



Memory Book

War Crimes During the '90s in Montenegro

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The Youth Initiative for Human Rights of Montenegro (YIHR) has been investigating and documenting war crime cases for more than 15 years, advocating for reconciliation, insisting on restoring the dignity of victims and their families, seeking prosecution for those responsible for war crimes and including all facts in the education system.

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EDITORS NOTE

Montenegro has not yet started seriously and responsibly to deal with the past - as shown by the findings of civil society organizations obtained by monitoring war crimes processes in previous years, reports from relevant international institutions coupled with observations of our interlocutors from the organized regional student exchanges focused on visiting places where war crimes took place. The international community noticed that no serious efforts in the fight against impunity have been demonstrated in Montenegro. The prosecution of war crimes committed in Montenegro has been slow, some investigations have been reopened eight times, as in the Bukovica case, while the European Commission has been repeating in its annual reports for Montenegro that the process of dealing with the past is passive.¹

Prosecuted war crimes before domestic judicial authorities included only the perpetrators or persons with the lowest ranking in the chain of responsibility, whereas no prosecution of the masterminds and instigators of these crimes took place. The prosecution of crimes was long overdue and the investigations themselves were slow and inefficient and did not lead to convictions, mainly because there was no political will to investigate the crimes and bring those responsible to justice. That is why today, unfortunately, we say that a process of "forgetting the past" has been prevailing over the process of "dealing with the past". This motivated us to implement a project of writing a Book of Remembrance, containing all available information on war crimes committed during the 90s, all in order to strengthen preconditions for reconciliation and recovery of societies in Montenegro and region. We also consider it beneficial for a country clearly committed to membership in the European Union to use the process of reforming in a way to strengthen capacities of the society and the state by implementing the rule of law in protection and promotion of human rights.

The Book of Remembrance includes seven investigative stories of war crimes that took place in Montenegro or Montenegro is responsible or co-responsible for them: deportations of Bosnian refugees, pressure and killings of Bosniaks and Muslims in Bukovica, detention and torture of prisoners from Croatia in Morinj, mass murder of Albanians refugees in Kaludjerski Laz, abduction and murder of non-Serb civilians in Strpci, attack on Dubrovnik and murder of the Klapuh family. The pages in front of you present a detailed overview of these cases, from contextualization, documented events, testimonies, to their processing and court epilogues. These cases point to the complexity, coherence and prevalence of war crimes and serious human rights violations that have taken place in several countries. The motive that connects them is the slow and difficult process of achieving justice and it also reflects the paradox of facing the crimes of a country that did not officially participate in the war.

¹ EU Commission report for Montenegro, 2019. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>

A team of organizations in charge of project implementation worked on researching and writing reports. In our work, we conducted field research, analyzed available media articles, audiovisual material, monographs, indictments and verdicts. We also relied heavily on reports from other NGOs in the region, which made significant efforts to systematize and shed light on the committed crimes.

The Book of Remembrance is part of the Responsibility for the Past project implemented by the Youth Initiative for Human Rights of Montenegro (YIHR), in partnership with the human rights organization Documenta - Center for Dealing with the Past from Croatia, NGO Youth Initiative for Human Rights from Serbia and NGO Bukovica from Pljevlja. The project is financially supported by the Delegation of the European Union to Montenegro and co-financed by the Ministry of Public Administration, Digital Society and Media. We also made a very important partnership with the Parliament of Montenegro and the Faculty of Law of Montenegro.

The title of the book is symbolic and says that we will not allow the horrors and committed crimes to be forgotten, yet there is another stronger message - that such crimes never happen again. We thank all those who helped us keep the Book of Remembrance as a lasting reminder to future generations that peace and tolerance have no alternative.

Nikola Mokrović
Milan Radović

BUKOVICA

„The action was carried out with loud shouts, swearing (most often at the expense of "Turkish mothers") and threats "slaughter, kill, set on fire" and the like. Most often, searches were conducted without the presence of housemates, so that one group would take housemates to the yard or nearby orchards, tie individuals to trees and beat them, and other soldiers or police officers would conduct a general search of the house, regardless of damage or breakage of furniture. On the contrary, they deliberately broke things, kicking them and forcibly opening them with bayonets or rifle butts. During each action, they would force the locals to sing Chetnik songs (about Pavle Đurišić and Draža Mihajlović) and others that they would order.”

Jakub Durgut from the book “Bukovica – 1992 – 1995 – ethnic cleansing, crimes and violence”

Introduction

At the beginning of the war in Bosnia and Herzegovina in the 1990s, the war atmosphere was largely felt by the inhabitants of urban and rural areas of Montenegro along the border with BiH. The case that best illustrates this situation is the extreme municipality in the north of Montenegro, Pljevlja, and its local community, Bukovica. Although Montenegro was not officially at war in the 1990s, unpunished heinous crimes against members of the Bosniak population took place on its territory and the most serious of them, from that period, took place in the area of Pljevlja's Bukovica.

Crimes and violence that took place in Bukovica were investigated and evidenced by organizations, such as the Humanitarian Law Center, the Sandzak Human Rights Committee, the Civic Alliance, etc., as well as some residents of this area, who personally experienced various forms of abuse and who founded the non-governmental organization Association of Citizens of Bukovica. All research was published in the form of the monography Bukovica 1992-1995: Ethnic Cleansing, Crimes and Violence, whose author is the late Jakub Durgut, as one of the founders of the Association. Also, in 2007, the well-known Montenegrin journalist Sead Sadiković made a documentary called "Emptiness" about the events in Bukovica in the 1990s, with shocking testimonies of the victims of the mentioned events.

About events in Bukovica 1992 - 1995.



Photo nr. 1 (writing of press about happenings in Bukovica, Monitor, 1993)

At the end of April 1992, immediately after the stationing of the reserve composition of the Yugoslav Army and the Montenegrin police in the area of Bukovica, the troubles of the Bukovica Bosniaks began. Daily searches of houses, physical harassment, threats and various forms of pressure were bad signs for further peaceful life in Bukovica.

The activity of the army and police units on the Bukovica field looked more and more like a military one. From early morning until late evening, and at night, members of these units would move around the villages on their own initiative, usually in groups of three soldiers. They went from house to house, interrogated individual citizens, harassed them, beat them, searched houses, confiscated valuable items and in several cases money. Each family was searched several times, without any written order. Searches were usually conducted by groups of a dozen soldiers or police officers and in some cases of a combined composition. The way they conducted the searches looked like an armed attack. Most often during the day and in some cases in the early or evening hours. While the occupants were still asleep, soldiers or police would surround the village or hamlet and prohibit any movement, while other groups would break into houses to search.¹

¹ Bukovica 1992-1995 ethnic cleansing, crime and violence page 9

The actions were carried out with loud shouts, swearing (most often by labelling locals with Turkish slurs) and threats "Slaughter, kill, set on fire" and the like. Most often, searches were conducted without the presence of housemates, so that one group would take housemates to the yard or nearby orchards, tie individuals to trees and beat them while other soldiers or police officers would conduct a general search of the house, regardless of damage or breakage of furniture. On the contrary, they deliberately broke things, kicking them and forcibly opening them with bayonets or rifle butts. During each action, they would force the locals to sing Chetnik songs (about Pavle Đurišić and Draža Mihajlović) and others that they would order.²

During the war in BiH, a large number of members of the reserve of the Yugoslav Army, as well as members of the police of the Republic of Montenegro stayed in the territory of Bukovica. Their task was to secure the border of the Republic of Montenegro from the incursion of military formations from the territory of BiH. Although their task was to secure the border zone with BiH, the beginning of all the troubles experienced by the Bosniaks in that period was related with the arrival of the mentioned armed forces in this area. Although, according to the elementary logic of every healthy state, it should be the other way around, that is, the army and the police should be seen as protection factor bringing in sense of security.

Based on the collected data, it was determined that in the period from 1992 to 1995, the inhabitants of Bukovica Bosniaks were victims of various human rights violations.



Photo nr. 2 (one of the demolished Bukovica villages)

² Ibid, page 9

According to Jakub Durgut's book, in the period from 1992 to 1995, "six citizens (Bosniaks) were killed »without any reason, eleven citizens were kidnapped and taken to prison in Čajniče, seven of whom were returned to Pljevlja and other five were exchanged in Goražde, seventy-six citizens (elderly, women, middle-aged people and children) were beaten. Thirty-one people suffered serious bodily injuries with lasting consequences. Two people committed suicide after surviving torture, five houses were set on fire, two mosques were destroyed.«³

The suffering of Bukovica Bosniaks in the last hundred years

In the western part of the municipality of Pljevlja (Montenegro), there is a large rural area - Bukovica. It covers an area of 104 km². It is surrounded on three sides by the border with Bosnia and Herzegovina in the length of 140 km.

Thirty-nine villages and hamlets are located in the area of Bukovica. Thirty-one villages had a Bosniak population and eight villages had an Orthodox (Montenegrin-Serb) population. The size of Bukovica's villages is unusually small, as Bukovica had been destroyed three times in the last hundred years and its Bosniak population has been killed and expelled in various ways.

In 1918, the whole of Bukovica was set on fire, its inhabitants were killed and expelled, yet survived. Unfortunately, there are no documents about the events from this period, which would serve as a relevant source. The information about this period and the suffering of the Bosniaks of Bukovica are mainly based on the oral traditions of the elderly citizens of Bukovica.⁴

In the Second World War, more precisely from February 4 to 7, 1943, the whole of Bukovica was set on fire, and a large number of its inhabitants (who failed to escape) were killed in a cruel and monstrous manner (slaughter, burning in closed houses, by strangulation, thrown into the river Čehotina, etc.) by the Chetniks of Draža Mihajlović. In just three days, entire families and clans were destroyed, so today certain surnames are non-existent at all. Out of the total number of victims in the Pljevlja district in the Second World War (2,429) in the area of Bukovica and Boljanić, 1,004 victims were recorded, although Bukovica participated in the total number of inhabitants in the municipality of Pljevlja with barely eight percent.⁵

The events and crimes from the Second World War in the area of Bukovica, as well as the list of victims, a total of 570 of them are stated in the book *Prilog u krvi / Contribution in blood*, published in 1969 by the Pljevlja committee of SUB-NORA (former partizan movement).

³ Ibid, page 10

⁴ Ibid, page 8

⁵ Ibid, page 8

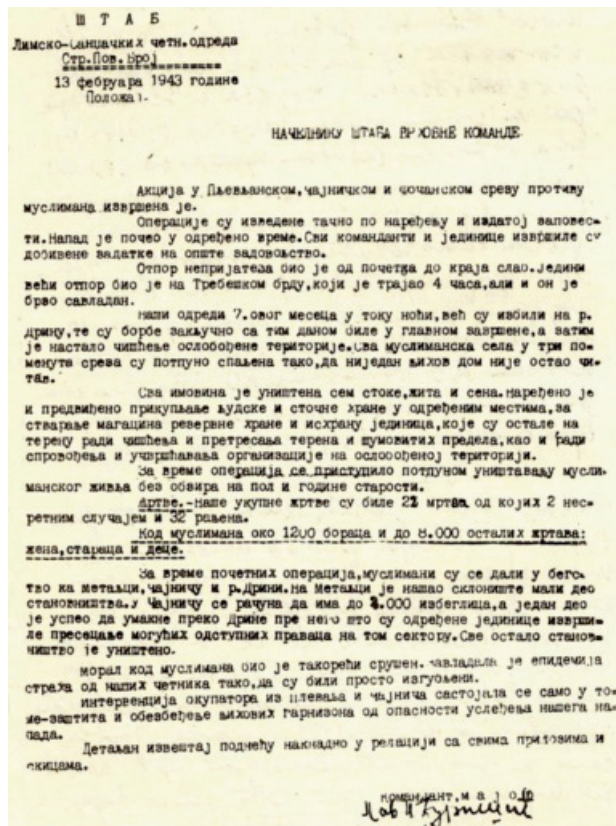


Photo nr.3 (Report of chetnik commander Pavla Djurisica, sent to headquarters of chetnik divisions from Lim and Sandzak area, February 13, 1943)

Based on research conducted by the Association of Citizens of Bukovica in 2013, at least one hundred and eleven households (Bosniak population) with three hundred and twenty-two members lived in the area of Bukovica at the beginning of 1992. Of the total population, at least ninety-three families with two hundred and seventy members have been displaced.

Today, sixteen (Bosniak) families live in Bukovica, with less than fifty members. Of the thirty-one villages in Bukovica where Bosniaks lived, sixteen incomplete families with forty-seven members live in seven villages today. Bosniaks live in the villages of Kovačevići (two families), Kržava (one family), Rosulje (one family), Borišići (four families), Borjanica (one family), Selišta (four families), Gunjičiči (three families). In the area of Bukovica, there were six four-grade primary schools and one eight-grade primary school in Kovačevići. Five four-grade primary schools were built in villages inhabited exclusively by Montenegrins and Serbs (Meljena, Krčevine, Sirčići, Srečanje and Brda), and only one (Kovačevići) where a mixed population lived.

There were four religious buildings in Bukovica: mosques in the villages of Planjsko, Rosulje and Raščići and one Orthodox church in the village of Srečanje. Citizens of Bosniak ethnicity

profess a very light and moderate Sunni version of Islam. They seem open, tolerant and un-revengeful according to impressions from informal conversations. Senior locals say that they do not remember that someone once took revenge, so they almost do not even know what revenge is.

The citizens of the Orthodox faith are not religiously fanatical either. They went to church more or less during religious holidays, family and village celebrations.

In general, religious tolerance between the inhabitants of the Orthodox and Islamic faiths had been present to a point of joint family celebrations of respective religious holidays. Such a relationship has contributed to the creation of good friendships between individual families of different nationalities and religions. Such relationships were often better than interpersonal relationships within families of the same nationality. This contributed to the fact that during this war, many Montenegrin-Serbian families, especially the elderly, took Bosniak neighbors into their protection or timely warned them of the impending dangers that had been prepared for them.

Therefore, the claim that the events of the 1990s in Bukovica were "religious intolerance among the locals" is incorrect and in no way an appropriate qualification of the events of those years in this area.

To date, the state authorities of Montenegro, as well as the Montenegrin judiciary, have not made any step forward in order to recognize, shed light on and adequately punish the perpetrators and those who ordered the crimes in Bukovica. They have been making a good effort to turn the crime committed against the population of Bukovica in the period 1992-1995 into a perfect crime.

That is why we say, clearly and unequivocally, the war crimes that took place in Bukovica are a symbol of the suffering of one people and area, committed by the citizens of Montenegro (members of the reserve of the Yugoslav Army and the Montenegrin police) against the citizens of Montenegro. It all denies the claim that Montenegro did not participate in the war of the 1990s.

Human casualties

The research established that in the area of Bukovica during 1992-1995 **six** Bosniak citizens were killed without any reason, as follows:

- ◆ **Hajro Muslić**, aged about seventy-five (75), from the village of Madžari, killed in his house on 28 October 1992;
- ◆ **Muslic Ejub**, aged twenty-eight (28), son of Hajrov, from the village of Madžari, killed together with his father.

On October 28, 1992, Hajro Muslic, aged seventy-five (75), and his son, Ejub, aged twenty-eight (28), were killed in their home in the village of Madzari. They were killed around 02.00 after midnight by blasts from automatic weapons. According to the statement of his neighbor Shems Babic, who said that he heard several dull bursts of weapons around 2:00 AM, which was not unusual for him, because reservists fired on Bukovica villages day and night, even at night, carrying out armed attacks on certain villages. The next day, when Šemso saw at around 09.00 that his neighbors Muslić did not let the cattle go, he was alarmed, so he went to their house about ten meters away from his own and as he entered the house he saw the lifeless bodies of Muslić. Hajro was sitting in a small chair to the left next to the stove, where he used to sit, he was bloodied on his chest and his back was against the wall. Ejub was in a semi-recumbent position on the section next to the window opposite the front door. He was shot in the chest, and one of his hands was shot. On the table, between them, in the middle of the room, was a military can, a few cups, a cup of coffee and one cup of coffee was not drunk. Nothing was taken from the house, nor was the house searched. Traces of military boots were visible around the house. It could even be said that those who came to the house were well-known to owners.

On that day, only in the evening, the police from Pljevlja came for an investigation and decided to transport the bodies of the killed to Pljevlja, for further investigation. On that occasion, the police searched the house and found about 2,000 - 2,500 German marks, which they took with them. The money should still be with the police today. The locals helped to take the bodies to the police vehicles about a kilometer away from the house, because due to the lack of a road, it was not possible to reach the village by vehicle. The Muslics were buried in the cemetery in Pljevlja.⁶



Photo nr. 4 (Hajro Muslic tomb)



Photo nr. 5 (Ejub Muslic tomb)

⁶ Bukovica 1992-1995 ethnic cleansing, crime and violence, page 17 Almanah 2002

- ◆ **Bungur Latif**, aged eighty-seven (87), from the village of Ravni, killed during the second abduction on 16 March 1993, in his house in the village of Ravni. Eight months later, in October 1993, his remains (incomplete parts of the skeleton) were buried in the cemetery in Pljevlja.



Photo nr. 6 (Latif Bungura tomb)

Latif was killed in a very cruel manner, during the second abduction on March 16, 1993, when a group of uniformed Bosnian Serb paramilitaries from Cajnice stormed the village of Ravni and kidnapped seven people, all with the surname Bungur. During the abduction, Latif, born in 1905, an old man with poor mobility, was killed. Prior to the act of murder, Latif was tortured, and according to his wife Lamka, both of his arms were broken under his forearms, from which the bones of his arms were visible. His wife Lamka was present during his torture and beating by the perpetrators

of this crime and told us that when the kidnappers took them to Čajniče, they were about twenty meters away from the village, she heard one or two shots fired from her direction. houses. She did not see the very act of Latif's murder.⁷

- ◆ **Drkenda Hilmo**, seventy (70) years old, from the village of Vukšići, was beaten by military and police units in the immediate vicinity of his house, and died the next day. We received details about this case thanks to witness Stovrag Zlatija, who gave her statement in this case before the Basic Court in Cetinje in September 2008, in the proceedings initiated by the Humanitarian Law Center (HLC) on behalf of Aziz and Enes Drkenda, against Republic of Montenegro, due to responsibility for the death of their father Hilmo, in March 1993, in the village of Vukšići. In her statement, the witness said that on March 27, 1993, she came across her first neighbor, Hilmo Drkenda, on a country road. On that occasion, she noticed that he was having difficulty moving, so she approached him and asked him: "Who killed you", to which he replied: "Army from Kovačević" (members of the reserve of the Yugoslav Army). After their communication, Hilmo sat down under a nearby tree, and shortly afterwards, Zlatija's daughter arrived at the place, from where they transferred him to his house together. Hilmo was badly injured and blood was coming out of his mouth. Hilmo died the same night. Although Hilmo's death was reported to the army and since there were no more men in the village, no one wanted to bury him, so it was only four days after his death that Zlatija, Hilmo's wife, Begija Stovrag and Almas Drkenda buried him near his house.⁸

⁷ Ibid, page 17

⁸ Ibid, page 18



Photo nr. 7 (a place where death remnants of Hilmo Drkenda were buried)

- ◆ **Djogo Xhafer**, aged fifty-seven (57), from the village of Tvrdakovici, a worker on the maintenance of local roads, was killed on June 15, 1993 in the village of Potrkusa, about two kilometers from his house. He was killed at his workplace, in the Tvrdaković area, Potrkusa. While on duty, he encountered two uniformed members of the Bosnian Serb army from Čajniče: Vrećo Majoš from the village of Lehovo brdo - Bukovica and Krvavac Dragomir from the village of Rosulje - Bukovica, citizens of Montenegro and Yugoslavia. Uniformed people Vrećo and Krvavac were armed with automatic weapons, and also visibly drunk, they came across Xafer in the afternoon (around 4 pm) and physically abused Xhafer at the scene, after which Vrećo ordered him to lie down, and then shot him in the neck. Xhafer was found in a kneeling position, facing the ground. The case happened at a crossroads, after which the perpetrators were arrested, and after the trial, Vrećo Majoš was sentenced to four years and five months, and Krvavac Dragomir was released, after which he fled to Foča. We do not know whether and how much punishment Vrećo Majoš served. Xhafer's murder was not characterized as a war crime.⁹



Photo nr. 8 (a place where Džafer Đogo was murdered)

⁹ Ibid, page 18

- ◆ **Džaka Bijela**, about seventy (70) years old, from the village of Hromač, killed in June 1995. year, found in November 1995 near his house in a nearby forest. In June 1995, in the village of Hromač, Džaka Bijela, about sixty (60) years old, disappeared. The day before she disappeared, she was attacked by two uniformed persons, asking her for a hunting rifle and a gun of her husband who had died a year earlier. He saved a neighbor of Serbian nationality, who fired a rifle at her request, after which the attackers fled. That night, Bijela took refuge in that Serbian house and spent the night, but the next day she had to go to her house to feed the cattle. Since then, all trace of her has been lost and the locals have reported her disappearance. At the end of November 1995, in the woods, about a kilometer from the village, a body without a head was found and next to the body some money in German marks. Police conducted an investigation and identification. She was buried by locals in the village of Hromač.¹⁰

Suicide as a result of torture was committed by two persons:

- ◆ **Stovrag Himzo**, about sixty-five (65) years old, from the village of Vukšići, committed suicide by hanging on November 2, 1992, after being tortured the day before by the Pljevlja police. On November 1, 1992, a large group of police officers from Pljevlja carried out a wider act of physical abuse (beatings with batons, rifle butts, fists, legs and helmets) in the villages of Bukovica. On that day, all male citizens of the village were beaten: Čejrenci, Vukšići, Madžari, Planjsko and Ograda. Himza Stovraga and Vukas Hameda were beaten from the village of Vukšići, Rasim Drkenda and Ramiz Drkenda from the village of Madžari, Džem Bavčić from the village of Planjsko, Osman Durgut, Ševko Osmanagić, Sejfo Osmanagić, Rasim Tahirović and Himzo Ohigrađanin from the village of Čejrenci were beaten. The citizens remembered the names of the police officers: Radomana Šubarić and Željko Ostojić, nicknamed "Lale", who stood out for their cruelty in abusing citizens. During the beating of the citizens, the police used Muslim names in communication with each other, especially if there were several people who were beaten, e.g. " ... Senad, don't beat him so much, he's good ... ", and the like.¹¹
- ◆ **Bavčić Hamed**, aged seventy-six (76), from the village of Budijevići, after fleeing the village in May 1992. he committed suicide by drowning in the river Čehotina in Pljevlja on May 22, 1996, and was buried in the cemetery in Pljevlja. Hamed Bavčić was considered one of the richest people in the whole of Bukovica. Unable to get used to life in exile, to life from alms and other people's help, and due to the impossibility to return to his property, nor to protect his property, which was immediately looted, and after learning that his birth house in the village was set on fire In 1996, the Budijevics decided to take such a step with fatal consequences.¹²

¹⁰ Ibid, page 19-20

¹¹ Ibid, page 21

¹² Ibid, page 21

Destroyed religious buildings

In the period from 1992 to 1995, in the area of Bukovica, killings, kidnappings, beatings, and forced displacement of the Bosniak population were not the only way to deal with members of this national corps. Intolerance along ethnic lines was also manifested through the denial and destruction of religious symbols.

In the area of Bukovica, there were three mosques in the villages of Planjsko, Raščići and Rosulje.

In the village of Planjsko, a mosque was set on fire and completely destroyed on April 19, 1993. On May 20, 1993, an explosive destroyed the "tower" of the mosque, which dates back to the Ottoman period. In the village of Rosulje, on an unspecified date in 1993, a mosque was attacked. On that occasion, the windows on the windows were broken with stones.¹³



Photo nr. 9 (A mosque in Planjsko village, burnt on April 19, 1993)



Photo nr. 10 (Remains of demolished minarets in Rascici village)

¹³ Ibid, page 11

Burnt houses

In the period from 1992 -1995. In the area of Bukovica, five residential buildings were set on fire, owned by Bosniaks from the area of Bukovica.

The first house was set on fire on June 26, 1992, in the village of Djenovici, owned by Halima Bavic. The other four houses were set on fire in the period 1993-1996, two in the village of Madžari owned by Šemso Babić and Nuriya Bavčić, the house of Osman Durgut in the village of Čejrenci and the house of Alma Močević in the village of Planjsko.¹⁴

During 1993, at an unspecified date, a four-grade primary school in the village of Krćevine was set on fire, housing a small unit of the Yugoslav Army (VJ).

Most of the residential buildings that the owners abandoned in the period from 1992 to 1995 were looted and demolished, the roofs, doors and windows, pathos and other things were removed from them, the households were looted, so that the houses were flooded by rain and snow.



Photo nr. 11 (burnt house of Osman Durgut, Čejrenci village)



Photo nr. 12 (burnt house of Latif Bungur, village Ravni)

¹⁴ Ibid, page 11, Almanah 2002

Judicial process

On December 11, 2007, more than ten years after these events, the Senior State Prosecutor filed a request to initiate an investigation into the crimes committed in Bukovica in the period 1992-1995. acting on the basis of a criminal report by the NGO Sandzak Committee for Human Rights from Novi Pazar.

The investigation included seven former members of the reserve police and the reserve of the Yugoslav Army. The suspects were charged with having committed the criminal offense of Crimes against Humanity (Article 427 of the CC of Montenegro in conjunction with Article 7, paragraph 2 of the European Convention on Human Rights).¹⁵

Immediately after the opening, the investigation was declared an official secret, and it had been returned to the beginning eight times, only to be completed on March 26, 2010, after more than two years. The epilogue of that investigation was the indictment for war crimes against humanity against seven former members of the reserve army of the Yugoslav Army and the Montenegrin police.

On 22 April 2010, the Bijelo Polje Higher Court ordered custody of the accused.¹⁶

The trial in the Bukovica case began on June 28, 2010 in the Bijelo Polje Higher Court.

After completing an investigation that lasted more than two years, with numerous remarks on its course and implementation, on April 21, 2010, an indictment for war crimes against humanity was filed against the brothers R. and R. Đ, SC, MB, and Đ. G., who were members of the reserve staff of the Yugoslav Army, as well as two members of the reserve staff of the Police of Montenegro, namely: S. S., and R. Š. They were charged for violating the rules of international law established by Article 7, paragraph 2, of the Rome Statute, inhuman treatment of the civilian population in BiH as part of a broader and systematic attack against Bosniak civilians during searches of houses to find and confiscate weapons, at the time of the international armed conflict in Bosnia and Herzegovina during 1992-1995. year, as members of the border battalion of the Yugoslav Army and members of the Ministry of Internal Affairs of Montenegro, the Security Center of Pljevlja,. Then, on that occasion, they tortured and abused them, beat them while asking them to surrender their weapons, checked whether they were taking part in the fighting on the side of the green berets and whether they were delivering food and other food to the green berets and hiding the members of the green berets. houses in Bukovica. And that by their inhumane behavior they caused severe suffering and seriously endangered their health and diminished their physical integrity, applied intimidation measures, created a psychosis for forced eviction from the villages of that area, and as a result of such behavior the Bosniak population was evicted.

