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*Court of Bosnia and Herzegovina***No. X-K-/09/851-1****Sarajevo, 20 September 2010****IN THE NAME OF BOSNIA AND HERZEGOVINA**

The Court of Bosnia and Herzegovina, sitting on the Panel composed of Judges Branko Perić as the Presiding Judge, and Judges Tatjana Kosović and Hasija Mašović as the Panel members, with the participation of Legal Officer Ivana Petković in the criminal case against the Accused Saša Grabež Danijel et al., for the criminal offence of Illicit Trafficking in Narcotic Drugs under Article 195, paragraph 2, in conjunction with Article 1, of the CC of BiH pursuant to the Indictment of the Prosecutor's Office of Bosnia and Herzegovina, No. KT-79/10 dated 2 July 2010, following a hearing held to consider a guilty plea agreement and impose a sentence in the presence of the Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina Maja Ilić Stupar, the Accused Saša Danijel Grabež, Milovan Đukić and Dušan Tejić, and their defense counsel Simo Tošić and Nebojša Pantić, rendered and publically announced on 20 September 2010 the following

**VERDICT****THE ACCUSED:**

1. **DANIJEL SAŠA GRABEŽ, a.k.a. Sale**, son of Nedeljko and Danica, née Banjac, born on 26 March 1982 in Reutlingen – Federal Republic of Germany, Serb by ethnicity, citizen of BiH, caterer by profession, married, father of a minor child, with the place of residence in Banja Luka, 208 Branka Popovca Street, **previously convicted, in custody since 17 March 2010 pursuant to the Decision of the Court BiH No. X-KRN-09/851 dated 19 March 2010 that has been extended by the Decision of the Court of BiH No. X-KRN-09/851 dated 15 April 2010, by the Decision of the Court of BiH No. X-KRN-09/851 dated 6 May 2010 and the Decision of the Court of BiH No. X-KRN-09/851 dated 17 June 2010 and may last until 17 July 2010.**
2. **MILOVAN ĐUKIĆ, a.k.a Cuga or Mićo**, son of Marko and Milica, née Marjanović, born on 12 December 1980 in Derventa, Serb by ethnicity, citizen of BiH, motor car electrician by profession, single, with permanent place of residence in Derventa, 6 Jasikovača Street, **previously convicted, currently serving sentence in the KPZ / Penal-correctional institution/ Tunjice in Banja Luka, serving a five-year imprisonment sentence pursuant to the Verdict of the District Court Banja Luka – Special Department for Organised Crime and the Most Serious Forms**

**of Economic Crime dated 25 December 2007, that will last until 3 February 2012,**

3. **DUŠAN TEJIĆ**, son of Jerkan and Dušanka, née Mirčić, born on 11 July 1984 in Banja Luka, Serb by ethnicity, citizen of BiH, waiter by profession, single, with permanent place of residence in Banja Luka, 58 Zmaj Ognjenog Vuka Street, **previously convicted, in custody since 17 March 2010 pursuant to the Decision of the Court of BiH No. X-KRN-09/851 dated 19 March 2010 that has been extended by the Decision of the Court of BiH No. X-KRN-09/851 dated 15 April 2010, Decision of the Court of BiH No. X-KRN-09/851 dated 6 May 2010 and Decision of the Court of BiH X-KRN-09/851 dated 17 June 2010 and may last until 17 July 2010,**

### **ARE GUILTY**

OF THE FOLLOWING:

Between mid-December 2009 and 17 March 2010, the accused **Saša Danijel Grabež** organised a group of individuals for the illicit international trade of the narcotic drugs heroin and marijuana, and these individuals participated in the purchase, transportation, and transfer of those drugs to Bosnia and Herzegovina from other countries. Grabež always procured the drugs from an individual he knew. Heroin was transported from the Czech Republic via Serbia to Bosnia and Herzegovina. Marijuana was transported from Albania; when necessary, Grabež enlisted the assistance of an individual he knew from Bileća to bring the marijuana to Banja Luka. Meanwhile the accused **Milovan Đukić** and **Dušan Tejić** joined the group of individuals mentioned above and participated in the transportation, storage and sale of the marijuana and heroin. These drugs are on the list of narcotic drugs and psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH Official Gazette No. 08/06). Trade of these substances is prohibited under Article 19 of this Law. These three individuals were members of the organised group within the meaning of Article 1(18) of the Criminal Code of BiH, all with the aim of acquiring illegal property gain – out of greed. Specifically, this Court concludes that:

