

INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING

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

(CROATIA v. SERBIA)

**ADDITIONAL PLEADING**  
**OF THE REPUBLIC OF CROATIA**

ANNEXES

VOLUME 2

30 AUGUST 2012



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**ANNEX 1:****SUPREME MARTIAL COURT, II K NO. 111/92, 7 MAY 1992, DECISION**

THE SUPREME MILITARY COURT

II K no 111 / 92

07 May 1992

/Stamp:

*CROATIAN MEMORIAL-DOCUMENTATION HOMELAND WAR CENTER  
ZAGREB Marulićev trg 21/*

The Supreme Military Court in Belgrade, by the following court panel: colonel drMilovan Belić as the president, colonel Radivoje Djurasović, judge and the following jurors: colonel Radivoje Djurasović, colonel Dobrivoje Ljubić and lieutenant-colonel Živomir Janovac as panel members, with participation of an expert assistant captain Gligorije Spasojević, M.Sc. as court clerk - having decided on the second instance appeal of the defendant NIKOLA GAGIĆ, a reserve soldier from Military Post 4810 Benkovac who was sentenced to imprisonment of 4 years and 6 months for the criminal act of murder pursuant to Article 35, paragraph 2 item 6 of the Criminal Code of Croatia, including the time spent in detention from 13 November 1991 to 14 January 1992, at the session held on 7 May 1992, based on Article 23 of the Act on Military Courts and Article 285 of the Criminal Procedure Act (CPA), brought the following:

**DECISION**

The appeal of the defendant's attorney Nikola Gagić IS APPROVED, so the judgment of the Military Court in Banja Luka, reg. no. 39/91 of 14 January 1992 is ANNULLED and the criminal charge is returned for repeated trial before the same court.

**Explanation**

The following officials have declared against the stated appeal: the military prosecutor at the Military Post 5027 Banja Luka, to the decision on the sentence and the defendant's attorneys: lawyer Goran Majstorović from Banja Luka, to mistakenly and incompletely determined state of facts, violation of the criminal act and the decision on the sentence and lawyer Savo Štrbac from Titova Korenica, for substantial violation of Criminal Act stipulations, mistakenly and incompletely determined state of fact and violation of the Criminal Act.

In his appeal, the military prosecutor indicates that the defendant has been given too lenient a sentence for the deed for which at least 10 years of imprisonment is determined; this punishment does not correspond to the type or severity of the completed deed. Besides, the mitigating circumstances determined are not particularly mitigating; the statement of the court that the late Kuzman had provoked the defendant is not true, so this unsubstantiated fact cannot be taken as a mitigating circumstance. The prosecutor believes that, regardless of legal qualification, the deed was perpetrated in a mean way, and was motivated by

revenge and revanchism and is thus even more severe. Finally, the confession of the defendant could not be accepted as a mitigating circumstance as it was not given in form of penance but as bragging in front of other soldiers.

It is proposed by the appeal that the defendant be convicted to a longer prison sentence.

Lawyer Goran Majstorović thinks that the first instance court determined mistakenly that the defendant did not act in ultimate need. The stay of the defendant on enemy territory, in an enemy house and the attempt of hostile persons to inform the soldiers of his presence, indicate the justifiability of the conclusion that all the deeds of the defendant were done to deter danger and were done in indispensable defense. On the other hand, the attempt of hostile people to inform ZNG (The Croatian National Guard) members of his presence is nothing else but a great and simultaneous danger for his life. Late Kuzman's going into the house for arms has the same significance. The attorney believes that someone had taken late Kuzman's hunting gun for private purposes until the inspection; therefore the fact that it was not found on the spot does not present an argument in favour of the opinion of the court that the defendant was not endangered by the late Kuzman.

The Criminal Act was violated primarily by the application of the Croatian Criminal Act and Croatia is no longer a part of Yugoslavia. Besides, since the Republic of Srpska krajina was established on the location of this perpetration and it still does not have its criminal legislation, the deed of the defendant still hasn't been qualified as criminal, which is a violation of Article 3 of the CAY (Criminal Act of Yugoslavia). Provisions of Articles 42 and 43 of this Act have also been violated, because the fact that the deed was done in wartime presents a particularly mitigating circumstance. The criminal procedure was essentially violated because prosecution was represented by an unauthorised prosecutor.

The sentence pronounced to the defendant is too strict. This is particularly true in view of the fact that the deed was done in wartime, that he believed he was doing the right thing and that he had confessed to the deed immediately.

The defendant proposes cancellation of the judgment and returning of the case to the same court for retrial.

Lawyer Savo Štrbac perceives essential violations to criminal procedure provisions in the fact that the judgment is based on inadequate evidence - on the statement the defendant gave before the investigative judge. If the first instance court had applied the Criminal Act of the SRK, and this Act should have been applied because the deed was done on the territory of Krajina, the defendant could not be investigated without the defendant, because this deed is subject even to death sentence. The second violation of procedure provisions was performed by the fact that the judgment was not pronounced by the



competent court. This is due to the fact that the deed was done on the territory of the Republic of Croatia, or abroad, which is opposite to the provision from Article 523, paragraph 1 of the CPA, because the state where the deed was done did not require criminal prosecution.

The appeal contains comprehensive description of the circumstances under which the deed was done and the conclusion that the circumstances and the behaviour of the defendant before and after the deed were sufficient basis for the doubt as to the accountability of the defendant; therefore, his state of mind *temporecrim-inis* should have been determined by neuropsychiatric expertise. The defendant states a part of the testimony of the witness Malenica Neven who described the behaviour of the defendant after completed deed very vividly - the defendant ran for about 400 meters, dancing an Indian dance and shouting "yoo-hoo-hoo"; he immediately told his comrades in detail how he took care of two *ustasha*.

The Criminal Act was violated by the application of the Croatian CA and Croatia is no longer a part of Yugoslavia, instead of applying the CA of the Republic of Srpska krajina. But even if the CA of Croatia had been applied properly, the Criminal Act was violated because provision from Article 35, paragraph 2, Article 6 of the Act was applied adequately; pursuant to the Act on the Amendments of the CA SRY of 28 February 1991, provision from Article 35, paragraph 2, item 6 of the Act was deleted. The Criminal Act was also violated because the court, assuming that the state of fact was determined properly and completely, mistakenly determined that there are no circumstances excluding criminal liability. The attorney believes that there was no unlawful behaviour by the defendant, because he performed the deed in relation to persons he had a lot of reason to consider representatives of the opposite side and a soldier is never liable for murdering an adversary. The fact that the injured parties were civilians bears no significance because this is a civil war and enemy territory. The first instance court obviously neglected these issues and reached its conclusion in the context of peace and not war situation, thus essentially changing the notion of unlawfulness.

The proposal of the appeal is that the contested judgment be altered by acquitting the defendant of the claim or to cancel and return the case to the same court for repeated trial.

The Supreme Military Court has deliberated upon the statements from submitted claims, all criminal file documents, investigated the judgments in scope of the limits prescribed by the provision of Article 376 of the CPA and decided that the state of fact from the first instance judgment was not fully established; therefore, pursuant to Article 385 of the CPA, the judgment should be cancelled and the case of the defendant Nikola Gagić returned for retrial.

The first instance court did not establish all decisive facts indispensable from regular and lawful judgment in this criminal - legal case. These decisive facts

are related to the state of mind of the defendant. The first instance court did not deal with this issue at all, so it cannot be concluded from the judgment if the defendant was accountable, unaccountable or had decreased accountability. With regards to that, no reasons were stated in the judgment based on which the first instance court can conclude the defendant's accountability should be doubted, as should have been done according to the judgment. This Court holds that the first instance court was obligated to deal with the issue of the accountability of the defendant in particular, because the circumstances preceding the deed (incessant war operations, death of the defendant's best friend), behaviour of the defendant after the deed, of which there is evidence of the witnesses, indicated the existence of such a doubt. The testimony of the witness Neven Malenica is especially significant in establishing of this fact - the testimony states peculiar behaviour of the defendant after the completed deed - when the defendant ran for about 400 meters and danced "Indian dance", shouted and pointed his fingers saying he took care of two *ustasha*. The same refers to the parts of the testimony of the defendant that he had drank alcohol prior to the deed, that he was constantly drawn "in action", as well as to the conclusion of the court that the confession of the defendant is not an expression of penitence but bragging for what he had done; therefore, the court should indirectly doubt the accountability of the defendant.

The Court, therefore did not determine anything and therefore it cannot be determined nor has the court determined whether the defendant was accountable, unaccountable or had decreased accountability at the time the deed was done. Finally regarding the stated, the first instance court did not even consider if the ability of the defendant to understand the gravity of his deed and control his actions was essentially decreased, although this circumstance affected the substantiality of the decision on sentence, because there is a possibility of more lenient punishment pursuant to Article 12, paragraph 2 of the CAY.

In view of the above, the first instance court failed to determine the facts significant to reach a lawful decision; therefore this court, accepting the appeal of the attorney, cancelled the first instance judgment and ordered repeated trial.

It is indispensable that the first instance court at new investigation, take all evidence required to clarify this dubitable issue and it will only then be able to reach a lawful and right decision.

The Decision has been made as in the operative part of the judgment, due to the stated reasons.

Court clerk, captain  
Gligorije Spasojević, M.Sc.

Panel President  
Colonel  
Milovan Belić

/round stamp: The Supreme Military Court of the SRY Belgrade/

## ANNEX 2:

Photo of Victims of Vukovar, 18 November 1991, in the article by Savo Štrbac, *Zločini nad Srbima na prostoru Hrvatske u periodu 1990-1999* [Crimes against Serbs on the territory of Croatia in the period 1990-1999]



*After Croatia's Storm Serbs where not even buried*

**ANNEX 3:****OFFICIAL RECORD OF THE STATEMENT MADE BY A.A., 10 JULY 2012****OFFICIAL RECORD**

of the interview conducted on July 10 2012 in the official premises of the Republic of Croatia, Ministry of Interior, War Crimes department.

A.A., son of S. and K nee M, born on .... in ..., Croat, citizen of the Republic of Croatia, medical technician, place of residence Zagreb, ..., phone number: ..., cell phone number: ....

An interview with Mr. A. was conducted on July 9 2012 in his home, in order to determine the origin and content of photographs showing a number of corpses randomly lying in an open space-a courtyard. The said photography is an integral part of these official records.

During the war in Vukovar, where he arrived on August 28 1991 as a member of Republic of Croatia sanitation Medical Head office, due to his profession, and was deployed to a mobile surgical team. When presented with the photography, he stated that he was the author, and that the photo was taken with his personal camera. He managed to hide the negative in the dirty laundry, which was, after the occupation of Vukovar, brought to Zagreb by his colleagues from the ambulance, so that the negative was not seized during his capture and captivity in Serbian prison camps.

As he recalls, the photograph was taken on November 18 1991 in the morning, and it shows dead bodies of soldiers and civilians who died in the Vukovar hospital and were transported to the hospital from different locations. After they were pronounced dead, the bodies were being disposed into a nearby yard next to the hospital. In this photograph is a yard, to his best belief the yard of the Port Authority, which is close to the Danube river. Dead bodies were taken care of in this a manner and taken out of the hospital, in which he himself took part, in order to prevent the outbreak of contaminations. They were forced to do this, since artillery and other kinds of attacks of the enemy troops were so intense in the days before the fall of Vukovar, so that the dead person could not buried.

Furthermore, Mr. A. states that he gave this photograph, along with some other photos to Mr. M.D.J., that he included them in his published book,. Mr. A. does not know the title of the book.

Mr. A. found out from the media that this photo was used in the Serbian media and various newspapers, and that Serbian authors say that the photography shows Serb civilians killed by Croatian forces, which he categorically rejects, since, as already stated, these are the dead bodies of Croatian soldiers and civilians from the Vukovar hospital.

POLICE OFFICIAL  
Ante Mraović /signed/

**ANNEX 4:**  
**SECOND WITNESS STATEMENT OF**



**ANNEX 5:**  
**STATEMENT OF**







**ANNEX 6:**  
**CRIMINAL COMPLAINT LODGED BY THE INDEPENDENT  
 ASSOCIATION OF JOURNALISTS IN SERBIA WITH THE OFFICE  
 OF THE WAR CRIMES PROSECUTOR, 1 JULY 2009**

Annex 2: NUNS - Criminal Complaint to the Office of the War Crimes Prosecutor

**To: OFFICE OF THE WAR CRIMES PROSECUTOR**

THE EXECUTIVE BOARD OF THE INDEPENDENT ASSOCIATION OF  
 SERBIAN JOURNALISTS

**HEREBY LODGES A CRIMINAL COMPLAINT**

**AGAINST**

NN /unidentified persons/ (responsible persons and journalists of the *Radio-televizija Beograd* /the Belgrade Radiotelevision/, *Radio-televizija Novi Sad* /the Novi Sad Radiotelevision/, the daily newspapers *Politika* and *Večernje novosti* et al.) for committing a crime of organizing and instigating commission of genocide and war crimes punishable under Article 145 of the KZ SRJ /Criminal Code of the Federal Republic of Yugoslavia/.

**STATEMENT OF REASONS**

We believe that, prior to the breakout of armed conflicts in the territory of the former Yugoslavia, the political and propaganda preparations had been made in those parts by way of hate speech and dissemination of false information with the aim to create a perception in the public that an armed conflict and the severe violation of the standards of the international humanitarian laws committed therein, were justifiable. We also believe that those were illegitimate forms of propaganda and, as such, constitute criminal offences.

First of all, we would like to point at the fact that certain responsible persons and journalists from certain media in Serbia took part in those activities. It is our opinion that they put themselves openly at the service of the then regime, instigating and spreading in the first place interethnic and religious hate, but also unlawful propaganda. During the notorious armed conflicts in these parts between 1991 and 1999, they pursued their activities with ever growing intensity.

While reporting from the areas of armed conflicts, they were deliberately presenting and subsequently processing semi-fabricated and false information about the alleged horrible crimes committed by the soldiers of "the other side". Objectively, this had a strong impact on the general public and in particular on certain members of regular and the so-called paramilitary armed formations

which were then “taking revenge” in those conflicts by committing most atrocious crimes against civilians (murders, tortures, inhumane acts, violations of physical integrity, intimidation, terror, displacement and deportation of the civilian population, destruction of small and large settlements, unlawful imprisonment, plunder of the civilians’ property, etc.) and also killing and inhumane treatment of the wounded, the sick and the prisoners of war. All of these facts are widely known from the large number of already closed cases tried both by the ICTY and the War Crime Board at the Belgrade County Court and, before that, by the court of general jurisdiction - the Belgrade County Court.

All these and similar acts committed by certain members of the abovementioned armed formations, represent violation of the international humanitarian laws and as such are also punishable under our Criminal Code, are to a certain extent a result of the deliberately conceived manipulation of the media and their journalists and the responsible persons, primarily those from the earlier mentioned media. Their conduct qualifies both objectively and subjectively, as acts of calling on and inciting to the commission of war crimes and, by so doing, they committed the crime of organizing and instigating the commission of war crime, punishable under Article 145 of the Criminal Code of the Federal Republic of Yugoslavia.

To corroborate our reasonable doubt that certain individuals, whose names we are not going to disclose at this time, committed the crime concerned, we are taking this opportunity to provide you with the printed and electronic material herewith attached.

We deem it necessary that the Office of the War Crimes Prosecutor check our allegations, collect additional information and evidence if possible, and eventually request launching of a criminal investigation against certain individuals for committing the said crime.

Executive Board of the Independent Association of the Serbian Journalists

In Belgrade, 1 July 2009

**ANNEX 7:**  
**PROGRAMME STATEMENT OF THE MANAGEMENT BOARD**  
**OF RADIO TELEVISION SERBIA, 23 MAY 2011**

Management Board  
Belgrade,  
23 May 2011

**PROGRAMME STATEMENT**

of the Management Board of the Radio Television of Serbia RDU /Broadcasting Association/

The newly appointed Management Board of the RTS /Radio Television of Serbia/ at its session held on 18 May 2011, passed a decision to address the public with a programme statement that is setting forth the principles and values that it intends to promote during its five-year mandate.

The Management Board intends to focus its work on the implementation of the principles set out in Article 1 of the Constitution, which deals with the rule of law, social justice, principles of the civic democracy, human and minority rights and freedoms, and commitment to the European principles and values, striving to consistently promote all of these values through the TV and radio programmes of the Serbian public service. Members of the Management Board are particularly determined to engage in improving the understanding and acceptance of diversity, promoting tolerance and dialogue, and giving space to distinct social groups in the RTS programmes. At the same time, the Management Board will pay special attention to the role of the public service in preserving the cultural and national identity of the Serbian people and all national minorities and ethnic groups living in Serbia. We would like to particularly point out that the Management Boards will insist on the preservation of independence, professionalism and creation of conditions for the implementation of legal obligations and social role of the public service.

its future work, the Management Board shall insist on improving the educative, cultural and science programmes broadcast by the RTS, which are important factors of the future development of the Serbian society. The Management Board also points at the need to pursue the world strategies of development in the 21<sup>st</sup> century and to provide the Serbian viewers with more details on the global challenges of the world we live in.

In view of the obligations set out in the Law on Broadcasting which stipulates that the Radio Television of Serbia is under obligation to produce and broadcast the contents of general interest, and that it is its duty to produce programmes that promote democratic values of the modern society, especially those related to respecting the human rights, cultural, national, ethnic and political pluralism of concepts and opinions, the newly appointed RTS RDU

Management Board feels the need to take a stand towards the social and political role of its legal predecessor as an aspect of the public service in the 1990s.

Acknowledging and highly appreciating the efforts and achievements in the professionalization of the public service demonstrated by the management and the Management Board from October 2000 onwards, the RTS RDU Management Board concludes with regret that in the 1990s the programmes of the RTB /Radio Television of Belgrade/ and the RTS were almost permanently and bluntly manipulated for the purpose of discrediting the political opposition in Serbia and their leaders, and were an instrument of the then democratic regime. During the unfortunate events in the 1990s, it so happened that on a number of occasions the RTB and the RTS in their programmes hurt the feelings, the moral integrity and dignity of the citizens of Serbia, liberally-oriented intellectuals, members of the political opposition, journalists with critical views, certain minorities in Serbia, minor religious communities in Serbia, and also some of the neighbouring states and peoples.

In view of the above, the RTS Management Board, as the body that will manage the legal predecessor of the RTB and the RTS, deems necessary to extend apologies to all citizens of Serbia and those of the neighbouring states who were exposed to insults, slanders and contents that would nowadays be legally qualified as hate speech, which were broadcast in the programmes of the RTB and the RTS in the 1990s.

On behalf of the RDU RTS Management Board

\_\_\_\_\_  
*/a signature/*

Prof. dr. Slobodan G. Marković, Chairman of the Management Board

**ANNEX 8:**  
**PEACE INITIATIVE OF THE PRESIDENT OF THE REPUBLIC OF**  
**CROATIA, DR. FRANJO TUĐMAN, ZAGREB, 1 NOVEMBER 1993**

Peace Initiative of the President of the Republic of Croatia Dr. Franjo Tuđman  
 Zagreb  
 November 1, 1993

Deeply concerned by the impasse at the Geneva Conference on the former Yugoslavia, and by the failure of all other attempts made to stop the war and military conflicts in the area of the Republic of Croatia and Bosnia and Herzegovina, I consider it my statesman's duty to suggest to the international community, in particular to all the relevant global factors, a peace initiative which would stop the war and all the associated horrors, and open up the path to peace and understandings, and to a resolution of political and economic problems in the area of the former Yugoslavia.

**I. Proposal for the Implementation of the Peace Plan in United Nations Protected Areas (UNPAs) in Croatia**

In order to achieve the speediest implementation of Security Council Resolution 871 (and all other resolutions referred to in this Resolution), the Republic of Croatia proposes as follows:

1. The Croatian Government is prepared to conclude within 15 days an agreement on the cessation of all hostilities with the representatives of the local Serbs, guaranteeing their local and cultural autonomy.

2. To this end we proposed at the same time the renewal of the work of the Joint Commissions in order to resolve all issues enumerated in the Vance Plan, and the implementation of the provisions of the Security Council Resolution 871, with the participation of the representatives of UNPROFOR and of the European Community.

3. We propose the immediate normalization of overall social and economic life in the UNPAs through the following:

3.1. The immediate opening of all road and rail communications, throughout the Republic of Croatia, and particularly along the routes Zagreb-Knin-Split, Zagreb-Slavonski Brod-Zupanja, Novska-Okucani-Pakrac-Daruvar, Sisak-Glina-Bosanski Novi, Osijek-Beli Manastir-Hungarian border, Osijek-Vukovar, Osijek-Vinkovci-Ilok, etc.;

3.2. The opening of the Adriatic Oil Pipeline and the repair and beginning of regular operation of facilities for oil transport, and power and water supply, throughout Croatia;

3.3. The immediate return, without further delay, of all displaced persons to their homes under the supervision and with the efficient assistance of UNPROFOR and the authorities of the Republic of Croatia;

3.4. The initiation of all steps necessary for the restoration of normal life in the UNPAs, including the reopening of all communications, the supply of basic human need to the entire population, i.e., including the Serbian population (without any discrimination) in the forthcoming winter period, the reinstatement of welfare and medical care, normal operation of schools, supply of electric power and other energy sources, the payment of pensions, the employment of all civil servants, and the integration of all other activities into the overall economic and legal system of the Republic of Croatia;

3.5. The preparation of plans and the initiation of steps to achieve the equitable integration of the UNPAs into the economic reconstruction of Croatia.

4. For the sake of the political settlement of the conflict and normalization of overall social life Croatia is prepared, within the scope of the constitutional and legal order, to ensure in the UNPAs the implementation of its regulations, as well as of international conventions concerning the rights and freedoms of the Serbian ethnic community. To this end the following steps will be undertaken:



4.1. The provision of full local autonomy (self-government), within the framework of the Constitutional Law, in the Districts of Knin and Glina in which the Serbs account for the majority;

4.2. The assurance of the right to cultural autonomy of the Serbian ethnic community throughout Croatia, and especially the right to education in their language and script in accordance with special curricula, and the bilingual writing of toponyms in areas in which they are in the majority;

4.3. The scheduling of elections for local - district and municipal - self-governmental authorities under international supervision;

4.4. The establishment of special police administrations in the Districts of Knin and Glina, whereby the national composition of the police force should match the ethnic composition of the population according to the latest censuses.

5. I order to provide full civil and political equality, and efficient safeguarding of the civil and ethnic rights of the Serbs in Croatia. Croatia is prepared to accept the establishment of a special international supervisory body, and of a special Human Rights Court, to which each citizen will be able to apply after having exhausted the regular legal avenues. In order to safeguard their special rights, the Districts of Knin and Glina will be able to lodge a constitutional complaint to the Constitutional Court of the Republic of Croatia should they consider that human rights and liberties, or the rights of the ethnic community, have been violated in their areas.

6. In order to create full confidence, Croatia is prepared to propose the use of a special international CSCE supervisory mission for mediation between the minority and the majority population.

7. The Republic of Croatia is prepared to negotiate the political settlement of all outstanding issues except those that may affect its territorial integrity and sovereignty.

## II. Proposal for the Cessation of War and Establishment of Peace in Bosnia and Herzegovina

In this fateful moment when there appears to be no escape for the tragic sequence of events in Bosnia and Herzegovina, and when the orientation to the convening of new, time-consuming international conferences is not likely to produce any results, I propose that international factors revive the work of the Geneva Conference on the basis of the thus far achieved agreements concerning the constitutional arrangements of Bosnia and Herzegovina as a Union of Republics.

I order to make such a revived Conference as efficient as possible, I suggest the participation, along with the Co-Chairman of the Steering Committee, of representatives of States which may have a most efficient bearing on the solution of the crisis in Bosnia and Herzegovina, and in the former Yugoslavia, i.e.: France, Germany, the Russian Federation, the United States of America, Turkey and the United Kingdom.

1. Thus convened anew, the Geneva Peace Conference ought to prevail upon all the three parties in conflict, under threat of sanctions and within 14 days, to:

1.1. sign an agreement on the immediate cessation of hostilities and all military actions, should they fail to do so, the UN Security Council should be requested to pass a resolution ordering such cessation under the threat of armed enforcement; and

1.2. sign a declaration on the acceptance of the Constitutional Arrangements about the Union of Republics of Bosnia and Herzegovina and of the annexed agreements.

2. I propose that the controversial issues of delimitation between the Republics of the Union of Bosnia and Herzegovina be resolved through bilateral negotiation and, if no agreement can be reached, to entrust the final decision to a special (Arbitration) body to be nominated by the Co-Chairman of the Steering Committee and other Conference participants.

3. I propose that all the parties in conflict should undertake to immediately:

3.1. assure and guarantee free and unhindered passage of humanitarian aid to all parties in all areas where it is required;

3.2. exchange all detainees and disband all detention centres, and bear full responsibility for their treatment of detainees in accordance with the rules of international humanitarian law;

3.3. permit international supervision and freedom of movement to representatives of international agencies who will supervise the implementation of these steps.

4. The peace plan can be implemented by using NATO forces (in the roles thus far played by UNPROFOR), with the authority to use force, air strikes included, against all those who violate the agreement on the cessation of hostilities or frustrate the delivery of humanitarian aid and international supervision of the implementation of the achieved agreements.

