

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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[★] Achieving Reconciliation Through Facts

Mr Goran Svilanović, Regional Cooperation Council, Secretary General

The strategic focus of the Regional Cooperation Council is primarily directed towards enhancing socioeconomic cooperation between the Western Balkan countries. Can successful regional cooperation between states which have recently been involved in armed conflicts be possible without their joint critical review of the heavy legacy of those conflicts, which resulted in a huge number of killed, disappeared, and refugees, and in divided post-conflict societies?



Goran Svilanović



Humanitarian Law Center

Possible yes. Difficult, of course, but possible as well. Namely, in an ideal situation we would already have what you call a "joint critical review" of the conflicts' legacy, but we are far from an ideal situation. The conflicts were indeed very messy and the post conflict situation we are in is messy as well and we simply do not have a situation that would allow a calm, critical review of the legacy you speak of. There are attempts, some more successful than others, but a neat, clean situation is not something we have the luxury of having.

It was in Sarajevo, three years back, while talking to one of those personalities who were on the forefront of anti-war engagement in BiH, that we have discussed "reconciliation". We instantly agreed that we are far from reconciliation as long as the people in the region are in disagreement on what was actually happening from one to another day, from one to another situation. We need to establish a joint understanding about the facts before we can reconcile.

How do you evaluate the processes so far of establishing truth, responsibility and justice for the crimes committed in the countries of the region?

As I said, we have a messy situation and therefore this is a very tough process and while there have been a number of attempts to establish such a commission, to the best of my knowledge none of them has been a success. There was always an attempt to politicize such a body.

The one "Truth and Reconciliation Commission" which can be

considered a success is the South African one. Please note, it is not a "Truth, responsibility and justice" one that you mention. The problem is that quite often, truth and responsibility and justice when bundled together can actually hinder rather than help reconciliation. I would also add that a part of the reason that the South African is the one shiny example of a success story worldwide is that in South Africa they had the likes of Nelson Mandela and Desmond Tutu. Regretfully, there is no one of a similar calibre here in our part of the world. The attempts continue, "RECOM" is one such initiative and it would appear as if it stands a fair chance of being a success at least when it comes to establishing the truth about the number of victims and their identity. As I've pointed out earlier, agreeing on the facts would be a basic step towards reconciliation. What "RECOM" is doing is exactly what was needed, an attempt to clarify who are the victims, who are those who died in the process of the splitting up of former Yugoslavia. Once "RECOM" provides us with the data, I hope there will be no political misuse of the victims, of their names and numbers. The information should be fundamental for an agreement on how all of us who have survived, how all the nations, all the countries can agree to express our joint respect to all of the victims and their families. Maybe they can bring us together; maybe the establishment of this information will trigger honest dialogue on how to respect them and how not to allow this to

happen again. If we could have this agreement, we would be very close to reconciling.

We often hear from the European Union that respect for human rights is the founding value on which the community of European countries has been built. When it comes to dealing with the past with regard to the wars in the former Yugoslavia, one gets the impression that this value is being neglected in order to achieve certain political goals. How do you, in the light of this observation, see the perspective of EU integration process for Serbia's advancement in dealing with the past and establishing good relations with the neighbours in the region?

When principles and pragmatic politics clash, the principles are usually the ones to give way. Please note, this is not what I believe in or what should happen in an ideal world. I am just stating the obvious and it is not just something that happens in South East Europe but all over the world and at any given moment.

The civil society in the region has been actively advocating, insisting on and supporting regional cooperation and a joint approach to dealing with the past. How do you assess the importance and achievements of the existing initiatives of civil society, including the Initiative for establishing RECOM? Do you think that the support from the state is adequate?

