

## ACTIONS IN PROSECUTION OF WAR CRIMES

Since it is frequently repeated in the public that investigation of war crimes commenced after the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia rendered the judgement in the case against Ante Gotovina and Mladen Markač, we would like to once again stress that such perception is wrong since investigations have been continuously conducted and the public in large part was informed accordingly through numerous press releases issued by the State Attorney's Office. ( <http://www.dorh.hr/PostupanjeUPredmetimaRatnihZlocina> , <http://www.dorh.hr/PodaciOPrijavama2> )

In order to objectively inform the public, updated detailed overview of work on war crime cases with links to all past press releases is published in part of State Attorney's Office web site titled Data and Expert Presentations/Expert Papers and Presentations/Proceedings in War Crime Cases - updated information (Podaci i stručna izlaganja/Stručni radovi i izlaganja/Postupanje u predmetima ratnih zločina - ažurirani podaci). ( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskeAzurirani> )

Article „Actions in Prosecution of War Crime cases“ is divided into two parts:

I. Prosecution and investigation of war crimes and other war related criminal offences until November 2012. This part contains tables and data on:

- a) Work on war crimes prior to the development of the Strategy until 30 September 2012
- b) Proceedings against the members of the Croatian Army and police for committing war crimes until 30 September 2012
- c) Proceedings conducted for criminal offences committed during and following Operation Storm - all criminal offences

II. Work on war crimes after adopting the Strategy for the investigation and prosecution of war crimes committed in the period from 1991 to 1995 and other work on war crime cases is divided into four parts:

- a) Progress in cases from the list of national priorities in crimes where perpetrators were unknown
- b) Progress in cases from the list of regional priorities in crimes where perpetrators were unknown
- c) Prosecution of war crimes committed in detention camps
- d) Prosecution of perpetrators of war crimes committed in the territory of other states

Besides the overview and text analysis, third section covers the following topics:

- a) Cooperation in the region - State Attorney's Office Agreements of Understanding
- b) War Crimes Database
- c) Liaison Officers and Young Professionals Project

The text provides links to press releases published earlier referring to work in specific cases and also certain reports.

## ACTIONS IN PROSECUTION OF WAR CRIMES

### **I. Prosecution and investigation of war crimes and other war related criminal offences until November 2012**

Work on criminal offences of war crimes is complex and further actions of a state attorney, that is, assessment of grounds as to commence criminal procedure depend on the quality of data-evidence.

a) Data on work on war crimes prior to the development of the Strategy until 30 September 2012<sup>1</sup>

Until 30 September 2012, proceedings against 3495 persons for committing criminal offences of war crimes were initiated in the Republic of Croatia. In regard to part of the persons against whom the proceedings were initiated, after investigation was conducted state attorneys desisted from prosecution - because it was established that referenced act is not a war crime or because sufficient evidence on criminal offences and perpetrator's guilt were not collected.

Investigation was conducted against 299 persons, based on the indicted raised by the State Attorney's Office, first-instance criminal procedure against 658 persons is on-going, and convictions were rendered against 576 persons.

Work on these cases is continuous and that is the reason why data mentioned in the table below are constantly changing as proceeding stages change and decisions are issued.

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<sup>1</sup> Data from 1991 up to referenced date

The State Attorneys Office of the Republic of Croatia	Review of the submitted investigative requests, indicted and convicted persons for war crimes on 30.9.2012							
	Initiated criminal proceedings	On-going investigations	Suspension of investigation	Discontinuance of investigation	Indicted persons	Persons without judgement	Convicted	Acquitted, Discontinuance, Requalification
Bjelovar	497	13	0	213	271	9	9	253
Dubrovnik	196	1	12	178	5	0	3	2
Gospić	110	12	0	24	74	28	32	14
Karlovac	125	38	0	36	51	4	41	6
Osijek	874	18	18	369	469	216	97	156
Požega	106	0	9	58	39	0	31	8
Rijeka	66	5	0	12	49	32	8	9
Sisak	304	3	11	121	169	10	51	108
Slavonski Brod	53	0	7	39	7	0	5	2
Split	167	8	0	16	143	62	74	7
Šibenik	184	69	0	41	74	16	45	13
Varaždin	3	0	0	0	3	0	3	0
Vukovar	291	0	20	39	232	54	84	94
Zadar	261	18	8	100	135	27	76	32
Zagreb	258	27	2	3	226	200	17	9
<b>Total</b>	<b>3495</b>	<b>212</b>	<b>87</b>	<b>1249</b>	<b>1947</b>	<b>658</b>	<b>576</b>	<b>713</b>

In most cases, competent County State Attorneys' Offices initiated proceedings against members of the former Yugoslav People's Army (hereinafter: JNA), members of the Territorial Defence and also members of military and paramilitary forces of the so-called Republic of Serbian Krajina. Proceedings encompass crimes committed in the territory of the Republic of Croatia and crimes committed against Croatian nationals outside the Croatian territory.

