

SNV Bulletin #16

*Ratni zločini nad Srbima
u Hrvatskoj 91 — 95*



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Igor Galo

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Uvod

Između užasa i zaborava

Kroz čitavu su povijest države, narodi i pojedinci suočeni, neki više a neki manje, s ratom, razaranjem, nasiljem i ratnim zločinima. Najveća je teškoća nakon takvih sukoba, osim obnove porušenih kuća i ponovnog uspostavljanja veza među ljudima, suočavanje s ratnim zločinima, naročito s onima koje su počinili pripadnici tzv. "našeg" naroda. To "patriotsko sužavanje uma", kako je znao reći profesor filozofije Žarko Puhovski, u trenutku kada treba priznati krivnju ljudska je i moralna drama koja prati čovjeka otkad je svijeta i vijeka. Ona je povezana kako s ontološkim zlom, o kojem je govorila Hannah Arendt, tako i s tvrdokornim inzistiranjem jedino na "vlastitoj istini", kojom današnji krvnici obično mašu pred sudovima ili su čak s njom spremni otići i u grob. Antropolog Ivan Čolović tu tvrdokornost objašnjava činjenicom da prema ideologiji ekstremnog nacionalizma nacija stoji iznad svega, pa "ništa što je učinjeno u borbi protiv neprijatelja nacije ne može biti zločin". Nepriznavanje krivice, naročito u ovim krajevima, povezano je i s nekom vrstom "pijanstva krvi", kada se ljudi "u pravednom gnjevu" počnu hvatati za vratove čim ne mogu riješiti međusobne sporove mirnim putem, ili je pak riječ o najobičnijem bježanju od odgovornosti onih ljudi koji su rat naprosto iskoristili za pljačku i ubijanje. Na univerzalnoj ravni, njemački filozof Carl Jaspers rekao bi da je znanje o vlastitoj odgovornosti prvi pokazatelj buđenja političke slobode, dok se beogradski profesor međunarodnog prava Vojin Dimitrijević sasvim konkretno u jednom trenutku zapitao: "Imamo li grižnje savesti, srama i osećaja reda prema mrtvima čiji broj stalno umanjujemo?" Mnogi su se narodi nakon ratova s više ili manje uspjeha suočavali s ovakvim problemom: nekada su morale proći decenije da bi došlo do kakva-takva sazrijevanja kritičke svijesti o vlastitoj odgovornosti i o činjenici da su se zločini zaista dogodili, a nekada je bio potreban pritisak izvana, preko diplomatskih prijetnji, sankcija ili stvaranja nezavisnih međunarodnih sudova za ratne zločine. Nekada je pak bila nužna i okupacija država agresora, a nekada su, nažalost, ratni zločini izmicali ruci pravde.

Hrvatska nakon rata 1991. — 1995. nije bila izuzetak u izbjegavanju krivice te je, gledano iz neposredne blizine, krajnje tragično da se ona nije na vjerodostojan način suočila sa zločinima koje su njezini vojnici počinili nad protivničkim vojnicima, i naročito nad civilnim stanovništvom druge strane. Izvještaj na stranicama koje slijede o ratnim zločinima s hrvatske strane u posljednjem ratu, u izdanju Srpskog narodnog

vijeća iz Zagreba, lociranjem počinitelja i njihovih žrtvi, navođenjem datuma i mjesta zločina i evidentiranjem uglavnom neadekvatnih reakcija, ponajprije, nadležnih institucija, jasno pokazuje taj opasni i žalosni sindrom izbjegavanja krivice. Kako stoji u izvještaju, od prvih pucnjeva 1991. godine, maltretiranja srpskih civila, njihova izbacivanja iz stanova, odvođenja u nepoznato i mučkih ubojstava (Zagreb, Sisak, Osijek, Vukovar, Paulin Dvor i drugdje), preko spaljivanja čitavih sela i kolektivnih egzekucija (Mokro Polje, Gošić, Varivode, Uzdolje i drugdje), do vojnih akcija masivnih razmjera (Bljesak i Oluja) nakupila se ogromna i mračna arhiva očitih zlodjela na koje su nadležne institucije, mediji i javnost u cjelini morali odgovoriti. Svi oni nisu to učinili — barem ne u mjeri dostojne reakcije na nedjela najgore vrste. Još je teža činjenica to što je od rata prošlo već četvrt stoljeća, a svijest o tome da su se zločini na hrvatskom tlu uopće dogodili gotovo da se nije pomaknula s mjesta. Ono što se neprestano može čuti u javnosti, gotovo kao neki službeni eho prošlih ratova, jest da se “Hrvatska samo branila”, da su zločini — ako ih je i bilo — bili sporadični i da bi trebalo razmišljati o “kontekstu” u kojem su zločini počinjeni, odnosno da je bilo zločina i na drugoj strani. Tako je u Hrvatskoj sredinom 90-ih u javnosti na tu temu bila intenzivno citirana izjava tadašnjeg predsjednika Vrhovnog suda Milana Vukovića da “hrvatski vojnik ne može počinuti ratni zločin”, kao i izjava one novinarkе da se za domovinu u ratu smije i lagati. Kasnije su se samo umnožavali revizionisti koji su opseg odgovornosti za zločine hrvatske strane htjeli umanjiti, a oni malobrojni koji su inzistirali da se krivnja za ratne zločine izvede na čistac, optuživani su da su “izdajice i neprijatelji Hrvatske.” Ni domaći mediji, u većini slučajeva, nisu odigrali slavnu ulogu kada su zločini u devedesetima u pitanju: jedni su ih konstantno i temeljito zaobilazili, a drugi su od njih pravili senzacionalističko žutilo. Ozbiljnog i odgovornog pristupa zločinima iz 90-ih u medijima je bilo najmanje, osim časnih izuzetaka (Arkzin, Feral Tribune, Novi list), a strategija zaborava pokazala se najboljim sredstvom za sve one koji su od tog problema željeli okrenuti glavu. Izgaranje za “domovinu, vjeru i naciju” moguće je objasniti historijskim i psihološkim razlozima povezanosti za vlastito tlo, ljude i kulturu, kako kaže Ivan Čolović, ali, ako ništa drugo, konzekvence te “vezanosti” u slučaju su ratnih zločina do danas pogubne. Čitav poredak humanih odnosa u takvim se situacijama iznutra ruši i, kako kaže Julien Benda u svojoj knjizi *Izdaja intelektualaca*, čovjek od poštovatelja univerzalno etički i pravno utemeljenih vrijednosti pada na nivo huškača partikularnih interesa za koje je spreman i ubiti. Takav čovjek postaje neosjetljiv ne samo na zločin i njegove žrtve nego i na vrijednost sistema koji bi takve zločine trebao sankcionirati. Ovaj fenomen “opravdavanja” dobro detektira i književnik Mirko Kovač u svojoj knjizi polemika *Elita gora od rulje*: “Najveći dio našega svijeta pristaje uz zločince, podržava ih i glasa za njih. Građani odobravaju pravo na zločin, jer on se čini u ime politike koju oni slijede.

Narod voli glavosječe; o njima se pjevaju pjesme." Ipak, mračni razmjeri torture, patnje i smrti odvedenih i smaknutih civila u Pakračkoj poljani, Kijanima, Golubiću, Komiću i mnogim drugim mjestima u Hrvatskoj na tragično uvjerljiv način demantiraju svako kolektivističko opravdavanje zločina te, preko jezivog prizora primitivne brutalnosti počinitelja, zazičaju zahtjev namirivanja elementarne pravde, koji u ovakvim slučajevima ne zastarijeva.

Premda ne postoji jedinstvena definicija termina "ratni zločin", u širokoj je upotrebi definicija Rimskog statuta Međunarodnog kaznenog suda u Haagu i onda su, srećom, mnoge međunarodne konvencije, izvedene iz ovih odredbi, u slučaju ratnih zločina vrlo jasne. Pod ratnim zločinima one podrazumijevaju povrede zakona i običaja rata, što uključuje ubojstva, zlostavljanje i deportacije civilnog stanovništva i ratnih zarobljenika, kao i uništenje gradova i naselja koje nije opravdano vojnim potrebama.

Mnoge nevladine organizacije u Hrvatskoj koje se bave ovom temom i koje se na terenu susreću sa slučajevima opstrukcije činjenica i partikularnog objašnjavanja nasilja, uvele su slogan zločin je zločin, želeći podcrtati vlastitu odlučnost da neće trpjeti naknadna opravdanja i neutraliziranje zločina. Već spomenuti Jaspers u svom slavnom djelu Pitanje krivice spominje i četiri vrste odgovornosti u ratu: prva je krivična odgovornost, koja se temelji na činjenici da su zločini objektivno dokaziva djela. Slijedi zatim politička krivica, do koje dovode postupci zvaničnika i građana jedne države i zbog nje, kako kaže Jaspers, "ja moram snositi posljedice postupaka države čijoj sam vlasti podčinjen". Tu je i moralna krivica, jer za postupke koje počinio kao pojedinac, taj pojedinac snosi moralnu odgovornost, kao uostalom i za sve svoje postupke, uključujući i provođenje političkih i vojnih odluka. Ni u jednom trenutku ne važi, kaže Jaspers, opravdanje "naređenje je naređenje". Na koncu postoji i metafizička krivica, koja se temelji na uvjerenju da postoji solidarnost među ljudima kao pripadnicima ljudskog roda, koja svakog čini suodgovornim za svaku krivdu i nepravdu u svijetu, a "posebno za zločine počinjene u njegovom prisustvu ili s njegovim znanjem", kaže Jaspers. Od njegova je djela, koje su mnogi humanisti nakon 1945. smatrali Biblijom pravde i etičkog prosuđivanja, nakon užasnog nasilja u jugoslavenskim ratovima preostalo čini se tek nekoliko listova...

Ono što je neizmjerljivo tužno i nepodnošljivo u hrvatskom slučaju, osim činjenice da su se masovni zločini zaista dogodili, jest da većinska hrvatska javnost u pretežnom obliku uopće ne pokazuje tu Jaspersovu "solidarnost s čovjekom kao čovjekom" i da činjenica da je više tisuća njezinih nevinih građana srpske nacionalnosti ubijeno, a preko četristo tisuća protjerano, ne izaziva u toj javnosti gotovo nikakav moralni re-

fleks. Hrvatska javnost taj napor da barem sudjeluje u kolektivnoj sućuti nikada nije pokazala i ona zato riskira, kako kaže jedan suvremeni teoretičar s ovih prostora, "da potone u jedan specifičan i beznačajan ruka-vac historije". Odnosno, da postane mala i samodovoljna zemlja mržnje i animoziteta prema drugima i drugačijima, etnički i kulturno očišćena od svih remetilačkih šumova, i prostor u kojem se ne postavljaju značajnija pitanja o onome što se uistinu dogodilo prije 25 godina. U mnogim ratovima odgovornost za zločine i nedjela postoji na mnogim stranama, ali u hrvatskom se slučaju taj zaborav o ubijenim srpskim civilima pretvorio u moralna rupu koja će još dugo opterećivati čitavo društvo. Jer bez pravde za nevino ubijene, bez presuda za ratne zločine i bez svijesti o odgovornosti za počinjena djela Hrvatska se neće moći razvijati kao moderno društvo, temeljeno na jednakosti, multikulturalnosti i pravu za sve, nego će ostati na razini etnonacionalne zajednice, narogušene i sumnjičave prema svemu i svima drugima i drugačijima. Za buduće naraštaje, one koji se nisu ni rodili kada su posljednji ratovi bili vođeni, pitanje koje postavlja svaka generacija — "što si radio u ratu tata" — predstavljat će vrlo težak i mučan uteg.

Ono što se u Hrvatskoj dogodilo od 1991. do 1995. godine, i tome je posvećen tekst koji slijedi, jesu masovni zločini koji su registrirani, koje je netko počinio i u kojima su žrtve bile u najvećoj mjeri civili; ljudi starije dobi, žene i djeca. Kod okolnosti samih zločina frapantna je činjenica da se vrlo često radilo, prema izjavama svjedoka, o uniformiranim osobama, a da nikada ili gotovo nikada nije bio probijen zid šutnje njihovih kolega u vojnim jedinicama. Oni su očito znali što se dogodilo i tko je počinio zločin, ali nisu željeli svjedočiti o nedjelima koji su se evidentno dogodili. Iz straha? Ne. Onaj tko poznaje prilike u Hrvatskoj jako dobro zna da je u tim vojnim jedinicama vladalo uvjerenje, a šire u javnosti vlada i danas, da su svi ti ljudi u maskirnim uniformama "naši dečki" koji su se rame uz rame borili samo za obranu domovine. Srbi, ako je uopće o njima riječ, dobili su ono što su zaslužili. Iz ove činjenice proizlaze onda i sve ostale: traljavost i sporost organa gonjenja, beskonačno dugo trajanje sudskih procesa i smiješno male kazne za one rijetke koji su uopće osuđeni. Na dosta mjesta u ovom izvještaju koja opisuju slučajeve evidentiranih zločina (Vukovar, Požeška sela, Virovitica, Medari, Voćin, Banijska sela, Dvor na Uni i drugdje) navodi se da za te slučajeve nitko nije odgovarao jer je "počinitelj nepoznat" ili su tužbe na prvostupanjskom ili drugostupanjskom sudu bile odbijene. Vrlo često (Karlovac, Sisak, Pakračka poljana, Zagreb, Kerestinec, Bjelovar, "Lora" i drugdje) procesi su trajali iznimno dugo, a presude su, nakon mnogih pravnih obrata, na kraju djelovale krajnje ublažavajuće. Konačno, iz ovog je izvještaja vidljivo da masovne vojne akcije Bljesak i Oluja, u kojima je ubijeno više od hiljadu srpskih civila (no zasad nema općeprihvaćenog broja) i koje su rezultirale izgonom preko dvjesto

hiljada stanovnika iz sjeverne Dalmacije, Like, Banije, Korduna i zapadne Slavonije, nisu rezultirale značajnijim zakonskim sankcijama, kao ni adekvatnom osudom javnosti. Ovoj se atmosferi javne solidarnosti, popuštanja i gledanja kroz prste zločinima koji su počinjeni s hrvatske strane suprotstavlja relativno mala, ali žilava grupacija boraca za ljudska prava u Hrvatskoj, nevladinih organizacija i rijetkih intelektualaca koji su spremni javno dići svoj glas protiv zločina. Ono što zaista predstavlja problem, jest da većinske institucije od ugleda; na primjer Hrvatska akademija znanosti i umjetnosti i Društvo književnika, te strukovne institucije; Zbor liječnika, Odvjetnička komora, Hrvatsko filozofsko društvo i mnoge, mnoge druge, o političkoj klasi da i ne govorimo, nikada jasno i nedvosmisleno nisu osudile te zločine. To nije učinila ni većinska crkva u Hrvatskoj — Katolička crkva, i to, htjela ona to priznati ili ne, predstavlja priličnu mrlju na njezinoj savjesti. Konačno, sa stajališta pravne države, neriješeni će ratni zločini djelovati razorno svojom šutnjom: nijedan pravnik u Hrvatskoj ne može zamišljati superiornost i neprikosnovenost hrvatskih zakona, utemeljenost pravde i vladavinu prava u cjelini ako shvaća i krajičkom svoje savjesti da je u desetinama ili stotinama slučajeva tih zločina zaista bilo, a da je za njih odgovarao malotko ili nitko. Konzekventno ovoj činjenici, ni jedna institucija koja je u službi vladavine prava; policija, sudovi, parlament, Vlada i institucije predsjednika države, ne može reći da je do kraja djelovala na razini svog zadatka ako nije djelotvorno odgovorila na to pitanje.

Bez rješenja pitanja ratnih zločina ne može biti riješeno ni pitanje pomirenja njezinih građana, Hrvata, Srba i drugih, jer pomiriti se mogu samo oni koji su svjesni, svatko svoje odgovornosti. Bez "žao nam je" izrečenog na javnim skupovima, obljetnicama pobjeda i datuma utemeljenja države, bez oglašavanja pravnih i moralnih autoriteta o pitanju zločina i, konačno, bez valjanih odluka sudske arbitraže ostat će kronični osjećaj nepravde u srcima rodbine i potomaka žrtava, njihovih sumještana ili sunarodnjaka. Ili kako vezano za statistiku hrvatskih i srpskih ratnih zločina stoji u ovom izvještaju: "Vrlo je indikativno to što u DORH-ovoj Bazi podataka ratnih zločina, koja sadrži podatke o zločinima, žrtvama, dokazima i počiniteljima, 80% evidentiranih zločina čine zločini koje su počinili pripadnici srpskih postrojbi, dok je evidentiranih zločina koje su počinili pripadnici hrvatskih postrojbi tek oko 18%. Nadalje, iz usporednih je analiza osuđujućih presuda za ratne zločine, u čijim se činjeničnim opisima izvršenja kaznenog djela nalaze podudarnosti u načinu izvršenja zločina, u broju žrtava i u drugim uspoređivanim činjenicama, evidentan nesrazmjer u odmjeravanju kazni pripadnicima srpskih i hrvatskih postrojbi."

Takva crna rupa moralnih i pravnih nejasnoća, koja godinama zjapi u hrvatskoj javnosti, odličan je prostor za klijanje mračnog sjemena mržnje,

revanša i osvete. Zar to zaista predstavlja najbolji smisao završetka konflikta između dvaju bliskih naroda?

Da bi se potpuno zatvorio krug odgovornosti, mora se reći da u slučaju ratnih zločina koji su se dogodili u Hrvatskoj, posebno nad Srbima, međunarodna zajednica nije učinila dovoljno. Žrtve Oluje ili ubojstava na početku i tokom rata, masovna protjerivanja stanovnika s njihovih ognjišta i govor mržnje prema njima nisu na adekvatan način apostrofirani, kako u izjavama evropskih čelnika tako i u odlukama međunarodnih tijela vezanim za Hrvatsku. Bilo je s vremena na vrijeme određenih oštrih tonova i prijetnji iz svjetskih centara moći na adresu hrvatskih političara, ali to je u konačnici bilo shvaćeno kao kurtoazno mahanje prstom i bilo je nedovoljno u odnosu na ono što se zaista događalo. Također, Međunarodni je sud za ratne zločine u Haagu, statistički gledano, od svih zločina koji su učinjeni na prostoru nekadašnje Jugoslavije najmanje kažnjavao zločine s hrvatske strane, a neki od tih procesa, pa i oni najkrupniji (Čermak, Gotovina, Markač), završavali su sa šokantnim i nevjerojatnim obratom. Zašto je tome bilo tako u nizu međunarodnih djelovanja i njegovih protagonista, neka ostane na savjesti svakoga od njih ponaosob, kako kaže Jaspers, no vrijedi očekivati i da će nakon mnogih ljeta i povijest reći svoje i dati vlastitu uravnoteženu ocjenu, te da će jasno pokazati prstom i na zločince i na žrtve.

Bojan Munjin

Ratni zločini nad Srbima u Hrvatskoj 91 — 95

Dvadeset tri godine nakon završetka posljednjega rata u Hrvatskoj i dalje ne postoji službena, javno dostupna evidencija svih smrtno stradalih građana. Postoje različita istraživanja koja se međusobno razlikuju, ali procjene se kreću od 18 000 do 23 000 smrtno stradalih i nestalih. Tako npr. demograf Dražen Živić navodi da je od ukupnog broja smrtno stradalih i nestalih građana Hrvatske poginulo 8147 (36,7%) hrvatskih branitelja, 6605 (29%) hrvatskih civila, a broj nestalih hrvatskih branitelja i civila procjenjuje na 1218 (5,5%), ukupno 15 970 žrtava. Broj poginulih i nestalih Srba, vojnika i civila, Živić je procijenio na 6222 (28%). Rat je dakle, prema Živićevim istraživanjima, u Hrvatskoj ukupno odnio 22 192 žrtve (Živić, 2005). Dokumentaciono-informacioni centar Veritas tvrdi pak da je nestalih i smrtno stradalih Srba 7134. Prema podacima Ministarstva branitelja, u Hrvatskoj je poginulo više od 20 000 ljudi, a još je uvijek nepoznata sudbina više od 1600 ljudi.

Ante Nazor, voditelj Memorijalno-dokumentacijskog centra Domovinskog rata, iznosi i podatke o broju smrtno stradalih hrvatskih državljan/građana na okupiranom području Republike Hrvatske od 1991. do 1995.: "Do listopada 2017. u bazu podataka našega Centra uneseni su podaci za 7204 osobe (od toga se broja 873 osobe vode kao nestale), većinom pripadnika srpskih postrojbi. Od ukupnoga broja u bazi je 6127 smrtno stradalih osoba srpske narodnosti. Preostalih je 1077 smrtno stradalih i nestalih osoba u bazi podataka nesrpske narodnosti, od čega 821 Hrvat." Dodatno ističe sljedeće: "Nije još, između ostaloga, točno utvrđeno koliko je od onih smrtno stradalih 5657 civila na teritoriju RH pod kontrolom hrvatske vlasti — u sadašnjoj bazi podataka НМДСР-а — Hrvata, a koliko ljudi, građana RH, neke druge nacionalnosti, primjerice Srba."

Ažurirano izvješće Državnog odvjetništva Republike Hrvatske iz svibnja 2017. godine koje se referira na 2016. godinu donosi kvantitativni prikaz njihova rada na području procesuiranja ratnih zločina. DORH izvještava o broju zaprimljenih kaznenih prijava, o broju optuženih osoba, kao i o nepravomoćno okončanim postupcima. Tokom 2016. godine tako su optužene 84 osobe, dok je za 21 osobu donesena presuda. U odnosu na ovaj broj optuženih osoba, tri su specijalizirana županijska državna odvjetništva (u Rijeci, Splitu i Zagrebu) podignula 12 optužnica, dok Županijsko državno odvjetništvo u Osijeku drugu godinu zaredom nije podignulo nijednu optužnicu za ratni zločin. Riječ je o optužnicama kojima su obuhvaćeni planirani i široko rasprostranjeni napadi (bez izbora ciljeva) na civilno stanovništvo, podignutima protiv velikog broja optu-

ženika kojima će se, doima se, suditi u odsutnosti, suprotno ustaljenim međunarodnim standardima. Uz činjenicu da se hrvatsko pravosuđe i dalje suočava s velikim brojem neprocesuiranih ratnih zločina, raspoloživi podaci ukazuju i na postojanost etničkih predrasuda u suđenjima za ratne zločine, na postojanost etničke pristranosti prilikom određivanja kazni za usporediva kaznena djela, kao i na nedostatak volje za poduzimanjem odgovarajućih napora nadležnih institucija za odgovarajuće procesuiranje zločina počinjenih protiv Srba, poput onih iz augusta 1995., za vremena vojno-redarstvene operacije Oluja. Posljednjih su godina, međutim, ipak pokrenuti neki postupci za zločine u kojima su likvidirani brojni srpski civili, a koji godinama zbog nedostataka volje nisu procesuirani (npr. postupci protiv Tomislava Merčepa za zločine u Pakračkoj Poljani i na Zagrebačkom velesajmu ili postupci protiv Vladimira Milankovića i drugih za zločine u Sisku).

Vrlo je indikativno to što u DORH-ovoj Bazi podataka ratnih zločina, koja sadrži podatke o zločinima, žrtvama, dokazima i počiniteljima, 80% evidentiranih zločina čine zločini koje su počinili pripadnici srpskih postrojbi, dok je evidentiranih zločina koje su počinili pripadnici hrvatskih postrojbi tek oko 18%. Nadalje, iz usporednih je analiza osuđujućih presuda za ratne zločine, u čijim se činjeničnim opisima izvršenja kaznenog djela nalaze podudarnosti u načinu izvršenja zločina, u broju žrtava i u drugim uspoređivanim činjenicama, evidentan nesrazmjer u odmjeravanju kazni pripadnicima srpskih i hrvatskih postrojbi.

Sudovi, s jedne strane, nastavljaju s praksom da okrivljenim pripadnicima hrvatskih postrojbi sudjelovanje u posljednjem ratu uzimaju kao olakotnu okolnost pri odmjeravanju kazne, a pojedinima se od njih iz sredstava državnog proračuna podmiruju iznimno visoki troškovi obrane. S druge strane, problem naplate parničnih troškova članovima obitelji žrtava uglavnom srpske nacionalnosti koji su izgubili parnice u kojima su od Republike Hrvatske tražili naknadu nematerijalne štete zbog usmrćenja svojih bližnjih još uvijek nije riješen. Iako je Vlada Republike Hrvatske u srpnju 2012. donijela uredbu kojom će socijalno najugroženijim tužiteljima troškovi postupka moći biti otpisani, ovaj problem ostaje neriješen u cijelosti i na zadovoljavajući način.

Činjenica je da su u prethodnom ratu u Hrvatskoj (1991.—1995.) pripadnici objiju sukobljenih strana sudjelovali u kršenju pravila međunarodnog ratnog prava zbog čega je zabilježen velik broj počinjenih ratnih zločina i stradalih civila.

Najveći broj zločina nad Srbima u Hrvatskoj počinjen je tokom 1995. godine, odnosno za vrijeme i nakon vojno-redarstvenih akcija Bljesak i Oluja. No prema podacima domaćih i međunarodnih organizacija op-

seg tih zločina značajno nadilazi brojke koje iznosi DORH. Tako, primjerice, dok službeni podaci DORH-a govore da je u 24 slučaja ratnih zločina za vrijeme i nakon Oluje ubijeno 156 civila, podaci pojedinih nevladinih organizacija, među kojima je najpoznatiji Hrvatski helsinški odbor (HNO), govore o 700 civilnih žrtava, a podaci nekih srpskih nevladinih organizacija (poput Veritasa) govore o oko 1900 civilnih žrtava. Na pristranost pravosuđa i nedostatak političke volje upućuje i činjenica da je za ratne zločine počinjene u tim operacijama zasad donesena samo jedna pravomoćna osuđujuća presuda. Riječ je o zločinu počinjenima 11. augusta 1995. Kada su u poslijepodnevnim satima u mjestu Prokljan, u Općini Skradin, ubijeni ispred svoje kuće Milica i Nikola Damjanić.

Pojedinačni su se zločini nad Srbima (ubojstva, premlaćivanja, paljenja kuća i štala, zastrašivanja, podmetanje mina oko kuća i na njivama) događali sve do 2000. godine i služili su kao zastrašivanje preostalih Srba, ali i poruka onima koji su otišli da se ne vraćaju. U ovome se biltenu nismo posebno bavili tim slučajevima i oni zahtijevaju poseban prostor i istraživanje.

Tekstovi koje donosimo u ovom biltenu pokušaj su opisa nekih od najvećih zločina počinjenih nad Srbima u Hrvatskoj u posljednjem ratu. Oni nikako ne obuhvaćaju sve zločine, ali pružaju temelje za njihovo daljnje istraživanje. Zbog različite razine istraženosti svakog pojedinog zločina, tekstovi se razlikuju prema iznošenju detalja u opisima zločina. U nekim tekstovima naprimjer iznosimo poimenične popise žrtava, dok u drugima to nije bilo moguće napraviti.

U pripremi tekstova koristili smo se svim javno dostupnim izvorima podataka (sudskim presudama, člancima, spomen-obilježjima i slično), ali i dodatnim provjerama identiteta nekih žrtava na terenu. Posebno se moraju istaknuti, kao jedan od ključnih izvora, izvještaji sa suđenja i javne objave Centra za suočavanje s prošlošću Documenta. Zbog neujednačenosti informacija i malog broja relevantnih izvora za neka mjesta, postoji šansa da su neke od žrtava izostavljene ili da se u nekim tekstovima nalaze zastarjeli podaci. Želimo naglasiti da su sve eventualne pogreške isključivo posljedica ograničenosti korištene metode, odnosno korištenih izvora.

Pojedine zločine predstavljamo po regijama. Iako se ta podjela ne bazira na formalnom teritorijalno administrativnom ustroju Hrvatske danas, ona je važna zato što daje bolji okvir u kojem se mogu pratiti pojedina događanja iz 90.ih nego što to daje postojeći teritorijalno administrativni ustroj zemlje.

Istočna Slavonija i Podunavlje

Vukovar

Prema popisu stanovništva Hrvatske iz 1991. etnički sastav Vukovara bio je mješovit i gotovo izjednačen između dviju glavnih skupina: Srba (31 445 ili 37,35%) i Hrvata (36 910 ili 43,8%). U središnjem dijelu grada odnos je bio 47% Hrvata i 32% Srba. Valja napomenuti i to da je prema popisu bilo 35% miješanih brakova. Prema popisu stanovništva iz 2011. Vukovar ima 27 683 stanovnika, od čega 57,37% Hrvata i 34,87% Srba. Budući da sâm grad više ne obuhvaća teritorijalno-administrativno područje koje je obuhvaćao 1991., izravna usporedba podataka nije moguća, no jasno je da u relativnom smislu nije došlo do velikog pada broja Srba koji žive u gradu, što je prije svega rezultat mirne reintegracije hrvatskoga Podunavlja.

Vrijeme: Od juna do novembra 1991.

Opis zločina: Vukovar s pravom zauzima posebno mjesto u dominantnom javnom diskursu o ratu u Hrvatskoj. Međutim, ono što se konstantno neopravdano prešućuje jesu činjenice o ubojstvima, otmicama, pljačkama i protjerivanjima Srba u tom gradu koji su počeli u junu 1991., odnosno kada u samom gradu nije bilo pravih ratnih događanja. Ti se događaji dovode u vezu s Tomislavom Merčepom, koji je od 10. juna do 13. augusta 1991. obnašao dužnost sekretara Općinskog sekretarijata za narodnu obranu u Vukovaru, i s jedinicama koje je vodio. I prije rasplamsavanja sukoba, tokom proljeća 1991., Vukovarom su vladali strah i međusobno nepovjerenje zbog onoga što se događalo drugdje po Hrvatskoj. Stanje se dodatno zaoštrilo nakon sukoba i ubojstva dvanaestorice hrvatskih policajaca u Borovu Selu 2. maja 1991. Brojni stanovnici Vukovara već tada napuštaju grad zbog straha za vlastitu sigurnost. Jedna svjedokinja ispričala je kakvo je bilo stanje u Vukovaru u to vrijeme:

Već oko tri popodne, čim bi se ljudi vratili s posla, grad je postajao sablasno pust. Kad bi se smračilo, ljudi bi odlazili u podrume. Nije bilo noći da gradom ne odjekne kakva eksplozija ili da se ne čuju rafali. Kad ste čuli noćnu škripu automobilskih kočnica u blizini vaše kuće, mogli ste biti sigurni da će za nekoliko trenutaka odjeknuti eksplozija. Pucalo se po kućama, a stalne telefonske prijetnje bile su razlogom da mnogi napuste Vukovar. Ti su odlasci postali masovni nakon što se pročulo o noćnim privođenjima i nestancima ljudi.

Prva je žrtva rata u Vukovaru Jovan Jakovljević (51), do čije je kuće 29. juna oko 23 sata došla grupa naoružanih muškaraca. Predstavljajući se kao policajci, Jakovljevića su pozvali da izađe iz kuće. Kada je on to odbio uz zamolbu da dođu sutra tokom dana, zaprijetili su mu dizanjem kuće u zrak. Jakovljević je tada izašao, a nepoznati su ga muškarci pucnjevima iz vatrenog oružja ubili na samom ulazu u obiteljsku kuću.

Uniformirani pripadnici Zbora narodne garde (ZNG) 25. su jula 1991. došli po Savu Damjanovića na posao i odveli ga u nepoznatom pravcu. Toga se dana Damjanoviću gubi svaki trag. Mladen Mrkić 31. je jula 1991. kao i svake godine podnio referat na sjednici Radničkog savjeta Vupika o završenoj žetvi u poljoprivrednome kombinatu. Po završetku sjednice krenuo je prema svojoj kući, ali tamo nikada nije stigao. Svjedoci tvrde da su ga šestorica uniformiranih muškaraca prisilili da pođe s njima. S dvama automobilima bez registracijskih oznaka odvezli su ga do sjedišta Teritorijalne obrane. Tog se dana Mrkiću gubi svaki trag. Istu sudbinu doživio je i Željko Paić, kojeg su 10. augusta 1991. na putu do grada zaustavili pripadnici ZNG-a. Ovi primjeri zasigurno nisu jedini, ali služe kao dobra ilustracija zločina koji su u Vukovaru počinjeni 1991. godine. Informacije o događanjima došle su od tadašnjeg Vladina povjerenika za Grad Vukovar Marina Vidića Bilog, koji je u augustu 1991. predsjedniku Franji Tuđmanu, premijeru Franji Gregoriću i oporbenim čelnicima uputio pismo upozorenja u kojemu navodi da je Tomislav Merčep, "okružen ljudima sumnjivih moralnih i stručnih kvaliteta, bivšim kriminalcima, apsolutno preuzeo nadzor nad svime u Općini Vukovar, ne prezajući od nasilnih i represivnih mjera nad građanima Općine Vukovar (bespravnim upadanjem u privatne stanove, upućivanjem usmeno i pismeno u napuštene stanove osoba koje su tražile smještaj, pljačkanjem stanova, oduzimanjem privatnih vozila, nasilnim privođenjem na saslušanje pa čak i egzekucije)".

U intervjuu koji je dao Feral Tribuneu 1997. Vidić navodi da je bio u miniranoj kući jednog srpskog vijećnika SDP-ovca te u stanu jedne radnice iz Općine kojoj su naoružani ljudi upali u kuću i opljačkali je. Vidić isto tako govori da su u proljeće i ljeto 1991. "ljudi nestajali i više se ne bi pojavljivali". Merčepova djelatnost, kao što se vidi i iz pisma Marina Vidića Bilog, posve je blokirala rad policije, Zbora narodne garde i organa uprave, što je stvorilo opću konfuziju. Zbog intervencije Josipa Manolića Merčep je polovicom augusta prebačen helikopterom u Zagreb, a zatim je postavljen za pomoćnika u Ministarstvu unutarnjih poslova. U jednom intervjuu, koji je dao neposredno nakon pada Vukovara, na pitanje je li za svojega boravka u Vukovaru (do još uvijek nerazjašnjena hapšenja i dovođenja u Zagreb početkom augusta 1991., nakon čega postaje savjetnikom ministra Ivana Vekića) učinio sve što je mogao za obranu toga grada, Merčep je rekao: "Učinio sam koliko sam mogao, ali

ne i koliko sam namjeravao. Trebalo je još očistiti Petrovu goru od ljudi koji su dobili oružje, staviti ih pod kontrolu i učvrstiti prostor između Bogdanovaca i Sajmišta. Meni je to bilo na umu, ali nisam to stigao učiniti. Ostalo je bilo očišćeno." Merčep u istom intervjuu priznaje da je bilo slučajeva da su u akcijama koje je provodio "ljudi izgubili glave", a na pitanje o brojnim leševima koji su plovili Dunavom odgovara ovako: "Ne kažem da u Vukovaru nije zaplivaio niti jedan leš. Na tako velikom području, u takvoj situaciji, svatko je mogao učiniti što je htio. Međutim, mi smo u Vukovaru sve kontrolirali, tako da toga nije bilo u znatnoj mjeri."

Žrtve: Poimenični popis, pa čak ni broj svih srpskih žrtava koje su ubijene ili koje su pretrpjele neki oblik zlostavljanja na vukovarskom području za vrijeme ratnih događanja, nije do kraja utvrđen i oko toga se još uvijek vode žustre rasprave. Procjene se kreću od nekoliko desetaka pa sve do više od 120 ubijenih. Ovdje navodimo tek neka od imena srpskih žrtava u Vukovaru:

Zoran Filipović	Slavko Dragišić	Ljuban Vučinić
Vlado Skeledžija	Bogdan Bogdanović	Slavko Miodrag
Savo Damjanović	Željko Pajić	Slobodan Vučković
Branko Mirjanić	Obrad Drača	Milenko Đuričić
Mladen Mrkić	Miodrag Nađ	Bogdan Stupar

Pravosudne konzekvence: Istražitelji Haškog suda za ratne zločine obavili su 1996. i 1997. četiri puta u Vukovaru i ondje se bavili ratnim zločinima koji su počinjeni nad Srbima u gradu i okolici. Njihov interes bio je usmjeren na djelatnost Tomislava Merčepa i njegove skupine, koja ga je oslovljavala s "Tata", o čemu je haškim istražiteljima govorilo oko 100 svjedoka. Neka od tih svjedočenja sakupljena su u knjizi Zločin bez kazne koja je 1997. objavljena u Vukovaru i u kojoj se navode precizni podaci o 86 osoba koje su nestale ili ubijene u tom razdoblju. No Merčep za te zločine nikad nije odgovarao pred Haškim sudom. Hrvatski je državni vrh 2000. godine, nakon što je HDZ izgubio izbore, dobio anonimno pismo "zabrinutih građana Vukovara" u kojem su detaljno opisane likvidacije srpskih civila. Nakon toga obavljani su obavijesni razgovori sa Stipom Polom i Zvonimirom Radošem, načelnikom odnosno zamjenikom načelnika vukovarske policije iz 1991. godine, koji su tvrdili da je policijska dokumentacija slučajeva likvidacije i nestanka srpskih civila ostala u Vukovaru nakon pada grada. No ona ni nakon višegodišnje okupacije okončane mirnom reintegracijom Podunavlja 15. januara 1998. nije pronađena, a istraga je obustavljena. Nakon šestomjesečne istrage Županijsko je državno odvjetništvo u Zagrebu tek 10. februara 2012. podignulo optužnicu protiv Tomislava Merčepa. Ipak, Merčepa se ne tereti za zločine počinjene u Vukovaru, već za one koje je njegova

postrojba počinila u drugoj polovici 1991. na području Zagreba, Pakraca i Kutine. Za zločine počinjene nad Srbima u Vukovaru 1991. do danas nije podignuta ni jedna optužnica i nitko za njih nije kazneno odgovarao.

Osijek

Prema popisu stanovništva iz 2011. godine, u Osijeku živi 83 496 stanovnika, od čega 979 ili 0,91% Srba. Prema popisu stanovništva iz 1991. godine, na području grada Osijeka živjelo je 165 253 stanovnika, od čega 33 146 ili 20% Srba. Teritorijalno se administrativni ustroj između 1991. i 2011. značajno promijenio i nikakve izravne usporedbe ne daju pravu sliku, ali čak i kada se gleda broj stanovnika koji su 1991. živjeli isključivo u gradskim naseljima Osijeka, riječ je o 104 761 stanovnika, od čega 15 985 ili 15,3% Srba. Potpuno je jasno da udio srpskoga stanovništva u Osijeku od 1991. naovamo pokazuje jedan od najdrastičnijih padova u broju srpskoga stanovništva, čak i kada gledamo čitavo područje Hrvatske.

Vrijeme: Od jula do decembra 1991. godine.

Opis zločina: U drugoj polovici 1991. godine, dok se Osijek nalazio na prvoj ratnoj liniji, unutar samoga su se grada događala odvođenja, nestanci, zatvaranja, mučenja i ubojstva Srba koji su ostali u Osijeku. Zločini počinjeni nad srpskim civilima u Osijeku u javnom su prostoru poznati po kolokvijalnim nazivima "Garaža" i "Selotejp". Slučaj "Garaža" odnosi se na otmice i mučenja srpskih civila u zgradi Općinskog sekretarijata za narodnu obranu, kojim je predsjedao Branimir Glavaš, dok se slučaj "Selotejp" odnosi na ubojstva srpskih civila, kojima su ruke u trenutku ubojstva bile vezane selotejmom, na obali Drave. Na ovaj je način ubijeno najmanje 10 osoba.

Branimir Glavaš je obnašajući dužnost sekretara Općinskog sekretarijata za narodnu obranu pri Sekretarijatu ustrojio, opremio i naoružao vojnu postrojbu koja se u to vrijeme različito neformalno nazivala: Prištapska četa, Prištapska satnija, Zaštitna četa ili Branimirova osječka bojna, a kasnije je službeno nazvana 1. bojn timer osječkih branitelja. Upravo je ta jedinica izvršavala naloge i činila zločine nad Srbima koji su živjeli u Osijeku.

31. augusta 1991. pripadnici Branimirove osječke bojne postrojbe u jednu su od garaža u dvorištu pored Sekretarijata priveli dvije osobe, od kojih je jedna bila Čedomir Vučković. Čitavog su dana Čedomira Vučkovića pripadnici navedene jedinice udarali rukama, nogama i dijelovima oružja, a u večernjim je satima Zoran Brekalo, također pripadnik navedene postrojbe, istočio kiselinu iz akumulatora te je prisilio Vučkovića da je

popije. Zbog jakih bolova uzrokovanih kiselinom, Vučković je provalio vrata na garaži i izašao na dvorište, gdje je Krunoslav Fehir u njega ispalio nekoliko hitaca iz vatrenog oružja. Dva su ga hica pogodila, u trbuh i u ruku, no umro je od otrovanja sumpornom kiselinom.

26. novembra 1991. pripadnici Branimirove osječke bojne iz obiteljske su kuće u Sisačkoj ulici broj 11. odveli Branka Lovrića, lišili ga slobode i zatvorili u kuću u Dubrovačkoj ulici broj 30. Iz te su ga kuće nepoznati pripadnici navedene skupine odveli na obalu rijeke Drave i usmrtili.

3. decembra 1991. Stjepan Bekavac, Tihomir Valentić i Zdravko Dragić, pripadnici Branimirove osječke bojne, dočekali su Aliju Šabanovića ispred stambene zgrade u kojoj je živio, u naselju Sjenjak. Uhitili su ga, odvezli i zatočili u podrumu kuće broj 30 u Dubrovačkoj ulici, da bi ga naknadno nepoznati pripadnici iste skupine odvezli iz navedene kuće na obalu rijeke Drave te ga tamo usmrtili pucajući mu iz vatrenog oružja u glavu. Nakon toga bacili su ga u rijeku.

7. decembra 1991. Stjepan Bekavac, Tihomir Valentić i Zdravko Dragić, pripadnici Branimirove osječke bojne, iz obiteljske su kuće odveli Radoslava Ratkovića i prevezli ga do kuće u Dubrovačkoj ulici broj 30, gdje su mu vezali ruke samoljepivom trakom, tukli ga i ispitivali o njegovoj navodnoj neprijateljskoj djelatnosti. Nakon njihova odlaska dvojica nepoznatih vojnika nastavila su ga tući i potom su ga odvezla na obalu rijeke Drave, kod Tvrđe. Ondje je Dino Kontić dao automatsko oružje Zdravku Dragiću i rekao mu da puca u Ratkovića. Dragić je ispalio jedan hitac i pogodio Ratkovića u obraz, uslijed čega je ovaj pao u rijeku. Dragić je potom iz druge puške ispalio prema Ratkoviću još jedan hitac, ali Radoslav Ratković ipak je uspio preživjeti i isplivati iz Drave.

7. decembra 1991. pripadnici Branimirove osječke bojne odveli su dr. Milutina Kutlića iz njegove kuće u Mrežničkoj ulici, vezali ga samoljepivom trakom, doveli ga na obalu rijeke Drave, usmrtili ga pucajući mu iz vatrenog oružja u glavu i bacili ga u rijeku.

Neutvrđenog dana u prvoj polovici decembra 1991. godine pripadnici Branimirove osječke bojne odveli su Svetislava Vukajlovića iz njegove kuće u Vrtnoj ulici broj 12., vezali su ga samoljepivom trakom, doveli ga na obalu rijeke Drave, usmrtili ga pucajući mu iz vatrenog oružja u glavu i bacili ga u rijeku.

Neutvrđenog dana tokom decembra 1991. godine pripadnici Branimirove osječke bojne uhapsili su jednu nepoznatu ženu, vezali je samoljepivom trakom, doveli je na obalu rijeke Drave, usmrtili je pucajući joj iz vatrenog oružja u glavu i bacili je u rijeku.

28. decembra 1991. godine pripadnici Branimirove osječke bojne odveli su iz kuće u Wilsonovoj ulici broj 19 Bogdana Počuču, vezali ga samoljepivom trakom, doveli ga na obalu rijeke Drave, usmrtili ga pucajući mu u glavu iz vatrenog oružja i bacili ga u rijeku.

12. jula 1991. pripadnici Branimirove osječke bojne uhapsili su i u podrumске prostorije Sekretarijata za narodnu obranu priveli Nikolu Vasića, gdje su ga udarali rukama, nogama, dijelovima oružja i palicama, zadavši mu pritom teške ozljede.

Žrtve:

Branko Lovrić	Svetislav Vukajlović	Čedomir Vučković
Alija Šabanović	Petar Ladnjak	Dvije neidentificirane
Jovan Grubić	Milenko Stanar	osobe
Milutin Kutlić	Bogdan Počuća	

Navedeni popis ubijenih civila temelji se na presudi protiv Branimira Glavaša, no to nije konačan popis ubijenih Srba u Osijeku.

Pravosudne konzekvence: 8. maja 2009. godine objavljena je presuda Vijeća za ratne zločine Županijskog suda u Zagrebu kojom su optuženici Branimir Glavaš, Ivica Krnjak, Gordana Getoš Magdić, Dino Kontić, Tihomir Valentić i Zdravko Dragić proglašeni krivima za kazneno djelo ratnog zločina protiv civilnog stanovništva počinjenog u Osijeku 1991. godine. Branimir Glavaš osuđen je na 10 godina zatvorske kazne.

Vrhovni sud Republike Hrvatske 2. je juna 2010. okrivljenicima smanjio zatvorske kazne koje su im izrečene prvostupanjskom presudom, pa je tako presudom Vrhovnog suda Branimir Glavaš osuđen na 8 godina zatvora, Ivica Krnjak na 7, Gordana Getoš Magdić na 5, Dino Kontić na 3 godine i 6 mjeseci, Tihomir Valentić na 4 godine i 6 mjeseci, a Zdravko Dragić na 3 godine i 6 mjeseci.