The Civil Society has indeed been in the forefront of regional cooperation even before the RCC or its predecessor, the Stability Pact

were created. The Civil Society has continued to assist in dealing with the past in a number of ways, here are but two excellent examples. RECOM, as an initiative to give names to victims and to investigate all allegations of war crimes is a most laudable one. But it is a slow process and while it is a most promising project it still has to deliver. Another example is the CDRSEE's Joint History Project, which connects historians from all of South East Europe and has already produced 4 history workbooks, with another one coming out in mid-2016 that will cover the wars of the 1990s. As far as I am aware, there was support for both initiatives coming from some governments of the EU member states, and European Commission has supported both initiatives. Still, an honest engagement and a political coupled with financial support from the governments of the region is very limited.

Do you think the reconciliation process is a prerequisite for a genuine regional cooperation, or does regional cooperation represent a path towards reconciliation?

Probably, the one truthful answer is that we should keep on pushing both of these to the best of our ability. Sometimes, regional cooperation will be better than the state of the reconciliation process, sometimes the other way round. Frankly, the RCC will continue doing its best in order to make sure that both keep moving forward.



[news]

First Strategy for the Prosecution of War Crimes in Serbia Adopted

The Government of the Republic of Serbia adopted the first [National Strategy For the Prosecution of War Crimes in Serbia](#) for the Period 2016-2020 on February 20th, 2016. The objective of the National Strategy is to enhance the prosecution of war crimes in Serbia. The end result of the implementation of the Strategy should be the suppression of impunity for crimes committed, efficient regional cooperation, harmonization of judicial practices, improvement of protection and support for witnesses

and victims, efficient cooperation of all institutions involved in the prosecution of war crimes, and raised social awareness about the importance of the prosecution of war crimes. The guideline for the creation of the National Strategy for the Prosecution of War Crimes was the Draft Action Plan for Chapter 23, which is considered by the Ministry of Justice to be the key document in this area.

Indicators for the assessment of the results of the implementation of the National Strategy include: the prosecution of high-profile cases, in accordance with the Office of the War Crimes Prosecutor

(OWCP)'s Strategy; the number of indictments and finally completed cases; the duration of court proceedings; the assessments by entities, such as the European Commission, of the harmonization with the standards of the European Union; the number of initiated and finally completed cases within the scope of regional cooperation; the number of missing persons; the ICTY reports to the UN Security Council; and the reports by other relevant governmental and non-governmental organizations.

The National Strategy envisages activities for enhancing the work efficiency and capaci-

ties of the OWCP, the War Crimes Investigation Service, and the responsible courts, the development of the normative and institutional framework for adequate protection of witnesses and support to victims, including the establishing of a national network of services for support to witnesses and victims, the provision of adequate defence to the accused, the acceleration and enhancement of the search for the missing, the intensifying and strengthening of regional and international cooperation, as well as the informing of the public about court proceedings and the changes in education programmes for the purpose of „improving the position of the society with regard to the importance of war crimes trials“.

The implementation of the measures foreseen by the National Strategy will be monitored by a special working group created by the Government, which will comprise representatives of all relevant institutions in the

field of the prosecution of war crimes and representatives of the Negotiation Group for Chapter 23, academia, and civil society organizations.

European Parliament's Resolution on Serbia

The European Parliament adopted the [Resolution on 2015 Serbia Report](#) on February 4th, 2016.

In the part of the Report referring to war crimes trials, the Resolution encourages Serbia to continue to cooperate with the ICTY, points to the importance of adopting a comprehensive national strategy for the prosecution of war crimes, the establishing of an efficient system of witness protection and support to victims, and improvement of regional cooperation, and emphasizes the need to strengthen and depoliticize institutions specialized in the prosecution of war crimes. The Resolution reiterates the

recommendation from the previous Resolution, which refers to the reconsideration of legal provisions which allow universal jurisdiction in the prosecution of war crimes.

The Resolution calls for Serbia to ensure the right to reparation to victims and members of their families, and recommends the establishing of a scheme of reparations as an important prerequisite for reconciliation. It also calls on Serbia to pass a new law on civilian victims of war as soon as possible, bearing in mind the fact that the law which is applicable at the moment does not recognize a great number of victims.

