

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING APPLICATION OF THE CONVENTION ON THE
PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE**

(CROATIA v. SERBIA)

REJOINDER

SUBMITTED BY THE REPUBLIC OF SERBIA

VOLUME III

ANNEXES 44 – 76

NOVEMBER 2011

TABLE OF CONTENTS

SECTION III: Documents relating to Chapter VIII of the Rejoinder – Operation Storm as a violation of the Genocide Convention

| | |
|--|----|
| Annex 44: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Witness John Geoffrey William Hill, 27 & 28 May 2008, Transcript, pp. 3736-3741, 3746-3752, 3756-3757, 3766-3768, 3771-3772, 3776, 3778-3779, 3786 | 9 |
| Annex 45: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Witness Joseph Lorenzo Claude Bellerose, 7 July 2008, Transcript, pp. 5862-5867, 5870-5874 | 25 |
| Annex 46: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Witness Andrew Brook Leslie, 22 & 23 April 2008, Transcript, pp. 1937, 1939- 1940, 1942-1943, 1966-1968, 1972-1973, 1992-1993, 2015, 2046-2047, 2081-2082, 2119-2121 | 33 |
| Annex 47: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Witness Marija Večerina, 17 July 2008, Transcript, pp. 6716-6722, 6741 | 43 |
| Annex 48: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Witness Mile Đurić, 12 June 2008, Transcript, pp. 4839-4841, 4843-4844 | 49 |
| Annex 49: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Protected Witness P-136, 13 & 14 March 2008, Transcript, pp. 643-44, 646-47, 665-66, 668, 673-74, 676-77, 692-93, 747-48, 777-80, 790-91, 800, 803 | 53 |
| Annex 50: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Protected Witness P-054, 14 May 2008, Transcript, pp. 2813-14, 2819-21 | 65 |
| Annex 51: ICTY, <i>Gotovina et al.</i> , IT-060-90, Excerpts from the testimony of Protected Witness P-056, 26 May 2008, Transcript, pp. 3532-33, 3546 | 71 |
| Annex 52: District Court in Požarevac, Serbia, Minutes of the witness hearing | |

| | |
|---|-----|
| of Mirko Mrkobrad, dated 13 March 1997 | 75 |
| Annex 53: Basic Court in Banja Luka, Bosnia and Herzegovina, Minutes of the witness hearing of Boris Martinović, dated 7 May 1997 | 87 |
| Annex 54: Redacted | |
| Annex 55: Municipal Court in Vršac, Serbia, Minutes of the witness hearing of Božo Ivanović, dated 17 April 1997 | 109 |
| Annex 56: District Court in Belgrade, Serbia, Minutes of the witness hearing of Ljubica Krasulja, dated 13 December 1996 | 117 |
| Annex 57: Redacted | |
| Annex 58: District Court in Belgrade, Serbia, Minutes of the witness hearing of Dara Valentić, dated 30 August 1995 | 135 |
| Annex 59: Municipal Court in Svilajnac, Serbia, Minutes of the witness hearing of Mile Vračar, dated 1 September 1998 | 145 |
| Annex 60: District Court in Sombor, Serbia, Minutes of the witness hearing of Dušanka Mraović, dated 7 May 1997 | 153 |
| Annex 61: Basic Court in Prijedor, Bosnia and Herzegovina, Minutes of the witness hearing of Sava Utržen, dated 7 April 1997 | 161 |
| Annex 62: District Court in Belgrade, Serbia, Minutes of the witness hearing of Petar Batak, dated 2 July 1997 | 171 |
| Annex 63: District Court in Leskovac, Serbia, Minutes of the witness hearing of Milan Berić, dated 23 September 1996 | 181 |
| Annex 64: Redacted | |
| Annex 65: Municipal Court in Apatin, Serbia, Minutes of the witness hearing of Jovica Piplica, dated 30 October 1998 | 203 |
| Annex 66: Municipal Court in Vršac, Serbia, Minutes of the witness hearing of Željko Dubajić, dated 15 January 1999 | 209 |
| Annex 67: Excerpts from the Minutes of the session of the Presidency of the Croatian Democratic Union (HDZ), held on 11 August 1995 at the Presidential Palace in Zagreb | 219 |
| Annex 68: Excerpts from the Record of a meeting between the President of the Republic of Croatia, Dr. Franjo Tuđman, and Minister Dr. Jure Radić, | |

| | |
|--|-----|
| held on 22 August 1995 at the Presidential Palace in Zagreb | 243 |
| Annex 69: Excerpts from the Record of a meeting between the President of the Republic of Croatia, Dr. Franjo Tuđman, and the military officials of the Republic of Croatia, held on 23 August 1995 at the Presidential Palace in Zagreb | 269 |
| Annex 70: BBC, the Speech of President Tuđman in Knin on 26 August 1995, according to Croatian Radio Zagreb | 285 |
| Annex 71: Jutarnji list, Zagreb, 4 May 1998, “War turned me into a killing machine” | 291 |
| Annex 72: Ivan Zvonimir Čičak, President of the Croatian Helsinki Committee for Human Rights: “Krajina burning again”, authorized article published in <i>Feral Tribune</i> , Croatia, on 16 March 1998 | 299 |
| Annex 73: Amnesty International Briefing to the UN Committee against Torture, 2010 | 305 |
| Annex 74: Youth Initiative for Human Rights Report, “Against Immunity of Power: prosecution of war crimes in Croatia”, March 2011 | 327 |
| Annex 75: Conclusions of the Government of the Republic of Croatia of 15 April 2011, communicated to the diplomatic missions accredited in Croatia with the diplomatic note No. 2081/11 of 19 April 2011 | 357 |
| Annex 76: Letter of the Commissariat for Refugees of the Republic of Serbia, No. 019-542/1 of 5 August 2011 | 363 |

SECTION III

**Documents relating to Chapter VIII of the Rejoinder –
Operation *Storm* as a violation of the Genocide
Convention**

ANNEX 44

ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the testimony of Witness John Geoffrey William Hill, 27 & 28 May 2008, Transcripts, pp. 3736-3741, 3746-3752, 3756-3757, 3766-3768, 3771-3772, 3776, 3778-3779, 3786

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: John Goeffrey William Hill

(The commander of the United Nations Military Police in Sector South from June until
December 1995)

27 May 2008

[...]

Transcript page 3736

[...]

Mr. Geoff Hill was the commander of the United Nations Military Police in Sector South from June until December 1995. Prior to Operation Storm, he liaised with the RSK minister of the interior and chief of police in Knin, and worked to maintain the security of UN personnel throughout Sector South, and to prevent hijacks and theft the UN equipment.

He was present in Knin during the artillery attacks on 4 and 5 August 1995, and observed the shelling of Knin from the UNHCR compound. After Operation Storm, he managed to leave the UN HQ compound during the HV blockade and gain access to many areas in Sector South where he observed shelling damage and also witnessed HV soldiers, Special Police, and civilian police engaged in looting or acts of destruction. He also discovered several dead bodies and evidence of killings on the road used by the Serbs to flee the Krajina.

Mr. Hill also gained the trust of a HV military police commander named Ivan Juric, who indicated that he was in charge of all military

Transcript Page 3737

police units in the territory of the former RSK, including their anti-terrorist unit, and who provided Mr. Hill with information regarding the conduct of Operation Storm and the fact that all Serbs in the territory of the former RSK were considered terrorists.

[...]

Q. Let's turn now to the shelling that happened on 4 August. If you could please explain to the Court what you personally

Transcript Page 3738

observed or heard of the shelling on that day.

A. On that morning at 0500 exactly, an artillery barrage started of Knin, in what I believe was from the south and the east. It was hundreds and hundreds and hundreds of artillery rounds. I immediately moved with the platoon I had on the grass to the back of the MP building, taking two MPs out of building and sending them up to their bunkers. We stayed in the bunker. It was for the escort platoon. There was two major salvos. I believe one was about 30 minutes, long followed by a pause which I had believed would be for them to reload to restock, and then another 30 minutes.

It was hundreds and hundreds and hundreds of roads. I was in the bunker with the platoon this way to me. The doors were open approximately this wide, and I could see out over the town and there was orange glows and original bursts from the air-bursts of the artillery.

That went on for approximately 90 minutes, and there was enough of a lull that I could then move up to the top of the camp where my MP platoon was to my bunker. My bunker is on the edge of the camp with the ARSK camp, and I'm looking directly into Knin.

The shelling continued. It was getting to the point where we could listen to how close the round was coming in and observe. I took some photos of the town being shelled. At that point -- or during that time, a mortar round impacted the building directly over my head on the corner. A subsequent UNMO CBA or CDA was done to say that it was an 82-millimetre mortar from the ARSK. And a rifle propelled grenade passed the entrance the bunker and detonated approximately six feet off the

Transcript Page 3739

ground back to my left, and blew myself and Corporal - I don't recall his name - down the stairs. We lost helmet, and we lost our weapons. And at that point, the shelling abated to the point where it was just harassment, rather than a massive salvo of hundreds and hundreds and hundreds of rounds.

[...]

Transcript Page 3740

[...]

Q. Again, Mr. Hill, I think on the same page, and I think also during the summary you just gave us, you used the term "harassment fire" which you indicated was the kind of shelling that was occurring after the initial salvos.

Can you please explain to the Court what you mean by harassment fire?

A. It's a term, I believe, first used by the Americans in World War II, and then later in Vietnam

Transcript Page 3741

the enemy is aware they are being attacked. It limits movement, it limits resupply, and it basically is harassing the enemy rather than an all out offensive, like very earlier in the morning where there are hundreds and hundreds of rounds.

So, in the morning, there was that initial attack, hundreds and hundreds and hundreds. It abated to this through the day; and then later in the evens prior to 2300, it picked up again to be the second highest level of shelling for the day in Knin.

[...]

Transcript page 3746

[...]

Q. And moving now to the time that you said the shelling picked up at about 2300 hours, can you tell the Court what you were doing at about 2300 hours?

A. I was summonsed to the front gate of the camp where I met the Chief of Staff, Colonel Leslie, at the time. General Forand, our commander, had decided that he would take in the Serb refugees. They had been accumulating at the gate throughout the day, seeking refuge from the shelling. At that point, there was in excess of 300. General Forand directed they would come in. The task was given to me. Colonel Leslie left. I used my escort platoon and my MP platoon, and we brought all the refugees in, searched them, lodged them in, I believe, one of the bars on base, as well as an auditorium and a gym; then began the process of searching, taking them to meals, putting a wire compound around which later eventually rose to over 850 and half our camp.

Q. Can you tell the Court, starting at 2300 hours, how long it took you to process everyone in on that night?

A. Until approximately 0230 hours.

Transcript Page 3747

Q. Mr. Hill, can you give the Court an idea of what the makeup of what this group of refugees was?

A. Women, children, old men, old ladies. There were some military-aged individuals in it. Basically, people that have come from the town. They had some bags, some personal belongs as they came in.

[...]

Q. Thank you. Now If we can move to the following day, the 5th of August, and if you could tell the Court, again, what you personally observed or heard of the shelling on that day?

A. At approximately 0510, the shelling started again, same as the 4th, in extremely large volumes, hundreds and hundreds of round, slightly less than the bombardment on the morning of the 4th, throughout the town of Knin.

[...]

Transcript Page 3748

[...]

THE WITNESS: This was approximately 0930 hours. While talking to my commander, General Forand, an artillery round hit the wire at the corner of our camp. General Forand instructed me to go and check what had occurred. I left the camp with a number of soldiers. I got to the T-intersection, just outside the camp. I had also brought an OT-64 with me, and I saw six individuals who had been killed. Four were wounded, a mixture of civilian and military - I do not recall the exact mix - laying on the ground on that road from the intersection, a little up past the camp.

I went back into the camp. I requested an engineer, a Canadian engineer, to go and clear the bodies of any potential booby traps. Then at that point, I was tasked by General Forand to set up a patrol within the camp, because the Jordanian troops were not going into their fighting positions. They were staying in their bunkers. My soldiers were to go around and get them in their firing positions.

Transcript Page 3749

I later learned that the bodies were all bagged by the individuals that went out with me. All the weapons, grenade, rockets were taken offer the soldiers who were ARSK, and lodged in my cell area. And that's the last dealing I had with that.

[...]

Q. Mr. Hill, you indicated that the bodies at the intersection were bagged by some of the people that you had gone out with. Do you know what happened to those bodies later on?

A. They were bagged in the black body-bags that we had and put by

Transcript Page 3750

the side of the road, across from the camp on a road leading upwards out of Knin. I was told that HV, when they were martialing to go into Knin for the last night, fired AKs into the bodies after opening the bags, and that urinated and defecated on the bodies.

At a later date, the bodies were there for quite some time. I recall seeing them with the bags opened, and one body in particular had been -- had feces on the body and the bodies shot, even though the bodies died or the cause of death was the artillery round.

Q. Thank you. At some point later in the day, in your statement, you indicate that the HV entered the town -- or, actually, that they had come to the UN compound.

Can you describe for the Court how they came to the compound?

A. This is the first time that they came?

Q. Yes. When was the first time you saw them?

A. It was around noon that they came in, from around to the right of camp, where the Serb or ARSK barracks were. They arrived with three tanks, T-54, 55 -- I'm sorry, six tanks, T-54, 55, and three APCs, T-80s, with troops on foot. We talked

to them. General Leslie -- they wanted to come into the camp and take the refugees, and I'm sorry, Colonel Leslie, at the time, was negotiating. He eventually negotiated that the Croats would stay out of the camp.

The Croats told us that "We must stay in the camp." I was there discussing with the soldiers. Two of them were Canadians. One was on top of a tank. I talked to him and asked him how the offensive had gone. They said they took 30 hours to take Drnis, and then it only took five

Transcript Page 3751

from there to Knin.

I asked what they were going to do. He said they were going to kill all the Serb. The other individual, who was from, I believe, Montreal or Ottawa, was on the left, was infanteer. And I had asked him, because he spoke good English, what he was doing there, and he said he had come back to fight against the Serbs and that he had been waiting for this since 1945. He was approximately 22 years old.

[...]

Q. And referring to your second statement this time, that would be P292, I believe, at page 0057-7655. That is, again, beginning at line 20, where you describe trying to get into the town of Knin. Can you tell the Court about that?

A. Around supper time, I took two OT-64 and two M-113 APCs to go into town, to try to get back any refugees that we could find. We went down the road to the T-intersection, where that building was I showed with the damage; turned right and got almost down to the gas station. There was one T-54 tank in front of us. They started to move the tank, but then a commander came, either a captain or a major HV. And he got extremely agitated, and I said we were going into town. We were UN, we were trying to find refugees. He absolutely refused, he said it was

Transcript Page 3752

forbidden, he put tank across the road, he was quite angry, and he ordered us back to camp.

When you looked behind, and turned around from the gas station and looked up the road, beside our camp, the entire road to the top of the hill was lined, front to back, of tanks and APCs of HV with infantry on top. And it was their assembly area before their final assault on Knin.

After talking to this major, he had talked about taking our pistols, and he had later put a tank in front of the gate to come and take our pistols and then later removed. And we were told that we could not go into Knin that night.

28 May 2008

[...]

Transcript page 3756

[...]

Q. Now going back to your trip through Knin with the SIS officer, can you describe for the Court what you witnessed of the behaviour of the soldiers in Knin?

A. They were shooting into the air, they were looting across the town. We spent approximately two hours driving around the town. There was various check-points run by the HV, at that point not military police, which we freely got through with the identification. The soldier were shooting in the air. At one point, we stopped at a bar. They kicked out front. They had cut a pig in half, were eating the pig, offered us some whiskey. Virtually, every area of town you went to, the soldiers were coming out the of the homes with appliances, TVs, radios,

clothes, and putting them into vehicles, that they were stealing from the town of Knin.

There was buildings that were burning, there were buildings that were either damaged or destroyed from artillery fire.

[...]

Transcript page 3757

[...]

THE WITNESS: It wasn't concentrated on one area. On any given area of the town you went to, behind the hospital, behind the parliament, below the castle, you would see cars being stolen and soldiers coming out of houses or apartments with material they were loading the cars with. Any part of town you went to, you saw this.

JUDGE ORIE: As you describe it, it sounds as a massive exercise.

THE WITNESS: Perhaps, on one area, when we went to a lady's house where he put the sign on, perhaps I only saw three in that area of three or four street, three soldiers. It is more pronounced downtown. There is a bigger concentration of soldiers, but also they were drinking and shooting, as well as looting.

When you got outside of downtown, it was purely the looting.

They weren't sitting around and drinking.

JUDGE ORIE: Yes. And no doubt as to these being HV soldiers.

THE WITNESS: Oh, no doubt at all.

JUDGE ORIE: Fully uniformed.

THE WITNESS: Absolutely. With weapons.

[...]

Transcript page 3766

[...]

Q. And, here, Mr. Hill, you discuss an incident with a United Nations Serbian interpreter which occurred in downtown Knin on that day, and I would like you to explain to the Court what happened there.

A. At approximately 19:30, I was advised there was an issue with the UN worker downtown. I took several of my police with me. I went down to the police station, and found a lieutenant HV, who came with me. At a certain point of town, in an open courtyard in between two apartment buildings, there was approximately 30 military individuals standing around.

At that point, they were agitated because of our weapons. I had to give up my long arm and my pistol to my second in command, and then I went to talk to who I believe was in charge, who I thought was the commander of 4 Brigade. There was an UN pick-up truck with the right front tire shot out, and it was flat. The back of the truck was filled with personal belongings, and there was an UN employee, a Serbian interpreter, standing there.

When I approached the individual, there was an HV civilian police there, Jan, who spoke very good English, and he acted as our interpreter.

I asked about the situation. I asked about the situation. The commander showed me a piece of paper that was in, I believe, Croatian, that showed

Transcript Page 3767

that this individual had served in the ARSK army for, I believe, nine or ten months.

Through the interpreter, he said he was a Chetnik and they were going to kill him. All I understood from the commander was the word "Chetnik," and I understood what it meant. Apparently, this individual left our camp, gone to his own accommodation, and was retrieving personal items. We negotiated back and forth that he could not shoot the individual, it was not his responsibility, the individual belonged to me.

And, eventually, he agreed that the individual would go with me; however, he said that he could not guarantee the safety of the individual if his soldiers saw him, or my safety which was the first time they said that. He said that any helicopters leaving our camp with Serbs would be shot down, and any Serb men of military age, 19 to 60, who leave our camp would be shot.

At this point, we took the individual, we surrounded him, moved him back to our two vehicles, and drove him back to our camp.

[...]

Q. And at this point in your statement, Mr. Hill, you discuss a trip that you took through the town of Kistanje, and I would like to describe for the Court what you witnessed in that town?

A. That was the worse town I had seen for damage. There was no inhabitants at all. I believe there was an HV company there on the

Transcript Page 3768

factory side. The majority of the homes destroyed by either artillery or fire. They had artillery impacts on the outside of the town for the first time, where we saw how they had walked the artillery into the town.

There was a massive war memorial, beautiful. It was huge made of it appeared to be granite, that had been virtually destroyed, not by artillery but it appeared as if by sledge hammers. In Canada, we would call it - I can't remember - vandalism, but it was destroyed, completely destroy. It was a massive monument. There was an extremely strong smell of dead bodies, but yet we found none. There was that single company of HV soldiers who were resting by the factory area.

[...]

Transcript page 3771

Q. Mr. Hill, here, you describe what you saw in the town of Gracac

Transcript page 3772

and I would like to you tell the Court, please, what you witnessed there.

A. We saw artillery impacts in the fields leading up to the town. There was no MP, so there was HV. I remember one check-point with HV soldiers by the impacts. The town was fairly well destroyed. Some houses were still burning. There was looting, and there were still some soldiers there. As it says in my statement, they were friendly. Again, large very strong smell of bodies. We drove everywhere with our windows open, so we could identify that. Then we continued to the Czech battalion.

Q. Can you tell the Court who was doing the looting?

A. HV soldiers.

Q. And did you see any civilians in this town at that time?

A. No. The town was empty.

[...]

Transcript page 3776

Q. Mr. Hill, is that an example of what you saw on that road?

A. Yes. We would see a group of three or four homes, no soldiers, no civilians around, and the homes would be burning. So I simply took a picture as an example.

Another point along the route, once we got to Otric for the first time, we saw all of the fields, all of the animals, cows, pigs, sheep, whatever, had been killed, shot.

[...]

Transcript page 3778

Q. Mr. Hill, here, you note that on driving back towards Otric, you saw an orange VW, which I take to mean Volkswagen, flat bed, with bodies inside. I'd like you to explain these vehicles to the Court and what you know about them.

A. As we drove north and we found the route, when we passed Otric, we noticed six bodies, four soldiers and two civilians, in a field by a tractor. I wanted to take photos but I didn't, because we had found the route. By the time we had gone up and back down, the bodies were gone and we had passed a Volkswagen flat bed, orange, with the bodies on the back. What we later discovered is this is how the HV were getting rid of the bodies. These individuals, I believe, had grey uniforms, and it was the orange, flat bed VWs that were removing the bodies whenever they

Transcript Page 3779

were found.

Q. And had you seen these orange VWs elsewhere in this sector?

A. After this point in time, yes.

[...]

Transcript page 3785

Q. And during this discussion, did you ask Mr. Juric the units over which he had command?

A. Yes. I had asked what the responsibility of the military police were, specifically on the day that the Croats soldiers had come to the camp. In front of the camp, I saw an individual with a shaved head and a grey uniform, almost like an overall uniform with a black belt. But he was carrying an MP-5, which is a sub-machine gun. It was suppressed with a laser sight. He had an old man at his feet, almost like a dog.

Transcript Page 3786

I had asked Ivan what he was, and he said he was counter-terrorist unit. And I asked if that was part of the military police, and he said, yes, that they had military police, the HV. But as part of the military police, they had a counter-terrorism unit. I asked Ivan, I said, "Well, who are terrorists?" And he said, "Serbs."

[...]

ANNEX 45

**ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the
testimony of Witness Joseph Lorenzo Claude Bellerose,
7 July 2008, Transcript, pp. 5862-5867, 5870-5874**

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Joseph Lorenzo Claude Bellerose

7 July 2008

Transcript page 5862

[...]

And with your permission, Mr. President I would like to read a brief summary of the witness's evidence.

JUDGE ORIE: Yes, please do so.

MR. RUSSO: Thank you.

"Mr. Bellerose was the sector engineer for the whole of Sector South from 15 June until 16 December 1995 and was responsible for supervising all engineering work, including construction of observation posts and demining. In connection with his duties he travelled extensively throughout Sector South both prior to and after Operation Storm. He observed that there were not many soldiers in Knin prior to Operation Storm, and even in his travels throughout the sector, he only saw small groups of four or five ARSK soldiers at a time. He was present in Knin during the artillery attack on the 4th and 5th of August, 1995, and observed the shelling from the balcony of the UN HQ building.

"Mr. Bellerose delivered medical supplies to the hospital during

Transcript Page 5863

the shelling on the 4th of August and observed a great deal of devastation, including dead civilians and individuals in uniform lying in the streets, injured people at the hospital with limbs missing and buildings and cars on fire.

"While he was supervising the delivery of medical supplies at the hospital, shells were flying over his head and impacting in the town. He proposed and

implemented the plan for accommodating the Serbs who sought refuge in the UN HQ compound, most of whom were women, children and the elderly.

"After Operation Storm, on 6 August, he observed Croatian authorities bringing in civilian trucks to clean up the main road in Knin. On 9 August he travelled to the water-pumping station for Knin to try and restore water service and observed that almost every house and apartment in Knin had been looted. During his travels throughout the sector after Operation Storm, he observed that many villages were destroyed by burning and looting. He was often prevented from entering villages by Croatian special police and would later see smoke rising from houses in those villages."

[...]

Transcript page 5865

[...]

Q. Thank you. I'd like to now move to the events of -- in Knin on 4 August 1995. Can you please tell the Court what you observed, what you saw and heard of the shelling on that day?

A. The shelling started, I believe, around 5.00 in the morning on the 4th, and it was very intensive for about a period of one to two hours. From the sound, it sounded like the artillery was all over the place, in -- you know, and there was no really any specific target.

Then after an hour or two, it slowed down. And then you could hear artillery landing everywhere in town, in -- you know, until I got onto the balcony of the UN headquarters then I could see that they were landing in the different parts of town.

[...]

Transcript Page 3866

[...]

Q. Thank you. Moving to your first statement, that's P545, it's that one-page, at paragraph 1 - it's the same in the B/C/S - you indicate that you took a trip to Knin hospital to deliver medical supplies on the 4th,

sometime between 1600 and 1800 hours. I would like you to please describe that trip for the Court.

A. I was asked by the Chief of Staff, General Leslie, to go to the hospital -- well, the purpose of the trip was two -- threefold. First we had to take General Forand to the Serb headquarters. Also to go to the hospital to deliver medical supply. And on our way back our task was to go to several houses that we knew were UN civilian employee or -- and UN civilian police were residing and to bring them back to safety inside the UN camp.

We did the trip with two armoured person carrier, one M-113 and one OT-64. Inside the trip I was inside the vehicle, so I could not see what was happening, but I could hear artillery shell landing.

When we got to the hospital, I got out of the vehicle and supervised the unloading of medical supply. While I was outside the

Transcript Page 5867

hospital and outside the armoured personnel carrier, I could hear shell flying overhead and hearing them explode inside Knin.

On our way back I was inside the armoured personnel carrier and then when we got the location of the address where we knew civilian police, UN civilian police and UN employees were living, then I got outside the vehicle and I could see devastation in the street. Somebodies were lying down, some cars were on fire, and I could hear artillery round impacting to the town.

Once we pick up as many people as we could and retrieve General Forand, we went back to the UN compound.

Q. Thank you for that. Let me ask you, Mr. Bellerose, while you were at the hospital, did you see an ARSK tank anywhere in the area?

A. No, I didn't.

14 Q. Did you see any evidence that a tank or multiple tanks had been

15 stationed near the hospital?

16 A. No, I didn't.

[...]

Transcript page 5870

[...]

A. The shelling on the 5th of August was, when it started in the morning was still very extensive for the first hour. I believe it started near 0515 hours. And then later on, during the day, it was of not extensive at all. There was very sporadic, one shell maybe every ten, 15 minutes, and there were at all -- all over the place. There was not one specific location. That was later on that during the afternoon.

Q. Thank you. Mr. Bellerose, can you tell the Court whether, on either the 4th or the 5th of August, if you ever saw or heard any outgoing artillery fire from Knin?

A. I never saw nor did I hear any outgoing fire.

Transcript Page 5871

Q. Thank you. And if we could move to your second statement again. That's P546. At page 7. This is in the B/C/S, page 6. At the last full paragraph you offer some opinions and I will quote: "In my opinion the shelling of Knin was carried out to drive away of the civilian population. The shelling was not directed at specific military targets. I believe it was deliberate harassment shelling."

Now I would like to discuss the factual basis for each one of these opinions separately. First let me ask you, what was the basis for your opinion that the shelling was carried out to drive away the civilian population?

A. In my opinion, if there would have been military target in those location that would have been causing a threat to the Croat forces, they would have been more intensive and direct at a specific target, be more concentrated.

Q. Can you tell the Court what you observed that was not consistent with that?

A. The artillery fire wasn't concentrated into one location. It was landing all over the town more to a random fashion and at random interval.

Q. Thank you. And you indicated that the shelling was not directed at specific military targets. Let me ask you first to please identify or tell the Court what you believed the military targets to be at the time and why.

A. For what I have seen in my time in Knin, the military target would have been the north camp, the camp adjacent to the UN compound and

Transcript Page 5872

the RSK headquarter in downtown Knin.

Q. Thank you. You also offered the opinion that it was deliberate harassment fire, and I would like you to please explain for the Court what you meant by that.

A. Because it was like a random firing all over the place and random interval, you know, for me, I believed that this is -- this is a situation that will make the occupants of the town, if they were still there, wondering if they were going to be next or when the next round was going to land, if it would be close to their place. Just that, I don't know, it's hard for me to explain, but it wasn't -- makes you wonder if the next round is going to be in your backyard as opposed to, you know, five -- 500 metres or, you know, five miles down the road.

[...]

Q. I'd like you to explain for the Court if during the times that you observed the shelling of Knin, if you saw artillery fire being concentrated on either what you identify as the north camp or the RSK headquarters or the Serb camp next to the UN base.

A. No, I didn't.

[...]

Transcript Page 5873

[...]

Q. Thank you. In that same paragraph describing the trip that you took into the town on that day, you indicated and I will quote: "There was devastation everywhere in Knin. It was obvious that looting had

Transcript Page 5874

taken place. There was clothing and other items lying beneath the windows of almost every house and apartment."

And I would like to ask you, did the devastation that you witnessed on that day include damage from shelling?

A. Correct.

Q. And based on what you observed, was this damage from shelling concentrated in any particular area of the town?

A. No, it wasn't. It was all over the place.

[...]

ANNEX 46

**ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the
testimony of Witness Andrew Brook Leslie, 22 & 23
April 2008, Transcript, pp. 1937, 1939-1940, 1942-1943,
1966-1968, 1972-1973, 1992-1993, 2015, 2046-2047,
2081-2082, 2119-2121**

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Andrew Brook Lesli

(Chief of Staff of the UNPROFOR Sector South)

22 April 2008

[...]

Transcript page 1937

[...]

Q. Let me ask you quickly about the demographics of the town. Had the size of the population of Knin changed in the period shortly preceding Operation Storm?

A. When I first arrived in Knin in March, and these are only estimates and not meant to sound as if they're definitive numbers, but the population of Knin was probably somewhere in the order of 20.000 to 25.000. As tensions mounted, and it became fairly obvious that imminent hostilities were looming, the population of Knin had swollen to somewhere around 35.000 in the days immediately preceding the events of the 4th and 5th of August.

Q. Who -- where had the people who had increased the size of Knin come from? Who were those people?

A. In the main, I believe they were the families of those who were concerned that their villages and towns were close to the zone or closer to the zone of separation and, therefore, had a higher probability of risk. So the town, immediately prior to the 4th and 5th of August, was populated by mainly the elderly, women, and children, as the vast majority of fighting-aged males had been essentially mobilised and deployed into the zone of separation in a variety of defensive positions.

[...]

Transcript page 1939

[...]

Q. Now, you've described the increase in the size of the civilian population in Knin in the period preceding Operation Storm. Did you observe whether any of the population of Knin had left the area in the days immediately preceding Storm, that is, immediately before August 4th, 1995?

A. There were some elements of the local population that had left in roughly the week prior to the 4th and 5th of August. How many, I don't know. It did not appear to make a sizeable reduction in the mass of people that I would see in and around the streets of Knin. We were aware anecdotally that a variety of Serbian refugees or Serbs from Knin had tried to get across the border into the Serb-controlled areas of Bosnia but had been turned around and sent back to Knin. But this is anecdote; it is not based on observation.

Q. General Leslie, how and when did you first learn that Operation Storm would take place or would commence?

A. The first confirmed indication we had was at roughly 20 minutes after 3.00 on the 4th of August when the Sector South headquarters received an indication from UNCRO headquarters, our superior headquarters.

Transcript Page 1940

in Zagreb, that an attack by the Croatian Forces to recapture the Krajina was imminent. Over the course of the subsequent hours, there were many such reports from different sources.

[...]

Pages 1940 and 1941 contain information on the beginning of Operation Storm and on witnesses' role in the process of emergency recall plan

Transcript page 1942

Q. You say consistent shell fire after describing the rough timing that you did. Can you also give the Court any indication of the relative intensity of that consistent shell fire?

A. I would say the intensity was high between roughly 5.00 in the morning of the 4th until approximately 7.00 in terms of the total number of explosions, though there would be variances between when those explosions occurred. So, in the first initial salvo, all the explosions occurred almost at the same time. As the first hour or two wore on, there were the same relative number of explosions over time, but it wasn't as controlled.

Q. You indicated that, at approximately 7.00, there was a change in the intensity of the shell fire. Can you describe for the Court the nature of the change that occurred after approximately the first of couple of hours?

A. At approximately 7.00, or around approximately 7.00, the fire diminished

markedly; and instead of having explosions all over the city of a consistent nature, the explosions and shell fire was grouped across specific regions of the city which varied, wherein you'd have a shell detonating, a minute or two or three would go by, another shell detonating 200 to 300 metres away from where the first one went off. That process would be repeated several times. Then you'd have four, five, or six shells landing fairly tightly grouped together. This process would be repeated essentially throughout most of the day at a lessened intensity as compared to what happened between 5.00 and

Transcript Page 1943

7.00 in the morning.

[...]

Transcript page 1966

[...]

Q. Did you leave the Sector South headquarters compound on the morning of the 5th?

A. I did.

Q. And for what purpose?

A. We had been asked by a Serbian physician to assist in the evacuation of approximately 30 to 40 critical patients at the Knin hospital, and I had volunteered to assemble a team of initially six vehicles to proceed to the hospital to assist in that evacuation. We first became aware of this request around 7.00, 7.30 in the morning, and

Transcript Page 1967

we left the compound about an hour and a half later.

Q. During the course of that trip from the Sector South headquarters to the hospital and back, can you tell the Court what, if anything, you saw or experienced?

A. The journey was -- took approximately 15 to 20 minutes. We started with six vehicles. We were -- initially, my vehicle was going to lead, but at some point the Serbian ambulance cut in front, I think during one of the moments of shell fire. There were two significant periods of shell fire en route. One was in the area of the train yards before you got to the main traffic circle, quite close to the vehicles, to the extent that they were rocked by the blast.

The second, which was in the area of -- or prior to the north Dalmatian corps headquarters, after the traffic circle. En route to the town, the town appeared to be, from what I could see, essentially deserted. There were dead along the route, numbering somewhere in the order of 15 to 20 scattered hither and yon, along that main route, occasionally up the side street. There was an enormous debris field along that route of baggage and suit

cases and even furniture until we got to the turn-off which left Knin to the north and west, at which point the route became relatively clear.

Q. You mentioned seeing dead along the route to the hospital. Did you see any bodies or injured persons upon arrival at the hospital?

A. On arrival at the hospital, there were large quantities of dead, men, women, and children, stacked in the hospital corridors in a pile. A makeshift room on the back rear floor was being used as a morgue. There

Transcript Page 1968

was no power, and the medical staff had departed with the exception of one male nurse who had obviously stayed there while the Serbian physician came and got us.

There were approximately 30 to 40 patients of which 25 or so were in absolutely critical condition, a mix of the elderly women, occasional fighting-age male, and -- yeah.

Q. While --

JUDGE ORIE: Mr. Tieger, could we ask the witness "large quantities of dead, men, women, and children, stacked in the hospital ..." What do I have to understand approximately by large quantities? Where you are saying "30 to 40 patients, 25 in absolutely critical condition," what about the dead bodies.

THE WITNESS: Sir, it's very difficult to estimate. I would say the number was no lower than 30 and probably no higher than 50 or 60.

[...]

Transcript page 1972

[...]

Q. And just to be clear on the exchange of points of view, did you demand on behalf of UNCRO that UNCRO personnel be permitted to leave the compound?

A. Yes.

Q. And did you explain for what purpose UNCRO wanted to leave the compound?

A. Yes.

Q. And what was that purpose?

A. To ensure that the laws of war were being respected, to ensure that no humanitarian violations were being perpetrated, to allow us access and visibility as per the United Nations Security Council resolutions which granted us such, and I also mentioned that we were willing to accept the responsibility and risk in doing so.

Q. Okay. If you recall, what response did you receive to the demand to leave the compound?

A. Endless repetitions of no.

Q. How long did -- for how long did the tank remain there and how long was UNCRO personnel prevented from leaving the camp?

Transcript Page 1973

A. We were prevented from leaving the camp up until the 9th of August, where I believe I was one of the first outside of the camp. There had been other minor exceptions, and I was escorted by a Captain of Marine Lukovic from Sector South headquarters out of the area of operations to take up my new duties of Chief of Staff UNCRO. The tank remained in place for several hours. I cannot recall when it left. I was not there when it was withdrawn. By then we had received orders from UNCRO telling us that we were to stay in the camp until a variety of higher-level discussions were conducted between UNPF, UNCRO, and the various authorities.

Q. Although unable to leave the compound, were you able to hear anything that was happening outside the compound during the period of time you were prevented from leaving?

A. Yes. There were occasional flurries of shots, occasional grenade detonation; a modest, very few number of buildings were in flames; and much mechanised noise of tanks grinding by our headquarters to the north on that road; and Croatian forces streaming into the town from that road just outside Sector South headquarters.

[...]

Transcript page 1992

[...]

JUDGE ORIE: Then my next question would be: You described that you saw dead people when you were on the road to the hospital. Did you observe anything which would give a clue to whether their status was civilian or military?

A. Yes, sir, I did.

JUDGE ORIE: Could you please explain what you observed.

A. There were - it was long ago - but I believe that there were a

Transcript Page 1993

few dead children -- well, there were certainly some, very young. There were women dressed in skirts. There were fighting-aged males as well, dressed with the sort of unique collection of clothing that the Serbian militia wore at that time. There were a few elderly. Most of the dead, though, were essentially shapeless bundles of rags with the occasional limb protruding or other unpleasantness.

JUDGE ORIE: Yes. Do I understand were your answer that you're not able to give any more precise proportions of the categories you just mentioned?

A. No, sir, I cannot.

JUDGE ORIE: Then you told us about soldiers on the wooden cargo pallets behind the tractors. You said that you saw, together with women and elderly people, you saw also soldiers. Could you be more precise as what soldiers of

what armed forces, if you are able to make any distinction in that respect? Could you tell us a bit more about these soldiers?

A. Yes, sir, I can. Starting in the afternoon of the 4th, the soldiers were Serbian soldiers and it started slowly, this column of vehicles. But within a couple of hours, it was very constant and steady where you'd have trucks carrying two or three soldiers, five or six women and children; followed by a putt-putt, which is this tractor pulling this wooden cargo flat rack, that might have all soldiers; followed by a normal tractor pulling a hay wagon that would have all women and children. So it was truly a chaotic melange of people driving by Sector South headquarters.

[...]

Transcript page 2015

[...]

Q. Let's explore that. So what you're saying is that Operation Storm was conducted with a high degree of expertise; is that right?

A. I, as a military professional, would agree that certain elements of Operation Storm were conducted with a high degree of expertise. If the aim was to ensure that the local population was cleansed from the region.

[...]

23 April 2008

Transcript page 2046

[...]

Q. Well, let us go to this particular tape and this is a BBC tape and as we see it is 7.04 on the morning of the 4th, London time which of course would be 8.00 a.m. Zagreb/Knin time?

A. Okay.

MR. KEHOE: And we could play this.

[Videotape played]

Transcript Page 2047

"Short time ago we spoke to the UNPROFOR spokesman in Knin, Lieutenant Colonel Andrew Leslie, he described how the offensive there began.

"At 0500 this morning, Knin, the capital of the Krajina was hit by artillery and rocket shells. It was dark at that time, of course, the center or the main point of impact appeared to be the center of Knin, after 300 detonations we've lost count. Reports from our battalions indicate that

essentially every large urban center in the Krajina has been hit by shell fire, starting between 5 and 5.30. As well the Croats have launched their strikes on the town of Gracac. There's a lot of shell fire. There has not been yet a lot of movement into the zone, so we don't really have a clear picture on what the Croatian ground forces are doing now but they certainly pounded the Serbian communities

"There's two or three pillars of fire and smoke in the centre of Knin. We unfortunately had some of our people still sleeping downtown when this happened and ... civilians mostly, and we sent our armoured vehicles to collect them. The term controlled "chaos," from our view, applies. The damage? It is very hard to assess, I mean, there's houses that are destroyed, there's craters in the roads, it is not terribly pleasant."

[...]

Transcript page 2081

[...]

Q. Let me stay with just this particular incident.

I mean, you testified for us that you brought patients to the UN?

A. Yes.

Q. Were they soldiers?

A. I don't know. Most of them were -- hmm. Most of them were in no state to identify their profession. The ambulatory ones, no. To the best of my recollection and it has been a long time, I don't believe any of the ambulatory patients were soldiers. Some of those who were unconscious might have been.

Q. So I mean those individuals that might have been you were taking them from a hospital and bringing them to the UN compound?

A. That's correct.

Q. Why were you doing that, sir?

A. We had been approached that morning by a Serbian doctor who worked at the hospital, and he had indicated that there was no power, there was no light, no supplies, and essentially that the staff had left, and he and a male nurse were those that remained. He had left the male

Transcript Page 2082

nurse at the hospital. He came to our compound to ask for assistance. As the attending physician to move his patients to Sector South military facilities and the area commander made the decision to -- to go ahead.

Q. Was it within the UN mandate to move soldiers in any fashion?

A. Sir, I have not actually stated that these personnel were soldiers. Have I said that I don't know if any were soldiers.

[...]

Transcript page 2119

Q. Secondly, the August 7th report from Mr. Stoltenberg to the Secretary-General that was referred to a few moments ago, in particular the portion on page 2, involving a discussion with Mr. Granic, in that

Transcript Page 2120

report as pointed out to you by the Defence, Mr. Granic was pressed to explain the shelling of civilian areas in Knin.

He said that most of the civilians had already fled the city before it was shelled. Based on your observations of the attack on Knin on the 4th of August, was that accurate or inaccurate?

A. Sir, based on my observations of the region of Knin, the city of Knin, his observation is inaccurate.

Q. Mr. Granic also said there had been three military barracks in Knin. Did you observe that the shelling of Knin was directed at only the three military barracks in Knin?

A. No, sir.

[...]

Transcript page 2121

[...]

Q. Now, you have told the Court that the shelling that you observed reflected either a deliberate attempt to shell civilian structures and areas, or the indiscriminate shelling of such structures and areas?

A. Yes.

[...]

ANNEX 47

**ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the
testimony of Witness Marija Večerina, 17 July 2008,
Transcript, pp. 6716-6722, 6741**

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Marija Vecerina

17 July 2008

[...]

Transcript Page 6716

Marija Vecerina is a Croatian citizen of Serb ethnicity who lived in the municipality of Obrovac for all her life until Operation Storm. On 5 August 1995, she left the mountains where she was with her family,

Transcript Page 6717

two daughters, one son, and two other female relatives. On the way, they picked up two young men. At that time, there were therefore eight in the car; five women and three men.

At the village of Ocestovo, in the Knin municipality, the car was shot at, and several passengers, including the witness's son, were wounded. Croatian army soldiers surrounded the car, forced the passengers to lie face down on the road, searched them, and took their belongings. The group was taken to the basement of a house nearby.

The next morning, Croatian soldiers took five young men out of the basement at gunpoint, including the three young men that were in the car with the witness. Several minutes after the young men were taken away, she heard a burst of gun-fire. Years later, Ms. Vecerina learned that her son's body had been found in the Knin cemetery. Later, on the 6th of August, the group in the basement, including the five women from the witness's group, were taken towards an UN camp in Knin. Croatian policemen at the entrance to Knin directed them to the Knin secondary school. Ms. Vecerina spent three days there.

On 9 August 1995, she was transported to Zadar to a small facility, before being transferred again to a larger sports hall in Zadar. All these facilities were guarded by policemen. On 16 September 1995, the witness left for Serbia on the organised convoy from Knin.

This concludes my summary, Your Honours.

Transcript page 6718

[...]

First of all, the school in Knin. You said in your statement that that school was guarded by policemen. My question for is: Were you allowed to leave the school while you were there?

A. No.

Q. And were any reasons given to you as to why you couldn't leave?

A. The reasons were that we were not free. They were guarding us.

Transcript Page 6719

We couldn't go anywhere.

Transcript Page 6720

[...]

Q. Ms. Vecerina, I now want to turn my attention to the three men

Transcript Page 6721

that were in your group.

So there was your son Stevo and the two other young men you picked up Stevo Baljak and Mile Gnjatovic. In your statement, in paragraph 14, you mentioned that five men, the three from your group I just mentioned and two more, Djuro Macak and Momcilo Tisma were taken from the basement.

Is that accurate?

A. Yes, that's correct. It's just that we met up on the way. Stevan Baljak and then closer to Zegari, Miro Gnjatovic and Mile Gnjatovic took my son away to the Nadvode hamlet to find a vehicle. And they found a vehicle there, a red Lada, vehicle, and we all got into that car, all of us did, and we set out towards -- well, we didn't know the road precisely. It was

already getting dark, when we encountered the Croatian soldiers in Ocestovo and they started firing at the car there, and the cars didn't have the lights on.

Then we stopped and the soldiers gathered around the car. They were masked. And they were insulting us, cursing us, they were saying, Get out of the car, we will kill you all. We came out. They said to us, Lie down, we will kill you all.

And they threw our things around, they went through our pockets, found some money in my son's pocket, and then he said, Take it all, just don't kill me.

Q. Thank you. When the group of five young men were taken away from the basement, you said in your statement that several minutes later, you heard a burst of gun-fire.

Transcript Page 6722

Did you actually see what happened?

A. I didn't see it. I went with him to see the car, and how they would get him in. They said that those who were wounded would go to the hospital and the soldiers would go to prison. But they turned me back. They told me not to go, and that they would kill me. So I went back to the cellar and a few minutes later, I could hear shots. After that, perhaps a few more minutes after the shooting was heard, they brought two women there. I think that one of them was wounded, and there was also a man, and we suspected that they had fired at them, at the car, and they killed the driver in the car, this woman who was wounded had told us.

Q. And apart from these five young men that were taken away, including your son, were there any other young men in that basement?

A. When they brought us to the cellar, when they captured us, we found Momcilo Tisma and Djuro Macak there. Two young men were there. There were also some older men and women, about 13 of them were there, 13 or 14, I'm not sure exactly how many.

Q. I just want to make sure I completely understand. So in addition to the three men with you and these two that.

You've just mentioned, those five men, all of them were taken outside. Were there any other young men in that basement that were not taken outside?

A. No, there were no young men.

Q. Thank you.

Transcript Page 6741

[...]

Q. You described how you spent some time in the cellar of the house after you left the car and that then you were directed to Knin, to the school there.

A. Yes, yes.

Q. And I will ask you this. You said you didn't get any kind of escort to the school from the Croatian authorities. Is that correct?

A. Not to the school, but to Knin. The school is a little bit farther away. Policemen waited for us there. There were many of them, and they asked us where we were going and we said that we were going to the international camp or base. And they said, There is no camp, stop there or we will kill all of you, and they provoked us there, and then they said, Go to the Knin secondary school centre.

[...]

ANNEX 48

**ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the
testimony of Witness Mile Đurić, 12 June 2008,
Transcript, pp. 4839-4841, 4843-4844**

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Mile Djuric

12 June 2008

[...]

Transcript Page 4839

[...]

MR. HEDARALY:

Mile Djuric was a Croatian citizen of Serb ethnicity who lived with his family in the village of Plavno in the hamlet of Djurici until August 1995. He spent his summers at a house up in the surrounding hills in order to tend to his sheep and prepare wood for the winter. From this vantage point in 1995, he observed the shelling of the Plavno area during

Transcript Page 4840

the first days of Operation Storm.

[...]

As he realised that his family house had been put on fire, he decided to go back to Djurici. He entered the neighbour's backyard and watched the events. Djuric saw three soldiers with camouflage uniforms and black masks standing in the backyard of his house, together with his grandmother and his father. The witness's father, Sava Djuric, was wearing civilian clothes on that day. He was disabled and could only walk very slowly because of an accident that had occurred when he was a child. The witness states seeing that one of the soldiers was holding his grandmother and told the other two soldiers to throw the man into the fire. To this, the

Transcript Page 4841

grandmother protested that there was no need to kill her son, since they had already burned the house, but the soldier holding her instructed the

others: "I am taking the grandmother to the end of the village, and by the time she comes back, everything will be burned. Throw him in the fire."

After the grandmother was taken away, Mile Djuric witnessed the two remaining soldiers throwing his father in the burning workshop and locking the door.

The witness fled to his summer house. On the way, he came across a different group of soldiers wearing the same camouflage uniform who started shooting at him. He escaped and finally managed to reach the summer house. The next morning, the witness left for Serbia together with two friends. He arrived in Belgrade about three weeks later, at the end of August 1995, and has lived there ever since.

This concludes my summary, Your Honours.

Transcript page 4843

[...]

Q. Mr. Djuric, I want to ask you a few questions now with respect to your father, Sava Djuric. Was your father a member of the army of the RSK?

A. No. He was handicapped and he was not in the army. He didn't even serve in the army as a conscript. He was not capable. He was handicapped.

Q. And can you describe very briefly how it is that he was handicapped? How did he become handicapped?

A. He was unfit. He could not walk properly, even since his childhood, and we used to say that it's because of the cold water. But

Transcript Page 4844

as he grew older, it was more and more difficult, and his legs just could not support him. So he did not move, he did not venture far away from the house.

[...]

ANNEX 49

ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the testimony of Protected Witness P-136, 13 & 14 March 2008, Transcript, pp. 643-44, 646-47, 665-66, 668, 673-74, 676-77, 692-93, 747-48, 777-80, 790-91, 800, 803

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Protected Witness 136

13&14 March 2008

13 March 2008

Page 643

Q. Witness, can you -- do you recognise this list?

A. Yes. I made it.

Q. Can you explain to Their Honours what it is about.

A. These are persons who were killed and buried at the Knin

Page 644

cemetery. I assume since I can see the names of persons of this list who were killed in Grubori and Boraci from the village of Bosic that the list was compiled sometime later in August. I took stock of all the lines of graves and the names of people there who were buried there. A total of 17 in the first row, five unidentified. In the second row a total of 45,35 unidentified, and so on and so forth. I do have to say one thing these figures that I can see on the margin are slightly confusing. I tried to add up and see how many people had been killed. I know there were another two locations at the Knin cemetery, therefore, I assume that a page is missing that should accompany this list. So that's as to the calculations here on the margin of this page. I can't say what that's in reference to. I suppose I was trying to add up the separate figures for these three different locations within the Knin cemetery.

Q. And I see that in between the names there are a few NNs. Can you explain what these NNs mean?

A. I put the list together by walking from grave to grave, from cross to cross, in a manner of speaking, and I tried to observe how many unidentified bodies were buried between the individual graves.

Q. And while that's being done, when did you go to see the cemetery in Knin, the time, the occasion you wrote down these names?

A. I went to the cemetery several times. Once because there was lady whose husband had been killed and she was on her way to the cemetery accompanied by a security official. However, she couldn't locate the grave, so I went with her to give her a hand. I found it in a different place within the Knin cemetery. There was this other time that I went with one from the press office, an official. However, we were turned away because there was a burial underway. Although we were at a distance of no more than a hundred metres, one could still sense the stench of decomposing bodies. I did go another two or three times. I can't say exactly. Once I was there with my station commander who was a -- a Russian and the deputy chief of sector of the UN, the chief of the Sector South civilian police who was a Dane.

Q. Thank you, witness. Now, looking at the screen in front of you, 25 do you recognise this list?

Page 646

A. Yes. Well, the list that we're looking at is the first list that the Croatian police provided to the UN members.

Page 647

Q. You told us you received the list from the Croatian authorities. Do you recall who it was from the Croatian authorities who gave the list?

A. I can't say exactly now whether it was in the station commander's office, the Knin station commander's office, or Cedo Romanic or Zvonko Gambiroza, but I'm 100 per cent certain about one thing. The list originated from the Croatian police and I have to say I was quite surprised at the time that we were now receiving a list of those killed.

Page 665

Q. But the information that the United Nations was collecting a list for evacuation was disseminated to the civilian population in Knin, wasn't it?

Page 666

A. It was communicated to the United Nations personnel, civilian personnel.

Q. And the civilian personnel then went and told their families in the town, didn't they?

A. It's possible, but I don't know that for a fact.

Q. Well, ma'am that led to a building up of fear within the civilian population in Knin did it not?

A. There are many elements why there was this build-up of fear in Knin. I worked in the Vrlika area, and when all the nine UN stations were shut down, when the Vrlika station was shut down, the very fact that the UN was withdrawing in a way it frightened the people from Vrlika. Cetina had been shelled several times before Operation Storm. People couldn't go out into the field to harvest their crops and that is why so-called harvest teams were set up. I was a member of one such team, and we were supposed to make people relax a little bit and go out and harvest their crops because their livelihood depended on that. Their survival depended on that. So this affected the people there. This is what also made them be afraid. I know that because I worked in that area.

Page 668

Q. Let us move to the days prior to Operation Storm. In your witness statement, you noted that people were leaving Knin in buses, full buses, ten days prior to the attack. Is that right?

A. That's right, but it was mothers with small children who were leaving. If I had small children at the time I would not have stayed there for a single day, because conditions for small children were awful. There was no electricity, no food. It was impossible to get proper infant food at that time. And electricity, there was no electricity for well-known reasons.

Page 673

Q. Well, that's in fact that being that evacuation lists had been prepared for two weeks. That's what your boyfriend told you on August the 4th of 1995 at about 1500 hours, didn't he?

A. No, that's not what he told me at 3.00 on the 4th of August. At 3.00 on the 4th of August he begged me to leave the compound. The shells were falling all around us. We were not talking about evacuation lists. I don't

know what means he was going to use for the two of us to escape, on foot, on a tractor. I don't know. I didn't check.

Page 674

Q. But as far as you do know, there were elements of the Republic of Serb Krajina that were preparing evacuation lists to evacuate Knin, and family members of these units that lived in Knin. That's what he told you, didn't he?

A. The relatives that I was living with were not on the evacuation list. My friends, my girlfriends, were not on the evacuation list, which doesn't mean that no one was on these evacuation lists. I'm just telling you what privileged family members were. If indeed the lists ever existed. This was a very small unit, as I said. Did he say this to hold me back? Did he say this to calm me down? Did the list exist or not? I don't know but it gave me some sort of a feeling of safety and made me stay.

Page 676

Q. You noted in your direct examination that you wanted to stay on because you were afraid that the UN would hire someone else; is that right?

A. Yes, that's right. My understanding was that if any of us left, we would no longer know what was going on. We weren't really conscious

Page 677

at the time what was going on throughout the Krajina. I didn't know if there was anyone left in the town itself, were we the only surviving group. I didn't know and I wanted to know what was going on.

Q. Well, did you have some doubt that some other group of people could interpret exactly to the UN what was going on?

A. We were told specifically about the four of us, the four of us from the UN civilian police. We were told at a meeting that should we refuse to go on translating they would hire translators from Sibenik, which did, as a matter of fact, happen within a couple of days. There weren't enough of us to go around doing the interpretation, so some extra interpreters from Sibenik were hired.

Q. So you were concerned that Croats from Sibenik would be brought in to translate. Was that your concern?

A. Croats from Sibenik were in fact brought in. I remember the day they were. When I addressed them, I was told to explain their duties to them. I said, "One thing you should know is that you'll be coming across dead bodies." One of the interpreters then said, "That is impossible Operation Storm has now been concluded. There are no more dead people lying around." Several days later that same interpreter came back to me to confirm that he had indeed seen dead bodies.

Page 692

Q. That Knin didn't seem to have suffered great damage. Isn't that right?

A. Well, to tell you the truth, you're running and the shells are falling all around you. You don't have an opportunity to notice many

Page 693

things. I saw the destroyed house, the damage to the outpatient clinic, and I saw a house. There was a big hole in it. It was right there where I ran into a shelter. I can't recall any other details as I ran there and the shells were falling all around me.

Q. You mentioned the outpatient clinic. Did you just mention the outpatient clinic? That facility was also used by the army of Republic of Serb Krajina, wasn't it?

A. It was an outpatient clinic. I know that as I ran I saw a civilian man injured. He had an injury to his arm. He was bleeding and he was running towards this outpatient clinic.

Q. And you told him that there was nobody in the clinic because you knew the army of the Republic of Serb Krajina was using it as a military facility; right?

A. I told you that I didn't know what facilities were used by the army. As I ran I saw this outpatient clinic. I saw that the windows had been broken, that there was damage to the building, and I warned this man, telling him that probably there was nobody there and there was no need for him to run in that direction, all bloody as he was.

14 March 2008

Page 747

Q. Now, ma'am, this particular incident -- this particular incident that you went to on the 4th of September, did you actually do the interviewing of the person involved in this?

A. I don't understand what interview you're talking about. If we're talking about Sava Babic, I saw her dead. I never saw her alive.

Q. Did you follow what happened to that case after you received this

Page 748

information and gave it to the civilian police?

A. You're talking about the killed Sava Babic in the village of Mokro Polje in the hamlet of Babici. It was the most horrible scene I ever saw. I know that a day or two before that a patrol visited her and she complained that she had been mistreated by Croatian soldiers, that they had taken out her Fico car out of the garage, and she asked members of the civilian police to park the car once again. When we came two days later, we found the woman killed in the most horrific way anyone could be killed. She was lying -- I apologise.

She was in a half-lying position in the car, in the driver's seat, with a bullet in her head, and her whole brain had fallen out on the seat next to her.

Page 777

Q. That gives a clear picture, if I may say so, of the numbers of people, but this was a project set up by General Forand; is that right?

A. In our -- in the previous visit to the village of Plavno the people were afraid and they said that 11 people had already been killed in the village and they had buried them between the houses because they were frightened, and they said that they wanted to seek shelter at the UN base. I passed this on at -- to the UN base, and whether it was General Forand or someone below him that made this decision, but it was decided that we should try and transport the people who wanted to seek shelter on that day.

Q. It's about the registration that I'm going to ask you some questions now. That was registration with which authority?

A. They were told that UN staff would talk to the Croatian authorities for these people who remained to be registered, I assume with the Croatian police, to be received some ID documents. That was the promise they were given -- the promise they were given, that they would be registered with the Croatian authorities.

Q. So it seems although the group from the UN went there on that day, the actual mission of taking the people to the UN camp was not

achieved.

A. Yes. I have to admit that the whole situation disturbed me, because I saw how terrified the people were. I saw that the so-called cleansing of the village had started, Zaturc [phoen] and Torbice, to the left of Plavno, and I realised that the real cleansing was only beginning, and I expected other incidents, and I was sorry and, unfortunately, there were other incidents. The incident in Grubori I occurred just a couple of days later and I am really sorry that the people who had been ready to move had they had been taken to the UN camp, the incident in Grubori would have been avoided. I was seriously disturbed when I realised that they would be left there without protection and I didn't wish to interpret. It was my colleague who took over.

Q. So General Forand's plan for that day was not followed through? A. No, it wasn't, because it was quite easy to persuade old people not to leave their homes, that they should keep their homes, that they would be protected, and they gave them some hope that they could stay where they were, because nobody really wanted to abandon their homes. They were elderly people.

Q. The purpose was to register them as individuals in the area with the police. That was the purpose, was it, that caused them to be left there?

A. Yes. The representative of civil affairs explained to them that they would contact the Croatian authorities, the Croatian police, and as a result they would be given protection, and the number of people

Page 780

remaining would be registered, and through this registration they would be given protection, and they would receive ID documents, and that was what was promised to them.

Page 790

Q. This brings me to the incident in Grubori which you mention in your 1996 statement at page 11. That's the 7th paragraph where you say that you were in the village of Grubori on the 26th of August; is that

Page 791

correct?

A. Yes. It's correct that I went to Grubori, but it was one day after the incident, not on the day when the incident took place.

Q. You said that were accompanying UN personnel. I don't want to now list them, but that you were not allowed to enter the village. You were stopped by Croatian soldiers or the police; is that correct?

A. Yes. We were stopped at the check-point at the entrance to the village. We were not allowed to enter the village because they were in the process of removing the bodies from the village of Grubori.

Page 800

Q. Moving to the second issue. This is again yesterday's transcript, page 76, lines 19 to 24, and I read the answer of the witness to the issue of whether Knin suffered great damage. The witness said:

"Well, to tell you the truth, you are running and the shells are falling all around you. You don't have an opportunity to notice many things. I saw the destroyed house, the damage to the outpatient clinic, and I saw house."

In relation to this damaged house or destroyed house, do you remember prior to the start of Operation Storm whether there was any military presence in or around of that house, if you know?

A. I know that it was a civilian house, because that is where I waited for the UN civil police patrol to come and pick me up every morning. So it was a civilian house.

Page 803

Q. Now, I would like to ask you a couple of questions about this document. It says, and I quote: "The death is believed to have occurred during military attack." Since you were the interpreter at that time, do you recall what was actually said and by whom it was said in explaining that situation?

A. I remember that as there was smoke in the village, that is what brought us to the village. We were looking around the village, and I think it was one of the Indonesian soldiers who cried out that he had found something. We came there. The body was covered with a blanket and there was stones around it. People were hesitant to lift the blanket. When finally the blanket was removed we saw this horrific scene. No one approached close enough to establish the cause of death, because the scene was dreadful. Half of the body had been eaten up by animals.

I don't know what happened later on. I assume that the Croatian police was informed about this. The body was not regularly buried, but two elderly men from a neighbouring village took the body and threw it into a septic tank which her son had dug. They were very old. They couldn't carry her. They covered the body with earth. And the next time I came, a part of the skirt of that woman was there. So she wasn't buried in the cemetery, and I don't know what the wounds were, how they were inflicted.

ANNEX 50

**ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the
testimony of Protected Witness P-054, 14 May 2008,
Transcript, pp. 2813-14, 2819-21**

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Protected Witness P-054

14 May 2008

Page 2813

Q. Okay. With respect to the refugees that were coming from Strmica, were you aware of military activity that was taking place in Strmica at the end of July and beginning of August 1995?

A. No, I wasn't aware of it. I just know that the refugees fled when Strmica was shelled. These people then came to Knin, and they told us about how they had been shelled and they couldn't stay there. And because the negotiations with the Croatian government was under way, we were all hoping that things would normalise and that they would be able to return, which is why they remained in Knin throughout until they fled Knin together with everyone else.

Q. These people from Strmica, did they tell that you they had been evacuated out of Strmica?

A. No. They would left on their own. Who would have evacuated

Page 2814

them? At this time, people had their own means of transportation, so they just decided to leave and seek shelter. That's it.

Page 2819

Q. Were you aware of buses that were taking people from Knin to Belgrade in the days before Operation Storm?

A. No. And I believe, if there were any, there were very few, if some people did want to leave, because I know that I tried a couple of times to obtain a permit to travel, and this was very difficult. So, although I was

at a more advantageous position because of my work, I wasn't even able to obtain these permits, and only once was I able to do so. I travelled for four days in order to get resources or materials for my work.

So I don't believe that any buses had come from Serbia. I don't think any bus had come from Serbia because I would have noticed it, and I

Page 2820

did not notice that buses came from Serbia to transport people out of there.

You can see this. You could see this in convoys. You could see the bus plates, and you could tell where they were from.

Q. Okay. Regardless of where the buses actually came from, the question is: Were people leaving Knin in buses that were headed to Belgrade, in the days prior to Operation Storm?

A. No. I don't think -- well, maybe a car or two left, but no buses, except for the regular bus line. I think there were three buses; one leaving from Benkovac, one from Knin, and I don't know where the third went from. There were three buses leaving, going from Krajina to Serbia. These were regular bus -- this was regular bus service.

Q. Okay. And just to follow up with you, you talked about being unable to obtain a permit to travel. Who was responsible for issuing permits to travel, and why did you -- let me ask that question first.

