

through ACCESSION towards JUSTICE



Humanitarian Law Center

The newsletter through ACCESSION towards JUSTICE will address the theme of obstacles to and solutions for establishing the rule of law and accountability for the crimes committed in our recent past. Also, it will seek to affirm, in the context of the EU accession talks, individual and societal needs arising from that experience.

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To learn lessons from past and remember them well¹

An interview with Vladimir Orlić, PhD, Chairperson, Stabilisation and Association Parliamentary Committee, National Assembly of the Republic of Serbia

Serbia is a country with a cumbersome legacy of armed conflicts from the 1990s. Judging from a number of documents and statements by EU officials, the importance of addressing concerns in relation to war crimes and violations of human rights are important elements in the EU's relations with Serbia. Has Serbia itself recognized the importance of addressing these concerns?

¹ Due to the space limitations imposed by the format of our newsletter through ACCESSION towards JUSTICE, only a shorter version of the interview with Dr Vladimir Orlić can be published there. The integral version can be found [here](#).



Vladimir Orlić
(European Union 2014 EP/Dossmann Marc)



Humanitarian Law Center

Serbia, without a doubt, recognizes the importance of addressing these issues. It excels even in the maturity of its approach in comparison with the other directly involved actors – the countries in the region. This assertion is supported not only by the activities that Serbia is undertaking in the field of solving specific issues in this field which directly fall within its jurisdiction, but also the constant concern that the problems under the jurisdiction of other states in the region be treated in an appropriate manner. The fact is, that a harmonized level of responsibility in approaching these issues does not exist in the region, at least not yet – many actors treat the whole matter quite uncritically, still acting inside rather subjective frameworks. That is why Serbia's voice, with its affirmation that the altering of this type of perception is an important step towards the improvement of relations and establishment of new qualities in mutual understanding, often seems lonely. One should not, however, be surprised by this. Serbia was the most vocal opponent of the disintegration process (in the destructive form in which, unfortunately, it took place). It is logical that the serious approach during the period in which the roots of all the problems were formed was followed by seriousness in all the phases that occurred later on. What we are still waiting for is that seriousness of some other actors mature through the altering of perceptions about everything that happened in the past and about the individual roles in these events

– today, when the results of the 1990s conflicts are clearly visible, and sufficient time has passed since the events occurred, allowing for an objective analysis of everything that happened. An important task that Serbia has today is to offer its full contribution to the development of this sort of responsibility in all actors concerned: for the sake of Serbia, of course, but also just as much for the sake of other countries in our region. Complete mutual understanding and the opening of a wider space for cooperation today and tomorrow will mean benefits for all.

Have the issues related to regional cooperation, reconciliation and prosecution of war crimes been triggered so far in official discussions with members of the European Parliament?

Regional cooperation has always occupied one of the central positions in the work of the EU-Serbia Stabilization and Association Parliamentary Committee (EU-Serbia SAPC). This topic was recognized as one of the most important issues in the period when the common Parliamentary Committee began its work; and it still holds this high position.

Regional cooperation, due to its importance, has always been considered within couple of formats: the Bureau of the EU-Serbia SAPC defines it as one of the topics on the agenda; Members of Parliament from both sides refer to the events in this section in detail during the

period between meetings of the EU-Serbia SAPC. Through discussion they form common stances, primarily in the form of conclusions, which are included into the text of the declaration.

It is important to note that all of these issues were discussed with great care by all participants in the work of the EU-Serbia SAPC. Everyone is, without exception, actively engaged in issues that are directly related to the interests of regional cooperation, and not only members of the European Parliament coming from the countries in the region. And generally the topics that contribute to the further development of cooperation between the countries of our region are placed in focus.

Consensus and agreement, as the principles on which the EU-Serbia SAPC rests, represent an important standard for relations in our region. Serbia, for its part, supports these principles and the development based on them without reservations.

What do you think the National Assembly of the Republic of Serbia could do to further the peace process and the establishing of good relations with neighbouring countries?