Početak 2015. godine Ustavni sud Republike Hrvatske ukinuo je presudu Vrhovnog suda kojom je Branimir Glavaš zbog ratnih zločina osuđen na 8 godina zatvora. Branimir Glavaš izašao je iz pritvora koji je služio u zatvoru u Bosni i Hercegovini. Iako Ustavni sud Republike Hrvatske nije uopće ulazio u meritum krivnje, već se bavio proceduralnim pitanjima, puštanje prvoosuđenog Branimira Glavaša iz zatvora ne ide u prilog ni pravdi za žrtve ni pravdi za većinu osuđenika jer su svi, osim Glavaša, već odslužili svoje zatvorske kazne. Nakon te odluke Glavaš je, iako prvostupanjski osuđen za zločin nad civilima, postao zastupnik u novom sazivu Hrvatskog sabora, čemu su se protivile brojne udruge civilnog društva tražeći izmjenu zakona.

Dana 16. oktobra 2017. na Županijskom je sudu u Zagrebu čitanjem optužnice započela rasprava u ponovljenom postupku u predmetu Glavaš i dr. Optuženici koji su u međuvremenu izdržali zatvorske kazne izjavili su da se ne smatraju krivima za ono što im se optužnicom stavlja na teret.

Paulin Dvor

Paulin je Dvor naselje koje se nalazi 10 kilometara južno od Osijeka, u čijem je administrativnom sastavu bilo do 1991. godine. Istočno od sela, na udaljenosti od dva kilometra, nalazi se Ernestinovo s kojim je Paulin Dvor povezan cestom. Paulin Dvor 1991. je godine imao 168 stanovnika, od kojih se njih 147 ili 87,5% izjašnjavalo Srbima. Dvadeset godina kasnije, prema popisu stanovnika iz 2011. godine, u naselju živi 76 stanovnika, odnosno više nego upola manje. Zasad nije moguće dobiti uvid u nacionalni sastav stanovnika po svim naseljima u RH prema zadnjem popisu, već samo po općinama i gradovima. Kako nam nije poznato naseljavanje Hrvata iz Bosne ili s Kosova u tome selu, pretpostavka je da se radi uglavnom o Srbima.

Vrijeme: 11. decembar 1991. godine.

Opis zločina: Nekolicina je pripadnika 1. bojne 2. satnije 130. brigade Hrvatske vojske, prema prethodnom dogovoru u gostionici *Bijelo-plavi* u Vladislavcima, a zbog želje za osvetom nakon saznanja da je u bolnici u Osijeku od snajperskog ranjavanja preminuo njihov suborac, odlučila ubiti stanovnike u Paulin Dvoru. To je mjesto bilo na prvoj liniji fronte, pod kontrolom hrvatskih snaga. Oni koji dotad nisu izbjegli iz sela, tokom dana su mogli biti u svojim kućama i obilaziti selo odnosno nahraniti stoku, ali noću su grupno pritvarani u nekoliko kuća. U kući Andrije Bukvića, na adresi Glavna 52, nalazilo se najviše civila — čak 19. Pripadnici Hrvatske vojske 11. su decembra 1991. godine došli u selo, stražaru na ulazu u mjesto, koji ih je pokušao spriječiti, praktički su najavili zločin uz riječi "Idemo napraviti malo reda, tu ima Srba!", a zatim su ušli u spomenutu kuću i ondje automatskim oružjem, pištoljima i ručnim bombama ubili svih devetnaestero ljudi koje su u kući zatekli. Riječ je o 10 muškaraca i 9 žena, a svi osim jednoga Mađara bili su Srbi odnosno Srпкиnje. Iako su potom otišli s mjesta zločina, ubrzo su se vratili kako bi se uvjerali da su svi u koje su pucali doista mrtvi. Najmlađa ubijena žrtva imala je 41, a najstarija 82 godine.

Žrtve:

Darinka Vujnović (r. 1934.)

Marija Sudžuković (r. 1914.)

Božidar Sudžuković (r. 1913.)
Milena Rodić (r. 1928.)
Spasoja Milović (r. 1933.)
Milica Milović (r. 1934.)
Vukašin Medić (r. 1923.)
Milan Labus (r. 1941.)
Dragutin Kečkeš (r. 1939.)
Petar Katić (r. 1937.)
Milan Katić (r. 1933.)
Draginja Katić (r. 1922.)
Dmitar Katić (r. 1909.)
Bosiljka Katić (r. 1944.)
Boško Jelić (r. 1944.)
Anđa Jelić (r. 1950.)
Boja Grubišić (r. 1917.)
Jovan Gavrić (r. 1936.)
Milka Lapčević (r. 1910.)

Informacije o ekshumaciji i identifikaciji žrtava: Ubrzo nakon počinjena zločina, odnosno samo nekoliko sati kasnije, 18 je tijela kamionom odvezeno prema osječkoj kasarni Lug, gdje su zakopana u masovnu grobnicu. Tijelo Darinke Vujnović pronašli su vojnici JNA i/ili pripadnici paravojsnih jedinica, koji su par dana nakon zločina zauzeli Paulin Dvor, te je ono sahranjeno u Trpinji. Ujesen 1996. godine, nakon što su se za slučaj zainteresirali haški istražitelji, obavještajna je zajednica u suradnji s vojskom organizirala premještanje 17 tijela. Ona su sredinom januara 1997. ubačena u plastične bačve i vojnim kamionom prevezena u Rizvanušu, selo nedaleko od Gospića. 18. tijelo, ono Milke Lapčević, nije bilo među njima i nije pronađeno ni do podizanja optužnice ni do suđenja za zločin, zbog čega ona i nije uvrštena u popis žrtava pobrojanih u kasnijem sudskom procesu. Pretpostavlja se da je njezino tijelo ispalo tijekom transporta iz Paulin Dvora u Lug i da je pokopano na osječkom Centralnom groblju ili negdje na području kasarne. Moguće je i da je u međuvremenu pronađeno, o čemu nemamo informacije, no sigurno je da se njezino ime ne nalazi u izdanju Knjige nestalih osoba na području RH iz 2012. godine. 17 tijela pokopanih u Rizvanuši pronašli su haški istražitelji u februaru 2002. godine, a da se doista radi o žrtvama tog zločina, potvrdio je Zavod za sudsku medicinu u Zagrebu u septembru iste godine.

Pravosudne konzekvence: Za zločin u Paulin Dvoru osuđena su dvojica neposrednih počinitelja: Nikola Ivanković, koji je pravomoćnom presudom Vrhovnog suda 2005. godine osuđen na 15 godina zatvora, i Enes Viteškić, drugooptuženi u slučaju, koji je u maju 2012. nepravomoćno osuđen na 11 godina zatvora pred Županijskim sudom u Osijeku nakon

što je Vrhovni sud prvostupanjskom presudom dvaput vraćao slučaj na ponovno suđenje poslije dviju oslobađajućih presuda. Počinitelja je bilo više i jasno je da su neki od njih još uvijek na slobodi. Nadalje, iako dokazni postupak ukazuje na to da ovaj ratni zločin nije zapovjeđen, odnosno da je počinjen samoinicijativno i bez znanja nadređenih, i da su neki od počinitelja odmah privedeni pred vojnu policiju i službenike obavještajnih službi, činjenica je da oni, osim vikom, ljutnjom i slanjem na "prvu crtu", nisu adekvatno kaznili počinitelje. Dapače, učinjeno je sve da bi zločin bio prikriven, zbog čega se također postavlja pitanje kaznene odgovornosti onih koji su u tome sudjelovali. Koliko nam je poznato, dvije su od obitelji žrtava tražile i uspjele sudskim putem dobiti odštetu za usmrćenje bliskih osoba.

Općinski sud u Osijeku donio je u julu 2005. godine presudu po kojoj Republika Hrvatska zbog pretrpljene duševne boli mora isplatiti 200.000 kuna Nenadu Jeliću čiji su majka Anđa i otac Boško ubijeni u Paulin Dvoru.

Zapadna Slavonija

Virovitica

1991. godine sâm grad Virovitica imao je 16 167 stanovnika, od kojih je 11,76% bilo srpske nacionalnosti, a na upravnom je području Grada od 46 661 stanovnika njih 7271 ili 15,58% bilo srpske nacionalnosti. Od ukupno 71 naselja, uključujući i grad, u 19 naselja Srbi su bili apsolutna, a u dvama naseljima relativna većina stanovništva. Danas je to područje, 1991. godine administrativno obuhvaćeno virovitičkom upravom, uz Viroviticu i pripadajuća naselja podijeljeno i na Općine Gradina, Lukač, Suhopolje i Špišić Bukovica, s pripadajućim naseljima. Na cijelom tom području, dakle na području usporedivom s onim iz predratnog ustroja, prema popisu iz 2011. godine živi 2035 Srba, što je trećina u odnosu na predratno stanje, a u gradu Virovitici Srba ima 734 ili 3,45%.

Vrijeme: Od ljeta 1991. do proljeća 1992. godine.

Opis zločina: Iako na području grada Virovitice, kao ni na širem upravnom području toga mjesta, nije bilo masovnih zločina nad Srbima, odnosno ubojstava i nestanaka po brojnosti usporedivih s onima u Gospiću ili Sisku, poznato nam je nekoliko slučajeva zločina koje su nad civilima počinili pripadnici hrvatskih snaga, i o njima će ovdje biti riječi. Nadalje, po nekim su manjim mjestima u okolici Virovitice noćne pucnjave, prijeteći telefonski pozivi, a i ručne bombe bačene u dvorište bile pojave ne tako usamljene da bi se mogle nazvati tek izoliranim incidentima. Oni koji su ubijeni, uglavnom su bili ugledniji, viđeniji ljudi, što je zasigurno pridonijelo strahu i iseljavanju srpskog stanovništva s toga područja. Iako je izvjesno da se jedan dio mlađih ljudi, muškaraca, početkom rata priključio srpskim vojnim i paravojnim jedinicama, to ne može objasniti tako velik nesrazmjer ni u apsolutnom broju ni u relativnom udjelu Srba u ukupnom stanovništvu toga prostora. Od dobro dokumentiranih slučajeva tu je svakako onaj do danas nepronađena civila Bogdana Mudrinića. On je bez ikakva naloga odveden iz svoje kuće u Virovitici na ispitivanje s kojega se nikada nije vratio. Koliko je poznato, nasmrt je pretučen u vojnom zatvoru u virovitičkoj vojarni, a njegovo je tijelo potom izneseno izvan zatvora, nakon čega više nije viđeno. Sličnu sudbinu doživio je i dr. Ranko Mitrić, priveden s radnog mjesta u bolnici gdje je, prema krivičnoj prijavi podnesenoj protiv njega, nožem napao jednog hrvatskog vojnika. Iako je protiv njega prijavu podnijela civilna policija, istoga ga je dana kada se incident dogodio, 1. novembra 1991., privela vojna policija. Nakon ispitivanja u kojem su sudjelovali i pripad-

nici obavještajnih službi predan je policiji, a zatim ponovno hrvatskim vojnicima. Već sljedeći dan dr. Mitrić je ubijen, a njegovo je tijelo bačeno u šaht koji je potom miniran. U Virovitici je još u julu 1991. nestao Ranko Starović, početkom augusta 1991. nestao je 76-ogodišnji Stevan Radlović, 16. augusta 1991. 16-ogodišnji Slobodan Poplašen, a do danas nije pronađen ni 5. septembra nestao Mićo Petrović. U decembru 1991. u Virovitici pripadajućem Pčeliću ubijen je Milenko Momčilović, rođen 1928. godine, a i danas se traže njegovi posmrtni ostaci. Duško Šaponja odveden je iz svoje kuće u Jasenašu 11. januara 1992., mučen je i ubijen, a njegovo je tijelo, bačeno u kanal pored ceste, pronađeno ujutro nakon zločina. Nakon ubojstva jedan se od počinitelja vratio u Duškovu kuću i ondje silovao njegovu suprugu. U aprilu 1992. iz Majkovca su Podravskog, sela koje je 2001. priključeno obližnjoj Žlebini, ljudi koji su se predstavili kao vojna policija odveli Vladimira Grubora, te se i on 22 godine kasnije vodi kao nestala osoba. Ovo nisu svi slučajevi ubojstava i/ili nestanaka srpskih civila na virovitičkom području. Niti su se svi dogodili u istim okolnostima niti je izvjesno da je riječ o istim počiniteljima, no uočljiv je kontinuitet stradanja civila u razdoblju od ljeta 1991. do proljeća 1992. godine. U svjetlu navedenih činjenica valja promatrati i strah onih koji su ovim događajima makar neizravno svjedočili, kao i njihovu odluku o napuštanju svojih tadašnjih domova.

Informacije o ekshumaciji i identifikaciji žrtava: Svi su imenovani civili, osim Ranka Mitrića i Duška Šaponje kojima su pronađena tijela, nestali i njihove obitelji ni danas ne znaju gdje se nalaze.

Pravosudne konzekvence: U kaznenom je postupku protiv četvorice optuženih za smrt dr. Ranka Mitrića i Bogdana Mudrinića pred Županijskim sudom u Bjelovaru u martu 2006. godine donesena oslobađajuća presuda koju je potvrdio i Vrhovni sud 3 godine kasnije. Na 15 odnosno 12 godina zatvora pred Vojnim su sudom u Bjelovaru u aprilu 1992. godine osuđeni Darko Pil i Ivica Majetić, pripadnici HV-a, za zločin počinjen nad Duškom Šaponjom i njegovom suprugom. Ostali slučajevi zasad nisu procesuirani. Tužbeni zahtjev za naknadom nematerijalne štete koju je podnijela supruga nestalog Bogdana Mudrinića odbijen je zbog zastare, a dužna je sa sutužiteljima platiti 10.087,50 kn parničnih troškova. Nije nam poznato je li procesuiranje tužbenog zahtjeva trenutno u obradi pred višim sudskim instancama. Zbog poznatih i osuđenih počinitelja supruga Duška Šaponje imala je naizgled lakši zadatak u dobivanju odštete, no nakon pozitivne drugostupanjske presude odštetni je zahtjev odbio Vrhovni sud, također zbog zastare zahtjeva za naknadu štete. Predmet se trenutno nalazi pred Evropskim sudom za ljudska prava u Strasbourgu. Ostali slučajevi zasad nisu sudski procesuirani.

Novska

Prema popisu stanovništva iz 2011., Novska ima 13 518 stanovnika, od čega je 4,74% Srba. Prema popisu stanovništva iz 1991., Općina Novska imala je 24 696 stanovnika, od čega je bilo 21,78% Srba. Iako Novska administrativno više ne obuhvaća isto područje koje je obuhvaćala 1991., i danas ima manje stanovnika, očigledna je velika promjena u nacionalnoj strukturi stanovništva, ponajviše vidljiva u velikom padu broja srpskog stanovništva na ovom području kroz godine.

Vrijeme: Novembar i decembar 1991. godine.

Opis zločina: U jesen i zimu 1991. godine Novska se nalazila na prvoj borbenoj liniji rata u Hrvatskoj. 21. novembra 1991., oko 10 sati navečer, nekoliko hrvatskih vojnika upalo je u kuću Mihajla Šeatovića. Odveli su ga do susjedne kuće, gdje su njegovi susjedi Ljuban Vujić te Mišo i Sajka Rašković već bili zatočeni. Hladnim i vatrenim oružjem sve je četvero potom ubijeno. Pema opisima iz optužnice, ubijeni su posebno okrutno i brutalno. Žena je pronađena gola, razrezana vrata i prsnog koša, te izrešetana rafalom. Muškarcima su nožem rezani prsti, testisi i spolovila, izbodeni su nožem, drobljeni su im zglobovi i kosti, rezani su im vratovi i rešetani su iz automatske puške. 18. decembra 1991. u Novskoj pripadnici Hrvatske vojske ulaze u kuću Petra Mileusnića te ondje nakon prvotna maltretiranja hicima iz vatrenog oružja ubijaju Goranku Mileusnić, Veru Mileusnić i Blaženku Slabak, a Petra Mileusnića teško ranjavaju. Odlaze iz kuće uvjereni da je i Petar Mileusnić mrtav.

Pravosudne konzekvence: Vojno je tužiteljstvo u Zagrebu 1992. podignulo optužnicu protiv Dubravka Leskovara i Damira Vide Raguža, zbog kaznenog djela ubojstva, a ne zbog ratnog zločina protiv civilnog stanovništva. Sudsko je vijeće 10. novembra 1992. donijelo rješenje kojim je obustavljen kazneni postupak temeljem tada važećeg Zakona o oprostima od krivičnog progona i postupaka za krivična djela počinjena u oružanim sukobima i u ratu protiv Republike Hrvatske. Novi postupak pokrenut je na Županijskom sudu u Sisku 8. marta 2010., kada je započela glavna rasprava u postupku protiv Damira Vide Raguža i Željka Škledara, optuženih da su 21. novembra 1991. u Novskoj počinili kazneno djelo ratnog zločina protiv civilnog stanovništva. Dana 16. aprila 2010. optuženi Damir Vid Raguž nepravomoćno je proglašen krivim te mu je izrečena kazna zatvora u trajanju od 20 godina, dok je optuženi Željko Škledar oslobođen optužbe. Dana 10. jula 2012. održana je sjednica Žalbenog vijeća te je ukinuta prvostupanjska presuda. 7. februara 2013. Damir Vid Raguž i Željko Škledar presudom su Županijskog suda u Zagrebu nepravomoćno oslobođeni optužbe. Za ratni zločin u kući Petra Mileusnića 1992. je godine vođena istraga protiv Željka Beline,

Ivana Grgića, Dubravka Leskovara, Dejana Milića i Zdravka Pleseca, zbog kaznenih djela ubojstva i pokušaja ubojstva. Postupak je okončan 2. novembra 1992. donošenjem rješenja o obustavi kaznenog postupka i primjenom zakona o oprost. Na Županijskom je sudu u Sisku 23. septembra 2010. pokrenut postupak protiv okrivljenih Željka Beline, Dejana Milića, Ivana Grgića i Zdravka Pleseca, bivših pripadnika Hrvatske vojske optuženih za počinjenje ratnog zločina protiv civilnog stanovništva usmrćivanjem Goranke i Vere Mileusnić i Blaženke Slabak, te ranjavanjem Petra Mileusnića, u Novskoj u decembru 1991. 19. novembra 2010. Vijeće za ratne zločine Županijskog suda u Sisku donijelo je odbijajuću presudu smatrajući da je riječ o presuđenoj stvari. Vrhovni sud Republike Hrvatske ukinuo je prvostupanjsku odbijajuću presudu prvooptuženom Belini i drugooptuženom Miliću. Nakon provedenog ponovljenog postupka Vijeće za ratne zločine Županijskog suda u Zagrebu 8. je marta 2013. godine optuženike proglasilo krivima. Belini je izrečena kazna zatvora u trajanju od 10, a Miliću u trajanju od 9 godina. Članovi obitelji ubijenih nisu dobili primjerenu satisfakciju, ni moralnu ni finansijsku. Dodatno su viktimizirani jer su dužni platiti sudske troškove izgubljenih parnica u kojima su tužili Republiku Hrvatsku, smatrajući je odgovornom za zločin koji su počinili identificirani pripadnici HV-a. Marica Šeatović, supruga ubijenog Mihajla Šeatovića, 2004. je godine pokrenula postupak za naknadu štete od Republike Hrvatske zbog suprugove smrti, što je Općinski sud u Novskoj odbio uz obrazloženje da je puška kojom je izvršen masakr u kući Raškovićevih "bila uključena u akcije u Domovinskom ratu" i da su počinitelji "bili pijani i revoltirani padom Vukovara". Žalila se sudu u Sisku, ali njezin je zahtjev bio odbijen i ona je na kraju morala platiti sudske troškove u visini od 8500 kuna. 2008. pokrenula je postupak na Vrhovnom sudu, koji je predmet vratio u Sisak pa opet u Novsku, gdje je sutkinja ponovno donijela negativno rješenje. Marici je ponovo određena obaveza plaćanja sudskih troškova, ovaj put u iznosu od 10.000 kuna. Od svoje je penzije u visini od 1600 kuna Marica Šeatović državi već platila gotovo 20.000 kuna, dok su ubojice njezina supruga na slobodi, a od države nije dobila ni jednu kunu na ime odštete.

Požeška sela

29. oktobra 1991. godine pripadnici požeške civilne zaštite i policije počeli su provoditi naredbu o evakuaciji svih mještana iz 26 sela, s isključivo ili pretežno srpskim stanovništvom, smještenih u Požeškoj kotlini, u podnožju planina Papuk i Psunj. Naredbu je dan ranije izdao Krizni štab Općine Slavonska Požega. Evakuacijom, koju je trebalo provesti u roku od 48 sati, obuhvaćena su sela Oblakovac, Vučjak Čečavski, Jeminovac, Šnjegavić, Čečavac, Koprivna, Rasna, Pasikovci, Kujnik, Orljavac, Cr-

ljenci, Soboština, Milivojevci, Podsreće, Vranić, Nježić, Požeški Markovac, Klisa, Ozdakovci, Poljanska, Kantrovci, Gornji Vrhovci, Lučinci, Oljasi, poimenice pobrojana u naredbi, a njima su naknadno pridruženi Smoljanovci i Ruševac, u kojima je, prema popisu stanovništva iz 1991. godine, živjelo 2120 stanovnika. Od navedenih su sela samo Poljanska, Orljavac i Lučinci bili mješovita nacionalnog sastava, dok su u ostalima živjeli isključivo Srbi. Evakuacijom nisu obuhvaćena hrvatska sela Ivandol, Deževci, Perenci, Toranj i Biškupci, koja se dodiruju sa srpskim selima. Ta su sela bila naznačena kao "rajoni prikupljanja" stanovnika.

Vrijeme: Od oktobra do novembra 1991. godine.

Opis zločina: U pisanoj naredbi o evakuaciji, koja je 28. oktobra 1991. izvešena na javnim mjestima, navedeno je da "u posljednje vrijeme četničke terorističke snage i jedinice JNA sve više ugrožavaju svojim borbenim djelovanjem civilno stanovništvo u zapadnom dijelu općine Slavonska Požega" i da se evakuacija provodi "u cilju zaštite njihovih života i omogućavanja uspješnije obrane obrambenih položaja hrvatskih snaga na tom području". Dio mještana iz 26 sela na koje se odnosila naredba o evakuaciji postupio je kako je zahtijevao Krizni štab, no dio ih je odlučio ostati u svojim kućama. Iako je stanovništvu prilikom evakuacije obećano da će po povratku naći sve kako su i ostavili, ubrzo nakon evakuacije započeli su pljačka, paljenje i miniranje srpskih kuća. Prema nekim je podacima u sljedećih nekoliko mjeseci spaljeno i minirano više od 600 stambenih i gospodarskih objekata. Mještani sela Vučjak Čečavski i Šnjegavić u najvećoj su mjeri odbili evakuaciju te se u ta sela sklonio i dio mještana evakuiranih sela. 10. oktobra 1991. godine jedinice 121. brigade iz Nove Gradiške i 123. brigade iz Slavonske Požege počinju široku operaciju čišćenja terena na područjima sela Vučjak Čečavski, Šnjegavić, Jeminovac i Ruševac. Pri "čišćenju" terena hrvatske su snage u tih nekoliko sela ubile najmanje 41 mještana. Većina ubijenih mještana bili su Srbi, civili mahom u starijoj životnoj dobi. U Šnjegaviću je 11. decembra 2000. godine obavljeno iskapanje masovne grobnice u kojoj su pronađena tijela 13 osoba. Na identifikaciju tijela još se uvijek čeka. Posmrtni ostaci većine ubijenih još nisu pronađeni.

Nestali i ubijeni civili po selima:

/ Šnjegavić:

Draga Protić	Ilija Radmilović	Jula Radmilović
Bosiljka Protić	Anka Radmilović	Čečavački Vučjak
Ljubomir Protić	Milan Radmilović	Milka Šimić
Milan Protić	Janko Živković	Mile Dulić
Stanko Protić	Anđa Stanković	Rajko Starčević
Ana Radmilović	Mileva Milošević	Ljubica Carević

Milka Starčević	Nikola Živković	Anđa Starčević
Mileva Ivanović	Jagoda Dulić	Dulić Radojka
Ljubica Carević	Jagoda Starčević	Carević Milan
Branko Ivanović	Mara Trkulja	

/ Ruševac:

Stevo Ranosavljević	Anđa Trlajić	Đuro Vasić
Ana Ranosavljević	Ljuba Trlajić	Kata Čičković
Mijo Ranosavljević	Jagoda Miličić	

/ Čečavac:

Mila Radić
Jovo Radić

/ Jeminovac:

Mile Mijatović

/ Oljasi:

Nikola Davidović

/ Ozdakovci:

Marija Milinković

Pravosudne konzekvence: 17. marta 2000. godine protiv nepoznatih je osoba vezanih za ovaj zločin podignuta prva kaznena prijava, ali do danas nitko nije odgovarao za ove zločine.

Marino Selo

Marino Selo nalazi se u zapadnoj Slavoniji, u Požeško-slavonskoj županiji, u sastavu Grada Lipika. Važno je naglasiti da su u zločinu na koji se najčešće referira kao na zločin u Marinom Selu žrtve zapravo civili iz susjednih sela Klisa i Kip.

Vrijeme: Od novembra 1991. do februara 1992.

Opis zločina: Pripadnici voda vojne policije 76. samostalnog bataljuna Zbora narodne garde u novembru 1991. pretražuju kuće Srba u selima Kip i Klisa u potrazi za skrivenim oružjem te neke od civila hapse i odvođe u improvizirani zatvor koji se nalazio u prostoriji ribarske kuće u neposrednoj blizini Marina Sela (Ribnjak). U prostorima ribarske kuće pripadnici ZNG-a fizički i psihički zlostavljaju zatvorene Srbe — civile. U periodu od novembra 1991. do februara 1992. kroz taj je zatvor prošlo najmanje 24 civila, a od posljedica zlostavljanja njih je 17 i umrlo. Zločin

su počinili pripadnici voda vojne policije 76. samostalnog bataljuna Zbora narodne garde.

Žrtve — zlostavljani, mučeni i ubijeni:

/ Selo Kip:

Pero Novković	Branko Bunčić	Jovo Popović
Mijo Danojević	Nikola Gojković	Petar Popović
Gojko Gojković	Mijo Gojković	Nikola Krajnović
Savo Gojković	Filip Gojković	Milan Popović

/ Selo Klisa:

Jovo Žestić	Slobodan Kukić	Savo Maksimović
Jovo Popović	Rade Gojković	Josip Cicvara

Žrtve — zlostavljani i mučeni:

Branko Stanković	Jovo Krajnović	Jeka Žestić
Mijo Krajnović	Bunčić Milka	Nikola Ivanović

Pravosudne konzekvence: Na Županijskom je sudu u Požegi 13. marta 2009. objavljena presuda kojom su optuženici Damir Kufner, Davor Šimić, Pavao Vančaš, Tomica Poletto, Željko Tutić i Antun Ivezic proglašeni krivima za kazneno djelo ratnog zločina protiv civilnog stanovništva. Vrhovni sud Republike Hrvatske 23. je marta 2010. godine zbog proceduralnih pogrešaka ukinuo presudu Vijeća za ratne zločine Županijskog suda u Požegi i predmet je delegiran Županijskom sudu u Osijeku. 13. juna 2011. presudom Županijskog suda u Osijeku Tomica Poletto (44) dobio je 15 godina, a Željko Tutić (44) 12 godina zatvora zbog ratnog zločina protiv civilnog stanovništva. Damir Kufner, Pavao Vančaš i Antun Ivezic oslobođeni su krivnje, a za Davora Šimića optužba je odbačena. Žalbena sjednica na Vrhovnom sudu Republike Hrvatske održana je 22. novembra 2011. i na njoj je u potpunosti potvrđena prvostupanjska presuda.

Pakračka Poljana

Predmetni zločin počinjen je u Poljani, mjestu udaljenom 25 kilometara cestovnom linijom od Pakraca prema Kutini, koje je 1991. administrativnim ustrojem pripadalo Pakracu, a danas je u sastavu Lipika. Naselje je široj javnosti poznatije pod nazivom Pakračka Poljana koji je približno lokacijski određuje, a vjerojatno i zbog činjenice da je do 1981. godine službeni naziv mjesta bio Poljana Pakračka. 1991. ondje je živjelo 669 stanovnika, od kojih su većina bili Hrvati, njih 60,69%, a u znatnom bro-

ju bilo je i Čeha, s udjelom od 22,27%. Stanovnika srpske nacionalnosti bilo je 27. Danas Poljana ima 547 stanovnika. Još uvijek nije dostupan sastav stanovništva prema nacionalnoj pripadnosti za naselja koja nemaju status općine ili grada.

Vrijeme: Od 8. oktobra do sredine decembra 1991. godine.

Opis zločina: U Pakračkoj je Poljani ujesen 1991. bila stacionirana pričuvna postrojba Ministarstva unutarnjih poslova Republike Hrvatske. Pripadnici te postrojbe u navedenom su razdoblju u Društveni dom, pretvoren u improvizirani zatvor, dovodili nezakonito privedene srpske civile, ali i manji broj Hrvata, te ih ondje ispitivali uz učestalo premlaćivanje i mučenje, kao i uz brojna ubojstva. Ljudi su najčešće odvođeni iz svojih domova, gotovo su u pravilu od njih traženi i oduzimani novac i ostale vrijednosti, uključujući automobile, a u jednom slučaju čak i usisivač i pegla. Neki zatvorenici toga logora bili su mučeni elektrošokovima, sipana im je sol, ili im je pak polijevan ocat, na zadobivene rane, udarani su tvrdim predmetima, korišten je nož, nekoliko je žena silovano, zatvorenici su pri ulasku svojih mučitelja morali podizati ruku u zrak uz pozdrav "Za dom spremni!", a mučeni su i na mnoge druge načine. No ova kratko opisana tortura samo je manji dio zločina jer je iz vatrenog oružja ili premlaćivanjem na području Pakračke Poljane ubijeno više desetaka ljudi. Srpski civili u logor su dovođeni najčešće iz sela s područja Pakraca, Kutine i Daruvara, no najmanje su trojica dovedena čak iz Zagreba, gdje je, na tamošnjem Velesajmu, također bila stacionirana ista postrojba. Žrtve su najčešće bile likvidirane vatrenim oružjem iz blizine, hicima u glavu, nakon čega su zakapane u plitke grobove uglavnom u bližoj okolini Poljane. Do danas nije pronađeno najmanje 6 tijela žrtava.

Osobe koje se do danas vode nestalima ili se traže njihovi posmrtni ostaci:

Pero Novković (r. 1940.)

- nestao 16. novembra 1991;

Milan Popović (r. 1929.)

- nestao 10. novembra 1991;

Milan Gunjević (r. 1952.)

- nestao 10. novembra 1991;

Konstantin Radić Kojo iz sela Kričke

- nestao sredinom oktobra 1991;

Pero Rajčević iz Kutine

- nestao nakon 11. oktobra 1991;

Milan Radonić, s područja Kutine

- odveden 26. oktobra 1991. u Pakračku Poljanu, gdje je mučen i ponižavan, nakon čega mu se gubi svaki trag.

Informacije o ekshumaciji i identifikaciji žrtava: Dosad su na različitim lokacijama (u Kukunjevcu, u Bujavici, na lokacijama Veli Jarak i Mali Raj) ekshumirane, a zatim na Zavodu za sudsku medicinu u Zagrebu identificirane sljedeće žrtve opisanog zločina:

Ljuban Harambašić	Ljubica Vučković	Rade Pajić
Pavle Ignjatović	Ostoja Subanović	Marko Grujić
Mirko Cicvara	Božo Velebit	Veljko Stojaković
Tejkan Kutić	Stoja Ignjatović	Vaso Miletić
Mihajlo Vučković	Miloš Ivošević	Milorad Miletić

Pravosudne konzekvence: Presudom Županijskog suda u Zagrebu iz septembra 2005. godine na ukupno 30 godina zatvora za nezakonita zatvaranja, mučenja, pljačkanja i ubojstva koja su im dokazana osuđeni su Munib Suljić (10 godina), kao prvooptuženi, zatim Siniša Rimac (8 godina), Igor Mikola (5 godina), Miroslav Bajramović (4 godine) i Branko Šarić (3 godine). Vrhovni je sud u maju sljedeće, 2006. godine povisio kaznu Suljiću na 12 godina zatvora. Igor Mikola još je od izricanja prvostupanjske presude bio u bijegu i tek je u julu 2014. uhapšen u Peruu, gdje čeka izručenje Hrvatskoj. Tomislav Merčep, kao (ne)formalni zapovjednik ove skupine, uhapšen je u decembru 2010. godine, a protiv njega je pred Županijskim sudom u Zagrebu podignuta optužnica 6 mjeseci kasnije, u junu 2011., koja ga tereti po zapovjednoj odgovornosti za zločine u Pakračkoj Poljani, ali i, po istoj osnovi, za ubojstvo obitelji Zec.

U julu 2015. godine Županijsko državno odvjetništvo u Zagrebu promijenilo je činjenični i zakonski opis optužnice protiv Merčepa. Umjesto zapovjedne odgovornosti, sada ga se tereti da je samo propustio spriječiti pripadnike postrojbe u vršenju ratnih zločina protiv civilnog stanovništva. U odnosu na prvu optužnicu, kojom ga se teretilo da je kao zapovjednik osobno odgovoran za uhićenja 52 osobe te mučenja i ubojstva ukupno 43 osobe, nova je optužnica svedena na to da ništa nije poduzeo kako bi spriječio podređene u počinjenju ratnih zločina protiv civilnog stanovništva. Zagrebačko Županijsko državno odvjetništvo obrazlaže izmjenu optužnice time da je "pravna kvalifikacija kaznenog djela ostala ista, da se okrivljenika i nadalje tereti za izvršavanje istog kaznenog djela — ratnog zločina protiv civilnog stanovništva iz članka 120. OKZ RH [Osnovni krivični zakon Republike Hrvatske] u svezi članka 28. istog Zakona". No s obzirom na to, objašnjava dalje ŽDO, da je "činjenični opis djela prilagođen činjeničnom stanju utvrđenom tokom rasprave, sada se okrivljenog T. M. tereti da je kao stvarni zapovjednik pričuvne jedinice MUP-a propustio spriječiti pripadnike jedinice u vršenju ratnih zločina protiv civilnog stanovništva". Od zločina je do početka toga suđenja proteklo više od 20 godina, a prvostupanjski je sudski proces u toku.

Dana 1. decembra 2015. suđenje je započelo iznova i to zbog mišljenja Vrhovnog suda Republike Hrvatske da se svi kazneni postupci trebaju voditi po odredbama novog Zakona o kaznenom postupku. Tokom rasprave izvršen je uvid u spis, u brojnu materijalnu dokumentaciju i u iskaze 150 svjedoka, a saslušana su dva svjedoka, Jordan Atanasoski i Igor Mikola.

Dana 12. svibnja 2016. godine Županijski sud u Zagrebu objavio je presudu Tomislavu Merčepu kojom je proglašen krivim za kazneno djelo ratnog zločina protiv civilnog stanovništva (čl. 120 OKZ RH u svezi s čl. 28) i osuđen je na zatvorsku kaznu u trajanju od 5 godina i 6 mjeseci.

Gotovo četvrt stoljeća nakon nezakonita uhićenja Pere Rajčevića i Đorđa Gunjevića, 11. listopada 1991., preživjeli su dočekali priznanje patnje. Da je Merčep kao faktični zapovjednik postrojbe reagirao na njihova uhićenja, zločina nad svima kasnije privedenima, zlostavljanima i ubijenima vjerojatno ne bi ni bilo. Zločina vjerojatno ne bi bilo ni da je pravovremeno reagirala policija koja je obaviještena neposredno nakon njihova odvođenja. Presuda je zakašnjela satisfakcija za obitelji ubijenih u Pakračkoj poljani i Zagrebu; uključuje ubojstvo obitelji Zec u prosincu 1991., ali nažalost izostavlja 25 još uvijek neidentificiranih žrtava.

Primjenom odredbi Zakona o kaznenom postupku Tomislavu Merčepu određen je obvezni istražni zatvor odnosno pritvor. Tomislav Merčep nepravomoćno je osuđen za to što kao STVARNI zapovjednik jedinice rezervnog sastava MUP-a Republike Hrvatske, pričuvne postrojbe stacionirane u Pakračkoj Poljani i na Zagrebačkom velesajmu, i kao savjetnik u MUP-u Republike Hrvatske od listopada do prosinca 1991. nije spriječio podređene u vršenju nezakonitih uhićenja i zlostavljanja ukupno 31 civila, dovedenih iz Zagreba, Kutine, Ribnjaka, Janje Lipe, Bujavice, Međurića, Zbjegovače i Pakračke Poljane, od kojih su 23 usmrćena.

Voćin

Danas je Voćin sjedište Općine Voćin koja prema popisu stanovništva iz 2011. ima 2832 stanovnika, od čega je 211 Srba. Prema popisu stanovništva iz 1991. od ukupno 1569 stanovnika bilo je 1009 Srba.

Vrijeme: Decembar 1991. godine.

Opis zločina: Područje Voćina i okolnih sela od augusta je do decembra 1991. bilo pod kontrolom srpskih snaga, uključujući dobrovoljačke paravojne jedinice zvane "šešeljevci" i "Beli orlovi". U tom razdoblju dogodili su se brojni zločini nad hrvatskim stanovništvom u Voćinu i u okolnim

selima (Lager Sekulinci, Prevenda i Kometnik). Međutim, povlačenjem srpskih postrojbi i ulaskom Hrvatske vojske na područje Voćina i okolnih sela, zločini nad civilnim stanovništvom ne prestaju. 13. decembra 1991. i idućih nekoliko dana događaju se ubojstva i nestanci Srba koji su ostali u svojim selima. Mnogi od njih do danas nisu pronađeni. Činjenica je da se danas spomen Voćina automatski povezuje sa zločinima počinjenim nad Hrvatima 1991., dok kod jako malog dijela javnosti postoji svijest o zločinima počinjenim nad Srbima na istom području, što još jednom pokazuje potrebu daljnjeg istraživanja i procesuiranja zločina nad svim civilima u voćinskom kraju. Prema dostupnim podacima, u tih je nekoliko dana ubijeno 35 lokalnih stanovnika, među kojima sedam žena, a petnaest je žrtava bilo starijih od 60 godina. Ubijeni su mještani iz 11 sela: Sekulinci (8 ubijenih), Kometnik (6 ubijenih), Gornji Meljani (4 ubijena), Hum (3 ubijena), Voćin (3 ubijena), Đuričić (3 ubijena), Čeralije (2 ubijena), Dobrić (2 ubijena), Rijenci (2 ubijena), Bokane (1 ubijeni) i Macute (1 ubijeni).

Žrtve:

/ Sekulinci:

Luka Živković (r. 1919.)
Joco Kovačić (r. 1929.)
Danka Kovačić (r. 1934.)
Petar Radulović (r. 1932.)
Lazar Panić (r. 1933.)
Lazo Bojčić (r. 1933.)
Rajko Vasiljević (r. 1934.)
Jovan Kovačić (r. 1947.)

/ Kometnik:

Stevan Zubić (r. 1928.)
Dušan Jorgić (r. 1930.)
Lazar Jorgić (r. 1936.)
Dimitrije Vukašinić (r. 1937.)
Stevo Veselinović (r. 1940.)
Branko Jorgić

/ Gornji Meljani:

Uroš Bolić (r. 1914.)
Božo Bolić (r. 1931.)
Gavro Smoljanić (r. 1950.)
Radomir Radmilović (r. 1958.)

/ Hum:

Smilja Radojević (r. 1924.)

Petar Jorgić (r. 1925.)
Branko Lukić (r. 1934.)

/ Voćin:

Milka Plavšić (r. 1906.)
Milka Dragojević (r. 1910.)
Krista Vuković (r. 1925.)

/ Đuričić:

Božica Ivković (r. 1906.)
Pantelija Vučković (r. 1915.)
Slavko Kokić (r. 1928.)

/ Čeralije:

Pero Bojanić (r. 1950.)
Slobodan Lazić (r. 1951.)
Dobrić: Zdravko Dobrić (r. 1930.)
Anka Dobrić (r. 1930.)

/ Rijenci:

Borislav Vučković (r. 1947.)
Boro Mihaljević (r. 1949.)

/ Bokane:

Jovan Matić (r. 1935.)

/ Macute:

Milorad Grabić (r. 1933.).

Pravosudne konzekvence: Za zločine počinjene u Voćinu 1991. godine nitko nije odgovarao, odnosno nikakav pravosudni postupak vezan za ove događaje nije pokrenut.

Medari

Do 1991. godine Medari su se nalazili u Općini Nova Gradiška, a danas se nalaze u jednoj od najmlađih općina u Hrvatskoj — u Općini Dragalić. Prema popisu stanovništva iz 1991. godine, Medari su imali 452 stanovnika, od čega 367 Srba. Prema posljednjem popisu stanovništva iz 2011. godine, Medari broje 211 stanovnika. Detaljni podaci o strukturi stanovništva po nacionalnosti još nisu dostupni.

Vrijeme: 1. maja 1995. godine.

Opis zločina: Prvog dana operacije Bljesak, 1. maja 1995., oko 6 sati ujutro pripadnici Hrvatske vojske ušli su u selo Medari i počinili ratni zločin nad civilima koje su zatekli u njihovim kućama. Okrutno su vatrenim i hladnim oružjem ubijene 22 osobe. O razmjerima zločina govori i činjenica da je među 22 osobe bilo troje djece i 11 žena, a većina je muškaraca bila starije životne dobi. Najmlađa žrtva imala je 7 godina, najstarija 88 godina, a ubijeno je čak sedmero članova jedne obitelji (obitelji Vuković). Sve su žrtve bile srpske nacionalnosti. Prema iskazima obitelji žrtava, stanovnici Medara vjerovali su da će ih u slučaju ulaska Hrvatske vojske u selo zaštititi UNPROFOR čija se baza nalazila u neposrednoj blizini sela.

Žrtve:

Ljeposava Burujević (r. 1925.)
Mile Burujević (r. oko 1935.)
Rade Čanak (r. 1907.)
Draga Čanak (r. 1919.)
Ruža Dičko (r. 1943.)
Željko Dičko (r. 1967.)
Draga Đumić (r. 1919.)
Jovan Grmuša (r. 1933.)
Jela Mrkonjić (r. oko 1945.)
Anka Niniković (r. 1919.)
Nikola Popović (r. 1927.)
Nada Popović (r. 1930.)
Dragan Romanić (r. oko 1935.)
Zorka Tomić (r. 1927.)
Kata Vlajsavljević (r. 1930.)
Anđelija Vuković (r. 1959.)
Ranko Vuković (r. 1955.)
Goran Vuković (r. 1984.)
Gordana Vuković (r. 1987.)
Milutin Vuković (r. 1945.)
Cvijeta Vuković (r. 1950.)
Dragana Vuković (r. 1988.)

Informacije o ekshumaciji i identifikaciji žrtava: 3. jula 2010. godine završena je ekshumacija posmrtnih ostataka 28 osoba iz zajedničke grobnice koja se nalazila na području mjesnog groblja u selu Trnava. Na Zavodu za sudsku medicinu u Zagrebu 29. marta 2011. identificirani su: Cvijeta Vuković, Anđelija Vuković, Ranko Vuković, Milutin Vuković, Gordana Vuković, Goran Vuković, Dragana Vuković, Ruža Dičko, Željko Dičko i Jovan Grmuša, a u 4. mjesecu 2012. godine: Kata Vlajsavljević, Zorka Tomić, Draga Đumić i Anka Ninković.

Pravosudne konzekvence: Za zločin u Medarima do danas nitko nije kazneno odgovarao. Postupak je još u predistražnoj fazi i vodi se protiv nepoznatih počinitelja. Do ekshumacije posmrtnih ostataka žrtava iz Medara 2010. godine predmet se nalazio u rukama Županijskog državnog odvjetništva u Slavanskom Brodu, ali je 2010. odlukom ĐORH-a predmet prebačen Županijskom državnom odvjetništvu u Osijeku. Međutim, do danas još uvijek nije podignuta ni jedna optužnica za zločin u Medarima. Sestre Vuković, kojima su u zločinu ubijeni roditelji i mlađa sestra, 4. septembra 2006. godine pokreću odštetni postupak pred Općinskim sudom u Novoj Gradiški na temelju Zakona o odgovornosti Republike Hrvatske za štetu uzrokovanu od pripadnika hrvatskih oružanih i redarstvenih snaga tijekom Domovinskog rata. Isti taj sud 4. novembra 2009. odbio je tužbeni zahtjev kao neosnovan. Građansko-upravni odjel Općinskog državnog odvjetništva u Zagrebu odbio je zahtjev za sklapanjem izvansudske nagodbe jer to po njihovu tumačenju nije ratni zločin, nego su stradali civili ratna šteta. Temeljem troška koji je proizišao iz parničnog postupka, pokrenutog u vezi sa zahtjevom za naknadom nematerijalne štete zbog usmrćenja roditelja i malodobne sestre, Općinsko državno odvjetništvo u Novoj Gradiški pokrenulo je ovrhu nad nekretninama sestara Vuković.

Banija, Kordun i Pounje

Banijska sela

Predmetni zločin dogodio se u sedam banijskih sela koja se nalaze na području trokuta između Siska, Petrinje i Sunje. To su Blinjski Kut, Kinjačka Gornja, Kinjačka Donja, Blinjska Greda, Bestрма, Trnjani, Čakale i Brđani.

Vrijeme: 22. augusta 1991. godine.