¹⁵ War crimes trials in Montenegro 2009-2015, NGO Human Rights Action, page 16

¹⁶ Detained the accused in Bukovica case, Vijesti, April 23, 2010



The prosecution filed an appeal against this verdict, and on March 22, 2012, the Court of Appeals rejected the allegations from the appeal and confirmed the first instance verdict. Following

the rejection of the appeal, the Supreme State Prosecutor's Office filed a request for protection of legality against the final judgment of the Court of Appeals, which was rejected by the Supreme Court as unfounded. This put an end to the trial in the Bukovica case.

From the numerous comments following the outcome of the trial, the NGO Action for Human Rights in its 2013 report on the War Crimes Tribunal in Montenegro stated that “ The stance of the Appellate Court and the Supreme Court that the acts committed at the time specified in the indictment may not constitute a crime against humanity, because this act was not stipulated by an international regulation ratified and, as such, binding on the territory of Montenegro, is unfounded. The Appellate Court and the Supreme Court wrongly concluded that when the legal description of a crime against humanity from Art. 427 of Montenegrin Criminal Code refers to the rules of international law, these rules must take the form of “international regulation”, i.e. “International act” ratified at the time of the offence. In fact, the binding rules of international law may exist in the form of customary international law, as was recognized in the Constitution of the Federal Republic of Yugoslavia, and this customary law does not need to be codified in an international regulation/act. The Constitution of the Federal Republic of Yugoslavia, in force at the time of the crime in Bukovica, prescribed that “international treaties that have been ratified and published in accordance with the Constitution and the generally recognized rules of international law are an integral part of the internal legal order”.

It can be concluded that this process was not conducted with the real intention of punishing the perpetrators and those who ordered it, but it was obviously a joint effort of both the Montenegrin prosecution and the courts not to hold accountable no one directly or indirectly involved in this crime.

Conclusion

Although the state of Montenegro has acknowledged its responsibility to a certain degree for the crimes by getting involved in the project of building returnee houses in Bukovica and several compensations paid to individual cases. The Basic Court in Podgorica ordered Montenegro to pay ten thousand euros to Saban and Arifa Rizvanovic each, due to the state's responsibility for the torture committed against them by members of the Yugoslav Army Reserve in February 1993. Nevertheless, there remains an extremely great need for this society to adequately punish perpetrators of these crimes.

The state of Montenegro proved in the trial for the crime in Bukovica it didn't have enough democratic capacity and was still unprepared for dealing with the past and crimes that took place within its borders, which would certainly contribute to its better reputation, not only among nations that have suffered these types of crimes, but throughout Europe.

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DEPORTATION OF BOSNIAN REFUGEES

"Straight at us flew a flock of partridges
and we captured each one of them alive.
The great uproar arose for that reason.
Everyone shouts at the top of his voice:
Let them all go, may God's grace be with you,
because trouble has driven them our way;
you wouldn't have caught one of them otherwise.
They've fled to you only to find shelter,
and surely not for you to slaughter them.
They let the partridges fly away and returned with crosses
to the place they had taken them from."

Petar II Petrović Njegoš, The Mountain Wreath

Introduction

During May and June of 1992, the Montenegrin police arrested at least 79 Bosnian refugees trying to find shelter on Montenegrin territory, while wartime operations were taking place on their territory. These people were then deported by bus to the Army of Republic of Srpska, under the leadership of Radovan Karadzic. At least, 66 among them were Muslims and on that ground they were executed.



Photo nr. 1: Youth Initiative for Human Rights team laid flowers in front of the monument dedicated to all civilian victims of the former Yugoslavia wars from 1991 to 2001, in commemoration of the 'Deportation' anniversary

Only 12 of them managed to survive the torture in the concentration camps. Among those arrested, there were also ethnic Serb refugees.

Pursuant to international law standards, this type of crime was considered war crime. However, the Montenegrin judiciary system did not proceed with legal adjudication in accordance with the international and domestic law, regardless of the fact that this war crime had been proven as such.

Case summary

At the end of May of 1992, a large number of Bosnian-Muslim refugees from Bosnia and Herzegovina tried to start with their new lives in Montenegro, having fled from the war-torn areas. In addition, during the same action, 33 ethnic Serbs refugees were arrested. However, deported ethnic Serb refugees were not treated as hostages.¹ Also, it is unknown to general public whether any of them had been killed during this crime.

Šeki Radončić, author of the book *Fatal Freedom - Deportation of Bosnian Refugees from Montenegro*, claimed that 143 citizens from Bosnia and Herzegovina (BiH) had been taken from the territory of Montenegro, out of which 105 were Bosniaks, 33 ethnic Serbs and five Croats.² Allegedly, these individuals were exchanged for Bosnian Serbs captured by the BiH Army. According to the author of this book, ten deported Bosniaks and sixteen soldiers taken from Montenegrin garrisons survived. According to the documentation by the Ministry of the Interior of the Republic of Montenegro, there were 55 Bosniaks, 33 ethnic Serbs and two Croats.

¹ War crimes trials in Montenegro 2009-2015, NGO Human rights action, page 16

² Fatal freedom – Deportation of Bosnian Refugees from Montenegro

The refugees were originally placed in the Security Centre in Herceg Novi after which they were deported from this location. According to "The process of dealing with the past in Montenegro - the Deportation Case", publication, published by the NGO Center for Civic Education, the largest "contingents" had taken place May 25 directed towards Foca concentration camp (KP Dom--Home for Criminal Rehabilitation) and on May 27, towards an unspecified location in eastern Bosnia. All deportees were killed on the same day, that is, on May 27 of 1992 and it is suspected that their bodies were thrown into the Drina River. In addition to Herceg Novi, refugees were deported from Bar, Podgorica, as well as from areas near the border with Bosnia and Herzegovina.³

Eight deported refugees were found thirteen years after this crime and to this day 73 of them have still been listed as missing persons. Slobodan Pejović, a former police inspector from Herceg Novi, who was the only person with the courage to speak out publicly about the deportations of refugees, also stated that some were killed in the territory of Montenegro.

The Parliament of the Republic of Montenegro discussed this issue, (during s 1992 and 1993 sessions) concerning the deportation of refugees and the Ministry of the Interior was asked a parliamentary question to which the following answer was given: "During the open discussion, with consultations provided by the official ministry authorities, the decision by which it had been impossible to launch criminal proceeding investigation in Montenegro, comparing to number of suspects and due to arising problems in providing material evidence and required witnesses in lieu with persons coming from BiH was passed, pursuant to police practice of providing services according to requests for arresting and handing over processes."⁴

DS, the wife of AT, whose traces remained unknown after the deportation, wrote to Milo Đukanović (who, at the time was the Prime Minister of the Republic of Montenegro), and received the answer claiming that AT had been extradited to Bosnian Serbs war time authorities, in exchange for their captured soldiers.

Momir Bulatović, the President of Montenegro during this period, who was awarded with Radovan Karadžić Order, testified during court trials of the accused persons, claiming that the deportation of refugees had represented a mere mistake by the state, rather than individual mistake.⁵ He pointed out that all state bodies were acquainted with all police activities, especially Vladimir Šušović, former state prosecutor with whom consultations were conducted.⁶ During his mandate, Susovic failed to launch any investigation regarding illegal arrests and deportation of refugees, nor did his successor, Bozidar Vukcevic.⁷

³ CCE 'Process of facing the past in Montenegro' – Deportation case, Podgorica 2020, page 6

⁴ Answer to MP question, Cabinet of the Montenegrin Minister of Interior, April 8,

⁵ Bulatovic 'Former Government responsible for Deportation, not individuals'

⁶ Same

⁷ Šeki Radončić, " Fatal Freedom - Deportation of Bosnian Refugees from Montenegro ", Humanitarian Law Center, Belgrade, 2005, page 145

The deportation of Bosnian refugees from Herceg Novi to the Foča camp was also confirmed during the Hague Tribunal verdict against Milorad Krnojelac, who, at the time, was in charge with this camp.⁸

The media sources were writing about this crime during the entire period of thirteen years, however, the prosecutor's office did not initiate a criminal investigation until October 18, 2005. The official state of Montenegrin authorities have not yet recognized war crimes against refugees from Bosnia and Herzegovina as such, which was shown during court trials epilogue. However, the fact that the state provided compensation to the families of the deported victims, only confirmed the fact that a certain form of responsibility (it bears in this case) had been recognized and accepted. Recognizing this crime as a war crime was especially important for future generations, in order to prevent something similar from happening again. Erection of the memorial to the victims of deportations, as well as the proclamation of Remembrance Day, would also contribute in that direction. Several initiatives have been submitted to the competent authorities for this, yet to date they have not been accepted.

Court case "Deportation of the refugees"

The verdicts in the cases of Bukovica, Deportation, Kaludjerski Laz, Morinj and the inaction of the prosecution regarding the attack on Dubrovnik showed how much was Montenegro ready to face the past and the crimes committed during the war in the former SFRY. The reasons for the unpreparedness lie in the inadequate application of domestic and international criminal laws there were binding for Montenegro at the time these crimes were committed. Since 2014, the European Commission has reiterated in its reports on Montenegro that verdicts in war crimes cases contained legal errors and misapplication of international humanitarian law.

Nine officials of the Ministry of Internal Affairs of Montenegro were accused of deporting Bosnian refugees from the territory of Montenegro in 1992. The verdict of March 29, 2011 acquitted all the accused on the grounds they could not have committed war crimes against the civilian population, as the conflict in BiH was not of an international character.

Mauricio Salustro, the European Union expert, Italian prosecutor and international judge, in a report on the prosecution of war crimes in Montenegro, pointed out that such interpretation was wrong, unknown in international humanitarian law and practice.⁹ He assessed that the defendants and the Montenegrin authorities should have been accused of being accomplices or at least helpers in taking Bosnian Muslim civilians hostages, given that even one of the High Court's judgments had stated that there was evidence and it was well known that they were returned to BiH to be exchanged for captured Serbs.¹⁰

⁸ Prosecutor against Milorad Krnojelac, judgment of 15 March 2002

⁹ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>

¹⁰ "The Montenegrin authorities should have been accused of being accomplices or at least helpers", Vijesti, December 17, 2014, available at: <https://www.vijesti.me/zabava/204215/cmogorske-vlasti-je-trebalo-optuziti-kao-saucesnike-ili-bar-pomagace>

On June 15, 2011, the Supreme State Prosecutor's Office of Montenegro filed an appeal against the acquittal of the accused in the war crime case of "Deportation" and requested the revocation of such decision. The retrial of nine former members of the Montenegrin police ended on October 24, 2012 in the High Court in Podgorica. On November 22, 2012, the High Court in Podgorica again released all the accused police officers.¹¹

Individual and objective responsibility has not been established in the case of "Deportation", although the state directly accepted responsibility for this war crime and in December 2008 they made a decision on a court settlement and paid the injured parties a total compensation of EUR 4.13 million.



Photo nr. 2: Journalistic article from daily newspaper "Pobjeda"

Bill of indictment, the Supreme State Prosecutor's Office, number 17/08

As far as the case of "Deportation" was concerned, the Supreme State Prosecutor's Office started the investigation only on October 18, 2005, by submitting a request for an investigation against five former low-ranked officers from the Ministry of Internal Affairs for committing war crimes against civilians, namely just two days before the hearing in the lawsuits of the damaged families of the deportation victims.

After the end of the investigation on June 26, 2008, the list of suspects was increased with three more people, namely the former head of the State Security Service, Boško Bojović; for-

¹¹ Civic Alliance, „Prosecutorial (NON)work – A side view“, Podgorica, 2017, pages 31 and 32

mer Deputy Head of the State Security Service Radoje Radunović and official of the Ulcinj Security Center Sreten Glendža. Momir Bulatović, former President of the Presidency of the Republic of Montenegro, Milo Đukanović, Prime Minister of Montenegro and Svetozar Marović, a member of the Presidency of Montenegro at the time of deportation, testified in the investigation.¹² During the investigation, the then Deputy Minister of the Interior, Nikola Pejaković, stated the same as the above, that they were not familiar with this state action.

On January 19, 2009, the Supreme State Prosecutor's Office filed an indictment with a motion to order custody against nine persons: Bosko Bojovic, former head of the State Security Service, Radoje Radunovic, former head of the Center for State Security for Boka, Sreten Glendza from Ulcinj, Milorad Sljivancanin, then Commander of the Herceg Novi Police Station, Dusko Bakrac, former State Security operative in Herceg Novi, Milorad Ivanovic, then Chief of Security Centre Herceg Novi, Milisav Markovic, Assistant Minister of Police for Public Security, Branko Bujic, former Chief of Police Office in Bar, Bozidar Stojovic, former State Security officer from Ulcinj.

The above mentioned persons were charged for committing war crimes against civilians, depriving of liberty of 79 citizens of Bosnia and Herzegovina, Muslims and Serbs, who had refugee status in accordance with the Convention relating to the Status of Refugees and the Protocol Relating to the Status of Refugees. They were charged for carrying out the order of the then Minister of the Interior, Pavle Bulatović, acting upon the requests of the Ministry of Internal Affairs of the Republika Srpska to hand over these persons to the workers of the Police Sokolac, the Foča and the Srebrenica Police.

Based on the indictment filed in by the Supreme State Prosecutor's Office, all the evidence gathered in this case (telegrams, letters and acts, answers to parliamentary questions as well as parliamentary questions, excerpts from criminal records and many others) showed that the accused, at the time of the crime, were employed in the Ministry of Interior of Montenegro.

Verdict, High Court in Podgorica, nr. 3/09

On March 29, 2019, the High Court in Podgorica issued a verdict accusing all nine persons with charges for committing criminal offense, namely war crimes against the civilian population.

Based on the Verdict, "it has not been proved that the accused, as members of the Ministry of Interior, belonged to the FRY Armed Forces or were in the service of certain parties in the conflict and thus were active participants in the armed conflict, in which case the International law rules would be binding to them. Therefore, their actions cannot be seen and assessed as pertaining to actions provided in Article 142 of the Federal Republic of Yugoslavia Criminal Code, as they are not in capacity to violate rules of international law - belonging to the armed forces or belonging to the services of one of the parties in the conflict."¹³

¹² Human Rights Action (HRA), Report: War Crimes Trials, page. 23, Podgorica 2013

¹³ Judgment of the High Court in Podgorica in the case of Ks. no. 3/09, March 29, 2011, page 94.

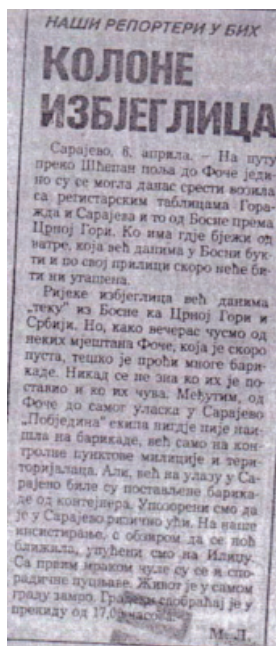


Photo nr. 3: Journalistic article from daily newspaper "Pobjeda"

"A large number of witnesses testified at the trials, including the survivors, relatives of the victims and Nikola Pejakovic, member of the Montenegrin Ministry of Internal Affairs, the deputy interior minister at the time of the crime, did not appear in court due to illness. After Momir Bulatovic testimony, Pejakovic demanded that he appears in court, but the judge no longer considered it necessary to hear him. The judge also rejected the defense's motions to testify Milo Djukanovic, Vladimir Susovic, Zoran Zizic, as well as Svetozar Marovic and Milica Pejvanovic-Djurisic, who were all members of the Montenegrin presidency at the time of deportations, lead by Bulatovic. At the trials, the defendants claimed that they were not guilty, that they were only carrying out and following orders, acting on the request from telegram no. 14-101 from May 23 1992 from Republic of Srpska Ministry of the Interior to detain all persons from the territory of BiH, aged 18-65, and return them to BiH. The defense of the defendants considered that the masterminds and not the executors should be responsible for this crime."¹⁴

The "Deportation" verdict had its contradictions, such as the fact that the FRY was in armed conflict with BiH Government forces at the time of deportation of refugees, yet again it was stated that the conflict was not of an international character.¹⁵ Momir

Bulatovic said in his testimony in 2010: "If a mistake was made, then it was a state mistake, not an individual one. This is confirmed by the documentation I had submitted to the court. The deportation defendants did nothing independently and all activities were carried out in consent with the State Prosecutor. The extradition was an integral part of "regular activities to preserve civil peace and prevent the transfer of terrorism from BiH to Montenegrin territory."¹⁶

In an interview with CIN-CG, Bulatovic said that the dispatch on the deportation of refugees was not signed by Pavle Bulatovic, former Minister of the Interior, but by a man "from the highest rank police level", refusing to say who he was. Also, in an interview with CIN-CG, Milo Đukanović stated the following: "Those who initiated and encouraged such a destructive policy were ultimately responsible. As a state, we have compensated the families of the victims in accordance with the final judgments. I would like to remind you that all cases of compensation for war victims have been finally resolved, before Montenegrin courts and that a total of EUR 5,714,656.20 has been awarded in the name of compensation."¹⁷

¹⁴ Human Rights Action (HRA), War Crimes Trials in Montenegro (2009-2015), page 29, Podgorica 2019.

¹⁵ Judgment of the High Court in Podgorica in the case of Ks. no. 3/09, March 29, 2011, page 94

¹⁶ "Two and a half decades since the deportation of Bosnian refugees", Monitor, May 26, 2017

¹⁷ "The deportation of refugees in 1992 and other war crimes are being pushed by the authorities into "projected oblivion": Milo and Momir are to blame - someone else ", CIN-CG



Photo nr. 4: Study visit of young people from the region to the monument dedicated to all civilian victims of the wars in the former Yugoslavia from 1991 to 2001

Djukanovic, testifying in the investigation regarding the deportations, told the judges that he had known nothing about it.

The main witness in this process, Slobodan Pejovic former police inspector in Herceg Novi, said: "Muslims were deported to be killed later and Serbs would go to war, as it was often said in Montenegro, to defend their homes."¹⁸

Decision, the Appellate Court of Montenegro, 25/2011

On February 17, 2012, the Court of Appeals of Montenegro issued a decision accepting the appeals of the Supreme State Prosecutor's Office, revoking the judgment of the High Court in Podgorica of March 29, 2011 and returning the case to the first instance court for retrial.¹⁹

The reasons for which the verdict was challenged, based on vaguely established key facts, which led to the important provisions of the criminal procedure from Article 386, paragraph 1, item 8, of the CPC. The conclusion of the first instance court was as follows: "It was, therefore, an armed conflict between members of the people who lived in its territory, Serbs, Croats and Muslims, which is why this conflict does not have the character of an international armed conflict."²⁰

¹⁸ "Two and a half decades since the deportation of Bosnian refugees", Monitor, May 26, 2017

¹⁹ Decision of the Court of Appeals, Ksž. no. 25/2011.

²⁰ Decision of the Court of Appeals, Ksž. no. 25/2011.

Verdict, Higher Court Podgorica, 6/12.

On November 22, 2012, the Special Department for Organized Crime, Corruption, Terrorism and War Crimes released a verdict acquitting/accusing these persons of the charges.²¹

The verdict of the High Court was the same as the first one, except that it removed the sentence from the revoked verdict that the FRY was in armed conflict with the BiH Government forces.²²

It is clear from the Higher Court judgment of November 22, 2012 that the accused "unlawfully relocated or deported civilians, took hostages for exchange with war prisoners, unlawfully detained and deprived civilians from the right to a trial". However, it was not proven that the accused persons including Boško Bojović, Radoje Radunović, Božidar Stojović and Duško Bakrač had committed this criminal offense (Ks. 6/12, p. 98).

According to the understanding of the first instance court, deportations as such could not be considered a war crime because the accused, as members of the Ministry of the Interior of the Republic of Montenegro, did not have the necessary status (such as belonging to a military, political, or administrative organization of a party in conflict) for which they could have been held criminally liable and responsible. According to the court, the deportation of refugees in BiH was not done with the aim of expelling those persons and the perpetrators did not intend to permanently remove those persons from the area.

Witnesses testified that certain persons were taken away for exchange, which they were a part of an exchange group for captured Serb territorials, Serbs went to their homes and Muslims went to exchange, and so on.²³

Verdict, Appellate Court of Montenegro, 18/2013

On May 17, 2013, the Court of Appeals of Montenegro rendered a judgment confirming the judgment of the Higher Court in Podgorica of November 22, 2012.²⁴

On November 20, 2013, the NGO Action for Human Rights submitted an initiative to Veselin Vuckovic, the Acting Supreme State Prosecutor, to file in a request required for the protection of legality in relation to the final judgment of the Higher Court of November 22, 2012.²⁵ The request stated that the reasoning of the verdicts of the first and second instance courts did not contain clear and complete reasons why it had not been proved that the defendants, as co-perpetrators, had committed the criminal offense charged against them, which was contrary to the court's obligation to reason acquittals/accusations.²⁶

²¹ Judgment, High Court Podgorica, Ks. 6/12.

²² Human Rights Action (HRA), War Crimes Trials in Montenegro (2009-2015), p. 32, Podgorica in 2019

²³ Judgment, High Court Podgorica, Ks. 6/12.

²⁴ Judgement, Appellate Court of MNE, Kzs.18/2013

²⁵ Human Rights Action (HRA), War Crimes Trials in Montenegro (2009-2015), p. 30, Podgorica in 2019

²⁶ Judgement, Supreme Court of Montenegro, Kzz. 4/15

Motion for protection of the legality, Supreme State Prosecutor, March 25, 2015

On March 25, 2015, the Supreme State Prosecutor's Office filed in a request required for protection of legality due to violations of the Criminal Procedure Code (2009) and the CC of Montenegro, against the judgment of the Higher Court in Podgorica, which, as such, was based on „reasoning of the courts that the international law norms of the Geneva Convention related to the Protection of Civilian Persons in Times of War, the provisions of Additional Protocol II to this Convention were violated by the defendants according to the indictment. These norms were not incorporated into the factual description of the indictment, it is not specifically explained how the defendants violated the rules of international law under Article 17 of the Protocol, which prohibits the forcible transfer of civilians and in that regard actions taken by the defendants cannot be qualified as acts of relocation of civilians, as well as reasoning that there is no evidence that the defendant members of the Ministry of the Interior of the Republic of Montenegro belonged to a part of the armed forces of the FRY, nor can they be considered to have served in any of the parties in the conflict and thus were active participants in the armed conflict, so that the rules of international law would be binding on them as well ”.²⁷

However, the request required for the protection of legality was based on other arguments; namely that the court's legal conclusion was the result of incorrect application of substantive legal provisions of the criminal law, i.e., misunderstanding and interpretation of the rules of international law and thus the FRY Criminal Code applied in this case. At the same time, it was a norm of a blanket character, which had gotten its full content by referring to the appropriate norms of international law. This further meant that the court had erred in applying the criminal law when it acquitted the defendants of the charges that they committed the criminal offense in question, thus violating the Criminal Code under Article 387, item 3 of the CPC.

The request also stated the following: "During the proceedings before the court, it was undoubtedly established that the victims, due to the war in BiH as citizens of BiH, came to the territory of Montenegro to avoid armed conflicts and would not participate in them. These were civilians who had refugee status under the Refugee Convention. Thus, it was the civilian population as a special category of persons protected by international humanitarian law. Therefore, at that time, the territory of Montenegro was the territory where the victims, as civilians, resided. According to the undoubted factual finding of the court, in the manner described in the dispositive of the indictment, i.e. the pronouncement of the first instance verdict, they were moved from the territory of Montenegro and handed over to the police authorities of a part of the state where the armed conflict was taking place."²⁸

²⁷ Request for protection of legality, Supreme State Prosecutor's Office, Podgorica March 25, 2015.

²⁸ Request for protection of legality, Supreme State Prosecutor's Office, Podgorica March 25, 2015

Verdict, Supreme Court of Montenegro, 4/15

On June 23, 2015, the Supreme Court of Montenegro rejected the request required for the protection of legality as unfounded.²⁹

The Supreme Court's conclusion was that the return of refugees to BiH was in fact not prohibited by international or domestic legal sources; instead, it was not prohibited by the FRY Criminal Code, Common Article 3 of the Geneva Conventions (1949) and Article 17 of Additional Protocol II (1977). Geneva Conventions.

The verdict stated that: "During the procedure of deciding on a request for required protection of legality, the Supreme Court may engage in an assessment of the regularity of the established factual situation only if the request for required protection of legality was raised in favor of the defendant. As in the specific case, the request for protection of legality was raised to the detriment of the defendants, this court could not engage in the assessment of the regularity and completeness of the established factual situation, or in the merits of the request. It should be noted that when deciding on a request for required protection of legality, the Supreme Court has been limited to examining violations of the law to which the state prosecutor refers in the request."³⁰

Compensation of damage

Two hundred people have filed in lawsuits and pressed charges against the state of Montenegro, requiring compensation for the consequences of the extradition of the victims to Republic of Srpska.

Out of 42 initiated civil proceedings, nine were initiated by the persons who were victims of deportation, i.e., victims of torture in the camps where they were deported and the remaining 33 were initiated by relatives of the victims.

After a four-year trial, compensation in the amount of EUR 4,130,000 was paid in December 2008 for the unlawful arrest and deportation of refugees. 27 positive verdicts were passed out of 42 court proceedings.

Providing reparations represented an example of a successful compensation procedure in the form of settling the state with the victims of this particular war crime. However, the fact that the state had provided solely compensation to the families of deportation victims shows that Montenegro has not yet recognized this war crime as such.

