

Miljenko Brekalo (Croatia)

Institute of Social Sciences Ivo Pilar – Local Centre Osijek

THE CRIMINAL LAW ASPECTS OF THE MASSACRE IN THE AREA OF SLATINA ON SEPTEMBER 4TH 1991

Abstract

In the period from 1990-19995 the members of the Serb Democratic Party of Slavonia on the territory of the Republic of Croatia had stimulated Serbian people to implement civil disobedience towards the legally elected authorities of the Republic of Croatia; to show national intolerance against Croats and other non-Serb persons. In co-operation with the YNA, they provided arms supply and organized armed rebellion of the Serbian people. The main goal was to disconnect the state territory of the Republic of Croatia, where the RSK was stretching, and to integrate the same into the integral concept of the common state of the Serb people, into Greater Serbia.

There is an indisputable fact that the domicile Serb extremists and terrorists, “Šešelj’s men”, “Arkan’s men”, the “White Eagles”, the YNA and other armed rebels and war criminals had committed a criminal offence against humanity, international humanitarian law and criminal offence against the Republic of Croatia, according to the then applicable legislation: the Criminal Code of the Socialist Federal Republic of Yugoslavia, according to the Criminal Code of the Socialist Republic of Croatia, according to the General Criminal Code of the Republic of Croatia.

In the course of war the actors of armed rebellion did not respect the provisions of the international humanitarian law, in particular the provisions and the protocols of the Geneva Conventions. In addition, their aggression continued to be contrary to the positive legislation of the Socialist Federal Republic of Yugoslavia and of the Socialist Republic of Croatia and it went on even after the international recognition of the Republic of Croatia.

In addition to the war criminals who have been extradited to the International Criminal Tribunal for the former Yugoslavia in the Hague, Netherlands, a significant number of perpetrators of various war crime offences in the Republic of Croatia have been tried and sentence in absentia. The largest number of war crime perpetrators is located on the territory of the Republic of Serbia and the Republic Srpska in Bosnia and Herzegovina, and a certain number of them has fled to the countries of the European Union as well as to the overseas countries (the USA, Canada, New Zealand and Australia).

The war criminals from Slatina area escaped mostly to the Republic of Serbia, where they all where they all acquired citizenship, and a smaller number of them fled to the Republic Srpska or to third countries. A very small number of these war criminals has been accused of the crimes committed and there is very little chance that they will be extradited to the judiciary of the Republic of Croatia and legally convicted. This perception is the reality that has been lived by the victims to the Greater-Serbian violence and by the families of the dead Croatian soldiers and of dead persons of other nationalities in this area every day.

Key words: Great Serbia, Podravska Slatina municipality, massacre, Balinci, Četekovac, Čojlug.

Introduction

The attack on the villages Balinci, Četekovac, and Čojlug, inhabited by primarily Croatian people, was executed on September 4th 1991 by the members of the so-called Papučki odred (eng. the Papuk squad). Four hundred members of rebel Serbs took part in the attack and the enemy forces were almost identical to the number of inhabitants of all of the three villages combined because the members of the Serbian nationality left the aforementioned villages mid-August 1990 and joined the Serbian paramilitary units in Brđanska. Namely, according to the list of population from 1991, the aforementioned villages had 204 households with a total of 692 people living in them. Out of those, 490 were Croats (71%), 177 Serbs (25%) and 25 of the rest (4%) (Hrženjak, 1993: 371-372).

Prior to the direct assault, enemy troops first opened heavy mortar and automated fire from multiple sorts of heavy infantry weaponry. After that, the terrorists set fire to multiple residential and economic buildings at the entrance to Balinci and Četekovac, which caused consternation, panic, and an exodus of the people.

During the assault on Balinci and Četekovac, the enemy troops set ambushes at the entrance to Čojlug from the west. Rebel Serbs ambushed four personal automobiles with people trying to flee the village with automatic weaponry. The targets were also people who returned to Čojlug from Mikleuš in order to help. From the aforementioned 380 people in all three villages, 24 people were killed with firearms and close combat weapons, and five suffered major wounds.

Terrorist attack on Balinci, Čojlug and Četekovac

During the terrorist attack on Balinci, Čojlug and Četekovac, 24 people lost their lives in a cruel and outrageous way. Those people were:

Ika Biškupović, born January 27th 1949 in Balinci, daughter of Pavao and Marija, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 135 (died in the basement of her family home; Serbian terrorists shot her with two fatal shots from the back with the consequence of the destruction of the right pulmonary wing and blood vessels. The wounds were grievous and soon resulted in death);¹

1 County court in Zagreb, file: Kov-Rz-3/16., p. 378.

- Ivan Biškupović, born February 11th 1943 in Balinci, son of Antun and Ana, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 143 (died at the front door of his home; Serbian terrorists shot hit at least five times. Two shots were to the liver, his VIII chest vertebra was destroyed, as were both his pulmonary wings. The wounds were especially grievous and resulted in immediate death);²
- Ivan Biškupović, born July 22nd 1925 in Balinci, son of Pavo and Barbara, Croatian, Roman-catholic, civilian, residing in Balinci, main kbr. 155 (died in front of his family home; Serbian terrorists shot him in the abdomen which resulted with the perforation of the small and large intestines, spleen, and blood vessels in the abdomen. The injuries were especially grievous and soon resulted in death);³
- Juraj Borovac, born September 1st 1926 in Pazarište near Gospić, son of Pavao and Marija, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 7 (died in the yard of his home; Serbian terrorists inflicted several stabbing wounds to the left and right side of his neck which resulted in the laceration of the muscles and blood vessels of the neck, as well as a stabbing wound to the left lung. The injuries were especially grievous and resulted in exsanguination and death);⁴
- Josip Butorac, born August 24th 1928 in Balinci, son of Stjepan and Mariaj, Croatian, Roman-Catholic, residing in Balinci, main kbr. 127 (died in the road in front of his home; Serbian terrorists shot him to the chest, resulting in the breakage of II-V front left ribs, chest bone, destruction of the aorta and the pulmonary artery, as well as the right lung with fractions of the right upper arm bone. The injuries were especially grievous and soon resulted in death);⁵
- Nikola Butorac, born December 16th 1957 in Osijek, son of Nikola and Marija, Croatian, Roman-Catholic, member of the 136th brigade of the Croatian Army, residing in Četekovac, main kbr. 8;
- Mijo Lovrenc, born July 23rd 1959 in Balinci, son of Johan and Ana, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 143 (died at the front door of the yard to the house of Ivan Biškupović in Balinci, kbr 143; Serbian

2 Ibidem, p. 378.

3 Ibidem, p. 379.

4 Ibidem, p. 378.

5 Ibidem, p. 378.

terrorists shot him four times: to the head, resulting in the destruction of his brain and multiple fractions of the skull and skull base; to the chest, resulting in the destruction of his left pulmonary wing; to the neck, resulting in the destruction of the cervical spine and artery. The injuries were especially grievous and soon resulted in death);⁶

