OF THE
EXTRADITION OF**

**RASEMA HANDANOVIC,
aka "ZOLJA,"
aka SAMMY RASEMA YETISEN.**

EXHIBIT ONE

EXHIBIT ONE

EXHIBIT

H

BOSNA I HERCEGOVINA
Ministarstvo pravde

BOSNIA AND HERZEGOVINA
Ministry of Justice

Number: 01-50-04/10 Pov. (Classified)
Sarajevo, 7 July 2010

CLASSIFIED!
URGENT!

DEPARTMENT OF JUSTICE
UNITED STATES OF AMERICA

SUBJECT: Request for extradition of RASEMA HANDANOVIC

The Ministry of Justice of Bosnia and Herzegovina expresses assurances of its highest consideration to the Department of Justice of the United States of America.

Pursuant to the Treaty Concerning Mutual Extradition of Lawbreakers between the Kingdom of Serbia and the United States of America dated 12/25 October 1901, which was taken over from the former SFRY by Bosnia and Herzegovina, and the cooperation between Bosnia and Herzegovina and the United States of America in the field of mutual judicial assistance, and on the grounds of Article 57 of the Law on Mutual Legal Assistance in Criminal Matters of Bosnia and Herzegovina, the Minister of Justice has the honour to submit to the Department of Justice of the United States of America the following

REQUEST FOR EXTRADITION

of **Rasema Handanovic**, aka Zolja, daughter of [REDACTED] a national of Bosnia and Herzegovina, who was born on [REDACTED] 1972 in Sanski Most, for the purpose of prosecution and trial before the Court of Bosnia for probable cause that she committed the offence of "war crimes against civilians" under Article 173(1)(a) and (b) of the Criminal Code of Bosnia and Herzegovina and for probable cause that she committed the offence of "war crimes against prisoners of war" under Article 175(1)(a) and (b) of the Criminal Code of Bosnia and Herzegovina, in combination with Articles 180(1) and 29 of the Criminal Code of Bosnia and Herzegovina, and

Rasema Handanovic is inaccessible to the judicial authorities of Bosnia and Herzegovina and, according to the information in possession of the Prosecutor's Office of Bosnia and Herzegovina, the aforementioned is in the United States of America, at [REDACTED] Beaverton, Oregon 97007.

Given the crimes were committed in the territory of Bosnia and Herzegovina, that Rasema Handanovic is a national of Bosnia and Herzegovina and that she is accessible to the United States authorities, we kindly request that, after processing the request, you should grant extradition of Rasema Handanovic.



For the purpose of the above, please find enclosed with this letter of request by the Ministry of Justice of Bosnia and Herzegovina a letter of request for extradition KT-Rz-107/05 of 7 July 2010 issued by the Prosecutor's Office of Bosnia and Herzegovina Special War Crimes Division translated into the English language and supporting documents (evidence) listed in the letter of request in details (p. 9 and 10) and saved on 2 (two) CDs (in English and Bosnian/Serbian/Croatian).

We note that the Ministry of Justice of Bosnia and Herzegovina has already submitted a letter of request for extradition of Rasema Handanovic and Edin Dzeko, but INTERPOL Washington has informed us that we should submit two separate letters of request for extradition of the two individuals.

Bosnia and Herzegovina avails itself of this opportunity to renew to the Department of Justice of the United States of America the assurances of its highest consideration and gratitude for cooperation.

stamp *Minister*
Signature
Barisa Colak

.....the end of translation.....

By affixing my signature and seal I certify that this is a true and faithful translation of the original text written in the Bosnian/Serbian/Croatian language.

Sarajevo, 9 July 2010



Roksanda Micic, Certified Court Translator

Roksanda Micic

**Bosna i Hercegovina
MINISTARSTVO PRAVDE**



**Босна и Херцеговина
МИНИСТАРСТВО ПРАВДЕ**

Broj: 01-50-04/10Pov.
Sarajevo, 07.07.2010.godine

**POVJERLJIVO!
HITNO!**

**MINISTARSTVO PRAVDE
SJEDINJENIH AMERIČKIH DRŽAVA**

PREDMET: Molba za izručenje Handanović Raseme

Ministarstvo pravde Bosne i Hercegovine izražava poštovanje Ministarstvu pravde Sjedinjenih Američkih Država.

U skladu s odredbama Konvencije o izdavanju krivaca zaključene između Kraljevine Srbije i Sjedinjenih Američkih Država 12/25.X.1901.godine, koju je od bivše SFR Jugoslavije preuzela Bosna i Hercegovina, te dosadašnje suradnje između Bosne i Hercegovine i Sjedinjenih Američkih Država na planu međunarodne pravne pomoći, a na osnovu člana 57.Zakona o međunarodnoj pravnoj pomoći u krivičnim stvarima, ministar pravde Bosne i Hercegovine ima čast da Ministarstvu pravde Sjedinjenih Američkih Država, podnese

MOLBU ZA IZRUČENJE

Handanović Raseme, zване „Zolja“, kćeri [REDACTED], rođene [REDACTED] 1972.godine, u Sanskom Mostu, državljanke Bosne i Hercegovine, u svrhu krivičnog gonjenja i suđenja pred Sudom Bosne i Hercegovine, zbog osnovane sumnje da je počinila krivično djelo „ratni zločin protiv civilnog stanovništva“ iz člana 173. stav 1. točka a) i b) Krivičnog zakona Bosne i Hercegovine i krivičnog djela „ratni zločin protiv ratnih zarobljenika“ iz člana 175. stav 1. točka a) Krivičnog zakona Bosne i Hercegovine, a sve u vezi sa članom 180. stav 1. i članom 29. Krivičnog zakona Bosne i Hercegovine.

Handanović Rasema nije trenutno dostupna pravosudnim organima u Bosni i Hercegovini, a prema informacijama kojima raspolaže Tužilaštvo Bosne i Hercegovine, imenovana boravi u Sjedinjenim Američkim Državama, na adresi [REDACTED] Beaverton, Oregon 97007.

Obzirom da su krivična djela počinjena na teritoriju Bosne i Hercegovine, da je Handanović Rasema državljanka Bosne i Hercegovine, te da je ista dostupna državnim organima Sjedinjenih Američkih Država, molimo Vas da, nakon provedenog postupka po ovoj molbi, dozvolite izručenje potraživane Handanović Raseme.

U svrhu naprijed navedenog u prilogu Vam uz molbu Ministarstva pravde Bosne i Hercegovine dostavljamo ekstradicijski zahtjev Tužilaštva Bosne i Hercegovine – Posebnog odjela za ratne zločine, broj KT-Rz-107/05 od 07.07.2010.godine, s prijevodom na engleski jezik i popratnom dokumentacijom (dokazi) bliže navedenom u ekstradicijskom zahtjevu (strana 9 i 10), a koja se nalazi na 2 (dva) CD-a (na engleskom i bosanskom/srpskom/hrvatskom jeziku).

Napominjemo da je Ministarstvo pravde Bosne i Hercegovine već podnijelo jednu molbu za izručenje Raseme Handanović i Edina Džeke, ali nas je INTERPOL Washington obavijestio da je potrebno podnijeti odvojene ekstradicijske molbe za navedene osobe.

Ministarstvo pravde Bosne i Hercegovine koristi ovu priliku da Ministarstvu pravde Sjedinjenih Američkih Država ponovno izrazi poštovanje i zahvalnost za suradnju.



