



# Transitional Justice Bulletin

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## Scorpions Verdict Politically Motivated

The Belgrade District Court War Crimes Chamber verdict rendered on 10 April 2007 against indicted members of the Scorpions Unit for the execution of six Bosniak civilians in Trnovo, BiH, committed in July 1995 is not based on the law and facts determined during the trial. It appears that the court was led by political rather than legal reasons in an effort to adjust its stances to the ones of the Serbian authorities regarding the responsibility for genocide committed in Srebrenica, in the context of the International Court of Justice verdict. It also seems as though the court wanted to show tolerance for the patriotic sentiment of certain Scorpion Unit members.

i. The court left out the factual allegation from the amended indictment that the six executed persons were brought from Srebrenica. The court explained it by stating that there was not enough evidence. However, all injured parties (mothers, sisters, brothers, and victims' children), who were examined in the main hearing, confirmed that the victims were from Srebrenica and that they went missing immediately after the Serb forces took control of the town. That is an irrefutable piece of evidence that cannot be ignored. Not to accept this evidence means to insult the victims' closest family members who attended the main hearing and the rendering of judgment. This attitude of the court can only be explained by their political motives to separate the Godinske Bare execution case from the operation which took place between 11 and 19 July 1995 in which 8,000 Muslims from Srebrenica were executed.

ii. The court accepted the amended indictment where the Scorpions unit was determined to be a paramilitary formation. This is, above all, contradictory to the part of the indictment where this unit is defined as a unit of workers of the Republic of Srpska Krajina Oil Company that operated as part of the Republic of Srpska Krajina Army. It also operated in the field around Trnovo under the command of the Republic of Srpska Army. If these allegations of the indictment were true, then the Scorpions unit was not a paramilitary formation because it operated as part of the regular military units of the Republic of Srpska Krajina or the Republic of Srpska. The court explained their stance regarding the status of the unit

by the fact that the Republic of Srpska Krajina at the time was not an internationally recognized country. That is true, but this fact does not designate the status of its units and units under its control as paramilitary formations. The Hague Tribunal's practice speaks in favour of this interpretation. The court completely oversaw the fact that the members of the Scorpions unit, defendants and witnesses, claimed in the probative procedure that the unit was a regular military and not paramilitary formation.





iii. The court properly assessed the evidence regarding the guilt of defendants, Commander Slobodan Medić and his bodyguards Branislav Medić and Pero Petrašević.

iv. Concerning the other two defendants, Aleksandar Medić and Aleksandar Vukov, the court ignored the determined facts and turned to political balancing. During the probative procedure, the prosecutor amended the indictment by charging Aleksandar Medić with the act of war crime committed by aiding and abetting instead of committing the act itself, as he was originally charged. This amendment was neither legally nor factually grounded and it is completely out of the court practice.

The group that executed six Bosniak civilians under the command of Slobodan Medić was homogenous, compact, and united in every way. We are talking about the Commander's bodyguards, who slept in the same house with him in the field and who followed him wherever he went without exception. It is impossible that some of the bodyguards knew the Commander's order while others did not. It is impossible that Petrasević and Davidović [sentenced before the Zagreb District Court, Croatia] knew that they were supposed to execute some prisoners and that Aleksandar Medić did not know that.

The atmosphere among the executioners before, during, and after the execution, which can be seen in the video footage, shows they were competing in who would mistreat the prisoners more; who would kick them, who would swear, insult or humiliate them more, and at the same time the soldiers were all jovial and euphoric. They were demanding from prisoners to go faster; they yelled "jala, jala", which is a term used to make cattle move; they swore at them, did not let them drink water, and humiliated them in numerous different ways. There is not the slightest difference between Aleksandar Medić and the others, not even in word or gesture. On the contrary, it was Aleksandar Medić who asked one of the prisoners, a sixteen-year-old boy, "Have you ever had sex?" When the boy replied no, he told him, "Well, then, you never will!" This is enough to prove that Medić knew that the prisoners were going to be executed. There can be no doubt that there was joint intent for the commission of this crime, even in the case of Aleksandar Medić, regardless of whether or not he was the one who pulled the trigger. This is grounded on all pieces of evidence found in the court file, especially the broadcasted video footage, Petrasević's admittance of guilt, witness Slobodan Stojković's statement, and partially on the defence of Aleksandar Medić himself.

Not only did the court accept this amendment of the indictment that was not factually or legally grounded, but it also sentenced Aleksandar Medić for the act of a war crime to a jail sentence of five years, even though the law does not prescribe a more lenient punishment for aiding and abetting.

v. The court acquitted defendant Aleksandar Vukov of charges for committing the act of war crime by aiding and abetting. This decision was not based on the facts determined in the probative procedure. Namely, based on the video footage that was presented in the trial as evidence, it was determined that the group designated to execute six Muslims was expecting Vukov: "Now, Vuk will arrive, Vučić (Vukov's nicknames meaning wolf and little wolf respectively) is coming..." Then, we could see Vukov's arrival with three soldiers as his escort, as well as his conversation with Petrasević held in silence and separated from the rest of the group. Besides this, Vukov left three of his soldiers with the group that later on took part in the execution of the prisoners of war. Those soldiers were Mišo Turčin, Djole Šiptar, and one person whose name has not been identified. This fact excludes every possibility that Vukov came with his soldiers to pick up food, as he said in his defence before the court and which had been accepted as evidence. This is unacceptable since Vukov was the Deputy Commander and was constantly at the frontline; he knew the field around the frontline very well and he could designate most precisely the safest spot for the execution. Therefore, Vukov was part of the team that carried out the execution. His acquittal is therefore a ragged ignorance of the determined facts.



Srdjan Ilic/Associated Press

*Nura Alispahic, foreground, waits outside the courtroom in Belgrade for the verdict in the death of her son Azmir.*