²⁹ Judgment, Supreme Court of Montenegro, Kzz. 4/15

³⁰ "Supreme Court: They only returned civilians from where they came from ", Vijesti, October 14, 2015, available at: <https://www.vijesti.me/zabava/159644/vrhovni-sud-oni-su-samo-civile-vracali-odakle-su-dosli>

Legal analysis

According to the report of the Human Rights Action, the legal standard applied by the High Court in Podgorica in the case of "Deportation" to conclude that no war crime was committed is arbitrary, i.e., legally unfounded. The trial court did not invoke any sources of law to substantiate its view that the defendants had to belong to the military, political, or administrative organization of a party in conflict or act in the service of a party in conflict in order to be responsible for a war crime. Likewise, the court did not clarify the meaning of the term "in the service of the party in conflict", so that this crucial part of the judgment lacks an elementary reasoning."³¹

"In the case of the Deportation of Refugees, there were undoubtedly all the grounds for the existence of a war crime under the law applied by international courts. The ability of members of the Ministry of the Interior of the Republic of Montenegro to carry out unlawful detention stemmed from the existence of an armed conflict. The decision to unlawfully imprison, deport ("forcibly relocate"), and surrender for abuse as hostages was also directly linked to the existence of an armed conflict - if there was no conflict, there would be no arrest or deportation of refugees, especially Muslims to Serbian forces from that area. The goal of the prohibited actions was directly related to the armed conflict, as civilians were taken hostage and then deported to BiH for exchange for captured Serb fighters. These facts were established by the court on the basis of the presented evidence."³²

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³¹ Human Rights Action (HRA), Report: War Crimes Trials, p. 26, Podgorica in 2013

³² Human Rights Action (HRA), War Crimes Trials in Montenegro (2009-2015), p. 31, Podgorica and 2019

KALUDJERSKI LAZ

„A woman from the next house, who was watching it hidden behind the window, heard moans from the truck body. One of the six was still alive. His suffering was stopped by a shot from a military rifle”

A resident of Kaludjerski Laz, Sadik Lajci, said that at dawn on April 20, soldiers loaded civilians they had shot at two days earlier into a truck with Berane license plates.¹

¹ Tamara Kaliterna, Sovereignty Does Not Amnesty, Confrontation - Justice in Transition no. 7, Journal of the War Crimes Prosecutor's Office of Serbia, February 2007;

Introduction

During the NATO bombing of the Federal Republic of Yugoslavia (March-June 1999), there was a sharp increase in the number of refugees entering Montenegro from the territory of Kosovo through the municipalities of Plav and Rozaje. Although there has been a continuous crossing of refugees since the beginning of the conflict in Kosovo, seeking refuge from fighting and safe haven in Montenegro, there were incidents with the Yugoslav Army, killing civilians in random fire on moving columns. It is important to note that the mentioned municipalities and the border area of Montenegro were under the zone of responsibility of the Second Army of the Yugoslav Army, i.e. its Podgorica Corps.²

A series of incidents at several locations in the Rozaje municipality occurred in April and May 1999, when members of the Yugoslav Army killed at least 22 ethnic Albanian civilians. Although the murders were committed in several locations, the whole case was named after the village of Kaludjerski laz, where six people were killed on April 18 of the same year. The commander of the First Battalion of the Third Light Infantry Brigade of the Podgorica Corps of the Second Army of the Yugoslav Army, Petar Strugar and 7 other people, members of the Third Company of the First Battalion, were acquitted /accused after the first instance verdict in the Kaludjerski Laz trial before the Higher Court in Bijelo Polje.³



Photo nr. 1: Signpost to Kaludjerski laz in Rozaje

² Daliborka Uljarević, The process of dealing with the war past in Montenegro - The case of "Kaludjerski Laz" (Center for Civic Education: Podgorica, 2019).

³ Bojan Ivanišević, Tea Gorjanc Prelević, War Crimes Trials in Montenegro (2009-2015) (NGO Action for Human Rights: Podgorica, 2016), 35-37.

Killings at Kaludjerski Laz

Acting on the criminal report of the Montenegrin Committee of Lawyers for the Protection of Human Rights (CKP) from June 2005, a year and a half later, the Senior State Prosecutor from Bijelo Polje submitted a request to the investigating judge of the Higher Court in Bijelo Polje to conduct an investigation against 12 persons, a crime against the civilian population in the village of Kaludjerski laz and surrounding places.

According to NGO Action for Human Rights, the investigation in Kaludjerski Laz was performed by military authorities who, according to their own confession, went to the scene with a 24 hours delay, while members of the Ministry of Internal Affairs of Montenegro were not allowed to access the area, according to former head of the security department Shems Dedeic. Zahit Camić, the president of the Basic Court in Rožaje, together with his colleagues Milosav Zekić and Rafet Suljević, conducted an investigation of ten murders in the area of the Rožaje municipality on the border with Kosovo. His first access to the crime scene was allowed by the army only three days after the crime in Kaludjerski Laz, when they found the body of the murdered Selim Kelmendi from Čuška near Peć close by the road to Gornji Bukelj. The victim's lawyer claimed that six bodies of killed civilians in Kaludjerski Laz were taken to Andrijevisa (Montenegro) the next day for an autopsy and that they were then taken by military vehicle to Novo Selo near Peja, where they were buried in a mass grave without clothes. After the end of the war in Kosovo and the arrival of UNMIK, the bodies were exhumed. Former military prosecutor, Miroslav Samardzic, had, immediately after the incident in Kaludjerski Laz, given up the criminal prosecution of members of the Yugoslav Army suspected of committing a crime against civilians and archived the case. Until present, no investigation has been conducted into either the prosecution of former military prosecutor or other individuals who had allegedly concealed and relocated the bodies of the victims.⁴



Photo nr. 2: Laying flowers in Kaludjerski laz organized by YIHR Montenegro

⁴ Human Rights Action, Report on War Crimes Trials in Montenegro, Podgorica, May 2013;

Situation in Kosovo before the war

Kosovo acquired the status of an autonomous province within the SFRY in 1974 and thus, together with Vojvodina, became a constitutive part of the Yugoslav federation. As such, it had its representative in the collective presidency (which began working after the death of Josip Broz Tito), as well as the independent police, judiciary, education system, central bank, but also had their own political representative bodies and their own communist party. Shortly after Tito's death, demands for raising the status of Kosovo to the status of a republic within the federation grew, which would, among other things, provide Kosovo with the constitutionally guaranteed possibility of secession, which was reserved only for Yugoslav republics.⁵ This political message was just one in a series of demands made during student protests and riots claiming the rights for better living conditions, demanding greater freedom of expression and the release of political prisoners. The riots were suppressed by the use of force, arrests and court rulings. At the same time, also in previous years, the non-Albanian population expressed dissatisfaction with their own position in Kosovo in relation to the majority Albanian community, talking about situations of abuse by extreme elements from the Albanian community that the provincial authorities had never prosecuted.⁶

The draft of the Memorandum of the Serbian Academy of Sciences and Arts from 1986, depicting "physical, political, legal and cultural genocide against the Serbian population in Kosovo and Metohija" also helped the multiethnic tension in Kosovo. Milosevic himself, former president of the League of Communists of Serbia, gave his open support to Serbian demands in Kosovo in April 1987 during a trip to Fushë Kosovë for talks with the Serb local communities in Kosovo. In the upcoming period, Milosevic would use nationalist rhetoric with the goal of advancing his own political career. Along with Milosevic's rallies, protests by Kosovo Albanians took place in, against which Serbia responded with violent suppression by engaging security forces and by imposing forced arrests. At the federal level, amendments to the Constitution were enacted to enable the adoption of amendments to the Constitution of Serbia regarding the status of autonomous provinces, at the same time accompanied by party shifts in Kosovo. A state of emergency was imposed with a military presence in 1989 after a strike at the Trepça mine, demanding the return of dismissed Kosovo politicians. The powers of the autonomous provinces were revoked by new constitutional changes from March 1989, followed by riots in Kosovo, where fire arms were opened killing 24 people. Using a nationalist narrative, Milosevic became president of Serbia in May 1989.⁷

The amendments to the Constitution of the FR of Serbia, adopted in June 1990, dissolved the assemblies of the autonomous provinces, while the representation in the presidency of the SFRY and the Serbian assembly was retained. In the same year, all publicly funded Kosovo

⁵ Kosovo – told as seen, OSCE Office for Democratic Institutions and Human Rights, 1999, Serbian translation: Humanitarian Law Center, Belgrade, p. 3-4.

⁶ Human Rights Watch: Under Orders. War Crimes in Kosovo, Human Rights Watch, 1999, serbian translation: Human Rights Watch: Samizdat B92, Belgrade, 2003, p. 47-48.

⁷ Ibid, 48-54.

media were closed, the following year a new educational program for Kosovo was published, where the curriculum was identified with that in the rest of Serbia. In addition to the unrest following the 1989 constitutional amendments, there were riots in Pristina in the early 1990s following Milosevic's announcement of the mass settlement of Serbs in Kosovo, protests against the dissolution of the provincial assembly following new amendments in June 1990 and a general strike, the same year after the mass dismissals of ethnic Albanians from public service took place.⁸

In July 1990, members of the dissolved Kosovo Assembly declared Kosovo's independence. By the end of the year, they had established parallel institutions, and the following year a referendum on independence was held, which was declared illegal by the federal and republican authorities. At the end of 1990, the autonomy of Kosovo and Vojvodina was completely abolished by new amendments of the Constitution of Serbia. In years to come, there had been a large presence of Serbian police in Kosovo, mass layoffs of Albanians and derogations from the Albanian-language education system and a special curriculum. Due to all these measures, there was a large emigration of Kosovo Albanians from Kosovo, with the support of the state, there was an influx of ethnic Serbs, as a result of which about 16,000 ethnic Serbs, refugees from the war-torn area in other Yugoslav republics, settled in Kosovo without consent. The authorities emphasized that these measures sought to protect the endangered minorities in Kosovo, while at the same time stifling the separatist movement of Kosovo Albanians and their aspiration for unification with Albania.⁹

Kosovo established a parallel state system, funded from the system of collecting taxes from the local population, but also from donations from the growing diaspora. The education system was implemented on private property, completely illegally, with constant interventions by the Serbian authorities in preventing these activities. Albanians offered nonviolent resistance, rejecting any ideas of armed conflict, gaining the support of Western governments in their actions. The changes came in 1995 after the end of war in Bosnia, when Kosovo was still not on the international agenda, undermining confidence in Western governments and their support for the Kosovo Albanian community. The following year, the Kosovo Liberation Army (KLA) appeared, carrying out its first coordinated attack in February by shelling Serb refugee camps in Kosovo towns. Attacks on police and civilians continued and Serbian authorities responded with random harassment, arrests, and incursions into private properties. While sporadic fighting between the KLA and Serbian police forces took place, peace demonstrations were organized insisting on the implementation of the 1996 agreement on education between Milosevic and Rugova, providing for re-education in the Albanian language, but never implemented. Western governments condemned the violent actions and mass violations of human rights by the Serbian police, but at the same time condemned the activities of the KLA, calling it a terrorist organization.¹⁰

⁸ Kosovo: told as seen, p.. 4-5.

⁹ Human Rights Watch, p.. 54-68.

¹⁰ Ibid, p. 56-60.

Kosovo War and NATO Bombing

The armed conflict in Kosovo began in February 1998 and throughout the conflict, the goal of the FRY armed forces and the Serbian police was to remove support for the insurgent KLA through systematic attacks on the civilian population, mainly in rebel-held territories.¹¹ The goals of the KLA, on the other hand, were to resist the Serb armed forces and to secede Kosovo from FRY.¹²

Serbia sent additional and better armed forces to Kosovo in January 1998 and responded to KLA attacks with destruction and mass human rights violations. Due to the entire spiral of violence that took place on the territory of Kosovo, the United Nations Security Council passed Resolution 1160 in March 1998, which introduced a ban on the import of weapons to Yugoslavia. The violence continued with the sending of additional military reinforcements in May 1998 by Serbian authorities. As a result of artillery attacks and mass looting and burning of property, between 200,000 and 300,000 people left Kosovo between April and September 1998. UN Security Council Resolution 1199 activated Chapter VII of the UN Charter of September 23, 1998, which called for a ceasefire with an international presence in Kosovo and the withdrawal of security forces that carried out killings of civilians. Although the Serbian government informed that the hostilities had been stopped, there was no evidence of the withdrawal of security forces, nor that had the massacres of the civilian population had been stopped. However, the Milosevic-Holbrooke Agreement was being implemented, enabling the return of refugees and reducing of the security forces to the level before 1999. It also allowed the deployment of 2,000 observers from the Organization for Security and Co-operation in Europe, or its Kosovo Verification Mission (KVM), which arrived in the field in November 1998.¹³

Although the conflict seemed to subside, attacks on civilians continued and both sides used the ceasefire to prepare for a new wave of conflict. The massacre in the village of Racak in January 1999 was a turning point in the policy of the Western governments towards the FR of Yugoslavia. According to KVM chief William Walker, Serb security forces massacred 45 people (including children) in the village of Racak, while Serbian authorities denied the claim, saying the victims were actually KLA guerrillas. NATO was threatening military action if the ceasefire was not renewed.¹⁴

After the Serbian side refused to sign the agreement reached in Rambouillet (which included disarming the KLA within three months, withdrawing Yugoslav and Serbian security forces except police forces, deploying about 30,000 NATO troops to guarantee implementation of the agreement and rebuilding Kosovo's institutions which existed before 1989), KVM personnel were evacuated on March 20 and NATO air strikes began on March 24, 1999. The airstrikes were suspended on June 10 after evidence arrived from Serbian authorities implementing

¹¹ Chronology of Kosovo, Youth Initiative for Human Rights, Belgrade, 2018, p. 11.

¹² Kosovo: told as seen, p. 6.

¹³ Ibid., p. 6-7.

¹⁴ Ibid., p. 7.

Resolution 1244, which meant the withdrawal of Serb and Yugoslav forces from Kosovo, the return of refugees, the disarmament of the KLA and the demilitarization of Kosovo, the arrival of some 50,000 NATO and Russian troops, about 3,000 UN civilian personnel, all together part of the international peacekeeping mission KFOR (Kosovo Force), a civilian administrator appointed by the UN Secretary-General and a transitional administration without a term of office until a final decision was reached.¹⁵

Refugee crisis

Immediately after the beginning of the NATO bombing and the escalation of the conflict in Kosovo, hundreds of thousands of people were forced to leave their homes. UNHCR stated that the Kosovo refugee crisis, compared to the major crises this UN body had encountered in the past was specific by large refugee columns formed in a very short time. Within three months, approximately 860,000 people were either on the move or had already left Kosovo. The largest number of refugees was received by Albania and FYROM Macedonia and about 69,900 people entered Montenegro. Of this number, most continued their journey to Albania, while the other part remained in Montenegro, where they were supported by the local population, domestic and international civil society on the ground and the authorities.¹⁶



Photo nr. 3: Visit of young people from the region to Kaludjerski laz organized by YIHR Montenegro

¹⁵ Ibid, p. 8.

¹⁶ Astri Suhrke at al., The Kosovo refugee crisis: An independent evaluation of UNHCR's emergency preparedness and response, (UN High Commissioner for Refugees: Geneva, 200), <https://www.unhcr.org/3ba0bbeb4.pdf>.

Allegations from the indictment of the Supreme State Prosecutor's Office

The initial indictment against Petar Strugar and eight other people stated that Strugar, as commander of the First Battalion of the Third Motorized Brigade of the Podgorica Corps of the Second Army of the Yugoslav Army, ordered Momcilo Barjaktarovic, Petar Labudovic, Aca Knezevic, Branislav Radnic, Bora Novakovic, Miro Bojosuk and Radomir Duraskovic after taking positions in the village of Kaludjerski laz, on April 18, 1999, to shoot at a refugee column, in which 11 people were killed. The killings also took place in the surrounding areas, with two people killed in one case, one in another, and two others in the third, all on the same date. The indictment also alleges that one person was killed by this group on May 18, 20 and 21 of 1999, as well as three on May 21 of 1999, charging the accused with the murder of a total of 22 people. All defendants rejected the indictment, claiming that they shot, but at members of the Kosovo Liberation Army, who followed the column of refugees and were the first to open fire.¹⁷

Legal process

In this case, a trial was held before the Higher Court in Bijelo Polje in the case against Petar Strugar and seven other people. The case was initiated by the Montenegrin Committee of Lawyers for the Protection of Human Rights (CKP) in June 2005, on the basis of which the Senior State Prosecutor in Bijelo Polje submitted a request to the Higher Court in Bijelo Polje in late 2006, but against 12 persons for war crimes against civilians. In addition to the fact that the request and the investigation were initiated a year and a half after the filing of the criminal report, the lawyer of the injured party Velija Murić stated that the trial did not cover all persons suspected of committing this war crime, nor did all victims of this crime.¹⁸

On August 1, 2008, the Supreme State Prosecutor's Office filed an indictment against Petar Strugar, Momcilo Barjaktarovic, Petar Labudovic, Aco Knezevic, Branislav Radnic, Bora Novakovic, Miro Bojovic and Radomir Djuraskovic for war crimes against civilians. Petar Strugar was listed in the indictment as the commander of the First Battalion of the Third Infantry Brigade of the Podgorica Corps of the Second Army of the Yugoslav Army and the other indictees were deployed in this battalion in various units. Only Petar Strugar was an active officer in the Yugoslav Army. The indictment did not cover persons who could be brought into contact through command responsibility. These were Milorad Obradovic, who was the head of the Second Army, Savo Obradovic, who was the head of the Podgorica Corps, Velimir Jovanovic, who was the Chief of Staff of the Podgorica Corps, and Slavoljub Stojanovic, commander of the Third Infantry Brigade, which included the battalion under the command of Petar Strugar.

The trial was set to begin on March 19, 2009, and the custody of Barjaktarovic, Labudovic, Novakovic, Bojovic and Djuraskovic was lifted because they spent three and a half years in

¹⁷ Indictment with Motion for Custody, Kts. Br. 6/08 of 30 July 2008, in the case against Petar Strugar et al.

¹⁸ War crimes trials in Montenegro, 35-36.

custody without a first-instance verdict. Petar Strugar, who was inaccessible to the Higher Court in Bijelo Polje from the very beginning of the trial, was extradited to Montenegro by Serbia in 2012, but was released on bail the same year. The trial was coming to an end with the first instance verdict of the Higher Court in Bijelo Polje from December 6, 2013, when all the accused were acquitted of the indictment. Following the appeals by the Supreme State Prosecutor's Office and the injured party's lawyers, the Court of Appeals of Montenegro ruled on December 8, 2014 that the appeals were unfounded, that there was no valid evidence accusing the defendants of committing this crime.¹⁹

The suffering of the victims

The victims of the crimes were subject of the indictment and the court proceedings against Petar Strugar and seven other people were listed only with the initials.

S.K. was practically abducted from a column of refugees from the hands of his wife and three children. He was taken 200-300m further into the forest and killed for no reason, that is, without any doubt, only because he was Albanian. L.K., a child, was also killed in location K. where the girl Š.Z. A.Đ. was killed in the house of Z.D. where members of the army were stationed, on which occasion B.A. managed to pull out a living head. What was to be proved in this case, apart from hearing A.'s story and reading the record of the investigation made by President of the court Zahit Camić. Killings of undefended civilians were becoming more frequent, but in other locations, which was also confirmed by court records of investigations, witness statements and data on the undoubted killings of innocent people.

The child S.Lj. and his uncle R.L. were killed on Mount Haila when, in company with T.H. moved from R. to R. In a burst of fire that the members of the army opened at three of them for no reason, a horse on which T.H. was got killed and he also died on that occasion. M.P. was killed while in a column of civilians at K, and A.A. in the place of G. where he took care of several heads of cattle. He was killed at close range, and his body was massacred with sharp objects.

F.M, a child, was killed in G.'s place, his body was massacred, and his head was beheaded. Even today, his mother does not admit that her son is dead, and her emotion, even with the fact that her child was actually killed, was taken as a basis for the prosecutor not to include F. in the list of victims of crime. Brothers R.M., A. and H. were killed practically in front of their family members, as was the case with M.R., about which the court had numerous pieces of evidence, as in the case of the murder of A.H. M.B. was shot in the forehead and his legs were tied with a rope. He was killed by members of the former army, which exclusively controlled the area where his body was found. In that case, the police and citizens were not allowed access to the crime scene for more than twenty days. S.R. was captured as a civilian together with A.B., which was also confirmed by irrefutable evidence. After seven days of being tied to a tree, he succumbed to abuse, and his body was taken away so that his family still does not

¹⁹ War crimes trials in Montenegro Gori, 36-37.

have him today. A.B. escaped death under almost unbelievable circumstances and he testified to that crime. Death of S.R. is not listed among the victims of crime by the prosecutor. It is so as this case was an involuntary accusation. The only collective testimony about the individual stories of the victims of this crime is collected in Ali Daci's book "Bloody Paths" from 2009.

The names of the victims of the crimes in Kaludjerski Laz are listed on the website "Map of Victims of the Wars in the Former Yugoslavia (1991-2001)" developed by the Humanitarian Law Center, Dokumenta - Center for dealing with the Past and the Kosovo Humanitarian Law Center and other civil society organizations.²⁰

Victim Remembrance

There is still a lot of ambiguity about this crime, because before, during and after the procedure, various information appeared about the number of victims, the time of the murders, but also the illegal management of evidence. The fact remains that no one has yet been held accountable for the murder of at least 15 people, including children, women and the elderly, who were killed while trying to find refuge in Montenegro. During the NATO bombing of FR Yugoslavia, in 1999, about 100,000 refugees entered the territory of the Republic of Montenegro from the territory of the then Autonomous Province of Kosovo and Metohija. Most of them entered Montenegro through the municipalities of Rozaje and Plav. According to local officials, up to 8,000 people entered Montenegro daily through the mountain ranges separating Montenegro and Kosovo. At one point, in the spring of 1999, every sixth resident of Montenegro was a refugee. To date, there is no official mark for civilian victims of a series of crimes that took place in the municipality of Rozaje during 1999. Although there is no official commemoration of this crime, or a monument, for years now activists of the Center for Women's and Peace Education Anima have been visiting this place as well as other places of suffering in Montenegro to pay tribute to the victims of the crime.

On the anniversary of this crime in 2021, the Youth Initiative for Human Rights in Montenegro reminded that the ineffective investigation did not provide adequate material evidence on the use of firearms in the area where civilians were killed, which indicates serious omissions and weaknesses of the judicial system. Accordingly, the Youth Initiative for Human Rights called on the judicial authorities to reopen the investigation in this case, to regulate the proper memorialization, as well as to grant the victims the status of civilian victims of war.

²⁰ Map of the victims of the wars in the former Yugoslavia (1991-2001): <http://zrtveratovasfrj.info/site/home/hr-HR;>

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SIEGE OF DUBROVNIK

“Although radio and newspapers in Montenegro reported that their soldiers were fighting hard battles with the Croatian army, police members and foreign mercenaries, the fact is that they almost did not see any Croatian soldiers until they had arrived in front of Dubrovnik and some strategically important positions. The first place their unit arrived in was Dubravka, a small village on the border between Montenegro and Herzegovina. Upon entering, it was clear that some of the JNA units were there before them, there was chaos in the village and it was completely empty.”

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Introduction

Dubrovnik is located in the extreme south of Croatia, in a narrow area on the border between Bosnia and Herzegovina and Montenegro. Precisely because of its position, Dubrovnik was geopolitically isolated from the rest of Croatia and had to cooperate with two neighboring republics. According to the 1991 census, the city of Dubrovnik had 49,728 inhabitants, of whom 38,521 were Croats, 4,342 Serbs, and 1,026 declared themselves as Yugoslavs.¹

Dubrovnik is known in Europe and the world for its cultural and historical heritage, which is why the Old Town was included in the UNESCO World Heritage List in 1979. Over the centuries, the old town has preserved the character of a unique urban ensemble built in 1272, surrounded by walls 1,940 meters long, which were completed in the 15th and 16th centuries. Since 1950, the city has hosted the Dubrovnik Summer Festival, a world-renowned cultural event. Among the conditions for inclusion on the UNESCO list was demilitarization. Although, at the time the decision on demilitarization was made, it was really good for a city that made a living from tourism, the bad side of that decision will be shown at the time of the 1991 attack on Dubrovnik.

Historical perspective

Causes of war

During 1988 and 1989, in addition to the economic and political crisis, dissatisfaction with the situation in the country intensified in Yugoslavia and discussions on the reorganization of the state became more frequent. Simultaneously, Slobodan Milosevic's rise to power in 1987, strengthened the Greater Serbia politics. The 1990 elections in Croatia were won by the nationalist Croatian Democratic Union (HDZ), led by Franjo Tudjman, whose moves were followed with trepidation in Serb-majority areas. In August 1990, barricades were erected in most of these areas. It didn't take long to answer. "The first volunteer detachments were composed mainly of HDZ members."² While Croatia and Slovenia in the 1991 referendums, which had previously advocated a loose federation or confederation, decided to leave Yugoslavia and become independent, the Montenegrin government sided with Milosevic. In the elections held in Montenegro at the end of 1990, Milosevic supported Momir Bulatovic, then President of the Presidency, and Milo Djukanovic, then Prime Minister. They supported the then Greater Serbia policy, began to advocate the equating of Montenegrins with Serbianness and Orthodoxy as fundamental elements of statehood, and identification with Greater Serbia policy and its goals. At the beginning of the summer of 1991, the then Montenegrin media, which were pro-regime, launched a strong propaganda campaign under the slogan "War for Peace", which very clearly advocated Greater Serbia goals, and took Croatia and Croats as its target.³ They were called

¹ Data taken from the website of the Croatian Bureau of Statistics, 1991 Census.

² From Ivo Goldstein book „Croatia 1918. – 2008.“ Zagreb: EPH Liber, 2008.

³ More about the "War for Peace" campaign and propaganda within it, in Sonja Biserko, ed. Dubrovnik: "War for Peace". Belgrade: Helsinki Committee for Human Rights in Serbia, 2006.

butchers, genocidal people, Ustashas. An article from the newspaper Pobjeda from September 29, 1991, describes these attitudes very well: "Finally, the one who does not want to see what kind of" democracy "it is in Slovenia and Croatia. In them, fascism re-entered all the pores of the "state" and all other forms of action of their people. The "general awareness of the sacred obligation to defend the millennial history of their beautiful country" has been created again, in the service of which the imperative "Serbs on willows" is being applied again!⁴ In preparation for the war, fears related to the experiences of persecution of Serbs in the Independent State of Croatia (NDH) during the Second World War (1941-1945) were manipulated. The same article from Pobjeda stated the following: "We don't know how the other Axis forces will fare this time, but it will be interesting for us how Croatia will get out?" It is up to us to prevent the recurrence of Jasenovac, Jadovno, Zidani most, Goli Otok and other Holocaust gorges, pits and sinkholes throughout Croatia and Slovenia by hitting the "Snake right in the head".⁵ By recalling the real crimes of ustashas from the past presented as "crimes of the Croats", coupled with new crimes committed allegedly from 1990 and 1991, the Croats were portrayed as the greatest haters and enemies of the Serbs and the destroyers of Yugoslavia. In the name of defense for Serbs, as well as the fear of Croats, many would soon go to war.

