



# 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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## Victims of war crimes without the right to free legal aid

*Mihailo Pavlović, lawyer*

For years, the European Commission (EC) has stated in its annual reports on Serbia's progress that Serbia lacks a system of free legal aid. In its latest Report, the EC has pointed out that Serbia needs to adopt a new Law on Free Legal Aid urgently, and enable its smooth implementation in co-operation with the main stakeholders.<sup>1</sup>

<sup>1</sup> European Commission, Report on Serbia for 2016, November 2016, available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_serbia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf).



*Mihailo Pavlović*



But it still seems that this is easier said than done.

The basic issue, which still breaks a lance and because of which the Law on Free Legal Aid cannot overcome the first hurdle – that of developing a draft into a bill – is: Who should provide the free legal aid? On one side, there are the counsellors who believe that only lawyer's offices and legal aid services established under local government authorities can provide legal assistance. This interpretation is drawn from the provisions of Article 67 of the Constitution of the Republic of Serbia. On the other side, there are NGOs that do not interpret the Article 67 of the Constitution so restrictively. More specifically, it can be affirmed that the state has the right to expand the circle of providers of free legal aid, but cannot go below the minimum defined by the Constitution, which includes lawyer's offices and legal aid services within local governments. Supporting their claim that the non-government sector, each organization in their own area of action, is sufficiently competent and qualified to provide legal assistance, is the fact that these organizations have for years successfully engaged in providing free legal aid to different categories of people.

After several meetings of members of the working group taking part in the drafting of the law, as well as a round table held to discuss a potential solution to this problem, there has been almost no progress. The latest piece of information can be found in

the letter from the Ministry of Justice dated February 10<sup>th</sup> 2017 addressed to the bar associations of the Republic of Serbia. In this letter, the Ministry of Justice states that „it will not refer the Law on Free Legal Aid for further procedure until a consensus is reached between the legal profession representatives and other relevant parties.”<sup>2</sup>

Under the pretext of lack of consent from the opposing parties, the state has in fact decided to delay the resolution of an issue as important as that of passing the Law on Free Legal Aid, until some indefinite future time. Leaving aside the fact that the adoption of this law is crucial for Serbia's further progress towards the EU, a much larger problem lies in the fact that a very considerable number of victims remain deprived of the right to an effective mechanism of support and protection.

If at this point we were to conduct some sort of an overview of this situation, it would transpire that the free legal aid given to the victims of human rights violations is predominantly provided by NGOs. These organizations have been doing this job for the past ten years at least, and it could be concluded that they have become, each of them in their own area of operation, sufficiently competent; therefore the victims can reasonably expect to receive legal protection in the best possible way.

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2 Letter from the Ministry of Justice, dated February 10<sup>th</sup> 2017 <http://akb.org.rs/public/userfiles/Upload/2017/12.02/DopisAdvokatskimKomorama.pdf>

This is evidenced by numerous court proceedings resolved in victims' favour.

The decision of the state authorities not to adopt the law maintains the status quo. NGOs will continue, within their means, to provide legal assistance to those who need it most, but that is far from sufficient. Outside this circle of the most needy victims there remains the vast majority of those who will not be able to attempt to protect their rights in court proceedings; and failure to adopt the Law on Free Legal Aid will only prolong their victim status.

Through a more detailed analysis of the draft law, it can be observed that the question of who should and can be the provider of free legal aid is not the most problematic. This draft law defines rather too narrowly who can be a beneficiary of free legal aid (a citizen of the Republic of Serbia, a stateless person lawfully residing in the territory of Serbia, and a foreign citizen with permanent residence in Serbia), extending the right to persons who are not citizens of the Republic of Serbia only in exhaustively listed situations. More specifically, the draft law does not recognize the victims of wartime destruction during the wars of the nineties in the former Yugoslav republics, who, without any doubt, suffered great damage.

