INTERNATIONAL COURT OF JUSTICE

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

ANNEXES

Volume III

December 2009

VOLUME III

TABLE OF CONTENTS

SECTION III: **Maps** 9

Map no 1: The Habsburg Military Krajina, 1792, in J.R. Lampe, *Yugoslavia as History: Twice There was a Country,* Cambridge, 2000, p.19 11

Map no. 2: The Socialist Federal Republic of Yugoslavia, DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995* 15

Map no. 3: Ethnic Composition in the Former Yugoslavia, 1991, DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995* 19

Map no. 4: Serb Population in the Croatian Municipalities, 1991, in N. Baric, *Serbian Rebellion in Croatia 1991-1995 (Srpska pobuna u Hrvatskoj 1991-1995.),* Zagreb, 2005, p. 40 23

Map no. 5: The RSK Municipalities, in N. Baric, *Serbian Rebellion in Croatia 1991-1995 (Srpska pobuna u Hrvatskoj 1991-1995.),* Zagreb, 2005, p. 174 27

Map no. 6: UN Forces in Croatia, Early 1995, DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995* 31

SECTION IV: **Selection of the Relevant RSK Documents** 35

Annex 13: Statute of the Serbian Autonomous Region of Krajina, Basic Provisions, reprinted in S. Radulović, *Sudbina Krajine*, 1996, p. 140 37

Annex 14: Resolution on the Separation of the Republic of Croatia and the Serbian Autonomous Region of Krajina, *Krajina Journal*, Official Gazette of the Serbian Autonomous Region of Krajina and Municipalities of Benkovac, Donji Lapac, Gračac, Knin, Korenica and Obrovac, no. 1/1991, paras. 1-3 43

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, *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 47

Annex 16: 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, *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 51

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 Autonomous Region of Krajina and Municipalities of Benkovac, Donji Lapac, Gračac, Knin, Korenica and Obrovac, no. 4/1991, no. 8/1991, Art. 5 55

Annex 18: Declaration on the Sovereign Self-rule of the Serbian People of Slavonia, Baranja and Western Syrmicum, Official Gazette of the Serbian Region of Slavonia, Baranja and Western Syrmicum, no. 1/1991, paras. 6 & 7 59

Annex 19: Constitution of the Republic of Serbian Krajina, Official Gazette of the Republic of Serbian Krajina, no.1/1992, Articles nos. 1, 8, 78, 102 63

Annex 20: Amendment VIII, Official Gazette of the Republic of Serbian Krajina, no.9/1992 ... 73

Annex 21: Law on Amendments to the Law on Defence, Official Gazette of the Republic of Serbian Krajina, no.9/1992, Article 1 77

Annex 22: Amendments XII – XIV, Official Gazette of the Republic of Serbian Krajina, no.2/1993 81

SECTION V: **Selection of the Relevant SFRY Documents** 87

Annex 23: Agreements of the SFRY concluded in the Second Part of 1991: 89

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, dated 1 July 1991 91

Tab. 2: METAP Grant Agreement (Environment Management Project) between Socialist Federal Republic of Yugoslavia and International Bank for Reconstruction and Development, dated 4 October 1991, and the Facsimile Cover Sheet with Message from the World Bank/IFC/M.I.G.A. dated 11 October 1991 97

Tab. 3: Protocol between the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia and the Government of Romania on Trade in Goods and Services, dated 27 November 1991 113

Annex 24: Exchange of Ambassadors, late 1991- early 1992: 119

Tab. 1: Letter from Mr. Mikhail Gorbachev, President of the USSR to the Presidency of the SFRY, dated 5 November 1991 123

Tab. 2: Letter from Mr. Soeharto, President of Indonesia, to the Presidency of the SFRY dated 15 January 1992 129

Tab.3: Letter from Mr. Bamako, President of Mali to the Presidency of the SFRY dated 18 January 1992 133

Tab. 4: Letter from Mr. Ishaq Khan, President of the Islamic Republic of Pakistan to the Presidency of the SFRY dated 30 January 1992 139

Annex 25: Minute of the 127th Meeting of Members of the Presidency of the Socialist Federal Republic of Yugoslavia held on 18 July 1991 147

Annex 26: Letter of Mr. Stjepan Mesić to the SFRY Presidency dated 9 January 1992 157

Annex 27: Excerpt from the Transcript of the 31st session of the Sobranije of the Republic of Macedonia held on 10 January 1992 165

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 173

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. 179

Annex 30: Letter of the Ministry of Defence addressed to the Ministry of Foreign Affairs of the Republic of Serbia dated 18 November 2009 187

Annex 31: JNA, Operation Group South Command, Decision for Continuation of Assault Operation *Vukovar,* Strictly Confidential no. 235-1 dated 29 October 1991 195

SECTION VI: **War Crime Trials in Croatia** 207

Annex 32: OSCE Mission to Croatia, Background report: domestic war crime trials 2005, dated 13 September 2006, p. 29 209

Annex 33: District Court of Sisak, Velemir case, Judgment of 26 September 1996 215

Annex 34: Federal Court of Australia, Snedden case, Appeal Judgment of 2 September 2009 223

SECTION VII: **Documents related to the Activities of the Commission for Missing Persons of the Government of the Republic of Serbia** 249

Annex 35: Minutes of the Meeting between the Office of the Commissioner for Detained 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 held in Zagreb on 30 June 2009 251

SECTION VIII: **Documents related to the Crimes committed against the Serbs in Croatia 1991-1995** 263

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 265

Annex 37: Examples of Attacks on the Serbs in Croatian Towns 1990-1991 according to the Croatian Press 271

Annex 38: Centre for Peace, Non-Violance and Human Rights Osijek, Croatia, Monitoring war crime trials: War crime in Osijek 297

Annex 39: Centre for Peace, Non-Violance and Human Rights Osijek, Croatia, Monitoring war crime trials: Crime in Paulin Dvor 309

Annex 40: Centre for Peace, Non-Violance and Human Rights Osijek, Croatia, Monitoring war crime trials: The war crime in Marino Selo 315

Annex 41: District Court of Rijeka, Orešković et al. case, Judgment of 24 March 2003 (Excerpt) 321

Annex 42: Amnesty International, *A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity* 333

Annex 43: Nebojša Taraba, *Most of them floated down the Sava*, Split, 1993 339

Annex 44: First Municipal court in Belgrade, Minutes of Witness Hearing of Milanče Tošić dated 19 February 2002 (*Lora* case) 345

Annex 45: First Municipal court in Belgrade, Minutes of Witness Hearing of Vojkan Živković dated 19 February 2002 (*Lora* case) 359

Annex 46: NGO "Veritas", List of the Killed or Missing Members of the RSK Territorial Defense at the Miljevci Plateau 371

Annex 47: Statement of Nikola Nadoveza, given to the Serbian Army of Krajina on 21 November 1993, reprinted in "Veritas", *Miljevci,* available from http://www.veritas.org.rs/publikacije/Miljevci/Tekstovi/Srpski/sesta. 375

Annex 48: Basic Court in Gradiska, Bosnia and Herzegovina, Minutes of Witness Hearing of Petar Božič dated 7 May 1995 (*Novi Varoš* case) 381

Annex 49: Basic Court in Banja Luka, Bosnia and Herzegovina, Minutes of Witness Hearing of Savo Počuča dated 10 May 1995 (Operation *Flash*) 389

Map no. 7: Croatia: Western Slavonia, May 1995 (Operation *Flash*), DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995* 403

Annex 50: General J. Bobetko, *All My Battles (Sve moje bitke)*, Zagreb, 1996, pp. 400 & 407 407

Annex 51: Public Statements which Directly Provoked Perpetrators to Commit Genocide against the Serb National Group in Croatia 413

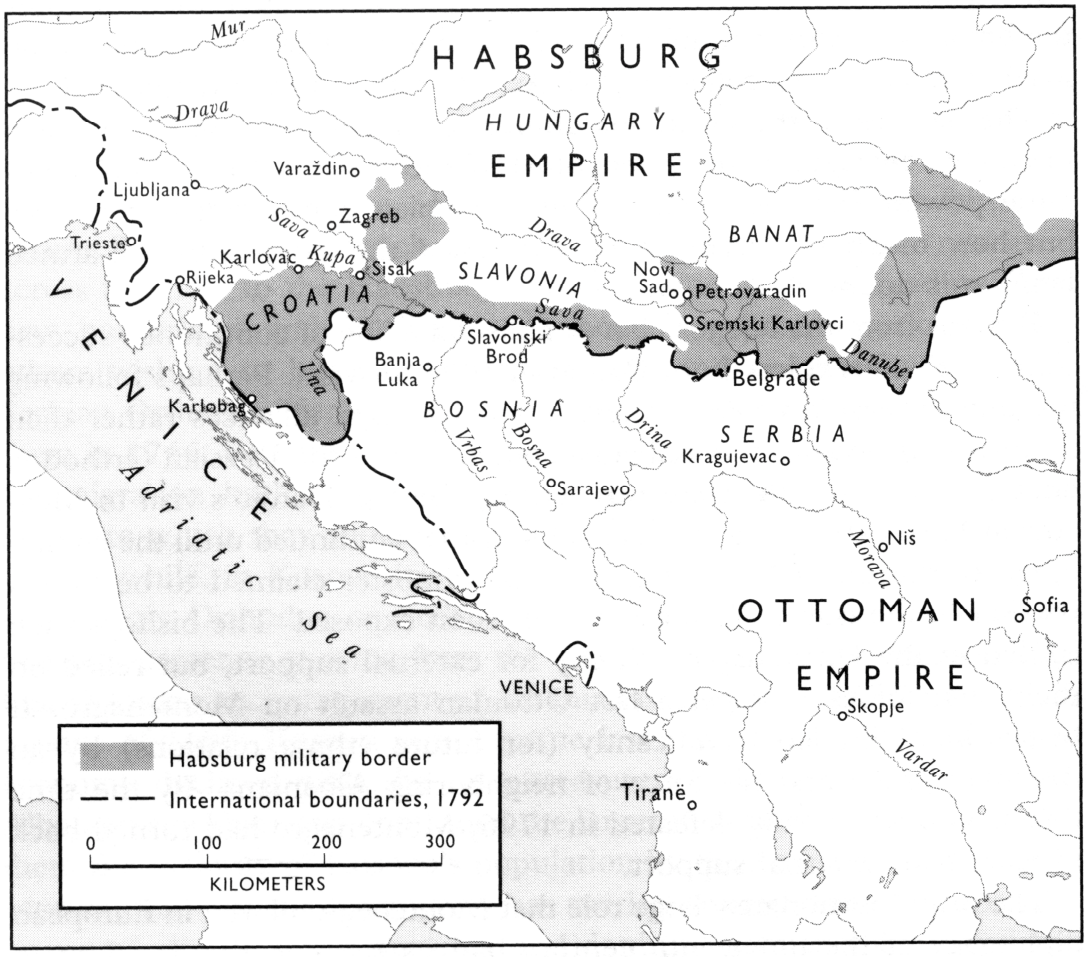
SECTION III

Maps

MAP no. 1

The Habsburg Military Krajina, 1792

Source: J.R. Lampe, *Yugoslavia as History: Twice There was a Country,* Cambridge, 2000, p.19.



Map 1.3 Habsburg Military Border in 1780

MAP no. 2

The Socialist Federal Republic of Yugoslavia, 1990

Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995*

Map A
The Socialist Federal Republic of Yugoslavia, 1990

MAP no. 3

Ethnic Composition in the Former Yugoslavia, 1991

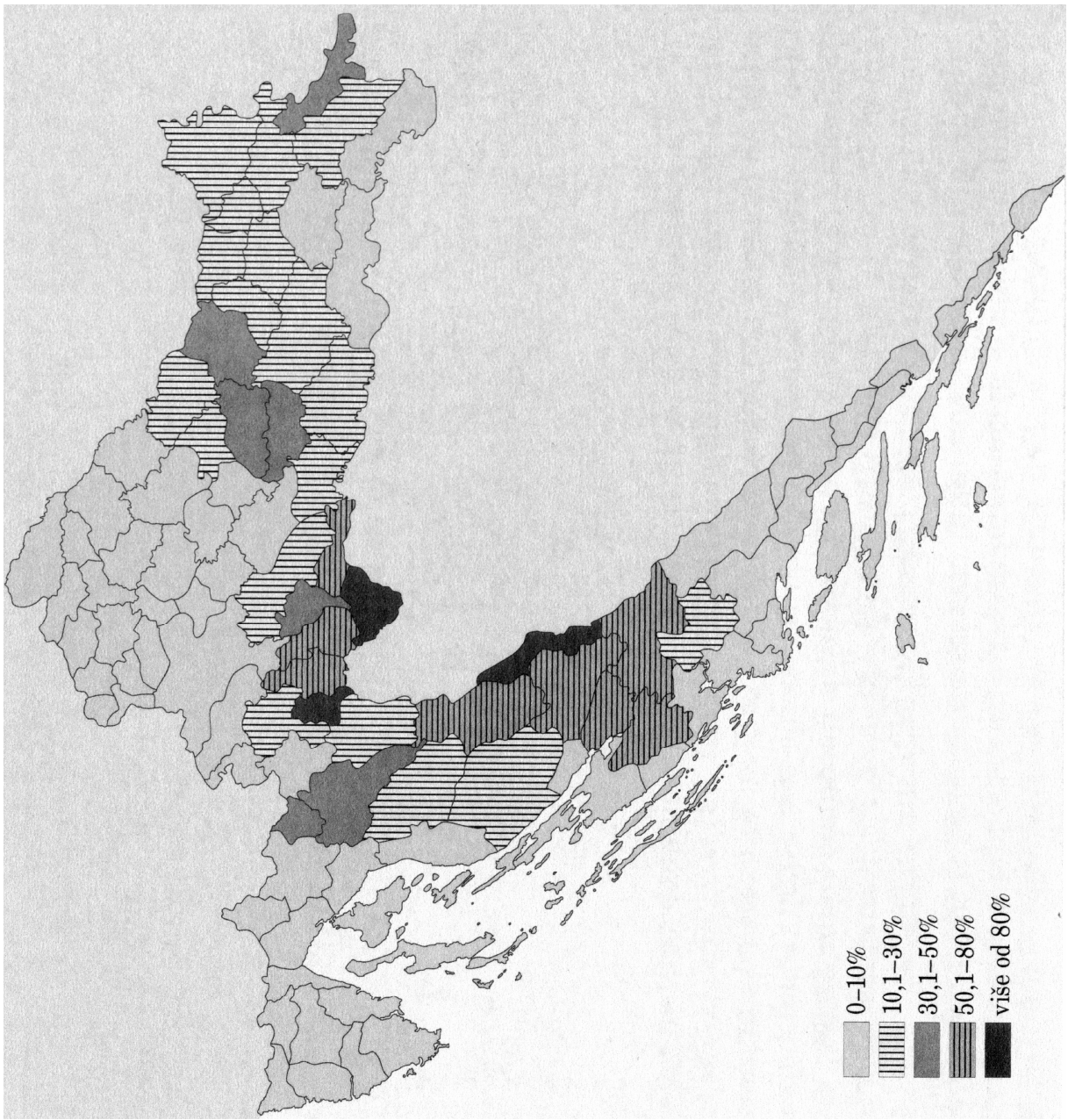
Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995*

Map D
Ethnic Composition in the Former Yugoslavia, 1991
Albanians
Bulgarians
Croats
Hungarians
Macedonians
Montenegrins
Muslims
Serbs
Slovaks
Slovenes
No majority present
Based on opstina data from 1991 census.
0 50 100 Kilometers
0 50 100 Miles
Austria
Hungary
Slovenia
LJUBLJANA
ZAGREB
Croatia
Slavonia
Vojvodina
(autonomous province)
Romania
BELGRADE
Bosnia and Herzegovina
SARAJEVO
Serbia
Dalmatia
Herzegovina
Adriatic Sea
Italy
Montenegro
TITOGRAD
Kosovo
(autonomous province)
Bulg.
SKOPJE
Macedonia
Albania
Greece
In percent
Others 3.9
Hungarians 1.9
Montenegrins 2.5
Yugoslavs[a] 5.4
Macedonians 5.9
Albanians 7.7
Slovenes 7.8
Muslims 8.9
Serbs 36.3
Croats 19.7
[a]Yugoslavs are those persons who listed themselves as such in the 1981 census. They are dispersed across the country.
DI Cartography Center 753543AI (R00472) 8-01

MAP no. 4

Serb Population in the Croatian Municipalities, 1991

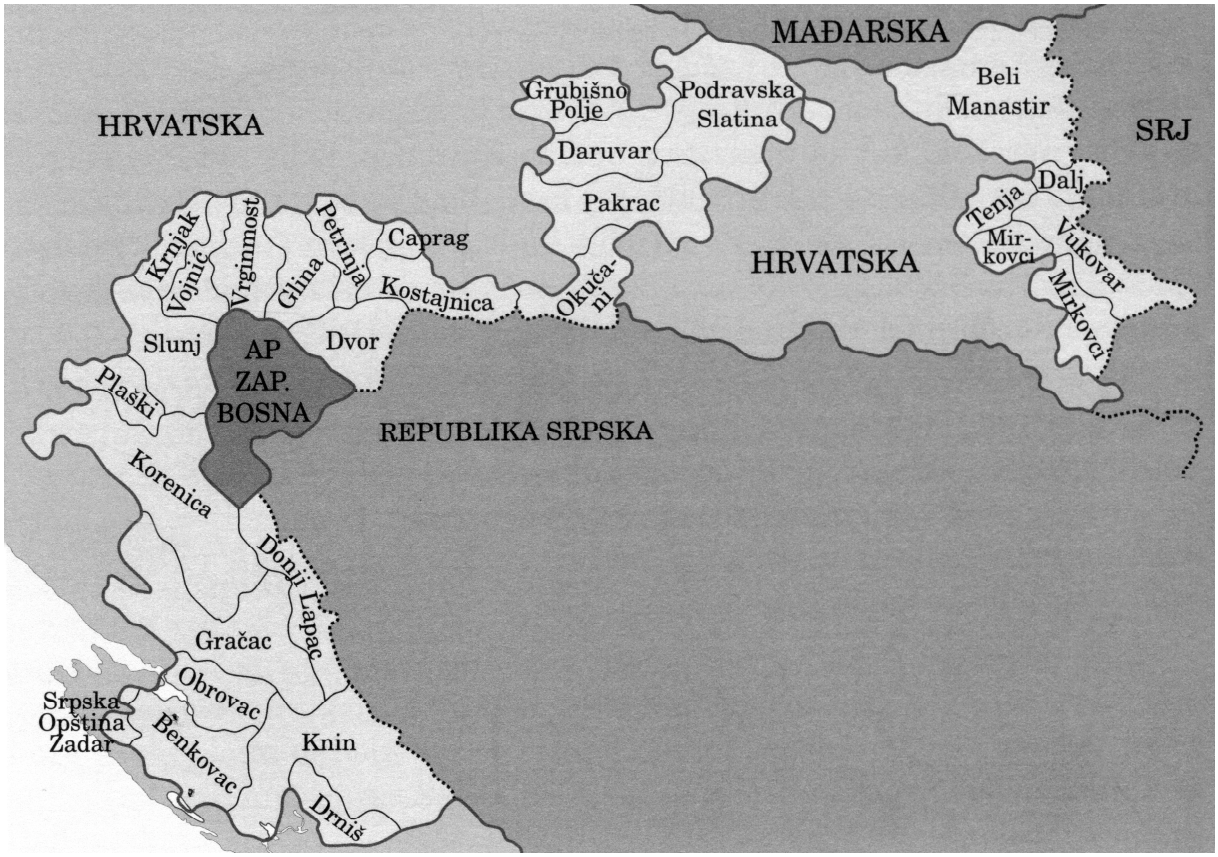
Source: N. Baric, *Serbian Rebellion in Croatia 1991-1995 (Srpska pobuna u Hrvatskoj 1991-1995.),* Zagreb, 2005, p. 40


0–10%
10,1–30%
30,1–50%
50,1–80%
više od 80%

MAP no. 5

The RSK Municipalities

Source: N. Baric, *Serbian Rebellion in Croatia 1991-1995 (Srpska pobuna u Hrvatskoj 1991-1995.),* Zagreb, 2005, p. 174


MAĐARSKA
HRVATSKA
Grubišno Polje
Podravska Slatina
Beli Manastir
SRJ
Daruvar
Dalj
Pakrac
Tenja
Mir-kovci
Vukovar
HRVATSKA
Krnjak
Vojnić
Vrginmost
Glina
Petrinja
Caprag
Kostajnica
Okuča-ni
Mirkovci
Slunj
AP ZAP. BOSNA
Dvor
Plaški
REPUBLIKA SRPSKA
Korenica
Donji Lapac
Gračac
Obrovac
Srpska Opština Zadar
Benkovac
Knin
Drniš

MAP no. 6

UN Forces in Croatia, Early 1995

Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995*

Map O
UN Forces in Croatia, Early 1995

SECTION IV

Selection of the Relevant RSK Documents

ANNEX 13

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 облик је територијалне аутономије 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, вјероисповијест, политичко или друго увјерење, образовање, социјално поријекло, имовно стање или које лично својство.

Члан 4.

Српска Аутономна Област Крајина има територију коју сачињавају територије садашње Заједнице општина сјеверне Далмације 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 постојећих или новоуспостављених општина с већинским српским становништвом.

Члан 5.

Сједиште највиших органа Српске Аутономне Области Крајине и њен је главни град Книн.

ANNEX 14

Resolution on the Separation of the Republic of Croatia and 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. 1/1991, paras. 1-3

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, 2 April 1991 Issue No. 1

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 I • Книн, 2. априла 1991. • БРОЈ 1

Опредјељући се за заједничку државу и уједињење цјелокупног српског народа, српски народ са територија бивше Аустро-Угарске монархије, кроз форму међународно непризнате и привремене државе Словенаца, Хрвата и Срба, као народ се ујединио са Краљевином Србијом 1. децембра 1918. године и, заједно са хрватским и словеначким народом, створио заједничку државу Срба, Хрвата и Словенаца – Југославију.

Административном подјелом Југославије на федералне јединице, дио српских етничких и историјских територија нашао се у границама федералне јединице Хрватске, која је Уставом била дефинисана као држава и српског народа.

Полазећи од међународно признатог права народа на самоопредјељење и користећи одредбе Устава СФРЈ о равноправности свих југословенских народа, а на основу плебисцита спроведеног у августу 1990. г., српски народ је на свом историјском и етничком територију, који се налази у оквиру административних граница Хрватске, конституисао Српску Аутономну Област Крајину као своју територијалнополитичку аутономију.

Поводом Резолуције Сабора Хрватске о раздруживању Југославије, односно намјере Р. Хрватске да се издвоји из југословенске јаве, Српско Национално Вијеће и Извршно вијеће Српске Аутономне Области Крајине доносе

РЕЗОЛУЦИЈУ
о раздруживању Р. Хрватске и САО Крајине

1. Српски народ у САО Крајини и Републици Хрватској нема ни један разлог да се издваја из југословенске државе и не прихвата Резолуцију Сабора Р. Хрватске о раздруживању СФРЈ.

2. САО Крајина остаје у држави Југослвији, односно у зајдничкој држави са Републиком Србијом и Црном Гором, као и са српским народом у Републици Босни и Херцеговини и осталим народима и републикама које прихваћају заједничку државу.

3. Српски народ Крајине, не прихватајући 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 коначног раздруживања Р. Хрватске и САО Крајине, на подручју САО Крајине важе и примјењују се савезни прописи, прописи САО Крајине, а закони Р. Хрватске примјењиваће се као правна правила уколико нису у супротности са савезним прописима и прописима САО Крајине.

5. Ова Резолуција представља политичку вољу и жељу српског народа Крајине за мирно и демократско раздруживање српског и хрватског народа, односно Републике Хрватске и САО Крајине, као дијела југословенске државе.

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

СРПСКО НАЦИОНАЛНО ВИЈЕЋЕ
ИЗВРШНО ВИЈЕЋЕ САО КРАЈИНЕ

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

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

D E C I S I O N
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 Крајине, на сједници одржаној 29.05.1991. године, донијела је

О Д Л У К У
о проглашењу Статута Српске Аутономне Области Крајина Уставним законом Српске Аутономне области Крајине

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

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

Број: 86/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Матијашевић Велибор с.р.

На основу 22. члана Уставног закон Српске Аутономне Области Крајина, доносим

У К А З
о проглашењу Закона о измјени и допуни Уставног закона Српске Аутономне Области Крајина

Проглашавам Закон о измјени и допуни Уставног закона Српске Аутономне Области Крајина, којег је Скупштина Српске Аутономне Области Крајина, донијела на 3. сједници 29.05.1991. године

Број: 96/91-1

Книн, 31.05.1991. године

ПРЕДСЈЕДНИК ВЛАДЕ
Бабић др. Милан

З А К О Н
О ИЗМЈЕНИ И ДОПУНИ УСТАВНОГ ЗАКОНА СРПСКЕ АУТОНОМНЕ ОБЛАСТИ КРАЈИНА

Члан 1.

У члану 1. Уставног закона Српске Аутономне Области Крајина иза ријечи "Српска Аутономна Област Крајина је" додаје се ријеч "политичко"

Члан 2.

Иза члана 3. додаје се члан 3а. који гласи: "У Српској Аутономној Области Крајина у службеној је употреби српски језички стандард, који се званично назива српско-хрватски језик, с ћириличним писмом. У општинама у којима се, у складу с референдумом или пописом становништва, наће након дефинитивног разграничења Српске Аутономне Области Крајине и Републике Хрватске, не мање од 8% хрватског становништва, у службеној је употреби и хрватски језички стандард, чији је званични назив истикао у Уставу Републике Хрватске. А ако се у којој од крајишких општина нађе не мање од 8% припадника којег другог народа, односно националне мањине, у службеној употреби биће и језук тог народа, односно те националне мањине. У приватној употреби и у другим, неслужбеним подручјима јавног живота нема никаквих језичних ограничења. Услови и јамства службене употребе језика и писма утврђују се законом".

Члан 3.

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

Тачка 2. става 2. мијења се и гласи: "доноси Уставни закон".

У тачки 5. става 2. члана 6. Уставног закона иза ријечи "доноси" ставља се ријеч "законе".

Члан 4.

Члан 8. мијења се и гласи: "Орган Српске Аутономне Области Крајина јесу Скупштина, Влада и предсједник Владе".

Члан 5.

У члану 9. ставу 2. умјесто ријечи "Статутом", стављају се ријечу "Уставним законом".

У тачки 1. става 2. члана 9. ријеч "Статут" замјењује се ријечима "Уставни закон".

У тачки 4. става 2. иза ријечи "доноси" ставља се ријеч "закона".

Тачка 7. става 2. мијења се и гласи "Бира предсједка Владе и министре".

У тачки 10. става 2. умјесто ријечи "Извршно вијеће", ставља се ријеч "Владе".

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

ANNEX 16

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

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

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.

О примјени закона и других правних аката Републике Србије на територији Српске Аутономне Области Крајине одлуку доноси влада Српске аутономне Области Крајине, или појединас министарства Владе када законска материја спада у њихову надлежност.

Члан 2.

Предмети у судском, управном и прекршајном поступку, управним споровима и свим другим поступцима који су започети по Закону Републике Хрватске окончат ће се по тим законима.

Члан 3.

Предмети који у другостепеном поступку буду укинути, поново ће се рјешавати по новим прописима.

Члан 4.

У кривичном и прекршајном поступку примјењиват ће се закон повољнији по починиоца дјела.

Члан 5.

Ступањем на снагу овог закона престаје важење закона и свих правних аката која су у супротности са овим законом.

Члан 6.

Овај Закон ступа на снагу даном објављивања у "Гласнику Крајине".

Број: 92/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 9. Уставног закона Српске Аутономне Области Крајина, Скупштина Српске Аутономне Области Крајина на 3. сједници одржаној 29.05.1991. године, доноси

ОДЛУКУ
о формирању јединица за специјалне намјене МУП-а Српске Аутономне Области Крајине под називом "Милиција Крајине" које се стављају у надлежност Министарства одбране

Члан 1.

Формирају се јединице специјалне намјене МУП-а Српске Аутономне Области Крајине под називом "Милиција Крајине", које се стављају у надлежност Министарства одбране.

Члан 2.

Задатак "Милиције Крајине" је одбрана територијалног интегритета Српске Аутономне Области Крајине, обезбјеђење виталних објеката, обласних институција и других задатака из домена унутрашњих послова.

Члан 3.

Ова Одлука ступа на снагу даном доношења и објавит ће се у "Гласнику Крајине".

Број: 93/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 5. Закона о влади, Скупштина Српске Аутономне Области Крајине, на 16. сједници одржаној 29.05.1991. године, донијела је

Р Ј Е Ш Е Њ Е
о избору подпредсједника Владе

Душан Старовић, изабире се за подпредсједника Владе, Српске Аутономне Области Крајина.

Број: 113/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштине Српске Аутономне Области Крајина, на 4. сједници одржаној 29.05.1991. године, донијела је

Р Ј Е Ш Е Њ Е
о избору министра спољних послова Српске Аутономне Области Крајине

ЈОВАН РАДУЛОВИЋ, изабире се за министра спољних послова српске Аутономне Области Крајине.

Број: 104/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштине Српске Аутономне Области Крајина, на 4. сједници одржаној 29.05.1991. године, донијела је

Р Ј Е Ш Е Њ Е
о избору министра за правосуђе и управу Српске Аутономне Области Крајине

РИСТО МАТКОВИЋ. изабире се за министра за правосуђе и управу Српске Аутономне Области Крајине.

Број: 105/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштине Српске Аутономне Области Крајина, на 4. сједници одржаној 29.05.1991. године, донијела је

Р Ј Е Ш Е Њ Е
о избору министра пољопривреде, шумарства, водопривреде, туризма и трговине Српске Аутономне Области Крајине

ВЕЉКО СТОИСТАВЉЕВИЋ, изабире се за министра за пољопривреду, шумарство, водопривреду, туризам и трговину Српске Аутономне Области Крајине.

Број: 106/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштине Српске Аутономне Области Крајина, на 4. сједници одржаној 29.05.1991. године, донијела је

Р Ј Е Ш Е Њ Е
о избору министра за саобраћај и везе Српске Аутономне Области Крајине

БРАНКО ШИМПРАГА, изабире се за министра за саобраћај и везе Српске Аутономне Области Крајине.

Број: 107/91-2

Книн, 29.05.1991. године

ПРЕДСЈЕДНИК СКУПШТИНЕ
Велибор Матијашевић, с.р.

На основу члана 6. Закона о органима управе и члана 22. Закона о министарствима, Скупштине Српске Аутономне Области Крајина, на 4. сједници одржаној 29.05.1991. године, донијела је

Р Ј Е Ш Е Њ Е
о избору министра образовања Српске Аутономне Области Крајине

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

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, no. 8/1991, Art. 5

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, 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

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

ГОДИНА 1 ● Книн, 26. август 1991. ● БРОЈ 8

На основу члана 1. став 2 Закона о примјени прописа Републике Србије на територији Српске аутономне области Крајине, Влада САО Крајине на 2. сједници одржаној 01.08.1991.године, доноси слиједећу

ОДЛУКУ

о примјени Закона о одбрани Републике Србије на територији Српске аутономне области Крајине

Члан 1.

На територији Српске аутономне области Крајина примјењује се Закон о одбрани Републике Србије.

Члан 2.

Одредбе Закона које утврђују права и обавезе Републике Србије на њеној територији, на територији Српске аутономне области Крајине односе се на Српску аутономну област Крајина.

Члан 3.

Одредбе Закона које утврђују права и обавезе предсједника Републике Србије, на територији Српске аутономне области Крајине односе се на предсједника Владе Српске аутономне области Крајине.

Члан 4.

Права и обавезе осталих органа аналозно се примјењују на одговарајуће органе Српске аутономне области Крајине.

Члан 5.

Утврђују се да Територијална одбрана и јединице за посебне намјене Министарства унутрашњих послова Крајине сачињавају оружане снаге Српске аутономне области Крајине.

Члан 6.

Предсједник Владе Српске аутономне области Крајина по положају је командант Територијалне одбране, односно оружаних снага Српске аутономне области Крајине.

Члан 7.

Закон о одбрани Републике Србије на територији Српске аутономне области Крајине ступа на снагу на дан ступања на снагу овог Закона на територији Републике Србије.

Члан 8.

Одлука ступа на снагу даном доношења.

БРОЈ 168/91-1

Книн, 01.08.1991.године

ПРЕДСЈЕДНИК

Др. Милан Бабић, с.р.

На основу члана 1. став 2. Закона о примјени прописа Републике Србије на територији Српске аутономне области Крајине, Влада Српске аутономне области Крајина на 2. сједници одржаној дана 01.08.1991.године, доноси

ОДЛУКУ

о примјени Закона о унутрашњим пословима Републике Србије на територији Српске аутономне области Крајине

Члан 1.

На територији Српске аутономне области Крајине примјењују се Закон о унутрашњим пословима Републике Србије.

Члан 2.

Одредбе Закона које утврђују права и обавезе Републике Србије на њеној територији, на територији Српске аутономне области Крајина, односе се на Српску аутономну област Крајину.

Члан 3.

Одредбе Закона које утврђују права и обавезе предсједника Републике Србије на територији Српске аутономне области Крајина односе се на предсједника Владе Српске аутономне области Крајине.

Члан 4.

Права и обавезе осталих органа аналогно се примјењују на органе Српске аутономне области Крајина

Члан 5.

Закон о унутрашњим пословима Републике Србије, на територији Српске аутономне области Крајине ступа на снагу на дан ступања на снагу овог Закона на територији Републике Србије.

Члан 6.

Ова Одлука ступа на снагу даном доношења.

БРОЈ : 169/91-1

Книн, 01.08.1991.године

ПРЕДСЈЕДНИК

Др. Бабић Милан, с.р.

На основу члана 1. став 2. Закона о примјени прописа Републике Србије на теоиторији Српске аутономне области Крајина, Влада Српске аутономне области Крајина на 2. сједници одржаној 01.08.1991.године доноси слиједећу

ОДЛУКУ

о примјени Закона о политичким организацијама Републике Србије на територији Српске аутономне области Крајина

УПРАВА И УРЕДНИШТВО: КРАЉА ПЕТРА I ОСЛОБОДИОЦА бр. 2 КНИН тел: 059/62-122 л.17

ГЛАВНИ И ОДГОВОРНИ УРЕДНИК

Ристо Матковић

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

Logo

Official Gazette
of the Serbian Region of
Slavonia, Baranja and
Western Syrmicum

Year I 19 December 1991 Issue No. 1

DECLARATION
on the sovereign self-rule of the Serbian people of Slavonia, Baranja and Western Syrmicum

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.

Службени гласник

СРПСКЕ ОБЛАСТИ СЛАВОНИЈА, БАРАЊА И ЗАПАДНИ СРЕМ

ГОДИНА I	19. 12. 1991.	БРОЈ 1

Српски народ из Славоније, Барање и Западног Срема, остварујући своје право на самоопредељење, које укључује и право на отцепљење и на присаједињење матичној држави српског народа, преко свог Националног вијећа, доноси

ДЕКЛАРАЦИЈУ
о сувереној аутономији Српског народа Славоније, Барање и Западног Срема

1. Српски народ у Славонији, Барањи и Западном Срему неодвојиви је дио сувереног српског народа који живи у Југославији. Сљедствено томе, он на територији коју настањује остварује суверена права српског народа;

2. Остваривање суверених права српског народа у Славонији, Барањи и Западном Срему испољава се у сувереној аутономији, која подразумијева врховну уредбодавну, извршну и судску власт у стварима аутономије;

3. Ствари аутономије у смислу ове Декларације јесу: језик, васпитање дјеце и омладине, просвјета, богоштовање, здравствена заштита, заштита природе, човјекове средине и споменика културе, старање о народном благостању, заштита јавног реда, мира и безбједности, 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 Срему, Статутом аутономије установљују се њени органи и организације. Право је органа аутономије да прописују и прикупљају порезе и дажбине неопходне за обављање својих дјелатности у стварима аутономије, те да се преко својих организација и предузећа баве одговарајућим неопходним привредним активностима;

5. У складу са Статутом аутономије, органи аутономије сарађују са другим дијеловима 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 пренијети вршење одређених права у стварима аутономије на одређене органе Српске државе;

6. Највиши уредбодавни орган у стварима аутономије, који доноси и статут аутономије, јесте слободно и демократски изабрана 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 нормалан рад предвиђених органа аутономије, њихова права обављаће Српско национално вијеће за Славонију, Барању и Западни Срем (даље: Национално вијеће). Право је Националног вијећа да огласи ништавим све правне акте који вређају важећи Устав Југославије и суверену аутономију српског народа у Славонији, Барањи и Западном Срему;

8. Национално вијеће јесте израз повјерења и борбе српског народа у Славонији, Барањи и Западном Срему за слободу. Чим буду створене претпоставке за то, Национално вијеће поднеће своје одлуке и решења на потврду надлежним органима аутономије или непосредно српском народу у Славонији, Барањи и Западном Срему, на његовом црквено-народном сабору;

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

10. Суверена српска аутономија Славоније, Барање и Западног Срема 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 самосталних држава, ова аутономија наставиће да постоји као дио матичне државе српског народа.

Дана 26. фебруара 1991. године.
Број: 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

Logo

OFFICIAL GAZETTE
OF THE REPUBLIC OF SERBIAN KRAJINA

Published in the Serbian language

Thursday, 2 January 1992
Knin
Issue No. 1 Year 1

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.

СЛУЖБЕНИ ГЛАСНИК
РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ

„СЛУЖБЕНИ ГЛАСНИК РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ" излази у издању на српском језику.

Четвртак 2. јануар 1992.
КНИН
БРОЈ 1 ГОД. I

Цена овом броју је 30 динара. - Претплата за 1992. годину износи 4.000 динара. - Рок за рекламације 15 дана.

1.