### III. Proposed Steps for the Permanent Consolidation of Peace

If the peace, once achieved, is to be sustained permanently and consolidated, I proposed that all the states in the area of the former Yugoslavia should proceed - within the framework of the Peace Conference and under the auspices of the UN Secretary-General and Security Council - as follows:

1. sign a solemn declaration on the reciprocal recognition of the independence and sovereignty of all newly emerged states within their internationally recognized borders;

2. sign within 3 months an agreement on the succession to rights and obligations of all successor states of the former Yugoslavia pursuant to the decision of the Arbitration Commission;

3. start negotiating, within the scope of European integration processes, treaties between themselves and with other European states concerning the regulation and promotion of economic and traffic links and trade, and other matters of interest for relations among sovereign and independent states wishing to establish good neighbourly relations, and also of interest for the stability of the international order in this part of the world;

4. sign, within the framework of the Conference, a solemn declaration on the observance of the rights of national minorities and ethnic communities in accordance with international standards and conventions, with internationally controlled implementation of such an agreement;

5. Immediately begin negotiating an agreement on the regional security of countries in the area of the former Yugoslavia within the scope of the general CSCE conventional armaments limitation system;

6. I believe that the UN Security Council sanctions enforced in respect to certain states in the area of the former Yugoslavia should remain in force until all the results of the proposed peace process are achieved. As soon as the peace plan is achieved, the sanctions ought to be lifted forthwith.

I urge all international factors to consider these proposals and to take resolute measures to bring a halt to the conflict, and all steps required to bring peace and create the prerequisites for the establishment of a stable international order in the area, for the benefit of all the states in this part of Europe and in the world.

The President of the Republic of Croatia  
Dr. Franjo Tudjman

Zagreb, November 1, 1993



**ANNEX 9:****RECORD OF THE STATEMENT OF I.B., 20 APRIL 2012**

/Coat of Arms/

THE REPUBLIC OF CROATIA  
MINISTRY OF THE INTERIOR  
BROD-POSAVINA POLICE ADMINISTRATION  
CRIME POLICE DEPARTMENT

Number: 511-11-12-2-OGR-65/12  
Slavonski Brod, 20 April 2012

**RECORD ON TAKING OF THE STATEMENT**

drafted in the premises of the Brod-Posavina PU /Police Administration/ on 20 April 2012. The statement is being given by the citizen **I.B.**, born on ... in the place of ..., the Municipality of Gornji Bogićevci, with the residence in the place of ... No. ..., a retired police officer, concerning the events during the Homeland War in the area of Okučani and Stara Gradiška.

He began giving the statement at 9:20 hrs.

I herewith state that prior to the Homeland War I lived in .... I worked in the police force and then I got retired on 1 January 1991 (Decision of 27 December 1990). I worked on general and traffic issues at the Nova Gradiška Station and in the Okučani Department. I mostly worked in a team for traffic accidents investigations. After I got retired, I was engaged in the works around my house, cultivating my garden and the land.

The first incident, which was provoked by the persons of the Serbian nationality in Okučani, happened in the beginning of March 1991, when the new Post Office premises were being opened. On that occasion, several more extreme local Serbs took off the Croatian flag from the Post Office. Since that time the Serbian barricades have been occasionally erected in the wider area of Okučani, precisely in the place of Dubovac, on the road between Okučani and Stara Gradiška.

Since my wife is of Serbian nationality, I felt that it was inopportune and unnecessary to escape from Okučani when the war events started in the area of Okučani in August of 1991. When the local extreme Serbs started organising village guards in the area of Okučani in the beginning of August of 1991, I was not called. I know that earlier, but from the beginning of August 1991 more intensively, the Serbs in the area of Okučani started getting - discretely, in the evening hours - the infantry weapons from the JNA /Yugoslav People's Army/ depot from the area of Bjelovar and Požega which the members of the Territorial Defence of Okučani were distributing by houses.

I escaped to Bosanska Gradiška with the members of my family (my wife, daughter, son and my mother) on 16 August 1991. When the situation calmed down, some 40 days later, we all returned home to ..., except for my son who was mobilized in the beginning of September of 1991 in the formations of the JNA, that is, in **the 5<sup>th</sup> Banja Luka Corps** of the former JNA. His assignment was in the Corps Command Headquarters in Banja Luka to distribute mail, which was a favour of my friend **S.B.** from Banja Luka, a member of the Intelligence Department of the Banja Luka Corps of the former JNA, and later the **1<sup>st</sup> Krajina Corps of the Army of Republika Srpska**. B. also helped me, so that I was not mobilised in the very beginning of the war events in Okučani. In the meantime, the members of the Bjelovar and Banja Luka Corps of the JNA arrived in the area of Okučani.

After I returned to the area of Okučani, I was not receiving mobilization calls and I believe that it was partially because they, after all, did not trust my loyalty since I was a Croat. In December of 1991, I was brought in to the Police Station in Okučani. **Radoslav Narančić**, who was one of the commanders of the Serbian military formations in Okučani, ordered my bringing in. The then Chief of Police, **Zdravko Rakonić** (I used to work with him before) organised my questioning. Very soon the word got around that I was taken into custody and **Dragoljub Vasiljević** made comments that I should be thoroughly questioned about my nephews, my brother's sons who joined the HV formations from the very beginning. They lived in Nova Gradiška and I did not know much about them, and that is what I said during the questioning. **Stevo Baždar** from Nova Gradiška, who was a very arrogant person, brought me in for the interview. I know that Baždar was in the police force.

Upon my release after several hours, I was not brought in to the Police Station in Okučani for the interviews any more. I was not receiving the mobilization calls thanks to **Drago Drača** who was the clerical officer in the Military Department in Okučani. He said he would spare me for as long as he could.

After the first multi-party elections in the RH were held, I do not have information that the Serbs were dismissed from their jobs in the companies and in the Police in Okučani, since I was not employed any more and I did not have such information. Admittedly, there were individual cases of dismissal of some individuals because they were expressing Serb extremism and did not recognize the newly elected Croatian authority. In May of 1991, several individuals of Serbian nationality from the area of Okučani refused to remain in the RHMUP /Ministry of the Interior/ forces because they did not want to wear the caps with the Croatian national symbols (chessboard). After 15 August 1991 and the occupation of the area of Okučani, the persons of Serbian nationality, who until that time had worked in the Nova Gradiška PP /Police Station/, joined the rebelled Serbs in Okučani, the so-called Krajina Secretariat of the Interior (SUP). All of them, more or less, brought with them their personal weapons.

The couple, Boško and Marija Prica, were the first persons of Serbian nationality who were killed in Okučani - it was in the beginning of August of 1991. The Prica family lived in the vicinity of the football field in Okučani and they were killed during the night. The story went around that the motive for their killing was gain, since Boško worked at a gas station and they were financially well-to-do. His son was the military service member in Macedonia. The perpetrators of that criminal offence, which was treated as unorganised, have not been found.

In the mid 1991, there were rumours in the area of Okučani that HV members were coming to the Serbian villages of Trnava and Medari from the direction of the Croatian villages and that they were looting the Serbian property. The said is not true, since the mentioned villages were under the protection of the Territorial Defence members, that is, rebelled Serbs from those villages. The HV and RH MUP forces were occasionally coming from the direction of Nova Gradiška to the place of Kosovac (a settlement next to Okučani), but I do not know about looting of Serbian property and the crimes committed in the villages they were passing through at that time.

In mid August of 1991, a rumour got around Okučani about the killing of Milan Žakula and Dušan Štrbac in Medari on 14 August 1991. The murders of the said individuals could not have happened at that time since there had been no clashes between the HV and the Serb rebels yet. The conflict started on 15 August 1991 after the Serbian Municipality of Okučani was proclaimed and when the rebelled Serbs attacked the Traffic Police patrol of the RHMUP. Before that, the rebelled Serbs had also attacked the RH MUP members in the area of Bijeje Stijene (north from Okučani) and a person was killed.

Officially, the first day of war was on 16 August 1991 when the rebelled Serbs openly attacked the MUP and HV members in the area of Okučani.

I do not have information that in the beginning of October of 1991, the Croatian soldiers were bringing some of the arrested Serbs to the bridge over the Sava River in order to cross over to the RS /Republika Srpska/, unless the detainees were not crossing over to the RS over the Sava River at the locations other than Stara Gradiška which was already under Serbian occupation.

I herewith state that **Dušan Kovač, called Rajzer**, was known in the wider area of Okučani as a very conflicting person, both before and during the war events; he was also prone to consumption of large quantities alcohol. In Trnava and Medari the Serb population did not respect him. He was known as a person with a mental disorder. I verified the information about Kovač later, in my contacts through friendly connection. Kovač was a homeless person. Prior to the war events, he had lived at several locations in Trnava (the Municipality of Gornji Bogićevci).

In the beginning of October of 1991, he got settled with Ratko Novaković in Medari (the Municipality of Dragalić), who was the owner of the catering facility and who took care of him. Rajzer worked during the day in the area of Medari and Trnava.

On 16 or 17 December 1991, around sixty Serbian volunteers (Chetniks) came with the bus from the area of Serbia and Montenegro to Mašička Šagovina. They replaced the local Serbian fighters from the villages of the Okučani area, members of the 54<sup>th</sup> brigade of the 18<sup>th</sup> Western-Slavonia Corps of the Serbian Army of Krajina in the positions. There were also some extremists among them from the area of BiH. The area of Mašička Šagovina was known at that time as the extremely well-organised Serbian stronghold which the Croatian forces did not manage to liberate on several occasions. This area was a very important stronghold for the Serbian forces for a potential attack on the area of the town of Nova Gradiška. The wider area of Mašička Šagovina was very densely mined, particularly on the axes from which the Serbian forces were expecting the attack of the HV, so it was not possible to approach it with infantry. The place of Mašička Šagovina was protected with heavy weapons (tanks, guns, mortars). Almost every day a long-range fire from the Serbian artillery was opened from that area on the first line of defence of Nova Gradiška. The Serbian rebels defended the area of Mašička Šagovina also with the guns from the place of Bobare and with howitzers from the area of the so-called Soušekove livade.

The action of the HV from the direction of Cernička Šagovina towards Mašička Šagovina and Širinci started on 19 December 1991, early in the morning. The Serb extremists in Mašička Šagovina, together with the local Serb population (not more than 20 or so of them) were celebrating the Serb Patron Saint's Day of St. Nicholas. The action caught by surprise the rebelled Serbs. All the Serb volunteers who came from Serbia, Montenegro and BiH were allegedly killed in the action since they did not want to surrender. It is not that in that HV action 68 civilians of Serbian nationality were killed because there were not that many who lived in the village at that time. Most of them had left the village when the inter-ethnic tensions had risen. A certain number of villagers of Mašička Šagovina of the Serbian nationality was arrested and taken to be questioned to Nova Gradiška. They were then released or exchanged later. None of the persons who were brought into custody to Nova Gradiška was killed. I doubt that 18 civilians were arrested and taken to Nova Gradiška and I assert that a smaller number of persons was in question. After Mašička Šagovina was captured by the HV, I heard the comments of certain rebelled Serbs from the area of Okučani (**Nikola Lazić, Bogdan Kukavica, Predrag Vukičević called Braco** and the others) who, until then, had been defending that location in shifts of 30 to 40 people each. The comments were in a sense that while they had been defending Mašička Šagovina it had not been at stake at all, but that the HV captured it when the Serb volunteers from Serbia came.

After the HV operation in Medak Pocket, in the beginning of September of 1991, Drago Drača from the Military Department called me telling me that he had to assign me to some unit since my personal security would be threatened. At that time they were mobilising everybody who was fit for military service in the area of Okučani, and I noticed that the JNA officers, who were from Western Slavonia by origin, were coming from Serbia and BiH in order to improve the army structure and boost combat morale. I have been assigned to the Communications Company within the 18<sup>th</sup> Western-Slavonia Corps of the Army of Serbian Krajina. We were located near the Veterinary Station in Okučani where the Command for the entire Okučani was located as well. We had several vehicles, the staff vehicles with communications equipment in case we went in the field. I was responsible for those vehicles. There were Campagnola vehicles and smaller vehicles for telegraph and teletypewriter operators. In our free time we were arranging the IKM /Forward Command Post/ (improvised Command Post) near the cemetery in Cage, the dugouts and the like. There were persons who were inspecting the lines and checking the communications system all the way to Pakrac. The Commander of the Communications Company was Major Grkinić, an active JNA officer from the 1<sup>st</sup> Krajina Corps of the Army of Republika Srpska. **Mihajlo Lončar** and **Mile Ostrolučanin** from Okučani, **Mile Čalić** and **Grkinić called Piletan** from Gređani - who is not related to the mentioned Major - were in the Company with me. The Company had around 30 people and all of them were mostly from the area of Okučani. **Tešo Lovrenac** from Cage, who was mobilised together with his privately-owned truck, was also among them. Everyone had weapons except me and I also did not wear uniform.

One of the commanders in the forces of the 18<sup>th</sup> Western-Slavonia Corps of the SVK /Army of the Serbian Krajina/ was Colonel **Lazo Babić** who was later appointed as the Corps Commander.

I herewith state that two days prior to the “Bljesak” /Flash/ operation, in the evening hours, a coded cable came to the Communications Company from the Banja Luka Corps in which the Command of the 18<sup>th</sup> Corps of the SVK was informed that there would be an action of the Croatian Armed Forces on 1 May 1995 in the area of Western Slavonia. I was sitting with the code clerk Mihajlo Lončar when the tape started moving on the teletypewriter. Lončar was writing something and I took the paper out of the machine and gave it to him. He processed the cable and told me that the Banja Luka Corps informed us that the HV would attack the Okučani area. I saw the message which was written in two lines. I left the communications room immediately thereafter. Lončar took the message to the house where the officers of the Communications Company gathered and also some officers from other units, among whom there was **Slobodan Petrić**, Deputy Corps Commander.

After the cable came, there were no visible arrivals of the Command of the SVK 18<sup>th</sup> Corps from Stara Gradiška to Okučani. In the meantime, a part of

the officers withdrew from Okučani to Stara Gradiška. That was not so obvious and the population did not notice anything. Only after the refugees from the direction of Pakrac started arriving in Okučani, the population concluded that something was happening. The members of the 18<sup>th</sup> Western-Slavonia Corps Command of the SVK, with Lazić at the head, crossed over to Bosanska Gradiška on 1 May 1995 in the morning hours.

In my opinion, it is for sure that the Corps Command knew about the cable. The Army was not informed about the cable since I did not notice any significant moving of the formations and everything looked normal until the Flash Operation started. It was only on 1 May 1995 in the afternoon hours that they tried to carry out some sort of general mobilisation of the population fit for military service, but it did not happen.

At the time when the Flash operations started, the general area of Okučani was defended by several Serbian formations. Paja's Battalion comprising the conscripts - there were around 200 soldiers - was in Novska. Some young soldiers from Okučani were among them. **Zoran Mišćević** and his unit were in the north, near the place of Ivanovac. Those were the members of special units who performed more complex tasks, there were around fifty of them, who were permanently practicing at the base and then they would go into action. They were also in the fronts in BiH. The members of the border police were on the eastern side, in the direction of Nova Gradiška, and some guns were there as well. They were members of the Serbian military units, but they called themselves the police because of UNPROFOR. The ZIS /76 mm Pack Howitzer/ were located near the place of Donji Bogićevci. Based on the rumours among the Serbs who had escaped, I gathered the information that in the course of the Flash operation, around 1,000 soldiers were defending the area of Okučani. I know that Colonel Babić intended to mobilize the women too. When he was addressing the gathered women in Okučani he told them that a lot of persons fit for military service had run away from that area and they were not at his disposal.

On 1 May 1995, at around 21:00 hrs, I left the area of Okučani (the first organised departure of the Serb civilians from the area of Okučani - the children, elderly people and women started at around 14:00 hrs) travelling in the freight truck in the direction of the bridge in Stara Gradiška. Junior Lieutenant **Đumić** from Medari, the Commander of the Communications Company was travelling along with me. Both of us were driving the freight trucks of the Communications Company. When we were passing through Okučani both of us were stopped by drunken Serb soldiers who asked us as to where we were going. We told them we were going as a rotation in the positions. I gave a ride to one military policeman whose last name was Borojević, **Miro Simljanov called Rus** and his wife Petra. The policeman had a pistol and Miro had a Kalashnikov. While we were travelling en route Okučani-Nova Varoš I did not notice burnt or destroyed vehicles or the bodies of the killed Serbs from the column.



In the place of Novi Varoš, the Municipality of Stara Gradiška, I noticed my acquaintance **Ostoja Lovrenović** who was killed (near the local Community Centre) and several other bodies of the persons of Serbian nationality whom I did not know from before. The bodies were lying by the road and it was possible to pass by them without problems. My wife and our daughter drove in a tractor along that route at around 19:00 hrs and she did not notice the bodies. She gave a ride to **Zorka Simljanov** and **Gostimir Stjepanović**. She noticed several members of the Serbian army in uniforms who were coming from the Prašnik wood to the place of Novi Varoš. They did not hinder her passage towards Stara Gradiška.

In the course of my drive in the column it was only in Novi Varoš that I saw several overturned tractors, passenger vehicles and trucks (some of them were burnt and it is possible that it was even done by the owners since they could not use them any more and they did not want to leave them to the Croats). I have not noticed anywhere that the dead persons in those vehicles were burnt, as was stated by the Serbian media. I did not observe that the bodies of the dead civilians or the former members of the Serbian paramilitary formations were blown up in explosions. While I was moving in the column I did not hear shots or screams and cries of the injured persons as it was later being retold by the Serbian media. From the time the column passed through Okučani up to the bridge over the Sava River, the fire was not being opened constantly from the firearms, but it was a sporadic exchange of fire.

The distance between the place of Pustare and the bridge over the Strug canal (so-called Nova Sava) is 2.5 km long at the most, and I did not see a large number of bodies of the dead persons of Serbian nationality on that route on 1 May 1995.

On 1 May 1995, I did not see huge columns of the escaped Serb population, which were moving from Okučani towards the Sava River, that is, towards BiH. The columns were not going in an organised manner from Medari and Trnava. The majority of Serb civilians (the elderly people, women and children) from the areas of Pakrac, Novska (eastern part) and Okučani passed in the column from Okučani via place of Dubovac, Novi Varoš and Stara Gradiška in the afternoon hours.

On 1 May 1995 in the morning hours, the Serb refugees were coming from Okučani towards Stara Gradiška aiming at reaching BiH; however, I heard that the Serbian army did not allow them to cross the bridge in Stara Gradiška since they did not know what was happening.

When the actions of the HV aircraft are in question, on 1 May 1995, late in the evening, when I was leaving the area of Okučani, while I was in the column I observed two HV combat aircraft which dropped two bombs in the area of Stara Gradiška. I think that their target was not to shoot at the column, but

the tower in the Stara Gradiška KPD /Penal and Correctional Facility/ in the vicinity of which were the Serbian tanks and the weapons and ammunition depot. These bombs (one fell near the bridge over the Sava River and the other at the entrance to Stara Gradiška) did not wound or kill anybody in the column.

I did not notice that the HV aircraft were attacking the column by dropping bombs, firing with guns or machine guns. My truck was not shot at with the firearms while driving en route Novi Varoš - Stara Gradiška.

Concerning the shooting at the column with the firearms, I know that sporadic shots were fired from the direction of the Prašnik wood, but it was not a permanent fire and not from all available weapons. The HV members kept the column under their supervision all the time from a certain distance. I noticed the members of the Serbian formations in the column who took off their uniforms and put on civilian clothes. They had long and small arms with which they were opening fire in the direction of the HV forces that were deployed in the area of Prašnik. I noticed that the members of the Serbian units had occupied the UN checkpoint on the bridge over the Strug canal which, prior to the Flash VRA /Military-Police Operation, had been kept by the Nepalese Battalion members who had in the meantime withdrawn into their base in Pustara (south from the Zagreb-Lipovac highway). While the column of refugees was passing, the members of the Serbian formations were opening fire from the said checkpoint with two guns of 30 mm in calibre in the direction of Prašnik and Pivare towards the HV forces. The armoured-mechanised unit from the forces of the 18<sup>th</sup> Corps of the SVK was covering the movement of the column of refugees by fire; in the afternoon hours on 1 May 1995, the members of the said unit tried to direct 6 to 8 tanks from the direction of Stara Gradiška in the direction of Okučani. They took the tanks regardless of the protests of the UNPROFOR members. They were going in the direction of Rajić, however, they later returned towards Stara Gradiška and crossed over to BiH. One or two tanks remained on the road between Novi Varoš and Stara Gradiška due to defects.

The members of the Serbian formations also captured the UN checkpoint on the bridge over the Sava River in Stara Gradiška from which they were opening fire with a gun of 30 mm in calibre in the direction of Prašnik and Pivare.

The column of refugees was moving at a normal pace, it was not a slow movement nor did it stop at any location. In the afternoon hours on 1 May 1995, the column set off from Okučani in an organised manner, but by the evening a part of it was disbanded since at that time the refugees were moving in an unorganised manner down the local road in the direction of Stara Gradiška.

I also did not notice that the majority of the bodies were on the road from Novi Varoš to the bridge over the Sava River and that this segment of the road was covered with blood and dead bodies.



I leave open the possibility that on 2 May 1995 more people from the column were killed, but it is for sure that there were not so many that the blood was simply running, which was later said by the Serbian media which, I think, exaggerated the total number of victims and the manner in which they were killed. I express my doubts that, when the refugees were passing through Novi Varoš on 2 May 1995 in the early morning hours, it was almost impossible to move due to a large number of the dead persons.

When I was crossing the bridge over the Sava River in Stara Gradiška on 1 May 1995, I saw **Milenko Petošević called Čaprdan**, a former member of the Police Station in Okučani and several other persons from Okučani who looked concerned, that is, they were not aware of what was going on.

When the events on 2 May 1995 are in question, which were often referred to in the Serbian media, in my subsequent contacts with the Serb refugees in the Reception Centre in Nova Topola, RS /Republika Srpska/, I have obtained information that they saw a lot of dead bodies, but not of a such magnitude that it was not possible to pass along the road. The persons I have contacted did not tell me that the dead bodies were disintegrated from the explosions or shots from the long arms, of which later the Serbian media talked a lot.

On 2 May 1995, from the very morning it was mostly the former members of the 54<sup>th</sup> Brigade of 18<sup>th</sup> Corps of the RSK /Republic of Serbian Krajina/ who were going towards Bosanska Gradiška and who were dressed in civilian clothes and a small number of civilians who did not manage to leave the previous day. A part of those members of the Serbian military formations retained the small arms.

I have not been informed about the actions of the HV combat aircraft on 2 May 1995. The Serbs from the area of Okučani who were in the column that day and whom I later contacted in the Refugee Centre in Nova Topola did not mention such cases to me. I do not have knowledge as to how the column was moving that day or that there were a lot of dead civilians.

I do not exclude the possibility that during the night of 2 May 1995 there was shelling and that the HV members were opening fire at close range with firearms at the column; however, it was not permanent, for sure, but it was a sporadic shooting, the similar to the one on 1 May 1995 when the HV members were shooting from the Prašnik wood (100 m away from the road), on the left-hand side of the Okučani-Stara Gradiška road, thus returning the fire opened by the Serbs who seized the weapons and the PAMs /anti-aircraft machinegun/ from the members of the Nepalese Battalion. I myself did not notice the movement of the HV members when I was moving in the column.

At the entrance of Novi Varoš I noticed several members of the Army of the so-called RSK who were coming from the nearby Leskovača wood (on the

right-hand side of the Okučani-Stara Gradiška road) and who joined the column. I recognised **Nikola Bižić** called **Stevo** and **Čedo Čalić** among them.

In my opinion, the Serb refugees who were driving in the passenger vehicles in the column did not need seven hours from Okučani to reach Stara Gradiška. It did not take that long even for those who were walking, and there were such. I was driving in a freight truck and I covered that distance in a much less time.

In the later contacts with the Serb refugees, I have obtained the information that **Darko Ostrolučanin** called **Dado**, **Anđelko** called **Migel**, a tradesman from Bodegraj, Okučani and **Zoran Vukadinović** from Okučani were killed in the column on 2 May 1995.

I do not have information that on 2 May 1995 a shell hit the bus that was driving in the column towards Stara Gradiška with 60 to 70 children, who were from the area of Pakrac by origin, and that it was caught by fire and all those children were burnt down. In my contacts with the Serb refugees from the general area of Okučani I did not hear that any of the local Serbs or the Serbs who took refuge in the RS or Serbia and who occasionally come to this area, talked about such incident. I think that there would have been comments, for sure, about such a huge number of dead children in the Refugee Centre in Nova Topola where the Serbs who escaped on 2 May 1995 by the afternoon hours were staying. I believe that there would have been talks about the mentioned incident because it is not something that could be easily hidden.

After I crossed over to Bosanska Gradiška, I met my wife and my daughter. I tried to return to the area of Okučani to look for my son, but I did not manage. It was already dark and some Serb soldiers on the Strug canal told me not to go back to Okučani. My son was in the positions near Gornji Bogićevci operating the guns and he crossed over to the area of Bosanska Gradiška in the afternoon on 2 May 1995.

On 2 May 1995, **Milan Martić**, President of the Republic of Serbian Krajina, came to Bosanska Gradiška and he addressed the gathered refugees from the area of the Western Slavonia telling them to go back home and continue fighting. After a day or two, I left the truck of the Communication Company and I went with my family to my friend in Banja Luka. Anyway, I ended up in Borovo Naselje with my family on 21 or 22 May 1995 where we were put in the housing facilities of the agri-business conglomerate. I was not mobilised until the Arkan's army started to collect men fit for military service. In order to avoid the mentioned mobilisation, I signed up to a unit in Dalj in autumn of 1995 and I remained in its formations until the peaceful reintegration.

When listening to the Serbs who escaped from Western Slavonia to the area of Bosanska Gradiška, the notion that prevails among them is that the promised and expected help from the Serbs from BiH and Serbia during the Flash VRA

failed to come. The refugees were of the opinion that a 1,000 well-trained Serb fighters from BiH would have definitely helped in the defence of Okučani.

Later on, when I arrived in BiH, I did not hear that the persons who were killed were later, after the column passed, collected, poured over with petroleum and set on fire by the HV members, who prevented the UNPROFOR's access. I also did not hear that, allegedly the asphalt was re-coated in Novi Varoš a day or two after the column of refugees passed. When I talked with the Serb refugees who left the area of Okučani right after I did, they told me that the road had been closed for traffic for a day or two; however they said they did not know for what reasons.