#### **Saša Danijel Grabež and Milovan Đukić - together**

1. On 26 December 2009, pursuant to an arrangement made previously with an informant with the code name “Pilot” and an undercover investigator with the code name “Keš,” in the parking lot of the *Fis* Shopping Centre in Banja Luka, **Saša Danijel Grabež and Milovan Đukić** delivered the narcotic drug cannabis/marijuana in a blue nylon bag to an undercover investigator with the code name “Tango.” The cannabis was held in a blue nylon bag and packed in two rectangular transparent nylon packages which weighed, respectively, 989.81 and 993.95 grams. The two packages were hidden on the back under the front passenger’s seat of a Ford Focus automobile, license plates 427-M-414, owned by Grabež. “Keš” paid Grabež EUR 3,400 and KM 400 for the two packages. The two packages contained Cannabis Sativa L a narcotic drug under the international control,

whose psychoactive components include tetrahydrocannabinol (TCH), cannabinol (CBN), and cannabidiol (CBD). It is on the list of narcotic drugs and psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH Official Gazette No. 08/06). Trade of these substances is prohibited under Article 19 of this Law.

### **Saša Danijel Grabež and Dušan Tejić - together**

2. On 21 January 2010, pursuant to the same arrangement mentioned above between “Keš” and Grabež, Grabež met with “Keš” and “Tango” in the *Fis* Shopping Centre in Banja Luka, where Grabež gave “Tango” 0.586 grams of heroin to test. Following this, Grabež and “Tango” agreed that heroin would be exchanged that evening. Around 18:30h, Grabež and “Tango” went towards the *Lazarevo* settlement in the Banja Luka municipality. Around 19:00h, pursuant to a previous agreement with **Grabež, Dušan Tejić** arrived in a Rover automobile, license plates 490-K-622, and brought with him 491.501 grams of heroin packaged in a nylon bag and wrapped in adhesive tape. Tejić handed the heroin to “Tango,” and “Keš” paid Grabež EUR 7,500 for the heroin. The package contained heroin, a narcotic drug under the international control and as such on the list of narcotic drugs, psychotropic substances, plants which may be used to produce narcotic drugs and precursors. The trade of heroin is prohibited under Article 19 of the Law on Prevention and Suppression of Drug Abuse (BiH official Gazette No. 08/06), in that it contains psychotropic components acetylcodeine, monoacetylmorphine, papaverine, and noscapine.

3. On 13 February 2010, pursuant to a previous agreement, Grabež met with “Keš” and “Tango” in the *Mercator* Shopping Centre in Banja Luka, where they agreed to exchange an amount of heroin previously discussed. The exchange was to take place that afternoon. Grabež told “Keš” that he had obtained the heroin at Fruška Gora (in Serbia). At around 16:25h, **Grabež** went to the meeting place. “Keš” and “Tango” followed Grabež’s car in their own car and met **Tejić** on the road. Tejić arrived in a Rover automobile and they all continued driving towards Gornja Piskavica settlement in Banja Luka municipality. They stopped at a part of the road where there was no traffic and Tejić gave “Tango” two packages of heroin. The heroin packages were wrapped in PVC and brown adhesive tape and weighed, respectively, 499.199 and 497.963 grams. “Keš” gave Grabež EUR 14,000 in exchange. Grabež gave “Keš” a small parcel wrapped in cellophane which contained 0.376 grams of heroin as a sample for testing. The two packages and the small parcel contained heroin, a narcotic drug under the international control and as such on the list of narcotic drugs, psychotropic substances and plants which may be used to produce narcotic drugs and precursors. The trade of heroin is prohibited under Article 19 of the Law on Prevention and Suppression of Drug Abuse (BiH official Gazette No. 08/06),.