- Duško Košorog, born December 5th 1969, son of Alojzije and Marica, Croatian, Roman-Catholic, member of the Ministry of Internal Affairs, residing in Četekovac, main. Kbr. 11 (although wounded to the head, Serbian terrorists shot him in the back four times from an automated rifle, resulting in wounds to his liver, diaphragm, upper lobe of the right pulmonary wing, atrium, heart muscle, and the left pulmonary wing);⁷
- Adam Krupa, born January 3rd 1965 in Četekovac, son of Ivan and Zlata, Croatian, Roman-Catholic, civilian, residing in Četekovac, main kbr. 7 (received seven wounds from a firearm, five of which to the back, exiting the front of his chest cavity. During the shooting, both of his pulmonary wings were torn);⁸
- Nikola Magdić, born March 4th 1933 in Balinci, son of Filip and Ana, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 20;
- Marija Maticić, born December 19th 1933 in Četekovac, daughter of Franjo and Ana, Croatian, Roman-Catholic, civilian, residing in Čojlug, main kbr. 59 (multiple gunshot wounds with the result of destroying the chest bone, heart, heart muscle, diaphragm, and left lobe of her liver);⁹
- Milan Mlakar, born August 9th 1966 in Četekovac, son of Marko and Marija, Croatian, Roman-Catholic, member of the 136th brigade of the CA, residing in Četekovac, main kbr. 31 (Serbian terrorists inflicted multiple gunshot wounds to his extremities and body, among those a shot to the head in the area of the frontal-temporal lobe to the left side with the consequence of compressing the larger part of his brain, multiple skull and skull base fractures);¹⁰
- Zlatko Pinčar, born February 25th 1955 in Četekovac, son of Antun and Agneza, Roman-Catholic, member of the 136th brigade of the CA, residing

6 Ibidem, p. 378.

7 Ibidem, p. 380.

8 Ibidem, p. 382.

9 Ibidem, p. 376.

10 Ibidem, p. 377.

- in Četekovac, main kbr. 51 (multiple gunshot wounds with the result of destroying his fourth cervical vertebra and spinal fluid, as well as the destruction of his heart, heart muscle, and his left pulmonary wing lobe);¹¹
- Josip Potočnik, born July 3rd 1967 in Balinci, son of Antun and Marija, Croatian, Roman-Catholic, member of the MIA, residing in Četekovac, main kbr. 42;
 - Manda Rukavina, born July 28th 1922 in Balinci, daughter of Josip and Ana, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 3 (Serbian terrorists inflicted seven gunshot wounds, destroyed her second and third loin vertebra, shot through her XII-colon and the head of her pancreas, destroyed her fifth and sixth chest vertebra);¹²
 - Marko Rukavina, born January 1st 1949 in Balinci, son of Ivan and Marija, Croatian, Roman-Catholic, member of the National and Civil Protection, residing in Balinci, main kbr. 3 (Serbian terrorists inflicted seven gunshot wounds to his body and extremities, including to the liver, spleen, heart, heart muscle, and left pulmonary wing);¹³
 - Ivan Rukavina, born May 1st 1923 in Balinci, son of Marko and Karolina, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 3 (Serbian terrorists inflicted a gunshot wound to the chest cavity with the result of breaking the fifth chest vertebra, damaging the esophagus, chest aorta, windpipe, and the upper lobe of the left pulmonary wing);¹⁴
 - Marko Rukavina, born September 28th 1932 in Balinci, son of Josip and Ana, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 147 (Serbian terrorists killed him in front of his home, inflicting at least five gunshot wounds with a firearm, including some to the right pulmonary wing and throat);¹⁵
 - Franjo Sabo, born April 2nd 1932 in Četekovac, son of Franjo and Sofija, Croatian, Roman-Catholic, civilian, residing in Čojlug, main kbr. 53 (gained two gunshot wounds, out of which one is a gunshot wound from the back exiting to the front at the chest bone height with the consequence of

11 Ibidem, p. 377.

12 Ibidem, p. 379.

13 Ibidem, p. 381.

14 Ibidem, p. 379.

15 Ibidem, p. 379.

- destroying the chest aorta, esophagus, windpipe, left pulmonary wing, left collar bone from the first to the third rib on the left side);¹⁶
- Marko Sabo, born June 1st 1963 in Čojlug, son of Franjo and Sofija, Croatian, Roman-Catholic, member of the 136th brigade of the CA, residing in Čojlug, main kbr. 53 (gained two gunshot wounds, as well as a wound to the front of the neck, exiting behind the right ear with the consequence of the bones of the base of the skull being broken and brain being crushed);¹⁷
 - Mile Starčević, born August 17th 1955 in Balinci, son of Mate and Ana, Croatian, Roman-Catholic, member of the 136th brigade of the CA, residing in Balinci, main kbr. 40 (Serbian terrorists murdered him with multiple automated rifle shots, afterwards burning his body, leaving only carbonized segments);¹⁸
 - Josip Tonc, born March 8th 1973 in Četekovac, son of Milan and Roza, Croatian, member of the 136th brigade of the CA, residing in Četekovac, main kbr. 64 (gained a wound to his upper left arm without damaging the bone and a wound to the neck from the front to back, destroying his cervical spine and spinal cord);¹⁹
 - Terezija Troha, born August 28th 1909 in Nova Bukovica, daughter of Franjo and Kata, Croatian, Roman-Catholic, civilian, residing in Četekovac, main kbr. 83 (gained multiple gunshot wounds to her extremities and body, among them a wound to the neck resulting in destroying her cervical spine and spinal cord);²⁰
 - Rozalija Vlatković, born October 6th 1899 in Pazarište by Gospić, daughter of Luka and Franka, Croatian, Roman-Catholic, civilian, residing in Balinci, main kbr. 7 (lost her life in the basement of Ika Biškupović's house; Serbian terrorists shot her three times with firearms, destroying her VIII chest vertebra, aorta and the lower lobe of the left pulmonary wing. Wounds were especially grievous and soon resulted in death).^{21 22}

16 Ibidem, p. 376.

17 Ibidem, p. 376.

18 Ibidem, p. 381.

19 Ibidem, p. 377.

20 Ibidem, p. 377.

21 Ibidem, p. 378.

22 MIA Croatia, Police Headquarters Osijek, Police Station Podravska Slatina, letter No.: 511-07-60-KU-490(1992., p. 10.-13.

Josip (Antun) Potočnik and Antun Košorog were active member of the MIA of Croatia i.e. the Police Station Podravska Slatina.

Rebel Serbs from the following villages were involved in the attack on the aforementioned villages: Kraskovići, Prekoračani, Čeralije, Voćine, Rijenci, Macuti, Balinci and Mikleuš. A larger number of domestic criminals arriving from these villages were recognized by the surviving locals of Balinci, Četekovac, and Čojlug, who managed to hide during a bestial attack. However, the statements from the surviving villagers were confirmed by two returning Serbs (repentant) who were extremely familiar with the facts of the crimes. The attack was led by Borivoje (Joce) Lukić aka Lightning, reserve first class captain of the Yugoslavian National Army (YNA), born in Slatinski Drenovac. Besides him, the main attackers were: Borivoje (Dušan) Radosavljević, Rajko (Marko) Bojčić, Dragomir (Pajo) Keluva, Savo (Budimir) Tanović, all with a current residence on the area of the former Podravska Slatina area (Marijan, 2009: 57).

