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

(CROATIA v. SERBIA)

COUNTER-MEMORIAL

SUBMITTED BY THE REPUBLIC OF SERBIA

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Volume III

December 2009
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Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995
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DI Cartography Center 756040A1 (A04644) 8-01
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Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995
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Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995
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Statute of the Serbian Autonomous Region of Krajina, Basic Provisions

Source: S. Radulović, Sudbina Krajine, 1996, p. 140
Srdjan Radulovic

FATE OF
THE KRAJINA

DAN GRAF
1996
STATUTE
OF THE SERBIAN AUTONOMOUS REGION OF KRAJINA (Basic Provisions)

Article 1

The Serbian Autonomous Region of Krajina is a form of territorial autonomy within the Republic of Croatia, in which all resident citizens independently exercise the rights and fulfill the duties established in the Constitution of the Republic of Croatia, state laws and the Statute of the Serbian Autonomous Region of Krajina.

The Serbian Autonomous Region of Krajina is being created in order to exercise national equal rights, as well as cultural and historical identity of the Serbian people living in the historical territories of Dalmatia and the Military Frontier within the Republic of Croatia and as part of Federal Yugoslavia.

Article 2

The rights and duties in the Serbian Autonomous Region of Krajina shall be exercised by citizens directly through popular initiatives and in a referendum, as well as by way of their freely elected representatives in the Assembly of the Serbian Autonomous Region of Krajina.

Article 3

In the exercise of their rights and duties in the Serbian Autonomous Region of Krajina, all its citizens shall be equal regardless of the race, sex, birth, language, ethnic origin, religion, political or other beliefs, education, social status, property or any other personal quality.

Article 4

The Serbian Autonomous Region of Krajina has the territory consisting of the territories of the present Community of the Municipalities of Northern Dalmatia and Lika, the territories of municipalities with majority Serbian population which will make a decision on joining the Serbian Autonomous Region of Krajina, including settlements where the majority population is Serbian and where people have voted in a referendum to be annexed to one of the existing or newly created municipalities with Serbian majority population.

Article 5

The seat of the highest authorities of the Serbian Autonomous Region of Krajina shall be its capital Knin.
СТАТУТ
Српске Аутономне Области Крајине
(Основне одредбе)

Члан 1.
Српска Аутономна Област Крајина обли́к је територијалне аутономи́је у саставу Републике Хрватске, у оквиру које сви настањени грађани самостално остварују право и испуњавају дужности утврђене Уставом Републике Хрватске, државним законима и Статутом Српске Аутономне Области Крајине.
Српска Аутономна Област Крајина успоставља се ради остваривања националне равноправности, као и културних и историјских особености српског народа настањеног на подручју источних територија Далматинске и Војне Крајине, које се налазе у саставу Републике Хрватске, у оквиру федеративне Југославије.

Члан 2.
Права и дужности у Српској Аутономној Области Крајини врше грађани непосредно, народном иницијативом и референдумом, те преко својих слободно изабраних представника које бирају у Скупштину Српске Аутономне Области Крајине.

Члан 3.
У вршења права и дужности Српске Аутономне Области Крајине сви грађани у њој једнаки су без обзира на расу, пол, рођење, језик, националну припадност, вјероватношћу, политичко или друго увјерење, образовање, социјално поријекло, имовину стање или које лично својство.

Члан 4.
Српска Аутономна Област Крајина има територију коју сачињавају територије садашње Заједнице општина сјеверне Далматије и Лике, територије општина с већинским српским становништвом које донесу одлуку о приступању Српској Аутономној Области Крајини, као и насеља у којима већину становништва чине припадници српског народа, а која се референдумом изјасне за прикључење једној од postoјећих или новоуспостављених општина с већинским српским становништвом.

Члан 5.
Сједиште највиших органа Српске Аутономне Области Крајине и њен је главни град Книн.
Resolution on the Separation of the Republic of Croatia and the Serbian Autonomous Region of Krajina

RESOLUTION
on the separation of the Republic of Croatia and the
Serbian Autonomous Region of Krajina

1. The Serbian people of the Serbian Autonomous Region of Krajina and in the Republic of Croatia has no reason whatsoever to walk out of the Yugoslav state and does not accept the Resolution adopted by the Sabor of the Republic of Croatia on the dissolution of the SFRY.

2. The Serbian Autonomous Region of Krajina remains within the state of Yugoslavia, meaning the common state with the Republics of Serbia and Montenegro, as well as with the Serbian people living in the Republic of Bosnia and Herzegovina and other peoples and republics which have accepted the common state.

3. The Serbian people of Krajina, by not accepting the Resolution of the Sabor of the Republic of Croatia concerning the disintegration of Yugoslavia, does not deny the Croatian people the right to separate from the Yugoslav state in its own ethnic territory.
ГЛАСНИК КРАЈИНЕ

СЛУЖБЕНИ ЛИСТ СРПСКЕ АУТОНОМНЕ ОБЛАСТИ КРАЈИНА И ОПШТИНА: БЕНКОВАЦ, ДОЊИ ЛАПАЦ, ГРАЧАЦ, КНИН, КОРЕНИЦА И ОБРОВАЦ

ГОДИНА 1 • • БРОЈ 1
Книн, 2. априла 1991.

РЕЗОЛУЦИЈУ
о раздруживању Р. Хрватске и САО Краjinе

1. Српски народ у САО Краjinе и Републици Хрватској нема ни један разлог да се изазваје из југословенске државе и не прихвати Резолуцију Сабора Р. Хрватске о раздруживању (СХВ).
2. САО Краjина остаје у држави Југославији, односно у задњичкој држави са Републиком Србијом и Црном Гором, као и са српским народом у Републици Босни и Херцеговини и осталим народима и републикама које прихваћају задњичку државу.
3. Српски народ Краjина, не прихватавши Резолуцију Сабора Р. Хрватске о раздруживању Југославије, не оспорава хрватском народу право да се на свом етничком простору издвоји из југословенске државе.
4. У периоду до кончаног раздруживања Р. Хрватске и САО Краjина, на подручју САО Краjине важе и примењују се савезни прописи, прописи САО Краjине, а закони Р. Хрватске примењују се као правна прастава уколико не су у супротности са савезним прописима и прописима САО Краjине.
5. Ова Резолуција представља политичку вољу и жељу српског народа Краjине за мирно и демократско раздруживање српског и хрватског народа, односно Републике Хрватске и САО Краjине, као дијела југословенске државе.

Број: 21/91-1
Книн, 28. фебруара 1991. године

СРПСКО НАЦИОНАЛНО ВИЈЕЋЕ
ИЗВРШНО ВИЈЕЋЕ САО КРАЈИНЕ

УПРАВА И УРЕДНИШТВО: НРАЋА ПЕТРА И ОСЛОБОДИОЦА БР. 2 КНИН тел: 059/62-122 л.17
ГЛАВНИ И ОДГОВОРНИ УРЕДНИК
Ристо Матић
ANNEX 15

Decision on the Promulgation of the Statute of the Serbian Autonomous Region of Krajina by the Constitutional Law of the Serbian Autonomous Region of Krajina

Source: Krajina Journal, Official Gazette of the Serbian Autonomous Region of Krajina and Municipalities of Benkovac, Donji Lapac, Gračac, Knin, Korenica and Obrovac, no. 4/1991
KRAJINA JOURNAL
OFFICIAL GAZETTE OF THE SERBIAN AUTHONOMOUS REGION OF KRAJINA
AND THE MUNICIPALITIES OF
BENKOVAC, DONJI LAPAC, GRACAC, KNIN, KORENICA AND OBROVAC

Year I Knin, 5 June 1991 Issue No. 4

Under Article 9 of the Statute of the Serbian Autonomous Region of Krajina, the Assembly of the Serbian Autonomous Region of Krajina, at its session held on 29 May 1991, adopted the

DECISION
on the promulgation of the Statute of the Serbian Autonomous Region of Krajina by the Constitutional Law of the Serbian Autonomous Region of Krajina

1. The Statute of the Serbian Autonomous Region of Krajina is being proclaimed, having been adopted by the municipalities in the territory of the Serbian Autonomous Region of Krajina, which came into force on 21 December 1990, with amendments to the Constitutional Law of the Serbian Autonomous Region of Krajina.

2. This Decision shall become effective on the date of its adoption and shall be published in the "Krajina Journal".

No. 86/91-2
Knin, 29 May 1991

PRESIDENT OF THE ASSEMBLY
VELIBOR MATIJASEVIC (Signed)

LAW
ON AMENDMENTS TO THE CONSTITUTIONAL LAW OF THE SERBIAN AUTONOMOUS REGION OF KRAJINA

In paragraph 10, subparagraph 2, the words "Executive Council" shall be replaced by the word "Government".
ГЛАСНИК КРАЈИНЕ

СЛУЖБЕНИ ЛИСТ СРПСКЕ АУТОНОМНЕ ОБЛАСТИ КРАЈИНА И ОПШТИНА: БЕНКОВАЦ, ДОЊИ ЛАПАЦ, ГРАЧАЦ, КНИН, КОРЕНИЦА И ОБРОВАЦ

ГОДИНА 1 КНИН, 5.ЈУНА 1991 БРОЈ 4

На основу члана 9. Статута Српске Аутономне Области Крајина, Скупштина Српске Аутономне Области Крајина, на седници одржаној 29.05.1991. године, донојео је

ОДЛУКУ

о проглашенију Статута Српске Аутономне Области Крајина Уставним законом Српске Аутономне ОбластИ Крајина

1. Проглашава се Статут Српске Аутономне ОбластИ Крајина који су усвојиле општине на територији Српске Аутономне Области Крајина, а који је ступио на снагу 21.12.1990. године, са измењеним и допунама на Уставни закон Српске Аутономне ОбластИ Крајина.

2. Ова Одлука ступа на снагу даном доношења, а објавиће се у "Гласнику крајине".

Број: 8691-2
Книн, 23.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Матић Милић Велибор с.р.

На основу 22. члана Уставног закона Српске Аутономне ОбластИ Крајина, донојем

У К А З

о проглашенију Закона о измјени и допуне Уставног закона Српске Аутономне ОбластИ Крајина

Проглашавам Закон о измјени и допуне Уставног закона Српске Аутономне ОбластИ Крајина, који је Скупштина Српске Аутономне ОбластИ Крајина, донело на 3. седници 29.05.1991. године

Број: 9691-1
Книн, 31.05.1991. године

ПРЕДСЈЕДНИК ВЛАДЕ
Бабич др. Милан

ЗАКОН

о измјени и допуне Уставног закона Српске Аутономне ОбластИ Крајина

Члан 1.
У члану 1. Уставног закона Српске Аутономне ОбластИ Крајина из ријечИ "Српска Аутономна Област Крајина" додаје се ријеч "политичко".

Члан 2.
Из члана 3. додаје се члан за који гласи: "У Српској Аутономној ОбластИ Крајина у службеној је потреби српски језички стандард, који се званично назива српско-хрватски језик, с једнаким писмом. У општинама у којима се, у складу са референдумом или пописом становништва, налази након дефинитивног разаграђивања Српске Аутономне ОбластИ Крајина и Републике Хрватске, не мање од 16% хрватског становништва, у службеној је потреби и хрватском језичком стандарду, чији је званични назив истакнут у Уставу Републике Хрватске. Ако се у одајој од крајинског општинског налазе мање од 10% хрватског становништва, у службеној потреби бит ће и језик таког народа, односно те националне мањине, у службеној потреби бит ће и језик таког народа, односно те националне мањине. У приватној потреби и у другим, неслужбеним подручјима јавног живота нема никаквих језичких ограничења. Услови и јамство службене потребе језика и писма утврђују се законом".

Члан 3.
У члану 6. став 1. ријеч "Статутом" замјењује се ријечима "Уставним законом".

Члан 4.
У члану 8. став 1. у ријечима "Статутом" замјењује се ријечима "Уставним законом".

Члан 5.
У члану 9. став 2. у ријечима "Статутом" замјењује се ријечима "Уставним законом".

Члан 6.
У члану 12. став 1. ријеч "дозива" замјењује се ријечима "дозива".

Члан 7.
У члану 12. став 1. ријеч "дозива" замјењује се ријечима "дозива".

Члан 8.
У члану 12. став 1. ријеч "дозива" замјењује се ријечима "дозива".

Члан 9.
У члану 12. став 1. ријеч "дозива" замјењује се ријечима "дозива".

Члан 10.
У члану 12. став 1. ријеч "дозива" замјењује се ријечима "дозива".

УПРАВА И УРЕДНИШТВО: НРАЂА ПЕТРА I ОСЛОБОДИОЦА БР. 2 КНИН ТЕЛ. 059/62-122 Л.17 ГЛАВНИ И ОДГОВОРНИ УРЕДНИК
Ристо Матковић
Decision on the Creation of Specialized Units of the Ministry of Interior of the Serbian Autonomous Region of Krajina called “Krajina Police” that will be under the Authority of the Ministry of Defense

Source: Krajina Journal, Official Gazette of the Serbian Autonomous Region of Krajina and Municipalities of Benkovac, Donji Lapac, Gračac, Knin, Korenica and Obrovac, no. 4/1991, Art. 2
DECISION

on the creation of specialized units of the Ministry of Interior
of the Serbian Autonomous Region of Krajina called
"Krajina Police" that will be under the authority of the
Ministry of Defence

Article 2

The task of the "Krajina Police" shall be to defend the territorial integrity of the
Serbian Autonomous Region of Krajina and to provide security protection to vital
installations, regional institutions and to carry out other tasks falling in the competence of
home affairs.
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ГЛАСНИК КРАЈИНЕ

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Области Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
РЕШЕЊЕ о избору министра спољних послова Српске Аутономне Области Крајине
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Број: 10491-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Области Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
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Број: 10591-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Области Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
РЕШЕЊЕ о избору министра за саобраћај и везе Српске Аутономне Области Крајине
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Број: 10791-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Области Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
РЕШЕЊЕ о избору министра образовања Српске Аутономне Области Крајине
Душан Ставреовић, изабрани се за министра образовања Српске Аутономне Области Крајине.
Број: 11391-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.

На основу члана 5. Закона о влади, Скупштина Српске Аутономне Област Крајине, на 16. сједници одржаној 29.05.1991. године, дојшла је
РЕШЕЊЕ о избору подредељеника Владе
Број: 9391-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.

На основу члана 5. Закона о влади, Скупштина Српске Аутономне Област Крајине, на 16. сједници одржаној 29.05.1991. године, дојшла је
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Велебор Матићашевић, с.р.

На основу члана 5. Закона о влади, Скупштина Српске Аутономне Област Крајине, на 16. сједници одржаној 29.05.1991. године, дојшла је
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Велебор Матићашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Област Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
РЕШЕЊЕ о избору подредељеника Владе
Број: 10491-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Област Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
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Велебор Матићашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштина Српске Аутономне Област Крајине, на 4. сједници одржаној 29.05.1991. године, дојшла је
РЕШЕЊЕ о избору подредељеника Владе
Број: 10491-2
Книга, 29.05.1991. године
ПРЕДСЕДНИК СКУПШТИНЕ
Велебор Матићашевић, с.р.
ANNEX 17

Decision on the Implementation of the Law on Defence of the Republic of Serbia in the Territory of the Serbian Autonomous Region of Krajina

KRAJINA JOURNAL
OFFICIAL GAZETTE OF THE SERBIAN AUTHONOMOUS REGION OF KRAJINA
AND THE MUNICIPALITIES OF
BENKOVAČ, DONJI LAPAC, GRACAC, KNIN, KORENICA AND OBROVAC

Year I Knin, 26 August 1991 Issue No. 8

DECISION
on the implementation of the Law on Defence of the
Republic of Serbia
in the territory of the Serbian Autonomous Region of Krajina

Article 5

It is hereby provided that the Territorial Defence forces and specialized units of the Ministry of Interior of Krajina shall constitute the armed forces of the Serbian Autonomous Region of Krajina.
ГЛАСНИК КРАЈИНЕ

СЛУНЕЋИ ЛИСТ СРПСКЕ АУТОНОМНЕ ОБЛАСТИ КРАЈИНА И ОПШИНА: БЕНКОВАЦ, ДОЊИ ЛАПАЦ, ГРАЧАЦ, КНИН, НОРЕНИЦА И ОБРОВАЦ

ГОДИНА 1  ●  КНИН, 26. августа 1991.  ●  БРОЈ 8

На основу члан 1, стањ 2. Закона о примени прописа Републике Србије на територији Српске аутономне области Крајина, Влада САО Крајина на 2. сједници одржаној 01.08.1991. године, доноси сlijедећу

ОДЛУКУ

о примени Закона о одбрани Републике Србије на територији Српске аутономне области Крајина

Члан 1.
На територији Српске аутономне области Крајина применију се Закон о одбрани Републике Србије.

Члан 2.
Одређе Закона које утврђују права и обавезе Републике Србије на њеном територији, на територији Српске аутоомне области Крајина односно еена Републику аутооному области Крајина.

Члан 3.
Одређе Закона које утврђују права и обавезе предсједника Републике Србије, на територији Српске аутоономне области Крајина односно се на предсједника Владе Српске аутоомне области Крајина.

Члан 4.
Права и обавезе осталих органа аналико се примијењују на одговарајући органе Српске аутоономне области Крајина.

Члан 5.
Утврђују се да Територијална одбрана јединице за посебне наметне Министарства унутрашњих послова Крајина сачињавају оружане снаге Српске аутоономне области Крајина.

Члан 6.
Предсједник Владе Српске аутоономне области Крајина по положају је командант Територијална одбране, односно оружаних снага Српске аутоономне области Крајина.

Члан 7.
Закон о одбрани Републике Србије на територији Српске аутоономне области Крајина снимиће стипа на снагу на дан стипа на снагу овог Закона на територији Републике Србије.

Члан 8.
Одлока ступа на снагу даном доношења.

БРОЈ 169/91-1
КНИН, 01.08.1991. године
ПРЕДСЈЕДНИК
Др. Милен Бабић, с.р.

На основу члан 1, стањ 2. Закона о примени прописа Републике Србије на територији Српске аутоомне области Крајина, Влада Српске аутоономне области Крајина на 2. сједници одржаној 01.08.1991. године, доноси сlijедећу

ОДЛУКУ

о примени Закона о политичким организацијама Републике Србије на територији Српске аутоомне области Крајина

Члан 1.
На територији Српске аутоомне области Крајина применију се Закон о политичким организацијама Републике Србије.

Члан 2.
Одређе Закона које утврђују права и обавезе Републике Србије на њеном територији, на територији Српске аутоомне области Крајина, односно се на Републику аутоонму области Колубару.

Члан 3.
Одређе Закона које утврђују права и обавезе предсједника Републике Србије на територији Српске аутоомне области Крајина односно се на предсједника Владе Српске аутоомне области Крајина.

Члан 4.
Права и обавезе осталих органа аналико се примијењују на органе Српске аутоомне области Крајина.

Члан 5.
Закон о унутрашњим пословима Републике Србије, на територији Српске аутоомне области Крајина ступа на снагу на дан стипа на снагу овог Закона на територији Републике Србије.

Члан 6.
Ова Одлуга ступа на снагу даном доношења.

БРОЈ 169/91-1
КНИН, 01.08.1991. године
ПРЕДСЈЕДНИК
Др. Милен Бабић, с.р.

УПРАВА И УРЕДНИШТВО: КРАЉА ПЕТРА I ОСЛОБОДИОЦА Бр. 2 КНИН тел: 059/62-122 л.17
ГЛАВНИ И ОДГОВОРНИ УРЕДНИК
Ристо Матковић

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ANNEX  18

Declaration on the Sovereign Self-rule of the Serbian People of Slavonia, Baranja and Western Syrmicum

Source: Official Gazette of the Serbian Region of Slavonia, Baranja and Western Syrmicum, no. 1/1991, paras. 6 & 7
6. The freely and democratically elected Assembly of the self-rule is the highest law-making authority in the matters of self-rule, which also adopts the Statute of the self-rule. Executive power concerning matters of self-rule shall be vested in the Government of the self-rule which, in accordance with the principles of European parliamentary democracy, shall be accountable to the Assembly of the self-rule. Judicial power concerning matters of self-rule shall be vested in independent courts;

7. Pending the creation of conditions for the constitution and normal work of the envisaged self-governing authorities, their rights shall be exercised by the Serbian National Council for Slavonia, Baranja and Western Syrmicum (hereinafter referred to as the "National Council"). It is the right of the National Council to declare null and void all legal acts in violation of the Constitution of Yugoslavia in force and the sovereign self-rule of the Serbian people in Slavonia, Baranja and Western Syrmicum.
Српски народ из Славоније, Барања и Западног Срнга, остварују своје право на самопредељење, које укључује и право на отцепљење и на присуђивање и матичној држави српског народа, преко свог Националног вијећа, доноси

ДЕКЛАРАЦИЈУ
о сувереној аутономији Српског народа Славоније, Барања и Западног Срнга

1. Српски народ у Славонији, Барањи и Западном Срнгу неодовољан је дно сувереног српског народа који живи у Југославији. Свједоће о томе, он на територији коју настањује остварају суверена права српског народа;

2. Остваривање суверених права српског народа у Славонији, Барањи и Западном Срнгу изазвала је у сувереној аутономији, која подразумева врховну уредбову, извршну и судску власт у стварима аутономије;

3. Ствари аутономије у смислу ове Декларације јесу: језик, наспитање дјече и омладине, просвета, богоштовање, здравствена заштита, заштита природе, човјекове средине и споменика културе, стварање о народном благоостану, заштита јавног реда, мира и безбедности, као и друге ствари у непосредној вези с њима, а које се утврђују Статутом аутономије или аутономном уредбом;

4. Ради остваривања суверене аутономије српског народа у Славонији, Барањи и Западном Срнгу, Статутом аутономије установљују се њени орган и организације. Право је орган аутономије да прописују и прикључују порезе и дужбине неопходне за обављање својих дјелатности у стварима аутономије, те да се преко својих организација и предузећа базе одговарајућим неопходним привредним активностима;

5. У складу са Статутом аутономије, орган аутономије сарађују са другим дјеловима српског народа у Југославији, њиховим представницима, политичким и другим организацијама и установама, те у том смислу могу у стварима аутономије закључивати посебне уговоре. Статусним уговорима органи аутономије могу у складу са својим надлежностима прекинути вршење одређених права у стварима аутономије на одређене оргane српске државе;

6. Највиши уредбовни орган у стварима аутономије, који доноси и статут аутономије, јесте слободно и демократски изабран Скупштина Аутономије. Извршна власт у стварима аутономије припада Влади аутономије, која у складу са начелима парламентаризма европског типа одговара Скупштини аутономије. Судску власт у стварима аутономије обављају независни судови;

7. Док се не створе услови за установљење и нормализацитет предвиђених органа аутономије, њихова права обављају Српско национално вијеће за Славонију, Барању и Западни Срнг (дакле: Национално вијеће). Право је Националног вијећа да огледа иштавају своје правне акте који врше важне Устав Југославије и суверену аутономију српског народа у Славонији, Барањи и Западном Срнгу;

8. Национално вијеће јесте израз појверења и борбе српског народа у Славонији, Барањи и Западном Срнгу за слободу. Чим буду створени предпоставке за то, Национално вијеће поднеће своје одлуке и решение на потходу надлежним органима аутономије или непосредно српском народу у Славонији, Барањи и Западном Срнгу, на његовом црквеном народном сабору;

9. Основни облик суверене аутономије српског народа у Славонији, Барањи и Западном Срнгу јесте мјена самоуправа. Носиоци мјесне самоуправе јесу оне општине и мјесне заједнице тога подручја у којима српски народ има већину седа или је ту већину имао 6. априла 1941. године. Основна начела ове самоуправе одредиће се Статутом аутономије;

10. Средства српске аутономије Славоније, Барање и Западног Срнга постоји и дјелује у саставу садашње Републике Хрватске само под условом да Југославија постоји као савезна држава. Уколико таква Југославија престане да постоји или се преобрази у скуп самоцврних држава, ова аутономија настањеће да постоји као дно матичне државе српског народа.

Броj: 1/91.
ANNEX 19

Constitution of the Republic of Serbian Krajina

Source: Official Gazette of the Republic of Serbian Krajina, no.1/1992,
Articles nos. 1, 8, 78, 102
CONSTITUTION OF THE REPUBLIC
OF SERBIAN KRAJINA

I. GENERAL PROVISIONS

Article 1

The Republic of Serbian Krajina is the national state of the Serbian people and of all citizens living in it.

Article 8

Legislative and legal powers shall be vested in the Assembly.
The Republic of Serbian Krajina's state unity shall be represented by the President.
Executive power shall be vested in the Government.
Judicial power shall be vested in the courts of law.
Protection of the constitutionality, as well as of legality, in accordance with the Constitution, shall be vested in the Constitutional Court.

Article 78

The President of the Republic of Serbian Krajina shall:

1. Propose to the Assembly candidates for members of the Government after having heard the opinion of representatives of the majority in the Assembly;
2. Propose to the Assembly candidates for the President and judges of the Constitutional Court;
3. Proclaim laws by a decree;
4. Perform duties concerning the relations of the Republic of Serbian Krajina with other states and international organizations in accordance with the law;
5. Command the armed forces in times of peace and war, and shall lead popular resistance at war; shall order general and partial call-up; shall organize defence preparations in accordance with the law;
6. In case the Assembly is not in a position to convene, upon the obtained opinion of the First Government Minister, determine the existence of imminent threat of war or shall declare a state of war;
7. Upon his/her own initiative or at the recommendation of the Government, during the state of war or imminent threat of war, issue documents on issues falling in the competence of the Assembly, and he/she shall be bound to submit them for approval to the Assembly as soon as it is able to convene. Documents issued during the state of war may limit individual freedoms and human rights, as well as civil rights, and amend the organizational setup, composition and powers of the Government and its Ministries, courts and public prosecutor's offices;

8. At the recommendation of the Government, when the security of the Republic of Serbian Krajina, human freedoms and the operation of government authorities are threatened in a part of the territory of the Republic of Serbian Krajina, shall declare a state of emergency and issue legal acts to undertake measures necessitated by such circumstances, in accordance with the Constitution and the law;

9. Grant pardon;

10. Award decorations and recognitions defined by the law;

11. Establish technical and other services for the performance of duties falling in his/her competence;

12. Perform other duties in accordance with the Constitution.

Article 102

The armed forces of the Republic of Serbian Krajina shall be made up of the Territorial Defence of the Republic of Serbian Krajina.

By their nature, the armed forces of the Republic of Serbian Krajina shall be defensive and shall serve solely the purpose of defending the territorial integrity and the state sovereignty of the Republic of Serbian Krajina.

Other issues related to defence shall be regulated by law.
УСТАВ РЕПУБЛИЧКЕ СРПСКЕ КРАЈИНЕ

ОСНОВНЕ ОДРЕДБЕ

Члан 1.
Република Српска Крајина национална је држава српског народа и држава свих грађана који у њој живе.

Члан 2.
Сувереност припада српском народу Републике Српске Крајине и свим грађанима који у њој живе.
Српски народ и грађани Републике Српске Крајине суобавају се у правовом односу и њихов свободу изабрахту представника.
Члан 7.
У Републици Српској Крајини у службеној је употреби брда српског језика и југословенског писма, а латиничко писмо је у службеној употреби на начин утврђен законом.
Уколико је у некој од општине у Републици Српској Крајини не мање од 8% становника припадника другог народа, у службеној употреби је језик и писмо тог народа.

Члан 8.
Уставотворна и законодавна власт припада Скупштини.
Републику Српску Крајину представља и њено државно јединство изражава предсједник.
Изјавна власт припада Влади.
Судска власт припада судовоштам.
Заштита установности, као и заштита законности у складу с Уставом, припада Уставном суду.

Члан 9.
Раз државних органа доступан је јавности.
Јавност у разу државних органа може у значајним или искушенима случајевима који се законом одређују.

И СЛОБОДЕ, ПРАВА И ДУЖНОСТИ ЧОВЈЕКА И ГРАЂАНИНА

Члан 10.
Слободе и права човјека и грађанина ограничен су само јединим слободама и правима других и како је то Уставом утврђено.

Члан 11.
Слободе и права остварују се, а дужности се испуњавају на основу Устава, осим кад је Уставом предвиђено да се услов за остваривање појединих слобода и права утврђује законом.
Законом се може прописати начин остваривања појединих слобода и права како је то неопходно за њихово остваривање.
Улаз утврђује се судска заштита слобода и права заједничких и признати Уставом.

Члан 12.
Грађани су једнаки у правима и дужностима и имају једнаку заштиту пред државним и другим органом без обзира на расу, пол, рођење, језик, националну припадност, вјероватности, политико или друго увјерење, образовање, социјалну припадност, етничку припадност или заједничку државу.

Члан 13.
Живот човјека је извршкосвештен.
Смрт на њега може се разматрати прописаним и изрећеним правом заједничких правних структура.

Члан 14.
Слобода човјека је извршкосвештен.
Нико не може бити лишен слободе, осим у случајевима и при обложу једнаких државних права.

Члан 15.
Лица за које постоје основана сукоба да је извршило кривично дјело може, за основу одлуке надлежног суда, бити притворено и задржано у притвору, само ако је то неопходно ради увјерења кривичног дјела или безбедности људи.
Грађани који улазе у увјерења надлежног суда могу бити задржани у тзв. време задржавања, само ако је то неопходно за борбу против кривичног дјела али неопходно за закривне прописане одлуке.

Члан 16.
Грађани је интегрална слобода кретања и задржавања уз право на напустане Републику Српску Крајину у њу се врати.
Слобода кретања и задржавања може у увјерења кривичног дјела или за безбедност људи, али и судовима и другим органима, ако је то неопходно за борбу против кривичног дјела.

Члан 17.
Лукасти достојања и право на израду животног дјела су неприхватљива.

Члан 18.
Заједничка тајност података о личности.
Испуњавање, испорука и комплетовање података о личности узрочују се законом.

Члан 19.
Надлежна тајност података о личности.
Испуњавање, испорука и комплетовање података о личности узрочују се законом.

Члан 20.
Оними је неприхватљива.
Законом се може прописати да служећи лица, на основу одлуке суда, биле другим органом прописане у увјерења против дјела, за време испоруке за време испуњавања, прописане у увјерења против дјела, за време испоруке за време испуњавања, у време испоруке за време испуњавања, за време испоруке за време испуњавања.

Члан 21.
Области на које постоје основана сукоба да је извршило кривично дјело може, за основу одлуке надлежног суда, бити притворено и задржано у притвору, само ако је то неопходно за борбу против кривичног дјела или за безбедност људи.

Члан 22.
Није може бити кажњен за дјело које прије него што је увјерење у увјерење се утврђено законом или прописаном.
10. финансирање остваривања права и дужности Републике Српске Крајине у гармони са Уставом и законом;
11. организацију, надлежност и рад републичких органа;
12. друге одлуке о интереси за Републику Српску Крајину у гармони са Уставом.

У ДРЖАВНИ ОРГАНИ И ИНСТИТУЦИЈЕ
Скупштина

Члан 68.
Скупштина:
1. извршује оправдане улоге у саставу Устава;
2. прихвата законе, друге прописе и опште акте;
3. уодава план развоја, просторни план, буџет и за њим рачун;
4. утврђује приједлог одлуке о промјени границе Републике Српске Крајине;
5. утврђује територијалну организацију у републици Српској Крајини;
6. одлучује о рту и миру;
7. ратификује међународне уговоре;
8. расписује републички референдум;
9. расписује републички јавни зајам и одлучује о здужињању Републике Српске Крајине;
10. бира и разређује: председника и потпредседника Скупштине; управитеља и управитељи у Влади; председника и судију Уставног суда, Врачевог суда и других судова, јавних тужилаца, тужитеља, судебних новинара, Народне банке и других функционарних одређених законом;
11. обавља контролу над радом Владе и других органа и функционарних одговорних Скупштини у складу с Уставом и законом;
12. даје хемику за криштине дела;
13. обавља и друге послове у складу с Уставом.

Члан 69.
Скупштина има 60 посланика. Посланником се бирају на непосредним изборима, т. j. посредника. Избор и престанак мандата посланника и образовање изборних јединица уређује се законом.

Члан 70.
Посланник се бирају на четвере године. Избори за посланике морају се одржати најчешће 30 дана прве истека мандата посланника које истекле.

Даном термина одговорној мандату посланика спада функција посланника чији мандат истекле.

Скупштина може, у случају неодрживе начин оповести или ратог стања, одлукути да се мандат посланика продужи до таквог стања, односно док не буде створен услови за избор посланика.

Члан 71.
Посланник представља грађанске изборне јединице у којој је изабран.

Члан 72.
Посланник ужива имунитет.
Посланник не може бити позван у криштину одговорност, притворен или казан за изражено или дадено гласа у Скупштини.

Члан 73.
Скупштина бира председника и потпредседника из реда посланика, на четвере године.
Председник представља Скупштину и креће друге послове предштебе Уставом, законом и пословнином. Председник Скупштине расписује изборе за посланике и за председника Републике Српске Крајине.

Члан 74.
Скупштина се састаје обавезно у два редовна заседања годишње. Прво редовно заседање почиње првог радног дана у марту, а друго редовно заседање почиње првог радног дана у октобру. Редовно заседање не може трајати дуже од 90 дана. Скупштина се састаје у ванредно заседање на захтјев најмање тројине од укупног броја посланика или на захтјев Владе, са унутрашњим утврденим двевамене радом.
Скупштина се састаја без позвана у случају погласења ванредног стања на дјелу територије Републике Српске Крајине.

Члан 75.
Скупштина одлучује у већином гласова на једном којој присуствује већина од укупног броја посланика, ако Уставом није предвиђена посебна већина.

Права председника закона, других прописа и других аката имају Влада, сачувани посланике, али до мање 10.000 би- рага.

Члан 76.
Скупштина може одлучити да о појединим питањима из њене надлежности одлучује до неког редовног периоде референдумом. Скупштина је дужна да одлучи о захтјеву за расписање ванредног референдума који поднеје најмање 25.000 бирача.

Члан 77.
Скупштина уређује свој рад и организацију и начин остваривања права и дужности посланика.
4. обавља послове из области односа Републике Српске Крајине са другим државама и њим јуних организација у складу са законом;

5. руководи оружаним снагама у мир и рату и народним органом у рату; наредије општу и државну мобилизацију; организује припреме за оbrane у складу са законом;

6. кад Скупштина није у могућности да се састане по прихватању мишање у првом министар Влашћ, утврђује постојање непосредне ратне опасности или прилагођава ратно стање;

7. по својој иницијативи или на приједлог Владе, за приједлог ратног стања или прилагођава ратне опасности, локи акте о пиетаљима из надлежности Скупштине, с тем што је дужан да их поднесе на потрагу Скупштининим чином она буде у могућности да се састане. Акция доноси за приједлог ратног стања могу се ограничити и окренути сподоље и део пратак и грађанима и измишљене организације, састав и оваљењена Влада и министарства, судова и јавних уређења;

8. на приједлог Владе, када су на дијелу територије Републике Српске Крајине, угрожен својскост Републике Српске Крајине, слободе повласти и рад државних органа, прилагођава ратно стање и локи акте за приједољење људа којих у коме око њиховог износу, у складу са Уставом и законом;

9. даје томе јубити;

10. одређује одложивања и припреме утврђиванак законом;

11. образује стручне и друге службе за обављање послова из своје надлежности;

12. обавља и друге послове у складу са Уставом.

Члан 79. Председник Републике Српске Крајине узаконом проглашава закон у року од 7 дана од дана његовог увjudge у Скупштини. У томи року приједложена Републике Српске Крајине може захтјевати да Скупштина поново гласа о закону.

Председник Републике Српске Крајине дужан је да прогласи поново изгасаћи закон у Скупштини.

Члан 80. Председник Републике Српске Крајине може тргвени из Владе да изложе стање о појединим властима из њене надлежности.

Члан 81. Председник Републике Српске Крајине се бира на неопределен период од трох година. Мандат председника Републике Српске Крајине траје до 1. септембра;

избор за председника Републике Српске Крајине мо- ра да оджеди најспремније 30 дана пре његова увђе у Скупштини.

Приликом ступања на дужност, председник Републи- ке Српске Крајине пред Скупштином потребује у време и место;

Законом се да ћу своје снаге насредач до захтеву сасвимовитости и оцинење територије Републике Српске Кра- јине, окруженог националним интересом српског народа, људских и грађанских правних and права, поштовању и од- бране Устава и закона, учешћу и благостања српског народа и сина грађана и да ћу свесно и говоро- мо испуњавати све своју дужност.

У случају непосредне ратне опасности или ратног стања, мандат председника Републике Српске Крајине продужава се док такво стање траје, односно док се не створе услови за избор председника Републике Српске Крајине.

Председник Републике Српске Крајине упозна извини- њим како поклони. О измртву председника Републике Српске Крајине означује Скупштину.

Члан 82. Председнику Републике Српске Крајине престиже мандат прије истека времена на које је биран у случају опозива у складу са законом.

Кад председник Републике Српске Крајине поднесе оставку он о томе обавештају јавност и председника Скупштине.

Даним подношења оставке председнику Републике Српске Крајине престиже мандат.

Ако је председнику Републике Српске Крајине прести- гно мандат, прије истека времена на које је биран, из- бор за новог председника Републике Српске Крајине мо- цу је учинити у року од 30 дана од дана престижетак мандата председника Републике Српске Крајине.

У случају престишта мандата председника Републике Српске Крајине прије истека времена на које је биран, из- бор за новог председника Републике Српске Крајине мо- цу је учинити у року од 30 дана од дана престишта мандата председника Републике Српске Крајине.

Ако је председнику Републике Српске Крајине из било каквог разлога инцидентиран раније да врши своју функцију, замењује га председник Скупштине.

Постоји избор и опозива председника Републике Српске Крајине узаконом у складу са законом.

Члан 83. Председник Републике Српске Крајине одговоран је грађанима Републике Српске Крајине.

Кад Скупштина одлучи да је председник Републике Српске Крајине прекршио Устав, покрете поступак за његовог опозива како се о томе кажуваје упазивање од узаконог држао поседника.

О опозиву председника Републике Српске Крајине одлучује се непосредно и тајним избиравањем. Председника Републике Српске Крајине је опозивао за до опозиву гласа већина од узаконог брода бирача.

Ако бирачи не опозива председника Републике Српске Крајине, Скупштина се распусти.

Члан 84. Влаца.

1. води политику Републике Српске Крајине и из- вршава законе, друге прописе и оште акте Скупштине у складу с Уставом;

2. решава узаконе и тајним решение у складу с Уставом;

3. извор законе, друге прописе и оште акте;

4. утврдјује када за утврдњу организацију министе- риств а и других органа управе и посебних организација, поставља и разрешава функционере у министерствима и посебним организацијама;

5. усваја и утврдњује и за министерствама и посеб- ним организацијама;
Члан 97.
Јавно тужилаштво је самостални државни орган који гони учинитеље кривичних и других законом одређених кривних дјела и улага права средстава ради заштите уставности и законитости.
Јавно тужилаштво врши своју функцију на основу Устава и закона.
Јавни тужилац не може бити позван на одговорност за енолишење дата у вршењу тужилачке функције, а у поступку покренутом због кривичног дјела учиненог у вршењу тужилачке функције не може бити притворен без одобрења Скупштине.

Члан 98.
Оснивање, организација и надлежност јавног тужилаштва уређују се законом.
Јавни тужилац Републике Српске Крајине врши функцију јавног тужилаштва у оквиру права и дужности Републике Српске Крајине.

Члан 99.
Јавни тужилац не може обављати службу и посао за законом утврђен као неспокон са његовом функцијом.

Члан 100.
Функција јавног тужиоца је спасање.
Јавном тужиоцу не може престати функција нити може бити против његове развијене дужности, осим у случајевима предвиђеним за случаји након утврђен законом.

Народна банка

Члан 101.
Република Српска Крајина има Народну банку. Статут организација, управљање и пословање Народне банке уређује се законом.

Оружане снаге Републике Српске Крајине

Члан 102.
Оружане снаге Републике Српске Крајине чине територијална одржана Републике Српске Крајине.
Оружане снаге Републике Српске Крајине по својем карактеру су одржане и служе искуства за одржану територијалну интегритет и државног суверенитета Републике Српске Крајине.
Остатка потреба из области одржане регулацију се законом.

VI ТЕРИТОРИЈАЛНА ОРГАНИЗАЦИЈА

Општина

Члан 103.
Општина преко својих органа, у складу са законом:
1. доноси програм развоја, урбанистички план, буџет и завршни разговор,
2. уређује и обезбеђује обављање и развој комуналних дејатности,
3. уређује и обезбеђује коришћење градског, грађевинског земљишта и пословног простора;

4. стари се о изградњи, одржавању и коришћењу поља на путева и улица и других јавних објеката од општинског значаја;
5. стари се о задржавању одређених потреба грађанина у областима: културе, образовања, здравства и социјалне заштите, друштвено брге о деци, физичке културе, јавног обавештавања, занатства, туризма и угоститељства, заштите и унапредовању животне средине, а у другим областима од непосредног интереса за грађани;
6. извршава законе, друге прописе и општи акт Републике Српске Крајине чије извршавање је поверејоно општини, обезбеђује извршавање прописа и општих аката општине;
7. образује органе, организације и службе за потребе општине и уређује њихову организацију и рад;
8. обавља и друге послове утврђене Уставом и законом, као и Статутом општине.
Систем локалне самоуправе уређује се законом.
Република Српска Крајина може законом повећати вршење појединих послова одређеној општини и преједи јој средства за та послова.

Члан 104.
За обављање Уставом и законом утврђених послова, општини припадају приходи утврђени законом.
За задржавање потреба грађана у општини, средства се могу прикупљати на основу непосредног изјашњавања грађана, у складу са законом.

Члан 105.
Општина има Статут којим се на основу Устава и закона уређују послови општине и организација и рад органа општине, као и друга вида послова за општину.
Статут посебно Скупштина општине.

Члан 106.
О пословима општине грађани одлучују референдумом и преко својих представника у Скупштини општине.
Скупштину општине може одборнички изабран из неодржаних избора, тајним гласањем.

VII ЈЕМСТВА УСТАВНОСТИ

УСТАВНОСТ И ЗАКОНИОСТ

Члан 107.
Закон, други прописи или општи акт мора бити сагласан са Уставом.
Пропис и други општи акт републичког органа мора бити сагласан са законом.
Сваки други пропис или општи акт мора бити сагласан са законом и осталим републичким прописима.

Члан 108.
Закон, други пропис или општи акт ступа на снагу најранје осмор дана од дана објављивања осим ако из народног опраених разлога није предвиђено да раније ступи на снагу.

Члан 109.
Закон, други пропис или општи акт не може имати повратно дејство.
ANNEX 20

Amendment VIII

Source: Official Gazette of the Republic of Serbian Krajina, no.9/1992
Amendment VIII

1. Serbian Army of the Republic of Serbian Krajina.
2. The Republic of Serbian Krajina has the Serbian Army. The Serbian Army of the Republic of Serbian Krajina is defensive by its nature and serves exclusively for the purpose of defending the territorial integrity and the state sovereignty of the Republic of Serbian Krajina. A law shall be adopted on the Serbian Army of the Republic of Serbian Krajina.
3. The President of the Republic of Serbian Krajina shall designate the Commander of the Territorial Defence forces of the Republic of Serbian Krajina; he shall appoint and dismiss presiding judges, judges and lay judges of military tribunals and military prosecutors.
4. Military tribunals and military prosecutors shall be designated by the law. Military tribunals shall be independent and shall adjudicate on the basis of the law.
   Paragraph 1 of this amendment shall amend the heading of the chapter on the armed forces of the Republic of Serbian Krajina.
   Paragraph 2 of this amendment shall amend Article 102 of the Constitution of the Republic of Serbian Krajina.
   Paragraph 3 of this amendment shall be added as Article 102a.
   Paragraph 4 of this amendment shall be added as Article 102b.

Скупštина Републике Српске Крајине
Председник, Милило Пасић, с. р.

Амандман VIII
1. Српска војска Републике Српске Крајине.
2. Република Српска Крајина има Српску војску. Српска војска Републике Српске Крајине по свом карактеру је одбранбена и служи исключно за одбрану територијалног интегритета и државног суверенитета Републике Српске Крајине. О Српској војсци Републике Српске Крајине доноси се закон.
3. Председник Републике Српске Крајине поставља команданта ТО Републике Српске Крајине, поставља и разрешава председнике, судије и судије поротнике војних судова и војне тужнице.
4. Војни судови и војни тужници установљавају се законом. Војни судови су независни судови и суд на основу закона.

Тачком 1. овог амандмана менња се назив поглавља о оружаним снагама Републике Српске Крајине.
Тачком 2. овог амандмана менња се члан 132. Устава Републике Српске Крајине.
Тачком 3. овог амандмана додаје се члан 132a.
Тачком 4. овог амандмана додаје се члан 132b.

92.
На основу члана 78. такча 3. Устава Републике Српске Крајине, доноси

УКАЗ
О ПРОГЛАШЕЊУ ЗАКОНА О ИЗМЕНАМА И ДОПУНАМА ЗАКОНА О ОДБРАНИ
Проглашава се Закон о изменама и допунама Закона о одбрани који је донела Скупштина Републике Српске Крајине на седници 18. маја 1992. године.
ПР број 58
Председник Републике,
Горан Хашић, с. р.

ЗАКОН
О ИЗМЕНАМА И ДОПУНАМА ЗАКОНА О ОДБРАНИ
Члан 1.
У Закону о одбрани ("Службени гласник Републике Српске Крајине" број 6/92) члан 5. менша се и гласи:
"Република Српска Краjin/a има Српску војску. Српску војску у миру чине јединице ТО. У случају непосредне ратне опасности и у рату у свиме Српско војске укупнено се и јединице милицеје посебне намене.
Припадници Српске војске Републике Српске Крајине су сваки грађанин који са оружјем или на други начин учесује у отпору против нараптјела."

Члан 2.
У члану 6. такча 1. речи: "оружаним снагама" замењују се речима: "Српском војском."

Члан 3.
Члан 31. менша се и гласи:
"Територијална одбрана у Републици Српској Крајини као део Српске војске Републике Српске Крајине штити независност, суверенитет, територијалну целосност и

Уставом утврђено друштвено уређење Републике Српске Крајине.
Територијална одбрана Републике Српске Крајине, као намесни део Српске војске, организује се на нивоу Републике, општина и области. Организовање, припремање, развој, опремање и рукођење TO у Републици Српској Крајини, у оквиру јединственог система опремања, оствара се у складу са Уставом Републике Српске Крајине, овим законом, организацијом и плановима развоја Српске војске и планом њене употребе, системом руководства и командања Српском војском, јединственом основама изоружања, опремања и обућања Српске војске и плановима развоја TO Републике Српске Крајине."

Члан 4.
У члану 32. у четвартом реду, речи: "оружаних снага" заменују се речима: "Српске војске."

Члан 5.
Члан 34. менша се и гласи:
"Територијалном одбраном руководе Главни штаб TO, који у случају непосредне ратне опасности, рату и у другим везаним прилицима, преузима улогу штаба Врховне команде Српске војске Републике Српске Крајине."

Члан 6.
У члану 36. став 1. менша се и гласи:
"Командант територијалне одбране Републике Српске Крајине у случају непосредне ратне опасности, рату и у другим везаним прилицима, преузима улогу штаба Врховне команде Српске војске Републике Српске Крајине."

Члан 7.
У члану 55. у другом реду, речи: "оружаних снага" заменују се речима: "Српске војске."

Члан 8.
Овај закон ступа на снагу осмог дана од дана објављивања у "Службеном гласнику Републике Српске Крајине."

93.
На основу члана 78. такча 3. Устава Републике Српске Крајине, доноси

УКАЗ
О ПРОГЛАШЕЊУ ЗАКОНА О ТРЖИШНОЈ ИНСПЕКЦИЈИ
ПР број 69
Председник Републике,
Горан Хашић, с. р.

ЗАКОН
О ТРЖИШНОЈ ИНСПЕКЦИЈИ
I. ОПШТЕ ОДРЕДБЕ
Члан 1.
Послове тржишног инспекцијског надзора у Републици Српској Крајини врши републичка тржишна инспекција...
ANNEX  21

Law on Amendments to the Law on Defence

Source: Official Gazette of the Republic of Serbian Krajina, no.9/1992, Article 1
LAW
ON AMENDMENTS TO THE LAW ON DEFENCE

Article 1

In the Law on Defence ("Official Journal of the Republic of Serbian Krajina" No. 6/92), Article 5 shall be amended and read as follows:

"The Republic of Serbian Krajina has the Serbian Army. The Serbian Army is comprised of territorial defence units in peacetime. In case of imminent threat of war or at war, the Serbian Army shall also include special police forces.

A member of the Serbian Army of the Republic of Serbian Krajina shall be any citizen who participates, with arms or otherwise, in resisting the enemy".

Скупштина Републике Српске Крајине

Председник,
Милан Писањ, с. п.

Амандам VI

1. Српска војска Републике Српске Крајине.
2. Република Српска Крајина има Српску војску, остваривањем својих права у сарадњи са Српском војском на територијалном јединицама.

Српска војска Републике Српске Крајине по својом карактеру је одбрамбена и служи изузетно за одбрану територијалног јединицама и јединицама сукобању Републике Српске Крајине. О Српској војсци Републике Српске Крајине доласи се закон.

3. Председници Републике Српске Крајине поставља команданта ТО Републике Српске Крајине, поставља и разрастава председнике, судије и суде, јединице и јединице војних судова и војне тужиле.

4. Војни судови и војни тужилац установљавају се законом. Војни судови су независни судови и суде на основу закона.

Тачком 1. овог амандама мења се один поглавља о оруженим снагама Републике Српске Крајине.

Тачком 2. овог амандама се члан 102. Устава Републике Српске Крајине.

Тачком 3. овог амандама додате се члан 102д. Устава Републике Српске Крајине.

Тачком 4. овог амандама додате се члан 102з.

92.

На основу члана 78. тачка 3. Устава Републике Српске Крајине, доноси се закон.

У КАЗ

О ПРОГЛАШЕЊУ ЗАКОНА О ИЗМЕНАМА И ДОПУНАМА ЗАКОНА О ОДБРАНИ

Проглашава се Закон о изменама и допунама Закона о одбрану који је доносила Скупштина Републике Српске Крајине на седници 18. маја 1992. године.

ПР број 58 у Концу
18. маја 1992. године

Председници Републике,
Горан Хаџић, с. п.

ЗАКОН

О ИЗМЕНАМА И ДОПУНАМА ЗАКОНА О ОДБРАНИ

Члан 1.

У Закону о одбрани („Службени гласник Републике Српске Крајине“ број 6/92) члан 5. обнавља се и гласи: „Република Српска Крајина има Српску војску, Српску војску у миру чине јединице ТО. У случају непосредне ратне опасности и у рату у састав Српске војске улазе у јединице и јединице милиције посебне намене. . Припадници Српске војске Републике Српске Крајине је сваки јединица који са оружјем или на други начин учес- твује у погребу против непријатеља.“.

Члан 2.

У члану 6. тачка 1. речи: „оружјем снагама“ замењују се речима: „Српском војском“. 

Члан 3.

Члан 31. мења се и гласи: „Територијална одбрана у Републици Српској Крајини као део Српске војске Републике Српске Крајине штити независност, сукоби, територијалну целовитост и Уставом утврђено друштвено уређење Републике Српске Крајине.

Територијална одбрана Републике Српске Крајине, као највећи део Српске војске, организује се на нивоу Републике, оперативне зоне и општине.

Организовање, приступање, развој, опремање и руко-
вођење ТО у Републици Српској Крајини, у оквиру једи- нственог система одбране, остварује се у складу са Уставом Републике Српске Крајине, овим законом, организацијом и плановима развоја Српске војске и плановима развоја ТО Републи- ке“. 

Члан 4.

У члану 32. у четвртом реду, речи: „оружјених снагама“ замењују се речима: „Српском војском“. 

Члан 5.

Члан 34. мења се и гласи: „Територијалном одбраном руководи Главни штаб ТО, који у случају непосредне ратне опасности, рата и у другим вишима приликом, преузима улогу штаба Врховне команде Српске војске Републике Српске Кра-

Члан 6.

У члану 36. став 1. мења се и гласи: „Командант територијалног одбране Републике Српске Крајине у случају непосредне ратне опасности, рата и у другим вишима приликома, као начелник штаба Врховне команде Српске војске Републике Српске Кра-

Члан 7.

У члану 55. у другом реду, речи: „оружјених снагама“ замењују се речима: „Српском војском“. 

Члан 8.

Овај закон ступа на снагу осам дана од дана објављивања у „Службеним гласнику Републике Српске Крајине“. 

Члан 9.

На основу члана 78. тачка 3. Устава Републике Српске Крајине, доноси се закон.

У КАЗ

О ПРОГЛАШЕЊУ ЗАКОНА О ТРЖИШНОЈ ИНСПЕКЦИЈИ


ПР број 69 у Концу
18. маја 1992. године

Председници Републике,
Горан Хаџић, с. п.

ЗАКОН О ТРЖИШНОЈ ИНСПЕКЦИЈИ

I. ОПШТЕ ОДРЕДБЕ

Члан 1.

Послесе тржишног инспекционог надзора у Републици Српској Крајини врши републичка тржишна инспекција.
ANNEX  22

Amendments XII – XIV

Source: Official Gazette of the Republic of Serbian Krajina, no.2/1993
AMENDMENT XII

1. Serbian Army of Krajina

2. The Republic of Serbian Krajina has an army. The Serbian Army of Krajina has both standing and reserve forces. A law shall be adopted on the Serbian Army of Krajina. Military tribunals and military prosecutor's offices shall be established by the law. Military tribunals shall be independent and shall try cases under the law. The Assembly of the Republic of Serbian Krajina, at the recommendation of the Supreme Defence Council, shall appoint the Commander of the Serbian Army of Krajina.

Paragraph 1 of this amendment shall replace the title of the chapter on the Serbian Army of the Republic of Serbian Krajina in paragraph 1 of Amendment VIII to the Constitution of the Republic of the Serbian Krajina.

Paragraph 2 of this amendment shall replace paragraph 2 of Amendment VIII to the Constitution of the Republic of Serbian Krajina.

Paragraphs 3 and 4 of Amendment VIII to the Constitution of the Republic of Serbian Krajina shall be deleted.

AMENDMENT XIII

1. Shall command the Serbian Army of Krajina in times of war and peace, in accordance with the Constitution of the Republic of Serbian Krajina and the decisions of the Supreme Defence Council and shall preside over the Supreme Defence Council; shall adopt a decision on the establishment, seat and jurisdiction of military tribunals and military prosecutor's offices, and shall appoint and dismiss presiding judges and judges of military tribunals and military prosecutor's offices.

2. Paragraphs 6 and 8 of Article 78 of the Constitution of the Republic of Serbian Krajina shall be deleted; paragraph 7 shall become paragraph 6, while paragraphs 9, 10, 11 and 12 shall become paragraphs 7, 8, 9 and 10.

Paragraph 1 of this amendment shall replace paragraph 5 of Article 78 of the Constitution of the Republic of Serbian Krajina.

AMENDMENT XIV
1. The Supreme Defence Council shall be composed of: the President of the Republic of Serbian Krajina, Prime Minister, Defence Minister, Interior Minister and Commander of the Serbian Army of Krajina.

The Supreme Defence Council shall determine the existence of an imminent threat of war and shall declare a state of war if the Assembly is not able to convene.

The Supreme Defence Council shall impose a state of emergency when the security of the Republic of Serbian Krajina and human rights and freedoms, as well as the work of government authorities are threatened in a part of the territory of the Republic of Serbian Krajina, and shall issue legal acts for the purpose of taking measures necessitated by such circumstances, in accordance with the Constitution and the law.

The Supreme Defence Council shall adopt decisions on the preparedness, mobilization and use of the Serbian Army of Krajina, and on other matters, in accordance with the Constitution and the law.

This Amendment shall supplement Article 102 of the Constitution of the Republic of Serbian Krajina.
22. Скупштина Републике Српске Крајине, на основу члана 121. став 3. Устава Републике Српске Крајине, доноси

О ДЛУКУ
О ПРОГЛАШЕЊУ АМАНДМАНА XII, XIII И XIV НА УСТАВ РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ


Скупштина Републике Српске Крајине

Президент, Миле Пасић, с. р.

АМАНДМАН XII

1. Српска војска Крајине
2. Република Српска Крајина има војску. Српска војска Крајине има стални и резервни састав. О Српској војсци Крајине доноси се закон.

Војни субоци и војна тужилстава установљавају се законом. Војни субоци су независни субоци и суде на основу закона.

Скупштина Републике Српске Крајине, на предлог Врховног савета сабране, поставља команданта Српске војске Крајине.

Тачком 1. овог амандмана заменује се назив поглавља о Српској војсци Републике Српске Крајине из тачке 1. Амандмана VIII на Устав Републике Српске Крајине.

Тачкама 2. и 3. амандмана заменује се така 2. Амандмана VIII на Устав Републике Српске Крајине.

Тачка 2. Амандмана заменује се така 2. Амандмана VIII на Устав Републике Српске Крајине.

АМАНДМАН XIII

1. Руководи Српском војском Крајине у миру и рату, у складу са Уставом Републике Српске Крајине и одлуках Врховног савета одbrane и председава Врховним саветом одbrane, долази одлуку о основању, основи и надлежности војних судова и тужилстава, те поставља и разрешава председника и судије војног суда и тужилстава.

Тачка 5. и 8. члана 78. Устава Републике Српске Крајине се бришу, така 7. постаје така 6, а така 9, 10, 11. и 12. постају така 7, 8, 9. и 10.

Тачком 1. овог амандмана заменује се така 5. члана 78. Устава Републике Српске Крајине.

АМАНДМАН XIV

1. Врховни савет одbrane сачињавају: председник Републике Српске Крајине, председник Владе, министар одbrane, министар унутрашњих послова и командант Српске војске Крајине.

Врховни савет одbrane утврђује постојање неопходности и проглашава ратно стање, уколико Скупштина није у могућности да се састане.

Врховни савет одbrane проглашава ванредно стање када су на делу територије Републике Српске Крајине угрожене безбедност Републике Српске Крајине, слободе и права човека и рад државних органа и доноше акте за предузимање мера које такве околности изискују, у складу са Уставом и законом.

Врховни савет одbrane долази до одлуке о припадности, мобилизацији и употреби Српске војске Крајине и о другим питанцима у складу са Уставом и законом.

Овим амандманом допунује се члан 102. Устава Републике Српске Крајине.

23. На основу члана 78. такча 3. Устава Републике Српске Крајине, доноси

У КАЗ
О ПРОГЛАШЕЊУ ЗАКОНА О ОДБРАНИ


Паројбр 115


ЗАКОН
О ОДБРАНИ

Глава 1

ОСНОВНЕ ОДРЕДБЕ

Члан 1.

Овим законом у складу са Уставом Републике Српске Крајине уређују се правна и дужностна грађанина, републичких органа и организација, органа и организација српских областима и општина, организација које обављају јавну службу или делатност, предузета и других јавних лица у одбране суверенитета, територије и независности Републике Српске Крајине (у даљем тексту: одбрана земље).
SECTION  V

Selection of the Relevant SFRY Documents
ANNEX 23

Agreements of the SFRY concluded in the Second Part of 1991


Tab. 1
 AGREEMENT  

BETWEEN THE FEDERAL EXECUTIVE COUNCIL OF THE  
ASSEMBLY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA  
AND THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA  
CONCERNING THE PROGRAM OF THE UNITED STATES PEACE CORPS  
in the SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA  

The Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia (the Yugoslav party) and the Government of the United States of America (the American party), recognizing the importance of developing mutually advantageous relationships and cooperation between their nations, have agreed on the implementation of the program of the Peace Corps in Yugoslavia, which will encompass the engagement of American volunteers qualified for work in various fields, above all in the field of teaching the English language.

