

**UNITED
NATIONS**

International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. 06-90-PT
Date: 22 August 2007

IN THE TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge Christine Van Den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

THE PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

PUBLIC

**PROSECUTION RESPONSE OPPOSING GOTOVINA'S
REQUEST FOR PROVISIONAL RELEASE**

The Office of the Prosecutor:

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Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak
Mr. Goran Mikuličić for Mladen Markač

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

Case No. IT-06-90-PT

THE PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

**PROSECUTION RESPONSE OPPOSING GOTOVINA'S
REQUEST FOR PROVISIONAL RELEASE**

1. Gotovina is a flight risk. Provisional release would undermine the interests of justice and should be denied.

2. Gotovina's past history demonstrates a determination to avoid standing trial. When indicted by the ICTY in 2001, Gotovina went into hiding and then fled Croatia. He evaded apprehension for four and a half years, using false identities and forged documentation. He was arrested and transferred to the Tribunal in December 2005. Gotovina's history also includes using false identities to avoid arrest on French charges and two French convictions *in absentia* following his failure to appear.

I. GOTOVINA BEARS A "SUBSTANTIAL" BURDEN

3. Gotovina must satisfy the Trial Chamber that, if released, he will appear for trial and will not pose a danger to any victim, witness, or other person.¹ The burden

¹ Rule 65 (B)

on the Defence is a “substantial”² one.³ The Trial Chamber has a residual discretion to deny provisional release even if these two criteria are met.⁴

II. GOTOVINA HAS FAILED TO SHOW THAT HE WOULD APPEAR FOR TRIAL

4. Gotovina has been skilful and resourceful in evading arrest. He has not shown why, if released, he would not act in the same way again.

Gotovina was captured after fleeing for more than four years

5. Gotovina did not surrender voluntarily to the Tribunal. Instead, he actively evaded capture for over four years.

6. Media reports indicated that Gotovina became aware of the existence of the ICTY indictment and warrant of arrest⁵ even before these documents were made public on 26 July 2001.⁶

7. Wide international publicity was given to Gotovina’s fugitive status. International efforts to arrest Gotovina included:

- On 21 August 2001, Interpol issued an international arrest warrant.⁷
- In 2003 and 2004, the UN Security Council adopted Resolutions calling on states to intensify efforts to apprehend fugitives including Gotovina.⁸
- On 11 October 2004, the Council of the European Union passed Regulations reiterating the need to intensify efforts to bring fugitives

² *Prosecutor v. Brđanin & Talić*, Case No. IT-99-36PT, Decision on Motion by Radoslav Brđanin for Provisional Release, 25 July 2000, para. 18.

³ *Prosecutor v. Haradinaj*, Case No. IT-04-84-AR65.1, Decision on Ramush Haradinaj’s Modified Provisional Release, 10 March 2006, para. 26 (“there must be a convincing showing that the Accused will appear for trial; and there must be a convincing showing that the Accused, if released, ‘will not pose a danger to any victim, witness or other person.’”)

⁴ *See, e.g. Prosecutor v. Popović et al.*, Case No. IT-05-88-AR65.3, Decision on Interlocutory Appeal of Trial Chamber’s Decision denying Ljubomir Borovcanin Provisional Release, 1 March 2007, para. 5.

⁵ Indictment, 21 May 2001.

⁶ *Prosecutor v. Gotovina*, Case No. IT-01-45-I, Decision to Vacate the Order for Non-Disclosure Entered 8 June 2001, 26 July 2001.

⁷ *See* Appendix 4: Interpol Notice, 21 August 2001.

⁸ *See* Appendix 5: UN Security Council Resolution 1503 (2003), 28 August 2003; and Appendix 6: Security Council Resolution 1534 (2004), 26 March 2004.

including Gotovina to the ICTY and freezing and blocking all funds and economic sources available to him.⁹

- Gotovina was also listed as a “Specially designated National/Blocked Person” by the United States Department of Treasury’s Office of Foreign Assets Control.¹⁰

8. Gotovina was located and arrested on 7 December 2005 on the Spanish island of Tenerife. When arrested, Gotovina had two Croatian passports bearing his photograph with false names.¹¹ The stamps in the passports show that Gotovina travelled extensively with them. His travels included: Spain, Italy, Brazil Argentina, Peru, Chile, Singapore, Malaysia, Mauritius, Japan and the Dominican Republic.¹²

The Government of Croatia failed to procure Gotovina’s arrest while he was unlawfully at large

9. The Government of Croatia was not able to apprehend Gotovina.¹³

10. The Government of Croatia had the opportunity to arrest Gotovina and failed.¹⁴

11. The international community exerted significant pressure on Croatia to apprehend Gotovina, including the postponement in 2005 of Croatia’s European Union membership talks.¹⁵ But despite launching an active search operation,

⁹ See Appendix 7: EC Common Position 2004/694/CFSP, 11 October 2004; and Appendix 8, EC Regulation no. 1763/2004, 11 October 2004

¹⁰ <http://www.treas.gov/offices/enforcement/ofac/sdn/prgrmlst.txt>. The master SDN List is an integrated listing of designated parties with whom U.S. persons are prohibited from providing services to or conducting transactions with and whose assets are blocked.

¹¹ See Appendix 1: Details of Stamps from Gotovina’s False Passports, April 2000-December 2004.

¹² See Appendix 2: Copies of Gotovina’s False Passports.

¹³ See Appendix 19: Office of the Prosecutor, Press Release, “Assessment of the Prosecutor of the Co-operation Provided by Croatia,” 3 October 2005. JP/MO/1009e.

¹⁴ See Appendix 18: Letter from Republic of Croatia MUP to Council for Cooperation with the ICJ and ICTY, 12 November 2001.

¹⁵ See e.g., the European Commission, “The 2004 Enlargement: The Challenge of a 25-Member EU”, at <http://europa.eu/scadplus/leg/en/lvb/e50017.htm>, last viewed on 21 August 2007; BBC News, “EU Postpones Croatia Entry Talks,” 16 March 2005, at <http://news.bbc.co.uk/2/hi/europe/4351357.stm>, last viewed on 21 August 2007.

increasing surveillance and sharing intelligence with Interpol,¹⁶ the Croatian Police were unable to locate Gotovina for over four years.¹⁷

12. Gotovina has ample finances and support networks in Croatia and abroad. His skills, resources and “financial and practical assistance”¹⁸ from relatives and supporters have helped him to evade capture in the past. According to a Croatian Report, Gotovina received protection and assistance from 100 to 200 armed former military personnel in Croatia as well as from acquaintances and friends in South America and from members of the Italian mafia.¹⁹ Gotovina’s admission that he learned of the sealed ICTY indictment against him through “private channels” is further evidence of his connections.²⁰

Previous history of absconding—the French indictments

13. Gotovina has also evaded French warrants for his arrest. Twice he failed to appear to stand trial in France or to serve his sentences imposed *in absentia*.

14. The French authorities issued a domestic warrant for Gotovina’s arrest on 15 April 1982 and an international warrant on 6 April 1983 in connection with an armed robbery.²¹ He did not surrender. Gotovina was eventually arrested in possession of forged identity papers on 31 August 1984.²² He was sentenced to five years imprisonment on conviction for aggravated robbery and served his sentence.²³

15. Gotovina was twice tried *in absentia*. In the first case, he was convicted of attempted extortion by means of force, violence or duress in relation to offences

¹⁶ See Appendix 3: Letter from Government of the Republic of Croatia to Prosecutor Del Ponte, 2 October 2001.

¹⁷ See, e.g. Appendix 9: Report of the Republic of Croatia Ministry of Justice Administration for Co-operation with the International Criminal Tribunals, 26 January 2004.

¹⁸ In its determination to support UNSCR 1503, the UK House of Commons noted that the reason Gotovina had not yet been apprehended was largely due to this assistance: Seventeenth Report, Select Committee on European Scrutiny, 26 April 2004, para 9.3:

<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmeuleg/42-xvii/4211.htm>, last viewed on 21 August 2007.

¹⁹ See Appendix 18.

²⁰ See Appendix 10: Pukanić, Ivo. “Ante Gotovina: I recognize the Hague Tribunal as legitimate”, *Nacionale*, 10 June 2003.

²¹ See Appendix 11: Extract of the National Criminal File/*Casier Judiciaire National* on Ante Gotovina, 27 March 1984.

²² See Appendix 12: Extract of the National Criminal File/*Casier Judiciaire National* on Ante Gotovina, 1 September 1984.

²³ See Appendix 13: Extracts of the Minutes of the Registry of the Court of Appeal of Paris, 25 March 1986; Appendix 15: Gotovina’s record of previous convictions submitted by the Ministry of Justice of the Republic of France.

committed in July 1989.²⁴ He failed to attend for trial and was tried *in absentia*. He was sentenced to 30 months imprisonment on 6 December 1995.²⁵ In the second case, he was convicted of unlawful confinement and abduction, and aiding and abetting extortion in relation to offences committed on 30 October 1990.²⁶ Again, he failed to attend for trial, was tried *in absentia*, and was sentenced to 2 years imprisonment on 15 April 1992.²⁷ Gotovina has failed to surrender to serve either of these sentences or to challenge the convictions and sentences imposed *in absentia*.²⁸

III. THE GUARANTEES OFFERED BY GOTOVINA ARE INSUFFICIENT TO ENSURE HIS ATTENDANCE AT TRIAL

16. None of the guarantees offered by Gotovina are sufficient to ensure his attendance at trial. In light of Gotovina's proven willingness to evade justice, to obtain new identity papers and to cross international boundaries to avoid arrest, the proffered guarantees are inadequate.

Home confinement is unenforceable

17. Gotovina has offered to be confined to his home under "round-the-clock" surveillance and to wear an ankle bracelet. For a fugitive of his means and resourcefulness, these measures are inadequate to guarantee that he will return for trial.

18. Neither constant surveillance nor electronic monitoring can ensure that the Accused stays within the reach of the Tribunal, which has limited means to apprehend fugitives. Should Gotovina abscond again, he may be impossible to track down.²⁹

19. Gotovina is vague as to the practicalities of the proposed home confinement. The ICTY cannot provide 24-hour surveillance other than at the United Nations Detention Unit. The Government of Croatia has not given any details of the resources

²⁴ See Appendix 14: Extracts from the Minutes of the Registry *Paris Tribunal de Grande Instance*, 6 December 1995.

²⁵ See Appendix 14, 15.

²⁶ See Appendix 16: Final Prosecution Submissions on Committal for Trial at the *Tribunal Correctionnel*, dated 13 January 1992.

²⁷ See Appendix 17: Order on Committal to the *Tribunal Correctionnel*, 16 January 1992; Appendix 15.

²⁸ Rule 487 – 493 of the Code of Criminal Proceedings of the Republic of France

²⁹ Gotovina's proposed confinement at his home in Pakostane, Croatia poses a particular risk because it is adjacent to the Adriatic Sea.

it would devote to monitoring Gotovina nor to how it would ensure that he remains within his residence.

20. An ankle bracelet does not eliminate the risk of flight; it merely helps to confirm that flight has occurred. If Gotovina were to leave his home, the ankle bracelet would inform a central computer that he is outside of the range of the receiver/transmitter. Its effectiveness is limited by the equipment and the response time of the authorities. Courts normally rely on information from electronic monitoring to show non-compliance with the terms of release and to support a remand back into custody, not as the basis for release.

The Croatian Government is unable to guarantee Gotovina's return for trial

21. The Government of Croatia is unable to guarantee Gotovina's attendance at trial. In this case, past experience proves that even when Croatia possessed the "political will" and "determination" to cooperate with the Tribunal, its efforts to locate Gotovina were useless.³⁰

The Archbishop of Zadar cannot guarantee Gotovina's return for trial

22. The Archbishop's guarantee is based on Gotovina's promise that he will obey the Tribunal and will not attempt to flee or to pose a threat to anyone. The Archbishop has no means of enforcing this promise, nor would he suffer any consequences if Gotovina were to fail to live up to his promise. Thus, his Affidavit should be given no weight.

Bail and personal promises are insufficient

23. Gotovina promises to return and to surrender his personal assets as a bail bond are worthless. In light of his personal history of evading justice while his assets were frozen,³¹ these promises are insufficient to ensure that he will appear for trial.

³⁰ Office of the Prosecutor, Press Release, "Assessment of the Prosecutor of the Co-operation Provided by Croatia," 3 October 1995. JP/MO/1009e.

³¹ Croatia announced that it had frozen Gotovina's assets on 14 March 2005; Appendix 8, EC Regulation, para.3.

IV. THE TRIAL CHAMBER SHOULD REFUSE PROVISIONAL RELEASE

24. Gotovina has not shown that release is warranted in this case. After the intense international efforts dedicated to securing Gotovina's arrest, it would be contrary to the interests of justice to give him another chance to flee.³²

Length of pre-trial detention is not unreasonable and is within established international standards

25. Although the Court may take into account the length of pre-trial detention, Gotovina's 20 months in preventive detention does not exceed the reasonable time period prescribed by international law and is not impermissibly lengthy given the circumstances of the case and the serious crimes charged.

26. Reasonable length of pre-trial detention must be evaluated in light of the circumstances of the individual case³³ and that, following the jurisprudence of the European Commission of Human Rights ("the Commission") and the European Court of Human Rights ("the European Court"), the following criteria should be examined:

- the effective length of the detention;
- the length of detention in relation to the nature of the crime;
- the physical and psychological consequences of the detention on the detainee;
- the complexity of the case and investigations; and
- the conduct of the entire procedure.

27. In respect of Article 5.3 of the European Convention and the decisions of the Commission and the European Court, the Tribunal has affirmed that pre-trial detention periods of 19 months to 5 years can be considered reasonable following an assessment of these criteria.³⁴

³² See, e.g., *Prosecutor v. Šainović & Ojdanić*, Case No. IT-99-37-AR65, Decision on Provisional Release, 30 October 2002, Separate Opinion of Judge Shahabuddeen paras. 16-18.

³³ *Prosecutor v. Milošević*, Case No. IT-98-29/1-PT, Decision on Second Defence Motion for Provisional Release, 9 February 2006; *Prosecutor v. Popović et al.*, Case No. IT-05-88-PT, Decision on Drago Nikolić's Request for Provisional Release, 9 November 2005, para. 29.

³⁴ *Prosecutor v. Blaškić*, Case No. IT-95-14-T, Order Denying a Motion for Provisional Release, 20 December 1996. See also, Commission, *Ventura v. Italy*, App.n.7438/76, report of 15 December 1980 (pre-trial detention of 5 years, 7 months, 27 days not a violation of article 5(3)); European Court, *Case W. v. Switzerland*, 26 January 1993, Series A. no 254 (pre-trial detention for 4 years not a violation of

28. Tribunal case-law recognizes that the reasonableness of the length of pre-trial detention must be interpreted against the circumstances in which the Tribunal operates. The Tribunal has recognized its inability to execute arrest warrants for accused absconding in the former Yugoslavia to whom provisional release has been granted.³⁵

Each case must be judged on its own merits in the determination whether to grant provisional release

29. Gotovina's application for provisional release must be decided on his facts, not those of his co-defendants. The Tribunal has repeatedly emphasised that "decisions on motions for provisional release are fact-intensive and cases are considered on an individual basis"³⁶ and has refused to compare one accused's case for provisional release with that of a co-accused.³⁷

30. Gotovina's facts are materially different from that of his co-accused, who voluntarily surrendered to the Tribunal. Their provisional release speaks neither to whether Gotovina will appear for trial, nor whether he will pose a danger to any victim, witness or other person.

31. Gotovina's comparison to *Milutinović* is similarly irrelevant. The Appeals Chamber has held that the factors justifying provisional release "will differ from one defendant to another depending upon all the circumstances of a particular case."³⁸ The cases are not factually comparable because:

ECtHR); *Prosecutor v. Drljaca & Kovacević*, Case No. IT-97-24, Decision on Defence Motion for Provisional Release, 20 January 1998, para. 24.

³⁵ *Prosecutor v. Brđanin and Talić*, Case No. IT-99-36PT, Decision on Motion by Radoslav Brđanin for Provisional Release, 25 July 2000, para 27.

³⁶ *Prosecutor v. Bošković and Tarčulovski*, Case No. IT-04-82-AR65.1, Decision on Interlocutory Appeal from Trial Decision Denying Johan Tarčulovski's Motion for Provisional Release, 4 October 20, para. 7; *Prosecutor v. Stanišić*, Case No. IT-04-79-AR65.1, Decision on Prosecution's Interlocutory Appeal of Mićo Stanišić's Provisional Release, 17 October 2005, para 8; *Prosecutor v. Rajić*, Case No. IT-95-12-AR65.1, Decision on Appeal of Trial Chamber Decision on Provisional Release, issued confidentially on 16 November 2005, para 7.

³⁷ *Prosecutor v. Popović et al.*, Case No. IT-05-88-AR65.2, Decision on Defence's Interlocutory Appeal of Trial Chamber's Decision Denying Ljubomir Borovčanin Provisional Release, 30 June 2006.

³⁸ *Prosecutor v. Popović et al.*, Case No. IT-05-88-AR65.3, Decision on Interlocutory Appeal of Trial Chamber's Decision denying Ljubomir Borovčanin Provisional Release, 1 March 2007.

- The weight to be accorded to the government guarantees depends on the personal circumstances of the accused as well as the particular case as a whole;³⁹
- Milutinovic did eventually surrender to the Tribunal;⁴⁰
- Milutinović demonstrated an overtly “cooperative disposition” by assisting the Prosecution, which added weight to his personal guarantee.⁴¹

Detention does not hamper the accused’s ability to prepare his defence

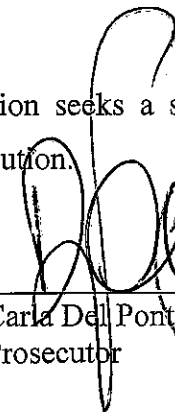
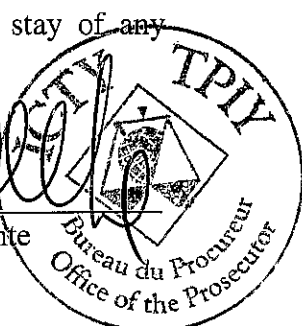
32. Gotovina can consult his counsel and prepare his defence while in detention. An accused’s right to adequate time and facilities for the preparation of his defence may be appropriately safeguarded by means other than provisional release.⁴² A detained accused’s inability to conduct his defence in a more desirable or convenient location is “a logistical issue and not a factor that assists in the assessment of the likelihood that he will return for trial.”⁴³

V. CONCLUSION

33. Gotovina should be denied provisional release. He has failed to meet his burden of establishing that he will appear for trial if released. Furthermore, release is inappropriate.

34. Pursuant to Rule 65(E) of the Rules, the Prosecution seeks a stay of any decision to release Gotovina pending an appeal by the Prosecution.

Word Count: 2950


 Carla Dell Ponte
 Prosecutor


Dated this 22nd day of August 2007
 At The Hague, The Netherlands

³⁹ *Prosecutor v. Milutinović*, Case No. IT-99-37-PT, Decision on Second Application for Provisional Release, 14 April 2005, para 12; *Prosecutor v. Šainović & Ojdanić*, Case No. IT -99-37-AR65, Decision on Provisional Release, 30 October 2002, para. 7; *Prosecutor v Mrkšić*, Case No. IT-95-13/1-AR65, Decision on Appeal against Refusal to Grant Provisional Release, 8 October 2002, para. 9.

⁴⁰ *Milutinović*, para 10.

⁴¹ *Milutinović*, para 7.

⁴² See, e.g., *Prosecutor v. Šešelj*, Case No. IT-03-67-PT, Decision on Defence Motion for Provisional Release, 23 July 2004; *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, Decision on Accused's Application for Provisional Release, 6 March 2002.

⁴³ *Prosecutor v. Milutinović*, Case No IT-05-87-T, Decision on Šainović Motion for Provisional Release, 22 May 2007.

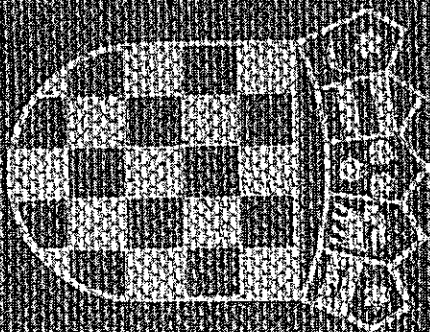
Appendix 1
Details of Stamps from Gotovina's False Passports,
April 2000-December 2004

Place	Date entered	Date exited	Visa?
Kozarska Dubica (RS Bosnia)	12 April 2000		
Croatia	19 August 2000		
2001			
Slovenia	9 February 2001		
Madrid, Spain		22 December 2001	
Argentina	22 December 2001	31 December 2001	26/12/2001 – Issued visa for Brazil for 90 days in Buenos Aires, Argentina
Brazil	31 December 2001		
2002			
Argentina		16 January 2002	
Brazil	16 January 2002		
Argentina		10 April 2002	
Chile	10 April 2002	21 April 2002	
Argentina	21 April 2002	30 May 2002	
Rome, Italy	31 May 2002		
2003			
Madrid, Spain		6 May 2003	
Argentina	7 May 2003		
Chile	6 July 2003	14 July 2003	
Spain	15 July 2003		
Argentina	16 July 2003		
Rome, Italy		26 October 2003	
Singapore	27 October 2003	11 November 2003	30 day visitor pass
Malaysia	11 November 2003	18 November 2003	3 month social/ business visit pass
Singapore	18 November 2003	26 November 2003	
Mauritius	26 November 2003	17 December 2003	26 Nov. Mauritius visa for 15 days 3 Dec.: Mauritius visa from 03/12/03 to 17/12/03
Singapore	18 December 2003	27 December 2003	30 day visitor pass
Japan	27 December 2003	30 December 2003	Valid to 26/3/2004
2004			
Tahiti	30 December 2003	11 January 2004	

Chile	12 January 2004	22 January 2004	
Argentina	22 January 2004	12 April 2004	
Chile	12 April 2004	21 April 2004	
Dominican Republic	21 April 2004	8 July 2004	
Chile	9 July 2004	13 July 2004	
Argentina	13 July 2004	10 September 2004	
Peru	10 September 2004	2 October 2004	
Dominican Republic	2 October 2004	16 December 2004	
Madrid	17 December 2004		

Appendix 2
Copies of Gotovina's False Passports

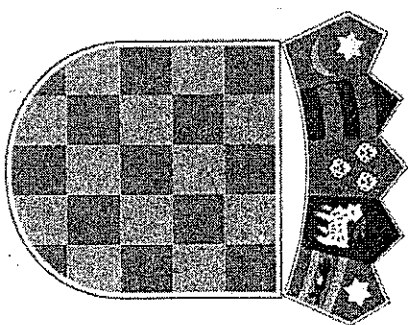
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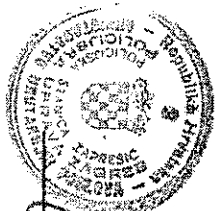
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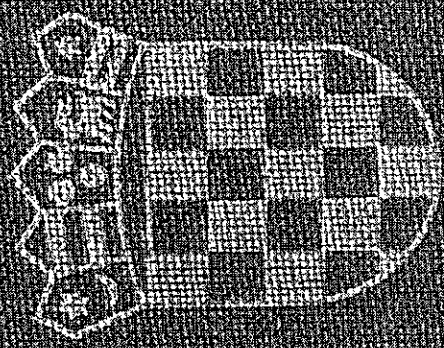
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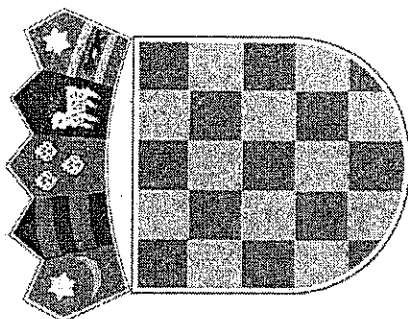
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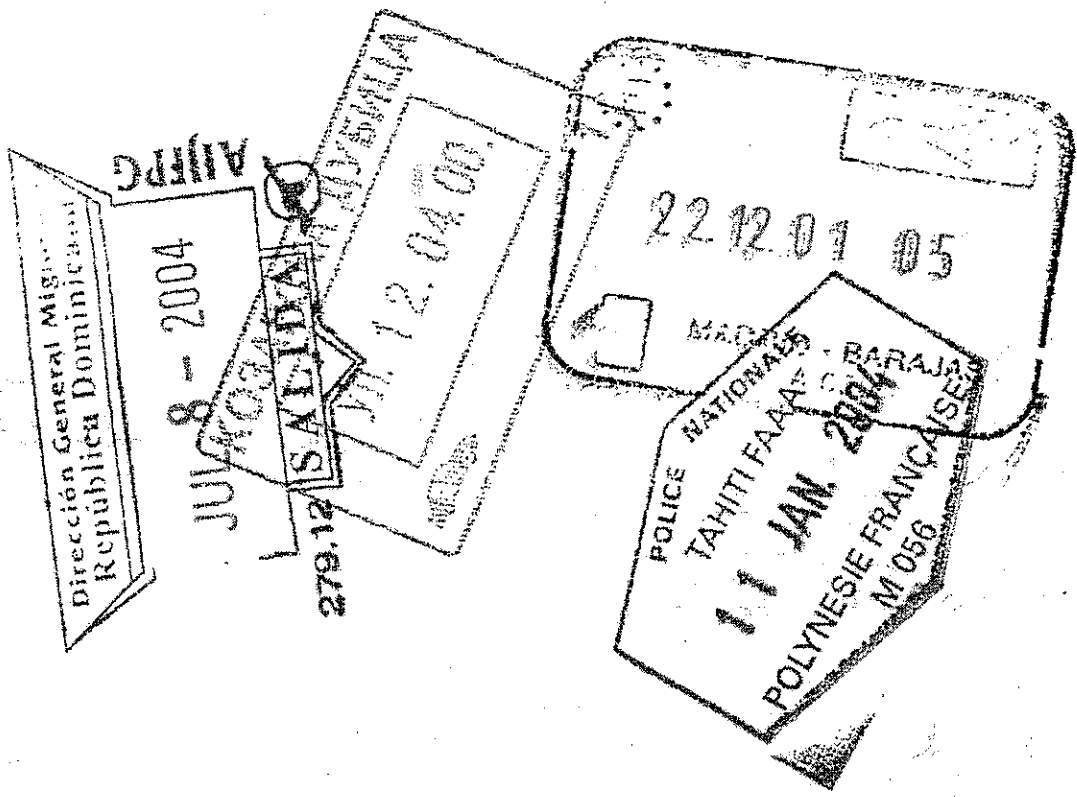
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 21 ABR. 2002

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 REPUBLICA CHILENA
 7 MAY. 2003

DIRECCION NACIONAL DE INMIGRACIONES
 REPUBLICA CHILENA
 30 MAY. 2002

DIRECCION NACIONAL DE INMIGRACIONES
 REPUBLICA CHILENA
 10 JUL 2003

0424-7270

IMMIGRATION SINGAPORE
VISIT PASS

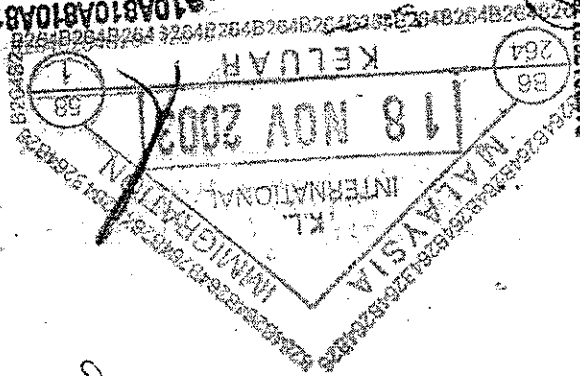
Subject to Reg. 17(1)
Immigration Regulations

27 OCT 2003

PERMITTED TO ENTER AND
REMAIN IN SINGAPORE
FOR THIRTY DAYS FOR
SOCIAL VISIT ONLY FROM
DATE SHOWN ABOVE.



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MALAYSIA IMMIGRATION
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Permitted to enter and remain
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VIZE / VISAS

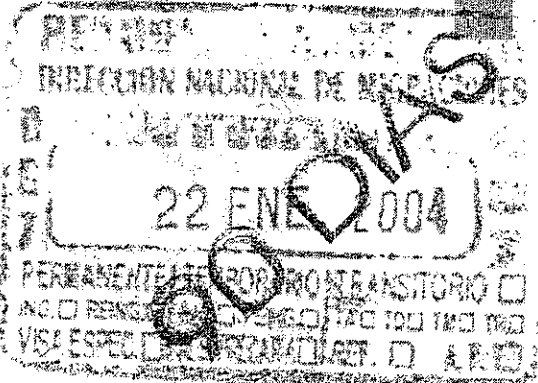
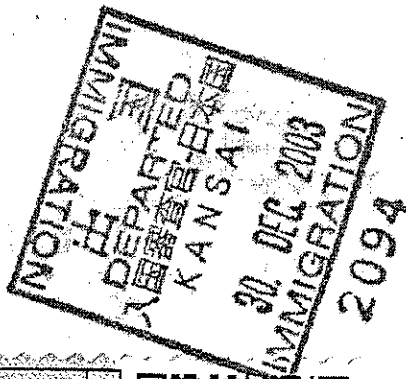
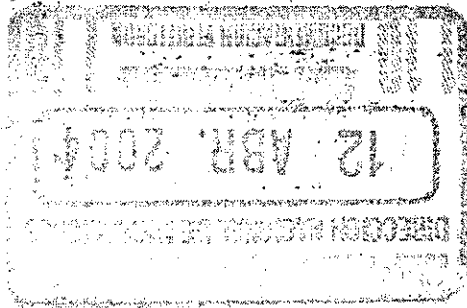
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VIZE / VISAS

JAPAN IMMIGRATION INSPECTOR

計許可
LANDING PERMISSION

許可年月 27 DEC 2003

Date of permit: 26 MAR 2004

在留期限 短期滞在

Duration: 90day/s

在留資格 短期滞在

Status: Temporary Visitor

Duration: 90day/s

KANSAI



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POLICIA DE INVESTIGACIONES
CONTROL MIGRATORIO



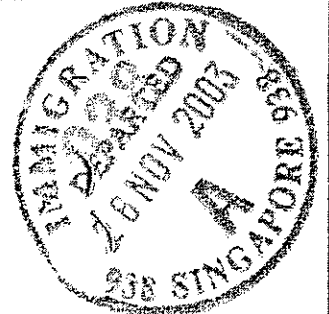
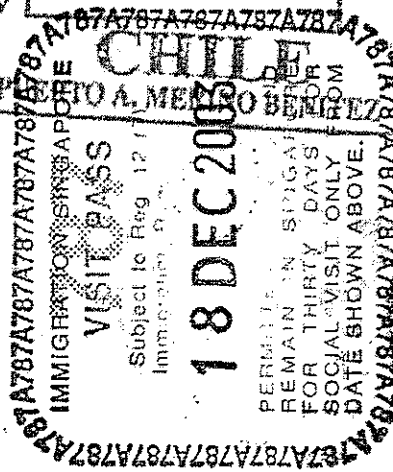
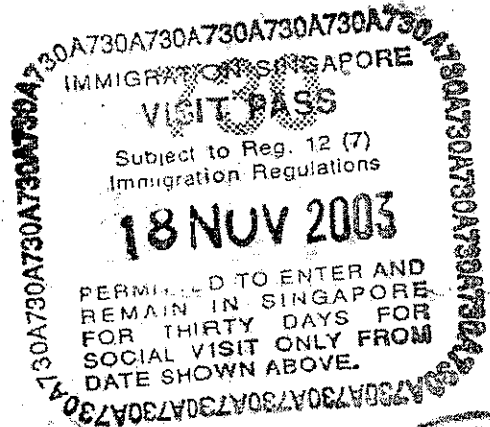
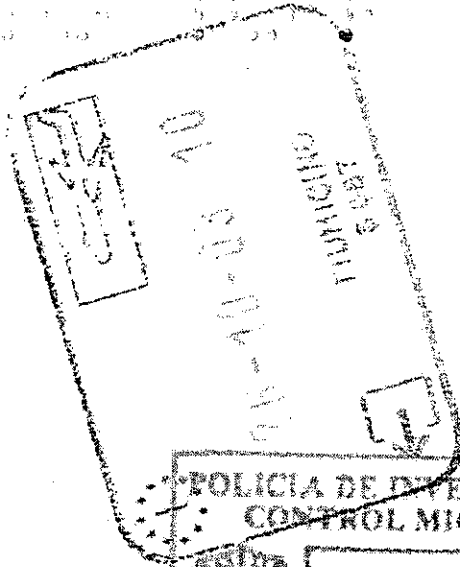
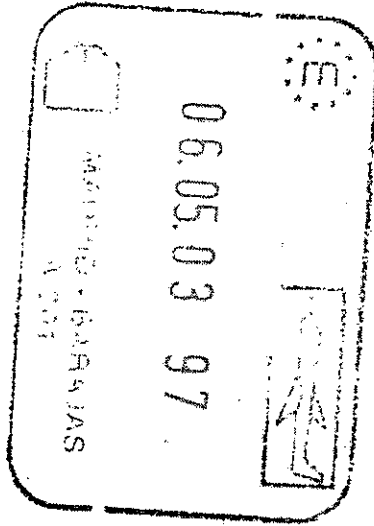
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CHILE

AEROPUNTO A. MERINO BENITEZ

0424-7271

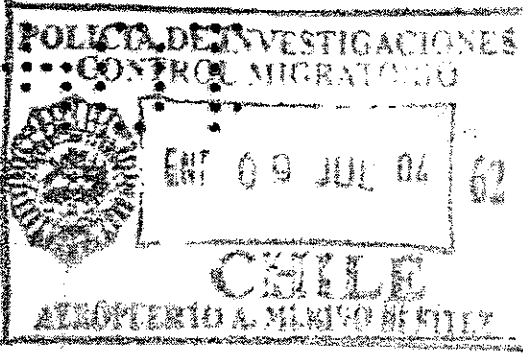
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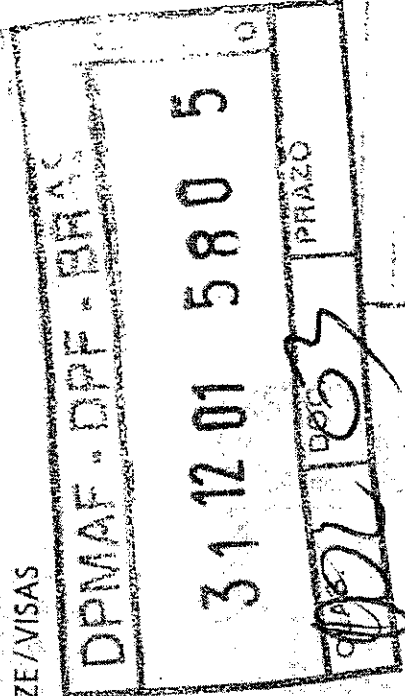
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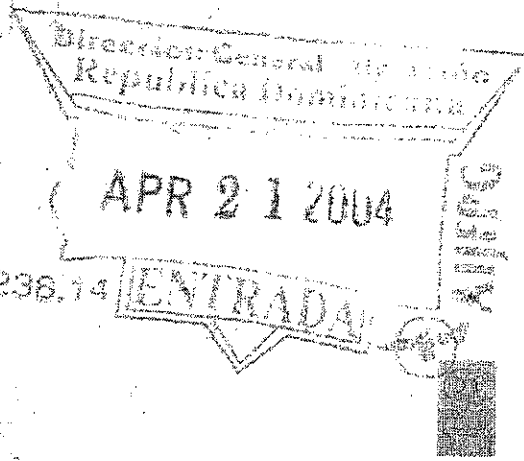
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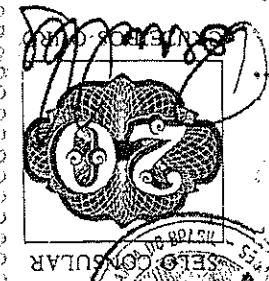


OFFICIAL

Pagou R\$ 20,00
ou \$ 04 Tab. 2004

PRIMEIRA ENTRADA EM 90 DIAS
FIRST ENTRY WITHIN 90 DAYS

MANCIO DORNELLES
CONSBRAS BUENOS AIRES
Data de expedicao 26/12/2001
Reparticao expedidora



Valido por 90 DIAS
Uma/Multiples entradas
Date of validity
Issued on

HORVAT KRISTIAN

Name

VISTO Turista
A 1312989
nº 6804

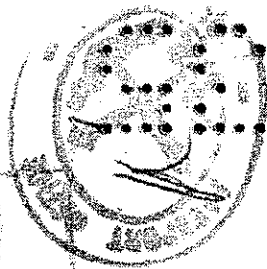
REPUBLICA FEDERATIVA DO BRASIL

VIZE / VISAS

Passport number
Nº do passaporte
10485235

VIZAS/VISAS
VALID UNTIL THE 17th Dec 03
0424-7273

Handwritten: 3/12/03
2003
15 days
26/11/03



OFFICER
DEPARTMENT OF
IMMIGRATION
STY DEP 2003
292

IMMIGRATION OFFICE
WALLINGTON
APR 2009
70 NOV 2003
STATUS
DURATION 15 days

DIRECCION NACIONAL DE MIGRACIONES
13 JUL. 2004
PERMANENTE TEMPORARIO TRANSITORIO
ING. REING. ING. REING. TAD TOD TMD TMD
VISA ESPEC. RES. PECUARIO REF. A.P.