I think that both data are incorrect and that it is the product of the Serbian media.

While I was staying in BiH and later in the Eastern Slavonia, through the contacts with certain Serb refugees who were from Medari and Trnava, I heard about the events in Medari on 1 May 1995. According to what they were saying, on the said day in the afternoon hours, around twenty villagers of Serbian nationality and of various ages were killed in Medari. I know that all those who were killed were then buried at the cemetery in Medari, that is, Gornja Trnava. Among those who were killed the largest in number were the members of the V. family - seven of them - and among them there were children as well. I also heard that two V. sisters, who survived the said incident, requested the institutions in BiH to find the perpetrators. The mortal remains of the persons who were killed were exhumed in the course of June and July of 2010. The members of the V. family were identified in Zagreb and then they were buried at the town cemetery in Gradiška.

Finished at 12:30 hrs.

Official recording clerk  
Đuro Šarić  
/signed/

Citizen  
I.B.  
/illegible signature/

## ANNEX 10:

**RSK, MINISTRY OF THE INTERIOR, STATE SECURITY  
DEPARTMENT, DOC. NO. 08/2-0-1224/95, KNIN,  
8 JUNE 1995, WITH EXCERPT FROM THE WEEKLY  
CIVILIAN AFFAIRS REPORT**

*/handwritten/ 23**/stamp reading/**/handwritten, circled/ 20*

CROATIAN NATIONAL ARCHIVES  
ZAGREB, Marulićev trg 21

3

*/coat-of-arms/*

**REPUBLIC OF SERBIAN KRAJINA  
MINISTRY OF THE INTERIOR  
NATIONAL SECURITY DEPARTMENT**

**STRICTLY CONFIDENTIAL**

**NUMBER: 08/2-0-1224/95  
KNIN, 8 June 1995**

**- MINISTER OF THE INTERIOR OF THE RSK** */Republic of Serbian Krajina/*  
**KNIN**

Subject: UN Activities, information

According to the information available to the RDB */National Security Department/*, the local UN Civilian Police stations in Obrovac, Benkovac Kistanje, Vrlika, Gračac, Medak, Vrhovine, Drniš and Kakma ceased to operate.

The closing of all UN Civilian Police stations was planned to be completed by 9 June 1995, except those in Knin and Korenica.

The reason for closing these stations is that members of the UN Civilian Police are not able to perform their regular activities because of poor cooperation with the authorities and police of the Republic of Serbian Krajina, due to control of all roads by the RSK */Republic of Serbian Krajina/* Army, restriction of movement, as well as confiscation of their vehicles in Sector South.

You will be notified in timely manner about all new developments regarding the activities of Civilian Police. The UN reports which we obtained through intelligence work, show that UN actively monitors military, political, economic, humanitarian and other sectors in the RSK, and regularly informs their headquarters in Zagreb.

For your information and analytical estimates, photocopies of the translations of these reports are attached.

Prologue */sic, probably Attachment/*: 3

For DEPARTMENT CHIEF

*/signed, illegible/**/round stamp reading:/*

REPUBLIC OF SERBIAN KRAJINA  
MINISTRY OF THE INTERIOR  
NATIONAL SECURITY DEPARTMENT  
KNIN

*/handwritten:/* HAD-RSN-I-???. 370

DATE: 3 June 1995

FROM: Modib Okran */as written/*, Sector North, Civilian Police Coordinator

TO: Mišel Musali */as written/*, Chief Civilian Police, Zagreb

Subject: Weekly Report, Sector North Civilian Police, 27 May 1995 – 3 June 1995

[...] /p. 6/

## **B. SOCIO-ECONOMIC PROBLEMS**

Because of the general mobilization in the RSK, there are few economic activities going on at this time. The Civil Affairs Office in Slunj met with local authorities to discuss the economy. However, the authorities were reluctant to discuss further economic issues involving Croats. They expressed their anger with Croats, and said they would rather die of hunger than talk and trade with Croats.

[...]

**ANNEX 11:**  
**UN, CODED CABLE FROM AKASHI TO KOFI ANNAN,**  
**MEETING IN KNIN, 1 AUGUST 1995**

CZLN-1290

CZG-1048

SSN-1952

**CODE  
RESTRICTED**

OUTGOING CODE CABLE

UNPROTECTED  
COMMUNICATIONS

TDR C43

95 AUG -1 18:19

MOST IMMEDIATE

Page 1 Of 7

TS/KE/CA/ED

**TO:** ANNAN, UNATIONS, NEW YORK

**INFO:** GHAREKHAN, UNATIONS, NEW YORK  
 GOULDING, UNATIONS, NEW YORK  
 STOLTENBERG, ICFY, GENEVA

**FROM:** AKASHI, UNPF-HQ, ZAGREB

**NUMBER:** UNPF Z- 1303

**DATE:** 01 AUGUST 1995

**SUBJECT:** MEETING IN KNIN -- FULL SUMMARY

95 AUG -1 19:23

UNHCR Telecomm. Unit  
 Palais des Nations

1. The results of my meeting in Knin on 30 July, together with a brief summary, have already been communicated to you in my Z-1287. Below is a more comprehensive summary of that meeting.

2. I went to Knin with the intention of exacting very specific commitments from the leadership there on measures to be taken that would clearly contribute to a stabilization of the situation. The main areas of concern were the "ARSK" involvement in Bihac, the precarious humanitarian situation in Bihac, and the need to immediately start political and military talks between Croatian authorities and the Knin leadership. I was accompanied in the meeting by the Force Commander and senior aides. "President" Martić, dressed in a camouflage t-shirt, led the delegation from Knin, and was accompanied by General Mrksić, "Prime Minister" Babić, the new "RSK Foreign Minister" Milivoj Vojnović, and a fluent English speaking aide named Mr. Matsura. Martić explained that, under the new governing structure in Knin, Mr. Vojnović would henceforth be participating in all the political negotiations with the United Nations. The meeting lasted for over five and one-half hours. The mood of our interlocutors was fairly gloomy and resigned. They showed themselves to be in a vulnerable position and in need of assistance. There was never any mention of even the possibility of Grahovo being taken back by the Serbs, in marked contrast to statements made by Mladic the following day.

Int Distr: SRSG; FC; DFC; COS; HAAU; DI; DOA; PLA; PC; ICFY; UNHCR SE;

1

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CZNI-1290

CZG-1048

2/7

3. I began the meeting by describing the extremely volatile military situation with which we were all confronted, declared that there was an absolute need for substantial and identifiable progress on political and military issues, and stated my opinion that the adamant attitudes of the parties was in the end going to result in a tragedy if not changed. I briefed the leadership in general terms on the outcome of my meeting with President Tudjman, and observed that the Krajina Serbs and the United Nations shared a common interest in achieving practical results in order to avoid a larger outbreak in the fighting. I identified the large "ARSK" presence in Bihac as a major source of the current tensions, and noted that, regardless of the views of the Knin leadership, Croatia viewed the "ARSK" actions in Bihac as offensive military moves. I then informed the leadership that, in order to have a realistic chance to avoid further fighting, I needed to receive from them concrete commitments on the following: a) a withdrawal of "ARSK" forces from Bihac and no further shelling of Bihac from Sector North; b) participation in a meeting of army commanders and a willingness to engage in serious political discussions; c) unimpeded delivery by UNHCR of humanitarian assistance to Bihac; d) establishment of border monitoring posts. In return for these commitments, I was prepared to order an active deployment of UNCRO forces along the likely main axis of any potential HV advance into the Krajina, provided that the necessary security and freedom of movement assurances for UNCRO troops were provided by the "ARSK", and to dedicate all my efforts of persuasion at convincing the Croatian authorities to pursue negotiations rather than war.

4. In his initial presentation, Martić emphasized that the meeting should focus on "Croatian aggression" rather than the situation in Bihac, as Knin regarded "the Muslim issue" as subsidiary. Martić subjected us to the expected histrionics throughout the meeting, starting early with claims that the war in the former Yugoslavia began with clashes between Serbs and Croats in the Grahovo region, and that the "RSK" had "made every effort" to avoid involving the "Muslims" from Bihac in the fighting; it was only as the result of Croat and German pressure that the "Muslims" themselves attacked the "RSK." Martić even went so far as to claim that "we are in no way interested in the Bihac pocket." Although clearly actions by the "ARSK" on the ground refute this claim, it must be true that the "RSK" has less interest in advancing deep into the Bihac pocket than in securing under Serb control the area of Bosanska Grahovo.<sup>1</sup> Martić stated that it

<sup>1</sup> It is not surprising that the "RSK" considers the "Muslim" issue, i.e. Bihac as subsidiary to the HV advances in the Grahovo area. Not only is this explained by the vital strategic importance of the town of Bosanska Grahovo to Knin, but also by the pre-war population figures for the areas now being contested:

	Total Pop.	% Serb	%Croat	%Muslim
Bihac	70,896	18%	8%	67%
Velika Kladusa	52,921	4%	1%	92%
Cazin	63,406	1%	0%	98%
Bos. Grahovo	8,303	95%	3%	0%
Glamoc	12,421	79%	1%	18%

(Opstina figures based on the 1991 census; percentages do not add to 100 because figures for "Yugoslavs and others" are not included).

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was "incomprehensible" that the international community was paying so much attention to the situation in Bihac, and so little to the Croatian attacks, which marked the fifth case of "aggression" by Croatia against the "RSK". Martić continued by saying that "should the United Nations bring Iztbegovic to reason, not a single 'ARSK' bullet will be fired at Bihac" (approximate quotation).

5. Later in the meeting, General Mrksić stated that "our intention is not to wage war against V Corps, as we already have enemies who are too strong" (approximate quotation). General Mrksić also claimed that V Corps attacks against the "RSK" were orchestrated by the HV for its own reasons, and stated that "you can inform your superiors that the 'ARSK' is no longer involved in the fighting in Bihac... You have our commitment that our soldiers are not involved in the Bihac pocket... I expect that Abdić understands the very dangerous situation now and will cease attacks... You can launch your diplomatic initiatives to obtain the withdrawal of the HV from Grahovo" (approximate quotation). While I was of course pleased to hear this commitment, my optimism was tempered when General Mrksić added that "ever since I became commander of the 'ARSK', Bihac was never shelled from our territory." The generous interpretation to put on Mrksić's claims is that he has decided to at least substantially disengage from Bihac in order to politically and militarily protect himself against his real enemy, the HV, but that he is not willing to openly admit the "ARSK" involvement in Bihac up until this time.

6. Martić demanded that certain measures be taken, and stated that, if they were not, the fighting would spread and escalate. Specifically, he insisted that: a) the international community condemn and punish Croatia for its "aggression" in the Grahovo region; and b) the HV withdraw from Grahovo.<sup>2</sup> Martić stated that "if we do not focus on (the withdrawal), we can anticipate a much wider war spreading throughout the (former Yugoslavia). In this case, I can guarantee you that Yugoslavia will not sit on its hands." He warned that no amount of pressure or sanctions would prevent Serbs in the FRY from rescuing their brethren, and that "unless the current HV offensive stops, the 'RSK' will retaliate against all targets within Croatia." Martić also demanded that the United Nations and the world adopt "a more neutral stance" towards the "RSK", and told us that we cannot expect only one side to fulfil agreements, claiming that Croatia had reneged on all agreements entered into between the sides due to pressure from "Croatian extremists" and their "German and American" supporters. NATO was accused by Martić of partiality for not shooting down Croatian MiGs in the air, and for not bombing Pleso once the planes that had attacked his forces had landed. On this issue, I informed Martić that NATO had almost shot down some MiGs flying over the Livno valley on 28 July, but they had remained over Bosnian air space for too short a period.

<sup>2</sup> Such a withdrawal was important for Martić because, inter alia, Grahovo was a key communications link for the "RSK", and the international phone lines for Knin passed through the town; since the HV took Grahovo, it was no longer possible to make calls to Belgrade from Knin, only local ones, Martić claimed.



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7. Addressing my demand that UNHCR have unimpeded access to Bihac, Martić stated that this was possible either through Velika Kladusa, if Abdić agreed, or through Licko Petrovo Selo, if the United Nations could guarantee that V Corps would not launch any further attacks against the "RSK" and that it would abandon some terrain that it had allegedly occupied inside the "RSK", and if the amount of aid provided by UNHCR to the Krajina was increased by 50 percent (the increased assistance did not have to come from the amounts provided to Bihac, which could remain the same). I pointed out that Abdić was extremely recalcitrant on this issue, routinely blocked certain types of supplies, and demanded an unfair percentage (50%) of the total amount of aid, making the Velika Kladusa option undesirable. As for increases in the amount of aid going to the Krajina, I repeated the tired point that UNHCR provides assistance based on immutable principles and assessed needs of the population, neither of which any political entity of the United Nations has any influence over, and insisted that there be no linkages applied by any party to the delivery of humanitarian assistance to the civilian population on any side of the confrontation line.

8. Responding to my insistence for full respect by "RSK" authorities for the United Nations' right to freedom of movement, Martić stated that restrictions had been applied for "RSK" "security reasons", which were necessary in part because, Martić claimed, the HV had painted 100 combat vehicles white with the UN insignia, and were now using them in Grahovo and Karlovac. I responded that "no side has a monopoly on the misuse of the UN insignia," and that the United Nations had no confirmation of the allegations made by Martić. Eventually, Martić assured us that relations between the United Nations (the term "UNPROFOR" was often used by our interlocutors, but never UNCRO) and the "RSK" would remain good, as they had always been. General Mrksić later explicitly stated that there would be no restrictions on the United Nations' freedom of movement in "RSK" territory.

9. On the subject of a meeting between the sides in Geneva, Martić said that the "RSK" was willing to send a delegation, and that it would probably be led by General Novaković, who would be empowered to commit to a subsequent meeting between army commanders. I expressed my opinion that the Geneva meeting should take place as soon as possible, without pre-conditions, and told Martić that I could pass on any message that he might have on this subject to Mr. Stoltenberg.

10. The Force Commander supported my efforts throughout the meeting, and by making the following explicit points to Martić and Mrksić: a) there was a need for precise, concrete commitments from the "RSK" to avoid a military escalation; b) Croatia considers the "ARSK" involvement in Bihac as justification for its own military moves in Grahovo and Glamoč; c) the "RSK" cannot complain about the United Nations' inability to implement our mandate if it does not provide us with the minimum degree of freedom of movement needed for us to operate; d) NATO CAS is available for him to use against any force attacking United Nations personnel.

11. I then tried to pin Martić down on the commitments that I believed he had made during the course of our discussions. I observed that Martić had committed himself to the following: a) ensuring there was no "ARSK" presence in Bihac, which was tantamount to an immediate and total "ARSK" withdrawal from Bihac; b) that the "RSK"

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had no territorial or offensive military intentions toward Bihac; c) that UNHCR aid deliveries to Bihac would not be hindered by the "RSK" authorities; d) that army commanders should meet right away, as early as tomorrow. Although Martić did not fully endorse my interpretation, I suggested that the meeting recess to allow me to draft a document that Martić would sign containing specific commitments on the above issues. The draft that I produced was essentially acceptable to the leadership, with a few relatively minor changes. The rapidity and ease with which our interlocutors accepted my proposals came as a pleasant surprise. However, one sticking point was Martić's insistence that I condemn in the document the Croatian "aggression" against the "RSK". I pointed out that the document contained a series of unilateral measures to which Martić was committing the "RSK", and thus it would be inappropriate for me to pass a judgement in the context of that document; furthermore, at this sensitive time when cooperation from both sides was needed, it would be inappropriate to single out any one party. I proposed as an alternative to make a separate statement to the waiting press, calling on all sides to cease any cross-border military activities. Martić was incensed that I was not willing to issue a condemnation of the Croatian "aggression", but was suggesting instead a call to both parties, thus implying that the "RSK" was as guilty as the HV. He said that "if the United Nations condemns both sides, then we might as well rocket Zagreb."

12. Another issue that was the subject of substantial disagreement was my effort to use the term "international" in the document to qualify "borders". After some discussion, Martić said: "We cannot accept that there are borders between the Serbs. Mr. Akashi, you are asking me to capitulate... Let me be honest. The 'RSK' is really in a very difficult position, and we want to find a peaceful solution. But.. it will be a capitulation."

13. In the end, agreement was finally reached on the exact wording of the text, with the understanding that Martić would sign it. As it was evident that the meeting was concluding, Mr. Matsura asked me if I had asked President Tudjman to sign a similar document. The answer to that question was of course well known to all present, and there had been no mention of the issue at any other time during the meeting. Nonetheless, Martić used it as an excuse not to sign the document. As an alternative, it was agreed that Mr. Matsura, as a fluent English speaker, would read the document out *verbatim* and in the name of "President" Martić to the waiting press. I expressed my conviction that, by doing so, Martić was fully accepting on his honor the terms of the commitments contained in the document. However, when we went down to meet the press, Matsura was the only one from the delegation not to accompany us (except General Mrksić who had left the meeting as soon as final agreement on the text was reached). Martić made some comments to the press some of which were consistent with the document, but others that were not; he did not use the language that had been meticulously negotiated. I then made comments to the press to the effect that I had received explicit assurances from Martić that the "RSK" authorities considered themselves bound by the full terms of the document, and that I considered them similarly bound.

14. I also met the press upon my return to Zagreb. One question I was asked illustrated a point that, I fear, has not been lost on the parties. The reporter noted that the six points appeared to be significant concessions by the "RSK", and asked what those

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concessions showed, in the context of the HV successes in Glamoc and Grahovo, about the viability of the military option. I of course answered that peaceful negotiations were in the best interest of all parties, etc.. I am not convinced, however, that all parties see their interests defined in the same manner as do I.

15. I am attaching for ease of reference another copy of the six point document that resulted from my meeting in Knin.

16. Best regards.

ENDALL..

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CZG-1048

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Following the visit to Knin by Mr. Yasushi Akashi, the Special Representative of the Secretary-General of the United Nations, and General Bernard Janvier, the Force Commander of the United Nations Peace Forces, and the important discussions held with the leadership in Knin, led by Mr. Martić and in which Mr. Babic and General Mrksić participated, and in light of assessing the extreme seriousness of the situation in the area, the RSK leadership reiterated their commitment to the peaceful solution of the conflict and for that purpose agree to the following:

1. That there are, and there will be, no troops or individual soldiers of the ARSK in the area known as the Bihac pocket.
2. That the ARSK forces will refrain entirely from directing any kind of fire (shell, mortar, tank, etc..) into the Bihac pocket from territory that they control, and expect that the V Corps shall in reciprocity refrain from any offensive action against that territory.
3. That troops and Military Observers of the United Nations deployed in territory under RSK control will be allowed unhindered access to the area bordering the Bihac pocket to monitor any crossing of the border in either direction by any forces.
4. That the military commander of the ARSK, General Mrksić, is prepared to have the first meeting with the commander of the Croatian army at any time under UNPF auspices at the Turanj crossing, including as early as 31 July 1995 at 14:00.
5. Reaffirming their commitment not to carry-out cross-border activities, the RSK reiterates its support for, and willingness to continue the talks with the UNPF regarding the establishment of appropriate observation posts in the area of Mount Dinara, and to facilitate the implementation of the border crossing points under the mandate of UNPF.
6. That no impediments will be placed in the way of delivery of humanitarian assistance to the Bihac pocket, based on the principle of assessed need, and with the understanding that humanitarian aid will be delivered to the Krajina region based on the same principle, as applied by the UNHCR.

30 July 1995  
Knin

18:31 1-97W 55  
for  
COMMUNICATIONS  
UNPROFOR  
L43

**ANNEX 12:**  
**REQUEST FOR RETURN TO THE REPUBLIC OF CROATIA FILED BY**  
**J.K., OCTOBER 1995**

/Republic of Croatia Coat of Arms/

OFFICE OF THE GOVERNMENT  
 OF THE REPUBLIC OF CROATIA  
 BELGRADE

		JMBG /personal identification number/...
First Name: J.	Last Name: K.	Father's name: D.
Day, month and year of birth: ....		Place of Birth:
Address of residence in RH: ...		Date of leaving the RH: 5 August 1995 Married: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

List of the family members who wish to return

First and last name	Relationship	Born on	First and last name:	Relationship	Born on
1.			6.		
2.			7.		
3.			8.		
4.			9.		
5.			10.		

Do you posses the Croatian Certificate of Nationality?	Yes, No.: _____	<input checked="" type="checkbox"/> NO
Which place do you wish to return to? (Please, state the name of the pace and the address):  ...		

Property in the RH	
--------------------	--

<p>State the reasons for leaving the RH and for the return:</p> <p>I LEFT THE PLACE OF ... UNDER THE ORDER OF THE "LOCAL AUTHORITIES" OR ELSE MY LIFE WOULD BE ENDANGERED SINCE I AM MARRIED TO A CROAT. I HAVE A SON AND A DAUGHTER, WHO ARE STUDENTS IN ZAGREB AND ALL FOUR OF US WISH TO BE A HAPPY FAMILY AGAIN. PLEASE, MAKE THIS POSSIBLE FOR US.</p> <p>CONTACT TELEPHONE NUMBER: ....</p>
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(Please, fill out the form in legible printed characters)

DATE: 27 October 1995

SIGNATURE:        /signed/: K.J.

**ANNEX 13:**  
**REQUEST FOR RETURN TO THE REPUBLIC OF CROATIA**  
**FILED BY M.M., JANUARY 1996**

/Republic of Croatia Coat of Arms/

OFFICE OF THE GOVERNMENT  
 OF THE REPUBLIC OF CROATIA  
 BELGRADE

		JMBG /personal identification number/ ...
First Name: M.	Last Name: M.	Father's name: D.
Day, month and year of birth: ...		Place of Birth: ...
Address of residence in RH: ....		Date of leaving the RH: 5 August 1995 <div style="float: right;">           Married:  <input type="checkbox"/> YES <input type="checkbox"/> NO         </div>

List of family members who wish to return

First and last name	Relationship	Born on		First and last name	Relationship	Born on
1. M.M.	Wife	...				
2.D.M.	Son	...				
3. M.M.	Son	....				

Do you posses the Croatian Certificate of Nationality?	Yes, No.:_____	<input type="checkbox"/> NO
Which place do you wish to return to? (Please, state the name of the pace and the address):  The village of ...		

Property in the RH	Two-story family house, old single-story house, farm buildings and 17 k.j. /?acres/ of land
--------------------	---

State the reasons for leaving the RH and for the return:

The reason for leaving the RH was the organised displacement of the entire population before the Croatian Army action "Oluja" /Storm/, under the pressure of the military and civilian authorities of the so-called "Krajina" and due to the imposed general psychosis of fear and panic.

Reason for return: is basically contained in my wish to live in my homeland of Croatia as a loyal and useful citizen. My loyalty and loyalty of my family has never been questioned in relation to the Republic of Croatia, it is only by a combination of unfortunate circumstances that I stayed (geographically) on the side whose politics I have never supported. Similarly, I feel that I am in no case connected with Serbia and the politics which is pursued here.

CONTACT TELEPHONE NUMBER: ... Reception centre, Loznica near Čačak

(Please, fill out the form in legible printed characters)

DATE: 10 January 1996

SIGNATURE: /signed/: M.M.



**ANNEX 14:**  
**REQUEST FOR RETURN TO THE REPUBLIC OF CROATIA FILED BY**  
**S.P., JANUARY 1996**

/Republic of Croatia Coat of Arms/

OFFICE OF THE GOVERNMENT  
 OF THE REPUBLIC OF CROATIA  
 BELGRADE

		JMBG /personal identification number/
First Name: S.	Last Name: P.	Father's name: H.
Day, month and year of birth: ...		Place of Birth: ...
Address of residence in RH: ...		Date of leaving the RH: 5 August 1995 <div style="float: right;">           Married:  <input type="checkbox"/> YES <input type="checkbox"/> NO         </div>

List of family members who wish to return

First and last name	Relationship	Born on	First and last name	Relationship	Born on
1. P.S.			6.		
2. P.S.	Daughter	...	7.		
3. P.D.	Son	...	8.		
4. P.S.	Daughter	....	9.		
5.			10.		

Do you posses the Croatian Certificate of Nationality?	Yes, No.: ____	<input type="checkbox"/> NO
Which place do you wish to return to? (Please, state the name of the pace and the address): ...		

Property in the RH	
--------------------	--

State the reasons for leaving the RH and for the return:  
 THE REASON FOR LEAVING THE RH UNDER THE PRESSURE OF THE KRAJINA POLICE, NOT OF MY OWN FREE WILL.  
 THE REASON FOR RETURN TO THE RH IS BECAUSE WE DO NOT HAVE CONDITIONS TO LIVE IN SERBIA AND BECAUSE ALL OUR /RELATIVES/ STAYED AT HOME, WE WANT TO RETURN TO OUR HOMES.  
 CONTACT ADDRESS OR TELEPHONE NO.: ..., /nećitko/

(Please, fill out the form in legible printed characters)

DATE: 03 January 1996

SIGNATURE: /illegible signature/

**ANNEX 15:**  
**REQUEST FOR RETURN TO THE REPUBLIC OF CROATIA**  
**FILED BY S.G., FEBRUARY 1996**

/Republic of Croatia Coat of Arms/

OFFICE OF THE GOVERNMENT  
 OF THE REPUBLIC OF CROATIA  
 BELGRADE

				JMBG /personal identification number/	
First Name: S.		Last Name: G.		Father's name: B.	
Day, month and year of birth: ...				Place of Birth: ....	
Address of residence in RH: ...				Date of leaving the RH: 5 August 1995	Married: <input type="checkbox"/> YES <input type="checkbox"/> NO
List of family members who wish to return					
First and last name	Relationship	Born on	First and last name:	Relationship	Born on
1.			6.		
2.			7.		
3.			8.		
4.			9.		
5			10.		
Do you posses the Croatian Certificate of Nationality?					
				Yes, No.: _____	<input type="checkbox"/> NO
Which place do you wish to return to? (Please, state the name of the pace and the address): OBROVAC					
Property in the RH		APARTMENT IN OBROVAC (....)			

