



*Documenta* – Center for Dealing with the Past | Centre for Peace, Nonviolence and Human Rights |  
Civic Committee for Human Rights | Pravda Bjelovar

Support to the Strategy of development of judiciary in the area of human rights

Osijek, Zagreb, Bjelovar 9th October 2015

**Biweekly report on war crimes trials, acts of discrimination, hate crime and hate speech, and on  
the rights of civilian war victims**

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*Line-up ceremony of HDSSB members wearing black uniforms*

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On the Independence Day of the Republic of Croatia at a rally of the right wing Croatian Democratic Assembly of Slavonia and Baranja HDSSB, the party youth unit called the Slavonian Hawk Guard marched wearing black uniforms. The line-up ceremony reminds of not so remote war events, recalling the images of fear, exile and refuge. We express our regret that even 20 years after the war some political forces have not given up destructive concepts, uniforms that remind of serious consequences of wars, instead of turning younger generations towards a construction of justice and peace and establishment of hope for the restoration of the society. We are transmitting the comments from the Nova TV News<sup>1</sup> regarding the youth unit training.

Dragan Vulin, HDSSB:

"This is no army, and God forbid a paramilitary force. The black uniforms were chosen simply because it is a color for formal occasions. There were some suggestions that they should be wearing pink, but the majority decided that the uniforms are black."

Ministry of Public Administration:

"The Ministry of Public Administration is competent for authorizing the statutes of political parties in accordance with the Law on Political Parties. The Law does not contain provisions regarding the establishment or lining-up of honor guard, so there is no answer regarding that subject. We would also like to point out that the current Statutes of HDSSB does not contain provisions regarding the honor guard."

Vesna Teršelič, *Documenta*:

"The establishment of an army of a party is unacceptable, especially when we see that such thing was done by Branimir Glavaš, convicted by a non-final verdict for war crimes against civilians in Osijek, who in 1991 already had one troop that was also a paramilitary force, called Branimir's Osijek Battalion."

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<sup>1</sup><http://dnevnik.hr/vijesti/hrvatska/mladice-u-crnim-odorama-branimir-glavas-nazvao-sportsko-rekreativnim-klubom---411544.html>

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*War crimes trials*  
*-non- final verdicts-*

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Crime in Popovac – guilty verdict

On 10<sup>th</sup> September 2015, the War Crimes Council of the Osijek County Court issued a verdict no. K-RZ-26/2009, and pronounced guilty and sentenced four defendants for the crime committed in Popovac. The court ruled that the defendants in the period from August 1991 to the end of 1996 in the village of Popovac committed crimes together against civilians by exposing civilian non-Serb population to physical and mental abuse, unlawful arrests and apprehensions, interrogation, beating and torture, forced labor and various other forms of intimidation. In the first instance verdict the defendant Boško Strajnić was sentenced to 3 years of prison; def. Dragiša Vučenović was sentenced to 3 years of prison; def. Svetomir Milanović was sentenced to 2 years of prison; def. Josip Stanković was sentenced to 2 years of prison. All the defendants were tried in absentia.

Crime in Žepina – acquittal

On 2<sup>nd</sup> October 2015 the Split County Court acquitted Mirko Žarković from charges that on 23<sup>rd</sup> September 1991 in Jagodnja Donja near Stabanj as a member of the so-called militia of the Serbian Republic o Krajina, against the provisions of the *Geneva Convention relative to the Protection of Civilian Persons in Time of War* of 12<sup>th</sup> August 1949 as well as the *Protocol Additional to the Geneva Conventions* of 8<sup>th</sup> June 1997 when his neighbor Blaženka Žepina who he knew, who was then still on the temporarily occupied territory of the Republic of Croatia, came to ask him to give her back the tractor that the rebel Serbs took away from her, threatened her with firearms to walk through the minefield to the village of Vrana to find the boy Radomir Tepša under the surveillance of Croatian Army who went missing the day before. Fearing for her family and before all for her children of whom the youngest was 15 months old, she managed to get to the control point of Croatian Army where she was informed that the boy got killed in the mine field and then she went back to Stabanj where the second defendant Špiro Žarković forced her by pointing a gun at her to get back to the minefield to bring the body of the killed boy Radomir Tepša.