Apart from the stated command structure, the most cruel acts towards Croats and other non-Serbian people were committed by the following terrorists: Goran Bjelovuk, Mile Crnobrnja, Zoran Mišćević, Drago Starijaš aka Gagi and Zoran Jorgić aka Kuki, who were also the ones who committed the majority of the following criminal acts: war crimes, war crimes against civilian population, genocide, destroying cultural and historical monuments and terrorism. Apart from the people already mentioned, direct cooperators in the aforementioned criminal acts were: Jovan Alinčić aka Čaruga, Goran Bjelovuk, Damir Bolić, Savo Bolić, Mirko Bosanac, Slobodan Bosanac, Boško Bukarica, Mladen Bukarica, Željko Bukarica, Dragoslav Bukvić, Mile Crnobrnja, Jovo Cvetić, Milenko Cvetić aka Patak, Rajko Čevizović, Nikola Čović, Dušan Dragičević, Ilija Dragičević, Milorad Dragičević, Dušan Dragičević, Ilija Dragičević, Mišo Dragičević aka Kristuš, Relja Dragičević, Slavko Dragičević, Slobodan Dragičević, Mirko Gravonja, Momčilo Gravonja, Slobodan Gravonja, Žarko Gravonja, Rajko Ivković, Željko Ivković, Bogdan Jorgić, Zoran Jorgić aka Kuki, Zoran Jovanović, Mile Kokić, Željko Kuzmić, Slobodan Lazić, Borivoj Lukić, Dragoslav Lukić, Milenko Matić, Goran Mihajlov, Živko Milaković, Nenad Milinković, Nikola Milinković, Miladin Milnović aka Drdan, Boško Mirković aka Žaruljica, Zoran Mišćević, Željko Novaković, Darko Pavlović, Boško Petrović aka Tuja, Duško Prodanić, Miladin Prodanić, Pero Puškarić, Borivoj Radosavljević, Nikola Rakić, Dražen Romić, Đuka Romić, Goran Romić, Mićo Romić, Mile Romić, Mitar Simić, Zoran Solar, Milenko Stanković, Nedeljko Stanković aka Neđo, Drago Starijaš aka Gagi, Momčilo Subotić, Zdravko Šekuljica, Željko Šekuljica, Milan

Velinović, Dušan Veselinović, Marko Veselinović aka Rora, Marko Veselinović, Milan Veselinović, Neven Veselinović, Rajko Veselinović, Rajko Vučković, Milenko Vuletić, Lazo Zubić, Miladin Žeželj, and Branko Živković.²³ As was previously mentioned, the attack involved four hundred members of the so-called Papuk squad and witnesses only managed to identify seventy one people out of them. That means that the remaining three hundred and nine members of the aforementioned terrorist squadron will most likely remain not recognized in the evidence for the committed criminal acts and, by that very notion, exculpated for them. However, the District State Attorney office in Osijek, which was local and had jurisdiction at the time, raised an indictment against only fifty five people. Those people are the following:

1. The accused Borivoje Lukić, son of Joco and Ana (born Milivojević), born April 5th 1947 in Slatinski Drenovac, municipality of Orahovica, last place of residence in the Republic of Croatia in Podravska Slatina, the 12th Proletarian brigade street 5, Serb, electrician by trade, current place of residence unknown - fugitive;
2. The accused Zoran Mišćević, son of Stevan and Dmitra (born Ojkić), born May 22nd 1966 in Voćin, municipality of Podravska Slatina, last known place of residence in the Republic of Croatia in Macute kbr. 16, Serb, served his military term 1985/86 in Karlovac and Požega, noted in the Military records of Podravska Slatina as a corporal, current place of residence unknown - fugitive;
3. The accused Ilija Dragičević, son of Relja and Marija (born Dragičević), born August 2nd 1960 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 47, Serb, married, father of one, served his military term 1984/85 in Belgrade, former member of the Secretariat of National Defense in Slatina, place of residence unknown - fugitive;
4. The accused Neven Veselinović, son of Radivoje and Ana (born Šekuljica), born January 1st 1963 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 19, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.²⁴

23 MIA Croatia, Police Headquarters Virovitičko-podravska, letter No: 511-16-04/1-14-VT-16/17-00., p. 38.-39.

24 Supra notae No. 3, p. 836.

5. The accused Milan Veselinović, son of Ljuban and Ljuba (born Kosanović), born May 16th 1951 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci, kbr. 157, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.²⁵
6. The accused Slobodan Žeželj, son of Obrad and Milica (born Subotić), born September 20th 1957 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci, kbr. 55, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.²⁶
7. The accused Rajko Vukadinović, son of Marko and Ruža (born Mišević), born March 2nd 1936 in Čeralije, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Čeralije, Street of Persa Bosanac 57, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.²⁷
8. The accused Željko Šekuljica, son of Dragutin and Smilja (born Ivić), born on September 20th 1961 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 157, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.²⁸
9. The accused Zdravko Šekuljica, son of Dragan and Smilja (born Ilić), born November 15th 1969 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 167, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.²⁹
10. The accused Mladen Bukarica, son of Boško and Anđa (born Guska), born March 28th 1968 in Voćin, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Mikleuš, Street of Marshal Tito 137, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁰

25 *Supra* notae No. 3, p. 837.

26 *Supra* notae No. 3, p. 837.

27 *Supra* notae No. 3, p. 836.

28 *Supra* notae No. 3, p. 836.

29 *Supra* notae No. 3, p. 836.

30 *Supra* notae No. 3, p. 837.

11. The accused Željko Bukarica, son of Boško and Anđa (born Guska), born April 24th 1963 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known residence in the Republic of Croatia in Mikleuš, Street of Marshal Tito 137, municipality of Podravska Slatina, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³¹
12. The accused Milan Romić, son of Trivun and Stevanija (born Travica), born September 14th 1924 in Ervenik, municipality of Knin, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 14, municipality of Podravska Slatina, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³²
13. The accused Svetislav Romić, son of Milan and Bosiljka (born Ilić), born October 26th 1948 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 14, Serb, current place of residence unknown - fugitive;
14. The accused Goran Romić, son of Dušan and Jelka (born Romić), born October 14th 1969 in Virovitica, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 43, municipality of Podravska Slatina, Serb, current place of residence unknown - fugitive;
15. The accused Dražen Romić, son of Svetislav and Zorka (born Graonja), born February 26th 1971 in Voćin, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci, kbr. 14-a, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³³
16. The accused Milan Dragičević, son of Miloš and Boja (born Švonja), born August 24th 1955 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci b.b., municipality of Podravska Slatina, Serb, current place of residence unknown – fugitive;
17. The accused Žarko Gravonja, son of Petar and Marija (born Dorontić), born May 28th 1964 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 55, Serb, current place of residence unknown - fugitive;

31 *Supra notae* No. 3, p. 837.

32 *Supra notae* No. 3, p. 837.

33 *Supra notae* No. 3, p. 837.

18. The accused Rajko Ivković, son of Milorad and Milka (born Stanisavljević), born July 10th 1964 in Orahovica, municipality of Orahovica, Republic of Croatia, last known place of residence in the Republic of Croatia in Voćin, Serb, current place of residence unknown - fugitive;
19. The accused Goran Bjelovuk, son of Mar Bjelovuk, born August 24th 1965 in Osijek, Republic of Croatia, last known residence in Republic of Croatia in Slatina, Braća Radić Street 22, Serb, ex-police officer in Police Station Podravska Slatina, finished police high school, not married, kept in the Military records in Podravska Slatina, current place of residence unknown - fugitive;
20. The accused Savo Bolić, son of Nenad and Stanka (born Tomašević), born November 10th 1946 in Gornji Meljani, municipality of Podravska Slatina, last known residence in the Republic of Croatia in Gornji Meljani kbr. 52, Republic of Croatia, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁴
21. The accused Mirko Bosanac, son of Dragić and Ljubica (born Ivković), born November 10th 1940 in Čeralije, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Čeralije, Karaula Street 13, Serb, served his military term 1961/62 in Bihać and Mostar, kept in the Military records Podravska Slatina, current place of residence unknown - fugitive;
22. The accused Božidar Bukarica, son of Obrad and Đurdija (born Veselinović), born January 4th 1940 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known residence in Republic of Croatia in Mikleuš, Street of Marshal Tito, Serb, kept in the Military records of Podravska Slatina, married, current place of residence unknown - fugitive;
23. The accused Nikola Bukarica, son of Đuro and Jelka (born Subotić), born August 19th 1933 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 83, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁵
24. The accused Dušan Dragičević, son of Petar and Dušanka (born Romić), born September 30th 1956 in Balinci, municipality of Podravska Slatina,

34 *Supra notae* No. 3, p. 837.