Opis zločina: 22. augusta 1991. u ranim jutarnjim satima pripadnici MUP-a Republike Hrvatske i ZNG-a (Gromovi) izveli su vojnu akciju iz sela Komarevo i Mađari u smjeru nekoliko susjednih srpskih sela. Akcija je izvedena s nekoliko prepravljenih/oklopljenih kamiona pokraj kojih se kretala pješadija. Pripadnici ZNG-a ulaskom su u sela neke od mještana dozivali po imenu te su ih po izlasku iz kuća ubili hicima iz vatrenog oružja. Neke od žrtava ubijene su u svojim kućama. Većina žrtava bili su civili, no neki od mještana napadnutih sela bili su naoružani te su se sukobili s pripadnicima MUP-a i ZNG-a, o čemu svjedoči i pogibija petorice pripadnika hrvatskih snaga i ranjavanje više njih. Prilikom ovog napada ubijeno je 15 osoba, a veći je broj osoba ranjen. Sve su žrtve bili Srbi. Najmlađa je žrtva bila Željka Bojinović, koja je u trenutku ubojstva imala 21 godinu. Pripadnici hrvatskih snaga, koji su je poznavali, imenom su je dozivali da izađe iz svoje kuće i ubili su je kada se pojavila.

Žrtve:

Mladen Vranešević	Dragan Biškupović	Radovan Kragulj
Nednad Pajić	Nedjeljko Čajić	Ranko Martinović
Petar Crljenica	Milan Vučinić	Stevo Simić
Ljuban Tatišić	Ratko Đekić	Dragan Bekić
Lazo Stanić	Milan Kladar	Željka Bojinović

Pravosudne konzekvence: 2006. godine podignuta je kaznena prijava po ŽDO-u Republike Hrvatske protiv Ivica Kovačića i drugih zbog kaznenog djela ratnog zločina, no iste godine Županijsko državno odvjetništvo u Sisku odbacuje kaznenu prijavu. Za ovaj zločin do danas nitko nije odgovarao. Neke od obitelji tužile su Republiku Hrvatsku za naknadu štete te su prvostupanjskim presudama ostvarile pravo na odštetu. Poznat je primjer roditelja Željke Bojinović. Općinski sud u Sisku prihvatio je njihovu tužbu za naknadu štete, utvrdio odgovor-

nost Republike Hrvatske te dosudio materijalnu naknadu Milji i Petru Bojinoviću. Sud je utvrdio da djelo ima obilježje ratnog zločina. Žalbeni je postupak u toku.

Sisak

Prema popisu stanovništva iz 1991. Sisak je imao 45 792 stanovnika, od čega 10 829 odnosno čak 23,64% Srba, dok prema popisu iz 2011. na području grada Siska živi 69 281 od čega samo 5897 ili 7,46% Srba. Iako administrativno područje Grada Siska više ne obuhvaća isto područje koje je obuhvaćalo 1991., pa je teško raditi preciznu komparativnu analizu, potpuno je jasno da je pad broja srpskog stanovništva na ovom području drastičan.

Vrijeme: Od 1991. do 1995. godine.

Opis zločina: Ujesen 1991. Sisak se nalazio na gotovo prvoj ratnoj liniji. U grad je došao velik broj Hrvata iz Petrinje i okolice, manji dio Srba je otišao, a položaj onih koji su ostali bio je posebno težak. Nekoliko različitih grupa naoružanih osoba, pripadnika hrvatskih vojnih jedinica i jedinica MUP-a, zastrašivali su, zlostavljali, mučili i ubijali sisačke Srbe. Pretraživali su im se stanovi u potrazi za oružjem, primali su prijeteće pozive telefonom, odvođeni su iz svojih kuća i sa svojih poslova, a mnogi su od njih nakon tih odvođenja pronađeni mrtvi ili se još uvijek vode kao nestali. Likvidacije Srba u Sisku često su bile praćene prethodnim mučenjem žrtava. Premlaćivanja, lomljenja ruku i nogu, ubodi nožem, pa čak i odrubljivanje glave, sve je to potvrđeno u nalazima Odjela za patologiju Opće bolnice u Sisku. Po nalogu tadašnjeg Okružnog suda u Sisku obavljani su obdukcija ili vanjski pregled 64 tijela ubijenih, a upravo ti nalazi svjedoče o brutalnosti zločina koji su se događali. Zatvaranja, mučenja i ubojstva Srba događala su se na lokacijama Barutana, ORA i Jodno. Za velik broj navedenih zločina odgovorne su dvije zloglasne jedinice koje su u vrijeme rata djelovale u Sisku — Vukovi i Handžar-divizija. Djelovanje tih jedinica do danas nije do kraja razjašnjeno, ali poznato je da je na čelu Handžar-divizije bio Ekrem Mandal, rudar zaposlen u rudniku u Labinu inače porijeklom iz Novog Pazara, a jedinica je bila sastavljena većinom od Muslimana i imala je oko 80 pripadnika. Vukovi su bili manja jedinica s od 20 do 30 pripadnika. Objе su jedinice bile u sastavu rezervnih snaga MUP-a Republike Hrvatske.

Žrtve: Poimenični popis, pa čak ni broj svih žrtava koje su ubijene ili koje su pretrpjele neki od oblika zlostavljanja na sisačkom području za vrijeme ratnih događanja, nije do kraja utvrđen i oko toga se još vode žustre rasprave. Procjene se kreću od nekoliko desetaka pa sve do više

od 600 ubijenih. Ono što se sa sigurnošću može tvrditi jest da je na različite načine na sisačkom području ubijeno nekoliko desetaka Srba. Navodimo ovdje dva popisa žrtava, jedan iz optužnice protiv Vladimira Milankovića i Drage Bošnjaka i drugi, puno opširniji popis, koji je načini-
la i objavila udruga Forum za ljudska prava iz Siska.

a) Popis žrtava iz optužnice protiv Vladimira Milankovića i Drage Bošnjaka

/ Ubijeni/nestali:

Vlado Božić	Zoran Trivkanović	Stanko Martinović
Zoran Vranešević	Berislav Trivkanović	Stevo Borojević
Branko Oljača	Jovan Crnobrnja	Miloš Čalić
Željko Vila	Rade Španović	Vaso Jelić
Evica Vila	Stevo Ratković	Nikola Drobnjak
Marko Vila	Ljubica Solar	Miloš Brkić
Dušan Vila	Milan Cvetojević	Dragan Miočinović
Mlađo Vila	Petar Pajagić	
Nikola Trivkanović	Vojislav Trbulin	

/ Protupravno uhićeni i/ili zlostavljani:

Stevo Brajenović	Milorad Ratković	Živko Goga
Dmitar Brajenović	Blažana Ratković	Milan Vasiljević
Milan Slavulj	Danica Ratković	Nikola Arnautović
Miodrag Stojaković	Dragica Subanović	Živko Vujanić
Sveto Mijić	Branko Subanović	Ranko Davidović
Gojko Lađević	Lazo Ostojić	Ratko Miljević
Nenad Tintor	Danica Ostojić	Miloš Gojić
Živko Živanović	Dragan Ostojić	Blagoje Savić
Obrad Štrbac	Mirko Drageljević	Radivoj Crevar
Milan Davorija	Neđeljka Drageljević	Ljuban Vukšić
Stevo Miodrag	Nikola Batula,	Boško Subotić
Miće Mitrović	Milica Batula	nepoznati civil u dobi
Pero Dragojević	Đuro Cvetojević	od oko 45 godina
Ivica Biščan	Dragomir Cvetojević	
Dobrila Crnobrnja	Mihajlo Mrkonja	

b) Poimenični popis 107 ubijenih Srba s područja Siska koji je izdala udruga Forum za ljudska prava iz Siska

Nikola Arbutina	Dragan Biškupić	Branko Cetinski
Stanko Arbutina	Željka Boinović	Pero Crljenica
Damir Begić	Stevo Borojević	Jovo Crnobrnja
Dragan Bekić	Vladimir Božić	Milan Cvetojević
Marko Banjac	Miloš Brkić	Nedeljko-Neđo Čajić

Milan Čakalo	Ranko Martinović	Ljuban Tatišić
Miloš Čalić	Đorđe Mitrović	Nikola Trivkanović
Veljko Čosić	Gradoljub Nikolić	Zoran Trivkanović
Stojan Čorić	Vaso Novaković	Berislav Trivkanović
Ljuban Čenić	Stojan Miodrag	Milorad Vasiljević
Branko Dabić	Pero Obradović	Nedeljko Vejnović
Nenad Denić	Milja Obradović	Vatroslav Vergaš
Jovo Didulica	Dejan Obradović	Marko Vila
Mika Draić	Jovanka Obradović	Evica Vila
Nikola Drobnyak	Vaso Obradović	Željko Vila
Damir Đukić	Branko Oljača	Mladen Vila
Miljenko Đapa	Petar Pajagić	Dušan Vila
Ratko Đekić	Pero Palija	Ljuban Vujnović
Ljuban Erak	Đuro Pandurić	Đuro Vujnović
Miloš Grubić	Miljenko Pavić	Ivan Vojnović
Nikola Grubić	Igor Pavičić	Mladen Vranešević
Vaso Jelić	Nenad Pajić	Zoran Vranešević
Petar Kičić	Nikola Pavljanić	Milan-Mišo Vučinić
Dragica Kičić	Dragan Rajšić	Dragan Vujačić
Milan Kladar	Stevo Simić	Draga Vujačić
Dušan Komosar	Ljubica Solar	Bogdan Vukotić
Stanko Končar	Dragan Sundać	Simo Zlokapa
Kuzman Kovačević	Lazo Stanić	Damjan Žilić
Radovan Kragulj	Slavko Slijepčević	Stana Živković
Nedeljko Kušić	Rade, Ostojić	Slavko Ivanjek
Petar Kušić	Milovan Stevanović	Ivica Đukić
Ljuban Lovrić	Vera Stevanović	Đorđe Letić
Branko Lukač	Željko Škrebac	Dragan Rapajić
Đuro Lukač	Rade Španović	Vukašin Zdjelar
Stanko Lukić	Miloš Špoljar	Vlado Svetić
Ilija Martić	Đuro Šušnjar	

Pravosudne konzekvence: Županijsko je državno odvjetništvo u Osijeku 2011. podignulo optužnicu protiv Vladimira Milankovića, bivšeg zamjenika načelnika Policijske uprave Sisak, i Drage Bošnjaka, pripadnika pričuvnog sastava Policijske uprave Sisak, zbog kaznenog djela ratnog zločina protiv civilnog stanovništva. 9. decembra 2013. objavljena je presuda Vijeća za ratne zločine Županijskog suda u Osijeku kojom je Vladimiru Milankoviću za kazneno djelo ratnog zločina protiv civilnog stanovništva izrečena kazna zatvora u trajanju od 7 godina, a za kazneno djelo ratnog zločina protiv ratnih zarobljenika kazna zatvora u trajanju od 2 godine, pa mu je izrečena jedinstvena kazna zatvora u trajanju od 8 godina. Drago Bošnjak oslobođen je optužbe. Presudom Vrhovnog suda Republike Hrvatske od 10. juna 2014. potvrđena je prvostupanjska presuda Županijskog suda u Osijeku i okrivljenom je Vladimiru Mi-

lankoviću preinačena zatvorska kazna, pa mu je izrečena jedinstvena zatvorska kazna u trajanju od 10 godina. Optužnica zbog kaznenog djela ratnog zločina protiv civilnog stanovništva po zapovjednoj odgovornosti bila je podignuta i protiv Đure Brodarca, ali taj je postupak prekinut njegovom smrću 2011. godine. Nitko od direktnih izvršitelja zločina nad Srbima u Sisku nije kazneno odgovarao.

Dvor

Do 1995. godine Dvor se zvao Dvor na Uni. Područje Općine Dvor 1991. godine imalo je 14 555 stanovnika u 64 naselja, od čega je Srba bilo 86,5%, a Hrvata 9,58%. Hrvatsko stanovništvo uglavnom je bilo naseljeno u šest naselja uz rijeku Unu, od Dvora prema Kostajnici, i u tim je naseljima činilo apsolutnu većinu, dok su Srbi bili apsolutna većina u ostalih 58 naselja Općine. Prema popisu stanovništva iz 2011. godine, na istom području živi 5570 stanovnika, od kojih je 4005 ili 71,9% Srba, a 1440 ili 25,85% Hrvata.

Vrijeme: 8. augusta 1995. godine.

Opis zločina: 8. augusta 1995. godine, između 14:30 i 15:00 sati, u školskoj zgradi u Dvoru na Uni ručnim bombama i pucnjevima iz automatskog oružja ubijeno je 12 osoba, 10 psihički i fizički hendikepiranih osoba i jedan bračni par. Koliko je poznato, sve su žrtve bile Srbi. Zločinu su svjedočili pripadnici danskog bataljuna UNCRO-ovih snaga, tada smještenih u Dvoru, čiji je pripadnik Jan Wellendorf 2011. godine o svemu posvjedočio i u danskim medijima. Nakon toga slučaj je postao poznat i u hrvatskoj javnosti. Prema tom su svjedočenju danski vojnici htjeli reagirati, odnosno zapucati, i tako pokušati spriječiti zločin, no naredeno im je da ne interveniraju, već samo promatraju. Civilni ubijeni u školi u Dvoru nekoliko su dana ranije zajedno s još 40-ak osoba, psihijatrijskih bolesnika i stanara u staračkom domu, dovezeni iz Petrinje, nakon čega je većina uspjela izbjeći u Bosanski Novi. U Dvoru su ostali samo najteži invalidi, odnosno oni koje nitko nije ili mogao ili htio povesti sa sobom.

Potencijalni počinitelji: Ubojstvo je, prema dostupnim informacijama, počinilo 12 osoba u maskirnim odorama bez vidljivih oznaka pripadnosti nekoj od vojski. Hrvatske su snage ušle u Dvor u popodnevnim satima prethodnog dana, no tokom jutra i dana 8. augusta iste su se snage povlačile prema Zamlači uslijed protuudara srpskih snaga iz pravca Bosanskog Novog kojem je cilj bio deblokirati preostale srpske vojnike i civile na putu Glina-Dvor-Bosanski Novi. Upravo u vremenu počinjenog zločina u Dvoru su se, u blizini mjesta zločina, odvijale borbe između

pripadnika Srpske vojske Krajine i Hrvatske vojske, a u nekoliko se izvora spominju i pripadnici 5. korpusa Armije BiH kao prisutni u Dvoru u vrijeme navedenih događaja. Neposredno nakon zločina, prema prvim izvještajima koje su prenosili listovi The New York Times i The Independent, a koji su se pozivali na glasnogovornika UN-a u Zagrebu Philipa Arnolda te na svjedočenja i prijave danskih vojnika, ubojice su nosile uniforme s oznakama 5. korpusa Armije BiH, no kasnije se ta informacija ne ponavlja.

Pravosudne konzekvence: Najčešće se govori o neidentificiranim počiniteljima bez oznaka, a s ciljem konačnog rješavanja slučaja krajem 2012. godine postignut je i dogovor predstavnika Državnog odvjetništva Republike Hrvatske i srpskog Tužiteljstva za ratne zločine o daljnjoj suradnji pri utvrđivanju i otkrivanju počinitelja te svih okolnosti toga ratnog zločina. Zajednički su saslušavani svjedoci u Kopenhagenu, ali zasad nema javno dostupnih informacija o rezultatima tih zajedničkih napora. Tako i gotovo dvadeset godina od počinjenog kaznenog djela počinitelji ne samo da nisu procesuirani nego nije sa sigurnošću utvrđeno čak ni kojoj su vojsci pripadali i zašto su počinili ubojstva.

Unatoč činjenici da je ubojstvo u školi u Dvoru istaknuto kao jedan od prioriteta DORH-a, još se uvijek nije dogodio nikakav pomak u smjeru pokretanja sudskog procesa za taj zločin. Velika se bura u javnosti digla zbog danskog dokumentarnog filma o tom slučaju, a budući da je film sufinanciran sredstvima HAVC-a, razne braniteljske udruge i pojedinci tvrde da se u filmu odgovornost za zločin pripisuje hrvatskoj vojsci, iako je film usmjeren prije svega na propitivanje odgovornosti danskog bataljuna i njegova zapovjednika.

Napad na izbjegličku kolonu

Lokacija: Cesta od Gline prema Dvoru.

Vrijeme: 7. i 8. augusta 1995. godine.

Opis zločina: 7. i 8. augusta 1995. kolona se ljudi s područja Gline, Topuskog, Vrginmosta i Vojnića kretala cestom od Gline prema Dvoru. Kod selā Ravno Rašće, Donji Klasnić i Žirovac kolona je napadnuta i tom je prilikom stradalo nekoliko desetaka civila. Prema izjavama svjedoka, dogodila su se dva napada na kolonu, jedan Hrvatske vojske, a drugi 5. korpusa Armije BiH. Ovaj je zločin jedan od slabije istraženih zločina u Hrvatskoj. I ono malo postojećih izjava svjedoka u najvećoj je mjeri kontradiktorno. Tako neki pripadnici HV-a tvrde da se s kolonom civila povlačio i veći broj vojnih vozila te da su vojnici u civilnim vozilima

bili pomiješani s civilima i da su pucali po njima, a neki tvrde da su civili poginuli zbog panike među srpskom vojskom. Bez obzira na nejasnoće, ostaje činjenica da je veći, još neutvrđeni broj civila prilikom navedenih događaja stradao.

Žrtve:

Aleksa Zorojević (r. 1928.) iz Donjeg Klasnića
Miloš Vladić (r. 1931.) iz Buzete
Danica Bulat (r. 1931.) iz Buzete
Marija Baždar (r. 1928.) iz Buzete
Milenko Kukulj (r. oko 1935.) iz Blatuše
Ljubica Kukulj (r. 1952.) iz Blatuše
Đurđica Kukulj (r. oko 1967.) iz Blatuše
Ana Mraović (r. 1905.) iz Bovića
Mile Mraović (r. 1931.) iz Bovića
Stanko Stanojević (r. 1918.) iz Bovića
Stevan Komadina (r. 1930.) iz Bovića
Milica Rkman (r. 1915.) iz Brnjavca
Maca Pavlović (r. 1923.) iz Trepče
Danica Radanović (r. 1924.) iz Šljivovca
Radanović Ranka (r. 1932.) iz Čreмуšnice
Radanović Miljka (r. 1922.) iz Čreмуšnice

Počinitelji: Nepoznati pripadnici Hrvatske vojske i Armije BiH.

Pravosudne konzekvence: Za zločin do danas nitko nije kazneno odgovarao.

Koranski most

Prema popisu stanovništva iz 2011., Karlovac ima 55 705 stanovnika, od čega je 8% Srba. Prema popisu stanovništva iz 1991., Karlovac je imao 81 319 stanovnika, od čega je bilo 26,72% Srba. Iako Karlovac više ne obuhvaća isto područje koje je obuhvaćao 1991. godine, pa nije moguće jednostavno usporediti i analizirati podatke, sasvim je jasna velika promjena u nacionalnoj strukturi stanovništva, vidljiva u velikom padu udjela srpskog stanovništva na tom području. Koranski most nalazi se vrlo blizu samog centra Karlovca i na neki način predstavlja ulaz u grad s južne strane. Za vrijeme ratnih sukoba imao je važnu stratešku ulogu u obrani Karlovca.

Vrijeme: 21. septembra 1991. godine.

Opis zločina: 21. septembra 1991. godine pripadnici MUP-a i ZNG-a Republike Hrvatske u Karlovcu su, neposredno ispred mosta na rijeci Korani,

zaustavili dva vojna kamiona u kojima su se nalazili pripadnici aktivnog i rezervnog sastava JNA. Kamioni su prevozili vojnike iz kasarne Mekušje prema kasarni Logorište, koja se nalazi u Karlovcu. Nakon pregovora s hrvatskim snagama i obećanja da im se ništa neće dogoditi, pripadnici JNA odložili su svoje oružje i predali se. Odmah je po predaji jedna grupa zarobljenika, uglavnom aktivnih pripadnika JNA, odvezena u prostorije Policije u Karlovcu, dok je druga grupa od 17 vojnika, uglavnom rezervista iz sela Krnjak, vođena pješice preko Koranskog mosta. Kad su stali na Koranski most, tri su osobe u uniformama i s fantomkama na glavama ubile njih 13 hicima iz automatskog oružja. Od četvorice preživjelih trojica su se spasila skokom s mosta u rijeku Koranu.

Pravosudne konzekvence: Za zločin nad ratnim zarobljenicima na Koranskom mostu podignuta je optužnica protiv Mihajla Hrastova, bivšeg pripadnika MUP-a Republike Hrvatske. Postupak protiv Hrastova jedan je od najdužih u povijesti hrvatskog pravosuđa. Županijski sud u Karlovcu tri ga je puta oslobodio uz tvrdnju da je pucnjavi prethodio napad razoružanih neprijateljskih vojnika na Hrastovljeve suborce, čime su izgubili status zarobljenika. Vrhovni sud poništio je sve tri oslobađajuće presude, a nakon poništavanja treće predmet nije vratio istom sudu na ponovno suđenje, nego je sâm proveo drugostupanjski i trećestupanjski postupak i proglasio Hrastova krivim, te ga osudio na sedam godina zatvora. No kako Vrhovni sud osuđujuću presudu nije javno objavio, Ustavni je sud presudu ukinuo, pa je Hrastov krajem 2010. godine pušten na slobodu. Iako trojica preživjelih spominju da su na njih pucale tri osobe, a ne samo Hrastov, DORH dosad nije pokazao nikakav interes za to da se optužnica proširi, kao što nije pokušao dokazati tko su nalogodavci zločina. Vrhovni je sud naposljetku potvrdio drugostupanjsku presudu prema kojoj je Hrastov kažnjen s četiri godine zatvora. Vrhovni sud naposljetku je potvrdio drugostupanjsku presudu prema kojoj je Hrastov kažnjen s četiri godine zatvora, u koju mu je uračunato vrijeme provedeno u pritvoru i na izdržavanju kazne, od 6. ožujka 1992. godine do 4. septembra 1992. te od 5. maja 2009. godine do 22. decembra 2010. godine. Suđenje Mihajlu Hrastovu trajalo je ukupno 23 godine.

Središnja Hrvatska

Zagreb

Godine 1991. Zagreb je brojao 933 914 stanovnika, od čega je bilo 49 965 Srba. Prema popisu stanovništva iz 2011. godine, Grad Zagreb ima 790 017 stanovnika, od čega je 17 526 Srba. Ovdje je riječ o promjeni administrativno-teritorijalnog ustroja Grada Zagreba pa se ne može raditi direktna usporedba popisa, ali jasno je da je broj Srba koji žive na području Zagreba znatno manji nego 1991. godine.

Vrijeme: 1991. i 1992. godina.

Opis zločina: Velik je broj Srba koji su živjeli u Zagrebu izbjegao već u prvim danima rata. Osim što ih se nasilno deložiralo iz stanova koji su iz stambenog fonda JNA prešli u stambeni fond MORN-a, Srbi su, pod sumnjom da su snajperisti, petokolonaši, neprijatelji ili jednostavno nepoćudni, kako ih je označio dio tadašnjih medija, početkom rata bili žrtve šikaniranja i fizičkih napada. Sredinom 1991. godine otpočela su hapšenja, a uz zatvor u Gajevoj ulici odnosno dvorac Kerestinec u Svetoj Nedelji, Srbi su odvođeni i u Paviljon 22 na Zagrebačkom vele-sajmu. Paviljon 22 bio je sabirni logor kroz koji je od septembra 1991. do januara 1992. godine prošao određeni, još uvijek nepoznat broj građana. Mnoge od njih uhitila je pričuvna policija i takozvani “merčepovci”. Prema izjavama svjedoka, žrtve, koje su bile mahom boljeg imovinskog statusa, sa zagrebačkih su ulica i iz stanova odvođene u potpunoj tajnosti, zatvarane u kontejneru unutar Paviljona 22 te potom transportirane u Pakračku Poljanu, gdje su nakon mučenja likvidirane.

Pripadnici postrojbe MUP-a Republike Hrvatske, tzv. “merčepovci”, 7. su decembra 1991. oko 23 sata banuli u kuću srpske obitelji Zec u Poljaničkoj ulici na zagrebačkoj Trešnjevci. Ubrzo je potom Mihajlo Zec, otac, ubijen pred kućom. Svjedokinje ubojstva, njegova supruga Marija Zec i dvanaestogodišnja kćer Aleksandra Zec, odvedene su na Sljeme. U noći sa 7. na 8. decembra 1991. godine ispaljeno je osam hitaca u glavu i prsa Marije Zec, te sedam u glavu i jedan u nadlakticu Aleksandre Zec. Njihova tijela bačena su u jamu i zakopana u blizini Planinarskog doma Adolfovac. Od 12. do 16. decembra 1991. redom su uhićeni Nebojša Hodak, Munib Suljić, Siniša Rimac, Igor Mikola i Snježana Živanović, pripadnici postrojbe MUP-a Republike Hrvatske. Uskoro je s njima obavljen informativni razgovor, a osumnjičeni su priznali da su počinili ubojstva. Njihovi iskazi razlikovali su se samo u dijelovima koji su se

odnosili na stupanj odgovornosti za zločin — Mikola i Živanović kao ljubavni su se par međusobno štitili, Suljić je inzistirao na činjenici da mu je Rimac naredio da ubije djevojčicu i ženu, Hodak je potvrdio da je Mikola pucao po mrtvim tijelima, a Rimac je priznao da je naredio da se u djevojčicu ispali "samo jedan metak".

Pravosudne konzekvence: Iako su tokom ispitivanja priznali odgovornost za počinjena ubojstva članova obitelji Zec, zapisnici o ispitivanju okrivljenika naposljetku su na zahtjev njihovih odvjetnika izdvojeni iz spisa i kao takvi nisu razmatrani kao dokaz na suđenju. Kako je obrazložio istražni sudac Božidar Jovanović, zagrebački Okružni sud uvažio je argumente branitelja osumnjičenih za ubojstvo članova obitelji Zec da dokazi nisu prikupljeni na zakonit način. Naime, okrivljenike su ispitivali suci Okružnog suda u Zagrebu bez prisutnosti odvjetnika, što je u suprotnosti s pravnom praksom da okrivljenik mora imati branitelja već pri prvom ispitivanju ako se postupak vodi zbog kaznenog djela za koje se može izreći kazna zatvora u trajanju od 20 godina, što je i bio slučaj u tome postupku.

Nakon što su Rimac, Suljić, Hodak, Mikola i Živanović pola godine proveli u okružnom pritvoru, 16. juna 1992. otpočela je glavna rasprava u sudskom procesu. Tokom iznošenja obrane petorka se branila šutnjom. Unatoč priznanjima ubojstava u spisima koji su kasnije izuzeti iz procesa, i unatoč pronalasku oružja kojim su ubijeni Aleksandra, Marija i Mihajlo Zec, Okružni sud u Zagrebu za petero je osumnjičenih 9. jula 1992. godine donio oslobađajuću presudu. U presudi se navodi da je u postupku neosporno utvrđeno da su Mihajlo, Marija i Aleksandra Zec stradali nasilnom smrću uslijed povreda koje su zadobili zbog projektila iz ručnog vatrenog oružja. "Ovaj sud je utvrdio da fragment košuljice zrna koji je pronađen ispod tijela Zec Mihajla potječe od zrna koje je ispaljeno iz automata marke Heckler & Koch, tvornički broj S 07759, a to je automat koji je kasnije pronađen na tavanu Planinarskog doma Adolfovac. Nadalje, pet čahura koje su pronađene kraj mjesta na kojem su nađena mrtva tijela Zec Marije i Zec Aleksandre ispaljeno je također iz automata Heckler & Koch tvornički broj S 07861, a to je automat koji je nađen u kombi vozilu Mandarelo Stjepana... Na platnenom remenu tog automata vidljiv je natpis pisan kemijskom olovkom velikim slovima koja su poredana jedno ispod drugog, a natpis glasi MIGOR... No ovaj sud utvrdio je da u posebnoj jedinici MUP-a u vrijeme kada su njezini pripadnici bili okrivljenici nisu vođene evidencije o individualnim zaduženjima oružja, već je samo jedinica bila zadužena određenom količinom i vrstom oružja." Iako je na oslobađajuću presudu Državno odvjetništvo imalo pravo uložiti žalbu, to nije učinjeno. Sljedeće je godine Vrhovni sud donio presudu kojom se kao neosnovan odbija zahtjev Državnog odvjetnika Republike Hrvatske za zaštitu zakonitosti, a koji

se odnosio na rješenje Okružnog suda u Zagrebu od 26. marta 1992., kada su iz dokumentacije izdvojeni zapisnici o ispitivanju okrivljenika s iskazima priznanja počinjenja ubojstava.

Budući da je koalicijska Vlada pod vodstvom Ivice Račana odbila izvan-sudsku nagodbu s preživjelim članovima obitelji Zec, odvjetnik Anto Nobilo u ime je Dušana i Gordane Zec i njihove bake Bose, s kojom djeca žive od 1992. u Banjoj Luci, 31. oktobra 2003. podigao tužbu za naknadu štete protiv Republike Hrvatske. Tužba je podignuta zbog činjenice da je "nedvojbeno da su štetni događaj uzrokovali pripadnici hrvatskih oružanih snaga temeljem Zakona o odgovornosti Republike Hrvatske za štetu uzrokovanu od pripadnika hrvatskih oružanih i redarstvenih snaga tijekom Domovinskog rata".

Na zatvorenom dijelu sjednice Vlada Republike Hrvatske 29. je aprila 2004. donijela odluku o isplati jednokratne novčane pomoći članovima obitelji Zec u iznosu od 1.500.000 kuna. Vlada je odlukom o isplati jednokratne novčane pomoći neposredno priznala da bi taj spor vjerojatno izgubila pred sudom, što bi bio presedan koji bi utjecao na sudsku praksu u procesima... kojima obitelji žrtava nastoje dobiti obeštećenje.

Županijsko državno odvjetništvo u Zagrebu 10. je februara 2012. podiglo optužnicu protiv Tomislava Merčepa kojom ga tereti po zapovjednoj odgovornosti za zločine u Pakračkoj Poljani, ali i, po istoj osnovi, za ubojstvo obitelji Zec. Tokom suđenja, koje je još uvijek u toku na Županijskom sudu u Zagrebu, u ulozi svjedoka pojavili su se i Siniša Rimac, kojeg je nakon 7 godina provedenih u zatvoru zbog zločina u Pakračkoj Poljani pomilovao predsjednik Stjepan Mesić, Snježana Živanović i Nebojša Hodak. Negirali su umiješanost u ubojstvo troje članova obitelji Zec i pozivali se na pravomoćno oslobađajuću presudu s početka devedesetih. Od 14. rujna 2005. godine, odnosno od izricanja prvostupanjske presude za zločine počinjene u Pakračkoj Poljani, Mikola i Suljić bili su u bijegu. Munib Suljić preminuo je 2006. godine u zatvorskoj bolnici u Haagu, a Mikola je tek u julu 2014. uhapšen u Peruu.

U julu 2015. Zagrebačko Županijsko državno odvjetništvo promijenilo je činjenični i zakonski opis optužnice protiv Merčepa. Umjesto po zapovjednoj odgovornosti, sada ga se tereti da je samo propustio spriječiti pripadnike postrojbe u vršenju ratnih zločina protiv civilnog stanovništva. U odnosu na prvu kojom ga se teretilo da je kao zapovjednik osobno odgovoran za uhićenja 52 te mučenja i ubojstva ukupno 43 osobe, nova je optužnica svedena na to da ništa nije poduzeo kako bi spriječio podređene u počinjenju ratnih zločina protiv civilnog stanovništva. Zagrebačko Županijsko državno odvjetništvo obrazlaže izmjenu optužnice time da je "pravna kvalifikacija kaznenog djela ostala ista,

da se okrivljenika i nadalje tereti za izvršavanje istog kaznenog djela — ratnog zločina protiv civilnog stanovništva iz članka 120. OKZ RH u svezi članka 28. istog Zakona”. No s obzirom na to, objašnjava dalje ŽDO, da je “činjenični opis djela prilagođen činjeničnom stanju utvrđenom tokom rasprave, sada se okrivljenog T. M. tereti da je kao stvarni zapovjednik pričuvne jedinice MUP-a propustio spriječiti pripadnike jedinice u vršenju ratnih zločina protiv civilnog stanovništva”.

Kerestinec

Konačište ratnih zarobljenika Kerestinec, kako se službeno zvao sabirni zatvor, odnosno logor, nalazilo se dvorcu Kerestinec, smještenom u Svetoj Nedelji nadomak Samobora. Dvorac Kerestinec od svoje je izgradnje bio centar seljačkih buna, uključujući i Kerestinečku bunu koja je 1936. godine ugušena u krvi. Najstrašniji dio njegove povijesti ispisana je za vrijeme Drugog svjetskog rata. Već 1941. godine Kerestinec je postao preteča budućih koncentracijskih logora. Kasnije je bio raketna baza JNA, a nakon što je vojni zatvor u Gajevoj ulici u Zagrebu postao pretijesan, u njega u januaru 1992. ulazi Hrvatska vojska.

Vrijeme: Od decembra 1991. do maja 1992. godine.

Opis zločina: Nakon što su se na prve obavijesti Međunarodnog Crvenog križa o neprimjerenom odnosu prema zatvorenima oglasili visoki hrvatski dužnosnici, u vojarni nadomak Samobora prvih je dana januara 1992. otvoren sabirni centar nazvan Konačište ratnih zarobljenika Kerestinec. U njega su premješteni zatvorenici koji su ranije bili zlostavljani u zatvoru u Gajevoj ulici, gdje je danas sjedište Državnog odvjetništva. U Kerestincu, kojim je kao zapovjednik do konca aprila 1992. upravljao satnik Hrvatske vojske Stjepan Klarić, u zoni odgovornosti Zapovjedništva obrane grada Zagreba, odnosno Operativne zone Zagreb, događala su se stalna maltretiranja, mučenja, ozljeđivanja, sakaćenja i moguća usmrćivanja ratnih zarobljenika. Najvećim su dijelom to bili ljudi koji nisu sudjelovali ni u kakvim operacijama, ali su po hrvatskim gradovima, osobito u Sisku, hapšeni pod sumnjama da su suradnici i pomagači “neprijateljske vojske”. Silovanju i ozljeđivanju bile su izložene i žene srpske nacionalnosti, u posebnom ženskom odjelu kerestinečkog logora. Jedna od desetak zatočenih žena od posljedica je zlostavljanja i pobacila. U zatvoru je bilo i fingiranih suđenja tokom kojih su se zatvorenici međusobno morali tući.

“U Kerestincu su me više puta silovale nepoznate osobe u civilu, a to je naređivala osoba zvana Doktor”, posvjedočila je na suđenju Siščanka Rajka Majkić, koja je u januaru 1992. sa suprugom uhićena u svom

domu jer je prije toga bila u rodnom mjestu kod Bosanskog Novog. Na suđenju je dodala da “Doktor” zapravo nije bio tog zanimanja, a opisala ga je kao osobu nižeg rasta s naočalama i u vojnoj odori.

U Kerestincu je, kaže, osim što je bila silovana, mučena u tzv. “crnoj sobi”, gdje su je skidali, tukli i dvadesetak puta mučili strujom. “Sjećam se da smo jedne večeri morali plesati u hodniku, mi žene morale smo skidati odjeću s gornjeg dijela tijela, a muškarci s donjeg”, kazala je svjedokinja.

Sličnog se događaja prisjetio i Miloš Crnković kojega su stražari u pet ili šest navrata tukli nakon što su ga natjerali da gol trči hodnikom Kerestince. Tvrdi da ne zna tko je to naredio, ali da su zatvorenike, osim vojnika u uniformama, tukli i ljudi u civilu.

“Znali su nas poredati na sredinu jedne velike sobe, gdje smo morali skinuti donji dio odjeće, a nasuprot nas stajala bi žena naga do pasa. Muškarci bi se zatim morali samozadovoljavati, a ako netko nije uspio, navečer bi u crnoj sobi uslijedio tretman — mučenje i udaranje”, kazao je svjedok. Prije mučenja u crnoj sobi zatvorenicima je na glavu stavljena vreća da ne bi vidjeli i znali tko ih tuče.

Jedan od svjedoka, Dobroslav Gračanin, na suđenju je tvrdio da je u mučenjima sudjelovao i Josip Perković, tadašnji načelnik Sigurno-informativne službe (sis). On je sve optužbe odbacio ističući da Kerestinec nije bio pod nedležnošću njegove službe, nego pod nadležnošću vojne policije. Gračanin, bivši major JNA hrvatske nacionalnosti, u Kerestincu je preživio strašne torture, 80-postotni je invalid, a nakon jedanaest mjeseci logorovanja oslobođen je bilo kakve odgovornosti rješenjem Vojnog suda u Zagrebu.

“Mene je boljelo od noći prije, pa mi je stražar rekao da sjednem; ja sjednem na stolac, za par minuta se otvaraju vrata, ulaze ova dvojica od Klarića. Ovog crnog, kome je dobro stajala uniforma, kasnije sam prozvao Majstor. Prilaze mi i pitaju tko mi je rekao da sjednem. Ja sam htio odgovoriti, a on me udari. Vadi kazetofon iz džepa i opet me udari u prsa, a otpozadi me dočeka onaj drugi. Osjećao sam se kao ping-pong loptica. Uslijedila su pitanja, a onda me crni, poput Brucea Leeja, iz okreta udario nogom. Bio sam i svijest izgubio nakratko. Kada sam došao sebi, na podu, ugledao sam ga iznad sebe. Rekao mi je: 'Diži se!' Ja se dižem i kreće ispitivanje...”, rekao je Gračanin u intervjuu za Novosti.

Posredstvom Komisije za razmjenu zarobljenika na adresu je predsjednika Franje Tuđmana u martu 1992. stigao zahtjev Međunarodnog komiteta Crvenog križa (eng. ICRC – International Committee of the Red

Cross), koji je od Tuđmana zatražio da se prestane sa zlostavljanjem i ponižavanjem ratnih zatvorenika i ostalih zatočenika te da se hitno zatvori Kerestinec.

Neke su od zatočenih osoba nakon razmjene davale svoje iskaze ICRC-u. Naglašavali su zlostavljanje muškaraca svakodnevnim batinanjem, silovanje žena, mučenja posebnim spravama poput mornarskih ljestava, drvenih i gumenih penisa, električnih palica, tjeranje na spolne odnose i oralni seks, kako zatvorenika međusobno tako i s čuvarima zatvora, tjeranje na samozadovoljavanje muškaraca pred razgolićenim ženama, sa-kaćenja dijelova tijela, odsjecanja prstiju kod muškaraca i bradavica kod žena. U takvim iskazima naglašavala su se mučenja zatvorenika koja su se događala u zatamnjenoj i crnom bojom obojenoj prostoriji zvanoj Laboratorij. Radilo se o fotolaboratoriju, prostoriji bez prozora. U iskazima se posebno naglašavala uloga zapovjednika logora Kerestinec, satnika Stjepana Klarića, u poticanju i izravnom sudjelovanju u batinanjima, seksualnim i drugim "igrama" sa zatvorenicama, poput tjeranja zatvorenika da laju kao psi ili da pasu travu. Naglašavala se i uloga pojedinih drugih djelatnika, stražara i nadzornika od njih 30-ak, koliko je brojila posada Kerestince u kojem je u prvoj polovici 1992. stalno boravilo između 60 i 100 zatvorenika, ovisno o intenzitetu razmjene ratnih zarobljenika.

Žrtve (fizički, psihički i/ili seksualno zlostavljane):

Đorđe Jovičić	Branko Zeljak	Nebojša Kostadinović
Dobroslav Gračanin	Milorad Đuričić	Vojkan Živković
Milka Badrić	Branimir Skočić	Nada Grab
Milena Adamović	Miodrag Nikolić	Nada Miličević
Danica Vuruna	Petra Došen	Milorad Blagojević
Danica Poznanović	Vid Ninić	Miloš Crnković
Zorka Hrkić	Slobodan Jasenski	Rajka Majkić
Pantelija Zec	Ljuban Grab	Neidentificirana
Slobodan Kukić	Dušica Nikolić	osoba
Tomislav Božović	Borivoj Rogić	
Damir Kalik	Nenad Filipović	

Pravosudne konzekvence: U novembru 2011. Županijsko državno odvjetništvo u Zagrebu podiglo je optužnicu protiv petorice hrvatskih državljana, Stjepana Klarića (zapovjednik Konačišta ratnih zarobljenika), Dražena Pavlovića, Viktora Ivančina, Željka Živeca i Gorana Štrukelja (pripadnici Hrvatske vojske koji su nadzirali rad stražarskih službi), zbog sumnje da su počinili ratni zločin nad ratnim zarobljenicima. Teretilo ih se da su u navedenom razdoblju na razne načine zlostavljali ukupno 26 osoba, čime su im nanijeli velike patnje i ozljede tjelesnog integriteta i zdravlja.

Dana 31. oktobra 2012. objavljena je presuda Vijeća za ratne zločine Županijskog suda u Zagrebu kojom su optuženici nepravomoćno proglašeni krivima i osuđeni na kazne zatvora: prvooptuženi Stjepan Klarić osuđen je na kaznu zatvora u trajanju 3 godine i 6 mjeseci, drugooptuženi Dražen Pavlović na kaznu zatvora u trajanju od 1 godine, trećeooptuženi Viktor Ivančin na kaznu zatvora u trajanju od 2 godine, četvrtooptuženi Željko Živec na kaznu zatvora u trajanju od 1 godine i petooptuženi Goran Štrukelj na zatvorsku kaznu u trajanju od 1 godine. Protiv prve trojice pritvor je ukinut, a svim je optuženicima u kaznu zatvora uračunato vrijeme provedeno u pritvoru.

Odlukom Vrhovnog suda od 16. aprila 2014. godine prvostupanjska je presuda ukinuta i predmet je ponovno vraćen na raspravu. Obrazlažući svoju odluku, Vrhovni se sud posebno osvrnuo na teze nižeg suda da su se navedeni zločini događali za vrijeme nemeđunarodnog sukoba te je, između ostalog, naveo i da je "niži sud jasno naveo razloge zašto smatra da je riječ o nemeđunarodnom sukobu, no da je sasvim drugo pitanje jesu li razlozi valjani". Nadalje, u ukidajućem rješenju Vrhovnog suda potom se objašnjava da je Hrvatska 8. listopada 1991. godine raskinula sve državnopravne veze sa SFRJ, čime je proglašena njezina potpuna samostalnost. U februaru 2015. godine započelo je ponovljeno suđenje.

Dana 11. marta 2016. izneseni su završni govori optužbe, punomoćnika oštećenika te obrane, čime je zaključena glavna rasprava u ponovljenom suđenju pred djelomično izmijenjenim vijećem (sudac Petar Šakić bio je član vijeća i u prijašnjem suđenju) kojim je predsjedala sutkinja Renata Miličević. Optužnicom, koja je u međuvremenu izmijenjena, petorici optuženika na teret se stavljaju dva kaznena djela, ratni zločin nad civilima te ratni zločin nad ratnim zarobljenicima. Obrane bivšeg zapovjednika konačišta Stjepan Klarića i ostalih okrivljenika zatražile su u završnim govorima oslobađajuće presude za svoje branjenike, tvrdeći da im nije dokazana krivnja, a tužiteljstvo je zatražilo da ih se prema izmijenjenoj optužnici proglasi krivima. Presuda za ratni zločin u Kerestincu donesena je 24. marta 2016. godine. Stjepan Klarić nepravomoćno je osuđen na 8 godina, Ivančan na 5, Pavlović na 3, Štrukelj na 2, a Šivec na godinu i pol dana zatvora.

Bjelovar — kasarna

Kao centar Bjelovarsko-bilogorske županije, ali i kao naselje s više od 40 000 stanovnika, Bjelovar je jedno od političkih i kulturnih središta središnje Hrvatske. Prema popisu stanovništva iz 1991., u Bjelovaru je živjelo 5898 Srba i činili su 8,93% ukupnog stanovništva. Prema po-

sljednjem popisu iz 2011., u Bjelovaru živi 1877 Srba i čine 4,66% ukupnog stanovništva. Iako Bjelovar više ne obuhvaća isto područje koje je obuhvaćao 1991., te danas ima 40 276 stanovnika u odnosu na prijašnjih 66 039, jasna je velika promjena u nacionalnoj strukturi stanovništva, vidljiva u padu udjela srpskog stanovništva na ovom području.

Vrijeme: 29. septembra 1991. godine.

Opis zločina: U Bjelovaru se nalazila kasarna JNA Božidar Adžija u kojoj je bila smještena 265. motorizirana brigada JNA. U jesen 1991. godine u kasarni se nalazilo oko 150 vojnika JNA. 29. septembra 1991. godine, oko 7 sati ujutro, pripadnici ZNG-a započeli su napad na kasarnu. U cjelodnevnom sukobu i razmjeni vatre vojnici JNA pogodili su više civilnih objekata po Bjelovaru i u tom su granatiranju poginule tri žene. U popodnevnim satima istoga dana pukovnik JNA Rajko Kovačević naredio je obustavu vatre i polaganje oružja. Pripadnici ZNG-a tada ulaze u kasarnu i razoružavaju vojnike i oficire JNA. Iz grupe zarobljenika izdvojeni su pukovnik Rajko Kovačević, potpukovnik Miljko Vasić i kapetan prve klase Dragiša Jovanović te su ubijeni hicima iz pištolja u glavu. Istoga dana pripadnici ZNG-a okružili su skladište oružja u šumi Bednik. Nakon kraće borbe zapovjednik skladišta, major Milan Tepić, naredio je svojim vojnicima da se predaju, a on je ostao u skladištu. Prilikom ulaska hrvatskih snaga u objekt Tepić je aktivirao eksploziv i uništio skladište. Pri eksploziji je poginuo on sâm, ali i 11 pripadnika ZNG-a i 7 pripadnika JNA. Šestero pripadnika JNA, Radovan Barberić, Zdravko Dokman, Radovan Gredeljević, Ivan Hojsak, Boško Radonjić i jedna nepoznata osoba, zarobljeni je i odvedeno u policijsku stanicu u Bjelovaru. Oni su u noći 3. oktobra 1991. godine odvedeni u šumu Česma kod sela Malo Korenovo i ondje su ubijeni. O tome svjedoči Savo Kovačević, civil iz Bjelovara pod optužbom da je bio snajperist, koji je također bio odveden u šumu, ali je preživio strijeljanje.