Characteristic of the work in these cases is unavailability of suspects and, often, witnesses. In large number of cases either indictments have been raised or judgements rendered, despite the fact that defendants were beyond the reach of the competent institutions of the Republic of Croatia.

Only some of the numerous cases, in which competent County State Attorneys' Offices raised indictments and final judgements were rendered for war crimes committed in the territory of the Republic of Croatia which resulted in large number of victims and large-scale destruction of cities, villages and property, are referenced as an example:

- County State Attorney's Office in Bjelovar in November 1992 raised indictment (<http://www.dorh.hr/PriopcenjepovodomNapisaU>) against JNA generals V. K. and Z. J. for committing criminal offence of war crime against civilian population charging the generals who were in capacity of high commanders of the former JNA for ordering shelling of civilian object in the area of Daruvar, Pakrac, Garešnica, Grubišno Polje, Virovitica, Križevci and Bjelovar;

- County State Attorney's Office in Vukovar in December 2002 raised indictment (<http://www.dorh.hr/PriopcenjepovodomNapisaU>) against JNA generals and others (V. K., B. A., Z. J., B. S., Ž. P., M. M., V. Š., M. R., V. Š. and G. H.) for committing war crimes against civilian population, the wounded and the ill, prisoners of war, destruction of cultural and historic monuments in the following manner: from August to 18 November 1991, in the area of Vukovar, during the armed aggression of the former JNA and joined paramilitary forces,

with the aim of expulsion and murder of all non-Serbian population in Vukovar, defendants directly ordered and executed orders of combat actions towards Vukovar with the aim of subduing the defence forces and destroying and conquering the city;

- County State Attorney's Office in Osijek in May 2006 raised indictment ( <http://www.dorh.hr/PriopcenjepovodomNapisaU> ) against JNA generals V. K. and Z. J. for committing war crime against civilian population, charging them for ordering JNA military aircraft pilots from 1 September to 31 December to bomb and engage in rocket attacks of the area of East Slavonija while knowing that the objects served exclusively for civilian, economic or residential purposes and by doing so damaged or destroyed civilian objects in Osijek, Donji Miholjac, Ernestinovo, Đakovo, Strizivojna, Zelčina, Podravska Slatina, Čepin, Budrovci, Drenovci, Granice, Antunovac, Račinovci, Županja, Bošnjaci, Vrbanja and Zdenci and objects on Zagreb-Beograd road and parts of Đurđenovac and Orahovica railways;

- based on the indictment ( <http://www.dorh.hr/PriopcenjepovodomNapisaU> ) of the County State Attorney's Office in Šibenik from May 1991, County Court in Šibenik in July 1992 convicted then JNA colonel R. M. and six more persons for committing war crime against civilian population sentencing R. M. *in absentia* to 20 years imprisonment for attacks on Kijevo and local villages in August 1991, Sinj and surrounding places (from August to November 1991), Vrlika (August 1991), Maljkovo, Potravlje, Šatrić, Dabar (September 1991), Sinj (September and October 1991) and area of Šibenik (September 1991);

- County State Attorney's Office in Split in December 1995 raised indictment ( <http://www.dorh.hr/PriopcenjepovodomNapisaU> ) against the same defendant R. M. (JNA colonel) and three more persons for committing war crime against civilian population charging them for organising the demolition of the dam and hydropower plant Peruča from September 1991 and January 1993 with the aim of sinking civilian and economic objects and endangering population inhabited downstream of the dam and river Cetina in Sinj, Trilj and Omiš;

- County State Attorney's Office in Zadar in February 2005 submitted two additional requests for extending investigation encompassing again R. M. (JNA colonel) ( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskePriopcenje01> ) and two additional persons in each request, extending the original investigative request submitted against twenty persons suspected of perpetration of war crime against civilian population in Škabrnja. In the first request R. M. (JNA colonel) was charged for commanding attacks in December 1991 on Zadar, and in the second request for ordering attacks on Donji Zemunik, Zadar, Posedarje, Slivnica Donja and Gornja, Pridraga, Rupalj, Galovac, Kali in the island of Ugljan in October 1991.