90 DIAS
10 SET. 2004

POLICIA DE INVESTIGACIONES
CONTROL MIGRACION
CHILE
AEROPUERTO A. MARINO BENITEZ
12 ABR 04 103

Dirección General Migración
Republica Dominicana
DEC 16 2004
SALIDA

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ENTRADA 295.26
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 Direction General Migration
 Republica Dominicana
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 MOOI POLYNESIE FRANCAISE

POLICE NATIONALE
 TAHITI FAAA
 30 DEC. 2003
 MOOI POLYNESIE FRANCAISE

VISE / VISAS

0424-7274

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BILJEŠKE :
NOTES :

323301

REPUBLIKA HRVATSKA
09-02-01
DOLJI MIHOLJAC

REPUBLIKA HRVATSKA
IZ 19.08.2000
DOLJI MIHOLJAC

PUTOVNICA SADRŽI 32 BROJEM OZNAČENE STRANICE
THIS PASSPORT CONTAINS 32 NUMBERED PAGES
CE PASSEPORT CONTIENT 32 PAGES NUMÉROTÉES



Appendix 3
Letter from Republic of Croatia to Government of the Republic of
Croatia Council for Cooperation with the ICJ and ICTY
2 October 2001

**GOVERNMENT OF THE REPUBLIC OF CROATIA
COUNCIL FOR COOPERATION WITH THE INTERNATIONAL COURT OF
JUSTICE AND THE INTERNATIONAL CRIMINAL TRIBUNAL**

Zagreb, Trg Sv. Marka 2

Zagreb, 2 October 2001

Class: 018-04/01-363-718-01

Ref. number: 50416-01-02-626

**International Criminal Tribunal for
the former Yugoslavia
The Hague, Netherlands
Ms. Carla Del Ponte, Chief Prosecutor**

DRAFT TRANSLATION
Excellency,

Pursuant to the meeting I had with you on 30 August 2001 in The Hague, at which occasion I informed you about the measures that had been taken up to then in connection with the arrest warrant for retired General Ante Gotovina, I am sending you a detailed summary of all measures taken in connection with the arrest warrant.

Please feel free to contact us if you have any additional questions about this report, and will give you the responses required to the extent of our ability.

I avail myself this opportunity to reiterate my highest consideration.

Sincerely,

PRESIDENT OF THE COUNCIL

Dr. Goran Granić

/signed/

DRAFT TRANSLATION

On 12 June 2001, through a senior official of the Office of the Prosecutor, the Government of the Republic of Croatia was handed the indictments and arrest warrants against General Rahim ADEMI and retired General Ante GOTOVINA.

The Government of the Republic of Croatia had certain objections to the content of the indictments that were articulated in a letter by Prime Minister Ivica RAČAN dated 18 June 2001, in which it was suggested to the Chief Prosecutor Carla DEL PONTE to amend the indictments accordingly. The same was conveyed during a meeting of the Deputy Prime Minister Goran GRANIĆ and the Minister of Justice, Administration and Local Self-Administration Stjepan IVANIŠEVIĆ with the Chief Prosecutor Carla DEL PONTE in The Hague on 19 June 2001. At the meeting in Zagreb on 6 July 2001 the Chief Prosecutor informed the Government of the Republic of Croatia that it was not possible to amend the indictment at this stage in the procedure. Immediately after this meeting, on 7 July 2001 at an extraordinary session, the Government of the Republic of Croatia decided to pass on the ICTY arrest warrants for Rahim ADEMI and Ante GOTOVINA, through the Ministry of Justice, Administration and Self-Administration, to the responsible judicial bodies for further action, which was done on Monday 9 July 2001.

After this, General Rahim ADEMI decided to voluntarily hand himself over to the ICTY, which he did on 25 July 2001.

The Ministry of Justice, Administration and Self-Administration passed on the ICTY arrest warrant for Ante GOTOVINA to the Zagreb County Court, which on 13 July issued a Warrant for the Arrest of Ante GOTOVINA, residing in Zagreb,

Srebrnjak no. 69, and on the same day passed it on to the Ministry of Interior and the Zagreb Police Administration.

Having received the Warrant for the Arrest, police officers of the Zagreb Police Administration immediately began with the observation of Ante GOTOVINA's residence in order to identify and arrest him.

Since Ante GOTOVINA was not seen at this address, and there were no reports about his current whereabouts, on 16 and 17 July 2001 police officers directly tried to find Ante GOTOVINA at the aforementioned address and act according to the judicial order, but he was not found at this address.

By collecting information about the possible whereabouts of Ante GOTOVINA, it was determined that he might be at several addresses in the area of Zadar or Pakoštani, or in the area of the Šibenik-Knin Police Administration.

Verifying the information, police officers of the Šibenik-Knin and the Zadar Police Administrations did not find Ante GOTOVINA. The Zagreb County Court was informed about the result of all verifications on 19 July 2001.

Based on the warrant by the Zagreb County Court, on 23 July the Zagreb Police Administration issued a wanted circular for Ante GOTOVINA on the territory of the Republic of Croatia, while at the same time intensifying its patrols of the residence and other possible whereabouts of Ante GOTOVINA's.

In order to intensify the search for Ante GOTOVINA, on 24 July 2001 the Ministry of Interior's Police Directorate sent a telex to the chiefs of all police administrations ordering an increase of all necessary measures and actions to be taken to complete the search. So far all these actions have not resulted in finding and arresting Ante GOTOVINA.

Based on information that Ante GOTOVINA might be travelling with a group of *Hajduk Split* supporters to a football match played on 21 August 2001 in the town of Palma de Mallorca in Spain, Interpol Zagreb contacted Interpol Madrid on 20 August 2001, but according to information from the Spanish police Ante GOTOVINA did not show up at the game.

On 21 August 2001, following an order by the ICTY, the International Criminal Police Organisation, ICPO Interpol, based in Lyon, issued an international wanted circular for Ante GOTOVINA.

By collecting information following the issuance of the international wanted circular, the MUP /Ministry of Interior/ learned that Ante GOTOVINA could still be in the area of the Zadar or Šibenik-Knin Counties. Moreover, information was collected about persons who are presumed to be assisting and supporting Ante GOTOVINA. According to that information a large number of people (between 100 and up to 200) was engaged for the protection of Ante GOTOVINA. The biggest part of these people are former members of the military from the area of Zadar. Their goal was to prevent a police action for the arrest of Ante GOTOVINA. According to the

information, this group of people is armed and has presumably organised shooting exercises.

Furthermore, the MUP has information that financial funds have been collected to defend Ante GOTOVINA.

During the month of September information was gathered that show that Ante GOTOVINA has managed to leave the Republic of Croatia. As possible whereabouts of Ante GOTOVINA Italy and France were mentioned as countries where he may be temporarily staying, with his final destination being mentioned as South American countries where Ante GOTOVINA lived until 1991 and where he has a network of contacts and friends. According to this information members of the Italian Mafia are mentioned as the ones who organised Ante GOTOVINA's departure from the Republic of Croatia.

Interpol Rome, Interpol Paris and the Interpol headquarters in Lyon were informed about these findings.

The police administrations and the Police Directorate have received a number of anonymous telephone reports according to which Ante GOTOVINA was seen in the Republic of Croatia, or that he was expected to arrive at certain locations. Police officers checked all reports received and determined that the reports were incorrect.

We have also received an anonymous written report about the possible movement of Ante GOTOVINA saying that he has left the territory of the Republic of

Croatia and that he is on the territory of the Republic of Bosnia and Herzegovina in the area of Ljubuški and Široki Brijeg. The report mentions that a false American passport was obtained for Ante GOTOVINA to relocate to the United States and later to Canada.

The information from this anonymous report is still being verified.

Police officers from the Ministry of Interior of the Republic of Croatia and all police administrations continue to thoroughly gather information about the possible current whereabouts of Ante GOTOVINA in order to find and arrest him, to which end additional police forces are engaged as needed for areas of some police administrations.

Appendix 4
Interpol Notice

GOTOVINA Ante

CONTROL No. A-824/8-2001

REQUESTING COUNTRY: INTERNATIONAL CRIMINAL TRIBUNAL
 FOR FORMER YUGOSLAVIA (LOCATED IN THE HAGUE, NETHERLANDS)
 FILE No.: 2001/35118
 DATE OF PUBLICATION: 21 August 2001



FUGITIVE WANTED FOR PROSECUTION

1. IDENTITY PARTICULARS

PHOTOGRAPHED PRIOR TO SEPTEMBER 2000

- 1.1 PRESENT FAMILY NAME: GOTOVINA
- 1.2 FAMILY NAME AT BIRTH: GOTOVINA
- 1.3 FORENAMES: Ante
- 1.4 SEX: M
- 1.5 DATE AND PLACE OF BIRTH: 12 October 1955 - Pasman Island, Zadar, Croatia
- 1.6 FATHER'S FAMILY NAME AND FORENAMES: GOTOVINA Milan (forename not confirmed)
- 1.7 MOTHER'S MAIDEN NAME AND FORENAMES: N/A
- 1.8 IDENTITY CONFIRMED
- 1.9 NATIONALITY: CROATIAN (CONFIRMED)
- 1.10 IDENTITY DOCUMENTS: N/A
- 1.11 ALSO KNOWN AS: N/A
- 1.12 DESCRIPTION: Strong build, dark hair
- 1.13 DISTINGUISHING MARKS AND CHARACTERISTICS: N/A
- 1.14 OCCUPATION: Formerly a General of the Croatian Army (forcibly retired in September 2000); prior to 1990, member of the French Foreign Legion
- 1.15 LANGUAGES SPOKEN: Croatian
- 1.16 REGIONS/COUNTRIES LIKELY TO BE VISITED: Croatia, Spain
- 1.17 ADDITIONAL INFORMATION: N/A

Appendix 5
UN Security Council Resolution 1503 (2003)
28 August 2003

United Nations

S/RES/1503 (2003)

**Security Council**Distr.: General
28 August 2003**Resolution 1503 (2003)****Adopted by the Security Council at its 4817th meeting, on
28 August 2003***The Security Council,*

Recalling its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 978 (1995) of 27 February 1995, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, and 1481 (2003) of 19 May 2003,

Noting the letter from the Secretary-General to the President of the Security Council dated 28 July 2003 (S/2003/766),

Commending the important work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in contributing to lasting peace and security in the former Yugoslavia and Rwanda and the progress made since their inception,

Noting that an essential prerequisite to achieving the objectives of the ICTY and ICTR Completion Strategies is full cooperation by all States, especially in apprehending all remaining at-large persons indicted by the ICTY and the ICTR,

Welcoming steps taken by States in the Balkans and the Great Lakes region of Africa to improve cooperation and apprehend at-large persons indicted by the ICTY and ICTR, but noting with concern that certain States are still not offering full cooperation,

Urging Member States to consider imposing measures against individuals and groups or organizations assisting indictees at large to continue to evade justice, including measures designed to restrict the travel and freeze the assets of such individuals, groups, or organizations,

Recalling and reaffirming in the strongest terms the statement of 23 July 2002 made by the President of the Security Council (S/PRST/2002/21), which endorsed the ICTY's strategy for completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010 (ICTY Completion Strategy) (S/2002/678), by concentrating on the prosecution and trial of the most senior leaders suspected of being most responsible for crimes within the ICTY's jurisdiction and transferring cases involving those who may not bear this

S/RES/1503 (2003)

level of responsibility to competent national jurisdictions, as appropriate, as well as the strengthening of the capacity of such jurisdictions,

Urging the ICTR to formalize a detailed strategy, modelled on the ICTY Completion Strategy, to transfer cases involving intermediate- and lower-rank accused to competent national jurisdictions, as appropriate, including Rwanda, in order to allow the ICTR to achieve its objective of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010 (ICTR Completion Strategy),

Noting that the above-mentioned Completion Strategies in no way alter the obligation of Rwanda and the countries of the former Yugoslavia to investigate those accused whose cases would not be tried by the ICTR or ICTY and take appropriate action with respect to indictment and prosecution, while bearing in mind the primacy of the ICTY and ICTR over national courts,

Noting that the strengthening of national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY and ICTR Completion Strategies in particular,

Noting that an essential prerequisite to achieving the objectives of the ICTY Completion Strategy is the expeditious establishment under the auspices of the High Representative and early functioning of a special chamber within the State Court of Bosnia and Herzegovina (the "War Crimes Chamber") and the subsequent referral by the ICTY of cases of lower- or intermediate-rank accused to the Chamber,

Convinced that the ICTY and the ICTR can most efficiently and expeditiously meet their respective responsibilities if each has its own Prosecutor,

Acting under Chapter VII of the Charter of the United Nations,

1. *Calls* on the international community to assist national jurisdictions, as part of the completion strategy, in improving their capacity to prosecute cases transferred from the ICTY and the ICTR and encourages the ICTY and ICTR Presidents, Prosecutors, and Registrars to develop and improve their outreach programmes;

2. *Calls* on all States, especially Serbia and Montenegro, Croatia, and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other indictees to the ICTY and calls on these and all other at-large indictees of the ICTY to surrender to the ICTY;

3. *Calls* on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo, and the Republic of the Congo, to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR and calls on this and all other at-large indictees of the ICTR to surrender to the ICTR;

4. *Calls* on all States to cooperate with the International Criminal Police Organization (ICPO-Interpol) in apprehending and transferring persons indicted by the ICTY and the ICTR;

S/RES/1503 (2003)

5. *Calls* on the donor community to support the work of the High Representative to Bosnia and Herzegovina in creating a special chamber, within the State Court of Bosnia and Herzegovina, to adjudicate allegations of serious violations of international humanitarian law;

6. *Requests* the Presidents of the ICTY and the ICTR and their Prosecutors, in their annual reports to the Council, to explain their plans to implement the ICTY and ICTR Completion Strategies;

7. *Calls* on the ICTY and the ICTR to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (the Completion Strategies);

8. *Decides* to amend Article 15 of the Statute of the International Tribunal for Rwanda and to replace that Article with the provision set out in Annex I to this resolution, and requests the Secretary-General to nominate a person to be the Prosecutor of the ICTR;

9. *Welcomes* the intention expressed by the Secretary-General in his letter dated 28 July 2003, to submit to the Security Council the name of Mrs. Carla Del Ponte as nominee for Prosecutor for the ICTY;

10. *Decides* to remain actively seized of the matter.

Annex I

Article 15

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any government or from any other source.

3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.

4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Appendix 6
Security Council Resolution 1534 (2004)
26 March 2004

United Nations

S/RES/1534 (2004)

**Security Council**Distr.: General
26 March 2004**Resolution 1534 (2004)****Adopted by the Security Council at its 4935th meeting, on
26 March 2004***The Security Council,*

Recalling its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 978 (1995) of 27 February 1995, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, and 1481 (2003) of 19 May 2003,

Recalling and reaffirming in the strongest terms the statement of 23 July 2002 made by the President of the Security Council (S/PRST/2002/21) endorsing the ICTY's completion strategy and its resolution 1503 (2003) of 28 August 2003,

Recalling that resolution 1503 (2003) called on the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (the Completion Strategies), and requested the Presidents and Prosecutors of the ICTY and ICTR, in their annual reports to the Council, to explain their plans to implement the Completion Strategies,

Welcoming the presentations made by the ICTY and ICTR Presidents and Prosecutors to the Security Council on 9 October 2003,

Commending the important work of both Tribunals in contributing to lasting peace and security and national reconciliation and the progress made since their inception, commending them on their efforts so far to give effect to the Completion Strategies and calling on them to ensure effective and efficient use of their budgets, with accountability,

Reiterating its support for the ICTY and ICTR Prosecutors in their continuing efforts to bring at large indictees before the ICTY and the ICTR,

Noting with concern the problems highlighted in the presentations to the Security Council on 9 October 2003 in securing adequate regional cooperation,

Also noting with concern indications in the presentations made on 9 October, that it might not be possible to implement the Completion Strategies set out in resolution 1503 (2003),

S/RES/1534 (2004)

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the necessity of trial of persons indicted by the ICTY and reiterates its call on all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other indictees to the ICTY and calls on all at-large indictees of the ICTY to surrender to the ICTY;
2. *Reaffirms* the necessity of trial of persons indicted by the ICTR and reiterates its call on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo and the Republic of the Congo to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR and calls on all at-large indictees of the ICTR to surrender to the ICTR;
3. *Emphasizes* the importance of fully implementing the Completion Strategies, as set out in paragraph 7 of resolution 1503 (2003), that calls on the ICTY and ICTR to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010, and urges each Tribunal to plan and act accordingly;
4. *Calls on* the ICTY and ICTR Prosecutors to review the case load of the ICTY and ICTR respectively in particular with a view to determining which cases should be proceeded with and which should be transferred to competent national jurisdictions, as well as the measures which will need to be taken to meet the Completion Strategies referred to in resolution 1503 (2003) and urges them to carry out this review as soon as possible and to include a progress report in the assessments to be provided to the Council under paragraph 6 of this resolution;
5. *Calls on* each Tribunal, in reviewing and confirming any new indictments, to ensure that any such indictments concentrate on the most senior leaders suspected of being most responsible for crimes within the jurisdiction of the relevant Tribunal as set out in resolution 1503 (2003);
6. *Requests* each Tribunal to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions; and expresses the intention of the Council to meet with the President and Prosecutor of each Tribunal to discuss these assessments;
7. *Declares* the Council's determination to review the situation, and in the light of the assessments received under the foregoing paragraph to ensure that the time frames set out in the Completion Strategies and endorsed by resolution 1503 (2003) can be met;
8. *Commends* those States which have concluded agreements for the enforcement of sentences of persons convicted by the ICTY or the ICTR or have otherwise accepted such convicted persons to serve their sentences in their

S/RES/1534 (2004)

respective territories; encourages other States in a position to do so to act likewise; and invites the ICTY and the ICTR to continue and intensify their efforts to conclude further agreements for the enforcement of sentences or to obtain the cooperation of other States in this regard;

9. *Recalls* that the strengthening of competent national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY and ICTR Completion Strategies in particular;

10. *Welcomes* in particular the efforts of the Office of the High Representative, ICTY, and the donor community to create a war crimes chamber in Sarajevo; encourages all parties to continue efforts to establish the chamber expeditiously; and encourages the donor community to provide sufficient financial support to ensure the success of domestic prosecutions in Bosnia and Herzegovina and in the region;

11. *Decides* to remain actively seized of the matter.

Appendix 7
EC Common Position 2004/694/CFSP
11 October 2004

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2004/694/CFSP
of 11 October 2004

on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Whereas:

- (1) On 30 March 2004, the Council adopted Common Position 2004/293/CFSP⁽¹⁾ renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the form of restrictions on admission against persons who are engaged in activities which help persons at large continue to evade justice for crimes for which the ICTY has indicted them or are otherwise acting in a manner which could obstruct the ICTY's effective implementation of its mandate.
 - (2) The Council has reiterated the need to intensify efforts to bring Radovan Karadžić, Ratko Mladić and Ante Gotovina to the ICTY.
 - (3) In order to supplement the measures recommended in United Nations Security Council Resolution (UNSCR) 1503, adopted on 28 August 2003, against individuals, groups or organisations assisting indictees at large, and taking into account the fact that this Resolution requests all States to intensify their cooperation with the ICTY in particular with regard to Radovan Karadžić, Ratko Mladić and Ante Gotovina, the Council considers it appropriate to freeze the assets of these individuals as part of the EU's overall effort to prevent any assistance provided to them and to bring them to the ICTY.
 - (4) The Council will renew, or amend as appropriate, these measures if the persons subject to the assets freeze remain at large.
 - (5) Action by the Community is needed in order to implement these measures,
1. All funds and economic resources belonging to the natural persons listed in the Annex, who have been indicted by the ICTY, shall be frozen.
 2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural persons listed in the Annex.
 3. Exemptions may be made for funds or economic resources which are:
 - (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
 - (d) necessary for extraordinary expenses.
 4. Paragraph 2 shall not apply to the addition to frozen accounts of:
 - (a) interest or other earnings on those accounts; or
 - (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

⁽¹⁾ OJ L 94, 31.3.2004, p. 65.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt amendments to the list contained in the Annex as required.

Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall take effect on the date of its adoption. It shall apply for a 12-month period. It shall be

kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.

Article 5

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 11 October 2004.

For the Council

The President

B. R. BOT

 ANNEX

List of persons referred to in Article 1

- | | |
|---------------------|---|
| 1. Radovan Karadžić | born 19.6.1945, in the municipality of Savnik, Serbia and Montenegro. |
| 2. Ratko Mladić | born 12.3.1942, in the municipality of Kalinovik, Bosnia and Herzegovina. |
| 3. Ante Gotovina | born 12.10.1955, on the island of Pasman within the Municipality of Zadar, Republic of Croatia. |
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Appendix 8
EC Regulation no. 1763/2004
11 October 2004

COUNCIL REGULATION (EC) No 1763/2004

of 11 October 2004

imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)

THE COUNCIL OF THE EUROPEAN UNION,

economic resources owned by persons indicted by the ICTY who are still at large and to ban any support they might receive from within the Community.

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

- (4) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement these measures as far as the Community is concerned. For the purposes of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

Having regard to Common Position 2004/694/CFSP on further measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia⁽¹⁾,

Having regard to the proposal from the Commission,

- (5) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation.

Having regard to the Opinion of the European Parliament,

- (6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication,

Whereas:

- (1) The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by means of UN Security Council Resolutions 808 and 827 (1993), which are based on Chapter VII of the UN Charter. The ICTY has the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Security Council argued that the widespread and flagrant violations of humanitarian law occurring within the territory of the former Yugoslavia constituted a threat to international peace and security and that the establishment, as an ad hoc measure, of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would contribute to the restoration and maintenance of peace.

- (7) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

- (2) On 28 August 2003, UN Security Council Resolution 1503 (2003) called on the ICTY to complete all work in 2010 and on all States to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring all fugitive indictees to the ICTY.

For the purposes of this Regulation, the following definitions shall apply:

- (3) Common Position 2004/694/CFSP stipulates that certain funds and economic resources should be frozen in support of effective implementation of the mandate of the ICTY. These additional restrictive measures should be used so as to control all dealings with funds and

1. 'funds' means financial assets and benefits of every kind, including but not limited to:

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

⁽¹⁾ See page 52 of this Official Journal.

- (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;
 - (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;
 - (g) documents evidencing an interest in funds or financial resources;
 - (h) any other instrument of export financing;
2. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
3. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
4. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

Article 2

1. All funds and economic resources belonging to, or owned or held by, natural persons indicted by the ICTY, and listed in Annex I, shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural persons listed in Annex I.
3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to at paragraphs 1 and 2 shall be prohibited.

Article 3

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources or the

making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to all other competent authorities and the Commission at least two weeks prior to the authorisation.

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this Article.

Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 14 October 2004 or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) The funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) The lien or judgment is not for the benefit of a person, entity or body listed in Annex I;
- (d) Recognising the lien or judgment is not contrary to public policy in the Member State concerned.

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this Article.

Article 5

Article 2(2) shall not apply to the addition to frozen accounts of:

- (i) interest or other earnings on those accounts; or
- (ii) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments continue to be subject to Article 2(1).

Article 6

Article 2(2) shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of the listed person or entity, provided that any such additions to such accounts will also be frozen. The financial institution shall inform the competent authorities about such transactions without delay.

Article 7

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;

- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 8

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as a result of negligence.

Article 9

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 10

The Commission shall be empowered to:

- (a) amend Annex I, taking into account the Council Decisions implementing Common Position 2004/694/CFSP, and
- (b) amend Annex II on the basis of information supplied by Member States.

Article 11

The Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 12

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

Article 13

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

14.10.2004

EN

Official Journal of the European Union

L 315/17

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 October 2004.

For the Council
The President
B. R. BOT

ANNEX I

List of persons referred to in Article 2

1. Ante GOTOVINA. Date of birth: 12 October 1955. Place of birth: island of Pasman, Zadar, Republic of Croatia.
 2. Radovan KARADŽIĆ. Date of birth: 19 June 1945. Place of birth: Savnik, Serbia and Montenegro.
 3. Ratko MLADIĆ. Date of birth: 12 March 1942. Place of birth: Kalinovik, Bosnia and Herzegovina.
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Appendix 9
Copy of Report of the Republic of Croatia Ministry of Justice
Administration for Co-operation with the International Criminal
Tribunals
26 January 2004

Unofficial translation

THE REPUBLIC OF CROATIA
MINISTRY OF JUSTICE

ADMINISTRATION FOR COOPERATION WITH
THE INTERNATIONAL CRIMINAL TRIBUNALS

Zagreb, 26 January 2004

Entry No. 50416-02-04-35

Received by ZLO

SECRET

Ref. ICTY OTP request for assistance (RFA) No. 548

Dear Mr. Osorio,

We write to you with reference to the RFA No. 548 and give you the following answer:

"In our Third report, according to the Rule 59 of the Rules on Procedure and Evidence of 6 October 2003, we informed you that the police-security system of the Republic of Croatia had continuous surveillance and analytical checking of more than 25 persons from the narrower and wider circle of persons close to the General Ante Gotovina, from the Republic of Croatia and from abroad, in order to gather information which could in any aspect show the possible places where General Gotovina stays and circulates, either in the country or abroad.

Following that, we would like to mention that the operational surveillance of 25 persons was established. This operational surveillance does not mean the automatic and exclusive administration of measures of secret gathering of information, i.e. the measure of secret surveillance of the means for technical distant communication. While performing the regular tasks of the operational surveillance, the police security system, among other, was gathering information from citizens, contacting secret co-operators, analysing data, inspecting registers and records, carrying out questioning (which implies formal approach in compliance with the Law on Criminal Procedure and the Law on Security Services), following, analysing and checking the information from public sources, which were talking about possible places of stay or circulation of General Gotovina.

From the above mentioned 25 persons, 4 persons were selected, which were, in compliance with legal options and conditions, subjected to the measures of secret gathering of information by the survey of means for technical distance communication, that is:

- pursuant to the Article 17 of the Law on Internal Affairs (i.e. based on the order of the Minister of the Interior) in the period from 27. July to 27 November 2001, the measure was administered on the numbers that were used by General Gotovina's family. We would like to mention that in that period of time no information was gathered, that indicated the possible place of stay or circulation of General Gotovina, nor the information on the persons involved in the activities of planning, organising or helping him. Following the above mentioned and because of the legal reasons, the survey of means for technical distance communication, was not prolonged after 27 November 2001;
- pursuant to the Law on Security Services, which implies the order issued by the Supreme Court for administration of measures for secret gathering of information, in the period from 31 January to 31 May 2003, the survey of means for technical distance communication was administered on Boris Gotovina, Ante Žoni Maksan and Željko Dilber, persons for whom it was concluded, based on the operational surveillance, that they could have information on the places of stay and circulation of General Gotovina. Like in the previous case, by the use of this measure on the above mentioned persons, no information was gathered, that indicated the possible place of stay or circulation of General Gotovina, nor the information on the persons involved in his hiding.
- On the 27 January 2003 the proposal was sent to the Supreme Court of the Republic of Croatia, for the implementation of measures of the survey of means for technical distance communication on the location of the registered residence of Ante Gotovina in Zagreb, as well as for secret surveillance, monitoring, light and acoustic recording of persons in the open space and on public places. On 10 February the Supreme Court decided to refuse the proposals, with the explanation that the legal conditions were not fulfilled.

We would like to inform you that the authorised state bodies of the Republic of Croatia do not have the transcripts of the conversations that took place during the implementation of the measures of secret gathering of information, because pursuant to the Article 24, Paragraph 2 of the Law on Security Services of the Republic of Croatia, documents on the data which is not relevant to the purpose for which it was gathered, are destroyed about what the minutes are made and signed by the persons who were present during the destruction of documents.

In compliance with the opinion based on the information on the activities of a very wide circle of persons in the Republic of Croatia, the police-security system selected and currently carries out the operational surveillance of 10 persons for which there is information that they could be familiar with the possible place of stay or circulation of General Gotovina, or giving any sort of the assistance in his hiding.

Four of those ten persons are subjected to the measure of the survey of means for technical distance communication. In compliance with the order of the Supreme Court, those measures were implemented on 23 December 2003 and will last until 22 March 2004 (for 2 persons), and until 22 April 2004 (for the other two persons). During the period in which the measures were implemented, so far, no information was registered which indicated the possible place of stay or circulation of General Gotovina, nor the

information on the persons involved in the activities of planning, organising or helping him to hide.

We would like to mention that, in compliance with the Article 59 of the Rules of Procedure and Evidence, in our next report we will give you the broader information on the activities of the police-security system, which are taken in order to precisely determine the place of stay or circulation of General Gotovina.

Respectfully,

Jakša Muljačić
Assistant to the Minister of Justice

Appendix 10

Pukanić, Ivo. "Ante Gotovina: I recognize the Hague Tribunal as Legitimate", *Nacionale*, 10 June 2003.

Ovo je print verzija stranice <http://nacional.hr/hr/articles/view/18224/> na siteu nacional.hr

English edition

Piše: Ivo Pukanić, 10.06.2003. | br. 395

Exclusive Interview

Ante Gotovina: I recognize the Hague Tribunal as legitimate

'I will return and speak with the investigators if they give me the status of suspect'

Several days ago, I met with General Ante Gotovina. It was an opportunity to speak in detail about the issues concerning the Croatian public about the current position of General Gotovina. Relaxed Gotovina responded to a series of questions on why he disappeared from the public eye two years ago and how he views the events which have unfolded since he made that decision. We spoke about his role in operations prior to, during and after Operation Storm, and who played a key role in the signing of the Dayton Accord and the end to the war in Croatia and BiH. Ante Gotovina did not seem to be a man on the run, fearing he could be captured. On the contrary, he was calm and collected, seemed to be in excellent physical and mental condition and ready, as he said, to officially explain his position on the Hague indictment if he is given the opportunity.

'If after hearing my statement the ICTY stands behind its indictment, then I will voluntarily go to the Hague'**NACIONAL: How do you spend your days as a fugitive wanted by the Hague Tribunal?**

I do not consider myself to be a fugitive. In a situation such as the one I am currently in, the most important thing is that your head is clear. Mental health is tied to physical health, and I have worked much on that. I rise quite early, exercise, eat breakfast and then read... I have read many books over the past two years and have learned a lot. Not for a second have I given into hopelessness, because I know that with persistence and by working on myself, that I can overcome these difficult times. The knowledge of my innocence and that I will one day again be able to live a normal life in Croatia with my family and friends gives me the patience and strength to endure, for I am certain that in the end the truth will win. Presenting the truth is the only thing that can help me return to a normal life.

NACIONAL: How have you and your family coped with the separation and pressure?

Everyone must carry a cross, and my family is a part of my cross, but they are prepared to bear it with me for as long as it takes to prove the truth... We have no complaints. We are led by the knowledge that in the end, we will be together again. We have accepted the current situation realistically. We cannot escape from this situation set upon us, but nor will we beg anyone for mercy. Only those who are guilty seek mercy. All that I am fundamentally against, that is foreign to my person, that is what they have accused me of. Isn't that the paradox of life? Ever since I joined the Foreign Legion as a young man, I have lived in a multicultural community; I have learned to respect the differences between cultures, races, and peoples... I am a soldier, and the conduct of a soldier does not permit giving into primitive instincts against people, does not permit the

torching and burning of homes and forcing people to flee.

Mate Granić and the Evening News

NACIONAL: If you are not guilty, then why did you flee from the Hague Tribunal?

