



MONITORING WAR CRIMES TRIALS 2016 ANNUAL REPORT

Documenta – Center for Dealing with the Past
Centre for Peace, Nonviolence and Human Rights – Osijek

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Monitoring War Crimes Trials in Croatia
2016 Annual Report

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SUMMARY¹

Croatian judiciary is still facing a large number of unprosecuted war crimes. Perpetrators are still unknown in 34% or 168 out of 490 cases registered in the war crimes database of the State Attorney's Office of the Republic of Croatia (hereinafter referred to as DORH). For example, according to DORH's data in late 2013, perpetrators of 173 crimes were unknown², while in the reporting period for 2015, the number of war crimes proceedings against unknown perpetrators fell to 171. Although we do not have access to the database, based on our field research of human losses it is likely that certain crimes are not covered by the criminal investigation due to the insufficient capacities of DORH and insufficient resources allocated within the state budget.

The latest updated DORH report of May 2017³ for the year 2016 offers a quantitative overview of its work in war crimes prosecution. DORH reports on the number of criminal reports received, number of accused persons, as well as on the trials with non-final judgments. Thus, during 2016, 84 persons were charged, and in the case of 21 persons judgments were rendered. In relation to this number of defendants, three specialized County State Attorney's Offices (CSAO Rijeka, Split and Zagreb) issued 12 indictments, while CSAO Osijek did not issue any war crimes indictments for the second year in a row. These indictments cover planned and widespread attacks (without indiscriminate target) against civilian population, raised against a large number of defendants who will most likely be tried *in absentia*, contrary to established international standards.

DORH's systematized War Crimes Database, with supporting documentation and evidence, with collections of all evidence for individual crimes organized by logical, geographical and time keys, that can be used in various war crimes cases (such as, for example, documents and case-law of the International Criminal Tribunal for the former Yugoslavia - ICTY database), is insufficiently used.⁴ The percentage of completely solved crimes is very low. The reason for this are numerous indictments filed in 1990s and even in the decade after, against defendants unavailable to Croatian judiciary, as well as trials that last for years or have been repeated several times before the first-instance judicial panels. Such a modus operandi further weakens the personnel and financial resources of the Prosecution, the victims are retraumatized, and the witnesses show fatigue by repeatedly testifying before the court.

Also, the interest of the public, and particularly the media, in war crimes trials before domestic courts, as well as before the International Criminal Tribunal for the Former Yugoslavia (ICTY) and in the neighbouring states, is rapidly fading away. Moreover, there is a lack of understanding of the purpose of war crimes trials. Instead of acknowledging victims' suffering and distancing from crime, we witness continuous and widespread denial of crimes, and refusal to accept the facts established by final

¹ The content of this report is the sole responsibility of the organizations that published it and any opinions expressed therein do not necessarily represent the official position of the donors. The report is supported by the United States Embassy in Croatia, the C.S.Mott Foundation and within the Justice Program of the European Union.

² <https://www.documenta.hr/hr/izvje%C5%A1taj-o-pra%C4%87enju-su%C4%91enja-za-2013.-godinu.html>

³ <http://www.dorh.hr/IzvjesceDrzavnogOdvjetnistvaRepublikeHrvatskeZa>

⁴ The War Crimes Database establishment was supported by the funds of the Kingdom of the Netherlands and contains information on all war crimes committed since 1991. The database also systematizes data on crimes against Croatian citizens committed in other countries. For example, the War Crimes Database also contains data from a case in which an indictment was filed in April 2011 against high-ranking persons of the Yugoslav People's Army (YPA/JNA) National Security Service, charged with command responsibility for crimes committed against Croatian citizens in camps on the territory of the Republic of Serbia. This is an indictment against former senior JNA officers, Vasiljević and Živanović, whose filing overlapped with the ICTY non-final judgment against two Croatian generals Gotovina and Markač.

judgments.⁵

This is also confirmed by the acquittal of Vojislav Šešelj by the ICTY Trial Chamber. Due to a series of misinterpreted facts, such as, for example, an absence of systematic and widespread attacks against civilian population, the Prosecution filed its Notice of Appeal, to be decided by the UN Mechanism for International Criminal Tribunals (MICT).

The reduced capacities of DORH, the non-appointment of the Chief War Crimes Prosecutor of the Republic of Serbia and insecurity due to disciplinary proceedings against the Chief Prosecutor of Bosnia and Herzegovina, inevitably and objectively weakens the efficiency of war crimes prosecution as well as regional co-operation. To illustrate, 9 out of 12 issued indictments are charging as many as 93 defendants, unavailable to Croatian judiciary. Only three of the defendants were held in pre-trial detention after the arrest. These are members of the Yugoslav People's Army (JNA) and Serbian paramilitary units that mostly live on the territory of the Republic of Serbia. In general, most of the members of the Serb paramilitary units who were accused or convicted in previous years are unavailable to Croatian judiciary, and the execution of final verdicts is conditioned by trials conducted in the presence of the accused, in accordance with international standards. For their effective prosecution, cooperation of regional judiciaries is crucial. At the same time, during 2016, 3 investigations were conducted against 12 defendants.

Several verdicts of the ICTY with final judgments, as well as one case referred to Croatia under the terms of Rule 11bis of the Tribunal's Rules of Procedure and Evidence, prompted Croatian judiciary to initiate only a few criminal proceedings based on established facts about the crimes committed.⁶ Referred evidence material for war crimes prosecution in the Pakrac Valley and surroundings, collected during the investigation of the ICTY Investigators, was not sufficiently used, and based on this evidence, only two indictments were issued leading to criminal proceedings, while there was no criminal prosecution of other perpetrators.⁷

30 cases of war crimes trials that were monitored before specialized war crimes chambers in 2016, marked by seldom-scheduled major hearings, lengthy procedures, frequent repetitions, absence of the defendant, and low prison sentences.

Non-final judgments verdicts were rendered in 13 cases against 26 defendants: 9 guilty verdicts were rendered in the case of 21 defendants, while five defendants were acquitted of the charges in four cases.

On the other hand, in 2016 no positive progress was made regarding the reparations for civilian war victims (who are also often victims of war crimes). The dissolution of the *Commission for War Victims of Sexual Violence* has also contributed to negative trends in the exercise of these rights. A small number of positive court decisions, both before Croatian courts and the European Court of Human

⁵ Some recent examples: we followed media reports related to the arrest of Ramush Haradinaj, the trials against Veljko Marić, and Ilija Jurišić for the attack on YPA/JNA soldiers in Tuzla, Bosnia and Herzegovina, the ICTY trial against Prlić et al., criminal proceedings against ten Croats from Orašje, B-H.

⁶ After the final verdicts of Ante Gotovina and Mladen Markač there were no investigations or indictments, except for the crimes in Grubori and Kijani, while for other crimes committed during and immediately after the Military Police Operation „Storm“ no proceedings were initiated, except for the crimes committed in Prokljan and Mandić. Also, after the verdict for crimes in Medak Pocket, three criminal proceedings were initiated, but none for the crimes in the area of responsibility of the Special Police Forces.

⁷ We are referring to the material in the *Atlantis* case, received as evidence in Phase II, partially covered by the indictment against Tomislav Merčep and the indictment for the crimes committed in Marino Selo.

Rights, require that the issue of reparation be resolved by adopting a new legislative framework.

For years there has been a lack of a comprehensive legal framework that would guarantee the status and right of reparation to all civilian war victims. Also, the process of ratification of the *International Convention for the Protection of All Persons from Enforced Disappearance*, as well as the *Law on Missing Persons in the Croatian War of Independence*, has not been initiated. With this legal void, families of more than 1571⁸ victims have been denied recognition of suffering and deprived of their right to reparation.

Victims of criminal offenses in Croatia cannot yet exercise the rights that victims in other EU Member States can, and the biggest problem is that the European Directive 2012/29/ EU on the *Minimum Standards for the Rights, Support and Protection of Victims of Crime* has not yet been fully incorporated into Croatian legislation. The deadline has long expired, in November 2015.

After 88 demands of survivors of sexual violence or their relatives⁹ (out of a total of 182 received and 115 solved demands by the end of 2016) have been positively solved, a wave of negative decisions followed, which retraumatized the victims. We welcome the announced establishment of new Veterans' Centers, with the hope that they will develop support programs adapted to different needs of surviving women and men.

In general, dealing with the past, which includes a wide range of activities, *res inter* and war crimes trials aimed at establishing the facts, bringing justice, acknowledging victims' suffering and recovering affected and vulnerable groups, as well as society as a whole, was almost completely absent.

1. WORK OF THE COUNTY STATE ATTORNEY'S OFFICES OF THE REPUBLIC OF CROATIA

Personnel, material and facility sub capacitation

A relatively small number of specialized prosecutors (at the Zagreb County State Attorney's Office there are only two deputy SAO's constantly working on war crimes cases), a great number of newly received cases of earlier competent county state attorney's offices, as well as the influx of cases related to the commission of war crimes on the territory of BiH, stresses personnel, material and facility sub capacitation. The passage of time since crimes were committed, omissions in work of the formerly competent County State Attorney's Offices, especially in taking depositions of witnesses and injured persons, make the work on war crimes cases significantly difficult.

Further development of the status of the victims in criminal procedure was the Directive 2012/29/EU of the European Parliament and of the Council on establishing minimum standards on the rights, support and protection of victims of crime of 25 October 2012, which requires from the Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to

⁸ Data from the website of Croatian Ministry of War Veterans: <https://branitelji.gov.hr/o-ministarstvu/djelokrug/mjere/nestale-osobe/nestale-osobe-u-domovinskom-ratu-834/834>

⁹ According to the provisions of the *Act on the Rights of Victims of Sexual Violence during the Military Aggression against Republic of Croatia in the Homeland War*, Official Gazette 64/15

increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner, that the victims are provided with information and advice in simple and accessible language on their rights and the case, to guarantee the right to assistance and support across the Member States, to participate actively in criminal proceedings and to provide them with assistance for participation in criminal proceedings, that particularly vulnerable victims, such as children, victims of sexual violence or victims with disabilities are identified and protected in an adequate manner, and that they are protected during police investigations and judicial procedures. Therefore, victims of crime should be recognized and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. Member States were liable to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 16 November 2015. However, due to parliamentary elections and government establishments, the Republic of Croatia has not yet implemented the Directive 2012/29/EU into its national legislation and it is directly applicable.

The above-mentioned Directive requires from judicial authorities additional efforts for which personnel, material and facility capacities are not foreseen.

Inefficient dealing with crimes considered national priorities

The crimes committed against civilians in Sisak, Pakrac Valley, Glinsko Novo Selo, Borovo Selo, Antino and Vukovar were prosecuted mostly on the basis of command responsibility, while the prosecution of direct perpetrators failed. But the crimes in Varivode and Gošić¹⁰ as well as in Dvor na Uni¹¹ still remain unsolved and are being carried out against unknown perpetrators. For the war crime committed in Dvor na Uni on 8 August 1995, several eye witnesses were questioned in Denmark, members of the Danish UN Peace Mission battalion (members of UNPROFOR). The crime against twelve civilians, mostly handicapped, was committed in the area of separation between the Croatian Army Forces and Serbian forces, by unknown perpetrators wearing uniforms. On several occasions in 2012 and 2013 the representatives of DORH and War Crimes Prosecutor's Office of Serbia were on the territory of the Kingdom of Denmark, questioning witnesses, members of the Danish battalion, for their useful knowledge on the possible perpetrators.

The case is under the competence of the Zagreb County State Attorney's Office (CSAO Zagreb) where investigation is still undergoing, that is, they are establishing the circumstances of the event and the perpetrator. Since according to the Art.206 f, it.1 of the Criminal Procedure Code (CPC) during the investigation activities the proceedings are secret, so DORH cannot give further information.

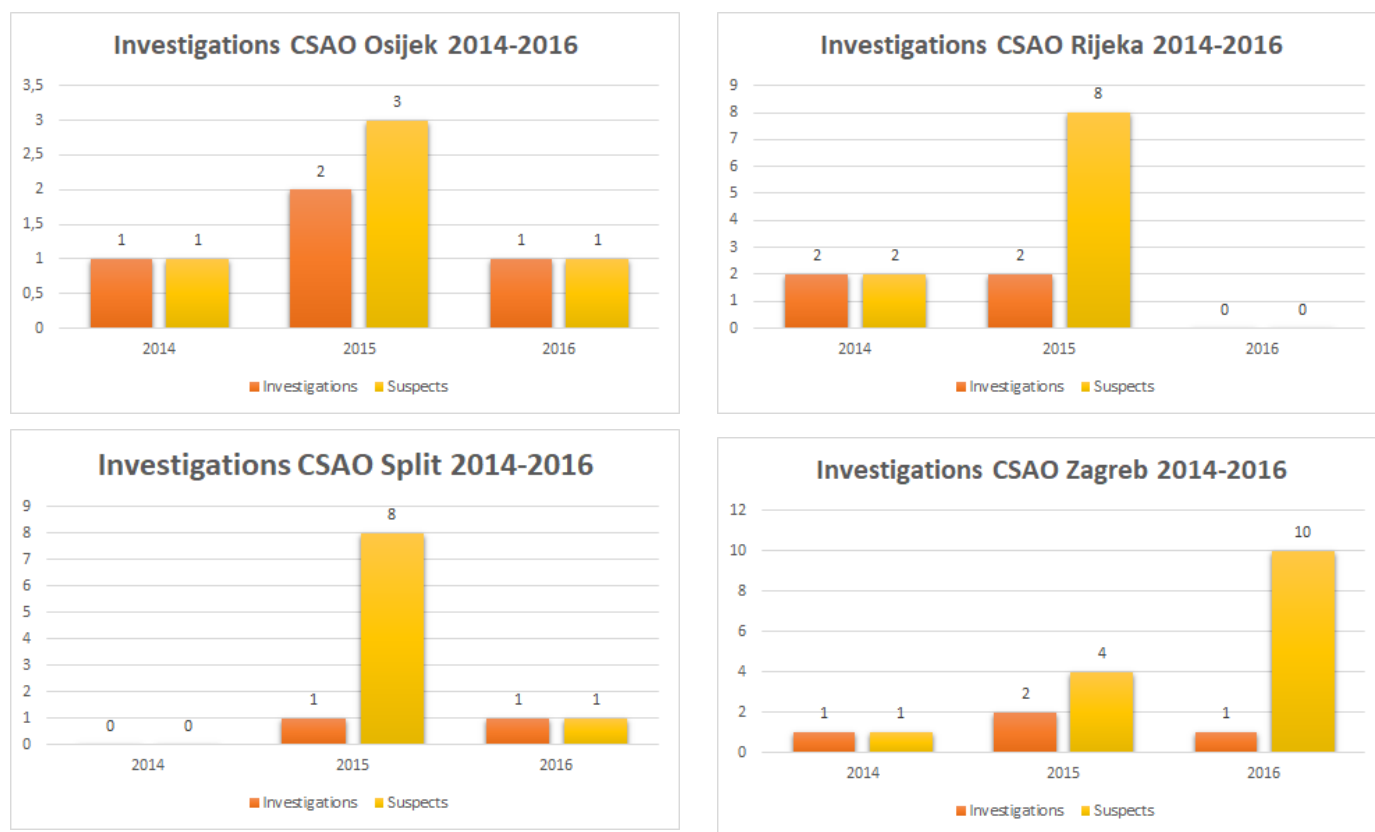
10 In August and September 1995 in the villages of Varivode and Gošić near Kistanje, members of Croatian military and police units killed 16 Serb civilians long after the cease of war activities and the end of the MPO Storm, when they should have been guaranteed safety of their lives. Brutally and without any motive a number of elderly persons were executed, where the youngest was 55 and the oldest 84 years old. By unifying criminal procedures six members of Croatian military and police forces were charged for the crimes in Gošić and Varivode. The procedure was initiated before the Zadar County Court and then transferred to the Šibenik County Court. In February 2002 the criminal procedure was suspended since the prosecutor- Šibenik County State Attorney's Office terminated criminal prosecution. Thus the investigation went back to the start, against unknown perpetrators.