### **Saša Danijel Grabež – alone**

4. On 17 March 2010, pursuant to a previous agreement with “Keš,” Grabež met “Keš” in the parking lot of the *Fis* Shopping Centre in Banja Luka and gave him 874.885 grams of cannabis/marijuana packaged in transparent PVC foil and wrapped in brown adhesive tape. In exchange, “Keš” gave Grabež EUR 1,700. The packages contained

Cannabis Sativa L., a narcotic drug under the international control, whose psychoactive components include tetrahydrocannabinol (TCH), cannabinalol (CBN), and cannabidiol (CBD). It is on the list of narcotic drugs and psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH Official Gazette No. 08/06). Trade of these substances is prohibited under Article 19 of this Law. Grabež was taken into custody by SIPA (State Investigation and Protection Agency) agents.

**Therefore, Saša Danijel Grabež** organised a group of individuals for the purpose of illicit international trade, transfer, storage and transport of the substances recognized in the regulations as narcotic drugs, while **Milovan Đukić** and **Dušan Tejić** were members of this organised group of individuals.

**By doing so**, these three individuals committed the following criminal offenses: **Saša Danijel Grabež**, under Counts 1, 2, 3 and 4 of the Indictment, committed the criminal offense of Illicit Trafficking in Narcotic Drugs in violation of Article 195(2), in conjunction with Paragraph 1 and Article 54 of the CC BiH; **Milovan Đukić**, under Count 1 of the Indictment, committed the criminal offense of Illicit Trafficking in Narcotic Drugs in violation of Article 195(2), in conjunction with Paragraph 1 of the CC BiH; and **Dušan Tejić**, under Counts 2 and 3 of the Indictment, committed the criminal offense of Illicit Trafficking in Narcotic Drugs in violation of Article 195(2), in conjunction with Paragraph 1 and Article 54 of the CC BiH.

Therefore, pursuant to Articles 39, 42, 48 of the CC of BiH, this Court

## SENTENCES

**Saša Danijel Grabež** to 4 (four) years imprisonment.

**Milovan Đukić** to 3 (three) years of imprisonment; and

**Dušan Tejić** to 3 (three) years and 6 (six) months imprisonment .

Pursuant to Article 56 of the CC of BiH, the time the Accused Grabež and Tejić spent in custody between the date when they were arrested on 17 March 2010 and 20 September 2010 shall be credited towards the imposed sentence.

Pursuant to Article 74 of the CC of BiH, two mobile telephones, one each belonging to Grabež and Tejić, are forfeited. A Samsung SGH-D600 mobile phone was seized from Grabež consistent with SIPA receipt on seized items No. 17-14/1-3-11-1/10, dated 17 March 2010. A Samsung SGH-F480 mobile phone was seized from Tejić in accordance with SIPA receipt on seized items No. 17-14/1-3-12/10 dated 17 March 2010.

Pursuant to Article 195 Paragraph 4 of the CC of BiH, the following narcotic drugs were confiscated from **Grabež, Đukić, and Tejić**: packages of cannabis weighing 989.81, 993.95, and 993.30 grams; and packages of heroin weighing 491.575, 0.586, 499.199,

497.963, and 0.376 grams. As described above, these drugs were purchased from the Accused, then the Suspects, by undercover agents.

Pursuant to Article 110 Paragraph 2 of the CC of BiH, the amount of **EUR 1,700** is ordered confiscated from **Grabež**. This money had been previously seized by SIPA pursuant to the receipt on seized items No. 17-14/1-3-11/10 dated 17 March 2010. Consistent with Articles 110 and 111 Paragraph 1 of the CC of BiH, the Accused Grabež is ordered to pay the amount of **EUR 24,900 (twenty-four thousand nine hundred), and KM 400 (four hundred)** in view of the material gains obtained by the commission of the criminal offence. The Accused must pay this amount to the SIPA transfer account of the Central Bank, Account No. 000030000000145, within 30 days of the date the Verdict becomes final.

Pursuant to Article 188 Paragraph 1 of the CPC of BiH, the Accused **Grabež, Đukić, and Tejić** are obliged to reimburse the costs of the criminal proceedings in the total amount of **KM 130.00**, and the scheduled amount of **KM 100** each, within 30 days of the date the Verdict becomes final.