They brought me before a done deal. The day before the indictment was and arrest warrant was made public, I learned what was up through private channels. Was I supposed to wait until they put me in jail to helplessly wait and see what would become of me? Prior to that day, no one from the former government told me what was being prepared against me and that the Tribunal wanted to speak with me. Not even after 2000 did anyone from the current government keep me informed. Had I been offered the chance to sit down and give my statement to the Tribunal, as was the case with Generals Markač and Stipetić, I would have immediately consented.

NACIONAL: Does that mean that you recognize the International Criminal Tribunal for Crimes in the former Yugoslavia? To date, the impression has been that you do not recognize the authority of the court.

Of course I recognize the Tribunal, as I recognize the rule of law. I have never questioned the legitimacy of the Tribunal. Since an indictment was raised against me, I know that I have to prove my innocence before that court and that no other court in the world can free me. Unfortunately, to date, I have not been offered an opportunity to discuss in detail my role in the Patriotic War.

NACIONAL: Why didn't you tell your side of the story to the Hague investigators who sought a conversation with you in 1998? At that time you refused to speak with them, according to the government in its response to the request raised by Joško Kontić in the Parliament concerning your case. Don't you think that you yourself are to blame for your current situation as a fugitive?

I never refused to speak with the Hague investigators. I could not refuse because I simply was not informed that they had requested to speak with me. Not at any time in 1998 did anyone from the former government tell me that the Hague had made such a request. I am convinced that the indictment against me never would have been raised against me had I been given that opportunity. I was watching television when I learned that something was brewing against me. I was watching the evening news, when Minister Mate Granić came on. At one moment he said, "the government, in agreement with General Ante Gotovina, has decided to not speak with the Hague investigators on the issue of war crimes in Operation Storm." I almost fell off my chair.

That was the first time that my name was used in connection with the Hague Tribunal. I immediately called the responsible people in the government and asked that someone explain Mate Granić's words. The response I got was "Don't worry about anything and don't get involved in state politics. Everything will be fine." At that time, the speculations about me as a suspect and potential defendant began to appear in the newspapers. I was naïve to believe that claims that this was nothing but a political game against the right-wing in which I had been placed. I am neither interested in the right wing nor the left wing. All I wanted was to work in my profession – to be a soldier and to be one outside of the influence of politics and political manipulation. Thanks to my naïveté, I became a victim of political manipulation.

NACIONAL: I cannot believe that you learned of the indictment only one day before the arrest.

Do you think I would have calmly say back and waited for the indictment to be released and for them to come get me if I had known? I would have made every effort to explain the truth to the Hague and to convince them to back away from the indictment. Once the indictment had been raised, I had no other choice, I had to go for the option of buying time. I wanted to use that time to collect the evidence, with the assistance of my friends, to prove my absolute innocence before the Hague

Tribunal. None of this would have been necessary if the state functioned properly and that they had presented those documents on my behalf. I remember that just before the indictment was released, a journalist from Globus called me and asked for my comment. I was already fed up with all the articles, so I told him that it was just speculation and that there was no indictment. I was convinced that that was the case, because I couldn't even imagine that they could raise an indictment against me with anyone from the past or present government, informing me in advance.

NACIONAL: Whom do you blame for that?

At this time, I would prefer not to name names on who is to blame for my situation. I would prefer not to get involved in those political games. If you want to know what the former government had to gain by not telling me that the ICTY wanted to speak with me, then ask them. But I also resent the current government for knowing what was going on, and not finding the time to call me, tell me and ask me what my role in 1995 was, if for no other reasons than because I was the HV Chief Inspector.

I was once called to meet Tomislav Karamarko, then head of UNS. His assistant, Colonel Muharemi was also present. Karamarko told me that he could set up a meeting for me with President Mesić. I responded that that was silly, as President Mesić was the Supreme Commander of the Armed Forces and as such could call upon me any time day or night and I, as his soldier, would come. That is my duty, regardless of whether I agree with him politically or not. Why would Tomislav Karamarko need to set up a meeting with the Supreme Commander.

NACIONAL: Why didn't you use the media to tell your story if you could not do so before the ICTY investigators?

I told you, I am first and foremost a soldier. I respect the military hierarchy and the rules laid out by the Defense Act. The Defense Act says that a soldier must first be informed of the case against him, then freed from keeping military and state secrets, then prepare for the discussion with investigators. We soldiers have nothing to say to the press. Any talking we do is in the military base on or the battlefield. I held to the ban on talking to the press unlike some other generals who used the media for their own propaganda. Even today, I consider that a soldier has nothing to say to the newspaper. Perhaps my position is naïve, because, had I used the media, I would likely not be in this situation today.

NACIONAL: You said that you respect and recognize the Hague Tribunal and that you are prepared to explain your role in 1995.

Like in 1998 and in 2000, I today am ready to talk to the Hague investigators because I truly have nothing to hide. If necessary, I am ready to talk to them for 15 days and 15 nights until I can explain even the smallest detail regarding my role in all the operations. Today I stand behind every one of my military actions, as they were all honorable. After they hear my statement, if they continue to hold the indictment against me, I will voluntarily go to the Hague. No one will have to capture, arrest or force me to go. I will go dignified, as a soldier.

NACIONAL: Since the indictment has already been raised, you will have to go to the Hague and give your statement there. What will be your terms for the discussion with the investigators?

I am making no conditions. I think that it is perfectly acceptable to everyone that I be given the opportunity to give my statement in Zagreb, in the status of a suspect, as was the case with General Stipetić. That should undo the wrongs done to me.

NACIONAL: What if you are arrested in the meantime?

I am a man who has lived his entire life used to caution. I have been in danger numerous times, both in Africa and in the Patriotic War. I learned survival and to fight for life. I think it would be difficult to force handcuffs on me. I have learned self-discipline, my instinct is strong and I think I am capable enough to hide where it is safe. But I have nothing to hide for I have done no harm to anyone. When a man has the truth on his side, then he possesses the strongest weapon. I do not fear the meeting with the ICTY investigators as, in addition to my testimony, there are documents and witnesses that can corroborate every single word.

NACIONAL: The indictment against you consists of several parts. One of the crimes you are burdened with is planned ethnic cleansing and crimes committed during and after Operation Storm. Can you comment on those sections of the indictment?

How could I have conducted ethnic cleansing or committed any crimes when during and after Operation Storm I was 120 kilometers away from Knin? To make the situation clear, we have to begin with the signing of the Split Declaration by Presidents Tudjman and Izetbegović on 25 July 1995. That declaration outlined the joint operations of the Croatian forces and the Army BiH forces. With that declaration, Croatian troops could enter into BiH territory and carry out the operations that were the pre-conditions for the signing of the Dayton Accord.

My job, with respect to the Croatian battlefield, was completed much before Operation Storm when we succeeded in transferring our artillery and equipment through the difficult terrain of the Dinara, Velebit and Vitorog Mountains, which was a massive military success. From those positions, we controlled all the military routes leading into and out of Knin. The holder of those positions was in control of the war in Croatia and BiH. In all that, a massive role was played by the Croatian Engineering division, which succeeded in blazing trails on those mountains under impossible conditions.

NACIONAL: You have been accused of excessive shelling and the destruction of civil buildings, as well as forcing the resident population to flee.

That is ridiculous. There was no excessive shelling. That was also confirmed by the Pentagon in its official report that was submitted to the ICTY investigators. The same can be confirmed by journalist Roy Gutman, winner of the Pulitzer Prize and the reporters from the New York Times who were in Knin three days after the start of Storm. They also wrote that the stories of excessive shelling in Knin were not true. With that, General Zagorec was constantly complaining about how we had to save munitions because it was too expensive and we had too little. We were not particularly interested in Knin, but more interested in taking the Golubić military base in order to get to ammunition.

NACIONAL: How is it that you were 120 kilometers away from Knin during Operation Storm?

For me to explain that, I have to give an overview of the situation at the time. The US began to intensively work at establishing peace through the entire area. There was no way to talk with Milošević because he was so arrogant and felt that he completely controlled the situation in Croatia and BiH. The allies began to opt for us because they realized that the Army BiH was too weak to resolve the situation itself and that Bihać was on the verge of falling. Don't forget that the Serbs had concentrated some 13,000 of their best soldiers around Bihać at that time. The Croatian forces, in cooperation with Army BiH, could have been the deciding factor to force Milošević to back down, enter talks and sign the Dayton Accord. We needed to weaken the Serb military position, and that was possible only through the joint action of the Croats and Bosnians.

In order to legalize the entry of the Croatian Army into Bosnia and Herzegovina, Izetbegović and Tudjman signed the Split Declaration. Then, we had the blessing of the US and the permission of official Sarajevo to move our troops through BiH to the top of Dinara and to set up our artillery and tanks above Knin.

NACIONAL: Why did you turn towards Banja Luka?

Milošević did not give in, even though it was clear that Serbian Krajina had come to an end and the US estimates was that the Serbs should be pushed back deeper into BiH. Considering that we were no longer needed at Knin, in agreement with the Americans and Bosnians, we headed towards Banja Luka, thus increasing the pressure on Milošević. At that time, intensive talks were ongoing in Belgrade between Milošević and Holbrook. The entire time, Zagreb was in close contact with its people in Belgrade who informed them of the course of the talks which depended on the pressures on the Serbian forces. In a very short period we reached Mrkonjić Grad from Knin. In the Serbian orders, complete panic ruled, which we learned of by listening in on their radio messages, which near the end were no longer even encrypted. Their commanders were swearing at each other, calling each other by their real names, blaming each other for the loss. They passed that panic onto the citizens who were preparing to flee. We had the situation completely in our hands.

However, Milošević did not trust Holbrook. In order to convince him that we were in control of the situation and that there was no room left for negotiations, Holbrook contacted Zagreb and told us to cut off the electricity in Banja Luka at exactly such and such a time, and to not turn it back on until we were told to do so. At that time, the Croatian forces already had control over the dams on the Vrbas River: Jajce 1, 2 and 3 and we were already at Mala Manjača, 23 km from Banja Luka. From there, we could easily militarily control the city and its surroundings. After this agreement with Zagreb, Holbrook then asked Milošević if he still felt that he was in control of the situation in Banja Luka. Milošević replied affirmative. Holbrook told him that he would prove that they could take the electricity away. His men sent the order to Zagreb, and we carried it out. Immediately, Milošević was informed that Banja Luka was without power. Then Holbrook told him that he would return the power in 30 minutes. And, in fact, Zagreb received the order to turn on the power in thirty minutes, and that order was passed on to us. That was the crown evidence of the lack of Serbian power. Milošević had no way out, he had to admit defeat and accept the terms of Dayton.

NACIONAL: So, what was your role in BiH?

My role is precisely known, and it is known who ordered it. That was the Split Declaration, signed by Presidents Tudjman and Izetbegović. With that Declaration, which preceded the Washington Declaration, I was made Commander of the Croatian forces and General Karavelić was made Commander of Army BiH. When we penetrated to Mrkonjić Grad, the Fifth and Seventh Corps of Army BiH went towards Banja Luka along the right and left wings.

In listening to the panic in the Serbian communications, and listening to the Bosnian communications, I saw that there would be great bloodshed if they were permitted to enter into Banja Luka. The convoy of refugees was 70 kilometers long and moving towards the corridor. I contacted Zagreb and told them I thought it was crazy to enter into Banja Luka, because a massacre, plundering and destruction would result, and that we should immediately back away from entering into the town before it was too late. The Serbs had already been defeated without us entering into the town and Milošević had already been forced into signing Dayton. I quickly received the order from Zagreb to halt all military activities. In that way, we prevented a massacre of Serbs and the destruction of Banja Luka. Had it not been for the Croatian forces in the "South Move", it would be questionable as to when the war in BiH would have ended, when Dayton would have been signed and when Milošević would have been removed from power.

NACIONAL: But you are accused of not preventing crimes that were committed after Operation Storm.

I have already said that I could influence those, as I wasn't in Croatia, I was in Bosnia. Upon my return, I did not check a single area that had already been turned over to the civil authorities. As an illustration of just how "powerful" and "important" I was, I'll tell you about what happened to me on the road from Knin to Benkovac. Several months after Storm, elections were held. I received the order to oversee the regularity of the elections in the military bases in the zone of responsibility in the Split District. I was in the car with my driver when we were stopped by civilian police at one of the numerous control points held in the liberated territory. The young police officer approached our car and asked for our identification. I gave him my identification and my military police badge, which every HV Commander had. I noticed that

the officer immediately recognized me, and he saw my name and my General's rank on my uniform. I got out of the car and handed him my documents and he rudely and arrogantly demanded that I open the trunk. I considered that to be a provocation and told him what he was doing was pointless. He yelled at me, telling me that I had nothing to say, that he was in charge of the situation.

For the duration of our conversation, a senior officer stood off to the side of the road and watched, and I could see he was embarrassed. I told him that I respected his job but that he had overstepped his bounds and to let us on our way. To not enter into details of the pointless incident, the Šibenik Police department filed a case against me. This case of course shows who had control over the liberated areas, and that was certainly not me, but the civil authorities.

NACIONAL: I heard that you wanted to leave the military after Storm. Is that true?

Yes, I had already written my request for discharge. That was in 1996, just after Operation Storm. I somehow felt empty and unneeded. I asked what there was left to do in the military, the task had been completed, the country liberated. I wrote my resignation and asked General Červenko, then Chief of Staff, to receive me and I asked him if I could be received by the Defense Minister. I could have gone directly to the Minister, but as I respected the hierarchy, I never went above a superior. I told Červenko of my decision. Immediately he told me he was not sure it would be so easy. I held fast to my decision. Červenko then set up a meeting between myself and the Minister. I went to the cabinet of Minister Šušak and handed him my resignation. When he read it he said I was obviously too tired and that I should take a 7 day vacation and come back to work. I listened to the Minister and took that vacation, but I did not back away from my decision.

After two days of my vacation, I was called to the President's office, and President Tudjman told me, "Look at how old you are, and look at my age, I work 18 hours a day. Our task is not yet completed. You think you're finished the job because the war is over? I will not accept your resignation and show up for work tomorrow." That was the only time I did not stick by my decision and I was wrong to have done so.

NACIONAL: Many people in Croatia fiercely oppose all the charges against you and they blame the current government for your troubles. How do you see the events at the Dračevac military base in May 2001, when the President was booed, in part because of you?

As a Croatian General, I was embarrassed, because such conducted by soldiers is also in part my failure. I am one of the men who raised the Croatian military. That should never have happened, especially since the event was attended by foreign military dignitaries. The military must respect the institution of the President. I hold the incident at Dračevac to be completely unacceptable. Particularly since I have met President Mesic on several occasions and we have always warmly greeted each other. I see no reason why if we met today we would not greet each other again in the same way.

The Split Declaration – legality for Croatian forces to be in BiH

Its application permitted the defeat of the Serbian Army in BiH and then occupied areas in Croatia

The Split Declaration, signed in Split on 22 July 1995, was an agreement between Croatia and BiH on joint defense against the Serbian enemy. The Declaration was signed by then Presidents Tudjman and Izetbegović, with the mediation of Turkish President Sulejman Demirel and with the blessing of Washington. The signing ceremony was also attended by American Ambassador to Croatia Peter Galbraith and representative of the German government responsible for BiH. The full title of the signed document is "Declaration on the Actualization of the Washington Agreement, on joint defense from Serbian aggression and the achievement of a political solution in line with the efforts of the international community."

The direct objective of the Agreement was to permit Croatian troops to legitimately assist in deblockading the surrounded

and attacked Bihać, where the 5th Corps of the Army BiH had fallen to the attacks of the Army of Serbian Krajina, where the stores of munitions, fuel and food had already been totally exhausted. Following the tragedy of Srebrenica, the international community feared a similar fate for Bihać, only with many more victims, the Split Declaration was seen to be a salvation, considering that the international peace keeping forces could not and their governments would not permit them to participate in the defense and salvation of Bihać.

Croatia could certainly not have permitted the fall of Bihać as that would have given the Serbs power over the vital communication line in the Una Valley and would have given them a stronghold for continued attacks on Croatia. However, with the participation in the deblockade of Bihać, Croatia found itself in a position to also militarily resolve the problems of the Serbian rebellion, having received the agreement of the international community.

The significance of the Split Declaration is immeasurable in the outcome of the crisis in the former Yugoslavia. Its application in the military section of the agreement enabled the end of the war in BiH, the complete defeat of the Serbian army in BiH and then occupied parts of Croatia, and the Dayton Accord which set the boundaries of today's Bosnia and Herzegovina.

Najčitaniji

- [Pravi razlog okršaja Ive Majoli i njezina supruga Stipe Marića](#)
- [Danko Družijanić objašnjava sukob na trajektu](#)
- [Vlatka Pokos: "Čekam novu fatalnu ljubav"](#)
- [Vratite Vlatki kufere](#)
- [Slike Monike Jakišić, navodne djevojke Georgea Clooneya](#)
- [Monika Jakišić nova djevojka Georgea Clooneyja!?](#)
- [Halle Berry je trudna](#)

Zadnji komentari

- [Sukob na ljevici](#)
- [Danko Družijanić objašnjava sukob na trajektu](#)
- [Slovinci pristaju na arbitražu, ali uz uvjete](#)
- [Bosanci](#)
- [Ljudi jahte](#)
- [Ruski bombarderi letjet će izvan bivšeg sovjetskog teritorija](#)
- [Srpska obitelj možda će tužiti karlovačke liječnike](#)

Urednikov izbor

- [Sukob na ljevici](#)
- [Zagreb via. Ljubljana](#)
- [Sramotna prodaja karlovačkog KIM-a](#)
- [Poziv na ostavku uništili za 2 sata](#)
- [Milanović: "Ne namjeravamo se baviti HDZ-om"](#)
- [Objava za medije nije falsifikat, no Popović je lagao](#)
- [Ceste smrti traže veće kazne](#)

Najtraženiji

- [severina](#)
- [horoskop](#)
- [goran visnjic](#)
- [rudan](#)
- [gripen](#)
- [beckham herbalife](#)
- [3 razloga za prodaju](#)

Vezani članci

ZAHTJEV ZA KUĆNI PRITVOR

[Gotovina želi dočekati suđenje u Pakoštanima 08.08.2007.](#)

KOMENTAR TJEDNA

[Sada i SDP manipulira Gotovinom 06.08.2007.](#)

KOMENTAR TJEDNA

[Mesić nije pogriješio 09.07.2007.](#)

BiH

[Silajdžić: Draškovićev zahtjev za odbacivanjem tužbe je nedopustiv 30.04.2007.](#)

BiH

[Silajdžić najavio mogućnost ponovnog dizanja optužbe protiv Srbije pred ICJ 16.04.2007.](#)

ICJ

[Sanader o suradnji Srbije s Međunarodnim sudom pravde 12.04.2007.](#)

HAAG

[Markačevi odvjetnici odbacili povijesni kontekst Oluje 05.04.2007.](#)

SRBIJA

[Tadić predložio deklaraciju koja osuđuje srpske zločine 01.03.2007.](#)

GAZETA

['Hrabri' Margetić molio Haag za oprost 12.02.2007.](#)

HAAG

[AP: Gotovina u Hrvatskoj heroj 09.02.2007.](#)

HAAG

[Černak i Markač sprovedeni u pritvor 08.02.2007.](#)

HAAG

[Bosanski Srbin priznao silovanja Muslimanki 17.01.2007.](#)

HAAG

[Tužiteljstvo zatražilo šestomjesečni zatvor za Margetića 16.01.2007.](#)

ICTY

[Novi međunarodni sud za suđenje Karadžiću i Mladiću 02.01.2007.](#)

BiH

[MVP BiH nije tražilo puštanje Biljane Plavšić 26.10.2006.](#)

Appendix 11
*Extracts from French National Criminal File (Casier Judiciaire
National) on Ante Gotovina*
27 March 1984

03566092

Du 27, mars 1984

00971

COUR D'APPEL DE PARIS

N° 442-84

CHAMBRE D'ACCUSATION.

Section C

extrait des minutes du Secrétariat-Greffe
de la Cour d'Appel de Paris (N°

ARRET

pages)

prononcé en chambre du conseil le vingt sept mars
mil neuf cent quatre vingt quatre

DECISION

Mise en accusation
de :

- 1/ BOYER Philippe
- 2/ CHAILLOT Jean Louis
- 3/ ERULIN Dominique
- 4/ GOTOVINA Ante

Renvoi devant la
Cour d'Assises

de : PARIS
de :

- 1/ BOYER Philippe
- 2/ CHAILLOT Jean Louis
- 3/ ERULIN Dominique
- 4/ GOTOVINA Ante

PARTIES EN CAUSE :

Inculpé : 1°) BOYER Philippe, Louis, André né le 5 mai 1955 à Paris , de Louis et de Suzanne NIQUET

sans profession, demeurant 68 rue Vieille du Temple, PARIS, 3ème
Détenu aux Prisons de Fresnes, en vertu d'un mandat de dépôt
du 5 février 1982 , décerné par M. Philippe TEXIER , juge d'instruction
à Paris

Inculpé de vol avec port d'armes
Ayant pour conseil Me BENARROCH, avocat
2°) CHAILLOT Jean Louis Edmond né le 11 octobre 1944 à PARIS 18è
de Louis Henri et de Jeanne Thérèse MULLER

Employé des sociétés de protection demeurant 83 rue Danielle
Casanova à Pavillon Sous Bois (93)
Détenu aux prisons de Fresnes, en vertu d'un mandat de dépôt
du 2 février 1982 , décerné par M. Philippe TEXIER juge d'instruction
à Paris

Inculpé de vol avec port d'armes
Ayant pour conseil Me TEMINE avocat

3°) ERULIN Dominique Henri, Marie Joseph né le 26 janvier 1938
à Saint Dié (88) , de Anselme, Joseph, André et de JOVIGNOT Marie
Simone

En fuite

Mandat d'arrêt du 15 avril 1982 ,
Mandat d'arrêt international du 6 avril 1983 , décernés par
M. Philippe TEXIER, juge d'instruction à Paris
Inculpé de vol avec port d'arme

4°) GOTOVINA Ante né le 12 octobre 1955 à Zadar (Yougoslavie)
de Milan et de Mioev Slavica

En fuite

mandat d'arrêt du 15 avril 1982
Mandat d'arrêt international du 6 avril 1983
décernés par M Philippe TEXIER juge d'instruction à Paris
Inculpé de vol avec port d'arme

Partie civile : M. SOLOMON Henri
gérant de société
demeurant 42 rue Cortambert à PARIS 16ème

PREMIERE PAGE

ayant élu domicile au cabinet de M• COHEN UZAN
ayant pour conseil M• COHEN UZAN
demeurant 114 avenue de Versailles à PARIS 16ème

avocat
avocat

C 76

AG
32.12.14
12.12.14

COMPOSITION DE LA COUR

lors des débats, du délibéré et du prononcé de l'arrêt :

Monsieur GONDRE Président
Messieurs BELLAT et MONNOT conseillers

03566093

SECRETAIRES GREFFIER : Madame ARGAILLIOTMINISTERE PUBLIC :représenté aux débats par
et au prononcé de l'arrêt par Monsieur BOIZARD avocat généralDEBATS :A l'audience, en chambre du conseil le treize mars
mil neuf cent quatre vingt quatre
ont été entendus :M. MONNOT conseiller en son rapport ;
M. BOIZARD Avocat Général en ses réquisitions ;M^e COHEN UZAN
conseil de la partie civile, ~~en ses observations sommaires~~ ne s'est
pas présenté - Me AMIEL substituant Me BENARROCH
conseil de l'inculpé, ~~en ses observations sommaires et qui~~ eu la
parole le dernierBOYER Philippe en ses observations sommaires et qui a eu la parole
le dernier
Me TEMINE, conseil de l'inculpé CHAILLOT Jean Louis, ne s'est pas
présenté .DEUXIEME PAGE

03566094

RAPPEL DE LA PROCEDURE

Le neuf février mil neuf cent quatre vingt quatre le Juge d'instruction du tribunal de grande instance de PARIS a ordonné que le dossier de la procédure et un état des pièces à conviction soient transmis par le Procureur de la République au Procureur Général près la Cour d'Appel ;

Par lettres recommandées en date du neuf février mil neuf cent quatre vingt quatre cette ordonnance a été portée à la connaissance des inculpés de la partie civile et de leur conseil s.

Par lettres recommandées en date du six mars mil neuf cent quatre vingt quatre le Procureur Général a notifié aux inculpés et à la partie civile ainsi qu'à leurs conseil , la date à laquelle l'affaire sera appelée à l'audience.

Le même jour, le dossier comprenant le réquisitoire écrit du Procureur Général en date du quatre mars mil neuf cent quatre vingt quatre a été déposé au greffe de la chambre d'accusation et tenu à la disposition du conseil des parties

Les formes et délai de l'article 197 du code de procédure pénale ont été observés.

~~M^e _____, avocat
a déposé au nom de _____ le
_____ mil neuf cent _____
_____ heures _____ au greffe de la chambre d'accusation un mémoire
visé par le greffier et communiqué au ministère public et aux autres parties.~~

~~M^e _____, avocat
a déposé au nom de _____ le
_____ mil neuf cent _____
_____ heures _____ au greffe de la chambre d'accusation un mémoire
visé par le greffier et communiqué au ministère public et aux autres parties.~~

C 76 A

TROISIEME PAGE

Appendix 12
Extracts from French National Criminal File (Casier Judiciaire National)
on Ante Gotovina
1 September 1984

PARQUET
du
TRIBUNAL
DE GRANDE INSTANCE
DE PARIS

PARIS, le 2 SET. 1984

03566031

2ème Section

N°

Pièces de Justice

NOM : (état civil) GOTONIVA Anté

PIECE DE JUSTICE : jugement ordonnance de prise
mandat de corps de la
C. Acc. de Paris

XXXXXXXXXXXXXXXX

AUTRE PROCEDURE EN COURS (x)

comparution Préalable
Dimanche 2 septembre 1984
Comparution devant la 16ème Chambre
le 3 septembre 1984

a) Flagrant-délit Chambre
b) Information- falsification de documents
c) Rendez-vous judiciaire

LE PREMIER SUBSTITUT 8ème Section

(x) Rayer les mentions inutiles

A retourner pour 14 heures au Contrôle Pénal.

000006

Tuoué 29 84 N° 644
E 737 764

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EM. PJ

03566032

245 1641
PREF. POLICE

TRANS NR : 0733

S.T.I

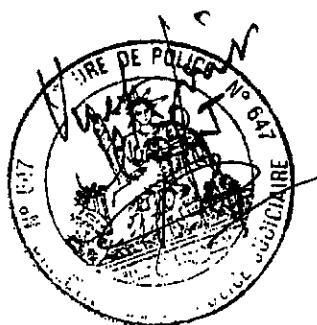
VZCZCPPK031
PP 75PPOL
DE
DE RFFLUWX H0007 2451402
ZNR UUUUU
P 011400Z SEP 84
FM TGI TOULON (MONSIEUR ASTIER 1 ER JUGE INSTRUCTION)
TO MININT DGPN DCPJ PARIS
BT
NON PROTEGE
SANS NUMERO
TXT

BC
JTI

S.T.I

POUR ETAT MAJOR PJ
BRIGADE CRIMINELLE A PARIS
- VOUS CONFIRME QU'IL Y A UN AVIS DE RECHERCHES DEPUIS LE 23/12/82
EMANANT DE MONSIEUR BERNARD JUGE INSTRUCTION A TOULON CONCERNANT LE
NOMME ANTE GOTOVINA NE LE 12/10/55 - ZADAR /YU/ SUSCEPTIBLE
D'ETRE INCULPE DE COUPS ET BLESSURES VOLONTAIRES ARRESTATION ET
DETENTION ARBITRAIRE FAITS COMMIS A LA SEYNE SUR MER ' /83/ ' COURANT
MAI 81 AVIS DE RECHERCHES TOUJOURS VALABLE CONDUITE A TENIR SI IN-
CULPE DOIT ETRE INCARCERE PAR AILLEURS POUR D'AUTRES FAITS SIMPLEMENT
AVISER MONSIEUR BERNARD DE L'AUTORITE A LA DISPOSITION DE LAQUELLE
GOTOVINA A ETE REMIS SI INTERESSE NON RECHERCHE PAR AILLEURS MANDAT
D'AMENER SERA IMMEDIATEMENT DELIVRE PAR MES SOINS SUR SIMPLE CON-
FIRMATION DE VOTRE PART.
BT
H0007

S.T.I



MNNN
EM. PJ



PREFECTURE DE POLICE

REPUBLIQUE FRANÇAISE

DIRECTION
de la
POLICE JUDICIAIRE

03566033

PARIS, le 1er septembre 1984

BRIGADE CRIMINELLE

BC 363/84

Le Commissaire Divisionnaire
Raymond MERTZ;
Chef par intérim de la BRIGADE CRIMINELLE,

à

Monsieur le Procureur de la République à
PARIS - 8ème Section -

En vous transmettant la présente procédure, j'ai l'honneur de mettre à votre disposition le nommé :

GOTONIVA Anté

né le 12 octobre 1955 à Zadar (Yougoslavie)
de Milan et de MIOCEV Slavica
de nationalité française
célibataire sans enfant
sans profession ni domicile fixe

susceptible de faire l'objet de poursuites des chefs de :
FALSIFICATION DE DOCUMENT ADMINISTRATIF - USAGE - USURPATION D'ETAT-CIVIL - REVEL DE VOL.

L'intéressé a été interpellé le 31.08.1984 à 21 heures 40, dans un débit de boissons situé 32 rue Rennequin à PARIS 17ème, par les Fonctionnaires de la Brigade Criminelle, à la suite de renseignements émanant des Services Spécialisés.

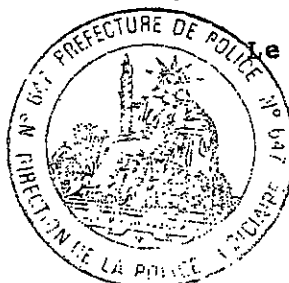
Il est ainsi apparu que le nommé GOTONIVA était porteur d'une Carte Nationale d'Identité falsifiée, qu'il a présentée aux Policiers au moment de l'interpellation. Cette pièce d'identité provient d'un vol avec effraction commis en novembre 1982, au préjudice de M. Alain MANIERE, titulaire du document, domicilié, à l'époque, 5 rue Bernard Palissy à PARIS 6ème.

Par ailleurs, le nommé GOTONIVA Anté fait l'objet d'une Ordonnance de prise de corps délivrée par la Chambre d'Accusation de la Cour d'Appel de Paris, par Arrêt rendu le 27 mars 1984.

Notification de cette Ordonnance a été faite à l'intéressé par procès-verbal distinct de la présente procédure.

Les nommés VOLLANOVA Antoine et BRETON Jacques, qui accompagnaient le nommé GOTONIVA Anté, ont été laissés libres conformément à vos instructions.

Le Commissaire Divisionnaire



PREFECTURE DE POLICE

REPUBLIQUE FRANÇAISE

DIRECTION
de la
POLICE JUDICIAIRE

03566034

PARIS, le 1er septembre 1984

BRIGADE CRIMINELLE

BC 363/84

Le Commissaire Divisionnaire
Raymond MERTZ;
Chef par intérim de la BRIGADE CRIMINELLE,

à

Monsieur le Procureur de la République à
PARIS - 8ème Section -

En vous transmettant la présente procédure, j'ai l'honneur de mettre à votre disposition le nommé :

G O T O N I V A Anté
né le 12 octobre 1955 à Zadar (Yougoslavie)
de Milan et de MIOCEV Slavica
de nationalité française
célibataire sans enfant
sans profession ni domicile fixe

susceptible de faire l'objet de poursuites des chefs de :
FALSIFICATION DE DOCUMENT ADMINISTRATIF - USAGE - USURPATION D'ETAT-CIVIL - REGEL DE VOL.

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Notification de cette Ordonnance a été faite à l'intéressé par procès-verbal distinct de la présente procédure.

Les nommés VELLANOVA Antoine et BRETON Jacques, qui accompagnaient le nommé GOTONIVA Anté, ont été laissés libres conformément à vos instructions.



Commissaire Divisionnaire

000002

03566035

Du 12
D 12

Compagnie
Section de Recherches
de Paris-Minimes (75)

GENDARMERIE NATIONALE

PROCEDURE SUR COMMISSION ROGATOIRE

Brigade
de Recherches
de Paris-Minimes

PROCÈS-VERBAL D'AUDITION

de Personne gardée à vue

AUDITION DE

NOM : S. T. R. O. H. M.
Prénom : Heinrich

Le mil neuf cent quatre vingt et un

le neuf décembre

Nous, BLANCHETEAU Maurice MDL/ Chef
officier de police judiciaire, agissant en vertu de la commission rogatoire

Délivrée le 24 Novembre 1981 à CRETEIL

par Monsieur F. P. FAUCIE, Juge d'instruction
chargé d'informer contre X

PIECE N° 1616/6

Inculpe de infractions à la législation sur les armes et explosifs.

Donnant mission de (voir P.V. de synthèse)

Vu les articles 16 et 151 à 155 du Code de procédure pénale :

Nous trouvant à PARIS 3ème - 12 rue de Béarn
faisons comparaître devant nous, à onze heures
le témoin ci-après nommé et lui donnons connaissance des faits pour
lesquels sa déposition est requise.

000485

Après avoir prêté serment de dire toute la vérité, rien que la vérité,
le témoin, entendu séparément et hors la présence de l'inculpé, dépose
ainsi qu'il suit :

Je me nomme STROHM (S T R O H M) Heinrich
Je suis né le 6 Juillet 1952 à ESCHWEILER (RFA)
Je suis sans emploi. Je suis de nationalité Allemande. Je suis domicilié 5 rue Dohis à VINCENNES 19
Je ne suis ni parent, ni allié, ni au service des parties.
la personne gardée à vue :

Heinrich Strohm

F. P. FAUCIE

DIVIDER
PAGE

ELEVE DES FICHES CONCERNANT :

DM : GOTOVINA

RENOM : AUTE

SERVICE :
 J.I.M. ZAMPONI
 V/REF. : DEMANDE DU 07/05/85

03566106

PAGE :

E LE 12 OCTOBRE 1955
 ZADAR (YOUUGOSLAVIE)

R.PERE : MILAN
 DM MERE: MIJVEĆ
 R.MERE : SLAVICA

M. LE JUGE D'INSTRUCTION
 TRIBUNAL DE GRANDE INSTANCE
 2 ET 4 BD DU PALAIS
 75055 PARIS R P

*** IDENTITE NON VERIFIABLE PAR LE SERVICE (ART.R.77 DU CPP) ***

1) LE 15/04/82 JUGE D'INSTRUCTION PARIS
 AVIS DE RECHERCHE.

