

## In Focus



# 20 Years for Gaši

*In the most high-profile organized crime trial in Bosnia and Herzegovina so far, Muhamed Ali Gaši and seven members of his criminal group have been found guilty in the first instance verdict of attempted murder, money laundering, racketeering, usury and extortion, as well as illegal construction and illegal acquisition of property.*

*They received sentences ranging from one to 20 years. The Court ordered confiscation of Gaši's property, including 406,000 BAM and two buildings in Sarajevo.*

Gaši was also tried for the 2007 murder of Ramiz "Ćelo" Delalić, a well-known Sarajevo criminal, but the court found there was not enough evidence to convict him on that account.

"I am happy with the verdict," said Sarajevo Canton Prosecutor Oleg Čavka,

who led the case from the beginning. "However, we are not happy with the acquittal in regards to Ramiz "Ćelo" Delalić murder, and we will appeal."

A special EU Police Mission task force comprised of judicial, police and penitentiary experts has been assigned to assist, support and advise in the investigation. Close monitoring by the Mission contributed to the success, preventing any attempt of manipulation, corruption, or other undue interference.

"This case has shown that police are able and willing to conduct a complex criminal investigation together with prosecutors who have shown confidence to address all forms of crime," said Stefan Feller, Head of the EU Police Mission.

Gaši and seven members of his criminal organization were arrested in a large-scale police operation that lasted from January 8-14, 2008. ■

## Editorial

**Branko Šijivar**  
Sarajevo Canton  
Chief Prosecutor



*Consequences of organized crime are affecting BiH economic system and threatening to annihilate BiH's societal completeness, and that is why all relevant entities must be involved and constantly searching for solution to improve in the fight against this plague. The Gaši case showed that the prosecution is able to fight this type of crime - even if we might have not collected all evidence yet for some cases, it sends a clear message that we know of the activities of certain organizations and individuals, and it is only a matter of time when their turn will come. That is why the verdict in the Gaši case sends a strong message, not only in repressive but also in a preventive sense, showing what awaits those who dabble in crime.*

*In the light of the Gaši case, I would like to point out that, for the first time in its practice and by implementing the new Criminal Code of the Federation of Bosnia and Herzegovina, Sarajevo Canton Prosecution faced this type of criminal acts, perpetrated by people who belong to one organized group. I hope our experience will serve as an example to the others on how and in which way to fight organized crime. The assumptions for something like this to happen are first of all the technical and material readiness of the prosecution to cope with this type of crime, brave and willing prosecutors who will conduct the investigation patiently, collect evidence before making a decision and subsequently process the perpetrators of those acts.*

*Speaking about this case, I have to underline that the prosecution, alongside internal affairs bodies, has been putting huge effort into collecting evidence, processing this group and bringing them before the Court. The fight against organized crime is something I see in a high level of cooperation and coordination between the prosecution and the police through daily work of teams from both sides. We have been successful each time we've been working together with the police while processing grave offences. This cooperation should be further improved since only joint and planned collaboration of all bodies yields success in combating organized crime.*

*We appreciate the EUPM's support while on the Gaši case. We also have to mention the Financial Police and the Indirect Taxation Authority who have been assisting the prosecutor during the fight against this type of crime.*

*What is also important to mention is the fact that the prosecution for the first time requested the confiscation of illegally gained property, and this segment can also help combating organized crime. This imposes the need for introducing the BiH Law on confiscation of property gained by committing a criminal act.*

*I would particularly like to point to the fact that the prosecution has never been pressured by the political structures, as well as that we have been supported by the public, the media and individuals who considered the efforts of the prosecution a determination of the jurisdiction and the police to settle the accounts with people dealing with organized crime, which is clearly the legal obligation as well as permanent task of the law enforcement forces. ■*

*The long-awaited verdict in the Gaši et al. trial is a result of grueling work of a team coordinated and led by Sarajevo Canton Prosecutor Oleg Čavka, who endured defamation and threats to his family to see this case through. We spoke to Čavka and his EU Police Mission counterpart, Criminal Justice Unit Coordinator Valerie Wahl, about the investigation and the trial, the lessons learned and the ruling itself.*

"I am happy with the investigation and its results. Generally, I am happy with the verdict," says Čavka. "But I sought 45 years' incarceration."

