

SNV Bulletin #25

Politika brisanja:
Operacija Džep 93
i njene posljedice



IMPRESSUM

Bulletin #25: Politika brisanja: Operacija Džep 93 i njene posljedice

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*Politika brisanja:
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Predgovor

U svojoj pripovijetci 'Pismo iz 1920.' Ivo Andrić opisuje mržnju koja tako često obuzima ljude naših krajeva i koja 'diže čoveka protiv čoveka i kao rak u organizmu troši i izjeda sve oko sebe'. Ono što je međutim krajnje indikativno u vezi ove pripovijetke jest to da kada je poslije Andrićeve smrti pronađen njen originalni kucani tekst, na posljednjoj je stranici nađena njegovom rukom dopisana zabilješka: 'Pismo iz 1992.' Andrić se naime u svom životu već bio dovoljno nagutao domaćeg i svjetskog užasa, Prvog i Drugog svjetskog rata, te je znao da ono što se dogodilo — dogodit će se opet.

Neka nam citat iz njegove pripovijetke posluži kao ulazna vrata u tužno i na momente brutalno štivo koje govori o mržnji u ratu u Hrvatskoj ranih 90-ih. Radi se o analitičkom i kritičkom istraživanju Branke Vierde, pravnice i istraživačice, i Nikole Puharića, savjetnika u Srpskom narodnom vijeću, koji se u ovom tekstu bave kronologijom po zlu poznate vojne akcije Medački džep u ranu jesen 1993. godine. Kada se čita ovo zaista mučno faktografsko podsjećanje na ubistva civila srpske narodnosti koje su počinili pripadnici hrvatske vojske i policije u selima Ličko-senjske županije — Lički Čitluk, Počitelj, Divoselo i Medak — kao i način na koji je usmrćeno osamdeset osmoro ljudi prosječne dobi od preko 65 godina, sve nas to navodi na pomisao da se u ovom tekstu radi o nečem vrlo strašnom. Toliko strašnom da bi izvještaj o tom događaju mogli nazvati, bez ikakve ironije ili zle namjere, inventurom hrvatske nacionalne sramote ili hrvatskom ratnom ljagom koja nikada nije isprana. Ipak, takva crna imaginacija neće nas puno utješiti, jer nakon opisa te serije ubistava nedužnih civila — fakti u ovom eseju govore o masakru — slijedi opet analiza dvoje autora o mukotrpnim i beskrajnim sudskim procesima za ratne zločine u akciji Medački džep pred međunarodnim i domaćim sudovima. Rezultati te, naročito domaće sudske arbitraže, djeluju u odnosu na razmjere zločina i dugotrajnost sudskih postupaka — mršavo i neuvjerljivo. Kako kažu autori eseja, neki koji su počinili zločine u toj akciji osuđeni su, doduše blago, ali mnogi uopće nisu. Na kraju dana, mržnja ubija i žrtvu i počinitelja i zmijoliko se širi dalje. Pitanje koje nakon ovakvih užasnih zločina u svakom trenutku vrijedi postaviti glasi: ima li ikakve šanse za izlaz iz tog zatvorenog kruga zla, za katarzu i praštanje? Ako bismo se prisjetili Schillerove rečenice da je praštanje 'ponovno nalaženje čovjekove najdublje svojine', onda teoretski postoji vjerojatnoća da je bar netko od rodbine tih stradalih Srba u Medačkom džepu, negdje u kakvoj ubogoj pravoslavnoj crkvi, sit patnje, ubijanja i žalovanja, po jednostavnom kršćanskom savjetu da

ljubi neprijatelje svoje ili da okrene i drugi obraz — oprostio počiniteljima zločina. Ali — veliko je pitanje jesu li ti počinitelji ili odgovorni za zločine ikada zatražili oprost ili se pokajali za ubijanje staraca i uništavanje i razvlačenje njihove imovine. Vjerojatno nisu i to je nažalost među ljudima tako, kako smatra profesor ustavnog prava Nenad Dimitrijević, jer mete masovnog zločina u pravilu su izabrane prema nekoj ideološkoj osnovi — u ovom slučaju natopljenoj šovinizmom — koja 'identificira izabrane žrtve kao neprijatelje ili kao manje vrijedna ljudska bića'. Nalazi dvoje autora ovog teksta govore o tome da nekima od onih koji su sudjelovali u zločinima u Medačkom džepu nije trebao oprost, već su im dodijeljene vojne počasti, promaknuća i nagrade.

Drugo je veliko pitanje da li počinitelji zločina, ili oni koji su u njima sudjelovali ili su im svjedočili, mogu oprostiti sami sebi. Psiholozi jako puno znaju o ovoj temi. U eseju pronalazimo iskaze malobrojnih hrvatskih vojnika koji su priznali da su se duboko protivili nasilju i ubojstvima civila u Medačkom džepu, neki od njih spominju da se u takav rat, makar i 'domovinski', ne bi odazvali da su znali da će u njemu biti toliko brutalnosti i zločina. Takvih izjava hrvatskih ratnih veterana ima zapisanih i u drugim postratnim ispovijestima, no posebno simptomatično zvuči podatak koji je nedavno iznio psihijatar Herman Vukušić, specijalist za postratni traumatski sindrom, kako je od kraja rata do sada preko 4000 hrvatskih ratnih veterana sebi oduzelo život. Ako se ta brojka usporedi s podatkom da je 8147 hrvatskih vojnika poginulo u aktivnoj borbi (demograf Dražen Živić, Institut Ivo Pilar), ispada da je, u odnosu na poginule borce, preko 50 % hrvatskih vojnika samo sebi oduzelo život. Jedno od najtraumatičnijih iskustava mnogih oboljelih od postratnog sindroma između ostalog je u tome što su oni 'vidjeli ono što nisu smjeli vidjeti' ili su sudjelovali u ubojstvima koja nisu smjeli počinuti. Mržnja često najviše nudi sama sebi, kaže pisac 'Gospodara prstenova' John R. R. Tolkien, koji je iskustio klaonicu Prvog svjetskog rata.

Već i prije samog teksta autora Vierda — Puharić navedeni uvodni citat respektabilnog civilnog predstavnika UN-a za Jugoslaviju Cedrica Thornberryja, koji je bio i zamjenik zapovjednika UNPROFOR-a, ukazuje na užas koji slijedi u opisu onoga što se u Medačkom džepu dogodilo: 'Dana 5. listopada 1993. osobno sam otišao vidjeti Medački džep. Ništa što sam pročitao nije me u stvari pripremio za takav prizor. Gotovo sve je bilo uništeno, sravnjeno sa zemljom, očito namjerno. Nikada nisam tako nešto vidio, pa ni sada, premda sam služio na mnogim ratištima kao što su Mostar, Sarajevo, Bejrut, Mogadishu, Bagdad i uništeni gradovi u Angoli.'

U kasnijem izlaganju činjenica doznajemo da u tom trenutku, u ranu jesen 1993. godine, na području Medačkog džepa nije bilo jakih jedinica Vojske Republike Srpske Krajine, nego tek nekoliko vojnika na straži koji

su se, prema vlastitom priznanju, pred naletom hrvatskih snaga brzo razbježali. Oni koji su na tom području preostali bila je nakupina uglavnom staraca i starica. Prvo pitanje koje vrišti i odmah udara u glavu glasi zašto je u selima u kojima su hrvatsku vojsku dočekale grupe nenaoružanih civila u poznim godinama 'sve bilo uništeno i svačije sa zemljom'. Ta slika bila je do te mjere užasna da čak i iskusnog UN-ova promatrača, koji je vidio grozote Angole, Bejruta i Somalije, 'ništa nije pripremio za takav prizor', iako je — kako kaže — već pročitao vrlo detaljan UN-ov izvještaj o toj akciji. Koliko je to razaranje moralo biti, u kućama nenaoružanih seljaka, kada je Thornberry golim okom zaključio da je to razaranje bilo 'namjerno', kako je napisao. Zašto je tako nešto učinjeno? Po kojim pravilima vojne službe?

Autori eseja navode da se prema izvještajima UNPROFOR-a o posljedicama akcije i na temelju dokumenata i izjava svjedoka, mogu izvesti zaključci o ciljevima akcije. Prvi je cilj vojno oslobađanje, a odmah uz njega, neskriveno, jest etničko čišćenje područja Medačkog džepa, pa je tako 'cijela zona podvrgnuta sustavnom i nemilosrdnom planu uništenja koje su provele snage hrvatske vojske i policije. Operacija je počela odmah nakon zauzimanja sela, a izvedena je metodom polukontroli-ranih ubojstava, pljačke te uništenja imovine i infrastrukture. Čišćenje je obavljeno temeljito i s jasnim ciljem da se područje dugoročno učini nenastanljivim'. Još strašnija činjenica koja slijedi iz ove analize jest to da je prema nalazima UN-ovih promatrača najveći broj razaranja, ubojstava civila i pljački učinjen daleko nakon zaposjedanja i potpune kontrole tog područja, u posljednja dva dana prije povlačenja hrvatske vojske, prema međunarodnom dogovoru o primirju.

Tako izvještaji UN-ovih promatrača, čak i pojedinih hrvatskih oficira koji su se pojavili na suđenjima za počinjene zločine — navode autori ovog istraživanja — brojni su, argumentirani i zastrašujući. Čak i službeni razlog započinjanja same akcije bio je sporan i simptomatičan. Karakteristično je svjedočenje oficira HV-a Rudolfa Brlečića pred Međunarodnim kaznenim sudom za bivšu Jugoslaviju u julu 2003. godine: 'Osobno sam bio protiv operacije Medački džep... Ukoliko mi ne bismo otvarali vatru na njih, ni njima oružje ne bi trebalo da pucaju na nas.' Stvarni motivi za provedbu akcije Medački džep, u kojoj su dominirala ubojstva civila i razaranje, bili su mržnja i osveta, navode autori citirajući izjave mnogobrojnih UNPROFOR-ovih i rijetkih hrvatskih oficira.

Treba posebno naglasiti da je istraživanje Vierda — Puharić, naročito u odnosu na te opise brutalnih zločina, uništavanja i razaranja, koje je počinila hrvatska vojska — faktografski argumentirano, narativno uravnoteženo i stručno uvjerljivo te krajnje relevantno. Vrlo razložno opisana je priprema ove vojne operacije, navedena su imena brigada Hrvatske

vojske i njihovih zapovjednika, detaljno je opisan tok događaja u kojem su se smjenjivali pojedinačni zločini, odnosno 'polukontrolirano nasilje' hrvatskih vojnika, kao i stvarne tragedije za čitave obitelji seljaka srpske narodnosti toga kraja. Interesantan je podatak iz ovog teksta da su operativne naredbe koje se odnose na zločine na terenu Medačkog džepa izdavane u pravilu usmeno. Pisanih tragova nema.

Vrlo je detaljno opisana i činjenica da su svi sudionici vertikalne linije zapovijedanja (uz postojanje famoznih 'duplih veza' u odlučivanju), od oficira na terenu do hrvatskog državnog vrha, znali što se događa u Medačkom džepu. Međutim, za vojno-politički establišment, na čelu s tadašnjim predsjednikom RH Franjom Tuđmanom ('Nalazimo se u škakljivoj političkoj situaciji'), problem nisu bili zločini, nego pritisak međunarodne zajednice zbog ovih zločina.

Saznajemo u ovom istraživanju i da je tadašnji ministar obrane Gojko Šušak zapovjedio formiranje istražnog povjerenstva kojim je rukovodio Ante Gugić, kako bi se istražili zločini počinjeni tokom akcije 'Džep 93', no nakon vrlo kratkog rada Gugić je podnio izvještaj u kojem nisu navedeni počinjeni zločini ni potencijalni počinitelji. Nadalje, tadašnjeg zamjenika zapovjednika Zbornog područja Gospić Rahima Ademija i zapovjednika Domobranske bojne Milana Kosovića Franjo Tuđman razriješit će dužnosti u oktobru 1993. godine, ali će Ademija kasnije tokom rata promaknuti u čin generala.

Izvještaji UNPROFOR-a, međutim, o brutalnostima i zločinima Hrvatske vojske u akciji Medački džep, utemeljeni su na materijalnim dokazima i svjedočenjima vlastitih promatrača na terenu i oni su nepobitni. Usput treba reći da autori navode važan detalj, da Hrvatska vojska danima nije puštala vojnike UNPROFOR-a da obiđu teren (čak je pucala na njih), kako bi premjestila leševe ubijenih i sakrila tragove zločina i masovnih pljački.

S druge strane, nevjerojatno je čitati navode iz domaće štampe u to vrijeme, koju citiraju autori, kao i izjave političkih i vojnih dužnosnika, koje sadrže potpuno beskrvno zaobljeni i drveni diplomatski jezik, iskrivljavajući do besmisla stvarnost onoga što se u Medačkom džepu zaista dogodilo. Bila je to na djelu lobotomija savjesti hrvatske državne elite, ali i anesteziiranje građana Hrvatske za bilo kakvo kritičko pitanje o prirodi vojnih akcija. Vrhunac brutalnog davljenja istine u krvavoj kadi tadašnje etnonacionalističke histerije bio je taj famozni skup na splitskoj rivi 2001. godine, koji spominju autori eseja, a na kojem se davala masovna podrška generalu Mirku Norcu, optuženom za zločine u akciji Medački džep, na kojem je sudjelovalo oko sto pedeset tisuća ljudi, mnogi od njih u crnim majicama. Posljedica ovakve frankenštajnovske atmosfere izvrtanja stvarnosti jest činjenica, kako se navodi u

istraživanju, da 'više od 70 posto mladih iz Hrvatske, u dobi između 18 i 30 godina, uopće nije čulo o ubijanju civila srpske nacionalnosti tokom vojne operacije Medački džep'. Kako kaže pisac Henrik Ibsen, 'prvo loša publika želi loše novine, a onda narod bez pouzdanih vijesti, prije ili kasnije, postaje skupina lišena temelja slobode'.

Naročito teško u ovom radu bilo je čitati izvještaje o mučenjima i ubijanjima. Tako autori navode kako je nekoliko svjedoka na suđenju Rahimu Ademiju i Mirku Norcu govorilo o smrti Milana Rajčevića, 'kojeg su vojnici vezali za auto i vukli po dvorištu, a njegov leš pronađen je gotovo potpuno spaljen. Nedeljka i Stana Krajnović pronađene su spaljene u zaključanom kokošinju. Boju Vujnović hrvatski su vojnici izveli u dvorište, legli je na kauč, polili tekućinom i živu zapalili. Peru Krajnović vojnici su ubili udarcima kundaka svojih pušaka u njenoj dnevnoj sobi nakon čega su zapalili kuću'. Takvih brutalnih detalja o izživljavanju vojnika u uniformama Hrvatske vojske prilikom zločina nad nedužnim civilima u ovom eseju ima sijaset. U Etičkom kodeksu vojnih osoba Hrvatske vojske, u odjeljku 'Dostojanstvo' (3.3) piše: 'Hrvatski vojnik djeluje na razborit i siguran način poštujući pri tome vrijednost ljudskog života kao jednu od najviših vrijednosti. Prema svima se Hrvatski vojnik uvijek odnosi čovječno, moralno i u skladu s ovim kodeksom i etičkim vrijednostima hrvatskog društva. Osobnim primjerom, u radu i osobnom životu, potiče ostale na prihvaćanje istih načela i vrijednosti. Poštuje dostojanstvo protivnika, s ranjenima zarobljenima postupa humano.' Krajnje dobronamjerno pitanje u korist građana ove zemlje, konačno i njegove vojske, glasilo bi: Koliko netko tko nosi uniformu Hrvatske vojske šteti vrijednostima hrvatskog društva, ne poštujući vrijednost ljudskog života, ne poštujući dostojanstvo protivnika i ne postupajući humano s ranjenima i zarobljenima?

U konačnom izvještaju o operacijama u Medačkom džepu od 15. do 21. septembra 1993., koji je izradio Kanadski bataljun UNPROFOR-a 30. septembra 1993., navodi se da je 'cijela zona Medačkog džepa bila podvrgnuta sustavnom i nemilosrdnom planu etničkog čišćenja koje su provele snage hrvatske policije i vojske. Učinjen je ozbiljan pokušaj da se u zoni poubijaju sve domaće životinje. Pošteđeno nije ništa'.

Danas, u ovim selima u kojima je nekada živjelo oko hiljadu ljudi, napominju autori, živi tek nekoliko staraca.

Ova vojna akcija u tadašnjim se hrvatskim medijima nazivala 'slavnom' i 'veličanstvenom'; što je slavno i veličanstveno u divljačkom ubijanju staraca, paljenju kuća, sistematskom trovanju bunara, usmrćivanju stoke i masovnom pljačkanju svega što se moglo opljačkati? I konačno: koliko ta sramota smrdi hrvatskim građanima?

Je li bilo zločina i na srpskoj strani? Da, itekako i mnogi od tih zločinaca završili su u Hagu. Ali tim zločinima treba kao pitanjem savjesti da se bavi netko drugi. Mi u Hrvatskoj treba da se bavimo zločinima koje su učinili 'naši dečki'.

Tuga i ojađenost preplavljaju Vierda — Puharićevo istraživanje. Spontano se javljaju desetine asocijacija o ratu, sudbini, zlu, pravdi i o tome zašto je na ovom komadiću zemlje sve baš moralo biti tako zločinački strašno. Među turobnim mislima odjednom izranja lik glumca Ljube Tadića, koji je, hvaljen i obožavan, igrao na pozornicama i Beograda i Zagreba. Njegove riječi sažimaju sav usud naših krajeva: 'U životu sam video zlo: imao sam dvanaest godina u Kragujevcu kada su streljali onaj narod i one đake, slušao sam te mitraljeze, ne samo ja nego i svi oko mene. Nikad više mrtvačkih sanduka nisam video nego opet u Kragujevcu četrdeset četvrte kada je bio Sremski front, pa je onda došlo i ovo najnovije zlo. Bilo je strašno i meni se učinilo da mi se u svesti, od onda u Kragujevcu do ovih devedesetih godina, zatvorio jedan krug. Razumem šta je Balkan, ali pitam se dokle će to tako...'

Poslije dosta godina, nakon svih tih smrti i nasilja, jedan će dječak uputiti svome ocu ono staro pitanje: Šta si radio u ratu, tata? Ne možemo biti sigurni što će tada taj otac odgovoriti svom sinu. Ali ono u što možemo dosta utemeljeno vjerovati jest da ovaj argumentirani esej o vojnoj akciji Medački džep može doprinijeti da odgovor na dječakovo pitanje — kakva god ta istina bila — postane mali, ali dragocjeni detalj u procesu moguće katarze za čitavo hrvatsko društvo.

Bojan Munjin

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Više volim istinu od nacije

— Heni Erceg, novinarka i spisateljica

Dana 5. listopada 1993. (op. a.) osobno sam otišao vidjeti Medački džep. Ništa što sam pročitao nije me u stvari pripremilo za takav prizor. Gotovo sve je bilo uništeno, sruanjeno sa zemljom, očito namjerno. Nikada nisam tako nešto vidio, pa ni sada, premda sam služio na mnogim ratištima kao što su Mostar, Sarajevo, Bejrut, Mogadishu, Bagdad i uništeni gradovi u Angoli itd.

— Cedric Thornberry, civilni predstavnik UN-a za Jugoslaviju, zamjenik zapovjednika UNPROFOR-a

Akronimi

CIVPOL — Civilna policija Ujedinjenih naroda
DORH — Državno odvjetništvo Republike Hrvatske
FREBAT — Francuski bataljon
GSHV — Glavni stožer Hrvatske vojske
HRT — Hrvatska radio-televizija
HV — Hrvatska vojska
JNA — Jugoslavenska narodna armija
CANBAT — Kanadski bataljon
MKSJ — Međunarodni kazneni sud za bivšu Jugoslaviju
MUP — Ministarstvo unutarnjih poslova
9. gmtbr — 9. motorizirana brigada
RH — Republika Hrvatska
RSK — Republika Srpska Krajina
SFRJ — Socijalistička Federativna Republika Jugoslavija
SRJ — Savezna Republika Jugoslavija
SDS — Srpska demokratska stranka
SVK — Srpska vojska Krajine
UN — Ujedinjeni narodi
UNPA — United Nation Protected Areas / Zaštićene zone
Ujedinjenih naroda
UNPROFOR — United Nations Protection Force / Zaštitne snage
Ujedinjenih naroda
VONS — Vijeće obrane i nacionalne sigurnosti
ZP — Zborno područje

Uvod

Akcija Džep 93 upisana je na listu mnogobrojnih nasilnih vojnih operacija tokom ratova koji su od 1991. do 1995. vođeni na teritoriju koji je nekada tvorio Socijalističku Federativnu Republiku Jugoslaviju (SFRJ).

Rat u Hrvatskoj povezan je s procesom osamostaljenja od Jugoslavije, koji je počeo demokratski, a nastavio se kroz ratni sukob. Paralelno s ovim procesom rastu i napetosti između Hrvata i Srba u Hrvatskoj, koje prerastaju u nasilje, a od ljeta 1991. može ih se nazvati i ratom. S nastajanjem hrvatske države odvijala se secesija dijela hrvatskih Srba koji tu državu nisu prihvatili, uz podršku Miloševićeva režima iz Savezne Republike Jugoslavije (SRJ).

U ratnom sukobu na jednoj su se strani našli ostaci Jugoslavenske narodne armije (JNA) zajedno s hrvatskim Srbima koje je JNA naoružavao, a na drugoj strani novoustrojena hrvatska vojska. U secesionističkim težnjama nastala je i Republika Srpska Krajina (RSK), međunarodno nepriznata politička tvorevina koju je kontrolirala Srpska demokratska stranka (SDS) na teritorijima uz granicu s BiH i Srbijom s miješanim stanovništvom, a na kojima su većinski živjeli Srbi. U određenoj mjeri RSK je kontrolirao Miloševićev režim.

Nakon većeg broja intenzivnih sukoba rat je završio u proljeće i ljeto 1995. godine akcijama hrvatske vojske i policije Bljesak i Oluja na prethodno spomenutim teritorijima. Time se uspostavila kontrola nad dijelovima RSK-a koji su postali dio ustavnopravnog poretka Republike Hrvatske. Ove operacije nisu prošle bez kršenja ljudskih prava nad civilnim stanovništvom srpske nacionalnosti. Iste godine potpisan je i Erdutski sporazum i na temelju njega izvršena je mirna reintegracija Podunavlja 1998. godine.

Ovaj rat obilježila je zloupotreba vojnih i policijskih jedinica od strane političkih elita za vršenje nasilja, kao i ostalih društvenih institucija za stvaranje atmosfere straha iz kojeg je proizašla agresija i mobilizacija za sukob. Nacionalističke političke elite u sukobljenim stranama imale su potpunu kontrolu političkog života u Hrvatskoj i RSK-u, a radile su na uspostavi i održavanju nedemokratskih režima i koristile rat kao sredstvo legitimacije opstanka na vlasti te provedbe i legitimiranja nedemokratskih etno-nacionalističkih politika.

Kao što će na jednom od primjera biti vidljivo u ovom biltenu, rat u Hrvatskoj karakteriziraju sustavno, planirano i intenzivno nasilje, ratni

zločini, razaranje sela i gradova kao i uništavanje zaštićene kulturne baštine te kršenje ljudskih prava izvršeno nad zaštićenim skupinama — prvenstveno civilima, a onda i ratnim zarobljenicima. Ono je u sukobu u Hrvatskoj imalo prvenstveno političke, a onda i vojne ciljeve, koji su se međusobno ispreplitali, no posebno u početnim i završnim godinama rata ovo nasilje bilo je dio političke strategije koju možemo definirati kao niz taktika za stvaranje novih političkih identiteta i osiguravanja moći nad željenim suverenim područjima.

To nasilje u grubim se crtama može klasificirati na tri segmenta: a) napade vojnih i policijskih jedinica na gradove i sela, b) sustavnu torturu te c) teror i politička ubojstva. Vojna i policijska akcija u Medačkom džepu 1993. godine predstavlja jedan od najgorih primjera nasilja tokom rata u Hrvatskoj kao dio prvog segmenta, u koji spadaju osvajačke akcije vojnih i/ili policijskih formacija.

Ovaj istraživački rad bavi se analizom počinjenih ratnih zločina i kršenja ljudskih prava tokom vojno-redarstvene operacije Hrvatske vojske Džep 93, koja je provedena između 9. i 17. rujna 1993. godine.

Iz te perspektive pokušalo se precizno opisati područje na kojem je akcija provedena i prikazati vremenski raspored događanja na terenu po danima. Analizirali su se svi segmenti zapovjedne odgovornosti koji su funkcionirali na nekoliko paralelnih razina, a unutar kojih se nastojala utvrditi odgovornost za počinjenje zločina.

Ovo istraživanje postavlja i interpretacijski okvir počinjenja zločina među koje spadaju ubojstva, mučenja civila i ratnih zarobljenika, uništavanje imovine, pljačka i pokušaj prikrivanja zločina kao sastavni dijelovi etničkog čišćenja. Istraživanje se bavi i razradom ciljeva i povoda za pokretanje akcije, a prikazat će ulogu te vojne i političke planove rukovodstva u Hrvatskoj.

Tekst prezentira društvene i političke posljedice akcije Džep 93, a u tom smislu pokazuje njezinu prisutnost u javnom prostoru, daje analizu suđenja za ratne zločine počinjene u akciji provedenih u Hrvatskoj i načina na koje su žrtve pokušale dodatnim mehanizmima ostvariti pravdu i reparacije.

Na kraju, rad donosi prikaz aktualnih politika sjećanja i prisutnosti počinitelja ratnih zločina u javnom prostoru te analizu suvremenih izazova među kojima odredbe Zakona o pravnim posljedicama osude, kaznenoj evidenciji i rehabilitaciji predstavljaju sadašnje i buduće probleme u procesu suočavanja s prošlošću.

Područje provedbe akcije Džep 93

Općina Gospić prema popisu stanovništva 1991. godine imala je 29.049 stanovnika, od čega su 64 % bili Hrvati, a 30 % Srbi.¹ U vrijeme sukoba na području Hrvatske grad Gospić bio je pod kontrolom Hrvatske vojske (HV). JNA i pobunjeni Srbi 1991. godine ovladali su dijelom teritorija općine, a šire područje grada bilo je izloženo ratnim razaranjima. Dijelom u borbama, a dijelom u zločinima nad zarobljenim civilima i vojnicima obostrano su počinjeni ratni zločini, kako nad hrvatskim, tako i nad srpskim civilnim stanovništvom.

Sredinom listopada 1991. godine jedinice pobunjenih Srba počinile su zločin nad civilima gospićkog sela Široke Kule, mahom Hrvatima. U nekoliko dana ubijeno je četrdeset civila, a zločini su činjeni i u studenom, kada su pobunjenici ubili (po nacionalnosti srpsku) obitelj Rakić zbog sumnje da surađuje s hrvatskim oružanim snagama. Također, sredinom listopada hrvatske su snage počinile ratni zločin nad Srbima u Gospiću.² Oni su počinjeni i prije toga, ali u manjoj mjeri. Za ranije spomenuta kaznena djela Tihomir Orešković, tajnik gospićkog operativnog štaba HV-a u Gospiću, osuđen je na petnaest, Mirko Norac, general HV-a, na dvanaest, a Stjepan Grandić, zapovjednik u HV-u, na deset godina zatvora.

Gospić se nalazio blizu linije razgraničenja vojnih snaga RH i RSK-a i bio je sjedište postrojbi Hrvatske vojske, pa je sredinom 1993. godine bio česta meta artiljerijskih napada Srpske vojske Krajine (svk). Od srpnja 1993. godine izvidnički prepadi i diverzantske akcije HV-a i svk-a postaju češći, a od kolovoza napadi su intenzivirani. To je bio jedan od razloga zbog kojeg će vodstvo Hrvatske vojske pristupiti planiranju akcije kojom bi vojnim napadom osvojili područje Medačkog džepa, veličine oko 50 četvornih kilometara, unutar kojeg se nalaze sela Lički Čitluk, Počitelj, Divoselo i Medak. Ova sela bila su dio Općine Gospić, a i danas spadaju u sastav grada.

Prema popisu stanovništva iz 1991. u Divoselu su živjele 344 osobe, u Čitluku 129 osoba, a u Počitelju 307. Do 1993. godine struktura stanovništva izmijenila se uslijed ratnih događanja i prisilnih migracija na tom području, pa je broj stanovnika, prema izvještaju Komisije za ljudska prava UN-a³, promijenjen na 210 u Divoselu, 240 u Čitluku i 534 u Počitelju. Velika većina stanovnika na ovom području na popisu stanovništva izjašnjavala se kao Srbi.

Teritorij Medačkog džepa 1993. godine spadao je u tzv. *ružičastu zonu*, a radilo se o području koje se nalazi između teritorija pod kontrolom Republike Hrvatske i područja pod zaštitom Ujedinjenih naroda, tj. UNPA zona (United Nations Protected Areas). UNPA su bili dijelovi Hrvatske koji su od 1992. (nakon Sarajevskog primirja između JNA-a i Republike Hrvatske) do 1995. godine bili pod nadzorom i vojnom međunarodnom zaštitom Zaštitnih snaga Ujedinjenih naroda (UNPROFOR⁴). UNPA su zajedno s *ružičastim zonama* bila područja u kojima Srbi čine većinu ili značajnu manjinu stanovništva i gdje su napetosti među zajednicama dovele do oružanog sukoba, a zapravo se radi o teritoriju koji je činio tadašnju Republiku Srpsku Krajinu. Vijeće sigurnosti Ujedinjenih naroda ocijenilo je da su u tim područjima potrebni posebni privremeni aranžmani kako bi se osiguralo održavanje trajnog prekida vatre. Postojala su tri UNPA područja: Istočna Slavonija, Zapadna Slavonija i Krajina. Za potrebe Ujedinjenih naroda ona su podijeljena u četiri sektora: istok, sjever, jug i zapad. Osnivanje zaštićenih zona i ulazak UNPROFOR-a u njih na teritoriju Hrvatske utvrđen je Rezolucijom 743 Vijeća sigurnosti UN-a⁵.



/ UNPA i ružičaste zone u Hrvatskoj (izvor enciklopedija.hr)

Izvorni plan Ujedinjenih naroda u Hrvatskoj počivao je na dva središnja elementa: (a) povlačenje JNA-a iz cijele Hrvatske i demilitarizacija UNPA zona i (b) nastavak rada, na privremenoj osnovi, postojećih lokalnih vlasti i policije, pod nadzorom Ujedinjenih naroda, do postizanja općeg političkog rješenja krize.

Mandat UNPROFOR-a bio je osigurati da UNPA područja budu demilitarizirana, povlačenjem ili raspuštanjem svih oružanih snaga u njima, te da sve osobe koje u njima borave budu zaštićene od straha od oružanog napada. U tu svrhu UNPROFOR je bio ovlašten kontrolirati pristup UNPA zonama kako bi osigurao da područja ostanu demilitarizirana te nadzirati funkcioniranje tamošnje lokalne policije kako bi se spriječila diskriminacija i zaštitila ljudskih prava. Izvan UNPA zona vojni promatrači UNPROFOR-a verificirali su povlačenje svih snaga JNA-a i neregularnih snaga iz Hrvatske, osim onih koje su tamo raspuštene i demobilizirane. Kao potpora radu humanitarnih agencija Ujedinjenih naroda UNPROFOR je također olakšavao povratak civilnih raseljenih osoba u njihove domove u UNPA područjima.

UNPROFOR je prvotno uspostavio svoj stožer u Sarajevu, glavnom gradu Bosne i Hercegovine, a onda u Zagrebu, glavnom gradu Hrvatske.

Od osnutka UNPROFOR-a bilo je nekoliko proširenja njegova mandata u Hrvatskoj. Dana 30. lipnja 1992. Vijeće sigurnosti svojom je rezolucijom 762 ovlastilo UNPROFOR da preuzme nadzorne funkcije u tzv. *ružičastim zonama*. U području Medačkog džepa snage UNPROFOR-a činili su bataljoni iz Francuske i Kanade kojima je zapovijedao pukovnik Thomas James Calvin, dok je general Jean Cot bio zapovjednik svih snaga UN-a na područjima unutar Jugoslavije.

Od primirja između RH i JNA-a i međunarodnog priznanja Hrvatske u siječnju 1992. postupno je rasla snaga Hrvatske vojske. Kroz 1992. i 1993. godinu HV je poduzeo nekoliko napadačkih akcija kojima je nastojao dijelove *ružičastih zona* pripojiti pod upravljanje Republike Hrvatske. Značajna akcija takvog tipa bila je na području Maslenice, provedena 22. siječnja 1993. godine, u kojoj su hrvatska vojska i policija osvojili područje u zaleđu Zadra koje je pripadalo *ružičastoj zoni* zaštićenog područja. Unutar 72 sata Hrvatska je pod kontrolu stavila dio teritorija ključnog za kopneno povezivanje sjevera i juga države. Prema izvorima udruge Veritas u ovoj je akciji ubijeno 55 civila. Akciju su predvodili, između ostalih, i načelnik Glavnog stožera HV-a general Janko Bobetko i pukovnik⁶ HV-a Mirko Norac, koji će voditi i akciju u Medačkom džepu. Druga takva akcija bila je Operacija Miljevci u šibenskom zaleđu u lipnju 1992., a treća, provedena u rujnu, bila je operacija Džep 93.

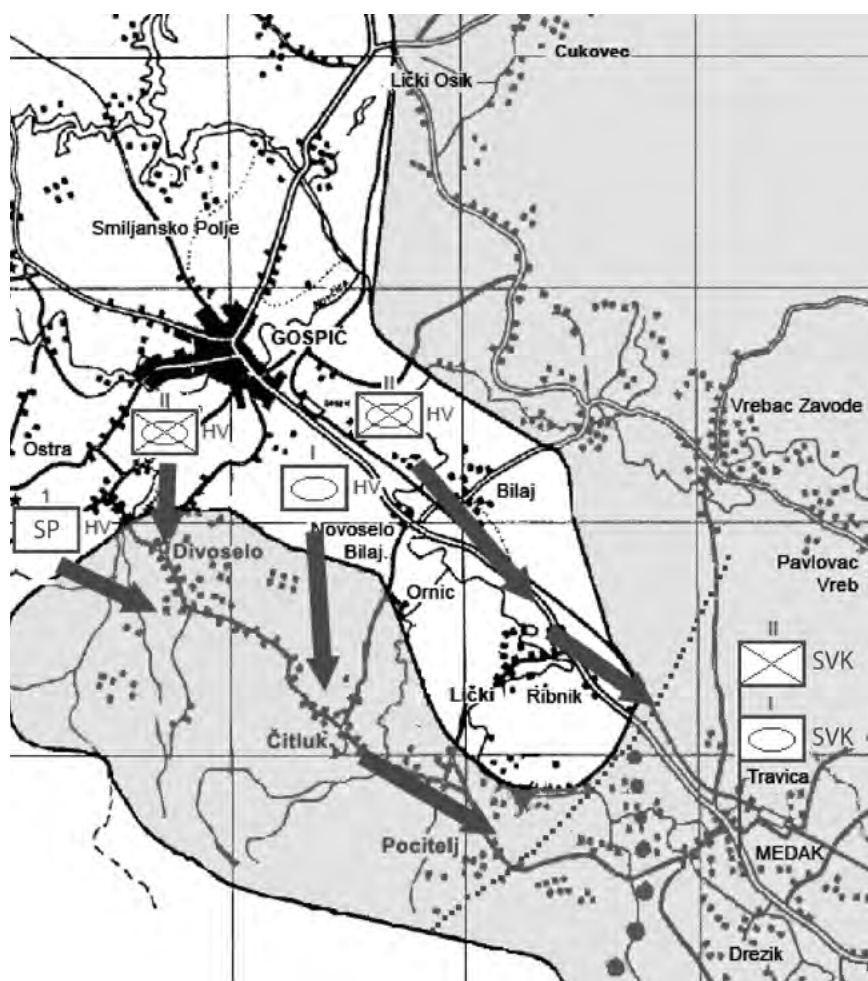
Planiranje i ciljevi akcije Džep 93

Prvi planovi za provođenje akcije naziva Džep 93 počeli su se stvarati već sredinom 1993. godine. Načelnik Glavnog stožera HV-a Janko Bobetko posjetio je Zborno područje⁷ (ZP) Gospić u svibnju i srpnju. Tada je izdao zadatak da se planira šira operacija i razmotre planovi oslobođenja područja Medačkog džepa. U prvim razgovorima i planiranjima o provedbi operacije osim Bobetka sudjelovali su zamjenik načelnika ZP-a Gospić Rahim Ademi, zapovjednik Specijalne jedinice policije Ministarstva unutarnjih poslova RH Mladen Markač, načelnik obavještajnog odjela i pomoćnik načelnika ZP-a Gospić Zlatko Rogulj, pomoćnik načelnika stožera za operativno-nastavne poslove Mladen Šerić i zamjenik zapovjednika 9. gardijske brigade HV-a Zvonimir Brajković.

Kroz kolovoz i rujan vršene su daljnje pripreme za provedbu akcije, a na temelju Bobetkove zapovijedi Rahim Ademi formirao je početkom rujna radnu skupinu koja će raditi na rješavanju zadaće, formiranju odluke i zapovijedi za uporabu postrojbi. Nesporno je da su u planiranju akcije ili njenih raznih segmenata osim već spomenutih osoba sudjelovali i Mirko Norac (zapovjednik 9. motorizirane brigade HV-a i kasnije Sektora 1), Jozo Nenadić (načelnik inženjerije ZP-a Gospić), Frano Primorac (načelnik Stožera ZP-a Gospić, koordinator u Otočcu), Franjo Feldi (vršitelj dužnosti pomoćnika načelnika HV-a za borbeni sektor), Rudolf Mihael Brlečić (načelnik pješništva Glavnog stožera Hrvatske vojske (GSHV)) i Davor Domazet (kapetan bojnog broda, izaslanik GSHV-a).

Jednim od značajnijih događaja u pripremi operacije smatra se sastanak održan 3. rujna 1993. godine, kada u ZP Gospić iznenada dolaze Bobetko i Markač. Ademi im je tada predstavio planove, zemljovide i odluke s kraja mjeseca srpnja, kada su radili prve konkretne planove za operaciju. Bobetko je tada tražio da se pozove Mirko Norac te je održan sastanak na kojem su sudjelovali Bobetko, Markač, Ademi i Norac. Isto tako, Bobetko je proširio djelovanje akcije u odnosu na pripreme iz srpnja te je precizno odredio pravce napada i zone odgovornosti. Za Specijalnu policiju pravac i odgovornosti bili su Veliki Sokolovac — Bukova Glava — Debela Glava — Čitluk. Za 9. gmtbr glavni pravac bio je Bilaj — Čitluk, a krajnja zadaća koju Bobetko navodi jest pravac Drljići — Memedovo brdo — Kriva Lika — Ribnik.⁸

Na području Medačkog džepa prema procjeni Hrvatske vojske nalazili su se dijelovi jedinica 9. motorizirane brigade svk-a iz Gračaca i 103. brigade iz Donjeg Lapca⁹. Područje planiranog napada obuhvaćalo je najmanje 12



/ Napredovanje hrvatskih snaga na području Medačkog džepa (izvor Creative Commons)

sela i zaseoka u kojima je živjelo nekoliko stotina civila. Stanovništvo je pretpostavljalo da bi akcija Hrvatske vojske mogla biti provedena i na to je upozoravalo zapovjedništvo svk-a. Stanovnici Divosela uputili su zapovjedniku Ličkog korpusa svk-a Milanu Šuputu pismo 15. kolovoza 1993. godine s upozorenjem o napadu, no na to nije bilo nikakvog odgovora.¹⁰ Iz toga razloga ne iznenađuje što je vojska Krajine potpuno nespremno i bez gotovo ikakvog otpora dočekala akciju Džep 93.

Prvi cilj operacije bio je vojno zauzimanje taktički važnog područja Medačkog džepa. Hrvatske snage nastojale su preventivnim djelovanjem deblokirati jugoistočnu stranu Gospića i spriječiti snage RSK-a u presijecanju prometnice Gospić — Karlobag. U isto vrijeme nastojala se otkloniti topnička ugroza Gospića koja je dolazila iz sela na području Medačkog džepa, čime bi se drugoj strani pokazala snaga i podigao bi se moral stanovništva. UNPROFOR u svojim izvještajima navodi da je jedan od ključnih ciljeva akcije mogao biti i osvajanje doline sjeverno

od Masleničkog mosta kako bi se pristup tom dijelu dodatno osigurao. Gospić je tada bio u poluokruženju, a svk je kontrolirao važne točke na Velebitu. Stanovništvo Gospića i okolice bilo je demoralizirano, a povratak iz izbjeglištva na teritorij pod kontrolom vlasti Republike Hrvatske zamro je. Načelnik GSHV-a general Janko Bobetko u svojim sjećanjima sakupljenima u knjizi *Sve moje bitke* piše: *'to više nije bilo pitanje je li ta situacija opasna ili ne, nego pitanje kada će postati sasvim opasna, odnosno kada će nas presjeći tamo gdje smo najosjetljiviji.'*

Neki časnici HV-a tvrdili su da akcija nije bila nužna. Opisujući operaciju Džep 93 Rudolf Brlečić Međunarodnom kaznenom sudu za bivšu Jugoslaviju (MKSJ) u srpnju 2003. godine izjavio je: *'Osobno sam bio protiv operacije Medački džep, ne zato što ne bi bila potrebna, već zato što sam bio protiv stalnog otvaranja vatre na nekim dijelovima prve crte bojišta. Kao zapovjednik pješništva, zahtijevao sam da hrvatske snage ne otvaraju vatru na srpske položaje kako bi UNPROFOR mogao izvršiti svoj mandat i razoružati Srbe. Ukoliko mi ne bismo otvarali vatru na njih, ni njima oružje ne bi trebalo da pucaju na nas.'*¹¹

Akcija je imala i drugi cilj, koji Oružane snage RH ne navode, no spominje se u izvještajima UNPROFOR-a o posljedicama akcije i može se izvesti kao zaključak na temelju analize dokumenata i izjava svjedoka. Taj je drugi cilj etničko čišćenje područja Medačkog džepa. Ovaj cilj izvršen je počinjenjem ratnih zločina, odnosno kršenjem domaćeg i međunarodnog prava. Cijela zona podvrgnuta je sustavnom i nemilosrdnom uništenju koje su provele snage hrvatske vojske i policije. Operacija je počela odmah nakon zauzimanja sela, a izvedena je metodom polukontroli-ranih ubojstava, pljačke te uništenja imovine i infrastrukture. Čišćenje je obavljeno temeljito i s jasnim ciljem da se područje dugoročno učini nenastanjivim.¹²

S obzirom na razmjere pljačke i oduzimanja osobne imovine u akciji Džep 93 može se zaključiti da je jedan od povoda ostvarenja drugog cilja bio stjecanje osobne koristi. Većina vojnika u jedinicama koje su provodile akciju dolazila je s prostora Gospića i okolice, neki od njih na području Medačkog džepa čak su prepoznali svoju imovinu i predmete koji su im krađom bili prethodno oduzeti. Svjedoci na suđenju Mirku Norcu i Rahimu Ademiju tvrde da su domaći vojnici u operaciju išli, između ostalog, i zbog vlastitih interesa.¹³

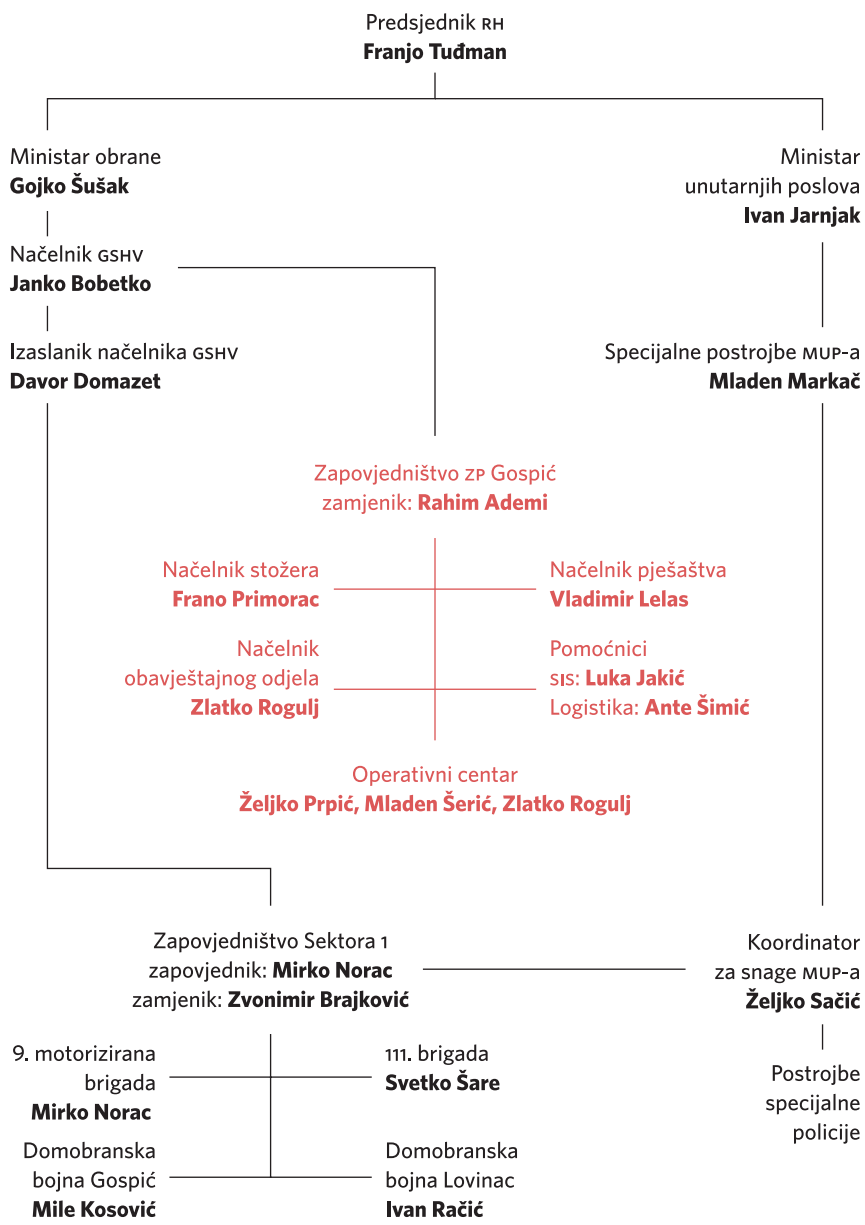
Drugi povod široko se može definirati kao osveta motivirana mržnjom. Sastav dobrog dijela postrojbi bio je sačinjen od domicilnog i frustriranog stanovništva spremnog na nasilje i traženje svojih ranije otetih pokretnina. Vezano uz sastav jedinica koje su provele akciju i svrhu same operacije Rudolf Brlečić u svom iskazu vezanom uz sudski proces

Norcu i Ademiju izjavio je: *'Da sam sudjelovao u planiranju te operacije, ne bih dozvolio da Norčeva brigada sudjeluje. Doveo bih jedinicu iz drugog dijela zemlje jer ti ljudi ne bi tako mrzili domaće Srbe, obavili bi svoju zadaću profesionalno i ne bi činili krivična djela. Ne bi bilo te mržnje prema domaćem stanovništvu.'*¹⁴ Sve navedeno bilo je dodatno olakšano lošim redom i stegom u postrojbama 9. motorizirane gardijske brigade i pridruženim postrojbama, što pokazuju izvještaji o stanju postrojbe i disciplinski postupci protiv njihovih članova prije provedbe akcije¹⁵. Navedeno se posebno odnosilo na Izviđačku satniju 9. gmtbr. Činjenica da su ove jedinice poslane u provođenje akcije govori u prilog zaključku da se stanovništvu Divosela, Čitluka i Počitelja željelo nauditi i protjerati ga.