35 *Supra notae* No. 3, p. 716.

- Republic of Croatia, last known place of residence in the Republic of Croatia in Balinci kbr. 57, Serb, current place of residence unknown - fugitive;
25. The accused Milorad Dragičević, son of Petar and Dušanka (born Romić), born April 4th 1967 in Voćin, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr 77, Serb, served his military term 1986/87 in Niš, kept in the Military records of Podravska Slatina, current place of residence unknown - fugitive;
 26. The accused Relja Dragičević, son of Todor, born February 27th 1924 in Golubić, municipality of Obrovac, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 47, municipality of Podravska Slatina, Serb, married, served his military term 1944/47, current place of residence unknown - fugitive;
 27. The accused Momčilo Gravonja, son of Petar and Marija (born Dautović), born January 13th 1966 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 45, Serb, served his military term 1985/86 in Vinkovci and Sombor, kept in the Military records of Podravska Slatina, married, father of one, current place of residence unknown - fugitive;
 28. The accused Mirko Gravonja, son of Nikola and Bosiljka (born Subotić), born March 12th 1956 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 23, Serb, served his military term 1974/75 in Zrenjanin and Belgrade, Private First Class, married, current place of residence unknown - fugitive;
 29. The accused Slobodan Gravonja, son of Todor and Jelena (born Milovanović), born June 28th 1956 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Slatina, Street of the 21st Slavonian Strike Brigade 100-a, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁶
 30. The accused Mile Kokić, son of Branko and Draginja (born Dragalić), born February 7th 1955 in Đuričići, municipality of Podravska Slatina, last known place of residence in the Republic of Croatia in **Đuričići** 41-a, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁷

³⁶ Supra notae No. 3, p. 837.

³⁷ Supra notae No. 3, p. 837.

31. The accused Jovo Radetić, son of Đuro and Pava (born Jorgić), born May 22nd 1966 in Voćin, Republic of Croatia, last known place of residence in Republic of Croatia in Macute kbr. 16, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁸
32. The accused Dušan Romić, son of Milan and Bosiljka (born Ilić), born July 15th 1950 in Osijek, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 14, municipality of Podravska Slatina, Serb, served his military term 1970/71 in Sisak, kept in the Military records of Podravska Slatina, married, current place of residence unknown - fugitive;
33. The accused Đuro Romić, son of Obrad and Joka (born Milić), born May 4th 1958 in Balinci, municipality of Podravska Slatina, Republic of Croatia, residing in Balinci kbr. 81, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.³⁹
34. The accused Milan Romić, son of Svetislav and Zorka (born Graonja), born April 11th 1972 in Voćin, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 14-a, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴⁰
35. The accused Mladen Starijaš, son of Blagoje and Jovanka (born Sašić), born August 30th 1953 in Čeralije, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in the Republic of Croatia in Čeralije, Street of Branko Radičević 9, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴¹
36. The accused Momčilo Subotić, son of Ljubomir and Vidosava (born Veselinović), born December 2nd 1957 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Slatina, Street of Branko Radičević 13, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴²
37. The accused Dragutin Šekuljica, son of Petar and Milica (born Jokić), born March 1st 1931 in Balinci, municipality of Podravska Slatina, Republic of

38 *Supra* notae No. 3, p. 837.

39 *Supra* notae No. 3, p. 837.

40 *Supra* notae No. 3, p. 837.

41 *Supra* notae No. 3, p. 837.

42 *Supra* notae No. 3, p. 837.

Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 167, Serb. *County court in Bjelovar brought a verdict on April 23rd 2001 which refutes the claim against the accused.*⁴³

38. The accused Dušan Uglješić, son of Blagoje and Vidosava (born Jorgić), born February 15th 1958 in Kometnik-Zubići, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Kometnik kbr. 119, Serb, served his military term 1978/79 in Čapljina and Sarajevo, kept in the Military records of Podravska Slatina, current place of residence unknown - fugitive
39. The accused Dušan Veselinović, son of Marko and Jelka (born Ivanković), born February 8th 1955 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 55, Serb, served his military term 1981/82 in Mostar, kept in the Military records in Podravska Slatina, current place of residence unknown - fugitive;
40. The accused Marko Veselinović, son of Jovan and Sava (born Veselinović), born March 13th 1933 in Golubić, municipality of Obrovac, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 59, municipality of Podravska Slatina, Serb, served his military term 1954/56 in Vranje, kept in the Military records of Podravska Slatina, married, current place of residence unknown - fugitive;
41. The accused Marko Vukadinović, son of Rajko, born November 15th 1957 in Čeralije, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Čeralije, Street of Petar Preradović 57, Serb, County court in Virovitica terminated the criminal proceedings against the accused on November 18th 2003.⁴⁴
42. The accused Mladen Žeželj, son of Stevan and Marija (born Bukarica), born September 6th 1970 in Balinci, municipality of Podravska Slatina, last known place of residence in the Republic of Croatia in Balinci kbr. 29, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴⁵
43. The accused Dragoslav Munčić, son of Svetozar and Ruža (born Jorgić), born July 9th 1966 in Voćin, Republic of Croatia, last known place of residence in

43 Supra notae No. 3, p. 692.-695.

44 Supra notae No. 3, p. 743.

45 Supra notae No. 3, p. 837.

- Republic of Croatia in Voćin, Radnička Street 7, Serb, served his military term 1985/86 in Kovin, kept in the Military records of Podravska Slatina, Private First Class, current place of residence unknown - fugitive;
44. The accused Slavko Dragičević, son of Miloš and Boja (born Šonja), born September 22nd in Balinci, municipality of Podravska Slatina, last known place of residence in Republic of Croatia in Balinci kbr. 41, Serb, served his military term in 1982 in Sombor, kept in the Military records in Podravska Slatina, corporal, married, current place of residence unknown - fugitive;
45. The accused Ljubinko Zubić, son of Stanko and Marija (born Muselinović), born June 20th 1960 in Kometnik, municipality of Podravska Slatina, last known place of residence in Republic of Croatia in Kometnik kbr. 1, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴⁶
46. The accused Nenad Perlić, son of Rade and Anđa (born Praljić), born April 18th in Šišava, municipality of Travnik, BiH, last known place of residence in Republic of Croatia in Petrovac kbr. 174, municipality of Podravska Slatina, Republic of Croatia, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴⁷
47. The accused Drago Topolović, son of Mile and Anđa (born Predojević), born August 27th 1968 in Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Petrovac kbr. 169, municipality of Podravska Slatina, Serb, served his military term 1987/88 in Šapac, kept in the Military records of Podravska Slatina, current place of residence unknown - fugitive;
48. The accused Dragan Gravonja, son of Stevo and Ljubica (born Šekuljica), born August 20th 1950 in Balinci, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 105, Serb, current place of residence unknown – fugitive. *The County court in Bjelovar brought a verdict refuting the charges against the accused on April 23rd 2001.*⁴⁸
49. The accused Stevo Sladaković, son of Ljuban and Zorka (born Ostojić), born March 8th 1960 in Donji Agići, municipality of Bosanski Novi, BiH, last known place of residence in Republic of Croatia in Petrovac kbr. 2,