**So, will the Sarajevo Canton Prosecutor appeal?**

**Čavka:** I am waiting to receive the verdict in writing. Once I have it, we will analyze it and decide which aspect we want to appeal. In any case, we will appeal to the decision on prison sentence for all those charged. In addition, we will most probably also appeal to the part of the verdict which acquits Muhamed Ali Gaši of the murder of Ramiz "Čelo" Delalić.

**How long will that procedure approximately last?**

**Čavka:** It depends. This is a very complex matter. The question is how long will the judge in charge need to comprise a verdict. Taking into account the quantity of evidence which the Prosecution submitted - material evidence in particular - as well as the statements of around 130 witnesses, the verdict will most probably consist of several hundred pages. The judge is to make a reference regarding every single piece of evidence, which is a very demanding, complex and time-consuming task.

Let's say that I expect the verdict to be finalized within some reasonable timeframe, so in the following two to three months. The law then prescribes a 15-day period to appeal to the Federation BiH Supreme Court. This institution will appoint a judge who will analyze the case, convene a session of the Council, present his/her analysis and let the Council decide whether to accept or reject the appeal.

### New investigations

**What is being done to prevent those temporarily released from fleeing the country?**

**Čavka:** Upon the Prosecutor's recommendation and insistence, the Court has undertaken all necessary measures to prevent them from leaving the country. Their travel documents have temporarily been seized. Edin Hot and Amir Kasumić, who are foreign citizens, have been banned from leaving their place of residence.

# Milestone in BiH Crim



■ Valerie Wahl

**Are there any information regarding additional courses of investigation in Gašiled organized crime group case which can be revealed to public?**

**Čavka:** There are two courses of investigation. Firstly, when it became evident that they will remain in pre-trial custody, the interest of citizens victimized by this group to come forward with the information increased. Based on their input, tens of various investigations were carried out. As a result, we managed to apply special investigative measures against some inmates who used mobile phones to exert pressure on witnesses. We even launched investigations against certain witnesses who changed their initial statements, as well as relatives of those in custody who were assisting the harassment of witnesses. In addition, investigations were launched against the employees of the Ministry of Trade of Sarajevo Centar municipality, and certain individuals from the political milieu.

### Difficult times

**Which period of the entire process, both the investigation and the trial, was profes-**

## Maximum support

*Throughout the whole process, I have had maximum support of my superior, Chief Prosecutor Branko Šljivar. Honestly speaking, such a complex case could not have been completed without his full support. The Chief Prosecutor has such broad competencies that, if he or she wishes to obstruct the case, it is doomed to fail. In this very case, he even got personally involved in some instances, i.e. he ordered the arrest of the prison doctor. What was felt was a jealousy among some colleagues and happiness whenever some obstacle would have appeared in the case. But, that's human nature... ■*

**sionally the most challenging one?**

**Čavka:** There were several moments which I would single out as challenging. The investigation which began following the murder of Ramiz "Čelo" Delalić in July 2007 was extremely demanding and complex. I say this because, for the first time ever, it was an investigation which involved a number of police and prosecutors' institutions. Being a coordinator, it was a real challenge to carry it out and complete it successfully. It was also a professional challenge to act as the prosecutor versus the biggest names in BiH attorney circles in a trial that provoked such a high degree of public interest.