Serbia has also been encouraged to continue its work on establishing the fate of the missing, and to resolve the remaining issues in line with international law, including the opening of archives. The European Parliament reiterated its support for the Initiative for Establishing RECOM.

The Parliament expects



Serbia to condemn hate speech and war-mongering rhetoric and to refrain from offering public support to individuals who have been convicted for war crimes.

Briefing

The third in a row of meetings on the importance of including Transitional Justice in the Republic of Serbia's European integration process was held on February 24th, 2016, in the Humanitarian Law Center (HLC)'s Library. Representatives from the embassies of Switzerland, Netherlands, Belgium, Great Britain,

Bulgaria, Cyprus, Slovakia, United States of America, Croatia, Norway, Bosnia and Herzegovina, and from the OSCE Mission to Serbia, along with a liaison officer from Kosovo, participated in the meeting.

The participants in the meeting discussed the achievements and basic obstacles in the search for the persons who disappeared in the context of the armed conflicts on the territory of the former Yugoslavia, the current efforts by institutions to identify mass grave sites in Serbia, the introduction of the matter of missing persons into the EU-facilitated

dialogue between Serbia and Kosovo, and other relevant topics.

Annexe to EC's Serbia Progress Report

In mid-April 2016 the HLC delivered to the European Commission the [Annexe to the 2016 Serbia Report](#). The HLC pointed to the insufficient cooperation with the ICTY and the shortcomings in the prosecution of war crimes before the courts in Serbia, the problems that victims face in their attempt to realize their right to reparation, the stagnation in the search for the missing and the complete absence of



Meeting on inclusion of transitional justice issues in Serbia's EU accession process

institutional reform, as well as to the necessity to establish RECOM as soon as possible.

Dealing with the Past as EU Priority

Representatives of the HLC had a meeting on March 21st with representatives of the European Parliament and the European External Action Service (EEAS) in Brussels. Serbian achievements in the acknowledgment and application of Euro-

pean standards in the area of Transitional Justice were presented in the discussion with the EP Rapporteur for Serbia, Mr. David McAllister, the Shadow Rapporteur for Serbia, Igor Šoltes, and Herbert Pribitzer from the EEAS Department for the Western Balkans.

The HLC's collocutors agreed that the application of Transitional Justice mechanisms is a topic which should be subject to intensive discussion within the EU institutions, since

it represents an important, indeed, a priority issue for the EU. They also pointed out that, even though it is not always obviously visible, the EU's determination with regard to the application of all the obligations assumed from the pre-accession negotiations does exist. It was also highlighted that all important issues will be subject to a discussion between the EU and the countries in the region.





Relationship towards civilian victims of war – a step back in European integration

Relja Radosavljević, Legal Analyst, Humanitarian Law Center

It is already two years in a row now, that the annual European Commission Progress Report on Serbia has stated that “only a few victims of war crimes have access to effective compensation under the current legal framework”.¹ This brief statement points to an important question concerning respect for the human rights of one of the most vulnerable groups in Serbia; but it neither provides even a hint of the causes of that problem, nor suggests possible solutions, and the position of the institutions in relation to that solution. What, then, is the problem with the existing legal framework concerning the rights of victims, and what is the government in Serbia doing in order to address this problem? And finally, why is the European Union interested in this?

We should start with the existing legal framework embodied in the Law on Civilian Invalids of War,

¹ Commission Working Document: Republic of Serbia – 2014 progress report, translation available at: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf, p. 72; Commission Working Document: Republic of Serbia – 2015 progress report, translation available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_serbia.pdf, p. 22.



Relja Radosavljević

passed back in 1996. This law allows the granting of (modest) rights and benefits to people who have suffered physical violence during the war and to family members of people who lost their lives as civilians. However, the very definitions of who can be considered a civilian invalid of war or a civilian victim of war set the conditions which, according to some estimates, make it practically impossible for more than 90% of civilian victims of war who now live in Serbia to obtain legal status under this Law. Because they do not meet the prescribed requirements, the families of missing persons in Serbia are not considered as civilian victims of war, and the status of civilian invalids of war is not guaranteed to

victims of sexual violence, victims who suffer from psychological consequences resulting from violence suffered or from a milder form of disability, those who suffered in the territory of other republics of the former state, as well as those for whose suffering Serbian government forces and their subordinate formations were responsible.