b) Proceedings against the members of the Croatian Army and police for committing war crimes until 30 September 2012<sup>2</sup>

State Attorney's Office, as a body of prosecution of criminal offences and their perpetrators is due to proceed against any person for whom reasonable suspicion exists that he/she committed a criminal offence, including criminal offence of war crime. The fact that some perpetrators were members of certain units and the nationality of perpetrators or victims

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<sup>2</sup> Data from 1991 to the referenced date

is not a decisive factor for the initiation of criminal proceedings, and therefore competent state attorney's offices, based on evidence collected, initiated criminal proceedings against members of the Croatian army or police for committing war crimes in the territory of the Republic of Croatia.

Up to 30 September 2012, criminal proceedings against 112 persons were initiated, of which, investigation was conducted against 8 persons, indictment was raised against 94 persons, 30 persons were convicted, and proceedings against 49 persons is on-going.

Some of the proceedings ended with final convictions for criminal offences of war crimes committed in the territory of the Republic of Croatia, most frequently against civilians outside combat actions.

The State Attorney's Office of the Republic of Croatia	Review of the submitted investigative requests, indicted and convicted persons for war crimes - Croatian Armed Forces (HV and MUP) on 30.9.2012.							
	Initiated criminal proceedings	On-going investigations	Suspension of investigation	Discontinuance of investigation	Indicted	Persons without judgement	Convicted	Acquitted, Discontinuance, Prequalification
Bjelovar	9	0			9	2		7
Dubrovnik								
Gospić								
Karlovac	1				1	1		
Osijek	13			1	12	9	3	
Požega								
Rijeka	9	1		3	5		3	2
Sisak	9			3	6	0	1	5
Slavonski Brod								
Split	20	2			18	10	8	
Šibenik	2			1	1		1	
Varaždin								
Vukovar	5				5		5	
Zadar								
Zagreb	44	5		2	37	27	9	1
<b>Total</b>	<b>112</b>	<b>8</b>	<b>0</b>	<b>10</b>	<b>94</b>	<b>49</b>	<b>30</b>	<b>15</b>

c) Proceedings conducted for criminal offences committed during and following Operation "Storm" - all criminal offences

During, and most frequently, in the second half of 1995, state attorneys' offices received large number of reports for criminal offences committed during and immediately after Operation „Storm“. Those are mostly criminal offences against property, but there are also reports for endangerment of safety (arson), murders and to lesser extent for war crimes.

According to the records of the state attorneys' offices regarding criminal offences committed during and following Operation „Storm“, total of 6390 reports against known and unknown perpetrators has been submitted, of which 439 reported persons were members of military forces.

4128 known perpetrators were reported, some reports were dismissed (reports against 400 persons). In the registers of state attorneys' offices there are still 2262 reports recorded for criminal offences where perpetrators were not detected (we refer to them as reports against

unknown persons). 33 persons were reported for committing the severest criminal offences of murder, while additional 34 reports for the same criminal offence were submitted against unknown perpetrators.

In regard to the referenced reports, proceedings were initiated against 3728 persons, either by submitting investigative request or raising immediate indictments, that is motions for indictment. Of 6390 submitted reports, 3728 known perpetrators were detected and prosecuted. Of 3728 prosecuted perpetrators, proceedings against 395 persons were initiated while they were still members of the Croatian armed forces.

2380 persons were convicted for committing the referenced criminal offences.

REVIEW OF THE SUBMITTED CRIMINAL REPORTS REGARDING ACTION "OLUJA"						
OTHER CRIMINAL OFFENCES	TOTAL NUMBER OF REPORTED KNOWN PERPETRATORS	TOTAL NUMBER OF PROSECUTED PERSONS (REPORTED NUMBER – DISMISSAL OF CRIMINAL CHARGES)	CONVICTED KNOWN PERPETRATORS	OF THAT REPORTED NUMBER OF MILITARY PERSONS	TOTAL NUMBER OF PROSECUTED MILITARY PERSONS (NUMBER OF REPORTED SOLDIERS - DISMISSALS)	UNKNOWN PERPETRATORS – NUMBER OF CRIMINAL REPORTS
MURDER	33	DISMISSALS OF CRIMINAL REPORTS AGAINST - 400 KNOWN PERPETRATORS	14	10	DISMISSALS OF CRIMINAL REPORTS - 44 KNOWN PERPETRATORS	34
BODILY INJURY	1		1	1		0
RAPE	16		10	4		2
CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY	2		1	0		0
LARCENY	932		513	77		458
AGGRAVATED LARCENY	2839		1702	298		1133
ROBBERY	56		37	29		52
OTHER CRIMINAL OFFENSES IN THE CHAPTER AGAINST PROPERTY	63		35	1		11
ENDANGERING LIFE AND PROPERTY BY DANGEROUS PUBLIC ACTS OR MEANS	62		26	11		304
SERIOUS CRIMINAL OFFENSES AGAINST PUBLIC SAFETY	22		3	3		79
OTHER CRIMINAL OFFENSES IN THE CHAPTER AGAINST THE PUBLIC SAFETY OF PERSONS AND PROPERTY	49		20	2		154
OTHER	53		18	3		35
<b>TOTAL - 6390</b>	<b>4128</b>		<b>3728</b>	<b>2380</b>		<b>439</b>