MINISTAR

Bariša Čolak

Platiti

Bosna i Hercegovina



Bosna i Hercegovina

Tužilaštvo-Tužiteljstvo Bosne i Hercegovine
Tužilaštvo Bosne i Hercegovine

Posebni odjel za ratne zločine

Broj: KT-RZ-107/05

Sarajevo, 07. 07. 2010. godine

„povjerljivo“
„žurno“

MOLBA ZA IZRUCENJE

Ja, Vesna Budimir pod zakletvom izjavljujem :

- 1. Ja sam državljanka Bosne i Hercegovine stalno nastanjena u Sarajevu.*
- 2. Od 2004. godine do danas radim u Tužiteljstvu Bosne i Hercegovine na poziciji tužiteljice Tužiteljstva BiH, a od 2009. godine obavljam i dužnost Zamjenika glavnog Tužitelja BiH i v/d Rukovoditelja Odjela za ratne zločine Tužiteljstva BiH. Tužitelji Tužiteljstva BiH krivično gone i istražuju kriminalne pojave u cijeloj Bosni i Hercegovini za kaznena djela propisana Kaznenim zakonom BiH. Tokom svog rada u svojstvu tužiteljice Tužiteljstva BiH upoznala sam se sa Kaznenim i Zakonom o kaznenom postupku Bosne i Hercegovine. U svojstvu tužiteljice Tužiteljstva BiH, ovlaštena sam prema članu 57. Zakona o međunarodnoj pravnoj pomoći u kaznenim stvarima BiH i članu III Konvencije o izdavanju krivaca zaključenoj između Kraljevine Srbije i Ujedinjenih američkih država 12/25.oktobar 1901. godine, koju je Bosna i Hercegovina naslijedila, da formalno zatražim ekstradiciju iz Sjedinjenih Američkih Država. Od 2005. godine dodijeljena sam Odjelu za ratne zločine Tužiteljstva BiH. Osobno sam zastupala Tužiteljstvo BiH pred Sudom BiH u predmetima protiv brojnih optuženika koji su optuženi za kršenje kaznenih djela protiv čovječnosti i vrijednosti zaštićenih međunarodnim pravom Kaznenog zakona BiH. Mnoge od tih istraga su uključivale istrage za Ratne zločine protiv civilnog pučanstva i Ratne zločine protiv ratnih zarobljenika Kaznenog zakona BiH. Kao državni tužitelj, imam značajno iskustvo i znanje u pogledu Kaznenog zakona i Zakona o kaznenom postupku BiH, naročito u predmetima koji uključuju kaznenih djela protiv čovječnosti i vrijednosti zaštićenih međunarodnim pravom*
- 3. Tokom vršenja dužnosti tužiteljice Tužiteljstva BiH, 2008. godine pokrenula sam istragu u predmetu „Hodžić Nedžad i drugi“ broj KT-RZ 107/05 između ostalih i protiv osumnjičene RASEME HANDANOVIĆ ZV. ZOLJA. Prema rezultatima dosadašnje istrage utvrđena je osnovana sumnja da je osumnjičena RASEMA HANDANOVIĆ ZV. ZOLJA sudjelovala u ubojstvima hrvatskih civila i zarobljenih vojnika Hrvatskog vijeća obrane (u daljem tekstu HVO) u mjestu Trusina općina Konjic dana 16.04.1993. godine. Kopija Naredbe o sprovođenju istrage i Prijedloga za određivanje pritvora se nalazi*

u Dodatku 1, 1A i 1B.

SIŽE DOKAZA

4. Naredbe o sprovođenju istrage i Prijedlog za određivanje pritvora Tužiteljstva BiH tvrdi da je RASEMA HANDANOVIĆ ZV. ZOLJA ubojstva izvela na slijedeći način:

Iz dokaza pribavljenih u dosadašnjem toku istrage proizilazi osnovana sumnja da je RASEMA HANDANOVIĆ ZV. ZOLJA za vrijeme rata u Bosni i Hercegovini, kao pripadnica Specijalnog odreda za posebne namjene pri Štabu Vrhovne komande Armije BiH zajedno sa ostalim njima poznatim pripadnicima Specijalnog odreda za posebne namjene pri Štabu Vrhovne komande Armije BiH i pripadnicima 45. brdske brigade Armije BiH „Neretvica“ dana 16.04.1993. godine u jutarnjim satima, kršeći pravila međunarodnog humanitarnog prava, sudjelovala u ranije dobro isplaniranom napadu na civilno pučanstvo hrvatske narodnost iz sela Trusina, u kojem napadu su bili ubijeni civili: Tomo (Andrije) Drljo rođen 1926. godine, Andrija (Ilija) Drljo rođen 1947. godine, Kata (Ivana) Drljo rođena 1937. godine, Kata (Miće) Drljo rođena 1918. godine, Ivan (Pere) Drljo, rođen 1939. godine, Branko (Andrije) Mlikota rođen 1925. godine, Smiljko (Mirko) Krešo rođen 1940. godine, Velimir (Andrije) Krešo rođen 1934. godine, Ivica (Jure) Krešo rođen 1935. godine, Ilija (Ante) Ivanković rođen 1926. godine, Anđa (Jure) Krešo rođen 1936. godine, Jure (Ante) Anđelić rođen 1926. godine, Stipo Mandić rođen 1928. godine, Anto Drljo rođen 1936. godine, Milenko (Stipe) Mandić rođen 1961. godine i Stipo (Pere) Ljubić rođen 1961. godine, a teško ranjeni civili Mara Krešo rođena 1942. godine, Anđela (Vinko) Šagolj rođena 1969. godine, Arijana (Pere) Krešo rođena 1988. godine i Mario (Rade) Krešo rođen 1991. godine.

Također, Iz dokaza kojima Tužiteljstvo BiH raspolaže, proizilazi osnovana sumnja da je RASEMA HANDANOVIĆ ZV. ZOLJA za vrijeme rata u Bosni i Hercegovini kao pripadnica Specijalnog odreda za posebne namjene pri Štabu Vrhovne komande Armije BiH, kršeći pravila međunarodnog prava, dana 16.04.1993. godine u prijepodnevnim satima u zaseoku Gaj, selo Trusina, općina Konjic, zajedno sa drugim njoj poznatim pripadnicima Specijalnog odreda za posebne namjene, nakon što je Nedžad Hodžić izdao naredbu, sudjelovala u ubojstvu streljanjem postrojenih bojovnika HVO-a Ivana (Andrije) Drljo rođenog 1971. godine, Nedeljka (Marinko) Krešo rođenog 1953. godine, Pere (Cmiljka) Krešo rođen 1961. godine i civila Zdravko (Ivana) Drljo rođenog 1963. godine, Željko (Slavka) Blažević rođenog 1965. godine i Franje (Ilija) Drljo rođenog 1942. godine.

Čime bi osumnjičena RASEMA HANDANOVIĆ počinila kazneno djelo Ratni zločin protiv civilnog pučanstva iz članka 173. stavak 1. točka a), b) KZ-a BiH i kazneno djelo Ratni zločin protiv ratnih zarobljenika iz članka 175.

stavak 1. točka a) KZ-a BiH, a sve u svezi sa člankom 180. stavak 1. i člankom 29. istog zakona.

DOKAZNI PREDMETI

5. Postojanje osnovane sumnje da je RASEMA HANDANOVIĆ ZV. ZOLJA kao pripadnica Specijalnog odreda za posebne namjene pri Štabu Vrhovne komande Armije R BiH „Zulfikar“, počinila ratni zločin ubistvom većeg broja civila u selu Trusina proizlazi iz iskaza svjedoka B¹, X, A, C, D, E, F, H, I, K, J, O, L, M, N, Bećiri Ramiza, Enesa Gagule, Enisa Popare, Karović Atifa, mještana sela Trusine hrvatske narodnosti Dragana Drlje, Ilije Drlje, Jure Krešo, Mare Drljo, Bosiljke Krešo, Arijane Krešo, mještana sela Trusine bošnjačke narodnosti Ahme Poturrevića, Abdulaha Mašića, Salke Sultića, Šefke Poturrovića, Nusreta Hanića, Emina Memića, Vejsila Memića, Behajima Gostevčića, Hatidže Gostevčić, Enesa Begete, Nijaza Habibije, Envera Mujale, Abdulaha Mašića, Miralema Memića, Ibrahima Turka, Kadire Poturović, Abdulaha Mašića, Miralema Memića, Ibrahima Turka, Kadire Poturović, Hasana Poturovića, Salke Sahinović, Miralema Keze.