Скупштина Српске Аутономне Области Крајина, Велика Народна Скупштина Српске Области Славонија, Барања и Западни Срем и Скупштина Српске Аутономне Области Западна Славонија, донијеле су

ОДЛУКУ
О ПРОГЛАШЕЊУ УСТАВА РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ

Проглашава се Устав Републике Српске Крајине који је усвојен на сједници Скупштине Српске Аутономне Области Крајина од 19. фебруара 1991. године, на сједници Велике Народне Скупштине Српске Области Славонија, Барања и Западни Срем од 19. фебруара 1991. године и на сједници Скупштине Српске Аутономне Области Западна Славонија од 19. фебруара 1991. године.

Предсједник
Скупштине Српске Аутономне
Области Крајина,
Миле Паспаљ, с. р.

Предсједник
Велике Народне Скупштине
Српске Области Славонија,
Барања и Западни Срем,
Илија Кончаревић, с. р.

Предсједник
Скупштине Српске Аутономне
Области Западна Славонија,
Вељко Вукелић, с. р.

Полазећи од права српског народа на самоопредјељење и у складу са слободно израженом вољом српског народа Српске Аутономне Области Крајина потврђене на референдуму, као и вјековне борбе српског народа за слободу његове слободарске демократске и државотворне традиције, ријешен да створи демократску државу српског народа на свом историјском и етничком простору у којој се осталим грађанима обезбјеђује остваривање националних права, државу засновану на суверености која припада српском народу и осталим грађанима у њој, на владавини права и на равноправним условима за напредак појединаца и друштва, српски народ Републике Српске Крајине преко својих посланика у Уставотворној скупштини, доноси

УСТАВ
РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ

I 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 сувереност остварују референдумом, народном иницијативом и преко својих слободно изабраних представника.

Члан 3.

Територију Српске Крајине чини територија Српске Аутономне Области Крајина.

Члан 4.

У Републици Српској Крајини слободно је све што Уставом и законом није забрањено.

Уставом су зајемчена и признају се лична, политичка, национална, економска, социјална, културна и друга права човјека и грађанина.

Члан 5.

Територија Републике Српске Крајине је јединствена и неотуђива. О промјени границе Републике Српске Крајине одлучују грађани референдумом.

Скупштина Републике Српске Крајине може одлучити да се друге српске територије припоје Републици Српској Крајини ако се претходно грађани тих територија изјасне за припајање Републици Српској Крајини.

Члан 6.

Република Српска Крајина има грб, заставу и химну.

Грб Републике Српске Крајине је лик двоглавог бијелог орла у уздету. На грудима орла је штит са крстом и оцилима, а испод штита натпис – Крајина.

Застава Републике Српске Крајине је српска тробојка у распореду боја одозго на доље: црвено, плаво, бијело.

Химна Републике Српске Крајине је „Боже правде".

Главни град Републике Српске Крајине је КНИН.

Члан 7.

У Републици Српској Крајини у службеној је употреби српски језик и ћирилично писмо, а латинично писмо је у службеној употреби на начин утврђен законом.

Уколико је у некој од општина у Републици Српској Крајини не мање од 8% становника припадника другог народа, у службеној употреби је језик и писмо и тог народа.

Члан 8.

Уставотворна и законодавна власт припада Скупштини.

Републику Српску Крајину представља и њено државно јединство изражава предсједник.

Извршна власт припада Влади.

Судска власт припада судовима.

Заштита уставности, као и заштита законитости у складу с Уставом, припада Уставном суду.

Члан 9.

Рад државних органа доступан је јавности.

Јавност у раду државних органа може се ограничити или искључити само у случајевима који се законом одређују.

II СЛОБОДЕ, ПРАВА И ДУЖНОСТИ ЧОВЈЕКА И ГРАЂАНИНА

Члан 10.

Слободе и права човјека и грађанина ограничене су само једнаким слободама и правима других и кад 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 услови за остваривање појединих слобода и права утврђују законом.

Законом се може прописати начин остваривања појединих слобода и права кад је то неопходно за њихово остваривање.

Злоупотреба слобода и права човјека и грађанина противуставна је и кажњива, онако како је то законом предвиђено.

Обезбјеђује се судска заштита слобода и права зајемчених и признатих Уставом.

Члан 12.

Грађани су једнаки у правима и дужностима и имају једнаку заштиту пред државним и другим органима без обзира на расу, пол, рођење, језик, националну припадност, вјероисповјест, политичко или друго увјерење, образовање, социјално поријекло, имовно стање или које лично својство.

Члан 13.

Живот човјека је неприкосновен.

Смртна казна може се изузетно прописати и изрећи само за најтеже облике тешких кривичних дјела.

Члан 14.

Слобода човјека је неприкосновена.

Нико не може бити лишен слободе, осим у случајевима и у поступку који су утврђени законом.

Члан 15.

Лице за које постоји основана сумња да је извршило кривично дјело може, на основу одлуке надлежног суда, бити притворено и задржано у притвору, само ако је то неопходно ради вођења кривичног поступка или безбједности људи.

Трајање притвора мора бити сведено на најкраће нужно вријеме. Притвор може трајати по одлуци првостепеног суда најдуже три мјесеца од дана притварања. Овај рок се може одлуком Врховног суда продужити још за три мјесеца. Ако се до истека тих рокова не подигне оптужница, окривљени се пушта на слободу.

Члан 16.

Грађанима је зајемчена слобода кретања и настањивања и право да напусте Републику Српску Крајину и у њу се врате.

Слобода кретања и настањивања може се ограничити законом, ако је неопходно за вођење кривичног поступка, спречавање заразних болести или за одбрану Републике Српске Крајине.

Члан 17.

Људско достојанство и право на приватни живот човјека су неповредиви.

Члан 18.

Тајна писма и других средстава општења је неповредива.

Законом се може прописати да се, на основу одлуке суда, може одступити од начела неповредивости тајне писма и других средстава општења, ако је неопходно за вођење кривичног поступка или за одбрану Републике Српске Крајине.

Члан 19.

Зајемчена је заштита тајности података о личности.

Прикупљање, обрада и коришћење података о личности уређују се законом.

Члан 20.

Стан је неповредив.

Законом се може прописати да службено лице, на основу одлуке суда, смије ући у стан или друге просторије против воље њиховог држаоца и у њима вршити претрес. Претрес се врши у присуству два свједока.

Под условом предвиђеним законом, службено лице смије ући у туђи стан или друге просторије и без одлуке суда и вршити претрес, ако је то неопходно ради непосредног хватања учиниоца кривичног дјела или ради спасавања људи и добара.

Члан 21.

Свако има право на за све једнаку заштиту својих права у поступку пред судом, другим државним или било којим органом или организацијом.

Свакоме је зајемчено право на жалбу или друго правно средство против одлуке којом се рјешава о његовом праву или на закону заснованом интересу.

Члан 22.

Нико не може бити кажњен за дјело које прије него што је учињено није било предвиђено законом или пропи-

10. финансирање остваривања права и дужности Републике Српске Крајине утврђених Уставом и законом;

11. организацију, надлежност и рад републичких органа;

12. друге односе од интереса за Републику Српску Крајину у складу с Уставом.

V ДРЖАВНИ ОРГАНИ И ИНСТИТУЦИЈЕ

Скупштина

Члан 68.

Скупштина:

1. одлучује о промјени Устава;
2. доноси законе, друге прописе и опште акте;
3. доноси план развоја, просторни план, буџет и завршни рачун;
4. утврђује приједлог одлуке о промјени границе Републике Српске Крајине;
5. утврђује територијалну организацију у Републици Српској Крајини;
6. одлучује о рату и миру;
7. ратификује међународне уговоре;
8. расписује републички референдум;
9. расписује републички јавни зајам и одлучује о задуживању Републике Српске Крајине;
10. бира и разрјешава: предсједника и потпредсједника Скупштине; првог министра и министре у Влади; предсједника и судије Уставног суда, Врховног суда и других судова; јавног тужиоца и јавне тужиоце, гувернера Народне банке и друге функционере одређене законом;
11. обавља контролу над радом Владе и других органа и функционера одговорних Скупштини у складу с Уставом и законом;
12. даје амнестију за кривична дјела;
13. обавља и друге послове у складу с Уставом.

Члан 69.

Скупштина има 60 посланика.

Посланици се бирају на непосредним изборима, тајним гласањем.

Избор и престанак мандата посланика и образовање изборних јединица уређују се законом.

Члан 70.

Посланици се бирају на четири године.

Избори за посланике морају се одржати најкасније 30 дана прије истека мандата посланика којима мандат истиче.

Даном верификације мандата нових посланика престаје функција посланика чији мандат истиче.

Скупштина може, у случају непосредне ратне опасности или ратног стања, одлучити да се мандат посланика продужи док такво стање траје, односно док не буду створени услови за избор посланика.

Члан 71.

Посланик представља грађане изборне јединице у којој је изабран.

Члан 72.

Посланик ужива имунитет.

Посланик не може бити позван на кривичну одговорност, притворен или кажњен за изражено мишљење или давање гласа у Скупштини.

Посланик не може бити притворен без одобрења Скупштине, осим ако је затечен у вршењу кривичног дјела за које је прописана казна затвора у трајању дужем од пет година.

Против посланика који се позове на имунитет не може се, без одобрења Скупштине, покренути кривични поступак или други поступак у коме се може изрећи казна затвора.

Скупштина може одлучити да се примијени имунитет према посланику и ако се сам на њега није позвао, кад је то потребно ради вршења његове функције.

Члан 73.

Скупштина бира предсједника и потпредсједника из реда посланика, на четири године.

Предсједник представља Скупштину и врши друге послове предвиђене Уставом, законом и пословником.

Предсједник Скупштине расписује изборе за посланике и за предсједника Републике Српске Крајине.

Члан 74.

Скупштина се састаје обавезно у два редовна засједања годишње.

Прво редовно засједање почиње првог радног дана у марту, а друго редовно засједање почиње првог радног дана у октобру. Редовно засједање не може трајати дуже од 90 дана.

Скупштина се састаје у ванредно засједање на захтјев најмање трећине од укупног броја посланика или на захтјев Владе, са унапријед утврђеним дневним редом.

Скупштина се састаје без позива у случају проглашења ванредног стања на дијелу територије Републике Српске Крајине.

Члан 75.

Скупштина одлучује већином гласова на сједници којој присуствује већина од укупног броја посланика, ако Уставом није предвиђена посебна већина.

Право предлагања закона, других прописа и других аката имају Влада, сваки посланик, или најмање 10.000 бирача.

Члан 76.

Скупштина може одлучити да о појединим питањима из њене надлежности одлуку донесу грађани републичким референдумом.

Скупштина је дужна да одлучи о захтјеву за расписивање државног референдума који поднесе најмање 25.000 бирача.

Члан 77.

Скупштина уређује свој рад и организацију и начин остваривања права и дужности посланика.

Предсједник Републике Српске Крајине

Члан 78.

Предсједник Републике Српске Крајине:

1. предлаже Скупштини кандидате за чланове Владе, пошто саслуша мишљење представника већине у Скупштини;
2. предлаже Скупштини кандидате за предсједника и судије Уставног суда;
3. указом проглашава законе;

4. обавља послове из области односа Републике Српске Крајине са другим државама и међународним организацијама у складу са законом;

5. руководи оружаним снагама у миру и рату и народним отпором у рату; наређује општу и дјелимичну мобилизацију; организује припреме за одбрану у складу са законом;

6. кад Скупштина није у могућности да се састане по прибављеном мишљењу првог министра Владе, утврђује постојање непосредне ратне опасности или проглашава ратно стање;

7. по својој иницијативи или на приједлог Владе, за вријеме ратног стања или непосредне ратне опасности, доноси акте о питањима из надлежности Скупштине, с тим што је дужан да их поднесе на потврду Скупштини чим она буде у могућности да се састане. Актима донијетим за вријеме ратног стања могу се ограничити поједине слободе и права човјека и грађанина и измијенити организација, састав и овлашћења Владе и министарстава, судова и јавних тужилаштава;

8. на приједлог Владе, када су на дијелу територије Републике Српске Крајине, угрожени безбједност Републике Српске Крајине, слободе човјека и рад државних органа, проглашава ванредно стање и доноси акте за предузимање мјера које такве околности изискују, у складу са Уставом и законом;

9. даје помиловања;

10. додјељује одликовања и признања утврђена законом;

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

12. обавља и друге послове у складу са Уставом.

Члан 79. УКИДА СЕ АМАНД. III

Предсједник Републике Српске Крајине указом проглашава закон у року од 7 дана од дана његовог усвајања у Скупштини. У том року предсједник Републике Српске Крајине може захтијевати да Скупштина поново гласа о закону.

Предсједник Републике Српске Крајине дужан је да прогласи поново изгласани закон у Скупштини.

Члан 80.

Предсједник Републике Српске Крајине може тражити од Владе да изложи ставове о појединим питањима из њене надлежности.

Члан 81.

Предсједник Републике Српске Крајине се бира на непосредним изборима, тајним гласањем.

Мандат предсједника Републике Српске Крајине траје пет година.

Исто лице може бити изабрано за предсједника Републике највише два пута.

Избор за предсједника Републике Српске Крајине мора се одржати најкасније 30 дана прије истека мандата предсједника Републике Српске Крајине коме мандат истиче..

Приликом ступања на дужност, предсједник Републике Српске Крајине пред Скупштином полаже заклетву која гласи:

„Заклињем се да ћу све своје снаге посветити очувању суверености и цјелине територије Републике Српске Крајине, остваривању националних интереса српског народа, људских и грађанских слобода и права, поштовању и одбрани Устава и закона, очувању мира и благостања српског народа и свих грађана и да ћу савјесно и одговорно испуњавати све своје дужности."

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

Предсједник Републике Српске Крајине ужива имунитет као посланик. О имунитету предсједника Републике Српске Крајине одлучује Скупштина.

Члан 82. УМЈЕСТО ОВОГА ПРИЈЕЂЕНЕ АМ. II

Предсједнику Републике Српске Крајине престаје мандат прије истека времена на које је биран у случају опозива или оставке.

Кад предсједник Републике Српске Крајине поднесе оставку он о томе обавјештава јавност и предсједника Скупштине.

Даном подношења оставке предсједнику Републике Српске Крајине престаје мандат.

Ако је предсједнику Републике Српске Крајине престао мандат прије истека времена на које је биран, дужност предсједника Републике Српске Крајине врши предсједник Скупштине.

У случају престанка мандата предсједника Републике Српске Крајине прије истека времена на које је биран, избори за новог предсједника Републике Српске Крајине морају се одржати у року од 60 дана од дана престанка мандата предсједника Републике Српске Крајине.

Ако је предсједник Републике Српске Крајине из било ког разлога привремено спријечен да врши своју функцију, замјењује га предсједник Скупштине.

Поступак избора и опозива предсједника Републике Српске Крајине уређује се законом.

Члан 83. УКИДА СЕ АМ. III

Предсједник Републике Српске Крајине одговоран је грађанима Републике Српске Крајине.

Кад Скупштина оцијени да је предсједник Републике Српске Крајине прекршио Устав, покреће поступак за његов опозив ако се о томе изјасни двије трећине од укупног броја посланика.

О опозиву предсједника Републике Српске Крајине одлучује се непосредним и тајним изјашњавањем. Предсједник Републике Српске Крајине је опозван ако за опозив гласа већина од укупног броја бирача.

Ако бирачи не опозову предсједника Републике Српске Крајине, Скупштина се распушта.

Влада

Члан 84.

Влада:

1. води политику Републике Српске Крајине и извршава законе, друге прописе и опште акте Скупштине у складу с Уставом;

2. доноси уредбе, одлуке и друге акте за извршавање закона;

3. предлаже план развоја, просторни план, буџет и завршни рачун;

4. предлаже законе, друге прописе и опште акте;

5. утврђује начела за унутрашњу организацију министарстава и других органа управе и посебних организација, поставља и разрјешава функционере у министарствима и посебним организацијама;

6. усмјерава и усклађује рад министарстава и посебних организација;

Члан 97.

Јавно тужилаштво је самостални државни орган који гони учиниоце кривичних и других законом одређених кажњивих дјела и улаже правна средства ради заштите уставности и законитости.

Јавно тужилаштво врши своју функцију на основу Устава и закона.

Јавни тужилац не може бити позван на одговорност за мишљење дато у вршењу тужилачке функције, а у поступку покренутом због кривичног дјела учињеног 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 законом утврђен као неспојив са његовом функцијом.

Члан 100.

Функција јавног тужиоца је стална.

Јавном тужиоцу не може престати функција нити може бити против своје воље разријешен дужности, осим у случајевима предвиђеним за судију на начин утврђен законом.

Народна банка

Члан 101.

Република Српска Крајина има Народну банку.

Статус, организација, управљање и пословање Народне банке уређују се законом.

Оружане снаге Републике Српске Крајине

Члан 102.

Оружане снаге Републике Српске Крајине чини територијална одбрана Републике Српске Крајине.

Оружане снаге Републике Српске Крајине по свом карактеру су одбрамбене и служе искључиво за одбрану територијалног интегритета и државног суверенитета Републике Српске Крајине.

Остала питања из области одбране регулишу 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 рачун;

2. уређује и обезбјеђује обављање и развој комуналних дјелатности;

3. уређује и обезбјеђује коришћење градског, грађевинског земљишта и пословног простора;

4. стара се о изградњи, одржавању и коришћењу локалних путева и улица и других јавних објеката од општинског значаја;

5. стара се о задовољавању одређених потреба грађана у областима: културе, образовања, здравства и социјалне заштите, друштвене бриге о дјеци, физичке културе, јавног обавјештавања, занатства, туризма и угоститељства, заштите и унапређивања животне средине, и у другим областима од непосредног интереса за грађане;

6. извршава законе, друге прописе и опште акте Републике Српске Крајине чије извршавање је повјерено општини, обезбјеђује 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 повјерити вршење појединих послова одређеној општини и пренијети јој средства за те послове.

Члан 104.

За обављање Уставом и законом утврђених послова, општини припадају приходи утврђени законом.

За задовољавање 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 питања од интереса за општину.

Статут доноси Скупштина општине.

Члан 106.

О пословима општине грађани одлучују референдумом и преко својих представника у Скупштини општине.

Скупштину општине чине одборници изабрани на непосредним изборима, тајним гласањем.

VII ЈЕМСТВА УСТАВНОСТИ

Уставност и законитост

Члан 107.

Закон, други пропис или општи акт мора бити сагласан са Уставом.

Пропис и други општи акт републичког органа мора бити сагласан са законом.

Сваки други пропис и општи акт мора бити сагласан са законом и осталим републичким прописима.

Долази: одлуке од уставом СДВ

Члан 108.

Закон, други пропис или општи акт ступа на снагу најраније осмог дана од дана објављивања осим ако из нарочито оправданих 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

Logo

OFFICIAL JOURNAL
OF THE REPUBLIC OF SERBIAN KRAJINA

Tuesday, 19 May 1992
Knin

Issue No.9 Year 1

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.

Српске Крајине који је усвојила Скупштина Републике Српске Крајине на седници од 18. маја 1992. године.

Скупштина Републике Српске Крајине

Председник,
Миле Паспаљ, 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 одбрамбена и служи искључиво 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 тужиоце.

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

Тачком 1. овог амандмана мења се назив поглавља о оружаним снагама Републике Српске Крајине.

Тачком 2. овог амандмана мења се члан 102. Устава Републике Српске Крајине.

Тачком 3. овог амандмана додаје се члан 102а.

Тачком 4. овог амандмана додаје се члан 102б.

92.

На основу члана 78. тачка 3. Устава Републике Српске Крајине, доносим

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
у Книну
18. маја 1992. године

Председник Републике,
Горан Хаџић, 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. мења 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 укључују се и јединице милиције посебне намене.

Припадник Српске војске Републике Српске Крајине је сваки грађанин који са оружјем или на други начин учествује у отпору против непријатеља."

Члан 2.

У члану 6. тачка 1. речи: „оружаним 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, суверенитет, територијалну целокупност и Уставом утврђено друштвено уређење Републике Српске Крајине.

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

Организовање, припремање, развој, опремање и руковођење ТО у Републици Српској Крајини, у оквиру јединственог система одбране, остварује се у складу са Уставом Републике Српске Крајине, овим законом, организацијом и плановима развоја Српске војске и планом њене употребе, системом руковођења и командовања Српском војском, јединственим основама наоружања, опремања и обучавања Српске војске и плановима развоја ТО Републике."

Члан 4.

У члану 32. у четвртом реду, речи: „оружаних снага" замењују се речима: „Српске војске".

Члан 5.

Члан 34. мења се и гласи:

„Територијалном одбраном руководи Главни штаб ТО, који у случају непосредне ратне опасности, рата и у другим ванредним приликама, преузима улогу штаба Врховне команде Српске војске Републике Српске Крајине."

Члан 6.

У члану 36. став 1. мења се и гласи:

„Командант територијалне одбране Републике Српске Крајине у случају непосредне ратне опасности, у рату и у другим ванредним приликама, као начелник штаба Врховне команде Српске војске Републике Српске Крајине, издаје наређење командантима територијалне одбране за употребу ТО, мобилизацију снага и материјалних средстава ТО и налаже предузимање других мера за успешно вођење општенародног отпора на територији Републике.".

Члан 7.

У члану 55. у другом реду, речи: „оружаних снага" замењују 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. тачка 3. Устава Републике Српске Крајине, доносим

УКАЗ

О ПРОГЛАШЕЊУ ЗАКОНА О ТРЖИШНОЈ ИНСПЕКЦИЈИ

Проглашава се Закон о тржишној инспекцији, који је донела Скупштина Републике Српске Крајине на седници 18. маја 1992. године.

ПР број 69
У Книну
18. маја 1992. године

Председник Републике,
Горан Хаџић, с. р.

ЗАКОН

О ТРЖИШНОЈ ИНСПЕКЦИЈИ

I. ОПШТЕ ОДРЕДБЕ

Члан 1.

Послове тржишног инспекцијског надзора у Републици Српској Крајини врши републичка тржишна инспекци-

ANNEX 21

Law on Amendments to the Law on Defence

Source: Official Gazette of the Republic of Serbian Krajina, no.9/1992, Article 1

Logo

OFFICIAL JOURNAL
OF THE REPUBLIC OF SERBIAN KRAJINA

Tuesday, 19 May 1992
Knin

Issue No.9 Year 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".

Српске Крајине који је усвојила Скупштина Републике Српске Крајине на седници од 18. маја 1992. године.

Скупштина Републике Српске Крајине

Председник,
Мило Пасшаљ, 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 одбрамбена и служи искључиво 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 тужиоце.

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

Тачком 1. овог амандмана мења се назив поглавља о оружаним снагама Републике Српске Крајине.

Тачком 2. овог амандмана мења се члан 102. Устава Републике Српске Крајине.

Тачком 3. овог амандмана додаје се члан 102а.

Тачком 4. овог амандмана додаје се члан 102б.

92.

На основу члана 78. тачка 3. Устава Републике Српске Крајине, доносим

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
У Книну
18. маја 1992. године

Председник Републике,
Горан Хаџић, 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. мења 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 укључују се и јединице милиције посебне намене.

Припадник Српске војске Републике Српске Крајине је сваки грађанин који са оружјем или на други начин учествује у отпору против непријатеља.".

Члан 2.

У члану 6. тачка 1. речи: „оружаним 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, суверенитет, територијалну целокупност и Уставом утврђено друштвено уређење Републике Српске Крајине.

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

Организовање, припремање, развој, опремање и руковођење ТО у Републици Српској Крајини, у оквиру јединственог система одбране, остварује се у складу са Уставом Републике Српске Крајине, овим законом, организацијом и плановима развоја Српске војске и планом њене употребе, системом руковођења и командовања Српском војском, јединственим основама наоружања, опремања и обучавања Српске војске и плановима развоја ТО Републике.".

Члан 4.

У члану 32. у четвртом реду, речи: „оружаних снага" замењују се речима: „Српске војске".

Члан 5.

Члан 34. мења се и гласи:

„Територијалном одбраном руководи Главни штаб ТО, који у случају непосредне ратне опасности, рата и у другим ванредним приликама, преузима улогу штаба Врховне команде Српске војске Републике Српске Крајине."

Члан 6.

У члану 36. став 1. мења се и гласи:

„Командант територијалне одбране Републике Српске Крајине у случају непосредне ратне опасности, у рату и у другим ванредним приликама, као начелник штаба Врховне команде Српске војске Републике Српске Крајине, издаје наређење командантима територијалне одбране за употребу ТО, мобилизацију снага и материјалних средстава ТО и налаже предузимање других мера за успешно вођење општенародног отпора на територији Републике.".

Члан 7.

У члану 55. у другом реду, речи: „оружаних снага" замењују 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. тачка 3. Устава Републике Српске Крајине, доносим

УКАЗ

О ПРОГЛАШЕЊУ ЗАКОНА О ТРЖИШНОЈ ИНСПЕКЦИЈИ

Проглашава се Закон о тржишној инспекцији, који је донела Скупштина Републике Српске Крајине на седници 18. маја 1992. године.

ПР број 69
У Книну
18. маја 1992. године

Председник Републике,
Горан Хаџић, с. р.

ЗАКОН

О ТРЖИШНОЈ ИНСПЕКЦИЈИ

I. ОПШТЕ ОДРЕДБЕ

Члан 1.

Послове тржишног инспекцијског надзора у Републици Српској Крајини врши републичка тржишна инспекци-

ANNEX 22

Amendments XII – XIV

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

Logo

OFFICIAL JOURNAL
OF THE REPUBLIC OF SERBIAN KRAJINA

Thursday, 22 April 1993
Knin

Issue No.2 Year 1

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 iminent 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.

СЛУЖБЕНИ ГЛАСНИК
РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ

„СЛУЖБЕНИ ГЛАСНИК РЕПУБЛИКЕ СРПСКЕ КРАЈИНЕ" излази у издању на српском језику. Жиро-рачун код СДК 60802-603-21943. Модел 02. Позив на број 77771 Београд

Четвртак 22. април 1993.
КНИН
БРОЈ 2 ГОД. I

Цена овом броју је 80.000 динара. – Претплата за 1993. годину износи 250.000 динара. – Рок за рекламације 15 дана. Сва обавештења на тел: 011/650-155

22.

Скупштина Републике Српске Крајине, на основу члана 121. став 3. Устава Републике Српске Крајине, доноси

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

Проглашавају се Амандмани XII, XIII и XIV на Устав Републике Српске Крајине које је усвојила Скупштина Републике Српске Крајине на седници од 20. априла 1993. године.

Скупштина Републике Српске Крајине

Председник,
Милс Паспаљ, 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 судови и војна тужилаштва установљавају се законом. Војни судови су независни судови и суде на основу закона.

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

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

Тачком 2. овог амандмана замењује се тачка 2. Амандмана VIII на Устав Републике Српске Крајине.

Тач. 3. и 4. Амандмана VIII на Устав Републике Српске Крајине бришу се.

АМАНДМАН XIII

1. Руководи Српском војском Крајине у миру и рату, у складу са Уставом Републике Српске Крајине и одлукама Врховног савета одбране и председава Врховним саветом одбране, доноси одлуку о оснивању, седишту и надлежности војних судова и тужилаштава, те поставља и разрешава председника и судије војног суда и тужилаштва.

2. Тач. 6. и 8. члана 78. Устава Републике Српске Крајине се бришу, тачка 7. постаје тачка 6, а тач. 9, 10, 11. и 12. постају тач. 7, 8, 9. и 10.

Тачком 1. овог амандмана замењује се тачка 5. члана 78. Устава Републике Српске Крајине.

АМАНДМАН XIV

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

Врховни савет одбране утврђује постојање непосредне ратне опасности и проглашава ратно стање, уколико Скупштина није у могућности да се састане.

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

Врховни савет одбране доноси одлуке о приправности, мобилизацији и употреби Српске војске Крајине и о другим питањима у складу са Уставом и законом.

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

23.

На основу члана 78. тачка 3. Устава Републике Српске Крајине, доносим

УКАЗ
О ПРОГЛАШЕЊУ ЗАКОНА О ОДБРАНИ

Проглашава се Закон о одбрани, који је донела Скупштина Републике Српске Крајине на седници од 20. априла 1993. године.

ПР број 115
У Книну, 20. априла 1993. г.

Председник Републике,
Горан Хаџић, с. р.

ЗАКОН
О ОДБРАНИ

Глава I

ОСНОВНЕ ОДРЕДБЕ

Члан 1.

Овим законом у складу са Уставом Републике Српске Крајине уређују се права и дужности грађана, републичких органа и организација, органа и организација српских области и општина, организација које обављају јавну службу или делатност, предузећа и других правних лица у одбрани суверености, 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, dated 1 July 1991

Tab. 2: METAP Grant Agreement (Environment Management Project) between Socialist Federal Republic of Yugoslavia and International Bank for Reconstruction and Development, dated 4 October 1991, and the Facsimile Cover Sheet with Message from the World Bank/IFC/M.I.G.A. dated 11 October 1991

Tab. 3: Protocol between the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia and the Government of Romania on Trade in Goods and Services, dated 27 November 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 July 1, 1973 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

Tab. 2

THE WORLD BANK/IFC/M.I.G.A.
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: (Including this sheet)	2 MESSAGE NO.: RIJ1
TO:	Mr. Andreja Randic, Director Project Coordinating Unit Ministry of Environmental Projection	FAX TEL. NO.: CITY: COUNTRY:	38-51-614527 Ljubljana Yugoslavia
COPY:	Mr. Borivoje Nikolic Department Head Federal Secretariat for Finance	FAX TEL. NO.: CITY: COUNTRY:	38-11-636-775 Belgrade Yugoslavia
COPY:	Ms. Sofija Borovnica Assistant Secretary Federal Secretariat for Development	FAX TEL. NO.: CITY: COUNTRY:	38-11-2222909 Belgrade Yugoslavia
COPY:	Mr. Ivan Zivkovic Minister Counselor Embassy of Yugoslavia	FAX TEL. NO.: CITY: COUNTRY:	1-202-797-9663 Washington, DC USA
FROM:	Jonathan Brown, Chief Infrastructure, Energy and Environment Division Eastern Europe Department	FAX TEL. NO.: TELEPHONE NO.: ROOM NO.: DEPT./DIV. NO.:	202-477-3285 202-473-2469 H3-129 290/30

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 Bleu, 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 statements 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.

5. We are pleased that this very important project can now begin and we are lookir 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, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.10, 6.02 (a)(i), 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:

Savezni Sekretarijat za Finansije
Bulevar Lenjina 2
11070 Beograd
Yugoslavia

Cable address:	Telex:
SAVEZNI Sekretarijat za Finansije Beograd	11448 SIV

For the Administrator:

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

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

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:

Category	Amount of the Loan Allocated (Expressed in Dollar Equivalent)	% of Expenditures to be Financed
Management plan for Cres-Losinj Archipelago	175,000	100%

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.

Submission to the Bank of the initial report	June 30, 1992
Submission to the Bank of the final report	December 31, 1992

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
between the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia and the Government of Romania on Trade in Goods and Services in 1992

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 exported 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	Cornel Grigorut
/signed/	/signed/

P R O T O K O L

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, i interes da se i dalje pospešuje uzajamno korisna ekonomska i naučno-tehnička saradnja, ostvarenje stabilne i uravnotežene razmene roba i usluga u 1992. godini, koja bi odgovarala stvarnim mogućnostima nacionalnih privreda, a rukovodeći se u isporukama roba odredbama Opšteg sporazuma o carinama i trgovini (GATT), dogovorile su sledeće:

Član 1.

Isporuka 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 indikativan karakter.

Preduzeća 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 pružaće podršku realizaciji ovih isporuka.

Član 3.

Osnovu za utvrdjivanje 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 klirinškog načina obračuna izmedju Socijalističke Federativne Republike Jugoslavije i Socijalističke Republike Rumunije i o prelasku na plaćanje u konvertibilnim valutama" potpisanim 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.

Ovaj Protokol važi do 31. decembra 1992. godine.

Sačinjen je u Bukureštu dana 27 novembra 1991. godine u dva originalna primerka na srpskohrvatskom i rumunskom jeziku, s tim što oba teksta imaju istu važnost.

ZA
SAVEZNO IZVRŠNO VEĆE
SKUŠTINE SOCIJALISTIČKE
FEDERATIVNE REPUBLIKE
JUGOSLAVIJE

Đorđe Hadži-Mihajlović

ZA
VLADU RUMUNIJE

Cornel Grigorit

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

[translation from Russian]

PRESIDENT
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
M. S. GORBACHEV

TO THE PRESIDENCY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

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 apppoint citizen Genadij Serafimovich SHIKIN as my extraordinary and plenipotentiary ambassador with the PRESIDENCY of the SFRY.

By accrediting citizen Genadij Serafimovich 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

ПРЕЗИДЕНТ

СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК

М. С. ГОРБАЧЕВ

ПРЕЗИДИУМУ СОЦИАЛИСТИЧЕСКОЙ ФЕДЕРАТИВНОЙ РЕСПУБЛИКИ ЮГОСЛАВИИ

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.

Аккредитуя 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.

Скрепил
Министр Иностранных Дел СССР

Москва, Кремль
«5» ноября 1991 года

Tab. 2

Soeharto

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 PAMUNGKAS**, 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.

Jakarta, January 15 , 1992.

Soeharto
Presiden Republik Indonesia

Dewan Kepresidenan

Republik Federal Sosialis Yugoslavia.

Sahabat Karib Yang Mulia,

Kami telah memilih Saudara **SANDJOTO PAMUNGKAS**, seorang warga negara Republik Indonesia yang terkemuka, sebagai Duta Besar Luar Biasa dan Berkuasa Penuh Republik Indonesia untuk Republik Federal Sosialis Yugoslavia berkedudukan di tempat Pemerintahan Dewan Kepresidenan Republik Federal Sosialis Yugoslavia.

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 memberikan kepercayaan penuh terhadap segala apa yang akan beliau kemukakan sebagai Wakil Republik Indonesia.

Melalui beliau kami ingin pula menyampaikan salam sejahtera kepada Dewan Kepresidenan Republik Federal Sosialis Yugoslavia disertai harapan bagi kesejahteraan Dewan Kepresidenan Republik Federal Sosialis Yugoslavia dan kemakmuran bagi rakyat Republik Federal Sosialis Yugoslavia.

Semoga Tuhan Yang Maha Esa senantiasa melimpahkan karunia dan bimbinganNya kepada Dewan Kepresidenan Republik Federal Sosialis Yugoslavia.

Salam Hormat,

Menyaksikan :
Menteri Luar Negeri,

(ALI ALATAS, S.H.).-

Jakarta, 15 Januari 1992.

Tab. 3

F 0008

LE PRESIDENT DU COMITE 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,

Désireux d'entretenir et de resserrer 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 18 JAN. 1992

Lieutenant-Colonel Amadou Toumani TOURE.

: 0007

LE PRESIDENT DU COMITE 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,

Ayant décidé de confier de nouvelles fonctions à Monsieur N'Fa Gaoh TRAORE , 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. 1992

LIEUTENANT-COLONEL AMADOU TOUMANI TOURE

Tab. 4

GHULAM ISHAQ KHAN

President of the Islamic Republic of Pakistan

To all and Singular to whom these Presents shall come, Greetings! Whereas

it appears to me 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 with the especial 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 Kamal Khan have, by these presents, nominated, constituted and appointed him, the said Admiral (Retd) Tariq Kamal Khan to be Ambassador Extraordinary and Plenipotentiary at Belgrade for the purpose aforementioned; Giving and granting to him in that character all power and authority to do 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 Kamal 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 whereto 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

PRESIDENCY OF THE
SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Zp. No. 127 TOP SECRET

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

PRESIDENCY OF
THE SOCIALIST FEDERAL
REPUBLIC OF YUGOSLAVIA

TOP SECRET

Zp. No. 127
Belgrade, 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. Jugoslav 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. Milovoje 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.

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 371 јединица описа бр. име и презиме Igor Olujić

PREDSEDNIŠTVO SOCIJALISTIČKE FEDERATIVNE REPUBLIKE JUGOSLAVIJE

Zp.br.127. STROGO POVERLJIVO

ZAPISNIK

sa 127. sednice članova Predsedništva Socijalističke Federativne Republike Jugoslavije, održane 18. jula 1991. godine

Beograd

[redacted] Србије
и Црне Горе фонд бр. 803 фас.бр. 171 јединица описа бр. _____ име и презиме Igor Ocyć

PREDSEDNIŠTVO
SOCIJALISTIČKE FEDERATIVNE
REPUBLIKE JUGOSLAVIJE
Zp. br. 127.
18. juli 1991. godine
B e o g r a d

STROGO POVERLJIVO

ZAPISNIK

sa 127. sednice 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, Sejdo Bajramović, mr Bogić Bogićević, dr Vasil Tupurkovski, dr Janez Drnovšek i dr Borisav Jović.

Po pozivu, sednici su prisustvovali predsednik Saveznog izvršnog veća Ante Marković, potpredsednik Skupštine SFRJ Irfan Ajanović, savezni sekretar za unutrašnje poslove Petar Gračanin, savezni sekretar za narodnu odbranu general armije Veljko Kadijević, zamenik saveznog sekretara za narodnu odbranu admiral Stane Brovet i zamenik saveznog sekretara za inostrane poslove Milivoje Maksić.

Na sednici je utvrdjen sledeći

D n e v n i r e d :

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

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 171 јединица описа бр. име и презиме Igor Ocić

3. Realizacija zaključaka Predsedništva SFRJ od 9. maja 1991. godine u vezi sa situacijom u Hratskoj uključujući i angažovanje jedinica JNA u skladu sa njenom ustavnom i zakonskom ulogom
4. Plan međunarodnih poseta na nivou Predsedništva SFRJ za 1991. godinu
5. Izbor članova Predsedništva SFRJ u radna tela Predsedništva SFRJ
6. Tekuće pitanja (razno):
   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

Tačka 1. i 2.

Predsedništvo SFRJ je razmotrilo ostvarivanje svojih odluka od 12. jula 1991. godine u vezi sa situacijom u Republici Sloveniji kao i stavova iz Brionskih dokumenata. Pri tome, Predsedništvo SFRJ se upoznalo i sa pismom Skupštine Republike Slovenije upućeno Skupštini SFRJ i skupštinama republika u vezi sa priznavanjem samostalnosti i nezavisnosti te republike. Član Predsedništva SFRJ dr Vasil Tupurkovski je podneo uvodno izlaganje i istovremeno informisao Predsedništvo SFRJ o radu Komisije za praćenje ostvarivanja zaključaka Predsedništva SFRJ od 12. jula 1991. godine.