A. The permits could be obtained through a commission. This was at the medical -- at the health centre. There was a commission sitting there, and mainly this is where you got it from. And as for people who were involved in politics, I don't know how they could obtain these; but regular people could not obtain these permits, only if they had some strong grounds, medical or otherwise. So, practically, we were in a ghetto. We could not move anywhere out of Krajina.

Page 2821

JUDGE ORIE: Yes. I have one additional question.

Those people who were boarding the regular buses, would they need a permit as well to travel, or was a ticket sufficient?

THE WITNESS: [Interpretation] No. They also had to have a permit; and who issued those, I couldn't tell you. These were students, pupils because everyone was entitled to education. So the students were not stopped from going away and studying, because there was always this belief that the international forces were there, that they would provide and do the role that they were supposed to do, so that schooling could go on.

ANNEX 51

**ICTY, *Gotovina et al.*, IT-060-90, Excerpts from the
testimony of Protected Witness P-056, 26 May 2008,
Transcript, pp. 3532-33, 3546**

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Case *Gotovina et al.*, IT-060-90

Transcripts of witness testimonies

Witness: Protected Witness P-056

23 May 2008

Page 3532

MS. GUSTAFSON: I'd like to start with reading a brief summary of the witness's Rule 92 ter statement.

MS. GUSTAFSON: (redacted)

(redacted)

Prior to Operation Storm, aside from elderly males and a few men working in essential civilian posts, the population of Knin was predominantly made up of women and children. Most military-aged males were at the front line.

Witness 56 described the 3rd of August, 1995, as a normal day in Knin. On the 4th of August, 1995, Witness 56 was woken by the sound of explosions at 5.00 a.m. After approximately half an hour, he made his

(redacted)

(redacted)

shelled. During the day, Witness 56 observed shells falling in Knin as well as shelling damage.

During the night of 4th August, 1995, and the early hours of 5th August, Witness 56 travelled from Knin to Benkovac and back towards Knin.

Page 3533

In Benkovac, he saw several houses on fire and columns of people moving in the direction of Kistanje. On the way back to Knin, he stopped at the villages of Kistanje and Djevrške which were virtually empty. Witness 56 was told by people there that those villages had been shelled. Witness 56 was not able to reenter Knin in the early morning of 5th August because the

road was blocked by vehicles going in the opposite direction. He was forced to follow the convoy leading towards Otric. He eventually reached Bosanski Petrovac at approximately 1900 hours on the 5th of August of, 1995. On about 7th or 8th August, 1995, while he was in Bosanski Petrovac, Witness 56 saw evidence of the convoy being bombed as it was moving towards Bravsko.

That concludes the summary, Your Honour.

Page 3546

Q. And in your statements and in your first statement at page 9 and in paragraph 35 of your 2007 statement, you described visiting a location where the convoy had been bombed on the road from Petrovac to Bravsko on about the 7th or 8th of August and you described that you saw two trucks and several cars that had been hit. Were any of these vehicles that had been hit military vehicles, as far as you could tell?

A. No.

26 May 2008

Closed session

ANNEX 52

**District Court in Požarevac, Serbia, Minutes of the
witness hearing of Mirko Mrkobrad, dated 13 March
1997**

MINUTES ON WITNESS HEARING

Taken on 13 March 1997 before the investigating magistrate of the District Court in Pozarevac in the criminal case against for the criminal act punishable under Article of the Criminal Code

Investigating Magistrate
Vukasin Stanisavljevic

Witness
Mirko Mrkobrad

Court Recorder
Dragisa Jovanovic

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

- | | |
|--|---|
| 1. Family and given names: | Mrkobrad, Mirko |
| 2. Father's name: | Petar |
| 3. Occupation: | detective inspector |
| 4. Address: | temporarily resident of the village of Lucica, near Pozarevac |
| 5. Place of birth: | Karlovac |
| 6. Date of birth: | 1961 |
| 7. Relationship to the defendant or injured party: | |

Asked to state what he knew about the case, the witness declared:

Ever since I was born until July 1991, I lived in Karlovac. After that, I lived until 8 August 1995 in the Crevarska Strana, in the municipality of Vrgin Most where my parents had built a summer house. On that date, due to the operation conducted by the Croatian army, we had to leave the place of our residence, namely, my parents, my wife and I. My parents headed in a convoy for Bosnia, while I remained on a battle position near the place called Tusilovacki Cerovac, in the municipality of Krnjak, in the territory of the then Republic of Serbian Krajina.

At the beginning of August 1995, I think it was a Sunday, 8 August 1995 I was in a refugee convoy. I was personally acquainted with a very few people from that convoy. I only knew the Dokmanovic family. When the convoy reached the so-called Ravno Rasce, the Croatian army staged its attack. The convoy was cut off from its left flank so that it was halved. I found myself in the other part of the convoy heading for Glina. Before the Croatian army attacked us, we had been bombarded by the artillery. The shelling lasted for some ten minutes. During the shelling, the Zastava truck owned by Vojko Madjeric from Krnjak, took a direct hit. The truck burst into flames, because there was some fuel loaded onto it. I can't tell whether there were any people in it, but I know that the burning vehicle prevented the convoy from moving forward to Bosnia. Since the shelling continued, there were a number of dead and wounded people in the convoy I was in, meaning the severed part of it. I can't be more specific about the dead and wounded, but my wild guess was that there were at least 30 dead and many more wounded people. All this happened before we saw the Croatian army. When the shelling stopped, we could see a unit of the Croatian army of approximately 50 soldiers wearing sub-machine guns, rocket launchers and stingers. Part of the convoy in front of the burning vehicle continued its flight to Bosnia and the part of it I was in, was in disarray, turning back to Glina. The Croatian soldiers used machineguns and mortars to fire upon this part of the convoy. People were falling down as if they had been mowed down. It was hard to tell the number of dead and wounded.

Regarding the Dokmanovic family that was in the convoy, and there were four of them in all, namely, Milan Dokmanovic, who used to live in Karlovac, his wife Ljubica and two underage children, I am not aware if any of them died on that occasion. I only saw Milan at a collective centre in Sisak, five or six days later. However, I didn't speak to him then and, later on. I heard that he was probably exchanged, but I don't know his current whereabouts.

When the convoy managed to get to Glina, which was some 15 kilometres away from Ravno Rasce, the Croatian army had already taken control of Glina. The convoy was allowed to get into Glina and, when it was in the centre of the town, it was surrounded from all sides by the Croatian army. I came to the conclusion that they had already been in the town when the convoy entered. From the position I was on, roundabout near the outpatient hospital in Glina, I estimated that there were some 600 refugees, women and children, mainly civilians and a very small number of uniformed people. All of a sudden, a small-arms fire was opened at them. People were falling down like flies. My wild guess was that about 150 people were killed. Some individuals from the refugee column fired back, but at random. After 10 to 15 minutes, the shooting stopped and the Croatian soldiers appeared. There were some wounded people lying around. A number of Croatian soldiers shot them at close range into the head. They mostly used pistols. I can't tell how many persons were killed or wounded. At the moment when the attack began, I was on the periphery of the convoy. I had nowhere to run to. That was what saved my life, because those killed were, as a rule, the ones to whom the Croatian soldiers came first. Those of us who were somewhat farther had greater chances of staying alive. I witnessed to some Croatian soldiers lining up some refugees and pointing guns to them at close range and killing them. I was lucky to have been captured by a young Croatian soldier.

Two other soldiers came up to him immediately after that. The other two searched me and took all I had on me, which included my ID documents and about 100 DM. That was what they confiscated from me. They also snatched a gold chain from my neck and took it away. The young man put the barrel of his gun to my forehead, but had no guts to kill me. He was indecisive for a while and simply let me live. The others were not that lucky.

At the time of the attacks on Ravno Rasce and Glina itself, I was not aware of the regions of origin of the soldiers who carried out the attacks and committed the massacres. It was only later that I found out that those were the Sisak military units, but I can't be more specific about the units in question and who was in their command.

As an eye witness to these crimes, I can only mention the above named Milan Dokmanovic, who used to live in Karlovac at the time of the outbreak of war and, later on, at Kusilovic, in the municipality of Krnjak.

After my capture, I was placed in a basement of a building in Glina. I spend the first few days there. I was then transported to Petrinja where I spent one day and a night. From there, I was moved to the collective centre in Sisak where I spent ten days and to Karlovac where I spent just one day and finally, I was detained for six months in the District Prison of Remetinac, in Zagreb. After that, I was exchanged. I cannot complain about my treatment by the Croatian authorities in Zagreb during my six-month detention there. My treatment there did not go beyond routine procedures except for a few slaps here and there, which was more of an exception than the rule. The worse treatment I was subjected to was in Glina and in Sisak. I was really and truly tormented and tortured there. In Sisak, they left me without six teeth; they fractured two of my left side ribs and broke the joints of my middle fingers on both hands. The treatment of the other prisoners was no better. The only ones spared to some extent were elderly men who were frail, but not all of them. I didn't witness any of the prisoners being killed, but I saw some people being singled out like those in Petrinja. I never saw those people ever again. While I was at these two collective centres, I could hear screams and yells from the adjoining premises. It was the Croatian soldiers themselves who bragged about cutting the throats of two or more Chetniks, this or that night.

I can't give the names or nicknames of the persons who tortured either me or the other prisoners. Since all that happened in Sisak, I suppose that they are all from that region. I used to know Mijo Latin from Sisak before the war. He worked with me at the Secretariat for Internal Affairs in Zagreb. He found me at the collective centre in Sisak and saw the state I was in. After that, they stopped mistreating me and the maltreatment of other people I was in contact with. I am not in possession of any medical documents concerning the injuries I sustained. While I was in prison in Zagreb, I was investigated by the military court of Karlovac. I was interrogated in Zagreb and prosecuted subsequently. I was sentenced at the main hearing to five years in prison. I was not given the opportunity to appeal against this sentence. I am in possession of these documents and will make a photocopy of them.

People from the International Red Cross visited us for the first time while we were at the collective centre in Sisak. That visit came 5 or 6 days after our arrival. I can vouch that the camp authorities in Sisak hid some prisoners from the International Red Cross. I don't know anything about these individuals. As a matter of fact, the delegates of the International Red Cross were given precise hours when they could come to the camp. We were all placed in one big room and there were about 200 of us, on average. However, some people were led away during the night and we never saw them again. Instead of them, other people were brought in, also during the night. So, our numbers were more or less the same. Once, a group of 12 people was brought to the room while a delegate of the International Red Cross was still in. The situation was a bit tense until she was allowed to register even the newcomers. I got the impression that those people had to be concealed from the International Red Cross so that the number of inmates would not be increased, because everything had to add up in the end. I can't tell the names or nicknames of those people; they were all unknown to me. I only know that they were Serbs.

While I was in Sisak, I was not aware that anyone died in the room we were detained in nor was anyone dead in the cell, while I was detained in Remetinac prison. However, I found out, during the walks with other prisoners, that some of the elderly people had died during the day. I can't give any more details about the people who died.

I understand that there were no women prisoners detained in prison, in Zagreb. The inmates were only men aged between 18 and 80.

There were no women and children at the Sisak collective centre either. I heard, but didn't see it for myself, that there were women and children nearby, in another room. I heard women talk through the window or children crying, but I was never in close contact with women and children. While I was in Glina and Petrinja, I was in a basement with two or three men, and was not in contact with any other prisoners. I have no direct knowledge about the fate of those who sought protection in UNPROFOR bases and who were later handed over to the Croatian military or police authorities, because I was not in that situation. Everything I know, I know from Dragan Kotur, who is from Veljun in the municipality of Slunj, and whom I met in Remetinac prison. He told me that he had been wounded at a place called Zirovac and that he managed to go to the UNPROFOR base where the Russian battalion was stationed. He sought their assistance and was given only the most urgent medical attention. He was later turned over to the Croatian authorities in Glina. He was taken to the detention centre of Ozar, near Karlovac, and was subjected to the same treatment as I. I know that he was physically maltreated, but I don't know whether he had any fractures or suffered more serious consequences. He is currently in Pozarevac and resides in the vicinity of the women's prison. He is renting a place there.

I can't give any specific details about the people who died, since I didn't know them well. I only knew people from the places I lived when I came from Karlovac. I didn't know even by sight people who were in the convoy with me or in the detention camps, later on. They told me that they suffered the same fate as I did. However, I don't know their names or any other particulars. If necessary, I am willing to testify even before the International Court of Justice in the Hague.

That is all I had to say.

I have been advised to read the minutes and I declare that I don't want to, because it was dictated out loud.

Witness

Mirko Mrkobrad (Signed)

Court Recorder

Dragisa Jovanovic (Signed)

Investigating Magistrate

Vukasin Stanisavljevic (Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 13. marta 1997. године пред Istražnim
судијом Okružnog суда у Požarevcu
у кривичном поступку против _____
због кривичног дела из члана _____ КЗ.

| | |
|---|----------------------------------|
| <u>Istražni</u> _____ - судија | Сведок |
| Dragiša Stanisavić <u>Dragiša Jovanović</u> | <u>MRKOBRAD MIRKO</u> |
| Записничар | Саслушању сведока присуствују и: |
| <u>Dragiša Jovanović</u> | јавни тужилац |
| | _____ |
| | о кривљени |
| | _____ |
| | бранилац |
| | _____ |

Започето у _____ сати

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

- 1) Име и презиме MRKOBRAD MIRKO
- 2) Име оца Petar
- 3) Занимање inspektor milicije
- 4) Боравиште Privremeno selo Lučica kod Požarevca
- 5) Место рођења Karlovac
- 6) Година рођења 1961. godine
- 7) Однос са окривљеним и оштећеним _____

За овим сведок о самом предмету износи следеће:

Mrkobrad M.

Od rođenja pa sve do jula meseca 1991. godine živeo sam u Karlovcu a potom sve do 8. avgusta 1995. godine u selu Crevarska strana, opština Vrgin Most, gde su moji roditelji imali podignutu kuću za odmor. Toga dana zbog akcije Hrvatske vojske morali smo da napustimo mesto boravišta, i to ja i moji roditelji, kao i žena. Moji roditelji krenuli su a kolonom koja se uputila put Bosne a ja sam ostao na položaju u blizini mesta Tušilovački Cerovac, opština Krnjak, na teritoriji tadašnje Republike Srpske Krajine.

Početkom avgusta 1995. godine, mislim da je bila nedelja, dan 8. avgusta te godine, ja sam se nalazio u koloni izbeglica. Manji broj ljudi iz ove kolone ja sam lično poznavao. Lično sam jedino poznavao porodicu Dokmanović. Kada se kolona našla na mestu zv. Ravno Rašće došlo je do napada Hrvatske vojske. Kolona je presečena s leve bočne strane tako da je kolona razdvojena na dv dela. Ja sam senašao u drugom delu kolone koji je ostao prema Glini. Pre nego što se pojavila Hrvatska vojska došlo je do bombardovanja iz artiljerijskih orudja. Granatiranje je trajalo desetak minuta. Tokom granatiranja došlo je do direktnog pogotka u teretno vozilo marke "Zastava" vlasništvo Madjerčić Vojka iz Krnjaka. To vozilo je bilo zapaljeno koje je buknuo jer se u vozilu nalazila izvesna količina goriva. Da li je neko stradao u vozilu ili ne, ne mogu da se izjasnim, ali je zapaljeno vozilo onemogućilo kolonu da se putem kreće napred ka Bosni. Pošto je granatiranje potom nastavljeno u koloni kojoj sam i ja pripadao, a to je onaj odsečeni deo, bilo je više mrtvih i ranjenih. Poimenice se ne bih mogao izjasniti o tim ljudima; samo mogu da navedem da je po mojoj gruboj proceni bilo najmanje tridesetak mrtvih a znatno više ranjenih. Sve je ovo bilo dok se vojska nije pojavila. Kada je prestala artiljerijska paljba pojavila se jedinica Hrvatske vojske u sastavu od otprilike 50 vojnika koji su bili naoružani automatskim oružje, minobacačima i zoljama. Deo kolone ispred zapaljenog vozila nastavio je bežaniju ka Bosni, a deo kolone kome sam ja pripadao počeo je u neredu da se vraća ka Glini. Po ovoj koloni Hrvatski vojnici su počeli da pucaju iz automatskog oružja i minobacača. Ljudi su padali kao snoplje. Koliko je bilo mrtvih i ranjenih teško je bilo izbrojati.

U vezi porodice Dokmanović koja je bila u toj koloni a njih je bilo ukupno četvoro i to Dokmanović Milan, koji je ranije živeo u Karlovcu, njegova žena Ljubica i dvoje maloletne dece. Ja ne mogu precizno da navedem da li je neko od njih stradao. Ja sam jedino posle 5-6 dana video Milana u sabirnom logoru u Sisku. Medjutim sa njim tada nisam kontaktirao a ni kasnije a koliko sam čuo on je najverovatnije razmenjen a gde se on sada nalazi, zaista mi nije poznato.

Kada je kolona izbeglica uspela da stigne do Gline koja je od mesta zv. Ravno Rašće udaljeno oko 15 kilometara, Hrvatska vojska je već bila zaposela Glinu. Kolona je puštena u mesto Glina i kada je došla u sam centar Gline, sa svih strana se pojavila Hrvatska vojska te iz toga sam ja izvukao zaključak da su oni već bili u mestu kada je kolona ušla. Na mestu gde sam se ja nalazio, a to je kružni tok kod Doma zdravlja u Glini, bilo je po mojoj proceni oko 600 izbeglica, što žena, što dece mahom civila a u manjem broju i uniformisanih lica. Tada bez ikakvog upozorenja sa svih strana izvršena je paljba i to iz pešadijskog oružja. Ljudi su padali kao snoplje. Po mojoj gruboj proceni poginulo je oko 150 ljudi. Jedan broj je bio ranjen. Za ovo vreme iz grupe izbeglica pojedinci su uzvraćali iz vatrenog oružja, ali manje-više nasumice. Posle 10 do 15 minuta prestala je paljba i tada su se pojavili Hrvatski vojnici. Pojedini ranjenici su ležali. Tada je jedan broj Hrvatskih vojnika, i to oni prvi, otvorio vatru na ranjenike iz neposredne blizine pucajući im u glavu. Pretežno je pucano iz pištolja. Ne bih mogao po imenu da navedem ni jedno lice koje je tom prilikom izgubilo život ili bilo ranjeno. U trenutku kada je počeo napad ja sam bio na periferiji kolone. Nisam imao gde da pobeegnem. To mi je i spaslo život jer su stradali po pravilu oni do kojih su

Milica M

Hrvatski vojnici odmah došli. Mi koji smo bili malo dalje imali smo veće šanse da sačuvamo glavu. Bio sam očevidac kada su pojedini Hrvatski vojnici ljude iz moje neposredne blizine postrojavali pored zida i po nekoliko njih i onda na njih pucali i ubijali i to iz neposredne blizine. Ja sam imao sreću da me je zarobio jedan mladi Hrvatski vojnik. Odmah su prišla još dvojica. Ta dvojica su me pretresla i uzeli su ono što sam imao a imao sam lična dokumenta i negde oko 100 maraka. To su oni uzeli. Strgli su mi i zlatan lančić s vrata i to je odneto. Ovaj mladić mi je prislonio usta cevi od automatske puške na čelo glave, ali nije imao snagu da me ubije. Kolebalo se jedno vreme i jednostavno me je ostavio živog. Drugi nisu bili te sreće.

Ja u vreme napada na mestu zv. Ravno Rašće a kasnije i u samoj Glini nisam znao sa kog područja su vojnici koji su izvršili ove napade i masakre. Tek kasnije sam saznao da su te napade izvršile jedinice sa sisačkog zbornog poručja ali ne bih mogao da naznačim koje su jedinice u pitanju i ko je tim jedinicama komandovao.

Kao svedoke ovih zločina jedino bih mogao da navedem pomenutog Dokmanović Milana, koji je pre izbijanja rada u Hrvatskoj živeo u Karlovcu a kasnije u Kušiloviću, opština Krnjak.

Posle zarobljavanja ja sam bio smešten u podrumu jedne zgrade u Glini. Tu sam proveo prvih nekoliko dana. Zatim sam prebačen u Petrinju gde sam proveo dan i noć, zatim u Sisak u sabirnom logoru 10 dana, pa u Karlovcu 1 dan i na kraju 6 meseci u Okružnom zatvoru Remetinac u Zagrebu, nakon čega sam razmenjen. Ja se u Zagrebu gde sam proveo 6 meseci ne mogu potužiti na tretman od strane Hrvatskih vlasti. Bilo je sve u granicama normale, ako se izuzme pojedino šikaniranje koje se svodilo na šamar-dva, ali je i to bilo izuzetno. Najteže je bilo u Glini a zatim u Sisku. Na ovim mestima u odnosu na mene i druge vršeno je pravo maltretiranje i fizičko zlostavljanje. U Sisku sam ostao bez 6 zuba, slomljena su mi dva rebra na levoj strani i polomljeni su mi zglobovi na srednjim prstima obe ruke. I ostali zarobljenici u ovim mestima su prošli slično kao ja. Poštedjeni su bili samo stari muškarci koji su do kraja iznemogli, ali to ne svi. Ja lično nisam video da je neko od zarobljenika ubijen, ali sam bio svedok odvajanja pojedinih lica kao u Petrinji. Ta lica kasnije nikada u životu nisam video. Dok sam bio u ova dva sabirna logora iz susednih prostorija čuo sam zapanjanje. Sami Hrvatski vojnici su se hvalili da su te i te noći zaklali dva ili više četnika.

Ja ne bih mogao da navedem po imenu ili nadimku lica koja su mene zlostavljali a i druge. Obzirom da se ovo dešavalo u Sisku pretpostavljam da su sa tog područja. Ja sam još od pre rata znao Latin Miju iz Siska koji je jedno vreme samnom radio u Republičkom Sekretarijatu za unutrašnje poslove u Zagrebu. On me je pronašao u sabirnom logoru Sisak i video me kako izgledam. Nakon toga prestalo je moje maltretiranje kao i maltretiranje drugih lica sa kojima sam ja dolazio u kontakt. Medicinsku dokumentaciju o zadobijenim povredama ne posedujem jer nije bilo mogućnosti da je pribavim. Dok sam bio u Zagrebačkom zatvoru u odnosu na mene vođen je istražni postupak, stim što je istragu sprovodio vojni sud iz Karlovca. Saslušavanja su obavljena u Zagrebu a potom je protiv mene podignuta optužnica i zatim održan glavni pretres i osuđen sam na kaznu zatvora od 5 godina. Nisam imao priliku da se žalim na ovu presudu. Tu dokumentaciju posedujem i doneću je radi fotokopiranja.

Prvi put su se pojavili ljudi iz međunarodnog Crvenog krsta dok smo bili u Sabirnom logoru Sisak. To je bilo nakon 5 do 6 dana od našeg dolaska. Ja mogu da potvrdim da su logorske vlasti u Sisku sakrivala od međunarodnog crvenog krsta pojedine zarobljenike i o čijoj sudbini ja ništa neznam. Naime, članovi međunarodnog crvenog krsta su imali određeno vreme kada su mogli da uđu u Sabirni logor. Mi smo svi bili u jednoj velikoj sali i u proseku nas je

M. Rebić

bilo oko 200. Međutim, dešavalo se da se tokom noći izdvoje pojedini ljudi, odvedu i više ih nikad ne vidimo, a umesto njih tokom noći dovode se drugi ljudi, tako da je brojno stanje uvek bilo isto. U jednom slučaju bila je dovedena grupa od 12 ljudi koja je puštena u salu a u tom trenutku članica međunarodnog crvenog krsta je bila unutra. Bilo je "povuci-potegni" dok joj je dozvoljeno da evidentira i te novopridošle ljude. Steklo se utisak da su ti ljudi trebali da budu sakriveni od međunarodnog crvenog krsta kako se brojno stanje ne bi povećalo jer je kasnije brojno stanje moralo da bude na nivou. o tim ljudima poimenice ili nadimcima ne mogu da se izjasnim, jer su to bili za mene nepoznati ljudi, samo znam da su srpske nacionalnosti.

Ja u Sisku nisam primetio da je neko umro u sali u kojoj smo bili a takodje niko nije umro ni u ćeliji u kojoj sam bio dok sam bio smešten u zatvoru Remetinac. Međutim, tokom šetnje od drugih zatvorenika iz drugih ćelija saznavao sam da je po neko od starih ljudi umro tokom dana. Takodje i o tim ljudima koji su umrli nikakve podatke ne mogu da pružim.

Koliko je meni poznato u Zagrebačkom zatvoru nije bilo žena već isključivo muškarci starosti od 18 do 80 godina.

U Sisku u sabirnom centru samnom u sali nije bilo žena i dece. Čuo sam, mada nisam lično video, da je u blizini u drugoj nekoj prostoriji bilo žena i dece. Više puta sam kroz prozor čuo ženski i detinji plač, ali ja sa ženama i decom nisam bio u neposrednom kontaktu. Dok sam bio u Glini i Petrinji ja sam bio smešten u podrumске prostorije sa 2 - 3 muškarca i nisam imao dodira sa drugim zarobljenicima.

Ja iz neposrednog saznanja ništa neznam o sudbinama onih koji su zatražili zaštitu u bazama Unprofora a koji su kasnije isporučeni Hrvatskim vojnim i policijskim organima, jer nisam bio u toj situaciji. Jedino što znam -> to je posretno preko Kotur Dragana iz Veljuna, opština Slunj koaga sam zatekao u zatvoru Remetinac. On mi je ispričao da je ranjem na mestu zv. Žirovac i da je uspeo da dodje do baze Unprofora gde su bili pripadnici Ruskog bataljona. Njima se obratio za pomoć i tu je dobio samo najnužniju lekarsku pomoć. kasnije su ga predali hrvatskim vlastima u Glini. Kasnije je odveden u sabirni logor Ozar pored Karlovca i preživeo je sve ono što sam i ja. Znam da je fizički maltretiran a da li mu je šta polomljeno i da li su ostale teže posledice, to neznam. On je trenutno u Požarevcu i smešten je u blizini ženskog zatvora. Tu živi kao podstanar.

Meni je žao, ali pojedinosti ne mogu da navedem jer mi ljudi koji su stradali nisu lično poznati pošto sam jedino dobro znao ljude iz mesta gde sam živeo po dolasku iz Karlovca. One ljude koje sam video u koloni i koji su samnom kasnije bili u sabirnim logorima, pre toga nisam znao ni iz vidjenja. Pričali su mi da su slično prošli kao ja, ali njihova imena i podatke nisam upamtio. Ako bude bilo potrebno spreman sam da svedočim i pred Međunarodnim sudom u Hagu.

Ja drugo nemam šta da izjavim, Diktiranje sam slušao i na uneto nemam primedbe, te isti ne želim da čitam.

Svedok,

M. M. M.

Zapisnikar
[Signature]

Istražni sudija
[Signature]

Издаје и штампа:
„Димитрије Туцовић“ Унице
Ознака за поруџбину: 090112

ANNEX 53

**Basic Court in Banja Luka, Bosnia and Herzegovina,
Minutes of the witness hearing of Boris Martinović,
dated 7 May 1997**

MINUTES ON WITNESS HEARING

Taken on 7 May 1997 before the investigating magistrate of the Basic Court in Banja Luka in the criminal case against NN persons for the criminal act punishable under Article 142 of the Criminal Code

Investigating Magistrate
Djordje Stojakovic

Witness
Boris Martinovic

Court Recorder
Mirjana Mistic

The hearing was also attended by:

Public Prosecutor
No one

Defendant
No one

Defence Counsel
No one

The Court rose at 9:00 a.m.

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

1. Family and given names: Martinovic, Boris
2. Father's name: Stanko
3. Occupation: law graduate
4. Address: Banja Luka, 6 Dzinic St., Tel: 078/15698 & 17668
5. Place of birth: Ljubljana
6. Date of birth: 24 June 1949
7. Relationship to the defendant or injured party: not related

Asked to state what he knew about the case, the witness declared:

Before the outset of the war, I lived in Glina. Glina's population was about 73% Serb and its other residents were Croats and Muslims. This percentage is based on the 1991 census. The surroundings of Glina were also populated by Serbs, since the total population of Glina municipality was some 23,000, of which there were about 1,500 Croats and the rest were Muslims. When the war broke out in 1990, interethnic relations in Glina were tense.

This was particularly evident in the April 1990 elections in which several Croatian parties and other ethnic parties ran. The only Serb party which stood in these elections was SDS (Serbian Democratic Party) and since no political party won these elections, it was not possible to form local government and the elections were ran off in the second half of October 1990, when SDS overwhelmingly won. After the victory in the elections and considering that the HDZ party won in the other regions of Croatia, the Croatian authorities began sending police backups to Glina, which posed a threat to the Serbian population. Immediately after the run-off elections, Serb residents of Glina, who worked in Sisak, Petrinja and even Zagreb, got sacked and returned home. This came as a shock to Serb residents, because the Croatian authorities were intolerant of them and refused to recognize Serbs as a constituent nation of Croatia. After that, Croatian police started to burst into some Serb houses and rounded up Serbs and brought them to police stations for questioning. All this was followed by the planting of mines and blowing up of Serb houses. This upset and scared Serbs and they started their preparations for defence. The first clash occurred on 20 June 1990 when the Croatian police fired at and wounded engineer Miladin Ilic, who was born in Srbac and was 35 years old. He bled to death because the police prevented doctors from attending to him on the scene.

After this incident, Serb residents established a 7 kilometre-long defence line from Glina to the River Kupa. From that moment on, they defended Glina and its surroundings, preventing both Croatian police and army from entering. On their part, Croats made several attempts in 1991 to break this defence line into Glina and other places, but they failed. They managed to infiltrate some terrorist groups in Glina and neighbouring villages. These groups wreaked havoc in their wake. For instance, they infiltrated themselves on 19 December 1991, massacring 21 Serbs from Glina area, on the spot. They slaughtered Milan Pavlica, born in 1960, in the village of Drenovac, in the municipality of Glina, of father Ranko and mother Miljka. They also slaughtered Svetozar Borojevic from the village of Veliki Gradac. I don't know any other particulars for him. Branko Januz went missing in that incident. He was born in 1955 in the village of Brubno in the municipality of Glina, of mother Milka. He is still unaccounted for. I can't recall the names of others, but I know full well that 21 bodies were buried in Glina and neighbouring villages, where those killed used to live. As time went by, Croatian forces made occasional inroads into the defended lines of Glina, taking one or two men who became unaccounted for, from then on. Some of the disappeared were found dead after a while, showing signs of throats cut. Some of the dead bodies had the signs of strangulation with wire. The Croatian army used its positions to occasionally shell Glina and nearby villages. Life was like that in Glina up to 4 August 1995 when the Croatian army mounted its operation codenamed »Storm« from all sides, closing in on this area and occupied Glina. The attack of the Croatian army was preceded by the heavy shelling of Glina and its surroundings, which lasted all day on 4 – 7 August 1995, forcing the local population to leave their homes and seek shelter in the direction of Dvor-upon-Una and further on in the territory of the Republic of Srpska. The shelling was very intense and even before the population left their homes, there were victims. Shelling was an indication that the Croatian infantry would launch an attack, which was why convoys of people fled the area. As a matter of fact, the civilian population was not fleeing; they were actually retreating. They used passenger cars, freight vehicles, tractors and horse-

drawn carts. There were many of them who walked because they had no means of transport. Convoys of refugees fleeing Knin and Kordun joined and the entire convoy became very long. As the convoys moved on, Croatian warplanes flew over, causing panic on the ground. However, after the overflight of these planes, the convoy would continue its movement. The convoy was shelled by the Croatian army at Brezovo Polje, which is some 20 kilometres away from Glina. I saw for myself six bodies of killed civilians, but I had no time to turn them over and inspect them to see if I could recognize anyone. The second shelling of the convoy came when we were close to Gornji Zirovac. I think that the shelling came from the right side of the road as we moved in the direction of Dvor-upon-Una. That was the side on which there were some Muslim forces, namely 505 Buzin Brigade. From that place, along our further movement to Dvor-upon-Una, I spotted that the road was full of destroyed or damaged vehicles and killed animals from horse-drawn carts, as well as that there were scattered human bodies on the road and beside it. From that spot until the entry into Bosanski Novi, the left side of the road was held by the Second Guard Brigade of the Croatian army, known as »Thunders«, while the right side of the road was held in addition to 505 Buzin Muslim Brigade, also by the 517th and 521st Muslim Brigades. Both Croatian and Muslim forces relentlessly shelled the convoy and opened small arms and other fire on it. We came across more and more bodies along the road as we approached Dvor-upon-Una. At the roundabout where there is an exit for Kostajnica and where one enters Dvor, I noticed an artillery piece beside which there were piles of dead bodies. On that exact spot, there were between 70 and 100 bodies, including those of women and children. I would like to emphasize in particular that the piles of dead bodies from the place called Trgovi to Bosanski Novi were thicker and thicker. From Trgovi on, soldiers belonging to Muslim forces simply cut the convoy and led some people away, killing them by the roadside. They even confiscated their cars they drove off, robbing the refugees who kept on going despite the intensity of the fire from cannon and small arms. I noticed on the plateau in the village of Matijeveci, where we came on our way to Novi Grad, that there were very many dead bodies of civilians, including women and children, in between the farmhouses of a cooperative. The refugee column was held up at that point for a whole day and on the afternoon of 8 August 1995, the fighting picked up and the convoy entered the area of the Republic of Srpska, more specifically Novi Grad which was under the mortar fire of both Croatian and Muslim forces. The next day, on 9 August 1995, the convoy headed from Novi Grad to Prijedor and in the afternoon, when it came to the village of Svodno, two Croatian warplanes flew overhead and dropped down bombs on the convoy. I was close by the spot where the missile landed and I saw with my own eyes six bodies of civilians, and there were probably even more bodies on other spots. I spent some time in Prijedor, because about 140 wounded people were transported from the area of Glina. Afterwards, I came to Banja Luka where I still live. I stress that, according to my estimate, close to 1,600 non-combatants, including elderly people, women and children, were killed in the refugee convoy going from Glina to the Una River before they crossed into the Republic of Srpska. Most victims were the elderly, women and children, because they mainly moved in the convoy. Young people defended the lines in order to make possible the pullout of the civilian population. I found out that the refugee convoy, when it set off from the Republic of Serbian Krajina to the Republic of Srpska, numbered 100,000 people and that the lists of refugees were made during the movement of the convoy upon orders of

Lt. Djukic, who was a serving military officer and who is with the Kozara barracks. These lists can be found at the Association of Refugees from the Republic of Serbian Krajina in Banja Luka, Svetozar Markovic St. c. Those lists could be used to select those who survived and to ask them to give information on the dead people whom they have known. On the basis of such information, the number of those who were killed could be roughly established. As a member of the State Commission for Prisoner Exchange, I visited the area as an associate member, the areas from where the refugee convoy moved from the Republic of Serbian Krajina. I saw mass graves which contained the bodies of those civilians killed and I concluded on the basis of it, that about 1,600 dead civilians were buried there, as I already mentioned.

I also add that I saw in a clearing in the village of Gvozdansko, which is located before the entry into Dvor, 3 to 5 kilometres away, on the right side of the road, in the direction of Novi Grad, a pile of dead civilian bodies being torn apart and eaten by pigs.

I would like to mention that I am writing a piece on the exodus of the Serbian population from the region of the Serbian Krajina and the victims who went missing in the operation »Storm«, and when I finish it, I will make it public.

Last year, in September, I gave a statement to a representative of the ICTY in connection with what I noticed and experienced in the exodus from Glina to the territory of the Republic of Srpska, including the bombing in the village of Svodna

That is all I had to say.

I have been advised to read the minutes and I declare that I don't want to, because it was dictated out loud.

The hearing was adjourned at 10:30 a.m.

Court Recorder
Mirjana Mistic (Signed)

Boris Martinovic (Signed)

Investigating Magistrate
Djordje Stojakovic (Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 07.05.1997. 199____ године пред ISTRAŽNIM
судијом OSNOVNOG суда у BANJALUCI
у кривичном поступку против MM
због кривичног дела из члана 142 КЗ.

BORDE STOJAKOVIĆ — судија

Сведок

Boris Martinović

Записничар
MIRJANA MIŠIĆ

Саслушању сведока присуствују и:
јавни тужилац

niko

окривљени

niko

бранилац

niko

Започето у 09.00 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прешутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

- 1) Име и презиме BORIS MARTINOVIĆ
- 2) Име оца Stanko Martinović
- 3) Занимање diplomirani pravnik
- 4) Боравиште Banja Luka, Ul. Džinićeva br. 6, tel. 078/15-698 i 17-668
- 5) Место рођења Ljubljana
- 6) Година рођења 24.05.1949
- 7) Однос са окривљеним и оштећеним nesrodan

За овим сведок о самом предмету износи следеће:

1 / 1 - D

Ja sam pre početka ovog rata živio u Glini. U Glini je bilo oko 73% stanovnika srpske nacionalnosti, a ostalo su bili Hrvati i Muslimani. Ovaj procenat potiče iz popisa obnavljenog u toku 1991. godine. Okolina Gline takodjer je naseljena sa stanovništvom srpske nacionalnosti jer je na području opštine Glini živelo ukupno oko 23.000 stanovnika, a na tom području ukupno je bilo Hrvata oko 1.500, a ostalo su bili Muslimani. Na početku rata 1990. godine u Glini se osetil prisustvo narušenosti medjunacionalnih odnosa. Ovo je pogotovo došlo do izražaja prilikom izboru u aprilu mesecu 1990. godine kada se pojavilo više stranaka od strane Hrvata, a takodjer i drugih. Na Strani Srba pojavial se samo stranka SDS i pošto na izborima ni jedna stranka nije dobila većinu nije bilo mogućnosti da se formira skupština opštine, medjutim izbori su ponovljeni u drugoj polovini oktobra 1990. godine i tada je ubedljivo na tom području pobedio SDS. Posle pobe na ponovljenim izborima, a kako je na području Hrvatske uglavnom pobedila HDZ hrvatske vlasti otpočeli sa sa upućivanjem pojačanja svojoj policiji u Glini što je predstavljalo opasnost za srpsko stanovništvo. Odmah posle ponovljenih izbora pošto je veliki deo srpskog stanovništva raio u Sisku, Petrinji, a izvestan broj i u Zagrebu svi Srbi su dobili otkaze i vrtili se svojim kućama. To je čakle predstavljalo za srpsko stanovništvo iznenadni šok jer su hrvatske vlasti prema Srbima ispoljili netrepeljivost i nepiznavanje Srba kao konstitutivnog dela Hrvatske. Nakon ovoga hrvatska policija otpočela je sa upadanjem u pojedine srpske kuće privodjenjem stanovnika srpske nacionalnosti na saslušanje u policijsku stanicu, a usledila su i miniranja pojedinih srpskih kuća. Sve to kod Srba je izazvalo uznemirenost i strah i isti su otpočeli da se pripremaju za odbranu. Došlo je do sukoba 20. juna 1991. godine jer su hrvatski policajci otvorili vatru i tom prilikom teško ranili inženjera Miladina Ilića rođenog u Srpcu, starog oko 35 godina. Na licu mesta anisu dozvolili da se Miladinu kaže lekarska pomoć, pa je iskrvario umro.

Nakon ovog incidenta stanovnici srpske nacionalnosti obrazovali su liniju odbrana udaljenosti od Gline oko 7 km prema reci Kupi i od toga momenta sa tom linij štitali su Glinu i njenu okolinu nedozvoljavajući hrvatskoj vojsci i policiji da upadaju na to poručje. Hrvati su sa svoje strane u nekoliko navrata u toku 1991. godine pokušavali da prodru tu liniju i upadnu napodručje Gline i drugih mesta, ali im to nije pošlo za rukom. Uspjevali su da ubace terorističke grupe u Blinu i okolna mesta koje su iza sebe ostavljale pustoš. Konkretno, upali su 19. decembra 1991. godine i na licu mesta zaklali su 21 Srbina sa područnja opštine Glini. Zaklali su Milana Pvlicu rođenog 1960. godine u selu Dranovac opština Glini, od oca Ranka i majke Miljke. Zaklali su Svetozara Borojevića iz sela Veliki Gradac, ostale njegove podatke ne znam. Nestao je tom prilikom takodjer Branko Januz od majke Milke rođen 1955. godine u selu Brubno opština Glini za koga se ni danas ne zna ništa. Ostala imena ja se sada ne sećam, ali pouzdano da su 21 telo sahranjeni u Glini i okolnim selima u kojima su živeli stradali.

U daljem toku vremena hrvatske jedinice sa svojih položaja povremeno su i dalje upadale na branjeno područje Gline i odvodili pojedinog čovjeka za koga se više ništa nije znalo. Neki od odvedenih zapravo njegovo telo pronadjeno je posle izvesnog vremena i na istom se videlo da je zaklan. Na nekima su se videli tragovi davljenja žicom. Hrvatska vojska je sa svojih položaja povremeno i granatirala Glinu i okolna sela i Glina je tako živela sve do 04. avgusta 1995. godine kada je hrvatska vojska u svojoj ofanzivi zvanj "Oluja" sas svih strana izvršila napad na to područje i okupirala isto. Napad hrvatske vojske je prethodno otpočeo snažnim granatiranjem Gline i okoline koje je trajalo ceo 04. 05., 06. i 07. 08. 1995. godine usljed čega je stanovništvo iz Knina i okolnih mesta bilo prinudjeno da napušta svoje kuće i da krene u izbeglištvo u pravcu Dvora na Uni i dalje prema teritoriji Republike Srpske. Granatiranja su bila veoma snažna i pre napuštanjem svojih kuća na području Gline i okolnih sela bilo je žrtava toga granatiranja, a granatiranje je pored nanošenja vatrenog udara ukazivalo da će hrvatska vojska sa svojom pešadijom krenuti u napad i to je bio razlog za formiranje kolona i bekstvo sa tog područja. Zapravo, civili nisu bežali oni su se povlačili. Civili su se kretali putničkim, teretnim vozilima, traktorima, zaprežnim kolima a bilo je veliki broj koji nisu imali prevoznih sredstava pa su se kretali peške. Kolonu su sustigle izbeglice sa područja Knina i Korduna tako je kolona bila izuzetno duga. Kolonu su u toku kretanja nadletali hrvatski avioni koji su u istoj prouzrokovali paniku, ali posle njihovog preleta kolona je nastavila dalej da se kreće. U Brezovom Polju na udaljenosti od Gline oko 20 km kolona je granatirana od strane hrvatske vojske. Lično sam video na tom mestu 6 tela stradalih civila, ali ih ja nisam okretao i nisam imao vremena da ih razgledam da bih možda nekoga prepoznao. Drugo granatiranje kolone ja sam doživio u blizini mesta Žirovac Gornjeg. Ja pretpostavljam da je to granatiranje dolazilo sa desne strane puta u pravcu našeg kretanja u pravcu prema Dvoru na Uni a tu na toj strani nalazile su se muslimanske jedinice i to 505. bužimске brigade. Od tog mesta pa u toku daljeg kretanja prema Dvoru na Uni uočio sam da je na kolovozu i pored kolovoza bilo mnogo oštećenih i uništenih vozila, ubijene stoke iz zaprežnih kola, a oko toga svega bilo je razbacanih ljudskih tela. Od tog mesta pa nadalej sve do ulaska u Bosanski Novi pored leve strane kolovoza gledano u pravcu kretanja položaj je držala 2. gardijska brigada hrvatske vojske zvana "gromovi", a sa desne strane kolovoza nalazile su se pored 505. bužimске muslimanske brigade, 517. i 521. muslimanska brigada. I hrvatske i muslimanske jedinice neprekidno su dejstvovalе po koloni granatirajući istu i odvarajući vatru iz pešadijskih i drugih oružja. Tela je bilo sve više i više kako se kolona približavala Dvoru na Uni. Na samom skveru gde se odvaja put za Kostajnicu, gde se ulazi u Dvor na Uni tu sam primetio jedno artiljerijsko orudje, a pored njega su bile gomile tela ubijenih. Na tom mestu bilo je između 70 i 100 tela ubijenih, a medju njima je bilo i žena i dece. Posebno ističem da su se tela

ubijenih nalazila od mesta Trgovi pa prema Bosanskom Novom sve gušće i gušće. Od tog mesta Trgovi pa nadalje vojnici iz pomenutih muslimanskih jedinica prosto su upadali u kolonu, odvodili pojedine ljude i ubijali ih pored kolovoza. Oduzimali su i pojedina putnička vozila i odvozili ih pljačkajući pri tome izbeglice koje su se i dalje kretale bez obzira na žestinu i gustinu vatre iz artiljerijskih i pešadijskog oružja. Krećući se dalje prema Novom Gradu na ulazu u selo Matijeviće na jednom platou između objekata neke zadruge primetio sam izuzetno veliki broj tela ubijenih civila među kojima je bilo i žena i dece. Na tom mestu cela kolona izbeglica zadržana je ceo dan, a posle toga u popodnevним časovima 08.08.1995.godine nastavljena su ratna dejstva i kolona je krenula, te smo prešli na područje Republike Srpske u Novi Grad koji je zasipan sa artiljerijskom vatrom od strane hrvatske i muslimanske vojske. Sutradan 09.avgusta 1995.godine kolona je iz Novog Grada krenula u pravcu Prijedor a u popodnevним časovima i kada se našla u zoni sela Svodna gde sam i ja bio nadletela su dva hrvatska aviona koji su bombardovali kolonu. Bio sam u neposrednoj blizini gde je pala raketa i lično sam video 6 tela ubijenih civila, a verovatno je bilo više stradalih na drugom mestu. Zadržao sam se u Prijedoru izvesno vreme jer je sa područja Gline dovezeno oko 140 ranjenih, a posle toga došao sam u Banja Luku, gde se i danas nalazim. Ističem i to da je po mojoj računici od Gline pa do prelaska reke Une na teritoriju Republike Srpske u koloni izbeglica stradalo oko 1.600 civila među kojima je bilo, starih ljudi, žena i dece. Najviše dakle stradalo starijih ljudi i žena i dece jer su se oni uglavnom kretali u koloni. Mladji ljudi nagažovani su za odbranu i oni su bili na svojim linijama, štiteći povlačenju civilno stanovništva. Saznao sam da je u koloni izbeglica prošlo put sa područja teritorije Republike Srpske Krajine prema području Republike Srpske oko 100.000 i da su spiskovi izbeglica sačinjeni u toku kretanja kolone po naredjenju poručnika Djukića koji je aktivni oficir i nalazi se u Kasarni "KOzara". Ti spiskovi postoje u Udruženju izbeglica sa područja Republike Srpske Krajine u Banjoj Luci u Ul. Svetozara Markovića c. Iz tih spiskova mogli bi se odabrati preživeli i saslušati pa bi se oni mogli izjasniti o poginulima koje oni poznaju i na osnovu toga mogli bi se utvrditi broj stradalih u koloni približno. Ja sam kao član Državne komisije za razmenu, odnosno kao pridruženi član išao na područje kuda se kolona izbeglica kretala sa područja Srpske Krajine i video sam groblja - masovne grobnice na kojima su sahranjena tela stradalih civila pa sam na osnovu toga zaključio da je tamo sahranjeno oko 1.600 stradalih kako sam to napred objasnio.

Ističem i to da sam u selu Gvozdansko koje se nalazi pre ulaza u Dvor na Uni na udaljenosti od 4-5 km na jednoj poljani sa desne strane kolovoza gledano u pravcu Novog Grada da je bila gomila tela ubijenih civila koji su svinje kidale i jele.

Napominjem da ja pišem o slučaju egzodusa srpskog stanovništva na području Srpske Republike i žrtvama nastalim u ofanzivi "Oluja" i kada to bude završeno javnost će biti obavještena.

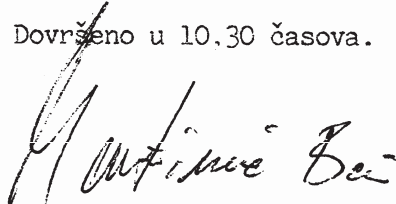
Ja sam prošle godine u septembru mesecu dao izjavu u fezi sa svim onim što sam zapazio i preživio u egzodusu od Gline do teritorije Republike Srpske uključujući i bombardovanje u selu Svodna predstavnici Haškog suda.

To je sve što ja za sada imam da izjavim.

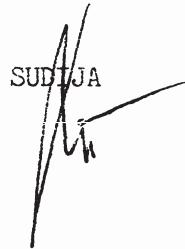
Poučen sam da imam pravo da pročitam zapisnik, pa izjavljujem da ne želim jer je isti glasno diktiran.

Dovršeno u 10,30 časova.

ZAPISNIČAR



SUDIJA



ANNEX 54

Redacted

ANNEX 55

**Municipal Court in Vršac, Serbia, Minutes of the
witness hearing of Božo Ivanović, dated 17 April 1997**

MINUTES ON WITNESS HEARING

Taken on 17 April 1997 before the investigating magistrate of the Municipal Court in Vrsac in the criminal case against NN persons for the criminal act punishable under Article 141 of the Criminal Code of Serbia

Investigating Magistrate
Vojislav Nikolic

Witness

Court Recorder
Vera Djuric

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 12:03 p.m.

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

1. Family and given names: Ivanovic, Bozo
2. Father's name: Rafailo
3. Occupation: stoker
4. Address: Vrsac, Stanoja Glavasa 46
5. Place of birth: Bukovica, Municipality of Vojnic
6. Date of birth: 1946
7. Relationship to the defendant or injured party: not related, cautioned under Articles 11, 229 and 231 of CPC

Asked to state what he knew about the case, the witness declared:

I used to live with my wife, daughter and grandchild in Vojnic where I worked at the Memorial Park of Petrova Gora. My wife was a school mistress. We owned a house and a flat. We lived in Vojnic and had no intention of moving any place else. The attack on the Republic of Serbian Krajina on 4 August 1995, at 5 a.m., found us in our home in Vojnic or to be more precise, in Gornji Vojnic. We were hiding in the basement as we had no information that we were supposed to move out and flee the area. We believed that the Republic of Serbian Krajina would manage to defend itself and survive. However, on 6 August 1995 - my wife spoke about it in more detail - we had to leave our home because

of the attack of the Croatian army on the Republic of Serbian Krajina. Our neighbours began leaving too. We joined the refugee convoy fleeing the Republic of Serbian Krajina. We only packed a few necessary things and left. We were retreating via Topusko and Glina, heading for Dvor, in order to reach the territory of the Republic of Srpska. When we were 4-5 kilometres from Dvor, the soldiers of the Fifth Muslim Corps infiltrated the refugee convoy and began killing men, women and children in the convoy. They also wore camouflage uniforms. Then, men from the convoy took their arms and went out of the convoy to defend people in it. We heard that the convoy was cut off in several places by the soldiers of the Fifth Muslim Corps who fired shots at defenceless civilians, and the withdrawing refugee convoy. I remained on position defending the convoy for a day-and-a-half afterwards until the convoy fully pulled out, including my wife, daughter and grandson.

The convoy got out by refugees walking through ditches within the zone which came under attack and was fired upon. Two days after the Muslim forces attacked the convoy, we men, who stayed behind to defend the convoy, all pulled out some time around noon. I withdrew in a car and tractor which transported 6 to 7 elderly people who were unable to walk. However, my tractor broke down and I had to leave it in the middle of the road and those elderly people whom I didn't know stayed there. I picked up a little boy and put him in my car, heading for Dvor. When I reached Dvor, it was shelled by Ustashe from Kostajnica, and the residential quarters were under direct attack.

There was a tractor in front of me in the convoy with the trailer carrying hay. The trailer was packed with people. There were probably between 15 and 20 of them. At one point, the tractor and trailer were hit by a grenade and people flew like mannequins in the air and they were instantly dead. With my little companion, I fled from the car and sheltered in a deserted house. Next to me, there was a stranger who also took shelter in the same building. I saw that he had lost part of his leg. He was practically legless, even though he was not aware of it. Another man was hit in the forehead and his wound was bleeding. I didn't know any of those people from the tractor trailer who were killed in the convoy in front of me.

Having seen all those wounded people, I was prompted to take a risk and not to wait for the mortars to fall on that shelter I was in, so I and my little companion left that building and, risking our lives, hopped into the car and moved on to catch up with the convoy.

When I caught up with it, I found people outside their vehicles because, due to incessant shelling, they had to take cover beside the road. In short, the convoy was still shelled even though it contained only civilians and there were no military forces in it.

In order to reach the Republic of Srpska, we crossed a bridge in Dvor and another bridge near Bosanski Novi. We thus entered the territory of the Republic of Srpska. There was no more shelling or bombing. I was separated from my family and was not sure who of them survived and whether I would ever be reunited with them. I was overwhelmed with emotions and I broke down because of what had happened to me in the last few days.

During the attack on the Republic of Serbian Krajina, Ranka Drazic from Vrsac happened to be at my brother's in Vojnic. She also survived the attack on the refugee convoy in which she was wounded. I met with her, afterwards, in Vrsac, and I saw her scars. I had a conversation with her brother Dusan Korac.

As I found out, Dusan Korac, who used to live in Vojnic and now resides in Vrsac, though I don't know his address, was in the refugee convoy.

These two persons can provide information concerning what happened to the refugee convoy that I already described.

As a matter of fact, I had not witnessed any other atrocity nor do I have knowledge of any other war crimes, except for the stories of other people.

The minute was not read to the witness, because he did not want to. He had no objections to what was written down in it.

The hearing was adjourned at 12:45 p.m.

Court Recorder
Vera Djuric (Signed)

Bozo Ivanovic (Signed)

Investigating Magistrate
Vojislav Nikolic (Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 17.04.1997 199 године пред ISTRAZNIM
..... судијом OPŠTINSKOG суда у VRŠCU
у кривичном поступку против NN izvršioce 141 KZB
..... због кривичног дела из члана
КЗ.

ISTRAZNI судија
NIKOLIĆ VOJISLAV

Сведок

Записничар

BJUR IĆ VERA

Саслушању сведока присуствују и:

јавни тужилац

окривљени

бранилац

Започето у 12,03 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП.), па на општа питања сведок даје одговоре:

- IVAN IĆ BOŽO
- 1) Име и презиме
 - 2) Име оца Rafailo
 - 3) Занимање ložac tunerskih peći
 - 4) Боравиште Vršac, Starija Glevaša 46
 - 5) Место рођења Bukovica SO Vainić
 - 6) Година рођења 1946
 - 7) Однос са окривљеним и оштећеним neroden otkriven u smislu čl 229 i 231ZKP

За овим сведок о самом предмету износи следеће:

Ja sam sa suprugom, ćerkom i unukom živio u Vojniću gde sam zaposlen u Memorijalnom parku Petrova Gora a moja supruga je radila u školi kao nastavnik razredne nastave. Imali smo kuću i - stan i živeli smo u Vojniću Nismo imali nameru da se bilo gde iseljavamo

Nasad na RSK zatekao nas je 4.08.1995 godine, u 05,00 časova, u nekoj kući u Vojniću tačnije u Gornjem Vojniću i u prvo vreme smo se krali u podrumu jer nismo dobili obaveštenje da treba da se iselimo i izbegnemo verovali smo da će RSK usneti da se odbrani i da se održi Međutim 6.08.1995 godine, moja supruga je o tome detaljnije govorila, morali smo ići da nanuštimo kuću zbog naredbe hrvatske vojske na više pravaca u RSK jer već su komšije i ljudi počeli da napuštaju sela zbog atovanja. Priključili smo se koloni izbeglica, koja se povlačila iz RSK i danu smo sretno već napuštenu selu kuće, i sl. Povlačili smo se pravcem Tounsko Gline, prema Dvoru na uni, da bi ušli na teritoriju regularne vojske.

Na 4-5 kilometara od Dvora na uni došlo je do ubacivanja vojnika muslimanskog V kornusa u kolonu izbeglica koji su počeli da ubijaju ljude ženu i decu u koloni, i oni su bili u šarenim uniformama koje kome pripada, Muškarci iz kolone onda su uzeli oružje i izašli na položaje da brane kolonu kako bi kolona mogla da se povuče čuli smo da je kolona na nekoliko mesta bila presečana, usledom vojnika muslimanskog V kornusa koji su pucali na nezštićeno civilno i izbegličkoj koloni koji su se povlačili. Na položaju radi odbrane kolovne ja sam ostao još dan ino dok se kolona nije povukla a među njima i moja žena, ćerka i unuk.

Kolona se povlačila tako što su vošice kroz kanelu narednuta izvlačile se iz te zone koja je bila nasadnuta i pod vatrom.

Posle dva dana negde u podne i mi muškarci koji smo ostali da branimo kolonu od nasada muslimanske vojske smo se povukli ja sam se povlačio sa autom i traktorom na kome je bilo 6-7 starijih ljudi koji nisu mogli da idu vošice međutim traktor se pokvario na sam porac da ga ostavimo nasred nuta a ostali su ti stariji ljudi njihnoznajem i neznam koji su. Pratio sam u auto jedinog vošog sa kojim sam krenuo prema Dvoru.

Ulazeći u grad Dvor na uni Dvor je bio tučen granatama iz Kostanice od strane vošara i direktno su granatirali stanovno naselje

I nasred nute u koloni kretao se jedan traktor sa prikolicom za seno, koji je bio pun ljudi u kome je bilo sigurno između 15 i 20 ljudi, bilo je pun. U jednom momentu na traktor i prikolicu pala je granata, i ljudi su kao lutke leteli po vazduhu svi su bili nasestu mrtvi.

Se onih malim izgatao sam iz auta i sklonio se u jednu napuštenu zgradu, Pored mene, stajao je jedan nepoznati čovek, koji se takodje sklonio i video sam da je on pogodjen u nogu ostao je bez dela noge, Praktično ostao je bez te noge i ako on još nije bio svestan toga. Jedan drugi čovek, bio je pogodjen u čelo bio je ranjen i krvorio je iz čela.

Nekoliko dana od ovih ljudi iz orkolice koji su poginuli ispred mene,

Videvši u stravi gde sam sklonio ranjene ljude to me je podstaklo da idem na rizik i da nečekam da im na zgradu padne granata i posle 20 minuta zajedno sa ovim malim nastupio sam zgradu, na rizik uša u sobu o krenuo dalje da stigne kolonu.

Kada sam stigao kolonu ljudi već više nisu bili u vozilima zbog stalnog granatiranja već išli su nošice, na kade bi čuli fijuk granat oni su sklanjali u zaklon nekraj puta, Dekle kolona je bila granatirana i dalje, i povlačenju i ako je u njoj bilo samo civila i nije bilo vojnih jedinica koje su pružale otpor

Da bi prešli u republiku srpsku prešli smo most na dvoru na uni i drugi most kod bosanskog novog i kada smo ušli na teritoriji republike srpske višenije bilo bombardovanje i granatiranja.

Bio sam sam rastavljen od porodice nisam bio siguran koje sve preživelo a koje nije i da li ću se ponovo videti i sreći sa njima Stigao me je šok i uzbuđenje i tada sam se slovio zbog svega što mi se dogodilo u tih nekoliko dana.

U vreme agresije na RSK kod svoga brata u vojnicu zatekla se i Ranka Drežić, iz Vršca, rođena Korać, tako daje i ona preživela nared na kolonu izbeglice, i povlačila se sa kolonom kojim događaja je bila ranjena. Posle svega ovoga sreću sam je u Vršcu i video sam da ima ožiljke i razgovarao sam sa njenim bratom Dušanom Koraćem.

Kako sam saznao u koloni izbeglice bio je Dušan Korać ranije iz Vojnice a sada borevi u Vršcu, ali adresu neznam.

Ova dva lica mogu da pruže podatke u vezi događaja ukoloni zbeglice o čemu sam ja govorio.

Inače lično nisam prisustvovao nekom drugom događaju i nemam neposredna saznanja o drugim ratnim zločinima, osim onoga što sam čuo na glasu i pričanju.

Zapisnik nije pročitao jer svedok neželio nema primedbi na sadržinu zapisnika.

završenouj12,45

Istakni sudijs,

Zapisničar,

Svedok

Stanko Brat

ANNEX 56

**District Court in Belgrade, Serbia, Minutes of the
witness hearing of Ljubica Krasulja, dated 13
December 1996**

MINUTES ON WITNESS HEARING

Taken on 13 December 1996 before the investigating magistrate of the District Court in Belgrade in the criminal case against NN persons for the criminal act punishable under Article 142 of the Criminal Code of Yugoslavia

INVESTIGATING MAGISTRATE
Ilija Simic

WITNESS
Ljubica Krasulja

COURT RECORDER
Stana Mitric

The hearing also attended by:
Public Prosecutor

Defendant

Defence Counsel

The Court rose at 10:00 a.m.

The witness was warned that she was bound to tell the truth and that she should not hold anything back; she was also warned against the consequences of giving false evidence and that she should not respond to certain questions if she would thereby embarrass herself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so she replied to the general questions as follows:

1. Family and given names: Krasulja, Ljubica
2. Father's name: Damnjan
3. Occupation: housewife
4. Address: Zemun, Cara Dusana 133, # 1
5. Place of birth: village of Pjescanica, Vrginmost
6. Date of birth: 24 October 1933
7. Relationship to the defendant or injured party:

Asked to state what she knew about the case, the witness declared:

The witness was cautioned and warned that she should tell the truth and she answered the questions asked by the Court as follows:

I lived with my son Ljuban in the village of Pjescanica until 4 August 1995 at house No.134, in the Municipality of Vrginmost, at my home.

I am a housewife by occupation.

On 4 August 1995, around 12:30 p.m., I left my village with Milan Krasulja and Milos and Milka Jovanovic. We headed on the tractor driven by Milan Krasulja in a convoy of vehicles formed in the village to Vrginmost and then to Glina. I had to leave the village with my neighbours because strong Croatian MP forces encircled the village and penetrated the

Serbian defences on the morning of 4 August 1995. Fearing for our lives, we all decided to head for Serbia.

The convoy was slow and when we reached Glina we were attacked by Croatian Army soldiers by small arms and artillery fire from all sides. Many people, as I later found out, were killed, including Milorad Dugosija of Vrginmost, 35 years old, a driver by occupation; he was a father of three underage children. The convoy was cut off in several places. However, it managed to leave Glina. We were attacked for the second time at Zirovac when the convoy was split in two. We were attacked by the Croatian Army and police, on the one hand, and by the BiH Fifth Army Corps, on the other. They opened fire from nearby forest and corn fields by all small arms. They fired indiscriminately at all moving targets and the convoy was repeatedly bombed by the Air Force aircraft. There were many casualties, but considering that it was dark, I could not recognize anyone familiar to me among them. I spent the night with my neighbours hiding behind the tractor trailer and at a house beside the road. The next morning around 8:00 a.m., they stopped attacking us and the column set off again for Dvor-upon-Una.

When we were near Dvor the column was once again attacked in the evening by Croatian Army soldiers and police forces, but this time they used only small arms fire. The attack lasted for two or three hours and once it was over, the convoy moved slowly towards Banja Luka. I am not aware if there were any casualties then. I would like to add that the convoy was re-attacked close to a bridge and that the attack lasted until 3:00 a.m. At about 8:00 a.m., the convoy moved again to cross the bridge early in the afternoon, around 4:00 p.m. I could see from the tractor trailer in which I sat that there were many dead bodies lying in the field in front of the bridge. I could also see parts of corpses scattered all around. I also saw many destroyed mortar vehicles, tractors and lorries.