Iz iskaza saslušanih svjedoka X, A, B, C, D, E, F, G, H, I, K, J, O, L, N, M, Enisa Popare, Bećiri Ramiza, Enesa Gagule, Atifa Karovića, iskaza svjedoka mještana sela Trusina hrvatske i bošnjačke narodnosti nedvojbeno proizlazi da je dana 16. 04. 1993. godine u ranim jutarnjim satima izvršen napad na selo Trusina, da u selu nije do tog jutra bilo nikakvih nesuglasica i sukoba između mještana ovog sela Hrvata i Bošnjaka, da je iznad zaseoka Gaj na položaju Križ bio rov u kojem su stražu čuvali po šestorica pripadnika HVO-e, od kojih su se tog jutra predala četvorica kako bi spasili živote svojih obitelji, a dvojica su uspjela sa tog položaja pobjeći, a da su se u Buturović polju i mjestu Obri nalazili jači vojni položaji HVO-e. U napadu na selo Trusina sudjeluju pripadnici Specijalne jedinice za posebne namjene pri Štabu Vrhovne komande Armije R BiH „Zulfikar“, i pripadnici 45. brdske brigade Armije R BiH Neretvica. „Iz iskaza ovih svjedoka proizlazi da je u selu bio samo jedan položaj HVO, da su se četvorica pripadnika HVO-e koji su se to jutro zatekli u rovu predali pod prijetnjom da će ukoliko se ne predaju njihove obitelji biti ubijene, te da su nakon njihove predaje pripadnici jedinice "Zulfikar" i „Neretvice" ušli u selo, izvršili napad na civilno stanovništvo, prilikom kojeg napadaje ubijeno 19 civila, 3 bojovnika HVO, ranjene četiri osobe, od kojih dvije žene i dvoje djece starosti dvije i četiri godine.

U napadu na selo Trusina sudjelovali su pripadnici Specijalnog odreda za posebne namjene pri štabu Vrhovne komande Armije R BiH „Zulfikar“ i pripadnici 45. brdske brigade „Neretvica. Među njima je bila i RASEMA HANDANOVIĆ ZV. ZOLJA obučena u vojnu uniformu i naoružana.

¹ Tužiteljstvo BiH je uputilo Prijedlog za određivanje zaštitnih mjera za 16 svjedoka u ovom predmetu a Sud BiH je Rješenjem odobrio spomenute zaštitne mjere, te iz tog razloga navodimo samo njihove pseudonime, jer bi otkrivanje njihovog identiteta činilo kazneno djelo

Osumnjičena je bila pripadnica Specijalnog odreda za posebne namjene pri Štabu Vrhovne komande Armije BiH. Iz iskaza svjedoka A, X, B, D, E, J, O, L, M, Bečiri Ramiza proizlazi da su u napadu na selo Trusina sudjelovali, između ostalih i osumnjičena RASEMA HANDANOVIĆ ZV. ZOLJA. Posljedice ovog napada su ubojstvo 19 civila hrvatske narodnosti, 3 bojovnika HVO i ranjavanje četiri osobe – dvije žene i dvoje djece starosti 2. i 4. godine.

Osnovanost sumnje da je RASEMA HANDANOVIĆ ZV. ZOLJA zajedno sa drugim pripadnicima Specijalnog odreda za posebne namjene pri štabu Vrhovne komande Armije R BiH „Zulfikar“ sudjelovala u strijeljanju postrojenih Hrvata (3 bojovnika HVO i tri civila) u zaseoku Gaj u Trusini proizilazi iz iskaza svjedoka A, B, D, E, O. Svjedok A je bio očevidac ubistava zarobljenih vojnika HVO i civila hrvatske nacionalnosti. On je izjavio svjedočeći u Tužiteljstvu BiH da je u njih između ostalih pucala i RASEMA HANDANOVIĆ ZV. ZOLJA, nakon što je naredbu da streljački vod (u kojem se i ona nalazila) puca izdao osumnjičeni Nedžad Hodžić. Nakon toga RASEMA HANDANOVIĆ ZV. ZOLJA je uzela pištolj i svima od postrojenih civila i vojnika HVO koji su još davali znake života pucala u glavu. Ove navode su potvrdili između ostalih i svjedoci B i O.

Osnovana sumnja da su osumnjičeni počinili predmetna kaznena djela proizlazi i iz:

- Kopije Vob-8 za RASEMA HANDANOVIĆ ZV. ZOLJA iz kojih proizlazi da su u vrijeme izvršenja predmetnih kaznenih djela u Trusini bili pripadnici Zulfikar koja postrojba 1994. godine se organizira kao VJ 5684 4. Izviđačko diverzantski bataljon,
- Kopije Naredbe načelnika Štaba Vrhovne komande OS R BiH Str. Pov. Broj:05/7-39(l.k.) od 22. 01. 1993. godine kojim se formira Specijalni odred za posebne namjene koji će izvršavati zadatke po naređenju Načelnika Štaba Vrhovne komande na cijeloj teritoriji BiH, te da se za komadanta odreda imenuje Zulfikar Ališpago (Zuka);
- Kopije Dnevnog borbenog izvještaja Komande O.G. Igman Str.pov.br.03-592/4 od 16. 04. 1993. godine upućen Komandi 1. Korpusa Armije R BiH u kome se konstatira da su jedinice „ Zulfikar 2 i „ Crni labudovi „ angažovani oko Konjica zbog poznatih sukoba sa snagama HVO, Kao i da je u dolinu Neretvice upućen diverzantski vod (30 boraca) koji je potpisao komadant Salko Gušić;
- Kopije Ovlaštenja načelnika Štaba Vrhovne Komande OS R bih broj. 001/167-148 od 18. 04. 1993. godine, kojim se ovlašćuju komadanti OG Igman Salko Gušić i komadant Specijalnog odreda „ Zulfikar „ da mogu komandovati svim jedinicama odlgmana do Drežnice;
- Kopija Naredbe načelnika Štaba Vrhovne Komande OS R BiH Sefera Halilovića broj STR.pov.broj. 14/75-36 od 01. 04. 93. godine kojom se ovlašćuje zamjenik komadanta Specijalnog odreda za posebne namjene Nihad Bojadžić da izvrši popunu tog odreda sa ljudstvom iz postojećih

- ratnih jedinica I. Korpusa Armije R BiH;*
- *Kopija Naredbe Specijalnog odreda za posebne namjene broj: 1-10-1211/94 od 23. 05. 1994. godine;*
 - *Kopija Naredbe Odreda za specijalna dejstva koji popisao komadant Nihad Bojadžić broj: 1-10-878/94 od 16. 04. 1994. godine;*
 - *Kopija Službene bilješke Centra SIS-a Mostar UR. BR. 02-08-2-518/95 od 28. 04. 1995. godine kojom je izvršen popis uništenih i devastiranih objekata u Konjičkoj općini, uključujući i selo Trusinu;*
 - *Kopije Informacije o stanju u zoni odgovornosti 4. Korpusa Armije R BiH Dj. Broj:02/l-3200-1/93 od 17. 04. 1993. godine, iz koje proizlazi daje u periodu od 14. 04.93. do 17. 04. iste godine na teritoriji općina Jablanica i Konjic odvijaju se oružane borbe između HVO i Armije RBiH, te se konstatira prisustvo i sudjelovanje u borbama snaga jedinice;*
 - *Kopije Spiska Ureda za razmjenu zarobljenih osoba Mostar, Ureda društvenih djelatnosti broj:17-X.76/94 od 21. 10. 1994. godine, na kojem su navedeni pobijani civili i vojnici u Trusini 16. 04. 1993. godine;*
 - *Kopije dopisa Ureda za prognanike i izbjeglice HZ-HB Ur.br: 10-98-1/93 od 23. 04. 1993. godine upućena MKCK, UNHCR, UNPROFOR i Evropskim posmatračima u kojoj su navedeni ubijeni civili i streljani pripadnici HVO u selu Trusina kod Konjica;*
 - *Kopije Tabelarnog pregleda nacionalne strukture stanovništva u selu Trusina u travnju 1991. godine. U navedenom periodu u selu Trusina je živjelo 149 Hrvata i 152 Muslimana;*
 - *Kopija Izvješća o događajima u području Konjica -Kronologija događanja, koju je sačinio Glavni sanitetski stožer-Odjel za istraživanje i informiranje u Mostaru broj: 02-5/1-42/93 od 04. 05. 1993. godine u kojem se upisuju događanja u selu Trusina dana 16. 04. 1993. godine;*
 - *Kopija Izvješća o stanju zaštite imovinske i pravne sigurnosti Hrvata u Konjicu koju je sačinio HVO-Općinsko vijeće Konjic pod brojem.Ol-251/95 dana 13. 03. 1995. godine gdje se na drugoj stranici konstatira da pobrojani civili ubijeni u Trusini kao i vojnici nisu dostojno sahranjeni, sa spiskom civila i bojovnika HVO koji su pobijeni u Trusini;*
 - *Kopije prikaza genocida nad Hrvatima općine Konjic koji su činili Muslimani u periodu ožujak-srpanj 1993. godine, a koji prikaz je sačinio HVO Konjic u Ljubuškom kolovoza 1993. godine, gdje se na stranici 2. opisuje masakr u selu Trusina i navode ubijeni civili i vojnici, te ranjeni;*
 - *Kopije Zbirnog Izvješća za dan 16. 04. 1993. godine koji je sačinio Glavni stožer HVO Mostar 17. 04. 1993. godine u kojem se na trećoj stranici konstatira da su u „ selu Trusina uzeli žene i djecu, pale kuće i traže polaganje. Bojimo se da će tako početi i po drugim mjestima. Držimo se, ali što činiti protiv tako prljavog načina kako ratuju. Ispod Huma su ubačene jake snage i oni to čine po Trusini;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2657/94*