NUMERO D'INSTRUCTION OU DE PARQUET : INSTR:443 - PA:81.357.2001/5
 NOM DU JUGE : TEXTIER

FICHE ENREGISTREE SOUS L'IDENTITE DE :
 GOTOVINA ANTE, NE LE 12 OCTOBRE 1955 A ZADAR (YOUUGOSLAVIE),
 ET PARRAISANT APPLICABLE A LA MEME PERSONNE.

2) LE 07/07/82 JUGE D'INSTRUCTION MARSEILLE
 MANDAT D'ARRET.

NUMERO D'INSTRUCTION OU DE PARQUET : 2046/81 75/81
 NOM DU JUGE : MELLE COUX

FICHE ENREGISTREE SOUS L'IDENTITE DE :
 GOTOVINA ANTE, NE LE 12 OCTOBRE 1955 A ZADAR (YOUUGOSLAVIE), FILS DE MILAN ET DE MIĆ
 SLAVICA,
 ET PARRAISANT APPLICABLE A LA MEME PERSONNE.

3) LE 23/12/82 JUGE D'INSTRUCTION TOULON
 AVIS DE RECHERCHE.

NUMERO D'INSTRUCTION OU DE PARQUET : INS:68/82 PA:15997/82
 NOM DU JUGE : BERNARD

FICHE ENREGISTREE SOUS L'IDENTITE DE :
 GOTOVINA ANTE, NE LE 12 OCTOBRE 1955 A ZADAR (YOUUGOSLAVIE),
 ET PARRAISANT APPLICABLE A LA MEME PERSONNE.

4) LE 06/09/84 TRIBUNAL DE GRANDE INSTANCE PARIS (16EME)
 DECISION CONTRADICTOIRE
 MANDAT DE DEPOT LE 02/09/84.

PEINES : 4 MOIS D'EMPRIS. AVEC SURSIS.
 2000 F D'AMENDE.
 CONFISCATION SPECIALE DU DOCUMENT SAISI.

INFRACTIONS : -7235-RECEL
 -0507-RECEL DE FAUX DOCUMENTS ADMINISTRATIFS
 LE 31/08/84.

FICHE ENREGISTREE SOUS L'IDENTITE DE :
 GOTOVINA ANTE, NE LE 12 OCTOBRE 1955 A ZADAR (YOUUGOSLAVIE), FILS DE MILAN ET DE MIĆ
 ANNA,
 ET PARRAISANT APPLICABLE A LA MEME PERSONNE.

5) LE 09/11/84 TRIBUNAL DE GRANDE INSTANCE NANTERRE
 MANDAT D'ARRET.

NUMERO D'INSTRUCTION OU DE PARQUET : INST.94/84
 NOM DU JUGE : DUCLAUD

FICHE ENREGISTREE SOUS L'IDENTITE DE :

000031

Le Magistrat chargé du Casier Judiciaire National

EF : 85148/074948/00CF/81/884610/2



RÉPUBLIQUE FRANÇAISE
MINISTÈRE DE LA JUSTICE
DIRECTION DES AFFAIRES CRIMINELLES ET DES GRÂCES

CASIER JUDICIAIRE NATIONAL
44079 — NANTES CEDEX

RELEVÉ DES FICHES CONCERNANT :

BULLETIN NUMERO 1

NOM : GOTOVINA

SERVICE :

03566107

PRENOM : AUTE

J. J. M. ZAMPONI

V/REF. : DEMANDE DU 07/05/85

PAGE

M. LE JUGE D'INSTRUCTION
TRIBUNAL DE GRANDE INSTANCE

2 ET 4 BD DU PALAIS

75055 PARIS R P

GOTOVINA ANTE, NE LE 12 OCTOBRE 1955 A ZADAR (YUGOSLAVIE), FILS DE MILAN ET DE MI
SLAVICA,
ET PARAISSANT APPLICABLE A LA MEME PERSONNE.

BULLETIN DELIVRE LE 28/05/85.

000030

Appendix 13
Extracts of the Minutes of the Registry of the Court of Appeal of Paris
25 March 1986

*96
notes
3 pages*

EXTRAIT des MINUTES du ~~SECRETARIAT~~ GREFFE
de la COUR d'APPEL de PARIS

442-84

LA COUR D'ASSISES DE PARIS a rendu à la date
du : 25 MARS 1986, l'arrêt dont la teneur suit :

DU 25 MARS 1986

Vu l'arrêt rendu le : 27 MARS 1984 par la
Chambre d'Accusation de la Cour d'Appel de PARIS,
lequel ordonne la mise en accusation et le renvoi
devant la COUR D'ASSISES DE PARIS, de :

rrêt qui condamne :

GOTOVINA Ante à

fc GOTOVINA Ante

5 ans de =R.C.

né le 12 OCTOBRE 1955 à ZADAR (Yougoslavie=)
de Milan et de Mioev SLAVICA
scaphandrier - demeurant chez M. FERRARI, 9, rue
du Général Lanrazac - PARIS 75017
M.A. du 15 avril 1982 - M.A. international
du 6 avril 1983 -- OPC exécutée le 31/8/84
jamais condamné -

29 mars 1984.

Vu l'exploit en date du portant
signification dudit arrêt de renvoi à l'accusé,

Vu l'exploit en date du : 29 mars 1984
portant signification dudit arrêt de renvoi à la par-
tie civile ;

Vu l'exploit en date du : 4 MARS 1986 portant
signification de la liste des Jurés de la session
audit accusé ;

Vu le procès verbal de communication en date du
25 MARS 1986 à 13 heures 15 portant à la connais-
sance de l'accusé, l'arrêt modifiant la composition
de la liste des Jurés de la session.

Vu le procès verbal constatant que les débats
ont été ouverts le même jour 25 MARS 1986 à
13 heures 40.

LA COUR D'ASSISES constituée conformément aux
dispositions des articles 240 à 267, 296 et 303 du
Code de Procédure Pénale, après avoir entendu
M. GUILLOUX Avocat Général en ses réquisitions pour
l'application de la loi pénale, Me LETORT,
Conseil de GOTOVINA Ante et GOTOVINA Ante lui-même
qui eue la parole le dernier, en leurs plaidoirie et
observations.

Après avoir délibéré sans déssemparer, tant sur
la culpabilité que sur l'application de la peine, con-
formément aux dispositions des articles 355 à 365 du
Code de Procédure Pénale et en Chambre du Conseil.

Vu la déclaration de la Cour et du Jury ren-
due sur les questions posées par le Président ;

Considérant qu'il résulte de la déclaration
de la Cour et du Jury qu'à la majorité de huit
voix au moins :

Ière page./.

*FOURVE
GOTOVINA
Extrait le 9.6.86
- F. P.C.
Copie G. M. LETORT le 25.4.88
qui M. de la J. (Admin. Pénit.)
J. P. M. O) M. S. de la J.
le 08.01.87 -*

AD

- GOTOVINA Ante est coupable : - d'avoir à PARIS, le 29 septembre 1981, frauduleusement soustrait une somme de 25.000 frs, des pièces d'or, des chèquiers, une collection de timbres, des bijoux, des pièces de vaisselle et d'argenterie et autres objets mobiliers, le tout d'une valeur de 2.000.000 francs, au préjudice des époux SOLOMON Henri, avec ces circonstances : - que la soustraction frauduleuse ci-dessus spécifiée a été commise : - 1) avec violences sur la personne de M. SOLOMON Henri - 2) avec violences sur la personne de Sara KORZUCH EP. SOLOMON - 3) ses auteurs ou l'un d'eux étant porteurs d'armes apparentes ou cachées.

Qu'il résulte de la même déclaration de la Cour et du Jury, qu'il existe des circonstances atténuantes en faveur de GOTOVINA Ante.

Que les faits ci-dessus déclarés constants par la Cour et le Jury constituent le crime prévu et puni par les articles 379 - 382 al. 1 et 384 al. 2 du Code Pénal, modifiés à raison des circonstances atténuantes par l'art/463 du même Code.

Vu lesdits articles ensemble l'article 18 du Code Pénal.

Faisant application desdits articles dont il a été fait lecture par le Président ;

CONDAMNE : GOTOVINA Ante à la peine de :

CINQ ANNEES DE RECLUSION CRIMINELLE

ET vu la loi du 22 juillet 1948 sur les droits de poste et les dispositions de l'article 366 du Code de Procédure Pénale, ainsi que l'article 750 du même Code sur la contrainte par corps, condamne GOTOVINA Ante envers l'Etat et par corps aux frais du procès liquidés à la somme de : 5.414,05 Frs, plus 352,00 Frs de droits de poste et 500,00 Frs de droit fixe de procédure.

Et ordonne que le présent arrêt sera exécuté à la diligence de M. le Procureur Général.

2ème page ./.

AD

23

arrêt criminel : GOTOVINA Anté du 25/3/86

FAIT ET PRONONCE AU PALAIS DE JUSTICE A PARIS, le
25 MARS 1986, en audience publique de la COUR D'ASSISES;
en présence de M. GUILLOUX Avocat Général, où siégeaient

- M. COLOMB Conseiller à la Cour d'Appel de PARIS -
PRESIDENT -

- M. COUJARD Juge au Tribunal de Grande Instance de PARIS
et M. HUMETZ Juge d'Instruction au Tribunal de Grande
Instance de PARIS - ASSESSEURS -

- les nommés : PITAUD EP. FORGET Marie-Françoise -
HERPIN Gérard - BRETAUT Claude - LATHIERE Claude -
ALBASSIER Marie-Louise - LAUBRETON Michèle - GUIGNIER
EP. SCHOBBER Jeanine - MOINET EP. GUENEGAN Paulette -
DURIAUX François - JURES DE JUGEMENT -

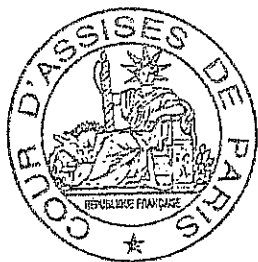
mot rayé nul./

assistés de Mme DUCHAUSSOY Greffier.

Et ont signé le présent arrêt M. COLOMB Président
et Mme DUCHAUSSOY Greffier.

3ème et dernière page./.

POUR COPIE CERTIFIÉE CONFORME
P/Le Greffier en Chef



Appendix 14
Extracts from the minutes of the Registry of the *Paris Tribunal de
Grande Instance*
6 December 1995

**PARQUET
DU
TRIBUNAL
DE GRANDE
INSTANCE
DE PARIS**

03402195



Ministère Public
c/
GOTOVINA

03402196

République française
Au nom du Peuple français

TRIBUNAL DE GRANDE INSTANCE
du Greffe
Tribunal de Grande Instance de Paris

TRIBUNAL DE GRANDE INSTANCE DE PARIS

13eme chambre

N° d'affaire : 9110502389 Jugement du : 06 décembre 1995

n° : 2

NATURE DES INFRACTIONS : tentative d' EXTORSION PAR FORCE, VIOLENCE OU CONTRAINTE DE SIGNATURE, PROMESSE, REMISE DE FONDS OU VALEURS,

TRIBUNAL SAISI PAR : Ordonnance de renvoi du juge d'instruction en date du 18 septembre 1995 suivie d'une citation,

PERSONNE POURSUIVIE :

Nom : GOTOVINA
Prénoms : Ante
Né le : 12 octobre 1955 Age : 40 ans
A : ZADAR (Yougoslavie)
Fils de : Milan GOTOVINA
Et de : Slavisa MIJOCEV
Nationalité : française
Domicile : Ayant demeuré 12 Rue Brey
75017 PARIS-17E ARRONDISSEMENT
Actuellement sans domicile connu
Antécédents judiciaires : déjà condamné
Mesures de sûreté : mandat d'arrêt art.131 c.p.p. en date du 28 mai 1993,
Situation pénale : libre
Comparution : NON COMPARANT, DEFAILLANT

PROCEDURE D'AUDIENCE

Attendu que par ordonnance de l'un des juges d'instruction de ce siège en date du 18 septembre 1995, Ante GOTOVINA est renvoyé devant ce Tribunal pour avoir à Paris en Juillet 1989 depuis temps non prescrit, tenté d'obtenir par

Pour copie certifiée conforme:

Paris, le 29/10/95.

Le Greffier

Page n° 1

03402198

Jugement n° 2

PAR CES MOTIFS

Le tribunal statuant publiquement, en matière correctionnelle, en premier ressort, et par jugement de défaut à l'encontre de M Ante GOTOVINA.

SUR L'ACTION PUBLIQUE :

Vu l'article 112-1 du Code Pénal.

DECLARE Ante GOTOVINA COUPABLE pour les faits qualifiés de : tentative d'EXTORSION PAR FORCE, VIOLENCE OU CONTRAINTE DE SIGNATURE, PROMESSE, REMISE DE FONDS OU VALEURS,

Vu les articles susvisés,

CONDAMNE Ante GOTOVINA à 30 mois d'emprisonnement.

La présente décision est assujettie à un droit fixe de procédure d'un montant de SIX CENTS FRANCS - (600,00 francs) dont est redevable Ante GOTOVINA.

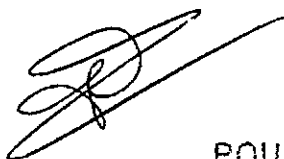
A l'audience du 06 décembre 1995, 13eme chambre, le tribunal était composé de :

Président : MME. Anny DAUVILLAIRE-ALLAL, vice-président

Assesseurs : M. Pierre BREGEAT, juge
MME. Colette LACORDAIRE, juge

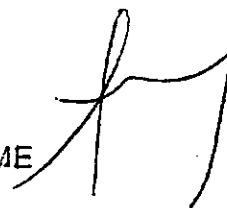
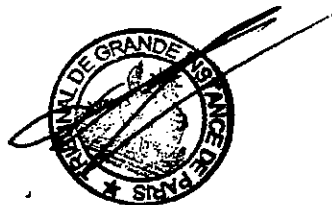
Ministère Public : M. Michel FREZOULS, substitut

Greffier : MME. Annette RUVEL, greffier

LE GREFFIER**LE PRESIDENT**


POUR COPIE CERTIFIÉE CONFORME
Lo Greffier en Chef,

Greffier

Pour copie certifiée conforme
Paris, le 29/07/03.
Le Greffier

Page n° 3

DIVIDER
PAGE

0340-2195-0340-2198-ET/Translation

/handwritten:/ 2

Prosecution Service

v.
GOTOVINA/stamp:/ EXTRACT FROM THE MINUTES
of the Registry
Paris Tribunal de Grande Instance**French Republic**
On behalf of the French people**PARIS TRIBUNAL DE GRANDE INSTANCE****13th Chamber**Case number: **9110502389**Judgment of: **6 December 1995**no.: **2****NATURE OF OFFENCES:** attempted EXTORTION OF A SIGNATURE,
PROMISE OR TRANSFER OF FUNDS OR SECURITIES BY MEANS OF
FORCE, VIOLENCE OR DURESS.**COURT SEISED PURSUANT TO:** the examining judge's committal order of
18 September 1995 accompanied by a summons,**ACCUSED:**

Name	:	GOTOVINA	
First names	:	Ante	
Born on	:	12 October 1955	Age: 40 years old
In	:	ZADAR, Yugoslavia	
Son of	:	Milan GOTOVINA	
And	:	Slavisa MIJOCEV	
Nationality	:	French	
Place of residence	:	Previously domiciled at 12 rue Brey 75017 PARIS - 17 th <i>arrondissement</i> current address unknown	
Criminal record	:	previously convicted	
Restrictive measures	:	arrest warrant, article 131 of the Code of Criminal Procedure of 28 May 1993,	
Penal status	:	free	
Appearance	:	NOT APPEARING, DEFAULTING	Judgment no. 2

HEARINGConsidering that, by order of one of the examining judges of this jurisdiction
dated 18 September 1995, Ante GOTOVINA has been committed for trial before/stamp:/ True certified copy
Paris, 29 July 2003
Registrar

/signed/

Page no. 1

0340-2195-0340-2198-ET/Translation

this Court for having attempted to extort, by means of threats, a sum of 6 million francs from Mr SANGUINEDE in Paris in July 1989, which offence is not time-barred; that the attempt consisted of initial steps taken to execute the plan and of threats; that it failed only as a result of circumstances beyond the control of the perpetrator (victim's resistance) who is deemed a recidivist by law as he was sentenced by the Paris *Cour d'Assises* to 5 years' imprisonment for aggravated robbery on 25 March 1986.

Crimes provided for and punishable under articles 2, 3, 57 and 400 of the Penal Code abrogated by the act of 16 December 1992 but in force at the material time and articles 121-5, 132-9, 312-1, 312-9, 131-26, 131-27 and 131-31 of the Penal Code.

When the case was called, the presiding judge stated the identity of the accused and gave notice of the order by which the court was seised of the matter.

Bearing in mind Mr Ante GOTOVINA's failure to appear and noting that the summons has not been personally served on the individual concerned and that it has not been established that he is aware of the summons, there is cause to pronounce judgment in his absence, in application of the provisions of article 142 of the Code of Criminal Procedure.

The proceedings were held in open session.

The presiding judge set out the facts forming the basis of the prosecution.

The prosecution service's submissions were heard.

The registrar took minutes of the proceedings.

Having deliberated, the court made the following ruling.

REASONS

WITH RESPECT TO THE PROSECUTION:

The case file and proceedings show that Ante GOTOVINA must be found guilty of the facts characterised as:
attempted EXTORTION OF A SIGNATURE, PROMISE OR TRANSFER OF FUNDS OR SECURITIES BY MEANS OF FORCE, VIOLENCE OR DURESS and that a conviction must be entered.

/stamp:/ True certified copy
Paris, 29 July 2003
Registrar

/signed/

Page no. 2

Having in mind the accused's previous record and the seriousness of the facts, only a non-suspended prison sentence can effectively prevent him from possibly re-offending.

FOR THESE REASONS

This court, ruling in open session, in criminal proceedings, in the first instance and in the absence of Mr Ante GOTOVINA.

WITH RESPECT TO THE PROSECUTION

Pursuant to article 112-1 of the Penal Code.

FINDS Ante GOTOVINA GUILTY of the facts characterised as:
attempted EXTORTION OF A SIGNATURE, PROMISE OR TRANSFER OF FUNDS OR SECURITIES BY MEANS OF FORCE, VIOLENCE OR DURESS,

Pursuant to the above articles,

SENTENCES **Ante GOTOVINA** to 30 months' imprisonment.

This decision incurs a fixed court fee in the sum of SIX HUNDRED FRANCS (600 francs) for which Ante GOTOVINA is liable.

At the hearing of 6 December 1995 in the 13th chamber, the court was composed of:

Presiding Judge: Vice-President Anny DAUVILLAIRE-ALLAL,

Judges: Judge Pierre BREGEAT
Judge Colette LACORDAIRE

Prosecution Service: Mr Michel FREZOULS, deputy prosecutor

Registrar: Mrs Annette RUVEL, registrar

REGISTRAR

PRESIDING JUDGE

/signed/

/signed/

/stamp:/ TRUE CERTIFIED COPY
Chief Registrar

/stamp and signature/

/stamp:/ True certified copy
Paris, 29 July 2003
Registrar

/signed/

Appendix 15
Gotovina's record of previous convictions submitted by the Ministry of
Justice of the Republic of France, and
Extract of Court of Appeal Decision, 23 August 1985

32 C.J.N NANTES 02/07/84 16:41:20 PAGE 001

03599709

RÉPUBLIQUE FRANÇAISE
MINISTÈRE DE LA JUSTICE
 Direction des Affaires criminelles et des grâces
 Casier judiciaire national
 44079 NANTES CEDEX 1

BULLETIN NUMÉRO 1

Page 1

BULLETIN DÉLIVRÉ LE 02/07/2004

applicable à

nom :	GOTOVINA	Mme/M. le Procureur
Prénom :	ANTE	Tribunal de Grande Instance
né	le 12 octobre 1955	Section : A2 TER
à	ZADAR (CROATIE)	14 Quai des Orfèvres
		75059 PARIS RP SP

V/Réf : ci

identité non vérifiable par le service (art.R.77 al.2 CPT)

Motif : DEMANDE URGENTE DE B1

Variante : identité(s) différente(s) paraissant concerner la même personne :

GOTOVINA ANTE né le 12 octobre 1955 à ZADAR (YUGOSLAVIE) de MILAN et de SLAVICA MIOEV.	Fiche 1
GOTOVINA ANTE né le 12 octobre 1955 à ZADAR (YUGOSLAVIE) de MILAN et de MIJOCEV.	Fiche 2
GOTOVINA ANTE né le 12 octobre 1955 à ZADAR (MACEDOINE) de GOTOVINA MILAN et de MIJOCEV SLAVISA.	Fiche 3

1 25 mars 1986
 COUR D'ASSISES DE PARIS

OF

contradictoire

(DESISTEMENT DE POURVOI LE 09/06/1986)

mandat de dépôt : 31/08/1984

5 ans de réclusion criminelle

00716201 : VOL QUALIFIE AVEC 3 DES 4 CIRCONSTANCES AGGRAVANTES PRECISEES
 le 29 septembre 1981

22/09/1987 : peine exécutée suite à libération conditionnelle

2 15 avril 1992
 TRIBUNAL CORRECTIONNEL DE PARIS

BK

tsvp

Réf : 0418416745/B1041840055/1636/01725118E/CJNDL206/003/N

32 CJN NANTES 02/07/04 16:42:00 PAGE 002

BULLETIN NUMÉRO 1 DÉLIVRÉ LE 02/07/2004

03599710

NOM : GOTOVINA

PRÉNOM : ANTE

Page 2

.../...

défaut
signifié à parquet le 27 août 1992

2 ans d'emprisonnement

00720401 : EXTORSION PAR FORCE, VIOLENCE OU CONTRAINTE DE
SIGNATURE, PROMESSE, REMISE DE FONDS OU VALEURS (complicité)
le 30 octobre 1990

00166001 : ARRESTATION, SEQUESTRATION OU DETENTION ARBITRAIRE SUIVIE D'UNE
LIBERATION AVANT LE 5 EME JOUR
le 30 octobre 1990

3 6 décembre 1995
TRIBUNAL CORRECTIONNEL DE PARIS - 13CH
REF : J/2

GH

défaut
signifié à parquet le 24 mai 1996

2 ans 6 mois d'emprisonnement

00720401 : EXTORSION PAR FORCE, VIOLENCE OU CONTRAINTE DE
SIGNATURE, PROMESSE, REMISE DE FONDS OU VALEURS (tentative)
courant juillet 1989



33 C.JN NANTES 05/07/04 11:27:41 PAGE 001

RÉPUBLIQUE FRANÇAISE
 MINISTÈRE DE LA JUSTICE
 Direction des Affaires criminelles et des grâces
 Casier judiciaire national
 44079 NANTES CEDEX 1

03599711

BULLETIN NUMÉRO 1

Page 1

BULLETIN DÉLIVRÉ LE 05/07/2004

applicable à

nom : GOTONINA
 Prénom : ANTE
 né le 12 octobre 1955
 à ZADAR (COREE DU SUD)

Mme/M.le Procureur
 Tribunal de Grande Instance
 Section : A2 TER
 14 Quai des Orfèvres
 75059 PARIS RP SP

V/Réf : SECTION C.R.INTERNATION

identité non vérifiable par le service (art.R.77 al.2 CPP)

Motif : DEMANDE URGENTE DE BI

Variante : identité(s) différente(s) paraissant concerner la même personne :

GOTOVINA ANTE né le 12 octobre 1955 à ZADAR (YUGOSLAVIE) de MILAN et de SLAVICA MIOEV.	Fiche 1
GOTOVINA ANTE né le 12 octobre 1955 à ZADAR (YUGOSLAVIE) de MILAN et de MIJOCEV.	Fiche 2
GOTOVINA ANTE né le 12 octobre 1955 à ZADAR (MACEDOINE) de GOTOVINA MILAN et de MIJOCEV SLAVISA.	Fiche 3

1 25 mars 1986
 COUR D'ASSISES DE PARIS

OF

contradictoire

(DESISTEMENT DE POURVOI LE 09/06/1986)

mandat de dépôt : 31/08/1984

5 ans de réclusion criminelle

00716201 : VOL QUALIFIE AVEC 3 DES 4 CIRCONSTANCES AGGRAVANTES PRECISEES
 le 29 septembre 1981

22/09/1987 : peine exécutée suite à libération conditionnelle

2 15 avril 1992
 TRIBUNAL CORRECTIONNEL DE PARIS

LK

tsvp

R6f : 0418711788/B1041870018/1105/01725118E/CJNCG364/003/N

33 CJN NANTES 05/07/04 11:28:08 PAGE 002

03599712

BULLETIN NUMÉRO 1 DÉLIVRÉ LE 05/07/2004

NOM : GOTONINA

PRÉNOM : ANTE

Page 2

.../...

défaut
signifié à parquet le 27 août 1992

2 ans d'emprisonnement

00720401 : EXTORSION PAR FORCE, VIOLENCE OU CONTRAINTE DE
SIGNATURE,PROMESSE,REMISE DE FONDS OU VALEURS (complicité)
le 30 octobre 1990

00166001 : ARRESTATION,SEQUESTRATION OU DETENTION ARBITRAIRE SUIVIE D'UNE
LIBERATION AVANT LE 5 EME JOUR
le 30 octobre 1990

3 6 décembre 1995
TRIBUNAL CORRECTIONNEL DE PARIS - 13CH
REF : J/2

GH

défaut
signifié à parquet le 24 mai 1996

2 ans 6 mois d'emprisonnement

00720401 : EXTORSION PAR FORCE, VIOLENCE OU CONTRAINTE DE
SIGNATURE,PROMESSE,REMISE DE FONDS OU VALEURS (tentative)
courant juillet 1989



Réf : 0418711788/B1041870018/1105/01725118E/CJNCG364/003/N

Siège du Casier judiciaire national

DIVIDER
PAGE

03566092

Du 27, mars 1984

00971

COUR D'APPEL DE PARIS

DB

7

N° 442-84

CHAMBRE D'ACCUSATION.

Section C

Extrait des minutes du Secrétariat-Greffe
de la Cour d'Appel de Paris
(N°

ARRET

pages)

prononcé en chambre du conseil le vingt sept mars
mil neuf cent quatre vingt quatre

DECISION

Mise en accusation
de :

- 1/ BOYER Philippe
- 2/ CHAILLOT Jean Louis
- 3/ ERULIN Dominique
- 4/ GOTOVINA Ante

PARTIES EN CAUSE :

Inculpé : 1°) BOYER Philippe, Louis, André né le 5 mai 1955 à Paris , de Louis et de Suzanne NIQUET
sans profession, demeurant 68 rue Vieille du Temple, PARIS, 3^{em}
Détenu aux Prisons de Fresnes, en vertu d'un mandat de dépôt
du 5 février 1982 , décerné par M. Philippe TEXIER , juge d'instruction à Paris
Inculpé de vol avec port d'armes
Ayant pour conseil Me BENAROCH, avocat

2°) CHAILLOT Jean Louis Edmond né le 11 octobre 1944 à PARIS 18 de Louis Henri et de Jeanne Thérèse MULLER
Employé des sociétés de protection demeurant 83 rue Danielle Casanova à Pavillon Sous Bois (93)
Détenu aux prisons de Fresnes, en vertu d'un mandat de dépôt du 2 février 1982 , décerné par M. Philippe TEXIER juge d'instruction à Paris
Inculpé de vol avec port d'armes
Ayant pour conseil Me TEMINE avocat

3°) ERULIN Dominique Henri, Marie Joseph né le 26 janvier 1938 à Saint Dié (88) , de Anselme, Joseph, André et de JOVIGNOT Marie Simone
En fuite
Mandat d'arrêt du 15 avril 1982 ,
Mandat d'arrêt international du 6 avril 1983 , décernés par M. Philippe TEXIER, juge d'instruction à Paris
Inculpé de vol avec port d'arme

4°) GOTOVINA Ante né le 12 octobre 1955 à Zadar (Yougoslavie de Milan et de Mioev Slavica
En fuite
mandat d'arrêt du 15 avril 1982
Mandat d'arrêt international du 6 avril 1983
décernés par M Philippe TEXIER juge d'instruction à Paris
Inculpé de vol avec port d'arme

Renvoi devant la
Cour d'Assises
de : PARIS
de :

- 1/ BOYER Philippe
- 2/ CHAILLOT Jean Louis
- 3/ ERULIN Dominique
- 4/ GOTOVINA Ante

PREMIERE PAGE

Partie civile : M. SOLOMON Henri
gérant de société
demeurant 42 rue Cortambert à PARIS 16^{eme}

ayant élu domicile au cabinet de M^e COHEN UZAN
ayant pour conseil M^e COHEN UZAN
demeurant 114 avenue de Versailles à PARIS 16^{eme}

avocat
avocat

C 76

16
3200 h
12.13.14

COMPOSITION DE LA COUR

lors des débats, du délibéré et du prononcé de l'arrêt :

03566093

Monsieur GONDRE Président
Messieurs BELLAT et MONNOT conseillers

~~SECRET~~ ~~TAPE~~ GREFFIER : Madame ARGAILLIOT

MINISTERE PUBLIC :

représenté aux débats par
et au prononcé de l'arrêt par Monsieur BOIZARD avocat général

DEBATS :

A l'audience, en chambre du conseil le treize mars
mil neuf cent quatre vingt quatre
ont été entendus :

M. MONNOT conseiller en son rapport ;
M. BOIZARD Avocat Général en ses réquisitions ;
M^e COHEN UZAN
conseil de la partie civile, ~~en~~ ~~=====~~ ~~observations sommaires~~ ne s'est
pas présenté - Me AMIEL substituant Me BENARROCH
conseil de l'inculpé, ~~en~~ ~~observations sommaires~~ et qui ~~eu la~~
~~parole le~~ ~~dernier~~

BOYER Philippe en ses observations sommaires et qui a eu la parole
le dernier
Me TEMINE, conseil de l'inculpé CHAILLOT Jean Louis, ne s'est pas
présenté .

DEUXIEME PAGE

03566094

RAPPEL DE LA PROCEDURE

Le neuf février mil neuf cent quatre vingt quatre le Juge d'instruction du tribunal de grande instance de PARIS a ordonné que dossier de la procédure et un état des pièces à conviction soient transmis par le Procureur c la République au Procureur Général près la Cour d'Appel ;

Par lettres recommandées en date du neuf février mil neuf cer quatre vingt quatre cette ordonnance a été portée à la connaissance d es inculpés de la partie civile et de leur conseil s .

Par lettres recommandées en date du six mars mil neuf cer quatre vingt quatre le Procureur Général a notifié aux inculpés et a la partie civile ainsi qu'a leurs conseil , la date à laquelle l'affaire sera appelée l'audience.

Le même jour, le dossier comprenant le réquisitoire écrit du Procureur Général en dat du quatre mars mil neuf cent quatre vingt quatre a été déposé au greffe de la chambre d'accusation et tenu à la disposition du conseil des parties.

Les formes et délai de l'article 197 du code de procédure pénale ont été observés.

M^e _____, avoca
a déposé au nom de _____
_____ mil neuf cent _____
_____ heures _____ au greffe de la chambre d'accusation un mémoire
visé par le greffier et communiqué au ministère public et aux autres parties.

M^e _____, avoca
a déposé au nom de _____
_____ mil neuf cent _____
_____ heures _____ au greffe de la chambre d'accusation un mémoire
visé par le greffier et communiqué au ministère public et aux autres parties.

C 76 A

TROISIEME PAGE

Appendix 16
Final Prosecution Submissions on Committal for Trial at the *Tribunal*
Correctionnel
13 January 1992

03402180

Juge d'instruction : M. RICARD

COUR D'APPEL
DE PARISTRIBUNAL
DE GRANDE INSTANCE
DE PARISPARQUET
DU
PROCUREUR DE LA REPUBLIQUE**RÉQUISITOIRE DÉFINITIF**
DE RENVOI DEVANT LE TRIBUNAL CORRECTIONNEL*Le Procureur de la République près le Tribunal de grande instance de Paris**Vu les pièces de l'information suivie contre*

N° du Parquet : P90-323-2008/5

N° de l'Instruction : -86

ALIX Marie-Josèphenée le 12 septembre 1937 à COUTANCES
demeurant 10 avenue du Maréchal Delattre de Tassigny
SAINT MAURICE (94)LIBREMOREAU Claudené le 16 avril 1931 à LA CHARTRE (36)
demeurant 290 Bd Saint Denis - COURBEVOIE (92)DETENU A LA SANTE

MD du 5 janvier 1991

LIBRE 28-10-90 sous caution

SABLE Pierrené le 24 août 1935 à MARCILLE LA VILLE (53)
demeurant Bidé Moulié - CASTET ARROUY (53)DETENU A LA SANTE

MD du 5 janvier 1991

GREGOIRE Christianné le 23 août 1944 à NOGENT SUR MARNE (94)
demeurant 111 avenue d'Argenteuil - ASNIERES (92)DETENU A FRESNES

MD du 5 janvier 1991

Constatons ce jour,
4 février 1992, la
dépouille de l'original
du réquisitoire définitif
le renvoi devant le
tribunal correctionnel en
date du 13 janvier 1992.

En conséquence, réfléchons
le présent authentifié
par nos soins.

le 4-01-92

Nathalie BECACHE

Substitut

T.S.V.P.

n° 39 PARIS

Juge d'instruction : M. RICARD

03402181

COUR D'APPEL
DE PARISTRIBUNAL
DE GRANDE INSTANCE
DE PARISPARQUET
DU
PROCUREUR DE LA RÉPUBLIQUE**RÉQUISITOIRE DÉFINITIF**
DE RENVOI DEVANT LE TRIBUNAL CORRECTIONNEL

Le Procureur de la République près le Tribunal de grande instance de Paris

Vu les pièces de l'information suivie contre

N° du Parquet : P90 323 2008/5

N° de l'instruction : 86

ALIX Marie-Josèphenée le 12 septembre 1937 à COUTANCES
demeurant 10 avenue du Maréchal Delattre de Tassigny
SAINT MAURICE (94)LIBREMOREAU Claudené le 16 avril 1931 à LA CHARTRE (36)
demeurant 290 Bd Saint Denis - COURBEVOIE (92)DETENU A LA SANTE

MD du 5 janvier 1991

LIBRE 28-10-90 sans caution

SABLE Pierrené le 24 août 1935 à MARCILLE LA VILLE (53)
demeurant Bidé Moulié - CASTET ARROUY (53)DETENU A LA SANTE

MD du 5 janvier 1991

GREGOIRE Christianné le 23 août 1944 à NOGENT SUR MARNE (94)
demeurant 111 avenue d'Argenteuil - ASNIERES (92)DETENU A FRESNES

MD du 5 janvier 1991

notatous ce jour
le 4 février 1992, la
reproduction de l'original
du réquisitoire définitif
présenté devant le
Tribunal Correctionnel en
date du 13 janvier 1992.