46 Supra notae No. 3, p. 837.

47 Supra notae No. 3, p. 837.

48 Supra notae No. 3, p. 692.-695.

municipality of Podravska Slatina, Serb. State Attorney's office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁴⁹

50. The accused Božo Švonja, son of Nikola and Mara (born Veselinović), born January 2nd 1956 in Krupa, municipality of Obrovac, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 65, municipality of Podravska Slatina, Serb, served his military term 1975/76 in Varaždin and Zagreb, kept in the Military records of Podravska Slatina, current place of residence unknown - fugitive;
51. The accused Mirko Švonja, son of Nikola and Mara (born Veselinović), born September 18th 1965 in Krupa, municipality of Obrovac, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 65, municipality Podravska Slatina, Serb. County court in Virovitica terminated criminal proceedings against the accused on March 12th 2004.⁵⁰
52. The accused Mile Švonja, son of Nikola and Mara (born Veselinović), born April 19th 1949 in Krupa, municipality of Obrovac, Republic of Croatia, last known place of residence in Republic of Croatia in Balinci kbr. 65, municipality of Podravska Slatina, Serbin, served his military term 1968/69, kept in the Military records of Podravska Slatina, current place of residence unknown - fugitive;
53. The accused Boško Jorgić aka Kurjak and Vurdelja, son of Lazo and Jovanka (born Jorgić), born June 19th 1949 in Kometnik-Zubići, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Podravska Slatina, Street of Veljko Vlahović b. b., Serb. State Attorney's county office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁵¹
54. The accused Slobodan Kesić, son of Petar and Anka (born Radusin), born February 21st 1957 in Mikleuš, municipality of Podravska Slatina, Republic of Croatia, last known place of residence in Republic of Croatia in Mikleuš, Street of S. Franjić 1, Serb. State Attorney's county office in Bjelovar terminated criminal proceedings against the accused on July 14th 2004.⁵²
55. The accused Dragoslav Bukvić, son of Jova and Ljuba (born Poznić), born April 15th 1947 in Slatinski Drenovac, municipality of Orahovica, Republic

49 Supra notae No. 3, p. 837.

50 Supra notae No. 3, p. 803.

51 Supra notae No. 3, p. 837.

52 Supra notae No. 3, p. 837.

of Croatia, last known place of residence in Republic of Croatia in Osijek, Vijenac Borisa Kidriča 74, current place of residence unknown - fugitive.⁵³

During the establishment of the facts i.e. criminal responsibility of the aforementioned Serbian terrorists, witnesses stated for the specified terrorists *expressis verbis* that they had committed certain murders and described them in detail.

Croats and members of other nationalities in Balinci were slaughtered and killed by:: Slobodan Bosanac, Miladin Milnović, Goran Mihajlov, Milenko Matić, and Zoran Mišćević was the most bloodthirsty. He is charged with the highest number of murders. The brothers Žarko and Željko Kuzmić were wanton in their murders, but also the brothers Tešan.⁵⁴

During the attack on Balinci, the mission of the group of terrorists headed by Mile Crnobrnja was to cleanse the village of population from the way of Čeralije. By descending to the middle of Balinci, at the crossroads in the village, the group of Crnobrnja connected with the group by Goran Bjelovuk who, during that time, mercilessly shot an unknown old man in the back. At almost the same time, Zoran Mišćević and his group joined them. After they all started going in the direction of Četekovac, Mišćević fired a grenade from his launcher in the direction of the bridge connecting Balinci and Četekovac. Below the bridge was a group of scared villagers who he forced out and made into his “living shield” up to the pub in Četekovac. After reaching the pub, Mišćević made them lie down on the ground with their faces down. When Bjelovuk entered the pub, someone

53 Cfr. Indictment of the State Attorney's County office in Osijek, No. KT-215/91. December 30th 1993, p. 1.-9.

The county office of the state attorney in Osijek, in the aforementioned Indictment is charging fifty five people of committing the criminal act of war crimes against the civilian population from Article 120, section 1, GCL Croatia etc. All the accused in this book (monograph) were exhaustively stated according to the list of the Indictment. During the criminal proceedings i.e. the trial against the aforementioned people, a certain number of them was exculpated for incrimination or incriminations placed at their burden. All the people from the text who were exculpated are stated in the text based on the data available to the author of the paper. If someone was exculpated prior to this paper coming out, I personally apologize to them and I will correct my error in a future amended or expanded edition of the paper. Namely, the eventual error was not purposeful. All the data from the indictment were quoted precisely and are not a product of the author's error. At the moment, out of the fifty five accused on various grounds, twenty nine people were exculpated which undoubtedly proves that the criminal proceedings were handled very objectively, according to the highest standards of international law.

54 MIA Croatia, Police Headquarters Virovitičko-podavska, letter No.: 511-16-04/1-14-VT-16/17-00, p. 17.

took a shot at him from a firearm after which he threw a grenade up and went out of the pub. After he came down, Rajko Ivković fired two trombone grenades and then Bjelovuk returned to the floor from which he extracted two people – one dressed in a hunting uniform and the other in a working one. Goran Bjelovuk shot an entire burst into the person with the hunting uniform and Rajko Vučković, a police officer, did the same. Bjelovuk cursed the fascist mother of the second man, kicked him and punched him, and afterwards shot the man several times from a sniper rifle and a Zastava TT pistol. After the described double murder, Starijaš Draga aka Gagi apprehended the Croatian police officer Duško Košorog and Rajko Ivković and Goran Bjelovuk shot him several times. After Košorog fell to the ground, Miladin Milnović aka Drdan lay on top of him and stabbed him to the abdomen several times. Afterwards, Goran Romić beat the still living and heavily wounded Košorog to the head until his skull fell apart and brains leaked out. The civilian Mile Starčević from Četekovac was killed at the same time.⁵⁵

In Četekovac, the main butchers were Dragoslav Bukvić and Rajko Ivković. During the attack on Četekovac, Duško Košorog, Mile Starčević and Adam Krupa lost their lives to consequences of burst fire opened on them by the following terrorists: Goran Romić, Zoran Miščević, Savo Bolić, Dragan Starijaš aka Gagi, Miladin Milnović, Slobodan Bosanac, Ilija Dragičević and Đuro Romić.⁵⁶

During the attack on Četekovac, the enemy retreat was secured by a group of terrorists headed by Jovo Cvetić whose group was made up by terrorists from Sekulinci and Gornji Meljani.⁵⁷ The Croatian police officer Josip Potočnik was shot by a sniper during the attack. It is supposed that it was by the former MIA officer Rajko Ivković, the only sniper in the group. At the same time, Ivković grievously wounded Ivanka Vukosavljević with a sniper shot.⁵⁸ During the attack, Savo Bolić from Gornji Meljani killed Mile Starčević from Četekovci.⁵⁹ Jovan Alinčić aka Čaruga slaughtered an older N. N. male, and the brothers Žarko and Željko Kuzmić killed another N.N. male at the same time while the person was entering his home in Četekovac.