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

Polazeći od rešenosti da bez upotrebe 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

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 171 јединица описа бр. _____ име и презиме Igor Ocić

krajeve zemlje u roku od 3 meseca. Protiv ove Odluke se izjasnio predsednik Predsedništva SFRJ Stjepan Mesić, a uzdržan je bio član Predsedništva SFRJ mr Bogić Bogićević.

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

Tačka 3.

Predsedništvo SFRJ je, zbog nedostatka pisanih informacija i analiza, odložilo za jednu od narednih sednica razmatranje aktuelne 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 izmenama i dopunama koje je na sednici izneo 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;

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 371 јединица описа бр. _____ име и презиме Igor Ocić

– 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 Albanija, kao i Radna grupa Predsedništva SFRJ za pitanja izmene propisa o upotrebi imena i lika Josipa Broza Tita.

Tačka 6. razno

a) Predsedništvo SFRJ je dogovorilo da se naredna sednica Predsedništva SFRJ, uz učešće predsednika republika i predsedništava republika, kao i najviših funkcionera federacije, održi 22. jula 1991. godine u Ohridu, sa sledećim dnevnim redom:

1) Dogovor i garancija za uspostavljanje mira 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 kome se traži da Predsedništvo SFRJ, u skladu sa članom 318. Ustava SFRJ, obavesti Skupštinu SFRJ o aktivnostima koje preduzima za razrešenje jugoslovenske krize;

c) Takođe, Predsedništvo SFRJ se upoznalo sa pismom predsednika Saveznog veća Skupštine SFRJ u kome se traži da Predsedništvo SFRJ obavesti Veće 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 Stari

PREDSEDNIK,
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 Olujic

---

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

PRIJ OD [illegible] PE RX FAXIMIL 7010 [illegible] 2:39 PM [illegible] 3871653592: # 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:

TELEPHONE: 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]

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

---

Fax sent : 3871 653 -592 Government of SR BIH A4→A4 09/01 [illegible]14:47 page:2

PRIJ OD:E1-PE RX FAXIMIL 7010 [illegible] 2:40 PM [illegible] 3871653592: # 3
09/01 '92 14:38 →→→ SARAJEVO 002

09/01 '92 [illegible] Presidency of the Republic of Croatia 001

Stipe Mesić
Z a g r e b

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

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

---

Fax sent : 3871 653 -592 Government of SR BIH A4→A4 14:47 page:3

PRIJ OD:E1-PE RX FAXIMIL 7010 [illegible] :41 PM CCITT 03→3871653592: # 3
09/01 '92 14:39 →→→ SARAJEVO 003

[illegible] 15:20 38 41 275 682 Presidency of the Republic of Croatia 002

Stjepan Mesić
Zagreb, Ilica 87

Presidency of the SFRY
- Personal Service -
Belgrade

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 Jovo Popović may collect the documents and salaries.

I am grateful [illegible]

Stipe Mesić
/signature/

Zagreb,

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 383 јединица описа бр. име и презиме Goražić

REPUBLIKA HRVATSKA
TELEX I TELEFAX SLUŽBA
Z A G R E B

PREDSEDNISTVO SFRJ
BEOGRAD

PRIMLJENO: 9.1.1992			
Org. jed.	Broj	Prilog	Vrednost
	26/1		

DATUM / DATE : 08.01.92.

OD / FROM : gospodin Stipe Mesić

ZA / FOR : gospodin
Alekso Mitić
generalni sekretar
Predsjedništva SFRJ

UKUPAN BROJ STRANICA UKLJUČUJUĆI I OVU : 3 (tri)
NUMBER OF PAGES INCLUDING THIS PAGE :

POTPIS / SIGNATURE : Mesić

AKO NIŠTE PRIMILI SVE STRANICE, OBAVIJESTITE NAS ODMAH !

TELEFON : 041-43-20-93
TELEFAX : 041-27-84-83 I 45-15-11
TELEX : 21215 I 21832 REP.H

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

TELEPHONE : 38-41-43-20-93
FAX : 38-41-27-84-83
38-41-45-15-11
TELEX : 21215 REP.H
21832 REP.H

PORUKA / MESSAGE

Ljno vas da ovo dostavite u Beograd. Hvala unaprijed!

Lco RH

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 383 јединица описа бр. име и презиме Gol Ajić

Stipe Mesić
Z e g r e b

Gospodin
ADELKO HASLIĆ
zamjenik generalnog
sekretara PSFRJ

U dogovoru s gospodinom Stjepanom Mesićem, u prilogu vam dostavljam pismo, s molbom da ga proslijedite Personalnoj službi Predsjedništva.

Ivica Račan

U Zagrebu, siječnja 1992. godine

Архив Србије и Црне Горе фонд бр. 803 фас.бр. 383 јединица описа бр. име и презиме Горан Ајић

Stjepan Mesić
Zagreb, Ilica 87

PREDSJEDNIŠTVO SFRJ
- Personalna služba -

Beograd

Sabor Republike Hrvatske povukao je predstavnike iz federalnih organa, a time mene iz Predsjedništva SFRJ, jer je Republika Hrvatska proklamirala svoju samostalnost.

Budući da od 1.1.1992. god. zasnivam radni odnos u drugoj instituciji, molim da mi se zaključi radni odnos s tim datumom te da mi se dostave moji dokumenti (radna knjižica i dr.) kao i dospjeli osobni dohoci.

Dokumente i osobne dohotke može podići savjetnik Jovo Popović.

Unaprijed se zahvaljujem.

Stjepan Mesić

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

Дел.бр.

СТЕНОГРАФСКИ БЕЛЕШКИ

од Тринаесет и првата седница на Собранието на Република Македонија одржана на 10 јануари 1992 година

Скопје, јануари 1992 година

16.

СТОЈАН АНДОВ:

Благодарам.

Отворам претрес.

Молам, кој бара збор?(Никој).

Видејќи никој не бара збор, го заклучувам претресот и на Собранието му предлагам да го усвои следниот заклучок.

1. Собранието ја усвојува информацијата на претседателот на РЕпублика Македонија за меѓународно-политичката активност на Република Македонија.

2. Собранието му дава целосна поддршка на претседателот на Репбулика Македонија за активностите што ги презема на меѓународен план за афирмирање и признавање на суверена и независна Македонија.

Молам, кој е за предложениот заклучок?(98 пратеници)

Дали има некој против? (нема).

Дали некој се воздржува од гласање?(4 пратеника).

Констатирам дека Собранието го усвои предложениот заклучок.

Минуваме на точката 3 - Оставка на членот на Претседателството на Социјалистичка Федеративна Република Југославија од Република Македонија д-р Васил Тупурковски.

д-р Васил Тупурковски на 8 јануари 1992 година, поднесе оставка во која се наведени причините поради што ја поднесува оставката.

Оставката Ви е поделена.

Отворам претрес.

Молам, кој бара збор?(никој).

Видејќи никој не бара збор, го заклучувам претресот.

17.

Со оглед на поднесената оставка констатирам дека на д-р Васил Тупурковски му престанува функцијата член на Претседателството на Социјалистичка Федеративна Република Југославија од Република Македонија.

Почитувани пратеници.

Денес Собранието на РЕпублика Македонија со полно разбирање ги уважи аргументите и причините поради кои господинот Васил Тупурковски поднесе оставка на фунцијата член на Претседателството на СФРЈ од Република Македонија.

Ја користам оваа прилика да од името на Собранието т.е. сите вас и од мое лично име на господинот Тупурковски му изразиме благодарност и почит за досегашната успешна работа во вршењето на функцијата член на Претседателството на СФРЈ од Република Македонија.

Познавајќи ги досегашните политички, интелектуални и работни ангажмани на господинот Васил Тупурковски втемелени во вкупните активности на нашето општество за целосно изразување на македонската државност и суверенитет, длабоко сме уверени дека тој и понатаму останува спремен тие свои способности и потенцијали да ги стави на располагање на својата Република и нејзините вкупни интереси.

(аплауз)

Преминуваме на избор на членови на Владата и министри и именување на заменици на министри.

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

Собранието избира министри со мнозинство гласови од вкупниот број на пратеници.

Именувањето на заменици на министри се врши по иста 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

FEDERAL SECRETARIAT
FOR FOREIGN AFFAIRS
Personnel Department
Ref: 28-44/12 1668
7 February 1992

Pursuant to Articles 168, 258 and 390 of the Law on the Basic System of Government Administration and on the Federal Executive Council and Federal Agencies ("Official Gazette of the SFRY" No. 23/78), Article 18 of the Law on Amendments to the Law on the Basic System of Government Administration and on the Federal Executive Council and Federal Agencies ("Official Gazette of the SFRY" No.18/85), paragraph 6 of Article 29 of the Law on Personal Income of Delegates in the SFRY Assembly and on Personal Incomes of Officials ("Official Gazette of the SFRY" No. 72/89) and on the basis of the powers vested in the Federal Secretary for Foreign Affairs No. 1590/12 of 30 July 1990, I issue the following

D E C I S I O N

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.

E x p l a n a t i o n

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 manegement 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 aforegoing 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

Mico radna knjižica
dosje broj 1668
B. knj

SAVEZNI SEKRETARIJAT
ZA INOSTRANE POSLOVE
Uprava za kadrovske
poslove
Broj: 28-44/12 1668
07.02.1992. godine

Na osnovu čl. 168. i 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 naknadama ličnih dohodaka delegata u Skupštini SFRJ i o ličnim dohocima funkcionera.. ("Sl. list SFRJ", br. 72/89) i ovlašćenja 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,

p r e s t a j e radni odnos po sili zakona zbog odlaska u penziju zaključno sa 29.02.1992. godine.

2. Uprava za finansije i budžet isplatiće imenovanom otpremninu u visini iznosa dva poslednja lična dohotka, odnosno naknade ličnog dohotka pre odlaska u penziju.

3. Optremnina se isplaćuje 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

LONČAR BUDISLAVU, prestaje radni odnos u Saveznom sekretarijatu za inostrane poslove po sili zakona, sa 29.02.1992. godine, imajući u vidu da su ispunjeni uslovi iz čl. 390. Zakona o osnovama sistema državne uprave i o SIV-u i saveznim organima uprave i člana 18. Zakona o izmenama i dopunama istog.

Imenovanom pripada otpremnina u visini utvrdjenoj na osnovu Odluke SIV-a broj 1142, tačka 6. o osnovama i merilima za utvrdjivanje 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.

SAVEZNI SEKRETAR
dr Vladimir Sultanović

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

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

П 26.879

БОРИСАВ ЈОВИЋ

ПОСЛЕДЊИ ДАНИ СФРЈ

изводи из дневника

ПОЛИТИКА
издавачка
делатност

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 placc 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 Хага, одржали смо састанак шесторице код Слободана Милошевића. Ту је био и Момир Булатовић. Нисмо га нападали. Покушавали смо да „зажмуримо", да не видимо ништа. Али нисмо могли са различитих становишта да нађемо исти језик. Негде пред крај сусрета, рекао сам да нам је узалуд да настављамо рад ако Момир не промени став. Његов је одговор био да није проблем у Момиру, него у нама. „Они неће да ратују за нас", „Црном Гором они управљају, а не ми", итд. Нема више ни толеранције, а камоли поверења.

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

25. октобар 1991.

Забележићу и запажање из последњег, не тако кратког периода наше драме, о латентном неповерењу и скоро сукобу између Слободана Милошевића и војске, пре свега, генерала Кадијевића. Њихов се сукоб и неповерење мање осећа на састанцима где смо сви (шесторица), а знатно више када је један од њих сам — са мном.

Генерално гледано, у овом тренутку Кадијевић је веома нерасположен што Србија не даје 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 (ја 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 дамо 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 трпа 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 Србе у Хрватској остављамо на цедилу. Слободан им одговара да смо их помагали и капом и шаком и то ћемо чинити до краја. Адић, који је иступао слично 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.

Данас ми се Вељко јавио да ме обавести о свом разговору с представницима Западне Славоније. Пазите добро шта ми је рекао. Као, они су њему рекли:

15. новембар 1991.

Операција је успела. Савет безбедности почео је разговоре о идеји упућивања „плавих шлемова" у Крајину и Хрватску, мада се избегава помињање нашег захтева. Нашли су и они „соломонско" решење. Формално су то „тражиле" 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. Пекинī

Разговор с председником владе НР Кине Ли Пенгом.

Једнодневна радна посета Кини уследила је на наш захтев у функцији спречавања да се у Савету безбедности ОУН 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 расположењу према нашој земљи и о њеној жељи да конструктивно помогне, колико може, решавању наше ситуације.

Саговорници су били председник Државног савета Ли Пенг и његов први заменик Ву Ксуи Ћијен који се бави, углавном, међународним питањима. Тај ниво је потврда њихове оријентације и спремности да се упуштају у нашу ситуацију, да разговарају са нама 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 могућност да им дамо комплетну, аутентичну информацију о ситуацији у нашој земљи, али исто тако да изнесемо јасно и одређено наша очекивања од Кине у тој ситуацији.

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

Саговорници су истицали став да југословенска криза треба да се решава унутар саме Југославије, без спољњих притисака и мешања. То је њихово принципијелно 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 дужне да нам помогну у смиривању сукоба и решавању проблема, а не смеју се дозволити никакви спољњи 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 уцена, 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.

Оцењујемо ситуацију пред, врло вероватно, скоро призавање Хрватске и Словеније од стране Европске заједнице и већ учињеног позива свим републикама да се осамостале од Југославије. Процењујемо да ће ускоро уследити признање Босне и Херцеговине и Македоније, па оцењујемо и нашу позицију у тим околностима.

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

С Босном и Херцеговином ће бити веома тешко. Међунационални сукоби су већ почели. Муслимани и Хрвати су напустили ЈНА и формирали паравојне јединице. У ЈНА су остали практично Срби и Црногорци, али из свих српских земаља. Када Босна и Херцеговина буде међународно призната, ЈНА ће бити проглашена страном војском и захтеваће се њено повлачење, што је немогуће избећи. У тој ситуацији српско становништво у БиХ, које није створило своје паравојне 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 шетањем 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 прикључи разговору. Слоба му каже поједностављено, да треба да изврше размештај војске: све из БиХ у Босну и Херцеговину и обрнуто, да нам је то стратегијски 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, али ће погледати 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

REPUBLIC OF SERBIA
MINISTRY OF DEFENCE
SECRETARIAT
Centre for ICTY Cooperation

Defence
Official secret
TOP SECRET

VERY URGENT

Str.pov. No. 1768-17
Belgrade, 18 November 2009

Your ref: 418844 of 10 November 2009

TO THE MINISTRY OF FOREIGN AFFAIRS

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

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

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 VELJKO, 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 3rd 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)

РЕПУБЛИКА СРБИЈА
МИНИСТАРСТВО ОДБРАНЕ
СЕКРЕТАРИЈАТ МИНИСТАРСТВА
Центар за сарадњу са МКТ
Стр.пов.број 1768-17
18. 11. 2009. године
Београд

Одбрана
Службена тајна
СТРОГО ПОВЕРЉИВО

ВРЛО ХИТНО

Обавештења - податке,
достављa.-

РЕПУБЛИКА СРБИЈА
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, везано за националну структуру официрског кадра у ЈНА, односно учешће Срба и Хрвата у структури официрског кадра ЈНА у периоду 1984 – 1991. година, 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 Албанаца за војни позив, што је резултирало формирањем официрског састава који по структури није одговарао националној структури становништва.

Наведено је јасно видљиво и из приложене табеле (и остале пратеће 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 Хрвати, Словенци и Мађари, с обзиром на то да је процентуално учешће у броју

кандидата који су примљени знатно веће од процентуалног учешћа у броју кандидата који су конкурисали, док је код пријема Срба, Црногораца и Македонаца обрнут случај.

Преглед односа броја кандидата који су конкурисали и примљени у војне школе у СФРЈ у периоду 1984-1990. године

	1984.г. Примљени у односу на број оних који су конкурисали у %	1985.г. Примљени у односу на број оних који су конкурисали у %	1986.г. Примљени у односу на број оних који су конкурисали у %	1987.г. Примљени у односу на број оних који су конкурисали у %	1988.г. Примљени у односу на број оних који су конкурисали у %	1989.г. Примљени у односу на број оних који су конкурисали у %	1990.г. Примљени у односу на број оних који су конкурисали у %	Учешће у националној структури СФРЈ у %
Срби	18,51	16,01	22,16	28,33	30,51	29,63	22,18	36,30
Хрвати	33,61	23,31	30,87	34,81	35,79	34,16	25,57	19,74
Албанци	18,92	15,7	12,53	17,60	10,49	20,73	5,06	7,72
Словенци	47,33	69,19	69,94	65,81	45,45	43,59	45,88	7,82

- 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 уједначенија 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 Јураја АНТОН, генерал-пуковник, Хрват**
   - Командант РВ и ПВО од 30.08.1985. године до 20.09.1991. године;
3. **ГРУБИШИЋ Стипе БОЖИДАР, адмирал, Хрват**
   - Председник организације СКЈ у ЈНА од 13.06.1990. године до 04.06.1991. године;
4. **СПИРКОВСКИ Стевана АЛЕКСАНДАР, генерал-пуковник, Македонац**
   - Командант 1. војне области од 31.08.1989. године до 04.10.1991. године;
5. **КОЛШЕК Конрада КОНРАД, генерал-пуковник, Словенац**
   - Командант 5. војне области од 26.04.1989. године до 29.06.1991. године;
6. **БРОВЕТ Руперта СТАНЕ, адмирал, Словенац**
   - Заменик савезног секретара за НО од 10.12.1988. године до 12.03.1992. године;
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 досијеу персоналних података ДПП-1 Хрват)**
   - Командант Флоте ВПО од 31.08.1988. године до 27.06.1991. године;
9. **КУЛИЋ Анте МАРКО, генерал-потпуковник, Хрват**
   - Командант 3. ваздухопловног корпуса РВ и ПВО од 12.12.1988. године до 16.10.1991. године;
10. **ЉУБИЧИЋ Маријана МАРЈАН, генерал-потпуковник, Хрват**
    - Заменик команданта за КоВ Војнопоморске области од 09.12.1988. године до 31.12.1991. године.

- да је генерал-пуковнику ТУС Јураја АНТОНУ престала активна војна служба по основу губитка чина дана 20. септембра 1991. године, када је самовољно напустио службу (именовани је као активно војно лице, неутврђеног дана месеца септембра 1991. године, ступио у оружане снаге Републике Хрватске - податак садржан у прилогу нашег акта пов.бр. 1067-87 од 21.08.2009. године) и да је генерал-пуковник ЈУРЈЕВИЋ Боже ЗВОНКО дужност Команданта РВ и ПВО примио дана 15.06.1991. године и исту обављао до 07.01.1992. године када је удаљен од дужности, а од активне војне службе разрешен је дана 31. августа 1992. године.

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

СЕКРЕТАР
МИНИСТАРСТВА ОДБРАНЕ

Драган Радуловић

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 MILITARY SECRET

Strictly confidential no. 235-1

29 October 1991

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 Alijagiša 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**:

1)JOd /Assault Detachment/-1 comprises: 1st mtb /Motorised Battalion/, 1-3/2nd bVP /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 JOd-2 and by the introduction of forces break up the Ustasha units in Cvetno and Pionirsko Naselje, break out into 1 Maja Street, and then, in cooperation with 3/211th 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 Proleterske Divizije housing estate.

With the main forces break out into the Milino Brdo sector, and from there cooperate with **JOd-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.

2) **JOd-2** comprises: 2nd mtb, 2nd bVP (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 Mladena Stojanovića Street – Mitnica housing estate axis.

By breaking out into Stjepana Radića Street, with a part of the forces prevent the withdrawal of Ustasha 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//543rd mtbr /Motorised Battalion/, 3./,pionč /as printed/, Novi Sad Volunteers Company , mč /Motorised Company/-1st okb/1st pgmbr /Infantry Mechanised Guards Brigade/, mixed company okb/Gmtbr /Guards Motorised Brigade/, 1st 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 20/46th partd /Partisan Division/, cooperate with **JOd-2** and by the introduction of forces break up the Ustasha 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 JNA Street – Stjepan Radić Street axis.

4) **JOd-4** comprises: OdTOK /?Territorial Defence Corps Detachment/, 1/2nd pionč, 2nd Company Smederevska Palanka volunteers company. Continue the attack with the main forces on Stjepana Supanca and Josipa Kraša Streets and cooperate with **JOd-5** in breaking up the remaining firing positions, and with the auxiliary forces, tie up the Ustasha forces in Josipa Kraša and Stjepana Supanca Streets, secure the captured area and mop up the terrain.

5) **JOd-5** comprises: 1st bVP, 2/2nd pionč, 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 Alijagića Street, break out into the Water Tower sector and from there, in cooperation with **JOd-2**, prevent the manoeuvring and withdrawal of Ustasha forces on the Mitnica housing estate axis.

6) **3/211th okbr** in the current combat deployment sector will secure the axis: Bogdanovci village – Vukovar, and prevent a possible intervention from the Bogdanovci 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 Ustasha forces from the Bogdanovci village direction, prevent the intervention and repel the Ustasha 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 Bogdanovci 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 partb 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 – Bokovci – tt /trig point/ 108.

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

9) **OdTOSM**. 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 partbr, prevent the withdrawal of Ustasha forces on the Koreja – Ovčara axis.

10) **PVO** /Anti-aircraft Defence/ **lsard** /Light Self-Propelled Artillery and Rocket Battalion/ will operate against the Mitnica housing estate and Alije Alijagića 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/

KOMANDA OG "[redacted]"
Str.pov.br. [redacted]/95-1
29.10.1991.g.

VOJNA TAJNA

03502644

O D L U K A

ZA PRODUŽENJE NAPADNE 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.Alijagića -Trg Republike, a **pomoćnim** "Vučedol" (Šuma Mala Dubrava) - naselje "Mitnica" sa ciljem:

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

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

Trajanje I etape _____

Trajanje II etape _____

Gotovost za produženje napada _____

2. **ZADACI JEDINICAMA:**

1) **JOd-1** sastava: 1.mtb, 1-3/2.bVP, Od Leva Supoderica, Od Petrova Gora, četa dobrovoljaca Novi Sad, 1 tenk M-84, 1/1.pionč, deo jedinica TO iz sadašnjeg rejona 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 sangama produžiti napad u zahvatu ulice 1.Maja, a pomoćnim razbiti ustaške snage u rejonu naselja "6.Proleterske divizije".

Glavnim snagama izbiti u rejon Milino Brdo odakle sadejstvovati **JOd-2** na pravcu ul. Ivana Gorana Kovačića - ulica Maršala 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 rejona borbenog rasporeda glavnim sangama produžiti napad pravcem: ul.Dalmatinska - ul. Alije Alijagića i uz ubacivanje ovladati rejonom škole i groblja i izbiti na ulicu Stjepana Radića, a pomoćnim sadejstvovati **JOd-3** dejstvom na pravcu ul.Dr.Mladena 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.

SB-VD-02

03502645

3) JOd-3 sastava: mešoviti DOd, izv/543.mtbr, 3./.pionč, četa dobrovoljaca Novi Sad, mč-1.okb/1.pgmbr, mešovita četa Okb/Gmtbr, 1.dobrovoljačka četa Smederevska Palanka, i TO jedinice Negoslavci i Sotin, iz sadašnjeg rejona borbenog rasporeda produžiti napad u zahvatu puta na pravcu šuma Mala Dubrava-naselje "Mitnica" - Vodotoranj i uz podršku 20/46.partd, sadejstvovati sa JOd-2 i ubacivanjem snaga razbiti ustaške snage u zahvatu glavnog puta kroz naselje "Mitnica" i izbiti u rejon vodotornja odakle sadejstvovati JOd-2 na pravcu ul. JNA - ul. Stjepana Radića.

4) JOd-4 sastava: OdTOS, 1/2.pionč, 2.četa dobrovoljaca Smederevska Palnaka, glavnim snagama produžiti napad na pravcu ulice Stjepana Supanca i Josipa Kraša i sadejstvovati JOd-5 u razbijanju zaostalih vatrenih tačaka, a pomoćnim snagama vezivati ustaške snage u ulici Josipa Kraša i Stjepana Supanca, obezbedjivati 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 upad i osvajanje ključnih objekata produžiti napad preko ulice Alije Alijagića, izbiti u rejon vodotornja odakle u sadejstvu sa JOd-2 sprečiti manevar i izvlačenje ustaških snaga sa pravca naselja "Mitnica".

6) 3/211.okbr u sadašnjem rejonu borbenog rasporeda obezbedjivati pravac: s.Bogdanovci - Vukovar i sprečiti eventualnu intervenciju sa pravca s.Bogdanovci. Po otpočinjanju borbenih dejstava sa jednom četom sadejstvovati JOd-1 dejstvom na pravcu nadvožnjak - ul.1.Maja, a sa dve čete izvršiti demonstrativni napad ulicom Svetozara Markovića i ul. Proleterskih brigada.

U slučaju jače intervencije ustaških snaga iz pravca s.Bogdanovci u sadejstvu sa mešovitom četom okb/Gmtbr sprečiti intervenciju i odbaciti ustaške snage.

7) okb/Gmtbr (-jedna mešovita četa) u ulozi rezerve iz sadašnjeg rejona borbenog rasporeda biti u gotovosti za sprečavanje eventualne intervencije sa pravca s.Bogdanovci, a po otpočinjanju borbenih dejstava demonstrirati silu ulicom Sajmište. Biti u gotovosti za intervenciju na pravcima napada jurišnih odreda i obezbedjenje raskrsnice na "Slaviji"

8) 20.partb sa okb/544.mtbr iz sadašnjeg rejona rasporeda obezbediti širi rejon Ovčara, Jakobovac, Grabovo, šuma Mala Dubrava. Delom snaga sadejstvovati 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) OdTOSM iz sadašnjeg rejona borbenog rasporeda delom snaga obezbediti pravac u zahvatu ulice Svetozara Markovića i sprečiti eventualnu intervenciju sa pravca naselja "8.Marta", a delom snaga sadejstvovati JOd-3 dejstvom na pravcu ulice Sajmište - "Koreja" - "Mitnica" i obezbediti spoj izmedju JOd-2. i 3.
U sadejstvu sa 20.partb sprečiti izvlačenje ustaških snaga na pravcu "Koreja" - Ovčara".

10) **Isard PVO** sa sadašnjih položaja dejstvovati po naselju "Mitnica" i ulici Alije Alijagića.

Biti u gotovosti za pokret i dejstvo na pravcu napada JOd-1,2. i 5.

11) Ostale jedinice OG "JUG" angažovati po prethodnoj odluci.

3. **VATRENA PODRŠKA:**

a/ **Vazduhoplovna:**

Podržava 1.KoRV i PVO.

Vazduhoplovnu vatrenu podršku izvršiti dejstvom po pozivu sa 2 odeljenja u varijanti naoružanja 4 puta RAB-250kg (ili 4 puta FAB-250kg) po objektima koji će biti precizno naznačeni.

b/ **Artiljerijska podrška:**

Težište imati na podršci na glavnom pravcu napada u toku _____ 1991.godine.

Na težištu angažovati dve baterije MB-120mm had-122mm, D30J, had-155mm M1, i tod -130mm M46.

Podršku vršiti po zahtevu komandanata jurišnih odreda.

4. **OBEZBEDJENJE BORBENIH DEJSTAVA:**

Prema prethodnoj odluci.

RT/DR

KOMANDANT OG "JUG"
n a k o v n i k
Ratko Mrkšić

SECTION VI

War Crime Trials in Croatia

ANNEX 32

OSCE Mission to Croatia

Background report: domestic war crime trials 2005, dated 13 September 2006, p. 29

Organization for Security and Co-operation in Europe

Mission to Croatia

Headquarters

BACKGROUND REPORT: DOMESTIC WAR CRIME TRIALS 2005

13 September 2006

TABLE OF CONTENTS

EXECUTIVE SUMMARY **3**

A. DEVELOPMENTS DURING 2005 AND EARLY 2006 ..... **6**

I. ICTY REFERRALS TO CROATIA 6
II. ICTY PROSECUTES CROATIAN JOURNALISTS FOR REVEALING PROTECTED WITNESSES 7
IV. EU ON DOMESTIC WAR CRIME PROSECUTIONS 8
V. FIRST CASES DELEGATED TO SPECIAL WAR CRIMES COURTS 9
VI. PRISON CONDITIONS REQUIRE ATTENTION 9
VII. DOMESTIC NGOS INCREASINGLY INVOLVED IN TRIAL MONITORING; FOCUS ON VICTIMS 10

B. INTER-STATE JUDICIAL CO-OPERATION LIMITED BY RIGID LEGAL FRAMEWORKS, FACILITATING IMPUNITY **11**

I. DOMESTIC LEGAL REFORM NEEDED TO FACILITATE ENHANCED FORMS OF INTER-STATE JUDICIAL CO-OPERATION 11
II. SYSTEMATIC CO-OPERATION NEEDED TO RESOLVE LARGE NUMBER OF OPEN CASES AND IN ABSENTIA CONVICTIONS 13

C. FINDINGS FROM TRIAL MONITORING **14**

I. WITNESSES: REMAINING CHALLENGES TO RELIABLE TESTIMONY 14
1. Beyond witness protection: witness security, prevention of witness tampering, and support for testimony *16*
2. In-court harassment of witnesses *17*
3. Out-of-court pressure on witnesses/changed testimony *18*
4. Access to witnesses residing abroad – in person and video-link testimony *18*
5. Inconsistent witness statements and procedural errors – court approach *19*
II. SUPREME COURT SUPERVISION OF TRIAL COURTS 20
1. Procedural errors *21*
2. Errors in finding and weighing facts and applying the facts to the law *22*
3. Sentencing errors *22*
4. Overcharging/errors in indictment *23*
III. DEFENCE COUNSEL – FAIR TRIAL CONCERNS – EQUALITY OF ARMS AND ADEQUATE REPRESENTATION 24
IV. PROSECUTION: WHAT HAS BEEN PROSECUTED AND WHAT REMAINS; CIVIL DAMAGES 26
V. IMPARTIALITY CONCERNS 27
VI. CONDUCT FOUND TO CONSTITUTE WAR CRIMES AND GENOCIDE 29
1. Forms of criminal responsibility: individual responsibility and co-perpetration *30*
2. War crimes against the civilian population *30*
3. War crimes against prisoners of war *32*
4. Genocide *33*
5. War-related crimes prosecuted as "common crimes" *34*
VII. SENTENCING PRACTICES: MITIGATING AND AGGRAVATING FACTORS 34
1. Mitigating circumstances: sentence reduced below statutory minimum and factors considered 35
2. Aggravating circumstances: defendants' attitude towards the crime decisive *36*
VIII. STATISTICAL SCOPE OF PROSECUTION IN 2005 37
1. Pre-trial: arrests, extraditions, releases, and indictments *37*
2. Trials/Re-trials *40*
3. Appeals *43*

D. RECOMMENDATIONS **44**

APPENDIXES **45**

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.[93]

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,[94] 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.

---

[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. ("Pakracka 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**

REPUBLIC OF CROATIA
DISTRICT COURT OF SISAK

K-15/96-

JUDGMENT
PRONOUNCED IN THE NAME OF THE REPUBLIC OF CROATIA

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 Galinic, 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. 67, a Serb, national of the Republic of Croatia, locksmith by vocation, unemployed, literate, completed secondary vocational school; no children

is found g u i l t y

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 immoveable 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 breeching 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 1of 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)

PRESIDING JUDGE
LS

LEGAL REMEDY:

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.

Rjesenje-Velemir.jpg (1089x1542x256 jpeg)

REPUBLIKA HRVATSKA
ŽUPANIJSKI SUD U SISKU K-15/96-

P R E S U D A
U IME REPUBLIKE HRVATSKE !

Županijski sdu u Sisku, u vijeću sastavljenom od sudaca Željka Barać, predsjednika vijeća, Alice Freiberger, člana vijeća, sudaca porotnika Ivana Kasaić, Mirka Švaljek, Josipa Žinić, članova vijeća, uz sudjelovanje Nataše Galinić, zapisničara, u kaznenom predmetu protiv optuženog Jakova Velemir, zbog kaznenog djela iz čl. 120. st. 1. OKZRH, nakon dana 26.rujna 1996. godine, u prisutnosti zamjenika županijskog državnog odvjetnika Miljenka Ugarković, optuženika i njegova branitelja Josipa Sladić, odvjetnika iz Siska, održane glavne i javne rasprave izrekao je i objavio

P R E S U D U

Optuženi VELEMIR JAKOV, zv. Jalšo, sin Dure i Ljube rodene Čorić, roden 11.listopada 1954. godine u Cerovljanima, sa prebivalištem u Cerovljanima kbr. 67, Srbin, drž.RH, strojobravar, bez zaposlenja, pismen, sa završenom SSS, neoženjen, bez djece,

k r i v j e

što je:

tijekom razdoblja od 1991. do 1995. godine u selu Cerovljanima na području Općine Hrvatska Dubice i širem, pristupio u paravojne formacije tzv. "SAO Krajina", očito nezadovoljan sa nastupjelim demokratskim promjenama u Republici Hrvatskoj, a u cilju podrivanja i obaranja novo uspostavljenog demokratskog društva RH, te odcjepljenja općine Hrv. Dubica i okolnih sela i pripojenje tzv. para državi "Krajina", a u sastavu kojih je sa drugim za sad neidentificiranim pripadnicima nelegalnih formacija, kroz čitavo navedeno razdoblje, protivno odrednicama Ženevske konvencije o zaštiti građanskih osoba za vrijeme rata vršeno napadanje na civilno stanovništvo, pljačkanje pokretne i uništavanje nepokretne imovine isključivo pućanstva hrvatske nacionalnosti, protjeriranje stanovništva, primjenjivanje mjere zastrašivanja i terora, primjenjivanje mjere kolektivnog kažnjavanja i protuzakonitog lišenja slobode primjenjivanje mjere prisilnog rada isključivo Hrvata 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)

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

čime je počinio kazneno djelo protiv čovječnosti i medjunarodnog prava - organiziranjem grupe i poticanje na počinjenje genocida i ratnog zločina označeno u čl. 123. st. 2. u vezi st. 1. OKZRH, pa se temeljem istog zakonskog propisa

O S U Đ U J E

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

Temeljem propisa čl. 45. st. 1. OKZRH u izrečenu kaznu se optuženiku uračunava vrijeme koje je proveo u pritvoru počam od 04.kolovoza 1995. do 21. veljače 1996. kao i od 19.travnja 1996. godine pa nadalje.

Temeljem propisa čl. 90. toč. 4. optuženik se u cijelosti oslobada dužnosti da nadoknadi troškove kriviČnog postupka iz čl. 87. st. 2. toč. 1. - 6. ZKP-a.

Obrazloženje

Optužnicom Županijskog državnog odvjetništva u Sisku od 16. srpnja 1996. godine broj KT-36/96, stavljeno je na teret Velemir Jakovu, najprije, izvršenje kriviČnog djela protiv čovječnosti i medjunarodnog prava - ratnim zločinom protiv civilnog stanovništva iz čl. 120. st. 1. OKZRH, da bi, nakon tijekom postupka provedenih dokaza, a na glavnoj raspravi 26.rujna 1996. godine optužnica bila izmijenjena u pravcu stavljanja na teret Velemir Jakovu postupanja suprotnog propisu čl. 123. st. 2. u svezi st. 1. OKZRH, činjenično označeno kako je to i izrekom ove presude navedeno.

Ovako izmijenjenu optužnicu točnom i istinitom priznao je optuženik iznoseći, sada ponovno, svoju obranu.

Unatoč jasnom i potpunom priznanju optuženika prikupljeni su i drugi dokazi, pa je tako, uvidom u spisu priloženu dozvolu broj 224 na ime sada optuženog Velemir Jakova, ustanovljeno, a da tome nitko ne prigovara, da je bio pripadnik tzv. "Srpske vojske Krajine 39.Korpus, Vojna pošta 9139 Kostajnica", a iz"reversa ličnog zaduženja..." da je bio "četni starješina", zadužen sa oružjem "PAP" broja 215127 i 75 komada, pretpostavlja se, jer nije dorečeno, municije, te priborom - odjećom od "kape" do "prvog zavoja".

Rjesenje-Velemir2.jpg (1128x1575x256 jpeg)

Opće je poznato što su činili na okupiranom teritoriju Republike Hrvatske pripadnici tzv. "Srpske vojske Krajine" (napadi na civilno stanovništvo, pljačka pokretne i uništavanje nepokretne imovine isključivo pučanstva hrvatske nacionalnosti, zastrašivanja i protjerivanja, te drugo, što se u činjeničnom dijelu optužnice detaljno navodi) pa sud, svim rečenim smatra sa sigurnošću dokazanim da su se u postupanju optuženika Velemir Jakova stekla sva bitna obilježja kriviČnog djela protiv čovječnosti i medjunarodnog prava iz čl. 123. st. 2. u vezi st. 1. OKZRH, učinjenog sa umišljajem, to jest da je bio svjestan optuženik svojega djela i htio njegovo izvršenje.

Uračunljivost optuženika ama baš ničim nije dovedena ni na koji način u dvojbu, te je zbog svega rečenog proglašen u cijelosti kriviČno odgovornim.

Obzirom na konkretnu otežanu situaciju pribavljanja podataka o okolnostima, koje mogu utjecati na visinu kazne, sud je cijenio da navodna upornost pri izvršenju kriviČnog djela, istaknuta kao otegotna po državnom odvjetništvu, nije ničim dokazana, a nesporno priznanje izvršenja kriviČnog djela istaknuto kao olakotna okolnost, takodjer 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 rečenog sud smatra utvrdjenu kaznu optuženiku primjerenom težini od njega izvršenog kriviČnog djela, te da će takova kazna djelovati na njega da u buduće ne čini kriviČna djela, a istovremeno utjecati u tom pravcu i na druge, kao i pospješiti jačanje morala društva i izvršiti utjecaj na razvijanje društvene odgovornosti i discipline gradjana, čime će u potpunosti biti postignuta svrha kažnjavanja predvidjena čl. 31. OKZRH.