Pravosudne konzekvence: Jure Šimić, bivši predsjednik ratnog kriznog štaba i predsjednik Izvršnog vijeća Skupštine općine Bjelovar, pritvoren je po nalogu ŽDO-a Bjelovar u novembru 2010. godine zbog sumnje da je počinio ratni zločin protiv ratnih zarobljenika. Prema navodima iz zahtjeva ŽDO-a, Šimić je iz grupe prozvao trojicu zarobljenika, K.R., V.M. i J.D. Potom je grupi više naoružanih osoba zapovjedio da zarobljenike odvedu desetak metara dalje i ubiju ih, što su oni i učinili "pucnjevima iz vatrenog oružja". Šimić je pušten iz pritvora, ali prema tadašnjim navodima DORH-a suđenje mu je trebalo početi 2015. godine pred Županijskim sudom u Rijeci. Dana 8. juna 2015. godine na Županijskom je sudu u Rijeci čitanjem optužnice započela glavna rasprava u kaznenom postupku protiv Jure Šimića za zločin nad ratnim zarobljenicima. Prema navodima optužnice, okrivljeni Šimić naredio je ubojstvo trojice

zarobljenih časnika JNA, zapovjednikā vojarne Božidar Adžija u Bjelovaru. Dana 29. septembra 1991. hrvatskim vojno-redarstvenim snagama predalo se gotovo 60 časnika i 150 redovnih vojnika koji su bili razoružani i odjeveni u hlače i potkošulje. Šimića se optužnicom tereti da je kao predsjednik Kriznog stožera Bjelovar prozivanjem iz skupine izdvojio pukovnika Rajka Kovačevića, zapovjednika 265. Mehanizirane brigade, stacionirane u toj vojarni, te njegove pomoćnike potpukovnika Miljka Vasića i kapetana prve klase Dragišu Jovanovića, te naredio skupini vojnika, čiji je identitet nepoznat, da ih odvedu sa strane i ubiju. To su i učinili, pucnjevima iz vatrenog oružja. Tokom rasprave Šimić se očitovao da nije kriv, a svjedočila su četvorica svjedoka koji nisu osobno bili u vojarni u trenutku strijeljanja trojice časnika JNA. Suđenje je još u toku, a Šimić se brani sa slobode.

Bjelovar — miniranja

Vrijeme: Od 1991. do 1995. godine.

Opis zločina: Iako je Bjelovar za cijelo vrijeme rata bio poprilično udaljen od ratnih događanja, u razdoblju od 1991. pa do kraja 1995. tamo je, prema vrlo sličnom scenariju, minirano više od 650 objekata u vlasništvu Srba. Neki su dizani u zrak i više puta. Jovica Brkić, jedan od Bjelovaraca kojima je minirana kuća, kaže:

Bila je noć, oko pola dva, i svi smo spavali: supruga, njeni roditelji i naša 19-godišnja kći. Kada je grunulo, popucali su prozori, staklo je prštalo na sve strane. Srećom, nitko nije izletio vidjeti što se događa, jer je nakon eksplozije počela pucnjava, izbrojio sam kasnije 150 pogodaka. Pucala su najmanje trojica, vidio sam ih dok su mijenjali šaržere. Za desetak minuta grunulo je u garaži, pod novim mercedesom.

Cilj tih osmišljenih akcija bio je odlazak Srba s toga područja, a komparativni podaci iz popisa stanovništva pokazuju da je on u velikoj mjeri i ostvaren. Duško Zorić, također jedan od Bjelovaraca kojima je minirana kuća, kaže:

Petnaest dana nakon što mi je vikendica dignuta u zrak, spavao sam sa 7-godišnjom i 14-godišnjom kćeri u potkrovlju kuće, što nam je spasilo život. Jer, u eksploziji koja nas je probudila oko pola četiri uništeno je cijelo prizemlje. Bila je jaka kiša, izletio sam van i vidio policijski landrover kako prolazi... Malo kasnije, nekoliko me policajaca došlo ispitivati. Jedno od najvažnijih pitanja bilo je koje sam nacionalnosti. Kinez, eto što sam! Bilo je baš ponižavajuće.

Prilikom jednog od navedenih miniranja poginuo je Nikola Blagojević, civil iz sela Prespa koji se nalazio u svojoj kući kada je na nju podmetnuta eksplozivna naprava. U Bjelovaru je srušeno i nekoliko kuća u vlasništvu Hrvata, koji su javno osudili rušenje objekata njihovih sugrađana srpske nacionalnosti. Bjelovar nikako nije jedini grad u Hrvatskoj gdje su se takve stvari događale, ali zbog brojnosti slučajeva čini idealan primjer jedne specifične vrste etničkog čišćenja.

Pravosudne konzekvence: Tokom devedesetih rijetki su se usudili tužiti Republiku Hrvatsku zbog svoje uništene imovine. Donošenjem Zakona o izmjenama Zakona o obveznim odnosima briše se članak 180 starog zakona, čime se štete od terorizma stavljaju izvan snage do donošenja novog zakona, ali i stvara pravna praznina u kojoj nije bilo zakonskog okvira za rješavanje pitanja odgovornosti zbog štete nastale terorističkim aktom. Ta praznina potrajala je gotovo 7 godina, sve dok Hrvatska vlada 2003. nije donijela Zakon o odgovornosti za štetu nastalu uslijed terorističkih akata i javnih demonstracija, no i tim su zakonom oštećeni Srbi opet izigrani. Misleći da imaju pravo na naknadu štete, građani su ponovno pokretali sudske postupke, ali su ih gubili, uz obavezu da zbog velike vrijednosti predmeta plate iznimno visoke sudske troškove. 2009. godine Vlada donosi odluku o otpisu pravomoćno dosuđenih troškova u postupcima koji su započeli do 1996., no slučajevi koji su pokrenuti nakon Zakona iz 2003. nisu obuhvaćeni tom odlukom, pa tužitelji i dalje gube sudske sporove i plaćaju sudske troškove, zbog kojih im se, ironično, rade i ovrhe na objektima koje imaju u vlasništvu. U Bjelovaru je 2004. osnovana udruga Pravda, koja okuplja oštećenike različitih terorističkih aktivnosti i bori se za njihova prava.

Lika i Dalmacija

Gospić

Godine 1991. sâm Gospić brojao je 9025 stanovnika, dok je Grad Gospić administrativno uključivao gotovo 30 000 stanovnika raspoređenih u 82 gradska i seoska naselja. Na području grada Gospića od ukupno 9025 stanovnika bilo je 35,93% ili 3243 stanovnika srpske nacionalnosti. Hrvata je bilo nešto više od 5000. Gospić danas administrativno više ne obuhvaća tako veliko područje, na tom je prostoru stvoreno više manjih općina, a izdvojena su i neka gradska naselja (Karlobag). Prema popisu stanovništva iz 2011., teritorij Grada obuhvaća 50 naselja s 12 745 stanovnika, od kojih je Srba tek 609 ili 4,78%.

Vrijeme: Od 14. do 18. oktobra 1991. godine.

Opis zločina: Tokom prve polovine oktobra 1991. godine u Gospiću su policajci sastavili popis Srba koji su ondje ostali živjeti nakon početka ratnih sukoba ili su se pak u njega vratili nakon poziva lokalnih vlasti. Grupa ljudi okupljenih oko tzv. Operativnog štaba Lika, na čijem je čelu, neformalno, ali s najvećom moći i utjecajem, bio Tihomir Orešković (u grupi je bio i tadašnji zapovjednik 118. brigade Mirko Norac), sredinom oktobra organizirala je nezakonita i bezrazložna privođenja civila s izrađenih popisa, mahom Srba, no i nekih Hrvata iz Gospića i okolice te Karlobaga. Preko 50 ljudi odvedeno je u vojarnu Perušić, gdje su zatočeni, a četvero ih je ipak pušteno na slobodu. Potom je 17. oktobra u večernjim satima održan tzv. smrtonosni sastanak u Operativnom štabu, na kojem je sudjelovalo 15-ak osoba, a na kojemu je odlučeno da pritvoreni civili trebaju biti likvidirani. Slijedilo je odvođenje na plantažu borova Žitnik (Pazarište), gdje je usmrćeno najmanje 10 osoba. U likvidacijama je sudjelovao Mirko Norac, kao i drugi neimenovani sudionici sastanka. Već je sljedećeg jutra, 18. oktobra, prema dogovoru Oreškovića i Norca, Stjepan Grandić, u svojstvu zapovjednika 2. bojne stacionirane u kasarni Perušić, organizirao prijevoz preostalih civila na lokalitet Lipova Glavica kod Perušića. Tamo je vojnicima Hrvatske vojske zapovjedio da vatrenim oružjem ubiju dovedene ljude. Zajedno s njime, vojnici su postupili prema zapovijedi, a u dva je dana na tim lokacijama usmrćeno više od 50 žrtava (za 47-ero je utvrđen identitet). Srbi ubijeni u inkriminiranom razdoblju nisu ujedno i jedine srpske civilne žrtve u Gospiću — ubojstva, nestanaka i nezakonitih odvođenja iz stanova i kuća bilo je, u manjoj mjeri, i prije i nakon opisanoga zločina, no nije (nužno) riječ o istim počiniteljima i okolnostima. Do danas kao nestale vodi 12 žrtava čiji se datumi nestanka poklapaju s opisanim razdobljem.

Žrtve — nestali:

Danica Barać (r. 1923.) – nestala 14. oktobra 1991. godine;
Mile Čubelić (r. 1941.) – nestao 17. oktobra 1991. godine;
Gojko Hinić (r. 1949.) – nestao 17. oktobra 1991. godine;
Borislav Marić (r. 1945.) – nestao 16. oktobra 1991. godine;
Anđelka Pantelić (r. 1941.) – nestala 17. oktobra 1991. godine;
Mirjana Pantelić (r. 1963.) – nestala 17. oktobra 1991. godine;
Dragan Rakić (r. 1960.) – nestao 18. oktobra 1991. godine;
Nikola Serdar (r. 1903.) – nestao 17. oktobra 1991. godine;
Milan Smiljanić (r. 1947.) – nestao 16. oktobra 1991. godine;
Nikola Stojanović (r. 1927.) – nestao 17. oktobra 1991. godine;
Božidar Tomičić (r. 1953.) – nestao 17. oktobra 1991. godine;
Nebojša Trešnjić (r. 1954.) – nestao 17. oktobra 1991. godine.

Informacije o ekshumaciji i identifikaciji žrtava: JNA, odnosno pripadnici 6. ličke brigade, 25. decembra 1991. godine pronašli su 24 zapaljena tijela na području sela Duge Njive, istočno od Perušića. Dr. Zoran Stanković s beogradske Vojnomedicinske akademije izvršio je vanjski pregled mrtvih tijela. Među identificiranima su: Radmila Stanić, Branko Kuzmanović, Branko Štulić, Stanko Smiljanić, Radojka Diklić, Mirjana Kalanj, Đorđe Kalanj, Dane Bulj, Milan Pantelić, Mileva Orlović, Miloš Orlović, Radovan Barać, Ljubica Trifunović, Petar Lazić, Borka Vraneš, Bogdan Šuput, Dušanka Vraneš, Nikola Gajić i Željko Mrkić, odnosno 19 žrtava od njih 24. 18 je tijela potom zakopano u masovnu grobnicu na Debelom Brdu, a njih 6 u pojedinačne grobnice. Od 16. do 17. decembra 2000. godine na Debelom Brdu ekshumirano 18 tijela, koja su potom pregledali vještaci Zavoda za sudsku medicinu u Rijeci, a izvršena je i identifikacija DNK-analizom. Tada je identificirano 15 mrtvih tijela, a tri su ostala neidentificirana. Tada su potvrđene identifikacije za 13 osoba prepoznatih 1991., a identificirani su još i Mićo Pejnović te Sofija Lončar. U julu 2014. godine na Zavodu za sudsku medicinu u Zagrebu identificirani su posmrtni ostaci Stanka Smiljanića i Željka Mrkića.

Pravosudne konzekvence: Presudom Županijskog suda u Rijeci iz marta 2003. godine, potvrđenom presudom Vrhovnog suda iz juna 2004., Tihomir Orešković kao glavni nalogodavac osuđen je na 15, Mirko Norac na 12, a Stjepan Grandić na 10 godina zatvora. Kako je Mirko Norac na 6 godina zatvora osuđen i zbog zločina u Medačkom džepu, objedinjena mu je kazna od 15 godina, a nakon dvije trećine odslužene kazne pušten je na slobodu. Iz zatvora su izašla i druga dvojica osuđenika. Iako su u zločinu, bilo u planiranju i organiziranju bilo u izvršenju, sudjelovali i brojni drugi časnici i vojnici, kazneno su odgovarala tek navedena trojica — svakako najodgovorniji, no ne i jedini.

Medački džep

Prostor Medačkoga džepa obuhvaća mjesta Divoselo i Lički Čitluk sa svim zaseocima te dio sela Počitelj. Područje se nalazi južno od Gospića, a obuhvaća teritorij od oko 50 četvornih kilometara. Riječ je o ruralnom području, pokrivenom mahom pašnjacima i šumama. Prema popisu stanovništva iz 1991., u navedenim selima živjelo je 780 stanovnika (u Divoselu 344, Čitluku 129, Počitelju 307), od kojih je 92% bilo Srba. Prema popisu stanovništva iz 2011., u tim trima selima živi ukupno 12 stanovnika, u svakome po četiri. Prema popisu iz 2001. godine, na opisanom je području živio 31 stanovnik, no teško je utvrditi radi li se o ponovnom odlasku onih koji su se vratili, razlici nastaloj uslijed upotrebe različitih metodologija na dvama popisima ili pak o umiranju povratnika, s obzirom na činjenicu da su se u ta opustošena sela vratili uglavnom stariji ljudi. Kako bilo, nije riječ samo o činjenici da ondje gotovo i nema ljudi, već o tome da je tamo teško i zamisliti održiv život s obzirom na potpuno uništene i potom tek u neznatnoj mjeri obnovljene resurse — srušene su kuće, šuma se proširila i po nekad obrađenim površinama, te raste čak i iz samih ruševina, zagađeni su bunari i uopće izostaje ikakvih preduvjeta za iole podnošljiv život, osobito u Divoselu i Počitelju.

Vrijeme: Od 9. do 17. septembra 1993. godine.

Opis zločina: U 6 sati ujutro 9. septembra 1993. godine započeo je napad hrvatskih snaga, odnosno pripadnika 9. motorizirane gardijske brigade, njoj pridruženih jedinica (Domobranske bojne Lovinac, Domobranske bojne Gospić i 111. domobranske pukovnije) te Specijalne policije, na to područje, koje je dotad bilo pod kontrolom vojske SAO Krajine i njoj pridruženih paravojnih i dobrovoljačkih jedinica. Nakon dva dana borbe hrvatske su snage ovladale područjem i 11. su septembra odbile protuudar kojim je 15. lički korpus Srpske vojske Krajine nastojao vratiti izgubljeni teritorij. Već prvoga dana akcije ubijeni su i/ili poginuli i brojni civili, među kojima su velika većina bili stariji ljudi. Među njima je bilo i najmanje 10 žena, od kojih je jedna bila slijepa i stara 84 godine, a ubijena je u vlastitome dvorištu. Do kraja akcije, odnosno do povlačenja hrvatskih snaga iz Medačkog džepa, što je bila posljedica pritiska međunarodne zajednice na hrvatske vlasti i sporazuma potpisanog 15. septembra 1993., smrtno je stradalo najmanje 28 civila i više od 50 vojnika sa srpske strane. Pritom valja reći da nisu svi vojnici poginuli u borbi, već su neki ubijeni nakon zarobljavanja, a u pojedinim slučajevima dokazano je teško zlostavljanje, mučenje i izivljavanje. Najmanje jednoj civilnoj žrtvi prerezan je vrat, a neosporno je i više slučajeva paljenja leševa. Izvjesno je da su gotovo beziznimno sve žrtve bili Srbi, osim jedne Hrvatice udane u Čitluku. Nakon odluke o povlačenju, izme-

đu 15. i 17. septembra, hrvatski su vojnici minirali praktički sve kuće koje su za vrijeme same akcije ostale neoštećene, a pobijena je i stoka te su zagađeni bunari s pitkom vodom kako bi povratak u ta sela bio trajno onemogućen. Odnosno — etnički je “očišćen” cijeli prostor.

Informacije o ekshumaciji i identifikaciji žrtava: Nakon akcije hrvatska je strana predala 52 tijela žrtava, još njih 18, 11 muškaraca i 7 žena, pronašli su pripadnici UNPROFOR-a, pristigli na područje nakon 17. septembra 1993. Osmorica muškaraca bili su vojnici, dvojica civili, a jedan je leš neutvrđenoga statusa, dok su sve pronađene žene bile civili. U maju 2000. godine u septičkoj je jami u Gospiću, u Obradovića Varoši, pronađeno 11 tijela. Njih 6 identificirano je kao žrtve iz Medačkoga džepa. Do danas obitelji 8 žrtava stradalih u opisanoj akciji nisu dobile njihova tijela.

U evidenciji nestalih, ili onih čiji se posmrtni ostaci traže, nalaze se:

- Željko Basara, r. 23. 8. 1971., oca Milana, vojnik
- nestao između 9. 9. i 23. 9. 1993. u Divoselu;
- Bosiljka Bjegović, r. 1909. ili 1912., oca Steve, civil
- ubijena 9. 9. 1993. u svome dvorištu, no vodi se kao nestala jer tijelo nije sahranjeno;
- Mile Jovančević, r. 1924., oca Avrama, vojnik
- nestao u Divoselu 9. 9. 1993.;
- Štefica Krajnović, r. 3. 3. 1931., oca Josipa, civil
- nestala u Čitluku 9. 9. 1993.;
- Stevo Pjevač, r. 14. 11. 1926., oca Dane, civil
- nestao u Čitluku 10. 9. 1993.;
- Momčilo Vujnović, r. 1936., oca Dmitra, vojnik
- ubijen 9. 9. 1993., no tijelo nije pronađeno;
- Sestre Sara (rođena 1921.) i Ljubica Kričković (1929. godine), oca Trivuna
- ubijene u podrumu svoje kuće u Čitluku, pričem je Sari prerezan vrat. Iako je na suđenju Mirku Norcu i Rahimu Ademiju svjedočeno da su obje osobe prepoznate i identificirane među leševima koji su bili na identifikaciji u Metku, njihova se imena vode u Knjizi osoba nestalih na području Republike Hrvatske među onima čiji se posmrtni ostaci traže, što je navedeno i u pravomoćnoj presudi Vrhovnoga suda.

Pravosudne konzekvence: Istragu o ovome zločinu započeli su istražitelji Haškoga suda, a ista ih je 2002. godine dovela i do podizanja optužnice protiv trojice časnika Hrvatske vojske, odnosno umirovljenog stožernog generala Janka Bobetka (u vrijeme akcije načelnik Glavnog stožera), umirovljenog generala Mirka Norca (u vrijeme akcije s činom pukovnika te na položaju zapovjednika 9. GMTBR-a unutar Zbornog područja Gospić) te generala Rahima Ademija (u vrijeme akcije s činom brigadira te na položaju zapovjednika Zbornog područja Gospić). 29.

aprila 2003. godine Janko Bobetko umro je u svome domu, a predmet Ademi-Norac Haški je tribunal u septembru 2005. prebacio u nadležnost hrvatskog pravosuđa. U novembru sljedeće godine podignuta je "domaća" optužnica, a 8 mjeseci kasnije započelo je i suđenje. 29. maja 2008. Rahim Ademi nepravomoćno je oslobođen optužbi, dok je Mirko Norac osuđen na 7 godina zatvora. Pravomoćnom presudom Vrhovnog suda Republike Hrvatske od 18. novembra 2009. potvrđena je oslobađajuća presuda za Rahima Ademija, koji nije imao efektivnu zapovjednu kontrolu na području u vrijeme počinjenja zločina, dok je Norcu presuda prvostupanjskog suda potvrđena, no kazna mu je umanjena za jednu godinu. Iz presude Mirku Norcu proizlazi i da isti ne može biti odgovoran za smrt civila ubijenih izvan područja koje su zauzele njemu podređene postrojbe, dakle na onom prostoru koji su zauzele snage Specijalne policije. No postavlja se pitanje zašto u tom slučaju do danas za ta nedjela nije odgovarao nitko od neposrednih počinitelja, kao ni nitko iz zapovjednog lanca Specijalne policije. Također se kroz proces pokazalo da je slučaj sustavno prikrivan, prvenstveno kroz rad vojno-obavještajnih struktura, iz čega bi također morala proizaći kazneno-pravna odgovornost sudionika. Nadalje, žrtve ubijene 9. septembra 1993., dakle većina njih, isključene su iz presude uz zaključak da se Mirku Norcu presuđuje radi djela nečinjenja (nekažnjavanja i nesprječavanja), a zbog čega ne može biti kriv za djelo činjenja koje nije zapovjedio i za koje nije mogao znati prije nego što je isto počinjeno. Posljedica toga je, između ostalog, i nemogućnost obitelji 7 sudski utvrđenih civilnih žrtava od 9. septembra 1993. da kao žrtve ratnog zločina zatraže obeštećenje putem sudske parnice.

Kuline

Kuline su bivša kasarna JNA koja se nalazi na južnom dijelu grada Šibenika, pored luke Mandalina. U prostorijama bivše kasarne nalazile su se i zatvorske prostorije za potrebe vojnog zatvora. Početkom 2012. godine glavna zgrada bivše kasarne srušena je zbog izgradnje luksuznog hotela i marine za prihvat megajahti i brodova u luci Mandalina.

Vrijeme: Od 1992. do 1993. godine.

Opis zločina: Hrvatska vojska 2. je marta 1992. godine ulaskom u selo Nos Kalik zarobila 21 pripadnika Srpske vojske Krajine, te ih zatvorila u šibenskom vojnom zatvoru Kuline. U prostoru zatvora događalo se svakodnevno fizičko i psihičko zlostavljanje ratnih zarobljenika. Stražari su zatvorenike tukli nogama, rukama, gumenim palicama, puščanim kundacima, električnim kabelima i drugim predmetima po glavi i cijelom tijelu, mučili ih ogoljelim strujnim žicama i elektrošokerima. Neke

od zarobljenika tjerali su na međusobne seksualne odnose. Pored ratnih zarobljenika u zatvoru u Kulinama bilo je zatočeno i najmanje četvero civila. Zatočeni civili svakodnevno su bili fizički i psihički zlostavljani, a jedna od zatočenih žena bila je silovana više puta, te prisiljavana na spolni odnos s jednim od zatočenih civila. Ukupan broj osoba, kako ratnih zarobljenika tako i civila, koji je prošao kroz zatvor u Kulinama do danas nije utvrđen.

Pravosudne konzekvence: Na Županijskom sudu u Splitu vodio se postupak protiv Damira Boršića, bivšeg zapovjednika vojnog zatvora Kuline, i njegova kolege Miroslava Periša iz 2. satnije 72. bojne. Terećilo ih se za ratni zločin nad civilima u vojnom zatvoru Kuline tokom 1993. godine. Sudsko je vijeće smatralo da nema dovoljno dokaza te je obustavilo postupak. No Županijsko državno odvjetništvo žalilo se na Vrhovnom sudu, koji je svojom odlukom optužnicu vratio na snagu te je postupak ponovo bio u toku. Damir Boršić i Miroslav Periša pred Županijskim su sudom u Splitu osuđeni na dvogodišnje kazne zatvora za ratni zločin nad civilima, počinjen višestrukim silovanjem te fizičkim, psihičkim i seksualnim nasiljem. Nepravomoćnu presudu donijelo je 29. ožujka 2017. Sudsko vijeće pod predsjedanjem sutkinje Ivone Rupić. Državno odvjetništvo podnijelo je žalbu protiv presude splitskog Županijskog suda.

Žena, žrtva višestrukog silovanja i seksualnog nasilja, koju su kroz najmanje deset noći silovali zatvorski čuvari i druge nepoznate osobe u šibenskom vojnom zatvoru Kuline, putem video-linka je svjedočila na suđenju za zločine nad civilima u Kulinama, pokrenutog na temelju pravomoćne optužnice Županijskog državnog odvjetništva u Splitu. U februaru 2017. godine Ministarstvo hrvatskih branitelja odbilo je zahtjev gore navedene žrtve silovanja za stjecanjem statusa žrtve i ostvarivanjem prava temeljem Zakona o pravima žrtvama seksualnog nasilja za vrijeme agresije na Republiku Hrvatsku u Domovinskom ratu.

Ministarstvo u navedenom rješenju kaže sljedeće u obrazloženju rješenja kojim je zahtjev žrtve odbijen: "Povjerenstvo za žrtve seksualnog nasilja nije poklonilo vjeru navodima iz optužnice u odnosu na seksualno zlostavljanje imenovane te je zaključilo da imenovana nije bila žrtvom seksualnog nasilja u Domovinskom ratu". Iako ostvarivanje prava nije uvjetovano postojanjem kaznenog postupka, u ovom slučaju za Ministarstvo hrvatskih branitelja nije bilo dovoljno ni to što su pravosudne institucije Republike Hrvatske, Županijski sud u Splitu i Županijsko državno odvjetništvo našle dovoljno dokaza za pokretanje kaznenog postupka, odnosno osuđujuću presudu.

Lora

Vojno istražni centar Lora bio je vojni zatvor u Splitu, smješten u istočnom dijelu pomorske vojne baze Lora. Riječ je o zgradi ograđenoj bodljivom žicom u kojoj su se nalazile prostorije vojne policije, a sa sjeverne su strane zgrade ćelije u kojima su držani vojni i civilni zatvorenici.

Vrijeme: Od 1992. do 1997. godine.

Opis zločina: Godine 1992. u prostorima bivšeg vojno-istražnog zatvora JNA, u pomorskoj bazi Lora, formiran je logor u kojem je bez ikakve pravne osnove držan veći broj zatočenih civilnih osoba, uglavnom Srba, zbog sumnje da su sudjelovali u neprijateljskim djelovanjima protiv Republike Hrvatske. Zatvorenici su hapšeni i zarobljavani širom Hrvatske, ali dio njih (zarobljeni vojnici Srbije i Crne Gore) doveden je i iz Bosne i Hercegovine. U Lori su zatvorenici svakodnevno trpili vrijeđanje, ponižavanje, fizičko i psihičko zlostavljanje, mučenje i tjelesno kažnjavanje — što je vodilo do usmrćenja nekih od njih. Donosimo iskaze nekih svjedoka:

Posle tri dana boravka u Lori grupa nas od oko 70 uhapšenih Srba iz Kupresa vezana je i potovarena na kamion koji nas je povezao u pravcu Duvna. Negde oko Drniša kamion je stao i videla se u blizini puta iskopana velika jama pored koje je radio buldožer. Tu su stajali ljudi koji su imali motorne testere u rukama. Hrvatski vojnici koji su nas doveli skinuli su sa kamiona 8—9 Srba iz naše grupe: braću Ratka i Ljubu Milića, Dušana Nikića, Slavka Dragoljevića i Čivčića koji je bio gluvonem, a ostalima se imena ne sećam. Dovedi su ih do te jame i poubijali.

Sećam se i mladića kome je ime Bojan, a zvali su ga Bijeli orao ili Orlić. On je bio sam u jednoj ćeliji. Njega su posebno teško mučili. Bio je sasvim go, neverovatno mršav, pravi kostur. Njega su najviše maltretirali, udarali i mučili. Jedno jutro sam primetio kada su čuvari doneli doručak, da on leži u svojoj ćeliji na leđima. Telo mu je potpuno žuto. Nas su odmah vratili u ćelije. Čuo sam kako se kuje sanduk i kako u hodniku čuvari nešto šapuću. Kasnije ga nikada više nisam video.

U Splitu smo odveženi u krug pomorske oblasti gde se nalazio centar hrvatske vojne policije. Tu smo, kao i u Gornjem Brišniku, izlazili iz kamiona jedan po jedan. Dočekali su nas hrvatski policajci i tukli. Ispred mene na tri metra nalazio se Petar Spremo. Jedan hrvatski vojnik ga je snažno udario drškom pištolja po glavi od kog udarca je on pao i udario temenom o ivičnjak, posle čega je ostao da leži nepomičan. Njega od tada nisam više video. Isti taj vojnik i mene je snažno udario drškom pištolja po glavi od čega mi je prsila lobanja na četiri mesta, pa sam sav bio obliven krvlju.

Broj osoba koje su prošle kroz logor Lora nikada nije precizno utvrđen, ali neki izvori govore o preko 1100 osoba. Ista je stvar s brojem osoba koje su ubijene u Lori. Dok se optužnicama pred hrvatskim pravosuđem barata s imenima dvojice ubijenih zatvorenika (Gojka Bulovića i Nenada Kneževića), neki izvori navode puno veći broj ubijenih. Tako npr. Komitet za prikupljanje podataka o izvršenim zločinima protiv čovječnosti i međunarodnog prava SRJ govori o preko 20 ubijenih, a neki od zatvorenika koji su preživjeli Loru o oko 60 osoba kojima se u Lori gubi svaki trag. Tonči Majić iz Dalmatinskog komiteta za ljudska prava govori o nekoliko desetaka ljudi koji su u Lori izgubili život.

Pravosudne konzekvence: Presudom Sudskog vijeća Županijskog suda u Splitu, pod predsjedanjem suca Slavka Lozine, 20. novembra 2002. osmorica je optuženika za zločin u Lori oslobođena optužbe. Rješenjem Vrhovnoga suda Republike Hrvatske od 5. marta 2004. godine ukinuta je oslobađajuća presuda i predmet je vraćen na ponovni postupak. Dana 2. marta 2006. godine predsjednica Vijeća za ratne zločine Županijskog suda u Splitu, sutkinja Spomenka Tonković, objavila je presudu kojom su optuženici Tomislav Duić, Tonči Vrkić, Davor Banić, Miljenko Bajić, Josip Bikić, Emilio Bungur, Ante Godić i Anđelko Botić proglašeni krivima i nepravomoćno osuđeni na kazne zatvora od 6 do 8 godina za kazneno djelo ratnog zločina protiv civila. Vrhovni sud Republike Hrvatske 6. je februara 2007. godine donio presudu i rješenje kojim se odbijaju žalbe optuženih Tomislava Duića, Tončija Vrkića, Miljenka Bajića, Josipa Bikića, Davora Banića, Emilia Bungura, Ante Gudića i Anđelka Botića, te državnog odvjetnika, kao neosnovane i potvrđuje se presuda suda prvog stupnja. Odbacuje se žalba Anite Bikić, supruge optuženog Josipa Bikića, kao nepravodobna. Nakon predaje Josipa Bikića, koji je u odsutnosti pravomoćno osuđen na 6 godina zatvora, u odnosu je na njega obnovljen postupak. Dana 29. decembra 2009. godine provedena je glavna rasprava i objavljena presuda. Ranija je presuda ukinuta u dijelu odluke o kazni te je okrivljenome Bikiću izrečena kazna zatvora u trajanju od 4 godine. Miljenko Bajić uhićen je u septembru 2010. godine. Odobrena mu je obnova postupka. Nakon provedenog obnovljenog postupka ranija presuda ostala je na snazi, s time da je kazna umanjena. Novom presudom osuđen je na kaznu zatvora u trajanju od 4 godine i 6 mjeseci. Pravosudna postupanja u slučaju Lora od početka su obilježena različitim opstrukcijama koje su činila pravosudna tijela. Publicisti Darko Petričić i novinar Domagoj Margetić prijavili su glavnog državnog odvjetnika Mladena Bajića Haškom sudu, zbog, kako su naveli u prijavi, suodgovornosti za ratne zločine u splitskoj Lori devedesetih, jer "su po njegovom nalogu zatočnici uhićivani i saslušavani". Tonči Majić iz Dalmatinskog komiteta za ljudska prava potvrđuje da je Bajić, tadašnji vojni tužitelj u Splitu, sudjelovao u ispitivanjima u Lori te dodaje kako postoje indicije da je bio u Lori kada su mučeni zatočnici. Uz to, kao da

višegodišnje odugovlačenje s podizanjem optužnice nije bilo dovoljno, slučaj je dodijeljen Slavku Lozini, sudcu Splitskog županijskog suda, koji je u tom trenutku imao najviše poništenih presuda i koji je od suđenja stvorio svojevrsni cirkus, te na kraju oslobodio sve optuženike.

Pred Vijećem za ratne zločine Županijskog suda u Splitu dana 9. septembra 2015. godine započela je rasprava u kaznenom predmetu protiv Tomislava Duića i drugih zbog kaznenog djela ratnog zločina protiv ratnih zarobljenika. Branitelj Emilija Bungura zatražio je 11. septembra 2015. godine izuzeće predsjednika Vijeća, članova Vijeća i predsjednika Županijskog suda. Stoga je postupak do daljnjeg u prekidu, dok zahtjev ne riješi Vrhovni sud Republike Hrvatske. Ročište u nastavku suđenja u postupku Lora 2, koje je na Županijskom sudu u Splitu bilo najavljeno za 3. januara, odgođeno je za 6. aprila 2016. godine jer se čekala odluka o spajanju obnovljenog postupka Lora 1 s postupkom Lora 2, što je ranije zatražila obrana Emilija Bungura. U međuvremenu su uhićeni i Tomislav Duić i Emilio Bungur, pravomoćno u odsutnosti osuđeni na 8 odnosno 6 godina zatvora, te su zatražili obnovu postupka. Kako se terete i za zločine nad ratnim zarobljenicima, od 31. im se januara 2017. godine sudi u jedinstvenom kaznenom postupku za zločine počinjene u Lori nad civilima i ratnim zarobljenicima.

Operacija Oluja i poslije

“Republika Srpska Krajina” obuhvaćala je teritorij Like, Korduna, Sjeverne Dalmacije, Banije, zapadne Slavonije, istočne Slavonije te zapadnog Srijema i Baranje. rsk je bila podijeljena na četiri UN-sektora: Zapadni (zapadna Slavonija), Istočni (istočna Slavonija), Sjeverni (Kordun, Banija, sjeverni dio Like) te Južni (Dalmacija, južni dio Like). Akcija Oluja provedena je na teritoriju UN-sektora Jug i Sjever.

Protiv dijela “Republike Srpske Krajine”, koju su činili UN-sektori Jug i Sjever, Hrvatska vojska 4. augusta 1995. u ranim jutarnjim satima pokreće vrlo opsežnu vojnu akciju pod nazivom Oluja. Akcija počinje oko 5 sati ujutro granatiranjem svih važnijih točaka srpske obrane, posebno grada Knina, kao centralnog grada rsk. Sama akcija trajala je 84 sata, odnosno njezin je službeni završetak proglašen 7. augusta 1995. u 18 sati. U akciji je sudjelovalo oko 200 000 hrvatskih vojnika, s time da su u dijelovima operacije aktivno sudjelovali i HVO i Armija BiH. Operacijom Oluja na velikom je dijelu područja koji je obuhvaćala rsk ponovno uspostavljen ustavnopravni poredak Republike Hrvatske, međutim akcija se ne može razmatrati bez njezinih negativnih posljedica, koje traju i do danas. Istraživanja koja je proveo Hrvatski helsinški odbor pokazala su da je u augustu i septembru 1995., tokom i nakon završetka vojnih djelovanja, na akcijom obuhvaćenom teritoriju ubijeno više od 600 civila i spaljeno više hiljada kuća i popratnih objekata. Informaciono-dokumentacioni centar Veritas broj ubijenih civila tokom i nakon akcije Oluja procjenjuje na više od 1200. Iz straha za osobnu sigurnost, kao i na nagovor krajinskih vlasti, Hrvatsku je tada napustilo oko 200 000 njezinih dotadašnjih stanovnika, uglavnom Srba. Njihov povratak bio je onemogućen zbog neuspostavljanja mjera sigurnosti i pravne države na tom dijelu teritorija Republike Hrvatske, zakašnjelog procesuiranja ratnih zločina, neučinkovitih programa povratka te presporih državnih gospodarskih mjera poticanja obnove uništene i opljačkane infrastrukture. Sinergija navedenih elemenata rezultirala je trajnim iseljavanjem srpskog stanovništva s petine hrvatskog teritorija, u tolikoj mjeri da se može označavati kao etničko čišćenje.

Zbog različite razine istraženosti pojedinih zločina počinjenih tokom i nakon akcije Oluja, nažalost nije moguće dosljedno i ujednačeno opisati svaki pojedini zločin, kao ni donijeti poimenični popis žrtava svakog zločina. Zato u nastavku donosimo detalje samo nekih od zločina.

Komić

Komić, selo nedaleko od Udbine kojoj administrativno i pripada, 1991. godine bilo je dijelom Općine Titova Korenica. Prema popisu iz 2011. godine, ondje živi tek 20 stanovnika, a prema zadnjem predratnom popisu (1991.) u Komiću su živjela 153 stanovnika, od kojih su 152 bila Srbi, a jedan Jugoslaven. Obližnje selo Poljice imalo je 45 stanovnika i su svi bili Srbi, no danas u tome selu ima samo 9 stanovnika. Ekonomska aktivnost svodi se na nekoliko stada ovaca i, eventualno, pojedinačnu proizvodnju meda, a ljude mlađe od 50 godina na tome području praktički je nemoguće sresti. Komić je nažalost, kao i mnoga druga sela u Lici, na gotovo sigurnom putu nestanka, čemu je nedvojbeno pridonio i ondje počinjen težak zločin nekoliko dana nakon završetka akcije Oluja i svih borbenih djelovanja.

Vrijeme: 12. augusta 1995. godine, između 12 i 14 sati.

Opis zločina: Akcija Oluja formalno je završena 7. augusta 1995. godine, no borbenog djelovanja i sukoba bilo je i do dva dana kasnije na području Dvora te duže, sporadično, u akcijama "čišćenja" na cijelom području djelovanja. Iako je termin "čišćenje terena" u žargonskoj vojnoj terminologiji uobičajen i odnosi se na eliminaciju (ubojstvom ili zarobljavanjem) razbijenih, preostalih naoružanih neprijateljskih grupa ili pojedinaca, u ratovima na području bivše Jugoslavije taj je termin postao gotovo sinonim za nesmetano ubijanje civila koji ostaju živjeti na području koje pod svoju kontrolu stavlja vojska "druge strane". Upravo takav zločin dogodio se u Komiću i susjednom naselju Poljice kada su ondje 12. augusta 1995. s nekoliko oklopnih vozila (transportera i tenkova) ušli pripadnici Hrvatske vojske ili, spominje se također, Specijalne policije Republike Hrvatske. Stigli su iz pravca Ondića nasumično pucajući, iako u tom trenutku na prostoru Udbine, pa tako ni Komića u kojem je ostalo svega 12 stanovnika, nije više bilo baš nikakvih vojnih razloga za to. Pri ulasku u selo počeli su paliti kuće i gospodarske objekte, žito i sijeno te su ubijali stoku. No, na tome nisu stali. Jedna od žrtava ovog pohoda bila je nepokretna starija žena, koja je u trenutku stradanja imala 74 godine, a zapaljena je u ljetnoj kuhinji svoje kuće. Svemu je, skrivena tek 15-ak metara dalje, svjedočila i preživjela žrtvina kći. Iako se inicijalno spominjalo ukupno 9 žrtava toga zločina, za dvoje od početno spominjanih (bračni par Mara i Rade Mirković) nije utvrđen identitet, odnosno nije pouzdano da su uopće živjeli/postojali na području naselja Komić i Poljice, te se kasnije navodi njih 7.

Žrtve:

Marija Brkljač, rođena 1921. godine

– u izvanbračnoj zajednici s Petrom Ugarkovićem živjela je na adresi

Komić 88, bila je nepokretna te je zapaljena u ljetnoj kuhinji svoje kuće; kći Jela uspjela se sakriti blizu kuće, a Petar je prethodno pobjegao na obližnje brdo;

Petar Lavrnić, rođen 1933. godine

- u Komiću je ostao sa svojom 92 godine starom majkom Savom, u kući broj 84. Ubijen je i ostavljen u kući da izgori, no tijelo je pronađeno desetak metara od kuće, odmah pored majčina, u martu sljedeće godine; Sava Lavrnić, rođena 1903. godine

- pronađena je mrtva pored svoga sina Petra; pretpostavlja se da nije ubijena vatrenim oružjem, već da je ostavljena zavezanih nogu, no nekako se uspjela napola osloboditi i zadnjim snagama izvući sina iz goruće kuće, a onda je i sama umrla. Petrovo je tijelo, naime, bilo okrenuto licem prema zemlji, a njegova je majka ležala pored njega, zgrčena na desnom boku;

Staka Ćurčić, stara 45 godina

- ubijena vatrenim oružjem (nije pouzdano utvrđen identitet ove osobe. Staka Ćurčić nedvojbeno je u Komiću postojala, živjela, a ondje je i ubijena, no nije sigurno je li ubijena tada, 12. augusta 1995., ili ranije, u vrijeme same akcije, kao ni je li doista imala 45 godina ili je pak bila čak i više od 20 godina starija);

Rajko (Rade, Raka) Sunajko, rođen 1909. godine

- živio je sa svojom suprugom Milicom na adresi Poljice 22, a ubijen je vatrenim oružjem u susjedovu dvorištu;

Milica (Mika) Sunajko, Rajkova supruga, rođena 1920. godine

- do danas nije pronađena, a nestala je toga dana;

Mika Pavlica, rođena 1904. ili 1906. godine

- nepokretna kao i ranije spomenuta Marija Brkljač, zapaljena je u svojoj kući.

Informacije o ekshumaciji i identifikaciji žrtava: Do danas nije pronađeno tijelo Milice Sunajko, 5 je žrtava identificirano i sahranjeno, a nije potvrđeno što se dogodilo s tijelom Stake Ćurčić. Posmrtno ostatke Marije Brkljač tri je dana nakon ubojstva pokupila njezina kći te ih u limenoj kutiji pokopala u šljivaru, a 17. septembra 1995. s ostalim ih je srođnicima sahranila na mjesnom groblju. Tijela Petra i Save Lavrnić pronašli su aktivisti Hrvatskog helsinškog odbora 2. marta 1996. te su i oni identificirani i sahranjeni, a Rajko Sunajko sahranjen je još krajem augusta 1995. na mjesnom groblju u naselju Poljice.

Pravosudne konzekvence: Iako je Hrvatski helsinški odbor još 1996. godine otkrio i evidentirao zločin i prijavio ga nadležnim tijelima, do danas nitko za njega nije odgovarao.

Kijani

Selo Kijani nalazi se u Lici i po teritorijalnom ustroju spada u Općinu Gračac. Prema popisu stanovništva iz 1991. godine, u Kijanima je živjelo 222 stanovnika, od čega 217 ili skoro 98% Srba. Prema popisu stanovništva iz 2011. u Kijanima živi 56 stanovnika.

Opis zločina: Početkom akcije Oluja velika većina mještana Kijana odlučuje se na pridruživanje izbjegličkoj koloni i napuštanje svog sela. Jedan broj mještana ipak odlučuje ostati, ne želeći napustiti svoje kuće. Prema svjedočenjima nekih svjedoka, jedan od važnih razloga za to je bio što su na radiju čuli Tuđmanovu poruku da ne odlaze oni koji “ruke nisu okrvavili”.

Od prvog ulaska hrvatskih snaga u Kijane pa do konca septembra 1995. godine u selu Kijani ubijeno je 14 civila, među kojima čak devet žena.

Civilne žrtve:

Dane Bolta, star 90 godina;
Sava Bolta, stara oko 70 godina;
Branko Jelača, star oko 67 godina;
Marija Jelača, rođena 1913. godine;
Milica Jelača, rođena oko 1927. godine;
Ana Jelača, stara oko 50 godina;
Smilja Jelača, stara oko 90 godina;
Dušan Kesić, rođen 1939. godine;
Mileva Kolundžić, stara oko 70 godina;
Danica Sovilj, stara oko 70 godina;
Mara Sovilj, stara oko 75 godina;
Mira Sovilj, stara oko 50 godina;
Radomir Sovilj, rođen oko 1947. godine;
Vlado Sovilj, rođen 1931. godine.

Precizne okolnosti i vrijeme počinjenja pojedinačnih zločina teško je utvrditi jer nitko od direktnih svjedoka tih događaja više nije živ. O nekim užasnim detaljima zločina, u kojem je bilo i silovanja i odsijecanja glava, svojevremeno su javno svjedočili Svetko Bolta i Nikola Jelača, koji su se sakrili u obližnju šumu odakle su vidjeli sve što se događalo. Oni su se dva mjeseca krili po ličkim šumama, dok ih nije otkrila hrvatska policija. Jelača je ostao u Gračacu, a Bolta je otišao u Srbiju. Obojica su u međuvremenu umrli.

Pravosudne konzekvence: Pred Vijećem Županijskog suda u Rijeci, kojim je predsjedavala sutknja Ika Šarić, započela je glavna rasprava u kaznenom postupku protiv optuženog Rajka Kričkovića, pripadnika 118.

Domobranske pukovnije Hrvatske vojske, za zločin počinjen nad civilima, nakon vojno-redarstvene akcije Oluja, u periodu od 15. do 28. kolovoza 1995. godine. Prema navodima optužnice Županijskog državnog odvjetništva u Rijeci, od 4. studenog 2014. godine, optuženik je počinio ubojstvo troje civila u selu Kijani kraj Gračaca. Brata i sestru, Radomira i Miru Sovilj, okrivljeni Kričković usmrtio je hicima iz automatske puške, dok je Maru Sovilj, njihovu majku, zapalio zajedno s kućom i stokom zaključanom u prizemnom djelu kuće.