## **ARE GUILTY**

### **OF THE FOLLOWING:**

In the period from mid-December 2009 to 17 March 2010, Saša Danijel Grabež organised a group of persons for the illicit international trade of narcotic drugs and they participated in the international purchase, transportation and transfer of the narcotic drug heroin that he procured always from the same individual he knew, that was transported from the Czech Republic via Serbia to the territory of Bosnia and Herzegovina, while he procured the narcotic drug marijuana from Albania by enlisting, if necessary, the help of an individual from Bileća he knew, with whose help the drug would be brought to the territory of Banja Luka. At the same time, the following persons joined the aforementioned group of organised persons: Milovan Đukić and Dušan Tejić who, at the referenced time, participated in the transportation, storing and international sale of the narcotic drugs marijuana and heroin that are on the list of narcotic drugs, psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH Official Gazette No. 08/06) the trade of which is prohibited under Article 19 of this Law, whereby they became members of the organised group of persons within the meaning of Article 1(18) of the CC BiH with the aim of obtaining unlawful material gains - out of greed, therefore

### **Saša Danijel Grabež and Milovan Đukić – together**

**1.** On 26 December 2009, following a previous agreement with an informant with the code name Pilot and undercover investigator with the code name Keš, on the parking lot of the *Fis* Shopping Centre in Banja Luka, Saša Danijel Grabež and Milovan Đukić handed over the narcotic drugs cannabis-marijuana in a blue nylon bag to an undercover investigator with the code name Tango. The drugs were packed in two transparent nylon packages of rectangular shape of net weight 989.81 gram and 993.95 gram respectfully and

hidden under the co-driver's seat from the back in the passenger motor vehicle Ford Focus with the registration plates 427-M-414, owned by Saša Danijel Grabež; the undercover investigator with the code name Keš paid for the drugs to Saša Danijel Grabež the amount of EUR 3,400.00 and KM 400.00. The referenced narcotic drugs contain psychoactive components tetrahydrocannabinol (TCH), cannabinol (CBN) and cannabidiol (CBD) and thus are cannabis, an internationally controlled narcotic drug, also listed as narcotic drugs, psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH official Gazette No. 08/06), the trade of which is prohibited under Article 19 of this Law.

### **Saša Danijel Grabež and Dušan Tejić - together**

2. On 21 January 2010, following the previous agreement between the undercover investigator with the code name Keš and Saša Danijel Grabež, Saša Danijel Grabež met with the undercover investigators with code names Keš and Tango in the *Fis* Shopping Centre in Banja Luka, where Saša Danijel Grabež handed to the undercover investigator with the code name Tango over a small sample of the drug heroin of net weight 0.586 gram for testing purposes, following which they agreed on the takeover of the previously agreed amount of the narcotic drug heroin to take place that same day in the evening hours and then around 18:30h they went together in the direction of the *Lazarevo* settlement, Banja Luka municipality, where around 19:00h Dušan Tejić arrived in a passenger motor vehicle of Rover make with the registration plates 490-K-622 following a previous agreement with Saša Danijel Grabež, and brought the narcotic drug heroin of net weight 491.501 gram, packed in a nylon bag and wrapped in adhesive tape, and handed it over to the undercover investigator with the code name Tango for which the undercover investigator with the code name Keš then paid to Saša Danijel Grabež the amount of EUR 7,500.00. The referenced narcotic drugs contain acetylcodeine, monoacetylmorphine, heroin, papaverine, noscapine, are thus heroin and internationally controlled narcotic drugs and therefore listed as narcotic drugs, psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH official Gazette No. 08/06), the trade of which is prohibited under Article 19 of this Law.