State the reasons for leaving the RH and for the return:

THE REASON FOR LEAVING: ORDER OF THE COMMAND OF THE  
 MILITARY UNIT IN WHICH I WAS THE CONSCRIPT.  
 REASON FOR THE RETURN: MY WISH TO LIVE AND WORK IN THE  
 RH.  
 CONTACT TELEPHONE OR ADDRESS: ...

(Please, fill out the form in legible printed characters)

DATE: 26 February 1996

SIGNATURE: /signed/: S.G.

**ANNEX 16:**  
**REQUEST FOR RETURN TO THE REPUBLIC OF CROATIA FILED BY**  
**Ž.J., OCTOBER 1995**

/Republic of Croatia Coat of Arms/

OFFICE OF THE GOVERNMENT  
 OF THE REPUBLIC OF CROATIA  
 BELGRADE

			JMBG /personal identification number/		
First Name: Ž.		Last Name: J.		Father's name: D.	
Day, month and year of birth: ...			Place of Birth: KNIN		
Address of residence in RH: ...			Date of leaving the RH: 4 August 1995		Married: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
List of family members who wish to return					
First and last name	Relationship	Born on	First and last name	Relationship	Born on
1. N.J.	Wife	...	6.		
2. J.J.	Daughter	...	7.		
3.			8.		
4.			9.		
5.			10.		
Do you posses the Croatian Certificate of Nationality?         Yes, _____ No.: _____ <input checked="" type="checkbox"/> NO					
Which place do you wish to return to? (Please, state the name of the pace and the address): KNIN, ...					

Property in the RH	A HOUSE
--------------------	---------

State the reasons for leaving the RH and for the return: ON 04 AUGUST 1995, LOCAL AUTHORITIES, THROUGH A MESSENGER, ORDERED THE EVACUATION. I CONSIDER CROATIA TO BE MY HOMELAND! CONTACT TELEPHONE NUMBER: ...
---

(Please, fill out the form in legible printed characters)

DATE: 27 October 1995 SIGNATURE: /signed/: /illegible/

**ANNEX 17:**  
**OFFICIAL NOTE OF THE STATEMENT BY D.Đ.**

/Coat of Arms/  
 THE REPUBLIC OF CROATIA  
 MINISTRY OF THE INTERIOR

POLICE ADMINISTRATION OF KARLOVAC

POLICE STATION OF KARLOVAC

Number: 511-05-07/1-5- /04

01 April 2004

**OFFICIAL NOTE**

Citizen D.Đ.,

by occupation: driver,

born on: ... with the residence/domicil  
 in ...

..., street

..., number ...,

on 27 March 2004, in the family house in ...,

referring to his leaving the RH /Republic of Croatia/ during "Oluja" /Storm/  
VRA /Military-Police Operation/,

gave to the police officer of the Karlovac PP /Police Station/,

the following information:

"During the war I lived with my family in ... until the "Storm" VRA started. I knew and so did all other villagers that there would be an action of the Croatian Army some twenty days prior to it and that we would all go to Serbia, but it was not known as to when exactly this would occur. It was also not known as to where the information on the HV action and the departure towards Serbia came from, but there was talk among the villagers about it.

I left my house together with my family on 07 August 1995, among the last ones in my village, only after two members of the "Krajina" police, whom I did not know, had come to my house telling me: "What are you waiting for,

the Ustashas are coming, they will slaughter you all.” Then I loaded some most essential things on the trailer and the tractor and we set off in the direction of Vojnić, Gvozd and Topusko and further on towards Serbia. In Topusko, the HV /Croatian Army/ General Petar Stipetić appealed to all the persons of Serbian nationality who were in the column to return to their houses, saying that nothing bad would happen to them and that he guaranteed them safety. However, we all continued towards Serbia out of fear.

On our way to Serbia, the HV members were also urging us to return to our houses, saying that nothing bad would happen to any of us, and the members of the Croatian Red Cross were distributing food to us. Further on, I would like to mention that I was among the first who returned to the RH, that is, to my house, and I have never had any problems with persons of Croatian nationality from the neighbouring Croatian villages; the police also regularly visited us and we have never had any problems.”

Police Officer  
Crnković Tomislav  
/signed/

/Some lines in the original document are underlined in handwriting./

**ANNEX 18:**  
**OFFICIAL NOTE OF THE STATEMENT BY N.G.**

**THE REPUBLIC OF CROATIA**  
**MINISTRY OF THE INTERIOR**  
**KARLOVAC POLICE ADMINISTRATION**  
**CRIME POLICE DEPARTMENT**

(Organisational unit of the Ministry)

Section for Terrorism and War crimes

Number: 511-05-04/1-1488/04

Date: 02 April 2004

**OFFICIAL NOTE**

Citizen N.G., by occupation retiree, born on ....

with the residence-domicile in Gvozd,

street ... number ..., on 11 March 2004,

on the premises of his house in ...,

referring to his departure from ... in 1995 during the "Oluja" /  
Storm/ VRA /Military-Police Operation/, and also referring to the burn-  
ing down of his house.

gave to the authorised official of this PU /Police Administration/

(Name of the organisational unit<sup>1</sup>)

the following information:

"I spent the entire war in my house, here in ..., in the Municipality of Gvozd (Vrginmost). My wife is a Croat and she remained in Karlovac at our son's place, because she was simply afraid to stay here in 1991, considering the threats and provocations by part of the local extremists. I myself also had problems during the war with some of my Serbian neighbours; there were provocations, even open threats. Because of that I was mobilised from time to time, I simply could not avoid the military obligation, otherwise it would have been interpreted as an open treason, and on the other hand it was known that my son was in Karlovac and that he was in the HV /Croatian Army/.

When the "Storm" VRA started, I was not aware of the developments and on Sunday, 06 August 1995, I went to the cemetery which was above our village.

<sup>1</sup> Official note on the information given by a citizen pursuant to the provision of Article 177, paragraph 2 of the ZKP /Criminal Procedure Act/

On my way back from the cemetery I saw that all the villagers were preparing and packing their belongings for the departure. I was surprised since, as I said, I did not know at all what the course of events was. At that moment the Croatian Army was not even close to our village, nor was there any shooting in the vicinity.

I did not have any intention to go anywhere from my house, and besides I could not go because I did not have oil for my tractor. In addition, I could hardly wait for my wife and my son to come back. I knew that my son was in the HV and I expected him to be among the first ones to come to our village. However, on that day, after I returned from the cemetery, a man from our village dropped by my place and asked me whether I was also preparing for the departure. I told him I was not preparing because I did not intend to go anywhere and besides, I did not have oil for my tractor. That man then told me that I had better go as well because if I remained in the village I could even be killed, since the atmosphere in the village was such. I took those words seriously since I knew from before that there was a feeling of mistrust towards me because of my wife and my son, so I told this man that I would get ready, after which he told me he would give me some oil. And indeed, later he brought me around 10 litres of oil.

The departure was at around 17:00 hrs in a column from the village towards Gvozd, and up there on Brijeg we found a lot of people in the column who were already coming from the direction of Vojnić. It took us around two hours to arrive in Gvozd because of the huge jam, and when we were entering the village some people from our village passed by and told me in passing that my house had been set on fire and that the whole house was burning. They also mentioned that some of our soldiers with BOVs /combat armoured vehicle/ were there by my house and that they had set it on fire for sure. Those soldiers were allegedly from our Border Detachment (Note - 21<sup>st</sup> Border Detachment from the formations of the 21<sup>st</sup> Kordun Corps).

At that time, the HV had not even reached Vojnić, it was Sunday afternoon and it is not even certain whether they had reached Tušilović at that moment, since I heard later from my son that they had arrived in our village only the following day. When my son arrived, my house was completely burnt down, and the smoke was still coming out of it. Considering the situation among all of us in the area of Topusko, Glina - I mean us, the Serbs - we departed towards Yugoslavia, but I returned later on the first occasion when it was possible. I refurbished my house partly by myself, and partly from the aid in the form of materials.

While we were in Banja Luka, some people from our village said that I myself had set my house on fire, which was absurd. I have put my whole life in that house. Later I heard rumours that a man from the area of our village was boasting that he had set it on fire.



Apart from setting my house on fire, prior to the departure of our people from Slavsko Polje on 6 August 1995, the local people or the local army had set the railway station on fire, here in Slavsko Polje - we call that railway station *Vojnić kolodvor* /Vojnić Railway Station/.

HEAD OF SECTION

Ivan Horvat

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**ANNEX 19:**  
**OFFICIAL NOTE OF THE STATEMENT BY D.C.**

**THE REPUBLIC OF CROATIA**  
**MINISTRY OF THE INTERIOR**  
**KARLOVAC POLICE ADMINISTRATION**  
**CRIME POLICE DEPARTMENT**

(Organisational unit of the Ministry)

Section for Terrorism and War Crimes

Number: 511-05-04/1-1488/04

Date: 01 April 2004

**OFFICIAL NOTE**

Citizen D.C., by occupation worker, born on ..., \_\_\_\_\_

with the residence/domicile in \_\_\_\_\_ Vojnić \_\_\_\_\_,

street \_\_\_\_\_, number \_\_\_\_\_, on \_\_\_\_\_ 31 March 2004 \_\_\_\_\_,

on the premises of his house in ..., Vojnić \_\_\_\_\_,

(Place where the information was provided)

referring to his knowledge about the withdrawal of Serbs during the "Storm" Operation in 1995 towards Topusko and Glina and subsequent departure from the RH to the then FRY /Federal Republic of Yugoslavia/.

gave to the police officer of this PU/Police Administration/ \_\_\_\_\_

(Name of the organisational unit)

the following information:

"I became a driver for Colonel Čedomir Bulat sometime in 1993, he was the Commander of the 21<sup>st</sup> Kordun Corps at that time and his Command Headquarters was in Muljava. I remained with him until he was relieved from duty, and after Colonel Veljko Bosanac came I had a conflict with that man and after that I was not in the army at all for a certain period of time.

I was engaged again in the autumn of 1994 upon the establishment of the Staff for assigned to carry out the "Pauk" /Spider/ Operation in which Colonel Bulat was the Chief and the Commander was the then General Mile Novaković. That Staff was organised for carrying out combat actions towards Kladuša and later towards Cazin and Bihać, in order to push the forces of the 5<sup>th</sup> Corps of BiH Army, after those forces had completely defeated the units of Fikret Abdić in August 1994, and the entire population around Kladuša took refuge and were accommodated in the village of Batnoga near Cetingrad and in

Turanj near Karlovac. In order to enable those people to go back, the majority of them were armed, the units comprising Muslims were formed again and the attack towards V. /Velika/ Kladuša was launched with the aim of retaking it; all those operations were led by this Staff at the head of which were Mile Novaković and Čedomir Bulat. Apart from the Muslims, the forces that took part in these actions included units from our 21<sup>st</sup> Kordun Corps, usually 5 to 6 infantry companies, in other words, 1 to 2 battalions, and also artillery and tank units.

In addition to our forces from the strength of the 21<sup>st</sup> Corps, no fewer than around 100 members of the special forces of the MUP /Ministry of Interior/ from Serbia came and they were under the direct command of Colonel Radojica Božović and that one, Ulemek (Milorad Luković), so Bulat and Novaković had no control over them. On several occasions, even that Frenki, one of the heads of the State Security Department of Serbia came to visit that unit; however, I did not see that Jovica Stanišić was coming in person.

This unit from Serbia was quartered first on Magarčevac on Mt. Petrova Gora and when we entered V. Kladuša, they were quartered in Kladuša and they were coming to the canteen of the *Grupeks* company in Kladuša to have meals there, and so did all our other units at that time.

That whole operation lasted throughout the autumn of 1994 and the spring of 1995, up until the action of the Croatian Army started in August. As I heard on one occasion from Colonel Bulat, the intention was to completely defeat the 5<sup>th</sup> Corps and neutralize the Muslims somewhere in the area of Cazin, and they were supposed to turn in all the weapons, but due to the development of events, all that took a different course.

After the attack of the HV, those of us stationed in in Kladuša at that time did not know that the situation was developing so fast and we were caught unprepared by the information that Knin fell immediately, already on Saturday. At first, we did not even believe that it was true. Then Colonel Bulat said, that is, ordered that our forces should withdraw immediately from the Western Bosnia, he probably intended to use them somewhere within our territory against the HV. General Mile Novaković was, at that moment, on a trip somewhere, since at that time negotiations were held with the Croatian side, but I do not know whether they negotiated in Switzerland or in Norway.

Upon our arrival in Maljevac, Colonel Bulat told me to go to Ljuban Ivković in Stipan, to the 19<sup>th</sup> Brigade and that he should further inform the people to start withdrawing. Bulat and I continued along the road to Batnoga and we found already a jammed road there because our people from Lika were already withdrawing. When I say Lika, I mean the people from the area of Plaški since they set off the first. Colonel Bulat tried to stop them and told them to stay there in the halls of the former Agrokomerc in Batnoga, but the

people were disoriented, there was no discipline and they continued moving further.

I do not remember exactly, but I think that the following day there was a meeting held in Vrginmost in the building of the Municipality and attended by Čedo Bulat, Tošo Pajić, Veljko Bosanac and Dragan Kovačić, at which they discussed what was to be done since it was obvious that we suffered a complete debacle. There, Čedo took over again the command over the 21<sup>st</sup> Corps from V. Bosanac and I recall that he said: "Screw them, look what they have done, and now they were leaving the Corps and the population to him to pull them out the best he could". As I have already said, Mile Novaković went the previous day with tanks towards Dvor na Uni and BiH and Radojica Božović and his men from the Serbian MUP went with him.

I have forgotten to say that Đuro Škaljac and Miloš Pajić aka Lupa were also present at that meeting in Vrginmost, but they were figures of minor importance and had no influence on the course of events at that time.

In the area of Vrginmost towards Topusko and Glina, the people were moving on the road in two columns with tractors, horse-drawn carts and vehicles, everything was jammed. Bulat said that we too should go to Topusko and set up a staff there, so the Staff was officially set up down there. Then the members of UNPROFOR came and Tošo Pajić talked with them on the premises of the hotel since we were accommodated there. All in all, at that moment it was not possible to go down towards BiH any more since the road near Dvor na Uni was cut, while more and more people were coming and we were simply swamped by so many people and vehicles, it was not even possible to circulate normally on the road.

I think that the following day, probably it was Monday, members of UNPROFOR came again and they told us we should clear the way, that is, the road since Čedomir Bulat should go to Viduševac for the negotiations with the Croatian side about the total surrender. At that moment, not even I knew that Commandeer Čedomir Bulat was going to negotiate, and in view of the fact that there was no relevant information, the panic was gradually spreading among the people. He left, I do not know exactly where those negotiations took place, but when Čedomir returned he said that we should lay down the weapons. Up to that moment we were all armed and wearing uniforms. I asked him whether we really had to lay down the arms and whether we were in danger, that is, whether we would be in danger if we lay down the weapons.

He told me then that he had personally talked with General Petar Stipetić, that they had agreed about the surrender and laying down the weapons by the Serbs, meaning us, and that he, Čedo Bulat had worked with Stipetić for 17 years before, in the JNA /Yugoslav People's Army/, and that he knew him

well and that he knew that Stipetić would respect the agreement and that we were not in danger. Actually, when I recall all that, it was already Sunday afternoon, and on Monday morning we laid down the weapons.

Čedo Bulat addressed the people himself in order to explain the situation to them and he guaranteed that there would be no problems after the weapons were turned in, but that the weapons must be turned in and left at the location one found oneself, meaning in the general area around Topusko and Glina.

It was only later, when I arrived in Serbia, that my late mother told me that she went in a column via Žirovac and that the tanks led by Mile Novaković were treading over a part of our column in order to pass towards Dvor as quickly as possible, and the Muslims from the formations of the 5<sup>th</sup> Corps attacked the column from the right flank, and there were casualties there. The fact is that at that moment the Croatian Army could not have attacked the column in Žirovac, particularly not from the right side.

After we laid our weapons, General Stipetić in person also came among our people and there he talked with Colonel Bulat in order to demonstrate, by the personal presence of both commanders, that everything would be all right and that people should not be afraid, I mean our people. I think that UNPROFOR was somewhere in the vicinity all the time. At one point, General Stipetić even ordered Croatian soldiers not to go among our civilians and the HV members really withdrew at a certain distance. This, what I am describing now was happening on Monday and Tuesday.

Since the people en masse laid down their weapons, there was such a huge amount of guns and everything else that Čedo Bulat ordered Tošo Pajić and Đuro Škaljac that around 100 or so of our men remained armed in order to safeguard those weapons which were placed on several big piles.

Since I was personally escorting Colonel Čedomir Bulat most of the time, I remember that at one point General Stipetić asked Čedomir Bulat why he did not keep the civilians and return them to their homes and that Milošević was going to trick them, as he already had done before, and that he would actually send them to Kosovo. Bulat replied that he could not send people back. Nevertheless, after that Bulat and Stipetić went among the people and Stipetić personally guaranteed our people their safety both in the course of their return to their homes and also in the territory which they would return to. I witnessed that personally and Stipetić really guaranteed that. The fact is that the majority of our people did not want to go back to their homes, only 2 or 3 families returned and that was it. I think that those families even got police escort for their personal security.

When we were talking with our people about possible return, Tošo Pajić and Đuro Škaljac were not with us.

This conversation with people, persuading them to return to their homes, lasted quite long and Stipetić even said that he would personally escort those people on their way home to prove them that they were protected, but no one really wanted to return.

Čedomir Bulat explained to our people at that time that General Petar Stipetić was an honourable man and that he could really be trusted, and Stipetić additionally tried to influence the people telling them again that they would probably be sent to Kosovo.

After all that, our surrender was officially signed by Čedomir Bulat and Mr Stipetić, I think it was in Viduševac.

Immediately thereupon, we received bread, water and probably some other necessities from the Croatian side, and Colonel Bulat personally ordered me to ensure that this was received by the most needed ones among our people. After our official surrender in Viduševac, we began changing into civilian clothing, and I did it, too.

I remember that after our surrender, General Stipetić told Čedomir Bulat that he could not send us unarmed into BiH, especially not in front of Duraković's Corps - he meant the 5<sup>th</sup> Corps of the BiH Army, therefore we would be sent to the FRY along the motorway, since in that way we would be safer.

All this what I have described now was happening on Monday, Tuesday and part of it on Wednesday, after which our columns comprising motor vehicles and tractors were formed and at the back of them were horse-drawn carts and that is how we went to Yugoslavia.

Everything I stated is a whole truth and, if necessary, I am prepared to repeat it anywhere else.

SECTION HEAD

Ivan Horvat

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**ANNEX 20:**  
**OFFICIAL NOTE OF THE STATEMENT BY M.M.**

/Coat of Arms/  
THE REPUBLIC OF CROATIA  
MINISTRY OF THE INTERIOR  
KARLOVAC POLICE ADMINISTRATION  
VOJNIĆ POLICE STATION  
/Organisational unit of the Ministry/

Number: 511-05-12/2-14-183-08/04

Date: 19 March 2004

**OFFICIAL NOTE**

Citizen M.M., by occupation **housewife**, born on ...

JMBG /personal identification number/ \_\_\_\_\_ with the residence/domicile in **Vojnić**,

street ..., number ..., on **18 March 2004**,

**on the premises of the family house in ...**  
(Place where the information was provided)

referring to **the killing of Pjevač Nikola by the Serbian army of “Arkanovci” /Arkan’s men/ near Žirovac**,

gavetothepoliceofficerof**the Vojnić PP/Police Station/**  
(Name of the organisational unit)

the following information:

“Nikola Pjevač was my neighbour and before the “Storm” operation he had lived in his family house with his wife Sofija and his son Đuro; he was born in 1950 or so. During the “Storm” Operation, on 06 August 1995, I went, together with Nikola and his wife Sofija towards Dvor na Uni. When we came near Žirovac, we had a flat tire on a tractor trailer which I was driving. Then Nikola and Sofija continued their journey on a tractor and I remained there and later some other people gave me a ride. From that time I have never seen Nikola again, but upon my arrival in Serbia I talked with Milan Rašić from Krstinja who now lives in Slankamen.

Milan told me then that he had seen that Nikola had been killed on 07 August 1995 by the members of the Serbian army, that is, “Arkan’s men”. Those



“Arkan’s men” were withdrawing towards Dvor and on their way they were forcing people from the column to take up arms and continue fighting against the Croatian Army and the Army of the 5<sup>th</sup> Corps which was approaching that area. Milan told me that on that day one of Arkan’s men had approached for the first time the tractor on which Nikola was sitting, asking him what he was waiting for there, why he didn’t take a gun and go fighting. Nikola replied that he had enough of fighting and that he did not know whom he would fight for. When, after some time, the same Arkan’s man returned, he came to Nikola again and asked him whether he would go and fight or not, at which Nikola replied that he screwed both the war and Serbia and that he had no intention to fight for anyone any more. When the said “Arkan’s” man heard that, he pulled out a gun, at which Nikola asked whether such times had come that one Serb would shoot at another Serb, and after that the said individual pointed the gun towards Nikola’s head and shot him in the head. Nikola’s wife Sofija and their son Đuro, who were not far from that place, saw it all. Milan also told me that he had thought of burying Nikola somewhere on the side, but the Serbian soldiers who were passing by did not allow him to do that. After that Milan had to leave, and so did Nikola’s wife Sofija since the entire population was moving forward. Nobody knows yet where Nikola’s body was buried, but it is known that he was not killed by the Croatian Army, since at that time it was not in the vicinity, but the members of the Serbian army, that is, “Arkan’s men”.

Nikola’s wife Sofija and his son Đuro live in Ruma and they can definitely confirm this .

I have nothing more to state to you with regard to the above.

Police Officer  
 Pero Medved  
 /illegible signature/

/Some lines in the original document are underlined in handwriting/

**ANNEX 21:**  
**OFFICIAL NOTE OF THE STATEMENT BY M.J.**

/Coat of Arms/  
THE REPUBLIC OF CROATIA  
MINISTRY OF THE INTERIOR  
KARLOVAC POLICE ADMINISTRATION  
VOJNIĆ POLICE STATION

Number: 511-05-12/2-14-183-08/04

Date: 1 April 2004

**OFFICIAL NOTE**

Citizen M.J., by occupation farmer, born on ...,

JMBG /personal identification number/                      with the residence/domicile in Vojnić, street ..., number ..., on 31 March 2004 ,

on the premises of the family house ...

(Place where the information was provided)

referring to the mining of his house by the Serbian army

gave to the police officer of the Vojnić PP /Police Station/

(Name of the organisational unit)

the following information:

“In front of our house, we had a newly-built facility in the size of 18 x 7 metres, comprising three premises. In March 1992, the Army came to my place, it was the then JNA /Yugoslav People’s Army/, bringing ammunition, shells, hand grenades and tank shells in the trucks and told me that the facility suited them and that it would be used as an outpost depot.

Since I was exempted from military service due to my illness, they told me I had to accept that, otherwise I could end up at the frontline. The person in charge for that storing was Milić Malić aka Mićo from Malići who came to my place that day with other two officers from Serbia. They told me I could get some compensation for that depot, but nothing came out of it.

When the “Storm” started, I decided to leave my house on 06 August 1995, at around 6 o’clock in the afternoon because I saw that everybody was leaving. Before I left, Mićo Malić had come to my place with two trucks. I asked him then what would happen with that depot and he replied that he did not know

and that he did not decide on that. I also told him that I hoped he would not blow my house up and he replied that he did not know. Then we left and he and other two persons stayed there, near my house and I do not know what they were doing thereafter.

When I came to Serbia, I was accommodated in Kosovo, in Uroševac.

In 1997, Mićo Malić came to me to Uroševac, because he was employed by the army at that time and he heard about me and visited me. We talked about everything, and Miće started crying telling me that, when all the people had gone, the next day he had blown up all the houses where the depots had been located, including my house and also the houses in Živković Kosa owned by Mirko Mađerčić and Milorad Vujić and in Loskunja the houses of Mirko Brdar and Dragić Janjić. He had been in Jurga by the house of Miće Pajić, but he said that everything had been locked up, so he did not want to break in, but I heard later that two houses in that village were also blown up. I did not ask about other houses where he had his depots, since I did not know where they were all located.

When I asked him, “Miće, was all that ordered to you by Dragan Kovačević, who was the commander at that time?” he said that it all had been on him to decide, but he could not have allowed that all those depots and ammunition fell into “Ustashas’ hands”. I asked him how he had managed to do all that and he said that he had had time fuses set per the hour and he had been blowing up the depots in intervals, otherwise had he blown everything at the same time, the entire village would have been blown up.

All those houses were blown up on 07 August 1995 in the morning hours when all of us were more or less gone, only Stanko Živković aka Učo /Teacher/ remained here, in the village, he hid in the woods above the village because he did not want to go anywhere, so he could hear or see all that. As a result of all those explosions, around 20 houses were damaged in Loskunja and Živković Kosa.