- od 09.11.1994. godine, na ime Ilija Ivanković;*
- *Zapisnik sekcije broj: 377/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Ivanković Ilije;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2655/94 od 09.11.1994. godine, na ime Anda Ivanković;*
 - *Zapisnik sekcije broj: 376/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Ivanković Anda;*
 - *Dozvola za sahranu umrle osobe izdata od Kliničkog bolničkog centra Split od 09.11.1994. godine, na ime Ivanković Anda sa sprovodnicom;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2656/94 od 09.11.1994. godine, na ime Pero Krešo;*
 - *Zapisnik sekcije broj: 395/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Pero Krešo;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2652/94 od 09.11.1994. godine, na ime Stipo Mandić;*
 - *Zapisnik sekcije broj: 379/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Mandić Stipe;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2654/94 od 09.11.1994. godine, na ime Milenko Mandić;*
 - *Zapisnik sekcije broj: 386/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Mandić Milenko;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2663/94 od 09.11.1994. godine, na ime Drljo Ante;*
 - *Zapisnik sekcije broj: 383/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Drljo Ante;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2653/94 od 09.11.1994. godine, na ime Drljo Ivan;*
 - *Zapisnik sekcije broj: 384/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Drljo Ivan;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2665/94 od 09.11.1994. godine, na ime Drljo Ivan (rođen 1971. godine);*
 - *Zapisnik sekcije broj: 392/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Drljo Ivan (rođen 1971. godine);*
 - *Dozvola za sahranu umrle osobe izdata od Kliničkog bolničkog centra Split, na ime Drljo Ivan sa sprovodnicom;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2660/94 od 09.11.1994. godine, na ime Željko Blažević;*
 - *Zapisnik sekcije broj: 393/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Blažević Željko;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2668/94 od 09.11.1994. godine, na ime Nedeljko Krešo;*
 - *Zapisnik sekcije broj: 396/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Nedeljko Krešo;*
 - *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2659/94 od 09.11.1994. godine, na ime Juro Andelić;*

- *Zapisnik sekcije broj: 382/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Andelić Juro;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2669/94 od 09.11.1994. godine, naime Velimir Krešo;*
- *Zapisnik sekcije broj: 381/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Velimir Krešo;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2664/94 od 09.11.1994. godine, na ime Zdravko (Ivan) Drljo;*
- *Zapisnik sekcije broj: 387/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Drljo (Ivan) Zdravko;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2662/94 od 09.11.1994. godine, na ime Ivica Krešo;*
- *Zapisnik sekcije broj: 380/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Ivica Krešo;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2261/94 od 09.11.1994. godine, na ime Andrija Drljo;*
- *Zapisnik sekcije broj: 390/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Drljo Andrija;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2267/94 od 09.11.1994. godine, na ime Tomo Drljo;*
- *Zapisnik sekcije broj: 391/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Tomo Drljo;*
- *Dozvola za sahranu umrle osobe izdata od Kliničkog bolničkog centra „Firule“ Split od 09.11.1994. godine na ime Tomo Drljo sa sprovodnicom;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2651/94 od 09.11.1994. godine, na ime Kata Drljo;*
- *Zapisnik sekcije broj: 378/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Kata Drljo;*
- *Dozvola za sahranu umrle osobe izdata od Kliničkog bolničkog centra Split od 09.11.1994. godine na ime Kata Drljo sa sprovodnicom;*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2666/94 od 09.11.1994. godine, na ime Franjo Drljo;*
- *Zapisnik sekcije broj: 394/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Franjo Drljo*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2671/94 od 09.11.1994. godine, na ime Stipo Ljubić;*
- *Zapisnik sekcije broj: 389/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Ljubić Stipe;*
- *Prijave činjenice smrti izdata od Matičnog ureda Konjic broj: 2670/94 od 09.11.1994. godine, na ime Kata Drljo (rođena 1932. godine);*
- *Zapisnik sekcije broj: 385/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Drljo Kata (rođena 1932. godine);*
- *Prijava činjenice smrti izdata od Matičnog ureda Konjic broj: 2658/94 od 09.11.1994. godine, na ime Mlikota Branko;*

- Zapisnik sekcije broj: 388/94 Odjela za patologiju KBC Split od 09.11.1994. godine, na ime Mlikota Branko;
- Dozvola za sahranu umrle osobe izdata od Kliničkog bolničkog centra „Firula“ Split od 09.11.1994. godine na ime Mlikota Branko sa sprovodnicom;

Dana 14.12.2009. godine Tužiteljstvo BiH je Sudu BiH uputilo Prijedlog za određivanje pritvora zajedno sa svim dokazima koji terete osumnjičenu RASEMU HANDANOVIĆ ZV. ZOLJA za predmetna kaznena djela, a Sud je dana 21.12. 2009. godine donio Rješenje o određivanju pritvora i Naredbu o raspisivanju potjernice. Ja sam pribavila kopije Rješenje o određivanju pritvora i Naredbu o raspisivanju potjernice od Suda suda i priložila je uz ovu izjavu kao dokazni predmet 2 i 2A. Iz Rješenja Suda BiH o određivanju pritvora prema osumnjičenoj jasno proizilazi da se istoj na teret stavlja teško kazneno djelo počinjeno ubistvom. Želim ovom prilikom istaći da zakonska odredba koja reguliše okončanje istrage član 225. stavak 3. ZKP BiH propisuje da optužnica u Bosni i Hercegovini ne može biti podignuta niti izdata sve dok osumnjičena ne budu ispitana. Član 225. stavak 3. ZKP BiH glasi: „Optužnica se ne može podići ako osumnjičeni nije bio ispitan“. Imajući u vidu da se osumnjičena ne nalazi na području BiH ista ne može biti ispitana, niti se protiv iste može podići optužnica.

Ratni zločin protiv civilnog stanovništva i Ratni zločin protiv ratnih zarobljenika krivičnog zakona BiH

6. Ratni zločin protiv civilnog stanovništva i Ratni zločin protiv ratnih zarobljenika se u Krivičnom zakonu BiH nalaze u poglavlju XVII - Krivična djela protiv čovječnosti i vrijednosti zaštićenih međunarodnim pravom član 173. i 175. i predstavljaju teška kršenja vrijednosti koja su zaštićena međunarodnim pravom. Ova djela se mogu učiniti samo sa umišljajem. Osobe osuđene za ovo krivično djelo služe zatvorsku kaznu od najmanjedeset godina do najviše četrdeset godina. Tekst zakona je priložen kao dokazni predmet 3 i 3A

Propisi o zastari

7. Kazneni zakon BiH u članu 19. navodi:

Krivično gonjenje i izvršenje kazne ne zastarijeva za krivična djela genocida, zločina protiv čovječnosti te ratnih zločina, kao ni za krivična djela za koja po međunarodnom pravu zastarjelost ne može nastupiti. Tekst zakona je priložen kao dokazni predmet 4.

Opis osumnjičene

8. RASEMA HANDANOVIĆ ZVANA ZOLJA je državljanka BiH rođena [REDACTED] 1972. godine. Kći je [REDACTED] i majke [REDACTED], a rođena je u Sanskom Mostu, Bosna i Hercegovina. Ona je bijelkinja, po nacionalnosti Bošnjakinja. Podatke o izgledu osumnjičene nemamo, već dostavljamo fotografiju njenog lica sa otiskom prsta iz 1997. godine. Vjeruje se da trenutno živi na adresi: 20893 Sw Eggert Way Beaverton, Oregon 97007, USA. Također se vjeruje da sad koristi ime Sammy Yetisen.