### **Saša Danijel Grabež and Dušan Tejić – together**

3. On 13 February 2010, following the previous agreement, Saša Danijel Grabež met with the undercover investigators with the respective code names Keš and Tango in the *Mercator* Shopping Centre in Banja Luka, where they agreed on the takeover of the previously agreed amount of the narcotic drug heroin to take place that same day in the afternoon hours, for which Saša Danijel Grabež said to the undercover investigator with the code name Keš that he had procured in Fruška Gora (Republic of Serbia), and thereafter, at around 16:25h, they went to the place where they had agreed to carry out the takeover, while the undercover investigators with the respective code names Keš and Tango in their vehicle followed the vehicle of Saša Danijel Grabež, and thereafter they met Dušan Tejić at one point of the road. Dušan Tejić arrived in his vehicle of Rover make and then they all together continued driving in the direction of the Gornja Piskavica settlement, Banja Luka

municipality. They stopped at a section of the road with no traffic and Dušan Tejić handed over to the undercover investigator with the code name Tango the narcotic drug heroin packed in two fairly large PVC parcels wrapped in brown adhesive tape, of respective net weight 499.199 gram and 497.963 gram, for which the undercover investigator with code name Keš paid to Saša Danijel Grabež the amount of EUR 14,000.00 and Saša Danijel Grabež on that occasion handed over to the undercover investigator with the code name Keš a small parcel wrapped in cellophane, containing the narcotic drug heroin of net weight 0.376 gram as a sample as a test. The referenced narcotic drugs contain the psychoactive substance heroin and are internationally controlled narcotic drugs and therefore listed narcotic drugs, psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH official Gazette No. 08/06), the trade of which is prohibited under Article 19 of this Law.

#### **Saša Danijel Grabež – alone**

4. On 17 March 2010, following the previous agreement with the undercover investigator with the code name Keš, on the parking lot of the *Fis* Shopping Centre in Banja Luka, he handed over to the undercover investigator with the code name Keš the narcotic drug cannabis-marijuana that was packed in transparent PVC foil wrapped in brown adhesive tape, of net weight 874.885 gram, for which the undercover investigator with the code name Keš then paid to Saša Danijel Grabež the amount of EUR 1,700.00. The referenced narcotic drugs contain psychoactive components tetrahydrocannabinol (TCH), cannabinal (CBN) and cannabidiol (CBD) and thus constitutes the plant species *Cannabis Sativa L.* which is an internationally control narcotic drug and therefore listed as narcotic drugs, psychotropic substances and plants used to produce narcotic drugs and precursors under the Law on Prevention and Suppression of Drug Abuse (BiH official Gazette No. 08/06), the trade of which is prohibited under Article 19 of this Law; having carried out the aforesaid actions Saša Danijel Grabež was deprived of liberty by the authorised official persons of the State Investigation and Protection Agency.

**Therefore, Saša Danijel Grabež** organised a group of persons for the purpose of illicit international trading, transferring, storing and transporting of the substances recognized in the regulations as narcotic drugs, while **Milovan Đukić** and **Dušan Tejić** became members of the referenced organised group of persons.

**By doing so** they committed the following criminal offenses: Saša Danijel Grabež, under Counts 1, 2, 3 and 4 of the Indictment, committed the criminal offense of Illicit Trafficking in Narcotic Drugs in violation of Article 195(2) in conjunction with Paragraph 1 of the CC BiH, and in conjunction with Article 54 of the CC BiH; **Milovan Đukić**, under Count 1 of the Indictment, committed the criminal offense of Illicit Trafficking in Narcotic Drugs in violation of Article 195(2) in conjunction with paragraph 1 of the CC BiH, and the suspect **Dušan Tejić**, under Counts 2 and 3 of the Indictment, committed the criminal offense of Illicit Trafficking in Narcotic Drugs in violation of Article 195(2) in conjunction with Paragraph 1 of the CC BiH in conjunction with Article 54 of the CC BiH.

Therefore, pursuant to Articles 39, 42, 48 of the CC of BiH, the Court

## SENTENCES

the Accused **Saša Danijel Grabež** to 4 (four) years imprisonment .

the Accused **Milovan Đukić** to 3 (three) years of imprisonment .

the Accused **Dušan Tejić** to 3 (three) years and 6 (six) months imprisonment .

Pursuant to Article 56 of the CC of BiH the time the Accused Saša Danijel Grabež and Dušan Tejić spent in custody shall be credited towards the imposed sentence starting from 17 March 2010 when they were arrested until 20 September 2010.