The National Assembly of the Republic of Serbia has an important role in this process, reflected primarily in the work that the Parliament does in the legislative field. The production of a legal framework in accordance with the highest standards, supported

and accepted by everyone in the region, is an important foundation of mutual security and trust in the systems by which our societies are governed.

The National Assembly of the Republic of Serbia also has an important role when it comes to resolutions, as instruments for determining general political directions or stances. Here also, the Parliament takes care of this aspect of good relations in the region impeccably. All the while showing respect for and acknowledging the interests of others, in exactly the same way that it expects others to relate to Serbia. Understanding for the challenges that others are faced with, sensibility for the pain of others and acknowledgment of everyone's effort to resolve problems, with a principle belief that these questions be treated in a fair manner and objectively by all, represent the only right way.

But, of course, it does not end there: the National Assembly also does its part in developing good relations with its neighbours in the field of so-called parliamentary diplomacy, through meetings and joint efforts with Members of Parliament from different countries of the region. Contacts developed through the means mentioned here carry a significance which transcends the area of the personal – they substantially contribute to the establishment of understanding between our institutions.

It is the duty of the National Assembly



of the Republic of Serbia to improve its own activities, in all of the fields mentioned. It is also an immediate contribution to the reconciliation process and establishing of good neighbourly relations; and it is a duty towards citizens and the state.

Can we expect a more active role from the EU-Serbia Stabilization and Association Parliamentary Committee in matters of promoting issues of importance in the process of dealing with the past?

The principles of human rights protection and the rule of law, as fundamental values and principles on which the EU rests are clearly established in the practice of the EU-Serbia SAPC.

This Parliamentary Committee, owing, of course, to the nature of the duties it performs, has questions which are of immediate concern for the Republic of Serbia within its focus. Since the Republic of Serbia treats the problems relating to the field of the adequate evaluation of events from the recent past in our region in a serious and mature manner, there was no need for them to be given additional attention within the activities of the Parliamentary Committee, or a special place on the meeting agenda. It is apparent that the members of the Serbian Parliament share these opinions with their colleagues in the European Parliament; the fact that there were no different initiatives in the previous work of the EU-Serbia SAPC, confirms this.

What is your opinion on matters of establishing justice and accountability for the crimes that were committed, especially in the context of the tendencies leading towards EU membership?

The relaxation of relations, following the periods of open hostilities and destruction which brought grief to entire generations and set societies back by decades, is the only logical way. We have seen the alternative and, as rational beings, we can only do one thing – everything within our power to ensure that the past never recurs. This can happen if we are capable of learning from the experiences and if we are capable of guaranteeing that the lessons from those experiences stay with us for good. It is up to us to do everything that is in our power to make sure that things take a different direction this time. The normalization of relations and restoration of mutual trust is an inevitable first step in this process. This step is, from time to time, significantly slowed down by the inadequate treatment of matters of justice and accountability for crimes – by a very one-sided and desperate lack of objectivity. The forced imposition of guilt on just one side, as a purely political approach, causes severe and justified dissatisfaction in Serbia. At the same time, it brings no peace to the others either: it stirs resentments, pokes wounds and raises tensions. Willful disregard for the victims of others, or the tendentious dimensioning of one's own, light-hearted games with serious legal qualifications – all these are occurrences from which our region

has not managed to heal to this day, and which must be rejected as the result of false attitudes, if we hope for a continued future coexistence.

One may draw the conclusion that the context of the tendencies leading to membership in the EU will not “make us” find the answers to these challenges – it will provide the necessary support, but it is up to us to fight our way to the solutions which are to everyone’s benefit. All in all, one must realize that by entering the EU these challenges would not cease to exist – they are a process and demand continuous effort. It is primarily our responsibility, in this region, to seek out permanent solutions.

Based on your experience so far – and you had insight into the Action Plan for Chapter 23 – what challenges lie before us with regard to the process of dealing with the past?