Police Officer  
Pero Medved  
 /illegible signature/

/Some lines in the original document are underlined in handwriting/

**ANNEX 22:**  
**OFFICIAL NOTE OF THE STATEMENT BY M.V.**

/Coat of Arms/  
 THE REPUBLIC OF CROATIA  
 MINISTRY OF THE INTERIOR

POLICE ADMINISTRATION OF KARLOVAC  
 POLICE STATION OF KARLOVAC

Number: 511-05-07/1-5- /04

01 April 2004

**OFFICIAL NOTE**

Citizen M.V. \_\_\_\_\_,  
 (First and last name)

by occupation: housewife \_\_\_\_\_

born on: \_\_\_\_\_ with the residence/domicile in  
Krnjak \_\_\_\_\_

street \_\_\_\_\_ number \_\_\_\_\_

on 29 March 2004, in the family house in ... \_\_\_\_\_,  
 (Place where the information was provided)

referring to her leaving the RH during the "Oluja" /Storm/ VRA /Military-Police Operation/,

gave to the police officer of the Karlovac PP /Police Station/ \_\_\_\_\_,  
 (Name of the organisational unit)

the following information:

"During the war I lived in ... with my husband and son until the "Storm" VRA started, more precisely, until 07 August 1995, when I went to Serbia with them. I and other villagers from my village did not know that the "Oluja" VRA would occur, but they all, when seeing that the villagers from the neighbouring village of Perjasica were leaving, loaded some of their belongings and spontaneously set off towards Serbia.

Prior to the beginning of the "Storm" VRA, I heard the appeals of the late RH / Republic of Croatia/ President Franjo Tuman who called on the Serbian population over the radio to remain at their homes, saying that nothing bad would

happen to them. Nobody had told us before the operation of the Croatian Army started that we should get prepared and that we would go to Serbia, that is, nothing was known, so we left our house without even seeing the HV / Croatian Army/ or the police, nor did they force us to leave our houses. Since everybody was leaving, I also set out with my family in the direction of Vojnić, Gvozd, Topusko and further on towards Serbia.

We were not maltreated anywhere by the HV or the police, but the said individuals appealed to us to return to our houses telling us that nothing bad would happen to us and that they would provide us with the police escort to our homes. Unfortunately, we did not listen to them and we went to Serbia.

I returned with my family to the RH, that is, to my home sometime in 1998 and we have never had any problems with the individuals of Croatian nationality from the neighbouring Croatian villages. Upon our return to the RH, we had a police escort up to our house and they also regularly visited us thereafter, so we have never had any problems.”

Police Officer  
Crnković Tomislav  
/signed/

/Some lines in the original document are underlined in handwriting/

**ANNEX 23:**  
**OFFICIAL NOTE OF THE STATEMENT BY T.C.**

/Coat of Arms/  
 THE REPUBLIC OF CROATIA  
 MINISTRY OF THE INTERIOR

POLICE ADMINISTRATION OF KARLOVAC  
 POLICE STATION OF DUGA RESA

Number: 511-05-08/2-5- 1141/04

Duga Resa, 29 March 2004

**OFFICIAL NOTE**

Citizen T.C. + \_\_\_\_\_,  
 (First and last name)

by occupation: worker

born on: \_\_\_\_\_, with the residence/domicile in \_\_\_\_\_

Barilović, street \_\_\_\_\_

\_\_\_\_\_, number bb/no number/ \_\_\_\_\_,

on 24 March 2004 \_\_\_\_\_ in \_\_\_\_\_,

(Place where the information was provided)

referring to his leaving home during the "Oluja" /Storm/ VRA /Military-Po-  
lice Operation/ to FRY /Federal Republic of Yugoslavia/

gave to the police officer of the Duga Resa PP /Police Station/

(Name of the organisational unit)

the following information:

"When the "Storm" VRA started, I set out on a tractor towards the FRY together with my wife, and so did all the other villagers of ..., since that had been arranged several days prior to the beginning of the "Storm" VRA. Sveto Držaić, Commander-in-Chief of the Kordun Corps, that is, of the defence of the place of ... and beyond had told the villagers of ... several days prior to the "Storm" VRA that in case of an attack we all had to leave our houses and form a column and set off towards Dvor na Uni, which we did. Immediately after the attack of the Croatian Army started, I left my residence in ... and set off in a column towards Dvor na Uni. On our

way, to be more precise I think it was in the place of Žirovac, we met the RH MUP /Ministry of the Interior of the Republic of Croatia/ members and one of them asked me why I was going towards Bosnia when I could go back home, and then he said that he, as well as the President of the RH guaranteed me that I could return to my house and that the state guaranteed us our safe stay in the RH. On that occasion, the same policeman provided us in the column with some food and water and asked if we needed a doctor. *The said policemen behaved extremely correctly, and they offered us to stay in the RH which I refused and so did all the others because we were afraid of the Army of the Krajina SAO /Serbian Autonomous District,/ which specifically insisted that we leave the RH immediately, saying that we would return to the RH soon.* /Translator's note: the remark next to this section reads: THIS/

I would like to mention that the villagers who left the RH at the time of the "Storm" VRA had a possibility to stay in their homes, but they left their houses wilfully although the state of Croatia guaranteed them a safe stay. This fact could be corroborated by some other villagers who were leaving the RH to the FRY during the "Storm" VRA, but the said individuals are afraid of retaliation and the like. I am prepared to state this before any authorities, court or in any other proceedings.

Police Officer  
Zdravko Kasunić  
 /signed/

/Some lines in the original document are underlined in handwriting./



**ANNEX 24:**  
**EXCERPT FROM ELECTRONIC SURVEILLANCE CENTRE,**  
**TRANSCRIPT FOR EASTERN SLAVONIA, 4 AUGUST 1995**

**Unclassified**

**04.08.95 09:50:00 1180 11. Corps**

During this afternoon in village Markusica should begin evacuation of the civilian population.

**04.08.95 20:19:00 1200 11. Corps**

Participant who informs from village Tenja, member of the 43<sup>rd</sup> Military Police Brigade, states as a new information that Osijek was shelled with three mortar mines from the village Tenja, and that the evacuation from the village had been performed.

**04.08.95 12:43:00 1185 11. Corps**

The information about beginning of the evacuation at 15:00 am from the village Tenja near Osijek was confirmed.

**04.08.05:57:00 1174 11. Corps**

From interviews of unknown participants to the frequency used by the troops 43. brigade I am extracting the following "all have been evacuated ..... it came to the civilian protection staff to evacuate, everything except .....Borovo. ".

**05.05.95 12:30:00 539 11. Corps**

Due to the possible war activities, evacuation of the civilian population is into force in Vukovar.

**040895 23:45:00 1211 15. Corps**

From the village Vrhovine about 3,000 people had been evacuated in Plitvički Ljeskovac. There they do not have fuel, water and food and no plans to what to do next. Help has been sought from Command of the 15th Corps.

## ANNEX 25:

**EVACUATION PLAN OF THE 31<sup>ST</sup> INFANTRY BRIGADE COMMAND,  
18 FEBRUARY 1993, TOGETHER WITH THE PLAN DRAWN UP BY THE  
“CZ STAFF, PETRINJA DEPARTMENT”, FEBRUARY 1993**

/handwritten:/ brief senior officers	Sp 367-1/93	
of the 31st pbr /Infantry Brigade/	5	16
/illegible/ 5 /illegible/		

31st pbr COMMAND

MILITARY SECRET

Strictly confidential no. 367-1

STRICTLY CONFIDENTIAL

18 February 1993

EVACUATION PLAN  
units/To the commands of ALL RJ /war

With the view to informing the families of the military conscripts who are assigned to your war units, we are sending you the Evacuation Plan for the MO /Ministry of Defence/ - Petrinja Department, strictly confidential no. 02-156/93.

You are requested to carefully study the evacuation plan provided in the attachment to this memo and make it known to the v/o /military conscripts/ assigned to your units about it, so that they can inform their family members in a timely manner.

This activity is essential to avoid panic among the civilian population in case of the commencement of combat activities and to assist the organs of the CZ /Civilian Protection/ in carrying out the tasks related to the evacuation of the civilian population.

Once this procedure of informing is carried out, the Command of the 31st Infantry Brigade is to receive a written report on the completed execution of this order.

I will hold personally responsible the unit commander—commandiers for the execution of this order.

Attachment:

Memo, strictly confidential no. 02-156/93

DM/DM

COMMANDER

Major

/last name illegible/ Nikola

/stamp:/

REPUBLIC OF SERBIAN KRAJINA

31st INFANTRY BRIGADE

/handwritten:/

Brief all senior officers of the 31st Infantry Brigade Command

/a signature/

*Draft translation* L0095606

REPUBLIC OF SERBIAN KRAJINA /RSK/

MINISTRY OF DEFENCE

PETRINJA DEPARTMENT

CIVILIAN PROTECTION STAFF

Strictly confidential no. 02-156/93

E V A C U A T I O N P L A N .

/handwritten: brief all officers/

February 1993

/handwritten: of the 31<sup>st</sup> pbr Infantry Brigade/

*Draft translation*

L0095607

/a signature/

The Military and Political Situation

Following the attack of Croatian armed forces on territories under the protection of UNPROFOR forces, i.e. the Republic of Serbian Krajina, our people have been placed in the very difficult situation of having to defend their freedom against a far stronger enemy.

There is a very real danger of enemy forces breaking through to the Banija area, and the primary indication for this is the attack of Croatian HV /Croatian Army/ forces on the southern part of the RSK, and the constant massing of Croatian Army forces on RSK borders. In our assessment, the axes of attack are Petrinja – Budičina – Komarevo – Blinja, and Petrinja – Gora – Glina. From previous HV actions it can be concluded that they will attempt to achieve their aim. They are constantly massing forces and regrouping them. Given this situation, the Petrinja Municipal CZ /Civilian Protection/ Staff has decided, in conjunction with all other entities in Petrinja municipality, to draft a plan for the evacuation of the population from the town of Petrinja in the event that the HV breaks through towards the town.

A population evacuation is a planned and organised operation to relocate a population from an endangered area to one that is less so, and in this case, to free territory in Banija.

An evacuation must be conducted and must progress with a precisely established goal, and under certain conditions, whereby all available roads and vehicles are used.

THE GOAL OF EVACUATION

*Draft translation*

L0095608

The basic goal of evacuation is the protection and rescue of the population from the town of Petrinja, and its relocation deep into the territory of Banija.

#### PARTIES RESPONSIBLE FOR EVACUATION ACTIVITIES

The primary parties responsible for evacuation activities shall be the Petrinja Municipal CZ Staff, and representatives of the civilian government of Petrinja municipality.

#### THE METHOD FOR CONDUCTING EVACUATION AND ROUTES OF MOVEMENT

In order to ensure that the evacuation is conducted as well and as effectively as possible, the town of Petrinja shall be divided into six exit zones, as follows:

- a. – Exit Zone 1
- b. – Exit Zone 2
- c. – Exit Zone 3
- d. – Exit Zone 4
- e. – Exit Zone 5
- f. – Exit Zone 6

EXIT ZONE 1 – Shall be located in MZ /Local Commune/ 1, on the 3. *illegible* /Divizije square (in front of the Gavrilović butcher's shop), which is where the departure point will be for vehicles to be used for the evacuation.

*Draft translation*

L0095609

EXIT ZONE 2 – Shall be located in MZ 3, on the crossroads of *21 Septembra* Street and the ring road (where the departure point for vehicles will be), and in front of the old hospital.

EXIT ZONE 3 – Shall be located in MZ 4, in front of the Fire Station, which will be the departure point for vehicles.

EXIT ZONE 4 – Slatina (the crossroads of the ring road and the road leading to Sisak).

EXIT ZONE 5 – The fairground (opposite the cattle market).

EXIT ZONE 6 – *Slavija* IGM /building materials factory/ (brickyard) in MZ 5.

Assembly points for the population are in all exit zones, and CZ commissioners in the MZs shall be responsible for maintaining order and preventing panic in the exit zones. All routes of movement head in the direction of *21 Septembra* Street, and then follow the route Hrastovica – Zelena Dolina – Jabukovac – Dodoši – Miočinovići – Šamarica.

Vehicles shall depart from the exit zones at five-minute intervals.

There is a likelihood of fear and panic among the population upon being informed of the evacuation, so attention must be paid to ensure that the roads do not become blocked at the exit zones.

Draft translation

L0095610

Thus particular attention should be paid to regulating traffic properly, which shall be the responsibility of the Petrinja SJB /Public Security Station/, which shall be required to provide at least one police officer for each exit zone and onwards according to the routes enclosed with this plan. They shall also be required to ensure adherence to the time interval (five minutes) for departures at the exit zones. The Petrinja SJB shall escort the population to its destination (Dodoši village – M. Selo village – Miočinovići village – Šamarica).

There must be no hold-ups in the flow of traffic and movement of convoys.

As an annex to this plan, the Petrinja SJB shall send written agreement for providing the required number of police officers at the time.

The evacuation of reserves of goods from the Red Cross premises has been provided for, and *Slavijatrans* driver Milan DRAKULIĆ has been tasked with this.

For the evacuation to progress as effectively and quickly as possible, it must be staggered in the following phases:

1. Evacuation of children aged up to seven, their mothers, pregnant women, and the sick, including nursery and primary schools.
2. Evacuation of children aged between seven and 14, elderly persons, and secondary schools.
3. Evacuation of the remaining population.

This shall be the responsibility of Petrinja SJB officers and members of the CZ Staff, who will be present at all exit zones.

The first and second phases of the evacuation must be conducted without fail using public transport vehicles (buses), which shall arrive at the exit zones /illegible/ enclosure in the plan, while the third phase may be conducted /illegible/ private and



Draft translation

L0095611

public transport. For the evacuation of the population, priority routes have been selected, which shall be /?directly/ /illegible/ at the exit zones and onwards towards the destination. All travel routes are enclosed with this plan, and vehicle drivers must be informed of them.

During the evacuation, /illegible/ provide at least one /illegible/ /?team/, which will monitor the progress of the evacuation until the destination points of /illegible/ – Miočinovići – /?Šamarici/. The provision of medical teams /illegible/ Petrinja Health Centre, which shall also be required to send written agreement, which will constitute an annex /to this plan/.

All enterprises and /?other/ organisations shall be required /?to evacuate/ their most essential material and technical equipment and /illegible/ archives their own /illegible/ machines that cannot /illegible/ should be put beyond use by /illegible/ the most essential parts /illegible/. To that end they shall /?be required/ /illegible/ their internal /?plans/ /illegible/ and bring them into line with /illegible/ evacuation /?plan/.

/illegible/ their /illegible/ location, on the primary evacuation route: /?Petrinja/ – /?Zelena/ Dolina – Jabukovac – Šamarica.

The Petrinja CZ Staff /?shall direct/ the evacuation operation and inform /several words illegible/ who shall be responsible for the successful conduct of the evacuation, as provided for by this plan. To that end, the CZ Staff shall provide an uninterrupted Duty Service in the Petrinja SO /Municipal Assembly/ building.

In order to facilitate /illegible/ running, when the sign for evacuation is given, CZ Staff members shall arrange themselves as follows:

a) /illegible/ /?departure/ of the population from the town, CZ Chief of Staff Jovo ŽIVKOVIĆ shall be responsible on behalf of the CZ Staff, and he shall organise and



Draft translation

coordinate with /illegible/ of the 31<sup>st</sup> Brigade and all other entities responsible for the L0095612  
successful conduct of the evacuation.

- b) At Exit Zone 1, Staff member Radomir STAROVIĆ.
  - c) Exit Zone 2, Željko MAROVAC.
  - d) Exit Zone 3, Rade SAVIĆ.
  - e) Exit Zone 4, Miloš VUJERIĆ.
  - f) Exit Zone 5, Vojislav L/?/TINA.
  - g) Exit Zone 6, /?Mila ZARIĆ/.
  - h) At /illegible/ road for Hrastovica, Petrinja SJB patrol.
  - i) /?The reception/ and placement of the population at the destination /illegible/ and cooperation with the CZ Staff of the Associated MZ of Jabukovac /illegible/ reception of the population, Commander of the CZ Staff of the Jabukovac UMZ /Associated Local Commune/ /?Nikola/ /illegible/.
- All the /?above/ CZ staffs and other entities assigned under this plan shall /illegible/ to the /?exit zones/ immediately when the sign for evacuation is given.

#### RESOURCES FOR CONDUCTING THE EVACUATION

For conducting the evacuation, all available privately or socially-owned means which can be utilised at that moment shall be used, /?including/ buses, trucks, /?unused military vehicles/, tractors with trailers, passenger cars, vans, and so forth.  
/illegible/ means of transport shall be provided by /?enterprises/ /remainder of page illegible/.

*Draft translation*

L0095613

THE SIGN FOR EVACUATION

The sign for evacuation shall be given on the orders of the 31<sup>st</sup> Brigade Command in Petrinja, and shall be issued by the Fire Station, for which Staff member Rade SAVIĆ shall be responsible.

To that end, communications and a reporting method should be established between the Brigade and the Fire Station. The sign shall be given by means of a continuous **MONOTONE** siren lasting 120 seconds (two minutes).

120 seconds

---

Following this sign, all entities shall be required to adhere to their obligations under this plan.

Enclosures:

- Schematic illustration of route broken down by exit zones.
- Register of vehicles and drivers and their assembly points.

TO:

- MO /Ministry of Defence/ Administration, Blinja
- SO President
- 31<sup>st</sup> pbr Command
- Jabukovac UMZ CZ Staff

*Draft translation*

– *Slavijatrans*

L0095614

– *Gavrilović*

– Petrinja SJB

– Petrinja CZ

– President /illegible/

CIVILIAN PROTECTION STAFF

PETRINJA MUNICIPALITY

/handwritten: To the 31<sup>st</sup> Brigade Command/

REPUBLIC OF SERBIAN KRAJINA

MINISTRY OF DEFENCE

/illegible/

## R O S T E R

of drivers of vehicles for evacuating the population

No.	Bus	Driver's full name	Address	Exit Zone
1.	GN 23-38	Veljko BOLOBAN	Ratković's /?section/	old hospital
2.	SI 632-16	Milan RADANOVIĆ	Meštrovićeva Street	
		Milan KUKUĆ	Radićeva Street 114	nursery 0700-1500 hours Juzbašić shop 1500-0700 hours Slatina
3.	SI 938-04	Adam NIŠEVIĆ	Ž. Bronzića Street bb /no number/	
4.	GN 23-44	Savan GRNOVIĆ	C. Lazara Street	Fire Station
		Ljubomir VUJANIĆ		
5.	GN 22-59	Pero KALABURA	M. Stojanovića bb	Fairground
		Gojko SLAVUJ	Gajeva Street 1 by the court	
6.	SI 887-21	Vasilj GAČEŠA	Đ. Jakšića Street 5	7 Divizije Square
		Nikola MEDIĆ	Meštrovića Street 5	Gavrilović butcher's
7.	SI 957-13 articulated lorry	Nikola VLAIŠAVJEVIĆ	/?G./ Novaka Street 2/4	Fairground
		Dušan POPARA	V. Karadžića Street 34	
8.	SI 956-47 articulated lorry	Mile NOVAKOVIĆ	Srpske Vojske Street 1	7 Divizije Square Gavrilović butcher's
9.	SI 694-92 articulated lorry	Milan DRAKULIĆ	BPO no. 1	Red Cross for goods
10.	SI 624-47	Dragan PROŠIĆ	F. Kljaić	Fire Station
11.	GN 23-20	Dragan VUJAKLIJA	21 Septembra Street 88	old hospital
		Milan ČALIĆ		
12.	GN 22-03	Dušan UZELAC	Čiporova Street 33 a	Č. Selo brickyard

vehicle owner: Desanka GVOJIĆ, Petrinja, Turkov /illegible/

*Draft translation*

Note: All the above vehicles are the property of *Slavijatrans*, and the person responsible in the enterprise is Ljuban /?TRNINIĆ/.

**ANNEX 26:****AUTOTRANSPORT BENKOVAC TO THE "CRISIS STAFF OF THE  
BENKOVAC MUNICIPAL ASSEMBLY", PLAN OF EVACUATION OF  
THE CIVILIAN POPULATION, 26 JANUARY 1993**

AUTOTRANSPORT BENKOVAC      /?REPUBLIC OF SERBIAN  
KRAJINA/  
7. October Street no. 3      /?MINISTRY OF DEFENCE/  
Benkovac      Strictly confidential no.22/92  
Benkovac, 27 January 1993

To: CRISIS STAFF OF THE  
BENKOVAC  
SO /Municipal Assembly/

Plan for evacuation  
of the civilian population

Autotransport has at its disposal in Benkovac six buses with drivers who are permanently on duty:

10-294	Driver: Novica Bahić	Telephone: 81-688
10-282	Driver Dušan Uzelac	Telephone: 82-053
10-332	Driver: Vukša Bogdan	Telephone: 82-057
10-/illegible/	Driver: Čaponja Mile	
10-338	Driver: Tampolja Jovo	
10-174/263	Driver: Živko Šarić IGM	
School bus	Driver: Dobro Momčilo	/handwritten: School/

**Reserves**

10-447	Driver: Pupovac Janko	Medviđa
10-293	Driver: Graovac Ratko	Brgud
10-372	Driver: Šaponja Mile	Pristeg
10-268	Driver: Lacmanović Janko	Lišane T/injske/
10-292	Driver: Kolundžić Ljubomir	Kožlovac

In the event of evacuation vehicles shall be parked at the following locations:

10-282	Driver: Uzelac	In front of the Pharmacy
10-338	Driver: Tampolja	<i>Barice</i>
10-332	Driver: Vukša	<i>Barice</i>
10-294	Driver: Banić	Police Social Centre
10-174/263	Driver: Šarić	Bus station
School bus	Driver: Dobre	Bus station

Capacity of vehicles: 70-90 passengers

Should the evacuation become large-scale and limited by time, the closest buses shall be used:

10-293	Driver: Graovac Ratko	Brgud
10-292	Driver: Kolundžić Ljubomir	
10-372	Driver: Šaponja Mile	Pristeg

Each vehicle is provided with 100 litres of fuel, which is enough to travel 200-300 kilometres.

Benkovac, 26 January 1993

Director  
Dušan Sinobad  
/initialled and stamped/

**ANNEX 27:**  
**REPUBLICAN CIVILIAN PROTECTION STAFF, ASSESSMENT OF**  
**THREATS AND POSSIBILITIES FOR PROTECTION AND RESCUE,**  
**KNIN, AUGUST 1994**

*Draft translation* L0084899

/stamp/

REPUBLIC OF SERBIAN KRAJINA  
REPUBLICAN CIVILIAN PROTECTION STAFF

DEFENCE  
STATE SECRET  
Copy no. 6

DRAFT TRANSLATION

**ASSESSMENT**  
**OF THREATS AND POSSIBILITIES FOR PROTECTION AND RESCUE**



DRAFT TRANSLATION

Knin, August 1994

/every page bears a stamp on top/

/?REPUBLIC OF SERBIAN KRAJINA/

REPUBLICAN CIVILIAN

PROTECTION STAFF

KNIN

/handwritten: Number: strictly confidential: 01-23/95

## ASSESSMENT OF THREATS AND POSSIBILITIES FOR PROTECTION AND RESCUE

### 1. ASSESSMENT OF THREATS AND THE CONSEQUENCES OF WAR OPERATIONS

#### 1.1. The position of the Republic of Serbian Krajina

The Republic of Serbian Krajina, as part of the territory of the former SFRJ /Socialist Federative Republic of Yugoslavia/, is not a compact area and comprises roughly two units.

One territorially linked unit consists of the territory of Northern Dalmatia, Lika, Kordun and Banija and, with some qualifications, Western Slavonia, which, in view of its road links, can also be treated as a separate territorial

unit. This territorial unit is located between the present Republic of Croatia and the Cazin Krajina, and in parts of Northern Dalmatia, Banija and Western Slavonia, it borders on Republika Srpska. The second territorial unit consists of the territory of Eastern Slavonia, Baranja and Western Srem, which borders on the Republic of Croatia to the west, Hungary to the north and the Republic of Serbia, or rather the Federal Republic of Yugoslavia, to the east.

The total length of the border with the Republic of Croatia is 923 km, the Cazin Krajina 118 km and Hungary 79 km.

The territory of the Republic of Serbian Krajina (without the territories under UN protection and territories occupied by the Republic of Croatia ) covers 17,028 km<sup>2</sup> and has 430,000 inhabitants, 120,000 of whom are refugees (partly citizens of the Republic of Serbian Krajina struck by the war and to a larger extent, people who fled from the Republic of Croatia to the Republic of Serbian Krajina).

The average population density is 25 people per km<sup>2</sup>, with large variations, from 54 people per km<sup>2</sup> in Eastern Slavonia, Baranja and Western Srem to 10 per km<sup>2</sup> in Lika.

The position of the Republic of Serbian Krajina is especially characterised by its great length and very small depth (width). The largest depth of the territory is 63.1 km (Škabrnja village – Tiškovac village), and the smallest near Jasenovac: 2.5 km; Vedro Polje village (Sunja) – Kostajnica: 12.5 km; and

Čanak village – the border on Plješevica: 19.5 km.

## 1.2. The characteristics and vulnerability of individual parts and the whole territory of the Republic of Serbian Krajina

Due to the shape and position of the Republic of Serbian Krajina, which is characterised by great length, relatively small depth, vulnerability to being cut in half and the possibility of surprises, and in view of the very apparent aggressive intentions and constant threats of the militarily strengthened Republic of Croatia, the territory of the Republic of Serbian Krajina is characterised by its general vulnerability. These characteristics, in addition to the possibility of surprises, and bearing in mind the enemy's military potential, make the whole territory of the Republic of Serbian Krajina exposed to simultaneous threats. However, in the strategy of any operation, it is more likely to expect penetration on certain axes and the cutting off of parts of the territory, rather than an offensive on the whole territory.

In view of this, the following possible axes of enemy attack stand out:

- at the Northern Dalmatian operational level, possible tactical axes are the following:
  - the Zadar – Knin axis (Zadar – Benkovac – Knin),
  - the Split – Knin axis (Muć – Drmiš - Knin),
  - the Šibenik – Knin axis (Šibenik – Oklaj – Knin),

- the Sinj – Knin axis (Sinj – Vrljika – Knin),

with the likely goal of cutting off Benkovac and Obrovac from Knin by a simultaneous attack from the slopes of Velebit and Skradin (via Bribirske Mostine), with link-up in the Bruška sector.