**Gaši's frequent visits to the hospital raised a lot of questions which you were not in a position to answer while the investigation was ongoing. Now when the trial is over, could you share with us what was really happening?**

**Čavka:** That was one of those moments when the system demonstrates its deficiencies and one can see how easily it can be manipulated. The system unveiled a possible corruption. I say possible since it was not proven as such - the investigation revealed that the prison doctor did not commit a criminal act. When Gaši was transported to the hospital for the first time, we had info that he might try to escape. Our reaction was strong and decisive. The decision to have intensified police presence in escorting him to and from the hospital had a strong impact on the public and our dignity. I also believe that it contributed to the successful closure of the case.

**Wahl:** The potential corruption was one of the reasons why the maximum support to the prosecutors and police inspectors in charge

# Criminal Justice System



■ Oleg Čavka

was so important for the EUPM. At various stages of the investigation and court proceeding, we faced many situations in which we received various indications for corruption and political influence or even interference. As prosecutor Čavka mentioned, so far there are no proofs but indications were and are more than strong and don't only indicate political support for the criminal group from certain political parties but even lead to certain concrete individuals. In such context, it is crucial to give maximum backup to the police and the prosecutor in order for them to finish their job without interference.

## Police-Prosecutor Relations

*Which are the lessons learned when it comes to the cooperation between the police and the prosecution in the Gaši case?*

**Čavka:** This case has brought about a positive change in the cooperation between the police and prosecutors. This is the first case in which prosecutor a) *infiltrated* into the police and b) in which police did not cease investigation following the submission of the official report. On the contrary, the police remained active until the very end of the trial. This refers to both the Federation and Sarajevo Canton Police. This was a rather new practice in our work, and something which has been on the top of the EUPM's agenda regarding the improvement of the cooperation between the police and prosecutors. I think this is the strongest and the most positive outcome of this case for the relationship between the police and the prosecutors.

**Wahl:** We were extremely happy to see an effective joint investigative team being established at the initiative of our local colleagues. It was comprised of prosecutors and

police from different jurisdiction levels. It was very effective and productive because it was established at an earliest stage possible and, as prosecutor Čavka mentioned, it continued even at the later stages of the investigation. We fully supported this concept and let it serve as a model in other cases. The Gaši case shows that frequent mutual consultations between the police and the prosecutors lead to a very proactive approach from both sides and ultimately to a successful investigation.

## EUPM and Gaši case

*What was the EUPM's role in the Gaši case?*

**Wahl:** We gave a strong support to this case from its very start. We believed in its success because we soon gained full confidence about the absolute integrity and professionalism of prosecutor Čavka and police inspector Edin Vranj. From the start of the investigation, the EUPM assigned a special task force consisting of judiciary, police and penitentiary experts. This team actively assisted the investigation and assured fast

information exchange between all players. We were, if you like, the glue between the police, the prosecution and the judiciary.

*How was the cooperation with the EUPM?*

**Čavka:** The EUPM has been involved since the launch of this investigation and has retained a very active role throughout the whole process. The presence of EUPM personnel was precious in certain moments as police officers approach their work more seriously then.

At that time, I was of the firm belief that leakage of information and corruption is possible everywhere and that nobody, not even the EUPM, is immune to that. And from the very first moment on, I have tried to narrow down the number of people to share information with. This closed-group work produced results.

**Wahl:** For EUPM, it was a big success to tackle the case with our newly established integrated rule of law approach, meaning we used our various human resources covering police, prosecutors and the penitentiary system as one team. We made sure that at all times the right information was exchanged between the different key players. An important part of the evidence in this case is based on witness statements. We knew that prosecutor Čavka needed more testimonies - this is a typical situation for organized crime cases. Therefore, we put a specific emphasis on custody proceedings as the custody is one of the crucial tools to obtain and secure quality evidence.

**Čavka:** We have been working very closely for four months. The team consisting of prosecutors, local police and EUPM was in constant touch and on alert 24/7. In that regard, I would like to emphasize that Valerie Wahl gave a strong contribution to this investigation. I believe that, thanks to her commitment to this case, the role of the EUPM can be assessed very positively. ■

## No case completion without cooperation

Talking about the most challenging moments in the investigation, Federation Police Administration Spokesperson Robert Cvrtak emphasizes that there were numerous instances which posed a real professional challenge to both the prosecutor in charge and the investigators.