The Action Plan for Chapter 23 dedicates significant space to the issue of war crimes. As is common knowledge, after the Hague Tribunal ends its work, the responsibility for the prosecution of war crimes falls entirely on the back of the Republic of Serbia. To tell you the truth, many questions could have been treated in a better way if this kind of practice had existed from the very beginning. In any case, there are a number of concrete

and usually completely technical requests, which are being placed before Serbia in the context of Chapter 23, and in relation to the aforementioned issues.

Serbia is offering a more than satisfactory response to these kind of requests. These requests include the need to develop strategic documents, which deal with the issue of war crimes; and the Republic of Serbia has so far implemented activities on the formation of working groups (which is a necessary first stage in the preparation of the documents). The work that lies ahead, of course, involves the finalization of the process leading to the final production of these documents. When it comes to the introduction of the necessary standards, and announced changes to the law, these are in the final stages, including (mostly) prepared solutions, organized discussions in the professional community and preparations to enter the final procedure. A positive shift has been noted towards the matters previously indicated by the EU concerning the proper treatment of persons in procedures and the required efficiency in processing. All in all – a more than very good response by Serbia on the topics given. The response was recognized as such by our counterparts in the EU.



[news]

Third Version of Action Plan for Chapter 23 Improved

At the beginning of April 2015, the Ministry of Justice of the Republic of Serbia published the third version of the Action Plan for Chapter 23, thus opening a new cycle of commentary to this document. The Humanitarian Law Centre (HLC) delivered 14 proposals to the Ministry for the improvement of measures in the Action Plan. The proposals related to fields of professionalism and efficiency of the judiciary, war crimes, and procedural guarantees.

The HLC's suggestions emphasize the importance of a continued training of all actors in the prosecution of war

crimes; they point to the need for more substantial capacities in the Office of the War Crimes Prosecutor; they offer criteria for the prioritization of cases for prosecution; they propose mechanisms for the enhancement of the work of the relevant institutions, they enhance the witness protection and provision of adequate support for victims of war crimes, they guarantee special protection for the victims of sexual violence, timely and detailed informing of victims about their rights and the use of the resources of organizations and institutions specialized in providing assistance and support to victims. Amending the Law on Civilian Invalids of War was also proposed, because this law deviates from the international standards

in safeguarding the human rights, and denies protection to large number of victims living in Serbia.

The Ministry of Justice published the improved third version of the Action Plan in May 2015, in which they adopted 11 of the HLC's proposals.

The HLC has delivered, in total, 62 proposals from the beginning of the Action Plan drafting process, 52 of which have been adopted either entirely or partially.

Victims' Rights Represents a Key Challenge in Respecting Human Rights in Serbia

The [second in a row of briefings](#)/ discussions relating to the establishment

of transitional justice in the process of the Republic of Serbia's EU integration was held on July 3rd, 2015 in the premises of the HLC Library. Representatives of embassies of EU member states and Switzerland and representatives of the EU Delegation to Serbia, OSCE Mission to Serbia, Heinrich Böll Stiftung organization, and Victimology Society of Serbia participated in the meeting. The subject of the meeting was the protection of the rights of victims of war crimes and other serious violations of human rights in the context of the armed conflicts in the former Yugoslavia.

The participants were informed by HLC Executive Director Sandra Orlović and HLC Legal Director Milica Kostić about the status of victims of war crimes in Serbia, international standards of protection of victims of human rights violations and the domestic legal framework. Saša Gajin from the Center for Advanced Legal Studies (CALS) and professor at the Faculty of Law of The Union University in Belgrade presented the

[Model Law on the Rights of Civilian Victims of Human Rights Violations Committed During and In Connection With Armed Conflicts in the Period 1991-2001](#), produced in a joint effort by the CALS and the HLC.

The European Parliament on Srebrenica

The twentieth anniversary of the Srebrenica genocide was marked on Sunday, July 11th 2015. On this occasion, part of the plenary session of the European Parliament (EP) was dedicated to paying respect to the victims, and the Resolution on Srebrenica was adopted.

