

**Civic Committee for Human Rights
Documenta – Centre for Dealing with the Past
Centre for Peace, Nonviolence and Human Rights - Osijek**

MONITORING WAR CRIME TRIALS

REPORT

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AMENDMENTS TO THE ACT ON THE APPLICATION OF THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT AND THE PROSECUTION OF CRIMES AGAINST INTERNATIONAL LAW OF WAR AND HUMANITARIAN LAW

After many years of our advocating activities and after the recommendations made by the European Commission, *the Act on the Application of the Statute of the ICC* was amended with regard to courts' competences and the possibility of use of evidence collected by the ICC.

On 6 May 2011, the Croatian Parliament adopted *the Act on Amendments to the Act on the Application of the Statute of the ICC*. The mentioned *Act* stipulated exclusive competence of county courts in Osijek, Rijeka, Split and Zagreb to conduct criminal proceedings for war crimes in all „new“ cases (cases in which criminal proceedings have yet to start). Cases in which criminal proceedings were previously initiated will be completed by the courts at which the proceedings were initiated (competence according to the *Criminal Procedure Act*), but in these cases the President of the VSRH¹ may approve delegation of the proceedings to one of the four courts, upon an explained proposal by the Chief State Attorney.

Although we emphasized the need that *the Act on the Application of the ICC Statute* should be amended with a provision that would stipulate the composition of the VSRH's council when it conducts hearings as the second-instance court in such a manner that lay judges are excluded from the council's composition and that council members should exclusively comprise VSRH judges, such amendments did not take place.

Likewise, amendments to *the Act* did not include a provision that would stipulate exclusive competence of county state attorney's offices in Zagreb, Split, Rijeka and Osijek to handle war crime cases.

Apart from the aforementioned, amendments to the *Act on the Application of the ICC Statute* did not stipulate local competence of four county courts.

Article 28 of the *Act on the Application of the ICC Statute* was amended by the *Act on the Amendments to the Act on the Application of the ICC Statute*. The amendments stipulated that evidence collected by ICC (ICTY) bodies may be used in criminal proceedings in the RC providing that these evidence were presented in a manner anticipated by the Statute and the Rules of Procedure and Evidence of the ICC (ICTY) and that they may be used before that court.

The purpose of this amendment should have been elimination of different interpretations of the Act regarding the (im)possibility to use the aforementioned evidence. However, after the amendments came into force, the War Crimes Council of the Osijek County Court, in the repeated trial against Damir Kufner *et al.* (crime in Marino Selo) refused to use witness depositions collected by ICTY Prosecutor's Office investigators deeming that the VSRH had already assessed them as illegal in the same proceedings.

OVERVIEW OF MONITORED TRIALS

a) Main hearings monitored at county courts in the Republic of Croatia

¹ Translator's note: the VSRH is an abbreviated form of the Supreme Court of the Republic of Croatia.

In May and June 2011, monitors of the monitoring team of the Centre for Peace, Nonviolence and Human Rights-Osijek, the Documenta, and the Civic Committee for Human Rights monitored a total of **13 war crime trials at county courts in the Republic of Croatia.**

Main hearings were held at the following **county courts**:

- **in Osijek:** trial against Damir Kufner *et al.* for the crime in Marino Selo; trial against Željko Čizmić for the crime in Dalj IV;
- **in Vukovar:** trial against Miloš Stanimirović *et al.* for the crime in Tovarnik;
- **in Sisak:** trial against Jablan Kejić for the crime in Zrin;
- **in Zadar:** trial against Milan Jurjević *et al.* for the crime in Kruševo;
- **in Zagreb:** trial against Emil Črnčec *et al.* for the crime in Mlinište; trial against Pero Đermanović *et al.* for the crime in the villages along the Una river near Hrvatska Kostajnica; trial against Željko Gojak for the crime in the Karlovac settlement Sajevec;
- **in Slavonski Brod:** trial against Janko Radmanović *et al.* for the Slavonski Brod shelling crime;
- **in Rijeka:** trial against Radoslav Čubrilo for the crime in Lovinac; trial against Mićo Cekinović for the crime in Slunj and surrounding villages;
- **in Šibenik:** trial against Goran Amanović for the crime in Suknovci and Oklaj and;
- **in Bjelovar:** trial against Ivan Husnjak *et al.* for the arson in the villages of Pušina and Slatinski Drenovac.