En conséquence, répliquons
le présent authentifié
par nos soins.

le 4-01-92

Nathalie BECACHE

Substitut

03402182

ROCHAT Paul

né le 4 novembre 1936 à SAINT NAZAIRE (44)
demeurant 10 avenue du Maréchal Delattre de Tassigny
SAINT MAURICE (94)

LIBRE SOUS CONTROLE JUDICIAIRE

MD du 5 janvier 1991
MLCJ du 4 octobre 1991

GOTOVINA Anté

né le 12 octobre 1955 à ZADAR (Yougoslavie)

MANDAT D'ARRET du 14 octobre 1991

**Inculpés de séquestration avec enlèvement
extorsion de fonds**

X X X

ATTENDU QUE L'INFORMATION A ETABLI LES FAITS SUIVANTS :

Le 15 novembre 1990, Gérard TOURMETZ, administrateur de sociétés, déposait plainte avec constitution de partie civile pour séquestration arbitraire avec enlèvement, et extorsion de fonds commis à son préjudice le 30 octobre 1990.

Entendu le 28 novembre par les policiers de la Brigade
pression du ~~Commissaire~~ saisie sur commission rogatoire, le plaignant relatait
banditisme les faits suivants :

5/10

Séparé de son épouse Brigitte RAY dont il a deux enfants, il vit habituellement avec sa compagne Annick JENSEN et leur enfant commun dans une maison située à Saint-Rémy-les-Chevreuse (78).

.../...

03402183

Le 30 octobre 1990 vers 10 heures, il quittait son domicile à bord de son véhicule RANGE ROVER pour se rendre à Orly où il devait prendre un avion à destination de TOULOUSE pour un rendez-vous professionnel. Environ quatre kilomètres après Saint-Rémy-les-Chevreuse, sur la commune de Saint Aubin des Bois, il se voyait intercepté par un véhicule gris équipé d'un gyrophare et d'un avertisseur deux-tons.

11 Tandis que le conducteur restait à bord, deux passagers en descendant, l'un, de forte corpulence âgé d'une cinquantaine d'année, l'autre à l'accent yougoslave prononcé, âgé d'une trentaine d'année. Le premier, qui se présentait comme policier, exhibait une carte professionnelle et lui demandait ses papiers d'identité pendant que le second fouillait son véhicule et en sortait son blouson et un agenda. Sous le prétexte de le conduire dans leur locaux, les "faux policiers" le faisaient monter dans leur véhicule et dès lors, leur attitude changeait.

L'individu corpulent, passager arrière à côté de qui il devait prendre place, l'obligeait à se coucher et le recouvrait d'une couverture tandis que le yougoslave, à la place du passager avant, le malmenait, exhibait une arme à feu et aidait son complice à le menotter.

12 C'est dans cette posture qu'il parvenait, après un trajet d'une quarantaine de minutes, à une maison à l'intérieur de laquelle on retirait ses liens. Il se trouvait dans une salle d'eau vétuste où, à l'aide de ménottes, on l'attachait à la tuyauterie et on lui enfilait une cagoule. On lui expliquait alors qu'il devait payer une somme de 1.500.000 francs sinon "il était un homme mort".

Ce n'est que deux heures plus tard environ que les deux mêmes individus lui indiquaient qu'il devait proposer à titre de caution pour le versement de cette somme "un policier, un préfet, ou quelqu'un du milieu...".

Il énumérait donc les noms de plusieurs de ses amis, au moins cinq selon lui, dont chacun devait successivement être rejeté après concertation des trois malfaiteurs dans une pièce voisine. Mais à l'énoncé du nom de Claude MOREAU, et après une nouvelle et rapide concertation, on lui annonçait que celui-ci était accepté.

Il s'agissait d'une relation de longue date, garagiste, qui partageait avec lui la passion des voitures anciennes.

L'individu qui avait fait office de chauffeur, jusqu'alors plutôt en retrait, prenait à ce moment la direction des événements.

Il apportait un appareil téléphonique et lui demandait d'appeler MOREAU.

.../...

03402184

Le plaignant précisait qu'il avait ainsi informé MOREAU de sa situation et de la somme qui lui était réclamée ; son interlocuteur acceptait le principe de se porter "caution" dans cette affaire. Plus tard, vers 20 heures, selon TOURMETZ, ses ravisseurs l'informaient que MOREAU n'était pas jugé suffisamment "solide" et qu'il devait citer une deuxième personne à titre de caution supplémentaire. Ce sera l'objet d'un deuxième appel au cours duquel MOREAU citera le nom de Pierre SABLE et s'engagera à le prévenir. Contacté une troisième fois, MOREAU confirmait que SABLE avait accepté et arrivait à Paris aussitôt par avion, du département du Gers où il demeure. Vers minuit, un dernier appel chez MOREAU permettait d'obtenir directement le dénommé SABLE, lequel s'entretenait alors avec le "chauffeur". Tutoyant son interlocuteur, celui-ci lui proposait un rendez-vous avec un certain Antoine pour s'accorder sur la suite des opérations.

D'après les discussions entretenues avec ses ravisseurs et notamment le yougoslave, TOURMETZ comprenait que sa maison de Saint-Rémy-les-Chevreuse avait fait l'objet d'une surveillance dans les jours précédents et que l'on connaissait beaucoup de choses sur sa vie personnelle et les membres de sa famille.

Dans la nuit, il était raccompagné, menotté et cagoulé jusqu'à son véhicule, à bord duquel, enfin libéré, il se rendait à Saint-Rémy-les-Chevreuse. Il était trois heures. Sa compagne étant absente, il joignait son épouse par téléphone et finissait la nuit chez elle où il lui relatait les faits. Dans la matinée suivante (31 octobre), il prenait contact avec SABLE par téléphone au domicile de MOREAU où il était hébergé, et rendez-vous était fixé entre eux dans une brasserie parisienne.

Là, SABLE lui expliquait qu'après avoir vu le prénommé "Antoine", il était exigé un premier versement de 500.000 francs. Ils se retrouvaient le lendemain vers 20 heures, avenue Marceau (8ème arrondissement) derrière le Drugstore Publicis, où TOURMETZ déclarait lui avoir remis une somme de 250.000 en espèces.

SABLE lui annonçait que MOREAU avait de son côté avancé une somme équivalente et que le solde devrait être versé avant la fin de l'année.

16 TOURMETZ devait revoir MOREAU quelques jours plus tard et lui proposait, afin de le rembourser en partie, de vendre pour son compte un véhicule ancien de collection de marque TRIUMPH TR 3.

20 Notons que l'épouse de TOURMETZ confirmait avoir reçu la visite en pleine nuit le 31 octobre de son mari et recueilli ses confidences et ses craintes concernant leurs enfants. Il portait, précisait-elle, des marques à ses poignets qui étaient très enflés.

.../...

Sa compagne, Annick JENSEN, déclarait avoir revu TOURMETZ le 4 novembre après avoir appris ses mésaventures de sa bouche, par téléphone. Elle confirmait l'existence de nettes blessures aux poignets.

Dans ce sens, le plaignant remettait un certificat médical du 30 novembre qui constatait, un mois après les faits, l'existence d'une plaie du poignet gauche en voie de cicatrisation à propos de laquelle l'expert saisi en cours d'information dira qu'elle est compatible avec des lésions dues à un menottage serré.

03402185

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Les enquêteurs de police identifiaient rapidement Claude MOREAU et Pierre SABLE, individus très défavorablement connus de leur service. Le premier vivait à Courbevoie où il exploitait en effet un garage, et hébergeait habituellement le second lors de ses séjours parisiens. Or les écoutes mises en place à partir des lignes téléphoniques du domicile et du garage de MOREAU permettaient de mettre en évidence de nombreuses conversations manifestement en relation avec les faits, soit entre la victime et les deux mis en cause, soit entre SABLE ou MOREAU bien connu des services de police : René ROCHAT, Christian GREGOIRE et Anté GOTOVINA.

Le plaignant devait reconnaître formellement ces trois hommes comme étant ses ravisseurs, sur présentation de trois photographies de groupes (D193 - 195 - 196).

Pressé par MOREAU, TOURMETZ décidait en l'aison avec les policiers, de rembourser une partie de la somme de 250.000 francs que celui-ci avait prétendu avancer. Il prenait toutefois la précaution de photographier les billets constituant la somme convenue, et les lui remettait, le 5 décembre vers 15 heures, au domicile de MOREAU, en présence dira-t-il de Pierre SABLE.

à 60

Les policiers, qui surveillaient les abords des lieux, prenaient en filature ce dernier au moment où il sortait de l'immeuble peu de temps après cette remise d'argent. Ils le suivaient jusqu'à un magasin de vêtements de fourrure où ils constataient que SABLE avait réglé d'importants travaux de réparation de manteaux (12.000 F) avec des billets qui faisaient partie du lot remis à MOREAU.

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Par la suite, d'après les conversations téléphoniques interceptées et les déclarations de TOURMETZ, des négociations s'engageaient aux fins de repousser le jour de versement du solde exigé au 3 janvier 1991.

A cette date était en réalité décidée l'interpellation de SABLE, MOREAU, GREGOIRE et ROCHAT. GOTOVINA, quant à lui restait introuvable. Il avait déserté avec précipitation l'appartement qu'il occupait courant décembre 1990, en abandonnant des effets personnels et négligeant de régler son loyer. Seule une trace de son passage à l'Ambassade du Paraguay le 17 décembre était relevée : il avait sollicité l'obtention d'un visa touristique, et fixé la date de son départ au 26 décembre 1990.

Un mandat d'arrêt était délivré contre lui le 14 octobre 1991 pour séquestration avec enlèvement, extorsion de fonds et tentative.

Si GREGOIRE s'efforcera tout au long du dossier de nier toute intervention de sa part aux faits, SABLE, ROCHAT et MOREAU admettront en revanche leur participation tout en la minimisant d'une part, et en évitant d'autre part de mettre en cause leurs co-inculpés.

L'information a permis de conforter les termes de la plainte sur les points suivants :

I - La préparation de l'opération du 30 octobre 1990

781 D206
780
Tout au long de la procédure, Pierre SABLE devait soutenir avoir agi pour le compte d'un tiers (dont le nom ne sera jamais dévoilé), avec pour mission, le recouvrement d'une créance sur TOURMETZ d'une valeur de 200.000 francs. Il s'agissait selon lui de transactions non honorées portant sur deux ou trois véhicules automobiles allemands qui auraient faits l'objet d'une saisie entre ~~les mains de TOURMETZ.~~

781
780
Notons que les vérifications entreprises sont en contradiction avec ces allégations : TOURMETZ n'a acquis par le passé qu'un seul véhicule de marque allemande, de manière parfaitement régulière ; il est de surcroît inconnu des services spécialisés dans les trafics de véhicules.

813
SABLE maintenait toutefois sa position, ajoutant que ce tiers lui avait laissé entendre qu'il pourrait se rémunérer, pour l'exécution de cette mission, à hauteur de 200.000 francs. C'est donc une somme de 400.000 francs qu'il avait décidé d'obtenir de TOURMETZ.

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03402187

Dans un premier temps, SABLE prétendait que pour arriver à ses fins, il avait contacté deux amis chargés d'intimider TOURMETZ, de "le bousculer un peu" selon sa propre expression.

Ils devaient agir à leur convenance, aucune opération d'enlèvement ou de séquestration n'avait été évoquée, l'essentiel étant que TOURMETZ en vienne à solliciter l'aide de SABLE.

17. En réalité, Paul ROCHAT finissait, après avoir tenté de mettre SABLE hors de cause (D739), par fournir des explications crédibles sur l'organisation des faits : il savait qu'une opération destinée à impressionner un débiteur récalcitrant était projetée par SABLE. Il en ignorait les modalités et le nom de la victime, ce qui est compatible avec les déclarations de TOURMETZ selon lesquelles il ne connaissait aucun de ses ravisseurs. Le 29 octobre, il recevait un appel téléphonique lui fixant un rendez-vous tôt le lendemain matin, dans un débit de boisson du 16ème arrondissement (rue de la Pompe). Le 30 octobre il s'y rendait et rencontrait alors ceux qui joueraient le rôle du conducteur du véhicule et du passager (il s'agit de GREGOIRE et GOTOVINA d'après les éléments du dossier). Tous trois passaient à l'action quelques heures plus tard.

18. Suite aux aveux de ROCHAT, SABLE devait convenir être l'instigateur essentiel du scénario mis au point pour le 30 octobre et les deux mois suivants, et avoir fourni aux "exécutants", tous les renseignements, concernant la vie personnelle de TOURMETZ, utiles à son enlèvement et propres à l'intimider.

A ce sujet, la partie civile a soutenu que SABLE n'était pas une relation suffisamment intime pour avoir eu connaissance à la fois de la composition de sa famille et de sa résidence effective à Saint-Rémy-les-Chevreuse. Selon TOURMETZ, seul Claude MOREAU qu'il avait reçu à plusieurs reprises chez lui, avait pu transmettre de tels renseignements à SABLE avant les faits, ce que réfutent les deux mis en cause.

II - Le déroulement des faits du 30 octobre 1990

16. Il convient de rappeler que TOURMETZ avait formellement reconnu ses ravisseurs sur photographies et sur présentation dans les locaux de police comme étant ROCHAT, GREGOIRE et GOTOVINA.

.../...

03402188

Il précisait de surcroît, de façon circonstanciée et concordante d'un interrogatoire à l'autre la mission que chacun avait remplie :

- ROCHAT était l'homme plutôt corpulent qui, au moment de son enlèvement, avait exhibé une carte de police et s'était assis à ses côtés en l'obligeant à se coucher et se faire menotter.

Il l'avait fait partiellement déshabiller dans la salle de bains où il fut séquestré, lui avait notifié le montant de 1.500.000 francs qui lui était réclamé et la nécessité de proposer le nom d'une "caution".

- GOTOVINA était l'homme à l'accent yougoslave qui s'était assis à l'avant du véhicule et s'était montré le plus violent à son égard. Il l'avait en effet braqué avec son revolver, frappé à la tête, et l'avait malmené pour aider ROCHAT à le maintenir couché et le menotter.

- GREGOIRE était le conducteur du véhicule qui, selon la partie civile, exerçait un ascendant certain sur les deux autres. Il était notamment entré en action au moment des appels téléphoniques chez MOREAU, en lui parlant directement lors du deuxième appel, obtenant ainsi le nom de SABLE à titre de caution supplémentaire, et en conversant familièrement avec SABLE lors du quatrième appel afin de fixer une rencontre avec un certain "Antoine".

Si GREGOIRE devait persister durant la procédure à nier sa participation aux faits, les aveux passés par ROCHAT devant le magistrat instructeur venaient consolider l'ensemble des accusations de la partie civile qui n'avait par ailleurs jamais rencontré ces trois hommes auparavant.

De plus, l'information permettait d'établir la réalité de liens très étroits entre eux :

Malgré la mauvaise foi caractérisée dont GREGOIRE a fait preuve, il devait admettre avec beaucoup de réticences (D123 et D124) d'une part qu'il fréquentait ROCHAT plus assidûment qu'une simple relation de travail, d'autre part qu'il connaissait GOTOVINA bien mieux qu'il ne l'a prétendu (cf conversation téléphonique avec SABLE au cours de laquelle il s'enquiert à mots couverts de son numéro de téléphone D419 - 421).

03402189

Notons par ailleurs que GREGOIRE se trouve être le voisin, dans le GERS, de SABLE, avec lequel il entretient, de l'aveu de ce dernier, des relations étroites depuis de nombreuses années.

Enfin le départ précipité de GOTOVINA et sa fuite depuis les faits, associés au tissu de relations révélé par l'information entre ses co-inculpés SABLE, GREGOIRE et ROCHAT, permet de s'assurer de leur participation commune.

Les aveux de ROCHAT restaient toutefois en retrait par rapport au récit des faits par TOURMETZ. L'inculpé en effet se refusait à parler d'enlèvement, affirmant que ses comparses et lui n'avaient eu à user d'aucune violence ni arme ni menottes pour contraindre celui-ci à monter dans leur véhicule, lequel n'était pas non plus équipé de gyrophare à deux tons. Il admettait cependant l'avoir auparavant suivi, intercepté et ainsi effrayé suffisamment pour réduire toute résistance de sa part. Selon lui, TOURMETZ n'avait pas été séquestré dans un endroit fixe mais maintenu dans leur véhicule qui, s'acheminant vers Versailles, s'arrêtait à chaque cabine publique pour contacter MOREAU.

On notera que seul le récit de TOURMETZ, que rien n'est venu démentir au cours de l'information, est crédible, et qu'en tout état de cause l'arrestation arbitraire et la séquestration sont caractérisées.

De surcroît, le plaignant devait reconnaître, parmi les objets découverts au domicile de SABLE (perquisition du 3 janvier 1991 - D440) les deux paires de menottes dont on s'était servi pour l'entraver, de marque LAPEGY (scellé n°13), ainsi que l'une des armes avec laquelle on l'a menacé, un revolver RECK n°47608 (scellé n°10).

Selon ROCHAT, il s'agissait d'obtenir le nom d'une caution de la bouche de TOURMETZ : à chaque proposition, il était convenu qu'il fallait le soumettre à un interlocuteur tiers en composant un numéro de téléphone que SABLE leur avait communiqué (ce que ce dernier réfute - D707).

ROCHAT confirmait ainsi les déclarations de la partie civile selon lesquelles environ cinq personnes citées avaient été en vain soumises à un "accrément" avant d'arriver au nom de MOREAU qui était accepté.

Ce dernier affirmait qu'il avait été très surpris de l'appel de TOURMETZ qui était d'ailleurs son ami depuis 20 ans, et qu'il était parfaitement étranger au rapt du 30 octobre, son intervention n'étant que le fruit du hasard.

03402190

Cette position apparait bien peu crédible malgré les déclarations de SABLE dans le même sens.

On peut en effet douter qu'une opération aussi minutieusement montée ait laissé au hasard l'élément primordial qui consistait précisément à faire intervenir SABLE par tout moyen. Or MOREAU n'a pu expliquer pourquoi il avait justement pris l'initiative de le citer à titre de deuxième caution, lui-même s'étant spontanément proposé à hauteur de 250.000 francs (selon les dires de ROCHAT et TOURMETZ). Son attitude ultérieure confirmera que son rôle dépassait largement celui d'intermédiaire passif et désintéressé qu'il revendique.

De surcroît, de nombreux indices permettent de penser que SABLE se trouvait bien à Paris au domicile de MOREAU au moment des faits et non dans le Gers comme tous deux l'ont prétendu. Ceci résulte en premier lieu des déclarations de sa concubine, Corinne GOUROVITCH selon laquelle SABLE s'était rendu à Paris dès la mi-octobre et n'en était revenu que courant novembre.

En second lieu, l'enquête a prouvé que le 29 octobre, SABLE avait contacté son fournisseur en vin pour l'informer qu'à compter de cette date et pendant dix jours, il pouvait être joint au numéro de téléphone de MOREAU.

Sachant que l'enlèvement était prévu pour le 30 octobre au matin, il est peu probable que SABLE soit retourné dans le Gers pour en revenir nécessairement quelques heures plus tard.

III - Les remises d'argent

Selon la partie civile, quelques heures à peine après avoir été libéré par ses ravisseurs, il entra en contact avec SABLE qui d'une part lui imposait de verser 500.000 francs immédiatement d'autre part lui annonçait que MOREAU avait avancé pour lui 250.000 francs. Dès le lendemain selon lui, TOURMETZ maintenait avoir remis en espèces 250.000 francs à SABLE lors d'un rendez-vous fixé derrière le drugstore Publicis avenue Marceau, ce que ce dernier a toujours obstinément nié.

Or sur ce point, MOREAU a bien confirmé qu'il était parfaitement au courant de ce rendez-vous du 1er novembre 1990, et que SABLE lui-même lui avait indiqué avoir reçu la somme en question à cette date. Il rejoignait ainsi les déclarations de ROCHAT qui savait que 200 à 250.000 francs avait été versés à SABLE dans les jours suivants l'opération du 30 octobre. Notons que curieusement ce dernier a dû reconnaître, ainsi que sa concubine ALIX Marie-Josèphe, avoir touché à cette période 50.000 francs en espèces, somme qu'il attribue au paiement de travaux effectués dont il ne justifie nullement.

.../...

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Par la suite, Les écoutes téléphoniques pratiquées à partir du poste de MOREAU révélaient à quel point le rôle de ce dernier sera déterminant.

Jouant sur les liens de confiance qui l'unissait à TOURMETZ, c'est lui qui exercera une pression psychologique sur ce dernier, en prétendant s'être endetté pour lui rendre service, afin de l'amener à verser la somme de 250.000 francs. MOREAU assurait avoir agi sur instructions de SABLE, mais la teneur de ses conversations révèle à l'évidence une absence totale de réticences de sa part.

C'est dans ces conditions que TOURMETZ versera 100.000 francs le 5 décembre 1990, persuadé de le dédommager en partie alors que, l'enquête le prouvait, SABLE récupérerait immédiatement l'argent.

Ce dernier expliquait qu'il avait remis 50.000 francs au "commanditaire" de l'opération (dont nul indice dans le dossier ne permet de penser qu'il existe) et conservé pour ses besoins personnels le solde.

Dans le même but, toujours pressé par MOREAU, TOURMETZ lui avait confié la mission de vendre l'un de ses véhicules, une TRIUMPH TR 3 de collection, dont la valeur devait avoisiner 100.000 francs, et lui en avait remis à cette fin la carte grise. MOREAU reconnaissait, comme cela ressortait de ses conversations téléphoniques avec SABLE, qu'ils avaient en réalité convenu d'informer TOURMETZ de l'absence d'acheteur à un prix supérieur à 50.000 francs ou 70.000 francs, de façon à permettre à SABLE d'acquérir ce véhicule à vil prix pour le revendre ensuite.

Il ressort en définitive de l'information, que la partie civile a versé 250.000 francs à SABLE, 100.000 francs à MOREAU, et a remis à ce dernier son véhicule de collection, d'une valeur d'environ 100.000 francs, pour un prix fallacieusement sous-évalué de moitié.

Or si l'on suit la version de SABLE qui a toujours fixé à 400.000 francs la somme réclamée à TOURMETZ, ce dernier aurait ainsi satisfait presque totalement aux exigences de ses ravisseurs *du 1er au 31 décembre 1990*

En réalité, le montant de ce que les malfaiteurs ont tenté de lui soutirer ne peut se réduire à la somme de 400.000 francs :

En effet, MOREAU lui-même a de son côté évoqué une somme totale de 500.000 francs tandis que ROCHAT a convenu que les 400.000 francs dont il avait entendu parler pouvait ne représenter qu'une partie seulement des exigences totales. Il précisait par ailleurs qu'il savait que le 3 janvier 1991, SABLE devait toucher de TOURMETZ "une somme d'argent importante".

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Enfin, la partie civile a toujours été formelle sur le montant que l'on a tenté de lui extorquer (1,5 MF) et rien ne permet de mettre en doute un récit qui s'est révélé parfaitement exact sur tant d'autres points, somme qui correspondait en outre, selon elle, à ses capacités financières du moment.

Notons que si MOREAU n'a jamais voulu évoquer sa "rémunération" pour sa participation dans cette affaire, ROCHAT a reconnu pour sa part, qu'il devait toucher 3 à 5 pour cent des sommes extorquées, et ce par l'intermédiaire de SABLE.

Quant à GREGOIRE, entêté dans ses dénégations, les conversations téléphoniques surprises sur commission rogatoire démontrent à l'évidence qu'il attendait également son "bulletin de paye", selon l'expression significative employée à de multiples reprises entre les inculpés pour évoquer leur commission (cf les aveux en ce sens de ROCHAT - D799).

X. X

X

Il est en conclusion établi que, à l'instigation de Pierre SABLE, ses amis ROCHAT, GREGOIRE et GOTOVINA ont arbitrairement arrêté et séquestré Gérard TOURMETZ, dans le but de l'impressionner suffisamment pour le déterminer à payer une somme fixée à 1.500.000 francs. Le lieu exact de la séquestration n'a pu être déterminé durant l'information.

SABLE et MOREAU sont parvenus, grâce à cette mise en condition, à lui extorquer dans les jours qui ont suivi 250.000 F puis 100.000 F, événements attendus avec intérêt par les trois ravisseurs qui en attendaient un pourcentage.

Un accord était intervenu pour que le solde, 1.150.000 F, soit versé le 3 janvier 1991, date à laquelle les malfaiteurs ont été interpellés, à l'exception de GOTOVINA qui avait pris la fuite dès la fin du mois de décembre 1990.

La culpabilité de la concubine de ROCHAT, Marie-Josèphe ALIX, n'apparaissent pas suffisamment caractérisées, non-lieu sera requis à son profit.

PERSONNALITE

GOTOVINA : B1 : Cour d'Assises PARIS du 25 mars 1986
5 ans de réclusion criminelle pour vol aggravé

GREGOIRE : B1 : CA Versailles du 10 décembre 1985
6 mois sursis pour escroquerie, recel, et obtention indue de document administratif

.../...

ROCHAT : mention d'une condamnation réhabilitée

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SABLE : B1 : CA Paris du 26 mai 1986
8 mois sursis
3000 F
pour infraction à la législation sur les armes (1ère
et 4ème)

MOREAU : B1 : une condamnation réhabilitée

x x x

REQUISITIONS AUX FINS DE NON LIEU PARTIEL

Attendu qu'il ne résulte pas de l'information charges suffisantes contre Marie-Josèphe ALIX d'avoir commis les faits de tentative d'extorsion de fonds et recel qui lui sont reprochés, requiert qu'il plaise à Monsieur le Juge d'Instruction dire n'y avoir lieu à suivre en l'état.

x x x

REQUISITIONS AUX FINS DE RENVOI DEVANT LE TRIBUNAL CORRECTIONNEL
ET DE MAINTIEN EN DETENTION PROVISOIRE
ET DE MAINTIEN SOUS CONTROLE JUDICIAIRE

Attendu qu'il résulte de l'information charges suffisantes contre :

A) Paul ROCHAT, Christian GREGOIRE et Ante GOTOVINA, ensemble et et de concert :

X 1) d'avoir, à Saint-Aubin-des-Bois (78) en tout cas sur le territoire national, le 30 octobre 1990, illégalement arrêté et séquestré Gérard TOURMETZ, lequel a retrouvé la liberté avant le cinquième jour depuis son arrestation ;

Et dans les mêmes circonstances de temps et de lieu,
de s'être rendus complices de délits d'extorsion de fonds à hauteur de 350.000 francs et de tentative d'extorsion de fonds à hauteur de 1.150.000 francs au préjudice de Gérard TOURMETZ, en ayant, avec connaissance, aidé ou assisté les auteurs de ces délits dans le faits qui ~~les~~ ont préparés ou facilités ;

.../...

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B) Pierre SABLE

X de s'être, sur le territoire national, le 30 octobre 1990, rendu complice des délits d'arrestation illégale et de séquestration de Gérard TOURMETZ reprochés aux susnommés, en ayant donné des instructions pour les commettre ;

C) Pierre SABLE et Claude MOREAU

X 1.) d'avoir à Paris les 1er novembre et 5 décembre 1990 extorqué à Gérard TOURMETZ par force violence ou contrainte les remises successives de 250.000 F et 100.000 F ;

2.) d'avoir à Paris le 3 janvier 1991, en tout cas depuis temps non couvert par la prescription, tenté d'extorqué à Gérard TOURMETZ la remise de 1.150.000 francs, ladite tentative manifestée par un commencement d'exécution (séquestration, menaces et pressions psychologiques) n'ayant manqué son effet que par suite d'évènements indépendant de leur volonté (arrestation des inculpés) ;

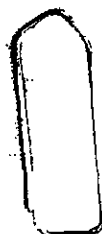
Faits prévus et réprimés par les articles 2, 3, 59, 60, 341 et 400 du Code Pénal ;

Vu les articles 175 et suivants du Code de Procédure Pénale ;

Requiert qu'il plaise à Monsieur le Juge d'Instruction renvoyer l'affaire devant le Tribunal Correctionnel pour être jugée conformément à la loi, maintenir SABLE et GREGOIRE en détention provisoire pour garantir leur représentation en justice, ainsi que maintenir ROCHAT et MOREAU sous contrôle judiciaire.

Fait au Parquet, le 13.01.92

LE PROCUREUR DE LA REPUBLIQUE,



DIVIDER
PAGE

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PUBLIC PROSECUTOR'S OFFICE
AT THE PARIS
TRIBUNAL DE GRANDE INSTANCE



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Examining Judge: Mr Ricard

Deputy Public Prosecutor: Ms Bécache

*Cour d'appel
de Paris***FINAL PROSECUTION SUBMISSIONS
ON COMMITTAL FOR TRIAL AT THE TRIBUNAL
CORRECTIONNEL***Tribunal de grande instance de
Paris*The State Prosecutor at the *Tribunal de grande instance de
Paris**Parquet du Procureur de la
République*

General ref. no.: P90 323 2008/5

Noting the following material gathered against

Chambers ref. no.: 86

We note that today, 7 February 1992, the /illegible/ of the original Final Prosecution Submissions on Committal for Trial at the *Tribunal Correctionnel* dated 13 January 1992. Consequently, we are substituting this copy which we have authenticated.
/handwritten/

4 January 1992.
Nathalie Bécache
Deputy Public Prosecutor
/handwritten/

Marie-Josèphe ALIX

born on 12 September 1937 in COUTANCES
residing at 10 av Maréchal Delattre de Tassigny
Saint Maurice (94)

FREE**Claude MOREAU**

born on 16 April 1931 in LA CHATRE (36)
residing at 290 bd Saint Denis – Courbevoie (92)

DETAINED AT LA SANTE

Detention order of 5 January 1991
Released on bail on 28 October 1990

Pierre SABLE

born on 24 August 1935 at MARCILLE LA VILLE (53)
residing at Bidé Moulié – CASTET ARROUY (53)

DETAINED AT LA SANTE

Detention order of 5 January 1991

Christian GREGOIRE

born on 23 August 1944 at Nogent sur Marne (94)
residing at 111 av d'Argenteuil – Asnières (92)

DETAINED AT FRESNES

Detention order of 5 January 1991

Paul ROCHAT

born on 4 November 1936 at Saint Nazaire (44)
residing at 10 av Maréchal Delattre de Tassigny
Saint Maurice (94)

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FREE UNDER COURT SUPERVISION

Detention order of 5 January 1991

Free under court supervision on 4 October 1991

Ante GOTOVINA

born on 12 October 1955 at Zadar in Yugoslavia

ARREST WARRANT of 14 October 1991

Charged with unlawful confinement with abduction,
extortion

Considering that the investigation established the following facts:

On 15 November 1990, Gérard Tourmetz, a company administrator, filed a civil action for arbitrary unlawful confinement with abduction and extortion of funds committed against him on 30 October 1990.

Heard on 28 November by the police of the /illegible/ brigade seized pursuant to a rogatory commission, the complainant related the following facts:

Separated from his wife Brigitte Ray with whom he had two children, he normally lives with his partner Annick Jensen and their joint child in a house in Saint-Rémy-les-Chevreuse (78).

Around 10:00 hours on 30 October 1990 he left his house in his Range Rover vehicle to go to Orly where he was supposed to take a plane to Toulouse for a work-related meeting. Around four kilometres beyond Saint-Rémy-les-Chevreuse in the district of Saint Aubin des Bois, he was intercepted by a grey vehicle with a rotating light and a two-tone warning alarm.

The driver remained inside while two passengers got out, one heavily built around fifty years of age, the other with a pronounced Yugoslav accent, around thirty years of age. The first, who introduced himself as a policeman, showed a work card and asked him for his identity papers while the second searched his vehicle and took out his jacket and a diary. On the pretext of driving him to their premises, the "false policemen" made him get into their vehicle and then their attitude changed.

The stout man, a passenger in the back of the car and beside whom he was made sit, made him lie down and covered him with a blanket while the Yugoslav, sitting in the front passenger seat, manhandled him showing him a gun and helping his accomplice to handcuff him.

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After a drive of approximately forty minutes in this position he reached a house inside which his handcuffs were removed. He was in a dilapidated shower room where he was attached with handcuffs to the pipes and a balaclava pulled over his head. He was then told he would have to pay a sum of 1,500,000 francs or "he was a dead man".

Only approximately two hours later the same two people told him that he would have to put forward "a policeman, prefect or someone of that kind.." as security for the transfer of the sum.

He then listed several of his friends, at least five he claims, each of whom were rejected in turn after the three criminals spoke together in the next room. However when he gave Claude Moreau's name and after further rapid consultation, he was told that this name had been accepted.

He was someone he had known for a long time, a garage owner who shared his passion for vintage cars.

The person who had acted as driver and who had remained more in the background until that moment then took charge of what was happening.

He brought over a telephone and asked him to call Moreau.

The complainant said that he then told Moreau of his situation and the sum being demanded of him. Moreau accepted to act as security in the matter. Later, at around 20:00 hours according to Tourmetz, his abductors told him that Moreau was not considered "solid" enough and that he would have to name a second person as additional security. There was a second phone call when Moreau gave the name of Pierre Sable and undertook to let him know. When he was called a third time, Moreau confirmed that Sable had accepted and was coming to Paris straight away by air from the department of Gers where he was living. Around midnight when Moreau called for the last time, it was possible to speak to Sable directly who talked to the "driver". Speaking to him in a familiar manner, the latter proposed a meeting with someone by the name of Antoine to agree on how things were to proceed.

Tourmetz gathered from talking to his abductors and the Yugoslav in particular that his house at Saint-Rémy-les-Chevreuse had been watched in the days before and that a lot was known about his personal life and family members.

During the night he was taken handcuffed and hooded to his vehicle in which, released at last, he went to Saint-Rémy-les-Chevreuse. It was three o'clock. Since his partner was not there, he spoke to his wife on the telephone and spend the rest of the night at her house where he told her what had happened. The following morning (31 October), he contacted Sable by telephone at Moreau's house where he was staying and a meeting was arranged in a café in Paris.