11 Documentary "15 minutes – The Dvor Massacre" based on the memory of the massacre witnesses- members of Danish UN Battalion, caused uproar and pressure to Croatian Audiovisual Center (HAVC) and its director, endangering the freedom of speech and creation of cinematographers.

Long investigation processes preceed the indictments. The indictment against Dragan Vasiljković for the crimes against civilians and prisoners of war committed from 1991 to 1993 was issued in January 2016. The criminal procedure against Vasiljković (also known as Daniel Snedden) started in late 2005 with the release of decision on investigation.

Investigation

During 2016 3 investigations were initiated against 12 defendants. An overview of the work of the Rijeka County SAO, for instance, shows that there were no investigation orders.¹² These are the most humble investigation results of State Attorneys' Offices in prosecuting war crimes since Croatia joined European Union (EU) in 2013, that is since introducing the State Attorney's investigation where the State Attorney has an exclusive competence.¹³

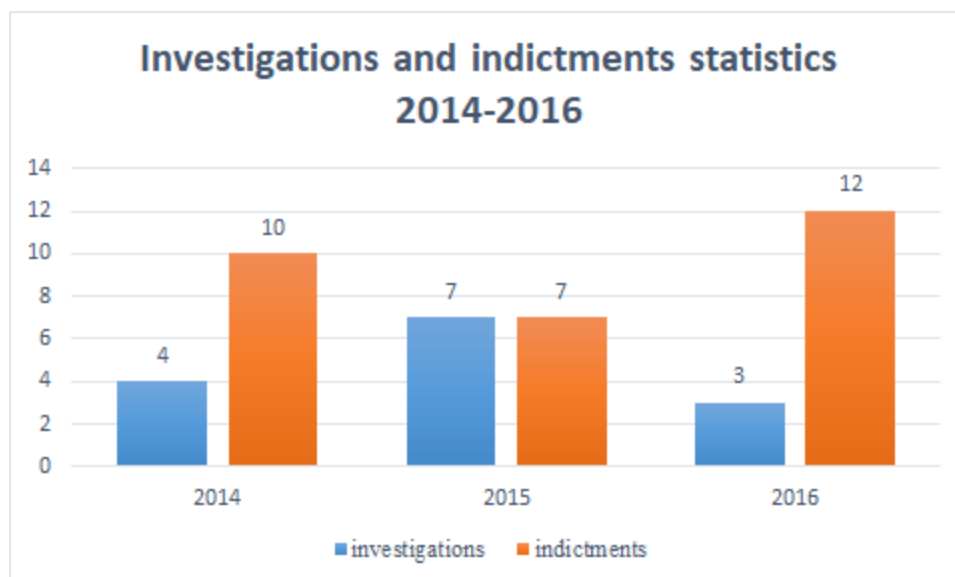


The analysis of the period from 2014 to 2016, after Croatia joined the EU, the CSAOs in Osijek, Rijeka, Split and Zagreb issued only 14 investigation orders.

CSAO Rijeka initiated 2 investigations in 2014 and 2 investigations in 2015; CSAOs Osijek and Zagreb carried out one investigation each in 2014 and 2016; CSAO Split did not investigate any war crimes during 2014, that is, no investigation orders were issued.

¹² Source: websites of CSAOs (Osijek, Rijeka, Split i Zagreb), Press Releases in 2016.

¹³ Criminal Procedure Code (Official Gazette No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14), Art. 216.



With a low rate of initiated investigations in 2016 we also observed investigation suspensions. For instance the Zagreb CSAO in January 2016 suspended its investigation of war crime in Ramljani based on the command responsibility of Željko Sačić¹⁴, war deputy commander of the Special Police Headquarter of the Ministry of the Interior, and his subordinate Frano Drlje, former member of Lučko Police Antiterrorist Unit (ATJ Lučko).¹⁵

Indictments

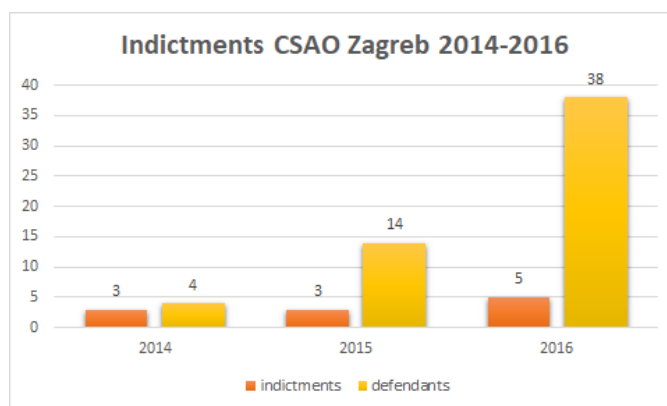
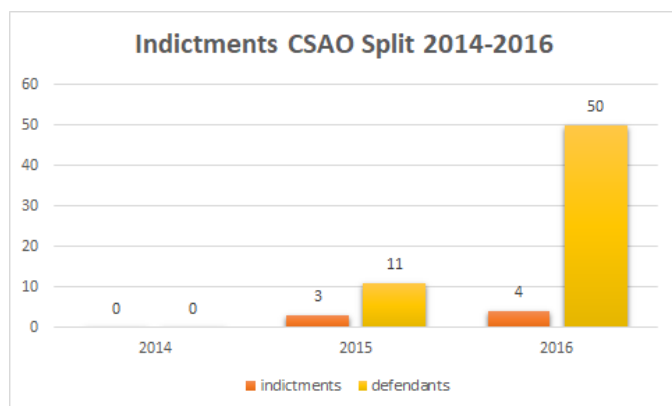
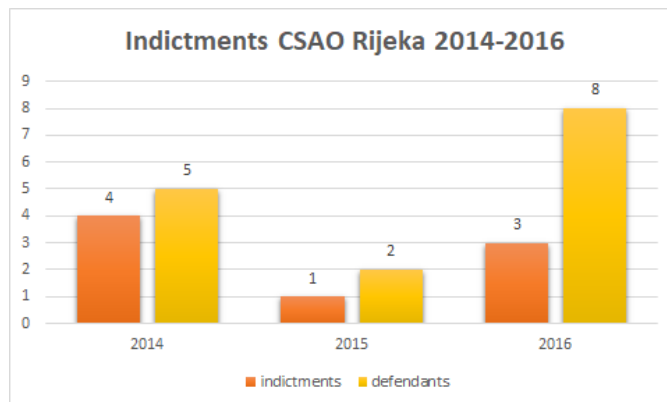
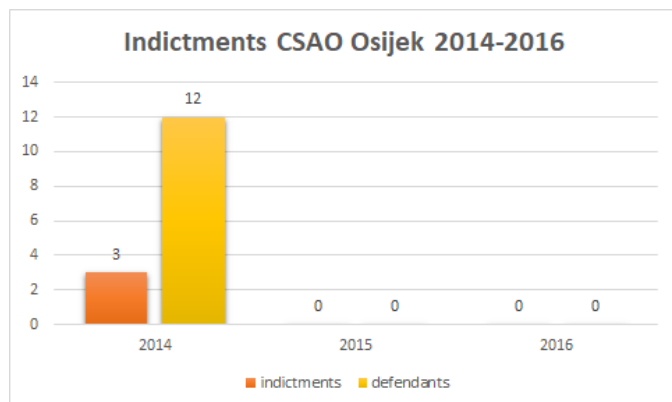
From 2014 to 2016 the greatest number of indictments were issued in CSAO Zagreb (11), followed by CSAO Rijeka (8) and CSAO Split (7), while CSAO Osijek issued only 3 indictments.

In 2016 12 indictments were issued against 96 persons. All the indicted, *tempore criminis*, are members of Serb forces. CSAO Osijek, for instance, did not issue any indictments in the last two years.¹⁶ Out of a total number of accused, 3 persons are in investigative detentions, and the rest are unavailable to judicial authorities of the Republic of Croatia and the criminal procedures against them are carried out in absentia.

14 Given the facts established in trials (ICTY, Zagreb County Court, Supreme Court of the Republic of Croatia) that show that the war crime against civilians in the village of Grubori was committed by members of ATJ Lučko, following the burning of the village of Ramljani, Documenta issued a press release with a question to the General State Attorney whether DORH is giving up from investigation related to the command responsibility of Željka Sačić and other superiors from ATJ Lučko for the crime committed against 6 Serb civilians in the village of Grubori on 25 Aug 1995.

15 <http://www.dorh.hr/ZupanijskoDrzavnoOdvjetnistvoUZagrebuObustavljena>

16 Data from CSAO Osijek website, «press releases» for 2016.



Although during 2016 the largest number of indictment was issued (in the period from 2013 to 2016), it is important to stress that none of the indictments was raised as a result of investigations from 2016.¹⁷

Also, several criminal procedures are incriminations referring to the killings of unidentified civilians and PoWs. We are referring to the criminal procedures against Dragan Vasiljković, Josip Mršić and Josip Krmpotić.

2. REGIONAL COOPERATION

Reduced capacities of DORH and prosecutors offices in the region, the non-appointment of the Chief War Crime Prosecutor of the Republic of Serbia¹⁸ and insecurity due to disciplinary procedure against Chief Prosecutor of Bosnia and Herzegovina¹⁹, undoubtedly and objectively reduces the efficiency of prosecuting war crimes, as well as the regional cooperation.

Serbian Law on Universal Jurisdiction

As previously mentioned, during 2016 Croatian judiciary performed investigation, issued indictments or rendered judgments in absentia, where the majority of suspects/accused/convicted has legal residence on the territory of the Republic of Serbia. The agreements on cooperation with the

17 Def. R.A. zločin u Borovu Selu; Def. Z.P. i dr, zločin u Kopačevu, Def. S. P. i dr., zločin u KPD Glina nad zarobljenim pripadnicima Zbora narodne garde, zločini počinjeni na Kninskoj tvrđavi koja je služila kao improvizirani zarobljenički logor, Bruškoj i Glini – Def. D. Vasiljković. Zločin u Ličkom Osiku, Zločin u Slunju i okolici, Zločin u Vojniću, Zločin u Smiljčićima, Zločin na širem kninskom području, Zločin u Kninu, Zločin u Voćinu i okolici.....

18 Od 1. siječnja 2016. otvorena je pozicija tužitelja za ratne zločina Republike Srbije, a tek u svibnju je Narodna skupština izabrala novu tužiteljicu.

19 U rujnu 2016, pokrenut je stegovni postupak protiv Gorana Salihovića zbog povrede radnih obveza, propusta u radu te je isti suspendiran.

prosecutor's offices in the region on transferal of evidence²⁰ should have prevented such situation.

The generally complex relations between Serbia and Croatia were additionally complicated by the Serbian Law on Universal Jurisdiction, generally known in public under that name²¹, due to legal and political consequences. For the first time in 12 years War Crimes Prosecutor's Office of the Republic of Serbia did not participate in the Regional Conference of War Crimes Prosecutors, held in September 2016 on the Brijuni Islands. On the other hand, because of the controversy regarding the application of the Law, Croatia temporarily blocked the opening of one of the key EU accession negotiation chapters.²²

The legal solutions related to the universal jurisdiction in Croatia are almost identical to the ones in Serbia. Serbia links universal jurisdiction to the territory of the former federal state- SFRY, while the Republic of Croatia links it to the presence of the accused.²³ However, in spite of all that, it is important to continue with trials in the states where the alleged perpetrators live, for the sake of processing the responsible and bringing justice for the victims.

Effects of regional cooperation

- Regional cooperation with War Crimes Prosecutor's Office of the Republic of Serbia²⁴

War Crimes Prosecutor's Office of the Republic of Serbia issued indictments for numerous crimes committed in Croatia during the Homeland War: in Lovas, Sotin, Ovčara, Vukovar, Beli Manastir, Tenj. Criminal procedures were or are being carried out against defendants living on the territory of the Republic of Serbia.

In 2016 two judgments for crimes committed on the territory of the Republic of Croatia became final: for the crime in Beli Manastir, final since Feb 2016 and for the crime in Sotin, final since Nov 2016.

Before Belgrade Appellate Court the appeal retrial for the crime in Ovčara is under way.

Also, the Council of the War Crimes Unit of the Higher Court in Belgrade is holding a retrial for the crime in Lovas.

Crime in Beli Manastir

On 12 Feb 2016 for the murder of at least six Croatian civilians in Beli Manastir in 1991 the Appellate Court of the Republic of Croatia upheld the guilty verdict of three members of the then Beli Manastir Police Unit for war crimes against civilians. The first instance verdict of the War Crimes Unit of the Higher Court in Belgrade, Zoran Vukšić was convicted to the maximum 20 years' imprisonment, Slobodan Strigić to 10 years, and Branko Hrnjak to 5 years' imprisonment. For the same crime Velimir Bertić was earlier convicted to 1,5 years' imprisonment.

Zoran Vukšić, Slobodan Strigić, Branko Hrnjak and Velimir Bertić, at the time members of the Special Purpose Unit of the Beli Manastir (Republic of Croatia) Secretariat of the Interior of the so-called SAO

20 Agreement on Cooperation with the Office of the War Crimes Prosecutor of the Republic of Serbia in prosecution of perpetrators of war crimes, crimes against humanity and genocide, 13 Oct 2006

21 Law on Organisation and Competence of Government Authorities in War Crimes Proceedings was adopted in late 2003.

22 <http://www.jutarnji.hr/komentari/zasto-je-blokada-srbije-losa-plenkoviceva-odluka-ocekivali-smo-da-ce-andrej-unijeti-europski-duh-u-regionalne-odnose-sad-smo-malo-razocarani/5401703/>

23 Criminal Code– OG 125/11, 144/12, 55716, 61/15, Art. 16. And the Law on the Application of the Statute of the International Criminal Court and the Prosecution of Criminal Acts against the International Law of War and International Humanitarian Law – OG 175/03, 29/04, 55/11, 125/11, Art. 10

24 For more details on criminal procedures carried out in the Republic of Croatia during 2016, please find the Report on War Crimes Trials in Serbia during 2016, Humanitarian Law Center - <http://www.hlc-rdc.org/?p=33603>

Eastern Slavonia, Baranja and Western Sirmium, were charged with the unlawful confinement, violation of the bodily integrity, intimidation, terrorizing, and inhumane treatment of six Croatian civilians in the period from August to December 1991 in Beli Manastir. The criminal procedure is a result of regional cooperation between DORH that ceded evidence and Serbian War Crimes Prosecutor's Office that issued the indictment.