Pursuant to Article 74 of the CC of BiH mobile telephones shall be forfeited from the Accused Saša Danijel Grabež and Dušan Tejić. As regards the Accused Saša Danijel Grabež his mobile telephone of “Samsung“ make SGH-D600“ was seized from him in line with the receipt on temporarily seized items by the State Investigation and Protection Agency, No. 17-14/1-3-11-1/10 dated 17 March 2010, and mobile telephone of „Samsung make SGH-F480“ was seized from Dušan Tejić in accordance with the receipt on temporarily seized items of the State Investigation and Protection Agency, No. 17-14/1-3-12/10 dated 17 March 2010.

Pursuant to Article 195, paragraph 4, of the CC of BiH the following narcotic drugs have been confiscated from the Accused: marihuana-cannabis of net weight 989,81, 993, 95 gram and 993, 30 gram, narcotic drug heroin of net weight of 491,575, 0,586 gram, 499,199 gram, 497,963 gram, 0,376 gram. The said narcotic drugs were purchased by undercover agents from the then suspects who are the Accused at present.

Pursuant to Articles 110, paragraph 2, of the CPC of BiH the amount of EUR 1,700,00 shall be confiscated from the Accused Saša Danijel Grabež which had been previously seized pursuant to the receipt on temporary seizure of items by the State Investigation and Protection Agency, No. 17-14/1-3-11/10 dated 17 March 2010, and in line with Article 111, paragraph 1, in conjunction with Article 110 of the CC of BiH the Accused shall be obliged to pay the amount of EUR 24,900.00 (twentyfourthousandnine hundred), and KM 400.00 (fourhundred) in view of the material gains obtained by the commission of the criminal offence. The Accused is obligated to pay the foregoing amount to the transfer account of the Central Bank, No. 000030000000145, within 30 days from the day when the Verdict becomes final.

Pursuant to Article 188, pariah 1, of the CPC of BiH the Accused Saša Danijel Grabež, Milovan Đukić and Dušan Tejić shall be obliged to reimburse the costs of the criminal proceedings in the amount of KM 130,000, and scheduled amount of KM 100, and all within 30 days from the day when the Verdict becomes final.

## **R e a s o n i n g**

In its Indictment, No. KT-79/10 dated 2 July 2010, the Prosecutor's Office of Bosnia and Herzegovina charged Saša Danijel Grabež, Milovan Đukić and Dušan Tejić with the criminal offence of Illicit Trafficking in Narcotic Drugs under Article 195, paragraph 2, in conjunction with Article 1, of the CC of BiH, noting that the criminal offence pertaining to Saša Danijel Grabež is qualified as the continued criminal offence.

The Preliminary Hearing Judge of the Court confirmed the Indictment of the Prosecutor's Office of Bosnia and Herzegovina on 9 July 2010.

On 8 September 2010, that is on 15 September 2010 all three Accused persons together with their defense counsel concluded Guilty Plea Agreements with the Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina. The Court considered the foregoing Agreements pursuant to Article 231 of the Criminal Procedure Code of Bosnia and Herzegovina, and accepted them at the hearing held on 20 September 2010 having found that the Agreements had been concluded voluntarily, knowingly and with understanding, and that the Accused were advised about possible consequences of reaching a Guilty Plea Agreement including the consequences related to claims under property law, and costs of the criminal proceedings, and after the Court concluded that there existed enough evidence on the guilt of the Accused.

The Accused fully and unequivocally stated that they pled guilty of the criminal offence charged against them under the Indictment, that they were under no pressure to sign the agreements at the time when the agreements were concluded, and that they knowingly and voluntarily reached the agreement. Also, the Accused confirmed that they had previously talked with their defense counsel about the advantages of signing a Guilty Plea Agreement, and that they had realized that signing the Agreements was in their best interest. The Court concluded that there was no doubt that the Agreements were concluded voluntarily and with understanding.

In the course of the decision making process the Court took under advisement that the Accused had understood that by signing the agreements they would waive their right to be tried before the Court, and that they would not be able to appeal a criminal sanction which would be imposed on them. More precisely, the Accused in the presence of their defense counsel negotiated the Guilty Plea Agreements with the Prosecutor's Office, and, thus, the Court finds that they were provided with adequate legal aid which assisted them to entirely understand legal consequences of the Guilty Plea Agreement. Furthermore, the Accused unequivocally confirmed that they had been advised on the foregoing legal consequences, and that the Court also directly instructed them on the legal consequences relative to signing the said Agreement.