We came to Banja Luka the next day. I believe that it was the early morning. We spent a few hours there. We were then transported to a school in Uzice where we spent twenty one days. We were afterwards moved to the village of Lunovo and from there I came to Belgrade, which is where I now live with my son Ljuban. All my property was left behind in my native village, as indicated to you previously by my son.

This is all I had to say. I heard what was dictated out loud to the recorder and I don't want to read it again. I recognize it and sign it as my own statement without any objections.

The hearing was adjourned at 10:45 a.m.

Ljubica Krasulja (Signed)

Court recorder (Signed)

Investigating Magistrate (Signed)

723/96-3

судја

Број Ки

Кри.бр. 1743/96

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 13. децембра 1996 године пред истражним
Окружног судијом Београду
у кривичном поступку против НН
због кривичног дела из члана 142 КЗЈ КЗ.

Истражни судија Илија Симић Сведок Красуља Љубица

Записничар Стана Митрић Саслушању сведока присуствују и:
јавни тужилац

окривљени

бранилац

Започето у 10,00 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП.), па на општа питања сведок даје одговоре:

- 1) Име и презиме Красуља Љубица
- 2) Име оца Дамњан
- 3) Занимање домаћица
- 4) Боравиште Земун, Цара Душана 133 стан 1
- 5) Место рођења Село Пјешћаница Вргинмост
- 6) Година рођења 24.10.1933.
- 7) Однос са окривљеним и оштећеним

За овим сведок о самом предмету износи следеће:

Красуља Љубица

СВедокиња је упозорена и опоменута да је дужна да говори истину, па на питања суда изјави:

Ја сам до 4.8.1995.године са сином Љубаном живела у селу Пјешњаница к.бр. 134, општина Вргин Мост, у својој кући.

ПО занимању сам домаћица.

Дана 4.8.1995.године негде око 12,30 часова са Красуља Миланом и Милошем и Јовановић Милком сам напустила село и трактором који је возио Красуља Милан смо у колони која је у међувремену у селу формирана кренули за Вргин мост, а потом за Глину. Село сам морала напустити заједно са својим комшијама, обзиром да су се јаке хрватске војне полицијске снаге налазиле у близини села, обзиром да су у рану зору дана 4. августа 1995. године на више места пробиле линије српске одбране. Плашећи се за своје животе становници мога села су одлучили да крену за Србију.

Колона се споро кретала и након доласка у Глину иста је нападнута од стране припадника војске Републике Хрватске из пешадијског оружја и артиљеријског оруђа, са свих страна којом приликом је како сам касније чула много људи погинуло, а знам да је међу погинулима био и Дугошија Милорад из Вргин моста стар око 35 година, по занимању возач, ожењен, отац троје малолетне деце. Колона је на више места била прекинута, али је успела да напусти Глину и други пут је нападнута у Жировцу, којом приликом је пресечена на два дела. Колону су напали припадници хрватске војске и полиције са једне стране, а са друге стране припадници петог корпусна армије БиХ, пуцајући из оближњих шума и кукуруза из свих врста пешадијског оружја. Пуцали су по свему живом што се креће не бирајући циљеве, а колону су том приликом и то у више наврата бомбардовали авиони ратног ваздухопловства. Било је доста мртвих и рањених али будући да је била ноћ међу погинулима и повређенима никога нисам препознала. Ноћ сам провела заједно са својим комшијама кријући се испод тракторске приколице и у некој кући која се налазила ту одмах поред пута. ИЗјутра око 8 сати напад је престао и колона је кренула даље према Двору на Уни.

У близини Двора негде у вечерњим сатима колона је поново нападнута од стране припадника хрватске војске и полиције, али овога пута само уз употребу пешадијског наоружања. Напад је трајао два-три сата а након што је престао колона је споро крећући се кренула за Бава луку. Да ли је приликом овог напада било погинулих и повређених није ми познато. Желела би да додам да је колона поново нападнута у близини неког моста, а напад је трајао негде до 3 сата изјутра, а око 8 сати колона је поново кренула, да би у поподневним часовима и то негде око 16 часова прешла тај мост. Ја сам видела са тракторске приколице у којој сам седела, а испред тог моста пуно мртвих људи како леже на ливади, видела сам делове људског тела разбачане свуда околу, такође сам видела много уништених путничких

Милош Јовановић

аутомобила, трактора и камиона.

У Бава Луку смо дошли негде следећег дана мислим изјутра, где смо провели неколико дана, одакле смо пребачени у неку школу у Ужице где смо провели 21 дан. Након тога смо пребачени у Луново село, а потом сам ја дошла у Београд где се и сада налазим са сином Љубаном.

У мом родном селу ми је остала имовина, а која је означена, онако како је то мој син вама претходно навео.

То је све што имам да изјавим, слушала сам гласно диктирање записника, исти не желим да читам, признајем га за свој и потписујем без примедби.

Завршено у 10,45 часова.

Теплаја Сувича

Записничар,

С. М. Р. К.

Истражни судија,

Д. М. Р.

ANNEX 57

Redacted

ANNEX 58

**District Court in Belgrade, Serbia, Minutes of the
witness hearing of Dara Valentić, dated 30 August 1995**

MINUTES ON WITNESS HEARING

Taken on 30 August 1995 before the investigating magistrate of the District Court in Belgrade in the criminal case against NN persons for the criminal act punishable under Article 142 of the Criminal Code

Investigating Magistrate
Ilija Simic

Witness
Dara Valentic

Court Recorder
Pavle Jelisavcic

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 1:0 p.m.

The witness was warned that she was bound to tell the truth and that she should not hold anything back; she was also warned against the consequences of giving false evidence and that she should not respond to certain questions if she would thereby embarrass herself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so she replied to the general questions as follows:

1. Family and given names: Valentic, Dara, nee Majstorovic
2. Father's name: Gojko
3. Occupation: salesperson
4. Address: previously Slunj, Trg Slobode 22
5. Place of birth: Karlovac
6. Date of birth: 9 April 1968
7. Relationship to the defendant or injured party:

Asked to state what she knew about the case, the witness declared:

I was born in Karlovac and I lived in my hometown until I was 20 years old, more specifically, in the village of Veljur, together with my parents, father Gojko and mother Nada. I went to school and lived in Karlovac till 1994. I used to work in Karlovac at "Jugoturbina" and I had a flat at 39 Borlin. In 1994, I left for Banja Luka from where I

departed for Slunj, five months later. I lived and worked in Slunj until 5 August 1995, when I had to leave with my child.

I got married in 1987. I married Mile Valentic from Kruskovaca, near Cetingrad, and we have a son Emilio, who was born in 1987. Until the outbreak of the war in Croatia, actually until the multi-party elections, I lived a normal life. I had no problems whatsoever. When the war started in Croatia in 1991, the attitude to us Serbs changed. It changed even towards me and my child, even though I was in a mixed marriage, since my husband was a Croat. In addition, I received phone calls from strange people at night. They cursed my Chetnik mother, threatening me and telling me to leave. I receive threats even in my place of work and in the street. My husband couldn't protect me.

Because of this situation, I left for Banja Luka, as I had already explained and from there to Slunj. In Slunj, I worked at the shop »Napredak«, as a salesperson.

On 4 August 1995, when the Croatian army attacked the Republic of Serbian Krajina, I was in Slunj. On that date, in the morning, I was at my place of work and I left because of the whole situation. I spent the night of 4-5 August 1995 in my flat and, on Saturday, at noon, I joined the other Serb civilian residents of Slunj and its surroundings. I packed my things and those of my child in a rush, and left together with my sister-in-law Jadranka Milic and her eight-year-old son, in my »Renault 11« car, bearing army licence plates. I joined the refugee convoy heading for Vojnic. The convoy, which was endless, consisted of cars, tractors and horse-drawn carts. It reached Vojnic without experiencing any major problems. Because Vojnic was shelled, we had to detour via Majevac in the direction of Topusko. Previously, we spent the night at Majevac. Around 2 p.m., on Sunday 6 August 1995, we moved on to Topusko. As regards our security, we reached Glina via Topusko, by and large, without any problems, although grenade explosions could be heard around. We reached the centre of Glina around 10.00 p.m. We were shelled by the Croats and received instructions to turn back to Topusko with the convoy. About an hour later, the convoy's security directed us, for the same reasons, to the Samarica forest, which is above Glina, in the direction of Dvor. We travelled all night without headlights in an unending convoy and experiencing various troubles.

On 7 August 1995, early in the morning, at 7:30 a.m., we approached Zirovac and came to a larger hill, which is about 10 kilometres away from Dvor. Meanwhile, I had a car problem, because my tire went flat, and I drove on a flat tire. For security reasons, I put my child into the car of Jane Visnjic, who was in the same convoy. So, I was alone in my car and drove on. Before that, the convoy split in front of Dvor and I was about a kilometre and a half behind the car in which my son and my sister-in-law with her child were driven.

That day, the convoy stopped in the afternoon and the Croats of Dvor began shelling us in the evening. There were no casualties around me except for some means of transport being hit. The rest of the evening and the next day till noon, we were glued to that spot when we received notice that we could continue. The first part of the convoy moved on and while I was waiting for my part of the convoy to do the same, around 2.00 p.m., I

saw three soldiers in camouflage uniforms, wearing green bands around their heads and armed, in front of my car. They beat with their rifle butts an elderly man and one young man standing in front of a Zastava 750 car, which was some 6 metres in front of me. I was scared and I started running. I saw a bleeding head of the elderly man who had been hit and he fell down, probably dead. I ran for a shrub and the fence beside the road where I lay low. I blacked out as the soldiers fired shots in my direction. When I regained consciousness, I could still hear the shooting coming from all sides, as well as a house nearby in front of which there were 4 to 5 bodies of dead civilians from the column. At the same time, I heard the yells and wailing of children. From my spot, I couldn't recognize people who lay dead in front of that house.

Still ducking down and crawling, I moved with the intention at first, to find my child, because I knew nothing about him and I feared for his life. I ran into one of our soldiers, Milan Mihajlovic, from Slunj, and we went on crawling together. I am not aware of Mihajlovic's current whereabouts. After having crawled five to six hundred metres, we came across Milos Devic from Slunj, his wife Slobodanka and their son Goran, who is three-and-a-half years old. They also moved in my direction, carrying the child with them. I don't know their whereabouts at present. The last time I saw them was at the reception centre in Banja Luka. All in all, there were eleven people from the convoy who gathered together on our way to Dvor. I am not aware of their names or any other details. There was a man with a two-month-old baby in his arms, who told us that his wife had been killed in the convoy.

I can't tell when we reached Dvor. Our soldiers transported us in trucks to Novi, in the territory of the Republic of Srpska. I think it was on 8 August. As soon as we arrived in Novi, Croatian bombers dropped down bombs even on us civilians who just arrived, so we had to take cover.

I add that the part of the convoy I was in was 3 kilometres long and I believe that, when it was cut off, that no one except for us, including a two-month-old baby and a three-year-old child, survived, as I already explained.

Judging by the dialect of the soldiers who infiltrated the convoy and whom I saw beating the above mentioned elderly men and wearing green bands around their heads, I came to the conclusion that they belonged to the Fifth Corps of the Muslim Army.

I was reunited with my son in Novi and from there, I was transferred to Banja Luka, travelling in the car of my friend Jane Visnjic, who took over my child, my sister-in-law and her child in his Volkswagen Passat car, bearing army number plates.

That is all I had to say.

The minute was dictated out loud and contains all I had said. I recognize it as my own statement and sign it.

The hearing was adjourned at 2:10 p.m.

Court Recorder
Pavle Jelisavcic (Signed)

Dara Valentic (Signed)

Investigating Magistrate
Ilija Simic (Signed)

695/95-2

Број КИ

Кри.бр. 1449/95

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 30.08. 1995 године пред истраžним
судијом Окружног суда у Београду
у кривичном поступку против NN извршиоца
због кривичног дела из члана 142 КЗ.

истражни — судија

Simić Ilija

Сведок

Valentić Dara

Занесничар

Jelisavčić Pavle

Саслушању сведока присуствују и:
јавни тужилац

окривљени

бранилац

Започето у 13,00 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

- 1) Име и презиме DARA VALENTIĆ, devojачко Majstorović
- 2) Име оца Gojko
Trgovačka radnica
- 3) Занимање
- 4) Боравиште prethodno Slunj, trg slobode 22
Karlovac
- 5) Место рођења
- 6) Година рођења 09.04.1968. godine
- 7) Однос са окривљеним и оштећеним

За овим сведок о самом предмету износи следеће:

Valentić Dara

rodjena sam u Karlovcu, a živelam u mestu rođenja sve do svoje dva -
este godine odnosno u selu Veljuru zajedno sa svojim roditeljima, ocem
Gojkom i majkom Nadom. U Karlovcu sam se školovala i živelam sve do
1994. godine. U Karlovcu sam radila u "Jugoturbini" i imala sam stan u
Borlinu 39. Godine 1994. otišla sam u Banja Luku, odakle sam posle
5 meseci otišla u Slunj, gde sam živelam i radila sve do 5.08. 1995.
godine, kada sam zajedno sa detetom morala da napustim ovo mesto.

Udala sam se 1987. godine za Valentić Mila iz Kruškovače kod Cetingrad
i sa njim imam sina Emilija, rođen 1987. godine. Do početka rata
u Hrvatskoj, odnosno do višestrančkih izbora živelam sam normalno, ni-
sam imala nikakvih problema. Kad je počeo rat u Hrvatskoj 1991. godine
odnos prema nama Srbima se promenio, pa i meni i mom detetu iako sam
bila u mešovitom braku, odnosno muž mi je bio Hrvat. Pored ostalog,
noću su me pozivali nepoznati ljudi telefonom, psovali mi četničku
majku, pretili i govorili da se moram seliti. Pretnje su se dešavale
i na poslu i na ulic-i. Muž nije mogao da me zaštiti.

Zbog takve situacije ja sam, kako sam napred navela, otišla u Banja Lu-
ka a odatle u Slunj. U Slunju sam radila u prodavnici PZ "Napredak" kao
prodavačica.

Dana 04.08.1995. godine, kada je hrvatska vojska napala Republiku
Srpsku Krajinu, pa i sam Slunj, tog dana pre podne ja sam radila i
napustila radno mesto zbog nastale situacije. Noć između 4. i 5. av-
gusta provela sam u svom stanu, a u subotu, u podne, zajedno sa osta-
lim Srbima civilima iz Slunja i okoline, prikupivši na brzinu najosnov-
nije stvari i dete, sa snahom Jadrankom Milić i njenim 8-godišnjim sinom
mojim kolima "reno 11" vojničke registracije, uključila sam se u ko-
lonu izbeglica i krenula prema Vojniću. Kolona, koja je bila nepregled
sastavljena od putničkih automobila, traktora i zaprege, stigla je
bez problema u Vojnić. Pošto je Vojnić bio granatiran, morali smo ga
obilaziti preko Majeveca prema Topuskom. Prethodno smo prenoćili u
Majevcu. Odavde smo oko 14 časova u nedelju, 6.8.1995.godine krenuli
dalje, prema Topuskom.

Preko Topuskog do Gline stigli smo uglavnom bez većih problema što
se tiče naše bezbednosti, iako su se čule eksplozije granata. U centar

Valentić Dava

Gline stigli smo oko 22 časa. Tu je nastalo granatiranje od strane Hrvata, tako da smo dobili uputstva da se zajedno sa kolonom okrenemo i vratimo prema Popuskom. Posle sat vremena obezbeđenje kolone nas zbog sigurnosti skreće preko šume Samarice, koja se nalazi iznad Gline prema Dvoru na Uni. Celu noć smo putovali bez svetla, i dalje u nepreglednoj koloni i uz razne teškoće.

Dana 7.8.1995.godine, ujutro, oko 07,30 sati stigli smo pred Žirovac, jedno veće brdo, udaljeno oko 10 km. od Dvora na Uni. U medjuvremenu pošto mi se desio kvar na autu jer mi je pukla guma pa sam vozila na felmi, iz bezbednosnih razloga dete sam prebacila u auto JANETA VIŠNJIĆA, koji je bio u koloni ispred mene, pa sam u kolima ostala sama i kretala se dalje u koloni. Kolona je inače bila prethodno prema Dvoru bila razdvojena i ostala sam oko 1,5 km iza automobila u kome se nalazio moj sin zajedno sa snahom i njenim detetom.

Tog dana popodne kolona je stala, a uveče su nas počeli granatama tući Hrvati iz Dvora na Uni. Nije bilo žrtava u mojoj blizini, osim pogodjenih prevoznih sredstava. Ostatak noći i sutradan do oko 12 sati proveli smo na tom mestu, kada smo dobili obaveštenje da možemo krenut dalje. Prvi deo kolone je krenuo i dok sam čekala da i moj deo kolone krene, oko 14 časova, ispred mog automobila videla sam trojicu vojnika u maskirnim uniformama sa zelenim trakama oko glave i naoružanih, koji su kundacima od pušaka tukli jednog straijeg čoveka i jednog mladića ispred automobila marke "zastava 7502" koji se nalazio na udaljenosti oko 6 metara ispred mene. Uplašila sam se i počela da bežim, jer sam videla da je od udaraca glava starijeg čoveka bila oblivena krvlju i da je on pao, verovatno mrtav. Pobjegla sam u neko šipražje i ogradu pored puta, gde sam legla skrivajući se. Ovi vojnici su pucali u mom pravcu i ja sam izgubila svest. Kada sam došla k sebi, čula sam i dalje pucnjavu sa svih strana, kao i jednukucu nedaleko od mene ispred koje je bilo 4-5 mrtvih ljudi civila iz kolone. Istovremeno sam čula jauke dece i kuknjavu. Sa tog mesta nisam mogla da prepoznam ljude koji su ležali ispred kuće mrtvi.

Skrivajući se i puzeci krenula sam napre u nameri da pronadjem dete jer o njemu nisam znala ništa i plaćila sam se za njega. Uz put naišla sam na našeg vojnika MIHAJLOVIĆ MILANA iz Slunja sa kojim sam nastavila dalje da puzim. Nije mi poznato gde se Mihajlović sada nalazi

Valentic' Dara

Posle 500-800 metara puženja naišli smo na DEVIĆ MILOŠA iz Slunja, njegovu suprugu SLOBODANKU i sina GORANA starog 3,5 godina. Oni su takodje kretali u mom pravcu noseći sa sobom dete. Ne znam gde se Devići sada nalaze, a zadnji put sam ga videlo u preihvatom centru u Banja Luci. Ukupno nas se okupilo 11 iz kolone koji smo išli prema Dvoru na Uni, ali njihova imena ne znam, niti odakle su. Medju njima je bio jedan čovek sa bebom od dva meseca koji nam je rekao da mu je supruga ubijena u koloni.

U Dvoru na Uni, ne sećam se kad smo stigli u njega, naši vojnici su nas kamionom prebacili u Novi na teritoriju Republike Srpske, a mislim da je to bilo u toku dana 8. avgusta. Ubrzo po našem dolasku u Novi, hrvatska vojska je avionima počela da bombarduje i nas civile iz kolone koji su tu stigli, pa smo morali tražiti zaklone.

Napominjem da je deo kolone u kome sam se ja nalazila i sve ovo preživela, kako sam napred navela, bio presečen u dužini od oko 3 kilometra i mislim da osim nas 11 medju kojima je bila beba od dva meseca i dete od 3,5 godine, niko drugi nije preživeo.

Po govoru vojnika koji su upali u kolonu i koje sam videla kada su tukli napred navedenog starijeg čoveka, kao i po zelenoj traci koju su imali preko glave, zaključila sam da su to bili pripadnici V korpusa muslimanske vojske.

U Novom sam pronašla svog sina i odatle se prebacila u Banja Luku u kolima mog prijatelja MIŠNJIĆ JANETA koji je prihvatio moje dete, snah i njeno dete u kolima marke "folksvagen pasat" vojničke registracije.

To je sve što sam imala da kažem u vezi prednjeg. Zapisnik je glasno diktiran, u njega je uneto sve što sam izjavila, priznajem ga za svojeg i potpisujem.

Završeno u 14,10 časova

ZAPISNICAR,

[Handwritten signature]

Valentic' Dara

SUBJETA
[Handwritten signature]

ANNEX 59

**Municipal Court in Svilajnac, Serbia, Minutes of the
witness hearing of Mile Vračar, dated 1 September 1998**

MINUTES ON WITNESS HEARING

Taken on 1 September 1998 before the investigating magistrate of the Municipal Court in Svilajnac in the criminal case against for the criminal act punishable under Article ... of the Criminal Code

Investigating Magistrate
Borjanka Milosevic

Witness

Court Recorder
Snezana Rangelov

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

1. Family and given names: Vracar, Mile
2. Father's name: Rade
3. Occupation: salesman
4. Address: Svilajnac
5. Place of birth: Vukovica, municipality of Vojnic
6. Date of birth: 1940
7. Relationship to the defendant or injured party: not related

Asked to state what he knew about the case, the witness declared:

Warned that he was bound to tell the truth and against the consequences of giving false evidence, the witness declared as follows.

On 8 August 1995, we left in a refugee convoy from the village of Vojnic to Dvor-upon-Una. The convoy was 15 to 20 kilometres long, consisting of vehicles, tractors, horse-drawn carts, cattle, women, children and elderly people. The convoy was cut off near Dvor. When the Croatian soldiers attacked the convoy, they singled out 200 - 300 people, mostly women and elderly men. They were captured and placed on a clearing. One of them tried to escape and the Croatian soldiers shot him to death on the spot. They threw

hand grenades at another fleeing man, which blew up his legs. Having remained legless, he crawled to where the Croatian soldiers were, pleading one of them to put him to death, which the latter did by taking a gun out of his case and shooting him in the head. Another uniformed Serb army soldier was killed from that group. He was also singled out and killed by Croatian soldiers who shot him in the back and he was instantly dead. Among those taken prisoner, there were Serbs in uniforms. They singled them out immediately. I was among them because I had army trousers on, having taken off my army shirt in the meantime and throwing it away. They took nine of us out to be executed. Four Croatian soldiers were lined up from across us. Their rifles were pointed at us, ready to shoot us, when their superior officer came and told them: "Leave that scum alone. We have no place to bury them." So they let us live. They held us on that clearing all day and, in the evening they drove us to Sisak, women in one truck and us men, in another. All people born before 1935 they carried further, while those born after 1935 were left in Sisak. Men, women and children were all put together. We stayed in Sisak for two days. I was interrogated from 6 p.m. till 1:00 a.m. the next day. I was not beaten in Sisak, but I saw a pool of blood on the floor, in the room which was used for interrogation. The following day, I was taken in for interrogation again. This time, I was interrogated by some other individuals. Their questions amounted to what I did during the war, where I was born and why I fled Karlovac in 1991 to the Republic of Serbian Krajina. On 9 August 1995, representatives of the International Red Cross visited and they registered us and gave us a meal. We were moved from Sisak to Karlovac County Prison, two days later. I spent five months and nine days in prison. We were beaten and mistreated there. They cursed our Chetnik mothers; called us pigs, but mostly they referred to us as Chetniks. We were given food, but we were beaten while receiving it, and we had to say "thank you, sir".

I recognized one of the Croatian prison guards in Karlovac. He used to work as a police officer in Karlovac. He came to my place in peace time, but I don't know his full name. I only know his nickname "Macak" (cat). He didn't beat me, but was very strict with me. While I was in prison, he gave no sign of recognizing me or he couldn't show that he knew me, but when I was released, he told me to say hello to my brother who used to be a colleague of his before the war.

At Karlovac County Prison we were terribly treated. Actually, they treated us like animals and not like people. I shared the room with eight other men. We were given meals regularly, but our rations were small and poor. I was tried and sentenced to three years in prison. However, I was released because I got pardoned from Tudjman for the New Year.

While I was in prison, we were beaten. For example, a guard would simply come in and start kicking us with his boots in the chest, head and all over. This was almost a daily routine. After my release from prison in Karlovac, I was detained at a camp in Gasinci near Djakovo for a fortnight. We were given worst treatment there than in prison. We were allowed to visit each other at the camp, but we received very little food once a day. We were surrounded by 5,000 Muslims and when we approached the cauldron to take food from it, they would throw stones and spit at us. I spent two weeks in this camp.

We were transferred to Serbia, to Belgrade, by the International Red Cross after two weeks.

That is all I had to say.

I declare that I don't want to read the minute, because it was dictated out loud and I will set my own hand to it.

Court Recorder
Snezana Rangelov (Signed)

Mile Vracar (Signed)

Investigating Magistrate
Borjanka Milosevic (Signed)

271/98-3

Kri.br. 15/98

Број КИ

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 1. 09. 198⁹⁸ године пред Istražnim
судијом Opštinskog суда у Svilajncu
у кривичном поступку против
због кривичног дела из члана КЗ.

Istražni — судија Сведок
Borjanka Milošević

Записничар Саслушању сведока присуствују и:
јавни тужилац
Snežana Rangelov

о кривљени

бранилац

Започето у часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

- 1) Име и презиме Mile Vračar
- 2) Име оца Rade
- 3) Занимање trgovac
- 4) Боравиште u Svilajncu
- 5) Место рођења u Vukovica opština Vojnić
- 6) Година рођења 1940.g.
- 7) Однос са окривљеним и оштећеним nesrodan

За овим сведок о самом предмету износи следеће:

Upozoren da je dužan da govori istinu kao i na posledice davanja lažnog iskaza pa izjavi:

8. avgusta 1995. godine, mi smo u izbegličkoj koloni krenuli iz sela Vojnića prema Dvoru na Uni i to je bila izbeglička kolona dugačka od 15 do 20 kilometara u kojoj je bio i putničkih vozila, traktora, zaprežnih vozila, stoke i žena dece i starijih ljudi i kolona je presečena kod dvora na Uni odnosno pre Dvora na Uni. Prilikom presecanja kolone i napada Hrvatskih vojnika oko 200 do 300 civila a najviše žena i staraca izdvojeno je odnosno zarobljeno i smešteno na jednu livadu. Jedan od civila je pokušao da beži pa su ga hrvatski vojnici odmah ubili a za drugim su bacili bombu koja mu je raznela noge. Kako je ostao bez nogu on se dovukao do puta gde su bili hrvatski vojnici i molio hrvatskog vojnika da ga ubije na licu mesta što je ovaj i učinio tako što je iz pojasa izvukao pištolj i pucao mu u glavu. Iz ove grupe ubijen je još jedan vojnik srpske vojske koji je bio u uniformi i njega je hrvatska vojska odmah izdvojila i ubili su ga pucanjem u stomak odnosno s leđa tako da je ovaj na mestu ostao mrtav. Medju zarobljenima je bilo i srba u uniformama i njih su izdvojili odmah medju kojima sam bio i ja jer sam imao vojničke pantalone pošto sam bluzu u medjuvremenu skinuo i bacio i izdvojili su nas devetoricu da streljaju. Naspram nas devetorice bilo je četvorice hrvatskih vojnika sa repetiranim puškama da nas streljaju kada je naišao neki njihov pretpostavljeni i rekao im "pusti tu gamad gde ćemo ih sahraniti", te su tako oni nas ostavili žive. Celog dana su nas držali na toj livadi a uveče nas odveli u sisak i to posebno žene jednim kamionom a nas muškarce u drugi kamion. Sve one što su bili do 1935. godine rodjeni odveli su dalje a nas rodjene posle 1935. godine ostavili su u Sisku. Tu su bili i muškarci i žene i deca. U Sisku smo ostali 2 dana mene su saslušavali uveče od 18 časova popodne do 1 sat po ponoći. Mene u Sisku nisu tukli ali sam u toj prostoriji gde su nas ispitivali video lokvu krvi. Sutradan su me ponovo ispitivali ali druga lica Pitanja su se svodila na to šta sam radio za vreme rata, gde sam rodjen i šta sam odnosno zašto sam bežao iz Karlovca 1991.g. u republiku Srpsku Krajinu. 9. 08. 1995.g. je došao medju narodni crveni krst i oni su nas popisali i dali nam obrok hrane. Posle 2 dana iz Siska su nas prebacili u Karlovac u Okružni zatvor. U zatvoru sam bio 5 meseci i 9 dana. U zatvoru su nas tukli, maltretirali psujući nam četničku mater, nazivali nas svinjama a najviše četnicima Hranu su nam davali ali smo uz hranu dobijali i batine i onda smo morali da kažemo "hvala gospodine".

Medju Hrvatskim vojnicima odnosno stražarima u zatvoru u Karlovcu prepoznao sam jednog koji je radio u policiji u Karlovcu koji je dolazio kod nas u stan dok je bio mir ali mu neznam ime i prezime već ga znam samo po nadimku "Mačak" i on mene nije tukao ali je bio strog. Za vreme dok sam bio u zatvoru on me nije poznavao ili nije smeo da pokaže da me poznaje a kada sam pošao iz zatvora on mi je rekao da pozdravim brata koji je sa njim radio u policiji pre rata.


Tretman naš u Okružnom zatvoru u Karlovcu je bio užasan i tretirali su nas kao stoku a ne kao ljude. U sobi u kojoj sam ja bio bilo je nas osmorica. Obroke su nam davali redovno ali vrlo malo količinski i lošeg kvaliteta. Pio sam sudjen i osudjen na tri godine zatvora ali su me pustili jer sam za Novu godinu dobio pomilovanje od Tudjmana.

Za vreme boravka u zatvoru su nas tukli jer se na primer dešavalo da udje iz čistog mira stražar i počne da šutira cipelom u grudi, glavu i gde stigne. To se dešavalo skoro svakodnevno. Nakon puštanja iz zatvora u Karlovcu 14 dana sam proveo u logoru Gašinci kod Djakova gde je bio još gori tretman prema nama nego u zatvoru. U logoru smo mogli jedan drugoga posećivati ali su nam davali samo jedanput dnevno vrlo malo hrane. Oko nas je bilo 5.000 muslimana i prilikom odlaska na kazan po hranu oni su nas gadjali kamenjem i pljuvali po nama. U logoru sam proveo 2 nedelje.

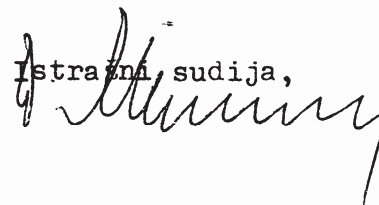
Nakon 14 dana međunarodni crveni krst nas je iz logora prebacio u Srbiju u Beograd.

To je sve što imam da kažem.

Zapisnik ne želim da mi se čita pošto sam slušao njegovo glasno diktiranje pa isti svojeručno poppisujem.


Zapisničar,
C. P. [illegible]



Istražni sudija,


ANNEX 60

**District Court in Sombor, Serbia, Minutes of the
witness hearing of Dušanka Mraović, dated 7 May 1997**

MINUTES ON WITNESS HEARING

Taken on 7 May 1997 before the investigating magistrate of the District Court in Sombor upon the request of the Committee for gathering evidence of committed crimes

Investigating Magistrate
Petar Beljanski

Witness
Dusanka Mraovic

Court Recorder
Svetlana Fiser

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 8:15 a.m.

The witness was warned that she was bound to tell the truth and that she should not hold anything back; she was also warned against the consequences of giving false evidence and that she should not respond to certain questions if she would thereby embarrass herself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so she replied to the general questions as follows:

- | | |
|--|----------------------------|
| 1. Family and given names: | Mraovic, Dusanka |
| 2. Father's name: | Ljuban |
| 3. Occupation: | housewife |
| 4. Address: | Sombor, 43 St. Sava Street |
| 5. Place of birth: | Karlovac |
| 6. Date of birth: | 1962 |
| 7. Relationship to the defendant or injured party: | not related |

Asked to state what she knew about the case, the witness declared:

I was in a convoy of refugees heading from Vrgin Most to Dvor-upon-Una, in August 1995. I was with my mother-in-law Stana Mraovic, who now lives at 43 St. Sava Street in Sombor, and my child Vaso Mraovic, who was two-and-a-half months old at that time. We were in a tractor trailer. The tractor was driven by Simo Mraovic, who was a neighbour of mine in Golinja, municipality of Vrgin Most. His wife was also with us in the trailer. Around 6 p.m., aircraft flew overhead in Zirovac and I could hear the shooting from the forest, and the screams of a child near two tractors which were ahead of the one in which I was. The two tractors were on fire. The child yelled, saying: "uncle, please don't slit my throat". After that, we all got off the trailer and fled on foot to Glina. While

fleeing, we met a convoy of people who were also in flight. Later that day, I saw some corpses on the bridge in Glina. They were the corpses of some six men and women. They were mainly senior citizens. From what I could see with my child in arms, they had gunshot wounds and their brains were splashed out. I moved on with the convoy and reached Dvor, the following day.

As I walked like that, I was picked up by some people unknown to me, who drove in a tractor. On entering Dvor, shots were fired at the convoy and people fled to the forest and the river. Because I was carrying a small crying child in my arms, I couldn't join the group which fled to the forest. Around 9 a.m., I was caught by the soldiers of the Croatian "Storm". Together with me, 380 more civilians and soldiers were arrested from the moving convoy. After having searched us, the soldiers interrogated us and I heard from the conversation between them that they referred to each other as "Ivan" and "Zlatko". They asked me where my husband was. They kicked me around my loins, as a result of which I urinated blood. I admitted that my husband was in the army. After that, they asked me: "Would you be ready to eat your child's testicles if we cut them off?" They were overheard by their mate whose name, I knew, was Josip, and he told them: "Leave the woman alone, it's not her fault". The same man gave me some food to give to the child and a blanket. Around 6 p.m., three trucks came preceded by one car and tailed by another. The aforementioned Josip put me into the car at the back of the convoy, because the trucks were packed full. He gave me a pack of nappies and 100 DM saying: "Buy something for the baby with this money". It was already night time when we arrived at the school "22 Juli", in Sisak. There, they registered all of us by name and gave us one blanket each, sending us to various classrooms where we slept on the floor. It was only 24 hours later that they gave us something to eat: a can of food and a small piece of bread. I spent 21 days in that camp where I was beaten like others, once or twice a day. The beatings mainly occurred at night. The camp guards who beat us wore police uniforms. They beat us by ordering us to get up and put our hands behind our necks and walk in circles crying out: "for homeland". Some of the guards kicked us with their boots and the others hit us by batons all over our bodies or threw leather balls at us all over. Three days into my stay at this camp, my child fell ill and they took it to the hospital in Sisak where it remained until we left the camp for the Federal Republic of Yugoslavia, in an organized way.

The "22. juli" school was run like a prison camp. I spend there three days in total. They transferred me to another school which also served as a camp, but I don't know its name. They did so because my child was ill. The treatment of prisoners was the same in both "schools" turned camps. They particularly picked on men prisoners from the convoy who were in camouflage uniforms. They mistreated us while the others from the room looked on. They would order them to put up their feet against the wall and would hit them by a leather ball in their crutch.

On the very evening of our arrival at the camp where I stayed for the first three days, they wounded Zeljko Sucevic from Vrgin Most, who was 24 years of age. They wounded him before we moved into the premises. I don't know what happened to him afterwards.

Also, that same evening, they took outside a man aged about 70. I didn't know him. He was shot from a submachine gun by one of the soldiers present. I saw this scene with my own eyes, like the others brought there. I understand that he was shot because he took their gun with his hands and turned it towards them, while four policemen were playing cards at the table, but he didn't use the gun.

I have nothing else to add. The minutes were dictated in my presence and I declare by my signature that it contains my statement.

Investigating Magistrate
Petar Beljanski (Signed)

Court Recorder
Svetlana Fiser (Signed)

Witness
Dusanka Mraovic (Signed)

220/97-2

Број Ки Кри.14/197

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 7. маја 198 97 године пред истражним
..... судијом Окружног суда у Сомбору
у кривичном поступку против - захтеву КОМИТЕТА ЗА ПРИКУПЉАЊЕ ПОДАТАКА О ИЗВРШЕНИМ ЗЛОЧИНИМА
због кривичног дела из члана КЗ.

Истражни — судија

Сведок

БЕЉАНСКИ ПЕТАР

МРАОВИЋ ДУШАНКА

Зaписничар

Саслушању сведока присуствују и:
јавни тужилац

СВЕТЛАНА ФИШЕР

окривљени

бранилац

Започето у 8,15 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

МРАОВИЋ ДУШАНКА

- 1) Име и презиме
- 2) Име оца Љубан
- 3) Занимање домаћица
- 4) Боравиште Сомбор, Светог Саве бр. 43
- 5) Место рођења Карловац
- 6) Година рођења 1962. год.
- 7) Однос са окривљеним и оштећеним несродна, опоменута, изјављује:

За овим сведок о самом предмету износи следеће:

Кретала сам се у колони избеглица августа 1995.г. од Вргин Моста ка Двору на Уни. Самном се том прилика кретала моја свекрва МРАОВИЋ СТАНА, сада из Сомбора, ул. Светог Саве бр. 43, као и моје дете млл. МРАОВИЋ ВАСО, тада стар 2,5 месеца. Налазили смо се на тракторској приколици. Трактором је управљао МРАОВИЋ СИМО, који ми је био комшија у Голињи, СО Вргин Мост. На приколици се налазила и његова супруга. Око 18,00 час. у Жировцу, чула сам у време док су колону надлетали авиони и док се чула пуцњава из шуме да у близини два трактора, која су се налазила испред овог у којем сам се ја кретала, а која су била запаљена, да допире вриска детета. Дете је вриштало и говорило: "Чико, немој ме клати". Након тога, сви смо сишли са приколице и пешице се дали у бег ка Глини. Бежећи ка Глини сусретали смо колону људи, који су такође бежали. На мосту у Глини тог истог дана само у каснијим вечерњим часовима видела сам лешеве и то отприлике 6 људи који су били како мушкарци, тако и жене. Углавном се радило о старијим цивилима. По ономе што сам бежећи са дететом у наручју успела да видим, сећам се да су нека од тих лица убијена ватреним оружјем, као и то да им је мозак био присут. Даје сам се кретала са колоном и стигла сам сутрадан у Двор на Уни.

Том приликом сам се кретала тако што су ме из колоне повезли непознати људи на трактору. Приликом уласка у Двор на Уни из шуме се пуцало на колону, па су људи из колоне бежали и то како у шуму, тако и у реку. Обзиром да сам носила млл. дете које је плакало нисам могла да се прикључим групи која је бежала у шуму. Негде око 9,00 сати ујутро, ухватили су ме војници "Хрватске олује". Заједно самном било је ухапшено још 380 цивила и војника из колоне у којој сам се кретала. Након што су нас претресли испитивали су ме војници за које сам у њиховом међусобном разговору чула да се зову "Иван" и "Златко" о томе где се налази мој муж. Они су ме ударили чизмама по слабинском делу, тако да сам прокрварила. Признала сам да се мој муж налази у војсци. након тога питали су ме "Да ли би да дете уреди, појела његова јајца?". Њих је чуо њихов друг за којег знам да се зове Јосип и рекао им : "Оставите жену на миру, она није ништа крива". Исти је тада ми дао нешто хране за дете и ћебе. Око 18,00 час. довели су камионе и то 3 камиона који су се кретали тако што их је предводио један аутомобил, као и на крају колоне што је био један аутомобил. Поменути Јосип ме је сместио у путничко возило, које се налазило на зачељу колоне, јер су камиони били препуни. Том приликом дао ми је један пакет пелена и 100 ДЕМ рекавши ми: "За ово узми нешто за бебу". Ноћ је била истог дана када су нас довели у школу: "22. Јули" у Сиску. Тамо су нас поименице све пописали и дали нам по једно ћебе и разврстали у учинионице где смо на поду спавали. Тек након 24 сата добили смо храну и то по једну конзерву и мало хлеба. У том логору сам боравила 21 дан, где су ме као и остале свакодневно тукли и то једном или два пута у току дана, а то је поготово бивало ноћу. Људи који су чували тај логор и који су нас тукли, били су униформисани као милиција. Тукли су нас тако што смо по њиховој наредби устајали са пода и подизали руке иза врата и ходали у круг при том вичући по њиховој наредби: "За дом". Појединци су нас ударили ногом, а да су при томе имали обувене чизме, док су други ударили по нама, по свим деловима тела пендреком, а неки су кожним лоптама гађали где год су стигли. Након три дана мог боравка у овом логору, обзиром да ми се дете разболело, они су га одузели и одвели у болницу у Сисак, где је исти боравио све до организованог одласка из логора за СРЈ.

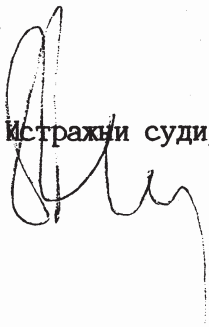
У поменутој школи "22.Јул" која је била организована као логор, боравила сам укупно 3 дана, одакле су ме пребацили у другу школу, која је на исти начин функционисала, али чији ранији назив не знам. То су учинили због болести детета. Био је потпуно истоветан поступак са заробљеницима и у једној и у другој "школи", тј. логорима. У истој су мушкарце које су заробили у колони, а који су на себи имали маскирне униформе злостављали посебно, а што смо сви ми присутни из собе гледали. Они би им наредили да подигну ноге уза зид да би их потом кожном лоптом ударили између ногу.

У логору у којем сам боравила прва три дана, још исте вечери приликом нашег доласка, пре уласка у објекат ранили су СУЧЕВИЋ ЖЕЈКА из Вргин Моста, који је у то време био старости око 24 године. Шта се касније догађало са истим мени није познато.

Такође, те исте вечери извели су из објекта мушкарца старости око 70 година, којег ја лично нисам познавала и у њега је један од присутних војника пуцао из аутомата, то сам видела како ја тако и други који су ту доведени. Колико ми је познато у њега су пуцали зато што је он својим рукама ухватио њихову пушку и окренуо је ка њима у време док су се њих четворица милицајаца картали за столом, али исту није употребио.

Немам више шта да изјавим, пошто је записник диктиран у мом присуству, потписом потврђујем да је у њега унета моја изјава.

Истражни судија,



Записничар,
Србић

Сведок,

МРАОВИЋ ДУШАНКА

Mraović Dušanka

ANNEX 61

**Basic Court in Prijedor, Bosnia and Herzegovina,
Minutes of the witness hearing of Sava Utržen, dated 7
April 1997**

MINUTES ON WITNESS HEARING

Taken on 7 April 1997 before the investigating magistrate of the Basic Court in Prijedor in the criminal case against NN persons for the criminal act punishable under Article 142 of the Criminal Code

Investigating Magistrate
Zivko Dragosavljevic

Witness
Sava Utrzen

Court Recorder
Zorana Vujinovic

The hearing also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 12:00 noon.

The witness was warned that she was bound to tell the truth and that she should not hold anything back; she was also warned against the consequences of giving false evidence and that she should not respond to certain questions if she would thereby embarrass herself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so she replied to the general questions as follows:

1. Family and given names: Utrzen, Sava
2. Father's name: Djuro
3. Occupation: housewife
4. Address: collective centre in Ljubovija, municipality of Prijedor
5. Place of birth: village of Uniste, municipality of Bosansko Grahovo
6. Date of birth: 1 January 1935
7. Relationship to the defendant or injured party: not related

Asked to state what she knew about the case, the witness declared:

At the outbreak of the war and during the war I lived at the village of Uniste in the Municipality of Bosansko Grahovo. That village is situated between Bosansko Grahovo and Knin and it is some 20 kilometres away from Grahovo and 9 kilometres from Knin. It was mainly a Serb village although there were some Croatian families living there.

That area was within the Republic of Srpska and the Republic of Serbian Krajina until early August 1995. I don't remember exactly the date, but I know that the Croatian Army coming from Livno attacked Uniste and that most of its population left their homes and fled in the direction of Knin and Grahovo. Only elderly men and women remained behind and I left with the other people for Knin.

I was put up near the former JNA barracks "Slavko Rodic" in a home of a woman whose husband was a policeman. I don't recall the name of the street and the number of the house. However, I know that I stayed there for about three days.

I noticed that Knin residents left their homes and fled to the countryside, but whereto exactly, I was not aware of. On the third day of my arrival, I noticed that the RSK Army fled Knin and that immediately afterwards came the Croatian Army wearing chequered insignia. I didn't notice any signs of the struggle between the Croatian and the Serbian Armies. I only noticed that the Croatian soldiers, having entered the city, hoisted their chequered flag on the tower in Knin, the "Slavko Rodic" barracks and the Army Centre in Knin.

The Croatian soldiers killed those Kninians and Serb soldiers who happened to be at the bridge near the Slavko Rodic barracks or on the street when they pushed into Knin. I saw with my own eyes how the Croatian soldiers killed a civilian filming their entrance with his camera. Beside that man, there was a woman that I later found out was his mother. Near that spot there was a man who later turned out to be the man's father. I discovered that he was a reporter and cameraman from Sarajevo. I saw that the Croatian soldiers intercepted a convoy of civilians fleeing Knin on their tractors. The Croatian soldiers killed four tractor drivers and threw their bodies into the river. Before they killed those drivers whom they called "Chetniks", they shot them and threw them into the river. I saw afterwards the Croatian soldiers bringing a group of Serb soldiers, whom they have brutally beaten and taken to the "Slavko Rodic" barracks.

Beside the barracks, there were many dead bodies of civilians killed in the street. I noticed that there were women among the dead, but I had not seen any dead children. The bodies were mainly in the street which the fleeing civilians used on their way out of Knin heading for Bosansko Grahovo. I saw about 25 killed civilians in the same street. Their bodies were lying beside the abandoned tractors. There were also civilians killed in the tractor trailers in which they tried to flee in the direction of Bosansko Grahovo.

I was heading from Knin to Bosansko Grahovo believing that Grahovo had not fallen into Croatian hands. I came to Bosansko Grahovo by traversing my village of Uniste and entered the home of Spiro Radulovic which was empty. I stayed there for 10 or so days and on the day I left, Croatian soldiers came out of the blue and led me away to the building which used to house the former Municipal Committee. They interrogated me, in particular they asked me where Karadzic was, where I kept Milosevic and others, although I didn't know where they were at the time. They also asked me questions about Babic and Martic, and I couldn't answer them. They hit me with rifle butts. Among those Croatian soldiers who beat me there was Kreso Saric, my sister's husband, a Croat from the village of Luka, which is a kilometre and a half away from Grahovo. I don't know any other particulars about Kreso Saric. After they had interrogated me in Grahovo, the Croatian soldiers transported me to Livno and detained me in a gym. The gym contained some 400 detained Serbs including elderly people, women and children. I recognized there Ruza Jojic from Grahovo and Boja Sormaz also from Grahovo. They were in the company of Spiro Radulovic from Grahovo, who is now in the Prijedor hospital geriatric ward. Ruza Jojic left the collective centre 10 or so days ago, while Boja Sormaz is still there.

At Livno, I knew a policeman by the name of Ante who interrogated me. I know nothing else about this man except that a certain Zoran, also a policeman, sat next to him.

About a month and a half from the date of my arrival in the Livno camp, a bus load of RSK soldiers who had been taken prisoner on Mount Glamoc were transported to the stadium which was about 100 meters from the gym. I could see very clearly that those Croatian soldiers beat the man viciously with metal bars and that they even fired shots. After a while, a bulldozer was driven there and I guess that all those driven to the stadium were killed.

I saw the bus carrying the captured Serb soldiers and I recognized my three sons-in-law: Mile Radujko from the village of Stoziste, Municipality of Grahovo. I don't know the name of Mile's father. As a matter of fact, Mile was 28 years old. The second son-in-law was Vojo Nikolic from Grahovo, aged about 50, and I have no other details about him. My third son-in-law was named Zare Radujko, aged about 28 and I don't know any other details about him either. The Croatian soldiers took all the three of them with the group to the field in the stadium and, later on, their bodies were brought to Grahovo, exchanged and buried. I correct myself; the bodies of my sons-in-law were loaded onto a vehicle in Livno and carried to Bosansko Grahovo.

I don't know for sure how long exactly I was held at the camp in Livno, but I am positive that I was taken to Srbac from it in early 1996 and exchanged. I then came to this collective centre. While I was at the Livno camp, I was not beaten, but I saw one day that policeman Ante shot dead three civilians near the gym. I am certain that one of the victims was named Dragan and that he was from Petrovac, although I don't know the names of the other two victims who were also detained together with us. I could see very clearly by looking out the window that Ante pointed a gun at them and fired, and they fell.

This is all I had to say for now.

I was warned that I had the right to read the minutes and I declare that I do not want to because it was dictated out loud.

The hearing was adjourned at 1:00 p.m.

Court Recorder
Zorana Vujinovic
(Signed)

Witness Sava Utrzen
Sava Utrzen
(Signed)

Investigating Magistrate
Zivko Dragosavljevic
(Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 07.04. 1997. године пред истраžним
 судијом Osnovnog суда у Prijedoru
 у кривичном поступку против NN
 због кривичног дела из члана 142. КЗ.

Zivko Dragosavljević — судија

Сведок

SAVA UTRZEN

Зaписничар

Саслушању сведока присуствују и:
 јавни тужилац

Zorana Vujiновић

окривљени

бранилац

Започето у 12 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

- 1) Име и презиме SAVA UTRZEN
- 2) Име оца Djuro
- 3) Занимање Domaćica
- 4) Боравиште Prihvatni centar Ljubija, Opština Prijedor
- 5) Место рођења Selo Unište, Opština Grahovo Bosansko
- 6) Година рођења 1.1.1935.godine
- 7) Однос са окривљеним и оштећеним Nesrodna

За овим сведок о самом предмету износи следеће:

Ja sam pre početka ovog rata i u toku trajanja istog žive u selu Uništa Opština Bosansko Grahovo. To selo se nalazi između Bosanskog Grahova i Knina na udaljenosti od Grahova oko 20 kilometara a od Knina 9 kilometara. U tom selu većinsko stanovništvo bilo je srpske nacionalnosti, a u istom je bio izvestan broj i hrvatskih porodica.

To područje nalazilo se je u sastavu Republike Srpske i Republike Srpske Krajine sve do početka avgusta 1995. godine. Ne sećam se tačno datuma ali znam da je hrvatska vojska od pravca Livna izvršila napad na područje Uništa i veći broj stanovništva napuštalo svoje kuće i bežalo u pravcu Knina i u pravcu Grahova. U selu su ostali stariji ljudi i žene, a ja sam otišla sa ostalim narodom Knina.

Bila sam smeštena u blizini bivše kasarne JNA "Slavko Rodić" kod jedne žene čiji je muž bio milicionar. Ne znam ulicu i broj te kuće, međutim znam da sam uistoj zadržana oko 3 dana.

Uočila sam da je stanovništvo Knina napuštalo svoje kuće bežalo negde u unutrašnjost ali u kom tačno pravcu ja to stvarno ne znam. Trećeg dana od mog dolaska primetila sam da je vojska Republike Srpske Krajine bežala napuštajući Knin a neposredno posle te vojske došla je hrvatska vojska koja je imala oznake šahovnica. Nisam primetila da je bilo kakve borbe između hrvatske i srpske vojske ali sam videla da su hrvatski vojnici odmah po ulasku u Knin postavili šahovnicu na tvrđavu u Knini, na kasarnu "Slavko Rodić" u Kninu i na Dom armije u Kninu.

Hrvatski vojnici pri ulasku u Knin ubijali su zatečene stanovnike i vojne srpske koji su se zatekli na mostu u blizini kasarne "Slavko Rodić" i na ulici. Videla sam lično kada su hrvatski vojnici ubili nekog snimatelja, civila koji je imao kameru i snimao je. Pored toga snimatelja bila je i jedna žena za koju sam ja kasnije saznala da je to njegova majka. U blizini mesta bio je i jedan čovek za koga sam takodje saznala da je otac od tog čoveka. Saznala sam dakle da je taj čovek novinar i snimatelj iz Sarajeva. Videla sam da su hrvatski vojnici presreli kolonu civila koji su bežali iz Knina krećući se sa traktorima. Hrvatski vojnici su ubili četiri traktorista a njihova tela bacili u vodu. Hrvatski vojnici sa traktoristima pre pucanja u njihova tela rekli da su oni četnici

Mirjana Čobor

a potom su pucali u njih i bacili su ih u vodu, reku. Videla sam posle toga da su hrvatski vojnici doveli jednu grupu srpskih vojnika koje su strahovito tukli i sproveli u kasarnu "Slavko Radić". U ulici koja prolazi pored kasarne bilo je mnoštvo tela ubijenih ljudi na kojima su bila civilna odela. Medju ubijenim ja sam uočila da bilo i žena ali nisam videla tela dece. Tela su se uglavnom nalazila u ulici kojom su bežali civili iz Knina prema Bosanskom Grahovu. U istoj ulici videla sam oko 25 ubijenih civila čija su se tela nalazila pored zastavljenih traktora. Bilo je ubijenih civila i u traktorskim prikolicama koji su pošli da beže u pravcu Bosanskog Grahova.

Krenula sam iz Knina u pravcu Grahova Bosanskog preko sela misleći da Bosansko Grahovo još uvek nije zauzeto od hrvatske vojske. Išla sam preko moga sela unište i došla u Bosansko Grahovo i smestila se na ulazu u Grahovo u kuću Špire Radulovića u kojoj nije bilo nikoga od uknucana. U toj kući ja sam ostala oko desetak dana i jednog dana kada sam izašla iznenadno su se pojavili hrvatski vojnici i odveli me u zgradu bivšeg Opštinskog komiteta. Tamo su me hrvatski vojnici ispitivali a naročito su me pitali gde mi je Karadžić, gde mi je Milošević i drugi iako ja nisam znala gde se oni tada nalaze. Pitali su me i za Babića i za Martića, ali ja takodje nisam mogla da odgovorim na ta pitanja. Tamo su me udarali kundacima od oružja. U toj grupi hrvatskih vojnika koji su me tukli bio je Krešo Sarić od moje rođene sestre zet, Hrvat iz sela Luke udaljenog od Grahova oko jedan i po kilometar. Ne znam ostale podatke za Krešu Sarića. Posle saslušanja u Grahovu, hrvatski vojnici su mene sproveli u Livno i zatvorili u neku sprotsku Dvoranu. U sali gde sam ja zatvorena bila je oko 400 zatvorenih srba, medju kojima je bilo starijih ljudi, žena i dece. Prepoznala sam tamo Ružu Jojić iz Grahova i Boju Šormaz iz Bosanskog Grahova. Sa njima je bio i Spiro Radulović iz Grahova koji se sada nalazi u Prijedoru u bolnici odeljenje gerijatrije. Ruža Jojić je pre desetak dana otišla iz ovog prihvatnog centra, a Boja Šormaz se i dalje nalazi u prihvatnom centru.

U Livnu sam poznavala nekog Antu policajca koji me je tamo ispitivao. Ne znam ostale podatke za Antu ali znam da je pored njega bio i neki Zoran takodje policajac.

Yünpüen Cooba

Posle mesec i po dana računajući od dana mog dolaska u taj logor u Livno, jednog dana dovožen je pun autobus vojnika Republike srpske koji su zarobljeni na Glamoču i svi su izišli iz autobusa na stadi koji se nalazi na udaljenosti od sportske dvorane oko 100 metara. Videla sam dobro kada je grupa hrvatskih vojnika koja je te vojnike strahovito udarala sa metalnim šipkama, a bilo je i pučnjave. Posle kraćeg vremena u tom pravcu otišao je jedan buldožer i ja pretpostavljam da su svi dovezeni ubijeni na igralište.

Videla sam kada je došao taj autobus u kome su se nalazili zarobljeni srpski vojnici i tamo sam prepoznala moja tri zeta, Milu Radujka iz sela Stožište, Opština Grahovo. Ne znam ime Milino oca. Mile je inače imao oko 28 godina. Drugi zet bio je Vojo Nikol iz Grahova star oko 50 godina ostale podatke ne znam. Treći zet zvao se Žare Radujko star oko 28 godina, ostale podatke ne znam. Hrvatski vojnici su njih trojicu sa celom grupom odveli na igralište a posle toga tela mojih zetova čija sam imena navela razmenjena su oterana u Grahovo i sahranjena. Ispravljam se tela zetova su sa igrališta u Livnu stavljena u vozilo i ja sam ih mrtve videla pa su ista odvezena u Bosansko Grahovo.

Ne znam tačno koliko sam zadržana u logoru u Livnu ali pouzdano znam da sam iz tog logora početkom 1996. godine odvedena u Srbac i razmenjena a posle toga sam došla u ovaj sabirni centar. U toku boravka u logoru u Livnu mene više niko nije tukao, a ja sam videla jednog dana kada je Ante policajac u blizini sportske dvorane gde smo mi bili zatvoreni ubio tri civila. Znam pouzdano da se jed zvala Dragan i da je isti iz Petrovca jer je isti bio sa nama zatvoren a imena ostalih dvojice ne znam, mada su i oni bili u istoj dvorani. Videla sam tačno kroz prozor kada je Ante pucao u njih iz pištolja oni su pali.

To je sve što ja za sada imam da izjavim.

Počinena sam da imam pravo da pročitam zapisnik pa izjavljujem da ne želim jer je isti glasno diktiran.

Dovršeno u 13 sati.

Zapisničar:

Вера

Горан Собац

Istražni sudija:

[Signature]

ANNEX 62

**District Court in Belgrade, Serbia, Minutes of the
witness hearing of Petar Batak, dated 2 July 1997**

MINUTES ON WITNESS HEARING

Taken on 2 July 1997 before the investigating magistrate of the District Court in Belgrade in the criminal case against NN persons for the criminal act punishable under Article 142 of the Criminal Code of Yugoslavia

Investigating Magistrate
Ilija Simic

Witness
Petar Batak

Court Recorder
Stana Mitric

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 9:30 a.m.

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

- | | |
|--|---|
| 1. Family and given names: | Batak, Petar |
| 2. Father's name: | Petar |
| 3. Occupation: | peasant farmer |
| 4. Address: | Kaludjerica, Cige Ignjata 26 a, Tel: 487-0062 |
| 5. Place of birth: | Civljani, Knin |
| 6. Date of birth: | 5 September 1936 |
| 7. Relationship to the defendant or injured party: | |

Asked to state what he knew about the case, the witness declared:

The witness was warned that he was bound to tell the truth, so he declared as follows:

I used to live with my wife Cvita in the village of Civljani, hamlet of Citluk. As to occupation, I am a farmer, cattle breeder. I used to raise sheep, as well as breed and sell cattle.

On 4 August 1995, my village was shelled all day by the Croatian army from the direction of Mount Dinara.

Around 6 p.m. the same day, my wife and I left our home with 450 sheep and headed for Knin. We spent the next night in the forest, located between the place called Bat and the

village of Turici. On Saturday, we came to Manojlovica Staje where we stayed over the next 27 days.

On Monday, 7 August, around 9:00 a.m., 30 Croatian soldiers came to Manojlovica Staje where Gojko Andric and his wife Bosa happened to be together with my wife and me. A Croatian soldier hit me in the head and my sheens several times, while Gojko was struck by another Croatian soldier. They interrogated us for about an hour after which they departed for the village of Turici, telling us not to leave this place.

In the next few days, I visited the neighbouring village of Markovac, mainly to get some bread and other supplies. I saw with my own eyes Croatian soldiers taking all valuables from Serb houses and torching the looted homes. I also saw that only elderly and frail people had remained in the village - I think some 17 of them.

I also saw Croatian soldiers and police officers, as well as some civilians, plundering Serb houses and burning them down, afterwards. I witnessed the burning and looting of Serb property in the villages of Ramljani, Biskupija, Ridjani, Uzdolje, Kosovo, Kaldrma, Orlic, all in the municipality of Knin.

Gojko Andic, who now lives somewhere in Banat, told me that two persons from the village of Turici were killed on their tractor, in the village of Kovacic. However, I don't know their identity, but Gojko told me that he was on that tractor too.

On 23 August 1995, Ante Zelic drove my wife and me to my native village. The whole village was burnt down and my house was robbed of all possessions, and extensively damaged, while all my hay and the farmhouses were destroyed by burning.

On 4 -5 September 1995, my wife and I took our sheep to the farm "Borum" and left for Knin. We had to leave the place where we were with our sheep, because I had received death threats from unidentified Croatian police officers. The same policeman threatened me in front of the home of Krsto Jasic, in the village of Markovac. Having left our sheep, my wife and I spent the night in the home of Anica Milojevic.

I would like to add that Croatian soldiers and civilians took 40 sheep and lambs away from me, near the tunnel in the vicinity of Sarena Jezera (Lakes).

The next evening, my wife and I went to the secondary school centre in Knin, which served as a reception centre for refugees, because the UNPROFOR base in the South Camp barracks was too small to accommodate all. We spent twelve days at this reception centre.

We received food twice a day and water, if necessary.

During our stay at this reception centre, I didn't hear stories that anyone had been mistreated or killed, and there were around 370 people there. They were mostly elderly and frail people.

On 17 September 1995, with the assistance of the ICRC, my wife and I left Croatia for Belgrade where we still live.

Cvijo Grizelj from the village of Oniste told me that, in the attack on my village and the neighbouring village of Cetina, the following people were killed:

- Mitar Vucak, born in 1930, of father Mijo and mother Marija, and his wife Marija nee Vukovic, born in Civljani in 1932;
- Mile Rogac, born of father Marko and mother Stana nee Crnomarkovic, in 1926, in the vilage of Civljani;
- Momcilo Crnomarkovic, born in 1943, of father Djuro and mother Milica nee Batak, from Civljani;
- Nikola Crnomarkovic, born of father Bozo in 1917, who went missing, presumed dead during the attack;
- Boja Zelenovic, born in 1902, who went missing, presumed dead during the attack;
- Ilija Vukovic, aged about 30, who was a soldier of the Republic of Serbian Krajina Army at the time of the attack, and who went missing in the attack, presumably dead.

I am not aware of the names of the perpetrators of these crimes, but I had heard that soldiers of the Fourth Split Guard Brigade participated in the attack on my village and nearby villages, as well as the Eighth Domobran Unit from Sinj.

I left behind: a house, all farm houses, a tractor and its implements, 4 hectares of arable land and forest, about 450 sheep, 10 heads of cattle and one horse.

That is all I had to say. I listened to the dictation of the minutes and I don't want to read them. I will sign them without any objections.

The hearing was adjourned at 11:00 a.m.

Witness

Petar Batak (Signed)

Court Recorder
Stana Mitric (Signed)

Investigating Magistrate
Ilija Simic

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 2. јула 199 7 године пред истражним
..... судијом Окружног суда у Београду
у кривичном поступку против НН
због кривичног дела из члана 142 КЗ. Ј

Истражни

- судија

Сведок

Илија Симић

Батак Петар

Записничар

Саслушању сведока присуствују и:
јавни тужилац

Стана Митрић

о к р и в љ е н и

б р а н и л а ц

Започето у 9. 30 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП.), па на општа питања сведок даје одговоре:

- 1) Име и презиме Батак Петар
Петар
- 2) Име оца
- 3) Занимање земљорадник
- 4) Боравиште Калуђерица, Циге Игњата 26-а, тел. 487-0062
- 5) Место рођења Цивљанима, Книн
- 6) Година рођења 5.9.1936.
- 7) Однос са окривљеним и оштећеним

За овим сведок о самом предмету износи следеће:

СВедок је упозорен и опоменут да је дужан да говори истину, па на питања суда изјави:

Ја сам са супругом Цвитом живео у селу Цивљанима засеок Читлук.