Važno je naglasiti da uvjerljivosti argumentacije za provedbu cilja etničkog čišćenja doprinosi i činjenica da akcija nije predviđala prisutnost vojne policije koja bi po definiciji svog posla trebala raditi na sprečavanju nezakonitosti koje mogu počinili pripadnici vojnih jedinica. U svom svjedočenju Rahim Ademi navodi da je Janka Bobetka na sastanku 3. rujna 1993. pitao za korištenje vojne policije u operaciji, no da je Bobetko to odbio argumentirajući da će akcija biti manje magnitude i brzo gotova pa nema potrebe za tim.¹⁶ Pokazalo se kasnije da je zbog opsega akcije i magnitude zločina vojna policija bila potrebna, a kasnije je i boravila na području Medačkog džepa, no u malom broju te je i sama sudjelovala u nezakonitim radnjama.

Kategorizacija zapovijedanja i odgovornosti

Za provedbu ove akcije formirana je posebna borbena grupa nazvana Sektor 1. Ta grupa bila je sastavljena od nekoliko vojnih jedinica: 9. motorizirane brigade Hrvatske vojske (kolokvijalnog naziva ‘Vukovi’), domobranske bojne Gospić i Lovinac, postrojbe 111. brigade te izviđačko-diver-



/ Skica 1 - Struktura zapovjedništva u provedbi akcije Džep 93

zantske satnije ZP-a HV-a Gospić. Zapovjednik Sektora 1 i 9. motorizirane brigade HV-a bio je Mirko Norac. U istu borbenu grupu prema zapovijedi Zbornog područja HV-a Gospić od 6. rujna 1993. godine bila je uključena i Specijalna policija MUP-a RH, no zapravo je bila izvan lanca zapovijedanja Sektora 1 i njoj je zapovijedao Mladen Markač, dok je koordinatorski na terenu bio Željko Sačić, tadašnji načelnik za borbu protiv terorizma specijalne policije MUP-a.¹⁷ Ova vrsta posebne borbene grupe nije novost, već je bila uspostavljena i tokom provedbe akcije u Maslenici u siječnju iste godine, a njome je također zapovijedao Mirko Norac.

Janko Bobetko zapovijedao je cijelom akcijom, ali je ostao u GSHV-u u Zagrebu te je za svog izaslanika koji upravlja akcijom na terenu poslao časnika GSHV-a Davora Domazeta, koji je imao ovlasti zapovijedanja u njegovo ime i s Bobetkom je bio stalno u vezi¹⁸.

U akciji je sudjelovalo ukupno oko 750 pripadnika hrvatske vojske i policije, a bilo je upotrijebljeno 17 oklopnih vozila i 50 artiljerijskih oruđa¹⁹.

Osim navedene strukture zapovijedanja logističku potporu jedinicama na terenu davao je ZP HV-a Gospić i on je bilo upućen u većinu događanja na terenu. Netom prije provedbe akcije u Medačkom džepu, u lipnju 1993. godine, zapovjednik ZP-a HV-a Gospić Izidor Češnjaj odlazi s tog mjesta zbog bolovanja i zapovijedanje preuzima njegov zamjenik, brigadir Rahim Ademi. Iako mjesto zapovjednika ostaje prazno, načelnik GSHV-a Janko Bobetko Ademiju nikada nije imenovao zapovjednikom, a ni vršiteljem dužnosti zapovjednika ZP-a Gospić, što je Ademija ostavilo u vrlo nejasnoj poziciji odgovornosti u lancu zapovijedanja. Na suđenju za ratne zločine Ademi je, vezano za svoja ovlaštenja, izjavio i kako mu je u telefonskom razgovoru Bobetko rekao: *'Imaš ovlasti koliko ti ja dajem.'*²⁰

Rudolf Brlečić, brigadir HV-a i načelnik pješništva GSHV-a, u svojem iskazu na suđenju Mirku Norcu i Rahimu Ademiju naveo je da su u akciji postojale dvije linije zapovijedanja, a to potvrđuju i drugi svjedoci. Prva je bila formalna, s pisanim zapovijedima, u koju je najviše bilo uključeno Zborno područje Gospić i koju je koordinirao Rahim Ademi. Druga linija uključivala je izravne usmene zapovijedi iz Glavnog stožera Hrvatske vojske, od Bobetka, a u nju su bili uključeni Domazet, Norac, Markač i Sačić. Formalna linija zapovijedanja bila je isključena od prve, a neformalna je vodila glavnu riječ u provedbi akcije. Ovu strukturu potvrđuje nekoliko svjedoka na suđenju, uključujući Izidora Češnjaja, a da je Domazet izvršavajući Bobetkove naredbe potpuno zapovijedao akcijom potvrđuju časnici Hrvatske vojske — Franjo Feldi, Vladimir Lelas, Mladen Šerić, Zlatko Rogulj, Marko Jagetić — te sadržaj ratnog dnevnika, gdje je vidljivo da Domazet izdaje zapovijedi.

Kronologija akcije Džep 93

Vojna i policijska akcija Džep 93 provedena je od 9. do 17. rujna 1993. godine. Ovaj raspored događaja prikazuje osnovne smjernice vojnih i diplomatskih djelovanja koja se odvijaju između predstavnika vojnih i političkih predstavnika RH, RSK-a i UNPROFOR-a. Ratni zločini i kršenja ljudskih prava počinjeni su tokom cijelog perioda provedbe akcije, a njihov najveći intenzitet bio je u početnim i završnim danima operacije. Za veliku većinu izvršenih ubojstava nije moguće utvrditi točan dan i vrijeme počinjenja, već samo da su izvršena u periodu između 9. i 17. rujna 1993., dok je najveći broj objekata uništen između 15. i 17. rujna.

Nekoliko dana prije izvedbe akcije, 3. rujna, u Zbornom području Gospić održan je sastanak glavnih aktera i provoditelja operacije te je formirana borbena skupina nazvana Sektor 1. Dan nakon, 4. rujna, Srpska vojska Krajine provodi akciju na obližnjoj planini Velebit, a u njoj su ubijena dva pripadnika Specijalne policije MUP-a Hrvatske.

Zapovijed za napad, na temelju uputa načelnika GSHV-a Janka Bobetka, izdaje Rahim Ademi 6. rujna²¹, a zapovijed za napad borbene grupe Sektor 1 izdaje Mirko Norac 7. rujna²². Kroz taj i idući dan obavljaju se posljednje pripreme, a zapovjednici jedinica izvještavaju Rahima Ademija da su postrojbe spremne.

U četvrtak, 9. rujna 1993. u 4:00 započinje akcija minobacačkom i artiljerijskom paljbom, iza toga popraćena tenkovskim i pješačkim napadom. Hrvatska vojska i specijalna policija najprije napada Divoselo, Lički Čitluk i Donje Selo. svk je dočekaio hrvatske snage potpuno nespremno, pružajući minimalan otpor, nakon čega su se jedinice povukle i razbježale, što potvrđuju brojni svjedoci u izjavama UNPROFOR-u neposredno nakon akcije.

Milan Zorić iz Donjeg Lapca, vojnik Teritorijalne obrane svk-a ispitan je neposredno nakon što ga je UNPROFOR izveo iz Medačkog džepa: *'Kad su nas napale hrvatske snage, bili smo nepripremljeni i nismo pružali gotovo nikakav otpor nego smo nastojali što brže pobjeći (...).'*²³ Isto su ponovili i drugi ispitanici svk-a, Jovo Desnica i Milan Popović.

Na području se u vrijeme napada nalazilo više stotina civila, a o neznatnom vojnom otporu svjedočio je časnik Joseph Cooper Holland, koji

je bio dio kanadskog bataljona u UNPROFOR-u. U izvještaju o akciji kao pokušaj odgovora na tezu da je na području Džepa boravio velik broj naoružanih ljudi kaže da *'da su se u svakoj uništenoj kući nalazili srpski vojnici i municija, Hrvati nikada ne bi zauzeli Medački džep'*²⁴.

Iz udaljenijih položaja svk-a zabilježeno je granatiranje po ciljevima koje su osvojili hrvatska vojska i policija. General svk-a Mile Novaković, nakon što sazna je za napad, upućuje prosvjednu notu generalu Jeanu Cotu, komandantu UNPROFOR-a, s obzirom na to da se akcija odvija na području *ružičaste zone*, gdje bi njegove jedinice trebale obavljati nadzornu funkciju. Civilno stanovništvo pokušava bježati s napadnutog područja prema susjednom selu Medak, koje se isto nalazi u Medačkom džepu, ali ostaje sigurno od direktnog vojnog djelovanja hrvatskih snaga.

Oružane snage Hrvatske već prvog dana ostvaruju većinu svojih zadanih vojnih ciljeva, zauzimaju Čitluk i Počitelj, dok je Divoselo u okruženju. Iste jedinice počinju i s ratnim zločinima nad civilima, ratnim zarobljenicima i imovinom, kako u zoni djelovanja Sektora 1, tako i u zoni djelovanja Specijalne policije.

O početku akcije svjedoči Dušan Lucić²⁵ (prema izvorniku), koji je izjavu dao zaposlenicima UN-a neposredno nakon završetka akcije. On je sa suprugom bio u svojoj kući kad je shvatio da hrvatske snage napadaju u njegovu smjeru. Upravo kad se spremao napustiti kuću ugledao je Bosiljku Bjegović, slijepu staricu, kako sjedi ispred svoje kuće udaljene oko 200 m od Dušanove kuće. S gospođom Bjegović bila je mlađa žena koju Dušan nije poznao. Iznenada se oko dviju žena pojavilo dvadesetak hrvatskih vojnika (Dušan je prepoznao da se radi o hrvatskim vojnicima, ali nije dao detaljnije informacije). Vojnik za kojeg je pretpostavio da je zapovjednik viknuo je mlađoj ženi da ode. Nakon njezina odlaska vojnici su ustrijelili gospođu Bjegović s nekoliko hitaca iz pušaka i mitraljeza. Dušan pretpostavlja da je smrt nastupila trenutačno. Sa suprugom, sestrom i susjedom uplašen je otišao u šumu, u brdo Debela Glavica.

Već od prvog dana akcije UNPROFOR pokušava pregovarati s obje strane i nastoji postići primirje. General Jean Cot u 10 ujutro pokušao je posredovati u prekidu vatre, no bezuspješno.

Županijski sud u Zagrebu tokom suđenja Mirku Norcu i Rahimu Ademiju uspio je utvrditi imena 11 civila koji su ubijeni prvog dana akcije, no taj broj nije konačan. Iz presude i dokaznog materijala moguće je pretpostaviti da je najveći broj ubojstava počinjen tokom prva tri dana akcije.

Idući dan, 10. rujna, hrvatske snage provode daljnje napade i uspostavljaju potpunu kontrolu terena. Kod napredovanja na najviše su problema

našle Domobranska bojna Gospić i jedinice Specijalne policije, koje su kasnile u spajanju s drugim postrojbama u zacrtanim vremenskim intervalima i područjima. Ademi zajedno s Norcem odlazi u obilazak terena, u izvještajima navode da je sve bilo u redu²⁶, iako vojnici na terenu čine zločine i uništavaju imovinu.

Taj dan Ademi donosi nekoliko odluka koje upućuju na to da je stanje koje je zatekao na terenu zabrinjavajuće i u suprotnosti s njegovim izvještajima. Izdaje zapovijed o asanaciji terena u kojoj definira postupanje s mrtvim neprijateljskim vojnicima i način obdukcije²⁷. Također donosi zapovijed o zabrani samovolje u otvaranju paljbe²⁸. Istog dana na vlastitu odgovornost izdaje zapovijed zapovjedništvu 71. bojne Vojne policije Rijeka da mu upute 20 vojnih policajaca za pretres terena iako formalno nema ovlasti da to traži, zbog čega mu je zahtjev i odbijen²⁹. Već tada do Ademija stižu obavijesti s terena da su se postrojbe otele kontroli i da počinju zakapati leševe na mjestu smaknuća, o čemu je svjedočio i pukovnik Marko Jagetić iz saniteta ZP-a Gospić³⁰.

Specijalna policija MUP-a Hrvatske uhitila je tokom tog dana sedam vojnika srpskih snaga, neki od njih kasnije će završiti u zatvorima u Hrvatskoj i biti razmijenjeni, a neki su od njih, poput Stanka Despića, kasnije i ubijeni. Svjedoci na suđenju Rahimu Ademiju i Mirku Norcu na Županijskom sudu u Zagrebu svjedočili su da se tog dana čine iznimno brutalni zločini nad ratnim zarobljenicima³¹.

U isto vrijeme krajiško vojno rukovodstvo informira čelnika UNPROFOR-a o svom ultimatumu hrvatskim snagama — ukoliko se hrvatska vojska ne povuče, oni će uzvratiti paljbu. S obzirom na to da hrvatska vojska i policija ne uzmiču, svk provodi osvetničke artiljerijske napade na gradove Sisak i Karlovac, koji se nalaze između 150 i 200 km udaljeni od područja provedbe akcije Džep 93. Vojska Krajine također dovodi tenkove, artiljeriju i pješadiju u područje sela Medak (također u području Medačkog džepa), koje nije napadnuto od strane HV-a i iz kojeg se planira protunapad.

Paralelno s događajima na terenu tijela Ujedinjenih naroda trude se organizirati prestanak paljbe i nasilja. UNPROFOR je organizirao konferenciju za novinare na kojoj je izvijestio o jačanju neprijateljstava. Jean Cot šalje izaslanike da se nađu s Jankom Bobetkom kao glavnom osobom u HV-u i Milom Novakovićem u svk-u, pri čemu Bobetko odbija taj zahtjev. Cot i Thorvald Stoltenberg, posebni predstavnik UN-a za bivšu Jugoslaviju, komuniciraju s predsjednikom Republike Hrvatske Franjom Tuđmanom i traže povlačenje hrvatskih snaga s područja Medačkog džepa; Hrvatska je pod međunarodnim pritiskom da zaustavi akciju i vrati vojsku na početne položaje, a Tuđman izjavljuje da je granatiranje prekinuto, ali da povlačenje vojske ovisi o općem prekidu vatre.

Treći dan akcije, 11. rujna, dolazi do pokušaja protuudara svk-a i razmjene vatre između hrvatske i srpske strane. Ponovno su gađani Karlovac i Sisak te predgrađe glavnog grada Hrvatske — Zagreba. Hrvatske snage gađale su Obrovac, koji je udaljen oko 70 km od Gospića i nalazi se u sastavu RSK-a.

Hrvatska vojska i dalje provodi zločine nad civilima i imovinom. Ademmi još jednom pokušava na teren dovesti vojne policajce za pretres terena i kao pričuvu za pomoć snagama vojne policije koje su do sada angažirane. Ovog puta za istu bojnu vp-a iz Rijeke, mimo svih ustaljenih procedura, moli za to Matu Laušića, u to vrijeme načelnika Uprave Vojne policije hv-a³², no njegova je molba ignorirana. Ovakav način zaobilaženja ovlasti i načina zapovijedanja govori u prilog dramatičnosti situacije na terenu, koju ne kontroliraju vojni policajci, inače potrebni u akcijama ove magnitude.

Isti dan pukovnik Marko Jagetić iz saniteta zp-a Gospić, po zapovijedi Rahima Ademija, počinje s asanacijom terena, pri čemu nailazi na veći broj mrtvih civila i vojnika. Način postupanja vojske prema civilima evidentan je u dnevnom izvješću koje gshv šalje u zapovjedništvo Zbornog područja Gospić. Tu se na drugoj stranici izvješća navodi: *'U okruženju [je] još uvijek grupa neprijateljskih vojnika i civila u području Debela glava. Obruč oko njih stegnut je sa svih strana i prosuđujemo da će biti uništeni tijekom sutrašnjeg dana'*³³. Vidljivo je da se kod postupanja s civilima ne uzima u obzir da se radi o zaštićenoj skupini prema nacionalnom i međunarodnom pravu i da se odredba *uništiti* primjenjuje u jednakoj mjeri na vojnike i civile.

Thorvald Stoltenberg isti se dan sastaje s Franjom Tuđmanom u pokušaju da ispregovara povlačenje Hrvatske vojske iz područja Medačkog džepa. Tuđman je obećao 24-satno povlačenje, no ne i prekid vatre.

Četvrti dan, 12. rujna, i dalje dolazi do artiljerijskih udara s područja rsk-a na više gradova u Hrvatskoj i izmjene vatre između područja koje kontroliraju hv i svk. Franjo Tuđman zapovjedio je prekid vatre na 24 sata, što je prethodni dan i obećao Stoltenbergu, a Bobetko je to prenio na niže razine i tražio da se utvrde točne zone odgovornosti između Specijalne policije i (vojnog) Sektora 1. Nastavno na to Ademmi izdaje zapovijed o nenapadanju u velikim gradovima. U isto vrijeme Bobetko izražava Ademiju nezadovoljstvo provedbom asanacije terena i načinom prikupljanja tijela ubijenih, što do tada koordinira dr. Marko Jagetić iz saniteta zp-a Gospić. Iz tog razloga na teren šalje svog čovjeka od povjerenja — dr. Kornelija Brkića — koji preuzima asanaciju terena.³⁴

Istog dana održava se sjednica Vijeća obrane i nacionalne sigurnosti (vons) na kojoj se Franjo Tuđman kaje zbog toga što je poslušao prijedlog generala Bobetka i dopustio provedbu akcije u Medačkom džepu³⁵. To je kajanje, međutim, bilo prouzročeno žestokim kritikama međunarodne zajednice, a ne hrvatskim ratnim zločinima o kojima je državni vrh u trenutku održavanja sjednice znao sve.

'Smatram da sam pogriješio što sam dopustio ličku operaciju', kazao je Franjo Tuđman na sjednici u svom uredu na Pantovčaku. Uz njega sastanku prisustvuje ondašnji državni vrh, a riječ su uzimali Nikica Valentić, predsjednik Vlade, Gojko Šušak, ministar obrane, Ivan Jarnjak, ministar unutarnjih poslova, Mate Granić, ministar vanjskih poslova, general Janko Bobetko, načelnik GSHV-a, Antun Vrdoljak, generalni direktor Hrvatske radio-televizije (HRT) i Franjo Gregurić, savjetnik predsjednika za gospodarstvo. Državni vrh kršenja ljudskih prava u Divoselu, Čitluku i Počitelju spominje tek usput i u kontekstu međunarodnih zamjerki, premda se za ratne zločine nad srpskim civilima u to vrijeme itekako znalo: spominju se samo žestoke kritike koje na račun operacije stižu iz međunarodne zajednice.

Tuđman se kaje što se složio s prijedlogom generala Bobetka da se izvede napad u Medačkome džepu i na pojedinim mjestima pokušava dati do znanja da je bio izmanipuliran i da je to što je bio izmanipuliran rezultiralo poduzimanjem akcije u gospičkoj okolici. Premda nije izravno označio one koji su ga izmanipulirali, izvjesno je da se radi o Janku Bobetku: po njegovoj je zamisli i poduzeta akcija te je on rukovodio svim ratnim aktivnostima u Medačkome džepu.

'Gospodo, mi smo posljednjih dana sa gospičkom operacijom imali, znači, vojni uspjeh. Ali, objektivno smo se doveli u jednu veoma šakaljivu političku situaciju', rekao je Tuđman nakon izvještaja Bobetka i Jarnjaka o provedbi akcije. Dalje nastavlja: *'U momentu kada nam je čitav svijet i oni iz prijateljskih redova preporučivao, i oni drugi, kada su nam preporučivali krajnju suzdržanost i političku fleksibilnost, mi smo se ipak dali uvući i sa njihovim provokacijama, ali i sa našom odlukom, u takvu situaciju da momentalno, bez obzira kako mi interpretirali, oni imaju, s obzirom na udar, koji su preživjeli, i s obzirom na neke naše pripreme, koje se ne mogu sakriti, imaju, znači, razloga vjerovati da Hrvatska u sadašnjoj situaciji priprema ratni obračun sa Srbima u Hrvatskoj.'*

Tuđman dodatno ističe svoju odgovornost za provedbu akcije: *'Moram priznati, tu je i moja odgovornost što sam dopustio gospičku operaciju. Kada mi je general Bobetko došao sa takvim prijedlogom, ja sam imao u vidu njihove provokacije, sitne, sitnije provokacije, kao što je bio upad trupa na Velebit, gdje su nam pobili, koliko, trojicu specijalaca, jednome uho odrezali,*

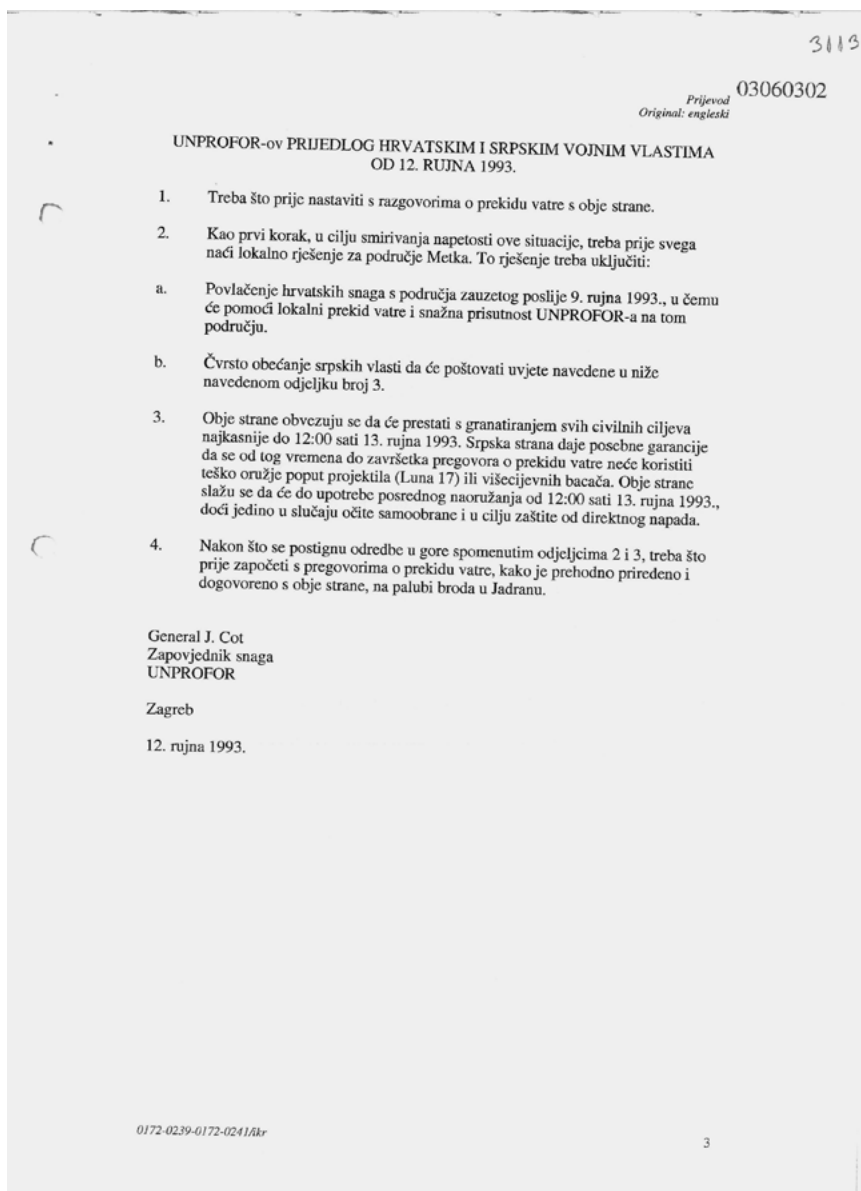
zatim su to postavljanje mina u Pakracu, a i jedna politička klima koja je bila stvorena i u javnosti, i u Saboru, pa sam prihvatio prijedlog da idemo u tu operaciju, iako nisam, kasnije sam utvrdio da nisam bio obaviješten o svim elementima. Recimo, ja sam mislio, znao sam da je Divoselo srpsko, ali nisam znao da su sva ta sela, koja smo osvojili. Nisam znao da su baš sva ta sela srpska. I, na taj način smo se, s obzirom na to da su se vodili pregovori o prekidu vatre, na taj način smo se doveli u jednu situaciju koju teško možemo opravdavati, da smo u momentu, kada se razgovara o prekidu vatre mi prišli u provedbu ratne operacije, kao što smo to teško opravdali i u siječnju mjesecu, 22. siječnja, kada se također razgovaralo, pa opet Hrvati nisu htjeli pregovore, nego žele jedino rat, što znači, i takvo rješenje, kakvo se učinilo sada sa čišćenjem tih područja Čitluk, Počitelj, Divoselo.'

Tuđman nadalje kritizira Janka Bobetka da nije uložio dovoljno napora da legitimira akciju pred međunarodnom zajednicom te dodaje: 'I, osobito molim, upotrebljeni su u toj operaciji i avioni, bez moga znanja, a to je jasno, kada avione prvi put upotrebljavaš, prema tome, ideš na rat, radiš suprotno od onoga i onome što se govori.'

Vidljivo je da je Tuđman uzrujan zbog toga što će Hrvatska imati diplomatskih problema dok ga ratni zločini i stradanje civila srpske nacionalnosti ne zanimaju jer se ne osvrće na pronalazak ili kažnjavanje počinitelja ili provedbu istrage o počinjenim kaznenim djelima.

'Prema tome, u tom sklopu, kada gledam, nisam smio dopustiti, ne mislim, u tom, nego u cjelini kada gledam, nisam smio dopustiti. Smatram da sam pogriješio što sam dopustio ličku operaciju. Bez obzira, što je, molim, ona u vojničkom smislu uspjeh, i što smo dokazali i Srbima da smo kadri da im nanesimo. Ali, ovoga momenta, iz svih tih mogućih razloga zbog tog nastojanja, zbog toga što su se uprli, svi su se uprli, i u Evropskoj zajednici, molim, predsjednik Vijeća evropske sigurnosti, predajući onu formalnu notu, evo, zamolio je ambasadora da ode osobno u Zagreb, i da apelira na Hrvatsku, na predsjednika Tuđmana, da se traže politička rješenja. Prema tome, moramo jednostavno biti u sukladnosti sa takvom jednom politikom za kakvu se opredjeljujemo. Jer, mogli bismo to riješiti u roku od par dana, i kada kod toga ne bismo izazvali takav bijes svijeta, da bi čak nametnuo nam sankcije, onda bi to drugo bilo, a, ovako?'

Od četvrtog dana akcije međunarodni mediji počeli su izvještavati o sukobu. General Jean Cot uputio je istovjetni prijedlog o prekidu vatre generalu svk-a Mili Novakoviću i generalu hv-a Janku Bobetku, koji bi uključivao povlačenje Hrvatske vojske i ulazak UNPROFOR-a u područje ružičaste zone.



/ UNPROFOR-ov
prijedlog hr-
vatskim i srpskim
vojnim vlastima
od 12. rujna 1993.
(izvor: Županijski
sud u Zagrebu,
Poslovni broj II
K-rz-1/06, list 3113
spisa)

Na dan 13. rujna stanje je još uvijek napeto, a pogođena je zgrada zapovjedništva HV-a u Gospiću. Vijeće sigurnosti UN-a izrazilo je zabrinutost zbog sukoba između Hrvatske vojske i srpskih separatističkih snaga u Hrvatskoj prethodnih dana, pri čemu pozivaju na suzdržanost i poštovanje dosad donesenih rezolucija. General svk-a Mile Novaković prihvatio je prijedlog UNPROFOR-a o primirju, a hrvatska strana isprva izražava rezerviranost i smatra da bi pristanak na primirje trebao uključiti i uvjet da područja Divosela, Čitluka i Počitelja nakon povlačenja hrvatskih snaga preuzme UNPROFOR. Nakon dodatnih dogovora hrvatska je strana podržala prijedlog o primirju i povlačenju.

Ministar unutarnjih poslova RH Ivan Jarnjak dolazi u Gospić i zajedno s Rahimom Ademijem obilazi područja pod kontrolom Specijalne policije.

U utorak 14. rujna održavaju se pregovori o povlačenju hrvatskih oružanih snaga. Vijeće sigurnosti UN-a pozvalo je Hrvatsku da prihvati prijedlog o primirju. Srpska vojska Krajine proglasila je opći prekid vatre uz uvjet da se hrvatske snage povuku iz Medačkog džepa idući dan, UNPROFOR-u su zajamčili mogućnost preuzimanja svojih položaja. Postignut je i dogovor oko hrvatskog zahtjeva da se uspostavi nadzor snaga UN-a nad područjem Džepa koje je HV dosada osvojio te da u nje ga neće moći ući srpske jedinice. Na terenu se otvara šire bojište zbog posljedica akcije u okolini Gospića, hrvatski avioni djeluju po ciljevima RSK-a na Kordunu, koji se nalazi oko 120 kilometara udaljen od lokacije provedbe akcije. Do hrvatskih postrojbi dolaze informacije da se sprema povlačenje hrvatskih snaga, a Mirko Norac dobio je izvješće da UNPROFOR preuzima srpske položaje. Zbog toga jedinice HV-a počinju pokazivati neposlušnost prema zapovijedima koje dolaze iz ZP-a HV-a Gospić³⁶.

Sedmi dan od početka akcije, 15. 9., potpisan je sporazum o primirju i kontroli Medačkog džepa od strane UNPROFOR-a. Dokument je s hrvatske strane, po uputi Janka Bobetka, potpisao general HV-a Petar Stipetić, koji je trebao i nadgledati povlačenje, a sa srpske strane general svk-a Mile Novaković.³⁷

Sve strane u sporazumu poštovale su prekid vatre od 12 sati. Ipak, dok je srpska strana bila spremna poštovati i izvršiti sve dogovore o povlačenju i prepuštanju područja UNPROFOR-u, hrvatska strana odbija se povući. Tog dana UNPROFOR je dovršio zauzimanje svih položaja srpskih snaga prema dogovoru.

Informacije o pregovorima i primirju nisu ravnomjerno raspodijeljene hrvatskim postrojbama na terenu i svi zapovjednici nisu upoznati s povlačenjem. To je vidljivo po tome što Rahim Ademi inzistira da se UNPROFOR povuče i kontaktira Bobetka, koji mu tada saopćava da je potpisan sporazum o primirju i da se moraju povući. Jedinice UN-a, koje čine dva kanadska i jedan francuski bataljon, a kojima zapovijeda pukovnik Thomas James Calvin, pokušat će ući u područje koje bi trebale preuzeti na temelju potpisanog sporazuma. Hrvatska vojska otvara vatru na te jedinice, sprečava ih da uđu u područje koje kontrolira i odbija se povući.³⁸ Kanadski bataljun uzvraća vatru, razmjena traje nekoliko sati, pri čemu nema žrtava ni na jednoj strani.

Kasnije tog dana Hrvatska vojska i UNPROFOR održat će sastanak na kojem će hrvatska strana zatražiti odgodu primjene sporazuma za 24 sata,

a UNPROFOR-u će biti dozvoljeno otvoriti punkt Medak-Gospić. Jedinice Ujedinjenih naroda na terenu izvještavaju Thorvalda Stoltenberga i glavnog tajnika UN-a Kofija Annana da Hrvatska ne poštuje sporazum o povlačenju.

U četvrtak 16. rujna ujutro održava se sastanak Hrvatske vojske i UNPROFOR-a na kojem HV traži izmjenu odluke o povlačenju i da se ulazak jedinica UN-a izvede u dvije faze. U prvoj fazi, 16. 9., povlačenje bi bilo izvedeno do Bilaja i Čitluka, koji se nalaze na središnjem i rubnom dijelu Medačkog džepa, a 17. 9. od Čitluka do položaja koje je HV imao prije 9. 9. 1993.

Brigadir Ademi i general Stipetić iz HV-a taj su dan imali u planu obići teren, no prema njihovim svjedočenjima od toga su odustali jer su smatrali da bi ih vlastite jedinice mogle likvidirati. Naime, borbene grupe na terenu nisu očekivale da će rezultat njihova ratovanja biti povlačenje na položaje prije provedbe akcije, pa je prema svjedočenjima brojnih aktera na terenu vladao bijes i razočaranje vojnika prema nekim nadređenima.

Hrvatska strana odugovlačila je s povlačenjem dok su njeni vojnici na terenu uništavali preostalu infrastrukturu i imovinu, ubijali civile i ratne zarobljenike, premještali leševe, krali pokretnine i imovinu, ubijali stoku i otrovali bunare na području Divosela, Čitluka i Počitelja. Metode i posljedice djelovanja ovih jedinica ukazuju na mogućnost želje za postizanjem efekta *spaljene zemlje*³⁹ kako bi se područje navedenih sela i njihovih zaselaka učinilo nenastanjivim.

GSHV izdaje zapovijed o povlačenju i pravcima povlačenja Sektora 1 i Specijalne policije te o rasformiranju Sektora 1 kao borbene grupe. Prema ovim uputama povlačenje je trebalo početi u 13 sati. Snage UNPROFOR-a prema dogovoru dolaze do crte razgraničenja u Ribniku oko 12 sati, gdje im Hrvatska vojska ponovno blokira ulaz u područje. Na mjestu granice nalaze se ježevi i tenkovske mine, a brigadir HV-a Mezić odbija pustiti kanadski i francuski bataljun da prođu. Kroz cijelo jutro s područja koje kontroliraju oružane snage Hrvatske odjekuju učestale i snažne eksplozije povezane s uništavanjem objekata. Dok čekaju da im se omogući ulazak, članovi UNPROFOR-a čuju još intenzivniji zvuk eksplozija, paljbu iz pješačkog oružja i vide dim. O navedenom svjedoče i neki hrvatski vojnici koji se zatiču na tom području. Primjerice, Jozo Nenadić (načelnik inženjerije ZP-a HV-a Gospić) u svom iskazu pred Županijskim sudom u Zagrebu rekao je: *'posebno sam ogorčen onim što se dešavalo kad se Hrvatska vojska povlačila. Ja sam to vidio i čuo jer znam razlikovati eksplozije i vidio sam da se pale kuće, odnose iz njih stvari te da se kuće ruše eksplozivom. Po zvuku se dade zaključiti kakva vrste eksploziva*

se koriste, svaka granata ima svoj zvuk, a ove eksplozije koje su bile za rušenje kuća po zvuku sam ja zaključio da se tu koriste protuoklopne mine. Ja ne znam tko je te mine tamo donio, ali minama su obično zadužene inženjerijske postrojbe i logistika. Ja zapravo smatram da je to netko napravio namjerno, a taj može biti samo onaj tko je protivnik Hrvatske vojske i Republike Hrvatske. Nikakvog razloga za takvo postupanje nije bilo.⁴⁰ Petar Stipetić, general HV-a i zapovjednik ZP-a HV-a Zagreb po svom je izlasku na teren uočio da ima dosta dima i paljevine te je povremeno čuo pucnjavu. S obzirom na to da je vodio pregovore s UNPROFOR-om oko povlačenja, bio je žestoko usmeno upozoravan da HV ruši i pali kuće, da je zapravo sve spaljeno i da tamo nema ničega te da se pljačka pokretna imovina, kao npr. bijela tehnika, ogrjevno drvo, drvena građa.⁴¹

S obzirom na to da je UNPROFOR-u i dalje onemogućen ulazak, u 13:30 zapovjednik Thomas James Calvin kod crte razgraničenja održava konferenciju za novinare i upozorava da HV ne dopušta provedbu sporazuma i zadržava jedinice UN-a kako bi dovršili uništavanje cjelokupnog područja triju sela koja su zauzeli. Hrvatska vojska nakon toga uklanja barikade i dopušta UNPROFOR-u ulazak u područje, koji do 14:30 dolazi u Medak, a do 18 sati u Lički Čitluk.⁴² Mjesta u koja ulaze potpuno su uništena i u njima nema živih ljudi. Pronađene su ubijene osobe i stoka, uništene kuće, otrovani bunari u svakom selu. Detektiran je veći broj kirurških rukavica, što upućuje na premještanje leševa. Većina uništenja objekata obavljena je taj dan između 12 i 20 sati.

Idući dan, 17. rujna, hrvatske snage nastavljaju s razaranjem sela, a UNPROFOR i dalje čuje pucnjeve i detonacije te nailazi na leševe i uništenu imovinu u najmanje 11 sela i zaselaka. Jozo Nenadić, načelnik inženjerije ZP-a HV-a Gospić, navodi da i taj dan vidi kako hrvatski vojnici pale kuće i čuje eksplozije.

U 10 sati održan je sastanak na kojem predstavnici HV-a čelnicima UNPROFOR-a kritiziraju ponašanje pukovnika Calvina i njegov način komuniciranja s medijima dan ranije, kad je optužio hrvatsku stranu da ne poštuje sporazum. Tokom dana na crti razgraničenja oko Bilaja dolazi do svađe između predstavnika jedinica UN-a i hrvatskih snaga oko povlačenja i preuzimanja područja, što je na kraju mirno riješeno intervencijom Rahima Ademija. Do 18 sati Hrvatska se vojska u potpunosti povlači i UNPROFOR preuzima cijelo područje te raspoređuje oko 500 vojnika na teritorij koji je prethodno kontrolirao HV.

Isti dan njihove jedinice utvrđuju devet lokacija na kojima je pronađeno 11 tijela, uglavnom ubijenih civila. Kanadski bataljon (CANBAT) posmrtno je ostatke odveo u Medak, gdje su ih primile srpske vlasti. Promatrači Civilne policije Ujedinjenih naroda (CIVPOL) bili su prisutni u Meda-

ku, no naišli su na različit stupanj suradnje. U početku su pripadnici CIVPOL-a smjeli promatrati preliminarne preglede tijela koje su vršili srpski liječnici. U drugom dijelu dana 17. rujna CIVPOL je obaviješten da su posmrtni ostaci koji su predani vlastima u Metku srpsko vlasništvo i da neće biti objavljeni nikakvi podaci osim imena mrtvih. U jednom je trenutku natuknuto da će se daljnji podaci objaviti ako UNPROFOR uplati 100 DEM po tijelu, što je odbijeno.⁴³ Identifikaciju ostataka na kraju su ipak provele lokalne vlasti i ti su podaci dostavljeni CIVPOL-u.

Isti dan u Otočcu uz posredništvo UN-a dogovorena je razmjena tijela poginulih između RH i RSK-a u kojoj hrvatska strana predaje 51 tijelo iz Medačkog džepa. Među ovim tijelima nalaze se poginuli civili i vojnici, a hrvatska strana kasnije će predati još jedno tijelo.

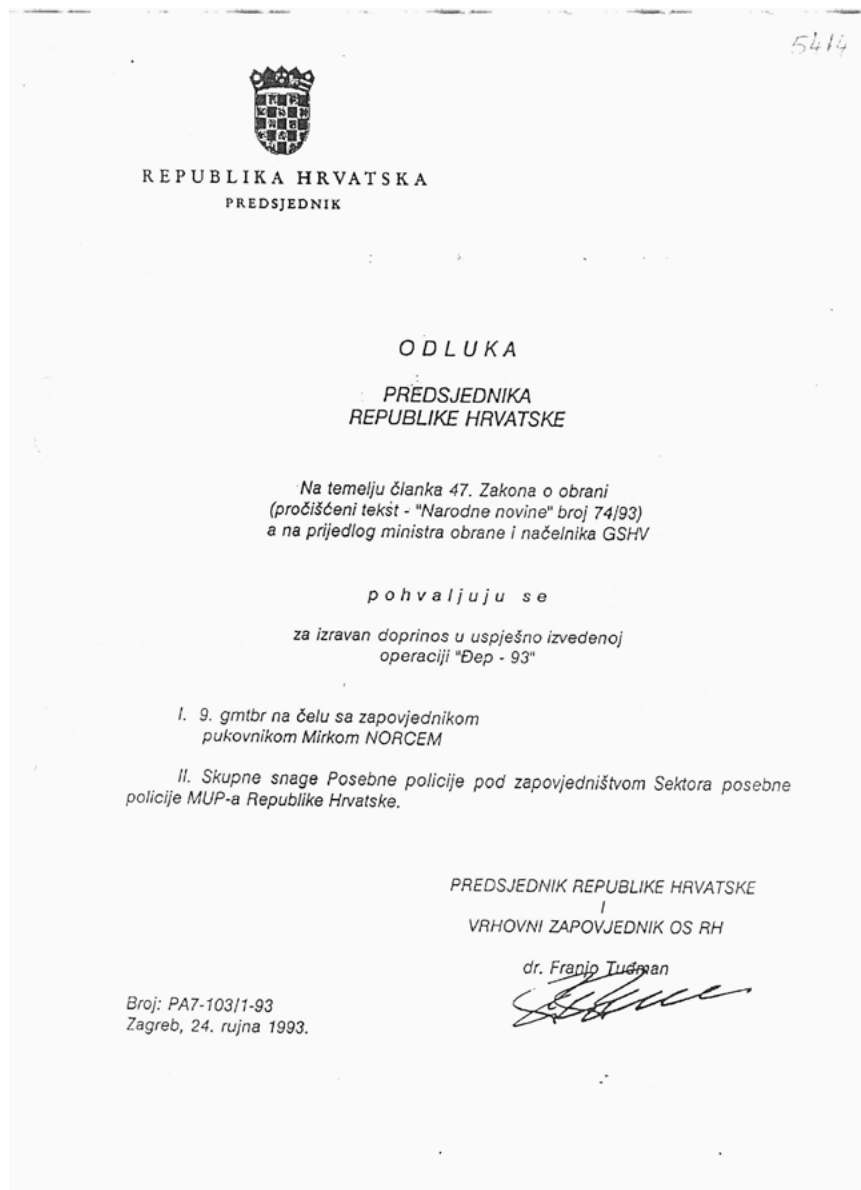
Nakon završetka akcije, 18. rujna, UNPROFOR na terenu nastavlja s pronalaskom leševa i uništene imovine. Predstavnici RSK-a od njih su tražili pomoć za pronalazak nestalih, ukapanje poginulih i razminiranje terena. Taj dan Ademi pokušava stupiti u komunikaciju s Bobetkom kako bi mu prenio izvještaj s terena, uključujući i nepravilnosti i kaznena djela u akciji Džep 93. S obzirom na to da je Bobetko bio nedostupan, Ademi je informacije prenio službenicima Ministarstva obrane Vlade RH.