An important element of the then Serbian and Montenegrin campaign was the claim that the Croats wanted to "return" parts of Montenegrin territory, specifically the Bay of Kotor and that they had amassed about 30,000 soldiers on the border with Montenegro, ready to attack at any moment. It was this claim about the large Croatian army waiting at the borders that motivated a large number of Montenegrin volunteers to get involved in the war.

Awareness about possibility of war in Dubrovnik

Notwithstanding all the above, there was hope in Croatia that the JNA would bypass Dubrovnik, primarily because it had no military facilities or army. The then mayor of Dubrovnik, Petar Poljanić, the then minister of trade, Petar Kriste, as well as people who were better acquainted with interstate relations, point out that it became clear during the summer that the JNA would attack Dubrovnik. However, they also state that it never occurred to anyone that they would attack the Old Town. On the other hand, the citizens, especially those who lived in the city, were surprised when the first grenades fell on it. Until the beginning of the attack, they believed that the war was something that was happening far away, that it would not reach Dubrovnik, that city of such importance, with no army, would not be touched.⁶

⁴ An article by Ratko Bratović, published in the newspaper Pobjeda on September 29, 1991, in Koprivica, Everything was a target Podgorica: Monitor, 2004.:21.

⁵ Ibid.

⁶ This is witnessed by almost all interviewees from Personal Memories. Testimony of Ana Bokun, <http://www.osobnasjecanja.hr/video-arhiva/ane-bokun/?search=theme&val=48>, accessed 14.12.2020, Testimony of Djivo Drazic, <http://www.osobnasjecanja.hr/video-arhiva/divo-drazic/>, accessed 14.12.2020.; Testimony of Božidar Jurjević, <http://www.osobnasjecanja.hr/video-arhiva/bozidar-jurjevic/?search=theme&val=48>, accessed 14.12.2020.; Testimony of Pero Novaković, <http://www.osobnasjecanja.hr/video-arhiva/pero-novakovic/?search=theme&val=48>, accessed 14.12.2020.; Testimony of Marko Sjekavica, <http://www.osobnasjecanja.hr/video-arhiva/marko-sjekavica/?search=theme&val=48>, accessed 14.12.2020.

Representatives of Montenegrin pro-Serbian parties in their papers published the chart of Montenegro with extended borderlines including the Dubrovnik Republic belonging to them adding „it was not actually Croatian because it has a majority Serb population.“⁸

Preparation for war

Although it was hinted that the Dubrovnik municipality would be attacked, there was information that the army was gathering on the border between Croatia and BiH, the Crisis Staff of the Municipality of Dubrovnik (KŠOD) and other institutions that were supposed to take care of the defense began preparations too late. This is confirmed by an article published in *Večernji list* on November 7, 1991: "From the first days of sporadic shootings and petty provocations on the borders of the Dubrovnik municipality, it was clear that Dubrovnik's peace policy and centuries-old tradition of diplomacy could not oppose the primitive logic of weapons and force. Until the last moment, the Dubrovnik leaders negotiated with their current occupiers, but at the same time, as was well known, they did not prepare the defense of Dubrovnik with the same diligence; even a few days before the attack on Dubrovnik, certain predictions were heard that Dubrovnik would not and cannot be attacked because it is defended by culture."⁹ "Also, from the KŠOD documentation, it is evident that the organization of the city's defense begins at a time when the municipality was already under constant shelling and when some places in its southern part were already occupied, that is, at the very end of September. On September 26, motion was sent to the General Staff of the Croatian Army (GS HV) for temporarily battalion reinforcement. They receive negative answer and directed towards the Dalmatian command for help."¹⁰ On September 30, when parts of harbor and municipality were occupied, they requested from the Ministry of Defense to arm the formed unit of Dubrovnik volunteers and to send it as soon as possible.¹¹ It is clear that with the strengthening of the army and the acquisition of weapons by the Crisis Staff started only when some parts could no longer defend themselves.

However, at the end of September, Miljenko Bratoš, then secretary of the municipal secretariat, organized the Civil Protection and with it initiated the arrangement of shelters, collection of food supplies, aggregates, blood supplies and other similar things, which would prove crucial during the siege. Nojko Marinović testified that Bratoš was one of the first people in the city who foresaw that war would break out and began to organize aid.¹²

Army and armament

During the summer, especially in August and early September 1991, the JNA army gathered around Trebinje. The mobilization carried out in Serbia, Herzegovina, and Montenegro gave the

⁸ From documentary series „War for Dubrovnik“, episode 1.

⁹ Article „High price of wrong estimates“, *Večernji list*, November 7, 1991.

¹⁰ Letter from KŠOD GS HV, September 26, 1991, Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001: 14.

¹¹ Letter from KŠOD to the Ministry of Defense, 30 September 1991, Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001: 15.

¹² Testimony of Nojko Marinović, <http://www.osobnasjecanja.hr/video-arhiva/nojko-marinovic/>, accessed 14.12.2020.

most soldiers. While Serbia participated with about 10% of mobilization capacities, Montenegro participated with as much as 27%, which is between 20,000 and 25,000 people on the battlefield in Dubrovnik and southern Herzegovina.¹³ Numerous volunteer units were formed and the interest of the Montenegrin population in participating in the war in this initial phase was very high, much higher than in Serbia. These mobilizations were one of the first indicators to the people of Dubrovnik that they would be attacked.¹⁴ On the other hand, the Montenegrin army was gathered with the goal of "defending this part of Montenegro from the enemy and will not move from these positions."¹⁵ However, at the end of September 1991, they received an order to move and went to Trebinje. Many soldiers were thrilled with the fact that they were going to war. Thus, journalist Veseljko Koprivica writes in his diary that the commanders did not tell them where they were going, they just put them all on trucks and drove them away. Many themselves assumed that they were going to the Dubrovnik or Herzegovina battlefield, which turned out to be true. KŠOD was also informed about the gathering of the army at the border, as well as about the arrival of new soldiers from Montenegro. On September 30, the Crisis Staff received a call from an unknown man from Bileća, who claimed that the army had left Bileća and was heading towards Stolac. He himself said he saw about 50 vehicles, that part of the army was heading towards Montenegro. He also informed the Crisis Staff that another 2,000 new people from Montenegro were coming tomorrow. However, he claimed that there was no fighting spirit in the army and among the reservists because they were terribly afraid of the MUP and the ZNG.¹⁶ This fear was the result of propaganda, which convinced its soldiers that there were a lot of troops on the Croatian side, MUP members, and even foreign mercenaries, who were brutal in their actions and ready to attack. In the documentary "War for Peace", journalist Koča Pavlović describes: "In the midst of the media campaign that shook Montenegro in those days, every Croatian word sounded genocidal, and a new Croatian flag - a chessboard - was produced as the supreme symbol of the Ustasha movement. Each of its highlights was a clear fascist act in the eyes of the Montenegrin public. Backed by such knowledge, the Montenegrins set out for Dubrovnik to liberate it from its Ustasha authorities and to inflict a final defeat on fascism, as it was known."¹⁷ Those who found themselves on the Dubrovnik battlefield would soon be convinced that this was not true.

On the other hand, the Croatian army was extremely small. The leadership of the then defense of Dubrovnik points out that at the beginning there were about 300 volunteers and the basic police. Later, that number rose to some 670 soldiers, as stated in the indictment against General Strugar. These figures are confirmed by Nojko Marinovic, the commander of the city's defense.¹⁸ The problem was not even the manpower, the young volunteers were constantly calling and ready to defend their city. The biggest problem was the lack of weapons and the fact that they could not even be procured. Petar Kriste testifies about his attempts to procure and collect

¹³ From documentary series „War for Dubrovnik“, episode 1.

¹⁴ Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luko-brailo/>, accessed 14.12.2020.

¹⁵ Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luko-brailo/>, accessed 14.12.2020.

¹⁶ Handwritten note of a police officer who recorded the information of the conversation, September 30, 1991, in Macan, The Last Siege of Dubrovnik. Dubrovnik: Matica Hrvatska, 2001: 24.

¹⁷ Documentary film War for Piece 2003./2004.

¹⁸ Testimony of Nojko Marinović, <http://www.osobnasjecanja.hr/video-arhiva/nojko-marinovic/>, accessed 14.12.2020.

weapons that he would send to Dubrovnik, and that they were mostly unsuccessful. It was not possible to get it from abroad, the warehouses were almost empty, and there was no political will in Zagreb to help Dubrovnik.¹⁹ He also points out that the inhabitants of the Dubrovnik municipality, especially the people of Konavle, collected money themselves and sent envoys to Zagreb and abroad to buy weapons to defend the city. But they, too, were unsuccessful returning home with unfinished business.²⁰ Because of that, their local factories produced mines, grenades and the like, and some of the weapons were rearranged and improvised, as well as homemade ones.

At that time, there were many Croatian crossings from the JNA. Dated 9/19/1991 the then commander of the 472nd mtbr of the JNA, Colonel Nojko Marinović, left Trebinje and joined the Croatian side in Dubrovnik. Until then, he was the liaison between the Dubrovnik soldiers and the Crisis Staff, informing them of the plans. When he saw that the situation was getting complicated and that the JNA was launching an attack, he moved to Dubrovnik and became the commander of the city's defense.²¹ His arrival to the insiders was a sign that it was only a matter of time before the war began.

Beginning of the war

Throughout September, the JNA moved the army closer and occasionally opened fire. The Crisis Staff of the Municipality of Dubrovnik states 22 September 1991 as "the day when the attack on our municipality began", in response to the proposals sent by the Boka Naval Sector Command dated 26 October 1991.²² On 30 September the directive for the attack on Dubrovnik was signed, from the sea, land and air. The goals were to capture Prevlaka, cut off the Adriatic Highway and block the airport in Cilipi.²³ The conquest of the part from Ivanica to Dupac would cut the highway and separate Dubrovnik from the hinterland. On the same day at 5 pm, the Command of the Naval Sector of Boka informed the Harbor Master's Office that "based on the orders of the superior Command of the Yugoslav Navy, they established a complete naval blockade of the wider area of the port of Dubrovnik"²⁴ and prevented the citizens of Dubrovnik from procuring basic foodstuffs, but also weapons and the eventual bringing in of additional manpower, thus destroying the morale of the defenders and the population.

¹⁹ Petar Kriste. Abandoned city: Dubrovnik '91. Zagreb: Golden Marketing, 2000.: 20-21.

²⁰ Ibid, 22.

²¹ Testimony of Nojko Marinovic, <http://www.osobnasjecanja.hr/video-arhiva/nojko-marinovic/>, accessed 14.12.2020.

²² From the verdict before the ICTY Strugar: On September 30, 1991, in accordance with the directive of the SFRY General Staff, the then commander of the 2nd OG, Lieutenant General Jevrem Cokic, issued an order to subordinate units to block Dubrovnik. to attack the main forces on the routes: Ljubinje - Zavala - Slano; s. Ljubovo - Ivanica - Čibači and Grab - Dubravka - Molunat, and with auxiliary forces to provide facilities and Mostar airport in the Neretva valley, with the aim: with air, artillery and ship support, with simultaneous and energetic action highway in several places on the section Slano - Prevlaka, block Dubrovnik from the land and sea, Cilipi and Prevlaka airports and prevent the maneuver of enemy forces, and then, securing from the direction of Ploče, approach the destruction and disarmament of enemy forces and be ready for further offensive actions in western Herzegovina. Verdicty available at : <https://www.icty.org/x/cases/strugar/tjug/bcs/050131.pdf>

²⁴ Letter from the KVPŠB, 30 September 1991, to Macan, The Last Siege of Dubrovnik. Dubrovnik: Matica Hrvatska, 2001: 26.

The attack began early on October 1, around 6:30 p.m. It was the first attack on the city itself and its immediate surroundings. The JNA fired large-caliber weapons from Dubrovnik from the air, from ships, and from the ground, from positions on Prevlaka, Luštica and Mojdež. In her war diary, Anka Duper wrote that day "so, the war has started in our region as well!"²⁵ Most of the interviewers in Personal Memories also agree with Anka.²⁶

All day long, shots were fired from the direction of Ivanica and from Konavle. In the afternoon, shots were fired from ships targeting Kupari and Plat. The city was badly damaged - the electricity went out because the hydroelectric power plant "Dubrovnik" on Komolac was hit. With the power outage, Dubrovnik also lost water because the pumps depended on electric motors. The transmitter on Srđ was also hit, which severed all communication links. Numerous houses and other buildings in the City and in the surrounding villages were damaged, there were numerous fires, forests and vegetation around the city burning. For the first time, the population was forced to go to shelters. Many hid in their basements or with family members, whose basements they considered safer. In addition to safety, it was important to them that the house they were staying in had a wood stove as well as their own water well.²⁷ Some went to hotels and other facilities in the city. They thought the Old Town was the safest part, which is why they went there. It was hard to imagine, even after this attack, that it too would be bombed soon.

Throughout the war, the propaganda of the Serbian and Montenegrin media continued. Thus, the daily *Pobjeda* reported on the second day that on 01.10. and during the night, "between 500 and 700 members of Franjo Tudjman's" colorful army "were killed in Konavle, that Kupari was razed to the ground and that the tutor on Srđ was destroyed."²⁸ Of that, the only accurate information was the demolition of the tutor on Srđ. After that day, the city would be bombarded with numerous grenades every day, from various positions.

In the initial period, the JNA conquered smaller towns and villages, which stood in the way of "drinking coffee at Stradun".²⁹ Koprivica describes in his diary what these conquests looked like. Their unit would enter the village with the task of clearing it of "Ustashas". But they were mostly already empty. They found only a few elderly men, who did not want to leave their house, the fields and the cattle they were feeding. Most other JNA units had passed through all the places before them, so they had already driven out the population. The soldiers, however, entered the house one by one, to make sure that there were no inhabitants there who

²⁵ War diary of Anka part 4, <https://www.rat-u-gradu.alat.hr/?p=5441>

²⁶ Testimony of Ana Bokun, <http://www.osobnasjecanja.hr/video-arhiva/ane-bokun/?search=theme&val=48>, accessed 14.12.2020.; Testimony of Divo Drazic, <http://www.osobnasjecanja.hr/video-arhiva/divo-drazic/>, accessed 14.12.2020.; Testimony of Bozidar Jurjevic, <http://www.osobnasjecanja.hr/video-arhiva/bozidar-jurjevic/?search=theme&val=48>, accessed 14.12.2020.; Testimony of Pero Novaković, <http://www.osobnasjecanja.hr/video-arhiva/pero-novakovic/?search=theme&val=48>, accessed 14.12.2020.; Testimony of Marko Sjekavica, <http://www.osobnasjecanja.hr/video-arhiva/marko-sjekavica/?search=theme&val=48>, accessed 14.12.2020.

²⁷ Testimony of Marko Sjekavica, <http://www.osobnasjecanja.hr/video-arhiva/marko-sjekavica/>, accessed 14.12.2020.

²⁸ Article, October 2, 1991. *Pobjeda*, in Koprivica, Everything was a target. Podgorica: Monitor, 2004.: 36.

²⁹ From documentary series „War for Dubrovnik“, episode 3.

could shoot at them. When everything was clean, they would return to the abandoned houses, but this time, of course, only a part of them, to rob. They kept some of the booty for themselves, sent some to their families and relatives, and some ended up on the market in Montenegro. After looting everything they could, certain houses, in which they would find chessboards, HDZ insignia, some whose owners were wealthy, and sometimes by chance, were set on fire.³⁰ They would feast on found food and alcohol, and prepare parties in the evenings. They played cards, played chess and listened to the radio, to find out what was going on at home.

Although radio and newspapers in Montenegro reported that their soldiers were fighting hard battles with the Croatian army, MUP members and foreign mercenaries, the fact is that until they arrived in front of Dubrovnik and some strategically important positions, they hardly saw Croatian soldiers. The first place their unit arrived in was Dubravka, a small village on the border between Montenegro and Herzegovina. As soon as they entered, it could be seen that some of the JNA units were there before them, chaos reigned in the village and it was completely empty. They saw no enemies, nor defenders of the place. But, a day later, *Pobjeda* brings an article in which it claims: "Thus, yesterday in the village of Dubravka, an event took place that could enter the anthology of world of disgrace and crime. Namely, the Ustashas came to the house of Baldo Đuraš and wanted to turn his home into a stronghold, in order to resist the JNA units and to place a cannon on his doorstep. The unfortunate Đuraš, a Croat by the way, asked the Ustashas to spare his house and family. What followed was something that is hard to come across in films with the most far-fetched script. The unfortunate Tudjman's soldiers apparently raped Đuraš ..."³¹ This article also sobered some Montenegrin soldiers who believed in propaganda until then, because they themselves passed through the village of Dubravka and knew what was happening there, as well as that there were no people there, and especially not the army.

On the 5th of October, an accident occurred near the town of Popovići, near Čilipi, which resonated in the media. Namely, according to the official story, a helicopter carrying two JNA commanders - Rear Admiral and Captain Krsto Đurović and Lieutenant General Jevrem Cokić - crashed there at around 3 pm.³² Djurovic was killed on the spot, while Cokic was wounded. Montenegrin media reported that a helicopter with two generals was hit and shot down by Croatian soldiers, with the intention of killing them both. However, Koprivica, who witnessed the events, testified that there was no enemy army there and assumed that the helicopter was shot down by the mistake of their soldiers.³³ Later, the investigation showed that this was true, as well as that Djurovic was killed by the JNA because he opposed the war in Croatia. Petar Poljanic, the then mayor of Dubrovnik, testified in The Hague that Djurovic told him in his last meeting before the war that while he was at the head of the navy, not a single grenade would fall on Dubrovnik. He confirmed the fact that there was no Croatian army to shoot at Popovići at that time, so Đurović either committed suicide or was killed by his own. The then Minister

³⁰ Testimony of Pero Novakovic, <http://www.osobnasjecanja.hr/video-arhiva/pero-novakovic/>, accessed 14.12.2020.

³¹ Article, October 2, 1991. *Pobjeda*, in Koprivica, Everything was a target. Podgorica: Monitor, 2004.:42.

³² From documentary series „War for Dubrovnik”, episode 3.

³³ Koprivica, Everything was a target. Podgorica: Monitor, 2004.: 44.

of Foreign Affairs of Montenegro, Nikola Samardžić, also testified in The Hague, and he also confirmed that Đurović was against the war, that he clearly stated that and that is why he was killed by the JNA. All the circumstances of the death have not been investigated to date. Together with Rear Admiral Vladimir Barovic, who committed suicide on Vis on September 29, 1991 because he did not want to order the bombing of Dalmatian towns, Djurovic is a rare symbol of honor at the time.

Negotiations between the warring parties were going on all the time, under the watchful eye of observers from the European Community. They resulted in truces, many of which were made, first on October 10, but they were constantly violated by JNA soldiers. They used these truces to conquer new territories, while Croatian forces did not defend them. So they quickly came close to Dubrovnik. Also, a large number of people, especially civilians, died during the armistice period because they expected it to be respected, which was mostly not the case. In many letters and conversations, the Dubrovnik Municipal Assembly, the mayor and the Crisis Staff called on the JNA to adhere to the armistice. Despite all the appeals of KŠOD, the truce would be violated until the end of the occupation.

Everyday life in the occupied city

The situation in the city became more difficult over time. Since the first attack, citizens have been without water and electricity, as well as without communication with the outside world. With complete occupation, food supplies also dwindled, and there was no way to bring them into the city itself. Displaced persons and refugees, who lived in hotels in the city, had to be accommodated, fed, supplied by water and other supplies needed for them. Anka Duper, who has been with her husband Pero since October 5, 1991 lived in a refugee settlement on Babin Kuk, describes the situation in the settlement: "The hotels are full, there is no space, but Madina's parents received us in their room because they sleep in the shelter at night. So we slept alternately, we at night and they during the day. There were eight of us in that three-bed room."³⁴ "In the record from October 7. Anka writes: "Thank God we have two meals at the hotel. In the morning tea and a dose of honey with two slices of bread. At about three o'clock in the afternoon, a toast with a side dish and bread."³⁵ Citizens initially took drinking water from wells and cisterns, whether they had their own or from neighbors, relatives. Later, water supply by cisterns was organized in the city. For everything else, personal hygiene, cleaning, washing clothes, they used sea water. This is confirmed by the testimony of Maja Vatović Mrvelj, who lived with her mother and young daughter of nine during the war. They remained hiding in their apartment near the port of Gruž, and Maja had to put herself in danger every day to bring enough sea-water into the house, which they used for everything except drinking.³⁶ At the beginning of the siege, the phones worked at least for the inner city area. Later, only city radio amateurs somehow managed to inform Zagreb and other places, as well as abroad, about the situation in the

³⁴ War diary of Anka part 4, <https://www.rat-u-gradu.alat.hr/?p=5441>

³⁵ War diary of Anka part 5, <https://www.rat-u-gradu.alat.hr/?p=5450>

³⁶ Testimony of Maja Vatović Mrvelj, <http://www.osobnasjecanja.hr/video-arhiva/maja-vatovic-mrvelj/>, accessed 14.12.2020.

city. They were most often the only ones who had to communicate with the outside world.³⁷ As there was no water in the whole city, it was very difficult to maintain hygiene and cleanliness. Also, they were prevented from transporting waste for the entire period of occupation, which was a source of unpleasant odors and a potential source of infection. They were forced to throw all the waste into the sea, as the only way to remove it. Because of all this, epidemics began to appear in the city. The situation worsened at the beginning of November, when the occupation lasted for about 50 days. On November 11. KŠOD writes a dramatic letter to President Tuđman and Prime Minister Gregurić. Among other things, it said: "The people of Dubrovnik have entered a phase of decay. And the last way of transporting water was destroyed, as the fire tanks were destroyed together with the fire station. So, the moment of thirst is approaching dizzyingly. The supply of food to the ships was cut off and for four days not a single kilogram of food arrived in Dubrovnik, the food supplies were destroyed and the remains were destroyed by bombing. The distribution of the remaining food supplies was completely

DUBROVNIK
GRAD KOJI SU
JOŠ JEDNOM
POKUŠALI UBITI
HERCEGOVAČKI
ČETNICI

novosti

Smrt Imperialu

SLOBODNA **3**
SRJEDA, 1. srpnja 1992

U suludom napadu na čitav Grad poginuli su Luka Lukšić, Antun Kisić, Mare Knego i Milo Brajević — U pet i pol sati četničkoga napada na dubrovačka područja palo je više stotina projektila koji nisu birali cilj — U Gružu pogođeni tvornica «Radelejević», više automobila i brodice, na Lapadu pogođena škola, stambena zgrada u naselju Pejton, nekoliko obiteljskih kuća kod hotela «Kompas», uništena redakcija «Dubrovačkog vjesnika», kamena oграда na Vratima od Pila...

Poginuli i ranjeni

U jučeršnjem napadu poginuli su **Luka, Cedomir Lukšić** (1976), iz Mlina, **Antun Luke Kisić** (1958) iz Postroja, **Mare Knego** (1924) iz Župe dubrovačke, **Milo Vajica Brajević** (1960) iz Dubrovnika.

Teže su ranjeni **Andre Butigan** (1953), **Niko Tomić** (1950), **Milan Gudelj** (1950), **Antica Tomić** (1968), **Ana Milostević** (1962), **Petar Miletić** (1960), **Vojo Florenini** (1968).

Lakše su ranjeni: **Zvonimir Dabović** (1960), **Mare Trojčić** (1952), **Lenka Lukšić** (1960), **Stipe Matić** (1964), **Nikola Florenini** (1976), **Davor Tentić** (1951) i **Vladimir Zonka** (1958).

bio napadnuta «Atlasa», u ovim ratnim vremenima zadužen za odbranu skloništa. Pomagao je ljudima i djeci, što su tu mjesecima tražili zaklon. Ako je trebalo izdati, on je bio taj koji je izuzeo izvan skloništa, da donese što treba.

Suču je bilo da jučer najviše stradao bude u ovom dijelu Dubrovnika, nedaleko od ulaza u Štari grad. Osm «Imperiala» — «Atlasa» — Vučevićeva jedinica tukle su i po hotelima i skloništa na Bačini kuki, gdje je smrt već jedva prije bila su u posjedu, ali na sreću izvan skloništa, da donese što treba.

U posljednjih mjesec dana padalo je samo po starom gradu, ljudi su bijegli i sklanjali se u Gruž, Lapad, Montenegro. Kamo pobjeći nakon što je cijelo područje grada postalo jedan veliki, neprohodni cilj? Puno je Dubrovčana i Dubrovkinja koji iz pomora i krpaka ne žele biježati nikamo. Nije li krajnje vrijeme da prestanu biti žrtvama i tačama ludaka i obojnih visova?

A. MASLE



Granate su palele po svim područjima Grada (Srećno: M. KOVAČ)

Topničke provokacije

DUBROVNIK — Nakon žestokog bombardiranja Dubrovnika, Rijeke dubrovačke, Zadra, otoka Lopud i Korčule u ponedjeljak, koje je završilo oko 20.30 sati, jutranji sati u ulazak na cijelom ratu prošli su uglavnom u miru. Izazetak su topničke provokacije između 10 i 11 sati s položaja tzv. hercegovačkoga korpusa prema Brgatu i Bosanci.

Sel misije UNMO u Dubrovniku pukovnik Bošnjak sa suradnicima, te dio misije EZ iz Dubrovnika jutro je obišao mjesta u gradu koje su najviše stradao u jučeršnjim napadima. Promatrači UN i EZ obišli su i skloništa u hotelu «Imperial» — te u zgradi «Atlasa», gdje su jučer poginule četiri civilne osobe.

A. M.

Photo nr.2: Excerpt from „Slobodna Dalmacija“ newspaper from July 1, 1992.