During the attack, Serbian terrorists made a shorter brake at the local store in Četekovac, where they began to drink stolen alcoholic beverages. After a short

55 Ibidem, p. 15.

56 Ibidem, p. 38.

57 Ibidem, p. 15.

58 Ibidem, p. 15.-16.

59 Ibidem, p. 16.

while, they noticed that someone unknown to them was located in the nearby house, owned by Ivan Grubišić. They decided to scout in a manner particular to them – they lead a living shield made up of Croats in front of them, using Antun Potočnik and Mijo Butorac for it at this particular time. Behind the shield, three terrorists moved forward and found the police officer Duško Košorog up in the house badly shot to the shoulder, holding his gun in his hand, kneeling, but giving no resistance because of Potočnik and Butorac. After that, the terrorists disarmed him, dragged him to the courtyard, they informed Potočnik of the following: “Your uncle Josip was killed, Nikola Butorac is dead behind the house and I am wounded“. The terrorists then dragged him to the courtyard where Ivan Grubešić kicked him (army boots) to the abdomen. In great pain, Košorog started to bend when one member of the group of terrorists in a soldier’s uniform approached him and stabbed him with a knife. After the murder of Košorog, they dragged Mila Starčević from the bathroom of the same house, slaughtered her, poured gasoline on her and set her on fire. After that wanton act, Marko Rukavina spoke: “Why do you do this to people?” One of the terrorists turned and shot him with a burst from an automated rifle.⁶⁰

After the attack on Balinci and Čojlug, a certain number of citizens attempted to flee in automobiles. On the entrance to Čojlug, a group of five cars was attacked by heavy machine gun burst fire by the terrorists Boško Bukarica, Mladen Bukarica and Željko Bukarica. Amidst the burst, the following people were killed: Josip Tonc, Mile Mlakar, Franjo Sabo, Zlatan Ptičar, Terezija Troha and Marija Matančić, and Ivica Tomljenović was grievously injured.⁶¹

Out of two hundred houses and commercial properties, the rebel Serbs set fires and mines in fifty-nine. They, at the same time, robbed houses, the local store, pub, the local department and the Roman-Catholic church of St. Nicholas Tavelić. Apart from that, they took the local’s automobiles, tractors, combines, agricultural mechanization, and cattle.⁶²

In the time between 9:00 and 20:00 in the villages of Balinci, Četekovac, and Čojlug, acting as an already named military formation, with the aforementioned goals, they destroyed, damaged or robbed properties (both immovable and movable) by purposeful bombardment by mortars, firing trombone mines, hand launcher mines on houses and commercial properties of exclusively Croatian people, then proceeded to rob their assets – machinery, tractors, automobiles

60 Ibidem, p. 17.

61 Ibidem, p. 15.

62 Ibidem, p. 12.

and larger cattle and finished by burning the rest of the property.

With the attack on Balinci, Četekovac, and Čojlug, the enemy formations intended to cause confusion among Croatian and other non-Serbian folk in the area of Slatina. Namely, the basic purpose of their attack was to prepare the cutoff of the road and railroad direction leading from Zagreb to eastern parts of Slavonia because the other line from Zagreb to eastern Slavonia was occupied, as well as the Zagreb-Lipovac (Belgrade) highway which the members of the YNA blocked at the Vrbovljani overpass (Samadržić, 1994: 8). However, their plans failed because the Croatian Armed Forces were prepared for this scenario.

International criminal framework of war crimes

War crimes represent breaking the international humanitarian rights committed during acts of war by the conflicting sides. Crimes committed during war time or on war-ridden territory, which have no causal connection to the war, are not marked as war crimes. The international legal definition and the possibilities to punish war crimes changed over time. Today, under that term, war crimes are considered to be a general breaking of the Geneva convention or the Hague convention. Such breakages, since the end of World War II, for instance, are considered the following crimes, based on worldwide accords: targeted killing of civilians, destroying water supply systems and electric grid systems, disrupting the inflow of humanitarian aid, massive city bombings, attacks on unprotected cities, using biological or chemical weaponry, killing captives or hostages, robbing claimed areas, systematic robbery of cultural goods, genocide or other mass murder (democide). Those who committed war crimes are most often the aggressors, but war crimes may be committed even during the defense of sovereignty or the territorial integrity of each state.

SFRY/SRY and the YNA committed acts of aggression on the Republic of Croatia i.e. crimes against international peace. This draws the responsibility of the state, but also individuals, in the functions of creating or committing war crimes.

Aggression has been defined on an international level on December 14th 1974 with the Resolution No. 3314 (XXIX) of the General Assembly of the United Nations (Lapaš, Šišić, 2005: 60-62).

Aggression is the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state or the use of

armed force in any other way not allowed under the Treaty of United Nations, as is proclaimed by this definition.⁶³ This definition was preceded by many attempts of the League of Nations, United Nations, as well s many peace accords etc. during the conclusion. Namely, every first usage of armed force by a state, contrary to the Treaty by the UN, presents a *prima facie* evidence of the act of aggression, even thought the Security Council of the UN may, as stated by the regulations of the Treaty, concluded that, having in mind other circumstances, it would not be justifiable to conclude that the act of aggression was committed if, for instance, a concrete act or its consequences are not dangerous enough.⁶⁴

According to the Resolution No.. 3314 (XXIX) acts of aggression are:

- Invasion or attack by armed forces of a state to the area of another state or each military occupation, even temporary, which stems from such an invasion or attack or each accession of territory or parts of territories of another state done by the use of force;
- Bombardment of the territory of a state by armed forces of another state or the use of any kind of weaponry by one state against the territory of another;
- Blockading the ports or coast of one state by the armed forces of another state;
- Attacking land, naval or air forces or navy and civil aircrafts of a state by the armed forces of another state;
- Usage of armed forces of a state stationed in the territory of another state with the consent of the receiving state, contrary to the conditions suggested by the accords or each prolonging of their presence on that area after the accords cease;
- An act by a state by which it allows that its area, placed at the disposal of another state, be used by that other state to commit acts of aggression against a third state;
- Commands issued by or in the name of a state to armed squadrons, groups of volunteers, or mercenaries committing armed acts against another state to the extent that they are equal to the abovementioned acts, or can be encompassed by them.⁶⁵

63 Resolution No. 3 314 (XXIX) of the General Assembly of the United Nations, Article 1.

64 Ibidem, Art. 2.

65 Ibidem, Art. 3.

Apart from the stated examples, which were stated *exempli causa*, aggression is also considered to be other acts upon the decision of the Security Council within the parameters of the UN Treaty.⁶⁶

According to the opinion by Vladimir-Đuro Degan, all acts committed by the aggression of the YNA after May 17th 1991, primarily against the Republic of Slovenia, and then the Republic of Croatia, and lastly again the Republic of Bosnia and Herzegovina, are to be ascribed to the Federal Republic of Yugoslavia as the successor to the SFRY i.e. the Republic of Serbia and the Republic of Montenegro as its integral parts from 1992 to 2006 (Degan, 2011: 287).

Criminal acts with the markings of war crimes were prescribed at the beginning of the 20th century, shortly before the beginning of World War I, by the national legislation of most states and by international acts such as the Hague Rulebook on Laws and War Traditions from 1907. After the end of World War II in 1945, the Statute of the International Military Court in Nürnberg⁶⁷ qualified war crimes as being the following criminal acts: murder, abuse, deportation to slave labor of the civilian population, murder or abuse of war prisoners, murder of hostages, plundering public or private property, wanton destruction of cities, places, or villages, unjustified military devastation, crimes against peace and crimes against humanity including political and racial prosecution of the civilian population.