No trial hearings were held in May and June 2011 in the trial before the **Zadar** County Court against Nebojša Baljak and Stevo Ivanišević (crime in Ravni Kotari II). However, on 18 May 2011 depositions of the witnesses were taken out of the court because they reported illnesses and could not come to be heard before the court.

Out of thirteen trials mentioned above, five trials were completed with first-instance (non final) verdicts:

1. On 20 May 2011, the verdict was pronounced at the Šibenik County Court in the trial against **defendant Goran Amanović (crime in Suknovci and Oklaj)**. In the mentioned verdict the defendant was acquitted. The court found it to be an indisputable fact that the crimes did take place, but, by following the principle "*in dubio pro reo*", the court reached a conclusion that no evidence was found which would prove that the crimes were committed by the defendant but that the mentioned crimes were committed by another person who is bearing the same name and surname.

Defendant Amanović is charged that, as member of Serb paramilitary unit in Suknovci and Oklaj from the end of 1991 until 1994, at the then-temporary occupied area of Promina municipality, he physically abused and was beating elderly civilians of Croatian ethnicity, causing death to one elderly man. Also, the defendant is charged with the rape of one elderly female civilian, with attempted rape of another female person, and that he threatened, intimidated, terrorised civilians and plundered their property.

Prior to the first-instance verdict pronouncement, the defendant who had been extradited to Croatia from Bosnia and Herzegovina, was held in custody in the detention unit of the Šibenik prison. After the verdict pronouncement, his detention was vacated.

2. On 24 May 2011, the verdict was pronounced at the Bjelovar County court in the trial against **defendants Ivan Husnjak and Goran Sokol (arson of the villages of Pušina and Slatinski Drenovac)**, indicted for war crimes against civilians referred to in Article 120, paragraph 1 of the OKZRH², in conjunction with Article 28, paragraph 2 of the same Act.

The War Crimes Council of the Bjelovar County Court rendered the verdict by which the defendants were acquitted of charges. The main hearing in this trial began in March 2010 but as no trial hearings were scheduled since May 2010, it started anew on 23 May 2011. Only one day after that, the court pronounced the verdict.

In this trial, the defendants are charged that in February 1992 as the Croatian Army officers - commander and deputy commander - in the villages of Pušina and Slatinski Drenovac during a cleansing operation, although aware of unlawful conducts going on by which several members - subordinates to the defendants - were setting fire to abandoned Serb people's houses, they failed to take any action to prevent and punish unlawful conducts and therefore agreed to continued actions and consequences thereof (17 destroyed houses in Pušina, the Orthodox church tower damaged by fire shots, 19 houses set on fire in Slatinski Drenovac including the hunters' lodge between Pušina and Slatinski Drenovac).

3. On 1 June 2011, the verdict was pronounced at the Slavonski Brod County Court in the reopened trial against **Janko Radmanović and Radisav Stojanović (the Slavonski Brod shelling crime)**.

The trial was reopened and conducted on the basis of the request lodged by the state attorney's office in absence of the defendant. The War Crimes Council of Slavonski Brod County Court decided to leave in force the Požega District Court's verdict No. K-82/91 of 25 October 1993 (upheld by the VSRH's verdict No. IKŽ 157/1994-3 of 4 May 1995) by which the defendants were found guilty *in absentia* and sentenced to 15 years in prison each.

The Indictment charges the defendants that, in their capacity as commanders of the "Ivan Senjug Ujak" military barracks, in Slavonski Brod on 15 and 16 September 1991, they were issuing orders to open fire on certain town parts without selecting the targets using all available weapons, regardless of the fact that actions were being taken by regular Croatian armed forces; and as a result, the defendants' subordinate officers and soldiers executed orders to open fire because of which, subsequently, destroyed and damaged were many facilities, six civilians sustained light physical injuries and one civilian sustained serious physical injuries; thus the defendants committed a war crime against civilians under Article 120, paragraph 1 of the OKZRH.