ARTICLE 1  

The American party will furnish, and the Yugoslav party will accept, Peace Corps volunteers to perform certain tasks in the Socialist Federal Republic of Yugoslavia which the two parties will establish by exchanges of letters on the implementation of the Agreement. The volunteers will work under the immediate supervision of organizations in the Socialist Federal Republic of Yugoslavia selected by the two parties.

The American party will provide their training to enable the volunteers to perform their tasks in the most effective manner.

ARTICLE 2  

The Yugoslav party will treat the volunteers and their property equitably and will give them full aid and protection, including treatment no less favorable than that given generally to nationals of the United States residing in the Socialist Federal Republic of Yugoslavia. The Yugoslav party will fully consult and cooperate with representatives of the American party on all matters concerning the
volunteers. The Yugoslav party will exempt the volunteers from any taxes on income which they receive from the American party on the basis of their engagement in Yugoslavia, as well as any other income from sources outside the Socialist Federal Republic of Yugoslavia. The Yugoslav party will also exempt the volunteers from all customs duties or other charges on personal property brought into the Socialist Federal Republic of Yugoslavia for their own use and from all other taxes (including immigration fees). The volunteers will not be exempted from payment of license fees and taxes included in the prices of equipment, supplies, and services purchased in the Socialist Federal Republic of Yugoslavia.

ARTICLE 3

The American party will provide the volunteers with such limited quantities of equipment and supplies as our two governments may consider necessary to permit the volunteers to perform their tasks effectively. The Yugoslav party will exempt from all taxes, customs duties, and other charges all equipment and supplies imported into the Socialist Federal Republic of Yugoslavia or purchased by the American party or any contractor financed by it in the Socialist Federal Republic of Yugoslavia for use in Peace Corps programs.

ARTICLE 4

A representative Peace Corps office in the Socialist Federal Republic of Yugoslavia will be established which will in cooperation with the authorized Yugoslav organ take care of the implementation of the Agreement and mutually determined programs. This representative office, its expert staff, and personnel performing functions under contract with the American party can be accepted with the prior notification of the Yugoslav party.

The Yugoslav party will exempt the representative office and its staff (including contractors) from all taxes on income derived from their Peace Corps work or from sources outside the Socialist Federal Republic of Yugoslavia and from all other taxes (including immigration fees). Such persons will not be exempted from payment of license fees and taxes or other charges included in the prices of equipment, supplies, and services purchased in the Socialist Federal Republic of Yugoslavia.

The Yugoslav party will extend to the Peace Corps representative and his staff the same treatment as is extended to personnel of comparable rank or grade of the Embassy of the United States of America, not to include diplomatic titles or immunity. This provision does not apply to Yugoslav citizens.
The Yugoslav party will extend to the personnel of the representative Peace Corps office and its contractors, who are not citizens of the Socialist Federal Republic of Yugoslavia, the same treatment with respect to the payment of customs duties on personal property introduced into the Socialist Federal Republic of Yugoslavia for their own use as is given volunteers.

ARTICLE 5

The Yugoslav party will exempt from investment and deposit requirements and currency controls all funds introduced into the Socialist Federal Republic of Yugoslavia for use by the American party or contractors financed by it for use in Peace Corps programs. Such funds shall be convertible into currency of the Socialist Federal Republic of Yugoslavia at the highest rate that is lawful in the Socialist Federal Republic of Yugoslavia.

ARTICLE 6

The Peace Corps representative, staff, contractors, and volunteers will respect the laws and regulations of the Socialist Federal Republic of Yugoslavia while they stay in its territory.

ARTICLE 7

The implementation of this Agreement shall be the responsibility of the Federal Administration for International Scientific, Educational, Cultural, and Technical Cooperation on the Yugoslav side, and of the United States Peace Corps on the American side.

ARTICLE 8

The authorized representatives of the organs from Article 7 of the Agreement will carry out an annual review of the implementation of the Agreement and will consult each other on all issues which relate to activities of Peace Corps volunteers in the Socialist Federal Republic of Yugoslavia.

ARTICLE 9

The undertakings of each party under this Agreement are subject to the availability of funds.
ARTICLE 10

This Agreement comes into force when the two parties exchange diplomatic notes informing each other that they have carried out their legal procedures. The Agreement will remain in effect for ninety days from the day when either of the parties informs the other in written form of its intention to cancel the Agreement.

Changes to the Agreement can be made in the form of written amendments.

Disagreements which may arise in the framework of this Agreement will be resolved by the two parties in a friendly manner.

Done in Belgrade on \( \text{[signatures]} \) in two original versions, in Serbo-Croatian and English, both of which are equally authentic.

For the Government of the United States of America

For the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia

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Tab. 2
THE WORLD BANK/IFC/MIGA
Headquarters: Washington, D.C. 20433 U.S.A.
Tel. No. (202) 477-1234//Fax Tel. No. (202) 477-6391//Telex No. RCA 248423

FACSIMILE COVER SHEET AND MESSAGE

DATE: October 11, 1991 NO. OF PAGES: 2 MESSAGE NO.: RIJI
(INCLUDING THIS SHEET)

TO: Mr. Andreja Randic, Director FAX TEL. NO.: 38-51-614527
Mr. Borivoje Nikolic
Project Coordinating Unit CITY: Ljubljana
Ministry of Environmental Projection COUNTRY: Yugoslavia

COPY: Mr. Ivan Zivkovic
Department Head FAX TEL. NO.: 38-11-636-775
(CITY: Belgrade
Federal Secretariat for Finance COUNTRY: Yugoslavia

COPY: Ms. Sofija Borovnica
Assistant Secretary FAX TEL. NO.: 38-11-2222909
(CITY: Belgrade
Federal Secretariat for Development COUNTRY: Yugoslavia

COPY: Jonathan Brown, Chief FAX TEL. NO.: 1-202-797-9663
Infrastructure, Energy and
Minister Counselor CITY: Washington, DC
Environment Division COUNTRY: USA
Embassy of Yugoslavia

FROM: Eastern Europe Department

SUBJECT: YUGOSLAVIA: METAP Grant for the Cres/Losinj Archipelago Environmental Management Project

1. This is to advise you that the subject grant agreement was signed and became effective on October 4, 1991. A copy of the signed agreement has been mailed to you. Because of their interest in your project and the grant, we have also mailed copies to Mr. Borivoje Nikolic, Department Head, Ministry of Finance and Ms. Sofija Borovnica, Assistant Secretary, Ministry of Development and Planning.

2. We have authorized Mr. Andrew Bond, through Plan Blue, to continue his work immediately. His actual starting date will depend on the availability of the local consultants who will work with him.

3. We are prepared to send the Project Coordinating Unit an advance of $40,000 to establish an account in a local bank for the project. Actual expenditure of these funds should be made in consultation with Mr. Bond. This will most easily be achieved by preparing a budget in consultation with him, with indicative allocations. Additional funds would be sent to replenish the account on submission to the Bank of statement indicating how the disbursed funds were spent.

4. Mr. Bond will contact you directly concerning his starting date and to finalize the arrangements for transmitting the advance.
S. We are pleased that this very important project can now begin and we are looking forward to its successful implementation.

Sincerely yours,

Jonathan C. Brown
Chief, Infrastructure, Energy and Environment Division
Eastern Europe Department
Europe, Middle East and North Africa Region
METAP Grant Agreement

(Environment Management Project)

between

SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

and

INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT
as Administrator of Grant Funds
provided by
EUROPEAN ECONOMIC COMMUNITY
under the
MEDITERRANEAN ENVIRONMENTAL TECHNICAL ASSISTANCE PROGRAM

Dated 1991
METAP GRANT AGREEMENT

AGREEMENT, dated 1991, between the SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA (the Recipient) and the INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (the Bank), acting as Administrator (the Administrator) of grant funds provided by the EUROPEAN ECONOMIC COMMUNITY (EEC) under the MEDITERRANEAN ENVIRONMENTAL TECHNICAL ASSISTANCE PROGRAM (METAP).

WHEREAS (A) the Bank and the European Investment Bank (EIB) have jointly prepared an environmental program for the Mediterranean, designed to address the environmental policy, institutional and investment-related needs of the Mediterranean countries;

WHEREAS (B) the Bank and EIB, pursuant to the aforementioned program, have established METAP to strengthen national environmental efforts and promote regional cooperation;

WHEREAS (C) pursuant to a letter agreement dated March 15, 1991, between the EEC and the Bank, the EEC has requested the Bank, and the Bank has agreed, to administer grant funds to be made available by the EEC to finance technical assistance programs under METAP; and

WHEREAS (D) the Recipient has requested and the EEC has agreed to make available to the Recipient a grant (the Grant) out of said grant funds to finance the cost of carrying out the technical assistance described in Schedule 2 to this Agreement (the Technical Assistance) on the terms and conditions hereinafter set forth;

NOW THEREFORE the parties hereto hereby agree as follows:

ARTICLE I

General Conditions; Definitions

Section 1.01. The "General Conditions Applicable to Loan and Guarantee Agreements" of the Bank, dated January 1, 1985 (the General Conditions) constitute an integral part of this Agreement, subject, however, to the following modifications thereto:

(a) the term "Bank", wherever used in the General Conditions, other than in Sections 2.01 (8) and 6.02 (f) thereof, means the Bank acting as Administrator of the Grant pursuant to the letter agreement referred to in Recital (C) of this Agreement, except that
in Section 6.02, the term "Bank" shall also include the International Bank for Reconstruction and Development acting in its own capacity;

(b) the term "Borrower", wherever used in the General Conditions, means the Recipient;

(c) the term "Loan Agreement", wherever used in the General Conditions, means this Agreement;

(d) the term "Loan", wherever used in the General Conditions, means the Grant;

(e) the term "Loan Account", wherever used in the General Conditions, shall be amended to read the Grant Account;

(f) the term "Project", wherever used in the General Conditions, means the Technical Assistance;

(g) Section 4.01. shall be modified to read:

"Withdrawals from the Grant Account shall be made in dollars; provided, however, that if the expenditures to be financed out of the proceeds of the Grant have been paid or are payable in another currency, the Administrator shall, at the request of the Recipient, purchase such currency with the proceeds of such withdrawal."

(h) Section 4.09 shall be modified by the deletion of the last two sentences thereof;

(i) Sections 2.01 (5), (7), (12), (13), (14), (15), (16), (17), and (19), 3.02, 3.03, 3.04, 3.05, 3.02, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.10, 6.02 (a)(1), 6.02 (g), 6.02 (h), 6.05 and 6.07, Articles VII, Sections 8.01 (a), 9.01 (b), 9.02, 9.03, 10.02, 12.01, 12.02, 12.03, 12.04 and 12.05 are deleted; and

(j) all references to "the Guarantor", whenever such term is used in the General Conditions, shall not apply to this Agreement.

Section 1.02. Wherever used in this Agreement, unless the context otherwise requires, the several terms defined in the General Conditions and in the Recitals to this Agreement have the respective meanings therein set forth.
ARTICLE II

The Grant

Section 2.01. The Administrator agrees to extend to the Recipient, on the terms and conditions herein set forth or referred to, the Grant in an amount of one hundred seventy-five thousand dollars ($175,000).

Section 2.02. The amount of the Grant may be withdrawn from the Grant Account in accordance with the provisions of Schedule 1 to this Agreement, as such Schedule may be amended from time to time by agreement between the Recipient and the Administrator.

Section 2.03. The Closing Date shall be December 31, 1993, or such later date as the Administrator shall establish. The Administrator shall promptly notify the Recipient of such later date.

ARTICLE III

Execution of the Technical Assistance

Section 3.01. (a) The Recipient shall carry out the Technical Assistance with due diligence and efficiency and in conformity with appropriate administrative, financial, technical and environmental practices, and shall provide, or cause to be provided, promptly as needed, the funds, facilities, services and other resources required for the Technical Assistance.

(b) Without limitation upon the provisions of paragraph (a) of this Section and except as the Recipient and the Administrator shall otherwise agree, the Recipient shall carry out the Technical Assistance in accordance with the Implementation Program set forth in Schedule 3 to this Agreement.

Section 3.02. Except as the Administrator shall otherwise agree, procurement of the consultants' services required for the Technical Assistance and to be financed out of the proceeds of the Grant shall be governed by the provisions of Schedule 4 to this Agreement.

Section 3.03. (a) The Recipient shall maintain or cause to be maintained separate records and accounts adequate to reflect in
accordance with sound accounting practices the operations, resources and expenditures in respect of the Technical Assistance of the departments or agencies of the Recipient responsible for carrying out the Technical Assistance or any part thereof.

(b) The Recipient shall:

(i) have the records and accounts referred to in paragraph (a) of this Section for each fiscal year audited, in accordance with appropriate auditing principles consistently applied, by independent auditors acceptable to the Administrator;

(ii) furnish to the Administrator as soon as available, but in any case not later than eight months after the end of each such year, the report of such audit by said auditors, of such scope and in such detail as the Administrator shall have reasonably requested; and

(iii) furnish to the Administrator such other information concerning said records and accounts and the audit thereof as the Administrator shall from time to time reasonably request.

ARTICLE IV

Effectiveness; Termination

Section 4.01. This Agreement shall become effective upon its execution by the parties hereto.

Section 4.02. This Agreement shall continue in effect until the Grant has been fully disbursed and the parties to this Agreement have fulfilled their obligations hereunder.

ARTICLE V

Representation; Transfer of Rights and Obligations

Section 5.01. The Federal Secretary of Finance of the Recipient shall be the representative of the Recipient for the purposes of Section 11.03 of the General Conditions.
Section 5.02. The following addresses are specified for the purposes of Section 11.01 of the General Conditions:

For the Recipient:

Saveznui Sekretarijat za Finansije
Bulevar Lenjina 2
11070 Beograd
Yugoslavia

Cable address: SAVEZNI
Telex: 11448 SIV

Sekretarijat za Finansije
Beograd

For the Administrator:

International Bank for Reconstruction and Development
1818 H Street, N.W.
Washington, D.C. 20433
United States of America

Cable address: INTBAFRAD
Telex: 197688 (TRT),
248423 (RCA),
64145 (WUI) or
82987 (FTCC)

Washington, D.C.
IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized representatives, have caused this Agreement to be signed in their respective names in the District of Columbia, United States of America, as of the day and year first above written.

SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

By ____________________________
Authorized Representative

INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT
as Administrator of the Grant

By ____________________________
Authorized Representative
SCHEDULE 1

Withdrawal of the Proceeds of the Grant

1. The table below sets forth the Categories of items to be financed out of the proceeds of the Grant, the allocation of the amount of the Grant to each Category and the percentage of expenditures for items so to be financed in each Category:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount of the Loan Allocated (Expressed in Dollar Equivalent)</th>
<th>% of Expenditures to be Financed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management plan for Cres-Losinj Archipelago</td>
<td>175,000</td>
<td>100%</td>
</tr>
</tbody>
</table>

2. Notwithstanding the provisions of paragraph 1 above, no withdrawals shall be made in respect of payments made for expenditures prior to the date of this Agreement, or for services not eligible under this Agreement.
SCHEDULE 2

Description of Technical Assistance

Provision of technical assistance to prepare a management plan for the Cres-Losinj Archipelago which shall examine the technical, institutional, environmental, social and economic aspects of the Cres-Losinj Archipelago and shall have three main goals: (i) conservation and management of the area's ecosystems and habitats and plant populations and communities; (ii) conservation and management of the area's natural, historical and cultural resources in a sustainable, multi-goal context; and (iii) evaluation of related development schemes from the perspective of conservation and sustainable development.
SCHEDULE 3

Implementation Program

The Technical Assistance shall be carried out in accordance with the Implementation Program set forth below, subject to such modifications thereof as the Recipient and the Administrator may agree upon from time to time.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission to the Bank of the initial report</td>
<td>June 30, 1992</td>
</tr>
<tr>
<td>Submission to the Bank of the final report</td>
<td>December 31, 1992</td>
</tr>
</tbody>
</table>
SCHEDULE 4

Consultants' Services

Employment of Consultants

In order to assist in carrying out the Technical Assistance, the Recipient shall employ consultants whose qualifications, experience and terms and conditions of employment shall be satisfactory to the Bank. Such consultants shall be selected in accordance with principles and procedures satisfactory to the Bank on the basis of the "Guidelines for the Use of Consultants by World Bank Borrowers and by The World Bank as Executing Agency" published by the Bank in August 1981.
Tab. 3
PROTOCOL

The Federal Executive Council of the Federal Republic of Yugoslavia and the Government of Romania (hereinafter referred to as “Contracting Parties”), taking into account the traditionally friendly relations between the two countries and the interest to continue the facilitation of mutually beneficial economic, scientific and technical cooperation, to achieve a stable and balanced trade in goods and services in 1992 that will be commensurate with the real potentials of their national economies, and complying with the General Agreement on Tariffs and Trade (GATT) in respect to trade in goods, have agreed as follows:

Article 1

Trade in goods and in services between enterprises and other legal entities from the Socialist Federal Republic of Yugoslavia and the economic agents from Romania, shall be carried out on the basis of the List of goods and services exported from the Socialist Federal Republic of Yugoslavia to Romania in 1992 and the List of goods and services imported from Romania to the Socialist Federal Republic of Yugoslavia in 1992 (hereinafter referred to as “Export Lists”), contained in the Annex to this Protocol forming an integral part thereof.

Article 2

“Export Lists” referred to in Article 1 of this Protocol are indicative by their nature.

Enterprises and other legal entities from the Socialist Federal Republic of Yugoslavia and economic agents from Romania shall conclude, within the “Export Lists”, contracts concerning their mutual trade.

The subject of mutual trade may be goods and services above the quantities and amounts indicated in the “Export Lists”, as well as the goods and services not included in the Lists. The Contracting Parties shall support, within their respective national legislation in force, the implementation of such trade deals.

Article 3

The basis for fixing the prices of goods and services to be exchanged under this Protocol by enterprises and other legal entities from the Socialist Federal Republic of Yugoslavia and by economic agents from Romania, shall be the prices of goods and services of comparable technical properties and quality on major world markets.

Article 4

All payments pertaining to the export and import of goods and services under this Protocol shall be made according to the existing Protocol on the elimination of clearinghouse payments
between the Socialist Federal Republic of Yugoslavia and the Socialist Republic of Romania and on the introduction of convertible currency payments which was signed in December 1974.

Article 5

Enterprises and other legal entities from the Socialist Federal Republic of Yugoslavia and economic agents from Romania shall have the right to re-export goods upon previously obtained approval of the competent authorities from the country of origin.

Article 6

This Protocol shall be subject to ratification according to the national legislation of the two countries. It shall enter into force on the date of the exchange of written notifications that the ratification procedure has been completed under the national legislation of each Party, and it shall be provisionally implemented from 1 January 1992.

This Protocol shall be valid until 31 December 1992.

Done at Bucharest on this 27th day of November 1991 in duplicate in the Serbian and Romanian languages, both texts being equally authentic.

For the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia

For the Government of Romania

Djordje Hadzi-Mihajlovic

/signed/

Cornel Grigorut

/signed/
** PROTOKOL**

izmedju Saveznog izvršnog veća Skupštine
Socijalističke Federativne Republike Jugoslavije i
Vlade Rumunije o razmeni robe i usluga u 1992. godini

Savezno izvršno veće Skupštine Socijalističke Federativne
Republike Jugoslavije i Vlada Rumunije (u daljem tekstu: Strane
ugovornice), imajući u vidu tradicionalne prijateljske odnose dveju zemalja,
and interes da se i dalje pospešuje uzajamno korisna ekonomski i
naučno-tehnička saradnja, ostvarenje stabilne i uravnotežene razmene robe
i usluga u 1992. godini, koja bi odgovarala stvarnim mogućnostima
nacionalnih privreda, a rukovodci se u isporukama roba odredbama Upsteg
sporazuma o carinama i trgovini (GATT), dogovorile su sledeće:

Član 1.

Ispruka robe i usluga izmedju preduzeća i drugih pravnih
lica iz Socijalističke Federativne Republike Jugoslavije i privrednih
subjekata iz Rumunije, odvijaće se na osnovu Liste izvoza robe i usluga iz
Socijalističke Federativne Republike Jugoslavije u Rumuniju u 1992. godini i
Liste izvoza robe i usluga iz Rumunije u Socijalističku Federativnu
Republiku Jugoslaviju u 1992. godini (u daljem tekstu: "Liste izvoza"),
koje su date u prilogu ovog Protokola i čine njegov sastavni deo.

Član 2.

"Liste izvoza" navedene u članu 1 ovog Protokola imaju
indikativen karakter.

Predujeća i druga pravna lica iz Socijalističke Federativne
Republike Jugoslavije i privredni subjekti iz Rumunije će u okviru "Lista
izvoza" zaključivati ugovore o medjusobnim isporukama.
Predmet medjusobnih isporuka mogu biti robe i usluge iznad količina i vrednosti navedenih u "Listama izvoza", kao i robe i usluge koje nisu obuhvaćene listama. Strane ugovornice u okviru važećih nacionalnih propisa pružače podršku realizaciji ovih isporuka.

Član 3.

Osnovu za utvrđivanje cena robe i usluga, koje će u smislu ovog Protokola isporučivati preduzeća i druga pravna lica iz Socijalističke Federativne Republike Jugoslavije i privredni subjekti iz Rumunije, predstavljaju cene tehnički i kvalitetno uporedive robe odnosno usluga na glavnim svetskim tržištima.

Član 4.

Sva plaćanja koja se odnose na izvoz i uvoz robe i usluga u okviru ovog Protokola vršiće se u skladu sa važećim "Protokolom o likvidaciji kliničkog načina obračuna između Socijalističke Federativne Republike Jugoslavije i Socijalističke Republike Rumunije i o prelasku na plaćanje u konvertibilnim valutama" potписанim decembra 1974. godine.

Član 5.

Preduzeća i druga pravna lica iz Socijalističke Federativne Republike Jugoslavije i privredni subjekti iz Rumunije mogu vršiti reexport robe uz prethodnu saglasnost nadležnog organa iz zemlje porekla robe.

Član 6.

Ovaj Protokol podleže odobrenju, saglasno nacionalnim zakonodavstvima dve zemlje. Stupa na snagu danom razmene pismenog obaveštenja o izvršenom postupku odobravanja saglasno nacionalnim zakonodavstvima svake zemlje, a primenjivaće se privremeno od 1. januara 1992. godine.


ZA
SAVEZNO IZVRŠNO VEĆE
SKUŠTINE SOCIJALISTIČKE
FEDERATIVNE REPUBLike
JUGOSLAVIje

Ljuboje Hadži-Mihajlović

ZA
VLADU RUMUNIJE

Cornel Grigoreț
ANNEX 24

Exchange of Ambassadors,
late 1991 – early 1992

Tab. 1: Letter from Mr. Mikhail Gorbachev, President of the USSR to the Presidency of the SFRY, dated 5 November 1991
Tab. 2: Letter from Mr. Soeharto, President of Indonesia, to the Presidency of the SFRY dated 15 January 1992
Tab. 3: Letter from Mr. Bamako, President of Mali to the Presidency of the SFRY dated 18 January 1992
Tab. 4: Letter from Mr. Ishaq Khan, President of the Islamic Republic of Pakistan to the Presidency of the SFRY dated 30 January 1992
Tab. 1
P R E S I D E N T  
O F T H E U N I O N O F S O V I E T S O C I A L I S T R E P U B L I C S  
M. S. G O R B A C H E V  

T O T H E P R E S I D E N C Y O F T H E S O C I A L I S T F E D E R A L R E P U B L I C O F  
Y U G O S L A V I A  

Following the policy of strengthening cooperation between the nations and wishing to contribute to the development of friendly relations between the Union of Soviet Socialist Republics and the Socialist Federal Republic of Yugoslavia, I have decided to appoint citizen Genadij Serafinovich SHIKIN as my extraordinary and plenipotentiary ambassador with the PRESIDENCY of the SFRY.

By accrediting citizen Genadij Serafinovich SHIKIN with this letter, I ask that you accept him with goodwill and trust everything that he would have honour to convey to YOU in my name and in the name of the Government of the Union of Soviet Socialist Republics.

/signature/

/signature/  
Confirmed by the Minister of Foreign Affairs of the USSR

Moscow, Kremlin  
5 November 1991
Следуя политике укрепления сотрудничества между народами и желая способствовать развитию дружественных отношений между Союзом Советских Социалистических Республик и Социалистической Федеративной Республикой Югославией, я решил назначить при ПРЕЗИДИУМЕ СФРЮ гражданина Геннадия Серафимовича ШИКИНА в качестве своего Чрезвычайного и Полномочного Посла.
Аккредитуй гражданина Геннадия Серафимовича ШИКИНА настоящей грамотой, прошу принять его с благосклонностью и верить всему тому, что он будет иметь честь излагать ВАМ от моего имени и от имени Правительства Союза Советских Социалистических Республик.

[Signature]

Скрепил
Министр Иностранных Дел СССР

Москва, Кремль
«5» ноября 1991 года
Tab. 2
Soharto
President of the Republic of Indonesia

The Presidency of the
Socialist Federal Republic of Yugoslavia.

Great and Good Friend,

I have made choice of Mr. SANDJOTO PAMUNKGAS, a distinguished citizen of the Republic of Indonesia, to reside near the Government of the Socialist Federal Republic of Yugoslavia in his capacity as Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to the Socialist Federal Republic of Yugoslavia.

He is well aware of the respective interests of our two countries and of the sincere desire of my Government to strengthen further the friendly relations now happily existing between the Republic of Indonesia and the Socialist Federal Republic of Yugoslavia.

My knowledge of his high character and ability gives me the assurance that he will constantly endeavour to promote the interests and prosperity of both Governments and in that way render himself acceptable to the Presidency of the Socialist Federal Republic of Yugoslavia.

I therefore request the Presidency of the Socialist Federal Republic of Yugoslavia to receive him favourably and to give full credence to what he shall have to say as Representative of the Republic of Indonesia.

I have charged him to convey to the Presidency of the Socialist Federal Republic of Yugoslavia my best wishes for the well-being of the Presidency of the Socialist Federal Republic of Yugoslavia and for the prosperity of the people of the Socialist Federal Republic of Yugoslavia.

May God bestow upon the Presidency of the Socialist Federal Republic of Yugoslavia His Blessing and Benevolent Guidance.

Your Good Friend,
signed: SOEHARTO.

By the President:
signed: ALI ALATAS,
Minister for Foreign Affairs.

Suharto
Presiden Republik Indonesia

Dewan Kepresidenan
Republik Federal Sosialis Yugoslavia.

Sahabat Karib Yang Mulia,


Beliau sangat memahami kepentingan-kepentingan kedua Negara dan keinginan tulus Pemerintah kami untuk lebih mempererat hubungan persahabatan antara Republik Indonesia dan Republik Federal Sosialis Yugoslavia yang telah terjalin dengan baik.

Sifat-sifat beliau yang terpuji serta kecakapan beliau merupakan jaminan bagi kami bahwa beliau senantiasa akan berusaha untuk memajukan kepentingan-kepentingan kedua Pemerintah dan kesejahteraan kedua bangsa, dengan demikian kami yakin beliau akan dapat diterima baik oleh Dewan Kepresidenan Republik Federal Sosialis Yugoslavia.

Oleh karena itu kami mohon sudilah kiranya Dewan Kepresidenan Republik Federal Sosialis Yugoslavia menerima beliau dan memperkuat kepercayaan penuh terhadap segala apa yang akan beliau kemukakan sebagaiman Wakil Republik Indonesia.


Semoga Tuhan Yang Maha Esa memberkati, memimpin, dan bimbingan Nya kepada Dewan Kepresidenan Republik Federal Sosialis Yugoslavia.

Salam Hormat,

[Signature]

Menyaksikan:
Menlu Luar Negeri,

[Signature]

(ALI ALATAS, S.H.)

Tab. 3
LE PRESIDENT DU COMITE DE TRANSITION POUR
LE SALUT DU PEUPLE, CHEF DE L'ETAT DU MALI
BAMAKO

//-1 SON EXCELLENCE MONSIEUR BRANKO KOSTIC,
PRESIDENT DE LA REPUBLIQUE SOCIALISTE FEDERATIVE DE YOUGOSLAVIE
BELGRADE

EXCELLENCE,

Désireux d'entretenir et de renforcer davantage les cordiales
relations qui existent entre nos deux pays, j'ai décidé d'accréditer
auprès de Votre Excellence en qualité d'Ambassadeur Extraordinaire et
Plénipotentiaire de la République du Mali Monsieur Sinaly COULIBALY.

.../...
Les qualités qui le distinguent Me sont garantes du soin qu'il mettra à s'acquitter de la Haute Mission qui lui est confiée, de façon à obtenir Votre confiance et à mériter ainsi Mon approbation.

C'est dans cette conviction que je vous prie, Monsieur le Président de l'accueillir avec Votre bienveillance accoutumée et d'ajouter foi et créance entière à tout ce qu'il vous dira de Ma part, et surtout lorsqu'il exprimera à votre Excellence, les assurances de Ma haute estime et de ma constante amitié.

Fait à Bamako, le 1er JAN 1992

Lieutenant-Colonel Amadou Toumani TOURE.
LE PRÉSIDENT DU COMITÉ DE TRANSITION POUR
LE SALUT DU PEUPLE, CHEF DE L'ETAT DU MALI

BAMAKO

//-) SON EXCELLENCE MONSIEUR BRANKO KOSTIC,
PRESIDENT DE LA REPUBLIQUE SOCIALISTE FEDERATIVE
DE YOUGOSLAVIE

BELGRADE

Excellence,

Avant de prendre de nouvelles fonctions à Monsieur M'l'Général
TRAPES, j'ai décidé de mettre fin à la haute mission qu'il remplissait auprès
de votre Excellence, en qualité d'Ambassadeur Extraordinaire et Plénipotentiaire de
la République du Mali.
Toutefois, je demeure convaincu que Monsieur N'Tji Laïco TRAORE a contribué davantage au développement et au resserrement des liens d'amitié et de coopération fraternelle existant entre la République du Mali et la République Socialiste Fédérative de Yougoslavie.

En vous demandant de considérer avec la plus haute bienveillance ces documents de rappel, je vous prie d'agréer, Monsieur le Président, les assurances de ma haute considération.

Fait à Bamako, le 18 jan. 1982

LIEUTENANT-COLONEL AMADOU TOUMA NI TOURE
Tab. 4
To all and Singular to whom these Presents shall come, Greetings! Whereas

It appears to be expedient to nominate some person of approved wisdom, loyalty, diligence and circumspection to represent me in the character of my Ambassador Extraordinary and Plenipotentiary at Belgrade. The special object of representing the interests of Pakistan; now know all that I, reposing full trust and confidence in the discretion and faithfulness of Admiral (Retd) Tariq Khan Khan have, by these presents, nominated,constituted and appointed him, the said Admiral (Retd) Tariq Khan Khan to be the Ambassador Extraordinary and Plenipotentiary of Belgrade for the purpose aforementioned. Giving and granting to him in that character all power and authority to go and perform all proper acts, matters and things which may be desirable or necessary for the promotion of friendly relations, good understanding and harmonious intercourse between Pakistan and the Socialist Federal Republic of Yugoslavia and for the protection and furtherance of the interests entrusted to his care; By the diligent and discreet accomplishment of which acts, matters and things aforementioned, he shall gain my high confidence.

And I therefore request all those whom it may concern to receive and acknowledge Admiral (Retd) Tariq Khan Khan as such Ambassador Extraordinary and Plenipotentiary as aforesaid and freely to communicate with him upon all matters which may appertain to the objects of the high mission whereof he is hereby appointed.

Given at the Aiwan-e-Sadr, Islamabad, this Thirtieth day of January in the year One Thousand Nine Hundred and Ninety Two
GHULAM ISHAQ KHAN
President of the Islamic Republic of Pakistan

To The Presidency
of the Socialist Federal
Republic of Yugoslavia.

GREAT AND GOOD FRIEND,

Mr. S.K. Dehlavi who has for some time been the Ambassador Extraordinary and Plenipotentiary of Pakistan, having been recalled, and being unable to present his letter of recall in person, I have entrusted to his successor the duty of placing it before the Presidency of the Socialist Federal Republic of Yugoslavia.

I am confident that Mr. S.K. Dehlavi during his mission, devoted all his efforts to the promotion of understanding and goodwill and to the strengthening of friendly relations existing between our two countries, and I entertain the hope that while fulfilling satisfactorily the trust reposed in him he succeeded in gaining the Presidency's esteem and goodwill.

Given
Given at the Aiwan-e-Sadr, Islamabad, this Thirtieth day of January in the year One Thousand Nine Hundred and Ninety Two.

Your Good Friend,
GHULAM ISHAQ KHAN
President of the Islamic Republic of Pakistan

To The Presidency
of the Socialist Federal
Republic of Yugoslavia.

GREAT AND GOOD FRIEND,

Being desirous of maintaining and strengthening
the cordial relations which so happily exist between our
two countries, I have made choice of Admiral (Retd)
Tariq Kamal Khan to be Ambassador Extraordinary and
Plenipotentiary to the Socialist Federal Republic of
Yugoslavia.

The qualities which distinguish Admiral (Retd)
Tariq Kamal Khan assure me that the selection I have
made will be perfectly agreeable to the Presidency and
that he will discharge the duties of his mission in
such a manner as to merit the Presidency’s approbation
and esteem, and to prove himself worthy of this new
mark of my confidence.

In this conviction I request the Presidency
to receive him favourably and to give entire credence
to all that he may communicate to the Presidency on my
behalf especially when he shall express to the
Presidency the assurances of my high esteem and my
sincere friendship.

Given
Given at the Aiwan-e-Sadr, Islamabad, this
Thirtieth day of January in the year One
Thousand Nine Hundred and Ninety Two.

Your Good Friend,
ANNEX 25

Minute of the 127th Meeting of Members of the Presidency of the Socialist Federal Republic of Yugoslavia held on 18 July 1991
MINUTE
of the 127th Meeting of Members of the Presidency of the
Socialist Federal Republic of Yugoslavia, held on 18 July 1991
MINUTE
of the 127th Meeting of the Presidency of the
Socialist Federal Republic of Yugoslavia, held on 18 July 1991

The meeting was chaired by the President of the SFRY Presidency, Mr. Stjepan Mesic. The meeting was attended by the Vice President of the SFRY Presidency, Dr. Branko Kostic, and the Members of the SFRY Presidency, Mr. Yugoslav Kostic, Mr. Sejdo Bajramovic, Mr. Bogic Bogicevic, MA, Dr. Vasil Tupurkovski, Dr. Janez Drnovsek and Dr. Borisav Jovic.

The meeting was also attended, by invitation, by the President of the Federal Executive Council, Mr. Ante Markovic; the Vice President of the SFRY Assembly, Mr. Irfan Ajanovic; the Federal Secretary for Internal Affairs, Mr. Petar Gracanin; the Federal Secretary for National Defence, Army General Veljko Kadijevic; Deputy Federal Secretary for National Defence, Admiral Stane Brovet; and by the Deputy Federal Secretary for Foreign Affairs, Mr. Milivoje Maksic.

[...]

Agenda items 1 and 2

The SFRY Presidency reviewed the implementation of its decisions of 12 July 1991 concerning the situation in the Republic of Slovenia, as well as the positions contained in the Brioni document. Under this agenda item, the SFRY Presidency was also informed about the letter of the Assembly of the Republic of Slovenia sent to the SFRY Assembly and Assemblies of the Republics regarding the recognition of that Republic as a sovereign and independent State. Member of the SFRY Presidency Dr. Vasil Tupurkovski made an introductory statement informing the SFRY Presidency on the work done by the Commission for reviewing the implementation of the conclusions of the SFRY Presidency, made on 12 July 1991.

The SFRY Presidency noted that the said Decision of the SFRY Presidency had not been implemented with regard to its key aspects, because there was no political will to translate it fully into action.

Bearing in mind the resolve not to use force to ensure normal conditions of life and work for JNA soldiers stationed in the Republic of Slovenia, the SFRY Presidency, at the recommendation of the Federal Secretariat for National Defence, in accordance with Article 313, paragraph 3, and Article 316, paragraph 2, of the SFRY Constitution, adopted the Decision to dislocate JNA units and institutions from this Republic and move them to other regions of the country within a period of three months. President of the SFRY Presidency
Stjepan Mesic voted against the Decision, while Member of the SFRY Presidency Bogic Bogicevic, MA, abstained in the vote.

The SFRY Presidency further adopted unanimously a message addressed to the public on the peaceful and democratic resolution of the crisis in Yugoslavia.
PREDSEDNIŠTVO
SOCIJALISTIČKE FEDERATIVNE REPUBLIKE JUGOSLAVIJE

Zp. br. 127.

STROGO POVERLJIVO

ZAPISNIK

za 127. sednica članova Predsedništva Socijalističke Federativne Republike Jugoslavije, održane 19. jula 1991. godine

Beograd
PREDSEDNIŠTVO
SOCIJALISTIČKE FEDERATIVNE
REPUBLIKE JUGOSLAVIJE
Zp. br. 127.
18. juli 1991. godine
Beograd

ZAPISNIK
za 127. sednica Predsedništva Socijalističke Federativne
Republike Jugoslavije, održane 18. jula 1991. godine

Sednici je predsedavao predsednik Predsedništva SFRJ
Stjepan Mesić.

Sednici su prisustvovali potpredsednik Predsedništva
SFRJ dr. Branko Kostić i članovi Predsedništva SFRJ Jugoslav
Kostić, Sejdju Bajramović, mr. Bogić Bogićević, dr. Vasil

Po pozivu, sednici su prisustvovali predsednik
Saveznoj izvršnoj vezi Ante Marković, potpredsednik Skupštine
SFRJ Išan Ajanović, savezni sekretar za unutrašnje poslove
Pater Gračanin, savezni sekretar za narodnu odbranu general
armije Veljko Kadijević, zamjenik saveznom sekretara za narodnu
odbranu admiral Stane Brvet i zamjenik saveznog sekretara za
istostrane poslove Milivoje Maksić.

Na sednici je utvrđen sledeći

Dnevnirad:

1. Realizacija odluke Predsedništva SFRJ od 12. jula
1991. godine

2. Pismo Skupštine Republike Slovenije od 10. jula
1991. godine upućeno Skupštini SFRJ i skupštinama
republika

153


5. Izbor članova Predsedništva SFRJ u radna tele Predsedništva SFRJ.

6. Tekuće pitanje (razlogi):
   a) Dogovor o narednoj sednici Predsedništva SFRJ uz učešće predsednika republika, predsednika predsedništava republika i najviših funkcionera federacije.
   b) Pismo Skupštine SFRJ.
   c) Pismo predsednika Saveznog veća Skupštine SFRJ.

Tacka 1. i 2.


Predsedništvo SFRJ je konstatovalo da se navedena Odluka Predsedništva SFRJ u njenim ključnim tačkama ne sprovodi da ne postoji politička volja da se ona realizuje u potpunosti.

Polazeći od rešenosti da bez potrebe sile obezbedi normalne uslove za život i rad pripadnika JNA stacioniranih u Republici Sloveniji, Predsedništvo SFRJ je, na predlog Saveznog sekretarijata za narodnu odbranu, a na osnovu člana 313. stav 3. i člana 316. stav 2. Ustava SFRJ, donelo Odluku o dislociranju jedinica i ustanova JNA iz ove Republike u druge.

Predsedništvo SFRJ je, takođe, usvojilo jednoglasno poruku javnosti o mirnom i demokratskom rešavanju krize u Jugosloviji.

Tačka 3.

Predsedništvo SFRJ je, zbog nedostatka pisanih informacija i analiza, odložilo za jednu od narudžbi sednica razmatranje aktualne političko-bezbednosne situacije u Republici Hrvatskoj i, s tim u vezi, ostvarivanje svojih zaključaka od 9. maja 1991. godine. Tim povodom, zaključeno je da se ponovo zatraži od nadležnih saveznih organa i Republike Hrvatske da dostave Predsedništvu SFRJ odgovarajuće materijale kako bi se ova problematika celovito razmotrila i preduzele adekvatne mere i aktivnosti.

Tačka 4.

Predsedništvo SFRJ je, u načelu, prihvatilo Plan međunarodnih poseta na nivou Predsedništva SFRJ, sa izjavnim i dopunama koje je na sednici iznecu savezni sekretar za inostrane poslove Budimir Lončar.

Tačka 5.

Predsedništvo SFRJ je, na predlog Komisije za organizaciona pitanja, izabralo u radna tela članove Predsedništva SFRJ, i to:
- u Komisiju za pitanja rukovođenja i komandovanja oružanim snagama člana Predsedništva SFRJ mr Bogića Bogićevića;
- za predsednika Komisije za organizaciona pitanja člana Predsedništva SFRJ Jugoslava Kostića i za člana Komisije člana Predsedništva SFRJ Sejdu Bajramovića;
- za predsednika Komisije za predstavke i žalbe člana Predsedništva SFRJ Sejdu Bajramovića;
1.

za predsednika Komisije za odklikovanja potpredsednika Predsedništva SFRJ dr Branka Kostića.

Istovremeno, Predsedništvo SFRJ je zaključilo da prestane sa radom Koordinaciona grupa za praćenje odnosa SFRJ-NSR Albanijska, kao i Radna grupa Predsedništva SFRJ za pitanja izmene propisa o upotrebi imena i lika Josipa Broza Tita.

Tako je razm.

a) Predsedništvo SFRJ je dogovorilo da se naredna sednica Predsedništva SFRJ, uz učešće predsednika republike i predsedništava republike, kao i najviših funkcionera federacije, održi 22. jula 1971. godine u Ohridu, sa sljedećim dnevnim redom:

1) Dogovor i garantija za uspostavljanje mire u zemlji
2) Predlog mera za funkcionisanje sistema u zemlji za vreme tromesečnog moratorijuma
3) Dogovor o daljem radu na iznalaženju rešenja za buduće odnose u jugoslovenskoj zajednici

b) Predsedništvo SFRJ se upoznalo sa pismom Skupštine SFRJ u komu se traži da Predsedništvo SFRJ, u skladu sa člancem 316. Ustava SFRJ, obaveštiti Skupštinu SFRJ o aktivnostima koje preduzima za razraženje jugoslovenske krize;

c) Takođe, Predsedništvo SFRJ se upoznalo sa pismom predsednika Zaveznog veza Skupštine SFRJ u komu se traži da Predsedništvo SFRJ obaveštiti Veze o aktivnostima koje je preduzimalo kao najviši organ rukovođenja i komandovanja oružanim snagama SFRJ.

Sednica je trajala od 14 do 22,30 sati.

Stenografske beleške sa sednice čine sastavni deo ovog zapisnika.

GENERALNI SEKRETAR,

Anton Starić

PRESEDNIK,

Stjepan Mesić
ANNEX 26

Letter of Mr. Stjepan Mesić to the SFRY Presidency dated 9 January 1992
[translation from Croatian]

Archives of Serbia and Montenegro
fund no. 803, fas. no. 383, unit of description no. name and surname Igor Olujić

Fax sent: 3871 653 -592 Government of SR BIH A4→A4 14:47 page:1

[illegible] →→→ SARAJEVO 001 (Croatian Coat of arms)

REPUBLIC OF CROATIA
TELEX AND TELEFAX SERVICE
ZAGREB

(stamp)

PRESIDENCY OF THE SFRY
BELGRADE

Received: 09.01.1992
org. unit - No. 26/1 - attachment - value

DATE: 09.01.92

FROM: Mr. Stipe Mesić

FOR: Mr.

ANDJELKO MASLIĆ
Deputy General Secretary
Presidency [illegible]

NUMBER OF PAGES INCLUDING THIS PAGE: 3 (three)

SIGNATURE: (signature illegible)

IF YOU HAVE NOT RECEIVED ALL THE PAGES, PLEASE LET US KNOW IMMEDIATELY:

PHONE: 38-41-43-20-93
FAX: 38-41-27-84-83
38-41-45-15-11

TELEX: 21215 REP. H.
TELEX: 21832 REP. H

MESSAGE

[illegible] forward this to Belgrade. Thank you in advance!

[illegible]
Mr. [illegible] MASLIĆ

deputy secretary-general of the PSFRY [Presidency of the Socialist Federal Republic of Yugoslavia]

In agreement with Mr. Stjepan Mesić, in attachment I send you a letter, and ask you to transmit it to the Personal Service of the Presidency.

[name and signature illegible]

In Zagreb, [illegible] 1992
The Parliament of the Republic of Croatia has withdrawn representatives from the federal organs, and thereby me from the Presidency of the SFRY, because the Republic of Croatia has proclaimed its independence.

Since I will enter employment with another institution as of 1 January 1992, I would be grateful if my employment were terminated as of this date, and my documents (working book etc.) as well as deposited salaries were transmitted to me.

The counselor Jivo Popović may collect the documents and salaries.

I am grateful [illegible]

Stipe Mesić
/signature/

Zagreb,
Stipe Novak
Zagreb

Vospomin
ABELEKO HASLIĆ
zemljišk generalnog
sekretara PSFRAJ

U dogovoru s gospodinom Stjepanom Kesićem, u prilogu
van-dostavljen plakat, s molbom da ga prosljedite Personalnoj
službi Predsjedništva.

V. Karić

U Zagrebu, 15. januara 1992. godine
Seler Republike Hrvatske ponuđa je predstavnika iz federalnih organa, a čine one i Predsjedništvo SHH, jer je Republika Hrvatska pritiskuju svoju samostalnosti.

Svaki de 5.1.1992. god. resimne redni odluč u drugom instanciji, this is not a common odluč sa tim detalji te da ni se dostavio redni dokumenti (redni knjižic i dr.) kao i dopunom redni odluč.

Dokumente i česke dolazak sme poručiti samostalnik Jure Popović.

Zagreb.
ANNEX   27

Excerpt from the Transcript of the 31st session of the Sobranije of the Republic of Macedonia held on 10 January 1992
SOBRANIJE (PARLIAMENT) OF THE REPUBLIC OF MACEDONIA

TRANSCRIPT
of the 31st session of the Sobranije
of the Republic of Macedonia
held on 10 January 1992

Skopje, January 1992
Stojan Andov:

We now move onto agenda item 3 “resignation tendered by the Member of the SFRY Presidency from the Republic of Macedonia, Dr. Vasil Tupurkovski.

Dr. Tupurkovski resigned on 8 January 1992, indicating the reasons for this.

His resignation has been distributed to you.

I now put it for discussion.

Is anyone asking for the floor? (No one)

Having seen that no one has asked for the floor, I conclude the debate on this item.

Concerning the resignation of Dr. Vasil Tupurkovski I note that he has ceased to be the Member of the SFRY Presidency from the Republic of Macedonia.

Distinguished delegates,

Today, the Sobranije of the Republic of Macedonia has carefully considered and acknowledged the reasons and arguments presented by Mr. Tupurkovski in resigning as a member of the SFRY Presidency coming from the Republic of Macedonia.

I take this opportunity to express, on behalf of the Sobranije and all of you, as well as on my own behalf, appreciation to Mr. Tupurkovski and commend all he has done in the performance of his duties as the Member of the SFRY Presidency from the Republic of Macedonia.

Bearing in mind the past political, intellectual and work engagement of Mr. Tupurkovski, based on the ongoing activities for the well-being and full expression of Macedonian statehood and sovereignty, we are deeply convinced that he will remain ready to make his capabilities and potential available to his own Republic and its vital interests.
СОБРАНИЕ НА РЕПУБЛИКА МАКЕДОНИЈА

Нев.бр.

СТРИЈЕТСКИ ВИСИМКИ
од Триест и првата седница на Собранието на Република Македонија одржана на 10 јануари 1992 година

Скопје, јануари 1992 година
Драгошане,

Отворам претрес.

Молам, кој бара збор? (никое).

Више кој никое не бара збор, го заклучувам претресот
и на Собранието му предлагам да го усвои следниот заклучок.

1. Собранието ја усвојува информацијата на прет-
советелот на Република Македонија за меѓународно-политичката
активност на Република Македонија.

2. Собранието му дава целосна поддршка на претес-
советелот на Република Македонија за активностите што ги презема
на меѓународен план за афирмирање и признавање на суверената и
независна македонија.

Молам, кој е за предложениот заклучок? (98 пратеници)
Дали има некој против? (нема).
Дали некој се вондржува на гласање? (4 пратеници).
Констатирам дека Собранието го усвои предложениот заклучок.

Минуваме на тачката 3 - Оставката на членови на
Претсоветството на Социјалистичка Федеративна Република Југо-
славија од Република Македонија др Васил Тупурковски.

др Васил Тупурковски на 8 јануари 1992 година,
преднесе оставката во која се наведени причините поради што ја
поднесува оставката.

Оставката Ви е поднесена.

Отворам претрес.

Молам, кој бара збор? (никое).

Више кој никое не бара збор, го заклучувам претресот.
Со оглед на поднесената оставка констатирам дека на д-р Васил Тупурковски му престануву функцијата член на Претседателството на СОФЗ од Република Македонија.

Прочитувани пратеници.

Несе Собранието на Република Македонија со полно разбиране ги унажи аргументите и причините поради кои господинот Васил Тупурковски поднесе оставка на функцијата член на Претседателството на СОФЗ од Република Македонија.

Да користам овака прилика да од името на Собранието т.с. сите нас и од нас лично име на господинот Тупурковски му изразим благодарност и почит за носената успешна работа во превешто на функцијата член на Претседателството на СОФЗ од Република Македонија.

Незнавајќи ги досегашните позиции, интелектуални и работни ангажмани на господинот Васил Тупурковски вметнели во вкунувите активности на плането општество за целосно изразување на македонската државност и суверенитет, ја забележа овие уверени дака тој и понатаму останува спремен тие свои способности и потенцијали да ги стави на располавање на својата Република и соеизните вкунуви интереси.

(аплауз)

Приминуваме на избор на часини на Владата и министри и именување на заменици на министри.

Претставите на претседателот на Владата на Република Македонија Ви се поделени.

Собранието избира министри со мнозинство гласови од вкунуваат овој на пратеници.

Именувањето на заменици на министри се врши по веста постапка како изборот на министри.
ANNEX 28

Decision of the Federal Secretariat for Foreign Affairs concerning the Retirement of Mr. Budislav Lončar, Federal Secretary for Foreign Affairs
dated 7 February 1992

**DECISION**

1. BUDISLAV LONCAR, Federal Secretary for Foreign Affairs, shall cease to perform his duties due to meeting the legal requirement for retirement on 29 February 1992.

2. Accounts and Budget Department shall pay to the aforementioned person a severance pay in the amount of two final personal incomes or compensation of a personal income before taking up retirement.

3. The severance pay shall be made from the funds for special purposes and shall not be subject to taxes and contributions paid from personal and aggregate incomes.

**Explanation**

BUDISLAV LONCAR shall cease to perform his duties in the Federal Secretariat for Foreign Affairs due to meeting the legal requirement on 29 February 1992, taking into account that the terms and conditions of Article 390 of the Law on the Basic System of Government Administration and on the Federal Executive Council and Federal Agencies and Article 18 of the Law on Amendments to the same law, have been fulfilled.

The aforementioned person is entitled to a severance pay in an amount determined on the basis of the Decision of the Federal Executive Council No. 1142, paragraph 6, on the bases and benchmarks for determining personal incomes of officials and management appointed by the Federal Executive Council ("Official Gazette of the SFRY" No. 79/90) in connection with paragraph 6 of Article 29 of the Law on Payment of Personal Incomes to Delegates of the SFRY Assembly and on the Personal Incomes of Officials.
Proclaimed, Designated or named by the SFRY Assembly ("Official Gazette of the SFRY" No. 72/89).

In view of the foregoing it was decided as stated above.

A complaint may be lodged against this Decision to the Federal Executive Council within 15 (fifteen) days from its receipt through this Department.

LS
SECRETARY
Vladimir Sultanovic (Signed)

cc. above named
   Accounts and Budget Department
   Records
   File
SAVJETNI SEKRETARIJAT
ZA INO STRANE POSLOVE
Uprava za kadrovske poslove
Broj: 28-44/12
07.02.1992. godine

1668

Na osnovu čl. 168, 258. i 390. Zakona o osnovama sistema državne uprave i o Saveznom izvršnom veću i saveznim organima uprave ("Službeni list SFRJ", br. 23/78, čl. 18. Zakona o izmenama i dopunama Zakona o osnovama sistema državne uprave i o SIV-u i saveznim organima uprave ("Službeni list SFRJ", br. 18/85), tačke 6. člana 29. Zakona o naknada ličnih dohodaka delegata u Skupštini SFRJ i o ličnim dohocima funkcionera... ("Sl. list SFRJ", br. 72/89) i ovlaštenja saveznog sekretara za inostrane poslove broj 1590/12 od 30.07.1990. godine, donosim

R E Š E N J E

1. LONČAR BUDISLAVU, saveznom sekretaru za inostrane poslove,

2. Uprava za financije i budžet isplatiti imenovanom odpreminu u višini iznosa dva poslednja lična dohotka, odnosno naknade ličnog dohotka pre odlaska u pensiju.

3. Otpremnina se isplata iz sredstava za posebne namene i ne podleže porezima i doprinosima iz dohotka i ličnih dohodaka.

O b r a z l o ž e n j e


Imenovanom pripada otpremnina u višini utvrđenoj na osnovu Odluke SIV-a broj 1142, tačka 6. o osnovama i merilima za utvrđivanje ličnog dohotka funkcionera i rukovodećih radnika koje postavlja SIV ("Sl. list SFRJ", br. 79/90), a u vezi sa tačkom 6. člana 29. Zakona o naknadama ličnih dohodaka delegata u Skupštini SFRJ i o ličnim dohocima funkcionera koje proglašava, bira ili imenjuje Skupština SFRJ ("Sl. list SFRJ", br. 72/89).

Na osnovu izloženog odlučeno je kao u dispozitivu.

Protiv ovog rešenja može se uložiti prigovor Saveznom izvršnom veću u roku od 15 /petnaest/ dana od dana prijema rešenja, preko ove Uprave.

Dostavljeno:
- Imenovanom,
- Upravi za financije i budžet,
- Evidenciji,
- Arhivi

K R E T A R

Mladenir Sultanović

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ANNEX 29

Borisav Jović, Last Days of the SFRY: Excerpts from a Diary (Poslednji dani SFRY, izvodi iz dnevnika), Belgrade, 1989, pp. 402, 411 & 420
БОРИСАВ ЈОВИЋ
ПОСЛЕДЊИ ДАНИ СФРЈ
изводи из дневника
Borisav Jović:

Last Days of the SFRY, Excerpts from Diary

p. 402

25 October 1991

I will note down another observation from the final and not so short period of our drama, on the lingering mistrust and nearly a conflict between Slobodan Milosevic and the military, General Kadijevic, in the first place. Their conflict and mistrust is less visible at the meetings attended by all of us (the six of us) and much more when one of them is together with me.

Generally speaking, at this time, Kadijevic is in a very bad mood because Serbia is not giving sufficient number of reservists for the war and because Slobodan and myself have done more (politically) to stem desertion. He made an effort at each meeting to point out how war could be easily won if we (Slobodan and I) wanted it! This is actually an accusation against us.

Slobodan - and I mainly agree with him - seriously objects to the army for bringing us to this situation by constantly delaying action. I even tendered in my resignation to make room for its action, but the army backed down again. It is now difficult to “appease” it for ever, while it fails to deliver.

p. 411

AN APPEAL TO CHINA TO PREVENT AN OIL EMBARGO
Beijing, 23 November 1991

I had a conversation with Chinese Prime Minister Li Peng.

One-day working visit to China took place at our request, for the purpose of averting the imposition of an oil embargo by the UN Security Council, as proposed by EC countries.

The very fact that China promptly responded to our initiative regarding the visit speaks volumes of its will towards our country and its desire to help in a constructive way, as much as possible, to address our situation.

p. 420

IN THE LEAD-UP TO THE RECOGNITION OF SLOVENIA AND CROATIA, MILITARY TACTICS TOWARDS BOSNIA AND HERZEGOVINA
5 December 1991

I had a conversation with Slobodan Milosevic.
We agreed that the situation was very likely to lead up to an early recognition of Croatia and Slovenia by the European Community and to calls already made on all republics to become independent of Yugoslavia. We assessed that the recognitions of Bosnia and Herzegovina and Macedonia would soon follow, so we looked at our position in those circumstances.

The situation with Macedonia is fairly simple. There was no risk of international conflict there. Serbs were not in danger. Should Macedonia wish to break away, we should agree with it on the terms of withdrawal of the military and division of military assets.
или ће он дати подршку захтеву народа да Црногорци напусте фронт!
Није ово ништа друго него издаја.

***

Пре неколико дана, по повратку из Хаге, одржали смо састанак шесторице код Слободана Милошевића. Ту је био и Момир Будатовић. Нисмо га нападали. Покушавали смо да „зажмуримо”, да не видимо ништа. Али нисмо могли са различитим становиштама да нађемо исти језик. Негде пред крај сусрета, рекао сам да нам је узгалд да настањамо радак ако Момир не промени став. Његов је одговор био да није проблем у Момиру, него у нама. „Они неће да ратују за нас”, „Проном Гором они управљају, а не ми”, итд. Нема више ни толеранције, а камоли поверена.

После састанка позвао сам Слободана кући и рекао му да састанци овакве врсте немају више смисла ако Момир остане на своме.

Забележићу и запажање из последњег, не тако кратког периода наше драме, о латентном неповерености и скоро сукобу између Слободана Милошевића и војске, пре свега, генерала Кадијевића. Њихов се сукоб и неповерење мање осећа на састанцима где смо си (шесторица), а знатно више када је један од њих сам — са мном.
Генерално гледано, у овом тренутку Кадијевић је веома нерасположен што Србија не дaje довољно резервиста за рат и што Слободан и ја не учинимо више (политички) против дезертерства. Покушава на сваком састанку да истиче како рат можемо лако добити само ако ми (и Слободан) хоћемо! Тиме нас фактички оптужује.
Слободан, а и ја се углавном с тим слажем, има озбиљну замерку војсци што нас је довела у овакву ситуацију, стално одлажући акцију. Чак сам био поднео оставку да јој тамо празан простор за акцију, а она је и то пропустила. Тешко је сада да јој стално „удовољавамо” а да она ништа не уради.
Слободан мало зазире од Вељка, који се много трпе у политичка питања, а војна не решава. Зато сваку Вељкову иницијативу, која има политички карактер, игнорише и каже ми: Нека он гледа своја посла. Нека ради оно зашта је задужен.
На последњем састанку шесторице код Слободана (можда ће заувек бити последњи) директно су нас Кадијевић и Адић оптужили да Срби у Хрватској остављамо на цедицу. Слободан им одговора да смо их помагали и капом и шаком и то ћемо чинити до краја. Адић, који је иступао слипно Кадијевићу, каже да, ако не дамо још резервиста, њему ништа друго не остаје него да узме пушку и да иде с њима да се лично бори.
Дана ши се Вељко јавио да ме обавести о свом разговору с представницима Западне Славоније. Пазите добро шта ми је рекао. Као, они су њему рекли:

Операціја је успела. Савет безбедности почео је разговоре о идеји упућивања „плових шлемова” у Крајину и Хрватску, мада се избегава помињање нашег захтева. Нашли су и они „соломонско” решење. Формално су то „тражили” В. Британија и Француска. Да се „Власи не сете”. Не желе да помињу наше „крње” Председништво.

АПЕЛ КИНИ ДА СПРЕЧИ ЕМБАРГО НА УВОЗ НАФТЕ

23. новембар 1991. Пекини

Разговор с председником владе НР Кине Ли Пенгом.