³⁷ Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luke-brailo/>, accessed 14.12.2020.

impossible, as all vehicles moving on the remaining roads were shot at."³⁸ This shows that the situation is deteriorating compared to October, when food supplies were still sufficient, when water transport and food, though difficult, could be carried out, and bombings were much rarer and weaker. In the same letter, KŠOD continues: "Communications with the outside world (and the outside world here means everything that is outside the rest of the city of Dubrovnik) are completely destroyed. The number of dead and wounded is growing exponentially. We have no more room or opportunity to bury the dead. Access to the dead and wounded was blocked by shooting at ambulances and funeral cars."³⁹ Despite this dramatic appeal from the Crisis Staff, many witnesses of the time point out that they were never hungry. As Dubrovnik was a rich city and people had supplies, just as the city had its own, food was never lacking.⁴⁰ At the end of the letter, KŠOD describes the state of the city's defense, and the situation within the Old Town itself: "According to the report of the defense commander, our defense is broken and practically no longer functioning, now overcrowded and facing an outbreak of infection due to desperate hygienic conditions. Outside the city walls, there are over 30,000 people, most of whom will try and manage to enter the space inside the walls, whose residential part is the most insecure except the shelters which are already crowded. We should not forget that the Old Town was bombed again today, so we should not assume that it would be spared."⁴¹ "So, the situation in the city at that time was very bad. Mayor Poljanić, as well as many witnesses, state those days, from November 10 to 13, as the worst during the entire siege."⁴²

Convoy Libertas

Almost at the same time, the main news in the Croatian media was the Libertas Convoy, which set out for Dubrovnik on November 29 to break through the blockade, return the refugees to the city and bring food and medicine. The convoy was organized by the Committee for the Return of the People of Dubrovnik and the St. Blaise Fund. Numerous known and unknown persons left Zagreb on October 28 by bus and car for Rijeka.⁴³ There they boarded ships and together with the people who joined them in Rijeka, set out for Dubrovnik. On the way, they stopped in Split, on the islands of Brač, Hvar and Korčula, where they were also joined by numerous people and ships. Despite not knowing what awaited them, whether they would succeed or be arrested along the way or opened fire at, a number of celebrities boarded the convoy ships. There was Stjepan Mesic, still the President of the Presidency, Prime Minister Franjo Greguric, Deputy Prime Minister Milan Ramljak, a parliamentary delegation led by President Sulimance. In addition to politicians, there were many actors, painters, singers, writers, directors, journalists, peace activists and others on board. The same day the convoy was leaving, Mate

³⁸ Letter from KŠOD, 11 November 1991, Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001: 71-72.

³⁹ Ibid.

⁴⁰ Testimony of Divo Drazic, <http://www.osobnasjecanja.hr/video-arhiva/divo-drazic/>, accessed 14.12.2020.; Testimony of Marko Sjekavica, <http://www.osobnasjecanja.hr/video-arhiva/marko-sjekavica/>, accessed 14.12.2020.; Testimony of Maja Vatočić Mrvelj, <http://www.osobnasjecanja.hr/video-arhiva/maja-vatovic-mrvelj/>, accessed 14.12.2020.

⁴¹ Letter from KŠOD, 11.11.1991., Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001.: 71-72.

⁴² From the documentary series "War for Dubrovnik", episode 4

⁴³ Article „Peacemakers armed with courage“, *Večernji list*, October 29, 1991.

Granic informed General Kadijevic that the ship was heading for Dubrovnik and asked him to order the JNA to let it pass. He also appealed for an immediate ceasefire and an end to the siege of the city.⁴⁴ The answer came from General Raseta, who claimed that the ship's entrance to the port of Gruž was opened, but only after it was inspected by the JNA.⁴⁵ Despite that, JNA caused them numerous problems when the convoy arrived near Dubrovnik. Stjepan Mesić, formally still the commander-in-chief of that army, negotiated with the JNA on behalf of the convoy, and after a series of messages and complications, he managed to negotiate the entry into Dubrovnik.⁴⁶ The JNA tried to prevent an organized reception for the Convoy in the city, but despite the fact that the ships arrived in Dubrovnik early in the morning and that it was cold, many citizens welcomed it with joy. A reception was held in Gruž, a mass in the cathedral and performances at the Orlando's Column. Throughout the day, the JNA fired from various positions on the town, on the port of Gruž, and then on Kantafig, a settlement in the immediate vicinity.⁴⁷ There is an ambiguous perception of the Libertas Convoy - while the newspapers and memories of some participants describe it as a very important event, a symbolic breakthrough of the siege and a symbol of hope for a better tomorrow and victory, other participants look at it critically. Defense Commander Nojko Marinovic himself described the convoy as moral support to the civilian population, but pointed out that he did not bring weapons, ammunition or human aid, which was what Dubrovnik needed most at the time.⁴⁸ Petar Kriste, a native of Dubrovnik and then Minister of Trade, who participated in the Convoy, describes how he himself proposed to the Government that it is an opportunity to deliver food and weapons to Dubrovnik,⁴⁹ calling the organizers of the Convoy "showmen".⁵⁰ Despite all the doubts, it caused great enthusiasm among the citizens of Dubrovnik, as well as among the people who managed to arrive in Dubrovnik by convoy.

The worst day of attack on Dubrovnik – December 6, 1991

The day before, three Croatian ministers sent to Dubrovnik to negotiate a truce with the Serbian-Montenegrin side, were in talks in Cavtat. There, they were welcomed by Admiral Jokić and the captain of the frigate Sofronija Jeremić. They continued with their rhetoric, pretending not to know what it was about and that they were not informed⁵¹, and repeated the misinformation, claiming that at that time there were 15,000 armed Ustasas threatening both the population and the JNA.⁵² They demanded that Croatian soldiers surrender their weapons and be escorted out of the city under neutral escort. The Croatian side demanded the normalization of the situation in the city and demanded an end to the siege and the withdrawal of the JNA.

⁴⁴ Article „Allow unhindered passage“, „Večernji list, October 30, 1991.

⁴⁵ Ibid.

⁴⁶ Article „Army prepares an alibi?“, Večernji list, 30.10.1991.; Article „Mile by mile towards Gruž“, Večernji list, 31.10.1991.; Article „Boat search“, Večernji list, October 31, 1991.; Article „A trap at Neretva canal“, „Večernji list, October 31, 1991.

⁴⁷ Article „Ships spent a night at Mljet“, Večernji list, October 31, 1991.

⁴⁸ Testimony of Nojko Marinovic, <http://www.osobnasjecanja.hr/video-arhiva/nojko-marinovic/>, accessed 14.12.2020.

⁴⁹ Kriste, 75.

⁵⁰ Ibid, 77.

⁵¹ Testimony of Petar Mise Mihocevic, <http://www.osobnasjecanja.hr/video-arhiva/miso-mihocevic/>, accessed 14.12.2020.

⁵² Kriste, 108.

Only after some time they talked of normalizing the situation in the city and reached common positions and an agreement. In the end, Jokic claimed that he did not have the authority to sign the agreement, and that he had to seek the consent of his superiors. They agreed that each side should take the text to their own, edit it, and meet the next day in the same place to sign it. Upon their return, the Croatian delegation was very positive and they thought that they had finally achieved something, that signing the agreement would be just a formality.⁵³

However, instead of going to negotiations and a truce, the next day was the worst day for Dubrovnik, especially for the Old Town. That day, fire was opened at around 5.50 in the morning from the position of Strinčer on the building on Srđ. At that point, a truce was formally in force again, which the JNA violated again. Shortly after the attack, KŠOD protested against the "unprovoked opening of heavy artillery fire".⁵⁴ In the next message sent around noon, they claimed that after a strong cannon attack, an infantry attack began on the positions where the Croatian Army was located on Srđ, with simultaneous opening of fire on all parts of the city.⁵⁵ They denied that they were the first to violate the armistice by any action or that they tried to win positions on Srđ in any way. On the same day, Ivan Cifrić, Minister of Environmental Protection and Physical Planning, sent an invitation to various European and world leaders and institutions, including the EC, UNESCO and others. "At this moment, Dubrovnik, a world heritage site, is burning, it is on fire. The aggressor does not know the armistice, does not know the UNESCO flag, does not hear appeals, does not care about human sacrifices or cultural values."⁵⁶ KŠOD called for a ceasefire all day, for respect for the armistice, but to no avail. Thousands of grenades fell on the city and its surroundings and they were attacked from all sides. The Imperial Fortress on Srđ suffered the most, as did the settlements of Nuncijata and Sustjepan. Many buildings were set on fire, and some of them were completely burnt down. After the attack, numerous fires remained, which citizens tried to put out. Petar Mišo Mihočević testified that he, who was at the Hotel Argentina with foreign observers at the time, personally called the Italian president with their satellite phones, asking him to send several Canadians to Dubrovnik urgently, because he was afraid that otherwise everything would burn down. The ministers also asked Belgrade to order its forces to let in firefighters and others to help put out the fire.⁵⁸ JNA leaders later claimed that they did not bomb the Old Town, but locals set fire to cars in the parking lot, burning tires so it can be seen so strongly. On that day, 19 war veterans and civilians were killed. Among them was Pavo Urban, a young Dubrovnik photographer who took part in the defense of the city and photographed the suffering from the very beginning of the attack. He also wrote a war diary⁵⁹, a testimony to those difficult days for the city. He died on Stradun, near Orlando's Column, when he was hit by a grenade while photographing the bombing of the Old Town.

⁵³ Testimony of Petar Mišo Mihočević, <http://www.osobnasjecanja.hr/video-arhiva/miso-mihocevic/>, accessed 14.12.2020.

⁵⁴ KŠOD protest, December 6, 1991, in Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001: 105.

⁵⁵ Message from KŠOD, December 6, 1991, to Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001: 106.

⁵⁶ Message from Ivan Cifrić, December 6, 1991, to Macan, *The Last Siege of Dubrovnik*. Dubrovnik: Matica Hrvatska, 2001: 106.

⁵⁷ Petar Mišo Mihočević, <http://www.osobnasjecanja.hr/video-arhiva/miso-mihocevic/>, accessed 14.12.2020.

⁵⁸ Kriste, 115.

⁵⁹ Dubravka Vrgoc, ed. *War diary of Pavo Urban*. Zagreb: Meandarmedia, 2016.

Support to Dubrovnik and dealing with the past

Throughout the attack and siege of Dubrovnik, KŠOD, the mayor of Poljanić, but also numerous people from Zagreb and other cities in Croatia, sent various appeals and requests for help abroad. Even before the first attack on the city, Poljanic asked Federico Major, the director of UNESCO, for help and protection. Then, the city assembly called on the European Community to immediately help the city, which was in an increasingly difficult situation. It also sent special appeals to the foreign ministers of the European Union countries, informing them that the JNA was constantly violating the agreed ceasefire. On the other hand, the city and its citizens have received the support of many European and world intellectuals, stars, politicians. Intellectuals from the former Yugoslavia were also engaged in expressing dissatisfaction with the war and in seeking peace. Thus, Montenegrin intellectuals from Belgrade signed an appeal for peace, which they sent to the Montenegrin government and war command and called for an end to the war and return of young men from the army.⁶⁰ Then, the people of Bokelj and Montenegrins from Dubrovnik wrote to the Government of Montenegro, calling on the Government to immediately stop the war and the misfortune that accompanied it.⁶¹ The letter that Ivo Pogorelic, the UNESCO ambassador at the time, wrote to General Kadijevic was also interesting. He points out his guilt for the war and begs for peace. "You, Mr. General, have the responsibility to destroy or spare Dubrovnik. Return the army home. Let Dubrovnik live. Not only history will judge your decision but your contemporaries, united in the whole world against further insanity and bloodshed, united by reason and humanism."⁶² From the beginning, the voices of citizens, such as Montenegrin writer Jevrem Brkovic and women's initiatives, opposed the attack on Dubrovnik. In Belgrade, every evening since October 8, 1991, candles were lit for all victims of the war in front of the Serbian Parliament building and messages were published at the end of the year under the title "Tomb for Miroslav Milenković".⁶³ In the fall of 1991, Women in Black began Sunday protests holding banners in support of Dubrovnik, marking the death of Dubrovnik writer Milan Milisic⁶⁴, who was shot dead on October 5 in his apartment. In Belgrade, the commemoration of the victims continue to this day, seeking recognition of suffering and justice for Dubrovnik.

In Montenegro, the first documentary, extremely important for socially dealing with the past, "War for Peace" in 2003 and 2004 was directed by journalist Koča Pavlović. The first compensation for the war robbery was paid in 2005.⁶⁵ However, even after the Tribunal's verdict, the issues of criminal responsibility for the siege remain unresolved. Demands for justice continue to be made in events organized and advertised by the Human Rights Action, the Center for Civil Initiatives and *Documents*⁶⁶, as well as within the RECOM initiative. Among the events,

⁶⁰ Article „Appeal of Montenegrin intellectuals from Belgrade“, unknown papers, December 24.-26, 1991.

⁶¹ Article „Stop the misfortune“, unknown papers, December 20, 1991.

⁶² Article „Pogorelic to Kadijevic“, Večernji list, November 25, 1991.

⁶³ The book of epitaphs is dedicated to Miroslav Milenkovic, a construction worker who committed suicide on September 20, 1991 at the cattle market in Shiduizmed between two groups of reservists, the first who were relieved of their rifles and others who were preparing for the front.

⁶⁴ More on life and work of Milan Milisic at: <https://www.enciklopedija.hr/natuknica.aspx?id=40890>

⁶⁵ More in text: <https://www.slobodnaevropa.org/a/853474.html>

⁶⁶ A recent statement on the anniversary of the worst attack on Dubovnik was published on:

<https://www.hraccion.org/2020/12/06/29-godina-od-granatiranja-starog-grada-dubrovnika-i-nekaznjavanja-zlocina/>

the exhibition of works by photographer Pava Urban⁶⁷, who was killed in the shelling from the JNA position on December 6, 1991, and the tribune in which Metodije Prkačin from Cavtat participated, were particularly noteworthy. The Youth Initiative for Human Rights continues to seek justice.

novosti SLOBODNA DALMACIJA 10
ČETVRTAK, 19. prosinca 1991.

Svaka čast

Propagandi s istoka mora se skinuti kapa za — maštovitost: neuspjeh jugoarmije u pokušaju zauzimanja Srda — objasnili — je — prokopanim tunelom između Dubrovnika i tvrđave Imperial!



Recite mi, kolega, je li istina da postoji tunel koji povezuje tvrđavu Imperial na Srd i Stari grad?

Pitao je to kolega crnogorskog radija za vrijeme nedavnog obilaska porušenoga Dubrovnika. «Čuli smo da su tim tunelom iz Grada na tvrđavu stalno pritećale svježe snage, za vrijeme sukoba 6. prosinca».

Kolegi koji je tog jutra zajedno s još desetak novinara s istočne strane mirno i nesmetano razgledao Grad šlo su ga «razrušili zenge i hosovci u međusobnom sukobu», odgovorio sam.

«Dragi kolega, takav tunel kroz živi kamen ne bi izkopala ni kompletna inženjerija »JNA« iz svojih najslavnijih dana, a kamoli neka francuska armija prije više od sto osamdeset godina. Nema tunela, postoje samo one tamo makadamske serpentine».

Nakon što smo, eto, razotkrili tajnu tunela, razgovor smo nastavili o ne znam čemu. Teklo je pričati o bilo čemu s nekim tko vjeruje u ustaške tunele od Srda do Staroga grada ili ispod mora u Sitanome.

Protivnička propagandna mašinerija koja je prethodno sondirala teren i utvrdila razinu prosječnog konzumenta naprosto izmislila bajku. Priče koje granice a fantazijom, uglavnom za pokrivenje vlastitih čina. Tako je uz mjesto koje je najgora razrušeno u cijelom Konavlima, uz Zvekovicu plasi-rana priča o «ustaškom mučilištu», za opravdanje upada u Sitano korištena je bajka o «tunelima-mučilištima» pod morem, a za težak poraz na Srd 6. prosinca otkriveni su mistični tuneli od Staroga grada do Imperiala kojim su se stalno obavijale «ustaške» snage.

Istina je da je između Imperiala i Staroga grada postojalo nešto, ali ne tunel, nego most, i to od petorice odvažnih mladića koji su se doslovce kroz kulu željeza prošli do vrha. U presudnom trenutku za udarac neprijatelju s boka.

Penjući se prema Imperialu s Kričim i Rokom razmisljao sam koliko je bratovštini trebalo Vuku, Dugome, Mlu, Cijetku i Srećku da usred te čelične oluje krenu uzbrdo i popnu se do vrha. Nije zaludu jedan oficir »JNA« s okupiranog teritorija navodno lamentirao o temi: «E kad bi mi s ovakvim oružjem imali takve borbe».

Odgozno Imperial ne izgleda Bog zna kako oštećen, ali kad se dođe na vrh, postane jasnom sva težina razaranja kojemu su bili izloženi ovi stari zidovi. Tuklo se s položaja JA sa Zarkovice, Brgata, Strinčere, neprijateljska je artiljerija pokrila kut od 180 stupnjeva, a trajalo je satima. Što li su tebi proživjeli mladići koji su u njeđrima Imperiala čekali da kanonada prođe?

Napiši da Napoleonu i njegovim graditeljima dugujemo živote. Ove zidove ništa ne može razbiti. Bila su tu, uz silnu artiljeriju, i tri tenka i sa stotinjak metara tukla pancirnim zrnima i opet nisu uspjeli razbiti zidove. Kako je nama bilo? Nagutali smo se prašine, jer zbog detonacija nismo smjeli zakvoriti usta. Ipak, znali smo da na kraju moraju ovdje kročiti i kad su to napravili, spremno smo ih dočekali. Uz pojačanje iz Grada potpuno smo ih razbili. Imali su najmanje 30 mrtvih.

Na Imperialu je u posljednjem napadu sve uništeno. Radio-televizijski centar koji je do 6. prosinca izdrižao sve napade u najpovoljniji je kanonadi potpuno uništen. Kao i centar Hrvatskih političkih i telekomunikacija te TV-korani već u prijašnjim napadima. Ali, Imperial je i dalje u komadu, spreman da izdrži nove napade. Zajedno sa svojim čuvarima, mladim momcima uglavnom dvadesetogodišnjacima, simbol je obrane Dubrovnika. Cijeli Dubrovnik vidi Imperial i svoje branitelje i dok su tamo, grad je siguran.

Mladici koji svake noći straju na toj vjetrometini na 412 metara od mora, sigurni su da će tako i ostati. Uostalom, već su to i dokazali.

Roko, KIKI i Doktor na marendi pod frontalnim zidom »Imperiala«



Vrh »Imperiala« mjesto je koje se brzo prolazi. Neprijatelj je na manje od pola puškometna, sa susjedne tvrđave Strinčera stalno vrebao snajper



Photo nr. 3: Excerpt from „Slobodna Dalmacija“ newspaper from December 19, 1991

⁶⁷ More on life and work of Pava Urban: <https://www.enciklopedija.hr/Natuknica.aspx?ID=63317>

End of siege and consequences

After December 6, the situation began to calm down a bit. The city was shelled less and less, the arrival of HEP employees who repaired the hydroelectric power plant on Komolac was allowed. On Christmas, the city got electricity again.⁶⁸ The water supply infrastructure was also being improved, so they soon got water. Throughout the following 1992, communication links were gradually established. However, the JNA soldiers were still in positions and did not want to withdraw, so they occasionally shelled the city and its surroundings, and partly maintained the blockade of the city. In April 1992, the city's defense finally received help from Zagreb. On April 10, 1992, General Bobetko arrived with his unit and took over the defense of Dubrovnik and its surroundings. Nojko Marinovic, who was in hospital at the time with injuries, became his deputy upon his return. As a result of the agreement signed on May 25, the unblocking of Dubrovnik began.⁶⁹ However, because the JNA (intentionally) misinterpreted the agreement, only parts of the Dubrovnik area were liberated, while enemy soldiers remained on the Plat-Cavtat line and still in Konavle. Those days were especially difficult for the population of these, still occupied areas, because it was clear that the JNA was losing and that they would soon have to withdraw completely, so they made fun of them, further looted and the like. The final withdrawal of the army from the area of Dubrovnik took place on October 22, 1992.⁷⁰ This ended the siege of the city and its surroundings. However, the official end of the war in Dubrovnik took place only on August 18, 1995, as the city was still periodically shelled from the territory of Herzegovina and Montenegro, despite the withdrawal of the army.

After the withdrawal of the JNA army, it was only possible to see the consequences of the long siege and constant shelling on the city and its surroundings. And they were terrible. The Serbian-Montenegrin army implemented the "burnt land" strategy in the occupied territories around Dubrovnik, and in the city itself. People who returned to their homes, to their places, after the end of the siege, such as those from the Konavle area found completely burnt lands, houses, other buildings in places, even forests and all greenery. Pero Novaković, who lived in Čilipi, in Konavle, testified that his house was set on fire and burned to the ground, that he had nothing left of the rich property and memories he had in the house. Also, upon his return, he found a place that looked like the surface of the moon, gray, without plants, without entire buildings, everything was completely burned.⁷¹

Part of the property and other artistic, cultural and other treasures of the Dubrovnik area were looted and mostly transported to Montenegro.

The old town, although "protected" by UNESCO flags, also suffered a number of damages. It had been bombed almost every day since the beginning of November 1991, and it was the most severely damaged on December 6, 1991, when it was bombed from all sides with incen-

⁶⁸ Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luko-brailo/>, accessed 14.12.2020.

⁶⁹ Miljenko Foretic, ed. Dubrovnik in War. Dubrovnik: Matica Hrvatska – Ogranak Dubrovnik, 1993.: 109.

⁷⁰ Foretic, 109.

⁷¹ Testimony of Pera Novakovic, <http://www.osobnasjecanja.hr/video-arhiva/pero-novakovic/>, accessed 14.12.2020.

diary projectiles almost all day. It is estimated that on that day alone, about 10% of the buildings in the city were completely burned or destroyed, while about 30% were severely damaged.⁷² Nine palaces were completely burnt down, and four more partially.⁷³ Many famous buildings in the city were destroyed, such as the Cathedral of St. Blaise, the Sponza Palace, the Onofrio's Fountain, the Franciscan and Dominican Convent and many others. There was almost no roof that was intact, almost no building was undamaged. During the entire war period, 563 buildings in the Old Town were damaged. The damage was estimated at 643 million German marks.⁷⁴ The renovation lasted a very long time, until the year of 2000 and a lot of money was invested to restore the city to its pre-war beauty.⁷⁵ Some buildings, such as the Kupari Hotel and part of Srebreno, have not been renovated to date.

In addition, there were many casualties during the war, both military and civilian. 430 Croatian veterans were killed on the Southern Battlefield, 184 of them from the Dubrovnik area.⁷⁶ 92 civilians were also killed, including 15 children under the age of 15. Among them was the 11-year-old son of Ana Bokun, who was killed in the shelling of Dubrovnik from a JNA position on November 10, 1991, together with her husband.⁷⁷ On the Montenegrin side, 167 soldiers were killed on the Southern Battlefield. The fates of civilian victims, still seeking justice and reparations, are especially difficult.

On the eve and during the siege, a large population from the surrounding towns came to the town itself, which they thought would be safe, and they stayed there during the most difficult days of the occupation. But many people, especially women, children and the elderly, left the city and went into exile. The only way out of the city was by boat to Rijeka. Many were located in Rijeka and its surroundings, in Istria, where they also stayed in hotels. Some people went to Italy, most often to Bari and the surrounding area. Also, other foreign countries, such as Austria and Germany, accepted a number of refugees from Croatia, including Dubrovnik. It is estimated that about 2/3 of the then population of the municipality of Dubrovnik was in exile.⁷⁸

⁷² Mesarić Žabčić, 170.

⁷³ Report of the status of the cultural heritage in the Old Town of Dubrovnik following the bombardments in October, November and December 1991. Report of the UNESCO mission to Dubrovnik, 27 November 22 December 1991: 30.

⁷⁴ Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luko-brailo/>, accessed 14.12.2020.

⁷⁵ More on web page of Dubrovnik's Bureau for Reparation, https://www.zod.hr/get/domovinski_rat_1991_2000/53156/domovinski_rat_1991_2000.html, pristupljeno 14.12.2020.

⁷⁶ The figures vary slightly in different sources. According to the Ministry of Veterans' Affairs (2007), 161 veterans from the Dubrovnik area and 99 civilians were killed. Mesarić Žabčić, 169, Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luko-brailo/>, accessed 14.12.2020., from a documentary series War for Peace, Dubrovnik, episode 6

⁷⁷ Personal memoirs of Ana Bokun available at:

<http://www.osobnasjecanja.hr/video-arhiva/ane-bokun/?search=subtitle&val=Ane+Bokun>

⁷⁸ Testimony of Luka Braila, <http://www.osobnasjecanja.hr/video-arhiva/luko-brailo/>, accessed 14.12.2020.

Judicial processing of the crimes

International Penitentiary Court for Former Yugoslavia

In the indictment against **Slobodan Milosevic**, an attack on Dubrovnik was the 26th count. He is accused of being the originator and perpetrator of that crime, and of being responsible for attacks on the city, looting and destruction of historical and cultural monuments.⁷⁹ Milosevic pleaded not guilty and shifted the blame for Dubrovnik to the then Montenegrin leadership. At that trial, many significant witnesses for this case testified. However, Slobodan Milosevic did not receive the verdict, he died on March 11, 2006 in the Hague prison.

On March 1, 2001 a collective indictment was filed for JNA crimes in Dubrovnik. The names of the accused were not known at the time, but it was assumed who they were. The indictment was handed over to Montenegro, and it was unsealed only on October 2 of the same year. The accused were General **Pavle Strugar**, Vice Admirals **Miodrag Jokić** and **Milan Zec**, and First Class Captain **Vladimir Kovačević** aka Rambo. They were charged with six counts, collective and personal responsibility, for grave violations of the Geneva Convention, violation of the laws and customs of war, murder, attacks on civilians, attacks on non-military facilities, looting and destruction of historical and cultural monuments. Strugar and Jokic went to the Hague voluntarily after only three weeks.

Pavle Strugar came to The Hague accompanied by the Montenegrin authorities, pleaded not guilty and on December 1, 2001 he was released to defend himself. His trial began on December 16, 2003. and he, again voluntarily, returned to The Hague. Like the others, he was tried only for the attack on December 6, 1991 against the Old Town. The other months of the siege were not listed in the indictments. The verdict was passed on January 31, 2005, according to which Strugar was sentenced to 8 years in prison. He was found guilty of two counts of command responsibility: for attacking civilians and destroying religious, cultural and historical monuments, as well as violating the laws and customs of war. However, it has not been proven that Strugar ordered the shelling of the Old Town on December 6, nor that he aided or abetted that shelling. His guilt was that he did nothing to stop the shelling or take disciplinary action to punish the perpetrators. Strugar appealed the verdict and his sentence was reduced by 6 months. He spent 5 years in prison and on February 20, 2009 was released.