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Sable told him there that after meeting the afore-named Antoine, he was told to make an initial payment of 500,000 francs. They met at around 20:00 hours on the following day in avenue Marceau in the 8th arrondissement behind the drugstore Publicis where Tourmetz stated that he gave him a sum of 250,000 in cash.

Sable told him that Moreau had put forward a similar sum and that the balance would have to be settled by the end of the year.

Tourmetz was to see Moreau several days later and suggested to him that, in order to repay a part of what he owed to him, he should sell his Triumph TR 3, a vintage collector's car.

It should be noted that Tourmetz's wife confirms that she was visited by her husband in the middle of the night on 31 October and that he confided in her and expressed concerns about their children. She specified that he had marks on his wrists which were very swollen.

His partner, Annick Jensen, said that she saw Tourmetz again on 4 November after hearing about his misfortune from him over the telephone. She confirmed that he had definite injuries on his wrists.

The complainant submitted a medical certificate of 30 November on this point stating that, a month after the facts, he had a healing wound on his left wrist which the examining doctor said was compatible with cuts caused by handcuffs.

The police investigators quickly identified Claude Moreau and Pierre Sable, who were well known to them. Claude Moreau lived in Courbevoie and owned a garage. Pierre Sable regularly stayed with him when he came to Paris. Taps on the home telephone and the telephone in Moreau's garage made it possible to detect many conversations clearly linked to the facts, either between the victim and the two in question, or between Sable or Moreau, well known to the police: René Rochat, Christian Grégoire and Anté Gotovina /as printed/.

The complainant had to formally identify these three men as his abductors when presented with three group photographs (D193 - 195 - 196).

Under pressure from Moreau, Tourmetz decided, in agreement with the police, to repay part of the 250,000 franc sum which Moreau had claimed to have put forward. He took the precaution however of photographing the notes in the agreed sum (100,000F/ handwritten/) and gave the money to him around 15:00 hours on 5 December in Moreau's home, in the presence of Pierre Sable.

The policemen, who were watching the area around the house, tailed Sable when he left the building shortly after the money was handed over. They followed him to a furrier where they saw Sable paying for significant repair work on coats (12,000 F) with money which was part of the sum given to Moreau.

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Later, according to the telephone conversations tapped and the statements made by Tourmetz, there were negotiations to push the required date for the settlement of the remaining balance forward to 3 January 1991.

This date was, in fact, decided by Sable, Moreau, Grégoire and Rochat. Gotovina could not be found. He had hurriedly left the apartment where he had been staying in December 1990, leaving behind his personal belongings and without settling his rent. One trace alone was found of him at the Embassy of Paraguay on 17 December: he had requested a tourist visa and set the date of his departure for 26 December 1990.

An arrest warrant was issued for him on 14 October 1991 for unlawful confinement with abduction, extortion and attempted extortion.

Although Grégoire continued to deny any involvement in the facts throughout the case, Sable, Rochat and Moreau admitted to having participated while playing down the part they had played and avoiding implicating their co-perpetrators.

The investigation made it possible to confirm the complainant's account on the following points:

I – Preparation of the operation of 30 October 1990

Throughout the proceedings, Pierre Sable argued that he been acting on behalf of a third party (whose name would never be revealed) with the aim of recovering a sum of 200,000 francs owed by Tourmetz. According to him, these were transactions which had not been honoured and related to two or three German cars seized by Tourmetz.

It should be noted that the checks carried out contradict these allegations: Tourmetz had acquired only one German vehicle in the past and in a perfectly lawful manner. Moreover, he is unknown to the police who specialise in vehicle trafficking.

Nevertheless Sable insisted on what he was saying, adding that that third party had given him to understand that he might be paid up to 200,000 francs for carrying out the task. He decided therefore to obtain a sum of 400,000 from Tourmetz.

At first, Sable claimed that to achieve his objective he had contacted two friends who were to intimidate Tourmetz, to "push him around a bit" as he put it himself.

They were to do whatever they liked. Abduction or unlawful confinement was not mentioned. The main thing was that Tourmetz was to come looking for Sable's help.

In fact, after attempting to place Sable beyond suspicion (D739), Paul Rochat eventually provided credible explanations of how the operation was organised: he knew that Sable had planned an operation to intimidate a reluctant debtor. He did not know how he planned to do so or the name of the victim, which is compatible with Tourmetz's

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statement that he knew none of his abductors. On 29 October he received a telephone call arranging a meeting for early the following morning in a bar in the 16th arrondissement (rue de la Pompe). On 30 October he went there and met the people who would act as driver (Grégoire and Gotovina according to the information in the file). All three of them went into action a few hours later.

Following this confession by Rochat, Sable had to admit to being the main instigator of the events, planned for 30 October and the following two months and for having provided the perpetrators with all the information concerning Tourmetz's personal life to be used for abducting and intimidating him.

In this regard, the complainant stated that Sable was not sufficiently close to him to have known both the members of his family and where he was living at the time in Saint-Rémy-les-Chevreuse. Tourmetz submitted that only Claude Moreau, whom he had received in his home several times, could have given such information to Sable before the operation, which is refuted by the two individuals.

II – The series of events of 30 October 1990

It should be noted that Tourmetz formally identified his abductors in photographs and when he saw them in the police station as Rochat, Grégoire and Gotovina.

He further added in a detailed manner which concurred from one interview to the next the task that each of them carried out:

- Rochat was the stouter man who, at the moment of the abduction, showed police identification and sat beside him forcing him to lie down and wear handcuffs.

He made him take partially undress in the bathroom where he was locked in, told him that a sum of 1,500,000 francs was being asked of him and that he needed to suggest someone as "security".

- Gotovina was the man with the Yugoslav accent who sat in the front of the vehicle and acted the most violently towards Tourmetz. He aimed his revolver at him, beat him on the head and manhandled him to help Rochat to get him to stay lying down and handcuff him.

- Grégoire was driving the vehicle and, according to the complainant, had a certain influence over the other two. He took action when it was time to phone Moreau and spoke directly with him during the second call. He obtained Sable's name as additional security and spoke in familiar tones with him during the fourth call to arrange a meeting with a person by the name of Antoine.

Although Grégoire insisted on denying his participation in the operation throughout the proceedings, Rochat's confession before the examining magistrate reinforced all the complainant's charges who, moreover, had never met these three men before.

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Furthermore, the investigation made it possible to establish the very close links which actually existed between them:

Despite Grégoire's blatant lack of honesty, he was forced to admit with much reluctance (D123 and D124) both that he saw Rochat more often than simply as a work colleague and that he knew Gotovina much better than he had claimed (see telephone conversation with Sable when he asked for his number in a roundabout manner D419 – 421).

It should also be noted that Grégoire is Sable's neighbour in the Gers and, according to Sable, has been a close contact of his for many years.

Gotovina's hurried departure and his flight after the incident, taken together with all the connections between his co-accused Sable, Grégoire and Rochat which have come to light through the investigation, make it possible to be sure of their joint participation.

Rochat's confession still diverged from Tourmetz's account of the incident. The accused refused to speak of abduction, stating that his partners and he did not have to use any violence, weapon or handcuffs to force Tourmetz to get into their vehicle which did not have a two-tone rotating light. He did however admit to having followed him previously, intercepted and thus frightened him enough to lessen any resistance on his part. He submits that Tourmetz was not locked away in a specific place but held in their car which stopped at each public phone booth on the way to Versailles to contact Moreau.

It should be noted that only Tourmetz's account which was not contradicted in the course of the investigation is credible and that, in any event, arbitrary arrest and unlawful confinement have been established.

The complainant was to recognise, moreover, that amongst the objects found at Sable's home (search of 3 January 1991 – D440) were the two pairs of handcuffs used to hold him, brand Lapegy (exhibit no. 13) and one of the weapons used to threaten him, a revolver Reck no. 47608 (exhibit no. 10).

Rochat stated that the aim was to get Tourmetz to give them the name of someone to act as security. Each time he suggested a name it was agreed that it would have to be passed on to a third party by dialling a telephone number Sable had given them (which Sable denies – D707).

Rochat thus confirms the complainant's assertion that about five people named previously had been proposed and turned down before Moreau's name was put forward and accepted.

Moreau submitted that he was very surprised to receive Tourmetz's call with whom he had been friends for 20 years, that he was in no way involved with the abduction of 30 October and that his involvement had only come about by chance.

This position seems scarcely credible despite Sable's assertions to that effect.

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It is doubtful that an operation planned in such detail would have left to chance the essential factor of involving Sable by all possible means. However Moreau did not explain why he had taken the initiative of naming him as second security and he spontaneously suggested 250,000 francs himself (according to Rochat and Tourmetz). His subsequent attitude confirmed that the role was considerably more significant than that of a passive and disinterested intermediary, as he claimed.

There are also many indications to suggest that Sable was in fact in Paris at Moreau's home at the time of the facts and not in Gers as the other two claimed. This is clear firstly from the assertions of his partner, Corinne Gourovitch, who stated that Sable went to Paris in mid-October and returned only in November.

Secondly, the investigation showed that on 29 October Sable contacted his wine supplier to inform him that for ten days as of that date he could be reached on Moreau's telephone number.

Knowing that the abduction was planned for the morning of 30 October, it is unlikely that Sable returned to the Gers if he needed to return a few hours later.

III – The payments

The complainant submitted that, scarcely a few hours after being released by his abductors, he contacted Sable directly who told him he would have to make a payment of 500,000 francs immediately and that Moreau had put forward 250,000 for him. The next day Tourmetz claimed to have already given Sable 250,000 francs in cash at a meeting arranged behind the Publicis drugstore on avenue Marceau, which Sable determinedly denies.

On this point, however, Moreau confirmed that he was fully aware of the meeting of 1 November 1990 and that Sable himself told him that he had received the sum in question on that date. He thus concurs with what Rochat said who knew that 200,000 to 250,000 francs had been paid to Sable in the days following the operation of 30 October. Curiously enough, it should be noted that Rochat and his partner Marie-Josèphe Alix had to admit to receiving 50,000 francs in cash, a sum which he attributes to payment for work but for which he offers no proof.

Subsequently, the telephone taps at Moreau's place of work showed the extent to which his role was decisive.

Taking advantage of the relationship that existed between him and Tourmetz, he placed psychological pressure on him, claiming to have gone into debt on his behalf, in order to get him to pay the sum of 250,000 francs. Moreau assured him that he had acted on Sable's orders but his conversations show a clear lack of reluctance on his part.

0340-2179-0340-2194-ET/Translation

Under these circumstances Tourmetz paid 100,000 francs on 5 December 1990, thinking he had reimbursed him in part although the investigation was to show that Sable received the money immediately.

Sable explained that he had given 50,000 francs to "the person masterminding the operation" (there is no indication in the file that he exists) and kept the rest for his personal needs.

With the same objective and still under pressure from Moreau, Tourmetz entrusted him with the task of selling one of his cars, a collector's Triumph Tr 3, whose value was estimated at around 100,000 francs and gave him the car registration papers for this purpose. As it had become clear from his telephone conversations with Sable, Moreau admitted that they had in fact agreed to tell Tourmetz that there was no buyer for over 50,000 or 70,000 francs so that Sable could obtain the car extremely cheaply in order to resell it afterwards.

It emerges ultimately from the investigation that the complainant paid 250,000 francs to Sable and 100,000 francs to Moreau in addition to giving him his collector's car, worth around 100,000 francs, for a price fallaciously underestimated by half its value.

However, if we follow Sable's version, which always set the sum demanded of Tourmetz at 400,000 francs, Tourmetz would then have almost entirely satisfied his abductors' requirements in December 1990.

In fact the sum which the culprits attempted to take from him cannot be reduced to 400,000 francs:

Moreau himself referred to a total sum of 500,000 francs whereas Rochat agreed that the 400,000 francs he had heard mentioned could only be a part of the total requirement. He further specified that he knew on 3 January 1991 that Sable was to receive "a considerable sum of money" from Tourmetz.

The complainant was always definite about the amount they attempted to extort from him (1.5 thousand francs) and there is no reason to doubt an account which has proved perfectly precise on so many other points, a sum which the complainant, moreover, stated matched his financial capacity at the time.

It should be noted that, although Moreau never wished to raise the issue of his "payment" for his part in the matter, Rochat admitted that he was supposed to receive via Sable 3-5% of the amount extorted.

As for Grégoire who persisted with his denials, the telephone conversations tapped in keeping with the rogatory commission clearly show that he was also waiting for his "pay slip" – the significant term used several times between the accused to refer to their percentage (see Rochat's confession on this point - D799).

0340-2179-0340-2194-ET/Translation

It has thus been established that, at the instigation of Pierre Sable, his friends Rochat, Grégoire and Gotovina arbitrarily arrested and unlawfully confined Gérard Tourmetz with the aim of intimidating him sufficiently to make him pay 1,500,000 francs. It was not possible during the investigation to determine the exact place where he had been confined.

After he had been worked on in this way, Sable and Moreau were able to extort 250,000 francs and then a further 100,000 francs from him in the days to follow, events which were awaited with interest by the three abductors who were waiting for their percentage.

An agreement was reached for the balance of 1,150,000 francs to be paid on 3 January 1991, when the perpetrators were stopped for questioning, except for Gotovina who had fled in late December 1990.

The guilt of Rochat's partner, Marie-Josèphe Alix, did not appear sufficiently established and there were no grounds for prosecution against her.

Personal history

Gotovina: B1 *Cour d'assises de Paris* on 25 March 1986
5 years' imprisonment for aggravated robbery

Grégoire: B1 *Cour d'assises de Versailles* on 10 December 1985
6 months suspended for fraud, handling of stolen goods and undue obtention of an administrative document

Rochat: Reference to sentence carried out

Sable: B1 *Cour d'assises de Paris* of 26 May 1986
8 months suspended
3000 francs
for offences under the weapons legislation (1st and 4th)

Moreau: B1 sentence carried out

Prosecution case for partial discharge

Given that the investigation has not yielded sufficient charges against Marie-Josèphe Alix for the acts of attempted extortion and handling of stolen goods with which she is charged, the examining judge is requested to rule that the charges should not be pursued in this case.

Prosecution case for referral to the *Tribunal correctionnel* and to remand in custody and under court supervision

Given that the investigation has yielded sufficient charges against:

0340-2179-0340-2194-ET/Translation

A) Paul Rochat, Christian Grégoire, Ante Gotovina, together and in concert:

1) illegally arrested and unlawfully confined Gérard Tourmetz who was released before the fifth day after his arrest in Saint-Aubin-des-Bois (78), in any case in French territory, on 30 October 1990;

2) at the same time and place, aided and abetted in offences whereby they extorted funds to the value of 350,000 francs from Gérard TOURMETZ and attempted to extort funds to the value of 1,150,000 francs from him by knowingly providing physical help or assistance to the perpetrators to plan or further the above offences;

B) Pierre Sable

was an aider and abettor in the offences of Gérard Tourmetz's illegal arrest and unlawful confinement of which the afore-named were charged, having instructed that they be carried out, in French territory on 30 October 1990;

C) Pierre Sable and Claude Moreau

1) extorted from Gérard Tourmetz by means of force, violence or duress successive sums of 250,000 francs and 100,000 francs in Paris on 1 November and 5 December 1990;

2) attempted to extort from Gérard Tourmetz the sum of 1,150,000 francs in Paris on 3 January 1991 and, in any case which offence is not time-barred. The attempt consisted of initial steps to execute the plan (unlawful confinement, threats and psychological pressure) and failed only as a result of circumstances beyond their control (arrest of the accused);

Facts provided for and punishable under Articles 2, 3, 59, 60, 341 and 400 of the Criminal Code;

Pursuant to Articles 175 and following of the Code of Criminal Procedure;

Request the examining judge to refer the case to the *Tribunal correctionnel* for trial, pursuant to the law, continue to remand Sable and Grégoire in custody to ensure their representation by a lawyer in legal proceedings, and keep Rochat and Moreau under court supervision.

Parquet, 13 January 1992
Prosecutor of the Republic
/signed/

0340-2195-0340-2198-ET/Translation

PUBLIC PROSECUTOR'S OFFICE
AT THE PARIS
TRIBUNAL DE GRANDE INSTANCE



Appendix 17
Order on Committal to the *Tribunal Correctionnel*
16 January 1992

PARQUET
DU
TRIBUNAL
DE GRANDE
INSTANCE
DE PARIS

03402160



TRIBUNAL
DE GRANDE INSTANCE
DE PARIS

ORDONNANCE

DE RENVOI DEVANT LE TRIBUNAL CORRECTIONNEL

NON LIEU PARTIEL - QUALIFICATION

Nous, Jean Francois RICARD

03402161

Juge d'Instruction au Tribunal de Grande Instance de Paris,

Vu l'information suivie contre :

1) ALIX Marie Josephine

née le 12 Septembre 1937 à COUTANCES
demeurant : 10 av du Marechal Delattre de Tassigny
94 SAINT MAURICE

LIBRE

2) MOREAU Claude

né le 16 Avril 1931 à LA CHARTRE 36 15
demeurant : 290 Bd Saint Denis
92 COURBEVOIE

~~DETENU~~ LIBRE

M.D. DU 5 JANVIER 1991
sous C.J. le 28 OCTOBRE 1991

3) SABLE Pierre

né le 24 Aout 1935 à MARCILLE LA VILLE 13
demeurant : Bidé MOulié
53 CASTET ARROUY

DETENU

M.D. DU 5 JANVIER 1991

4) GREGOIRE Christian

né le 23 Aout 1944 à NOGENT SUR MARNE P4
demeurant : 111 Av d'Argenteuil
92 ASNIERES

DETENU

M.D. DU 5 JANVIER 1991

5) ROCHAT Paul

né le 4 NOVembre 1936 à SAINT NAZAIRE P6
demeurant : 10 av du Maréchal Delattre de Tassigny
94 SAINT MAURICE

LIBRE SOUS C.J.

M.D. du 5 JANVIER 1991
sous C.J. le 4 OCTOBRE 1991

6) GOTOVINA Anté

03402162

né le 12 Octobre 1955 à ZADAR (Yougoslavie)

MANDAT D'ARRET DU 14 OCTOBRE 1991

INUCLPES de : sequestration avec enlevement, extorsion de fonds

PARTIE CIVILE : Monsieur Gerard TOURMETZ

é lisant domicile chez Me VIGNOLLES
51 av MONTaigne PARIS 8ème

Vu le réquisitoire de M. Le Procureur de la République en date
du 13 JANVIER 1992 dont nous adoptons les motifs ;
tendant au renvoi devant le Tribunal Correctionnel ;

Vu les articles 176, 179, 180, 183 et 184 du Code de Procédure
Pénale ;

NON LIEU PARTIEL :

Attendu qu'il ne résulte pas de l'information charges suffisantes
contre Marie Joséphine ALIX d'avoir commis les faits de tentative
d'extorsion de fonds et recel qui lui sont reprochés,

Disons n'y avoir lieu à suivre de ce chef Marie Joséphine ALIX.

03402163

QUALIFICATION :

Attendu que les faits qualifiés initialement d'extorsion de fonds, complicité, tentative et sequestration avec enlèvement et reprochés à SABLE Pierre et MOREAU Claude doivent recevoir les qualifications :

- de complicité d'arrestation illégale et de sequestration de moins de cinq jours d'extorsion de fonds et de tentative d'extorsion de fonds en ce qui concerne SABLE Pierre ;
- d'extorsion de fonds et de tentative d'extorsion de fonds en ce qui concerne MOREAU Claude ;

Attendu que les faits qualifiés initialement de sequestration avec enlèvement extorsion de fonds et tentative, et reprochés à ROCHAT Paul et GREGOIRE Christian, doivent recevoir les qualifications :

- d'arrestation et sequestration de moins de 8 jours, complicité d'extorsion de fonds, et complicité de tentative d'extorsion de fonds en ce qui concerne GREGOIRE et ROCHAT Paul ;

RENVOI DEVANT LE TRIBUNAL CORRECTIONNEL :

Attendu qu'il résulte de l'information charges suffisantes contre :

A) Paul ROCHAT, Christian GREGOIRE et Ante GOTOVINA ensemble et de concert :

- 1) d'avoir à SAINT AUBIN DES BOIS (78) en tout cas sur le territoire national, le 30 Octobre 1990, en tout cas sur le territoire national et depuis temps non couvert par la prescription, illégalement arrêté et sequestré Gerard TOURMETZ lequel a retrouvé la liberté avant le cinquième jour depuis son arrestation ;

Avis de la présente

ordonnance a été donné

à Maître ^{Bernard. Benet}
^{François - Guinard}
 Conseil des inculpés ^{Pauline - Jean-Luc}
^{Dauvergne}

le 16.1.92

par lettre recommandée

à Maître ^{Vignalles}

Conseil de la partie civile

le 16.1.92

par lettre recommandée

Le Greffier,



Avi La présente ordonnance

a été portée à la connaissance

de S inculpés

le 16.1.92

par lettre recommandée

de la partie civile

le 16.1.92

par lettre recommandée

par notification écrite avec
 émargement au dossier

Le Greffier,



copie de la présente ordonnance a
 été transmise le

à M. le Procureur de la République
 en vue de la signification à la partie
 civile

Le Greffier,

~~ATTENTION~~

03402164

2) dans les mêmes circonstances de temps et de lieu, de s'être rendus complices de délits d'extorsion de fonds à hauteur de 350.000 Frs et de tentative d'extorsion de fonds à hauteur de 1.150.000 Frs au préjudice de Gerard TOURMETZ en ayant avec connaissance, aidé ou assisté les auteurs de ces délits dans le fait qui les ont préparés ou facilités ;

B) Pierre SABLE

de s'être sur le territoire national, le 30 Octobre 1990, en tout cas depuis temps non couvert par la prescription rendu complice des délits d'arrestation illégale et de séquestration de Gerard TOURMETZ reprochés aux susnommés, en ayant donné des instructions pour les commettre ;

C) Pierre SABLE et Claude MOREAU :

1) d'avoir à Paris les 1er Novembre et 5 Decembre 1990, en tout cas sur le territoire national et depuis temps non couvert par la prescription, ~~YENYEN~~ extorqué à Gerard TOURMETZ par force violence ou contrainte les remises successives de 250.000 Frs et 100.000 Frs .

2) D'avoir à PARIS le 3 Janvier 1991, en tout cas sur le territoire national et depuis temps non couvert par la prescription tenté d'extorqué à Gerard TOURMETZ la remise de 1.150.000 Frs ladite tentative manifestée par un commencement d'exécution (séquestration, menaces et pression psychologiques) n'ayant manqué son effet que par suite d'événements indépendant de leur volonté (arrestation des inculpés);

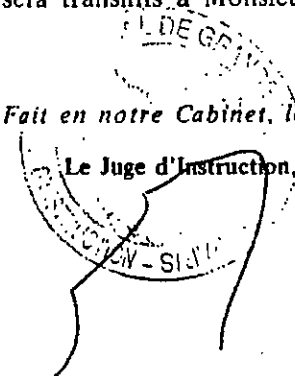
faits prévus et punis par les articles 2, 3, 59, 60, 341 et 400 du Code Pénal ;

Ordonnons le renvoi de l'affaire devant le Tribunal Correctionnel pour être jugée conformément à la loi, et par actes séparés le maintien en détention provisoire de SABLE et GREGOIRE, et le maintien sous C.J. de MOREAU et ROCHAT ;

En conséquence, ordonnons que le dossier de cette procédure, avec la présente ordonnance, sera transmis à Monsieur le Procureur de la République.

Fait en notre Cabinet, le 16 JANVIER 1992

Le Juge d'Instruction,



INS 625 (suite)

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26/5/92 -
M. G. G. G.
le 13.12.95

M. escp. Remede de chom 1506-90 Pte 19/1/92.
19/1/92 M. Vignoles le 29.5.92
1148 M. Bernard le 29.5.92
1 exp. caution de ROBASLIA (MOREAU), le 27.1.94.

AUDIENCE
du 15 avril 1992

EXTRAIT DES MINUTES
du Greffe
du Tribunal de Grande Instance de Paris

14 EME CHAMBRE

03402165

AFFAIRE N° P 90 323 2008 5

JUGEMENT CORRECTIONNEL N° 3

Sur les poursuites de Monsieur le Procureur
de la République près le Tribunal de Grande
Instance de PARIS

et l'intervention de
Monsieur TOURMETZ Gerard domicilié CZ MTRÉ
VIGNOLES A 51 AVENUE MONTAIGNE 75008 PARIS
Assisté par Maître VIGNOLES, avocat au
Barreau de PARIS lequel dépose des
conclusions visées par le Président et le
Greffier et jointes au dossier.

P.C. 2257 / 90
OK

PARTIE CIVILE

CONTRE

SABLE Pierre Léon Albert Paul né le 24 août 1935
à 53 MARCILLE LA VILLE, fils de Pierre et de
TONNELIER Celeste, AGRICULTEUR, demeurant BIDE
MOULIE 32340 CASTET ARROUY, DIVORCE, 4 ENFANTS,
de nationalité FRANCAISE, Déjà condamné,

Ges

M.D : le 26.04.91
DETENU à la SANTE,

Myc

CONTRADICTOIRE - Assisté par Maîtres BINET
et BERNARD, avocats au Barreau de PARIS,
lequel dépose des conclusions de nullités in
limine litis, visées par le Président et le
Greffier et jointes au dossier

CONTRE

GREGOIRE Christian Georges né le 23 août 1944 à
94 NOGENT SUR MARNE, fils de André et de LAVANANT
Berthe Anna, ELECTRICIEN AU CHOMAGE, demeurant
111 AV ARGENTEUIL 92600 ASNIERES, MARIE, 1
ENFANT, de nationalité FRANCAISE, Déjà condamné,

M.D : le 26.04.91
DETENU à FRESNES

CONTRADICTOIRE - Assisté par Maître SPINER,
avocat au Barreau de PARIS.

CONTRE

MOREAU Claude Germain Marie né le 16 avril 1931 à

B 400
VIA

Pour copie certifiée conforme
Paris, le 25.07.2003
Le Greffier

8

03402166

36 LA CHATRE, fils de Marcel et de MARTIN Jeanne
GARAGISTE, demeurant 190 BD ST DENIS 92400
COURBEVOIE, CELIBATAIRE, de nationalité
FRANCAISE, Jamais condamné,

M.D. LE 5.01.91

L.S.C.J. LE 28.10.91 aversement d'une caution
de 150 000 FRANCS garantissant à concurrence de
- 1 000 F. la représentation à tous les actes de
procédure,
- 149 000 F. le paiement des frais avancés par la
partie publique,

CONTRADICTOIRE - Assisté par Maître
POIBLANC, avocat au Barreau de PARIS.

CONTRE

ROCHAT Paul né le 04 novembre 1936 à 44 ST NAZAIRE
fils de Gaston et de JARNET Angelique, ARTISAN EN
REVETEMENT DE SOL, demeurant 10 AV DELATTRE DE
TASSIGNY 94410 ST MAURICE, VIT EN CONCUBINAGE, de
nationalité FRANCAISE, Déjà condamné,

M.D. LE 5.01.91

L.S.C.J. LE 4.10.91

CONTRADICTOIRE - Assisté par Maître
LEBORGNE, avocat au Barreau de PARIS.

CONTRE

GOTOVINA Ante né le 12 octobre 1955 à 99 ZADAR
YOUGOSLAVIE, fils de Milan et de MIJOCEV Slavia,
SANS DOMICILE CONNU, de nationalité YOUGOSLAVE,
Déjà condamné,

Mandat d'Arrrêt LE 14.10.91

PAR DEFAUT

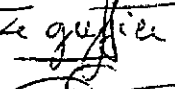
PREVENUS DE

ARRESTATION, SEQUESTRATION OU DETENTION ARBITRAIRE
SUIVIE D'UNE LIBERATION AVANT LE 5 EME JOUR
COMPLICITE D'ARRESTATION ET SEQUESTRATION,
COMPLICITE D'EXTORSION DE FONDS a HAUTEUR DE
350000 F.
EXTORSION DE FONDS PAR FORCE, VIOLENCE OU
CONTRAINTES DES SOMMES DE 250000 F. ET 100000 F.

LE TRIBUNAL

Après avoir constaté les identités de SABLE
Pierre, de GREGOIRE Christian, de MOREAU Claude
de ROCHAT Paul, l'absence de GOTOVINA Ante, donné
connaissance de l'acte qui l'a saisi, entendu SABLE

Par jugement sur
requis en date du
20 octobre 1993
chambre -
Dit que la somme
de 149.000 francs
consignée par
MOREAU doit être
considérée comme
ayant été affectée
à l'indemnisation
de la partie civile
ordonne que la
mention courant
sera faite en marge
du jugement, les
mots "partie publique"
étant remplacés
par "partie civile" en
ce qui concerne l'or-
donnance de mise
en liberté sous
contrôle judiciaire
de MOREAU Claude.

Pour mention
Le greffier


2 400
VIN

Pour copie certifiée conforme
Paris, le 25.07.2002
Le Greffier



03402167

Pierre, GREGOIRE Christian, MOREAU Claude, ROCHAT Paul en leurs explications, entendu Maître BINET en ses conclusions de nullités in limine litis, le Ministère Public en ses réquisitions, puis le tribunal a joint l'incident au fond, les déclarations de la victime, Maître VIGNOLES, avocat de TOURMETZ Gérard partie civile, le Ministère Public en ses réquisitions, Maître BERNARD, avocat de SABLE Pierre en sa plaidoirie, Maître SPINER, avocat de GREGOIRE Christian en sa plaidoirie, Maître POIBLANC, avocat de MOREAU Claude en sa plaidoirie, Maître LEBORGNE, avocat de ROCHAT Paul en sa plaidoirie, SABLE Pierre, GREGOIRE Christian, MOREAU Claude, ROCHAT Paul en leur défense et après en avoir délibéré conformément à la loi;

Attendu que par ordonnance de l'un des juges d'instruction de ce siège, en date du 16 janvier 1992

A) Paul ROCHAT, Christian GREGOIRE et Anté GOTOVINA, ensemble et de concert,

D'avoir, à SAINT-AUBIN des BOIS 78, le 30 octobre 1990, en tout cas sur le territoire national et depuis temps non couvert par la prescription, illégalement arrêté et séquestré Gérard TOURMETZ lequel a retrouvé la liberté avant le 5ème jour depuis son arrestation ;

2° Dans les mêmes circonstances de temps et de lieu, de s'être, rendus complices de délits d'extorsion de fonds à hauteur de 350 000 F. et de tentative d'extorsion de fonds à hauteur de 1 150 000 F. au préjudice de Gérard TOURMETZ en ayant avec connaissance, aidé ou assisté les auteurs de ces délits dans le fait qui les ont préparés ou facilités ;

B) Pierre SABLE,

De s'être sur le territoire national, le 30 octobre 1990, en tout cas depuis temps non couvert par la prescription, rendu complice des délits d'arrestation illégale et de séquestration de Gérard TOURMETZ reprochés aux susnommés, en ayant donné des instructions pour les commettre ;

C) Pierre SABLE et Claude MOREAU,

1) d'avoir à Paris LES 1er novembre et 5 décembre 1990, en tout cas sur le territoire national et depuis temps non couvert par la prescription, extorqué à Gérard TOURMETZ par force, violence ou contrainte les remises successives de 250 000 F. et 100 000 F.

2) D'avoir à PARIS, le 3 janvier 1991, en tout cas

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Paris, le 25.07.2003
Le Greffier



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sur le territoire national et depuis temps non couvert par la prescription, tente d'extorquer à Gérard TOURMETZ la remise de 1 150 000 F. ladite tentative manifestée par un commencement d'exécution (séquestration, menaces et pressions psychologiques) n'ayant manqué son effet que par la suite d'événements indépendants de leur volonté (arrestation des inculpés) ;

Faits prévus et réprimés par les ART. 2 et 3, 59 et 60, 341 400 AL.1 DU CODE PENAL

Attendu que GOTOVINA Ante ne comparait pas à l'audience de ce jour bien que régulièrement cité, qu'il convient de donner défaut contre lui et de statuer en son absence;

AU FOND:

Le 15 novembre 1990, Gérard TOURMETZ, demeurant 21, rue de Téhéran à PARIS 8ème, se constituait partie civile pour séquestration arbitraire et extorsion de fonds contre X...

Dans sa plainte, il relatait qu'il avait été enlevé le 30 octobre 1990 à Saint-AUBIN des BOIS par trois hommes et qu'il lui avait été demandé la somme de 1 500 000 FRANCS.

Relâché vers 2 heures 45 du matin, il avait remis le 1er octobre 1990, une somme de 250 000 FRANCS à SABLE.

Une information était ouverte le 23 novembre 1990 du chef de séquestration avec enlèvement et extorsion de fonds. Des réquisitions supplétives pour extorsion de fonds contre X... seront prises le 10 décembre 1990.

Sur les exceptions de nullité,

Par conclusions régulières versées au débat, Pierre SABLE demande l'annulation du réquisitoire introductif du 23 novembre 1990 par application des articles 43 et 52 du Code de procédure pénale et par voie de conséquence, une déclaration d'incompétence, l'annulation du procès-verbal d'interrogatoire du 3 janvier 1991 et de toute la procédure par application des articles 53, 73, 104, 114, 117, 118, 152, 153 du Code de procédure pénale et par application des dispositions de l'article 6 alinéa 3 de la Convention Européenne de Sauvegarde des Droits de l'homme, l'annulation du procès-verbal du 4 janvier 1991 et de la procédure subséquente par application des dispositions des articles 104 et 105 du Code de procédure pénale et des dispositions de l'article 6 de la Convention

Pour copie certifiée conforme
Paris, le 25-07-2002
Le Greffier



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précitée, l'annulation du procès-verbal de perquisition du 3 janvier 1991 par articles 56 et 57 du code de procédure pénale, l'annulation des procès-verbaux d'écoutes ou rapports téléphoniques et la procédure subséquente par application des articles 8 et 6-3 de la Convention précitée.

Par conclusions orales, les autres prévenus se sont associés aux présentes conclusions.

Sur la compétence du juge d'instruction,

L'examen de la plainte avec constitution de partie civile de Gérard TOURMETZ (D.1) permet de relever à la page 3 que le lieu du rendez-vous pour le versement de la somme de 250 000 Francs avait eu lieu à PARIS 8ème.

Dés lors la commission des faits d'extorsion de fonds ayant eu lieu à PARIS, le juge d'instruction de PARIS était compétent au sens de l'article 52 du code de procédure pénale.