Therefore, by violating rules of the International Law regarding civilian persons in times of armed conflict the defendant acted in dishonorable manner and applied measures of protection and terror and therefore committed war crime against civilian population according to the Article 120, paragraph 1 of the General Criminal Code of the Republic of Croatia.

The court panel considered that it has not been proven that the defendant Mirko Žarković committed the crime he is charged of, and acquitted him and abolished the measure of restriction of abandoning place of residence and the bail of 400.000,00 kunas deposited in cash by the defendant Mirko Žarković.

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*Violation of human rights in the domain of discrimination, hate crime/hate speech*

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Zagreb Pride filed criminal charge

On 24<sup>th</sup> June 2014 Zagreb Pride filed a criminal charge to the Municipal State Attorney's Office in Zagreb (from hereinafter: MSAO Zagreb) against Hrvoje Šarić for the criminal offence of public incitement to violence and crime by publishing a text titled „Fags in concentration camps :D“ on Zagreb Pride's Facebook page. MSAO Zagreb, without conducting an inquest, investigation or even identifying the perpetrator, just on the basis of its content, dropped criminal charges by explaining that Hrvoje Šarić was under the influence of the „*psychology of masses*“ and therefore he did not have any intention to incite to violence and hatred.<sup>2</sup> By that MSAO Zagreb practically approves the commitment

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<sup>2</sup> Decision of the Zagreb Municipal State Attorney's Office K-DO-2212/2015 on 31<sup>st</sup> August 2015

of such criminal offences if the perpetrators were, in their opinion, under the influence of the theory of psychology of masses.

Consequently on 14<sup>th</sup> September 2015 Zagreb Pride took over the criminal prosecution against Hrvoje Šarić as subsidiary prosecutor and requested investigation. Also from the State Attorney's Office of the Republic of Croatia asked that the competent SAO, takes over the before mentioned procedure, according to the provisions of the *Criminal Procedure Code*, since it is not a primary the role of the citizens to apply the provisions of the Criminal Code, but the State Attorney's Office, which was completely absent in this case. Furthermore, Zagreb Pride the States Attorney's Office to issue binding guidelines to all the State Attorneys on the application of criminal law in the matters of hate speech and other crimes motivated by hatred.

On 2<sup>nd</sup> October 2015 Zagreb Pride sent an open letter to the Chief State Attorney of the Republic of Croatia Dinko Cvitan warning on the practice of MSAO Zagreb and the fact that in the so far case-law there positive examples can be found when the suspects were punished for homophobic hate speech. Therefore it remains completely unclear why a more flexible state attorney's case-law is developed now, and that enables anyone under the influence of other people commit offences related to hate speech<sup>3</sup>. As a sort of reply to the complaint the County State Attorney's Office in Zagreb, according to the Article 20 of the Rules of Procedure of the State's Attorneys Office and the Article 56 of the Law on State's Attorney's Office carried out supervision in the mentioned case and ordered MSAO to continue with the proceedings in the case (6<sup>th</sup> Oct 2015)

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### *Inefficient investigation of the crimes committed during the MPO Storm*

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During September 2015, in the application of Vuković against Croatia (Application No.3430/13<sup>4</sup>) and Damjanović against Croatia (Application No. 5306/13<sup>5</sup>), the Government of the Republic of Croatia acknowledged that investigation of the killing of close relatives of the applicants to the European Court of Human Rights was inefficient. In both cases the close relatives<sup>6</sup> of the applicants were killed during or immediately after the military police operation Storm, that the criminal prosecution has not resulted in criminal procedure and sentencing the perpetrators of killings/war crimes, and that in the civil procedure the family members have not received any kind of compensation for the damage, but instead had to pay the expenses of procedural costs. This unilateral statement of the Government of the Republic of Croatia represents the first expression of a kind of reparation in the form of acknowledgement that the RoC did not conduct an efficient investigation and therefore violated the right to life of the murdered victims (Art. 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms), as well as of their children/the applicants. Also the acknowledgement of the Government of the Republic of Croatia refers to the violation Article 14, referring to the discrimination on ethnical grounds due to the ethnicity of the killed victims who were Serbs.