Vrijeme koje je optuženik proveo u pritvoru počam od 04.kolovoza 1995. do 21. veljače 1996. kao i od 19.travnja 1996. godine pa nadalje, pozivom na propis čl. 45. OKZRH, uračunava mu se u kaznu izrečenu ovom presudom.

Ispunjenjem uvjeta predvidjenih propisom čl. 90. st. 4. ZKP-a, razlogom je oslobodjenje optuženika obveze nadoknade troškova kriviČnog postupka.

U Sisku, dne 26. rujna 1996. godine

ZAPISNIČAR
Nataša Galinić, v.r.

PREDSJEDNIK VIJEĆA

POUKA O PRAVNOM LIJEKU:

Protiv ove presude dopuštena je žalba u roku od 15 dana od dana primitka ovjerovljenog prijepisa 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
Extradition (Croatia) Regulations 2004 Statutory Rules 2004 No. 339 (Cth) Explanatory Statement

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 Lizars (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
DJL 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
Schlieske v Federal Republic of Germany (1987) 14 FCR 424, cited
Snedden v Republic of Croatia [2009] FCA 30, reversed
Timar v Republic of Hungary [1999] FCA 1518, cited
Travica v The Government of Croatia [2004] EWHC 2747 (Admin), considered
Vasiljkovic v The Commonwealth of Australia (2006) 227 CLR 614, applied

Aughterson EP, *Extradition – Australian Law and Procedure* (The Law Book Company Limited, 1995)
Nicholls C, Montgomery C and Knowles JB, *The Law of Extradition and Mutual Assistance* (2nd ed, Oxford University Press, 2007)

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 **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:	**2 SEPTEMBER 2009**
PLACE:	**SYDNEY**

REASONS FOR JUDGMENT

THE COURT:

1 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').

2 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.

3 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.

4 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.

5 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.

6 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.

7 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.

8 It is nevertheless considered that the appeal should be allowed.

THE EXTRADITION PROCESS — AN EXTRADITION OBJECTION

9 The law of extradition has a long history: Aughterson EP, *Extradition – Australian Law and Procedure* (The Law Book Company Limited, 1995) at pp 2 to 7. On one account, that history dates back to a treaty providing for the mutual return of criminals between Ramses II, the Pharaoh of Egypt, and King Hattusli III of the Hittites in 1280 BC: Nicholls C, Montgomery C and Knowles JB, *The Law of Extradition and Mutual Assistance* (2nd ed, Oxford University Press, 2007) at [1.05].

10 Relevantly, part of that history is a recognition of the desirability of international co-operation in facilitating the surrender of fugitives to foreign nations so that they may be prosecuted. In *In re Arton* [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.

11 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).

12 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.

13 '*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 Lizars* (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: *Schlieske v Federal Republic of Germany* (1987) 14 FCR 424 at 432 per Fox, Wilcox and Burchett JJ.

14 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*'.

15 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.

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

17 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.

18 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

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

20 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.

21 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.

22 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 *Hempel 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.

23 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.*

24 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.

26 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*'.

27 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 Dowsett JJ 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 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.

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.

28 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*'.

29 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.

30 The first ground of appeal is rejected.

SECTION 7(c)

31 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.

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

- '*at ... trial*'; and
- '*punished*'

33 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*'.

34 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.

35 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.

36 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

37 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.

38 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.1] The Supreme Court confirmed the Osijek County Court's conviction of one accused in the "Paulin 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.

39 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.

40 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.

41 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.

42 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.

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

44 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.

45 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.

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

47 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

48 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*'.

49 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.

50 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.

51 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.

52 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.

53 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 Glina. 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.

54 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 (*Rahardja*).

55 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*'.

56 The appeal should thus be allowed.

EVIDENCE AND CONVICTION RATES

57 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.

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

	Total Number	*Croatians*	*Serbians*
Charged	1993	40	1953
Tried	586	Range: 3 – 9	Range: 577–583
Convicted	577	3	574
Tried but not convicted	9	0 – 9	0 – 9

Another way of expressing the same statistics is as follows:

	Croatians	*Serbians*
Numbers charged	40	1953
Numbers convicted	3	574
Conviction rate	7.5 %	29 %

59 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).

60 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

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

62 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*'.

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

64 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.

65 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).

66 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.

67 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

68 The appeal should be allowed. An '*extradition objection*' has been made out.

69 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.

70 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 between the Office of the Commissioner for Detained 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 held in Zagreb on 30 June 2009

MINUTES OF THE 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
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. Kathryne 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 Snjegavic;

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 and the Commission for Missing Persons of the Government of the Republic of Serbia agreed their programme of work in the period to come.

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 Gibarac;
- Make further tracing with a view to finding grave sites in Indjija 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 Grujic (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 o 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 Grujić, predsjednik Povjerenstva
- gosp. Dubravko Palijaš, član Povjerenstva
- gđa. Višnja Bilić, tajnica Povjerenstva
- gđa. Dubravka Horvat, rukovoditeljica Službe traženja Hrvatskog Crvenoga 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 nasilno odvedenih osoba prioritetno humanitarno pitanje za Vladu Republike Hrvatske, koja daje punu potporu procesu traženja nestalih osoba. Naglasila je kako je s ciljem dodatnog poticaja procesu traženja svih nestalih osoba inicirala

održavanje temátskog sastanka o nestalim osobama na razini potpredsjednika vlada/ministara, te je ovom prilikom obnovila poziv na sastanak kojem bi Vlada Republike Hrvatske bila domaćinom. Potpredsjednica Vlade Republike Hrvatske i ministrica obitelji, branitelja i međugeneracijske 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.

Sukladno zaključku sa sastanka održanog 13. i 14. ožujka 2007. godine u Beogradu, a imajući u vidu značaj i doprinos postignut objavljivanjem Knjige osoba nestalih na području Republike Hrvatske 2007. godine, dogovoreno je da će se pristupiti drugom ažuriranom izdanju Knjige. Knjigu osoba nestalih na području Republike Hrvatske, do kraja 2009. godine, izdati će Međunarodni odbor Crvenoga križa, u suradnji s Ministarstvom obitelji, branitelja i međugeneracijske solidarnosti – Upravom za zatočene i nestale i Hrvatskim Crvenim križem. U pripremi podataka iz svoje nadležnosti za potrebe ažuriranog izdanja Knjige, s Međunarodnim odborom Crvenoga križa surađivati će Komisija Vlade Republike Srbije za nestala lica i Društvo Crvenog krsta Srbije.

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 sastanaka (ožujak 2007. godine), riješeno 79 nestalih osoba iz Republike Hrvatske za koje Republika Srbija iskazuje opravdani interes. Pozitivnom je ocijenjena suradnja 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 daljnjem tijeku sastanka, analizirana je realizacija obveza preuzetih na sastanku održanom 13. i 14. ožujka 2007. godine u Beogradu.

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.

U Republici Srbiji su ekshumirani posmrtni ostaci 25 osoba na grobljima u Smederevu, Pančevu i Kovinu. Kako među ekshumiranim posmrtnim ostacima nisu pronađene dvije osobe, traženja Republike Hrvatske, dogovorena je dorada ekshumacije u Kovinu. Obavljen je obilazak groblja u Sremskim Karlovcima i Sremskoj Kamenici. Također, nakon preliminarno utvrđenog identiteta, Republici Hrvatskoj su isporučeni posmrtni ostaci 7 osoba, traženja Republike Hrvatske.

Obje strane su izrazile zadovoljstvo provedbom obveza preuzetih na sastanku održanom 13. i 14. ožujka 2007. godine u Beogradu.

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 identifikacija posmrtnih ostataka ekshumiranih u Šnjegaviću
5) Zahtjev za rješavanjem slučajeva nestalih vojnika bivše JNA na području Karlovca
6) Dostavu saznanja za 5 osoba za koje je ranije dostavljena dokumentacija o zarobljavanja, 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

Obje strane su potvrdile stajališta o otvorenim pitanjima iznijetim na ranijim sastancima, poglavito sastanku održanom 13. i 14. ožujka 2007. godine u Beogradu, te se suglasili o potrebi ulaganja dodatnih napora za rješavanje otvorenih pitanja. Na sljedećem sastanku, strane će konkretno izvijestiti o napretku u rješavanju istaknutih otvorenih pitanja.

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 Dvoru, 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 identifikacija 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 ekshumacija 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 provjere u cilju utvrđivanja grobnih mjesta u Inđiji, 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 neobilježenih 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.

* * *

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
pukovnik Ivan Grujić

PREDSJEDNIK KOMISIJE
VLADE REPUBLIKE SRBIJE
ZA NESTALA LICA
Veljko Odalović

U Zagrebu, 30. lipnja 2009. godine

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

Type	Quantity	Comment
AK-7.62 Kalashnikov automatic rifles	27,300	imported; part found in TO stock
PAP-7.62 semi-automatic rifles	430	found in TO stock
SPAS and other special shotguns	1,200	equipped for close combat and night vision
Snipers 7.62 and 7.9mm	210	
Ultimax light machineguns	200	most sophisticated NATO weapons
Machineguns 7.62 and 7.9 mm	2,100	imported and home made
TOTAL RIFLES AND MACHINGUNS	30,360	
B*eretta* handguns 9mm	4,000	imported
Cobra automatic handguns 7.65 mm	120	from TO stocks
Zastava handguns 7.65 mm	120	from TO stocks
TT handguns 7.62 mm	300	from TO stocks
TOTAL HANDGUNS	4,540	
Anti-aircraft guns 20mm (1,2,3 barrels)	26	retained by TO in "worker batteries"
Boforst 40mm guns	40	from TO stocks in seaports
M42 76mm guns	26	abandoned by JNA
B-1 76mm guns	6	abandoned by JNA
Anti-aircraft missile systems S - 2M	40	imported together with 2 missiles per delivery vehicle
Stinger anti-aircraft missile systems	20	imported together with 10 missiles per launcher
Anti-aircraft machineguns 12.7mm	80	abandoned in depots and maintenance shops
Mortars 60,82 and 120 mm	140	imported and part abandoned by JNA
wheeled armoured vehicles equipped with 10mm gun	12	imported and inherited
mines and explosives (POM, PPM, hand grenades)	72 tons	imported
explosives	30 tons	removed from the Republic of Croatia
ammunition 5.56-120mm	2-16	sets per barrel

VAŽNIJA TEHNIKA I OPREMA	
radio-uređaji (*motorola* i drugi)	cca 300
radio-uređaji srednjega i velikoga dometa	cca 50
vozila za mobilne veze	60
teretna vozila za logistiku i prijevoz vojnika	300
zapovjedna vozila ŠK-1 i ŠK-2	10
specijalna sanitetska vozila	16
STRELJIVO	
za kalibre od 7.65 do 12.7 mm (u prosjeku po cijevi oružja)	cca 1.000 kom
za kalibre od 20 do 120 mm	cca 80.000 kom

TABLICA IV:

ORUŽJE NABAVLJENO U ORGANIZACIJI MINISTARSTVA OBRANE REPUBLIKE HRVATSKE U RAZDOBLJU 5.X.1990 – 15.I.1991.

VRSTA	KOLIČINA	OPASKE
automatske puške AK-7.62 *kalašnjikov*	27.300	uvoz; dio nađen u skladištima TO
poluautomatske puške PAP-7.62	430	nađene u skladištima TO
specijalne puške sačmarice SPAS i druge	1.200	opremljene za blisku i noćnu borbu
snajperske puške 7.62 i 7.9 mm	210	
laki puškomitraljezi *ultimax*	200	vrhunsko oružje NATO-a
puškomitraljezi 7.62 i 7.9 mm	2.100	uvoz i domaći izvori
UKUPNO PUŠAKA I MITRALJEZA	30.360	
pištolji 9 mm *beretta*	4.000	uvoz
automatski pištolji 7.65 *cobra*	120	iz skladišta TO
pištolji 7.65 mm *zastava*	120	iz skladišta TO
pištolji 7.62 *TT*	300	iz skladišta TO
UKUPNO PIŠTOLJA	4.540	
protuzrakoplovni topovi 20 mm (1, 2 i 3 cijevi)	26	sačuvala TO u »radničkim baterijama«
topovi 40 mm *boforst*	40	iz skladišta TO u morskim lukama
topovi 76 mm M42	26	izostali iz kontrole JNA
topovi 76 mm B-1	6	izostali iz kontrole JNA
protuzrakoplovni raketni sustavi S-2M	40	uvoz, s 10 raketa po lanseru
protuzrakoplovni raketni sustavi *stinger*	20	uvoz, s 10 raketa po lanseru
protuzrakoplovni mitraljezi 12.7 mm	80	izostalo u skladištima i remontu
minobacači 60, 82 i 120 mm	140	uvoz i dio izostao iz kontrole JNA
oklopna vozila na kotače s ugrađenim topom 20 mm	12	uvoz i naslijeđeno*
minsko-ekspl. sredstva (POM, PPM, r/bombe)	72 t	uvoz
eksploziv	30 t	mobiliziran iz prometa u RH
streljivo od 5.56 do 120 mm	2 – 16	borbenih kompleta po cijevi

NAPOMENA: Topovi i protuzrakoplovni raketni sustavi promatraju se zasebno zbog velike razlike u osobinama i namjeni.

* Šest tih vozila JNA je bila naručila od mariborskog TAM-a, ali sam se s predstavnicima slovenske vlasti dogovorio da se prodaju nama, jer se »JNA može strpiti«. Ostalih šest vozila MORH je preuzeo od MUP-a Hrvatske, koji ih je naslijedio od Republičkog sekretarijata za unutrašnje poslove.

ANNEX 37

Examples of Attacks on the Serbs in Croatian Towns 1990-1991, according to the Croatian Press

Vjesnik, 15 August 1990, Zagreb

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. 'Lupanje stakla na oglasnim tablama na crkvi, uništavanje ćirilićnih natpisa, ispljuvana ulazna vrata crkve, kao i vršenje nužde pred ulaznim vratima smatramo napadom na Crkvu, pravoslavlje, ćirilićno pismo i celokupno dostojanstvo ljudi koji pripadaju Crkvi' ističe se u protestu kojim se ujedno upozorava da počinioci takvih izgreda dosad nisu pronađeni iako je sve uredno prijavljeno organima unutrašnjih poslova.

Vjesnik, 2 October 1990, Zagreb

The hitherto unknown perpetrators placed explosives under the *Borba* news kiosk in Split, which was completely destroyed on Wednesday, just after midnight.

Zasad nepoznati podmetači postavili su eksploziv na kiosk 'Borbe' u Splitu koji je potpuno uništen u srijedu, nešto iza ponoći.

Vjesnik, 12 January 1991, Zagreb

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.

Grupa mladih ljudi ponovo je noću između 8.i 9.siječnja napala Srpsku pravoslavnu crkvu u središtu Zagreba. Protonamjesnik crkve Milenko Popović zvao je miliciju i zatražio pomoć, ali su se napadi nastavljali. Napadači su pjevali pjesme u kojima se najavljuje klanje Srba i izriču pogrde na račun srpskog naroda i pravoslavne crkve. Mokrili su na zidove crkve, lijepili natpise sa ustaškim

simbolima, pozdravom 'za dom spremni' i natpisima takozvanog hrvatskog oslobodilačkog pokreta na vrata crkve. Napali su i protonamjesnika Popovića, ali su ga dva milicionara zaštitila od fizičkog napada obijesnih mladića. Posljednjih nekoliko mjeseci, ističe protonamjesnik Popović, učestali su napadi i uvrede na objekte i vjernike Srpske pravoslavne crkve.

B.S.: Home Owner Killed, Assailants Wounded, Vecernji list, 6 April 1991, Zagreb

Last night, at 3:30 a.m., in the settlement of Dujmici, in the village of Sabljaci near Ogulin, Asim Kovacevic, 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.

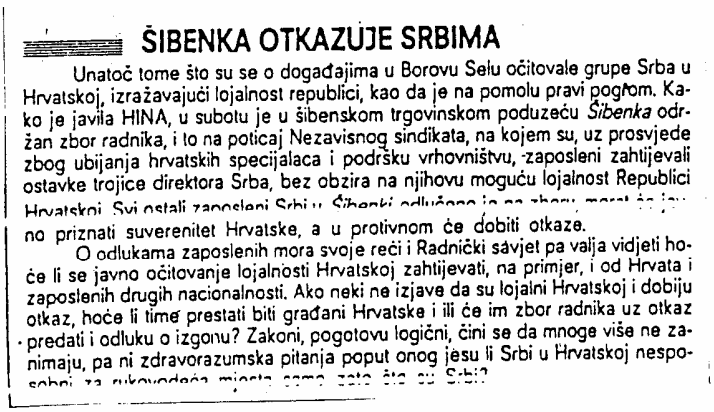
Death was most probably caused by a hand grenade. According to initial information, the two Croatian Army soldiers (it is assumed that they were drunk) came to the shed fully armed. At first, they shot at the shed from outside, but having entered it forcibly they threw in a hand grenade. The late Kovacevic 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 Dujmići u selu Sabljaci kod Ogulina u svojoj drvenoj baraci smrtno je stradao Asim Kovačević(30) romske nacionalnosti, a izazivači 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.



ŠIBENKA OTKAZUJE SRBIMA

Unatoč tome što su se o događajima u Borovu Selu očitovale grupe Srba u Hrvatskoj, izražavajući lojalnost republici, kao da je na pomolu pravi pogrom. Kako je javila HINA, u subotu je u šibenskom trgovinskom poduzeću *Šibenka* održan zbor radnika, i to na poticaj Nezavisnog sindikata, na kojem su, uz prosvjede zbog ubijanja hrvatskih specijalaca i podršku vrhovništvu, zaposleni zahtijevali ostavke trojice direktora Srba, bez obzira na njihovu moguću lojalnost Republici Hrvatskoj. Svi ostali zaposleni Srbi u *Šibenki* odlučeno je na zboru, morat će javno priznati suverenitet Hrvatske, a u protivnom će dobiti otkaze.

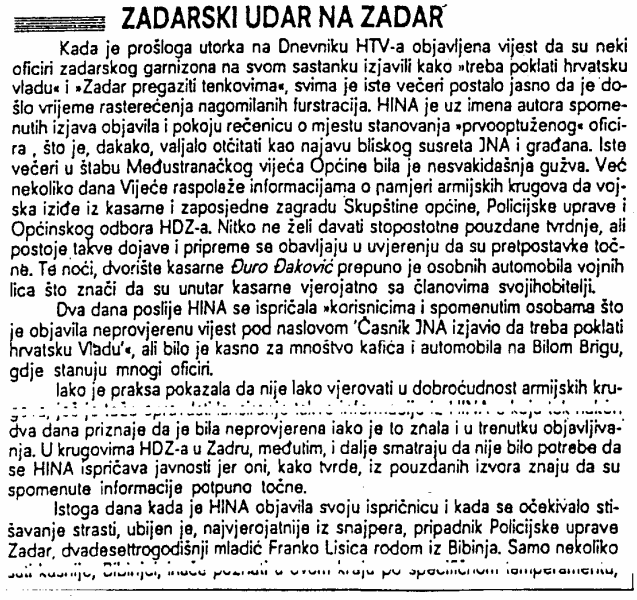
O odlukama zaposlenih mora svoje reći i Radnički savjet pa valja vidjeti hoće li se javno očitovanje lojalnosti Hrvatskoj zahtijevati, na primjer, i od Hrvata i zaposlenih drugih nacionalnosti. Ako neki ne izjave da su lojalni Hrvatskoj i dobiju otkaz, hoće li time prestati biti građani Hrvatske i ili će im zbor radnika uz otkaz predati i odluku o izgonu? Zakoni, pogotovu logični, čini se da mnoge više ne zanimaju, pa ni zdravorazumska pitanja poput onog jesu li Srbi u Hrvatskoj nespo-

Zadar's attack against itself, Danas, 7 May 1991, Zagreb

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

Kada je prošloga utorka na Dnevniku HTV-a objavljena vijest da su neki oficiri zadarskog garnizona na svom sastanku izjavili kako »treba poklati hrvatsku vladu« i »Zadar pregaziti tenkovima«, svima je iste večeri postalo jasno da je došlo vrijeme rasterećenja nagomilanih furstracija. HINA je uz imena autora spomenutih izjava objavila i pokoju rečenicu o mjestu stanovanja »prvooptuženog« oficira , što je, dakako, valjalo otčitati kao najavu bliskog susreta JNA i građana. Iste večeri u štabu Međustranačkog vijeća Općine bila je nesvakidašnja gužva. Već nekoliko dana Vijeće raspolaže informacijama o namjeri armijskih krugova da vojska izide iz kasarne i zaposjedne zagradu Skupštine općine, Policijske uprave i Općinskog odbora HDZ-a. Nitko ne želi davati stopostotne pouzdane tvrdnje, ali postoje takve dojave i pripreme se obavljaju u uvjerenju da su pretpostavke točne. Te noći, dvorište kasarne *Đuro Đaković* prepuno je osobnih automobila vojnih lica što znači da su unutar kasarne vjerojatno sa članovima svojihobitelji.

Dva dana poslije HINA se ispričala »korisnicima i spomenutim osobama što je objavila neprovjerenu vijest pod naslovom 'Časnik JNA izjavio da treba poklati hrvatsku Vladu'«, ali bilo je kasno za mnoštvo kafića i automobila na Bilom Brigu, gdje stanuju mnogi oficiri.

Iako je praksa pokazala da nije lako vjerovati u dobroćudnost armijskih kru-

dva dana priznaje da je bila neprovjerena iako je to znala i u trenutku objavljivanja. U krugovima HDZ-a u Zadru, međutim, i dalje smatraju da nije bilo potrebe da se HINA ispričava javnosti jer oni, kako tvrde, iz pouzdanih izvora znaju da su spomenute informacije potpuno točne.

Istoga dana kada je HINA objavila svoju ispričnicu i kada se očekivalo stišavanje strasti, ubijen je, najvjerojatnije iz snajpera, pripadnik Policijske uprave Zadar, dvadesettrogodišnji mladić Franko Lisica rodom iz Bibinja. Samo nekoliko

J. Ivancic: Unknown Night Attackers, Vecernji list, 10 May 1991, Zagreb

Over the last seven days, Zagreb was the scene of seven shootings, five arsons and two stoning of apartments, houses, cafes and news kiosks. They were targeted by unknown night-time 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 cafe 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 Domanijeva 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' stradavala uglavnom stakla, a žrtava srećom nije bilo.

Prema podacima iz Policijske uprave grada u ulici Drage Gervaisa pucano je iz jurećeg automobila u stakla buffeta 'Leut', u radno vrijeme, ali u kafiću nije bilo nikoga. U subotu oko ponoći pucano je u prozore jednog stana u Togliattijevoj, no kako je na prozoru duplo staklo metak se zadržao 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 blagovaone u kojoj je bila vlasnica kuće. A u srijedu oko 3.30 pucano je, pretpostavlja se, sačmaricom u vrata garaže u Jarnovićevoj.

U Harambašićevoj je pak u subotu u popodnevnim satima kamenovan 'Nolitov' izlog, a u nedjelju oko 4.30 caffe 'Prestiž' u Jablanskoj. Najprije je razbito vanjsko staklo, a potom i unutrašnjost lokala.

Istim načinom, u noći od 7. na 8.svibnja, komadima be--tona razbijeno je staklo na buffetu 'Kristina' u Domanyjevoj ulici.

M.J.: Mined Car, Slobodna Dalmacija, 27 July 1991, Split

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.

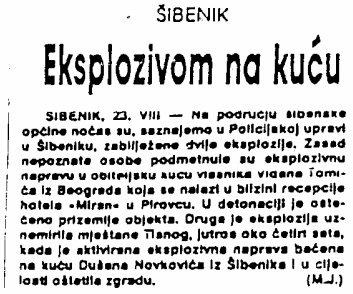
U eksploziji koja je noćas oko jedan sat uznemirila stanovnike šibenskog gradskog predjela Baldekin potpuno je uništen automobil 'zastava 101' vlasnika Stanka Bogdanovića, inače vojnog časnika. Detonacija je prouzročila i pucanje prozorskih stakala zgrade na Trgu Oktobarske revolucije (kućni broj 20) pred kojom je vozilo bilo parkirano.

Eksplozivnu napravu, prema riječima istražnog suca Igora Ninića, zasad nepoznata osoba postavila je ispod prednjeg lijevog sjedišta 'zastave'.

Istraga je u toku.

M.J.: With Explosives on a House, Slobodna Dalmacija, 24 August 1991, Split

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.



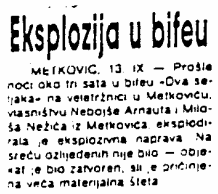
ŠIBENIK

Eksplozivom na kuću

ŠIBENIK, 23. VIII — Na području šibenske općine noćas su, saznajemo u Policijskoj upravi u Šibeniku, zabilježene dvije eksplozije. Zasad nepoznate osobe podmetnule su eksplozivnu napravu u obiteljsku kuću vlasnika videna Tomića iz Beograda koja se nalazi u blizini recepcije hotela »Miran« u Pirovcu. U detonaciji je oštećeno prizemlje objekta. Druga je eksplozija uznemirila mještane Tisnog, jutros oko četiri sata, kada je aktivirana eksplozivna naprava bačena na kuću Dušana Novkovića iz Šibenika i u cijelosti oštetila zgradu. (M.J.)

Explosion at the Cafe, Slobodna Dalmacija, 14 September 1991, Split

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 Nebojsa 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.



Eksplozija u bifeu

METKOVIĆ, 13. IX. — Prošle noći oko tri sata u bifeu »Dva seljaka« na veletržnici u Metkoviću, vlasništvu Nebojše Arnauta i Miloša Nežića iz Metkovića eksplodirala je eksplozivna naprava. Na sreću ozlijeđenih nije bilo — objekat je bio zatvoren, ali je prouzročena veća materijalna šteta

Compromising lodger, Slobodni Tjednik, 24 October 1991, Split

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.

Tražim 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 Šubićeva 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.

A. Peraic & S. Lukacic: We are Female Lodgers, Slobodni Tjednik, 24 October 1991, Split

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 Ćosić, 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.

Dusan Novakovic: I am not the Knin Torturer, Slobodna Dalmacija, 11 November 1991, Split

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 Pribudic, 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.

JEDNO IME - DVIJE OSOBE: »TJERALI SU NAS DA LAJEMO« (2)

Nisam kninski mučitelj

Slučajno se zovem kao i osoba prozvana u vašem članku od 5. studenoga. Od tada mi ne daju mira

Kako zbog članka u »Slobodnoj Dalmaciji« od 5. studenoga 1991. pod naslovom »Tjerali su nas da lajemo« imam strašnih neugodnosti, molim vas da objavite sljedeće:

Ja se zaista zovem Dušan Novaković, jednako kao i osoba koja se prezi-va u vašem članku, ali s njom nemam ama baš nikakve veze. Ja sam rođen u Pribudiću, općina Gračac, 1935, a živim u Splitu od 1957. Moja osobna karta nosi broj 326974, izdana je u Splitu 17. 9. 1984, gdje i stanujem, u Odeskoj 9, otkako je ona izgrađena.

Sve ovo može posvjedočiti i Vinko Melvan koji se također spominje u članku i čiju ste fotografiju objavili, jer radimo u istom poduzeću — »Brodoremont« u Vranjicu.

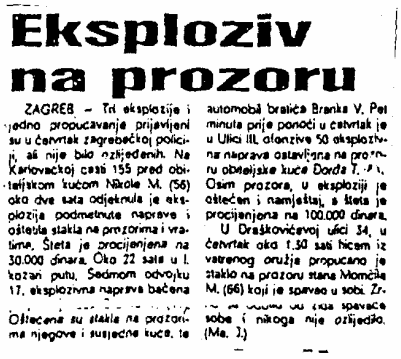
Vjerujem da će ovo napokon shvatiti i svi oni koji mi telefonom ne daju mira te da će shvatiti da se radi o običnom i lojalnom građaninu Republike Hrvatske, što mogu potvrditi svi moji drugovi s posla i svi susjedi, a nikako o kninskom mučitelju. Između njega i mene je još jedna razlika: mene svi znanci zovu nadimkom Lika, što Dušan Novaković iz spomenutog članka ne može nikako biti jer je rođen u Brocancu.

Dušan NOVAKOVIĆ
Split, Odeska 9

Ma .J .: Explosive on a Window, Vecernji List, 23 November 1991, Zagreb

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 Draskoviceva 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.



Eksploziv na prozoru

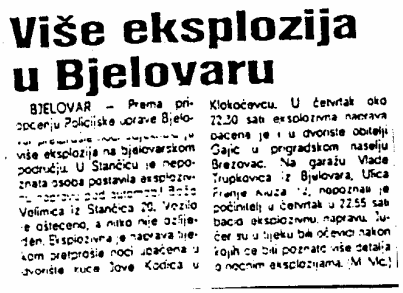
ZAGREB – Tri eksplozije i jedno propucavanje prijavljeni su u četvrtak zagrebačkoj policiji, ali nije bilo ozlijeđenih. Na Karlovackoj cesti 155 pred obiteljskom kućom Nikole M. (56) oko dva sata odjeknula je eksplozija podmetnute naprave i oštetila stakla na prozorima i vratima. Šteta je procijenjena na 30.000 dinara. Oko 22 sata u I. kozari putu, Sedmom odvojku 17. eksplozivna naprava bačena automobil bratića Branka V. Pet minuta prije ponoći u četvrtak je u Ulici III. ofenzive 50 eksplozivna naprava ostavljena na prozoru obiteljske kuće Đorđa T. (68). Osim prozora, u eksploziji je oštećen i namještaj, a šteta je procijenjena na 100.000 dinara.

U Draškovićevoj ulici 34, u četvrtak oko 1.30 sati hicem iz vatrenog oružja propucano je staklo na prozoru stana Momčila M. (66) koji je spavao u sobi. Zr- [illegible] spavaće sobe i nikoga nije ozlijedilo. (Ma. J.)

Oštećena su stakla na prozorima njegove i susjedne kuće, te

M. Mc.: Several explosions heard in Bjelovar, Vecernji List, 23 November 1991, Zagreb

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 Klokocevac, 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.



Više eksplozija u Bjelovaru

BJELOVAR – Prema priopćenju Policijske uprave Bjelo- ... više eksplozija na bjelovarskom području. U Stančicu je nepoznata osoba postavila eksplozivnu napravu pod automobil Bože Velimca iz Stančica 20. Vozilo je oštećeno, a nitko nije ozlijeđen. Eksplozivna je naprava bačena u dvorište kuće Jove Kodica u Klokočevcu. U četvrtak oko 22,30 sati eksplozivna naprava bačena je i u dvorište obitelji Gajić u prigradskom naselju Brezovac. Na garažu Vlade Trupkovca iz Bjelovara, Ulica Franje Kluza 12, nepoznati je počinitelj u četvrtak u 22,55 sati bacio eksplozivnu napravu. Jučer su u tijeku bili očevidi nakon kojih će biti poznate više detalja o noćnim eksplozijama. (M. Mc.)

Ma.J.: Murder and kidnapping, Vecernji List, 9 December 1991, Zagreb

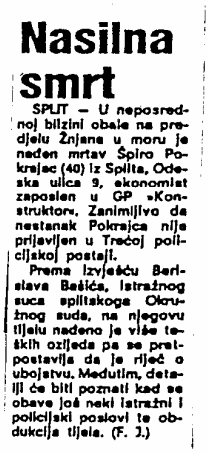
On Saturday, around 11:00 p.m., Mihajlo Zec (38), his wife and a thirteen-year-old daughter were abducted from his home in Poljanicka 24 (Tresnjevka suburb) by men wearing camouflage uniforms, and were most probably driven in a car to an unknown location. The murder was committed by a firearm under the 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 oteli su muškarci u maskirnim uniformama i, najvjerojatnije 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 trenutka dojave o ubojstvu i otmici neprekidno radi na tom slučaju, pa su zbog istrage informacije za sada šture.

F.J.: Violent death, Vecernji List, 15 December 1991, Zagreb

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 "Konstruktor". 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

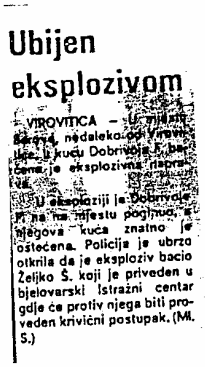
SPLIT – U neposrednoj blizini obale na predjelu Žnjana u moru je nađen mrtav Špiro Pokrajac (40) iz Splita, Odeska ulica 9, ekonomist zaposlen u GP »Konstruktor«. Zanimljivo da nestanak Pokrajca nije prijavljen u Trećoj policijskoj postaji.

Prema izvješću Berislava Bašića, istražnog suca splitskoga Okružnog suda, na njegovu tijelu nađeno je više teških ozljeda pa se pretpostavlja da je riječ o ubojstvu. Međutim, detalji će biti poznati kad se obave još neki istražni i policijski poslovi te obdukcija tijela. (F. J.)

M.S.: Killed by explosives, Vecernji List, 24-26 December 1991, Zagreb

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.



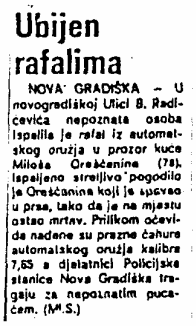
Ubijen eksplozivom

VIROVITICA – U mjestu Borove, nedaleko od Virovitice, u kuću Dobrivoja F. bačena je eksplozivna naprava.

U eksploziji je Dobrivoje F. na mjestu poginuo, a njegova kuća znatno je oštećena. Policija je ubrzo otkrila da je eksploziv bacio Željko Š. koji je priveden u bjelovarski istražni centar gdje će protiv njega biti proveden krivični postupak. (Ml. S.)

M.S.: Killed by a burst of gunfire, Vecernji List, 10 January 1992, Zagreb

An unknown person fired a burst of machinegun fire at the window of the home of Milos Orescanin (78) living in Branka Radicevica 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.

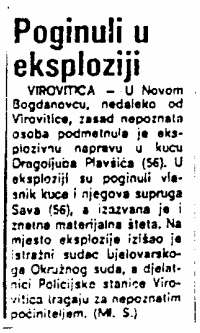


Ubijen rafalima

NOVA GRADIŠKA – U novogradiškoj Ulici B. Radićevića nepoznata osoba ispalila je rafal iz automatskog oružja u prozor kuće Miloša Orešćanina (78). Ispaljeno streljivo pogodilo je Orešćanina koji je spavao u prsa, tako da je na mjestu ostao mrtav. Prilikom očevida nadene su prazne čahure automatskog oružja kalibra 7,65 a djelatnici Policijske stanice Nova Gradiška tragaju za nepoznatim pucačem. (M.S.)

M.S.: Killed in an explosion, Vecernji List, 10 January 1992, Zagreb

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.



Poginuli u eksploziji

VIROVITICA – U Novom Bogdanovcu, nedaleko od Virovitice, zasad nepoznata osoba podmetnula je eksplozivnu napravu u kucu Dragoljuba Plavšica (56). U eksploziji su poginuli vlasnik kuce i njegova supruga Sava (56), a izazvana je i znatna materijalna šteta. Na mjesto eksplozije izišao je istražni sudac bjelovarskoga Okružnog suda, a djelatnici Policijske stanice Virovitica istražuju za nepoznatim počiniteljem. (M. S.)

T.V.: Child killed, Vecernji List, 27 January 1992, Zagreb

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 dinamitaši su četvrti put minirali kuću Dragana Busića 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 uviđaj te poduzeli istražne radnje ne bi li otkrili počinitelje toga zlodjela.

U Karlovcu su u posljednja četiri mjeseca eksplozivne naprave podmetnute u više od 130 objekata - kafića, kuća, stanova, trgovina...

M. Martinic: No injuries, Vecernji List, 7 February 1992, Zagreb

According to the statement issued by the Bjelovar police station, on the night c Wednesday to Thursday, three explosions were heard in the Bjelovar area. An explosiv device caused minor damage to the home of Pero Opacic in Gudovac No. 88; a memoria plaque was damaged at the memorial grave site at Gudovac; the damage was also done to th 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 Djok Veric, Novoseljana bb; Momir Vucetic, Hrgovljana 152; Milenko Tomic, Klokocevaca 99 Zivko Dokic, Klokocevaca 79....Djuro Culibrk, I. Cankara 19; Milan Petakovic, O. Zupancic 29; Milovan Railic...

Explosives damaged also the home of Jovanka Stankovic, Krizevacka Cesta 14a; and of Marijan Svegovic, Novoseljani bb. Similar damage was caused when shots were fired from firearms from 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.

PROTEKLIH NOĆI NA BJELOVARSKOM PODRUČJU ODJEKIVALE EKSPLOZIJE I PUCNJAVE

Ozlijeđenih nema

BJELOVAR – Prema priopćenju Policijske uprave Bjelovar, noću od srijede na četvrtak na bjelovarskom području zabilježene su tri eksplozije. Eksplozivna naprava neznatno je oštetila kuću Pere Opačića u Gudovcu 88, oštećena je ploča na spomen-grobilju u Gudovcu, te garaža pokraj obiteljske kuće Đure Segana iz Bjelovara, Ulica Uroše Popare-Groma 35.

Prethodne noći, međutim, na bjelovarskom području zabilježena je 21 eksplozija, odnosno pucnjava iz vatrenoga oružja. U eksplozijama su oštećene kuće Mihajla Verica iz Brezovca b.b., Doke Verica iz Novoseljana b.b., Momira Vučetića iz Hrgovljana 152, Milenka Tomića iz Klokočevca 99, Živka Dokića iz Klokočevca 79, te obiteljska kuća Ive Dolanjskog na Križevačkoj cesti 18a. Oštećene su i kuće u Bjelovaru Blaža Barišića, Prilaz druge vojvođanske brigade b.b., Đure Čulibrka, Ulica I. Cankara 19, Milana Petakovica, Ulica O. Župančića 29, Željka Jelića i Milovana Railica.