A large number of members of the EP, in a special [debate on Srebrenica](#) which marked the onset of the meeting on July 9th, sent a message of support, encouragement and incentive to victims and family members, citizens and politicians in the Western Balkans. They emphasized that a sustainable reconciliation and common European future can only be achieved through the establishment of

the truth about the crimes, prosecution of those responsible, and acceptance of the verdicts of international courts, as well as through identifying the fate of missing persons, expressions of apology and regret for the victims, the promotion of education about Srebrenica and other crimes of genocide, and recognition of the suffering of all victims, in particular women victims of rape. Believing that the twentieth anniversary of the genocide in Srebrenica is precisely the chance for reconciliation, they urged politicians to accept the facts about the past and to show citizens the right way to treat victims and setting an example with respect to accountability. Members of the EP condemned the denial of genocide in Srebrenica, and expressed regret that the draft resolution on Srebrenica was not adopted before the United Nations Security Council.

Resolution on Srebrenica

[The EP resolution on the Srebrenica Comemoration](#) condemns the



Srebrenica genocide and its denial and relativization, stresses the importance of prosecuting those responsible, with particular emphasis on certain domestic judicial processes that need to be addressed. The resolution urges "the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights". It reiterates the EP stance that regional cooperation and the process of European integration are the best

means of promoting reconciliation, and overcoming hatred and division.

The resolution was proposed by representatives of the five political groups, including the European People's Party, Progressive Alliance of Socialists and Democrats, European Conservatives and Reformists, Alliance of Liberals and Democrats, and the Greens / European Free Alliance.

The European Commission on Srebrenica

The European Commission (EC)

paid their respects to the victims of the Srebrenica genocide through [the Statement by High Representative/ Vice-President Federica Mogherini on the 20th Anniversary Commemoration of the Srebrenica Genocide](#). In her statement, she recalled the guiding principle in the construction of the EU as a creation of peace, but which at the end of the twentieth century had failed to fulfil the expectation that there would be no war in Europe. The genocide in Srebrenica stands today as a remembrance of the suffering of victims and as a reminder of

Srebrenica Flower



the essence of the EU as a community that respects and nurtures diversity and does not tolerate any division that may cause new conflicts.

Messages of the European Parliament to Serbia

The President of the European Parliament, Martin Schulz, visited Serbia on July 15th, and on that occasion he met with representatives of the Government, the National Assembly, and the President of Serbia, as well as with non-governmental organizations. In his [speech](#) before members of the National Assembly of the Republic of Serbia, Schultz recalled the foundation of the European Union, which was initiated only a few years after the end of World War II and became a bastion of peace and stability on the European soil.



*Speech by the President of the EP in the National Assembly of the Republic of Serbia
(European Union 2015 – EP/Pedja Milosavljevic)*

He encouraged Serbia to model itself on the example of Europe's countries, to oppose "the return of old demons of hatred, intolerance, hostility and aggression" on a daily basis, and to fight for "peace and understanding". He particularly emphasized the importance of preserving the memory of crimes and their victims, as a precondition of reconciliation: "There can be no reconciliation without acknowledgement of

past suffering and pain, and there can be no reconciliation without awareness of how poisonous rhetoric and populist demagoguery paved the way for violence." He also welcomed the attendance of the Serbian Prime Minister at the commemoration of the genocide in Srebrenica on its twentieth anniversary, and warned that the [incident](#) in Potočari must be the impetus to work more intensively on reconciliation.





Is Serbia really fulfilling political criteria for EU membership?

Goran Miletić, Programme Director for the Western Balkans, Civil Rights Defenders

There is almost no one in Serbia who has not heard of the Copenhagen criteria, which define the requirements that a state needs to fulfill in order to join the European Union. Political criteria are now in the focus of Serbia and the European Commission. They have been defined broadly, which leaves room for both parties to give different interpretations of the requirements in accordance with their needs. On the one hand, Serbia is trying to do as little as possible with regard to these criteria, and on the other hand, the European Union is often not determined enough in its request to have reforms in this field implemented.