Golubić

Selo Golubić nalazi se 5 km sjeverno od Knina. Prema popisu stanovništva iz 1991. godine, u Golubiću je živjelo ukupno 1424 stanovnika, od čega 1389 Srba. Prema popisu stanovništva iz 2011., u Golubiću živi 1029 stanovnika. Iako detaljni podaci o etničkom sastavu u popisu iz 2011. godine nisu dostupni, etnička struktura stanovništva značajno je različita jer je u Golubiću izgrađeno naselje u kojem su kuće većinom dobili Hrvati protjerani iz BiH.

Opis zločina: 5. augusta 1995. godine, u sklopu vojne akcije Oluja, Hrvatska vojska ulazi u selo Golubić. Velika većina stanovništva napustila je selo i priključila se koloni izbjeglica, ali jedan dio mještana odlučila je ostati u svojim kućama. Nakon ulaska hrvatskih jedinica u raznim se zaseocima Golubića događaju ratni zločini nad civilnim stanovništvom. Točno vrijeme pojedinačnih zločina i način na koji do njih dolazi nije do danas do kraja istražen i razjašnjen, ali jasno je da se tog dana i u nekoliko sljedećih dana događaju ubojstva najmanje 18 civila u selu Golubić. Većina žrtava osobe su starije životne dobi, ubijene u neposrednoj blizini svojih kuća, uz izuzetak jedne grupe koja je ubijena na putu od sela Golubić prema selu Radljevac. Sve su žrtve Srbi. Svjedočenje sina jedne od žrtava iz Golubića glasi:

Moja mati ubijena je 5. augusta oko 13 sati. Ja sam bio 100 metara dalje. Sakriven iza vrbe. Vidio sam 14 vojnika HV-a. Čuo sam dva pucnja. Vidio sam da moram ići. Mater je ostala ležati mrtva. Imala je 82 godine. Ubili su je i još su joj odsjekli ruku. Dvadeset i pet dana na tom mjestu ležala je mrtva, onda su došli sa vrećama i pokopali je u kninsko groblje pod N.N. Šta je od nje ostalo, od silnih vrućina, pasa i svinja koji su lutali okolo, ne znam.

Žrtve — civili:

Nikola (Đurađa) Jerković, rođen 21. decembra 1926. u Golubiću, s prebivalištem u Golubiću, ubijen u dvorištu svoje kuće 5. augusta 1995., a ubili su ga pripadnici Hrvatske vojske (HV);
Glišo (Gliše) Čučak, rođen 1934. godine u Golubiću, s prebivalištem

u Kninu, ubijen 5. augusta 1995. u kući svoga susjeda, zajedno s Nevenkom Grubić, ubili su ga pripadnici HV-a;

Nevenka (Milana) Grubić, rođena 27. novembra 1910. u Velikoj Popini (Gračac), s prebivalištem u Golubiću, ubijena zajedno s Glišom Čučkom u kući susjeda 5. augusta 1995., ubili su je pripadnici HV-a;

Manda (Ilije) Radujko, rođena 1928. godine u Golubiću, s prebivalištem u Golubiću, ubijena je 5. augusta 1995. godine u blizini svoje kuće, a ubili su je pripadnici HV-a;

Nikola (Nikole) Radujko, rođen 1930. godine u Bosanskom Drenovcu, s prebivalištem u Golubiću, ubijen zajedno sa svojom suprugom Mandom 5. augusta 1995. u blizini svoje kuće, ubili su ga pripadnici HV-a;

Branko (Lazara) Radinović – Lukić, rođen 1920. godine u Golubiću, s prebivalištem u Golubiću, ubijen 5. augusta 1995. godine na cesti nedaleko od svoje kuće, ubili su ga pripadnici HV-a;

Jovan (Jovana) Jerković, rođen 1. jula 1938. godine u Golubiću, s prebivalištem u Golubiću, ubijen na ulici u blizini svoje kuće 6. augusta 1995., ubili su ga pripadnici HV-a;

Milica (Gliša) Šljivar, rođena 1936. godine u Golubiću, s prebivalištem u Golubiću, ubijena ispred svoje kuće (bila je nepokretna i u kolicima) 5. augusta 1995., ubili su je pripadnici HV-a;

Vasilj (Nikole) Radinović Vasić, rođen 12. oktobra 1922. godine u Golubiću, s prebivalištem u Golubiću, ubijen na ulici u blizini svoje kuće 5. augusta 1995., ubili su ga pripadnici HV-a;

Jeka (Jovana) Opačić, rođena 1921. godine u Golubiću, s prebivalištem u Golubiću, ubijena u blizini svoje kuće 5. augusta 1995. godine, ubili su je pripadnici HV-a;

Nikola (Bože) Radinović Lončina, rođen 21. novembra 1927. godine u Golubiću. Poginuo je/ubijen je 5. ili 6. augusta 1995. godine na području sela Golubić.

Boško (Petra) Vuković, rođen 10. oktobra 1938. godine u Golubiću, s prebivalištem u Kninu, ubijen u Radljevcu 5. augusta 1995. godine, s transportera HV-a.

U istom događaju su ubijeni i:

Marija (Vase) Bjelić, rođena 1942. godine u Strmici (Knin), s prebivalištem u Golubiću, poginula/ubijena u Golubiću;

Petar (Mile) Bjelić, rođen 1931. godine u Strmici, s prebivalištem u Golubiću, poginuo/ubijen u Golubiću;

Milica (Jovana) Vuković, rođena 1929. godine u Golubiću, s prebivalištem u Golubiću, poginula/ubijena;

Tanasije (Stevana) Vuković, rođen 1934. godine u Golubiću, s prebivalištem u Golubiću, poginuo/ubijen u Golubiću;

Dušan (Petra) Damjanović, rođen 11. juna 1929. godine u Golubiću, s prebivalištem u Golubiću, poginuo/ubijen u Golubiću

Đuka (Todora) Damjanović, rođena 12. novembra 1931. godine u Golubiću, s prebivalištem u Golubiću, poginula/ubijena

Osim žrtava s jasno utvrđenim civilnim statusom, postoje i žrtve kojima nismo uspjeli nedvojbeno utvrditi status, ali također su ubijene/poginule u Oluji.

Žrtve neutvrđena statusa:

Nikola (Jovana) Arula, rođen 1941. godine u Golubiću, s prebivalištem u Golubiću, ubijen/poginuo za vrijeme Oluje u svome selu. Bio je mobilizirani vojnik Srpske vojske Krajine (svk), no svjedocima nije poznato je li se presvukao u civilnu odjeću i odložio oružje, s obzirom na to da je s položaja pri povlačenju došao kući;

Želimir (Čedomira) Marić, rođen 1974., poginuo/ubijen 4. augusta 1995. godine. Prema navodima oca Čedomira, bavio se glazbom i bio je član vojnog orkestra, a nikada nije išao na ratište. Za vrijeme Oluje bio je u vojarni svk u Kninu;

Jovica (Nikole) Plavša, rođen 3. januara 1968. godine, poginuo/ubijen 5. augusta 1995. Informacije o njegovu statusu i načinu na koji je stradao nisu poznate;

Branko (Lazara) Vuković, rođen 5. oktobra 1939., poginuo/ubijen 4. ili 5. augusta 1995. godine. Informacije o njegovu statusu i načinu na koji je stradao nisu poznate;

Todor (Trivuna) Marić, rođen 28. januara 1929. godine, poginuo/ubijen 4. ili 5. augusta 1995. godine. Informacije o njegovu statusu i načinu na koji je stradao nisu poznate;

Dušan (Lazara) Marić, rođen 1943. godine u Golubiću, ubijen/poginuo 5. ili 6. augusta 1995. godine. Informacije o njegovu statusu i načinu na koji je stradao nisu poznate;

Nikola (Marka) Radinović Panić, rođen 1928. godine u Golubiću, poginuo/ubijen 5. ili 6. augusta 1995. godine. Informacije o njegovu statusu i načinu na koji je stradao su nisu poznate.

Pravosudne konzekvence: Za počinjene zločine u Golubiću nitko do danas nije kazneno odgovarao.

Grubori

Grubori su jedan od zaseoka sela Plavno, koje je 15-ak kilometara udaljeno od Knina. Prema raznim izvorima, u selu je 1991. godine živjelo između 40 i 70 mještana, a danas u Gruborima nitko ne živi.

Opis zločina: Početkom vojne operacije Oluja većina mještana Plavna i Grubora napušta svoje kuće i priključuje se izbjegličkoj koloni koja putuje u smjeru Like i Bosne. U Gruborima ostaje 10-ak mještana, mahom starijih, koji nisu željeli napustiti svoje kuće. U strahu, mnogi od preostalih mještana noći ne provode u kućama, nego spavaju po štalama

i oko kuća. Hrvatska vojska u Plavno prvi put ulazi tek 8. augusta 1995. godine te po dolasku mještanima izdaje naređenje da 25. augusta 1995. dođu kod lokalne škole u svrhu popisivanja UNPROFOR-a, a zbog odlaska u tadašnju SR Jugoslaviju ili zbog eventualnog ostanka u Hrvatskoj. Većina se mještana Plavna i Grubora toga dana ujutro uputila prema školi, ali neki su u strahu ostali u svojim kućama. Sedam je mještana Grubora odlazeći do škole vidjelo pripadnike Hrvatske vojske kako idu prema njihovu zaseoku. Oko pola sata kasnije u Gruboru se jasno vidio dim i čula se pucnjava. Kada se tih sedam mještana vratilo, cijeli zaseok Grubori bio je u plamenu. Zatečeno je 6 ubijenih mještana, koje su ubili pripadnici hrvatske policije iz specijalne antiterorističke jedinice (ATJ) Lučko.

Ubijeni u Gruborima toga dana:

Marija Grubor (r. 1905.)

Miloš Grubor (r. 1915.)

Jovan Grubor (r. 1930.)

Milica Grubor (r. 1944.)

Đuro Karanović (r. 1954.)

Jovan Karanović (r. 1922.)

Svi su ubijeni redom bili Srbi i civili, a Dušanka Grubor, mještanka Grubora, svjedoči:

Došla sam do štale jer se vidio dim odatle. Gorila je živa stoka, a ja sam dozivala muža Jovu. Pokraj ubijenih krava ležao je i moj muž, grlo mu je bilo prerezano, a nedostajalo mu je pola lica. Bila sam u šoku i tražila pomoć. Otrčala sam u kuću Miloša Grubora, koji je bolestan ležao u krevetu. Našla sam ga na podu kuće kako u pidžami leži u lokvi krvi, pored su bile čahure od metaka. Dozivala sam svoju svekrvu Mariju, ali nju nisam našla. Spustila se noć nad Gruborima, a sutradan nas je UNPROFOR odvezao u Knin. Odatle smo nastavili potragu sa preživjelima dan kasnije. Tako sam u zgarištu svoje kuće našla svoju svekrvu Mariju kako sva izgorjela leži na leđima. Na livadi smo 26. 8. 1995. našli dva leša, Milicu Grubor, koja je bila izbodena nožem i izrešetana rafalima. A malo dalje bio je i leš Đure Karanovića, koji je takođe imao rane od noža na vratu, a na grudima rane od metaka. Jovan Karanović izgorio je u svojoj kući, vidjeli smo zgarište. UNPROFOR je sve to slikao i snimio, popisao imena žrtava...

Iako je zločin u Gruborima medijski prisutan i poznatiji široj javnosti, ponajviše zbog snimki snimljenih neposredno nakon samog zločina, to nije jedini zločin u Plavnu. Po razbacanim je zaseocima Plavna u periodu iza Oluje stradalo više od 25 civila.

Pravosudne konzekvence: Zločin u Gruborima obuhvaćen je pravomoćnom presudom protiv Gotovine i dr. pred Međunarodnim krivičnim su-

dom za bivšu Jugoslaviju (MKSJ). Haško je sudsko vijeće izvan razumne sumnje utvrdilo da su Jovo Grubor, Miloš Grubor, Marija Grubor, Milka Grubor i Đuro Karanović žrtve ubojstva počinjenih u okviru kaznenih djela zločina protiv čovječnosti te kršenja zakona i običaja ratovanja, propisanih čl. 5. i čl. 3. Statuta MKSJ-a, no nije utvrdilo kaznenu odgovornost optuženih. U suđenju pred Županijskim sudom u Zagrebu optužnicom se navodi i ime šeste žrtve, Jovana Grubora pok. Damjana.

Nakon sustavna prikrivanja zločina, o čemu je pred MKSJ-om svjedočilo više osoba, Županijsko državno odvjetništvo u Zagrebu podiglo je 15. decembra 2010. godine optužnicu protiv trojice hrvatskih državljana, F. D. (1963.), B. K. (1957.) i I. B. (1973.), zbog počinjenja kaznenog djela ratnog zločina protiv civilnog stanovništva iz čl. 120. st. 1. Osnovnog krivičnog zakona Republike Hrvatske. Kako je u svom završnom govoru ustvrdio Robert Petrovečki, zamjenik Županijskog državnog odvjetnika, 31. svibnja 2014., na kraju suđenja koje je započelo 24. studenoga 2011., "nije sporno da se dogodio ratni zločin u kojem su pripadnici ATJ-a Lučko na brutalan način ubili šestero civila". Optuženi je dvojac, prema tužitelju, imao neupitnu zapovjednu funkciju. "Pronađeni su posmrtni ostaci, kao i u potpunosti spaljeno selo", kazao je tužitelj te je od suda zatražio da se dvojicu okrivljenika proglasi krivima za zločine u Gruborima.

Tijekom dokaznog postupka ispitano je preko 70 svjedoka, neki od njih bili su na visokim vojnim i policijskim pozicijama. Dvaput je na mjestu zločina, u zaseoku Grubori, provođena rekonstrukcija događanja iz 1995., a jedan od optuženika, trećeoptuženi Igor Beneta, u međuvremenu je pronađen obješen.

Prvooptuženog Franu Drlju optužnica je teretila za neposredno počinjenje zločina nad šestero civila kao i za nesprječavanje podređenih u činjenju zločina, ubijanju civila i paljenju njihovih domova, dok se drugooptuženog Božu Krajinu teretilo isključivo temeljem zapovjedne odgovornosti. Neki svjedoci promijenili su iskaze dane tijekom istražnog postupka, a većina bivših suboraca optuženika ništa nije ni vidjela ni čula. Nisu znali tko je predmetnom akcijom zapovijedao, tko su im na terenu bili neposredni nadređeni. Tadašnji pripadnici elitne postrojbe nisu znali tko je odredio smjer kretanja, a kuće koje su im se našle na putu nisu provjeravali iako se čišćenje terena provodilo s ciljem eliminiranja zaostalih neprijateljskih snaga.

Nakon zločina u Gruborima namjerno su opstruirane istražne radnje. Antiteroristička jedinica Lučko MUP-a Republike Hrvatske neposredno je prije početka akcije 25. kolovoza 1995. godine bila podijeljena u četiri grupe. U akciji čišćenja terena uoči prolaska Vlaka slobode, a prema

svjedočenju zapovjednika akcije Josipa Čelića (13. novembra 2012. godine, Županijski sud Zagreb), na terenu su kao zapovjednici spomenutih grupa postavljeni Branko Balunović, Stjepan Žinić te optuženi Frano Drlje i Božo Krajina. Svi su spomenuti zapovjednici grupa, prema Čeliću, imali potpunu zapovjednu odgovornost unutar svojih postrojbi, što znači da su se njihove zapovijedi trebale bespogovorno izvršavati. Kako je svjedočio zapovjednik Čelić, on se ubrzo nakon početka akcije vratio na početne položaje, i to s jednim pronađenim civilom, te je od tada izgubio kontakt s ostalim zapovjednicima grupa. S operativnim zapovjednikom akcije Zdravkom Janićem otišao je prema završnoj crti akcije, gdje su ga gorespomenuti zapovjednici grupa izvijestili o tome da nisu naišli na probleme tijekom akcije, o čemu je on u prvom izvještaju (na dan akcije) informirao stožer Specijalne policije u Gračacu.

Prije postupka pred Županijskim sudom pred MKSJ-om je o zločinu u Gruborima saslušano daleko više svjedoka nego u vezi s bilo kojim drugim zločinom iz optužnice. Na temelju iskaza tadašnjih policijskih zapovjednika i specijalaca, Vijeće MKSJ-a zaključilo je da je nakon ubojstva izmišljena priča o sukobu sa "srpskim teroristima". Do takvog se zaključka došlo između ostalog i na temelju navoda Josipa Čelića, koji je i pred Županijskim sudom u Zagrebu ponovio svoje navode da je u svom prvom izvještaju na dan akcije izvijestio nadređene o tome da tijekom akcije nije bilo nikakvih borbi, ali da je potom pozvan u Gračac gdje mu je zamjenik zapovjednika Željko Sačić rekao da je u Gruborima bilo "oružanog sukoba" i da treba napisati novi izvještaj, koji mu je potom Sačić u odvojenoj prostoriji izdiktirao. Zapovjednik jedne od grupa na terenu, Balunović, koji je također svjedočio i u Haagu i u Zagrebu, napominje da ga je dan poslije, nakon sastanka u stožeru specijalne policije u Gračacu, Čelić informirao o tome da "temeljem napatka gospodin Sačića", zamjenika zapovjednika specijalaca Mladena Markača, piše novi, drugi izvještaj o akciji čišćenja u kojem je naveo da su se specijalci u Gruborima sukobili sa zaostalim srpskim borcima, što je moglo dovesti do stradavanja staraca u unakrsnoj vatri. Prema svjedočenju zapovjednika Čelića, u Stožeru u Gračacu zatekao je i generala Markača, nakon čega ga je Željko Sačić odveo u posebnu prostoriju, gdje mu je, koristeći se bilješkama koje je zapisao na poleđini njegova prvog izvješća, naložio da napiše novo, drugo izvješće. Pritom ga je informirao o tome da njegovo prvo izvješće nije točno i da u novi izvještaj mora biti uvrštena informacija o "oružanim sukobima". Svjedok Čelić tokom suđenja je u Zagrebu priložio svoje prvo izvješće o akciji na čijoj se poleđini nalazio Sačićev rukom pisani tekst.

Prvostupanjskom presudom Sudsko je vijeće utvrdilo da su zločine počinili pripadnici ATJ-a Lučko, ali oslobodilo je optuženike. Ponovljeno suđenje za ratni zločin nad civilnim stanovništvom u Gruborima, koje

je započelo 15. februara 2016. godine pred posve izmijenjenim Vijećem Županijskog suda u Zagrebu, pod predsjedanjem suca Ivana Turudića, završeno je istim ishodom, oslobađajućom presudom za optužene, uz obrazloženje da su zločin nedvojbeno počinili pripadnici ATJ-a Lučko.

Mokro Polje

Selo Mokro polje nalazi se u sastavu Općine Ervenik. Prema popisu stanovništva iz 1991. godine, Mokro Polje imalo je 803 stanovnika, od čega je 801 bio Srbin. Prema posljednjem popisu stanovništva iz 2011., u Mokrom Polju živi 227 stanovnika.

Vrijeme: Od 5. do 20. augusta 1995. godine.

Opis zločina: Tokom akcije Oluja velika većina mještana Mokrog Polja napušta svoje selo i pridružuje se izbjegličkoj koloni. Jedan dio ljudi ipak odlučuje ostati. S obzirom na to da su u okolnim mjestima ljudi odlučili krenuti na put tek u noći između 4. i 5. augusta ili kasnije, jedan dio ljudi iz okolnih sela također se zatekao u Mokrom Polju u trenutku kada je Hrvatska vojska ulazila u selo. Nakon ulaska u selo hrvatske snage ubile su neke civile koje su zatekle u selu. S obzirom na to da svi slučajevi nisu dobro dokumentirani, razni izvori govore o različitom broju žrtava, koji se kreće između 5 i 20. Ovdje donosimo one slučajeve za koje imamo nedvojbene informacije o ubojstvima. Ubojstva najmanje petoro civila u Mokrom Polju (Knin) započela su tijekom akcije Oluja i nastavila su se nakon završetka vojnog djelovanja. Ružica Babić, rođena 1926., ubijena je 6. augusta 1995. na pragu svoje kuće. Stana Popović, rođena 1926., i Mirko Popović, rođen 1952., (majka i sin) ubijeni su 7. augusta 1995. u svojoj kući, hicima iz vatrenog oružja. Tom prilikom ranjen je i Obrad Popović (suprug i otac). Stevan Sučević, rođen 1934., ubijen je 9. augusta 1995. Jeka Kanazir, rođena 1928., ubačena je u Pavlovićevu gusternu, a sahranjena je u Kninu nakon 40 dana. Sava Babić, rođena 1913., usmrćena je hicima iz vatrenog oružja 24. augusta 1995. godine ispred svoje kuće.

Jovan Popović iz Mokrog Polja, rođen 1948., izgubio je 7. augusta 1995. majku Stanu i brata Mirka. Toga je dana, nakon što su ga vojnici vodili po selu i zlostavljali, legao spavati na prvi kat kuće. Probudilo ga je pucanje:

Zatim sam čuo vrisak majke (...) Kad sam čuo da pripadnik HV-a viče: 'Ubio sam jednoga, moramo ga spaliti dok ne dođu promatrači' (...) Sišao sam dolje i našao brata ubijenog, a majku da se guši od rane na vratu (...) Pokazivala je rukom da bježim i tražila vode. Uskoro je izdanula. Ocu je metak ušao kroz ušnu školjku i zabio se u ekran televizora (...).

Jovanov je otac ipak preživio.

Žrtve:

Popović Stana (r. 1926.)
Sučević Stevan (r. 1934.)
Babić Sava (r. 1913.)
Kanazir Jeka (r. 1918.)
Popović Mirko (r. 1953.)
Babić Ružica (r. 1926.)

Osim mještana Mokrog Polja u samom su selu ubijeni i mještani nekih drugih sela. Njihov broj isto tako nije precizno utvrđen. Ilija Švonja te Ružica i Stevo Manojlović ubijeni su u zadružnoj trgovini gdje su se bili sklonili 6. augusta 1995. godine predvečer. Masakrirani su, a potom zapaljeni.

Žrtve iz drugih mjesta:

Švonja Ilija (r. 1926.), iz Žegara
Manojlović Ružica (r. 1937.), iz Ivoševaca
Manojlović Stevo (r. 1940.) Ivoševaca

Pravosudne konzekvence: Nitko od odgovornih za ove zločine nije za njih kazneno odgovarao. U spomen civilima mještanima Mokrog Polja, ubijenima u augustu 1995. godine, mještani Mokrog Polja i udruženje srpskih porodica Protiv zaborava podigli su spomen-ploču.

Uzdolje

Selo Uzdolje nalazi se u neposrednoj blizini Knina, na cesti koja povezuje Knin i Drniš. Prema popisu stanovništva iz 1991. godine, u selu Uzdolje živjelo je 767 stanovnika, od čega 765 Srba. Prema popisu stanovništva iz 2011. godine, u Uzdolju je živjelo 226 stanovnika, ali se taj broj do danas dodatno smanjio.

Opis zločina: U jutarnjim su se satima 6. augusta 1995. godine u Šare, zaselak sela Uzdolje u tadašnjoj Općini Orlić, bijelim civilnim automobilom dovezla trojica muškarca naoružana automatskim puškama. Svi su bili crnokosi; dvojica su nosila maskirne uniforme, a treći crnu maramu oko vrata, maskirne hlače i crnu majicu kratkih rukava s crnom vrpcom na kojoj je pisalo "Za dom spremni". Sva su trojica imala tamnoplave kape s oznakama sa šahovnicom. Tamo su zatekli Krstu Šaru, koji je bio ispred svoje kuće s Jandrijom Šarom, Stevom Berićem, Janjom Berić, Milicom Šare, Đurđijom Berić, Bosiljkom Berić i s još jednom osobom, a svi su oni bili u civilnoj odjeći. Jedan od trojice naoružanih muškara-

ca ugledao je jednu od svjedokinja ovog zločina i, udarivši je u ruku kundakom, zapovjedio joj da se priključi ostalima. Naoružani muškarci zapovjedili su skupini da krene prema asfaltiranoj cesti Knin-Drniš, a jedan od njih trojice u jednom je trenutku gurnuo Stevu Berića na zemlju i poderao mu isprave, kazavši da mu one više neće trebati. Nedugo zatim jedan je od naoružanih muškaraca rekao: "Hajde da ih dokrajčimo, ohladit će nam se janjetina." Skupina je zatim na otprilike 30 metara od ceste stala na jednom mjestu koje je bilo izvan vidokrug-a vozila koja su onuda prolazila. Dvojica su naoružanih muškaraca tada otišla s dvjema mještankama koje su potom u zasebnim vozilima odvezene u Knin. Treći naoružani muškarac, koji je ranije udario jednu svjedokinju u ruku, ostao je s preostalim zatočenicima kojima je naredio da s glavne ceste krenu natrag prema zaseoku, pri čemu im je psovao majku zbog toga što su učinili u Vukovaru i zastrašivao ih. Skupina je nakon nekog vremena naišla na Miloša Ćosića kojem je taj naoružani muškarac naredio da se priključi ostalima. Naoružani muškarac na kraju je pucao na skupinu iz automatske puške i tako usmrtio Milicu Šare, rođenu 22. januara 1922., Stevu Berića, rođenog 24. juna 1933., Janju Berić, rođenu 11. aprila 1932., Đurđiju Berić, rođenu 1. januara 1916., Krstu Šaru, rođenog 15. oktobra 1931., Miloša Ćosića, rođenog 1. marta 1923. i Jandriju Šaru, rođenog 30. jula 1932., dok je svjedokinja 67, koja je bila ranjena, uspjela pobjeći u šumu i ostala živa. Obdukcijom posmrtnih ostataka utvrđeno je da je smrt žrtava nastupila uslijed prostrjelnih ozljeda.

Isti je dan u zaseoku Šare ubijena u svojoj kući i Sava Šare, rođena 1922., a u okolnim je selima (Orlić, Markovac, Biskupija i Vrbnik) u nekoliko dana nakon Oluje ubijeno još 10-ak civila.

Pravosudne konzekvence: S obzirom na to da za predmetni zločin nitko nije odgovarao, Centar za suočavanje s prošlošću Documenta podnio je 4. augusta 2017. godine kaznenu prijavu DORH-u za zločine počinjene u Uzdolju. Županijsko državno odvjetništvo u Šibeniku očitavalo se o kaznenoj prijavi: "Nakon ekshumacije provedene 2001. godine na gradskom groblju u Kninu i zaprimljenih materijala, u Županijskom državnom odvjetništvu u Šibeniku formirani su predmeti vezani za stradavanje civila od 6. do 9. kolovoza 1995. u Uzdolju i Vrbniku na štetu najmanje desetero civila, a zbog sumnje da bi se radilo o ratnom zločinu. Izdan je nalog nadležnoj Policijskoj upravi šibensko-kninskoj i Vojnoj policiji za provođenjem izvida i kriminalističkog istraživanja u cilju utvrđenja okolnosti stradavanja i pronalaska počinitelja navedenog zločina."

Gošić

Gošić je naselje koje se nalazi u Bukovici u Dalmaciji, smješteno desetak kilometara zapadno od Kistanja. Prema popisu stanovništva iz 1991., Gošić je imao 107 stanovnika, a prema popisu iz 2011. godine, 46. Stanovništvo Gošića gotovo isključivo čine Srbi.

Vrijeme: 27. augusta 1995. godine, oko 16 sati.

Opis zločina: 27. augusta 1995. godine u selu Gošić nepoznati su počinitelji hicima iz vatrenog oružja ubili 8 civila. Sve su žrtve bile Srbi, mahom starije životne dobi. Ubijeni su u svojim kućama i dvorištima, u selu u kojem ni za vrijeme ubojstava ni prije nije bilo nikakvih ratnih aktivnosti.

Žrtve:

Savo Borak (70)

Vasilj Borak (68)

Grozdana Borak (75)

Marija Borak (81)

Kosara Borak (77)

Milka Borak (75)

Dušan Borak (56)

Gojko Ležaić (65)

Informacije o ekshumaciji i identifikaciji žrtava: Prema podacima organizacija za zaštitu ljudskih prava, ubijene su bez imena i prezimena tajno sahranili pripadnici MUP-a na kninskom groblju, pod rednim brojevima od 543. do 550. Godine 2001. sva su tijela ekshumirana i nakon identifikacije predana porodicama.

Pravosudne konzekvence: Spajanjem kaznenih postupaka za zločine u Gošiću i Varivodama sumnjičilo se šestoricu pripadnika hrvatskih redarstvenih snaga. No nakon postupka pred Županijskim sudom u Zadru te ponovljenog suđenja na Županijskom sudu u Šibeniku optuženici su oslobođeni krivnje, čime je istraga vraćena na početak i to protiv nepoznatih počinitelja. Ni deset godina nakon završenog kaznenog postupka pred šibenskim Sudom nema novih saznanja ni progona počinitelja odgovornih za zločin u Gošiću.

Varivode

Varivode se nalaze desetak kilometara jugozapadno od Kistanja u Bukovici. Danas pripadaju Općini Kistanje, dok su do 1991. pripadale

Općini Knin. Prema popisu stanovništva iz 1991., Varivode su imale 477 stanovnika i svi su stanovnici bili Srbi. Prema popisu iz 2011., Varivode imaju 124 stanovnika, a iako podaci o nacionalnoj strukturi još nisu dostupni, može se tvrditi da veliku većinu današnjih stanovnika također čine Srbi.

Vrijeme: 28. septembra 1995. godine.

Opis zločina: 28. septembra 1995., gotovo dva mjeseca nakon završetka vojno-redarstvene akcije Oluja, nekoliko pripadnika hrvatskih vojnih i policijskih snaga došlo je u noćnim satima u selo Varivode i vatrenim oružjem ubilo devetoro civila. Sva ubojstva počinjena su u dvorištima i kućama ubijenih, na mjestima gdje su se zatekli. Sve su žrtve bile Srbi starije životne dobi.

Žrtve:

Dušan Dukić (59)
Špiro Berić (55)
Jovo Berić (75)
Jovan Berić (56)
Radivoj Berić (69)
Marija Berić (69)
Milka Berić (67)
Marko Berić (82)
Mirko Pokrajac (84)

Informacije o ekshumaciji i identifikaciji žrtava: Sva tijela ubijenih pokupljena su i sahranjena u masovnu grobnicu u Kninu, a na njima nikada nije obavljena obdukcija, samo vanjski pregled. 2001. godine ekshumirana su sva tijela koja su se nalazila na gradskom groblju u Kninu i nakon identifikacije predana su porodicama.

Pravosudne konzekvence: Za ovaj se zločin sumnjičilo šestoricu pripadnika hrvatskih redarstvenih snaga, no nakon postupka pred Županijskim sudom u Zadru te ponovljenog suđenja na Županijskom sudu u Šibeniku optuženici su oslobođeni krivnje, čime je istraga vraćena na početak i to protiv nepoznatih počinitelja. Ni deset godina nakon završenog kaznenog postupka pred šibenskim Sudom nema novih saznanja ni počinitelja odgovornih za zločin u Varivodama. Jovan Berić i njegove sestre pokrenuli su sudske postupke tražeći odštetu na ime usmrćenih roditelja. 18. januara 2012. Vrhovni sud Republike Hrvatske donosi rješenje u kojem se navodi da se revizija tužitelja prihvaća i temeljem toga ukidaju se presude sudova u Šibeniku i Kninu, te se predmet vraća na ponovno suđenje. U navedenom je rješenju vidljivo da Vrhovni sud smatra da je smrt Radivoja i Marije Berić uzrokovana terorističkim ak-

tom, tj. aktom nasilja izvršenim iz političkih pobuda s ciljem izazivanja straha, užasa i osjećaja osobne nesigurnosti građana. Temeljem toga Republika je Hrvatska odgovorna i to po načelima društvene solidarnosti, ravnomjernog snošenja javnog tereta te pravičnog i brzog obeštećenja. U presedanskom rješenju Vrhovnog suda obitelji žrtava daje se pravo na naknadu štete, neovisno o tome što počinitelj zločina nije utvrđen, kazneno progonjen ili oglašen krivim. Na Općinskom je sudu u Kninu 23. januara 2013. godine sutkinja Ana Jelač - Pecirep, predsjednica Općinskog suda, objavila presudu u građanskoj parnici/predmetu tužitelja Jovana Berića i dr. v. RH, i to u ponovljenom suđenju temeljem odluke Vrhovnog suda Republike Hrvatske iz siječnja 2012. godine. Temeljem spomenute presude Hrvatska mora isplatiti odštetu u iznosu od 540.000 kuna djeci Radivoja i Marije Berić, ubijenih u selu Varivode.

SNV Bulletin #16

*War Crimes Against the
Serbs in Croatia 91 — 95*

Introduction

Throughout the whole history of state, people and individuals were faced, to different extent, with war, destruction, violence and war crimes. The greatest difficulty after the conflicts, in addition to reconstruction of demolished houses and re-establishing relationship, was facing war crimes, in particular those committed by members of the so-called 'Us'. This 'patriotic narrowing of the mind', as the philosophy professor Žarko Puhovski once said, at the time when one should confess the guilt of human also becomes a moral drama that has been haunting human kind since ever. It is related to the ontological evil as Hannah Arendt said, as well as with insisting upon 'our truth', which villains of modern age like to use in court rooms and claim it to the grave. According to anthropologist Ivan Čolović the nation stands above all, so 'nothing, done in the fight against its enemies can be considered a crime.' The unfolding of guilt, especially in this part of the world, is also associated with some sort of 'inebriation' when people 'in fair anger' jump on each other's throats as soon as they cannot agree on a matter, or it is the most usual escape from the responsibility of those people who have simply used the war for robbery and killing. On a universal plane, German philosopher Carl Jaspers said that the awareness of one's responsibility was the first indicator of awakening political freedom, while Belgrade's professor of international law, Vojin Dimitrijević, quite directly asked: 'Is our conscience clean and do we have shame and sense of what's right towards the dead?' Many nation that went through a war faced that issue with more or less success; sometimes decades would go by before they reached that awareness of their own responsibility and the fact that the crimes actually took place which sometimes required outside influence, through diplomatic threats, sanctions or the creation of independent international war crimes tribunals. Sometimes it was necessary to occupy the aggressor state, and sometimes, unfortunately, the war crimes were never processed.

After the Homeland war, Croatia was no exception to this matter, and it is extremely tragic, in view of its immediate proximity, that it has not been thoroughly confronted with the crimes committed by its soldiers over the enemy soldiers, and especially the civilians. The report on the pages following the war crimes against the Croatian side in the last war, in the edition of the Serbian National Council in Zagreb, locating perpetrators and their victims, indicating the date and place of the crime and recording mostly inadequate reactions, primarily by competent institutions, clearly demonstrates the existence of dangerous syndrome of

guilt avoidance. According to the report, the mistreatment of Serbian civilians started with the beginning of the war, their expulsion from flats, deportation to unknown and murky murders (Zagreb, Sisak, Osijek, Vukovar, Paulin Dvor and elsewhere), through the burning of entire villages and collective expiations Mokro Polje, Gošić, Varivode, Uzdolje and elsewhere), massive military action (Flash and Storm) has accumulated a huge and dark archive of obvious acts of corruption that the competent institutions, the media and the public as a whole had to answer. Not all of them have done it — at least not to the extent worthy of serious charges. It is even more difficult considering that a quarter of a century has passed since, and the awareness that the crimes in Croatia happened almost doesn't exist. It is often repeated publicly that 'Croatia was only defending' that the crimes — if any — were sporadic and that we should think of a 'context' in which crimes were committed or that there were crimes on the other side too. Thus, in the mid-90s, the statement of Milan Vuković, Supreme Court president, was often quoted 'a Croatian soldier cannot commit a war crime', as well as the statement of those journalists that it was justified to even lie for your country in war. Later, the revisionists only duplicated the scope of accountability for crimes committed by the Croatian side, and those few who insisted war crimes to be prosecuted were accused of being 'traitors and enemies of Croatia'. The home media also failed to help the cause, one constantly and thoroughly overlooked them, and the others made a sensation out of them, except for honourable exceptions (Arkzin, Feral Tribune, Novi list), and the strategy of oblivion proved to be the best tool for all those who wanted to turn their head from it. The notion for 'homeland, faith and nation' can be explained by the historical and psychological reasons of bonding with the people and culture, as Ivan Čolović says; but the consequences of this 'attachment' in the case of war crimes to this day are devastating. The human relations are crumbling from the inside in situations such as those. In 'Treason of the Intellectuals', Julien Benda states that the man falls from the observer of universally ethical and legally established values to the level of the adversary of the particular interests he is willing to kill for. That man becomes insensitive not only to the crime and his victims but also to the value of the system that should be sanctioned for such crimes. This phenomenon of 'justification' was well-recognized by writer Mirko Kovač in his book of 'Elita gora od rulje': 'Most of our world agrees with the perpetrators, supports them and votes for them. Citizens grant the right to a crime because it is in the name of the policy they follow. People like executioners; songs are being sung about them.' However, the torture, suffering and death of the captured and abducted civilians in Pakračka poljana, Kijani, Golubić, Komić and many other places in Croatia, in a tragically convincing way, denies any justification of crime and, through the scary scenes of primitive brutality of perpetrators invokes fundamental justice.

Although there is no single definition of the term 'war crime', the definition of the Rome Statute of the International Criminal Tribunal in The Hague is largely in use and fortunately, many international conventions derived from these provisions in the case of war crimes are very clear. War crimes include violations of the laws and customs of war, including murders, abduction and deportation of civilian population and prisoners of war, as well as the destruction of cities and settlements that are not justified by military needs.

Many non-governmental organizations in Croatia dealing with this topic and encountering cases of obstruction of the facts and the particular explanation of violence in the field have introduced the slogan 'crime is a crime', wanting to underline its own determination not to suffer further justification and neutralization of the crime. Already mentioned Jaspers in his main work *The Question of German Guilt* also mentions four types of responsibility in the war: the first is criminal responsibility based on the fact that the crimes are objectively demonstrable acts. It shows political guilt, brought by the actions of officials and citizens of a state and because of it, as Jaspers says, 'I have to bear the consequences of the actions of the state whose authority is subordinated.' There is also the moral guilty, because the individual is morally responsible for actions they undertake, including the conduct of political and military decisions. 'Order is an order' is not a rule to be obeyed at any point. Finally, there is the metaphysical guilt that is based on the belief of solidarity among members of the human race, that makes each of them responsible for the injustice in the world, and 'especially for the crimes committed in their presence or with their knowledge'. Not much was taken from his work, which many humanists after 1945 saw as the Bible of justice and ethical judgment, after a terrible violence in the Yugoslav wars.

What is immensely sad and unbearable in the Croatian case, apart from the fact that the mass crimes really happened, is that the majority Croatian public in the prevailing form does not even show Jaspers' 'solidarity with man as a man' and that the fact that more thousands of her innocent citizens of Serb ethnicity killed and over four thousand executed, does not cause in this public almost any moral reflex. The Croatian public has never demonstrated this effort at least to participate in collective conscience, and that is why it risks, as many contemporary theoretician from these areas claim, 'to sink into a specific and insignificant history of the story.' That is to become a small and self-sufficient land of hatred and animosity towards others and different, ethnically and culturally cleansed. In many wars, responsibility for crimes and misdeeds exists on all sides, but in the Croatian case, the oblivion of the killed Serbian civilians has turned into a moral pit hole. Because

without justice for the innocent people who have been killed, without a war crimes judgment and unconscious of responsibility for committed offenses, Croatia will not be able to develop as a modern society based on equality, multiculturalism and right for all, but will remain at the level of the ethno-national community, distrusted and suspicious to everything and to everyone else and different. For future generations, those who have not been born when the last wars were guided, the question posed by every generation — ‘what you did during the dad's war’ — will be a tough and painful burden.

What has happened in Croatia since 1991 to 1995, and is discussed in the following text, are mass crimes that are registered, committed and victimized to the greatest extent civilians; older people, women and children. In the circumstances of the crimes themselves, it is amazing that, according to witnesses' statements, uniformed people were almost never proclaimed by their fellow soldiers. They obviously knew what had happened and who committed the crime, but they did not want to testify about the weeks that were evidently occurring. Out of fear? Not. One who knows the circumstances in Croatia knows very well that there was a belief in these military units and more widely known to the public today that all these men in camouflage uniforms ‘our guys’ who fought side by side only to defend the homeland. The Serbs, if they are at all speaking to them, got what they deserved. From this fact, all the others are the result: the weakness and slowness of the prosecution body, the infinite length of court proceedings and ridiculously small sentences for the few who are at all convicted. Many places in this report describing cases of recorded crimes (Vukovar, Požega villages, Virovitica, Medar, Voćin, Banija villages, Dvor na Uni and elsewhere) state that no one has responded to these cases because the ‘perpetrator is unknown’ or the lawsuits at the first instance or second instance courts were dismissed. Very often (Karlovac, Sisak, Pakračka poljana, Zagreb, Kerestinec, Bjelovar, ‘Lora’ and elsewhere) the proceedings lasted for a very long time, and the judgments, after many legal remedies, were extremely mitigating at the end. Finally, from this report, it is apparent that the massive operations Flash and Storm, where more than a thousand Serbian civilians were killed (but there is currently no generally accepted number) and resulted in the flight of over two hundred thousand inhabitants from northern Dalmatia, Lika, Banija, Korduna and Western Slavonia, did not result in significant legal sanctions or adequate public condemnation. This atmosphere of public solidarity, giving up and watching through the fingers committed on the Croatian side is opposed by a relatively small but vigorous group of human rights fighters in Croatia, non-governmental organizations and rare intellectuals who are prepared to publicly voice their voice against the crimes. What really poses a problem is that the majority of insti-

tutions are reputable; for example the Croatian Academy of Sciences and Arts and the Society of Writers and Professional Institutions; The congregation of doctors, the Chamber of Advocates, the Croatian Philosophical Society and many others, of the political class that we did not speak, never clearly and unambiguously did not condemn these crimes. This did not make any major church in Croatia — the Catholic Church, whether or not to admit it or not, is a pretty stain on its conscience. Finally, from the point of view of the rule of law, unresolved war crimes will be devastated by its silence: no lawyer in Croatia can imagine the overriding and ineffective nature of Croatian law, the foundation of justice and the rule of law as a whole, even if it understands and concludes that in dozens or hundreds of cases the crime was really, and that it was bad for them or no one. Consequently, this fact, not one institution in the service of the rule of law; the police, the courts, the parliament, the government and the institutions of the president of the state, cannot say that it worked to the full extent of its task if it did not effectively answer that question.

No solution to the issue of war crimes can be resolved even the issue of reconciliation of its citizens, Croats, Serbs and others, for reconciliation can only be those who are aware of each of their responsibilities. Without an apology at public gatherings, the anniversaries of the victory and the date of the founding of the state, without the advertising of legal and moral authority over the crime, and finally, without valid judgments of court arbitration, will remain a chronic feeling of injustice in the hearts of relatives and descendants of victims, or compatriots. Or as regards the statistics of Croatian and Serbian war crimes, this report states: 'It is very indicative that among crimes registered in the CSP war crimes database, which contains data about crimes, victims, evidence and perpetrators; 80% are crimes committed by members of Serb troops, while registered crimes committed by Croatian units make only 18%. Further, comparative analysis of convictions for war crimes which in their factual descriptions of the criminal act have similarities in the way they were carried out, in number of victims and other comparable facts, there is evident disproportion in sentencing Serb and Croatian troops.'

Such a black hole of moral and legal obscurity, which has been present for years in the Croatian public, is an excellent place to germinate the dark semen of hate, retaliation and revenge. Does this really represent the best sense of ending the conflict between the two close nations?

In order to completely close the circle of responsibilities, it must be said that in the case of war crimes that took place in Croatia, especially over the Serbs, the international community did not do enough.

Victims of Storm or murders at the beginning and during the war, the mass expulsion of residents from their homes and hate speech to them were not adequately apostrophized, both in the statements of European leaders and in the decisions of international bodies related to Croatia. From time to time there were certain sharp tones and threats from the world's power centres to the address of Croatian politicians, but this was ultimately understood as a curious wiggle and was insufficient in comparison to what really happened. Also, the International Tribunal for the Fight Against War Crimes in The Hague, statistically speaking, of all the crimes committed in the territory of former Yugoslavia mostly never punished the crimes on the Croatian side, and some of these and even the most serious (Čermak, Gotovina, Markač) ended in shocking and unbelievable twist. Why this was so in a series of international acts and its protagonists, let alone each one of them, as Jaspers says, but it is worth expecting that after many years the history will make a judgement and give its own balanced score to clearly point with the finger to both the perpetrators and the victims.

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More than two decades after the end of the war, in Croatia there is still no publically available registry of all citizens who lost their lives in the war. There are various researches that differ, but assessments vary that between 18.000 and 23.000 Croatian citizens were killed.

For example, demographer Dražen Živić quotes that out of the total number of Croatian citizens who perished and went missing, 8147 (36.7%) were Croatian war veterans, 6605 Croatian civilians and the number of Croatian veterans and civilians is 1218 (5.5%), a total of 15.970. Number of killed and missing Serbs, military and civilians, Živić assessed at 6222 (28%). Therefore, according to Živić's research, the war in Croatia took a total of 22.192 lives (Živić, 2005). On the other hand, Documentation and Information Centre Veritas claims that 7134 Serbs were killed. According to the Ministry of War Veterans, it is assessed that more than 20.000 people were killed in Croatia and that destiny of another 1600 is still unknown.

Ante Nazor, director of Croatian Homeland War Memorial and Documentation Centre, also gives data on number of killed Croatian citizens in the occupied Croatian territory between 1911 and 1995: 'Until October of 2017, there were data entered for 7204 people (873 people are considered missing) in our Centre database, most of them members of the Serbian units. 6127 people of the total number of people killed in the database were Serbs. Other 1077 killed and missing people in the database are non-Serbs, 821 of them are Croats.' He also stressed: 'However, it still hasn't been determined how many of those 5657 killed civilians in the territory of the Republic of Croatia under the Croatian authority — in the present database — are Croats and how many are Croatian citizens of different nationality such as Serbs.'