Competent police administrations submitted 3 criminal reports against 10 known persons for committing criminal offences of war crime during and following Operation “Storm”.

Criminal reports against known persons were submitted in three war crimes:

- „Grubori operation Storm-Obruč“, 5 persons reported. In regard to 1 person, proceeding was discontinued during the investigation, against 1 person investigation is on-going, against 3 persons indictment ( <http://www.dorh.hr/zag1612> ) was raised on 15 October 2010, in regard to one of the defendants, proceeding was discontinued due to death, while in regard to the remaining two defendants, proceeding is still on-going; - „Prokljan and Kistanje“ - on 1 March 2002, indictment was raised against 4 known persons, proceedings are on-going;

- „Murders of civilians in Laškovci and Dobropoljci“ - on 7 September 2001 investigative request was submitted against 1 known person, but investigation was discontinued since witnesses and presented evidence did not confirm existence of sufficient grounds of suspicion that the perpetrator committed reported criminal offence.

According to the data from registers of the state attorneys' offices and War Crimes database, 24 war crimes in which perpetrators were not detected are recorded, criminal reports against unknown perpetrators were submitted for some of them.

In regard to the referenced reports against unknown perpetrators, conducting measures and actions with the aim of detecting the perpetrators was requested from competent detection authorities.

As mentioned above, public conclusion that State Attorney's Office did not conduct actions with the aim of investigation and identification of individual perpetrators of war crimes indisputably committed during and following Operation Storm prior to the final judgement in the case of the Office of the Prosecutor of the ICTY against Ante Gotovina, Mladen Markač and Ivan Čermak is false. The actions, as referenced above, are being conducted as from 1995 to today. Such conclusion was also made by the first-instance court chamber of the ICTY, determining in the judgement that „...Trial Chamber cannot positively establish that the Croatian authorities had a policy of non-investigation of crimes during and following Operation Storm in the indictment area ...“<sup>3</sup>

In the last meeting held in November 2012 ( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskePriopcenje08> ) between police officers and state attorneys working on war crime cases committed during and following Operation Storm, State Attorney's Office of the Republic of Croatia notified the participants that it requested the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia in The Hague to deliver all materials pertaining to case against Ante Gotovina, Mladen Markač and Ivan Čermak for the purpose of further state attorney's actions in cases of war that competent County State Attorneys' Offices are already working on.

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<sup>3</sup> First-instance judgement of the ICTY number IT-06-90 against Ante Gotovina, Ivan Čermak and Mladen Markač of 15 April 2011, para 2203.



Documents from the case, in greatest part, were unavailable earlier since proceedings before the ICTY was not final.

## **II. Strategy for the investigation and prosecution of war crimes committed in the period from 1991 to 1995 and work on the cases**

Estimating that in some war crimes perpetrators were not detected, in July 2010, State Attorney's Office of the Republic of Croatia requested County State Attorneys' Offices, competent for tackling these cases, to provide report on all cases where perpetrators remained unknown. Upon conducted analysis of certain cases and assessment of past work, cases that are a priority in terms of investigation, on national as well as regional (local) level, were designated. Cases were ranked according to severity and number of victims and sensitivity, all with the aim of systematic investigation of crimes in which perpetrators remained unknown. Please note that although cases are distinguished according to priorities, all authorities are due to investigate each war crime and bring each perpetrator to justice. Referenced list, containing all crimes tackled by all state attorneys' offices, was delivered to the Ministry of Internal Affairs, Chief Police Directorate so as to draft an „action plan“ for the investigation of non-prosecuted war crimes and intensifying criminal inquiries to detect and establish perpetrators responsible for the crimes.