Miodrag Jokić traveled to the Hague voluntarily, from Belgrade, where he lived at the time, on December 11, 2001. He first pleaded not guilty saying he acted professionally and according to the rules. However, in 2004, Jokić reached an agreement with the Hague Tribunal, stated he was guilty of all counts of the indictment for collective and personal responsibility, and on March 18, 2004. sentenced to seven years in prison. Despite the settlement and the relatively small sentence he received, he appealed the verdict, but it was not changed. On October 5, 2006 he was trans-

⁷⁹ Amended indictment dated 23 October 2002. ICTY https://www.icty.org/x/cases/slobodan_milosevic/ind/bcs/mil-ai021023b.htm from October 23

ferred to a prison in Denmark to serve his sentence and after serving 2/3 was released on September 1, 2009.

Milan Zec was indicted as the perpetrator of part of the crime. However, while Pavle Strugar was on trial and Miodrag Jokic was awaiting sentencing, he was acquitted in July 2002 as the court concluded that there was insufficient evidence for the acts for which he was suspected.

Vladimir Kovacevic Rambo was arrested and brought to the Hague in October 2003. He was charged with killing civilians and destroying and looting the Dubrovnik area. His trial soon began, but he was released from prison in the Hague in June 2004 on the grounds that he was mentally ill and unfit to stand trial. Kovacevic's war crimes trial was then handed over to the Serbian judiciary, which he appealed, wanting to be tried in the Hague, but the appeal was rejected in 2008. However, Serbian courts also declared him mentally ill, thus avoiding trial. He never pleaded guilty.

4.2. State County's Attorney's Office Dubrovnik

The indictment was filed on November 10, 2009 against Jevrem Cokić and 9 other defendants. The indictment also included all four previously mentioned Hague indictees, Pavle Strugar, Miodrag Jokic, Milan Zec and Vladimir Kovacevic. In addition to them, Mile Ruzinovski, Branko Stankovic, Obrad Vivic, Radovan Komar and Zoran Gvozdenovic were also accused.

Jevrem Cokić, Mile Ružinovski, Pavle Strugar, Miodrag Jokić, Branko Stanković, Obrad Vičić and Radoslav Komar were accused of ordering attacks on various places in the Dubrovnik municipality during different periods of the war and of knowing that their subordinate units carried out excessive shelling without choosing a target, killing and imprisoning and harassing civilians, forcing them to flee, demolishing civilian, cultural and economic facilities, looting and burning, acting against the provisions of the Geneva Convention, but doing nothing to prevent crimes and punishing the perpetrators.

Vladimir Kovačević was accused of ordering the units to attack on December 6 the city of Dubrovnik and the historic core of the city under the protection of UNESCO as a monument of zero category, which as such was properly marked. He participated in the attack by firing several missiles from hand grenades, killing civilians, severely wounding other civilians and destroying partially or completely buildings in the Old Town.

Milan Zec was accused of doing everything that Vladimir Kovacevic ordered him to do, of not doing anything to prevent Kovacevic, and of supporting the attack.

Zoran Gvozdenović was accused of ordering grenades to be fired from cannons in populated areas, targeting hotels where refugees were staying, the wider area of the city of Dubrovnik and the Old Town itself, which is under UNESCO protection, expelled. population of the area in exile, destroyed numerous buildings and cultural monuments, killed and wounded a large number of civilians.

All of the accused in this case are inaccessible to the Croatian judiciary and the indictment is kept inactive.

On January 29, 2008 an indictment was also filed against Marko Grandov for crimes in Slano. He was accused of looting and arbitrarily destroying the property of the population, which is not justified by the needs of the war. He was sentenced in November 2014 to seven years in prison. He was tried in absentia.

In the indictment against Vujica Raicevic and Veslin Dakovic, filed on May 25, 1994, both are charged with crimes in Cavtat, robbery and destruction of civilian property. Both were acquitted of the prosecution's withdrawal by a verdict on September 15, 1994.

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CAMP MORINJ

“In legal terms, Morinj and Bileća camps were the places where the legal standard of civilization of that time was systematically suspended, and the most drastically reduced and violated norms that otherwise regulated the rules of interpersonal treatment in the wider community surrounding the camp.”

Monography of Dubrovnik camp prisoners, page. 275

Introduction

The Morinj camp was established in the municipality of Kotor, not far from the town of Morinj, as a "center for the reception of prisoners", i.e. as a "Collection center for the reception of war prisoners" by the Yugoslav People's Army (JNA) and functioned from October 3, 1991 until August 18, 1992. It was opened as a collective center for persons captured in the war conflict between Croatian forces and the JNA after the opening of the Dubrovnik combat war zone, i.e. the attack on Dubrovnik, which began on October 1, 1991. Although prisoners of war were primarily brought to the camp from the attacked territory of Croatia, allegedly to gather information, a large number of civilians were among the prisoners. With the calming of hostilities as well as the withdrawal of the Montenegrin authorities from the active military campaign in that area, the camp lost its function. The president's apologies, court proceedings, as well as reparations proceedings would be initiated many years later, with partial success in the administration of justice.

Camp functioning

According to the investigation initiated by the State Attorney's Office of the Republic of Croatia, which was taken over and upgraded by the State Prosecutor's Office of Montenegro, using the results of the investigation of the Prosecutor's Office of the International Criminal Tribunal for the former Yugoslavia (ICTY), the camp was formed by orders from the IX Command of Military-naval sector of Boka.¹ An "investigation team" and a guard service were formed. The camp consisted of several facilities that previously served as ammunition and military equipment storage. According to witness Mirsad Kurluč, "the Morinj collection center used to be a military warehouse with three or four larger, solidly built, tiled windows, windows and doors with metal bars and a wooden floor because weapons and ammunition were stored there."² Prisoners were accommodated in larger facilities, hangars, while they were interrogated in containers. According to the testimony of Mladjen Govedarica, senior sergeant of I class Predrag Španjević aka The "Spaniard" was assigned to provide all the infrastructure for the start of the center, and then he saw that "the conditions in those facilities were not good, but at that time, it could not have been better and they did not have electricity supply or water."³

According to Krluč, persons who were found in the combat zone or in suspicious circumstances were brought to the camp. Parts of the minutes of an incriminating nature were entered into a computer, recorded on diskettes, delivered to the command of the IX VPS, from where they were forwarded to the Security Directorate of the Federal Secretariat for National Defense in Belgrade (SSNO). In 2008, the Ministry of Defense of Montenegro stated that the General Staff archives did not contain documentation "separated as archival material created in the period from 1991 to 1992" and that it had been handed over to the Military Archives in Belgrade.⁴

¹ Indictment KtS.br. 7/08 of 15 August 2008

² Ibid

³ Ibid

⁴ Judgement of the Higher Court in Podgorica K.br.214/08 from May 15, 2010.

The lists of handover of materials did not contain documents related to the establishment and organization of the Collection Center. Further correspondence and analysis of the available materials established that the minutes of the hearing were not found in the archives of the SSNO, while in The Hague Tribunal there is only one record of the hearing from Kumbor.

The first prisoners were brought to the camp on the night of October 3, 1991.⁵ The judgment of the High Court in Podgorica recorded Govedarica's statement that "he was present at the center when the prisoners were received and everything was done as prescribed by the regulations because a senior Sergeant Španjević had undertaken the duty to train the guard service and the reception of prisoners. He received all the regulations on the treatment of prisoners of war as well as the Geneva Convention Rules and Guides, so that the first reception was fully in line with regulations and conventions".⁶ However, prisoners testimonials in court documents as well as other sources, told us about inhumane treatment of prisoners.

The Morinj camp should be understood as part of the system of receiving, holding and torturing civilian and military prisoners. The authors of the Monograph of *Dubrovnik Detainees* told about the formation of two "concentration camps" - Morinj in Montenegro and Bileća in Bosnia and Herzegovina (BiH), along with which there were two transit camps - Kumbor in Montenegro and Trebinje in BiH. In the area of BiH, a location called Zavala was mentioned, and in Montenegro the motel Vinogradi in Sutorina. "After the capture, some people were taken to the camps, surviving the hell of Zavala and Trebinje to Bileća, and Kumbor and the motel" Vinogradi "on the way to Morinj, and some remained in so – called house arrest." (p.19) In addition to these, other locations of imprisonment and torture were listed in the occupied Dubrovnik area - in the area of Konavle Grude and Cavtat Police Station, Hotel Macedonia and Vukobrat Farm, in the Dubrovnik Parish School and Kupari Barracks, in the Mokošica School and supply center; in the area of the Dubrovnik littoral Gardens of the Sun in Orašac, Grošeta's house and barracks on Kovačevo brijeg in Slano and the house of Zdravko Damjanović in Zaton.⁷

Marko Knežić testified before the ICTY Prosecutor's Office on May 4 and 6 of 2000 in the case against Slobodan Milošević about operations and transfers within that system. On the night of October 3 - 4, 1991, the shelling of Slano from the sea and land by the Yugoslav People's Army and the Yugoslav Navy began. According to his statement, "it was burning everywhere. We had no water or electricity. Phone connections were severed. The night was hellish; everything was burning like in a movie ". According to the order of the Slano Crisis Staff, most of the population was evacuated, and only a small number of defenders remained with the intention of defending the place. The next morning, JNA forces surrounded and entered the place, and soon broke the resistance. After hiding for two months in the local hills and among the rocks, three men (Knežić, his father, and neighbor Božo Glumac) were captured and taken for questioning to the Military Police headquarters, located in one of the houses in Slano. The next

⁵ According to some sources, it was a group of soldiers captured above Molunat, and according to others, soldiers from the Bosanka firing position.

⁶ Judgement Ks.nr. 33/10 from January 25, 2012.

⁷ Monography of Dubrovnik captives, p. 19

day they were transferred to Bileća prison camp, which was first managed by the Užice Corps and later by Rijeka Corps of the JNA. During the period of next six months, he was subject to various forms of torture: "with overcrowding, prisoners in Bileća were subjected to physical and psychological abuse. Soldiers regularly pushed the prisoners' heads into the toilet bowls. Mr. Knezic was abused by electric shocks like many other prisoners. Prisoners were forced to do physical labor during which they were beaten.⁸ Representatives of the International Red Cross visited the camp several times during that period. Some prisoners were hidden (including Knežić himself), and on other occasions they were too scared to talk about abuse. According to him, the torture became even worse after the news of Croatia's international recognition. Torture regularly included false news of the release during the prisoner's exchange. This was the case on May 23 of 1992, when he boarded a bus with approximately 100 prisoners and several guards and, instead of being exchanged, was taken to Morinj. He was held captive there until the beginning of July 1992, when, after a series of false promises of release, he was finally released and exchanged in Cavtat. Although he arrived in Bileća on December 5 of 1991, he was not officially registered until January 13 of 1992, during which time he was not charged or tried. His father remained under house arrest in the village.



Photo nr. 1: Exchange of prisoners (source: dokumentary film Camp Morinj)

According to one of the detainees, Đuro Matušić, after the fall of Zaton, Orašac, Trsteno and the upper villages, he remained surrounded by five comrades. After hiding, they were captured on December 20, 1991 in the hinterland of Gromača. They were taken to the Gardens of the Sun, where they experienced their first torture, and were then removed to Zdravko Damjanović's house in Zaton, and in the evening via gunpowder (Osojnik) to Kupar, where they were "mistreated, abused and interrogated by members of the enemy army nights in a row." With the police vehicle, they were taken to Kumbor to be beaten, and "on arrival we get such beatings that some did not see anything. We unloaded trucks with valuables and items

⁸ Testimony of Marko Knežić in front of ICTY(summary)

looted from the Gardens of the Sun ". They arrived to the Morinj camp in the evening." We were greeted there by a large group of angry Chetniks and reservists and we could not walk, but were put in a container. Days of beatings, torture, interrogation, hunger, thirst, beatings and humiliation followed. "On April 10, 1992, they were sent in an unknown direction." Some of us said we would end up in Popovo polje, others were crying while some detainees urinated in their pants out of fear and uncertainty, while some just kept quiet. "Despite the hope of going on an exchange, they ended up in the Bileća camp. Suddenly, news of the exchange arrived on July 2, 1992. They were finally exchanged that day in Cavtat.⁹

Captivity

According to the census of the Society, which is the publisher of the Monograph, 443 prisoners passed through the camps, out of which 312 were detained in Morinj and 131 in Bileća. The indictment counts 169 prisoners in Morinj. The Dubrovnik detainees spent a total of 23,500 days in the camps, out of which 17,800 in Morinj and 5,700 days in Bileća.¹⁰ Most of the prisoners were from Dubrovnik-Neretva County and 64 of them were from other areas of Croatia and Bosnia and Herzegovina. The Monograph also states the number of 13 detainees.¹¹

According to the indictment, based on the medical documentation and the autopsy report "... the injured parties Brailo Miho, Čagalj Antun and Obrad Jakov died while they were in the Center. Božo and Brailo Vlaho died after leaving the Center. "According to the Monograph, eight prisoners died from torture and ill-treatment in the camps, and 80 former detainees died as a



Photo nr. 2: Testimony of Mario Curić for the project Personal Memories of Wars and Other Forms of Political Violence from 1941 to the Present

⁹ *Monography of Dubrovnik captives*, p. 214, Judgement K.nr.214/08 from May 15, 2010

¹⁰ *Monography of Dubrovnik captives*, p. 19

¹¹ *Ibid*, p. 162

result of exchanges and release until 2011, when the monograph was published. At the time of his capture, the youngest detainee was 15 years old and the oldest 82 years old.¹²

The camps in Morinj and Bileća were described as "places where the legal standard of civilization of that time was systematically suspended to the highest degree and the norms that regulated the rules of interpersonal treatment in the wider community surrounding the camp were nullified." Despite the systematic nature of the torture that resulted in "the most drastic camp experiences," physical and psychological abuse was part of an unofficial, informal policy of camp management, a difficult circumstance in the subsequent establishment of responsibility. On the other hand, the meaning of this temporary camp was reflected in all the characteristics of the camp regimes: which was unfortunately more common; the status of the inmates was equated with objects that should be ruthlessly mistreated until complete destruction. This meant that the housing, food, health and hygiene living conditions of the detainees were reduced to a lowest possible level.¹³

Witnesses say that when they arrived at the camp, people passed through a line of people who hit them with their hands, feet, various objects, and spat and insulted them. They were beaten in various ways every day: sandbags, rifle butts, electric batons, batons, sticks. They had to put their hands on the back of their heads and face the wall, and then "they would beat whomever they would catch." „Guards would come to hangar anytime they wished and at their sign 'I am opening the door' they had to jump to their feet, stand against the wall, face the wall, keep their hands on the back of their heads and look at the ground in front of them, after which the guards would hit whomever they wanted. The worst beating took place while being taken to hangar. While they stood leaning against the wall with their hands on the backs of their heads, they would beat them to the point of unconsciousness and return them to the hangar."¹⁴ "Prisoners were often forced to fight each other in organized physical battles. Leaving barracks was a sure sign of beatings, so prisoners refrained from performing normal physiological needs. Many witnesses cite frequent alcohol use that contributed to brutality in the treatment of prisoners and humiliation. Some individuals were particularly prominent in the conduct of torture. "A cook, who, [witness] later learned that his name was M., beat their detainees with his feet, hands, and planks, stood out for his inhumanity, and he was often brought in when the detainees needed to be softened before questioning."¹⁵ Witnesses point out that there were guards who helped the prisoners and treated them with dignity. They would give those cigarettes, a packet of chocolate - which in those moments was a moment of refreshment.

There were 70-80 people in each of the hangars. "There was a stench and dirt in the hangar, one urinal next to which other prisoners were lying, there was no bathing."¹⁶ They received water in very small quantities. As Metodije Prkačin testified, "the biggest problem was water,

¹² Ibid

¹³ *Monography of Dubrovnik captives*, p. 275

¹⁴ Testimony of Braila Nike, Judgement K.nr.214/08 from May 15, 2010.

¹⁵ Judgement Ks.nr. 19/12 from July 31, 2013.

¹⁶ Ibid

because they didn't want to give us water. They gave us water in plastic bottles of a liter and a half. They give us two bottles of 140. (...) People were terribly thirsty. You were not hungry but thirsty."¹⁷ The feeling of thirst was exacerbated by the fact that they were forced to eat salted fish. According to a witness, "the food was anything but food, and when the Red Cross arrived, they gave us bread as cold as ice, so it was assumed that they had kept it in the refrigerator."¹⁸ A large number of prisoners, in addition to severe injuries and psychophysical disorders, experienced a rapid decrease in body weight in a very short time.

Cases of abduction and fraudulent exchanges have been reported as methods of torture. Furthermore, the unregulated status of prisoners, combined with the large flow of people, for whom it was not known where they were taken, increased the feeling of intolerance of the situation. Nevertheless, the arrival of the International Red Cross provided prisoners with a certain sense of security, despite the fact that some individuals were hidden from the delegation.

Investigations and court hearings

The Dubrovnik County Court launched the first investigation of crimes committed in Morinj in 1992, involving ten suspects, and in 1995 an investigation was launched against five people for crimes committed in the Bileća camp.¹⁹

In 2000, Branko Ljubišić, who was the commander of the security in the Bileća camp (from January to May 1992), was arrested on the basis of a court warrant. On September 8 2000, Dubrovnik County Court handed down a verdict finding Ljubišić guilty of the criminal offense of War Crimes against Prisoners of War under Article 122 of the OKZRH on the basis of the indictment of the Dubrovnik County State's Attorney's Office of July 11, 2000 and sentenced him to 14 years of incarceration. The Supreme Court of the Republic of Croatia upheld this judgment on March 20, 2001.²⁰

Milorad Kovačević was convicted in absentia in 2019 for a war crime committed against captured members of the MUP near Slano, before the County Court in Split. The court found that Kovačević, as a lieutenant in the JNA Military Police, tasked with taking prisoners of war in Zavala and taking them to the Bileća camp, failed to prevent inhumane treatment of the prisoners and deliberately mistreated them. "Knowing the intolerance towards members of the Croatian Armed Forces, he consciously exposed them to the brutality and cruelty of members of the former JNA and the local civilian population of the area through which the prisoners were to be transported. The indictment alleged that he allowed a large number of reservists to beat them frantically with fists, legs, rifle butts and other objects on the head and body in the Zavala area."²¹

¹⁷ Testimony of Metodije Prkačin, *Personal memoirs*, <http://www.osobnasjecanja.hr/video-arhiva/metodije-prkacin>

¹⁸ Judgement Ks.nr. 19/12 from July 31, 2013.

¹⁹ Press release on inquiries for war crimes in the Morinje and Bileća camps, Dubrovnik County State's Attorney's Office, May 15, 2006., available at: <http://www.dorh.hr/Default.aspx?art=5017&sec=760>

²⁰ Criminal proceedings for war crimes committed in and around Dubrovnik, available online

²¹ Retired JNA lieutenant convicted of war crimes: he showed members of the Ministry of the Interior as trophies, a resident woman beat them with an ax, breaking their skulls and ribs..., *Slobodna Dalmacija*, December 5. 2019

The gesture of recognition of political responsibility came from the highest position in 2000, when the President of Montenegro Milo Đukanović sent an apology to the "citizens of the Republic of Croatia, especially Dubrovnik and Dubrovnik - Neretva County" for all the pain, suffering and all material losses inflicted by any representative of Montenegro in the JNA during those tragic events."²²

However, the impetus for the criminal prosecution of the Morinj case in Montenegro came from Croatia. At the end of March 2007, the State Attorney's Office of the Republic of Croatia submitted to the Supreme State Prosecutor of Montenegro evidence against ten Montenegrin citizens suspected of having committed war crimes against civilians and prisoners of war in Morinj.²³



Photo nr. 3: Newspaper article Barefooted in the freedom (source: Monography of Dubrovnik camp prisoners, 2011.)

On August 15, 2008, the Supreme State Prosecutor's Office of Montenegro, Department for the Suppression of Organized Crime, Corruption, Terrorism and War Crimes filed an indictment against Mladjen Govedarica, Zlatko Tarla, Ivo Gojnić, Špiro Lučić, Ivo Menzalin and Boro Gligić that in the period from October 3, 1991 to August 18, 1992, during the armed conflict in the Republic of Croatia, between the JNA and Croatian armed formations in the Municipality of Kotor in violation of international law established by the III Geneva Convention relative to the

²² Djukanovic apologizes to Croats for Dubrovnik, b92, June 24, 2000.,

https://www.b92.net/info/vesti/index.php?yyyy=2000&mm=06&dd=24&nav_category=1&nav_id=8216

²³ The process of dealing with the past in Montenegro - the case of "Morinj", Center for Civic Education, p. 8.

Treatment of Prisoners of War Article 3, paragraph 1, item aie, Article 13 and Article 17, IV of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, Article 3, paragraph 1, item aie, Articles 27 and 31 and II of the Additional Protocol to the Geneva Conventions for the Protection of Victims of Non-International Armed Conflicts, Article 4, paragraphs 1 and 2, items aie, ordered and carried out: torture, inhuman treatment, infliction of great suffering and violation of bodily integrity against prisoners of war and civilians brought to the camp from the Dubrovnik area. "Mladjen Govedarica is accused in the capacity of the head of the Security Service, the Command of the Back Naval Base, the Naval Sector of Boka and the investigator in the so-called "Center for the Reception of Prisoners" in Morinj, and Zlatko Tarle, Ivo Gojnić, Špiro Lučić, Ivo Menzalin and Boro Gligić, as members of the JNA reserve, as an investigator, reserve officer in charge of administrative and quartermaster affairs, military policeman and guard in the so-called "Center for the Reception of Prisoners". The Prosecution requests that "the defendants be found guilty of the criminal offense of War Crimes against Civilians under Article 142, Paragraph 1 of the FRY Criminal Code, in conjunction with the criminal offense of War Crimes against Prisoners of War under Article 144 of the FRY Criminal Code and sentenced to punishment by law." Also, as they represent a grave violation of the norms of international law, and domestic legislation incriminates them as the most serious criminal offenses, "the prosecutor, pursuant to Article 148, paragraph 1, item 4 of the Criminal Procedure Code, proposed that custody be ordered against the defendants."²⁴ Of the six defendants, only Ivo Menzalin was on the run and was tried in absentia.

The trial began on March 12, 2010, before the High Court in Podgorica. The court renders a verdict on May 15, 2010, the year in which all the accused are found guilty.²⁵ Govedarica was sentenced to two years in prison, Tarle to one and a half years, Gojnić to two and a half years, Lučić to three and a half years, Gligić to three years, and Menzalin to four years in prison. The verdict is appealed by the Supreme State Prosecutor's Office as well as the accused and their defense attorneys. The Court of Appeals of Montenegro, by a decision passed on November 25, 2010, upholding the appeal²⁶, accepted the appeals of the accused in the part in which the responsibility of the two first accused for issuing orders to physically abuse the prisoners was established. The court also exceeded the charge in the part in which it convicted the accused for actions taken against some of the injured parties. The Prosecution considered that the Court, on the basis of the evidentiary procedure, "made a wrong conclusion when it had found that the Accused did not commit the criminal offense of War Crimes against Civilians under Article 142, Paragraph 1 of the FRY Criminal Code, so he omitted the same from the legal qualification and when he omitted a certain number of injured persons from the factual description of the specified indictment", and that "the reasons in the challenged verdict are significantly contradictory and unclear, which significantly violated the provisions of Article 376 .1 item 11 of the CPC". "The appellate court did not accept the plaintiff's appeal. Following a retrial, the Higher Court acquitted Govedarica and Tarle of the charges on January 25, 2012."²⁷

²⁴ Indictment KtS.br. 7/08 dated 15 August 2008.

²⁵ Judgement K.nr.214/08 from May 15, 2010.

²⁶ Decision of the Court of Appeals of Montenegro, Ksž.br. 20/10

²⁷ Judgement of the Higher Court in Podgorica, K.br. 33/10

Gojnic was sentenced to two years in prison and Lucic to three; Gligić and Menzalin's sentences remained unchanged. Defendants' attorneys, as well as the prosecution lodged an appeal to the verdict. The Court of Appeals, by judgment passed on July 06, 2012. rejected as unfounded the appeal of the Prosecutor's Office, accepted the appeal of the accused, revoked the judgment of the Higher Court in the convicting part and returned the case in that part to the first instance court for retrial.²⁸ By rejecting the Prosecution's appeal, the acquittal of Govedarica and Tarle became final. The court issued a new verdict on July 31, 2013, the year in which the guilt of the accused was confirmed; the duration of prison sentences remained unchanged.²⁹ Appeals were lodged by both parties; which the Court of Appeals by judgment of Feb. 27, 2014 refused.³⁰ This confirmed the previous judgment of the Higher Court and the case was final.

The process of criminal prosecution of this and other cases have been criticized, most often by civil society organizations. The public was also dissatisfied: "it can be said that the victims were satisfied with the procedure conducted in Montenegro because a conviction was passed. They have, however, had some objections and dissatisfaction was clearly present. First of all, because the verdict found only one intending person, one police officer, one guard and one cook guilty, and the range of sentences was from two to four years," claimed Tamara Durutovic a lawyer and representative of former prisoners.³¹

In general, it has been claimed that the courts in Montenegro interpret humanitarian and criminal law in a way that protects members of the police and the Yugoslav Army by restrictively interpreting domestic and international legal norms. This diminishes the importance of mechanisms that protect and improve the status of war crimes victims in the process itself. In this way the criteria that an act could be treated as a war crime are set at the Podgorica Higher Court at a much higher level than, for example, the ICTY and other related court practices in the neighborhood. "Similarly, while the Court of BiH allows the prosecution of crimes against humanity, the Court of Appeals of Montenegro prevents that prosecution by limiting the notion of" customary international law "which contains a ban on crimes against humanity and was applicable in FR Yugoslavia to" international regulations "and" international acts ". Although in reality customary law exists outside these frameworks."³² The serious shortcomings of the Prosecution include the slowness in conducting investigations, the failure to conduct investigations against persons who occupied high positions in the political and military-police hierarchy of the then structures. Also, the Prosecution did not conduct investigations at its own discretion, but thanks to pressure from the public and victims. In the Morinj case, the initiative to launch an investigation came from the Prosecutor's Office of the Republic of Croatia.

²⁸ Judgement of the Appellate Court of Montenegro Kžs.nr.24/12 from July 6.,2012.

²⁹ Judgement of the Higher Court in Podgorica, Ks.nr. 19/12 from July 31.,2013.

³⁰ Judgment of the Court of Appeals of Montenegro Kž-S.br.44 / 13 of February 27, 2014.

³¹ Society in Montenegro is not ready to face crimes, Dubrovački dnevnik, December 17, 2014.