4. On 7 June 2011, the verdict was pronounced at the Zadar County Court in the third (second repeated) trial against **defendants Milan Jurjević and Davor Tošić (crime in Kruševo)**. In the mentioned verdict the defendants were acquitted.

The Indictment charges the defendants that in their capacity as members of Serb formations, they killed a Croat Mile Brkić-Kuzman, who offered no resistance, by firing shots from firearms. The 2nd defendant Tošić fired several bullets from a handgun and the injured person fell on the ground. Then, the 1st defendant Jurjević fired three more bullets from his semi-automatic rifle at the injured person causing his death.

² Translator's note: OKZRH is an abbreviation of the Basic Criminal Law Act of the Republic of Croatia.

Previously in this case, the VSRH quashed in 2000 the Zadar County Court's verdict of acquittal rendered in 1997. Later in 2007, the VSRH again quashed the Zadar County Court's guilty verdict by which the 1st defendant Jurjević was sentenced to 4 years and the 2nd defendant Tošić to 15 years in prison.

The 1st defendant Jurjević attends the trial and is not kept in custody (he spent time in detention from 26 May until 1 December 1997), and the 2nd defendant Tošić is tried in his absence.

5. On 13 June 2011, having repeated the trial, the Osijek County Court pronounced the verdict in the case of **defendant Damir Kufner et al. (crime in Marino Selo)**, former commanders i.e. members of the Military Police Squad of the 76th Independent Battalion of the National Guard Corps. The mentioned verdict acquitted the 1st defendant Damir Kufner, rejected the charge in respect of the 2nd defendant Davor Šimić due to the statute of limitation of criminal prosecution³, acquitted the 3rd defendant Pavao Vančaš, found guilty the 4th defendant Tomica Poletto and sentenced him to 15 years in prison, found guilty the 5th defendant Željko Tutić and sentenced him to 12 years in prison and acquitted the 6th defendant Antun Ivezić.

The repeated trial was conducted at the Osijek County Court because it was so delegated by the VSRH after quashing for procedural errors the Požega County Court's verdict in which all six defendants were found guilty. The VSRH also quashed the Požega County Court's verdict because, among other, it deemed that the first-instance verdict was based on illegally obtained evidence – witness depositions taken by the ICTY Prosecutor's Office investigators. Although amendments to the *Act on the Application of the ICC Statute* were made with the purpose to render it possible the use of evidence collected by ICTY, and this occurred while the trial was being repeated, the War Crimes Council of the Osijek County Court decided not to accept the prosecution's proposal to include the mentioned depositions in the court file. It rested such decision with the argument that the VSRH had already assessed them as illegal.

During the reporting period (May-June 2011) began the main hearings in four criminal cases:

1. On 31 May 2011 the main hearing began at the Zagreb County Court in the repeated trial against **defendants Pero Đermanović, Dubravko Čavić and Ljubiša Čavić (crime in the villages along the Una river near Hrvatska Kostajnica)**.

Previously, on 22 December 2010, the VSRH quashed the Sisak County Court's first-instance verdict rendered on 23 April 2010 finding the defendants guilty and sentencing them to the following prison sentences: Pero Đermanović to 11 years, Dubravko Čavić 9 years and Ljubiša Čavić to 2 years in prison. The VSRH upheld the verdict in respect of Ljuban Bradarić who had been sentenced to 1 year of imprisonment. Then, the case was delegated to the Zagreb County Court.

The defendants are charged that in October 1991, in the villages Stubalj, Graboštani, Gornji and Donji Hrastovac (villages along the Una river near Hrvatska Kostajnica), as members of illegal armed units of the so-called SAO Krajina, they unlawfully deprived of liberty, abused

³ With amendments made to the indictment on 31 May 2011, this defendant was no longer charged with commission of war crime against civilians and was charged instead with unlawful deprivation of freedom.

and killed civilian Vladimir Letić, put houses on fire whereby they destroyed property and intimidated civilians with the purpose of forcing them to leave their villages.