Political criteria have been defined as “stable institutions guaranteeing democracy, rule of law, human rights and the respect for and protection of minorities.” Serbia does not meet any of these criteria and the Government of Serbia does not agree that war crimes trials, the establishment of facts about serious violations of human rights committed during the 1990’s, or anything else related to dealing with the past has any impact on their fulfilling any of these criteria. Their avoidance of the topic has been “successful” so far since the EU has not been very loud and clear about this issue, an issue that is



Goran Miletić

essential for the future of Serbia. Very little room was granted to dealing with the past in the last Serbia progress reports that the European Commission and the European Parliament published, and this little room was granted mainly due to the endeavours of the Humanitarian Law Center (HLC) and its partner organizations. However, besides this, there is not a single person on either side (Serbia or the EU) who would emphasize that the establishment of facts about war crimes committed during the recent past represents a priority in the process of EU integration.

The first part of the definition of political criteria refers to *stable institutions guaranteeing democracy*. Is it possible for Serbia to

have stable institutions guaranteeing democracy if its Parliament is still not able to adopt clear and unambiguous resolutions and declarations which would condemn not only the Srebrenica genocide but other war crimes that have been committed in the name of Serbia as well? Does this Parliament represent an institution that guarantees democracy if there are individuals sitting in it who were members of the army, police and other institutions responsible for the crimes committed during the 1990's? Since the definition of democracy does not refer for a long time now to free elections and majority rule, but to the respect of all those who are a minority in any sense, is it possible to speak about democracy in Serbia without clarifying serious violations of human rights committed against those who were not members of the majority nation? Is it possible for any institution to be stable if people who are under reasonable suspicion of committing serious violations of human rights work in them? Can a state have stable institutions guaranteeing democracy and, at the same time, persistently conceal (from the Hague Tribunal and the public) information relating to various "operations" launched by the army and police during the 1990's? Can the BIA, which has changed its name but not its methodology since 1980, guarantee democracy in Serbia? Are the courts, which conceal the link between the state of Serbia and the crimes committed, guarantors of democracy?

Is there really *rule of law* in Serbia

if a War Crimes Prosecutor is more focused on reaching a balance between the number of perpetrators who are Serbs and the ones who are not instead of being focused on the facts, witnesses and victims? Can we speak of a favorable environment for the rule of law if the person leading the most important institutions in the state (the President of the Republic) warns the War Crimes Prosecutor to "think about what he is digging in Serbia" at the moment when (another) mass grave containing bodies of Kosovo Albanians is found? Does law (and justice) really govern in Serbia if victims are not able to receive reparation and the Law on Civilian Victims of War does not even recognize certain categories of victims?

The next political criterion for joining EU refers to *human rights* and Serbia claims that, at the time being, it respects them almost completely. However, can we speak of the full respect for human rights at present if we do not know who and under what circumstances had violated the fundamental human right (the right to life) in our pretty recent past? Regardless of whether the victims were citizens of Croatia, Bosnia and Herzegovina, Serbian citizens of a different nationality, or journalists who were not in favor of the regime at the time, there are still no official (judicial or governmental) answers to the questions of who, when, how, and why? Can we speak of a state that respects human rights when the Director of the State Office for Human and Minority Rights states



that allegations regarding systematic torture in Sandžak in the 1990's are "inappropriate and unfounded" even though there are numerous photos, medical documents, witnesses' and victims' statements, and relevant reports produced by the United Nations which prove otherwise? Can one say that a state respects human rights at present by having its representatives attack a human rights organization which demands that all facts regarding the involvement of the Chief of General Staff in war crimes against a civilian population and the concealment of the traces of these crimes be established?