Crime in Sotin

With the indictment on 31 December 2013 the defendants were charged with having killed 16 civilians of Croatian nationality, of whom 13 were executed on the basis of a previously drawn up execution list. They were charged with having committed this crime in the period from October to December 1991 in the village of Sotin and nearby areas (the Municipality of Vukovar, Croatia), as members of the Sotin Territorial Defence (TD), police and JNA.

On 26 June 2015, the Higher Court passed a judgment in which it was found that the defendant, Dragan Mitrović, and the cooperating defendant Žarko Milošević were guilty. Mitrović was sentenced to 15 years in prison and Milošević to 9. The defendants Mirko Opačić, Miroslav Milinković and Dragan Lončar were acquitted. The judgment determined that Milošević and Mitrović killed civilians Stjepan Šter and Snežana Blažević in October 1991 at the location called Vodice, on the banks of the Danube River, near Sotin, while they were “searching the area”, as part of a group consisting of members of the TD and members of the police station. It was also determined that Milošević killed the civilian Marin Kušić in a vineyard by the Danube River near Sotin, in November 1991.

Finally, the court determined that Milošević and Mitrović killed 13 civilians on 27 December 1991, all of them Sotin inhabitants of Croatian nationality. According to the court, the killing was preceded by a decision made by Milošević and some other inhabitants to expel a certain number of Croatian civilians from Sotin, so that refugees of Serbian nationality, coming from Western Slavonija, could move into their houses. On 18 November 2016 the Court of Appeals upheld the first instance judgment.

Crime at Ovčara

On 12 December 2005, the District Court in Belgrade sentenced eight of the defendants to 20 years in prison, Predrag Madžarac to 12 years, Goran Mugoša to five years, and Nada Kalaba to nine years in prison. The defendants Marko Ljuboja and Slobodan Katić were acquitted of all charges. The Supreme Court of Serbia on 18 October 2006 quashed this judgment and sent the case back to the First Instance Court for retrial. At the retrial conducted by a new chamber, Saša Radak and Milorad Pejić, against whom the OWCP in the meantime had brought an indictment for the same crime, were tried together with other defendants. On 12 March 2009, the District Court sentenced seven defendants, including Saša Radak, to 20 years in prison, Milan Vojnović to 15 years, Jovica Perić to 13 years, Nada Kalaba to nine years, Milan Lančuzanin to six years, and Goran Mugoša and Predrag Dragović each to five years. Slobodan Katić, Predrag Madžarac, Vujo Zlatar were acquitted. The Court of Appeal in Belgrade handed down its judgment in 2010, which reversed Nada Kalaba and Ivan Atanasijević's sentences, by increasing Kalaba's sentence by two years and reducing Atanasijević's sentence by five years. Finally, in December 2013, the Constitutional Court of Serbia accepted Radak's appeal against the decision of the Court of Appeal in Belgrade and order the Court of Appeal to reconsider Radak's appeal against the first instance judgment.

Crime in Lovas

This is one of the most complex and most comprehensive procedures carried out before the War Crimes Unit of the Higher Court in Belgrade, covering a big number of defendants, members of different armed formations, several different events, and a great number of witnesses. The original indictment

covered 69 victims, but after a revision in December 2011, the number of victims was reduced to 44. Due to the change of the Presiding Judge, the retrial commenced from the beginning on 2 March 2016.

On 26 June 2012, the War Crimes Department of the Higher Court in Belgrade rendered its judgment, finding all the defendants guilty of committing a war crime against the civilian population as co-perpetrators. They received sentences ranging from four to 20 years' imprisonment. On 9 December 2013, the War Crimes Department of the Court of Appeal in Belgrade reversed the judgment of the War Crime Department of the Higher Court in Belgrade and sent the case back to the First Instance Court for retrial and reconsideration.

- Regional cooperation with the Prosecutor's Office of BiH

On the bases of signed agreements and transferred evidence, 2 trials were carried out before the courts of the Republic of Croatia against Croatian citizens living in Croatia.

For the case in Drmaljevo Camp the Rijeka County Court found Ćazim Behrić guilty in a first-instance judgment, and the Split County Court commenced the trial for the crime in Široki Brijeg. Both criminal procedures are for crimes committed on the territory of BiH.²⁵

We also observed inadequate statements of the political leadership on the arrest of 10 former members of Croatian Defense Council in Orašje, and a pressure on the judiciary in order to suspend investigation. There is no doubt that the crimes committed in the Donja Mahala camp should be investigated, why they were not prevented and who is responsible for the fact that they have not been prosecuted yet.²⁶

3. CRITICAL OBSERVATION

Lack of prosecuting crimes established by final judgments

The indifference of State Attorney's Office to the evidence material established in the final sentences delivered by the ICTY, although they have access and possibility to search the ICTY War Crimes Database, as well as direct communication with prosecutors, analysts and other experts of the ICTY Prosecutor's Office, resulted in the initiation of only one crime investigation for the crime in Kijani.²⁷ There are other cases, (like Gotovina et al.) referring to the crimes committed during and immediately after the MPO Storm.²⁸

25 Ćazim Behrić was convicted to 4 years' imprisonment in a first-instance verdict. The conviction is below mandatory minimum prison sentence. The defendant is charged with direct perpetration of rape of one female prisoner and non prevention of his subordinates in physical abuse of prisoners- civilians in Drmeljevo, where one of the civilians Rasim Erdić died of consequences. Many prisoners, among whom were children, pregnant women, disabled and elderly men were starved and abused on a daily basis. The defendant was prison camp chief in the period covered by the indictment.

Def. Ivan Hrkač was acquitted in June 2016. During the investigation process many witnesses who were detained in the camps of the so called Herceg Bosna, such as Heliodrom, Široki Brijeg Police Station and Dobrkovići elementary school, were questioned in BiH in absentia of the defendant's lawyer. At the trial before the Split County Court they changed their depositions.

26 We would like to point out to the research work of the Association Transitional Justice, Responsibility and Memory—Mapping camps and detention facilities in Bosnia and Herzegovina 1992-1995 and the information available on their website; <http://www.tranzicijska-pravda.org/profili-logora-i-zatocenickih-objekata/>

27 Indictment confirmed by the Supreme Court of the Republic of Croatia in 2016

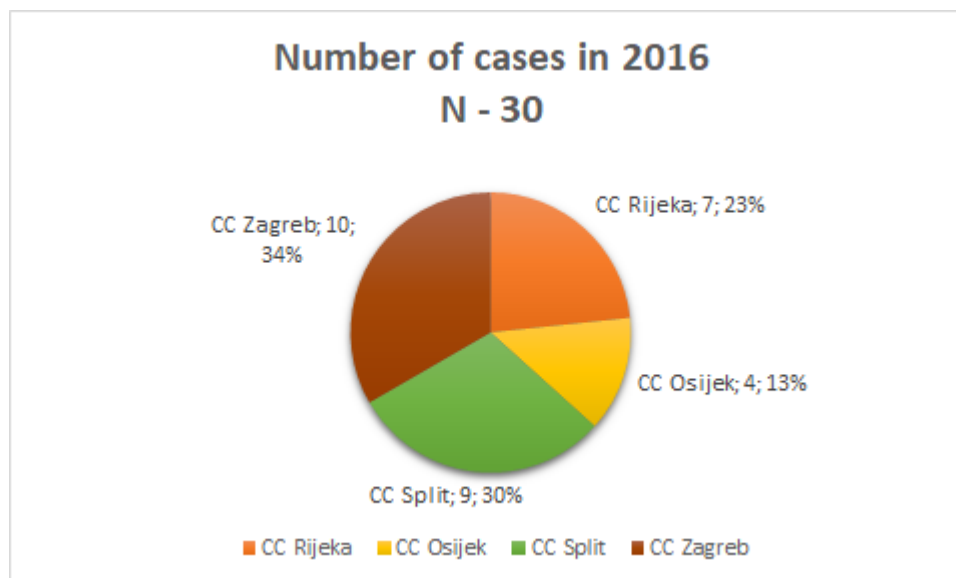
28 There were only two final sentences against 4 defendants that cover 3 victims. The DORH records contain data on 214 killed, 167 victims of war crimes. Croatian Helsinki Board registered 677 victims. According to the data from 2011 of the

Similar situation is found with regards to the crimes committed during and immediately after the Croatian Army Operation Pocket 93. After a final judgment (Ademi, Norac) three criminal procedures were initiated against 3 members of Croatian Army.²⁹ One procedure has a final judgment, while other two are in the stage of non-final judgments. Only against one member criminal prosecution is on the bases of command responsibility. In spite of the established facts in the final verdict Ademi/Norac there are no trials for the parallel command responsibility. The criminal procedures have not been initiated. Also, there is still no criminal prosecution of the perpetrators of crimes against victims listed by name, Serb civilians and Serb PoWs, killed in the area of responsibility of the Special Police of the Ministry of Interior of the Republic of Croatia.³⁰

4. OVERVIEW OF THE WORK OF SPECIALIZED WAR CRIME CHAMBERS

The Documenta and Center for Peace Legal Team kept monitoring war crimes trials before domestic courts and ICTY during 2016. Instead of a systematic monitoring of all war crimes trials cases, we introduced a program of strategical monitoring of hearings in complex cases with widespread crimes, numerous victims and higher number of witnesses.

In **30** war crimes cases there were **116** hearing. This is an indicator of poor frequency of scheduling hearings and a lack of concentrating main hearings in war crimes cases. As a comparison, in 2015, four specialized War Crimes Chambers scheduled 171 hearings (court hearings, meetings of the adversarial council, preparatory hearings), out of which 16 were postponed.³¹ Such trials dynamics creates confusion in the public and makes the monitoring difficult, which is shown by exceptional media reporting.

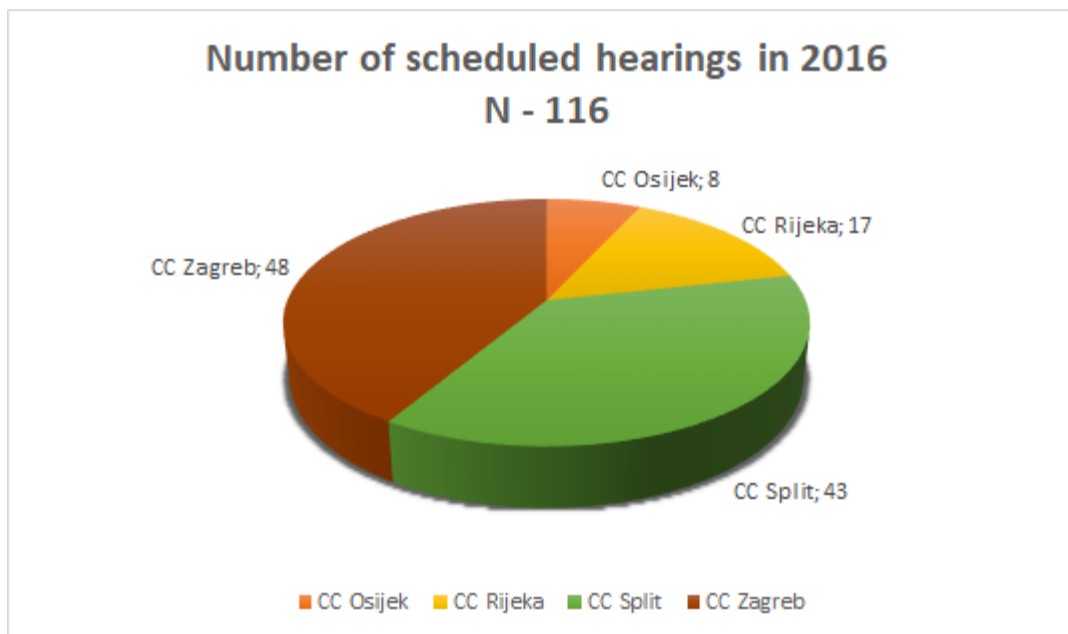


former Directorate for detained and missing of the Ministry of Family, War Veterans and Inter-generational Solidarity, 697 victims were exhumated and a great number is still referring to the missing persons.

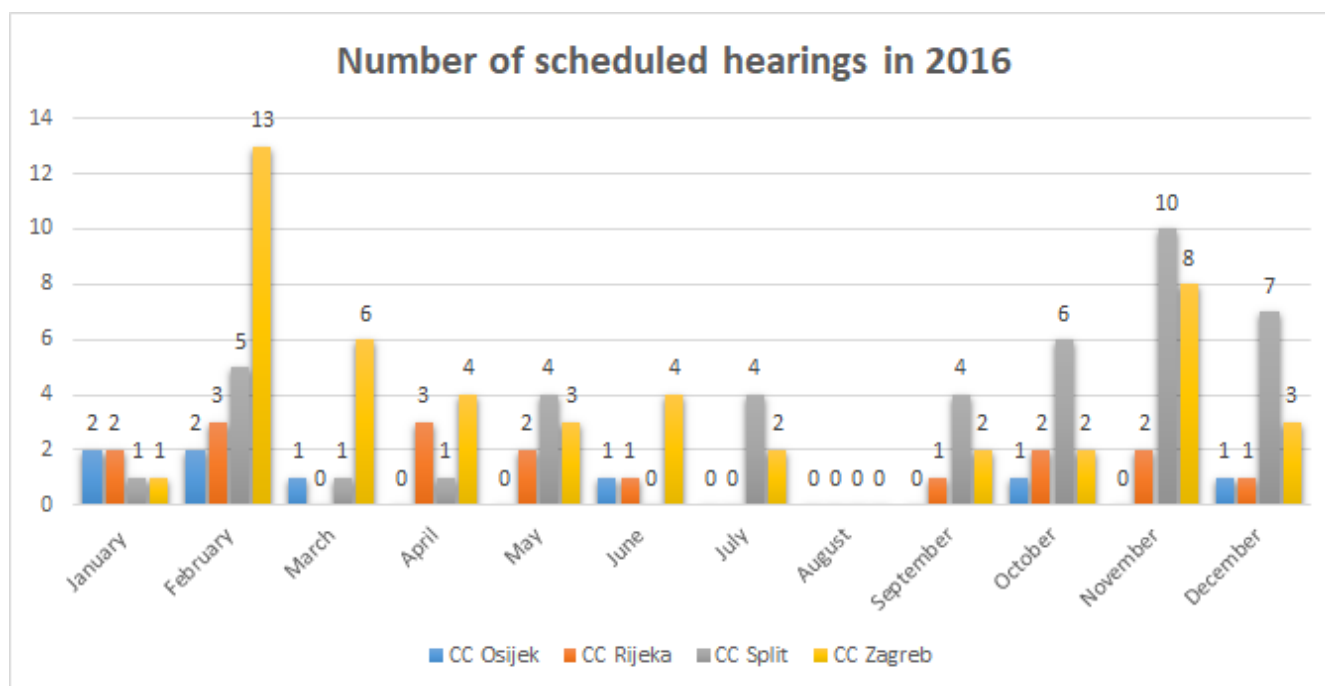
29 Criminal procedures against Velibor Šolaja, Josip Mršić and Josip Krmpotić who was sentenced in the first instance by command responsibility.