*"This was a very demanding and complex investigation," he says. "From the policing point of view, it is worthwhile emphasizing that organizing comprehensive search for fugitives was an extremely demanding task and it was performed in an excellent manner. Also, search of the prison premises demanded a high degree of wisdom, a proper assessment and selection of tactics on the side of investigators."*

Cvrtak stresses that team work of police and prosecutors was key to the success of the investigation.

*"The burden of activities was differently spread between the police and prosecutors throughout the investigation, but joint assessments, analyses and consultations prior to reaching key decisions all led to a successful completion of this investigation and resulted in such a verdict. Not only that we recommend joint work in such investigations, but think that a successful completion of criminal cases is hard or almost impossible to achieve without it," concludes Cvrtak. ■*

# Who is Who in Gaši Group

## Muhamed Ali Gaši aka Žuti

In custody since January 14, 2008. Formed and managed an organized crime group. Accused of usury, illegal construction, illegal occupation of real estate, money laundering, illegal possession of weapons, attempted murder, and endangering public safety. He is sentenced to 20 years in prison. The Court also ordered the confiscation of 406,000 BAM, which Gaši made through criminal activities.



## Aziz Gaši

Muhamed Ali's brother - In custody since January 5, 2008. A member of the organized crime group formed by his brother. He is accused of usury and endangering public security, and is sentenced to three years and five months in prison.



## Engin Proho

In custody since January 8, 2008. A member of Gaši's organized crime group. Accused of usury, endangering public security, illegal possession of weapons. Additionally, accused of trying to influence the witnesses by using force, threats and offering bribe. Sentenced to two and a half years in prison.



since January 8, 2008. Accused of usury, endangering public security. Sentenced to three years in prison.

## Sinan Ljuca

In custody since January 8, 2008. A member of Gaši's organized crime group. He is accused of usury, occupation of real estate, and accessory after the fact. Sentenced to two years and five months in prison.



## Mirso Krasnić

In custody since January 14, 2008. A member of Gaši's organized crime group. He is accused of usury, illegal occupation of real estate, malicious mischief, and accessory after the fact. Sentenced to six and a half years in prison.



## Muharem Čaušević aka Pele

In custody since January 8, 2008. A member of Gaši's organized crime group. Accused of usury, endangering public security. Sentenced to one year in prison.



## Adnan Alomerović

Accused of being a member of Gaši's group. He was at large until May 23, 2009 when he was arrested by Canton Sarajevo Police. According to Sarajevo Canton Prosecutor Oleg Čavka, the suit and the investigation in Alomerović case will be separated from the Gaši et al. case. He is currently in custody in Sarajevo Prison. ■



## Amir Kasumić

In custody since January 8, 2008. A member of Gaši's organized crime group. Accused of usury. He was sentenced to 18 months in prison.



## Edin Hot aka Enko

Citizen of Montenegro, Muhamed Ali Gaši's brother in law, and a member of Gaši's organized crime group. In custody



In accordance with the first instance verdict.

# Property Seizure: Hitting Criminals Where it Hurts

*One of the milestone moments in the Gaši trial happened in April 2008, when the investigation of the accused was expanded to include illegal acquisition of property by extortion, as well as illegal construction. This step paid off, Gaši was convicted on all accounts related to illegally gained property. The Court also ordered confiscation of Gaši's assets, including 406,000 BAM in cash and two illegally constructed buildings in the center of Sarajevo.*

*"An efficient fight against organized crime is a fight that has to strike at their economical interests and wealth that organized groups have amassed with their illegal operations," says Deputy Head of EU Police Mission, Domenico Paterna. "Forfeiture of assets in the possession of criminal group members is one of the most important tools in the fight against organized crime."*

With regard to the confiscation of illegally obtained property, the Gaši case is a remarkable success and will hopefully set an important milestone for further organized crime cases in BiH, says EU Police Mission Criminal Justice Unit Coordinator, Valerie Wahl.