The last criterion, which relates to *respect for minority rights*, has never been something that representatives of any government in Serbia were really fond of. Minorities have always been perceived as a necessary evil and as those whose rights have been granted to them, usually under pressure from the European Union itself. This is the reason why one should not be surprised by the absolute indifference for any type of justice and reparation for violations of the rights of national and other minorities in Serbia. Can one speak of respect for minority rights if these minorities, whose rights were violated mainly during the 1990's, still do not participate in public life and there is almost no discussion about their removal from institutions in the late 1980's and early 1990's? Is it possible to respect the minority rights of a national community and at the same refer to them in the media

without exception as terrorists and those who always think badly of the majority community? Is there any respect for the rights of minorities at present if kidnappings, murders, and torture against members of these communities committed in the past have not been resolved in a judicial or any other type of procedure?

At the beginning of this century, Serbia had a great wish to become a member of the Council of Europe. According to one doctrine, the focus of the admission process should have been on full respect for human rights, particularly dealing with the past and war crimes trials, before accepting Serbia into this important organization. According to another doctrine, Serbia should have been accepted first and then the organization should have insisted on the fulfillment of these and other requirements. The second doctrine prevailed after the assassination of then-Prime Minister Zoran Đinđić, and Serbia became a member despite the fact that the requirements were not met. This was a huge mistake on the part of the international community, and it caused great damage to the process of dealing with the past. The European Union is on its way to making the same mistake because of the constant repetition that Serbia *mostly* fulfills the political criteria as well as by the refusal to put war crimes trials and truth-seeking high on its list of priorities.

[War crimes trials]

– overview

[judgements rendered]

The Case of Tenja II

The Higher Court in Belgrade rendered a judgement on April 6th, acquitting the defendant Žarko Čubrilo of war crimes against a civilian population. The Office of the War Crimes Prosecutor of the Republic of Serbia's (OWCP) indictment charged him with killing 11 Croatian civilians in Tenja (Croatia) while acting in the capacity of a member of Territorial Defence (TD). When explaining the reasons for the judgement, the Presiding Judge stated that the court did not find that the defendant had committed the offence that he was charged with without a doubt.

while acting in the capacity of a member of the Volunteer Corps. He was charged with committing this act with four other accused, who have all been found guilty of committing these acts in final judgements. In the reasons for rendering the acquittal, the Presiding Judge said that it was not proven, during the trial, that the defendant had committed the offence with which he was charged.

The Case of Beli Manastir

On May 29th, the Higher Court in Belgrade rendered a judgement in a repeat proceedings, finding defendants Zoran Vukšić, Slobodan Strigić, and Branko Hrnjak guilty of the criminal offence of war crimes against a civilian population. The Court sentenced the defendants to 20, 15 and 5 years of imprisonment respectively. They were charged in the indictment with participating in the murder of four Croat civilians on October 17th, 1991, in the vicinity of Beli Manastir (Republic of Croatia), while acting in the capacity of officials of the Secretariat of the Interior.

The Case of Bijeljina II

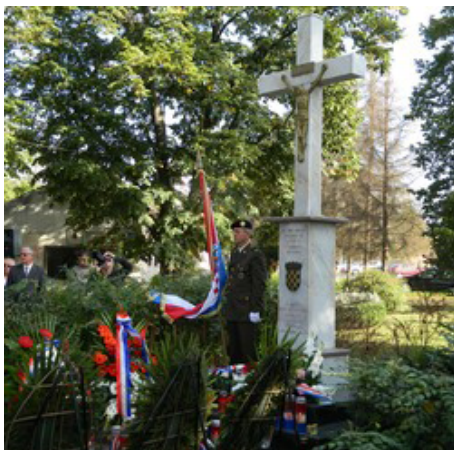
The Higher Court in Belgrade rendered a judgement on April 14th acquitting the defendant Miodrag Živković of war crimes against a civilian population. He was charged, by the indictment of the OWCP, with the murder of one Bosniak civilian, and the multiple rape and sexual abuse of the victim's daughter and daughter-in-law in Bijeljina (BiH) in June 1992,