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### *Common sense and legal logics as a basis of the legal order and the rule of law – election and appointment of judges*

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By the ruling of the Constitutional Court U-III/555/2015 of 9<sup>th</sup> July 2014 the constitutional suit was accepted and the decision of the State Judicial Council (from hereinafter SJC) was abolished and the

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<sup>3</sup> <http://www.zagreb-pride.net/>

<sup>4</sup> <http://hudoc.echr.coe.int/eng#%7B%22respondent%22:%5B%22HRV%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-157424%22%5D%7D>

<sup>5</sup> <http://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22damjanovic%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-157425%22%5D%7D>

<sup>6</sup> Vidović Stevan, 20th August 1995, Plavno; Damjanović Dušan and Đuka, 6th August 1995, Radeljevac

case was sent to the renewal of procedure regarding the election and appointment of a judge of the Commercial Court of Zadar.

The petitioner stated that he submitted his application as a candidate for the Zadar Commercial Court judge vacancy. Since the petitioner was appointed as judge of the Municipal Court in Zadar on 25<sup>th</sup> October 2007, the duty he is still performing, he submitted a complaint to the competition according to the Article 56b of the *Law on the State Judicial Council*<sup>7</sup> that provides that the judges appointed for judicial duty according to the rules in force until 31<sup>st</sup> December 2012 do not have the obligation to finish the State School for Judicial Officials in accordance with the Article 51, Item 1 of the Law on SJC. The SJC rejected his application with the explanation that he did not attend the State School for Judicial Officials and therefore could not be a candidate for the vacancy at the Commercial Court in Zadar. Namely, according to the provision of the Article 51 of the Law on SJC only a person who finished State School for Judicial Officials can be appointed as judge at misdemeanor, municipal, commercial and administrative court. In his constitutional suit the applicant states that with such interpretation his right to equality before the law was violated and that he was discriminated in comparison to other colleagues and that the same decision is absurd, because *"it is unconceivable that an application of a judge for a competition for judicial appointment can be rejected with a reasoning that he does not comply with the conditions - for the position of a judge."*<sup>8</sup>

The Constitutional Court of the Republic of Croatia in its reasoning states that the constitutional provision on the availability of every vacancy and duty „under equal conditions“ implies the principle of equality or equal treatment towards all the persons in the realization of their rights to employment at certain jobs and duties. The center of the safeguard from the second part of the Article 54, item 2 of the Constitution<sup>9</sup> has its procedural aspect. It is related to those provisions of the Constitution that in their integrity guarantee „legal protection“. These are mostly the constitutional provisions containing the right to appeal (Article 18, Item 1. Of the Constitution) and the right to access to court and other constitutional rights resulting from the fundamental human right to a fair trial (Article 29, Item 1 of the Constitution).

In light of the above stated, the Constitutional Court stresses that the objective legal order in a society based on the rule of law cannot be constructed, and that the protection of constitutional rights of individuals cannot be based on reasons that are not in accordance with „common sense“. Therefore every interpretation of relevant law has to be based on common sense and legal logics because otherwise it could have absurd effects regarding the realization and protection of individual rights. This form of interpretation and application of relevant law therefore cannot be called anything else but arbitrary.

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*Annex: Memory of crimes committed during October 1991 and their judicial epilogue*

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- **04/10/1991 – Crime in Vrhovine** – six civilians from the hamlet Čorci after being taken and detained shortly at the Police Station in Vrhovine, were taken and killed with cold and firearms in the area of Plitvice Lakes National Park. The human rests were found by the employees of the National Park during 2002.

The indictment issued by the Gospić County State's Attorney's Office No. K-DO-4/08 dated 27 May

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<sup>7</sup> Law on State Judicial Council (in Croatian), <http://www.zakon.hr/z/127/Zakon-o-dr%C5%BEavnom-sudbenom-vije%C4%87u>

<sup>8</sup> Izvor:

[http://sljeme.usud.hr/usud/praksaw.nsf/24ba570488fdc25ec1256e2e005768ff/c12570d30061ce54c1257e7d00417887/\\$FILE/U-III-555-2015.pdf](http://sljeme.usud.hr/usud/praksaw.nsf/24ba570488fdc25ec1256e2e005768ff/c12570d30061ce54c1257e7d00417887/$FILE/U-III-555-2015.pdf)

<sup>9</sup> All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics. All persons shall be equal before the law. (Article 14 of the Constitution).