Defendant Pero Đermanović is kept in custody, defendant Dubravko Čavić is unavailable to the Croatian judiciary and thus is tried in his absence while, following the pronouncement of the first-instance verdict, defendant Ljubiša Čavić attends the trial undetained.

2. On 2 June 2011 the main hearing began anew at the Osijek County Court in the trial against **defendant Željko Čizmić (crime in Dalj)**. The main hearing had to start from the beginning because no trial hearings were held since May 2009. Otherwise, the initial main hearing started way back in 2006, but due to recesses exceeding two months, the hearing had to start anew on several occasions.

The indictment charges the defendant that he participated in the creation of paramilitary police forces, became the chief commander of the so-called Dalj Police Station and worked on opening prison in the basement of the Police Station, with an aim to create conditions for arrests and incarceration of non-Serb civilians; that he organised, issued orders and conducted unlawful arrests and detaining a large number of civilians, and as the chief commander, he approved of the prisoners being held under inhumane conditions who were physically and psychologically tortured by his subordinates and persons unrelated to the Dalj Police Station who could enter the prison whenever they wanted to.

Defendant Čizmić attends the trial and is not kept in custody.

3. On 9 June 2011 the main hearing began at the Zagreb County Court in the trial against **defendant Željko Gojak (crime in the Karlovac settlement Sajevec)**. The hearing which initially began in December 2010, has not been held since January 2011.

The indictment charges the defendant that, in his capacity as an employee of the Karlovac Police Administration, in the Karlovac settlement of Sajevec on 5 October 1991, together with several unidentified members of the National Guard Corps, he killed Marko Roknić, Dragica Ninković and minor Danijela Roknić in Roknić's family house, and thus committed a war crime against civilians. The defendant is held in custody from 22 October 2010.

4. On 15 June 2011 the main hearing began at the Rijeka County Court in the third (second repeated) trial against **defendant Mićo Cekinović (crime in Slunj and surrounding villages)**.

Previously in this case, the VSRH quashed two times so far the convictions rendered by the Karlovac County Court by which the defendant was found guilty and sentenced to one, i.e. four years in prison.

In March 2011, although the third (second repeated) trial begun at the Karlovac County Court (Office in Gospić), the case was delegated to the Rijeka County Court.

The defendant is charged that in November 1991, as commander of "Primišlje Territorial Defence" group which was part of the "SAO Krajina", in the area of the town of Slunj and surrounding villages, he permitted and ordered deprivation of liberty of Croatian ethnicity inhabitants, their physical abuse and killing, as well as setting on fire and destruction of

buildings. In compliance with that, members of his unit arrested one person, beat him up and detained him without any legal grounds, while another civilian was killed and his house was set on fire and the majority of population of Croatian ethnicity was expelled from their homes. Therefore, he committed a war crime against civilians under Article 120, paragraph 1 of the OKZRH.

The defendant is kept in custody from 6 July 2009.

In the remaining four trial cases, the courts continued with the main hearings which were initiated before this reporting period:

1. On 14 April 2011 the main hearing began at the Sisak County Court in the trial against **defendant Jablan Kejić (crime in Zrin).**

Previously, a decision had been made to separate the proceedings against the available defendant Jablan Kejić from the proceedings against the other (unavailable) defendants: Mirko Čurčija, Milenko Milković and Momčilo Buinac.

The Indictment issued by the Sisak County State Attorney's Office charges the defendants that, in their capacity as members of the so-called SAO Krajina armed units, after the 1st defendant Kejić arrested the wounded Croatian police member Šefik Pezerović in Kuljani, they were beating the mentioned detainee, put him in a vehicle trunk and took him to one meadow in Zrin and killed him there by firing shots from firearms, thus they committed a war crime against war prisoners referred to in Article 122 of the OKZRH.