Eksplozivne naprave oštetile su i kuće Jovanke Stanković, Križevačka cesta 14-a, te Marijana Švegovića, Novoseljani b.b., gdje je ustanovljeno manje oštećenje pročelja. Slična oštećenja počinjena su i prilikom pucnjave vatrenim oružjem iz vozila u pokretu na kućama čiji su vlasnici Emil Malešević, Hrgovljani 206, Vlado Košćak, Novoseljani 122, Kosovka Malešević, Novoseljani 288, Milan Didić, Stari Škucani 7, Nikola Popović, bjelovarska Ulica 8. marta 8, Lidija Dlaka, bjelovarska Ulica J. Kraša 14, Branko Bogdanović, Velike Sredice 159. Oštećen je i ugostiteljski objekt »Bistro« u Podgorcima vlasnika Nedeljka Kuštovića iz Bjelovara.

Djelatnici Policijske uprave Bjelovar intenzivno tragaju za počiniteljima.

M. Martinić

N.Bk.: Couple found dead, Slobodna Dalmacija, 10 February 1992, Split

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 Gaspaevic 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.

NAKON NESTANKA IZ OBITELJSKE KUĆE U ŽRNOVNICI

Supruzi nađeni mrtvi

Tijela Đorđa i Vesne Gašparević prolaznici opazili uz cestu Žmovnica — Srinjine na deponiju smeća — Prema prvim spoznajama moguće je pretpostaviti da se radi o nasilnoj smrti

SPLIT, 9. II — Prema informaciji iz Istražnoga odjela Okružnog suda u Splitu jučer poslije podne na improviziranom su deponiju smeća uz cestu između Žrnovnice i Srinjina pronađena tijela muškarca i žene srednje dobi.

Identifikacijom je ustanovljeno da je riječ o Đordu Gašparéviću Ilijinu i njegovoj supruzi Vesni čiji je nestanak splitskoj policiji prijavljen jučer ujutro. Đorđe i Vesna Gašparević nestali su prema prijavi iz svoje obiteljske kuće u Žrnovnici u Ulici Aljinovića bb. [redacted] ima istražnog suca [redacted] razloga, da se za [redacted] oj obitelji smrt nasilnim [redacted] no detaljnije o tome [redacted] će se nakon što se u prosekturi Kliničkog bolničkog centra »Split« obavi vanjski pregled tijela i obdukcija. Tijela pokojnih supruga otkrili su slučajni prolaznici koji su to dojavili policiji.

Izvršen je i uvidaj na licu mjesta u kojemu su uz inspektore splitske Policijske uprave sudjelovali sudac istražitelj Okružnog suda, dežurni nadležni tužitelj i vještak medicinske struke. Budući da je operativna obrada u tijeku, odnosno da su istražne radnje tek [redacted] e, u interesu daljnjih radosti zasad ne mogu biti do[redacted] mučnog događa-

N.Bk.

ANNEX 38

Centre for Peace, Non-Violance 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 Glavaš, Ivica Krnjak, Gordana Getoš Magdić, Dino Kontić, Tihomir Valentić and Zdravko Dragić were found guilty of committing the war crime against civilians in Osijek in 1991.
The 1st defendant Branimir Glavaš 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 Glavaš 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 Glavaš and the other six accused persons, have been merged into one indictment.
The criminal procedure against the fourth accused Mirko Sivić 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 Glavaš 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 Čedomir Vučković and Đorđe Petković 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 Čedomir Vučković to drink it; suffering acute pain, Čedomir Vučković broke through the garage door and walked into the yard, where Krunoslav Fehir shot him several times inflicting a gunshot wound to his stomach and his right forearm; however, Čedomir Vučković's death resulted from sulphuric acid poisoning; coming into the yard, the accused Branimir Glavaš saw what had happened and ordered the present members of the mentioned Battalion to execute Đorđe Petković
- 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 Glavaš told Ratko and Smilja Berić: "Say goodbye to your daughter forever."
- Branimir Glavaš 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 Glavaš, Ivica Krnjak, Gordana Getoš Magdić, Mirko Sivić, Dino Kontić, Tihomir Valentić and Zdravko Dragić with the following criminal offences committed during November and December 1991:

The first accused Branimir Glavaš, the Secretary to the County National Defence Secretariat

- Ongoing trial
- Verdict before appeal
- Verdict after appeal

- Trials in Bosnia and Hezegovina
- Trials in Serbia
- Trials in Montenegro
- List of all trials

- Other Trials

- Trials News Archive

- National monitoring team:
  Veselinka Kastratović
  Mladen Stojanović
  Robert Adrić
  Vlatka Kuić
  Jelena Đokić Jović
  Maja Kovačević Bošković
  Marko Sjekavica Martina
  Franičević Tanja Vukov
  Tino Bego
- Regional monitoring team:
  Veselinka Kastratović
  Mirjana Lazić
  Eldar Jahić
- In cooperation with
  Documenta Zagreb
  Citizens Committee for Human Rights Zagreb
  Humanitarian Law Centre Belgrade
  Research and Documentation Centre Sarajevo
- Monitoring of War Crimes Trials

and the actual, and as of 7 December 1991 the formal commander of the defence of Osijek; the second accused Ivica Krnjak, the commander of the special reconnaissance-and-diversion unit of the Osijek Operational Zone; the third accused Gordana Getoš Magdić, 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 Krnjak and the third accused Gordana Getoš Magdić to form the special reconnaissance-and-diversion unit under his supervision from a group of selected loyal and trustworthy persons. The second accused Ivica Krnjak and the third accused Gordana Getoš Magdić obeyed his orders, participated themselves in the execution of some of his commands and conveyed the same orders to the subordinate members of their squads. Among their subordinates were the deceased Stjepan Bekavac, the fourth accused Mirko Sivić, the fifth accused Dino Kontić, the sixth accused Tihomir Valentić, the seventh accused Zdravko Dragić, 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 Sivić, 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 Tvrđa, fired several shots into him and pushed him into the Drava;

b. Stjepan Bekavac, the sixth accused Tihomir Valentić, the seventh accused Zdravko Dragić and the third accused Gordana Getoš-Magdić arrested Branko Lovrić in his home, took him away and imprisoned him in the house on 30 Dubrovačka Street, before unknown members of the above-mentioned squad took him to the bank of the river Drava and killed him;

c. Stjepan Bekavac, the sixth accused Tihomir Valentić and the seventh accused Zdravko Dragić, following the orders, waited for Alija 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 Sivić, following the orders, entered the house and interrogated Alija 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 Dragić 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 Tvrđa, where the fifth accused Dino Kontić drove the seventh accused Zdravko Dragić in order to execute Radoslav Ratković. In the presence of the second accused Ivica Krnjak, Stjepan Bekavac gave the seventh accused Zdravko Dragić an MGV rifle ordering him to shoot Radoslav Ratković, after which Zdravko Dragić fired a shot hitting Radoslav Ratkovića 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 Dragić, 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-Magdić 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 Grubić, 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 Kutlić 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 Svetislav 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 Ladnjuk, 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 Milenko Stanar, beat him, tied him with a rope and killed him by throwing him over the railway bridge into the river Drava;
- they captured Bogdan Počuča 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 Krnjak and the third accused Gordana Getoš-Magdić issued orders for the execution and ill-treatment of civilians, while the fourth

Report for the period january-june 2009.

Regional report 2004-2008.
Annual report for 2008.
Report for the period january-june 2008.
Annual report for 2007.
Annual report for 2006.
Annual report for 2005.

Contact Katarina Kruhonja

This project is funded by the European Union. The contents of these documents are the sole responsibility of the *Centre for Peace, Nonviolence and Human Rights* and can under no circumstances be regarded as reflecting the position of the European Union.

accused Mirko Sivić, the fifth accused Dino Kontić, the sixth accused Tihomir Valentić and the seventh accused Zdravko 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 Glavaš, who at the time of the incriminating events held 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 Krnjak is indicted as commander of the special reconnaissance and sabotage unit of the Osijek Operational Zone; the third accused Gordana Getoš Magdić 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 Glavaš had ordered the second accused Ivica Krnjak and the third accused Gordana Getoš Magdić to form the special reconnaissance and sabotage unit under his supervision from a group of selected loyal and trustworthy persons, which they did. Branimir Glavaš subsequently ordered them to unlawfully arrest civilians on several occasion. The second accused Ivica Krnjak and the third accused Gordana Getoš Magdić obeyed his orders, participated themselves in the execution of some of his commands and conveyed the orders to the subordinate members of their squad - the deceased Stjepan Bekavac, the fourth accused Mirko Sivić, the fifth accused Dino Kontić, the sixth accused Tihomir Valentić, the seventh accused Zdravko Dragić, and other, 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 Glavaš 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 reinstituted 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 Glavaš 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 his parliamentary mandate at the constitutional session, thus granting him parliamentary immunity pursuant to Article 75, Paragraphs 1 and 3 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 Glavaš 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 Getoš Magdić, Tihomir Valentić and Zdravko Dragić against the decision of the Supreme Court of the Republic of Croatia No: Kž-449/08-3 of 28 July 2008, and the decision of the Zagreb County Court No: Kv-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 Sivić, thus overturning the decisions of the Supreme Court of the Republic of Croatia No: Kž-439/08-3 of 23 July 2008, and the Zagreb County Court No: Kv-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 Krnjak and Dino Kontić, on **18 September 2008**.

GENERAL INFORMATION

Zagreb County Court
Case Number: K-rz-1/07
War Crime Council:
Judge Željko Horvatović, Council President; Judge Tomerlin Almer, Council member; Judge Sonja Brešković Balent, Council member; Judge Mirko Klinžić, 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 Dolmagić, Zagreb County Deputy Attorney; Miroslav 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 Veljko Miljević, hired defence lawyers of the first accused Branimir Glavaš
- lawyers Domagoj Rešetar, a hired defence lawyer and Zoran Stjepanović, a court-appointed defence lawyer of the second accused Ivica Krnjak
- lawyers Antun Babić and Tajana Babić, hired defence lawyers of the third accused Gordana Getoš-Magdić
- lawyer Radan Kovač, a hired defence lawyer of the fifth accused Dino Kontić
- lawyer Branko Šerić, a defence lawyer of the sixth accused Tihomir Valentić
- lawyer Milan Jungić, a hired defence lawyer and Dragutin Gajski, a court-appointed defence lawyer of seven accused Zdravko Dragić

Attorney-in-fact of the injured person Radoslav Ratković, lawyer Ljiljana Banac.

All accused persons have been held in detention with the exception of the first accused Branimir Glavaš.

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 Glavaš 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 Glavaš 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-rz-1/08 (K-rz-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 Glavaš 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 Glavaš 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 Glavaš 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 abolish 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.

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 Zdravko Dragić that their depositions given during the pre-trial investigation were taken by force by the police. The factual basis of the indictment No. K-DO-76/06, dated 16 April 2007, is grounded on these depositions, which they have refuted 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 Glavaš 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 firth accused Branimir Glavaš 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 containes 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 293, 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, Documenta, 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 Fehir 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 **extention 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 Krnjak did not have a defence lawyer. Namely, his hired lawyer Domagoj Rešetar 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 Šale, on 4 August. Following the proposition by the State Attorney's Office, and pursuant to the provision of Article 65, Pargraph 6 of the Criminal Procedure Act, the Council decided to request the Court

President to appoint a defence lawyer for the second accused Ivica Krnjak, agreeing with the view of the prosecution that the actions of Domagoj Rešetar, the defence lawyer of the second accused, had been aimed at unnecessary prolongation of the trial. The lawyer Vesna Zaninović Vujasinović was appointed as a defence lawyer for the second accused Ivica Krnjak. 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 Mirko Sivić, 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 requsted another ten days of deferral. When the Council rejected this request, she left the court room stating that professional ethics and the lawyer's codex 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 Krnjak 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 Branimir Glavaš**, thus he was sentenced to a joint prison sentence in duration of **10 years**.
The defendant Ivica Krnjak was sentenced to 8 years in prison.
The defendant Gordana Getoš Magdić was sentenced to **7 years** in prison.
The defendants Dino Kontić, 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 initiations to investigate the crimes before. The first people to speak publicly of these crimes were the Osijek-based journalist Drago Hedl 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 Branimir Glavaš, 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 43 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) [2], 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 to witnesses by such 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 «Shiskov» (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

statements recorded in the court minutes (witness Vlado Frketić).

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 closed 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 351), 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 Krnjak 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 Krnjak, 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 Krnjak's defence lawyer were directed towards procrastination of the procedure, the Council President requested for a court appointed lawyer to represent Ivica Krnjak. 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] *Documenta - 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. o po

[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 reinstituted 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 Krnjak did not have a defence lawyer. Namely, after the summer recess, his hired lawyer Domagoj Rešetar 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 Šale, on 4 August. The Council assessed that actions of Domagoj Rešetar, 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 Krnjak. 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 reinstituted 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.

[4] A defence lawyer representing the first accused Branimir Glavaš, Ante Madunić, took photographs of witnesses using a mobile phone during the court sessions held between 13 and 15 February 2008.

[5] *Glas Slavonije* in its issue of 31 May 2008 published an article titled «Prosecution Witness Statements Put the Indictment against War Crimes in Osijek on the Rocks», and

headlined «Prosecution Betrayed by Witnesses». The article paraphrased a part of the secret witness statement given by Nikola Vasić. Veljko 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 «Drava», respectively.

povratak na popis :: back to list ■ povratak na odabir || back to selection

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 Ivanković 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 Ivanković and Enes Viteškić were charged that they, as members of the 2nd Infantry company of the 1st Battalion of the 130th 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 Guljaš, 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 354, 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 OPPINION 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 354, 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

- Ongoing trial
- Verdict before appeal
- Verdict after appeal

- Trials in Bosnia and Hezegovina
- Trials in Serbia
- Trials in Montenegro
- List of all trials

- Other Trials

- Trials News Archive

- National monitoring team:
  Veselinka Kastratović
  Mladen Stojanović
  Robert Adrić
  Vlatka Kuić
  Jelena Đokić Jović
  Maja Kovačević Bošković
  Marko Sjekavica Martina
  Franičević Tanja Vukov
  Tino Bego
- Regional monitoring team:
  Veselinka Kastratović
  Mirjana Lazić
  Eldar Jahić
- In cooperation with
  Documenta Zagreb
  Citizens Committee for Human Rights Zagreb
  Humanitarian Law Centre Belgrade
  Research and Documentation Centre Sarajevo
- Monitoring of War Crimes Trials

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 Ivanković) 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. all the persons who were 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 to order that the 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 Ivanković;
2. was present in Našice discotheque as a part of the group of Croatian soldiers who had been allowed by Grošelj 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

Report for the period january-june 2009.

Regional report 2004-2008.
Annual report for 2008.
Report for the period january-june 2008.
Annual report for 2007.
Annual report for 2006.
Annual report for 2005.

Contact Katarina Kruhonja

This project is funded by the European Union. The contents of these documents are the sole responsibility of the *Centre for Peace, Nonviolence and Human Rights* and can under no circumstances be regarded as reflecting the position of the European Union.

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 symbollic 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.

povratak na popis :: back to list ● povratak na odabir || back to selection

Web development | EuroART Centar za mir | Sva prava zadržana

ANNEX 40

Centre for Peace, Non-Violance 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 Kufner, Davor Šimić, Pavao Vancaš, Tomica Poletto, Željko Tutić and Antun Ivezić 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 inhabitants and the adjoining units of the so-called Yugoslav National Army (hereafter YNA). The defendants Damir Kufner, the founder and official commander of the Military Police Squad attached to the 76th Independent Batallion 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 Pavle Vancaš, Tomica Poletto, Željko Tutić and Antun Ivezić, 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 Dragičević, Council President; Judges Jasna Zubčić and Žarko Kralj, Council members

Indictment No: K-DO-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

- Ongoing trial
- Verdict before appeal
- Verdict after appeal
- Trials in Bosnia and Hezegovina
- Trials in Serbia
- Trials in Montenegro
- List of all trials
- Other Trials
- Trials News Archive

- National monitoring team:
  Veselinka Kastratović
  Mladen Stojanović
  Robert Adrić
  Vlatka Kuić
  Jelena Đokić Jović
  Maja Kovačević Bošković
  Marko Sjekavica Martina
  Franičević Tanja Vukov
  Tino Bego
- Regional monitoring team:
  Veselinka Kastratović
  Mirjana Lazić
  Eldar Jahić
- In cooperation with
  Documenta Zagreb
  Citizens Committee for Human Rights Zagreb
  Humanitarian Law Centre Belgrade
  Research and Documentation Centre Sarajevo
- Monitoring of War Crimes Trials

Criminal offence: a war crime against civilians pursuant to Article 120, Paragraph 1 of the Penal Law of the Republic of Croatia

Defendants: Damir Kufner, Davor Šimić, Pavao Vancaš, Tomica Poletto, Željko Tutić and Antun Ivezić

Defence attorney representing the 1st accused: Jovan Doneski, 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 Požega

Defence attorney representing the 4th accused: Branko and Olivera Baričević, lawyers form Požega

Defence attorney representing the 5th accused: Gordana Grubeša, a lawyer from Zagreb

Defence attorney representing the 6th accused: Domagoj Miličević and Valentina Gacik, lawyers from Požega

Attorney-in-fact of the injured person Milka Bunčić: Luka Šušak, a lawyer from Zagreb

Attorney-in-fact of the injured persons Jovo and Mijo Krajnović: Zoran Novaković, a lawyer from Zagreb

Victims (according to the particulars from the enacting clause of the indictment):
- tortured and abused: Branko Stanković, Krajnović Mijo and Jovo (from village Kip), Bunčić Milka, Jeka Žestić and Nikola Ivanović (from village Klisa)
- tortured, abused and killed from village Kip:

Pero Novković - *body not found*
Mijo Danojević - *body found in Marino Selo on 17 November 1991*
Gojko Gojković - *body found in the area between Pakračka Poljana and Marino Selo on 25 December 1991*
Savo Gojković - *taken away from the detention, was buried by survived civilians*
Branko Bunčić - *body found in the area between Parkačka Poljana and Marino Selo on 5 December 1991*
Nikola Gojković - *body found on 5 December 1991*
Mijo Gojković - *body found in the area between Pakračka Poljana and Marino Selo on 25 December 1991*
Filip Gojković - *taken in direction of Ilova, where lost without trace*
Jovo Popović - Tein - *body found in the area between Parkačka Poljana and Marino 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 Klisa:

Jovo Žestić - *deceased from the cause of cold water being poured at him*
Jovo Popović Simin - *body not found*
Slobodan Kukić - *taken in direction of Ilova, where lost without trace*
Rade Gojković - *body not found*
Savo Maksimović - *body not found*
Josip Cicvara - *body found on 5 December 1991*
Note: *Although on page 5, in paragraph 5 of the Indictment No. K-DO-14/07 issued by the Požega County State's Attorney's Office on 12 August 2008, it is stated that on 25 December 1991, in the area between Pakračka Poljana and Marino Selo the dead bodies of Gojko Gojković and Mijo Gojković 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 Pakračka Poljana and Marino Selo, and that on 6 December 1991, recorded under no. Kir-I-517/92, an inspection record was made by the investigating judge Mihael Malčić.
- 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 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 Gojković (violent death),
- dead body marked with no. 3 was the body of Gojko Gojković (violent death, occurred at least two weeks before autopsy),

Report for the period january-june 2009.

Regional report 2004-2008.
Annual report for 2008.
Report for the period january-june 2008.
Annual report for 2007.
Annual report for 2006.
Annual report for 2005.

Contact Katarina Kruhonja

This project is funded by the European Union. The contents of these documents are the sole responsibility of the *Centre for Peace, Nonviolence and Human Rights* and can under no circumstances be regarded as reflecting the position of the European Union.

- 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 Cicvara (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 Vancaš was cancelled. However, the Croatian Supreme Court quashed the decision of the Požega 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 Vancaš was sentenced 3 years of imprisonment,
- the 4th defendant Tomica Poletto was sentenced to 16 years of imprisonment,
- the 5th defendant Željko Tutić was sentenced to 12 years of imprisonment,
- the 6th defendant Antun Ivezić 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 Požega County Court against six members of the former platoon of Military Police of the 76th 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 Marino Selo 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 Vancaš - 3 years; Tomica Poletto - 16 years; Željko Tutić - 12 years; and Antun Ivezić - 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 Poletto, 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 whatsoever.

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 Merčep, 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 Pavao Vancaš 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 Ref: K-11/01-

IN THE NAME OF THE REPUBLIC OF CROATIA

JUDGMENT

The District Court of Rijeka [...]

f o u n d

the first co-accused TIHOMIR ORESKOVIC [...]
the third co-accused STJEPAN GRANDIC [...]
the fourth co-accused NORAC, KEVO MIRKO [...]

g u i l t y

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 Gospic, 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 Kljajic, 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 breeching 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,

s e n t e n c e d

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

[...]

Poslovni broj: K-11/01-

U IME REPUBLIKE HRVATSKE

PRESUDA

Županijski sud u Rijeci, u vijeću sastavljenom od sudaca toga suda Ike Šarić, kao predsjednika vijeća i Ivana Vučemila kao člana vijeća, te sudaca porotnika Marčelja Bogdana, Tadej Branka i Pleše Zdenka kao članova vijeća, uz sudjelovanje zapisničara Tatjane Lukić kao zapisničara, u kaznenom predmetu protiv I-opt. TIHOMIRA OREŠKOVIĆA i dr., zbog kaznenog djela iz čl. 120 st.1 OKZ RH, nakon održane glavne i javne rasprave dana 28.01. 2002. do 31.01. 2002., 01.02. 2002., 04.02. 2002.-08.02.2002., 11.02.2002. - 14.02.2002., 18.02.2002. - 22.02.2002., 25.02.-26.02.2002.,11.03.2002.-15.03.2002.,18.03.2002.-20.03.2002.,27.03.2002.-29.03.2002.,02.04.2002.,04.04.2002.-05.04.2002.,08.04.2002.,11.04.2002., 15.04. 2002.-19.04.2002.,22.04.2002.-24.04.2002.,29.04.2002.-30.04.2002., 02.05.2002.-03.05.2002.,06.05.2002-08.05.2002.,14.05.2002.-15.05.2002.,20.05.2002., 22.05. 2002.,27.05.2002.-29.05.2002.,17.06.2002.-20.06.2002.,01.07.2002.-05.07.2002., 12.08.2002.-14.08.2002.,16.08.2002.,19.08.2002.,21.08.2002.-23.08.2002., 26.08. 2002.-30.08.2002.,02.09.2002.-06.09.2002.,09.09.2002.,30.09.2002., 01.10.2002., 14.10.2002.-17.10.2002.,18.11.2002.-22.11.2002.,25.11.2002.,27.11.2002-28.11. 2002.,02.12.2002.05.12.2002.,09.01.2003.-10.01.2003.,14.01.2003.-15.01.2003., 21.01.2003.,24.02.2003.-28.02.2003.,12.03.2003.-13.03.2003.,17.03.2003.-19.03. 2003.,te 24.03.2003.g., u prisutnosti I-optuženika Orešković Tihomira, njegovih branitelja Olujić Željka i Mišetić Bosiljka,odvjetnika iz Zagreba, II-optuženika Rožić Ivice, njegovog branitelja Ružić Mirka,odvjetnika iz Rijeke, III-optuženika Grandić Stjepana, njegovih branitelja Milenka Škrlec i Kostić Ljubiše, odvjetnika iz Rijeke, IV-optuženika Norac Kevo Mirka, njegovih branitelja Sabljar Tomislava, odvjetnika iz Rijeke i Kern Ivana, odvjetnika iz Zagreba, V-optuženika Čanić Milana, njegovog branitelja Došen Velimira, odvjetnika iz Rijeke, zamjenika ŽDO Rijeka Hrast Dorisa, te punomoćnika oštećenika Drageljević Ljubiše, odvjetnika iz Rijeke, dana 24. ožujka 2003. godine,

presudio je

I-opt. **TIHOMIR OREŠKOVIĆ**, sin Ivana i Anke r.Hećimović, JMBG 2303957330185, rođen 23.03.1957.g. u Gospiću, Hrvat, državljanin RH, časnik Hrvatske vojske, oženjen, otac troje djece, pismen sa završenom gimnazijom, srednjeg imovnog stanja, vojsku služio u Valjevu 1978/79.g., učesnik Domovinskog rata, odlikovan Hrvatskim trolistom, neosuđivan, 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 Horvat, rođen 19.08.1954.g. u Koprivnici, Hrvat, državljanin RH, časnik Hrvatske vojske, oženjen, otac jednog mld. djeteta i jednog punoljetnog, pismen sa završenom

srednjom metalnom školom - brusač, od imovine posjeduje obiteljsku kuću u Perušiću i automobil "Fiat" proizvodnja 1997.g., vojsku služio 1975/76.g. u Gospiću, 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, ~~neoženjen, bez djece, vlasnik stana~~ na adresi stanovanja, vojsku služio 1987/88.g., dragovoljac Domovinskog rata od 1990.g. pa dalje, vodi se u Uredu za obranu Zagreb, sa činom generala, odlikovan Ordenom ban Jelačić, ordenom "Šubić Zrinski", medaljom za iznimne pothvate, medaljom za "Oluju", medaljom "Ljeto", nosilac Spomenice Domovinske zahvalnosti i Spomenice Domovinskog rata, te odlikovanja "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,

k r i v i s u

što su

1. U vremenskom periodu od 14. do 18. 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 Ženevske 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 protokola Ženevskim konvencijama od 12. kolovoza 1949.g. o zaštiti žrtava međunarodnih oružanih sukoba (Protokol I) 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, uhiti i zatim liši života, pa su tako:

a) dali zapovjed pripadnicima Hrvatske vojske i Vojne policije da bezrazložno uhite civile srpske i hrvatske nacionalnosti iz Gospića, Karlobaga i šire okoline pa su ovi postupajući po toj naredbi uhitili Simu Kljajića, Štulić Branka, Barać Radovana, Bulj Danu, Gajić Nikolu, Šuput Bogdana, Diklić Radojku, Vraneš Dušanku, Kalanj Đorđa i Mirjanu, Orlović Miloša i Milevu, Pantelić Milana, Anđelku i Mirjanu, Kuzmanović Branka, Marić Borislava, Stanić Radmilu, Smiljanić Stanka, Vraneš Borku, Lazić Petra, Željka Mrkić, Ljubicu Trifunović, Miću Pejnovića, Lončar Sofiju, Trešnjić Nebojšu, Radić Panteliju, Barać Danicu, Čubelić Milu, Hinić Gojka, Smiljanić Milana, Krajnović Milicu, Panjević Ljubicu, Pavlica Janka, Maricu Đukić,

Svilar Petra, Serdar Nikolu, Rakić Dragana, Radmanović Gojka, Radmanović Milicu, Micu i Boju Potkonjak, Stojanović Nikolu, Jelinić Vasu, Draganić Branka, Luku Šulentića, Mileusnić Andriju, Stojanku Borić sa sinom, Ivanišević Nikolu, Tomičić Boška, te još neke NN osobe koje je potom po njihovom naređenju III-okrivljenik Stjepan Grandić kao zapovjednik II bojne stacionirane u vojarni Perušić, zatočio u za to pripremljenu prostoriju unutar vojarne u Perušiću od kuda su pušteni Luka Šulentić, Mileusnić Andrija te Borić Stojanka sa sinom, da bi potom

- dana 17. listopada 1991. godine u večernjim satima u prostorijama tzv. Operativnog štaba 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 dogovoreni lokalitet plantaža borova "Žitnik" (Pazarište) doveli pripadnici Hrvatske vojske, na koje mjesto su se svi prisutni sa tog sastanka u koloni vozilima i odvezli, te na tom mjestu dovezene civile njih najmanje deset, među kojima su bili zasigurno Boško Tomičić, Nikola Ivanišević 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 neutvrđenu 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 Tihomira Oreškovića 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, zapovjedio da iz vatrenog oružja usmrte civile među kojima su bili Simo Kljajić, Štulić Branko, Barač Radovan, Bulj Dane, Gajić Nikola, Šuput Bogdan, Diklić Radojka, Vraneš Dušanka, Kalanj Đorđe i Mirjana, Orlović Miloš i Mileva, Pantelić Milan, Kuzmanović Branko, Stanić Radmila, Smiljanić Stanko, Vraneš Borka, Lazić Petar, Željko Mrkić, Ljubica Trifunović, Mićo Pejnović, Lončar Sofija i ostali neidentificirani civili, što su ovi zajedno s njim i učinili,

dakle, kršeći pravila međunarodnoga prava za vrijeme oružanog sukoba naredili 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

o s u đ u j u s e

I-opt. **TIHOMIR ORE[illegible]KOVIĆ** 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.45 OKZ RH I-opt. OREŠKOVIĆ TIHOMIRU u izrečenu kaznu zatvora uračunava se vrijeme provedeno u pritvoru od 12.09.2000. godine do 12.09.2002.g. te od 24.09.2002.g. pa nadalje, III-opt. GRANDIĆ STJEPANU vrijeme provedeno u pritvoru od 19.12.2000.g. pa nadalje, te IV-opt. MIRKU NORAC-KEVO vrijeme provedeno u pritvoru od 21.02.2001.g. pa nadalje.

Po čl.132 st.2 Zakona o kaznenom postupku oštećenici Radić Jelica, Gošić Sofija, Pavić Milica, Pavlica Željko, Ivančić Maja, Orlović Damir, Orlović Danijela, Knežević Duško, Travica Željka, Ivanka 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 oslobađaju se obveze da 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 (dvijetisuće) 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
II-opt. IVICA ROŽIĆ zv. "Bijeli Vuk" i "Roka", JMBG 1601962350019, sin Stjepana i Jelke r.Jamičić, rođen 16.01.1962.g. u Gospiću, Hrvat, drž. RH, časnik Hrvatske vojske u mirovini, oženjen, otac dvoje malodobne djece, pismen sa završenom srednjom školom i časničkom školom "Petar Zrinski" u Zagrebu, sa mirovinom od 4.300,00 kuna, vlasnik osobnog automobila marke " Golf ", godina proizvodnje 1997. sudionik Domovinskog rata od 25.08. 1991.g. pa nadalje, vodi se u vojnoj evidenciji Gospić, sa činom poručnika, odlikovan najvišim odlikovanjem za hrabrost Reda Kneza Domagoja sa ogrlicom, nosilac Spomenice Domovinske zahvalnosti, odlikovan medaljom za " Oluja " i dr., neosuđivan, protiv njega se ne vodi drugi kazneni postupak, sa prebivalištem – Gospić, Budačka 14,

OSLOBAĐAJU 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 Ženevske 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 Dopunskog Protokola Ženevskim konvencijama od 12. kolovoza 1949.g. o zaštiti žrtava međunarodnih oružanih sukoba (Protokol I) 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, uhiti 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 Miloša Vujnović, nakon čega su ih vojnim vozilom prevezli na područje Velebita lokalitet "Crni Dabar", gdje ih je zajedno s ovom trojicom nepoznatih osoba pucnjima iz vatrenog oružja usmrtio,

dakle, da bi kršeći 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 imovinskopravnim 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 Zakona o kaznenom postupku

protiv

opt. ČANIĆ MILANA zvanog Bićo, JMBG 0208931350005, sina Milana i Ane rođene Mataija, rođenog 02.08.1931.g. u mjestu Čanić Gaj – Gospić, Hrvata, državljanina 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 paravojnih formacija kao zamjenik zapovjednika u 118. brigadi zajedno i dogovorno sa Tihomirom 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 Ženevske konvencije od 12. kolovoza 1949.g. o zaštiti žrtava nemeđunarodnih 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 večernjim satima u prostorijama Kriznog štaba u Gospiću prisutnima naredili likvidaciju po njihovoj zapovjedi prethodno zatočenih osoba srpske i hrvatske nacionalnosti u vojarni u Perušiću 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 dovezene civile među kojima su bili Božidar Tomičić i Nikola Ivanišević, na zapovjed Mirka Norca Keve, pucanjem iz oružja usmrtili, 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-okrivljeniku Stjepanu Grandić da ovaj kao zapovjednik II bataljuna stacionirano u Perušiću te kao zapovjednik vojarne u Perušiću, najprije u krugu vojarne zatoči dovezene mu civile srpske i hrvatske nacionalnosti iz Gospića i šire okoline i to Branka Štulića, Branka Kuzmanovića, Radmilu Stanić, Stanka Smiljanića, Radmilu Diklić, Miru Kalanj, Đorđa Kalanj, Danu Bulj, Milana Pantelića, Radovana Barać, Ljubicu Trifunović, Petra Lazić, Borku Vraneš, Bogdana Šuputa, Dušanku Vraneš, Nikolu Gajića, Željka Mrkića inače svi iz Gospića te Miloša i Milevu Orlić iz Karlobaga, kao i osobe pod točkom a) te još nekolicinu 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, gdje je pripadnicima Hrvatske vojske od kojih su neki bili maskirani zapovjedio da iz vatrenog oružja usmrte navedene civile što su ovi zajedno s njim i učinili,

dakle, da bi kršeći pravila Međunarodnog prava za vrijeme oružanog sukoba naredio da se civilno 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 točl.1-5 ZKP, te nužni izdaci okrivljenika i nužni izdaci i nagrada branitelja, u ovom dijelu, padaju na teret proračunskih sredstava.

Obrazloženje

Županijsko 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 Oreškovića Tihomira, Rožić Ivicu, Grandić Stjepana i Mirka Norac Kevu 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 Milana to je u odnosu na istoga valjalo 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 doprinjelo 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 prijepisa s izvornikom ovjerava

ANNEX 42

Amnesty International, ***A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity***

Amnesty International

Source: http://www.amnesty.org/en/library/asset/EUR64/005/2004/en/df4d5196-d54c-11dd-8a23-d58a49c0d652/eur640052004en.html

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 Đapa, a worker at the Sisak oil refinery, was arrested by armed men in his home.(54) Miljenko Đapa'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 Đapa's body had been found near the village of Èigoè, approximately 20 km from Sisak. Reportedly, Miljenko Đapa 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 Žiliæ in the small town of Petrinja was bombarded with machine guns and hand grenades, allegedly by members of the Croatian Army. Damjan Žiliæ, 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 Žiliæ'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 Pjagiæ'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 (*Građanska 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 Tribjun, 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 fucker, 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 Krajina; 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

VEĆINU JE ODNIJELA SAVA

Nebojša Taraba

Uskoro bi se pred sudom kao svjedoci mogli pojaviti ljudi koji su prošli kroz logore za Srbe – Hoće li tada i hrvatska javnost saznati ono što međunarodne institucije već odavno znaju

Odveden sam bez ikakvog objašnjenja. Jednostavno: pokupljen. Odveli su me u ORU, naselje izgrađeno za potrebe omladinskih radnih akcija. Kasnije, u toku ispitivanja, rekli su mi da sam tu zato što sam četnik, i zato što oni znaju da sam organizirao lanac naoružavanja Srba u Sisku i okolici. Naravno, takva je optužba bila izvan svake pameti. Kakav crni četnik?

Preko dana su me ispitivali. Tukli su me noću. Ne znam tko me tukao, nisam mogao vidjeti lica, ali znam da su to bili babavi, dočepali su se uniforme, pa su iživljavali svoj bijes i mržnju. Skinuli bi me do gola, potom bi me izveli na dvorište, tik uz žičanu ogradu kraj Save. U lice bi mi uperili jaku svjetlost, tako nikako nisam mogao vidjeti tko me udara, niti koliko ih točno ima. Tukli su me nogama, šakama, motkama, govorili su: »Evo ti, pička ti materina četnička, sad ćeš dobiti svoje!«

Često sam gubio svijest, no oni bi me polili vodom i nastavljali. U nekoliko su navrata po meni urinirali ili bi mi po koži gasili cigarete. Posebno su vojleli da mi na čelu flomasterom nacrtaju oči s četiri s, na to mjesto stave cijev pištolja i počnu igrati ruski ruleт. Sada, mislim da je pištolj bio prazan, ali onda to nisam znao. Bilo mi je potpuno svejedno. Pomirio sam se sa sudbinom. Želio sam jedino da se to mučenje što prije završi.

Jednom su me golog privezali na žičanu ogradu, doveli su nekakvog psa. Pustili su ga na mene: »Tamo, tamo ti je četnik, grizi ga, grizi...« – govorili su. Ali pas je izgleda bio mlad, nije bio dresiran, pa se samo zbunjeno okretao. Nije znao ili nije htio gristi.

Tretman u Barutani

Pustili su me na isti način na koji su me i odveli, iznenada, bez ikakvog objašnjenja i bez potvrde da sam bio priveden. Netko se valjda bio zauzeo za

sam sretan druge ljude, imao sam dojam da sam tamo sam. Nisam dobijao nikakvu hranu, samo vodu. Bio sam izgubio svaki pojam o vremenu. Tek kasnije sam otkrićao da sam tamo proveo pet dana«.

Naš sugovornik ne usuđuje se reći čak ni svoje inicijale. Moli da prešutimo svaki detalj vezan za mjesto i vrijeme njegova odvođenja iz Siska. »Odmah bi znali o kome se radi. Nije nas mnogo iz ORU izašlo na nogama, većina je plutala Savom«, kaže. Dodaje da se boji za sebe. Jasno mu je – kaže – da mu je život poklonjen, da živi na kredit, ali ima

veliku obitelj, netko bi im mogao nauditi.

N. N. iz Siska bez ikakvog je razloga 21. siječnja 1992. lišena slobode. Odvedena je u Barutanu i zadržana osam dana. Bila je izložena maltretiranju i uvredama. Govorilo joj se, kao i drugim zatečenicima, da je četnikuša, da je glasala za Krajinu, da se njeni bore protiv Hrvatske. Jedna je je vojna policajka nagovarala da ide u nekakvu razmjenu, što je N. N. kategorički odbijala, jer u Sisku joj živi cijela obitelj. Kad je tražila da joj se objasni zašto je privedena, najčešće su joj odgovarali da su svi Srbi četnici i da se mora ispitati ima li koji pošten.

Nakon osam dana maltretiranja i ponižavanja, N. N. je puštena kući, bez ikakve potvrde ili objašnjenja. Ni tada, a ni danas ne može naći racionalan razlog za ono što joj se dogodilo. Dok je ona maltretirana u Barutani, njen suprug, Hrvat, bio je u Hrvatskoj vojsci na prvoj liniji obrane.