*"However, one problem remains - the still deficient legal framework," says Wahl.*

## Burden of proof

Namely, in most Western countries the laws on forfeiture of property purchased from profits of illegal activities foresee that the burden of proof is on the owner. In layman's terms, this means that the owner needs to prove that the money or



property was obtained legally. In BiH legislation, the burden of proof remains on the prosecution.

*"In Italy, the system envisages several possibilities for the investigators to seize*

*those properties that are not justifiable when compared with the official incomes of a person allegedly involved in organized crime activities," says Paterna. "And what is more important, the burden of proof is with the alleged perpetrator, thus giving a useful possibility to the investigators to take away some of the funding sources of further illegal activities."*

Given the importance of illegally gained property seizure in the fight against organized crime, in the coming period, adds Paterna, the EUPM will focus on these aspects of investigation to enhance the capabilities of the police and prosecutors in this field. ■

## What happens with confiscated property?

According to the Criminal Code and the Law on Criminal Procedures of Bosnia and Herzegovina, nobody can keep illegally gained property i.e. property gained by crime. The laws prescribe confiscation of money, real estate and other valuable items from the offenders. If it is not possible to confiscate property, offender is obliged to make a payment in the amount of the estimated value of the illegally gained property.

The court makes an assessment of the nature of the illegally gained property, following that the property/goods is subject to some of the following procedures:

- Counterfeit money is to be destroyed;
- Excise goods (cigarettes, alcohol, coffee etc) are to be destroyed;
- Pirate CDs and DVDs are to be destroyed;
- Vehicles are to be sold at auctions - money will be transferred to BiH budget via Central Bank;
- Real estate is to be estimated and sold at auctions - money will be transferred to BiH budget via Central Bank. ■

# The Good, the Bad, and the Media

*In 'good old days', when you watched television, you could easily guess who was the hero and who was the villain. In Sergio Leone's westerns, the good guys would always wear white hats and the bad guys black ones.*

*Of course, things are not that simple in real life. And things were definitely not that simple in BiH media arena in the beginning of fall-down of the Gaši gang. Certain media seem to have created a setting in which criminals were portrayed as heroes in luxury cars, while crime fighters were verbally lynched.*

In the days preceding his arrest, Muhamed Ali Gaši was all over BiH media. As the police were still hunting him down, Federation TV and Hayat, two of BiH's main broadcasters, aired a live phone interview with the fugitive, who seized the opportunity to accuse Oleg Čavka, the Prosecutor in charge of his case, of racketeering.



## Transcript of FTV live telephone interview with Muhamed Ali Gaši on 9 January 2008

**FTV:** Are the police closing in on you, are you in Sarajevo at all?

**Gaši:** I am not running anywhere, I am in Sarajevo.

**FTV:** Mr. Gaši, are you the leader of a criminal organization, as judicial bodies claim, and in what way are you linked to the persons arrested?

**Gaši:** I am not the leader of a criminal organization. Some of the arrested are my friends, the others I have never met.

**FTV:** You are claiming that you are not the leader of a criminal organization. Why are they searching for you then?

**Gaši:** Mr. Oleg Čavka is searching for me for his private interests. He has been trying to extort money from me for six months.

**FTV:** Have you ever given him money or any other gifts?

**Gaši:** Yes, I have. Both he and his wife were receiving gifts and clothes from me. I have witnesses, Mr. Enver was a mediator.

**FTV:** Nevertheless, how do you justify the fact that you have luxurious property, houses, expensive cars...?

**Gaši:** My father left me a lot of money and I am in the real-estate business.

**FTV:** Are you going to surrender?

**Gaši:** Of course I will, but not to Mr. Čavka, since he wants me to give him money and uses his friends in the Prosecutor's Office and police to extort money from me. I will surrender to some other prosecutor, but not to him.