The codification of international law was done in Geneva on August 12th 1949 when the following four conventions were brought:⁶⁸

66 Ibidem, Art. 4.

67 The international military court of Nürnberg was founded on August 8th 1945 by the London Contract signed by the four most important allied members in World War II: France, Great Britain, SSSR, and the USA. It contained the Court Statute and the criminal law regulations which were the legal basis at the trial to war criminals in the Nürnberg processes lasting from November 20th 1945 to October 1st 1946 in Nürnberg, where, for crimes against peace and humanity (including genocide) and acts of aggression and war crimes, the leading officials of the German Nazi regime were convicted. The Nürnberg process is the first time in the history of mankind that an attacking war was convicted to be a crime, at the same time convicting both its initiators and executors. The principles contained in the Statue of the International Military Court and its conviction (the so-called Nürnberg principles) were confirmed on December 1st 1946 as part of international law by the resolution of the General Assembly of the UN and that ended the Nürnberg process. After that, the US Military Court held other trials in Nürnberg which related to lower ranking Nazi officials. These ended in 1949.

68 The Geneva conventions is a group term for a series of international contracts signed to protect people not taking part or no longer taking part in military operations. The first Geneva convention of 1864 was brought on as a result of the Swiss named Henry Dunant taking a stand to humanize war law. It related to a mitigation of the suffering of the wounded in war, regardless of their allegiance (it was replaced by the 1906 and 1929 conventions), and in 1929

- I. Geneva convention on the improvement of the fate of wounded and sick in the armed forces in war
- II. Geneva convention on the improvement of the fate of the wounded, sick, and ship-wrecked armed forces at sea⁶⁹
- III. Geneva convention on the acts with war captives
- IV. Geneva convention on the protection of the civil population during war time.

The stated conventions were colloquially known as the Geneva humanitarian conventions and the Geneva conventions for the protection of the victims of war. They regulate the position and the rights of the wounded, sick, and shipwrecked land and naval armed forces, war captives and the civilian population not taking part in the armed conflict.⁷⁰

The Swiss Confederation, as the deponent of the conventions, called the 1974 international diplomatic conference to ratify and develop international humanitarian rights relating to armed conflicts. During their work, which lasted for four years, two supplementary protocols for the Geneva conventions were brought by consensus on January 12th 1977, Protocol I. and Protocol II.⁷¹

The supplementary protocol for the Geneva conventions of December 12th 1949 on the protection of the victims of international armed conflicts (Protocol I) is applied together with the Geneva conventions the regulations of which are fully in effect and the rules contained in the protocol, as supplementary, only further develop or confirm the basic principles or regulations of the Geneva

the Convention on the Actions with War Prisoners was agreed upon. Three new conventions brought in 1949 expanded and perfected the protection of the wounded, sick, and shipwrecked in armed conflicts during war, as well as the protection of war captives. In the fourth one, regarding the protection of victims of international armed conflicts, the protection of civilian population during war was determined at length for the first time. By the two supplementary protocols, the Geneva conventions of 1977 attempted to adjust international humanitarian law to the modified situations and new forms of armed conflicts. The basic principle of the Geneva conventions is that acts of war may only be committed by combatants, and those are primarily the members of armed forces.

69 Narodne novine – Međunarodni ugovori, broj 5/1994.

70 The government of the Republic of Croatia, on a session held on November 13th 1992, brought a Decision to Publish the Variety of International contracts by which the Republic of Croatia is a member based on the notification on succession, Narodne novine, br. 1/1992. Among the multiple contracts, the four Geneva conventions and the two supplementary protocols were also stated.

71 The supplementary protocol to the Geneva conventions of December 12th 1949 on additional signs of recognition was brought on December 8th 2005 in Geneva (Protocol III), originally in Arabic, Chinese, English, French, and Spanish.

conventions. Namely, Protocol I regulations revise a series of significant rules of the Geneva conventions as well as a certain number of the Hague conventions, primarily the Hague Rulebook of 1907, relating to the rules of warfare.

The supplementary protocol for the Geneva conventions of December 12th 1949 on the protection of victims of armed conflicts (Protocol II) has the primary goal of securing the application of international humanitarian rights in a manner significantly larger than before, during civil wars in which people engulfed by war are to be secured the basic guarantees of humane acts, regardless of the existing status differences.

Therefore, the international community, with regards to regulating war law, is investing significant day-to-day efforts to create *ius cogens* international norms,⁷² from which there is no stepping back. These norms may only be changed by a treaty, but they cannot be ignored. They are obligatory for all international subjects.

The Geneva conventions were the first international acts i.e. contracts by which the Republic of Croatia became a subject based on the notification of succession due to war circumstances. By the notification of succession, Republic of Croatia became a contracting party of the aforementioned conventions and their two supplementary protocols without any manner of limitation. Namely, it did not accept the reserves and statements of the SFRY logged during the accession to the convention and protocols.

Domestic criminal law framework of war crimes

During the Homeland war, besides international humanitarian rights, war crime matters were regulated by the following legal texts: The Criminal Law of the Republic of Croatia,⁷³ Law on Amendments to the Criminal Law of the Socialist Republic of Croatia,⁷⁴ Law on the Amendment of the Criminal Law

⁷² *Ius cogens* is a collection of absolutely mandatory norms, both traditional and contractual, in international law, which the states may amend by their contracts but they cannot overlook them. If they do, international felonies are made – unlawful acts. According to the Article 53 of the Vienna convention on contractual right from May 25th 1969, *ius cogens* is each norm “accepted and recognized by the international community of states as a norm which does not allow deviation and which cannot be amended by a new norm of the general international law of the very same nature”.

⁷³ Narodne novine, No. 25/1977., 50/1978., 25/1984., 52/1987., 43/1989., 8/1990.

⁷⁴ By the regulations of Article 1 of the Law on the Amendments of the Criminal Law of the

of the Republic of Croatia,⁷⁵ Law on the Amendments of the Criminal Law of the Republic of Croatia,⁷⁶ Law on the Amendments of the Criminal Law of the Republic of Croatia,⁷⁷ Law on the Appropriation of the Criminal Law of the Socialist Federative Republic of Yugoslavia,⁷⁸ and they were ratified by the Croatian parliament on the sessions of the Council of Municipalities on June 26th 1991. This law appropriated the Criminal Law of the SFRY as a republic law which was applied in totality in Croatia, besides the part in which it was changed by the Law on Appropriation. However, this law was later changed twice, by the Law on the Amendment of the Law on the Appropriation of the Criminal Law of the Socialist Federative Republic of Yugoslavia⁷⁹ and the Law on the Amendments of the Criminal Law of the Republic of Croatia.⁸⁰

With the resolution of the Croatian parliament dated November 21st 1991, all of the federal laws of the former SFRY were out of order based on the Article 140 of the Constitution of the Republic of Croatia from December 22nd 1990 in the territory of Croatia if they are not in line with the Constitution i.e. (*mutis mutandis*)⁸¹ all federal laws are in effect and applied if they are in line with the Constitution of the Republic of Croatia.

With the regulations from Article 1 of the Law on the Amendments of the Criminal Law of the Republic of Croatia,⁸² which was brought by the House of Representatives of the Croatian parliament at the session on December 22nd 1992, the name of the Criminal Law of the Republic of Croatia was changed and stated: Basic Criminal Law of the Republic of Croatia. Based on the regulations of Article 32 of the Law on Amendments of the Criminal Law of the Republic of Croatia,⁸³ the Council for Legislation of the House of Representatives of the Croatian parliament confirmed on March 22nd 1993 the purified text of the Basic Criminal Law of the Republic of Croatia⁸⁴ which encompassed the Criminal Law

Socialist Republic of Croatia, Narodne novine No. 9/1991, the name of the Criminal Law of the Socialist Republic of Croatia was changed to the Criminal Law of the Republic of Croatia.