For 20 years now, this Law has represented one of the most enduring examples of institutionalized discrimination, as well as a violation of the obligations enshrined in several international conventions ratified by Serbia. Several international bodies and organizations that monitor the implementation of human rights in Serbia (the UN Council for Human Rights, the UN Committee against Torture, the UN Committee on Enforced Disappearances, the Council of Europe, Amnesty International) have for years been suggesting that the position of civilian victims of war in Serbia must be significantly improved. There have also been initiatives to amend the Law – the Humanitarian Law Center (HLC) launched such an initiative back in 2012 together with the Ombudsman's Office, the Commissioner for Equality Protection, and the Office for Human and Minority Rights, but these three institutions withdrew from further cooperation at the beginning of 2013.

Moreover, the Ombudsman's Office does not consider the difficult

position of civilian victims of war in Serbia an issue relevant enough when it comes to respect for human rights, and except for a cursory mention in the introduction of its annual report for 2014, does not address this problem.

At the beginning of 2015, the HLC and the Centre for Advanced Legal Studies (CUPS) prepared a Model Law on the rights of civilian victims of human rights violations committed during and in connection with the armed conflicts in the period 1991-2001, and submitted it to the Government for consideration. Victims' associations have assessed the Model Law positively, and stated that it represents a comprehensive and dignified solution for the realization of their rights. The Serbian government has never replied to the request of the HLC and CUPS to establish a working group which would consider the Model Law.

At the end of 2014, the public learned that the preparation of a new legal text was underway at the Ministry of Labour, Employment, Veteran and Social Affairs. The text of the Bill on the Rights of Veterans, Disabled Veterans, Civilians Invalids of War and their Families was posted on the website of this Ministry, which made the draft available for public discussion. The victims' associations were not even informed of the work on drafting a new law and the public discussion on it, nor were they consulted about anything (unlike the associations



of veterans and disabled veterans who had been involved); nor were the NGO's engaged in supporting victims.

From the text of the Bill two things are apparent: the intentions of the author are to include the entire matter of so-called veterans' and disabled veterans' protection in a single legal act (so far, this matter has been dispersed in several laws and regulations), and to expand the circle of rights of families of dead soldiers and war invalids. On the other hand, the position of civilian victims of war has not improved in any aspect. The Bill has retained all of the discriminatory conditions, so it is likely that, if adopted, the vast majority of civilian victims of war living in Serbia will still remain invisible to the system. What is more, additional restrictions have been designed. For example, requests for recognition as a civilian victim of war cannot be filed after the expiration of 10 years from the date of injury or death – which finally excludes all the victims of the wars during the nineties. The draft law does however provide for a transitional period of one year from the effective date, during which the requests can be submitted. Such a short term cannot possibly be acceptable, however, considering that the majority of those to whom the law would apply are not aware nor informed of the work in progress on the preparation and adoption of the law.

After a distinctly non-transparent

process of preparing the Bill, the Ministry adopted the same approach after its publication. First of all, the invitation to participate in the public debate was not sent out to any of the parties interested in the questions of the status of civilian victims of war (victims' associations, NGO's). More than a year after its completion, the Ministry did not publish the conclusions of the public debate, even though it was required by law. Finally, the Ministry still refuses to present the Bill to the public for inspection, despite a legal obligation to do so. At the same time, the statements of officials of this Ministry indicate that there is an intention to send the Bill as soon as possible to the Government and the Assembly for adoption. These statements also exude an air of confidence that the Bill is in compliance with the EU *acquis*, even though they only have a „positive opinion“ of the Government European Integration Office to support that confidence.²