Dva dana kasnije, 20. rujna, održan je sastanak vojnog vrha Hrvatske i vodstva operacije u Medačkom džepu u hotelu Velebno u Baškim Oštarijama u Općini Karlobag.⁴⁴ Govore su održali Mirko Norac i Mladen Markač, a u svom obraćanju Bobetko je posebno pohvalio djelovanje Mirka Norca u akciji, dok je — prema svjedočenjima — Rahimu Ademi ju zabranio da govori. Norca će 24. 9. posebno pohvaliti i predsjednik RH Franjo Tuđman. Davor Domazet, koji je zapovijedao operacijom, radio je raščlambu akcije u kojoj je predstavio djelovanja hrvatskih snaga na terenu, čime je valorizirao značaj operacije, no nije spominjao počinjenje ratnih zločina.

S obzirom na međunarodni pritisak na hrvatske vlasti ministar obrane Gojko Šušak zapovjedio je formiranje istražnog povjerenstva 25. 9. 1993., kojim je rukovodio Ante Gugić, kako bi se istražili zločini počinjeni tokom akcije Džep 93. Nakon vrlo kratkog rada Gugić je 2. 10. 1993. podnio izvještaj u kojem nisu navedeni počinjeni zločini ni potencijalni počinitelji. Izvještaj je sastavljen prvenstveno na temelju nekoliko informativnih razgovora sa zapovjednicima HV-a i do tada dostupne dokumentacije, a u njemu se navodi sljedeće: *'pripadnici Hrvatske vojske vodili su borbu s naoružanim neprijateljem profesionalno, nije bilo maltretiranja, zlostavljanja, pljačke imovine niti je poduzeta bilo kakva mjera i radnja koja bi u ovim uvjetima imala obilježje kaznenog djela.'*⁴⁵ To će biti i zadnji potez u vezi istrage stradanja i povreda humanitarnog prava od strane

vojnog vrha i izvršne vlasti, a kasnije će se zločinima baviti međunarodno i nacionalno pravosuđe.

Rahima Ademija, koji je tada bio zamjenik zapovjednika ZP-a Gospić, i zapovjednika Domobranske bojne Milana Kosovića Franjo Tuđman razrješava dužnosti 11. 10. 1993. Prema riječima samog Ademija sa suđenja na Županijskom sudu u Zagrebu, Bobetko mu je rekao da je razlog smjene velik pritisak međunarodne zajednice i UNPROFOR-a te da su oni odlučili da će smijeniti njega i Kosovića.⁴⁶ Ademija će kasnije tokom rata Tuđman promaknuti u čin generala.



/ Odluka Predsjednika RH od 24. rujna 1993. kojom se izravan doprinos u uspješno izvedenoj operaciji 'Džep-93' pohvaljuju 9. gmtbr na čelu sa zapovjednikom pukovnikom Mirkom Norcem i Skupne snage Posebne policije pod zapovjedništvom Sektora posebne policije MUP-a Republike Hrvatske (izvor: Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 5414 spisa)

Etničko čišćenje

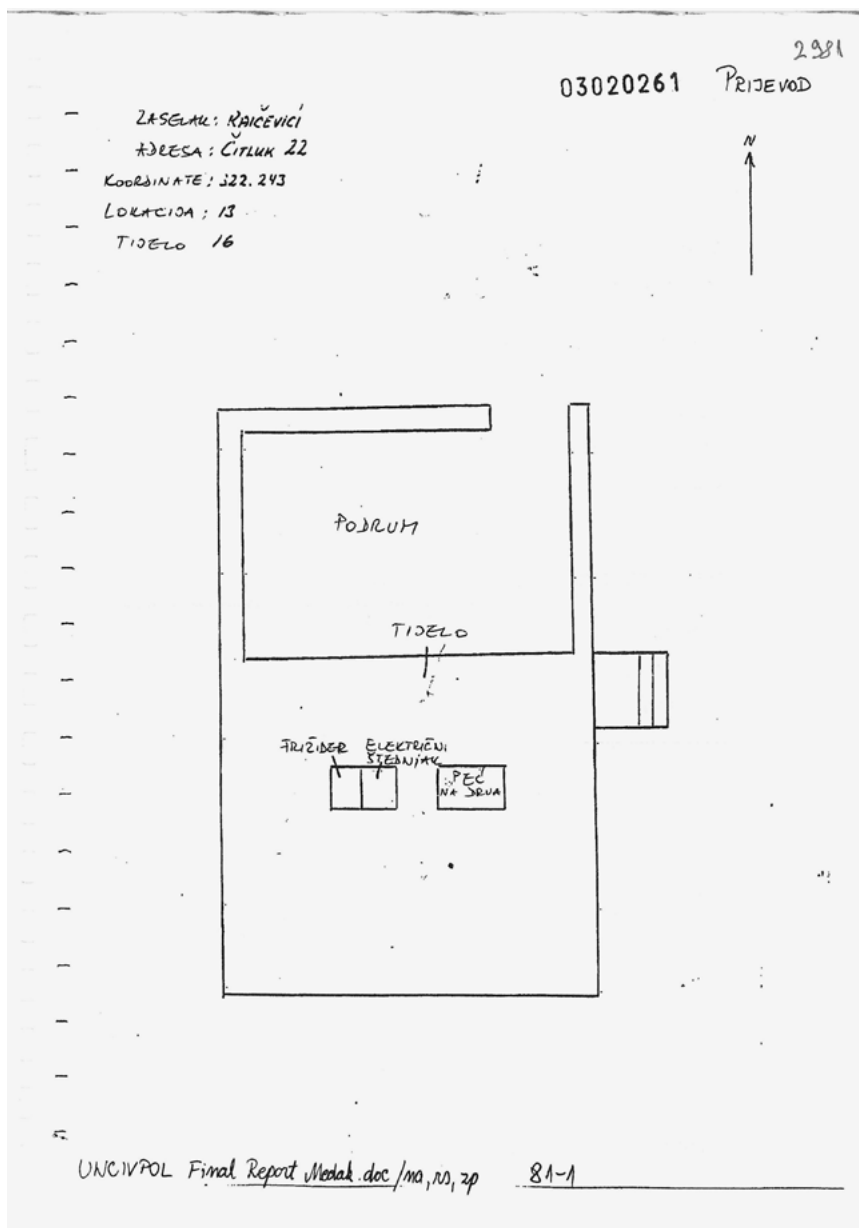
Ubojstva i mučenja civila i ratnih zarobljenika

Hrvatski vojnici i specijalna policija ubijali su civile i ratne zarobljenike tokom trajanja akcije u selima Počitelj, Divoselo i Čitluk koja su zauzeli. Evidentno je da su zločini počinjeni u zoni odgovornosti Sektora 1 HV-a i u zoni odgovornosti Specijalne policije MUP-a RH te da su ljudi ubijani već od prvog dana operacije — 9. rujna 1993. godine — pa sve do završetka. O nasilju za vrijeme akcije na suđenju Ademiju i Norcu pred Županijskim sudom u Zagrebu svjedočili su preživjeli mještani sela, od kojih je jedan broj vidio ubojstva i mučenja ljudi, o tome progovaraju i poneki pripadnici hrvatskih snaga, dok su vojnici i policajci u sklopu UNPROFOR-a vidjeli samo posljedice ubojstava i uništavanja.

Ubojstva u Medačkom džepu posebno se ističu po brutalnosti izvršenja i izživljavanju nad žrtvama. Primjerice, nekoliko svjedoka na suđenju Rahimu Ademiju i Mirku Norcu govorilo je o smrti Milana Rajčevića, kojeg su vojnici vezali za auto i vukli po dvorištu⁴⁷, a njegov leš pronađen je gotovo potpuno spaljen. Nedeljka i Stana Krajnović pronađene su spaljene u zaključanom kokošinju⁴⁸. Boju Vujnović hrvatski su vojnici izveli u dvorište, plegli je na kauč, polili tekućinom i živu zapalili.⁴⁹ Peru Krajnović vojnici su ubili udarcima kundaka svojih pušaka u njevoj dnevnoj sobi, nakon čega su zapalili kuću.⁵⁰

Vojnik svk-a Nikola Stojisavljević ranjen i zarobljen, vezan je konopcem i obješen na drvo, gdje je živ gađan noževima, a kasnije ubijen.⁵¹ Zarobljenog srpskog vojnika Nikolu Bulja hrvatski vojnici tukli su i mučili; udarali su ga kundacima, nogama, objesili su ga o uže za ruke uz jednu kuću, razbili mu staklo na glavi, pokvareno mlijeko iz tetrapaka prolili po glavi, udarali su ga bičem, posipana mu je sol po krvavim leđima, a na glavu su mu stavili šajkaču.⁵²

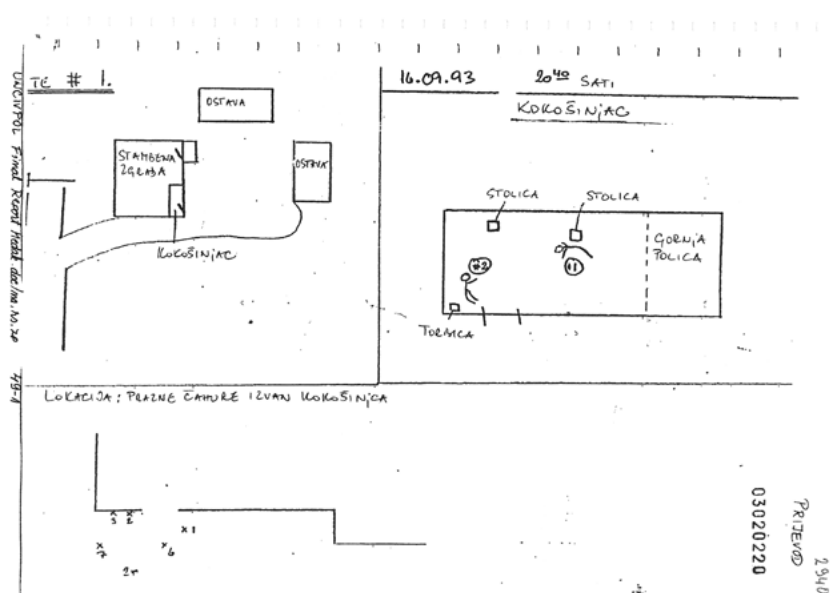
Nekoliko vojnika rsk-a predalo se pripadnicima Specijalne policije RH 10. rujna, a među njima bio je i Stanko Despić. Prilikom zarobljavanja tukli su ih oko pola sata, Despić je primio najviše udaraca nogama i kundacima pušaka, a osobu koja ga je najviše tukla zvali su Mujo. Zarobljenike su vozili najprije u Gospić pa u Otočac, zatim Rijeku i Karlovac, gdje su u zatvorima bili premlaćivani. Nakon zatočenja u Otočcu, koji se nalazi oko 65 kilometara sjeverno od provedbe akcije, Despića više nitko nije vidio, a sudsko medicinsko vještačenje utvrdilo je da umro nasilnom smrću od iskrvarenja iz razorenog lijevog bubrega koji je zatajio.⁵³



/ Skica lokacije pronalaska tijela Pere Krajnović koju je načinio UNCIVPOL (IZVOR: Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 2981)

Sve civilne žrtve bile su većinom osobe srednje i starije životne dobi, a ratni zarobljenici srednje i mlađe dobi. Kod najvećeg broja utvrđena je smrt vatrenim oružjem iz blizine ili udarcima tupim predmetima te tjelesna oštećenja na području udova, prsa i glave.

Konačni izvještaj o operacijama u Medačkom džepu od 15. do 21. rujna 1993., koji je izradio Kanadski bataljon u sastavu UNPROFOR-a, prezentira velik broj informacija o ubojstvima i mučenjima civila i vojnika. Ove jedinice ušle su u područje Medačkog džepa nakon povlačenja hrvat-



/ Skica lokacije pronalaska tijela Nedeljke i Stanke Krajnović koju je izradio UNCIVPOL (IZVOR: Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 2940)

skih snaga i zatele su sela bez preživjelih s uništenom infrastrukturom i mrtvim tijelima.

'Sve su to bile žrtve nasilne, a u nekim slučajevima i okrutne smrti. Šest su bili civili, a deset ih je nađeno u nekoj vrsti uniforme. Među njima je bilo deset muškaraca, pet žena, a jedan leš je neutvrdivog spola jer je bio u velikoj mjeri izgorio. Liječnik i osoblje CIVPOL-a koje je pregledavalo tijela procjenjuju da je svih šesnaestero ubijeno u prethodna 24 sata, između 20 sati 15. rujna i 20 sati 16. rujna'⁵⁴, navodi se u izvještaju.

Kako bi prikazali o kakvim se ubojstvima radi, u izvješću su istaknuta tri primjera; prvi za koji se smatra da se odnosi na dvije gore spomenute žene, Nedeljku i Stanu Krajnović, koje su nađene su maloj podrumskoj prostoriji s rešetkama na jednim vratima.⁵⁵ Navodi se da su njihova tijela bila izgorjena do neprepoznatljivosti.⁵⁶ CIVPOL procjenjuje da su ih ondje hrvatski vojnici zatvorili, ustrijelili kad je počelo povlačenje, a da je potom za spaljivanje tijela upotrijebljen plin. 'U trenutku kada su tijela pronađena, bila su tako vrela da smo ih morali politi vodom i tako ohladiti kako se ne bi rastalile vreće za leševe.'⁵⁷, navodi se u izvještaju.

Drugi primjer navodi ubojstvo starice u dobi između 70 i 80 godina. 'U nju su bila ispaljena četiri hica, jedan od njih u glavu.'⁵⁸

Ubojstvo muškarca starog oko 60 godina, koji je na glavi, leđima i nogama imao 24 rane od metaka ispaljenih odostraga, treći je primjer ubojstva tokom operacije istaknut u izvještaju.⁵⁹

U svitanje 17. rujna 1993. timovi za pretraživanje vratili su se u Čitluk i izvršili detaljno pretraživanje sela i okolnih kuća. Pored Čitluka pronađen je leš jedne starije žene. Ta je žena nekoliko puta bila ustrijeljena i obje su joj potkoljenice bile slomljene. Čini se da je žena bila vezana konopcem i da je odvučena u polje. Procijenjeno je da je smrt nastupila 48 sati prije pronalaženja leša.⁶⁰

UNPROFOR je 'izvršio 16 očevida na licu mjesta, pri čemu je pronađeno 19 leševa, od kojih je deset pripadalo osobama muškog spola, a kod jednog leša spol nije utvrđen. Pet leševa je bilo spaljeno ili pronađeno u objektima koji su spaljeni. Od tih pet žrtava spaljivanja četiri su bile ženskog spola, a kod jedne spol nije utvrđen. Jedna od žena bila je u dobi od 90 godina. Osim dvije žene, sve ostale su bile starije od 40 godina. Jedna je žena bila ustrijeljena s nekoliko hitaca u leđa i djelomično zakopana u močvari'.⁶¹

Izvještaj dalje navodi: 'Svi pronađeni leševi muškog spola mogu se eventualno smatrati leševima 'vojnika', pod uslovom da se primijeni pravilo vojne obveze za muškarce u dobi od 16 do 60 godina. Čini se da je nekoliko muškaraca koji su identificirani kao vojnici bilo pogubljeno iz velike blizine pojedinačnim hicima u glavu (obično u oko). Šestorica muškaraca mogu se smatrati ratnim žrtvama, mada se u nekim slučajevima može primijeniti izraz 'nesrazmjerna upotreba vatre'.⁶²

Iako u izvještajima UNPROFOR ne može utvrditi točan broj ubijenih s obzirom na to da u tom trenutku nema podatke o svim stradalima, s obzirom na stanje koje su zatekli ubojstva su opisali kao sastavnicu et-



/ Lokacija zakopanijh posmrtnih ostataka u močvari (Fotografiju ustupio Ured tužiteljstva MRMKS)



/ Lokacija zakopanih posmrtnih ostataka u močvari označena križem (Fotografiju ustupio Ured tužiteljstva MRMKS)

ničkog čišćenja. Više o trenutno utvrđenom broju ubijenih u akciji Džep 93 donosi poglavlje *Podaci o ubijenima*.

Uništenje imovine i pljačka

Kako bi se detaljnije objasnilo o kakvom je uništenju riječ, u nastavku navodimo opise iz dvaju dokumenata izvedenih u dokaznom postupku na suđenju Rahimu Ademiju i Mirku Norcu. Navodimo ključne nalaze iz gore spomenutog Konačnog izvještaja o operacijama u Medačkom džepu od 15. do 21. rujna 1993. te iz drugog, Zaključnog izvještaja o Medačkom džepu, koji je izradio CIVPOL 10. listopada 1993. Isto tako, navodimo i izjave koje su dali mještani sela i zaseoka CIVPOL-ovim pripadnicima neposredno nakon operacije, kao i svjedočenja hrvatskih vojnika te samih UNPROFOR-ovaca koji su za vrijeme i nakon operacije boravili na području Medačkog džepa.

Konačni izvještaj o operacijama u Medačkom džepu od 15. do 21. rujna 1993., koji je izradio Kanadski bataljun (CANBAT-1) 30. rujna 1993., navodi da je 'cijela zona Medačkog džepa [bila] podvrgnuta sustavnom i nemilosrdnom planu etničkog čišćenja koje su provele snage hrvatske policije i vojske'⁶³.

Izvještaj navodi da je 'operacija čišćenja počela vjerojatno ubrzo nakon zauzimanja zone 9. rujna 1993., a izvedena je metodom polukontroliranih ubojstava i pljačke. Međutim, potpuna provedba čišćenja punom je snagom

počela ujutro 16. rujna 1993., a glavnina uništavanja obavljena je unutar 12 sati, do 20:00 sati 16. rujna 1993. godine⁶⁴.

Vezano za uništenje imovine Izvještaj navodi da su 'u zoni ukupno uništene 164 stambene kuće i 148 gospodarskih zgrada na imanjima' te nastavlja: 'Time je bila obuhvaćena svaka pojedina zgrada u Medačkom džepu. Pošteđeno nije ništa. Uništavanje je provedeno na više načina. Prvo, paljenjem zgrada koje su mogle gorjeti. Vatra je podmetana velikim komadima građevinskog i ogrjevnog drva koje je u zonu dovezeno izvana. Viđen je veliki broj vojnih i policijskih kamiona natovarenih trupcima i građevinskim drvetom kako se kreću cijelom zonom i dostavljaju drvo za potpalu. Drugo, za uništavanje zgrada od betonskih bloketa i za njihovo savijanje sa zemljom korišteni su eksplozivi. Čini se da su za uništenje u velikoj mjeri bile korištene protutenkovske mine. Postavljali su ih na nosive zidove unutar zgrada. Upotrebljavali su tempirane upaljače kako bi simultano detonirane sve zidove raznijelo prema van uslijed čega bi se cijela zgrada urušila. Moguće je da je ta metoda, kombinirana s velikim vatrama podmetanim na nižim razinama zgrada, služila i za prikrivanje žrtava ubojstava jer je nakon primjene eksploziva iz zgrada bilo gotovo nemoguće ukloniti šutu kako bi se pretražili podrumi. Procjenjujemo kako je za potpuno uništenje građevinskih objekata u Džepu vjerojatno bilo potrebno preko 200 mina.'⁶⁵

Vezano za ubijanje stoke i trovanje bunara kao sastavnih radnji u izvedbi etničkog čišćenja, izvještaj ukazuje da je 'učinjen ozbiljan pokušaj da se poubijaju sve domaće životinje u zoni. Po cijelom Džepu nalazili smo ostatke konja, goveda, koza, ovaca, pasa i svinja. U nekim slučajevima, životinje bi ostavili privezane u stajama, a zgradu bi zapalili. Ukupno je nađeno poklano 139 grla krupne stoke' i dalje da su 'u većini bunara i cisterni našli da je u njih ulivena nafta ili su u njima plutali životinjski leševi, u nastojanju da se povratnicima ograniči njihova buduća upotreba'⁶⁶.

Joseph Cooper Holland, časnik Kanadske vojske, izjavio je da je 'područje Medačkog džepa posjetio od 27. do 31. 10. 1993. (...) Tijekom boravka i istrage obaviješteni su i utvrdili su da je kanadski bataljun pronašao nekih 16 — 18 tijela, a obaviješteni su i da je Hrvatska vojska predala 51 mrtvo tijelo. Dakle, bilo je oko 70-ak leševa. (...)'. U odnosu na imovinu vidio je, a postojali su i podaci, da je svaka kuća bila ili uništena, ili učinjena nenastanljivo. Životinje su bile ili ubijene ili odvezene, a bunari su bili zagađeni. Za ovo drugo nema nikakvog vojnog opravdanja jer nema nikakve vojne koristi da se sve životinje ubiju ili odvedu ili da se svi bunari zagađaju, a zagađenje je bilo ili naftom ili tijelima mrtvih životinja. Isto tako nema vojne koristi da se uništi svaka pojedina kuća. Ako se u vojnoj borbi radi o tzv. borbi za svaku kuću i ako se u njoj nalazi neprijatelj, onda se ne može ući u kuću postavljati eksploziv jer je tamo neprijatelj. Da je u svakoj kući bio neprijatelj, onda to područje ne bi

moglo biti zauzeto tako brzo kao što je operacija bila izvedena jer bi to trajalo znatno duže, s obzirom na to da su bila oko 164 objekta. Prilikom pretraživanja terena nisu bili nađeni nikakvi korisni alati, nije bilo odjeće, suđa, namještaja, čak ni kreveta. Prema kanadskim izvještajima, dok su Kanađani čekali da uđu u to područje, čuli su eksplozije i vidjeli dim. To je bilo nakon borbi, kada više nije bilo vojnog djelovanja, a hv je imao kontrolu nad cijelim područjem. Razgovarao je s časnicima inženjerije (s bojnikom LaPlante i inženjercem Stigom), koji su mu rekli da uništenja nisu izazvana artiljerijom ili tenkovima, već da su eksplozivi postavljeni unutar kuća i da je vatra kretala iznutra. Oni nisu spominjali koja vrsta je eksploziva korištena kod razaranja kuća. Zna da kanadsko izvješće govori o protutenkovskim minama, ali nije imao pokazatelja po kojima bi to mogao utvrditi.⁶⁷

Zaključni izvještaj o Medačkom džepu koji je izradila civilna policija UN-a, Sektor jug 10. listopada 1993. godine, a koji prikazuju stanje u selima u trenutku ulaska UNPROFOR-ovih timova navodi:

'Dana 16. rujna u 15.45 sati timovi za pretraživanje ušli su u Donje Selo i razmjestili se. Selo je još uvijek gorjelo i svih 16 objekata u njemu je bilo uništeno. U ovom kontekstu uništeno znači da su objekti bili sravnjeni sa zemljom, ili da su vanjski i neki unutarnji zidovi još uvijek stajali, ali da su krov i unutrašnjost bili u ruševinama. Po predmetima razbacanim po dvorištima bilo je očito da su stambeni objekti prije uništenja bili temeljito vandalizirani. Po dvorištima su bile razbacane brojne štruce kruha i druge hrane. Seoski bunar je bio natrpan otpacima i lešom jedne veće životinje. Poljoprivredne



/ Kuća u dimu fotografirana pri ulasku UN-ovih jedinica u sela Medačkog džepa (Fotografiju ustupio Ured tužiteljstva MRMKS)

*alatke u odvojenim objektima bile su spaljene i vandalizirane. U okolnim poljima nalazili su se leševi stoke koja je pobijena dok je bila na ispaši. Nisu pronađeni ljudi.*⁶⁸

*'U zaselak Drljići ušlo se u 17.45 sati. Svih 14 objekata na ovoj lokaciji na isti način je uništeno. Na ovoj lokaciji pronađeni su ostaci dva konja i nekoliko grla stoke. Na tom području je od domaćih životinja ostalo samo nekoliko kokošaka. Objekti su još tinjali. Nisu pronađeni ljudi.'*⁶⁹

*'Na ovoj lokaciji zatečeno je 15 hrvatskih vojnika. Nosili su policijske uniforme sa oznakama na ramenima na kojima je pisalo 'RH MUP'. Na desnom ramenu su imali oznake na kojima su se nalazile žute munje. (...) Ti su se ljudi kasnije odvezli s tog područja u plavim vozilima Milicije.'*⁷⁰

*'U 19.45 timovi za pretraživanje stigli su u Čitluk. Sva 62 objekta u tom selu bila su uništena, a neki od njih još uvijek su gorjeli. Na području cijelog sela pronađeni su ostaci brojnih domaćih životinja. U nekoliko kuća pronađene su tinjajuće hrpe zobi i zobenice koje su bile potpaljene. Nisu pronađeni ljudi.'*⁷¹

*'Uslijed slabljenja danjeg svjetla timovi su opozvani u privremeni logor u blizini Čitluka. Dok su timovi bili u tom selu, čule su se eksplozije više uz cestu. Vojno osoblje koje se nalazilo na isturenim položajima izvijestilo je da su se u raznim intervalima čuli pojedinačni pucnji iz pušaka.'*⁷²

Steve Marissinik, pripadnik civilne policije UN-a, svjedočio je na suđenju Rahimu Ademiju i Mirku Norcu upravo jer je bivajući na terenu i sastavio spomenuti CIVPOL-ov izvještaj.

Marissinik je naveo sljedeće: '16. 9. 1993. oko 15.40 sati ušli su u Donje Selo gdje su sve zgrade bile razorene, neke su još i gorjele. Dok su se vozili prema sljedećem mjestu, Drljićima, u okolnim poljima su vidjeli mrtvu stoku i konje. I u Drljićima su zgrade bile razorene, a uz neke kuće drva za ogrjev su bila poslagana i potpaljena pa je izgledalo kao da su drva postavljena kako bi vatra bila pospješana. U Čitluku je pobrojao 62 uništene zgrade. Neke su još i gorjele. Unaokolo su bili leševi životinja, dok leševa ljudi nije bilo, pa su krenuli u potragu. U tom traženju gledali su i u bunare. Niti u jednom bunaru nije bilo mrtvih ljudi niti posmrtnih ostataka već samo leš mrtve krave te smeće i ulje. Pregledao je barem 4 bunara. Unaokolo je bila razbacana hrana, žito, zob, bilo je i kruha, a sve to je bilo zapaljeno. Dok su bili u Čitluku, iz daljine su mogli čuti pojedinačne pucnjeve koji su dolazili iz područja u koje oni još nisu došli. Ukupno je uništeno 312 zgrada,⁷³ od toga 164 kuće i 148 gospodarskih zgrada, a po njegovoj ocjeni to su bila svježja razaranja. Sve to je napisao u izvješću. Predao je i fotografije koje je snimio u pregledu područja, a koje su razgledane. No ono što fotografije ne mogu dočarati je smrad smrti koji je postojao na tom području. Sve je ukazivalo na to da su



/ Leš životinje fotografiran pri ulasku UN-ovih jedinica u sela Medačkog džepa (Fotografiju ustupio Ured tužiteljstva MRMKS)

*zgrade uništene nedavno, možda maksimalno tri do četiri dana, ali nikako ne godinu ili više.*⁷⁴

Svjedok Stig Olof Bertil Sandgren iz CIVPOL-a, koji je radio i kao civilni stručnjak za miniranje i zbog iskustva imao znanja za ocjenu je li neka zgrada pogođena granatom, artiljerijskim oružjem ili je naknadno minirana, kazao je da je u jutarnjim satima 16. 9. 1993. došao u Medak i sjeća se da je od 10 sati ujutro čuo eksplozije iz područja Medačkog džepa, a onda se vidio i dim. Bilo je oko 10 — 15 eksplozija u jednom satu dok su bili u Metku od 10 do 15 sati. Ukupno je stoga čuo oko 50 — 70 takvih eksplozija. Negdje kasnije popodne tog su istog dana ušli u područje Medačkog džepa. Ono što je tamo vidio podsjetilo ga je na stanje u filmovima koji prikazuju kako je to izgledalo za vrijeme rata. *Sve je gorjelo i sve je bilo uništeno, sve je bilo demolirano. Najprije su došli u Divoselo, to je južni dio Džepa, a onda su krenuli dalje prema sjeveru i u tom čitavom području prizor je bio isti. Bilo mu je jasno da su zgrade tamo bile razvaljene eksplozivom, posvuda je bilo smeća, bunari su bili zagađeni. Domaće životinje — ovce, svinje, krave — bile su ubijene vatrenim oružjem. Dio toga bio je učinjen tek nedavno po njihovu ulasku jer je krv tih životinja još bila svježa. (...) Sve je izgledalo kao da je uništeno tako da više nikada ne bude naseljeno. To ga je jako potreslo i po njegovoj ocjeni sve je to izgledalo isplanirano.*⁷⁵

Velika je većina zgrada koje je vidio u Medačkom džepu bila uništena naknadnim miniranjem. Vidio je eksploziju od plina i zna da ona može izgledati

*dati vrlo slično kao eksplozija od mina. Nije bilo nikakvih istraživanja jesu li kuće razorene eksplozijom mina, ali napomenuo je da 15. 9. 1993. nije bilo nikakvih eksplozija, a 16. 9. 1993. bilo ih je 50 do 70 između 10 i 15 sati. Neke od zgrada, možda 10 do 20, imale su tragove pogodaka od granate, artiljerije. Jedan dio zgrada, ali ne zna koliki broj, bio je uništen od ranije 1991., a to se vidjelo po tome što je iz tih zgrada rasla trava.*⁷⁶

O načinu uništenja kuća svjedočio je i pripadnik inženjerijske postrojbe 9. gmtbr, koji je na suđenju Rahimu Ademiju i Mirku Norcu za ratne zločine protiv civilnog stanovništva i ratnih zarobljenika svjedočio kao prije spomenuti Ugroženi⁷⁷ svjedok broj 9. On tvrdi da su drugog dana ofenzive, nakon što su se čule glasine o povlačenju, vojnici iz 1., 2. i 3. bojne 9. gmtbr od njega tražili mine kako bi mogli dići srpske kuće u zrak. Najprije im je odbio dati mine, ali onda su mu Zvonko Brajković, načelnik stožera i zamjenik zapovjednika 9. gmtbr, i Goran Blažević, zapovjednik inženjerijske satnije, naredili da preda mine, pa im je svjedok dao 15 do 20 kutija mina. Mine su se zaduživale usmeno, ne i pisano. Naveo je da se je rušenje kuća uz pomoć eksploziva, mina i paljenjem radilo uglavnom u zadnja dva dana akcije. Misli da je to bilo zato što su hrvatski vojnici čuli glasine da se moraju povući, a *'nisu htjeli da ijedna srpska kuća ostane netaknuta'*. Nije dobio nijednu službenu zapovijed o razaranju kuća i tvrdi da nije uništio nijednu kuću. Ugroženi svjedok broj 9 navodio je i da je bilo puno pljačke nakon prvog dana napada i to su radila vojna lica i civili iz Gospića, koji bi uglavnom stizali s traktorima i prikolicama. Nakon prva tri dana Vojna policija postavila je kontrolne punktove, ali nisu sprečavali pljačku. Ponekad bi Vojna policija oduzela nešto od opljačkane imovine iz vozila i odnijela to natrag u dvorište iza svoje policijske postaje. U pljački je svatko radio za svoj račun. Zapovjedništvu u Gospiću trebalo je biti jasno što se događalo u pogledu pljačke. Tu pretpostavku zasniva na činjenici da su se u Gospić stalno vraćala vozila puna opljačkane robe. Vojska nije ništa poduzela da zaustavi civile iz Gospića koji su pljačkali srpske kuće. Nakon što je sudjelovao u odlaganju leševa, izvijestio je Brajkovića i Blaževića, a Blažević je izvijestio Ademija jer mu je on bio sljedeći nadređeni. Izvještavalo se samo usmeno. Rekao im je samo da je problem riješen. Nakon ofenzive od 9. 9. 1993. lokalni zapovjednici često su ga kontaktirali s pitanjima o tome gdje se nalaze leševi.⁷⁸

Svjedok Jozo Nenadić, načelnik inženjerije ZP-a Gospić, svjedočio je kako je neposredno prije i tokom povlačenja vidio i čuo da hrvatski vojnici, u odorama HV-a, pale kuće i iz njih odnose stvari te da se kuće ruše eksplozivom i to protuoklopnim (protutenkovskim) minama, a što je zaključio po zvuku, a i znajući da je HV tamo bio *'skroz popunjen'* tim minama.⁷⁹

S Dušanom Bjegovićem iz Divosela, rođenim 1948. godine, CIVPOL-ovi promatrači razgovor su vodili 24. rujna 1993. u bolnici u Udbini. Bjegović je bio kurir u JNA iz Divosela. Dana 10. rujna, nakon što su ga zarobili hrvatski vojnici, uspio je pobjeći natrag do svoje kuće i tamo je vidio da mu je opljačkano pokućstvo, jedna svinja i 30 kokoši. Nakon toga vratio se u šumu. Šestog dana trajanja operacije Džep 93 (14. 9.) naletio je na hrvatsku zasjedu u Poljanima, čuo je kako hrvatski vojnici kolju muškarca koji je zapomagao sat vremena. Misli da je žrtva na kraju izdahnula. On se nalazio 400 m dalje od mjesta gdje se to dogodilo pa nije mogao vidjeti zločin. Nije vidio da Hrvati ubijaju ljude, ali vidio je da ubijaju pse. Vidio je kako su u zaseoku Vujnović kod Divosela ukrali oko 90 ovaca, dvije krave i dva konja te stoku odveli u smjeru Ličkog Novog.⁸⁰

S Nikolom Pjevačem, rođenim 1935. godine, dana 28. rujna 1993. pripadnik CIVPOL-a razgovarao je u Počitelju. *'Sjećam se dana 9. 9.1993., u 06.10 sati probudilo me granatiranje. Zavladao je opća panika i ljudi su uglavnom trčali u moj podrum u zaklon. Došlo je dvadesetak žena i djece. Čuo sam tenkove na oko 800 metara, iz smjera zapada. Svi smo morali pobjeći jer su stigle hrvatske snage. Prvo su ušli tenkovi. Bježeći sam vidio kako pljačkaju. Vidio sam ljude u civilu kako puštaju stoku iz kuća i toware je u specijalne stočne kamione. Ti civili koji su pljačkali došli su nakon vojnika. Vidio sam kako iz staje odvoze moje dvije krave i dva teleta i toware ih u kamion. Mnoge kuće u selu su gorjele.'*⁸¹

Prikrivanje zločina

Razmjere nasilja, a posebno broja ubojstava na području provedbe akcije Džep 93 pokušalo se prikriti skrivanjem leševa. Ugroženi svjedok broj 9 sa suđenja Mirku Norcu i Rahimu Ademiju, a koji je bio pripadnik inženjerske postrojbe 9. gmtbr, navodi da mu je njegov zapovjednik — načelnik inženjerije 9. gmtbr Goran Blažević, naredio da se mora riješiti leševa. Otišao je s dvojicom vojnih policajaca i kolegom iz jedinice po mine, eksplozive, sporogoreće štapove i detonatore i to donio kod jedne velike kuće na periferiji Gospića, koja je imala nepotpunu septičku jamu, a zgrade oko nje bile su srušene. Do ove lokacije došla je i hladnjača s vozačem i prema njegovu iskazu trojicom pijanih vojnika iz domobranskih bojni. Vojna policija zauzela je položaje za osiguranje prilaznih puteva, a vojnici su iz hladnjače vadili tijela i bacali ih u septičku jamu dok je ugroženi svjedok postavljao eksploziv na kuću. U jamu je ubačeno više od 40 leševa ubijenih u selima u Medačkom džepu, a kad je eksploziv eksplodirao, pola kuće srušilo se i pokrilo leševe u septičkoj jami.⁸²

Osim ovakvih primjera, zaključak da je došlo do pokušaja prikrivanja nasilja moguće je izvesti i na temelju toga što su pripadnici UNPROFOR-a

na području djelovanja hrvatskih snaga pronalazili veći broj kirurških rukavica, što su smatrali alarmantnim. *'Nagađamo da su korištene za rukovanje leševima u evakuaciji širih razmjera. Hrvati nisu imali nikakav drugi razlog da upotrebljavaju kirurške rukavice. To, kao i činjenica da je većina leševa nađena na zabačenim mjestima gdje su se prilikom asanacije lako mogli previdjeti, navodi na pomisao da je mnogo više pojedinačnih leševa prebačeno nekamo drugamo. To će biti teško, ako ne i nemoguće dokazati. Zanimljivo je to da su hrvatske vlasti 19. rujna 1993. na prijelaznom punktu u Gospiću Srbima predale više od 50 tijela. To je možda tek dio žrtava ubijenih u Medačkom džepu'*⁸³, navodi se u njihovu izvještaju.

Važno je istaknuti da hrvatski vojnici nisu poštivali sporazum o primirju i povlačenju s područja Medačkog džepa i sprečavali su ulazak UNPROFOR-a u područje, što su iskoristili za potpuno uništavanje područja i pokušaj skrivanja tijela.

Odgovornost za zločine

Dostupne informacije, svjedočenja sudionika događaja i dokumentacija upućuju na to da se za počinjenje zločina u Medačkom džepu znalo od nižih razina zapovjednog kadra same akcije, pa sve do državnog vrha Republike Hrvatske. Zaključci tijela Ujedinjenih naroda govore u prilog tezi da je akcija planirana od strane najvišeg vojnog i političkog vrha države s poželjnim posljedicama progona stanovništva, uništenja imovine i infrastrukture, a kako bi ovo područje učinili dugoročno nenastanjivim, posebno za autohtono stanovništvo. Tadašnji vojni i politički vrh uključivao je predsjednika republike Franju Tuđmana, ministra obrane Gojka Šuška, ministra unutarnjih poslova Ivana Jarnjaka i načelnika Glavnog stožera HV-a Janka Bobetka.

Kao što je prethodno rečeno, u operaciji Džep 93 postojale su dvije linije zapovijedanja: prva je bila formalna s pisanim zapovijedima i u nju je najviše bilo uključeno Zborno područje Gospić te ju je koordinirao Rahim Ademi. Druga linija uključivala je izravne usmene zapovijedi iz Glavnog stožera Hrvatske vojske (GSHV), od Bobetka, a u nju su bili uključeni Domazet, Norac, Markač i Sačić.

Prva linija zapovijedanja bila je dijelom isključena od druge, koja je vodila glavnu riječ u provedbi akcije. Ovakav način upravljanja akcijom zaobilazio je standardnu proceduru u kojoj bi akcijom upravljao ZP HV-a Gospić — uspostavio se alternativni kanal zapovijedi i razmjene informacija. Do tog načina upravljanja akcijom nije došlo spontano ni slučajno, već je od strane GSHV-a ona na taj način smišljena i planirana. Sve to, uz činjenicu da se Rahimu Ademiju odbija dati konkretna pozi-

cija u zapovjednom lancu, te se ZP HV-a Gospić zaobilazi u procesu svih izvještavanja i zapovijedi, upućuje na zaključak da je postojala potreba za povjerljivom komunikacijom. Kroz taj kanal komunikacije od GSHV-a, tj. Janka Bobetka, spuštale su se informacije i zapovijedi prema ljudima od povjerenja, njegovu izaslaniku i zapovjedniku akcije Davoru Domazetu i Mladenu Markaču, a onda i Mirku Norcu, a koji su onda vršili diseminaciju (informacija i zapovijedi) na niže razine.

Direktni izvršitelji zločina bili su pripadnici Sektora 1 HV-a, posebno 9. motorizirane brigade, među kojima su se po nasilju isticali vojnici izviđačke satnije. Mirko Norac zapovijedao je borbenom grupom Sektor 1, a zapovjednik izviđačke satnije bio je Josip Krmpotić. On je svojim jedinicama osobno naredio rušenje i paljenje kuća, a u tim su zločinima, prema izjavama svjedoka, sudjelovali gotovo svi pripadnici njegove jedinice. Ugroženi svjedok broj 6 sa suđenja Rahimu Ademiju i Mirku Norcu tvrdi da je najviše kuća porušio i zapalio Ivica Rožić, koji je bio poznat kao osoba problematičnog ponašanja. Sjeća se da je Goran Blažević rekao: 'Da li je moguće tog Rožića zaustaviti?'⁸⁴

O Rožiću je 2004. pisao i tjednik *Feral Tribune*, koji je došao u posjed dvaju MUP-ovih dokumenata označenih kao službena tajna, a u kojima se nalaze detalji Rožićeva priznanja o tome kako je likvidirao srpske civile i planski ubijao srpske povratnike u Lici. On nikada nije procesuiran za moguće počinjenje ratnih zločina i drugih kaznenih djela.

Velibor Šolaja i Josip Mišić, pripadnici 9. gardijske brigade Hrvatske vojske, pred Županijskim sudom u Zagrebu 2015. godine osuđeni su za ratni zločin jer su tokom operacije iz podruma kuće u Ličkom Čitluku izvukli žensku osobu i ubili je pucnjima iz automatskog oružja. Šolaja je prema iskazu svojih suboraca viđen kako ubija civile iz Medačkog džepa koji su pokušali pobjeći autom s tog područja te kako iz napuštenih kuća krade stvari i odvozi ih⁸⁵.

U presudi Županijskog suda u Zagrebu Rahimu Ademiju i Mirku Norcu vidljivo je da je velik broj zločina, osim u području djelovanja Sektora 1, počinjen i u području djelovanja Specijalne policije, što uključuje ubojstva, mučenja ratnih zarobljenika i civila te uništavanje imovine. O direktnim počiniteljima presuda ne govori, no evidentno je da je tim jedinicama na terenu zapovijedao Željko Sačić, a iz stožera upravljao zapovjednik Specijalne policije Mladen Markač.

Dok su se ovi zločini provodili, Mirko Norac višestruko je obilazio teren, pristizale su mu obavijesti o svim pojedinostima djelovanja vojske, pa tako i zločinima, a on sam bio je u konstantnoj vezi s Domazetom i Bobetkom. Ugroženi svjedok broj 9 sa suđenja Norcu i Ademiju tvrdi da je

tokom akcije bilo opće poznato da su zločini počinjeni: *'leševi su ležali uz ceste i na drugim mjestima gdje ih se moglo lako vidjeti. Svatko iz Hrvatske vojske tko je sudjelovao u akciji mogao je biti svjestan onoga što se događalo. Nitko se nije protivio onome što se tada događalo.'*⁸⁶

Vojnici i policajci koji su se protivili ovakvom ponašanju svojih kolega smatrali su da bi prijavom zločina ili informiranjem nadređenih i sami mogli postati žrtve ili biti ubijeni. *'O tome nisam nikome govorio jer se nije smjelo ništa loše reći, inače — metak u čelo, pokloni se, idi dalje i šuti'*⁸⁷, govorio je Ugroženi svjedok broj 6 na suđenju Ademiju i Norcu.

Zaključak

Iako sam pojam etničkog čišćenja nije nastao u vrijeme sukoba na postjugoslavenskom prostoru, njegovo korištenje u kontekstu međunarodnih odnosa ustalilo se devedesetih godina prošlog stoljeća.⁸⁸ Različiti akteri tog vremena, uključivo medije, visoke državne dužnosnike, ali i međunarodna tijela, spomenuti koncept učestalo su koristili iako on nije imao svoju službenu definiciju.