An even more controversial solution is contained in article 7 of the draft law, which defines the cases where free legal aid is not permitted. Under this sub-article, the provision of free

legal aid is not permitted to a person who would otherwise qualify for the provision of free legal aid, but in proceedings in which it is obvious that the seeker of legal assistance has no chance of success, especially if their expectations are not based on the facts and evidence they have presented or if they are contrary to the applicable regulations, public order and good customs. The decision on whether a person meets the requirements for a beneficiary of the right to free legal aid is made by a person who has been granted a license for deciding on applications for the approval of free legal aid by the competent ministry. This person must be a law school graduate with at least three years of experience in the legal profession, and they must possess a certificate of successful completion of training for the implementation of this law. This essentially means that a law school graduate with the work of deciding on requests for approval of free legal aid can, in fact, have the authority to assume the jurisdiction of a court and make a prior determination as to whether the applicant can expect any kind of positive outcome in future court proceedings. The fact that the decision on rejecting a request for provision of free legal aid is subject to examination in appeals (which is decided by the competent ministry), does not change the conclusion that the administrative authorities have taken upon themselves the jurisdiction of the judicial authorities, giving themselves broad discretionary powers when deciding on the



merits of a request. In this context, and bearing in mind the previous jurisprudence of domestic courts, it is almost impossible to escape the impression that the victims of war conflicts will not even be able to overcome the first hurdle and gain the right to free legal aid in order to protect their rights in court. Moreover, denial of the right to free legal aid to victims not only prevents the possibility of taking a case before the domestic courts, but at the same time denies the victims the right to seek protection before the European Court of Human Rights or the UN Committee for Human Rights.

These are just some of the shortcomings of the draft of the Law on Free Legal Aid that are still not being discussed. Stuck in arguments about who can and should provide legal assistance, the parties involved are not paying enough attention to those for whom the law is primarily intended. On the other hand, the proposer of this law counts on using this conflict in order to be able to

incorporate into the law provisions which invite, quite justifiably, queries as to whether they comply with the Constitution of the Republic of Serbia and international treaties ratified by Serbia.

By adopting the Law on Free Legal Aid, it can be supposed that the existing legal vacuum would be adequately filled, and those citizens unable to afford the protection of their rights would finally be recognized in an area that is protected by the corresponding standard. The current irresponsible action by the state harms only those who are most in need of legal assistance and who, without this law, will never get a chance to try to protect what happens to be one of their human rights. If this bill is viewed in the context of the EU's fundamental values, such as human dignity, democracy, rule of law and respect for human rights, it hardly meets the minimum standards expected of legislative proposals by a state that aspires to membership in the EU.

# [events]

The European Parliament's Committee on Foreign Affairs: Serbia to publicly condemn the denial of genocide, crimes against humanity and war crimes

On February 28<sup>th</sup> 2017, the European

Parliament's Committee on Foreign Affairs adopted the [Report on the European Commission Report on Serbia for 2016](#).

The Report presents a regular annual review of the progress of Serbia towards fulfilling the criteria for accession to the European Union, and it relies on the annual

report of the European Commission on Serbia. A total of 325 amendments were submitted to the draft version of the document. The version that is compliant with all political groups and has been adopted by the Committee on Foreign Affairs reflects all the proposals submitted by the HLC.



*Meeting of the Committee on Foreign Affairs;  
© European Union 2017, Source: EP*



In the domain of **War Crimes Trials**, the Committee members agreed that the adoption of the National Strategy for processing war crimes is a positive step towards ending impunity for war crimes, but at the same time they call for its implementation, and remind those concerned of the importance of adopting the prosecutorial strategy. Regional prosecutorial cooperation is important for the effective prosecution of war crimes and solving the most pressing problems in this area. What is worrisome is the failure to appoint a chief prosecutor for war crimes, more than a year since the ending of the mandate of the previous prosecutor. In addition to trials before the courts in Serbia, full cooperation with the ICTY remains essential.

In terms of **Reparations**, the Committee urged the Serbian authorities to revise the Law on Civilian Invalids of War, because it denies the appropriate rights to

certain categories of civilian war victims.