Једнодневна радна посета Кини уследила је на наш захтев у функциji спречавања да се у Савету безбедности ОНУ изгласа ембарго на увоз нафте, што су предложиле земље ЕЗ.

Сама чињеница да је Кина, такорећи, одмах реаговала на нашу иницијативу за посету већ довољно говори о њеном располагању према нашој земљи и о њеној жељи да конструтивно помогне, колико може, решавању наше ситуације.

Саговорници су били председник Државног савета Ли Пенг и његов први заменик Бу Ћуи Тијен који се бави, главном, међународним питањима. Тај напред потврда њихове оријентације и спремност да се упуштају у нашу ситуацију, да разговарају са нами и да заједнички тражимо решења.

Тамо сам боравио свега један дан. Имао сам разговоре са потпредседником два-сата пре подне, онда са председником један сат и опет после подне са потпредседником за време вечере, која је била интимног карактера, још преко два сата разговора на исту тему. Дакле, имали смо пет сати разговора. Нама је дата могућnost да им дамо комплетну, аутентичну информаcију о ситуацији у нашој земљи, али исто тако да изнесемо јасно и одређено наша очекивања од Кине у тoj ситуацији.

Они су изразили и велико пријатељство према нашем земљи, али и велику забринутост због стана у Југославији и јасан интерес да се сукоби што пре окончају, да се рат оконча и да се нађе мирно решење проблема.

Саговорници су истицили став да југословенска криза треба да се решава унутар саме Југославије, без спољних притисака и мешања. То је њихово принципијално и недвосмислено гледање. Они могу да разумеју забринутост међународне заједнице и разумеју напор да нам се помогне, али имају чврст став да су Европа и међународна заједница дужна да нам помогну у смиривању сукоба и решавању проблема, а не смеју се дозволити никакви спољни притисци нити наметање решења. У том погледу, они сматрају да се Повеља УН и други
беђена принципијелна подршка најзначајнијих несврстаних и земаља у развоју решавању југословенске кризе на мирољубив начин без страних притисака и уцене, бар у овој фази развоја југословенске кризе.

ПРЕД ПРИЗНАВАЊЕ СЛОВЕНИЈЕ И ХРВАТСКЕ.
ВОЈНА ТАКТИКА ПРЕМА БОСНИ И ХЕРЦЕГОВИНИ

5. децембар 1991.

Разговор са Слободаном Милошевићем.

Оценимо ситуацију пред, врло вероватно, скоро призовање Хрватске и Словеније од стране Европске заједнице и већ учвршеног позива свим републикама да се осамостале од Југославије. Процењујемо да ће ускоро следити признавање Босне и Херцеговине и Македоније, па оценимо и нашу позицију у тим околностима.

С Македонијом је ствар једнноставна. Тамо не прете међународни сукоби. Срби нису угрожени. Ако Македонија жели да се отцепи, треба се с њом договорити о повлачењу војске и подели војне ЈМВИ.

С Босном и Херцеговином ће бити веома тешко. Међународни сукоби су већ почели. Муслимани и Хрвати су напустили ЈНА и формирали парашутне јединице. У ЈНА су остали практично Срби и Црногорци, али из свих српских земаља. Када Босна и Херцеговина буде међународно признатна, ЈНА ће бити проглашена страном војском и захтеваће се њено повлачење, што је немогуће избачи. У тој ситуацији српско становништво у БиХ, које није створило своје парашутне јединице, остаће незаштићено и угрожено.

Слоба сматра да треба благовремено да повучемо из ЈНА у БиХ све грађане Србије и Црне Горе, а да тамо прекомандујемо из ЈНА грађане Босне и Херцеговине, како би у тренутку међународног признања избегли општи војни хаос ћетаћим војске из једног у други крај земље. То ће створити и могућности српском руководству у Босни и Херцеговини и да преузме команду над српским делом ЈНА, исто као што су то већ учинили муслимани и Хрвати.

Зовемо одмах Вељка Кадијевића да се приклачи разговору. Слоба му каже појединствено, да треба да изврше размештај војске: све из БиХ у Босну и Херцеговину и обрнуто, да нам је то стратешки и политички неопходно.

Вељко каже да то није у складу са политиком и праксом ЈНА и да би то било веома тешко прихватљиво за војно руководство, алиће погledati и учиниће што буде могао.
ANNEX 30

Letter of the Ministry of Defence addressed to the Ministry of Foreign Affairs of the Republic of Serbia dated 18 November 2009
Further to the request made by the Legal Team representing the interests of the Republic of Serbia in the case brought by the Republic of Croatia before the International Court of Justice in The Hague concerning the Genocide Convention, please find below summary information about the national/ethnic structure of the JNA.

The documents in possession of the Ministry of Defence reflect the following national or ethnic structure of JNA officer corps, namely the share of Serbian and Croatian officers in the overall JNA officer structure in 1984-1991, as prepared by experts of the MoD:

In 1984: 57.4% Serbs and 11.4% Croats;
In 1985: 57.1% Serbs and 11.5% Croats;
In 1986: 56.55% Serbs and 12.59% Croats;
In 1987: 56.3% Serbs and 11.5% Croats;
In Dec. 1988: 55.9% Serbs and 11.6% Croats;
In Dec. 1989: 55.25% Serbs and 11.51% Croats;
In Dec. 1990: 55.92% Serbs and 11.58% Croats; and
In Dec. 1991: 58.82% Serbs and 6.73% Croats.

The above documents confirm the noticed fact that in this period, the proportion of Serbs in the officer corps (approx. 56%) was higher than the proportion of Serbs in the overall ethnic structure of the population in the former Yugoslavia (approx. 36%), taking into account that the number of Croats and Slovenes who applied for military schools and colleges dropped compared to the candidates belonging to other nationalities. As a result, the percentage share of Croats in the officer corps was less than their percentage share in the total population of the former Yugoslavia.

At the same time, this also shows the declining interest of Croats, Slovenes and ethnic Albanians for the military profession, which resulted in an officer corps not truly corresponding the ethnic structure of the population.

The same conclusion may also be drawn from the below listed table (and other accompanying papers on the subject), again prepared by experts for the described purposes, containing data on admissions to military schools and showing that Croatian, Slovene or ethnic Hungarian applicants were favoured for admission. Namely, in terms of percentages the number of accepted such candidates was much higher than the number of applicants from these nations.
or ethnic groups. The situation with regard to the admission of Serbian, Montenegrin or Macedonian applicants was the reverse.

Summary of the ratio of applicants to successful candidates for admission to military schools 1984-1990

<table>
<thead>
<tr>
<th></th>
<th>1984 Those admitted compared to those who applied in %</th>
<th>1985 Those admitted compared to those who applied in %</th>
<th>1986 Those admitted compared to those who applied in %</th>
<th>1987 Those admitted compared to those who applied in %</th>
<th>1988 Those admitted compared to those who applied in %</th>
<th>1989 Those admitted compared to those who applied in %</th>
<th>1990 Those admitted compared to those who applied in %</th>
<th>Share in the ethnic structure of the SFRY in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serbs</td>
<td>18.51</td>
<td>16.01</td>
<td>22.16</td>
<td>28.33</td>
<td>30.51</td>
<td>29.63</td>
<td>22.18</td>
<td>36.30</td>
</tr>
<tr>
<td>Croats</td>
<td>33.61</td>
<td>23.31</td>
<td>30.87</td>
<td>34.81</td>
<td>35.79</td>
<td>34.16</td>
<td>25.57</td>
<td>19.74</td>
</tr>
<tr>
<td>Ethnic Albanians</td>
<td>18.92</td>
<td>15.7</td>
<td>12.53</td>
<td>17.60</td>
<td>10.49</td>
<td>20.73</td>
<td>5.06</td>
<td>7.72</td>
</tr>
<tr>
<td>Slovenes</td>
<td>47.33</td>
<td>69.19</td>
<td>69.94</td>
<td>65.81</td>
<td>45.45</td>
<td>43.59</td>
<td>45.88</td>
<td>7.82</td>
</tr>
</tbody>
</table>

The contents of the documents possessed by the MoD, which are being provided for the purposes of the Legal Team, further prove the noted fact that the ethnic structure of JNA generals and admirals was more in tune with the ethnic structure of the former Yugoslavia’s population (among the 162 generals and admirals of the JNA as on 1 January 1990, 23 were Croats or 14.2% and 86 Serbs or 53.1%).

MoD records further show that on 1 January 1991, non-Serbian generals and admirals performed the following duties:

1. KADIJEVIC, Dusan VELIKO, Army General, Yugoslav
   Federal Secretary for National Defence from 15 May 1988 to 31 August 1992

2. TUS, Juraj ANTON, Colonel General, Croat
   Commander of the Air Force and Air Defences from 30 August 1985 to 20 September 1991

3. GRUBISIC, Stipe BOZIDAR, Admiral, Croat
   President of the League of Communists organization in the JNA from 13 June 1990 to 4 June 1991

4. SPIROVSKI, Stevan ALEKSANDAR, Colonel General, Macedonian
   Commander of the 1st Military District from 31 August 1989 to 4 October 1991

5. KOLSEK, Konrad KONRAD, Colonel General, Slovene
   Commander of the 5th Military District from 26 April 1989 to 29 June 1991

6. BROVET, Rupert STANE, Admiral, Slovene
   Deputy Federal Secretary for National Defence from 10 December 1988 to 12 March 1992

7. JURJEVIC, Bozo ZVONKO, Colonel General, Croat
   Deputy Chief of Staff for the Air Force and Air Defences from 18 September 1990 to 30 May 1991

8. MORETI, Aleksandar FRIDRIH, Vice Admiral, Yugoslav (according to his personal professional file – Croat)
   Commander of the Fleet of the Military Naval District from 31 August 1988 to 27 June 1991

9. KULIC, Ante MARKO, Lieutenant General, Croat
Commander of the 3\textsuperscript{rd} Air Crops of the Air Force and Air Defences from 12 December 1988 to 16 October 1991

10. LJUBICIC, Marijan MARJAN, Lieutenant General, Croat
Deputy Commander of the Ground Forces of the Military Naval District from 9 December 1988 to 31 December 1991

Col. General Anton TUS ceased to be in active service by losing his rank on 20 September 1991. On this date he left active service of his free will. (The above-named, as an active military officer, on an unspecified date in September 1991 joined the armed forces of the Republic of Croatia, as cited in our classified document No 1067-87 of 21 August 2009). Col. General Zvonko JURJEVIC assumed his duties as Commander of the Air Force and Air Defences on 15 June 1991 and performed them until 7 January 1992, when he was removed from office, while his active military service was terminated on 31 August 1992.

The above data may be used under the same terms and conditions as the documents on which they were based and which have been provided to you on previous occasions.

MM/MM
Initialled

SECRETARY
MINISTRY OF DEFENCE

Dragan Radulovic (Signed)

c.c. MFA
File (G-1768)
Одбрана
Службена тајна
СТРОГО ПОВЕРЉИВО
ВРЛО ХИТНО

РЕПУБЛИКА СРBIJA
МИНИСТАРСТВО СПОЉНИХ ПОСЛОВА

Веза: ваш допис пов.бр. 418844 од 10.11.2009. године

У вези са захтевом Правног тима који заступа интересе Републике Србије у поступку по тужби Републике Хрватске пред Међународним судом правде у Хагу, достављеним овом Министарству напред наведеним дописом, којим је затражена потврда сумираних података о националној структури ЈНА, обавештавамо вас:

- да садржај документације којом располаже ово Министарство, а која је достављена за потребе Правног тима, везана за националну структуру официрског кадра у ЈНА, односно учешће Срба и Хрвата у структури официрског кадра ЈНА у периоду 1984 – 1991. години, одговара достављеном приказу сачињеном од стране стручних лица, према следећем:

- за 1984. годину: 57,4 % Срба и 11,4 % Хрвата,
- за 1985. годину: 57,1 % Срба и 11,5 % Хрвата,
- за 1986. годину: 56,55 % Срба и 12,59 % Хрвата,
- за 1987. годину: 56,3 % Срба и 11,5 % Хрвата,
- за децембар 1988. године: 55,9 % Срба и 11,6 % Хрвата,
- за децембар 1989. године: 55,25 % Срба и 11,51 % Хрвата,
- за децембар 1990. године: 55,92 % Срба и 11,58 % Хрвата, и
- за децембар 1991. године: 58,82 % Срба и 6,73 % Хрвата.

Предметна документација потврђује констатовану чињеницу да је, у наведеном периоду, процентуално учешће Срба у официрском кадру (око 56 %) било веће него што је је било процентуално учешће Срба у националној структури становништва СФРЈ (око 36 %), с обзиром на то да је током поменутог периода број Хрвата и Словенаца који су се пријављивали за упис у војне школе и гимназије био много мањи у односу на број кандидата припадника других народа, тако да је наведено резултирало тиме да процентуално учешће Хрвата у официрском кадру буде мање од њиховог процентуалног учешћа у укупном становништву СФРЈ.

Такође, иста потврђује константно слабо интересовање Хрвата, Словенаца и Албанца за војни позив, што је резултирало формирањем официрског састава који по структури није одговарао националној структури становништва.

Наведено је јасно видljivo и из приложене табеле (и осталих пратећих документације са истом у вези) такође сачињене од стране стручних лица у наведену сврху, везане за пријем кандидата у војне школе, а која указује на то да су приликом пријема у наведене школе фаворизовани управо Хрваци, Словenci и Мађари, с обзиром на то да је процентуално учешће у броју


<table>
<thead>
<tr>
<th>година</th>
<th>Срби</th>
<th>Хрвати</th>
<th>Албанци</th>
<th>Словенци</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984.</td>
<td>18,51</td>
<td>33,61</td>
<td>18,92</td>
<td>47,33</td>
</tr>
<tr>
<td>1985.</td>
<td>16,01</td>
<td>23,31</td>
<td>15,7</td>
<td>69,19</td>
</tr>
<tr>
<td>1986.</td>
<td>22,16</td>
<td>30,87</td>
<td>12,53</td>
<td>69,94</td>
</tr>
<tr>
<td>1987.</td>
<td>28,33</td>
<td>34,81</td>
<td>17,60</td>
<td>65,81</td>
</tr>
<tr>
<td>1988.</td>
<td>30,51</td>
<td>35,79</td>
<td>10,49</td>
<td>45,45</td>
</tr>
<tr>
<td>1989.</td>
<td>29,63</td>
<td>34,16</td>
<td>20,73</td>
<td>43,59</td>
</tr>
<tr>
<td>1990.</td>
<td>22,18</td>
<td>25,57</td>
<td>5,06</td>
<td>45,88</td>
</tr>
<tr>
<td>учешће у националној структури СФРЈ у %</td>
<td>36,30</td>
<td>19,74</td>
<td>7,72</td>
<td>7,82</td>
</tr>
</tbody>
</table>

- да садржај документације којом располаже ово Министарство, а која је достављена за потребе Правног тима, потврђује и констатовану чињеницу да је, међу генералским и адмиралским кадром у ЈНА, национална структура била уједначенца са националном структуром становништва СФРЈ (од 162 генерала и адмирала колико их је било у ЈНА на дан 01. јануара 1990. године – било је 23 Хрвата или 14,2 %, а 86 Срба или 53,1 %);
- да су, према евиденцији којом располаже ово Министарство, генерали и адмирали несрпске националности на дан 1. јануара 1991. године, обављали следеће дужности:

1. КАДИЈЕВИЋ Душана ВЕЉКО, генерал армије, Југословен
   - Савезни секретар за народну одбрану од 15.05.1988. године до 31.08.1992. године;
2. ТУС Јурја ЈАНТОН, генерал-пуковник, Хрват
   - Командант РВ и ПВО од 30.08.1985. године до 20.09.1991. године;
3. ГРУБИШИЋ Стиве БОЖИДАР, адмирал, Хрват
   - Председник организације СКЈ у ЈНА од 13.06.1990. године до 04.06.1991. године;
4. СПИРКОВСКИ Стеван АЛЕКСАНДАР, генерал-пуковник, Македонац
   - Командант 1. војне области од 31.08.1989. године до 04.10.1991. године;
5. КОЛШЕК Конрад КОНРАД, генерал-пуковник, Словенец
6. БРОВЕТ Руперта СТАНЕ, адмирал, Словенец
7. ЈУРЈЕВИЋ Боже ЗВОНКО, генерал-пуковник, Хрват
   - Заменик начелника ГШ ОС СФРЈ за РВ и ПВО од 18.09.1990. године до 30.05.1991. године;
8. МОРЕТИ Александра ФРИДРИХ, вицеадмирал, Југословен (према подацима у доносију персоналних података ДПП-1 Хрват)
   - Командант Флоте ВПО од 31.08.1988. године до 27.06.1991. године;
9. КУЛИЋ Анте МАРКО, генерал-пуковник, Хрват
10. ЉУБИЧИЋ Маријана МАРЈАН, генерал-пуковник, Хрват

Предње податке, односно обавештење достављамо вам на даљи поступак, са напоменом да се исти могу користити под истим условима као и документација из које су преузети, а која вам је достављена током претходних поступања.

ММ/ММ

Достављено:
- наслову, и
- а/а (Г-1768).
ANNEX 31

JNA, Operation Group South Command, Decision for Continuation of Assault Operation Vukovar, Strictly Confidential no. 235-1 dated 29 October 1991
4

OG /Operations Group/ SOUTH COMMAND

Strictly confidential no. 235-1

29 October 1991

MILITARY SECRET

DECISION

FOR CONTINUATION OF ASSAULT OPERATION VUKOVAR

1. I HAVE DECIDED: With simultaneous and energetic operations by all forces with aerial and artillery support and the introduction of part of the forces, continue the attack on the entire front with main forces on the axis: Sajmište Street – Dalmatinska Street – A. Alijagića Street – Trg Republike, and with auxiliary forces Vučedol (Mala Dubrava woods) – Mitnica housing estate with the aim of:

In Stage I of the operation, capture: the Mitnica housing estate and cut it off from the rest of the town, the 6 Proleterske Divizije housing estate, and the part of the town in the Ognjena Price and Alije Alijagića streets, and then in Stage II of the operation break out to the Rivers Vuka and Danube,

Operational deployment: 5 assault detachments, sabotage groups also infiltrated, security forces, fire support, PVO, commanding, logistical support and reserves.
Duration of Stage I ______________

Duration of Stage II ______________

Readiness for continuation of attack ______________

2. UNIT TASKS:

Jd 1 /Assault Detachment/ is comprised of 1st mth /Motorised Battalion/, 1-3/2nd hVP /Military Police Battalion/, Leva Supoderica Od /Detachment/, Petrova Gora Od, Novi Sad volunteers company, 1 M-84 tank, 1/1st pionč /Pioneers Company/, part of the TO /Territorial Defence/ unit will continue the attack from the current sector in cooperation with Jd 2 and by the introduction of forces break up the Ustasha units in Cvetno and Pionirsko Nasele, break out into 1 Maja Street, and then, in cooperation with 3/21st okbr /Armoured Brigade/, continue the attack with the main forces in the area within reach of 1 Maja Street, and with auxiliary forces, break up the Ustasha forces in the 6 Proletarske Divizije housing estate.

With the main forces break out into the Milino Brdo sector, and from there cooperate with Jd 2 on the Ivana Gorana Kovačića Street – Maršala Tita Street axis, thereby establishing conditions for the main forces to break out into the centre of Vukovar.

Jd 2 comprises: 2nd mth, 2nd hVP (less two platoons), vABHO /Nuclear, Biological and Chemical Defence Platoon/, 2/1st pionč, volunteers company, will continue the attack from the current combat deployment sector with the main forces on the Dalmatinska Street – Alije Alijagića Street axis, and by the introduction of forces capture the school and graveyard sectors and break out into Stjepana Radića
Street, and with auxiliary forces cooperate with **JOD-3** in an operation on the Dr Mladen Stojanovića Street – Mitnica housing estate axis.

By breaking out into Stjepana Radića Street, with a part of the forces prevent the withdrawal of Ustaša forces from the Mitnica housing estate axis, and with a part of the forces continue the attack and break out to the River Danube.

3) **JOD-3** comprises: mixed DOD /Sabotage Detachment/, izv /reconnaissance platoon//54º mbr /Motorised Battalion/, 3º pionc /as printed/, Novi Sad Volunteers Company - me /Motorised Company/, 1º okb/1º pgmbor /Infantry Mechanised Guards Brigade/, mixed company okb/Gmbor /Guards Motorised Brigade/, 1º Smederevska Palanka volunteers company, and Negoslavci and Sotin TO units. Continue the attack from the current combat deployment sector in reach of the road on the Mala Dubrava wood - Mitnica housing estate – Water Tower and, with support from the 2º/4º ptdt /Partisan Division/, cooperate with **JOD-2** and by the introduction of forces break up the Ustaša forces in reach of the main road through Mitnica housing estate and break out into the water tower sector, cooperating from there with **JOD-2** on the INA Street – Stjepan Radić Street axis.

4) **JOD-4** comprises: OJTOK 1º/Territorial Defence Corps Detachment/, 1/2º pionc.

2º Company Smederevska Palanka volunteers company. Continue the attack with the main forces on Stjepana Supanica and Josipa Kraša Streets and cooperate with **JOD-5** in breaking up the remaining firing positions, and with the auxiliary forces, tie up the Ustaša forces in Josipa Kraša and Stjepana Supanica Streets, secure the captured area and mop up the terrain.
5) **JOD-5** comprises: 1st hVP, 2/2nd pioné, two volunteer Platoons (Sarajevo and Belgrade). Forming groups to attack and overcome key features, continue the attack from the current combat deployment sector across Alije Alijača Street, break out into the Water Tower sector and from there, in cooperation with **JOD-2**, prevent the manoeuvring and withdrawal of Ustaša forces on the Mitrica housing estate axis.

6) **3/211th okbr** in the current combat deployment sector will secure the axis: Bogdanoveci village – Vukovar, and prevent a possible intervention from the Bogdanoveci village direction. When combat operations are initiated, with one company, cooperate with **JOD-1** operating on the overpass – 1 Maja Street axis, and with two companies execute a diversionary attack on Svetozara Markovića and Proleterskih Brigada Streets.

In the event of a more powerful intervention by Ustaša forces from the Bogdanoveci village direction, prevent the intervention and repel the Ustaša forces with a mixed okb/Gmtbr company.

7) **okb/Gmtbr** (one mixed company) from the current combat deployment sector in the role of reserve, to be at readiness to prevent possible interventions from the Bogdanoveci village direction, and when combat operations are initiated make a show of strength along Sajmište Street, be at readiness for an intervention on the axes of attack of the assault detachments and to secure the road junction at Slavija.
8) **20th parth and okb/544th mtbr.** From the current deployment sector, secure the general Ovčara, Jakobovac, Grabovo, Mala Dubrava wood sectors. With a part of the forces, cooperate with JOd-3 on the axes:

- Bugarsko Groblje – Mitnica housing estate
- Ovčara – Bokovec – **it Arig point/ 108.**

When Mitnica housing estate has fallen, mop up Mala Dubrava wood and Mitnica estate.

9) **JoTOSM.** From the current combat deployment sector, secure with part of the forces the axis in reach of Svetozar Marković Street and prevent a possible intervention from the 8 Mart housing estate direction and with a part of the forces cooperate with JOd-3 on the Samište Street – Koreja – Mitnica axis and secure the link between JOd-2 and 3.

In cooperation with the 20th parth, prevent the withdrawal of Ustasha forces on the Koreja – Ovčara axis.

10) **PVO/Anti-aircraft Defence/ Isard/ Light Self-Propelled Artillery and Rocket Battalion/ will operate against the Mitnica housing estate and Alije Aljagića Street from its current positions.**

Be at readiness for movement and operation on the JOd-1, 2, and 5 axis of attack.

11) Engage other OG SOUTH units as in the preceding Decision.
3. AERIAL SUPPORT:

a/ Air Force:

Support from 1st KoRV /Air-force Corps/ and PVO.

Provide aerial fire support by operating on request with two detachments with arming variant: 4 x 250 kg RAB /cluster bombs/ (or 4 x 250 kg FAB /bombs/), against facilities which will be indicated precisely.

b/ Artillery support:

Focus on support on the main axis of attack during ________ 1991.

Engage two 120 mm mortar batteries, 122 mm D30J had /howitzer battalion/, 155 mm M1 had, and 130 mm M46 tod /artillery battalion/ at the focus.

Provide support at the request of the assault detachment commanders.

4. COMBAT OPERATION SECURITY:

As in the preceding Decision.

RT/DR

OG SOUTH COMMANDER
Colonel

Mile MRKŠIĆ

/signed and stamped/
ZA PRODUIŽENJE NAPADA OPERACIJE "VUKOVAR"

1. ODLUČIO SAM: jednovremenim i energičnim dejstvom svih snaga uz avio i artiljerijsku podršku uz ubacivanje dela snaga produžiti napad na čitavom frontu glavnim snagama na pravcu: ul. Sajmište - ul. Dalmatinska - ul. A. Alijašića - trg Republike, a pomoćnim "Vučedol" (Šuma Mala Dubrava) - naselje "Mitnica" sa ciljem:

U I ETAPI operacije ovladati naseljem "Mitnica" i odseći ga od ostalog dele grada, naseljem "6. Proleterske divizije" i delom grada u regiju ulica Ognjena Price i Alije Alijašića, a zatim u II ETAPI operacije izbiti na reku Vuka i Dunav.

Operativni raspored: 5 jurišnih odreda, ubačene i diverzantske grupe, snage za obezbeđenje, vatrenu podršku, PVO, komandovanje, pozadinsko obezbeđenje i rezerva.

Trajanje I etape
Trajanje II etape
Cotovost za produženje napada

2. ZADATAK JEDINICAMA:

1) JOD-1 sastava: 1.mtb, 1-3/2.BVP, Od Leva Supoderica, Od Petra Gora, četa dobrovoljaca Novi Sad, 1 tenk M-84, 1/1.pionč, deo jedinica TO iz sadašnjeg rejonu produžiti napad i u sadejstvu sa JOD-2 uz ubacivanje snaga razbiti ustaške jedinice u "Cvetnom" i "Pionirskom" naselju, izbiti na ulicu 1.Maja, a zatim uz sadejstvo sa 3./211.okbr glavnim snagama produžiti napad u zahvatu ulice 1.Maja, a pomoćnim razbiti ustaške snage u regiju naselja "6. Proletaerske divizije".

Glavnim snagama izbiti u regiju Miloša Đrđe odakle sadejstvovati JOD-2 na pravcu ul. Ivana Gorana Kovačića - ulica Mariša Tita i time stvoriti uslove glavnim snagama za izbijanje u centar Vukovara.

2) JOD-2 sastava: 2.mtb, 2.BVP (bez dva voda), vABHO, 2./1.pionč, četa dobrovoljaca, iz sadašnjeg rejon borbenog rasporeda glavnim snagama produžiti napad pravcem: ul. Dalmatinska - ul. Alije Alijašića i uz ubacivanje ovladati rejonom Skole i groblja i izbiti na ulicu Stjepana Radića, a pomoćnim sadejstvovati JOD-3 dejstvom na pravcu ul. Dr. Mladen Stojanovića - naselje "Mitnica".

Izbijanjem na ulicu Stjepana Radića, delom snaga sprečiti eventualno izvlačenje ustaških snaga sa pravca naselja "Mitnica", a delom snaga produžiti napad i izbiti na r. Dunav.

4) JOD-1 sastava: ODTOE, 1/2. pionč, 2. četa dobrovoljaca Smederevska Palanka, glavim snagama produžiti napad na pravcu ulice Stjepana Supanca i Josipa Kraša i sadejstvati JOD-5 u razbijanju troštilih vatrenih tačaka, a pomoćnim snagama vezivati ustaške snage u ulici Josipa Kraša i Stjepana Supanca, omeđivati zauzeti prostor i čistiti teren.

5) JOD-5 sastava: 1. bvp, 2/2. pionč, dva voda dobrovoljaca (Sarajevo i Beograd), iz sadašnjeg rejona borbenog rasporeda uz formiranje grupa za napad i osvajanje ključnih objekata produžiti napad preko ulice Alje Aljagića, izbiti u rejon vodotornj odakle u sadejstvu sa JOD-2 sprečiti manevr i izvlačenje ustaških snaga sa pravca naselja "Mitnica".


U slučaju jače intervencije ustaških snaga iz pravca s. Bogdanovci u sadejstvu sa mošovcom četom okbh/Smbr sprečiti intervenciju i odaciti ustaške snage.

7) okbh/Gmbr (-jedna mošovita četa) u ulici rezerve iz sadašnjeg rejona borbenog rasporeda biti u gotovosti za sprečavanje eventualne intervencije sa pravca s. Bogdanovci, a po otpočinjanju borbenih dejstava demonstrirati širu ulicom Sajmište. Biti u gotovosti za intervenciju na pravcima napada jurističkih odreda i obezbijedjivanje raskrsnice na "Slaviji".

8) 20. part sa okbh/544. mbr iz sadašnjeg rejona rasporeda obezboditi širi rejon Ovčara, Jakobovac, Grabovo, Šuma Mala Dubrava. Delom snaga sadejstvati JOD-3 na pravcima:
   - "Bugarsko groblje" - naselje "Mitnica".
   - Ovčara - Bokovci - tt.108.

Po padu naselja "Mitnica" izvršiti čišćenje Šume Mala Dubrava i naselja "Mitnica".

9) ODTOE iz sadašnjeg rejona borbenog rasporeda delom snaga obezboditi pravac u zahvatu ulice Svetozara Markovića i sprečiti eventualnu intervenciju sa pravca naselja "8. Marta", a delom snaga sadejstvati JOD-3 dejstvom na pravcu ulice Sajmište - "Koreja" - "Mitnica" i obezboditi spoj između JOD-2. i 3.

U sadejstvu sa 20. part sprečiti izvlačenje ustaških snaga na pravcu "Koreja" - Ovčara".
10) Isارد PVO са садашњих позиција дејствовати по наелжу "Mitnica" и улици Alije Alagicа.

Бити у готовости за пекчет и дејство на првцу напада JOD-1,2. и 5.

11) Остале јединице ОГ "JUG" ангажовати по претходној одлуци.

3. VATRENA PODRШKA:

а/ Ваздуhoplovna:

Подршava 1.KoRV i PVO.
Ваздуhopловну ватрену podrшку извршити дејством по pozivу sa 2 odeljenja u varijanti naoružanja 4 puta RAB-250kg (или 4 puta FAB-250kg) по објектима који će bitи precизно назначени.

б/ Artiljerijska podrшка:


На težištu angažovati две батерije MB-120mm had-122mm, D30J, had-155mm M1, и тод -130mm M46.

Podršку vršiti po zahtevu komandanata jurišних odreda.

4. OBEZBEDJENJE BORBENIH DEJSTAVA:

Prema претходној odluci.

RT/DR

Komandant OG "JUG" Mrkšić
SECTION VI

War Crime Trials in Croatia
ANNEX 32

OSCE Mission to Croatia

BACKGROUND REPORT: DOMESTIC WAR CRIME TRIALS 2005

13 September 2006
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5. Linked to the *in absentia* cases against Serb defendants is the practice of courts appointing one defence counsel to represent multiple defendants, up to 5 or 10, in the same case. [See Section C.III.] Common sense indicates that the quality of representation provided to any one defendant is compromised by these additional and conflicting responsibilities, casting doubt on the validity of any convictions that might result. Since the defendants are not present they cannot waive these conflicts of interest. A number of cases on appeal at the Supreme Court indicate that this practice has been used by several courts over a period of years.

6. Numerical parity in terms of the ethnic origin of defendants is not required. However, the significant disproportion between the numbers of Serbs and Croats charged with war crimes as well as differences observed in charging, including the prosecution of members of the armed forces for common crimes, support a conclusion that ethnicity continues to play a role in war crime proceedings.  

As of the end of July 2006, the Mission is aware of a total of 4 final convictions of Croats for war crimes committed against Serbs since 1991, while there are hundreds of convictions against Serbs for crimes against Croats. Lack of accountability, criminal or otherwise, for crimes and attempts to hide war crimes remains a concern, particularly for possible crimes by the armed forces. Prosecutors continue to encounter difficulties in obtaining sufficient evidence and witness testimony to prosecute certain crimes.

VI. **Conduct Found to Constitute War Crimes and Genocide**

While less pronounced than in past years, there continues to be a difference on the basis of ethnic origin in the conduct charged as war crimes, with some Serbs charged for conduct other than killings, while Croats tend to be prosecuted solely for killings. In 2005, the Supreme Court addressed a related issue of inappropriate charging, clarifying types of conduct that were insufficiently severe to constitute war crimes. [See Section C.II.4] At least some war related crimes involving accused associated with the Croatian armed forces were prosecuted as “common crimes.” The Croatian judiciary appears to apply a broader definition of genocide than that generally found in international humanitarian law, particularly as applied by the ICTY.

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93 According to the Chief State Attorney’s 2001 Annual Report, crimes committed during Operations “Storm” and “Flash” when Croatian authorities launched military offensives to re-gain Serb-controlled territory were not prosecuted as war crimes but as common crimes, including charges for murder, robbery and theft. The State Attorney reported that a total of 3970 charges for common crimes were filed pertaining to Operations Storm and Flash and that 1492 convictions were rendered. See also RH v. Munib Suljic et al. (“Pakraska Poljana”), VIII-K-16/01, 29 December 2005, Zagreb County Court.

94 As of the end of July 2006, the Mission is aware of war crimes trials pertaining to the 1991 to 1995 conflict against a total of 47 Croats. Of these 47, 32 were tried for crimes against Serbs while the remaining 15 were prosecuted for crimes against Croats. Of the 32 that were indicted for crimes against Serbs, 4 Croats have been finally convicted, 8 Croats were found guilty by first instance courts while 12 were acquitted by first instance courts, 1 subject of a final acquittal, 3 had charges dropped, while trials against 4 were ongoing as of the end of July 2006. Of the 15 indicted for crimes against Croats, 4 Croats have been finally convicted, 4 Croats have been found guilty by first instance courts while 2 were acquitted by the first instance courts, 1 had charges dropped, while trials against 4 Croats were ongoing at the end of July 2006.
ANNEX 33

District Court of Sisak

Velemir case, Judgment of 26 September 1996
The District Court of Sisak, comprising Presiding Judge Zeljko Barac and Judge Alice Freiberger and lay-judges Ivana Kasaic, Mirka Svaljek and Josip Zinic, with the participation of Ms Natasa Galicic, court recorder, in the criminal case against the defendant Velemir Jakov, charged with criminal act punishable under Article 120, paragraph 1, of the Basic Criminal Code of the Republic of Croatia, following 26 May 1996, in the presence of Deputy District Prosecutor Miljenko Ugarkovic, the accused and his counsel Josip Sladic, a lawyer from Sisak, and after holding the main public hearing, has reached and publicized the following:

VERDICT

against the accused VELEMIR JAKOV, also known as JALSO, son of Djuro and Ljuba nee Coric, born 11 October 1954, Cerovljani, residing in Cerovljani No. 6/7, a Serb, national of the Republic of Croatia, locksmith by vocation, unemployed, literate, completed secondary vocational school; no children

is found guilty

because:

In the period from 1991-1995, in the village of Cerovljani in the territory of the Municipality of Hrvatska Dubica and around it, he joined paramilitary units of the so-called “SAO Krajina” (Serbian Autonomous Region of Krajina) obviously dissatisfied with the democratic changes made in the Republic of Croatia in order to undermine and overthrow the new constitutional democratic system established in the Republic of Croatia and to separate the Municipality of Hrvatska Dubica and neighbouring villages, and to annex them to the so-called “Krajina” para-state, within which, together with other unidentified members of illegal military units, throughout the aforementioned period, in violation of the provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Times of War attacked the civilian population, robbed moveable property and destroyed immovable property solely of houses owned by Croats, drove out the population, applied various measures of intimidation and terror, introduced measures of collective punishment and unlawful arrest, applied measures of forced labour against Croats only in these villages, with the largest number of residential buildings and farm estates being totally destroyed, while the Croatian population was forced to leave,
in other words, by breaching the rules of international law in armed conflict and by occupying parts of the Republic of Croatia, he became a member of an organized group for the purpose of committing and abetting punishable acts of war crime against the civilian population;

in this way, he committed a crime against humanity and international law by organizing a group and by inciting to commit the crime of genocide and a war crime defined in Article 123, paragraph 2, in conjunction with paragraph 1 of the Basic Criminal Code of the Republic of Croatia, therefore, on the basis of the same regulation, he is

BEING SENTENCED

TO A PRISON TERM OF 1 (ONE) YEAR AND 6 (SIX) MONTHS.

Under the provisions of Article 45, paragraph 1, of the Basic Criminal Code of the Republic of Croatia, the pronounced sentence includes the time that the accused was detained from 4 August 1999 to 21 February 1996, as well as the time from 19 April 1996 to the present.

Pursuant to the provisions of Article 90, paragraph 4, the accused is fully cleared of the obligation to pay for the expenses of criminal proceedings under Article 87, paragraph 2, subparagraphs 1-6 of the Criminal Procedure Code.

Explanation

The indictment brought by the District State Attorney’s Office in Sisak on 16 July 1996, number KT-36/96, charged Velemir Jakov, first and foremost, with committing a crime against humanity and international law, a war crime against the civilian population defined in Article 120, paragraph 1, of the Basic Criminal Code of the Republic of Croatia, whereas, in the course of the proceedings, on the basis of evidence produced in the main hearing on 26 May 1996, the indictment was amended so as to charge Velemir Jakov with acting contrary to the provisions of Article 123, paragraph 2, in conjunction with paragraph 1 of the Basic Criminal Code of the Republic of Croatia, as evidenced and stated in the executive clause of this verdict.

The so amended indictment was admitted by the accused who again presented his own defence.

Despite the clear and full admission of guilt by the defendant, other evidence had been gathered, including the one contained in his case file under entry No. 224, bearing his name, establishing that he was a member of the so-called “39th Serbian Krajina Army Corps, Army Post 9139, Kostajnica”, which had not been denied by anyone, and according to his personal commissioning document... he was “as company commanding officer” commissioned with a weapon “PAP” No. 215127 and 75 rounds of ammunition, this was assumed because there was no mention of any ammunition, as well as with a gear from “cap” to “first aid bandage”.

It is commonly known what members of the so-called “Serbian Krajina Army” did in the occupied territories of the Republic of Croatia (attacked on the civilian population, robbed
moveable property and destroyed immoveable property solely of Croats, intimidated and expelled the population and committed other acts, as supported by evidence and detailed in the indictment), therefore, the Court finds with certainty that the acts of the accused Velemir Jakov were proved and that they contained all the essential characteristics of a crime against humanity and international law under Article 123, paragraph 2, in conjunction with paragraph 1 of the Basic Criminal Code of the Republic of Croatia, committed with intent, meaning that he was aware of his acts and that he committed them deliberately.

The defendant’s sanity was in no way brought into doubt and he was, therefore, held fully criminally accountable.

Taking into account the specific seriously aggravated situation of collecting information on the circumstances that might affect the term of punishment, the Court found that the persistence in the commission of the crime identified by the State Prosecutor’s Office, as the extenuating circumstance, had not been proven in any way, while the undeniable confession of the crime identified as the mitigating circumstance could not be recognized either, since the confession came after the incontrovertible evidence on the crime beyond the confession and even before it (for instance, references to his Army identity card and the commissioning document, etc.).

In view of the foregoing, the Court considers the sentence passed on the defendant as commensurate with the gravity of the committed crime. Therefore, the sentence will cause him not to commit a similar crime in the future and it will, at the same time, make a similar impact on others, improving morals of society and developing social responsibility and discipline among citizens. In this way, the purpose of punishment, as defined in Article 31 of the Basic Criminal Code of the Republic of Croatia, will be fully achieved.

The time that the defendant spent in detention from 4 August 1995 until 21 February 1996 and from 19 April 1996 to the present, by invoking the provisions of Article 45 of the Basic Criminal Code of the Republic of Croatia, will be included in the sentence pronounced with this verdict.

Pursuant to the provisions of Article 90, paragraph 4, of the Criminal Procedure Code, the defendant is exempted rightfully from the obligation to pay for the expenses of criminal proceedings.

Sisak, 26 September 1996

L.S.

COURT RECORDER
Natasa Galinic (Signed)

LEGAL REMEDY: PRESIDING JUDGE

An appeal may be lodged against this verdict within 15 days from the date of receipt of its certified transcript.

An appeal may be lodged through this Court to the Supreme Court of the Republic of Croatia.
Županijski sud u Sisku, u viđeću sastavljene od sudaca željka Baraća, predsjednika viđesa, Alice Freiberger, člana viđesa, sudaca porotnika Ivana Kasaić, Mirka Svaljak, Josipa Žinić, članova viđesa, uz sudjelovanje Nataše Galinić, zapisničara, u kaznenom predmetu protiv optuženog Jakova Velemira, zbog kaznenog djela iz čl. 120. st. 1. OKZH, nakon dana 26. rujna 1996. godine, u prisutnosti zamjenika županijskog državnog odvjetnika Miljenka Ugarković, optužnika i njegova branitelja Josipa Sladića, odvjetnika iz Siska, održane glavne i javne rasprave izrekao je i objavio

Optuženi VELEMIR JAKOV, zv. Jalić, sin Đure i Ljube rođen u Cગiric, rođen 11. listopada 1954. godine u Cerovljanim, sa prepričavštem u Cerovljanim kbr. 67, Srpšin, drž.RH, strojbravar, bez zaposlenja, pšamen, sa završenom SSS, neoženjen, bez djece,

k r i v  j e

što je:

tijekom razdoblja od 1991. do 1995. godine u selu Cerovljanim na području Općine Hrvatska Dubica i širem, pristupio u paravojne formacije tzv. "SAO Krajina", očito nezadovoljan sa nastupljelim demokratskim promjenama u Republici Hrvatskoj, a u cilju podržavanja i obaranja novo uspostavljenog demokratskog društva RH, je određivanje općine Hrv. Dubica i okolnih sela i pripojenje tzv. para državi "Krajina", a u sastavu kojih je sa drugima za sad neidentificiranima pripadnicima nelegalnih formacija, kroz štavo navedeno razdoblje, protivno odrednicama ženevskе konvencije o zaštiti građanskih osoba za vrijeme rata vršeno napadanje na civilno stanovanstvo, pljačkanje pokretno i uništavanje nepokretno imovine isključivo pućanstva hrvatske nacionalnosti, protjeranje stanovništva, primjenjivanje mjere zastrašivanja i terora, primjenjivanje mjere kolektivnog kažnjavanja i protecenog lišenja slobode primjenjivanje mjere prisilnog rada isključivo Hrvate u tim mjestima, pri čemu je najveći dio stambenih i gospodarskih objekata potpuno uništen, a hrvatsko pućanstvo bilo je prisiljeno na iseljenje,
Rjesenje-Velemir1.jpg (1167x1560x256 jpeg)

- 2 -

K-15/96-

dakle, kršcini pravila medjunarodnog prava za vrijeme oružanog sukoba i okupacije dijela RH postao pripadnik organizirane skupine radi vrjeo nja i poticanja kaznenih djela ratnih zločina protiv civilnog stanovništva.

šime je podnio kazneto, djelo protiv šovježnosti i medjunarodnog prava - organiziranju grupe i poticanje na podnijem genocida i ratnog zločina označeno u čl. 123. st. 2. u vezi st. 1. OKZH, pa se temeljem istog zakonskog propisa

OSUĐUJE

NA KAZNU ZATVORA U TRAJANJU OD 1. (JEDNE) GODINE I 6. (ŠESTI) MJESECI.


Temeljem propisa čl. 90. toč. 4. optužnik se u ojedinosti oslobađa dužnosti da nadoknadi troškove krivičnog postupka iz čl. 87. st. 2. toč. 1. - 6. ZKP-a.

Obratnoje

Optužnicom županijskog državnog odvjetništva u Sisku od 16. srpnja 1996. godine broj KT-36/96, stavljen je na teret Velemir Jakov, najprije, izvršenje krivičnog djela protiv šovježnosti i medjunarodnog prava - ratnih zločina protiv civilnog stanovništva iz čl. 120. st. 1. OKZH, da bi, nakon tijekom postupka provedenih dokaza, a na glavnom raspravi 26. rujna 1996. godine optužnica bila izmijenjena u pravcu stavljanja na teret Velemir Jakova postupanjem suprotnog propisa čl. 123. st. 2. u vezi st. 1. OKZH, izmjenično označeno kako je to i izrekom ove presude navedeno.

Ovako izmijenjenu optužnicu točnom i istinitom priznaje optužnik iznoseći, sada ponovno, svoju obrambu.

Unatoč jasnom i potpnom priznanju optuženika prikupljeni su i drugi dokazi, pa je tako, uvidom u spisu priloženog dozvolu broj 224 na ime sada optuženog Velemir Jakova, ustanovljeno, a da tome nitko ne prigovara, da je bio pripadnik tzv. "Srpske vojske Kraljine 39. Korpus, Vojna pošta 9139 Kostajnica", a iz "reversa ličnog zadaženja...", da je bio "detin stariješina", zadužen za oružjem "FAP" broja 219127 i 75 komada, pretpostavlja se, jer nije dorečeno, munitije, te prizorom - odjednom od "kape" do "prvog zavoja".

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Opće je poznato što su činili na okupiranoj teritoriji Republike Hrvatske pripadnici tzv. "Srpske vojske Krajine" (napadi na civilno stanovništvo, pljačka pokretni i umišavanje nepokretni imovine isključivo pučanstva hrvatske nacionalnosti, zastrašivanja i protjerivanja, te drugo, što se u činjeničnom dijelu optužnice detaljno navodi). Pa, sud, svoj rešenjem smatra za sigurno dokazanim da uvek se u postupanju optužnika Velelim Jakova stekla sva bitna obilježja krivičnog djela protiv čovječnosti i medijunarodnog prava iz čl. 123. st. 2. u vezi st. 1. OKZRH, očigledno za umišljenim, to jest da je bio svjestan optužnik svojeg djela i htio njegovo izvršenje.

Uračunljivost optužnika ama baš ničim nije dovedena ni na koji način u dvojbu, te je zbog svega rešenog proglašen u cijelosti krivično odgovornim.

Obzirom na konkretnu otežanu situaciju pribavljanja podataka o okolnostima, koje mogu utjecati na visinu kazne, sud je učinio da navode upornost pri izvršenju krivičnog djela, istaknuta kao oteganje po državnom odvjetništvu, nije nišim dokazana, a nesporno priznaje izvršenje krivičnog djela istaknuto kao olakotna okolnost, takodje se ne može, sada u tom pravcu, honorirati, jer je uslijedilo nakon nepobitnih dokaza o izvršenju krivičnog djela i mimo tog priznanja, pa i prije (primjerice spominjana iskaznica, revers i dr.).

Zbog svega rešenog sud smatra utvrđenu kaznu optužniku primjenom težini od njega izvršenog krivičnog djela, te da će takova kazna djelovati na njega da u budućem na dini krivična djela, a istovremeno utjecati u tom pravcu i na druge, kao i posljedici jačanje moralna društva i izvršiti utjecaj na razvijanje društvene odgovornosti i disciplinske gradnje, čime će u potpunosti biti postignuta sva važna kažnjavanja predviđena čl. 31. OKZRH.


Ispunjenjem uvjeta predviđenih propisom čl. 90. st. 4. ZKP-a, razlogom je: oslobodjenje optužnika obveze nadgospa troškova krivičnog postupka.

U Splitu dana 28. lipnja 1996. godine

ZAPISNIČAR
Nataša Galićić, v.r.

POUZA ON PRAVNOM LIJEKU:

Protiv ove presude dopuštena je žalba u roku od 30 dana od dana primitka ovjerovljenog prijedloga iste.

Žalba se podnosi putem ovoga suca na Vrhovni sud Republike Hrvatske.
ANNEX  34

Federal Court of Australia

Snedden case, Appeal Judgment of 2 September 2009
FEDERAL COURT OF AUSTRALIA

Snedden v Republic of Croatia [2009] FCAFC 111

EXTRADITION — extradition sought of Serbian to the Republic of Croatia — extradition opposed on basis of an extradition objection — prejudice claimed ‘at trial’ — punished or detained — a mitigating factor in sentence unavailable to the person by reason of political opinions — reliance upon statistics as to numbers of persons charged and convicted and conviction rates

Held: Appeal allowed

WORDS AND PHRASES — an ‘extradition objection’ — ‘substantial grounds for believing’ — ‘punished’ — at trial — ‘by reason of’ — ‘political opinions’

Extradition Act 1988 (Cth) ss 3(a), 7, 19, 21
Extradition (Croatia) Regulations 2004 (Cth) reg 4

Applicant A v Minister for Immigration and Ethnic Affairs (1997) 190 CLR 225, applied
In re Arton [1896] 1 QB 108, cited
Re Bolton; Ex parte Beane (1987) 162 CLR 514, cited
Brown v Lizards (1905) 2 CLR 837, cited
Cabal v United Mexican States (2001) 108 FCR 311, applied
Cabal v United Mexican States (No 2) (2000) 172 ALR 743, applied
Cabal v United Mexican States (No 3) (2000) 186 ALR 188, cited
De Bruyn v Republic of South Africa (1999) 96 FCR 290, cited
Director of Public Prosecutions (Cth) v Kainhofer (1995) 185 CLR 528, cited
DJI v The Central Authority (2000) 201 CLR 226, applied
Harris v Attorney-General of the Commonwealth (1994) 52 FCR 386, cited
Hempel v Attorney-General (Cth) (1987) 77 ALR 641, cited
O’Donoghue v Ireland [2009] FCA 618, cited
Prabowo v Republic of Indonesia (1995) 61 FCR 258, cited
Rahardja v Republic of Indonesia [2000] FCA 1297, considered
Snedden v Republic of Croatia [2009] FCA 30, reversed
Travica v The Government of Croatia [2004] EWHC 2747 (Admin), considered

DANIEL SNEDDEN v REPUBLIC OF CROATIA
NSD 126 of 2009

BENNETT, FLICK AND MCKERRACHER JJ
2 SEPTEMBER 2009
SYDNEY
IN THE FEDERAL COURT OF AUSTRALIA
NSW DISTRICT REGISTRY
GENERAL DIVISION NSD 126 of 2009

ON APPEAL FROM A SINGLE JUDGE OF THE FEDERAL COURT OF AUSTRALIA

BETWEEN: DANIEL SNEDDEN
Appellant

AND: REPUBLIC OF CROATIA
Respondent

JUDGES: BENNETT, FLICK AND MCKERRACHER JJ

DATE OF ORDER: 2 SEPTEMBER 2009
WHERE MADE: SYDNEY

THE COURT ORDERS THAT:

1. The appeal be allowed.

2. The appellant is to be released from custody.

3. Order 2 is stayed until 3 pm on Friday 4 September 2009.

4. The respondent is to pay the appellant’s costs of the appeal.

5. Liberty is reserved to the parties to apply to vary orders 2 or 3 upon 24 hours’ notice in writing.

Note: Settlement and entry of orders is dealt with in Order 36 of the Federal Court Rules. The text of orders can be located using eSearch on the Court’s website.
IN THE FEDERAL COURT OF AUSTRALIA  
NSW DISTRICT REGISTRY  
GENERAL DIVISION  

ON APPEAL FROM A SINGLE JUDGE OF THE FEDERAL COURT OF AUSTRALIA  

BETWEEN: DANIEL SNEDDEN  
Appellant  
AND: REPUBLIC OF CROATIA  
Respondent  

JUDGES: BENNETT, FLICK AND MCKERRACHER JJ  
DATE: 2 SEPTEMBER 2009  
PLACE: SYDNEY  

REASONS FOR JUDGMENT  

THE COURT:  

On 17 February 2006 the Attorney-General’s Department of the Commonwealth of Australia received a request from the Minister of Justice of the Republic of Croatia seeking the extradition of the appellant. That request was to be considered in accordance with the Extradition Act 1988 (Cth) (‘the Act’).  

The request stated that extradition was sought for the appellant’s prosecution before a court in the Republic of Croatia in respect of two offences of war crimes against prisoners of war pursuant to Article 122 of the Basic Penal Code of the Republic of Croatia and for one offence of a war crime against the civilian population pursuant to Article 120, paragraphs 1 and 2, of the Basic Penal Code.  

In summary form, the extradition request recounts that the appellant was the commander of a ‘Special Purpose Unit’ of ‘Serbian paramilitary troops’. The request refers to a number of events when ‘the armed aggressor’s Serbian paramilitary troops of the anti-constitutional entity the “Republic of Krajina”’ engaged in armed conflict. The appellant is said to be a citizen of the former state union of Serbia and Montenegro and of Australia.
When a request for extradition is made, the Act attaches no legal significance to the fact that the person sought to be extradited is a citizen of Australia: *Vasiljkovic v The Commonwealth of Australia* (2006) 227 CLR 614 at 619 per Gleeson CJ; at 634 and 642 to 643 per Gummow and Hayne JJ. See also: *DJL v The Central Authority* (2000) 201 CLR 226 at 279 to 280 per Kirby J, with whom Gleeson CJ, Gaudron, McHugh, Gummow and Hayne JJ agreed.

On 12 April 2007 a Magistrate of the Local Court determined that the appellant was eligible for surrender to the Republic of Croatia. A review of the Magistrate’s decision by this Court is provided for by s 21(1) of the Act. Review of the Magistrate’s decision was sought and on 3 February 2009 a Judge of this Court dismissed the application: *Snedden v Republic of Croatia* [2009] FCA 30.

The appellant opposes extradition. He maintained before the primary judge and on appeal that there was an ‘extradition objection’ such that he could not be extradited. Pending the resolution of the appeal, the appellant remains in custody.

Section 21(3) of the Act provides for an appeal from the judgment of a single judge of this Court to the Full Court of the Federal Court. On 16 February 2009 a notice of appeal was filed which seeks to advance three grounds of appeal more fully set forth in that notice but which may for present purposes be summarised as being:

(i) a contention that the primary judge ‘applied the wrong test in making findings on key areas of evidence as to whether or not the applicant was eligible for surrender to Croatia ...’. The particulars provided in respect to this ground of appeal make reference to the manner in which ‘findings’ were expressed by the primary judge at [64], [73], [80] and [82] of his reasons for decision;

(ii) a contention that the primary judge ‘erred in failing to consider whether evidence that service for the Croatian forces was treated as a mitigating factor’ in sentencing ‘gave rise to substantial grounds for suspecting that the appellant may be prejudiced, and/or detained, and/or punished by reason of his political beliefs, nationality, or race, in relation to a portion of his sentence’; and

(iii) a contention that the conclusion of the primary judge that no extradition objection was made out ‘was against the weight of evidence ...’.
There emerged during the hearing of the appeal a considerable degree of overlap as between each of these grounds.

In the event that this Court disagreed with the primary judge, the Court was invited itself to review the evidence with a view to forming its own conclusion as to whether the appellant had made out an ‘extradition objection’. Such a course was complicated by considerable disagreement between the parties as to what the available evidence actually established; disagreement as to whether the onus upon the appellant had been discharged and the manner in which that onus operated; and disagreement as to the application of the statutory language to the facts.

It is nevertheless considered that the appeal should be allowed.

THE EXTRADITION PROCESS — AN EXTRADITION OBJECTION


Relevantly, part of that history is a recognition of the desirability of international cooperation in facilitating the surrender of fugitives to foreign nations so that they may be prosecuted. In *In re Arison* [1896] 1 QB 108 at 111 Lord Russell CJ observed:

> The law of extradition is, without doubt, founded upon the broad principle that it is to the interest of civilized communities that crimes, acknowledged to be such, should not go unpunished, and it is part of the comity of nations that one state should afford to another every assistance towards bringing persons guilty of such crimes to justice.

The law to be applied in Australia is that now set forth in the Act. A principal object of the Act is ‘to codify the law relating to the extradition of persons from Australia to extradition countries ... without determining the guilt or innocence of the person of an offence’: s 3(a). For the purposes of the Act, the Republic of Croatia is declared to be an ‘extradition country’ by reg 4 of the *Extradition (Croatia) Regulations 2004* (Cth).
It is also of relevance to note at the outset that the arrest and extradition of a person pursuant to the terms of the Act obviously involve a deprivation of the liberty of that person and, potentially, a serious disruption of his or her life. Indeed, it has been said that ‘(t)he law of this country is very jealous of any infringement of personal liberty’: Re Bolton; Ex parte Beane (1987) 162 CLR 514 at 523 per Brennan J, and that ‘(t)he statute affects the liberty of the subject in a drastic fashion — the consequences are far more serious than being charged with a crime in Australia’: De Bruyn v Republic of South Africa (1999) 96 FCR 290 at 295 per Gyles J.

‘Although the extradition of fugitive offenders is an executive act, it requires statutory authority’ which ‘cannot be exercised “except in accordance with the laws which prescribe in detail the precautions to be taken to prevent unwarrantable interference with individual liberty”’: Vasiljkovic 227 CLR at 618 per Gleeson CJ, citing Brown v Lizards (1905) 2 CLR 837 at 852 per Griffith CJ. See also 227 CLR at 629 to 630. There is thus a need for what is said to be strict compliance with the formalities required by the Act: Prabowo v Republic of Indonesia (1995) 61 FCR 258 at 270 to 271 per Hill J; Timar v Republic of Hungary [1999] FCA 1518 at [62] per Weinberg J; Cabal v United Mexican States (No 3) (2000) 186 ALR 188 at 240 per French J; O’Donoghue v Ireland [2009] FCA 618 at [68] per Barker J. There is no room for any presumption in favour of the executive where the liberty of a subject is concerned: Schleske v Federal Republic of Germany (1987) 14 FCR 424 at 432 per Fox, Wilcox and Burchett JJ.

But this is not to conclude ‘that every conceivable doubt or possible ambiguity of fact or law, no matter how inconsequential, must be resolved against the country seeking extradition’: Timar at [64] per Weinberg J. His Honour had there previously observed at [63] that ‘documents emanating from countries with which Australia has extradition arrangements will often be drafted in language and style which is very different from our own, and perhaps less than perfect from our perspective’.

The process of extradition now set forth in the Act involves four stages, summarised by the Full Court in Harris v Attorney-General of the Commonwealth (1994) 52 FCR 386 as follows:
The Act contemplates four stages in extradition proceedings as follows: (1) Commencement; (2) Remand; (3) Determination by a magistrate of eligibility for surrender; (4) Executive determination that the person is to be surrendered. In summary form, the scheme is as follows: The commencement of proceedings is by the issue of a provisional warrant under s 12(1) or by the giving of a notice under s 16(1). Once arrested, the person is required by s 15 to be taken before a magistrate and remanded in custody or on bail for such period as may be necessary for eligibility proceedings to be taken under s 19. Where a person is on remand under s 15 and the Attorney-General has given a notice under s 16(1), provision is made under s 19 for a magistrate to conduct proceedings to determine whether the person is eligible for surrender. If eligibility is so determined by the magistrate, provision is made by s 22 for the Attorney-General to decide whether the person is to be surrendered: (1994) 52 FCR at 389.

The approach to the legislation as contemplating ‘four stages’ has been endorsed by Gleeson CJ in Vasiljkovic 227 CLR at 628; see also per Gummow and Hayne JJ at 635 to 636 and per Kirby J at 657, and by Gummow J in Director of Public Prosecutions (Cth) v Kainhofer (1995) 185 CLR 528 at 547.

This is but an outline of the law as it is at present.

No matter how serious the allegations may be that are made by a country seeking extradition, every person whose extradition is sought is entitled to a careful application of the law to the facts.