S. D. iz Siska nije odveden: »11. srpnja 1992, u noći uniformirane osobe postavile su eksploziv pred moju kuću, nije im smetalo što nije prazna. Kuća je gotovo potpuno srušena, ne znam kako smo žena i ja ostali živi. Protestirao sam kod policije, ali bez rezultata. Osam su me puta vodili na saslušanje. Posljednji put saslušavala su me četiri pričuvna policajca. Jedan od njih mi je rekao: »Kukaš što smo ti srušili kuću, a što vi radite Hrvatima u Glini i Petrinji?« Rekao sam mu: »Sinko, ali to im ne radim ja...« Prekinuo me grubo: »Ma, ko ti je sinko, pizda ti materina, srpska. Nemoj da ti živom jaja izvadim ili da Savom otplivaš u Beograd...«

Škorić dovodi svjedoke

Čini se da samo Sava zna i čuva tajne brojnih nestalih građana Siska. Naši upućeni sugovornici kažu da je u jednom periodu, svako malo, pronađen neki leš u Savi. Najčešće bi se zaustavili kod Starog grada, no neki bi otplutali i dalje. Tako je nedavno pokopano tijelo sedamdesetgodišnje starice iz okolice Siska, pronađeno u Savi kraj Županje. I ta se žena vodila kao nestala pod nerazjašnjenim okolnostima.

Svjedoka ima, ali samo su rijetki ostali u Hrvatskoj. Izuzetno ih je teško nagovoriti na razgovor. Boje se. Teško im je [illegible] prisjećanje na proživljene strahote. Ipak, neki će, [illegible]da, uskoro i javno progovoriti. Naime, u Općinskom sudu u Zagrebu protiv Milovana Škorića nakon završenog prekršajnog, poveden je i krivični postupak. Optužnica je ista: uznemiravanje javnosti i iznošenje neistinitih informacija o logorima za Srbe. Kao svjedoci optužbe pojavit će se i članovi saborske komisije koja je, zajedno s Rusima, na terenu utvrdila da logora nema. Međutim, Milan Škorić najavljuje mogućnost da u svoju obranu pozove kao svjedoke ljude, koji su preživjeli, takva mjesta.

Indicija da je sabirnih centara za Srbe u Hrvatskoj zaista bilo, na žalost, ima dovoljno. Hoće li netko konačno početi podnositi račun za postupke koji su ugledu Hrvatske naniješli ogromnu štetu? Jer, da ne bi bilo zabune, sve relevantne međunarodne organizacije odavno su upoznate sa svim oblicima kršenja ljudskih prava u Hrvatskoj. Pa, i sa logorima za Srbe.

U pismu koje je Helsinki Watch uputio Franji Tudmanu, još 13. veljače 1992. godine između ostalog kaže se i sljedeće: »Helsinki Watch Committee iz SAD-a duboko je zabrinut izvještajima o ozbiljnim povredama ljudskih prava od snaga koje su odgovorne hrvatskoj Vladi i od strane pojedinih ekstremista u Hrvatskoj. Naša vlastita istraživanja tih izvještaja, poduzeta za vrijeme serija misija za pronalaženje činjenica u Hrvatskoj u prošloj godini, pokazuju da su mnogi od tih izvještaja dobro utemeljeni. . . Helsinki Watch smatra hrvatsku Vladu – pogotovo hrvatsko Ministarstvo unutarnjih poslova i obrane – odgovornim za postupke njihovih oružanih snaga. . . Na temelju brojnih izvještaja koje je primio HW, hrvatske snage u Sisku. Gospiću i nekim područjima zapadne Slavonije izgledu da posebno okrutno postupaju prema zatvorenicima. . . «

Mjesta navedena u posljednjoj rečenici odgovaraju onima koje je i Skoré nabrojao. O gospićkom slučaju javnost je ponešto mogla doznati iz novinskih napisa krajem veljače 1992, pokrenut je i istražni postupak, ali do danas još nije poznato tko je počinitelj, po čijem nalogu i koliko je točan broj pogubljenih civila.

Najveća je nepoznanica ipak Pakračka poljana. U biltenu br. 1 Srpskog demokratskog foruma, navodi se sljedeće: »Prema obavjestima građana, a i nekim drugim izvorima, s područja zapadne Slavonije nestalo je između 200 i 300 građana srpske nacionalnosti. Naoružane uniformirane osobe odvele su oko 80 ljudi iz daruvarskog i oko 100 iz virovitičkog područja. Sumnja se da je najveći broj ubijen u području Pakračke poljane. Brzom intervencijom s republičke razine spašene su 63 osobe.« (!?)

Netko ipak sve zna

U biltenu br. 3 kaže se, pak ovo: »Kao što je poznato, u Pakračkoj poljani izvršen je od strane specijalne policije masakr nad oko 200 građana srpske narodnosti koji su smješteni u zajedničkim grobnicama. Pojedini građani i rodbina ubijenih iz Pakračke Kline tražili su od policijske uprave u Bjelovaru i drugih lokalnih organa, da im se omogući sahrana u porodične grobnice i u skladu s običajima, ali im to nije dozvoljeno. Takav zahtjev ispred ovog biroa otišao je prije nekoliko mjeseci i Vladi Hrvatske, koja na to uopće nije reagirala. Zahtjev je dostavljen i UNPROFOR-u«.

Dakle, kaže se »Kao što je poznato. . .« Netko, ipak zna. Kad je u pitanju Sisak, tu je informacija mnogo više, no tu je i veliki broj građana srpske nacionalnosti koji su nestali

[illegible] ili su nađeni ubijeni. Ne bi imalo smisla navoditi spiskove tih ljudi, jer njihova imena javnosti ne govore previše. A oni koji su ih trebali zaštititi, ili ih naći, njihove podatke odavno znaju.

Nažalost, ovakvih je primjera mnogo. Bilo kakav komentar uvišen je. Ali, važno, ističe se činjenica da se sve što se ovim ljudima dogadalo i događa, probija okvire »pojedinačnih ekscesa neodgovornih pojedinaca i ekstremista«, kaku to vole napisati u službenim izvješćima. Malo po malo stvara se dojam da su ljudska prava kršena, gotovo sustavno i u okviru državnih institucija.

Zajednica Srba:

LOGORA JE BILO

U jednoj internoj informaciji Zajednice Srba u Hrvatskoj, o položaju i statusu Srba u Sisku kaže se da je on »vrlo složen s tendencijom stalnog pogoršavanja položaja i svakodnevnog smanjenja brojnog stanja. U protekle dvije godine više od dvije trećine Srba je napustilo svoje kuće i stanove, i posije dužeg zatišja, u posljednje vrijeme ponovno dolazi do intenzivnijeg iseljavanja, tako da u prosjeku seli jedna porodica dnevno...

Kod iseljavanja može se razgraničiti više kategorija ljudi koji selc.

Prvo su, još u ljeto 1991. selili članovi SDS i oni koji su imali bilo kakvu vezu s tom strankom. U to vrijeme dolazi do stvaranja [illegible] neugodnosti, uspješnije svakonoćnim minniranjem ugostiteljskih, trgovačkih radnji, privatnih kuća i automobila, upada u stanove i kuće, odvođenja ljudi koji se nakon nekoliko dana pronalaze mrtvi u Savi ili na drugim mjestima, telefonskih i pisanih prijetnji. Što doprinosi velikom valu iseljavanja.

Teško je procijeniti broj minniranih objekata, kako onih obrtničkih, tako i obiteljskih kuća, ali prema nekim izvorima taj broj se penje i do nekoliko stotina.

Poseban strah izazivalo je noćno upadanje naoružanih uniformiranih osoba u stanove i kuće. Dio tih noćnih upada završio je odvođenjem osoba, koje su poslije desetak ili više dana viđene i u Sisku i okolici, da su bili u nekim sabirnim mjestima – logorima (ORA, Jedno, Barutana), gdje su maltretirani i mučeni i gdje su držani bez ikakvog sudskog naloga i bez sprovođenja bilo kakvog formalnog istražnog postupka. Pretpostavlja se da je više stotina Srba odvedeno na taj način, a najveći dio je naden u Savi ili u nekim zabačenim mjestima. Prema pouzdanim informacijama više od stotinu takvih slučajeva obrađeno je u Kriminalističkom odjelu PU Sisak i u Bolnici Sisak, a pretpostavlja se da je na taj način likvidirano više od 400 Srba.

... Najtragičnije u svemu tome je totalna medijska blokada Siska. Jer, bez obzira što su do unazad mjesec dana svaku noć u Sisku u zrak letjele 2-3 kuće ili drugi objekti, nikada u sredstva informiranja o tome nije dospjela ni najmanja notica. Isto se može odnositi i na nestanke građana srpske nacionalnosti«.

Aleksandar Milošević, SDP:

Logora nije bilo

Aleksandar Milošević, novinar, dugogodišnji dopisnik »Vjesnika« iz Siska:

»Sigurno je da danas nije lako biti Srbin u Hrvatskoj, nakon svega što nam se dogodilo. Međutim, ne bih se složio s tvrdnjom da je u Sisku u okvirima službene politike dolazilo do kršenja prava građana srpske nacionalnosti. Pojedinačnih je slučajeva sigurno bilo, no oni su izazvani ratom, a motivi su osveta i revanšizam. Što se pak tiče mjesta za koja se tvrdi da su u njima bili logori, odgovorno tvrdim da to nije istina. Na jednoj od tih lokacija jeste bio vojni zatvor, i moguće je da se u njemu našao i neki Srbin, no u pitanju je bio vjerojatno klasični prekršajni«.

O mogućoj informativnoj blokadi kad je riječ o terorističkim akcijama protiv građana srpske nacionalnosti i njihove imovine, Milošević kaže da se osobno nije sretao s nečim sličnim, no, dodaje, to nije njegov sektor rada. Međutim, dovoljno da se to, osobito na lokalnoj razini, u lokalnim glasilima, može dogadati.

Milošević nam je također naglasio da su u dva najuspješnija sisačka poduzeća Siscija i Željezari, direktori – Srbi, na tim su funkcijama bili i prije rata.

Saborski odbor za ljudska prava:

Ne znamo ništa

– Halo. Ovdje saborski Odbor za ljudska prava. Razgovarate s Ljubomirom Antićem.

– Gospodine Antiću, da li Vaš Odbor raspolaže ikakvim informacijama o kršenju ljudskih prava, osobito građana srpske nacionalnosti, na područjima grada Siska.

– Na žalost, ne mogu vam pomoći, jer za Sisak nemamo nikakve informacije.

– Ali upravo smo došli iz Siska, čuli smo potresna svjedočanstva.

– Ne, mi stvarno nemamo nikakve informacije, građani iz tog grada se ne javljaju, tako da nemamo ništa. Tamo sam bio nedavno zbog slučaja s nepostojećim logorima, ni tada nisam čuo ni vidio ništa.

– Mi smo razgovarali s ljudima koji tvrde da su odvedeni u logore.

– (Tajac). Ne, ništa ne znam o tome...

– U biltenima SDF-a i u izvješćima Helsinki Watcha Sisak je spotrofiran kao mjesto gdje se osobito brutalno krše ljudska prava...

– Ta gospoda iz SDF-a nama nisu poslali ni jedan bilten. Zaista mi je žao što vam ne mogu pomoći, no ako imate informacija dobro bi nam došle...

ANNEX 44

First Municipal Court in Belgrade,
Minutes of Witness Hearing of Milanče Tošić
dated 19 February 2002
(*Lora* case)

K-KIO No.303/94-99

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 Arsovski 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, faesces 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
Jasna Marinkovic (Signed)

Investigating Magistrate
Dragan Cesarovic (Signed)

Milance Tosic (Signed)

303/94-99

КОМИТЕТ ЗА ПРИКУПЉАЊЕ ПОДАТАКА О ИЗВРШЕЊИМ ЗЛОЧИНИМА ПРОТИВ ЧОВЕЧНОСТИ И МЕЂУНАРОДНОГ ПРАВА
Београд
ПРИМЉЕНО: 25 -02- 2002
Орг. јед. | Број | Прилог | Вредности
02 | 23/02 -10 | | |

ПРВИ ОПШТИНСКИ СУД У БЕОГРАДУ
Слободана Пенезића - Крцуна 17-А

К-КИО бр. _____

Pom.I 185/2002

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 19.02.2002. 199__ године пред istražnim

судијом Prvog opštinskog суду у Beogradu у кривичном

поступку против NN

због кривичног дела из чл. 120 OKZRH .

Istražni - судија
Dragan Ćesarović

Записничар,
Jasna Marinković

Сведок
Tošić Milanče

Саслушању сведока присуствују и:

јавни тужилац

окривљени

бранилац

Започето у 9,15 часова.

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

1) Име и презиме Tošić Milanče JMBG 1408972710566
2) Име оца Milovan
3) Занимање konobar
4) Боравиште Beograd, Grocka, Prvomajska 2a - Leštane, tel 8035-329
5) Место рођења ~~Svrljig, Srbija~~
6) Године старости ~~1972. godine~~
7) Однос са окривљеним и оштећеним

За овим сведоком о самом предмету износи следеће:

штампа ГРАФОС ИНТЕРНАЦИОНАЛ, Пончево
Ознака за пословницу 4/ОС

Svedok je opomenut da je dužan da govori istinu da ne sme ništa prećutati, upozoren je na posledice davanja lažnog iskaza, kao i da nije dužan da odgovara na pojedina pitanja, ako je verovatno da bi time izložio sebe ili svog bliskog srodnika teškoj sramoti, znatnoj materijalnoj šteti ili krivičnom gonjenju, na pitanje suda izjavi:

Ja sam u periodu 1991. - 1992. god. bio na odsluženju redovnog vojnog roka u JNA, s tim što sam u februaru odslužio vojni rok ali zbog ratnih događaja vojni rok mi je produžen za tri meseca. Vojni rok sam služio u mestu Gabela kod Čapljine. Obezbedivao sam neki magacin. Još u toku 1991. god. imali smo provokacije od strane pripadnika tadašnje HVO. Ovo skladište koje sam čuvao bilo je puno municije i eksplozivnih sredstava, pa je to verovatno razlog što nas nisu otvoreno napali. Ovaj objekat je predat od strane JNA 12.04.1992. god. potpuno ispražnjen a mi vojnici JNA bili smo u okruženju pripadnika HVO kao i regularne hrvatske vojske u to vreme pod nazivom ZNG. Naš kapetan prve klase Gidić Duško u dogovoru sa lokalnim vlastima predao je ovaj objekat a nama vojnicima bilo obećano da nas niko neće dirati i da nam se omogući povratak u Jugoslaviju.

Prilikom napuštanja skladuišta sačekali su nas naoružani pripadnici HVO-a s tim što objašnjavam da smo mi ostavili naše naoružanje u skladištu tako da smo bili nenaoružani. U ovoj mojoj grupi bilo je 15 vojnika i 3 oficira i sve nasx su opripadnici HVO-a bacili u jedan kombi i odvezli nas u mesto Neum kod Ploča gde su nam uzeli lične podatke a zatim smo u večernjim časovima prebačeni u Split. U Splitu smo jedno vreme bili zadržani na Dračevcu objektu gde su bili locirani pripadnici vojne policije ZNG a isto veče smo zatim prebačeni u zatvor Lora u Splitu. Na Dračevcu su nam ponovo uzeli podatke i ispitivali su nas vojni islednici i tu smo već bili maltretirani, udarani, šamarani i slično. Pripadnici vojne policije su nas uglavnom udarali rukama a neki od njih koje sam video na Dračevcu kasnije sam video u Lori.

U zatvoru Lora smešten sam bio u tzv. bloku A u ćeliju dimenzija otprilike 2x3 metra gde je bilo zatvoreno nas četvorica. Prvih nedelju ili dve dana u ovoj ćeliji nije bilo inventara odnosno kreveta stolica i slično već smo spavasli na linoleumu a ispod je bio beton s tim što prva dva tri dana nismo imali ni ćebe ni dušek a posle smo dobili samo ćebe. Tek posle nedelju ili dve uneli su nam krevete na sprat. U početku je bilo zatvoreno nmas četvorica s tim što su se zatvorenici menjali jedni su odvođeni a drugi dovođeni. Sada posle svega mogu da kažem da sam imao sreće što sam raspoređen u ovaj blok a ne u blok C gde su bili zatvoreni ratni zarobljenici - dobrovoljci kako su ih hrvati tretirali zatim rezervisti a video sam da su tamo dovođeni i civili iz Splita i okoline po nacionalnosti srbi. S obzirom da je u ovaj zatvor posle nekog vremena dolazila delegacija Medunarodnog 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 pilcti bili su premešteni u blok C.

MEne su ovde u Lori gotovo svaki dan stražari tukli i to u početku prvih mesec mesec ipo dana boravka u Lori želim da dodam da nikakvo rešenje u pritvoru nisam dobio niti je protiv mene voden bilo kakav postupak pred hrvatskim organima. U vezi tuče mogu da kažem da su me stražari pojedinačno uglavnom tukli rukama i nogama gde su stigli. Takoše su mene a i ostale zarobljenike terali nekada po čitav dan i noć da pevamu ustaške pesme kao i da pri tome stražare pozdravljamo fašističkim pozdravom sa podignutom rukom iznad glave. Stražari su se nadamnom a i nad ostalim zarobljenicima iživljavali na taj način. što su nas polivali šmrkom pod velikim pritiskom i to tako što bi usmerili mlaznicom prema meni i puštali vodu tako da bi me mlaz vode prosto prilepio uza zid pod pritiskom. U tri navrata sam bio izložen i mučenju strujom u jednoj prostoriji bloka A struja je bila puštana preko induktora poljskog telefona pri čemu sam ja držao provodnike u rukama. Dok su puštali struju terali su me da brojim do 15 da bi videli koliko mogu da izdržim dok me struja trese. Dešavalo se da posle prvog udara struje ispustim žice, pa su me zbog toga terali da ih čvrsto držim uz pretnju da ukoliko to ne učinim da će mi žice vezati za prste i sprovesti kroz uši. Od ovakvih udara struje ja sam padao na tle bio sam potpuno ošamućen i dezorjentisan, medutim bez obzira na to oni su me terali da ponovo ustanem i čitav postupak su ponavljali. Mene su lično najviše tukli a i ovu struju su mi puštali jedan crni niži rastom po imenu Anđelko preziva se Botić i jedan Ante Gudić. Kada su me izvodili na ovo mučenje strujom govorili su meni a i drugima koje su takode mučili na ovaj način da treba da se javimo kući ili pak da telefoniramo Miloševiću. Kasnije sam video s obzirom da sam bio u mogućnosti da ulazim u sve blokove ovog zatvora da su usavršili način mučenja strujom tako što su nabavili potenciometre tako da su mogli da kontrolišu 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 supruga čije ime neznam takode u uniformi i njih dvoje su učestvovali u mučenju zarobljenika. Toma Dujić je mene u više navrata lično tukao i to bejzbol palicom.

Kao što sam već rekao posle jedno mesec i nešto dana ove torture prema meni su prestale jer sam čuo ukoliko se prijavite kod njih da ćete ostati tri godine da posle toga može da se dobije pasoš i napusti 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 riljanja zemlje, čišćenju puta, košenju trave i slično naročito mi je palo teško košenje trave i riljanje zemlje na površinama oko Lore za koje se sumljalo da su bile minirane od strane JNA pa su nas koristili faktički da ispitamo ovu zemlju. Ja sam čuo ali to ne mogu sa sigurnošću da tvrdim da je je dan od zarobljenika prilikom košenja nagazio minu i stradao ali ime tog čoveka neznam. Inače poznato mi je da su kasnije tu hrvatski vojnici došli sa detektorima te da su pronadene protiv pešadijske mine.

Kao što sam već gore naveo posle mesec ipo dana ja sam imao veću slobodu kretanja po zatvoru tako da sam mogao da vidim šta se dešavalo u drugim delovima. Posebno surov odnos prema zarobljenicima 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 zvani kula nedaleko od zatvora a prema luci pristaništu.

Od zarobljenika koji su bili zatvoreni u bloku C naročito su bili tučćeni i maltretirani Luka Adžić, Tripković Gavrilo, njegov brat Tripković Damjan, Kovačević Jelenko, Kovačević Gavrilo, Bojović Dobrivoje, kao i piloti bivše JNA Mićić Milan, Pantić Goran, Arsovski Dragan i Đerfi Nikola. Luka Adžić koga sam video bio je sav izobličen od batina, uši su mu bile natečene i visile su poput nekih lopti i čupali su mu bradu svi zubi su mu skoro bili izlomljeni od tuča i batina jer je u vilici imao svega nekoliko zuba. Tripković Gavrilo i Tripković Damjan su bili polomljeni od batina a Kovačević Jelenko i Kovačević Gavrilo su imali polomljene vilice pa su im iz usta virile 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 zarobljenika iz bloka C kkoji bar jednom nije bio od ovih tuča prebačen u bolnicu da im se ukaže lekarska pomoć. Sećam se Žarković Vladimira koji je imao rasečene ušne školjke a tu povredu je zadobio od mučenja strujom kada su mu žice provlačili kroz ušne školjke pa je on prilikom trzanja glave od strujnih šokova pocepao ove školjke. Žarkovića i Ćućak Miroslava su na moje oči stražari nekoliko puta žestoko pretukli i to Ante Gudić i Anđelko Botić. Takođe je u tom premlaćivanju učestvovao Perišić po nadimku Rambo, neki pod imenom čini mi se Zdenko.

Zatvorenike iz bloka C ovi stražari su tukli najčešće bejzbol palicama i pendrecima takođe su tučeni i ostali zarobljenici ali nešto manje od ovih u bloku C. Ovi gore navedeni stražari su često izvodili zarobljenike u zatvorski krug pa bi ih prisilili da se rukama oslone na zid a potom ih tukli. Neke od zarobljenika su vezivali za cevi radijatora tako da su onik bili u nekom visećem položaju i onda su ih tako vezanih podignutih ruku tukli po čitavom telu palicaama i čime su stigli.

Poznato mi je da je u zatvor a po pozivu stražara kada su od batina zarobljenici gubili svest dolazila i hitna pomoć. U sećanju je ostala jedana medicinska sestra korpulentne grade plave kratke kose koja je ukazivala lekarsku pomoć prebijenim a posle toga je išla i tukla druge zatvorenike pendrekom.

Takođe dok sam bio u zatvoru u više navrata čuvari 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 ćutali odnosno na pitanje odbili da imaju odnos sa ovim osobama a jednom prilikom su mene pitali pa pošto sam ja rekao da neću onda su me stražari pretukli govoreći 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.

Za vreme moga boravka u Lori znam da su u tom zatvoru ubijena tri zarobljenika. Prvi je bio jedan vojnik koji je imao nadimak "Beli orao" znam da je iz Kragujevca da je bio vrlo mlad. Nadimak Beli orao je dobio po tome što su mu u džepu našli amblem Belog orla. On je bio zatvoren u bloku C i bio je toliko tučen da je bio potpuno crn od krvnih podliva po telu, ljubičast po licu, na nogama je imao otvorene rane tako da su se videle rupe te rane nisu bile previjene, a ćelija je bila sva umazana od krvi, izmeta i mokraće. Ovo mi je poznato jer sam više puta njemu donosio lično hranu medutim on nije mogao da jede samo je ležao u dnu ćelije i zapomagao. Od njegovih jauka tokom noći kada su ga tukli nismo mogli ni da spavamo. Jednog dana ga samo više nije bilo pa sam čuo od Žarkovića i Ćućak Miroslava da je ovaj momak ubijen u zatvoru a oni su za njega lično napravili kovčeg od sanduka za municiju i odneli ga do žice. Ja sam kasnije čuo da je on tu zaklan.

Drugi zatvorenik koji je bio ubijen zvao se Savić Vlado, njega su prethodno toliko 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 ratišta 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 izmedu 35 i 40 godina njegovo ime neznam, znam da je on kada je doveden u Loru kada je jednom prilikom koliko se sećam 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 pao 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 strahovito pretukli i pošto sam ja tuda prolazio video sam da ga najviše uidara i tuče Tomo Dujić te da je on tada i podlegao povredama, tom prilikom u tom veceo pored TOme Dujića bili su još neki stražari vadili su noževe pa pretpostavljam da su ga izboli.

Ja sam zajedno sa Žarkovićem i Ćućkom za vreme boravka u zatvoru napravio dva ili tri sanduka odnosno mrtvačka kovčega koje smo pravili od dasaka od sanduka za municiju. Na kraju želim da dodam još da od osoblja u zatvoru i stražara znam Tomu Dujića mislim da je iz Vukovara koji je bio upravnik zatvora, zatim neki Brkić ili Vrkić Tonči koji je tu bio sa Dujićem, Dožder Zoran koji je menjao Dujića kada je bio odsutan a od stražara koje sam upamtio naročito po surovosti poznati su mi Ante Gudić, Andelko Botić, braća Perišić Damir i Davor od kojih je jedan imao nadimak Rambo, Rogošić Tonči, naročito surov je bio i Bungur Emilio, Pribudić Joško i Sulejmanović Zoran. Ostale stražare bih mogao da prepoznam po liku ali imena neznam, neki od njih su se i slikali sa nama da imaju uspomenu na zarobljene četnike.

U Lori sam bio sve do 20.08.1992. god. kada sam prebačen radi razmene najpre u Kerestinac kod Zagreba a zatim u Osijek, razmenjen sam 14.08.1992. godine u Nemetini.

Na kraju želim da dodam još i to s obzirom da sam ja radio u kuhinji 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 ćelije 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 samnom u Lori kao i uz maksimalne garancije vezane za našu bezbednost u smislu stalnog obezbedenja 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

ANNEX 45

First Municipal Court in Belgrade,
Minutes of Witness Hearing of Vojkan Živković
dated 21 February 2002
(*Lora* case)

K-KIO No.15/93

MINUTES OF WITNESS HEARING

taken on 21 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
Vojkan Zivkovic

Court Recorder
Jasna Marinkovic

The proceedings rose at 11:20 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: 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 sooth 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
Jasna Marinkovic (Signed)

Investigating Magistrate
Dragan Cesarovic (Signed)

Vojkan Zivkovic (Signed)

ПРВИ ОПШТИНСКИ СУД
У БЕОГРАДУ
Слободана Пенезића - Крцуна 17-А

КОМИТЕТ ЗА ПРИКУПЉАЊЕ ПОДАТАКА О ИЗВРШЕНИМ ЗЛОЧИНИМА ПРОТИВ ЧОВЕЧНОСТИ И МЕЂУНАРОДНОГ ПРАВА
Београд
ПРИМЉЕНО: 25-02-2002

Орг. јед.	Број	Прилог	Вредност
02	23/02-17		

Kor 15/93

К-КИО бр. _____

Pom.I 185/2002

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 21.02.2002. године пред istražnim

судијом Prvog opštinskog суда у Beogradu у кривичном

поступку против NN

због кривичног дела из чл. ~~120 OKZRH~~ .

Istražni - судија

Dragan Ćesarović

Записничар,

Jasna Marinković

Сведок

Živković Vojkan

Саслушању сведока присуствују и:

јавни тужилац

окривљени

бранилац

Започето у 11,20 часова.

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

1) Име и презиме Živković Vojkan MJBG 2309971731344
2) Име оца Bratislav
3) Занимање vojni penzioner
4) Боравиште Bulevar Lenjina 6/30, Niš
5) Место рођења Aleksinac
6) Године старости 1971. god.
7) Однос са окривљеним и оштећеним

За овим сведоком о самом предмету износи следеће:

штампа ГРАФОС ИНТЕРНАЦИОНАЛ, Панчево
Ознака за поруџбину 4/ОС

Svedok je opomenut da je dužan da govori istinu i da ne sme ništa prećutati, upozoren je na posledice davanja lažnog iskaza, kao i da nije dužan da odgovara na pojedina pitanja, ako je verovatno da bi time izložio sebe ili svog bliskog srodnika teškoj sramoti, znatnoj materijalnoj šteti ili krivičnom gonjenju, 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. rasporeden sam u VP 5919 u Kninu. U januaru mesecu 1992. god. dobio sam zadatak dsa sa svojom jedinicom izvršim evakuaciju srpskog civilnog stanovništa iz sela Nos kalik a koje se nalazi u blizini Šibenika S obuzirom da je ovo selo a imajući 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 ubacivanja njihovih diverzantskih grupa. Dana 29.02.1992. god. krenuo sam sa jedinicom da izvršim zadatak a samnom je bilo još 22 vojnika inače redovnih vojnika JNA. U navedeno selo smo stigli u poslepodnevnim časovima i odmah smo pristupili evakuaciji stanovništva. U selu je bilo oko 300 civila a medu njima i 35 dece pa smo imali zadatak da ih evakuišemo u Knin. U toku ove evakuacije u selo je upala jedna hrvatska diverzantska grupa njih 10 do 20 sa oznakama ZNG a koji su presekli put mojoj jedinici zatim je usledio opšti napad snaga ZNG na nas. Tom prilikom likvidirana su dva moja vojnika i to Ženek Živko i Zeljak Niko inače obojica 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 Zeljek Živka kao i još jedna žena čije sam telo 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 a imao sam povrede od eksplozije ručne bombe po glavi i tada sam i zarobljen od strane hrvatske vojske - ZNG. Čim su me tako ranjenog uhvatili bacili su me u jedan obližnji potok odnosno rečicu i počeli da me dave a zatim su me izvukli iz vode gazili me nogama, šutirali me svuda po telu. Ovako pretučeno i ranjenog odneli su me na nekim merdevinama od kojih su napravili nosila u njihov zatvor u Kulinama u Šibeniku. Za vreme transporta do Kulina takode su me tukli nogama, udarali me kundacima pušaka, drvenim palicama i slično. Sećam se da su mi usne bile skroz raskrvavljene od batina tako da mi je kasnije u bolnici gde mi je ukazana pomoć lekari su koncima ušivali usne. Samnom je bilo zarobljeno još 7 vojnika a takode je bio zarobljen i veći broj civila i tada nam je prećeno da ćemo svi biti pobijeni. Čak su ispred nas formirali streljački stroj a pod pretnjom da će nas pobiti. U Kulinama u Šibeniku jedan od vojnika mi je pokazao jedan papir na kome je bio otkucan tekst sa mojim priznanjem da sam ubijao hrvatske vojnike i civile pa je isti tražio da potpišem ovaj papir. Ja nisam hteo ovo da potpišem a kasnije sam video da je neko potpisao 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 probušili obe ušne školjke nekim komadom žice ili spajalicom i iste ostavili da stoje 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 medu kojima je većina bila u redovnom sastavu a bilo je i rezervista. Samnom su u Loru dovedeni Milovac 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 ćebe ni dušek da bih mogao da sednem ili legnem već sam ležao na golom betonu. Ubrzo pošto sam ubačen u ovu ćeliju prebijen posle kratkog vremena u ćeliju je upala grupa stražara njih trojica koji su me tukli, šutirali nogama, zatim tukli su me bejzbol 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 zvucima iz drugih ćelija da su tučeni i vojnici koji su samnom 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 izobličen od batina izgubio sam orijentaciju u vremenu mislim da sam ujutru odveden u kancelariju i onda sam od stražara čuo da tog vojnog policajca 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. Sećam se da mi je Tomo Dujić ponovo podmetao neki papir sa tekstom gde je navedeno da sam ja ubijao hrvatske vojnike i civile da potpišem, pa pošto sam odbio on je rekao jednom stražaru da mi odseče 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 kažiprstu 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 sednem na stolicu pa mi je lično vezao ruke i noge za stolicu a onda mi je zavezao dve žice na ove improvizovane minduše koje su mi stavili u Dračevcu. Primetio sam da su žice povezane sa poljskim induktorskim telefonom a onda je Dujić okretao ručicu telefona i puštao struju. To je struja od 115 volti i ona izaziva velike strujne šokove i bolove tako da mi se od toga čitavo telo grčilo, posle ovoga Dujić je ove žice prikopčavao meni i po nogama i na polni organ tako da je ova tortura trajala nekoliko sati. Za vreme dok je je Dujić mučio strujom prisutni stražari su me tukli tako vezanog svuda po telu.

Posle ovog mučenja strujom ponovo su me odvukli u ćeliju pa se sećam da je posle nekog vremena u ćeliju su me ušla neka deca koja su me tako isprebijanog takode tukla raznim predmetima, mislim da je jedan od njih bio sin da li Dujića ili nekog stražara nisam siguran.

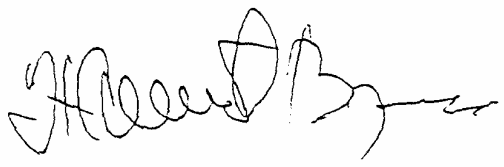
Posle ovoga sećam se da me je jedan od stražara čije ime neznam ali mogu da ga opišem kako je tada izgledao za koga znam da je na levoj ili desnoj ruci sada ne mogu da se setim imao je jedan ožiljak koji mi je stalno pokazivao, bio je nižeg rasta, smeda kosa, šiške je imao odvezao svojim kolima u svoju kuću i zatvorio me u podrum. Onda je zvao neke svoje poznanike pa su me onda svi tukli u ovom podrumu i to najviše lancima. Zatim su me ovako pretučenog bacili u gepek vozila od stražara i on me je ponovo vratio u Loru. U Loru su me ponovo ubacili u ćeliju a onda su stražari doveli pse vučjake 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 mene i ostale koji su samnom dovedeni kao i neke druge zarobljenike stražari bi izveli u krug zatvora pri čemu su nam rekli da nas sada vode na streljanje jer smo osudeni na smrtnu 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" izvden sam desetak puta. Takode su mene i Milovac Mirka više puta terali da se medusobno tučemo i udaramo pesnicama kao i da se udaramo palicama i motkama pa smo nas dvojica morali jedan drugog morali da udaramo što jače jer bi u suprotnom dobijali batine 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 takode me tukla i tukla druge zatvorenike zajedno sa Tomom Dujićem. Medutim siguran sam da ih bez obzira na protek vremena mogao da prepoznam ove stražare. Znam i to da je u zatvoru Dračevac gde sam takode bio tučen i mučen zapovednik bio Bačić Ivica koji mi je poznat od ranije jer je pre toga bio podoficir u JNA, on me je takode 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 lišenju slobode tek posle ovoga kasnije sudeno mi je u Zagrebu za krivično delo za oružanu pobunu i ostalih se ne sećam i osuden sam na mislim 22 godine zatvora.

Takode mislim da sam imao sreće i zbog toga što sam odmah po zarobljavanju sasvim slučajno što su to videli pripadnici MCK bio odman po zarobljavanju evidentiran te da sam zbog toga i ostao živ, da toga nije bilo mislim da bi bio mrtav.



U Lori sam bio do 7.03.1992. godine kada sam odvežen u zatvor u Šibenik gde sam takode bio mučen i maltretiran na isti način kao i u Lori a u aprilu mesecu prebačen sam u Zagreb u Kirestinac

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 posedujem lekarsku dokumentaciju.

Ja bih uz sve bezbednosne garancije od strane hrvatske vlade bio spreman da se odazovem pozivu suda a radi svedočenja vezano za dogadaje 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 primedbi.

Dovršeno u 12,20 časova.

Zapisničar

Istražni sudija

ANNEX 46

NGO "Veritas"

List of the Killed or Missing Members of the RSK Territorial Defense at the Miljevci Plateau

СПИСАК ПОГИНУЛИХ И НЕСТАЛИХ ПРИПАДНИКА ТЕРИТОРИЈАЛНЕ ОДБРАНЕ РСК НА МИЉЕВАЧКОМ ПЛАТОУ

Бр	ПРЕЗИМЕ, ОЧЕВО ИМЕ И ИМЕ	ГОД И МЈЕСТИ РОЂЕЊА	НАПОМЕНА
1.	Babich Paje Dragan	1942. Knin	Identif.
2.	Berich Luke Vladimir	1966. Knin	Identif.
3.	Colovich Laze Slobodan	1958. Knin	Identif.
4.	Chanak Milana Ilija	1973. Apatin	
5.	Chulich Nikole Zeljko	1972. Mrkonjich-Grad	
6.	Churuvija Nedjeljka Milos	1973. Knin	Identif.
7.	Djepina Sime Branko	1951.Golubich	
8.	Djepina Petra Petar	1943. Golubich	Identif.
9.	Grulovich Petra Nikola	1950. Kistanje	Identif.
10.	Grkinich Ilije Petar	1950. Ramljane	Identif.
11.	Husarevich Mehmeda Djevad	1972. Bos. Krupa	
12.	Ilich Save Todor	1946. Padjene	
13.	Kovachevich Dusana Damjan	1942. Ridjane	
14.	Krajinovich Nikole Ilija	1941. Knin	Identif.
15.	Kostich Nikole Jovan	1940. M. Polje	Identif.
16.	Karabuva Radoja Branko	1954. Strmica	
17.	Lipovina Ilije Nikola	1942. Knin	Identif.
18.	Lalich Milentije Nikola	1943. Kistanje	Identif.
19.	Malesevich Todora Milan	1942. Miochich	Identif.
20.	Medakovich Todora Todor	1949. Kovacich	

1.	Momich Djurdja Gojko	1939. Knin	Identif.
22.	Manojlovich Todora Janko	1957. Markovac	Identif.
23.	Medos Vuje Rajko	1938. Biov. Selo	Identif.
24.	Popovich Boze Slobodan	1972. Kistanje	
25.	Raketich Petra Vlade	1939. Knin	Identif.
26.	Radujko Nikole Vinko	1956. Kovachich	Identif.
27.	Radich Obrada Gojko	1942. Raduchich	Identif.
28.	Smiljanich Lazara Jovica	1964. Zvjerinac	Identif.
29.	Trifunovich Tome Ljubomir	1935. Ridjane	Identif.
30.	Visich Bozidara Ranko	1963. Knin	Identif.
31.	Vukovich Branka Miroslav	1962. Miochich	
32.	Zelembaba Petra Stevo	1953. Zagrovich	Identif.
33.	Subotich Obrada Miroslav	1962. Ervenik	Identif.
34.	Lunich Dusana Radovan	1967. Krichke	Identif.
35.	Raskovich Petra Mile	1963. Zagrovich	
36.	Chosich Pavla Djordje	1951. Kosovo	Identif.
37.	Mirchetich Djure Nikola	1942. Miochich	
38.	Vujasin Milana Gojko	1973. Otisich	Identif.
39.	Veselinovich Bogdana Milan	1949. Obrovac	Identif.
40.	Medakovich Branka Sasa	1972. Kovachich	Identif.