Updated report of State's Attorney Office of the Republic of Croatia (CSP) from May of 2017 which refers to 2016, gives quantitative review of their effort in processing the war crimes. CSP reports on the number of received criminal charges and number of the people accused. During 2016, 84 people were accused and 21 verdicts were reached. In relation to this number of accused, three specialised County State Attorney's Offices (in Rijeka, Split and Zagreb) brought 12 indictments while the County States Attorney Office in Osijek failed to raise an indictment for war crimes for second straight year. The indictments involved are raised against a large number of people who will be trialled in absentia

contrary to the established international procedure and deal with planned and widespread attacks (without clear aim) on the civilians. Next to the fact that Croatian justice system still faces a number of non-processed war crimes, the data available points to presence of ethnic prejudice in war crime processes, presence of ethnic partiality when sentencing for two comparable criminal acts as well as lack of will in competent authorities to undertake agreeable effort in processing crimes against the Serbs, such as those from the August of 1995 during the Operation Storm. In the past few years, there were some processed for crimes that include murders of numerous Serbian civilians which remained unprocessed for years amidst lack of will (processes against Tomislav Merčep for crimes in Pakračka Poljana, in Zagreb Fair or process against Vladimir Milanković and others for crimes in Sisak).

It is very indicative that among crimes registered in the CSP war crimes database, which contains data about crimes, victims, evidence and perpetrators; 80% are crimes committed by members of Serb troops, while registered crimes committed by Croatian units make only 18%. Further, comparative analysis of convictions for war crimes which in their factual descriptions of the criminal act have similarities in the way they were carried out, in number of victims and other comparable facts, there is evident disproportion in sentencing Serb and Croatian troops.

Courts are continuing with the practice of applying extenuating circumstances to indicted members of Croatian troops in past war when deciding on sentence, and some of them have extremely high costs of defence covered from the state budget. On the other hand, a problem still remains unresolved of covering litigation costs to family members of victims, mostly of Serb nationality, who lost lawsuits in which they sought compensation from the Republic of Croatia, for damages due to death of their loved ones. Although Croatian government in July 2012 adopted a regulation by which socially vulnerable plaintiffs will be exempt from payment of litigation costs, this problem has not been fully resolved in a satisfactory manner.

It is a fact that in the last war in Croatia (1991—1995) members of both sides participated in violations of the International humanitarian law, and because of this, a large number of war crimes and civilians who perished was registered.

The largest number of crimes against Serbs in Croatia was committed during the course of 1995, i.e. during and after the military-police actions Flash and Storm. But according to data of domestic and international organizations, the scale of these crimes goes significantly beyond figures presented by the CSP. Thus, for example, official data say that in

24 war crimes cases which took place during and after the operation Storm, 156 civilians were killed. On the other hand, some non-government organisations, among which Croatian Helsinki Committee is most notable, came forward with the number of 700 civilian victims. According to some Serb non-government organisations this number is approximately 1900. Judiciary partiality and lack of political will are highlighted by the fact that only one verdict has been reached for war crimes committed in the two afore mentioned operations. It was for crimes committed in Prokljan, Skradin Municipality, on 11 August 1995 in the afternoon, when Milica and Nikola Damjanić were murdered in front of their house in Prokljan.

Individual crimes against the Serbs (murders, beating, burning barns and houses, deterrence, mining around houses and in fields) happened up until the year 2000 in order to intimidate the Serbs left there but also as a message for those who went not to come back. This bulletin didn't focus on those cases individually since they require specific space and investigation.

The texts in this bulletin are an attempt to describe some of the biggest crimes committed against the Serbs in Croatia during the last war. They by no means cover all the crimes but they give grounds for the further investigation. The texts vary in details in crime descriptions due to difference in level of how well investigated each of the crimes is. Some texts give name list of the victims while it wasn't possible for other texts.

In text preparation we used all publicly available data sources (verdicts, articles, memorials, etc.) but also additional verifications of some identities in the field. It is important to highlight trial reports and public announcements of Documenta - Centre for Dealing with the Past as some of the key sources. Due to lack of information uniformity and small number of relevant sources for some areas, there is a chance that some of the victims were left out and some texts contain out-dated information. We would like to stress that all the possible errors are exclusively consequence of limitations in the used methods and sources.

Some crimes are presented by regions. This distribution isn't based in the formal territorial and administrative organization in Croatia today but is important because it provides a better frame following events from the 90s than the present territorial and administrative organization of the country.

Eastern Slavonia and Podunavlje

Vukovar

According to 1991 census, ethnic breakdown of Vukovar was mixed and almost equally divided between two main groups: 31.445 (37.35%) of Serbs and 36.910 (43.8%) of Croatians. In city's central part proportion was 47% of Croatians and 32% of Serbs. It is worth noting that according to census there were 35% of mixed marriages. According to 2011 census Vukovar had 27.683 inhabitants of which 57.37% were Croatians and 37.87% were Serbs. Since the city no longer encompasses the same territorial-administrative area as it did in 1991, direct comparison of data is impossible, but it is clear that in the relative sense there was no decline of the number of Serbs who live in the city, which is primarily result of the peaceful reintegration of the Danube region.

Period: June to November 1991

Crime description: Vukovar rightfully occupies special place in the public debate about the war in Croatia. But what is constantly and unjustly omitted are facts about killings, abductions, looting and expelling Serbs from this city which started in June of 1991, i.e. in the period when there had been no real war events in the city. These happenings are being connected with Tomislav Merčep who between 10 June and 13 August held a position of the Secretary of the Municipal Secretariat for National Defence in Vukovar, and with the units that he had led. Even before flare-up of conflicts, during the spring of 1991, fear and mutual distrust reigned in Vukovar because of what has been happening elsewhere in Croatia. The situation was further aggravated after conflict and killing of 12 Croatian policemen in Borovo selo on 2 May 1991. Numerous citizens of Vukovar then left the city in fear for their safety. One witness gave her account about of situation in Vukovar at that time:

Around 3pm, as soon as people would come back from work, the city would become creepy and empty. With the dark people would go to the basements. There were few night without the sound of explosion or gunshots. If you heard car breaks squeaking, you could be sure soon there was an explosion coming. Houses were under fire and constant phone threats caused many people to leave Vukovar. Exodus became massive after rumours about night arrests and missing people.

First victim of war in Vukovar was Jovan Jakovljević (51) whose house was visited by a group of armed men on 29 June at about 11 p.m. They introduced themselves as policemen and invited Jakovljević to come out of the house. When he refused, asking them to return at daytime, they threatened to blow up his house. Jakovljević then came out and unknown men killed him with shots from firearms at the very entrance of his family home.

Uniformed Croatian National Guard (ZNG) members came to collect Savo Damjanović at his workplace on 25 July 1991 and took him 'to an unknown destination'. Since that day Damjanović disappeared without trace. Mladen Mrkić on 31 July 1991 presented report about the completed harvest at the Worker's Council session as he has done every year. After the session, he started for home but never arrived there. Witnesses claim that six men in uniforms had forced him to follow them. In two vehicles without licence plates they drove to the Territorial Defence headquarters. Since that day Mrkić disappeared without trace. Željko Paić met similar destiny as ZNG members intercepted him on 10 August 1991 when he was on his way to town. These examples are certainly not the only ones, but serve as a good illustration of crimes committed in Vukovar in 1991. Information about events reached the then Government Commissioner for the city of Vukovar, Marin Vidić, who in August 1991 wrote to the president Franjo Tuđman, prime minister Franjo Gregorić and the opposition leaders, warning them that Tomislav Merčep 'surrounded by persons of dubious integrity and professional qualities, former criminals, absolutely took over control of everything in the Vukovar municipality, not shrinking from violent and repressive measures over citizens of Vukovar (illegal breaking into private flats, directing with verbal or written notes persons who sought accommodation to move into deserted flats, looting apartments, confiscating private vehicles, forced arrests for questioning and even executions)'.

In the interview for Feral Tribune in 1997 Vidić states that he was in a mined house of one of the Serb councillors, SDP members, and in the flat of one female employee from the municipality where armed persons broke into the house and looted it. Vidić also says that in the spring of 1991 'people would disappear never to reappear again'. Merčep's activity, as is evident from the letter by Marin Bilić Bili, completely blocked the work of police, Croatian National Guard and administrative bodies, which had created 'general confusion'. At Josip Manolić's intervention, in mid-August, Merčep was brought to Zagreb by helicopter and then appointed as assistant to the minister at the Ministry of Interior. In an interview that he gave just after the fall of Vukovar, asked if during his stay in Vukovar (before his still unclear arrest and relocation to Zagreb at the beginning of August 1991, after which

he becomes Minister Ivan Vekić's adviser), he has done everything possible to defend that city, he said: 'I have done as much as I could, but not as much as I had intended. We ought to have cleared Petrova Gora of people who have gotten arms; we should have put under control and stabilized territory between Bogdanovci and Sajmište. I had that on my mind, but did not have the time to do it. Everything else has been cleared.' In the same interview Merčep admits that there have been cases when people 'lost heads' during actions that he had conducted, and asked about numerous corpses which had floated down the Danube he said: 'I do not say that no corpse ever floated down the Danube. In such a big area, in such situation, everybody could have done whatever they wanted. But in Vukovar we had everything under control so that here such things were not happenings on a significant scale.'

Victims: List of names, or the number of all Serb victims who were killed or have endured some form of harassment in the Vukovar area during the war events, have never been completely established, and big discussions are still led about it. Assessments range from several dozens to more than 120 persons killed. Here we list only some of the names of Serb victims in Vukovar:

Zoran Filipović	Slavko Dragišić	Ljuban Vučinić
Vlado Skeledžija	Bogdan Bogdanović	Slavko Miodrag
Savo Damjanović	Željko Pajić	Slobodan Vučković
Branko Mirjanić	Obrad Drača	Milenko Đuričić
Mladen Mrkić	Miodrag Nađ	Bogdan Stupar

Judicial consequences: ICTY investigators came to Vukovar on four occasions in 1996 and in 1997 and dealt with war crimes committed against Serbs in the city and its environs. Their interest was directed at Tomislav Merčep's activity and that of his group, which was addressing him as 'Dad', about which some 100 witnesses testified to The Hague court investigators. Some of these testimonies were collected in the book *Crime Without Punishment* which was published in Vukovar in 1997 and where precise data exist about 86 persons who went missing in Vukovar in that period. But Merčep never answered before the Hague court. In 2000, when Croatian Democratic Union (HDZ) lost elections, Croatian state leadership received an anonymous letter from the 'concerned citizens of Vukovar' which described in detail executions of Serb civilians. After that, informative talks were held with Stipe Polo and Zvonimir Radoš, head and deputy head of the Vukovar police in 1991, who claimed that police documentation about executions and disappearances of Serb civilians in Vukovar were lost after the city's fall. However this documentation has not been found even after years of city's occupation which was ended by peaceful reintegration of the

Danube region on 15 January 1998, and investigation was discontinued. Only on 10 February 2012, after six months-long investigation, Zagreb County prosecution raised an indictment against Tomislav Merčep. But in the court process which is still on-going, Merčep is not charged with crimes committed in Vukovar, but with those which his unit had committed in the second half of 1991 in the area of Zagreb, Pakrac and Kutina. No indictment has been raised yet for crimes committed against Serbs in Vukovar in 1991, nor has anyone been held responsible for these crimes.

Osijek

According to the 2011 census, the population of Osijek totalled 83,496 inhabitants of which 979 or 0.91% were Serbs. According to the 1991 Census 165,253 persons lived in the Osijek area, of which 33,146 or 20% were Serbs. Territorial-administrative structure significantly changed between 1991 and 2011, and no direct comparisons can provide an adequate picture, but even if only the number of persons who lived exclusively in the city of Osijek is taken into consideration, that number was 104,761 in 1991 and of this 15,985 or 15.3% were Serbs. It is clear that the share of Serbs in the population of Osijek from 1991 and on saw one of the most drastic declines even when we look at the context of the entire Croatian territory.

Period: July to December 1991

Crimes description: In the second half of 1991, when Osijek was on the frontlines, the city saw occurrences of arrests, disappearances, imprisonments, torture and killing of Serbs who had remained in Osijek. Crimes that happened to Serb civilians in Osijek are known to the wider public under colloquial names such as Garage and Scotch Tape. Garage case is related to abductions and tortures of Serb civilians in the building of Municipal Secretariat for National Defence that was presided over by Branimir Glavaš. The Scotch Tape case is related to killings of Serb civilians at the Drava river bank, whose hands were tied with scotch tape at the moment of their killing. At least 10 persons were killed in this manner.

While serving as the secretary of the Municipal Secretary for National Defence, Glavaš established, equipped and armed a military unit which at that time had several informal names — headquarters crew, headquarters company, protection crew and Branimir Osijek Battalion; and later it was officially named 1st Osijek Defence Battalion. This is the very unit that carried out crimes against Serbs in Osijek.

On 31 August 1991 members of Branimir Osijek Battalion, detained two persons in one of the garages in the Secretariat's courtyard, including Čedomir Vučković. All day long, members of this unit beat Čedomir Vučković with hands, feet and parts of weapons, and in the evening hours Zoran Brekalo, one of the unit's members, poured acid from a battery and forced Vučković to drink it. Because of severe pain caused by the acid, Vučković broke through the garage door and came out into the courtyard where Krunoslav Fehir fired several shots at him with a firearm. Two shots hit Čedomir Vučković in the belly and the arm, but his death came as a consequence of poisoning with sulphuric acid.

On 26 November 1991, members of Branimir Osijek Battalion took Branko Lovrić from his house in Sisačka Street 11 and detained him in the house in Dubrovačka Street 30, from which unknown members of the aforementioned group took him to the Drava river bank and killed him.

On 3 December 1991 Stjepan Bekavac, Tihomir Valentić and Zdravko Dragić, members of the Branimir Osijek battalion, intercepted Alija Šabanović in front of his house in Sjenjak settlement, arrested him and detained in the basement of the house in Dubrovačka Street 30. Subsequently, unknown members of the same group took him from the mentioned house to the Drava river bank and killed him by shots in the head with firearms, after which they threw him into the river.

On 7 December 1991, Stjepan Bekavac, Tihomir Valentić and Zdravko Dragić, members of the Branimir Osijek battalion, took Radoslav Ratković from his family house, drove him to the house in Dubrovačka Street 30, where they tied his hands with the adhesive tape, beat him and questioned him about his alleged hostile activity. After their departure two unknown soldiers continued to beat him and then drove him to the Drava River by Tvrđa (fortress). There, Dino Kontić handed an automatic gun to Zdravko Dragić and told him to shoot at Ratković. Dragić fired one shot and hit Ratković in his cheek, which caused the latter to fall in the river. Dragić then fired another shot at Ratković but Radoslav Ratković managed to survive and swim out of the Drava.

On 7 December 1991, members of Branimir Osijek Battalion, took Milutin Kutlić from his house in Mrežnička Street and tied him with adhesive tape, took him to the Drava river bank and killed him by shooting him in the head from firearms. After that they threw him in the Drava River.

On an unspecified date, in the first half of December, Branimir Osijek Battalion members, took Svetislav Vukajlović from his house in Vrtna Street 12, tied him with adhesive tape, took him to the Drava river bank

and killed him by shooting him from firearms in the head. After that, they threw his body into the Drava River.

On an unspecified date in December 1991, members of Branimir Osijek Battalion, arrested one unknown female person, tied her with adhesive tape, took her to the Drava River, fatally shot her in the head and threw her in the Drava.

On 28 December 1991, they took Bogdan Počuća from his house in Wilson Street 19, tied him with adhesive tape, brought him to the Drava River, fatally shot him in the head with firearms and threw him into the river.

On 12 July members of Branimir Osijek Battalion arrested Nikola Vasić and detained him in the basement of the Secretariat for National Defence building where they beat him using their hands, feet, parts of weapons and sticks, incurring severe injuries.

Victims:

Branko Lovrić	Svetislav Vukajlović	Čedomir Vučković
Alija Šabanović	Petar Ladjak	Two unknown people
Jovan Grubić	Milenko Stanar	
Milutin Kutlić	Bogdan Počuća	

The list of killed civilians is based on Branimir Glavaš's verdict but it's not a final list of Serbs killed in Osijek.

Judicial consequences: On 8 May 2009, War Crimes Council of the Zagreb County Court, published a verdict according to which Branimir Glavaš, Ivica Krnjak, Gordana Getoš Magdić, Dino Kontić, Tihomir Valentić and Zdravko Dragić were declared guilty for the criminal act of crime against civilian population, committed in Osijek in 1991. Branimir Glavaš was sentenced to 10 years in prison

The Supreme Court, on 2 June 2010, reduced prison sentences which were adjudicated in the first instance verdict, and Branimir Glavaš was thus sentenced to eight years in prison, Ivica Krnjak to seven years, Gordana Getoš Magdić to five years, Dino Kontić to three years and six months, Tihomir Valentić to four years and six months and Zdravko Dragić to three years and six months.

At the beginning of 2015, the Constitutional Court quashed the Supreme Court's verdict under which Branimir Glavaš was sentenced to eight years in prison. Branimir Glavaš was released from detention in Bosnia Herzegovina where he had been serving his sentence.

Although Croatia's Constitutional Court only examined the legal issues and never considered the weight of the evidence, the release from prison of Branimir Glavaš (tried and convicted as the top defendant in a previous trial) hardly bolsters the sense of justice for the victims, since it must have been upsetting for them, or for most of the other convicts, as all except Branimir Glavaš have already served their prison terms. Following that decision, Glavaš, although convicted in the first instance for crimes against civilians (still subject to appeal), became a deputy in the new Croatian Parliament, which prompted many civic groups to protest and request a change to the law.

On 16 October 2017, a retrial started in County Court in Zagreb by announcing the indictment. The defendants, who meanwhile served their sentences, pleaded not guilty.

Paulin Dvor

Paulin Dvor is a village located 10 kilometres south of the city of Osijek, to which it used to administratively belong until 1991. To the east of the village, two kilometres away, is Ernestinovo, which is connected with Paulin Dvor by road. In 1991 it had 168 inhabitants of whom 147 or 87.5% declared themselves as Serbs. Twenty years later, according to 2011 census, the population has been halved and is now at 76 persons. For now the ethnic breakdown in all settlements in Croatia is not yet available, but only in municipalities and towns. Since we are not aware of any immigration of Croats from Bosnia-Herzegovina or from Kosovo to this village, it can be assumed that they are mostly Serbs.

Period: 11 December 1991

Crimes description: Several members of the Croatian Army's 130 brigade, i.e. of its 2nd company in the 1st battalion, decided after a discussion at the Bijelo-plavi pub in the village of Vladislavci, to kill inhabitants of Paulin Dvor in retaliation for the death of their fellow fighter, who died earlier in the Osijek hospital after being shot and wounded by a sniper. Paulin Dvor was then at the frontline and was controlled by Croatian forces. Those who did not flee the village were allowed to be in their houses by day, check them and feed their cattle, but at night they were detained in groups in several houses. Majority of civilians, 19 of them, were staying in Andrija Bukvić's house at the address Glavina 52. Croatian Army members arrived in the village on 11 December 1991 and, practically announcing the crime, said to the village guard who tried to stop them: 'We are here to bring some order, there are Serbs here'. Then they entered the mentioned house and using automatic weapons,

pistols and hand grenades, killed all of 19 people, who were in the house. There were 10 men and 9 women, and all, except one Hungarian, were Serbs. They (troops) left the crime scene, but then soon returned to make certain that all who were shot were really dead. The youngest victim was 41 and the oldest 82 years old.

Victims:

Darinka Vujnović (born in 1934)
Marija Sudžuković (born in 1914)
Božidar Sudžuković (born in 1913)
Milena Rodić (born in 1928)
Spasoja Milović (born in 1933)
Milica Milović (born in 1934)
Vukašin Medić (born in 1923)
Milan Labus (born in 1941)
Dragutin Kečkeš (born in 1939)
Petar Katić (born in 1937)
Milan Katić (born in 1933)
Draginja Katić (born in 1922)
Dmitar Katić (born in 1909)
Bosiljka Katić (born in 1944)
Boško Jelić (born in 1944)
Anđa Jelić (born in 1950)
Boja Grubišić (born in 1917)
Jovan Gavrić (born in 1936)
Milka Lapčević (born in 1910)

Exhumation and identification of victims: Soon after the crime was committed, i.e. several hours later, 18 bodies were transported by truck in the direction of the Osijek barracks Lug, where they were buried in a mass grave. Darinka Vujnović's body was found by JNA troops/or members of paramilitary units who captured Paulin Dvor several days after the crime, and it was buried in Trpinja. In the fall of 1996, after Hague investigators took interest in the case, the intelligence community, in cooperation with the military, organized the transfer of 17 bodies. In mid-January 1997 they were put in plastic barrels and taken by military truck to Rizvanuša, a village near Gospić. The 18th body, that of Milka Lapčević was not among the others and it had not been found by the time when the indictment was raised and by the beginning of the trial for war crime. This is the reason that she was not included in the list of victims named in the court process that followed. It is assumed that her body fell out during the transport from Paulin Dvor to 'Lug' barracks, i.e. that it was buried at the Osijek central cemetery or that it is still buried somewhere near the barracks. It is possible that it was found in the meantime, but we do not have such information. However, it is certain

that her name is in the 2012 edition of the Book of Missing Persons in the Territory of the Republic of Croatia. Hague investigators found 17 bodies buried in Rizvanuša in February 2002. In September of the same year the Institute of Forensic Medicine and Criminology in Zagreb confirmed that these were indeed victims of this particular crime.

Judicial consequences: Two direct perpetrators were convicted for having committed crime in Paulin Dvor: Nikola Ivanković, by a final Supreme Court verdict in 2005, to 15 years in prison and second defendant Enes Viteškić, who was convicted before appeals in May of 2012, to 11 years at the County Court in Osijek, after the Supreme Court twice returned the case to the first instance court for a retrial after two acquittals. There were more perpetrators and it is clear that some of them are still free. Furthermore, although evidence procedure indicates that this war crime was not commanded, but was unsolicited and committed without the knowledge of superiors, and that some of the perpetrators were immediately brought before Military Police and intelligence service officers, it is a fact that, apart from shouting, anger and sending them to the 'first line' they did not adequately punish the perpetrators. In fact, everything was done to conceal the crime, which actually opens the question of criminal responsibility of those who took part in this.

Osijek County Court reached a verdict that ordered the Republic of Croatia to pay 200,000 kn to Nenad Jelić for emotional distress caused by the death of his mother Anđa and father Boško in Paulin Dvor.

Western Slavonia

Virovitica

In 1991 the town had 16.167 inhabitants, of which 11.76% were Serbs, and in town's administrative area population totalled 46.661 inhabitants of whom 7271 or 15.58% were of Serb ethnicity. Out of the total of 71 settlements including the town, Serbs made absolute majority in 19 settlements and in two they made relative majority. The area which used to be administratively covered by Virovitica in 1991 is today divided among municipalities of Gradina, Lukač, Suhopolje and Špišić Bukovica with the adjoining villages. In this entire territory comparable with the Virovitica area before the war, according to 2011 census there are 2035 Serbs, which is one third of their pre-war share; while in today's town of Virovitica there are 734 Serbs and they make 3.45% of the population.

Period: summer of 1991 to spring of 1992

Crime description: Although there have been no mass crimes, i.e. murders and disappearances comparable to those that took place in Gospić and Sisak against Serbs, either in Virovitica town or its wider area, we are aware of several cases of crimes which members of Croatian forces committed against civilians and they will be discussed here. Further, in some smaller villages around Virovitica night shootings, threatening telephone calls and hand grenades thrown into courtyards were occurrences not so rare that they could be called isolated incidents. Those killed were mostly prominent, noted people, which certainly contributed to fear and emigration of Serb population from this area. Although it is clear that a part of younger people, men, had joined military and paramilitary units at the outset of war; this cannot explain both such big disparity in absolute numbers and a relative share of Serbs in total population in these parts. Among well documented cases there is one of Bogdan Mudrinić, civilian who is still reported missing. Without any (court) order he was taken from his house in Virovitica for questioning from which he had never returned. According to information available, he was beaten to death in a military prison at the Virovitica army barracks, and his body was then transported outside prison and has never been seen again. Doctor Ranko Mitrić met similar faith. He was arrested at his workplace at the hospital where, according to criminal charges brought against him, he had attacked one Croatian soldier with a knife. Although it was civilian police that had filed charges on the day

of the incident, military police arrested him. After questioning which was done with participation of intelligence services' members, he was handed over to the police and then again to Croatian soldiers. The very next day doctor Mitrić was killed and his body was thrown into a man-hole which was then mined. Ranko Starović disappeared in Virovitica in July 1991 and at the beginning of August of the same year so did the 76 years old Slobodan Poplašen, while Mićo Petrović who disappeared on 5 September has also not been found to this day. In December of 1991 in the settlement of Pćelić which belongs to Virovitica, Milenko Momčilović born in 1928 was killed and his remains are still sought after. Duško Šaponja was taken from his house in Jasenaš on 11 January 1992. He was tortured and killed, and his body, thrown in a canal by the road, had been found a morning after the crime. After the murder one of the perpetrators came back into Duško's house and there raped his wife. Persons who declared themselves as Military police took in April of 1992 Vladimir Grubor from his house in Majkovac Podravski — which was attached to the nearby Žlebina in 2001 — and 22 years later he is still registered as a missing person. These are not all of the cases of killing or disappearances of Serb civilians in Virovitica area. Not all of them took place under the same circumstances and it is not clear that the perpetrators were the same, but there is visible continuity of civilians who perished between the summer of 1991 and spring of 1992. In this context one should consider fear of people who witnessed these events even indirectly and their decisions to leave their homes.

Exhumation and identification of victims: Apart from Ranko Mitrić's and Duško Šaponja's found bodies, all other civilians mentioned by name went missing and their families do not know their whereabouts to this day.

Judicial consequences: In a legal procedure against four persons charged with the death of Doctor Ranko Mitrić, County Court in Bjelovar issued an acquittal which the Supreme Court confirmed three years later. Darko Pil and Ivica Majetić, Croatian Army (HV) members were sentenced by the Military Court in Bjelovar in April of 1992 to 15 and 12 years in prison respectively for the crime against Duško Šaponja and his wife. The other cases have not been processed yet. The wife of the missing Bogdan Mudrinić filed a claim for compensation of non-pecuniary damage which was turned down because of the statute of limitations and she was liable to pay along with her co-plaintiffs 10,087.50 kuna in litigation expenses. We are not aware whether higher court instances are currently processing the claim. Since perpetrators had been known and were convicted, Duško Šaponja's wife had an apparently easier task in obtaining compensation, but after the positive second instance ruling, Supreme Court quashed the claim also on basis

of statute of limitation which had occurred. The case is now before the European Court for Human Rights in Strasbourg. The other cases have not been processed by courts as yet.

Novska

According to 2011 census Novska has a population of 13,518 of which Serbs make 4.74%. According to 1991 census Novska municipality had a population of 24,696 inhabitants, of which Serbs made 21.78%. Although Novska administratively no longer covers the same area which it did in 1991 and today has fewer inhabitants, big change in the ethnic structure population is clear, there has been a visible drop in the number of Serbs in this area.

Period: November and December of 1991

Crime description: In the fall and winter of 1991, Novska was situated at the first frontline in the war in Croatia. On 21 November 1991 at about 10 p.m., several Croatian soldiers barged in the house of Mihajlo Šeatović. They took him to the neighbouring house where his neighbours Ljuban Vujić, Mišo and Sajka Rašković were already detained, and then all four were killed with firearms and cold weapons. These Serb civilians, according to the counts of indictment, have been murdered in a specially cruel and brutal fashion. The woman was found naked with sliced throat and chest and a body riddled with bullets. Men had their fingers, testicles and genitals cut off, they were stabbed with knife, their joints and bones were crushed, their necks cut and they were riddled with bullets from automatic gun. On 18 December 1991 in Novska, Croatian Army members entered the house belonging to Petar Mileusnić and after maltreatment they killed Goranka Mileusnić, Vera Mileusnić and Blaženka Slabak, while Petar Mileusnić was gravely wounded. They left the house convinced that Petar Mileusnić was also dead.

Judicial consequences: Military Prosecution Office in Zagreb on 1992 raised indictment against Dubravko Leskovar and Damir Raguž Vide for criminal act of murder, and not for war crime against civilian population. Court Council on 10 November 1992 passed a decision to discontinue criminal proceedings based on the then valid Law on Amnesty from criminal prosecution and proceedings against perpetrators for acts committed during aggression armed rebellion and armed conflicts in the war against the Republic of Croatia. New criminal proceedings were initiated at the County Court in Sisak on 8 March 2010 when the main hearing began against Damir Vide Raguž and Željko Škledar accused of having committed on 21 November 1991 a criminal act of war

crime against civilian population. On 16 April 2010 the accused Damir Vide Raguž was declared guilty before appeal and was sentenced to 20 years of prison, while the accused Željko Škledar was acquitted of charges. On 10 July 2012 at the Appeals Council session, first instance verdict was dismissed. On 7 February 2013 by the Zagreb County Court ruling, Damir Vide Raguž and Željko Škledar were acquitted of charges before appeal. In case of war crime in the house of Petar Mileusnić in 1992, investigation was carried out against Željko Belina, Ivan Grgić, Dubravko Leskovar, Dejan Milić and Zdravko Plesec for criminal acts of murder and attempted murder. Procedure was stopped on 2 November 1992 with a decision on suspension of criminal proceedings and application of the Amnesty law. On 23 September 2010 proceedings were initiated at the Sisak County Court against defendants Željko Belina, Dejan Milić, Ivan Grgić and Zdravko Plesec, former Croatian Army members charged with war crimes against civilian population by killing Goranka and Vera Mileusnić and Blaženka Sabak and injuring Petar Mileusnić in Novska in December of 1991. On 19 November 2010 Sisak County Court's Council for War Crimes rejected these charges considering that the matter has already been adjudicated. Croatian Supreme Court annulled the first instance verdict which acquitted the first accused Belina and second accused Milić. After the repeated procedure County Court Zagreb's Council for War Crimes on 8 March 2013 declared the defendants guilty. Belina was sentenced to 10 and Milić to 9 years in prison. Family members did not receive adequate satisfaction, either moral or financial. They were further victimized because they were obliged to pay court fees for lost lawsuits against Republic of Croatia, which they considered responsible for the crime committed by Croatian Army members. Marica Šeatović, a wife of the murdered Mihajlo Šeatović initiated proceedings in 2004 against the Republic of Croatia for her husband's death which the Municipal Court in Novska dismissed with an explanation: that the rifle used in the massacre in the Rašković house was 'involved in actions of the Homeland War' and that perpetrators were 'drunk and resentful because of the fall of Vukovar'. She appealed at the Sisak court, but her claim was dismissed and in the end she had to pay court fees worth 8500 kuna. In 2008 she filed a lawsuit before the Supreme Court which returned the case to Sisak and then back to Novska where the judge again dismissed the claim. Marica was again obliged to pay court fees which this time totalled 10.000 kuna. From her pension which is 1600 kuna, Marica Šeatović has already paid the state almost 20.000 kuna, while her husband's killers are free and she did not receive a single kuna damages from the state.

Požega villages

On 29 October 1991, members of the Požega civil protection and police began to carry out orders about the evacuation of all citizens from 26 villages that had either exclusively or a majority of Serb population living in the Požega valley at the foot of the Papuk and Psunj mountains. One day earlier, Slavonska Požega Crisis Headquarters issued an order about evacuation, which had to be carried out within 48 hours. The order included the following villages: Oblakovac, Vučjak, Čečavski, Jeminovac, Šnjegavić, Čečavac, Koprivna, Rasna, Pasikovci, Kujnik, Orljavac, Crljenci, Soboština, Milivojevci, Podsreće, Vranić, Nježić, Požeški Markovac, Klisa, Ozdakovci, Poljanska, Kantrovci, Gornji Vrhovci, Lučinci and Oljasi. Later, Smoljanovci and Ruševac were added to this list. According to the 1991 census, these villages had a population of 2120 inhabitants. Of all of them, only Poljanska, Orljavac and Lučinci were ethnically mixed, while the rest of them were populated only by Serbs. Evacuation did not encompass the Croatian villages of Ivandol, Deževci, Perenci, Toranj and Biškupci which bordered with the Serb villages. These villages were marked as 'collecting districts' for the population.

Period: October to November of 1991

Crime description: A written order of evacuation which was displayed in public places on 28 October 1991 stated that 'chetnik terrorist forces and JNA units are increasingly threatening civilian population in the western part of Slavonska Požega municipality with their combat activities' and that 'evacuation is carried out to protect their lives and allow more efficient defence of Croatian forces' defence positions in that area'. Part of the population in the 26 villages to which evacuation order referred, followed the Crisis Headquarters' request, but one part decided to remain in their houses. Although the people were promised to find their property intact upon return home, looting, torching and mining of Serb houses soon started. According to certain information, more than 600 residential and agricultural-commercial properties were torched or mined in the following months. Locals of Čečavski and Šnjegavić villages refused evacuation to the greatest extent and part of the villagers who were evacuated found shelter in their homes. On 10 October 1991, units of the 121 Brigade from Nova Gradiška and 123 Brigade from Slavonska Požega began an extensive operation of clearing the terrain in the area of Vučjak Čečavski, Šnjegavić, Jeminovac and Ruševac. While 'clearing' the terrain, Croatian forces killed at least 41 locals in several villages. Most of them were Serbs, civilians and elderly people. In an exhumation from a mass grave in Šnjegavić, which took place on 11 December 2000, remains of 13 persons were found. Identification of bodies is still pending. Remains of most persons killed there have still not been found.

Killed and missing civilians by villages:

/ Šnjegavić:

Draga Protić	Anđa Stanković	Ljubica Carević
Bosiljka Protić	Mileva Milošević	Branko Ivanović
Ljubomir Protić	Jula Radmilović	Nikola Živković
Milan Protić	Čečavački Vučjak	Jagoda Dulić
Stanko Protić	Milka Šimić	Jagoda Starčević
Ana Radmilović	Mile Dulić	Mara Trkulja
Ilija Radmilović	Rajko Starčević	Anđa Starčević
Anka Radmilović	Ljubica Carević	Dulić Radojka
Milan Radmilović	Milka Starčević	Carević Milan
Janko Živković	Mileva Ivanović	

/ Ruševac:

Stevo Ranosavljević	Anđa Trlajić	Đuro Vasić
Ana Ranosavljević	Ljuba Trlajić	Kata Čičković
Mijo Ranosavljević	Jagoda Miličić	

/ Čečavac:

Mila Radić
Jovo Radić

/ Jeminovac:

Mile Mijatović

/ Oljasi:

Nikola Davidović

/ Ozdakovci:

Marija Milinković

Judicial consequences: On 17 March 2000 criminal charges against unknown people were made but up to this day nobody was held responsible for them.

Marino Selo

Marino Selo is located in western Slavonia in the Požega-Slavonia County and is a part of the town of Lipik. It is important to emphasize that the victims in what is referred to as the Marino Selo crimes were civilians from neighbouring villages of Klisa and Kip.

Period: November 1991 to February 1992

Crime description: Members of the military police platoon in the 76th independent battalion of the Croatian National Guard (ZNG) in 1991 searched Serb houses, in the villages of Kip and Klisa, for hidden weapons and they took a number of civilians to an improvised prison which was set up at a fisherman's house in close vicinity to Marino Selo (Ribnjak). Inside the fisherman's house, ZNG members physically and psychologically tortured imprisoned Serb civilians. In the period between November 1991 and February 1992 at least 24 civilians passed through this prison, of which 17 died from the consequences of their ordeals. The crime was committed by members of the military police platoon of the ZNG 76th battalion.

Victims — abused, tortured and murdered:

/ Selo Kip:

Pero Novković	Branko Bunčić	Jovo Popović
Mijo Danojević	Nikola Gojković	Petar Popović
Gojko Gojković	Mijo Gojković	Nikola Krajnović
Savo Gojković	Filip Gojković	Milan Popović

/ Selo Klisa:

Jovo Žestić	Slobodan Kukić	Savo Maksimović
Jovo Popović	Rade Gojković	Josip Cicvara

Victims — abused and tortured:

Branko Stanković	Jovo Krajnović	Jeka Žestić
Mijo Krajnović	Bunčić Milka	Nikola Ivanović

Judicial consequences: The Požega County Court issued a verdict on 13 March 2009, which declared defendants Damir Kufner, Davor Šimić, Pavao Vančaš, Tomica Poletto, Željko Tutić and Antun Ivezić guilty of war crime against civilians. The Supreme Court annulled the Požega County Court's War Crimes Chamber's verdict on 23 March 2010 on grounds of procedural errors and sent the case to the Osijek County Court. On 13 June 2011, Tomica Poletto (44) received a 15 year sentence and Željko Tutić (44) received a 12 year sentence for war crimes against civilians. Damir Kufner, Pavao Vančaš and Antun Ivezić were declared not guilty, and charges against Davor Šimić were dropped. An appeals session was held at the Supreme Court on 22 November 2011, during which the first instance verdict was fully confirmed.

Pakračka Poljana

The crime was committed in Poljana, a small town 25 kilometres by road between Pakrac and Kutina. Poljana was part of Pakrac under the previous administrative structure, which was valid in 1991 and today it is a part of Lipik. The settlement is better known to the wider audience under the name of Pakračka Poljana, which defines its approximate location. Another reason for this is probably that its official name until 1981 used to be Poljana Pakračka. In 1991 the population was 669, of which the majority were Croats who made 60.69%, and there was a considerable number of Czechs who represented 22.7% of the population. There were 27 persons of Serb ethnicity. Today Poljana has 547 inhabitants. Ethnic structures of population for settlements that do not have status of municipality or town are still not available.

Period: 8 October to mid-December of 1991

Crime description: In the fall of 1991, the Croatian Ministry of Interior's reserve unit was stationed in Pakračka Poljana. During the mentioned period of time, members of this unit brought illegally arrested Serb civilians and a smaller number of Croats to Društveni Dom (community centre) which was turned into an improvised prison. These civilians were interrogated there; procedures were accompanied by frequent beatings, torture and a number of murders. People were most often taken from their homes, almost as a rule they were asked for and stripped of money and other valuables, including cars, in one case; they even took a vacuum cleaner and an iron. Some of the prisoners were tortured with electric shocks, their wounds were sprinkled with salt or vinegar and torture often included blows with hard objects, knives were also used, several women were raped, prisoners were forced to greet their torturers with 'Za dom spremni' (For homeland ready), and they were tortured in many other ways. This briefly described torture is only a smaller part of the crime because several dozen persons in Pakračka Poljana were killed with firearms or died as a consequence of beatings. Serb civilians were brought to the prison camp mostly from villages in Pakrac, Kutina and Daruvar area, but at least three were brought from Zagreb. The camp was situated at the then fair grounds, where the same unit was also stationed. Victims were most often executed by firearms at close range, bullets to the head, after which they were buried in shallow graves, mostly in close vicinity of Poljane. The bodies of at least six victims have yet to be found.

People still missing or their remains were never found:

Pero Novković (born in 1940)

- missing since 16 November 1991

Milan Popović (born in 1929)

– missing since 10 November 1991

Milan Gunjević (born in 1952)

– missing since 10 November 1991

Konstantin Radić Kojo from Krička village

– missing since mid-October of 1991

Pero Rajčević from Kutina

– missing since 11 October 1991

Milan Radonić, from Kutina

– taken to Pakračka Poljana on 26 October 1991, tortured and humiliated after which he disappeared without trace

Exhumation and identification of victims: Victims of the previously described crime have been exhumed in different locations and then identified at the Zagreb Institute for Forensic Medicine as follows:

Ljuban Harambašić

Pavle Ignjatović

Mirko Cicvara

Tejkan Kutić

Mihajlo Vučković

Ljubica Vučković

Ostoja Subanović

Božo Velebit

Stoja Ignjatović

Miloš Ivošević

Rade Pajić

Marko Grujić

Veljko Stojaković

Vaso Miletić

Milorad Miletić

Judicial consequences: In September of 2005, the Zagreb County Court passed a verdict by which the following persons were convicted to a total of 30 years in prison for these illegal arrests, torture, looting and murders: first defendant Munib Suljić (10 years), Siniša Rimac (8), Igor Mikola (5), Miroslav Bajramović (4) and Branko Šarić (3). In May of the following year the Supreme Court increased Suljić's sentence to 12 years in prison. Igor Mikola was on the run as of the first instance ruling but was arrested in July 2014 in Peru where he is awaiting extradition to Croatia. Tomislav Merčep, as the informal commander of this group, was arrested in December 2010 and six months later in June 2011, an indictment against him was raised by the Zagreb County Court. He has been charged based on chain-of-command responsibility for crimes in Pakračka Poljana, and on the same basis for the murder of the Zec family.

In July 2015, the Zagreb County State Attorney changed the factual and legal description of the indictment against Merčep. Instead of command responsibility, he is now charged only with neglecting to prevent members of the unit from committing war crimes against civilian population. In comparison with the first indictment, which charged that as a commander, he was personally responsible for arrests of 52 persons and torture and killings of 43 persons, the new indictment is reduced to saying that he did nothing to prevent his subordinates from committing war crimes against civilian population. The Zagreb County State

Attorney explained the change of the indictment by stating that 'legal qualification remained the same and that the accused is still charged with committing the same criminal act: war crime against members of the civilian population in accordance with article 120 OKZ RH (Croatia's Basic Criminal Code) related to article 28 of the same Code'. However, in view of the fact, County State Attorney further explains, that 'factual description of the acts was now adjusted to the state of facts established during the hearing, the accused T.M. is now charged that he, as the real commander of the MUP (Ministry of Interior) reserve unit, neglected to prevent unit members from committing war crimes against the civilian population.' More than 20 years have elapsed from the time when the crime was committed and the beginning of the trial, and only the first-instance court proceeding is currently underway.

On 1 December 2015, the trial started anew, following the Supreme Court's opinion that all criminal proceedings must be conducted in line with provisions of the new Criminal Procedure Code. During the trial, the case files and 150 witness testimonies were reviewed. Two witnesses were also heard: Jordan Atanasoski and Igor Mikola. The trial is still under way.

On 12 May 2016 Zagreb County Court found Tomislav Merčep guilty for war crime felony against the civilians in accordance with article 120 OKZ RH (Croatia's Basic Criminal Code) related to article 28 of the same Code and sentenced him for 5 years and 6 months in prison.

Almost quarter of century later the suffering of the survivors Pero Rajčević and Đorđe Gunjević was finally acknowledged. If Merčep as a commander had reacted to their arrests, the crimes against the other arrested would never have happened. The crimes would probably be prevented if the reaction of the police, who were informed about the arrest on time, reacted. The sentence is a late satisfaction for the families of victims from Pakračka Poljana and Zagreb; it included murder of Zec family in December of 1991 but unfortunately left out 25 still unidentified victims.

Based on Criminal Procedure Act, Tomislav Merčep was sent to custody. Tomislav Merčep was sentenced, as a real commander of reserve unit of the Ministry of Interior Affairs of the Republic of Croatia, reserve unit stationed in Pakračka Poljana and in Zagreb Fair and as a counsellor in the Ministry of Interior Affairs of the Republic of Croatia between October and December of 1991, for not preventing his subordinates from illegal arrest, abuse and murders of 31 civilians brought from Zagreb, Kutina, Ribnjak, Janja Lipa, Bujavica, Međurić, Zbjegovača and Pakračka Poljana, 23 of them murdered.

Voćin

At the moment Voćin is the centre of Voćin Municipality with 2832 inhabitants according to 2011 census, 211 of them Serbs. In 1991 census there were 1009 Serbs in population total of 1569.

Period: December 1991

Crime description: Between August and September of 1991, the area of Voćin and the surrounding villages were controlled by Serb forces, including volunteer paramilitary units called 'Šešeljevci' and 'Beli Orlovi' (White Eagles). It was a period of many crimes committed against the Croatian citizens in Voćin and surrounding villages (Lager Sekulinci, Preveda and Kometnik). But the crimes didn't stop after the Serbian troop retrieval and the arrival of the Croatian Army. On 13 December 1991 many Serbs left in their villages were murdered or disappeared. Majority still hasn't been found. It remains a fact that Voćin is these days connected with crimes against the Croats in 1991 while only a handful of public remembers the crimes against the Serbs in the same area which stresses the importance of further investigation and prosecution of crimes against all the civilians in Voćin area. According to the available data, 35 locals were murdered in those few days, seven of them were women and 15 were older than 60. The victims were from 11 different villages: Sekulinci (8 victims), Kometnik (6 victims), Gornji Meljani (4 victims), Hum (3 victims), Voćin (3 victims), Đuričić (3 victims), Čeralije (2 victims), Dobrić (2 victims), Rijenci (2 victims), Bokane (1 victim) and Macute (1 victim).

Victims:

/ Sekulinci:

Luka Živković (born in 1919)
Joco Kovačić (born in 1929)
Danka Kovačić (born in 1934)
Petar Radulović (born in 1932)
Lazar Panić (born in 1933)
Lazo Bojčić (born in 1933)
Rajko Vasiljević (born in 1934)
Jovan Kovačić (born in 1947)

/ Kometnik:

Stevan Zubić (born in 1928)
Dušan Jorgić (born in 1930)
Lazar Jorgić (born in 1936)

Dimitrije Vukašinić (born in 1937)
Stevo Veselinović (born in 1940)
Branko Jorgić

/ Gornji Meljani:

Uroš Bolić (born in 1914)
Božo Bolić (born in 1931)
Gavro Smoljanić (born in 1950)
Radomir Radmilović (born in 1958)

/ Hum:

Smilja Radojević (born in 1924)
Petar Jorgić (born in 1925)
Branko Lukić (born in 1934)

/ Voćin:

Milka Plavšić (born in 1906)
Milka Dragojević (born in 1910)
Krista Vuković (born in 1925)

/ Đuričić:

Božica Ivković (born in 1906)
Pantelija Vučković (born in 1915)
Slavko Kokić (born in 1928)

/ Čeralije:

Pero Bojanić (born in 1950)
Slobodan Lazić (born in 1951)
Dobrić: Zdravko Dobrić (born in 1930)
Anka Dobrić (born in 1930)

/ Rijenci:

Borislav Vučković (born in 1947)
Boro Mihaljević (born in 1949)

/ Bokane:

Jovan Matić (born in 1935)

/ Macute:

Milorad Grabić (born in 1933)

Judicial consequences: nobody was held responsible for the crimes committed in Voćin in 1991, there was no legal procedure regarding these events.

