



Zagreb, 21st of November 2011

## **Slowness of the judiciary and additional victimization of the casualties – the crime in Novska on November 21st, 1991**

Twenty years after the members of **1st Brigade of Croatian Army, on 21st of November 1991** around 10PM, broke into a family house in Novska, tortured, shot and killed **Mišo and Sajka Rašković, Ljuban Vujić and Mihajlo Šeatović**, their close **family members have never received appropriate satisfaction, neither morally nor financially. They have been additionally victimized by having to pay litigations costs of cases lost in which they have claimed the Republic of Croatia to be responsible of the crime committed by identified members of the Croatian Army.**

The victims, Serbs by nationality, were murdered in an especially cruel and brutal way, some of them by cutting off body parts using a knife or some other sharp object. In the criminal procedure it was not concluded with certainty whether Mrs. Rašković was raped on the night in question. Her naked dead body was found in the bedroom on the upper floor of the house. It contained several cutting wounds.

The criminal procedure was held in 1992 in the Court Martial in Zagreb, where the crime was deemed as murder, but the procedure was suspended by applying *The Act of abolition of criminal pursuit and criminal procedure for crimes committed in armed conflicts and war against the Republic of Croatia, which represents one of the most drastic examples of unsound usage of abolition to this day.*

Family members of those killed had initiated procedures for compensation and had alerted the media and various international and national human rights organizations about this tragic event, and in 2009, helped file a new criminal charge, this time qualified as a war crime against civilians. On the 16th of April 2010 the County court in Sisak found the first defendant Damir Vida Raguž guilty with the possibility of appeal, and sentenced him to 20 years of prison, while the second defendant Željko Škledar was cleared of charges. However, an appeal is being considered before the Supreme court. The defence of Vida Raguž, who was found guilty with the possibility of appeal, claims he cannot be instituted twice for the same cause of action (*ne bis in idem*), bearing in mind the procedure held in the Court Martial.

**The slowness of the judiciary, including the criminal prosecution of the perpetrator as well as dealing with compensation, has led to a repeated victimization of the most vulnerable – victims' next of kin.**



Their demands for compensation were declined by the lower courts according to statute of limitation with a 5-year general period. This decision is being revised by the Supreme court. **The criminal procedure has not been yet concluded with a rulling of final force and effect, so the judicial agony of the victims remains, 20 years after the crime committed.**

Because of all stated, we support the litigation cost being written off for the family members of evident war crimes victims, whose complaints were denied. **We ask for a *Fund for compensation of casualties of war* to be founded. We support the processing of all war crimes, whether in Croatia or any other country of the former Yugoslavia.**

We are aware the judiciary will not be able to process all crimes, but we feel the compensation should not be tied to courts' rullings, but rather **based on the principle of social solidarity**. We feel the legislator should seek the appropriate module for **compensation in accordance with the principles of the UN and the standards established by *The Act on monetary compensation of victims of crime*** and offer restitution to all the victims through a special legal act.

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