75 Narodne novine, No. 33/1992.

76 Narodne novine, No. 39/1992.

77 Narodne novine, No. 91/1992.

78 Narodne novine, No. 53/1991.

79 Narodne novine, No. 32/1992.

80 Narodne novine, No. 91/1992.

81 *Mutatis mutandis* [*muta:'tis muta'ndis*] (lat.), by changing what needs to be changed; along with needed modifications (for instance, to accept a law *mutatis mutandis* means to accept it after changing what needs to be changed in it).

82 Narodne novine, No. 91/1992.

83 Narodne novine, No. 91/1992.

84 Narodne novine, No. 31/1993.

of the Republic of Croatia.

Apart from the stated legal texts, the Decision to Confirm the Decision of the Non-Application of the Solution of the Constitutional Court of Yugoslavia to cease the execution of certain acts based on the regulations of Articles 236a to 236o of the Criminal Law of the Republic of Croatia IV number 50/1-91 from April 24th 1991 (Službeni list SFRJ, No. 37/1991.) on the territory of the Republic of Croatia, brought by the Croatian parliament on June 26th 1991 on the sessions of the Council of Municipalities and the Social-political council.

It cannot be disputed that the domicile Serbian terrorists called “Šešeljevci”, “Arkanovci”, “Beli orlovi”, YNA and others, according to the legislation of the time, the Criminal Law of the Socialist Federative Republic of Yugoslavia and the General Criminal Law of the Republic of Croatia, committed acts of crime against humanity, international humanitarian law and acts of crime against the Republic of Croatia.

In the Republic of Croatia for the trials for war crimes committed from 1991 to 1995, the Basic Criminal Law of the Republic of Croatia was valid i.e. the Criminal Law of the Socialist Federative Republic of Yugoslavia, which was applied in Croatian territory until the end of 1991 and then, as was stated, it was appropriated into the Croatian legal system.

Having in mind the constitutional regulations on the prohibition of retroactivity and the principle of lawfulness and the principle of the application of the milder law, it is clear that the Basic Criminal Law of the Republic of Croatia is applied for the trials for war crimes committed from 1991 to 1995 in the area of the Republic of Croatia. In that law, in Chapter XV. Criminal acts against humanity and international law, states the following criminal acts of war crimes: genocide, Article 119; war crimes against civil population, Article 120; war crimes against the wounded and the sick, Article 121; war crimes against prisoners of war, Article 122; organization of a group and enticing genocide and war crimes, Article 123; illegal killing and wounding the enemy, Article 124; illegal appropriation of property from the murdered and wounded on the battlefield, Article 125; usage of illegal combat materials, Article 121; breach of negotiations, Article 127; brutal acts with wounded, sick, and war prisoners, Article 121; unjustified delay of repatriation of war prisoners, Article 129; destruction of cultural and historical monuments, Article 130; enticing aggressive war, Article 131; misuse of international signs, Article 132; racial and other discrimination, Article 133; establishment of slave relations and transport of people in slave

relations, Article 134; international terrorism, Article 135; endangering people under international protection, Article 136; and taking hostages, Article 137.

Having in mind the place and position of the accused, considering the time of the criminal actions in the criminal law sense, their position remained unchanged. What is more important – not more unfavorable. Besides, the application of the stated criminal law norms, regardless if it is the legal norm of the former SFRY or the legal norm of the independent and sovereign Croatia, which were appropriated – was based and is based on the basic premise of the establishment of criminal behavior of individuals which contains within itself the breaches of regulations and rules of international law. Only after those breaches are confirmed was it possible i.e. is possible to apply the abovementioned criminal law norms. Namely, according to the regulations of the Article 1, section b of the Convention on the Non-obsolence of War Crimes and Crimes against Humanity,⁸⁵ there is no time period for obsolence and punishment for the crimes of genocide, its prevention, regardless of the fact that such actions may or may not present a breach of domestic law for the country where they were committed.

Criminal acts against humanity and international law, sanctioned by the regulations of the Criminal Law of the Socialist Federative Republic of Yugoslavia, committed on the territory of the Republic of Croatia are the following: genocide, Article 141, section 1; war crimes against civilian population, Article 142, section 1; war crimes against the wounded and the sick, Article 143, section 1; war crimes against war prisoners, Article 144, section 1; organizing a group and enticing genocide and war crimes, Article 145, section 1; gruesome acts with the wounded, sick, and war prisoners, Article 150, section 1; destruction of cultural and historic monuments, Article 151, section 1; and racial and other discrimination, Article 154, section 1. Furthermore, the following committed criminal acts in conjunction and individually, defined by Chapter XX of the Criminal law of the Republic of Croatia, Article 236a, section 1, endangering

85 „(b) crimes against humanity, whether committed during times of war or times of peace, by the definition of the Treaty of the International Military Court in Nürnberg, dated August 8th 1945 and confirmed by the resolutions 3 (I) dated February 3rd 1946 and 95 (I) dated December 11th 1946, adopted by the General Assembly of the United Nations, banishment by armed attack or occupation and inhumane acts stemming from an apartheid policy, as well as crimes of genocide by the definition given in the Convention on the Prevention and Punishment of Genocide from 1948, even when such actions do not represent a violation of the domestic law of the country where they were committed.”

territorial integrity, Article 236, section 1, endangering the independence of the Republic of Croatia, Article 236c, section 1, armed rebellion, Article 236f, sections 1 and 2, terrorism, Article 236, section 1, diversion, Article 236h, section 1, calling for a violent change of the constitutional integrity of the Republic of Croatia, Article 236j, section 1, provocation of national, racial, and religious hate, division, and animosity, Article 236k, sections 1, 2, and 3, and joining for hostile actions, Article 236i, sections 1 and 2.

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Miljenko Brekalo (Hrvatska)

Institut društvenih znanosti Ivo Pilar – Područni centar Osijek

KAZNENO-PRAVNI ASPEKTI MASAKRA NA SLATINSKOM PODRUČJU 4. RUJNA 1991.

Sažetak

Bivša Općina Podravska Slatina prostirala se na 781 km², a sastojala se od šezdeset i devet naselja. Njezinim nizinskim dijelom prolaze dvije značajne komunikacije, podravska željeznička magistrala i podravska cestovna magistrala, koje su bile od vitalnoga značaja tijekom trajanja Domovinskoga rata, naročito za vrijeme agresorske blokade autoceste Zagreb – Beograd kod Okučana. Područje nekadašnje Općine Podravska Slatina zemljopisno se dijeli na dva dijela: brdski dio, tzv. Brđansku, i nizinski dio, tzv. Podravinu. U Brđanskoj pretežito su živjeli pripadnici srpskoga puka, a u Podravini dominantno su bili zastupljeni Hrvati.

U bivšoj Općini Podravska Slatina, prema popisu pučanstva iz 1991. godine, živjelo je 15 445 pučana, od toga broja 9 219 (59,6%) bili su Hrvati, 4 948 (32%) Srbi i 1 278 (8,3%) ostali. Srbi su bili dominantni u Brđanskoj, gdje je živjelo 3 262 pripadnika srpske nacionalnosti, 668 Hrvata i 222 ostala građanina (Hrženjak, 1993: 363-375). Ovaj je zemljopisni lokalitet predstavljao rubno područje tzv. Velike Srbije. Naime, on graniči s virovitičkim područjem, gdje su srpski ekstremisti i separatisti zacrtali granicu na pravcu Virovitica – Karlovac – Karlobag.

Ključne riječi: Velika Srbija, Općina Podravska Slatina, masakr, Balinci, Četekovac, Čojlug