30 Presuda Županijskog suda u Zagrebu, K-Rz-16, od 30.05.2008.

31 *Monitoring War Crimes Trials 2015 Annual Report*; <https://www.documenta.hr/hr/izvje%C5%A1taj-o-pra%C4%87enju-su%C4%91enja-za-ratne-zlo%C4%8Dine-u-2015.-godini.html>



The highest number of trials has been carried out before the Zagreb County Court, but the Split County Court marked an increase of the number of trials compared to the previous years.



Non-final judgments were rendered in 13 cases against 26 defendants. For 21 defendants 9 guilty verdicts were delivered, while 5 defendants were acquitted in 4 cases. In the rest of 5 cases the trials are under way in 2017. Also in 13 cases after the indictment was confirmed, the trials started.

Rendered non-final sentences according to troop membership

Regarding 15 members of Serbian troops, 12 were tried in absentia, with 7 non-final sentences.

13 members were found guilty³² in 5 cases, with only two (2) defendants present at the trial. In two criminal procedures two members of Serbian troops were acquitted, one was present, and the other was absent.

Out of 5 judgments³³ against members of Croatian troops, three (3) guilty verdicts were delivered against 7 defendants, while three (3) defendants were acquitted of command responsibility in 2 cases (crime in Grubori, crime in Široki Brijeg). They were all present at the trials.

One defendant who was found guilty is a member of the Popular Defense of the Autonomous Province of Western Bosnia (APZB)³⁴.

Eight judgments for war crimes³⁵ from previous years became final during 2016, mainly upholding previous guilty verdicts. For the crime in Osijek the Supreme Court on 7 June 2016 accepted the appeals of the defense and the prosecution, quashed the first-instance judgment of the Zagreb County Court of 8 May 2009 and send the case for retrial to the first-instance court, thus abolishing the guilty verdict and prison sentences of all the defendants. Retrial for Branimir Glavaš and others is expected in July 2017.

5. TRENDS

In absentia trials

In the four specialized War Crimes Chambers one third of the trials were held in absentia. Before the Osijek County Court all the trials are held in absentia, more than a half of trials before the Rijeka CC, and one fourth before the Zagreb CC. Namely, in spite of the fact that the war crime is not subject to statute of limitations, the Supreme Court expressed its viewpoint in some of the decisions of *in absentia* trials; that the war crimes are the most serious crimes, where the perpetration of the criminal act, the passage of time since the crime, and the interest of the injured persons are that the criminal responsibility of the defendant is established within reasonable time, and that they are more relevant than the presence at the trial. Also, according to the Article 67, par. 2 of the Law on the International Legal Assistance in Criminal Matters Official Gazette No. 178/04, DORH is competent for the proposal of criminal prosecution transferal, and when they propose an in absentia trial, it can be concluded that DORH does not consider transferring the case to another country. Therefore, the necessary preconditions of the Article 402, It. 3 of the CPC (a trial in another country is not possible) are fulfilled.³⁶

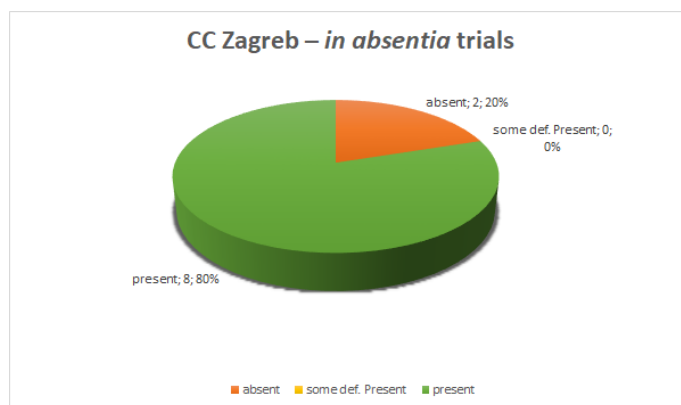
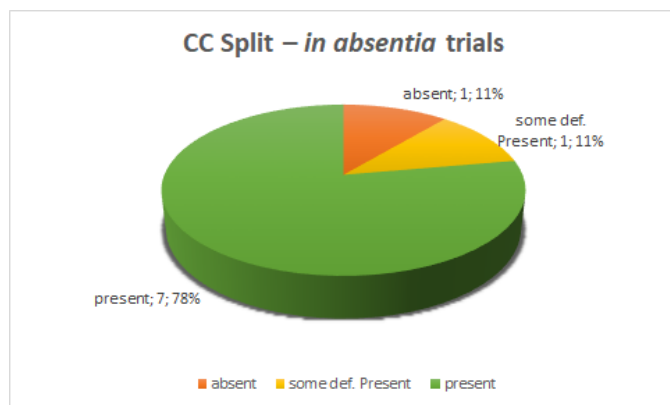
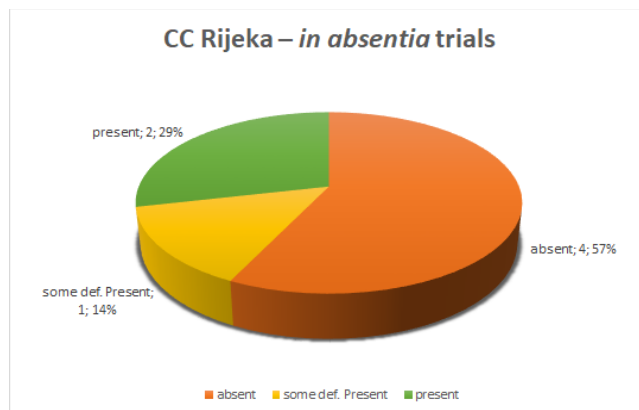
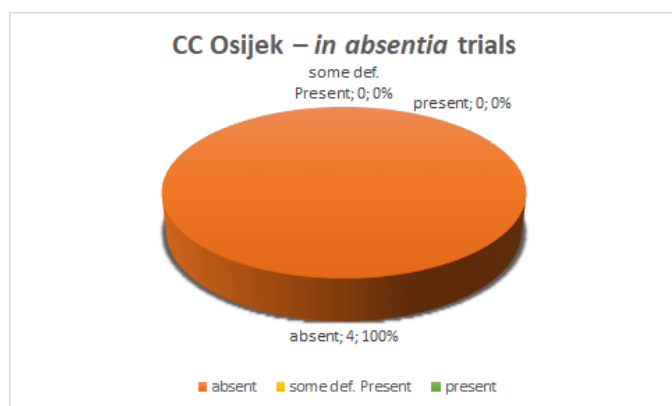
32 Crime in Kopačevo – CC Osijek, Crime in Maja and Svrāčica – CC Zagreb, Crime in Udbina – CC Rijeka, Shelling of Split – CC Split, Crime in Bišćanovo, near Petrinja – CC Zagreb

33 Crime in Kerestinec – CC Zagreb, Crime in Pakrac Valley – CC Zagreb, Zločin in Medak Pocket - CC Zagreb, Crime in Grubori - CC Zagreb, Crime in Široki Brijeg – CC Split

34 Crime at Drmeljevo camp, Def. Čazim Behrić, CC Rijeka

35 See overview of final judgments

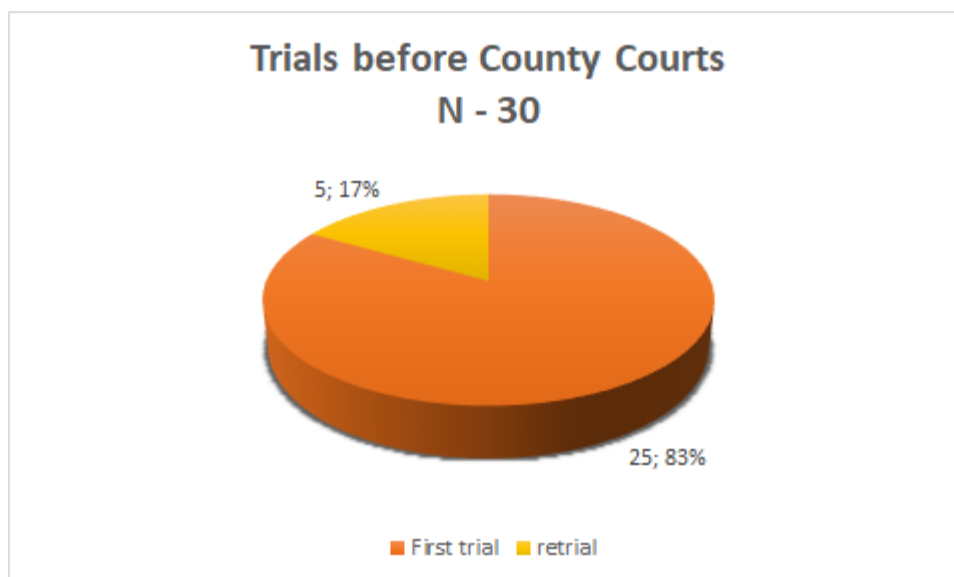
36 SCRC, Decision of 24/10/2016, I Kž 583/16-4; <https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba806d6b89>



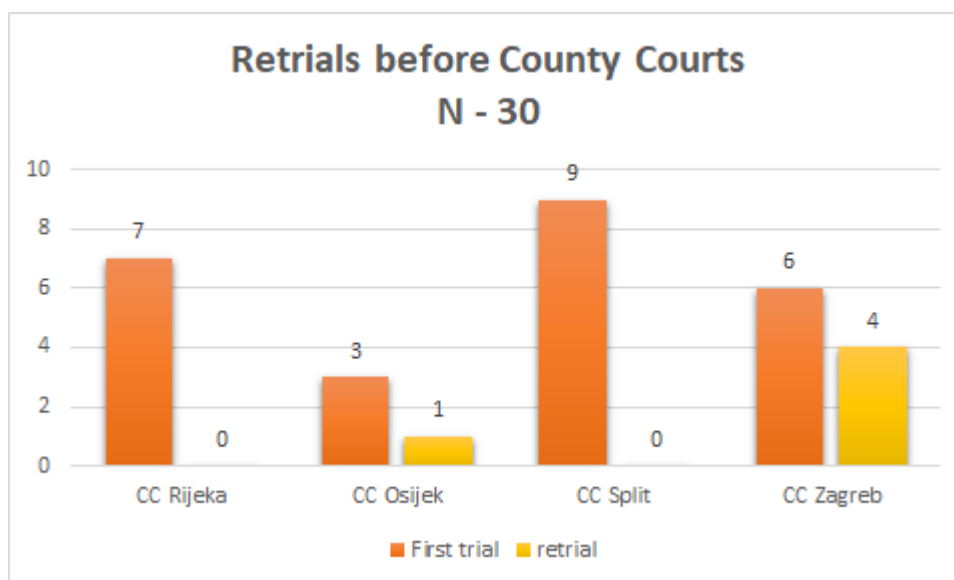
As war crimes trials monitor, we reiterate our observation that we observe fatigue in witnessing, especially by direct or indirect war crimes victims and their lack of understanding or acceptance of trials without defendants where it is uncertain whether he/she will ever serve the sentence.

Retrials

Of a total number of monitored trials (30) 17% are retrials. The Zagreb CC is leading in this category with more than a third of trials that are repeated multiple times. Therefore the already limited court resources are inefficiently used. The victims are retraumatized.



Due to retrials the interest of the public also decreases.



Reducing sentence due to alleviating circumstances

In non-final guilty verdicts rendered during 2016 we observed that some of the defendants who were found guilty and convicted were given below mandatory minimum prison sentence, such as the sentences of 1,5 and 2 years' imprisonment³⁷. A sentence of 3 years' imprisonment is within the mandatory minimum for reducing prison sentence, but when we look at the accusations against the defendants for which he was found guilty³⁸ the alleviating circumstances should be carefully evaluated.

The most often alleviating circumstance is participation in the Homeland War as a defender; multiple

³⁷ Crime in Gajevo street in Zagreb and Kerestinec, all the defendants were found guilty, three out of five defendants were given sentences below mandatory minimum. The same is the case of Medak Pocket, when Josip Krmpotić was sentenced to 3 years' imprisonment, and for the crime in Maja and Svračica Milan Španović was also sentenced to 3 years' imprisonment.

³⁸ Crime in Velika Kladuša –Drmaljevo camp Def.Ć.B, charged for command and direct responsibility- killings and rape.

medals for the contribution in victory in the Homeland War; temporary insanity. In our opinion, participation in the Homeland War cannot be an alleviating circumstance since the defendant is precisely charged of crimes committed in the very Homeland War.

Duration of trials without final epilogue in 2016

We monitored several lengthy trials, such as:

Crime in Pakrac Valley (2012- 2017), crime in Grubori (2011 -), crime in Kerestinec (2012 – 2017), crime in Medak Pocket (Def. Josip Krmpotić) (2013 – 2016), crime in Suknovci and Oklaj (Def. G. Amanović, 2011 - 2016), crime in Maja and Svračica (Def. M. Španović, 2009 -), crime in Tovarnik (Def. M. Stanimirović, 2010 -). All the trials have in common a lack of concentration of main hearings; they were held without continuity or these are trials with multiple repetition (retrials).

Trials initiated by arrests and/or extraditions

Four trials in 2016 were initiated upon arrests/extraditions of suspects/accused on the bases of international arrest warrants.

On 8 July 2015 Australia extradited Dragan Vasiljković to Croatia, suspect of war crimes against civilian population and prisoners of war in the period from 1991 to 1993. The decision-taking process on the extradition lasted 10 years because Dragan Vasiljković claimed the impossibility of having a fair trial before Croatian courts, especially due to possible discrimination on grounds of ethnicity, as well as complaining on lack of objectivity and impartiality of the courts (crime in Knin fortress).

Crime at the Peruča dam; Retired Serbian general Borislav Đukić, accused for war crimes against civilians in Croatia in the 1990's was arrested on 17 July 2015 in Tivat, Montenegro, and extradited to Croatia in March 2016. The Split County State Attorney's Office issued the indictment no. KT 27/93, of 13th December 1995 against Ratko Mladić, Mile Novaković, Borislav Đukić and Milan Korica, According to the indictment, generals Mladic and Novakovic ordered Djukic and Korica on 28 January 1993 to set up large quantities of explosive to blow up the Peruca dam. About 30 tons of explosive was set up and the resulting explosion damaged the dam. The timely response of Croatia's HEP power utility prevented total flooding and the endangering of the lives of more than 50,000 residents of Sinj, Trilj and Omiš.

Shelling of Split; in December 2015 former Yugoslav People's Army officer Pavle Pantić, and former Deputy Commander of the YPA Military Complex Lora in Split was arrested in Montenegro on the basis of Croatian Interpol warrant. He was extradited to Croatia in April 2016. Also, for the crime in Doljani Zvezdan Milašin was arrested in October 2016, at the Bačka Palanka-Ilok border crossing.