For the purposes of the present proceeding, attention may be confined to that stage of the extradition process when a magistrate is called upon to determine whether a person is ‘eligible for surrender’ pursuant to s 19(2) of the Act. Section 19(2) relevantly provides as follows:

For the purposes of subsection (1), the person is only eligible for surrender in relation to an extradition offence for which surrender of the person is sought by the extradition country if:
(a) .....;
(b) .....;
(c) .....; and
(d) the person does not satisfy the magistrate that there are substantial grounds for believing that there is an extradition objection in relation to the offence.

Section 7 defines what is meant by an ‘extradition objection’ as follows:

**Meaning of extradition objection**

For the purposes of this Act, there is an extradition objection in relation to an extradition offence for which the surrender of a person is sought by an extradition country if:
(a) the extradition offence is a political offence in relation to the extradition country;
(b) the surrender of the person, in so far as it purports to be sought for the extradition offence, is actually sought for the purpose of prosecuting or punishing the person on account of his or her race, religion, nationality or political opinions or for a political offence in relation to the extradition country;
(c) on surrender to the extradition country in respect of the extradition offence, the person may be prejudiced at his or her trial, or punished, detained or restricted in his or her personal liberty, by reason of his or her race, religion, nationality or political opinions;
(d) ...; or
(e) ...

Previously, the appellant relied on both s 7(b) and (c). Reliance is now placed solely upon s 7(c).

SECTION 19(2)(d) — SUBSTANTIAL GROUNDS FOR BELIEVING

The first ground of appeal focussed attention upon the manner in which the primary judge expressed his reasons for conclusion.

The appellant’s position was that those reasons expose an incorrect application of the terms of s 19(2)(d) as it has been interpreted by decisions of this Court. The respondent advanced the contrary proposition but further contended, in the alternative, that if the primary judge had not properly applied s 19(2)(d), this Court itself should do so. In that regard, the respondent took issue with the factual conclusions sought to be advanced on behalf of the appellant.

Section 19(2)(d) makes it clear that the person maintaining that there is an ‘extradition objection’ bears the burden of making out that objection. But that burden goes no further than requiring that there be ‘substantial grounds for believing’ that there is an ‘extradition objection’: Cabal v United Mexican States (2001) 108 FCR 311 (‘Cabal (2001)’) at 343. The Full Court there further set forth in some detail the origins of s 7(c) (and also s 7(b)). The predecessors of these provisions have also been examined extra-judicially: Aughterson, Extradition – Australian Law and Procedure at pp 111 to 115.

The meaning of the phrase ‘substantial grounds for believing’ was addressed at first instance by French J in Cabal v United Mexican States (No 2) (2000) 172 ALR 743 (‘Cabal (No 2)’) as follows:

In relation to the political objections in s 7(b) and (c) material which demonstrates a real or substantial risk that the circumstances described in those paragraphs exist or will exist may be sufficient to satisfy the conditions in s 19(2)(d). The very nature of those objections is such that the evidence relied upon to make them out or to show substantial grounds for believing that they exist may be indirect or circumstantial in character: 172 ALR at 748.
On appeal, it was not suggested to the Full Court that this statement of principle disclosed any error: *Cabal* (2001) 108 FCR at 346. As also noted by the Full Court, these observations of French J were expressed in the same way that his Honour had approached the meaning of the term ‘substantial grounds for believing’ in *Hempele v Attorney-General (Cth)* (1987) 77 ALR 641. There in issue was the comparable phrase previously employed in s 14 of the *Extradition (Foreign States) Act 1966* (Cth). His Honour had there observed:

... What is meant by “substantial” in s 14?

... what constitute [sic] “substantial grounds” for the purposes of s 14 will depend upon the circumstances including the nature of the prejudice considered. It is ultimately a normative rather than a purely quantitative question.

The minimum requirement of a substantial ground is that it be non-trivial. I think it goes too far to say that the term always requires the discernment of a greater than even chance of unfair discrimination: (1987) 77 ALR at 664 to 665.

The expression also received consideration in *Rahardja v Republic of Indonesia* [2000] FCA 1297. The Full Court there noted the submission as advanced on behalf of the appellant as follows (emphasis in original):

[37] Counsel for Mr Rahardja emphasise the nature of the relevant test: there are “substantial grounds for believing” (para 19(2)(d)) that “the person may be prejudiced at his ... trial or punished ... by reason of his ... race” (para 7(c)). The inquiry is speculative, because it is concerned with future and hypothetical events, say counsel. In view of the relevant terminology, they submit, “it is inappropriate to apply an inflexible standard, such as the balance of probabilities, and a lesser degree of likelihood is sufficient to establish substantial grounds for the extradition objection”. Counsel submit the minimum requirement is that the substantial ground of belief be “not trivial” or merely theoretical. Counsel emphasise it is sufficient there be a real chance of prejudice; it does not matter that the chance may be far less than a fifty percent chance.

Their Honours expressed agreement with this formulation of the test for the establishment of ‘substantial grounds’ in s 19(2)(d) of the Act as follows (emphasis added):

[47] We accept the submissions of counsel for the appellant as to the test that must be applied in considering whether there is an extradition objection in this case. As counsel say, the inquiry concerns future and hypothetical events. Necessarily, therefore, the Court is required to engage in a deal of speculation. And it is sufficient if the person raising the objection establishes a substantial or real chance of prejudice; it is not necessary to show a probability of prejudice or any particular degree of risk of prejudice.

The primary judge expressly set forth in his reasons for decision the analysis by French J in *Cabal (No 2)* as to what constitutes ‘substantial grounds’. Thereafter, and at the outset of his analysis of the grounds of review then being advanced, his Honour said:

[54] The applicant makes several claims in support of his contention that, contrary to the Magistrate's finding, a valid extradition objection exists.
[55] The applicant claims that there is a risk that he will be prejudiced at any trial of the charges brought against him if he were extradited to the Republic of Croatia and tried before a Croatian court. The claim is based upon the involvement of the applicant as a prominent Serbian political and military figure in the conflict with Croatian forces in the disputed territory of the Krajina and Croatian animosity towards the applicant.

His Honour then proceeded to consider each of the grounds being advanced. He expressed his conclusion as to whether or not there was an ‘extradition objection’ as follows:

[88] The Court has considered the applicant’s evidence and finds that there is no specific evidence of pre-trial bias against the applicant, nor is there a nexus established between the applicant’s apprehension and the question of whether he would be prejudiced at his trial. Further, the evidence before the Court establishes that the Croatian judiciary is capable of providing a fair trial to the applicant.

[89] The Court is not satisfied that the evidence establishes that there are substantial grounds for believing that the applicant may be prejudiced at his trial or otherwise prejudiced as provided by s 7(c) of the Extradition Act.

The summary of the appellant’s claim, it will be noted, is expressed in terms of ‘a risk’; and his Honour’s conclusion employs the language of ‘substantial grounds’.

25

Notwithstanding this expression of the conclusion reached, the appellant contends that the primary judge impermissibly approached the application of the requirement that there be ‘substantial grounds’ by applying ‘a test of probability rather than possibility’. The findings of the primary judge to which specific reference is made in the particulars to this first ground of appeal – and as expanded upon in the written outline of submissions – were expressed as follows:

[63] The relevant portions of the statement of Ms Karadjordjevic state that she believes that the applicant will not receive a fair trial and that it would be of ‘political benefit to the Croatian state generally and in particular to their claims concerning the Krajina’ if the applicant were convicted.

[64] The Court has considered the above evidence. The Court finds that the applicant’s alleged repute in Serbia resulting from his military and charitable activities does not lead to the conclusion that the judicial system in the Republic of Croatia would not provide him with a fair trial. Nor does the applicant’s belief or the belief of the other witnesses that he is hated by Croatians and that his extradition is sought in retaliation for his military successes against the Croatians constitute sufficient grounds to establish that he would not receive a fair trial in that country.

... 

[73] The terms of the extradition request are generalised in relation to the Serbian forces. Further, the text of such request was not prepared by the Croatian judiciary. The Court cannot infer that the terminology used in the extradition request suggests that the applicant would not receive a fair trial.

... 

[80] Accordingly, any discrepancy between the number of Croatians and Serbians prosecuted in the Republic of Croatia is irrelevant in this Court’s consideration of whether the applicant would
suffer prejudice at his trial by virtue of his race, nationality or political opinion. The applicant’s contention does not lead to the conclusion that he would not be afforded a fair trial in the Republic of Croatia.

... 

[82] As to the applicant’s claim that over half of the convictions of Serbians have been found to be unsound by Croatian appellate courts, the September 2006 OSCE Report establishes that in 2005 the Supreme Court reversed war crimes verdicts in 65% of the appeals decided. The report states that the reasons for such reversals were procedural errors, such as failures to properly establish facts and failures to apply the law to the facts. The report does not suggest that the reversals were in any way predicated upon a finding of bias against the nationality of those who were convicted. Such reversals accordingly do not support the claim that the applicant would be prejudiced at his trial before the Croatian judiciary as a result of his nationality.

Particular emphasis is sought to be placed by the appellant upon the repeated manner in which the primary judge expressed his findings in terms of whether the appellant ‘would’ or ‘would not’ suffer the treatment being advanced. In contrast to these paragraphs stands the following finding made by his Honour in respect of a submission made that ‘the evidence of witnesses may be corrupted during the investigative process’:

[71] The Court is not satisfied that the evidence of Mr Bajic establishes that there is a real or substantial risk that the applicant may be prejudiced at any trial by reason of corrupted evidence.

Mr Bajic had given evidence of being offered incentives to give false evidence against the appellant. That evidence had been contradicted.

The appellant’s submission was that the primary judge may have employed the statutory language of whether ‘substantial grounds’ had been made out – but that, in making his findings, he was not directing attention to whether the material before him demonstrated ‘a real or substantial risk that the circumstances described’ in s 7(c) could or may exist but impermissibly applied a test of ‘probability’.

A comparable argument was unsuccessfully advanced in Rahardja. The primary judge had there described ‘the specific question for determination’ as being ‘whether as a consequence of his ethnicity the applicant would experience prejudice at his trial or have his punishment increased for ethnic reasons’. Counsel for the respondent did not dispute the manner in which the test was to be formulated, but disputed the submission that the primary judge had misunderstood that test. The position for the respondent was that the appearance of the word ‘would’ on two occasions in the judgment of the primary judge did not indicate any misunderstanding. Wilcox, Spender and Dowssett JJJ agreed with the respondent as follows:
[49] Notwithstanding the submission of counsel for Mr Rahardja, we do not think Tamberlin J was under a misapprehension as to the test he was required to apply. In para 40 of his reasons for judgment, quoted at para 25 above, his Honour stated the "specific question for determination":
“are there substantial grounds for believing that the applicant ... may be prejudiced or punished or otherwise adversely differentially treated by reason of his Chinese Ethnicity?" (our emphasis). In the last sentence of that paragraph he again used the words "may be prejudiced" (our emphasis). The words "would be treated" are used in the context of making the point that there was no evidence of a practice of treating persons of Chinese ethnicity differently, at trial, from other persons. We think his Honour’s comment, in the passage set out in para 30 above, about Professor Lindsay’s evidence should be read in the same way; it was a comment about the lack of specificity in that evidence upon the critical question of practices at trial.

Those conclusions are obviously confined to the circumstances of the case there being advanced but the approach of the Full Court is relevant to the present appeal.

It is the case that, in the reasons of the primary judge:

- there is not one or two – but repeated – use of the term ‘would’ or the phrase ‘would not’, and no use of the term ‘may’, in the immediately surrounding context in which the impugned findings are expressed; and

- on each occasion upon which the term or the phrase is employed there is no other contextual comment which would provide any indication that the conclusion was but an assessment as to whether there was ‘a substantial or real chance of prejudice’ or that it was ‘not necessary to show a probability of prejudice or any particular degree of risk of prejudice’.

Notwithstanding such factors, no error is discernible in the manner in which the primary judge construed and applied the terms of s 19(2)(d). His Honour correctly set forth the test as set forth by French J in Cabal (No 2). He thereafter started his analysis as to whether an extradition objection had been made out using the language of ‘risk’ (at [55]) and concluded his analysis by reference to the terms of s 7(c) (at [89]). On a proper and informed reading of his Honour’s reasons, no conclusion should be reached other than that his Honour informed himself by reference to the terms of the legislation itself and by reference to authority as to how those terms were to be interpreted and proceeded to apply that test to the facts as he found them.

The first ground of appeal is rejected.
SECTION 7(c)

It was common ground that s 7(c) invites inquiry as to whether a person may be:

- ‘prejudiced at his or her trial’; or
- ‘punished, detained or restricted in his or her personal liberty’

and whether, in either case, that arises:

- ‘by reason of his or her race, religion, nationality or political opinions’.

So construed, the enquiry as to the prospect of ‘prejudice’ is thus confined to what may happen ‘at ... trial’. Whether a person may otherwise be ‘punished’ is not so confined.

There was disagreement as to the correct construction of the terms:

- ‘at ... trial’; and
- ‘punished’

The appellant contended that an ‘extradition objection’ was made out because there was a risk which could not be described as trivial that he ‘may be prejudiced at his ... trial’ by reason of:

- his profile as a prominent Serbian political and military figure;
- the language in which the extradition request was expressed;
- the inability of the judicial system in the Republic of Croatia to provide him with a fair trial;
- the prospect that witnesses whom he may wish to call would not be willing to travel to the Republic of Croatia to give evidence;
- the prospect that evidence to be given may be corrupted during the investigative processes; and
- the disparity in the number of prosecutions and convictions as between Croatians and Serbians.
Those same factors were further relied upon in support of a contention that he would be ‘punished’.

An additional matter relied upon by the appellant, and a matter raised expressly by his second ground of appeal, was the failure of the primary judge to resolve an argument founded upon evidence that service for the Croatian forces is treated by the Croatian Courts as a mitigating factor on sentence (‘the mitigating factor’). It was common ground that submissions based upon this evidence were advanced before the primary judge but not resolved. The appeal proceeded upon the basis that it was appropriate for this Court as presently constituted to consider this ground.

This was said to be relevant both to an asserted prejudice at trial and also to an asserted punishment, both by reason of the appellant’s political opinions or nationality. The response of the respondent was to put in issue the factual conclusions to be drawn from the evidence. First, the respondent contended that some of the facts were irrelevant to any inquiry as to what prejudice may be suffered ‘at ... trial’. Secondly, the respondent asserted that the mitigating factor did not operate such that the appellant would be ‘punished’. The respondent submitted that ‘punished’ connoted a positive act and that the failure to apply a mitigating factor did not fall within the concept of punishment.

In putting in issue the factual conclusions to be drawn from the evidence, the respondent not only focussed attention upon whether the appellant had discharged the onus imposed upon him by s 19(2)(d), but also focussed attention upon whether those facts arose ‘by reason of his or her race, religion, nationality or political opinions’.

THE APPLICATION OF THE MITIGATING FACTOR

The starting point for the second ground of appeal was to be found in two reports of a body described as the ‘Organization for Security and Co-operation in Europe’ (‘OSCE’). The independence of the OSCE was accepted by both the appellant and the respondent and both parties sought to rely upon statements found in the two reports, albeit for different reasons.
The passage in the first OSCE report relied upon by the appellant, apparently published in March 2006, stated:

The eight accused were sentenced to prison terms ranging from six to eight years. In setting the prison sentences, the court cited the role of the accused in defending Croatia against armed aggression as a mitigating factor. This type of mitigating factor is not applied by the ICTY [International Criminal Tribunal for the former Yugoslavia]. Not only does this politicize the verdict but it introduces a discrepancy into war crime sentencing largely correlated to national origin. Thus, the same crime committed by members of the Croatian armed forces is subject to lesser punishment than when committed by members of the former ‘Krajina’ or Yugoslav forces. The prosecution has indicated that it may appeal against the sentencing.

A second OSCE report, dated 13 September 2006, relevantly contained the following statement as part of its ‘Executive Summary’:

While diminishing in impact, ethnic origin continues to be a factor in determining against whom and what crimes are prosecuted, with discrepancies seen in the type of conduct charged and the severity of sentencing. ... Service in the Croatian army continued to be used as a factor to mitigate punishment.

The report continued:

2. The continuing use of “participation in the homeland war” as a mitigating circumstance to decrease punishment for members of the Croatian armed forces convicted of war crimes remains of concern. [See Section C.VII.] The Supreme Court confirmed the Osijek County Court’s conviction of one accused in the “Pulini Dvor” case, but increased the sentence from 12 to 15 years, indicating that the trial court’s application of this mitigating circumstance had not been properly balanced against aggravating circumstances. It did not, however, deem the application of this mitigating factor as inappropriate per se. In 2006, trial courts continued to apply this mitigating factor. The ICTY does not apply this type of mitigating factor and in the Mission’s view, military service is not an appropriate sentencing factor.

It should be noted that any lack of judicial impartiality in some County Courts may be answered in part by the undertaking given by the Attorney-General of the Republic of Croatia to ask the President of the Supreme Court of the Republic of Croatia to refer any trial of the appellant to one of the four specially designated County Courts to adjudicate alleged war crimes. Irrespective of that undertaking, however, the appellant relies on the fact that, in sentencing, the County Courts apply the mitigating factor to those who served in the Croatian army or, as it is called, the ‘Homeland Army’. The mitigating factor is not available to persons who served in the Serbian forces.

The Republic of Croatia submits that evidence that the Supreme Court has ‘approved’ this practice is limited to one appeal where the Court indicated that the mitigating circumstances had not been properly balanced against other aggravating circumstances and
that the Court did not deem the mitigating factor to be inappropriate per se. The Republic of Croatia further submits that this does not necessarily suggest positive or general approval of the practice. However, it is also apparent, and has not been contradicted, that the County Courts of Croatia have taken the Supreme Court to have approved the practice and that, in any event, they continue to apply it as a factor to be taken into account in sentencing those who served in the Homeland Army.

It is worth emphasising that no evidence has been adduced by the Republic of Croatia to contradict the inference that such a factor continues to be selectively applied in sentencing. Emphasising that the onus is on the appellant to establish the extradition objection, the Republic of Croatia has not led evidence as to the present situation, nor to rebut or qualify the statements in the OSCE reports. It is not, of course, obliged to adduce evidence, but the Court is then in a position where the only available evidence is that adduced by the appellant.

The Republic of Croatia also submits that, if it is accepted that participation in the ‘Homeland War’ (on the Croatian side) is not an appropriate sentencing factor in relation to offences committed in the course of that war, the fact that members of a certain group may inappropriately receive the benefit of that practice does not mean that members of another group are entitled to it. It submits that the relevant question for the purpose of considering whether there is an extradition objection is what will happen at the sentencing of the appellant and whether his sentence is increased for reason of nationality or political opinions.

There is no evidence that the appellant’s sentence would be increased because he fought on the Serbian side.

The appellant accepts that, if the court applies a sentence and then declines to apply a mitigating factor that may be available to another person, that does not constitute punishment, detention or restriction of liberty within the meaning of s 7(c) of the Act. He submits, however, that the evidence is that the courts apply the various factors, including aggravating circumstances and mitigating circumstances, as part of the process of deciding the sentence. This determines the period of deprivation of liberty and the punishment to be applied. He says that the sentencing process itself involves a balancing of factors, so that the failure to apply the mitigating factor constitutes a positive act.
The available evidence supports the appellant’s submission that the courts take a ‘holistic’ approach to sentencing. From the two OSCE reports, it emerges that the Supreme Court of Croatia considered that the mitigating factor should be applied in the imposition of a sentence.

Moreover, if convicted, the appellant will be ‘detained’ and deprived of his liberty for a period longer than a Croatian counterpart.

This treatment of the appellant thus falls within s 7(c) – subject only to whether it arises ‘by reason of his or her race, religion, nationality or political opinions’.

BY REASON OF

The case advanced by the appellant is that the difference in treatment upon which he focuses arises ‘by reason of his ... nationality or political opinions’.

The phrase ‘by reason of’ clearly requires that there be some causal connection between the matters relied upon and a person’s ‘race, religion, nationality or political opinions’. So much was not in dispute. The phrase as used in s 7(c), it may be noted, is different to that employed in s 7(b) – namely, ‘on account of’. Whether any difference was intended by the legislature, or whether the different phraseology in s 7(b) is but a product of the different matters to which each provision is directed, was not addressed by the parties and need not be further pursued.

Some guidance as to the manner of interpreting s 7(c) may be gleaned from Applicant A v Minister for Immigration and Ethnic Affairs (1997) 190 CLR 225. There in issue was a claim to refugee status. A refugee was defined in part as being a person having ‘a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’. Dawson J relevantly observed:

The words “for reasons of” require a causal nexus between actual or perceived membership of the particular social group and the well-founded fear of persecution. It is not sufficient that a person be a member of a particular social group and also have a well-founded fear of persecution. The persecution must be feared because of the person’s membership or perceived membership of the particular social group: 190 CLR at 240.

Similarly, McHugh J also observed:
When the definition of refugee is read as a whole, it is plain that it is directed to the protection of individuals who have been or who are likely to be the victims of intentional discrimination of a particular kind. The discrimination must constitute a form of persecution, and it must be discrimination that occurs because the person concerned has a particular race, religion, nationality, political opinion or membership of a particular social group. Discrimination – even discrimination amounting to persecution – that is aimed at a person as an individual and not for a Convention reason is not within the Convention definition of refugee, no matter how terrible its impact on that person happens to be: 190 CLR at 257.

The Explanatory Statement provided with the *Extradition (Croatia) Regulations 2004* (Cth) emphasises the need for this causal connection. That Statement provides in part as follows:

Extradition under the Regulations is subject to the various safeguards set out in the Act. For example, extradition would not be permitted where the fugitive was sought for or in connection with her or his race, religion, nationality or political opinions or would be tried, sentenced or detained for a political or military offence. In addition, the Attorney-General would retain a broad discretion to refuse an extradition request by Croatia in any particular case.

The mitigating factor is not based on nationality, as it also seems to apply to Serbs who fought in the Homeland Army and does not apply to Croatians who fought with the Serb forces in support of an independent Republic of Krajina.

The mitigating factor, however, operates by reference to ‘political beliefs’. The appellant’s political beliefs concern what he describes in his Statement as ‘the self determination of Serbian people in the Balkans in those areas where they constitute a majority’, in particular in the Krajina. Serbs constituted a majority in the Krajina until they were removed by Croatian military forces in 1995. The appellant says that ‘[t]here are hardly any Serbs left in the Krajina after 1995 and they have no influence or role in the Croatian justice system’. The appellant’s political belief is ‘that the Krajina Serbs have a right to return to their homeland and are entitled to an independent state’. He played a significant role as a military commander in the military conflict in the former Yugoslavia that began at Knin in June 1991, particularly the battle for Glinka. The extradition request refers in express terms to the armed conflict in Knin ‘between the armed forces of the Republic of Croatia and the armed aggressor’s Serbian paramilitary troops of the anti-constitutional entity the “Republic of Krajina”’ in which the appellant was a commander. It follows that the mitigating factor is applied by reason of a person’s political beliefs.
It follows that the appellant has established a substantial or real chance of prejudice and has thereby satisfied the onus of demonstrating that there is an extradition objection in relation to the extradition offence (Rahardju).

The second ground of appeal is thus made out, that there are substantial grounds for believing that he may be ‘punished’ or imprisoned and thereby ‘detained’ or ‘restricted in his personal liberty’ and that such treatment arises ‘by reason of his ... nationality or political opinions’.

The appeal should thus be allowed.

EVIDENCE AND CONVICTION RATES

It was contended by the appellant that the risk of ‘prejudice’ at trial, or the risk of the appellant being ‘punished’ by reason of his race or political opinions, was also made out by reason of available statistics as to rates at which Serbians were being prosecuted and convicted as opposed to their Croatian counterparts.

The appellant’s account of those statistics may be summarised by the following table:

<table>
<thead>
<tr>
<th></th>
<th>Total Number</th>
<th>Croatians</th>
<th>Serbians</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charged</td>
<td>1993</td>
<td>40</td>
<td>1953</td>
</tr>
<tr>
<td>Tried</td>
<td>586</td>
<td>Range: 3 – 9</td>
<td>Range: 577–583</td>
</tr>
<tr>
<td>Convicted</td>
<td>577</td>
<td>3</td>
<td>574</td>
</tr>
<tr>
<td>Tried but not convicted</td>
<td>9</td>
<td>0 – 9</td>
<td>0 – 9</td>
</tr>
</tbody>
</table>
Another way of expressing the same statistics is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Croats</th>
<th>Serbs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numbers charged</td>
<td>40</td>
<td>1953</td>
</tr>
<tr>
<td>Numbers convicted</td>
<td>3</td>
<td>574</td>
</tr>
<tr>
<td>Conviction rate</td>
<td>7.5%</td>
<td>29%</td>
</tr>
</tbody>
</table>

Notwithstanding the care with which the submissions were advanced on behalf of the appellant, the conclusions to be drawn from these statistics remained elusive. To the extent that conclusions or inferences remained elusive, the respondent contended that the appellant had not discharged the onus of proof imposed by s 19(2)(d). The respondent also contended that such discrimination as may be evidenced by these statistics did not go that further step and establish that the differential treatment arose "by reason of ... nationality or political opinions" for the purposes of s 7(c).

These submissions of the respondent have more weight if attention is focussed only upon a comparison of the numbers charged and convicted; they have less weight if attention is focussed upon the comparative conviction rates.

**At Trial**

The use of the phrase "at his or her trial" in s 7(c) has the potential for ambiguity.

There is, perhaps, ambiguity as to whether that phrase is confined to such prejudice as a person facing extradition may face during the trial process itself. On such a confined construction of the phrase, prior steps that have been taken to secure the presence of a person in the country seeking extradition precede that trial process and would assume no relevance. And, upon such a construction, whatever questions which may otherwise arise by reference to the terms in which an extradition request is expressed would equally be of no relevance unless a link to the trial itself or to the judiciary were demonstrated. We note that the
extradition request was not prepared by the Croatian judiciary and does not indicate prejudgment. The same analysis would apply to the investigatory steps whereby evidence was gathered for the purposes of later being adduced during the trial process and the decision to prosecute. Questions which may emerge by reason of the potential use of evidence perhaps improperly obtained may fall within the phrase ‘at his or her trial’. The question also may arise as to whether the appellate or other review processes affecting a result secured at trial came within the expression ‘at ... trial’.

This, in turn, affects the ambit of the evidence relevant to each of these issues in the present appeal.

Some of these questions, it was submitted, had been resolved by the decision of the Full Court in Rahardja. Rahardja was said to support a confined interpretation of the phrase ‘at ... trial’. One issue there addressed was whether a statement by the primary judge as to whether evidence of a particular witness established that a person ‘would be treated’ in a particular manner evidenced a failure to properly apply s 19(2). The Full Court observed (emphasis in original):

[49] ... We think his Honour’s comment ... about Professor Lindsey’s evidence should be read in the same way: it was a comment about the lack of specificity in that evidence upon the critical question of practices at trial ...

[56] However, even if it is true that Indonesian authorities are more disposed to decide not to prosecute a non-Chinese Indonesian than a Chinese Indonesian, that fact does not establish there are substantial grounds for believing that Mr Rahardja may be prejudiced at his trial or punished by reason of his race. The question is what will happen at trial or on sentence, not whether persons of a different race would have a better chance of avoiding trial at all.

These passages, the respondent submitted, confined the ambit of the phrase ‘at ... trial’ to the hearing process itself and the sentencing stage of any such process.

If questions of interpretation had not been resolved by Rahardja, guidance was nevertheless said to be found in the decision of the Queens Bench Division of the High Court of Justice in Travica v The Government of Croatia [2004] EWHC 2747 (Admin).

In Travica, the statutory phrase in issue had similarities with s 7(c). That case involved an application for a writ of habeas corpus in respect to a person whose extradition to the Republic of Croatia was also sought. One of the issues there to be resolved was whether
a person who had ‘already been convicted at first instance in his absence, and having had his appeal against that conviction dismissed … would face prejudice in the minds of the local population who would assume that his guilt had already been proved’. In rejecting the submission it was held at [32] that (emphasis in original):

Even if such prejudice were shown, that would not of itself begin to demonstrate … that the applicant would be prejudiced at his trial without at the very least some specific evidence, beyond what is available here, as to the distinct effect of such local feeling on the local judiciary.

Again, the confined ambit of the phrase ‘at … trial’ was said by the respondent to be evident.

Notwithstanding the care with which these competing submissions were advanced, in view of our decision on the consequence of the way in which the mitigating factor is applied, it is presently unnecessary for any concluded view to be expressed.

CONCLUSIONS

The appeal should be allowed. An ‘extradition objection’ has been made out.

In such circumstances, s 19(10) and s 21 of the Act assume relevance. Section 19(10) provides as follows:

Where, in the proceedings, the magistrate determines that the person is not, in relation to any extradition offence, eligible for surrender to the extradition country seeking surrender, the magistrate shall:
(a) order that the person be released; and
(b) advise the Attorney-General in writing of the order and of the magistrate’s reasons for determining that the person is not eligible for surrender.

On an application for review of a magistrate’s order, s 21 thereafter sets forth the powers of this Court. The terms of those provisions appear to be self-evident. No submissions, however, were advanced during the hearing of the appeal as to whether or not an order should be made for the release of the appellant from custody if the appeal were allowed. Accordingly we propose to make an order for the appellant’s release but also that this order be stayed for a limited period of time. This affords an opportunity to the appellant and the respondent to make such submissions as are considered appropriate. Given that it has been established that there is a valid ‘extradition objection’, any further detention of the appellant would appear to be without lawful authority.

There is no reason why costs should not follow the event.
ORDERS

71. The orders of the Court are:

1. The appeal be allowed.
2. The appellant is to be released from custody.
3. Order 2 is stayed until 3 pm on Friday 4 September 2009.
4. The respondent is to pay the appellant’s costs of the appeal.
5. Liberty is reserved to the parties to apply to vary orders 2 or 3 upon 24 hours’ notice in writing.

I certify that the preceding seventy-one (71) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Justices Bennett, Flick and McKerracher.

Associate:

Dated: 1 September 2009

Counsel for the Appellant: Mr C Jackson
Solicitor for the Appellant: Schreuder Partners
Counsel for the Respondent: Ms M Perry QC with Ms H Younan
Solicitor for the Respondent: Commonwealth Director of Public Prosecutions
Date of Hearing: 10 August 2009
Date of Judgment: 2 September 2009
SECTION VII

Documents related to the Activities of the Commission for Missing Persons of the Government of the Republic of Serbia
ANNEX 35

MINUTES OF THE MEETING
Zagreb, 30 June 2009

On 30 June 2009, a meeting was held in Zagreb, with the attendance of representatives of the International Committee of the Red Cross (ICRC) and of the International Commission on Missing Persons (ICMP), devoted to missing persons, between the Office of the Commissioner for Detained/PoWs and Missing Persons of the Government of the Republic of Croatia and the Commission for Missing Persons of the Government of the Republic of Serbia.

The meeting was attended by:

Representatives of the ICRC
- Mr. Paul-Henri Arni, Head of the Regional Delegation;
- Mrs. Caroline Tissot, Regional Coordinator for Missing Persons;
- Ms. Lina Milner, Regional Coordinator for Missing Persons;
- Ms. Dragana Kojic, interpreter

Representatives of the ICMP
- Ms. Kathryn Bomberger, Director General;
- Ms. Samira Krehic, Head of the Regional Programme of the Political Section

Representatives of the Office of the Commissioner for Detained/PoWs and Missing Persons of the Government of the Republic of Croatia
- Col. Ivan Grujic, President of the Office;
- Mr. Dubravko Palijas, Member of the Commissioner's Office;
- Ms. Visnja Bilic, Secretary of the Commissioner's Office;
- Ms. Dubravka Horvat, Head of the Croatian Red Cross Tracing Service;
- Ms. Dunja Jevak, Head of Section in the Ministry of Foreign Affairs and European Integration

Representatives of the Commission for Missing Persons of the Government of the Republic of Serbia
- Mr. Veljko Odalovic, President of the Commission;
- H.E. Mr. Radivoj Cveticanin, Ambassador of the Republic of Serbia to the Republic of Croatia;
- Ms. Zorica Avramovic, Member of the Commission;
- Mr. Mioljub Vitorovic, Representative of the War Crimes Prosecutor's Office of the Republic of Serbia;
- Ms. Gordana Radukic, Head of the Serbian Red Cross Organization Tracing Service;
• Mr. Rade Stefanovic, Second Secretary of the Embassy of the Republic of Serbia in Zagreb.

The Meeting was opened by the Deputy Prime Minister of the Republic of Croatia and Minister responsible for family, war veterans and inter-generational solidarity, Ms. Jadranka Kosor, LLB, who in her introductory remarks said that knowing the fate of the missing and enforced disappearances was priority humanitarian issue for the Government of the Republic of Croatia, which fully supported the process of tracing missing persons. She emphasized that, in order to give a further impetus to the process of tracing all missing persons, she initiated the holding of a meeting on the subject of missing persons at the level of Deputy Prime Ministers/Ministers, and she renewed on that occasion invitation for a meeting which would be hosted by the Government of the Republic of Croatia. The Croatian Deputy Prime Minister and Minister for the Family, War Veterans and Inter-Generational Solidarity pointed out also the necessity of an unconditional resolution of the fate of detained and missing persons from the point of view of human rights and the rights of families to know the fate of their loved ones.

Both parties agreed the following agenda:

1. Situation with regard to the problem of missing persons
2. Activities relating to the previously undertaken obligations
3. Open issues
4. Forthcoming activities

1. Situation with regard to the problem of missing persons
As regards agenda item 1, both parties confirmed their operational positions from earlier meetings on the criteria and competences in the process of tracing missing persons.

The Office of the Commissioner for Detained PoWs and Missing Persons of the Government of the Republic of Croatia informed that 1,865 missing persons were recorded in the Republic of Croatia. Of this number 1,042 persons are still waiting for a reply from the competent authorities of the Republic of Serbia.

The Commission for Missing Persons of the Government of the Republic of Serbia informed that the Republic of Serbia was still waiting for replies for 403 missing persons from the competent authorities of the Republic of Croatia. Furthermore, the Republic of Serbia expressed its legitimate interest in solving the fate of 823 missing citizens of the Republic of Croatia of Serbian origin.

Taking into account the fact that a considerable number of cases had been solved with the last exchange of lists of missing persons (February 2006), the Office of the Commissioner for Detained PoWs/ Missing Persons of the Government of the Republic of Croatia and the Commission for Missing Persons of the Government of the Republic of Serbia agreed to exchange updated lists of missing persons within 30 days.
The Commission for Missing Persons of the Government of the Republic of Serbia submitted, for the purposes of checks and analysis, a working list of 165 persons who had not been listed in "The Book of Persons Missing in the Territory of the Republic of Croatia". Also, they submitted a list of identified persons who have been finally traced and who were included in the list of missing persons compiled by the Commission for Missing Persons of the Government of the Republic of Serbia.

In line with the conclusion from the meeting held on 13-14 March 2007 in Belgrade and bearing in mind the significance and contribution made following the publication of The Book of Persons Missing in the Territory of the Republic of Croatia in 2007, it was agreed to undertake a second upgrading of the hardback copy edition. The Book of Persons Missing in the Territory of the Republic of Croatia will be published by the end of 2009 by the ICRC in cooperation with the Ministry for Family, War Veterans and Inter-Generational Solidarity - Department for Detained and Missing Persons - and with the Croatian Red Cross. The Commission for Missing Persons of the Government of the Republic of Serbia and Serbia's Red Cross organization would cooperate in the preparation of information from their field of activity for the purpose of updating the hardback edition in cooperation with the ICRC.

The Office of the Commissioner for Detained PoWs and Missing Persons of the Government of the Republic of Croatia and the Commission for Missing Persons of the Government of the Republic of Serbia agreed on the need for resuming intensive cooperation with ICMP, with which, by using the DNA identification method through a joint project, 79 missing-person-cases had been solved since the last meeting (March 2007), all these persons were missing from the Republic of Croatia and in whom the Republic of Serbia had expressed legitimate interest. Cooperation between the Ministry for Family, War Veterans and Inter-Generational Solidarity - Department for Detained and Missing Persons - and the Commission for Missing Persons of the Government of the Republic of Serbia in organizing identification and burial of human remains was assessed as positive.

2. Activities relating to the previously undertaken obligations

Further discussions at the meeting focused on the implementation of obligations assumed at the meeting held on 13-14 March 2007 in Belgrade.

In the Republic of Croatia, remains of 160 persons were exhumed at the cemetery in Petrinja. On the basis of these remains 33 people had been positively identified whereas the identification of the remaining cases was underway. Field investigations and exhumation of remains had been continued according to the district schedule. At the request of the Commission for Missing Persons of the Government of the Republic of Serbia, field investigations were conducted in the area of Slavonski Brod. Also, following preliminary identifications made by the use of DNA test methods, human remains of two persons traced by the Republic of Serbia were handed over to it.

In the Republic of Serbia, 25 sets of human remains were exhumed at the cemeteries in Smederevo, Pancevo and Kovin. Since two persons traced by the Republic of Croatia
were not among the exhumed remains, it was agreed to make additional exhumations at Kovin. The cemeteries at Sremski Karlovci and Sremska Kamenica were visited. Furthermore, after having made preliminary identifications, the remains of seven people traced by the Republic of Croatia were turned over to it.

Both parties expressed their satisfaction with the fulfillment of the obligations undertaken at the meeting of 13-14 March 2007, held in Belgrade.

3. Open issues

Office of the Commissioner for Detained/PoWs and Missing Persons of the Government of the Republic of Croatia reiterated its request for addressing open issues, such as:

1) Providing information on possible sites of mass and individual graves in the territory of the Republic of Croatia;
2) Providing information on moved or secondary graves in the territory of the Republic of Croatia;
3) Providing information on missing persons who were detained in prisons or medical or other institutions of the former FRY, on which documents had already been submitted;
4) Recovering of the medical documents taken from the hospital in Vukovar.

The Commission for Missing Persons of the Government of the Republic of Serbia reiterated its request for addressing all cases identified on the list of missing persons, namely:

1) Solving the remaining cases of JNA soldiers missing in Bjelovar in 1991;
2) Elucidating the fate of missing persons at Lora;
3) Identifying the remains exhumed at Pakracka Poljana;
4) Continuing identification of remains exhumed at Snjegavici;
5) Solving the cases of JNA soldiers who went missing in the area of Karlovac;
6) Providing information on 5 persons for whom documents on their capture and stay in medical institutions in the Republic of Croatia had been submitted earlier;
7) Naming locations of sites at which human remains had been exhumed and whose identity had not been established.

Both parties confirmed their positions on outstanding issues expressed at the previous meetings, notably at the meeting held on 13-14 March 2007 in Belgrade. They also agreed that it was necessary to invest additional efforts to settle open issues. At their next meeting, the parties would report specifically on the progress made in the resolution of the highlighted outstanding issues.

4. Forthcoming activities

Office of the Commissioner for Detained/PoWs and Missing Persons of the Government of the Republic of Croatia would:

- Take measures to make exhumations at Bor where the human remains of those killed in the military and police operations "Storm" had been buried; the remains would be exhumed in September/October 2009;
- Take measures to continue the tracing, field investigations and exhumations of human remains according to the district schedule, including ten possible grave sites for which the Commission for Missing Persons of the Government of the Republic of Serbia had requested tracing;
- Take measures to resume the process of identification of the exhumed human remains; according to the results of the joint project of identification by DNA testing methods, the identification of 35 persons will be made; they were all citizens of the Republic of Croatia in whom the Republic of Serbia had demonstrated a legitimate interest.

The Commission for Missing Persons of the Government of the Republic of Serbia would:

- Trace and take steps to exhume human remains in the area of Nis and Aleksinac;
- Take measures to carry out additional exhumations of unidentified human remains at the cemeteries in Novi Sad, Kovin and Gibarač;
- Make further tracing with a view to finding grave sites in Indija where the remains of those for whom documents had been submitted earlier were buried.

In line with the conclusion of the meeting, held on 13-14 March 2007 in Belgrade, concerning the marking and protection of possibly unmarked mass grave sites and individual graves, a joint surveying and marking - it was agreed to hold a working meeting in October 2009 to set common rules of conduct in such cases.

****

It was agreed that the next meeting between the Office of the Commissioner for Detained/PoWs and Missing Persons of the Government of the Republic of Croatia and the Commission for Missing Persons of the Government of the Republic of Serbia, in accordance with the Protocol on Cooperation between the competent government authorities, be held in Belgrade within six months.

PRESIDENT OF THE
OFFICE OF THE COMMISSIONER
FOR DETAINED/PoWs AND MISSING
PERSONS OF THE
GOVERNMENT OF CROATIA
Col. Ivan Grujić (Signed)
Zagreb, 30 June 2009

PRESIDENT OF THE
COMMISSION FOR
MISSING PERSONS OF
THE GOVERNMENT OF
THE REPUBLIC OF SERBIA
Veljko Odalovic (Signed)
ZAPISNIK SA SASTANKA
Povjerenstva Vlade Republike Hrvatske za zatočene i nestale i
Komisije Vlade Republike Srbije za nestala lica,
održanog 30. lipnja 2009. godine u Zagrebu

Dana 30. lipnja 2009. godine u Zagrebu, u nazočnosti predstavnika Međunarodnoga odbora
Crvenoga križa i Međunarodne komisije za nestale osobe, održan je sastanak u nestalim
osobama između Povjerenstva Vlade Republike Hrvatske za zatočene i nestale i Komisije
Vlade Republike Srbije za nestala lica.

Sastanku su bili nazočni:

Predstavnici Međunarodnoga odbora Crvenoga križa
- gosp. Paul-Henri Arni, voditelj Regionalne delegacije
- gđa. Caroline Tissot, regionalna koordinatorica za nestale osobe
- gđa. Lina Milner, regionalna koordinatorica za nestale osobe
- gđa. Dragana Kojić, prevoditeljica

Predstavnici Međunarodne komisije za nestale osobe
- gđa. Kathryne Bomberger, generalna direktorica
- gđa. Samira Krehić, voditeljica regionalnog programa pri Političkom odjelu

Predstavnici Povjerenstva Vlade Republike Hrvatske za zatočene i nestale
- pukovnik Ivan Gruijić, predsjednik Povjerenstva
- gosp. Dubravko Palijaš, član Povjerenstva
- gđa. Višnja Bilić, tajnica Povjerenstva
- gđa. Dubravka Horvat, rukovoditeljica Službe traženja Hrvatskog Crvenog križa
- gđa. Dunja Jevak, načelnica Odjela u Ministarstvu vanjskih poslova i europskih
  integracija

Predstavnici Komisije Vlade Republike Srbije za nestala lica
- gosp. Veljko Odalović, predsjednik Komisije
- NJ. E. Radivoj Cvetičanin, veleposlanik Republike Srbije u Republici Hrvatskoj
- gđa. Zorica Avramović, član Komisije
- gosp. Mioljub Vitorović, predstavnik Tužilaštva za ratne zločine Republike Srbije
- gđa. Gordana Radukić, rukovoditeljica Službe traženja Društva Crvenog krsta Srbije
- gosp. Rade Stefanović, drugi tajnik u Veleposlanstvu Republike Srbije u Zagrebu

Sastanak je otvorila potpredsjednica Vlade Republike Hrvatske i ministrica obitelji, branitelja
i međugeneracijske solidarnosti, gđa. Jadranka Kosor, dipl. iur. ističući, u uvodnoj riječi,
kako je rješavanje sudbine nestalih i naslije dovodenih osoba prioritetno humanitarno pitanje
za Vlada Republike Hrvatske, koja daje punu potporu procesu traženja nestalih osoba.
Naglasila je kako je s ciljem dodatnog poticaja procesu traženja svih nestalih osoba inicirala

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održavanje tematskog sastanka o nestalim osobama na razini potpredsjednika vlada/ministara, te je ovom prilikom obnovila poživ na sastanak kojem bi Vlada Republike Hrvatske bila domaćinom. Potpredsjednica Vlade Republike Hrvatske i ministrica obitelji, branitelja i međugenarodnog solidarnosti, gđa Jadranka Kosor, dipl. iur. istakla je, također, nužnost bezuvjetnog rješavanja sudbine zatočenih i nestalih osoba, s gledišta ljudskih prava i prava obitelji da znaju sudbinu svojih najbližih.

Obje strane su se suglasile sa sljedećim dnevnim redom:

1. Stanje u problematici nestalih osoba
2. Aktivnosti u odnosu na ranije preuzete obveze
3. Otvorena pitanja
4. Predstojeće aktivnosti

1. Stanje u problematici nestalih osoba

U svezi 1. točke dnevnog reda, obje strane su opetovano potvrdile stajališta zauzeta na ranijim sastancima o kriterijima i nadležnostima u procesu traženja nestalih osoba.

Povjerenstvo Vlade Republike Hrvatske za zatočene i nestale izvijestilo je kako je u Republici Hrvatskoj evidentirano 1.865 nestalih osoba, od kojih se za 1.042 osobe odgovor traži od nadležnih tijela Republike Srbije.

Komisija Vlade Republike Srbije za nestala lica izvijestila je kako Republika Srbija, od nadležnih tijela Republike Hrvatske traži odgovor za 403 nestale osobe. K tome, Republika Srbija izražava opravdani interes za rješavanje sudbine 823 nestala građana Republike Hrvatske srpske nacionalnosti.

Kako je u odnosu na zadnju razmjenu popisa nestalih osoba (veljača 2006. godine), riješen značajan broj slučajeva, Povjerenstvo Vlade Republike Hrvatske za zatočene i nestale i Komisija Vlade Republike Srbije za nestala lica, dogovorili su razmjenu ažurnih popisa nestalih osoba u roku od 30 dana.

Komisija Vlade Republike Srbije za nestala lica, za potrebe provjere i obrade, predala je operativni popis 165 osoba koje se ne vode u «Knjizi osoba nestalih na području Republike Hrvatske». Također, predan je popis identificiranih osoba za koje je okončano traženje, a koje su se nalazile na popisu nestalih osoba Komisije Vlade Republike Srbije za nestala lica.

Povjerenstvo Vlade Republike Hrvatske za zatočene i nestale i Komisija Vlade Republike Srbije za nestala lica su suglasni o potrebi nastavka intenzivne suradnje s Međunarodnom komisijom za nestale osobe, s kojom je kroz Zajednički projekt identifikacija metodom analize DNA, od zadnjeg sastanka (ožujak 2007. godine), tijekom 79 nestalih osoba iz Republike Hrvatske za koje Republika Srbija iskazuje opravdani interes. Pozitivnom je ocjenjeno suradnju Ministarstva obitelji, branitelja i međugeneracijske solidarnosti – Uprave za zatočene i nestale i Komisije Vlade Republike Srbije za nestala lica, u organizaciji identifikacije i sahrane posmrtnih ostataka.

2. Aktivnosti u odnosu na ranije preuzete obveze


U Republici Hrvatskoj su ekshumirani posmrtni ostaci 160 osoba na groblju u Petrinji, od kojih su pozitivno identificirani posmrtni ostaci 33 osobe, dok je identifikacija preostalih slučajeva u tijeku. Nastavljena su terenska istraživanja i ekshumacije posmrtnih ostataka, prema županijskom ustroju, a sukladno zahtjevu Komisije Vlade Republike Srbije za nestala lica, provedeno je terensko istraživanje na području Slavonskoga Broda. Također, nakon preliminarno utvrđenog identiteta metodom analize DNA, Republici Srbiji su isporučeni posmrtni ostaci dvije osobe, traženja Republike Srbije.


3. Otvorena pitanja

Povjerenstvo Vlade Republike Hrvatske za zatočene i nestale opetovano je istaklo zahtjev za rješavanjem otvorenih pitanja i to:

1) Dostava saznanja o mogućim mjestima masovnih i pojedinačnih grobnica na području Republike Hrvatske
2) Dostava saznanja o izmještenim, odnosno sekundarnim grobnicama na području Republike Hrvatske
3) Dostavu saznanja o nestalim osobama koje su bile u zatvorima, medicinskim i drugim ustanovama u bivšoj SRJ, a o čemu je već dostavljena dokumentacija
4) Povrat medicinske dokumentacije izuzete iz Vukovarske bolnice

Komisija Vlade Republike Srbije za nestale lica opetovano je istakla zahtjev za rješavanjem svih slučajeva s popisa nestalih osoba, a poglavito:
1) Rješavanje preostalih slučajeva nestalih vojnika bivše JNA u Bjelovaru 1991. godine
2) Zahtjev za rješavanje sudbine osoba nestalih u "Lori"
3) Zahtjev za identifikaciju posmrtnih ostataka ekshumiranih u Pakračkoj Poljani
4) Nastavak identifikacije posmrtnih ostataka ekshumiranih u Šnjegaviću
5) Zahtjev za rješavanjem slučajeva nestalih vojnika bivše JNA na području Karlovačka
6) Dostavu saznanja za 5 osoba za koje je ranije dostavljena dokumentacija o zaroživanju, odnosno boravku u medicinskim ustanovama u Republici Hrvatskoj
7) Zahtjev za dostavom lokacija – mjesta na kojima su ekshumirani posmrtni ostaci čiji identitet još nije utvrđen


4. Predstojeće aktivnosti

Povjerenstvo Vlade Republike Hrvatske za zatočene i nestale i Komisija Vlade Republike Srbije za nestala lica, usuglasile su program rada u predstojećem razdoblju.

Povjerenstvo Vlade Republike Hrvatske za zatočene i nestale će:

- Poduzeti mjere za provođenje ekshumacije u Dvori, gdje su pokopani posmrtni ostaci osoba poginulih u vojno-redarstvenoj akciji "Oluja"; Ekshumacija posmrtnih ostataka provesti će se tijekom rujna/listopada 2009. godine
- Poduzeti mjere za nastavak provjere, terenskih istraživanja i ekshumacija posmrtnih ostataka prema županijskom ustroju, uključujući i 10 mogućih grobnih mjesta za koje je Komisija Vlade Republike Srbije za nestala lica predala zahtjeve za provjerom
- Poduzeti mjere za nastavak procesa identifikacije ekshumiranih posmrtnih ostataka; Prema rezultatima Zajedničkog projekta identifikacija metodom analize DNA, predstoji identifikacija 35 osoba, građana Republike Hrvatske za koje Republika Srbija iskazuje opravdani interes

Komisija Vlade Republike Srbije za nestala lica će:

- Obaviti provjeru i poduzeti mjere za provođenje ekshumacije posmrtnih ostataka na području Niša i Aleksinca
- Poduzeti mjere za provođenje dodatnih ekshumacija neidentificiranih posmrtnih ostataka na grobljima u Novom Sadu, Kovinu, Gibarcu
- Napraviti dodatne proviire u cilju utvrđivanja grobnih mjesta u Indiji, na kojima su pokopani posmrtni ostaci za koje je ranije dostavljena dokumentacija

Sukladno zaključku sa sastanka održanog 13. i 14. ožujka 2007. godine u Beogradu, a u svezi označavanja i zaštite mogućih neobištenih mjesta masovnih i pojedinačnih grobnica, zajedničkom izviđanju i obilježavanju, dogovoreno je da se u listopadu 2009. godine održi radni sastanak na kojem će se utvrditi zajednička pravila postupanja u navedenim slučajevima.
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Dogovoreno je da se sljedeći sastanak Povjerenstva Vlade Republike Hrvatske za zatočene i nestale i Komisije Vlade Republike Srbije za nestala lica, sukladno Protokolu o suradnji u radu između nadležnih državnih tijela, održi u Beogradu, u roku od šest mjeseci.

PREDsjednik Povjerenstva
Vlade Republike Hrvatske
za Zatočene i Nestale

PREDsjednik Komisije
Vlade Republike Srbije
za Nestala Lica

U Zagrebu, 30. lipnja 2009. godine

Pukovnik Ivan Cvijčić

Veško Opašović
SECTION VIII

Documents related to the Crimes committed against the Serbs in Croatia 1991 - 1995
ANNEX 36

Martin Špegelj, Minister of Defence of the Republic of Croatia, *Soldier’s Memory (Sjećanja vojnika)*, Zagreb, 2001, p. 288, table IV:

*Weapons purchased in the organization of the Ministry of Defence of the Republic of Croatia between 5 October 1990 and 15 January 1991*
Martin Špegelj
Sjećanja vojnika

Uredio
IVO ŽANIĆ

znanje
TABLE IV

WEAPONS PURCHASED IN THE ORGANIZATION OF THE
MINISTRY OF DEFENCE OF THE REPUBLIC OF CROATIA
BETWEEN 5 OCTOBER 1990 AND 15 JANUARY 1991

<table>
<thead>
<tr>
<th>Type</th>
<th>Quantity</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>AK-7.62 Kalashnikov automatic rifles</td>
<td>27,300</td>
<td>imported; part found in TO stock</td>
</tr>
<tr>
<td>PAP-7.62 semi-automatic rifles</td>
<td>430</td>
<td>found in TO stock</td>
</tr>
<tr>
<td>SPAS and other special shotguns</td>
<td>1,200</td>
<td>equipped for close combat and night</td>
</tr>
<tr>
<td>vision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snipers 7.62 and 7.9mm</td>
<td>210</td>
<td></td>
</tr>
<tr>
<td><em>Ultimax</em> light machineguns</td>
<td>200</td>
<td>most sophisticated NATO weapons</td>
</tr>
<tr>
<td>Machineguns 7.62 and 7.9 mm</td>
<td>2,100</td>
<td>imported and home made</td>
</tr>
<tr>
<td>TOTAL RIFLES AND MACHINGUNS</td>
<td>30,360</td>
<td></td>
</tr>
<tr>
<td>Beretta handguns 9mm</td>
<td>4,000</td>
<td>imported</td>
</tr>
<tr>
<td>Cobra automatic handguns 7.65 mm</td>
<td>120</td>
<td>from TO stocks</td>
</tr>
<tr>
<td><em>Zastava</em> handguns 7.65 mm</td>
<td>120</td>
<td>from TO stocks</td>
</tr>
<tr>
<td><em>TT</em> handguns 7.62 mm</td>
<td>300</td>
<td>from TO stocks</td>
</tr>
<tr>
<td>TOTAL HANDGUNS</td>
<td>4,540</td>
<td></td>
</tr>
<tr>
<td>Anti-aircraft guns 20mm (1,2,3 barrels)</td>
<td>26</td>
<td>retained by TO in &quot;worker batteries&quot;</td>
</tr>
<tr>
<td><em>Boforst</em> 40mm guns</td>
<td>40</td>
<td>from TO stocks in seaports</td>
</tr>
<tr>
<td>M42 76mm guns</td>
<td>26</td>
<td>abandoned by JNA</td>
</tr>
<tr>
<td>B-1 76mm guns</td>
<td>6</td>
<td>abandoned by JNA</td>
</tr>
<tr>
<td>Anti-aircraft missile systems S - 2M</td>
<td>40</td>
<td>imported together with 2 missiles per</td>
</tr>
<tr>
<td></td>
<td></td>
<td>delivery vehicle</td>
</tr>
<tr>
<td><em>Stinger</em> anti-aircraft missile systems</td>
<td>20</td>
<td>imported together with 10 missiles</td>
</tr>
<tr>
<td></td>
<td></td>
<td>per launcher</td>
</tr>
<tr>
<td>Anti-aircraft machineguns 12.7mm</td>
<td>80</td>
<td>abandoned in depots and maintenance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shops</td>
</tr>
<tr>
<td>Mortars 60.82 and 120 mm</td>
<td>140</td>
<td>imported and part abandoned by JNA</td>
</tr>
<tr>
<td>wheeled armoured vehicles equipped with</td>
<td>12</td>
<td>imported and inherited</td>
</tr>
<tr>
<td>10mm gun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>mines and explosives (POM, PPM, hand</td>
<td>72 tons</td>
<td>imported</td>
</tr>
<tr>
<td>grenades)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>explosives</td>
<td>30 tons</td>
<td>removed from the Republic of Croatia</td>
</tr>
<tr>
<td>ammunition 5.56-120mm</td>
<td>2-16</td>
<td>sets per barrel</td>
</tr>
</tbody>
</table>
VAŽNIJA TEHNIKA I OPREMA
radio-uređaji (motorola i drugi)
radio-uređaji srednjega i velikoga dometa
vozila za mobilne veze
teretna vozila za logistiku i prijevoz vojnika
zapovjedna vozila ŠK-1 i ŠK-2
specijalna sanitetska vozila

STRELIJO
za kalibar od 7.65 do 12.7 mm (u prosjeku po cijevi oružja) cca 1.000
za kalibar od 20 do 120 mm cca 80.000

TABLICA IV:
ORUŽJE NABAVLJENO U ORGANIZACIJI MINISTARSTVA OBRANE

<table>
<thead>
<tr>
<th>VRSTA</th>
<th>KOLIČINA</th>
<th>OPSASKE</th>
</tr>
</thead>
<tbody>
<tr>
<td>automatne puške AK-7.62 kalašnikov</td>
<td>27.300</td>
<td>uvoz; dio nađen u skladištima TO</td>
</tr>
<tr>
<td>poluautomatske puške PAP-7.62</td>
<td>430</td>
<td>nađene u skladištima TO</td>
</tr>
<tr>
<td>specijalne puške saćmarice SPAS i druge</td>
<td>1.200</td>
<td>opremljene za blisku i noćnu borbu</td>
</tr>
<tr>
<td>snajperske puške 7.62 i 7.9 mm</td>
<td>210</td>
<td></td>
</tr>
<tr>
<td>laki puškomitraljezi ultimax</td>
<td>200</td>
<td>vrhunske oružje NATO-a</td>
</tr>
<tr>
<td>puškomitraljezi 7.62 i 7.9 mm</td>
<td>2.100</td>
<td>uvoz i domaći izvozi</td>
</tr>
<tr>
<td>UKUPNO PUŠAKA I MITRALJEZA</td>
<td>30.360</td>
<td></td>
</tr>
<tr>
<td>pištolji 9 mm beretta</td>
<td>4.000</td>
<td>uvoz</td>
</tr>
<tr>
<td>automatski pištolji 7.65 cobra</td>
<td>120</td>
<td>iz skladišta TO</td>
</tr>
<tr>
<td>pištolji 7.65 mm zastava</td>
<td>120</td>
<td>iz skladišta TO</td>
</tr>
<tr>
<td>pištolji 7.62 TT</td>
<td>300</td>
<td>iz skladišta TO</td>
</tr>
<tr>
<td>UKUPNO PIŠTOLJA</td>
<td>4.540</td>
<td></td>
</tr>
<tr>
<td>protuzrakoplovni topovi 20 mm (1, 2 i 3 cijevi)</td>
<td>26</td>
<td>sačuvala TO u »radničkim baterijama«</td>
</tr>
<tr>
<td>topovi 40 mm boforst</td>
<td>40</td>
<td>iz skladišta TO u morskim lukama</td>
</tr>
<tr>
<td>topovi 76 mm M42</td>
<td>26</td>
<td>izostali iz kontrole JNA</td>
</tr>
<tr>
<td>topovi 76 mm B-1</td>
<td>6</td>
<td>izostali iz kontrole JNA</td>
</tr>
<tr>
<td>protuzrakoplovni raketi sustavi S-2M</td>
<td>40</td>
<td>uvoz, 30 raketa po lanseru</td>
</tr>
<tr>
<td>protuzrakoplovni raketi sustavi stinger</td>
<td>20</td>
<td>uvoz, 30 raketa po lanseru</td>
</tr>
<tr>
<td>protuzrakoplovni mitraljezi 12.7 mm</td>
<td>80</td>
<td>izostalo u skladištima i remontu</td>
</tr>
<tr>
<td>minobacači 60, 82 i 120 mm</td>
<td>140</td>
<td>uvoz i dio izostao iz kontrole JNA</td>
</tr>
<tr>
<td>oklopna vozila na kotače s ugrađenim topom 20 mm</td>
<td>12</td>
<td>uvoz i naslijeđeno*</td>
</tr>
<tr>
<td>minski-ekspl. sredstva (POM, PPM, t/bombe)</td>
<td>72 t</td>
<td>uvoz</td>
</tr>
<tr>
<td>eksploziv</td>
<td>30 t</td>
<td>mobiliziran iz prometa u RH</td>
</tr>
<tr>
<td>strelijvo od 5.56 do 120 mm</td>
<td>2 – 16</td>
<td>borbenih kompleta po cijevi</td>
</tr>
</tbody>
</table>

NAPOMENA: Topovi i protuzrakoplovni raketi sustavi promatraju se zasebno zbog velike razlike u osobinama i primjeni

* Šest tih vozila JNA je bila naručena od manioborskog TAM-a, ali sam se s predstavnicima slovenske vlasti doprijeti se prodaju nama, jer se »JNA može strpit«. Ostalih šest vozila MÖRH je preuzeo od MUP-a Hrvatske, koji ih je naručio dio od Republikog sekretarijata za unutrašnje poslove.