In the direction of Knin, they will probably carry out a manoeuvre via Oklaj, then through Moseć and Petrovo Polje, thus cutting off the general area of Drniš, which would allow the enemy to advance to Mala Promina, bringing Knin into a very adverse position.

- at the Lika operation level, possible tactical axes are the following:

- Gospić – Gračac,
- Gospić – Teslingrad – Udbina,
- Otočac – Vrhovine – Plitvice,
- Brinje – Plaški – Plitvice.

- through Kordun and Banija the following tactical axes stand out:

- Ogulin – Slunj – Plitvice,
- Karlovac – Vojnić – Velika Kladuša,
- Sisak – Petrinja – Topusko,
- Sisak – Kostajnica – Dvor.

With a remark that the Slunj axis is the most vulnerable because of the possibility of cutting in half the Republic of Serbian Krajina.

- In Western Slavonia, possible axes of enemy attack are the following:
  - Kutina – Novska – Okučani,
  - Pakrac – Okučani.

with the likely goal of cutting off Western Slavonia from the Novska – Gradiška axis.

- In Eastern Slavonia, Baranja and Western Slavonia, the following tactical axes stand out:
  - Vrpolje – Vinkovci – Vukovar,
  - Budimci – Osijek – Kopačevski Rit, or
  - Budimci – Osijek – Bijelo Brdo – Bogojevo,
  - Valpovo – Beli Manastir – Batina.

Operations of strong land forces with armoured mechanised units and strong artillery support are expected on these axes, with a remark that the use of short-term poison gases is not to be excluded.

This basis is used to assess the vulnerability of individual parts of Republika Srpska, which is roughly divided into three degrees.

The zone of the first degree of vulnerability includes the following:

- villages and towns located between the present lines of demarcation (the so-called buffer zone);
- frontier villages and towns located within 10 km from the present line of demarcation;
- villages and towns in the general area of the above-mentioned tactical axes.

Among the above, the towns of Dmiš, Benkovac, Obrovac, Teslingrad, Plaški, Slunj, Petrinja and Pakrac are especially vulnerable.

In the case of air attacks, the zone of vulnerability of the same degree would also include, in addition to the above towns, Knin, Gračac, Udbina, Korenica, Vojnić, Vrginmost, Glina, Kostajnica, Okučani, Beli Manastir and Vukovar.

The zone of the second degree of vulnerability includes towns and villages at a distance of 20 km from the line of demarcation and towns and villages between the general areas of the tactical axes. They would be threatened in the case of initial success by enemy forces on certain tactical axes and in the case of artillery attacks.

The zone of the least vulnerability (third degree) includes small enclaves between the tactical axes which are linked with frontier areas in the depth of the territory, among which the most significant is the general area of Srb – Donji Lapac.

In the case of simultaneous operations by the Muslim side, the vulnerability of this zone significantly increases, and on the line of contact with the Cazin Krajina, it turns into a zone of vulnerability of the first degree.

### 1.3. Assessment of the consequences of enemy operations

The consequences and effects of destruction and losses in human life and material goods are assessed on the basis of the type, quantity and manner of use of combat equipment, and they depend on the following:

- the degree of vulnerability of the territory in the zone of combat operations;
- the functioning of the monitoring and reporting service, or rather alertness in alarming the population;
- the condition of shelters; and
- the implemented preventive protection measures.

The most intense combat operations and the greatest quantity of combat equipment will be aimed at villages and towns in the zone of the first degree of vulnerability, specifically on the selected tactical axes of attack.



The consequences of artillery and air attacks will take the following forms:

- the destruction, putting out of use and damaging of commercial, transportation, housing and other facilities;
- clogged roads, especially in large urban areas – towns;
- damage to utilities, plants and installations (waterworks, pumps, reservoirs, water pipes, the sewage system, the power grid and the PTT network);
- large and small fires on housing and commercial property, and in the case of use of incendiary ammunition also in forests and on agricultural land;
- demolition with explosives and arson in parts of the territory possibly occupied by the enemy, including the destruction of cultural monuments and other property.

The destruction, putting out of use and damaging of housing in the zone of the most intense combat operations (frontier villages and towns), including the current damage, may climb up to 80%, with 20-40% of housing units sustaining so much damage that they are no longer suitable for accommodation.

In the case of air attacks on large urban areas – towns, damage of 5-15% can be expected, with 5% of housing units being destroyed, as well as possible destruction or disabling of vital utilities and significant damage to the utility infrastructure.

Damage to town streets is assessed at about 20% of the maximum possible damage.

Commercial facilities, food warehouses, silos and reservoirs would also sustain significant damage.

The destruction of buildings will usually be followed by a number of small fires (unextinguished fire boxes, ignited electric wires and so on), many of which may grow into larger fires, which will depend on the possibilities for timely intervention and the amount of easily inflammable material at the locations of fires. The possibility of large fires significantly increases with the use of incendiary ammunition or if fire is set to gas stations or warehouse with easily inflammable material.

Experience from previous operations by the Croatian Army and the occupation of the territory of the Serbian Republic of Krajina leads to the conclusion that any occupied places will be completely destroyed.

In addition to the above, the population will also suffer from the consequences of the use of various combat equipment. Large casualties among the population are to be expected for the following reasons:

- the non-existence of primary shelters;
- the insufficient number of secondary shelters, cellars and other suitable premises for sheltering;
- late alarming of the population (/due to/ the closeness of airfields, the inability to automatically sound alert sirens and insufficient time for action and taking cover in shelters);
- insufficient training and equipping of the population for personal and collective protection.

On this basis, the consequences for the population are assessed as follows:

In zones of intense combat operations (frontier villages and towns and general areas of tactical axes): 3-5% killed and 10-15% seriously or slightly wounded. In a small number of cases it is possible that the wounded will have first or second degree burns.

In towns which may be targeted by air attacks, due to the larger concentration of the population, higher density of buildings and larger use of land, as well as usually high exposure to fire, 5-10% of deaths, and up to 20% of slightly and seriously wounded may be expected, among which up to 5% with first, second and third degree burns. Of the total number of citizens who may be buried under rubble, it is estimated that about 15% will be shallowly buried, 10%

midway and 5% deeply (this depends on the characteristics of the town or village – the density of buildings, manner of construction and height of buildings).

In zones of the second degree of vulnerability, consequences will range from 20 to 40% of the consequences in zones of the first degree of vulnerability, while zones of the third degree of vulnerability will suffer more or less no consequences.

It has been stated previously that any villages or towns occupied by the enemy will be completely destroyed. It follows from this and previous experience that mass killings are to be expected, and to a smaller extent arrests and imprisonment of the civilian population from these villages or towns.

In addition to these consequences, the population will also be exposed to the following:

- unexploded ammunition (artillery shells, air bombs and other ammunition). It is estimated that up to 5% of the total quantity of ammunition used is such (unexploded);
- due to the destruction of and damage on buildings, a certain number of people will be left without a roof over their heads, which, in addition to the current 120,000 sufferers (refugees and displaced persons) and possible further movement of the population (organised and planned evacuation or spontaneous movement) from zones of intense combat operations, will

significantly complicate the task of taking care of the population;

- the drop in the standard of living, the deterioration of living conditions and the shortage of personal and general hygiene products, with significant migration, will contribute to the deterioration of the already bad hygiene and epidemiological situation. This situation will continue to deteriorate because of the aggravated or completely cut supply of water to the population (due to the disabling of waterworks and damage on the water supply network or the power grid) with the possibility of leakage of waste water. This situation will contribute to people falling sick and the spread of contagious diseases and epidemics;
- Damaging or setting fire to certain commercial facilities in which dangerous substances are stored or from which they may leak can lead to chemical accidents, which will represent a special kind of danger to the population. (Determine facilities and types of dangerous substances which may leak under certain circumstances in each municipality, assess threats in various weather conditions and plan measures and procedures for protection and for reducing any consequences)

Regarding these consequences, there is especially a threat to livestock, plants and plant products. In addition to the spread of certain livestock diseases, the spread of zoonoses is also possible in these conditions. Special attention is to be paid, therefore, to the protection of animals, food of animal origin, plants and plant products.

Overall consequences significantly increase in the case of simultaneous natural disasters: earthquakes, floods or draught, which greatly complicates protection and rescue operations. It is, therefore, necessary to prepare appropriate protection assessments and plans in each municipality, separately for each natural disaster which may occur in the municipality.

## 2. ASSESSMENT OF NEEDS AND POSSIBILITIES FOR PROTECTION AND RESCUE

### 2.1. Training and possibilities for organising personal and collective protection

Of the total number of citizens (430,000), it is estimated that about 60% or 260,000 are people of working age. If it is estimated that it is possible to engage about 20% in SVK /Serbian Army of the Krajina/ and MUP /Ministry of the Interior/ organs and services, and about 5% of the total number of citizens in civilian protection units and staffs (about 110,000 people in total), it follows that about 150,000 citizens can be organised and prepared/trained for performing personal and collective protection tasks. Despite the fact that part of the population has received appropriate training in accordance with earlier training programmes for the population, general purpose units or certain types of specialised civilian protection units, and finished certain first aid courses (school curricula, driver training and so on), it is estimated that the level of training of the population for personal and collective protection



does not meet the requirements. The possibilities for engaging the population in providing personal and collective protection are decreased due to the lack of establishment equipment for personal and collective protection. Taking into account this level of training and equipment, the population can be engaged on carrying out preventive protection measures: sheltering, imposing power blackouts and fire prevention, as well as using auxiliary equipment in the implementation of operational protection measures: providing first aid (self-help and collective help), extinguishing initial and small fires, rescuing people shallowly buried under rubble and treating victims. It is estimated that about 40% of overall effects can be reduced through personal and collective protection with well-trained civilian protection commissioners.

## 2.2. Needs and possibilities for the organisation and functioning of protection and rescue measures

Needs for sheltering the population are estimated at 490,000 shelter places, of which:

- |  |                        |
|--|------------------------|
| - at home  | 340,000 shelter places |
| - at workplace (including preschool and school institutions) | 105,000 shelter places |
| - in public places   | 45,000 shelter places  |

Regarding the estimated zones of vulnerability, in terms of the degree of protection offered by shelters, it is estimated that the following is necessary for sheltering the population:

- about 120,000 shelter places in primary shelters;
- about 170,000 shelter places in secondary shelters;
- about 200,000 shelter places in trench shelters and covers.

The condition of constructed shelters does not fulfil the demonstrated needs. However, apart from the small number of primary and secondary shelters, cellars and other premises suitable for sheltering can also be used to a large extent.

It is estimated that about 60% of needs can be met with these structures.

Solutions for the remaining population should be sought in moving the population to less threatened areas in which the construction of trench shelters and covers should be planned. The possibilities for constructing trench shelters and covers are minimal bearing in mind the possibilities for using construction machinery and providing covering material and adequate quantities of fuel.

The problem of sheltering is especially important in frontier villages and towns, where the existence or non-existence of shelters may influence the population in deciding whether to stay or leave.



/handwritten on left margin next to the following three paragraphs: \*/

Plan the evacuation of the population from zones of the first degree of vulnerability, especially from frontier villages and towns and those that may be on a certain tactical axis. Evacuation plans are to include pregnant women, women with children up to ten years of age, children from the ages of ten to 15, the elderly, the sick and the frail. In large towns which may be the target of air attacks, plan to evacuate people falling within these categories for whom it is not possible to provide shelters, at least up to the level of secondary protection.

Due to the general position that the population should not abandon villages and towns, especially frontier ones, except in the case of immediate danger, when preparing evacuation plans exclude timely evacuation /as printed/. This also means that appropriate vehicles can be sent to the villages or towns from which evacuation is planned only in very favourable circumstances.

/the following paragraph is bracketed/

This principle of carrying out evacuation only in the given, or rather estimated situation (by decision of the relevant organs), also means that the overall material support for evacuation (especially fuel) should be secured on time and put at the disposal of civilian protection staffs and commissioners, or even vehicle owners.

To plan and carry out this kind of evacuation, it is possible that in some areas the available vehicles will not meet the needs for the population planned for evacuation.

Plan to receive and accommodate the evacuated population in less vulnerable zones, with timely and detailed preparation for providing accommodation and securing the elementary living conditions for the evacuated population. In addition to citizens, also engage on this task appropriate enterprises and organs from the economy, the health system, utility services, the construction sector, subsidised food preparation services, humanitarian organisations and associations, the educational sector and so on.

In addition to planned and organised evacuation, spontaneous movement of the population is also possible. In such situations, it is necessary to take appropriate measures to prevent panic and direct the population to places planned for reception and accommodation.

Assess the needs for taking care of the vulnerable and suffering population on the basis of the destruction or damage of housing as follows:

- 20-40% in zones of the most intense combat operations,
- up to 5% in towns which are targeted by air attacks.

Assess the possibilities for taking care of the population in their places of residence or neighbouring villages or towns, with maximum use of housing

and material property owned by citizens and public buildings, or by planning and preparing special locations for providing care. Regarding this, it is necessary to carry out detailed preparations (prepare appropriate surveys of households and their possibilities, and prepare the appropriate solutions). This is because the number of vulnerable and suffering people, together with the evacuate people, and the current 120,000 sufferers (refugees and displaced persons) may reach over 75/0% of the total population.

Engage enterprises, organs and organisations on taking care of the evacuate population.

Because of the possibility of air attacks, it will be necessary to impose power blackouts to reduce the effectiveness of air attacks.

The possibilities for using auxiliary equipment, with the appropriate engagement of power supply enterprises and the securing of internal power sources (for entities which cannot stop work/production in a total blackout), constitute a solid basis for the successful implementation of this protective measure.

Despite the fact that, apart from the use of short-time poison gases, the use of other NHB /nuclear, chemical and biological/ is not anticipated, it is necessary to take certain measures for radiological, chemical and

biological protection. This will especially be necessary in municipalities where it is estimated that there is a possibility of chemical accidents, as well as in municipalities where the consequences of these accidents may be felt.

Within this protection and rescue measure, especially plan the implementation of the following measures:

- chemical and biological control of the territory (reconnaissance);
- laboratory work;
- personal and collective protection measures;
- protection of animals and food of animal origin;
- decontamination.

In assessing the possibilities, determine the condition of the equipment, capacities and means necessary for taking these measures.

In these conditions, it is not possible to take special preventive measures for protection from collapsing buildings, and it is necessary instead to assess the needs and possibilities for organising rescue and clearing up units.

Regarding the danger of fire in buildings and other properties, and the possibility of fires and their spread, especially if incendiary ammunition is used, there is a special need for taking both preventive and operational firefighting measures. In view of the relatively limited possibilities for

organising firefighting units because of the small number of professional and voluntary firefighters and persons who have received appropriate training, as well as the insufficient number and age of firefighting vehicles, equipment and extinguishing agents, it is necessary to pay special attention to taking preventive firefighting measures. Take these measures by properly storing inflammable and explosive material in residential, commercial and other buildings, cleaning cellars, storage rooms and attics from unnecessary inflammable material, preparing barrels with earth, securing water reserves, regularly refilling and maintaining fire extinguishers and carrying out certain preventive work in forests. It is possible to engage on these tasks the population through personal and collective protection, relevant MUP services and firefighters from professional and voluntary firefighting units.

Organise protection from unexploded ammunition by informing the population of what to do if unexploded ammunition is found, and organising units for finding, deactivating and destroying unexploded ammunition.

There are significant needs for providing first medical aid on the basis of the assessment of consequences. Assess the possibilities for each level of providing first medical aid, from self-treatment to collective treatment, which is provided through personal and collective protection, and for further treatment of the wounded, in which universal civilian protection units,

specialised first medical aid units, Red Cross first aid teams and health organisations take part. The possibilities for providing first medical aid may be reduced due to the shortage of medical supplies and other equipment, which should be surmounted by using auxiliary equipment.

Due to the vulnerability of livestock and possibilities for diseases, organise the protection and rescue of animals and food of animal origin by engaging all available forces and equipment, from livestock owners, veterinary enterprises and services, livestock breeders, slaughterhouses and enterprises working on protecting and storing food of animal origin.

In order to protect plants and plant products (720,000 hectares of farm land and about 540,000 hectares of woods), assess the possibilities for securing protection equipment, the functioning of hailstorm defence and implementing other protective measures – especially for plant products.

The estimated number of people and animals killed, and their identification, transportation and burial, with the removal of waste and other harmful substances and implementation of DDD /disinfection and pest control/ measures, determines the needs for clearing up the terrain. Assess the possibilities for implementing this protective measure, which is aimed at preventing the spread of diseases, epidemics and other consequences, through the possibilities for engaging utility, construction, transportation, health,



veterinary and other enterprises, and if these capacities do not meet the requirements, also assess the possibilities for organising civilian protection units to clear up the terrain.

It is estimated that 20-25% of the overall effects can be reduced by organising and implementing protection and rescue measures.

### 2.3. Needs and possibilities for organising civilian protection units and organs responsible for commanding protection and rescue operations

The previously stated consequences, as well as the estimates of threats to the population and property point to the need both for taking certain preventive protective measures and certain operational protection and rescue measures. In addition to enterprises and other legal entities equipped and trained for protection and rescue, for taking operational measures it is also necessary to organise appropriate civilian protection units and organs to command protection and rescue operations.

In the previous part regarding the assessment of needs and possibilities, it has been estimated that about 40% of overall consequences can be reduced through personal and collective protection (with quality work by civilian protection commissioners), and 20-25% by organising and taking protection and rescue measures. It follows that for reducing the remaining 35-40% of

overall consequences, appropriate civilian protection units need to be organised.

If it is estimated that about 5% of the population, or a little over 20,000 people, should be engaged in civilian protection units and staffs, in view of the number of people of working age, and taking into account the needs of the SVK, MUP, Republican organs and organisations, local self-government organs, enterprises and other legal entities, it follows that it is realistically possible to organise and staff civilian protection units and staffs. Staffing problems may occur in units which need mentally and physically fit personnel, meaning conscripts (units for rescue from rubble, firefighting units, RHB /radiological, chemical and biological/ protection /units/ and units for deactivating and destroying NUS /unexploded ammunition/). Resolve this problem by double assignments, simultaneously on the basis of work obligation and on the basis of civilian protection (a worker is performing his work obligation, and in the case of need for protection and rescue, he joins the appropriate civilian protection unit or command organ). It is possible to expect a similar problem in equipping units with MTS /materiel and technical equipment/ from the mobilisation fund (it is mostly engaged in SVK units). Look for solutions in cooperation with unit commands in the same way as for personnel engaged on the basis of work obligation.



Depending on the estimated consequences, try to establish universal civilian protection units in each village or town in municipalities.

Assess the needs for organising units for rescue from rubble on the basis of the estimated number of people who may be buried under rubble and the amount of material which may need to be cleared up or taken away from buried roads and streets. In doing so, take into account that the optimal time within which rescue can be meaningful and effective is three days (72 hours), and that the rescue effort cannot be stopped, which means that rescue operations are carried out in continuity, therefore in three shifts.

Moreover, calculate the number of needed rescuers on the basis of roughly determined times needed for rescuing one buried person, as follows:

- for a shallowly buried person                      two hours
- for a midway person buried                      five hours
- for a deeply buried person                      twenty hours

The needs for rescuers assessed on this basis will also indicate the type and composition of civilian protection units which need to be established, keeping in mind that, in principle, universal civilian protection units are engaged on rescuing shallowly and midway buried persons, and

specialised units for rescue from rubble are engaged on rescuing deeply buried persons.

The possibilities for establishing rescue (and rubble clearing up) units are assessed on the basis of the existence of construction, utility and similar enterprises with the necessary number of personnel of specific specialities (bricklayers, wood worker, electricians, plumbers, construction machinery operators, drivers and similar) with the appropriate technical equipment and tools, and the number of independent craftsmen and other citizens who can be engaged in rescue operations and on clearing up rubble.

Assess the needs for establishing radiological, chemical and biological protection units primarily on the basis of the consequences of any chemical accident. In other municipalities, establish these kinds of units the size of at least a squad, with elements of chemical reconnaissance and decontamination, and organise separately laboratory work (in accordance with possibilities) and capacities for decontaminating people, materiel and technical equipment, weapons, clothing, equipment and surfaces.

In most municipalities, in view of the possible number and size of fires, it will not be possible to organise firefighting civilian protection units which can satisfy firefighting needs. Therefore, for organising these units,

make maximum use of the available trained manpower and firefighting equipment.

In addition, for speedy intervention, it is necessary to secure the best possible coverage of territory with universal civilian protection units which can be successfully used for extinguishing initial and small fires.

Due to the lack of necessary specialised personnel, establish units for deactivating and destroying unexploded ammunition by organising at least one team in each municipality. Assess the possibilities for organising these units and teams on the basis of the number of people who have received appropriate training and the number of blasters and suitable personnel in MUP organs. In staffing these units, try to satisfy the principle of voluntariness. Despite possible problems in securing the necessary manpower, securing the appropriate instruments, means and equipment for finding, deactivating and destroying unexploded ammunition will present a special problem.

Assess the needs for establishing first medical aid units on the basis of the estimated number of wounded persons, the level of preparedness and training of the population for self-help and collective help, the level of organisation and training of universal units, the number of Red Cross first aid

teams and the level of development of the health service. In doing so, consider that of the total number of wounded, roughly 60% are slightly wounded whose treatment is possible through self-help, collective help and with the engagement of universal civilian protection units. For providing first aid to the remaining 40% of the seriously wounded, organise first medical aid units, calculating that one team can treat 25 seriously wounded in eight hours. Use already trained personnel to staff these units, with the engagement of medical high school students, possibly unemployed health personnel, and as necessary other citizens, who are to be assigned to the duties of carrier, driver and similar.

Establish clearing up units in municipalities where it is estimated that the appropriate enterprises in the areas of utility services, construction and health and veterinary services are not capable with their organisation and personnel of satisfying the overall needs in this aspect of protection and rescue measures.

Each municipality will assess separately the needs and possibilities for organising units for rescue operations in the water, veterinary units (for rescuing animals and food of animal origin), and possibly also units for protecting plants and plant products.

Depending on the needs, possibilities and the level of organisation of civilian protection in individual municipalities, it is possible to organise certain types

of civilian protection units at the regional level as intervention forces for protection and rescue covering the territory of a certain region.

For successful command of protection and rescue operations, it is necessary to organise the following command organs:

/the following list is bracketed/

- Republican Civilian Protection Staff,
- regional civilian protection staffs,
- municipal civilian protection staffs,
- civilian protection staffs for parts of municipalities,
- civilian protection commissioners in large apartment buildings, blocks of buildings, streets, villages, enterprises and other legal entities.

Assess staffing (appointment) possibilities on the basis of:

- the number of workers at civilian protection duties in the Ministry of Defence;
- the level of speciality for certain protection and rescue tasks;
- previous experience (and level of training) in the work of Civilian Protection Staffs.

2.4. The needs and possibilities for carrying out protection and rescue tasks by enterprises equipped and trained for protection and rescue

The vulnerability and estimated consequences point to the marked need for the full engagement of enterprises equipped and prepared for protection and rescue operations, and especially those in the construction, utility, health, veterinary, subsidised food preparation, catering, firefighting and other areas. The need for their engagement on the tasks of protecting and rescuing people, property and cultural monuments proceeds from their regular activities.

In order to carry out successfully the necessary preparations, civilian protection staffs will prepare concrete tasks for all enterprises equipped and prepared for rescue and protection operations. On this basis and in accordance with possibilities, these enterprises will adjust (increase) their wartime job classifications and, with the help of civilian protection staffs, carry out the necessary preparations relating to staffing, training and obtaining adequate equipment.

The level of organisation of these enterprises does not fulfil even minimum needs, which requires an effort to revitalise and prepare them for carrying out the wide-ranging protection and rescue tasks.

The Republican Civilian Protection Staff studied and adopted this ASSESSMENT of threats and possibilities for protection and rescue at its 1<sup>st</sup> session held on 14 July 1995.

*Draft translation* L0084930

For CHIEF

/a signature and stamp/

DRAFT TRANSLATION

**ANNEX 28:**  
**ORDER OF THE REPUBLICAN CZ STAFF, STRICTLY CONFIDENTIAL,**  
**KNIN, 1 MAY 1995**

/in handwriting/: 099-1995-05-003

THE REPUBLIC OF SERBIAN KRAJINA  
CIVILIAN PROTECTION MAIN STAFF

Number: Strictly Confidential 01-44/95

Knin, 1st May 1995

TO: ALL CIVILIAN PROTECTION  
REGIONAL STAFFS

Due to the situation caused by the aggression of the Croatian Army on the "Western Slavonia", it is herewith

**O R D E R E D**

1. Activate - mobilise all regional and municipal civilian protection staffs with the following tasks:

- introduce the permanent duty rosters;
- take organised and preparatory measures and actions to carry out all the measures of protection and rescuing with the focus on sheltering, evacuating and providing for the population;
- establish the situation and possibilities of engagement of the companies and organisations of interest for protection and rescuing;
- carry out the preparations for the mobilisation of the Civilian Protection units (not to be carried out without the consent of this Staff);
- establish the cooperation with the commands of the SVK /Serbian Krajina Army/ units;

2. Submit the daily reports on the completion of the tasks outlined under Item 1, the events and taken measures to this Staff by 19:00 hrs, and interim reports when necessary. Submit the daily reports by 19:00 hrs and the interim reports when necessary. Submit the reports through the Centre for Intelligence /sentence is not finished/.