Ujedinjeni narodi, i Vijeće sigurnosti i Opća skupština, koristili su pojam etničkog čišćenja u primjerice rezolucijama 808 od 22. veljače 1993. te 827 od 25. svibnja 1993. godine na način da su izražavali *'zabrinutost zbog rasprostranjenog i flagrantnog kršenja međunarodnog humanitarnog prava na teritoriju bivše Jugoslavije, uključujući masovna ubojstva, masovna, organizirana i sustavna zatočenja i silovanja žena te praksu 'etničkog čišćenja', čiji je cilj, među ostalim, osvajanje i zadržavanje teritorija'*⁸⁹.

Prvi je put Vijeće sigurnosti upotrijebilo pojam etničkog čišćenja 1992. godine u Rezoluciji 771 od 13. kolovoza 1992. godine, u kojoj je izričito rečeno da se praksa etničkog čišćenja protivi međunarodnom humanitarnom pravu.⁹⁰

Kako sveučilišna profesorica te kaznenopravna stručnjakinja Maja Munivrana Vajda piše da se etničko čišćenje ostvaruje kroz razne radnje i mjere koje imaju za cilj odlazak ili sprečavanje povratka pripadnika ciljane etničke skupine; bilo da je riječ o nenasilnim mjerama (primjerice mjerama upravnog karaktera, kao što je donošenje diskriminacijskih zakona, ili pak korištenju lokalnih medija za sijanje mržnje i straha), bilo da je riječ o nasilnim aktima u okviru terorističkih napada ili vojnih akcija (teroriziranju pučanstva, silovanjima, ubojstvima, pljačkanju i uništavanje imovine itd.). Ono što povezuje sve te mjere i čini ih elementima etničkog čišćenja njihov je cilj — eliminacija određenog stanovništva s nekog teritorija, ističe Munivrana Vajda.

Iako sintagma 'etničko čišćenje' nije pravna inkriminacija, pa shodno tome nitko ne može biti optužen ni osuđen za zločin etničkog čišćenja, Međunarodni kazneni sud za bivšu Jugoslaviju pojam je u eksplanatorne svrhe koristio i u optužnicama i presudama.⁹¹

Time je li operacija Džep 93 za cilj imala i etničko čišćenje, odnosno je li se provedba akcije koristila kako bi se područje Medačkog džepa ispraznilo od srpskog stanovništva, bavilo se i sudsko vijeće Županijskog suda u Zagrebu na suđenju Rahimu Ademiju i Mirku Norcu.

Dio iskaza svjedoka Thomasa Jamesa Calvina, zapovjednog časnika kanadskog bataljuna u sastavu UNPROFOR-a, koji je navodio i obrazlagao da je u Medačkom džepu provedeno etničko čišćenje, Sud nije prihvatio obrazlažući, između ostalog, da je *'jasno da se radi o osobnom mišljenju svjedoka koje nema podlogu u objektivnim utvrđenjima'*⁹².

Među ostalim Calvin je istaknuo da *'smatra da je u Medačkom džepu izvršeno 'etničko čišćenje'; bunari su bili otrovani, stoka je bila ubijena, ljudi su pobjegli ili su ubijeni. Činjenica da su tamo dopremane protutenkovske mine koje predstavljaju kontrolni resurs koji pojedinci ne zadužuju, upućuje na zaključak da je postojala organizirana logistička podrška aktivnostima u Medačkom džepu'*⁹³.

Civilna policija UN-a, Sektor jug, također je opisala zločine u Medačkom džepu u okviru počinjenja etničkog čišćenja. Ocjena Zaključnog izvještaja o Medačkom džepu tvrdila je sljedeće:

*'Na temelju nalaza prikupljenih od 16. rujna nadalje, jedini zaključak koji se može potkrijepiti jest da je taj da je Hrvatska vojska u Medačkom džepu počinila ratna zvjerstva. Izraz 'ratna zvjerstva' može se široko tumačiti i postoji nekoliko međunarodnih definicija istoga.'*⁹⁴

Te definicije obuhvaćaju široki raspon zločina protiv čovječnosti i nisu ograničene samo na oduzimanje ljudskog života. Djela kao što je krađa ili ubijanje stoke, trovanje izvora pitke vode, paljenje zaliha hrane, sustavno i opsežno razaranje svih stambenih i drugih objekata, potpadaju pod zločine protiv čovječnosti, ili, da upotrijebimo noviji termin — etničko čišćenje.

Vojni stručnjaci su došli do zaključka da je za uništavanje objekata koji su pronađeni u Medačkom džepu korišten pozamašan broj protutenkovskih mina. U periodu od osam dana svjesno je i sustavno uništeno ukupno 312 objekata (164 kuće, 148 staja i pomoćnih zgrada) s tim da je najveća šteta nanesena u posljednjih dvanaest sati. Mora se konstatirati da je postojao plan, logistička podrška te predumišljaj. Takav zaključak podupire činjenica da su u bunare sipani naftni derivati i bacane lešine stoke. Koncept nasumič-

nih postupaka pojedinih vojnika odbačen je zbog kontinuiteta razaranja u Medačkom džepu.

Navodi očevidaca o tome kako su vojnici HV-a nasumično, ali svjesno, otvarali vatru na svakoga tko se nalazio u Medačkom džepu potkrijepljeni su nalazima navedenim u izvještajima s lokacija. Nema opravdanja za smrt osam civila ženskog spola uzrokovanu ustrijeljenjem iz vatrenog oružja. Neke od njih ustrijeljene su nekoliko puta, a tijela su zapaljena, zakopana ili odnesena u polje. Pronađena su najmanje tri vojnika s ozljedama koje odgovaraju onima kakve se nanose pogubljenjem (jedan hitac u glavu). Sasvim je vjerojatno da su oni pojedinačni pucnji iz vatrenog oružja o kojima su izvijestili vojnici UNPROFOR-a s isturenijih pozicija predstavljali ta pogubljenja. U ovaj izvještaj nisu uključena 52 tijela koja je srpskim vlastima u Otočcu predala HV, od kojih je određen broj bio ženskog spola.

Otkriće velikog broja kirurških rukavica u Čitluku i Krajiničima predstavlja razlog za zabrinutost. Nisu pronađeni nikakvi dokazi kojima bi se objasnio razlog zbog kojeg su se one tu nalazile. Da se u blizini nalazila poljska bolnica, bili bi pronađeni i drugi otpaci od medicinskog materijala. Na obje lokacije pronađeni su tragovi nedavnog iskopavanja teškim strojevima. Te su lokacije ponovo prekopane, ali nije pronađeno ništa od značaja. Sasvim je vjerojatno da su te rukavice koristili vojnici koji su radili na uklanjanju ljudskih posmrtnih ostataka u cilju sanacije terena prije dolaska osoblja UN-a. Činjenica da su pronađena samo ona tijela koja su se nalazila na zabitijim mjestima čini to gledište još uvjerljivijim.

U cjelini gledano, postoje dovoljni dokazi u prilog tezi prima facie da je izvršena etničko čišćenje. Smatra se da bi konačnu istragu u tome trebali izvršiti nadležni organi.⁹⁵

Već u biltenu spomenuti Konačni izvještaj o operacijama u Medačkom džepu od 15. do 21. rujna 1993., koji je izradio Kanadski bataljon, u poglavlju 'Etničko čišćenje' ističe da je 'čišćenje obavljeno temeljito i s jasnim ciljem da se zona za dogledno vrijeme učini nenastanjivom'⁹⁶.

Izvještaj navodi i da je akcija čišćenje provedena u sljedećim oblicima: uništavanjem imovine, ubojstvima civila i strijeljanjem vojnika, ubijanjem stoke te trovanjem bunara, te da pri utvrđivanju odgovornosti treba uzeti u obzir više činioca.⁹⁷

'Bilo kakve pretpostavke da je sve bilo plod trenutka i slučaja, djelo pojedinačnih vojnika bez središnjih direktiva, moraju se bez krznanja odbaciti. Postoji previše pokazatelja da je posrijedi bila operacija planirana i kontrolirana iz središnjice'⁹⁸, istaknuto je u izvještaju.

Kako bi se potvrdili istaknuti navodi, kao temeljni argumenti izdvajaju se temeljitost uništenja, oprema i pribor koji su se koristili tokom operacije, uključenost policije i vojske te da je riječ o akciji s visoke razine s ciljem zavlacenja ulaska UNPROFOR-a u Džep.⁹⁹

‘Činjenica da je u Džepu uništen svaki pojedini stambeni objekt ukazuje na sustavni pristup koji je iziskivao i detaljno planiranje. Mnogi su se stambeni objekti nalazili po strani od glavnih putova i valjalo se potruditi kako bi se do njih stiglo. Da su vojnici djelovali samostalno, bez čvrstih uputa, te bi objekte — mimoišli¹⁰⁰, navodi se.

U prilog argumentu o korištenju opreme i pribora ističe se da je ‘za operaciju bilo potrebno mnogo raznovrsnih materijalnih sredstava. Mine potrebne za rušenje vojska drži pod strogim središnjim nadzorom, za njihovo izdavanje potrebno je odobrenje s više razine. Velike količine nađenih kirurških rukavica odaju planiranje unaprijed. Velik broj vojnih kamiona koji su dopremali drvo za spaljivanje kuća ukazuje na to da je svakoj pojedinosti posvećena sustavna pažnja¹⁰¹.

Izvještaj u poglavlju o etničkom čišćenju napominje i da su u operaciji sudjelovale jedinice i vojske i policije. ‘Vozila i jednih i drugih viđana su kako izlaze iz zone po završetku operacije. Tokom operacije, oko cijelog Medačkog džepa postavljene su policijske cestovne zapreke kojima su sprečavani pokušaji pripadnika UNPROFOR-a i civilnog osoblja da uđu u zonu i vide čišćenje.¹⁰²



/ Uništena kuća na kojoj je grafitiran natpis ‘DOĆI ĆEMO OPET. VOLI VAS U’ u Donjem Selu koju je 16. rujna 1993. fotografirao UNCIVPOL (IZVOR: Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, iz spisa predmeta)



/ Uništena kuća u selu Medačkog džepa na kojoj je graftiran natpis 'u' OVO JE HRVATSKA (Fotografiju ustupio Ured tužiteljstva MRMKS)

Kao što je u prijašnjim poglavljima biltena istaknuto, slabo angažiranje vojne policije sugerira da je akcija planirana na način da vojska i policija na terenu budu bez kontrole i da ne postoje jedinice koje ih trebaju spriječiti da izvršavaju nezakonite radnje.

Svjedok Franjo Feldi, vršitelj dužnosti pomoćnika načelnika HV-a za borbeni sektor, na suđenju Mirku Norcu i Rahimu Ademiju pred Županijskim sudom u Zagrebu izjavio je da je za ovu akciju prema njegovoj procjeni bilo potrebno 300 do 400 vojnih policajaca.¹⁰³ Njih se na terenu brojalo samo u desecima, a svoju zadaću nisu izvršili. Osim toga, u operaciji Džep 93 glavnu su ulogu imali vojnici iz 9. gmtbr, koja je bila poznata po problematičnim pojedincima.

Svjedok Goran Kovačević, djelatnik informativno-sigurnosne službe 9. gmtbr, na suđenju u Zagrebu tvrdio je da je svaki tjedan bilo stegovnih postupaka protiv pripadnika te brigade zbog alkoholiziranosti i drugih prijestupa.¹⁰⁴

Nadalje, izvještaj kao argumente da se zavlačilo s ulaskom UNPROFOR-a u Džep navodi da *'unatoč sporazumu između hrvatskih vlasti i UNPROFOR-a, kojim je dogovoreno da će snage jedinice CANBAT-1 u Džep ući 16. rujna 1993., prvi dio snaga zadržan je na prijelaznom punktu sve do 13:30 sati, a da uđu u Lički Čitluk omogućeno im je tek u 18:00 sati. Uzročnik tog zatezanja bio je osobno brigadir Mezić, koji je stigao na mjesto prijelaza i odbio snagama UNPROFOR-a dopustiti da obave svoju dužnost. Brigadir Mezić bio je časnik za vezu na dužnosti u stožeru zapovjednika operacijske zone, generala Ademija'*¹⁰⁵.

Isto tako, fotografije predložene u dokaznom postupku na suđenju Ademiju i Norcu koje prikazuju ruševine kuća u selima Medačkog džepa grafitirane natpisima 'DOĆI ĆEMO OPET. VOLI VAS 'U' I 'U' OVO JE HRVATSKA' pokazuju prijeteci stav prema srpskom stanovništvu tog kraja.

Medački džep u javnom prostoru

Medijska izvještavanja u rujnu 1993. godine

O događajima s ratišta u okolici Gospića mediji su izvještavali redovno, između ostalog prenosili su poruke koje su visoki dužnosnici poručivali prilikom posjeta Gospiću i Medačkom džepu. Isto tako, prenosili su se i zaključci sa sjednica Vijeća obrane i nacionalne sigurnosti te reakcije međunarodne zajednice, posebice u odnosu na skori istek tada aktualnog UNPROFOR-ova mandata i njegovo potencijalno produljenje u Hrvatskoj.

Tako primjerice Vjesnik od 13. rujna 1993. izvještava o održanoj 22. sjednici Vijeća obrane i nacionalne sigurnosti, koja se održala 12. rujna, a na kojoj se raspravljalo o trenutačnoj vojnoj i političkoj situaciji u Hrvatskoj, *'kao i o koracima u svezi s pojačanom srpskom agresijom na hrvatske gradove i naselja'*¹⁰⁶.

Pri opisivanju događaja u Medačkom džepu isti novinski članak navodi: *'Hrvatske snage su 9. rujna 1993. u ograničenoj akciji u okolici Gospića u ružičastoj zoni neutralizirale te ubačene skupine i oslobodile područje jugoistočno od Gospića iz kojeg je grad bio izravno ugrožen. Potom su Srbi iz okupiranih područja započeli s topničkim djelovanjem po civilnim ciljevima od Gospića do Karlovca tako da je do sada ubijeno 16 građana među kojima ima i žena i djece.'*

Iz istog priopćenja Ureda predsjednika Republike Hrvatske prenosi se i da je *'Vijeće [za obranu i nacionalnu sigurnost] još jednom najoštrije osudilo ponovljenu srpsku agresiju na Hrvatsku i zadužilo nadležna državna tijela da u diplomatskim i drugim kontaktima s međunarodnim činiteljima, a u duhu hrvatske mirotvorne politike, nastave pronalaziti puteve mira ističući ponovo da će srpskoj nacionalnoj manjini biti zajamčena sva prava u duhu Ustava, Ustavnog zakona i međunarodnih standarda'*.

Na istoj je sjednici najavljeno i da će *'biti dostavljeni Glavnom tajniku UN-a i Vijeću sigurnosti hrvatski prijedlozi u svezi s problemom produljenja mandata UNPROFOR-a u Republici Hrvatskoj'*.

Istovremeno, javni prostor u Hrvatskoj nije ispunjen podrškom mirovnim naporima na kojima ustraju mirovne snage, a uloga UNPROFOR-a opisuje se prilično negativno. Medijski izvještaji UNPROFOR-u ocrtavaju njihove aktivnosti kao *'nesnalažljive'* ili *'neprihvatljive'*.

Večernji list od 12. rujna piše kako su o rujanskim vojnim zbivanjima u okolici Gospića izvještavali i inozemni mediji, pa je tako BBC izvijestio o 'obračunu hrvatskog i srpskog topništva oko područja samozvane Republike Srpske Krajine'. Prenosi i izjavu UNPROFOR-ova generala Cota, koji je rekao da su 'napetosti narasle dramatično između dviju strana otkad su u četvrtak [9. rujna] Hrvati napredovali'. Ističe i da su 'Srbi odgovorili bombardiranjem Karlovca i Siska. U međuvremenu srpski predvodnik Goran Hadžić poziva un da zaustavi 'hrvatsku agresiju' na spomenutom području'¹⁰⁷.

S obzirom na to da je u tom periodu vladalo izrazito nezadovoljstvo vojnika na ratištu Medačkog džepa (zbog naredbe za povlačenje na položaje od 9. rujna), general Janko Bobetko došao je osobno u Gospić 20. rujna kako bi posjetio 'ljude koji su izvršavali zadatak koji se odnosi na suverenitet i sigurnost Hrvatske. Hrvatska je strana učinila sve što se odnosi na potpisani sporazum, što nije bilo nimalo lako, a očekujem da to izvrši i druga strana. UNPROFOR mora imati razumijevanja da je HV izvršila svoj zadatak — da gospićkom pučanstvu osigura lakši život. Želimo postići mirno rješenje, za što je Hrvatska stotinu puta dala šansu i daje'¹⁰⁸.

O Bobetkovu posjetu i održanom govoru Večernji je list istaknuo: 'Govoreći o operaciji Divoselo, general Bobetko je rekao da je to bila vrlo brza i odlučna akcija u razbijanju neprijateljskih snaga koje se nisu tu nalazile da bi zaštitile Divoselo i Čitluk, nego da napadnu Gospić. Bilo je i samovolje kad je stigla zapovijed da se napusti oslobođeni prostor, došlo je do izljeva osjećaja i učinjene su pogreške. Hrvatska je vojska izvršavala obveze po liniji i hijerarhiji, a to se očekuje i od druge strane. Hrvatska se vojska morala povući poslije pobjede zbog mira i viših interesa.'¹⁰⁹

Snažne reakcije na djelovanja UNPROFOR-a popratio je i prosvjed održan u glavnom gradu Hrvatske, u Zagrebu, o čemu je na svojoj naslovnici



/ Naslovnica
Večernjeg lista,
27. rujna 1993.

izvijestio Večernji list 27. rujna 1993. uz popratni opis: *'Tisuće prognanika iz cijele Hrvatske okupilo se jučer na Trgu bana Jelačića prosvjedujući protiv nedjelotvornosti UNPROFOR-a. Uplakana lica Vukovaraca, Iločana, Slunjana... i natpisi na njihovim transparentima stopili su se u jednu jedinu poruku: UNPROFOR, idi kući!'*¹¹⁰

Kritike službene Hrvatske na djelovanje UNPROFOR-a

U svom obraćanju na 48. zasjedanju Glavne skupštine Ujedinjenih naroda, 28. rujna 1993., predsjednik Hrvatske Franjo Tuđman između ostalog podijelio je i svoje nezadovoljstvo aktualnim djelovanjem UNPROFOR-a.

Kao dvije temeljne slabosti u postizanju djelotvornog modela i mandata mirovnih snaga, koristeći primjer Hrvatske, istaknuo je: *'Prvo, klasičan model zaleđivanja sukoba čuvanjem prekida vatre ne dovodi do razrješenja sukoba već naprotiv do daljnjih komplikacija. Drugo, očitovalo se da neke zemlje koje su angažirale svoje snage u provedbi multilateralnog mirovnog mandata nastoje, posredovanjem svojih pripadnika mirovnih postrojbi i posrednika u pregovorima, voditi nacionalnu politiku svoje države, a ne Vijeća sigurnosti.'*

Tuđman je u drugom dijelu svog obraćanja zamjerke i detaljnije objasnio:

'(...) Kriza na prostoru bivše Jugoslavije najteža je kriza u suvremenom svijetu, i ona ne može biti razriješena bez odlučnije uloge međunarodne zajednice. Dosadašnje posredovanje pokazalo se nedostatnim, unatoč svim naporima, i to zato jer je bilo ograničeno neodlučnim mandatom, ali i otežano politikom suprotnih interesa pojedinih vanjskih sila. Nije bilo dovoljno težiti da se završne sukob, zatim slati humanitarnu pomoć i praznim prijetnjama dopuštati zaoštavanje krize do stupnja da se 'svi zamore od ratovanja' i tada pristanu na političko rješenje. (...)

'(...) Hrvatska je pokazala krajnju strpljivost u nastojanju za mirnim razrješenjem sukoba sa srpskom manjinom, koji je insceniran u danima raspada bivše socijalističke Jugoslavije i uspostave demokratske države Hrvatske. Hrvatska, međutim, ne može beskrajno podnositi okupaciju svojih područja, pritisak stotina tisuća prognanika iz hrvatskih područja i prepolovljenost države. Hrvatsku se ne može prisiljavati na četvrto produženje mandata, bez davanja odlučnog mandata UNPROFOR-u, ali i ultimatumu Srbima da primijene Vanceov plan i sve relevantne rezolucije Vijeća sigurnosti. Način na koji je ishodoeno srpsko povlačenje s Igmana i Bjelašnice — vojnim udarom — mora biti primijenjen i u Hrvatskoj.'

'Republika Hrvatska nije zadovoljna posljednjim izvješćem glavnog tajnika UN-a, u kojem se predlaže produženje mandata UNPROFOR-a u Hrvatskoj za šest mjeseci bez bitnih promjena u njegovu mandatu. Ne dođe li u idućih 48 sati do promjene mandata UNPROFOR-a s ciljem odlučne provedbe stožernih rezolucija i drugih dokumenata Vijeća sigurnosti, Republika Hrvatska bit će prisiljena zahvaliti se Ujedinjenim narodima na mirovnoj operaciji na njezinom tlu i zatražiti da postrojbe UNPROFOR-a napuste Hrvatsku najkasnije do 30. studenog ove godine. Očuvanje statusa-quo — koji nije ništa drugo do okupacije dijela hrvatskog teritorija — i neučinkovitost UNPROFOR-a štete suverenitetu Hrvatske i normalizaciji njezina gospodarskog i svekolikog života. Hrvatska je spremna riješiti ključni problem svoje opstojnosti svim potrebnim sredstvima i pod svaku cijenu — pregovorima i sporazumnim rješenjem ako je moguće, ali i korištenjem legitimnih sredstava uvođenja reda i pravnog poretka, uz puno poštivanje ratnog i humanitarnog prava na prostorima gdje danas vlada bezvlađe srpskih terorističkih i paravojnih skupina.'

'UNPROFOR je svojim angažiranjem na prostoru bivše Jugoslavije podnio veliki teret, pa i nemale ljudske žrtve, djelujući u krajnje teškim okolnostima. Hrvatska je zahvalna svim pripadnicima UNPROFOR-a koji hrabro i časno obavljaju svoju dužnost stavljajući na kušnju svoju osobnu sigurnost i živote i pomažući tisućama stradalnika. Hrvatska nije protivna UNPROFOR-u, ali više ne može trpjeti posljedice njegove neučinkovitosti i upornog zaobilaženja stožernih rezolucija Vijeća sigurnosti. Sve što Hrvatska traži precizno je zapisano u izvješćima glavnog tajnika i rezolucijama Vijeća sigurnosti. Provedba tih odredbi nije samo pitanje opstojnosti Republike Hrvatske, već i temeljnog kredibiliteta Ujedinjenih naroda.'

'Otkazujući mandat UNPROFOR-a Hrvatska ne zatvara vrata niti jednoj humanitarnoj akciji, niti mogućoj NATO operaciji na prostoru bivše Jugoslavije. Štoviše, Hrvatska pozdravlja spremnost NATO-a da preuzme ulogu stožernog jamca mira i stabilnosti u tom dijelu Europe i svojim postrojbama aktivno podrži provedbu mirovnog sporazuma. Mi bismo željeli vidjeti NATO i u ulozi potpore provedbi Vanceova plana. Istodobno širom otvaramo vrata Hrvatske radu svih humanitarnih organizacija i organizacija za zaštitu ljudskih prava, promatračima Europske zajednice, a također i civilnom osoblju UNPROFOR-a u logističkoj ulozi distribucije humanitarne pomoći Republici Bosni i Hercegovini. (...)'¹¹¹

Haške optužnice, suđenja za ratne zločine i postupci za naknadu štete

Haške optužnice

Prva optužnica podignuta za ratne zločine počinjene tokom operacije Medački džep bila je ona tužiteljice Međunarodnog kaznenog suda za bivšu Jugoslaviju Carle del Ponte protiv Rahima Ademija. Optužnica iz svibnja 2001. godine teretila je Ademija za zločine protiv čovječnosti i kršenje zakona i običaja ratovanja.

Nakon što je optužen, Ademi se predao te je početkom 2002. godine privremeno oslobođen pa je početak suđenja čekao u Hrvatskoj.

Podršku privremenom oslobađanju Ademija u pisanom je obliku dao i tadašnji hrvatski predsjednik Stipe Mesić, a optuženi general u svom obraćanju Raspravnom vijeću MKSJ-a naveo je: *'Jamčim svojom vojničkom čašću i dajem časnu riječ da ću se vratiti na svaki poziv Suda, kao što sam došao nakon podizanja optužnice i da ću ispuniti sve sudske naloge'*, te je istaknuo kako nema namjeru *'iznevjeriti povjerenje'* Tribunala, vlade i predsjednika.¹¹²

U optužnici Međunarodnog kaznenog suda za bivšu Jugoslaviju — Tužiteljica protiv Janka Bobetka, podignutoj u rujnu 2002. godine, nalazile su se optužbe kojima se Bobetko teretio za zločine počinjene tokom operacije Džep 93 i to: zločine protiv čovječnosti i kršenje zakona i običaja ratovanja, na temelju individualne i zapovjedne odgovornosti. Konkretno za progone na političkoj, rasnoj ili vjerskoj osnovi, ubojstvo (zločini protiv čovječnosti), pljačku javne ili privatne imovine i bezobzirno razaranje gradova, naselja ili sela (kršenja ratnih zakona ili običaja).¹¹³

Istog tog rujna 2002. godine, kao reakciju na potvrđenu optužnicu, tada 83-godišnji Janko Bobetko, kako je prenio Večernji list, izjavio je: *'Ja sam odlučio: dođu li po mene, živim u ruke ne idem, iz moje kuće mogu iznijeti samo mrtvog, ne ranjenog, mrtvog.'*¹¹⁴

Kraj prisutnosti Janka Bobetka u javnom životu u Hrvatskoj simbolički je obilježilo supotpisivanje Otvorenog pisma dvanaestorice hrvatskih ratnih zapovjednika, koji su tražili prestanak kriminalizacije Domovinskog rata. Među supotpisnicima bili su i Mirko Norac i Davor Domazet Lošo.¹¹⁵

Dana 29. travnja 2003. godine Bobetko je umro u svojoj kući u Zagrebu. Raspravno vijeće MKSJ-a 24. lipnja 2003. donijelo je odluku kojom je obustavilo postupak protiv optuženog.

Janko Bobetko za svog života odlikovan je najvišim odlikovanjima Republike Hrvatske, Redom bana Jelačića, Redom kneza Domagoja s ogrlicom te Veleredom kralja Petra Krešimira IV. s lentom i Danicom.

Nakon optužnica protiv Janka Bobetka i Rahima Ademija za zločine u Medačkom džepu optužen je 2004. godine i Mirko Norac. Tužiteljica Međunarodnog kaznenog suda za bivšu Jugoslaviju Carla del Ponte 2004. godine optužila je Mirka Norca za zločine protiv čovječnosti i kršenje zakona i običaja ratovanja.

SENSE centar za tranzicijsku pravdu tada je naveo da je to bila druga optužnica haškog tužilaštva protiv Mirka Norca. Za zločine nad Srbima u Gospiću bio je optužen 1999. godine, ali njegov je slučaj prepušten hrvatskom pravosuđu.¹¹⁶

Norca se teretilo za zločine počinjene tokom operacije Medački džep, po obje osnove odgovornosti — individualne i zapovjedne. Optužnicom ga se teretilo za progone srpskih civila na političkim, rasnim i vjerskim osnovama, ubojstva, okrutno i neljudsko postupanje, pljačkanje javne i privatne imovine i bezobzirno razaranje sela i zaseoka u Medačkom džepu.

U općim navodima optužnice stajalo je da su *'djela, odnosno propusti za koje se tereti, koja predstavljaju zločine protiv čovječnosti, (...) bila dio rasprostranjenog i sistematskog napada na civilno stanovništvo, konkretno, na srpsko stanovništvo Medačkog džepa'*¹¹⁷.

U dopunskim činjenicama optužnice Tužiteljstva Međunarodnog kaznenog suda za bivšu Jugoslaviju protiv Mirka Norca navodilo se kako su *'nakon što su hrvatske snage ostvarile efektivnu kontrolu [nad područjem Medačkog džepa], uništene, uglavnom paljenjem i eksplozivom, oko 164 kuće i 148 staja i gospodarskih zgrada, što čini glavninu građevinskih objekata u selima Medačkog džepa. Znatan dio tog razaranja dogodio se u razdoblju između obustave vatre 15. rujna 1993. i potpunog hrvatskog povlačenja 17. rujna 1993. u 18:00 sati'*.

Isto tako, navedeno je: *'Između 9. i 17. rujna 1993. hrvatske snage ili osobe u civilnoj odjeći pod nadzorom hrvatskih snaga pljačkale su imovinu srpskih civila, sve što je imalo ikakvu vrijednost. To je obuhvaćalo osobnu imovinu, kućanske aparate, namještaj, građevnu i sanitarnu opremu, domaće životinje, poljoprivredne strojeve i drugu opremu.'*



/ Osobne stvari mještana sela Medačkog džepa fotografirane pri ulasku UN-ovih jedinica u sela Medačkog džepa (Fotografiju ustupio Ured tužiteljstva MRMKs)

'Imovina u vlasništvu srpskih civila koja nije opljačkana na gore opisani način, spaljena je ili uništena na druge načine. Kućanski aparati i namještaj su uništeni, poljoprivredni strojevi su oštećeni ili uništeni mećima, domaće životinje su pobijene, a bunari zagađeni.'

*'Učinkom tih rasprostranjenih i sistematskih protupravnih djela tokom hrvatske vojne operacije Medački džep je postao potpuno nepogodan za život. Sela u Medačkom džepu potpuno su uništena, čime su srpskom civilnom stanovništvu oduzeti dom i sredstva za život.'*¹¹⁸

Vrlo brzo nakon optužnice protiv Norca tužiteljstvo je tražilo da se optužnice protiv Rahima Ademija i Mirka Norca spoje kako bi im se sudilo u zajedničkom postupku, objašnjavajući da bi se zajedničkim suđenjem izbjeglo dvostruko izvođenje dokaza te bi se osigurala dosljednost presuda.¹¹⁹

Objedinjenom optužnicom Tužiteljstvo Međunarodnog kaznenog suda za bivšu Jugoslaviju u svibnju 2004. godine optužilo je Rahima Ademija i Mirka Norca za zločin protiv čovječnosti i kršenja zakona i običaja ratovanja, i to za progon, ubojstvo, pljačkanje imovine, bezobzirno razaranje gradova, naselja i sela.

Norac je hašku optužnicu dočekao u Rijeci, gdje je izvršavao kaznu zatvora u trajanju od dvanaest godina za ratne zločine počinjene 1991. godine u Gospiću.

U rujnu 2005. godine Vijeće za prosljeđivanje predmeta MKSJ-a prihvatilo je prijedlog glavne tužiteljice del Ponte da suđenje za zločine u Medačkom džepu 1993. godine bude prepušteno hrvatskom pravosuđu. Predmet protiv Ademija i Norca jedini je predmet za koji je Tužiteljstvo Međunarodnog suda tražilo da bude proslijeđen Republici Hrvatskoj.¹²⁰

Inače, pravilo 11bis Pravilnika o postupku i dokazima Međunarodnog suda omogućivalo je MKSJ-u trajnu mogućnost da poduzme mjere kako bi predmet koji je proslijeđen nekom nacionalnom sudu bio vraćen na spomenuti sud.¹²¹

Isto tako, Tužiteljstvu Međunarodnog suda naloženo je da preda tužiteljstvu Republike Hrvatske sav popratni materijal uz optužnicu te drugi odgovarajući dokazni materijal. Nakon podizanja optužnice predstavnik Glavnog državnog odvjetnika izjavio je za medije kako je važno da hrvatska javnost zna da je optužnica 'manje oštra' od optužnice MKSJ-a.¹²² Tom prilikom naglasio je i kako je optužnica utvrdila vojnu operaciju kao legitimnu akciju za oslobađanje okupiranog teritorija te nije uključivala nikakvo spominjanje 'udruženog zločinačkog poduhvata'. Suđenje je započelo sredinom lipnja 2007. godine.¹²³

Hrvatska optužnica bila je blaža utoliko što ih je obojicu teretila isključivo po zapovjednoj odgovornosti te što se optužnica sastojala od triju, za razliku od haških pet točaka optužnice. Mirko Norac na suđenje je dolazio iz zatvora u Lipovcu, gdje je služio kaznu za zločine počinjene nad srpskim civilima u Gospiću 1991., a Rahim Ademi branio se sa slobode.

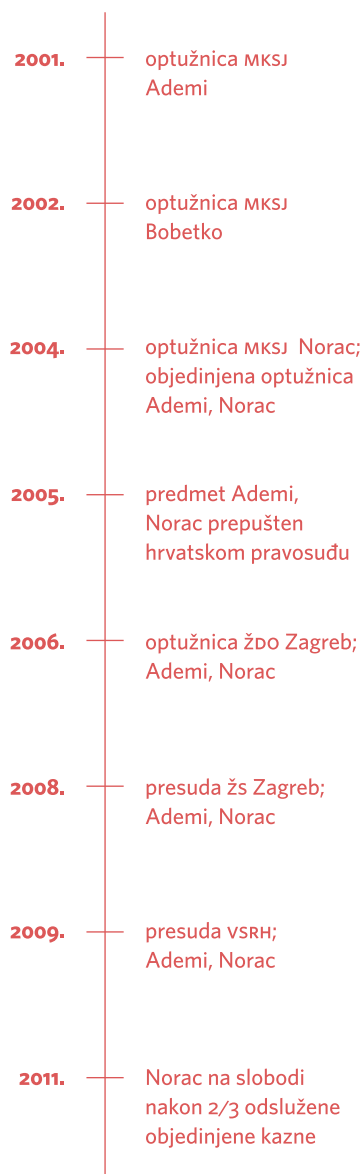
Suđenja za ratne zločine

U svom iskazu Ademi je posebno napomenuo da on nikada nije bio vršitelj dužnosti zapovjednika, nego načelnik Stožera i zamjenik zapovjednika Zbornog područja Gospić te da zamjenik bez posebnog ovlaštenja nema ovlasti operativnog zapovijedanja postrojbama. Vezano za svoja ovlaštenja podijelio je i kako mu je u telefonskom razgovoru Bobetko rekao: *'Imaš ovlasti koliko ti ja dajem.'*¹²⁴

Presudom Županijskog suda u Zagrebu, objavljenom 30. svibnja 2008. godine, optuženik Rahim Ademi oslobođen je svih optužbi, a optuženik Mirko Norac osuđen je na jedinstvenu kaznu zatvora u trajanju od sedam godina jer je *'propustio spriječiti i time tako podržavao i ohrabrivao, da se civilno stanovništvo ubija ili da se nečovječno prema njemu postupa, da se pljačka imovina stanovništva te protuzakonito i samovoljno uništava u*

velikim razmjerima imovinu što nije opravdano vojnim potrebama' te zato jer je 'propustio spriječiti te na [u izreci presude] opisani način podržavao i ohrabrivao da se ratni zarobljenici ubijaju, muče i da se prema njima nečovječno postupa'.¹²⁵ Konkretno, Norac je osuđen za ratni zločin protiv civilnog stanovništva i ratni zločin protiv ratnih zarobljenika.

Mirko Norac prethodno je osuđen i 2001. godine na zatvorsku kaznu u trajanju od 12 godina za ratne zločine nad civilima u Gospiću 1991. godine, zatim je 2008. godine osuđen na sedam godina zatvora za ratne zločine nad civilima i ratnim zarobljenicima tokom operacije Medački džep.



/ Skica 2.
Od 2001. Norac
izdržava kaznu
zatvora za RZ nad
civilima u Gospiću
1991. godine
(osuđen na 12
godina zatvora)

Godine 2009. presudom Vrhovnog suda RH presuda Županijskog suda u Zagreba preinačena je u dijelu odmjerenja kazne i ona mu je tom odlukom smanjena na šest godina. Iste godine odlukom izvanraspravnog vijeća Županijskog suda u Rijeci objedinjenje su mu zatvorske kazne od dvanaest i šest godina na ukupnih petnaest godina zatvora. Nakon odslužene dvije trećine ukupnog trajanja kazne, odnosno nakon odsluženih deset godina zatvorske kazne, Mirko Norac pušten je na slobodu 2011. godine (skica 2).

Norac je prvi general Hrvatske vojske osuđen za ratne zločine u Hrvatskoj.

Osim Norca, kao direktni počinitelji za ratne zločine tokom operacije Medački džep osuđeni su u zasebnim postupcima i Velibor Šolaja, Josip Mršić i Josip Krmpotić.

Vijeće Županijskog suda u Zagrebu presudilo je 10. listopada 2016. godine da je Josip Krmpotić kriv za počinjenje ratnog zločina protiv civilnog stanovništva te ga je osudilo na zatvorsku kaznu u trajanju od tri godine. U izreci presude navodi se da je Krmpotić, kao zapovjednik izviđačke satnije 9. gardijske brigade Hrvatske vojske, *'zapovjedio podređenim pripadnicima Hrvatske vojske da vrše paljenje i rušenje kuća na području provođenja vojne akcije 'Džep 93', a nakon čega su isti zapalili i eksplozivom rušili kuće na širem području mjesta Lički Čitluk, Počitelj i Njegovan'*¹²⁶.

Svjedok R. L., koji je tokom akcije Džep 93 bio pripadnik Izviđačke satnije kojom je zapovijedao optuženik, naveo je da: *'Koliko se sjeća, uglavnom su svi pripadnici Izviđačke satnije, a koji su se u tom trenutku nalazili u bazi, sudjelovali u rušenju i paljenju kuća na navedenom području, a kuće su rušene eksplozivom i protutenkovskim minama koje su imali u bazi u Čitluku, te su paljene na različite načine.'*¹²⁷

U obrazloženju iste presude piše i da *'iz navedenog se može zaključiti kako nije postojala opasnost povratka srpskih paravojnih formacija na navedeno područje te ponovno ugrožavanje grada Gospića i okolice s navedenog područja, iz kuća i objekata koji su se nalazili na tom području. Stoga uništenje kuća i drugih objekata u konkretnom slučaju ni na koji način nije bilo opravdano vojnim potrebama, a s obzirom da je optuženik zapovjedio da se zapale i sruše sve kuće na području gdje je provedena vojna akcija "Džep 93", odnosno na širem području mjesta Lički Čitluk, Počitelj i Njegovan, te da su u tom cilju formirane grupe koje su izvršavale navedenu zapovijed, očigledno je da se u konkretnom slučaju radi o imovini velikih razmjera, odnosno vrijednosti većoj od 600.000,00 kuna'.*

Sud je Krmpotiću pri odmjeraivanju kazne kao olakotnu okolnost uzeo i sudjelovanje u Domovinskom ratu te naveo i da: *'Iako je za ovo kazneno*

*djelo zakonom propisana kazna zatvora od najmanje 5 godina ili kazna zatvora u trajanju od 20 godina, imajući u vidu čitav niz olakotnih okolnosti na strani optuženika, a koje je sud cijenio kao osobito olakotne okolnosti, protek vremena od počinjenog kaznenog djela, te okolnost da nije utvrđena niti jedna otegotna okolnost na strani optuženika, ovo vijeće smatra da se i ublaženom kaznom zatvora može ostvariti zakonska svrha kažnjavanja propisana zakonom*¹²⁸.

Vrhovni sud Krmpotiću je presudu potvrdio 2020. godine. Na odmjere-nu kaznu u trajanju od tri godine reagirale su negativno obitelji žrtava i organizacije civilnog društva angažirane u polju suočavanja s prošlošću. Ovakva presuda djelovala je razočaravajuće na obitelji ubijenih i nesta-lih, između ostalog i zbog dugog trajanja postupka. Naime, od optuž-nice protiv Krmpotića podignute 2012. godine do presude Vrhovnog suda prošlo je skoro deset godina, a od samog zločina skoro dvadeset godina.

Josip Krmpotić svjedočio je i u postupku protiv Rahima Ademija i Mirka Norca te tom prilikom izjavio, s obzirom na to da je on osobno iz okoli-ce Gospića i da su mu dobro poznati kraj i ljudi, da tamo nije bilo civila. Dodao je i je svaka kuća bila bunker i svi su bili naoružani i prije rata, a kamoli ne za vrijeme rata.¹²⁹

Vijeće Županijskog suda u Zagrebu 25. svibnja 2015. godine presudilo je Veliboru Šolaji za ratni zločin protiv civilnog stanovništva, odnosno zato što je *'nakon što je iz podruma kuće na navedenom području izvedena NN ženska osoba starije životne dobi, potom u istu zajedno s pripadnikom 9. gardijske brigade Hrvatske vojske J. M., pucao iz svog osobnog naoružanja i na taj način usmrtili navedenu NN žensku osobu'*¹³⁰. Za isti zločin osuđen je i Josip Mršić 6. ožujka 2017. godine.

I Mršić i Šolaja, paralelni počinitelji — jer svaki od njih participirao je u djelu kao cjelini, osuđeni su za ratni zločin protiv civilnog stanovništva: za ubojstvo, odnosno za pucanje iz svog osobnog naoružanja i usmr-ćivanje žene starije životne dobi. Mršić je osuđen na kaznu zatvora u trajanju od tri, a Šolaja u trajanju od pet godina.

Zanimljivo je da sudska vijeća u predmetima Mršić i Krmpotić pri odmjeravanju kazne nisu pronašli nikakve otegotne okolnosti. U pred-metu protiv Šolaje konstatirali su da: *'od subjektivnih okolnosti, otegotna okolnost na strani optuženika je stupanj krivične odgovornosti — direktni umišljaj i da je bio svjestan da se kao profesionalni vojnik sukobljava s pravom. U svjetlu objektivnih okolnosti, otegotna okolnost je i jačina ugro-žavanja i povreda zaštićenog dobra, jer se radi o napadu na život i tjelesni integritet nenaoružane NN ženske osobe starije dobi, koja je stajala s rukama*

uz tijelo.¹³¹ Također, Šolaji su se kao olakotne okolnosti prepoznale između ostalog i njegovo dugotrajno sudjelovanje u Hrvatskoj vojsci (osam godina) te odlikovanost najvišim odlikovanjima Republike Hrvatske (Red Nikole Šubića Zrinskog za iznimne zasluge i hrabrost, Red hrvatskog trolista i Spomenica Domovinskog rata).

Sva trojica osuđenih bili su pripadnici Izviđačke satnije koja se nalazila u sastavu 9. gardijske brigade Hrvatske vojske, pri čemu je Krmpotić tom satnijom i zapovijedao.

