

Zagreb, 26 April 2010

**MUNICIPAL STATE ATTORNEY'S OFFICE  
ZAGREB**

APPELLANT:                   **LUKA MIŠETIĆ**

AGAINST:                    **1. Alexander TCHERNETSKY**  
                                  **2. Peter Gage WILLIAMS**  
                                  **3. Viktor TARUSIN**

**CRIMINAL REPORT**

For the crime stipulated in Article 327, paragraph 1 of the Criminal Code /KZ/   two copies

Pursuant to the provisions of Article 171, paragraph 1 of the Criminal Procedure Code /ZKP/, the appellant hereby submits the following

criminal report

a g a i n s t:    1. **Alexander TCHERNETSKY**, born on 17 September 1952 with residence [REDACTED] Russia

                          2. **Peter Gage WILLIAMS**, UK Major General, born on 25 June 1951 in Windsor, UK, address known to the ICTY Prosecutor's Office, given that the same was a witness for the Prosecution in several cases

                          3. **Viktor TARUSIN (Russia)**, with permanent workplace address [REDACTED]

due to reasonable grounds for suspicion:

that: on an undetermined day in September 1995 at an undetermined location 2 km southeast from Veliki Mračaj, and later that day at a location 2 – 2.5 km southwest from Bosansko Grahovo, Alexander TCHERNETSKY, member of the UNMO (United Nations Military Observers), found military documents of the Croatian Army (HV) which provided certain information on the use of artillery during the military-police operation (VRA) ‘Storm’, and handed over the same to the UNMO Chief of Staff and UN Deputy Chief Military Observer, Major General Peter Gage WILLIAMS, who then after examining the documents handed them over to the Chief Military Information Officer, Colonel Viktor TARUSIN, after which the documents were lost without a trace;

h e n c e: the reported persons under numbers 1 – 3 concealed archival material;

t h u s: with this act by the reported persons, the factual and legal description of the crime against public order - destruction or concealment of archives stipulated and punishable under Article 327, paragraph 1 of the Criminal Code is met in its entirety.

### Statement of reasons

Alexander TCHERNETSKY, in Exhibit P-204 before the ICTY in the case *Gotovina et al.* testified to the following:

"Some time in September 1995 together with another military observer from our Sector, I went on patrol and we wanted to try to get to Grahovo in order to monitor the situation and the dislocation of the Croatian troops there. Not far from Grahovo we were stopped at the checkpoint and were not allowed to proceed further. We turned the car and took another road. Some two kilometers southeast from Veliki Mračaj we found the former command post of a Croatian Brigade. Some constructions were built up of UN property (modules). I found some documents there. From that point we moved on towards Grahovo and in the woods some 2-2.5 kilometers southwest of Bosansko Grahovo we discovered the former command post of the Croatian artillery battalion. At that spot I also found some operational documents, including maps and plan of Artillery Fire Support in the sector of our team during operation "Storm". Having studied the documents I understood that the Croats deliberately indicated on the maps non-existing military targets inside inhabited areas. The fact of non-presence of any heavy or other weapons or military positions in those areas can be confirmed by our reports based on our inspections and inquiries. According to the order of SMO (Senior Military Observer) Mr. Steiner, I delivered the documents to the Chief of Staff of the UNPROFOR mission in Zagreb, the Colonel from the UK. He looked through the documents and decided to hand over them to the Chief Information Officer. I do believe that those documents are of great importance and must be located."

In Exhibit P-205, Alexander TCHERNETSKY testified the following:

"On Page 7 of my prior statement, in the second paragraph, I wish to add that the last name of the Colonel from the UK was "WILLIAMS". In that same paragraph, I wish to add that the Chief Information Officer's name was "TARUSIN Viktor", and he told me that he personally delivered these maps (as well as Victor's own report on them) to the archive in Zagreb."

Alexander TCHERNETSKY testified before the ICTY on 21 May 2008 that the found documents were marked "secret".

The found documents are not in the UN archives as TCHERNETSKY claims. Hence, there are reasonable grounds for suspicion that TCHERNETSKY, WILLIAMS and TARUSIN concealed or destroyed archival material of the Republic of Croatia (RH).

Following all of the above, the appellant submits this criminal report and pursuant to the provisions of Article 42, paragraph 4 of the Code on Criminal Procedure

**P r o p o s e s**

- 1.** that the Municipal State Attorney's Office in Zagreb take over criminal prosecution in this case,
- 2.** to obtain and examine the transcript of the statement given by the reported Alexander TCHERNETSKY before the ICTY as well as Exhibit no. P-204 and P-205 in the case against generals Ante Gotovina, Ivan Čermak and Mladen Markač led before the ICTY under case number IT-06-90.
- 3.** to assign bodies of the Ministry of the Interior (MUP) to carry out criminal processing of the items.

**APPELLANT:**

**LUKA MIŠETIĆ**