3. Organise the food for the engaged manpower through the corresponding SVK units.

CHIEF

Duško Babić

Submit to:

1. Regional Staff of “S. Dalmacija” /Northern Dalmatia/
2. Regional Staff of the CZ /Civilian Protection/ of “Lika”, “Kordun”, “Ban-  
ija”, “Western Slavonia”, “Eastern Slavonia, Baranja and Western Syr-  
mia”

**ANNEX 29:**  
**NEWS REPORT IN THE SLOVENIAN NEWSPAPER DELO, 7 AUGUST**  
**1995**

DELO - Slovenian newspaper 7 August 1995

BANJA LUKA, August 7

This morning at Bosanski Petrovac the airplanes of the so called Army of Republic Srpska bombed the convoy of the so called Army of Republic Srpska - Krajina which was retreating from Croatia. Colonel Vlado Babić who lead the convoy, which in addition to soldiers included also more than 1000 civilians, reported that twenty minutes prior to the attack Živomir Ninković the commander of the military aviation of the so called Army of Republic Srpska ordered the soldiers to retreat with the civilians back to the Croatian territory or he will attack them for desertion. Colonel Babić also claims that the Serbian aviation used cassette bombs during the attack. He also reported that there were more than 20 persons killed and more than 100 injured during the three attacks. We were also informed that a rapid court was formed in Banja Luka which already convicted 20 soldiers and lower officers of the so called Army of Republic Srpska for deserting their posts around Knin and Benkovac. (K. M.)

**ANNEX 30:**  
**REPORT ON THE EMPLOYMENT OF RH ARMED FORCES MILITARY**  
**POLICE UNITS IN STORM, 11 AUGUST 1995**

*English Translation*

*ET 0604-5180-0604-5184*

/Hand-written/: 45/11; forwarded to /illegible/; 4; (07)

REPUBLIC OF CROATIA

Defense

MINISTRY OF DEFENSE

Military Secret

ZAGREB

Strictly Confidential

MILITARY POLICE ADMINISTRATION

“Oluja” /Storm/

Class: SP 80-01/95-158

Ref. no. 512-19/01-95- 518

Zagreb, 11.08.1995.

- To the RH /Republic of Croatia/ Minister of Defense, Mr Gojko ŠUŠAK
- Head of GSHV /Main Staff of Croatian Army/, General Zvonimir ČERVENKO
- Head of HIS /Croatian Information Service/, Dr Miroslav TUĐMAN
- Assistant to the Minister for Security, Brigadier Markica REBIĆ
- Head of Political Administration of MORH /Ministry of Defense of the Republic of Croatia/, Major General (HV) Ivan TOLJ
- Head of MORH SIS /Security and Information Service/, Colonel Ante GUGIĆ

**Subject: Employment of the RH OS /Armed Forces/ Military Police units in the “Oluja” Operation.**

**Reference: Report UVP /Military police Administration/, class: SP 80-01/95-158 Ref.no. 512-19/01-95-509, dated 10.08.1995.**

The members of the anti-terrorist formations of the military police and the parts of the general military police who participated in the combat activities of the “Oluja” Operation during 10.08.1995 have been withdrawn and given a 24-hour leave to subsequently be engaged in mopping up – search of the territory in the area of responsibility aiming to find and destroy enemy groups and individuals.

The process of forming the units of the military police in the newly liberated territory of the RH has been completed. The VP platoon of the 67<sup>th</sup> Battalion of the Zagreb VP was created in Dvor na Uni at 20:00 hours on 10.08.1995.

## **1. Security of the protected persons and installations and the inspection of the surrendered enemy forces and civilians**

1.1. On 10./11.08.1995, the security of the movement of the columns of the surrendered members of the so-called 21<sup>st</sup> Corps and civilians from Topusko in the direction of Glina-Petrinja-Sisak-Kutina-Sl. Brod-Lipovac has been continued.

### **Four columns of the above mentioned persons left the territory of the Republic of Croatia as follows:**

- The 1<sup>st</sup> column at 10:45 hours
- The 2<sup>nd</sup> column at 13:10 hours
- The 3<sup>rd</sup> column at 14:30 hours
- The 4<sup>th</sup> column at 17:50 hours

### **Other columns continue moving through the RH as follows:**

- The 5<sup>th</sup> column is currently undergoing inspection and leaving the territory of the RH.
- The 6<sup>th</sup> column with 9 personal vehicles, 4 freight vehicles, and 104 tractors, with about 600 persons, is on the Sl. Brod - Županja high-way.
- The 7<sup>th</sup> column with 4 personal vehicles, 1 freight vehicle, and 161 tractors, with the total of 855 persons, are in Sl. Brod.
- The 8<sup>th</sup> column with 21 personal vehicles, 193 tractors and the total of 1085 persons is between Gradiška and Sl. Brod.
- The 9<sup>th</sup> column with 7 personal vehicles, 1 freight vehicle, and 104 tractors, with the total of 560 persons, is at the high-way near Okučani.
- The 10<sup>th</sup> column with 19 personal vehicles, 3 freight vehicles, and 9 of our buses transporting enemy soldiers, with a total of 420 persons, is in Lipovac, where their crossing to the so-called FR Yugoslavia is expected as well as the return of our buses.
- The 11<sup>th</sup> column with 5 personal vehicles, 4 freight vehicles, and 129 tractors, with the total of 685 persons is in Lipovljani
- The 12<sup>th</sup> column with 14 personal vehicles, 4 freight vehicles, and 123 tractors, with the total of 715 persons, is in Kutina.

- The 13<sup>th</sup> column in Petrinja.
- The 14<sup>th</sup> column in Glina.

Also, we expect another 3-4 columns which are being prepared in Topusko.

On 10.08.1995 about 22:30 hours, an unidentified person fired 5-6 bullets at the column of the surrendered members of the so-called 21<sup>st</sup> Corps on the high-way near "Zelengaj" Motel, Velika Kopanica Municipality. By a swift action of the VP patrol on the spot, it was established that Sergeant Ivan DRŽALJEVIĆ, member of the 10<sup>th</sup> dp /Home Guard Regiment/ opened fire at the column. The above mentioned person was criminally charged and taken to the Investigative Judge of the Military Court.

## **2. Security of protected persons, representatives of the press, and foreign delegations**

- Security of the delegation of the Embassy of the Republic of Poland on the route Zagreb-Slunj-Zagreb
- Security of the groups of foreign and domestic journalists on the following routes: Zagreb-Karlovac-Slunj-Rakovica-Petrovo Selo-Bihać, Zagreb-V.Gorica-Sisak-Petrinja-Zagreb, and Zadar-Šibenik-Drniš-Knin-Zadar
- Security of the Deputy Prime Minister of RH Mr Bosiljko MIŠETIĆ with his assistants on the route Karlovac-Turanj-Krnjak-Kupljensko,
- Security of the EU Ambassador Raul SANCHEZ on the route Split-Šibenik-Drniš-Knin-Split.

## **3. The arrest and the escort of the members of paramilitary units**

On 10.08.1995., at 20:00, a total of 1042 persons were escorted to the reception centers in the liberated territory of the RH. Out of this number:

- 304 persons in reception centers are being criminally processed
- 225 persons have been taken to the Investigative Judge of the Military Court
- 16 persons are in medical centers
- 469 persons are in reception centers for civilians

- 27 civilians have been discharged to join their relatives, with the approval of the Split-Dalmatia PU /Police Administration/
- 1 person died in the Šibenik MC /Medical Center/ due to wounding during the operation "Oluja"

Two people, members of paramilitary units, died due to exhaustion and general bad health conditions – one at the Command of the 101<sup>st</sup> Brigade, and the other - escorted by the members of the 101<sup>st</sup> Brigade and the SIS – on the way to the reception center.

3.1. In the area of Velika Kladuša – Cetingrad – Johovo – Kestenovec, there are civilians and members of the so-called "National Defense" of the Western Bosnia. The military police is securing them, in cooperation with the units of the HV, they medically assist the wounded and are escorting them, together with the civilian police, to the medical centers in Karlovac.

The members of the so-called "National Defense" have surrendered the heavy weaponry, infantry weapons, and MES /mines and explosives/ to the units of the Karlovac ZP /Military District/.

#### **4. Traffic security**

During 10.08.1995, the units of the military police conducted traffic security during 8 inspections of the HV columns. The task was performed without traffic jams and difficulties.

#### **5. Killed and wounded**

On 10.08.1995, one member of the 66<sup>th</sup> Battalion of the VP wounded himself while taking over the automatic rifle surrendered by a member of a paramilitary unit. Another member of the 66<sup>th</sup> battalion of the VP wounded himself while handling a handgun in an inappropriate way.

HEAD

Major General

*English Translation*

*ET 0604-5180-0604-5184*

/Signed/

Mate LAUŠIĆ

/Hand-written/: 113

It is hereby certified that this copy is identical to the original document.

In Zagreb, on 4.9.2006.

/Stamped, stamp reading/: Republic of Croatia

Ministry of Defense

Zagreb

**ANNEX 31:**  
**ORDER OF THE MINISTRY OF THE INTERIOR ESTABLISHING RE-  
 CEPTION CENTRES, 5 AUGUST 1995**

/Republic of Croatia Coat of Arms/

Republic of Croatia

Ministry of the Interior

Assistant Minister

Povratak /Return/ Operation

Very urgent

Very confidential

Coded

Number: 511-01-10-38658/37-95

Zagreb, 05 August 1995

Operative Staff of the Operation:

- √ Karlovac PU /Police Administration/
- √ Sisak Moslovac Police Administration
- √ Lika-Senj Police Administration
- √ Zadar-Knin Police Administration
- √ Šibenik Police Administration
- Zagreb Police Administration
- √ Split-Dalmatia Police Administration

SUBJECT: The establishment of reception centres

In accordance with the telegram number 511-01-10-38658/23-95 dated 04 August 1995, you are obliged to IMMEDIATELY establish reception centres for civilians. The centres are to be organised in accordance with the Geneva Conventions on the Treatment of Civilians (older persons, women and children). The reception centres should be established within the organisation of the Civilian Protection with the full cooperation of Regional Offices for Expelled Persons and Social Work Centres.

In the course of the reception of persons found in the zone of combat activities i.e. in the liberated area, it is COMPULSORY to separate civilians and send them to the Reception Centres of the Civilian Protection.



When establishing the centres, it is necessary to ensure medical support in accordance with the telegram no. 511-01-10-38658/25-95 dated 04 August 1995.

The MUP /Ministry of the Interior/ Duty Operations is to be informed on what was done.

Respectfully,

Assistant Minister  
Zdravko ŽIDOVEC  
/signed/

/illegible stamp/

**ANNEX 32:****PROCEDURE FOR INDIVIDUAL RETURN OF THE PERSONS WHO  
LEFT THE REPUBLIC OF CROATIA (MANDATORY INSTRUCTIONS),  
ZAGREB, 14 MAY 1998**

/coat-of-arms/

**GOVERNMENT OF THE REPUBLIC OF CROATIA**

At its session held on 27 April 1998, the Government of the Republic of Croatia set forth the Procedure for Individual Return of the Persons Who Left the Republic of Croatia. Subsequently, at its session held on 14 May 1998, the Government passed Mandatory Instructions on Obtaining Documents Required For the "Procedure for the Individual Return of Persons Who Left the Republic of Croatia", the contents of which are disclosed below in their entirety:

**MANDATORY INSTRUCTIONS ON OBTAINING REQUIRED DOCUMENTS FOR THE PROCEDURE FOR THE INDIVIDUAL RETURN OF PERSONS WHO LEFT THE REPUBLIC OF CROATIA**

With a view to fully and correctly comply with the Procedure for Individual Return of the Persons Who Left the Republic of Croatia set forth at the session of the Government of the Republic of Croatia held on 27 April 1998, the Government of the Republic of Croatia hereby issues the following

**MANDATORY INSTRUCTIONS****I**

Cases in which, based on submitted documents, irrefutable evidence shows that the person undergoing the procedure for individual return is a Croatian citizen.

1. when such person is registered in the Register of Croatian Citizens, which shall be established by *ex officio* the Ministry of the Interior;
2. when, pursuant to the provision of Article 30 of the Croatian Citizenship Act, such person acquired Croatian citizenship in accordance with the laws in force prior to the entry into force of the Croatian Citizenship Act (8 October 1991), and has provided evidence that Croatian citizenship was acquired earlier, by a certificate of Croatian citizenship issued by the competent authority of the former Socialist Republic of Croatia;
3. when, pursuant to Item 3 of the Procedure for Individual Return, such person has a certificate of citizenship issued in accordance with provisions of the Croatian Citizenship Act;

4. when, pursuant to Item 3 of the Procedure for Individual Return, such person has an identity card issued in accordance with provisions of Identity Card Act;
5. when, pursuant to Item 3 of the Procedure for Individual Return, such person has a valid passport issued in accordance with provisions of the Act on Travel Documents for Croatian Citizens.

Pursuant to Item 3 of the Procedure for Individual Return, when a request for return is based on one of the abovementioned documents which, according to the regulations in force in the Republic of Croatia, represents proof of Croatian citizenship (other than a valid passport), the respective diplomatic office of the Republic of Croatia shall issue a *laissez passer* document without delay to the applicant to allow him to return to the Republic of Croatia, and shall inform the Ministry of the Interior accordingly.

NOTE: Pursuant to the Travel Documents Act, a *laissez passer* is a travel document issued to a Croatian citizen abroad without a valid travel document, for the purpose of his return to the Republic of Croatia. The *laissez passer* is valid for 30 days from the date of issue. The applicant may repeatedly submit a request for a new *laissez passer* under the same conditions.

## II

Cases where the applicant does not have any of the documents listed in Item I of these Instructions, or is not registered in the Register of Croatian Citizens, or such register is non-existent (damaged, destroyed, stolen, etc.).

In such cases the applicant shall submit any of the documents listed in Item 4 of the Procedure for Individual Return that may serve to establish his or her citizenship status, in accordance with the Croatian Citizenship Act. Such documents include:

- a. Expired identity card;
- b. Expired passport or other document;
- c. Certificate of permanent residency;
- d. Employment record book;
- e. Seaman's book;
- f. Maritime book;
- g. Driver's license;
- h. Military identity booklet of the former SFRY;
- i. Trade license or another permit for professional or other business activity;
- j. Birth certificate;

- k. Marriage certificate;
- l. School diploma or another certificate of education;
- m. Proof of ownership of a residential building, apartment or another real estate.

Pursuant to Item 6 of the Procedure for Individual Return, the Ministry of the Interior may decide on the application for establishing Croatian citizenship upon review of official records kept by the Republic of Croatia, or in another suitable manner (such as applicant's identification by a witness, etc.).

Pursuant to Item 5 of the Procedure for Individual Return, the respective diplomatic office shall forward the request with the abovementioned accompanying documents to the Ministry of the Interior for further processing. The Ministry of the Interior shall establish the applicant's citizenship status in accordance with provisions of the Croatian Citizenship Act typically within two months, and within three months at the latest.

Once the applicant's citizenship status is established, the Ministry of the Interior shall inform the respective diplomatic office about it, with the purpose of issuing a *laissez passer* without any delay for the applicant's return to the Republic of Croatia, and the Ministry of Administration for the applicant's entry into the Register of Croatian Citizens and the issue of a certificate of citizenship.

If conditions for acquiring Croatian citizenship are not met, the Ministry of the Interior shall deny the application for Croatian citizenship by issuing a ruling against which an administrative dispute may be initiated with the Administrative Court of the Republic of Croatia within 30 days from the day the ruling was served.

For the duration of the procedure for establishing Croatian citizenship and the issue of a *laissez passer*, the applicant shall be exempt from administrative fees.

The competent authorities shall issue the required personal documents to the person who has been granted the right to return to the Republic of Croatia upon his or her return, without delay, in a regular procedure and according to the regulations in force in the Republic of Croatia.

### III

If criminal proceedings are ongoing against a person who has filed a request for the return to the Republic of Croatia for committing a punishable act of the gravest violation of humanitarian rights qualified as war crime, and the person has Croatian citizenship, such person shall be allowed to return to the Republic of Croatia, which does not rule out the possibility of conducting criminal proceedings for the abovementioned crimes.

If the person against whom criminal proceedings are conducted for punishable acts involving the gravest violation of humanitarian rights qualified as war crime is not a Croatian citizen, or if there are no grounds for granting him or her Croatian citizenship, his or her request for Croatian citizenship shall be denied pursuant to Article 26, Paragraph 2 of the Croatian Citizenship Act, since it is contrary to the interests of the Republic of Croatia to grant Croatian citizenship to persons accused of war crimes.

NOTE: The procedure for Croatian citizenship shall be temporarily discontinued until a final ruling is reached by judiciary bodies establishing whether or not this person committed a crime of the gravest violation of humanitarian rights qualified as war crime.

#### IV

As concerns issues that have not been directly addressed in these Instructions, the Procedure for Individual Return of the Persons Who Left the Republic of Croatia shall apply.

Class: 019-04/98-01/04

File no: 5030107-98-3

Zagreb, 14 May 1998

President

mr. sc. Zlatko Mateša, m.p.

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NOTE: The text of the procedure for individual return of the persons who left the Republic of Croatia is available upon request in the offices of the Consular Department of the Embassy of the Republic of Croatia in Belgrade.

**ANNEX 33:**  
**STATUS REPORT OF THE HEAD OF THE OSCE OFFICE IN ZAGREB TO**  
**THE OSCE PERMANENT COUNCIL, 22 NOVEMBER 2011**



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**Status Report of the Head of the OSCE Office in Zagreb**  
**to the OSCE Permanent Council**  
**22 November 2011**

During the reporting period, from 18 November 2010 to 22 November 2011, the OSCE Office in Zagreb continued with activities focused on the only two topics comprising its mandate: monitoring of war crimes proceedings and observing residual aspects of the implementation of the Croatian Housing Care Programme.

**1. MONITORING OF DOMESTIC WAR CRIMES PROCEEDINGS**

**General overview (Chief State Attorney's data).** The Chief State Attorney's War Crimes Electronic Database (operational since mid-2010) is the core resource for analysing Croatia's established track record in investigating and prosecuting domestic war crime cases. The Database contains 490 war crimes incidents committed during the 1991–1995 armed conflict in the former Yugoslavia. The war crimes incidents have been further divided into 1,090 individual war crimes cases thus one incident may encompass a group of individual crimes.<sup>1</sup> The perpetrators of 316 incidents (849 individual cases) have been identified and criminal proceedings have been initiated against them. In 103 incidents, criminal proceedings against 1,268 defendants were completed resulting in 554 convictions and 714 acquittals. In the remaining 211 incidents in which the perpetrators have been identified, criminal proceedings are still ongoing.<sup>2</sup> The Database also includes entries for additional 174 (241 individual crimes) with unidentified perpetrators. The Chief State Attorney is committed to further efforts in investigating those crimes and identifying their perpetrators.<sup>3</sup>

The above figures demonstrate the significant efforts that Croatia has been investing in the prosecution of war crimes. Analysis of activities to date shows that Croatia is clearly succeeding in ensuring that the war crimes proceedings are conducted in an impartial manner by the independent judicial bodies. The system is further strengthened and all institutions will be capable of investigating crimes in a transparent and efficient manner. However, continued efforts are to be invested in relation to the processing of 211 pending incidents with known

<sup>1</sup> The State Attorney explains that a group of individual crimes constitutes one incident if these crimes are linked in respect of the locality where they occurred and if there is legal and factual correlation between them.

<sup>2</sup> In this category, the investigation has been ongoing against 357 individuals, while indictments have been filed against 631 individuals.

<sup>3</sup> According to the Chief State Attorney's data the number of individual crimes committed by unidentified perpetrators downsized from 624 in 2009 to 546 in 2010 and finally to 248 in 2011. Meanwhile some perpetrators have been identified, but the total difference could not only be explained with the progress made in the investigations, but also on different categorization criteria applied by the Chief State Attorney's Office.



perpetrators and 174 incidents in which the perpetrators are still unknown. The sum of the two figures represent 79% (385 out of total 490) of the war crimes caseload that remains to be resolved, while 21% (105 cases out of 490) have been completed up to date. These figures are not final and the number of unresolved cases may increase if new not yet registered war crimes incidents are found.<sup>4</sup>

However, we need to take into account that, from a realistic point of view, this 79% remaining caseload that Croatia continues addressing, is a challenge that might be impossible to be fully completed (not all evidences will be found, not all suspects will be available, etc.)

**Monitoring and observations by the Office.** During the reporting period 139 cases involving 638 individuals were pending at different stages of criminal proceedings. Out of these 638 individuals, Serbs consisted 89% of the defendants, Croats 10% and other ethnicities 1%.<sup>5</sup> In 79% of the cases, the proceedings remained inactive largely due to the unavailability of suspects with approximately 85% of the suspects still at large.

Since the beginning of the reporting period 15 persons (14 Croats and 1 Serb)<sup>5</sup> have been arrested. In addition, 5 defendants (all Serbs)<sup>5</sup> were arrested in third countries and up to date two of them extradited to Croatia. Indictments were filed against 36 persons: 13 Croats (1 *in absentia*) and 23 Serbs (18 *in absentia*).<sup>5</sup> The Office monitored 38 trials with more than 200 hearings held in the course of them. First instance verdicts were rendered in 14 trials involving 31 individuals. The courts convicted 16 defendants (9 Serbs and 7 Croats)<sup>5</sup> while 15 defendants (3 Serbs and 12 Croats)<sup>5</sup> were either acquitted or charges against them were dismissed. Out of a total of 88 persons tried, 62 were former members of the Serb forces, while 26 were affiliated to the Croatian side during the conflict.<sup>5</sup> While all Croats were tried in their presence, the trials against 43 Serbs (nearly 69 % of the total number) were held *in absentia*.<sup>6</sup>

During the reporting period, the Supreme Court dealt with appeals in 19 war crimes cases involving 31 persons (20 Serbs and 11 Croats).<sup>5</sup> The appeals in 10 cases have been decided, while 9 cases remain pending. Two appeals have been pending for more than two and a half years, one involving an acquitted defendant and the other a defendant sentenced *in absentia*. The Supreme Court reversed on appeal 4 out of the 10 verdicts.

When assessing the efficiency or the promptness of the Croatian judiciary to address cases, it has to be taken into account that one of the main impediments in the efficient prosecution of the serious crimes against international humanitarian law is the large number of suspects that, unfortunately, remain inaccessible to the Croatian judiciary (85%). This partially informs us why some recourse to *in absentia* trials has continued, even though the high directives of the Croatian judiciary continue to discourage this practice.

<sup>4</sup> For example, in April 2011, after the ICTY rendered the first instance judgement in the case against Croatian generals Gotovina and Markač, the Chief State Attorney acknowledged that the number of victims of Operation Storm registered in their files (214) was much lower than the number registered in the reports produced immediately after the Operation by the Croatian Helsinki Committee (677) or by the Office of Missing and Detained Persons (679 exhumed and 563 missing persons). As a positive move, regional state attorneys were requested this year to conduct an inquiry in reference to the victims listed in the above statistics that may result in the discovery of new war crimes incidents.

<sup>5</sup> These ethnic percentages have to be logically analysed in the context of the roots and origins of the war.

<sup>6</sup> The number includes 9 defendants who received the court summonses on their addresses in Serbia but did not show up for the trial.

**Regional Cooperation.** Croatia actively participated in the efforts aimed at enhancing regional co-operation with regard to war crimes, including in the framework of well-established regional co-operation networks involving police, state attorney's offices and justice ministries from the region. In 2011 Croatia continued to seek more than 1,000 war crimes suspects with most of them residing in the neighbouring countries, particularly in Serbia. A close and effective regional co-operation is crucial for narrowing the impunity gap in the war crimes portfolio. Inter-State judicial co-operation between Serbia and Croatia has been firmly and consistently enhanced during the last years. Since 2006 the Croatian Chief State Attorney's Office has forwarded to their Serbian counterparts 29 complete war crimes case files involving 53 individuals. There are also countless daily contacts between the two State Prosecutor's Offices both at the central and regional level in relation to exchanging information indispensable for a successful prosecution of war crimes. Furthermore, in many already completed and ongoing trials, the statements of witnesses and other evidence was requested and supplied by using the means of Legal Aid between the two countries (to include through the generalized use of video-link testimony).

In October 2011 the Croatian Government passed through the Parliament the 'Law on Voidness of certain Legal Acts of Judicial Bodies of former Yugoslav National Army, former Socialist Republic of Yugoslavia and the Republic of Serbia' which has some implications on the overall relations between the two countries and which could have very limited implications for future domestic trials followed by the Office, although strictly speaking the substance of the Law does not fall within the mandate of the Office.

*Inter alia* the Law provides for an exclusive jurisdiction of the Croatian judicial bodies in all war crimes committed by Croatian citizens in the Croatian territory during the 1991–1995 armed conflict. The Government explained that this Law is necessary to respond to the 2003 Serbian Law (amended in 2009) making Serbian judicial bodies competent to prosecute all war crimes committed during the 1991–1995 conflict within the territory of the former Yugoslavia regardless of the nationality of perpetrators and victims. Additionally, the Government claimed that by its Law, Serbia has given the legal basis to the indictments filed by the former Yugoslav National Army, which participated in the aggression against Croatia and which were enacted without sufficient evidences and were obtained under torture. Both Croatian and Serbian Chief State Attorneys stated that the Law could lead to a stalemate in the good ongoing co-operation between the two countries in the field of war crimes. Croatian President Ivo Josipović criticised the Law as politically damaging and announced that he would challenge it before the Constitutional Court. The President also called on Croatian and Serbian authorities to conclude a bilateral agreement in order to settle the dispute in accordance with the standards of international law. The head of the OSCE Office in Zagreb stated his hope that the adoption of the Law will not provoke a setback in the ongoing regional cooperation that could erase years of invested efforts and expressed its conviction that this Law will be abolished very soon. In the light of such perspective, the co-operation at the technical level will continue regardless of political or electoral moves or statements by politicians.

**Review of *in absentia* convictions and unsubstantiated charges.** With the goal of improving prosecutorial standards and alignment with European practices, Croatia completed the Action Plan for the review of *in absentia* war crimes cases. Furthermore, the new legislation that entered into force at the beginning of 2009 opened the possibility for *in absentia* convicts to seek the review of their cases without having to return to Croatia. The implementation of the Action Plan successfully addressed past miscarriages of justice that



occurred during the nineties. The Office confirms the commitment of the Republic of Croatia to continue investing efforts until all errors from the past have been properly addressed, including the problem of the amnesties applied during the nineties to persons who had committed some of the truly shocking war crimes.