With the aim of conducting additional activities in investigation of all crimes committed in the territory of the Republic of Croatia or against its citizens, „Strategy defining obligations of certain authorities in the investigation and prosecution of war crimes committed from 1991 to 1995“ was issued in February 2011.

To provide support and implement the referenced Strategy, Operative program prescribing in detail immediate obligations of all state attorneys was drafted. Deadlines were set, as well as the state attorneys' obligation to coordinate work with police officers in charge of work on the referenced cases. Referenced Operative program requests establishment of task forces in most complex cases and also systematic delivery of progress reports in regard to specific cases. Task forces were formed and they commenced with the implementation of prescribed obligations.

In the meantime, Act on the Implementation of the Statue of the International Criminal Court and Prosecution of Crimes against International Law of War and Humanitarian Law was amended prescribing that four largest County Courts (Osijek/Rijeka/Split/Zagreb), and therefore four largest County State Attorneys' Offices seated in the referenced cities, are competent for cases prescribed by law. Thus, special War Crimes Sections were established in referenced state attorneys' offices.

Since keeping statistics and presentation of data according to number of defendants or number of cases did not enable complete overview and analysis of data, and since it was not possible to determine real state of affairs in prosecuted and non-prosecuted case exclusively on the basis of the assessment of each single case, competent state attorneys' offices designated „crimes“ in their areas. That was important for possible prosecution of command responsibility in crimes where it would not be possible to establish immediate war crime perpetrator for every single victim.

„Crime“ denotes event determined by characteristic time period, manner and place of perpetration, having all features of criminal offence of war crime pursuant to law that was in force at the time (Basic Criminal Code of the Republic of Croatia). Crime defined in such manner may contain: only case file/s (case/s) against known perpetrators or case files (cases) against known and unknown perpetrators.

According to data from State Attorney's War Crime database, total of 490 crimes were registered. Currently, according to War Crime database data, there are 316 crimes including known perpetrators and 174 crimes including unknown perpetrators.

Since the implementation of the Strategy, progress was achieved in regard to following crimes where perpetrators were unknown:

a) National priorities list, perpetrators disclosed in following crimes:

- regarding crime „Sisak 1991/1992“ against now known perpetrators, on 16 December 2011, County State Attorney's Office in Osijek raised indictment ( <http://www.dorh.hr/osi1612> ) and trial is on-going before the County Court in Osijek;

- regarding crime „Atlantis – crimes committed by a unit under command of T. M.“, On 9 June 2011, County State Attorney's Office in Zagreb raised indictment ( <http://www.dorh.hr/zagr0906> ) against known perpetrator and trial before County Court in Zagreb is on-going. In regard to part of this crime, possibility exists that the same perpetrator is responsible and criminal inquiries are being conducted so as to determine his alleged responsibility;

- regarding crime „Borovo Selo – murder of civilians“, on 4 May 2011, County State Attorney's Office in Osijek submitted investigative request ( <http://www.dorh.hr/vuko0505> ) against known perpetrator for committing criminal offence of war crime against civilian population;

- regarding crime „Antin“, on 29 March 2012, County State Attorney's Office in Osijek raised indictment ( <http://www.dorh.hr/osi0204> ) against known perpetrator for committing criminal offence of war crime against civilian population;

- regarding crime „Ćelije“, on 17 May 2011, County State Attorney's Office in Osijek submitted request for the extension of investigation ( <http://www.dorh.hr/osij1705> ) against known perpetrator for committing war crime against civilian population;

b) In regard to the list of regional priorities where perpetrators were unknown, progress was achieved in detecting and prosecution of following crimes:

- regarding crime „Camp Bileća“, on 30 December 2011, County State Attorney's Office in Dubrovnik raised indictment ( <http://www.dorh.hr/PostupciVodeniZbogKaznenihDjela> ) against N. V. for committing war crime against prisoners of war;

- regarding crime „Saborsko“, on 16 December 2011, County State Attorney's Office in Karlovac raised indictment against Z. P. for committing criminal offence of war crime against civilian population;

- regarding crime „Camp Kerestinec“, on 21 November 2011, County State Attorney's Office in Zagreb raised indictment ( <http://www.dorh.hr/zgb2211> ) against S. K. and four more defendants for committing criminal offence of war crime against prisoners of war;

- regarding crime „Camp Manjača“, on 17 August 2011, County State Attorney's Office in Zagreb submitted request for conducting investigation ( <http://www.dorh.hr/zag1708> ) against R. A. for committing criminal offence of war crime against prisoners of war;