³² Report: *War Crimes Trials in Montenegro*, Human Rights Action, 2013, p. 8

The Prosecution failed to "treat the crimes in the Morinj camp as an organized system of ill-treatment of prisoners and to accuse persons who were superior to the direct perpetrators of such ill-treatment, although the case file show there were grounds for such a thing."³³ Those who were in charge with the camp should have known about the crimes that took place there and about the systematic character of their implementation, but they not only failed to stop such acts or prosecute them, but also enabled them by their inaction. In that sense, the prosecution could use some of the qualifications such as aiding, abetting, responsibility of the organizers of the criminal association or command responsibility and the Higher Court reduced the responsibility of the defendants only to direct execution and ordering. "In the decision of November 25, 2010, the Court of Appeals concluded that there was no evidence for the allegations in the indictment that Govedarica and Tarle ordered the beating of prisoners, so the Higher Court acquitted these two defendants of all charges in the retrial. However, neither the Court of Appeals nor the Higher Court considered at all whether the conduct of Govedarica and Tarle, in relation to the specific cases of beating prisoners, constituted complicity or aiding and abetting. Although the prosecutor did not qualify the actions of the accused, the Court is not bound by the prosecutor's proposals regarding the form of liability, so there were no obstacles to examine the potential liability of Govedarica and Tarle on this basis."³⁴ The Higher Court also sentenced the defendants to inappropriately low sentences by inappropriate implementation of dispositions pertaining to mitigating and aggravating circumstances. It was concluded that there were no aggravating circumstances with the accused, and mitigating circumstances were acknowledged which do not play a significant role in the practice of the ICTY.



Photo nr. 4: A statement of Luka Piplica for Television of Montenegro (source: dokumentary film Camp Morinj)

³³ Ibid, p. 12

³⁴ Ibid, p. 15

Reparations

The former prisoners of Morinj initiated a total of 207 proceedings before the Basic Court in Podgorica, with 187 proceedings that were initiated by the injured parties from Croatia, and 20 from Bosnia and Herzegovina. Although the compensation was paid, the Court showed a markedly uneven practice, which constitutes a “violation of the right to a fair trial creates a state of legal uncertainty and reduces public confidence in the judiciary.”³⁵ Montenegro paid compensation to former prisoners detained and tortured in the Morinj camp in the amount of EUR 1.43 million for ill-treatment and torture on the basis of final judgments. Proceedings for damages for impairment of legal capacity and life activities are still ongoing.

Action for Human Rights, the Center for Civic Education and Dokumenta actively monitored the processes, communicated with the competent authorities as well as the victims themselves, with periodic joint public announcements, especially on the anniversary of the heaviest shelling of Dubrovnik.³⁶

Sources and memories

A large number of articles are available on the Internet dealing with trials related to Morinj, as well as compensation proceedings initiated by detainees. Actor Nikša Kušelj recently spoke about his captivity.³⁷

The crimes in the Morinj camp are extremely well documented. Indictments and verdicts are flooded with data and testimony.³⁸ The Association of Croatian Detainees has published three monographs on the suffering in Morinj and the suffering in the Dubrovnik area: *Memories of Dubrovnik Detainees I* (2003), *Memories of Dubrovnik Detainees II* (2008) and finally the *Monograph of Dubrovnik Detainees* (2011). The documentary *War for Peace* was especially important for informing the Montenegrin public, in which the final shots also showed footage from Morinj, with testimonies of former detainees, authored by Koča Pavlović and the independent production “OBALA” (2003/2004). The Association of Croatian Detainees also made the documentaries *Opening the Door* (2006), *Camp Morinj* (2008 in collaboration with NTV Montena), and also participated in the preparations for the film *War for Dubrovnik* by Snežana Rakonjac (2010, the fifth episode deals with Morinj, “Dirty War”). The society also collected an abundance of archival material. Crimes were also well documented in the trials, thanks to the testimonies of former detainees, about seventy of whom responded to the trial.

³⁵ *Compensation to victims of war crimes in Montenegro*, Action for Human Rights, 2016, p. 13

³⁶ Press release “Dubrovnik 25 years later - Crime without punishment”, December 5, 2016,

<https://documenta.hr/novosti/dubrovnik-25-godina-poslije-zlocin-bez-kazne/>

³⁷ Famous actor for the first time about his captivity in the Morinj camp: They came in front of the house and asked me to surrender, and what else could I do in occupied Cavtat ?, *Dubrovački vjesnik*, December 2, 2020.

³⁸ The publication *The Process of Dealing with the Past in Montenegro - The Morinj Case*, reprints all relevant documents - indictments, verdicts, appeals - on the process conducted in Montenegro.

As part of her project "Personal Memories of Wars and Other Forms of Political Violence from 1941 to the Present", Dokumenta recorded several testimonies about captivity in Morinj and Bileća.³⁹ Thus e.g. Robert Hauswiczka, a former prisoner, talks about his testimony in The Hague: "Investigators from The Hague came and asked if I would agree to testify about the events in the camps. I reluctantly agreed. I normally agree to everything because I think that all these stories today-tomorrow someone might read, someone might see, because you just need to talk. If we all retreat into ourselves and don't talk, then this all that was going on will become really forgotten. I testified to them four or five times during the year or a year and a half, and then they called me. When they caught Milosevic, they called me to testify against Milosevic. I accepted that. A great experience was sitting in the courtroom with a man who was guilty of all this that was happening in Croatia, Dubrovnik itself and telling him some things. It was a great experience for me. A big thing was that I still have those tapes at home today, and those tapes are very dear to me."⁴⁰

"In its collections, the Museum of the Homeland War and Dubrovnik also keeps, among other things, memoirs on captivity in the Morinj, Bileća and Kumbor camps."⁴¹

At the end of 2020, Montenegrin author Ognjen Spahić published the book *Under Both Suns*, which covers the issue of the problem of facing the chapter of the Montenegrin past through the eyes of Colonel Branimir Bata Lončar, in which personal and family trauma and his refusal to participate in the abuse of prisoners in Morinj are intertwined. The novel has a partly quasi-documentary character: "Menzalin and Lučić are dragged through the courts. Nobody mentions me, and they should."⁴²

"At the end of the documentary *Camp Morinj*, a journalist asks locals if they know what happened a few hundred meters from their houses during 1991 and 1992. The reluctance and avoidance of giving answers, and the inconvenience caused by that question, can be understood as part of what Zorana Simić calls Spahić's books "Morin's silence." In this sense, the formal completion of the restoration of justice will always be able to serve as a good excuse for oblivion.

³⁹ Robert Hauswiczka, Marko Sjekavica, Metodije Prkačin, Mario Curić, Marija Lukšić, Luko Piplica and Nera Vrkaš testified about Morinj.

⁴⁰ Part of the testimony for Personal Memories was reprinted in the book, *War Crimes Prosecution - Guaranteeing the Process of Dealing with the Past in Croatia*, Dokumenta, Zagreb, 2014.

⁴¹ <https://mdrd.hr/zbirka-memoarske-grade/>

⁴² Ognjen Spahić, *Under twosuns*, Fraktura, Zagreb, 2020., Kontrast publishing, Beograd, 2020, p. 71

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KLAPUH FAMILY

"While sprinkling that sand on the pools of blood, the accused J.J. and one of the brothers K.1. they threw the body of K.H. across the bridge into the river. Then V.Z. took out of the car those two women who were standing next to the vehicle and who were screaming. Then K.R. took the rifle out of the vehicle and shot K.H. wife. He had his back turned at the time of the shooting and as he was about to get into the vehicle, all the accused threw the woman across the bridge together."

Testimony of Vidoje Golubić regarding the case of the Klapuh family. Excerpt from the judgment of the High Court in Podgorica K.br.20 / 96 of 16.12.1996. years.

Introduction

Plužine is a town located in the northwest of Montenegro, along the border of Bosnia and Herzegovina. It is a city through which refugees entered Montenegro in the 1990s as they left war-torn cities in Bosnia and Herzegovina. On July 6, 1992, the Klapuh family also decided to leave Foča, with the help of their neighbors and acquaintances - members of the Serb Republic of Bosnia and Herzegovina - the special detachment "Dragan Nikolić". A few hours later, on the bridge "Obrada Cicmila" in Plužine Five members of the detachment were convicted of their murder, but to date only one has been held accountable - a Montenegrin aide, Vidoje Golubic, who has been marked by two trials, two verdicts and the escape of other participants in the crime.

Description of events

Before the war in Bosnia and Herzegovina, Vidoje Golubić worked at the Medical Center in Foča. After the outbreak of the war, sometime in April 1992, he volunteered for the territorial defense. The Serbian Republic of Bosnia and Herzegovina did not have an active composition of military units at that time, but formed only a territorial defense, and it was deployed in a special military police detachment, and later transferred to the Special Operations Unit, which was part of the territorial defense.¹

On July 6, 1992, Vidoje attended a funeral in Foca. He passed his friend's house by chance and noticed Janko Janjić, Zoran Vuković, Zoran Simović, Radomir and Milomir Kovač. All of them were members of the Serb Republic of Bosnia and Herzegovina - the "Dragan Nikolić" special detachment. They were accompanied by Klapuh Hasan, his wife Ferida and daughter Sena.

On that occasion, one of his friends asked Golubić to accompany his brother Hasan to Šćepan Polje in Montenegro, since the road is unsafe in that part, so they thought it would be safer if more vehicles went. The Klapuh family also paid a certain amount of money for this service. They set off in a column of three vehicles. Members of the special detachment were armed with automatic rifles and pistols.

While driving towards Šćepan Polje, Janko Janjić allegedly told Golubić that he would kill Hasan, citing something that happened between him and Janko's father. Golubic said: "There is no need to do that, let him go his own way." They didn't talk about it anymore.²

When they reached Šćepan Polje, they stopped at a tavern. Janko Janjic entered Hasan and sat with him at a special table, while his wife and daughter did not go inside. Golubić noticed that at one point Hasan gave Janko a certain amount of money, but he allegedly did not know

¹ Transcript of the judgment of the High Court in Podgorica due to c.d. war crime against civilians from December 16., 1996.

² Ibid;

why or how much. Brothers Kovač and Zoran Simović came to their table. They talked about the situation in Foča all the time. After leaving the cafe, Golubić noticed that Janko and Zoran Vuković were arranging something, after which Janko approached him and said that they were going to Plužine, explaining that there were no buses and that the Klapuh family should be escorted. They left their rifles at the border, except one of the Kovac brothers kept covered by his jacket in the car, so the police at the border crossing did not see the rifle left in the car.

Golubić was the first to leave Šćepan Polje in a vehicle, and Janko Janjić was with him. Behind him was a Ford vehicle driven by Zoran Vukovic, and behind Zoran was a Lada with Kovac brothers in it. The Klapuh family was in the Ford vehicle. The distance between the vehicles was about 50 meters, they did not change this schedule during the ride and so they reached the bridge "Obrada Cicmila" in Plužine. When he arrived at the bridge, Janko took out a gun and rehearsed it, and when they came to the other side of the bridge, he told Vidoje to stop the vehicle. He obeyed his order and the vehicles moving behind him stopped.

Then he noticed that something was wrong with his vehicle and he was doing something around the fuse. After a short time he heard a shot. When he got out of the vehicle he saw Hasan lying on the ground. When he asked Janko what happened, he answered briefly: "I killed him." He then ordered Vidoje to take the sand and cover the blood that had spilled from the wound. While sprinkling sand on pools of blood, Janko and one of the Kovac brothers threw Hasan's body across the bridge into the river. Then Zoran Vukovic took Ferida and Sena out of the car, who were standing next to the vehicle and screaming. Then Radomir Kovač took the rifle out of the vehicle and shot Ferida. All the accused threw her into the river together.

She was still alive.

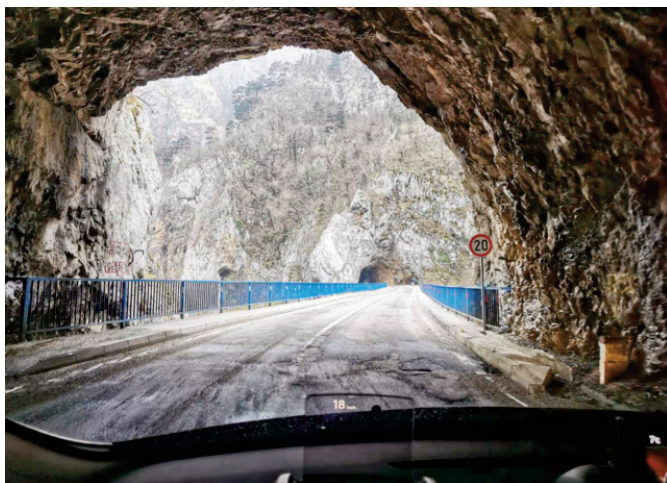


Photo nr. 1: The bridge on which the Klapuh family was killed

In his testimony, Golubić said that when he was getting ready to get into the car, he heard Zoran Vuković tell Sena that she could go and he would not do anything to her. At that moment,

only Zoran Vukovic and Zoran Simovic had not yet entered the vehicle. The girl walked slowly and said, "Zoka, don't please!". They both followed her. Golubić was moving slowly in the vehicle, and when he crossed about 100 to 150 meters, he stopped and waited for them to arrive. In the meantime, he heard two gunshots. He assumed they had killed the girl as well. But, like her mother, Ferida was still fighting for her life. However, both died a few hours later.

Golubić further states in his testimony that after the bloody act, everyone sat in the tavern and talked about what had happened. Allegedly, one of the Kovac brothers told Janko that they should not have done that. They stayed there for a short time, had a "drink - two" and returned to Šćepan Polje, stopped at another cafe and then went back to Foča.³

Court procedure

The bodies of the Klapuh family were found by a roadman who noticed blood on the asphalt, and then the bodies deep in the abyss.

A tunnel was built at the very beginning of the "Obrada Cicmila" bridge. Immediately upon exiting the tunnel, the investigation found traces of blood covered in sand. Traces of blood were also found on the sidewalk on the right side of the road. On the left side of the bridge, on the rocky part, a female corpse was first found. Just below the bridge, in the water, was Hasan's body. Upstream, next to the river, but on dry land, another female corpse was found. In front of the bridge, on a metal bumper, a bullet from a rifle was found on the right side, a pistol shell, traces of blood and a denture were found at the corner of the branch. Before the bridge, down the slope, a woman's watch was found, and a little closer a hair band.⁴

An autopsy determined that Klapuh Hasan had died from an injury inflicted by a gunshot to the back of the head. The death occurred immediately after the injuries sustained.⁵

Klapuh Ferida, died as a result of inhaling blood from a wound inflicted with a firearm (automatic rifle) in the neck area. Other injuries occurred just before her death, as a result of a fall from a height, which shows that she was alive after she was thrown from the bridge and died only a few hours later.⁶

Klapuh Sena also died from a violent death and the cause of death were numerous bodily injuries. An autopsy determined that she had gunshot wounds in the chest area, as well as injuries in the head area, inflicted with a blunt object, while foot injuries and bone fractures occurred when falling from a height on a hard surface. She, like her mother, passed away only a few hours after the injuries sustained.⁷

³ Prepis presude Višeg suda u Podgorici zbog k.d. ratni zločin protiv civilnog stanovništva od 16.12.1996.

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

The police quickly determined who the victims were and who the criminals were, because everything was registered in the book of the border crossing point at Šćepan Polje. However, what made it very difficult to bring the criminals to justice was the fact that they were on the run, but also the fact that war and lawlessness were still raging in Bosnia and Herzegovina at that time. However, a month after the crime was committed, Vidoje Golubić came to Plužine to visit his wife and child and was deprived of his liberty.

Verdict

The first trial was held in Podgorica in 1993. However, only Golubic was in the courtroom, while the others were tried in absentia, because they were on the run at the time. On that occasion, Golubić was sentenced to eight months in prison for failing to report the crime, and the others to 20 years each, not for war crimes, as stated in the indictment, but for murder out of greed.

Following an appeal by the prosecution, the Podgorica Higher Court rendered a new judgment on December 16, 1996. At that trial, it was established that the accused, acting as co-perpetrators, were aware of their act and wanted its commission by acting with direct intent. The defendants were aware of the joint action in terms of committing the crime, they acted on the principle of labor division during deprivation of life of the Klapuh family, which they deceived - by promising to transport them safely for financial compensation by passenger vehicles from Foča to Plužine, on the bridge "Obrada Cicmila", deprived of life and threw the bodies of the injured into the canyon of the river Piva. It is obvious that the accused had a prior agreement on how and in what way to commit the criminal offense in question and it was known exactly which of the individual actions each of the accused would take.⁸

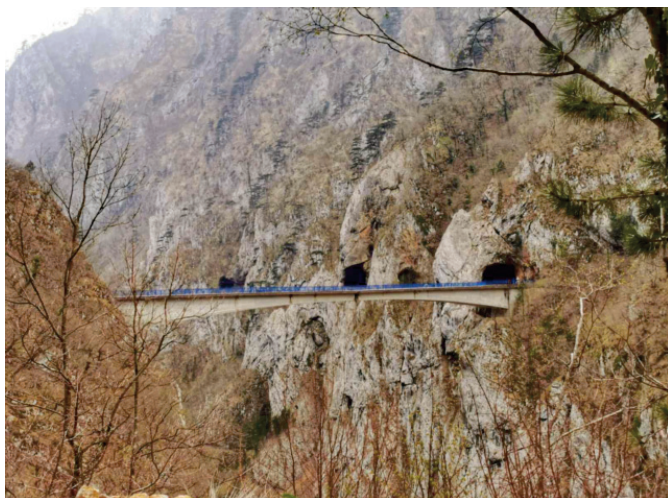


Photo nr. 2: The bridge on which the Klapuh family was killed

⁸ Ibid

Janko Janjić, Zoran Vuković, Radomir Kovac and Zoran Simović committed the criminal offense of War Crimes against Civilians during the Armed Conflict in Bosnia and Herzegovina between Serbs, Croats and Muslims, as members of the Special Operations Unit of the Army of the Serb Republic of Bosnia and Herzegovina. They committed the crime against Muslim civilians who resided and lived in Foča, an area where armed conflicts took place. Considering that international rules: the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the Additional Protocol to the Geneva Convention of 12 August 1949 on the Protection of Victims of Non-International Armed Conflicts protect civilians, that is, persons who do not participate directly in hostilities and the killing of civilians is prohibited, the accused in this case acted in violation of the rules of the said international law.⁹

Also, the explanation of the decision states that in order to define the criminal offense of war crime, it is not important whether it happened in the territory affected by the war, but that it is related to the war. Thus, the court, regardless of the fact that the crime took place on the territory of Montenegro, ie in the area that was not affected by the war at that time, nor was Montenegro, ie FR Yugoslavia in a war conflict with Bosnia and Herzegovina, decided that this was without suspected war crime.

When sentencing the accused Janko Janjić, Zoran Vuković, Radomir Kovač and Zoran Simović, the court took into account the social danger of a criminal offense of this type and sentenced the accused to 20 years in prison each.

Deciding on the sentence for the accused Vidoje Golubić, the court assessed all the circumstances that affect the sentence to be lower or higher, so the court found only mitigating circumstances on the side of the accused, namely the youth of the accused, his family circumstances - father of a minor child, previous non-conviction, while there were no aggravating circumstances on the part of the accused. Appreciating the mitigating circumstances, the court found that the imprisonment of eight months within the general purpose of criminal sanctions would achieve the special purpose of punishing the accused from committing such or similar criminal offenses in the future.¹⁰

This was one of the first verdicts for war crimes in the 1990s in the former Yugoslavia, and the first in Montenegro.

Perpetrators

Zoran Vuković was first arrested on December 23, 1999 in Bosnia by SFOR. On 12 June 2002, he was finally sentenced to 12 years in prison by the International Criminal Tribunal for the former Yugoslavia for crimes against humanity (rape and torture) committed against the Bosniak civilian population in the municipality of Foca during the war in Bosnia and Herzegovina.

⁹ Ibid

¹⁰ Ibid

ina. The indictment charged Zoran Vukovic with torturing, enslaving and raping non-Serb women and girls in the Partizan detention facility in Foca, as well as robbing property. The verdict also states that Vukovic took part in the attack of Serb forces on the Bosniak civilian population. He was in Buk Bijela, on July 3, 1992, when locals from that area were brought to this settlement, mostly women and children, who were beaten and raped. On the same day, he raped a woman in Buk Bijela. He also raped girls and women who were detained in the "Partizan" sports hall, and one of the raped girls was a minor.¹¹

The indictment alleges that Zoran Vukovic was one of the deputy commanders of the military police and the leader of the paramilitary units in Foca.

What caused dissatisfaction among the public and especially the closest members of the Klapuh family, is that this trial did not even mention the cruel crime committed in Plužine, nor was the accused asked a single question about it.

On November 28, 2002, Zoran Vuković was transferred to Norway to serve his sentence. He was released after serving two-thirds of his sentence.

At the Kotroman border crossing, while entering Serbia from Bosnia and Herzegovina, Zoran Vukovic was arrested again on December 25, 2015. During a routine check of documents, Serbian police found that Montenegro had issued an international arrest warrant for him, so Vukovic was placed in extradition custody. However, the extradition procedure has not been carried out to date, although it has been announced that Montenegro has requested his extradition.¹²

Before the Bosnian Serb attack on Foca in April 1992, Janko Janjic Tuta was a car mechanic and unemployed. During the war, Janjic was a member of the 4th Battalion of the Foca Brigade of the RS Army. He died on the night between October 12 and 13, 2000, in his hometown, resisting SFOR members who tried to arrest him. He activated two hand grenades. Of those, two SFOR members were killed and two were slightly injured. He blew himself up with another. In addition to Janjic, his mother, daughter and brother Oliver with his wife and two children were present in the apartment at the time of the SFOR operation.

Zoran Simović remained inaccessible even to the western intelligence services, and today the location of his whereabouts is unknown.

Radomir Kovac Klanfa was one of the deputy commanders of the Military Police of the Foca Brigade of the RS Army. On August 1, 1999, Kovac was arrested by members of the French SFOR forces in his apartment in Kralja Petra Karadjordjevica Street in the center of Foca. He

¹¹ Decision of the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 on mitigation of sentence of 11 March 2008; Case no. IT-96-23 & 23/1-ES.

¹² [http://www.hraction.org/2020/07/06/povodom-28-godina-od-ubistva-tri-clana-porodice-klapuh-iz-foce/](http://www.hrraction.org/2020/07/06/povodom-28-godina-od-ubistva-tri-clana-porodice-klapuh-iz-foce/)

was sentenced to 20 years in prison for crimes against humanity directed against the Bosniak civilian population of Foca, which includes the systematic rape of women and girls, some as young as 12. After serving 14 of 20 years in prison, the Hague tribunal released him in July 2013. He served his sentence in Norway.¹³

Apart from Vidoje Golubić, who, as it was established, did not directly participate and help in the crime on the bridge, Milomir Kovač, Radomir Kovač's brother, only opposed and tried to prevent him. Seventeen days later, he would probably commit suicide due to a guilty conscience because of this cruel and shameful crime committed by his brother and others.¹⁴

Victims

However, there is no more information about the victims than what they did and how old they were. Hasan Klapuh was 64 years old at the time of his death, he was an economist and for many years the deputy manager of the KP Dom in Foča. Ferida, 55, was unemployed, while 30-year-old Sena had just graduated from the Faculty of Civil Engineering.

They were buried in the temporary cemetery near Trebjesa, in Nikšić, Montenegro. Hasan and Ferida left behind their son Ferid, who did not go to Montenegro with his family in 1992.

In some statements given to the media, he said that he had come to Montenegro several times before for trials, but also to visit the graves of his family, which were buried in Nikšić. After the arrest of Zoran Vuković, he stated that he expects that all criminals would finally be brought to justice. He fell silent for a while, then corrected himself: "I don't expect, I don't know what to expect. I just hope that the murderers of my family will finally get justice."¹⁵

Conclusion

In the end, too many questions are asked. Why has Vuković not been extradited to Montenegro to date? Is anyone even looking for other participants in this crime? Is justice satisfied that the perpetrators have been convicted, so it doesn't matter that they haven't served their sentence? The war crimes verdict against the Klapuh family, the first to be handed down in Montenegro for war crimes in the 1990s, could serve as a good example of how such cases should be resolved - the investigation was effective, the perpetrators were quickly identified and all convicted. However, from the time of the verdict until today, nothing has been resolved in this case. Some are still on the run, others have not been extradited to Montenegro. Justice will not be served if only the one who covered the tracks is held accountable, while those who shot and threw from the bridge one by one a member of the Klapuh family and after almost 30 years, successfully evade justice.

¹³ bosnjaci.net - „When perpetrators think to become victims” - <https://bosnjaci.net/prilog.php?pid=66565>;

¹⁴ DAN daily online newspaper - <https://www.dan.co.me/?nivo=3&rubrika=Fejton&clanak=539436&najdatum=2016-03-28&datum=2016-03-29>

¹⁵ Portalanalitika - „Slow hand of justice”

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ŠTRPCI

“My father was born in 1957 and was a railroad worker. On the day of the abduction, he was wearing a denim jacket and brown pants and a shirt. He was of shorter stature. He went to a meeting of the railway union in Belgrade, since he was the president of the union. He did not return home to Prijepolje. He did not have an ID card, nor a train ticket, but only a train ID on the basis of which he was identified as being of the Muslim faith. I would like those responsible for the murders to be punished. However, when I see how the trial in the Special Court is taken lightly, I doubt that I will receive justice in this country.”