Prosecuting sexual violence in war before domestic courts

During 2016 we monitored 7 cases that contained rape or sexual abuse in the factual description of war crime (Cases: Drmaljevo camp, Kopačevo, Kerestinec, Kuline against civilians and Kuline against PoWs, Lora II, Doljani).

For the crime in Kopačevo in 2016 the Osijek CC rendered non-final guilty verdict for war crime against civilian population, by rape.³⁹

We observed several things in the above mentioned case:

³⁹ Case K-rz-82/07, Def. Z.P. et al, non-final judgment of 14/07/2016

- The 1st instance procedure was held in absentia⁴⁰ of both defendants who are unavailable to Croatian judicial authorities
- One of the defendants was earlier already convicted for war crime against civilian population by rape, against other victim⁴¹
- The defendants were charged of war crime against civilian population according to the Art. 120, it. 1 of the GCC RoC
- The 1st instance guilty verdict⁴² sentenced defendants to 10 and 9 years' imprisonment respectively.

In earlier annual war crimes reports we have already established that according to the practice of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Higher Court in Belgrade, Court of Bosnia and Herzegovina, International Criminal Court (ICC) there are no in absentia trials before these judicial institutions, but they are exclusively held in the presence of the defendant.

With the amendment of the Criminal Procedure Code (CPC) victims of crime, as well as war crimes, have the right to psychological and other expert assistance and support by the bodies, organizations or institutions for victims' assistance. It is surely a step forward in prosecuting crimes, above all because it makes the victim easier to manage during the trial, facing with the defendant (if present), and helps him/her to overcome fear, unease and stress.

In the concrete first instance trial carried out in 2016, apart from Def. Z.P. Def. R.Z. was also accused for war crime against civilians by rape, art. 120, it.1 GCC RoC.

On 30 Oct 2007 the Osijek CSAO issued indictment No. K-DO-49/07 against two defendants. The victim of the crime was raped and abused on multiple occasions. The crime was committed in early December 1991 during the temporary occupation of a part of the territory of the Republic of Croatia. The act was reported, and the Military Court in Belgrade carried out criminal procedure where Def. Z.P. presented his defence, describing the critical event. The first instance non-final judgment found the defendants guilty and convicted them to prison sentences: Def. Z.P. 10 years, Def. R.Z. 9 years.

In previous annual reports we have problematized the disposition of the Art. 91, p.2, it.22. of the Criminal Code that treats rape as war crime. We have pointed to the fact that the new CC treats rape and sexual abuse as a minor criminal act that represents war crime. The minimum prison sentence foreseen is 3 years.⁴³

We have been warning that, given the serious consequences for the victims of rape and sexual abuse that represent war crime against civilian population, heard in conversation with the victims or in their testimonies during the court hearings, that it is not a minor criminal act of this war crime.

Given the consistency in perpetrating the act, as well as brutality and bestiality, rape, sexual abuse and sexual slavery leave on the victim deep physical, psychological and social marks. We have also pointed to the ICTY practice⁴⁴ in prosecuting and sanctioning war crimes perpetrators who committed crimes

40 Before the Osijek CC during 2016 there were 3 more criminal procedures under way for war crime against civilians, Art. 120, p.1 GCC RoC. All the trials were held in absentia.

41 Judgment of the Osijek CC No. K-38/93 of 24 Sep 1993, Def. Z.P. was convicted to 15 years' imprisonment

42 Judgment of the Osijek CC WCC No. K-rz-82/2007, 14/07/2016

43 Art.91.p.2.it.22. of the Criminal Code, OG 125/11, of 7 Nov 2011, entered into force on 1 Jan 2013, I ammendment OF 144/12 of 21 Dec 2012, II ammendment OG 56/15, of 22 May 2015, correction of the II ammendment OG 61/15, of 3 Jun 2015

44 Cases: Def. Duško Tadić (Omarska camp); Def. Zdravko Mucića et al. (Čelebić camp); Def. Ante Furundžija (Lašva Valley); Def. Dragoljub Kunara et al. (Foča); Def. Radislav Krstića (Srebrenica) ...

of rape, sexual abuse and slavery. One of the messages sent by the ICTY with these judgments, condemning the perpetrators of these crime is that «an efficient criminal prosecution of sexual violence perpetrators in war conflicts is possible. A message of support and understanding of suffering of the victims and creating a safe space where they can speak out of what they experienced.».⁴⁵

6. FINAL JUDGMENTS OVERVIEW

Crime in Trpinja

In its judgment no. I-Kž 272/15, dated on 31 Mar 2016 the Supreme Court of the Republic of Croatia upheld the 1st instance judgment rendered by the Osijek County Court no. K-rz-4/14 of 19 December 2014, finding guilty all the defendants in the case of crime committed in Trpinja and sentenced them to prison⁴⁶. For two defendants sentenced to 20 years' imprisonment the judgment did not become final, since they have at their disposal, as regular legal remedy, the possibility of appeal to the second-instance judgment where the Supreme Court of the Republic of Croatia will decide in the third instance.⁴⁷

During the first instance trial all the defendants were present and in investigative detention.

All the defendants filed appeals to the first instance judgment. The Appeals Council of the Supreme Court of the Republic of Croatia dismissed all the appeals of the defendants, such as the violation of criminal procedure by rendering judgment on the basis of illegal evidence; controversial and unclear judgment; reading of earlier depositions of witnesses prior to their questioning. The Appeals Council also dismissed the allegations of erroneous state of the facts, such as the statement that the Trpinja Territorial Defence (TO Trpinja) was not a paramilitary formation, because it was established on the basis of the Law on Popular Defense in force until 8 Oct 1991; allegation that some of the defendants were not part of TO Trpinja or that they did not participate in taking away and killing of the detained civilians; objections to testimonies of protected witnesses.

The objections of the violation of the Criminal Code were also dismissed because they claimed that a milder law should have been applied, that is the Criminal Code of the former SFRY, for which the Supreme Court established that it was not a milder law and that it could have been applied (because it also foresaw a death penalty).

The objections were also dismissed regarding the sentences, stating that the first instance court adequately evaluated the alleviating circumstances for the defendants, as well as the aggravating circumstances that were established (i.e. brutality of the criminal act against civilians and Croatian defenders).

45 Kastratović, V. «Rape and sexual violence as war crimes acts» in Dubljević, M. (Ed.) *Prosecuting War Crimes – Guarantee of the Process of Dealing with the Past and Sustainability of Judicial Reforms in Croatia*, Documenta, Zagreb, 2014, p. 332

46 Def. Stevo Pantić. 20 years; Def. Milan Atanacković 20 years; Def. Milenko Pantić 14 years; Def. Đoko Stajić 14 years; Def. Zoran Gajanin 14 years, Def. Jerko Mičić 14 years; Def. Zoran Ranković 12 years; Def. Simo Stević 14 years; Def. Željko Vukurić 12 years, Def. Miroslav Kovačević 5 years

47 CPC (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13,152/14), Art 490 foresees appeal against a second instance judgment, exceptionally in only two cases: 1) if the 2nd instance court delivered a long prison sentence or upheld a 1st instance verdict with such sentence or 2) if the 2nd instance court quashed a 1st instance acquittal and rendered a guilty verdict.

Crime in Dalj

On 15 February 2016 the Supreme Court of the Republic of Croatia rendered judgment no. I-Kž 554/15, upholding the first instance guilty verdict by the Osijek County Court no. K-rz-1/15 of 2 June 2015, convicting both defendants for the crime in Dalj and sentencing them to prison.⁴⁸

During the first instance trial the defendants were present and in investigative detention. The defendants filed appeals to the first instance judgment, as well as the CSAO Osijek.

The Osijek County State Attorney's Office complained to the erroneous establishments of the state of the facts and the sentence. Def. Lj.R. through his lawyer appealed to the violations of the criminal procedure, wrong and incomplete state of the facts and the sentence. Def. V.G. appealed to the appeal reasoning.

The Supreme Court of the Republic of Croatia dismissed all the objections with due reasoning.

Crime in Tovarnik

On 29 February 2016 the Supreme Court of the Republic of Croatia rendered judgment no. I-Kž 184/13, partially annulled the first instance judgment by the Vukovar County Court no. K-6/01 of 23 April 2012 – the guilty verdict against Def. Miloš Stanimirović, S.S; D.S; D.S; Ž.K. i R.S.⁴⁹ and the acquittal of Def. J.J. for war crimes against civilian population (Art. 120, p.1, GCC RoC) and sent the case for retrial in that part.

Regarding Def. B.M. the first instance judgment was modified in the qualification of criminal act, finding the defendant guilty for crimes against humanity and human dignity– war crime (Art. 91, p.2, it.22, CC/11 and sentencing him to 8 years' imprisonment.

In the rest of the judgment the appeals of the Def. B.M. and the prosecutor were dismissed and the first instance judgment became final in that part.

In the first instance trial all the defendants were tried in absentia (art. 305, p.5, CPC/97).

The appeals to the first instance judgments were filed by the Osijek CSAO and the lawyers of all the defenders. The Osijek CSAO filed an appeal due to erroneous state of the facts regarding the guilty part of the verdict, except in the case of Def. B.M., as well as to the acquittal and the decision on sentence.

Regarding the prosecutor's appeal, the Supreme Court of the Republic of Croatia accepted the objection of modification of the state of the facts established by the first instance court, regarding the time of the perpetration of crime, the forced transfer, deportation or expulsion of population, leaving out forced labor by the population and the description of action of certain defendants.

The Supreme Court dismissed the prosecutor's appeal regarding the acquittal of Def. B.J; M.S. and N.T, as unfounded. Since the SC already accepted the appeal of the prosecutor referring to the sentenced defendants, their appeals were dismissed.

Crime in Godinjske Bare, Bosnia and Herzegovina

On 10 July 2015 the Osijek County Court found the Def. Milorad Momić guilty for war crime against civilian population (Art. 120, p. 1, GCC RoC) and sentenced him to 15 years' imprisonment. Based on the Art. 45 GCC RoC the time spent in investigative detention since 25 August 2014 was counted in the

⁴⁸ Def.Lj.R. 10 years, Def. V.G. 5 years

⁴⁹ Def. M.S. 10 years, Def. S.S. 8 years, Def. D.S. 6 years, Def. B.M 8 years, Def. D.S. 6 years, Def. Ž.K. 6 years, Def. R.S. 5 years

sentence.

The main hearing started on 25 Mar 2015 before the Osijek County Court. Milorad Momić, former member of paramilitary troop «Scorpions» was charged of participating in the killing of six Bosniak men from Srebrenica. The crime was committed in the village of Godinjske Bare, in July 1995. He was extradited to Croatia from France in 2011. The criminal prosecution was transferred from the judicial authorities of the Republic of Serbia, and France later approved the criminal prosecution for the crime in Godinjske Bare, since he was initially extradited for other case.

On 10 Mar 2016 the Supreme Court upheld the first instance judgments after a public session.⁵⁰

Crime in Prokljan and Mandići

On 11 July 2014 the third (second retrial) first instance trial was held before the Split County Court. On the same day the panel acquitting Ante Mamić, Jurica Ravlić and Luka Vuko of war crimes against civilian population charges. The Supreme Court confirmed the acquittal, establishing that there are no evidence that the defendants, together with the convicted Božo Bačelić, committed war crime against civilian population (Art. 120, p.1. GCC RoC).⁵¹

Background

First the first instance court rendered acquittal that was quashed for the erroneous state of the facts by the judgment of the Supreme Court of the Republic of Croatia no. I KŽ-65/03 of 5 April 2007 with the instruction to consider the issue of complicity of all the four defendants in presenting the killings of civilians as an excess of one of them, while the others did not agree with the crime, but by burning the corpses later offered assistance to the perpetrator after he committed the criminal act, and therefore covered the traces of the crime committed by another person.

In the retrial the first instance court found the Def. Bačelić guilty for the crime and acquitted the other defendants of crime of assisting the perpetrator, due to the statute of limitations. However, this judgment was modified regarding the Def. B. Bačelić regarding his sentence, while it was annulled regarding the rest of the defendants by the decision of the Supreme Court of the Republic of Croatia no. I KŽ-691/13 of 27 Mar 2014 because of violations of the criminal procedure according to the art. 468. p. 1. it. 9 of the CPC /08 i.e. since the judgment exceeded the charge so it sent the case to the first instance court with the instruction to eliminate the violation based on the established facts.

Crime in Zamláča and Struga Banska

On 30 Mar 2015 the Zagreb County Court found Leonard Janković guilty for war crime against civilian population and prisoners of war and sentenced him to 10 years' imprisonment. For the crime against civilian population he was sentenced to the mandatory minimal 5 years' prison sentence, and for the crime against PoWs to 7 years' imprisonment. The defendant was arrested in Austria in January 2014 and extradited to Croatia in April 2014. The Sisak CSAO indictment (no. KT-61/93 of 4 Nov 1994, against 35 defendants) charges that on 26 Jul 1991 the defendants entered the villages of Zamláča, Struga and Kozibrod, as members of paramilitary formation, so-called «Krajina Militia», heavily armed and expelled the population of Croatian ethnicity. They used them as human shield, burned and bombed houses, and then shot at helpless civilians, wounding and killing many of them.

The defendant filed an appeal against the judgment on grounds of violation of criminal procedure,

⁵⁰ Supreme Court judgment no. I KŽ 556/15-7, dated 10/03/2016

⁵¹ Supreme Court judgment no. I KŽ 687/14-7, dated 10/03/2016

erroneous and incomplete state of the facts and requested acquittal.

The Supreme Court upheld the first instance judgment stating that it was undoubtedly established that on the stated date the defendant as member of armed Serb paramilitary formation participated in the attack against civilian population in Zamlaća and Struga Banska that had as a consequence death of 3 persons and heavy physical injuries of six persons. He did not only force the civilians into human shield by moving through the village, but he also personally beat one of the civilians.⁵²

Crime in Suknovci and Oklaj

After a retrial before the Split County Court the defendant Goran Amanović was found guilty and sentenced to 8 years of prison. He appealed the judgment for erroneous and incomplete establishment of facts, denied the crime and pointed to the testimony of one of the witnesses by stating that there are several persons of the same name and surname on the territory where he was in the time of the crime and the possibility of identity switch.

He also appealed to the findings and opinion of the medical expert on the pneumonia regarding the cause of death of the injured person, considering that it was arbitrary, and that the establishment of his membership of paramilitary forces of the so-called SAO Krajina was not grounded on the shown evidence.

The Supreme Court upheld the verdict considering that all the evidence were adequately evaluated by the first instance court.⁵³

Previous trial

On 31 Jan 2011 before the Šibenik County Court the main hearing in the trial against Goran Amanović started, extradited to Croatia from Bosnia and Herzegovina, accused of war crime against civilian population (Art 120, p. 1 GCC RoC) committed in the villages of Suknovci and Oklaj. After the evidence procedure the court established that there is no sufficient evidence and acquitted him of accusation by applying the *in dubio pro reo* principle.

On 27 Dec 2010 the Šibenik CSAO issued an indictment charging the defendant that from late 1991 to 1994 in the villages of Suknovci and Oklaj, then temporarily occupied area of Promina Municipality, in the quality of member of Serb paramilitary troops, contrary to international law, physically abused and beat elderly civilians of Croatian ethnicity, causing the death of one elderly man. He was also charged of rape of one elderly woman, and the attempt of rape of another, and also of threatening, intimidating, terrorizing civilians and plundering their property.