По занимању сам земљорадник - сточар и бавио сам се узгојем оваца, узгојем и продајом стоке.

Дана 4.8.1995.године село су цео дан гранатирали припадници хрватске војске и то из правца Динаре.

Истог дана око 18 часова моја супруга и ја смо потерали 450 оваца, напустили своју кућу и кренули у правцу Книна.Наредну ноћ смо провели у једној шуми која се налази између места званог Бат и села Турићи. У суботу смо стигли у место звано Манојловића стаје, где смо остали наредних 27 дана.

У понедељак, 7.8. око 9 сати тридесетак припадника хрватске војске је дошло у те Манојловића стаје, где су поред мене и моје супруге затекли још и Андић Гојка и његову супругу Босу.Том приликом један хрватски војник ме је ударио неколико пута у пределу главе и цеванице, а такође и Гојко је од другог хрватског војника добио неколико удараца.Једно сат времена су нас испитивали, након чега су се удаљили у правцу села Турићи, говорећи да се не удаљавамо са места где се налазимо.

Наредних дана ја сам ишао у оближње село Марковац углавном по хлеб и друге намернице и лично сам видео како припадници хрватске војске из српских кућа односе све вредније ствари, а потом су опљачкане куће палили. Такође сам видео да су у том селу остали углавном стари и изнемогли људи и то мислим вих 17.

Такође сам видео како припадници хрватске војске хрватске полиције, а и сами цивили пљачкају српске куће, након чега су исте палили. Очевидац сам спаљивања и пљачкања имовине Срба у селима Рамљани, Бискупија, Риђани, Уздође, Косово, Калдрма, Орлић, са подручја општине Книн.

Од Гојка Андића који се сада налази негде у Банату сам сазнао да су у селу Ковачић на трактору погинуле две особе из села Турић али ми њихов идентитет није познат, а на којем трактору се и сам Гојко налазио.

23.8.1995.године мене и моју супругу је Зелић Анте одвезао у моје родно село. Готово цело село је било спаљено, а моја кућа је била потпуно опљачкана и доста оштећена, а сво сено и сви помоћни објекти су били запаљени.

Босман

4-5.9.1995.године супруга и ја смо отерали овце у пољопривредно добро "Бурум" након чега смо кренули за Книн. Место где смо се раније налазили са овцама смо морали напустити због претњи убиством коју нам је упутио мени непонати припадник хрватске полиције. Исти ми је претио у Марковцу пред кућом Крсте Јаснића. Након што смо оставили овце, супруга и ја смо преноћили у кући Анице Миливојевић.

Желео бих још да истакнем да су ми у близини тунела код шарених језера хрватски војници и цивили отели око 40 оваца и јагвади.

Сутрадан и то у вечерњим часовима моја супруга и ја обзиром да у бази УМРОФОра у касарни Јужни логор у Книну није било места отишли у средњошколски центар у Книну који је уједно био прихватни центар за избеглице, где смо остали 12 дана.

Хрању смо добијали два пута дневно а воду по потреби. За време мог боравка у том прихватном центру нисам чуо да је неко малтретиран нити да је неко убијен, а чуо сам да је ту било негде око 370 људи. Међу тим људима највише је било старих и изнемоглих лица.

Дана 17.9.1995.године уз помоћ МЦКЦ супруга и ја смо напустили Хрватску и дошли у Београд, где се и данас налазимо.

Од Цвија Гризеља из села Оништа сам чуо да су приликом напада на моје село и суседно цело Цетину убијени:

- Вучак Митар, рођен 1930.године од оца Мија и мајке Марије, родом из Цвиљана и његова супруга Марија рошена Вуковић, рођена 1932. године,
- Рогач Миле, од оца Марка и мајке Стане, рођене Црномарковић, рођен 1926. године из Цвиљана,
- Црномарковић Момчило рођен 1943. године, од оца Ђуре и мајке Милице рођене БАтак из Цвиљана,
- Црномарковић Никола од оца Боже рођен 1917. године је приликом напада нестао, па се предпоставља да је убијен,
- Зеленовић Боја рођена 1902. године која је нестала приликом напада па се предпоставља да је убијена,
- Вуковић Илија, стар око 30 година, који је у време напада био припадник војске Републике Српске Крајине и који је у току напада нестао, па се предпоставља да је убијен.

Имена извршилаца напред наведених кривичних дела ми нису позната, али сам чуо да су у нападу на моје и околна села учествовали припадници четврте гардијске сплитске бригаде ЗНГ и осма домобранска јединица из Сиња.

Од имовине ми је остала кућа, све помоћне просторије, трактор и све прикључне машине, 4 хектара земље и шуме, око 450 оваца, десеторо говеда и један коњ.

То је све што имам да изјавим, слушао сам гласно диктирање записника, исти не желим да читам, па га као свој потписујем без примедби.

Завршено у 11,00 часова.

Вештарчић

Записничар,
Селић

Истражни судија,

ANNEX 63

**District Court in Leskovac, Serbia, Minutes of the
witness hearing of Milan Berić, dated 23 September
1996**

MINUTES ON WITNESS HEARING

Taken on 23 September 1996 before the investigating magistrate of the District Court in Leskovac in the criminal case against NN persons for the criminal act punishable under Article 142 of the Criminal Code of Yugoslavia

Investigating Magistrate
Mihajlo Petrovic

Witness
Milan Beric

Court Recorder
Zivojin Stanisavljevic

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 10:20 a.m.

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

- | | |
|--|--|
| 1. Family and given names: | Beric, Milan |
| 2. Father's name: | Jakov |
| 3. Occupation: | steel worker, unemployed |
| 4. Address: | village of Belanovce, municipality of Leskovac |
| 5. Place of birth: | Varivoda |
| 6. Date of birth: | 23 August 1951 |
| 7. Relationship to the defendant or injured party: | not related, warned under Article 231, paragraph 2, of CPC |

Asked to state what he knew about the case, the witness declared:

I was born in the village of Varivode, in the municipality of Knin, where I lived with my wife, two underage children and my mother. I worked at a rolling mill in Sibenik and my wife worked in Dugi Otok, near Zadar, in a canned fish factory. I had some land and farm machinery. When the war broke out, I was called up as a reserve soldier and I was on positions in the area of Drnis when the Croatian army attacked, at the beginning of August 1995. The Army of the Republic of Serbian Krajina left its positions on 6 August 1995, and so did I. I came home to my village and my mother Vukosava told me that - since I was away six months and had not heard from my family in all that time - many villagers had left their

homes on the eve, during and immediately after the Croatian attack. My wife Lenka, too, left the village with our sons Sladjan, who is now 14 years old, and Zoran, who is now 12 years old. I didn't know where she and the children were and whether they were alive or not. My mother Vukosava, who is 76 years old, was sick, so I decided to stay with her in the village. There were some 13, mainly elderly and frail, people in my village. On my return to Varivode, I saw that many houses in the neighbouring village of Djeversko had been burned down. That village had a post office, a surgery and local community centre. All these facilities were put to the torch by the Croatian army, as well as a number of houses in my own village. I had to hide in order not to be caught by the Croatian soldiers or policemen who frequently visited. So, I slept on hay in a shed. From time to time, I took a peep out and saw Croatian soldiers looking for something. I dared not venture out, as I was afraid that they would arrest me and even kill me on the spot without warning. I also feared that they would torch this shed as well. Croatian soldiers and non-combatants coming from neighbouring Croatian villages came to my house and took away all my farm machinery, my furniture, even my own clothes. They took away one smaller and one bigger tractor, my "Stojadin" (Zastava 100) car and everything I had in my home. People used to put white headscarves on the gates of their front yards as a sign that someone was in and that these houses should not be set on fire.

I stayed in my village of Varivode up until 5 February 1996. In the middle of August 1995, Boja Milosevic, aged about 35, who was married in the neighbouring village of Prebir, came to Varivode. Her husband was Bogdan Milosevic. She visited my mother and slept over at my home. I found out from her that she had returned from Knin. I didn't know the reasons why she came back, but I think that she probably accepted to spy for the Croats and to let them know everything that was going on in the village. She used to live in my village before she got married. She had two brothers who had houses and other property not very far from my home. She was staying at her brother's. She also hung a white scarf on the front-yard gate, as a sign that someone was in. Despite the fact that the houses displayed white scarves, Ustasha came and took away many things from them.

I can't recall exactly when it happened, but I think it was in August 1995 when Boja came to my home in the company of one Ustasha, who was around 23 years old and whom I didn't know. This Ustasha wore a uniform of the Croatian army and had two hand grenades around his waist, holding a submachine gun in his hands, and had a knife around his belt. My sister used to work in Germany, so Boja had probably told this Ustasha that my mother had some Deutsch Marks. I hid in the shed on the hay. The Ustasha began maltreating my mother and hit my mother with a wood club that was as thick as an arm of an adult, and was about three meters long. She asked her to produce the Deutsch Marks, but she didn't have them on her. Boja knew where I was, so she ran for the shed and called out my name in order to come to my mother's help. The Ustasha noticed it and followed her, which was why I was forced to come out. Then, the Ustasha punched me very hard around my left eye and ruptured my temple and caused laceration under my eye. He then started to beat me with a club all over my body, asking me why I stayed at home and why I had not run away with the others, and where my Deutsch Marks were. He just found 150 dinars on me. He tore up the money, saying that it was no longer valid. I managed to take his ammunition case and he asked me to give it back to him, saying that he had a bullet in the barrel in his submachine gun and that he was going to shoot me. I eventually returned the case to him, and he said that he was not going to kill either my mother or me, for the time being. He vented his anger by firing a burst from his submachine gun at my flock of sheep, killing 20 of them, while the others fled. He left somewhere for a while, but returned again to beat my mother and me. I was afraid that this Ustasha would come with some others to capture me in the next few days, and take me to

prison or even kill me. So, I hid myself. It was only the Croatian policemen who came. They ill-treated my mother; they put a gun to her head and asked her whether she had a son and where he was. She replied that she only had daughters. I think it was 26th August 1995 when people from the Red Cross came to the village to distribute flour, candles and cooking oil. My mother Vukosava went outside to get this aid, but fell in front of the yard, since she probably had a brain haemorrhage. An ambulance happened to be nearby, because they came to transport Mirko Dobrijevic, who was almost totally blind and had leg prosthesis. They drove my mother Vukosava to hospital. On 14 February 1996, I found out that my mother was taken to hospital in Knin where she is still being hospitalized.

Apart from me and Boja Milosevic, there remained also Jovan and Milka Beric, Rajko Beric and his wife Mara, Marko Beric, Jovo Beric, Spiro Beric, Dujo Dukic, Mirko Pokrajac and Mara Dukic, as well as Milan Pokrajac, alias "Brkas".

Only Sprio Beric and Milan Pokrajac, also known as Brkas, knew that I was at home. The others knew nothing about me. Having remained alone and being afraid of going out and getting in touch or seeing anyone in the village, I cooked my own food and left the shed only at night. My house was bare, without doors or windows, and had no furniture because everything was stolen either by looting Ustasha soldiers or by Croatian civilians. I saw Serb houses burning in nearby villages. Ustashe also put to the torch houses in my village. I also heard gun, mortar and machinegun fire. Croatian warplanes constantly flew over my village and the other neighbouring villages, but they didn't drop bombs because they knew that there were Croatian soldiers on the ground in these villages. I raised piglets and goats that were not taken away from me by Ustashe. I tendered my meadow and fed my cattle at night. I also grew vines and had 4,500 plants. I paid attention not to be caught. My yard had two entrances, one main and another side entrance and, as soon as I spotted Ustashi entering the main gate, I would get out by the side entrance.

From time to time, I had encounters with the Ustashi, but since I was in civilian clothes, they would ask me where I was from and I would lie to them that I was from the Croatian village of Lisane. I also used the "ikavica" dialect, so that they thought I was Croatian by nationality and left me alone. Those encounters were quite by accident. Once I met them in my vineyard while it was raining. They asked me what I was looking for, and I told them that I was looking for my piglets.

At the end of August and the beginning of September 1995, I visited the house of Jovan and Milka Beric, who lived in the same village as I did. They told me that their daughter, who was married to a Croat and lived in Split, came to visit them with her child. Their son, from Split, also visited. They brought them food supplies and they felt somehow safe, because they had a Croat son-in-law and thought that they would not be harassed.

I believe it was on 28th September 1996 around 4:00 p.m. when I spotted several uniformed Croatian soldiers, wearing submachine guns and knives, going through our village, spearheaded by Boja Milosevic. She led them from house to house, and only to those houses inhabited by persons whom I had already mentioned. I can't tell how many Croatian soldiers there were, because I hid myself in the shed and watched this scene by removing a roof tile from the shed. I couldn't tell why those Croatian soldiers came to the houses of my neighbours, but around 8:00 p.m. I heard machinegun fire and the voice of Boja Milosevic shouting: "Run, Milan, run". Shots were fired and, after a while, they were fired again at several intervals.

I forgot to say that I told Boja Milosevic - when my mother and I were beaten by that Ustasha in my home and when he killed my sheep - that she should not mention my name in the presence of Ustashi or that I was at home, because had she not revealed that, we would have surely not been beaten, either my mother Vukosava or I.

Perhaps because of this warning of mine, Boja didn't bring those Croatian soldiers to my house, but actually brought them to the homes of the other villagers. I descended from the attic around 10:00 p.m., but the Croatian soldiers didn't visit my home that night. From then on, when Boja cried to me: "run, Milan, run", I had not seen or heard from her on any account. Perhaps she ran away someplace. While she was in the village, I saw that she had proper documents provided by the Croatian authorities. She was an amoral person. She used to live in with elderly men. She drank a lot, so the Croatian authorities recruited her to get hold of some information that was of interest to them. In the next few days, I learned that Milka and Jovan Beric were massacred by the Croatian soldiers, in their yard, and that Mara and Rajko were also massacred while sitting in their car, parked in front of their home. They were found by Mara Dukic, who now lives in Belgrade with her daughter and son-in-law. Mirko Beric was found in his home, with his throat slit. Jovo Beric also had his throat slit. Spiro Beric was discovered by his sister Stana, who was married to a Croat and lived in Sibenik. Dujo Dukic and Mirko Pokrajac were also found in their homes with slit throats. The bodies of all these people were transported by the Croatian army to Knin, the same night, on 28th September 1995, and buried someplace. Immediately after the massacre, I came to the home of my neighbour Dujo Dukic and saw traces of blood in his home, being blurred by the oil spilt over, in order to cover up the leads. I was gutted by what the Croatian soldiers had done to my neighbours, so I didn't go into the yards of the other killed neighbours of mine. The following day, Stana, the sister of Spiro Beric, visited the village, wearing her morning clothes. She wept and I concluded that Spiro had been killed. Incidentally, I did not witness the killing of all these people, but after the shooting of the other night, these people could not be seen in the village the next morning. The only one who survived was Milan Pokrajac, aka Brkas. I did not see a single Croatian soldier led by Boja, nor could I recognize them.

On 5th February 1996, I went to the forest, which is near my village and about 200 metres away from my home. I was more relaxed than usual and since it was very cold, I made fire to get warm. The Croatian soldiers came from the back. They had machineguns, knives and hand grenades. I didn't know them. They asked me what I was doing there. I replied that I was getting warm. Then they asked me where I was from. I lied to them that I was from Lisane. They didn't buy that, and they asked me to produce any ID, which I did not have. They searched me and found a hand grenade in my pocket. They confiscated it. A few hundred yards away I had a rifle without ammunition, which was hidden in a bag. They confiscated the rifle, too. They led me then to a vehicle parked outside my house. Another uniformed individual was there taking my personal belongings and other possessions, and putting them into the vehicle. I couldn't tell them it was my home. Perhaps they already knew that, but said nothing to me. One of the soldiers told me that he used to work in Switzerland and the other three soldiers were originally from Rupe, which is populated by Croats and is situated near Skradina. We set off for Rupe and came across a Croatian patrol. They handed over my rifle without the ammunition case, but they didn't turn in my hand grenade. I was interrogated at Skradina for four hours and was then transferred to Sibenik where I was detained at a barracks. I was interrogated in the District Court. There I met an individual whose name was Milan, who was from Sibenik and with whose father I worked in my company. I was detained in Sibenik for four days. I was not physically mistreated, but they threatened to beat me up or

physically and mentally torture me, if I didn't tell the truth. The newspapers "Slobodna Dalmacija" and the magazine "Arena" published articles about me as a war criminal. Since they were refurbishing the prison in Sibenik, I was transferred to a prison in Split (Bilice). When I was admitted to that prison, a prison guard, whom I didn't know, kicked me very hard in my testicles saying that I surely massacred people at a place called Kabrnja. I told him I had never heard of such a place and that I had never been there. I was held up in prison until the beginning of June of that year, when I was released, having been pardoned. There were 80 other prisoners with me, imprisoned in Split. Only eight of us were released. The others waited for trial in prison. As regards the treatment of prisoners in that prison, I can say that we were not physically maltreated, but that we were mentally tormented.

After I had been released from prison, I came to Serbia and was reunited with my wife and children with whom I now live in the village of Belanovac.

That is all I had to say. I listened to the dictation of the minutes and it contains all I said, so I recognize the minutes as my own statement and sign it.

The hearing was adjourned at 12:45 p.m.

Witness

Milan Beric (Signed)

Court Recorder

Zivojin Stanisavljevic (Signed)

Investigating Magistrate

Mihajlo Petrovic (Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 23. septemb. 1996 године пред истражним
судијом Okružnog суда у Leskovcu
у кривичном поступку против NN.
због кривичног дела из члана 142 КЗ, КЗЈ

Истражни — судија
Mihajlo Petrović

Сведок
Berić Milan

Зависничар

Stanišavljević Zivojin

Саслушању сведока присуствују и:
јавни тужилац

окиривљени

бранилац

Започето у 10,20 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прикрити, узвешан је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), на на овим питањима сведок даје одговоре:

- 1) Име и презиме BERIĆ MILAN
 - 2) Име оца Jakov
 - 3) Занимање KV livac, sede bez zaposlenja
 - 4) Боралиште selo Belanovce, SO Leskovac
 - 5) Место рођења Varivoda
 - 6) Година рођења 23.08.1951.
 - 7) Однос са окривљеним и оптуженим negrođan, urođanac и smičku čl.231.st.2.ZKP,kazn:
- За овим сведок о самом предмету износи следеће:

Ja sam rođen u selu Varivoda, opština Knin, gde sam i živeo u kućnoj zajednici sa suprugom, dvoje maloletne dece i majkom. Radio sam u tvornici aluminijske i bakrene, a supruga je radila na Dugom Otoku ispod Zadra, gde se konzervirala ribe. Imao sam svoju nepokretnu imovinu i poljoprivredne mašine. Kada je došlo do rata ja sam u svojstvu rezerviste bio angažovan, a kada je došlo do Hrvatske agresije na RSK ja sam bio na položaju na području Dmiša. Do Hrvatske agresije došlo je početkom avgusta 1995. god. te kako je Vojska RSK počela da napušta položaje to sam i ja položaj napustio 6. avgusta 1995. god. i došao sam kući u selu Varivodama. Zadnjih 6 meseci ja nisam imao nikakve vesti o svojoj porodici te kada sam došao kući ja sam od majke Vukosave saznao da su mnogi građani iz mog i okolnih sela u zbegove napustili svoje kuće neposredno uoči Hrvatske agresije, u toku i neposredno posle agresije. Tako je i moja supruga Lenka sa sinovima Gladjanom koji je sada star 14 godina i Zoranom koji je sada star 12 godina napustila selo. Meni nije bilo poznato gde je ona sa decom otišla i da li je uopšte živa. Majka Vukosava, koja je stara 76 godina bila je bolesna te sam rešio da ostanem sa njom u selu. U mom selu ostalo je najviše još oko 13 mahom starih i iznemoglih osoba. Ja sam pri povratku u selo Varivoda video da su mnoge kuće u susjednom selu Djeversko bile popaljene. U tom selu se nalazila pošta, ambulanta i mesna zajednica te su ovi objekti bili popaljeni, a i nekoliko kuća u mom selu je bilo popaljeno od strane Hrvatske vojske. Morao sam da se krijem kako me nebi videli Hrvatske vojske i njihove policije koji su često dolazili u selo. Ja sam tamo boravio u pojatu na selu. Povremeno bi podigao dva crepa od krova i pogledao šta se dešava u blizini, pa sam vidio da su dolazili iz Hrvatske vojske i nešto tražili, ali nisam smeo da se javljam, jer bi bio uhapšen a možda i odmah na licu mesta ubijen. Plasio sam se da ovu pojatu sa senom ne zaple. Hrvatske vojske, a i civili iz susjednih sela, koji su po narodnosti Hrvati, su dolazili kod moje kuće, te su mi oduzeli sve poljoprivredne mašine, stvari koje sam imao u kući pa čak i moju ličnu odeću. Oduzet mi je jedan vaci i jedan manji traktor, put vozilo marke "Stojadin" i sve stvari koje sam imao u kući. Na ulaznim kapijama od dvorišta građana koji su ostali u selu bile su stavljenе bele marame, a to je bio znak da nekog ima u kući i da iste ne budu paljene.

Ja sam u selu Varivodama patio sve do 5.2.1996. god. Želim da objasnim šta sam sve video i doživeo za ovo vreme od 6.8.1995. do 5.2.1996. god. Negde sredinom meseca avgusta 1995. god. u selo Varivoda došla je Milosević Boja koja ima oko 35 godina, koja je bila udeta u susjednom selu Prebiru za Milosević Bogdana. Ona je došla kod moje majke i tu spavala, a ja sam saznao da se ona iz Knina vratila. Sa kojih razloga se ona vratila ja ne mogu da znam, ali mislim da je verovatno ona prihvatila da bude spijun Hrvatima i da iste obavestava o svemu šta se dešava u našem selu. Ona je pre udaje živela u mom selu, tako da ima i dva rođjena brata koji imaju kuće i svoju imovinu u neposrednoj blizini naše kuće, tako da je boravila u kućama od ovih brata. I ona je na kapijama od dvorišta okačila belu mramu kao znak da nekog ima kući. Međutim, bez obzira šta su na kapijama od građana, koji su ostali u selu, bile okačene bele marame, uostalo su dolazile i iznosile mnoge stvari iz kuća.

Ne sećam se tačnog dana ali mislim da je bilo avgusta meseca 1995. god. kada je Boja sa jednim učenikom, koji ima negde oko 25 godina, a koga ja ne poznajem, navratila kod naše kuće. Taj učenik je bio sam, bio je uniformisan, jer je bio u uniformi



Boris Milan

Hrvatske vojske, pa je za pojasom nosio dve bombe a u rukama automatsku pušku sa okvirom i nožem M-43 koji je bio zadenut za opsočem. Moja rođjena sestra je radila u Nemačkoj te je ova Boja verovatno ovom ustaši prenela i rekla da moja majka ima nemačke marke. Ja sam se sakrio u pojati na senu. Ovaj ustaša je počeo da maltretira moju majku pa je jednim drvenim kolcem debljine ruke odraslog čoveka a dužine oko 3 metra udarao moju majku i od nje tražio marke, ali ona marke kod sebe nije imala. Ova Boja je znala gde se ja nalazim pa je potrčala prema pojati i počela da me doziva da bi je pritekao u pomoć majci, a ovo je ustaša primetio pa je počeo za njom i ja sam bio primoran da izadjem iz pojate. Tada je ovaj ustaša mene jako pesnicom udario u predelu levog oka, pa mi je rasekao središtu i na-
neo posekatinu ispod oka, a onda je drvenim kolcem počeo da me udara svuda po telu i piteo me zašto sam ja ostao kući, te zašto nisam pobeo se ostalima, gde su mi marke. Kod mene je našao 150 dinara pa je taj novac počeo govoriti da taj novac više ne vredi. Ja sam uspeo da mu uzmem okvir sa municijom, pa je on tražio da mu vratim jer inače stak u cev od automatske puške i da će me ubiti, te sam mu ja okvir sa municijom vratio, a on je govorio da za sada neće da ubije niti mene niti majku, pa je svoj bes istelio tako što je iz automatske puške počeo da puca u mene svuda ovaca i tako je ubio 20 ovaca dok su se ostale razbežale. Za trenutak je negde obično pa se ponovo vratio i ponovo je tukao mene i majku. Ja sam se uplašio da će možda narednih dana ovaj ustaša doći sa još nekima da me uhvate i da me odvedu u zatvor ili možda ubiju, pa sam se krio. Dolazila je Hrvatska policija te su moju majku maltretirali, stavljali su joj cev od pištolja na čelo i pitali je da li ima sine i gde se nalazi a ona je govorila da ima samo ćerke. Mislim da je bilo 26. avgusta 1995. god. kada su u selu došli ljudi iz Crvenog krsta da bi podelili brašno, sveće, ulje, te je moja majka Vukosavlje izašla ispred dvorišta da bi primila ovu pomoć, ali je tu ispred dvorišta pala jer je imala valjda izliv krvi u mozgu, pa kako su se u blizini našle bolnička kola koje su došla da prevezu Dobrijević Mirka do bolnice koji je bio gotovo slep i nosio protezu na nozi, to su moju majku Vukosavlje smestili u bolnička kola i negde odvezli. Ja sam dana 14.2.1996. god. saznao da je moja majka odvezena u bolnicu u Kninu gde se i sada nalazi.

U selu, pored mene i Milošević Boje, ostali su braćuni per Berić Jovan i Mirka, Berić Rajko i njegova supruga Mara, i Berić Nerko, Berić Jovo, Berić Spiro, Đukić Dujo, Pokrajac Mirko i Đukić Mara, kao i Pokrajac Milan, zv. "Brkaš".

Znali su da sam ja kod svoje kuće jedino Berić Spiro i Pokrajac Milan zv. "Brkaš", dok ostali nisu znali za mene. Pošto sam ostao sam a nisam smeo u selu da izlazim i da se nekome javljam ili sa nekima družim, ja sam sam pripremio braću i to preko noći i krio sam se i to preko dana u pojatu a noću sam izlazio iz pojate. Moja kuća ostala je prazna. Nije bilo vrata niti prozora niti nameštaja niti bilo kakvih stvari jer je sve to bilo skinuto i odnešeno od ustaške vojske i civila Hrvata, koji su sve ovo odneli. Video sam da su gorele kuće Srpskog življa u susjednim selima, a paljene su i gorele su kuće i u našem selu od strane ustaša. Čula se pucnjava iz topova, minobacača, pušaka, a Hrvatski avioni su stalno n leteli moje selo kao i ostala sela, ali bombe nisu bacane iz aviona jer su oni znali da se u selima koja su nadletali nalazi njihova Hrvatska vojska. Gadio sam sitnu presed i joriče koje sam imao a koje mi nisu uzeli ustaše, pa sam uveče kosio livadu i hrenio stoku, a imao sam i oko 4.500 cekota. Pasko sam se i krio da me ne uhvate, a u moje dvorište se ulazi preko dva ulaza i to glavnog i sporednog, te kada bi je primetio da ustaše ulaze na glavni ulaz ja bi odmah preko sporednog ulaza pobeo.

Berić Milan

Bilo je susreta sa ustaškom vojakom, a ja sam bio u civilu. Te kada bi me oni videli pitali bi me iz kog sam mesta a ja bih odgovorio i rekao da sam iz nekog mesta Lisnans a to je Hrvatske gale, a ja sam govorio Itekvskim jezikom tako da su oni mislili da sam po nacionalnosti Hrvat i nisu me dirali. Do tekvih susreta je sasvim slučajno dolazilo, pa sam se tako sa njima sreo jednom u svom vinogradu kada je padala kisa. Pitali su me šta tražim a ja sam im govorio da tražim prasad.

Krajem avgusta ili početkom septembra 1995. god. je sam navratio kod kuće Berić Jovana i Milke, koji žive u istom selu u kome i ja živim, pa su mi oni govorili da je kod njih navratio i njihova ćerka koja je udeta za Hrvata i živi u Splitu, sa njihovim detetom, a dolazilo je i sin od Jovana i Milke koji žive u Splitu. Oni su im doneli novinarstva, i oni su se nekako osećali sigurni, jer su imali zeta Hrvata i mislili su da ih niko neće uznemiravati.

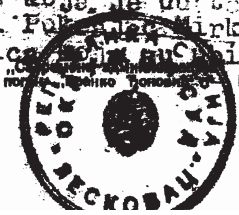
Mislili da je bilo 21. septembra 1996. god. oko 16.00 h. kada sam ja video nekoliko uniformisanih Hrvatskih vojnika koji su bili naoružani automatskim puškama i noževima, pa su se kretali kroz naša sela, a ispred njih je išla Milošević Boja, pa ih je vodila od kuća do kuća i ona sam u onim kućama u kojima su ostali da žive lica o kojima sam se napred izjašnjavao. Ja ne mogu da se izjasnim o tome koliko je Hrvatskih vojnika bilo, jer sam se ja sakrio u polju i ovo sam posmatrao preko krova podignuvši dva crepca. Ja nisam mogao da znam zbog čega ovi Hrvatski vojnici dolaze u kuće mojih meštana, ali sam mislio oko 20.00 h. čuo pucnjave iz automatskih pušaka i glas Milošević Boja, koja je vikala: "Boži Milane". ~~...~~ o tome koliko sam pucnja čuo ali je bilo više pucnjave iz automatskih pušaka, a ti pucnji su se nakon kraćeg vremenskog intervala ponovo čuli i to u nekoliko navrata.

Zapamtilo sam da koštem da sam ja Milošević Boji onom prilikom kada nas je tukao onaj ustaša u svojoj kući i kada je pobio moje ovce, rekao da više pred ustašama ne govori i ne pominje moje ime te da sam ja kod kuće, jer da to nije rekla sigurno je da bi smo prošli bez batina i je i majke Vukosava.

Imajući u vidu ovo moje upozorenje možda Boja ove Hrvatske vojnike nije dovođila kod svoje kuće, ali ih je vodila kod ostalih mojih zemljaka. Ja sam sa tavana svoje negde oko 22.00 h. ali te noći kod moje kuće nisu dolazili Hrvatski vojnici. Od te noći, kada je Boja meni vičući rekla: "Boži Milane", ja se sa njom više nisam vidio niti čuo niti sastajao na bilo koji način. Možda je ona negde pobešla. Dok je boravila u našem selu ja sam video da je Boja imala urednu dokumentaciju koju su joj dale Hrvatske vlasti. Ona je bila nemoralna osoba, živela je sa starijim ljudima, konzumirala je pice u većim količinama, tako da su nju kao t kvu agenciju Hrvatske vlasti koristile da bi došle do nekih podataka koji su za njih bili interesantni. narednih dana dočeo sam do saznanja da su Berić Jovan i Milka od strane Hrvatskih vojnika zaklani i to u svojim dvorištima, a Rajka i Mara su takođe zaklani sedeći u sedištima od vozila koje su bila ispred kuće a njih je našla Dukić Mara, koje sada živi u Beogradu kod zeta i ćerke, Berić Mirko je nađjen zaklan u svojoj kući, kao i Berić Jovo, a takođe su zaklani i Berić Spiro koje je našla njegova sestra Stana koja je udeta za Hrvata o kojoj je živela u Sibeniku, Dukić Bojo i Petrović Mirko su takođe bili zaklani u svojim kućama. Sva ova lica su sučeljena

Место: МУНПО „Савремена историја“
ООП „Савремена историја“ (2001)
Основа за изданање: 2001. 01. 14.

Место: МУНПО „Савремена историја“
ООП „Савремена историја“ (2001)
Основа за изданање: 2001. 01. 14.



Berić Anton

su odmah te noći 28.9.1995.god. od strane Hrvatske vojske prebačeni u Knin i negde tamo sahranjeni. Odmah nakon dogadjaja ja sam odlazio kod kuće mog meštana Dukić Duje pa sam u njegovoj kući video tragove krvi preko kojih tragova je razmazano ulje da bi se ovi tragovi prikrili. Bilo mi je teško zbog svega ovoga što je Hrvatska vojska učinila prema mojim meštanima, tako da u dvorišta i kuće ostalih mojih meštana koji su ubijeni nisam odlazio. Sutradan nakon ovog dogadjaja kod kuće Berić Spire dolazila je njegova sestra Stana pa je nosila crninu i plakala je i ja sam po tome zaključio da je on ubijen. Inače ja lično nisam video kada su sva ova lica ubijena, ali nakon one pucnjave i one noći sutradan u selu ovih lica nije bilo, a samo je ostao Pokrajac Milan "Brkoš". Ja ni jednog od onih Hrvatskih vojnika koje sam video a koje ja vidim Boja, nisam mogao da prepoznam.

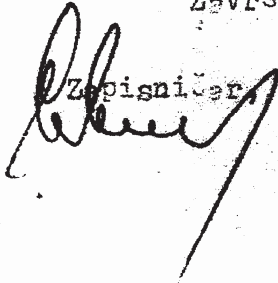
Dana 5.2.1996.god. izašao sam u Suii koje se nalazi u selu u celu udaljeno od moje kuće za oko 200 metara, te sam se moglo opustio pa kako je bilo hladno ja sam založio vatru da bi se moglo ogrejati. Dak sam se grejao meni su iz ledje došli Hrvatski vojnici koji su bili u uniformama Hrvatske vojske i to njih trojica naoružani automatskim puškama, noževima, bombama, a koje ja nisam poznavao. Pitali su me šta radim, a ja sam im rekao da se gradim, a onda su me pitali iz kog mesta sam pa sam im ja rekao da sam iz Lišana, a oni mi nisu poverovali pa su mi zatražili dokumentaciju koju ja nisam imao. Pretresali su me i u džepovima našli bombu koju su mi oduzeli a na oko desetak metara od mene imao sam pušku bez metaka koja je bila u vreći pa su mi ovu pušku oduzeli, a onda su me doveli do jednog vozila koje je bilo parkirano ispred moje kuće, te sam tu zatekao još jedne uniformisano lice koje je iz moje kuće iznosilo moje lične i druge stvari i stavljalo u vozilo. Ja nisam smeo da kažem da je to moja kuća a možda su oni znali da se radi o mojoj kući ali mi ništa nisu poverili. Jedan od ovih vojnika mi je rekao da je radio u Švajcarskoj, a ova ostala tri vojnika su rodom iz mesta Rupe, a to je Hrvatsko mesto koje se nalazi u blizini Skradina. Krenuli smo ka mestu Rupe pa smo se tu susreli sa patrolom njihovom i oni su me predali toj patroli, a predali su i moju pušku bez revnika, a bombu koju su od mene oduzeli nisu predali. Saslušavan sam u Okrađinu jedno 4 sata, a onda sam prebačen u Sibenik gde sam smešten u kasarnu te sam ispitivan u Okrađinom zatvoru. Tu sam se sreo sa jednim licem za koga znam da se zove Milan i da je iz Sibenika a sa kim sam radio u istom preduzeću. U Okrađinom zatvoru u Sibenik u sam zadržan 4 dane. Nisam fizički zlostavljan ali mi je prečeno da će me premlatiti i da će biti psihički i fizički budem zlostavljan ukoliko ne kažem pravu istinu o sebi. Izašao je članak u "Slobodnoj Dalmaciji" i "Areni" o meni kao ratnom zločincu. Kako je vršeno renoviranje zatvora u Sibeniku ja sam prebačen u zatvor u Splitu u (Bilice). Prilikom prijema u ovaj zatvor, mene je jedan od stražara, koga ne poznajem, snažno udario nogom u predelu polnog organa, govoreći da sam ja sigurno kleo u mestu Kabrnje, ja sam mu govorio da ovo mesto neznam i da nikada nisam tamo boravio. U zatvoru sam zadržan sve do početka juna ove godine kada sam pušten na slobodu jer sam amnestiran. U zatvoru u Splitu nalazilo se još 80 zatvorenika, te je nesamo 8 pušteno ostali zarobljenici su ostali u zatvoru i čekali sudjenje. Što se tiče tretmana prema nam zarobljenicima u zatvoru mogu da kažem da fizički nismo zlostavljani, ali smo psihički maltretirani.

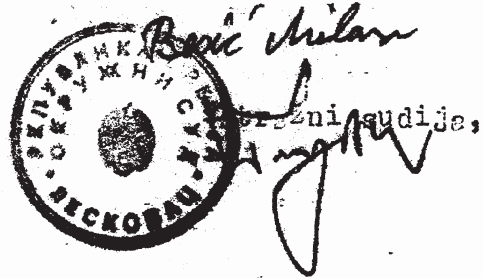
Berić Milan

Nakon puštanja iz zatvora ja sam došao u Srbiju te sam se našao sa ženom i decom i sa njima sada živim u selu Bel nevcu.

To je sve što imam da izjavim, glupo sam diktiranje za kniku, unato je sve što sam rekao, zapisnik priam jam za svojim i potpisujem.

Završeno u 12,45 h.

Zapisničar,


Bečić Milan
Državni sudija,


ANNEX 64

Redacted

ANNEX 65

**Municipal Court in Apatin, Serbia, Minutes of the
witness hearing of Jovica Piplica, dated 30 October
1998**

MINUTES ON WITNESS HEARING

Taken on 30 October 1998 before the investigating magistrate of the Municipal Court in Apatin in the criminal case against NN persons for the criminal act punishable under Article 141 of the Criminal Code of the FRY

Investigating Magistrate
Borislav Perovic

Witness
Jovica Piplica

Court Recorder
Mira Bukvic

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 9:10 a.m.

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

- | | |
|--|---------------------------------------|
| 1. Family and given names: | Piplica, Jovica |
| 2. Father's name: | Dusan |
| 3. Occupation: | car mechanic |
| 4. Address: | Apatin, 73 St. Sava Street |
| 5. Place of birth: | Brezovac, municipality of Donji Lapac |
| 6. Date of birth: | 1 April 1960 |
| 7. Relationship to the defendant or injured party: | |

Asked to state what he knew about the case, the witness declared:

On 5 August 1995, I left off in a Serb refugee convoy from Licka Kaldrma in the Republic of Serbian Krajina. I reached Petrovac thanks to some kind people from the refugee convoy who drove me in their car, while my family - my wife and four children, and my father and mother, had left earlier in a tractor. We were heading for Banja Luka. We came to Petrovac on 6 August 1995. We stayed the night in Petrovac and left on 7 August 1995, around 11:30 a.m. I was driven by Krstan Vukovic in his Mercedes (350 HP) truck. Beside me, the other passengers in the truck were: Obrenko Vukovic, Krstan's father; Darko Vukovic, Krstan's son; Nevenka and Zarko Rajic, son and daughter of Spaso Rajic. We were all in the truck's cabin. The convoy was endless, consisting of tractors, trucks, motor vehicles and horse-drawn carts. When we were only 10 to 12 kilometres away from Petrovac, I heard an explosion and a

plume of smoke surrounded me. I don't remember anything after that, because I had been ejected from the cabin by the detonation. People found me in the ditch, about 17 metres away from the truck. They drove me straight away to hospital in Petrovac. I returned to the scene around 4:30 p.m. that day. I saw our truck still burning, as well as three motor vehicles which were ahead of us in the convoy, including another still burning Mercedes truck, also owned by "Lika Trans" Transport Company. The truck driver, Krstan Vukovic, died instantly, as well as Darko Vukovic, Nevenka and Zarko Rajic. I know that the other Mercedes truck which had been ahead of us in the convoy contained the bodies of Jovica Drca, child of the truck driver Dusan Drca, as well as Dusan's mother and his cousin Mira Dubajic, aged about 19. Driver of the other truck Dusan Drca, Obrenko Vukovic and I sustained serious injuries. The Stelja family of four burnt alive in the Mercedes car which had driven in front of us in the convoy. There were other people killed in the convoy, but I don't know their names. I only know that there were approximately 13 people killed in the convoy that day. Severely injured in the Peugeot car were Dusan Beslac and his two-year-old daughter Dusanka Beslac. On 7 August 1995 at 8:30 p.m., I left the scene for Banja Luka. As my convoy moved on, we saw in front of us wounded people with serious or light injuries.

I am not aware of the number of people killed in the convoy on that date. I only know that 13 people were killed approximately 30 metres away from the truck I was in. Dusan Drca and Dusan Beslac were next to me and they can also testify to it. I will get their addresses and make them available to the court, subsequently. I will also provide the addresses of Obrenko Vukovic who, I understand, now lives in Banja Luka, and of Zeljko Dubajic, brother of the killed Mira Dubajic, who was behind the Mercedes truck driven by Dusan Drca.

I have nothing to add to this. The minutes were dictated out loud and contain all I had said, so I sign them as my own statement.

The hearing was adjourned at 9:55 a.m.

Witness

Jovica Piplica (Signed)

Court Recorder

Mira Bukvic (Signed)

Investigating Magistrate

Borislav Perovic (Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 30.10. 199 8 године пред истраžним
судијом Opštinskog суда у Apatinu
у кривичном поступку против NN izvršioca
због кривичног дела из члана 141 кз. SRJ

Istražni

— судија

PEROVIĆ BORISLAV

З а п и с н и ч а р

BUKVIĆ MIRA

С в е д о к

PIPLICA JOVICA

Саслушању сведока присуствује и:

јавни тужилац

о к р и в љ е н и

б р а н и л а ц

Започето у 9,10 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП), па на општа питања сведок даје одговоре:

- 1) Име и презиме PIPLICA JOVICA
- 2) Име оца Dušan
- 3) Занимање automehaničar
- 4) Боравиште Apatin, Svetog Save broj 73
- 5) Место рођења Brezovac, SO Donji Lapac
- 6) Година рођења 1.4.1960.
- 7) Однос са окривљеним и оштећеним

За овим сведок о самом предмету износи следеће:

Ja sam dana 5. avgusta 1995. godine, krenuo sa izbegličkom kolom Srba iz RSK tačnije iz Ličke Kaldreme. Do Petrovca sam došao tako što su me povezali ljudi iz kolone dok je moja familija moja žena i četvoro dece, otac i majka krenuli ranije sa traktorom. Išli smo u pravcu Banja Luke, u Petrovac smo stigli 6. avgusta 1995. godine. U Petrovcu sam prenoćio i dana 7. avgusta 1995. godine oko 11,30 časova zajedno sa Vuković Krstanom kamionom "Likatransa" teretnim marke "Mercedes" 350 konjskih snaga, u pravcu Banja Luke. U kamionu smo bili ja, Vuković Krstan koji je vozio kamion, Vuković Obrenko, (otac Vuković Krstana), Vuković DArko (sin Vuković Krstana), Rajić Nevenka i Rajić Žarko sin i ćerka Rajić Spase. Svi smo se nalazili u kabini kamiona. Kolona je bila nepregledna bilo je traktora, kamiona, putničkih automobila, zaprežnih vozila. Na oko 10 do 12 km. od Petrovca ja sam samo začuo detonaciju i video plamen oko sebe, Nakon toga ja ništa ne znam jer me detonacija izbacila iz kamiona tako da su me ljudi našli na oko 17 metara od kamiona u kanalu, nakon čega su me odmah odvezli u Petrovac u bolnicu. IZ Petrovca sam se ponovo vratio na lice mesta oko 16,30 časova toga dana gde sam video da nas kamion i dalje gori, kao i tri putnička automobila koja su se u koloni nalazila ispred našeg kamiona, a ispred ta tri putnička automobila se nalazio i goreo još jedan kamion marke "Mercedes" takodje vlasništvo "Likatrans". Na licu mesta su poginuli vozač kamiona u kome sam ja bio i to Vuković Krstan i troje dece, Vuković DArko, Rajić Nevenka i Rajić Žarko. Ja znam da su u drugom kamionu marke "Mercedes" koji se u kolini nalazio ispred nas poginuli Drča Jovica dete vozača tog drugog kamiona Drča Dušana, Drča Dušana a majka DRča Dušana i Dubajić Mira - sestra od ujaka Drča Dušana stara oko 19 godina. Teško su ranjeni bili vozač tog drugog kamiona Drča Dušan, Vuković Obrenko i ja. U putničkom automobilu marke "Mercedes" koji se nalazio ispred nas u koloni je izgorela u plamenu čtvoročlana porodica Stjelja. U koloni je bilo još poginulih tom prilikom ali ja nemam saznanja ko su ti ljudi, znam samo da je bilo oko 13 ljudi poginulih toga dana u koloni. U putničkom automobilu marke "Pežo" su teško ranjeni Beslać Dušan i njegova dvogodišnja ćerka Beslać Dušanka. Oko 20,30 časova 7. avgusta 1995. godine, ja sam krenuo sa lica mesta u pravcu Banja LUke a usput dok je kolona odmicala smo nailazili na ranjene ljude iz kolone bilo je težih i lakših povreda koji su bili teže i lakše povredjeni.

Ja ne znam koliko je ljudi toga dana poginulo u koloni ali znam da je samo u mojoj neposrednoj blizini na oko 30 metara od kamiona u kom sam se ja nalazio i to 30 metara ispred mog kamiona poginulo 13 ljudi. U mojoj neposrednoj blizini su bili Drča Dušan i Beslać Dušan koji su takodje sve to mogli da vide a čije adrese ću saznati i naknadno dostaviti sudu. Takodje i Vuković Obrenka koji se prema mom saznanju nalazi u Banja Luci, Dubajić Željko (brat poginule Dubajić Mire) koji se nalazio iza putničkog odnosno iza kamiona marke "Mercedes" kojim je upravljao Drča Dušan.

Ja više nemam šta da izjavim, zapisnik je glasno diktiran i u njega je unet amoj izjava kao što sam i izjavio pa je kao svoju potpisujem.

Dovršeno u 9,55 časova.

Zapisničar,



Istražni sudija



ANNEX 66

**Municipal Court in Vršac, Serbia, Minutes of the
witness hearing of Željko Dubajić, dated 15 January
1999**

MINUTES ON WITNESS HEARING

Taken on 15 January 1999 before the investigating magistrate of the Municipal Court in Vrsac in the criminal case against NN persona for the criminal act punishable under Article of the Criminal Code.

Investigating Magistrate
Vojislav Nikolic

Witness

Court Recorder
Vera Djuric

The hearing was also attended by:

Public Prosecutor

Defendant

Defence Counsel

The Court rose at 10:30 a.m.

The witness was warned that he was bound to tell the truth and that he should not hold anything back; he was also warned against the consequences of giving false evidence and that he should not respond to certain questions if he would thereby embarrass himself or any next of kin seriously or cause damage or be prosecuted as a result of it (Article 229 of the Criminal Procedure Code), so he replied to the general questions as follows:

1. Family and given names: Dubajic, Zeljko
2. Father's name: Mile
3. Occupation: fitter
4. Address: Vrsac, Zarka Zrenjanina 14, Tel: 013/811 106
5. Place of birth: Donji Lapac
6. Date of birth: 1965
7. Relationship to the defendant or injured party: not related, cautioned under Articles 229 & 231 of CPC

Asked to state what he knew about the case, the witness declared:

After the Croatian aggression against the Republic of Serbian Krajina in August 1995, I was retreating from the Serbian Krajina in a refugee convoy. The convoy stopped for some reason while we were already in the territory of the Republic of Srpska between Bosanski Petrovac and Sanski Most, near a place called Bravsko. The convoy was shelled.

All this happened on 7 August 1995, around 1:15 p.m. The refugee convoy contained only civilians - men, women, elderly people and children, who were being transported in various vehicles and fleeing the Republic of Serbian Krajina. I was in my "Zastava 101" car, which

was actually owned by my cousin Dusan Drca, tied to the truck driven by Dusan. Apart from me, there were my cousin's wife Josipa Drca and his 11-year-old daughter Dusanka nicknamed Duka, in the car.

The truck was driven by my cousin Dusan. His companions in the truck were: his mother Dara Drca, my sister Mirjana Dubajic, who was 21 years of age, my cousin's son Jovica Drca, who was five years old and his nephew Zeljko Drca, who was 15 years of age.

The refugee convoy was shelled and I understand that some 16 people were killed on that spot.

I saw an aircraft flying low above the convoy, which made a turn and dropped a few missiles on the convoy. A missile fell next to the vehicle I was in. I think that the convoy was bombed and that a total of four missiles had been fired. Before one missile fell two metres away from my vehicle, I had heard two or three blasts. The windows of vehicles were smashed by the explosions and I was blown out of the vehicle by these powerful detonations. One Mercedes vehicle bearing Knin number plates, which was immediately behind my vehicle, took a direct hit and burst into flames. One truck owned by "Lika Trans" Company, as well as the truck driven by my cousin, were also in flames, the latter being about 15 metres away from the Mercedes car.

Because my cousins or persons known to me were in the hit vehicles or trucks which exploded, I know the full identity of the people who were injured or died there.

Of the people driven in the "Zastava 101" car, I, Zeljko Dubajic, sustained only light injuries in the form of lacerations all over my body, as well as my cousin's wife Josipa Drca who had lacerations on her face and her 11-year-old daughter Duska had contusions. All in all, no one was killed in that vehicle.

On the other hand, there were three people killed and injured in the truck driven by my cousin.

When the smoke of the explosion cleared, I saw my sister-in-law Josipa Drca holding the five-year-old Jovica Drca in her arms. The grenade which hit the roof of the truck had injured his head, blowing off half of it. He gave no signs of life. Before the explosion, he was sitting in my sister's lap and, when the grenade went through the roof, it hit him too.

My sister Mirjana Dubajic from the village of Brotinje in the municipality of Donji Lapac, who was 21 years old, was also killed. She died instantly. She was headless and her whole body was torn to pieces.

Also dead was Dara Drca from the village of Brotinje. She had given signs of life on the scene and was rushed to hospital in Petrovac, and from there to Banja Luka. However, she died of the injuries sustained on the way to Banja Luka.

My cousin, Dusan Drca, also from the village of Brotinje, sustained injuries to his head and right leg. He lost one of his eyes and has shrapnel lodged in his leg. He stayed alive, but permanently disabled.

His nephew, Zeljko Drca, who was 15 years old and from Srb, sustained light injuries. He lay in the upper part of the truck and was hit by bits and pieces from vehicles and shrapnel after the explosion.

The Mercedes truck with Knin number plates was totally in flames and it burnt down. Four people were killed in it. I don't know their identity, although I have been questioned several times so far, in Belgrade, about their identity. I was even witness before the Hague Tribunal. I think that people in Belgrade know the identity of these persons.

The truck of the "Lika Trans" Company which was behind the Mercedes truck with Knin number plates carried some more distant relatives of mine. So I know their identities. That truck burst into flames and four persons were killed in it. Those killed were: Krstan Vukovic from Donji Lapac, who was about 40 years of age; his son Darko Vukovic, also from Donji Lapac, aged about 11.

My cousin also drove two children of his colleague. They were killed too. Their names were Zarko Rajic, from Donji Lapac, who was 11 years old, and his elder sister Nevenka Rajic, also from Donji Lapac, aged about 13.

I would like to repeat that I have heard that a total of 16 people were killed by the bombing of the refugee column by the Croatian warplane, in the village of Bravsko. Some of them died instantly and some later on, as a result of the injuries sustained. I am absolutely positive about the identity of these people, because they were either my relatives or close acquaintances. I am also positive about the way they died, because I took part in their burial. At first, my sister Mirjana Dubajic, was buried in the village of Tomina, hamlet of Caplja, along with Dara Drca, Jovica Drca, Krstan Vukovic, Darko Vukovic and Nevena and Zarko Rajic. The remains of Krstan and Darko Vukovic, and Nevena and Zarko Rajic, were subsequently moved to Banja Luka and buried there.

As to this incident, I have already given evidence to the "Veritas" organization and the Tribunal in The Hague. However, nothing has yet been done against the pilot of the aircraft who bombed the convoy and whose name is probably known. It seems to me that these atrocities against the civilian population fleeing the Republic of Serbian Krajina, who were defenceless, are being covered up.

The minutes were not read to the witness, because he didn't want to. He had no objections to what was written in them.

The hearing was adjourned at 11:10 a.m.

Investigating Magistrate
Vojislav Nikolic (Signed)

Witness
Zeljko Dubajic (Signed)

Court Recorder
Vera Djuric (Signed)

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 15.1.1999 199 године пред ISTRAZNI
..... судијом OPŠTINSKOG суда у VRŠCU
у кривичном поступку против NN izvršioца
..... због кривичног дела из члана
КЗ.

ISTRAZNI

- судија

Сведок

NIKOLIĆ VOJSLAV

Записничар

DJURIĆ VERA

Саслушању сведока присуствују и:

јавни тужилац

окривљени

бранилац

Започето у 10,30 часова

Сведок је опоменут да је дужан да говори истину и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гоњењу (члан 229. ЗКП.), па на општа питања сведок даје одговоре:

- 1) Име и презиме DUBAJIĆ ZELJKO
- 2) Име оца Mile
- 3) Занимање mešinbrovar
- 4) Боравиште Vršac, Z. renjanine 14, уел. 013/811-106
- 5) Место рођења Donji Lapac
- 6) Година рођења 1965
- 7) Однос са окривљеним и оштећеним nesrođen споменут у смислу čl.229 i 231 ЗКР

За овим сведок о самом предмету износи следеће:

Posle grsiđe hrvatske na Republiku srpsku krajinu u avgustu mesecu 1995 godine, povlađio sam se iz republike srpske krajine u koloni izbeglica, veđ smo bili na teritoriji srpske na potezu izmedju Bosanskog Petrovca i Senkog Mostakod mesta Brevske gde se kolona izbeglice zaustavila iz nekog razloga i gde izvršeno bombardovanje kolone izbeglica. To je bilo 7.08.1995 godine, oko 13,15 časova. U koloni izbeg bilo je samo civilno stanovništvo, sastavljeno od muškaraca i žen starih i dece, koji su u raznim vozilima povlačili iz republike srpske krajine.

Ja sam bio u svome put.vozilu marke Zastava lol, odnosno vlasni brata Drđa Dušana, koje je bilo nakačeno za kamion kojim je upravljao moj brat Drđa Dušan. U tom vozilu sam bio ja, bratovljeva žena Drđa Josipa i bratovljeva ćerka Drđa Dušana odnosno Duke stare 11 godina.

Moj brat vozio je kamion i upravljao je , on se zove Drđa Duša u kamionu su bili još Drđa Dara, njegova majka, zatim sestra moja rođjena Dubajić Mirjena, stare 21 godinu, bratovljev sin Drđca Jovica star 5 godina, i i njegova ćerka odnosno njegov sinovac Drđa Zeljko star 15 godina.

Kolona izbeglica je bombardovana i koliko znam na tom mestu je poginulo 16 ljudi neznam tačno ali oko 16 ljudi.

Primetio sam da je jedan avion nadleteo kolonu u niskom letu zatim napravio zaokret i vratio se, u povratku čuo sam ne koliko eksplozija pre nego što je jedna raketa pala u blizini mog vozila u kome sam ga bio sa navedenim licima.

Rekao da bi se radi o raketiranju kolone i da je zapaljeno ukupno 4 rakete, čuo sam dve ili tri eksplozije pre nego što je jedna raketa pala na oko 2 metre iza mog vozila, čula se eksplozija stakla na vozilu su popucala, ja sam od siline eksplozije izašao napolje iz vozila. Jedno put.vozilo marke Mercedes kninske registracije koje je bilo odmah iza mene pogodjeno je i zapalilo se kao i jedan kamion Like Transa vlasništvo te firme, kao i kamion koji je vozio moj brat koji je takodje bio zapaljen, koji se nalazi iza mercedesa jedno- 15-tak metara.

S obzirom da su u kolima i kamionu bili moji rođjaci a i u onom drugom kamionu poznata lica znam tačno identitet ljudi koji su povredjeni ili poginuli na ovom mestu.

U put.vozilu Zastava lol u kome sam ja bio je sam bio povredjen Dubajić Zeljko, i imao sam povrede po celom telu od eksplozije i posekotine ali nisu bile teže prirode, zatim povredjena je Drđa Josipa, žena mog brata koje je bila povredjena u vidu posekotine po licu a takodje ugruvane je bila i Drđa Duška dete staro 11 godina ali sve ukupno sveuzevši povrede nisu bile teške i nije bilo poginuli od onih koji su bili u put.vozilu.

U kamionu mog brata bilo je tri poginula i povredjenih

Kad se rasčistio dim od eksplozije video sam da moja snajpa Drđa Josipa drži u rukama Drđu Jovicu starog 5 godina,

koji je povredjen bio od granate pošto je granata odnela deo krov a od kamiona i bilo je povredjen po glavi, pola glave mu je bilo odneto, Nalicu mesta je poginuo i nije davao znake živ. Bio je u krilo moje sestre gde je sedeo i kako je granata odnela krov tako je zahvatila i njega.

Poginula je i moja sestra Dubajić Mirjana iz sela Brctinje opštine Donji Lapac stara 21 godinu. koja je na mestu ostala mrtva i nije imala uopšte glavu, sve je bilo razmrskano celo telo.

Poginula je i Drča Braćaj selo Brctinje br. 6, koja je nalicu mesta davala još znake života, pa je prebačena u bolni u Petrovac a potom u Banju Luku međjutim na putu za Banju Luku umrla je od povreda zadobijenih ovde.

Povredjen je i moj brat Drča Dušan iz sela Brctinje, koji je zadobio povrede po glavi i po desnoj nozi odaklih je povreda je ostao bez jednog oka, a ima povreda po nozi od gelera. Ostao je živ ali je trajni invalid.

Zadobio je povrede i Drča Željko sinovac moga brata star 15 godi iz Srba, koji je zadobio lakše povrede, on je ležao na kamionu gde je kada je došlo do eksplozije povredjen je od udarnog talasa i od delova, vozila i gelera.

Mercedes kninske registracije, kao što sam rekao bio je potpuno u plamenu potpuno izgoreo i u tom mercedesu poginulo je 4 lica. Ja neznam njihov identitet a saozbirom da sam više puta ispitivan do sede u Beogradu pa i svedočio sam pred Haškim tribunalom, mislim da oni iz Beograda znaju i identitet tih lica.

U onom kamionu Like Transa koji je bio iz kamiona odnosno voila mercedes kninske registracije bili su neki moji dalji rođaci tako da znam njihov identitet. Taj kamion se zapalio i u njega je poginulo 4 lica.

Poginuo je Krstan Vuković iz Donjeg Lapca star oko 40 godina,

Takodje je poginuo njegov sin Darko Vuković iz Donjeg Lapca star oko 11 godina.

Bio je povezao i dvoje dece svoga kolege koje su takodje poginule i to Rajić Zarko iz Donjeg Lapca star oko 11 godina, i njegova sestra RAjić Nevenka, iz Donjeg Lapca star oko 13 godina.

Zelim da ponovim da sam čuo da na tom mestu kod mesta sela Bravsko od raketiranja hrvatskog aviona kolone izbeglica poginulo je ukupno 16 ljudi. što su umrli na licu mesta i što su kasnije umrli usled zadobijenih povreda. Zbog lica koja sam ja naveo pošto se radi o rođacima i poznanicima i gde sam ja bio očevidac potpuno sam siguran i njihov identitet.

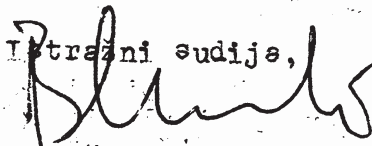
i uvezi činjenice njihove smrti jer sam kasnije učestvovao u njihovom sahranjenju. U prvo vreme u selu Tomine, zaseok Čepnja bili su sahranjeni Dubajić Mriajna moja sestra, Drča Dara, Drča Jovica, Krstan Vuković, Darko Vuković, i Rajić Zarko i Nevenka. Kasnije prebačeni su za Banju Luku i sahranjeni Krstan i Darko Vuković i Rajić Zarko i Nevena.

Što se tiče ovog događaja ja sam već više puta organizaciji Veritas pa i svedočio u Haškom tribunalu govoreći o ovom događajima i žrtvama međutim kao što se vidi do sada ništa nije preduzeto protiv lica koje je izvršilo bombardovanje i lovačevone a verujem da ima odataka da je to lice poznato. Čini mi se da se zateškavaju stvari u vezi ovog zločina na d civilnim stanotvništvom koje se povlačilo iz republike srpske i koje je bilo nezaštićeno i nije moglo da se brani.

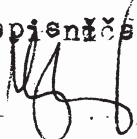
Zapisnik nije pročitao jer svedok ne želi. Nema primedbi na sadržinu zapisnika.

Završenou 11,10

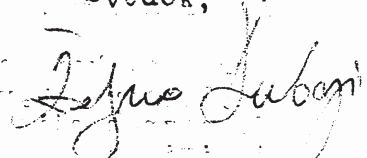
Istražni sudije,



Zapisničar



Svedok,



ANNEX 67

**Excerpts from the Minutes of the session of the
Presidency of the Croatian Democratic Union (HDZ),
held on 11 August 1995 at the Presidential Palace in
Zagreb**

MINUTES
OF MEETING HELD

ON: 11 August 1995

IN: The Presidential Palace, North Reception Room

SESSION STARTED AT: 1700 hours

SESSION ENDED AT: 1820 hours

PRESENT AT THE SESSION: M. GRANIĆ, M. ŠUNJIĆ, G. ŠUŠAK, N.

DELEGATION COMPOSED OF: VALENTIĆ, Z. CANJUGA, D. BRODARAC,

D. DEČAK, H. HITREC, I. PAŠALIĆ, A.

VRDOLJAK, J. RADIĆ, K. IVANIŠEVIĆ,

N. MIHANOVIĆ, I. MILAS, V. ŠEKS, I.

VALENT, M. KAPULICA, J.

STOJANOVIĆ, H. ŠARINIĆ, M.

RAMUŠČAK, D. KRPINA

PRESENT WITH THE PRESIDENT: M. GOLOB, V. PAVLETIĆ, I. GAŽI, I.

SANADER, M. ŽUŽI, V. ŠKARE-

OŽBOLT, M. PIŠKOR

RECORDED!

MINUTES

of the session of the Presidency of the Croatian Democratic Community, held on 11 August 1995 at the Presidential Palace

Started at 1700 hours.

PRESIDENT:

Ladies and gentlemen, I hereby declare the expanded sitting of the Presidency of the Croatian Democratic Community open.

Agenda:

1. Political situation following the liberation of occupied territories;
2. Proposal to call elections and amend the Electoral Law;
3. Date of the Third Congress of the HDZ /Croatian Democratic Community/;
4. O t h e r

As an introduction to item 1, I think I can say that by liberating the central occupied territories of Croatia, from western Slavonia to northern Dalmatia, the Croatian Democratic Community has fulfilled its main programme goal to establish and secure the future of a free and independent democratic Croatia.

Until now, until we liberated Knin, the future of the Croatian state was in doubt. It was in doubt not because of the will of the Croatian people, which they expressed at all the elections we held, vesting confidence primarily in the Croatian Democratic Community into whose hands they put their destiny, but because until that time all the international factors were still speculating on how to resolve the crisis in the former Yugoslavia. With the liberation of these occupied territories of central Croatia, this issue was definitely removed from the agenda, and the future of the Croatian state and of the Croatian people is secure.