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ANNEX 37

Examples of Attacks on the Serbs in Croatian Towns
1990-1991, according to the Croatian Press
Serbian Orthodox community and Zagreb parish protested to the media against incidents involving Serbian Orthodox places of worship in Zagreb. “Smashing glass on the bulletin boards at churches; destruction of Cyrillic signs; spitting entrances to the churches and urinating and emptying bowels in front of church doors, we consider as attacks on the Church, Orthodox religion, Cyrillic script and the overall dignity of people belonging to this church”, says the protest letter also pointing out that the perpetrators of such acts have not yet been found, although they have all been duly notified to the police.

Srpska pravoslavna opština i parohija zagrebačka uputila je sredstvima javnog informiranja protest protiv izgreda na objektima Srpske pravoslavne crkve u Zagrebu. Uhapšanje stakla na oglašnim tablama na crkvi, uništavanje čiriličnih natpisa, ispljivana ulazna vrata crkve, kao i vršenje nužde pred ulaznim vratima smatramo napadom na Crkvu, pravoslavlje, čirilično pismo i celokupno dostojanstvo ljudi koji pripadaju Crkvi" ističe se u protestu kojim se ujedno upozorava da počinio takvih izgreda dosad nisu pronađeni iako je sve uredno prijavljeno organima unutrašnjih poslova.
The hitherto unknown perpetrators placed explosives under the *Borba* news kiosk in Split, which was completely destroyed on Wednesday, just after midnight.
A group of young people, once again, on the night of 8-9 May, attacked the Serbian Orthodox Church in central Zagreb. The Archpriest of the church, Milenko Popovic, called the police asking for help; nevertheless the attacks continued. The attackers sang songs announcing the slaughter of Serbs and shouting abuse at the expense of the Serbian people and their Orthodox Church. They urinated at the walls of the church; stuck labels containing Ustasha symbols, saluting and crying out: “For homeland ready” and writing slogans of the so-called Croatian liberation movement at the church’s doors. They also attacked Archpriest Popovic, but he was protected by two police officers from being physically assaulted by youths on a rampage. In the last couple of months, says Archpriest Popovic, attacks became more frequent, as well as slurs directed at the temples and believers of the Serbian Orthodox Church.

Last night, at 3:30 a.m., in the settlement of Dujmici, in the village of Sabljaci near Ogulin, Asim Kovačević, aged 30, a Roma, was mortally wounded in his shed, while the instigators of this tragic incident, two Croatian Army soldiers, were seriously injured and taken to the recovery room of the hospital in Ogulin. Fortunately, even though the deceased person’s wife and three underage children were present at the time of the attack, they were all unharmed.

Death was most probably caused by a hand grenade. According to initial information, the two Croatian Army soldiers (it is assumed that they were drunk) came to the shed fully armed. At first, they shot at the shed from outside, but having entered it forcibly they threw in a hand grenade. The late Kovačević died instantly of the wounds received from the splinters of the grenade, and the wounded Croatian soldiers were immediately driven to the Ogulin hospital.

Pretprošle noći u 3.30 sati u naselju Dujmici u selu Sabljaci kod Ogulina u svojoj drvenoj baraci smrtno je stradao Asim Kovačević (30) romske nacionalnosti, a izazivaći tragedije, dvojica pripadnika HV, tom su prilikom teško ozlijeđeni i nalaze se u šok-sobi ogulinske bolnice. Na svu sreću, iako su u trenutku napada u kući boravila pokojnikova supruga i troje maloljetne djece, oni nisu ozlijeđeni. Uzrok je smrti najvjerojatnije ručna bomba. Prema prvim informacijama dvojica pripadnika HV (pretpostavlja se da su bili pijani) došli su naoružani pred malu brvnaru. Najprije su izvana pucali po njoj, a nakon što su nasilno ušli unutra, bacili su bombu. Od krhotine bombe Kovačević je odmah preminuo, a ozlijeđeni hrvatski vojnici hitno su prevezeni u ogulinsku bolnicu.
“Sibenka” sacks Serbs, Danas, 7 May 1991, Zagreb

Despite the events in Borovo Selo where groups of local Serbs expressed their loyalty to the Republic of Croatia, a true pogrom is about to start. As reported by the Hina news agency, on Saturday, workers of the trade company “Sibenka” held a rally at the request of their independent trade union, where they protested over the killing of Croatian special forces and expressed their support for the leadership of the country, and asked for resignations of three Serbian managers irrespective of their possible loyalty to Croatia. All the other Serb employees of “Sibenka”, as the rally decided, would have to publicly recognize Croatia’s sovereignty or else they would all get sacked.
When on last Tuesday the news bulletin on Croatian National Television released the news that some officers of the Zadar garrison said at their meeting that “the Croatian Government should be slaughtered” and that “tanks should roll in (the city of) Zadar”, everyone realized that same evening that time had come to vent out the bottled up frustrations. By disclosing the names of authors of these words, Hina also made public the place of residence of the “prime suspect” officer, which should definitely be interpreted as a hint at the nearing clash between the JNA and the people. That same evening, the headquarters of the communal inter-party Council was unusually crowded. It has been some time that the Council was aware of the intentions of army circles to move the Army out of the barracks and seize the buildings of the Municipal Council, Police Headquarters and HDZ Municipal Board. No one is absolutely certain that these claims are true, although there are some tip-offs and preparations have already been made on assumption that they were true. That night, the courtyard of the “Djuro Djakovic” barracks was full of private cars owned by officers meaning that they were there probably with their family members.

Guided by the plan of destruction of “everything Serb”, the local people of Bibinje, who were mostly joined by Zadar residents, began destroying one outlet after the other owned by Serbs. Cafes were totally demolished, their interiors completely destroyed and made unusable, so much so that many residents only then found out which of these outlets were owned by Serbs. Destruction was inflicted precisely on the well known and frequented Zadar hubs which had been visited by young people for years. For instance, Zadar’s basketball player Petar Popovic was not spared because of the fact that he played for the Zadar team as one of its best players for many years. His cult Time Out cafe was turned to rubble. As there was a risk that this massive destruction would also include facilities owned by Croats or Albanians, people rushed to protect them by displaying Croatian national flags or black bands in their shop windows as a distinctive sign of recognition. In an atmosphere of destructive psychology and fear, there were even elements of “comedy”, especially when smashing shop windows of Belgrade’s shoe and garment shops which were massively forced into by people who were taking the opportunity to grab clothes and shoes for free and by their own choice at that.

ZADARSKI UDAR NA ZADAR


Dva dana poslije HINA se ispriča korisnicima i spomenutim osobama što je objavljena neproverjena vijest pod naslovom „Časnik JNA izjavio da treba poklati hrvatsku vladu”, ali bilo je kasno za mnostvo kalica i automobila na blizom drugu, gdje stanju mnogi oficiri. Iako je praksa pokazala da nije tako vjerovao u dobroćuđnost armijskih kru- ge, nije se u vjerovanju ne značajčan negomileni stvar. Dakako, to je bilo neprimjenjeno iskrait da je bilo neproverjene iako je to značio da je trenutku objavljivanja. U knjigama HDZ-a u Zadru, međutim, i dalje smatraju da nije bilo potrebe da se HINA ispravila javnosti jer oni, kako tvrde, iz poznanih izvora značio da su spomenute informacije propisno točne.

Istoga dana kada je HINA objavila svoju ispravnicu i kada se očekivalo sti- šavanje strasti, ubijen je, najcrvatičnije iz snijepića, pripadnik Policijske uprave Zadar, dvadesetgodišnji mladić Franjo Ulića rodom iz Sibenika. Samo nekoliko dana kasnije, uključujući i njegovu kćerku, su ih pokušali ukradnuti i izbaci pod sporazum izdvojbenim.
Over the last seven days, Zagreb was the scene of seven shootings, five arsons and two stonings of apartments, houses, cafes and news kiosks. They were targeted by unknown nighttime attackers under whose “onslaught” the victim was mainly glass, but fortunately, there were no human victims.

According to police city headquarters, some individuals fired shots from a speeding car in Drago Gervais Street, at the glass of the bar “Leut”, while it was open, but no one was there. On Saturday, around midnight, windows of an apartment in Togliatti Street were shot at and the bullet got stuck in between, because the windows had double glazing. On the night of Saturday to Sunday, four bullets were fired at the shop window of the “Maja” mini market in Ilica, and on Sunday, around 2:15 a.m. the “Sany” cafe was also shot at from a car. Although, the cane was full of people at the time, no one was hurt as the shots were fired in the direction of the ceiling. On Tuesday, shots were fired at a family home in Bogdani I quarters. The bullet lodged sixty centimeters away from the bathroom window in which the owner happened to be at the time. On Wednesday, around 3:30 a.m., shots were fired, it is believed, from sawn-off shotgun at the garage door in Jarnoviceva Street.

On Saturday, the window of the ”Nolit” shop on Harambasic Street was stoned in the afternoon, while on Sunday, around 4:30 a.m., the “Prestige” Cafe on Jablanska Street was the target of the attack. The attackers smashed the exterior window first and then went on to smash the cafe’s interior.

The same method of attack was used on the night of 7-8 May, when concrete stones smashed the window of the “Kristina” cafe on Domanjeva Street.

"U sedam proteklih dana u Zagrebu su u sedam pucanja, pet paljevina i dva kamenovanja stradali stanovi, kuće, kafići i novinski kiosci. Objekti su bili meta nepoznatih noćnih napadača pod čijim su 'naletima' stradavao uglavnom stakla, a žrtava srećom nije bilo.

Prema podacima iz Policjske uprave grada u ulici Drage Gervaiše pucano je iz jurećeg automobila u stakla budeta 'Leut', u radno vrijeme, ali u kafiću nije bilo nikoga. U subotu oko poonoći pucano je u prozore jednog stana u Togliattijevoj, no kako je na prozoru duplo staklo metak se zadrijao između. U noći od subote na nedjelju ispaljena su četiri metka u prozore minimarketa 'Maja' u Ilici, a u nedjelju oko 2,15 također je iz automobila pucano u buffet 'Sany'. No, u to vrijeme u lokalu je bilo dosta gostiju, ali kako je pucano u visini stropa nitko nije ozlijeđen. U utorak je pucano u obiteljsku kuću u Bogdanima i odvojak. Metak se zaustavio u pročelju, 60 cm od prozora, blagovanoj u kojoj je bila vlasnica kuće. U srijedu oko 3.30 pucano je, prozor je izrađen u vrata garaže u Jarnovicevoj.

U Harambašćevoj je pak u subotu u popodnevnim satima kamenovan 'Nolito' izlog, a u nedjelju oko 4.30 caffe 'Prestiz' u Jablanskoj. Najprije je razbito vanjsko staklo, a potom i unutrašnjost lokala.

Istim načinom, u noći od 7. na 8.svibnja, komadima betona razbijeno je staklo na buffetu 'Kristina' u Domanyjevoj ulici.
The explosion which upset, tonight around 1.00 a.m., the residents of the Baldekin quarters in Sibenik completely destroyed "Zastava 101" car owned by Stanko Bogdanovic, who is incidentally a military officer. The explosion smashed the windows of the building on October revolution Square (house No. 20) in front of which the car had been parked.

The explosive device, in the words of the investigating judge Igor Nincic, was planted by an unknown person under the front left seat of the car.

The investigation is under way.
As we have learned at the police station in Sibenik, two explosions rocked the Sibenik municipality tonight. Unknown persons planted an explosive in the family home owned by Vidan Tomic from Belgrade, which is located near the reception desk of the Hotel “Miran” in Pirovac. The detonation destroyed the ground floor of the building. A second explosion upset the residents of Tisno this morning around 4:00 a.m., when an explosive device was activated and thrown at the home of Dusan Novkovic from Sibenik and the whole building was damaged.
Last night, around 3:00 a.m., there was an explosion at “Dva seljaka” (Two Peasants) cafe at the market place in Metkovic. The cafe was co-owned by Nebojša Arnaut and Milos Nezic, both from Metkovic. Luckily, no one was hurt in the explosion while the facility was closed down as a result of an extensive damage to it.
I demand that the information contained in an article headlined “List of KOS men”, which was run in ST, issue No. 82 of 17 October, because of which my family was put in an embarrassing situation and received nuisance telephone calls be rectified. It was a piece of paper listing collaborators of security authorities where the name of Vicko Milos Rastovic figured along with his address: Subiceva 11a, third floor, c/o Jaganjac family, where he used to be a lodger. However, this last point was mentioned nowhere in the text, thus placing my family in a very bad situation. The Jaganjac family denies any links with that person whatsoever.

Izrijam da se ispravi navedeni podatak u članku 'Spisak KOS-ovaca' u ST-u broj 82 od 17. listopada zbog kojeg je moja obitelj dovedena u neugodan položaj i izložena telefonskim provokacijama. Riječ je o jednom evidencijskom listiću za suradnike organa bezbednosti koji glasi na Rastović Vicka Miloša gdje je kao njegovo prebivalište navedena adresa Subičeva 11a kod Jaganjca, III kat, gdje je bio svojevremeno podstanar, no to se nigdje iz teksta ne vidi pa to moju obitelj dovodi u vrlo neugodan položaj. Obitelj Jaganjac se odriče svake povezanosti s tom osobom.
In the last issue of ST you ran a list of KOS men including, under entry No. 33, Radojko Cosic, who can be reached, as you indicated in the article, by dialing the number 041/561-306.

Two years ago, that monster left for Belgrade where he belongs, leaving behind in his apartment a lodger, like ourselves. So, there is only the two of us who can answer the phone. Therefore, we would like to ask you to publish this letter to spare us of any further embarrassment from people with whom we share the same views.

U prošlom broju ST-a objavili ste listu kosovaca među kojima je pod rednim brojem 33 naveden Radojko Čosić, kojeg se kako ste vi objavili može dobiti na broj telefona 041/561-306.

Taj (ne)čovjek je prije dvije godine odselio u Beograd gdje mu je i mjesto, a u njegovu je stanu bio podstanar, kao što smo i mi sada, te se na ovaj broj možemo javiti samo nas dvije. Molimo vas da ovo pismo objavite kako više ne bismo doživljavale neugodnosti od ljudi čije mišljenje i mi dijelimo.
Since I have been greatly embarrassed following the release of an article in *Slobodna Dalmacija* (5 November 1991) headlined “They made us bark”, I would like you to publish what follows:

My name is, indeed, Dusan Novakovic, the same as the person named in your article, but I have nothing to do with that person. I was born in Pribuduc, Municipality of Gracac, in 1935, and I have been residing in Split since 1957. My identity cart number is 326974; it was issued on 17 September 1984 in Split where I have been resident at 9, Odeska Street, ever since it is in existence.

All this can be witnessed by Vinko Melvan as well, who was also referred to in the article and whose photo was published, because we work at the same enterprise “Brodoremont” at Vranjic.

I expect that this, too, will be realized also by all those people who have been annoying me on the phone, and that they will find out that I am an ordinary and loyal citizen of the Republic of Croatia, as can be confirmed by all my fellow workers and all my neighbours; and that I am, by no means, the Knin torturer. There is another dissimilarity between him and me: everybody knowing me called me by my nickname Lika, which can by no means be the nickname of Dusan Novakovic mentioned in the article, as he was born in Brocanac.
Three explosions and one shooting were reported on Thursday to the Zagreb police. No one was harmed in those incidents. At 155, Karlovacka Cesta, an explosion was heard in front of the family home of Nikola M. (56) around 2:00 a.m. The planted explosive device damaged glass on the windows and doors. The damage was estimated at 30,000 dinars. Around 10:00 p.m. an explosive was thrown by the house of Branko V. (41), 1, Kozari Put, seventh row, No. 17. The damage was done to his windows and those of the house next door, as well as to the car of his cousin Branko V. Five minutes before midnight on Thursday, an explosive device was left at the window of the family home of Djordje T. (68) in III Ofanziva Street No. 50. Besides windows, the explosion also damaged furniture and it was estimated at 100,000 dinars.

On Thursday, around 1:30 a.m., in Draskovicova Street, shots that were fired from a firearm broke the windows of the apartment of Momcilo M. (66), who was sleeping in his bedroom. The bullet bounced back from the wall, however, no one was harmed.
According to the statement issued by the Bjelovar police station, several explosions were heard the night before last in the Bjelovar area. In Stancic, an unknown person planted an explosive under the car of Bozo Velimic, Stancic 20. The car was damaged, but no one was injured. The explosive was thrown into the courtyard of the home of Jovo Kodic in Klokocelvac, the night before last. On Thursday, around 10:30 p.m., an explosive was hurled into the backyard of the Gajic family in the suburb of Brezovac. An unknown perpetrator threw an explosive at the garage of Vlado Trupkovic from Bjelovar, Franje Kluza 12, on Thursday, around 10:55 p.m. Yesterday an on-site investigation was conducted after which more details would be disclosed about the night explosions.
On Saturday, around 11:00 p.m., Mihajlo Zec (38), his wife and a thirteen-year-old daughter were abducted from his home in Poljanicka 24 (Tresnjevka suburb) by men wearing camouflage uniforms, and were most probably driven in a car to an unknown location. The murder was committed by a firearm under the still unclear circumstances. Two of his children, aged 8 and 10, were left behind at his place. The Homicide of the Zagreb City Police Headquarters have been working on the case from the moment they received information about the murder and kidnapping. Therefore, the details of the case are still sketchy because of the on-going investigation.

Ispred svoje kuće u Poljaničkoj 24 (Trešnjevka), u subotu oko 23 sata, ubijen je Mihajlo Zec (38), a njegovu suprugu i 13-godišnju kćer otele su muškarci u maskirnim uniformama i, najvjerovatnije automobilom, odveli ih u nepoznatom smjeru. Ubojstvo je učinjeno vatrenim oružjem, pod za sada nerazjašnjenim okolnostima. U stanu ubijenog ostalo je dvoje njegove djece od osam i deset godina. Odsjek za krvne delikte Gradske policijske uprave od tremutka dojave u ubojstvu i otcici neprekidno radi na tom slučaju, pa su zbog istrage informacije za sada šture.
Close to the shore, around the Znjano, a body was found in the sea. The dead man was Spiro Pokrajac (40) from Split, Odeska Street, an economist by profession, who worked for the construction company “Konstruktur”. It was interesting that nobody reported him missing to the Third Police Station.

According to the report of Berislav Basic, investigating judge of the District Court in Split, there were several serious injuries on the body, and it was assumed, therefore, that he was murdered. However, more details would be known after a number of other investigative and police actions have been carried out along with a post mortem investigation.

Nasilna smrt
SPLIT – U nepoređenoj blizini obale na gređi Znjana u moru je nađen mrtav Spiro Pokrajac (40) iz Splita, Odeske ulice, specijalista za opoređeni zaposlen u GP „Konstruktor“. Začinjeno je ucestanje Pobrane (nije prijavljeno u Trakoj policijskoj postaji). Prema izvješću Berislavu Bažić, istraživanog suda splitskoga Hrvatskog suda, na njegovu želju sudu je svedok iz klinike koji je raspiskali da je stajao u odjelima Medinum, datirateljka lekara je svedok iz klinike. Potrebnim je postaviti štete i pokušati postaviti i obdobja tijela. (F. 1)
In the village of Borove, near Virovitica, an explosive was thrown into the home of Dobrivoje F.

Dobrivoje F. died instantly while his home sustained extensive damage. The police soon discovered that the explosive was thrown by Zeljko S. who was brought in to the Bjelovar interrogations centre where criminal action will be taken against him.
An unknown person fired a burst of machinegun fire at the window of the home of Milos Orescanin (78) living in Branka Radicevicuca Street, Nova Gradiska. The fired shots hit Orescanin in the chest while he was asleep and he died instantly. During an on-site investigation, empty cartridges of an automatic calibre 7.65 gun were found. Officers of the Nova Gradiska police station are looking for an unknown shooter.
In Novi Bogdanovac, near Virovitica, a still unknown person planted an explosive in the home of Dragoljub Plavsic (56). The owner and his wife Sava (56) died in the explosion, and considerable material damage was caused. The investigating judge of the District Court in Bjelovar came to the scene and officers of the Virovitica police station are trying to track down the unknown perpetrator.
On Saturday night, blasters dynamited the home of Dragan Busic in Senjska Street, for the fourth time. The house was totally destroyed and in the house next door, where a refugee family Benic lived, four year old Marinko was mortally wounded while his father Marijan (33) and mother Marija (31) were injured. Police officers were immediately at the scene and carried out an investigation in order to track down the perpetrators of this crime.

In the last four months, explosives were planted in more than 130 facilities, including cafes, homes, apartments and shops in Karlovac....

U subotu navečer dinamituši su četvrti put minirali kuću Draganu Budića u Senjskoj ulici. Kuća je potpuno uništena, a u susjednoj, u kojoj je bila smještena izbjegla obitelj Benić, smrtno je stradao četverogodišnji Marinko, dok su otac Marijan (33) i majka Marija (31) ozlijeđeni. Djelatnici Policijske uprave odmah su obavili uvidaj te poduzeli istražne radnje ne bi li otkrili počinitelje toga zlodjela.

U Karlovcu su u posljednjih četiri mjeseca eksplozivne naprave podmetnute u više od 130 objekata - kafića, kuća, stanova, trgovina...
According to the statement issued by the Bjelovar police station, on the night of Wednesday to Thursday, three explosions were heard in the Bjelovar area. An explosive device caused minor damage to the home of Pero Opacic in Gudovac No. 88; a memorial plaque was damaged at the memorial grave site at Gudovac; the damage was also done to the garage near the family home of Djuro Segan from Bjelovar.

However, the night before, 21 explosions were heard around Bjelovar and shooting from firearms. The explosions damaged the house of Mihajlo Veric, Brezovac bb; of Djoko Veric, Novoseljana bb; Momir Vucetic, Hrgovljana 152; Milenko Tomic, Klokocivaca 99; Zivko Dokic, Klokocivaca 79; Djuro Culibrk, I. Cankara 19; Milan Petakovic, O. Zupancic 29; Milovan Raicic...

Explosives damaged also the home of Jovanka Stankovic, Krizevacka Cesta 14a; and of Marijan Svecovic, Novoseljani bb. Similar damage was caused when shots were fired from firearms to a speeding vehicle at the houses owned by Emil Malesevic, Kosovka Malesevic, Milan Didic, Nikola Popovic, Lidija Dlaka, Branko Bogdanovic....

Police officers of Bjelovar are intensively looking for the perpetrators.
According to the investigations department of the District Court in Split, bodies of a middle-aged man and a woman were found at an improvised waste dump near the road between Zrnovnica and Srinjani, yesterday afternoon.

Their identification revealed that they were Djordje Gasparevic Ilijin and his wife Vesna, who were reported missing to the Split police yesterday morning. Djordje and Vesna Gasparevic went missing from their family home in Zrnovnica, Aljinovica bb. In the words of the investigating judge, there is sufficient reason to believe that both deaths were violent. However, further details will be known after the forensics of the Clinical Hospital in Split carry out a post mortem examination and an autopsy on the bodies.
ANNEX  38

Centre for Peace, Non-Violence and Human Rights
Osijek, Croatia, Monitoring war crime trials:

War crime in Osijek
Monitoring war crime trials

War crime in Osijek

Trials in Croatia :: Verdict before appeal

On 8 May 2009, the War Crimes Council of the Zagreb County Court announced the verdict whereby the defendants Branimir Glavas, Ivica Krišak, Gordana Getoš Magdić, Dino Konić, Tihomir Valentić and Zdravko Drapić were found guilty of committing the war crime against civilians in Osijek in 1991.

The 1st defendant Branimir Glavas was not present at the Zagreb County Court when the verdict was announced. At that time, he was in Bosnia and Herzegovina. The 3rd defendant Gordana Getoš Magdić was also not present when the verdict was announced.

The indictment No. K-DO-105/06, issued by the Zagreb County Attorney's Office against the accused Branimir Glavas on 27 April 2007, and the indictment No. K-DO-76/06, issued by the Osijek County Attorney's Office against the first accused Branimir Glavas and the other six accused persons, have been merged into one indictment.

The criminal procedure against the fourth accused Mirko Šivčić has been separated from this trial following the decision of the Out-of-Court Council of the Zagreb County Court from 5 June 2008 due to the poor health condition of the accused. In the opinion of the medical expert witness, the accused is capable of standing the trial for only a short time (two hours before the court adjourns and an hour after the adjournment of a session).

THE INDICTMENT (A SUMMARY)

The indictment No. K-DO-105/06, issued on 27 April 2007 by the Zagreb County Attorney's Office, charges the accused Branimir Glavas with commanding his subordinates, while fully aware that this was unauthorized, to unlawfully capture and abuse civilians in the period between July and September 1991 during the defence of the wider Osijek region, while holding the positions of the Secretary to the County National Defence Secretariat and the commander of the First Osijek Battalion. Under his command the members of the First Osijek Battalion performed the following actions, among others:

- arrested Nikola Vasić and took him to the basement premises of the above-mentioned Secretariat, where they beat him and inflicted head and body injuries
- captured and took Ćedomir Vučković and Boris Kerovković to one of the Secretariat garages, where they beat them all day; in the evening, a member of the above-mentioned Battalion Zoran Brekalo poured out battery acid forcing Ćedomir Vučković to drink it; suffering acute pain, Ćedomir Vučković broke through the garage door and walked into the yard, where Krnoslav Fehir shot him several times inflicting a gunshot wound to his stomach and his right forearm; however, Ćedomir Vučković's death resulted from sulphuric acid poisoning; coming into the yard, the accused Branimir Glavas saw what had happened and ordered the present members of the mentioned Battalion to execute Boris Kerovković
- arrested Ratko and Smilja Berić and took them to the corridor in front of Ratko Berić's office at the mentioned Secretariat, where they beat their daughter Snežana Berić and threatened to kill them, while the accused Branimir Glavas told Ratko and Smilja Berić: "Say goodbye to your daughter forever."
- Branimir Glavas personally witnessed the abuse of the two unknown civilians imprisoned in one of the garages of the mentioned Secretariat, beating one of the civilians himself.

The accused has been charged with ordering and failing to prevent, although he was obliged to, executions and ill-treatment of civilians, unlawful arrests and infliction of body integrity damage during the war, thus committing a war crime against civilians, which is defined as an indictable offence pursuant to Article 120, Paragraph 1, and in relation to Article 28 of the Penal Law of the Republic of Croatia.

The indictment No. K-DO-76/06, issued on 16 April 2007 by the Osijek County Attorney's Office, charges the accused Branimir Glavas, Ivica Krišak, Gordana Getoš Magdić, Mirko Šivčić, Dino Konić, Tihomir Valentić and Zdravko Drapić with the following criminal offences committed during November and December 1991:

The first accused Branimir Glavas, the Secretary to the County National Defence Secretariat,

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and the actual, and as of 7 December 1991 the formal commander of the defense of Osijek; the second accused Ivica Knjaž, the commander of the special reconnaissance-and-diversion unit of the Osijek Operational Zone; the third accused Gordana Getoš-Maglic, the commander of a squad within the mentioned unit; and the other accused persons, members of her squad, taking orders from Branimir Glavaš on several occasions unlawfully captured, abused and executed civilians of Serbian and other nationalities after, in the summer of 1991, Branimir Glavaš had ordered the second accused Ivica Knjaž and the third accused Gordana Getoš-Maglic to form the special reconnaissance-and-diversion unit under his supervision from a group of selected loyal and trustworthy persons. The second accused Ivica Knjaž and the third accused Gordana Getoš-Maglic obeyed his orders, participated in the execution of some of his commands and conveyed the same orders to their subordinate members of their squads. Among their subordinates were the deceased Stjepan Bekavac, the fourth accused Mirko Sivčić, the fifth accused Dino Kantić, the sixth accused Tihomir Valentić, the seventh accused Zdravko Dračić, and other, currently unidentified soldiers, who unlawfully arrested and abused civilians, and took them to the banks of the river Drava where they killed them. The named persons performed the following actions:

a. Stjepan Bekavac, the fourth accused Mirko Sivčić, and an unidentified fellow soldier, obeying the order to execute an unknown man imprisoned in the house on 30 Dubrovačka Street, tied the unknown man with a self-adhesive tape, drove him to the bank of the river Drava near the town of Tvrdja, fired several shots into him and pushed him into the Drava;

b. Stjepan Bekavac, the sixth accused Tihomir Valentić, the seventh accused Zdravko Dračić and the third accused Gordana Getoš-Maglic arrested Branko Lovrinić in his home, took him away and imprisoned him in the house on 30 Dubrovačka Street; before unknown members of the above-mentioned squad drove him to the bank of the river Drava and killed him;

c. Stjepan Bekavac, the sixth accused Tihomir Valentić and the seventh accused Zdravko Dračić, following the orders, waited for Aljaša Šabanović in front of his apartment building, arrested him and drove him to the house on 30 Dubrovačka Street; where they imprisoned him in the basement. After this, Stjepan Bekavac and the fourth accused Mirko Sivčić, following the orders, entered the house and interrogated Aljaša Šabanović, hitting him with their fists in the stomach, chest and head before unknown members of the above-mentioned squad drove him to the bank of the river Drava where they shot him to death and threw his body into the Drava;

d. obeying the orders, Stjepan Bekavac, the sixth accused Tihomir Valentić and the seventh accused Zdravko Dračić captured Radoslav Ratković and drove him to the house on 30 Dubrovačka Street, where they tied his hands with a self-adhesive tape, beat him and interrogated him, and then drove him to the bank of the river Drava near the town of Tvrdja, where the fifth accused Dino Kantić drove the seventh accused Zdravko Dračić in order to execute Radoslav Ratković. In the presence of the second accused Ivica Knjaž, Stjepan Bekavac gave the seventh accused Zdravko Dračić an AK-47 rifle ordering him to shoot Radoslav Ratković, after which Zdravko Dračić fired a shot hitting Radoslav Ratković in the cheek, so that the shot man fell into the river. Immediately, one of the present persons shoved a Kalashnikov rifle into the hands of the seventh accused Zdravko Dračić, and he fired another shot towards Radoslav Ratković, but the man survived and swam out of the river Drava. After this, obeying the order from the first accused Branimir Glavaš, the third accused Gordana Getoš-Maglic ordered an unknown member of her squad to go to the Osijek County Hospital and kill Radoslav Ratković, but the unknown man failed to execute the order due to the presence of police officers at the hospital;

e. currently unknown members of the above-mentioned squad received orders to arrest and execute several other civilians:

- they arrested Jovan Gubrić, tied him with a self-adhesive tape, took him to the bank of the river Drava, killed him by a hard blunt object and threw his body into the river;
- they captured Dr. Milutin Kuzić in his home, tied him with a self-adhesive tape, took him to the bank of the river Drava, shot him to death and threw his body into the river;
- they captured Svetoslav Vukajlović in his home, tied him with a self-adhesive tape, took him to the bank of the river Drava, shot him to death and threw his body into the river;
- they captured Petar Lađinjak, took him to the bank of the river Drava, shot him to death and threw his body into the river;
- they captured an unknown female person, tied her with a self-adhesive tape, took her to the bank of the river Drava, shot her to death and threw her body into the river;
- they captured Mileko Starac, beat him, tied him with a rope and killed him by throwing him over the railway bridge into the river Drava;
- they captured Bogdan Počulja in his home, tied him with a self-adhesive tape, took him to the bank of the river Drava, shot him to death and threw his body into the river.

Hence, violating the rules of the International Law in Time of War, the first accused Branimir Glavaš, the second accused Ivica Knjaž and the third accused Gordana Getoš-Maglic, issued orders for the execution and ill-treatment of civilians, while the fourth
accused Mirko Šivić, the fifth accused Dino Korčinić, the sixth accused Tihomir Valentić and the seventh accused Ždravko Dragić executed and ill-treated civilians, thus committing a war crime against civilians, which is defined as an indictable offence pursuant to Article 120, Paragraph 1 of the Penal Law of the Republic of Croatia.

The combined and amended indictment covers the periods between July and September 1991, and November and December 1991. The first accused Branimir Glavić, who at the time of the incriminating events was the position of the Secretary to the County National Defence Secretariat and acted initially as actual, and as of 7 December 1991 as a formal commander of the First Osijek Battalion, more widely known under the names of Branimir's Battalion and the Guard Troop, is indicted for a failure to take actions to prevent unlawful actions of members of the unit under his command against civilians, primarily of Serb ethnicity, and for giving orders to unlawfully arrest, detain, torture and murder civilians.

The second accused Ivica Knjak is indicted as commander of the special reconnaissance and sabotage unit of the Osijek Operational Zone; the third accused Gordana Getoić Magic, as commander of a squad within the unit; and other accused persons as members of her squad. They are indicted on charges of abusing and executing civilians of Serb and other ethnicities after, in the summer of 1991, Branimir Glavić had ordered the second accused Ivica Knjak and the third accused Gordana Getoić Magic to form the special reconnaissance and sabotage unit under his supervision from a group of selected loyal and trustworthy persons, which they did. Branimir Glavić subsequently ordered them to unlawfully arrest civilians on several occasions. The second accused Ivica Knjak and the third accused Gordana Getoić Magic obeyed his orders, participated themselves in the execution of some his commands and conveyed the orders to the subordinate members of their squad - the deceased Stjepan Bekavac, the fourth accused Mirko Šivić, the fifth accused Dino Korčinić, the sixth accused Tihomir Valentić, the seventh accused Ždravko Dragić, and others, currently unidentified soldiers. The accused persons are charged with unlawful arrest, torture and murder of ten civilians, one murder attempt, and unlawful arrest and torture of one person.

The main hearing, which first commenced on 15 October 2007 and started anew on two occasions [1], is still in progress. By the end of 2008, 76 court sessions were held (including 29 court sessions held since the trial started anew on 4 November 2008); the Court examined 37 witnesses, read seven witness statements taken during the investigation procedure, examined court experts (pathologists and ballistic experts), conducted an investigation in the house where civilians had been detained and interrogated, and examined a substantial amount of material evidence.

All accused persons were ordered detention pursuant to Article 102, Paragraph 1, Item 4 of the Criminal Procedure Law, due to the seriousness of criminal offence.

In January 2008, the first accused Branimir Glavić was released from custody [2], while the rest of the accused were released in September 2008 [3].

[1] The main hearing started anew on 5 November 2007 after the replacement of the additional Council member, and again on 4 November 2008 following the adjournment which lasted longer than two months. On 14 November 2008, the evidence procedure of the reconstituted trial after only five court sessions reached the phase in which the evidence procedure in the previous trial was on 7 July 2008.

[2] The first accused Branimir Glavić went on hunger strike on 8 November 2007, which he ended after his detention order was cancelled. The medical expert team found him competent to stand trial. He was released from detention following the decision by the Out of Court Council of the Zagreb County Court of 11 January 2008, reached at the time when the Croatian Parliament had established its parliamentary mandate at the constitutional session, thus granting him parliamentary immunity pursuant to Article 73, Paragraphs 1 and 2 of the Constitution of the Republic of Croatia, and Articles 23 through 28 of the Rules of Procedure of the Croatian Parliament. With a majority of votes, the Croatian Parliament decided to withhold approval of his detention during the time of his parliamentary mandate. At the session of 17 January 2008, the Council of the Supreme Court of the Republic of Croatia rejected the appeal of the prosecutor against the decision of the Zagreb County Court of 11 January 2008, No: Kv-rz-1/08 (K-rz-1/07), so the decision on the cancellation of detention for Branimir Glavić became legally valid.

[3] On 17 September 2008, the Constitutional Court of the Republic of Croatia decided to uphold constitutional complaints of the accused Gordana Getoić Magic, Tihomir Valentić and Ždravko Dragić against the decision of the Supreme Court of the Republic of Croatia No: K-449/08-3 of 28 July 2008, and the decision of the Zagreb County Court No: K-v-rz-12/08 (K-rz-1/07) of 4 July 2008 on the extension of their detention. On 17 September 2008, the Constitutional Court of the Republic of Croatia also decided to uphold the constitutional complaint of the accused Mirko Šivić, thus overturning the decisions of the Supreme Courts of the Republic of Croatia No: K-439/08-3 of 23 July 2008, and the Zagreb County Court No: K-v-rz-13/08 (K-rz-1/08) of 7 July 2008, on the extension of his detention. Following these decisions, the Out-of-Court Council of the Zagreb County Court cancelled detention for the other two accused, Ivica Knjak and Dino Korčinić, on 18 September 2008.

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GENERAL INFORMATION

Zagreb County Court
Case Number: K-IZ-1/07
War Crime Council:
Judge Letjko Horvatović, Council President; Judge Turskih Alibeg, Council member; Judge Sonja Breković Badić, Council member; Judge Mirko Klindzić, additional member of the Council
The indictment:
The indictment No. K-DO-105/06, dated 27 April 2007, issued by the Zagreb County Attorney's Office; and the indictment No. K-DO-76/06, dated 16 April 2007, issued by the Osijek County Attorney's Office.
Prosecution: Jasmina Dolomac, Zagreb County Deputy Attorney; Mirolav Kraljević, Osijek County Deputy Attorney (temporarily referred to Zagreb County Court by the decision from the State Attorney)
Criminal offence: a war crime against civilians, defined as an indictable offence pursuant to Article 120, Paragraph 1 of the Penal Law of the Republic of Croatia.
Defence:
- lawyers Dražen Matijević, Ante Madunić and Veliko Miljević, hired defence lawyers of the first accused Branimir Glavas
- lawyers Domagoj Reljatin, a hired defence lawyer and Zoran Stjepanović, a court-appointed defence lawyer of the second accused Ivica Knjaž
- lawyers Antun Babić and Tajana Babić, hired defence lawyers of the third accused Gordana Getoš-Magdific
- lawyer Radan Kovac, a hired defence lawyer of the fifth accused Dino Kontić
- lawyer Branko Šenić, a defence lawyer of the sixth accused Tihomir Veličkić
- lawyer Milan Jungić, a hired defence lawyer and Dragutin Gajski, a court-appointed defence lawyer of seven accused Zdravko Drapić
Attorney-in-fact of the injured person Radoslav Rakočević, lawyer Ljiljana Banac.

All accused persons have been held in detention with the exception of the first accused Branimir Glavas.

All accused persons were ordered detention pursuant to Article 102, Paragraph 1, Item 4 of the Criminal Procedure Act due to the seriousness of criminal offence.

The first accused Branimir Glavas was released from detention on 11 January 2008 following the decision by the Out-Of-Court Council of the Zagreb County Court, since the accused had been granted parliamentary immunity when his parliamentary mandate was established at the constitutional session of the Croatian Parliament pursuant to the provisions of Article 75, Paragraphs 1 and 3 of the Constitution of the Republic of Croatia, and provisions of Articles 23 through to Article 28 of the Rules of Procedure of the Croatian Parliament. The Mandate-Immunity Committee of the Croatian Parliament decided by a majority vote to withhold the approval for detention of the parliamentary representative Branimir Glavas during the time of his mandate. The decision was upheld by the Croatian Parliament by a majority vote.

At the session held on 17 January 2008, the Supreme Court Council of the Republic of Croatia reached a decision to dismiss the appeal of the State Attorney against the decision No. KV-IZ-1/08 (K-IZ-1/07) reached by the Zagreb County Court on 11 January 2008, thus making the decision on cancellation of detention order legally valid. The accused Branimir Glavas has, therefore, no longer been held in custody during the trial.

TRIAL MONITORING REPORTS
The court hearings commenced on 15 October 2007.

On 5 November 2007, the trial started anew due to a replacement of the additional member of the War Crime Council.

The first accused Branimir Glavas began hunger strike on 8 November 2007; however, the medical expert team found him competent to stand trial. He ended the strike after the cancellation of detention order. The detention order for the first accused Branimir Glavas was cancelled following the decision by the Out-of-Court Council of the Zagreb County Court reached right at the time when the Croatian Parliament had established his parliamentary mandate at the constitutional session, thus granting him parliamentary immunity pursuant to the provisions of Article 75, Paragraphs 1 and 3 of the Constitution of the Republic of Croatia and provisions of Articles 23 through to Article 28 of the Rules of Procedure of the Croatian Parliament. This occurred before the Mandate-Immunity Committee reached the decision not to abeolish his immunity from detention.

All accused persons pleaded not guilty for the charges stated in the indictment. Upon their request, they all presented their defence at the beginning of evidence procedure.

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So far, 53 hearings have been held, including the out-of-court hearings. 49 witnesses have been questioned by the Court (36 prosecution witnesses, 10 defence witnesses, and 3 witnesses examined by the Court ex officio).

13 witnesses have been examined by the Court in order to establish the validity of the claims made by the third accused Gordana Getoš Magdić, the fourth accused Mirko Sivić and the seventh accused Idravko Dragić that their depositions given during the pre-trial investigation were taken by force by the police. the factual basis of the indictment, First Osijek, Case No. DD-74-06, dated 16 April 2001, is grounded on these depositions, which they have refused in the meantime. Following the examination of the 13 witnesses and presentation of material evidence, the Court reached a decision to accept the mentioned depositions as legally valid. The decision was upheld by the Supreme Court of the Republic of Croatia, thus becoming legally valid.

So far, the presentation of other evidence has largely been related to substantiating the part of the indictment charging the first accused Branimir Glavić with issuing orders for the execution, ill-treatment and unlawful arrests of civilians, while acting as the commander of the First Osijek Battalion, more widely known under the names of "Branimir's Battalion", "The Guard Troop", and "The Deployed Troop". The prosecution has sought to prove that the first accused Branimir Glavić was in command of the mentioned Battalion, while the defence of the first accused has sought to prove that the mentioned Battalion was in command of Nikola Jaman.

It is noticeable that during the trial some of the prosecution witnesses have given statements which are different in key aspects to the statements they gave during the pre-trial investigation. Some of the allegations stated in the indictment were specified on the basis of their initial statements, such as the one stating that the first accused was in command of the so-called "Guard Troop". However, during the trial, these witnesses claimed that the mentioned Battalion was under the command of Nikola Jaman. Some of the witnesses even offered thorough documentation to substantiate these claims, which they had not mentioned during the pre-trial investigation. This trend made the prosecution to observe several times during the trial that the witnesses were being tempered with in order to refute their initial testimonies. The State Attorney's Office has also warned that the document used by the defence to substantiate the allegations about the role of Nikola Jaman is fabricated. The order for mobilization and equipping of the guard troop, the written document submitted by the defence on two occasions: with the report from 1 June 2006 and the report from 22 February 2007, is not stamped and contains text added in handwriting reading: "command given to Nikola Jaman on 20 June 1991". This document differs from the same document, which has been obtained officially, and contains a stamp of the National Defence Secretariat of that period and no added text.

The public was excluded from five hearings of the trial pursuant to Article 292, Paragraph 4 of the Criminal Procedure Act (in order to ensure the protection of personal and family life of the female accused person/witness). Pursuant to the provision of Article 294, Paragraph 2 of the Criminal Procedure Act, the Court Council allowed the monitors of OSCE, Documents, Centre for Peace in Osijek, and Civic Committee for Human Rights to attend the hearings as members of the expert public.

The following hearings were closed for the public: a) the hearings at which the defence of the third accused Gordana Getoš Magdić was presented, when the accused testified on the circumstances of her interrogation on the premises of the Osijek-Baranja Police Department; b) the hearing at which the witness-injured person Nikola Vasić testified; and c) the hearing at which the crown witness Krunoslav Fehr testified.

On 23 June 2008 the witness-injured person Radoslav Ratković, residing in the Republic of Serbia at the time of the examination, was examined by means of video-link connection. This examination was conducted out of court, as a form of providing international legal assistance.

The Council has repeatedly rejected defence lawyers' requests for cancellation of detention orders for defendants. The Supreme Court rejected the defence lawyers' appeals against previous decisions on extension of detention as unfounded, while the defence lawyers grounded the appeals on the provisions of the Convention on Protection of Human Rights and Basic Freedoms, the Constitution of the Republic of Croatia, questioned the purpose of detention and proposed a substitution of detention for an appropriate precautionary measure. The Court maintained that referring to recent cases of similar trials could not serve as a sufficient argument to influence the Court reaching a different decision on the cancellation of detention, nor could the hunger strike of the accused. Thus, had the Croatian Parliament made a different decision, the first accused would also be held in detention.

On 29 August 2008 the proceedings were adjourned, as the second accused Ivica Kmrjak did not have a defence lawyer. Namely, his hired lawyer Urošagjo Knežar informed the Court of his inability to be present at hearings due to illness, while the accused revoked the power of attorney of the other defence lawyer, Petar Sale, on 4 August. Following the proposition by the State Attorney's Office, and pursuant to the provision of Article 65, Paragraph 6 of the Criminal Procedure Act, the Council decided to request the Court to...
President to appoint a defence lawyer for the second accused Ivica Krožak, agreeing with the view of the prosecution that the actions of Đorđe Rešetar, the defence lawyer of the second accused, had been aimed at unnecessary prolongation of the trial. The lawyer Vesna Zaninović Đubravčić was appointed as a defence lawyer for the second accused Ivica Krožak. On 1 September 2008 she submitted a request for deferral of the proceedings in order to prepare the defence. Considering that she had already been involved in the case as the court-appointed defence lawyer of the fourth accused Milko Stilic, whose trial has been separated from this criminal procedure, she agreed with the Court President that she had already had the opportunity to inspect the documents. Thus, she was approved one day for additional preparation. The next day, however, she requested another ten days of deferral. When the Council rejected this request, she left the court room stating that professional ethics and the lawyer's code do not allow her to represent the defendant, and that she was going to inform the Court President about this.

She was penalized with a 5,000 Kuna fine, as she left the court room without prior permission.

As the second accused Ivica Krožak was now without a defence lawyer, and this is the case of a mandatory defence, the trial has been adjourned for an indefinite period.

As the trial did not resume by 7 September 2008, the period of adjournment has exceeded two months, which means that the trial will have to start anew, pursuant to the provisions of the Criminal Procedure Act.

VERDICT

On 8 May 2009, the Zagreb County Court announced the verdict whereby all six defendants were found guilty. The prison terms of 5 years and of 8 years were passed on the defendant Ivan Grilas, thus he was sentenced to a joint prison sentence in duration of 10 years. The defendant Ivica Krožak was sentenced to 8 years in prison. The defendant Gordana Gotovac Magdlic was sentenced to 7 years in prison. The defendants Dino Kostić, Tihomir Valentić and Zdravko Dragić were sentenced to 5-year prison terms each.

Opinion on the progress of the trial thus far

In our opinion, the course of the procedure has thus far revealed the following practices: belated response of prosecuting bodies, interference of legislative bodies and the politics in the work of the judiciary, and inefficiency of judicial bodies in securing safe conditions for testifying.

The criminal procedure was first instigated in July 2005, 14 years after the alleged crimes took place. To our knowledge, there had been no initiatives to investigate the crimes before. The first people to speak publicly of these crimes were the Osijek-based journalist Đrago Hedić and certain individuals who had themselves participated in unlawful actions in Osijek. At the time when the first serious investigations into the case were instigated, the first accused was a parliamentary representative and a dissident party member of the ruling party - the Croatian Democratic Union, who has throughout the investigation and trial procedures based his defence before the public and the court on the claim that the case against him is politically motivated. Besides enjoying parliamentary immunity, political power, and a strong influence on the local media, all of which he has used in his defence, he also violated regulations of detention (without receiving any punishment) by recording a video clip for his election campaign.

The fact that an efficient investigation was instigated after 14 years of inactivity speaks of a shift in the political will and cannot be related to political contrivance (as claimed by the first accused), which would imply that the procedure was based on ungrounded accusations. However, the authenticity of the displayed political will to process war crimes committed by Croatian military commanders should be exhibited through efficient operation of the prosecution and independent work of the judiciary, which as the procedure unfolds, has become ever more doubtful.

In order to instigate a criminal procedure against Ivan Grilas, the State Attorney's Office had to fight a legal battle to create, at least somewhat, secure conditions for testifying, and to earn the right to investigate a person enjoying parliamentary immunity. Urgent investigating actions, which included examination of witnesses before the official investigation had started[1], were conducted before an investigating judge of the Zagreb County Court following the consent of the President of the Supreme Court of the Republic of Croatia to change regional jurisdiction over the case in July 2006. Two out of six persons were examined as protected witnesses. The results of these examinations provided basis for the instigation of the procedure. However, already at the start of the investigating procedure, Croatian judiciary was unable to protect the procedure from improper pressure.
coming from Branimir Glavaš. All of the accused, except Branimir Glavaš, were ordered detention pursuant to Article 102, Paragraph 1, Items 2 and 4 of the Criminal Procedure Law. As the State Attorney’s Office had not requested detention for the first accused parallel with filing the investigation request, it later had to demand from the Croatian Parliament to lift his parliamentary immunity before it could order detention. Also, investigating judges in Zagreb and Osijek rejected the State Attorney’s Office’s detention request on four occasions, claiming they had no authority to approve such request. The first accused thus spent most part of the investigation non-detained (and during this time 45 out of 45 selected prosecution witnesses were heard). As soon as his detention order came into force, the first accused went on hunger strike, which resulted in temporary termination of the investigation.

The main controversy in this case, however, has stemmed from the fact that the Croatian Parliament made a political decision on whether the first accused in the criminal procedure instigated for a serious war crime should be ordered detention or not, instead of allowing the judiciary to rule on this matter. Even if this had been a case of a legitimate right of the Croatian Parliament which was in line with the Constitution and laws of the Republic of Croatia (which we find questionable), it was still a political decision used to directly intervene in the first-instance court procedure, resulting in the release of the first accused of a serious war crime, while other accused persons, his alleged subordinates who carried out his orders, remained detained. The message sent in response to this decision is that the first accused holds strong, and for them threatening, political power which gives him influence over the procedure, thus making their exposure through testifying pointless. We believe that absence of a necessary reaction of the prosecution to this decision has made this message even stronger. It is not clear why the Croatian prosecution made no attempt to dispute this decision before the Constitutional Court of the Republic of Croatia, using legal arguments against it, which clearly existed. First, when the decision was made the criminal procedure had already entered the phase of trial and the Croatian Parliament had deprived the first accused of his parliamentary immunity; next, an explanation given for the decision on cancellation of detention was that “the accused should be released from custody as this will have no effect on the outcome of the trial”; and finally there are issues of interpretation of Article 75, Paragraphs 2 and 3 of the Constitution of the Republic of Croatia regulating the application of the parliamentary immunity system, and compliance of the Croatian Parliament Rulebook with provisions of the foregoing Article.

Further, the Croatian Constitutional Court reached the decision to release from detention four of the co-accused persons. Following this decision, the Zagreb County Court released the other two of the co-accused on the following day. Such decision inevitably raises several questions, the most important being whether it was entirely legally founded. Next, was this decision a justified reaction of the Constitutional Court to a potential violation of the constitutionally guaranteed human rights of the accused, or was it a product of the political signals sent to the Constitutional Court? Finally, will such decision, in case it becomes an unwritten rule, create inconceivable problems to the efficient processing of the biggest and most important criminal cases put before the Croatian judiciary?

The Constitutional Court based this decision, inter alia, on the principle of linearity, taking as an example the practice of the European Court of Human Rights which finds detention justified if the reasons justifying it are still relevant and if the judicial bodies act with required attention. When considering cancellation of detention for the co-accused, the Constitutional Court concluded that the procedure had already lasted too long, and that it would last even longer, in which case further detention was unreasonable because it would practically turn into serving of the sentence before the verdict was even reached and made legally valid. This suggests that the Constitutional Court established that the potential penalty would equal or somewhat exceed the length of detention, and thus indirectly assessed the merits of the case assuming the role of regular courts. At the same time, the Court disregarded the fact that during the procedure thus far, the defence repeatedly requested cancellation of detention, but at the same time procrastinated the trial using various procedural tricks. [3]

It should further be noted that the Constitutional Court decided to base this decision on the practices of the European Court of Human Rights even though this Court had not dealt with that many war crime cases. Thus the Constitutional Court could not only refer to such cases but had to resort to cases such as “Shishov” (of 9 January 2003), which was merely a case of simple larceny. It seems that the Constitutional Court found that the reasons justifying detention in the case of larceny could be equalled with those applying to a case of the most serious crime, such as a war crime against civilians in Osijek. The question is why the Constitutional Court did not instead refer to what we believe is a more appropriate practice of the ICTY, which deals exclusively with war crime cases and where the accused are detained regardless of the length of procedure, while the only condition for detention is that the verdict is legally valid.

Since the beginning of the main hearing on 15 October 2007, we have observed various situations of improper pressure on witnesses. Several witnesses stated that they had been threatened; some witnesses requested protection, but there were cases when witnesses were not at all protected from the pressure coming from the defence lawyers. [4] We even recorded situations when witnesses openly spoke of the defendants’ attempts to secretly provide them with court records so that they could align their statements with the

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However, the most typical example of violations of the regulations of the Criminal Procedure Law has been the publishing of secret testimonies taken at court sessions which were revealed for the public [5]. Apart from violating the decision of the War Crime Council of the Zagreb County Court, these unlawful actions showed disrespect to the Court, as publishing or paraphrasing even a part of a testimony and making it available to the public showed clear disregard of the Council decision, but also single-mindedness and disrespect for the positive regulations of the Republic of Croatia on which the foregoing Council decision was based. Such actions are also a method of indirect influence not only on the witnesses whose statements have been published, but also on those who are yet to testify. However, although publishing of the details of the trial closed to the public is a criminal act carrying a penalty of three months to three years in prison (pursuant to Article 301), to our knowledge, the State Attorney's Office of the Republic of Croatia has not filed charges against any perpetrators. The Council President has had difficulty establishing the procedural discipline, particularly at the beginning of the procedure. He gradually started applying legal disciplinary measures more frequently. On many occasions the defence lawyers and sometimes the defendants spoke without prior permission. We have also observed several situations in the court when witnesses were not protected from the pressure from the defence, which could even have been interpreted as a direct threat to a witness, while at the same time these incidents were not recorded in the court records nor were the unlawful actions of the defence lawyers penalized. The second accused Ivica Krmjak disturbed the procedure on several occasions, receiving fines for procedural indiscipline. He also failed to attend the trial several times. After one occasion when he left the court room of his own free will, protesting against the Court Council's rejection of his defence lawyer's request for additional medical expert examination of Ivica Krmjak, he was ordered detention pursuant to Article 102, Paragraph 3 of the Criminal Procedure Law, for obstruction of the procedure by failing to attend court sessions.

As the Council President assessed that some actions of Ivica Krmjak's defence lawyer were directed towards procrastination of the procedure, the Council President requested for a court appointed lawyer to represent Ivica Krmjak. We find this decision correct.

[1] Urgent investigation actions including witness examination prior to official investigation were performed pursuant to Article 185, Paragraph 1 of the Criminal Procedure Law.

[2] Documento - Centre for Dealing with the Past, and the Civic Committee for Human Rights filed a request to the Constitutional Court of the Republic of Croatia for a clarification of the correct interpretation of the provisions of Article 75, Paragraphs 2 and 3 of the Croatian Constitution, which regulate the application of the parliamentary immunity system. We also find it necessary to open the discussion on the need for a change to the Constitution so that similar situations could be avoided in the future. We believe that it is not in accordance with the natural law (which is why the citizens cannot find the provisions of the Constitution, relied upon by the Croatian Parliament, just) or the spirit of democracy to (even temporarily) terminate a criminal procedure on the basis of the right to parliamentary immunity after the indictment has been raised for a serious crime which carries a penalty of over five years of imprisonment.

[3] The defence lawyers kept requesting cancellation of detention at each court session, which the Council repeatedly rejected. On 7 July 2008, the trial had to be re instituted because there had been an adjournment of more than two months since the previous trial session. The reason for this postponement was the fact that the second accused Ivica Krmjak did not have a defence lawyer. Namely, after the summer recess, his hired lawyer Damagoj Reletar informed the Court of his inability to attend the trial due to illness, while the accused revoked the power of attorney of the other defence lawyer, Petar Sale, on 4 August. The Council assessed that actions of Damagoj Reletar, the defence lawyer of the second accused, had been aimed at unnecessary prolongation of the trial, and decided to appoint a defence lawyer for the second accused Ivica Krmjak. The court-appointed lawyer insisted to be given ten days to prepare the defence, which added together with the period of the summer recess amounted to over two months. The trial had to be re instituted again on 4 November 2008. Here we wish to point to the incautious decision of the Council President to schedule the first session after summer recess for only ten days before the two-month deadline for adjournment between the sessions would expire. Also, he should have approved the court-appointed lawyer a maximum amount of time possible for preparation of defence, which at the same time would not have exceeded the two-month deadline.


headlined "Prosecution Betrayed by Witnesses". The article paraphrased a part of the secret witness statement given by Nikola Vasić. Veljo Miljević, a defence lawyer representing the first accused, commented for Večernji list on the credibility of witness Nikola Vasić, thus revealing a part of his secret statement. This was published in the article titled "Vasić Convicted of Armed Rebellion". Glas Slavonije in its issues of 13 January 2009 and 4 February 2009 published parts of the secret statements given by protected witnesses under the pseudonyms "protected witness 06-" and "Brava-", respectively.

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ANNEX  39

Centre for Peace, Non-Violance and Human Rights
Osijek, Croatia, Monitoring war crime trials:

Crime in Paulin Dvor
Monitoring war crime trials

Crime in Paulin Dvor

Trials in Croatia ::

Repeated trial against the accused Enes Viteškić for committing the criminal act of war crime against civilians - described and punishable act according to the Article 120, Paragraph 1 of the Basic Criminal Law of the Republic of Croatia, conducted before the War Crime Council of the Osijek County Court.

INDICTMENT (SUMMARY)

On 12th March 2003, District Attorney's Office in Osijek laid the indictment No: K DO-68/2002, which charged Nikola Ivanovković and Enes Viteškić with criminal act against humanity and international law - war crime against civilians stated in the Article 120, Paragraph 1 of the Basic Criminal Law of the Republic of Croatia, Nikola Ivanovković and Enes Viteškić were charged that they, as members of the 2nd Infantry company of the 1st Battalion of the 110th Brigade of the Croatian Army, together with several other unknown perpetrators, on 11 December 1991, after they had heard about the death of their wounded fellow soldier, agreed to go to the village of Paulin Dvor and retaliate by killing villagers of Serb ethnicity. They were also charged that they approached the house of Andrija Bukvić in Paulin Dvor, and after checking if those particular civilians were in that house, they opened fire on civilians using machine guns and threw hand grenades in the premises where the civilians were accommodated, thus causing death of eighteen civilians.

REPORTS FROM HEARINGS

Repeated trial is conducted at the Osijek County Court, before the War Crime Council which includes the following council members: Judge Zvonko Vekić, President of the Council; Judge Nikola Sajter, member of the Council; and Judge Branka Gulić, member of the Council.