En conséquence, il ne sera pas fait droit à la demande.

Sur le procès-verbal d'interrogatoire
du 3 janvier 91

Pierre SABLE qui a été placé en garde à vue le 3 janvier 1991 à 17 heures (D.88) a connaissance des dispositions de l'article 104 du code de procédure pénale dès le début de son audition (D.90) le 3.01.1991 à 19 h 15. Le susnommé déclare alors qu'il souhaite être entendu sur les déclarations de Gérard TOURMETZ partie civile.

Dés lors les dispositions des articles 152 et 104 du code de procédure pénale ayant été respectées par les enquêteurs, il ne sera pas fait droit à la présente demande d'annulation.

De même, les dispositions de l'article 6-3 de la Convention de Sauvegarde des Droits de l'Homme n'ont pas été violées.

En ce qui concerne la violation de l'article 105 du code de procédure pénale, il y a lieu d'observer que Pierre SABLE en cours d'audition a déclaré : "A ce stade de l'audition, je me rends compte que je dois dire la vérité, aussi je tiens à m'expliquer devant vous". Ainsi, Pierre SABLE spontanément a indiqué aux enquêteurs sa version des faits et qu'il n'y a pas eu ainsi un dessein de faire échec aux droits de la défense.

En conséquence, il ne sera pas droit à la demande d'annulation au titre de l'article 105 du code de

LE 14/01
N/A

Pour copie certifiée conforme
Paris, le 25.07.2003
Le Greffier



03402170

procédure pénale.

Sur l'interrogatoire du 4 janvier 1991,

Cet interrogatoire qui figure à la cote D.94 s'analyse comme la poursuite des déclarations du 3.1.1991 et que notamment Pierre SABLE donnera son point de vue sur la teneur des écoutes téléphoniques.

En conséquence, les textes visés n'ont pas été violés et il ne sera pas fait droit à la demande d'annulation de cet interrogatoire.

Sur la perquisition du 3 janvier 1991,

Le 3 janvier 1991 à 19 h 15, sous la conduite de Gilles ALIROL Officier de Police Judiciaire, les enquêteurs effectueront une perquisition au lieu dit "BIDEMOULLE à CASTER ARROUY (32), domicile commun de Corinne GOURIVITCH et Pierre SABLE (D.440). Cette dernière sera, pour les besoins de l'enquête, mise en garde à vue à compter de 19 h 30 (D.443).

En conséquence, agissant dans le cadre de la Commission Rogatoire, les enquêteurs ont respecté les dispositions de l'article 57 du code de procédure pénale puisque ladite perquisition a été faite au domicile de Corinne GOUROVITCH, présente sur les lieux. Il échet en conséquence de ne pas faire droit à la demande d'annulation.

Sur les écoutes téléphoniques,

L'écoute téléphonique de Pierre SABLE à son domicile (Tél. 16 62 28 61 61) a été ordonnée par Commission Rogatoire en date du 7.12.1990 (D.386) avec la demande précise de faire un rapport sur le déroulement de ces écoutes chaque semaine.

Ces écoutes qui figurent aux cotes D.403 à D.422 ont été retranscrites et le magistrat instructeur a été strictement informé de leur déroulement ainsi qu'il résulte des procès-verbaux établis.

En conséquence, la Convention Européenne susvisée et la jurisprudence récente ont été respectées par le magistrat instructeur et les Officiers de police judiciaire.

En conséquence, la demande d'annulation des écoutes téléphoniques concernant le poste de SABLE sera rejetée.

SUR L'ACTION PENALE

La partie civile, Gérard TOURMETZ lors de

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l'enquête policière, devant le magistrat instructeur et à l'audience relatera comme suit les faits.

Le mardi 30 octobre 1990, il quittait à bord de son véhicule Range Rover le domicile de son amie JENSEN Annick à Saint REMY les CHEVREUSES (78) pour se rendre à l'aéroport d'Orly.

A Saint-AUBIN des BOIS 78, il était obligé de s'arrêter à la suite d'une manoeuvre d'un véhicule équipé d'un gyrophare bleu occupé par trois personnes.

Un individu, âgé de 50 ans (ROCHAT) s'approchait de lui exhibant une carte de police et lui demandait son permis de conduire. Un autre fouillait son véhicule et s'emparaît d'un agenda.

Il était invité à se rendre dans le véhicule équipé d'un gyrophare conduit par GREGOIRE. Monté à l'arrière, il constatait que la portière était bloquée et que le véhicule faisait demi-tour prenant la direction de SACLAY/PARIS. Il subissait des violences, le passager avant (GOTOVINA) lui braquant un revolver sur lui et le " gros " (ROCHAT) lui mettant des menottes et une couverture sur la tête. Après 40 mm de parcours, il était conduit dans une salle de bains vétuste et était attaché à la tuyauterie d'un lavabo après avoir enlevé son pantalon.

ROCHAT lui expliquait qu'ils étaient des exécutants et qu'il avait sur sa tête un contrat de 1 500 000 Francs qu'il devait payer. Deux heures plus tard, ROCHAT lui demandait de proposer une personne se portant caution morale.

Après plusieurs noms, il citait Claude MOREAU qui était accepté. Il appelait ensuite MOREAU pour lui dire qu'il devait se porter caution pour 1 500 000 F. Celui-ci donnait son accord vers 20/21 heures, ROCHAT et GOTOVINA lui disaient que MOREAU ne suffisait pas. Il rappelait donc MOREAU pour lui dire qu'il fallait quelqu'un d'autre. Le conducteur (GREGOIRE) qui tenait l'écouteur prenait MOREAU en ligne pour lui demander le nom d'une deuxième personne. Un quart d'heure après, il rappelait MOREAU qui lui disait avoir contacté SABLE qui avait pris un avion et qu'il devait rappeler vers minuit.

A minuit, il rappelait et avait SABLE au téléphone. Il était ramené par ses ravisseurs à 200 mètres du lieu d'interception. Reprenant son véhicule, il se rendait au domicile de JENSEN puis chez sa femme, rue de Téhéran à PARIS. Il appelait SABLE chez MOREAU le lendemain et il avait rendez-vous à la

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Brasserie STELLA Avenue Victor-Hugo. Sur place, SABLE lui disait qu'il fallait qu'il donne 250 000 Francs. Il prenait rendez-vous le 1er novembre 1990 Avenue HOCHE pour 20 heures. Il prenait l'argent dans le coffre de son épouse, il ne voyait pas SABLE et appelait MOREAU qui lui indiquait que SABLE attendait avenue Marceau derrière le Drugstore.

Il remettait 250 000 Francs à SABLE dans sa Mini Austin qui lui disait que MOREAU avait avancé les autres 250 000 Francs.

Il rencontrait alors MOREAU à la fin de la semaine et il le remerciait lui disant qu'il le rembourserait rapidement et lui proposait sa TRIUMPH TR.3 à vendre.

Brigitte TOURMETZ confirmera (D.20) que Gérard l'avait réveillée vers 2 h 30 du matin et qu'elle avait constaté que ses poignets étaient enflés portant des marques. Elle précisait que son mari avait versé 250 000 Francs à SABLE. Un certificat médical établi par le Docteur MANIERE en date du 30.11.90 constatait les blessures (D.26).

Entendu la victime informera dans le cadre de l'enquête les services de police qu'il avait rendez-vous à COURBEVOIE le 5 décembre 1990 à 15 heures avec SABLE et MOREAU pour remettre la somme de 100 000 Francs.

Le 7 décembre 1990, il informait les policiers qu'il avait eu le 6.12.90 vers 17 heures un rendez-vous avec Pierre SABLE à la Brasserie STELLA où celui-ci avait exprimé le souhait qu'il remette le solde pour le 20 décembre 1990. Il précisait qu'il avait remis les 100 000 Francs dans une enveloppe de grand format et dans une chemise rouge plastifiée.

Les services de police effectuaient une surveillance des abords du 19 bis, Villa Chambon à COURBEVOIE et voyaient TOURMETZ arrivé à 15 h 05 sur les lieux puis à 15 h 10 SABLE et TOURMETZ attablés dans un débit de boissons pour être rejoints par MOREAU.

La filature de SABLE permettait de constater que celui-ci se rendait dans un magasin de fourrures 21, rue Hoche à PARIS 1er où il remettait contre deux pièces de fourrure des billets de 500 Francs. Ces billets étaient identiques aux numéros relevés par TOURMETZ avant la remise (D.57).

Pierre SABLE, Charles MOREAU, René ROCHAT et Christian GREGOIRE étaient interpellés le 3 janvier 1991.

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Les déclarations des sunommés tant aux policiers qu'au magistrat instructeur seront progressives, niant les faits au départ, ils seront amenés peu à peu à reconnaître en raison des écoutes téléphoniques et des constats opérés leur participation dans certains des faits reprochés.

Pierre SABLE à l'audience reconnaîtra avoir effectué dans le passé deux ou trois recouvrements de dettes pour le compte d'autrui. Il indiquera, qu'étant endetté, il s'était chargé de recouvrer une "dette" pour une personne qu'il connaissait contestant avoir perçu la somme de 250 000 Francs le 1er novembre 1990, reconnaissant avoir perçu 100 000 Francs de TOURMETZ le 5 décembre 1990 et reconnaissant avoir été l'organisateur de la journée du 30 octobre 1990.

Christian GREGOIRE qui avait nié les faits à l'instruction reconnaît à l'audience avoir été le chauffeur de l'opération du 30 octobre 1990. Concernant les propos relatifs au "bulletin de paie" relevés lors des écoutes téléphoniques, il indiquera qu'il s'agissait de travaux et que les mouvements de fonds constatés sur ses comptes bancaires correspondaient à des travaux.

Claude MOREAU reconnaît à l'audience avoir demandé à TOURMETZ des versements. Il indiquera qu'il avait joué le rôle d'intermédiaire pour SABLE et qu'il avait demandé à TOURMETZ de verser 250 000 Francs correspondants aux 100 000 Francs versés le 5 décembre 1990 et à la remise de la Triumph.

René ROCHAT reconnaissait avoir été contacté le 29 octobre 1990 par SABLE, s'être rendu le 30 octobre 1990 à Saint-AUBIN des BOIS en compagnie de GREGOIRE et avoir fait part à TOURMETZ du recouvrement de la dette affirmant que celui-ci n'avait pas été détenu et qu'ils avaient téléphoné à partir de postes téléphoniques situés dans la campagne.

Sur l'arrestation et la séquestration et la complicité d'arrestation et de séquestration,

Il résulte des débats, des éléments du dossier et des déclarations très circonstanciées de la victime que le 30 octobre 1990, alors que Gérard TOURMETZ se rendait à l'aéroport d'Orly il a été intercepté en cours de route par un trio constitué de GREGOIRE, chauffeur du véhicule, de GOTOVINA qui a fait preuve de violence et de ROCHAT qui avait reçu des instructions de SABLE à cet effet.

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Le lieu de détention de Gérard TOURMETZ n'a pas été localisé. En revanche, il a été formellement établi que cette séquestration et arrestation s'inscrivait dans le cadre d'une demande de fonds à verser ultérieurement.

La contrainte a été employée à son encontre ainsi que l'atteste l'épouse de TOURMETZ qui avait remarqué les marques faites sur ses poignets par les menottes ainsi que le certificat médical établi.

Les faits n'ayant pas été niés par les prévenus présents et par la reconnaissance formelle sur photo de GOTOVINA, la prévention est établie à leur encontre.

Sur l'extorsion de fonds de 250 000 Francs et de 100 000 Francs.

a) sur la somme de 250 000 F.

La somme de 250 000 F. remise à SABLE à proximité du Drugstore Publicis le 7 novembre 1990 était confirmée par sa concubine JENSEN et son épouse qui ont affirmé toutes deux que cette somme représentait ses économies.

La remise peu de temps après la séquestration correspond parfaitement au scénario monté par SABLE. Il n'est pas sans intérêt de relever que MOREAU a au cours de l'instruction confirmé cette remise.

MOREAU quant à lui dans l'hypothèse où il n'avait pas été associé au projet de séquestration et d'arrestation a joué un rôle actif pour la remise de cette somme en indiquant à Gérard TOURMETZ qui l'appelait, n'ayant pas trouvé SABLE au lieu du rendez-vous fixé, l'endroit exact.

Le comportement ultérieur de MOREAU mis en évidence par les écoutes téléphoniques accrédite amplement sa participation à la remise de la somme de 250 000 Francs.

Concernant ROCHAT, GREGOIRE, GOTOVINA, ceux-ci se sont rendus complices de cette première extorsion de fonds en faisant savoir à Gérard TOURMETZ le 30 octobre 1990 qu'il y avait "un contrat" sur sa tête.

b) sur la somme de 100 000 F.

Gérard TOURMETZ qui avait informé les services de police du versement de cette somme avait pris le soin de relever les numéros des billets de banque et de photocopier lesdits billets de banque.

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Les photos prises lors de la remise de cette somme et les écoutes téléphoniques établissent amplement l'existence de cette remise.

MOREAU et SABLE ont reconnu les faits.

MOREAU précisant quant à lui n'avoir rien perçu et SABLE affirmant qu'il avait gardé la moitié de cette somme ayant remis l'autre moitié à X.

ROCHAT, GREGOIRE et GOTOVINA seront retenus en ce qui les concerne dans les liens de la prévention de complicité d'extorsion de fonds.

ROCHAT a reconnu qu'il devait percevoir une commission dxe 3 à 5 % et que les termes de "bulletin de paie" relevés par les écoutes téléphoniques concernaient ses commissions.

GREGOIRE a nié sa participation. Toutefois, sa présence en qualité de conducteur lors de la séquestration et de l'arrestation s'inscrit bien dans la remise ultérieure de fonds et notamment de cette somme.

GOTOVINA qui s'était auparavant livré à une tentative de recouvrement de créance musclée auprès d'un kinésithérapeute sera retenu dans les liens de la prévention.

Sur la tentative et la complicité d'extorsion de fonds à hauteur de 1 150 000 Francs,

Gérard TOURMETZ a toujours affirmé que la somme qui lui avait été demandée se montait à 1 500 000 Francs. Dans la mesure où il avait remis 350 000 Francs, il lui restait à devoir la somme de 1 150 000 Francs.

L'origine de cette demande est restée mystérieuse tout au long de l'information et tout au cours de l'audience, chacun ne voulant pas apporter des précisions sur les relations antérieures entre la victime et les prévenus sur cette question.

Il est à observer toutefois que les prévenus au cours des différentes auditions ou au cours des conversations téléphoniques enregistrées ont évoqué des sommes variables 100 000 F., 200 000 F., 400 000 F. ou 500 000 Francs.

A aucun moment la somme de 1 500 000 Francs n'a été évoquée lors des communications téléphoniques. Curieusement, il doit être noté que Gérard TOURMETZ qui savait que ses conversations téléphoniques faisaient l'objet d'écoutes n'a jamais évoqué avec

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SABLE ou MOREAU le montant de 1 500 000 Francs.

En conséquence, le délit de tentative d'extorsion et de complicité de tentative d'extorsion de fonds n'est pas constitué et les prévenus seront relaxés de ce chef.

Pierre SABLE qui a été l'instigateur et l'organisateur de cette affaire sera condamné à une peine d'emprisonnement relativement sévère avec maintien en détention et à une forte peine d'amende.

Christian GREGOIRE qui a été le chauffeur du commando ayant procédé à l'arrestation et à la séquestration sera condamné à une peine d'emprisonnement avec une peine d'amende de 50 000 Francs.

Claude MOREAU qui a joué un rôle d'intermédiaire entre Gérard TOURMETZ et Pierre SABLE dans la remise des fonds sera sanctionné par une peine d'emprisonnement assortie pour une grande partie d'un sursis et à une forte peine d'amende.

Paul ROCHAT qui a procédé à l'arrestation de Gérard TOURMETZ n'a pas, d'après les éléments du dossier, bénéficié d'une remise d'argent. Toutefois sa participation aux faits établis à son encontre sera sanctionnée par une courte peine d'emprisonnement couvrant sa détention provisoire.

Anté GOTOVINA en fuite ayant un lourd passé judiciaire et qui a utilisé la violence à l'égard de Gérard TOURMETZ sera condamné à une sévère peine d'emprisonnement avec confirmations des effets du mandat d'arrêt.

SUR L'ACTION CIVILE,

Par conclusions régulières, Gérard TOURMETZ se constitue partie civile et demande la condamnation solidaire de MOREAU, SABLE, GREGOIRE, ROCHAT et GOTOVINA, au paiement de la somme de 350 000 FRANCS qu'il avait versée et la somme de 50 000 FRANCS sur le fondement de l'article 475-1 du code de procédure pénale.

MOREAU, SABLE, GREGOIRE, ROCHAT et GOTOVINA seront déclarés responsables des conséquences de leur acte relatif aux extorsions de fonds de 250 000 Francs et 100 000 Francs.

PAR CES MOTIFS

Statuant publiquement, en premier ressort et CONTRADICTOIREMENT à l'encontre de SABLE Pierre, CONTRADICTOIREMENT à l'encontre de GREGOIRE

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Christian, CONTRADICTOIREMENT à l'encontre de MOREAU Claude, CONTRADICTOIREMENT à l'encontre de ROCHAT Paul et par JUGEMENT DE DEFAULT susceptible d'opposition à l'encontre de GOTOVINA Ante

Reçoit in limine litis, les exceptions de nullités. Les joint au fond, REJETTE les CONCLUSIONS DE NULLITES de procédure.

RELAXE SABLE Pierre du chef de TENTATIVE D'EXTORSION DE FONDS à hauteur de 1 150 000 F.

Déclare SABLE Pierre coupable du CHEF DE COMPLICITÉ D'ARRESTATION ET SEQUESTRATION, et du chef d'EXTORSION DE FONDS PAR VIOLENCE ou CONTRAINTE DES SOMMES DE 250 000 F. ET 100 000 F.

LE CONDAMNE A LA PEINE DE 3 ANS D'EMPRISONNEMENT ,
LE CONDAMNE A PAYER 1 AMENDE DE 100 000 FRANCS,

Ordonne le MAINTIEN EN DETENTION de SABLE Pierre

RELAXE GREGOIRE Christian du chef de COMPLICITÉ DE TENTATIVE D'EXTORSION DE FONDS à HAUTEUR DE 1 150 000 F.

Déclare GREGOIRE Christian coupable du chef d'ARRESTATION ET SEQUESTRATION ET DE COMPLICITÉ D'EXTORSION DE FONDS à HAUTEUR DE 350 000 F.

LE CONDAMNE A LA PEINE DE 15 MOIS D'EMPRISONNEMENT

LE CONDAMNE A PAYER 1 AMENDE DE 50000 FRANCS,

RELAXE Claude MOREAU du CHEF DE TENTATIVE D'EXTORSION DE FONDS à HAUTEUR DE 1 150 000 F.

Déclare MOREAU Claude coupable de CHEF D'EXTORSION DE FONDS PAR VIOLENCE OU CONTRAINTE DES SOMMES DE 250 000 F. et 100 000 F. par application des articles susvisés,
Vu l'article 463 du Code Pénal,

LE CONDAMNE A LA PEINE DE 3 ANS D'EMPRISONNEMENT DIT QU'IL SERA SURSIS A CONCURRENCE DE 26 MOIS A L'EXECUTION DE CETTE PEINE, PAR APPLICATION DE L'ARTICLE 734 DU CODE DE PROCEDURE PENALE,

ET AUSSITOT LE PRESIDENT LUI A DONNE L'AVERTISSEMENT PREVU PAR L'ARTICLE 737 DU CODE DE PROCEDURE PENALE

LE CONDAMNE A PAYER 1 AMENDE DE 100 000 FRANCS,

RELAXE ROCHAT Paul du chef de COMPLICITÉ DE TENTATIVE D'EXTORSION DE FONDS à hauteur de

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Le Greffier

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1 150 000 F.

Déclare ROCHAT Paul coupable du chef d'ARRESTATION ET SEQUESTRATION et de COMPLICITÉ D'EXTORSION DE FONDS à hauteur de 350 000 F.

LE CONDAMNE A LA PEINE DE 9 MOIS D'EMPRISONNEMENT ,

RELAXE GOTOVINA Ante du chef de COMPLICITÉ DE TENTATIVE D'EXTORSION DE FONDS à HAUTEUR de 1 150 000 F.

Déclare GOTOVINA Ante coupable du chef d'ARRESTATION ET SEQUESTRATION ET DE COMPLICITÉ D'EXTORSION DE FONDS à HAUTEUR de 350 000 F.

LE CONDAMNE A LA PEINE DE 2 ANS D'EMPRISONNEMENT ,

CONFIRME LES EFFETS DU MANDAT D'ARRET à l'encontre de GOTOVINA Ante prononcé le le 14.10.1991,

Reçoit Monsieur TOURMETZ Gérard en sa constitution de partie civile, et statuant sur sa demande, condamne solidairement SABLE Pierre, GREGOIRE Christian, MOREAU Claude, ROCHAT Paul, GOTOVINA Ante , à lui verser la somme de 350 000 FRANCS à titre de dommages-intérêts et la somme de 15 000 FRANCS en application de l'article 475-1 du Code de Procédure Pénale.

Condamne les prévenus aux dépens de la présente instance savoir :

- ceux avancés par la partie civile,
- ceux pris sur la consignation et s'élevant à la somme de (NEANT),
- et ceux avancés par l'Etat liquidés à la somme de 8407,44 FRANCS droit de poste et droit fixe de procédure inclus et aux frais d'exécution du présent jugement.

Les condamne au paiement envers l'Etat, chacun par parts égales.

FAIT et JUGE en audience publique de la 14^{ème} Chambre Correctionnelle du Tribunal de Grande Instance de PARIS, le 15 avril 1992

par Monsieur ANTONETTI, Président

Madame DAUVILLAIRE,

Madame SARBOURG, Juges

en présence de Madame BECACHE, Substitut de Monsieur le Procureur de la République assistés de Madame POTTIER, Greffier.

Antonetti

Pottier

signé : ANTONETTI ET POTTIER ,

POUR COPIE CERTIFIÉE CONFORME

Le Greffier en Chef

Pour copie certifiée conforme

Paris, le 25.07.2003

Le Greffier

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PUBLIC PROSECUTOR'S OFFICE
AT THE PARIS
TRIBUNAL DE GRANDE INSTANCE



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PARIS
TRIBUNAL DE
GRANDE INSTANCE

ORDER
ON COMMITTAL TO THE TRIBUNAL CORRECTIONNEL
PARTIAL DISCHARGE - CHARACTERISATION

General ref. no. P90 323 2008/5
Chambers ref. no.

I, Jean-François RICARD

Examining Judge at the Paris *Tribunal de Grande Instance*,

Noting the investigation into:

1) Marie Joséphine ALIX

born on 12 September 1937 in COUTANCES

residing at: 10 av du Maréchal Delattre de Tassigny
94 SAINT MAURICE

FREE

2) Claude MOREAU

born on 16 April 1931 in LA CHÂTRE 36

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residing at: 290 bd Saint Denis
92 COURBEVOIE

FREE

Detention order of 5 January 1991

under court supervision on 28 October 1991

3) Pierre SABLE

born on 24 August 1935 in MARCILLE LA VILLE /handwritten:/ P3

residing at: Bidé Moulié
53 CASTET ARROUY

IN CUSTODY

Detention order of 5 January 1991

4) Christian GRÉGOIRE

born on 23 August 1944 in NOGENT SUR MARNE /handwritten:/ P4

residing at: 111 av d'Argenteuil
92 ASNIÈRES

IN CUSTODY

Detention order of 5 January 1991

5) Paul ROCHAT

born on 4 November 1936 in SAINT NAZAIRE /handwritten:/ P6

residing at: 10 av du Maréchal Delattre de Tassigny
94 SAINT MAURICE

FREE UNDER COURT SUPERVISION

Detention order of 5 January 1991

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under court supervision on 4 October 1997/

6) Ante GOTOVINA

born on 12 October 1955 in ZADAR, Yugoslavia

ARREST WARRANT OF 14 OCTOBER 1991

CHARGED with: abduction and unlawful confinement, and
extortion

COMPLAINANT: Mr Gérard TOURMETZ
electing domicile with Mr VIGNOLLES
51 av Montaigne, 8th *arrondissement*, PARIS

Noting the State Prosecutor's application of 13 JANUARY 1992, the
grounds of which we endorse;

for the committal of this case to the *Tribunal Correctionnel*;

In accordance with articles 176, 179, 180, 183 and 184 of the Code
of Criminal Procedure;

PARTIAL DISCHARGE:

Considering that the investigation has not yielded sufficient evidence
to indicate that Marie Joséphine ALIX committed the crimes of
attempted extortion and receipt of goods of which she stands
accused.

State that there is no reason to continue with the proceedings against
Marie Joséphine ALIX on these charges.

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CHARACTERISATION:

Considering that the facts originally characterised as extortion, aiding and abetting in the abduction and unlawful confinement of a person, attempted abduction and unlawful confinement and actual abduction and unlawful confinement with which Pierre SABLE and Claude MOREAU are charged must be recharacterised as:

- aiding and abetting in the unlawful arrest and confinement of a person for a period of less than five days, extortion and attempted extortion, with regard to Pierre SABLE;

- extortion and attempted extortion, with regard to Claude MOREAU;

Considering that the facts originally characterised as the abduction and unlawful confinement of a person, extortion and attempted extortion, with which Paul ROCHAT and Christian GRÉGOIRE are charged must be recharacterised as:

- the arrest and unlawful confinement of a person for a period of less than 8 days, aiding and abetting in extortion, and aiding and abetting in attempted extortion, with regard to both GRÉGOIRE and Paul ROCHAT;

COMMITTAL TO THE TRIBUNAL CORRECTIONNEL:

Considering that the investigation has yielded sufficient evidence to indicate that:

A) Paul ROCHAT, Christian GRÉGOIRE and Ante GOTOVINA, acting together and in concert:

1) unlawfully arrested and confined Gérard TOURMETZ in SAINT AUBIN DES BOIS (78), and in any event on French territory, on 30 October 1990, subsequently releasing him within five days of his arrest - which offence is not time-barred;

2) at the same time and place, aided and abetted in offences whereby they extorted funds to the value of 350,000 francs from Gérard TOURMETZ and attempted to extort funds to the value of 1,150,000 francs from him by knowingly providing physical help or assistance to the perpetrators to plan or further the above offences;

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Notice of this order was given to:
 Bernard. Binet
 François /illegible/
 Mr Leborgne /illegible/
 Poiblanç /illegible/
 Counsel for the accused
 on 16 January 1992
 by recorded delivery

Mr Vignolles
 Counsel for the complainant
 on 16 January 1992
 by recorded delivery

The Registrar
 /signed/

This order was made known to:
 the accused
 on 16 January 1992
 by recorded delivery

the complainant
 on 16 January 1992
 by recorded delivery
 by written notification with
 case-file marginal entry

The Registrar
 /signed/

A copy of this order was sent to the
 State Prosecutor on
 for the purposes of notifying the
 complainant.

The Registrar

B) Pierre SABLE

aided and abetted in the offences whereby Gérard TOURMETZ was unlawfully arrested and confined on French territory on 30 October 1990 by ordering that they be committed - which offences are the subject of charges brought against the above persons and are not time-barred.

C) Pierre SABLE and Claude MOREAU

1) extorted from Gérard TOURMETZ by means of force, violence or duress the successive sums of 250,000 francs and 100,000 francs in Paris, and in any case on French territory, on 1 November and 5 December 1990 - which offence is not time-barred.

2) attempted to extort from Gérard TOURMETZ the sum of 1,150,000 francs in PARIS, and in any case on French territory, on 3 January 1991 - which offence is not time-barred. The attempt consisted of initial steps taken to execute the plan (unlawful confinement, threats and psychological pressure) and failed only as a result of circumstances beyond their control (arrest of the accused).

crimes provided for and punishable under articles 2, 3, 59, 60, 341 and 400 of the Penal Code;

Order that the case be committed to the *Tribunal Correctionnel* to be tried in accordance with the law, and in separate documents, order that SABLE and GRÉGOIRE be kept on remand and that MOREAU and ROCHAT be kept under court supervision.

Accordingly order that the case-file be forwarded together with this order to the State Prosecutor.

Done in my chambers, on 16 January 1992
 Examining Judge
 /signed and stamped/

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 /illegible/ on 26/5/92 /illegible/ Mr Vignoles on 29/05/92
 /illegible/ 1 copy /illegible/ Mr Bernard on 29/05/92
 /illegible/ /illegible/ Mr ROBAGLIA (MOREAU) on 27/01/94

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1 copy Mr Ollivier /stamp:/ EXTRACT FROM THE MINUTES
 on 13/12/95 HEARING of the Registry
 OF 15 APRIL 1992 of the Paris *Tribunal de Grande Instance*

1 copy /illegible/ 14th CHAMBER
 on 3.6.92

CASE NO. P 90 323 2008 5

CRIMINAL JUDGMENT NO. 3

On the proceedings brought by the State Prosecutor at the PARIS *Tribunal de Grande Instance*

and the action of

Mr Gérard TOURMETZ, domiciled with Mr VIGNOLES at 51 AVENUE MONTAIGNE, 75008 PARIS,

P.C. 2257 / 90
 /initialled/

Assisted by Mr VIGNOLES, attorney-at-law at the Bar of PARIS who is filing submissions which were reviewed by the Presiding Judge and Registrar and appended hereto.

COMPLAINANT

AGAINST

/illegible/
 14th

Pierre Léon Albert Paul SABLE born on 24 August 1935 at 53 MARCILLE LA VILLE, son of Pierre and Celeste TONNELIER, FARMER, residing at BIDÉ MOULIÉ 32340 CASTET ARROUY, DIVORCED, 4 CHILDREN, of French nationality, previously convicted,

Detention order: 26 April 1991
 HELD at LA SANTÉ

DEFENCE – Assisted by Mr BINET and Mr BERNARD, attorneys-at-law at the Bar of PARIS, who filed, *in limine litis*, objections of nullity which were reviewed by the President and the Registrar and appended hereto.

AGAINST

Christian Georges GRÉGOIRE born on 23 August 1944 in 94 NOGENT SUR MARNE, son of André and Berthe Anna LAVANANT, unemployed electrician, residing at 111 AV ARGENTEUIL 92600 ASNIÈRES, MARRIED, 1 CHILD, of French nationality, previously convicted,

Detention order: 26 April 1991
 Detained at FRESNES

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/stamp:/ True certified copy
 Paris, 25 July 2003
 The Registrar
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DEFENCE – Assisted by Mr SPINER, attorney-at-law at the Bar of PARIS

AGAINST

By judgment
on request
dated 2
October
1993, the
14th chamber -
States that the
sum of
149,000 francs
deposited by
MOREAU
must be
considered as
having been
assigned to
compensating
the

Claude Germain Marie MOREAU born on 16 April 1931 in 36 LA CHÂTRE, son of
Marcel and Jeanne MARTIN, GARAGE MECHANIC, residing at 190 BD ST DENIS
92400 COURBEVOIE, SINGLE, of French nationality, no previous convictions

Detention order: 5 January 1991

Released under court supervision on 28 October 1991, payment of security of

150,000 francs to a limit of:

- 1,000 francs for representation at all stages of the proceedings,

- 149,000 francs for payment of the prosecution's fees,

complainant;
Orders that
this note will
be added in
the margin of
the judgment:
the word
'prosecution'
is to be
replaced by
'complainant'
as concerns
the order for
the release of
Claude

DEFENCE – Assisted by Mr POIBLANC, attorney-at-law at the Bar of PARIS.

AGAINST

Paul ROCHAT born on 4 November 1936 at 44 ST NAZAIRE, son of Gaston and
Angélique JARNET, FLOORING SPECIALIST, residing at 10 AV DELATTRE DE
TASSIGNY, 94410 ST MAURICE, COHABITING, of French nationality, previously
convicted,

Detention order: 5 January 1991

Released under court supervision on 4 October 1991

the word
'prosecution'
is to be
replaced by
'complainant'
as concerns
the order for
the release of
Claude

DEFENCE – Assisted by Mr LEBORGNE, attorney-at-law at the Bar of PARIS.

AGAINST

Ante GOTOVINA born on 12 October 1955 at 99 ZADAR, YUGOSLAVIA, son of
Milan and Slavia MIJOCEV, WITH NO KNOWN PLACE OF ABODE, of Yugoslav
nationality, previously convicted,

/signed by the
Registrar/

ARREST WARRANT of 14 October 1991

BY DEFAULT

CHARGED WITH

ARRESTING AND UNLAWFULLY CONFINING OR DETAINING A PERSON,
AND SUBSEQUENTLY RELEASING HIM BEFORE THE 5TH DAY,
AIDING AND ABETTING IN ARRESTING AND UNLAWFULLY CONFINING

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A PERSON,
AIDING AND ABETTING IN THE EXTORTION OF FUNDS IN THE SUM OF
350,000 FRANCS,
EXTORTING FUNDS BY MEANS OF FORCE, VIOLENCE OR DURESS IN
THE SUMS OF 250,000 FRANCS AND 100,000 FRANCS.

THIS COURT

Having stated the names of Pierre SABLE, Christian GRÉGOIRE, Claude MOREAU and Paul ROCHAT, taken note of the absence of Ante GOTOVINA, given notice of the committal order, heard the explanations of Pierre SABLE, Christian GRÉGOIRE, Claude MOREAU and Paul ROCHAT, heard Mr BINET's objections of nullity *in limine litis* and the Prosecutor's related submissions which it joined to the merits, heard the statements of the victim, Mr VIGNOLES, counsel for Gérard TOURMETZ, the complainant, the Prosecution case, the arguments of Mr BERNARD, counsel for Pierre SABLE, the arguments of Mr SPINER, counsel for Christian GRÉGOIRE, the arguments of Mr POIBLANC, counsel for Claude MOREAU, the arguments of Mr LEBORGNE, counsel for Paul ROCHAT, and the defence raised by Pierre SABLE, Christian GRÉGOIRE, Claude MOREAU and Paul ROCHAT, and after deliberating in accordance with the law;

Considering that by order of one of the examining judges of this jurisdiction dated 16 January 1992

A) Paul ROCHAT, Christian GRÉGOIRE and Ante GOTOVINA, together and in concert,

1) unlawfully arrested and confined Gérard TOURMETZ in SAINT AUBIN DES BOIS (78), and in any event on French territory, on 30 October 1990, releasing him before the fifth day of his arrest - which offence is not time-barred;

2) at the same time and place, aided and abetted in the offences of extorting 350,000 francs from Gérard TOURMETZ and attempting to extort 1,150,000 francs by knowingly providing physical help or assistance to the perpetrators to plan or further the above offences;

B) Pierre SABLE

aided and abetted in the offences of unlawfully arresting and confining Gérard TOURMETZ on French territory on 30 October 1990 by ordering that they be committed - which offences are the subject of charges brought against the above-said persons and are not time-barred.