The Committee urges Serbia to engage intensively in searching for **missing persons**, locating mass graves, and guaranteeing all victims and their families the exercise of the rights to which they are entitled.

In addition to reiterating its support for the **Initiative for the Establishment of RECOM**, the Committee urges the Government of the Republic of Serbia to lead the way to its establishment.

Finally, the Committee insists that Serbia condemns all forms of hate speech, public approval and denial of genocide, crimes against humanity and war crimes.

The report has not yet been adopted, but its consideration at the plenary session of the European Parliament is scheduled for mid-June 2017.

## Report on the implementation of the Action Plan for Chapter 23

In the last [quarterly report](#) of the Council for the Implementation of the Action Plan for Chapter 23, it is stated that since the adoption of the document only 13 measures have been carried out (only three of them completely). Out of 10 unrealized measures, 6 were blocked by the non-election of a new prosecutor for war crimes. Among them are some key measures for the effective prosecution of war crimes, such as adoption of the prosecutorial strategy, improving the capacities of the OWCP, employing psychologists at the OWCP, cooperation with the ICTY in terms of training and exchange of experience, and training in international criminal law. On the other hand, the report finds the establishment of a system of training and education in the field of international criminal law to be



successful, due to the upcoming implementation of a project of the OSCE mission in Serbia which will encompass activities „aimed at establishing a sustainable system of training“, the implementation of which will be monitored by the Judicial and Police Academy in the capacity of observers.

An analysis of the situation and the needs of the War Crimes Investigation Service, with the goal of determining the need for its reform, was prepared and submitted for confirmation to the competent authority at the Ministry of Internal Affairs back in

February 2016; however, the report does not specify whether the analysis was adopted. The implementation of measures from this analysis has not been realized. Likewise, there has not been any implementation of the recommendations from the assessment of the activities and work of the Witness Protection Unit, although the assessment was implemented in late 2015.

A year and a half after the expert meeting on criminal policy in war crimes cases (December 2015), the conclusions from this meeting have not been published, nor has the monitoring of

their implementation been initiated, as envisaged in the Action Plan.

The jurisprudence of sentencing in cases of war crimes is still only available on the website of the Supreme Court of Cassation, but not on the websites of the Higher Court and the Court of Appeal.

The Service for Support and Assistance to Witnesses and Victims, in all higher public prosecutor's offices and the Prosecutor's Office for Organized Crime, started working on February 1st 2017, thus establishing a network of support services. There are no data



*The train with a sign "Kosovo is Serbia", planned as a direct link from Belgrade to Mitrovica;  
Source: Vijesti.ba*



on establishing such a service within the OWCP.

There have been three training sessions aimed at strengthening the administrative capacity of the Witness Protection Unit, one of which is training in marksmanship.

An analysis of current practice in the application of Article 102, paragraph 5 of the Criminal Procedure Code, aimed towards reviewing the existing needs for amendments of articles and better protection of witnesses, has been created, as part of a comprehensive analysis of compliance with the EU acquis in the field of support to witnesses and victims.

### Peace in the Balkans means peace in Europe

After the increased tensions and sharpened rhetoric in the bilateral relations of Serbia with neighbouring countries, stability and lasting peace in the Western Balkans are again the

focus of the EU. The situation has escalated, especially in the relations between Serbia and Kosovo, Serbia and Bosnia and Herzegovina, and because of internal political conflict in Macedonia.

After the visit to the Western Balkans, the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini expressed her [concern](#) over the fragile situation in the region, which could disrupt peace and regional cooperation. The situation in the Western Balkans was the topic of the meeting of the Foreign Affairs Council of the Council of the EU on March 7th, and of the session of the European Council on March 9th. The [Ministers of Foreign Affairs of the EU member states](#) reiterated that „good regional cooperation“ is the key to progress in European integration processes, while the [leaders of EU member states](#) pledged to „continue to monitor the sensitive situation

in the Western Balkans“, which is the result of „the internal and external challenges that the region is facing“. They also stressed the importance of good neighbourly relations and inclusive initiatives aimed at regional cooperation. The Council reaffirmed its unequivocal support for the European perspective of the Western Balkans.