9. Priložila sam kao dokazni predmet 5, 5A, 5B, 5C, 5D redigovane izjave zaštićenih svjedoka A, B, D, E i O poučenih o pravima i obavezi da govore istinu koje čine dokaze da je RASEMA HANDANOVIĆ ZV. ZOLJA počinila ubojstva zarobljenih hrvatskih civila i vojnika HVO i koja stvaraju osnovanu sumnju da je osumnjičena time počinila kaznena djela koja joj se stavljaju na teret.

10. Priložila sam kao dokazni predmet 6 izjavu istražitelja Državne agencije za istrage i zaštitu (u daljem tekstu SIPA) Marija Kapetanovića koja dodatno prikazuje dokaze protiv RASEME HANDANOVIĆ ZV. ZOLJA informacije koje navode na zaključak da je u pitanju kazneno djelo za koja se tereti. Ja sam detaljno pregledala ovu izjavu i jamčim da ovi dokazi ukazuju na to da postoji veliki stepen sumnje da je RASEMA HANDANOVIĆ ZV. ZOLJA kriva za kaznena djela koja im se stavljaju na teret.

11. Kao dokazni predmet 7 priložila sam kopiju kartona lične karte RASEME HANDANOVIĆ sa njenom fotografijom i otiskom prsta.

12. Kao dokazni predmet 8 i 8A priložila sam kopiju Izvoda iz matične knjige rođenih i kopiju Uvjerenja o državljanstvu RASEME HANDANOVIĆ.

13. Kao dokazni predmet 9 priložila sam kopiju Službene zabilješke SIPA-e na okolnosti postupanja po naredbi o lišenju slobode RASEME HANDANOVIĆ.

14. Kao dokazni predmet 10 priložila sam kopiju Službene zabilješke SIPA-e na okolnosti pronalaska adrese u SAD RASEME HANDANOVIĆ.

15. Kao dokazni predmet 11 priložila sam kopiju e-maila gospodina Michael MacQueen-a o adresi i novom imenu RASEME HANDANOVIĆ.

LISTA DOKAZNIH PREDMETA

Broj dokaza	Opis
1	Naredba o sprovođenju istrage od 12.12.2008. godine broj KT-RZ 107/05
1A	Naredba o sprovođenju istrage od 08.09.2009. godine broj KT-RZ 107/05
1B	Prijedlog za određivanje pritvora Tužiteljstva BiH od 14.12.2009. godine broj KT-RZ 107/05
2	Rješenje Suda BiH o određivanju pritvora od 21.12.2009. godine broj X-KRN-09/786
2A	Naredba Suda BiH o raspisivanju potjernice od 21.12.2009. godine broj X-KRN-09/786
3	Puni tekst krivičnog djela 173. Kaznenog zakona BiH
3A	Puni tekst krivičnog djela 175. Kaznenog zakona BiH
4	Puni tekst propisa o zastari – član 19. Kaznenog zakona BiH
5	Redigovani Zapisnik o saslušanju zaštićenog svjedoka A broj KT-RZ 107/05

5A	Redigovani Zapisnik o saslušanju zaštićenog svjedoka B broj KT-RZ 107/05
5B	Redigovani Zapisnik o saslušanju zaštićenog svjedoka D broj KT-RZ 107/05
5C	Redigovani Zapisnik o saslušanju zaštićenog svjedoka E broj KT-RZ 107/05
5D	Redigovani Zapisnik o saslušanju zaštićenog svjedoka O broj KT-RZ 107/05
6	Zapisnik o saslušanju istražitelja SIPA-e Marija Kanetanovića od 15.01.2010. godine broj KT-RZ 107/05
7	Službena zabilješka SIPA-e broj 17-04/2-04-2-1409/08 od 01.12.2008. godine uz karton lične karte sa fotografijom i otiskom prsta RASEME HANDANOVIĆ
8	Izvod iz matične knjige rođenih broj 05-13-1-132/09 Općine Sanski Most od 07.01.2009. godine na ime
8A	Uvjerenje o državljanstvu broj 05-13-4-14/09 Općine Sanski Most od 07.01.2009. godine na ime RASEMA
9	Službena zabilješka SIPA-e broj 17-04/2-2-04-2-561/09 od 04.05.2009. godine u vezi nemogućnosti lišenja slobode RASEME HANDANOVIĆ
10	Službena zabilješka SIPA-e broj 17-04/2-1-04-2-200/09 od 17.02.2009. godine u vezi mjesta prebivališta u SAD RASEME HANDANOVIĆ
11	E-mail gospodina Michael MacQueen OD 26.03.2009. godine u vezi imena koje u SAD koristi RASEMA
12	Karton lične karte sa fotografijom i otiskom prsta na ime EDIN DŽEKO
13	CIPS izvod sa fotografijom na ime EDIN DŽEKO
14	Uvjerenje o državljanstvu broj 03/1-204-1-401/09 Općine Gacko od 20.11.2009. godine na ime EDIN DŽEKO
15	Službena zabilješka SIPA-e broj 17-04/2-04-2-337-118/09 od 28.09.2009. godine u vezi nemogućnosti lišenja slobode EDINA DŽEKO
16	E-mail gospodina Michael MacQueen od 22.09.2009. godine u vezi imena koje u SAD koristi RASEMA

Na osnovu svega iznesenog, smatram da su ispunjeni razlozi za izručenjem osumnjičene RASEME HANDANOVIĆ ZV. ZOLJA zbog čega predlažem da Human Rights and Special Prosecutions Section Criminal Division U.S. Department of Justice prihvati moju MOLBU ZA IZRUČENJE.

Izjava data pod zakletvom i potpisana od strane tužiteljice Vesne Budimir

U Sarajevu, Bosna i Hercegovina, dana 07.07.2010. godine



Bosna i Hercegovina

Bosna i Hercegovina



Tužilaštvo-Tužiteljstvo Bosne i Hercegovine
Tužilaštvo Bosne i Hercegovine

Special Department for War Crimes

Number:KT-RZ-107/05

Sarajevo, July 7, 2010

CONFIDENTIAL
URGENT

REQUEST FOR EXTRADITION

I, Vesna Budimir, do hereby declare under oath that:

1. I am a citizen of Bosnia and Herzegovina (hereinafter: B&H) and permanent resident of Sarajevo
2. Since 2004, I have been working as a Prosecutor at the Prosecutor's Office of Bosnia and Herzegovina (hereinafter: B&H Prosecutor's Office), and as of 2009 I hold the position of a B&H Deputy Chief Prosecutor and Acting Head of the Special Department for War Crimes of the B&H Prosecutor's Office. Prosecutors employed in the B&H Prosecutor's Office are in charge of criminal prosecution and investigation of crimes as prescribed by the Criminal Code of Bosnia and Herzegovine (hereinafter B&H Criminal Code) and committed on the whole territory of B&H. While performing my prosecutorial duties at the B&H Prosecutor's Office, I have become familiar with the B&H Criminal Code and Criminal Procedure Code of Bosnia and Herzegovina (hereinafter: B&H Criminal Procedure Code). As a Prosecutor of the B&H Prosecutor's Office, pursuant to Article 57 of the B&H Law on International Legal Assistance in Criminal Matters and Article III of the Convention on Extradition of Guilty Persons between The Kingdom of Serbia and the United States of America of October 12/25, 1901, to which B&H is a successor country, I have authority to formally request extradition from the United States of America. Since 2005, I have been assigned to work in the Special Department for War Crimes of the B&H Prosecutor's Office. I have personally represented the B&H Prosecutor's Office before the B&H Court in cases against numerous defendants charged with Crimes against Humanity and Values Protected by International Law as stipulated by the B&H Criminal Code. Many such investigations have included investigations of Crimes against Civilians and War Crimes against Prisoners of War as defined in the B&H Criminal Code. As a State Prosecutor, I have gained significant experience in, and knowledge of the B&H Criminal Code of and the B&H Criminal Procedure Code, and particularly Crimes against Humanity and Values Protected by International Law.
3. Acting as a Prosecutor of the B&H Prosecutor's Office, in 2008 I initiated an investigation in the *Nedžad Hodžić et al.* case, case number KT-RZ 107/05, among others, the case also involved the suspect RASEMA HANDANOVIĆ aka ZOLJA. The investigation results establish a grounded suspicion (probable cause¹) that suspect RASEMA HANDANOVIĆ aka ZOLJA took part in the killings of Croatian civilians and captured soldiers of the Croatian Defense Council (hereinafter: HVO) in the place called Trusina, Konjic Municipality, on April 16, 1993. Copies of Orders to Conduct Investigation and Motion for Custody are attached as Annex 1, Annex 1A and Annex 1B.