- regarding crime „Military operation Croatian Army southern part“, on 3 February 2012, County State Attorney's Office in Zagreb raised indictment ( <http://www.dorh.hr/zag1908> ) against I. P. and I. K. and on 29 July 2011 against two more defendants for committing criminal offence of war crime against civilian population;

- regarding crime „Abuses and murders in Dalj and Erdut“, on 21 April 2011, County State Attorney's Office in Osijek submitted request for conducting investigation ( <http://www.dorh.hr/osij2604> ) against B. B. for committing criminal offence of war crime against civilian population;

- Also, on 14 November 2012, same State Attorney's Office raised indictment ( <http://www.dorh.hr/osij1411> ) against LJ.R. and V.G. for committing the above referenced criminal offence over a family from Dalj, which was committed through multiple raping of a 20-year-old girl;

- regarding crime „Abuse of prisoners in Knin prison“, on 6 May 2011, County State Attorney's Office in Šibenik submitted request for conducting investigation ( <http://www.dorh.hr/%c5%a1ib0905> ) against D. R. and seven other suspects for committing criminal offence of war crime against prisoners of war;

- regarding crime „Murders of civilians of Croatian nationality in Sonković, Laškovića, Ičevo and Rupe“, on 30 August 2011, County State Attorney's Office in Šibenik submitted request for conducting investigation against D.M. for committing criminal offence of war crime against civilian population;

- regarding crime „Crimes in Hrvatska Kostajnica and surrounding areas“, on 14 November 2012, County State Attorney's Office in Rijeka submitted request for extension of investigation against C.B. for committing criminal offence of war crime against civilian population and criminal offence of war crime against prisoners of war.

With the aim of achieving progress, in the last meeting held in November 2012 with representatives of the Chief Police Directorate and representatives of County State Attorneys' Offices working on the cases, it was agreed that delivery of all data referring to cases from other agencies and archive keepers, and that, in the light of new information, through cooperation based on Memoranda of Understanding, additional data would be requested through mutual legal assistance. Also, need of deeper involvement of police officers and state

attorneys in detection of perpetrators of criminal offences and data collection was emphasized.

c) Prosecution of war crimes committed in detention camps

( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskePriopcenje03> )

In terms of criminal proceedings initiated by the state attorneys' offices regarding crimes committed in camps, including camps set up in the territory of the Republic of Croatia and the ones set up outside its territory, up to now, 34 persons were convicted by final judgements.

Based on the indictments raised by several County State Attorneys' Offices the following number of persons were convicted by final judgement: County State Attorney's Office in Šibenik - 5 persons for committing war crimes in Knin prison and Knin police station, County State Attorney's Office in Vukovar - 7 persons for committing war crimes in Velepromet, Borovo police station, County State Attorney's Office in Osijek – 5 persons for committing war crimes in Stajićevo, Begejci, Borovo Naselje-Bogojevo and Dalj, County State Attorney's Office in Sisak - 14 persons for war crimes committed in Detention and Rehabilitation centre Glina, County State Attorney's Office in Slavonski Brod - 1 person for war crimes committed in Stara Gradiška camp, County State Attorney's Office in Dubrovnik - 1 person for war crimes committed in Bileća camp and County State Attorney's Office in Split - 1 person for war crimes committed in Manjača camp.

County State Attorney's Office in Osijek raised indictment ( <http://www.dorh.hr/osij1204> ) against a citizen of the Republic of Serbia, general-major of the former JNA, head of Security Directorate of the Federal Secretariat of the People's Defence (SSNO), A.V. and his deputy M.Ž., for committing war crime against civilian population and prisoners of war in camps Begejci, Stajićevo, Sremska Mitrovica, Niš and Stara Gradiška, who were responsible for the application of international war and humanitarian law, and being aware that larger number of civilians were brought and illegally captured in the camps, among whom were women and members of the Croatian armed forces, and that prisoners were physically and psychologically abused, some to death, but did nothing to prevent such behaviour and punish the perpetrators.

Based on investigative request of the County State Attorney's Office in Dubrovnik, ( <http://www.dorh.hr/Default.aspx?art=5017&sec=547> ) Decision on conducting investigation was issued in May 2006 against several persons for committing criminal offence of war crime against prisoners of war in camps Morinj and Bileća. Investigative request was submitted as early as 1992 and detention was ordered against all persons. Wanted notices were issued since none of the defendants were available to the judicial authorities of the Republic of Croatia. Based on the wanted notice, in 2000, upon arrival to the territory of the Republic of Croatia, B. LJ., the commander of security of the Assembly Centre for Prisoners of War in Bileća camp from January 1992 to May 1992, was arrested. By final judgement of the County Court in Dubrovnik, he was sentenced to 14 years imprisonment for committing criminal offence of war crime against prisoners of war.