During a visit to [Serbia](#) that preceded these meetings, Mogherini stressed that „regional stability in the Balkans is in the strategic interest of the EU“, and that regional stability is also important because „peace and stability in the Balkans means peace in Europe“.

The leaders of the Western Balkan countries have made a declarative commitment to good neighbourly relations and the deepening of regional cooperation and understanding, in two meetings that were held in [March](#) and [May](#) 2017.



# [ War Crimes Trials ] – An Overview

## \*The first instance proceedings

### Case Bosanski Petrovac – Gaj

[Milan Dragišić](#) was charged with the murder of three Bosnian Muslim civilians and attempted murder of three others, on September 20<sup>th</sup> 1992 in the village of Gaj in Bosanski Petrovac (Bosnia and Herzegovina). At the time, Dragišić was a member of the Army of the Republic of Srpska.

Witness [Srdan Mitić](#) said that on September 20<sup>th</sup> 1992 the unit in which he was enlisted together with the brother of the defendant, Dragan Dragišić, was ambushed by the Army of Bosnia and Herzegovina (B-H) and that Dragan Dragišić was wounded on that occasion and later succumbed to injuries. The witness did not see that members of the Army of B-H desecrated the bodies of the dead members of his unit, which

was what the defence counsel cited as a reason for the retaliation of the defendant against his former Muslim neighbours.

### Case Trnje/Tërrnje

[Pavle Gavrilović and Rajko Kozlina](#) were charged with the murder of 27 Albanian civilians on March 25<sup>th</sup> 1999 in the village of Trnje/Tërrnje (Suva Reka/Suharekë, Kosovo). At the time they were members of the Armed Forces of Yugoslavia.

In the *Trnje/Tërrnje* Case, the defendants obstruct the trials by being absent from the hearings, justifying this with alleged medical problems supported by medical documentation that is issued by the military health facilities. In this way, the defendants have so far obstructed more than a third of the trials scheduled. At the only hearing held, [Božidar Delić](#) testified as a defence witness. At the time of the relevant event Delić was the Commander of the 549<sup>th</sup> Motorized Brigade of



the Armed Forces of Yugoslavia, and the immediate superior to the first defendant Pavle Gavrilović. Delić said that he first heard of the crime in Trnje during the trial of the former President of Federal Republic of Yugoslavia, Slobodan Milošević, before the Hague Tribunal, and that the protected witnesses testifying in the *Milošević* Case about the responsibility of Pavle Gavrilović and Rajko Kozlina for crimes against Kosovo Albanians had lied, that they were „criminals” and had been „paid” to testify.



Bekim Gashi, whose mother and four sisters have been murdered, travels to Belgrade to attend every trial, only to discover the trial is postponed; Source: Radio Free Europe

## Case Dobož

[Dušan Vuković](#) was charged with the crime of physical and mental torture of several persons deprived of liberty in the district prison in Dobož in the period from May 1992 to March 1993. Dušan Vuković was a guard in this prison, and together with other guards he tortured the inmates, causing them great physical and mental suffering, owing to which one inmate succumbed to injuries.

The injured party [Suljo Mehić](#), who was detained in Dobož prison in the relevant period, accused the defendant of being one of the two guards who had abused the inmates. According to him, the defendant unlocked the door to his cell for the members of the Red Berets who had come to the prison and told them that he (Mehić) was a policeman, which was the reason for the beating he received from the members of the Red Berets. A prosecution witness said that the defendant was characterized as imposing “a reign of terror in the prison”, and that he used to beat other inmates. The witness heard that during the defendant’s work shift one of the inmates was taken from his cell and tortured, as the result of which he died.