The fact that the Accused are truly responsible for the actions and the criminal offence to which they pledged guilty, in the view of the Court, follows not only from their admission

but from the presented evidence which was tendered later into the case file, and in relation to which the defense had no objections. The Court established a necessary standard of evidence in line with the Report on the analyses of intercepted telephone communications concerning the case of the Prosecutor's Office of BiH KTA-553/09 now KT-79/10, No. 17-14/1-3-POD/PT-04-1-407-104/09 dated 21 May 2010, State Investigation and Protection Agency, Sarajevo Regional Office, Crime Investigation Department (exhibit T1), and transcripts of audio recorded conversations from 22 December 2009 until 17 March 2010 which were used for drafting the aforementioned Report (exhibit T 1a), seven DVDs with selected conversations contained in the foregoing transcripts (exhibit T 1b), Transcripts of the audio recorded conversations between the undercover investigators of the code name names Keš and Tango, and the suspects (conversations dating from 26 December 2009 to 17 March 2010, (exhibit T 2), Surveillance reports of the State Investigation and Protection Agency – Department for Operative and Technical Surveillance (exhibit T 3), results of four simulated purchases from 26 December 2009, 21 January 2010, 13 February 2010 and 17 March 2010 (exhibits T4, T5, T6 and T7), primarily purchased narcotic drug marihuana-cannabis and heroin, and the seized money intended for simulated purchase of items of the State Investigation and Protection Agency, Sarajevo Regional Office, Crime Investigation Department, Reports of the undercover investigators with the code names Tango and Keš composed in compliance with the orders of the Court of BiH no. X-KRN-09/851 dated 17 December 2009, 14 January 2010, 27 January 2010, 11 February 2010, 24 February 2010 and 10 March 2010 (exhibit T 8), Documentation concerning the searches conducted in the facilities upon the order of the Court of BiH no. X-KRN-09/851 dated 16 March 2010 (exhibit 9), Documentation concerning the searches of the mobile telephones and SIM cards upon the orders of the Court of BiH no. X-KRN-09/851 dated 24 March 2010, 31 March 2010, 21 April 2010, 12 May 2010 and 28 May 2010 (exhibit T 10), Letter by the Banja Luka Penal and Correctional Institution, No. 04-247-1951 dated 15 April 2010 concerning the terms of using prison privileges for the suspect Milovan Đukić, and the Record on the Examination of Witness Nebojša Bijeljanin and Dragan Railić (exhibits T 16 and T 17).

Having reviewed the foregoing evidence the Court accepted the Agreements, and as such they constitute an integral part of the record.

As regards the Accused Saša Danijel Grabež and Dušan Tejić the Agreements propose the prison sentences for the term of 3 (three) years to 4 (four) years, while the proposed prison sentence in relation to the Accused Milovan Đukić is for the term ranging from 2 (two) years to 3 (three) years. Also, pursuant to Article 74 of the CC of BiH, and with reference to the Accused Saša Danijel Grabež and Dušan Tejić it was agreed that their mobile telephones which they used for the commission of the criminal offence be confiscated, and that in line with Article 110 of the CC of BiH the material gains obtained by the commission of the criminal offence in the amount of EUR 1, 700.00, that is EUR 24,900.00 and KM 400 be confiscated from the Accused Grabež.

Having accepted the Guilty Plea Agreement the Court dealt with the criminal sanctions. Following submissions by the Prosecutor, the Accused and their defense counsel the Court pronounced the Accused guilty, and concerning the criminal offence Illicit Trafficking in Narcotic Drugs, pursuant to Article 195, paragraph 2, in conjunction with Article 1 of the CC of BiH, the Court imposed the following prison sentences: 4 (four) years prison