¹ Term grounded suspicion is used in Bosnia and Herzegovina as an equivalent of probable cause.

SUMMARY OF EVIDENCE

4. Orders to Conduct Investigation and a Motion for Custody of the B&H Prosecutor's Office contain allegations that RASEMA HANDANOVIĆ aka ZOLJA committed the killings as follows:

Evidence gathered so far in the course of investigation indicates grounded suspicion (probable cause) that, during the war in Bosnia and Herzegovina and in the morning of April 16, 1993, RASEMA HANDANOVIĆ aka ZOLJA, member of the Special Purposes Detachment of the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina, together with other members of the Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina known to them and members of the 45th Neretvica Mountain Brigade of the Army of the Republic of Bosnia and Herzegovina, participated in the well-planned attack against Croat civilians of the village of Trusina, in violation of the rules of international law; the following civilians were killed in that attack: Tomo (son of Andrija) Drljo, born in 1926, Andrija (son of Ilija) Drljo, born in 1947, Kata (daughter of Ivan) Drljo, born in 1937, Kata (daughter of Mićo) Drljo, born in 1918. godine, Ivan (son of Pero) Drljo, born in 1939, Branko (son of Andrija) Mlikota, born in 1925, Smiljko (son of Mirko) Krešo, born in 1940, Velimir (son of Andrija) Krešo, born in 1934, Ivica (son of Jure) Krešo, born in 1935, Ilija (son of Ante) Ivanković, born in 1926, Anđa (daughter of Jure) Krešo, born in 1936, Jure (son of Ante) Anđelić, born in 1926, Stipo Mandić, born in 1928, Anto Drljo, born in 1936, Milenko (son of Stipe) Mandić, born in 1961 and Stipo (son of Pero) Ljubić, born in 1961, whereas the following civilians were seriously injured: Mara Krešo, born in 1942, Anđela (daughter of Vinko) Šagolj, born in 1969, Arijana (daughter of Pero) Krešo, born in 1988 and Mario (son of Rade) Krešo, born in 1991.

Moreover, evidence in possession of the B&H Prosecutor's Office indicate grounded suspicion (probable cause) that RASEMA HANDANOVIĆ, during the war in B&H and in the morning of April 16, 1993, as a member of the Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina, together with other members of the Special Purposes Detachment known to her and following an order issued by Nedžad Hodžić, RASEMA HANDANOVIĆ AKA ZOLJA participated in the execution of the lined up HVO soldiers in a hamlet called Gaj, village of Trusina, Konjic Municipality, namely Ivan (son of Andrija) Drljo, born in 1971, Nedeljko (son of Marinko) Krešo, born in 1953, Pero (son of Cmiljko) Krešo, born in 1961, as well as the following civilians: Zdravko (son of Ivan) Drljo, born in 1963, Željko (son of Slavko) Blažević, born in 1965. and Franjo (son of Ilija) Drljo, born in 1942, this violating the rules of international law;

Whereby the suspect RASEMA HANDANOVIĆ committed the criminal offense of War Crimes against Civilians as stipulated in Article 173(1) (a) and (b) of the B&H Criminal Code and the criminal offense of War Crimes against Prisoners of War as stipulated in Article 175(1) (a) of the B&H Criminal Code in conjunction with Article 180 (1) and Article 29 of the same Code,

EVIDENCE

5. The statements of Witness B², Witness X, Witness A, Witness C, Witness D, Witness

² B&H Prosecutor's Office has submitted a Motion for Protection Measures for 16 witnesses in this case, and the Court of B&H has rendered a Decision granting the aforementioned protection measures; therefore only pseudonyms of these witnesses are mentioned here, since disclosing their identity would constitute a criminal offense.

E, Witness F, Witness H, Witness I, Witness K, Witness J, Witness O, Witness L, Witness M, Witness N, Ramiz Bećiri, Enes Gagula, Enis Popara, Atif Karović, and the statements of Croat residents of the village of Trusina: Dragan Drljo, Ilija Drljo, Jure Krešo, Mara Drljo, Bosiljka Krešo, Arijana Krešo, as well as Bosniak residents of the village of Trusina: Ahmo Poturović, Abdulah Mašić, Salko Sultić, Šefko Poturović, Nusret Hanić, Emin Memić, Vejsil Memić, Behajim Gostevčić, Hatidža Gostevčić, Enes Begeta, Nijaz Habibija, Enver Mujala, Abdulah Mašić, Miralem Memić, Ibrahim Turk, Kadira Poturović, Hasan Poturović, Salko Sahinović and Miralem Kezo indicate a grounded suspicion (probable cause) that RASEMA HANDANOVIĆ AKA ZOLJA, as member of the *Zulfikar* Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina, committed war crimes by killing a great number of civilians in the Trusina village.

The statements of Witness X, Witness A, Witness B, Witness C, Witness D, Witness E, Witness F, Witness G, Witness H, Witness I, Witness K, Witness J, Witness O, Witness L, Witness N, Witness M, Enis Popara, Ramiz Bećiri, Enes Gagula, Atif Karović, and the statements of the Croat and Bosniak residents of the Trusina village undoubtedly indicate that an attack on the village of Trusina was carried out early in the morning of April 16, 1993 and that until that morning there had been no disagreement or conflict between Croat and Bosniak residents in this village, that there was a trench above the Gaj hamlet at the Križ combat position and six HVO members would stand guard there; that on that morning, four members surrendered to save the lives of their families, whereas the two remaining ones managed to escape from that combat position, and that stronger HVO military positions were in Buturović polje and in a place called Obri. Members of the *Zulfikar* Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina participated in the attack on the village of Trusina, together with members of the *Neretvica* 45th Mountain Brigade of the Army of the Republic of Bosnia and Herzegovina. Statements of these witnesses indicate that there was only one HVO combat position and the four HVO members found in the trench that morning surrendered under the threat that their families would be killed if they didn't do so, and that when they surrendered members of the *Zulfikar* and *Neretvica* units raided the village and attacked civilian population; 19 civilians and 3 HVO soldiers were killed in that attack and four persons were wounded: two women, a two-year-old child and a four-year-old child.

Members of the *Zulfikar* Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina participated in the attack on the village of Trusina, as well as members of the *Neretvica* 45th Mountain Brigade. RASEMA HANDANOVIĆ AKA ZOLJA was among them, dressed in military uniforms and armed. The suspects were members of the Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina. Statements of Witness A, Witness X, Witness B, Witness D, Witness E, Witness J, Witness O, Witness L, Witness M and Bećiri Ramiz indicate that, among others, RASEMA HANDANOVIĆ AKA ZOLJA also participated in the attack on the village of Trusina. As a consequence, 19 Croat civilians and 3 HVO soldiers were killed and four persons were wounded: two women, a two-year-old child and a four-year-old child.

Grounds for suspicion that RASEMA HANDANOVIĆ aka ZOLJA participated with other members of the *Zulfikar* Special Purposes Detachment at the Supreme Command Staff of the Army of the Republic of Bosnia and Herzegovina in the execution of the lined up Croats (3 HVO soldiers and 3 civilians) in the Gaj hamlet in Trusina are derived from the statements of Witness A, Witness B, Witness D, Witness E and Witness O. Witness A was an eyewitness to the killing of the captured HVO soldiers

and civilians of Croat ethnicity. In his statement before the B&H Prosecutor's Office he said that, among others, RASEMA HANDANOVIĆ aka ZOLJA was also shooting at them after the suspect Nedžad Hodžić had ordered the Firing Squad to shoot (and she was also a member of that Squad). After that, RASEMA HANDANOVIĆ aka ZOLJA took a pistol and shot in the head of all those lined up civilians and HVO soldiers who were still showing signs of life. Among others, Witness B and Witness O confirmed these allegations as well.