Postupci za naknadu štete

Članovi obitelji žrtava pokretali su postupke sudskim zahtjevima za naknadu štete. Najpoznatiji je slučaj djece Boje Pjevač, koja je ubijena u zoni djelovanja Specijalne policije tokom akcije Džep 93. Nedvojbeno je presudom na suđenju Ademiju i Norcu utvrđeno da je ona ubijena, no ne i tko ju je poimence ubio. Njezina djeca podnijela su Državnom odvjetništvu RH kaznenu prijavu protiv Mladena Markača i Željka Sačića, koji su zapovijedali jedinicama Specijalne policije u akciji Džep 93.¹³² Godine 2017. Ta je kaznena prijava odbačena s obrazloženjem da dokazi nisu opravdali zaključak da su majku podnositeljica ubili pripadnici Specijalne policije, a istraga o zločinima još traje. Obitelj Pjevač 2014. i 2017. godine podnijela je ustavne tužbe u kojima se žalila na nedostatak učinkovite istrage o ubojstvu njihove majke. Ustavni sud u svojim je odlukama iz 2016. i 2018. godine, bez ikakve analize, utvrdio da nije došlo do povrede članka 21. Ustava RH, koji jamči pravo na život. Nakon toga podnesena je aplikacija i Europskom sudu za ljudska prava, u kojoj su se žalili da su domaće vlasti propustile učinkovito istražiti ubojstvo Boje Pjevač i privesti počinitelje pravdi, kršeći članak 2. Konvencije. Sud je njihov zahtjev 2022. godine ocijenio kao nedopušten i zaključio da nisu iscrpili domaća pravna sredstva.¹³³

Podaci o ubijenima

Optužnica mksj-a, Tužiteljica protiv Rahima Ademija, navodila je: *'Tokom hrvatske vojne operacije u Medačkom džepu najmanje je 38 tamošnjih civila Srba protupravno lišeno života, a drugi su pretrpjeli teške ozljede. Mnogi ubijeni i ranjeni civili bili su žene i starije osobe. Hrvatske snage su osim toga ubile i najmanje dva srpska vojnika koji su bili zarobljeni i/ili ranjeni. Podaci o nekima od poginulih, o 21 civilu i 2 vojnika, sadržani su u dodatku optužnici.'*

Optužnica Međunarodnog kaznenog suda za bivšu Jugoslaviju, Tužiteljica protiv Mirka Norca, navodila je: *'tokom hrvatske vojne operacije u Medačkom džepu je protupravno lišeno života najmanje 29 tamošnjih srpskih civila, a drugi su pretrpjeli teške ozljede. Mnogi od ubijenih i ranjenih civila bili su žene i starije osobe. Hrvatske snage su pored toga ubile i najmanje pet zarobljenih i/ili ranjenih srpskih vojnika.'*¹³⁴

Objedinjena optužnica mksj-a, Tužiteljica protiv Mirka Norca i Rahima Ademija, navodila je: *'Tijekom hrvatske vojne operacije u Medačkom džepu najmanje je 29 tamošnjih srpskih civila protupravno lišeno života, a drugi su pretrpjeli teške ozljede. Mnogi ubijeni i ranjeni civili bili su žene i starije osobe. Hrvatske snage su ubile i najmanje pet srpskih vojnika koji su bili zarobljeni i/ili ranjeni. Podaci o nekima od ubijenih civila i vojnika izvan bojnog ustroja sadržani su u Prilogu 1 ove optužnice.'*

Optužnica mksj-a, Tužiteljica protiv Janka Bobetka, navodila je: *'Krivično djelo progona počinjeno je na sljedeći način: a) protupravnim lišavanjem života najmanje 100 srpskih civila i zarobljenih i/ili ranjenih vojnika iz Medačkog džepa.'*

Srpsko narodno vijeće na svojim službenim stranicama o ubijenima tokom operacije navodi sljedeće: *'Nakon akcije hrvatska je strana predala 52 tijela žrtava, još njih 18 pronašli su pripadnici UNPROFOR-a, pristigli na područje nakon 17. septembra 1993., 11 muškaraca i 7 žena. Osmorica muškaraca bili su vojnici, dvojica civili, jedan leš neutvrđenoga statusa, dok su sve pronađene žene bile civili. U maju 2000. godine u septičkoj jami u Gospiću, u Obradovića Varoši, pronađeno je 11 tijela, od kojih je njih 6 identificirano kao žrtve iz Medačkog džepa.'*¹³⁵

REKOM Mreža pomirenja navodi da je tokom vojne operacije Džep 93 ubijeno najmanje 36 civila i ratnih zarobljenika od koji su 17 bile žene.¹³⁶

Documenta — centar za suočavanje s prošlošću u svojim posljednjim podacima iz prosinca 2024. godine navodi ukupno 33 žrtve, 29 civila i četiri vojnika.

S obzirom na to da prema dostupnim izvorima podaci o ubijenim civilima tokom ove operacije variraju, potrebno je da nadležne institucije u Republici Hrvatskoj ulože veći trud i napore da se precizni podaci o ubijenima utvrde i učine javno dostupnima.

Politike sjećanja i javna prisutnost ratnih zločinaca

Norac je bio aktivan i u političkom životu kada se početkom devedesetih priključio političkoj stranci Hrvatski državotvorni pokret, koju su u inozemstvu osamdesetih osnovali pripadnici ustaške emigracije. Pisac svih ključnih dokumenata HDZ-a bio je pročelnik za politička i vanjsko-politička pitanja, dok je fašist (po vlastitom iskazu) Mladen Schwartz bio stranački ideolog.¹³⁷

U znak podrške Mirku Norcu 2001. godine na splitskoj rivi održan je masovni prosvjed koji će ostati upamćen po govoru tadašnjeg šefa oporbe, a kasnije premijera Ive Sanadera, koji je tom prilikom izjavio kako *'hrvatski generali nisu izdajice i pučisti, već jamac opstojnosti naše države'*¹³⁸, a tadašnjem predsjedniku Stipi Mesiću i premijeru Ivici Račanu poručio je da *'nemaju moralno pravo optuživati legende Domovinskog rata'*, misleći pritom, između ostalog, i na Mirka Norca, Antu Gotovinu, Mladena Markača i Ivana Čermaka.¹³⁹

Na drugoj strani države, u Zagrebu, u veljači 2001. godine inicijativa 'Moj glas za pravnu državu' organizirala je skup 'Jedan sat za pravnu državu', gdje se okupilo oko deset tisuća ljudi kao odgovor na masovne proteste u Splitu i drugim gradovima.¹⁴⁰

Dok je suđenje Norcu i Ademiju bilo u toku, tadašnji premijer Ivo Sanader u travnju 2006. godine gostovao je u gledanoj emisiji Nedjeljom u 2 te ga je tom prilikom voditelj i urednik Aleksandar Stanković pitao o stavovima o Mirku Norcu. Na pitanje o tome hoće li se odreći Norca te hoće li ga posjetiti, Sanader je odgovorio: *'Norac, Gotovina i ostali generali vodili su oslobađajuće operacije u Domovinskom ratu. Jesu li oni krivi po zapovjednoj ili individualnoj odgovornosti, utvrdit će sud. No ako je netko osuđen za nešto što je nečasno učinio, to ne može umanjiti njegove zasluge za obranu Hrvatske'* te dodao kako Norca nije posjetio ni tada, pa ga neće posjetiti ni danas, a Stankoviću je uzvratio protupitanjem: *'Mislite li vi da to umanjuje njihove zasluge za obranu Hrvatske?'*¹⁴¹

Tad već osuđenom Norcu predsjednik Stjepan Mesić oduzeo je sedam odlikovanja i priznanja, i to: Red kneza Domagoja s ogrlicom, Red bana Jelačića, Red Ante Starčevića, Red hrvatskog trolista, Red hrvatskog pletera, Spomenicu domovinske zahvalnosti i Medalju za iznimne pothvate. Odluku o oduzimanju odlikovanja osmorici bivših pripadnika

Hrvatske vojske pravomoćno osuđenih zbog ratnih zločina, među kojima je bio i Norac, Mesić je donio 20. srpnja 2009. godine na prijedlog Državnog povjereništva za odlikovanja i priznanja uz obrazloženje da im se oduzimaju zbog postupanja protivno pravnom poretku i moralnim zasadama u Hrvatskoj.¹⁴²

Nakon izlaska iz zatvora Norac je postao iznimno uspješan poduzetnik koji je od kraja 2015. do 2020. godine bio prokurist u zaštitarskoj firmi nazvanoj po njegovu nadimku, Noky Security. Tokom tog perioda usluge Noky Securityja koristile su i brojne gradske i državne institucije poput HŽ infrastrukture, KBC-a Osijek, Memorijalnog centra Domovinskog rata Vukovar, Grada Osijeka, Jadrolinije, Lučke uprave Split itd.¹⁴³

Prema podacima portala Poslovna Hrvatska ta je zaštitarska tvrtka u 2016. godini ostvarila 5,7 milijuna kuna¹⁴⁴ prihoda, koji su godinu kasnije skočili na 16,7 milijuna¹⁴⁵ uz dobit od 296 tisuća kuna¹⁴⁶, između ostalog i zahvaljujući poslovanju s državom. S državnim tijelima i tvrtkama samo te godine sklopila je ugovore vrijedne 3,65 milijuna kuna, dok je 2015. godine ta brojka iznosila čak 16,8 milijuna kuna.^{147, 148}

Osim poslovnih uspjeha, Norac je rado viđen gost i u na službenim manifestacijama kao što su obljetnice upravo operacije Medački džep, koja se svake godine obilježava 9. rujna u Gospiću. Svake godine tamo se, među ostalima, okupljaju i izaslanici predsjednika Republike Hrvatske, predsjednika Vlade te predsjednika Hrvatskog sabora, koji tom prigodom polažu cvijeće te održavaju prigodne govore u kojima nema ni spomena o zločinima i žrtvama operacije Medački džep.

Štoviše, dvadeset i petu obljetnicu operacije Medački džep, 2018. godine, obilježilo je prisustvovanje Mirka Norca u Gospiću, na svečanosti u organizaciji Vlade Republike Hrvatske. Tom prilikom Damir Krstičević, tadašnji ministar hrvatskih branitelja, pozdravio je Norca i izrazio zadovoljstvo zbog njegova prisustva. Krstičević je tom prilikom izjavio: *'Na akciju Medački džep moramo biti ponosni, a što se tiče Mirka Norca, bio je rat, bio je zapovjednik Zbornog područja Gospić i zbog onoga što se tu dogodilo nosi svoj križ, a meni je drago što je danas ovdje.'*¹⁴⁹

Obilježavanje 26. obljetnice operacije našlo se u središtu pozornosti javnosti i organizacija civilnog društva u području odgovornog suočavanja s prošlošću zbog prisustva učenika osnovnih škola na komemoraciji i proslavi vojno-redarstvene operacije Medački džep. Tom je prilikom tadašnji zastupnik Hrvatskog sabora, Stevo Culej, objasnio: *'Tada je bio rat, a rat piše neka druga pravila, gdje se često pravila gube pod emocijom, stresom, pritiskom, i to se događalo, ali rat je završio, u slobodnoj smo Hrvatskoj.'*¹⁵⁰

Kada govorimo o mladima i njihovoj informiranosti o događanjima tokom ratnih devedesetih, ističemo nalaze istraživanja koje je provela i objavila nevladina organizacija Inicijativa mladih za ljudska prava — Hrvatska 2022. godine, koje je pokazalo da više od 70 % mladih iz Hrvatske, u dobi između 18 i 30 godina, nije čulo o ubijanju civila srpske nacionalnosti tokom vojne operacije Medački džep.¹⁵¹

Danas, trideset i jednu godinu nakon operacije, Ministarstvo hrvatskih branitelja na svojim službenim stranicama operaciju Medački džep opisuje sljedećim riječima:

'U samo nekoliko sati hrvatske snage oslobodile su oko 225 kvadratnih kilometara okupiranog hrvatskog teritorija, prostor Medačkog džepa, odakle je neprijateljsko topništvo razaralo Gospić. Sela Divoselo, Čitluk i Počitelj napokon su oslobođena, čime su otvoreni ključni komunikacijski pravci između Zagreba, Splita i Rijeke.'

'Uspješno izvedenom operacijom, otklonjen je dio topničke ugroze grada Gospića, skraćena je crta bojišnice i dobivena bitka za Velebit te trajno onemogućena težnja agresora da izbijanjem na Jadransku obalu razdvoji Hrvatsku na dva dijela. Osim pobjede, vojno-redarstvena operacija Medački džep bila je i velika hrvatska žrtva. Tijekom borbenih djelovanja pa do povlačenja hrvatskih snaga, od 9. do 17. rujna 1993., poginulo je ukupno 6 pripadnika Hrvatske vojske i 7 pripadnika postrojbi specijalne policije MUP-a, a 53 hrvatska branitelja su ranjena.'

*Obilježavajući 31. obljetnicu vRO Medački džep, sa zahvalnošću i poštovanjem prisjećamo se svih poginulih u toj operaciji, kao i svih žrtava koje smo podnijeli za našu slobodu i neovisnost. Naša trajna obveza je očuvati uspomenu na njih, promicati istinu i nastaviti graditi vrijednosti za koje smo se u Domovinskom ratu borili.'*¹⁵²

Ministarstvo hrvatskih branitelja ne spominje civilne žrtve ubijene tokom operacije niti se osvrće na bilo kakve činjenice koje su učinjene tokom operacije, a koje se ne uklapaju u vojni podvig i pobjedu hrvatskih snaga.

Na službenom obilježavanju operacije u rujnu 2024. godine Norac je također bio prisutan te je u ulozi predvodnika Udruge 9. gardijske brigade 'Vukovi' 'posebno glasnim pljeskom pozdravljen', kako je istaknuo lokalni portal Lika express u svom izvještaju s obilježavanja.¹⁵³

Osim prisustvovanjem obilježavanju sjećanja na operaciju Medački džep Norac svoj doprinos izgradnji kulture sjećanja daje prisustvovanjem i drugim važnim obljetnicama na vojne pobjede Hrvatske vojske,

pa se tako i u kolovozu 2024. godine u ime udruge Vukovi pridružio obilježavanju 29. obljetnice vojno-redarstvene operacije Oluja, koja se u organizaciji Ministarstva hrvatskih branitelja, Ličko-senjske županije, Grada Gospića i koordinacije udruga proizašlih iz Domovinskog rata održala 5. kolovoza 2024. godine u Gospiću.¹⁵⁴

Usput, na službenoj stranici grada Gospića u članku 'POVJESNICA 9. gardijske brigade' navodi se kako je: *'Povijest zapisala da Divoselo, Čitluk i okolna mjesta nikada nisu priznavali hrvatsku državu i vlast, te su uvijek važila kao svojevrsni simboli srpstva u srcu Hrvatske.'*¹⁵⁵

Nije rijetkost da se još uvijek na službenim stranicama lokalnih samouprava, raznim medijskim portalima i u javnom prostoru Norca oslovljava titulom generala, iako je čin izgubio u trenutku pravomoćnosti presuda za ratne zločine kojima je osuđen na kaznu dulju od pet godina. Naime, Zakon o službi u oružanim snagama Republike Hrvatske navodi da osoba po sili zakona gubi čin, između ostalog, kad je pravomoćno osuđena na kaznu zatvora dulju od pet godina za kazneno djelo protiv čovječnosti i ljudskog dostojanstva, što ratni zločini na temelju kataloga kaznenih djela Kaznenog zakona jesu.¹⁵⁶

Konačno, Mirko Norac u preko je pet hrvatskih gradova, među kojima su Otok, Sinj i Makarska, i dandanas počasní građanin.

Suvremeni izazovi

Područje današnjeg Medačkog džepa još uvijek čine napuštena i devastirana sela. Prema popisu stanovništva Republike Hrvatske iz 2021. godine u Počitelju živi dvoje, u Ličkom Čitluku pet, a u Divoselu samo jedan stanovnik.

U Divoselu poslije rata nije bilo uklanjanja mina, a od 118 zahtjeva za obnovu kuća usvojeno ih je samo 11. U selu nema struje, bunari su zagađeni, pa tako nema ni stalnih stanovnika. Slična je ili ista situacija u selima Počitelj i Čitluk.

Iako su sudovi Republike Hrvatske izricali presude za zločine počinjene 1993. na ovom području, još uvijek nedostaju dovoljni naponi države da se ispita odgovornost osoba koje su bile u zapovjednom lancu akcije Džep 93, ali i svih direktnih izvršitelja kaznenih djela.

Navedeno se posebno odnosi na Davora Domazeta¹⁵⁷, koji je zapovijedao akcijom, a za kojeg je 2012. Amnesty International tražio od Državnog odvjetništva Republike Hrvatske (DORH) da protiv njega pokrene istragu. Snažnije napore u utvrđivanju odgovornosti za zločine potrebno je pokrenuti i u vezi Mladena Markača¹⁵⁸ i Željka Sačića¹⁵⁹, koji su bili nadređeni jedinicama Specijalne policije, a u njihovoj zoni odgovornosti djelovanja počinjena su brojna ubojstva civila i ratnih zarobljenika. Također, policija i državno odvjetništvo trebali bi ispitati ulogu Ivice Rožića, kojeg svjedoci spominju kao osobu koja je osobno sudjelovala u uništavanju velikog broja kuća u ovoj operaciji. Postupci pred sudovima u Zagrebu koji su doveli do osuđujućih presuda predstavljaju nekoliko važnih, ali nipošto dovoljnih koraka prema pravdi za žrtve. Dodatne istrage i suđenja trebaju otkriti tko su drugi odgovorni zapovjednici i direktni počinitelji zločina kao što su namjerna paljenja kuća, pljačkanje imovine, ubijanje civila čija su tijela zapaljena te ponižavanje zarobljenih vojnika.

U kontekstu ostvarenja materijalnih reparacija za žrtve ratnih zločina potrebno je istaknuti i Zakon o odgovornosti za štetu nastalu uslijed terorističkih akata i javnih demonstracija¹⁶⁰ i Zakon o odgovornosti Republike Hrvatske za štetu uzrokovanu od pripadnika hrvatskih oružanih i redarstvenih snaga tokom Domovinskog rata¹⁶¹. Potomci žrtava koji su u ratu izgubili svoje najbliže pokretali su postupke protiv Republike Hrvatske na temelju ovih zakona, a ukoliko u svojim zahtjevima nisu uspjeli, morali su plaćati visoke cijene sudskih troškova.

Velik broj potomaka žrtava nije bio u stanju plaćati tako visoke iznose, pa su protiv njih pokretane ovrhe. *'Znam za slučaj da je nasljednica jedne dužnice prodala stan kako bi podmirila naslijeđeni dug. Postoje oštećeni koje više ne žive u Hrvatskoj i boje se dolaziti ovdje zbog tog duga. Ovrhe su pokrenute i na mirovinama u Hrvatskoj, a prijedlozi za ovrhu pokretani su i u Srbiji. Zaista se radi o velikim iznosima i to stvara popriličan nemir u životima ljudi'*¹⁶², tvrdi odvjetnica Slađana Čanković, koja je zastupala obitelji žrtava u mnogim predmetima pred hrvatskim sudovima.

Štetne posljedice ove prakse smanjila je Odluka Vlade Republike Hrvatske donesena na 274. sjednici 28. prosinca 2023. godine. U dokumentu naziva *Odluka o otpisu tražbina troškova parničnog postupka dosuđenih Republici Hrvatskoj, tražbina s naslova naknade štete i drugih tražbina dosuđenih Republici Hrvatskoj, u određenim postupcima* donesena je odluka za otpisivanje dugova parničnih postupaka te povrat sredstava naplaćenih kroz ovrhe i dobrovoljna plaćanja obiteljima žrtava.¹⁶³ Svi koji su do sada podmirili svoj dug prema državi, u skladu s pravomoćnom sudskom presudom, imaju pravo na povrat uplaćenih sredstava. Važno je istaknuti da pravo na povrat imaju i zakonski nasljednici onih koji su već isplatili dugovanja, što djelomično ispravlja bezobziran odnos države prema žrtvama u proteklm godinama.

Nažalost, u istoj odluci Vlada je odlučila da će Republika Hrvatska otpisati potraživanja i vratiti sredstva osuđenim hrvatskim ratnim zločincima, a koja je od njih prethodno oduzela kako bi žrtvama njihovih kaznenih djela bili podmireni odštetni zahtjevi. Ova odluka odnosi se i na osuđene za zločine počinjene u Medačkom džepu, pa bi njene benefite mogao osjetiti i Mirko Norac.

Što se skore budućnosti tiče, ukoliko ne bude izmjena i dopuna zakonskog teksta, svjedočit ćemo i uznemirujućoj situaciji u pogledu pravne rehabilitacije osuđenika za kaznena djela, konkretno ratnih zločinaca.

Naime, Zakon o pravnim posljedicama osude, kaznenoj evidenciji i rehabilitaciji predviđa i institut koji omogućuje da *'počinitelj kaznenog djela koji je pravomoćno osuđen ili je oslobođen kazne ima pravo nakon protoka zakonom određenog vremena i pod uvjetima koji su određeni ovim Zakonom, smatrati se osobom koja nije počinila kazneno djelo, a njezina prava i slobode ne mogu se razlikovati od prava i sloboda osoba koje nisu počinile kazneno djelo'*.

Primjerice, pravomoćno osuđeni pojedinac smatrat će se 'rehabilitiranim', odnosno da je 'vratio dug društvu' odrađivanjem zapriječene kazne te protekom naknadnog vremenskog perioda koji propisuje zakon. Ovaj pravni institut, koji nastupa po sili zakona¹⁶⁴, omogućava 'povratak'

pojedincu u društvo na način da mu, bar u pravnom smislu, stigma 'kriminalca' prestaje.

Spomenuti zakon ističe i da: *'Rehabilitirana osoba ne smije biti pozvana na odgovornost za prijašnje osude niti imati bilo kakve pravne posljedice. Njezina prava i slobode ne mogu se razlikovati od prava i sloboda osoba koje nisu počinile kazneno djelo.'*

Razlog zbog kojeg obrazlažemo detalje ovog pravnog instituta jest to što zakon ne predviđa iznimke o nastupanju rehabilitacije za osuđenike za kaznena djela protiv čovječnosti i ljudskog dostojanstva, kao što su genocid, zločin agresije, zločin protiv čovječnosti i ratni zločini.

Takva pravna situacija dakle omogućuje i osuđenicima za ratne zločine, poput Mirka Norca, da po zakonitoj osnovi, protekom vremena predviđenog Zakonom o pravnim posljedicama osude, kaznenoj evidenciji i rehabilitaciji, nastupi rehabilitacija. Zakon ne predviđa neki način 'testiranja' je li osuđenik 'zaslužio' rehabilitaciju, primjerice je li se za zločin pokajao ili žrtvama ispričao. U tom smislu rehabilitacija ne zahtijeva ni simboličku gestu koju bi osuđenik trebao učiniti kako bi društvo povjerovalo da se 'transformirao' u osobu koja djelo neće ponoviti.

Uvjete za rehabilitaciju Mirko Norac steći će 2026. godine te će tako osuđeni ratni zločinac Mirko Norac imati pravni, osnovani temelj da bude rehabilitiran, odnosno da, kako navodi zakon, *'niječe prijašnju osuđivanost i zbog toga ne smije biti pozvan na odgovornost, niti imati bilo kakve pravne posljedice'*.

Do sada nismo imali prilike vidjeti kakve učinke pravna rehabilitacija ima u širem društveno-političkom kontekstu. Gledajući striktno normativno, svaka rehabilitirana osoba može posegnuti za zaštitom (svog dostojanstva) putem tužbe za klevetu ako se o njoj govori ili je se dovodi u vezu sa zločinima za koje je osuđena. To izgradnju politike sjećanja, zasnovanu na sudski utvrđenim činjenicama, dovodi u slijepu ulicu.

U aktualnom političkom kontekstu — koji događaje devedesetih promatra i koristi za etno-nacionalističku propagandu — realno je očekivati da će pravo na rehabilitaciju biti zloupotrijebljeno kao zakonita osnova za negiranje (patnje) žrtava te za brisanje i ovako neprihvaćenih zločinačkih dijelova prošlosti. Rehabilitacija ratnih zločinaca koji su sudjelovali u ratovima devedesetih posebno je problematična u kontekstu ostvarenja prava žrtava na reparacije za nanесenu štetu, kao i za organiziranje službenih i alternativnih komemoracija.

Otvoreno je pitanje kako će takvi povijesni događaji biti obrađeni u udžbenicima povijesti i drugim relevantnim izvorima informiranja nakon što nastupi rehabilitacija ratnim zločincima te kako ćemo u javnom prostoru govoriti o događajima koji su našu prošlost obilježili.

Umjesto zaključka

Ovim radom autori su nastojali doprinijeti dekonstrukciji etno-nacionalističkih interpretacija događanja tijekom rata koji se vodio u Hrvatskoj u periodu od 1991. do 1995. godine. Višedimenzionalnim pristupom analizi i razumijevanju događaja neposredno prije, tokom i nakon vojno-redarstvene operacije Džep 93 željeli smo prikazati kako se etno-nacionalizam u Hrvatskoj gradio tijekom, ali i u vremenu nakon završetka rata. Htjeli bismo ovim radom utjecati na pozitivne promjene u razumijevanju prošlosti na način koji će biti utemeljen ne samo na sudski utvrđenim činjenicama nego i na shvaćanju šireg društveno-političkog konteksta, što smatramo neophodnim za interpretaciju konflikata na području bivše Jugoslavije.

Branka Vierda i Nikola Puharić

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Medak u pamćenju

U Čitluku, Divoselu i drugim zaseocima Medačkog džepa tragovi života stradalih polako blijede i nestaju. Radoznali prolaznik samo će zamijeti ti zelenilo koje prerasta ruševine, nimalo nalik na idilične slike zavičaja koje u sjećanju nose porodice ubijenih, danas raštrkane širom svijeta. Sinovi i kćeri žrtava rijetko navraćaju jer se njihova patnja samo ponekad priznaje, a imena nekadašnjih stanovnika i njihove životne priče ne spominju se tijekom godišnjih obilježavanja početka vojne akcije u rujnu. Već godinama prisutni ministri samo spominju vojne postrojbe koristeći jezik rata. Kao da i nisu utvrđene činjenice zabilježene u povelji Like, kao da povjesničari nisu objavili radove, a sudovi Republike Hrvatske donijeli pravomoćne presude za počinjene zločine.

No vrijedan tekst koji su za Bilten Srpskog narodnog vijeća pripremili Branka Vierda i Nikola Puharić daje nadu da će bar neki iz mladih generacija nastaviti govoriti o životu i smrti u ovom (za)kutku Like, tražeći svoj put prema izgradnji povjerenja, stvarajući prostor za mirovni proces u kom će biti priznate sve žrtve rata. Istraživači trebaju našu podršku, kako bi u nekom budućem prikazu sela razorenih u ratovima širom Europe mjesto našla i ova, sad nevidljiva zgarišta. I to usprkos novim bojišnicama koje zahtijevaju našu brigu i pažnju.

U Medačkom džepu danas za pobijene 1993. nema spomen-ploče. Žalovanje za njima nije društveno poželjno. Na godišnjice stradanja nema javnih komemoracija. Vrlo je malo preostalih stanovnika. Za razliku od Ličana i Ličanki iz obitelji ubijenih Hrvata, poput mještana Široke Kule i Saborskog, koji su se vratili u svoja sela, većina porodica ubijenih Srba iz ovog kraja više ne živi u Hrvatskoj. U skladu sa svojim mogućnostima nastavljaju graditi mozaik sjećanja. Prolaskom desetljeća zaborav prekriva pojedinosti, ali se u pamćenju još uvijek nazire velika priča o izbrisanim selima.

Našavši nove domove u drugim zemljama, neki od njih istakli su se javnim zahtjevima za procesuiranjem zločina i reparacije. Među njima je i advokat Dragan Pjevač, sin Boje Pjevač iz Čitluka, ubijene 9. 9. 1993. Upoznali smo se u vrijeme kad su istražitelji tužiteljstva Haškog tribunala dovršavali istragu zločina u Medačkom džepu. Neizvjesni pregovori o ustupanju informacija Tribunala hrvatskom pravosuđu zaokruženi su podizanjem optužnice. Odazvao se pozivu suda i s bratom svjedočio u postupku pred Županijskim sudom u Zagrebu. Nadali su se pravdi. Razočarani zbog skromne odmjerene kazne, kao i činjenice da u presudi

nisu navedena ni imena članova njihovih porodica ni svih ubijenih prvog dana akcije, podnijeli su kaznenu prijavu i tražili nastavak istrage. Tužili su i Republiku Hrvatsku tražeći odštetu. Te su odštetne postupke izgubili, kao i brojni drugi preživjeli. Naloženo im je plaćanje visokih parničnih troškova. U vrijeme kad je Hrvatska postala članica Europske unije nisu imali razloga za radost. Ne samo da nisu dočekali kazneno procesuiranje krivaca za počinjene zločine, već je Državno odvjetništvo Republike Hrvatske na njihove adrese poslalo naloge za platež. Taj se problem sa zakašnjenjem riješio, prije svega zbog dugogodišnjih zahtjeva organizacija za ljudska prava i prava nacionalnih manjina. Tek dvadeset godina nakon donošenja zakona o naknadi štete, slijedom odluke Vlade RH o otpisu tražbina troškova parničnog postupka iz prosinca 2023., prestale su im prijetiti ovrhe zbog neplaćenih parničnih troškova. Velik doprinos Dragana Pjevača vezan je uz vrijeme kad je vodio *Koordinaciju srpskih udruženja porodica nestalih sa područja bivše Jugoslavije* i ukazivao na interese onih koji svojim glasačima govore samo o vlastitim žrtvama. Godine 2015. konstatirao je da se političari javno deklariraju kako ravnopravno tretiraju sve žrtve, ali u praksi im nije strana jednostrana interpretacija prošlosti, neprocesuiranje i sakrivanje počinitelja zločina, manipulacija brojem žrtava, sakrivanje podataka o nestalima, izbjegavanje reparacije žrtvama, koje dovodi do minimaliziranja žrtve. Upozoravao je na potrebu solidarnosti sa svim žrtvama i slao poruke o miru, oprost i pomirenju među narodima. Njegove su riječi gradile mostove. Nakon povlačenja sa svih funkcija u udruženjima žrtava i preživjelih sudjeluje u satovima povijesti za zainteresirane mlade, prenoseći na nove generacije svoja saznanja i poziv na uvažavanje svih stradalih. Nastavlja tradiciju podsjećanja na svoj rodni kraj, slijedom napora sad pokojnih pronositelja pamćenja Metka, iz prijašnjih pokoljenja. Njihovi zapisi prikazuju živote i smrti tijekom prošlog stoljeća.

Godine 1999. nekoliko stranica posvećenih sada pustom kraju zapisao je partizan i nekadašnji sudac Ustavnog suda Juraj Hrženjak u prolegomeni knjige 'Anjuta', pamteći svoju suprugu i njezin rodni kraj: 'Tisuću devetsto devedeset i treća jesen na prostoru 'Medačkog džepa' zaudara opet na ljudske leševe, a još oni iz 1941. nisu istrunuli. Na tom lijepom, podvelebitskom djeliću Hrvatske nema više krava, ovaca i koza da pasu sočnu travu...' Kuće u Čitluku i Divoselu spaljene u Drugom svjetskom ratu obnovili su preživjeli. 'Od 528 stanovnika Čitluka koliko ih je bilo 1941. godine, nakon poraza fašizma ostalo ih je 296.' Neki su na zgarištima postavili nove kuće. 'Mladi su odlazili u gradove, a u selu je, uz malen broj mladih obitelji, ostajala starčad.' Zaključio je: 'Da je postojao Čitluk (Lički) do 1993. godine, buduća pokoljenja će znati po spomeniku na Kruškovači, premda je razbijen, i po ploči na ruševini osnovne škole... Na njoj su imena od ustaša pobijenih stanovnika Čitluka — 1941. godine.'

O stradanju zbog zločina režima NDH-a za intervju za *Documentu*, objavljen u zbirci *Osobna sjećanja*, govorio je i Gojko Matić. Najstariji od sedmero djece, Gojko je: 'išao u pučku školu u Divoselu, a 1940. u Gimnaziju u Gospiću. Ali 1941. kao Srbin sam isključen iz gimnazije'. Kao dječak je svjedočio pokolju koji se dogodio 5. 8. 1941. godine u Kruškovači. 'Ujutro sam se slučajno digao... u samo svitanje, ustaše su upale i počeli krvoproliće... Uspio sam skočiti u gusti grm u kom je bila i Anka Dimić. Čitav taj dan bili smo u grmlju i posmatrali... Zapinjao sam o mrta tijela svojih rođaka i susjeda... Još jučer smo se igrali zajedno, sad su ležali nepomični i mrtvi.' Sam Gojko Matić uspio je pobjeći prema Velebitu, gdje se nastavio skrivati dvadeset dana. Nakon toga vratio se u Divoselo i priključio partizanima. Imao je samo 12 godina.

Neki pamte da je iz Divosela bila i narodna heroína Nada Dimić. Kako bilježe na portalu *Voxfeminae*, rođena je 1923. godine, a u Divoselu je završila pučku školu. 'U Zemunu je završila četiri razreda gimnazije i prvi razred Trgovačke akademije. U gimnaziji se usavršila za daktilografkinju i stenografkinju, što ju je na koncu učinilo nezamjenjivom u partijskoj organizaciji u Sisku. Godine 1938., sa samo petnaest godina, pridružila se Savezu komunističke omladine Jugoslavije (SKOJ), a već 14. prosinca 1940. godine sudjeluje na demonstracijama protiv režima Milana Stojadinovića u Beogradu gdje biva po prvi puta uhićena. Po izlasku iz zatvora ilegalno radi i živi u Zemunu gdje se nastavlja baviti revolucionarnim radom, ali se ubrzo seli u Sisak. Tamo se 1941. godine priključuje Prvom sisačkom partizanskom odredu kao borkinja i tako ju povijest bilježi kao prvu partizanku Hrvatske. Ponovno je uhićena 3. prosinca 1941. godine, u Karlovcu tijekom misije prebacivanja civila u partizanske redove na Kordunu. Na zahtjev da se legitimira, Nada je iz torbice izvukla revolver i ubila jednog ustaškog agenta, a drugoga ranila. U trenutku kada joj je pištolj zatajio, uhvatili su je drugi agenti. Zatvorena je najprije u Karlovcu, a onda u zatvoru na Savskoj cesti u Zagrebu. U njezinim je dokumentima pisalo: 'Ankica Vinek'. To je sve što je policija od nje saznala. Ustaški agenti mučili su je tijekom dva mjeseca, ali nije im priznala čak ni svoje ime.' U veljači 1942. godine, odvedena je na svoj posljednji put, u logor Staru Gradišku, gdje od posljedica mučenja i loših uvjeta obolijeva od pjegavog tifusa. Preminula je u ožujku 1942. u dobi od samo devetnaest godina. Njezina sestra Anka, koja je s Gojkom Matićem preživjela masakr, dugo je sudjelovala u obilježavanju godišnjica. Danas sjećanje čuvaju umjetnice poput Sanje Iveković i *Fond za druge* dodjelom godišnjih nagrada 'Nada Dimić'.

Prikazi plejada heroína, sudbina stradalih te prizora iz prošlosti Metka i drugih ličkih sela tek čekaju svoje istraživače, spisateljice i filmaše. Gojko Matić spomenuo je kako su njegovi preci stigli na obronke Velebita 1527. godine, prkoseći nevoljama više od četiri stoljeća. Kada bi

bilo volje, mogla bi se na temelju rijetkih pisanih tragova zaokružiti još poneka priča. Hoćemo li umjeti zapamtiti i učiti bez dijeljenja žrtava po njihovoj pripadnosti? To osnovno pitanje izgradnje mira ostaje otvoreno za sve nas.

Vesna Teršelič

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- 1** Ponoš, Tihomir. Vojna operacija 'Medački džep'. Studija slučaja, 2023.
- 2** Ibid.
- 3** Fifth Periodic Report on the Situation of Human Rights in the Territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993 — 17 November 1993.
- 4** United Nations Protection Forces.
- 5** Former Yugoslavia — UNPROFOR, Prepared by the Department of Public Information, United Nations — as of September 1996. Dostupno na: https://peacekeeping.un.org/mission/past/unprof_b.htm.
- 6** Dana 25. rujna 1995. vrhovni zapovjednik HV-a Franjo Tuđman promaknuo je Mirka Norca u čin general-bojnika.
- 7** Naziv za dio državnog teritorija RH na kojem su vojne postrojbe, ustanove i službe objedinjene pod jedinstvenim zapovjedništvom. Nadležnosti zbornoga područja su vojno-teritorijalne (mobilizacija, novačenje, pozadinske službe), ali i zapovjedno-operativne s obzirom na teritorijalno pripadajuće postrojbe.
- 8** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008., str. 57.
- 9** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3561, 3562 spisa.
- 10** Sekulić, Milan. Knin je pao u Beogradu, 2000., str. 74.
- 11** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 1741 — 1746 spisa.
- 12** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, strana 3038 — 3040 spisa.
- 13** Ibid.
- 14** Ibid.
- 15** O lošem stanju u ovoj jedinici između ostalih svjedočio je Jozo Nenadić, načelnik inženjerije ZP-a HV-a Gospić, koji je na suđenju Mirku Norcu i Rahimu Ademiju na Županijskom sudu u Zagrebu rekao da je stanje u 9. gmtbr bio problematično te da je to bila opće poznata stvar i prije operacije. Goran Kovačević, djelatnik informativno-sigurnosne službe 9. gmtbr na istom suđenju svjedočio je da je svaki tjedan bilo stegovnih postupaka protiv pripadnika te brigade (list 5616 — 5617 spisa). Izvještaj brigadira Brlečića na stranici 4603 — 4605 spisa istog predmeta upućuje na to da su vojnici iz ove postrojbe pretjerano konzumirali alkohol, što predstavlja probleme.
- 16** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008., str. 58.
- 17** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29.5.2008, str. 141.
- 18** Ibid. str. 137 — 138.
- 19** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3560 — 3563 spisa.
- 20** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29.5.2008, str. 55.
- 21** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 4749 spisa.
- 22** Ibid. list 2502 — 2511.
- 23** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 2992 — 2996 spisa.
- 24** Ibid. list 697 — 1033.
- 25** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3002 spisa.

- 26** Dnevna izvješća za taj dan vidljiva su u spisu predmeta — Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, na stranicama 2077 — 2091 spisa.
- 27** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 2575 spisa.
- 28** Ibid. list 2557.
- 29** Ibid. list 2562.
- 30** Jagetić tvrdi, između ostalog, da je vidio dva tijela koja su bila obješena lancem i konopom, a kasnije su ih pronašli zakopane u dubokoj raki u dvorištu jedne kuće; list 4502 spisa presude Županijskog suda u Zagrebu, Poslovni broj II K-rz-1/06.
- 31** Detalji o postupanju s ovim ratnim zarobljenicima mogu se pronaći u poglavlju *Etničko čišćenje: a) Ubojstva i mučenja civila i ratnih zarobljenika*.
- 32** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 2565 spisa.
- 33** Ibid. list 2094.
- 34** Ibid. str. 4537 — 4540.
- 35** Ibid. list 5832 — 5901.
- 36** Jedinice odbijaju zapovijed Rahima Ademija da 9. gmtbr zauzme selo Drljići.
- 37** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3593 spisa.
- 38** Ibid. list 5640 — 5648.
- 39** Ova taktika uključuje uništavanje svega što bi moglo poslužiti drugoj vojsci, a takvo djelovanje je zabranjeno je međunarodnim humanitarnim pravom jer može dovesti do ugroze života civilnog stanovništva.
- 40** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 4929 — 4936 spisa.
- 41** Ibid. list 4425 — 4431.
- 42** Ibid. list 5644 — 5648.
- 43** Zaključni izvještaj o Medačkom džepu — civilna policija UN-a, Sektor jug od 10.10.1993.
- 44** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 67.
- 45** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3581 spisa.
- 46** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 69.
- 47** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 4915 i 4785 spisa.
- 48** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 5649 — 5653.
- 49** Ibid. list 5094 — 5095.
- 50** Ibid.
- 51** Ibid. list 5157 — 5158 i 4499 — 4503, presuda od 29. 5. 2008. str. 276.
- 52** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 272.
- 53** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 276.
- 54** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3039 spisa.
- 55** O ovim ubojstvima izvijestio je i CIVPOL-ov Zaključni izvještaj o Medačkom džepu od 10. listopada 1993. 'U 20.40 sati vojnici FREBAT-a (Francuski bataljon u okviru UNPROFOR-a) izvijestili su da su pronašli ostatke dvoje ljudi u jednoj staji koja se nalazila u stražnjem dijelu kuće na rubu Čitluka. Na lice mjesta izašli su pripadnici CIVPOL-a i kapetan Brett, časnik kanadskog bataljona. Koliko se moglo utvrditi, tijela su pripadala osobama ženskog spola, koje su prvo bile ustrijeljene pa onda zapaljene. Vrijeme smrti nije se moglo preciznije utvrditi, osim što se smatra da je smrt mogla nastupiti 48 do 60 sati ranije. Tijela su mogla biti zapaljena 4 do 8 sati prije nego što su pronađena. Prvu žrtvu morali su rashladiti vodom da bi je mogli staviti u vreću za posmrtno ostatke. Tijela su pronađena u kokošinju koji je najvjerojatnije upotrijebljen kao ćelija. Vrata su bila zaključana, prostorija nije imala prozora. Čini se da su žene bile odjevene.'

56 Ibid. list 3039.

57 Ibid. list 3039.

58 Ibid. list 3040.

59 Ibid. list 3040.

60 Ibid. list 2888 spisa.

61 Ibid. list 2889 spisa.

62 Ibid. list 2889 spisa.

63 Ibid. strana spisa 3038.

64 Ibid. strana spisa 3038.

65 Ibid. list spisa 3039.

66 Ibid. list spisa 3040.

67 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. list 206 — 207.

68 Op. cit. list spisa 2886.

69 Ibid. list spisa 2887.

70 Ibid. list spisa 2887.

71 Ibid. list spisa 2887.

72 Ibid. list spisa 2887.

73 Riječ 'zgrada' odnosi se na različite vrste objekata koji uključuju stambene i gospodarske objekte.

74 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 208 — 209.

75 Ibid. str. 246.

76 Ibid. str. 206.

77 Radi se o svjedoku kojem je zaštićen identitet tokom suđenja.

78 Ibid. str. 209.

79 Ibid. str. 210.

80 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, str. 3009.

81 Ibid. str. 3022.

82 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 237.

83 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3053 spisa.

84 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 158.

85 Detalji o sudskim postupcima protiv Šolaje, Mišića i Krmpotića nalaze se u poglavlju *Haške optužnice, suđenja za ratne zločine i postupci za naknadu štete*.

86 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 5903 — 5904 spisa.

87 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 166.

88 Maja Munivrana Vajda: *Etničko čišćenje kao oblik genocida? Hrvatsko zakonodavstvo i praksa u svjetlu međunarodnih izvora*, 2001. <https://hrcak.srce.hr/file/112163>.

89 Ibid.

90 Ibid.

91 Primjerice u presudi Raspravnog vijeća u predmetu Prlić i dr., u presudi Raspravnog vijeća u predmetu Krajišnik, u presudi Raspravnog vijeća u predmetu Brđanin.

92 Ibid. str. 255.

93 Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 239 — 240.

94 izvor naveden u tekstu: *HUMAN RIGHTS, A Compilation of International Instruments, UN, New York, 1998 p. 1, The International Bill of Human Rights, p. 143, War Crimes and Crimes Against Humanity, Including Genocide / LJUDSKA PRAVA, Zbirka međunarodnih instrumenata, UN, New York, 1988., str. 1, Međunarodna povelja o ljudskim pravima, str. 143, Ratni zločin i zločin protiv čovječnosti uključujući genocid.*

- 95** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3009., str. 2891 — 2893.
- 96** Ibid. str. 3039.
- 97** Ibid. str. 3040.
- 98** Ibid. str. 3040.
- 99** Ibid. str. 3040.
- 100** Ibid. str. 3040.
- 101** Ibid. str. 3040.
- 102** Ibid. str. 3040.
- 103** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, presuda od 29. 5. 2008. str. 162.
- 104** Županijski sud u Zagrebu, Poslovni broj II K-rz-1/06, list 3009, list 5616 — 5617.
- 105** Op. cit. Str. 3040.
- 106** Večernji list, 12. rujna 1993.
- 107** Večernji list, 12. rujna 1993.
- 108** Večernji list, 21. rujna 1993.
- 109** Večernji list, 21. rujna 1993.
- 110** Večernji list, 27. rujna 1993.
- 111** Večernji list, 29. rujna 1993.; <https://www.tudjman.hr/govori/zasjedanje-opce-skupstine-ujedinjenih-naroda>.
- 112** Hrvatska vlada garantira povratka generala Ademija; <https://arhiva.sensecentar.org/vijesti.php?aid=660>; pristupljeno 17. 6. 2024.
- 113** MEĐUNARODNI KRIVIČNI SUD ZA BIVŠU JUGOSLAVIJU, Tužilac Međunarodnog suda protiv Janka Bobetka; <https://www.icty.org/x/cases/bobetko/ind/bcs/bob-ii020917b.htm>; pristupljeno 5. 6. 2024.
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- 116** Nova haška optužnica protiv Mirka Norca; <https://arhiva.sensecentar.org/vijesti.php?aid=2085>, pristupljeno 9. 6. 2024.
- 117** MEĐUNARODNI KRIVIČNI SUD ZA BIVŠU JUGOSLAVIJU, TUŽITELICA protiv Mirka NORCA; <https://www.icty.org/x/cases/norac/ind/bcs/norac-ii040429b.htm>, pristupljeno 5. 6. 2024.
- 118** Ibid.
- 119** Prijedlog za zajedničko suđenju Ademiju i Norcu; <https://arhiva.sensecentar.org/vijesti.php?aid=2108>, pristupljeno 6. 6. 2024.
- 120** Predmet protiv Rahima Ademija i Mirka Norca prosljeđen Hrvatskoj; <https://www.icty.org/bcs/sid/8542>, pristupljeno 6. 6. 2024.
- 121** Ibid.
- 122** OSNOVNO IZVJEŠĆE: POSTUPCI ZA RATNE ZLOČINE PRED DOMAĆIM SUDOVIMA U 2006.; Organizacija za europsku sigurnost i suradnju, Misija u Republici Hrvatskoj, Glavni ured, 3. kolovoza 2007. godine; <https://www.osce.org/files/f/documents/d/6/28340.pdf>; pristupljeno 22. 5. 2024.
- 123** Ibid.
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157 Domazet je nakon završetka rata napredovao do dužnosti načelnika Glavnog stožera oružanih snaga RH. Tu dužnost obnašao je od 1998. do 2000. kada ga je tadašnji predsjednik RH Stjepan Mesić umirovio zajedno s još nekoliko visokih časnika HV-a među kojima je bio i Mirko Norac. Nositelj je više državnih odlikovanja.