Medari

At 6 am on the first day of operation Flash, Croatian Army members entered Medari village and committed war crimes against civilians who were at that time in their homes. 22 persons were murdered cruelly with firearms and cold weapons. The fact that three children and 11 women were among the victims and that most of the men were elderly, speaks about the scale of the crime. The youngest victim was seven and the oldest was 88 years old; also as many as seven members of a single family (family Vuković) were killed. All victims were Serbs. According to testimonies by the families of victims, people in Medari believed that UNPROFOR, whose base was in close proximity, would protect them in case that Croatian Army should enter the village.

Victims:

Ljeposava Burujević (born in 1925)
Mile Burujević (born around 1935)
Rade Čanak (born in 1907)
Draga Čanak (born in 1919)
Ruža Dičko (born in 1943)
Željko Dičko (born in 1967)
Draga Đumić (born in 1919)
Jovan Grmuša (born in 1933)
Jela Mrkonjić (born around 1945)
Anka Niniković (born in 1919)
Nikola Popović (born in 1927)
Nada Popović (born in 1930)
Dragan Romanić (born around 1935)
Zorka Tomić (born in 1927)
Kata Vlajsavljević (born in 1930)
Anđelija Vuković (born in 1959)
Ranko Vuković (born in 1955)
Goran Vuković (born in 1984)
Gordana Vuković (born in 1987)
Milutin Vuković (born in 1945)
Cvijeta Vuković (born in 1950)
Dragana Vuković (born in 1988)

Exhumation and identification of victims: On 3 July 2010, exhumation was completed of the remains of 28 persons from the common grave situated in the area of local cemetery in Trnava village. The following persons were identified on 29 March 2011 at the Zagreb Forensics Institute: Cvijeta Vuković, Anđelija Vuković, Ranko Vuković, Milutin Vuković, Gordana Vuković, Goran Vuković, Dragana Vuković, Ruža Dičko, Željko Dičko and Jovan Grmuša and in April of 2012 the following persons

were identified: Kata Vladislavljević, Zorka Tomić, Draga Đumić and Anka Ninković.

Judicial consequences: Nobody has been held criminally liable yet for the crime in Medari. Procedure is still at the pre-investigation phase and is being conducted against unknown perpetrators. Until the exhumation of the remains of the Medari victims in 2010, the case was with the Osijek county state attorney. However, no indictment has been raised yet for the crimes in Medari. The Vuković sisters, whose parents and younger sister were killed, initiated court proceeding on 4 September 2006 claiming damages before Nova Gradiška municipal court based on the Liability Act of the Republic of Croatia for Damage Caused by Members of Croatian Army and Police Forces during the Homeland War. The same court, on 4 November 2009, turned down their claim as unfounded. Municipal State Attorney's civil administrative department in Zagreb quashed the request for out of court settlement because according to their interpretation this was not a war crime, but instead the civilians who perished were the collateral damage of war. The municipal state attorney in Nova Gradiška initiated enforcement proceedings against property belonging to the Vuković sisters because of court fees they owe, which were incurred by the lawsuit initiated regarding the claim for non-material damages for the deaths of their parents and underage sister.

Banija, Kordun and Pounje

Banija villages

This crime took place in seven Banija villages that are situated in a triangle shaped area marked by the three towns of Sisak, Petrinja and Sunja. The villages in question are Blinjski Kut, Klinjačka Gornja, Klinjačka Donja, Blinjska Greda, Bestрма, Trnjani, Čakale and Brđani.

Period: 22 August 1991

Crime description: In the early hours of 22 August 1991, members of the Republic of Croatia Ministry of the Interior (MUP) and Croatian National Guard (ZNG), i.e. its Second guard's Brigade Gromovi, carried out a military action from the direction of Komarevo and Mađari villages against several neighbouring Serb villages. The action was carried out with the help of several armoured trucks alongside which infantry were moving. As they entered the villages, ZNG members called out to certain villagers by name and then shot them with firearms as they came out of their houses. Some victims were killed in their houses. Most victims were civilians, but some were armed and they clashed with MUP and ZNG soldiers. The death of five Croatian troops and injuries to a number of them testify to this. 15 persons were killed in this conflict and a greater number were wounded. All victims were Serbs. The youngest victim was Željka Bojinović, who was 21 at the time of the killing. She was one of the people that the Croatian troops called by name, inviting her to come out and then shooting her dead when she emerged from the house.

Victims:

Mladen Vranešević	Dragan Biškupović	Radovan Kragulj
Nenad Pajić	Nedjeljko Čajić	Ranko Martinović
Petar Crljenica	Milan Vučinić	Stevo Simić
Ljuban Tatišić	Ratko Đekić	Dragan Bekić
Lazo Stanić	Milan Kladar	Željka Bojinović

Judicial consequences: In 2006 criminal charges were brought against Ivica Kovačić and others for the criminal act of war crime, but in the same year, the Sisak County State Attorney dismissed the charges. To date nobody has been held responsible for this crime. Some families sued the Republic of Croatia seeking compensation and were granted the right to compensation. The case of Željka Bojinović's parents is well

known. The Municipal court in Sisak accepted their action for recovery of damage, established responsibility of the Republic of Croatia and ordered material compensation to Mija and Petar Bojinović. The court established that the act had the characteristics of a war crime. Appeals procedure is under way.

Sisak

According to the 1991 census, Sisak had 45.792 inhabitants of which 10.829 or 23.64% Serbs. According to the 2011 census population of Sisak is 69.281 of which only 5897 or 7.46% are Serbs. Although the administrative area of Sisak town no longer covers the same area that it did in 1991 and is therefore difficult to do a precise comparative analysis, it is completely clear that there was a drastic decrease of number of Serbs in this area.

Period: 1991 to 1995

Crime description: In the fall of 1991 Sisak was practically on the first frontline. Many Croatians from Petrinja and its environs arrived here and a smaller part of Serbs had left, but the position of those who remained was especially difficult. Several different groups of armed persons, members of Croatian military units and Ministry of Interior units intimidated, harassed, tortured and killed Sisak Serbs. Their apartments were searched for weapons, they received threatening phone calls, and they were taken away from their houses and from their workplaces and many were afterwards found dead or are still registered as missing. Executions of Serbs in Sisak were frequently accompanied by the previous torture of victims. Beatings, breaking of limbs, stabbing with knives, even decapitations, all of which were confirmed in findings at the Sisak General Hospital's pathology department. At request of the then District Court in Sisak, autopsy or external examination of 64 bodies of those killed was performed and these findings now testify to the brutality of the crimes that occurred. Imprisonment, torture and killing of Serbs took place at the following locations: Barutana, ORA and Jodno. Two notorious units which were active in Sisak during the war: Vukovi (Wolves) and Handžar divizija (Handžar Division) are responsible for a great number of these crimes. Activity of these units has not been fully clarified to this day. However, it is known that Ekrem Mandal, originally from Novi Pazar, who used to work as a miner in Labin, was at the helm of the Handžar Division, the unit had some 80 members, a majority of whom were Muslims. Vukovi were a smaller unit of about 20 to 30 members. Both units were a part of the Ministry of Interior's reserve forces.

Victims: A full list of names or even the number of all victims who were killed or suffered some form of maltreatment in the Sisak area during war events has still not been established and extensive debates about this continue. Estimates range between several dozen and more than 600 persons killed. What can be said with certainty is that several dozen Serbs were killed in Sisak area in different ways. Below, we provide two lists of victims, one from the indictment against Vladimir Milanković and Drago Bošnjak, and another, much more extensive list put together by the association Forum for Human Rights from Sisak.

a) List of victims from indictment against Vladimir Milanković and Drago Bošnjak

/ Murdered/missing:

Vlado Božić	Zoran Trivkanović	Stanko Martinović
Zoran Vranešević	Berislav Trivkanović	Stevo Borojević
Branko Oljača	Jovan Crnobrnja	Miloš Čalić
Željko Vila	Rade Španović	Vaso Jelić
Evica Vila	Stevo Ratković	Nikola Drobnjak
Marko Vila	Ljubica Solar	Miloš Brkić
Dušan Vila	Milan Cvetojević	Dragan Miočinović
Mlađo Vila	Petar Pajagić	
Nikola Trivkanović	Vojislav Trbulin	

/ Illegally arrested and/or abused:

Stevo Brajenović	Milorad Ratković	Živko Goga
Dmitar Brajenović	Blažana Ratković	Milan Vasiljević
Milan Slavulj	Danica Ratković	Nikola Arnautović
Miodrag Stojaković	Dragica Subanović	Živko Vujanić
Sveto Mijić	Branko Subanović	Ranko Davidović
Gojko Lađević	Lazo Ostojić	Ratko Miljević
Nenad Tintor	Danica Ostojić	Miloš Gojić
Živko Živanović	Dragan Ostojić	Blagoje Savić
Obrad Štrbac	Mirko Drageljević	Radivoj Crevar
Milan Davorija	Neđeljka Drageljević	Ljuban Vukšić
Stevo Miodrag	Nikola Batula	Boško Subotić
Miće Mitrović	Milica Batula	Unknown civilian
Pero Dragojević	Đuro Cvetojević	aged about 45
Ivica Biščan	Dragomir Cvetojević	
Dobrila Crnobrnja	Mihajlo Mrkonja	

b) List of 107 murdered Serbs from Sisak area by Sisak human rights organization Forum

Nikola Arbutina	Damir Begić	Marko Banjac
Stanko Arbutina	Dragan Bekić	Dragan Biškupić

Željka Boinović	Petar Kušić	Rade Španović
Stevo Borojević	Ljuban Lovrić	Miloš Špoljar
Vladimir Božić	Branko Lukač	Đuro Šušnjar
Miloš Brkić	Đuro Lukač	Ljuban Tatišić
Branko Cetinski	Stanko Lukić	Nikola Trivkanović
Pero Crljenica	Ilija Martić	Zoran Trivkanović
Jovo Crnobrnja	Ranko Martinović	Berislav Trivkanović
Milan Cvetojević	Đorđe Mitrović	Milorad Vasiljević
Nedeljko-Neđo Čajjić	Gradoljub Nikolić	Nedeljko Vejnović
Milan Čakalo	Vaso Novaković	Vatroslav Vergaš
Miloš Čalić	Stojan Miodrag	Marko Vila
Veljko Čosić	Pero Obradović	Evica Vila
Stojan Čorić	Milja Obradović	Željko Vila
Ljuban Čenić	Dejan Obradović	Mladen Vila
Branko Dabić	Jovanka Obradović	Dušan Vila
Nenad Denić	Vaso Obradović	Ljuban Vujnović
Jovo Didulica	Branko Oljača	Đuro Vujnović
Mika Draić	Petar Pajagić	Ivan Vojnović
Nikola Drobnyak	Pero Palija	Mladen Vranešević
Damir Dukić	Đuro Pandurić	Zoran Vranešević
Miljenko Đapa	Miljenko Pavić	Milan-Mišo Vučinić
Ratko Đekić	Igor Pavičić	Dragan Vujačić
Ljuban Erak	Nenad Pajić	Draga Vujačić
Miloš Grubić	Nikola Pavljanić	Bogdan Vukotić
Nikola Grubić	Dragan Rajšić	Simo Zlokapa
Vaso Jelić	Stevo Simić	Damjan Žilić
Petar Kičić	Ljubica Solar	Stana Živković
Dragica Kičić	Dragan Sundać	Slavko Ivanjek
Milan Kladar	Lazo Stanić	Ivica Đukić
Dušan Komosar	Slavko Slijepčević	Đorđe Letić
Stanko Končar	Rade, Ostojić	Dragan Rapajić
Kuzman Kovačević	Milovan Stevanović	Vukašin Zdjelar
Radovan Kragulj	Vera Stevanović	Vlado Svetić
Nedeljko Kušić	Željko Škrebac	

Judicial consequences: In 2011, the Osijek County State Prosecution raised indictments against Vladimir Milanković, former deputy head of the Sisak Police Department and Drago Bošnjak, member of the Police Department Sisak reserve forces, for the criminal act of war crimes against civilian population. On 9 December 2013, County Court Osijek's Council for War Crimes issued a verdict sentencing Vladimir Milanković to seven years in prison for the criminal act of war crimes against civilian population. He also received a two year prison sentence for war crimes against prisoners of war, so that he was finally sentenced to eight years in prison. Drago Bošnjak was acquitted of charges. On

10 June 2014, the Supreme Court confirmed the County Court Osijek first instance ruling, but his sentence was altered to 10 years in prison. Another indictment for the criminal act of war crime against civilian population based on chain of command was raised against Đuro Brodarac, but these proceedings were terminated by his death in 2011. None of the direct perpetrators of crimes against Serbs in Sisak was held criminally responsible.

Dvor

Up until 1995 Dvor was called Dvor na Uni. In 1991 there were 14,555 inhabitants in 64 settlements at the Dvor municipality territory. Serbs made up 86.5% of this population and Croats 9.58%. The Croat population was mostly concentrated in six settlements along the Una River between Dvor and Kostajnica, where they made the absolute majority, while Serbs were the absolute majority in all of the remaining 58 settlements. According to the 2011 census, the population at the same territory totalled 5570 persons of whom 4005 or 71.9% were Serbs, and 1440 or 25.85% were Croats.

Period: 8 August 1995

Crime description: On 8 August 1995, between 14:30 and 15:00 hours, 12 persons were shot dead at a school building in Dvor na Uni. Of these persons, ten were mentally and physically handicapped, while the other two were a married couple. According to information available, all victims were Serbs. A Danish battalion, then part of the UNPRO forces, which was stationed in Dvor, witnessed this crime. Jan Wellendorf, a member of the Danish battalion, gave an account to the Danish media, after which the case became known to the public abroad and in Croatia. According to this testimony, Danish troops had intended to react, i.e. fire shots and prevent the crime, but they received orders not to intervene and just observe. Civilians killed at the school in Dvor had been brought from Petrinja a few days earlier along with other 40 or so persons — psychiatric patients and inmates of an old people's home — but the majority subsequently managed to flee to Bosanski Novi. Only persons with gravest disability, i.e. those who nobody wanted or could take along, stayed in Dvor.

Possible perpetrators: According to available information, the murders were committed by 12 persons in camouflage uniforms without visible insignia that would attach them to any of the armies. Croatian forces entered Dvor in the afternoon hours of the previous day, but during the morning and later in the day on 8 August, these forces started

retreating towards Zmlača. This was because of the counterattack by Serb forces from the direction of Bosanski Novi with the goal of unblocking the remaining Serb troops and civilians who stayed behind while moving along the road between Glina, Dvor and Bosanski Novi. At the time of the crime in Dvor, there was an on-going battle between members of the Serb Krajina Army (svk) and the Croatian Army (HV), while several sources also mentioned the presence of the Bosnia-Herzegovina Army Fifth Corps members in Dvor during the mentioned events. Immediately after the crime, according to first reports carried by the New York Times and The Independent, which quoted the UN spokesperson in Zagreb Philip Arnold and Danish troops' testimonies and reports, the perpetrators wore uniforms with VJ Army Fifth Corps insignia, but this information has not been repeated later.

Judicial consequences: It is mostly referred to unidentified perpetrators with no insignia, and at the end of 2012 the Croatian State Prosecution and the Serbian Prosecution for War Crimes reached an agreement about further cooperation to establish and discover the perpetrators and all of the circumstances of this war crime, in order to finally solve the case. Witnesses were jointly questioned in Copenhagen, but for now there is no available information about results of these joint efforts. Thus, almost twenty years after the criminal act, perpetrators not only have not been prosecuted, but it has not been established with certainty which army they belonged to and why they had committed murders.

Although the State Attorney's office marked the Dvor school murder as one of its priorities, there has been no progress in terms of initiating court proceedings for this crime. A Danish documentary dedicated to this event stirred a huge public controversy. The film was co-funded by the Croatian Audio Visual Centre (HAVC) and several veterans' associations and individuals claimed that the film laid the responsibility for this crime on the Croatian Army, although the film actually focuses on questioning the responsibility of the Danish battalion and its commander.

Attack on the refugees

Location: Road from Glina to Dvor

Period: 7 — 8 August 1995

Crime description: On 7 and 8 August 1995 rows of people from the area of Glina, Topusko, Vrginmost and Vojnić were moving along the road from Glina to Dvor. In the vicinity of villages Ravno Rašće, Donji

Klasnić and Žirovac the people were attacked and several dozen civilians were killed. According to witness testimonies, two attacks took place, one by the Croatian Army (HV) and another by the Bosnia Herzegovina Army 5th corps. This crime is one of the less researched crimes in Croatia. Even the small number of witness accounts that exist, are largely contradictory. Thus some HV members claim that a great number of military vehicles was retreating along with the civilians and that soldiers in civilian cars were mixed with civilians and were shooting at them (HV), while some claim that civilians died as a consequence of panic among the Serb military. Regardless of the lack of clarity, the fact remains that a larger and still undetermined number of civilians perished during the course of these events.

Victims:

Aleksa Zorojević (born in 1928) from Donji Klasnić

Miloš Vladić (born in 1931) from Buzeta

Danica Bulat (born in 1931) from Buzeta

Marija Baždar (born in 1928) from Buzeta

Milenko Kukulj (born in oko 1935) from Blatuša

Ljubica Kukulj (born in 1952) from Blatuša

Đurđica Kukulj (born in oko 1967) from Blatuša

Ana Mraović (born in 1905) from Bović

Mile Mraović (born in 1931) from Bovića

Stanko Stanojević (born in 1918) from Bović

Stevan Komadina (born in 1930) from Bović

Milica Rkman (born in 1915) from Brnjavac

Maca Pavlović (born in 1923) from Trepče

Danica Radanović (born in 1924) from Šljivovac

Radanović Ranka (born in 1932) from Čremušnica

Radanović Miljka (born in 1922) from Čremušnica

Perpetrators: Unknown members of the Croatian Army and Army of B-H

Legal consequences: No one has been held responsible for the crime yet.

Korana bridge

According to the 2011 census, Karlovac has 55,705 inhabitants of which 8% were Serbs. According to the 1991 census, Karlovac had a population of 81,319 of which Serbs represented 26.71%. Although Karlovac no longer encompasses the same territory that it did in 1991 and simple comparison of data is not possible, a substantial change in the ethnic structure is quite clear and it is visible in terms of a great decrease of Serbs in this area. The Korana Bridge is very close to the centre of Karlovac and, in

a way, represents the southern entry to the town. During the military conflict, the bridge had an important strategic role in the defence of Karlovac.

Period: 21 September 1991

Crime description: On 21 September 1991 members of the Ministry of Interior (MUP) and Croatian National Guard (ZNG) in Karlovac stopped two military trucks carrying Yugoslav People's Army (JNA) active personnel and reservists. The trucks were transporting troops from the Mekušje barracks to the Logorište barracks, which was in Karlovac. After negotiations and promises by the Croatian side that nothing would happen to them, the JNA members laid down arms and surrendered. Immediately upon surrender, one group of prisoners of war, mostly active JNA members, were driven to the police premises in Karlovac, while another group of 17 soldiers, mostly reservists from the Krnjak village, were led on foot across Korana Bridge. As they stepped on the Korana Bridge, three persons in uniforms and wearing balaclavas killed 13 soldiers with shots from automatic weapons. Of the four survivors, three saved themselves by jumping off the bridge into the Korana River.

Judicial consequences: An indictment was raised against former MUP member Mihajlo Hrastov for the crime against prisoners of war on the Korana Bridge. The procedure against Hrastov is one of the longest in the history of the Croatian judicial system. The Karlovac County court acquitted him three times claiming that shooting was preceded by an attack of disarmed enemy soldiers against Hrastov's fellow fighters, which caused them to lose status of prisoners. The Supreme Court quashed all three acquittals and after quashing the third one it did not return the case to the same court for retrial, but it carried out a second instance and third instance procedure and declared Hrastov guilty, sentencing him to seven years in prison. But since the Supreme Court had not published its verdict, the Constitutional Court overturned it, so that Hrastov was released in 2010. Although the three survivors mentioned that three persons had shot at them and that not only Hrastov was involved, the Croatian State Prosecution (CSP) has yet to show interest in expanding the indictment, nor did it try to prove who ordered this crime. The Supreme Court finally confirmed the second instance verdict, according to which Hrastov was punished with four years in prison. The Supreme Court eventually confirmed the second instance verdict, under which Hrastov was sentenced to four years in prison. The prison term included the time he had already spent in detention and in prison, from March 6 to September 4, 1992 and from 5 May 2009 to 22 December 2010. Trial in Mihajlo Hrastov case went on for 23 years.

Central Croatia

Zagreb

In 1991 Zagreb had 933.914 inhabitants, 49.965 were Serbs. According to the 2011 census Zagreb had 790.017 inhabitants, 17.526 were Serbs. Since the administrative-territorial structure of the City of Zagreb was changed it's impossible to make a direct comparison between the censuses but clearly the number of Serbs living in Zagreb decreased since 1991.

Period: 1991 and 1992

Crime description: A great number of Serbs, who had lived in Zagreb, fled in the first days of the war. Simultaneously with forced evictions from flats which used to belong to the JNA housing fund that were then transferred to the Croatian Ministry of Defence fund; Serbs, under suspicion of being sharpshooters, members of the fifth column, enemies or simply persona non grata as they were branded by media at that time, at the beginning of the war were also victims of harassment and physical attacks. In the middle of 1991 arrests began and in addition to the prison in Gajeva Street, Serbs were taken to the Kerestinec castle in Sveta Nedelja and to the Pavilion 22 at the Zagreb Fair. Pavilion 22 was the collection centre through which certain, yet still undetermined number of citizens had passed between September 1991 and January 1992. Many of them were arrested by reserve police force, i.e. the so called Merčep people. According to statements by witnesses, victims, mostly persons who were better off, were apprehended in complete secrecy and taken to the container within the Pavilion 22, and then transported to Pakračka Poljana where, following torture, they were executed.

Members of the Croatian Ministry of Interior, the so called Merčep group, barged into the house of the Serb family Zec in Poljanička Street on 7 December 1991 in the Zagreb quarter of Trešnjevka. Soon after that, Mihajlo Zec, the father, was murdered in front of the house of a witness, while his spouse Marija Zec, the mother, and daughter, 12 year old Aleksandra Zec, were taken to Sljeme. During the night between 7 and 8 December 1991, eight bullets were fired into the head and chest of Marija Zec and seven into the head and one into the upper arm of Aleksandra Zec. Their bodies were thrown and buried in a pit close to the Adolfovac mountain cabin. Between 12 and 16 December 1991, the following persons were arrested one after another: Nebojša Hodak, Mu-

nib Suljić, Siniša Rimac, Igor Mikola and Snježana Živanović, all members of the Croatian Ministry of Interior units. Soon these suspects were questioned and they confessed to having committed the murders. Their statements only differed in parts referring to the level of responsibility for the crime — Mikola and Živanović, as a couple, protected each other, Suljić insisted that Rimac had ordered him to kill the girl and the woman, Hodak confirmed that Mikola shot at the dead bodies and Rimac admitted that he had ordered that 'just one bullet' should be fired at the girl.

Judicial consequences: Although during questioning they admitted responsibility for the murders committed against members of the Zec family, records from questioning the defendants were ultimately extracted from the file at the request of their attorneys, and were as such not considered as evidence at the trial. As the investigative judge Božidar Jovanović had explained, Zagreb district court accepted arguments of the defence of persons suspected for murdering members of the Zec family, that evidence was not collected in a lawful manner. Namely, defendants were questioned by the Zagreb district court without presence of attorneys, which is contrary to legal practice that a defendant must have an attorney present at the first questioning if the procedure is related to a criminal act for which the imposed prison sentence is 20 years, which was the case in this proceeding.

After half a year, during which Rimac, Suljić, Hodak, Mikola and Živanović had spent in the District detention, on 16 June 1992, the main hearing in this court proceeding began. During the defence's presentation, the five defended themselves with silence. Regardless of their confession of murders in the documents which were later extracted from the proceedings, as well as the fact that arms were found with which Aleksandra, Marija and Mihajlo Zec were murdered, the Zagreb District court, on 9 July 1992, acquitted the five defendants. The verdict reads that the proceedings indisputably established that Mihajlo, Marija and Aleksandra Zec died a violent death as a consequence of injuries inflicted by bullets from shooting firearms. 'This court has established that a fragment of a projectile's metal jacket, which was found under the body of Mihajlo Zec, comes from the bullet fired from the automatic gun of the Hoeckler & Koch brand, serial number S 07759, and this is the automatic gun that was later found in the attic of the Adolfovac mountain cabin. Further, five bullet sleeves that were found by the location where the dead bodies of Marija and Aleksandra Zec were found, were also fired from the Hoeckler & Koch automatic gun, serial number S 07861, and this is the gun that was found in the van belonging to Mandarelo Stjepan... on the canvas belt of this gun, an inscription is visible in capital letters lined one below the other, written

by ball point pen, and it reads MIGOR... But this court established that at the time when the defendants were still members of the Ministry of Interior's special unit, no records were kept about individual assigning of weapons, only that units were assigned a certain amount and type of weapons.' Although the State Attorney had the right to appeal the acquittal, this was not done. The following year, the Supreme Court passed a verdict rejecting as unfounded the request for protection of lawfulness by Croatian state attorney, which referred to the ruling of the Zagreb district court of 26 March 1992, records from questioning defendants with statements containing confessions of murders.

Since the coalition government led by Ivica Račan refused the out-of-court settlement with the surviving members of Zec family, attorney Anto Nobile, on behalf of Dušan and Gordana Zec and their grandmother Bosa, with whom the children had lived in Banja Luka since 31 October 2003, brought a lawsuit against Croatia seeking compensation. The lawsuit was brought because of the fact that it is 'doubtless that the adverse event was caused by members of Croatian armed forces based on the Law on the Croatian responsibility for damage caused by members of the Croatian army and the police during the Homeland War'.

At the closed part of the session, the Croatian government on 29 April 2004 reached a decision on a one-time payment of 1.5 million kuna of financial assistance to the Zec family. By this decision the government indirectly admitted that it would probably lose this lawsuit before court, which would create a precedent that would allow a possibility of court practise in proceedings in which family members are trying to get compensation.

County State Attorney in Zagreb on 10 February 2012 raised an indictment against Tomislav Merčep, which charges Merčep for crimes in Pakračka Poljana based on command responsibility, and on the same basis for murder of the Zec family. During the trial which is still underway at the County court in Zagreb, Siniša Rimac, who was pardoned by President Stjepan Mesić after seven years of prison time, appeared in the role of witness, as did Snježana Živanović and Nebojša Hodak. They denied that they were implicated in the murder of the three members of Zec family, and invoked the final acquittal from the beginning of the nineties. Since 14 September 2005, i.e. since the pronouncement of the first-instance verdict for crimes in Pakračka Poljana, Mikola and Suljić were fugitives at large. Munib Suljić died in 2006 at the prison hospital in The Hague and Mikola was arrested only in July of 2014 in Peru.

In July 2015, the Zagreb County State Attorney changed the factual and legal description of the indictment against Merčep. Instead of com-

mand responsibility, he is now charged only with neglecting to prevent members of the unit from committing war crimes against civilian population. In comparison with the first indictment, which charged that as a commander, he was personally responsible for arrests of 52 persons and torture and killings of 43 persons, the new indictment is reduced to saying that he did nothing to prevent his subordinates from committing war crimes against civilian population. The Zagreb County State Attorney explained the change of the indictment by stating that 'legal qualification remained the same and that the accused is still charged with committing the same criminal act: war crime against members of the civilian population in accordance with article 120 OKZ RH (Croatia's Basic Criminal Code) related to article 28 of the same Code'. However, in view of the fact, County State Attorney further explains, that 'factual description of the acts was now adjusted to the state of facts established during the hearing, the accused T.M. is now charged that he, as the real commander of the MUP (Ministry of Interior) reserve unit, neglected to prevent unit members from committing war crimes against the civilian population.' More than 20 years have elapsed from the time when the crime was committed and the beginning of the trial, and only the first-instance court proceeding is currently underway.

Kerestinec

Since the time of its construction, Kerestinec castle served as a centre or peasants' revolts, including the 1936 Kerestinec revolt which ended in much bloodshed. The most horrible part of its history was written during WW2. By 1941 Kerestinec was turned into a predecessor of future concentration camps. Later on, it became the JNA (Yugoslav People's Army) rocket base, and in 1992 when the military prison in Zagreb's Gajeva Street became overcrowded, the Croatian Army moved into the Kerestinec barracks.

Period: December 1991 to May 1992

Crime description: When Croatian officials turned a deaf ear to the first Red Cross reports about inappropriate treatment of inmates in the army barracks near Samobor, the collection centre Konačište was open in the beginning of January 1992. Prisoners of war, who were earlier tortured in the Gajeva street prison, today the seat of the State Attorney, were moved here. Mistreatment, torture, injuries, maiming and possible killing of inmates were a constant at Kerestinec, which was under the command of Croatian army captain Stjepan Klarić until April 1992. Kerestinec was under the jurisdiction of the City of Zagreb, i.e. the Zagreb Operative Zone. The prisoners were mostly people who had not participated in

military operations of any kind, but who were arrested in Croatian cities, especially in Sisak, on suspicion that they aided and abetted the 'enemy army'. Women of Serb nationality, placed in a separate wing of the Kerestinec camp, were exposed to rape. One of the dozen detained women suffered abortion as a consequence of abuse. There were feigned trials in the prison during which prisoners were forced to participate in physical fights against each other.

'Unknown persons in civilian clothes raped me several times in Kerestinec, and the orders came from a person nicknamed the Doctor', Rajka Majkić from Sisak testified at the trial. Along with her husband, she was arrested in her home, after she arrived from her birth place near Bosanski Novi. At the trial she explained that the 'Doctor' was not a real doctor at all, and she described him as a shorter person with glasses wearing a military uniform.

Apart from rape, she was tortured in the so called black room in Kerestinec, in which she was stripped, beaten and tortured with electricity about two dozen times. 'I remember that one evening we had to dance in the corridor, women had to strip clothes from the upper body and men from the lower part', said the witness.

Miloš Crnković recalled a similar event when, on five or six occasions, guards beat him after having forced him to run naked down the corridors in Kerestinec. He claims not to know who had ordered this, but apart from soldiers in uniforms, people in civilian clothes were also involved in the beatings.

'They would line us up in the middle of a big room where we had to take off the bottom part of our clothes and on the opposite side would stand a bare chested woman. Men then had to masturbate, and if someone failed, then in the same evening they were taken to the black room for torture and beatings', witness said. Prior to torture they put a black sack on their heads so that they would not know who was doing the beating.

One of the witnesses, Dobroslav Gračanin, said at the trial that Josip Perković, Head of the Security Information Service (sis), participated in the torture. Perković negated the allegations stressing that Kerestinec was not under sis jurisdiction, but under the military police. Gračanin, a former JNA major of Croatian nationality, who suffered terrible torture in Kerestinec, and was left an invalid, who was later, by the decision of the Court Martial in Zagreb, freed from all responsibility.

'I was hurting from the night before, so the guard told me to sit; I sat on the chair, in a few minutes the door opened and these two men come in,

Klarić's men. The dark one, who looked well in uniform, I later started calling Master. They approached and asked me who told me that I could sit down. I wanted to answer, but he hit me. He took a cassette player from his pocket and hit me again on the chest, while the other hit me from behind. I felt like a ping pong ball. Questions ensued and then the dark one hit me with his leg while turning around, in a Bruce Lee fashion. I briefly lost consciousness. When I regained consciousness, on the floor, I saw him above me. He said: "Get up!" I got up and the questioning began...' Gračanin said in an interview for Novosti.

In March of 1992, and with mediation of the Commission for Exchange of Prisoners, a request from the International Committee of the Red Cross (ICRC) arrived at President Franjo Tuđman's address, asking Tuđman to stop the abuse and humiliation of prisoners of war and other inmates and to immediately shut down Kerestinec.

Some of the detained persons gave statements to the ICRC following the exchange. They stressed abuse of men with daily beatings, raping women, torture with use of special devices such as sailor ladders, wooden and rubber penises, electric batons, forcing persons to perform sexual intercourse and oral sex, both among detainees and involving prison guards, forcing men to masturbate in front of scarcely dressed women, maiming body parts, cutting of fingers of men and nipples off women. In these statements, tortures of prisoners which occurred in the darkened room, painted in black, called the Laboratory, were emphasized. This was a windowless room which was used as a photo lab. In these statements the commander of the Kerestinec camp, major Stjepan Klarić, was particularly singled out as the one inciting and directly participating in beatings, sexual and other 'games' with prisoners. For example he forced prisoners to bark like dogs and graze grass. They also mentioned some other employees, guards and supervisors, out of some 30 persons that were part of the Kerestinec staff. In the first half of 1992, there was a constant of between 60 and 100 prisoners in the camp, depending on the intensity of prisoners' exchanges.

Victims (physically, mentally and/or sexually abused):

Đorđe Jovičić	Slobodan Kukić	Vid Ninić
Dobroslav Gračanin	Tomislav Božović	Slobodan Jasenski
Milka Badrić	Damir Kalik	Ljuban Grab
Milena Adamović	Branko Zeljak	Dušica Nikolić
Danica Vuruna	Milorad Đuričić	Borivoj Rogić
Danica Poznanović	Branimir Skočić	Nenad Filipović
Zorka Hrkić	Miodrag Nikolić	Nebojša Kostadinović
Pantelija Zec	Petra Došen	Vojkan Živković

Nada Grab	Milorad Blagojević	Rajka Majkić
Nada Miličević	Miloš Crnković	Unidentified person

Judicial consequences: In November 2011, the County State Prosecution in Zagreb raised indictments against five Croatian citizens: Stjepan Klarić (commander of the war prisoners' camp Konačište), Dražen Pavlović, Viktor Ivančin, Željko Živec and Goran Štrukelj (Croatian Army members who supervised work of security guards), on suspicion that they committed war crimes against prisoners of war. They were charged with having abused 26 persons, inflicting upon them great suffering and injuries against both physical integrity and health.

On 31 October 2012, the verdict was published of the County Court Zagreb Council for War Crimes, under which defendants were declared guilty in the first instance and they were convicted to prison terms: first defendant Stjepan Klarić was convicted to three years and six months, second defendant Dražen Pavlović to one year, and third defendant Viktor Ivančin to two the years prison term; while fourth defendant Željko Živec was convicted to one year in prison and fifth defendant Goran Štrukelj to one year in prison. Detention against the first three was abolished and time spent in detention was calculated into the prison terms for all the defendants.

By the decision of the Supreme Court on 16 April 2014, the first instance verdict was abolished and the case was returned to another hearing. Explaining its decision, the Supreme Court made a special remark to the lower court's statements that the crimes took place during an international conflict, and it stated among other that 'the lower court had clearly stated why it considered that this was an international conflict, but whether these reasons were valid is another matter.' Furthermore, in the Supreme Court's decision that quashed the verdict, it is explained that Croatia on 8 October 1991 broke all state and legal ties with the SFRJ, by which it declared its independence. Another trial began in February 2015.

On 11 March 2016, the prosecution, defence and a lawyer representing the victims made their closing arguments, which concluded the hearings in the repeated trial before a partly changed pannel (judge Petar Šakić had been on the panel at the previous trial) presided by the judge Renata Miličević. According to the indictment, which had been altered in the meantime, the five defendants were charged with two criminal acts: a war crime against civilians and a war crime against prisoners of war. The defence lawyers for the Kerestinec hostel commander, Stjepan Klarić, and the other defendants, requested acquittal for their clients in the closing argument, claiming that their guilt had not been established,

while the prosecution requested that they be found guilty as charged in the altered indictment. The original verdict for the war crime in Kereštinec was passed on 24 March 2014. Stjepan Klarić was sentenced to eight years in prison (subject to appeal), Ivančan to five years, Pavlović to three, Štrukelj to two and Šivec to a year and a half in prison.

Bjelovar — barracks

The town of Bjelovar is situated on a plateau on the southern side of the Mount Bilogora. As the centre of the Bjelovar-Bilogora County, but also as a settlement with more than 40.000 inhabitants, Bjelovar is one of the political and cultural centres of central Croatia. According to the 1991 census, 5898 Serbs used to live in Bjelovar and they represented 8.93% of the entire population. According to the last, 2011 census, 1877 Serbs live in Bjelovar, which represents 4.66% of the entire population. Although Bjelovar no longer encompasses the same territory it had in 1991, and its population today is 40.276 versus the former 66.039; a great change in the ethnic structure of the is visible in terms of the reduced number of Serbs in this area.

Period: 29 September 1991

Crime description: The Yugoslav People's Army (JNA) barracks, which housed the JNA 265th motorised brigade, was located in Bjelovar. In the fall of 1991, some 150 JNA soldiers were serving at the army barracks. Members of the Croatian National Guard (ZNG) started an attack against the barracks at about 7 am. On 29 September 1991. In the day-long conflict and fire exchange, JNA troops hit a number of civilian buildings in Bjelovar and three women were killed in the shelling. During the afternoon hours of the same day, Colonel Rajko Kovačević ordered a ceasefire and laying down of arms. ZNG members then entered the barracks and disarmed the JNA officers and troops. Colonel Rajko Kovačević, lieutenant-colonel Mijo Vasić and captain first class Dragiša Jovanović, were killed with shots to the head. On the same day, ZNG members surrounded the arms warehouse in the Bednik forest. After a brief exchange of fire, warehouse commander mayor Milan Tepić ordered his troops to surrender, and he remained in the warehouse. As the Croatian troops were entering the building, Tepić activated explosives and destroyed the warehouse. He himself was killed along with 11 ZNG members and 7 JNA members. Six JNA members: Radovan Barberić, Zdravko Dokman, Radovan Gredeljević, Ivan Hosjak, Boško Radonjić and one unknown person were taken prisoner and brought to the police station in Bjelovar. They were taken to the Česma forest outside Malo Korenovo village in the night of 3 October 1991 and were executed.

Savo Kovačević, a civilian from Bjelovar, who was also taken to the woods and accused of acting as sharpshooter, but survived, testified about this event.

Judicial consequences: The former president of the crisis headquarters and president of the Bjelovar Municipal Assembly Executive Committee, Jure Šimić, was detained in November 2011 at the orders of Bjelovar County State Attorney, on counts of having committed war crimes against prisoners of war (POW). According to the County State Attorney, Šimić singled out three POWs from the first group: K.R., V.M. and J.D. and ordered a group of armed persons to take the POWs ten meters further and kill them, which they did by 'shots from firearms'. Šimić was released from detention, but according to the state attorney's office, his trial should start in 2015 before the County Court in Rijeka. On 8 June 2015, the main hearing started before the County Court in the trial of the first defendant, Jure Šimić, for crimes against prisoners of war. According to the indictment, the accused Šimić had ordered the execution of three imprisoned JNA (Yugoslav Army) officers.

On 29 September 1991 — 60 officers and 150 regular soldiers surrendered. They were disarmed and dressed in trousers and undershirts. The indictment accuses Jure Šimić of having singled out Colonel Rajko Kovačević, the commander of the 265. Mechanized Brigade stationed in this barracks, and his assistants: Lieutenant Miljko Vasić and Captain Dragiša Jovanović, and ordered a group of soldiers whose identity remains unknown to take them aside and execute them. The soldiers did this by firing their weapons. During the hearing the accused Šimić pleaded not guilty. Four witnesses, who had not been at the barracks at the time of the execution, testified about whether the accused may have issued the order. Šimić has not been remanded and remains free while the trial is under way.

Bjelovar — mining

Period: from 1991 to 1995

Crime description: Although Bjelovar was quite distant from war events, during the period between 1991 and the end of 1995, more than 650 houses owned by Serbs were mined, all in a very similar scenario. Some houses were blown up on more than one occasion. Jovica Brkić, one of the Bjelovar citizens whose house was mined said:

It was about 1:30am., we were all asleep: my wife, her parents and our 19 year old daughter. When it exploded, the windows cracked, glass sprayed

everywhere. Luckily nobody ran out to see what was going on because after the explosion the shooting started, I later counted 150 shots. At least three persons were shooting, I saw them as they were replacing rifle cartridges. In ten minutes there was an explosion in the garage under the new Mercedes.

The goal of these premeditated actions was to chase the Serbs out of this area, and comparative data show that this goal was to a great extent achieved. Duško Zorić, one of Bjelovar citizens whose house was also mined said:

Fifteen days after my weekend cottage was mined, I was sleeping in the attic with my 7-year-old and 14-year-old daughter when our first floor was also mined. It saved our lives because the entire first floor was ruined. It was raining heavily but as I ran out I saw a police Land Rover passing by... Shortly after it, few policemen came to interrogate me. My nationality was among the most important questions. Chines, that's what I am. It was very humiliating.

Civilian Nikola Blagojević from Prespa village was killed in his house in which mines were placed. In Bjelovar, several houses that were owned by Croats, who publicly condemned the destruction of homes owned by their fellow citizens of Serb ethnicity, were also destroyed. Bjelovar certainly is not the only town in Croatia where such things were happening, but because of the great number of cases, it seems an ideal example of a specific kind of ethnic cleansing.

Judicial consequences: Rare were those who dared suing the Republic of Croatia, during the 90's, on account of their destroyed property. By passing the Law on changes to the Law on Obligatory Relations, article 180 of the old law was abolished, by which damages as a result of terrorism were removed from the law until a new law is passed, creating a legal void in which there was no legal framework to address the issue of responsibility for damages as a consequence of terrorist acts. This legal void lasted for almost seven years until the Croatian government, in 2003, passed the Law on responsibility for damages incurred by terrorist acts and public demonstrations, but the Serbs who suffered damages were tricked by this law as well. Thinking that they had the right to compensation for damages, citizens re-initiated court procedures, but they kept losing and were left with the obligation to pay extremely high court fees due to the great value of these cases. In 2009 the Government passed a decision to write off fees connected to cases that were already adjudicated in procedures initiated in 1996, but cases which were initiated after the 2003 law was passed, were not covered by this decision, and plaintiffs are still losing lawsuits and are paying court fees, because of which their properties are, ironically, subjected

to seizure. The Pravda (Justice) association was established in Bjelovar in 2004 and gathers parties who suffered damages from terrorist acts and fights for their rights.

Lika and Dalmatia

Gospić

In 1991, Gospić had a population of 9025, while the town of Gospić administratively included almost 30.000 inhabitants distributed in 82 town and farming settlements. Out of 9025 citizens of Gospić, 35.93% or 3243 inhabitants were of Serb ethnicity. Croats represented some 5000 people of this population. Today Gospić administratively does not cover such a large area since several municipalities were created in this area, as well as some town settlements (Karlobag). According to the 2011 census, the town's territory encompasses 50 settlements with 12.745 inhabitants of whom only 609 are Serbs, making up 4.78% of the entire population.

Period: 14 — 18 October 1991

Crime description: In the first half of October 1991, Gospić police made a list of Serbs who continued to live there after the beginning of the war or who returned there after local government's appeals. A group of people gathered around the so called Operative Headquarters Lika, at the head of which informally was Tihomir Orešković (in this group was also the then commander of the 118 brigade, Mirko Norac), but with great power and influence, and who organized, in mid-October, the illegal and unfounded detentions of civilians from the lists, mostly Serbs, but also some Croats from Gospić and the surrounding area and Karlobag. More than 50 people were taken to the Perušić barracks where they were detained, but four of them were released. On 17 October, during the evening hours, the so called deadly meeting was held in the Operative Headquarters where 15 persons participated and where it was decided that the detained civilians should be executed. Civilians were then led to the Žitnik pine tree plantation where at least 10 persons were executed. Mirko Norac and some other participants of the meeting, who remain unnamed, took part in the executions. The very next morning, on 18 October, in line with the agreement between Orešković and Norac, Stjepan Grandić, as the commander of the Second battalion stationed at the Perušić barracks, organized the transport of the remaining civilians to the Lipova Glavica locality outside Perušić. There he commanded Croatian Army troops to kill, with firearms, persons who were brought there. Along with Orešković, soldiers acted according to orders and within two days more than 50 victims were executed (identity of 47 has been established). Serbs killed in the mentioned period

were not the only Serb civilians in Gospić — killings, disappearances, and illegal evictions from houses and flats took place at a smaller scale before and after the crime described, but not necessarily by the same perpetrators or in the same circumstances. To this day 12 victims are considered missing who had disappeared during the described period.