Dear party friends, we can be proud of what we have done. Naturally, our work is not yet over, but we have completed 90% of our programme. All this time, even during this period of the liberation of Knin, I have been under constant pressure, even from our friends, whom we had gained in open international relations, in the diplomatic and, primarily official circles of the United States of America and Germany, and in the democratic circles of other countries. However, under this pressure even those political forces that were with us failed to follow our programme completely and were not prepared to support us in its implementation. The clearest sign of this was that at that gathering in Bucharest we were not yet accepted as real members into the community of European Christian Democrat parties. Even parties such as the Germany's were reserved. That best goes to show that the Croatian Democratic Community, such as it is and after it achieved all this, still failed to gain full support even from those European and global political ranks that should certainly have been interested. There were constant remarks to me about what would happen with the HDZ, whether there were too many communists in it or whether right-wing elements would prevail, and I didn't have consent for a single decision at state level.

However, we've overcome all that. The recent letters from Chancellor KOHL and CSU /expansion unknown/ President WEISEL, and the messages from President CLINTON inquiring about human rights, the rights of the Serbian ethnic community, etc, prove this. From the Z-4 plan, drafted by our friends GALBRAITH and AHRENS

to the fact that the American ambassador was so excited yesterday as to recommend that we continue to negotiate with BABIĆ, or that my minister of the interior, literally, should resign because a Croatian multitude attacked the fleeing Serbs, and the police failed to prevent this. In the afternoon, and BRODARAC might know more about this, he actually got on a tractor or a horsedrawn cart or something with them.

So, these are the circumstances, gentlemen, in which we created all this together today. Just among ourselves, it is clear that I had to listen to all the well-intentioned ... or advice that was given because of other interests and other programmes. I had to take into consideration the international circumstances, but that we were pursuing our own policies, which led to this. After the liberation of these areas in central Croatia, after the Croatian flag flew high above the Knin fortress, nothing is the same, nor will it ever be as it was with all that speculation. We will be able to continue to pursue our own policies, while taking account of international circumstances as we have so far, of course. However, this will enable us to be more determined in our standpoints. Dear party friends, so that in our ranks as well ... I'll tell you openly, I don't have to waste time on some of you who, on the one hand blamed me for giving too free a rein and being too liberal towards people from the former regime, and on the other blamed me for giving too free a rein and allowing too much to the radicals and nationalists. What is very interesting about this is that everything I mentioned, including the official ... and including the European Christian Democrat parties, therefore, with the change of the party, to the Vatican, or from the Vatican to them /as printed/, they were more critical of us, of the HDZ, than of the policies of Croatia because of the presence of radical nationalist elements than because of the presence of communist ones, either one or the other. But please bear in mind what I said. Listen, if we were wise and clever enough that from all of this we managed to secure the future of the Croatian state, to make the position of Croatia in the world stronger than it ever has been, that they must recognise us as a regional force, as a regional factor, to /ensure/ that the domestic influence of the HDZ in the country is probably stronger than it was before the first and the second elections, then that gives us sufficient grounds for satisfaction, but more importantly, sufficient grounds to be able to continue with the platform of the Croatian Democratic Community in the coming period. That is the historic importance of the deeds of the HDZ.

In relation to this, I think that we need to talk at today's meeting and issue a statement in which we would distance ourselves from all those insinuations that the HDZ wants, through force and corruption, to dissolve the other parties and lure some others. I received some sort of a letter /to this effect/, from the HNS /Croatian Football Association/, I think. (Yes.) Therefore, as the HDZ leadership we need to distance ourselves from this and say publicly that we are not luring anyone neither by offers nor corruption nor force, and that the disintegration occurring in other parties is the simple result of a lack of platform, lack of definition, /?bad/ leadership and failure to find their way in time and space, and that the new influx from other parties or from outside parties into the HDZ is in fact the result of these domestic and international dynamics in which the public was able to assure itself of the right-mindedness, and not only the right-mindedness, but the effectiveness and fruitfulness of the policies of the Croatian Democratic Community.

This is all I have to say on item 1.

Shall we discuss this or move on to the second item?

Nikica VALENTIĆ:

It's not necessary, you've said everything.

PRESIDENT:

Yes, let's move on to item 2 then – PROPOSAL TO CALL ELECTIONS AND AMEND THE ELECTORAL LAW.

Since events evolved as they did, I think that the circumstances are very favourable for us to hold elections before our term runs out. This means that we would hold elections this autumn, because the political circumstances are very favourable for the Croatian Democratic Community and, of course, I think for all of you, the entire Croatian Democratic Community. We are not starting from narrow-minded party interests, but from the interest in preserving and strengthening the sovereign Croatian state. Therefore, in order to continue to strengthen the Croatian state, I think we need to ensure that the Croatian Democratic Community has a majority. I think we can do that without much effort if we hold elections this autumn based on the current situation.

In relation to this, it will be necessary to make some changes to the Electoral Law. It would be good if, during the discussion, you gave your opinions about whether we should use the mixed system like we used to, and the direct and proportional electoral system /as printed/. There are proposals, justified ones I think, to envisage 10% of the seats in the Chamber of Deputies for the diaspora, considering the number of people in the diaspora, their influence on the establishment and the defence of Croatia, the establishment of a democratic Croatia and the defence of the homeland. Let's discuss this. I think that we don't have to decide on a date for the elections at today's meeting. However, under item 3, we'll determine the date when we'll hold the Third Congress of the HDZ and the County Assemblies.

In relation to this, we probably need to determine more closely the electoral rights of the diaspora. It is of particular political significance. I've come to this conclusion and we discussed the issue at a select gathering, it'll be necessary to do /as printed/ ... the Government will have to prepare, and we'll talk about this later at the VONS /Defence and National Security Council/, a census of national minorities because matters have obviously changed in every way, and politically, at this meeting we need to discuss for a while the political attitude towards receiving ... towards the departure and, limited to that, the return of those leaving Croatia, the Serbian minority, but also towards receiving Croats who are being expelled daily from Serbia. So, in this, we have to be more specific in passing, I think, more radical solutions or taking more radical steps than we have been so far. As far as I'm concerned, I think that we don't need any holding camps. We need to create a legal basis to be able to accommodate immediately the people who have been expelled from Serbia and are arriving in Croatia. Likewise, please let us, discuss this here from the political standpoint, that we later charge the Government and the Assembly with adopting some regulations that will enable taking over the administration of abandoned farms, houses, cattle, etc. Therefore, there have been some, I mean ... non-political statements about how if one of our people enters an abandoned house and if the person who left, who abandoned it, who waged war against Croatia shows up sometime later, then we will be obliged to hand it over, that /our man/ will have to give it back to him in the state in which he found it, etc. So, let's discuss these things from a political standpoint and then the Government and the Assembly can pass the necessary ruling.

So, we only have to determine the day when the Third *Sabor* /Croatian parliament/ will be held. There is a proposal that municipality assemblies be held before, county assemblies between 6th and 8th October, all of them in that period, and the Third *Sabor* between 14th and 15th October. (October, or?) October, yes, October, the tenth month, yes. So, the regular session of the *Sabor* will start on 15th – I think it is 15th September, this current *Sabor*, on 15th September, *Državni Sabor* /National Parliament/ (Using emergency procedure.) Yes, using emergency procedure. So, it will probably dissolve itself. In order to call elections.

(These dates you have mentioned, the first dates you have mentioned, is that for municipal and county ...)

The county assemblies, in order to fit into, so that we lose no time, in order to fit into such electoral atmosphere, to be held between 6th and 8th October. Before that, the basic and municipal ones. The Third *Sabor* /will be/ a week after that, on 14th and 15th October. Naturally, the Government must render the decision on amendments to the Electoral Law, the decision on register of ethnic minorities which should probably be made at the beginning of September. (1st September). Please, 1st September. (The electoral register...)

Drago KRPINA:

How shall we elect Serbs to the *Sabor*?

PRESIDENT:

So, there, after the register.

Drago KRPINA:

But, we are not obliged to 8% any more. (No, no.)

PRESIDENT:

Precisely so, to determine the percentage, because on that basis the amendments to the Constitutional Law should be made, because I know that you will

...

Drago KRPINA:

Mister President, the Constitutional Law must be changed.

PRESIDENT:

Yes, well yes, and because of that, we need that register in order to have what we all know now, in order to have a real basis for it.

Nikica VALENTIĆ:

From the political point of view, is it opportunistic to determine that there are 3% of Serbs in Croatia at this moment?

PRESIDENT:

It will not be at this moment, it will be in a month.

Nikica VALENTIĆ:

All right, in a month, you see, maybe, that fact is crucial, not formally for us, because here is, there are two more, but ... we will present the fact that there are 3% of Serbs in Croatia.

PRESIDENT:

Nikica, if we did not establish that, they could request that we hold /probably stick to/ the districts, and so on /as stated/.

Nikica VALENTIĆ:

No, I am just asking that question because, after all, it is related to the ethnic cleansing, because of the accusations that will be and the games which will continue, and so on.

PRESIDENT:

That is what they are saying, but if you please, the reality is reality and also is the principled nature of the policy.

Ivan MILAS:

The today's proposal says that Muslims are transferred from Goražde close to Sarajevo and those from Sarajevo to transfer them to Goražde, the official American /proposals?/... If they can do it, there is no reason not to ...

PRESIDENT:

... should be put into the context of future succession, war damage and everything else, as in the case of Italy after the Second World War. I think this can be defended politically, legally and in any other way.

NIKICA VALENTIĆ:

President, in this law, it's important that our people have security and that they cannot be thrown out, in my opinion, that is important, the wording, because nobody will move in if they can be thrown out in a year. Now the question is what form is most suitable to put this basic idea in.

DR. JURE RADIĆ:

Nothing is more important than this, nothing is more important in Croatia today than this, because people are coming, Croats, and I don't know, we don't have a report on this, but I don't know if you know that Vojnić used to have only 51 inhabitants, today it's a town of 15,000 people, tomorrow we can fill it up with 15,000, in addition, Lapac has 14 inhabitants, 14 Croats, Donji Lapac 14 inhabitants. (It's more than the number of houses...) I agree, but it's strategically so important, and it's in such a position that we must repair the houses, Gojko, and put Croats there, such is the position of the place.

PRESIDENT:

I am with the more radical, if someone has left the country and does not appear there, I don't know, a month, or three months, etc, that shall be considered, think of the wording, state property, etc. We have come out of a war, etc, define it like that.

NIKICA VALENTIĆ:

Not three months, three months is too long, because we...

PRESIDENT:

┌ OK, a month, then. ─┐

DR. JURE RADIĆ:

Well, then we must do it through a Government decree, we can't wait... and the Assembly is on 15 September, and we must do it through a Government decree.

ĐURO BRODARAC:

Yes, it should be done urgently, urgently, because today...

DR. JURE RADIĆ:

Because the three-month deadline has already expired for Okučani, and that's an area where we must then be able to move people in already.

PRESIDENT:

Yes, of course. People are coming, and I don't know who says, REBIĆ or somebody else, that they are going to put them in camps. (Camps are out of the question.)

GOJKO ŠUŠAK:

President,... a thousand are coming from Banja Luka.

PRESIDENT:

Camps are out of the question, and therefore, we must see about that.

DR. JURE RADIĆ:

We have good houses, intact houses, who do we keep them for?

NIKICA VALENTIĆ:

So, move them into the houses, and we will provide for that by a law or decree in the coming days.

ANTUN VRDOLJAK:

So, they must know that if they move into the house we will not...

IVAN MILAS:

Mr. President, it doesn't even need to be that way, you put everything under the state's sequestration and give guarantees to those inside that nobody will touch them, the state deals with them, and we put that also for these... (We did.)

VLADIMIR ŠEKS:

President, we did put it into the law, for the second reading, but the people that move into a house have ownership security, they don't want temporary use, they must invest, repair, keep it in order, they want to own it.

PRESIDENT:

Yes, well, that's clear, it's in our interests too. ŠARINIĆ.

HRVOJE ŠARINIĆ:

Mr. President, first, as far as I understand, the law is about allotment of temporary housing and I'm sure that nobody, or very few people, will move in under these conditions. At a VONS /Defence and National Security Council/ meeting I already said, where I asked about the case when the French left Algeria. The case set a precedent that the whole international community subsequently adopted, that is, the Algerians moved into all abandoned flats, houses belonging, in fact, to the French, and then the state paid, for ten years, a symbolic franc for this into a fund, so, simply for the sake of form. And they said, when resolving the whole problem, what they collected over ten years would be made available. We have the succession, which will take place, so, we could create such a fund and say, we will include that into the succession, and the succession... But, quite the opposite, people have moved in with definite guarantees that they move into the houses etc.

PRESIDENT:

Yes, we should definitely do that, but there we can, I mean, it didn't go as individual compensation, if from a legal point of view they should be individually compensated, then we should do it, and then we have the right, that he did not take part in the war against Croatia, in the destruction of Croatia, etc.

DURO BRODARAC:

Nobody can get such...

PRESIDENT:

Please, we must be... If they could destroy half of Croatia, then we must be ...
enough to, now that we can do it.

06355880

ZAPISNIK
SA SASTANKA ODRŽANOG -
11. kolovoza 1995. godine

DANA:

U:

PREDSJEDNIČKI DVORI - Sjeverni salon

POČETAK SASTANKA:

17,00 sati.

ZAVRŠETAK SASTANKA:

18,20 sati.

SASTANKU SU BILI NAZOČNI:
IZASLANSTVO U SASTAVU:

M. Granić, M. Šunjić, G. Šušak, N. Valentić,
Z. Canjuga, Đ. Brodarac, Đ. Dečak, H. Hltrec,
I. Pašalić, A. Vrdoljak, J. Radić, K. Ivanišević,
N. Mihanović, I. Milas, V. Šek, I. Valc, M. Kapulica,
J. Stojanović, H. Šarhoić, M. Razumšćak, D. Krpina,
M. Golob, V. Prčić, I. Gal, I. Samardžić,
M. Žužol, V. Škaro-Ožbolt, M. Pilić

PRIBIVALI UZ PREDSJEDNIKA:

SNIMANO!

ZAPISNIK

sa sjednice Predsjedništva Hrvatske demokratske zajednice, održane 11. kolovoza 1995.
godine u Predsjedničkim dvorima

Početak u 17,00 sati

PREDSJEDNIK:

Gospodje i gospodo, otvaram sjednicu Predsjedništva Hrvatske demokratske zajednice u proširenom sastavu.

Dnevni red:

1. Politička situacija nakon oslobodjenja okupiranih područja;
2. Prijedlog provedbe izbora i izmjene u Izbornom zakonu;
3. Datum održavanja Trećeg sabora HDZ-a;
4. R a z n o .

Uvodno u 1. točku - mislim da mogu ustvrditi da je sa oslobodjenjem središnjih okupiranih područja Hrvatske od zapadne Slavonije do sjeverne Dalmacije

Hrvatska demokratska zajednica ispunila glavni svoj programski cilj o uspostavi i osiguranju budućnosti slobodne i nezavisne demokratske Hrvatske.

Sve do sada dok nismo oslobodili Knin budućnost Hrvatske države bila je u pitanju. Bila je u pitanju, ne zbog volje hrvatskog naroda koju je on izrazio na svim izborima koje smo imali dajući povjerenje prije svega Hrvatskoj demokratskoj zajednici u čije ruke je položio svoju sudbinu, nego zbog toga što su svi međunarodni čimbenici sve do tog momenta još uvijek špekulirali sa time kako riješiti krizu na tlu bivše Jugoslavije. Sa oslobodjenjem tih okupiranih područja središnje Hrvatske to je definitivno skimuto s dnevnog reda budućnost Hrvatske države, a time i hrvatskog naroda je osigurana.

Dragi stranački prijatelji, možemo biti ponosni sa djelom koji smo obavili. Razumije se naš posao još nije obavijen, ali 90% našeg programa je iza nas. Za sve ovo vrijeme, čak i u ove dane oslobadjanja Knina bio sam pod neprestanim pritiskom čak i naših prijatelja koje smo nalazili u otvorenim međunarodnim odnosima, diplomatskim, a mislim prije svega u službenim krugovima Sjedinjenih Američkih Država i Njemačke, a zatim i u drugim demokratskim krugovima u ostalim zemljama. Ali ipak pod pritiscima da čak i one političke snage koje su bile s nama nisu sasvim slijedile naš program i nisu bile spremne da nas podupru u ostvarenju tog programa, najbolji je znak bio da na tom skupu Bukureštu nismo još primljeni kao pravi članovi u zajednicu Europskih kršćansko-demokratskih stranaka i da su se pritom čak suzdržale takve stranke kao što je Njemačka. To vam najbolje govori o tome kako takva Hrvatska demokratska zajednica kakva jeste i koja je sve to skupa ostvarila, kako čak i u onim političkim redovima Europe i svijeta koji bi i te kako trebali biti zainteresirani nije imala punu podršku. I kako su mi stavljali primjedbe neprestano šta će biti sa HDZ, je li u njoj previše komunista ili će u njoj prevladati desni elementi, i ni za jednu

odluku na državnom planu nisam imao suglasnosti.

No, sve je to prebrodjeno. A, da je to tako, pisma i ovih dana i od kancelara Kholca, pa i od predsjednika CSU Weisela i poruke predsjednika Clintona, ljudska prava, prava srpske etničke zajednice to ih zanima itd. Do toga, od onog plana Z-4 koji su napravili naši prijatelji Galbraith i Ahrens, pa do toga da se američki ambasador i jučer toliko uzbudio da nam predlaže i dalje da vodimo pregovore sa Babićem ili pak da bi moj ministar unutarnjih poslova, doslovce tako, trebao dati ostavku jer je hrvatsko mnoštvo napalo ove Srbe koji bježe, a policija to nije spriječila. Da bi poslije podne, o tome bi valjda Brodarac možda više znao, čak i sjeo ne znam na traktor ili zaprežna kola s njima.

Prema tome, to su prilike gospodo u kojima smo danas sve to skupa stvorili. I među nama rečeno, jasno da sam sve te dobronamjerne ili pak savjete one koji su proizlazili

6/2 lj

Dakle, preostaje nam da odredimo datum održavanja Trećeg sabora. Prijedlog je da se općinske skupštine održe prije, a županijske skupštine 6-8. listopada, i to u tom vremenu sve, a Treći sabor 14-15. listopada. (Listopada, ili?) Listopada, da, listopada, 10. mjeseca, da. Dakle, da se Sabor započne, redovno svoje zasjedanje 15. - mislim 15. rujna, Sabor, ovaj sadašnji Sabor 15. rujna, državni Sabor, jer on mora donijeti promjene u Izbornom zakonu. (Po hitnom postupku.) Da, po hitnom postupku. Dakle, i vjerojatno onda raspustiti sebe. Tako da bi se onda mogli raspisati izbori.

(Ovi datumi koje ste rekli, ovi prvi datumi koje ste rekli, za općinske i županijske....)

Da se županijske skupštine, da bi se uklopile, da ne bismo gubili vrijeme, i da bi se uklopile u takvu izbornu atmosferu, održe od 6-8. listopada. Prije toga, znači temeljne i općinske. Treći sabor tjedan dana poslije toga, 14. i 15. listopada. Jasno da Vlada dotle donese odluke o promjenama u Izbornom zakonu, odluku o popisu nacionalnih manjina, što bi trebalo provesti, i taj popis vjerojatno početkom rujna. (1. rujna.) Molim, 1. rujna. (Popis birača...)

DRAGO KRPINA:

Kako ćemo Srbe izabrati u Sabor?

PREDSJEDNIK:

Dakle, evo, nakon popisa.

6/31j

DRAGO KRPINA.

Ali, više nas ne obvezuje ono 8%. (Ne, ne.)

PREDSJEDNIK:

Upravo to, da odredimo postotak, jer na osnovu toga će trebati provesti i promjene u Ustavnom zakonu, jer ja znam da ćeš ti

DRAGO KRPINA:

Gospodine Predsjedniče, mora se promijeniti Ustavni zakon.

PREDSJEDNIK:

Da, pa da, i upravo zato nam treba taj popis da bismo imali ono što svi znamo sada znamo, da bismo imali i stvarnu podlogu za to.

NIKICA VALENTIĆ:

Je li politički oportuno da se utvrdi, ima 3% Srba u Hrvatskoj ovog trenutka.

PREDSJEDNIK:

To neće biti ovog trenutka, to će biti za mjesec dana.

NIKICA VALENTIĆ:

Dobro, mjesec dana, vidite, možda, ovako faktički je bitno, ne formalno za nas, jer tu je, imate dva više, negoli ... idemo sa činjenicom da ima 3% Srba u Hrvatskoj.

6/4 lj

PREDSJEDNIK:

Nikice, ako to ne bismo utvrdili, onda bi nam postavljali da provedemo kotareve, itd.

NIKICA VALENTIĆ:

Ne, ja samo postavljam to pitanje, jer to je ipak vezano za etničko čišćenje, jer su optužbe koje će biti i za igre koje će se nastaviti, itd.

PREDSJEDNIK:

To oni govore, ali molim lijepo, stvarnost je stvarnost i principijelnost politike, isto tako...

IVAN MILAS:

Današnji prijedlog ide za tim da se Muslimane prebaci iz Goražda kraj Sarajeva, a one iz Sarajeva da se tamo prebaci u Goražde, službene američke ... Ako oni mogu to, nema razloga da ne bi

PREDSJEDNIK:

Dakle, s tim da bi trebalo... ako ne možemo u Ustavu mijenjati, da li možemo to Ustavnim zakonom, da se kaže - nema muslimana kao nacionalnost, nego Bošnjaci, jer to nam je važno, jer kada ćemo propisivati nacionalne manjine, da nam se, i veliki broj bi se otpisao kao posebna muslimanska nacionalnost. Kada će biti bošnjačka

8/1 lj

.... trebalo staviti u kontekst kasnije sukcesije ratnih šteta i svega ostaloga, kao što je to poslije drugog svjetskog rata bilo sa Italijom. Mislim da se to može i politički i pravno, i na sve druge načine braniti.

NIKICA VALENTIĆ:

Predsjedniče, kod ovog zakona, bitno je da naš čovjek ima sigurnost, i da ne može biti izbačen, to je, po meni, bitno, tu formulaciju, jer neće nitko ući ako on za godinu dana može biti izbačen. Sada je pitanje koja je najzgodnija forma da ispunimo taj sadržaj, koji je osnovni.

DR JURE RADIĆ:

Nema hitnije stvari od te, danas u Hrvatskoj nema hitnije stvari od toga, jer upravo su ljudi na dolasku, Hrvati, i ja ne znam, mi nemamo pregled o tome, ali ne znam da li znate da Vojnić ima snao 51 stanovnika danas, to je gradić od 15 tisuća ljudi u koji možemo sutra napuniti 15 tisuća, da jedan Lapac isto tako ima 14 stanovnika, 14 Hrvata, Donji Lapac 14 stanovnika. (To je više nego što kuća ima....) Slažem se, ali to je toliko strateški bitno, i na takvom položaju da moramo obnoviti te kuće, Gojko, i staviti u njih Hrvate, na takvom je položaju to mjesto.

PREDSJEDNIK:

Ja sam uz radikalniju, ako je netko napustio zemlju i ne pojavljuje se tu, ne znam, mjesec dana, ili tri mjeseca, itd, da se to smatra, nadjite formulaciju - državnom imovinom, itd. Mi smo izašli iz rata, itd, i odredite to tako.

8/2 ljh

NIKICA VALENTIĆ:

Ne tri mjeseca, tri mjeseca je predugi rok, jer nama su ...

PREDSJEDNIK:

Dobro, onda mjesec dana.

DR JURE RADIĆ:

Dakle, onda to moramo ići uredbom Vlade, ne možemo čekati i Sabora je 15.9, i mi moramo ići uredbom Vlade.

ĐURO BRODARAC:

Da, to treba hitno, hitno, jer evo danas

DR JURE RADIĆ:

Jer, taj rok od tri mjeseca je za Okučane već prošao, i to je prostor u kojem moramo onda moći već useljavati.

PREDSJEDNIK:

Da, pa jasno. Dolaze ljudi i, ne znam tko kaže, Rebić, ili netko da će ih smještavati u logore. (Nikakve logore.)

GOJKO ŠUŠAK:

Predsjedniče, ... tisuća ide iz Banja Luke.

8/4 lj

PREDSJEDNIK:

Da, pa to je jasno, i nama je u interesu. Šarinić.

INŽ. HRVOJE ŠARINIĆ:

Gospodine Predsjedniče, prvo, ja sam shvatio da u ovome zakonu se govori o privremenom useljenju i uvjeren sam da nitko neće htjeti ili vrlo mali broj pod tim uvjetima se useliti. Ja sam već na jednom sastanku VONS-a bio kazao, gdje sam se interesirao o slučaju kada su Francuzi napuštali Alžir. U tom slučaju je bio napravljen jedan presedan koji je cijela međunarodna zajednica bila iza toga usvojila, tj. Alžirci su se uselili u sve napuštene stanove, kuće koje su dakle Francuza, i onda je država davala, i kroz 10 godina u jedan fond jedan simbolični frank po ovome, dakle, jednostavno da se forma spasi. I, kazali su da će se kod cjelokupnog rješavanja problema to što se bude sakupilo kroz 10 godina staviti na raspolaganje. Mi imamo sukcesiju, koja će biti, dakle, mi bi mogli takav jedan fond napraviti, pa reći, to ćemo staviti u sukcesiju, a sukcesija ... A, naprotiv ljudi su se uselili sa definitivnom garancijom da se useljuju u te kuće itd.

PREDSJEDNIK:

Da, to mi trebamo definitivno, s tim da tu mi možemo, znači, tu nije išla pojedinačna naknada, ako je riječ o pravnom da bi se trebalo pojedinačnu naknadu, onda bi trebalo, i onda mi imamo pravo danije sudjelovao u ratu protiv Hrvatske, u razaranju Hrvatske, itd.

ĐURO BRODARAC:

Ne može nitko dobiti takvu ...

8/5lj

PREDSJEDNIK:

Molim, pa moramo biti ... Ako su oni bili kadri da nam razruše polovicu Hrvatske, onda mi moramo biti dovoljno... da, sada kada imamo mogućnosti.

ĐURO BRODARAC:

Predsjedniče, mi smo sada obišli Topusko, Vrginmost, Dvor, mi tamo ne možemo vratiti ni prosvjetne radnike, ni liječnike, ni sudstvo, ako im to ne damo. Prema tome, ovo što kaže g. Šarinić, to treba odmah primijeniti, od sutra neka ljudi ulaze, i gotovo.

PREDSJEDNIK:

Dobro, neka Vlada nekom uredbom, da.

IVAN MILAS:

Samo da nešto kažem, ovih dana je ustavni sud češki potvrdio ... dekret iz 1945. godine o jednostavno oduzimanje imovine, dekretom Benč(?), predsjednik republike je to... I, ustavni sud je potvrdilo da je to pravno ispravno, i ima kontinuitet. Nisu ni oni baš više napredavili.

DR JURE RADIĆ:

U tome poslu imamo sada dosta nereda, jer jedna županije radi na jedna način, druga na drugi, jedna općina, itd. Ja predlažem da se tu stvar dogovorimo ovdje, i da to bude vrlo centralizirano, nije svejedno gdje ćemo doseliti i naseliti čovjeka, nego da se dogovorimo kako s razine države se to radi, ali da onda znaju ...

ANNEX 68

**Excerpts from the Record of a meeting between the
President of the Republic of Croatia, Dr. Franjo
Tuđman, and Minister Dr. Jure Radić, held on 22
August 1995 at the Presidential Palace in Zagreb**

RECORD

DATE: OF A MEETING HELD ON
22nd August 1995

AT: THE PRESIDENTIAL PALACE

THE MEETING BEGUN AT: 12:00

ENDED AT: 13:20

THE PRESENT: Dr. Jure RADIĆ

NAMES OF PERSONS WHO ATTENDED THE MEETING WITH THE
PRESIDENT:

RECORDED!

RECORD

of a meeting between Franjo TUĐMAN, president of the Republic of Croatia and Dr.
Jure RADIĆ, held on 22nd August 1995 in the Presidential Palace.

Beginning at 12:00

DR JURE RADIĆ:
Are you very busy?

PRESIDENT:
It's always the same.

DR JURE RADIĆ:
It is very busy in my sector now.

PRESIDENT:
OK, why are you letting these refugees temporarily...?

DR JURE RADIĆ:
REBIĆ did some stupid things about that, president VALENTIĆ and I have met now
and concluded that he was doing that on his own accord, he just won't listen to
anybody sometimes. I told him that was a stupid thing and I told him that if they need
to be accommodated that we should accommodate them in a school in Gračac, that's
what I told him.

PRESIDENT:
Yes, all over the place.

DR JURE RADIĆ:
I've just had a staff /as printed/ all the county executives from the liberated areas are
here, so they gave some information on the situation in the terrain. I've got two or
three things to tell you about this.
The main problem is the people. We don't have any people in these areas, and if you
don't have people there's no one to take care of cattle, no one to do anything.

PRESIDENT:
Mobilisation of the civil defence is what should be done there.

DR JURE RADIĆ:

We have just talked about that today and we shall make that decision tomorrow with the Government, to mobilise the civil defence from other areas in order to bring people over there.

Mine clearance is a drawback and that is going to stay that way. There's simply no way out.

PRESIDENT:

OK, but in a way it is better than we expected it to be.

DR JURE RADIĆ:

Yeah, yes it is, I also think it's better. Sometimes people are afraid more than there's a need for, but here, a guy got killed while fixing the power-transmission line just yesterday. I think that the public companies did a very good job, almost everybody from roads, railways, to electric power industry, especially the electric power industry. In just a few days the electrical energy will be brought to all the liberated places. They need a month more for that big power-transmission line towards Dalmatia, but OK, it's not that much. Once that is finished then a great deal of work will be solved. These hydroelectric power plants that have been liberated are about to be put into operation and that's a good thing.

But the people are the problem. We arranged the returns to be carried out in three phases, three groups. One of them is the people who can return to their homes right away. We provide them with free glass, paint, we formed intervention groups and that is being done.

The second group is the people who can go to the deserted houses near their own houses. We're having a lot of problems here, they are offering resistance. How should this be done, we simply can't find a way to force our people to do it. Some are eager to go, for example Kijevo in most of the cases accepted to go to Knin. But the people from Banija region won't go to Petrinja. You see Saborski, we had a discussion in Plaški today and Saborski has got nothing at all and Plaški is whole /as printed/. They say "I am not going to move twice..."

PRESIDENT:

Why would they move twice?

DR JURE RADIĆ:

Today over there, and tomorrow to Saborsko.

PRESIDENT:

Well, let them stay there.

DR JURE RADIĆ:

They wouldn't, people are a bit tough about that.

PRESIDENT:

Wait, is he afraid that he wouldn't be safe?

DR JURE RADIĆ:

He's afraid he wouldn't be safe and he's afraid some Serb might come tomorrow. That's one thing. And second, he would rather go to his own house over there. I would look at it in the same way, but he has to come temporarily. We'll have to come up with some order or something, to be a bit harsher with this in order to take the people there.

PRESIDENT:

Remove him, if he's being offered, he should be removed from the list of refugees.

DR JURE RADIĆ:

And from the list of allowances, and he should be given maximum allowances in the place we're sending him to, as much as we can.

And the third group are people who don't have any possibilities for provisional accommodation near their areas, where the area is completely destroyed, like Drniš and Drniš area.

PRESIDENT:

Wait, it's not quite like that.

DR JURE RADIĆ:

It has been ruined, very much. You have been to the main region only, but Drniš is the second biggest border town in Croatia, Vukovar first, then Drniš, 25 thousand people. There was only one thousand of Serbs there. When I am talking about the town, I

mean the villages as well. Everything around it has been ruined, out of 25 thousands maybe some 5 thousands could return, and 20 thousands can't. That's the situation in Drniš. Drniš is the most typical one. As for Slunj, I think we'll manage to get the majority back to the city, because all the villages around it have been ruined, but we are going to need a year to renovate everything around it.

So, in my opinion one third of 120 thousand shall remain questionable, and as for the remaining two thirds of 120, that is, 80 thousand, we shall be able to either get them back in a month or two months' time or take them off the refugee status.

However, our goal is to take them off the refugee status. The biggest problem is bringing people over there. I sat down and analysed it a bit...

PRESIDENT:

Jure, regarding these returns, we, as Croatia, should go for inviting people to come back and paying for their trips from Argentina, Australia, etc. We should organise some charter flights or ships and tell them they could choose, give them houses, give them land, even take some kind of a poll on what they would be interested in. We have to offer them such a possibility, but the state should pay for that.

DR JURE RADIĆ:

It won't cost us a thing.

PRESIDENT:

That would mean a thousand people, and they would enter the Serb houses etc.

DR JURE RADIĆ:

Correct, correct, the space is empty. That is the main subject I would like to talk to you about now.

We simply don't have any potential for life in that area. Here, the manager of the railways told me today, we shall establish the traffic services now, but I mobilised, as the railways, /as printed/ mobilised people from Vinkovci and from Osijek to work, but there will be a lack of people there once we open it. So, we are lacking people in some branches.

However, one thing I have to tell you is that I visited all this now both by car and by helicopter. Our men torched a lot, they're torching today, as they did yesterday President, it's no good.

I went to Kijevo to see, I know that area very well. There is a village of Cviljane near Kijevo, of equal size, a Serb village where they renewed nice houses and told them everything has been preserved. I got there on the Day of Assumption of the Virgin Mary to find everything has been burned down. Not in the cities because the authorities were obviously more powerful there, but in the villages. It's not the army, it's that 5th echelon which is under I don't know whose, what kind of a banner /as printed/, put on a uniform, wander about, those are the worst tramps torching and looting around /as printed/. That is our property, it's not someone else's, what if he burned down the Serb village near Kijevo where we could accommodate our population? Here, I received a letter of the same content from the cardinal, asking me and saying that he had received a letter from some Cilko guy saying that our men are torching those places over there. I am not telling you hearsay but the things I've experienced myself and seen with my own eyes, torching and looting.

PRESIDENT:

So, we said military police right away and civil police right after that.

DR JURE RADIĆ:

The civil is in but according to my estimate the main problem here is the army-police relationship, because there is nothing the police can do to the army. If someone shows up as the army, then problems will come right after that. We have to have the civil authorities in the villages. ČERMAK is not holding power in Knin, he's not the one who can say who's going to enter which house, who's doing what. This is just an example I'm telling you.

PRESIDENT:

Wait a second, hadn't I sent ČERMAK to Knin, it would have been horrible there.

DR JURE RADIĆ:

I agree, maybe I didn't use the right example, precisely because we're all using it, but the military authority cannot run civil matters in the terrain, military authority cannot decide on who goes to which house.

PRESIDENT:

It cannot. But it can maintain order in these transitional periods.

They had a tank brigade over there, which means officers.

DR JURE RADIĆ:

It is so well preserved that I simply can't explain that to you.

PRESIDENT:

And, our men were not torching Benkovac?

DR JURE RADIĆ:

No, no, the little towns were not ruined and that is a good thing. I am just afraid they might start today, because, I'm telling you I've been to some villages that weren't burned down several days ago, so it happened in the last couple of days. I flew in a helicopter over the place three days ago and you can still see the smoke over that area. Cviljani was burning on the Day of Assumption of the Virgin Mary, not that it was burned down, but still burning, burning on that day. So, something has to be done about that right now.

PRESIDENT:

There may be something, and not just army, but these neighbours from Kijevo that have been expelled, oh I will...to the people of Cviljani.../as printed/

DR JURE RADIĆ:

They're probably revenging, but he cannot get in there because the police control him. So he puts on a military uniform, because now everybody wears a military uniform. Everybody is walking around the city in them, even those who have never been to army. /as printed/ I think it's primarily the ones who have never even been to the army, the ones who drag that /as printed/, rob, take away etc.

Now look, I have been looking around this area a bit, the biggest centres where we should focus on return, regarding the national interest. I have tried to make a chronological order or some kind of hierarchy and in my opinion I would like to discuss this with you a bit as printed/.

The map of the whole area is of a strategic importance for Croatia. I coloured it with different colours. This is what has always been critical for us in the history, not Knin, we'll manage to do that slowly.

┌ If you ask me the first, /as printed/ I defined 5 priorities according to the urgency of ┐
colonising these places with Croats.

If you ask me this thing right here is the first and the second priority, we should bring Croats back here urgently and this area should be urgently colonised with Croats and we should by no means let more than 10% of Serbs be here ever again. Because, that's where we were cut off.

PRESIDENT:

┌ Not even 10%. ┐

DR JURE RADIĆ:

OK, I am talking about 10%. So, the first priority of colonising is this right here, in my opinion Petrova and Zrinska Gora. That's where we have to establish some kind of a city sooner or later. We also have Vojnić and Veljun, a somewhat smaller place, but Vojnić is a bigger place.

However, by our companies, opening factories, just as the Serbs did in Lički Osik. /as printed/ I visited that factory. That looks marvellous. They built apartments for 4000 people, where we can bring people right away it's just that we don't have anybody. Somewhere in this area we must build...

PRESIDENT:

That has been preserved too?

DR JURE RADIĆ:

Everything has been preserved, completely wonderfully preserved.

PRESIDENT:

The factory as well?

Jure RADIĆ:

An ammunition factory, looks great.

PRESIDENT:

It is the only war factory in Croatia.

Jure RADIĆ:

Glamoč, part of Livanjsko Polje, Grahovo, up to Drvar, including Drvar itself, and here it is Srb and Lapac, those municipalities. Do you know that ethnically the cleanest municipality in Croatia was Donji Lapac, the cleanest. It was the only municipality in Croatia made up of one nation, 99 percent. There are several others in Herzegovina, but it is the only municipality composed 99 percent of one nation.

PRESIDENT:

Probably none of them remained?

Jure RADIĆ:

Yes, none.

PRESIDENT:

Listen, I am meeting with the army tomorrow, I gave them the set up of areas of responsibility, military institutions and detachments. Do it on a bigger map, so I could show it to them. The army is a priority, followed by development, because with the army we begin at once.

Therefore, I am moving the area of responsibility from Split to Knin, and that already makes hundreds of officers, non-commissioned officers, families etc.

Jure RADIĆ:

In my opinion, Knin is the third highest priority. To us, Knin does not have to have 30,000 inhabitants. Tomorrow it will have 20,000, it was artificially made to be 30,000. There is no reason for so many people to live there. If the rear holds, if we get five in Grahovo, then that's it.

PRESIDENT:

We have to regard it, in connection with that.

Jure RADIĆ:

This green here, it is a very attractive area to develop, and we wouldn't have to populate it, the people would come by themselves, they will want to come to Benkovac, but we have to set up an agency...

By Germans.

The President:

We can go with that. Germans will really gladly offer to organise a planned return.

Dr. Jure RADIĆ:

We can do that with Germans. I talked to their Minister SCHEIBER. He even offered us some money for each returnee.

The President:

That is all right.

Dr. Jure RADIĆ:

Those relations can be strengthened and they can be returned.

The President:

Jure, create a project now, say, we offer apartments, land in this and this areas etc., come back.

Dr. Jure Radić

Ok, we will take care of it in accordance with instruction of the government. They have soften it just a little bit because obviously the legal aspect of that is...

The President:

Which one?

Dr. jure RADIĆ

According to present instruction it wont be given in possession but in use because the world...

The President:

For how long?

Dr. Jure RADIĆ:

To use it for 10 years, which is not bad. During that period man has to live there, because someone might want it to sell it. After 10 years man would become owner. There is a point in that. Now, the crucial issue is to agree upon division in the Bosnia, what belongs to Croat, what belongs to Muslims. We have to offer an accommodation here for the refugees from Muslim areas. So, what are we definitely giving up in Bosnia? I believe we are not definitely giving up on Posavina, aren't we? Most of the people are from Posavina, we talk about 100 000 Croats.

The President:

Between us, it is almost illusionary to expect that we regain some areas of Posavina, it is important that we keep under control what we have now.

Dr. Jure RADIĆ:

So, one problem is Posavina, other is the central Bosnia from Tuzla all the way to Vitez, including Sarajevo. That is hopeless.

The President:

Therefore, we are focusing on Busovača, Bugojno, Novi Travnik, if we can get that.

Dr. Jure RADIĆ:

Look, we can get Kupres back. It is unreasonable that they do not want to return but still stay in the hotels. They say that some hill above them has not been liberated yet. They call it Demirovac, which is directly above Kupres. As I was told, there were Serb villages in this area, which are now being settled by the Muslims. Our people refuse that. We have to find a way to return people over there. Kupres, it is not strategically my priority but this hinterland of Dubrovnik, that is also important question. We have to keep Stolac Croat, probably Trebinje if... This is the priority just as Petrova Gora, as Banovina.

The President:

If we could do something with Jajce...

Dr. Jure RADIĆ:

That will be difficult with Muslims.

The President:

The best solution is to make a deal with Muslims. On the other hand, our strategy has to focus on keeping them close to us and convert them to Croats gradually. That will be very difficult but not as with Serbs today, because Serbs had Belgrade and power, they won't.

Dr. Jure RADIĆ:



ZAPISNIK

SA SASTANKA ODRŽANOG -

22. kolovoza 1995. godine

01864152

DANA:

U:

PREDSJEDNIČKI DVORI -

POČETAK SASTANKA:

12,00 sati.

ZAVRŠETAK SASTANKA:

13,20 sati.

**SASTANKU SU BILI NAZOČNI:
IZASLANSTVO U SASTAVU:**

DR JURE RADIĆ

PRIBIVALI UZ PREDSJEDNIKA:

01864153

SNIMANO!

Z A P I S N I

sa razgovora Predsjednika Republike Hrvatske dr Franje Tuđmana, sa gospodinom dr Jurom Radićem, održanog 22. kolovoza 1995. godine u Predsjedničkim dvorima

Početak u 12,00 sati

DR JURE RADIĆ:

Imate puno posla?

PREDSJEDNIK:

Uvijek isto.

DR JURE RADIĆ:

Sada je na mom sektoru puno posla.

PREDSJEDNIK:

Dobro, zašto dopuštate da ove izbjeglice privremeno ...?

DR JURE RADIĆ:

Tu je Rebić gluposti radio, sada smo sjeli predsjednik Valentić i ja s njim i rekli, to je on samoinicijativno radio, neda se krstiti ponekad. Ja sam mu rekao, to je glupost, ako ih treba smjestiti, smjestimo ih u školu u Gračacu, rekao sam mu.

PREDSJEDNIK:

Da, pa svuda.

DR JURE RADIĆ:

Upravo sam sada imao stožer, svi su mi župani tu iz oslobodjenih područja pa su malo izvijestili o problemima na terenu. Tu ću vam reći dvije, tri stvari.

Glavni problem je čovjek. Nemamo na tim područjima ljudi, a kada nemate ljudi onda nema tko ni stoku pokupiti, nema tko ni bilo što napraviti.

PREDSJEDNIK:

Tu treba izvršiti mobilizaciju civilne zaštite.

DR JURE RADIĆ:

Upravo smo danas o tome razgovarali, i sutra ćemo na Vladi tu odluku donijeti da se civilnu zaštitu mobilizira iz drugih krajeva da se tamo dovedu ljudi.

Deminiranje je poteškoća i to će biti. Tu jednostavno nema izlaza.

PREDSJEDNIK:

Dobro, ali ipak na svoj način je ipak manje nego što smo očekivali.

DR JURE RADIĆ:

Je, je, ja isto mislim da je manje. Ljudi se ponekad više boje nego što je potrebno, ali evo i jučer je neki poginuo kod uređivanja dalekovoda itd. Mislim da su javna poduzeća obavila jako dobro posao, skoro svi, od cesta, željeznice, elektroprivrede, posebno elektroprivrede. Tu će za koji dan biti dovedena struja do svih oslobodjenih mjesta. Onaj veliki dalekovod prema Dalmaciji treba im mjesec dana još, ali dobro i to nije puno. Kad se to dovrši onda je stvarno velik dio posla riješen. Ove hidrocentrale kreću u pogon koje su oslobodjene i to je jedna dobra stvar.

Ali, problem je s ljudima. Dogovorili smo da povratak ide u tri faze, tri grupe. Jedna je oni koji se mogu vratiti u svoje kuće odmah. Mi njima dajemo besplatno staklo, boju, odredili smo interventne grupe i to ide.

Druga grupa su oni koji mogu blizu svojih kuća doći u kuće koje su napuštene. Tu imamo velikih problema, nedaju se. Kako to izvesti, jednostavno još ne vidimo načina kako naše ljude prisiliti na to. Neki rado idu, recimo Kijevljani su u većini slučajeva prihvatili da idu u Knin. Ali ovi tu iz ovih prostora Banijskih nedaju se u Petrinju. Evo Saborski, danas smo raspravljali u Plaški, Saborski potpuno nema ništa, a Plaški je čitav. Oni kažu, neću ja dva puta seliti ...

PREDSJEDNIK:

Zašto dva puta seliti?

DR JURE RADIĆ:

Danas tu, pa sutra u Saborsko.

PREDSJEDNIK:

Pa neka tu ostane.

DR JURE RADIĆ:

To neće, tu je malo s ljudima teško.

PREDSJEDNIK:

Čekaj, je li se boji da mu nije sigurno?

DR JURE RADIĆ:

Boji se da nije sigurno da mu neki Srbin ne bi sutra dolazio. To je jedno. A drugo, ipak on radije hoće u svoju kuću tamo. Ja bih isto tako gledao, ali privremeno mora doći. Mi ćemo morati tu s nekom uredbom ili s nečim malo oštrije ići da se ljude odvede tamo.

PREDSJEDNIK:

Skinuti, ako mu se nudja, skinut ga sa popisa prognanika.

DR JURE RADIĆ:

I onih beneficija, a tamo mu dati beneficije na mjesto gdje ga šaljemo tamo

mu moramo dati beneficije maksimalne koliko se god može.

I treća grupa su oni gdje nema u blizini njihovih prostora mogućnosti za privremeni smještaj, gdje je potpuno stradalo područje kao što je recimo Drniš i drniški kraj.

PREDSJEDNIK:

Čekaj, pa nije tako.

DR JURE RADIĆ:

Stradao je, jako je stradao. Vi ste prošli samo onaj glavni dio, ali Drniš je drugi po veličini prognaniči grad u Hrvatskoj, Vukovar pa Drniš, 25 tisuća ljudi. Tamo je bilo samo tisuću Srba. Kada govorim o gradu, onda se misli i na sela. Sve naokolo je srušeno, jer od njih 25, možda se 5 može vratiti, a 20 ne može. To je odnos u Drnišu. Drniš je najtipičniji. U Slunju, mislim da ćemo ipak uspjeti u Slunj vratiti većinu u grad, jer sva sela naokolo su srušena, ali treba nam godina dana onda za to sve obnoviti naokolo.

Tako da po mojem gledanju jedna trećina od 120 tisuća će ostati upitna, a dvije trećine od 120, dakle 80 tisuća ćemo moći sada kroz mjesec, dva ili vratiti ili ih skinuti sa prognaničkog statusa.

Medjutim, nama nije cilj da se oni skinu sa prognaničkog statusa. Najveći je problem da ljude tamo dovedemo. Ja sam sjeo i malo analizirao ...

PREDSJEDNIK:

Jure, u ovom sklopu vraćanja, treba ići na to da kao Hrvatska pozovemo i platimo povratak ljudima iz Argentine, Australije itd. Organizirati nekakve charter letove ili

HLJ

- 6 -

brodove, reći im da mogu birati čak, da im dademo kuće, da im dademo posjede i čak neku anketu provesti za što bi bili zainteresirani, ali ponuditi im mogućnost takvu, ali da to država plati.

DR JURE RADIĆ:

Ne košta to ništa nas.

PREDSJEDNIK:

Šta bi značilo da tisuću ljudi, i ti će onda ući u te srpske kuće itd.

DR JURE RADIĆ:

Točno, točno, prostor je prazan. To je i glavna tema o kojoj bih htio sada s Vama razgovarati.

Na tom prostoru jednostavno mi nemamo potencijala za život. Evo, meni i danas direktor željeznice kaže, mi ćemo uspostaviti sada promet, ali ja sam mobilizirao, kao željeznica mobilizirao ljude iz Vinkovaca i iz Osijeka da rade, ali faliće tamo kada otvorimo. Nama dakle u nekim strukama fali ljudi.

Medjutim, jedna stvar koju vam moram reći, ja sam obišao sada sve to i kolima i helikopterom. Puno su naši zapalili sada, pale i danas, pale i jučer Predsjedniče, to je zlo.

Ja sam išao u Kijevo vidjeti, znam jako dobro taj kraj. Kraj Kijeve ima selo Civljane, koji je jednake veličine, srpsko selo koji su uredili fine kuće i rekli su mi da je sve čitavo. Na veliku Gospu dodjem tamo i sve je izgorjelo. U gradovima ne, jer očito je tu vlast

Helikopterom sam letio prije tri dana i iznad toga još sada dimi. Na veliku Gospu Civljani gore, ne da su izgorili, nego gore, taj dan gore. Tako da se tu mora što prije sada nešto napraviti.

PREDSJEDNIK:

Nešto može biti, i ne samo vojska, nego ti susjedi iz Kijeva koji su istjerani, e pa sada ću Civljanima ja ...

DR JURE RADIĆ:

Vjerojatno se osvećuju, ali on ne može ući tamo jer ga policija kontrolira, ali on udje u vojnoj uniformi, jer svatko obuče sada vojnu uniformu, hodaju po gradu u tome i oni koji nisu nikada vojske vidjeli. Ja prvo mislim da su to oni koji nikada vojske nisu vidjeli, ti koji to vuku, pljačkaju, nose itd.

Sada gledajte, u tom prostoru ja sam malo gledao, ovi najveći centri gdje bismo se morali usmjeriti na povratak, vezano s nacionalnog interesa. Probao sam složiti jedan redosljed ili jednu hijerarhiju i po mom mišljenju to bih htio sada s vama malo prodiskutirati.

Karta čitavog tog područja od strateške je važnosti za Hrvatsku. Ja sam je tu napravio u raznim bojama. Ovo je ono što nam je bilo uvijek kritično povijesno, ne Knin, to stignemo polako.

Po meni prvi, ako idem, napravio sam pet prioriteta po hitnosti naseljavanja Hrvatima.

Po meni je ovo tu, dakle prvi i drugi, ovdje treba hitno vratiti Hrvate, a ovo

hitno naseliti Hrvatima i ni pod koju cijenu ne dopustiti da ovdje bude više od 10% Srba nikada više. Jer, tu je ono gdje smo presječeni.

PREDSJEDNIK:

Ma ni 10%.

DR JURE RADIĆ:

Dobro, govorim o broju od 10%. Dakle, prvi prioritet naseljavanja je ovo tu, po mom gledanju, Petrova i Zrinska gora. Na tome mi vjerojatno moramo razviti neki gradić danas sutra. Tu je Vojnić i tu je Veljun neko manje mjesto, ali Vojnić je malo veće mjesto.

Medjutim, poduzećima našim, otvaranjem tvornica, kao što recimo su Srbi napravili u Ličkom Osiku. Ja sam obišao tu tvornicu. Pa to izgleda veličanstveno. Za četiri tisuće ljudi su oni stanove izgradili, u koje odmah možemo useliti mi ljude, samo nemamo koga. Negdje na ovom prostoru moramo sagraditi ...

PREDSJEDNIK:

I to je ostalo čitavo?

DR JURE RADIĆ:

Ostalo je čitavo sve, potpuno lijepo sačuvano.

PREDSJEDNIK:

I tvornica?

Vojniću 51, samo 51 Hrvat.

PREDSJEDNIK:

U Vrginmostu?

DR JURE RADIĆ:

Njega nisam izvukao jer mi je on malo iznad, ali mogu vam to isto izvući, ali isto jako malo. Tu ima jedno selo jedino, koje se zvalo Maja, koje je bilo većinski hrvatsko u tom prostoru crveno i ono što je bilo većinski hrvatsko, a plavo većinski srpsko. I to je taj ključni prostor gdje bismo prvo trebali naseljavati.

Drugo, ovo što je hrvatsko vratiti Hrvate hitno tu.

Sada treće, treći prioritet ali koji treba paralelno raditi je ovo tu što je oslobođeno hrvatsko i ovo tu što je bilo potpuno srpsko, dakle ovaj kraj šrafiran ovdje on je bio preko 90% naseljen Srbima, a sada je pod našom kontrolom čitav. Tu je jako malo ljudi. To je sve skupa bilo ...

PREDSJEDNIK:

To je od Kupresa do Grahova.

DR JURE RADIĆ:

Ovo Glamoč, dio Livanjskog polja, Grahovo, pa do Drvara i Drvar uključujemo u to i ovo, a ovdje Srb i Lapac, te općine. Znae da je u hrvatskoj najčišća nacionalna općina bila Donji Lapac, najčišća. Jedina općina u kojoj je bilo jednog naroda

99%, toga nema nigdje u Hrvatskoj. Ima u Hercegovini više, ali jedina općina u kojoj je jednog naroda 99%.

PREDSJEDNIK:

Valjda sada nije ostao ni jedan?

DR JURE RADIĆ:

Ne, nema.

PREDSJEDNIK:

Slušaj, ja sutra imam sa vojskom, dao sam im razmještaj zbornih područja i vojnih institucija i postrojbi. Napravi ovo na jednoj većoj karti, znači situaciju gdje, da imamo po prilici predodžbu, odnosno da njima to pokažem. Vojska u prvom redu, pa onda razvitak, jer s vojskom možemo odmah ići.

Prema tome preselim Zborno područje iz Splita u Knin i to su već stotine časnika, potčasnika, obitelji itd.

DR JURE RADIĆ:

Knin je po mome u trećem redoslijedu prioriteta. Nama Knin ne mora imati 30 tisuća stanovnika, sutra ima 10 i on je umjetno stvoren na 30. Tamo nema nikakvog razloga da bude toliko ljudi. Ako zaledje drži, ako budemo u Grahovu imali 5, to je to.

3/3/HLJ

ministrom Šajberom. On je nudio da bi oni čak nama za svakog od povratnika ponudili neke

...

PREDSJEDNIK:

Dobro, to je u redu.

DR JURE RADIĆ:

I te odnose možemo učvrstiti, vezati i njih vratiti.

PREDSJEDNIK:

Jure, napraviti sada jednu sliku, nudjamo stanove, zemljište u tim i tim područjima itd., vraćajte se.

DR JURE RADIĆ:

Dobro, idemo s Uredbom Vlade po kojoj to preuzimamo. Malo su je smekšali, ali ne toliko bitno, jer očito se ovaj dio upravno-pravni ...

PREDSJEDNIK:

Koji?

DR JURE RADIĆ:

Neće se davati u vlasništvo po sadašnjem prijedlogu, nego na korištenje da ne bi svijet ...

3/4/HLJ

PREDSJEDNIK:

Na korištenje, koliko?

DR JURE RADIĆ:

Na deset godina korištenje, što nije loše. Kroz to vrijeme prisiljava čovjeka da bude tamo, jer netko bi prodao, mogao bi netko to i prodati, a nakon toga postaje vlasnik toga, nakon 10 godina. Ima to svoju svrhu.

Ključno je sada, dogovoriti se u Bosni, što će u Bosni biti hrvatsko, što muslimansko, i onda iz onoga gdje je muslimansko ako imamo prognanike tu im ponuditi razmještaj. Dakle, čega se mi u Bosni definitivno odričemo? Ja vjerujem da se ne odričemo Posavine do kraja, jel tako? Jer, najveći broj ljudi je iz Posavine, to je sto tisuća Hrvata.

PREDSJEDNIK:

Mislim da zapravo osim onoga što držim da vraćamo u Posavini da je to gotovo iluzorno, da bi trebalo osvajati itd., tako da nam je, među nama rečeno, da je važnije da mi ove prostore imamo.

DR JURE RADIĆ:

Dakle, jedan problem je Posavina, a drugi problem je središnja Bosna od Tuzle pa sve dolje do Viteza, uključujući i Sarajevo. Tu nema šansi.

PREDSJEDNIK:

Nema šansi, prema tome mi si držimo znači ovo što sam rekao od središnje

Bosne, Busovača, Bugojno, kada bismo mogli to dobiti, Novi Travnik.

DR JURE RADIĆ:

Gledajte, Kupres ne možemo vratiti, što je stvarno suludo da oni stoje dolje u hotelima, neće da se vraćaju, jer da to neko brdo iznad njih nije još oslobođeno.

Oni to zovu Demirovac, to je neposredno iznad Kupresa. Meni pričaju, u ovom dijelu su srpska sela bila i kaže da tu se Muslimani naseljavaju, a naši neće.

To bi trebalo jednostavno naći način i vratiti ljude gore. Kupres, strateški nisam to sada crtao, ali ovo zaledje Dubrovnika. To je isto veliko pitanje. Stolac moramo održati hrvatskim, a vjerojatno i Trebinje sutra ako bude ...

Ovo je jednak prioritet kao i ovo tu, kao Petrova gora, kao i Banovina.

PREDSJEDNIK:

Kada bismo mogli ovo Jajce ...

DR JURE RADIĆ:

To će teško s Muslimanima ići.

PREDSJEDNIK:

Idealno bi bilo, mi se moramo s Muslimanima isto tako dogovoriti, ali strateški računati da nam nema druge nego da na leđjima nosimo Muslimane i da ih kroatiziramo postupno. To će biti veoma teško, oni nam neće biti lagani, bit će nam utoliko laganiji problem nego li Srbi danas, zato što su Srbi imali Beograd i imaju vlast, a ovi neće imati.

ANNEX 69

**Excerpts from the Record of a meeting between the
President of the Republic of Croatia, Dr. Franjo
Tuđman, and the military officials of the Republic of
Croatia, held on 23 August 1995 at the Presidential
Palace in Zagreb**

RECORD

of a conversation between the President of the Republic of Croatia, Dr Franjo TUĐMAN, and military officials of the Republic of Croatia, held in the Presidential Palace on 23 August 1995

Beginning at 1000 hours.

PRESIDENT:

Gentlemen, the subject of today's meeting is military and administrative organisation and deployment of military units.

The organisation of armed forces is the basic issue for the establishment and survival of every state and so it is for ours. From times immemorial the issue of establishing a state and setting up its internal system has existed commensurate with the problems facing each individual state.

Since the issue of military and administrative organisation for us means the division into military districts, as we have termed them so far, and also the deployment of units, we should naturally start first of all from the geopolitical position and strategic interests of our state in relation to expected and potential enemies, both today and in the future. However, we should also concentrate on the fact that military organisation may be the most effective means of meeting the internal needs of the state. To be sure, we do not have special needs in terms of

JG

strengthening the existing system as is the case in many states, yet we do also have this, for example in the territory of Istria. However, considering the situation that we have had since the liberation of the occupied territories and in view of the demographic situation, we need precisely for the military organisation to be one of the most effective ... It may well be, if we find a proper way for one of the most effective components of state policy to solve our essential problem today, and that is Croatia's demographic situation. That is why I asked Deputy Prime Minister and Minister of Development and Reconstruction Dr RADIĆ to come to this meeting and talk about the demographic situation in Croatia today. The location of military commands, districts, brigades and other training institutions and so on may represent a very effective and efficient resolution of such a situation as we have, that is, where it is necessary, as it is in Istria, to strengthen Croatian national solidarity. On the other hand, in order to ... as soon as possible – today it is not so much a matter of changing the kind of population as of populating certain places, certain areas. This means if you put large commands, training institutions and so on, in certain places, dozens and hundreds of people will go there who will have to have families and so on, and immediately the situation, the life, and so on will be different.

Therefore, Deputy Prime Minister Mr RADIĆ will talk about the demographic situation which we will have to consider later when we make decisions about the military organisation. Please proceed.

Dr Jure RADIĆ:

Thank you, Mr President. Indeed, I will be as brief as possible – since I think that all of us know that after the liberation of Croatia the biggest problem in Croatia is Croatian man. Simply put, for several reasons there are fewer and fewer Croats every day. One reason is that many people have emigrated or were forced out in the past for political or economic reasons.

JG

The second reason is that fewer people have been returning to Croatia in the last 40 years. Between 1953 and now the number of births in Croatia has been cut in half. About 100,000, or 98,000 plus, were born in 1953, while last year 48,000 were born, which is a half of that number. This is something that in time we will definitely feel in the army, since there will be far fewer people capable of bearing arms. But, the worst part of this is a very, very unfavourable distribution of population, that is, of the population that we do have. This is why we have areas that are almost completely empty in the Croatian territory, where there are almost no Croats. This, of course, is the consequence of the Greater Serbian plan to empty territories after a prepared aggression. If we look at the present map of Croatia taking into account something that it might be premature to assume - that all the people return to their homes, which would be very, very difficult, probably not all will go back, since many of them have made a good life for themselves in the places where they were refugees. Today we have analysed in detail the liberated territory and determined the sequence of demographic priorities, that is the sequence of the territories that are strategically important for Croatia according to where there are no Croats, so that we might try in various ways to populate these areas. In this sequence the critical territory is the one in the narrowest part of Croatia where the planners in Belgrade and elsewhere wanted Croatia to be bisected. Therefore, from our point of view the priority areas in terms of building up the population includes the former municipalities of Vrginmost, Vojnić and part of Karlovac municipality. That is the territory of Petrova Gora and around that mountain. In these three municipalities before the war, here on this map - where it is marked bright red, this is where only 4,259 Croats lived, while there were 26,298 Serbs. This then is an almost completely empty territory and the number one national priority is to populate this territory with Croats and attempt everything possible to create a balance. I think that we have to target small towns there like Vrginmost and

JG

Vojnić, and villages that are a little bigger like Veljun, Krnjak, and so on, and develop industry in them.

PRESIDENT:

We do not have time for that. You should state the situation and decisions will then be made.

Dr Jure RADIĆ:

This is a critical point. The area below this, the Slunj area where Croats should be returned is on the same crisis level. It is also quite empty but luckily, there were no Serbs there or there were very few. Therefore, from our point of view this territory is on the same level, this red and blue area in the narrowest part of Croatia where Croatia was completely cut.

The next priority, the third on the scale, depending on whether we should include into our considerations the territory of Herceg-Bosna, or Bosnia and Herzegovina ...

./.

2/1HLJ

... the third priority, the third on the scale, depending on whether we should consider the territories of Herceg-Bosna and Bosnia and Herzegovina. It could be rotated more or less towards Croatia's depth.

Therefore, if the liberated territory around Livanjsko Polje, Glamoč, Kupres, Grahovo, and Drvar is populated with Croats in the future, then the area around Knin would become of smaller significance.

PRESIDENT:

If it ever becomes.

Dr Jure RADIĆ:

That is why it is up to you whether this will happen or not. If not, then the third priority is the same all the way from the former municipality of Donji Lapac and Knin. These are two border municipalities that extend along the Croatian border and did not have almost anybody. For example, there were 1,660 Croats in Knin, 29 in Srb, not one in Doljani and 14 in Donji Lapac.

PRESIDENT:

Do you know approximately, how many were there after the Second World War?

Dr Jure RADIĆ:

After the Second World War Knin was 60% Croat, I have the data but not with me.

2/2/HLJ

PRESIDENT:

What, 60%?

Dr Jure RADIĆ:

Yes, 60% Croats in the town of Knin itself, only Knin was a lot smaller then.

The whole of this territory of the two municipalities of Donji Lapac and Knin, this key border area was completely emptied of Croats. I do not know, I think it is an interesting fact that the ethnically purest municipality in Croatia was Donji Lapac, a municipality with over 99% Serbs. According to the 1991 census there was not a single municipality in Croatia with over 98% Croats before the war, not one anywhere. There is in Herzegovina. There are four municipalities in Herzegovina ...