## Case Ključ-Kamičak

[Marko Pauković](#) and [Dragan Bajić](#) are charged with the murder of five Bosnian Muslim civilians on October 10<sup>th</sup> 1992 in the village of Kamičak (Ključ, B-H). At the time the defendants were military policemen of the 6<sup>th</sup> Sana Brigade of the Army of the Republic of Srpska.

Witness [Duško Vidović](#) was a military policeman in the same unit as the accused. After the murder of these civilians he carried out the investigation, and the defendants and a military policeman, Nenad Kaurin, detained two soldiers from another unit of the Army of the Republic of Srpska under suspicion,

that they had committed the murder. The commander of this other unit was a certain "Čeda". The witness was familiar with the stories of the residents of Kamičak that Čeda's soldiers had murdered civilians. At a later hearing, [Sabiha Hotić and Nesiha Lović](#) testified, stating that they had no direct knowledge of the relevant event, but had heard from their neighbours that the defendants had murdered those civilians.

## Case Bratunac

[Dalibor Maksimović](#) was charged with committing the murder, together with unidentified members of the Army of the Republic of Srpska, of four Bosnian Muslims on May 9<sup>th</sup> 1992 in the villages of Repovac and Glogova (Bratunac, B-H), with holding captive two Bosnian Muslim women and with raping one of them repeatedly. Maksimović was a member of the Army of the Republic of Srpska at the time.

In the four main trials, [Zumra Salkić](#), [Zuhra Salkić](#), [Fata Salkić](#), [Mejra Jašarević](#) and [Mensur Salkić](#) testified as witnesses to the murders of Nezir Salkić, Omer Salkić, Huso Salkić and Mujo Šaćirović. Zumra Salkić testified that a soldier singled out the victims from a group of civilians who were brought to a bus stop and were waiting for a bus to transport them to the territory under the control of the Army of B-H. The selected group of victims were then taken to a refrigerated truck and shot

with a burst of bullets. During the presentation of photographs from the case file, the witness identified the defendant Dalibor Maksimović.

Defence witnesses, also comrades and close friends of the accused, confirmed that shortly before testimony they had talked about the case with the counsel of the accused. They testified in favour of the accused, stating that in the relevant period it was impossible to reach, from Milići, the places in which the Bosnian Muslim civilians were murdered.

## Case Bosanska Krupa

Ranka Tomić was charged with torture, inhumane treatment, infliction of great suffering and injuring the bodily integrity and finally participating in the murder of a female prisoner of war, a nurse of the 5<sup>th</sup> Corps of the Army of B-H in July 1992 in the village of Radić (Bosanska Krupa, B-H). At the time, Tomić was Commander of the female unit „Fronta žena Petrovac“, within the Petrovac Brigade of the Army of the Republic of Srpska.

Witness [Marinko Kerkez](#), a former member of the Army of the Republic of Srpska and the witness of the event in question, described in detail how the prisoner of war was tortured and murdered, and identified the women who beat and tortured the victim as "Bora", "Rada", "Captain Rada" and "Ljilja". During the presentation of



photographs from the case files, the witness said that the accused “looked like Captain Rada”. The court confronted the witness and the accused, and both of them stood by their earlier statements. The witness explicitly claimed that “Captain Rada”, when he first saw her, looked exactly like the woman in the photograph he was shown. [Mirsad Musić and Aziz Gromilić](#), members of the 5<sup>th</sup> Corps of the Army of B-H and comrades of the murdered nurse, testified that during the search of the terrain they were ambushed and the nurse was wounded. Convinced that she had succumbed to injuries, they left her body, but did not find it later when they returned to collect the bodies of dead comrades.

## Case Ključ-Šljivari

[Milanko Dević](#) was charged with committing the murder, together with two other soldiers, of one Bosnian Muslim civilian in the village of Šljivari (Ključ, B-H) in July 1992. At the time, Dević and the two other soldiers were members of the Army of the Republic of Srpska.