ANNEX 47

Statement of Nikola Nadoveza, given to the Serbian Army of Krajina on 21 November 1993

Source: "Veritas", *Miljevci,* available from
http://www.veritas.org.rs/publikacije/Miljevci/Tekstovi/Srpski/sesta.htm

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)

Дана 21.11.1993. године, у просторијама Главног Штаба СВК соба бр. 51, у својству свједока догађаја на Миљевачком платоу 21.06.1992. године, саслушан је Надовеза Никола који је дао слиједећу

ИЗЈАВУ

Зовем се Надовеза Никола, рођен сам 02.01.1953. године, село Ињево СО Шибеник, од оца п. Стојана и мајке Стеваније рођене Урукало, запослен у РО "ТВИК" Книн, ожењен, отац троје Дјеце, судски некажњаван, Србин.

Дана 21.06.1992. године као припадник ТО налазио сам се у мјесту Кључ на Миљевачком платоу. Хрватска војска напала нас је рано ујутро око 4,40 којом приликом сам, у вријеме повлачења, заробљен у мјесту Ширитовци око 19.00. Тада је заробљено 18 бораца од којих су приликом заробљавања 2 погинула и три рањена. Приликом заробљавања скинули су нам доњи веш, а из џепова смо морали извадити све документе, новац и остале предмете. Том приликом ударао нас је како је ко стигао а такође и вријеђао.

Након краћег времена дошао је и камион, у којег смо морали ући и унијети једног погинулог и то Трифуновић Љубу. У камион су унешена и три рањеника. Након вожње од једног километра камион се зауставио и ту су прозвали Ђосића Ђуру, који је морао изићи. Одатле су га одвели двојица, а ми смо унијели још једног погинулог, који је око врата имао кајиш, а никаквих повреда по тијелу није имао. Касније се испоставило да су га удавили, звао се Медош, а имена се не сјећам. Одатле смо наставили пут до Висовца, гдје смо чекали брод, гдје су нас малтретирали на начин да смо морали улазити и излазити из воде, која је била јако прљава и хладна. Онда је наишао брод у који смо унијели рањене и мртве и возили се до Слапова Крке. Одатле смо прешли у аутобус пред којим нас је чекао шпалир хрватске војске, који су нас ударали чизмама и пушкама како је који стизао. Тако смо дошли у Шибеник у затвор, испред којег нас је поново чекао шпалир хрватских војника који су нас тукли.

Кад смо ушли у ћелију, сви скупа ту смо преноћили, с тим да су нам у току ноћи узети подаци. Сутрадан смо били тучени на разне начине. Дана 23.06.1992. године смо изведени из ћелије и одведени на Миљевачки плато гдје смо имали задатак сахрањивати наше погинуле борце.

Били смо распоређени у групама по четри човјека. Најприје смо копали гробнице у које смо покопавали наше другове, и то једну у коју смо покопали два, а у другу пет људи. Том приликом сам нашао Ђосића Ђуру и препознао га. То је онај који је извађен из камиона и који је остао. Гледао сам га и видио да му је расјечена уснa, највјероватније да је нож забијен у грло, а такође на обе бутине су били убоди ножа. На грудима му је такође била дигнута кожа ширине 3 цм и дужине 2 цм. Кад смо то завршили, стигло је њихово наређење да их више не копамо, већ да их товаримо у камион и возимо у јаму. Кад смо били у селу Кључ, имали смо два погинула, Чанак Илију и Мирчетић Николу, који су били спаљени зољом из непосредне близине. Камион је био довежен до јаме у Дриновцима која је била на врху бетонирана, а не знам чему је то служило.

Онда су нам наредили да их бацамо у јаму. Бацали смо их тако да смо по једног човјека стављали на шаторско крило и онда су га четворица носила и бацала у јаму. Кад смо то завршили, онда смо камионом ишли у Носкалик, на брод. Тамо смо опрали лопате и остали алат и умили се. Том приликом је убијен СУБОТИЋ МИРОСЛАВ. Убио га је војни полицајац Живковић Гојко из Покровника. Наредио му је да иде око двадесетак метара, да се окрене и онда је испалио пар хитаца у њега. Онда су нас четворица ишла копати једну раку уз Крку и ту смо га сахранили. Након тога смо ишли на Слапове Крке, о одатле у затвор.

У затвору су малтретирања била свакодневна. Ишли смо такође радити и то гдје су нас тукли више него у затвору. Кад су хтјели да изнуде неко признање, онда су нас прикључивали на струју. Вољели су да нас скину голе, поставе у врсту и онда газе по нама. Тјерали су нас да радимо гимнастику, да играмо коло, да пјевамо усташке пјесме, да салутирамо "ЗА ДОМ СПРЕМИН" и тако из дана у дан. Из Шибеника смо на размјену кренули 11.08.1992. године, а у луци Лора смо задржани око пет-шест часова, гдје смо непрестано били тучени. Ту смо малтретирани на начин да су нас у чизмама газили по босим ногама, да

једемо кору од наранџе, да купимо опушке цигарета зубима итд. Тјерали су једног по једног да би они за њим пуцали.

Након тога смо аутобусом ишли за Загреб, гдје смо у логору Керестинец задржани два дана. На понашање према нама у логору Керестинец немам примједбе. Из Керестинца смо крепули у Неметин, гдје смо и размјењени 14.08.1992. године.

Изјаву сам прочитао и немам примједби, те је власторучно потписујем.

Изјаву узела: Торбица Борка, с.р.
Изјаву дао: Дипл. правник Надовеза Никола, с.р.

Дана 21.11.1993. године у просторијама Главног Штаба СВК соба бр. 51, у својству свједока догађаја на Миљевачком платоу 21.06.1992. године, саслушан је Мирковић Јован који је дао слиједећу:

ИЗЈАВУ

Зовем се Мирковић Јован, рођ. 28.07.1948. године, од оца Душана и мајке Анице рођ. Ивекић, са сталним мјестом пребивалишта Ковачић, запослен, ожењен, отац двоје дјеце, судски некажњаван, Србин.

Приликом напада Хрватске војске на Миљевачки плато 21.06.1992. године налазио сам се са својом јединицом у мјесту Кључ. Напад на нас догодио се рано ујутро око 4,40 часова, а у истом налету нападнута су сва мјеста Миљевачког платоа. Ја, као припадник ТО, заробљен сам око 19,00 часова 21.06.1992.

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 голе, наредили су нам да станемо у строј којом приликом су нас пљували, тукли.

Међу припадницима хрватске војске била је и једна жена која ме је питала разне вулгарности и при том ми пријетила пиштољем. Касније су нам наредили да покупимо нашег погинулог друга, Трифуновић Љубу, и да га спустимо у камион.

Један погинули борац је остао да лежи, а рањенике смо такође ставили у камион. Приликом вожње у камиону руке су нам морале бити дигнуте изнад главе. Камионом смо превожени до Крке гдје смо требали сачекати брод да нас пребаци преко. Ту смо чекали око 1 час, за које вријеме смо били голи, а понеки и потпуно голи. Том приликом су викали "Има ли тко из касарне?" и јавио се Ћосић Борђе, којег су одмах одвојили, наводно да са њим имају посебан разговор. Приликом одласка брода исти Ћосић није ишао са нама већ је остао ту. На брод смо укрцали 2 погинула и 3 рањена. На броду смо били везани, не знам до којег мјеста смо се возили у затвор у Шибеник. Сви смо били смјештени у једну ћелију. Са нама у ћелији су била и 3 рањена и то Врањеш Илија, Катић Младен, Гвозденовић Драго.

Два погинула борца су остала у броду и не знам шта се са њиховим тијелима даље догађало. У ћелији смо били 2-3 ноћи, Ту су нас тукли чизмама, шакама, пријетили мени лично, да имам очи таман за вађење, којом приликом су ми очима приносили прсте.

У току 2 дана боравка у затвору ја сам већ имао тешке тјелесне повреде и то прелом трију ребара и подливе по цијелом тијелу. Због повреда нисам ишао сахрањивати наше мртве. Као затвореници пошли смо на Шубићевац, гдје је била Команда хрватске полиције. У затвору један од начина мучења је био и

ANNEX 48

**Basic Court in Gradiska, Bosnia and Herzegovina,
Minutes of Witness Hearing of Petar Božič
dated 7 May 1995 (*Novi Varoš* case)**

Kri.24/95

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.

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 Kesic, 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.

COURT RECORDER
A. Cvetkovic (Signed)

JUDGE
M. Cikic (Signed)

18

Број КИ .....

ЗАПИСНИК О САСЛУШАЊУ СВЕДОКА

састављен дана 07.05. 199 5 године пред istražnim

судијом Osnovnog суда у Gradišci

у кривичном поступку против N.N.

због кривичног дела из члана 142. КЗ.

Čikić Momir — судија

Записничар

Aleksandra Cvetković

Сведок

Božić Petar

Саслушању сведока присуствују и:
јавни тужилац

окривљени

бранилац

Започето у 9.45 часова

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

1) Име и презиме Božić Petar

2) Име оца Savo

3) Занимање stolar

4) Боравиште privremeno Nova Topola, Opština Gradiška

5) Место рођења Vrbovljani, Opština Okučani

6) Година рођења 11.01.1960. godine

7) Однос са окривљеним и оштећеним Božić P.

За овим сведок о самом предмету износи следеће:

Rodjen sam u selu Vrbovljani gde sam živeo i radio Oženjen sam i imam dvoje maloletne dece. Živeo sam u domaćinstvu zajedno sa roditeljima - ocem 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 očevidac ovih zločina, a medju žrtvama znam Ožegović Mladena 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 zadatak 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 koje su se nalzile sa obe strane puta, u šumi Prašnik i Ljeskovače, 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

Božić F

sa hrvatskim snagama, koje su neprekidno granatirale navedeni put na kome su se nalazili civili, a primetio sam da su i avionima bombardovali civile 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 očevidaca 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.

Medju ovim žrtvama prepoznao sam Vukadinović Zorana iz Okučana, Milašinović Milana iz Rajića, Grubor Janka iz Okučana i ćerku srpskog pravoslavnog sveštenika Počuča Save iz Okučana. Medju ranjenima prepoznao sam Počuča Savu, sveštenika iz Okučana i Stojanović Slobodana iz Vrbovljana, koji se sada nalaze na lečenju u bolnici u Banja Luci.

Preživeli civili 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 obeleženim znakom crvenog 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 zarobljeni 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

ZAPISNIČAR

SUDIJA

Издаје: ИШП "Савремена администрација" д.д.
Издавачки сектор - Београд, (43/94)Ф
Ознака за поруџбину: обр. бр. 23/276

Штампа: ИШП "Савремена администрација" д.д.
Графички сектор "Б. Јовановић" - Београд

ANNEX 49

**Basic Court in Banja Luka, Bosnia and Herzegovina,
Minutes of Witness Hearing of Savo Počuča
dated 10 May 1995 (operation *Flash*)**

KRI. 103/95

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 Lovska. 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 perfidious 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 episcope 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 episcope 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 episcope 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)

29

W H.

KRi - 103/95

Zapisnik o saslušanju svjedoka

sastavljen dana 10.05. 19 95 godine kod istražnog sudjje Osnovnog

suda u Banja Luci u krivičnom predmetu protiv okrivljenog-e N.N.

..... iz ..... zbog krivičnog djela .....

..... iz člana ..... KZ SRBiH ..... KZ SFRJ ..... KZ SR

.....

PRISUTNI SU:

Istražni sudija,

Stojaković Djordje

Zapisničar,

Aleksandra Cvetković

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 gonjenju (član 227. stav 1. tačka 1. do 3. i član 229. ZKP).

Na postavljena pitanja svjedok daje slijedeće odgovore:

1) Prezime i ime Počuča Savo

2) Ime oca Savo

3) Zanimanje Paroh okučanski, Protojerej 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 boravišta obavijesti sud (član 231. stav 3. ZKP).

Poslije ovoga svjedok o samom predmetu iznos slijedeće:

Zapisnik o saslušanju svjedoka u krivičnom predmetu

SVJETLOST, SarS, SARAJEVO
Oznaka za narudžbu: 28/312 Izdanje: 52/91

Rodjen sam u selu Kutjevu, SO Slavonska Požega, a po završetku Bogoslovske škole, kao sveštenik Srpske pravoslavne crkve, službovao sam u više mesta, odnosno od 1969. godine službovao sam u Gradištu, a od 1983. godine do danas u Okučanima. Oženjen sam i imam četvoro dece.

U Okučanima me je zatekao rat u bivšoj SFRJ i agresija Hrvata na srpsko stanovništvo u Zapadnoj Slavoniji. Za vreme ovog rata ja sam lično video mnoge žrtve Srba koje su Hrvati ubijali na ovom području. Vršeći svoju službu obavljao sam sahrane velikog broja ovih žrtava, medju kojima je bilo i maskariranih na krajnje neljudski i zverski način. Navodim medju najtežim slučajevima ubistva bračnog para Heleula, iz sela Borovaca, parohija Raići, koji su živeli u Novskoj, i ubijeni 21. oktobra 1991. godine, a istog dana i na istom mestu bio je ubijen i još jedan bračni par, čijih imena i prezimena ne mogu da se setim, kao i jedan starac iz Lovske. Njihovi leševi razmenjeni su aprila 1992. godine i dopremljeni na groblje u Borovac. Obavljajući sahrane ovih žrtava video sam da su one bile masakrirane na najgrozniji način. Jednoj od ubijenih žena bila je prosečena dojka i u nju uvučena njena ruka. Kod svih ostalih žrtava bili su unakaženi delovi tela - odsečene uši, nos i slično. Bilo je i drugih sličnih slučajeva ubijenih i masakriranih civila i branilaca ovog područja, kojih, konkretno, ne mogu da se setim.

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 sahranu 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.

U svojoj crkvi u Okučanima raspolagao sam originalnim tekstom "Proglasa" Hrvata o prisilnom iseljenjenu u roku od 24 sata, 28 srpskih sela, koja su se nalazila na području od Požege prema Kamenskoj u podnožju planine Papuk. Ovaj "Proglas" izdat je 28.avgusta 1991. godine i mislim da bi se primerak ili kopija tog "Proglasa" mogli naći u Patrijaršiji SPC u Beogradu, konkretno kod gospodina Slobodana Mileusnića. Poznato mi je da su ova sela i prisilno iseljena, da su sve kuće u njima razorene i poravnate sa zemljom buldožerima, tako da od njih skoro da nije ostalo traga. O ovome su mi lično pričali i meštani ovih sela, koji su uspeli da predju na slobodnu teritoriju Zapadne Slavonije. Sećam se da su mi, pored ostalih, o ovome pričali supruga Branka Kovača, iz sela Opršinaca, čije je devojačko prezime Petrović, i drugi, čijih imena trenutno ne mogu da se setim. Nije mi poznato gde se ova žena sada nalazi, jer je ona, 1991. godine, otišla dalje na srpska područja, tražeći smeštaj.

Krajem septembra 1991. godine, Hrvati su na mučki način upali u selo Gredjane, Opština Okučani, i ubili 18 civila, mahom starijih osoba, kojom prilikom su zapalili oko 50 kuća. Sećam se da je jedna od žrtava bio Čalić 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.

Dana 01.maja 1995. godine, nalazio sam se sa porodicom u kući, kada su Hrvati izvršili agresiju na Zapadnu Slavoniju. U mojoj kući nalazio se i Episkop Zapadnoslavonski gospodin Lukijan, jer je njegovo privremeno sedište, od 1991. godine, bilo u Okučanima, a veći deo vremena provodio je u mojoj kući.

Preko lokalnog Radija Okučani, stanovništvno je upozoravano da se sklanja u skloništa, zbog mogućeg granatiranja i bombardovanja naselja, jer je su već počele pádati granate u samom gradu i okolini. Izmedju 09.00 i 10.00 časova, preko radija je emitovano obaveštenje da se stanovništvo priprema za evenutalnu evakuaciju, ali da se još uvek ne kreće nigde. Ovo je trajalo je sve do oko 13.00 časova. U medjuvremenu 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.

Sutradan ujutru, 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 Savu 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 mitraljeski rafal, a odmah zatim i puščana 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

Протојереј Славко Тадић

sam nastavio da vozim automobil sve dok on nije stao. Pod neprekidnim dejstvom kuršuma, uspeo sam da izadjem iz automobila (marke "moskvić - aleko") i trčao putem prema centru sela oko 200 metara, gde sam pao. Neposredno ispred sebe video sam užasnu scenu. Mnoštvo vozila na putu bilo je ispreturano, a veliki broj civila pored njih ležao je ubijen na putu. Jedan broj izbezumljenih tumarao je medju kolima, izložen vatri iz pešadijskog oružja iz okolnih kuća i iz obližnje šume Prašnik, kao i eksplozijama granata kojima je put bio zasipan. Mnoga vozila su gorela. U kućama, sa obe strane puta, bilo je žena, dece i staraca, koji su uspeli da se tu sklone.

Iz jedne kuće, udaljene oko 10-ak metara od mene, izašli su neki civili, koji su se tu sklonili i pritrčali mi u pomoć. Preneli su me u obližnju kućicu, pružili mi prvu pomoć koliko su mogli i trudili se da ne padnen 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, naša vojska je uspela da, pod borbenim dejstvima, otvori prolaz prema Savi i omogući preživelim 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 prevežen u bolnicu u Gradišku, a odatle u Banja Luku.

Ne bih mogao da kažem koliki je broj ubijenih civila ostao u selu Novi Varoš, ali samo mogu reći da je to bio veliki broj žena, dece i staraca. Lično mi nije poznato šta se kasnije dešavalo sa žrtvama, koje su ostale u selu Novi Varoš, a od drugih koji su pristizali otuda na teritoriju Republike Srpske, čuo sam da su Hrvati spalili njihove leševe, a tragove svog zločina 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 čijih imena trenutno ne mogu da se setim. Dušanka Kovačević i njena ćerka 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, čijih 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 čijih 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" ostao je na napred opisanom mestu, sav izrešetan i ima registarsku oznaku OK-22-28.

Članovi moje porodice, kao i Episkop Zapadnoslavonski gospodin Lukijan, uspeli su da se izvuku iz Okučana, preko mosta na Savi kod Gradiške, 02.maja 1995. godine, takodje pod dejstvom hrvatskih oružanih snaga.

Od granatiranja Okučana, 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 ostao, kao i episkopska arhiva. Takodje ostali su mi i pečati.

U kući mi je ostao 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, tanjiraču, prikolicu za traktor, prikolicu za automobil, dobrazni 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 sticali.

Zahtevam da počinioci 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

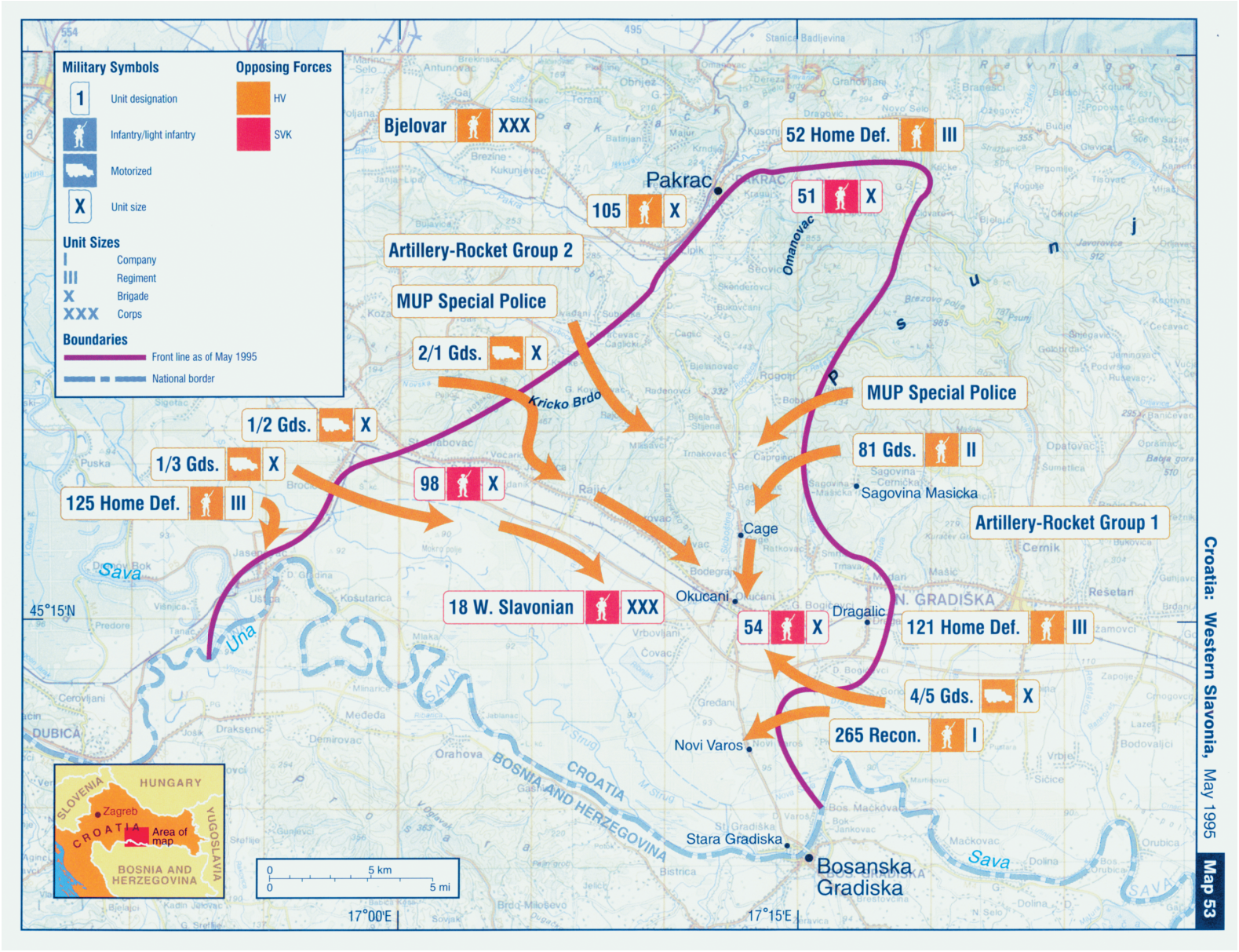
ZAPISNIČAR

SUDIJA

MAP no. 7

Croatia: Western Slavonia, May 1995 (Operation *Flash*)

Source: DI Cartography Center, reprinted in Central Intelligence Agency (CIA), *Balkan Battlegrounds: A Military History of the Yugoslav Conflict 1990-1995*


Military Symbols
Unit designation
Infantry/light infantry
Motorized
Unit size
Unit Sizes
Company
Regiment
Brigade
Corps
Boundaries
Front line as of May 1995
National border
Opposing Forces
HV
SVK
Bjelovar XXX
52 Home Def. III
Pakrac
105 X
51 X
Artillery-Rocket Group 2
MUP Special Police
2/1 Gds. X
Kricko Brdo
Omanovac
MUP Special Police
1/2 Gds. X
81 Gds. II
1/3 Gds. X
98 X
Sagovina Masicka
125 Home Def. III
Artillery-Rocket Group 1
Cage
Sava
Okucani
18 W. Slavonian XXX
Dragalic
54 X
121 Home Def. III
N. GRADIŠKA
45°15'N
Una
4/5 Gds. X
265 Recon. I
Novi Varos
DUBICA
Orahova
BOSNIA AND HERZEGOVINA
CROATIA
Stara Gradiska
Bosanska Gradiska
Sava
17°00'E
17°15'E
0 5 km
0 5 mi
SLOVENIA
HUNGARY
Zagreb
CROATIA
Area of map
BOSNIA AND HERZEGOVINA
YUGOSLAVIA
Croatia: Western Slavonia, May 1995
Map 53

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«

Operacija »Bljesak«, koja po svom značaju, organizaciji i svim detaljima nužnim da bi se jedna operacija izvela, spada u red cjelovitog plana u Stožeru za pripremu napadnih operacija širih razmjera. *Početna operacija planirana je točno 5. prosinca 1994. a završena 4. svibnja 1995.*

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 vjerojatno 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 potrebnima 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 proslijeđena 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, neuvježbane, 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 najefikasnije 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 presjeći kralježnicu Hrvatske, 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 podcjenjivati, 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 - spajanjem Slavonskog Broda, otvaranjem komunikacije auto-puta, zone sigurnosti, izbijanjem na Savu - postao ne samo sigurniji, već da smo stvarno izbili na dio državne granice.

Važno je napomenuti da je ta operacija unijela odvažnost u čitavu Hrvatsku vojsku, sigurnost u sve nas i da je sve što je učinjeno 1993., 1994. i 1995. godine postalo uvjetom dosizanja razine na kojoj se takva operacija može izvršiti u jednome danu.

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**

[1] See L. Silber and A. Little, *The Death of Yugoslavia*, BBC Books, London, 1995, p. 86 (Annex 1 to the Preliminary Objections); also, E. Zuroff, *Operation Last Chance*, New York, 2009, p. 134.
[2] F. Tudjman, *Wasteland of Historical Reality (Bespuca povijesne zbiljnosti),* Nakladni zavod Matice Hrvatske, Zagreb, 1990, p. 163; quoted in Viktor Ivančić, *Točka na U*, Split, 1998.
[3] N. Barić, *Serb Rebellion in Croatia 1990-1995 (Srpska pobuna u Hrvatskoj 1990-1995.*), Zagreb, 2005, p. 137.

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]**

[4] Reprinted in J. Bošković, *NDH drugi put – LUX Croatiae*, Belgrade, 1999, pp. 62-63 (Tab. 1).
[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]

[7] See Tab.4.

U eksploziji koja je noćas oko jedan sat uznemirila stanovnike 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 Ninića, zasad nepoznata osoba postavila je ispod prednjeg lijevog sjedišta 'zastave'.

Istraga je u toku.

M.J.: Miniran automobil, *Slobodna Dalmacija, 27.7.1991., Split*

Gospodine predsjedniče, dame i gospodo, u ove tužne i nesretne 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 desnu nogu! Jovan bre Rašković tvrdi za Srbe 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

62

iz klupe! (pljesak, Visković se buni). Ali, pitam ja te iste Srbe, da li bi se oni opametili kad bi - ali ovo pitam - i da li bi - ne konstatiram - da li bi se oni opametili kada bi za ubijenog redarstvenika bilo streljano 10 civila, za ubijenog časnika garde da se strijelja 100 civila! Meni to moja kršćanska, katolička vjera ne dozvoljava, jer me to fra Stanko Bogeljić naučio da ima zapovijed u onih deset - 'ne ubij' i ona mi ne dozvoljava da kažem da je to ispravno, ali za mene bi bilo ispravno da za svakog ubijenog redarstvenika deset Srba intelektualaca dobije otkaz u Zagrebu, Rijeci, Splitu ili Osijeku. Jer, intelektualci ne mogu otići u šumu, oni nisu kao oni neupućeni seljaci iz Banije koji mogu mjesec dana ne prati noge pa otići u krevet! Intelektualci moraju dobiti otkaze, jer legla četnika nalaze se u velikim gradovima i mi to moramo spriječiti...Dragi Bog je u svojoj dobroti stvorio sa ljudima i dosta gamadi. Jedna od gamadi je i moljac koji, kad ga pustite u ormar, zapravo kad sam dođe, onda nagrize košulju, pa grize poslije vestu, grize dalje i grize, grize dok ne izgrize sve. Takvi su i oni koji su došli k nama kao gastarbajteri, da ne kažem zagorski 'dotepenci', naši prijatelji Srbi. Oni su grizli iako nikada iz svojeg Beogradskog pašaluka nisu prešli niti Dunav niti Savu. Grizli su poslije 1918. godine Vojvodinu, grizu Makedoniju, grizu Crnu Goru, grizu naveliko Bosnu i Hercegovinu. Danas su počeli gristi i Hrvatsku. Bojim se, gospodo, da ovdje postaje moguća ona srpska granica Karlobag-Karlovac-Virovitica. Zar ćemo to dopustiti? Zar se i mi Hrvati ne znamo primiti oružja?
I zato, u to ime, pro patria!(salutira).

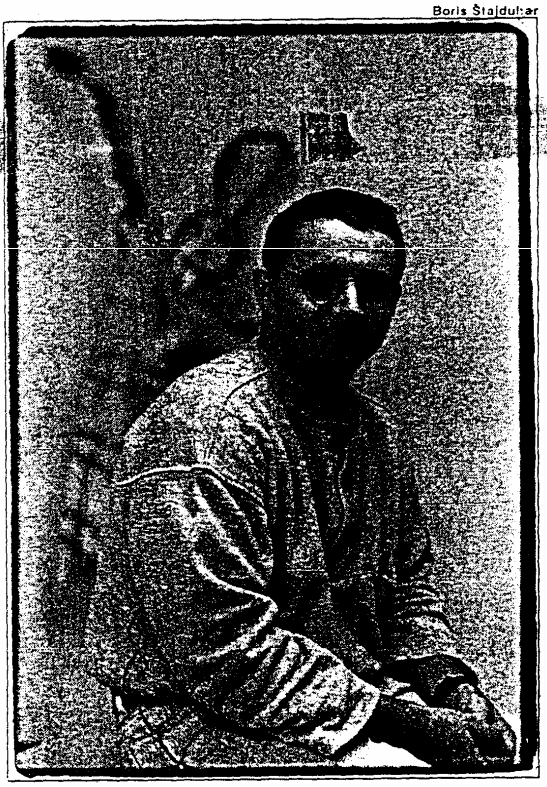
Marjan Jurić, zastupnik u Saboru Republike Hrvatske (iz Stenograma sjednice Sabora od 1.-3.8.1991., Zagreb)

Na području šibenske općine noćas su, saznajemo u Policijskoj upravi u Šibeniku, zabilježene dvije eksplozije.

ČUDO U MILANU

Poznati redatelj mlađe 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

Boris Štajduhar



Ne samo po domaćim kriterijima, nego i po svjetskima - mladi kazališni redatelj iz Zagreba, Krešo Dolenčić, iza sebe ima zavidnu količinu potpisanih režija - i to od predstava na malim pozornicama, poput *Pazikuće*, pa sve do asistiranja u režiji spektakla otvaranja *Univerzijade* ili pak uličnih događanja pod imenom *Kavana Zagreb*, opera i opereta u velikim kazališnim kućama. Posljednji njegov medijski zabilježen uspjeh bio je režiranje *Splitskog akvarela* u splitskom HNK-u, a ovih ratnih dana Dolenčić se prihvatio velika i nezahvalna zadatka da u okviru organizacije *Art Forces*, a u suradnji s Ministarstvom prosvjete i kulture, u Milanu predstavi dio hrvatske kulture i umjetnosti. Kako je do toga došlo?

- Poznajem mnoge ljude koji žive u Milanu i koji su opetovano na mene apelirali da upravo tamo organiziram nešto što bi Talijanima predočilo ratna stradanja u Hrvatskoj. Slučajno se poklopilo da se u Milanu 28. i 29. listopada održala sjednica komisije za kulturu zajednice Alpe-Adria, koja se, zapravo, trebala održati u Dubrovniku. Bila je to, dakle, prilika da barem djelić programa zamišljenog za Dubrovnik prenesemo u Milano i tako se predstavimo ne samo predstavnicima kulturnih institucija iz zemalja Alpe-Adrije, nego i talijanskoj publici. Organizator događaja Mladen Dragičević, slikarica Izabela Šimunović i ja, obilazili smo odgovorne ljude u Milanu i uz pomoć naših ljudi koji ondje žive, a uživaju ugled, poput Snježane Hefti, Gorana Lelasa i Vlade Badurine, uspjeli smo doista i doći do ključnih ljudi. Mislim da smo uspostavili kontakte koji su, čini mi se, vrlo važni ne samo za sada, nego i za budućnost Hrvatske.

Program je započeo od nastupa zbora *Amresiani* u crkvi San Allessandre, a cjelokupan prihod od tog koncerta ići će u dobrotvorne svrhe. Ministarstvo kulture pokrajine Lombardija pobrinulo se za propagandu. Slijedećeg dana, 29. listopada, u galeriji Arengario na samom glavnom gradskom trgu Duomo, pokraj katedrale, održan je happening *Guernica Croatice*. Kistom su radili slikari Zanchi, Jelavić, Kulišić, Vrkljan i Šimunović, a u 22 sata, sa znakom završetka zračne uzbune slikanje ovog golemih istih dimenzija kao Picassova *Guernica*, bilo je dovršeno. U svega nekoliko dana ovu slikarsku akciju vidjelo je više od 15 tisuća posjetitelja, što se smatra i više nego uspješnim rezultatom. Ova će slika, nakon izlaganja u Milanu, krenuti u obilazak svjetskih umjetničkih galerija.

U okviru iste akcije, ali 7. studenog, u prestižnome milanskom noćnom klubu *Rolling Stone*, gdje su do sada nastupali glazbenici u rasponu od Lennya Kravitza, Black Sabbatha, preko Erosa Ramazzotija sve do *Kraftwerka*, koncert su održali *Croatian rock forces* u sastavu *Psihomodo Pop*, *Dino Dvornik* i *Vještice*. Prihod od ovog iznimno posjećenog događaja namijenjen je za pomoć Hrvatskoj.

- Činjenica je, naime- kaže Dolenčić - da smo odlascima u Milano postali svjesni činjenice da Italija nije bešćutna prema strahotama u nas, nego da ondje naprosto nedostaje pravih informacija. Ljudi su bili beskrajno zahvalni za ono nekoliko kaseta što sam ih tamo nosio, a sada sam im isporučio isti materijal u *U-matic* verziji, pa će slike stradanja hrvatskih gradova uskoro i na talijansku televiziju.

Program u Milanu, dakle bio je namijenjen ponajprije Talijanima?

- Mislim da je pogrešno kucati samo na "naša vrata". U inozemstvo treba ići s programima koji doista zanimaju strance. Ljudi vani bi morali stvoriti pravu sliku o onome što se u Hrvatskoj događa. Hrvatima u svijetu ionako je sve jasno. Za njih programi, zapravo, nisu potrebni i u tu svrhu trenutačno nije potrebno potrošiti ni dinara. Mi smo gotovo pedeset godina živjeli u sistemu gdje javno mnijenje nije značilo gotovo ništa, a pogotovu nije ništa moglo izmijeniti. Čini mi se da je to još vrlo osjetno, pa kao da nismo svjesni koliko je važno poraditi na tome da se svjetsko javno mnijenje pokrene u našu korist, jer to vani zaista može i djelovati. Nama je danas ponajprije potrebna slika o Hrvatskoj koja bi na adekvatan način bila prezentirana.

Mislite da to zasada još nije slučaj?

- Mislim da je prezentacija Hrvatske i njena promocija u svijetu trenutačno vrlo staromodna i patetična, vođena bez elementarnog znanja o medijima. Zaista ne mogu razumjeti naš politički i, osobito, kulturni marketing koji zatvara stvari u neke krugove ljudi, a ne obraća dovoljno pažnje i ne ulaže dovoljno novca tamo gdje je to sada vrlo potrebno. Sada bi nam strahovito koristila neka svjetska akcija tipa *band aida*, izjava u našu korist neke velike i važne svjetske

KREŠO DOLENČIĆ

ličnosti, medijski atraktivna akcija. To je, po mojem mišljenju, gotovo važnije od političkih istupa. Sa činjenicama poput slika razrušenog Vukovara, Dubrovnika ili pak korištenja bojnih otrova - mi naprosto ne znamo dobro medijski manipulirati.

Čini vam se, ako sam dobro shvatila, da se vrata Hrvatskoj u svijetu trenutačno lakše otvaraju kulturi negoli politici?

- Svakako. 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 ovdje, između dviju uzbuna, doći u teatar. Jedna *Hekuba* sada vani može za Hrvatsku učiniti više nego sto političara. U ovom bi trenutku, mislim, bilo vrlo važno imati u svakom velikom gradu u inozemstvu nekoliko ljudi koji bi na kulturnom planu gurali hrvatsku stvar. Znam da je strašno govoriti o tome kad se svaki dinar mora trošiti na oružje, ali i to je svojevrsno oružje. Čini mi se da upravo na tom području gubimo rat.

Ne postoje li u nas službene institucije, poput Ministarstva prosvjete i kulture, informiranja i inozemnih poslova koje se time bave?

- Većinom je riječ o posve zastarjelom modelu po kojem se vodi promocija Hrvatske vani. Te su institucije trome i ne postoje marketinški i kulturološki osposobljena ekipa ljudi koji bis e time sustavno bavili. Mi stalno mislimo da je ljudima vani jasno ono što je nama jasno. Kakvo je to hrvatsko Ministarstvo informiranja koje ne radi preko vikenda, a u toku tjedna samo do 19 sati? Amerika je, na primjer, cijela jedno veliko ministarstvo informiranja.

Možda je doista posrijedi nedostatak novca?

To je onda greška hrvatske vlade. Čini se kao da ne postoje ljudi koji bi sustavno i, naglašavam, marketinški razmišljali o koncepciji i prodaji hrvatske kulture vani. Ne želim raditi projekte koji se ne bi i financijski isplatili ili barem pokrivali. Predugo smo bili

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 uzbuna, doći u teatar

navikli na socrealistički sistem u kojem je kultura bila nazivana "nadgradnjom", pa je tokar za tokarskim strojem izdržavao kulturu. Jasno da je mrzio umjetnike kao parazite. Mi Hrvati, premda smo beskrajno nadareni, i iza ove tvrdnje čvrsto stojim, ne znamo unovčiti svoju kulturu i umjetnost, ne znamo je naplatiti. A kad nekome nešto poklanjaš, taj onda misli da ono što dobiva ne vrijedi. Iako talentirani, tašti smo i ne znamo se organizirati, skloni smo mediokritetima. U našim tužnim kulturnim institucijama koje poznajem ovdje u Zagrebu sve je goli mediokritet, i radi se po sistemu "ne talasaj", a rat mnogima dobro dođe kao alibi za nerad.