C) Pierre SABLE and Claude MOREAU

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1) extorted from Gérard TOURMETZ by means of force, violence or duress the successive sums of 250,000 francs and 100,000 francs in Paris, and in any case on French territory, on 1 November and 5 December 1990 - which offence is not time-barred.

2) attempted to extort from Gérard TOURMETZ the sum of 1,150,000 francs in PARIS, and in any case on French territory, on 3 January 1991 - which offence is not time-barred. The attempt consisted of initial steps taken to execute the plan (unlawful confinement, threats and psychological pressure) and failed only as a result of circumstances beyond their control (arrest of the accused).

Crimes provided for and punishable under articles 2 and 3, 59 and 60, 341 and 400-1 of the PENAL CODE;

Considering that Ante GOTOVINA is not appearing at today's hearing although he was summoned in accordance with the law, and that a record of his non-appearance should be entered and a ruling made in his absence;

MERITS:

On 15 November 1990, Gérard TOURMETZ, residing at 21 rue de Téhéran in PARIS, 8th *arrondissement*, drew in criminal proceedings as a complainant claiming damages for unlawful confinement and extortion against X...

In his complaint, he stated that he had been abducted in SAINT AUBIN des BOIS on 30 October 1990 by three men who demanded the sum of 1,500,000 francs.

After his release at around 2:45 in the morning, he handed SABLE a sum of 250,000 francs on 1 October 1990.

An investigation was launched on 23 November 1990 into the charges of abduction with unlawful confinement and extortion. On 10 December 1990, the Prosecutor submitted a written application for the investigation into the extortion by X... to be extended.

Objections of nullity

In valid submissions presented in the course of the proceedings, Pierre SABLE requested that the Prosecutor's 23 November 1990 application for the investigating judge to open an investigation be set aside in accordance with articles 43 and 52 of the Code of Criminal Procedure. He requested that a ruling of no jurisdiction therefore be made and that the interview record of 3 January 1991 and entire proceedings be set aside in accordance with articles 53, 73, 104, 114, 117, 118, 152 and 153 of the Code of Criminal Procedure and the provisions of article 6(3) of the European Convention on the Protection of Human Rights, that the record of 4 January 1991 and subsequent proceedings be set aside in accordance with the provisions of articles 104 and 105 of the Code of Criminal

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Procedure and the provisions of article 6 of the above Convention, that the search record of 3 January 1991 be set aside in accordance with articles 56 and 57 of the Code of Criminal Procedure, and that the telephone communication or intercept records and subsequent proceedings be set aside in accordance with articles 8 and 6(3) of the above Convention.

During their oral arguments, the other accused joined in these submissions.

Jurisdiction of the examining judge

On reviewing the complaint made by the complainant, Gérard TOURMETZ (D.1), it was clear from page 3 that the meeting place for paying the sum of 250,000 francs was in **PARIS, in the 8th arrondissement**.

Accordingly, since the facts constituting extortion took place in PARIS, the PARIS examining judge did hold jurisdiction within the meaning of article 52 of the Code of Criminal Procedure.

The request will therefore be denied.

Interview record of 3 January 1991

Pierre SABLE, who was placed in custody at 1700 hours on 3 January 1991 (D.88), was aware of the provisions of article 104 of the Code of Criminal Procedure when his interview began at 1915 hours on 3 January 1991 (D.90). He stated that he wished to be heard with regard to the statements made by Gérard TOURMETZ, the complainant.

As the investigators complied with the provisions of articles 152 and 104 of the Code of Criminal Procedure, the request to set aside will be denied.

Likewise, the provisions of article 6(3) of the Convention for the Protection of Human Rights were not violated.

With respect to the violation of article 105 of the Code of Criminal Procedure, there is reason to point out that, during his interview, Pierre SABLE stated: "At this point in the interview, I realise that I've got to tell the truth, so I want to explain myself." Pierre SABLE then spontaneously recounted to the investigators his version of events. There was not therefore a plan to obstruct the rights of the defence.

The request to set aside pursuant to article 105 of the Code of Criminal Procedure will therefore be denied.

Interview of 4 January 1991

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This interview, under reference number D.94, is a follow-on from the statements of 3 January 1991. It is notable that Pierre SABLE gives his standpoint on what was said during the monitored telephone calls.

The texts specified were not therefore violated and the request for the interview to be set aside will be denied.

Search of 3 January 1991

At 1915 hours on 3 January 1991, under the supervision of police officer Gilles ALIROL, the investigators carried out a search at the place known as BIDÉ MOULIÉ in CASTET ARROUY (32), the shared residence of Pierre SABLE and Corinne GOURIVITCH (D.440). For the purposes of the investigation, this person was placed in custody at 1930 hours (D.443).

Acting pursuant to the Rogatory Commission, the investigators therefore complied with the provisions of article 57 of the Code of Criminal Procedure since the search was carried out at the residence of Corinne GOUROVITCH in her presence. This request to set aside must therefore be denied.

Telephone monitoring

A Rogatory Commission of 7 December 1990 (D.386) ordered that Pierre SABLE's home telephone calls be monitored (tel. no. 16 62 28 61 61) and specified that a **report on the monitored calls was to be submitted every week.**

The monitored calls, numbered D.403 to D.422, were transcribed and the examining judge was kept closely informed as they happened – as may be seen from the records.

The examining judge and police officers therefore acted in accordance with the above-mentioned European Convention and recent case-law.

The request to set aside the monitored telephone calls made from SABLE's telephone number will therefore be denied.

CRIMINAL ACTION

During the police investigation, before the examining magistrate and at the hearing, the complainant, Gérard TOURMETZ, related the facts as follows.

On Tuesday 30 October 1990, he left the home of his friend Annick JENSEN in SAINT RÉMY les CHEVREUSES (78) in his Range Rover for Orly airport.

In SAINT-AUBIN des BOIS 78 a vehicle with a blue rotating light with three people inside made a manoeuvre which forced him to stop.

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An individual of 50 years of age (ROCHAT) came up to him, showed him police identification and asked for his driving license. Another man searched his vehicle and took an agenda.

He was asked to get into the vehicle with a rotating light which was being driven by GRÉGOIRE. When he got into the back of the vehicle he noted that the door was locked and that the vehicle turned around and went in the direction of SACLAY/PARIS. He was assaulted - the passenger in front (GOTOVINA) aimed a gun at him and the "fat man" (ROCHAT) put handcuffs on him and a blanket over his head. After a 40-minute drive he was taken to a dilapidated bathroom and attached to the pipes of a sink after taking off his trousers.

ROCHAT told him that they were carrying out orders and that there was a contract of 1,500,000 francs out on him which he had to pay. Two hours later ROCHAT asked him to suggest someone to act as security.

After naming several people he put forward **Claude MOREAU**'s name which was accepted. He then called Moreau to tell him that he was to act as security for 1,500,000 francs. MOREAU agreed at around 20:00/21:00 hours. ROCHAT and GOTOVINA told him that MOREAU was not enough. He called MOREAU back therefore to tell him that someone else was needed. The driver (**GRÉGOIRE**) who was holding the earpiece spoke to MOREAU to ask him for the name of a second person. A quarter of an hour later he called MOREAU again who told him that he had contacted SABLE who was on board a plane and that he should call again around midnight.

He called back at midnight and spoke to SABLE on the phone. He was taken by his abductors to a place 200m from where he had been intercepted. Taking his vehicle he went to JENSEN's house and then to his wife's house in rue de Téhéran in PARIS. He called SABLE at MOREAU's house the next day and a meeting was arranged for Brasserie STELLA in avenue Victor-Hugo. SABLE told him there that he had to provide 250,000 francs. He arranged a meeting for 20:00 hours on 1 November 1990 in avenue HOCHÉ. He took the money in his wife's safe-box. He didn't see SABLE and called MOREAU who told him that SABLE was waiting behind the drugstore in avenue Marceau.

He gave SABLE 250,000 francs when they were in his mini Austin who told him that MOREAU had put forward the other 250,000 francs.

He met MOREAU at the end of the week, thanked him and told him that he would pay him back quickly and suggested that he take his TRIUMPH TR3 to sell.

Brigitte TOURMETZ confirmed (D20) that Gérard had woken her at around 2:30 hours and that she had seen that his wrists were swollen and bore marks. She stated that her husband had paid SABLE 250,000 francs. A medical certificate drawn up by Dr

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MANIÈRE on 30 November 1990 recorded the injuries (D26).

During the investigation the victim informed the police that he had a meeting with SABLE and MOREAU to hand over the sum of 100,000 francs in COURBEVOIE at 15:00 hours on 5 December 1990.

On 7 December 1990 he informed the police that he had had a meeting with Pierre SABLE at the Brasserie STELLA around 17:00 hours on 6 December 1990 where the latter had expressed the wish that he should pay the balance on 20 December 1990. He further stated that he had put the 100,000 francs into a large envelope enclosed in a red plastic cover.

The police observed the area around 19 bis, Villa Chambon in COURBEVOIE, saw TOURMETZ arriving at 15:05 hours and SABLE and TOURMETZ seated at a table in a café at 15:10 who were then joined by MOREAU.

SABLE was tailed and seen entering a fur shop at 21 rue Hoche in the 1st arrondissement in PARIS where he paid for two items of fur with 500 franc notes. These notes were identical to the numbers noted by TOURMETZ before he handed over the money (D57).

Pierre SABLE, Charles MOREAU, René ROCHAT and Christian GRÉGOIRE were taken in for questioning on 3 January 1991.

The statements of the above-named to the police and before the examining magistrate changed over time. They denied the facts at the outset but because of the telephone taps and reports carried out they gradually had to acknowledge their participation in some of the facts charged.

Pierre SABLE acknowledged at the hearing that he had recovered debts on behalf of others on two or three occasions in the past. He stated that since he was in debt he had taken responsibility for recovering a "debt" for someone he knew. He disputed having received 250,000 francs on 1 November 1990 but acknowledged both having received 100,000 francs from TOURMETZ on 5 December 1990 and having organised the events on the day of 30 October 1990.

Christian GRÉGOIRE, who had denied the facts during the investigation, admitted at the hearing to having been the driver in the operation of 30 October 1990. He stated that what was said about the "payslip", picked up via the telephone tap, related to work and that the movement of funds observed in his bank accounts was for work.

Claude MOREAU acknowledged at the hearing that he had asked TOURMETZ for payment. He stated that he had been an intermediary for SABLE and that he had asked TOURMETZ to pay 250,000 francs which was equivalent to the 100,000 francs paid on 5 December 1990 and the handover of the Triumph.

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René ROCHAT acknowledged that he had been contacted by SABLE on 29 October 1990, that he went to SAINT-AUBIN des BOIS with GRÉGOIRE on 30 October 1990 and told TOURMETZ about recovering the debt, stating that he had not been detained and that they had made the phone calls from telephone boxes in the countryside.

Arrest and unlawful confinement and aiding and abetting arrest and unlawful confinement.

It is clear from the proceedings, the material in the case-file and the victim's very detailed statements that on his way to Orly airport on 30 October 1990, Gérard TOURMETZ was intercepted by three people – GRÉGOIRE, who was driving the vehicle, GOTOVINA, who was violent and ROCHAT, who had received instructions to this effect from SABLE.

Gérard TOURMETZ's place of detention was not found. It was formally established, however, that the unlawful confinement and arrest occurred as part of a request for the subsequent payment of funds.

Constraint was used against him as attested by TOURMETZ's wife who noted the marks on his wrists made by the handcuffs and as established by the medical certificate.

Since the facts were not denied by the defendants present and GOTOVINA was formally identified in a photograph, the charge against them was established.

Extortion of 250,000 francs and 100,000 francs.

- a) the sum of 250,000 francs

The 250,000 francs given to SABLE near the Publicis Drugstore on 7 November 1990 was confirmed by his partner JENSEN and his wife who both asserted that this sum was his savings.

The handover shortly after his unlawful confinement fits in perfectly with the scenario set up by SABLE. It should be noted that, in the course of the investigation, MOREAU corroborated the handover.

Even assuming that he was not involved in the unlawful confinement and arrest, MOREAU played an active role in the handover of the sum, indicating the exact location to Gérard TOURMETZ, who phoned him when he had not found SABLE at the exact spot of the arranged meeting point.

MOREAU's subsequent behaviour, borne out by the telephone taps, is ample proof of his participation in the handover of the 250,000 francs.

ROCHAT, GRÉGOIRE and GOTOVINA aided and abetted this first extortion of funds

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by indicating to Gérard TOURMETZ on 30 October 1990 that there was a "contract" out on him.

b) the sum of 100,000 francs

Gérard TOURMETZ who had informed the police of the payment of this sum had taken care to note the numbers of the bank notes and photocopy them.

The photos taken when the money was being handed over and the telephone taps established amply that the handover did take place.

MOREAU and SABLE admitted the facts.

MOREAU stated that he had not received any money and SABLE asserted that he had kept half of the sum and had given the other half to X.

The charge of aiding and abetting the extortion of funds was retained against ROCHAT, GRÉGOIRE and GOTOVINA.

ROCHAT admitted that he was to receive a commission of 3-5% and that the terms of the "payslip" overheard on the telephone taps related to his commissions.

GRÉGOIRE denied his participation. However, the fact that he was there as driver at the time of the unlawful confinement and arrest goes to prove his part in the subsequent handover of money and, in particular, the handover of this sum.

Charges are still being held against GOTOVINA who previously attempted to recover a debt by force from a physiotherapist.

Attempt and aiding and abetting extortion of funds estimated at 1,150,000 francs.

Gérard TOURMETZ always asserted that a total of 1,500,000 francs had been asked of him. Since he had made a payment of 350,000 francs, he still owed 1,150,000.

The origin of this demand remained unknown throughout the investigation and the hearing, as no one wanted to provide clarification on prior relations between the victim and the defendants on the matter.

It should be noted however that, when they were being heard on different occasions and during the telephone conversations recorded, the defendants mentioned varying sums of 100,000 francs, 200,000 francs, 400,000 francs or 500,000 francs.

At no time during the telephone conversations was the sum of 1,500,000 francs mentioned. Curiously, it must be observed that Gérard TOURMETZ who knew that his telephone conversations were being tapped never referred to the sum of 1,500,000 francs

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when speaking to SABLE or MOREAU.

Consequently, the offence of attempted extortion and aiding and abetting the attempted extortion of funds was not established, and the defendants were released on this charge.

Pierre SABLE who initiated and organised the incident was convicted to a relatively severe prison sentence, was detained and received a heavy fine.

Christian GRÉGOIRE who acted as driver for the commando who carried out the arrest and unlawful confinement was convicted to a prison sentence with a fine of 50,000 francs.

Claude MOREAU who acted as intermediary between Gérard TOURMETZ and Pierre SABLE in the handover of money was sanctioned with a prison sentence, a large part of which was suspended, and a heavy fine.

Paul ROCHAT who arrested Gérard TOURMETZ did not, according to the material in the case-file, benefit from the handover of money. However his participation in the facts established against him was sanctioned by a short term of imprisonment which covered the period he spent in pre-trial detention.

Ante GOTOVINA, at large with a significant legal record and who used violence against Gérard TOURMETZ, was convicted to a severe prison sentence and the terms of the arrest warrant were confirmed.

CIVIL ACTION

Through valid submissions Gérard TOURMETZ as the complainant requests that MOREAU, SABLE, GRÉGOIRE, ROCHAT and GOTOVINA be made to pay him jointly the 350,000 FRANCS which he had paid and 50,000 FRANCS pursuant to Article 475(1) of the Code of Criminal Procedure.

MOREAU, SABLE, GRÉGOIRE, ROCHAT and GOTOVINA were found liable for the consequences of their act regarding the extortion of 250,000 and 100,000 francs.

FOR THE FOREGOING REASONS

Ruling publicly, at the trial stage and INTER PARTES against Sable PIERRE, INTER PARTES against Christian GRÉGOIRE, INTER PARTES against Claude MOREAU, INTER PARTES against Paul ROCHAT and in a judgment in absentia against Ante GOTOVINA which may be opposed,

Receives *in limine litis* the Prosecution motion alleging objections of nullity. Considers them together with the merits of the case and REJECTS the MOTION ALLEGING OBJECTIONS OF NULLITY.

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ACQUITS Pierre SABLE on the count of ATTEMPTED EXTORTION OF FUNDS estimated at 1,150,000 francs.

Finds Pierre SABLE guilty on the COUNT OF AIDING AND ABETTING ARREST AND UNLAWFUL CONFINEMENT and on the count of EXTORTION OF FUNDS BY MEANS OF VIOLENCE or CONSTRAINT OF THE SUMS OF 250,000 AND 100,000 FRANCS.

SENTENCES HIM TO 3 YEARS' IMPRISONMENT AND FINES HIM 100,000 FRANCS

Orders that Pierre SABLE be KEPT IN DETENTION

RELEASES Christian GRÉGOIRE on the count of AIDING AND ABETTING EXTORTION OF FUNDS ESTIMATED AT 1,150,000 FRANCS.

Finds Christian GRÉGOIRE guilty on the count of ARREST AND UNLAWFUL CONFINEMENT AND AIDING AND ABETTING EXTORTION OF FUNDS ESTIMATED AT 350,000 FRANCS.

SENTENCES HIM TO 15 MONTHS' IMPRISONMENT

FINES HIM A SINGLE FINE OF 50,000 FRANCS.

RELEASES Claude MOREAU on the COUNT OF ATTEMPTED EXTORTION ESTIMATED AT 1,150,000 FRANCS.

Finds Claude MOREAU guilty on the COUNT OF EXTORTION BY MEANS OF VIOLENCE OR CONSTRAINT OF 250,000 and 100,000 FRANCS pursuant to the aforementioned Articles,

Noting Article 463 of the Penal Code,

SENTENCES HIM TO 3 YEARS' IMPRISONMENT, 26 MONTHS OF WHICH MAY BE SUSPENDED, AS OF THE DATE OF EXECUTION OF THIS SENTENCE PURSUANT TO ARTICLE 734 OF THE CODE OF CRIMINAL PROCEDURE,

HAVING ADMONISHED HIM PURSUANT TO ARTICLE 737 OF THE CODE OF CRIMINAL PROCEDURE, THE PRESIDING JUDGE

FINES HIM A SINGLE FINE OF 100,000 FRANCS,

RELEASES Paul ROCHAT on the count of AIDING AND ABETTING ATTEMPTED EXTORTION OF FUNDS of 1,150,000 francs.

- Finds Paul ROCHAT guilty on the count of ARREST AND UNLAWFUL

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CONFINEMENT and AIDING AND ABETTING EXTORTION OF FUNDS of 350,000 francs.

SENTENCES HIM TO 9 MONTHS' IMPRISONMENT,

RELEASES Ante GOTOVINA on the count of ATTEMPTED EXTORTION OF FUNDS ESTIMATED AT 1,150,000 francs.

Finds Ante GOTOVINA guilty on the count of ARREST AND UNLAWFUL CONFINEMENT AND AIDING AND ABETTING EXTORTION OF FUNDS ESTIMATED at 350,000 francs

SENTENCES HIM TO 2 YEARS' IMPRISONMENT,

CONFIRMS THE TERMS OF THE ARREST WARRANT against Ante GOTOVINA issued on 14 October 1991,

Accepts Mr Gérard TOURMETZ as complainant and, in response to his request, rules that MOREAU, SABLE, GRÉGOIRE, ROCHAT and GOTOVINA be made to pay 350,000 FRANCS jointly in damages and 15,000 FRANCS pursuant to Article 475(1) of the Code of Criminal Procedure.

Orders that the cost of these proceedings be borne by the detainees, that is:

- the complainant's costs,
- the cost of the deposit (NONE),
- the 8407,44 FRANCS paid by the State including postage costs and the fixed cost of the proceedings and the costs of drafting this judgment.

Orders them to pay this sum to the State in equal parts.

EXECUTED and HEARD in a public hearing of the 14th *Chambre Correctionnelle* of the *Tribunal de Grande Instance de PARIS* on 15 April 1992

by Judge ANTONETTI, Presiding

Judge DAUVILLAIRE

Judge SARBOURG

In the presence of Ms BÉCACHE, Deputy State Prosecutor and attended by Ms POTTIER, Registrar.

Signed: ANTONETTI and POTTIER
 /signed/ /signed/

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DIVIDER
PAGE

TRIBUNAL
DE GRANDE INSTANCE
DE PARIS

MANDAT D'ARRET ^{D844}

CABINET
de M. RICARD

REPUBLIQUE FRANCAISE - AU NOM DU PEUPLE FRANCAIS

JUGE D'INSTRUCTION

Réf. générale n° P90 323 2008/5
Réf. du Cabinet n° 86/90

Nous, Jean Francois RICARD 03402205 Juge d'instruction
au Tribunal de grande instance de PARIS

Vu les réquisitions de M. le Procureur de la République en date du

Vu les articles 122, 123, 131 et 132 du Code de procédure pénale,

Mandons et ordonnons à tous officiers ou agents de la police judiciaire et à tous agents de la force publique de rechercher et de conduire à la maison d'arrêt de notre siège, en se conformant à la loi, le nommé GOTOVINA
prénommé Anté surnommé ou s'étant dit

Le mandat ci-contre a été exhibé et notifié à la personne y désignée, et copie lui en a été délivrée par moi

Le

né le 12 Octobre 1955 à ZADRA (YUGOSLAVIE)
de Milan et de MIJOCEV Slavia
célibataire, veu , marié , le à

Nom du conjoint :

Profession :

Ayant demeuré en dernier lieu à PARIS 17ème, 12 rue Brey
et antérieurement à

susceptible de se rendre à

inculpé de sequestration avec enlèvement, extorsion de fonds, tentativé d'extorsion de fonds

infraction commise à proximité de SAINT REMY LES CHEVREUSES 78
le 30 OCTOBRE 1990

faits prévus et punis par les articles 2, 3, 341, 400-1 du code Pénal

SIGNALEMENT

Taille :

Front :

Yeux :

Nez :

Bouche :

Visage :

Teint :

Cheveux :

Sourcils :

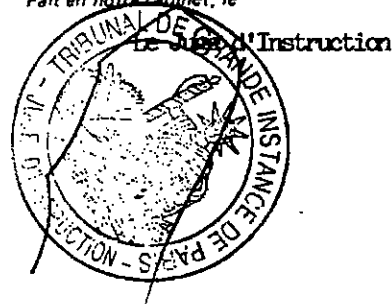
Signes particuliers :

Enjoignons au Surveillant-chef de ladite maison d'arrêt de l recevoir et détenir en état de mandat d'arrêt jusqu'à ce qu'il en soit autrement ordonné.

Requérons tout dépositaire de la force publique auquel le présent mandat sera exhibé de prêter main-forte pour son exécution en cas de besoin.

En foi de quoi le présent mandat a été signé par nous, Juge d'instruction, et scellé de notre sceau.

Fait en notre cabinet, le 14 OCTOBRE 1991



Appendix 18
Letter from Republic of Croatia to Government of the Republic of
Croatia Council for Cooperation with the ICJ and ICTY
12 November 2001

Translation

REPUBLIC OF CROATIA
 MINISTRY OF THE INTERIOR
 POLICE HEADQUARTERS

ICTY - OTP		
21 NOV 2001		

Number: 511-01-30/2-VT-2477/01

Zagreb, 12 November 2001

TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA
 COUNCIL FOR COOPERATION WITH THE
 INTERNATIONAL
 COURT OF JUSTICE AND THE INTERNATIONAL
 CRIMINAL TRIBUNAL
 To the President of the Council
 Mr. Goran GRANIĆ, personally

SUBJECT: ANTE GOTOVINA
 - Measures taken -

Ref: Your letter no. 50416-01-02-551 of 20 August 2001

Dear Sir,

Following a request by the International Criminal Tribunal for the Former Yugoslavia that the authorities of the Republic of Croatia find, arrest and hand over to the Tribunal the retired Colonel General of the Croatian Army, Mr. Ante GOTOVINA, we hereby advise you of the police activities and measures taken in order to find and arrest this person.

After the media in the Republic of Croatia began reporting that the International Criminal Tribunal for the Former Yugoslavia would require the Croatian authorities to hand over Ante GOTOVINA, the police authorities launched activities aimed at establishing the current whereabouts of this individual, so that if such a request were made, they would be able to take measures ordered by the Tribunal.

Translation

Measures and actions taken at that point with the objective of establishing the whereabouts of Ante GOTOVINA revealed that he was not at his registered address in Zagreb, Srebrnjak no. 69, and intelligence was gathered that he might be somewhere in the area of Zadar County or Šibenik and Knin County.

Based on the intelligence thus gathered, the activities of the police authorities were directed to the areas under the jurisdiction of the Šibenik Police Administration and the Knin and Zadar Police Administration.

On 13 July 2001, the County Court in Zagreb issued an arrest warrant for Ante GOTOVINA, residing at Srebrnjak no. 69 in Zagreb, which was delivered to this Ministry, that is the Zagreb Police Administration on the same day.

Immediately after the receipt of the arrest warrant, the officers of the Zagreb Police Administration began a close surveillance of Ante GOTOVINA's residence address in order to spot and arrest him.

Since Ante GOTOVINA was not seen at the address of his registered residence during close surveillance, on 16 and 17 July 2001, police officers went directly to the said address in order to find and execute the court order, and determined beyond doubt that Ante GOTOVINA did not reside at that address.

From further intelligence on the possible whereabouts of Ante GOTOVINA, we learned that he might be staying at several addresses in the area of Zadar or Pakoštane, or in the area of the Šibenik and Knin Police Administration.

When checking these reports, the police officers of the Šibenik and Knin Police Administration and the Zadar Police Administration failed to locate Ante GOTOVINA.

The County Court in Zagreb was informed of the outcome of all the checks on 19 July 2001.

Translation

Following the Order of the County Court in Zagreb, on 23 July 2001, the Zagreb Police Administration launched a search operation for Ante GOTOVINA on the territory of the Republic of Croatia while at the same time increasing the number of surveillance visits to his residential address and other possible whereabouts.

In order to intensify the search for Ante GOTOVINA, on 24 July 2001, the Police Headquarters of this Ministry sent a telegram to the Chiefs of all police administrations ordering them to step up all the measures and activities in order to complete the search operation.

During the search we received reports that Ante GOTOVINA might be travelling with a group of *Hajduk* NK /football club/ supporters to a football match to take place on 21 August 2001 in Mallorca, Spain, so on 20 August the Zagreb Interpol Office contacted Interpol Madrid, but according to the reports of the Spanish police, Ante GOTOVINA never appeared at the match.

On 21 August 2001, on the order of the International Criminal Tribunal, the International Criminal Police Organisation ICPO – Interpol headquarters in Lyon issued an international arrest warrant for Ante GOTOVINA, which immediately became available to all member states of the Interpol organisation.

In the course of gathering intelligence after the issue of the international arrest warrant, we received a report that Ante GOTOVINA might still be in the area of the Zadar County or the Šibenik and Knin County. We also received reports on persons for whom there are grounds to suppose that they are aiding and abetting Ante GOTOVINA. According to this report, a large number of men (allegedly 100-200) have been engaged to protect Ante GOTOVINA. Most of these men are former members of the military from the Zadar area. Their objective was to prevent police action aimed at arresting Ante GOTOVINA. According to the report, the men in this group are armed and have organised target practice.

The same report also states that funds have been collected to pay for Ante GOTOVINA's criminal defence.

Furthermore, during the month of September, we received reports that Ante GOTOVINA had managed to leave the Republic of Croatia. As to his possible whereabouts the report mentions Italy and France as countries of possible temporary residence, and the countries of South America as his final destination, because he lived there until 1991 and has acquaintances and friends there. The report also mentions members of the Italian mafia as persons who organised Ante GOTOVINA's departure from the Republic of Croatia.

The Interpol offices in Rome and Paris, as well as the Interpol Headquarters in Lyon were informed of these reports.

We also received an anonymous report on possible movements by Ante GOTOVINA, according to which he left the territory of the Republic of Croatia and is currently somewhere in the Republic of Bosnia and Herzegovina, in the outlying areas of Ljubuški and Široki Brijeg. The same report claims that certain officers of the Croatian Army organised and participated in the transfer of Ante GOTOVINA to the territory of the Republic of Bosnia and Herzegovina, and were helped by a member of the Croatian parliament. The report further states that Ante GOTOVINA received a false American passport to travel to the USA and later Canada.

In order to check this report, we sent a letter to the Interpol office in Sarajevo, but have so far received no confirmation of this report or the report that Ante GOTOVINA might leave the Republic of Croatia and travel to America with a false passport.

At the same time, the police administrations and the Police Headquarters received a number of anonymous telephone calls claiming that Ante GOTOVINA had been spotted in the Republic of Croatia or was being expected to arrive at certain places.

Appendix 19

Office of the Prosecutor, Press Release, "Assessment of the Prosecutor of the Co-operation Provided by Croatia," 3 October 2005. JP/MO/1009e

OFFICE OF THE PROSECUTOR ASSESSMENT BY THE PROSECUTOR OF THE CO-OPERATION PROVIDED BY CROATIA**Press Release***(Exclusively for the use of the media. Not an official document)***The Hague, 3 October 2005
JP/MO/1009e****Please find below the ICTY Prosecutor's assessment of the co-operation provided by Croatia to the ICTY.**

This assessment reviews the progress made and the remaining difficulties in the areas highlighted in my assessment to the EU Task Force on 26 April 2005.

Croatia is usually responding in a timely and comprehensive manner to the Prosecutor's Requests for Assistance regarding documents and witnesses. Documents, even when they are of a sensitive nature, are delivered within the deadlines and no particular conditions are attached. Croatia's co-operation in the transmission of requested documents is indeed currently the best of all the countries in the region.

The judicial co-operation continues to run smoothly. My Office has regular exchanges with the Croatian State Attorney on other war crimes cases. The ICTY decision of 14 September to transfer under Rule 11 bis one case involving two mid-level perpetrators, Norac and Ademi, to Croatia, shows the confidence of the ICTY in the ability for Croatia to conduct a fair trial.

The Croatian authorities have played an important role in the operation that led to the arrest of Milan Lukic in Argentina. Milan Lukic is a Bosnian-Serb who has been at large since 1998. Due to the excellent co-operation between the Serbian, Croatian and Argentinean authorities, this fugitive was arrested in Buenos Aires on 8 August 2005.

At this juncture, the only remaining issue in the co-operation provided by Croatia to the ICTY is the transfer to The Hague of Ante Gotovina, who was indicted on 8 June 2001 and has been at large ever since. The question to be examined is whether Croatia is doing everything it can to locate, arrest and transfer this fugitive. This assessment is based on over 130 reports that my Office received this year from the Croatian agencies involved in the tracking of Ante Gotovina, on the nearly daily communications between my Office and the Croatian State Attorney Mladen Bajic and on other contacts with Croatian and international sources.

In the first half of this year, serious weaknesses were found in the functioning of Croatian intelligence services. There were leaks of sensitive information to the media, key intelligence was retained and the operational work was neither focused, nor pro-active, nor even properly co-ordinated. Since May, the performance of the relevant services has significantly improved. There have been no more leaks of confidential ICTY documents that could be attributed to Croatian Government agencies. There is no evidence that information has been deliberately hidden from us or from other relevant Croatian agencies. The reports received from the intelligence services show that the activities are better focused and co-ordinated with the other involved services in the Ministries of Interior and Finance, and with the State Prosecutor.

The commitments made in the Action Plan presented by Croatia to the Task Force on 26 April 2005 were only partly implemented. For instance, thus far no far-reaching measures were taken to address the structural problems that were previously identified. Laws on the reorganization of the intelligence services and on data protection have not yet been adopted, and the serious problems highlighted in previous assessments were not fully investigated and prosecuted. However, these shortcomings have had no direct impact on the operation carried out by Croatia to locate and arrest Ante Gotovina.

The efforts being made against the network have shown progress. The persons and companies who may be providing financial and other types of support to Ante Gotovina are being thoroughly monitored and investigated. Enough resources have been allocated to this operation, and the various Ministries and agencies involved appear to co-ordinate their actions in a satisfactory manner, thanks in particular to the professionalism and personal commitment of State Prosecutor Bajic.

The arrest of Hrvoje Petrac on 31 August in Greece is a positive development. The Croatian authorities played a part in this operation, although not the lead role. Petrac was sentenced by a Croatian court after being convicted on abduction charges, and he is suspected of being a key player in the financing of Gotovina's escape. He could possibly provide useful leads. However, there are other key players, unrelated to Petrac, who are supporting this fugitive inside and outside of Croatia.

According to sources outside of the Croatian Government, Gotovina is in Croatia or in Bosnia and Herzegovina, and there are indications that he may hide in a Franciscan monastery. My visit to the Vatican on 1st July only confirmed the lack of willingness by the Holy See to co-operate with the ICTY.

The key question is whether the Croatian Government could do more to locate and arrest Ante Gotovina. Judging by the statements of Croatia's most senior officials, by the considerable resources engaged in the operation, and by the orders given to the various services, Croatia's Government appears to possess the political will to locate, arrest and transfer the fugitive. Translating this determination into tangible results, meaning to have Gotovina in The Hague, remains the key challenge.

To conclude, I can confirm that Croatia is responding in a satisfactory manner to all my requests. Intense exchanges are taking place on a daily basis to locate and arrest Ante Gotovina. There is no evidence that Croatia is not doing everything it can to locate and arrest Ante Gotovina. It is essential that Croatia continues to work with the same intensity, independently of any political development, internal or external.

During my trip to Zagreb on 30 September, both President Mesic and Prime Minister Sanader assured me that the Croatian authorities are determined to do everything that is necessary to locate and arrest Gotovina. Past experience has shown that the international support, in particular the EU strong interest in this matter, has been a strong incentive for Croatia to co-operate with the ICTY. It is my hope that the ICTY will be able to further rely on this support, which remains as important as ever.

In the light of the above, I can say that, for a few weeks now, Croatia has been cooperating fully with us and is doing everything it can to locate and arrest Ante Gotovina. If Croatia continues to work with the same resolve and intensity, I am confident that he can be transferred to The Hague soon.