SUMMARY OF VERDICT

In a repeated trial against Enes Viteškić, accused for war crime against civilians, stated in Article 120, Paragraph 1 of the Penal Law of the Republic of Croatia, committed in December 1991 by killing 18 residents of Paulin Dvor (17 persons of Serb ethnicity and 1 person of Hungarian ethnicity), the War Crime Council of the Osijek County Court reached a verdict of acquittal, based on Article 254, Item 3 of the Law on Penal Proceedings (there was no proof that the defendant actually did commit the criminal act he was charged for).

FINAL OPINION ISSUED BY MONITORS

- Presentation of Paulin Dvor war crime trial.doc

Opinion

After the repeated trial, War Crime Council of the Osijek County Court did not provide a clear and plausible explanation of the verdict of acquittal, and by omitting to do so, the Council ignored the reasons which had led the Supreme Court of the Republic of Croatia to quash the previous verdict.

In a repeated trial against Enes Viteškić, accused for war crime against civilians, stated in Article 120, Paragraph 1 of the Penal Law of the Republic of Croatia, committed in December 1991 by killing 18 residents of Paulin Dvor (17 persons of Serb ethnicity and 1 person of Hungarian ethnicity), the War Crime Council of the Osijek County Court reached a verdict of acquittal, based on Article 254, Item 3 of the Law on Penal Proceedings (there was no proof that the defendant actually did commit the criminal act he was charged for).

The verdict, as well as the explanation of the verdict, is identical to the previous one which

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was quashed by the Supreme Court of the Republic of Croatia due to incorrectly established facts; the Supreme Court stated that the first-instance court had omitted numerous pieces of evidence and disregarded depositions which had been taken during the evidence procedure and argued that the first-instance court failed to thoroughly analyse evidence and depositions. The Osijek County Court was instructed to present all evidence once again in the repeated trial, and if necessary, to produce new evidence, and only then to make decision whether the act of committing a crime by defendant Viteškić was a mere indication, or was it possible to make a conclusion based on the complete set of indirectly established facts, and ascertain that Viteškić himself was an accomplice in killing of civilians in Paulin Dvor. A new verdict was supposed to be adequately and completely explained.

The War Crime Council of the Osijek County Court had a difficult task since a possible judicial accountability of defendant Enes Viteškić regarding his involvement in the crime was supposed to be established on the basis of circumstantial evidence, by making connections between relevant facts - indications. Direct evidence is missing since defendant Viteškić (and convicted Ivaniković) have denied their participation in the crime; eyewitnesses to crime did not identify the perpetrators; witnesses coming from the military, police and intelligence-security hierarchy, in their capacity as state officials were supposed to be informed on the event but claimed that they did not know the names of the perpetrators, i.e., they were not actually involved in crime. Material evidence was deliberately destroyed or hidden (the house where civilians had been killed was destroyed in an explosion the day after the crime while the victims’ bodies were secretly transferred to a secondary mass grave following the arrangements of the state institutions). Witnesses were claiming that an oral command had been issued ordering them not to write reports on the crime.

The repeated trial has met formal criteria; all evidence were established (mostly the evidence which had already been established); Many witnesses have once again given depositions containing wide discrepancies between their court statements and the statements given to the investigation judge; the witnesses have reluctantly given answers in the court and claimed that they cannot remember or have no knowledge on the committed crime. The witnesses have not explained the discrepancies between their depositions. The prosecutor failed to propose direct questioning of the sole surviving witness who lives in Serbia. The prosecutor failed to request from the court order that one deposition given by a witness to the County Attorney be removed from Branimir Glavaš’ web site in order to protect the witness from pressure and threats. New evidence was not adduced.

In reaching its verdict, the Court has taken into consideration a majority of depositions which the witnesses gave to the investigation judge, and it deemed those depositions credible, which were providing far more information on circumstances and the very murder of civilians than the modified depositions given at the court hearing.

However, the explanation of verdict of acquittal contains only the analyses of depositions given by the same witnesses that were accepted by the Court in the previous trial, yet again, it is not clear how the Court approaches to the depositions given by other witnesses about the indications which could possibly charge defendant Viteškić, and what is the reason why the Court does not consider the information the other witnesses have about the crime as relevant, especially since the Supreme Court pointed to that issue. For example, whether it was established that the defendant:

1. was loading the dead bodies on truck, alongside with convicted Nikola Ivaniković;
2. was present in Našice discotheque as a part of the group of Croatian soldiers who had been allowed by Grozda to go to that disco prior to their transfer to another military post to guard the „Pump”, instead of receiving a punishment for the committed crime;
3. was indeed a part of the group of soldiers who were entrusted with a task of guarding the „Pump”, instead of being punished for the crime, and if he was actually sent to the mentioned military post where the perpetrators of the crime were deployed.

Actually, the explanation of verdict of acquittal, its contents, arguments and formulations, is no different from the explanation of the first-instance court verdict which was quashed by the Supreme Court, and, apparently, the explanation of verdict of acquittal is almost its copy. Therefore, a question remains whether the Supreme Court would this time make a different decision from the previous one, or if it would stick to its opinion and defend its requests stated in the cancellation decision which would lead to quashing of this verdict and sending the case back to the first-instance court for a retrial.

We would like to point out that only a complete and clear explanation of the verdict, as requested also by the Supreme Court of the Republic of Croatia, would be a just and correct thing to do regarding the victims of crime, the defendant, and the general public, too.

We have expected the Court to be extremely cautious in this particular case since the victims of crime in Paulin Dvor have already been depreciated on several occasions - in the moment when they were massacred, when the perpetrators returned to the crime scene to finish the victims off with knives, as well as by failure to publicly acknowledge the crime and its judicial proceedings, by covering up the crime, by hiding and transferring the victims’ dead bodies, destroying the crime scene and by persistent silence on the issue of names of perpetrators. At the time when the crime was committed, it was a crime involving a group of 6 or 8 perpetrators, who - in a moment of unacceptable weakness - wilfully and brutally added to their military service a hue of a mere inter-ethnic cleansing. During the
years-long period of concessions made to perpetrators by state officials—starting from the police officials and moving up to political level, the accountability for the crime has gradually, and almost undetectably, become a STATE ACCOUNTABILITY. Since the state officials were failing, or refusing, to bring the group of perpetrators to court and sanction them for committing an ethnically-motivated crime, a stigma of unpunished crime remained attached to, both, the state and the nation.

Therefore, we expect the authorities of the Republic of Croatia, after the court trial at the domestic court did establish the fact that members of the Croatian military units had committed the crime by carrying out a massacre of eighteen civilians, to provide, in the name of Croatian citizens, an appropriate symbolic damages to the killed victims and a moral and material damages to the survivors and their closest family members.

Moreover, the case of crime in Paulin Dvor has blatantly shown that the covering up of victims’ dead bodies also constitutes a criminal action of the penal act of war crime. We do request that the State Attorney’s Office and the courts institute proceedings against such acts by using a practice of the International Criminal Tribunal for the former Yugoslavia and the regulations of the Geneva Conventions and other international acts in the area of war and humanitarian law.

Centre for Peace, Nonviolence and Human Rights, Osijek

Documenta, Zagreb

Civic Committee for Human Rights, Zagreb

Croatian Helsinki Committee for Human Rights

Osijek, 10 September 2007.
ANNEX  40

Centre for Peace, Non-Violence and Human Rights
Osijek, Croatia, Monitoring war crime trials:

The War Crime in Marino Selo
Monitoring war crime trials

The war crime in Marino Selo

Trials in Croatia :: Verdict before appeal

The Požega County Court pronounced a (non-final) first instance court verdict on 13 March 2009 which found the defendants Damir Kušner, Davor Šimić, Pavac Vancal, Tomica Polottta, Željko Tutić and Antun Ivetić guilty of war crime against civilians pursuant to Article 120, paragraph 1 of the Basic Criminal Law of the Republic of Croatia (hereinafter: OKZRH).

THE INDICTMENT

The indictment charges the defendants with a war crime against civilians, committed on the premises of the fishing hut in the village of Marino Selo (Ribnjaci) in the period between November 1991 and February 1992, during the defence of the wider Pakrac region from the attacks of the paramilitary units formed by a group of rebellious Serbian habitants and the adjoining units of the so-called Yugoslav National Army (hereinafter YNA). The defendants Damir Kušner, the founder and official commander of the Military Police Squad attached to the 76th Independent Battalion of the Croatian National Guard, and Davor Šimić, the nominal commander of the Squad, are charged with breaching the conventions of the International Humanitarian Law and committing the following crimes:

- The first accused is charged with ordering the inspection of houses of Serbian civilians in search of hidden arms, and then arrest and detention of those civilians in an improvised prison, while failing to inform members of the Squad about the conventions of the International Humanitarian Law. He thus allowed ill-treatment of the imprisoned civilians and their physical and psychological abuse, which resulted in death of 17 civilians, while six civilians survived.

- The second accused is charged with failing to take measures to prevent ill-treatment and physical and psychological abuse of the imprisoned civilians despite his awareness of the inhumane treatment they were subjected to. He thus approved of the consequences of such treatment, i.e. death of the imprisoned civilians.

- The defendants Pavac Vancal, Tomica Polottta, Željko Tutić and Antun Ivetić, all members of the mentioned Squad, are charged with torture and physical and psychological abuse of precisely named imprisoned civilians, beating them on repeated occasions (on different days and in various circumstances) to death.

All defendants have been held in detention pursuant to Article 102, Paragraph 1, Item 4 of the Code of Criminal Procedure (applied in cases of extremely serious circumstances of the crime).

The indictment was modified on 18 February 2009. A modified indictment is available on Croatian only.

GENERAL INFORMATION

The Požega County Court

Case No: K 11/08

War Crime Council: Judge Predrag Dragićević, Council President; Judges Jasna Zubčić and Žarko Krajić, Council members

Indictment No: K-DD-14/07, issued by the Požega County State Attorney's Office on 12 August 2008, modified on 18 February 2009

Prosecuting attorney: Božena Jurković, the Požega County Deputy State's Attorney

Criminal offence: a war crime against civilians pursuant to Article 120, Paragraph 1 of the Penal Law of the Republic of Croatia

Defendants: Damir Kuhner, Davor Šimić, Pavao Vančaš, Tomica Polletto, Željko Tutić and Antun Hečić

Defence attorney representing the 1st accused: Jovan Doneški, a lawyer from Garešnica

Defence attorney representing the 2nd accused: Marko Dumančić, a lawyer from Osijek

Defence attorney representing the 3rd accused: Željko Damjanac, a lawyer from Požeška

Defence attorney representing the 4th accused: Branko and Olivera Baričević, lawyers from Požeška

Defence attorney representing the 5th accused: Gordana Grubeša, a lawyer from Zagreb

Defence attorney representing the 6th accused: Domagoj Milićević and Valentina Gacic, lawyers from Požeška

Attorney-in-fact of the injured persons Milka Bunčić: Luka Šulak, a lawyer from Zagreb

Attorney-in-fact of the injured persons Jovo and Milo Krajnović: Zoran Novaković, a lawyer from Zagreb

Victims (according to the particulars from the enacting clause of the indictment):
- tortured and abused: Branko Stajčković, Krajnović Milo and Jovo (from village Kip), Bunčić Milka, Jeka Žestić and Nikola Ivanović (from village Kišla)
- tortured, abused and killed from village Kip:
  - Pero Novaković - body not found
  - Mijo Dančević - body found in Marina Selo on 17 November 1991
  - Gojko Gajić - body found in the area between Pakačka Poljana and Marina Selo on 25 December 1991
  - Šavo Gajić - taken away from the detention, was buried by survived civilians
  - Branko Bunić - body found in the area between Pakačka Poljana and Marina Selo on 5 December 1991
  - Nikola Gajić - body found on 5 December 1991
  - Milo Gajić - body found in the area between Pakačka Poljana and Marina Selo on 25 December 1991
  - Filip Gajić - taken in direction of Ilava, where lost without trace
  - Jovo Popović - body found in the area between Pakačka Poljana and Marina Selo on 5 December 1991
  - Petar Popović - taken away from the detention, was buried by survived civilians
  - Nikola Krajnović - body not found
  - Milan Popović - taken away from the detention, was buried by survived civilians
  - tortured, abused and killed from village Kišla:
    - Jovo Žestić - deceased from the cause of cold water being poured at him
    - Jovo Popović Simin - body not found
    - Slobođan Kulić - taken in direction of Ilava, where lost without trace
    - Rade Gajić - body not found
    - Šavo Maksmović - body not found
    - Jasip Cvetar - body found on 5 December 1991

Note: Although on page 5, in paragraph 5 of the indictment No. K-DJ-14/07 issued by the Požeška County State's Attorney's Office on 12 August 2008, it is stated that on 25 December 1991, in the area between Pakačka Poljana and Marina Selo the dead bodies of Gojko Gajić and Milo Gajić were found, on pages 39 and 40 in the clarification part of the quoted indictment (which was presented to the Centre for Peace monitors as late as 2 December 2008) the information about the victims is different:

- on page 39, in paragraph 6 it is stated that on 5 December 1991, the service on duty of the Bjelovar Police Administration informed the investigating judge of the Bjelovar District Court of finding several corpses in the area between Pakačka Poljana and Marina Selo, and that on 6 December 1991, recorded under no. K-r-5171/91, an inspection record was made by the investigating judge Mihael Mašić.
- on page 40, in paragraph 1, 3, 4 and 5 it is stated that the dead male bodies were marked with numbers 1, 2, 3, 4, 5 and 6. Injuries and cause of death was determined with the autopsy performed at the Institute for Court Medicine and Criminal Science in Zagreb on 7 December 1991:
  - dead body marked with no. 1 was the body of Branko Bunčić (found dead in the fish pond, violent death, was dead before it came in the water)
  - dead body marked with no. 2 was the body of Nikola Gajić (violent death)
  - dead body marked with no. 3 was the body of Gojko Gajić (violent death, occurred at least two weeks before autopsy)
- dead body marked with no. 4 was the body of Mijo Gojković (violent death),
- dead body marked with no 5 was the body of Josip Cvekara (violent death),
- dead body marked with no. 6 was the body of Jovo Popović (violent death).

**MONITORING REPORTS**

On the basis of Article 102, paragraph 1, item 4 of the Criminal Procedure Act (for particularly serious circumstances of committing the criminal offence), detention was ordered against the defendants in February and in March 2008.

Main hearing commenced on 28 October 2008.

By pleading on the modified indictment, the defendants pleaded not guilty for the criminal offence charged and they presented their defence.

On 8 December 2008 and on 12 February 2009, the Osijek County Court conducted an out-of-court hearing of the witnesses via a video-conference link.

On 22 December 2008, a detention against the 2nd defendant Davor Šimić and the 3rd defendant Pavao Vancić was cancelled. However, the Croatian Supreme Court quashed the decision of the Polaža County Court and ordered a detention of the defendant Šimić. On 17 February 2009, the detention of the 2nd defendant Davor Šimić was cancelled again.

**VERDICT**

On 13 March 2009, the verdict of guilty was pronounced against the defendants.

The defendants were sentenced to the following prison terms:

- the 1st defendant Damir Kufner was sentenced to 4 years and 6 months of imprisonment,
- the 2nd defendant Davor Šimić was sentenced 1 year of imprisonment,
- the 3rd defendant Pavao Vancić was sentenced 3 years of imprisonment,
- the 4th defendant Tomica Polgetto was sentenced to 16 years of imprisonment,
- the 5th defendant Željko Tutčić was sentenced to 12 years of imprisonment,
- the 6th defendant Antun Ivezčić was sentenced to 10 years of imprisonment.

On the occasion of the verdict’s announcement, the detention order against the defendant Kufner was cancelled.

**THE FINAL VIEW OF THE MONITORING TEAM**

Opinion

The first-instance court trial was held at the Polaža County Court against six members of the former platoon of Military Police of the 70th Battalion of the Croatian National Guard for illegal detention, abusing and killing of civilians of Serb ethnicity from the hamlets of Kip and Klisa in the village of Marina Selio near Pakrac.

According to the (non-final) first-instance court verdict, pronounced on 13 March 2009, the defendants were found guilty and sentenced to prison terms.

Although they had been indicted and found guilty according to the command responsibility, defendants Damir Kufner and Davor Šimić were sentenced, by applying the provisions on mitigation of penalty, to prison sentences below the mandatory minimum prescribed for criminal act of war crime against civilians.

The defendant Kufner was sentenced to a joint prison sentence in duration of 4 years and 6 months, whereas the defendant Šimić was sentenced to one year in prison. The defendant Šimić has spent in custody the amount of time which almost equals the duration of the prison sentence passed on him by the first-instance court verdict.

Other defendants, direct perpetrators of the crime, were found guilty and sentenced to following prison terms: Pavao Vancić - 3 years; Tomica Polgetto - 16 years; Željko Tutčić - 12 years; and Antun Ivezčić - 10 years[1].

However, according to the provisions of the Basic Penal Code of the Republic of Croatia, prison sentence in duration of 16 years, which was passed on the defendant Polgetto, cannot
be pronounced by court whatsoever. Namely, provisions in the general section of the
mentioned Code prescribe that a prison sentence cannot be shorter than 15 (fifteen) days or
longer than 15 (fifteen) years, while a prison sentence in duration of 20 years may be
pronounced for the most serious and grave forms of a criminal act committed with
intention. Prison sentence in duration between 15 and 20 years cannot be imposed
whatever.

The Croatian judiciary did receive the materials from the ICTY investigation teams which
had been investigating the crimes committed against persons of Serb ethnicity in vicinity of
Pakrac and the specific activities of the members of the reserve units of the Ministry of
Interior of the Republic of Croatia, commanded by Tomislav Mrčep, in his capacity as
Assistant to the Minister of Interior of the Republic of Croatia at the time concerned.

During the pre-investigatory proceeding which was carried out in Bjelovar and the
investigation proceeding which was conducted in Požega, a well founded suspicion that they
had committed the crime of killing eighteen civilians of Serb ethnicity in Marino Selo was
cast on the members of the Military Police Platoon of the 76th Battalion under the command
of Damir Kufner and Davor Šimić.

Since the moment the investigation was launched, all aforementioned defendants were
remanded in custody. During the main hearing, after the modification of indictment and
after the prosecution dropped a part of the charges, defendants Davor Šimić and Pavlo
Vancic were released from custody. The defendant Damir Kufner was released from custody
at the sentencing hearing, right after the announcement of the verdict, since he received
the prison sentence in duration below 5 years.

During the five-month trial, 55 witnesses were heard; the three witnesses out of those 55
are the injured parties who survived the detention in Marino Selo. Two surviving victims
were testifying via video conference link. The two surviving victims were giving their
testimonies in the District Court building in Belgrade, while the War Crime Council, parties
at the trial, and defence lawyers were located in the Osijek County Court building, since
the Požega County Court does not possess the required technical equipment for
audio/visual transmission.

In addition to the above mentioned technical flaw, the courtroom at the Požega County
Court, in which the trial was conducted, is too small for multiple-defendants trial and the
trials which attract a lot of public attention.

In the courtroom, the witnesses were giving their depositions standing in the close vicinity
of the audience (public), which was putting additional pressure and burden onto the
witnesses, since some of the representatives of Homeland war veterans' associations and
some local politicians were also sitting in the audience who came to the trial to support the
defendants with their presence.

The witnesses did not receive any psychological support or protection whatsoever. Although
some of the witnesses stated that they had received threats and that they were scared to
testify, there was only one single injured party who testified following the exclusion of the
public.

In case of a possible repetition of the trial before an altered War Crime Council, either in
this case or some other war crime trial, it is questionable, considering the number of
judges, whether the Požega County Court would be able to constitute another, new
Council, which would comprise of three judges with previous experience in criminal branch.
If the mentioned proves to be impossible, the case would have to be delegated i.e. referred
to some other county court. This issue is actually one of the reasons why we are advocating
for the war crime trials to be conducted exclusively at the county courts in Zagreb, Split,
Rijeka and Osijek.

[1] By application of the Law on Juvenile Courts, the defendant Antun Ivezić, who was 19
years old at the time when the crime was committed, could receive the maximum penalty
of up to 12 years of imprisonment.

povratak na popis :: back to list ■ povratak na odabir || back to selection

ANNEX 41

District Court of Rijeka, Orešković et al. case,
Judgment of 24 March 2003 (Excerpt)
Coat of Arms

IN THE NAME OF THE REPUBLIC OF CROATIA

JUDGMENT

The District Court of Rijeka [...] found

the first co-accused TIHOMIR ORESKOVIC [...] the third co-accused STJEPAN GRANDIC [...] the fourth co-accused NORAC, KEVO MIRKO [...] guilty

Because

1. In the period from 14-18 October 1991 in the city of Gospic, during the armed conflict between the Croatian Army and the so-called JNA and Serbian paramilitary forces, in contravention of the provisions of Article 3, paragraph 1, of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in violation of Article 48 and Article 51, paragraphs 1, 2 and 3, and Article 85, paragraph 3, of the First Additional Protocol to the Geneva Conventions of 12 August 1949 on the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, prohibiting violence against life and limb, especially murders against persons who do not directly take part in the hostilities - Tihomir Oreskovic, as Secretary of the so-called Operational Headquarters in Gospic, and Mirko Norac Kevo, as Commander of the 118 Brigade in Gospic, ordered that a large number of Serb and Croatian civilians from Gospic, Karlobag and the environs be arrested and killed, so that:

a) they gave orders to Croatian Army soldiers and members of the military police to arrest without any reason Serb and Croatian civilians from Gospic, Karlobag and environs and they, acting upon this order, apprehended Simo Kljajic, Branko Stulic, Radovan Barac, Dane Bulj, Nikola Gajic, Bogdan Suput, Radojka Diklic, Dusanka Vranes, Djordje Kalanj and Mirjana Kalanj, Milos Orlovic and Mileva Orlovic, Milan Pantelic, Andjelka and Mirjana Pantelic, Branko Kuzmanovic, Borislav Maric, Radmila Stanic, Stanka Smiljanic, Borka Vranes, Petar Lazic, Zeljko Mrkic, Ljubica Trifunovic, Mico Pejnovic, Sofija Loncar, Nebojsa Tresnjic, Pantelija Radic, Danica Barac, Mila Cubelic, Gojko Hinic, Milan Smiljanic, Milica Krajnovic, Ljubica Panjevic, Janko Pavlica, Marica Djukic, Petar Svilar, Nikola Serdar, Dragana Rakic, Gojko Radmanovic, Milica Radmanovic, Mica and Boja Potkonjak, Nikola Stojanovic, Vaso Jelinic, Branko Draganic, Luka Sulentic, Andrija Mileusnic, Stojanka Boric with her son, Nikola Ivanisevic, Bosko Tomicic and some other unknown individuals whom, upon their orders, the third co-accused Stjepan Grandic, as Commander of the Second Company stationed in Perusic barracks, detained in a specially prepared room within the barracks
from where Luka Sulentic, Andrija Mileusnic and Stojanka Boric with her son were released, whereupon

- On 17 October 1991 in the evening, on the premises of the so-called Operational Headquarters in Gospić, Mirko Norac Kevo and Tihomir Oreskovic ordered all present to liquidate a number of the aforementioned civilians who were brought from the Perusic barracks to the agreed location of the pine grove "Zitnik" (Pazariste) by the Croatian Army soldiers, where all present at the meeting drove in a convoy of vehicles and where the transported civilians, at least a dozen of them, including most certainly Bosko Tomicic, Nikola Ivanisevic and Milica Radmanovic. were killed by shooting at the orders of Mirko Norac Kevo, while Mirko Norac himself shot dead an unknown woman whom he had separated from the other civilians and his gun got stuck while he tried to shoot an unknown man three times;

- On 18 October 1991 in the morning, Stjepan Grandic, in his above mentioned capacity, acting according to the agreement reached previously with Tihomir Oreskovic and Mirko Norac Kevo, having received the order from his Commander Mirko Norac Kevo to execute the remaining civilians in the barracks, organized their transportation to the location "Lipova Glavica" near Perusic where he ordered the Croatian Army soldiers, some of whom were masked, to shoot to kill the civilians including Simo Klijajic, Branko Stulic, Radovan Barac, Dane Bulj, Nikola Gajic, Bogdan Suput, Radojka Diklic, Dusanka Vranes, Djordje Kalanj and Mirjana Kalanj, Milos and Mileva Orlovic, Milan Pantelic, Branko Kuzmanovic, Radmila Stanic, Stanko Smiljanic, Borka Vranes, Petar Lazic, Zeljko Mrkic, Ljubica Trifunovic, Mico Pejnovic, Sofija Loncar and other unidentified civilians, which they did together with him;

In other words, by breaching the rules of international law in time of armed conflict, they ordered civilians to be unlawfully arrested and killed, and carried this through against the civilian population;

In this way, they committed the criminal act of war crime against the civilian population under Article 120, paragraph 1, of the Basic Criminal Code of the Republic of Croatia.

For the above mentioned crimes, the first co-accused Tihomir Oreskovic, the third co-accused Stjepan Grandic and the fourth co-accused Mirko Norac Kevo were, under Article 120, paragraph 1, of the Basic Criminal Code of the Republic of Croatia,

sentenced

The first co-accused TIHOMIR ORESKOVIC to fifteen (15) years in prison;
The third co-accused STJEPAN GRANDIC to ten (10) years in prison;
The fourth co-accused MIRKO NORAC KEVO to twelve (12) years in prison

[...]

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U IME REPUBLIKE HRVATSKE

PRESUDA


PRESUDIO JE

I-opt.

TIHOMIR OREŠKOVIĆ, sin Ivana i Anke Hečimović, JMBG 2303957330185, rođen 23.03.1957.g. u Gospiću, Hrvat, državljanin RH, časnik Hrvatske vojske, oženjen, otac troje djece, pismen sa završenom gimnazijom, srednjeg izomovnog stanja, vojsku služio u Valjevu 1978./79.g., učesnik Domovinskog rata, odlikovan Hrvatskim trofejnom, neusudivim, protiv njega se ne vodi drugi kazneni postupak, sa prebivalištem Zagreb, Boškovićeva 7,

III-opt.

STJEPAN GRANDIĆ, zvan "Štef"; JMBG 1908954350008, sin Josipa i Pavice rođene Horvata, rođen 19.08.1954.g. u Koprivnici, Hrvat, državljanin RH, časnik Hrvatske vojske, oženjen, otac jednog ml. djeteta i jednog punoljetnog, pismen sa završenom
srednjom metalnom školom – brusać, od imovine posjeduje obiteljsku kuću u Perušiću i automobil “Fiat” proizvodnja 1997. g., vojsku služio 1975./76. g. u Gospicu, bojnik Hrvatske vojske, odlikovan Spomenicom Domovinskog rata. Spomenicom Domovinske zahvalnosti, Odlikovanjem Red Hrvatskog pletera, te medaljom za “Oluju”, neosuđivan, protiv njega se ne vodi drugi kazneni postupak, sa prebivalištem Perušić, Ante Starčevića 21 A,

IV-opt.

NORAC KEVO MIRKO, JMBG 1909967383106, sin Ante i Nede rođene Radman-Livaja, rođen 19. rujna 1967.g. u mjestu Otok kod Sinja, Hrvat, državljanin RH, pismen sa završenom srednjom ugostiteljskom školom, te višom školom Fakulteta za fizičku kulturu, sa mirovinom u iznosu od 5.200,00 kuna, neažurnjem, bez djeca, vlasnik stana na adresi stanovanja, vojsku služio 1987./88.g., dragovoljac Domovinskog rata od 1990.g. pa dalje, vodi se u Úredu za obranu Zagreb, sa činom generala, odlikovan Ordenom ban Jelačić, ordenom “Sabici Zrinski”, medaljom za iznimne pothvate, medaljom za “Oluju”, medaljom “Ijetu”, nosivac Spomenice Domovinske zahvalnosti i Spomenice Domovinskog rata, te odlikovanjem “Pleter”, neosuđivan, protiv njega se vodi kazneni postupak pod brojem K-105/00 kod Općinskog suda u Sinju zbog kaznenog djela iz čl.272 st.2 KZ u vezi čl.151 st.2 ZKP, sa prebivalištem Zagreb, Bukovačka 27,

krivi su

štari

1. U vremenskom periodu od 14. do 18. listopada 1991.g. u Gospicu, za vrijeme trajanja oružanog sukoba Hrvatske vojske sa tzv. JNA i srpskim paravojnim formacijama, protivno odredbi čl.3 st.1 Ženevskie konvencije o zaštiti građanskih osoba u vrijeme rata od 12. kolovoza 1949.g., te protivno čl.48, čl.51 st.1, 2 i 3, i čl.85 st.3 i Dopunskog protoka Ženevskim konvencijama od 12. kolovoza 1949.g. o zaštitu žrtava međunarodnih oružanih sukoba (Protokol II) od 08. lipnja 1977.g., kojima se zabranjuje nasilje protiv života i tijela posebno ubojstva prema osobama koje ne sudjeluju neposredno u neprijateljstvima, Tihomir Orešković kao tajnik tzv. Operativnog štaba u Gospicu, a Mirko Norac Kevo kao zapovjednik 118. brigade u Gospicu naredili da se veći broj civila srpske i hrvatske nacionalnosti iz Gospica, Karlobaga i šire okoline, uhit i zatim liši života, pa su tako:

a) dali zapovjed pripadnicima Hrvatske vojske i Vojne policije da bezrazložno uhitite civilne srpske i hrvatske nacionalnosti iz Gospica, Karlobaga i šire okoline pa su ovi postupajući po toj naredbi uhitili Simu Kljajića, Stjilić Branka, Barać Radovana, Bulj Danu, Gajić Nikola, Šuput Sgodana, Didić Radjaku,vraneš Dušanku, Kalanj Dorda i Mirjanu, Orlić Miloša i Milevu, Pantelić Milanu, Andelku i Mirjanu, Kuzmanović Branka, Marić Borisava, Stanić Radmilu, Smiljančić Stanaka, Vraneš Borku, Lazić Petra, Željka Mrkić, Ljubicic Trifunović, Miću Pejnoviću, Lončar Sofju, Trešnjić Neboju, Radić Panteliću, Barać Danicu, Čubilić Milu, Hinić Gojku, Smiljančić Milanu, Krajnović Milicu, Panjević Ljubicu, Pavlica Janka, Maricu Đukiću,
Svilar Petra, Serdar Nikolau, Rakitić Dragana, Radmanović Gojka, Radmanović Milica, Micu i Boju Potkonjak, Stojanović Nikolau, Jelinić Vasa, Draganić Branka, Luku Šulentića, Mileusnić Andrija, Stojanku Borić sa sinom, Ivanšević Nikolau, Tomić ić Boška, te još neke NN osobe koje je potom po njihovom naredenju III-okriviljenik Stjepan Grandić kao zapovjednik II. hajne stacionirane u vojarni Perušić, zatučio u za to pripremljenu prostoriju unutar vojarne u Perušiću od kada su pušteni Luka Šulentić, Mileusnić Andrija te Borić Stojanka sa sinom, da bi потом

- dana 17. listopada 1991. godine u većernjim satima u prostorijama tzv. Operativnog staba u Gospiću Mirko Norac-Kevo i Tihomir Orešković prisutnima naredili da moraju izvršiti likvidaciju jednog broja naprijed imenovanih civila, koje su iz vojarne Perušić na dogovoren lokalitet plantaža borova "Žitnik" (Pazarište) doveli pripadnici Hrvatske vojske, na koje mjesto su se svi prisutni sa tog saatanka u koloni vozilima i odvezli, te na tom mjestu dovezene civilne njih najmanje deset, među kojima su bili zasigurno Boško Tomicić, Nikola Ivanšević i Radmanović Milica na zapovijed Mirka Norac-Kevo pucanjem iz oružja usmrtili, time da je prethodno sam Mirko Norac-Kevo iz svog vatrenog oružja, nakon što ju je odvojio od ostalih civila usmrtio za sada neuvrđenu žensku osobu dok mu je prilikom pucanja u NN mušku osobu u tri navrata pištolj zatajio,

- dana 18. listopada 1991. godine u jutarnjim satima Stjepan Grandić u naprijed navedenom svojstvu, postupajući po prethodnom dogovoru Tihomir Orešković i Mirka Norac-Kevo, nakon što je primio zapovjed svog zapovjednika Mirka Norac-Kevo da likvidira preostale civile iz vojarne, organizirao njihov prijevoz na lokalitet "Lipova Glavica" kod Perušića gdje je pripadnicima Hrvatske vojske, od kojih su neki bili maskirani, zapovijedio da iz vatrenog oružja usmrti civile među kojima su bili Simo Kljačić, Štulic Branko, Barač Radovan, Bulić Dane, Gajić Nikola, Suput Bogdan, Diklić Radojka, Vrančić Dušanka, Kalanj Dorde i Mirjana, Orlović Miloš i Mileva, Pantelić Milan, Kuzmanović Branko, Stanić Radmila, Smiljančić Stanko, Vrančić Borka, Lazić Petar, Željko Mrkić, Ljubica Trifunović, Mića Pejnović, Lončar Sofija i ostali neidentificirani civili, što su ovi zajedno s njim i učinili,

dakle, kršći pravila međunarodnoga prava za vrijeme oružanog sukoba naselili da se civilno stanovništvo protuzakonito zatvara i ubija, te civilno stanovništvo protuzakonito zatvorili i ubili,
čime su počinili kazneno djelo ratnog zločina protiv civilnog stanovništva iz čl.120 st.1 OKZ RH.

Za gornje kazneno djelo I-opt. Tihomir Orešković, III-opt. Stjepan Grandić i IV-opt. Mirko Norac-Kevo po čl.120 st.1 OKZ RH

osuđuju se

I-opt. TIHOMIR OREŠKOVIĆ na kaznu zatvora u trajanju od petnaest (15) godina,

III-opt. STJEPAN GRANDIĆ na kaznu zatvora u trajanju od deset (10) godina,

IV-opt. MIRKO NORAC-KEVO na kaznu zatvora u trajanju od dvanaest (12) godina.

Po čl.132 st.2 Zakona o kaznenom postupku oštećenici Radić Jelica, Gošić Sofija, Pavić Milica, Pavlica Željko, Ivančić Maja, Orlović Damir, Orlović Daniela, knežević Duško, Travica Željka, Ivanca Tomičić, Biserka Grošev i Milan Orešković upućuju se s imovinskopravnim zahtjevom na parnicu.

Po čl.122 st.4 Zakona o kaznenom postupku I-opt. Tihomir Orešković i III-opt. Stjepan Grandić oslobadaju se ove za naknade u cijelosti troškove kaznenog postupka iz čl.119 st.2 toč.1 do 6 ZKP-a, dok je IV-opt. Mirko Norac-Kevo po čl.122 st.1 ZKP-a dužan naknaditi troškove kaznenog postupka u paušalnom iznosu od 2.000,00 (dvjetisuce) kuna, dok će se o ostalim troškovima o čijoj visini su nedostajali podaci u vrijeme presuđenja donijeti posebno rješenje (čl.120 st.2 ZKP-a).

Po čl.354 toč.3 Zakona o kaznenom postupku

I-opt. TIHOMIR OREŠKOVIĆ

IV-opt. MIRKO NORAC-KEVO i


OSLOBADAJU SE OPTUŽBE

da bi

1) u vremenskom periodu od 14. do 25. listopada 1991.g. u Gospiću, za vrijeme trajanja oružanog sukoba Hrvatske vojske sa tzv. JNA i srpskim paravojnim formacijama, protivno odredbi čl.3 st.1 Ženevskih konvencije o zaštiti građanskih osoba u vrijeme rata od 12. kolovoza.1949. godine, te protivno čl.48, čl.51 st.1, 2 i 3 i čl.85 st.3 i Dopunske Protokola Ženevskih konvencijama od 12. kolovoza 1949.g. o zaštiti žrtava međunarodnih oružanih sukoba (Protokol l) od 08. lipnja 1977.g., kojima se zabranjuje nasilje protiv života i tijela posebno ubojstva prema osobama koje ne sudjeluju neposredno u neprijateljstvima, Tihomir Orešković kao tajnik tzv.
Operativnog štaba u Gospiću, a Mirko Norac-Kevo kao zapovjednik 118. brigade u Gospiću naredili da se veći broj civila srpske i hrvatske nacionalnosti iz Gospića, Karlobaga i šire okoline, uhi i zatim liši života, pa su tako:

b) dana 25. listopada 1991. g. zapovjedili Ivici Rožić da iz Karlobaga odvede više civila, pa je ovaj po toj naredbi, u društvu s još tri nepoznate muške osobe, iz njihovih domova nasilno odveo Stojana Bogdanović, Momčila Mandić i Mišo Vujnović, nakon čega su ih vojnim vozilom prevezi na područje Velebita lokalitet "Crni Dabar", gdje ih je zajedno s ovom trojicom nepoznatih osoba pucnjima iz vatrenog oružja usmrtio,

dakle, da bi kršeci pravila međunarodnog prava za vrijeme oružanog sukoba naredili da se civilno stanovništvo protuzakonito zatvara i ubija, te da bi civilno stanovništvo protuzakonito zatvorili i ubili,

pa da bi time počinili kazneno djelo ratnog zločina protiv civilnog stanovništva iz čl.120 st.1 OKZ RH.

Po čl.132 st.3. Zakona o kaznenom postupku oštećenici Ljiljana Mandić i Darinka Vujnović upućuju se s imovinskiopravnim zahtjevom na parnicu.

Po čl.123 st.1 ZKP-a troškovi kaznenog postupka iz čl.119 st.2. toč.1-5 ZKP-a te nužni izdaci okrivljenika i nužni izdaci i nagrada branitelja, u ovom dijelu, padaju na teret proračunskih sredstava.

Po čl. 353 toč.3 Zakon o kaznenom postupku
protiv

opt. Čanić Milan izvanog Bićo, JMBG 0208931350005, sina Milana i Ane rodene Matajica, rođenog 02.08.1931.g. u mjestu Čanić Gaj – Gospić, Hrvata, državljanka RH, brigadira Hrvatske vojske u mirovini, oženjenog, oca dvoje punoljetne djece, pismenog sa završenom srednjom poljoprivrednom školom, vlasnika obiteljske kuće na adresi stanovanja i vikendice u Jadranovu, nosioca spomenice Domovinskog rata te medalje za "Oluju", neosuđivanog protiv kojeg se ne vodi drugi kazneni postupak, sa prebivalištem Gospić, Kaniška 124.

ODBIJA SE OPTUŽBA

da bi

u vremenskom periodu od 14. do 25. listopada 1991.g. u Gospiću, za vrijeme trajanja oružanog sukoba između Hrvatske vojske i srpsko paramilitsa kao zamjenik zapovjednika u 118. brigadi zajedno i dogovorno sa Tiho Momorom Orešković u to vrijeme tajnikom Kriznog štaba u Gospiću i Mirkom Norac Kevo kao zapovjednikom 118. brigade u Gospiću protivno odredbi čl.3 st.1 Zakona o konvenciji o zaštiti građanskih osoba u vrijeme rata od 12. kolovoza 1949.g., te protivno čl.4 st.2 toč. a) Dopunskog protokola Ženevskih konvencija od 12. kolovoza 1949.g. o zaštiti žrtava nemiječuarnih oružanih sukoba (Protokol II) od 08. lipnja
1977. g., kojima se zabranjuje nasilje protiv života i tijela posebno ubojstva prema osobama koje ne sudjeluju neposredno u neprijateljstvima:

a) Na sastanku održanom u većernjim satima u prostorijama Kriznog štaba u Gospiću prisutnima naredili likvidaciju po njihovoj zapovijedi prethodno zatočenih osoba srpske i hrvatske nacionalnosti u vojarni u Perušicu te u tu svrhu organizirali da se dio tih osoba i to njih najmanje 10 (deset) po pripadnicima Hrvatske vojske odvezu na lokalitete "Pazarište" kod Gospića, na koje mjesto su se svi zajedno sa sastanka u koloni i uputili, te na tom mjestu dosezene civilne među kojima su bili Božidar Tomicić i Nikola Ivanišević, na zapovjed Mirka Norca Keve, pucanjem iz oružja umrli, time da je prethodno sam Mirko Norac Kevo iz svog vatrenog oružja, nakon što ju je izdvojio od ostalih civila usmrtio za sada neutvrđenu žensku osobu.

b) Naložili III-okriviljeniku Stjepanu Grandić da ovaj kao zapovjednik II bataljuna stacionirano u Perušiću te kao zapovjednik vojarne u Perušiću, najprije u krugu vojarne zatoči dosezene mu civilne srpske i hrvatske nacionalnosti iz Gospića i šire okoline i to Branka Stulića, Branka Kuzmanovića, Radmilu Stanić, Stanka Smiljanića, Radmilu Đukić, Miru Kalanji, Đorda Kalanji, Danu Bulji, Milana Pantelića, Radovanu Barać, Ljubicu Trifunović, Petra Lazić, Borku Vranjić, Bogdanu Šuputa, Dušanu Vranjić, Nikolu Gajiću, Željku Mrkiću inače svi iz Gospića te Miloša i Milevu Orlić iz Karlovaca, kao i osobe pod točkom a) te još nekolikoju za sada neutvrđenih drugih osoba, a zatim da ih dana 18. listopada 1991. g. likvidira pa je ovaj postupajući po zapovjedi imenovanih organizirao njihov prijevoz do lokaliteta "Lipova Glavica" kod Perušića, gde je pripadnicima Hrvatske vojske od kojih su neki bili maskirani zapovjedio da iz vatrenog oružja umrli navedene civilne što su ovi zajedno s njim i učinili,

dakle, da bi kršeci pravila Medunarodnog prava za vrijeme oružanog sukoba naredilo da se civilne stanovništvo protuzakonito zatvara i ubija te da bi civilno stanovništvo protuzakonito zatvarao i ubijao,

pa da bi time počinio kazneno djelo ratnog zločina protiv civilnog stanovništva iz čl.120 st.1 OKZ RH.

Po čl.123 st.1 Zakona o kaznenom postupku troškovi kaznenog postupka iz čl.119 st.2 toč.1-5 ZKP, te nužni izdaci okriviljenika i nužni izdaci i nagrade branitelja, u ovom dijelu, padaju na teret proračunskih sredstava.

Obrazloženje

Zupanijsko državno odvjetništvo Rijeka optužnicom DO-K-130/2000 od 05. ožujka 2001. g. te njenom izmjenom od 13.03.2003.g. (list 8712-8713 spisa) optužilo je Orešković Tihomir, Rožić Ivicu, Grandić Stjepana i Mirka Norca Keve zbog kaznenog djela koje je pobliže činjenično opisano i pravno označeno u izreci ove presude.

Kako je dana 13.03.2003.g. (list 8713 spisa) zamjenik ŽDO Rijeka odustao od optužbe protiv V-opt. Čanić Miliana to je u odnosu na istoga važilo presuditi da se
obitelji Hećimović kako je to u svom prijedlogu naveo I-opt. Prijedlog I-opt. od 18.

studenoga 2002. godine za saslušanje u svojstvu svjedoka Vekić Ivana, a na

»okolnost navoda svjedoka Vukasa i Reljića«, odbijen je kao nejasan i nepotpun, iz

prijedloga nije bilo razvidno koje bi to činjenice trebalo utvrđivati predloženim

saslušanjem. Prijedlog za saslušanje svjedoka Kujundžić Tonija, a koji ima

prebivalište u Australiji i kojeg je bilo nemoguće saslušati za vrijeme dok je boravio

u RH, odbijen je jer se predloženim saslušanjem ne bi u bitnome doprinijelo

utvrđivanju činjeničnog stanja u ovom kaznenom postupku. Prijedlog za saslušanje

u svojstvu svjedoka Petry Miroslava na okolnosti »organiziranja obrane Gospića i

Like, te suradnje s povjerenikom RH za Liku«, odbijen je jer činjenice koje bi trebalo

utvrđivati predloženim saslušanjem su već utvrđene saslušanjem niza svjedoka koji

su govorili o organizaciji obrane Gospića, pa predloženo saslušanje nije bitno za

pravilno presuđenje u ovom kaznenom predmetu.

U Rijeci, 24. ožujka 2003. godine

ZAPISNIČAR

Tatjana Lukić

PREDSJEDNIK VIJEĆA

Ika Šarić

UPUTA O PRAVU NA ŽALBU

Protiv ove presude dopuštena je žalba u roku od 15 (petnaest) dana od dana

primitka ovjerenog prijepisa istog.

Žalba se dostavlja u dva istovjetna primjerka ovome sudu, a o žalbi odlučuje

vrhovni sud Republike Hrvatske.

Suglasnost ovog prijedloga

k izvornikom pripisana

[Potpis]

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ANNEX 42

Amnesty International, *A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity*
Croatia
A shadow on Croatia’s future: Continuing impunity for war crimes and crimes against humanity

Impunity for unlawful killings and extrajudicial executions allegedly committed by members of the Croatian Army and police forces

A considerable number of trials for war crimes and crimes against humanity have been held before Croatian courts over the past few years and the Croatian judiciary continues to actively investigate and prosecute war-time human rights violations. However, in the vast majority of cases, criminal proceedings have been initiated only when victims of such crimes were ethnic Croats.

Amnesty International welcomes the stated commitment of the Croatian authorities to tackle impunity for war crimes through full cooperation with the Tribunal and through criminal proceedings instituted before Croatian courts. Moreover, Amnesty International notes that in 2003 the Rijeka County Court issued the first domestic convictions for war crimes of relatively high-level perpetrators of war-related human rights violations committed against members of the Croatian Serb communities.(28) Amnesty International also notes that the Croatian Supreme Court has played an increasingly positive role in addressing some of the shortcomings in trials for war crimes and crimes against humanity conducted before lower level courts.(29) However, Amnesty International remains concerned that the Croatian authorities overwhelmingly failed to address crimes allegedly committed by members of the Croatian Army and police forces against the Croatian Serb population and that most of the perpetrators have continued to enjoy impunity for their crimes.

In June 2004 the UN Committee against Torture (CAT) issued its Conclusions and Recommendations, after having examined Croatia’s third periodic report on measures taken by Croatia to give effect to the rights enshrined in the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.(30) The CAT expressed concern at 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 [of torture and ill-treatment which occurred during the conflict]”, at ”[a]llegations that double standards were applied at all stages of the proceedings against Serb defendants and in favour of Croat defendants in war crime trials” as well as at ”[t]he reported harassment, intimidation and threats faced by witnesses and victims testifying in proceedings and the lack of adequate protection from the State party”.(31) The CAT recommended, inter alia, that the Croatian authorities ”[t]ake 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”.(32) A recent OSCE report on domestic war crimes trials in Croatia noted that ”the national origin of defendants and possibly even more importantly that of victims continued to affect war crimes proceedings in 2003”.(33) According to statistical data compiled by the OSCE Mission to Croatia,(34) in 2003 19 of 20 people arrested, 137 of 148 under investigation, three of three indicted, 83 of 102 on trial, and 10 of 12 people convicted were ethnic Serbs.(35) The total number of ethnic Croats arrested, indicted and put on trial for war crimes and crimes against humanity decreased from 2002 to 2003.(36)

In a few cases, investigations into violations committed against members of the Croatian Serb communities were launched during the armed conflict, or soon afterwards, and the trials that followed were conducted in a politically charged atmosphere which was not conducive to the fair administration of justice. Croatian Serbs Mihajlo Zec, his wife Marija and his 12-year-old daughter Aleksandra were killed in Zagreb in December 1991, allegedly by members of the Croatian police.(37) In 1992 the suspected perpetrators of the murder were acquitted by the Zagreb County Court reportedly because their confessions were considered to be inadmissible in court since they were made to the investigative judge in the absence of their legal representatives.(38) Reportedly, during the proceedings the court was subjected to strong political pressure.(39) In 1994, the ninth periodic report on the situation of human rights in the territory of the former Yugoslavia by the Special Rapporteur of the UN Commission on Human Rights noted that ”[i]ndependence and impartiality in the administration of justice
constitute one of the basic foundations of effective protection of human rights\(^{(40)}\) and quoted the unresolved murder of members of the Zec family as a case which "casts serious doubts on measures taken to ensure such a system in Croatia\(^{(41)}\). The report in particular stated:

"In December 1991, Mr. and Mrs. Zec and their 12-year-old daughter were murdered in Zagreb and several days later five persons were arrested as alleged perpetrators of the crime. According to reliable sources, four of the suspects were members of a special police unit. The five admitted having committed the murders; however, they were released soon after their arrest for procedural reasons, and have never been punished\(^{(42)}\)."

In April 2004 the Croatian authorities pledged to pay compensation amounting to approximately 200,000 Euros to the two surviving members of the Zec family and the Croatian Prime Minister has reportedly recently stated that the murder of members of the Zec family must be solved. However, the perpetrators of this crime continue to enjoy impunity.

The intimidation of witnesses\(^{(43)}\) as well as the tribunals' perceived or actual lack of impartiality, have often been serious obstacles to the delivery of justice also in recent trials for crimes committed against members of the Croatian Serb communities. The "Lora" trial against eight former members of the Croatian Military Police, held at the Split County Court in 2002, is a case in point. The suspects, accused of having tortured non-Croat civilians and of having murdered two of them in Split's Lora military prison in 1992, were reportedly welcomed by loud applause from the public at the start of the trial\(^{(44)}\). It was reported that, during the trial, the president of the panel of judges repeatedly addressed the accused by their first names and shook their hands when they entered the courtroom\(^{(45)}\). Moreover, the presiding judge reportedly appeared to mock a statement made by one of the witnesses who claimed he had been tortured in the Lora prison\(^{(46)}\). Widespread witness harassment and intimidation was also reported and several prosecution witnesses heard by the court retracted the detailed statements they had made during the criminal investigation into human rights violations in Lora prison. Many of the witnesses were former detainees who suffered human rights violations, or former prison guards. The "Lora" trial ended with the acquittal of all the accused in November 2002\(^{(47)}\). In August 2004 the Croatian Supreme Court overturned the verdict ruling that the Split County Court had incorrectly and incompletely established the facts and ordered a retrial of the suspects before a new panel of judges\(^{(48)}\). A new trial is reportedly expected to begin in January 2005.

In another high profile case, a former member of the Croatian special police forces was twice acquitted by the Karlovac County Court of charges of having killed 13 disarmed JNA reservists in 1991, by firing bursts from his machine gun. The accused was first acquitted in 1992 and the Croatian Supreme Court overturned the verdict in 1993. The retrial, which started in 2000, was completed after various delays in 2003. Also in this case the proceedings, which were reportedly accompanied by public demonstrations of support for the defendant\(^{(49)}\), ended with an acquittal. The Karlovac court reportedly ruled that the accused acted in "self-defence". The Croatian Supreme Court overturned the verdict, ruling that, in the trial, facts had been incorrectly established\(^{(50)}\). The Supreme Court ordered the suspect's retrial for the third time in March 2004. The retrial before the Karlovac County Court began in September 2004.

Information on crimes against the Croatian Serb population in and around Sisak\(^{(51)}\), a town in central Croatia situated approximately 50 km southeast of Zagreb, became available in the early phase of the armed conflict. In several cases, the suspected perpetrators were members of the Croatian Army or police forces. Between 1991 and 1992 Croatian Serbs in Sisak and in the surrounding area became victims of a campaign of killings, abductions, "disappearances", assaults and threats. In November 1991 Amnesty International reported that "[u]p to 21 Serbian villagers are said to have been killed on 22 August [1991] in the villages of Kinjacka, Cakle and Trnjani near Sisak when Croatian security forces undertook a house-to-house search for Serbian paramilitaries who had fired mortars at the town of Sisak"\(^{(52)}\). In a report published in March 1992, Amnesty International provided information on the killing of 12 Croatian Serbs in Sisak\(^{(53)}\), some of whom had been employed in the INA oil refinery.

This report documents further examples of impunity for human rights violations committed in Sisak during the armed conflict. Crimes committed in Sisak, relatively little known outside of Croatia, were chosen as illustrative examples of a widespread pattern of violations committed against the civilian population allegedly by members of the Croatian Army and police forces. To Amnesty International's knowledge, in no cases have these crimes resulted in a conviction. Some of those who may have directly committed, ordered or tolerated these crimes, or may have participated in their subsequent cover-up, remain in powerful positions at the local level of state institutions or in the police and are thus still in a position to undermine the investigation of these crimes.

The climate of intimidation against Croatian Serbs, and in general, those suspected of not supporting Croatian independence, which was prevailing in Sisak already at the start of the conflict, is illustrated by the publication on 29 June 1991, in the Croatian tabloid Slobodni Tjednik, of a list of 14 Sisak residents. The list included the names and, in some cases, the addresses and telephone numbers of alleged "enemy collaborators" and members of the Yugoslav military intelligence (Kontraobaveštajna Služba – KOS). Jovo Crnobrnja, a retired police officer from Sisak and one of the Croatian Serbs named in the Slobodni Tjednik list, was reportedly killed on 27 August 1991 by armed men in uniform who attacked him in his house.
On the evening of 22 August 1991 Croatian Serb Miljenko Dapa, a worker at the Sisak oil refinery, was arrested by armed men in his home.(54) Miljenko Dapa's mother, in the days following his arrest, tried to obtain information on the fate and whereabouts of her son, addressing the Croatian police and military authorities. However, for several days she was kept in the dark about her son's fate and she reported having been intimidated by members of the Croatian police, who alleged that her son was a “spy”. On 29 August she was informed by the police authorities that Miljenko Dapa's body had been found near the village of Egoër, approximately 20 km from Sisak. Reportedly, Miljenko Dapa died as a result of gunshot wounds. The Croatian authorities failed to thoroughly investigate this crime, whose perpetrators continue to enjoy impunity.

On 13 September 1991 the family home of Croatian Serb Damjan Žiljaæ in the small town of Petrinja was bombed with machine guns and hand grenades, allegedly by members of the Croatian Army. Damjan Žiljaæ, aged 52, a chemical engineer and chief of production at the INA oil refinery in Sisak, was not injured, but the house was considerably damaged. Although he was not a member of any political party, and had signed an oath of loyalty to the Republic of Croatia, he was aware of hostility at his place of work, apparently based on his nationality (the security guards had on a number of occasions refused him entry to the premises). After the attack on their home, he and his wife (an ethnic Croat) moved to Zagreb. On 23 November 1991 he was abducted from outside his home in Novi Zagreb. Reportedly, he was killed by blows to the head and his body was thrown in the Sava River.(55) On 7 December four reservists of the Croatian Army, two of whom had been employed at the INA refinery, were arrested and charged with his murder. Their trial began on 20 February 1992. It is reported that a large group of Croatian Army soldiers were present in the court building and shouted abuse and threats at Damjan Žiljaæ's wife and daughter.(56) The president of the court reportedly suspended proceedings, after declaring that she had received death threats and that in these circumstances it was not appropriate to try the case in a civilian court. Reportedly, the four were amnestied in 1993.

Croatian Serb Petar Pajagiæ, employed in the Sisak oil refinery as the head of the control unit, was killed following his arrest, in September 1991. Reportedly, after having had lunch with his daughter, on 20 September 1991 Petar Pajagiæ left her house, walked to his nearby flat,(57) where he was later arrested by three men in police uniform.(58) Following his arrest, the family was unable to obtain information on Petar Pajagiæ's fate and whereabouts. There are indications that in the case of Petar Pajagiæ, and possibly of other Croatian Serbs killed and "disappeared" in Sisak, the perpetrators may have acted chiefly in pursuit of their individual interest, taking advantage of the ongoing campaign of intimidation against Croatian Serbs and of the impunity for crimes against members of these communities. Reportedly, Petar Pajagiæ's position in the refinery was occupied by another person immediately on the first working day which followed his "disappearance". Moreover, four days after the "disappearance" of Petar Pajagiæ, his flat, to which he had tenancy rights, was occupied by another person.(59) The body of Petar Pajagiæ was found in 2002 in the Danube river near Novi Sad, in the territory of the then FRY.(60) The identification was reportedly conducted at the Military Medical Academy (Vojnomedicinska Akademija) in Belgrade (FRY). Reportedly, the settlement request(61) filed by Petar Pajagiæ's daughter Diana Pajagiæ was rejected in 2004 by the State Attorney, inter alia, on the grounds that the documents issued by the Serbian authorities related to the identification conducted in Belgrade were not recognized as evidence of the victim's death.(62) Moreover, after Diana Pajagiæ's statements to the Croatian press on impunity for the murder of her father, she reported that she was on several occasions subjected to intimidation and anonymous threats.

On 17 September 1991 19-year-old student Ljubica Solar was killed in her boyfriend's flat in Sisak by a bullet fired from outside the building.(63) Ljubica Solar was the daughter of an ethnic Croat mother and of a Croatian Serb father, and her boyfriend, Duško Maloviæ, was a former JNA soldier.(64) Ljubica Solar's mother, Vjera, has repeatedly addressed the Croatian authorities demanding a thorough investigation into her daughter's killing and that the perpetrators be brought to justice. Reportedly, in 2001 a former member of the "Wolves" (Vukovi), a special police unit, stated to the investigating judge in Sisak that the perpetrators of the killing of Ljubica Solar were former members of his unit.(65) The Croatian authorities are reportedly still investigating this crime and so far, to Amnesty International's knowledge, no one has been indicted in connection with the murder of Ljubica Solar. Moreover, Vjera Solar's settlement request was rejected, apparently because criminal proceedings in her daughter's murder have not been completed.

In the past years Vjera Solar has brought to the attention of the Croatian public her daughter's unresolved murder. She has also founded the Civic Association against Violence (Gađanska udruga protiv nasilja) to raise awareness and collect data on crimes allegedly committed by members of the Croatian army and police forces, mostly against Croatian Serbs. To date, Vjera Solar has gathered information on approximately 115 people, mostly members of Croatian Serb communities, killed or "disappeared" in and around Sisak. In July 2002, the Croatian magazine Hrvatska ljevica published a dossier on war crimes in Sisak, as well as a list of 107 names of victims of killings or "disappearances", the majority of which occurred during the second half of 1991.

In June 2003 two former Croatian police officers were arrested and charged with having killed a Croatian Serb, Nikola Drobnjak,(66) on 5 April 1992, in the village of Blinjski Kut, near Sisak. Reportedly, following the arrest of the suspects, a group of former Croatian soldiers, as well as representatives of veterans' organizations, protested in front of the Sisak County Court building. According to the findings of trial monitoring conducted by the OSCE, during the trial supporters of the defendants directed comments at prosecution witnesses during their testimony.(67) Moreover, the OSCE reported that one of the witnesses stated that he "was contacted by three
former high ranking army officials prior to the hearing all of whom inquired into the content of his testimony”.(68)

According to the OSCE, the witness reported that one of the former army officials threatened him and his family. At the end of the trial, the prosecution amended the indictment by charging the suspects for the killing of an unidentified person, reportedly because the fact that the body of the victim had remained for 28 days in the Sava River prevented the identification.(69) In June 2004 the defendants were acquitted, reportedly for lack of evidence.

Despite information on widespread human rights violations against Croatian Serbs in Sisak, which were documented in the Croatian press, as well as by local organizations, the Croatian authorities have failed to bring the perpetrators of these crimes to justice. The direct perpetrators of these crimes, as well as officials with chain-of-command responsibility in the civil and military administration, who may have ordered or tolerated killings and other human rights violations, continue to enjoy impunity.
ANNEX 43

Nebojša Taraba, *Most of them floated down the Sava*, Split, 1993
Nebojša Taraba:

Most of them floated down the Sava

Feral Tribun, Split, 29 June 1993

“...They led me away without any explanation. I was simply rounded up. They took me to ORA, a settlement built for the purposes of a youth drive. Later on, during my interrogations, they told me that I was there because I was a Chetnik and because they knew that I had organized the chain of arming Serbs in Sisak and its environ. Of course, such charges were beyond any logic. How on earth could I be a Chetnik?

