

War Crime Trials Monitoring – A Guarantee of the Process of Dealing with the Past and Sustainability of Judicial Reforms in Croatia

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Bi-Weekly Report on War Crime Trials Monitoring

Verdicts passed at the trials for executions of Serb civilians in Novska

The first-instance court verdict was pronounced at the Zagreb County Court on 08 March 2013 which found Željko Belina and Dejan Milić guilty as charged for killing Vera Mileusnić, Goranka Mileusnić and Blaženka Slabak and for inflicting serious wounds upon now-deceased Petar Mileusnić in the Mileusnić family home in Novska on 18 December 1991. Željko Belina was sentenced to 10 years in prison whereas Dejan Milić was given a sentence to 9 years in prison.

The previous day, on 07 March 2013, the same court passed the first-instance acquitting verdict against Damir Vida Raguž and Željko Škledar, who had been charged with killing Mišo Rašković, Sajka Rašković and their neighbours Mihajlo Šeatović and Ljuban Vujić in the Raškovićs' family house in Novska on 21 November 1991. According to the opinion of the first-instance War Crimes Council (the judges' panel), no criminal responsibility of the accused Raguž and Škledar was established whatsoever, although it was evident that the civilians had been killed with firearms shots fired by the now-late Dubravko Leskovar, and probably by also now-late Ante Perković, both members of the 1st Guards Brigade of the HV (Croatian Army).

The proceedings against the stated accused persons for killing the civilians in the Mileusnićs' family home and the Raškovićs' family home had been conducted before the Zagreb Military Court in 1992, however, those proceedings had been terminated by applying the Amnesty Act. Both crimes, committed by the members of the same unit (the 1st Guards Brigade of the Croatian Army), pointed to the atmosphere of hatred and intolerance created at the time of the incriminated event, when the perpetrators believed that they could commit crimes without being punished. And their beliefs happened to be right for 21 years. Therefore, the stated proceedings represent the delayed but just rectification of the politically motivated misapplication of the Amnesty Act to the perpetrators of these crimes.

We would like to remind the public that in these criminal cases, the survived and the members of families of the killed persons initiated civil lawsuits against the Republic of Croatia but after they lost the lawsuits they were forced to pay the court fees. Marica Šeatović, wife of the killed Mihajlo Šeatović, paid the amount of 10,000.00 KN of court fees to the Republic of Croatia. Petar Mileusnić, who died on 03 March 2013, only four days prior to the conviction of the killers of his wife and daughter, paid the amount of 20,500.00 KN of court fees to the Republic of Croatia. Their long-time struggle with the judicial institutions of the Republic of Croatia has left a bitter taste of justice, even after the above stated verdicts, and has represented a serious burden on the conscience of this society.

The first-instance court verdict for the crime in Baćin

One of the most terrible crimes during the war in Croatia was committed near Baćin, a village in the vicinity of Hrvatska Dubica. On 21 October 1991, 76 elderly inhabitants of Hrvatska Dubica, Cerovljani and surrounding villages, mostly of Croat ethnicity, were brought to the Skelište area near the village of Baćin and killed by shots fired from automatic weapons.

In March 1997, 56 persons were exhumed from the mass grave in Baćin. The discovery of the mass grave had been preceded by an anonymous call from Bosnia and Herzegovina. During the first-instance proceedings carried out at the Rijeka County Court, some witnesses testified about the crime in which human screams and distress calls could have been heard even after the bursts of fire had been shot from the automatic weapons. Several days after commission of the crime, the dead bodies of victims had been shovelled by an excavator into a shallow pit, with no piety/reverence whatsoever, while some bodies had floated away in the Una river.

The first-instance proceedings were carried out against nine accused persons, out of whom only one person was attending the trial. On 11 March 2013, the War Crimes Council of the Rijeka County Court convicted the seven accused persons as follows: Branko Dmitrović was given 15 years in prison, Slobodan Borojević – 15 years in prison, Milinko Janjetović – 20 years in prison, Momčilo Kovačević – 20 years in prison, Stevo Radunović – 20 years in prison, Veljko Radunović – 20 years in prison, and Stevan Dodoš – 15 years in prison. Neither one of them was/has been available to the Croatian judiciary.

The charges were dismissed against Katica Pekić and Marin Krivošić, the latter being the only accused person available to the Croatian judiciary, since the indictment against Pekić and Krivošić had previously been amended. Considering the fact that the amended indictment charged Pekić and Krivošić with criminal offence of armed rebellion, subsequently the General Amnesty Act was applied in respect of them. Marin Krivošić, arrested in Montenegro and extradited to Croatia, was released after spending two and a half years in custody.

The unavailable accused persons who have currently lived in Serbia and in Bosnia and Herzegovina did know about the criminal proceedings being conducted in Croatia and they entered their defence pleas before the Higher Court in Belgrade and at the Prosecutor's Office in Banja Luka, whereas the three accused persons who have currently resided in Australia and in the United States of America have not presented their defence whatsoever.

Failure of the prosecution in two criminal proceedings in which the accused persons were extradited by the United Kingdom

On 11 March 2013, the qualification of the charges was amended at the Osijek County Court which resulted in the verdict on suspension of indictment being delivered in the case against the accused Tihomir Kašanin, who had previously been extradited by the United Kingdom based on the charges that Kašanin, in his capacity as a member of the militia in Beli Manastir, had been arresting and abusing civilians of Croat ethnicity which constituted the criminal offence of war crime against civilians. After hearing the witnesses, the Osijek County Deputy State's Attorney had amended the factual aspects of the act as well as the legal qualification of the indictment, thus charging the accused Kašanin with criminal offence of armed rebellion, which subsequently led to the Court's applying the General Amnesty Act to the case and to the dismissal of charges. Kašanin was released from custody.

Several days later, on 14 March 2013, following the first-instance verdict passed by the Zagreb County Court, Milan Španović was acquitted of the charges for war crime against civilians in the village of Maja which he allegedly had committed in his capacity as a member of Serb paramilitary formations. In 1993, Španović had been convicted in absence and sentenced to 20 years in prison. Except Španović, another 18 persons had been convicted in the proceedings and sentenced to the same (maximum) prison sentences. Following his extradition by the United Kingdom in 2009, the criminal proceedings against Španović had been reopened and, instead of the previously pronounced sentence, Španović was at that time sentenced to 3 years and 5 months in prison which resulted in his release from custody. However, the stated verdict was quashed by the Supreme Court of the Republic of Croatia. In the new first-instance court proceedings, which was attended by the accused person himself as he voluntarily travelled from the United Kingdom and appeared in court, Španović was acquitted of charges. Španović thus spent 3 years and 5 months in custody. The criminal proceedings against the persons co-accused in the same case were reopened several years ago, and immediately after their reopening, the proceedings were dismissed.