Victims — missing:

- Danica Barač (born in 1923)
- went missing on 14 October 1991
- Mile Čubelić (born in 1941)
- went missing on 17 October 1991
- Gojko Hinić (born in 1949)
- went missing on 17 October 1991
- Borislav Marić (born in 1945)
- went missing on 16 October 1991
- Anđelka Pantelić (born in 1941)
- went missing on 17 October 1991
- Mirjana Pantelić (born in 1963)
- went missing on 17 October 1991
- Dragan Rakić (born in 1960)
- went missing on 18 October 1991
- Nikola Serdar (born in 1903)
- went missing on 17 October 1991
- Milan Smiljanić (born in 1947)
- went missing on 16 October
- Nikola Stojanović (born in 1927)
- went missing on 17 October 1991
- Božidar Tomičić (born in 1953)
- went missing on 17 October 1991
- Nebojša Trešnjic (born in 1953)
- went missing on 17 October 1991

Exhumation and identification of victims: JNA, i.e. members of the 6th Lika brigade found on 25 December 1991, 24 charred bodies in the area of Duge Njive village east of Perušić. Doctor Zoran Stanković from the Belgrade Military Medical Academy carried out external inspections of the dead bodies. Among the identified were: Radmila Stanić, Branko Kuzma Nović, Branko Štulić, Stanko Smiljanić, Radojka Diklić, Mirjana Kalanj, Đorđe Kalanj, Dane Bulj, Milan Pantelić, Mileva Orlović, Miloš Orlović, Radovan Barač, Ljubica Trifunović, Petar Lazić, Borka Vraneš, Bogdan Šuput, Dušanka Vraneš, Nikola Gajić and Željko Mrkić, i.e. 19 of 24 victims. 18 bodies were then buried in a mass grave on Debelo Brdo and six of them in individual graves. On 16 and 17 December 2000, 18 bodies were unearthed at Debelo Brdo and were then examined by experts from the Institute for Forensic Medicine and Criminology

Rijeka, and identification through DNA analysis was carried out, which resulted in identification of 15 remains, while three were not identified. Identifications of 13 persons recognized in 1991 were confirmed and more persons were identified: Mićo Pejnović and Sofija Lončar and in July 2014, at the institute for Forensics in Zagreb, the remains of Stanko Smiljanić and Željko Mrkić were identified.

Judicial consequences: A County Court Rijeka verdict from March 2003, which was confirmed by the Supreme Court verdict in June 2014, sentenced Tihomir Orešković as the main order issuing authority, to 15 years in prison, Mirko Norac to 12 and Stjepan Grandić to 10 years in prison. Since Mirko Norac was already convicted with a six year sentence for crimes in Medak Pocket, his sentences were merged and totalled 15 years in prison and after two thirds of the prison term he was released from prison. The other two convicted persons were also released. Although numerous other officers and soldiers took part either in planning, organizing, or execution of the crimes, only the mentioned three, certainly the most responsible ones, were criminally charged.

Medak Pocket

The Area of Medak Pocket encompasses the villages of Divoselo and Lički Čitluk including the adjoining hamlets and part of the Počitelj village. The area is situated south of Gospić and it covers approximately 50 square kilometres. It is a rural area that is mostly covered by pastures and woods. According to the 1991 census, 780 inhabitants lived in the mentioned villages (344 in Divoselo, 129 in Čitluk and 307 in Počitelj), of which 92% were Serbs. According to the 2011 census, a total of 12 inhabitants lived in these villages, four in each. According to the 2001 census, 31 persons lived in the described area, but it is difficult to establish whether it is a case of departure of those who had returned, difference created due to usage of different methodology in two censuses or that the population died off, bearing in mind those mostly elderly persons returned to these devastated villages. Whatever the case may be, this is not only about the fact that there are almost no people there, but that life in this area is difficult to imagine because resources were almost completely destroyed and were later only marginally reconstructed – torn-down houses, the forest expanded into once cultivated farmland and into ruined houses, there are contaminated wells and there aren't any preconditions for a bearable life, particularly in Divoselo and Počitelj.

Period: 9 — 17 September 1993

Crime description: At 6am, on 9 September 1993 an assault by Croatian forces began, i.e. members of the 9th motorized guard brigade and the associated units (Domobran battalion Lovinac, Domobran battalion Gospić and the 111th Domobran regiment) as well as the Special police; in the area that was by then controlled by the Serbian Autonomous Region (SAO) army and its associate paramilitary and volunteer units. After two days of fighting, the Croatian forces took control of this area and on 11 September they fought off a counter attack with which the Serb Army of Krajina (svk) 15th Lika corps attempted to regain lost territory. On the first day of action, there were many civilians killed of which the large majority were elderly. Among them were at least ten women including one, 84 year-old, who was blind and was killed in her own courtyard. By the end of action, i.e. withdrawal of Croatian troops from Medak Pocket, which was the consequence of pressure by the international community on the Croatian government and of the agreement signed on 15 September 1993; at least 28 civilians and more than 50 troops on the Serb side lost their lives. It should also be said that not all of the soldiers died in action, some were killed after being taken prisoner, and in some cases grave abuse, torture and atrocities were proven. At least one victim had a severed neck; and it is undisputed that there were a number of cases of charred corpses. It is certain that almost without exception, all of the victims were Serbs, apart from one Croatian woman who was married in Čitluk. After the decision to withdraw was made, between 15 and 17 September, Croatian soldiers mined almost every house that remained undamaged during the action, while cattle were killed and wells with potable water were contaminated so that return to those villages would become permanently impossible, making it ethnically cleansed terrain.

Exhumation and identification of victims: After the action, the Croatian side handed over 52 victims' bodies and another 18 were found by UNPROFOR members who arrived to the area on 17 September 1993. Of those 18, 11 were men and seven women. Eight men were soldiers, two civilians; there was one body of undetermined status, while all of the women that were recovered were civilians. In May of 2000, another 11 bodies were found in a septic tank in Obradovića Varoš in Gospić, of which six were identified as victims from Medak Pocket. To this day the families have not received the bodies of the eight victims from this action.

On the list of missing or those whose remains are sought are:

- Željko Basara, born on 23 August 1971, to father Milan, soldier
- went missing between 9 and 23 September 1993 in Divoselo
- Bosiljka Bjegović, born in 1909 or 1912, to father Stevo, civilian
- killed on 9 September 1993 in her courtyard, but is considered missing

because her body has not been buried

Mile Jovančević, born in 1924, to father Avram, soldier

- went missing in Divoselo on 9 September 1993

Štefica Krajnović, born on 3 March 1931, to father Josip, civilian

- went missing in Čitluk on 9 September 1993

Stevo Pjevač, born on 14 November 1926, to father Dane, civilian

- went missing in Čitluk on 10 September 1993

Momčilo Vujnović, born in 1936, to father D Mitar, soldier

- killed on 9 September 1993, body has not been found

Sisters Sara (born in 1921) and Ljubica Kričković (born in 1929)

- killed in the basement of their house in Čitluk, Sara's throat was cut.

Although it was testified at the Mirko Norac and Rahim Ademi trial that both persons were recognized and identified among corpses which were taken to Metak for identification, their names are still registered in the Book of Persons Missing on Territory of Republic of Croatia among those whose remains are sought, which was also stated in the Supreme Court's final verdict.

Juridical consequences: Hague Tribunal's investigators started investigation of this crime which led to an indictment in 2002 against three Croatian Army officers, i.e. retired General of the Army Janko Bobetko (who was at the time Chief of the General Staff of the Armed Forces), retired general Mirko Norac (at the time of action with rank of colonel and at the position of commander of the 9th Guards Motorized Brigade (ГМТБР) within the Gospić Operational Zone) and general Rahim Ademi (at the time with rank of Brigadier and the position of the Operational Zone Gospić commander). On 29 April 2003 Janko Bobetko died in his home and the Hague Tribunal in September 2005 transferred the Ademi-Norac case to Croatian judiciary's jurisdiction. During the next year, in November, a 'domestic' indictment was raised and eight months later, on 9 May 2008, trial began. Rahim Ademi was acquitted of charges by a verdict before the appeals process, while Mirko Norac was sentenced to seven years in prison. The Supreme Court confirmed the acquittal of Rahim Ademi with its final verdict of 18 November 2009 noting that he did not have effective command control in the area at the time when crimes were committed, while the first instance verdict for Norac was confirmed, but the sentence was reduced by one year. The verdict against Norac gave way to the opinion that he could be held responsible for death of the civilians that were killed outside the area occupied by units under his command, i.e. area captured by Special police forces. The question is why, to this day, none of the direct perpetrators or members of the Special Police chain of command answered for these crimes to this day. During the court procedure, it also became apparent that the case was systematically concealed, primarily through the activity of military intelligence structures, which could also lead to

participants' criminal-legal responsibility. Furthermore, victims killed on 9 September 1993, which is when the majority of the victims were killed, were excluded from the verdict with the conclusion that Mirko Norac was convicted for the crime of omission (no punishment and no prevention), for which reason he cannot be guilty of an act which he did not order and which he could not have been aware of before it was committed. One of the consequences of this is that the families of seven legally confirmed civilian victims who died on 9 September 1993, are not able to seek damages via lawsuits victims of war crimes.

Kuline

Kuline are the former JNA (Yugoslav People's Army) barracks situated at the southern part of the town of Šibenik, next to the Mandalina port. The barrack' premises were also used as a military prison. In the beginning of 2012, the former barracks' main building was torn down to be replaced by a luxury hotel and a marina which can receive mega yachts and ships at Mandalina port.

Period: From 1992 to 1993

Crime description: On 2 March 1992, the Croatian army entered Nos Kalik village and captured 21 members of the Serbian Krajina Army, transported them and imprisoned them in the Šibenik military prison Kuline. Physical and psychological abuse was a daily occurrence at the prison. Guards beat prisoners with their legs and arms, they used rubber batons, rifle butts, electric cables and other objects to beat prisoners on the head and all over the body, tortured them with stripped electric wires and used electric shocks. Some prisoners were forced to have sexual intercourse. Apart from prisoners of war at least four civilians were detained in Kuline prison. Detained civilians were physically and mentally tortured every day, one of the women was repeatedly raped and forced to have sexual intercourse with one of the detained civilians. Total number of persons, both prisoners of war and civilians, who passed through Kuline prison, has not been established so far.

Judicial consequences: Former Special Police members Tvrtko Pašalić, Željko Maglov, Damir Boršić and Milorad Bajić were charged with war crimes against prisoners of war in Kuline. A panel of judges of the County Court in Split abolished detention for the prisoners. At the Split County Court, proceedings were conducted against the former Kuline military prison commander Damir Boršić and against his colleague from the 72nd Battalion's second company, Miroslav Periša. They were charged with war crimes against civilians at the Kuline military prison

in 1993. The trial chamber considered that evidence was not sufficient and suspended the proceedings. County prosecution appealed to the Supreme Court which overturned this ruling, confirmed the validity of the indictment and retrial is now underway. The trial for the crime against prisoners of war in Kuline started before the County Court in Split. The County Court prosecution has indicted four persons: Tvrtko Pašalić, Željko Maglov, Damir Boršić and Milorad Paić. All of the accused remain out of detention during the trial. Before the same court, a separate trial for war crimes against civilians detained in Kuline is also under way against the third defendant, Damir Boršić. The trial is still under way.

A woman, who was repeatedly raped over the course of 10 days in military prison in Kuline by guards and other unknown people, witnessed through a video link. In February of 2017 Ministry of Croatian Veterans denied the aforementioned victim of her victim status and rights guaranteed by Act on the Protection of Victims of Sexual Violence in War.

The Ministry offered further explanation: 'Committee for victims of sexual violence concluded, based on evidence, that the aforementioned wasn't a victim of sexual violence during the Homeland war.' Although legal process is not a precondition for acquiring the status, in this case not even that was enough.

Lora

Military investigation centre Lora was a military prison in Split, situated in the eastern part of the Lora naval base. This was a building fenced with barbed wire, which contained military police premises and there were prison cells with military and civilian prisoners on the northern side of the building.

Period: From 1992 to 1997

Crime description: In 1992 at the premises of the former Yugoslav People's Army (JNA) military-investigative prison at the Lora naval base, a camp was established where a great number of detained civilians, mostly Serbs, were held without any legal basis, on suspicion that they had participated in hostile activities against the Republic of Croatia. Prisoners were being arrested and captured all over Croatia, but some of them (captured soldiers from Serbia and Montenegro) were brought from Bosnia and Herzegovina. Prisoners suffered daily insults against their human dignity, humiliation, physical and psychological abuse, torture and corporeal punishment which all had led to the death of some of them.

We bring testimonies of some of the witnesses:

After three days of staying at Lora, a group of us, some 70 arrested Serbs from Kupres, were bound and mounted on a truck which took us in the direction of Duvno. Somewhere near Drniš, the truck stopped and I saw that a big hole was dug out in the ground near which a bulldozer was at work. People with motor chain-saws in their hands stood by. Croatian soldiers who brought us here took 8-9 Serbs from our group off the truck: brothers Ratko and Ljubo Milić, Dušan Nikić, Slavko Dragoljević and Čivičić who was deaf-mute, and I do not remember the others' names. They led them to that hole and killed them.

I also remember a young man by the name of Bojan who they called White Eagle or Eaglet. He was alone in his prison cell. They tortured him particularly harshly. He was stark naked, incredibly thin, a real skeleton. They mistreated, beat and tortured him the most. One morning I noticed when the guards had brought breakfast that he was lying on his back in his cell. His body was completely yellow. We were immediately returned to our cells. I heard the sounds of coffin being made and guards whispering in the corridor. I never saw him again.

In Split we were taken to the perimeter of Split maritime sector where there was Croatian military police centre. Same as in Gornji Brišnik, we descended from the truck one by one. We were met by Croatian policemen who beat us. Three meters ahead of me was Petar Spremo. One Croatian soldier hit him hard on the head with a pistol grip. After the blow, he fell and hit the top of his head against the curb and remained laying there. I never saw him again. The same soldier hit me hard on the head with the pistol grip too, after which my skull cracked in four places and I was all covered in blood.

The number of people who passed through Lora camp was never precisely determined, but some sources speak of more than 1,100 persons who at one moment passed through Lora. The situation is the same with the number of persons murdered in Lora. While indictments before Croatian judiciary operate with two murdered prisoners (Gojko Bulović and Nenad Knežević), some sources suggest a far greater number. For example, the Federal Republic of Yugoslavia Committee for collecting data on crimes against humanity and international law, speaks about over 20 persons killed, and some of the prisoners who have survived Lora speak of about 60 persons who disappeared in Lora. Tonči Majić from the Dalmatian committee for human rights, talks about several dozen persons who lost their lives in Lora.

Judicial consequences: By the verdict issued by the County Court Split, presided over by the judge Slavko Lozina, on 20 November 2002, eight

persons accused of the crime in Lora were acquitted. The Supreme Court, in its ruling on 5 March 2004 annulled the acquittal and returned the case for a retrial. On 2 March 2006 President of the Council for War Crimes at the County Court in Split, judge Spomenka Tonković, issued a verdict by which defendants Tomislav Duić, Tonči Vrkić, Davor Banić, Miljenko Bajić, Josip Bikić, Emilio Bungur, Ante Godić and Anđelko Botić were declared guilty and sentenced, with the right to appeal, to between 6 and 8 years in prison for the criminal act of war crime against civilians. The Supreme Court, on 6 February 2007, passed a verdict and a decision rejecting the appeals of defendants Tomislav Duić, Tonči Vrkić, Miljenko Bajić, Josip Bikić, Davor Banić, Emilio Bungur, Ante Gudić and Anđelko Botić and the State Attorney, as unfounded, and confirmed the first instance court's verdict. The court also rejected the appeal by Anita Bikić, wife of the defendant Josip Bikić, as untimely. After the surrender of Josip Bikić, who was previously convicted to six years of prison in absentia, the procedure against him was repeated. On 29 December 2009, the main hearing took place and the verdict was released. The previous verdict was annulled in the part of the decision related to sentence, and Bikić was thus sentenced to four years in prison. Miljenko Bajić was arrested in September 2010. A renewal of the procedure was allowed. After the renewal of the procedure was carried out, the previous verdict remained valid, but with a reduced sentence. He was sentenced to the prison term of four years and six months by the new verdict. Judicial proceedings in the Lora case were marked by different obstructions, from the start, by judicial entities. Publicist Darko Petričić and journalist Domagoj Margetić reported Chief state prosecutor Mladen Bajić to the Hague Tribunal because, as they alleged in the report, he shared responsibility for war crimes in the Split Lora in the 90's because 'captives were being arrested and questioned by his order'. Tonči Majić from the Dalmatian Committee for Human Rights confirmed that Bajić, then military prosecutor in Split, participated in questionings in Lora and adds that there are indications that he was at Lora when captives were being tortured. As if years of procrastination regarding the indictment were not enough, the case was then assigned to the County Court Split judge Slavko Lozina, who at that moment, had quashed the most verdicts off all the judges at that court, who turned the trial into a sort of circus and in the end acquitted all the defendants.

On 9 September 2015, the main hearing in the trial against Tomislav Duić and others opened before the Split County Court's war crimes council. They are accused of having committed war crimes under article 122 of the Croatian Criminal Code. The defence counsel for defendant Emilijo Bungur requested on 11 September 2015 the exemption of the council's president and its members as well as that of the Split County Court president. The trial has been suspended until further notice

pending the Supreme Court's ruling on the request. The next hearing in the trial for Lora 2, scheduled for Wednesday, 3 January 2016, has been postponed until 6 April 2016, pending a decision on whether to merge Lora 1 and Lora 2 proceedings, as requested by Emilijo Bungur's defence. Meanwhile Tomislav Duić and Emilio Bungur were arrested and sentenced, in absentia, to 8 and 6 years in prison after which they asked for a renewal. From 31 January 2017 they object of unique criminal procedure for crimes committed in Lora against both civilian and war prisoners.

Operation Storm

'Republic of Serbian Krajina' (RSK) encompassed the territory of Lika, Kordun, Northern Dalmatia, Banija, Western Slavonia, Eastern Slavonia and Western Srijem and Baranja. RSK was divided into four UN sectors: West (Western Slavonia), East (Eastern Slavonia), North (Kordun, Banija and northern part of Lika) and South (Dalmatia, southern part of Lika). Operation Storm was carried out on the territory of UN sectors South and North.

In the early hours of 4 August 1995, the Croatian army began a very extensive military operation named Storm, against parts of the Republic of Serbian Krajina, namely UN Sectors North and South. The action started at approximately 5 am with shelling of all more significant points of Serb defence, especially the city of Knin as the central city of RSK. The action itself lasted for 84 hours, i.e., its official ending was declared on 7 August at 6 pm. Some 200.000 Croatian soldiers took part in the operation, bearing in mind that Croatian Defence Council (HVO) and B-H Army actively participated in some parts of the operation. The Republic of Croatia's constitutional-legal order was re-established by the operation Storm on a large part of territory covered by RSK, but this action cannot be viewed without taking into consideration its negative consequences which have lasted to this day. Research conducted by the Croatian Helsinki Committee (HNO), showed that during and after completion of military actions, more than 600 civilians were killed at the territory affected by the operation and that several thousand houses and outbuildings were burned down. Documentation and Information Centre Veritas assessed that the number of civilians killed during and after the operation Storm was more than 1200. Out of fear for their safety and because they were urged by Krajina authorities, around 200.000 of its former inhabitants, predominantly Serbs, left Croatia. Their return was prevented due to the failure to establish security measures and the rule of law in that part of Republic of Croatia territory, by delayed processing of war crimes, inefficient return programs and slow administrative and economic measures to promote reconstruction of destroyed and looted infrastructure. Synergy of aforementioned elements resulted in permanent emigration of Serb population from one fifth of Croatian territory to the extent that it absolutely has effects of ethnic cleansing.

Because of the fact that different crimes committed after the operation Storm were researched at varied extent, unfortunately it is not possi-

ble do describe consistently and evenly every individual crime, nor is it possible to lay out lists of victims by names for every crime. For this reason we bring details of only some of the crimes, while some, which were best researched, are presented as separate individual crimes on this map of crimes.

Komić

Komić is a village near Udbina, to which it belongs administratively. In 1991 it was a part of the Titova Korenica municipality. According to 2011 census only 20 persons live there and according to the last pre-war census (1991) Komić had 153 inhabitants of whom 152 were Serbs and one Yugoslav. The nearby village of Poljice had 45 inhabitants, all of them Serbs, but now there are only 9 persons in this village. Economic activity consists of several herds of sheep and perhaps individual honey production, and it is practically impossible to come across a person below the age of 50 in this area. Unfortunately, like many other villages in Lika, Komić is on a practically inevitable path of extinction, and the grave crime committed there several days after the operation Storm and all the combat activities, doubtlessly contributed to this.

Period: 12 August 1995, between noon and 2pm

Crime description: Operation Storm formally ended on 7 August 1995, but combat activities continued up to two days past this date in the area of Dvor and for a longer time sporadically in 'clearing' actions in the entire area of combat activity. Although the term 'clearing' is customary in military jargon and it refers to elimination (by killing or taking prisoner) of remaining broken enemy groups or individuals; in the wars on former Yugoslav territory it almost became a synonym for unhindered killing of civilians who remained living in areas that came under control of the army of the 'other side'. Exactly this sort of crime happened in Komić and the neighbouring Poljice when on 12 August 1995 Croatian Army members or — as has also been suggested — Special Police forces, entered with several armoured vehicles (armoured personnel carriers and tanks). They came from the direction of Ondić, randomly shooting, although at that moment in the area of Udbina, including Komić, there were no apparent military reasons for doing so. Upon entering the village, they started setting alight houses and other structures, also wheat and hay, and they killed the cattle. But that was not the end of it. One of the victims of this raid was an immobile elderly woman who was 74 at the moment of death and who was torched in her house's summer kitchen. Her daughter who was hiding 15 meters away, and had survived, witnessed the event. Although initially nine vi-

ctims of this crime were mentioned, identity could not be established of two persons listed earlier (married couple Mara and Rade Mirko-
vić), i.e. it is not certain that they had lived in Komić/Poljice, and thus seven victims are listed.

Victims:

Marija Brkljač, born in 1921

- who lived in informal marriage with Petar Ugarković at the address Komić 88. She was immobile and was burnt in the summer kitchen of her house; while her daughter Jela managed to hide in the vicinity and Petar earlier fled to the nearby hill

Patar Lavrnić, born in 1933 in Komić

- remained in the village with his mother Sava aged 92 in the house at the number 84. He was killed and left in the house to burn, but his body was found ten meters away from the house, next to the one of his mother's in March the following year

Sava Lavrnić, born in 1903

- was found dead next to her son Petar. It is assumed that she was not shot with firearms, but was left with her legs tied and managed to partially free herself, and used her last strength to drag her son out of the burning house, but then died herself. Petar's body was turned face down and his mother lied by his side doubled over on her right hip.

Staka Ćurić, 45 years old

- killed with firearms. (Identity of this person was not firmly established. It is beyond doubt that Staka Ćurić lived in Komić, but it is not certain whether she was killed on 12 August 1995 or earlier, during the action. It is also uncertain whether she was 45 or even 20 years older)

Rajko (Rade, Raka) Sunajko, born in 1909

- lived with wife Milica at the address Poljice 22 and was killed from firearms in his neighbour's yard

Milica (Mika) Sunajko, Rajko's wife, born in 1920

- has not been found to this day and went missing on that day.

Mika Pavlica, born in 1904 or 1906

- immobile the same as the earlier mentioned Marija Brkljač. She was also burnt in her house

Exhumation and identification of victims: Milica Sunajko's body has not been found, five victims were identified and buried, and we are not aware what happened to the body of Staka Ćurić. The daughter recovered Marija Brkljač's remains three days after the murder and buried them in the plum orchard in a tin box. On 17 September 1995 she reburied her mother's remains with the other relatives at the local cemetery. The bodies of Petar and Sava Lavrnić were found by Croatian Helsinki Committee (HNO) activists on 2 March 1996 and these remains were subsequently identified and buried, while Rajko Sunajko

was buried earlier, at the end of August 1995 at the local cemetery in Poljice.

Juridical consequences: Although the HHO had discovered this crime as early as 1996 and reported it to relevant entities, no one has been held responsible for it yet.

Kijani

Kijani in Lika are territorially part of Gračac Municipality. In 1991 there were 222 inhabitants, 217 were Serbs and made up 8% Serbs made up 86.5% of this population. In 2011 there were 56 inhabitants.

Crime description: During Operation Storm most of them decided to join the refugee colon and leave the village. But some people decided to stay. One of the main arguments was Tuđman's message they heard on the radio stating that those who are coming 'have no blood on their hand'.

During the military and police operation Storm and up to the end of 1995, according to HHO reports, 14 killed civilians were found in the Kijani village including nine women.

Dane Bolta, 90 years old;
Sava Bolta, 70 years old;
Branko Jelača, about 67 years old;
Marija Jelača, born in 1913;
Milica Jelača, born around 1927;
Ana Jelača, about 50 years old;
Smilja Jelača, about 90 years old;
Dušan Kesić, born in 1939;
Mileva Kolundžić, about 70 years old;
Danica Sovilj, about 70 years old;
Mara Sovilj, about 75 years old;
Mira Sovilj, about 70 years old;
Radomir Sovilj, born around 1947;
Vlado Sovilj, born in 1931.

It's difficult to determine all the details about this case since there are no eyewitnesses left alive. Svetko Bolta and Nikola Jelača who were hidden in a nearby forest witnessed rapes and decapitations. They were on a run in Lika forests for two months before the Croatian police found them. Jelača stayed in Gračac while Bolta went to Serbia. Meanwhile they both died.

Juridical consequences: The court session was opened in Rijeka County Court and presided by Ika Šarić. Rajko Kričković, a member of the Croatian Army, was charged with crime against civilians committed after Operation Storm between 15 and 28 October 1995. Rijeka County State Attorney charged him with murders of three civilians in Kijani near Gračac. He killed Radomir and Mira Sovilj, siblings, firing from automatic rifle and burned their mother Mara Sovilj locked with cattle in the house.

Golubić

Golubić village is located 5km north of Knin. In 1991 there were 1424 inhabitants there, 1389 were Serbs. In 2011 there were 1029 inhabitants. Although there are no detailed data on ethnic structure of the population, it has been significantly modified since a settlement for Croats from Bosnia was built in Golubić.

Crime description: On 5 August 1995, the Croatian Army entered Golubić as part of Operation Storm. Majority of people joined the refugee colon but some decided to stay in their houses. Many crimes were committed in Golubić after the entrance of The Croatian Army. The case still remains unsolved and there aren't many details available but at least 18 people were murdered that day in Golubić village. Most victims were elderly, killed near their houses while only one group was killed between Golubić and village Radljevac. All victims were Serbs. This is a testimony from victim's son:

My mother was killed around 1pm on 5 August. I was a 100 meters further away. Hiding behind the willow. There were 14 Croatian Army soldiers. I heard two gunshots. I realized I had to leave. My mother was left lying there, dead. She was 82. They killed her and they cut her arm. Her body lied there for 25 days when they came with bags and buried her in Knin cemetery as Jane Doe. I don't know how much was left of her in the heat surrounded by dogs and pigs.

Victims — civilians:

Nikola (Đurađa) Jerković, born on 21 December 1926 in Golubić, residence in Golubić, killed in his backyard on 5 August 1995, by members of the Croatian Army;

Glišo (Gliše) Čučak, born in 1934 in Golubić, residence in Knin, killed on 5 August 1995 in his neighbours house together with Nevenka Grubić, by members of the Croatian Army;

Nevenka (Milana) Grubić, born on 27 November 1910 in Velika Popina (Gračac), residence in Golubić, killed with Glišo Čučko in neighbours'

house on 5 August 1995, by members of the Croatian Army;
Manda (Ilije) Radujko, born in 1928 in Golubić, residence in Golubić, killed on 5 August 1995 near her house by members of the Croatian Army;
Nikola (Nikole) Radujko, born in 1930 in Bosanski Drenovac, residence in Golubić, killed with his wife Manda on 5 August 1995 near their home, by members of the Croatian Army;
Branko (Lazara) Radinović – Lukić, born in 1920 in Golubić, residence in Golubić, killed on 5 August 1995 on a road near his home, by members of the Croatian Army;
Boško (Petra) Vuković, born on 10 October 1938 in Golubić, residence in Knin, killed in Radljevac on 5 August 1995 from Croatian Army vehicle.
Marija (Vase) Bjelić, born in 1942 in Strmica (Knin), residence in Golubić, killed in Golubić;
Petar (Mile) Bjelić, born in 1931 in Strmica, residence in Golubić, killed in Golubić;
Milica (Jovana) Vuković, born in 1929 in Golubić, residence in Golubić, killed in Golubić;
Tanasije (Stevana) Vuković, born in 1934 in Golubić, residence in Golubić, killed in Golubić;
Dušan (Petra) Damjanović, born on 11 June 1929 in Golubić, residence in Golubić, killed in Golubić;
Đuka (Todora) Damjanović, born on 12 November 1931 in Golubić, residence in Golubić, killed in Golubić;
Jovan (Jovana) Jerković, born on 1 July 1938 in Golubić, residence in Golubić, killed on the road near his house on 5 August 1995 by members of the Croatian Army;
Milica (Gliše) Šljivar, born in 1936 in Golubić, residence in Golubić, killed in front of her house (in wheelchair) on 5 August of 1995 by members of the Croatian Army;
Vasilj (Nikole) Radinović Vasić, born on 12 October 1922 in Golubić, residence in Golubić, killed in street near his house on 5 August of 1995, by members of the Croatian Army;
Jeka (Jovana) Opačić, born in 1921 in Golubić, residence in Golubić, killed near her house on 5 August of 1995 by members of the Croatian Army;
Nikola (Bože) Radinović Lončina, born on 21 November 1927 in Golubić. He was killed or died in Golubić on 5 or 6 August 1995.

There are also victims whose status remain unclear but also died or were killed in Operation Storm.

Victims — status unknown:

Nikola (Jovana) Arula, born in 1941 in Golubić, residence in Golubić, killed/died in his village during Operation Storm. He was an active soldier

in the Serb Army of Krajina (svk) but it remain unknown if he changed into civilian clothes and disposed of his weapon considering he was home during the retrieval.

Želimir (Čedomir) Marić, born in 1974, died/killed on 4 August 1995. According to his father he was into music; a member of military band who never went to the battlefield. During Operation Storm he was in svk barracks in Knin;

Jovica (Nikole) Plavša, born on 3 January 1968, died/killed on 5 August 1995. Information about his status and death remain unknown;

Branko (Lazara) Vuković, born on 5 October 1939, died/killed on 4 or 5 August of 1995. Information about his status and death remain unknown;

Todor (Trivuna) Marić, born on 28 January 1929, died/killed on 4 or 5 August 1995. Information about his status and death remain unknown;

Dušan (Lazara) Marić, born in 1943 in Golubić, died/killed on 5 or 6 August 1995. Information about his status and death remain unknown;

Nikola (Marka) Radinović Panić, born in 1928 in Golubić, died/killed on 5 or 6 August 1995. Information about his status and death remain unknown

Juridical consequences: No one has been held responsible for the crimes committed in Golubić.

Grubori

Grubori is one of the villages near Plavno, about 15km away from Knin. In 1992 there were between 40 and 70 locals, today it is uninhabited.

Crime description: In the dawn of Operation Storm majority of people in Plavno and Grubori left their houses to join the refugee colon moving towards Lika and Bosnia. About 10 people, mostly elderly, stayed in Grubori unwilling to leave their homes. Many spent nights in the stables rather than houses out of fear. The Croatian Army didn't enter the village until 8 August 1995 when they ordered the locals to come to the local school to sign UNPROFOR on 25 August 1995 in order to go to sr Yugoslavia or stay in Croatia. Most of the locals headed towards the school that day but some of them stayed at home out of fear. Seven locals that were going towards the school saw members of the Croatian Army heading towards their village. About half an hour later they saw smoke coming from Grubori and heard gunshots. When the seven locals came back the entire village was on fire. They found six locals murdered by Croatian policemen from Anti-Terrorist Unit Lučko (ATJ).

Victims in Grubori:

Marija Grubor (born in 1905)

Miloš Grubor (born in 1915)

Jovan Grubor (born in 1930)

Milica Grubor (born in 1944)

Đuro Karanović (born in 1954)

Jovan Karanović (born in 1922)

All victims were Serbian civilians. Dušanka Grubor, a local, testified:

I approached the stable because the smoke was coming out from it. Cattle were burning live while I was calling for my husband Jovo. I found him lying next to the killed cows, his throat was slit, half of his face missing. I ran to Miloš Grubor's house where he was lying sick. I found him on the floor in puddle of blood, bullet cases around him. I called my mother-in-law Marija but couldn't find her. Night came and the following day UNPROFOR drove us to Knin. There we continued our quest for survivors. I found my mother-in-law Marija burned in my house. On 26 August 1995 we found Milica Grubor stabbed and shot from a rifle several times. Near we also found Đuro Karanović, stabbing wounds on his neck and gun wound in his chest. Jovan Karanović was burned alive in his house. UNPROFOR took the photos, recorded everything and made a name list of all the victims...

Although the crime in Grubori is well covered in the media mostly because of the videos taken right after the crime, it's not the only crime in Plavno. More than 25 civilians were killed after Storm in villages scattered around Plavno.

Juridical consequences: Crime in Grubori is covered in the verdict against Gotovina and others before the International Criminal Tribunal for the former Yugoslavia (ICTY). The Hague Chamber of Judges, beyond reasonable doubt, found that Jovo Grubor, Milos Grubor, Marija Grubor, Milka Grubor and Đuro Karanović were the victims murders committed as crimes against humanity and violations of the laws and customs of war, Articles 3 and 5 of the ICTY Statute, but did not establish any criminal responsibility. At the trial before the Zagreb County Court, the indictment alleges the name of the sixth victim, Jovan Grubor (Damjan).

On 15 December 2010, Zagreb County State Attorney's Office filed an indictment against three of the Croatian nationals, FD (1963), BK (1957) and IB (1973), for war crimes against civilians under Article 120; paragraph 1 of the Criminal Code of the Republic of Croatia. As Robert Petrovečki, deputy County State Attorney, on 31 May 2014, at the end of the trial that started on 24 November 2011, stated 'there was no doubt that a war crime occurred in which members of the ATJ Lučko brutally

murdered six civilians'. The accused two, according to the plaintiff, had a commanding role. 'Remains have been found as well as a completely burned village', the prosecutor said and asked the court to declare the two defendants guilty of crimes at Grubori.

Over 70 witnesses were interviewed during the hearing, some of them occupying high military and police positions. The reconstruction of the 1995 events was carried out twice at the crime scene in Grubor; during the hearing, the third accused Igor Beneta was found hanged.

The indictment charged the first accused Frane Drlja with committing the crimes against six civilians, as well as for failing to prevent crimes, killing civilians and burning their homes, while the second accused Božo Krajina was charged on the sole basis of commanding responsibility. Some witnesses have changed the statements given during the investigation, and majority of former co-defendants saw and heard nothing. They didn't know who commanded the action or who their immediate superintendent in the field was. The members of the elite squadron did not know who set the course of movement, and didn't check the houses on their way even though field clearance was carried out in order to eliminate the hostile troops.

The investigation was deliberately obstructed after the crime in Grubor. The anti-terrorist unit of the Lučko MUP of the Republic of was divided into four groups before the start of the operation on 25 August 1995. In the action of cleaning the terrain in front of Freedom Train, Branko Balunović, Stjepan Žinić and the accused Frane Drlja and Božo Krajina were appointed as commanders of the group. According to Commander Čelić's testimony, he soon returned to the starting position, with one of the civilians found, and had lost the contact with the other commanders. Together with Zdravko Janić, he went to final location, where he was informed that there were no problems encountered by other commanders, which he reported in the first report (on the day of the action) to the Special Police Headquarters in Gračac.

Prior to the trial before the ICTY, more witnesses have been heard about the crime in Grubori, than about any other crime in the indictment. Based on the testimonies of former police commanders and specialists, the ICTY Council concluded that after the murder, a fictional story of conflict with 'Serbian terrorists' was invented. Such conclusion was based on the allegations of Josip Čelić, who repeated his statement from the report before Zagreb County Court that there were no conflicts but then he was called to Gračac where his deputy commander Željko Sačić told him there was an 'armed conflict' in Grubori and that a new report should be written; Sačić then dictated him the new report.

Another group commander Balunović, who testified in The Hague and in Zagreb, noted that after a meeting in Gračac's special police headquarters, Čelić told him that there was a new report according to which there was a conflict with the remaining Serbs during which some of the elderly might have been killed in the cross-fire. According to Čelić's testimony, General Markač was also in Gračac, when Željko Sačić took him to a special room where, using the notes he wrote on the back of his first report, he ordered him to write the second report. He then informed him that his first report was not accurate and that information on 'armed conflicts' had to be included in the new report. During the trial, Čelić, as a witness, provided his first report of the action on which he had Sačić's handwritten text.

The Trial Chamber found that the crimes were committed by members of the ATJ Lučko, but released the defendants. The retrial, that started on 15 February 2016, before the new Council of Zagreb County Court, under the chairmanship of Judge Ivan Turudić, had the same outcome, acquitting the defendant's, with the explanation that the members of ATJ Lučko undoubtedly committed the crime.

Mokro Polje

Mokro Polje is part of Ervenik Municipality. In 1991 there were 803 inhabitants, 801 were Serbs. In 2011, there were 227 inhabitants in Mokro Polje.

Period: 5 to 20 August 1995

Crime description: majority of population left the village and joined the refugee colon during Operation Storm. A part of them decided to stay. Since people in surrounding villages decided to leave on the night of 4 August 1995, some of them were also in Mokro Polje when the Croatian Army entered the village. The Croatian troops killed some civilians who were in the village. Since there is no detailed report, various sources claim between 5 and 20 murders. Here are the cases for which we have unambiguous information about the murders. Killing of at least five and according to some data 15 civilians in Mokro Polje (Knin) started during the operation Storm and continued after completion of the military action. Ružica Babić, born in 1926, was killed on 6 August 1995 at the threshold of her house. Stana Popović, born in 1926 and Mirko Popović, born in 1952, (mother and son) were killed on 7 August 1995 in their house by shots from firearms. Stevan Sučević, born in 1934 was killed on 9 August 1995. Jeka Kanazir, born in 1928, was thrown into 'Pavlović's cistern'. She was buried in Knin 40 days later. Sava Babić, born in

1913, was killed by shots from firearms on 24 August 1995 in front of her house.

Jovan Popović from Mokro Polje, born in 1948, lost his mother Stana and brother Mirko on 7 August 1995. That day, after he was severely abused by the soldiers, he went to the top floor of his house to sleep. The shots woke him up:

Then I heard my mother screaming (...) When I heard a member of the Croatian Army saying he already killed one and had to burn him before the observers came (...) I went down to find my brother murdered and my mother suffocating from a throat wound (...) She gave me hand signs to run and asked for some water. Soon she was dead. My father was also wounded, a bullet entered through his ear and ended in TV screen (...)

Jovan's father survived.

Victims:

Popović Stana (born in 1926)
 Sučević Stevan (born in 1934)
 Babić Sava (born in 1913)
 Kanazir Jeka (born in 1918)
 Popović Mirko (born in 1953)
 Babić Ružica (born in 1926)

There were people from other villages in Mokro Polje that day. Their number hasn't been determined either. Ilija Švonja and Ružica and Stevo Manojlović were killed in a store where they hid in the evening of 6 August 1995. After the massacre they were burned.

Victims from other villages:

Švonja Ilija (born in 1926), from Žegara
 Manojlović Ružica (born in 1937), from Ivoševci
 Manojlović Stevo (born in 1940), from Ivoševci

Juridical consequences: No one was held responsible for the crimes. In commemoration of Mokro Polje victims, killed in August of 1995, the locals from Mokro Polje and Association of Families against Forgetting raised a memorial plaque.

Uzdolje

Uzdolje village is located right next to Knin, on a road towards Drniš. In 1991 there were 767 inhabitants, 765 were Serbs. In 2011 there were 226 inhabitants with number deteriorating until present.

Crime description: In the morning of 6 August 1995, three men in white civilian vehicle with automatic rifles came to Šare, a small village near Uzdoļje, in Orlić Municipality. They all had black hair; two were wearing camouflage uniforms, and the third black bandana around the neck, the camouflage trousers, and the black T-shirt with a black ribbon reading 'For home — ready'. All three had dark blue caps with chessboard. There they found Krsto Šare, who was in front of his house with Jandrija Šare, Stevo Berić, Janja Berić, Milica Šare, Đurđija Berić, Bosiljko Berić and one more person, all of them in civilian clothes. One of the three armed men saw witness 67 and, hit her in her arm with a gunstock and ordered her to join the others. The armed men ordered the group to move towards the paved road Knin-Drniš, and one of them pushed Stevo Berić to the ground and tore his documents, saying he would no longer need them. Shortly after, one of the armed men said, 'Let's finish them, our lamb is getting cold.' The group was standing about 30 meters from the road at a place where nobody could see them from the vehicles. Two armed men then left with two women, they were taken to Knin in separate vehicles. The third armed man, one who hit one of the witness, stayed with the rest of the group and ordered them to return from the main road back to the village, cursing their mothers and threatening them to pay for what they did in Vukovar. After a while the group ran into Miloš Ćosić, who was ordered to join the others. Eventually the armed man shot at the group from an automatic rifle and killed Milica Šarić, born on 22 January 1922, Stevo Berić, born on 24 June 1933, Janja Berić, born on 11 April 1932, Đurđija Berić, born on 1 January 1916, Krsto Šare, born on 15 October 1931, Miloš Ćosić, born on 1 March 1923, and Jandrija Šare, born 30 July 1932, while Witness 67 escaped to the forest and survived. According to autopsies, the causes of death were gunshots.

That same day Sava Šare, born in 1922, was also murdered in her house as well as other about 10 civilians in surrounding villages (Orlić, Markovac, Biskupija and Vrbik) in days after Operation Storm.

Judicial consequences: Given that no one was held responsible for this crime, Documenta - Centre for Dealing with the Past filed a complaint to the CSP for crimes committed in Uzdoļje on 4 August 2017. Šibenik County State Attorney stated the following: 'After the exhumation on the city cemetery in Knin in 2001, Šibenik County State Attorney formed objects related murders in Uzdoļje and Vrbnik between 6 and 9 August 1995, with suspicion of war crimes. A warrant was issued to Šibenik-Knin County Police Department in order to conduct investigations and determine the circumstances of the crime and find possible perpetrators.'

Gošić

Gošić is a settlement located in Dalmatinska Bukovica, 10 kilometres West of Kistanje. According to the 1991 census, Gošić had 100 inhabitants and according to the 2011 census, there were only 46. Serbs make up majority of the population.

Period: 27 August 1995 about 4pm

Crime description: On 27 August 1995, unknown perpetrators in the village of Gošići killed eight civilians with shots from firearms. All of the victims were Serbs, mostly elderly. They were killed in their houses and courtyards in a village where there had been no war activities either at the time of the killings or earlier.

Victims:

Savo Borak (70)
Vasilj Borak (68)
Grozdana Borak (75)
Marija Borak (81)
Kosara Borak (77)
Milka Borak (75)
Dušan Borak (56)
Gojko Ležaić (65)

Exhumation and identification of victims: According to data available from organizations for protection of human rights, the killed persons were buried secretly and without identification by members of the Ministry of Interior (MUP) at the Knin cemetery under ordinal numbers from 543 to 550. In 2001, all of the bodies were exhumed and after identification they were handed over to their families.

Judicial consequences: With the merging of criminal proceedings, six members of the Croatian police forces were suspected for crimes in Gošići and Varivode. But after the procedure, held before the County Court in Zadar, and the repeated trial at the County Court in Šibenik, the accused were declared not guilty, which brought the investigation back to the beginning, this time against unknown perpetrators. Ten years after completion of criminal proceedings before the Šibenik court, there is still no new information or prosecution of the perpetrators responsible for the Gošići crime.

Varivode

Varivode is situated ten kilometres southeast from Kistanje in Bukovica. Today it belongs to the Kistanje municipality, but until 1991 it was a part of the Knin municipality. According to the 1991 census, Varivode had 477 inhabitants, all of them Serbs. According to 2011 census Varivode have a population of 124 and although data about the ethnic structure are not yet available, it can be said that Serbs still make great majority of today's population.

Period: 28 September 1995

Crime description: On 28 September 1995, almost two months after the end of the military operation Storm, several Croatian troops and police forces arrived during the night, to the Varivode village and killed nine civilians using firearms. All of the killings took place in the victims' yards and houses, at spots where they happened to be at that moment. They were all elderly Serbs.

Victims:

Dušan Dukić (59)

Špiro Berić (55)

Jovo Berić (75)

Jovan Berić (56)

Radivoj Berić (69)

Marija Berić (69)

Milka Berić (67)

Marko Berić (82)

Mirko Pokrajac (84)

Exhumation and identification of victims: All bodies of the killed persons were buried in a mass grave in Knin, and apart from external inspection, autopsies was never performed. In 2001 all bodies buried at the Knin town cemetery were exhumed and handed over to their families after identification.

Judicial consequences: Six members of Croatian police forces were suspected of this crime, but after proceedings before County Court in Zadar and a repeated trial before the County Court in Šibenik, defendants were acquitted, which returned the investigation to the beginning and this time against unknown perpetrators. Ten years after the completed criminal procedure before Šibenik court, there is no new information or prosecution of perpetrators responsible for the crime in Varivode. Jovan Berić and his sisters initiated court proceedings seeking compensation on behalf of their killed parents. On 18 January 2012, the

Supreme Court issued a ruling stating that the plaintiff's appeal was accepted, and on this basis, Šibenik and Knin courts' decisions were annulled and the case was returned for retrial. In the mentioned ruling, the Supreme Court maintained that the deaths of Radivoje and Marija Berić were caused by a terrorist act, i.e. act of violence committed for political reasons and with the goal to incite fear, horror and a feeling of personal insecurity among citizens. On this basis, the Republic of Croatia is responsible per the principle of social solidarity, bearing of public burden and a just and speedy compensation. In this precedential ruling by the Supreme Court, the victims' families were given the right to compensation; regardless of the fact that perpetrators were not identified, criminally charged or declared guilty. At the municipal court in Knin, on 23 January 2013, Judge Ana Jelač – Pecirep, president of the Municipal Court, issued a ruling in the civil lawsuit of plaintiff Jovan Berić and others versus Republic of Croatia in a repeated trial based on the Supreme Court's ruling from January 2012. Based on this judgment, Croatia must pay 540.000 kuna in compensation to the children of Radivoje and Marija Berić killed in the village of Varivode.