Three trial hearings were held in May and June 2011. The next trial hearing is scheduled for 8 July 2011.

Defendant Kejić is kept in custody from 15 October 2010.

2. On 8 March 2011 the main hearing resumed at the Zagreb County Court in the trial against **defendants Emil Črnčec, Tihomir Šavorić, Antun Novačić, Robert Precehtjel, Nenad Jurinec, Goran Gaća, and Robert Berak (crime in Mlinište).**

During May and June 2011, a total of six trial hearings was held. The next trial hearing is scheduled for 1 July 2011.

The indictment charges the defendants that in their capacity as members of the 7th Guard Brigade of the Croatian Army (HV), in the wider area of Mlinište in Bosnia and Herzegovina in September 1995, by following the orders of the brigade commander now-late Ivan Korade, by firing from personal weapons and automatic rifles, they killed six members of the Republic Srpska army who were detained in the military action "Maestral 2", and thus they committed a war crime against war prisoners referred to in Article 122 of the OKZRH.

The defendants are kept in custody as of 28 October 2009.

3. The Vukovar County Court resumed the main hearing which began on 13 April 2010 in the trial against **defendant Miloš Stanimirović and thirteen other defendants (crime in Tovarnik).**

All defendants are tried in their absence.

The defendants are charged that, in Tovarnik after 20 September 1991, they were forcibly displacing, killing and physically torturing Croat and non-Serb civilian population and were seizing or destroying their property, and thus they committed genocide under 119 of the OKZRH and war crime against civilians under Article 120 of the OKZRH by applying Article 43 of the same Act.

During the reporting period, two trial hearings were held (5 and 27 May 2011). The next hearing is scheduled for 12 July 2011.

4. The Rijeka County Court resumed the main hearing which began on 18 April 2011 in the trial against **defendant Radoslav Čubrilo (crime in Lovinac)**.

The defendant is tried in his absence.

This is the third (second repeated) trial, the last trial hearing of which had not been held from 2007 until 18 April 2011. Until that date the trial was conducted against five defendants. In 2011, however, the Rijeka County State Attorney's Office dropped charges against four defendants (Milorad Čubrilo, Milorad Žegarac, Petar Hajduković and Gojko Mrkajlo).

In this case, the Gospić County Court rendered two times the first instance verdicts, and the VSRH quashed the both of the mentioned verdicts and reversed the case for retrial. Given the fact that the Gospić County Court was lacking judges to form a new council, the VSRH reached a decision to delegate this case to the Rijeka County Court.

Defendant Radoslav Čubrilo is charged that he committed a war crime against civilians under Article 120 of the OKZRH because, in his capacity as commander of "Velebit unit" of the so-called SAO Krajina which he formed together with co-villagers from Raduč, he carried out a mortar attack on Lovinac and surrounding villages on 5 August 1991 together with members of that unit, and permitted the mentioned members to get into houses, to search and set them on fire, and by doing so they threw a grenade at Kata Šarić's house, causing serious injuries to Kata Šarić who later died at hospital from sustained injuries. The defendant is also charged that he issued an order to have detained Milan Sekulić tied up and killed, and to take the following persons as hostages: Stjepan Katalinić, Jure Sekulić, Marko Pavičić, Ivan Ivezić, Martin Šarić and Mile Račić. After that, he permitted unidentified members of his unit to kill the mentioned persons by firing at their backs and heads, with exception of Mile Račić who was sent to the Lovinac Police premises under an ultimatum for surrender.

The hearing was scheduled for 13 May 2011. However, although the next trial hearing was scheduled for 27 June 2011, it was not held because the summoned witnesses did not appear before court. The next trial hearing is scheduled for 8 July 2011.

Despite the fact that the main hearings were scheduled, they did not begin at the following county courts: in **Vukovar** (trial against defendant Darko Radivoj), **Varaždin** (trial against defendant Luka Markešić *et al.* for the crime in Bjelovar) and **Sisak** (trial against defendant Branko Dmitrović *et al.* for the crime in Baćin):

1. The Indictment no. K-DO-15/02 of 5 March 2003 issued by the Vukovar ŽDO⁴ charges **Darko Radivoj** that he killed in Čelije near the local cemetery on not-precisely determined day in the middle of November 1991 the wounded and detained member of Croatian formations Marijan Pleteš by firing several shots from automatic rifle.