The EU *acquis* is based primarily on fundamental EU values: human dignity, freedom, democracy, equality, the rule of law and respect for human rights, as defined in the founding treaties. The EU applies these values in its external relations, supporting transitional justice mechanisms in post-conflict societies, and for the countries intending to join the EU these values compose the political part of

2 "Majority still remains without the status of civilian victims", Danas, 31. 1. 2016.

the so-called Copenhagen criteria. In the context of the accession negotiations, the respect for human rights, especially of vulnerable and discriminated groups, is monitored through Chapter 23. In the report on the screening conducted for this Chapter, there was a recommendation to establish minimum standards on the rights, support and protection of victims, in accordance with the relevant EU Directive.³ The Serbian Government Action Plan for Chapter 23 contains a measure to legally regulate the position of victims in accordance with international standards and the EU acquis.⁴ Implementation of this measure is planned for this year and the competence is assigned to the Ministry of Justice.

On the basis of the foregoing, it is clear that the Serbian government, if not for international principles and commitment to the values of human rights, then at least for accession to the EU, will have to initiate the drafting of a new legal provision concerning the rights of

civilian victims of war. In support of that stands the last resolution of the European Parliament on the progress of Serbia in the European integration process, which very clearly calls on Serbia to adopt a scheme of reparations for victims and their families, in the form of the urgent adoption of a new and fair law.⁵

However, the certainty of changes in the legal framework does not change the impression that Serbian institutions not only lack the sensitivity to such fundamental human rights issues as the rights of civilian victims of war, but with their actions directly oppose the EU, the victims' associations, the civil society and international bodies for monitoring human rights. The price of that confrontation and misunderstanding of the role of the institutions – which should protect the rights of all, particularly those most vulnerable – has been too high, because we can now count the lost years during which our society could have become more polite and equitable than it is now.

³ Directive 2012/29/EU of the European Parliament and Council of 25 October 2012 on the establishment of minimum standards concerning the rights, support and protection of the victims of crimes, which replaces the Council Framework decision 2001/220/PUP.

⁴ Action plan for Chapter 23, the third draft, available at: <http://www.mpravde.gov.rs/files/Action%20plan%20Ch%2023%20Third%20draft%2026.08.2015..pdf>, p. 303.

⁵ European Parliament Resolution of 4 February 2016 on the Report for Serbia for 2015, item 25.



[War Crimes Trials]

- Overview

***First Instance Proceedings**

Bosanski Petrovac – Gaj Case

Milan Dragišić is charged with the killing of three and attempted killing of another three Bosniak civilians, a crime allegedly committed as a member of the Republic of Srpska Army (RSA) in the settlement of Gaj in Bosanski Petrovac (BiH).

Ibrahim Babić, Željko Knežević and Stevo Klepić were heard as Prosecution Witnesses in trial sessions held on February 5th, April 12th and May 23rd. Mr. Babić testified that he saw the defendant at the time of the incident in question walking down the street in military fatigues carrying an M84 machine

gun, whereas Mr. Knežević and Mr. Klepić stated they had no direct information about the incident in question, but that they only heard that the accused had killed a Bosniak civilians.

Trnje/Tërrnje Case

Pavle Gavrilović and Rajko Kozlina are charged with the killing of two Albanian civilians, a crime allegedly committed as members of the Yugoslav Army (YA) on March 25th, 1999 in the village of Trnje/Tërrnje (the Municipality of Suva Reka/Suha Reke, Kosovo).

Witnesses/injured parties Ilmi Gashi and Nexhat Bitiqi testified in the trial session held on January 18th. They described how YA soldiers attacked the village of Trnje/

Tërrnje and killed civilian citizens of the village. Witness Nexhat Bitiqi described the execution of civilians, which was committed in his uncle's yard, although he survived. In the main hearing held on May 20th, two members of the YA testified about what they knew about the alleged crime. Two expert witnesses, doctors, were also heard, and they established that the accused are fit to stand trial. The medical expertise was ordered by the court after two previous court sessions were adjourned because the accused failed to appear due to illness. The trial session scheduled for

May 27th could not be conducted, because the accused Rajko Kozlina yet again failed to appear before the court.