They interrogated me during the day. They beat me at night. I do not know who my beaters were; I did not see their faces, but I know that they were all young; they put on uniforms to vent out their rage and hatred. They stripped me off naked; then they took me out into the courtyard which was close to the barbed wire by the River Sava. They flooded light directly in my face so that I could not see who was beating me and how many they were. They kicked me, punched me, hit me with clubs saying: “There you are, you bloody Chetnik mother f**ker, now you’ll get what you deserve!”

I was in and out of consciousness, but they always revived me with buckets of water and went on beating me. They repeatedly urinated upon me or put out cigarettes on my skin. Their favourite game was to draw four S’s like the Serbian symbol with a marker, to put the barrel of a gun to that place and begin playing Russian roulette. Now I think that the gun chamber was empty, but I was not aware of it at the time. It absolutely made no difference to me. I was resigned. I only wanted to be put out of my misery as soon as possible.

Once they tied me naked to a barbed wire; they brought a dog and set it on me saying: “go, go, there’s a Chetnick there, bite him...” However, the dog seemed young and was not trained and could only confusedly turn in circles. It did not know how to bite or could not bite.

They set me free the same way they brought me in, unexpectedly, without any explanation or anything to prove that I had been detained. Someone important probably intervened on my behalf. While I was at the ORA, I did not come across other people; I had the impression that I was alone there. I did not get any food, only water. I lost any track of time. It was only later on that I became aware that I had spent five days there."

Our interviewee was afraid to reveal even his initials. He asked us not to disclose any details about the place and time of his kidnapping from Sisak.

“They will immediately know who I am. There were not many of us from ORA who came out alive; most of them ended up like bodies floating on the Sava River”, he says. It is clear to him, he says, that his life was spared; that he lived on borrowed time, but he had a big family and someone could do harm to them.

An unknown person from Sisak was arrested for no reason on 21 May 1992. She was taken to Barutana and kept there for eight days. She was maltreated and insulted. They told her, like other prisoners, that she was a Chetnik; that she voted for Krajin; that her relatives
were fighting against Croatia. One military police woman tried to persuade her to be exchanged, which she categorically refused, because all her family still lived in Sisak. When she asked why she had been detained, they most often replied that all Serbs were Chetniks and that they had to investigate whether there were any honest Chetniks among them.

Having spent eight days of mistreatment and humiliation, the unknown person was released without any confirmation or explanation. Neither then nor now can she find any rational reason for what had happened to her. While she was being ill-treated at Barutana, her spouse, a Croat, was in the Croatian Army, fighting on the frontlines.

S.D. from Sisak was not taken away: “On 11 July 1992, uniformed persons planted an explosive at night in front of my home; they did not mind that the house was not deserted. It was practically totally demolished; I do not know how my wife and I have stayed alive. I protested to the police, but to no avail. They brought me in for questioning, eight times. The last time I was interrogated by four police guards. One of them told me: “You are complaining that we have pulled down your home, and look what you have been doing to Croats in Glina and Petrinja!” I told him: “Look son, I am not doing this to them...” he cut me rudely in the middle of the sentence: “And who are you calling, my son, you S.O.B. Don’t make me cut your balls out or have you float down the Sava to Belgrade...”

It seems that only the Sava knows and keeps the secrets of many missing Sisak residents....
Sisak - grad medijskog mraka u kojem nestaju ljudi

VECINU JE ODNIJELA SAVA

Nebela Taraba

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ANNEX 44

First Municipal Court in Belgrade,
Minutes of Witness Hearing of Milanče Tošić
dated 19 February 2002
(Lora case)
MINUTES OF WITNESS HEARING

taken on 19 February 2002 before the investigating magistrate of the First Municipal Court in Belgrade in the criminal case against unknown persons, for committing the criminal act punishable under Article 120 of the Basic Criminal Code of the Republic of Croatia.

Investigating Magistrate
Dragan Cesarovic

Witness
Milance Tosic

Court Recorder
Jasna Marinkovic

The proceedings rose at 9:15 a.m.

Witness has been cautioned that he/she is bound to tell the truth and not to hold anything back; he/she has been warned against the consequences of giving false testimony and that he/she is not bound to answer some of the questions asked if he/she is likely to put himself/herself or a close relative to utter disgrace, considerable material damage or to be criminally prosecuted; therefore, the witness has given the following answers to the general questions posed:

1) Name and surname: Milance Tosic, ID No. 1408972710566
2) Father’s name: Milovan
3) Occupation: Waiter
4) Address: Belgrade, Grocka, Prvomajska 2a – Lestane, Tel: 8035-329
5) Place of birth: Svrljig, Serbia
6) Year of birth: 1972
7) Relationship to the accused and injured party:

Milance Tosic (Signed)

Witness has been cautioned that he is bound to tell the truth and not to hold anything back; he has been warned against the consequences of giving false testimony and that he is not bound to answer some of the questions asked if he is likely to put himself or a close relative to utter disgrace, considerable material damage or to be criminally prosecuted, he stated as follows in reply to the questions asked by the Court:

In the period 1991-1992, I served my military service in the JNA. Actually, I ended my military service in February, but due to the war breaking out, my service was extended by three months. I did my national duty in Gabela, near Capljina. I guarded a warehouse. As early as 1991, we had provocations from members of the then HVO. The warehouse that I guarded was full of ammunition and explosives, which was probably the reason why they had not attacked us openly. This installation was handed over by the JNA on 12 April 1992 when it was completely empty and we, as JNA soldiers, were surrounded by HVO soldiers and regular Croatian Army which was then known as the ZNG. Our captain first class Dusko Gidic, in consultation with local authorities, turned over the installation and we, soldiers, were promised that no one would do any harm to us and that they would enable us to return to Yugoslavia.
As we left the warehouse, HVO soldiers waited for us fully armed, although we had left our arms in the warehouse, which means that we were unarmed. My group numbered 15 soldiers and 3 officers, and HVO men threw all of us into a van and drove us to Neum, near Ploce, where they took our particulars and moved us, in the evening, to Split. There, we were detained in the Dracevo facility which was used by the ZNG military police and, the same evening, we were transferred to the Lora prison in Split. In Dracevac, they again took our particulars and we were interrogated by military investigators and were mistreated, beaten, slapped and done other things by them. The military police, by and large, punched us, and some of them I saw both in Dracevac and later in Lora.

In the Lora prison I was placed in the so-called block A, in a cell of approximately 2 by 3 meters, where the four of us shared the same cell. During the first week or in the first two days, the cell was empty; there were no beds or chairs in it; we all slept on a linoleum which covered a concrete floor. For the first two days we slept without a blanket or a mattress, and later on, we only got a blanket each. It was only a week or two later that they brought in dunk beds. At first, there were four of us with prisoners being changed: some were moved out and others brought in. Now, after all this ordeal, I can say that I was lucky to have been placed in this cell block and not in block C where there were prisoners of war – volunteers, as they were referred to by the Croats, as well as reservists. I also saw that civilians from Split and environs, who were Serbs, were also taken there. This prison was, after a while, visited by an ICRC delegation, which was approximately a month after my detention, but they had only access to blocks B and A, while block C was not even mentioned to them by the Croatian side. Therefore, before their arrival, some of the prisoners from block B, pilots in the first place, had been moved to block C.

There, at Lora, I was beaten by guards almost every day. In the first month and a half of my stay there, I received no decision concerning my detention nor had they instituted any proceedings against me before the Croatian authorities. As regards their beatings of me, I can say that I was mainly punched and kicked by guards individually, and they punched and kicked me where they pleased. They made me and other prisoners sing Ustasha songs all day and night, and salute the guards, fascist style, by raising our hand above the head. The guards took particularly morbid pleasure in torturing me and other prisoners by using water hose under high pressure to press me and others literally up against the wall. On three occasions, I was electrocuted in a room on cell block A where I received electric shocks through the inductor of a field telephone when I held the conductors in my hands. While I was electrocuted, I had to count to 15 in order to see to what extent I can endure while receiving electric shocks. Sometimes, after receiving the first electric shock I dropped the wires, so they made me hold them tight, threatening that, unless I did so, they would tie the wires to my fingers and put them through my ears. After such electric shocks, I fell down and was completely dazed and confused. Nevertheless, they forced me to stand up, while they repeated the whole procedure all over again. Those who beat me the most and electrocuted me were a man of lower built, by the name Andjelko Botic, and one named Ante Gudic. When they took us for electrocution, they told us that we had to ring home or ring Milosevic up. Later on, because I was able to go to all cell blocks, I saw that they introduced sophisticated methods of electrocution by acquiring potentiometer by which they held in check the intensity of shocks by stepping on a pedal. During my detention at Lora, its warden Tomo Dujic and his wife, who frequently accompanied him, whose name I do not know, also wearing a uniform, participated in the torture of prisoners as well. Tomo Dujic himself repeatedly beat me with the baseball bat.

As I already said, after a month and a half of this torture against me, they stopped, because I heard that if I applied to them to stay three years, I could later get a passport and leave Croatia, so I agreed to it in order to avoid any further beatings and mistreatment. After this, I
was mainly given various physical tasks, ranging from cleaning, washing the dishes to doing hard physical jobs around the house, such as land raking, cleaning footpaths, lawn mowing and similar jobs. In particular, I had trouble mowing grass and raking land in the field around Lora, which were suspected of being minefields left by the JNA, which was why they actually used us, as guinea pigs, to survey these fields. I heard, although I cannot confirm it with certainty, that one of the prisoners was killed while mowing, as he stepped on a landmine, but I do not know the name of that man. Nevertheless, I know that Croatian soldiers came there later on with detectors which detected some anti-personnel landmines.

As I mentioned earlier, after a month and a half, I was given greater liberty to move around the prison so I could see what was going on in other blocks. The treatment of prisoners and civilians on cell block C was particularly cruel.

I cleaned toilets on block C more than once and heard that prisoners had been mainly taken there for beating and torture. I saw that the toilet was almost, at all times, bloody and I washed that blood away. This room was used by Croatian prison guards especially before the visits of ICRC delegates. They concealed prisoners from this block and moved them into another facility called tower, near the prison and towards the docks of the port, before their tour of the prison.

Of all prisoners detained in block C, the following persons were particularly brutally beaten and ill treated: Luka Adzic, Gavrilo Tripkovic and his brother Damjan Tripkovic, Jelenko Kovacevic, Gavrilo Kovacevic, Dobrivoje Bojovic, as well as former JNA pilots Milan Micic, Goran Pantic, Dragan Arsovsiki and Nikola Derfi. Luka Adzic, whom I saw, was disfigured by beating; his ears were swollen and dangled like balls; they also plucked the hairs out of his beard; almost all his teeth were broken, because he only had a few teeth in his jaws. Gavrilo and Damjan Tripkovic had their bones broken by beating, while Jelenko and Gavrilo Kovacevic had their jaws broken so that the wires from their dental prosthesis were in full view. The pilots that I mentioned were also beaten black and blue and swollen from beating.

As far as I know, there is no prisoner from block C who had not been, at least once, taken to hospital for medical treatment. I remember that Vladimir Zarkovic had his earlobes cut through. He was injured in this way while he was electrocuted when they put the wires through his earlobes and he tore the earlobes when he shook his head from electric shocks. Zarkovic and Miroslav Cucak were brutally beaten by the guards, Ante Gudic and Andjelko Botic, in my presence, several times. A man surnamed Perisic, also known as Rambo, took part in those beatings, alongside a man named Zdenko, I presume.

Prisoners from block C were beaten with baseball bats and police clubs by guards. The other prisoners were also beaten in this way, but somewhat less than block C prisoners. The above mentioned guards often took prisoners to the prison grounds where they forced them to lean against the wall with their hands and then they beat them. Some prisoners were tied to the radiators so that they hung, in a way, and then they beat them, with their arms raised, with bats and whatever they came across, all over their bodies.

It is known that ambulance came to the prison when the guards called them after the prisoners had lost their consciousness from beating. I remember one nurse who was of large build and fair-haired, who attended the beaten prisoners and who subsequently beat the other prisoners with a police club.

Also, while I was in prison, the guards brought, on several occasions, some women aged between 17 and 18. I guessed from their behaviour that they were prostitutes. Then they asked the prisoners if they wanted to have sex with them. We were all silent, refusing to have any
relations with such persons. Once they also asked me the same question and, after I had said that I did not want to, then the guards beat me up saying that they were not good enough for me, because they were Croats. After this incident, even though the answer was yes to such relations, we still were beaten and they told us that we were not good enough for these girls, as Croats. In other words, whatever was the answer, we got the beating all the same.

During my detention at Lora, I was aware that three prisoners had been killed. One of them was the soldier nicknamed "White Eagle". I know that he was from Kragujevac and that he was very young. He was nicknamed "White Eagle" after they had found the white eagle emblem in his pocket. He was detained in block C and was beaten to such an extent that he was totally black from bruising on his body. His face was purple and he had sore wounds on his legs, that looked like gaping holes that had not been bandaged. His cell was all stained with blood, faeces and urine. I know this because, on more than one occasion, I brought him food myself, but he could not eat and only lay in the far end of the cell and moaned. We could not sleep from his screams during the night when they beat him. One day, he simply disappeared and I heard from Zarkovic and Miroslav Cucak that this young fellow had been killed in the prison, and that they themselves had made a coffin for him out of ammunition cases and took it to the perimeter fence. Later on, I heard that his throat had been slit, there.

The other prisoner who had been killed was named Vlado Savic. He had been beaten so savagely that was in a very bad psychological shape, almost out of his mind. They morbidly beat him almost every day and, one day, we saw him no more. That was in the middle of May 1992. I do not know any other details about this killing. I would like to draw attention that the prison had often been visited by Croatian soldiers coming from battlegrounds and that they, too, participated in the beating of prisoners and got kicks out of it.

I know that one civilian person had also been killed in this prison; he was a Serb as to ethnic origin and came from the vicinity of Split. He was between 35 and 40 years of age. I do not know his name and I only know that he had been brought to Lora and that, on one occasion, as far as I can remember, when he had to be transferred from Lora, he tried to escape and I was in the prison grounds when I saw the guards shoot at him. When he fell down on a footpath, the guards came to him along with warden Tomo Dujic. They beat him and took him to the toilet on block A where they beat him so savagely and, since I happened to pass by when they did so, I know that he was most beaten and punched by Tomo Dujic himself and that he died then and there of the injuries he sustained. On that occasion, in addition to the warden, there were some other prison guards in the toilet, who took out their knives, so I guess that they had stabbed him to death.

During my detention in this prison, together with Zarkovic and Cucak, I made two or three coffins out of timber from the ammunition cases. Finally, I would like to add that, of other prison staff, apart from Tomo Dujic, whom I think was from Vukovar and who was in command of the prison, I also knew a man called Brkic or Vrkic, his first name was Tonci who accompanied Dujic, Zoran Dozder who stood in for Dujic in his absence, and among the prison guards I remembered vividly, by their brutality, Ante Gudic, Andjelko Botic, brothers Damir and Davor Perisic, one of whom was nicknamed Rambo, Tonci Rogosic, who was particularly cruel, as well as Emilio Bungur, Josko Pribudic and Zoran Sulejmanovic. The other guards I can recognize by sight, but I do not know their names. Some of them even took pictures with us, to keep them as souvenirs of the imprisoned Chetniks.

I was at Lora until 20 August 1992 when they transferred me for the purpose of prisoner exchange, first at Kerestinac near Zagreb and then in Osijek. I was exchanged on 14 August 1992, at Nemetin.
And last but not least, I would like to add that, considering that I worked in the kitchen, food was good enough to survive, but it was bad and insufficient, and provided once or twice a day. However, on block C, they did not get any food or got it irregularly, and it was very poor, so that I often pushed to them leftovers behind the bars, sometimes even cigarettes and other things.

As regards my willingness to stand as witness in Split, I am, in principle, ready to do so provided that some other witnesses who used to be detained with me at Lora appear as well and on condition that we receive full assurances regarding our security and permanent protection by the Croatian police from the border crossing to Split, and from Split on our return to Yugoslavia.

That is all I had to say; I heard what was dictated out loud as the minute; I do not wish to read it and I sign it as my own statement without any comments.

The hearing was adjourned at 10:35 a.m.

Court Recorder     Investigating Magistrate
Jasna Marinkovic (Signed)   Dragan Cesarovic (Signed)

Milance Tosic (Signed)
ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 19.02.2002. 199. године пре истраžног судом Prvog opštinskog суда у Beogradu у кривичном поступку против NN због кривичног дела из чл. 120 ОКЗРН.

Istražni судија
Dragan Česarović
Записчик
Jasna Marinković

Сведок
Tošić Milančić
Саслушању сведока присуствују и:
дана судилац
окривљени
брамбара

Започето у 9,15 часова.

Сведок је опоменут да је пунак да говори истину и да не смеш ниси прећувао, упозорен је на последиче давања лажних изјава, као и да није пунак да одговара на поједини питањи, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамности, знатној материјалној штети или кривичном гоњењу, па на оштена питања сведок дије одговоре:

1) Име и презиме Tošić Milančić JMBG 1400972710566
2) Име оца Milovan
3) Занимљење konobar
4) Брачни део Beograd, Goračka, Gručinska ga - restoran
5) Место рођења Sremski Karlovci, Srbija
6) Године старости 1978. godine
7) Опозорећи сачуван и оштена

Зачуван управо изворно подацима.

Директор управа: Milančić

Записник

352
Svedok je opomenut da je dužan da govori istinu, da ne sme ništa prečutati, upozoren je na posledice davanja lažnog izkaza, kao i da nije dužan da odgovara na pojedina pitanja, ako je verovatno da bi time izložio sebe ili svog bliskog srednika teškoj sramoti, znatnoj materijalnoj šteti ili krivičnom gonjenju, na pitanje suda izjavi:


Prilikom napuštanja skladišta sačekali su nas naoružani pripadnici HVO-a s tim što objašnjavam da smo mi ostavili naše naoružanje u skladištu. Takto da smo bili napravljeni. U ovoj mojoj grupi bilo je 15 vojnika i 3 oficira i sve nas su oprijedili HVO-a bacili u jedan kombi i odvezli nas u mesto. Neum kod Ploča gde su nam uzeli lične podatke a zatim smo u večernjem časovima prebašteni u Split. U Splitu smo jedno vreme bili zadržani na Dračevcu objektu gde su bili locirani pripadnici vojne policije ZNG a isto večer smo zatim prebašteni u zatvor Lora u Splitu. Na Dračevcu su nam ponovo uzeli podatke i ispitivali su nas vojni islednici a tu smo već bili malo tretirani, udaran i šamarani i slično. Pripadnici vojne policije su nas uglavnom udarali rukama a neki od njih ko sam video na Dračecu kasnije sam video u Lori.

U zatvoru Lora smešten sam bio u tzv. bloku A u čeliiju dimenzija otprilike 2x3 metra gde je bilo zatvoreno nas četvorića. Prvih nedelju ili dve dana u ovoj čeliiji nije bilo inventara odnosno kreveta stolica i slično već smo spavali na linoleumu a ispod je bio beton s tim što dva tri dana nismo imali ni dušek a posle smo dobili samo čebe. Tek posle nedelju ili dve uneli su nam krevete na sprat. U početku je bilo zatvoreno nenas četvorića s tim što su se zatvorenici menjali jedni su odvodeći druge dovodeći. Sada posle svega mogu da kažem da sam imao sreću što sam rasprođen u ovaj blok a ne u blok C gde su bili zatvoreni ratni zarobljenici - dobrovoljci kako su ih hrvati tretirali zatim rezervisti i video sam da su tamo dovodeći i civilni iz Splita i okoline po nacionalnosti srbi. S obzirom da je u ovaj zatvor posle nekog vremena dolazila delegacija Međunarodnog crvenog krsta i to otprilike mesec dana nakon mog zatvaranja oni su imali pristup samo u blok B i blok A, dok za blok C zatvora nisu znali niti im je to hrvatska strana pominjala, i pred dolazak Crvenog krsta neki zarobljenici iz bloka B pre svega piloci bili su premešteni u blok C.
Mene su ovde u Lori gotovo svaki dan stražari tukli i tu početku prvih meseci mesec ipo dana boravka u Lori želju da dodam da nikakvo rešenje u pritvoru nisam dobio niti je protiv mene "vođen bije jakak postupak pred hrvatskim organima." U vezi su s tek mali da kažem da su me stražari pojedinačno uglačali, tukli rukama i nogama gde su stigli. Takođe su mene i ostale zaroobljenike terali nekada po čitav dan i noć da pemamu ustaške pesme kao i da pri tome stražare pozdravljamo fašističkim pozdravom sa podignutim rukom. Iznad glave. Stražari su se nadamom a i nad ostalim zaroobljenicima iživilijavali na taj način što su nas polivali šarkom pod velikim pritiskom i to tako što bi usmerili mlazicom prema meni i puštali vodu tako da bi "me mlaz vode prosto "brijepio uza zid pod pritiskom."
U tri navrata sam bio izložen i mučenju strujom u jednoj prostoriiji bloka A strujanje je bila puštena preko inductora poljskog telefona pri čem su "rđao" i držao provodnike u rukama. Dok su puštali struju terali su me da brižnim na lošim kolikom početku i iščitrim dok me "struju treše." Dešavalo se da posle prvog udara struje ispuslim žice pa su me "zglobo" terali da ih "crvom držim" uz premnju da "ukoliko to "ne učinim da še žice vezati za prste i sprovesti kroz uši. Od ovačkih udara struje ja sam pao na tle bio sam potpuno ošamčen i dežornjentisan, međutim bez obzira na to oni su me terali da ponovo ustanem i čitav postupak su ponavljali. Mene su lično najviše "tukli" a i ovu strujom "su" mi puštali jedan crni "niži" restom po čvoru. Andačko preziva se Sotić i jedan Ante Gudić. Kada su me izvodili na ovo mučenje strujom govorili su meni a i drugima koje su takođe mušili na ovaj način da treba da "se javimo kudi ili" pak da telefoniramo Miloševiću. Kasnije sam video s objavom da sam bio u mogućnosti da ulazim u sve blokove ovog zatvora da su usavršili način mučenja strujom tako što su nabavili potencijmetre tako da su mogli da kontrolisu intezitet struje pomoću neke papučice. Za vreme moga boravka u Lori 'upravnik zatvora' bio je Tomo Dujić a često je sa njim bila i njegova supružna čije imo neznam takođe u "uniformi" i njih dvoje su učestvovali u mučenju zaroobljenika. Tona Dujić je mene u više navrata lično tukao i to bezbol "lačkom.

Kao što sam već rekao posle jedno mesec i nešto dana ove "terture prema meni su prestale jer sam čuo ukoliko se prijavite kod nij s uče ostati tri godine da posle toga može da se dobije paoš i napustit Hrvatska pa sam ja na to pristao a sa razloga da više ne budem tučen i maltretiran. Posle ovoga u zatvoru sam uglavnom obavljao različite fizičke poslove i to od čišćenja prostorija, pranja sudova pa sve do teških fizičkih radova oko zgrade u smislu "milanja" zemlje, čišćenju puta, košenju trave i lično naročito mi je pali teško košenje trave i "milanje" zemlje na površinama oko Lore za koje se smljalo da su bile minirane od strane JNA pa su nas koristili fakčki da ispitam ovu zemlju. Ja sam "čuo" ali to ne mogu sa sigurnošću da tvrdim da je dan od zaroobljenice prilikom košenja nagazio minu i stradao ali ime tog "uvek" neznam. Inače poznato mi je da su kasnije tu hrvatski vojnici došli sa detektorima te da su pronalaze protiv pešadijske mine.

Kao što sam već gore naveo posle mesec ipo dana ja sam iako veću slobodu kretanja po zatvoru tako da sam mogao da vidim što se dešavalo u drugim delovima. Posebno surov odnos prema zaroobljenicima i civilima bio je u bloku C.
Ja sam više puta čistio vece u bloku C u čuo sam da su tamo uglavnom odvodili zatvorenike i tukli ih i mučili. Video sam da je vece bio uvek krvav pa sam tu krv prao. Ovu prostoriju su hrvatski stražari koristili naročito pred dolazak delegata MKCK, a prilikom njihovog obilaska zatvora zatvorenike iz ovog bloka su sklanjali u jedan objekat zvan Kula nedaleko od zatvora a prema luci pristaništu.

Od zarošenika koji su bili zatvoreni u bloku C naročito su bili tučeni i maitretirani Luka Adžić, Tripković Gavrilo, njegov brat Tripković Damjan, Kovačević Jelenko, Kovačević Gavrilo, Bojović Dobrivoje, kao i piloti bivše JNA Mićić Milan, Pantić Goran, Arasovski Dragan i Derži Nikola. Luka Adžić koga sam video tio je sav izobličen od batina, uši su mu bile natečene i višile su paput nekih lopti i čupali su mu bradu svi zubi su mu skoro bili izloženjeni od tuča i batina jer je u vilici imao svega nekoliko zuba. Tripković Gavrilo da Tripković Damjan su bili polomljeni od batina a Kovačević Jelenko i Kovačević Gavrilo su imali polomljene vilice pa su im iz ust a vjinile žice od proteza takođe užasno su bili prebijeni i gore navedeni piloti koji su bili skroz podbuli i modri od batina. Koliko je meni poznato gotovo da nema zarošenika iz bloka C kojih bar jednom nije bio od ovih tuča prebačen u bolnicu da im se ukaže lekarska pomoć. Sećam se Žarković Vladimira koji je imao rasučene ušne školjke a tu novedu je zadobito od mučenja strurom kada su mu žice prevlaštili kroz ušne školjke pa je on prilikom trzanja glave od stručnih šokova pocepo ove školjke. Žarkovića i Čudak Mirolaza su na moje oči stražari nekoliko puta čestoko pretukli i to Ante Gudić i Andelko Botić. Takođe je u tom premačivanju učestvovao Perišić po nadimku Rambo, neki pod imenom čini mi se Zdenko.

Zatvorenike iz bloka C ovi stražari su tukli najčešće bejbol palicama i pendrecima takođe su tučeni i ostali zarošenici ali nešto manje od ovih u bloku C. Ovi gore navedeni stražari su često izvodili zatvorenike u zatvorski krug pa bi ih prisilili da se rukama oslonie na zid a potom ih tukli. Neke od zarošenika su vezivali za ceve radiatora tako da su onik bili u nekom višečem položaju i onda su ih tako vezanih podignutih ruku tukli po čitavom telu palicama i čime su "šrgli.

Poznato mi je da je u zatvor a po pozivu stražara kada su od batina zarošenici gubili svest dolazila i hitna pomoć. U sećanju je ostala jedana medicinska sestra koruplentne grade plave krakće kose koja je ukazivala lekarsku pomoć prebijenima a pošle toga je išla i tukla druge zatvorenike pendrekom.

Takođe dok sam bio u zatvoru u više navrata čuvar s su dovodili neke ženske osobe starosti 17, 18 godina za koje bi ja rekao iz njihovog ponašanja da su prostitutke pa su onda pitali zatvorenike da li bi hteli da imaju seksualni odnos sa njima pa pošto su svi čutili odnosno na pitanje odhili da imaju odnos sa ovim osobama a jednom prilikom su mene pitali pa pošto sam ja rekao da neću onda su se stražari pretukli govorili mi da one kao hrvatice nisu dovoljno dobre za mene. Posle ovoga ukoliko bi se dao odgovor da se pristane na odnos opet smo dobijali batine i tad su nam govorili da smo mi nedostoji grvatica. Dakle bez obzira na odgovor uvek smo dobijali batine.

Dруги zatvorenik koji je bio ubijen zvao se Savić Vlado, njega su prethodno tukli da je on psihički bio u lošem stanju gotovo poremećen. Iživljavanje i tuča nad njim je bila svakodnevna a jednog dana ga više nismo vidali to je bilo sredinom maja 1992. godine. Ja neznam više detalja u vezi ovog ubistva želim da napomenem da su u zatvor često dolazili hrvatski vojnici sa ratištja pa su i oni učestvovali u tučama zatvorenika i iživljavali se nad nama.

Poznato mi je da je u ovom zatvoru ubijen i jedan civil po nacionalnosti srbin iz okoline Splita tako starosti između 35 i 40 godina njegovo ime neznam, znam da je on kada je doveden u Lori kada je jednom prilikom koliko se sedam trebao da bude prebačen iz Lore pokušao da pobegne i ja sam bio u krugu kada sam video da su stražari pucali na ovog čoveka a zatim je on poao na jednu stazu zatim su prišli stražari a bio je tu i upravnik Tomo Dujić pa su ga uz batine odveli u vece u bloku A gde su ga stražnja preukući i pošto sam ja tuda proložio video sam da ga najviše užira i tuče Tomo Dujić te da je on tada i podlegao povredama, tom prilikom u tom veceo pređ Tomu Dujića bili su još neki stražari vadili su noževe pa pretstavljaj da su ga izbili.


5.

Na kraju želim da dodam još i to s obzirom da sam ja radio u kuhanji da je hrana bila samo da se preživi, bila je loša i nedovoljna jednom ili dvaput dnevno kako kad s tim što u bloku C nisu ni dobijali hranu odnosno neredovno i malo pa sam ja često ostatke hrane ubacivao kroz rešetku čeliće eventualno cigarete i slično.

Što se tiče moje spremnosti da se odazovem pozivu da svedočim u Splitu ja sam u principu spreman da idem pod uslovom da samnom idu i još neki od svedoka koji su bili samom u Lori kao i uz maksimalne garancije vezane za našu bezbednost u smislu stalnog obezbeđenja hrvatske policije od prelaska granice, u Splitu i do povratka u Jugoslaviju.

To je sve što imam da izjavim, slušao sam glasno diktiranje zapisnika, isti ne želim da čitam i potpisujem ga kao svoj bez primedbi.

Dovršeno u 10,35 časova.

Zapisničar

Istražni sudija

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ANNEX 45

First Municipal Court in Belgrade,
Minutes of Witness Hearing of Vojkan Živković
dated 21 February 2002
(Lora case)
The witness has been cautioned that he/she is bound to tell the truth and not to hold anything back; he/she has been warned against the consequences of giving false testimony and that he/she is not bound to answer some of the questions asked if he/she is likely to put himself/herself or a close relative to utter disgrace, considerable material damage or to be criminally prosecuted; therefore, the witness has given the following answers to the general questions posed:

1) Name and surname: Vojkan Zivkovic, ID No. 2309971731344
2) Father’s name: Bratislav
3) Occupation: retiree (military)
4) Address: Bulevar Lenjina 6/30, Nis
5) Place of birth: Aleksinac
6) Year of birth: 1971
7) Relationship to the accused and injured party:

Vojkan Zivkovic (Signed)

The witness was cautioned that he was bound to tell the truth and not to withhold any evidence; he was also warned against the consequence of giving false evidence, as well as that he was not bound to answer some of the questions if they were likely to put him or any of his closer relatives to utter disgrace or to cause him considerable material damage or to be criminally prosecuted, and he made the following statement:

From 1989, I worked as a lieutenant in the then JNA at the Army Post Office 5542 in Nis. On 2 August 1991, I was assigned to Army Post Office 5919 in Knin. In January 1992, I received the assignment to evacuate, with my unit, the Serb civilians from the village of Noskalik, which is situated in the vicinity of Sibenik. Bearing in mind that it was the outset of the war in Croatia and that this village was near the Croatian army forces, there was a danger that the lives of civilians could be jeopardized, because of the daily military activities of the Croatian forces and the infiltration of their subversive groups. On 29 February 1992, I set off with my unit to complete the assignment I was given. I was with 22 other soldiers, all JNA recruits. We arrived in this village in the afternoon and we immediately started evacuating the population. The village had about 300 civilians, including 35 children. So we had to evacuate
them to Knin. During this evacuation, a Croatian subversive group numbering 10-20 people with ZNG symbols attacked the village cutting off my unit, which was followed by an all-out attack of ZNG forces on us. They killed two of my soldiers, Zivko Zenek and Niko Zeljak, both were from the vicinity of Knin, and after two days when I saw their bodies I noticed that their throats had been cut. During this operation of the Croatian forces, Zivko Zeljak's mother was killed along with another woman whose body was decapitated and I don't recall her name. My unit withdrew to another village and we battled with the Croatian forces until 2 March 1992. During this fighting, I was wounded in my left leg and was also injured in the head, in a hand-grenade explosion. I was also taken prisoner by ZNG forces, on that occasion. As soon as they caught me wounded and injured, they threw me into a nearby stream and started drowning me. Then they took me out of water and walked over me. They kicked me all over my body. After they had beaten me over my wounds, they took me on a stretcher, improvised from a ladder, to their prison in Kulina, near Sibenik. While they transported me to Kulina, they also kicked me, hit me with rifle butts, wooden bats and similar instruments. I remember that my lips were cut from the beating, and that the doctors stitched them later on at a hospital where I received medical assistance. Along with me, 7 other soldiers had been taken prisoner, as well as a number of civilians. They threatened us that we would all be killed. They even went so far as to put a firing squad in front of us, threatening to execute us. There at Kulina, in Sibenik, one soldier showed me a piece of paper with my alleged confession typed on it saying that I had killed Croatian soldiers and civilians and he demanded that I signed it. I did not want to sign it and, later, I saw that somebody else had signed for me. That same evening, I and six other soldiers were moved to a prison in the Dracevac barracks, near Split. No sooner had I come there, that the guards tore both of my earlobes with a piece of wire or staple, and left them hanging in my ears, as earrings. I had these wires in my ears for two months.

On 3 March 1992, I was transferred from the prison at Dracevac to a military prison located within the naval port of Lora, in Split. I was driven to Lora together with 6 other JNA soldiers, most of whom were active soldiers, but there were also some reservists among them. Along with me were also brought: Mirko Milovac, Jovo Zeljak, Pero Zeljak and Dino Zeljak, as well as some other men whose names I cannot remember now. As soon as they took us out of this truck, a group of guards was already lined up waiting to beat us, kick us with their boots and hit us with rifle butts and clubs. They beat us for about two hours in the courtyard; then they put us into cells, one by one. The cell I was in was the size of 2 by 3 metres. It had no beds and no chairs or any other furniture. The floor was made of concrete. I had no blanket or mattress to sleep or sit on, and I lay there on the concrete floor itself. As soon as I was put into this cell, I was beaten. A group of 3 guards burst in and they beat me, kicked me and hit me with baseball bats, all over my body. When the three of them got tired, they came out and another group of 3 guards came in. They kept beating me. I also heard from the sound coming from other cells that the soldiers, who had been brought in with me, were also being beaten. They beat us without interruption. I could not sleep whether from aches and pains or from the fact that they were constantly coming in and beating us. Because I was completely disfigured from the beatings I received, I lost track of time, but I think it was morning when they brought me to an office and the guards called the military policeman wearing a uniform, who was in front of me, the warden, and some even called him by his first name Tomo. Later on, I found out that this Tomo was commander of this prison and that his surname was Dujic. Together with him in the office was, I was later told, his wife, and I believe that her name was Sandra or Tanja, I am not sure. I remember that Tomo Dujic again gave me a piece of paper with a text which says that I had killed Croatian soldiers and civilians, to sign it, and since I refused, he told a guard to cut off my fingers. Then the guard who was present in the office came to me, pulled out his knife, put my
hand onto the table, took my right hand first, and then he made a move to cut my index finger, of which I even have a scar today. The investigating magistrate noted that, having the witness shown his right hand index finger and a visible scar in the middle of it, as well as that he had the same scar also on the index finger of this left hand.

Having started cutting my right had index finger, the guard took my left hand and repeated the same process with my left hand index finger. Then, Dujic stopped him and told me to sit on a chair, tying my arms and legs to it himself, after which he tied two wires on the improvised earrings that had already been put into my ears at Dracevac. I noticed that the wires were connected to the field inductor telephone. Then, Dujic turned the handle of the telephone and switched on the electric current. That was a 115 volt current and it caused strong electric shocks and pains so that my whole body twitched, following which Dujic tied the wires to my legs and to my penis so that this torture lasted for several hours. While Dujic subjected me to torture with electric shocks, the guards beat me all over my body which was tied up.

After these electric shocks, they used to take me back to my cell, and I recall that, after a while, some children came in and beat me also with various objects. I believe that one of them was the son of Dujic or another prison guard.

Besides, I also remember a guard, whose name I do not know, but I can describe what he looked like at the time. He had either on his left or right arm a scar that he used to show me each time. He was not so tall, brown-haired and had a fringe. He drove me in a car to his home and held me there in the basement. Then he called some of his acquaintances and they beat me mostly with chains in that basement. After that, they bundled me into the back of his car and he drove me back to Lora. Again, they threw me into my cell and the guards brought German Shepherd dogs which were trained and gave them orders to dig their teeth into my neck. After that, they would soothe the dogs and the guards would force me to kiss the dog, which held me by the neck, on its mouth.

After this torture, the guards would take me and the others to the prison grounds, saying that they were taking us out for execution by shooting, because we were all sentenced to death and they lined us up against the wall. One of the guards who wore a black cap with a slit, on the head would stand out, pull out his gun and shoot me and others, just missing our heads. During my detention at Lora, I was taken out a dozen times for these mock "shootings". They also forced me and Mirko Milovac repeatedly to beat each other with bats and sticks, as well as to punch each other, so hard or else we would be beaten by the guards.

Apart from seven prisoners of war, I saw that three civilians were detained with us at the time. I had not seen any other prisoner and I believe that there were no such prisoners. However, I do not know the names of these civilians.

I would also like to add that besides the warden Tomo Dujic, I do not remember the names of other prison guards except for the name of his wife who also used to beat me and the other prisoners alongside her husband Tomo Dujic. However, I am sure that despite the passing of time, I can recognize these guards. I also know that at the Dracevac prison where I had also been beaten and subjected to torture, the commander was Ivica Bacic, whom I had known from an earlier period when he was a non-commissioned officer in the JNA. He also brutally beat me at the prison at Dracevac and threatened to kill me. He used to tell me that I had come from Aleksinac to Split to kill his family. While I was at Dracevac and Lora, I was not given any decision on my detention. It was long after this that I was tried in Zagreb for the criminal act of armed rebellion and I was sentenced, I believe, to 22 years in prison.
I also believe that I was in luck because, immediately upon my imprisonment, I was spotted quite by accident by ICRC delegates and after being captured, I was recorded as such right away. That was why I stayed alive. Had it not been for these records, I believe I would have been dead.

I was at Lora until 7 March 1992 when they drove me to the prison in Sibenik where I was also tortured and mistreated in various ways, like at Lora. Finally, in April I was moved to Kerestinac in Zagreb.

My detention in these prisons in Croatia that I would refer to as detention camps has resulted in my terrible physical and psychological condition, even today. For instance, when I was captured I weighed 97 kg and when I was exchanged, I weighed only 46 kg. I had my ribs broken in these prisons, five ribs on my right hand side and two on my left hand side. I can prove it with my medical documents.

I would be prepared to testify in court regarding developments at Lora if all security assurances were given by the Croatian government.

That is all I had to say; I listened to what was dictated as the minute out loud; I do not wish to read it and I sign it as my own statement, without any comments.

The hearing was adjourned at 12:20 p.m.

Court Recorder                                          Investigating Magistrate
Jasna Marinkovic (Signed)                                Dragan Cesarovic (Signed)

                                      Vojkan Zivkovic (Signed)
ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 21.02.2002. године пред istrateskim судом у Београду, у кривичном поступку против NM, због кривичног дела из чл. 120 ОКЖА.

Сведок
Zivković Vojkan
Саслушању сведока присуствују и:

жавни тужилац

окривљени


Започето у 11,20 часова.
Сведок је почео да говори истицу и да не сме ништа прећутати, упозорен је на последице давања лажног исказа, као и да не је дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свој блиског сродника тешкој срамоти, знатној материјалној штети или кривичном гонењу, да на општа питања сведок даје одговоре:

1) Име и презиме Zivković Vojkan MJBG 2309971751344
2) Име оца Bratislav
3) Занимљење vojni pensioner
4) Боравиште Bulevar Lenjina 6/30, Niš
5) Место рођења Aleksinac
6) Године старости 1971. god.
7) Ознака о привредним и оштећеним

За овом сведоком о самом предмету износи следеће:
1.

Svedok je opomenut da je dužan da govori istinu i da ne sme ništa prečutati, upozoren je na posljedice davanja lažnog iskaza, kao i da nije dužan da odgovara na pojedina pitanja, ako je verovatno da bi time izlošio sebe ili svog bliskog srodnika teškom smrti, znatnoj materijalnoj šteti ili krivičnom gornjenju, na pitanje suda izjavi:

Ja sam od 1989. god. radio kao poručnik u tadašnjoj vojsci JNA pri VP 5542 u Nišu. Dana 2.08.1991. god. raspoređen sam u VP 5919 u Kninu. U januaru mesecu 1992. god. dobio sam zadatak da sa svojom jedinicom izvršim evakuaciju srpskog civilnog stanovništva iz sela Nos kalik a koje se nalazi u bližini Šibenika. S obzirom da je ovo selo i ima dužno u vidu tada već početak rata u Hrvatskoj bilo u reonu dodira sa snagama hrvatske vojske postojala je opasnost da životi ovih civila budu ugroženi a zbog svakodnevnih ratnih dejstava hrvatske vojske i ubicanja njihovih diverzantskih grupa. Dana 29.02.1992. god. krenuo sam sa jedinicom da izvršim zadatak a samom je bilo još 22 vojnika na redovni vojnici JNA. U navedeno selo smo stigli u poslednjim časovima i odmah smo pristigli do evakuacije stanovništva. U selu je bilo oko 300 civila a među njima i 35 dece pa smo imali zadatak da ih evakuiramo u Knin. U toku ove evakuacije u selo je upala jedna hrvatska diverzantska grupa njih 10 do 20 sa oznakama ZNG a koji su presekle put mojih jedinici zatim je usledio opšti napad snaga ZNG na nas. Tom prilikom likvidirana su dva moja vojnika i to Ženek Živko i Željko Niko naše obojice iz okoline Knina i posle dva dana video sam njihova tela i primetio sam da su bili zaklani. Prilikom akcije hrvatske vojske ubijena je majka Željek Živka kao i još jedna žena čije je samo selo video bez glave ali njoj neznam ime. Moja jedinica je bila se povukla u drugo selo i borbe izmedu nas i hrvatskih snaga trajale su sve do 2.03.1992. god. i ja sam tom prilikom u borbama zadobio ranu u levu nogu i imao sam povrede od eksplozije ručne bombe po glavi i tada sam i zarobljen od strane hrvatske vojske - ZNG. Čim su me tako ranjenom uhvatili bacili su me u jedan obližnji potok odnosno rečicu i počeli da me davne a zatim su me izvukli iz vode gazili me nosili štitirali me svuda po telu. Ovako pretraženo i ranjenog odneli su me na nekim merdevinama od kojih su napravili nosila u njihov zatvor u Kulimana u Šibeniku. Na vremenu transporta do Kulima takođe su me tukli nogama, udarali me kundacima pušaka, drvenim palicama i silno. Sećam se da su mi usne bile skroz raskrivljene od batina tako da mi je kasnije u bolesti gde mi je ukažana putac lekara su končima ušavali usne. Samom je bilo zarobljeno još 7 vojnika a takode je bio zarobljen i veći broj civila i tada nam je predočeno da ćemo svi biti pobijeni. Čak su ispred nas formirali stražnji strelj i pod pretnjom da ćemo biti pobiti. U Kulimana u Šibeniku jedan od vojnika mi je pokazao jedan papir na kome je bio otkucan tekst sa mojim orijentacijom da sam ubijao hrvatske vojnike i civila pa je isti tražio da potpišem ovaj papir. Ja nisam htio ovo da potpišem a kasnije sam video da je neko potpišao umesto mene. Isto veče prebačen sam ja i još šest vojnika u zatvor u kasarnu Dračevac kod Splita. Čim sam tamo doveden stražari su mi proširili obišle šeširke nekim komadom žice ili šažalicom i iste ostavili da stojite u ušima kao minduše. Ove žice u ušima nosio sam dva meseca.
Dana 3.03.1992. god. iz zatvora Dračevac prebačen sam u vojni zatvor koji se nalazi u okviru ratne luke Lora u Splitu. U Loru sam dovežen sa još šest pripadnika JNA među kojima je većina bila u redovnom sastavu a bilo je i rezervista. Samo su u Loru dovedeni Milovan Mirko, Zeljak Jovo, Zeljak Pero i Zeljak Đino i još neki čijih imena sada ne mogu da se setim. Čim su nas izveli iz ovog kamiona tu je bilo okupljeno dosta stražara koji su odmah počeli redom da nas tuku, šutiraju, čizmama, udaraju kundacima, palicama. Ovde na dvorištu su nas tako tukli negde oko dva sata zatim su nas, posle ove tuče pojedinačno su nas zatvorili u neke ćelije tog zatvora, ova ćelija je gde sam zatvoren bila dimenzija 2x3 metra bez inventara, bez kreveta, stolica i slično. Na podu je bio beton, nisam imao ni đebe ni dušek da bih mogao da sedem ili legem već sam ležao na golom betonu. Ubrzo pošto sam ubećen u ovu ćeliju prebijen posle kratkog vremena u ćeliju je uspala grupa stražara njih trojica koji su me tukli, šutirali nogama i nekih tukli su me bežbol palicama i tukli su nas svuda po telu, kada su se ova trojica umorila od tuče oni su izašli iz ćelije a zatim su odmah ušla druga trojica pa su oni nastavili da me tuku. Čuo sam takođe po zvučima iz drugih ćelija da su tučeni i vojnici koji su samom dovedeni. Ovakva tuča je trajala non stop, ja uopšte nisam mogao da spavam što od bolova što od toga što su neprestano ulazili stražari i tukli nas. S obzirom da sam bio potpuno izobiljen od batina izgubio sam orijentaciju u vremenu mislim da sam ujutru odvezen u kancelariju i onda sam od stražara čuo da tog vojnog političara koji je bio u uniformi nazivaju upravnikom a neki su ga i po imenu nazivali Tomo. Kasnije sam saznao da je ovaj Tomo upravnik ovog zatvora i da se preziva Dujić. Sa njim u kancelariji je non stop bila i jedna žena u uniformi plave kose, mršava i kasnije sam čuo da je to njegova supruga i mislim da se zove Sandra ili Tanja nisam siguran. Sjedam se da mi je Tomo Dujić ponovo podmetao neki papir sa tekstrom gde je navedeno da sam ja ubijao hrvatske vojnike i civila da potpišem, pa pošto sam odbio on je rekao jednom stražaru da mi osuđe prste na rukama. Zatim je stražar koji je bio prisutan u kancelariji prišao meni izvadio nož, stavio ruku na sto i to prvo desnu i onda je krenuo da mi seče kažiprst od toga i dan danas Imam ožiljak. Istražni sudija konstatuje da pošto mu je svedok pokazao kažiprst desne ruke na sredini istoga ima vidni ožiljak a takođe takav ožiljak ima i na kažiprastu leve ruke.

Pošto mi je ovaj stražar zasekao desni kažiprst onda je uzeo levu ruku i počeo da seče levi kažiprst. Zatim ga je Dujić prekinuo pa mi je naredio da sedem na stolicu pa mi je lično vezao ruke i noge za stolicu a onda mi je zavezao dve žice na ove improvizirane minduše koje su mi stavili u Dračevcu. Pri tome sam da su žice povezane sa poljskim induktorskim telefonom s onda je Dujić okretao ručicu telefona i puštao struju to je struja od 115 volt i ona izaziva velike strujne šokove i bolove tako da mi se od toga štijepao telo, grilo posle ovoga Dujić je ovo žicu prikopčavao meni i po nogama i na polni organ tako da je ova tortura trajala nekoliko sati. Za vreme dok je Dujić mušio strujom prisutni stražari su me tukli tako vezanog svuda po telu.

[Signature]

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Posle ovog mučenja strujom ponovo su me odvukli u čeliiju pa se sedam da je posle nekog vremena u čeliiju su me ušla neka deca koja su me tako isprobijanog takođe tukla raznim predmetima, mislim da je jedan od njih bio sin da li Dujića ili nekog stražara nisam siguran.

Posle ovoga sedam da se me je jedan od stražara čije ime neznam ali mogu da ga opišem kako je tada izgledao za koga znam da je na levoj ili desnoj ruci sada me mogu da se setim imao je jedan oči jak koji je stalno pokazivao, bio je nižeg rasta, smeda kosa, šiške je imao odveo svogom kolima u svoju kucu i zatvorio me u podrum. Onda je zvao neke svoje poznanike pa su me onda svi tukli u ovom podrum i to najviše lancima. Zatim su me ovako prepuštenog bacili u gepek vozila od stražara i on me je ponovo vratio u Loru. U Loru su me ponovo ubacili u čeliiju a onda su stražari doveli pse vučiaka pa su primetio sam ovi psi bili dresirani a njima su davali komande da me zubima hvataju za vrat. Potom bi umirili pse a onda bi me stražari terali da ovog psa ljubim u usta.

Posle ovoga meni o ostalic koji su samom doveden kao i neko druge zarobljenike stražari bi izveli u krug zatvora pri čemu su nam rekli da nas sada vode na streljanje jer smo osuđeni na smrt nu kaznu pa bi nas postojili uza zid pa je onda jedan od stražara koji je stavio crnu kapu sa prorezom na glavu izašao ispred stroja, izvukao pištolj i pucao meni a i ostalima pored glave. U toku mog boravka u Lori na ovakva "streljanja" izveden sam desetak puta. Takođe su mene i Milovac Mirka više puta terali da se međusobno tučemo i udaramo pesnicama kao i da se udaramo palicom i motkama pa sao nas dvojica moral i jedan drugog moral da udaramo što jače jer bi u suprotnom dobijali latine od stražara.

U to vreme ja sam u ovom zatvoru pored nas sedmorice ratnih zarobljenika video da su bili zatvoreni još tri čoveka u civilu. Drugih zarobljenika nisam video a mislim da ih i nije bilo a imena ovih civila neznam.

Još želim da dodam da osim upravnika Tome Dujića imena drugih stražara neznam osim imena njegove žene koja je takođe me tukla i tukla druge zatvorene zajedno sa Tomom Dujićem. Međutim siguran sam da ih bez obzira na protek vremena mogao da prepoznam ove stražare. Znam i to da je u zatvoru Dračevac gde sam takođe bio tučen i mučen zapovjednik bio Bačić Ivica koji mi je poznat od ranije jer je pre toga bio podocičar u JNA, on me je takođe strahovito tukao u zatvoru u Dračevcu pri tom mi preteći da će me ubiti i govorio mi je kako sam ja dodao iz Aleksinca u Split da ubijem njegovu familiju. Meni za vreme boravka u Dračevcu i Lori nije uručeno, bilo kakvo rešenje o izmenju slobode tek posle ovoga kasnije sudeno mi je u Zagrebu za krivično delo za oružanu pobunu i ostalih se ne sedam i osuđen sam na mislim 22 godine zatvora.

Takoder mislim da sam imao sreće i zbog toga što sam odmah po zarobljavanju sasvim slučajno što su to videli pripadnici MCR bio odman po zarobljavanju evidentiran te da sam zbog toga i ostao živ, da toga nije bilo mislim da bi bio mrtav.
4.

U Lori sam bio do 7.03.1992. godine kada sam odvežen u zatvor u Šibenik gde sam takođe bio mučen i maltretiran na isti način kao i u Lori a u aprilu mesecu prebačen sam u Zagreb u Kirešinac.

Od posledica boravka u ovim zatvorima u hrvatskoj a koje bih ja pre nazvao logorima imao sam a imam i dan danas strahovite i psihičke i fizičke posledice a kao primer zarobljen sam sa 97 kilograma a razmenjen sam sa 46 kilograma telesne težine. U ovim zatvorima su mi polomljena rebra i to pet sa desne i dva sa leve strane a o čemu poseđujem lekarsku dokumentaciju.

Ja bih uz sve bezbednosne garancije od strane hrvatske vlade bio spreman da se odazovem pozivu suda a radi svedočenja vezano za događaje u Lori.

To je sve što imam da izjavim, slušao sam glasno diktiranje zapisnika, isti ne želim da čitam pa ga potpisujem kao svoj bez primeđbi.

Dovršeno u 12,20 časova.

Zapisničar

Istražni sudija

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ANNEX 46

NGO “Veritas”

List of the Killed or Missing Members of the RSK Territorial Defense at the Miljevci Plateau
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<th>НАПОМENA</th>
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<td>7.</td>
<td>Djepina Sime Branko</td>
<td>1951. Golubich</td>
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<tr>
<td>12.</td>
<td>Ilich Save Todor</td>
<td>1946. Padjene</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
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<th>Name</th>
<th>Year</th>
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<th>Identification</th>
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<td>1.</td>
<td>Momich Djurdja Gojko</td>
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<td>Knin</td>
<td>Identif.</td>
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<tr>
<td>24.</td>
<td>Popovich Boze Slobodan</td>
<td>1972</td>
<td>Kistanje</td>
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<td>27.</td>
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<td>Ridjane</td>
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<td>31.</td>
<td>Vukovich Branka Miroslav</td>
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<td></td>
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<td>34.</td>
<td>Lunich Dusana Radovan</td>
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<td>35.</td>
<td>Raskovich Petra Mile</td>
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<tr>
<td>37.</td>
<td>Mirchetic Djure Nikola</td>
<td>1942</td>
<td>Miochich</td>
<td></td>
</tr>
<tr>
<td>40.</td>
<td>Medakovich Branka Sasa</td>
<td>1972</td>
<td>Kovachich</td>
<td>Identif.</td>
</tr>
</tbody>
</table>
ANNEX  47

Statement of Nikola Nadoveza, given to the Serbian Army of Krajina on 21 November 1993

On 21 November 1993, Nikola Nadoveza was heard as witness of what happened on Miljevacki Plato on 21 June 1992 in the offices of the Main Staff of the Serbian Army of Krajina, Room No. 51, and he gave the following

STATEMENT

My name is Nikola Nadoveza. I was born on 2 January 1953 in the village of Icevo, Municipality of Sibenik, of late father Stojan and mother Stevanija, nee Urukalo. I work for the enterprise TVIK in Knin, I am married and a father of three. I am a Serb and have no criminal record.

On 21 June 1992, as a TO soldier, I was deployed in Kljuc on Miljevacki Plato. The Croatian Army attacked us around 4:40 a.m. and as we withdrew, I was taken prisoner in Siritovci around 7:00 p.m. I was captured together with 18 soldiers of whom two were killed and 3 injured. When we were captured, they stripped us into our underwear. We had to empty our pockets of all documents, money and other possessions. As we did so, we were hit and insulted by whoever pleased.

After a while, a truck came to the scene. We had to load one killed soldier onto it. His name was Ljubo Trifunovic. Three wounded soldiers were also loaded onto the truck. After a kilometer drive, the truck came to a stop and they called out Djuro Cosic who had to step out. Two soldiers led him away and we had to load another body in. The killed man had a belt around his neck and no injuries on his body. Later on, it turned out that he had been strangled. His name was Medos and I don't remember his first name. From there we travelled on to Visovac where we waited for a boat. There, they ill-treated us by forcing us in and out of water which was terribly dirty and cold. Then arrived the boat into which we loaded the wounded and dead, and we travelled to the Krka Falls. From there, we boarded a bus which was lined up by Croatian army soldiers who kicked us with their boots and hit us with rifles wherever they could. We then came to Sibenik, in the prison, in front of which there was a line-up of Croatian soldiers who beat us again.

When we came into the cell, we all slept there together and they took our particulars during the night. The next day, they used various methods to beat us. On 23 June 1992, they dragged us out of the cell and took us to Miljevacki Plato where we had to bury our dead soldiers.

We were four in a group. At first, we dug graves where we buried our fellow soldiers. We buried two bodies in one grave and five in the other. Then I found Djuro Cosic and recognized him. He was the one who had been dragged out of the truck and stayed behind. I looked at him and saw that his lip was cut, most probably because he was stabbed into the throat and he also had stabwounds on both of his thighs. The skin on his chest, 3 cm by 2 cm, was ripped. When we had done this job, there came another order not to bury them any longer, but to load them into the truck and drive them to the pit. When we were in the village of Kljuc, we had two dead - Ilija Canak and Nikola Mircetic - who had been burnt down by a stinger missile fired at close range. The truck was driven to the pit at Drinovci which was covered with concrete at the top. I did not know what it was for.

Then they gave us orders to throw them into the pit. We threw them by putting one body onto canvas and then, four men carried it and threw the bodies into the pit. When we had finished, we drove by truck to Noskalik to catch a boat. There, we washed shovels and the other tools, and cleaned ourselves. A man named MIROSLAV SUBOTIC was killed there. He was killed
by a military police officer, Gojko Zivkovic, from Pokrovnik. He ordered him to walk about 20 meters and to turn, and then he fired a couple of shots at him. After that, four of us dug a grave by the Krka River and we buried him there. Following this, we went to the Krka Falls and from there onto the prison.

In prison, mistreatment was a daily occurrence. We also had to do hard labour and they hit us on such jobs more than they did in the prison. When they wanted to extract some confession, they electrocuted us. They loved to strip us naked, to form a single file and walk over us. They forced us to do calisthenics, to dance in a circle, to sing Ustasha songs and salute "For Homeland Ready" and this routine was repeated day after day. We went from Sibenik to be exchanged on 11 August 1992 and were held up at the port of Lora for about 5 or 6 hours, where we were relentlessly beaten. The mistreatment included their stepping onto our bare feet with their boots, forcing us to eat the zest of oranges, forcing us to pick up cigarette butts with our teeth, etc. They forced us, one by one, to do so, while shooting at us at the same time.

After that, we travelled by bus to Zagreb where, at the Kerestinec camp, we were held for two days. I have no objections to our treatment at the Kerestinec camp. From Kerestinec, we headed for Nemetin where we were exchanged on 14 August 1992.

I have read the statement and I have no objections to it. Therefore, I sign it with my own hand.

Statement taken by: Borka Torbica (Signed)
Statement given by: Nikola Nadoveza, LLB (Signed)
Izjava


ИЗЈАВУ

Зовем се Надовеза Никола, рођен сам 02.01.1953. године, село Љевица СО Шибеник, од оца п. Стојана и мајке Стеване који је рођен у граду Ужуну, запослен у РО "ТВИК" Книп, ожењен, отац троје Дечке, судеши некажњаван, Србин.

Дана 21.06.1992. године као припадник ТО налазио сам се у мјесту Клуч на Миљевачком платоу. Хрватска војска напала нас је рано јуна око 4.40 којом приликом сам, у брижиме посвећени, заробљен у мјесту Ширтинци око 19.00. Тада је заробљено 18 бораца од којих су приликом заробљавања 2 погинула и три ранена. Приликом заробљавања скинули су нам доњи венци, а из кругова смо морали израдити све документе, новац и остале предмете. Том приликом ударо нас је како је ко стигао а такође и брижело.

Након краћег времена дошао је и камен, у којег смо морали ући и унзијети једног погинулог и то Трифуновића Ђуро. У камену су увечења и три рањеника. Након вожње од једног километра камен се заузео и ту су прозвали Љосића Ђуро, који је морао изићи. Одатле су га додео двојица, а да остао унзијети још једног погинулог, који је око врата имао кајши, а никаквих повреда по тијелу није имао. Касније се исправио да су га удавили, звao се Медош, а имена се не сједам. Одатле смо наставили пут до Висовца, где смо чекали број, гдје су нас мајстрерилах на начин да смо морали удавати и издвижећи из воде, која је била јако прљава и хладна. Онда је начао број у који смо унзијели рањение и мртве и возили се до Славова Крке. Одатле смо прешли у аутобус пред којим нас је чекао шпалир хрватске војске, који су нас ударали чијима и пушкама како је он ко сједао. Тако смо дошли до Шибеника у затвор, испред којег нас је једном чекао шпалир хрватских војника који је нас укључио.