PRESIDENT:

There are not any in Zagorje either.

Dr Jure RADIĆ:

No, not even in Zagorje. The ethnically purest municipality in Croatia was Donji Lapac municipality. This means, our priority is certainly the border territory of Donji Lapac and Knin municipalities and after that there is a large area that is relatively empty, the whole of Lika and northern Dalmatinska Zagora, that should be populated, but in the long term.

The territory around Benkovac and Ravni Kotari that also had a Serbian majority in many parts is certainly not a priority area at this time because there is a good economic basis for it to be populated and population will settle there rather quickly. Today we

2/3/HLJ

are being put under pressure, I have received hundreds of letters recently from people who want to move there, but they all want to go to Benkovac, or out of a hundred such people, 90 want to go to Benkovac. People think things through and figure out where there is a quick opportunity of development, and so on. Therefore, for the area marked green right here, I think we do not have to intervene on the state level.

I would conclude that the red and blue areas should be populated with as many Croats possible on an urgent priority basis. At this point, I skipped the striped area to which Zrinska Gora belongs and the area of Lapac and Knin municipalities, or rather the hinterland and the territory in Herzegovina. The same is true of the second level of priority and this empty territory in Lika, as much as it is possible. Thank you.

PRESIDENT:

Let us go to proposals. Now you may give reasons regarding the present situation and what changes you propose. I have received two proposals from you in the last several days, and what is your position now.

General Zvonimir ČERVENKO:

It is like this, Mr President, we did the first one pretty quickly, but not the way you asked without ...

PRESIDENT:

I did not ask for it rapidly /as printed/.

General Zvonimir ČERVENKO:

Yes, you did, you asked to get it in the course of the following day, but we could not do that.

01325991

~~R0159964~~

FM

Z A P I S N I K

sa razgovora Predsjednika Republike Hrvatske, dr Franje Tuđmana sa vojnim dužnosnicima Republike Hrvatske, održanog u Predsjedničkim dvorima, 23. kolovoza 1995. godine

Početak u 10,00 sati.

PREDSJEDNIK:

Gospodo, tema današnjeg sastanka je razmatranje vojno-upravne ustrojbe i razmještaja vojnih postrojbi.

Budući da je ustrojba oružane sile u svakoj državi, a bila je i u nas osnovno pitanje i uspostave i održanja države, ali od pamtivijeka u svim državama pa i u nas isto tako problem izgradnje države i u unutarnjem poretku s obzirom na probleme pred kojima se pojedina država nalazi.

Prema tome, kad je riječ o vojno-upravnoj ustrojbi što znači u nas o podjeli na zborna područja kako ih do sada zovemo po imenima, a i na razmještaj jedinica, nakon toga treba polaziti, razumije se, prije svega, od geopolitičkog položaja i od strateških interesa države s obzirom na predvidljive i moguće protivnike i danas i u budućnosti. Ali, isto tako treba polaziti od toga da vojna ustrojba može biti najdjelotvornije sredstvo rješavanja unutarnjih potreba države. Mi doduše nemamo potrebe, posebne potrebe za rješavanje

01325993

JG

- 3 -

~~R0159966~~

fm

drugi je što se evo, zadnjih 40 godina svake godine sve manje ljudi u Hrvatskoj vraća. Od 1953. godine do danas broj rođenih u Hrvatskoj je prepolovljen. 1953. godine je rođeno oko 100 tisuća, 98 tisuća i nešto, a prošle godine 48 tisuća, dakle, dvostruko manje. To je sasvim sigurno nešto što ćemo i u vojsci osjetiti kroz neko vrijeme kad bude puno manje onih koji su sposobni nositi pušku. Ali najgora stvar u tome je vrlo, vrlo nepovoljan raspored tog pučanstva, dakle onog stanovništva i kojeg imamo. Tako da imamo na hrvatskom tlu prostora koji su gotovo crnje mrlje, u kojima gotovo da nema Hrvata. To je naravno posljedica velikosrpske smišljene politike koja je htjela, namjerno htjela pripremajući ovu agresiju isprazniti prostore i kad gledamo današnju sliku Hrvatske, računajući nešto što je možda čak i preduhitreno računati da se svi ljudi vrate u svoje kuće, što je vrlo, vrlo teško, vjerojatno se neće svi vratiti, mnogi su se snašli u prostorima svojeg progonstva. Analizirali smo vrlo detaljno područje danas oslobođeno i utvrdili u njemu s demografskog gledišta redosljed prioriteta demografski, dakle redosljed područja strateškog značenja za Hrvatsku po tome gdje nema Hrvata jednostavno da bismo se usmjerili raznim načinima napučivanje tog prostora. I u tom redosljedu po rangovima kritični prostor je onaj prostor koji na najužem dijelu zapravo cijepa Hrvatsku i gdje su ti koji su smišljali u Beogradu i drugdje to htjeli napraviti. Dakle, s našeg gledišta prostor prvog prioriteta za napučavanje su bivše općine Vrginmost, Vojnić i dio karlovačke općine. Dakle, područje Petrove Gore i oko te Gore. Na tom prostoru prije rata, dakle te tri općine, to je na ovoj karti - ovo što je jako crveno istaknuto, na tom područje je živjelo 4 tisuće 259 Hrvata, samo 4.259 Hrvata, a 26 tisuća 298 Srba. Dakle, gotovo, gotovo potpuno prazan prostor i nacionalni prioritet broj jedan je to područje napučiti Hrvatima i napraviti koliko je god moguće da se napravi jedan balans. Mislim da se moramo orijentirati na to da ove gradiće koji tamo postoje a to su Vrginmost,

Vojnik, neka malo veća sela kao što je Veljun, Krnjak itd, da se u njima razvijaju i gospodarski pogoni.

PREDSJEDNIK:

Nemamo vremena za to, ti iznesi situaciju, pa će se donijeti odluke.

DR JURE RADIĆ:

Kritična točka je to. Jednakog ranga kritičnosti je prostor ispod toga, slunjski prostor u koji treba vratiti Hrvate. On je također prilično prazan ali nasreću tamo nije bilo Srba ili ih je bilo jako malo. Dakle, jednakog ranga danas s našeg gledišta je taj prostor ovaj crveno-plavi na tom najužem dijelu Hrvatske gdje je Hrvatska bila potpuno rasječena.

Slijedeći prioritet, treći po rangu, ovisno o tome da li uključujemo u razmatranje i područja Herceg-Bosne, odnosno Bosne i Hercegovine i

./.

... treći prioritet, treći po rangi ovisno o tome da li uključujemo u razmatranje i područja Herceg-Bosne odnosno Bosne i Hercegovine ili ne. Može se rotirati više prema dubini Hrvatske ili manje.

Dakle, ako oslobodjeni prostor livanjskog dijela, glamočkog, kupreškog, grahovskog i drvarskog bude u budućnosti Hrvatima naseljen onda manji značaj dobiva područje kninskog recimo prostora.

PREDSJEDNIK:

Ako kada bude.

DR JURE RADIĆ:

Zato je to na vama odluka da li će biti ili neće. Ako ne, onda je jednako taj treći prioritet potpuno sve od bivše općine Donji Lapac i Knin. To su dvije pogranične općine koje se protežu uz hrvatsku granicu i u kojima također nije bilo gotovo ništa. U Kninu je recimo bilo 1.660 Hrvata, u Srbu 29, u Doljanima ni jedan, u Donjem Lapcu 14.

PREDSJEDNIK:

Da li znaš koliko je bilo poslije drugog svjetskog rata otprilike?

DR JURE RADIĆ:

U Kninu je bilo 60% Hrvata poslije drugog svjetskog rata, imam podatke ali nemam ih sada kod sebe.

~~R0159969~~
FM

PREDSJEDNIK:

Šta, 60%?

DR JURE RADIĆ:

Da, 60% Hrvata u samom gradu Kninu, samo Knin je tada bio mali.

Dakle, čitavo ovo područje dviju općina Donji Lapac i Knin, to je pogranično ključno područje potpuno ispražnjeno Hrvatima. Ne znam, mislim da je zanimljiv podatak, nacionalno najčišća općina u Hrvatskoj je bila općina Donji Lapac sa 99 i nešto posto Srba. Nema ni jedna općina u Hrvatskoj preko 98% Hrvata, prije rata po popisu od 1991. godine, ni jedna nigdje. Ima u Hercegovini. U Hercegovini imaju četiri općine ...

PREDSJEDNIK:

Ni u Zagorju nema.

DR JURE RADIĆ:

Ne, ni u Zagorju. Nacionalno najčišća općina u Hrvatskoj je bila općina Donji Lapac. Znači, prioritet svakako je taj pogranični prostor općine Donji Lapac i općina Knin i onda nakon toga se širi jedno veliko područje koje je prilično prazno pučanstvom, čitavo područje Like i sjevernog dijela Dalmatinske Zagore koje je potrebno svakako naseljavati, ali u jednom dugoročnom prostoru.

Područje benkovačkog kraja, odnosno Ravnih kotara koje je također bilo većinski srpsko u mnogim svojim dijelovima sigurno nije toliko danas prioritetno jer ono nudi gospodarske razloge za naseljavanje i tamo će se vrlo brzo dogoditi naseljavanje. Mi danas

01325997

2/3/HLJ

~~R-0159970~~
fm

imamo pritiske, dobio sam ovih dana na stotine pisama i želja da se nasele, ali svi žele u Benkovac, ili od tih stotinu 90 hoće u Benkovac. Ljudi prosudjuju i znaju gdje je vrlo brza mogućnost razvitka itd. Dakle, ovo što je ovdje zeleno označeno, mislim da ne moramo interventno s razine države.

Zaključujem, dakle crveno i plavo područje hitno i prvorazredno napuniti Hrvatima koliko god možemo, područje šrafirano, tu spada dakle i Zrinska gora, nju sam ovaj čas preskočio i područje općina Lapac i Knin, odnosno u zaledju i područje u Hercegovini jednako tako u drugom rangu prioriteta, a ovo područje prazno u Lici koliko bude moguće. Hvala.

PREDSJEDNIK:

Idemo na prijedloge. Sada obrazložite u odnosu na sadašnje stanje, kakve promjene predlažete. Ja sam dobio posljednjih dana od vas dva prijedloga i na čemu ste sada.

GENERAL ZBORA ZVONIMIR ČERVENKO:

Ovako, gospodine Predsjedniče, mi smo vam onu prvu dali onako na brzaka, ne kao što ste tražili bez ...

PREDSJEDNIK:

Nisam ja tražio na brzaka.

GENERAL ZBORA ZVONIMIR ČERVENKO:

Jeste, tražili ste tijekom slijedećeg dana, ali to mi nismo mogli učiniti.

ANNEX 70

**BBC, the Speech of President Tuđman in Knin on 26
August 1995, according to Croatian Radio Zagreb**

Source:

President's Speeches On Train Journey From Zagreb To Split Via Knin; Tudjman says Serbs fled Knin thanks to the Croatian Army, BBC Summary of World Broadcasts, August 28, 1995, Monday, Part 2 Central Europe, the Balkins; Former Yugoslavia; Croatia; EE/D2393/C, 1431 words, Source: Croatian Radio, Zagreb, in Serbo-Croat 1340 gmt 26 Aug 95

The following is a live relay of Tudjman's statement in Knin broadcast by Croatian radio:

Croatian women and men, dear Croatian youth, Croatian soldiers, dear citizens of Knin, you who have survived here and who have returned and all your guests who have gathered here on this day - and we can accept what Croatian Army Knin commander Gen Ivan Cermak said: that we can call this the day when the Croatian historical cross has been completed.

Usually participants of historical events are not aware of the importance of the events which they take part in. What we have done today by bringing this Train of Freedom from Zagreb, the capital of all Croats, to Knin, the royal Croatian city, on the way to Split in the Croatian Dalmatia, the cradle of the Croatian statehood, this is not just the opening of a railway, this is not just the liberation of the occupied areas, but this is the laying of the foundations for an independent and sovereign Croatian state [Tudjman's voice becomes hoarse and he starts to bellow] from now on for the future centuries. [applause]

As long as they the Serbs were in Knin, as long as Knin was under occupation, the future of the Croatian state was not assured. Since Operation Storm, since today, it is. No one will ever be able to threaten it.

Knin was not just the capital of Croatian king Zvonimir, Knin was the capital of the kingdom of Croatia at the time when we did not have our own rulers from our own blood until 1522, when it was captured by the Turks and when those who were in our Croatian Knin until yesterday came together with them. And from today, this is Croatian Knin.

And [applause] there can be no return to the past, to the times when they the Serbs were spreading cancer in the heart of Croatia, cancer which was destroying the Croatian national being and which did not allow the Croatian people to be the master in its own house and did not allow Croatia to lead an independent and sovereign life under this wide, blue sky and within the world community of sovereign nations.

It is up to Croatian historians to explain today in this free and sovereign Croatia how it came about that Knin became a den of Chetnik anti-Croatianism. Knin,

which - as I have said - was the capital of Croatia until 1522, Knin in which, until - despite the fact that the remaining population was given some sort of concessions from Turkish, Austrian and Hungarian times, and they multiplied. [sentence as heard] But nevertheless until the end of the World War I, the Croats formed the majority in Knin. At the time of the unification of Croatia with Serbia into the former Yugoslav community in 1918, according to the 1910 census, there were 68 per cent of Croats and 32 per cent Orthodox Serbs in Knin. In 1991, there were just 14 per cent of Croats here in the heart of Croatia and 86 per cent Serbs. [applause]

It should be researched and explained to the Croatian people and the world why Knin became a Chetnik den and why they left not just Knin but also took everything with them connected with the idea of a Greater Serbia, the idea of joining Croatian areas to a Greater Serbian Yugoslavia or to a Greater Serbia itself. [sentence as heard]

Maybe the younger generation does not know that in 1941, when the former Yugoslavia the kingdom of Yugoslavia disintegrated, a Knin outlaw name indistinct and priest Momcilo Djuric, compiled a list on behalf of 100 Serb intellectuals and on behalf of 100,000 Serbs and demanded, offered themselves to fascist Italy, so that fascist Italy should join this Knin Krajina and Dalmatia to Italy. [sentence as heard]

You are also not aware of the fact that when Croatian communists, and even those Serbs who were in the communist movement, started an anti-fascist struggle, that here in (?Odric) on 11th August 1941 those citizens of Knin whom I have mentioned, signed an agreement with Italians against the Independent State of Croatia pro-Nazi state and with fascist Italy to fight the Croatom.

What has happened historically to make Knin become such an anti-Croatian place of horror, which prompted them to start a struggle against an independent and democratic Croatia in 1990, but which also brought about their ignominious disappearance from Knin and the region as though they had never lived here! [tumultuous applause]

In order to achieve this, dear Croatian brothers and sisters, we had to unite the disunited Croathood. We had to muster all Croatian wit and reject all Croatian stupidity. We had to create our own Croatian Army, our own armed force, with which we were capable of defeating the Serbs and convince and prove to the world that we are capable of preserving and ruling our country. [sound of crowd cheering and shouting "Franjo" for 24 second]

Here in Knin they Serbs were creating their own Serb state in order to unify it with those Bosnian Serbs and Serbia proper and their Yugoslavia. Here in Knin

they were saying that they had three Serb pine trees. Here in Knin they were preparing for a long-term war. They were printing their own money and then, owing to the strength of the Croatian Army, the wisdom of our decisions and our leadership, they disappeared in two to three days [applause for 12 seconds] . They didn't even have the time to take with them their filthy foreign currency or their knickers applause .

I have already said today that we paid a very high price, one billion Kunas Croatian currency , for Operation Storm, and before that for the Croatian summer of 95 in the Bosnian hinterland Grahovo and Glamoc in southwest Bosnia were captured by Croatian forces earlier this summer . I have also said that we seized their weapons and military equipment and all the other things we took from factories which are twice as valuable as this.

We should also say this: the liberation of Knin and central Croatian parts, from here to Sisak, they the Serbs were just 28 km away from Zagreb [applause, sentence as received]. We had to pay for it in blood. In this operation some 200 Croatian people lost their lives and over 1,000 Croatian soldiers and civilians were wounded. The Serbs did not just run away. They tried to put up a resistance and they suffered more than three times as many losses.

This also means that we will know how to value what we conquered at the price of Croatian blood and we shall never allow anyone to jeopardize our freedom, our democracy, our beautiful Croatian land in which there must be room not only for all Croatian people here, but also for all those expelled Croats whom I invited to return when I was speaking in Gospic.

It goes without saying that from fertile areas to all these parts we liberated there will be room for all our people, and our nation will celebrate its freedom and build its Croatia for which, since King Zvonimir 11th century , too many Croatian people died and too many of our sons suffered in the dungeons of Venice, Vienna, Budapest and Belgrade.

We knew what lessons to draw from our history in order to get to where we are now - freedom - which is truly the end of the Croatian crusade, as what remains to be done - Vukovar, the Croatian symbol applause , eastern Slavonia and Baranja – [continuing applause] are in the east of the Croatian country. The Croatian country is now stronger, not only stronger, but also fully consolidated following the liberation of Knin and central parts of Croatia. God willing, we shall liberate the remaining territory by peaceful means and without loss of life, with help from the international community. If this proves impossible, we shall use our force. [applause]

Dear Croatian brothers and sisters, I invite you to start on the revival of Knin, so we can populate it, and not just Knin, but also Benkovac, Obrovac and all the area up to the Plitvice lakes and Sisak . We must revive and build the whole of Croatia, so it can become a country of which every Croat can be proud, and all Croats can be from today, and a country of wealth and happiness of all Croatian people.

Everlasting glory to all the Croatian heroes and knights who gave their lives so that the Croatian flag can be hoisted on Zvonimir's fortress in Knin , so that Croatian future can be secured. Eternal life to our one and only Croatia.
[applause]

LOAD-DATE: August 30, 1995

Copyright 1995 British Broadcasting Corporation * Reprinted for Fair Use Only

ANNEX 71

**Jutarnji list, Zagreb, 4 May 1998, “War turned me into
a killing machine”**

**WAR TURNED ME INTO A
KILLING MACHINE**

Interviewed by: **Sonja Mudric**
Alen Anic

.....

Bullet in the head

Serbs were deliberately left two exits: Dvor-upon-Una, to the north, and Srb, to the south, because it was next to impossible for them all to leave by the two routes. The plan was to clean everything up as soon as possible. Some will get out and we'll mess up the others. I guess Serbs knew about Storm because we came across empty villages and towns and were met with occasional resistance. We covered 20 kilometers every day and we did our job in the process, we killed. There were no civilians for us; they were simply all enemies. Serbs took off their uniforms and put on civilian clothes, but they couldn't fool us. After all, everyone was Army in the Krajina except for children and elderly people. When we came across men in civilian clothes, everyone cried: "Don't kill me, it's not my fault!" "Well, if it's not, we'll put a bullet through his head" and moved on.

We whacked them by scores; we killed whatever we came across. If you don't kill him, he'll kill you. Hatred was like a chip in our brains.

Flesh road

"Once I almost ended up court marshalled because I had mowed down all prisoners of war. But I spared life to one Serb because I wanted him to be my slave in Zagreb. My commander forbade me that, as we were no slave owners. 'Not yet', I said and took out my revolver and put a bullet through the prisoner's head. 'There you are, you can now bury him yourself!' The commander wanted me to bury him, but I said that I came to fight a war and not to bury Chetniks. I set the corpse alight by oil.

It was an unwritten order that there were no prisoners of war to be taken but, for the sake of saving our face before the world public opinion, a very small number of prisoners of war were nonetheless left alive. One in twenty were left to be interviewed with newsmen and taken pictures of, to show how merciful and good we were. The aim was to liberate the Krajina at all costs. At first, we fought at the section Licki Osik – Siroka Kula and then we went to Niksic, Ljubovo, Udbina to go onto Bunici, Vuletovo Brdo and Konjska Glava where our soldiers were killed in large numbers. When you see your fellow soldiers get killed, you become a better master of your trade, you hate even more, get angrier and more cruel. The enemy put up strongest resistance near Licki Osik towards Ljubovo and Udbina. We called the Udbina road 'the road of the corpses' because hundreds of corpses were scattered across it. We were those who killed people and after us, there came the forces which held positions and made sure that the corpses were removed. They loaded them onto refrigerator trucks. There were also the trucks used by *Jakopec* meat industry, as well as refrigerator trucks of some other meat companies. On our way back we saw refrigerator trucks full of corpses put into bags.

Stench of bodies

On the road to Lapac, we ran into the Serb-manned roadblock. There were six or seven soldiers. Two of our commanders began to quarrel. One of them wanted to kill all of the soldiers there and the other was against it. At this point, the “peacekeeper” had it enough and said: “Ok, gun them down!” When we stormed into Lapac, some people managed to flee while many of them were killed. We found their still warm soups on the table. We received orders to clean everything up and leave no prisoners of war. We entered the city and saw people fleeing in panic before us. We intersected the road between Donji Lapac and Srb, their only way out. We killed very many people then. There were bodies lying all over the place and terrible stench could be smelt even the following day.

We burned Donji Lapac down

When we did the whole job and liberated Donji Lapac, the order came to burn it down. We wondered why liberate a place for our people and then burn it down. But, there was no explanation. They only said: “You only get the job done”. And so we did. We were with the MUP special force and the Rijeka security forces only came when the job was already finished. The brunt of the attack was staged by MUP special units and us. At that time, there were no contacts with Zagreb, but the orders to kill came from the Main Staff.

The Commander was sent by the main staff which ordered us to burn Donji Lapac down. My Commander was against it, but he could do nothing about it. We were only told to leave one or two houses in tact. The house owned by Milan Djukic was blown up first. We did it with gusto. We did not lute. That was what Domobran units did: they stole all the grain. I brought to Zagreb only large amounts of Serb money. I could have gotten about DM 200,000 had I been smart enough to go to Hungary to change it.

Ekskluzivno za Jutarnji list: PAKO (28), dragovoljac koji je četiri godine ratovao na ratištima Hrvatske i Bosne Hercegovine iznosi svoju potresnu priču

RAT ME JE PRETVORIO U STROJ ZA UBIJANJE

razgovarali Šenja Murić
Alan Anić

"Pohjega sam iz JNA u leto 1991. godine, zadnjim lakom Beograd - Zagreb i dnuh se prijavio u Zbor narodne garde na Sljemenu. Konduktéri Vinkovčani krivali su me u vagonima, a pozornost ondašnje vojne policije odvratio sam srpskim narječjem. Imao sam tada nepunu 21 godinu.

Otišao sam u ZNG zato što sam se želio boriti za Hrvatsku. A bio sam i siguran da me tu KOS neće uhvatiti. KOS je dosta dečki potamnio, redimo onog kojega u Osluku tenkom pregazio crveog fiću.

Na Sljemenu su nas prihali Medugorac, Lucić i Anabak. Tamo su momke krako obučavali i odmah šibali u bojšišta. Uskoro su me poslali na prvo vatreno krštenje u Banju, a nakon toga je bio u planu Topusko. Na Banju su derali po nama, bilo je zvivo i mislili smo samo da nam je preživjeti. Niko od naših nije stradao. Vratili smo se u Zagreb na nekoliko lana, da bismo zatim otišli u Slavoniju, blizu Vinkovaca, a prema Vukovaru, gdje smo se borili zajedno s HOS-ovcima. Tamo se još više kralo, jer smo se tukli s domaćim Srbima. Oni su bilo opamni. Borbe su se vodile kod Jirkovaca, Marinaca, Njencaca, Svinjareva, Bogdanovca i Erduta.

Ići u oči s mrtvacem

Zapovjednici su nam dizali moral stalno ponavljajući da branimo Hrvatsku i hrvatski narod, hrvatsku djecu i učino, te da mi vodimo obrambeni, pravedi rat protiv smog razne koraknice, Čavoglave" i tako. Kad na eretu čuješ jednu od takvih jesama, proradi ti krv, narrije se i automatski protašiš. A kad se ufuraš u tu bri-ačinu, u taj film, nitko te više

ne može zaustaviti. Dok ne vidiš da netko padne kraj tebe. E, onda ti se stisne želudac, onda osještš pravi strah. Kad si licem u lice s mrtvacem otvorenih očiju, jasno ti je da si dolje na zemlji mogao biti ti.

Prvi put kad je suborac pao kraj mene, samo sam se skamenio. Ta minuta ili dvije, dok se nisam pribrao, meni su trajale kao cijeli život. Nakon takvog iskustva povučeh se u sebe. Ali zapovjednici to znaaju i odmah kreće psihološko djelovanje, novo obra-brivanje, pjesma, a onda poludih još više. Više ne razmišljaš, nego peštineš ma-zati, što si gneš i kako god znaš. A tada je bio rat bez ograničenja. Išlo se od kraja.

Glazba za moje uši

Onda smo otišli na odmor u Zagreb. Nakon toga: pola ljudi za južno bojište, a pola za slavonsko. Trežili su dobrovoljce za akciju, ali nisu rekli koju i gdje. Javio sam se, a i da nisam, morao bih ići, jer za mnoge akcije dragovoljaca nije bilo. Neke naši ljudi imali su raskidne uniforme, a drugi odore JNA, samo s našim trakama. Izgledali smo kao gerilci. U rujnu smo stigli u Zadar, usred opće opasnosti. Stavili

su nas u zaleđe, s onim puškicama koje smo imali. Građani su nas poprijeklo gledali, jer se mislilo da JNA ne bi tukle grad da mi nismo tamo. Nakon Zadra - Novska, Stari Grabovac, Dubrovnik... Više i ne znam, prestao sam brojati. Pucanje i makljaža postali su glazba za moje uši.

Neki od nas su poslani u

Hospitaliziran sam na posebnom odjelu u Dubravi. Objasnili su mi da je moja bolest kronična. Dakle ja sam, gotovo, ubojica. Mogu izgledati kao staložena osoba, lijepo razgovarati, ponašati se uljudno i kulturno, ali u sekundi se mogu pretvoriti u krvnika

Jasku kao zapovjednici ili instruktori obuke, jer smo pokazali patriotizam, hrabrost, snagu i vještinu. Zatim na Kupu da tamo pomognemo našima. Moja grupa nije bila na prvoj nego na drugoj liniji. Rekli su da je to onako, za svaki slučaj. No, tada je na Kupi poginulo nekoliko stotina momaka iz Novog Zagra-

ba. Dali su im krivu informaciju. Rekli su da neprijatelj ima toliko i toliko, i da to odrađe. Međutim, s one strane je bilo deset puta više četnika. Osoba koja je za to djelomično odgovorna, sada sjedi u uredu MORH-a. Tamo se jako međusobno čujuju, jer kako reći mamama i ženama koje su ostale bez sinova

i muževa da je netko krivo procijenio. Nikako.

U siječnju sam prebačen u Šibenik, a u veljači na sisačko bojište i tamo sam prvi put ranjen. Dobro je bilo na ličkom bojištu, pa onda u Pakracu i Pakračkoj pljoani. Tamo su već bili Merčepovi borci, zvali su ih "vod smrti". To su bili dobri borci. Nakon to-

ga sam se borio u zapadnoj Slavoniji, u okolici Novske. Tamo je bilo haraća, a to znači: udri "Čede" kako stigneš.

Ubijanje postane rutina

I tako mi se sve to podvuklo pod kožu da više nisam mogao zamisliti dan bez terena, bez mirisa baruta, bez onih užasnih zvukova. Ne bojš se više smrti, ne bojš se metaka, ni granata. Prvi put sam ubio čovjeka gledajući ga u oči u Slavoniji 1992., negdje oko Vinkovaca. Kad ga okineš, joj koje olakšanje! Najradije bih bio napravio fiću. Znaš da je jerino govno manje, jedan gad manje, koji može naškoditi hrvatskoj djeci i ženama. A mi muški volimo žene. Zato su nam uvijek govoreli: odradite što imate, pa k hrvatskim ljepoticama. Kad to kažu, čovječe, više ne misliš, samo rokaš. Jak si, najljepši na svijetu. Hoćeš da se taj rat što prije završi, da se potamne svi ti gadovi, da konačno oslobodiš Hrvatsku.

Hvalio sam se suborcima kad sam skinuo prvog četnika da ću osadati stavljati rekcije na kundak svaki put kad nekoga smaknem. Ali, nakon nekog vremena ubijanje postane rutina, pa ti i do-sadi. U to doba smo išli malo

i preko Save. Kad bi netko od naših poginuo u Bosni, službeno se objavilo da je stradao u Slavonskom Brodu. To su bile fiće, nije se smjelo znati da Hrvatska vojska ide u Bosnu. Nakon toga sam dospio u Jedinicu Vojne policije za posebne namjene. Kad smo išli na teren, nismo smjeli imati bijele opasače, ni druge oznake. Nosili smo značke kao i MUP, samo je na njima pisalo Vojna policija. Neki su dečki to koristili i privatne svrhe. Predstavljali bi se kao MUP i vršili racije pljenidbe i slično.

Harač po Bosni

U svibnju 1993. smo ve bili u depresiji jer nije bilo dovoljno borbi. Navikao sam bio na pucanje i ubijanje, te ko da sam počeo jako živčano, pa su me šikovali malo u Velebit. Tamo sam bio u Oluju. Ni tamo nije bilo ve-koje posla, ali užešili bi i povremeni harači po susjednoj zemlji Bosni. Tamo smo išli pomagati, naravno bez oznaka na uniformi. Što smo blizu Travnika, pa o- dolje kod Jajca, u Bosanskoj Posavini, na Popovu Pa- kod Dubrovnika, pa kod Bi- binja.

U srednjoj Bosni smo zajedno sa Srbima, organizirano borili protiv Muslimana. To je bio lijep osjećaj, jaču ti upućavao Srbina, a da on tebi daje municiju da jaš Muslimane. Srbi su ubili samo kad su pitali kad vidiš pravog muždžab- na, sa šablom, kako se "Allah ekher", uhvati te si strah. Zato je lakše smo Srbini i zajedno kad smo sam. Iako smo va bili skeptični jedni na drugima, na kraju smo se bro borili za istu stvar: muždžahedina i gotovo.

Kad je počela Oluja, mli smo s Velebita. O- bila nešto najdivnije najveća radost. Bio sam srešan što sam imao priliku gledati kako Srbin bježi, a

Od ta do te
Na psihijatri-
mi davati
mikrofilm
slučajem, r
Xanaks iz
ultratro, jedn
mg, a onda
uz sve osta
matskih do-
u bolnici se

Nema
Probudio se
končno san
prekrio svij
došla temelj
netko nagov
rekoh.

ga mažen. Le
kneš, onda do
još opalili rafal
budeš siguran.
Žute i crvene tr
imali bijele. Zne
desno lijevo su n
- samo reži i n
dnik je tražio da
di sa što man
munjevitko. Pita
netko? Nitko s
Bilo nas je oko 0

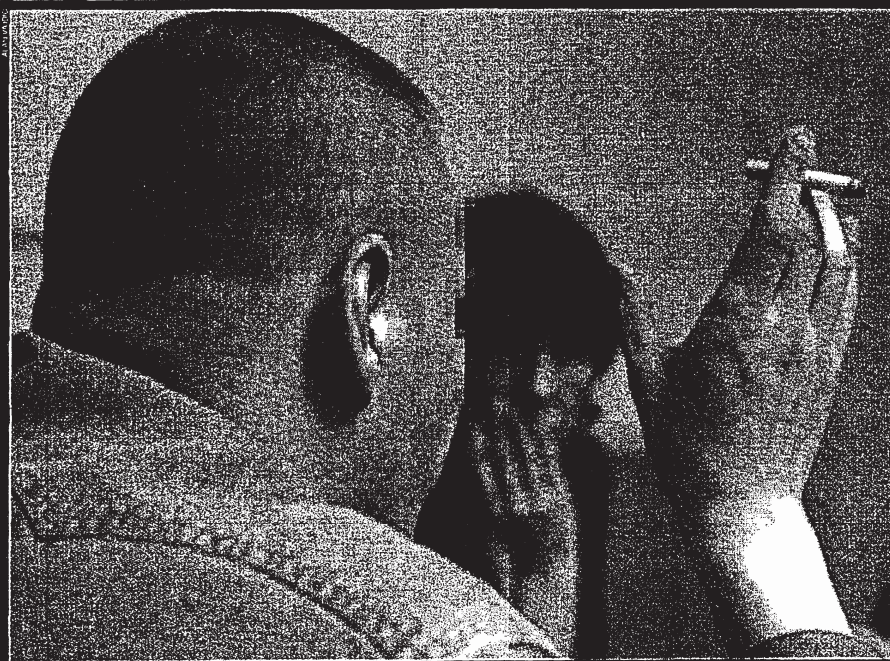
Puf, u čelo
Srbima su nar
vijena dva izlaza
Dvor na Ujli, a i
jer je bilo getov
da oni svi tuda zt
bio da se sve što
Neki će izići, a
pokrači. Vjeruje
bi znali za Oluju,
izlazili na ispražni
a tek tu i tamo
otpor. Dnevno sr
vali po 20 kilome
tem smo radili sve
manili. Za nas nje
svi su bili jedno
jatelj. Srbi su svi
ine i oblačili civili
ali nisu nas mogli



Dan kad sam prolupao

Na kraju sam sasvim prolupao. Bilo je to u Lapsu kad sam u nekoj drvarnici naišao na jednog Srbina. Od tada sam druga osoba. Meni to tada nije bilo čudno, ali je moj zapovjednik vidio da sam se slomio. Bio je tamo i liječnik koji je odmah rekao da me treba razoružati i poslati u bolnicu. Taj čovjek u drvarnici ponašao se kao totalni tržaroš, a meni je u tom trenutku samo meso bilo važno. A tu si milo moje, rekao sam mi, i tu mi je prestalo sjećanje. Ne znam što sam mu napravio. Samo se sjećam da sam, nakon epizode u drvarnici, počeo rokatati zarobljenike kao divlje. Ne znam jesam li se se stariim igrao nožem, ali vjerujem da je bilo nešto jako slično. Probuđim se od straha i panike. Sve me sam liječnik pod hipnozom ispricao sve što se dogodilo i on sve zna, ali mi ne želi reći. Samo mi je rekao: "Donji Lapac" Uskoro je zapovjednik naredio da me se udalji, jer da nisam normalan. Moji dečki su otišli dalje čelšiti, a mene su ostavili. Naslije mi je jako nedostajalo. Repetirao sam zapovjedniku pušku u usta jer nije odobravao moju agresivnost.

DOGAĐAJI DANA



Cesto mi se moje žrtve pojavljuju u snu, ali kao ljudi bez lica. Osjećam se kao da su došli po mene, priča Peko, dragovoljac iz Zagreba

Pako je zagrebački dečko. Od 1991. do 1995. prošao je sva hrvatska i neka bosanska ratišta. Kaže da je ubio mnogo ljudi, a dvojicu zaklao. Kronični posttraumatski stresni poremećaj dijagnosticiran mu je nakon Oluje. Njegove žrtve pojavljuju mu se u snovima kao spodobne bez lica. Lani se pokušao ubiti. Liječe ga narkoticima i barbituratima. Ima nekoliko ratnih odlikovanja i živi od nekoliko stotina kuna mjesečno. S bivšom ženom ima malu kći za koju ne može plaćati alimentaciju. Pako je samo jedan među tisućama. Nosi obično hrvatsko ime i prezime. Za Jutarnji list govorio je sklonjen iza nadimka kojim ga zove samo jedna povjerljiva osoba. Kad bi ga prepoznali, vjeruje da bi bio ubijen. Donosimo njegovu autentičnu ratnu priču.

Od tableta za spavanje do teških narkotika

Na psihijatrijskom odjelu bio sam mjesec dana. Isprva su mi davali samo tablete za spavanje. Sada sam na narkoticima i barbituratima. Uzimam prazine 100, fluzepam, ribofril i amizol. To je oko šest tableta dnevno. Manaks uzimam tri puta po jednu, amizol 25 mg, jednu ujutro, jednu popodne, dvije na večer, zatim fluzepam 30 mg, a onda još i jedan od teških narkotika. Dijagnoza je, uz sve ostalo, i trajni poremećaj osobnosti nakon traumatskih doživljaja, zatim poremećaj kognitivnih funkcija. U bolnici se otkrilo da imam i klaustrofobiju.

Nema neba za mene

Probudio sam se na intenzivnoj. Pokriven plahtom, priklopan kateter i gledam... Sve bijelo. Hm, rekoh, konačno sam na nebu. Ali, nema neba za mene? Ja sam prokrio svih deset božjih zapovijedi. U bolnici je prvo došla temeljna, a onda vojna policija. Pitali su je li me netko nagovorio na samoubojstvo? Nagovorio me život, rekoh.

ga mažem. Loviš ga i zveknesh, onda dođeš do njega i još opaljš rafal po njemu, da budeš siguran. Mi smo imali žute i crvene traktore, Srbi su imali bijele. Znali smo, lijevo, desno i iza su naši, a naprijed - samo reži i maži. Zapovjednik je tražio da se sve odradi sa što manje gubitaka, manjeviti. Pitao je koji li se netko? Nitko se nije bojao. Bilo nas je oko osamdeset.

Puf, u čelo

Srbima su namjerno ostavljena dva izlaza, na sjeveru Dvor na Uni, a na jugu Srb, jer je bilo gotovo neizvedivo da oni svi tuda zbiru. Plan je bio da se sve što prije očisti. Neki će izići, a druge ćemo pokrkati. Vjerujem da su Srbi znali za Oluju, jer smo našli na ispraznjena mjesta, a tek tu i tamo neki manji otpor. Dnevno smo napredovali po 20 kilometara, a putem smo radili svoj posao, tamani. Za nas nije bilo civila: svi su bili jednostavno neprijatelji. Srbi su skidali uniforme i oblačili civilna odjela, ali nisu nas mogli prevariti.

Uostalom, u Krajini su svi bili vojska, osim djece i staraca. Kad smo naišli na muškarca u civilu, svaki je sam ja! E pa, dobro kad nisi! I puf, u čelo! Idemo dalje.

Tako smo ih pokokali na stolne, sve na što smo naišli. Ako ti nečeš njega, on će teba. Mržnja je bila kao čip u našim glavama. Kad neka bačica nosi bombu i psuje nam majku ustašku, onda je - normalno - ubiješ. Djece nije bilo, njih su povukli vrlo brzo, jer su znali da Krajnu mogu obraniti. I da nisu dječicu sklonili, ne bismo ih dirali. Zaista nismo bili tolika gamad. Ali, bolje je da djece nije bilo, jer kad potamanimo roditelje, što ćemo s klinčima? Morali bismo nekoga ostaviti da ih čuva, jer bi mogli umrijeti od gladi ili nečega.

Mesna cesta

Završio sam jednom skoro završio na vojnom sudu, jer sam potamanio sve zarobljenike. Jednoga sam Srbima poštedio, jer san htio da bu-

de moj roh u Zagrebu. Zapovjednik mi je zabranio, jer nismo u robovlasništvu. Jok nismo, kažem, izvadim pištolj i pras u glavu. Eto ti ga, sad ga ti pokopa! Zapovjednik je htio da ga ja zakopam, a ja sam odgovorio da sam došao ratovati, a ne kopati četnike. Zapalio sam taj les natom.

Nepisana zapovijed je bila, da nema zarobljenika, ali zbog svijeta je jedan jako mali broj zarobljenika ipak ostao živ. Svakog dvadesetog smo ostavili za novine, da se slikaju i da pokažemo kako smo mi dobri. Cilj je bio osloboditi Krajnu pod svaku cijenu. U početku smo bili na potezu Lički Ošik - Široka Kula, zatim Nikšić, Ljubovo, Udbina, zatim Bunđi, Vuletovo Brdo i Konjska Glava, gdje su naš padali kao pokošeni. Kad vidiš da tvoji dečki padaju, postaneš još veći majstor svoga zanata, još više mrziš, još si bješnji, užasan.

Najveći otpor bio je kod Ličkog Osika prema Ljubovu i Udbini. Cestu za Udbinu smo prozvali "mesna cesta", na njoj je ležalo stotine leševa. Mi smo ubijali, a iza nas su išle postrojbe koje su zadržavale položaj i zbrinjavale leševe. Trpali su ih u hladnjače. Bili su tamo i kamioni mesara Jakopeca, kao i hladnjače nekih drugih mesnih industrija. Kad smo se vraćali, vidjeli smo hladnjače pune leševa zamotanih u vreće.

Odnedavno sam s jednom ženom. Prema njoj sam se malo otvorio. Ima za mene malo više strpljenja nego ostali ljudi. Prije sam imao puno prijatelja, sada nemam ni jednoga. To je normalno, strašno sam se promijenio i ljudi su se počeli bojati mojili reakcija

Nakon udara oko Udbine i Lapca, išli smo malo do Bosanskog Petrovca i Kulen Vakufa. U Bosanskom Petrovcu bili smo pola sata prije nego što je Martić otišao. Naši su nas čini se namjerno zadržavali, jer smo ga mogli maznuti bez problema, ali nam je bilo rečeno da čekamo.

Smrad leševa

Na cesti prema Lapcu naišli smo na srpsku barikadu. Bilo je šest, sedam vojnika. Tada se začela svada između dvojice naših zapovjednika. Jedan je htio da se sve pokoka, a drugi je bio protiv. Onda je "mirovnjaku" dojadilo i rekao je: "Ajde, šišaj!" Kad smo uletjeli u Lapac, neki su uspjeli zbrsati, ali puno ih je otišlo Bogu na račun. Nalazili smo tople juhe na stolu. Naređenje je bilo da očistimo sve, bez zarobljenika. Ušli smo u grad i vidjeli ljude kako panično hježe pred nama. Presjekli smo im cestu između Donjeg Lapca i Srba, njihov jedini put. Ubili smo tada jako puno ljudi. Bilo je leševa na sve strane, sve je već drugi dan smrdilo.

Spalili smo Donji Lapac

Kad smo sve odradili i oslobodili Donji Lapac, dobili smo zapovijed da ga spalimo. Čudili smo se čemu spaliti mjesto ako ga oslobađamo za naše ljude. Ali, objašnjenje nije stiglo. Rekli su: "Izolirajte izvršiti." I jesmo. S nama su

Prvi put sam ubio čovjeka gledajući ga u oči u Slavoniji 1992., negdje oko Vinkovaca. Kad ga okineš, joj koje olakšanje! Najradije bih bio napravio feštu

bili specijalna policija MUP-a, zatim Pažani, te pričuvne postrojbe Riječana koje su došle već na gotovo. Glavni udar smo imali mi i specijalci MUP-a. U to vrijeme nije bilo nikakva kontakta sa Zagrebom, ali je zapovijed za pokolj stigla iz Glavnog stožera.

Zapovjednik koji je poslan iz Glavnog stožera naredio je da spalimo Donji Lapac. Moj zapovjednik je bio protiv paljenja, ali nije uspio. Samo nam je rečeno da ostavimo jednu ili dvije kuće. Kuća Milana Đukića je prva otišla u zrak, to smo s guštom napravili. Pljačkali nismo, to su radile domobranske postrojbe, one su pokrale sve živo. Ja sam u Zagreb dobio samo golemu količinu srpskog novca. Za to sam mogao dobiti oko 200 tisuća njemačkih maraka da sam bio pametan i otišao u Mađarsku, gdje se to moglo mijenjati.

Dali su nam drogu

Na ratištu smo dobivali amfetamine koji pojačavaju hrabrost i snagu, pa nemaš potrebu za snom i puno si izdržljiviji. Napravili su od nas strojeve koji mišta ljudsko ne osjećaju. Bilo je samo važno eliminirati, svejedno na koji način. Ponekad smo morali koristiti nož. Kad čovjeka ubodeš nožem, pa osjetiš njegovu krv na ruci, imaš osjećaj kao da si zaklao odojka. Ja sam samo dvojicu ubio nožem. To je bila klasična eliminacija, bez masakriranja. Mogli smo upotrijebiti i žicu. Najbolja je žica gitare i dva prstena od osigurača bombe. Iz Lapca sam se vratio u

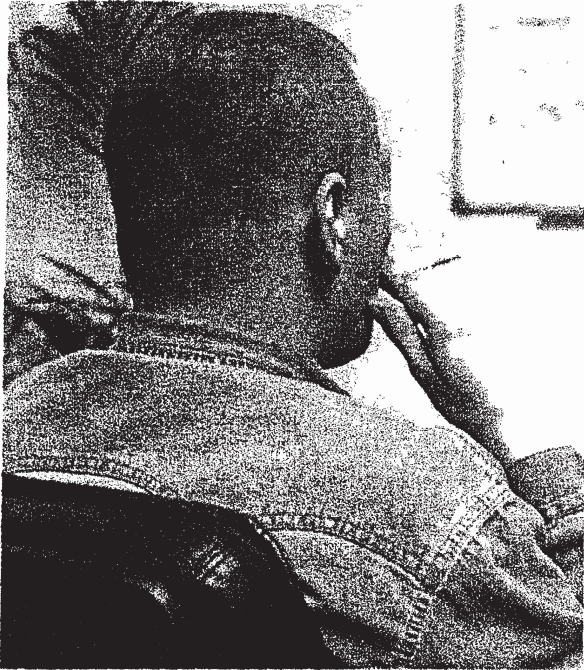
Zagreb, preko Gospića. U Gospiću su me prvo pogledali na psihijatriji s uputnicom ratnog liječnika, a doprtili su me zapovjednik i jedan moj također oboljeli suborac. Odmah su mi postavili dijagnozu: posttraumatski stresni poremećaj. Nakon pregleda u Gospiću, s tim sam prijateljom sjeo u njegov auto i došli smo kući u Zagreb. On je i sada u bolnici. Pretvorio se u bijlku. Ne znam zašto su nas pustili ako su znali da smo ludi. Samo su nam rekli da nigdje ne stajemo. Morali smo obećati da idemo u bolnicu. Možda su se nadali, da ćemo, onako ludi, negdje stradati.

U sekundi postajem krvnik

Na psihijatrijskoj klinici potvrđena je gospićka dijagnoza. Obavili smo sve pretrage, snimanje glave, CT mozga. Bio je puno simulanata, pa su pregledi bili rigorozni. Hospitaliziran sam na posebnom odjelu u Dubravi. Objasnili su mi da je moja bolest kronična. Dakle ja sam, gotovo, ubojica. To mi je rekao ravnatelj bolnice Vrapčić, Vladimir Jukić, kod kojeg sam bio na vještačenju. Mogu izgledati kao staložena osoba, lijepo razgovarati, ponášati se uljudno i kulturno, ali u sekundi se mogu pretvoriti u krvnika.

Život sa stotinjak kuna

Na bolovanju sam bio sve prošle godine, a onda su mi napisali da moram u mirovnu i poslali me na invalidska komisija. Još čekam pravu mirovinu i živim na akontaciji od nekoliko stotina kuna.



Prije nisam želio ići u bolnicu, a sada znam da mi je to jedina šansa

Nedavno su nam povisili taj paušal za pet posto.

Sve ovo vam pričam jer ovo jednom mora izići van. Mislio sam da sam jedini s takvim problemima, dok nisam upoznao ljude poput mene. Prije nisam želio ići u bolnicu, a sada znam da mi je to jedina šansa. Ali, nisam želio jedina bolnica više ne želi. Kažu da smo hodajuće bombe koje svaki čas mogu napraviti darman. Bolnice su dobile zapovjed da ljude poput mene ne primaju. Ostavili su nas u ulici i našoj bolesti. Tek smo sada svjesni da smo privremeno upotrijebljeni kao ratni strojevi za prijava stvari. Onda smo to željeli biti, ali drugi ljudi moraju znati da smo mi ubijali i u njihovome ime.

Pokušaj samoubojstva

Ako za 100 tisuća maraka treba nekoga eliminirati, tu sam, nema problema. Daj mi oružje, lovu i stvar je riješena. Jedan Albanac mi je nedavno ponudio milijun njemačkih maraka da se idem boriti na Kosovo. Ipak sam ostao doma, jer nisam siguran da bih se ikad vratio živ. Dolazi mi da se ubijem, ali u intervalima ipak želim živjeti. Samoubojstvo mi pada na pamet kad sam potušen, kad se prisjećam mrtvih prijatelja, nogometa i sretnih dana. Lani sam se pokušao ubiti. Popio sam terapiju za mjesec dana i litru rakije, stavio pihtolj na stol i čekao da umrem. Htio sam sebi pucati u usta, ako ne uspije s table-

tama. Mama me našla kako ležim u hodniku bez svijesti. Pištioj je sakrila u ormar i nazvala Hitnu.

Onda su me htjeli prebaciti u Vrapče. Rekao sam da me ne voze jer ću nekoga tamo ubiti. Odveli su me kod mog liječnika, kojemu je bilo drago što sam živ. Rekao mi je da trebam živjeti, jer ipak imam ženu i dijete. Bla, bla... A kad bivša supruga dopusti da se nađem sa svojim djetetom, mogu izdraži maksimum pola sata. Nakon toga, vlastito dijete neopisivo žircira!

Više nemam osjećaja

Oženio sam se za vrijeme rata i dobili smo curicu. Između dvije akcije sam se rastao. Nisam želio biti obiteljski čovjek, tako kaže moja bivša supruga. Želio sam borbu, rat, pustolovine. Među nama više nema emocija, jer ja nikakvih emocija više nemam. Sada s bivšom suprugom imam velikih problema, jer nemam novca za redovito plaćanje alimentacije, pa mi ne da vidjeti dijete. Kad sam se vratio iz bolnice, živo sam kod majke, sad više ne, jer mi nju ne podnosim. Bez oca sam ostao u ranom djetinjstvu.

Prije rata sam volio sve, posebno životinje. Volio sam majku, djevojku, prijatelje, sve ljude. Išao sam na tulum, utakmice, u kafiće, družio se kao i ostali ljudi. Stalno sam se smijao. A nedavno sam učenlo majku da se riješi psa inače ću ga ubiti. Psa kojeg sam ja dobio, othranio

i odgojio. Nemam više osjećaja ni prema komu. Većina nas se slično osjeća, ne znamo kamo je nestao naš život.

Masovna samoubojstva

Moji se suborci stalno ubijaju, ali javnost to ne želi znati. Jedni se ubijaju, a drugi ubijaju po narudžbi. Vi novinari o tome ne pišete. Ako se nešto ne učini na poboljšanje naših života, ne prostaje nam ništa drugo nego da iskoristimo svoj ratni zanat i tako zaradimo za život. Kad se to počne masovno događati, nemojte kriviti nas. Samo ovog mjesecu nekoliko je mojih suboraca digulo ruku na svoju obitelj ili na prvog susjeda. Otklače bombu i gotovo. Ili polude, pa za zapucaju po ulici. Policija govori da to rade pankeri, trgovci drogom i narokomani, a ne osobe oboljele u ratu. Svi se prave kao da ne postoje.

Ovo danas nije Hrvatska za koju sam ja ubijao. Borio sam se za Hrvatsku gdje će ljudi dobro živjeti i gdje će večni biti dobro, a ne glavešinama za fotelje, tuste mercedese, vile, tvornice, hotele i banke. Stalno se pitam, zašto je potrebno toliko vremena za rješavanje stambenih i drugih problema razvojačenih branitelja? Zašto nam se ne daju nekakva radna mjesta i zašto nam se ne omogući normalan život?

Odmjedavno sam s jednom ženom. Prema njoj sam se malo otvorio. Ima za mene malo više razumijevanja i strpljenja nego ostali ljudi.

što je u mom slučaju važno. Ipak, znam da mi nitko ne može pomoći ako ne uspijem sam. Prošla je sa mnom trnovit put, moje krize i padove, ali je ustrajna. U početku nije znala ništa o meni, ali kasnije sam joj sam pokazao nalaze. "Evo, to sam ja. Uzmi ili ostavi!" Prije sam imao puno prijatelja, sada nemam ni jednog. To je normalno, strašno sam se promijenio i ljudi su se počeli lojati.

Mnogi dečki se osjećaju poput mene i slično žive. A tome je, osim rata, najviše pridonio MORH. Recimo, moja mirovina je na reviziji od sredine prošle godine. Drže nas na ledu, da se sami ubijemo, pa da nas se riješe. Mi smo opasni za ljude iz vrha MORH-a jer puno znamo, a oni nakon smjene vlasti više neće imati imunitet. Mogli bi završiti u Paragvaju. Zato časnicima koji idu u mirovnu poklanjaju hrvatski samokres s posvetom. Možda si neki od nas njime skrate muke. Tapšu nas po ramenu, kažu da smo bili dobri i uvale ti pištolj s nadom da ćeš se ubiti. Da nas više nemaju na grbaci.

Prodajem odlikovanja

Ja imam sva moguća odlikovanja, Pohvalnicu domovinske zalavnosti, onda za pokazane izuzetne zasluge u obavljanju zadatka, za pomaganje pri ustroju Hrvatske vojske, za disciplinirano ponašanje, za pomaganje de-

mokracije i ostale gluposti. Što ću ja s tim? To je željezo koje bih prodao, samo ga nitko neće kupiti. A ta mirovinska revizija MORH-a je protupravna. Predsjednik, general Zvonimir Cervenko prošil je mjesec izgubio parnicu na Upravnom sudu od Mirovin-

hodam Trgom, kao što je ubio, jer je bio rat, a u ratu ljudi ginu. Često mi se moje žrtve pojavljuju u snu, ali kao ljudi bez lica. Osjećam se kao da su došli po mene. No, ponekad mi se živi i zato ne želim nestati preko noć, zato, ne želim da se zna moje ime, i prezime. Mogao bih sjedočiti u Haagu protiv naredbodavaca iz MORH-a i Vlade RH, da se dokaže njihova odgovornost u planiranju rata i pripremanju pokolja, da se znaju nepravde počinjene prema nama i prema hrvatskome narodu, kojega su poslije opljačkali i sve mi otele. Kažem, ne bili imao ništa protiv, ali ponekad imam zrnice nade da opet mogu početi normalno živjeti. Ako odem u Haag, možda se više nikad neću vratiti u Hrvatsku nići vidjeti svoje dijete.

Kad bi netko od naših poginuo u Bosni, službeno se objavilo da je stradao u Slavskom Brodu. To su bile finte, nije se smjelo znati da Hrvatska vojska ide u Bosnu

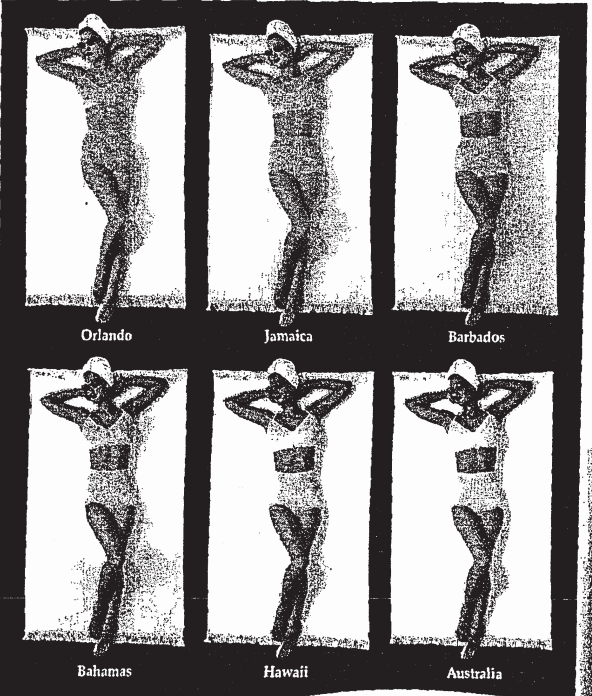
Već sam prošao dvije revizije. MORH želi dokazati da ne postoje psihički oboljeli ljudi u vojsci, što je izjavio i ministar Gojko Sušak. Samo nama najtežim slučajevima priznat je posttraumatski sindrom, a riječ je o nekoliko destaka osoba. U stvarnosti, gotovo svaki deseti koji je sudjelovao u ratnim akcijama boluje od tog poremećaja. I moj liječnik je dobio naputke za takve stvari, sam mi je rekao. Zna se koliko oboljelih smije biti. Što se time hoće? Da ti ljudi ubiju sami sebe ili da ubiju nekoga drugoga? Ne žele za nas dati novac, jer smo živi dokaz da je Hrvatska prepuna oboljelih branitelja. Zato nas je bolje maknuti, da ipak bude kako je rekao ministar Hebrang - da oboljelih vojnika nema.

Uništavaju nas psihički, jer smo za državu škart, loši za svako društvo, ološ. Sto puta sam imao osjećaj, kad

dikamentima i tabletomani. Osjećamo se jedno i iskorišteno.

Nije mi žao žrtava

Nije mi žao onih koje sam ubio, jer je bio rat, a u ratu ljudi ginu. Često mi se moje žrtve pojavljuju u snu, ali kao ljudi bez lica. Osjećam se kao da su došli po mene. No, ponekad mi se živi i zato ne želim nestati preko noć, zato, ne želim da se zna moje ime, i prezime. Mogao bih sjedočiti u Haagu protiv naredbodavaca iz MORH-a i Vlade RH, da se dokaže njihova odgovornost u planiranju rata i pripremanju pokolja, da se znaju nepravde počinjene prema nama i prema hrvatskome narodu, kojega su poslije opljačkali i sve mi otele. Kažem, ne bili imao ništa protiv, ali ponekad imam zrnice nade da opet mogu početi normalno živjeti. Ako odem u Haag, možda se više nikad neću vratiti u Hrvatsku nići vidjeti svoje dijete.



Kako daleko biste željeli otići ove godine?

British Airways leti na više vrućih destinacija svijeta nego bilo koja druga avio-kompanija. Nudimo vam niz preoceanskih destinacija, s direktnim letovima iz Londonske zračne luke Gatwick, što znači da nikad nije bilo jednostavnije posjetiti mjesta na koja ste oduvijek željeli otići.

www.british-airways.com



Oluja

Domobranci su čuvali osvojeno, a mi smo teli naprijed i radili posao s voljom i s ljubavlju. Nema većeg gušta nego kad vidis da Srbini bježi ili dignu ruke: 'Nemoj mene, poštedi me!' A ja kažem: 'Neću ti ništa, samo dodi.' Pitam ga ima li tu još netko od njegovih, i nekada se slobodno predaju, nećemo im ništa. Izide tada njih trinaest, četrnaest, svi veseli jer su spašeni. A kad steknu povjerenje, samo ih pokokaš.

Ubojstva

Posebno se sjećam jednog događaja. U lokalnoj restauraciji naredio sam nekome Stribnu da legne na stol. On je pristojno legao, a ja sam ga na stolu ubio. Istog dana, zarobio sam šest Srba. Poređao sam ih u vrstu. Oni, s rukama na leđima, gledaju u pod, a ja se smijem. Ubijao sam jednog po jednog. Svaki sljedeći je znao da je sad on na redu. Nema većeg gušta nego kada gledaš kako se znoj i zna da ćeš ga čvaknuti.

ANNEX 72

Ivan Zvonimir Čičak, President of the Croatian Helsinki Committee for Human Rights: “Krajina burning again”, authorized article published in *Feral Tribune*, Croatia, on 16 March 1998

IVAN ZVONIMIR CICAK, PRESIDENT OF THE CROATIAN HELSINKI COMMITTEE, TELLS THE SHOCKING DETAILS ABOUT NEW MASS BURNING OF SERBIAN HOMES IN KRAJINA

KRAJINA BURNING AGAIN

.....

There are obviously people in the state structures who are in cahoots with the local or police structures doing the common job. It is hard to tell whether this is an operation organized by the top leadership or whether it is, as former President Tudjman said in his speech at the HDZ party congress, "a local misstep". However, it is a fact that the authorities do not properly respond and that they do not inform the public, which proves that it, tacitly at least, approves such a policy.

.....

It all began by mysterious stories about numerous fires in Banija and Kordun regions "because of dry grass". However, the dry grass swallowed up the houses as well. But when the smoke was gone, Croatian Helsinki Committee monitors discovered that the purpose of the fire was to further the planned burning of houses to prevent possible return of Serbs. Croatian Helsinki Committee monitors have filmed in the Municipality of Vrginmost as many as 47 newly burned households, meaning that more than a hundred buildings have been burnt down. Similarly, 20 houses were burnt down in Korenica, Topusko, Kistanja, Donje Budacko and there are even news of the new burning coming in from all sides.

.....

It is that method of burning houses when, for instance, a returnee gets all documents properly signed within the process which lasts for months, but as soon as he crosses the Croatian border or even while he is on his way from the border to his former home, his house suddenly catches fire and burns down. That was what happened in Topusko these days when a returning family with two children was on its way home. Two days before their arrival in Topusko, their home simply burned down.

KRAJINA

bilo je vruće ljeto 1971. godine, kad su hrvatski mediji bili puni vijesti o požarima uzduž jedranske obale. Dakako, za sve su bili krivi oni - Srbi. To se tada doduše govorilo uvijeno, ali se znalo na koga se misli. S obzirom da je hrvatstvo tada bilo u modi, Goran Babić, kasnije čovjek koji je oblačio ruho po drugim političkim modama, a koji danas živi u beogradskoj egzilu, napisao je poznatu pjesmu "Gori li to Hrvatska".

No, drumovi su pozeljeli Srba, ali Srba sada više nema. A Hrvatska ponovno gori, i to ovaj put namjerno potpaljivana. Sve je počelo čudesnim pričama o brojnim požarima na Baniji i Kordunu "zbog suhe trave", ali je suha trava gutala i kuće. No, kad se "dim razliao", promatrači HHO-a otkrili su da je cilj požara bio daljnje plansko paljenje kuća kako bi se spriječio moguć povratak Srba, na čemu inzistiraju međunarodna zajednica.

Promatrači HHO-a javljaju tako o paljenju kuća u Bovčima, Gornjoj Čemernici, sve u općini Vrginmost, danas Gvozdi. Kuća potom gore u Topuskome i okolici, u Krnjaku i Korenici, te između Dvora i Petrinje.

Radi se, naime, o onim mjestima gdje je golim okom moguće vidjeti da nije bilo nikakva paljenja korova nego su nanovo paljena kuća, a brojni aktivisti HHO-a fotografskim su aparatima i kamerama zabilježili točno dan kad je snimljena koja izgorjena kuća.

Ovih dana promatrači HHO-a snimili su u mjestima Trstenici, Vrgama, Lataši, Podgorju, Donjoj Čemernici, Plešćanici - sve u općini Vrginmost - čak 47 novospaljenih domaćinstava, koja u prosjeku imaju dva i pol objekta (štale, staje, sjenici, garaže).

Jednako tako, spaljeno je 20-ak objekata u mjestima Korenici, Topuskome, Krstinju, Donjom Budačkom, u vijesti o novim paljenjima dolaze sa svih strana.

O tome da se radi o planskom djelovanju svjedoči i činjenica koju je HHO već bezbroj puta iznosio u javnost. Naime, to je ona metoda paljenja kuća kad recimo neki povratnik dobije uredno sve dokumente u proceduri što traje

1 mjesecima, no čim prijeđe hrvatsku granicu, često dok je na putu od granice do kuće, njegova kuća iznenada izgori.

Dogodilo se to i ovih, dana u Topuskome, kad je kući krenula jedna obitelj povratnika s dvoje djece. Dva dana prije njihova dolaska u Topusko, kuća je naprosto izgorjela.