158 Od 1996. Markač je bio saborski zastupnik HDZ-a, a istovremeno je bio na funkciji pomoćnika ministra unutarnjih poslova za specijalnu policiju. U 2011. godini osuđen je na 24 godine zatvora jer ga je Raspravno vijeće MKSJ-a proglasilo krivim za zločine počinjene u operaciji Oluja koju su Hrvatska vojska i policija izveli početkom kolovoza 1995. godine. Žalbeno vijeće ga je 2012. oslobodilo svih optužbi. Nositelj je više državnih odlikovanja.

159 DORH je 2015. protiv Sačića podigao optužnicu zbog zataškavanja zločina Antiterorističke jedinice Lučko (specijalna policija) koja je 25. 8. 1995. počinila zločin nad srpskim civilima u selu Grubori nakon vojne i policijske operacije Oluja. U to vrijeme obnašao je funkciju pomoćnika zapovjednika Stožera specijalne policije MUP-a, a postupak protiv njega je kasnije obustavljen. Bio je zastupnik u Hrvatskom saboru ispred strane Hrvatski suverenisti u 10. sazivu (od 2020. do 2024. godine). Predsjednik RH Zoran Milanović, dodijelio je Sačiću 2024. godine visoko državno odlikovanje Red kneza Domagoja s ogrlicom koje je namijenjeno osobama koje su pokazale 'iznimnu hrabrost i junaštvo tijekom Domovinskog rata'

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164 Pod uvjetom da počinitelj kaznenog djela nije ponovno osuđen zbog novog kaznenog djela.

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166 Navodi se kao ubijen u presudi od 29. 5. 2008. Županijskog suda u Zagrebu, Poslovni broj II K-rz-1/06.

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Zagreb, February 2025

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SNV Bulletin #25

*The Politics of Erasure:
Operation Pocket-93
and Its Consequences*

Foreword

In his short story 'A Letter from 1920,' Ivo Andrić describes the hatred that so often consumes people from our region, a hatred which 'sets man against man; hatred like a cancer in an organism, consuming and eating up everything around it.' What is particularly telling about this story, however, is that when Andrić's original typed manuscript was discovered after his death, a handwritten note entitled 'A Letter from 1992' was found on the last page. Andrić, having lived through enough domestic and global horrors — World War I and World War II — understood that what had happened before would inevitably happen again.

Let this quote from his story serve as a doorway into a sombre and at times brutal piece of writing that explores the hatred during the war in Croatia in the early 1990s. This work, an analytical and critical research conducted by Branka Vierda, a lawyer and researcher, and Nikola Puharić, an advisor at the Serb National Council, examines the chronology of the notorious military operation Medak Pocket (Medački džep) in the early autumn of 1993. Reading this truly harrowing factual account of the murders of Serbian civilians carried out by members of the Croatian army and police in the villages of the Lika-Senj County — Lički Čitluk, Počitelj, Divoselo, and Medak — and the brutal killing of 88 people, most of whom were elderly, with an average age of over 65, one is left contemplating the sheer horror of the events described. This is a story so distressing that the report on it could, without any irony or malice, be described as an inventory of Croatia's national shame or as a stain on the Croatian war record that has never been cleansed. And yet, such grim imaginings offer little solace. Following this account of the systematic killing of innocent civilians — the facts of which are termed as a massacre — the text delves into an analysis of the gruelling and interminable legal proceedings for war crimes related to the Medak Pocket operation, conducted before both international and domestic courts. The outcomes of these judicial processes, particularly the domestic ones, appear inadequate and unconvincing in relation to the scale of the crimes and the length of the trials. As the authors of this research note, some of those responsible for the crimes were convicted, albeit leniently, while many faced no punishment at all. Ultimately, hatred kills both the victim and the perpetrator and spreads like a snake, further and further. The question that inevitably arises in the aftermath of such horrific crimes is whether there is any chance of breaking free from this closed cycle of evil, of finding catharsis and forgiveness. If we

recall Friedrich Schiller's observation that forgiveness is 'a rediscovery of humanity's deepest property,' then theoretically, it is possible that at least one of the relatives of the Serbs who perished in the Medak Pocket, somewhere in a humble Orthodox church, weary of suffering, killing, and mourning, has forgiven the perpetrators, following the simple Christian advice to love one's enemies and turn the other cheek. However, the larger question remains — have those perpetrators or those responsible for the crimes ever sought forgiveness or expressed remorse for killing the elderly and destroying and looting their property? Likely not, and this, unfortunately, is how it often is among people, as constitutional law professor Nenad Dimitrijević observes. The targets of mass crimes are usually chosen based on some ideological premise — in this case, steeped in chauvinism — that 'identifies the chosen victims as enemies or as lesser human beings.' The findings of the two research authors suggest that some of those who participated in the crimes of the Medak Pocket did not seek forgiveness; instead, they were awarded military honours, promotions, and rewards.

Another significant question is whether the perpetrators of crimes, those who participated in them, or those who bore witness to them, can forgive themselves. Psychologists have a great deal of insight into this topic. The text before us includes testimonies from a small number of Croatian soldiers who admitted to being deeply opposed to the violence and killings of civilians in the Medak Pocket. Some mentioned that they would not have joined such a war, even a 'homeland war,' had they known it would involve such brutality and crimes. Similar statements from Croatian war veterans appear in other post-war confessions, but what is particularly striking is the statistic recently shared by psychiatrist Herman Vukušić, a specialist in post-traumatic stress disorder (PTSD). Since the end of the war, over 4,000 Croatian war veterans have taken their own lives. When compared to the 8,147 Croatian soldiers who died in active combat (a figure provided by demographer Dražen Živić from the Ivo Pilar Institute), this indicates that the number of veterans who have died by suicide exceeds half the number of soldiers killed in battle. One of the most harrowing experiences for many suffering from PTSD is the memory of 'having seen what they were not meant to see' or having participated in killings they should never have committed. Hatred often inflicts its worst damage on the one harbouring it, as observed by J.R.R. Tolkien, the author of 'The Lord of the Rings,' who experienced the slaughter of the First World War firsthand.

Even before delving into the analysis by Vierda and Puharić, the introductory quote from Cedric Thornberry, an esteemed UN civilian representative for Yugoslavia and former Deputy Commander of UNPROFOR, underscores the horror of what transpired in the Medak Pocket: 'On

October 5, 1993, I personally went to see the Medak Pocket. Nothing I had read prepared me for what I saw there. Nearly everything had been destroyed, levelled to the ground, clearly intentionally. I have never seen anything like it, not even now, despite having served in conflict zones like Mostar, Sarajevo, Beirut, Mogadishu, Baghdad, and the ruined towns of Angola.'

Later in the text, we learn that in early autumn 1993, at the time of the Medak Pocket operation, there were no strong units of the Army of the Republic of Serbian Krajina in the area — only a few soldiers on guard who, by their own admission, quickly scattered under the Croatian assault. Those who remained were primarily elderly men and women. The first question that screams out and immediately strikes the mind is: why was everything in the villages, where the Croatian army encountered groups of unarmed elderly civilians, 'destroyed and levelled to the ground'? The devastation was so horrific that even an experienced UN observer, accustomed to the horrors of Angola, Beirut, and Somalia, admitted that 'nothing had prepared [him] for what [he] saw there,' despite having read a very detailed UN report on the operation. How extensive must that destruction have been, in the homes of unarmed villagers, for Thornberry to conclude, just by observing, that the devastation was caused 'intentionally'? Why was this done? By what rules of military conduct?

The authors of the research essay point out that, based on UNPROFOR reports on the aftermath of the operation and on documents and witness statements, conclusions can be drawn about the objectives of the operation. The first goal was military liberation, but closely tied to it, and unmistakably evident, was the ethnic cleansing of the Medak Pocket — 'The entire area was subjected to systematic and ruthless destruction carried out by Croatian military and police forces. The operation began immediately after the capture of the villages and was carried out through semi-controlled killings, looting, and the destruction of property and infrastructure. The cleansing was thorough, with the clear goal of making the area uninhabitable for the foreseeable future.' Even more horrifying is the fact revealed in this analysis: according to UN observers, the majority of the destruction, civilian killings, and looting occurred long after the area was occupied and fully controlled by Croatian forces — in the final two days before the army's withdrawal, as agreed under an international ceasefire.

The reports from UN observers and even from certain Croatian officers who testified during war crime trials are numerous, well-documented, and deeply disturbing, as the authors of this research note. Even the official justification for initiating the operation was contentious and

revealing. Notable is the testimony of Croatian Army officer Rudolf Brlečić before the International Criminal Tribunal for the former Yugoslavia (ICTY) in July 2003: 'Personally, I was against the Medak Pocket operation ... If we did not open fire on them, they would not have had to shoot at us.' The true motives behind the Medak Pocket operation, dominated by the killing of civilians and widespread destruction, were hatred and revenge, the authors argue, citing statements from numerous UNPROFOR personnel and the rare Croatian officers who spoke out.

It is essential to emphasise that Vierda's and Puharić's research, particularly in its descriptions of the brutal crimes, destruction, and devastation committed by the Croatian military, is factually substantiated, narratively balanced, professionally convincing, and highly relevant. The preparation of the military operation is described with great precision, including the names of Croatian Army brigades and their commanders, the sequence of events, marked by individual atrocities and the 'semi-controlled violence' of Croatian soldiers, as well as the profound tragedies for entire families of Serbian peasants in the region. One intriguing detail from the text is that operational orders related to the crimes committed in the Medak Pocket were almost exclusively issued verbally. There is no written record.

This research also meticulously describes how all participants along the chain of command (bolstered by the infamous 'dual chains' of decision-making) from field officers to the top of the Croatian state leadership, were fully aware of what was happening in the Medak Pocket. However, for the military-political establishment, led by then-President of Croatia Franjo Tuđman ('We are in a very touchy political situation'), the problem was not the crimes themselves but the pressure from the international community due to these crimes.

This research also reveals that the then-Minister of Defence, Gojko Šušak, ordered the formation of an investigative commission led by Ante Gugić to examine crimes committed during Operation 'Pocket-93.' However, after a very brief investigation, Gugić submitted a report that neither listed the crimes committed nor identified potential perpetrators. Furthermore, the then-deputy commander of the Gospić Military District, Rahim Ademi, and the commander of the Home Guard Battalion, Milan Kosović, were relieved of their duties by Franjo Tuđman in October 1993, though Ademi would later be promoted to the rank of general during the war.

UNPROFOR reports, however, detailing the brutalities and crimes of the Croatian Army during the Medak Pocket operation, are based on material evidence and testimony from their observers on the ground

and are indisputable. It should be noted that the research authors also highlight an important detail: for days, the Croatian Army prevented UNPROFOR personnel from accessing the area (even firing at them) in order to move the bodies of the dead and conceal evidence of crimes and widespread looting.

On the other hand, it is staggering to read the accounts from the domestic press of the time, quoted by the authors, along with statements by political and military officials, which employ a lifeless and stilted diplomatic language that distorts the reality of what happened in the Medak Pocket to the point of absurdity. This amounted to a deliberate 'lobotomy of conscience' among the Croatian state elite and an anaesthetising of Croatian citizens against asking any critical questions about the nature of military actions. The pinnacle of this brutal suppression of truth, drowned in the bloody bath of ethno-nationalist hysteria of the time, was the infamous rally on the Split waterfront in 2001, mentioned by the essay's authors. This rally, held to demonstrate mass support for General Mirko Norac, who was accused of crimes committed during the Medak Pocket operation, attracted approximately 150,000 participants, many of whom wore black T-shirts. The consequence of this Frankenstein-like atmosphere of distorted reality is reflected in the fact, cited in the research, that 'more than 70% of young people in Croatia, aged 18 to 30, had not heard about the killing of Serbian civilians during the Medak Pocket military operation.' As the writer Henrik Ibsen once observed, 'first, a poor audience demands poor newspapers, and then a nation deprived of reliable news eventually becomes a group devoid of the foundations of freedom.'

One of the most distressing aspects of this research is reading the accounts of torture and killings. For instance, the authors recount how several witnesses at the trials of Rahim Ademi and Mirko Norac testified about the death of Milan Rajčević, who soldiers 'tied to a vehicle and dragged through a yard, and his body was later found almost completely burnt. Nedeljka and Stana Krajnović were found burnt inside a locked chicken coop. Boja Vujnović was taken to her yard by Croatian soldiers, placed on a couch, doused in liquid, and burned alive. Pera Krajnović was killed by soldiers with rifle stock blows in her living room, after which they set her house on fire.' Such horrifying details of soldiers in Croatian Army uniforms brutalising innocent civilians are numerous throughout the research essay. The Code of Ethics for Members of the Croatian Armed Forces, under the section 'Dignity' (3.3), states: 'A Croatian soldier acts prudently and responsibly, recognising the worth of human life as one of the highest values. A Croatian soldier always treats everyone humanely, morally, and in accordance with this code and the ethical values of Croatian society. By leading through

example, in both work and personal life, they encourage others to adopt the same principles and values. They respect the dignity of opponents and treat the wounded and captured humanely.' A well-intentioned question, posed in the best interest of the citizens of this country and its military, would therefore be: How much damage is caused to the values of Croatian society by someone wearing the uniform of the Croatian Armed Forces when they fail to respect the value of human life and the dignity of opponents, or to treat humanely the wounded and captured?

In the final report on the operations in the Medak Pocket, from 15 to 21 September 1993, prepared by the Canadian Battalion of UNPROFOR on September 30, 1993, it is stated that 'the entire Medak Pocket area was subjected to a systematic and ruthless plan of ethnic cleansing carried out by Croatian police and military forces. A serious effort was made to kill all domestic animals in the area. Nothing was spared.'

Today, the authors note, only a few elderly people remain in the villages where around a thousand people once lived.

This military action was referred to as 'glorious' and 'magnificent' in the Croatian media at the time. What is glorious and magnificent about the brutal killing of the elderly, burning houses, systematically poisoning wells, slaughtering livestock, and the mass looting of everything that could be stolen? And finally, how bad does this shame stink to Croatian citizens?

Were there crimes on the Serbian side? Yes, indeed, and many of those criminals ended up in The Hague. But those crimes should be addressed by others as a matter of conscience. We in Croatia must focus on the crimes committed by 'our boys.'

Sadness and devastation flood the research done by Vierda and Puharić. Dozens of associations about war, fate, evil, justice, and why everything on this small piece of land had to be so criminally horrific arise spontaneously. Among these gloomy thoughts, the figure of actor Ljubo Tadić suddenly emerges. Hailed and adored, he performed on stages in both Belgrade and Zagreb. His words encapsulate the fate of our regions: 'I have seen evil in life. I was twelve years old in Kragujevac when they shot those people and students. I heard those machine guns, not just me, but everyone around me. I never saw more coffins than in Kragujevac again in 1944 when the Syrmian Front came, and then this latest evil came. It was awful, and I felt like a full circle was closed in my consciousness, from that time in Kragujevac to this period in the 1990s. I understand what the Balkans are, but I wonder how long this will go on like this...'

After many years, after all the deaths and violence, a boy will ask his father the old question: 'What did you do in the war, daddy?' We cannot be sure what that father will answer his son. However, what we can reasonably believe is that this well-argued research essay on the Medak Pocket operation can contribute to ensuring that the answer to the boy's question — whatever that truth may be — becomes a small but precious detail in the potential process of catharsis for the entire Croatian society.

Bojan Munjin

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I value truth more than the nation

— Heni Erceg, journalist and writer

On October 5, 1993 (author's comment), I personally went to see the Medak Pocket. Nothing I had read prepared me for what I saw there. Nearly everything had been destroyed, levelled to the ground, clearly intentionally. I have never seen anything like it, not even now, despite having served in conflict zones like Mostar, Sarajevo, Beirut, Mogadishu, Baghdad, and the ruined towns of Angola, among others.

— Cedric Thornberry, UN Civilian Representative for Yugoslavia, Deputy Commander of UNPROFOR

Acronyms

9th GMB — 9th Guards Mechanised Brigade
ARSK — Army of the Republic of Serbian Krajina
CANBAT — Canadian Battalion
HV — Croatian Army
GS HV — Croatian Army Headquarter
HRT — Croatian Radio-Television
VONS — Defence and National Security Council
FRY — Federal Republic of Yugoslavia
FREBAT — French Battalion
ICTY — International Criminal Tribunal for the former Yugoslavia
MUP — Ministry of the Interior
MD — Military District
RH — Republic of Croatia
RSK — Republic of Serbian Krajina
SDS — Serbian Democratic Party
SFRY — Socialist Federal Republic of Yugoslavia
DORH — State Attorney's Office of the Republic of Croatia
UN — United Nations
UN CIVPOL — United Nations Civil Police
UNPA — United Nations Protected Areas
UNPROFOR — United Nations Protection Force
JNA — Yugoslav People's Army

Introduction

Operation Pocket-93 is inscribed on the list of numerous violent military operations during the wars that took place from 1991 to 1995 in the territory of the former Socialist Federal Republic of Yugoslavia (SFRY).

The war in Croatia is closely tied to the process of secession from Yugoslavia, which began democratically but evolved into an armed conflict. Alongside this process, tensions between Croats and Serbs in Croatia escalated into violence, and by the summer of 1991, it could be termed a war. With the establishment of the Croatian state, there was a secession of a part of Croatian Serbs who did not support this state, supported by Milošević's regime in the Federal Republic of Yugoslavia (FRY).

The conflict saw remnants of the Yugoslav People's Army (JNA), together with Croatian Serbs armed by the JNA, on one side, and the newly formed Croatian Army (HV) on the other. Secessionist efforts also gave rise to the Republic of Serbian Krajina (RSK), an internationally unrecognised political entity controlled by the Serbian Democratic Party (SDS) in territories near the borders with Bosnia and Herzegovina (BiH) and Serbia, areas of mixed ethnicity where Serbs formed the majority. To some extent, the RSK was under the control of Milošević's regime.

After numerous intense clashes, the war ended in the spring and summer of 1995 with the Flash and Storm operations carried out by the Croatian Army and police on the aforementioned territories, bringing parts of the RSK under the constitutional and legal framework of the Republic of Croatia. These operations were not without human rights violations against the Serbian civilian population. That same year, the Erdut Agreement was signed, leading to the peaceful reintegration of the Croatian Danube Region in 1998.

This war was marked by the misuse of military and police units by political elites for committing violence, as well as the manipulation of other societal institutions to create an atmosphere of fear, fostering aggression and mobilisation for conflict. Nationalist political elites on both sides had total control over political life in Croatia and the RSK, working to establish and maintain undemocratic regimes and using the war as a means of legitimising their hold on power and enacting undemocratic ethnonationalist policies.

As will be demonstrated in one example in this bulletin, the war in Croatia was characterised by systematic, planned, and intense violence, war crimes, the destruction of villages and towns, the devastation of protected cultural heritage, and human rights violations against protected groups — primarily civilians, but also prisoners of war. This violence was driven primarily by political objectives, with military objectives as a secondary, yet intertwined goal. Particularly during the early and final years of the war, this violence was part of a political strategy that can be defined as a series of tactics aimed at creating new political identities and securing power over desired sovereign territories.

This violence can be broadly categorised into three segments: a) military and police attacks on towns and villages, b) systematic torture, and c) terror and political assassinations. The 1993 military and police operation in the Medak Pocket represents one of the worst examples of violence during the war in Croatia as part of the first segment, which encompasses offensive actions by military and/or police formations.

This research focuses on analysing war crimes and human rights violations committed during the Croatian Army's military-police operation Pocket-93, conducted between September 9 and 17, 1993.

From this perspective, it attempts to accurately describe the area where the operation was carried out and to present a day-by-day timeline of events on the ground. It analyses all levels of command responsibility which functioned on several parallel levels, and it seeks to determine accountability for the crimes committed.

The research paper also provides an interpretative framework for the crimes, including murders, torture of civilians and prisoners of war, destruction of property, looting, and attempts to cover up crimes as integral elements of ethnic cleansing. It examines the goals and reasons for launching the operation, highlighting the role, military, and political plans of the Croatian leadership.

This text presents the social and political consequences of Operation Pocket-93, illustrating its presence in the public sphere, analysing trials for war crimes committed during the operation conducted in Croatia, and examining how victims have sought justice and reparations through additional mechanisms.

Finally, the research offers an overview of current memory politics and the public presence of war crime perpetrators, as well as an analysis of contemporary challenges, including provisions of the Act on the Legal

Consequences of Convictions, Criminal Records, and Rehabilitation, which pose current and future obstacles in the process of coming to terms with the past.

Strategic Area of Operation 'Pocket-93'

The Municipality of Gospić, according to the 1991 census, had 29,049 residents, of whom 64% were Croats and 30% were Serbs¹. During the conflict in Croatia, the town of Gospić was under the control of the Croatian Army (HV). In 1991, the Yugoslav People's Army (JNA) and Serb insurgents seized part of the municipality's territory, while the broader area of Gospić suffered significant war-related destruction. War crimes were committed on both sides — against Croatian and Serbian civilians — partly during battles and partly in atrocities against captured civilians and soldiers.

In mid-October 1991, Serb insurgent forces committed atrocities against mostly Croatian civilians in the Gospić village of Široka Kula. Over the course of several days, forty civilians were killed. Additional atrocities occurred in November when insurgents killed the (Serbian) family Rakić, on suspicion of collaborating with Croatian armed forces. Meanwhile, Croatian forces committed war crimes against Serbs in Gospić in mid-October², with earlier but less frequent incidents occurring as well. For these crimes, Tihomir Orešković, secretary of the Gospić HV Operational Staff, was sentenced to fifteen years in prison, Mirko Norac, an HV general, to twelve years, and Stjepan Grandić, an HV commander, to ten years.

Gospić was located near the demarcation line between the military forces of the Republic of Croatia (RH) and the Republic of Serbian Krajina (RSK). As the headquarters of HV units, Gospić became a frequent target of artillery attacks by the Army of the Republic of Serbian Krajina (ARSK) in mid-1993. Reconnaissance raids and sabotage operations by both the HV and ARSK intensified from July 1993, escalating further in August. These developments prompted the Croatian Army leadership to plan a military operation to capture the Medak Pocket — a 50-square-kilometer area containing the villages of Lički Čitluk, Počitelj, Divoselo, and Medak. These villages were part of the Gospić Municipality and remain within the town's jurisdiction to this day.

According to the 1991 census, Divoselo had 344 residents, Čitluk 129, and Počitelj 307. By 1993, the population structure had changed due to wartime events and forced migrations. According to the UN Human Rights Commission³, the population changed to 210 in Divoselo, 240 in Čitluk, and 534 in Počitelj. The vast majority of residents in these areas identified as Serbs in the 1991 census.

In 1993, the territory of Medak Pocket was part of what was termed a *pink zone*, an area situated between territories under Croatian control and United Nations Protected Areas (UNPA). UNPAs were parts of Croatia placed under the supervision and military protection of the United Nations Protection Force (UNPROFOR) between 1992 (following the Sarajevo Ceasefire between the JNA and RH) and 1995. The UNPAs, along with the *pink zones*, comprised territories where Serbs constituted a majority or significant minority, and interethnic tensions had escalated into armed conflict. Effectively, these areas were part of the RSK. The United Nations Security Council assessed that special interim arrangements were necessary in these zones to ensure the maintenance of a permanent ceasefire. There were three UNPA areas: Eastern Slavonia, Western Slavonia, and Krajina. For operational purposes, the United Nations divided these areas into four sectors: East, North, South, and West. The establishment of protected zones and the deployment of UNPROFOR within them in Croatia was formalised in UN Security Council Resolution 743⁴.

The original UN plan for Croatia was based on two main elements — (a) the withdrawal of JNA forces from all of Croatia and the demilitarisation of the UNPA zones as well as (b) the continued operation of existing local authorities and police under UN supervision on a provisional basis until a comprehensive political resolution to the crisis was achieved.

UNPROFOR's mandate was to ensure the demilitarisation of UNPA areas by withdrawing or disbanding all armed forces present there and to protect all residents from the threat of an armed attack. To this end, UNPROFOR was authorised to control access to UNPA zones, ensuring their demilitarised status, and to monitor local police operations to prevent discrimination and protect human rights. Outside the UNPA zones, UNPROFOR military observers verified the withdrawal of JNA and irregular forces from Croatia, except those that had been disbanded or demobilised. As part of its support for UN humanitarian agencies, UNPROFOR also facilitated the return of displaced civilians to their homes in UNPA areas.

UNPROFOR initially established its headquarters in Sarajevo, the capital of Bosnia and Herzegovina, and later moved to Zagreb, the capital of Croatia.

Since the establishment of UNPROFOR, there have been several extensions of its mandate in Croatia. On June 30, 1992, the UN Security Council, through Resolution 762, authorised UNPROFOR to take on supervisory functions in the so-called *pink zones*. Within the Medak Pocket, UNPROFOR forces consisted of battalions from France and Canada, commanded by Colonel Thomas James Calvin, while General Jean Cot served as the commander of all UN forces in the territories of former Yugoslavia.



Since the ceasefire between the Republic of Croatia (RH) and the Yugoslav People's Army (JNA) and Croatia's international recognition in January 1992, the strength of the Croatian Army (HV) gradually increased. Throughout 1992 and 1993, HV launched several offensive operations aimed at bringing parts of the *pink zones* under the control of the Republic of Croatia. One significant operation of this kind took place in the Maslenica area on January 22, 1993. During this operation, the Croatian Army and police forces captured territory in the hinterland of Zadar, which belonged to the *pink zone* of the protected area. Within 72 hours, Croatia had secured a crucial piece of territory necessary for linking the northern and southern parts of the country. According to sources from the 'Veritas' Documentation and Information Centre, 55 civilians were killed during this operation. The operation was led, among others, by the Chief of the General Staff of HV, General Janko Bobetko, and HV Colonel¹⁵ Mirko Norac, who would later lead the operation in the Medak Pocket. Another such operation was Operation Miljevci, in the hinterland of Šibenik in June 1992, and the third was Operation Pocket-93, carried out in September.

Planning and Objectives of Operation 'Pocket-93'

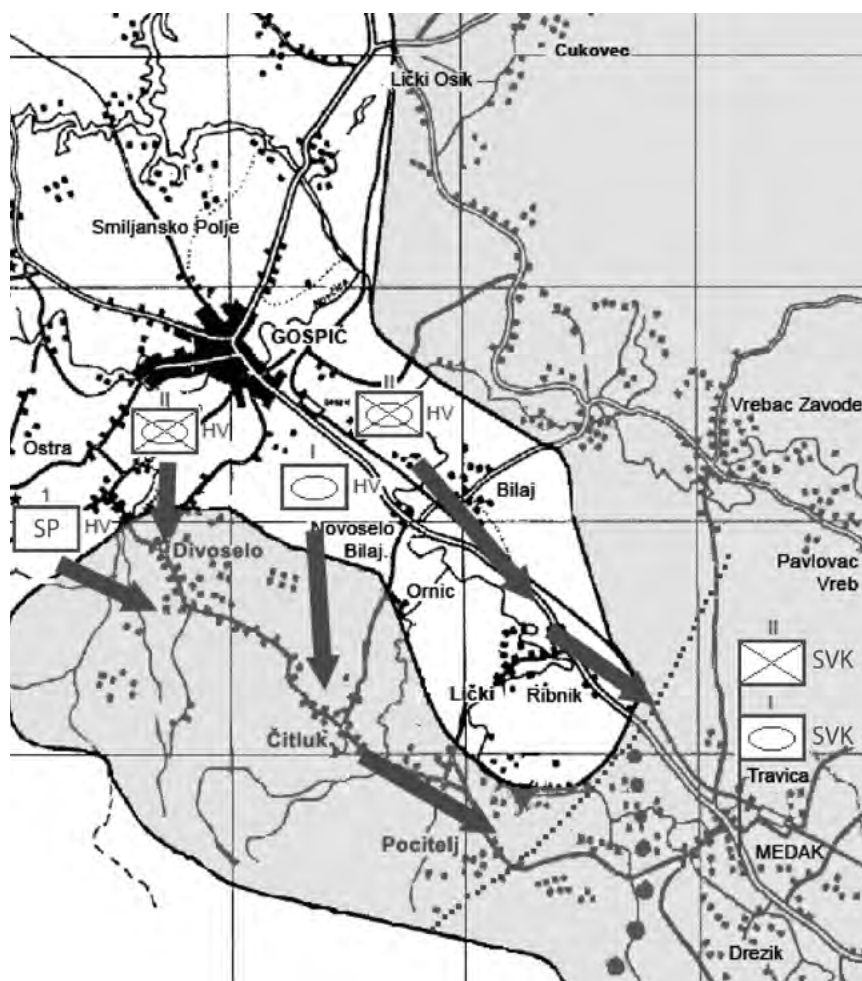
The first plans for the execution of Operation Pocket-93 began to take shape in mid-1993. The Chief of the General Staff of the Croatian Army (GS HV), Janko Bobetko, visited the Gospić Military District⁶ (MD) in May and July. During these visits, he issued the task to plan a broader operation and consider plans for liberating the area of the Medak Pocket. In the initial discussions and planning for the operation, Bobetko was joined by Rahim Ademi, Deputy Commander of the Gospić MD, Mladen Markač, Commander of the Special Police Unit of the Ministry of the Interior of the Republic of Croatia, Zlatko Rogulj, Chief of the Intelligence Department and Assistant Commander of Gospić MD, Mladen Šerić, Assistant Chief of Staff for Operational and Training Affairs, and Zvonimir Brajković, Deputy Commander of the 9th Guards Motorised Brigade of the HV.

Throughout August and September, further preparations for the operation took place, and based on Bobetko's order, Rahim Ademi formed a working group in early September to handle the task, formulate the decision, and issue orders for the deployment of troops. It is unquestionable that in the planning or development of various segments of the operation, in addition to the already mentioned individuals, Mirko Norac (Commander of the 9th Motorised Brigade of the HV and later Sector 1 Commander), Jozo Nenadić (Chief of Engineering for Gospić MD), Frano Primorac (Chief of Staff of Gospić MD, Coordinator in Otočac), Franjo Feldi (Acting Assistant Commander of the HV for Combat Sectors), Rudolf Mihael Brlečić (Chief of Infantry of the Croatian Army General Staff (GS HV), and Davor Domazet (Captain of the Navy, Representative and envoy of the GS HV) also took part.

One of the significant events in preparing for the operation was a meeting that occurred on September 3, 1993, when Bobetko and Markač unexpectedly arrived at the Gospić MD. Ademi presented the plans, maps, and decisions from the end of July, when the first concrete plans for the operation were made. Bobetko then requested that Mirko Norac be called in, and a meeting was held with Bobetko, Markač, Ademi, and Norac present. Additionally, Bobetko expanded the scope of the operation compared to the preparations from July, precisely defining the attack directions and areas of responsibility. For the Special Police, the lines of attack and responsibility were Veliki Sokolovac — Bukova Glava

— Debela Glava — Čitluk, while the main direction for the 9th GMB was Bilaj — Čitluk, with the final task being the route Drljići — Memedovo Brdo — Kriva Lika — Ribnik⁷.

According to the Croatian Army's estimates, the Medak Pocket area contained parts of the 9th Motorised Brigade of the Serb Krajina Army (ARSK) from Gračac and the 103rd Brigade from Donji Lapac⁸. The planned attack area covered at least 12 villages and hamlets, where several hundred civilians lived. The population suspected that the Croatian Army might launch an operation, and the ARSK command had warned of this. On August 15, 1993, the residents of Divoselo sent a letter to the commander of the Lika Corps of the ARSK, Milan Šuput, warning of an impending attack, but received no response⁹. For this reason, it is not surprising that the Krajina army was completely unprepared and offered almost no resistance when Operation Pocket-93 began.



/ The advance of Croatian forces in the Medak Pocket area (SOURCE Creative Commons)

The primary objective of the operation was the military seizure of the strategically important area of the Medak Pocket. Croatian forces aimed to conduct preventive actions to unblock the southeastern side of Gospić and prevent the ARSK from cutting off the road between Gospić and Karlobag. At the same time, efforts were made to eliminate the artillery threat to Gospić originating from the villages in the Medak Pocket, which would demonstrate strength to the opposing side and boost the morale of the local population. UNPROFOR reports suggest that one of the key objectives of the operation may have been to secure the valley north of the Maslenica Bridge, ensuring further access to that part of the country. Gospić was then semi-surrounded, and the ARSK controlled important positions on Velebit. The population of Gospić and its surroundings was demoralised, and the return of refugees to the territory controlled by the Republic of Croatia had come to a standstill. In his memoir entitled *All My Battles (Sve moje bitke)*, General Janko Bobetko, the Chief of the General Staff of the Croatian Army (GS HV), wrote: *'It was no longer a question of whether the situation was dangerous, but when it would become completely dangerous, or when they would cut us off where we are most vulnerable.'*

Some HV officers argued that the operation was unnecessary. In describing Operation Pocket-93, Rudolf Brlečić testified to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in July 2003, stating: *'Personally, I was against the Medak Pocket operation, not because it wasn't necessary, but because I was against constantly opening fire on certain parts of the front lines. As a commander of infantry, I demanded that Croatian forces not open fire on Serbian positions so that UNPROFOR could fulfil its mandate and disarm the Serbs. If we did not open fire on them, they would not have had to shoot at us.'*¹⁰

The operation also had a second objective, which the Croatian Armed Forces did not officially mention, but which is referenced in UNPROFOR reports on the consequences of the operation and can be deduced from the analysis of documents and witness testimonies. This second objective was the ethnic cleansing of the Medak Pocket. This objective was achieved through war crimes, specifically violations of both domestic and international law. The entire area was subjected to systematic and ruthless destruction carried out by Croatian military and police forces. The operation began immediately after the capture of the villages and was carried out through semi-controlled killings, looting, and the destruction of property and infrastructure. The cleansing was thorough, with the clear goal of making the area uninhabitable for the foreseeable future.¹¹

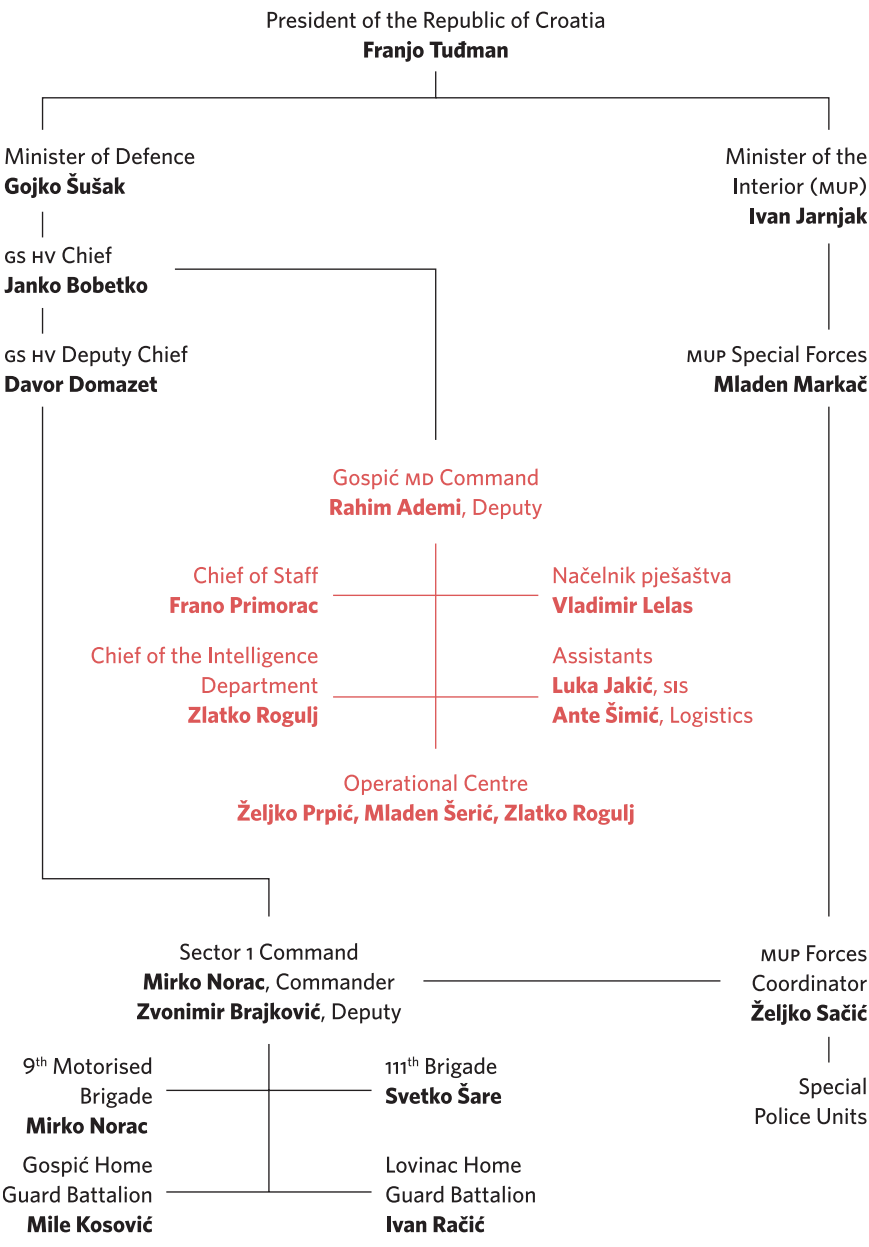
Given the scale of the looting and seizure of personal property during Operation Pocket-93, it can be concluded that one of the motives for achieving this second objective was personal gain. Most of the soldiers in the units that carried out the operation came from Gospić and the surrounding area, and some of them even recognised their own property and belongings that had previously been stolen in Medak Pocket. Witnesses at the trial of Mirko Norac and Rahim Ademi testified that local soldiers participated in the operation for personal reasons, among others.¹²

Another motive can be broadly defined as revenge driven by hatred. The composition of a significant portion of the units consisted of local, frustrated individuals willing to engage in violence and recover their previously stolen possessions. Regarding the composition of the units involved and the purpose of the operation itself, Rudolf Brlečić testified at the trial of Norac and Ademi and said: *'Had I been involved in the planning of the operation, I would not have allowed Norac's brigade to participate. I would have brought a unit from another part of the country because those people would not have hated the local Serbs so much. They would have done their job professionally and would not have committed crimes. There wouldn't have been this hatred toward the local population.'*¹³ All of the aforementioned was further facilitated by the poor discipline and order in the 9th Guards Mechanised Brigade and the accompanying units, as indicated by reports on the unit's condition and disciplinary actions against its members prior to the operation¹⁴. This was especially true for the Reconnaissance Company of the 9th GMB. The fact that these units were sent to carry out the operation supports the conclusion that the intention was to harm and expel the population of Divoselo, Čitluk, and Počitelj.

It is important to emphasise that the credibility of the argument for carrying out the ethnic cleansing objective is also reinforced by the fact that the operation did not foresee the presence of military police, which, by definition, should have worked to prevent illegal acts committed by members of military units. In his testimony, Rahim Ademi mentioned that during a meeting on September 3, 1993, he asked Janko Bobetko about the use of military police in the operation, but Bobetko rejected the idea, arguing that the operation would be of lesser magnitude and completed quickly, so there was no need for military police¹⁵. Later, it became apparent that, due to the scale of the operation and the scope of the crimes, military police were needed, and while they did eventually arrive in the Medak Pocket, their numbers were small, and they themselves participated in illegal activities.

Classification of Command and Responsibilities

A special combat group called Sector 1 was formed to carry out this operation. The group was composed of several military units: the 9th Guard Motorised Brigade of the Croatian Army (colloquially known as ‘Vukovi’), the Home Guard battalions of Gospić and Lovinac, the 111th



/ Sketch
1 - Command
structure in the
implementation
of Operation
Pocket 93

Brigade units, and the reconnaissance and sabotage companies of the Gospić Military District (MD). The commander of Sector 1 and the 9th GMB of the Croatian Army was Mirko Norac. On the order of the Gospić MD from September 6, 1993, the Special Police of the Ministry of the Interior (MUP) of the Republic of Croatia was also included in this combat group, although it was technically outside the command structure of Sector 1 and was commanded by Mladen Markač instead. The field coordinator was Željko Sačić, who was the head of the counter-terrorism unit of the Special Police at the time¹⁶. This kind of special combat group was not a new development, as it had already been established during the Maslenica operation earlier in January of the same year, where it was also commanded by Mirko Norac.

Janko Bobetko commanded the entire operation but remained in the General Staff (GS HV) in Zagreb. He sent Captain Davor Domazet, an officer from the GS HV, as his representative to manage the operation on the ground. Domazet had full command authority on Bobetko's behalf and was in constant contact with him¹⁷.

A total of approximately 750 members of the Croatian army and police participated in the operation, and 17 armoured vehicles and 50 artillery pieces were used¹⁸.

In addition to the mentioned command structure, logistical support for the units in the field was provided by the Gospić MD, which was informed about most events on the ground. Just before the Medak Pocket operation took place, in June 1993, the commander of the Gospić MD, Izidor Češnjaj, went on sick leave, and his deputy, Brigadier Rahim Ademi, took over the command. Although the position of the commander remained vacant, the GS HV General Bobetko never officially appointed Ademi as the commander or acting commander of the Gospić MD, leaving Ademi in an unclear position regarding his responsibility within the chain of command. At the war crimes trial, Ademi testified that, in a phone conversation, Bobetko told him: *'You have as much authority as I give you.'*¹⁹

Rudolf Brlečić, Brigadier of the Croatian Army and Chief of Infantry of the General Staff, testified during the trial of Mirko Norac and Rahim Ademi that there were two lines of command during the operation, which was confirmed by other witnesses. The first was the formal line, involving written orders, and was mainly led by the Gospić MD and coordinated by Rahim Ademi. The second line involved direct verbal orders from the HV General Staff, meaning Bobetko, and it also included Domazet, Norac, Markač, and Sačić. The formal command line was disconnected from the first, while the informal line took the

lead in carrying out the operation. This structure was confirmed by several witnesses during the trial, including Izidor Češnjaj. The fact that Domazet, executing Bobetko's orders, was fully in charge of the operation was corroborated by Croatian Army officers such as Franjo Feldi, Vladimir Lelas, Mladen Šerić, Zlatko Rogulj, and Marko Jagetić, as well as by the content of the war diary, where it is evident that Domazet issued orders.

Chronology of Operation 'Pocket-93'

The military and police operation Pocket-93 was conducted from September 9 to 17, 1993. This event timeline outlines the key points of military and diplomatic actions that took place between military and political representatives of Croatia, the Republic of Serbian Krajina (RSK), and UNPROFOR. War crimes and human rights violations occurred throughout the entire operation period, with the highest intensity during the initial and concluding days of the operation. For the majority of the killings, it is not possible to determine the exact day and time of occurrence, but it is known that they took place between September 9 and 17, 1993. Most buildings were destroyed between September 15 and 17.

* * *

A few days before the operation was carried out, on September 3, a meeting of the main participants and commanders of the operation was held at the Military District of Gospić, during which the combat group called Sector 1 was formed. The following day, September 4, the Serbian Army of Krajina (RSK) conducted an operation on the nearby Velebit mountain, during which two members of the Croatian Ministry of Interior's (MUP) Special Police were killed.

On September 6, the order for the attack was issued by Rahim Ademi, based on instructions from the Chief of the General Staff of the Croatian Army (GS HV), Janko Bobetko²⁰. On September 7, Mirko Norac issued the order for the attack by Sector 1's combat group²¹. The following two days were spent making final preparations, with unit commanders reporting to Rahim Ademi that their forces were ready.

On Thursday, September 9, 1993, at 4:00 AM, the operation commenced with mortar and artillery fire, followed by a tank and infantry assault. The Croatian Army and Special Police first attacked the villages of Divoselo, Lički Čitluk, and Donje Selo. The ARSK was completely unprepared for the Croatian forces, offering minimal resistance, after which their units retreated and scattered. This is confirmed by numerous witnesses in their statements to UNPROFOR immediately after the operation.

