

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE EXTRADITION
OF
SULEJMAN MUJAGIC

Case No.: 5:12-MJ-529 (DEP)

COMPLAINT
(18 U.S.C. §3184)

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

1. In this matter I act for, and on behalf of, the Government of Bosnia and Herzegovina.
2. There is an extradition treaty in force between the United States and Bosnia and Herzegovina, i.e., the Treaty Between the United States and Servia for the Mutual Extradition of Fugitives from Justice, signed on October 25, 1901, entered into force on June 12, 1902 [hereinafter "the Treaty"]. The Treaty was in force with the former Socialist Federal Republic of Yugoslavia [hereinafter "the SFRY"], and Bosnia and Herzegovina [hereinafter "Bosnia"] is a successor state to the obligations of the Treaty.
3. Also in force between the United States and Bosnia is the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [hereinafter "Torture Convention"], which entered into force on November 20, 1994, for the United States and on September 1, 1993, for Bosnia.
4. Pursuant to the Treaty, the Government of Bosnia has submitted a formal request through diplomatic channels for the extradition of Sulejman MUJAGIC [hereinafter "MUJAGIC" or "the fugitive"].

5. MUJAGIC was charged with the unlawful killing and wounding of the enemy, in violation of Article 146 of the Criminal Code of the former SFRY, committed within the jurisdiction of the requesting state. A warrant for his detention and arrest was issued on January 22, 2008, by the Cantonal Court in Bihac of the Una-Sana Canton in Bosnia.

6. As set forth in the extradition request, MUJAGIC is wanted for the unlawful killing and wounding of the enemy, pursuant to Article 146 of the Criminal Code of the former SFRY, specifically for the murder of Ekrem Baltic [hereinafter Baltic] and the unlawful wounding or torture of Nisvet Cordic [hereinafter Cordic]. At the time he committed these crimes, MUJAGIC was platoon commander of the 3rd Platoon, 3rd Company, 2nd Battalion, 1st Brigade of the Army of the Autonomous Province of Western Bosnia (A/APZB). The APZB was otherwise a separatist region opposed to the Sarajevo-based Bosnian government during the war in Bosnia in the early 1990s.

7. According to investigations conducted by Bosnian authorities, on March 6, 1995, the platoon commanded by MUJAGIC was among units fighting on behalf of the A/APZB in the area of Kumarica, in northwestern Bosnia. On the same day, Baltic and Cordic fought as members of the Army of Bosnia and Herzegovina, representing the central government in Sarajevo, which was trying to re-establish its authority over the separatist region. Baltic, Cordic and a third Bosnian Army soldier were taken prisoner and disarmed by A/APZB soldiers in MUJAGIC's platoon.

8. MUJAGIC and men under his command commenced beating the prisoners, kicking them, and striking them with the stocks of their rifles. At one point during the beating, MUJAGIC asked Baltic for the name of his commander. When Baltic indicated that he did not know, MUJAGIC fired a burst from his AK-47 rifle into Baltic's stomach and chest, thereby killing him.

9. MUJAGIC then told Cordic that he (Cordic) would suffer the same fate. MUJAGIC and his men resumed beating Cordic, causing Cordic to fall to the ground. MUJAGIC ordered Cordic

to stand up and asked him for the identity of his commander. When Cordic replied that he did not know, MUJAGIC fired a burst from his rifle at Cordic's feet. A bullet struck Cordic in the leg, injuring his shin bone. After Cordic fell to the ground, MUJAGIC then kicked the gunshot wound he had just inflicted on Cordic's leg. Either the initial gunshot from the fugitive's rifle or his kick to Cordic's leg, caused Cordic's shin bone to break.

10. MUJAGIC and his men continued to beat Cordic and ordered Cordic to crawl up a hill to a nearby unit under the command of Serbian forces allied with MUJAGIC and his men. As Cordic crawled up the hill, he was fired upon multiple times by MUJAGIC and/or his men. As a result, Cordic was hit by two additional rifle rounds, one injuring his thigh and another his back.

11. Testimony was taken from the surviving victim (Cordic) and from multiple A/APZB soldiers present during the aforementioned events. Additionally, a photographic array was presented to the witnesses, and six persons identified MUJAGIC as having perpetrated the above acts. Accordingly, there is ample evidence to confirm that the above-named fugitive, Sulejman MUJAGIC, is the individual that committed the above-described crimes of murder and torture and whose extradition is sought by Bosnia.

12. MUJAGIC may be found within the jurisdiction of this Court at 277 South Street, Utica, New York 13501.

13. The fugitive, a citizen of Bosnia, born on June 28, 1962, is described as follows:

sex:	male
race:	Caucasian/white
hair color:	brown/grey
eye color:	green
height:	approximately six feet tall

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

15. The declaration from the Department of State with its attachments, including a copy of the diplomatic note from Bosnia, a copy of the relevant extradition treaty, and the certified documents submitted in support of the request (marked collectively as Government's Exhibit #1) are filed with this complaint and incorporated by reference herein.

16. The fugitive, Sulejman MUJAGIC, would likely flee if he learned of the existence of a warrant for his arrest.

WHEREFORE, the undersigned requests that a warrant for the arrest of the aforementioned person be issued in accordance with the Extradition Treaty between the United States and Bosnia and Title 18, United States Code, Section 3184 so that MUJAGIC may be arrested and brought before this court, "to the end that the evidence of criminality may be heard and considered," and that this complaint and the warrant be placed under the seal of the Court until such time as the warrant is executed. The undersigned also requests:

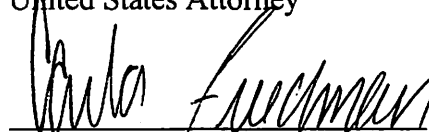
a. that if, on such hearing, the Court deems the evidence sufficient under the provisions of the Treaty to sustain the charge(s), the Court certify the same to the Secretary of State

in order that a warrant may be issued for the surrender of MUJAGIC to the appropriate authorities of Bosnia according to the Treaty; and

b. that this Court take such other actions as may be required under the provisions of the Treaty and the laws of the United States to meet the obligations of the United States under the Treaty, including the seizure of any items or materials in the fugitive's possession at the time of apprehension which are related to the crimes charged or which may be used as evidence, pursuant to Article IX of the Treaty.

RICHARD S. HARTUNIAN
United States Attorney

By:



Carla Freedman
Assistant U.S. Attorney
Bar Roll No. 514723

Sworn to before me and subscribed in my presence this 27th day of November 2012, at Syracuse, New York.



Hon. David E. Peebles
United States Magistrate Judge