Gradiška Case

Goran Šinik is charged with the killing of Marijan Vištica, a Croat civilian, a crime allegedly committed as a member of the RSA on September 2nd, 1992, in the town of Bok Jankovac (BiH).

Prosecution Witness Đorđo Raca was examined in the main session held on April 13th. He stated that at the time covered in the indictment, he saw a male corpse lying on the bank of the Sava River and his acquaintance Ranko Račić identified the body as Marijan Vištica's.

Bihać II Case

Svetko Tadić is charged with the killing of 23 Bosniak civilians, a crime allegedly committed as a member of the RSA and together with other members of the RSA in September 1992, on the territory of the towns of Duljci, Ćukovi – Duliba, Orašac, all in the Municipality of Bihać (BiH).

The main hearing held on March 23rd was adjourned due to the claim of the defendant that he was unable to attend the trial. The court ordered medical expertise, in order to establish whether the accused is fit to stand trial.

Sanski Most – Kijevo Case

The Higher Court in Belgrade delivered a judgement on May 18th finding the accused Mitar Čanković guilty of a war crime against a civilian population and sentenced him to nine years of imprisonment. The indictment charged the accused Mitar Čanković with the killing of Bosniak civilians, a crime committed as a member of the RSA on September 19th, 1995, in the settlement of Kijevo (Sanski Most, BiH).



*Repeated Trials

Ćuška/Qushk Case

Toplica Miladinović and 12 other accused are charged with killing at least 109 Albanian civilians, a crime allegedly committed as members of the 177th Peć/Pejë Military Territorial Detachment during April and May 1999 in the villages of Ljubenić/Lubeniq, Ćuška/Qushk, Pavljan/Pavlan and Zahać/Zahaq (the Municipality of Peć/Pejë, Kosovo).

The trial of Dejan Bulatović was separated on April 14th and it ended in the dismissal of the indictment because the accused was found unfit to stand trial.

Bosanski Petrovac Case

Neđeljko Sovilj and Rajko Vekić are charged with killing a Bosniak civilian, a crime allegedly committed as members of the RSA on December 21st, 1992 on the local Jazbine – Bjelaj road in Bosanski Petrovac, BiH, in the forest known as "Osoje".

The repeated trial continued on January 25th with the examination of Defence Witness Zoran Grujić, who spoke about his friendship with one of the accused. In the trial session held on February 22nd witnesses Muhamed Hajdarpašić and Zoran Obradović, and former protected witness A1, who has now decided to testify under his full name, but in a private session, were examined. Witness Hajdarpašić, a former member of the Peć Secretariat of the Interior, provided an alibi to the accused Krstović, stating that he saw him in a bar in Peć/Pejë at the time of the incident in the village of Ljubenić/Lubeniq. The witnesses who were deployed as members of the police or army of Serbia during the armed conflict in Kosovo were heard during the trial session held on March 17th and April 21st.

Due to the changes in the composition of the Trial Chamber, the main hearing had to start over again. The main hearing in this case was held on January 28th, when the accused made their statements and the court inspected the earlier witness statements and other evidence. The trial session was scheduled for April 19th but it was adjourned because the witness who was summoned to appear before the court did not come.

Lovas Case

Milan Devčić and another nine accused are charged with the killing of 44 Croat civilians, a crime allegedly committed as members of the Yugoslav Peoples' Army (JNA), the "Dušan the Almighty" unit and local government, during October and November 1991 in Lovas (Croatia).

They are accused of having killed 200 prisoners of war on November 20th and 21st, 1991 at the Ovčara Farm in Vukovar (Croatia), as members of the Vukovar Territorial Defence unit and the "Leva Supoderica" Volunteer Unit, which were part of the then JNA.

Due to the change of the Presiding Judge, the main hearing had to start over again, and during the sessions held on March 2nd and 3rd and April 8th the accused presented their defence case. During the main hearings held on April 13th and May 26th the Court inspected the documents found in the case file.