2008 charges Nenad Pejnović that on 4 October 1991 in the village of Vrhovine, hamlet Čorci, at the time of armed conflict and occupation by rebel Serbs within the so-called "SAO Krajina", in late afternoon hours, as a member of militia of the so-called "SAO Krajina", pursuant to an agreement and together with other members of Serb paramilitary formations, unlawfully deprived of liberty the following villagers of Vrhovine of Croatian ethnicity: Martin Čorak, Mate Čorak, Kata Čorak, Stjepan Čorak, Vladimir Čorak and Slavko Čorak. The aforementioned persons were taken to the militia station in Vrhovine where they spent the night, and on the next day they were all taken to Čurinka - Oštri Vršak area where they were killed.

The hearing began on 24th February 2009 at the Karlovac County Court against the defendant Nenad Pejnović, for the criminal offence of war crimes against civilian population according to the Article 120, paragraph 1 of the General Criminal Code of the Republic of Croatia. On 3 April 2009, the War Crime Council of the Karlovac County Court found the defendant Nenad Pejnović guilty of committing a war crime against civilians and sentenced him to six years of prison. The Supreme Court of the Republic of Croatia upheld the sentence of the War Crimes Council of the Karlovac County Court<sup>10</sup>. Before and after that event three more women were killed in the hamlet Čorci<sup>11</sup>.

- **08/10/1991 - crime in Pakrac Valley** – in the period from 8th October to mid December members of reserve unit of the Ministry of the Interior arrested 52 persons, out of whom 43 were killed, 3 are registered as disappeared, and six survived torture and abuse in the Pakrac Valley and in the Pavillion 22 at the Zagreb Fair. The trial against the defendant Tomislav Merčep on the grounds of command responsibility before the Zagreb County Court started in March 2012.
- **09/10/1991 - crime in the village of Vaganac (Gospić)** – Serb paramilitary troops killed 9 elderly persons; the youngest was 55, and the oldest was 86 old<sup>12</sup>. Eight elderly people were killed and burned in their homes and one old lady was strangled and thrown in the well<sup>13</sup>. We have no information on the criminal prosecution for the crimes committed in Vaganac.
- **10/10/1991 - crime in Lovas** – after taking the village, Serb paramilitary units *Dušan Silni (Dušan the Mighty)* and *Beli Orlovi (White Eagles)* murdered 23 Croatian civilians. The Croats had to wear white bands on their arms and Croatian houses had to be marked with white sheets. On the next day 4 persons were killed with firearms (three women), and 15 men were slaughtered with knives. A group of 50 men were pushed to the minefield, with 21 of them getting killed and 14 heavily wounded. On the next day the survivors had to bury the bodies in a mass grave. On 18th October Serbian paramilitary forces killed 19 more civilians. The crimes continued later, and in total there were between 70 and 85 locals killed in Lovas.

At the High Court in Belgrade<sup>14</sup> 14 defendants were tried and sentenced at the first instance court for war crimes against civilian population in Lovas in 1991. They were sentenced to several years of prison<sup>15</sup>. The defendants were accused as members of local civil-military authorities, Territorial Defense subordinated to the then Yugoslav People's Army and paramilitary armed groups *Dušan the Mighty* participated in the attack at Lovas and its civilian population, although they knew that there was no Croatian military forces that would offer resistance and defend the village. After entering the village they opened fire uncontrolledly, threw bombs in yards, at houses, into basements and other rooms, killed civilians that they found. As a consequence houses and other buildings were damaged and 21 civilians were killed; they exposed non-Serb, mostly Croat population to humiliation and

<sup>10</sup> <http://www.documenta.hr/en/crime-in-vrhovine.html>

<sup>11</sup> <http://www.dorh.hr/ZupanijskoDrzavnoOdvjetnistvoUKarlovcuOdgovorNa>

<sup>12</sup> [http://www.kastav-crkva.org/hr\\_zrtve\\_n.html#v](http://www.kastav-crkva.org/hr_zrtve_n.html#v)