Imate li konkretan primjer?

- Ima ih koliko hoćete. Nije li apsurdno da se nekoliko mojih kolega i ja sami bavimo stvaranjem koncepcija, programima, smišljamo budžete, marketinške i organizacijske koncepcije... Dakle, svime što je odavno trebalo biti organizirano. Znam to raditi, jer to radim cijeli život, ali mi se čini da je došlo vrijeme da se to ipak promijeni i da se svatko konačno počne baviti svojim poslom. Za projekt u Milanu ministarstvo prosvjete i kulture izišlo nam je u susret. Dali su nam prostoriju, telefon i telefaks, ali umjesto da se to ministarstvo bavi koncepcijom hrvatske kulture, bave se produkcijom. To je producentska kuća. Drugi očigledan primjer je zagrebački HNK. Tamo je 592 zaposlena, a ne događa se, zapravo, ništa što bi hrvatsku kulturu dostojno predstavilo vani. Splitski HNK sa 250 zaposlenih manje, radi 40 posto programa više, a s mnogo manje novaca. Hrvatska može biti sretna da ima kazališta u Osijeku, Splitu, Dubrovniku...

Tko zna hoćemo li ih imati i poslije rata...

- Ma, jasno da hoćemo. Divlja stoka s istoka nema šanse. Majmun razbija po kući i svejedno mu je da li je razbio čašu ili kinesku vazu, jer ne zna što je to. Nema majmun šanse u borbi sa čovjekom. Uvijek će se naći načina da ga se uspava i smjesti u kavez gdje mu je i mjesto.

?

- Pa, da. Oni su takvi bili i 1551. kad je Držić u Dubrovniku pisao *Dunda Maroja*. To nije ništa nova i ja se ne iznenađujem. Ljudi se stalno pitaju: kako mogu? Ja znam da mogu i da mogu još i više. Između njih i nas razlika je kao između kompjutora prve i pete generacije. Treba ih ili zatvoriti ili eliminirati, jer ništa se bolje od njih ne može očekivati. Nema s njima puno razgovora i pregovora. Uvjeren sam da je njihova kultura ispod razine primitivnog, jer primitivne kulture mogu biti zanimljive i bogate duhovnošću. Ljudi koji pucaju na sv. Vlaha, šibensku katedralu, osječku katedralu - idu u domenu rudimentarne kulture i ne treba žaliti vlastiti život da bi ih se u tome spriječilo.

Ispada, onda, da je sada ipak najvažnije boriti se na frontu.

- Pa, postoje dvije mogućnosti. Mogu ići na frontu i pridonijeti hrvatskoj stvari tako što ću uništiti barem jedan tenk i onesposobiti pet životinja ili pak da radim ono što bolje znam - da se bavim kulturom. Kad mi to ne bi uspijevalo, bez straha bih otišao na frontu. S time sam potpuno pomiren i, ne znam zašto, uopće se ne bojim. U ovoj se situaciji najmanje plašim za vlastiti život. Više, nekako, imam osjećaj odgovornosti prema onima koji me vole, roditeljima kojima bi bilo teško da se meni nešto dogodi. Mislim da je ovo što radim strahovito važno, premda to može zvučati lažno kad su ljudi mnogo zaslužniji od mene već poginuli i ne zna se ni gdje su, a drugi ovog časa dok razgovaramo stavljaju svoj život na kocku.

Što nakon Milana?

- Nakon ovog projekta spremam jedan još veći. Istodobno se nadam da to više neće biti tako hitno potrebno, da će rat proći. A poslije rata, moram priznati da se pomalo bojim ljudi ovdje. Mnogi će se pitati [illegible] što se sada ovdje događa. Mislim da ću tek kad se ovdje sve završi, otići nekamo van. Ali, sve dok traje, bez obzira jeli riječ o pet mjeseci ili pedeset godina, neću se micati. Mislim da s onima koji su u ovom trenutku pobjegli - nikad više neću razgovarati.

Sanja Muzaferija

SLOBODNA HRVATSKA

● Jeste li za slobodnu Hrvatsku - svaki utorak Vaš tjednik »SLOBODNA HRVATSKA«

● Tiednik roden u strahotama građanskog rata

● »SLOBODNA HRVATSKA« je tjednik koji sudjeluje u ostvarivanju hrvatskog projekta demokratske budućnosti

● »SLOBODNA HRVATSKA« svuda oko Vas - danas u ratu, sutra u miru!

VELIKA IZLOŽBA U RIJEČKOJ MODERNOJ GALERIJI

Sjaj hrvatske moderne

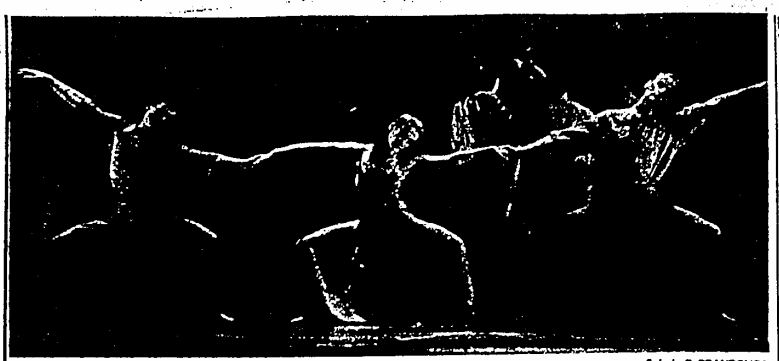
Zbirka moderne hrvatske umjetnosti koja se čuva u fundusu riječke Moderne galerije svojom vrijednošću zaslužuje prostor za stalni postav

RIJEKA – Četrdeset godina prikupljena i brižljivo čuvana likovna djela hrvatskih umjetnika koji su djelovali u razdoblju od 1881. do 1943. godine konačno su ugledala svjetlo dana. Izložba pod nazivom »Hrvatska moderna« otvorena je u ponedjeljak navečer u njekoj Modernoj galeriji u povodu obilježavanja blagdana Sv. Vida, a obuhvaća 210 radova sedamdesetorice autora poznatih i priznatih širom svijeta.

To je prvi cjelovit prikaz zbirke moderne hrvatske umjetnosti koja se čuva u fundusu riječke Moderne galerije, a kakva joj je vrijednost dovoljno govori podatak da je ocijenjena visokom B kategorijom, odnosno da je riječ o drugoj po važnosti zbirci moderne hrvatske umjetnosti u nas – odmah poslije one što se nalazi u Zagrebu. Autori izložbe Dinko Ivana Glavočić i Branko Cerovac odabrali su djela nastala od posljednjeg desetljeća 19. st. do početka drugog svjetskog rata, vodeći računa o tome da budu zastupljeni svi pravci hrvatske moderne i svi najznačajniji umjetnici toga razdoblja. Tako se na izložbi mogu vidjeti slike, grafike, crteži i skulpture koje ubrajamo u pienerizam, simbolizam i secesiju na razmeđu dvaju stoljeća, a preko minhenskog kruga, sezanizma, ekspresionizma i socijalne umjetnosti grupe »Zemlja«.

Između sedamdesetorice zastupljenih umjetnika teško je spomenuti samo neke a da se ne povrijede ostali. Ipak valja istaknuti da su radovima zastupljeni Bela Čikoš-Sesija, Slava Raškaj, Ivan Meštrović, Emanuel Vidović, Miroslav Kraljević, Oskar Herman i mnogi drugi, a među njima je i devet riječkih slikara toga doba, čija djela dosad nisu valorizirana. Što je razlog tome teško je reći, ali mnogi ga pronalaze u činjenici da u to vrijeme Rijeka nije pripadala Hrvatskoj, zbog čega se riječko govorilo o hrvatskim modernistima koji su ovdje djelovali. Riječ je među ostalim, o Romulu Venucciju, Carlu Ostrogoviću, Josipu Moretiju, Zajdi Fiam, djelima kao i djelima još šesto nica umjetnika valja što prije dati pravo gostu u hrvatskoj moderni. Izložba traje tri mjeseca tako da će se velik broj posjetilaca moći uvjeriti kakvim neprocjenjivim blagom raspolaže riječka Moderna galerija. To je blago zaslužilo da dobije mjesto za stalni postav, o čemu se u Rijeci već uvelike govori.

N. Košćić



Prizor iz »Balade...« Snimio R. BRANDOLICA

SVJETSKA BALETNA PRAIZVEDBA

PLESNA ZAHVALA PJESMI

»Balade... koje donosi vjetar...« portugalskoga koreografa i redatelja Vasca Wellenkampa u sjajnoj izvedbi ansambla Hrvatskoga narodnog kazališta

»Odredenje toga baleta pripada neizrecivome, kao što je neizreciv i sam ples.« Tako će pred samu praizvedbu svoje čudesne slike moći riječima opisati portugalski koreograf i redatelj Vasco Wellenkamp čijim djelima kao i djelima još šesto nica umjetnika valja što prije dati pravo gostu u hrvatskoj moderni. Izložba traje tri mjeseca tako da će se velik broj posjetilaca moći uvjeriti kakvim neprocjenjivim blagom raspolaže riječka Moderna galerija. To je blago zaslužilo da dobije mjesto za stalni postav, o čemu se u Rijeci već uvelike govori.

Dugo se probijajući hrvatskom ratnom stvarnošću, tako se radajući u jedinstvu cijelog baletnog ansambla i velemajstora suvremenog scenskog pokreta, preksinoć videna praizvedba I HNK-ova jedina premijera s ruba tekuće sezone opet je u prvi plan izbacila nevjerojatno disciplinirani i talentiran plesni kadar naše državne kuće kojoj je sada Europa došla u pohode. Jer, iako će direktor Baleta Miljko Šparemblek ustvrditi kako nas Wellenkampove »Balade... koje donosi vjetar...« »uzdižu na europsku razinu zbivanja«, rekao bih ipak da smo se sličnim kreativnim poticajima opijali i u njegovim »Carmina Krležiana«, »Pjesmama ljubavi i smrti«, svim dakle velikim projektima za velik europski baletni ansambl kakav je sigurno i zagrebački.

Stoga ću najprije pomiriti spomenuti Almiru Osmanović-Davidi Ljubović-Janjanina, Mateju Pučko, Spomenku Šparemblek, Dubravku Košiška, Suzanu Šačić, Mihaelu Devald, odlične muške i sve preostale članove plesnoga kružoka što ga je Vasco Wellenkamp uzdigao do razine ljubavnoga obožavanja portugalske gradske pjesme. Da, »Fado, ljubavi moja«, kao da u svakoj sekvenci svojih plesnih premaza kliče Wellenkamp čijem opsesivnom divljenju portugalskoj pjesmi iz krčme i s ulice valja vjerovati. »Balade...« i nisu ništa drugo doli čudesna plesna vizualizacija Fado-forme često i sjetnih tonova. Fado je sve, i pjevanje čarobne Amalije Rodrigues, i životno puteni ples ogoljele scene na kojoj igraju i jednostavne klupe po kojoj se Almira spretno uspinje do snovidenja. Fado je jednostavan huk vjetra iz skladateljske radionice Igora Savina i violončelo Tibora Kutlja. To je jedan od ostoće koju Wellenkamp oplemenjuje svoje koreografske crte, impresivni glazbe što neiscrpno nadahnjuje.

I kako reče autor, »Balade...« su neizreciv pojam, to su slike ruku i nogu, tijela u ljubavnome dodiru, u okviru scene Nenada Fabijanića čija pregiednost tek pokojega predmeta neodredenoga sveprostora odlično korespondira s lepršavim plesom lepršavih kosa balerina i funkcionalne haljine-hlače kostima Dženise Medvedec. I zbog takvog bih se riječitijega plesa od svih baleta-sadržaja složio s Cunninghamom kad kaže: »Jedini razlog plesanja jest sam ples!« Tako ima i biti, jer »Balade... što donosi vjetar...« nadvisio je tek ples sjajnoga baletnoga ansambla zbog kojega su one i stvorene!

Branko Magčlić

RATNE ŠTETE NA KULTURNOJ BAŠTINI HRVATSKE

Razoreni gradovi

ZAGREB – Prema podacima Zavoda za zaštitu spomenika kulture Republike Hrvatske od 12. lipnja ove godine, od početka oružanih napada na Republiku Hrvatsku napadnuto je 245 povijesnih naselja, od kojih je 28 razoreno, 32 spaljeno, 83 djelomično razoreno, 92 oštećeno, dok se za 10 arheoloških lokaliteta ne raspolaže informacijama o opsegu štete.

Istovremeno je oštećeno ili razoreno 675 pojedinačnih objekata koji su registrirani ili evidentirani kao spomenici kulture. Među napadnutim, oštećenim, odnosno razorenim povijesnim naseljima nalaze se i povijesne urbanističke cjeline Dubrovnika i Splita, kulturna dobra upisana u Listu svjetske baštine, dok su ostala povijesna naselja nacionalnog, regionalnog ili lokalnog značenja. (H)

Zahvala F. Mayoru

ZAGREB – Hrvatska ministarka za prosvjetu i kulturu Vesna Girardi-Jurkić zahvalila je u pismu generalnom direktoru UNESCO-a Federicu Mayoru na čestitkama u povodu priznanja Republike Hrvatske u članstvo te svjetske organizacije.

Izrazivši zahvalnost za brigu što ju je ne samo UNESCO nego i osobito direktor Mayor pokazao za Dubrovnik, ministarka Girardi-Jurkić istaknula je kako je Dubrovnik, na nesreću, sada vrlo ozbiljno oštećen te i dalje u neposrednoj opasnosti, zbog čega je pozvala Federica Mayora da razmotri nove mjere za zaštitu tog jedinstvenog grada.

(H)

PRILOG »MATOŠEVIM DANIMA«

Matoš o Srbiji

Piše Dubravko Horvatić

(...) Antun Gustav Matoš vazda nas je nadahnjivao svojim rodoljubljem, a 70-ih i 80-ih godina prepoznavali smo u njegovoj »1909« vlastitu kob, na žalost crnju nego što je bila u vrijeme kad je Matoš napisao spomenutu pjesmu. U to smo doba sa strepnjom čitali Matoševe riječi iz feljtona »Zagreb po danu«, gdje veli: »Srpstvo prodire u Zagreb polagano, ali sigurno... Srbijanski Cigani poplavljuju zagrebačke krčme. Srpske pjesme prodiru preko vojnika, radnika i đaka sve do sela u našoj okolici. Već se i u svjedodžbama naš jezik zove srpski. Srpstvo postaje sve više i više mjerilom hrvatstva. Zagreb je jedini grad na svijetu gdje hrvatstvo Hrvata kompromituje.«

Čitajući danas Matoša nužno se zaustavljamo nad njegovim prosudbama o srpstvu i Srbiji, gdje je on godinama boravio kao vojni bjegunac, politički emigrant i azilant. S obzirom na to da mu je Srbija pružila utočiš[illegible] piscima, slikarima, glumcima i političarima, pisao je kadikad zanosno o pojedinim dostignućima srpske, ili točnije, beogradske sredine, ali ipak nikada nije izgubio moć kritičke rasudbe. U vrijeme dok su hrvatski jezikoslovci bezglavo tapkali za Vukom Stefanovićem Karadžićem, on je zborio o »Vukovom ekskluzivnom šovinizmu«. U vrijeme dok je većina hrvatskih političara i pisaca, okupljena u Hrvatsko-srpskoj koalицiji, za[illegible] Starčevićevo razočaranje, koje se očitovalo u pismu Račkome rečenicom »Srbi su nam krvavi neprijatelji«, Matoš je raskrinkavao imperijalizam srpskoga novinstva i srpske literature, kazujući da »Srbima služi i književnost moćnim sredstvom propagande. U ovom njihovom književnom osvajanju Dalmacije je Srbin Cicpico iza Ljubiše, M. Bana, M. Cara, dum-Stojanovića i Matavulja posljednja, najbolja etapa, i politička Cippicova važnost u srpskoj prozi je prema tome veća od njegove književne vrijednosti«. (...)

Poznajući njihove azijatske metode, Matoš je naslućivao što Hrvatska može doživjeti pod njihovim krvavim, željeznim žezlom. Jugoslavenski orijentirani hrvatski političari smuli su pod knut Karađorđevića kao guske u magli, da upotrijebimo Radićevu riječ, a otrijeznili su se tek nakon pokolja domobrana na Jelačićevu trgu, tek nakon pljačkaške zamjene krune za dinare, tek nakon batinanja hrvatskih seljaka prigodom žigosanja stoke, a većina istom posilje umorstva Stjepana Radića. A Matoš im je još prije stvaranja te monstruozne države, još 1908, poručivao da je »Srbija i lani dobila svjetsko prvenstvo u ubijanju i teškim zločinima«.

Već je Matija Mažuranić u svojim putopi[illegible] nepremostivi civilizacijski jaz između Hrvatske i Srbije, ali Matoš je tu temu prvi razradio u nekoliko članaka, feljtona i putopisa, uspoređujući Zagreb i Beograd ili pak Hrvatsku i Srbiju. Ukazivao je i na svakidašnji srpski imperijalizam, u Srbiji i u Hrvatskoj: »Tamo su i Rumunji Srbi, tu su i pravoslavni Nehrvati«, iako je često isticao srpsku demokratičnost, ipak je poznavao njezino pravo lice. Boraveći u Beogradu, ni[illegible] skom umorstvu kralja Aleksandra Obrenovića i kraljice Drage, koje je počinila Crna ruka, zapravo produžena ruka dinastije Karađorđevića, ali je ipak u nekoliko navrata spominjao to gnusno umorstvo, s nedvojbenom nakanošću za Obrenovića.

Pravu sliku srpske demokracije iznio je u članku »Pogibija Milana i Maksima Novakovića«, koji je 1907. tiskao u zagrebačkom »Hrvatskom pravu«. Tu opisuje policijsko umorstvo bivšeg generalštabnog kapetana i bivšeg žandarmerijskoga poručnika, te policijske smicalice oko prikazivanja toga umorstva u javnosti. Naličje »srpske demokracije« bilo je Matošu i te kako poznato, pa se ne možemo oteti dojmu da su njegove hvale na njezin račun gotovo propedeutičke naravi, na ustuk beamteriji, birokratizmu zagrebačkoga Gornjega grada. Napokon, demokracija i imperijalizam po svemu su nesukladni, nespojivi, a Matoš je srpski imperijalizam ponajbolje oslikao sljedećom rečenicom: »Oni smatraju često i Hrvatsku srpskom zemljom, dok mi Srbije ne smatramo zemljom hrvatskom«. Tu rečenicu mogao bi potpisati u ovim danima srpske [illegible] od nas.

Matoš je i svoje suvremenike, i naraštaje koji su slijedili nakon njega, učio što je Srbija i kakva je Srbija. Čitajući ga danas, otkrivamo da nam iskustva kazuju koliko je Matoš bio u pravu govoreći da Srbija ima »svjetsko prvenstvo u ubijanju i teškim zločinima«. Matoš nije doživio umorstvo Franje Ferdinanda i njegove trudne supruge, nije doživio prvi svjetski rat, nije doživio stra[illegible] koje je u tom ratu srpska soldateska počinila nad makedonskim, albanskim i muslimanskim življem. Nije doživio ni teror nad Hrvatima i drugim nesrpskim narodima u bivšim jugoslavijama. Tu svojim rasuđivanjem Srbije neizravno nam je namro pouku i poruku koja pogotovo danas vrijedi: da bi Hrvati i drugi narodi mogli opstati, Srbiju moramo potpuno, posvema poraziti.

SKUPŠTINA OPĆINE SVETI IVAN ZELINA IZVRŠNO VIJEĆE

OBJAVLJUJE JAVNO NADMETANJE

za davanje u zakup otvorenog tržnog protora u Svetom Ivanu Zelini za vrijeme održavanja »Svetoivanjskih dana« u trajanju od 19. do 28. 06. 1992. godine, u sklopu kojih će se održati izložba vina sjeverozapadne Hrvatske, recital kajkavskog pjesništva, moto-cross-prvenstvo Hrvatske i razne druge kulturne i sportske manifestacije. Javno nadmetanje održat će se 18. 06. 1992. godine s početkom u 19 sati u vijećnici Skupštine općine Sveti Ivan Zelina, Trg A. Starčevića 12.

UVJETI JAVNOG NADMETANJA

1. Pravo na javno nadmetanje imaju osobe:
- koje su uplatile jamčevinu,
koja imaju dokaz da su državljeni Republike Hrvatske
2. Početna cijena za jedan četvorni metar prostora iznosi 1.000 HRD, za vrijeme trajanja »Svetoivanjskih dana«,
3. Osobe koje izlicitiraju tržno mjesto, a nakon toga odmah ne isplate tržno mjesto, smatrat će se da su tržna mjesta napustili, te u tom slučaju namaju pravo na povrat položene jamčevine,
4. Jamčevina za jedno tržno mjesto iznosi 10.000 HRD, s time da možete licitirati svako tržno mjesto. Ako želite licitirati više tržnih mjesta, morate uložiti isto toliko jamčevina. Ako se tržno mjesto ne izlicitira, uložena jamčevina se vraca. Jamčevina se upiacuje u racunovodstvu Skupstine opcine Sveti Ivan Zelina ili na mjestu javnog nadmetanja i to najkasnije 1 sat prije početka nadmetanja.

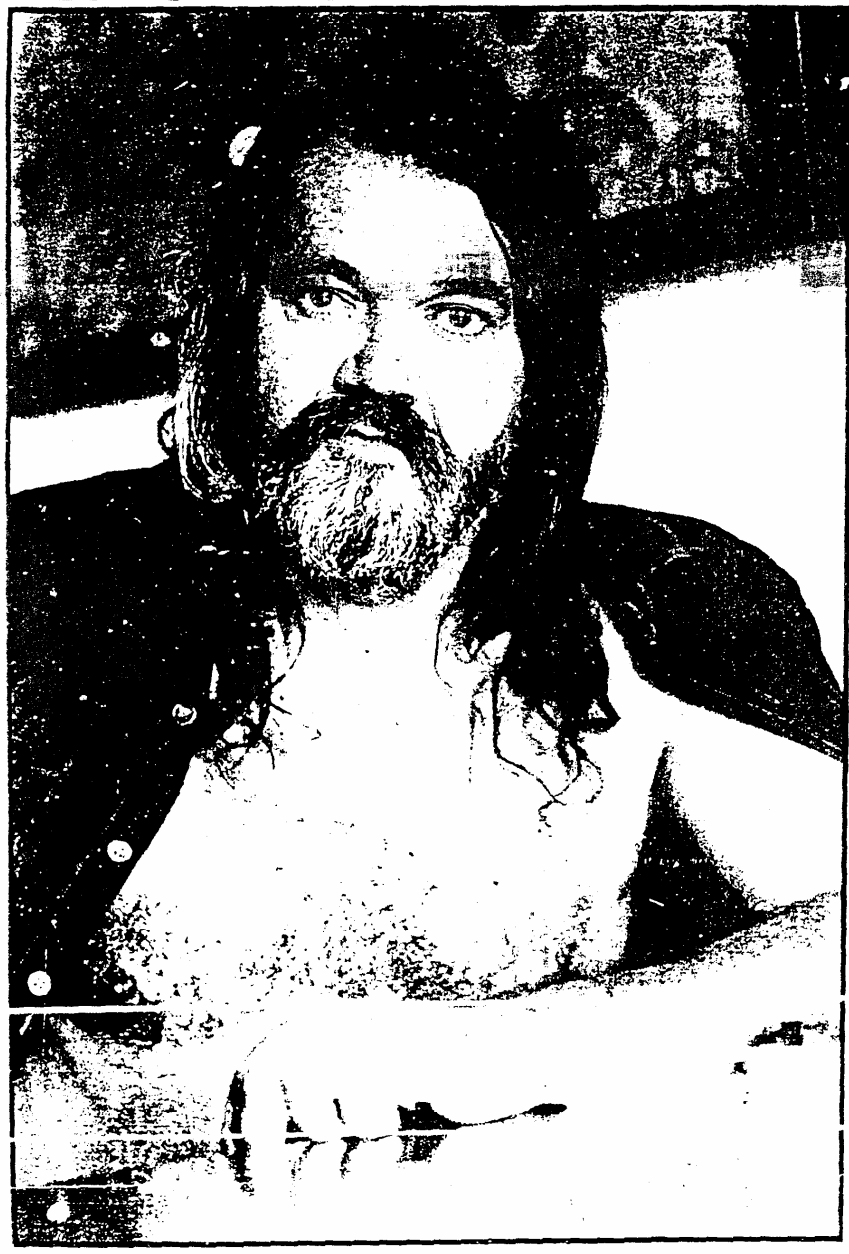
Za informacije zainteresirani se mogu obratiti na telefon 041/860-622 (Fučkan) i 860-044 (Šantić)

KOMISIJA IZVRŠNOG VIJEĆA ZA PROVEDBU LICITACIJE

VL-331-I

Zvonimir Šekulin (52), pjesnik i glavni urednik krajnje kontroverznog "Hrvatskog
i da namjerno vrijeđa Srbe, a da su mu uzori Ante Pavelić i Jure Francetić, slaže se

HRVATSKI VJESNIK PRAV
KAO PORNOGRAFIJA: N



Priznajem da su moje r
"Vjesniku" umobolnik
najbolji lijek bio da vid
problem. Jednako pod

Mišljenje inženjera Zvonimira Šekulina, vlasnika i glavnog urednika "Hrvatskog vjesnika", zabilježio **Mate Bašić**. Snimio **Antonio Bat**

Potpuno podržavam odluku gospođe ministrice kulture i prosvjete, Vesne Girardi–Jurkić, kojom se 'Hrvatskom vjesniku', čiji sam ravnatelj, čelni, odgovorni i tehnički urednik, određuje plaćanje poreza na promet zbog šunda i pornografije – kaže inženjer arhitekture Zvonimir Šekulin, pedesetdvogodišnji Vinkovčanin kojega smo pronašli u Beogradu gdje provodi godišnji odmor.

Tako je ovaj pjesnik, koji za sebe kaže da se rodio u Nezavisnoj Državi Hrvatskoj, beogradski diplomant, član Hrvatskog društva političkih zatvorenika i Udruge hrvatskih dragovoljaca domovinskog rata koji pripada Mercepovoj struji u Udruzi, ranjenik iz 1991., pričuvni rezervist iz sićešnja te godine, pokretač, izdavač i glavni autor »Hrvatskog vjesnika«, koji za sebe tvrdi da je »nezavisni ustaški«, dospio u istu situaciju u kojoj se, samo nekoliko dana ranije, početkom srpnja, zatekao i »Feral Tribune«.

– Ako je određivanje poreza »Hrvatskom vjesniku« i »Feralu« znak da ja pripadam ekstremnoj desnici, a oni ekstremnoj ljevici, onda ja to u potpunosti podržavam – objašnjava nam *enfant terrible* nacionalnog novinarstva, u bingradskom hotelu »Kornatic«, dok prelistavamo ljetni broj njegovih novina, prepunih obračuna s neistomišljenicima, među kojima su, osim nezaobilaznih Srba, i hrvatski javni i politički djelatnici i svi oni koji su poput Ante Bobana, Slobodana Praljka, Josipa Manolića, Stipe Mesića, Ivana Zvonimira Čička, pa sve do Hranka Borkovića – Mladog Isusreha.

– Zamolili smo inženjera Šekulina da nam u povodu

◀"Mislim da ekstremni časopis poput 'Hrvatskog vjesnika' ne šteti Hrvatskoj, nego upravo suprotno: on dokazuje da živimo u zemlji gdje su govor i tisak slobodni", tvrdi Zvonimir Šekulin

uvođenja poreza s... iznese svoje mišlj...

– Budući da u... »Hrvatskom vjesniku«..., svoji rubrika pod... »Tvrđe srbopo...ce«, ja i sam priz... su ove novine o... dijelom pornogra... su i sami Srbi po... ja. Fotografija ... Pavla, objavljena ... stranicama, vec... fotografija od ... dijece dvije... ... za pravo Mi... ...govijete i kultu... svoje mišljenje s... kojega su novine ... vane. To je pra... tarstva. A »Vje... ne«? On je ultra... prijateljski list... takve namete i ... vao. Viktor Ivan... primjer, u jednom... iz svibnja ove go... da se tvrtke kon... ju reklame u »H... vjesniku« bojkot... zivali su »feralov... cijske udarce za... vjesnik«, a bun... kad su isto to d... države koju nap... ko ih unutram n... ma ove države, u... ruku jugonostal... nikada mi nije ... met da se, ni po... javno, zalažem ... »Feralu«, za uda... za zabranu. A lju... su u »Feralu« b... me se kriviično c... vršim u zatvoru.

»Podržavam ministricu«

Ja stvaram ... glasilo, ustaško... su, za mene, ... hrvatske nezavisn... fašisti (jer, fašisti ... Talijani), i demo... liko to ratne pri... taju.

Ne znam hoc... poreza na promet... niti koncepciju ... srbopomo sfram... da cu odlučiti da ... nu »Mekše srbo... Očekujem da ce ... čaju mnijenje ... ministrice za pr... kultura biti osl... od poreza...

Ni na kraj pam... je da, puput »Fe... žim Ministarstva, ... od toga da je ... Ministarstva ... na zakonu. A ... takvo bih mišlje... no podržavao. Z... od mnogih, ja p...

– Jurkic. Smatra... vocnom ministru...

Osim izmedu... mene nitko nije ... »feralu« su bra... Oni koji stupaju ... vrlinom su u bi... su bili politolozi, ... ki novinari. Vec... mišenika kabine... ... »feralu«. Ali... koji su promisl... ce, ne mogu slo... ...ka može nezavis... ...ono što misli, ... rajuće se sloboc... ...i, su pitali sto... ...nas sami procje... ...mogli pisati da ... ...zanjeri. Takvi...

…škog vjesnika" iz Vinkovaca, koji otvoreno tvrdi da stvara nezavisno ustaško glasilo, …laže se s nedavnom odlukom Ministarstva prosvjete i kulture o oporezivanju, i kaže:

…VEDNO JE OPOREZOVAN …NAJVIŠE PIŠE O SRBIMA!

u moje novine dijelom pornografske, jer su i sami Srbi pornografija ■ Neki Ivo Horvat proglasio me u …obolnikom kojega bi najbolje bilo liječiti tako da mu se zabrane novine. A ja sam mu odgovorio da bi za mene …io da vidim kako on negdje visi ■ Podržavam predsjednika Tudmana, a ako to predsjedniku smeta, to nije moj …ako podržavam i ministricu Girardi-Jurkić, iako je ona potpisala rješenje o porezu na promet za moje novine

…odenja poreza na promet …ese svoje mišljenje.

Budući da u »Hrvat…n vjesniku« zaista po…ji rubrika pod nazivom …ferdje srbopornu strani…«, ja i sâm priznajem da …ove novine odredenim …jelom pornografske, jer …i sami Srbi pornografi… Fotografija patrijarha …vila, objavljena na tim …ranicama, veća je po…ografija od fotografije …jevce drulje. Stoga da…n za pravo Ministarstvu …svjete i kulture da ima …oje mišljenje na temelju …jega su novine oporeze…ne. To je pravo Minis…arstva. A »Feral Tribu…«? On je ultralijevi, ne…ijateljski list, koji je …kve namete i sam prizi…a. Viktor Ivančić je, na…mjer, u jednome članku …srbiji ove godine tražio …se tvrtke koje objavlju…reklame u »Hrvatskom …sniku« bojkotiraju. Pri…ali su »feralovci« finan…ske udarce za »Hrvatski …snik«, a bune se sada, …d su isto to doživjeli od …rave koju napadaju. Ja…ob smatram neprijatelji…ove države, u najmanju …u jugonostalgičarima. …ada mi nije palo napa…t da se, ar privatno ni …no, zalažem za bojkot …eralaca, za udare na njih, …zabranu. Vlasti koji pa…u »Feralu« htjeli bi da …se krivično goni, da za…m u zatvoru.

Podržavam ministricu«

…a stvarno nezavisno …silo, ustaško. A ustaše …za mene, brana»elji …atske nezavisnosti, antifa…sti tjer, fašisti su Srbi i …janci, i demokrati, ko…to ratne prilike dopuš…

…e znam hoću li, zbog …ora na promet promije…knoncepciju »Tvrdjih …sporno stranica«. Mož…u odlučiti da to posta…»Mekše srbostranice«. …kojem da će u tom slu…i mnijenje republičke …istrice za prosvjetu i …uru biti oslobadajuće …poreza…

…i na kraj pameti mi ni…a, poput »Feralaca, tu…Ministarstvo. Polazim …toga da je Mišljenje …nistarstva utemeljeno …zakonu. A i da nije, …o bih mišljenje nadležnog …državao. Za razliku …mnogih, ja podržavam …arkic. Smatram je kak…om ministricom…

…sam izmislio redaka, …e mislio nije bramo, a …alac su branili mnogi, …koji ustupaju u tisku, …om su u bivšem sustavu …li politronci, podanič…osinari. Vesna je pro…nila kahanec, tek ma…alac. Ali, čak i oni …u promiskuiti kahanc…e mogu sloviti da ne…mogu nezavisno pisati …sto misli, se konzulti…ce s drugima. Naravno…ntarni sito mogu, di…sami sebe mogu, ali …ne mogu sloviti da …ne pišu pod pritiskom …ja zajedno s »Feralom«, u kojemu se okupila skupina, blago rečeno, nostalgičara. Ono znaju pisati, to nije sporno. Sve što je protivno hrvatskoj državi i sto za pisati, piše u »Feralu«. Uključujem tu i ljude koji im daju intervjue, popat Mesića, Manolića, Čička, a da ne govorim o dva Goldsteina...

Napade na mene započeo je »Feral«, dodijelivši mi priznanje »Najbo…

…Ivo Žanića u »Nedjeljnoj Dalmaciji«, preko nekoga Ive Horvata u »Vjesniku«, Zdravka Zime u rubrici »Sub rosa« u »Danasu«, do bivšeg suradnika »Danasa« Ede Popovica, koji je prvi izjednačio »Hrvatski vjesnik« s »Feralom«, i Milana Ivkošića u »Večernjakus«. Zora Prpić javila se u »Feralu« nakon što…objavio komentar g… njezinim suradnici…da skupa o slobodi …u Zagrebu. Ali, on nije pri…hvatio taj moj dobronamjerni savjet...

Zdravko Zima, urednik »Danasa«, glumi visokog intelektualca, pozera, šarmera, i na fin način pokušava meni spuštati. Njemu sam također odgovorio u »Hrvatskom vjesniku«. On je…nego da mi sa »Feralom« …ogovori, a no me…bez toga …u rukavi…njem sas…

…volio da ona postoji. Dalje, Ivo Žanić je napisao kako ja pišem da su neki narodi gamad. A ja pišem kako je samo tzv. srpski narod – gamad. Ima još tih laži. On ne zna ni povijest. Piše mi da sam zaboravio Letnicu i Janjevo, itd.

»Porez nije nikakav udarac«

Zora Prpić, supruga Vjekoslava Koprivnjaka, …državne vlasti, ostao dio …ljudi iz starога sustava. Moguće je da je u Ministarstvu ostao netko od Šuvarevih ljudi koji je iskoristio trenutak da udari na »Hrvatski vjesnik«. Samo, porez na promet nije nikakav udarac. Ja sam pomalo stao na vlastite noge, i trebao sam početi uživati plodove rada nakon četiri godine izlaženja …Zbog poreza nisam izgubio necu moći. Ali…

…Ja podržavam predsjednika Tudmana, i mislim da bi to trebao činiti svak; Hrvat, barem dok je on predsjednik Republike. A smeta li predsjedniku sto ga ja podržavam, to nije moj problem. Ja cu ga podržavati smetalo to njemu ili ne.

Podržavam i ministricu Girardi – Jurkić, …sa…; potpisala rješenje …poreza na promet …»Hrvatski vjesnik«. Samo, …pornografije i šunda…vam, u vlastitoj državi, u prosincu 1991. nezakonito smijenjen s mjesta ravnatelja vinkovačkog radija, zahtjevom predsjednika Općinske skupštine Tihomira Zovka, koji je slagao odbornike, pisam ni Šimišljao da krivce trazim u hrvatskoj državi, u HDZ – u, a predsjedniku Tudmanu. Za mene je krivac Zovak, uz jos neke ljude, ja ih pratim, i kad god mislim da su napravili neki korak protiv hrvatske države, ja to napišem. Bez posljedica...

Moje je pravo, i pravo svakoga novinara, da cijeni ljude onako kako misli da treba, neovisno o tome svida li se to njima. Da cijenim poglavnika, dr. Antu Pavelića, krilnika, vitezа Juru Francetića, Rafaela Bobana, doglavnika, Mila…na Budaka, vrsnog hrvatskog književnika. To ne znači da ja danas jednako tako ne trebam cijeniti predsjednika RH, dr. Franju Tudmana, Vicу Vukojevića, Seksa, Merčepa, Glavaša, Sulimanca, generala Rosu. Ja imam pravo željeti da sve to bude kontinuitet. Možda on to i nije, ali ja imam pravo to željeti, posebice stoga što mislim da ce povijest jednoga dana u pravom svjetlu pokazati sve te Hrvate koje sam spomenuo. Kad su Njemačka i SSSR okupirali Poljsku, Engleska je iz principijelnih razloga navijestila rat Njemačkoj, ali ne i SSSR-u. Proglasili su Hitlera ratnim zločincem, ali ne i Staljina, koji je danas u očima većine ne sigurno jedan od najvećih zločinaca. Da ne govorimo kako ce povijest reci svoje i o Josipu Brozu...

Srpske igre

Kada mi se spočitava da riječ »Srbi« pišem malim …ram reci: Srbi su izvrsni masovna klanja, i danas to rade, a poslije su to radi…ji u povijesti, i to starata…ga, zena, ne samo vojnika. To nije činio mali Srpčić, činiti su to masovno. I onomu se ratu sav svijet i narod suprotstavio u Mađarsk…To sto ga sada prikazuju …jere koje su uspjeno sv…de U Srbiji nema ni pravi…ara ni stranke koja ce …bi…ni pomirenje. Nema ni …ni…ni…ne…ne…ne