Grounds for suspicion that the Suspects committed the criminal offences also arise from the following:

- Copy of the form VOB -8 for RASEMA HANDANOVIĆ A.K.A ZOLJA which indicate that at the time of the crime perpetration in Trusina she was member of the Zulfikar Unit which was organized in 1994 as the VJ (Military Unit) 5684 of the 4th Reconnaissance and Sabotage Battalion;
- Copies of the Order of the Chief of Staff of the RBiH Defense Forces Main Staff, Highly Confidential No.: 05/7-39(1. k.) of January 22, 1993 establishing a special purpose detachment which would carry out tasks as per the orders of the Chief of Staff in the Main Staff in the entire territory of BiH and Zulfikar Ališpago (Zuka) was to be appointed as a Commander of the Detachment;
- Copies of the Daily Combat Report of the Operative Group (OG) Igman Command, Highly Confidential No. 03-592/4 of April 16, 1993 sent to the Command of the RBiH Army 1st Corps stating that the Units Zulfikar 2 and Crni Labudovi (Black Swans) were engaged in the area around Konjic due to known conflicts with the HVO forces and a sabotage platoon (39 soldiers) was sent to the Neretvica valley, as signed by Commander Salko Gušić;
- Copies of authorizations of the Supreme Command Staff of the RBiH Defense Forces No. 001/167-148 of April 18, 1993 authorizing Commanders of the Igman Operative Group, Salko Gušić and Commander of the Zulfikar Special Detachment „to command all the units from Igman to Drežnica”;
- Copy of the Order issued by the Chief of the Supreme Command Staff of the RBiH Defense Forces, Highly Confidential No. 14/75-36 of April 01, 1993 authorizing Deputy Commander to the Special Purpose Detachment for Special Purposes, Nihad Bojadžić, to staff the detachment with resources from the existing war units of the RBiH Army 1st Corps;
- Copy of the Order of the Special Detachment for Special Purposes No: 1-10-1211/94 of May 23, 1994;
- Copy of the Order of the Special Operations Detachment signed by Nihad Bojadžić No.: 1-10-878/94 of April 16, 1994;
- Copy of the Official Note made by the SIS Centre Mostar, UR No: 02-08-2-518/95 of April 28, 1995 listing destroyed and demolished facilities in the municipality of Konjic including the village of Trusina;
- Copies of the Situation Report for the AOR of the RBiH Army 4th Corps, reference number: 02/1-3200-1/93 of April 17, 1993 indicating that there had been battles waged between HVO and RBiH Army in the territory of the municipalities of Jablanica and Konjic in the period between April 14, 1993 and April 17, 1993 and it is concluded that the unit had been present there and participated in the combats;
- Copy of the List made by the Office for Exchange of Detained Persons of Mostar, Office of Social Welfare No:17-X.76/94 of October 21, 1994 listing killed civilians and soldiers in Trusina on April 16, 1993;
- Copies of the letter of the Office for Displaced Persons and Refugees of HZ-HB (Croatian Community of Herzeg Bosnia) No.: 10-98-1/93 of April 23, 1993 sent to ICRC, UNHCR, UNPROFOR and European Observers listing killed civilians and executed members of the HVO in the village of Trusina near Konjic;

- Copies of tables showing ethnic structure of the population in the village of Trusina in April 1991. In the aforementioned period, 149 Croats and 152 Muslims lived in the village of Trusina;
- Copy of the report on incidents in the area of Konjic – Chronology of events made by the Main Medical Staff – Department for Research and Information in Mostar No.: 02-5/1-42/93 of April 04, 1993 describing events in the village of Trusina on April 16, 1993;
- Copy of the Report on the Situation Related to Property and Legal Security of Croats in Konjic drafted by HVO – Municipal Council of Konjic under the reference number OI-251/95 of March 13, 1995, which stated on its page 2 that listed civilians killed in Trusina and soldiers had not been buried appropriately, with the list of civilians and HVO soldiers killed in Trusina attached to the Report;
- Copies of an outline of genocide committed against Croats in the municipality of Konjic by Muslims in the period March – July 1993 drafted by HVO Konjic in Ljubuški in August 1993; page 2 describes the massacre in the village of Trusina and lists killed civilians, soldiers and the wounded;
- Copies of the Summary Report for April 16, 1993 made by the HVO Main Staff Mostar on April 17, 1993; the third page of the Report finds that „in the village of Trusina women and children are taken away, houses are set on fire and they asked for weapons to be laid down. We are coping, but what can we do about such a dirty way of warfare. Strong forces have been infiltrated below Hum and they are doing it in Trusina”;
- Report on death issued by the Registrar's Office of Konjic No. 2657/94 on November 9, 1994 for Ilija Ivanković;
- Autopsy Report No. 377/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Ilija Ivanković;
- Death Certificate issued by the Registrar's Office of Konjic No. 2655/94 on November 9, 1994 for Anda Ivanković;
- Autopsy Report No. 376/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Ivanković Anda;
- Permit for burial of a deceased person issued by the Clinical Hospital Centre of Split on November 9, 1994 for Ivanković Anda with a transit permit;
- Death Certificate issued by the Registrar's Office of Konjic No. 2656/94 on November 9, 1994 for Pero Krešo;
- Autopsy Report No. 395/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Pero Krešo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2652/94 on November 9, 1994 for Stipo Mandić;
- Autopsy Report No. 379/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Stipo Mandić;
- Death Certificate issued by the Registrar's Office of Konjic No. 2654/94 on November 9, 1994 for Milenko Mandić;
- Autopsy Report No. 386/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Milenko Mandić;
- Death Certificate issued by the Registrar's Office of Konjic No. 2663/94 on November 9, 1994 for Ante Drljo;
- Autopsy Report No. 383/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Ante Drljo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2653/94 on November 9, 1994 for Ivan Drljo;
- Autopsy Report No. 384/94 of the Pathology Ward of the Clinical Hospital Centre on Split dated November 09, 1994 for Ivan Drljo;

- Death Certificate issued by the Registrar's Office of Konjic No. 2665/94 on November 9, 1994 for Ivan Drljo (born in 1971);
- Autopsy Report No. 392/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Ivan Drljo (born in 1971);
- Permit for burial of a deceased person issued by the Clinical Hospital Centre of Split for Drljo Ivan with a transit permit;
- Death Certificate issued by the Registrar's Office of Konjic No. 2660/94 on November 9, 1994 for Željko Blažević;
- Autopsy Report No. 393/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Željko Blažević;
- Death Certificate issued by the Registrar's Office of Konjic No. 2668/94 on November 9, 1994 for Nedeljko Krešo;
- Autopsy Report No. 396/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Nedeljko Krešo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2659/94 on November 9, 1994 for Juro Andelić;
- Autopsy Report No. 382/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Juro Andelić;
- Death Certificate issued by the Registrar's Office of Konjic No. 2669/94 on November 9, 1994 for Velimir Krešo;
- Autopsy Report No. 381/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Velimir Krešo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2664/94 on November 9, 1994 for Zdravko (Ivan) Drljo;
- Autopsy Report No. 387/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Zdravko (Ivan) Drljo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2662/94 on November 9, 1994 for Ivica Krešo;
- Autopsy Report No. 380/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Ivica Krešo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2261/94 on November 9, 1994 for Andrija Drljo;
- Autopsy Report No. 390/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Drljo Andrija;
- Death Certificate issued by the Registrar's Office of Konjic No. 2267/94 on November 9, 1994 for Tomo Drljo;
- Autopsy Report No. 391/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Tomo Drljo;
- Permit for burial of a deceased person issued by the Clinical Hospital Centre of Split „Firule“ on November 9, 1994 for Tomo Drljo with a transit permit;
- Death Certificate issued by the Registrar's Office of Konjic No. 2651/94 on November 9, 1994 for Kata Drljo;
- Autopsy Report No. 378/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Kata Drljo;
- Permit for burial of a deceased person issued by the Clinical Hospital Centre of Split on November 9, 1994 for Kata Drljo with a transit permit;
- Death Certificate issued by the Registrar's Office of Konjic No. 2666/94 on November 9, 1994 for Franjo Drljo;
- Autopsy Report No. 394/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Franjo Drljo;
- Death Certificate issued by the Registrar's Office of Konjic No. 2671/94 on November 9, 1994 for Stipo Ljubić;
- Autopsy Report No. 389/94 of the Pathology Ward of the Clinical Hospital Centre