<sup>13</sup> <http://www.hkv.hr/vijesti/domovinski-rat/1052-to-se-dogaalo-u-lici-prije>

<sup>14</sup> <http://www.documenta.hr/en/war-crime-in-lovas.html>

<sup>15</sup> Convicted at first-instance court: Ljuban Devetak sentenced to the maximum prison sentence of 20 years, Milan Devčić to 10 years of prison, Milan Radojčić to 13 years of prison and Željko Krmjajić to 10 years of prison. Also four members of the then Yugoslav People's Army were convicted: Miodrag Dimitrijević to 10 years of prison, Darko Perić and Radovan Vlajković to 5 years of prison each and Radisav Josipović to 4 years of prison. Also the members of the paramilitary troop «Dušan the Mighty» were convicted: Jovan Dimitrijević and Saša Stojanović to 8 years of prison each, Dragan Bačić and Aleksandar Nikolaidis to 6 years of prison, Zoran Kosijer to 9 years of prison, and Petronije Stevanović to 14 years of prison.

discriminating treatment, ordered illegal arrest, detention and interrogation of civilians, and their torture and physical injuries. The def. Ljuban Devetak also killed civilians, and the behavior of the defendants Devetak, Devčić and Radojčić motivated other unknown members of armed groups at different locations in the village to kill a total of 27 persons; that they illegally detained and physically abused civilians; that they ordered civilians enter minefield which activated several mines, and after that one member of armed forces opened fire at helpless civilians which caused the death of a total of 20 civilians, and 12 got serious and light physical injuries.

- **13/10/1991 - crime in Široka Kula (Gospić)** – in the basement of the house of Dana Orešković eight Croatian civilians were killed, among whom a girl aged 13. In the Široka Kula area during the war 34 civilians were killed, among whom a Serbian family of four. The bodies of the victims were found at several locations, in pits Golubnjača 1 and Golubnjača 2, while no remains have been found for 9 victims. By the verdict of the Gospić County Court No. K-1/93-13 of 16th June 1994 the defendants were found guilty in absentia for during September and October 1991 in Široka Kula as members of *chetnik* formations and militia of the so-called SAO Krajina shooting civilian objects, limiting movement to civilian population and on 13th October 1991 throwing a rifle grenade at a house where civilians were hiding and shooting them with the result of eight civilian deaths, seven being women. Nikola Zagorac, Miroslav Serdar and Dragan Vunjak were sentenced to 20 years of prison each, and Dane Serdar, Dušan Uzelac, Milorad Barać and Dragan Uzelac to 15 years of prison each.

The Karlovac County Court judgment No. K-16/00-117 of 23rd January 2001, the def. Spaso Đukić was found guilty for as one of the leading members of the Serb paramilitary formations titled „duke“ in the second half of 1991 since August participated in the attacks against Croatian civilians in Široka Kula, Vukava and Orešković Gaj, shooting from automatic rifle against Croatian homes, threatening to kill them if they don't leave their homes, with the aim to intimidate and make Croatian population leave. Thus Croatian population, because of earlier killings and the threats left their homes. After that the defendant plundered the buildings and houses from the hamlets of Vukava and Orešković Gaj by taking construction material, furniture, household appliances and other objects. He was sentenced to 5 years of prison. The Gospić State Attorney's Office also issued an indictment and started investigation for the crimes committed in Široka Kula not covered in the mentioned judgments<sup>16</sup>.

- **14/10/1991 - crime in Sotin (Vukovar)** between 14th and 20th October 1991 Serbian military troops after the occupation of Sotin took by force a larger number of non-Serb neighbors from their homes and then to the camp in Negoslavci where they were tortured and interrogated. After that they were taken to camps in Serbia, mostly to Begejci. The rest of the Croats in Sotin were held in detention, work camps, forced to labor and gradually killed. 13 people were killed before being forced to flee, and the rest were ousted from their homes on 27th December. A total of 43 persons were missing or taken by force, and the remains of many killed are still unfound.