According to recent overall data, the State Attorney's Office (SAO) requested the review in regards to 94 persons. Courts requested review in regards to 2 persons and, finally, defendants themselves filed 22 requests for review. All the SAO requests and, additionally, 14 cases where requests were filed by the defendants, were granted. The positive option of review without having to return to Croatia has not been used broadly. Up to now 13 individuals requested the review of their convictions. The courts rejected 7 requests, granted 5 and 1 request remained undecided. Out of 5 requests in which the courts granted the renewal 2 verdicts were set aside, while the court proceedings are still ongoing in 3 cases.

The review also addressed earlier indictments, investigations and cases with unidentified perpetrators thus cleaning the files from unsubstantiated cases not meeting current standards. In total, the number of indicted persons and persons under investigation was reduced from a total of 1284 to 1048 (a decrease of 19%). The number of crimes committed by unidentified perpetrators was also reduced from 641 to 584 (a decrease of 9%).

**Improved legislative framework for the prosecution of war crimes.** The legislative framework for the processing of war crimes in Croatia has importantly improved, providing for an increased efficiency and impartiality in both investigation and prosecution. In February 2011, a new Strategy on impunity was adopted by the Ministry of Justice followed by the State Attorney Office's and the Police Directorate's operational plans. The Strategy recognized the existence of hundreds of uninvestigated crimes and recommended the measures to narrow the impunity gap. As suggested by the Office during the Platform meetings, priority cases were identified at national and regional levels and special teams were established to investigate the most sensitive cases.

This reporting period was characterised by a significant increase of the number of cases transferred to the four Specialised War Crimes Courts. In 2011 the transfer was granted in 30 cases. In line with that trend, the 'Law on the Implementation of the Statute of the International Criminal Court and Prosecution of Crimes against International Law on War and Humanitarian Law' (ICC Law) was amended providing for exclusive jurisdiction of the four Specialised Courts in all new trials including the cases in which the Supreme Court on appeal remits a case for retrial. The 'Amendments to the ICC Law' also allowed for the full use of the evidence collected by the ICTY in the domestic courts. In a further move to improve the handling of war crimes, the amendments to the 'Rulebook of the Courts' provided for the establishment of War Crimes Chambers in the four Specialised War Crimes Courts. To date, four new War Crimes Chambers have been staffed with 16 investigative judges and 38 trial judges.

During Platform meetings, the OSCE Office had recommended that the specialisation of judges, the availability of the necessary equipment (e.g. video-link) and the transfer of cases from the localities in which the crimes were committed to the four Specialized War Crimes Courts were efficient measures that could further improve fair trial standards and diminish the risk of any possible biased prosecution of war crimes. The amendments introduced to the ICC Law during this year made these OSCE suggestions a reality. However, these positive amendments could also produce delays because the judges assigned to the War Crime

Chambers within the four Specialized War Crime Courts will have their caseload increased since they will have to continue dealing with other categories of crimes as well (for example, corruption cases).

**Efforts to address yet unprosecuted war crimes.** The positive trend has continued with the police and prosecutors increasingly addressing serious crimes which, until recently, have been uninvestigated or unprosecuted. In February 2011, the last year's commitment by the Chief State Attorney to enhance measures in order to tackle the yet unprosecuted war crimes, produced the new Strategy on impunity adopted by the Ministry of Justice, which was followed by the State Attorney Office's and the Police Directorate's operational plans. On many occasions the Office observed that, unfortunately, the unavailability of many war crimes suspects represent a serious obstacle limiting the efforts by the Croatian judiciary to narrow the impunity gap. Confidential investigations, with the police and the prosecutors continuing to do their job, are obviously ongoing attempting to collect the necessary evidence after all the elapsed time. The files of the Chief State Attorney acknowledge that around 174 serious war-related incidents are at an early stage of investigation.

Increased efforts in this field resulted in 2011 in the opening some important cases like the case against former Assistant Minister of the Interior Tomislav Merčep (a Category II case in which part of the evidence was supplied by the ICTY) charged with command and individual responsibility for the torture and death of more than 50 predominantly Serb civilians at the end of 1991.

A breakthrough has also been made due to the investigation of cases of torturing and killings of dozens of Serb civilians in Sisak in 1991. In June 2011, the war time Chief of Police in Sisak, Đuro Brodarac, and two military commanders were detained after the investigation launched against them for the torture of 69 persons, out of whom 31 were killed.

**Witness and victim support.** Croatia has continued to improve its 'Witness and Victims Support Service' both in the quality of the provided assistance and through the extension of this Service to three more courts at the beginning of 2011.

The Witness and Victims Support Service was established in Croatia through a project carried out by the Ministry of Justice in partnership with the United Nations Development Programme (UNDP). The Section for Witness and Victims Support at the Ministry of Justice and 7 Regional Centers established under the project at County Courts in Zagreb, Osijek, Vukovar, Split, Rijeka, Sisak and Zadar are fully operational, providing comprehensive support to witnesses and victims in war crimes cases and other serious crimes.

Appropriate measures have been taken to install equipment necessary to conduct video-link hearings. Proper training of personnel, as well as promotional activities to encourage the use of video-link technology in hearings, has been completed. As a result, video-link testimonies have become a regular practice in Croatian courts, including in cases involving war crimes, enabling testimony from witnesses located in other countries worldwide.

The previously mentioned positive legislative amendments establishing the transfer of cases to the four Specialised War Crime Courts have posed a new challenge for the Service. The Service has to deal now with assistance to the witnesses travelling from their place of residence to the distant city centres where these four courts are located.



**NGO's monitoring and their capacity building.** The three Croatian NGOs mentored by the Office (Documenta, Centre for Peace and Civil Committee for Human Rights) continued with their systematic monitoring and reporting on all domestic war crimes proceedings. In different periods, six to eight NGO lawyers were assigned to monitor each hearing in war crime trials and to report on their findings to the international community. In February 2011, the NGOs published and distributed to the international community their 2010 Annual Report. In their semi-annual report issued in June 2011, the NGOs welcomed the change of legislation establishing the transfer of cases to the four Specialised War Crimes Courts and allowing for the use of evidence collected by the ICTY. Their reports also present a legal analysis of every case that they had monitored.

During the reporting period the three NGOs issued more than 40 public statements related to the prosecution of war crimes and the rights of war victims. In their recent public statements they sharply criticised the adoption of the 'Law on the Voidness of certain Legal Acts of Judicial Bodies of former Yugoslav National Army, former Socialist Republic of Yugoslavia and the Republic of Serbia'.

The Roundtables organized by the NGOs have been attended by victims, associations representing the victims and missing people, human rights activists, media, as well as by the highest governmental and judicial authorities in Croatia. In addition, the NGOs have organized a number of press conferences in order to raise the awareness of the Croatian public opinion on the necessity to prosecute war crimes and to compensate victims.

The OSCE Office continued its constant dialogue with the NGOs through periodic legal discussions and its participation, along with the ICTY Liaison Office in Zagreb, the Delegation of the European Commission and Zagreb-based Embassy representatives in the Steering Committee coaching the NGO directors on topics such as outreach, organization and advocacy activities.

These three judicial NGOs performed the war crimes monitoring with the funds provided by the three-year grant of €600,000 from the EU's Instrument for Democracy and Human Rights (EIHDR) and with €150,000 received from other donors, including the €30,000 donated by the OSCE Office in Zagreb in 2009. In order to continue their activities during 2012, they have applied for new EU and other donors' funds.

## **2. RESIDUAL ASPECTS OF HOUSING CARE FOR FORMER OTR HOLDERS**

**Monitoring and observations by the Office.** The Office continued verifying the allocation of the housing units to the former occupancy/tenancy rights (OTR) holders who applied for the provision of housing care under the existing governmental programme. The Office verified in the field more than 1,450 handovers of dwellings to the recipients.

**The three benchmarks agreed with the OSCE have been completed.** In order to resolve the outstanding issue of former occupancy/tenancy right holders (OTR) wishing to return to Croatia, the OSCE and the Government of Croatia agreed in 2006 that, through the Croatian Housing Care Programme (HC), 1,400 housing units would be allocated to ex-OTR holders in 2007 (Benchmark 2007); 1,400 in 2008 (Benchmark 2008); and 2,070 in 2009 (Benchmark 2009).

By the end of June 2011, the Government of Croatia purchased all the remaining housing units that needed to be allocated in order to meet the last of these three benchmarks. Therefore, the Government of Croatia has fully accomplished the three benchmarks agreed with the OSCE in relation to this residual aspect of the OSCE mandate.<sup>7</sup>

The total quantity of housing units provided to former OTR holder families within these three benchmarks is 4,915 (45 more than the quantity agreed with the OSCE). The regional distribution of allocated housing units within the three benchmarks can be summarized as follows: 3,588 ex-OTR families received HC inside the war affected areas (Areas of Special State Concern - ASSC), and 1,327 ex-OTR families received HC outside the ASSC (urban/coastal areas).

**Other positive accomplishments and developments.** In addition to the efforts made towards the accomplishment of these three 2007-2009 OSCE benchmarks, the Croatian HC Programme has to be commended for the provision of approximately 3,500 housing units prior to 2007 (through the construction or reconstruction of war-damaged housing units and the allocation of State owned housing).

In addition, during 2010, the Programme introduced the possibility for HC recipients in urban centres to purchase their allocated housing units at a significantly lower price than the current market price. That possibility has existed for quite some time already for the recipients in the war affected areas (ASSC). To date, 1,056 families have applied to buy the received flats.

Furthermore, during 2011, the Croatian Government extended, for a second time, the deadline for those former OTR holders that failed to apply for the provision of HC during the previous deadlines. The new deadline for HC applicants who lost tenancy right in urban centres will last until 9 December 2011. An informative campaign coordinated with Serbia was organized prior to the reopening of this deadline. So far, 208 new families have applied. However, as observed on previous occasions, the majority of new applications will most probably be submitted on the eve of deadline.

**HC Programme beyond the OSCE benchmarks.** The results of the HC Programme are producing a call effect. The Government of Croatia has continued accepting applicants beyond the three benchmarks and granting eligibility to housing care for new former OTR holders that seek such assistance. In fact, to date, they have already allocated 80 housing units to former OTR holders beyond the benchmarks. The Ministry of Regional Development estimated that additional 2,747 households including 7,032 individuals –former OTR holders– could be eligible in the future for the provision of HC beyond the set benchmarks. Accordingly, the Government has committed itself to the continuation of the Programme anticipating that the complete HC Programme for former OTR holders will be finalized by the end of 2014.

As of 15 October 2011, a total of 905 approvals for HC beyond the benchmarks were issued. Furthermore, 148 beneficiary families beyond the benchmarks have been provided with accommodation out of which 11 beneficiaries have taken over the keys of their allocated housing units. There are ongoing activities aimed at reconstruction of 150 housing units, to

<sup>7</sup> All the required housing units were purchased and made available to the remaining OTR holders in June 2011. The last 165 OTR recipients that in June 2011 remained to take over the keys of their allocated housing units (flats and houses), have taken them over in the last two months.



be completed until the end of 2011. According to estimates, at least 100 housing units will be completed within the envisaged timeframe and, consequently, the plan for providing HC to 250 beneficiaries beyond the benchmarks in the course of 2011 will be implemented.

### 3. CONCLUSION

Croatia has fully accomplished the three benchmarks agreed with the OSCE as a solution for the issue of former occupancy/tenancy right holders (OTR) wishing to return to Croatia. Therefore, a continuation of the monitoring of residual aspects of the Housing Care Programme for former OTR holders is no longer necessary.

Concerning the war crimes portfolio, according to the information and data provided in section 2, the main issue which will still require further efforts by the Croatian authorities is the prosecution of the remaining war crime cases.<sup>8</sup> Investigations are ongoing and the Office confirms that the authorities at the Ministry of Justice and the Chief State Attorney are firmly committed to ensure that there is no impunity for these crimes. The implementation of the Chief State Attorney's instructions delivered to local state attorneys related to addressing yet unprosecuted war crimes has increased the number of proceedings over the last three years. This year 15 new arrests and 13 new indictments from the yet unprosecuted crimes' files have been initiated against members of the Croatian armed forces. This positive trend will continue. The process will still take many years and it would not be reasonable that the OSCE Office in Zagreb continues its monitoring until the last trial has been held but rather, the international community should concentrate its attention on the sustainability and effectiveness of the Croatian judicial system in dealing with these war crimes trials. Croatian NGOs are actively following this process by attending war crime trials and making their reports available to the Croatian public and to the international community. I have not detected any signs of ethnic partiality in sentences rendered by Croatian judges during the last two years and I have observed that, during previous years, every sentence that could have had the smallest suspicion of ethnic bias, has been sent back for re-trial at its appeal. There is strong evidence to suggest that the time has come to positively assess the responsibility and the capacity of the Croatian legal authorities and the society to continue dealing with the ongoing processes.

Therefore, I believe there are compelling reasons for the Council to consider the possibility of declaring the mandate of the OSCE Office in Zagreb overall completed by Croatia. From the purely technical point of view that this Office is able to provide, there are only three aspects that could require additional OSCE follow-up attention:

- Activities of Croatia in a renovated and vigorous continuation of the addressing of the war related incidents that still remain at different stages of criminal proceedings or in which perpetrators are unknown;<sup>9</sup>
- Observe the implementation of the new positive war crimes legislation introduced during the last six months of 2011;<sup>10</sup>
- A possible further support, including financial, to the Croatian judicial NGOs for their continuation of the war crimes trials monitoring.

<sup>8</sup> See section "General Overview" in page 2 for the figures on the remaining caseload.

<sup>9</sup> See section "Efforts to address yet unprosecuted war crimes" in page 5.

<sup>10</sup> See section "Improved legislative framework for the prosecution of war crimes" in page 4.

I am convinced that these aspects will be addressed with renewed vigour by any new Croatian government resulting from the elections on 4 December and that, accordingly, a continuation of the monitoring of the domestic war crimes trials by the OSCE Office in Zagreb is no longer necessary. For the follow-up of these aspects, the Permanent Council could also consider some forms of OSCE assistance to the Croatian NGOs so that the exercising of their capacity to monitor the war crimes trials is continuous and sustainable.

**ANNEX 34:**  
**CROATIA'S PERIODIC REPORT TO THE EUROPEAN COMMISSION**  
**ON THE FULFILMENT OF OBLIGATIONS ARISING FROM CHAPTER**  
**23, "JUDICIARY AND FUNDAMENTAL RIGHTS", MARCH 2012**

**GOVERNMENT OF THE REPUBLIC OF CROATIA**

**PERIODICAL REPORT**  
**ON THE FULFILMENT OF OBLIGATIONS ARISING FROM**  
**CHAPTER 23 - JUDICIARY AND FUNDAMENTAL RIGHTS**

Zagreb, March 2012

[...]

#### IV. PROCEEDINGS OF NATIONAL CASES OF WAR CRIMES

Croatia is committed to investigation, prosecution and punishment of all war crimes committed during the war and the armed conflict in Croatia, regardless of the ethnicity of perpetrators and their superiors.

Croatia continues with proceedings in war crimes cases based on the established **strategic framework** from the *Strategy for the Investigation and Prosecution of War Crimes Committed in the Period from 1991 to 1995*. The strategic framework established an operational structure, essential for an efficient investigation and prosecution of still uninvestigated or unprosecuted war crimes. The system guarantees future long-term efforts of all competent authorities focused on an efficient prosecuting of all war crimes perpetrators and their superiors regardless of their ethnicity. The war crimes data base has been completed and is used in daily operation.

The implementation of the Strategy is noticeable from the statistical data.

In the period from September of 2011 to February of 2012 **criminal investigation was completed and indictments issued** in one national case (fall of Vukovar) and in two cases on county level (Promina, and Vukmanić, Knez Gorica, Cerovac Vukmanićki, Goljak Turanski, Jelaši, Lemić Brdo Kamensko).

During the mentioned period the State Attorney's Office of RoC issued **indictments** in five cases, of which one on the national level (Sisak 1991/1992) and four on the regional level (Kerestinec, Saborsko, Logor Bileća and Zator Kuline). In October of 2011, according to provisions of the *Agreement on Cooperation in Prosecuting Perpetrators of War Crimes, Crimes Against Humanity and Genocide*, the State Attorney's Office of RoC submitted to the Office of the War Crimes Prosecutor of the Republic of Serbia, the data and evidence in cases in which the indictment was issued in Croatia for crimes committed in camps located in Serbia. The County State Attorney's Office in Zagreb filled a motion for investigative detention against 2 persons on suspicion of having committed war crimes under article 120 ( crime against civilians) and 122 (crime against war prisoners) during military operation "DŽEP 93" (the case Medački Džep).

Ten non-final **judgements** were rendered during the same period, of which seven judgements at specialised courts. Systematic usage of specialised courts from the beginning of 2011 to February of 2012 resulted in 52 requests for the transfer of territorial jurisdiction to four specialised courts.

The amendments to the *Act on Implementing the Statute of the International Criminal Court and on Prosecution of Criminal Offences Against Inter-*



***national War and Humanitarian Law*** from October of 2011 stipulate the territorial and exclusive jurisdiction of the four specialised war crimes courts, ensure automatic transfer of cases which the Supreme Court of RoC returns for a retrial to these four courts, and explicitly allow for evidence gathered by the International Criminal Tribunal for the Former Yugoslavia (ICTY) to be used in criminal proceedings in Croatia.

Based on the *State Attorney's Office Act* (OG 76/09, 153/09, 116/10, 145/10, 57/11 and 130/11) and the *State Attorney's Office Rules of Procedure* (OG 156/09, 61/11 and 141/11), **specialised war crimes departments in county state attorney's offices** were established at the four specialised courts (Osijek, Rijeka, Split and Zagreb).

On 17 January 2012 the State Attorney's Office of RoC issued a ***General Instruction About the Procedure and Handling of War Crimes Cases***, prescribing the procedure for cases in which a new criminal charge is issued, explaining the procedure the state attorneys follow, and determining jurisdiction for inquiries and procedure in cases in which an investigation order was not issued, as well as in cases in which investigation or the main hearing are ongoing. Moreover, in cases whose importance, complexity or publicity is taken into consideration along with familiarity with the case by deputies who had worked on these cases earlier, rulings will be issued about the initial procedure for deputies who had worked on the cases previously, allowing them to continue representing those cases at currently competent courts. The first such ruling was issued in a case at the County State Attorney's Office in Zadar on 18 January 2012, based on which the deputy state attorney who continuously worked on the case was authorised to continue working on the case at the County Court in Split.

The implementation of the **Action Plan on Appointing *Ex Officio* Defence Attorneys in War Crimes Cases** continued in order to ensure high-quality defence. In the previous period, 12 *ex officio* defence attorneys were appointed in seven cases at county courts in Karlovac, Sisak, Zadar and Zagreb.

The system of **protection and support for witnesses and victims of war crimes** is fully functional. In early 2012, among 180 participating countries, Croatia won an acknowledgement of the UNDP executive committee for the best project within which offices for legal and psychological help for witnesses and victims of violence were founded.

Although the State Attorney's Office of RoC completed the revision of **cases *in absentia***, motions for renewed proceedings will continue to be filed wherever a legal basis exists.

### **Regional cooperation**

Croatia continued the regional cooperation with institutions in neighbouring countries in the area of the judiciary.

With the aim of further developing cooperation in the region, the program of the State Attorney's Office of RoC for using the war crimes data base was made available to neighbouring countries for free.

The Regional Conference on Prosecuting War Crimes was held in Belgrade on 16 September 2011, with the participation of representatives from NGOs, the international community and prosecutor offices from the region.

A workshop on judicial cooperation in criminal matters in SEE was held in Belgrade on 7 and 8 November 2011, at which the representatives of the Ministry of Justice participated. One of the workshop topics was bilateral cooperation in criminal matters among countries in the region, where modalities of future gatherings were determined, to continue discussions about open issues.

The representatives of the State Attorney's Office of RoC, along with War Crimes Prosecutor's Office of Serbia visited Copenhagen in Denmark from 23 to 25 January 2012, to question members of the Danish peace-keeping battalion, stationed at Dvor na Uni in August of 1995, where unidentified military members killed twelve civilians, most of whom were handicapped. Further cooperation between the two prosecution offices will continue in this case.

An informal meeting was held on Jahorina in Bosnia and Herzegovina on 3 February 2012 between the presidents of Croatia, Serbia and the Presidency of Bosnia and Herzegovina. The Croatian President, Mr. Ivo Josipović presented an initiative for improving regional cooperation in the field of processing war crimes, through the conclusion of an international agreement.

The OSCE office in Zagreb closed on 31 December 2011, which shows both determination and readiness of Croatia to investigate and prosecute war crimes. Croatia continued to maintain an open dialogue with NGOs whose interest is to monitor Croatian accomplishments in this field.

### **Missing persons**

The preliminary identity of 43 persons was determined, whose remains were exhumed from mass, individual and common graves in Croatia. A total of 40 invited families who managed to confirm the identity of their family members, participated in the identification.. Of the 40 positively identified persons, 12 were missing persons/casualties from 1991/92, (mostly of Croatian ethnicity) while 28 were missing persons/casualties from 1995 (mostly ethnic Serbs).

With the aim of providing information to associations of families of missing persons about the effects and further activities in the search process, a meeting was held in Novi Sad on 3 November 2011, organised by the International Committee for Missing Persons with the participation of representatives from NGOs and the competent state administration bodies from Croatia and Serbia.

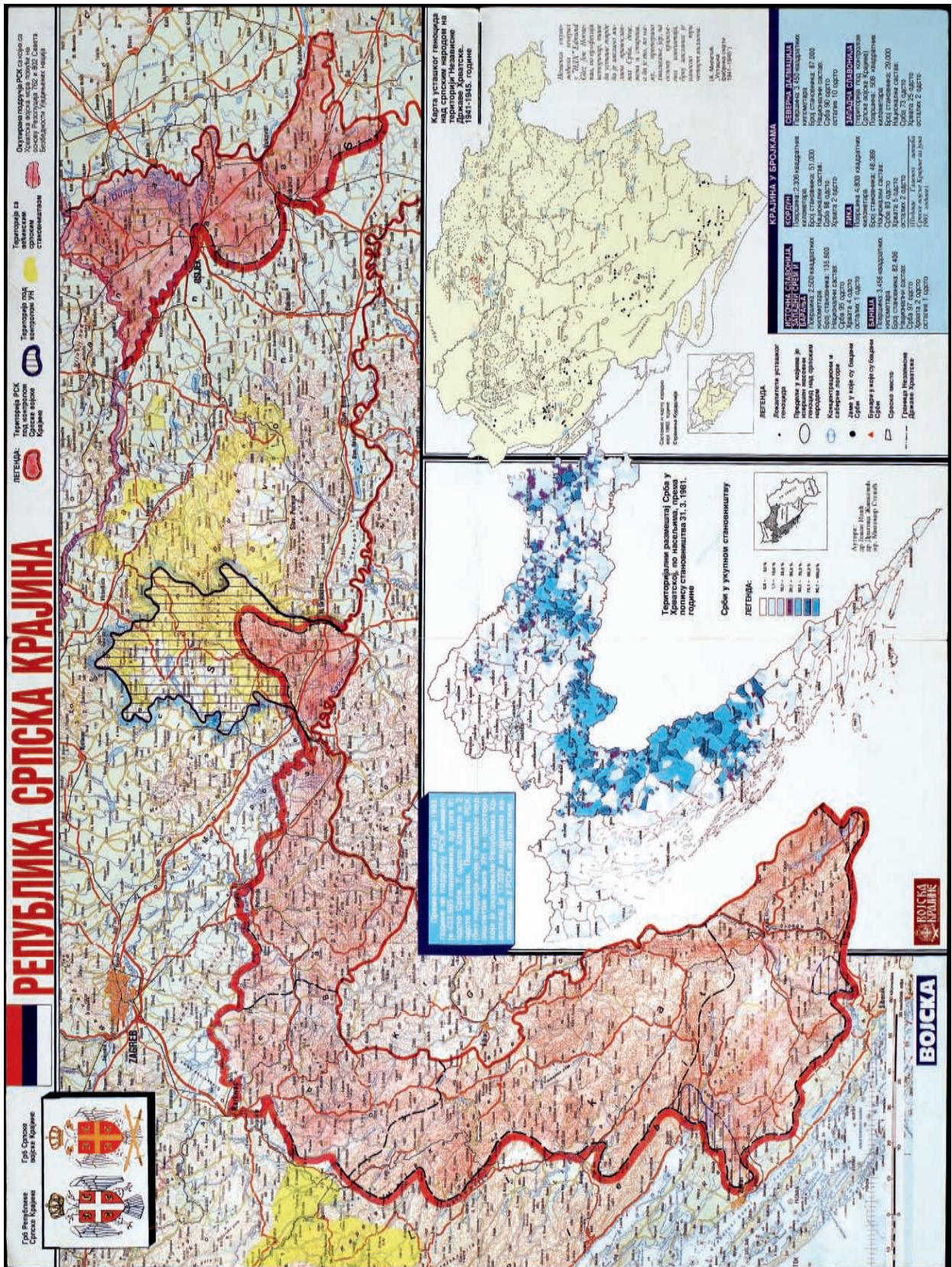
A meeting between the representatives from the Directorate for the Imprisoned and Missing of the Croatian Ministry of Veterans' Affairs, the Committee of the Serbian Government for Missing Persons, the Institute for Missing Persons in Bosnia and Herzegovina and the International Committee for Missing Persons was held in Sarajevo on 8 and 9 December 2011 regarding measures for speeding up the process of finding missing persons.

[...]

**PLATES**



**РЕПУБЛИКА СРПСКА КРАЈИНА**





## Plate 2 UNPAS IN CROATIA