- of Split dated November 9, 1994 for Stipe Ljubić;
- Death Certificate issued by the Registrar's Office of Konjic No. 2670/94 on November 9, 1994 for Kata Drljo (born in 1932);
 - Autopsy Report No. 385/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 09, 1994 for Kata Drljo (born in 1932);
 - Death Certificate issued by the Registrar's Office of Konjic No. 2658/94 on November 9, 1994 for Branko Mlikota;
 - Autopsy Report No. 388/94 of the Pathology Ward of the Clinical Hospital Centre of Split dated November 9, 1994 for Branko Mlikota;
 - Permit for burial of a deceased person issued by the Clinical Hospital Centre of Split „Firule“ on November 9, 1994 for Branko Mlikota with a transit permit;

On December 14, 2009 the B&H Prosecutor's Office filed a motion with the Court of B&H requesting custody to be ordered, and attached all the documents charging the suspect RASEMA HANDANOVIĆ A.K.A ZOLJA with the relevant criminal offenses, and on December 21, 2009 the Court issued the Decision Ordering Custody and the Order to Issue an Arrest Warrant. I obtained copies of the Decision Ordering Custody and the Order to Issue an Arrest Warrant from the Court and attached them to this statement as Exhibits 2 and 2A. It is clear from the Court's Decision Ordering Custody that the abovementioned suspects are charged with serious criminal offences committed through killings.

I would like to use this opportunity to emphasize that the provision that regulates completion of investigation, namely Article 225 paragraph 3, stipulates that an indictment in B&H cannot be raised and issued until the suspect in question has been questioned. Article 225 paragraph 3 reads as follow: No indictment shall be issued if the suspect has not been questioned. Since the suspects are not in B&H, they cannot be questioned, and therefore no indictment can be raised.

WAR CRIMES AGAINST CIVILIANS AND WAR CRIMES AGAINST PRISONERS OF WAR UNDER THE B&H CRIMINAL CODE

6. War Crimes against Civilians and War Crimes against Prisoners of War are provided for by the B&H Criminal Code, Chapter XVII – Crimes against Humanity and

Values Protected by International Law, Articles 173 and 175, and they amount to serious violations of values protected by international law. Such crimes can be committed only with intent. Persons convicted of the crimes are sentenced to at least ten years up to 40 years of imprisonment. Excerpts from the Code are attached as Exhibits 3 and 3A.

PROVISIONS RELATED TO STATUTE OF LIMITATIONS

7. The B&H Criminal Code, Article 19 stipulates the following: Criminal prosecution and execution of a sentence are not subject to the statute of limitations for criminal offences of genocide, crimes against humanity and war crimes, or for other criminal offences that, pursuant to international law, are not subject to the statute of limitations. Excerpt from the Code is attached as Exhibit 4.

DESCRIPTION OF SUSPECT

8. RASEMA HANDANOVIĆ A.K.A. ZOLJA is a citizen of B&H born on [REDACTED], 1972. She is a daughter of father [REDACTED] and mother [REDACTED] and she was born in Sanski Most, B&H. She is Caucasian, Bosniak by ethnicity. We do not have information

on physical appearance of the suspect, however, we attach a photo of her face with a fingerprint from 1997. It is believed that she is currently living at the following address: [REDACTED] Beaverton, Oregon 97007, USA. It is also believed that she is currently using the name of Sammy Yetisen.

9. As Exhibits 5, 5A, 5B, 5C, 5D I attach the redacted statements of protected witnesses A, B, D, E and O who were duly informed on their rights and duty to tell the truth, and the statements provide evidence that RASEMA HANDANOVIĆ A.K.A ZOLJA committed murders of detained Croat civilians and HVO soldiers, and the statement establish grounded suspicion (probable cause) that the Suspects perpetrated the crimes they are charged with.

10. As Exhibit 6 I attach a statement of an investigator of the State Investigation and Protection Agency (hereinafter: SIPA), Mario Kapetanović, which provides additional evidence against RASEMA HANDANOVIĆ A.K.A ZOLJA and information indicating that it was the crime they are charged with. I thoroughly reviewed the statement and I guarantee that this evidence indicates that there is a high level of suspicion that RASEMA HANDANOVIĆ A.K.A. ZOLJA are guilty of the criminal offences they are charged with.

11. As Exhibit 7 I attach a copy of the Personal Identification Card for RASEMA HANDANOVIĆ with her photograph and fingerprint.

12. As Exhibits 8 and 8A I attach a copy of the Birth Certificate and copy of the Citizenship Certificate for RASEMA HANDANOVIĆ.

13. As Exhibit 9 I attach a copy of the Official Note made by SIPA in relation to actions taken on arrest of RASEMA HANDANOVIĆ.

14. As Exhibit 10 I attach a copy of the Official Note made by SIPA on identification of the US address of RASEMA HANDANOVIĆ.

15. As Exhibit 11 I attach a copy of the email of Mr. Michael MacQueen about the address and a new name of RASEMA HANDANOVIĆ.

LIST OF EXHIBITS

Exhibit number	Description
1	Order to conduct investigation of 12.12.2008 No. KT-RZ 107/05
1A	Order to conduct investigation of 08.09.2009 No. KT-RZ 107/05
1B	Motion for Custody of the B&H Prosecutor's Office of 14.12.2009 No. KT-RZ 107/05
2	Decision of the Court of B&H ordering custody of 21.12.2009 No. X-KRN-09/786
2A	Order of the Court of B&H issuing arrest warrant of 21.12.2009 No. X-KRN-09/786
3	Entire text of Article 173 of the B&H Criminal Code

3A	Entire text of Article 175 of the B&H Criminal Code
4	Entire text of the provisions on statute of limitations – Article 19 of the B&H Criminal Code
5	Redacted Examination Record of Protected Witness A No. KT-RZ 107/05
5A	Redacted Examination Record of Protected Witness B No. KT-RZ 107/05
5B	Redacted Examination Record of Protected Witness D No. KT-RZ 107/05
5C	Redacted Examination Record of Protected Witness E No. KT-RZ 107/05
5D	Redacted Examination Record of Protected Witness O No. KT-RZ 107/05
6	Witness Examination Record of the SIPA Investigator, Mario Kapetanović, of 15.01.2010 No. KT-RZ 107/05
7	Official Note made by SIPA No. 17-04/2-04-2-1409/08 of 01.12.2008 with the Personal ID record including a photo and fingerprint of RASEMA HANDANOVIĆ
8	Birth Certificate No. 05-13-1-132/09 from the Municipality of Sanski Most of 07.01.2009 for RASEMA HANDANOVIĆ
8A	Citizenship Certificate No. 05-13-4-14/09 of the Municipality of Sanski Most dated 07.01.2009 for RASEMA HANDANOVIĆ
9	Official Note made by SIPA No. 17-04/2-2-04-2-561/09 of 04.05.2009 in relation to inability to arrest RASEMA HANDANOVIĆ
10	Official Note made by SIPA No. 17-04/2-1-04-2-200/09 of 17.02.2009 in relation to the US residence of RASEMA HANDANOVIĆ
11	E-mail of Mr. Michael MacQueen of 26.03.2009 related to the name used by RASEMA HANDANOVIĆ in the USA
12	Personal ID record with the photograph and fingerprint for EDIN DŽEKO
13	CIPS excerpt with the photograph of EDIN DŽEKO
14	Citizenship Certificate No. 03/1-204-1-401/09 from the Municipality of Gacko of 20.11.2009 for EDIN DŽEKO
15	Official Note made by SIPA No. 17-04/2-04-2-337-118/09 of 28.09.2009 in relation to inability to arrest EDIN DŽEKO
16	E-mail of Mr. Michael MacQueen of 22.09.2009 about the name used by RASEMA HANDANOVIĆ in the USA

Based on the above, I believe that reasons for extradition of the Suspect RASEMA HANDANOVIĆ A.K.A. ZOLJA are met, therefore I suggest that the Human Rights and Special Prosecutions Section, Criminal Division of the US Department of Justice, accept my REQUEST FOR EXTRADITION.

The Statement was made under oath and signed by Prosecutor Vesna Budimir.

In Sarajevo, Bosnia and Herzegovina, on July 7, 2010.

*Deputy Chief Prosecutor
Head of the Special Department of the
Prosecutor's Office of BiH*

Vesna Budimir