On 26th June 2015 the Belgrade Higher Court's War Crimes Department issued a first-instance guilty verdict against the def. Žarko Milošević and the def. Dragan Mitrović for war crimes against civilian population. The def. Žarko Milošević was sentenced to 9 years of prison and the def. Dragan Mitrović to 15 years of prison.

- **16/10/1991 - crime in the village of Bukovac (Perušić)** – in two family houses seven Croatian civilians were killed. The victims of the village Bukovac Perušićki: data taken from the report on the external examination of bodies of 16/10/1991: Manda Hećimović, born 1915., Mile Hećimović, 02/11/1952, Joso Hećimović, 16/08/1948, Ivan Hećimović, 03/06/1946, Marija Pocrnić, 25/05/1903, Mile Pocrnić, 01/10/1931, Ana Pocrnić, 15/09/1926.

Criminal charges was filed by the Police Department of Lika and Senj on 28th December 1991 for the criminal offence of murder (Art. 35 GCCRoC) against Bogdan Gruičić and Čedo Budisavljević. The children of the killed victims submitted an application for inefficient investigation (the right to life) to the European Court of Human Rights (Application no. 29823/13). On 9th April 2015 European Court

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<sup>16</sup> <http://www.dorh.hr/ZupanijskoDrzavnoOdvjetnistvoUGospicu>

of Human Rights delivered a judgment<sup>17</sup> and established that the applicants were not violated the conventional right and that the State respected its positive obligation from the Article 2 of the Convention and carried out an efficient investigation of the killing of their close relatives in October 1991 in the Croatian village of Bukovac near Gospić. Namely Croatian authorities took several steps in the investigation according to the letters sent to the applicant D.P., including seeking legal assistance from Serbia, but they could not confirm the allegations from the letters with sufficient evidence. The Court stressed that it deems unnecessary to investigate whether Croatian authorities had the duty to require from Serbia to take over the criminal prosecution for the killings of close relatives of the applicants, since the applicants themselves could file a criminal complaint to the War Crimes Prosecutor of the Republic of Serbia that has the competence for proceedings in cases of violations of international humanitarian law on the territory of the former Yugoslavia. Finally, the applicants could file an application to the ECHR against Serbia.

- **16/10/1991 – Novo Selo Glinsko (Glina)** – Of a total of 32 victims killed in Novo Selo Glinsko, 24 were civilians, and the majority were killed during October 1991, and their houses and buildings were burned. The circumstances of this crime have not been discovered totally until today, but it is known that nobody survived the killings. The victims were mostly women, 17, among whom there was one 15-year-old girl. Ten killed civilians were around or over 80 years old. The remains of the identified civilians were buried in a common tomb in Novo Selo Glinsko, and according to the latest information, at least 20 persons' remains are still unfound.

The Sisak County Attorney's Office issued an indictment on 4th August 2010 (K-DO-2/07) for the crimes committed in the area of Glina against five persons for war crimes against civilian population and war crimes against prisoners of war. The defendants are accused as commanders: for giving orders to attack certain villages in the Glina Municipality and for failing to prevent and sanction the crimes<sup>18</sup>. All the defendants are living in the Republic of Serbia, they were all delivered their indictments through international legal assistance instrument and they all presented their defense before the Belgrade Higher Court's War Crimes Department. According to the information from the media, during June 2015, one of the defendants, Mile Paspalj was arrested<sup>19</sup>.

- **16/10/1991 - crime in Gospić** – between 16 and 18/10/1991 Croatian soldiers under the command of Mirko Norac and Tihomir Orešković killed a total of 50 civilians (24 of Serb ethnicity) at the locations of Lipova Glavica and Pazarište.

On 24<sup>th</sup> March 2003 by the Rijeka County Court decision the first defendant Tihomir Orešković was convicted and sentenced to 15 years of prison, the third defendant Stjepan Grandić was convicted and sentenced to 10 years of prison, the fourth defendant Mirko Norac Kevo was convicted and sentenced to 12 years of prison, the second defendant Ivica Rožić was acquitted, and the fifth defendant Milan Čanić the indictment was abolished, because the prosecutor abandoned indictment against him on 13<sup>th</sup> March 2003). The Supreme Court at the session held on 31st May, 1st and 2nd Jun 2004 upheld the first-instance court ruling.

