

Monitoring of War Crimes Trials – Guarantee for the Process of Dealing with the Past and Sustainability of the Judicial Reform in Croatia

Osijek, Zagreb, 22 May 2013

Bi-weekly Report on War Crime Trials

Criminal proceedings for slander commenced against Vjera Solar

On 15 May 2013, subsequent to a private lawsuit, a trial/main hearing/ commenced at the Sisak Municipal Court in the case against Vjera Solar for criminal offence of slander.

The plaintiff Silvio Benčina believes that Vjera Solar slandered him and inflicted mental pain upon him by her deposition given on 19 September 2012 (which was commented on and conveyed by numerous media) during the court proceedings held against Vladimir Milanković and Drago Bošnjak for the crimes committed against Serb civilians in Sisak.

In her deposition, Vjera Solar presented the information she had about the circumstances under which her daughter Ljubica Solar had been shot at and killed by a bullet that had flown through the window of the apartment she had been living in at that time in the centre of the town of Sisak on 17 September 1991. Inter alia, Vjera Solar stated that several years prior to the court proceedings, Ivan Božurić had called her from the Gospić prison and told her that her daughter had been killed by Silvio Benčina. Ivan Božurić later dismissed the statement that he actually had told Vjera Solar about the very person who had killed her daughter. However, since Božurić was killed in Sisak at the beginning of May 2013, he will not be giving any statements in the criminal proceedings initiated by Silvio Benčina against Vjera Solar.¹

For many years, Vjera Solar has been devoted to the issue of prosecution of the crimes committed in Sisak during the early 90-ies. With the intention of not letting the crimes being completely covered up and non-prosecuted, and the victims completely forgotten, Vjera Solar has founded the *Civic Association against Violence* in Sisak and collected the information on approximately one hundred victims. For twenty years, Vjera Solar has been facing numerous negative reactions, insults, death threats, lawsuits, rejected requests for payment of damages, and the obligation of payment of court fees.

Considering the fact that it is a duty of a witness to state everything she/he knows about the committed criminal offence, just as Vjera Solar did by giving her deposition in the criminal proceedings against accused Milanković and

¹ Božurić was killed by Marijan Sućec a.k.a. Suljo, poker machines lessor who had been shot at and severely wounded by Božurić in the mid-80ies. At the beginning of the 90-ies, Božurić got out of prison, and in 1998 he killed Vlado Hodak a.k.a. Deba, Sućec's business partner. Božurić was serving his prison sentence for the stated murder in the Gospić prison. In the court proceedings against accused Vladimir Milanković and Drago Bošnjak, the Hodak brothers (Vlado Hodak and Nino Hodak) have been frequently referred to as actors of the war events in Sisak.

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Bošnjak, we believe that the court will correctly evaluate all relevant facts of the case in which Vjera Solar has been accused.

Recourse to be obtained from the convicted perpetrators

The Zagreb Municipal State Attorney's Office instituted the proceedings against Mirko Norac for recourse of a half a million Croatian kunas (500,000.00 HRK), the amount which the Republic of Croatia had paid as a restitution of non-material damages to Pero Vujinović, Milica Košutić and Bosiljka Trbović, family members of Stevo Vujinović, killed in the Croatian military and police forces' operation in the Medak Pocket in September 1993.

Until now, it has not been a common practice for the Republic of Croatia, which was forced to pay damages to the victims of war crimes or the victims' family members, to try to refund the amount of damages from those crime perpetrators who were finally and conclusively convicted following a legally valid verdict. Except the Norac case, we have the information that the Republic of Croatia requested recourse only from - Tomislav Duić and Tonći Vrkić, finally and conclusively convicted for the crime in the LORA Detention Camp in Split, since the Republic of Croatia had paid to the injured party Mirko Šušak (based on a settlement) the amount of 140,000.00 HRK as the restitution of non-material damages; - and from Ivica Petrić, convicted for the killing of an 84-year old civilian in Zrmanja near Zadar, considering the fact that, based on the court verdict, the Republic of Croatia had paid the amount of 1,135,016.03 HRK to the victim's family members.

In our opinion, the Republic of Croatia should justly pay the damages to family members of the killed civilians and then it should submit the requests for recourse against the conclusively convicted crime perpetrator(s).

Trial/main hearing/ commenced for the rape and abuse in Dalj

On 07 May 2013, a trial commenced at the Osijek County Court against Ljubinko Radošević and Vojislav Grčić, accused of commission of criminal offence of war crime against civilians.

Both accused persons, who are currently kept in the investigation prison, have been charged that they, together with several members of the (Serb) Territorial Defence, entered the property of a family of Croat ethnicity on a non-defined day during August 1991, and while having all family members at gunpoint, following Radošević's order, tied the father's hands and put the knife against his throat, forcing the father, his wife (the mother of the children), their minor (13-year-old) daughter and their minor (10-year-old) son to watch Grčić and one person who is now-deceased, and afterwards another unidentified member of the Dalj Territorial Defence, raping their 20-year-old daughter.

Radošević has been charged that he, together with several members of the Territorial Defence, battered and beat up the father of the Croat family in front of other family members on 01 August 1991. Grčić has been charged that, on the same day, together with now-deceased person and another unidentified member of the Territorial Defence, took away the above mentioned daughter of the Croat family into the direction of the (Dalj) Railway station and raped her in the vicinity of the station.

So far, 60 victims of rape have been registered in the criminal reports received by the county state attorney's offices. So far, 27 identified accused persons have been prosecuted for the criminal offence of war crime with the rape as a guilty act of war crime, out of whom - 13 accused persons have been convicted.²

A total lack of support by the state institutions, and the society's failure to identify and recognize the suffering of victims of sexual abuse, as well as the social stigmatisation of those victims do result in low crime reporting rate and consequently influence the low dynamics of prosecution of those crimes³.

² The State Attorney's Office of the Republic of Croatia: *The Amendment to the Previous Statements*, 08 January 2013

³ The information obtained from numerous international surveys has shown that a single reported case of rape is followed by 15 to 20 non-reported cases of rape. The data of the survey conducted by the *Ženska soba – Centar za seksualna prava (Women's Room – Centre for Sexual Rights)* in 2005 has shown that 17% of women experienced the attempt of rape or the actual rape. Out of that number, only 5% of women have reported the case to the police or/and to the county state attorney's office.

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The indictment issued against two citizens of the Republic of Serbia who are unavailable to the Croatian judiciary

According to the statement issued by the Rijeka County State Attorney's Office on 03 May 2013, the indictment was issued against two citizens of the Republic of Serbia, who are unavailable to the judicial authorities of the Republic of Croatia.

The two indicted persons have been charged that they followed the order issued by their now-deceased unit commander to get the previously arrested and detained three civilian persons of Croat ethnicity and five members of the Republic of Croatia's Ministry of Interior on a truck and take the detainees to the location called "Čede Simić bara" (Čedo Simić's meadow) where the two indicted persons killed them by shooting them from firearms in September 1991, in the village of Donji Hrastovac (municipality of Hrvatska Kostajnica).

The investigations have been launched or the indictments have been issued against approximately 950 persons, however, the proceedings have not been finalised yet. Out of 900 accused persons - members of Serb military formations, the majority of them have been unavailable to the judicial bodies of the Republic of Croatia. This is the reason why the majority of those proceedings have been put "on hold".