Based on the indictments raised by the competent state attorneys' offices, competent county courts rendered final judgements pronouncing I. V. and S. B., guards of the prisoners of war in camps Stajićevo and Begejci, guilty for committing criminal offence of war crime

against prisoners of war. S. B was sentenced to 10 years of imprisonment and I. V. to 20 years of imprisonment. I. V. is the citizen of the Republic of Serbia, and is serving the remaining prison sentence in Serbia that acknowledged the judgement. ( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskePriopcenje03> )

d) Prosecution of perpetrators of war crime committed in the territory of other states

Article 14 of the Criminal Code prescribes that aliens, who outside the territory of the Republic of Croatia commit against a foreign state or another alien a criminal offense for which, under the law in force in the place of crime, a punishment of five years of imprisonment or a more severe penalty may be applied, can be tried in the Republic of Croatia. Based on the referenced provision, several criminal proceedings have been conducted in the Republic of Croatia against members of other units, found in the territory of the Republic of Croatia, for committing war crimes in the territory of other states:

- based on the indictment of the County State Attorney's Office in Split, County Court in Split rendered a judgement sentencing M. G. to 15 years of imprisonment for committing criminal offences of war crimes against civilian population and prisoners of war. In agreement with the commander of interior camp guards, he was entering „Manjača“ camp, ( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskePriopcenje03> ) in the territory of Banja Luka, Bosnia and Herzegovina, on daily basis with subordinate guards, and allowed them and ordered physical and psychological abuse of prisoners, made death threats, requested prisoners to submit valuable objects, pulled a lot of prisoners out of the camp and inflicted severe and life-threatening injuries in front of other prisoners, which resulted in several deaths, while the guards, in his presence, and in line with his orders slaughtered seven prisoners using knives.

- in County State Attorney's Office in Zagreb, investigation against the commander of „Manjača camp“, R. A. for questioning and torture of prisoners in 1992 is on-going. ( <http://www.dorh.hr/zag1708> )

- Based on the indictment raised by the County State Attorney's Office in Karlovac, in July 2002 County Court in Karlovac sentenced F. A. to 15 years of imprisonment for committing criminal offences of war crimes against the civilian population and prisoners of war. After proclamation of the autonomous province „Western Bosnia“ (hereinafter: APZB) in Velika Kladuša, Bosnia and Herzegovina, in the capacity of the president of the so-called APZB and the supreme commander of the army, so-called People's Defence of the APZB, he ordered, planed and organised setting up of camps and assembly centres in the area of Velika Kladuša municipality with the aim of imprisoning civilians who opposed establishment of the so-called APZB. Imprisoned persons received inhumane treatment, they were forced to serve in his paramilitary, and in camps set up for the members of the Army of Bosnia and Herzegovina he allowed prisoners of war to be physically and psychologically abused and beaten.

### **III. Other actions - Special activities relating to efficient investigation and prosecution of war crimes**

a) Regional cooperation – State Attorney's Office Memoranda of Understanding ( <http://www.dorh.hr/Default.aspx?sec=649> )

Due to the need for more efficient actions and collection and exchange of evidence and for the perpetrators to be convicted and serve pronounced sentences, State Attorney's Office offered cooperation to Prosecutors' Offices from other states. In that view, State Attorney's Office of the Republic of Croatia signed several types of agreements:

- General agreements - Memoranda of Understanding in establishment and improvement of mutual cooperation in the fight against all form of serious crime signed with the Supreme State Prosecutor's Office of Montenegro, the Republic Public Prosecutor's Office of the Republic of Serbia, and Protocol on Realisation and Enhancement of Mutual Cooperation in the Fight against all forms of Serious crime with the Office of the War Crimes Prosecutor of the Republic of Serbia and Prosecutor's Office of Bosnia and Herzegovina. These Memoranda and Protocols enable cooperation in regard to the exchange of data, documents, regulations and providing various types of assistance resulting in more expedient and successful criminal proceedings including war crime cases.

- Specialised agreements - with the aim of prosecution of perpetrators who are located in neighbouring countries and have their citizenship and therefore cannot be extradited and convicted in the Republic of Croatia: Memorandum of Understanding regarding prosecution of perpetrators of war crimes, crimes against humanity and genocide signed with the Office of the War Crimes Prosecutor of the Republic of Serbia and with the Supreme state prosecutor of Montenegro.