Milan Zorić, a soldier of the ARSK Territorial Defence from Donji Lapac, was interrogated immediately after being evacuated from the Medak Pocket by UNPROFOR: *'When the Croatian forces attacked us, we were*

*unprepared and offered almost no resistance, instead trying to escape as quickly as possible (...)*²² This was corroborated by other ARSK soldiers who were interrogated, including Jovo Desnica and Milan Popović.

At the time of the attack, several hundred civilians were in the area. The minimal military resistance was also confirmed by officer Joseph Cooper Holland, who was part of the Canadian battalion in UNPROFOR. In a report on the operation, as an attempt to counter the thesis that a large number of armed people were in the area of the Medak Pocket, he stated: *'If there had been Serbian soldiers and ammunition in every destroyed house, then Croats would never have taken the Medak Pocket.'*²³

From the distant positions of the ARSK, artillery fire was recorded on targets captured by Croatian forces. ARSK General Mile Novaković, upon learning of the attack, sent a protest note to General Jean Cot, the commander of UNPROFOR, since the operation was taking place in the *pink zone*, an area where his units were supposed to carry out monitoring duties. Civilians were trying to flee from the attacked area towards the nearby village of Medak, which is also located in the Medak Pocket, but remained safe from direct military action by Croatian forces.

Croatian armed forces achieved most of their military objectives already on the first day of the operation, capturing Čitluk and Počitelj, while Divoselo was surrounded. At the same time, these units began committing war crimes against civilians, prisoners of war, and property, both in the area of operations of Sector 1 and the Special Police.

Dušan Lucić²⁴ (spelled according to the original), a witness, provided a statement to UN personnel shortly after the operation about its beginning. He was at home with his wife when he realised that Croatian forces were attacking in his direction. Just as he was preparing to leave his house, he saw Bosiljka Bjegović, a blind elderly woman, sitting in front of her house about 200 meters from his own. With her was a younger woman whom Dušan did not recognise. Suddenly, about twenty Croatian soldiers appeared around the two women (Dušan recognised them as Croatian soldiers but did not provide further details). The soldier whom he assumed to be the commander shouted at the younger woman to leave. After she left, the soldiers shot Mrs. Bjegović several times with rifles and machine guns. Dušan assumed that she died instantly. Fearing for their safety, Dušan, his wife, sister, and a neighbour fled to the forest on the hill of Debela Glavica. From the first day of the operation, UNPROFOR attempted to negotiate with both sides and sought to establish a ceasefire. General Jean Cot tried to mediate a ceasefire at 10:00 AM, however, he was not successful.

The County Court in Zagreb, during the trial of Mirko Norac and Rahim Ademi, was able to identify the names of 11 civilians who were killed on the first day of the operation, though this number is not final. From the verdict and evidence, it is possible to infer that the majority of the killings occurred during the first three days of the operation.

On the following day, September 10, Croatian forces launched further attacks and established complete control over the area. The biggest challenges in advancing were faced by the Gospić Home Guard Battalion and the Special Police units, which lagged behind in joining other units within the prescribed time frames and designated areas. Ademi, together with Norac, visited the field and reported that everything was fine²⁵, even though soldiers on the ground were committing crimes and destroying property.

That day, Ademi made several decisions that pointed to a disturbing situation on the ground, which contradicted his reports. He issued an order for the sanitation of the area, specifying how to handle dead enemy soldiers and the procedure for autopsies²⁶. He also issued an order banning unauthorised firing²⁷. That same day, he took it upon himself to order the 71st Military Police Battalion in Rijeka to send him 20 military policemen to search the area, although he did not have the formal authority to request this, and the request was denied on that ground²⁸. By this point, Ademi had received reports from the field that the units were getting out of control and began burying bodies at execution sites, as testified by Colonel Marko Jagetić from the Gospić MD medical service²⁹.

The Croatian Ministry of Interior's Special Police arrested seven Serb soldiers during the day, some of whom would later end up in Croatian prisons and be exchanged, while others, such as Stanko Despić, were eventually killed. Witnesses at the trial of Rahim Ademi and Mirko Norac at the County Court in Zagreb testified that exceptionally brutal crimes were committed against prisoners of war that day³⁰.

At the same time, the Krajina military leadership informed the UNPROFOR chief about their ultimatum to the Croatian forces — if Croatian troops did not withdraw, they would retaliate with fire. Given the fact the Croatian army and police did not retreat, the ARSK carried out retaliatory artillery attacks on the cities of Sisak and Karlovac, which were located between 150 and 200 km from the Pocket-93 operation area. The Army of the Republic of Serbian Krajina also brought tanks, artillery, and infantry to the Medak village area (also within the Medak Pocket), which had not been attacked by the HV and from which a counterattack was planned.

Parallel to the events on the ground, United Nations bodies were trying to organise a cessation of fire and violence. UNPROFOR organised a press conference where they reported an intensification of hostilities. Jean Cot sent envoys to meet with Janko Bobetko, the main figure in the Croatian Army, and Mile Novaković in the ARSK, but Bobetko refused the request. Cot and Thorvald Stoltenberg, the UN Special Representative for the former Yugoslavia, communicated with the President of the Republic of Croatia, Franjo Tuđman, and requested the withdrawal of Croatian forces from the Medak Pocket area. Croatia was under international pressure to stop the operation and return the military to its initial positions. Tuđman stated that the shelling had ceased, but the withdrawal of troops depended on a general ceasefire.

On the third day of the operation, September 11, ARSK forces attempted a counterattack, and firefights broke out between Croatian and Serbian forces. Karlovac and Sisak were targeted once again, as well as the suburbs of the Croatian capital, Zagreb. Croatian forces shelled Obrovac, which is about 70 km from Gospić and part of the RSK.

The Croatian Army continued committing crimes against civilians and property. Ademi once again attempted to bring military police to the field to search the area and as a backup for the military police forces already engaged. This time, he bypassed standard procedures and requested this from Mate Laušić, the head of the Croatian Army Military Police³¹, but his request was ignored. This manner of bypassing authority and command procedures underscores the dramatic situation on the ground, which was not being controlled by the military police, who were otherwise essential for operations of this magnitude.

On the same day, Colonel Marko Jagetić from the medical service of the Gospić MD, under the command of Rahim Ademi, began sanitising the area, during which he encountered a large number of dead civilians and soldiers. The army's treatment of civilians was documented in a daily report sent to the command of the Gospić MD at the General Staff of the Croatian Army (GS HV). On the second page of the report, it is stated: *'In the surroundings [there is] still a group of enemy soldiers and civilians in the area of Debela Glava. The encirclement around them has been tightened from all sides, and we estimate that they will be destroyed during the following day.'*³² This clearly indicates that the treatment of civilians did not consider their protected status under national and international law, and the directive to *destroy* applied equally to both soldiers and civilians.

On this same day, Thorvald Stoltenberg met with Franjo Tuđman in an attempt to negotiate the withdrawal of the Croatian Army from the

Medak Pocket area. Tuđman promised a 24-hour withdrawal, but he did not agree to a ceasefire.

On the fourth day, September 12, artillery strikes from the RSK territory continued on multiple towns in Croatia, along with exchanges of fire between areas controlled by the Croatian Army (HV) and the Serbian Army of Krajina (ARSK). Franjo Tuđman ordered a 24-hour ceasefire, as he had promised Stoltenberg the previous day, and Bobetko relayed this order to lower levels and instructed that the zones of responsibility between the Special Police and (military) Sector 1 be defined. Following this, Ademi issued an order for a ceasefire in major cities. At the same time, Bobetko expressed dissatisfaction to Ademi regarding the terrain clearance or sanitation and the handling of the bodies of the deceased, which up to that point had been coordinated by Dr. Marko Jagetić from the Gospić MD medical unit. To address this, Bobetko sent his trusted colleague, Dr. Kornelije Brkić, to take over sanitation³³.

On the same day, the Council for Defence and National Security (VONS) held a session where Franjo Tuđman expressed regret over having approved General Bobetko's proposal for the Medak Pocket operation³⁴. This regret was, however, driven by intense criticism from the international community, and not by the Croatian war crimes the national leadership was fully aware of at the time of the session.

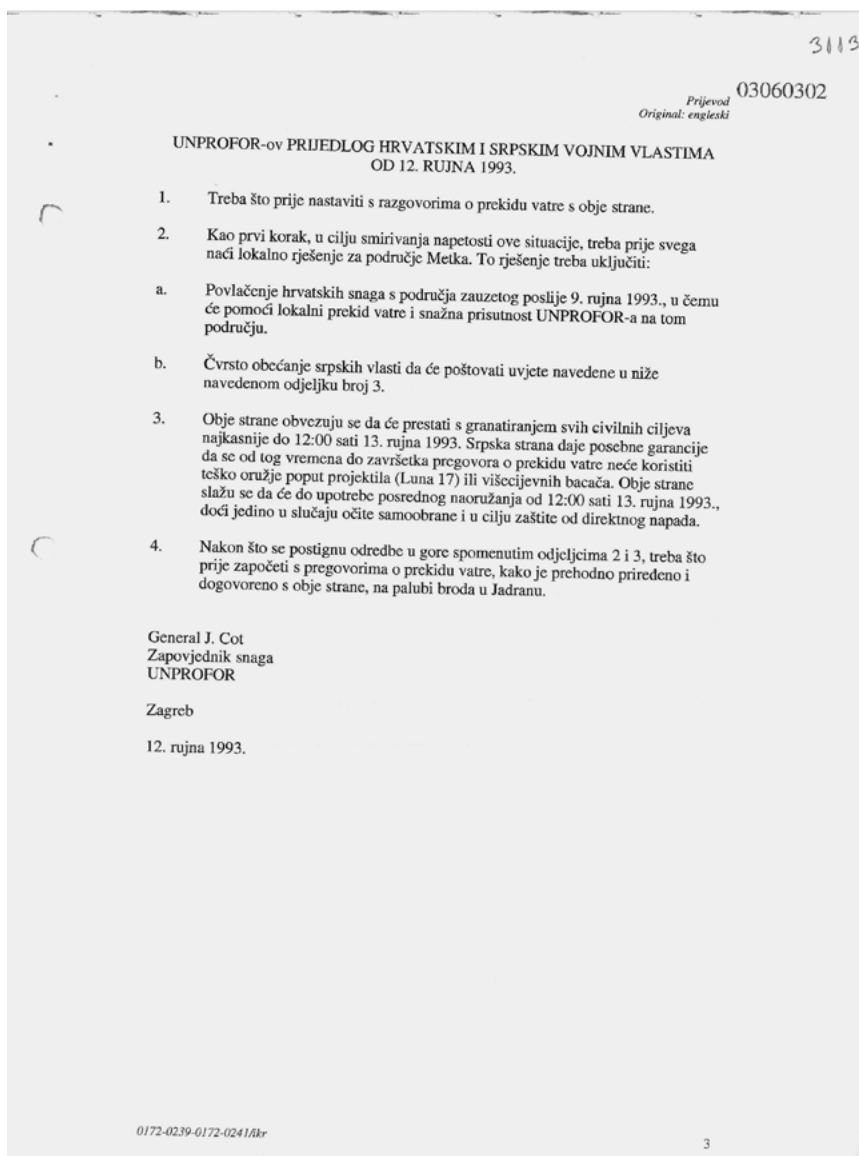
'I believe I made a mistake in allowing the Lika operation,' Franjo Tuđman said during the session at his office in Pantovčak. Present were members of the state leadership, including Prime Minister Nikica Valentić, Defence Minister Gojko Šušak, Interior Minister Ivan Jarnjak, Foreign Minister Mate Granić, GS HV General Janko Bobetko, General Director of Croatian Radio-Television (HRT) Antun Vrdoljak, and Presidential Economic Advisor Franjo Gregurić. The leadership mentioned the human rights violations in Divoselo, Čitluk, and Počitelj, only briefly and in the context of international criticism, despite being fully aware of war crimes committed against Serbian civilians at the time. Only fierce criticism from the international community regarding the operation was mentioned.

Tuđman regretted agreeing to General Bobetko's plan for the operation in the Medak Pocket and suggested he had been misled and manipulated, which resulted in the action near Gospić. Although he did not name those who misled him directly, it was evident he was referring to Janko Bobetko, who had proposed the operation and led all the military activities in the Medak Pocket area.

'Gentlemen, we had a military success with the Gospić operation in recent days. But we have objectively placed ourselves in a very touchy political

situation,' Tuđman said following Bobetko and Jarnjak's reports on the operation's implementation. He continued: *'At a time when the entire world, including our friends and those who might not be our friends, was recommending restraint and political flexibility, we allowed ourselves to be drawn in, both by their provocations and our own decision, into a situation where, regardless of how we interpret it, right now they believe Croatia is preparing for a military showdown with the Serbs in Croatia.'*

Tuđman additionally admitted his responsibility for the operation: *'I must acknowledge my responsibility for allowing the Gospić operation. When General Bobetko came to me with the proposal, I had in mind their*



**/ UNPROFOR pro-
posal to Croatian
and Serbian mil-
itary authorities
dated 12 Septem-
ber 1993. (SOURCE
Zagreb County
Court, Case No. II
K-rz-1/06, page
3113)**

provocations — minor ones, like the incursion on Velebit, where they killed three or so of our special forces' members, cutting off one of their ears — then the mine placements in Pakrac, and the political climate created both in the public and the Parliament. So, I accepted the proposal to go ahead with the operation, even though I later realised I was not fully informed about all of its elements. For example, I thought, I knew, in fact, that Divoselo was a Serb village, but I was not aware of the fact that was the case for all the other villages we conquered. And in doing so, considering that we were in ceasefire negotiations, we found ourselves in a situation that can hardly be justified — at the time of negotiating ceasefire we conducted a military operation. Much like another situation that we hardly justified in January, on January 22, during another round of negotiations, when, once again, Croats did not want to negotiate, but wanted war, which led to the same solution as now with the cleansing of the areas of Čitluk, Počitelj and Divoselo.'

Tuđman further criticised Bobetko for not legitimising the operation sufficiently in the eyes of the international community and added: *'I especially want to say that aircraft was used during the operation without my knowledge. Using aircraft for the first time clearly signals an act of war, doing the exact opposite of what we were trying to present.'*

It was apparent that Tuđman was upset about the potential diplomatic consequences for Croatia. However, he showed no concern for the war crimes committed or the suffering of Serbian civilians, as he did not address searching for perpetrators and holding them accountable, or the need for investigations into the crimes committed.

'In hindsight, I should not have allowed it, looking back. I believe I made a mistake in permitting the Lika operation. Regardless of the fact that, militarily speaking, it was a success and that we proved to the Serbs that we are capable of inflicting damage. But at this moment, for all these possible reasons tied to the efforts being made, especially since they — everyone, in fact — were pressing us, including the European Community, as well as the President of the Security Council, who personally sent an ambassador to Zagreb to appeal to Croatia and President Tuđman to seek political solutions. Therefore, we simply have to align with the kind of policy we have chosen to pursue. Because we could resolve this within a few days and if in doing so would not provoke such global outrage that sanctions would even be imposed on us, that would be one thing. However, as it stands now...'

From the fourth day of the operation, international media began reporting on the conflict. General Jean Cot sent an identical proposal for a ceasefire to General Mile Novaković of the ARSK and General Janko Bobetko of the HV. This proposal included the withdrawal of the Croatian Army and the deployment of UNPROFOR forces in the pink zone.

On September 13, tensions remained high, with the HV headquarters building in Gospić being struck. The UN Security Council expressed concern over the conflict between Croatian forces and Serbian separatist forces in Croatia in recent days, urging restraint and adherence to previously adopted resolutions. General Mile Novaković of the Serbian Army of Krajina (ARSK) accepted a UNPROFOR proposal for a ceasefire. Initially, the Croatian side expressed reservations, insisting that acceptance of the ceasefire should include a condition that the areas of Divoselo, Čitluk, and Počitelj, after the withdrawal of Croatian forces, be placed under UNPROFOR control. Following further discussions, the Croatian side supported the proposal for a ceasefire and withdrawal.

Croatia's Minister of the Interior, Ivan Jarnjak, visited Gospić and, along with Rahim Ademi, toured areas under the control of the Special Police.

On Tuesday, September 14, negotiations regarding the withdrawal of Croatian armed forces were held. The United Nations Security Council called on Croatia to accept the proposed ceasefire. The ARSK declared a general ceasefire, provided Croatian forces withdrew from the Medak Pocket the following day, and guaranteed UNPROFOR the ability to take over their positions. An agreement was also reached on Croatia's demand for UN forces to oversee the Medak Pocket area captured by the Croatian Army and to ensure that Serbian units would not re-enter it. The military operation's aftermath caused a wider battlefield to emerge around Gospić, with Croatian aircraft targeting Serbian Krajina positions on the Kordun, approximately 120 kilometres further from the area of the operation. Information about the impending withdrawal reached Croatian units, and Mirko Norac received a report that UNPROFOR was taking over Serbian positions. As a result, Croatian forces began showing resistance to orders from the Gospić MD³⁵.

On the seventh day of the operation, September 15, a ceasefire agreement and UNPROFOR control over the Medak Pocket were signed. On the Croatian side, under Janko Bobetko's instruction, the agreement was signed by HV General Petar Stipetić, who was also tasked with overseeing the withdrawal. Serbian General Mile Novaković signed on behalf of the ARSK³⁶.

All parties to the agreement respected the ceasefire starting at 12:00 PM. However, while the Serbian side was prepared to honour the agreement by withdrawing and ceding the area to UNPROFOR, the Croatian side refused to retreat. On the same day, UNPROFOR completed the takeover of all Serbian positions according to the agreement.

Information about the negotiations and ceasefire was not evenly distributed among Croatian forces in the field, and not all commanders were informed about the withdrawal. This was evident when Rahim Ademi insisted that UNPROFOR retreat and contacted Bobetko, who informed him that a ceasefire agreement had been signed and that a withdrawal was required. UN forces, consisting of two Canadian battalions and one French battalion under the command of Colonel Thomas James Calvin, attempted to enter the area they were to take over under the agreement. The Croatian Army opened fire on these units, preventing them from entering the controlled area and refusing to retreat³⁷. The Canadian battalion returned fire, resulting in an exchange lasting several hours, but there were no casualties on either side.

Later that day, the Croatian Army and UNPROFOR held a meeting at which the Croatian side requested a 24-hour delay in implementing the agreement and UNPROFOR was granted permission to open a Medak-Gospić checkpoint. On-site UN units reported to Thorvald Stoltenberg and UN Secretary-General Kofi Annan that Croatia was not complying with the withdrawal agreement.

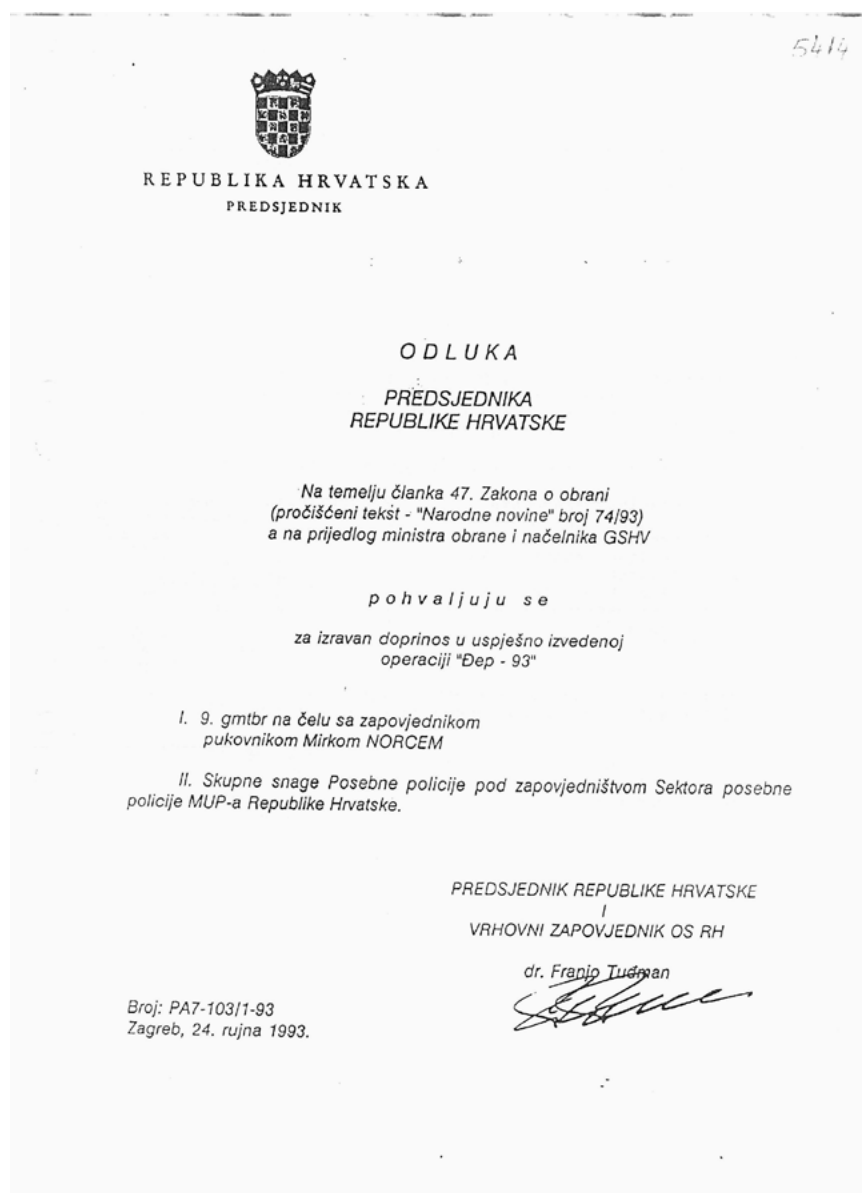
On the morning of Thursday, September 16, a meeting was held between the Croatian Army (HV) and UNPROFOR, during which the HV requested a modification to the withdrawal plan, proposing that the entry of UN units occur in two phases. In the first phase, on September 16, the withdrawal would cover Bilaj and Čitluk, located in the central and peripheral parts of the Medak Pocket. In the second phase, on September 17, the withdrawal would extend from Čitluk to the positions held by the HV before September 9, 1993.

Brigadier Rahim Ademi and General Petar Stipetić from the HV had planned to inspect the area that day but decided against it due to concerns for their safety, fearing that their own troops might harm them. The combat groups on the ground did not anticipate that their efforts would culminate in a retreat to pre-operation positions, leading to widespread anger and disappointment among soldiers toward some of their superiors, according to the testimonies of many stakeholders on the ground.

The Croatian side delayed the withdrawal while its troops destroyed remaining infrastructure and property, killed civilians and prisoners of war, relocated bodies, looted movable property, slaughtered livestock, and poisoned wells in the areas of Divoselo, Čitluk, and Počitelj. The methods and consequences of these actions suggest an intent to achieve a *scorched-earth effect*,³⁸ rendering these villages and their hamlets uninhabitable.

The General Staff of the Croatian Army (GS HV) issued orders for the withdrawal and delineated withdrawal routes for Sector 1 and the Special Police, as well as the disbandment of Sector 1 as a combat group. According to these instructions, the withdrawal was to begin at 1:00 PM. UNPROFOR forces arrived at the Ribnik demarcation line around noon, as agreed, but the HV blocked their entry into the area once again. Tank obstacles and mines were placed at the boundary line, and HV Brigadier Mezić refused to allow the Canadian and French battalions to pass. Throughout the morning, loud and frequent explosions emanated from the HV-controlled area, associated with the destruction of structures. While awaiting entry, UNPROFOR personnel heard increasingly intense explosions, small-arms fire, and saw smoke rising from the area. Testimonies from Croatian soldiers in the area corroborate these accounts. For example, Jozo Nenadić, (head of engineering for the HV Gospić Military District), testified before the Zagreb County Court: *'I was particularly outraged by what happened when the Croatian Army was retreating. I saw and heard it myself because I can differentiate explosions. I saw houses being burned, items being taken from them, and homes being destroyed with explosives. From the sound, I could tell what kind of explosives were used — every shell has its distinct sound. The explosions used to demolish houses were those of anti-tank mines, as far as I could conclude. I don't know who brought those mines there, but they are usually the responsibility of engineering units and logistics. I actually believe this was done intentionally, and it could only have been done by someone opposed to the Croatian Army and the Republic of Croatia. There was absolutely no reason for such actions.'*³⁹ General Petar Stipetić, commander of the HV Zagreb MD, noted significant smoke and fires upon arriving in the area, as well as intermittent gunfire. Since he led the negotiations with UNPROFOR regarding the withdrawal, Stipetić received strong verbal warnings that the HV was burning and destroying houses, that everything had been scorched, in fact, and that looting of movable property, such as household appliances, firewood, and timber, was occurring⁴⁰.

As UNPROFOR's entry continued to be obstructed, at 1:30 PM, Commander Thomas James Calvin held a press conference at the demarcation line. He stated that the HV was not allowing the implementation of the agreement and was stalling the UN units to finish destroying the entire area of the three captured villages. Following this, the HV removed the barricades and allowed UNPROFOR access. By 2:30 PM, UNPROFOR reached Medak, and by 6:00 PM, they arrived in Lički Čitluk⁴¹. The villages they entered were entirely destroyed and devoid of living inhabitants. Dead bodies, slaughtered livestock, destroyed houses, and poisoned wells were found in every village. The presence of a large number of surgical gloves suggested that bodies had been moved. Most of the destruction occurred between noon and 8:00 PM that day.



/ Decision of the President of the Republic of Croatia of September 24, 1993, commending the direct contribution to the successfully carried out operation 'Dep-93' to the 9th Motorized Brigade led by Commander Colonel Mirko Norac and the Joint Special Police Forces under the command of the Special Police Sector of the Ministry of the Interior of the Republic of Croatia (SOURCE Zagreb County Court, Case No. II K-rz-1/06 page 5414)

On the following day, September 17, Croatian forces persisted in destroying villages, with UNPROFOR continuing to hear gunfire and explosions while discovering bodies and destroyed property in at least 11 villages and hamlets. Jozo Nenadić, chief of engineering for the HV Gospić MD, testified that he witnessed Croatian soldiers setting houses on fire and heard explosions that day as well.

At 10 AM, a meeting was held where HV representatives criticised UNPROFOR Colonel Calvin for his handling of the media, particularly his accusations that the Croatian side was not honouring the agreement.

Later in the day, a dispute arose between UN and HV representatives near the Bilaj demarcation line, regarding the withdrawal and hand-over of the area. Brigadier Rahim Ademi ultimately resolved the conflict peacefully. By 6 PM, the Croatian Army had completed its withdrawal, and UNPROFOR assumed full control of the area, deploying approximately 500 soldiers in the previously HV-held territory.

During the day, nine locations containing 11 bodies, mostly civilians, were identified. Canadian Battalion (CANBAT) forces transported the remains to Medak and handed them over to Serbian authorities. UN Civilian Police (UN CIVPOL) observers were present in Medak but encountered varying degrees of cooperation. Initially, they were allowed to oversee preliminary examinations conducted by Serbian doctors. However, later that same day, September 17, they were informed that the remains handed over in Medak were considered Serbian property, and no further information, other than the names of the deceased, would be released unless UNPROFOR paid 100 Deutsche Marks (DM) per body. This demand was refused⁴². In the end, local Serbian authorities conducted the identification and provided the information to UN CIVPOL.

The same day, an agreement facilitated by the UN in Otočac resulted in the exchange of bodies between Croatia and the Republic of Serbian Krajina (RSK). Croatia handed over 51 bodies from the Medak Pocket, including both civilians and soldiers, with an additional body transferred later.

On September 18, after the operation concluded, UNPROFOR continued discovering bodies and destroyed property in the area. RSK representatives sought assistance from UNPROFOR for locating missing persons, burying the dead, and demining the terrain. On this day, Rahim Ademi attempted to report irregularities and criminal acts committed during Operation Pocket-93 to Janko Bobetko. Unable to reach Bobetko, Ademi conveyed the information to officials in the Ministry of Defence of the Republic of Croatia.

Two days later, on September 20, a meeting of the Croatian military leadership and the Medak Pocket operation's command staff was held at Hotel Velebno in Baške Oštarije in the Municipality of Karlobag⁴³. Speeches were delivered by Mirko Norac and Mladen Markač. Bobetko — in his speech — praised Norac's actions during the operation and, according to testimony, prohibited Ademi from speaking. On September 24, President Franjo Tuđman also praised Norac in particular. Davor Domazet, the operation's commander, presented an analysis of the operation that emphasised the significance of the Croatian forces' actions but did not address committing war crimes.

Under international pressure, Defence Minister Gojko Šušak ordered the formation of an investigative commission on September 25, 1993, led by Ante Gugić, to examine crimes committed during Operation Pocket-93. After a very brief investigation, Gugić submitted a report on October 2, 1993, that neither listed the crimes committed nor identified potential perpetrators. The report, based on a limited number of interviews with HV commanders and available documentation, stated the following: *'Members of the Croatian Army engaged in combat with armed enemies professionally; there was no mistreatment, abuse, looting of property, or actions constituting criminal acts under these conditions.'*⁴⁴ This report marked the military and executive authorities' final action regarding the investigation of human rights violations in the Medak Pocket. Subsequently, these crimes became the subject of international and domestic judicial proceedings.

Rahim Ademi, deputy commander of the HV Gospić MD, and Milan Kosović, commander of the Home Guard Battalion, were relieved of their duties by Franjo Tuđman on October 11, 1993. According to Ademi's later testimony at the Zagreb County Court, Bobetko told him the two dismissals were due to international and UNPROFOR pressure⁴⁵. Later in the war, Tuđman promoted Ademi to the rank of general.

Ethnic Cleansing

Killings and Torture of Civilians and Prisoners of War

Croatian soldiers and special police forces killed both civilians and captured soldiers in the villages of Počitelj, Divoselo, and Čitluk, which they had occupied during the operation. These crimes occurred within the responsibility zones of the Croatian Army (HV) Sector 1 as well as the Special Police of the Croatian Ministry of Internal Affairs (MUP), starting from September 9, 1993, the very first day of the operation, and continuing until the operation's conclusion. Witnesses who survived the assault, including villagers and some Croatian soldiers, testified to the murders and tortures at the Ademi and Norac trial at the County Court in Zagreb, while UNPROFOR personnel — army and police — saw only the aftermath of the killing and destruction.

The killings in the Medak Pocket were particularly brutal and involved sadistic acts of violence against the victims. For instance, several witnesses at Ademi and Norac trial testified that Milan Rajčević was tied to a vehicle and dragged through a yard⁴⁶, and that his body was later found almost completely burnt. Nedeljka and Stana Krajnović were discovered burned in a locked chicken coop⁴⁷. Boja Vujnović was taken outside by Croatian soldiers, laid on a couch, doused with a flammable liquid, and set on fire while alive⁴⁸. Pera Krajnović was killed by blows from rifle stocks in her living room, after which her house was set on fire⁴⁹.

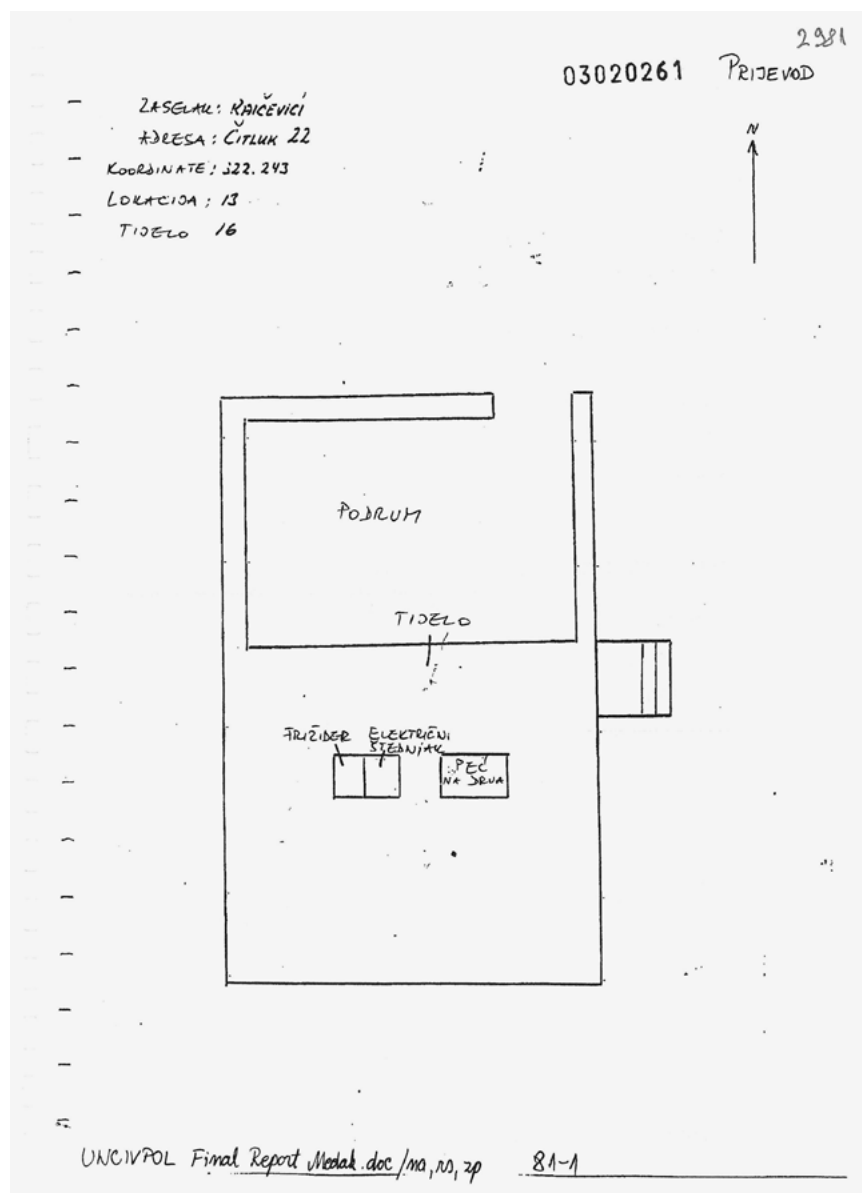
Nikola Stojisavljević, an ARSK soldier, was captured, bound with rope, and hung from a tree, where he was stabbed with knives while alive before ultimately being killed⁵⁰. Similarly, Croatian soldiers subjected Nikola Bulj, a captured Serb soldier, to brutal torture, beating him with rifle stocks and kicking him, before hanging him by his arms, smashing glass on his head, pouring spoiled milk over him, whipping him, sprinkling salt on his bloody back, and placing a *šajkača*, the Serbian national cap, on his head⁵¹.

Several ARSK soldiers surrendered to the Croatian Special Police on September 10, and among them was Stanko Despić. They were beaten for about half an hour during their capture, with Despić receiving the most rifle stock blows and kicks. The person delivering the most blows was known as Mujo. After being transported to various detention centres, first in Gospić, then Otočac, and Rijeka and Karlovac after, the prisoners continued to face mistreatment in prisons. Despić, after being detained in Otočac, around 65 kilometres north from the operation area, was

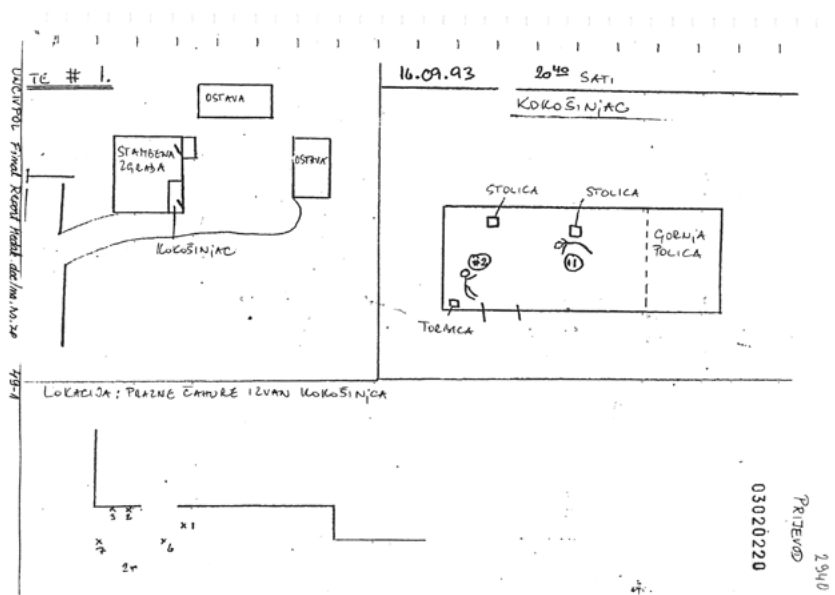
never seen again. A forensic examination determined that he died from violent causes, including bleeding from a ruptured failed kidney⁵².

All of the civilian casualties were mostly middle-aged and older individuals, while the prisoners of war were generally middle-aged and younger. The majority of the victims were shot at close range or beaten with blunt objects, suffering injuries primarily to the limbs, chest, and head.

The final report on the operations in the Medak Pocket from September 15 to 21, 1993, compiled by the Canadian Battalion of UNPROFOR, pres-



/ Sketch of the location where Pera Krajčević's body was found, made by UNPROFOR (SOURCE Zagreb County Court, Case No. II K-rz-1/06 page 2981)



/ Sketch of the location where the bodies of Nedeljka and Stanka Krajnović were found, made by UNCIVPOL (SOURCE Zagreb County Court, Case No. II K-rz-1/06 page 2940)

ents numerous details about the murders and tortures of both civilians and soldiers. These units entered the Medak Pocket after the Croatian forces withdrew and found villages devoid of survivors, with destroyed infrastructure and numerous dead bodies.

'All the victims suffered violent, and in some cases cruel deaths. Six of them were civilians, while ten were found wearing some form of military uniform. Among these victims, ten were men, five women, and there was one body of indeterminate sex due to severe burning. The physician and the UN CIVPOL personnel examining the bodies estimated that all of these 16 individuals were killed in the previous 24 hours, between 8 PM on September 15 and 8 PM on September 16,'⁵³ the report states.

In order to portray the kind of killings, the report highlighted three examples of particularly brutal instances. The first includes the deaths of the two aforementioned women, Nedeljka and Stana Krajnović, who were found in a small basement room with locked doors⁵⁴. Their bodies were burned beyond recognition⁵⁵. UN CIVPOL believes that they had been confined there and shot by Croatian soldiers during their withdrawal and then set on fire with gas. *'When the bodies were found, they were still so hot that we had to pour water over them to cool them down so that the body bags would not melt,'⁵⁶ the report states.*

Another example cited was the execution of an elderly woman, aged between 70 and 80. *'She was shot four times, one of the bullets striking her in the head.'⁵⁷*

A man in his 60s, who had 24 bullet wounds to his head, back, and legs, suggesting he was shot from behind, is the third example of killings which took place during the operation and were accentuated in the report⁵⁸.

On the morning of September 17, 1993, search teams returned to Čitluk to conduct a thorough search of the village and surrounding houses. Near Čitluk, they discovered the body of an elderly woman who had been shot multiple times and had both legs broken below the knees. She appeared to have been tied up and dragged into a field. It was estimated that she died 48 hours prior to the discovery of her body⁵⁹.

UNPROFOR 'conducted 16 site investigations, during which 19 bodies were discovered. Out of those, 10 were male, and one of indeterminate sex. Five of the bodies had been burned or were found in burnt structures. Out of those five, four of the burned victims were women, and one's sex was indeterminate. One of the women was 90 years old. With the exception of two women, all other victims were older than 40. One woman had been shot multiple times in the back and was partially buried in a swamp.'⁶⁰

The report continues with the following: 'All male bodies could potentially be considered those of 'soldiers,' taking into account the condition that they fell within the age range of military service. It would appear that several men identified as soldiers had been executed with single shots to the head (usually in the eye) from close range. Six of the men can be considered war victims, though in some cases the term 'disproportionate use of force' can be used to describe the cause of death.'⁶¹



/ Location of buried remains in the swamp (SOURCE Courtesy of IRMCT OTP)



/ Location of buried remains in the swamp marked with a cross (SOURCE Courtesy of IRMCT OTP)

Although UNPROFOR could not determine the exact number of fatalities at the time due to incomplete information, considering the state of the villages they encountered, they classified the killings as part of an ethnic cleansing campaign. Further details regarding the confirmed number of deaths from the Operation Pocket-93 will be found in the chapter *Data on the Casualties*.

Destruction of Property and Looting

To explain in greater detail the type of destruction involved, we provide descriptions from two documents introduced as evidence in the trial of Rahim Ademi and Mirko Norac. We present key findings from the aforementioned Final Report on Operations in the Medak Pocket from 15 to 21 September 1993, as well as from the Concluding Report on the Medak Pocket, produced by UN CIVPOL on October 10, 1993. Additionally, we include statements provided by residents of villages and hamlets to UN CIVPOL personnel immediately following the operation, as well as testimonies from Croatian soldiers and UNPROFOR personnel who were present in the Medak Pocket area during and after the operation.

The Final Report on Operations in the Medak Pocket from 15 to 21 September 1993, which was prepared by the Canadian Battalion (CANBAT-1) on September 30, 1993, states that *'the entire Medak Pocket area [was] subjected to systematic and ruthless plan of ethnic cleansing carried out by Croatian police and military forces.'*⁶²

The Report states that *'the cleansing operation likely began shortly after the area was captured on September 9, 1993, and was carried out using methods of semi-controlled killings and looting. However, the full implementation of the cleansing began in earnest on the morning of September 16, 1993, with the bulk of the destruction completed within 12 hours, by 8:00 PM on September 16, 1993.'*⁶³

With regards to property destruction, the Report states that *'a total of 164 residential houses and 148 agricultural buildings in the area were destroyed'* and continues: *'Every single building in the Medak Pocket was affected in this action. Nothing was spared. The destruction was carried out in several ways. Firstly, by setting fire to buildings that could burn. Fires were started using large pieces of construction wood and firewood brought into the area from outside. Numerous military and police trucks loaded with logs and construction wood were observed moving throughout the area, delivering timber for kindling. Secondly, explosives were used to destroy buildings constructed from concrete blocks and to level them to the ground. It appears that anti-tank mines were extensively used for this purpose. These were placed against load-bearing walls within the buildings. Timed fuses were used to detonate the mines simultaneously, causing the walls to blow outward, resulting in the collapse of the entire building. It is possible that this method, combined with large fires set on the lower levels of buildings, was also used to conceal the bodies of murder victims, as the rubble from the destroyed buildings made it almost impossible to clear debris to search the cellars. We estimate that more than 200 mines were likely used to completely destroy the structures in the Medak Pocket.'*⁶⁴

With regards to killing livestock and poisoning of wells as part of the acts involved in carrying out ethnic cleansing, the Report notes that *'a serious effort was made to kill all domestic animals in the area. Throughout the Medak Pocket, we found the remains of horses, cattle, goats, sheep, dogs, and pigs. In some cases, the animals were left tied up in stables, which were then set on fire. A total of 139 head of cattle were found slaughtered.'* The report further states that *'it was discovered that oil had been poured into most wells and cisterns, or that animal carcasses were floating in the water, in an effort to limit their future use by returning residents.'*⁶⁵

Joseph Cooper Holland, an officer in the Canadian Army, stated that he *'visited the Medak Pocket area from 27 to 31 October 1993. (...) During the visit and investigation, they were informed and established that the Canadian Battalion had discovered approximately 16–18 bodies and they had also been informed that the Croatian Army handed over 51 bodies. Thus, there were about 70 corpses. (...)'* With regards to property, he observed, and there was data confirming this, that every house had either been



/ A house in smoke photographed as UN units enter the villages of the Medak Pocket (SOURCE Courtesy of IRMCT OTP)

destroyed or rendered uninhabitable. Animals had either been killed or taken away, and wells had been contaminated. He emphasised that the latter had no military justification, as there is no military advantage to killing or removing all animals or contaminating all wells. The contamination had been carried out either with oil or the bodies of dead animals. Similarly, there was no military benefit to destroying every single house. If the military operation had involved the so-called 'house-to-house fighting,' with enemy forces present inside houses, it would not have been possible to plant explosives inside each house because the enemy would have been occupying them. Had enemy forces been present in every house, the area could not have been captured as swiftly as the operation was conducted, but it would take a lot more time, considering there were around 164 structures in the Medak Pocket area. When the terrain was searched, no useful tools, clothing, utensils, furniture, or even beds were found. According to Canadian reports, while Canadian forces were waiting to enter the area, they heard explosions and saw smoke. This occurred after the fighting had ceased, during a period when the Croatian Army (HV) already had full control over the area. He spoke with engineering officers (namely, with Major LaPlante and Engineer Stig), who informed him that the destruction was not caused by artillery or tanks but by explosives placed inside the houses, with fires igniting from within. They did not specify the type of explosives used in the destruction of the houses. Although Joseph Cooper Holland was aware of Canadian reports mentioning anti-tank mines, he did not have any direct indicators to confirm this.⁶⁶

The Concluding Report on the Medak Pocket prepared by the United Nations Civilian Police (UN CIVPOL), Sector South, dated October 10, 1993, which describes the condition of villages upon the entry of UN-PROFOR teams, states:

*'On September 16, at 3:45 PM, search teams entered Donje Selo and deployed. The village was still burning, and all 16 structures within it had been destroyed. In this context, the adjective 'destroyed' means that buildings were either levelled to the ground, or the outer and some interior walls still stood, but the roofs and interiors were in ruins. Items scattered across the yards made it clear that residential buildings had been thoroughly vandalised before being destroyed. Numerous loaves of bread and other food items were strewn across the yards. The village well was filled with debris and the carcass of a large animal. Farming tools stored in separate buildings were burned and vandalised. In the surrounding fields, the corpses of livestock slaughtered while grazing were found. No people were found.'*⁶⁷

*'The hamlet of Drljići was entered at 5:45 PM. All 14 structures at this location were destroyed in the same manner. The remains of two horses and several heads of livestock were found at this location. Only a few chickens were left from the domestic animals in the area. The buildings were still smouldering. No people were found.'*⁶⁸

*'At this location, 15 Croatian soldiers were encountered. They wore police uniforms with shoulder patches marked 'RH MUP' (Republic of Croatia Ministry of the Interior). On their right shoulders, they had insignia featuring yellow lightning bolts. (...) These individuals later left the area in blue vehicles marked with 'Milicija' ('Police').'*⁶⁹

*'At 7:45 PM, search teams arrived in Čitluk. All 62 structures in this village were destroyed, some of which were still burning. Remains of numerous domestic animals were found throughout the village. Smouldering piles of hay and oats that had been deliberately set alight were discovered in several houses. No people were found.'*⁷⁰

*'Due to diminishing daylight, the teams were recalled to a temporary camp near Čitluk. While the teams were in that village, explosions were heard further along the road. Military personnel at forward positions reported on hearing sporadic single rifle shots at various intervals.'*⁷¹

Steve Marissinik, a member of the UN Civilian Police, testified at the trial of Rahim Ademi and Mirko Norac, as he was on the ground and authored the aforementioned UN CIVPOL report.