Crime in Podvožić

On 7 November 2013 the Karlovac County Court War Crimes Chamber found the Def. Marko Bolić guilty for crime against humanity and international humanitarian law by unlawful killing and wounding of the enemy (Art. 124, p. 1 and 2, GCC RoC) and convicted him to 9 years' imprisonment.

The defendant filed an appeal on grounds of erroneous and incomplete establishment of the state of the facts, violations of criminal code and criminal procedure, requesting the Supreme Court to quash the first instance judgment and send it for retrial.

On its session held on 23 Mar 2016 the Supreme Court concluded that two members of the Armed

⁵² Supreme Court Judgment No. I Kž 315/15-7 dated 13/01/2016

⁵³ Supreme Court Judgment No. I Kž 298/15-6, 22/03/2016

Forces of the Republic of Croatia were killed from firearms by the defendant, which was established by numerous witness testimonies and other material evidence before the first instance court. So it dismissed the appeal as ungrounded and upheld the entire first instance judgment.⁵⁴

7. REPARATION SYSTEM

For years we have been advocating for a new legislative position regarding the reparations of the civilian war victims, who are also war crime victims. Their discontent with the criminal prosecution is evident in a high number of applications before the European Court of Human Rights, where the applicants are family members of killed and missing during the war, basing their applications on the violation of the Art. 2. of the Convention on Human Rights and Fundamental Freedoms – the right to life, with the procedural obligation of Member State to carry out efficient investigation. During 2016, due to the lack of compliance with formal conditions, such as the passage of deadline of 6 months since the last investigative activity, the Court rejected 13 applications.

Before domestic courts the reparation for loss of close relative in the cases where the Republic of Croatia was sued was granted in only 3 cases, but on the grounds of a final verdict that established criminal responsibility of Croatian Army or Police members. During May the Karlovac Municipal Court decided to allocate reparations to the mother and brother of the killed girl D. R. (see: Crime in Karlovac settlement Sajevec). The widows of killed and disappeared victims from the case against Vladimir Milanković (see: crime in Sisak) the Sisak Municipal Court rejected the petitions for retrial of civil procedures for reparations based on a new fact- final guilty verdict for war crimes, due to the expiry of the deadline, or that it was an already ruled upon issue. The families of the killed/disappeared filed criminal procedures through their activities, writs to numerous state institutions and filing civil reparation complaints. Their civil suits for compensations were rejected due to statutes of limitations or lack of evidence. They would also have to pay for the procedure costs as the party that lost the suit. These costs are extremely high in some cases so they represent a new punishment and a source of retraumatization. The recognition of the rights of the victims of sexual violence in war and the positive reparation step forward in Croatia during 2016 was overshadowed by a wave of refusals of reparation applications, and even more by the dismissal of the Commission members in September. In November 2016 the European Commission issued the latest report (Special Eurobarometer 449 – Gender based Violence) on sexual violence where a great number of people surveyed in Croatia justify rape or sexual violence with victim's behavior or some feature.⁵⁵ The worrying results of the report point to social stigmatization of sexual abuse victims that often leads to denial of sexual abuse by the same victims that seldom report sexual violence. Also, (war) sexual violence victims have still not received additional protection during criminal procedure, psychological support or adequate legal assistance, which is one of the reasons why we still don't have complete data on the extension of rape and sexual violence during the war.

- Rules of procedure and evidence of international criminal tribunals regarding sexual violence victims

The ICTY and ICTR Statutes, as well as the Rules of procedure and evidence regulate the measures of witness protection, founded Victims and Witnesses Section (VWS) with a mission is offer assistance

⁵⁴ Supreme Court Judgment No. I Kž 11/14-6, 22/03/2016

⁵⁵<http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2115>

and support to victims and witnesses. The protection measures foreseen in the statutes and rules are mostly referring to the protection during the procedure, and that is one of their limitations. They can be categorized as measures directed at Withholding of the witness' name (and other identifying information) from all public records, and measures ease the possible trauma of testimony (especially vulnerable groups of witnesses).

8. GLOBAL JUSTICE – ICTY SENTENCES OVERVIEW

Vojislav Šešelj acquitted by the ICTY Trial Chamber

31/03/2016

Vojislav Šešelj as a symbol of spreading ethnic hatred and warmongering politics whose consequence was the expulsion of tens of thousands of people and killing of around 905 persons, as well as the destruction of entire villages and religious objects, torture and rape of civilians and prisoners of war in Croatia, Bosnia and Herzegovina and Vojvodina, was acquitted by the ICTY on all of the nine counts of the indictment.

Šešelj's contribution to joined criminal enterprise which was, according to the Prosecutor's argument reflected in the recruitment of paramilitaries and volunteer units, planning the forcible conquer of territories in Eastern and Western Slavonia and Bosnia and Herzegovina, forcible detention of non-Serbs into detention camps where they were submitted to torture and killings and extremely nationalist rhetoric and war propaganda that incited the commitment of crimes, for the majority of the members of the panel of Judge Antonetti is a mere reflection of Šešelj's political passion directed at raising morale and a legitimate support to the war efforts of Serbian paramilitary formations.

Confusing indictment by the Prosecutor's office, continuing obstructions of judicial process and inadequate procedural capacity of judicial panel to neutralize such occurrences, resulted in the most devastating judgment of the judgment of the International Criminal Tribunal for the former Yugoslavia (ICTY) so far.

The indictment bases the criminal responsibility of the accused exclusively on the Article 7(1) of the Statute of the ICTY that does not imply a hierarchical link, de facto and de iure, applicable for the superiors in military and civilian position.

The Prosecution charges Vojislav Šešelj, a politician, President of the Serbian Radical Party and a member of the Assembly of the Republic of Serbia, of having directly committed, incited and aided and abetted the crimes attributed to the Serbian protagonists in the conflict during the period from August 1991 to September 1993, and of having participated in them by way of his membership in a joint criminal enterprise with the aim of permanent and forcible elimination of non-Serb population from the third part of Croatian territory, most part of Bosnia and Herzegovina, as well as from part of Vojvodina. Šešelj's contribution to joined criminal enterprise which was, according to the indictment, multiple. First he participated in the recruitment of paramilitaries and volunteer units called "Četniks" and "Šešeljevci", planning the forcible conquer of territories in Eastern and Western Slavonia and Bosnia and Herzegovina, forcible detention of non-Serbs into detention camps where they were submitted to torture and killings and extremely nationalist rhetoric and war propaganda that incited the commitment of crimes, from 1990 to 1994.

Radovan Karadžić sentenced to 40 years' imprisonment

24/03/2016

Karadžić spent almost 13 years hiding from justice. He was accused in July 1995 and arrested in 2008, as one of the highest-ranked top officials to be tried before the International Tribunal. Karadžić was charged of taking part in the Overarching joint criminal enterprise (JCE) with the aim of permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in BiH through genocide, persecution, extermination, killings, deportation and forcible transfer. He also participated in the overarching JCE by establishing and carrying out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population. On the basis of individual criminal responsibility he was charged of genocide committed against the men of Srebrenica. Finally, he participated in the Overarching JCE by taking hostage over 200 UN peacekeepers and military observers in order to compel NATO to abstain from conducting air strikes against Bosnian Serb military targets.

During the almost 5 years of trial, 586 witnesses testified. The prosecutor requested life imprisonment, and the defense requested acquittal.

In 1999 the Požega CSAO issued an indictment against Radovan Karadžić charging him of war crimes against civilian population: that on 7 Aug 1995 in the quality of the President of Republika Srpska he personally ordered air bombing of Croatian border village Mačkovac, when two «Eagle» airplanes threw four cluster bombs and four missiles causing the death of 2 persons, wounding nine persons and destroying 20 family houses together with facilities, agricultural machines and cattle. The airplane attack also destroyed the local Catholic Church of St. Matthew.

ICTY Appeals Chamber upheld the judgment against Stanišić and Župljanin

30/06/2016

The ICTY Appeals Chamber upheld the judgment for the crimes committed in the 20 municipalities of Bosnia and Herzegovina listed in the Indictment, including the eight municipalities in the Autonomous Region of Krajina (ARK) affecting thousands of victims, beyond reasonable doubt. The Chamber refused the petition submitted by the defense that required trial suspension or retrial due to the suspension of Judge Frederik Harhoff on grounds of partiality from the trial against Vojislav Šešelj. In spite of errors committed in the law applicability, the judgment was upheld on the basis of JCE concept, the defendants' appeals were dismissed and their 22 years' prison sentences were confirmed. The trial started in September 2009, ended in June 2012 and the judgment was rendered in March 2013, based on the grounds of joint criminal enterprise (JCE) with the objective to permanently remove Bosnian Muslims and Bosnian Croats from the territory of the planned Serbian state, covering criminal acts stated in points 1 to 10.

CONCLUSIONS AND RECOMMENDATIONS

Documenting killed and missing persons

- We stress the need for making publicly available the list of persons who were killed or missing (names and circumstances). We also call upon the Ministry of War Veterans to modify the program for War Veterans' Register and publish the data on the casualties.

Clarifying destiny of all the missing persons in war

- Speed up the clarifying of destiny of the missing persons in war by increasing work efficiency, capacities and budget of the Directorate for Detained and Missing Persons of the Ministry of War Veterans and improving regional cooperation.

Prosecuting war crimes

- Considering the right of all the war crimes victims to the establishment of facts and circumstances of their suffering and fight against impunity, we expect an efficient work of the police and DORH in investigating, and of the courts in prosecuting all the war crimes. The number of unprosecuted crimes without investigation is still (too) high. A further review of indictments issued in the earlier period is necessary, as well as additional investigation and cooperation with the family members of the killed persons.

Victims and Witness Support System Development

- The support system implemented in several courts greatly humanized the work of the judiciary and should be improved by introducing Crime Victims and Witness Support Offices in all the municipal and county courts.
- It is necessary to expand the support system to the State Attorney's Office and the Police.

State responsibility and reparations

- The Government of the Republic of Croatia should amend the Rules of criteria, standards and procedure for the postponement of payment, installment debt repayment or partial debt write-off in order to write-off the debts, including the litigation costs of the citizens – war victims who lost their civil reparation claims.
- Croatian Parliament should amend the following laws in order to ensure reparations for civilian war victims regardless of their ethnicity or nationality, by abolishing discriminatory definitions: Law on liability for the damage caused by acts of terrorism and public protests (material damage compensation), Law on responsibility of the Republic of Croatia for the damage caused by members of Croatian military and police forces during the Homeland War (burden of proof by the prosecutor, statute of limitations) and the Law on the protection of military and civilian homeland war invalids
- It is necessary to adopt a national program and law on establishing a reparation fund for all the civilian victims of war in accordance with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

Access to documents related to dealing with the past

- In the Draft of the Law on Archive Material and Archives, to be adopted this year, it should be important to change «a thirty-year-rule» into «a twenty-year-rule» of releasing documents to be publicly available. This would also open access to documents related to the period until the end of peaceful reintegration. The public consultation regarding the draft revealed many deficiencies and inconsistencies that do not solve the problems stated as reasons for the adoption of a new law, but, on the contrary, cause new problems in the application of the law. Also, experts- archivists and wide public should be included in the discussion on the package of laws that includes, apart from the archives, Personal Data Protection Act and The Right to Access Information Act because the issue of archives is a matter of all the citizens and their fundamental rights.

TABLE OVERVIEW OF THE MONITORED WAR CRIME TRIALS

WAR CRIME TRIALS, TRIALS FOR CRIMES AGAINST HUMANITY AND GENOCIDE JANUARY – DECEMBER 2016

Public hearings before the Supreme Court monitored in 2016

No.	Case/ stage	No. indictment/ representative of the indictment	Criminal offence	Case no. /WCC	Defendant/s / troop membership	Judgment	Victim/s	Remarks
Supreme Court of the Republic of Croatia								
1.	Crime in Tovarnik Trial started on 13 April 2010	Indictment CSAO Vukovar No.: DO- K-34/00 of 1 February 2001, amended on 10 April 2012	War crime against civilian population (Art. 120, par.1 GCC RoC)	Kž 184/13-6 Panel: Ana Garačić, president, Marina Mrčela, panel member, Damir Kos, panel member, Miroslav Šovanj, panel member, Zdenko Konjić, panel member	Def. Miloš Stanimirović, Stevan Srđić, Dušan Stupar, Boško Miljković, Dragan Sedlić, Branislav Jerković, Jovo Janjić, Milenko Stojanović, Dušan Do- brić, Đuro Dobrić, Jovan Miljković, Nikola Tintor, Željko Krnjajić i Radoslav Stanimirović member of Serb formations absent	29/2/2016 Partially confirmed guilty verdict for 7 out of 14 defendants	Killed on different locations after physical abuse and being taken from the police station: 20 Illegally detained and abused at the police station: 25 Taken prisoners and killed: 7 Tortured/inter- rogated: 7 Tortured and expelled: 9 Plundered: 2 Forced labor: 5	County Court in Vukovar on 23 April 2012 rendered a first-instance judgment, after legal qualification of the offence was modified into armed rebellion under Article 235, paragraph 1 of the CC of RoC- dismissed charges regarding Dušan Dobrić, Đuro Dobrić and Jovan Miljković. The defendants Branislav Jerković, Jovo Janjić, Milenko Stojanović and Nikola Tintor were acquitted. The defendants Miloš Stanimirović, Stevan Srđić, Dušan Stupar, Boško Miljković, Dragan Sedlić, Željko Krnjajić i Radoslav Stanimirović were found guilty and sentenced to the following prison sentences: M. Stanimirović 10 years, Srđić 8 years, Stupar 6 years, Miljković 8 years Sedlić 6 years, Krnjajić 6 years and R. Stanimirović 5 years. The Supreme Court on 29/2/2016 partially accepted the appeal of the

								State Attorney, abolishes the judgment relating to M. Stanimirović, S. Srdić, D. Sedlić, D. Stupar, Ž. Krnjajić and R. Stanimirović and the acquittal of J. Janjić and sends the case for retrial in these parts. The first-instance judgment regarding criminal sanction is modified and B. Miljković is found guilty for crime according to the Art. 91, paragraph 2. Item 22. of the CC /11 and sentenced to 8 years' imprisonment. In the other part (dismissal of charges) the first-instance judgment is upheld.
2.	Crime in Prokljan and Mandići (retrial) Trial started on 06 Sept 2013	Indictment SAO Šibenik br. K-DO-45/01 of 01.03. 2002; expanded on 11.05.2007	War crime against civilian population (Art. 120, par.1 GCC RoC) War crime against prisoners of war (Art. 122. GCC ROC)	I Kž 687/14-7 Senka Klarić-Baranović, panel president leana Vinja, Marijan Svedrović, Branko Brkić, Vesna Vrbetić, panel members	Def. Ante Mamić, Luka Vuko and Jurica Ravlić Members of Croatian Army The defendants were undetained.	10/03/2016 Acquittal upheld.	Killed civilians: 2 One person deprived of liberty and killed.	27.03.2014. SCRC- Upheld acquittal for the def. Ante Mamić and Jurica Ravlić. Quashed the part of judgment that refused the indictment against Ante Mamić, Luka Vuko and Jurica Ravlić for war crimes against civilian population. The case was sent for retrial in that part. 10.03.2016 The acquittal was upheld.