The Case of Luka Concentration Camp

The Court of Appeals on June 10th quashed the judgement of the Higher Court sentencing Boban Pop Kostić to a prison term of two years for war crimes against a civilian population, and the case was remanded to the first instance court for retrial. The Court of Appeals found that the first instance court committed a substantial violation of the criminal proceedings because it based its ruling on the statement of the injured party given before the Cantonal Court in Tuzla and read out before the first instance court. The OWCP indictment charged Boban Pop Kostić with the physical and psychological torture of one Bosniak civilian in Brčko (BiH) on May 10th, 1992. Kostić was acting in the capacity of a member of the First Posavina Infantry Brigade of the Army of the Republic of Srpska at the time.

war crimes against a civilian population. The indictment by the OWCP charged them with the killing of 16 Croat civilians in the period from October until the end of December 1991 in Sotin (Croatia), while acting in the capacity of members of the local structure of the newly formed government. As regards the acquittal part of the judgment, the Trial Panel found no evidence that the defendants Lončar, Opačić and Milinković had committed the criminal offence they were charged with.



Memorial to the Murdered Residents of Sotin

The Case of Sotin

On June 26th the Higher Court in Belgrade rendered a judgement finding defendants Žarko Milošević and Dragan Mitrović guilty of war crimes against a civilian population. The Court sentenced them to imprisonment for 9 and 15 years respectively. The same judgement acquitted defendants Mirko Opačić, Dragan Lončar and Miroslav Milinković of charges stating that they had committed

The Case of Skočići

On June 16th the Higher Court in Belgrade rendered a judgement in a repeat proceedings acquitting Damir Bogdanović and five other defendants of charges stating that they had committed war crimes against a civilian population. The amended indictment of the OWCP charged them with the torture, robbery and murder of 28 Roma persons in the village

Skočiči (Zvornik, BiH) in 1992, as well as with keeping three female injured parties, ages 13, 15 and 19 years, locked up for several months, during which time they beat, raped and sexually humiliated them. They were acting in the capacity of paramilitaries of the Simo's Chetniks unit at the time. In the reasons for the judgement rendered, the Presiding Judge

stated that the Court had acted, in the repeat proceedings, in accordance with the remarks of the Court of Appeals and found no evidence that the defendants committed the crimes they were charged with.²

² See HLC press release: "Good News for Perpetrators of War Crimes", June 17th 2015, <http://www.hlc-rdc.org/?p=29371&lang=de>

[pending trials]

The Case of Lovas

The repeat trial of Milan Devčić and 10 other defendants is in progress. They are charged with committing war crimes against a civilian population. They are, in the OWCP indictment, charged with murdering 41 Croatian civilians during October and November 1991 in Lovas (Croatia), while acting in the capacity of members of the JNA, the "Dušan the Great" military formation and as local authorities.

their defence, and on July 2nd and 3rd the consultant military expert called by the defendant Miodrag Dimitrijević was questioned. He gave his views on a previously conducted expert testimony on the command role of Dimitrijević.

The Case of Gradiška

Proceedings are being conducted against Goran Šinika for war crimes against a civilian population. He is, in the OWCP indictment, charged with murdering a Croatian civilian on September 2nd, 1992 in Bok Jakovac (BiH), while acting in the capacity of a member of the Army of the Republic of Srpska.

Criminal proceedings in relation to the defendant Dragan Bačić were aborted owing to his death on March 9th, 2015. On April 29th and May 27th and 28th the defendants presented

At the main trial, on June 18th, the defendant presented his defence, denying the commission of the offence and stating that he did not



know the injured party, and had, at the time of the offence, been deployed at another location, acting in the capacity of a member of the Reconnaissance Unit of the Army of the Republic of Srpska.

The Case of Ćuška/Qyshk

Repeat proceedings are being conducted against Toplica Miladinović and 12 other defendants for war crimes against a civilian population. They are, in the OWCP indictment, charged with murdering 109 Albanian civilians during April and May 1999 in the villages of Ljubenić/Lybeniq, Ćuška/Qyshk, Pavljan/Pavlan, Zahać/Zahaq (Municipality of Peć/Pejë, Kosovo), while acting in the capacity of members of the 177th Peć Military Territorial Detachment.