The public and the media regulation bodies remained silent. Hardly anybody raised their voices to denounce the media for unprofessional conduct, including the BiH Association of Journalists and the Communications Regulatory Agency (CRA), who both deemed that it was not up to them to speculate about editorial decisions.

Politicians, prosecutors and police officials remained mute too, save for Federation BiH Vice President Mirsad Kebo, who immediately offered his support to Čavka. "Some were afraid to react and some are involved in shady deeds," said Kebo when a local newspaper asked him about the reasons behind his colleagues' silence.

### Twilight zone

Brigadier General Vincenzo Coppola, the then Head of the EU Police Mission, joined in raising concern about the creation of a 'twilight zone' by the media: "What worries me most is that the media have a tendency not to underline that these people are criminals. Criminals need to be shown for what they really are."

In the press, only *Dani*, a renowned political weekly magazine, denounced their colleagues' editorial decision "to grant prime-time to a fugitive to spit on the only prosecutor in Sarajevo who is ready to process even the most serious crime cases." The weekly concluded that this treatment of a prosecutor in the media might send a dangerous message to all prosecutors and police officers who want to do their job properly: "The easiest way is not to do anything, not even try

to process criminals who have been terrorizing Sarajevo for years."

Prosecutor Čavka and Edin Vranj, the Head of the Anti-Organized Crime Department of the Federation Police Administration, both expressed surprise at the fact that the editors who decided to air these interviews were not sanctioned. "If the journalists who aired this phone interview are not fined for doing so, maybe we will soon have Karadžić or Mladić on air," said Vranj.

### Freedom of expression vs. principle of impartiality

There is nothing stopping journalists to talk to a wanted criminal. In general, the law of contempt starts when someone has been arrested.

"I am not surprised at the fact that they aired an interview with a wanted criminal - this is a journalistic 'coup'," says Herve Chambonnière, a French journalist for *Le Télégramme*. "What really surprises me is that they have not checked their facts. The least they should have done is to let the Prosecutor react."

In an interview to *Dani* a few days after Gaši's allegations against him had been aired, Čavka wondered why the BiH Association of Journalists did not react to him being lynched 'live'. The latter replied that whereas they defend journalists' freedom of expression, they do not normally address their 'professional mistakes'.

Borka Rudić, the President of the BiH Association of journalists, attributes that responsibility to the Communications Regula-

tory Agency (CRA). Interestingly, however, when EUPM first contacted Amela Odobašić, the Head of Public Affairs of the CRA, she denied that responsibility: "We, as the regulator, do not speculate on how journalists should conduct interviews or edit their programs."

Following further enquiries by EUPM's Press and Public Information Office, the CRA announced that they opened cases 'in ex officio' against both FTV and TV Hayat for broadcasting material that "carries a clear and immediate risk of causing public harm [...] or the diversion of police, medical services or other forces of public order from their normal duties."

However, both cases were closed and no fines were imposed. CRA sent a letter to FTV, saying: "With no wish of getting involved into the correctness of the editor's assessment about the way in which the report was broadcast, we are of the opinion that controversial topics require that opposing views are presented whenever possible in order to fully respect the interest and right of public to complete information."

### Changing roles

By failing to check the veracity of Gaši's accusations, let alone provide Čavka with a "right of reply", FTV shifted crime allegations from a fugitive Gaši, "a family man who was victimized by Čavka", to Prosecutor Čavka, "a racketeer who was after Gaši's money".

It appeared that BiH media portrayed criminals as if they were pop stars, who drive luxury cars and enjoy the company of beautiful women. This created an image of them as 'untouchable'. Does this reflect a fascination with criminals or is this the symptom of a general distrust and lack of support for police and prosecutors alike?

"What happened in the very beginning was in my opinion probably the result of misery of our society. It is difficult to hold a grudge against somebody who does not trust the state. I do not trust the state in hundreds of various aspects," says Čavka a year later, in an interview for the Mission Magazine. "Therefore, I do not hold a grudge against the media who did not trust us in the beginning and did not believe that we are serious in making sure this group faces justice."