The court decided in the main hearing session held on May 11th that the court would try once more to obtain the minutes from the hearing of witness P022, who appears in this case as cooperative witness nr. 1 through the Residual Mechanism, since the previous request was dismissed.

*Appellate cases

Ovčara Case

The case of Miroљub Vujović and 12 others accused initiated in the indictment filed by the OWCP is pending before the Court of Appeal in Belgrade⁶.

Skočići Case

The case of Damir Bogdanović and five others accused of the criminal act of a war crime against a civilian population is pending appellate procedure before the Court of Appeal in Belgrade. The Higher Court in Belgrade delivered a [judgement](#) in the repeated trial in June 2015 acquitting the members of *Simo's Chetniks* of responsibility for torturing, robbing, and then killing 28 Roma, while detaining for a number of months the three

⁶ 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 by the defendants, and quashed the final judgment of the Court of Appeal in Belgrade which found the defendants guilty. The case was returned to the Court of Appeal 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 Appeal decided to open the main hearing.



injured parties, who were 13, 15 and 19 years old at the time during which time they beat them, raped and sexually humiliated them on multiple occasions in the village of Skočići (the Municipality of Zvornik, BiH) in 1992. Deciding upon the appeal filed by the OWCP, the Court of Appeal decided to schedule a court session and directly examine the protected witnesses "Alpha", "Beta" and "Gamma". In the court session held on April 27th, which was held in the absence of the public, protected witness "Alpha" was examined.

Beli Manastir Case

The Court of Appeal in Belgrade confirmed the judgement delivered by the Higher Court in Belgrade, finding the accused guilty of the act which they committed as members of the Secretariat of the Interior Beli Manastir on October 17th, 1991 in the vicinity of Beli Manastir (Croatia), when they participated in the murder of four Croat civilians. They were sentenced to 20, 15 and five years of imprisonment.

Sanski Most Case

The Court of Appeal in Belgrade delivered a judgement on February 22nd, finding the accused Miroslav Gvozden guilty as charged and sentencing him to 12 years of imprisonment. By this judgement, the sentence imposed by the Higher Court in Belgrade was aggravated. By the first instance judgement, Miroslav Gvozden was found guilty of participating in the killing of three Croat civilians, a crime committed on December 5th, 1992, on the territory of the towns of Tomašica and Sasina (Sanski Most, BiH), and was sentenced to 10 years of imprisonment.

*Finally Completed Cases

Tenja II Case

The Court of Appeal in Belgrade delivered a judgement on December 23rd, 2015, confirming the not-guilty [judgement](#) previously delivered by the Higher Court in Belgrade, by which the accused Žarko Čubrilo was acquitted of responsibility for the killing of 11 Croat civilians during the month of July 1991 in Tenja (Croatia), due to the lack of evidence.

Tuzla Convoy Case

The Court of Appeal in Belgrade delivered a judgement finding the accused Ilija Jurišić not guilty of the criminal act of the Use of Illegal Means of War. He was charged in the indictment of the OWCP that he, as a duty officer in the Tuzla Public Security Service (BiH) on May 15th, 1992, in violation of the previously reached agreement on the peaceful retreat of JNA soldiers from the "Husinska buna" military barracks, issued an order for attack on the military convoy which was peacefully leaving Tuzla, on which occasion at least 50 soldiers were killed and at least 51 were wounded. By this judgement, the judgement of the Higher Court in Belgrade by which the accused was found guilty again in the repeated trial and sentenced to 12 years of imprisonment, was overturned.

Luka Camp Case

On March 28th, the Court of Appeal in Belgrade confirmed the judgement of the Higher Court in Belgrade by which Boban Pop Kostić was acquitted of the charge that he, as a member of the 1st Posavina Infantry Brigade of the the RSA, inflicted bodily injuries on one Bosniak civilian and psychologically tortured him on May 10th, 1992, in the "Luka" prisoners' camp in Brčko (BiH).


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