Selma Memović, daughter of Fikret Memović, abducted in Štrpci

Introduction

At the Štrpci railway station, which is located on the territory of Bosnia and Herzegovina and through which trains run on the route Belgrade - Bar, on February 27, 1993, the train number 671 of the Yugoslav Railways was stopped, from which uniformed persons under the command of Milan Lukić took out 19 citizens of FR Yugoslavia and one person of unknown citizenship. The persons were transported by truck to the gym of the Elementary School in Prelovo near Visegrad, and after being beaten and tortured, they were transferred to the village of Musici, also near Visegrad, where all but one were killed.¹

Nebojsa Ranisavljevic, who was sentenced to 15 years in prison by the High Court in Bijelo Polje, and Mico Jovicic, who pleaded guilty before the Court of Bosnia and Herzegovina, have been held responsible for war crimes against civilians in the "Štrpci" case and were imprisoned for a term of five years. The trials of a total of 15 war crimes suspects in the "Štrpci" case were ongoing before the Court of Bosnia and Herzegovina and the High Court in Belgrade. In mid December 2019, the Prosecutor's Office of Bosnia and Herzegovina filed an indictment against Milan Lukić for this war crime. Lukic, leader of the "Avengers" paramilitary unit was sentenced before the International Criminal Tribunal for the former Yugoslavia (ICTY) to life imprisonment for crimes against Bosniak civilians in and around Visegrad (Bosnia and Herzegovina) but not for war crimes in the Štrpci case.²



Photo nr. 1: IDC archives

¹ Judgment K.no. 5/98 of the High Court in Bijelo Polje against Nebojša Ranisavljević dated 9 September 2002;

² Indictment filed against Hague convict Milan Lukic for crimes in Štrpci, Balkan Insight - BIRN, Haris Rovcanin, 12/13/2019: <https://bit.ly/38lkBCf>;

Obduction in Strpci

War in Bosnia and Herzegovina

Interethnic tensions in and around Visegrad have risen since the first multi-party elections in November 1990, won by the Bosnian Muslim National Party. The territorial defense had to be disarmed in accordance with the JNA instructions. The JNA armed and trained local Bosnian Serbs. The leading Bosnian Serb party, the Serb Democratic Party, demanded the division of the police along ethnic lines, which Bosnian Muslims refused. As a result, both sides erected barricades across the city. In April 1992, shootings and explosions took place in places inhabited by Bosnian Muslims and on April 14, 1992, the JNA Užice Corps, from the FRY entered the town and took control. Although the JNA initially had a calming effect, the disarmament policy, accompanied by violence and ethnic selection, soon caused fear among the local Muslim population. The JNA left the city on May 19, 1992, and paramilitary units remained in the city, and more of them arrived soon. In the period that followed, the caught Muslim population was exposed to systematic fear, torture, torturous killing, rape and expulsion.³

According to Dejan Anastasijevic, who has been investigating Lukic's crimes for more than a decade, "after the Uzice Corps captured Visegrad without much resistance, Lukic returned to his homeland at the head of a paramilitary formation composed partly of local relatives and friends and partly of a team brought from Obrenovac (FRY). This group changed its names and labels - they introduced themselves as "White Eagles" and "Avengers" - but Lukić, along with his cousin Sredoje as an aide-de-camp, remained at its helm all the time.

Sandzak area during wars of nineties

Although the FRY had officially stated that it did not take part in the war, policies of systematic intimidation of the Muslim population were ongoing in the territory of Sandzak, which was why many have decided to emigrate. During the war in Bosnia and Herzegovina, a police operation was carried out on the territory of Sandzak in search of weapons among the population, as a result of which several hundred people were arrested and exposed to police torture. The FRY did nothing about the incursion of VRS formations into Sandzak and the crimes committed by the VRS against its citizens.⁴

In the months following the start of the war in Bosnia and Herzegovina, forty-one persons went missing, while six persons were returned to Montenegro from Bosnian Serb-controlled territory where all these persons had been detained. All but one were Muslims, citizens of the FRY. In the village of Mioče in Bosnia and Herzegovina, on October 22, 1992, sixteen people were abducted from a bus on the Rudo - Priboj line, which was partly passing through the territory

³ Judgment of the Trial Chamber in Prosecutor v. Milan Lukić and Sredoje Lukić (IT-98-32 / 1-T) of 20 July 2009, p. 19-26.

⁴ „War Crimes in Serbia: The Sandzak Case”, Youth Initiative for Human Rights, 2010, Belgrade.

of Bosnia and Herzegovina. The village of Kukurovići was attacked on two occasions, on February 18 and April 11, 1993, by infantry and mortars, during which several houses and auxiliary facilities were set on fire, and the population of this place was completely evicted.⁵

Events leading to the abduction

The company that owned the Belgrade - Bar railway, which runs in part in the length of 9.8 km through Bosnia and Herzegovina, was the Public Railway Transport Company "Belgrade".⁶

Mitar Mandić, the Director of the Sector for Defense Preparation and Protection, had, in a strictly confidential and classified document, dated February 1, 1993, informed the General Manager of this company that he received the information on January 28, 1993 from the head of the STP section of Uzice Zivanic that "members of the Bosnian Serb Army of the municipality of Rudo will stop the train and take away passengers" and that "the whole action would take place on the part of the Belgrade - Bar railway that passes near Bosnia and Herzegovina." The narrowest expert Collegiums of the ZTP, representatives of the police and the State Security Service, as well as General Kuzmanović, the Assistant Minister of Defense of Serbia were informed about this. At the meeting with General Kuzmanović, it was agreed that ŽTP would no longer deal with this case because the company had fulfilled its obligation.

In an assessment of the political and security situation at the Uzice railway junction, made by a working group of police, military and company experts in November 1992, it was said that part of the line passing through Bosnia and Herzegovina could hardly be assisted from the police and the army because these two have no jurisdiction over that territory. For the part of the railway from the re-entry into Serbia all the way to the border with Montenegro, it was stated that it was most endangered because it passed through the territory inhabited by both Serbs and Muslims, and that accessibility would be difficult due to the proximity of war in Bosnia and Herzegovina. Muslim workers were marked as the greatest danger to the safety of railways and facilities because they were "familiar with all the details of the organization of the railway because they were involved in the daily work process" and that "as far as Muslim workers employed in physical and technical security, there were 732, for now, they were not exposed as enemies, but they would be capable of making our job more difficult, because of them, that was, because of mistrust in them, we could not realize some operational ideas because their detection would achieve the opposite effect, giving passwords, patrols, etc.) ". Dissatisfaction with the sick leave taken by Muslims was emphasized, as well as the return to work of previously suspended Muslims to some leading positions. It was noted that the facilities and the railway were guarded by guards, while the police and the army did not directly participate in the security.

Strictly confidential information on the activities of ZTP "Belgrade" in reviewing the security situation on the railway Uzice - Gostun stated that the Collegium of ZTP, which consisted of

⁵ Helsinki Committee for Human Rights, Chronology of Events

⁶ Letter from JTŽP "Belgrade" no. 65/2002 - 15, dated 6 March 2002, sent to the Assistant General Director for Legal Affairs and Human Resources of this company.

managers of companies from all sectors, should inform the Ministry of Defense of Serbia, Ministry of Interior and State Service security on allegations of the possibility of kidnapping passengers on part of the railway in Bosnia and Herzegovina. At the meeting with the Ministry of Defense, it was insisted on greater engagement of the army and police in securing vital facilities, and it was said that ZTP did not have the possibility to fully protect these facilities and only provide them. General Kuzmanovic undertook to inform the General Staff regarding the allegations of abduction. In the case of these allegations, a meeting was also held with the Ministry of the Interior in Užice, by the Chief Boško Petrić and the Commander of the Police of the Užice Region, Đorđe Kerić.

All officials who were involved in the correspondence and actions that JZTP "Belgrade" performed after the abduction confirmed the authenticity of the mentioned documents before the Higher Court in Bijelo Polje.⁷

Abduction

JZTP "Belgrade" informed the Ministry of Defense of the Republic of Serbia, the Ministry of Internal Affairs of the Republic of Serbia and the Ministry of Transport and Communications of the Republic of Serbia, by a strictly confidential letter dated March 1, 1993, number 5/1 - 93,

that on February 12, 1993 two trains numbered 3600 and 3601 were detained in the year 2000, the first from 7.36 to 7.44 and the second from 8.05 to 8.14, where 3 passengers were taken from the first train and 6 passengers from the second, and two passengers waiting for the train at this station were also taken away.

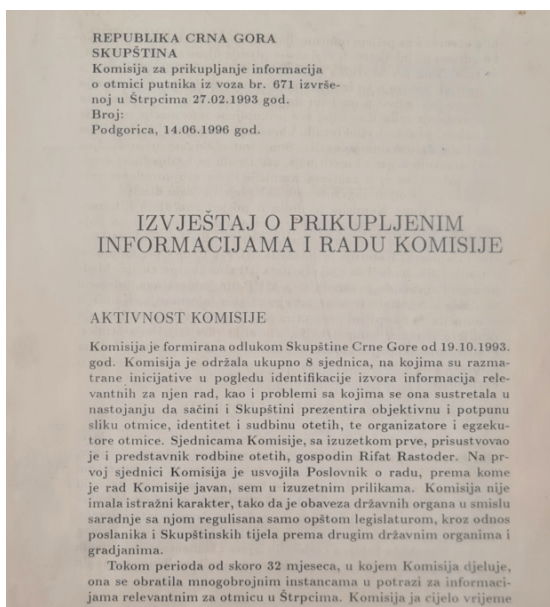


Photo nr. 2: IDC archives, Report on collected information and work of the Commission of the Parliament of Montenegro, dated 14 June 1996.

The same letter stated that on February 27, 1993, a group of uniformed persons forced the train dispatcher at the Štrpci station to forcibly stop train number 671 at around 3:50 p.m, and after the search of the passengers, 24 people were taken away. JTZP states that it previously pointed out to the RS Ministry of Defense and the RS Ministry of Internal Affairs the possibility of such an event.

⁷ All these documents were obtained by the Humanitarian Law Center and are available in the publication "Abduction in Štrpci. War Crimes Trial Analysis. Facts, legal issues and political implications." Humanitarian Law Center, Belgrade, 2003, on pages 93, 97, 99, 103.

On October 19, 1993, the Parliament of Montenegro established the Commission for collecting information on the abduction of passengers from train no. 671 committed in Štrpci on February 27, 1993, in order to gather information about this case. In the Report on the Results of the Insight into the Documentation on the Abduction in Štrpci in the Possession of the Public State Prosecutor of the Republic of Serbia, dated November 13, 1995, the Parliamentary Commission presented the collected documentation, i.e. statements of passenger witnesses, families of abductees, officials and employees of JŽTP "Belgrade" who found themselves at the crime scene.

It was stated that there was a report in the competent institutions for the kidnapping by the train dispatcher at the Štrpci station, Slobodan Ičević, who reported this case to the authorities immediately the day after the kidnapping. Train dispatcher Ičević stated the details of the kidnapping in Štrpci saying how a group of uniformed persons forced him to stop the train and then they kept him in the official room, while he could only observe the removal of passengers from the train and among them he recognized Fikret Memedović from Prijepolje. His colleague from JŽTP "Belgrade" and the train dispatcher in Prijepolje. It was stated that Ičević managed to inform the authorities during his detention in the official premises. During the investigation in the case before the Higher Court in Bijelo Polje, where he was accused of this war crime, Nebojsa Ranisavljević had identical claims as those of Slobodan Ičević.

Policeman Miroslav Gazdić gave a statement that he had traveled in an official compartment together with two colleagues who represented the official escort of the train. The time of stopping and detaining the train from Ičević's statement was confirmed, as well as the description of the kidnappers. He alleged that the kidnappers did not pay much attention to the presence of police officers, and that he did nothing about the situation because he knew that "the military police of the Republic of Srpska was enabled to forcibly mobilize their conscripts." Considering that the executed civilians did not complain and two weeks after this incident there was a situation of re-removal of passengers from the train by the Republic of Srpska military police looking for deserters on the train, which was enough for Miroslav Gazdić not to doubt the possibility of criminal works. Train driver Zeljko Radoicic also confirmed the presence of the armed group and their description from previous statements.

In his statement, Zoran Udovicic, a local policeman stated that he entered the train in Uzice and that he did not have to hand over his duties because the escort from Belgrade was not present. He identically described the events and the impossibility of intervention due to the good weapons that the group of kidnappers possessed because that would put the passengers on the train in danger. Policeman Miroslav Vranić stated that one Croat (free conclusion after the kidnappers called that person "Franjo") and about 15 Serbs and Muslims, as well as one foreign citizen, were taken out. In a repeated statement, he stated that Milan Lukić was also present, assuming from the kidnappers' conversation, when he knew that he was in Višegrad and in whose arrest he participated earlier in the police in Užice due to other reports. Policeman Goran Vukovic stated in his statement that the trains had been stopped before in order for the "military police of the Army of the Republic of Srpska to look for their conscripts". He also stated that his colleague, policeman Vranić, told him during the abduction that they were taking

Muslims off the train. Policeman Goran Bukvić also confirmed that Muslims were taken out "considering that he lived in Priboj and had known the circumstances".

In addition to the police, the passengers that were on the train at the time of the abduction also gave their statements. Thus, witness Murfeta Dautović confirmed the allegations that calls were made on the train to arrest kill and shoot the passengers. Witness Milan Spajić said that the kidnappers took out a black man.

The conductor at JZTP "Belgrade", Radenko Grujicic, said that there was no official escort of the train from Belgrade and Uzice and that he had a brief problem with the kidnappers who heard that his nickname was "Mujo" instead of "Grujo". He confirmed that it was rumored on the train that Muslims and several Serb refugees were taken out, and he also helped a woman with two children originally from Rožaje, whose husband was taken out of the train by the kidnappers (it was Halil Zupčević, a refugee from Trebinje).

Šefkija Kajević from Prijepolje gave a statement to local police officials that his brother Nijazim Kajević was abducted from a train in Štrpci. Kajevic says that the conductor wrote the names of the passengers on the tickets in the presence of two police officers, which other passengers denied.

The Parliamentary Commission for the Abduction in Štrpce sent a letter to the Minister of the Interior in the Government of Montenegro, Mr. Filip Vujanović, on January 31, 1996, informing him that his predecessor, Nikola Pejaković, had not responded to two letters sent two years earlier and that it would be desirable to respond to them, citing disappointment as the investigation was conducted by the authorities. He stated that the District Public Prosecutor in Uzice is investigating, and that the Republic Public Prosecutor of Serbia had all the information. In this letter, the suspects for the kidnapping, Nebojsa Ranisavljevic and Mico Jovicic, were identified with several other people.

Legal processes

The first trial in connection with the "Štrpci" case was conducted before the Higher Court in Bijelo Polje against Nebojsa Ranisavljevic, a member of the armed group under the command of Milan Lukic. The legal proceedings began with the indictment of the Senior Prosecutor in Bijelo Polje, filed in on March 14, 1997 for the criminal offense of War Crimes against Civilians, punishable under Article 142 § 1 of the FRY Criminal Code. The Higher Court in Bijelo Polje was declared incompetent in this case on May 21, 1997, and the Supreme Court of the Republic of Montenegro upheld this court decision on July 18, 1997, stating that the District Court in Jagodina had real and territorial jurisdiction.

The District Court in Jagodina declared itself incompetent and forwarded the case to the Federal Court of the FRY to decide on the conflict of jurisdiction. The Federal Court of the FRY delegated the case to the High Court in Bijelo Polje, after which legal proceedings began. The

Chamber found that this was one of the most serious offenses under the FRY Criminal Code and that the indictment did not cover all the necessary evidence to be obtained in the investigation. However, the Trial Chamber rejected the defendant's objection to the indictment, and the indictment became final on February 7, 1998 with Nebojsa Ranisavljevic being sentenced to 15 years in prison by a verdict from September 9, 2002.⁸ The Supreme Court of the Republic of Montenegro rejected the defendant's appeal and upheld the judgment of Bijelo Polje High Court on April 2, 2004, thus concluding the case.⁹

Bosnia and Herzegovina and Republic of Serbia jointly arrested 15 war crimes suspects in Štrpci in 2014.¹⁰ On May 18, 2015, Court of Bosnia and Herzegovina confirmed the Indictment against Luka Dragičević, Boban Indić, Obrad Poluga, Novak Poluga, and Dragan Šekarić, Oliver Kršmanović, Petko Indić, Radojica Ristić, Vuk Ratković and Mića Jovićić for war crimes against civilians from Article 142 of the SFRY Criminal Code. Mico Jovicic pleaded guilty, so Court of Bosnia and Herzegovina sentenced him to five years in prison.¹¹ The other suspects are still being tried before the Court of BiH, with the fact that on June 2, 2016, the case of *Miodrag Mitrašinović* was merged with the case of *Luka Dragičević et al.* after the indictment against him before the Court of BiH for the same war crime was confirmed on April 18 of the same year.¹² The trial of Gojko Lukic, Ljubisa Vasiljevic, Dusko Vasiljevic, Jovan Lipovac and Dragana Djekic is ongoing before the Higher Court in Belgrade. Although the arrest was made in 2014, the High Court in Belgrade would only confirm the indictment against the suspects in May 2018.¹³

On December 13, 2019, the Prosecutor's Office of BiH filed in an indictment against Milan Lukić for war crimes against civilians in the "Štrpci" case.¹⁴ This was the first time that Milan Lukić was charged with war crimes in Štrpci. He was convicted before the Hague Tribunal for war crimes against the Bosniak civilian population in Visegrad and its surroundings, and before the District Court in Belgrade he was convicted for the kidnapping in Sjeverin, but in both cases there was no mention of the kidnapping in Štrpci.

Position of state authorities during investigation

The state authorities had a passive attitude towards the entire investigation in the "Štrpci" case. Security forces, including the Yugoslav Army and the Interior Ministry, as well as the Uzice police, were aware of VRS incursions into the FRY as well as the possibility of abduction in Štrpci.

⁸ Judgment K.no. 5/98 of the High Court in Bijelo Polje against Nebojša Ranisavljević dated 9 September 2002.

⁹ Judgment Kž. 102/2003 of the Supreme Court of the Republic of Montenegro dated 9 November 2003.

¹⁰ „The indictment reveals the details of planning the hijacking from the train in Štrpci”, Filip Radić, Balkan Insight, March 1, 2019, available at : <https://balkaninsight.com/2019/03/01/optuznica-otkriva-detanje-planiranja-otmice-iz-voza-u-strpcima/?lang=sr>

¹¹ „The accused in the Luka Dragičević et al. They pleaded not guilty”, Court of Bosnia and Herzegovina, June 26, 2015, available at : <http://www.sudbih.gov.ba/vijest/optueni-u-predmetu-luka-dragievi-i-dr-izjasnili-se-da-nisu-krivi-20047>

¹² Case of Miodrag Mitrašinović, Court of Bosnia and Herzegovina, available at: <http://www.sudbih.gov.ba/predmet/3579/show>

¹³ „The indictment reveals details of the planned kidnapping from the train in Štrpci”.

¹⁴ „Indictment filed against Milan Lukić (1967) for war crimes against abducted passengers at the Štrpci station in 1993”, Prosecutor's Office of Bosnia and Herzegovina, 12/13/2019, available at: <http://tuzilastvobih.gov.ba/index.php?id=4361&jezik=b>

In the short report on the current knowledge, problems in the work and the proposal for making conclusions and decisions, which the Parliamentary Commission for Abduction in Štrpce presented to the Parliament of the Republic of Montenegro on January 31, 1996, it stated that the Commission always had a problem information when it comes to state bodies and citizens, who responded to the calls of the Commission only after several addresses and public pressure. In this report, the Commission cites state bodies that have completely ignored the Commission's calls: they were the President of the FRY, who on the other hand spoke about the kidnapping in the daily "Politika", the Minister of the Interior in the Government of the FRY, the Minister of Justice in the Government of the Republic of Serbia, Minister of Defense in the Government of the FRY, Minister of the Interior in the Government of the Republic of Serbia. The Commission criticizes the manner in which the investigation is being conducted and calls for the responsibility of the political leadership of the FRY and the republics, as well as the passive attitude of the political leaders towards the kidnapping towards the Commission.

It is also stated that the Ministry of the Interior of Montenegro responded to the inquiries of the Commission, but that the facts were transmitted at the level of those that can be found in the daily press and that the Ministry of the Interior stopped responding at one point. The work of the Ministry of Transport of Montenegro, in terms of submitting information was praised. It was alleged that the Republic Public Prosecutor of Montenegro and the Ministry of Human Rights in the Government of the FRY did not provide information on the abduction. The kidnapping in Štrpci was classified as an act for which the state authorities did not express the necessary availability of information and did not contribute to its resolution, and therefore it has been necessary to form an investigation commission with broader powers, including unhindered access to state documents.

The Remarks on the Investigative Procedure, presented by the Parliamentary Commission for Abduction in Štrpci to the Parliament of Montenegro on June 14, 1996, based on the Report on the Results of the Insight into the Documentation on Abduction in Štrpci in the Possession of the Public Prosecutor of the Republic of Serbia, state inadequacy organization of the investigation, lack of continuity in the investigation, localization of the investigation in the municipalities of Uzice, Priboj, Prijepolje and Brodarevo, unsystematic and uniformity of the investigation and lack of consistent processing of available facts.

The Parliamentary Commission for the Abduction in Štrpce sent a letter to the Minister of the Interior in the Government of Montenegro, Mr. Filip Vujanović, on January 31, 1996, informing him that his predecessor, Nikola Pejaković, had not responded to two letters sent two years earlier and that it would be desirable to respond to them, citing disappointment that the investigation was conducted by the authorities. He stated that the District Public Prosecutor in Uzice is investigating, and that the Republic Public Prosecutor of Serbia has all the information. In this letter, the suspects for the kidnapping, Nebojsa Ranisavljevic and Mico Jovicic, were identified with several other people.

On March 8, 2002, the Sector for Traffic and Transport Affairs, i.e. its Emergency Management Service, in a letter No. 284 - 14/02, informed the Assistant Director General for Legal Affairs

and Human Resources regarding the request for information from the Higher Court in Bijelo Polje, in connection with the case K. no. 5/98, i.e. the case against Nebojša Ranisavljević, who was tried before this court for participation in the war crime in Štrpci, that data were collected regarding the stopping and taking away of passengers, that they were "kept in one folder" and that it was "In the Service for Emergency Affairs until about March 1995, when he was taken by the head of the Department for Traffic Affairs, Josip Ujčić, to submit reports to higher authorities" and that they had no information about the movement of that folder. (pp. 126 - 128).



Photo No. 3: Monument in Prijepolje to the victims of crimes in Štrpci

Commemorative practice

A monument to the victims of the abduction in Štrpci was erected in Prijepolje in 2009 with the inscription "Who in this country forgets February 27, 1993 and the station

Štrpci has given up on the future". Although it is an example of commemorative practice, the monument has been condemned by the families of the victims and civil society organizations because only those victims of this war crime who are originally from Prijepolje are inscribed on it. Every year, on February 27, the anniversary of this war crime is marked at that place.¹⁵

In addition to this, the Islamic Community in Serbia and the Bosniak Cultural Community are organizing Commemorative Academies "Štrpci bez mezara-Štrpci without graves", a minute of silence is being held and flowers are being laid at the memorial to the victims.

¹⁵ „Memorial revealed to abductees in Štrpci“, Danas, <https://www.danas.rs/drustvo/otkriven-spomenik-otetim-u-strpcima/>, pristupljeno 16. aprila 2020. godine.

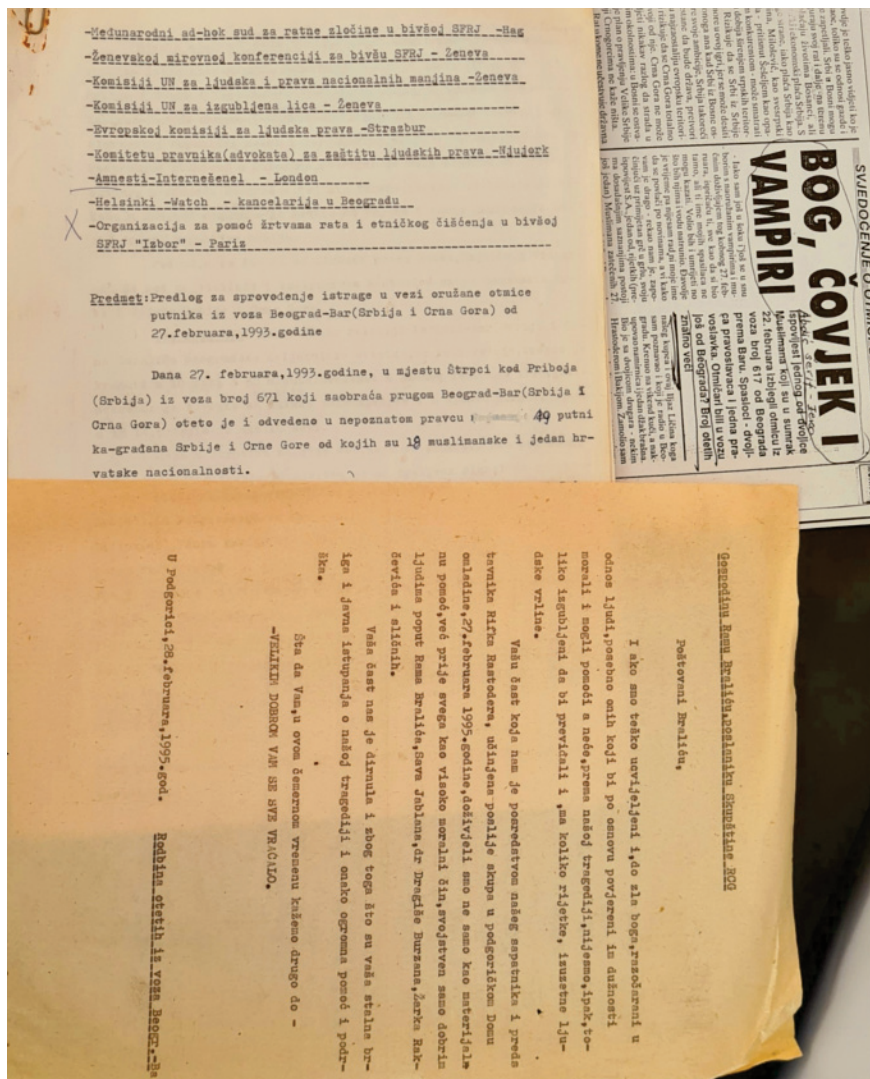


Photo nr. 4: IDC archives

The Center for Nonviolent Action is part of a program which has been gathering war veterans from BiH, Croatia and Serbia since 2008, organizing visits to the sites of civilian and military casualties, also organized a visit of war veterans to the commemoration in Prijepolje.¹⁶

A commemoration is held in Belgrade every year, organized by Women in Black, the Humanitarian Law Center and the Youth Initiative for Human Rights, which begins at exactly 3:38 p.m., when the train stopped at the Strpci station in 1993.

¹⁶ „War veterans from the region pay tribute to killed civilians from the train in Strpci”, Center for Nonviolent Action, <https://nenasilje.org/ratni-veterani-iz-regiona-odali-pocast-ubijenim-civilima-iz-voza-u-strpcima/>, accessed 16.4.2020.

In 2016, a monument to the victims of crimes in Štrpci was erected in Bijelo Polje.¹⁷ Every year, in this city, but also in Podgorica, a memorial service is held for the victims of this crime by laying flowers at the monument in Bijelo Polje, as well as at the monument to civilian victims of the wars in the former SFRY 1991-2001. in Podgorica.¹⁸

Data on victims were published, among other things, in the publication War Crimes in Serbia. The Sandzak Case (Youth Initiative for Human Rights, Belgrade, 2010).

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