As he said, as the investigation was taking a positive direction, he noticed a sudden positive shift in the media coverage of the case. "The media coverage of the entire trial was of a pretty good quality. The positions expressed in the courtroom were presented in a fair and objective way all along."

Gaši case brought about a number of positive precedents in the BiH criminal justice system domain. Let's hope for the same in the media arena. ■

## Police in BiH

# Dangerous Minds

*Edin Vranj, Head of the Anti-Organized Crime Department at the Federation Ministry of Interior, was along with Sarajevo Cantonal Prosecutor Oleg Čavka the main protagonist behind the successful operation of busting the Muhamed Ali Gaši-led gang.*

*In the interview for the Mission Mag in February 2008, following the operation, he left no room for any doubt that the investigation will continue in a compromise-free manner and that a sufficient amount of evidence will be collected to put the mobsters behind bars for a long time.*

This promise was kept despite the reluctance of citizens to cooperate with the police, interferences into investigation - which were reportedly coming even from some political circles - and personal drama he went through during this case.

### Danger in job description

Namely, an intercepted telephone conversation between Gaši and his friend Senad Šahinpašić Šaja revealed all unscrupulousness of those criminal minds. While talking about Edin Vranj and what methods can they possibly use to punish him for making sure Gaši's gang faces justice, Šaja suggested to find "a man to rape Vranj's daughter" - which in itself is horrifying enough, but even more so when one learns that Vranj's daughter is four years old. As BiH weekly *Dani* described it, "this conversation was so monstrous that it simply freezes the blood in the veins of every normal human being".

Asked about this case, Federation Police Spokesperson Robert Cvrtak stated that they have documented an intention of individuals to endanger the security of a family member of the Federation Police official and duly notified Sarajevo Cantonal Prosecutor's Office.

"However, let me emphasize that police officers of this institution are aware of the danger that constitutes a part of the job description," he added. "We are professionals who will never allow any interference with the investigation."

### Far-reaching consequences

Later, Šahinpašić was arrested along with dozen other people who were caught on tape threatening, blackmailing or bribing the Prosecution witnesses. However, there was no legal basis to keep him in custody longer than 48 hours. He had to be released.



■ Edin Vranj

"He was only planning a crime," was a cynical remark of *Dani* to BiH legislation. "And we all know how great a difference there is between planning and committing a crime: the first requires a criminal mind, the latter requires an additional force. Even if we talk about a four-year old girl." Sarajevo Canton Prosecutor's Office charged him for 'planning a crime act'.

"The investigation has been carried out," says Čavka for the Mission Magazine. "However, I will have to use this opportunity to exclusively announce that I will have to abort this case due to lack of evidence. It does not constitute elements of crime act by any criminal code. First of all, we came across this accidentally while applying a special investigative measure imposed against another person. Secondly, to put it simply, the investigators did not reveal any other action which would point to the genuine intention of planning to go through with it."

But, as *Slobodna Bosna* weekly wrote, Šaja's arrest and two-day detention will however have far-reaching legal, security and psychological consequences.

"The fact that nobody is untouchable for the Federation judiciary and police bodies and that we are all equal before law, regardless of financial and political background, has had both encouraging and motivational influence on the widest possible layers of society," states *Slobodna Bosna*. "Simultaneously, it provoked concern and panic among political, economic and mafia elite. It showed that nobody is safe, except for several millions of citizens who are gradually re-gaining a confidence in state institutions." ■

# Mafia Downfalls: From Sicily to Chicago and Back

*Organized crime trials and convictions are some of the most well-known cases in the history of criminal justice worldwide. In light of the Gaši et al. verdict, we bring you some of the most famous examples of how the gritty underworld comes to justice.*

## Al Capone

Alphonse Gabriel "Al" Capone is probably one of the most famous American gangsters whose life was portrayed in numerous movies. Capone was the boss of the criminal organization known as the Chicago Outfit, dedicated to smuggling and bootlegging of liquor, prostitution, gambling and other illegal activities during the Prohibition Era - although his business card reportedly described him as a used furniture dealer. He was also the organizer of the most notorious underworld killing of the century, the 1929 Saint Valentine's Day Massacre.