The hearing was scheduled to be held in November 2010, then also in June 2011 but it had to be postponed because the defendant was unavailable to the court.

There is a trial going on in the Republic of Serbia against defendant Radivoj for the same criminal offence – war crime against war prisoner (the killing of Marijan Pleteš). On 17 November 2010, the Belgrade Higher Court rendered a first-instance (appealable) verdict by which the defendant was found guilty and sentenced to 10 years in prison.

2. Although scheduled for 15 June 2011, the main hearing did not begin at the Varaždin County Court in the fourth (third repeated) trial against defendants **Luka Markešić, Zdenko Radić, Zoran Maras and Ivan Orlović (crime in Bjelovar)**. The main hearing was not held because a referral of jurisdiction to another court had been requested.

In this trial, the VSRH quashed two times the acquittals (rendered by the Bjelovar County Court on 20 January 2001 and the Varaždin County Court on 28 February 2005). Later on, the VSRH also quashed the conviction rendered by the Varaždin County Court on 21 December 2007 by which defendant Markešić was sentenced to 4 years, and Radić, Maras and Orlović to 3 years in prison each.

The defendants, members of Croatian formations, are charged that they aided and abetted unidentified persons in the commission of the criminal offence of war crimes against war prisoners and the criminal offence of war crimes against civilians, by killing six persons, while one person survived.

3. Although scheduled for 5 May 2011, the main hearing did not begin at the Sisak County Court in the trial against **defendant Branko Dmitrović et al. (crime in Baćin)**. The case was delegated to the Rijeka County Court, and the main hearing is scheduled to begin at that court on 27 September 2011.

Defendants Branko Dmitrović, Slobodan Borojević, Milinko Janjetović, Momčilo Kovačević, Stevo Radunović, Veljko Radunović, Katica Pekić, Marin Krivošić and Stevan Dodoš, are charged with arresting and incarcerating at least seventy civilians of Croatian ethnicity and out of that number at least 56 were killed with shots fired from automatic firearms.

With exception to the 8th defendant Krivošić, all other defendants are unavailable to Croatian judiciary bodies.

In several trials which we monitored during 2010 and/or in the first four months in 2011, no trial hearings were held in May and June 2011 and thus the hearings in those cases will have to start anew:

1. In the trial conducted before the Sisak County Court against **defendant Stojan Letica (crime in Novo Selište)**, the last trial hearing was held on 22 March 2011. The next main hearing should be scheduled in writing.

⁴ Translator's note: ŽDO is an abbreviation of the County State Attorney's Office

The defendant, who is unavailable to Croatian state authority bodies, is tried in his absence.

2. In the third (second repeated) trial conducted before the Sisak County Court against **defendant Rade Miljević (crime on the Pogledić hill near Glina)**, the last trial hearing was held on 5 April 2011. The next hearing should be scheduled in writing.

The defendant attends the trial and is not kept in custody. He was in detention from 10 March 2006, but in December 2010 his detention was vacated because of the expiry of maximum detention period.

3. In the trial conducted before the Vukovar County Court against **defendant Ilija Vorkapić (crime in Lovas)** indicted for genocide under Article 119 of the OKZRH and a war crime against civilians under Article 120, paragraph 1 of the same Act, the last trial hearing was held at the end of December 2010.

Defendant Vorkapić attends the trial and is not kept in custody.

b) Monitored sessions at the Supreme Court of the Republic of Croatia

During the reporting period, the VSRH council sessions were scheduled in respect of two cases:

- in the trial **against defendant Goran Zjačić (crime in Frkašić II)**, the VSRH council session was scheduled for 11 May 2011. The VSRH quashed the Gospić County Court's first instance verdict reached on 25 February 2010 for procedural errors. In that verdict quashed by the VSRH defendant Zjačić was found guilty for the commission of war crime against war prisoners referred to in Article 122 of the OKZRH and was sentenced to 7 years in prison.