Кад смо ушли у ћелију, сан скуп што смо премаћивали, с тим да су нам у току нећи уети пласти. Сутрадан смо били тучени на разне начине. Дана 23.06.1992. године смо изведени из ћелије и одведен на Миљевачки плато где смо имали задатак сахрањивати наше погинуле борце.

Били смо распоређени у групама по четири човека. Најпосле смо копали гробине у које смо поколапали наше другове, и то једну у којој смо копали два, а у другу пет људи. Том приликом сан нашао Љосића Ђуро и препознавао га. То је он који је извлачио из камена и који је остао. Гледао сам га и видио да му је расчепена учена, највероватније да је нож забијен у грло, а такође на обе бутице су биле убоди ножа. На грудима му је такође била дигнута кожа ширине 3 цм и дужине 2 цм. Кад смо то завршили, стигло је њихов наредила да их више не копајмо, већ да их топлирамо у камену и возимо у јаму. Кад смо били у селу Клуч, имали смо два погинула, Чапак Илију и Иричетић Николу, који су биле спалене воћом из непосредне близине. Камен је био довештен до јаче у Дрнињцима која је била на врhu бетонира, а не знам чemu је то служило.

Онда су нам наредили да их башмам у јаму. Бацали смо их тако да смо по једном човека стављали на шаторско крило и онда су га четворица носила и бацала у јаму. Кад смо го завршили, онда смо каменом ишли у Носаклић, на брод. Тамо смо оправди лопате и остало алап и умрли се. Том приликом је убијен СУБОТИЋ МИРОСЛАВ. Убио га је војни полицијац Живковић Гојко из Покровника. Наредио му је да иде око дваеста метара, да се окрене и онда је испалио пир китњика у њега. Онда су нас четворица ишли копати једну речу ух Кручу и га смо га сахрањивали. Након тога смо ишли на Славове Крке, од одале у затвор.

У затвору су мајстрерили наше. Ишли смо такође рекни и то где су нас тукали више него у затвору. Кад смо једнали да изнуде неког призива, онда смо имали прилике на струју. Вођени су нас кинем беле, построје у врету и онда гаце по нами. Травали су нас да радимо гимнастику, да играмо коло, да пјевамо усташке пјесме, да салутирахом "ЗА ДОМ СПРЕМИН" и тако из дана у дан. Из Шибеника смо на размјену кренули 11.08.1992. године, а у људи Лора смо задржани око неколико часова, гдје смо непрестано били тучени. Ту смо мајстрерили на начин да су нас у чигмама газили по бошком ногама, да

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једео кору од наранце, да купимо опушке цигарета љубима итд. Њерали су једног по једном да би они за Њем пунали.

Након тога смо аутобусом ишли за Загреб, гдје смо у логору Керестинец задржани два дана. На понављање према нама у логору Керестинец немам примједбе. Из Керестинца смо кренули у Неметин, гдје смо и размјешени 14.08.1992. године.

Изјаву сам прочитао и немам примједби, те је уласторучно потписујем.

Изјаву узела: Торбница Борка, с.р.
Изјаву дао: Дипл. правник Надовеза Никола, с.р.

Datum 21.11.1993. године у просторијама Главног Штаба СНК соба бр. 51, у својству свједока догађаја на Миљевачком плато 21.06.1992. године, свједоћан Мирковић Јован који је дао свједоћу:

IZJAVU

Завеш се Мирковић Јован, рођ. 28.07.1948. године, од оца Душана и мајке Анине рођ. Ивекића, са сталним мјестом пребивалишта Ковачић, запослен, ожењен, отац двају дјеце, судски наконаљдавац, Срби.


Приликом заробљавања било нас је 18, али у моменту заробљавања, када ми више нисмо пружали никакав отпор, убијена су два друга, а тројица су рањена. Нас су тада скинули скоро гдје, наредили су нам да стањем у строј којом приликом су нас плујула, тукли.

У мом положају нисмо имали већа вулгарности и при том ми пријетила нивалиоћ. Касније су нам наредили да покупимо нашем погонах друга, Трифуновић Љубу, и да га спустимо у камоно.

Један погинуло борца је остао да лежи, а рањенике смо такође сташили у камоно. Приликом вожње у камоно руке су нам морале бити дигнуте изнад главе. Камоно смо превозени до Крак где смо требали сачекати број да нас превођу преко. Ћу ми чекали око 1 час, за које вријеме смо били голи, а понеки и поштине голи. Том приликом смо викали "Ума ли тко из касарне?" јавио се Ћосић борђе, који су одмах одвојили, наводно да са њим имају посебан разговор. Приликом одлaska броја исти Ћосић није ишао са нама већ је остао ту. На броју смо укршили 2 погинула и 3 рањена. На броду смо били велачи, не знали до којег места смо се везали у затвор у Шибеник. Сви смо били смештени у једну ћелију. Са нама у ћелији су била и 3 рањена и то Вранова Илија, Катаћ Младен, Гвозденовић Ђрго.

Два погинула борца су остајали у броду и не знали шта се са њима станало. У ћелији смо били 2 зеница. Ту су нас тачки нивалио, након мијетали наме нивало, за имању гоцихима да нађеме којом приликом су ми очима приморили престе.

У току 2 дана боравка у затвору ја сам већ имао тешке тјеле снаге повреде и то прелом троју ребара и подлазе по којем тјењу. Због повреда нисам имао сакривањи наше мртве. Као затвореници ишлан смо на Шубићенач, где Је била Камења Хрватске полиције. У затвору један од начина мучења је био и

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ANNEX 48

Basic Court in Gradiska, Bosnia and Herzegovina,
Minutes of Witness Hearing of Petar Božić
dated 7 May 1995 (Novi Varoš case)
MINUTES OF WITNESS HEARING

taken on 7 May 1995 before the investigating magistrate of the Basic Court in Gradiska in the
criminal case against unknown persons, for committing the criminal act punishable under
Article 142 of the Criminal Code.

Kri.24/95

Cikic, Momir, Judge
Witness
Bozic, Petar

Court Recorder
Aleksandra Cvetkovic

The proceedings rose at 9:45 a.m.

Witness has been cautioned that he/she is bound to tell the truth and not to hold
anything back; he/she has been warned against the consequences of giving false
testimony and that he/she is not bound to answer some of the questions asked, if he/she
is likely to put himself/herself or a close relative to utter disgrace, considerable material
damage or to be criminally prosecuted (Article 229 of the Criminal Procedure Code),
therefore, the witness has given the following answers to the general questions posed:

1) Name and surname: Bozic, Petar
2) Father’s name: Savo
3) Occupation: Carpenter
4) Address: temporarily residing in Nova Topola, municipality of Gradiska
5) Place of birth: Vrbovljani, municipality of Okucani
6) Year of birth: 11 January 1960
7) Relationship to the
   accused and injured party: Bozic, P. (Signed)

I was born in the village of Vrbovljani where I lived and worked. I am married and have two
underage children. I used to live with my parents, father Savo and mother Milka in the same
household.

During the war in Croatia in 1991, I was in my native village and was aware that the Croatian
armed forces committed mass crimes against civilians in Masicka Sagovina. Some even say
that they killed more than 20 civilians. I did not witness these crimes myself. The victims I
know included Mladen Ozegovic and some members of the Milosavljevic family.

When, on 1 May 1995, the Croatian armed forces suddenly attacked Western Slavonia,
around 5 a.m., I was in my home with my family and parents. During this attack, they shelled
even my village, although it was farthest from Okucani, and other villages that were the main
targets of the Croatian armed forces. My parents, wife and children, along with other civilians
from my village and other villages nearby, headed for Gradiska or Republika Srpska and
managed to cross the Sava River in the afternoon.

I remained behind in the village and joined my military unit which was deployed in the field
near Dubovac.
On the evening of 1 May 1995, I can’t recall exactly what time it was, my unit got the assignment to enter the village of Novi Varos and secure the passage of civilians from Novi Varos towards the Strug waterway, which was used by the convoy of Serb civilians fleeing as refugees before the attack of the Croatian armed forces. Meanwhile, we got the information that this road was blocked by Croats and that, during the night, they had massacred civilians travelling in a convoy of refugees, which came under attack in the stretch of 70 meters. That was why we pushed through to get to that place, which I did only at 6 o’clock in the morning. We continued to fight back the Croatian forces lined on both sides of the road in the Prasnik and Ljeskovaca woods, as well as in the village of Novi Varos itself. However, we managed to get the civilian convoy through, towards the destroyed bridge on the Strug waterway, but the convoy departed only around 11 a.m. In the meantime, we had clashes with the Croatian forces that relentlessly shelled the stretch of the road where there were civilians, and I noticed that they used aircraft to bomb civilians on the road.

I saw a large number of killed Serb civilians in the village of Novi Varos itself, as well as on its outskirts, leading to the Strug waterway. In my own assessment, there were about 250 victims or according to the accounts of some other eyewitnesses, the same number of victims also figured in their assessments. I saw some 25 victims myself; I took them from the scene together with others and I took only the victims that were scattered on the roadway, so that they would not be run over.

Among those victims, I recognized Vukadinovic, Zoran from Okucani; Milasinovic, Milan from Rajic; Grubor, Janko from Okucani and Kesić, Anka, daughter of the Serbian Orthodox priest Savo Pocuca from Okucani. Among those wounded, I recognized Savo Pocuca, priest from Okucani, and Slobodan Stojanovic from Vrbovljani, both of whom are now hospitalized in Banja Luka.

Those who survived the unrelenting shelling by Croats managed to get via the Strug waterway and the bridge to cross into Gradiska, to the territory of Republika Srpska.

I also saw with my own eyes in the village of Novi Varos itself, as well as on the road leading to the Strug waterway, great many overturned and destroyed tractors, animal carts, cars and other vehicles. Among these, there were also a few medical corps vehicles with distinct Red Cross emblems that had also been shelled, although I was not able to see the victims in those medical vehicles.

Judging by what I saw and experienced on 1 and 2 May 1995, I can say, responsibly, that on that occasion, the Croatian armed forces committed a large number of massive crimes against Serb civilians in Western Slavonia.

In particular, I point out that great many civilians had remained behind in Western Slavonia, who were either captured by Croats or are now sheltering in the woods, many of whom have already been killed. Because I know the attitude of Croats towards Serbs in Western Slavonia in the past and their attitudes even today, I reasonably assume that they will continue with their crimes and genocide against the Serbian people.

This is all I had to say concerning the above-mentioned incident; the minute was dictated out loud and it contains all I have said; I do not wish to read it; I recognize it as my own statement and will sign it with my own hand.

Bozic, P. (Signed)

The hearing was adjourned at 12:45 p.m.
ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана ___07.05.____ 1985. године пред ___istražnim________
__________________________ судијом ____________________________ суда у ________Gradišću________
у кривичном поступку против ___N.N._______________________________
због кривичног дела из члана ___142.____ КЗ.

Čikić Momir — судија

__________________________ Сведок ________________________________

Božić Petar

Саслушању сведока присуствују и:

јавни тужилац

откривени

бранители

Започето у ___9.45___ часова

Сведок је обогао да је журио да говори истину и да не сме ништа предузети, упозорен је на последице давања лажног изказа, као и да није дужан да одговара на поједина питања, ако је вероватно да би тиме изложио себе или свог блиског сродника тешкој срамоти, знаој материјалној штети или кривичном гњеву (члан 229. ЗКП), па на оштала питања сведок даје одговоре:

1) Име и презиме _______________ Božić Petar ____________________________
2) Име оца ________________________ Savo ______________________________
3) Занимље _________________________ stolar ____________________________
4) Боравиште ______________________ privremeno Nova Topola, Opština Gradišćka
5) Место рођења ____________________ Vrbovljani, Opština Okušani
6) Година рођења ____________________ 11.01.1960. godine
7) Одакле са окрајањем и оштећеним ________________________________

За овим сведок о самом предмету износи следеће:

______________________________________________________________________

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Rodjen sam u selu Vrboljani gde sam živeo i radio. Oženjen sam i imam dvoje maloletne dece. Živeo sam u domaćinstvu zajedno sa roditeljima - oćem Savom i majkom Milkom.

Za vreme ratnih sukoba u Hrvatskoj 1991. godine, nalazio sam se u rodnom mestu i poznato mi je da su hrvatske oružane snage u Mašićkoj Šagovini, izvršile masovne zločine nad civilnim stanovništvom, a prema nekim saznanjima oni su ubili preko 20 civila. Ja nisam bio očevídac ovih zločina, a medju žrtvama znam Ožagović Hladena i neke iz porodice Milosavljević.

Kada su 1.maja 1995. godine hrvatske oružane snage izvršile iznenadni napad na Zapadnu Slavoniju, oko 05.00 časova, ja sam se nalazio u svojoj kući zajedno sa svojom porodicom i roditeljima. Prilikom ovog napada granatirano je i moje selo, iako je bilo najudaljenije od Okučana i drugih mesta koja su bila na glavnom udaru hrvatskih oružanih snaga. Moji roditelji, supruga i deca su istog dana, zajedno sa ostalim civilima iz sela i drugih okolnih mesta, krenuli prema Gradiški, odnosno Republici Srpskoj, i uspeli su da predju Savu u popodnevnim časovima.

Ja sam ostao u selu i priključio se svojoj vojnoj jedinici, na terenu Dubovca.

Uveče, 1.maja 1995. godine, ne sećam se koliko je tačno bilo sati, moja jedinica je dobila zadatok da udje u selo Novi Varoš i obezbedi prolaz civila putem od sela Novi Varoš prema kanalu Strug, kojim su se kretale kolone civila Srba, izbeglica pred napadom hrvatskih oružanih snaga. U medjuvremenu obavešteni smo da je taj put blokiran od strane Hrvata, i da su oni u toku noći napravili masakr nad civilima u koloni izbeglica i to na deo kolone u dužini od 70m. Zbog toga smo napravili proboj da bi došli na lice mesta gde sam stigao tek ujutru oko 06.00 časova. Nastavili smo borbu sa hrvatskim snagama kojne su se nalazile sa obe strane puta, u šumi Frašnik i Tjeskovače, kao i u samom selu Novi Varoš. Uspeli smo da obezbedimo da kolona civila ipak krene prema srušenom mostu na kanalu Strug, koja je krenula tek oko 11.00 časova, a u medjuvremenu smo vodili borbu.
sa hrvatskim snagama, koje su neprekidno granatirale navedeni put na kome su se nalazili civilni, a primetio sam da su i avionima bombardovali civilne na putu.

U napred navedenom vremenu, video sam veliki broj ubijenih Srba civila u samom selu Novi Varoš, kao i na izlazu istog prema putu koji je vodio za kanal Strug. Po mojoj proceni bilo je oko 250 žrtava, odnosno i po pričanju drugih očuvidača bila je prisutna ova procena o broju žrtava. Ja sam lično video oko 25 žrtava, koje sam zajedno sa drugima izvlačio sa lica mesta, odnosno izvlačio sam samo one žrtve koje su se nalazile na cesti da ne bi bile gažene.


Preživeli civilni su i pored neprekidnog granatiranja od strane Hrvata uspeli da se probiju putem preko kanala Strug, a kasnije preko mosta da predju u Gradišku, na teritoriju Republike Srpske.

Takodje sam lično video u samom selu Novi Varoš, kao i na putu prema kanalu Strug, veliki broj prevrnutih i uništenih traktora, zaprežnih kola, automobila i drugih. Medju ovim uništenim automobilima video sam i nekoliko sanitetskih kola sa vidno obelešenim znakom orvenog krsta, koja su takodje bila granatirana, ali nisam bio u prilici da vidim i žrtve u sanitetskim kolima.

Prema onome što sam video i doživeo 1. i 2. maja 1995. godine, mogu odgovorno izjaviti da su ovom prilikom, od strane hrvatskih oružanih snaga, izvršeni znatno veći zločini prema srpskom civilnom stanovništvu u Zapadnoj Slavoniji.
Posebno napominjem da je u Zapadnoj Slavoniji još uvek ostao veliki broj civilnog stanovništva, koju su ili zarobljeno od strane Hrvata ili se kriju po šumama, a mnogi od njih su već i pobijeni. Obzirom da mi je poznato kakav je odnos Hrvata prema Srbima u Zapadnoj Slavoniji bio u prošlosti, pa i danas, osnovano predpostavljam da će oni nastaviti sa zločinima i genocidom nad srpskim narodom.

To je sve što sam imao da kažem u vezi prednjeg, zapisnik je glasno diktiran i u njega je uneto sve što sam izjavio, ne želim da ga čitam, priznajem ga za svojeg i potpisujem.

Saslušanje je završeno u 12.45 časova

ZAPIŠNIČAR

SUDIJA
ANNEX 49

Basic Court in Banja Luka, Bosnia and Herzegovina,
Minutes of Witness Hearing of Savo Počuča
dated 10 May 1995 (operation Flash)
MINUTES OF WITNESS HEARING

taken on 10 May 1995 before the investigating magistrate of the Basic Court in Banja Luka in the criminal case against unknown persons.

Investigating Magistrate
Djordje Stojakovic

Court Recorder
Aleksandra Cvetkovic

The proceedings rose at 12:30 p.m.

Witness has been cautioned that he/she is bound to tell the truth and not to hold anything back; he/she has been warned against the consequences of giving false testimony and that he/she is not bound to answer some of the questions asked, if he/she is thereby likely to put himself/herself or a close relative to utter disgrace, considerable material damage or to be criminally prosecuted (Article 227, paragraph 1, subparagraphs 1-3, and Article 229 of the Criminal Procedure Code).

The witness has given the following answers to the questions posed:

1) Name and surname: Pocuca, Savo
2) Father’s name: Savo
3) Occupation: Priest of the Okucani parish, archpriest of the Serbian Orthodox Church
4) Place of birth: village of Kutjevo, municipality of Slavonska Pozega
5) Address: temporarily resides in Banja Luka
6) Date of birth: 29 May 1947
7) Relationship to the accused and injured party:

Archpriest Savo Pocuca (Signed)

I was born in the village of Kutjevo in the municipality of Slavonska Pozega and, upon finishing a seminary I worked as a priest of the Serbian Orthodox Church in several places: in 1969 I worked in Gradiska and from 1983 to present I have been priest in Okucani. I am married and have four children.

When the war broke out in the former Yugoslavia and the Croats committed an aggression against the Serb population in Western Slavonia, I was in Okucani. During this war, I saw with my own eyes many Serb victims who had been killed by Croats in this region. While doing my duties, I performed funeral ceremonies for a large number of such victims, including massacred ones in a most brutal and savage way. I shall name, among the most brutal murders, that of the Keleula couple from the village of Borovac, Rajici parish, who lived in Novska and were killed on 21 October 1991. On the same date, and on the same scene, another married couple was also killed. I cannot recall their first and last names, as well as an elderly man from Lofska. Their bodies were exchanged in April 1992 and transported to
the graveyard in Borovac. While performing the funeral services for these victims, I saw that they had been massacred in the most atrocious way. One of the killed women had her breast cut through and put her arm into. All other victims had massacred parts of their bodies, like severed ears, noses or similar. There were also other like instances of killed and massacred civilians and defenders of this region, whose specific names I cannot recall.

On the Serbian Christian Orthodox feast of patron saint, St. Nicholas, on 19 December 1991, Croats, posing as former JNA soldiers and wearing their uniforms, took advantage of the local Serbs’ festive mood in the villages of Masicka Sagovina and Sirinci to force their way into these villages, fully armed, and committed an aggression killing 65 Serb villagers. A small number of these victims were subsequently exchanged, while information on other victims is still not known, even today. These victims were mainly massacred, too. UNPROFOR soldiers did not allow these victims to be buried at local cemeteries. Therefore, their funerals took place in Okucani and I performed the ceremonies, which were also attended by the family members of victims. Some of the victims did not even have families, because all of them too had probably been killed.

In my own parish church in Okucani, I kept the original copy of the “Proclamation” made by Croats on forced population transfers within 24 hours, in 28 Serbian villages located in the area of Pozega towards Kamenska, at the foot of Mt. Papuk. This “Proclamation” was issued on 28 August 1991 and I believe that a copy of this “Proclamation” can be found in the Patriarchate of the Serbian Orthodox Church in Belgrade, namely, it is kept by Mr. Slobodan Mileusnic. I know that the population of these villages had been forcibly moved out; that all the houses had been destroyed and levelled to the ground by bulldozers so that practically no traces had been left behind. I heard this myself from local people who had managed to cross over into the liberated territory of Western Slavonia. I remember that I have been told this, among others, by the wife of Branko Kovac from the village of Oprsici, whose maiden name was Petrovic, and by other people whose names I cannot recall right now. I do not know where this woman is now, because she moved on in 1991 to other Serb-held territories seeking shelter.

At the end of September 1991, Croats perfidiously attacked the village of Gredjani, municipality of Okucani, killing 18 civilians, mainly elderly people, and setting about 50 houses on fire. I remember that one of the victims was Petar Calic, while the others I knew only by sight. On the same date, Croats also attacked the village of Covac, killing several civilians there. I cannot remember, now, their exact number and they torched some 30 Serbian houses. I remember that they mutilated, then, among other people, Stevan Stancic, aged about 50. Among other things, for the sake of illustration of what pernicious methods Croats used, I mention an instance in the village of Covac when they, during their attack against this village, planted a landmine in a tractor and put it beside the road in the maize field. When the owner of this tractor called for help Majstorovic’s son Milan, a 25-year-old young man, to pull the tractor out with his own tractor, which he did, but at that moment the landmine blew off and both men were killed on the spot.

On 1 May 1995 I was with my family at home, when Croats committed an aggression against Western Slavonia. The episcopate of Western Slavonia, Mr. Lukijan, was with us because his temporary seat was in Okucani from 1991 onwards, and he used to spend most of his time in my home.

The local population was warned via local radio Okucani against possible shelling and bombardment of villages, since first shells fell in the town itself and around it. Sometime between 9 and 10 a.m., the radio broadcast that the population should prepare for a possible
evacuation but that they should stay put for the time being. This situation lasted all the time until 1 p.m. or so. In the meantime, news came in that Croats were closing in from all sides and that the defence lines still held. A number of civilians had, on their own initiative, left for the village of Novi Varos or for Gradiska, travelling in various vehicles, but after 1 p.m. initial evacuations were organized, primarily of children, women and elderly people.

Around 9 p.m. I drove my wife, three children and two other women from Okucani as well as a student of theology, who happened to visit the episcopate at the time, in my own car, and I intended to get back to Okucani as soon as I could.

I was wearing my cloth and had all the other priest’s symbols. The episcopate had remained in my home in Okucani.

The following morning, on 2 May 1995, around 7.30 a.m., I was headed back in my car for Okucani. In Gradiska Milka Kesic, a resident of Okucani, hopped in and sat on the front seat to my right-hand side. I drove across the bridge over the Sava River and the Strug waterway (“the new Sava”). As we entered the village of Novi Varos, all of a sudden we were sprayed with a burst of machine gunfire from one of the first rows of one-storey houses by the roadside to my right. Then we were attacked with small arms from 20-odd houses, also on my right-hand side. Milka Kesic was instantly dead leaning to my side. I was hit with nine bullets but I kept on driving until the car came to a stop itself. Still under heavy gunfire I managed to get out of the car (Aleco Russian car) and ran for some 200 metres to the centre of the village where I fell down. Right there, in front of me, I saw a terrible scene: A multitude of vehicles on the road were on top of each other and many civilians beside them lay dead on the road. Some felt their way between the cars disconcertedly under small arms fire coming from nearby houses and the Prasnik woods close by, as well as exposed to explosions from grenades fired onto the road. Many vehicles were on fire. On both sides of the road there were women, children and the elderly who had managed to take cover in the houses there.

From a house which was some ten metres away from me, civilians who had sheltered there came out and rushed to help me. They took me to the nearby house; gave me first aid as much as they could, and tried not to let me lapse into a coma by pouring water over me and calling my name. They did not let me drink any water which I asked for, fearing the consequences.

I did not know how much time had passed until the units of the Army of the Republic of Serbian Krajina came. They succeeded in pushing back the Croats from houses nearby to the woods, where they continued their offensive. However, our army managed, though under heavy fire, to open a passage to the Sava River and enable the survivors and wounded civilians to pull out of that place of death. The civilians who were around me succeeded in taking me to a car in which I was transported to the hospital in Gradiska and from there on to Banja Luka.

I cannot say how many civilians were dead in the village of Novi Varos, but I can say that there were many women, children and elderly among them. I personally do not know what happened to these victims later on, but I heard from people who came to the territory of Republika Srpska that Croats had set their corpses alight and destroyed the traces of this atrocity.

Among those who assisted me I know Dusanka Kovacevic and her daughter, both from Okucani, a young man nicknamed “Kliki”, also from Okucani, who was incidentally a refugee from Lipik, and others whose names I cannot recall for the moment. Dusanka Kovacevic and her daughter are most probably now in Nova Topola, and for the rest of them, I am not sure.
Among those wounded, I saw Vaso Raus; Milan Martinovic, a driver, and many others whose names I cannot recall either, although I know them very well by sight. Also, among the dead I saw Momcilo Dojic and his wife, Ostoja Dejanovic, a man surnamed Vukasinovic and some others whose names I cannot recall right now.

The fact that I am still in a terrible psychological state of shock explains why I am unable to remember the names of other wounded and killed or surviving people.

My Aleco car, registration OK-22-28, had stayed in the above described place, riddled with bullets.

My family members and episcope of Western Slavonia Mr. Lukian managed to pull out of Okucani via the bridge over the Sava River near Gradiska, on 2 May 1995, also under fire from the Croatian armed forces.

While I was still in Okucani, I saw that the church and the parish house where I lived had been damaged by Croatian shells and that the window glass had been smashed.

I managed to take out some of the church documents, although most of the records and other documents had remained behind, including the bishopric archive. My seals were also left behind.

In my home, I left all the furniture I had and all the clothing that I and my family could not take with us, including a BMW car and another, older type of Aleco car. I used to have eight pigs, two sheep, four lambs, two goats and one kid (baby goat), which I also left behind. Of farm machinery I used to have a cultivator, a disk harrow, a tractor trailer, a car trailer, a double-furrow ploughshare and others.

The survived Serbian population of Western Slavonia left in their lands an innumerable number of victims and the material wealth that they had acquired until then.

I demand that the perpetrators of the above described crimes be brought to justice and punished accordingly.

This is all what I had to say in this connection; the minute was dictated out loud and it included all I had said; I do not wish to read it; I recognize it as my own statement and sign it with my own hand.

Archpriest Savo Pocuca (Signed)

The hearing was adjourned at 3:15 p.m.

COURT RECORDER
Aleksandra Cvetkovic (Signed)  
JUDGE
Djordje Stojakovic (Signed)
Zapisnik o saslušanju svjedoka

sastavljen dana 10.05.1995. godine kod istražnog sudije Osnovnog
suda u Banja Luci u krivičnom predmetu protiv okrivljenog-a N.N.

Iz zbog krivičnog djela

Iz člana KZ SRBiH KZ SFRJ KZ SR

Istražni sudija,
Stojaković Djordje,
Zaplačar,
Aleksandra Gvetković

Saslušanju svjedoka prisustvuju i:
Javni tužilac
Branilac
Okrivljeni

Započeto u 12.30 sati.

Svjedok je opomenut na dužnost da govori istinu, da ne smije ništa prešutjeti, a zatim je upozoren na posljedice davanja lažnog iskaza, kao i da nije dužan da odgovara na pojedina pitanja, ako je vjerovatno da bi time izložio sebe i svog bliskog srodnika teškoj sramoti, znatnoj materijalnoj šteti ili krivičnom gornjenu (član 227. stav 1. tačka 1. do 3. i član 229. ZKP).

Na postavljena pitanja svjedok dao slijedeće odgovore:

1) Prezime i ime Pošuća Savo
2) Ime oca Savo
3) Zanimanje Paroh okućanski, Protobojer Srpske pravoslavne crkve
4) Mjesto rođenja Selo Kutjevo, Opština Slavonska Požega
5) Mjesto boravka privremeno KMC u Banja Luci
6) Godina starosti 29.05.1947. godine
7) Odnos sa okrivljenim i oštećenim

Svjedok se upozorava da je dužan da o promjeni adrese ili bosarvišta obavijesti sud (član 231. stav 3. ZKP).

Pošilje ovoga svjedoka o samom predmetu iznosi slijedeće:

Zapisnik o saslušanju svjedoka u krivičnom predmetu

Svjetlost, Sarajevo
Centar za narodne županije 30/12
Izdanje: 92/91

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Na srpski pravoslavni praznik Svetog Nikolu, 19. decembra 1991. godine, Hrvati su preobučeni u uniforme bivše JNA, iskoristili prazničko raspoloženje Srba u selima Mašićka Šagovina i Širinci, upali naoružani u ova sela, izvršivši agresiju, i ubili 68 Srba iz tih mesta. Manji deo ovih žrtava razmenjen je kasnije, a za ostale žrtve se ne zna ni do danas. I ove žrtve su uglavnom bile masakrirane. Pripadnici UNPROFOR-a nisu dozvolili da se ove žrtve sahrane na lokalnim grobljima, pa je njihova sahrana obavljena u Okučanima, a ovu sahrano sam obavljao ja i njoj su prisustvovali članovi porodica žrtava. Neke od žrtava nisu ni imale porodice, pa su najverovatnije i one u
celini stradale.


Krajem septembra 1991. godine, Hrvati su na mučki način upali u selo Gredjane, Opština Okučani, i ubili 18 civila, mahom starih osoba, kojom prilikom su zapalili oko 50 kuća. Sećam se da je jedna od žrtava bio Calić Petar, a i ostale sam poznavao uglavnom iz vidjenja. Istog dana, Hrvati su, takodje, upali i u selo Čovac, i tamo ubili više civila, čijeg broja trenutno ne mogu da se setim i spalili oko 30 srpskih kuća. Sećam se da su tada u ovom selu iskasapili, pored ostalih, i Stančić Stevana, starog oko 50 godina. Pored ostalog, radi ilustracije, kakvim su se Hrvati sve mučkim sredstvima služili, navodim i slučaj u selu Čovac, kada su oni, prilikom navedenog napada, podmetnuli minu u jedan traktor i sklonili ga sa puta u kukuruze. Kada je vlasnik ovog traktora, čijeg imena trenutno ne mogu da se setim, pozvao Majstorovića, sina Milana, mladića od oko 25 godina, da svojim traktorom izvuče njegov traktor, što je ovaj i učinio, prilikom ovog pokušaja, mina se aktivirala i obojica su na licu mesta poginuli.

Preko lokalnog Radija Okučani, stanovništvo je upozoravano da se sklanja u skluništa, zbog mogućeg granatiranja i bombardovanja naselja, jer je već počele padati granate u samom gradu i okolini. Izmedju 09.00 i 10.00 časova, preko radija je emitovano obaveštenje da se stanovništvo priprema za eventualnu evakuaciju, ali da se još uvek ne kreće nigde. Ovo je trajalo sve do oko 13.00 časova. U medijumenu stizale su vesti o tome da Hrvati prodiru prema Okučanima sa svih strana, ali da se linije odbrane još uvek drže. Jedan broj civila je samoinicijativno odlazio prema selu Novi Varoš, odnosno Gradišci, raznim prevoznim sredstvima, a posle 13.00 časova, počelo je i prvo organizovano evakuisanje i jednog dela civilnog stanovništva, najpre dece, zatim stariji ljudi i žene.

Oko 21.00 čas., ja sam svojim kolima odvezao u Banja Luku svoju suprugu, troje dece i dve žene iz Okučana, kao i jednog studenta Bogoslovije koji se nalazio u poseti Episkopu, sa namerom da se vratim u Okučane čim budem mogao.

Bio sam obučen u mantiji i na sebi imao ostala sveštenička obeležja. Episkop je ostao u mojoj kući u Okučanima.

Sutra ranije, 02. maja 1995. godine, oko 07.30 časova, svojim automobilom krenuo sam prema Okučanima. U Gradišci primio sam Milku Kesić, iz Okučana, koja je sela na prvo sedište, sa moje desne strane. Prešao sam preko mosta Savi i kanal Strug ("Nova Sava"). Ulazeći u selo Novi Varoš, sa jedne od prvih jednospratnih zgrada, sa puta, sa moje desne strane, iznenada je na moj automobil ispaljen mitraljski rafal, a odmah zatim i pušćana vatra iz 20-ak kuća sa desne strane. Milka Kesić je odmah bila smrtno pogodjena i mrtva naslonila se na moju stranu. Ja sam bio pogodjen sa devet projektila, ali...

Iz jedne kuće, udaljene oko 10-ak metara od mene, izašli su neki civila, koji su se tu sklonili i pritročili mi u pomoć. Preneli su me u obližnju kućicu, pružili mi prvu pomoć koliko su mogli i trudili se da ne padnet u komu, polivajući me vodom i pozivajući imenom. Nisu mi dali da pijem vodu koju sam tražio plašeći se posledica.

Ne znam koliko je vremena prošlo kada su pristigle neke jedinice Vojske Republike Srpske Krajine, koje su uspele da potisnu Hrvate iz obližnjih kuća u šumu, odakle su oni nastavili sa svojim dejstvima. Medjutim, naše vojske je uspjela da, pod borbenim dejstvima, otvor prolez prema Saviji omogući preživljim i ranjenim civilima da se izvlače sa tog stratišta. Civili koji su se nalazili u mojoj blizini uspeli su i mene da iznesu do jednog automobila, kojim sam prevezhen u bolnicu u Gradišku, a odatle u Banja Luku.

Ne bin mogao da kažem koliki je broj ubijenih civila ostao u selu Novi Varaš, ali samo mogu reći da je to bio veliki broj žena, dece i staraca. Lišno mi nije poznato šta se kasnije dešavalo sa žrtvama, koje su ostale u selu Novi Varaš, a od drugih koji su pristizali otuda na teritoriju Republike Srpske, čuo sam da su Hrvati spalili njihove leševe, a tragove svog živčima uništili.

Medju ovima koji su mi pružali pomoć poznajem Dušanku Kovačević i njenu kćerku, iz Okučana, jednog mladića zvanog "Kliki" iz Okučana, inače izbeglica iz Lipika, kao i...
druge čiji imena trenutno ne mogu da se setim. Dušanka Kovačević i njena čerka se najverovatnije nalaze u Novoj Topoli, a za ostale mi nije poznato.

Medju ranjenima video sam Vasu Rauša, Milana Martinovića, vozača, kao i mnoge druge, čiji imena trenutno ne mogu da se setim, a znam ih dobro iz vidjenja. Takodje, medju ubijenima video sam Momčila Dojića i njegovu suprugu, Ostoju Dejanovića, nekog Vukašinovića i druge čiji imena, takodje, trenutno ne mogu da se setim.

Nemogućnošću da se setim ostalih ranjenih i ubijenih, kao i preživelih, objašnjavam i time da se još uvek nalazim u teškom psihičkom šoku.

Moj automobil marke "moskvič-aleko" ostanao je na napred opisanom mestu, sav izrešetan i ima registarsku oznaku OK-22-28.


Od granatiranja Okušana, od strane Hrvata, dok sam se još nalazio tamo, video sam da su bile oštećene zgrade crkve i parohijska kuća u kojoj sam stanovao, odnosno da su na njima popucala stakla.

Uspeo sam da izvučem nešto od crkvene dokumentacije, ali veći deo arhive i drugih dokumenata je ostanao, kao i episkopska arhiva. Takodje ostali su mi i pečati.

U kući mi je ostanao celokupan nameštaj koji sam imao i sva garderoba koju ja i članovi porodice nismo mogli poneti, zatim automobil marke "BMW" i "moskvič", starijeg tipa. Imao sam 8 svinja, 2 ovce, 4 jagnjeta, 2 koze i jedno jare, koji su takodje ostali. Od poljoprivrednih mašina imao sam kultivator, tanjiracu, prikolicu za traktor, prikolicu za automobil, dobrai plug i drugo.
Preživelo srpsko stanovništvo Zapadne Slavonije ostavilo je za sobom na svojim prostorima neizbrojen broj žrtava i materijalna bogatstva koja su do sada sticale.

Zahtevam da počinioćii napred navedenih zločina izvedu pred sud pravde i da im se izrekne odgovarajuća kazna.

To je sve što sam imao da kažem u vezi prednjeg, zapisnik je glasno diktiran i u njega je uneto sve što sam izjavio, ne želim da ga čitam, priznajem ga za svojeg i potpisujem.

Saslušanje je završeno u 15.15 časova

ZAPISNIČAR

...
MAP no. 7

Croatia: Western Slavonia, May 1995 (Operation *Flash*)

Source: DJ Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995*
ANNEX  50

General J. Bobetko, *All My Battles (Sve moje bitke)*, Zagreb, 1996, pp. 400 & 407
General Janko Bobetko

ALL MY BATTLES

SELF-PUBLISHED
Zagreb, 1996
Operation "Flash"

Operation "Flash" which, according to its significance, preparation and all details necessary to carry out such an operation, belongs among the wholesale plans made by the Main Staff in preparation of larger-scale offensive operations. Initial operation was planned exactly for 5 December 1994 and ended on 4 May 1995.

[.....]

However, when the President made the decision, the situation was all set and the units were prepared to attack at the said time. This is what is often overlooked. Therefore, "Bljesak" is often referred to as something which was easy to perform. However, the directive was original and will be annexed. It worked out all the assignments to the minutest detail; it was practically constantly perfected from 1994 up to the very moment of its execution, because it was a part of the overall plan of preparations for the final operation of the Croatian Army that subsequently turned into "Storm" with the cleansing of the whole territory.

"Flash" was a prelude to "Storm".
Operacija »Bljesak«


Dana 16. veljače 1994., s razrađenom kartom i ocjenom o načinu izvođenja, ciljevima i mogućnostima, gledajući s aspekta vremena i značaja, referirao sam i Predsjedniku kako se ta operacija može i mora izvesti. Razgovor s njim, iako je jedna karta ostala i kod njega, bilo je razmatranje značaja akcije, ali i upozorenje da vjerovatno postoje neke mogućnosti pregovora sa Srbima, jer je i njima odgovaralo otvaranje autoceste.

»Ne vidim razloga«, držao je Predsjednik, »da oni ne bi prihvatili razgovor«. Nisam komentirao, ali sam rekao da se ta operacija mora razraditi jer su položaji koje su Srbi držali za nas vrlo nezgodni. Na tu opasnost upozoravao je i odnos i kontakt sa snagama iz Banje Luke preko Okučana i prema Podravskoj Slatini, gdje udaljenost nije velika, što znači da presijecanje naše komunikacije ne bi bilo isključeno.

Nismo znali kako će se stvari odvijati. Zaključio sam da ću, kao što je i potrebno, izvršiti sve pripreme, s obzirom da postoji naredba i određene snage, koje su po mojoj ocjeni, bile dovoljne za izvođenje operacije. Pristupio sam radu i svim mjerama potrebima da bi se operacija mogla izvršiti. Sve što je rađeno kao zapovijed, sva dokumentacija i elementi rađeni su u Stožeru. Ta naredba je u roku od nekoliko dana prosljedjena u ZP Bjelovara, 1. brigadu, kao i svim snagama koje će sudjelovati u izvođenju operacije.

Ocjena je bila da sada tek predstoji faza kako pripremiti, organizirati i dovesti na razinu uporabe jedinice koje imaju taj zadatak, da možemo biti sigurni da u roku od nekoliko sati ili jednog dana moramo i možemo izvršiti operaciju. Tadašnje stanje u bjelovarskom području nije davalo nikakvih mogućnosti, jer su to bile domobranske pukovnije, neuriježbane, a tehnika nedovoljna. Znači, trebalo je iz ostalih snaga Hrvatske vojske kombinirati i stvoriti uvjete za izvršenje zadaće. Pošto je direktiva dugo rađena, razmatrali smo i došli do zaključka da ključno mjesto u izvođenju zadatka imaju specijalne jedinice generala Markača. S njim sam najviše razgovarao. Izvršili smo procjenu kako najefektivnije i najbrže
zadatak, bilo bi potrebno 10 do 15 dana samo da se dovedu snage, pa onda pitanje kompletiranja, pitanje formiranja zapovjedništava... Sve je to proces.

Međutim, kada je Predsjednik donio odluku, situacija je bila gotova, u određeno vrijeme jedinice su bile pripremljene. To je ono što se često zaboravlja, pa se o »Bljesku« govori kao: eto, to je išlo tako lako. Međutim, direktiva je bila originalna, i bit će priložena. U njoj su razrađeni svi zadaci do detalja, gotovo od 1994. do samoga izvođenja stalno je usavršavana, jer je ulazila u ukupan plan priprema završnih operacija Hrvatske vojske, koje će se poslije pretočiti u »Oluju«, uz čišćenje tog cijelog teritorija.

»Bljesak« je bio uvod u »Oluju«.

Zašto sam tu operaciju nazvao »Bljesak br.1«? Ocijenio sam da će to biti prva operacija, povodom koje će Predsjednik morati donijeti odluku, pa čak i kad dođe do nekih pregovora, koji su bili mogući, znao sam da će oni tu pokušati ucijeniti Hrvatsku.A čim Srbi počnu ubijati nevine ljude, mi, politički, jasno, više ne bismo mogli odstupati od radikalnih odluka, koje su bile i političke i strateške i operativnog karaktera, ne samo moguće, nego i nužne. Ono što je povijesno važno, jest da su četnici upravo tu, na toj liniji Bosanska Gradiška - Banja Luka - Okučani - Pakrac - Lipik, kanili presječi kršćansku Hrvatsku, odnosno Hrvatsku, na dva dijela.

Taj dio, koji je i inače imao fizičku vezu sve do Avale, značio je nesigurnost, a naseljavanje srpskim življem, osobito u Podravskoj Slatini, pa u drugim mjestima, pokazalo je da se radilo o respektabilnim snagama. One se nisu mogle podcenjivati, imale su i svoju povijesnu zadaću. Čišćenjem zapadne Slavonije Hrvatska je ojačala i dobila svoj prostor. Hrvatska vojska se afirmirala u međunarodnom aspektu, jer su svi ljudi od vojnog zanata i obavještajne službe priznali kako su u mnogim stvarima bili u zabludi, da je Hrvatska vojska u stanju na prostoru osjetljive komunikacije izvršiti zadatak u roku jednoga dana, da je uspjela zarobiti, bez ikakvih odmazdi, gotovo više od 1000 četnika i da je konačno hrvatski teritorij - spojnjem Slavskog Broda, otvaranjem komunikacije auto-puta, zone sigurnosti, izbijanjem na Savu - postao ne samo sigurniji, već da smo stvarno izbili na dio državne granice.


U referatima ostalih operacija dao sam, točno i na karti, objašnjenje Predsjedniku da ostale operacije imaju tri osnovna strateška cilja i da ćemo, ukoliko ih ostvarimo, moći vrlo smjelo pristupiti zadaćama - što ću posebno obraditi u operaciji »Oluja«, kao jednom kompleksnom pitanju koje je definitivno riješilo problem najvećeg dijela okupiranog hrvatskog prostora.
ANNEX  51

Public Statements which Directly Provoked Perpetrators to Commit Genocide against the Serb National Group in Croatia
Public Statements that directly provoked the Perpetrators to commit Genocide against the Serbs in Croatia

1. Dr Franjo Tudjman, President of the Republic of Croatia, during the first election campaign in 1989:

   “Thank God, my wife is neither a Serb nor a Jew.”¹

2. Dr Franjo Tudjman, Wastelands of Historical Reality, Zagreb, 1990:

   “Seen from this point of view – and this can only account for the incessant repetition of historical events – such violent even genocidal changes that were made also after the end of the Second World War always bring about dual consequences. On the one hand, they inevitably deepen historical discord. (....) On the other hand, they bring about ethnic homogenization of some peoples, leading to more harmony in the national composition of the population and state borders of individual countries, thus also having possible positive impact on developments in the future, in the sense of fewer reasons for fresh violence and pretexts for the outbreak of new conflicts and international friction.”²

3. Šime Djodan, Special Envoy of the Croatian President Franjo Tudjman, in his speech at a traditional competition in Sinj held in August 1991:

   “The Serbs had pointed heads and probably also small brains.”³

4. Marjan Jurić, Deputy in the Croatian Parliament, at a session held on 1-3 August 1991:

"But I am asking these same Serbs whether it will dawn on them when they - and I am just wondering - and I’m not making a statement [sic!]- whether they would come to their senses if ten civilians were executed for one killed policeman or if a hundred civilians were killed for one

soldier! This is something that my Christian, Catholic faith would not let me, because Father Stanko Bogeljic has taught me that there is one commandment in those ten commandments: “thou shall not kill”, and it does not allow me to say that this is right, but it would be right for me if ten Serb intellectuals would get the sack in Zagreb, Rijeka, Split or Osijek for every policeman killed. For, intellectuals cannot go to the woods. They are not like those ignorant Banija peasants who could go to bed without washing their feet for a month! Intellectuals must be sacked, because Chetnik ringleaders live in the big cities and we must prevent it. [...] Our almighty God has created at the same time both good people and a lot of vermin. One of such vermin is the moth which, when let into the closet, in fact when it comes into it, it eats at the shirt, then it turns to the pullover; it eats and eats until it has eaten everything away. The same is true of those who came to us as our guest-workers.” (Deputy Jurić ended his speech with a raised hand in a fascist-style salute).⁴

5. Krešimir Dolenčić, Director of "Gavella“ Theatre in Zagreb, in his article in daily Danas, Zagreb, 12 November 1991:

“Beasts from the East stand no chance. A monkey smashes everything around the house and it is all the same to the animal whether it smashed a glass or a Chinese vase, because it is unable to tell the difference. There is no way that the monkey has any chances in the fight against the human. There will always be a way to put it to sleep and place it in a cage where it belongs. [...] The distinction between us and them is like between computers of the first and the fifth generation. They should either be held in captivity or destroyed, because nothing better could be expected of them. There could not be much talk or negotiation with them. I am convinced that their culture is below the primitive level, since primitive cultures can be interesting and rich spiritually.”⁵

6. Dubravko Horvatić, Croatian academic and writer, in his article Matoš o Srbiji published in daily Večernji list, Zagreb, 17 June 1992:

“Matoš [Croatian poet] taught both his contemporaries and the generations to come what Serbia is and what it is like. On reading him today, we discover that the experience tells us how much Matoš was right in saying that Serbia is the winner of the ‘world championship of killing and serious crimes’. [...] However, by stripping the mask off Serbia he has enormously helped us to learn the lesson that is particularly relevant today: in order for Croats and other nations to be able to survive, Serbia must be totally and utterly defeated.”⁶

⁵ See Tab. 2.
⁶ See Tab. 3.
7. Zvonimir Šekulin, Editor-in-chief of *Hrvatski vijesnik*, in his interview published in magazine *Globus*, Zagreb, on 9 September 1994:

“Considering that the "Hrvatski Vijesnik" really runs a column entitled ‘hard-core Serb pornographic pages’, I also admit that this newspaper is in part pornographic as the Serbs themselves are pornography. Photograph of Patriarch Pavle [Head of the Serbian Orthodox Church], published on these pages, is more pornographic than the photos of the biggest whores. [...] [name] wrote that I said that some people were vermin. But I say that only the so-called Serbian people are vermin.”7

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7 See Tab.4.
U eksploziji koja je noćas oko jedan sat uznemirila stanovnik šibenskog gradskog predjela Baldekin potpuno je uništen automobil 'zastava 101' vlasnika Stanka Bogdanovića, inače vojnog časnika. Detonacija je prouzročila i pucanje prozorskih stakala zgrade na Trgu Oktobarske revolucije (kućni broj 20) pred kojom je vozilo bilo parkirano.

Eksplozivnu napravu, prema riječima istražnog suca Igora Ninčića, zasad nepoznata osoba postavila je ispod prednjeg lijevog sjedišta 'zastave'.

Istražuje se u toku.


Gospodine predsjednici, dame i gospodo, u ove tužne i nesretnе sudbonosne dane, kada se Hrvatska nalazi nad ponorom, moram vas podsjetiti na jedan vic, koji vi mnogi znate. Kaže, susreli zeca koji bježi iz Bosne, pitaju ga zašto bježiš, a on će - čuo sam da će u Bosni škopiti bikove. Ti nisi bik, kažu mu, a on - eh, dok ja dokažem Bosancu da nisam bik! Tako vam je to isto sa Hrvatima. Dok Hrvati dokažu Srbima da su im prijatelji, ostadoše bez glave.

Radeći kao jamski mehaničar, nagledao sam se smrti, ali jednog dana bilo mi je previše gledati kako kamarati umiru u Banovićima na širokom čelu. Odlučio sam se povući, uz blagoslov roditelja i rudarsko 'sretno' krenuo sam prema Hrvatskoj. Došao sam u Zagreb s koferom i stekao sam tu sve, obitelj, kuću, djecu. Danas kad sve to imam ugrožavaju me oni čiji su preci došli u ovu istu Hrvatsku i bili toliko obrazovani da su lijevu cipelu navlačili na desnog nogu! Jovan bre Rašković tvrdi za Srbе da su lud narod, ja sam potpuno suglasan s njim! Gospodine Viskoviću nemojte protestirati! Da ste protestirali, vi i vaša stranka ovih 45 godina, ne bi danas moje dijete bilo dovedeno u situaciju da ostane bez roditelja! Samo vi polako i nemojte mi dobacivati

Marjan Jurić, zastupnik u Saboru Republike Hrvatske (iz Stenograma sjednice Sabora od 1.-3.8.1991., Zagreb)

Na području šibenske općine noćas su, saznajemo u Policijskoj upravi u Šibeniku, zabilježene dvije eksplozije.
ČUDO U MILANU

Poznati redatelj mlade generacije o tome kako predstavljati u inozemstvu rat u Hrvatskoj, kako objašnjavati strancima o čemu je riječ, kako gurati hrvatsku stvar i što da radi umjetnik u ratu.

N^{e} samo po domaćim kri- nijima nego i po svjetskim-

nalnsti kazališni redatelj iz Zagreba, Krešo Dolencić, ima na

zadušnu količinu potrebih

relužija od predstava na

pogleda u svijet, poput Pažekove čarolije u srušenju redbi

šteta i otvaranja univerziteta ili pak uličnih događaja pod imenom

Kvarna Zagreba, opereta i opereta u velikim kazališnim kućama. Pos-

ljednji njegov medijski nabilježen

umjetnici je njegove redbi. To su štende iz Splitskog akvarela u splitskom HNK-u, a

može se razumjeti po svim predvjetnim događajima. U Splitu se

pribavio velika i nezahvalna zadaća da u okviru organizacije Art Foroza, a u suradnji

s Ministarstvom prosvete i kulture, u Splitu predstavi dio hrvatske

kulturne i umjetnosti. Kako je do toga došlo?

- Ponekad mnogi ljude koji žive u Splitu i koji su oprošteni na

mnoje spriječili da se sredinu organiziranu nešto što bi Talijanima

predočilo rama stradanja u Hrvatskoj. Službeno se poklopilo da

se u Splitu 28. i 29. listopada odr-

zala sjednica komisije za kulturu zajednice Alpe-Adria, koja se,

zaposla, trebala održati u Dubro-

vniku. Bila je to, dakle, prilika da

barunj djelovima programa namijenjenih za Dubrovnik prezentirani u Splitu.

Tako se predstavljaju ne samo

predstavnicima kulturnih institucija iz

jedan Alpe-Adria, nego i talijanskoj

publike. Organizator događaja Mladen Dragićević, slikarica iz Splita, foxtrot, a

izdvojili smo odgovorne ljude u Splitu i uz

zaposli na našoj tijelo u ime života, a uživanju

ugled, poput Snježane Hefi, Gorana Leta iz

Vlade Braduće, uspješno doista i doći do

ključnih ljudi. Mislim da smo uspostavili

kontakte koji su, dini mi se, vrlo važni

i za sada, nego i za budućnost Hrvatske.

- U Splitu se izazvao 70. jubilej 1928. godine, a u svjetlu

Amatere na crkvi San Alessandare, a

ciolepskog prihvata od tog koncerta je da će

do dobrim svjetlom. Ministarstvo kulture pokrivena Lombarđima pobrinulo se za

propagandu. Siječanjski dan, 29. listopada, u

galeriji Arsenale na samom glavnom

gradskom trgu Duomo, pokraj katedrale, održan je happenning Gvarena Crasto. Kao

slikar, taj slikar Zampeti, indiški, Veličan i Simonović, a u 22. sastaja, sa znakom

Zampetine, na svim prijelazima, u izvedbi okean radnog sjajeva i u istih dimenzija kao Picasova Guernica, bilo je dojvreno. U svrhu sleneha ova

slikarska akcija vidjeti je više od 15 sata posjetitelja, što se smatra i više nego

uspjehom rezultatom. Ova će slika, nakon izlaganja u Splitu, krenuti u obilježavaju

svjetskih umjetničkih galerija.

- U Splitu se izazvao 70. jubilej 1928. godine, a u svjetlu

Amatere na crkvi San Alessandare, a

ciolepskog prihvata od tog koncerta je da će

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propagandu. Siječanjski dan, 29. listopada, u

galeriji Arsenale na samom glavnom

gradske trgu Duomo, pokraj katedrale, od-
Ako igdje u ovom trenutku treba ulagati, onda je to u prezentaciju naše kulture vani, a ne u održavanje tekućeg programa pod svaku cijenu, za svega nekoliko gledalaca koji će između dviju ubzdana, doći u teatar

navikri na socrealistički sistem u kojem je kultura bila nazivana "nagradnja", pa je tokom za to izdavanja imao raznoliku javnost. Sada je mirovno u jednakoj stopi kao i prije." Znam da je sada uživajući, ali i to je svojevrsna usuda. Cini se da se upravo na tom području gubi kultura.

Ne postoji li u nas službeno institutioni, poput Ministarstva pravde i kulture, informiranja i inostranih poslova koje se time nave? 

- Većinom je riječ o posve zastarjećem modelu po kojem se vodi promocija hrvatske kulture. To su čimbenici popravka, ni postojanav kulturogledački osposobljeni ekipe ljudi koji bi u time sustavno bavili. Mi stalan našima je da ljudi time ne znači ni ono što je namas jasno. Kako je to hrvatsko Ministarstvo informacija koje ne radi preko vikenda, a u toku jedna dana do 19. godine. Amerika je, na primjer, cilja jedna velika ministarstvo informacija.

Makala je doista poslije nedostatak novaca?

To je onda greška hrvatske vlasti. Cini se kao da ne postoje ljudi koji bi sustavno loše, saglašavam, marketinški razmijenili i kultura i prodaje hrvatske kulture vani. Ne znam razlogi projekti koje se u nebi finansijski upisali ili barem pokrivaju. Predugo smo bili predictovano vani. Splitki HNK sa 250 zaposlenih manje, radi 40 posto programa više, a mnogu većina jasno saznamo da bi to bilo nezgodno. Može biti sresta da ima kasalista u Osijeku, Splitu, Dubrovniku...

Tko razumijee li i obudi i posjete rata...

- Maa, jasno da hoćemo. Djelova stoga je uskoga nešto. Majmun rabi po koci i svoj novac mno je i da je raskoš koji to kulturu ne znamo šta je. A kad neko neko neko poklapa, to je ono što doista ne vrijedi. Iako talentirani, nisam i ono ne znamo da organiziraju, skloni smo medijetima. U našem hiljem kulturnim institucijama koje pomaznom poslje u Zagrebu sve je goli medijet. I radi se po sistema "ne talasaju", a rat mnogima dobro dođe ali za ubrzo znamo.

Imate li konkretan primjer?

- Ima ih koliko hoće. Nije i sprudno da se nekoliko nekoliko, sada brišemo stvaranjem koncepcija, programima, smijahome budžete, marketinške i organizacijske konzultacije... Dakle, svime što je odvajno trebalo biti organizirano. Znamo to radi, jer se radim, cilj je, ali mi se čini da je dobro vrijeme da se to ispostavi i naime promijeni i da se sada konstabilno počnu baviti svojim poslovima. Za projekte u Milanu ministarstvo pravde, kulture i izložena sam je u sustavu. Iako su sam prostorijom, telefon i telefaks, ali umjesto da se to ministarstvo bavi koncepcijama hrvatske kulture, bave se produkciom. To je producentka kuca. Drugi odlaganje primjer je zagrebački HNK. Tamo je 592 zaposlena, a ne dogada se, zapravo, ništa što bi hrvatsku kultuру dostojno predstavilo vani. Splitki HNK sa 250 zaposlenih manje, radi 40 posto programa više, a mnogu većina jasno saznamo da bi to bilo nezgodno. Može biti sresta da ima kasalista u Osijeku, Splitu, Dubrovniku...

Pa, postoji divje mogućnosti. Mogu ić na frontu i pridodijeti hrvatskoj stvari tako što da uključiti barem jedan tekst i ono poboljšati tepoživotinje ili pak da radimo ono što bi bilo dobre i Zahvaljujući radima milijunima. Kad mi nista bi uspjeho, bez sumnja tuti osrta na frontu. S time sam poput pisam i, ne znam zašto, uočić se ne bojim. U ovoj se situaciji najmanje plašim za vatru tipa. Što, nekako, imam osjetila odgovornosti prema osima koji ne vole, raditeljima kojima bi bilo teško da se meni ne dođu. Mislim da je ovo što radim strahovito, prema tom može zvatižažno da ne imaju mnogo nikakvih vijesti od vranske vanije i ne zna se gdje su njih, a drugi ovog časa dok razgovaramo stvaraju svoj život na kocji...

Što nakon Milana?

- Nakon ovog projekta spremam jedan još. Što to u narodu se danas da to čišće neće biti tako hladno potrebno, da će rat proći. A pošto rata, moram prati da se ponekad, mogu i da osebje Milena ljudi izlikuju. Ono da je ovo cijenio, pokriva se sada ovdje dozada. Mislim da tu tek kad se ovdje sve završi, otišek nekamo van. Ali, sve dok traje, bilo bi dobar žal riječ o pet jutarnji pre zgodna godina, neću se misati. Mislim da će osime koji su u ovom trenutku pobjeći - nikaš više neću razgovor...
**KULTURA**

**VELKA IZLOŽBA U RIJECKOJ MODERNI GALERI**

**Sjaj hrvatske moderne**

Zbirka moderne hrvatske umjetnosti koja se čuva u fundusu rijeke Modern galerije svom vrijednošću zaslužuje prostor za stalni postav.

**SVJETSKA BALETNA PRIAZVEDBA**

**PLESNA ZAHVALA**

**Pjesmi**

**Razoreni gradovi**

**Svjetovni dan**

**ZAGREB - Hrvatska na SVETOMET**

**Plesne baletne pripadnike**

**SKUPŠTINA OPĆINE SVETI IVAN ZELINA**

**IZVRŠNO VJEDE**

**OBJAVLJUJE JAVNO NADMETANJE**

**ZAHVALA F. MAYORU**

**Svet h. Zeželj, Ante Starićević**

**Svjetonaučni zahvala**

**Obavijest**

**ZAHVALA F. MAYORU**
Zvonimir Sekulja (52), pjesnik i glavni urednik krajnje kontroverznog "Hrvatskog vjesnika" i da namjerno vrijeda Srbe, a da su mu uzori Ante Pavelić i Jure Francetić, slaze se

**Hrvatski vjesnik pravi kao pornografija:**

Priznajem da su moje i "Vjesnik" umbožniki najbolji lijek bio da vidjetim problem. Jednako pod,

Kljunjenje ingeniura Zvonimira Sekulja starija i glavni urednik "Hrvatskog vjesnika" Dobro ljek. 

Antonio Foča

**P**
VEDNO JE OPOREZOVAN NAJVISE PISE O SRBIIMA!


Zvonimir Šekulina redovito pojavljuje na novinske konferencije predsjednika Republike...