3.	<p>Crime in Zamlaća and Struga Banska</p> <p>Trial started on 4 June 2014</p>	<p>Indictment OTJ Sisak No.: KT-61/93, 4 November 1994 K-DO-46/12, of 4. February 2015</p>	<p>War crime against civilian population (Art. 120, par.1 GCC RoC)</p>	<p>Kž 315/15-7 Panel: Vesna Vrbetić, president, Zdenko Konjić, panel member, Dražen Tripalo, panel member, Žarko Dundović, panel member, Melita Božičević- Grbić, panel member</p>	<p>Def. Leonard Janković</p> <p>member of Serb paramilitary formations</p> <p>present</p>	<p>13/1/2016 Upheld first-instance guilty verdict.</p>	<p>Killed civilians: 4</p> <p>5 civilians with severe physical injuries;</p> <p>Burned houses and facilities, property of 4 persons;</p> <p>population expelled and used as human shield;</p> <p>Killed PoWs: 3</p>	<p>In detention during the trial In January 2014 arrested in Austria on the basis of an arrest warrant, extradited to Croatia in April 2014.</p> <p>The Supreme Court upheld the first-instance guilty verdict at a session on 13 January and confirmed his sentence of 10 years' imprisonment.</p>
4.	<p>Crime in Trpinja</p> <p>Trial started on 21 Oct 2014</p>	<p>Indictment CSAO Osijek, No. K-DO-33/13 of 16.06.2014, modified on 09.12. and 15.12.2014.</p>	<p>War crime against civilian population (Art. 120, par.1 GCC RoC)</p> <p>War crime against prisoners of war (Art. 122. GCC ROC)</p>	<p>I Kž 272/15-7 Dražen Tripalo, president Vesna Vrbetić, Žarko Dundović, Zdenko Konjić and Melita Božičević-Grbić, panel members</p>	<p>Def. Stevo Pantić, Milisav Atanacković, Milenko Pantić, Šoko Stajić, Zoran Ranković, Zoran Gajanin, Simo Stević, Željko Vuković, Miroslav Kovačević, Jerko Mičić</p> <p>members of Serb paramilitary formations</p> <p>During trial in investigative detention</p>	<p>31/03/2016 Final judgment for 8 out of 10 def.</p>	<p>Killed civilians Sep/ Oct 1991 : 10</p> <p>Killed civilians in Nov 1991: 7</p> <p>Heavily wounded, killed on 19th Nov 1991: 7</p> <p>Abused civilians: 14</p> <p>Abused PoWs: 3</p>	<p>19.12.2014 non-final guilty verdict</p> <p>Stevo Pantić and Milisav Atanacković were convicted to 20 years imprisonment each, Milenko Pantić, Đoko Stajić, Zoran Gajanin, Simo Stević and Jerko Mičić were convicted to 14 years imprisonment each</p> <p>Zoran Ranković i Željko Vuković were convicted to 12 years imprisonment each</p> <p>Miroslav Kovačević convicted to 5 years imprisonment</p>
5.	<p>Crime in Godinjske Bare (BiH)</p> <p>The trial started on 25 March 2015</p>	<p>K-DO-60/12 of 10 November 2014</p>	<p>War crime against civilian population (Art. 120, par.1 GCC RoC)</p>	<p>I Kž 556/15-7 Senka Klarić-Baranović, Panel president Branko Brkić, Marijan Svedrović, Ileana Vinja and Vesna Vrbetić, panel members</p>	<p>Def. Milorad Momić</p> <p>member of Serb paramilitary formations „Scorpions“</p> <p>present</p>	<p>10/03/2016 Upheld first instance guilty verdict</p>	<p>Killed civilians: 6</p>	<p>Extradited from France in 2011 for the criminal procedure for the war crime in Berak. Later France also approved the extradition for the crime in Godinjske Bare. In detention during the trial. The trial started on 25</p>

								March 2015 . Found guilty and sentenced to 15 years' imprisonment (non-final verdict).
6.	Crime in Dalj	K-DO-57/12 of 13 November 2012	War crime against civilian population (Art. 120, par.1 GCC RoC)	Kž 554/15-7 Ana Garačić, Panel president, Damir Kos, Miroslav Šovanj, Marin Mrčela and Melita Božičević-Grbić, Panel members	Def. Ljubinko Radošević and Def. Vojislav Grčić members of Serb paramilitary formations present	15/02/2016 Upheld first instance guilty verdict	One female raped, members of her family abused.	The trial was closed for public. The defendants were in detention during the trial. On 02.06.2015 the defendants were found guilty and convicted to: Ljubinko Radošević 10 years imprisonment, Vojislav Grčić 5 years imprisonment
7.	Crime in Suknovci and Oklaj (retrial) The trial started on 31 January 2011	K-DO-30/06, of 27 December 2010	War crime against civilian population (Art. 120, par.1 GCC RoC)	I Kž 298/15-6 Lidija Grubić Radaković, Panel preseiident Melita Božičević-Grbić, Ranko Marijan, Damir Kos and Vesna Vrbetić, ànel members	Def. Goran Amanović member of Serb paramilitary formations present	22/03/2016 Upheld first instance guilty verdict	Killed civilians: 1 Victims of rape: 1 Victim of rape attempt: 1 Abused civilians: 1	The trial before Šibenik County Court ended with acquittal. A session before the Supreme Court against the acquittal held on 22 March 2016. Non-final sentence to 8 years' imprisonment.
8.	Crime in Podvožić The trial started 8 Sep 2011	SAO Karlovac, K-DO-33/10 of 18 April 2011	Unlawful killing and wounding of the enemy (Art. 91 par. 2. it. 6 CC RoC)	I Kž 11/14-6 Ranko Marijan, Panel President and Lidija Grubić Radaković, Melita Božičević-Grbić, Damir Kos and Dražen Tripalo, as panel members	Def. Marko Bolić member of Serb formations present	22/03/2016 Upheld first instance guilty verdict	Killed civilians: 2	Karlovac County Court WCC found the defendant guilty on 7 Nov 2013 and convicted him to 9 years imprisonment. At the begining of 2013, after 2,5 years in detention, the detention against the defendant was annulled.

Non-final first instance judgments in 2016

No.	Case/ stage	No. indictment/ representative of the indictment	Criminal offence	Case no. /WCC	Defendant/s / troop membership	Judgment	Victim/s	Remarks
Osijek County Court								

1.	Crime in Borovo Selo	K-DO-45/11 of 31 December 2012	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-1/2013, Panel President Judge Zvonko Vrbanić	Def. Radenko Alavanja member of Serb paramilitary formations absent	23/03/2016 Acquittal	Killed more than 70 civilians and Croatian soldiers	Non-final judgment- acquittal.
2.	Crime in Kopačevo	SAO Osijek, K-DO-49/07, of 30.10.2007	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-82/2007 Panel President Judge Krunoslav Barkić	Def. Zdravko Pijunović and Def. Ratko Zorić members of Serb paramilitary formations absent	14/07/2016 Guilty verdict	1 civilian war victim raped	Non final guilty verdict (def. Z. Pijunović convicted to 10 years imprisonment and def. Ratko Zorić convicted to 9 years' imprisonment)
Rijeka County Court								
3.	Crime in Velika Kladuša–Drmeljevo camp	SAO Rijeka, K-DO-4/14 of 29.9.2014	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-3/14, Panel President Judge Saša Cvijetić	Def. Ćazim Behrić prison camp director Member of Croatian Defence Council Present	21/01/2016 Guilty verdict	Psychologically and physically abused civilians (women, children, pregnant women, elderly men, invalids), one woman raped	21.1.2016 found guilty in a non-final judgment and convicted to 4 years' imprisonment
4.	Crime in Udbina	K- DO. 32/12 V of 23 Feb 2015	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-4/12 WCC: Panel President Judge Jesenka Kovačić	Def. Dane Radočaj – Gajota, Def. Nikola Ćuruvija, Def. Đorđe Kosanović, Def. Radoslav Korać, Def. Dragan Galović, Def. Damir Radočaj, Def. Dane Radočaj – Jablan members of Serb paramilitary formations absent	26/04/2016 Guilty verdict	Killed civilians: 2	On 26 April 2016 guilty verdict for the first 5 defendants. They are sentenced to prison: 15 years (first two), 12, 10 and 6 years' imprisonment. By the same non-final judgment Damir Radočaj and Dane Radočaj – Jablan were acquitted.
Split County Court								
5.	War crime in Široki Brijeg	SAO Split, K-DO-45/2013 of 19.01.2015	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-1/15, Judge Slavko Lozina	Def. Ivan Hrkać, aka Čikota Member of Croatian	17/06/2016 Acquittal	Detained PoWs: at least 35 Bosniaks Abused PoWs: 2 Detained civilians: more	17.06.2016 Non-final judgment- acquittal. 06.06.2017 Public session at the Supreme Court held, the decision unknown.

					Defence Council Convicts' Battalion, Present		than 50 Bosniaks Abused civilians: 12	
6.	Shelling of Split		War crime against civilian population (Art. 120, par.1 GCC RoC)	K-66/94, Judge Slavko Lozina	Def. Pavle Pantić Member of Yugoslav Peoples' Army Present	29/12/2016 Guilty verdict	Killed civilians: 4 Wounded civilians: 11	Non-final guilty verdict with the prison sentence of 6 years. Arrested by the end of 2015 in Montenegro on the bases of APB issued by the Split County Court in 1993. ON 21 Apr 2016 extradited to Croatia.
Zagreb County Court								
7.	Crime in Pakrac Valley and Zagreb Fair	SAO Zagreb, K-DO- 406/10 of 08/06/2011	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/11, Judge Zdravko Majerović	Def. Tomislav Merčep Commander of the Reserve Unit of Croatian Ministry of the Interior present	12/05/2016 Guilty verdict	Non-prevention of killing of 43 persons, disappearance of 3 persons and abuse of 6 persons	12.05.2016 Non-final guilty verdict with the prison sentence of 5 years and 6 months 02.02.2017 The Supreme Court Appeal Council changed the verdict and convicted the defendant to 7 years' imprisonment.
8.	Crime in Grubori	SAO Zagreb, K-DO- 358/09 of 15/12/2010	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-8/15, Judge Ivan Turudić	Def. Franjo Drljo, Božo Krajina Members of Special Unit of Croatian Ministry of the Interior present	26/02/2016 Acquittal	Killed civilians: 6	In February 2016 a non-final judgment- acquittal was rendered.
9.	Crime in Medak Pocket	SAO Zagreb, K-DO- 84/12 of 20/12/2012	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/13, Judge Ratko Škekić	Def. Josip Krmpotić Member of Croatian Army Present	13/10/2016 Guilty verdict	Non prevention of killing of 4 unknown PoWs	13/10/2016 non-final guilty verdict- convicted to 3 years' imprisonment.
10.	Crime in Maja and Svračica	SAO Zagreb, KT- 53/93 of 13/08/1993, modified on 14/03/2013	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-3/15, Judge Zdravko Majerović	Def. Milan Španović member of Serb paramilitary formations present	06/04/2016 Guilty verdict	Physically abused: 1 Burned facilities and/or houses and/or plundered: 11	06/04/2016 non-final guilty verdict- convicted to 3 years' imprisonment.

11.	Crime in prisons in Gajeva Stret in Zagreb and Kerestinec	SAO Zagreb K- DO. 384/10 of 18 November 2011	War crime against PoWs (Art. 122, par.1 GCC RoC)	K-rz-5/14, Judge Renata Miličević	Def. Stjepan Klarić, Def. Dražen Pavlović, Def. Viktor Ivančić, Def. Željko Živec, Def. Goran Trukelj Members of Croatian Army present	24/03/2016 Guilty verdict	Torture and inhuman treatment of PoWs, rape of female prisoners.	24/03/2016 non-final guilty verdict- convictions: Stjepan Klarić 8 years, Dražen Pavlović 3 years, Viktor Ivančin 5 years, Željko Živec 1 year and 6 months, Goran Štrukelj 2 years. 15/02/2017 The Supreme Court convicted the def. Stjepan Klarić for war crimes against PoWs to 4,5 years imprisonment, def. Dražen Pavlović to 2 years' imprisonment, def. Viktor Ivančan 3 years, Željko Živec 2 years and Goran Štrukelj na one year and 5 months imprisonment.
12.	Crime in Borovac village	SAO Zagreb, K-DO- 59/12 of 29/09/2011	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/15, Judge Tomislav Juriša	Def. Mitar Vujaklija member of Serb paramilitary formations absent	29/03/2016 Acquittal	Killed civilians: 1 Abused civilians: 2	29/03/2016 non-final judgment- acquittal in the second retrial.
13.	Crime in Bišćanovo near Petrinja	SAO Zagreb, 29/12/2014	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-Rz-1/16, Judge Oliver Mittermayer	Def. Mile Letica, Mićo Slijepčević members of Serb paramilitary formations absent	22/09/2016 Guilty verdict	Killed civilians: 1	Non final guilty verdict on 22/09/2016 Mile Letica under command responsibility, Mićo Slijepčević as direct perpetrator. Mile Letica was convicted to 3 years' imprisonment, Mićo Slijepčević to 8 years' imprisonment.