**Victims in the indictment:** - arrested civilians: Simo Kljajić, Branko Štulić, Radovan Barać, Dane Bulj, Nikola Gajić, Bogdan Šuput, Radojka Diklić, Dušanka Vraneš, Đorđe and Mirjana Kalanj, Miloš and Mileva Orlović, Milan, Anđelka and Mirjana Pantelić, Branko Kuzmanović, Borislav Marić,

<sup>17</sup>[https://www.google.hr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCMQFjABahUKEwjL7I\\_n2t7IAhVK6RQKHcTaB1c&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconversion%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-153481%26filename%3D001-153481.pdf%26TID%3Dihgdqbxnfi&usg=AFQjCNGzMG0TAEEMOrecXm2R20SsWPrt9w&bvm=bv.105841590,d.d24](https://www.google.hr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCMQFjABahUKEwjL7I_n2t7IAhVK6RQKHcTaB1c&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconversion%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-153481%26filename%3D001-153481.pdf%26TID%3Dihgdqbxnfi&usg=AFQjCNGzMG0TAEEMOrecXm2R20SsWPrt9w&bvm=bv.105841590,d.d24)

<sup>18</sup> Ordered to the subordinated troops to attack villages inhabited mainly by Croatian population, and after the attacks, although they knew of the committed crimes against civilian population (killings of 32 civilians in Novo Selo Glinsko in October 1991, seven civilians in Marin Brod in October 1991, three civilians in Gornje and Donje Jame on 3<sup>rd</sup> October 1991, two civilians in Desni Degoj on 3<sup>rd</sup> October 1991, one civilian in Ilovačko on 4<sup>th</sup> October 1991, one civilian in Mala Solina on 20<sup>th</sup> October 1991; by the end of September, beginning of October 1991 the villages of Donji and Gornji Viduševac and Donji and Gornji Selkovac were burned and the Church of St. Francis Xavier in Gornji Viduševac were destroyed...) they did not undertake anything to prevent these illegal treatments, punish the perpetrators, therefore allowing that the subordinated troops continue with such acts and their consequences.

<sup>19</sup> <http://www.vecernji.hr/crna-kronika/mile-paspalj-uhicen-zbog-ratnog-zlocina-u-glinskom-novom-selu-1010765>

Radmila Stanić, Stanko Smiljanić, Borka Vraneš, Petar Lazić, Željko Mrkić, Ljubica Trifunović, Mićo Pejnović, Sofija Lončar, Nebojša Trešnjić, Pantelija Radić, Danica Barać, Mile Čubelić, Gojko Hinić, Milan Smiljanić, Milica Krajnović, Ljubica Panjević, Janko Pavlica, Marica Đukić, Petar Svilar, Nikola Serdar, Dragan Rakić, Gojko Radmanović, Milica Radmanović, Mica and Boja Potkonjak, Nikola Stojanović, Vaso Jelinić, Branko Draganić, Luka Šulentić, Andrija Mileusnić, Stojanka Borić and son, Nikola Ivanišević, Boško Tomičić and some other unidentified persons - later released were: Luka Šulentić, Andrija Mileusnić and Stojanka Borić with her son; and then, on 17 October 1991 at least 10 persons were killed at the "Žitnik" (Pazarište) pine tree nursery site, and among them there were most certainly the following persons: Boško Tomičić, Nikola Ivanišević and Milica Radmanović; on 18 October 1991 remaining arrested civilians were killed at the "Lipova Glavica" site near Perušić, and among them there were the following persons: Simo Kljajić, Branko Štulić, Radovan Barać, Dane Bulj, Nikola Gajić, Bogdan Šuput, Radojka Diklić, Dušanka Vraneš, Đorđe and Mirjana Kalanj, Miloš and Mileva Orlović, Milan Pantelić, Branko Kuzmanović, Radmila Stanić, Stanko Smiljanić, Borka Vraneš, Petar Lazić, Željko Mrkić, Ljubica Trifunović, Mićo Pejnović, Sofija Lončar and other unidentified civilians..<sup>20</sup>