The defendant is charged that, from the beginning of May 1994 until 5 August 1995, as member of the Military Police company with the 15th Corps of the so-called RSK Army (the Republic of Srpska Krajina), in the prison designated for war prisoners which was located in the primary school building in Frkašić where war prisoners (members of the HV, the HVO and the BiH Army) were detained, on those days when he was on guard, by violating the rules of the international law, he tortured war prisoners and treated them inhumanely and caused them great suffering and injuries against their physical integrity and health.

- on 8 June 2011, the VSRH council held its session in the case of **defendants Željko Šuput and Milan Panić (crime in Korenica)**. Previously, the Rijeka County Court reached a first instance verdict on 3 October 2008 wherein the defendants were found guilty of the commission of war crime against war prisoners referred to in Article 122 of the OKZRH (abuse of war prisoners) and they received the following prison sentences: defendant Šuput to 4 years and defendant Panić to 3 years and 6 months in prison. We are not familiar with the VSRH's decision.

Laid indictments and filed investigation requests

According to the communications from county state attorney's offices, several indictments were laid during May and June 2011.

Among others, the Zagreb ŽDO laid an indictment before the Zagreb County Court in June 2011 against **Tomislav Merčep**. He is charged that, as commander of the Croatian MUP reserve unit stationed in Pakračka Poljana and at the Zagreb Fair and as adviser in the MUP of the Republic of Croatia, he personally issued orders to have civilians unlawfully confined, tortured and killed in the period from October to December 1991. Although he knew that his subordinates, with no authority, were confining civilians, plundering them, mistreating, torturing and killing them, he failed to prevent such unlawful actions. Hence in the area of Kutina, Pakrac and Zagreb, his subordinates unlawfully confined 53 persons, and out of that number 43 persons were killed, 3 went missing whereas the remaining persons survived the torture and abuse inflicted upon them.

The Šibenik ŽDO laid an indictment against **two police members of Croatian Army's military police** who are charged with killing one war prisoner in Nos Kalik in June 1992 with shots fired from firearms, whereas the Osijek ŽDO laid an indictment against **five ex-members of Serb formations** who are charged with abuse of detained and seriously wounded policemen of the Osijek Police Administration (hereinafter: the PA) in Borovo Selo in the beginning of May 1991.

Further to that, several investigation requests were filed. Among others, an investigation request was filed against **Đuro Brodarac** (at the incriminating time he was chief of the Sisak PA, chief of the Command headquarters of Banija-Kordun area and member of the Regional Crisis Headquarters for Sisak and Banija), **Vladimir Milanković** (commander of the Sisak PA operation and reserve formations) and **Drago Bošnjak** (member of the Sisak PA Special Unit „Vukovi“ [the Wolves]). They are charged with unauthorised and forceful entries to the houses belonging to members of Serb ethnicity, unlawful search, arrests and bringing-in to improvised prisons, physical and psychical abuse, inflicting serious bodily injuries, affecting at least 69 civilians and out of that number 31 persons were killed.

In addition, investigation requests were also filed against **three former members of the 7th HV Guard Brigade**, due to reasonable suspicion that in October 1995 during the military action „Južni potez“ [Southern Part] in the area between Mrkonjić Grad and Banja Luka (BiH) they killed several unidentified civilians; against **one person**, former HV member, due to a reasonable suspicion that he killed three unidentified civilians in the surroundings of Mrkonjić Grad (BiH) during September and October 1995.

Several more investigation requests were filed against members of Serb formations due to a reasonable suspicion that they committed war crimes. **Eight persons** are suspected of the commission of war crimes against civilians and war prisoners in the prison in the hospital Stara Bolnica in Knin; **one person** is suspected of crimes committed against civilians in Borovo Selo, unlawfully detained after the fall of Vukovar, interrogated and abused, and out of which 38 were killed; **one person** is suspected of crimes committed in Čelije during 1991.