sentence was imposed on the Accused Saša Danijel Grabež, 3 (three) years prison sentence was imposed on the Accused Milovan Đukić while 3 (three) years and 6 (six) months prison sentence was imposed on the Accused Dušan Tejić. Pursuant to Article 74 of the CC of BiH, Article 110, paragraph 2, of the CC of BiH, and Article 195, paragraph 4, of the CC of BiH the Court also ordered that the foregoing mobile telephones be confiscated, including the material gains as well as the purchased narcotic drug marijuana-cannabis, of net weight of 989.81 gram, 993.95 gram and 999.30 gram, narcotic drug heroin of net weight 491.575 gram, 0.586 gram, 499.199 gram, 497.963 gram, 0.376 gram. The aforesaid provision stipulates that the narcotic drugs shall be confiscated from the Accused. The Court is of the view that the imposed criminal sanctions are commensurate to the gravity of the committed criminal offence, and the level of the Accused's criminal responsibility, and that the purpose of the punishments will be achieved by their execution thus deterring both the Accused and others from perpetrating criminal offences in the future (Article 39 of the Criminal Code of BiH).

Deciding on the abovementioned prison sentences as a mitigating circumstance the Court took into account that all of the Accused admitted to have committed the criminal offence charged against them, which resulted in concluding the Guilty Plea Agreement with the Prosecutor's Office of Bosnia and Herzegovina. This fact has significantly contributed to a faster and more efficient completion of the criminal proceedings and reduced the costs including the fact that the Accused had expressed their sincere remorse.

With reference to the aggravated circumstances on the part of the Accused the Court took into consideration the fact that there a fairly large quantity of the narcotic drugs was found in the possession of the Accused whose potential putting into circulation would certainly cause detrimental consequences upon a number of people. Furthermore, the Court also considered the fact that the Accused had been previously convicted for the same criminal offences, actually that they committed the said criminal offences while serving the prison sentence pursuant to the prior verdict (Milovan Đukić), and it in particular bore on mind their individual contribution to the commission of the criminal offence, that is a number of the committed criminal offences.

Pursuant to Article 111, paragraph 1, in conjunction with Article 110 of the CC of BiH, and with reference to the material gains obtained by the commission of the criminal offence the Court ordered the Accused Saša Danijel Grabež to pay the amount of EUR 24.900.00 and KM 400 to the account of the injured State Investigation and Protection Agency opened at the Central Bank, No. 000030000000145, and, pursuant to Article 110, paragraph 2, of the CC of BiH, also to pay the amount of EUR 1,700.00, the amount of which had been previously seized from him in line with the receipt on temporary seizure of items issued by the State Investigation and Protection Agency, No. 17-14/1-3-11/10 dated 17 March 2010.

Deciding on the decision to forfeiture the mobile telephones the Court was guided by Article 74 of the CC of BiH, bearing in mind that they were used for the commission of the criminal offence about which the parties to the proceedings also agreed as stated in the concluded Guilty Plea Agreement.

Pursuant to Article 56 of the CC of BiH the time the Accused Saša Danijel Grabež and Dušan Tejić spent in custody starting from the day when they were deprived of liberty on 17

March 2010 until 20 September 2010 shall be credited to the prison sentences imposed on them.

Pursuant to Article 287, in conjunction with Article 131, paragraph 5, of the CPC of BiH in its Decision, No. X-K-09/851-1 dated 20 September 2010 the Court terminated the custody of the Accused Saša Danijel Grabež and Dušan Tejić finding that custody grounds no longer existed.

Pursuant to Article 188, paragraph 1, of the CPC of BiH the Court ordered the Accused to share the payment of the costs of the proceedings as a matter of solidarity in the amount of KM 130.00 including the scheduled amount of approximately 100.00 within 30 days from the day when the Verdict becomes final.

**Record-taker**

**Ivana Petković**

**PRESIDING JUDGE**

**Judge  
Branko Perić**

**LEGAL REMEDY:** In view of the Guilty Plea Agreement (Article 231 of the CPC of BiH) no appeal lies from the Verdict in relation to the pronounced criminal sanction. Pursuant to some other reasons provided by the Criminal Procedure Code an appeal from this Verdict may be filed within 15 days of the receipt thereof.

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*I hereby confirm that this document is a true translation of the original written in Bosnian/Croatian/Serbian.*

*Sarajevo, 2 November 2010*

*Djvana Jovičić-Hadžiahmetović*

*Certified Court Interpreter for the English language*