- **17/10/1991 - crime in Karanac** – Serbian paramilitary forces took, tortured and killed 4 civilians of Croatian ethnicity at an abandoned farm Sudaraš (father and three sons). Their bodies were massacred. During the occupation of Baranja in Karanac 12 more civilians were killed, a total of 16 persons. After the criminal charges of relatives of the killed criminal prosecution was initiated, and according to the media it is still conducted against unknown perpetrators.<sup>21</sup>
- **20-21/ 10/1991 - crime in Lički Osik** - four former members of police forces of the so-called SAO Krajina. They have been indicted for committing a war crime against civilians - murder of a five-member family Rakić in Lički Osik in October 1991. Office of the War Crimes Prosecutor of the Republic of Serbia requested an investigation against six persons. Since two of the mentioned persons are not available to the prosecution authority of the Republic of Serbia, investigation in their case has been discontinued. The Indictment charges Čedo Budisavljević, Mirko Malinović, Milan Bogunović and Bogdan Grujičić that they apprehended Mane Rakić, his sons Dragan and Milovan and daughter Radmila due to a suspicion that they were in possession of a radio unit and cooperated with Croatian formations. Thereafter, the defendants tied the victims' hands and closed their mouth with adhesive tape, put them in a van and drove them to the "Golubnjača" pit. There they killed them by firing from firearms and threw them in the pit. They also killed by firing from firearms Mane Rakić's wife Lucija Rakić, and then the defendants Budisavljević, Malinović and Bogunović committed arson by setting on fire her body and the weekend cottage where she lived, in the village of Široka Kula.

On 4 October 2010, the main hearing began before the Higher Court in Belgrade in the trial against four former members of police forces of the so -called SAO Krajina. They have been indicted for committing a war crime against civilians - murder of a five-member family Rakić in Lički Osik in October 1991. On 14 March 2011, all four defendants were found guilty. Each defendant received a prison sentence in the duration of 12 years. In November 2011, the Court of Appeals in Belgrade quashed the verdict rendered on 14 March 2011 and remanded the case back to the first instance court for retrial. On 16 March 2012, the court pronounced the first-instance verdict in which the defendants were found guilty again and the defendants Čedo Budisavljević and Mirko Malinović were sentenced again to 12 years of prison, and Milan Bogunović and Bogdan Grujičić were sentenced to ten years of prison<sup>22</sup>.

- **21/10/1991 - crime in Baćin, Cerovljani (Dubica)** – Serb paramilitary forces killed at least 56 Croatian civilians from Baćin and Cerovljani on one location, and 54 more from Dubica and Baćin on the other.

On 11 March 2013, the Rijeka County Court's War Crimes Council pronounced the verdict in which seven defendants were found guilty and sentenced to the following prison sentences: Branko

<sup>20</sup> <http://www.documenta.hr/en/crime-in-gospi%C4%87.html>

<sup>21</sup> <http://www.hkv.hr/domovini/domovinski-rat/1459-zaboravljene-hrvatske-rtve-karanac-beli-manastir.html>

<sup>22</sup> <http://www.documenta.hr/en/crime-in-li%C4%8Dki-osik.html>

Dmitrović (15 years), Slobodan Borojević (15 years), Milinko Janjetović (20 years), Momčilo Kovačević (20 years), Stevo Radunović (20 years), Veljko Radunović (20 years) and Stevan Dodoš (15 years) of imprisonment. They are not available to the Croatian judiciary. The charges were rejected in respect of Dragica Pekić and Marin Krivošić, the only available accused person, because the charges against them were amended earlier and charged them with armed rebellion and therefore the provisions of the Amnesty Act were applied against them. The court panel reasoned the prison sentences with the number of victims, their vulnerability, the way the crime was committed and lack of remorse. At least 76 elderly persons were killed. It was established that some of the bodies were laying at Skelište up to 15 days as well as that the guards were securing the location until 1992.<sup>23</sup>

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<sup>23</sup> The content of the report is the sole responsibility of the publishers and it does not by any means reflect the official position of the supporting organizations. The report was made within the project «Support to the Strategy of development of judiciary in the area of human rights», with the financial support by the European Economic Area and the Kingdom of Norway grants for civil society organizations, implemented in the Republic of Croatia by the National Foundation for Civil Society Development.