OSLUŠKIVANJE REFERATA

Očito je da u državnim strukturama postoje osobe koje u dogovoru s općinskim ili čak s policijskim strukturama rade zajednički posao. Vrlo je teško razlučiti radi li se o organiziranoj akciji iz državnog vrha ili, kako bi rekao predsjednik Tuđman u svome govoru na kongresu HDZ-a, samo o "lokalnim pogreškama".

No, činjenica da vlast ne reagira na odgovarajući način, da o takvim stvarima uopće ne izvještava javnost, govori o tome da ona u najmanju ruku prešutno podržava takvu politiku.

U mjestu Biljegu, između Vrginmosta i Vojnice, već više od stotinu godina stoji golema zgrada, koja je tradicionalno bila ugostiteljski objekt. Tijekom cijelog rata taj ugostiteljski objekt nije radio pa ga nije mogla koristiti ni jedna ratna strana, niti je mogao biti proglašen četničkim gnijezdom. No, neki je dan ta velika zgradina koja je preživjela sve višere rata, gorjela od krova naniže.

Očito - zapaljena je namjerno.

III, kako to da hrvatska policija do dana današnjeg nije dala odgovor o slučajevima nekoliko desetaka osoba, u prošloj godini oko dvadesetak, koje su stradale od nagaznih mina u mjestima gdje nije bilo ratnih okršaja: u srednjoj Krajevini, gdje su mine mrtve samo nanovo bili postavljene.

Kako, dakle, djeluju li lokalni moćnici? Dobivaju li direktive III samo osluškuju tonove različitih govora iz Zagreba? Ja u tome vidim zapravo smisao onakvog govora kakav je Franjo Tuđman održao na posljednjem kongresu. Naime, smisao takvih političkih govora jest da poslušni aparatnici III fanatiziraju, osluškujući intonacije u govoru, provode u djelo ono što oni prepoznaju kao poruku. Nekad se očitovanjem tih nijansi u govorima bavila cijela jedna politička znanost koja se zvala - krenjologija. Ona je između redaka pronalazila poruke; danas ih nije potrebno tražiti između redaka, jer su Tuđmanovi govori toliko transparentni da daju vrlo jasne političke naputke i naredbe.

On, naime, smatra da će ljudi na terenu, njegovi stajdžbenici, kristalno jasno prepoznati njegovu direktivu, a

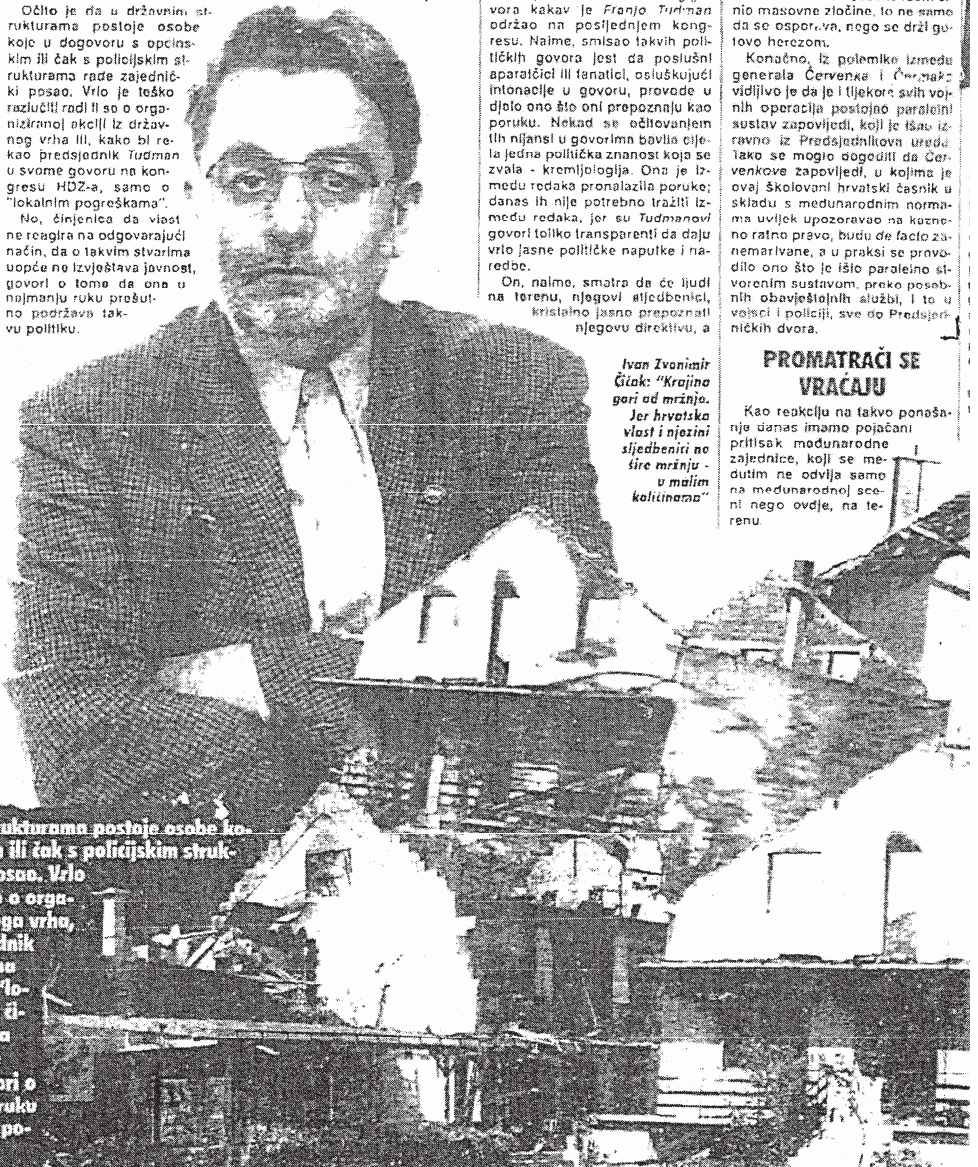
da će onda shvatiti da on nema kozmetičke ustupke mora činiti samo zbog pritiska međunarodne zajednice. Kako je u Hrvatskoj napravljen pravi politički pokret srbizacije hrvatske političke misli stvaranjem animoziteta prema Europi i međunarodnoj zajednici, onda je jasno da se ponovno aktivira ona stara teza - da su ustanice bili naši dječaci, ali da tu danas nije dobro govoriti. A to da je ustaški pokret u Drugom svjetskom ratu simboliziran jasenovcom činio masovne zločine, to ne samo da se osporava, nego se držljivo herozim.

Konačno, iz polemike između generala Červeneke i Čermaka vidljivo je da je i tijekom svih vojnih operacija postojao paralelni sustav zapovijesti, koji je istovremeno iz Predsjedništva uređeno tako se moglo dogoditi da Červenkove zapovijedi, u kojima je ovaj školovani hrvatski časnik u skladu s međunarodnim normama uvijek upozoravao na kazneni uvjet ratnog prava, budu da facta za nemarivane, a u praksi se provodilo ono što je isto paralelni sivozemnim sustavom preko osobnih obavještajnih službi, i to u vlastici i policiji, sve do Predsjedničkih dvora.

PROMATRAČI SE VRAĆAJU

Kao reakcija na takvo ponašanje danas imamo pojačani pritisak međunarodne zajednice, koji se međutim ne odvija samo na međunarodnoj sceni nego ovdje, na terenu.

Ivan Zvonimir Čičak: "Krajina gori od mržnje. Jer hrvatska vlast i njezini sljedbenici ne šire mržnju - u malim količinama"



Očito je da u državnim strukturama postoje osobe koje u dogovoru s općinskim ili čak s policijskim strukturama rade zajednički posao. Vrlo je teško razlučiti radi li se o organiziranoj akciji iz državnog vrha, ili, kako bi rekao predsjednik Tuđman u svome govoru na kongresu HDZ-a, samo o "lokalnim pogreškama". No, činjenica da vlast ne reagira adekvatno i da o tome ne obavještava javnost, govori o tome da ona u najmanju ruku prešutno podržava takvu politiku

ZNOSI SOKANTNE PODATKE O NOVOM MASOVNOM SPALJIVANJU SRPSKIH KUĆA U KRAJINI

OPET GORI

Sve je potelo čudesnim pričama o brojnim požarima na Baniji i Kordunu "zbog suhe trave", ali je suha trava gutala i kuće. No kad se dim razisao, promatrači HHO-a otkrili su da je cilj požara bio daljnje plansko paljenje kuća kako bi se spriječio mogući povratak Srba. Promatrači HHO-a snimili su na području općine Vrginmost čak 47 novospaljenih domaćinstava, a to će reći da je spaljeno više od stotinu objekata. Jednako tako, spaljeno je 20-ak objekata u Korenici, Topuskome, Krstinju, Donjem Budačkom, a vijesti o novim paljevinama dolaze sa svih strana

ike
ntil
od-
koj
ret
is-
ma
lici,
ak-
ta-
rea
us-
om
či-
no
po-
rdu
tk-
toj
ini
z-
da,
er-
je
k u
na-
ne-
za-
vo-
st-
eb-
i u
ed-
sa-

Gotovo neprimjetno, u tišini, UNHCR, Europska unija i OESS pojačavaju svoju aktivnost, i to ne samo pojačanim radom postojećih promatračkih misija nego i otvaranjem novih. Tako je u BiH CR bio odlučio povući se iz svih ureda na terenu osim onoga u Karlovcu i Knjnu, ali je razvoj situacije na terenu natjerao UNHCR da ponovno otvori svoje urede u Vojniću, Topuskome i drugdje, jer je situacija, po njima, dramatična i pogoršava se, umjesto da se poboljšava.

Promatrači Europske unije ka- nill su zatvorili čak i svoj ured u

Slunju i potpuno povući svoju misiju iz Hrvatske, no sada odluju ponovno reaktivirati svoje stare centre jer uviđaju kolika je potreba njihova izravnog boravka na terenu.

I dok se sve to događa, hrvatska se javnost zapravo bavi sporrednim raspravama, a ne temeljnim pitanjima o kojima sudbinski ovisi Hrvatska. Hrvatsko je mnijenje potonulo u letargiju u kojoj, osim svada političara za svoj dječji kolača i svoju sinekuru u nekim upravnim organima ili pak u nadzornim odborima, gotovo da i nema idejne borbe. Sve je pomučeno.

Kako je moguće da Hrvatski olimpijski komitet ili bilo koja sportska organizacija nisu reagirali na skandalozan

postupak ministra obrane Gojka Šuška, koji je nekoliko dana prije početka Olimpijskih igara uspješnim sportasima na poklon dao - samokresc oiliti pištolje. Da je ministar obrane bilo gdje u svijetu povukao sličan potez, bio bi to posljednji potez u njegovoj političkoj karijeri. No, militarizacija političke svijesti u Hrvatskoj ide

Radi se o onoj metodi paljenja kuće kad, primjere, neki povratnik dobije uredno sve dokumente u proceduri koja traje mjesecima, no, čim prijeđe hrvatsku granicu - često dok je na putu od granice do kuće - njegova kuća iznenada izgori. Dogodilo se to i ovih dana u Topuskome, kad je kući krenula obitelji povratnika s dvoje djece. Dva dana prije njihova dolaska u Topusko, kuća im je naprosto izgorela

tako daleko da su i istančeni, rafinirani kritičari propustili primijetiti to djelo sportske hereze.

Alli su zato hrvatske vlasti vrlo tolerantne prema hrvatski vojnici nikad nisu pozdravljali uzdignutom desnom rukom. To je točno. Naime, svaki prosječan čitatelj bit će šokiran kad vidi na 101. stranici *Globalusa* od 13. ožujka hrvatske ustaše kako polažu prisegu. Po tome ispada da su svi ustaše bili Srbi, a da su HDZ-ovci muslim. ni. Naime, ustaše prilikom pri ege drže uzdignuta tri prsta, a muslimani drže svoju desnu ruku na srcu.

ŠIRENJE MRŽNJE

Kad bi danas nekakav prosječni Hrvat podignuo desnu ruku s tri prsta, proglasili bi ga ne samo četnikom nego *Dražom Mihalićem* osobno. A muslimani, taj od *Pavelića* proklamirani "svijet hrvatskog naroda" danas su u zajedničkom bratstvu *Tudmans* i *Miloševića* sprešani u političkom

herbariju kako bi bar ukrasno što duže trajali.

Alli i za ovaj članak, i za svako drugo slično govorenje kojima se upozorava na raspirivanje šovinizma, na poljećenje na mržnju, na neadekvatan odnos prema normama međunarodne zajednice, na potrebu suradnje s Haškim sudom bit će optuživani borci za ljudska prava koji se zalažu za ravnopravnost ljudi. Njih će *Živko Kustić* u svojim redovitim kolumnama nazivati razgovarateljima hrvatskih zločina, a *Tudman* će ih nazivati izraslinama, izrodima, neprijateljima i slično. Pritom i predsjednik *Tudman* i *Živko Kustić* i brojni drugi njihovi sljedbenici, od *Mađe Freundlich* do *Menada Ivankovića*, čine krivično djelo kažnjivo po članku 174. Kaznenog zakona RH koji je stupio na snagu 1. siječnja 1998.

U tom zakonu u članku o rasnoj i drugoj diskriminaciji stoji da će se "kaznom zatvora od šest mjeseci do pet godina kazniti svatko tko progoni organizacije ili pojedince zbog njihova zalaganja za ravnopravnost ljudi", što pokazuje da i hrvatski državni tužitelj *Hranjski* sam čini dvostruko krivično djelo: prvo, ne tuži i kazneno ne goni osobe koje čine kazneno djelo iz članka 174. KZ-a; i drugo progoni osobe koje se zalažu za ravnopravnost ljudi i njihove organizacije, a sve to po nalogu političkoga vrha čiji je govor prepun mržnje.

Zato nam država sliči na ono na što sliči, a Krajina, ta oduvijek hrvatska i *Zvonimirova* Krajina, gori li gori. Krajina gori od mržnje. Jer hrvatska vlast i njezini sljedbenici ne šire mržnju - u malim količinama.

Ivan ZVONIMIR ČIČAK



ANNEX 73

**Amnesty International Briefing to the UN Committee
against Torture“, 2010**

CROATIA

BRIEFING TO THE UNITED
NATIONS COMMITTEE
AGAINST TORTURE

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2010 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2008

Index: EUR 64/001/2010
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



CONTENTS

| | |
|---|----|
| Introduction | 5 |
| Failure to thoroughly, promptly and impartially investigate and prosecute acts of torture or cruel, inhumane and degrading treatment which occurred in the context of the 1991-1995 war | 6 |
| Failure to Conduct Prompt, impartial and full investigations and to prosecute the perpetrators | 7 |
| Ethnic Bias in sentencing in war crimes trials | 9 |
| Failure to ensure fair and adequate reparation, including compensation to victims of war crimes, including those involving or resulting in torture or other ill-treatment | 11 |
| Failure to ensure full cooperation with the international criminal tribunal for the former yugoslavia (ICTY) | 13 |
| Failure to enforce all relevant legislation providing for the protection of witnesses and other participants in proceedings | 14 |
| Failure to make judges, prosecutors and lawyers fully aware of croatia's international obligations in the field of human rights, particularly those enshrined in the convention | 17 |

INTRODUCTION

This briefing is submitted by Amnesty International in advance of the Committee against Torture's adoption of the list of issues prior to the submission by the Republic of Croatia of its fourth periodic report on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter, the Convention). It outlines Amnesty International's concerns about the failure of the authorities to take adequate measures to implement some of the provisions of the Convention and some of the recommendations made by the Committee against Torture (hereafter, the Committee) following its examination of Croatia's third periodic report in May 2004 (UN Doc: CAT/C/CR/32/3). Amnesty International considers that these failures have resulted in ongoing violations of the rights of individuals which are guaranteed under the Convention. In particular, this submission highlights the organization's concerns with regards to the failure of the authorities to fully implement the Committee's 2004 recommendations to:

- Thoroughly, promptly and impartially investigate and prosecute acts of torture or cruel, inhumane and degrading treatment which occurred in the context of the 1991-1995 war;

- Provide adequate reparation for such acts to victims and their families;

- Ensure full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY);

- Enforce all relevant legislation providing for the protection of witnesses and other participants in proceedings;

- Ensure that judges, prosecutors and lawyers are fully aware of Croatia's international obligations in the field of human rights, particularly those enshrined in under the Convention against Torture.

FAILURE TO THOROUGHLY, PROMPTLY AND IMPARTIALLY INVESTIGATE AND PROSECUTE ACTS OF TORTURE OR CRUEL, INHUMANE AND DEGRADING TREATMENT WHICH OCCURED IN THE CONTEXT OF THE 1991-1995 WAR

In its Concluding Observations on the Republic of Croatia in May 2004 the Committee expressed its concerns in relation to torture and ill-treatment which occurred in the context of the 1991-1995 war. Those concerns included:

- “(i) The reported failure of the State party to carry out prompt, impartial and full investigations, to prosecute the perpetrators and to provide fair and adequate compensation to the victims;
- (ii) Allegations that double standards were applied at all stages of the proceedings against Serb defendants and in favour of Croat defendants in war crime trials;
- (iii) The reported harassment, intimidation and threats faced by witnesses and victims testifying in proceedings and the lack of adequate protection from the State party.”¹

The Committee recommended that Croatia undertake “effective measures to ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment, the prosecution and punishment of the perpetrators as appropriate and irrespective of their ethnic origin, and the provision of fair and adequate compensation for the victims.”²

Amnesty International is concerned that despite some efforts undertaken in the recent years the authorities have failed to adequately implement the above-mentioned recommendations by the Committee.

FAILURE TO CONDUCT PROMPT, IMPARTIAL AND FULL INVESTIGATIONS AND TO PROSECUTE THE PERPETRATORS

In the course of the conflict war crimes, including arbitrary killings, torture including rape, enforced disappearances, arbitrary detention and forcible expulsions were committed on a large scale by both members of the Croatian Army and police forces on one side, and members of the Yugoslav People's Army (JNA – *Jugoslovenska Narodna Armija*) and Serb paramilitary groups on the other side.³

To date only a very limited number of those crimes have been investigated and a limited number of those responsible have been brought to justice in proceedings in line with international fair trial standards. According to Amnesty International's research, most of the prosecutions which have taken place relate to crimes committed by members of the Croatian Serb population while the crimes committed by members of the Croatian Army and police forces remain largely unaddressed.

In recent years, under significant pressure from the international community, authorities have taken some action with a view to improving the prosecution of war crimes cases in a manner which is consistent with international fair trial standards. One of the most significant measures undertaken included the adoption by the State Prosecutor's Office of instructions for the county prosecutors which aimed at addressing the issue of bias against Croatian Serbs in the prosecution of cases.⁴ The instructions, adopted in October 2008, established general criteria for work on war crimes cases, including their selection. In December 2008 an action plan was developed which intended to provide for the review by the State Prosecutor's Office of all cases and the elimination of those in which no "quality" evidence was available, as well for the review of cases in which judgments had been adopted in *in absentia* proceedings, with a view to requesting the renewal of the proceedings.⁵ In addition, county prosecutors were requested to identify priority cases for immediate prosecution.

In order to address the growing concern of the international community pointing to the impunity for war crimes in Croatia and the apparent bias in the judiciary, the authorities in recent years have attempted to compile statistics on the number of prosecuted cases. Based on the analysis of war crimes proceedings in the country in the period from the beginning of 2005 to the end of 2009, the government concluded that 80 war crimes cases have been prosecuted in this five-year period in Croatia.⁶ The organization believes that the number of prosecuted cases is far from satisfactory considering the scale of war crimes committed by both sides in the 1991-1995 war.

While welcoming the measures undertaken so far by the authorities to prosecute war crimes, Amnesty International remains concerned that these measures remain largely unimplemented and that they have failed to significantly resolve the issue of impunity for war crimes in Croatia.

Amnesty International is extremely concerned that the low capacity of the justice system in Croatia to deal with war crimes cases may cause an irreversible impunity for those crimes as together with the passage of time less and less potential witnesses are available to the prosecution and other evidence might be harder to collect.

The organization is particularly concerned that the number of cases under prosecution clearly indicates that ethnic bias still exists in Croatia, as a result of which war crimes committed by members of the Croatian Army and police forces remain largely unaddressed.

SISAK

Proceedings related to the war crimes committed in the Sisak area, southeast of Zagreb, highlight Amnesty International's continuing concerns about the lack of progress in investigating and prosecuting crimes committed against Croatian Serbs.

The town of Sisak itself has a population of approximately 37,000 inhabitants.⁷ Before the war 24 per cent of its population were Croatian Serbs. Incidents of war crimes committed by both members of the Croatian Army and police forces on one side, and members of the Yugoslav People's Army (JNA – *Jugoslovenska Narodna Armija*) and Serb paramilitary groups on the other side, were common. According to the Head of Police in Sisak there have been 410 criminal reports filed against 520 perpetrators in relation to war crimes committed in the area. By the end of 2009 bodies of 684 persons were exhumed and another 599 persons are still registered as missing.⁸

The research of Amnesty International and many other non-governmental organizations (NGOs) and international organizations indicates that the events in Sisak and surrounding villages followed a pattern which included killings, torture and enforced disappearances of Croatian Serbs in the town of Sisak; cases of killings, torture and other ill-treatment in the ORA detention facility in Sisak; as well as the 22 August 1991 military operation conducted by the "Thunders" unit in the surrounding villages. The estimates on the numbers of victims vary from 35 to more than 600 with the most reliable number of around 100 persons killed or disappeared.⁹

As of March 2010, there has been only one case in relation to war crimes against Croatian Serbs which finished with a conviction, against one defendant who was a member of the Croatian Army.¹⁰ The accused was charged with killing of a civilian whom he had abducted from a hospital in Zagreb and killed in the woods near Sisak. Another case relating to war crimes against Croatian Serbs, brought against two individuals, started in January 2010 and as of 1 April 2010 remained pending.¹¹ The accused were charged with killing, torturing and treating in an inhuman manner civilian population. In December 2009 an indictment was issued against two former Croatian Army members for beating to death a Croatian Serb civilian.¹²

Amnesty International believes that the response of the Croatian authorities to address the war crimes committed against Croatian Serbs in Sisak has been insufficient and that it continues to result in impunity, including for war crimes involving or resulting in torture and other ill-treatment.¹³

In contrast, the authorities have been very active in the prosecution of cases of war crimes committed by the Croatian Serbs against ethnic Croats.

Since the war ended, the County Court in Sisak has been one of the busiest courts in the country prosecuting war crimes cases.¹⁴ In total to date, more than 100 Croatian Serbs have

been tried and convicted for war crimes committed in the Sisak area.

As of March 2010 315 war crimes cases had been registered with the County Prosecutor's Office in Sisak. This number included the following categories of cases:

1. Cases in which indictments were issued: 16 cases
2. Cases under investigation by the prosecutor: 22 cases
3. Cases at the pre-investigative stage where the alleged perpetrators have not yet been identified: all remaining 277 cases.

Amnesty International has been informed by the Chief State Prosecutor that of the 38 war crimes cases in which investigations are underway or indictments have been issued by the County Prosecutor's Office in Sisak, in six cases the alleged perpetrators were members of the Croatian Army or police forces and in 32 the alleged perpetrators were members of JNA or Serbian paramilitary groups.¹⁵

In an interview with Amnesty International the County Prosecutor in Sisak acknowledged that of the remaining 277 registered cases at pre-investigative stage (in which the alleged perpetrators have yet to be identified), the great majority of the alleged perpetrators were believed to be Croatian Serbs.¹⁶ The County Prosecutor in Sisak also informed Amnesty International that of the 10 priority cases (among the remaining 277 at the pre-investigative stage) which will receive urgent attention in future, only one case, against several perpetrators based on their command responsibility, is against alleged perpetrators believed to be ethnic Croats; all remaining nine cases are ones in which the alleged perpetrators are believed to be Croatian Serbs.

Amnesty International is concerned that these statistics indicate that a considerable discrepancy in prosecutions based on the ethnicity of the accused continues.

Concern about the issue of impunity for crimes committed against Croatian Serbs and other minorities has been raised by several international organizations and human rights bodies.

The European Union (EU) Progress Reports on Croatia have pointed to the issue several times in the past years. The last report observed *"[...] impunity for war crimes remains a problem, especially where victims were ethnic Serbs or perpetrators were allegedly members of the Croatian armed forces. Many crimes remain unprosecuted, often due to a combination of lack of evidence, unwillingness of witnesses to come forward, e.g. due to intimidation, and unwillingness or reluctance of police and prosecutors, particularly in certain localities."*¹⁷

The UN Human Rights Committee, which in October 2009 reviewed the second periodic report submitted by the government of Croatia on its implementation of the International Covenant on Civil and Political Rights, raised concerns about *"reports that many potential cases of war crimes remain unresolved, and that the selection of cases has been disproportionately directed at ethnic Serbs"*.¹⁸

ETHNIC BIAS IN SENTENCING IN WAR CRIMES TRIALS

Amnesty International is concerned that the apparent ethnic bias is reflected not only in decisions by prosecutors on cases to prosecute but also in the sentencing of persons convicted of war crimes.

In particular Amnesty International is concerned that, as a general rule the ethnicity of the accused has had an effect on the sentence received following conviction for war crimes. From its analysis of war crimes verdicts in Croatia in recent years, Amnesty International considers that it is apparent that mitigating circumstances have been considered more often when the perpetrators were ethnic Croats and their victims Croatian Serbs or members of other ethnic communities.

Amnesty International also notes that service by the perpetrator in the Croatian Army or police forces during the war was itself considered to be a mitigating factor in sentencing in war crimes trials in county courts in Croatia. Amnesty International considers that such a practice runs counter to the duty of judges presiding over war crimes trials to ensure that sentences for such crimes are commensurate with the gravity of the crimes and are not affected by the ethnicity of the accused or the victim.

The organization is extremely concerned that the apparent practice of Croatian county courts of considering service in the Croatian Army or police forces during the war as mitigating circumstances in sentencing has been approved and endorsed by the Supreme Court of the Republic of Croatia.

For example, in the case against *Rahim Ademi* and *Mirko Norac* in which the accused among other counts of the indictment were charged with torture, inhumane and degrading treatment of Croatian Serb civilians and which was one of the most high-profile and rare cases in Croatia in which the accused were members of the Croatian Army, the Supreme Court in its March 2010 verdict, while considering the sentence for the second accused, concluded that the first instance court correctly established the mitigating circumstances in the case. Those circumstances were, among others: the fact that war crimes were committed as part of a lawful military action by the Croatian Army as well as the participation of the accused in the war for independence and that he had received medals and decorations for his contribution to the defence of the country. Further, the Supreme Court expanded the application of the mitigating circumstances by concluding that the accused was no longer able to repeat the same acts and that while committing the crimes he was exposed to a war situation. In its verdict the Supreme Court also stated that the accused was pursuing the legitimate goal of defending his country against an armed aggression. The verdict concluded that the sentence of seven years imposed by the first instance court was too severe because the mitigating circumstances were applied in too narrow a sense. Consequently, Mirko Norac's sentence was reduced to six years' imprisonment. (The other accused, Rahim Ademi, was acquitted).¹⁹

A different panel of judges of the Supreme Court also considered the ethnicity of the accused and their service in the Croatian Army as a mitigating factor in the war crimes case against Mihajlo Hrastov.²⁰

These aspects of these two Supreme Court judgments - which indicate a bias in favour of ethnic Croats convicted for war crimes against Croatian Serbs - serve as precedent to be followed by the county courts presiding over war crimes trials.

This concern, which Amnesty International has raised several times in meetings with the Croatian authorities, remains unaddressed and has been echoed by other institutions. For example, the European Commission, in its Progress Report on Croatia in October 2009, observed that *“where cases are brought, judgments often take the convicted person’s role in the defence of the homeland as a mitigating factor, which creates a clear ethnic bias in sentencing for comparable crimes”*.²¹

FAILURE TO ENSURE FAIR AND ADEQUATE REPARATION, INCLUDING COMPENSATION TO VICTIMS OF WAR CRIMES, INCLUDING THOSE INVOLVING OR RESULTING IN TORTURE OR OTHER ILL-TREATMENT

In its Concluding Observations on the Republic of Croatia in May 2004, the Committee recommended that, in relation to the crimes committed during the 1991-1995 war, the government provide *“fair and adequate compensation for the victims”*.²²

Amnesty International is concerned that rather than implementing this recommendation, additional obstacles -- based on the implementation of a law on compensation for war crimes which went into effect in 2003 -- have prevented many victims of war crimes, including those involving or resulting in torture or other ill-treatment, from successfully claiming compensation.

Until 1996 compensation for material and non-material damage was regulated in Croatia by Article 180 of the Obligations Act.²³ In 1996, when a new Obligations Act entered into force, all pending compensation proceedings, related to the war, were suspended. It was assumed in the law that all proceedings would be re-opened when a new law on the responsibility of the Republic of Croatia for wartime damages entered into force.

In July 2003 new laws entered into force based on which the suspended compensation proceedings were automatically re-opened.²⁴

According to the Croatian law now in force applicable to war-related compensation claims against the Republic of Croatia, the interest of the state is represented by the State Prosecutor’s Office. Under the law, the burden of proof lies on the applicants, who have to prove that the damage they seek compensation for was caused in the period between 17

August 1990 to 30 June 1996 and that it was as a result of an action by the Croatian Army or police forces.

Amnesty International believes that this law creates a conflict of interest for the State Prosecutor's Office, which must both investigate and prosecute those responsible for war crimes and then under this compensation law, it must defend the interest of the state in compensation claims for such crimes.

Amnesty International is also concerned about the implementation of the law in practice.

According to a Croatian NGO, families of victims of war crimes, including those involving or resulting in torture, have filed at least 50 compensation claims.²⁵ Amnesty International is aware that out of this number at least 22 compensation cases have been filed by inhabitants of the Sisak area.²⁶ In all but one of the cases from Sisak, compensation claims have been rejected.²⁷

In all of the cases which Amnesty International has examined in which compensation claims have been rejected, the reasoning by the courts was the same, namely that the statute of limitation applied and that the applicants had failed to prove that the damage was caused by the members of the Croatian Army or police forces and therefore that the Republic of Croatia was not liable for the damage.

The Obligation Act which is used by the Croatian courts in compensation cases to establish whether the statute of limitation applies prescribes the period of 3 years since the claimant became aware of the damage but no more than five years starting from when the damage occurred. Compensation claims related to criminal acts are an exemption from this rule and the statute of limitation in those cases equals the same period prescribed for statute of limitation in criminal proceedings. However, according to the practice established by courts in Croatia in order to benefit from the extended statute of limitation the applicants have to prove that the acts they claim compensation for were indeed criminal acts. This, in all compensation cases filed by the families of victims of war crimes, proved to be impossible as criminal proceedings have not been either initiated or concluded by the State Prosecutor's Office and as a result nobody has been convicted in criminal proceedings in relation to those acts.

This practice is inconsistent with the principle enshrined in international standards that a victim's status is not dependent on the identification, prosecution or conviction of the perpetrator of human rights violations or crimes under international law²⁸.

Amnesty International is also concerned that the applicants whose compensation cases have failed, many of whom are pensioners, have been ordered to cover the costs of the proceedings. Some of the cost orders amounted to almost € 10,000.²⁹ Amnesty International is also aware of several cases in which proceedings have been initiated to seize the property of the applicants who have lost their compensation cases against the Republic of Croatia and who were not able to pay the costs of those proceedings.³⁰

In May 2009, by a decision of the government, the costs of the compensation proceedings brought under the compensation law in effect until 1996, Article 180 of the Obligation Act,

and which had been resumed under the 2003 laws, were annulled and the applicants were exempted from paying them. However, the decision does not include compensation proceedings which have been initiated *after* 1996 - which are the majority of the claims. For compensation cases initiated *after* 1996, under the government decision, the costs of the proceedings would be annulled only if applicants withdrew the claims.

Amnesty International also notes that the granting of other measures of reparation - restitution, rehabilitation, satisfaction and guarantees of non-repetition - which should be available to the victims of wartime torture and other ill-treatment are not even regulated by the Croatian law. In that regard, Amnesty International notes that the authorities have yet to translate and disseminate in the Croatian language the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

FAILURE TO ENSURE FULL COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)

In its Concluding Observations in May 2004 the Committee recommended that the authorities ensure *“full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), inter alia by ensuring that all indicted persons in their territory are arrested and transferred to the custody of the Tribunal”*.³¹

Amnesty International is concerned that this recommendation has only partially been implemented. While Amnesty International has welcomed the fact that since 2004 Croatia has surrendered to the ICTY all remaining accused, the organization is concerned that the authorities have failed to provide the ICTY with the military documents related to the 1995 Operation Storm in relation to which three Croatian Army generals Ante Gotovina, Ivan Čermak and Mladen Markač were on trial before the ICTY.

The ICTY's Prosecutor has claimed that the Croatian authorities have intentionally hidden or concealed military documents concerning Operation Storm. In June 2008 the ICTY's Prosecutor filed an application for an order requesting the Croatian authorities to provide his office with all outstanding documentation in the case.³²

In September 2008 the ICTY Trial Chamber ordered the Croatian authorities to continue the investigation into the whereabouts of the documents, which had yet to be provided and to

provide the Tribunal with a further report on the steps undertaken to obtain the requested documents.

In his last report to the UN Security Council in November 2009, the ICTY Chief Prosecutor stated that "since the previous report to the Security Council [...] no substantial progress has been made in locating a number of key military documents related to Operation Storm of 1995, which the Office of the Prosecutor had first requested in 2007."³³

In October 2009 the UN Human Rights Committee recommended that the authorities in Croatia "*expedite the recovery and delivery of the records of Croatian military operations required by the ICTY in the completion of its investigative work*".³⁴

According to information available to Amnesty International, as of 1 April 2010 the authorities of Croatia had failed to provide the ICTY with the requested documents.

FAILURE TO ENFORCE ALL RELEVANT LEGISLATION PROVIDING FOR THE PROTECTION OF WITNESSES AND OTHER PARTICIPANTS IN PROCEEDINGS

In its last Concluding Observations on Croatia in May 2004 the Committee recommended that the government "*enforce all relevant legislation providing for the protection of witnesses and other participants in proceedings and ensure that sufficient funding is allocated for effective and comprehensive witness protection programmes*".³⁵

Amnesty International is concerned about several examples which indicate that witness protection, especially in war crimes cases, has not been adequately provided by the authorities. The organization also considers that the lack of investigation and prosecution of cases of intimidation of witnesses perpetuates an atmosphere of impunity, not only for war crimes but also for perverting the course of justice.

For several years Amnesty International has raised concern that the authorities have failed to investigate the killing of Milan Levar. Milan Levar was a potential witness at the ICTY and had campaigned for justice for war crimes victims. He was killed in August 2000 by an explosive device planted underneath his car, after making statements to the media alleging that Mirko Norac and some other high level Croatian politicians were responsible for war crimes committed against the Croatian Serb population in the Lika region. Ten years later no one has been brought to justice for his death. Milan Levar's wife has received death threats from unknown individuals, which began after she was interviewed by the media about her

husband's death. When asked by Amnesty International about the investigation of the case, the authorities of Croatia responded that the case could not be further investigated because the alleged perpetrator, who was identified and interrogated, gave his testimony without his lawyer present. They stated that the evidence collected in the case was therefore inadmissible. They also rejected the possibility of re-opening the case.

In relation to the crimes highlighted by Milan Levar in the Lika region two Croatian Army generals, Mirko Norac and Rahim Ademi, were initially indicted by the ICTY in relation to war crimes committed during and after the "Međak Pocket" Operation in 1993. The case was transferred from the ICTY to the Croatian courts in September 2005. The accused were charged with ordering indiscriminate artillery attacks, failing to prevent or punish their subordinates for the torture and murder of Croatian Serb civilians and prisoners of war, and the destruction of property.

In this case the court was faced with difficulties in getting witnesses to testify, especially at the early stage of the trial. Despite the use of a video link, some prosecution witnesses refused to testify citing fears for their safety as the main reason. Others decided to do so only after having been promised that their identity would be protected.

In the end, 30 out of 74 of prosecution witnesses who testified did so through video link. One-third of them were "endangered" witnesses residing in Croatia; video links were used with the aim of protecting their identities from public disclosure.

In May 2008 Rahim Ademi was acquitted and Mirko Norac was found guilty of some of the charges and sentenced to seven years' imprisonment. As noted in section 2.2 above, on appeal, the Supreme Court reduced the sentence of Mirko Norac to six years' imprisonment, and upheld the acquittal of the other accused, Rahim Ademi.

Although in the Ademi-Norac case witness protection measures for those who agreed to testify were used effectively, Amnesty International is concerned that the high number of witnesses who were initially reluctant to testify points to the fact that there is still an atmosphere in Croatia which is not conducive to prosecution of war crimes. According to Amnesty International's research, the unresolved killing of Milan Levar had a strong negative impact on the confidence of some witnesses to testify.

Amnesty International is also concerned about the intimidation of witnesses in another high-profile war crimes case, in which Branimir Glavas is one of the accused.

Since 1995 Branimir Glavas has been an influential member of the Croatian Parliament. In 2006 he split from the Croatian Democratic Union (*Hrvatska Demokratska Zajednica* – HDZ) and created his own political party the Croatian Democratic Council of Slavonia and Baranya (*Hrvatski Demokratski Sabor Slavonije i Baranje*, HDSSB).

Branimir Glavas, together with five other co-accused, was charged with unlawful detention, ill-treatment and killing of Croatian Serb civilians in Osijek. He has been charged for command responsibility, in his capacity as the local military leader, for having failed to prevent his subordinates from committing war crimes as well as for ordering some of them.

Serious intimidation of witnesses in the case started at a very early stage of investigation. For example, in December 2005 Anto Dapić, president of the Croatian Party of Rights (*Hrvatska Stranka Prava*, HSP) and mayor of Osijek disclosed to the media a list of 19 witnesses cooperating with investigators. Some of the potential witnesses consequently refused to testify.

In 2006, with a view to reducing pressure on the witnesses, the case against Branimir Glavas and the other co-accused was transferred to the Zagreb County Court. This, however, did not prevent the first accused from taking action which reportedly resulted in the intimidation of witnesses. On several occasions in 2006 and 2007 Branimir Glavas published court records, witnesses' statements and other evidence related to the case on his website.³⁶

In February and in April 2008, Drago Hedl, a journalist from Osijek, received death threats following his reports about Branimir Glavaš's role in the murders of Croatian Serbs.³⁷ The journalist later on refused to testify in the case giving the death treats as one of the reasons.

On 3 June 2008 Branimir Glavaš disclosed the identity of the protected witnesses in a news programme at a local Television of Slavonija and Baranja.³⁸

In May 2009, Branimir Glavas was convicted by the Zagreb County Court and sentenced to 10 years' imprisonment. The other co-accused were also convicted and sentenced to between five and eight years in prison. Appeal proceedings before the Supreme Court in the case are due to start in 2010.

Prior to the announcement of the verdict, Branimir Glavas fled to Bosnia and Herzegovina where he has been living since. On his website he has continued to make statements about the witnesses' role in the proceedings and during the war in Croatia, having the effect of intimidating witnesses.

Amnesty International is extremely concerned that neither the judge presiding over the case nor the State Prosecutor's Office has investigated or addressed the intimidation of the witnesses, other than by transferring the venue of the proceedings. The organization is concerned not only about the threats themselves and the impact on this case but also that the failure to take action has sent a message to potential witnesses in war crimes cases that they risk not being protected, if they agree to come forward. This may have a chilling effect on the participation of witnesses in future trials.

Amnesty International is concerned that intimidation of witnesses and human rights defenders also takes place at the local level in relation to war crimes cases where there is little media attention, and the risks for witnesses may be greater. The threats received by Vjera Solar, highlighted below, are an example.

Vjera Solar, the mother of 19-year-old student Ljubica Solar who was killed in Sisak on 17 September 1991, established her own NGO called the Civic Association against Violence (*Gradjanska Udruga Protiv Nasilja*) in order to raise awareness and collect data on crimes committed by members of the Croatian Army and police forces against Croatian Serbs and other minorities. She has collected the names of 115 people who were killed or disappeared in the Sisak area during the war. Together with other families of victims she has been campaigning for the perpetrators of the crimes committed in Sisak to be brought to justice.

When the first war crimes trial of a member of the Croatian Army started in Sisak in 2009, Vjera Solar started receiving death threats by telephone and by letters.³⁹ The authors of the threats have so far evaded apprehension and Vjera Solar continues to live in fear for her safety.

FAILURE TO MAKE JUDGES, PROSECUTORS AND LAWYERS FULLY AWARE OF CROATIA'S INTERNATIONAL OBLIGATIONS IN THE FIELD OF HUMAN RIGHTS, PARTICULARLY THOSE ENSHRINED IN THE CONVENTION

In May 2004 the Committee recommended that the authorities of Croatia undertake measures to *"make judges, prosecutors and lawyers fully aware of Croatia's international obligations in the field of human rights, particularly those enshrined in the Convention against Torture"*.⁴⁰

Based on its analysis of a substantial number of verdicts and indictments in war crimes proceedings as well as its observations of hearings in several war crimes proceedings, Amnesty International is concerned that judges, prosecutors and lawyers often do not demonstrate knowledge of Croatia's international obligations in the field of human rights and in particular those related to prosecution of torture and other ill-treatment in the context of war.

In some instances, while attending war crimes hearings, the organization observed the lack of awareness of presiding judges of standards related to examination of traumatized witnesses which resulted in exerting undue pressure on those witnesses by the defence counsel.

Amnesty International also noted with concern that war crimes of sexual violence, as a form of torture, were not included in the indictment, despite the fact that, according to the jurisprudence of the ICTY, acts described in the indictment would qualify to be prosecuted as such.⁴¹

The organization is not aware of a single indictment or a verdict in a war crimes case which has been brought in Croatian courts between 2005 and 2010 in which a reference was made to the text of the Convention against Torture. The organization has also noted with concern that the jurisprudence of the ICTY about torture and other ill-treatment in a war context, including rape, is rarely relied upon by judges, prosecutors and lawyers in Croatia.

¹ Croatia: Conclusions and recommendations of the Committee against Torture, Thirty-second session, 3-21 May 2004, CAT/C/CR/32/3, Paragraph 8(a).

² Croatia: Conclusions and recommendations of the Committee against Torture, May 2004, Paragraph 9(a).

³ For information about Amnesty International's documentation of such war crimes, please see: *Yugoslavia: Torture and deliberate and arbitrary killings in war zones*, (AI Index: EUR 48/26/91), November 1991; *Yugoslavia: Further reports of torture and deliberate and arbitrary killings in war zones*, (AI Index: EUR 48/13/92), March 1992; and *Croatia: A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity*, (AI Index: EUR 64/005/2004).

⁴ *Naputak u svezi primjene odredbi OKZRH i ZKP u predmetima ratnih zlocina – kriteriji (standardi) za kazneni progon*. Drzavno Odvjetnistvo Republike Hrvatske. Broj: O-4/08, 9 October 2008.

⁵ *Action Plan for the implementation of Instructions Number o-4/08 related to work on war crimes cases*. The Chief State Prosecutor's Office, Number: A-223/08-2, 12 December 2008.

⁶ *Analysis of proceedings in war crimes cases at county courts of the Republic of Croatia from 2005 to 2009*. December 2009. Ministry of Justice of the Republic of Croatia. On file with Amnesty International. Document received by email on 08 February 2010.

⁷ Official website of the Town of Sisak: http://www.sisak.hr/?page_id=716

⁸ Amnesty International interview with the Head of the Police in Sisak, 23 March 2010.

⁹ The estimate of 35 persons is quoted by the Croatian authorities including the State Prosecutor in Sisak. The figure of 115 persons was given by Vjera Solar, president of the Civic Association against Violence (*Gradjanska Udruga Protiv Nasilja*). The number of 600 killed and disappeared people was quoted by the Union of Serbs in the Republic of Croatia (*Zajednica Srba u Republici Hrvatskoj*) in their criminal complaint filed in April 2007 with the County Prosecutor in Sisak.

- ¹⁰ *RH vs. Ivica Miric*. The accused was convicted and sentenced to nine years' imprisonment.
- ¹¹ *RH vs. Damir Raguz and Zeljko Skledar*, K-DO-16/09.
- ¹² *RH vs. Ivica Kosturin and Damir Vrbana*, K-DO-22/09.
- ¹³ The unresolved cases of enforced disappearance in of themselves may amount to torture with respect to the disappeared persons but also in cruel, inhuman and degrading treatment of families of the disappeared who are not able to establish the fate of their beloved ones.
- ¹⁴ According to the *Analysis of proceedings in war crimes cases at county courts of the Republic of Croatia from 2005 to 2009. December 2009. Ministry of Justice of the Republic of Croatia*, the County Court in Sisak was the third busiest court in the country with 13 judgments in which 16 persons were convicted.
- ¹⁵ Letter of 23 February 2010 received by Amnesty International from Mr Mladen Bajic, the Chief State Prosecutor.
- ¹⁶ Amnesty International interview with the State County Prosecutor in Sisak, 23 March 2010.
- ¹⁷ Croatia: 2009 Progress Report, European Commission, 14 October 2009, p. 9.
- ¹⁸ Croatia: Concluding observations of the Human Rights Committee, CCPR/C/HRV/CO/2, 29 October 2009, para. 10.
- ¹⁹ *RH vs. Rahim Ademi and Mirko Norac*, I Kž 1008/08-13.
- ²⁰ *RH vs. Mihajlo Hrastov*, III Kž 12/09-10.
- ²¹ Croatia: 2009 Progress Report, European Commission, 14 October 2009, p. 9.
- ²² Croatia: Conclusions and recommendations of the Committee against Torture. 3-21 May 2004, Paragraph 9(a).
- ²³ *Zakon o obveznim odnosima. Sluzbeni list SFRJ 29/78* together with later amendments.
- ²⁴ *The Act on the Responsibility for Damage Caused by the Acts of Terrorism and Public Demonstrations and the Act on the Responsibility of the Republic of Croatia for Damage Caused by Members of Croatian Armed and Police Forces during the Homeland War.*
- ²⁵ *Monitoring of War Crimes Trials. Report for 2009.* Centre for Peace Non-Violence and Human Rights Osijek, Documenta – Centre for Dealing with the Past, Civic Committee for Human Rights. February 2010. p. 32.
- ²⁶ *Ana Jelic vs. RH; Stojanka Trivkanovic vs. RH; Dragica Ferenc, Aleksander and Robert Trivkanovic vs. RH; Evica, Mirjana and Desa Djapa vs. RH; Dijana Pajagic* request for out-of-court settlement; *Vjera, Jovan and Djorde Solar vs. RH; Zahida, Radivoje and Dobrivoje Martinovic vs. RH; Bozica Perkovic, Mirjana and Branislava Bozic vs. RH; Milja and Petar Bojinovic vs. RH; Milos, Nada and Dragica Crljenica vs. RH; Radojka, Damir and Jovic Pajic vs. RH; Ruzica Vucinic vs. RH; Dragica Kladar vs. RH; Dusanka Miljevic vs. RH; Mara, Milan, Milena, Dragan and Ruza Kragulj vs. RH; Kate Martinovic, Branka Bjelic and Branko Martinovic vs. RH; Milka, Dusko, Dunjo, and Danijel Bekic vs. RH; Sofija Bekic vs. RH; Anka and Djordje Simic vs. RH; Danica, Nikola and Marija Todorovic vs. RH; Veljko Cakalo vs. RH; Jasenka Borojevic, Edita Mihic and Lahorka Maric vs. RH.*
- ²⁷ The only compensation case in which compensation was granted by the Municipal Court in Sisak is the one filed by Milja and Petar Bojinovic vs. RH. The case is now on appeal before the County Court in

Sisak.

²⁸ Principle 9 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; Article 2 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

²⁹ *Vjera Solar, Jovan Solar, Djorde Solar vs. RH*, Municipal Court of Sisak, 18/12/2007. Presuda i Rjesenje III P-1323/04. The Municipal Court of Sisak ordered the applicants to pay HKN 74,580 (approximately € 10,280). In another case regarding the killing of Zoran Trivkanovic the applicants were ordered to pay HKN 71,480.

³⁰ See for example: the Decision of the Sisak County Court of 22 March 2007, case GŽ-1200/06 in which the application for compensation was rejected and the Decision of the Sisak Municipal Court of 14 May 2008, OVR-1112/08 which ordered the seizure of the applicant's property.

³¹ Croatia: Conclusions and recommendations of the Committee against Torture, 3-21 May 2004, Paragraph 9(b).

³² Prosecution's Application for an Order Pursuant to Rule 54 bis Directing the Government of the Republic of Croatia to Produce Documents or Information, with public and confidential Appendices, 13 June 2008.

³³ Letter dated 12 November 2009 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council. S/2009/589, Annex II. Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004), para. 40.

³⁴ Croatia: Concluding observations of the Human Rights Committee, CCPR/C/HRV/CO/2, 29 October 2009. para. 10(e).

³⁵ Croatia: Conclusions and recommendations of the Committee against Torture, 3-21 May 2004, Paragraph 9(c).

³⁶ The documents are still available on-line on the official website of the accused:
<http://www.branimirglavas.com> Accessed on 29 March 2010.

³⁷ Amnesty International. *Croatia: Briefing for the Human Rights Committee on the Republic of Croatia*, Index: EUR 64/001/2009, p. 12.

³⁸ Feral Tribune, *Gospodar Fascikla*, 8 June 2008.
http://feral.mediaturtle.com/look/weekly1/article_tisak.tpl?IdLanguage=7&IdPublication=1&NrArticle=18239&NrIssue=1184&NrSection=1&ST1=text&ST_T1=teme&ST_AS1=1&ST_max=1

³⁹ Prijetnje zbog traganja za ubicama sisačkih Srba, Radio Free Europe:
http://www.slobodnaevropa.org/content/sisak_vjera_solar/1504080.html

⁴⁰ Croatia: Conclusions and recommendations of the Committee against Torture, 3-21 May 2004, Paragraph 9(d).

⁴¹ Indictment in the case of *RH vs. Damir Raguz and Zeljko Skledar*, K-DO-16/09, in which one of the victims was found dead, naked and with her legs spread wide in a room upstairs of the house where allegedly she was brought by the two accused.

**Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW**

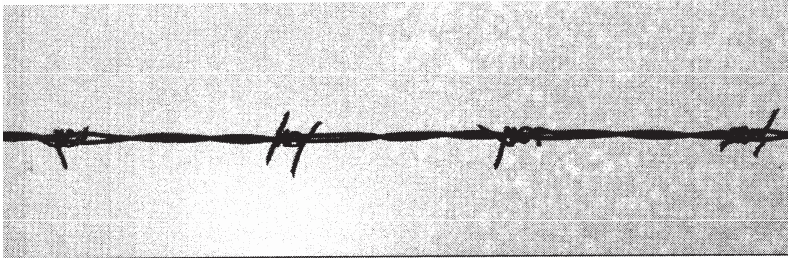
www.amnesty.org

**AMNESTY
INTERNATIONAL**



ANNEX 74

**Youth Initiative for Human Rights Report, “Against
Immunity of Power: prosecution of war crimes in
Croatia”, March 2011**



YIHR

YOUTH INITIATIVE FOR HUMAN RIGHTS
INICIATIVA MLADIH ZA LJUDSKA PRAVA
NISMA E TE RINJVE PËR TE DREJTAT E NJERIUT



AGAINST IMMUNITY OF POWER: prosecution of war crimes in Croatia

.....March 2011.....

Contents:

| | |
|--|-----------|
| 1. Introduction | 3 |
| 2. Methodology | 4 |
| 3. Partiality of Investigative Bodies and Courts | 5 |
| 3.1. Partiality of Investigative Bodies | 5 |
| 3.1.1. Recommendation of the Initiative | 6 |
| 3.2. Partiality of Courts | 7 |
| 3.2.1. County Courts | 7 |
| 3.2.2. Supreme Court | 9 |
| 3.2.3. Constitutional Court | 10 |
| 4. Examples of Insufficiently Investigated and Inadequately Prosecuted Crimes | 10 |
| 4.1. Murder of Serbian Civilians in Vukovar in 1991 | 11 |
| 4.2. Murder of Serbian Civilians in Sisak in 1991 and 1992 | 12 |
| 4.3. Evacuation of Villages in the vicinity of Pozega in 1991 | 14 |
| 4.4. Crimes in Zrnovnica in 1992 | 15 |
| 4.5. Military Prison «Lora», 1992 –1997 | 16 |
| 4.6. Military and Security Action «Flash» | 17 |
| 4.7. Military and Security Operation «Storm» | 19 |
| 5. Non-prosecuting or Inadequate Prosecuting of Powerful Military and Political Personnel | 22 |
| 5.1. Vladimir Seks | 23 |
| 5.2. Ivan Vekic | 24 |
| 5.3. Djuro Brodarac | 24 |
| 5.4. Karl Gorinsek | 24 |
| 5.5. Vinko Barbaric | 25 |
| 5.6. Darko Milinovic | 25 |
| 5.7. Davor Domazet | 26 |
| 5.8. Ivan Jamjak | 26 |
| 5.9. Mate Lausic | 26 |
| 6. Conclusion | 27 |

*Until lions have their historians,
the tales of the hunt shall always glorify the hunters.*
- African Proverb

1. Introduction

A functional judicial system represents one of the fundamental mechanisms of protection of human rights. In post-conflict societies, such as the society in Croatia, war crimes trials have special significance. Impunity of war crimes creates an atmosphere of mistrust in the institutions. In this sense, crimes which have been committed and the perpetrators of which were protected by the authorities are especially dangerous. The atmosphere of not prosecuting criminals, as well as their hiding behind functions of power and authority, leads to the increase of fear in those groups of people who do not enjoy this type of protection. However, by protecting the perpetrators, those crimes become crimes of the state, and the guilt collective. These cases create a de-facto state of inequality of citizens and undermine the concept of individualized guilt. Such situations are impermissible in democratic societies and societies which strive for democracy.

2. Methodology

This report is the result of two years work during which the activists of the Youth Initiative for Human Rights (hereinafter the Initiative) have collected statements of potential war crimes witnesses, as well as interviewed dozens of family members of victims and persons who had themselves been victims of crimes. During the preparation of this report, the Initiative had conducted a series of interviews with activists of human rights organizations in the country and abroad, representatives of domestic and international institutions, representatives of judicial institutions, former members of military and police forces, as well as journalists. Previous reports of domestic and international human rights organizations, domestic and foreign institutions and inter-governmental organizations dealing with the subject of processing war crimes, have also been used in the preparation of this report. Aside from statements given to the activists of the Initiative and a number of documents in the possession of the Initiative, all other information and documents on the basis of which this report was made, are available to the public. Parts of texts included in this report have previously been published in publications and newsletters of the Initiative.

The aim of this report is to map the basic problems which disable the proper and impartial functioning of investigative and judicial institutions in the Republic of Croatia, as well as to point out the ever-present problem of political pressure on the judiciary, which disables an efficient and impartial functioning of the judicial system. In this sense, the report will not present all the problems which have an effect on the Croatian judiciary in the domain of prosecuting war crimes, since the recent reports of other organizations have already defined certain problem areas¹. Furthermore, this report does not deal with processing war crimes at the International Criminal Court for former Yugoslavia (ICTY) in the Hague.

The report consists of three parts. The first part states, through several examples of the practice of prosecuting war crimes, the examples of partiality and lack of professionalism of investigative and judicial bodies on the issue of banishing ethnic Croats as perpetrators of war crimes. It also contains the recommendation of the Initiative for improving the present situation. The second part contains the analysis of several cases of war crimes committed in isolation or within larger actions of the forces of the Republic of Croatia, which have not had their proper epilogues in courts. The third part points to the problems of the still present influence of politics on the judicial system, in

¹ E.g. the report of Amnesty International properly defines and arguments the problems within the legislative frame, and therefore this report does not deal with this issue. Several organizations have pointed to problems in the work of the police and the State Attorney of the Republic of Croatia (DORH) on the national level, and therefore this report focuses on the problems in the work of these institutions on the local level. The report also includes the «not corrected mistakes» of these bodies immediately after some of the crimes were committed (e.g. see texts on the Military and Police Operation «Storm» (4.7) and crimes in Zrnovnica in 1992 (4.4.). However, cases which point to inadequate engagement of investigative institutions on establishing possible responsibility of powerful persons in the army and the government have been described in this report (chapter 5 of this report).

the sense of avoiding criminal prosecution and impunity as a consequence of either complete lack of investigation or inadequate processing. The final part also contains a list of powerful persons in politics and military, for which there are indications that they had, or might have had a part in committing some of the war crimes.

3. Partiality of Investigative Bodies and Courts

This part of the report presents conclusions reached by the activists of the Initiative through analyzing the procedure of processing war crimes in the courts of the Republic of Croatia. The Initiative had reached these conclusions primarily through meetings with representatives of the authorities that deal with prosecution of cases of war crimes. Further, through reports of organizations which directly follow war crimes trials² and the media, as well as through statements of victims of these crimes, as well as their family members.

3.1. Partiality of Investigative Bodies

Prosecution of crimes committed by Croatian forces suffers extreme political pressure everywhere in Croatia. A significant part of the public, especially in local communities, supports in various ways the investigated, accused persons or persons in trial for war crimes³, while victims and witnesses are considered to be losers and traitors. The pressure of the public, and even more often local powerful persons on institutions is quite common. Often even the persons from the authority structures use available means to negatively affect the investigations and court processes. This part of the report deals both with the State Attorney's Office (DORH) as the body of prosecution and with the police as the body in charge of investigating crimes and the perpetrators.

Sisak⁴: Investigations of the murder of civilians of Serbian nationality in Sisak have been going on for years, and some organizations have collected and provided information on these cases to the investigative bodies⁵. The County State Attorney in Sisak did not conduct these investigations seriously, and the Sisak police was not requested to get seriously involved in the investigation of these cases. An expert level of work is supported exclusively by organizations of the civil society, and somewhat by family members of victims, who have in numerous cases already lost hope that the institutions will adequately respond to these severe crimes, committed almost 20 years ago. The County State Attorney in Sisak, Stipe Vrdoljak, is the person on

² Amnesty International, Documenta, Center for Peace, Non-violence and Human Rights, Civic Committee for Human Rights, etc.

³ Often through collecting money for the defense of indicted persons in various sports, cultural and entertainment events.

⁴ See the text on the murder of Serbian civilians in Sisak in 1991 and 1992 for more information on the case (4.2.).

⁵ E.g. the Serbian community in Croatia.

whom the majority of the responsibility for such a state lies⁶. Djuro Brodarac who, at the time of the crimes was the chief of the Police Directorate in Sisak, has since performed a series of political functions at the local and national level, and everything points to the fact that he is still well connected within governmental structures. In this sense, a most interesting fact is that the current Minister of Justice in the Government of the Republic of Croatia, Drazen Bosnjakovic, acted as a Secretary of the Sisak-Moslavina County⁷ from 1993 to 1997, while Brodarac was the Prefect. Recognizing the problem in the work of the County State Attorney in Sisak, Mladen Bajic, the State Attorney General, proposed the transfer of this case to Osijek. Through this action, the State Attorney General gave an example of good practice in avoiding political pressure exerted on the investigations by the members of authority in the local community and local institutions. The decision of the State Attorney General to transfer this case is important also because the County State Attorney's office in Osijek also dealt with the case of Branimir Glavas, who has already been convicted for torture and murder of civilians in Osijek, a case very similar to the one in Sisak.

Zrnovnica⁸: Investigations on the murder of the Gasparevic couple, as well as mining of private objects in Zrnovica gave no significant results. Moreover, the investigation started by the retired Police Inspector Ilija Grubisic was seriously obstructed. Several years later an official investigation was started, but it also yielded no significant findings. The reason for the poor conduct of these investigations can be found in the Split Police, which exerts almost no effort to uncover the circumstances of these crimes. In an independent investigation, the Initiative has reached two conclusions about this investigation: on one hand, the perpetrators of these crimes were most likely the members of the Croatian Army from the Zrnovica rocket base and the members of the local police, and on the other hand that the former commander of the Zrnovica rocket base, the retired Colonel of the Croatian Army Vinko Barbaric himself tried to obstruct the investigation⁹. This case is different from the one in Sisak in that the County State Attorney office in Split has made an effort to find the perpetrators of the crimes.

3.1.1. Recommendation of the Initiative

The Initiative supports the decision of the State Attorney General in the case of crimes in Sisak. Transferring the cases to authorities in other counties, which have previously shown better capacities for solving similar cases (in accordance with the Article 12 of the Law on Implementation of the Statute of International Criminal Tribunal and Prosecution of Crimes Against International Humanitarian Law), represents a good model which can ensure

⁶ Elaborated in more detail in the text on the murder of Serbian civilians in Sisak 1991 and 1992 (4.2.).

⁷ See the official biography of Drazen Bosnjakovic on the webpage of the Government of the Republic of Croatia.

⁸ See the text on the crimes in Zrnovnica in 1992 (4.4.) for more information on the case.

⁹ See the article by Vladimir Matijanic published in «Slobodna Dalmacija» on 5 January 2011, titled «(Ne)podobni znatiželjnik» [«The (In)appropriate Dabbler»].

impartial investigations and remove or at least reduce the influence of local powerful persons from the army or the authorities. The State Attorney's Office should closely follow investigations of war crimes and apply this model in all cases where similar problems are detected. So far, this mechanism has been applied in 12 more cases. The Ministry of Internal Affairs did not show the effort that the State Attorney of the Republic of Croatia put in¹⁰, and on this occasion we would point to the fact that the Ministry should sanction the members of the Police who inadequately investigate war crimes. Apart from sanctions, the Ministry also has the possibility of rotating police investigators, which could in some cases enable a solution to the problem of partiality. The Ministry of Internal Affairs must be aware of the danger of partiality in leading investigations against their (former) colleagues.

3.2. Partiality of Courts

Courts have shown a propensity toward partiality in trials of former members of Croatian armed forces. At a number of courts, there were cases which represent examples of partiality. This problem is the most prominent in courts of small local communities (Sisak, Gospic, Karlovac, Sibenik). The problem of partiality is manifested in different ways; in some cases there is an explicit «taking of sides», and in other cases establishing a court practice which searches for excuses in various political and social circumstances, and the implementation of this practice results in partiality in the sense of a different treatment of opposed sides in the conflict. This section of the report will expose the above mentioned problem through several examples.

3.2.1. County Courts

County courts in small communities do not have an established good practice in war crimes trials, and suffer from practically a complete lack of implementation of international standards regarding processing cases of war crimes. It is also symptomatic that judges have a high number of overturned verdicts in the Supreme Court of the Republic of Croatia. Especially problematic are the small county courts, while the courts in macro-regional centers (Zagreb, Split, Rijeka, Osijek), although having significant deficiencies, have regardless developed a practice which satisfies at least the basic standards in processing war crimes.