In 1929, Bureau of Prohibition agent Eliot Ness began a successful investigation of Capone and his business. Shutting down many breweries Capone owned, Ness brought down his empire slowly. To lie low, Capone arranged to have himself jailed in a comfortable cell at Philadelphia's Eastern State Penitentiary for nine months beginning August 1929.

Meanwhile, the U.S. Treasury Department had been developing evidence on tax evasion charges against Al Capone. On October 18, 1931, Capone was convicted and on November 24 sentenced to eleven years in Federal prison, fined \$50,000 and charged \$7,692 for court costs, in addition to \$215,000 plus interest due on back taxes.

He entered the U.S. Penitentiary at Atlanta, serving his sentence there and in Alcatraz. On November 16, 1939, Al Capone was released after having served seven years, six months and fifteen days, and having paid all fines and back taxes. Suffering from paresis derived from syphilis, he had deteriorated greatly during his confinement. Following his release, he never publicly returned to Chicago.



## John Gotti

John Gotti - a violent, ruthless mobster who'd grown up on the streets of New York - had been in and out of prison several times in his early career. After he became a "made man" for the Gambino family, one of the five most powerful syndicates in New York, gambling, loan sharking, and narcotics trafficking were his stocks in trade.

In 1985, Gotti took over as head of the Gambino family. With his expensive suits, lavish parties, and illegal dealings, he quickly became something of a media celebrity, and the press dubbed him "The Dapper Don". Following a string of highly-publicized acquittals - helped in large part by witness intimidation and jury tampering - Gotti also earned the nickname "Teflon Don" (because the prosecution attempts didn't "stick").

However, the FBI and the New York Police Department refused to give up. With extensive court-authorized electronic surveillance, diligent detective work, and the eventual cooperation of Gotti's henchman, "Sammy the Bull" Gravano, the Bureau and the NYPD built a strong case against him. In December 1990, FBI's agents and NYPD detectives arrested Gotti. This time, the judge ordered that the jurors remain anonymous, identified only by number, so no one could pressure them. On April 2, 1992, Gotti was convicted of racketeering, 13 murders,



obstruction of justice, conspiracy to commit murder, illegal gambling, extortion, tax evasion, loan sharking, and was sentenced to life in prison, where he died 10 years later.

## Maxi Trial against Cosa Nostra

In the early 1980s, the Italian magistrates Giovanni Falcone and Paolo Borsellino began a campaign against Cosa Nostra. Their big break came with the arrest of Tommaso Buscetta, a Mafioso who chose to turn informant in exchange for protection from the Sicilian Mafia, who had already murdered many of his friends and relatives. Other Mafiosi would follow his example. Falcone and Borsellino compiled their testimonies and organized the Maxi Trial, which lasted from February 1986 to December 1987. It was held in a fortified courthouse specially built for the occasion. There, 474 Mafiosi were put on trial, of which 342 were convicted. In January 1992, the Italian Supreme Court confirmed these convictions.

Cosa Nostra's "boss of bosses", Salvatore Riina and his Sicilian Mafia waged a ruthless campaign of violence against both rival mobsters and the state, which culminated in the assassination of the prosecutors Falcone and Borsellino. This led to a major crack-down by the authorities, resulting in the capture and imprisonment of Riina and many of his associates. After Riina's capture, leadership of the Mafia was briefly held by Riina's brother-in-law Leoluca Bagarella, and then passed to Bernardo Provenzano when the former was himself captured in 1995. Provenzano was arrested in 2006, after 43 years on the run. ■



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