[Witnesses](#) Šemsa Šljivar and Abaz Bašić recognized the defendant as one of the three soldiers who took the murdered Ismet Šljivar in the direction of the River Sanica. They soon heard gunshots from that direction. The body of Ismet Šljivar has not been found. Witnesses Safeta and Rasim Šljivar also saw that Ismet Šljivar was taken away by three soldiers.

[Witnesses](#) Sefer Šabić, Senad Velić and

Ranko Škrbić had no direct knowledge of the relevant event. However, witness Emir Šljivar identified the defendant as one of the three soldiers who took Ismet Šljivar away.

## Case Srebrenica

[Nedeljko Milidragović and seven other defendants](#) were charged with the murder of at least 1,313 Bosnian Muslim civilians on July 14<sup>th</sup> 1995 inside, in front of, and in the immediate vicinity of the storehouse of the agricultural cooperative in the village of Kravice (Bratunac, B-H). At the time, the defendants were members of the „Jahorina” Training Center of the Special Brigade of the Ministry of Internal Affairs of the Republic of Srpska.

After a delay of two main hearings planned for December 2016, the trial in the *Srebrenica* Case began in early February 2017. The defendants [Nedeljko Milidragović, Aleksa Golijanin](#) and [Aleksandar Dačević](#) said they would defend themselves by silence, and [the defendant](#) Boro



*Several indictees in the Srebrenica case,  
Source: N1*

Miletić said that he did not want to present his defence and that he would stand by the testimony he gave to the Office of the War Crimes Prosecutor (OWCP). Throughout the testimony, the defendant denied that he and his unit were in the vicinity of the storehouse in the village of Kravice. The defendant Milivoje Batinica presented his defence, in which he denied committing the crime he was charged with, adding that at that time he was at a different location. Two subsequent trials were not held because the defendant Dragomir Parović had cancelled the power of attorney for his defence counsel, and because his new defence counsel requested a reasonable period for preparing the defence. The defendants Jovan Petrović and Dragomir Parović stood by their earlier testimonies given to the OWCP, and did not want to present their defence or to answer questions.

## \*Repeated procedures

### Case Ćuška/Qushk

[Toplica Miladinović and 11 other defendants](#) were charged with the murder of at least 109 Albanian civilians in April and May 1999 in the villages of Ljubenić/Lubeniq, Ćuška/Qushk, Pavljan/Pavlan and Zahać/Zahaq (Peć/Pejë, Kosovo). At the time the defendants were members of the 177<sup>th</sup> Army Territorial Detachment Peć/Pejë.

Witnesses Ifete Ćeku/Ifete Ćeku and Adrijana Keljmendi/Adrian Kelmendi described how members of the army and police took all the valuables and money from members of their family, then continued with abusing them, killing their uncle and father, and finally ordering them, along with other residents of Ćuška/Qushk, to head in the direction of Peć/Pejë. While they were leaving for Peć/Pejë, one of the witnesses saw that the houses in the village were on fire. Witness Adrijan Keljmendi/Adrian Kelmendi said that armed Serbs came to the village of Ćuška/Qushk, verbally and physically abused the residents, and took their jewelry, money and the keys of their motor vehicles. Witnesses Fatima Ljuši/Fatime Lushi and Zelfija Gaši/Zelfije Gashi described the entrance of the members of the Serbian Army into the village, and then they also described how these soldiers expelled the residents from their houses, took away their valuables and money and separated the men from the women and children.

### Case Lovas

[Milan Devčić and 9 other defendants](#) were charged with the murder of 44 Croatian civilians in October and November 1991 in Lovas (Croatia). At the time, the defendants were members of the Yugoslav People's Army, a unit called „Dušan Silni“, and members of the local authority.