Karlovac: The County Court in Karlovac lead the case against the accused Mihajlo Hrastov for the criminal act against humanity and international law of illegally shooting and wounding the enemy, because he, according to the verdict of the Supreme Court of the Republic of Croatia, killed 13 and wounded two captured soldiers of the Yugoslav People's Army on the Korana bridge in Krlovac, in September 1991. The very fact that this process has been lead in the County Court in Karlovac on three different occasions during several years (more than 14), as well as the fact that the Supreme Court overturned these verdicts every time, and finally reviewed the case itself and

¹⁰ Clearly visible in the investigation of crimes in Zrnovnica.

reached a conviction, points to an exceptionally poor leading of the case. Apart from fundamental deficiencies which caused the Supreme Court to overturn the verdicts of the County Court, the organizations following the trial also noted the problem of «loud comments» from the audience¹¹, or more precisely, the members of war veteran associations and other supporters of the accused Hrastov. The court must do everything in order to avoid such incidents, since they have a negative effect on the feeling of security of the representatives of victims, witnesses and others, and therefore bring into question the truthfulness and completeness of statements, and therefore challenge the impartiality of the court and judges.

Sisak: The County Court in Sisak has lead only a few procedures against former members of Croatian forces during a number of years. In all these cases, the partiality of the court toward the accused was evident. This was evident not only through the implementation of mitigating circumstances regarding the accused members of the Croatian Army, but also in the treatment of witnesses. Namely, the witnesses of Serbian ethnicity were repeatedly considered unreliable when testifying as witnesses for the accused Serbs, and on the other hand the witnesses of Croatian ethnicity were repeatedly considered reliable when accusing the Serbs as perpetrators. Finally, one of the most significant problems of the court in Sisak is the continued insisting on processing members of the Serbian forces in absentia. One of the most evident examples of the partiality of the County Court in Sisak is the verdict reached by the court council presided by judge Snjezana Mrkoci in November 2010, which discards the indictment for war crimes against civilians regarding four members of the Croatian Army: Zeljko Belina, Dejan Milic, Ivan Grgic and Zdravko Plesec. This verdict is problematic for at least two formal reasons; first, because it states that this matter had already been resolved, even though the implementation of the Pardon Law is in this case without legal basis, and second that the evidence procedure was conducted and a discussion opened, and only then did the verdict drop the charges. The judge did not find it controversial that two perpetrators did not even deny shooting at the victims (mother, daughter, father and their neighbour). The verdict is also diametrically opposed to the stand of the Constitutional Court in the Reihl Kir case, where the Constitutional Court took a clear stand that the implementation of the Pardon Law cannot be an excuse for implementing the *ne bis in idem* rule, nor as a reason for reaching a verdict which rejects the charges, considering that when implementing the Pardon Law, the court does not discuss guilt¹². However, explicit partiality is also expressed by the words of judge Mrkoci herself, who stated during the explanation of the verdict: «I am very sorry I have to try the members of the Croatian Army for the crimes we are accustomed to be done by the opposite side, especially now when we are lighting candles for Vukovar.»¹³.

¹¹ See the webpage of the Center for Peace, Non-violence and Human Rights.

¹² See the decision of the Constitutional Court U-III/791/1997.

¹³ Different media reported on this. The exact formulation has been taken from the organizations that monitor the war crime cases.

3.2.2. Supreme Court

The main problem in prosecuting war crimes in the Supreme Court, a problem completely integrated in its practice, is granting mitigating circumstances for the defendants from the Croatian forces, and in some cases their widening, in the sense of reducing the sentence. Primarily, those are granting mitigating circumstances for participating and/or volunteering for the «Homeland War», or for exceptional contribution to the country's defense. It is obvious that a person had participated in the war if they are on trial for war crimes, but taking sides in the conflict and therefore making excuses for someone's crime from the viewpoint of justness or injustice of the war itself, proclaiming the context of the war as defensive or aggressive, the court takes sides politically and gives a certain political and legal interpretation of historical events. Proportionally to that taking of sides, the court diminishes the crime itself, i.e. justifies it. In the same sense, the Supreme Court of the Republic of Croatia has on several occasions, when determining the sentence, taken into account that the defendant had received medals¹⁴. Also, the Supreme Court of the Republic of Croatia also grants «homeland fervor» to be the basis of mitigating circumstance¹⁵. Although fervor/passion is traditionally taken into account in criminal trials, in this case it must not be taken into account because the basis is completely different, and an additional problem is that fervor does not depend on political or moral correctness of the cause the persons are fighting for, and therefore can be applied to any side in the confrontation, as well as terrorist acts, if they were committed with the aim of creating or maintaining the «homeland» that the defendant is fighting for. The Supreme Court of the Republic of Croatia grants as mitigating circumstance in certain actions of Croatian forces, confirming the decisions of lower courts, that in some cases the actions were «just» and/or «legitimate». An action during which war crimes were committed cannot be called just. The legitimacy of the action means only that it was legally and militarily permissible¹⁶. However, that does not mean that in those actions it is less problematic to commit a crime than in any other type of action. It is especially worrying that courts take into account as an aggravating circumstance neither the lack of remorse of the perpetrators, nor demeanor during the trial. On the contrary, as already stated, the Supreme Court of the Republic of Croatia will widen the range of mitigating circumstance and in that way reduce the sentence regardless of the demeanor of the perpetrators before, during and after the trial¹⁷.

¹⁴ See verdict of the Supreme Court of the Republic of Croatia (Case No: I Kž 525/07-9) which confirms the verdict of the County Court in Osijek to Tomislav Dilber, and the conviction of Fredo Margus was modified.

¹⁵ See verdict of the Supreme Court of the Republic of Croatia in the case Adem/Norac (No: I Kž 1008/08-1).

¹⁶ It is most often cases of protecting civilians from harm.

¹⁷ See verdict of the Supreme Court of the Republic of Croatia in the case Adem/Norac (No: I Kž 1008/08-1).

3.2.3. Constitutional Court

The Constitutional Court of the Republic of Croatia (CCRC) sometimes functions in practice as a political body, and not as an institution meant to protect the basic human rights. The reason for that can in part be found in the fact that the procedure of electing judges of the Constitutional Court is started by a Board of the Croatian Parliament in charge of the Constitution. Such an institutional solution enables election based on convenience, and not extreme legal expertise. A striking example of this claim is the naming and repeated re-election of mandate of constitutional judge Vice Vukojevic, who is publicly known to be an extreme Croatian nationalist¹⁸. The CCRC overturned the conviction of Mihajlo Hrastov in the Supreme Court and returned it to be re-tried. A reason for such a decision of the CCRC was found in the omission of the Supreme Court to publicly announce the verdict in the case in question. This decision of the CCRC would not be worrying, were it not for the fact that such a decision caused the release of a war criminal for formal reasons, and at the same time represents an insult to the victims, their families, and survivors, and this decision coming from a court supposed to protect human rights and not primarily the procedural rules of criminal procedure. By this decision, the CCRC had clearly aligned itself on the side of the perpetrators and on the detriment of victims and once again showed its partiality and political convenience. The CCRC has abolished the verdicts of other courts for certain technical reasons in another cases also. One of those reasons was that the presiding of the court council which delivered the verdict was previously in a non-judicial council which decided on the detainment of the defendant. Having these two cases in mind, media speculations¹⁹ that this is a case of «opening the possibility » for abolishing the verdict to Branimir Glavas, convicted of war crimes in Osijek, should be taken seriously. Namely, a member of the court council which sentenced Glavas also participated in a non-judicial decision on detainment.

4. Examples of Insufficiently Investigated and Inadequately Prosecuted Crimes

This part of the report shows several examples of crimes of the Croatian forces which have not been processed or have been inadequately processed. The crimes listed in this part of the report are in different stages of the process, and represent only illustrative examples of crimes which are inappropriately treated by the justice system. There are many more crimes, similar in many ways, which have not had their epilogues in court, and were not included in this report.

¹⁸ On one occasion he addressed the Croatian Parliament dressed in the uniform of a Croatian Defense Council high official, suggested penalties for those who use foreign words in speech instead of Croatian ones, and publicly stated that the biggest Ustasha concentration camp Jasenovac was run by Jews themselves.

¹⁹ E.g. see article by Vladimir Matijanic published in «Slobodna Dalmacija» from 27 May 2010, titled «Iz proceduralnog razloga suđenje osječkom ratnom šerifu moglo bi se vratiti na početak» [«The trial of the Osijek war sheriff could be returned to re-trial due to a technical reason»].

4.1. Murder of Serbian Civilians in Vukovar in 1991

Vukovar is a city in eastern Croatia, the center of the Vukovar-Srijem County. The river Danube which flows by Vukovar represents the state border with the Republic of Serbia.

During a course of several months, the Initiative had collected statements of family members of persons killed, murdered or disappeared from the Vukovar area in 1991, as well as persons affected in any other way. Through conversations with these persons, but also on the basis of the documentation of international organizations and the CIA, as well as the documentation of the institutions of the Republic of Croatia at the time, the Initiative has reached a conclusion that in Vukovar in 1991 there was a certain type of systematic terror over citizens of Serbian nationality. Witness statements collected by the Initiative indicate that these crimes occurred at the latest from early April 1991. However, most kidnappings and murders were committed in June, July and August.

These crimes can be divided into two groups: on one hand, destruction (mining and arson) most often of non-residential objects of citizens of Serbian nationality, and on the other hand, murders or arrests of persons who subsequently disappeared.

Demolition of objects almost always happened at night²⁰. Some persons reported these cases to the police, and possess documentation from the investigation. In at least one case, the State Attorney dismissed the complaint of a bar owner, whose property was destroyed in early May 1991. The same person requested the right to restoration in court, but was denied with the explanation that there were no war actions in Vukovar at that time, and therefore no basis for restoration. The petitioner was ordered to pay court fees, in accordance with the Law on Civic Procedures.

Disappearances and murders also mostly, but not exclusively, happened at night or the evening hours. The pattern was the same in most cases; several armed persons (4-6 according to witness accounts, in masked uniforms or in army pants and black shirts) come to a house or (less frequently) to the workplace of citizens of Serbian nationality and take them to be interviewed. Witnesses guess that they were taken to the Territorial Defense. In most cases, these persons were taken away consensually and were never seen alive again. While the bodies of some have been discovered, a large number of them is listed as missing. In rarer cases, when civilians refused to go with the armed men, they were murdered in their own homes.

Family members of victims acted differently after such events, but the majority reported the disappearances to the army or the police. These crimes have not been processed, and persons who filed petitions for compensation of non-material damage were rejected and charged court fees.

²⁰ The Initiative has recorded no cases of property being destroyed during the day.

In late 2010 Tomislav Mercep, the secretary for national defense in the National Defense Office of the Vukovar Municipality in the period when these crimes were committed, was detained. In September 1991 in Zagreb Fair he forms a unit which would later be popularly called «Merceps» or «Mercep's Fleet of Death»²¹. Mercep was staying with his unit on the territory of Pakrac and Pakrac field, within the former UN Sector West, where he is connected to committing war crimes. Except the Pakrac area, Mercep and the members of his unit are connected to crimes committed in Vukovar, Gospic and Zagreb.

According to available and public documentation of institutions of the Republic of Croatia, the then political leadership knew about the crimes in Vukovar, but they were not adequately sanctioned. Moreover, Mercep himself was named deputy minister in the Ministry of Internal Affairs of the Republic of Croatia in 1992.

Mercep is currently in detention, and the State Attorney is preparing an indictment against him for the above mentioned cases of war crimes. His superiors are still to be processed, who knew about these crimes and failed to act, as well as the direct perpetrators of these crimes.

4.2. Murder of Serbian Civilians in Sisak in 1991 and 1992

Sisak is a town situated 52 kilometers south-east of Zagreb, on the rivers Odra, Sava and Kupa. It is the administrative center of the Sisak-Moslava County.

Murder of a large number of Serb civilians in Sisak in 1991 and 1992 represents one of the largest and most important unresolved cases, whose victims received no legal or moral protection of the state, nor material compensation. On the contrary, all survivors who sued the state for compensating damages of losing an immediate family member, were charged court fees²², which the victims had to pay according to the Law on Civic Procedures as the losing side. Almost all cases of this type were resolved for the benefit of the state because of the already mentioned non-existence of a valid verdict for the criminal act of war crimes, or at least murder, which would

²¹ See article by Denis Kuljis published in «Jutarnji List» from 06 January 2010, titled «Bandiću podrška ratnog zločinca» [«Bandić receives support of a war criminal»].

²² Which in some cases amount to as much as 70.000 kuna (see the verdict of the Municipal Court in Sisak in the case of murder of Ljubica Solar). A recent decision of the Government of the Republic of Croatia states that a part of the debt supposed to be paid by surviving victims was written off. However, the same decision writes off only the debt of those who sued the state before 2003, and no one else, at the same time completely disregarding the fact that in the large majority of cases lawsuits could be filed only after 2003, considering that the two laws which legally enabled this type of lawsuits were passed only then. Namely, in 1996 the Article 180 of the Law on Obligations was cancelled, which regulated this type of lawsuits, and in 2003 the Law on the responsibility of the Republic of Croatia for the damage caused by members of Croatian Military and Police forces during the Homeland war, and the Law on responsibility for damage made by terrorist acts and public demonstrations (see NN 117/03) were passed.

determine the circumstances of the death. According to some allegations, to which witness reports point to²³, as well as witness statements from certain court procedures²⁴, reports of the media²⁵, reports of non-governmental and international organizations²⁶, the chain of command responsibility in this case goes from immediate perpetrators to the former head of the Police Directorate Sisak Djuro Brodarac and his associates, and probably even further into the authority structure of the war government of Franjo Greguric. There is no doubt that at the time there was an atmosphere of general persecution of citizens of the Republic of Croatia of Serbian nationality, created by the former Croatian authorities. War crimes against civilians in Sisak are only a sample of a more widespread pattern. Even though according to official police records there were around 40 Serb civilian victims in Sisak, some sources, including the Serb Community in Croatia, point to a number of more than 600 mostly Serbian civilians murdered by police, military and para-military units during 1991 and 1992.

Responsibility for not processing should be found also in the actions of the State attorney of the Republic of Croatia, whose re-elected (in late 2009) County State Attorney in the Sisak-Moslava County Stipe Vrdoljak does not give much significance to punishing people responsible for this crime, which is evident from the statement by the County State Attorney in Sisak from 30 September 2009, which rejects the complaints by the Serb Community in Croatia and the Serb National Party based on previously conducted surveys, and did not open an investigation against persons accused for these crimes by the applicants.

Crimes in Sisak, which included molesting, torture and murder of civilians, occurred in places locally known by as «Gunpowder room», «ORA», and «Jodno», mostly during 1991 and 1992. The direct perpetrators of the crimes are alleged to be the members of the «Handzar division»²⁷, commanded by Ekrem Mandal and members of the «Wolves» unit, commanded by Zarko Pesa. The criminal complaint filed by the Serb Community in Croatia on 27 April 2007²⁸, which was rejected by the County State Attorney, and the documents of Croatian security and intelligence agencies which reached the public, list

²³ E.g. Vjera Solar, mother of the murdered Ljubica Solar; Zorica Miodrag and Jasna Borojevic, widows whose husbands were killed because of their nationality in Sisak in 1991.

²⁴ In the case for compensating damages for the murder of Ljubica Solar, testimonies were given on the murders of civilians in Sisak in 1991 by Vjekoslav Vidovic, who was tempore criminis the president of the Supreme Court of the Republic of Croatia and Petar Novoselac, former president of the criminal sector of the Supreme Court of the Republic of Croatia.

²⁵ E.g. Ivanka Uzelac at the time, as a journalist, had information on critical events in Sisak, about which she wrote and publicly testified.

²⁶ Center for Peace, Non-violence nad Human Rights, Civic Committee for Human Rights, Documenta, OESS are just some of the non-governmental and international organizations in Croatia which systematically deal with the problem of war crimes and their processing, and which have reported on the cases in question.

²⁷ «Handzar division» was a reserve unit of the Ministry of Internal Affairs in the Sisak-Moslava County, comprised of mostly Muslim volunteers who arrived to the territory of Sisak from Istra (in the vicinity of Labin), and acted until late 1992.

²⁸ This criminal complaint does not represent an official record, but gives strong indications through listing the names of the victims.

the names of persons from the mentioned special police units of the Ministry of Internal Affairs, directly responsible for the murder of Serbian civilians in Sisak. Their direct superiors were Ivan Bobetko, the former president of the Crisis center for the North Sector in Sisak; Josip Brajkovic, former president of the Croatian Democratic Union in Sisak; Djuro Brodarac, former chief of Police Directorate in Sisak and his deputy Vladimir Milankovic who had, as indicated by numerous circumstances, along with other known and unknown persons, dealt with both organizing and covering up crimes, with the aim of banishing the Serb citizens from Sisak and the immediate surroundings.

Today the fact still stands that the organs of criminal prosecution, after almost twenty years, still have not achieved any significant results in revealing and processing the perpetrators of these crimes. This case has recently been transferred to the County State Attorney in Osijek, which could provide a better investigation. Persons suspected to have been responsible for the crimes over civilians in Sisak are still economically and politically powerful and close to authority structures, in which they had themselves participated at one time at high levels. Therefore an impression is created that they have obtained a certain type of immunity of power, which protects them from responsibility for the crimes.

4.3. Evacuation of Villages in the Vicinity of Pozega in 1991.

Crimes described below were committed in the vicinity of Pozega, town situated in western Slavonija, in the eastern part of the Republic of Croatia.

On 24 October 1991, the commander of the 123rd Brigade of the Croatian Army was given a directive by the Defense Forces Headquarters of Eastern Slavonija and Baranja, signed by former Colonel Karl Gorinsek. The directive was put into effect on 28 October, and one day later the Croatian Army and Police proceeded to execute it. This directive ordered the evacuation of 24 habitations near Pozega, issued with two aims: (1) «with the aim of protecting their (civilians) lives», and (2) «to enable successful defense (...) by defense forces». The directive is justified by the actions of «Chetnik terrorist forces and units» in that area.

This directive referred to 24 habitations (later on two more were added) which were inhabited mostly by Serbs. The result of the evacuation, according to the data of the Serbian Demographic Forum (SDF), are 44 murdered civilians and more than 1000 destroyed objects (residential and private), which left 1462 persons more homeless. Even though the data of the SDF does not represent official data, it is evident that several dozens of civilians were killed and hundreds of objects destroyed. According to the official data of the Republic of Croatia, all the bodies of persons killed in this area have not yet been identified.

This yields that this evacuation was not conducted with the aim of protecting civilians, which is also indicated by a sentence in the directive itself, which states that «...in case of violations of this directive, the units of the Croatian

Army and Police can open fire without a previous warning». It is most likely that this action was conducted with the aim of displacing the citizens of Serbian nationality from this area, which is evident from the fact that villages with mostly Croatian inhabitants were only partially burned and destroyed, i.e. they were destroyed much less than villages in which the inhabitants were mostly Serbian. Finally, according to statements of civilians from that area, they were not systematically evacuated, but ran to neighboring areas and neighboring countries.

At the time when this directive was carried out, Ante Bagaric was the president of Executive Council of the Pozega Municipality and president of the Crisis Headquarters of the pozega Municipality, Miljenko Crnec was the commander of the 123rd Brigade of the Croatian Army, Tomo Jelic was the head of the Municipal Defense Office in Pozega, and Drago Matosevic was the head of Civil Security.

Even though the County State Attorney in Pozega is allegedly investigating these criminal acts, no processes were started neither against those who gave the orders, nor against the direct perpetrators.

4.4. Crimes in Zrnovnica in 1992

Zrnovnica is a settlement north-east of Split, the second largest town in the republic of Croatia, and the center of the Croatian Dalmatia region.

During the night of 7 February 1992 in Zrnovnica, armed members of the Croatian Army came into the family home of the Gasparevic couple, abducted the spouses Vesna and Djordje Gasparevic, and executed them with firearm shots at the local Krepovac dump. Allegedly, they thought they were Serbs because of their names.

The crime in Zrnovnica was not seriously investigated by the official bodies, most probably because of the direct involvement of members of the Croatian Army and Police in the crime itself. A private investigation of this crime, as well as mining of approximately 30 houses of mostly Serb citizens in Zrnovnica and the surroundings, was started in 1993 by the retired police inspector Ilija Grubisic. Because of this investigation, he was abducted and tortured by several members of the Croatian Army and Ministry of Internal Affairs officers. Fearing for his own safety, as well as the safety of his family, Grubisic emigrated to Novi Sad in the Republic of Serbia. During the 19 years which have passed since the crimes in Zrnovnica, the investigative bodies of the republic of Croatia have not taken any serious steps toward solving these crimes, nor uncovering the threats and molestment of Grubisic.

The State Attorney of the republic of Croatia had on several occasions attempted to start an investigation of the murder of the Gasparevic couple, however this was met by a systematic non-cooperation of the Split police, which is obviously protecting the perpetrators. Pressure on Grubisic was continued after he moved to Serbia, where he recieved numerous telephone

threats during 2008, because of his findings about the Zrnovnica crimes. The Split police did not take necessary actions about the new threats to Grubisic either.

In December last year the Initiative had investigated the Zrnovnica crime, and its activists contacted a series of persons from the non-governmental sector, the media and members of military structures during the war period, with the aim of shedding a light on the crime. One of the members of the military structure of the Croatian Army, retired Colonel Vinko Barbaric, war commander of the rocket base in Zrnovnica, (whose soldiers most likely participated in committing the crime) reported the activist of the Initiative for harassment, after which he was detained for questioning by the police in the 2nd Precinct Split, where he was unprofessionally questioned, in that the questioning had the form of political pressure, and not revealing the circumstances of the alleged harassment²⁹, not to mention a possible questioning in the direction of revealing criminals who had viciously murdered the Gasparevic couple.

4.5. Military Prison «Lora», 1992–1997

In 1992, a part of the former base of the Yugoslav Navy (YN) was turned into a prison/camp. In the Military Investigative Center «Lora»³⁰, which according to some information operated until 1997, almost a thousand prisoners came through, mostly of Serbian and Montenegrin nationality, who were exposed to mental and physical torture, and prisoners Gojko Bulovic and Nenad Knezevic were killed in the prison.

The State Attorney of the Republic of Croatia had filed charges on 25 March 2002 against members of the 72nd Military Police Battalion, who were in charge of the investigative center «Lora». The trial itself was marked by a series of controversies, from the open sympathizing with the defendants by the appointed judge Slavko Lozina, to failing to provide protection for witnesses from Serbia. In this process, all the defendants were acquitted of criminal responsibility for the committed crimes. After a complaint by the State Attorney, the Supreme Court of the Republic of Croatia had on 25 March 2004 reached a solution which cancels the first degree verdict and orders a re-trial with a new War Crimes Council.

After the re-trial, the War Crimes Council of the County Court in Split reached a verdict on 2 March 2006, in which the defendants Tomislav Duic, commander, Tonci Vrkić, deputy commander, Miljenko Bajic, Josip Bikic and Davor Banic – members of the intervention unit, Emilio Bangur, Ante Gudic and Andjelko Botić – guards, were found guilty of the criminal act of war crime against civilians committed in the Military Investigation Prison «Lora» in Split

²⁹ Activist of the Initiative Luka Bonacic from Split was asked several questions by a person who represented themselves as inspector Bozic, about his private attitude toward general Ante Gotovina and his father's participation in the «Homeland war», and stated his negative attitude towards human rights organizations which deal with investigating war crimes.

³⁰ The official name of the institution.

from 12 May 1992 to September of the same year, and were sentenced to 6 to 8 years in prison. After the appellations process ended, the Supreme Court of the Republic of Croatia rejected all complaints and confirmed the verdict on 6 February 2007, which made it the final verdict. After Josif Bikic, who was tried in absentia surrendered, he was re-tried and received a sentence of 4 years in prison.

The problem in the «Lora» case is not processing other persons accused in witness statements. They are members of SIS Antonijo Lekic, Tvrtko Pasalic, Nikola Kristo and Franjo Goreta, commander of the 72nd Military Police Battalion Mihael Budimir and the commander of the 73rd Military Police Battalion Zeljko Maglov. Also, an investigation was not started against General Mate Lausic³¹, chief of Military Police, and Josif Perkovic, head of SIS, who could bear command responsibility for torture in «Lora».

4.6. Military and Security Action «Flash»

On 1 May 1995, the authorities of the Republic of Croatia started a military and security operation on the territory of the so-called Serbian Autonomous District West Slavonija, the territory around Okucane. The aim of the action was to regain control of this territory which was then within the so-called Republic Srpska Krajina since 1991. The territory was overseen by the forces of UNCRO, but despite their presence in April 1995 several incidents were recorded (violations of the agreement on free traffic on the highway etc.).

The «Flash» operation began on 1 May 1995 at 5:30 AM, and ended the very next day, on the afternoon of 2 May. During the operation a part of the occupied Croatian territory was freed, and the operation itself resulted in the mostly Serbian population moving out. There is no official data on the number of killed and banished civilians, but according to various reports the number varies from 60 to more than 100. The Croatian Helsinki Board for Human Rights in its report³² lists 83 names of murdered civilians during and immediately after the «Flash» operation. According to data which the Initiative obtained in an independent investigation³³, there were approximately 25.000 citizens of Serbian nationality in this area, and after the operation and other actions in the area, only between 1.300 and 2.000 of them were left. Not only did the operation result in a large number of inhabitants of Serbian nationality moving out, but it is also undisputable that members of the Croatian Army committed murders during the operation, as well as arson, and other forms of violations of human rights of civilians and prisoners in discord with international standards which the Republic of Croatia approved by signing international conventions and agreements. The refugees were also on several occasions attacked by members of the Croatian Army while fleeing to the territory of Bosnia and Herzegovina, which was under the control of Republika Srpska. The majority of victims were recorded on the territory of

³¹ See text on Mate Lausic (5.9.) for more information.

³² Military and Security Operation «Flash»: Part 3: Former UN Sector West, Croatian Helsinki Board for Human Rights, Zagreb 30 May 2002.

³³ Report available in the archives of the Initiative.

Nova Varos, where civilians were shot at from the direction of Prasn timer forest³⁴. Testimonies of attacks of the Croatian Army on refugee convoys point to a crime against civilians: «...In village Benkovac, the Croatian Army had on 1 May intercepted a convoy of refugees which came from the direction of Pakrac. The convoy was attacked. There were several people dead, but I know about Djuro Mandic who was driving a truck when he was killed. I know that those who were killed there were buried in village Benkovac, all of them together, in the back yard of the Gasparevic family house. The Croatian Army later dug up the bodies and moved them to an unknown location, and one of the inhabitants of the village saw the exhumation... »³⁵ Civilians who did not manage or did not want to leave Croatia were taken by members of the Croatian Army to collection centers in Varazdin, Bjelovar and Pozega, where men of military age were subject to questioning and often beatings, while women and children were put in temporary shelters where they were supposedly kept for safety. According to witness statements, that time was used for unimpeded robbing and plundering of their property, because they returned to demolished and empty houses. The report of Human Rights Watch from 5 June 1995 states: «the Croatian Army limited the movement of international observers in the period from 4 to 7 May 1995, under the excuse that there is still sporadic fighting going on in the area, when actually they needed time to cover the tracks of violations of international rules of warfare and violations of human rights».

During the Military and Security Operation «Flash» a large number of violations of international humanitarian law were committed, for which no one was punished or criminally prosecuted. Covering up the crimes and protecting individuals who committed these crimes brings into question the readiness of the state leadership to punish the perpetrators and fulfill their obligations adopted through international agreements. The «Flash» operation was conducted under the command of General Janko Bobetko as a General of the Croatian Army, and the head of the General Headquarters of Armed Forces of the Republic of Croatia, and General Luka Dzanko. General Luka Dzanko was a suspect in the ICTY for crimes committed in the international clash on the territory of the Republic of Croatia during the nineties, and was not charged.

The leadership of the Republic of Croatia also shows clear inability to establish a precise number of persons killed, banished or disappeared from this area, or to shed light on the fate of the missing persons.

According to the information obtained by the Initiative, the State Attorney of the Republic of Croatia is still not preparing indictments for perpetrators of war crimes, crimes against humanity and other severe violations of human rights during the «Flash» operation.

³⁴ See report: Military and Security Operation «Flash»: Part 3: Former UN Sector West, Croatian Helsinki Board for Human Rights, Zagreb 30 May 2002, page 7.

³⁵ Ibid, page 11.

4.7. Military and Security Operation «Storm»

Military and Security Operation «Storm» was a joint action of the Croatian Army and the forces of the Ministry of Internal Affairs of the Republic of Croatia, with the cooperation of the Army of Bosnia and Herzegovina (AB&H) and the Croatian Defense Council (CDC). The operation started on early morning of 4 August 1995, around 5:00 AM, and officially ended on 7 August 1995 at 6:00 PM. It included former UN Sector West and South, and it reclaimed the territories into the constitutional and legal order of the Republic of Croatia, and the place where rebel Serbs had previously proclaimed autonomy and formed Republic Srpska Krajina (RSK). The territory encompasses approximately 10.500 square kilometers.

«The action, conducted by the Croatian Army and Police was positively assessed in the sense of taking down the regime of the so-called «RSK», which as an artificial formation represented the denial of all human rights on the occupied territory. However, at the same time the «Storm» operation in some segments lead to severe violations of human rights: murders, group executions³⁶, disappearances and killing of civilians in villages or on the road in refugee convoys.»³⁷ Many reports state data about killed or missing persons, robbed, demolished and burned houses and business objects, devastated villages, etc. Despite calls and promises since the days of President of the Republic of Croatia Franjo Tudjman³⁸, Prime Minister of the Republic of Croatia Nikica Valentic, Minister of Internal Affairs Ivan Jarnjak and Minister of Foreign affairs Mate Granic³⁹, in a large majority of cases the Croatian leadership has done nothing to prevent future crimes, robberies and demolition of property, and the already committed criminal acts have not been adequately processed and the perpetrators not sanctioned.

In its report from late September 1995, the Observation Mission of the EU concluded the following: «It is clear that the Croatian forces committed severe violations of International Law during and after the re-integration of «Krajina». Events which took place during a course of 5 weeks after the «Storm» operation, point to the fact that the primary goal of Croatia was to re-establish its territorial integrity, as well as means of communication between continental Croatia and Dalmatia. The second achievement of the operation

³⁶ See report: Military Operation «Storm» and aftermath – part I: Former UN Sector «South», Croatian Helsinki Committee for Human Rights, Zagreb, 8 April 1999, page 3: «Group executions recorded in Radiljevac, Uzdojje; Gubori, Gosic, Varivode, Korenica...» and see page 54 «Uzdojje (Knin): 7 August 1995, around 9 o'clock the Croatian Army executed seven civilians born from 1920 to 1931, according to a report by international observers the villagers were forced together on a small road, forced to sit down and shot from a distance...»

³⁷ Report: Military Operation «Storm» and aftermath – part II: Former UN Sector «North», Croatian Helsinki Committee for Human Rights, Zagreb, 1 July 2000, page 8 – 9.

³⁸ Davor Marijan: *Stora*, Zagreb, July 2009, see page 142–143: «To Croatian citizens of Serbian nationality from the occupied territories of Knin, Gracac, Lapac, Korenica, Slunj, Glina, Dvor and Petrinja».

³⁹ See report: Military Operation «Storm» and aftermath – part I: Former UN Sector «South», Croatian Helsinki Committee for Human Rights, Zagreb, 8 April 1999, page 23 - 24

was the disappearance of a numerous unwanted minority...» The reports of domestic and foreign non-governmental organizations, international bodies in charge of humanitarian issues and observers missions of inter-governmental organizations have mostly recorded cases of murders and executions of civilians and soldiers during and after the «Storm» operation. Among the data presented in October 1995, the UN had recorded 128 cases of murder of elderly civilians. A somewhat larger number of murdered civilians were recorded by observer missions of the European Commission. In its two reports on crimes committed during and after the «Storm» operation, the Croatian Helsinki Committee for Human Rights (CHC) lists a number of 677 persons who lost their lives, at the same time warning that this is not the final number.⁴⁰ CHC further states that witness testimonies indicate that there was a systematic and organized strategy of eliminating evidence of the committed crimes.⁴¹

The number of refugees during the «Storm» operation differs from report to report by tens of thousands. The relevant international organizations reported between 180.000 and 200.000 refugees⁴², and the Government of the Republic of Croatia in late August 1995 lists a number of around 154.000 refugees of Serbian nationality. After the operation, on the territory on which it was conducted, around 8.500 persons remained according to the above mentioned report of the International Helsinki Federation from 25 August 1995.

The majority of the Serbian population left the Sector South by 5 August 1995, while the population from Sector North, having left later, had formed three convoys. «The main direction of movement would partially change because of frequent air and artillery attacks, since the refugees would hide in the forests during the shooting... So the refugees from Vojnic and Vrginmost were moving in the direction Topusko-Glina-Zirovac-Dvor, and from there the convoys went to Bosnia and Herzegovina. This convoy suffered the most victims on the stretch between Topusko and Dvor, and especially in villages Glina, Maja, Zirovac and Trgovi. On that stretch of the road, between 6 and 9

⁴⁰ «Although in the UN Sector North fewer victims were recorded (267) than the former Sector South (410), this does not diminish nor exonerate the unnecessary sacrifices made when freeing the occupied territories. However, this number cannot be final because in some places it was impossible to check previously received information, because no one had yet returned to the villages. A large number of returnees have shown a significant amount of fear, which caused them to avoid giving testimonies.»; Report: Military Operation «Storm» and aftermath – part II: Former UN Sector «South». Croatian Helsinki Committee for Human Rights, Zagreb, 1 July 2000, page 11.

⁴¹ «Ljubo Djapic from Biocici was killed near Nenadic gas station, at the entrance to Knin. His tractor had run out of fuel, and he returned to the gas station. He was seen in a ditch by Jelena and Simo Paklar, when they were going to the UNCRO camp. They saw several other dead bodies, either already in bags, or uncovered. I saw a headless woman and many killed people in tractors, people who were trying to get out of Knin. They were all civilians... So stated C.T. from Paklar in Biocici. Witnesses state that in some parts of Knin there was one body after another. Then 14 fire trucks came from Split and Sibenik and, after the bodies were removed, washed the streets of blood, and only then were the UN missions allowed to enter the town.»; Ibid, page 31.

⁴² Amnesty International, International Helsinki Federation

August, a large number of persons in the convoy were killed...»⁴³ Convoys of refugees were exposed to other attacks which included executions, separating the men from the convoy and stonings. Apart from the Croatian Army, some members of the Army of Bosnia and Herzegovina were also responsible for crimes against refugees who were trying to retreat or tried to leave the convoy and return to where they ran away from in Banija.⁴⁴ The weekly magazine «Vreme» published in issue 252 from 21 August 1995 a testimony of a survivor from the refugee convoy which was, according to his statement, intercepted near Glina by the «Hamza» and «Black Mamba» units.

During and especially after the «Storm» operation, international observers noted in the liberated area many destroyed objects. «In its special report, the observers from the European Union noted: *In the whole «Krajina» houses were burned, and even now, more than five weeks after the last clashes, they are still being burned. The destruction of a large majority of non-Croatian property can point to the conclusion that this was done not only by gangs of robbers, but that it was at least tolerated by the Croatian authorities... The result will be an effective prevention of the return of Serbs into their homes, but it will also be generally difficult for the population to re-inhabit this area.*»

⁴⁵ The most common patterns of destruction of property were mining and devastation (plundering) and burning of numerous family houses, garages, stables, personal property, storerooms, etc. In its report the CHC states that only in Sector South «...there was systematic organization of burning of a series of villages and at least 22.000 houses. All village economic facilities were robbed, the electric and other communal systems destroyed. (...) Knin itself, as well as other larger centers were completely plundered. Even in the view of the army, police and authorities, in broad daylight, electronic guides were taken off the railroad from Knin to Bihac.» ⁴⁶ The amount and scope of destroyed property point to the fact that this was not a case of sporadic individual incidents and personal greed. On the contrary (with the possibility of existence of individual incidents) it is clear that this was a case of systematic devastation and destruction of objects and property owned by the Serb refugees, with the aim of preventing or at least impeding their return. The scope of these crimes points to the existence of an organized action of destroying non-Croatian property. A mild and inadequate reaction of the police and the army, especially the Military Police, which did not pursue an effective sanctioning of the perpetrators and stop future criminal actions, indicates that the Croatian authorities, although declaratively stating commitment to human rights and the guarantee of right of protecting the property of refugee Serbs, in practice were systematically violating those rights, primarily through failing to sanction the crimes and failing to provide adequate protection of the property of refugee Serbs. It was actually supporting the devastation of a whole part of its territory.

⁴³ Report: Military Operation «Storm» and aftermath – part II: Former UN Sector «South», Croatian Helsinki Committee for Human Rights, Zagreb, 1 July 2000, page 11-12.

⁴⁴ Davor Marijan: Storm, Zagreb, July 2009, page 135.

⁴⁵ See report: Military Operation «Storm» and aftermath – part I: Former UN Sector «South», Croatian Helsinki Committee for Human Rights, Zagreb, 8 April 1999, page 83 – 84.

⁴⁶ Ibid, page 85.

In the case of the Military and Security Operation «Storm», i.e. crimes committed during and after it, the issue must be raised of people and institutions responsible, who were supposed to be the guarantee for obeying the law, especially the Military Police and the police of the Ministry of Internal Affairs. The heads of these institutions (Ivan Jarnjak⁴⁷, Minister of Internal Affairs and Mate Lausic⁴⁸, head of the Military Police Directorate) must bear responsibility for not processing and sanctioning direct perpetrators, and consequently for not preventing severe violations of human rights, especially taking into consideration the scope of the robberies, burnings and demolitions on one hand, and their responsibility as heads of the appropriate institutions responsible for overseeing the actions of their subordinates and supervising the implementation of laws on the other hand⁴⁹.

Although the appropriate state bodies quoted data⁵⁰ in the public which point to the Police and Military police detaining and processing suspects for actions committed during and after the «Storm» operation, the numbers stated at the time do not correspond to the scope of committed crimes. Additionally, Davor Marijan in his book «Storm» quoted here, publishes information from the documentation of security and intelligence services of the Republic of Croatia, and states as follows: Until 10 September 1995 Military Police had investigated and criminally processed 1567 persons. *Through criminal investigation... a total of 659 persons were processed... On the territory re-claimed into the constitutional order the Military police had, because of undisciplined behavior, questioned 558 members of the Croatian Army, of which 262 were detained. 445 criminal complaints were filed, 1059 members of the Army were searched, and stolen property confiscated from 669 members... It had conducted a criminal investigation for 321 criminal acts, of which: 13 were murders, 18 cases of accidental killings of members of the Croatian Army, 191 cases of arson, 13 minings and 86 other criminal acts... From the known perpetrators of criminal acts 79 were members of the Croatian Army, and in 274 cases civilians.*⁵¹ This systematic account clearly shows that the number of «processed» persons does not correspond to the scope of committed crimes, and that the investigative institutions of the Republic of Croatia should devote serious attention to establishing individual criminal responsibility of direct perpetrators of these crimes.

5. Non-prosecuting or Inadequate Prosecuting of Powerful Military and Political Personnel

This report by no means pre-judges the below mentioned persons for committing war crimes. The aim of this part of the report is to point to the

⁴⁷ See text on Ivan Jarnjak (5.8.) for more information.

⁴⁸ See text on Mate Lausic (5.9.) for more information.

⁴⁹ See texts 5.8. and 5.9. of this report for more information.

⁵⁰ In a conference organized by the Minister of Internal Affairs Ivan Penic, held in the Government building on 26 May 1999, Minister Penic stated that more than 5000 processes were lead, 2670 of them during 1998.

⁵¹ Davor Marijan: Storm, Zagreb, July 2009, page 136.

partial and above all slow work of investigative bodies in cases where allegations exist against persons who (were) in high positions in political and army structures. This part of the report represents an invitation to the authorities to investigate the existing allegations and start official investigations where there is reasonable doubt that a war crime was committed, whether against the direct perpetrators, or on the basis of command responsibility. Allegations on the basis of which these persons have been included in this chapter of the report are mostly known to the public, and in some cases were collected by the activists of the Initiative.

5.1. Vladimir Seks

Vladimir Seks is a lawyer by profession. He is one of the most powerful Croatian politicians since the independence of the Republic of Croatia to date. He is currently serving as the vice-president of the Croatian Parliament, president of the Board of Croatian Parliament for the Constitution, Agenda and Political Constituents, as well as vice president of the National board for monitoring the joining negotiations of the Republic of Croatia with the European Union. He is the vice-president of the Croatian Democratic Union. He used to perform various political duties, including the function of the President of the Croatian Parliament, President of the Pardon Commission, and deputy Minister of Internal Affairs. During 1991, he was at the position of the president of the Crisis Headquarters for Eastern Croatia in Osijek, and from April to August 1992 was the Public Prosecutor of the Republic of Croatia. In 1991, when he was on the position of the president of Crisis Headquarters, in Osijek and Vukovar a series of crimes were committed over Serbian civilians. In the trial against Glavas and others, several persons confirmed that he knew about the war crimes in Osijek. He himself testified in this trial, but the court dismissed his testimony as untrustworthy. Four years ago a tape lasting 10 minutes was revealed, recorded while Seks was in the Crisis Headquarters, which stated the following: «All the units of the Republic of Croatia on the territory of Osijek will act in accordance with the decisions of the Crisis Headquarters». The establishing of the responsibility of Seks for crimes in Osijek remains to be determined. The Initiative had recently provided the State Attorney of the Republic of Croatia with reports by several persons whose family members were killed in 1991 in Vukovar, and which mention Seks. The County State Attorney in Osijek had interviewed several persons during January and February, and on 22 February 2011 stated that there are no basis for further establishing the responsibility of Seks for crimes in Vukovar. There are other allegations which state that Seks knew about the events in Osijek and Vukovar in 1991, such as documents of the Ministry of Internal Affairs about the crimes in Vukovar, which have leaked into the public. There is a strong possibility that Seks will be mentioned in the trial of Tomislav Mercep, who in 1991 acted as the secretary of the National Defense Office in Vukovar, against whom the State Attorney is preparing an indictment for arrests and murders of mostly Serbian civilians and war prisoners in Vukovar, Zagreb, Gospic and the vicinity of Pakrac. Finally, several persons, citizens of Montenegro, have publicly stated that they were arrested in 1992, some were tortured, changed into uniforms of the Yugoslav People's Army

and exchanged for Croatian prisoners. Some of them allegedly made statements about this to the Supreme State Prosecution Office in Montenegro. One of the witnesses who claims to have been arrested at the time, has confirmed his statement for the Initiative. At that time, Seks was the Public Prosecutor of the Republic of Croatia.

5.2. Ivan Vekic

Ivan Vekic is a lawyer by profession. He is the president of the nationalist organization Croatian Guards, which recently became a political party. Between July 1991 and April 1992, he was the Minister of Internal Affairs of the Republic of Croatia. As a Minister of Internal Affairs, he most likely knew and failed to sanction crimes committed at the time over Serbian civilians all over Croatia, which include murder, illegal detainment, arbitrary arrests, disappearances and evictions. While performing this function, Tomislav Mercep formed a notorious unit of the Ministry of Internal Affairs in Zagreb.

5.3. Djuro Brodarac

Djuro Brodarac performed the function of the chief of Police Directorate Sisak at the beginning of the clashes, and in 1993 became the Prefect of the Sisak-Moslava County. He was later named councillor for demining of the Government of the Republic of Croatia. While he was the chief of Police Directorate Sisak, several hundreds of civilians were murdered on the territory of Sisak, mostly of Serbian nationality⁵². Some of these civilians were murdered in their own homes and back yards, and some were taken to one of the locations in which executions were performed. Currently these crimes are being investigated, and the results are expected to be the indictment against Brodarac and some of his associates.

5.4. Karl Gorinsek

Karl Gorinšek is a politicologist by profession. During and after the war he advanced from the rank of Colonel to Major General. He served as the commander of the Corps of Armed Forces of the Republic of Croatia in Osijek. For a short time, between July and December 1993, he was an MP as a member of the Liberal Party. In October 1991 he issued the order to evacuate villages near Pozega, which resulted in the murder of several dozens of Serb civilians and destruction of several hundreds of objects⁵³. In December 1991 in Paulin Dvor, a village in eastern Croatia, the members of the 130th Brigade of the Croatian Army killed 18 civilians (17 Serbs and one Hungarian). Gorinsek was their superior at the time. At the trial of Enes Viteskic for this crime in 2006, one of the witnesses testified that Gorinsek had informed his associates about the crime immediately after it happened. However, Gorinsek did not adequately sanction or report the perpetrators of this crime, but sent them to the «first line» of defense. The Initiative had obtained information

⁵² See text on crimes committed in Sisak in 1991 and 1992 (4.2.) for more information.

⁵³ See text on the evacuation of villages in the vicinity of Pozega in 1991 (4.3.) for more information.

from a person within the defense structure at the time, that they were first supposed to be sent to the Valpovac Brigade, but the commander of that brigade allegedly refused them with the explanation that he did not want war criminals in his unit.

5.5. Vinko Barbaric

Vinko Barbaric is a retired Colonel of the Croatian Army. He is a member of the Croatian Democratic Union. He was the president of the local board of the Zrnovnica Municipality in early 2000. During the war he commanded the Zrnovnica rocket base and de facto was the master of the wider Zrnovnica area. In Zrnovnica in 1992 a murder of a couple was committed, and several objects were mined, mostly property of Serb civilians⁵⁴. These criminal acts were most likely committed by the Croatian Army rocket base in Zrnovnica, under Barbaric's command.

5.6. Darko Milinovic

Darko Milinovic is a doctor (gynecology specialist) by profession. He is the current deputy of Prime Minister of the Republic of Croatia and the Minister of Health and Social Care. He is a member of the Croatian Democratic Union. Since 1998 he has politically advanced from local, over county to national positions. He is exceptionally influential, especially in the Lika-Senj County. He performed several professional functions which include the position of the Chief of the General Hospital in Gospic, and Chief of Gynaecology and Obstetrics Department, as well as a series of political functions, including MP in the Croatian Parliament, vice president of the Croatian Parliament, as well as several functions in executive boards of public institutions. He was also the president of a veteran association in Gospic. He participated in the war. He has been connected to crimes over mostly Serbian civilians in Gospic at the beginning of the war, for which several persons have previously been held accountable (Mirko Norac, Tihomir Oreskovic, Stjepan Grandic). In 1998 a woman from Gospic stated to a person who said they were an investigator of the ICTY that Milinovic had, along with another colleague from the Gospic General Hospital, picked up the bodies of persons killed during interrogations in the Operative Headquarters in an ambulance vehicle. She did not know where those bodies were taken. Because of her statement she was physically attacked, and several years later she publicly recanted these allegations at a press conference. This press conference was organized in the management building of the city of Gospic, and was organized by mayor Milan Kolic, member of the Croatian Democratic Union, which seriously undermines the reliability of the statements given at the conference, but also points to the fact that it might have been organized under pressure.

⁵⁴ See text on crimes committed in Zrnovnica in 1992 (4.4.) for more information.

5.7. Davor Domazet

Davor Domazet is an Army officer, and after working for the Navy of the Yugoslav Army, he moved to the Croatian Army where he was first in the navy, and later in the intelligence service, and then the Main headquarters. The ICTY had prepared an indictment against Mirko Norac and Rahim Ademi for crimes committed during and immediately after the «Pocket 93» operation, carried out in 1993 in Medacki Dzep near Gospic. The trial for these crimes was finalized in the Supreme Court of the Republic of Croatia⁵⁵ in 2010 when a verdict was reached which found Mirko Norac guilty, and Rahim Ahmedi innocent on the basis of established facts on the existence of a parallel chain of command made of Domazet, Zeljko Sacic and the deceased general Janko Bobetko.

5.8. Ivan Jarnjak

Ivan Jarnjak is a work organization engineer by profession. He is the vice president of the Croatian Democratic Union. He is currently at the position of the vice president of the Croatian Parliament. From August 1991 to April 1992 he was deputy Minister of Internal Affairs of the Republic of Croatia, and in 1992 the former President of the Republic of Croatia Franjo Tudjman named him the Minister of Internal Affairs. He performed this position until late 1996. As a Minister of Internal Affairs, he participated in the planning and execution of a series of actions of Croatian security forces. In the proposed annex of the indictment by the ICTY Prosecution, he is mentioned as one of the participants of a joint criminal action during the military and Security operation «Storm». Since he was at the time the Minister of Internal Affairs, the issue of his possible responsibility for crimes committed during and immediately after the operation, as well as for inadequate processing and covering up of crimes, should be taken into consideration⁵⁶.

5.9. Mate Lausic

Mate Lausic had during the war acted as the Chief of Police Directorate. In that position, he has been connected to at least three groups of war crimes cases. The first group are crimes committed in the military prison/camp «Lora», lead by the Military Police⁵⁷. The second group are the crimes committed in another prison/camp, «Kuline». Mario Barisic, the former commander of Sibenik Military Police, publicly stated in late 2010 that he had personally informed Mate Lausic and the former President of the Republic of Croatia Franjo Tudjman about these crimes. According to his statement, shortly afterwards Lausic told him to leave the Croatian forces. Finally, Lausic has been connected to crimes committed during and immediately after the Military and Security Operation «Storm». A part of the crimes committed during and immediately after the «Storm» were allegedly committed by the members of Military Police, and they also failed to adequately react to

⁵⁵ Case in accordance with rule 11 of the Rules of Procedure and Evidence of the ICTY

⁵⁶ See text on Military and Security Operation «Storm» (4.7.) for more information.

⁵⁷ See text on Military Prison/Camp «Lora» (4.5.) for more information.

violations of international humanitarian law by the Croatian Army⁵⁸. The ICTY had investigated Lausic in connection to the «Storm» crimes, however he was not indicted but called as a witness. The investigative bodies of the Republic of Croatia did not continue the investigation of the possible responsibility of lausic for these crimes.

6. Conclusion

Starting a criminal process for such severe crimes contains, except the legal, also a prominent moral component. Even though Croatia has seen some progress regarding the investigation and prosecution of war crimes, numerous cases remain, like those mentioned here, in which we need to insist that perpetrators and those who ordered the crimes should face justice. A large period of time since the bloody events is a strong argument for an urgent action of the State Attorney of the Republic of Croatia in order to stop further misplacement of evidence due to the death of witnesses, fading of memories, intentional cover-ups and destroying of documents. This is also important for the protection of the integrity of witnesses and strengthening of the witness protection system in general, who are in most cases, in such legal and political surroundings, not willing to testify about crimes of the Croatian forces, or revoke their testimonies given during investigations because of the pressure exerted by local communities and in this way additionally establish and legitimize impunity. Finally, all the necessary conditions for the independent work of judicial bodies should be met, in order for crimes and their perpetrators to be subject even during the trial to professional and just processes, and in that way ensure the satisfaction and establishing of justice for the victims and the society as a whole .

⁵⁸ See text on Military and Security Operations «Storm» (4.7.) for more information.

Publisher: Youth Initiative for Human Rights
For publisher: Mario Mazic
Translation: Svetlana Popa
Zagreb, March 2011
www.yihr.org

Index-YIHRCRO-23.02.2011.-0248



YOUTH INITIATIVE FOR HUMAN RIGHTS

ANNEX 75

**Conclusions of the Government of the Republic of Croatia of
15 April 2011, communicated to the diplomatic missions
accredited in Croatia with the diplomatic note No. 2081/11 of
19 April 2011**

courtesy translation

No. 2081/11

The Ministry of Foreign Affairs and European Integration of the Republic of Croatia presents its compliments to the diplomatic missions accredited to the Republic of Croatia and has the honour to inform as follows:

The Government of the Republic of Croatia adopted, on 15 April 2011, the Conclusion in relation to the Judgment of the International Criminal Tribunal for the former Yugoslavia in the case of Prosecutor against Croatian Generals Ante Gotovina, Ivan Čermak and Mladen Markač.

By this Conclusion, the Government of the Republic of Croatia accepted the conclusions of the Study of the Croatian Academy of Legal Sciences: "The Theory of Joint Criminal Enterprise and International Criminal Law – Challenges and Controversies".

The Study has been elaborated by the Croatian Academy of Legal Sciences and was sent to the President of the International Criminal Tribunal for the former Yugoslavia in February 2011.

Complete Study is available on the web page of the Croatian Academy of Legal Sciences (<http://www.pravo.hr/apzh>).

In this view, the Ministry of Foreign Affairs and European Integration of the Republic of Croatia has the honour to convey to the diplomatic missions accredited to the Republic of Croatia, for their consideration, the Conclusion of the Government of the Republic of Croatia and the key conclusions of the Study of the Croatian Academy of Legal Sciences: "The Theory of Joint Criminal Enterprise and International Criminal Law – Challenges and Controversies".

The Ministry of Foreign Affairs and European Integration of the Republic of Croatia would like to take this opportunity to renew to the diplomatic missions accredited to the Republic of Croatia the assurances of its highest consideration.

Zagreb, 19 April 2011

*Diplomatic Missions accredited in
the Republic of Croatia*

In regard of the non-final judgement of the International Criminal Court for the Former Yugoslavia in the case against Croatian Generals, Gotovina, Čermak and Markač, the Government of the Republic of Croatia has, pursuant to Art 30 paragraph 3 of the Law on the Government of the Republic of Croatia (Official Gazette of the Republic of Croatia 101/98, 15/2000, 117/2001, 199/2003, 30/2004, 77/2009 and 145/2010), at its meeting on 15 April 2011, adopted the following

CONCLUSIONS:

1. Having heard the judgement of the International Criminal Court for the Former Yugoslavia in the case against Croatian Generals, Gotovina, Čermak and Markač pronounced, the Government of the Republic of Croatia declares that the allegations of a joint criminal enterprise presented in regard of the *Storm* military and police action that to the Republic of Croatia is a legitimate defence action to liberate its state territory, are unacceptable.

2. The Government of the Republic of Croatia accepts the conclusions of the Study of the Croatian Academy of Legal Sciences: "The Theory of Joint Criminal Enterprise and International Criminal Law – Challenges and Controversies".

3. The Government of the Republic of Croatia will apply for the status of *amicus curiae* in this matter.

Reg. No. 004-01/11-02/01

File No. 5030102-11-1

Zagreb, 15 April 2011

PRIME MINISTER

Jadranka Kosor, LLB

- 1) Joint criminal enterprise was not part of international customary law at the time the offences with which the accused are charged were committed.
- 2) Joint criminal enterprise is contrary to the principle of guilt, which is one of the fundamental principles of contemporary criminal law.
- 3) Through the dangerous expansion of the elements of guilt (*mens rea expansion*), joint criminal enterprise has come very close to guilt by association which the Statute does not regulate.
- 4) Drawing a conclusion on the existence of the accused's intention from objective circumstances (inference) in the second and third category of JCE is questionable from the aspect of the principle of presumption of innocence which, *inter alia*, is regulated by Article 21/3 of the Statute.
- 5) The ICTY's jurisprudence in relation to JCE theory and the provision of the Statute in which this theory is allegedly contained "by implication" is not in unison and is not consistent with the principles of legal certainty and justice.
- 6) The extensive application of JCE theory to the entire political and military structures of a state and to other "known and unknown" persons does not fulfil the requirement of precise charges and may produce wrong impression of "political influence" on international criminal justice system.
- 7) Indictments conceived broadly, following JCE theory, which contain a "collective" accusation of not only the person against whom the proceedings are conducted, but of the entire state and military structures, as well as "persons known and unknown", mean that the very purpose of the foundation and operation of ICTY is threatened.
- 8) Giving credibility to JCE theory in international criminal adjudication involves the risk that national criminal prosecution bodies will apply it even more extensively and to the greater detriment of protected human rights. Its application undermines the contemporary criminal law building founded on traditional pillars of legal dogmatics.
- 9) The extensive application of JCE theory will have negative consequences in the process of the affirmation of international criminal law and adjudication.
- 10) In jurisprudence of international criminal tribunals JCE theory should be replaced by other firmly established concepts of individual criminal responsibility, such as co-perpetration and perpetration by means.

ANNEX 76

**Letter of the Commissariat for Refugees of the Republic of
Serbia, No. 019-542/1 of 5 August 2011**

REPUBLIC OF SERBIA
COMMISSARIAT FOR REFUGEES

Narodnih Heroja 4, 11070 Belgrade
tel: +381 11 285 78 90, fax: +381 11 312 95 85, e-mail: kirs@kirs.gov.rs

No. 019-542/1
Belgrade, 5 August 2011

[Ministry of Foreign Affairs
receipt stamp, No. 916-2/2011/9
8 August 2011]

REPUBLIC OF SERBIA
MINISTRY OF FOREIGN AFFAIRS
Mr. Ivan Mrkić, State Secretary

Dear Mr. Mrkić,

Concerning your letter No. 916-1/2011/9 of 28 July 2011, we inform you of the following:

According to the data of the Republic of Croatia, about 68,000 persons have returned.

According to the registration in 1996, undertaken together by the Commissariat for Refugees and the UNHCR, 290,667 refugees and 39,456 war-affected persons from the Republic of Croatia were staying in the Republic of Serbia.

At this moment, there are 56,363 refugees from the Republic of Croatia. During 16 years, more than 230,000 persons lost the refugee status. Most of them have been formally integrated in the Republic of Serbia by taking the papers of the Republic of Serbia, while a small number of people also managed to solve their housing needs.

All registrations of the refugees have been done together with the UNHCR and they are available in printed and electronic form.

For further information you can contact the Data Processing Unit of the Commissariat for Refugees on the e-mail: aop@kirs.gov.rs

Please find attached the number of refugees in the Republic of Serbia by years.

Respectfully,

Commissary

Vladimir Cucić
[signed]
[stamp]

REGISTRATION DATA FOR YEARS 1996, 2001, 2004/5, 2009/10 AND CURRENT SITUATION

| REGISTRATION | TOTAL NUMBER OF REFUGEES AND WAR-AFFECTED PERSONS | | | TOTAL NUMBER OF REFUGEES AND WAR-AFFECTED PERSONS FROM CROATIA | | | TOTAL NUMBER OF REFUGEES AND WAR-AFFECTED PERSONS FROM BOSNIA AND HERZEGOVINA | | | TOTAL NUMBER OF REFUGEES AND WAR-AFFECTED PERSONS FROM OTHER PARTS OF EX-SFRY | | |
|--------------------------|---|---------------------------|---------|--|---------------------------|---------|---|---------------------------|---------|---|---------------------------|--------|
| | Refugees (c1) | War-affected persons (c2) | TOTAL | Refugees (c1) | War-affected persons (c2) | TOTAL | Refugees (c1) | War-affected persons (c2) | TOTAL | Refugees (c1) | War-affected persons (c2) | TOTAL |
| 1996 | 537,937 | 79,791 | 617,728 | 290,667 | 39,456 | 330,123 | 232,974 | 33,305 | 266,279 | 14,296 | 7,030 | 21,326 |
| 2001 | 377,131 | 74,849 | 451,980 | 242,624 | 41,712 | 284,336 | 133,853 | 31,958 | 165,811 | 654 | 1,179 | 1,833 |
| 2004/5 | 104,246 | not registered | 104,246 | 76,546 | not registered | 76,546 | 27,541 | not registered | 27,541 | 158 | not registered | 158 |
| 2009/10 | 86,099 | not registered | 86,099 | 64,557 | not registered | 64,557 | 21,461 | not registered | 21,461 | 81 | not registered | 81 |
| Current situation | 74,499 | not registered | 74,499 | 56,363 | not registered | 56,363 | 18,500 | not registered | 18,500 | 81 | not registered | 81 |



Република Србија
КОМЕСАРИЈАТ ЗА ИЗБЕГЛИЦЕ

Народних хероја 4, 11070 Београд
тел: +381 11 285 78 90, факс: +381 11 312 95 85, е-маил: kirs@kirs.gov.rs



Бр. 019-592/1
Београд,

РЕПУБЛИКА СРБИЈА
МИНИСТАРСТВО СПОЉНИХ ПОСЛОВА
Одељење за међународно-правна послова
Бр. 916-2/2011/9
20 AUG 2011
БЕОГРАД

РЕПУБЛИКА СРБИЈА
МИНИСТАРСТВО СПОЉНИХ ПОСЛОВА
Господин Иван Мркић, државни секретар

Поштовани господине Мркићу,

У вези Вашег дописа бр 916-1/2011/9 од 28. јула 2011. године, обавештавамо Вас следеће:

Према подацима Републике Хрватске око 68 000 лица је оставрило повратнички статус.

Према попису из 1996. године, који су спровели заједно Комесаријат за избеглице и УНХЦР, у Републици Србији је боравило 290.667 избеглих лица и 39.456 ратом угрожених лица из Републике Хрватске.

Тренутно у статусу је 56.363 избеглих лица из Републике Хрватске. Током 16 година за преко 230.000 лица је престао избеглички статус. Највећи део њих се формално интегрисао у Републици Србији узевши документа Републике Србије, а мањи део је успео и да се стамбено збрине.

Сви пописи избеглих лица су рађени у сарадњи са УНХЦР и доступни су у штампаној и електронској верзији.

За додатне информације можете се обратити аутоматској обради података Комесаријата за избеглице на имејл адресу: aop@kirs.gov.rs.

У прилогу Вам шаљемо број избеглих лица у Републици Србији, по годинама.

С поштовањем,

Комесар
Владимир Цуцић

PODACI SA POPISA 1996, 2001, 2004/5, 2009/10 GODINE i TRENUTNI BROJ

| POPIS | UKUPAN BROJ IZBEGLIH I RATOM UGROŽENIH LICA | | | UKUPAN BROJ IZBEGLIH I RATOM UGROŽENIH LICA IZ HRVATSKE | | | UKUPAN BROJ IZBEGLIH I RATOM UGROŽENIH LICA IZ BiH | | | UKUPAN BROJ IZBEGLIH I RATOM UGROŽENIH LICA IZ OSTALIH DELOVA BIVŠE SFRJ | | |
|-----------------|---|--------------------------------|---------|---|--------------------------------|---------|--|--------------------------------|---------|--|--------------------------------|--------|
| | Broj izbeglica (c1) | Broj ratom ugroženih lica (c2) | UKUPNO | Broj izbeglica (c1) | Broj ratom ugroženih lica (c2) | UKUPNO | Broj izbeglica (c1) | Broj ratom ugroženih lica (c2) | UKUPNO | Broj izbeglica (c1) | Broj ratom ugroženih lica (c2) | UKUPNO |
| 1996 | 537,937 | 79,791 | 617,728 | 290,667 | 39,456 | 330,123 | 232,974 | 33,305 | 266,279 | 14,296 | 7,030 | 21,326 |
| 2001 | 377,131 | 74,849 | 451,980 | 242,624 | 41,712 | 284,336 | 133,853 | 31,958 | 165,811 | 654 | 1,179 | 1,833 |
| 2004/5 | 104,246 | nisu popisivani | 104,246 | 76,546 | nisu popisivani | 76,546 | 27,541 | nisu popisivani | 27,541 | 158 | nisu popisivani | 158 |
| 2009/10 | 86,099 | nisu popisivani | 86,099 | 64,557 | nisu popisivani | 64,557 | 21,461 | nisu popisivani | 21,461 | 81 | nisu popisivani | 81 |
| trenutno stanje | 74,499 | nisu popisivani | 74,499 | 56,363 | nisu popisivani | 56,363 | 18,500 | nisu popisivani | 18,500 | 81 | nisu popisivani | 81 |