Undergoing trials in 2016

No.	Case/ stage	No. indictment / representative	Criminal offence	Case no. /WCC	Defendant/s Troop membership	Victim/s	Remarks
Osijek County Court							
1.	Crime in Erdut	SAO Osijek, K-DO-49/07, of 30.10.2007	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-82/2007 Judge Darko Krušlin, Panel President	Def. Zoran Vučićević Member of Serb paramilitary forces Absent	Abused civilians: 2	
2.	Crime in Vukovar		War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/2016, Judge Zvonko Vrban	Def. Zoran Stanković Member of Serb paramilitary forces Absent		
Rijeka County Court							
3.	Shelling of Karlovac	K-DO-2/01 of 23 December 2008.	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/12 Judge Saša Cvijetić, Panel President	Def. Nikola Štakor Member of Serb paramilitary forces Absent	Killed civilians: 1 Severely injured civilians: 3 Lightly injured civilians: 3 Destroyed and damaged houses and facilities	Karlovac County Court judgment of October 1999. Def. Dragan Kovačić and Def. Nikola Štakor were sentenced in absentia to 15 years' imprisonment for the shelling of Karlovac on 1/5/1995. Indictment in this procedure refers to the shelling on 11 July 1993. Procedure against Def. D. Kovačić dismissed due to death of the defendant.
4.	Crime in Donji Hrastovac	SAO Rijeka	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-4/13, Judge Jasenka Kovačić	Def. Milorad Božić, Cvijo Baždar Members of Serb paramilitary forces Absent	Killed civilians: 3 Killed PoWs: 5	In April 2017 non-final guilty verdict to Milorad Božić, foud guilty and convicted to 20 years' imprisonment, while Cvijo Baždar was acquitted.
5.	Crime in Kablari	SAO Rijeka	War crime against civilian population (Art. 120, par.1	K-rz-1/15, Judge Ika Šarić	Def. Marko Carević and Ljuban Linta	Killed civilians: 1	The first defendant was in investigative detention, and now he is released. The 2nd

			GCC RoC)		Members of Serb paramilitary forces 1 present/ 1 absent		defendant is not available.
6.	Crime in Vojnić	SAO Rijeka of 29 Jan 2014	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-1/14, Judge Ika Šarić	Def. Vladimir Kekić Member of Serb paramilitary forces Absent	Killed civilians: 2 Physical abuse of civilians. Destroyed houses and facilities.	
7.	Crime in Bjelovar barracks „Božidar Adžija“	K-DO-70/11 of 17 Feb 2014	War crime against prisoners of war (Art. 122. GCC ROC)	K-rz-2/14 WCC: Judge Jesenka Kovačić, panel President	Def. Jure Šimić President of Crisis HQ Bjelovar present	Killed PoWs: 3	Hearing of witnesses in Belgrade in December 2016
Split County Court							
8.	Crime against civilians in Kuline	K-DO-97/10 of 30/12/2011 SAO Split,	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-1/12 Judge Ivona Rupić, Panel President, Neven Cambi and Katja Blaće, panel members	Def. Damir Boršić, Miroslav Periša Members of Croatian Army present	Physically and sexually abused civilians: 4, 1 women systematically raped and forced to oral sex	The defendants are undetained. 03/04/2017 non-final guilty verdict.
9.	Crime in Kuline	K-DO-97/10 of 4 March 2011	War crime against prisoners of war (Art. 122. GCC ROC)	K-27/11 Mladen Prvan, Panel President; Spomenka Tonković and Neven Cambi, panel members	Def. Tvrtko Pašalić, Def. Željko Maglov, Def. Damir Boršić, Def. Milorad Paić Members of the 72 batallion of Croatian Army Military Police present	PoWs: 21	All the defendants are undetained. The indictment covers 21 prisoners near Nos Kalik.
10.	Crime in Lora II	SAO Split, K-DO-144/04 of 23/12/2008	War crime against prisoners of war (Art. 122. GCC ROC)	K-rz-12/15, Judge Vladimir Živaljić	Def. Tomislav Duić, Tonči Vrkić, Emilijo Bungur, Ante Gudić, Anđelko Botić Members of Croatian Army 2 present/ 3 absent	Physically, psychologically and sexually abused PoWs: 37 Deceased PoWs: 2	After 15 years of being on the run, in February 2016 Duić was arrested. He requested retrial for Lora 1 where he was finally sentenced to 8 years' imprisonment in absentia. . Def. Emilio Bungur in detention during the trial after being arrested in August 2015 Requested retrial for Lora 1 case where he was

							finally sentenced to 6 years' imprisonment. The defendants Tonči Vrkić, Ante Gudić and Anđelko Botić are undetained. The unified procedure for Lora I and Lora II started in Fall 2016. Later the procedure was separated for Bungur, Botić, Vrkić, Gudić who were in the meantime found guilty for the crimes in Lora II, while the def. Tomislav Duić and Emilio Bungur are being tried in a separated procedure for the crimes committed in Lora I and II.
11.	Crime in Lora I	SAO Split, K-DO-144/04 of 23/12/2008 or KTO-131/02 of 25/03/2002	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-12/15, Judge Vladimir Živaljić	Def. Emilio Bungur, Tomislav Duić Members of Croatian Army present	Physical and psychological torture of civilians. Died civilians: 2	The unified procedure for Lora I and Lora II started in Fall 2016. Later the procedure was separated for Bungur, Botić, Vrkić, Gudić who were in the meantime found guilty for the crimes in Lora II, while the def. Tomislav Duić and Emilio Bungur are being tried in a separated procedure for the crimes committed in Lora I and II.
12.	Crime of destruction of the Peruča dam	KT-27/93, of 13/12/1995	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/16, Judge Slavko Lozina	Def. Borislav Đukić Member of YPA Present	Expulsion of population, destruction of facilities	Extradited from Montenegro in March 2016
13.	Zločin u Kninu, Bruška kod Benkovca, Glina	SAO Split, K-DO-148/10 of 31/12/2015	War crime against prisoners of war (Art. 122. GCC ROC)	K-rz-3/16, judge Damir Romac	Def. Dragan Vasiljković Member of Serb paramilitary forces Present	Killed 2 members of Croatian Army, German journalist, 1 civilian, Abused: 4 civilians, 6 PoWs, Destruction of 30 houses and facilities, property of 32 persons	Extradited from Australia
14.	Crime in the surroundings	SAO Split. KT-44/92 of	War crime against civilian population	K-rz-1/14, Judge Vladimir Živaljić	Def. Dejan Milović	Physically abused civilians: 4	05/01/2017 found guilty and convicted to 3 years'

	of Gračac	25/02/2014	(Art. 120, par.1 GCC RoC)		Member of Serb paramilitary forces Absent		imprisonment
Zagreb County Court							
15.	Crime in Medac Pocket	SAO Zagreb, K-DO-84/12	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-7/15, Judge Renata Miličević	Def. Josip Mršić Member of Croatian Army Present	Killed civilians: 1	06/03/2017 non-final guilty verdict- 3 years' imprisonment.
16.	Shelling of Zagreb, Karlovac and Jastrebarsko	SAO Zagreb, KT-288/95 of 25/05/2016	War crime against civilian population (Art. 120, par.1 GCC RoC)	K-rz-2/05, Judge Tomislav Juriša	Def. Milan Martić, Milan Čeleketić Member of Serb paramilitary forces Absent	Killed civilians: 7 Injured civilians: 98 , among them children, material damage 7.432.678,00 kn	
17.	Crime in Doljani	SAO Zagreb, K-DO-200/15 of 30/06/2016	War crime against civilian population (Art. 120, par.1 GCC RoC)	5 K-rz-7/16, Judge Ratko Šćekić	Def. Zvezdan Milašin Member of Serb paramilitary forces Present	Abused civilians: 8 Raped civilians: 1	Arrested by Croatian APB at a border check. 20/01/2017 non-final acquittal rendered.

TABLE OVERVIEW OF THE WORK OF COUNTY STATE ATTORNEY'S OFFICES

war crimes, crimes against humanity

indictments

JANUARY - DECEMBER 2016

data from County State Attorney's Offices websites (announcements)

No.	Indictment issued	Number of suspects	Criminal offence	Place and time of the commitment of crime	Defendants	Status of the defendants	Number of victims/status of victims
SAO Rijeka							
1.	15.11.2016	3 citizens of the Republic of Serbia	War crime against prisoners of war (Art. 122. GCC ROC) War crime against civilian population (Art. 120, par.1 GCC RoC)	Lički Osik (then renamed into Teslingrad), mass graves called Golubinjača 1 and Golubinjača 2 (area of Široka Kula), from 21 August to 21 October 1991	3	Members of Territorial Defence Teslingrad	Killed 17 civilians and PoWs
2.	01.06.2016	1	War crime against civilian population (Art. 120, par.1 and 2 GCC RoC)	In the area of Slunj Municipality , from 25 Sep 1991 to 11 Mar 1992	1	Member of Territorial Defence Unit "Kristinja"	Killed 22 persons Wounded 7 Destroyed and burned 2 431 houses and facilities Destroyed church in Cetingrad
3.	20.05.2016	4 citizens of the Republic of Serbia	War crime against prisoners of war (Art. 122. GCC ROC) War crime against civilian population (Art. 120, par.1 GCC RoC)	In Vojnić from 22 Sep 1991 to 1 Apr 1994	4	Members of the then YPA	Died 4 PoWs Abused: 28 civilians and 6 PoWs
CSAO Split							
4.	1.12.2016	1 citizen of the Republic of Serbia and the Republic of Croatia Def. is in	War crime against civilian population (Art. 120, par.1 GCC RoC)	Smilčić (Benkovac Municipality), 25/26 Nov 1992	1	Member of the Reserv Unit of the Mlitia of the Republic of Srpska Krajina nd 92 motorized brigade Benkovac	Abused 2 civilians

		investigative detention					
5.	17.10.2016	8	War crime against civilian population (Art. 120, par.1 GCC RoC)	Šibenik – Knin County, from Aug 1991 to 4 Aug 1995	8	Members of the then YPA	Killed civilians: 118 Raped 5 women Attempt of rape of 7 women Expulsion of population, destruction of houses and facilities
6.	12.05.2016	19 citizens of the Republic of Serbia 1 citizen of Bosnia and Herzegovina 20 of unknown citizenship	War crime against prisoners of war (Art. 122. GCC ROC) War crime against civilian population (Art. 120, par.1 GCC RoC)	In Knin, since Jun 1991 til the end of Dec 1993	40		Abuse of civilians and PoWs
7.	08.01.2016	1 citizen of the Republic of Serbia and Australia Def. is in investigative detention	War crime against prisoners of war (Art. 122. GCC ROC) War crime against civilian population (Art. 120, par.1 GCC RoC)	In Knin, Jun and Jul 1991	1	Commander of the Special Unit of SAO Krajina paramilitary forces	Killed 2 civilians Expulsion of population, destruction of houses and facilities
CSAO Zagreb							
8.	09.12.2016	29	War crime against prisoners of war (Art. 122. GCC ROC) Destruction of cultural and historical monuments (Art. 130. Par 1. GCC RoC)	Voćin, Hum, Krasković ad surroundings, from mid Jul to mid Dec 1991	29	Members of paramilitary forces	Killed 47 civilians and 3 PoWs
9.	01.07.2016	1 citizen of the	War crime against	Doljani, 16 Sep 1991	1	TD Daruvar	Abused civilians: 8

		Republic of Croatia and the Republic of Serbia Def. is in investigative detention	prisoners of war (Art. 122. GCC ROC)				Raped 1 person
10.	29.06.2016	2 citizens of the Republic of Serbia	War crime against civilian population (Art. 120, par.1 GCC RoC)	Sibić, early Oct 1991	2	Luščani Squads of TD Unit Banski Grabovac	Killed civilians: 5 Survived 1 civilian
11.	03.06.2016	5 citizens of the Republic of Serbia	War crime against prisoners of war (Art. 122. GCC ROC)	Correctional Facility in Glina, from 16 Sep 1991 to 14 Mar 1992	5	Members of Paramilitary units	Abused PoWs
12.	03.06.2016	1 citizen of the Republic of Serbia	War crime against civilian population (Art. 120, par.1 GCC RoC)	Gornja Budičina near Petrinja 5 Jul 1991	1	Member of the Special Unit of the Ministry of Interior of the so-called "SAO Krajina"	Killed 1 civilian Wounded civilians: 2

TABLE OVERVIEW OF THE WORK OF COUNTY STATE ATTORNEY'S OFFICES

war crimes, crimes against humanity

investigations, modifications and suspensions of investigation, submitted appeals

JANUARY - DECEMBER 2016

No.	Number of suspects	Criminal offence	Time and place of the crime	Stage of the procedure	Status of the defendant	Number of victims/status
CSAO Osijek						
1.	1 citizen of the Republic of Croatia	Criminal report dismissed	2 May 1991 in Borovo Selo, Oct 1991 Tovarnik, 18 Oct 1991 in Lovas	29/09/2016	CSAO Osijek based on the Art. 206, par 1, it.1 of the Criminal Procedure Code dismissed criminal report submitted by Karolina Vidović Krišto and Josip Jurčević against Croatian citizen Vojislav Stanimirović (1953) for war crimes	

					against wounded and ill (Art.121 related to Art. 20 GCC RoC) and war crimes against civilian population (Art.120. Par 1. GCC RoC)	
2.	1 citizen of the Republic of Croatia	Reasonable doubt of commission of war crimes against civilian population (Art.120. Par 1. GCC RoC), ratnog zločina protiv civilnog stanovništva iz čl. 120. st. 1. u vezi s čl. 28. st. 2. KZ-a RH te ratnog zločina protiv ratnih zarobljenika iz čl. 122. KZ-a RH u vezi s čl. 28. st. 2. KZ-a RH, sve uz primjenu čl. 43. KZ-a RH	from 8 Jun to 22 Dec 1993, in Gabela camp near Čapljina	25/05/2016		
CSAO Split						
3.	1	Reasonable doubt of commission of war crimes against civilian population (Art.120. Par 1. GCC RoC)	In the Zadar County Area, 25 Nov 1992	03/08/2016	After questioning the defendant, the Split CSAO requested investigative detention of the defendant to the Split CC based on the Art. 123, p.1, it. 1 of the CPC since there are special circumstances indicating to the possibility that the defendant could abandon Croatian territory and become unavailable to the authorities (the defendant is citizen of both Serbia and Croatia, without legal residence in Croatia). The investigative judge of Split CC accepted the request and ordered investigative detention of the defendan.	Abused 2 civilians
4.	1 citizen of the Republic of Serbia	Reasonable doubt of commission of war crimes against civilian population (Art.120. Par 1. GCC RoC)		09/03/2016	Performed inquiry on grounds of reasonable doubt of committing war crime against civilian population (art. 120, p. 1 and 2 GCCRoC).	
CSAO Zagreb						
5.	1 citizen of the Republic of Croatia	Appeal against the first-instance judgment by the Zagreb County Court	Zagreb and Pakrac Valley, from 8 Oct to mid Dec 1991	21/09/2016		

6.	5 citizens of the Republic of Croatia	Appeal against the first-instance guilty verdict by the Zagreb County Court against 5 Croatian citizens (1957. 1965, 1952, 1968 and 1967)	Zagreb and Kerestinec, from Dec 1991 to 25 May 1992	14/06/2016		
7.	7 citizens of the Republic of Serbia 2 citizens of Bosnia and Herzegovina 1 Unknown citizenship	Reasonable doubt of commission of two war crimes against civilian population (Art.120. Par 1. GCC RoC)	Kostrići, 15 Nov 1991	17/03/2016	Investigative judge of Zagreb County Court accepted the petition by CSAO Zagreb and ordered investigative detention of 10 defendants for circumstances that point out to the possibility of becoming unavailable to judicial authorities of the Republic of Croatia as well as serious circumstances of the crime perpetration (Art 123. p 1. it. 1 and 4, CCP)	Killed civilians: 15
8.	1	Appeal against the decision of the Zagreb County Court where investigative detention against 11 defendants was replaced by 500.000,00 HRK bail in real estate guarantee	mid Oct 1991 in Glinsko Novo Selo	03/02/2016	The appeal requested quashing the decision and sending the case back for retrial to the first instance court – that is to order investigative detention to the 11 def. (Art 123. p 1. it. 1 and 4, CCP)	Killed 31 civilians
9.	2 citizens of the Republic of Croatia	Investigation suspended	Ramljani	07/01/2016	Decision on suspension of investigation against two Croatian citizens (1963 and 1963) for war crimes against civilian population: the 1st def. for war crime against civilian population (art. 120. p 1. GCCRoC), the 2nd Def. for war crimes against civilian population (art. 120 p. 1 GCCRoC related to Art. 28, p.2 GCC RoC). (07/01/2016)	