Monument for the victims in the centre of Ćuška/Qyshk

The repeat proceedings began on June 8th. The defendants pleaded not guilty, and their defence attorneys presented their opening statements. On June 9th, the Extra-procedural Chamber rendered a decision

to join these proceedings to the proceedings conducted against defendants Vladan Krstović, Lazar Pavlović and Milan Ivanović, who are charged with the commission of the same criminal offence in the case of Ljubenić/Lubeniq. They are, in the OWCP indictment, charged with murdering at least 42 Albanian civilians on April 1st, 1999 in Ljubenić/Lybeniq (Municipality of Peć/Pejë, Kosovo), while acting in the capacity of members of the 177th Peć Military Territorial Detachment. The Trial Panel also passed a decision that the criminal proceedings against the defendant Ranko Momčić be separated from the aforementioned proceedings.

The Case of Sanski Most

Proceedings are being conducted against Miroslav Gvozden for war crimes against a civilian population. He is charged, in the OWCP indictment, with murdering six Croat civilians and wounding one other, together with four members of the Army of the Republic of Srpska, in December 1992 in Tomašica and Sasine (Municipality of Sanski Most, BiH). The reason for the commission of this offence was revenge for the death of his brother.

During April and May 2015 six witnesses were questioned, and the trial is scheduled to continue on July 20th.

The Case of Ovčara

The proceedings³ against Miroljub Vujović and 12 other defendants are being held before the Court of Appeals. The defendants are charged with committing war crimes against prisoners of war. They are charged, in the OWCP indictment, with murdering 200 prisoners of war on November 20th and 21st at the Ovčara Farm in Vukovar (Republic of Croatia), while acting in the capacity of members of the Territorial Defence of Vukovar and the "Leva supoderica" Volunteer Unit, which were part of the JNA.



The monument for the victims at Ovčara

³ The Supreme Court rendered a judgment in relation to the Case of Ovčara on June 19th, 2014, through which it adopted the requests for protection of legality of the defendants and quashed the final judgment of the Court of Appeals in Belgrade which found the defendants guilty. The case was returned to the Court of Appeals for repeated adjudication on the appeals on the sentencing part of the first instance verdict. When re-deciding on the appeals of the defendants, the Court of Appeals decided to open the main hearing

At the trial, which began on June 15th, the defendants presented their defence, and two witnesses and two insider witnesses were questioned. One of the witnesses interviewed is the injured party who survived the crimes at Ovčara and who testified in favour of one of the defendants, stating that he was a good man, and that he certainly did not kill any prisoners of war. During the examination of insider witnesses the session was closed to the public.

The Case of Bosanski Petrovac – Gaj

Proceedings against Milan Dragašić for war crimes against a civilian population are being conducted. He is charged, in the indictment, with the murder of three Bosniak civilians and the attempted murder of another three on September 20th, 1992, in Gaj, Bosanski Petrovac (BiH), while acting in the capacity of a member of the Army of the Republic of Srpska. The motive for this criminal offence was revenge for the death of his brother.

During the trial held on June 15th, 2015, the defendant claimed that he did not know whether the murdered persons were civilians, because he was "out of himself" owing to the death of his brother. He also claimed that "everything went blank" before his eyes. It was determined that a neuropsychiatric expert analysis of the accused in relation to the circumstances of the criminal offence

be undertaken, in order to determine whether he was mentally competent at the time of the offence.

Trials in the Cases of Trnje and Sanski Most - Kijevo were not held, because the summoned witnesses did not

appear before the Court owing to their poor state of health and the late delivery of the subpoena. The witness in the Sanski Most - Kijevo Case informed the court that he fears coming to Belgrade, but agreed to testify via video link.


Humanitarian Law Center


12 Decanska St.
Belgrade 11000, Serbia


Tel: +381-11-3349-600
+381-11-3349-766
+381-63-210-536

e-mail: office@hlc-rdc.org
www.hlc-rdc.org

Social networks:

 @FHPhLC #towardsJUSTICE

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