Area of application of the Memorandum of Understanding is not the territory of a specific state, the subject of the Memorandum of Understanding are data and documents which enable initiation of proceedings against persons who committed war crimes in the territory of the Republic of Croatia, that is, persons who committed war crimes against citizens of the Republic of Croatia and the Republic of Serbia. Therefore, Memorandum of Understanding applies to all war crimes perpetrated against the citizens of the Republic of Croatia and the Republic of Serbia anywhere in the territory of Croatia, Bosnia and Herzegovina, Montenegro, etc., under condition that perpetrators reside in the Republic of Croatia, or the Republic of Serbia. Above referenced also refers to the Memorandum of Understanding signed with the Republic of Montenegro. This type of specialised agreement was not signed with the competent prosecutor's office of Bosnia and Herzegovina.

Results achieved through actions conducted in line with the Memoranda of Understanding:

Based on the current cooperation with the Office of the War Crimes Prosecutor of the Republic of Serbia, data and documents in 32 cases referring to 58 defendants were exchanged. Of the referenced number, in the Republic of Serbia indictments were raised against 20 persons, now Serbian citizens who were previously Croatian citizens, for committing war crimes in the territory of the Republic of Croatia and against Croatian citizens. Up to now, 18 persons were convicted, of which 14 convictions are final.

Proceedings initiated in the Republic of Croatia is not discontinued until the final decision is passed in the Republic of Serbia, thus securing sovereignty, independence and autonomy in conducting criminal proceedings.

Summary data - cooperation pursuant to the Memorandum of Understanding with the Office of the War Crimes Prosecutor of the Republic of Serbia

Total number of cases	32
Total number of persons	58
No. of accepted	29
No. of refused	21
Under consideration	8
Deceased in the meantime	1
Decisions of the Office of the War Crimes Prosecutor	
investigation	2
indictment	20
Court decision	
- pronounced guilty in the RS	18
Final conviction	14
- acquitted in the RS	1

Evidence in a case relating to 6 defendants, whose whereabouts are in the territory of Montenegro, was transferred to the Supreme State Prosecutor's Office of Montenegro. Indictment was raised against the defendants for committing war crimes.

b) War Crimes database

After comprehensive inventory of all war crimes cases, with the assistance of the Kingdom of the Netherlands, War Crimes database was developed and set up in the State Attorney's Office of the Republic of Croatia. It contains data on crimes that occurred from 1991 onwards. Collection of all available evidence relating to each crime, data on perpetrators, electronic form of case file materials containing decisions against known and unknown perpetrator are attached to crimes from the database. It also has different criteria search tools.

c) Liaison Officers and Young Professionals Projects

After signing Memorandum of Understanding on Assistance in Investigation of War Crimes which enabled State Attorney's Office to search ICTY database, from June 2009 „Visiting Liaison Officers and Young Professionals to the ICTY“ project has been on-going. Within the framework of the first part of the project, the Liaison Officer of the State Attorney's Office of the Republic of Croatia searches data and documents from the ICTY database and establish direct communication with prosecutors, analysts and other experts from the Office of the Prosecutor of the ICTY, while the second part of the project refers to training of young professionals from Prosecutor/State Attorney's offices, who are assigned to work on specific cases.

Based on the documents selected by the Liaison Officer, approximately 10 war crimes criminal proceedings have been initiated. E.g., based on the evidence acquired in the above referenced manner, County State Attorney's Office in Dubrovnik raised indictment ( <http://www.dorh.hr/ZupanijskoDrzavnoOdvjetnistvoUDubrovniku> ) in November 2009 against the high commander of the JNA and others, J. C., M. R., P. S., M. J., B. S., O. V., R. K., V. K., M. Z. and Z. G., responsible for crimes committed in the territory of the city of

Dubrovnik and its surroundings. Also, in the case where indictment was raised due to crimes committed in camps in the Republic of Serbia, data acquired in the above referenced manner were used to significant extent.

Davorka Čolak

Deputy Municipal State Attorney in Zagreb, assigned to work to the County State Attorney's Office in Zagreb, War Crimes Section

Dvor na Uni ( <http://www.dorh.hr/DrzavnoOdvjetnistvoRepublikeHrvatskeIspitivanje> )

- Široka Kula ( <http://www.dorh.hr/ZupanijskoDrzavnoOdvjetnistvoUKarlovcuPrikaz> )

- Baćin ( <http://www.dorh.hr/sisa411> )