A court expert in the military profession, Boško Antić, departed from his earlier expertise as regards three issues: the issue of the justification of the attack on Lovas, the absence at the time in Lovas of armed members of the opposing side, and as regards the command system. He now believes that the attack on Lovas was justified because there were armed people in Lovas. In the initial findings, Antić claimed that the most senior-ranking military officer in Lovas at the time of the events on the minefield was the defendant Miodrag Dimitrijević. However, now he believes that it is not known who could be considered the most senior-ranking officer (authority) in Lovas, whether it was the Valjevo Territorial Defence or the newly formed Territorial Defence. He explained that he had departed from his initial findings because in the meantime he had received documentation from the defence counsel, and that he learned of certain facts on the Internet and had conducted checks through private channels. He said that in this case, persons who have nothing to do with the case have been accused.

The closing arguments of the parties began on March 28<sup>th</sup> 2017. The Prosecutor and the proxy of the injured parties stressed they feel that during the proceedings the indictment has been proved in relation to all the defendants, and the Deputy Prosecutor has suggested that the Court pronounce the defendants guilty and sentence them to prison.

## \*Appeal judgments

### Case Sanski Most - Kijevo

The proceedings against [Mitar Čanković](#) were conducted for crimes against civilians. He was charged with the murder of one Bosnian Muslim civilian on September 19<sup>th</sup> 1995 in the village of Kijevo near Sanski Most (B-H). At the time, Čanković was a member of the Army of the Republic of Srpska.

The first instance judgment of the Higher Court in Belgrade on May 18<sup>th</sup> 2016 found the defendant guilty and sentenced him to 9 years in prison. Deciding on the appeal of the defence counsel, on December 12<sup>th</sup> 2016 the Court of Appeals in Belgrade dismissed the defence counsel's appeal as unfounded and upheld the first instance judgment.

### Case Sotin

On June 26<sup>th</sup> 2015, the Higher Court in Belgrade issued a judgment which found the defendants Žarko Milošević and Dragan Mitrović guilty of war crimes against civilians and sentenced them to imprisonment for a term of 9 and 15 years, respectively. By the same judgment, the defendants Mirko Opačić, Dragan Lončar and Miroslav Milinković were acquitted of charges of committing war crimes against civilians. The [indictment](#) of the OWCP charged them with the

murders of 16 Croatian civilians in Sotin (Croatia) in the period from mid-October to the end of December 1991. At the time they were members of local structures of the newly formed government. In relation to the acquittal element in the judgment, the Trial Chamber found that it was not proven that the accused Lončar, Opačić and Milinković committed the crime they were charged with.

Deciding on the appeals of the OWCP and the defence counsel of the defendant Dragan Mitrović, on November 18<sup>th</sup> 2016 the Court of Appeals issued a judgment dismissing the appeals as unfounded and upheld the first instance judgment.

## Case Gradiška

On October 13<sup>th</sup> 2016 the Higher Court issued a judgment acquitting the defendant [Goran Šinik](#) of charges, finding that the OWCP did not prove the allegations in the indictment during the proceedings. Šinik was charged with the murder of Marijan Vištica, a Croatian civilian, on September 2<sup>nd</sup> 1992 in the village of Bok Jankovac (B-H). At the time Šinik was a member of the Army of the Republic of Srpska.

Deciding on the prosecution's appeal, on February 22<sup>nd</sup> 2017 the Court of Appeals issued a [judgment](#) dismissing the appeal as unfounded and upheld the acquittal.

## Case Bosanski Petrovac

On July 19<sup>th</sup> 2016 the Higher Court, in the retrial, issued a judgment which found the defendants [Nedeljko Sovilj and Rajko Vekić](#) guilty and sentenced them to imprisonment for a term of 8 years. The OWCP charged them in [the indictment](#) with the murder of one Bosnian Muslim civilian on December 21<sup>st</sup> 1992 on the local Jazbine-Bjelaj (Bosanski Petrovac, B-H) road, in the woods called „Osoje“. At the time the defendants were members of the Army of the Republic of Srpska.

Deciding on the defence counsel's appeals, on March 27<sup>th</sup> 2017 the Court of Appeals issued a judgment that acquitted the defendants of criminal responsibility, finding that there was insufficient evidence on which without any doubt to base their responsibility.




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