Marissinik stated: 'On September 16, 1993, at around 3.40 PM, we entered Donje Selo, where all buildings were destroyed, and some were still burning. While driving towards Drljići, the next village, we saw dead livestock and horses in the surrounding fields. In the village of Drljići, the buildings were also destroyed, and near some of the houses, firewood had been stacked and set alight, making it appear as if the wood had been deliberately arranged to intensify the flames. In Čitluk, I counted a total of 62 destroyed buildings. Some were still burning. Animal carcasses were scattered around, but there were no human corpses, so we began searching. In that search, we also examined wells. None of the wells contained human bodies or remains; instead, they contained the carcass of a dead cow, garbage, and oil. I inspected at least four wells. Scattered around were foodstuffs, grains, oats, and even loaves of bread, all of which had been set on fire. While in Čitluk, we could hear occasional gunshots in the distance from areas we had not yet reached. In total, 312 buildings were destroyed⁷², including 164 houses and 148 out-buildings, and in my assessment, this destruction was fresh. All of this was included in my report. I also submitted photographs taken during the area survey, which were reviewed. However, what the photographs could not convey was the stench of death that pervaded the area. Everything indicated that the buildings had been destroyed recently, possibly within three to four days, but certainly not a year or more ago.⁷³

Witness Stig Olof Bertil Sandgren, also from UN CIVPOL, who worked as a civilian demining expert and had the expertise to assess whether a building had been struck by shelling, artillery, or later demolished with



/ Animal carcass photographed as UN troops enter Medak Pocket villages (SOURCE Courtesy of IRMCT OTP)

explosives, stated that on the morning of September 16, 1993, he arrived in Medak and recalled hearing explosions from the Medak Pocket area starting at around 10:00 AM, followed by visible smoke. There were about 10 to 15 explosions per hour while he was in Medak between 10:00 AM and 3:00 PM. Altogether, he heard around 50 to 70 explosions. Later that afternoon, he entered the Medak Pocket area. What he saw there reminded him of scenes from war movies. *Everything was burning and destroyed, everything was demolished. They first arrived in Divoselo, the southern part of the Pocket area, and then continued northward, and the scenes were the same throughout the entire zone. It was clear to him that the buildings had been blown apart with explosives. There was garbage everywhere, and the wells were contaminated. Domestic animals — sheep, pigs, and cows — had been shot with firearms. Some of this had been done very recently, as the blood of the animals was still fresh. (...) Everything looked as if it had been destroyed in a manner intended to ensure the area could never again be inhabited.* This deeply affected him, and in his assessment, all of this appeared planned.⁷⁴

*'The vast majority of buildings Sandgren observed in the Medak Pocket had been destroyed through deliberate demolition using explosives. He saw evidence of gas explosions, which he knows could appear very similar to explosions caused by mines. There were no investigations conducted to determine whether the houses were destroyed by mine explosions, but he mentioned that there had been no explosions on September 15, 1993, whereas on, 1993, between 10:00 AM and 3:00 PM, there were 50 to 70 explosions. Some of the buildings, perhaps 10 to 20, bore signs of shell and artillery strikes. A portion of the buildings, though he could not specify how many, had been destroyed earlier in 1991, which was evident as those were overgrown with grass.'*⁷⁵

A member of the engineering unit of the 9th Guards Mechanised Brigade (9th GMB) testified about the destruction of houses in the trial of Rahim Ademi and Mirko Norac for war crimes against civilians and prisoners of war. He did so as a protected witness and was known as Protected Witness No. 9.⁷⁶ He claimed that on the second day of the offensive, after rumours of a retreat had spread, soldiers from the 1st, 2nd, and 3rd battalions of the 9th GMB asked him to give them mines to blow up Serbian houses. At first, he refused to give them any mines, but then Zvonko Brajković, the chief of staff and deputy commander of the 9th GMB, and Goran Blažević, the commander of the engineering company, ordered him to provide the mines. The witness handed over 15 to 20 boxes of mines, which were issued just verbally, not in writing. He noted that the destruction of houses with explosives, mines, and arson mainly occurred during the last two days of the operation. He believed this was because Croatian soldiers had heard rumours of a retreat and *'did not want a single Serbian house to remain intact.'* He

did not receive any official orders for the destruction of houses and claimed that he did not destroy any houses himself. Protected Witness No. 9 also mentioned widespread looting after the first day of the attack, carried out by both military personnel and civilians from Gospić, who would mostly arrive with tractors and trailers. After the first three days, the Military Police set up checkpoints, but they did not prevent the looting. Occasionally, the Military Police would seize some of the looted goods from vehicles and return them to the yard behind their police station. Everyone engaged in looting did so for personal gain. It should have been clear to the Gospić command what was happening with the looting, as vehicles full of stolen goods kept returning to the town. The army did nothing to stop civilians from Gospić who were looting Serbian houses. After participating in the disposal of corpses, Protected Witness No. 9 reported the matter to Brajković and Blažević, and Blažević reported everything to Ademi, as he was his superior. The reporting was done only orally, and he simply told them that the problem had been resolved. After the offensive of September 9, 1993, local commanders frequently contacted him with questions about the location of the corpses.⁷⁷

Witness Jozo Nenadić, the chief of engineering for the Gospić MD, testified that just before and during the retreat, he saw and heard Croatian soldiers, in Croatian Army uniforms, setting houses on fire and removing items from them. He also saw that houses were being destroyed with explosives, specifically anti-tank mines, a conclusion he reached from hearing the sound and also knowing that the Croatian Army was 'fully equipped' with these mines.⁷⁸

On September 24, 1993, UN CIVPOL observers spoke with Dušan Bjegović, born in 1948, from Divoselo, at a hospital in Udbina. Bjegović had been a courier in the JNA from Divoselo. On September 10, after being captured by Croatian soldiers, he managed to escape back to his house, where he saw that his household items had been looted, along with one pig and 30 chickens. After that, he returned to the forest. On the sixth day of Operation Pocket-93 (September 14), he encountered a Croatian ambush in Poljani, hearing Croatian soldiers slaughtering a man who was crying out for an hour. He believes the victim eventually died. He was 400 meters away from this location, so he could not see the crime, but he did see the Croats killing dogs. In the village of Vujnović near Divoselo, he saw that they had stolen about 90 sheep, two cows, and two horses, and drove the livestock in the direction of Ličko Novo⁷⁹.

On September 28, 1993, a member of UN CIVPOL spoke with Nikola Pjevač, born in 1935, in Počitelj. Pjevač recalled the events of September 9, 1993, stating: *'At 06:10 AM, I was woken by shelling. There was general*

panic, and people mostly ran to my basement for shelter. About twenty women and children arrived. I heard tanks about 800 meters away, coming from the west. We all had to flee because Croatian forces had arrived. Tanks entered first. While fleeing, I saw looting. I saw civilians releasing livestock from houses and loading them into specialised livestock trucks. These civilians, who had arrived after the soldiers, were the ones looting. I saw two of my cows and two calves being taken from the barn and loaded onto a truck. Many houses in the village were burning.⁸⁰

Concealment of Crimes

The scale of violence, particularly the number of killings during Operation Pocket-93, was attempted to be concealed by hiding the bodies. Protected Witness No. 9, who was a member of the engineering unit of the 9th Guards Mechanised Brigade (9th GMB), testified at the trial of Mirko Norac and Rahim Ademi that his commander, Goran Blažević, the head of the engineering unit, ordered him to deal with the corpses. He went with two military police officers and a colleague from his unit to collect mines, explosives, slow-burning sticks, and detonators. They brought them to a large house on the outskirts of Gospić, which had an incomplete septic tank, and the buildings around it were destroyed. A refrigerator truck with a driver and, according to his testimony, three drunken soldiers from the Home Guard battalions arrived at this location. Military police took positions to secure access routes while the soldiers removed the bodies from the refrigerator truck and threw them into the cesspit, while the Protected Witness was placing explosives on the house. Over 40 bodies of individuals killed in the villages of the Medak Pocket were thrown into the cesspool, and when the explosives detonated, half of the house collapsed and covered the bodies in the cesspit.⁸¹

In addition to such examples, the conclusion that there was an attempt to cover up the violence can also be drawn from the fact that UNPROFOR members found a large number of surgical gloves in areas where Croatian forces operated, which they considered alarming. *'We speculate that these were used for handling the corpses in a large-scale evacuation. The Croats had no other reason to use surgical gloves. This, along with the fact that most of the bodies were found in remote locations where they could easily be overlooked during the sanitisation process, suggests that many more individual bodies may have been moved elsewhere. This will be difficult, if not impossible, to prove. Interestingly, Croatian authorities handed over more than 50 bodies to Serbs at a checkpoint in Gospić on September 19, 1993. This may be just a part of the victims killed in the Medak Pocket,⁸² the report stated.*

It is important to note that Croatian soldiers did not respect the cease-fire agreement or the withdrawal from the Medak Pocket area and that they prevented UNPROFOR from entering the region. This was exploited to fully destroy the area and attempt to conceal the bodies.

Accountability for Crimes

The available information, testimonies from participants, and documentation suggest that the crimes committed in the Medak Pocket were known to various levels of command within the Croatian military, ranging from lower commanders to the highest political and military leaders of the Republic of Croatia. The conclusions of United Nations bodies support the theory that the operation was planned by the highest military and political leadership of the country, with the desired outcomes of ethnic cleansing, destruction of property and infrastructure, and making the area uninhabitable in the long-term, especially for the indigenous population. The military and political leadership at the time included President Franjo Tuđman, Minister of Defence Gojko Šušak, Minister of the Interior Ivan Jarnjak, and Chief of the General Staff of the Croatian Army (GS HV) Janko Bobetko.

As previously mentioned, in the Pocket-93 operation, there were two lines of command: the first was formal with written orders, primarily involving the Gospić Military District coordinated by Rahim Ademi. The second line involved direct verbal orders from the Croatian Army General Staff (GS HV) — from Bobetko — and also included Domazet, Norac, Markač, and Sačić.

The first command line was partially isolated from the second, which had the primary role in executing the operation. This method of operation management circumvented the standard procedure, where the Gospić Military District would manage the operation — an alternative command and information exchange channel was established. This approach was not spontaneous or accidental but was intentionally designed and planned by the GS HV. All this, along with the fact that Rahim Ademi was denied a concrete position within the command chain and that Gospić MD was bypassed in reporting and orders, indicates a need for confidential communication. Through this communication channel from GS HV, namely from Janko Bobetko, information and orders were passed down to trusted individuals, his envoy, and commander of the operation Davor Domazet, Mladen Markač, and Mirko Norac, who then disseminated them (both information and orders) to lower levels.

The direct perpetrators of the crimes were members of the Croatian Army's Sector 1, particularly the 9th Guards Mechanised Brigade, with soldiers from the reconnaissance unit being particularly noted for their violence. Mirko Norac commanded the Sector 1 combat group, and the reconnaissance unit commander was Josip Krmpotić. He personally ordered the destruction and burning of houses, and, according to witness testimonies, almost all members of his unit participated in these crimes. Protected Witness No. 6 from the trial of Rahim Ademi and Mirko Norac claims that Ivica Rožić was responsible for destroying and burning the most houses, and he was known for his problematic behaviour. He recalls that Goran Blažević asked: *'Can Rožić be stopped?'*⁸³

In 2004, the weekly *Feral Tribune* wrote about Rožić. It published two classified Ministry of the Interior documents, detailing Rožić's confession of how he executed Serbian civilians and systematically killed returning Serbs in the Lika region. Rožić was never prosecuted for alleged war crimes or other criminal offenses.

Velibor Šolaja and Josip Mišić, members of the 9th GMB of the Croatian Army (HV), were convicted of war crimes by the County Court in Zagreb in 2015 for killing a woman by shooting her with an automatic weapon after pulling her out of a house basement in Lički Čitluk. According to the testimonies of their fellow soldiers, Šolaja was also seen killing civilians attempting to flee the Medak Pocket by car, stealing items from abandoned houses and driving off with them.⁸⁴

In the verdict of the County Court in Zagreb against Rahim Ademi and Mirko Norac, it is evident that a large number of crimes, apart from those committed in Sector 1's area of operation, were carried out by the Special Police. These crimes included murders, torture of prisoners of war and civilians, and the destruction of property. While the verdict does not specify the direct perpetrators, it is clear that these units were commanded on the ground by Željko Sačić, as well as Mladen Markač, the commander of the Special Police, who oversaw them from the headquarters.

During the commission of these crimes, Mirko Norac repeatedly visited the field and received reports about all the details of the military's actions, including the crimes. He was in constant communication with Davor Domazet and Janko Bobetko. Protected Witness No. 9 from the Norac and Ademi trial claims that it was widely known during the operation that crimes were being committed: *'The bodies were lying along the roads and in other places where they could be easily seen. Everyone from the Croatian Army who participated in the operation could have been aware of what was happening. No one opposed what was happening at the time.'*⁸⁵

Soldiers and policemen who opposed such behaviour by their colleagues feared that by reporting the crimes or informing their superiors, they themselves could become victims or be killed. *'I didn't tell anyone because nothing bad should be said, otherwise — a bullet to the head, bow down, move on, and stay quiet,'*⁸⁶ said Protected Witness No. 6 during the Ademi and Norac trial.

Conclusion

Although the term 'ethnic cleansing' did not originate during the conflicts in the post-Yugoslav area, its use in the context of international relations became common in the 1990s⁸⁷. Various stakeholders of that time, including the media, high-ranking government officials, and international bodies, frequently used the term, even though it did not have an official definition.

The United Nations, both the Security Council and the General Assembly, used the term 'ethnic cleansing' in resolutions such as Resolution 808 from February 22, 1993, and Resolution 827 from May 25, 1993. In these resolutions, the UN expressed *'its grave alarm at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings, massive, organised, and systematic detention, and rape of women, and the practice of 'ethnic cleansing,' aimed, among other things, at the acquisition and the holding of territory.'*⁸⁸

The Security Council first used the term 'ethnic cleansing' in Resolution 771 on August 13, 1992, stating that the practice of ethnic cleansing is contrary to international humanitarian law.⁸⁹

As university professor and criminal law expert Maja Munivrana Vajda explains, ethnic cleansing is carried out through various actions and measures aimed at either forcing the departure or preventing the return of members of a targeted ethnic group. These can include non-violent measures (such as discriminatory laws or using local media to spread hatred and fear), as well as violent acts within terrorist attacks or military operations (terrorising the population, rapes, killings, looting, destruction of property, etc.). What links all these measures and makes them elements of ethnic cleansing is their common goal — the elimination of a specific population from a given territory, Munivrana Vajda emphasises.

Although the term 'ethnic cleansing' is not a legal offense and, therefore, no one can be charged or convicted for the crime of ethnic cleans-

ing, the International Criminal Tribunal for the former Yugoslavia (ICTY) used the term for explanatory purposes in indictments and verdicts.⁹⁰

The question of whether Operation Pocket-93 aimed to carry out ethnic cleansing or whether the implementation of the operation was used to expel the Serbian population from the Medak Pocket area was also addressed by the judicial panel of the County Court in Zagreb during the trial of Rahim Ademi and Mirko Norac.

The testimony of witness Thomas James Calvin, a commanding officer of the Canadian battalion in UNPROFOR, who explained and justified that ethnic cleansing had occurred in the Medak Pocket area, was not accepted by the court. The court explained that *it considered Calvin's statement to be a personal opinion, lacking support in objective findings.*⁹¹

Among other things, Calvin stated that he *'believes 'ethnic cleansing' occurred in the Medak Pocket; wells were poisoned, livestock was killed, people fled or were killed. The fact that anti-tank mines, which are a controlled resource not regularly issued to individuals, were brought in suggests that there was organised logistical support for activities in the Medak Pocket.'*⁹²

The UN Civil Police, Sector South, also described the crimes in Medak Pocket within the framework of the commission of ethnic cleansing. The Final Report's assessment on the Medak Pocket claimed the following:

*'Based on findings collected from September 16 onward, the only conclusion that can be supported is that the Croatian Army committed war atrocities in the Medak Pocket. The term 'war atrocities' can be broadly interpreted, and there are several international definitions of it.*⁹³

These definitions cover a wide range of crimes against humanity and are not limited to the taking of human life. Acts such as theft or killing of livestock, poisoning of drinking water sources, burning of food supplies, and the systematic and extensive destruction of all residential and other buildings fall under crimes against humanity, or, to use a newer term — ethnic cleansing.

Military experts concluded that a large number of anti-tank mines were used to destroy the objects found in the Medak Pocket area. Over the course of eight days, a total of 312 objects (164 houses, 148 barns, and auxiliary agricultural buildings) were consciously and systematically destroyed, with the greatest damage occurring in the last twelve hours. It must be noted that there was a plan, logistical support, and premeditation. This conclusion is supported by the fact that oil derivatives were poured into wells and livestock carcasses were thrown in. The concept of random actions by individual soldiers has been rejected due to the continuity of destruction in the Medak Pocket.

Eyewitness reports of HV soldiers deliberately firing at anyone in the Medak Pocket are corroborated by findings in the reports from the locations. There is no justification for the deaths of eight female civilians caused by gunshots. Some were shot multiple times, and the bodies were either burned, buried, or taken to a field. At least three soldiers were found with injuries consistent with those caused by execution (a single shot to the head). It is highly probable that these single shots from firearms, reported by UNPROFOR soldiers from forward positions, represented these executions. This report does not include the 52 bodies that were handed over by the Croatian Army to the Serbian authorities in Otočac, some of which were female.

The discovery of a large number of surgical gloves in Čitluk and Krajinovići raises concerns. No evidence was found to explain why they were there. Had there been a field hospital nearby, other medical waste would have been found as well. At both locations, traces of recent excavation by heavy machinery were found. These locations were dug up again, but nothing of significance was found. It is highly probable that these gloves were used by soldiers working to remove human remains in preparation for the arrival of UN personnel. The fact that only those bodies located in more remote places were found makes this view even more convincing.

Overall, there is sufficient evidence to prima facie suggest that ethnic cleansing did occur. It is believed that the final investigation into this should be conducted by the competent authorities.⁹⁴



/ A destroyed house with the graffiti 'WE'LL COME AGAIN. LOVE you u' in Donje Selo, photo made by UNCIVPOL on September 16, 1993. (SOURCE Zagreb County Court, Case No. II K-rz-1/06)



/ A destroyed house in a village in the Medak Pocket with the inscription 'u' THIS IS CROATIA graffitied on it (SOURCE Courtesy of IRMCT OTP)

The previously mentioned Final Report on Operations in the Medak Pocket from September 15 to 21, 1993, prepared by the Canadian battalion, in the chapter on 'Ethnic Cleansing' emphasises that *'the cleansing was thorough, with a clear goal of making the area uninhabitable for the foreseeable future.'*⁹⁵

The report also outlines that the operation in the Medak Pocket was carried out through various forms of ethnic cleansing, including the destruction of property, killing of civilians, execution-style shootings of soldiers, slaughtering of livestock, and poisoning of wells. It emphasises that when determining responsibility, several factors must be considered.⁹⁶

*'Any assumptions that everything was a result of a spontaneous moment and individual soldiers acting at random, without central directives, must be dismissed without hesitation. There are too many indicators that this was an operation planned and controlled from the centre,'*⁹⁷ the report states.

To support these claims, the report highlights key arguments such as the thoroughness of the destruction, the equipment and supplies used during the operation, the involvement of both police and military units, and the fact that this was an operation of high-level coordination aimed at delaying UNPROFOR's entry into the area of the Medak Pocket.⁹⁸

'The fact that every single residential building in the Medak Pocket area was destroyed indicates a systematic approach that required detailed planning.'

*Many residential buildings were located off the main roads, and it would have been necessary to make an effort to reach them. Had the soldiers acted independently, without clear instructions, they would have bypassed these structures,*⁹⁹ the report notes.

Supporting the argument about the use of equipment and supplies, the report mentions, *'The operation required many different resources. Mines necessary for demolition are strictly controlled by the military, and their distribution requires approval from higher levels. The large quantities of surgical gloves found point to premeditated planning. The numerous military trucks delivering wood to burn down houses show that every detail was given systematic attention.'*¹⁰⁰

The report further emphasises that both military and police units participated in the operation. *'Vehicles from both sides were seen leaving the zone after the operation. During the operation, police roadblocks were set up around the entire Medak Pocket area to prevent UNPROFOR personnel and civilian staff from entering it and witnessing the cleansing.'*¹⁰¹

As we have mentioned earlier in this bulletin, the limited engagement of military police suggests that the operation was planned in a way that allowed both military and police on the ground to act without oversight, with no units in place to prevent illegal actions.

Witness Franjo Feldi, acting assistant to the Croatian Army Chief of Staff for combat sectors, testified at the trial of Mirko Norac and Rahim Ademi before the County Court in Zagreb, stating that he estimated 300 to 400 military police officers would have been needed for this operation.¹⁰² However, only a few dozen military police were present on the ground, and they did not fulfil their duties. Additionally, the 9th GMB, which played a key role in the operation, was known for having problematic individuals.

Witness Goran Kovačević, a member of the informational and security service of the 9th Guards Mechanised Brigade, testified at the trial that disciplinary actions were regularly taken against members of the brigade for issues such as alcoholism and other offenses.¹⁰³

The report also argues that the delay in UNPROFOR's entry into the Medak Pocket was deliberate, stating, *'Despite the agreement between Croatian authorities and UNPROFOR that the CANBAT-1 forces would enter the area on September 16, 1993, the first part of the forces was held at the checkpoint until 1:30 PM, and they were only allowed to enter Lički Čitluk at 6:00 PM. The cause of this delay was Brigadier Mezić, who arrived at the checkpoint and personally prevented UNPROFOR forces from carrying out*

*their duties. Brigadier Mezić was the liaison officer at the operational zone headquarters of General Ademi.*¹⁰⁴

Furthermore, photographs presented as evidence during the trial of Ademi and Norac, depicting the ruins of houses in the villages of the Medak Pocket, show graffiti with messages like 'WE WILL COME AGAIN. 'U' LOVES YOU' and 'U' THIS IS CROATIA,' indicating a threatening stance towards the Serbian population in the area.

Medak Pocket in Public Space

Media Coverage in September 1993

Reports from the battlefield around Gospić and the Medak Pocket area were regularly covered by the media, including statements made by high-ranking officials during their visits to the zone and conclusions from meetings of the Defence and National Security Council (VONS), as well as reactions from the international community concerning the impending expiration of the UNPROFOR mandate in Croatia and its possible extension.

For instance, the newspaper Vjesnik on September 13, 1993, reported on the 22nd session of the Defence and National Security Council, held on September 12, where discussions revolved around the current military and political situation in Croatia, *'as well as steps related to intensified Serbian aggression on Croatian towns and settlements.'*¹⁰⁵

In describing events in the Medak Pocket, the same article stated: *'On September 9, 1993, Croatian forces carried out a limited operation near Gospić in the so-called pink zone, neutralising infiltrated groups and liberating the area southeast of Gospić, from where the town had been directly threatened. Subsequently, Serbs from occupied areas launched artillery attacks on civilian targets from Gospić to Karlovac, resulting in 16 deaths, including women and children.'*

The President's Office communiqué also conveyed that the Council *'once again strongly condemned the repeated Serbian aggression on Croatia and tasked relevant state bodies to continue finding paths to peace through diplomatic and other contacts with international actors, reiterating Croatia's commitment to guaranteeing all rights to the Serbian national minority in accordance with the Constitution, the Constitutional Act, and international standards.'*

Additionally, during the same session, it was announced that *'Croatia's proposals regarding the extension issue of the UNPROFOR mandate in the Republic of Croatia would be submitted to the UN Secretary-General and the Security Council.'*

At the same time, the public discourse in Croatia showed little support for peacekeeping efforts made imperative by UNPROFOR, the role of which was portrayed negatively. Media reports on UNPROFOR's activities described the units as *'inept'* or *'unacceptable.'*

On September 12, the Večernji list daily noted that international media, including the BBC, also reported on the September military events near Gospić. The BBC described ‘an artillery exchange between Croatian and Serbian forces around the self-proclaimed Republic of Serbian Krajina.’ It included statements from UNPROFOR General Cot, who remarked that ‘tensions have escalated dramatically between the two sides since Thursday [September 9], when Croats advanced.’ The report also mentioned that Serbs responded by bombing Karlovac and Sisak. In the meantime, Serbian leader Goran Hadžić called for the UN to stop ‘Croatian aggression’ in the aforementioned area.¹⁰⁶

Due to significant dissatisfaction among soldiers at the Medak Pocket frontlines (following orders to withdraw from the positions taken on September 9), General Janko Bobetko visited Gospić on September 20. He addressed the troops, stating, ‘The Croatian side has fulfilled its obligations under the signed agreement, which was no easy task, and I expect the other side to do the same. UNPROFOR must understand that the Croatian Army (HV) has completed its mission to ensure a better life for the people of Gospić. We seek to find a peaceful solution, which Croatia has offered and continues to offer countless times.’¹⁰⁷

Večernji list reported on Bobetko’s visit and speech, highlighting the following: ‘When talking about the Operation Divoselo, General Bobetko said that it was a swift and decisive operation to dismantle enemy forces that were not there to protect Divoselo and Čitluk but to attack Gospić. There was some wilfulness when the order to withdraw from the liberated area arrived, there was also an outburst of emotion, and mistakes were made. The Croatian Army acted in accordance with orders and hierarchy, and the same is expected from the other side. The Croatian Army had to withdraw after its victory for the sake of peace and higher interests.’¹⁰⁸



/ Front page of Večernji list, September 27, 1993

Strong reactions to UNPROFOR's actions culminated in a protest held in the capital of Croatia, Zagreb, as reported on the front page of Večernji list on September 27, 1993. The article described how *'thousands of displaced persons from across Croatia gathered yesterday at Ban Jelačić Square to protest against UNPROFOR's ineffectiveness. Tearful faces of people from Vukovar, Ilok, Slunj... and slogans on their banners merged into a single message: 'UNPROFOR, go home!'*¹⁰⁹

Official Croatian Criticism of UNPROFOR Activities

In his address to the 48th session of the United Nations General Assembly on September 28, 1993, the President of Croatia, Franjo Tuđman, expressed, among other things, his dissatisfaction with the current operations of UNPROFOR.

Using Croatia as an example, he highlighted two fundamental weaknesses in achieving an effective model and mandate for peacekeeping forces: *'First, the classical model of freezing a conflict by maintaining a ceasefire does not lead to the resolution of the conflict but, on the contrary, results in further complications. Second, it has become apparent that some countries deploying their forces under the multilateral peacekeeping mandate aim, through their peacekeeping personnel and negotiation mediators, to pursue their own national policies rather than those of the Security Council.'*

Tuđman elaborated on his criticisms in greater detail in the second part of his speech:

'(...) The crisis in the former Yugoslavia is the most severe crisis in the contemporary world, and it cannot be resolved without a more decisive role played by the international community. All the efforts so far have proven insufficient because they have been constrained by an indecisive mandate and further hindered by the conflicting interests of certain foreign powers. It has not been enough to aim at freezing the conflict, then sending humanitarian aid and making empty threats while allowing the crisis to escalate to the point where 'everyone becomes war-weary' and eventually agrees to a political solution. (...)

(...) Croatia has demonstrated the utmost patience in its efforts to peacefully resolve the conflict with the Serbian minority, which was orchestrated during the disintegration of the former socialist Yugoslavia and the establishment of the democratic Croatian state. However, Croatia cannot indefinitely endure the occupation of its territory, the burden of hundreds of thousands of displaced persons from Croatian regions, and the division of the state. Croatia cannot be compelled to agree to a fourth extension of the mandate without

granting UNPROFOR a decisive mandate and issuing an ultimatum to the Serbs to implement the Vance Plan and all relevant Security Council resolutions. The strategy of military strike in which the Serbs' withdrawal from Mount Igman and Bjelašnica was achieved must also be applied in Croatia.'

'The Republic of Croatia is not satisfied with the latest report by the UN Secretary-General, which proposes extending UNPROFOR's mandate in Croatia for six months without making significant changes to it. Should there be no changes to the UNPROFOR mandate within the next 48 hours, aimed at decisively implementing the key resolutions and other documents of the Security Council, the Republic of Croatia will be compelled to thank the United Nations for its peacekeeping mission on its territory and request that UNPROFOR units leave Croatia no later than November 30 of this year. Maintaining the status quo — which amounts to nothing less than the occupation of part of Croatian territory — and UNPROFOR's ineffectiveness harm Croatia's sovereignty and impede the normalisation of its economic and overall life. Croatia is prepared to resolve the key issue of its survival by all necessary means and at any cost — through negotiations and a mediated solution, if possible, but also by employing legitimate measures to establish order and legal governance, with full respect for the laws of war and humanitarian law in areas currently dominated by the lawlessness of Serbian terrorist and paramilitary groups.'

'Through its engagement in the former Yugoslavia, UNPROFOR has borne a significant burden, as well as considerable human casualties, operating under extremely difficult circumstances. Croatia is grateful to all UNPROFOR personnel who bravely and honourably carry out their duties, risking their personal safety and lives and assisting thousands of victims. Croatia is not opposed to UNPROFOR but can no longer tolerate the consequences of its inefficiency and persistent disregard for the key resolutions of the Security Council. Everything Croatia demands is clearly outlined in the Secretary-General's reports and the Security Council's resolutions. Implementing those provisions is not only a matter of the survival of the Republic of Croatia but also a test of the fundamental credibility of the United Nations.'

'By terminating UNPROFOR's mandate, Croatia does not close the door to any humanitarian initiative or a potential NATO operation in the former Yugoslavia. On the contrary, Croatia welcomes NATO's readiness to assume the role of a key guarantor of peace and stability in this part of Europe and to actively support the implementation of a peace agreement through its forces. We would like to see NATO also supporting the implementation of the Vance Plan. At the same time, Croatia fully opens its doors to the work of all humanitarian organisations and human rights organisations, to observers from the European Community, as well as to UNPROFOR's civilian personnel in a logistical role for the distribution of humanitarian aid to the Republic of Bosnia and Herzegovina. (...)'¹¹⁰

Hague Indictments, War Crime Trials, and Compensation Proceedings

Hague Indictments

The first indictment for war crimes committed during Operation Medak Pocket was issued by Carla Del Ponte, the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), against Rahim Ademi. The May 2001 indictment charged Ademi with crimes against humanity and violations of the laws and customs of war.

After being indicted, Ademi voluntarily surrendered and was provisionally released in early 2002, awaiting trial in Croatia.

Support for Ademi's provisional release was expressed in writing by the President of Croatia at the time, Stipe Mesić. In his statement to the ICTY Trial Chamber, Ademi declared: *'I pledge on my military honour and give my word of honour that I will return whenever summoned by the Court, just as I did upon the issuance of the indictment, and that I will comply with all court orders.'* He emphasised that he had no intention of *'betraying the trust'* of the Tribunal, the government, or the president.¹¹¹

The ICTY indictment Prosecutor v. Janko Bobetko, issued in September 2002, charged Bobetko with crimes committed during Operation Pocket-93, including crimes against humanity and violations of the laws and customs of war, based on individual and command responsibility. Specifically, the charges included persecution on political, racial, or religious grounds, murder (crimes against humanity), plunder of public or private property, and wanton destruction of towns, villages, or settlements (violations of the laws or customs of war).¹¹²

That same September of 2002, in response to the confirmed indictment, the then 83-year-old Janko Bobetko made a statement reported by Večernji list, declaring: *'I have decided: if they come for me, I will not go into their hands alive. They can only carry me out of my house dead — not wounded, dead.'*¹¹³

The conclusion of Janko Bobetko's presence in Croatian public life was symbolically marked by his co-signing of the Open Letter of the Twelve Croatian War Commanders, which called for an end to the

criminalisation of the Homeland War. Among the co-signatories were Mirko Norac and Davor Domazet Lošo.¹¹⁴

On April 29, 2003, Janko Bobetko passed away at his home in Zagreb. On June 24, 2003, the ICTY Trial Chamber issued a decision to terminate the proceedings against the accused.

During his lifetime, Janko Bobetko was awarded Croatia's highest honours, including the Order of Ban Jelačić, the Order of Duke Domagoj with Neckband, and the Grand Order of King Petar Krešimir IV with Sash and Morning Star.

After the indictments of Janko Bobetko and Rahim Ademi for crimes committed during the Medak Pocket operation, Mirko Norac was also indicted in 2004. Carla del Ponte, Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), accused Mirko Norac of crimes against humanity and violations of the laws and customs of war.

The SENSE Transitional Justice Center noted at the time that this was the second ICTY indictment against Norac. He had been indicted in 1999 for crimes against Serbs in Gospić, but that case was transferred to the Croatian judiciary.¹¹⁵

The indictment charged Norac with crimes committed during the Medak Pocket operation under both individual and command responsibility. He was accused of persecution of Serb civilians on political, racial, and religious grounds, murder, cruel and inhumane treatment, plundering public and private property, and wanton destruction of villages and hamlets in the Medak Pocket.

The general allegations in the indictment stated that the *'acts and omissions alleged to constitute crimes against humanity (...) were part of a widespread and systematic attack against the civilian population, specifically, the Serb population of the Medak Pocket.'*¹¹⁶

The supplementary facts of the indictment stated that *'after Croatian forces gained effective control [of the Medak Pocket area], approximately 164 houses and 148 barns and outbuildings were destroyed, primarily by fire and explosives, comprising the majority of the structures in the villages of the Medak Pocket. Much of this destruction occurred between the ceasefire on September 15, 1993, and the complete withdrawal of Croatian forces on September 17, 1993 at 6:00. PM.'*

Furthermore, it also noted: *'Between 9 and 17 September 1993, Croatian forces or individuals in civilian clothing under the control of Croatian forces*

looted the property of Serb civilians, taking everything of any value. This included personal property, household appliances, furniture, building and sanitary equipment, livestock, agricultural machinery, and other equipment.'

'Property owned by Serb civilians that was not looted as described above was burned or otherwise destroyed. Household appliances and furniture were destroyed, agricultural machinery was damaged or destroyed by gunfire, livestock were killed, and wells were contaminated.'

*'As a result of these widespread and systematic unlawful acts during the Croatian military operation, the Medak Pocket became entirely uninhabitable. The villages in the Medak Pocket were completely destroyed, depriving the Serb civilian population of their homes and means of subsistence.'*¹¹⁷

Shortly after Norac's indictment, the prosecution requested that the indictments against Rahim Ademi and Mirko Norac be combined for a joint trial, explaining that a joint trial would avoid duplicate evidence presentation and ensure consistency in judgments.¹¹⁸

In May 2004, the consolidated indictment by the ICTY Prosecutor charged Rahim Ademi and Mirko Norac with crimes against humanity and violations of the laws and customs of war, specifically for persecution, murder, plundering property, and wanton destruction of towns, villages, and settlements.



/ Personal belongings of Medak Pocket villagers photographed as UN units enter Medak Pocket villages (SOURCE Courtesy of IRMCT OTP)

Norac was served with the ICTY indictment while in Rijeka, where he was serving a 12-year prison sentence for war crimes committed in Gospić in 1991.

In September 2005, the ICTY's Referral Bench accepted Chief Prosecutor del Ponte's proposal to transfer the trial for crimes in the Medak Pocket in 1993 to the Croatian judiciary. The case against Ademi and Norac was the only one that the ICTY Prosecutor requested to be transferred to the Republic of Croatia.¹¹⁹

Under Rule 11bis of the ICTY Rules of Procedure and Evidence, the ICTY was allowed to permanently retain the authority to take back a case referred to a national court.¹²⁰

Additionally, the ICTY Prosecutor's Office was ordered to hand over all accompanying materials with the indictment and other relevant evidence to the Croatian prosecution. After the indictment was filed, a representative of the Croatian Chief State Prosecutor stated to the media that it was important for the Croatian public to know that the indictment was 'less severe' than the one filed by the ICTY.¹²¹ On that occasion, it was also emphasised that the indictment recognised the military operation as a legitimate action to liberate occupied territory and did not include any mention of a 'joint criminal enterprise.' The trial began in mid-June 2007.¹²²

The Croatian indictment was milder insofar as it charged both men solely on the basis of command responsibility and consisted of three counts, compared to the five in the ICTY indictment. Mirko Norac attended the trial from prison in Lipovac, where he was serving a sentence for crimes against Serb civilians in Gospić in 1991, while Rahim Ademi defended himself while remaining at liberty.

War Crime Trials

In his testimony, Ademi emphasised that he was never the acting commander but rather the Chief of Staff and Deputy Commander of the Gospić Military District (MD), and that a deputy without specific authorisation has no authority to issue operational commands to units. With regards to his authority, he also recounted how Bobetko had told him during a telephone conversation: *'You have as much authority as I give you.'*¹²³

By the Zagreb County Court verdict announced on May 30, 2008, the accused Rahim Ademi was acquitted of all charges, while the accused

Mirko Norac was sentenced to a single term of imprisonment of seven years for having *'failed to prevent and thereby supported and encouraged the killing of civilians or inhumane treatment of them, the looting of civilian property, and the unlawful and arbitrary destruction of property on a large scale, which was not justified by military necessity'* and he was also found guilty for *'failing to prevent the killing, torture, and inhumane treatment of prisoners of war, but instead, in the manner described in the judgment, supporting and encouraging those activities.'*¹²⁴ Specifically, Norac was convicted of war crimes against civilians and war crimes against prisoners of war.

Mirko Norac had previously been convicted in 2001 and sentenced to 12 years of imprisonment for war crimes against civilians in Gospić in 1991. In 2008, he was sentenced to seven years of imprisonment for war crimes against civilians and prisoners of war during the Medak Pocket operation.

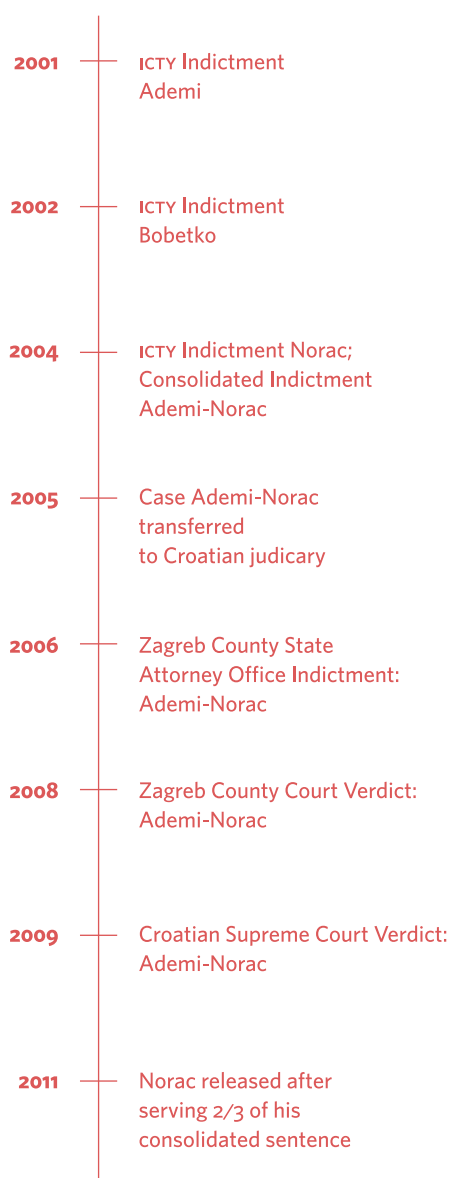
In 2009, the Supreme Court of the Republic of Croatia amended the verdict of the County Court in Zagreb regarding the sentence, reducing it to six years. That same year, by a decision of the extrajudicial council of the County Court in Rijeka, his sentences of 12 and six years were consolidated into a total of 15 years of imprisonment. After serving two-thirds of the total sentence, that is, ten years of imprisonment, Mirko Norac was released in 2011 (see Sketch 2).

Norac was the first general of the Croatian Army to be convicted of war crimes in Croatia.

In addition to Norac, Velibor Šolaja, Josip Mršić, and Josip Krmpotić were convicted as direct perpetrators of war crimes during Operation Medak Pocket in separate proceedings.

On October 10, 2016, the County Court in Zagreb found Josip Krmpotić guilty of committing war crimes against civilians and sentenced him to three years of imprisonment. The judgment stated that Krmpotić, as the commander of the reconnaissance company of the 9th GMB of the Croatian Army, *'ordered his subordinate members of the Croatian Army to set fire to and demolish houses in the area of the military operation 'Pocket-93,' after which they set fire to and destroyed houses with explosives in the wider area of the villages of Lički Čitluk, Počitelj, and Njegovan.'*¹²⁵

Witness R.L., who during Operation Pocket-93 was a member of the Reconnaissance Company under the command of the accused, stated: *'As far as I recall, almost all members of the Reconnaissance Company who were at the base at that time participated in the destruction and burning*



/ Sketch 2. Timeline of the trial of Janko Bobetko, Mirko Norac and Rahim Ademi; Since 2001, Norac has been serving a 12-year sentence for 1991 war crimes against civilians in Gospić.

*of houses in the mentioned area. Houses were demolished using explosives and anti-tank mines available at the base in Čitluk, and they were set on fire in various ways.*¹²⁶

The explanation of the same verdict also states that 'based on the above, it can be concluded that there was no danger of the return of Serbian paramilitary formations to the mentioned area, nor any threat to the town of Gospić and its surroundings from that area, from the houses and structures located there. Therefore, the destruction of houses and other structures in this specific case was in no way justified by military necessity. Considering

that the accused ordered that all houses in the area of the military operation 'Pocket-93' — specifically in the wider areas of Lički Čitluk, Počitelj, and Njegovan — be set on fire and destroyed, and that groups were formed to execute this order, it is evident that the property in question was extensive and of significant value, exceeding 600,000 HRK.'

When determining the sentence for Krmpotić, the court considered his participation in the Homeland War as a mitigating factor, and it stated: *'Although the minimum prescribed punishment for this criminal offence is five years of imprisonment or up to 20 years of imprisonment, considering the range of mitigating circumstances in favour of the accused — which the court recognised as particularly significant — the time elapsed since the commission of the crime, and the absence of any aggravating circumstances, this panel believes that even a reduced sentence can fulfil the purpose of punishment as prescribed by law.'*¹²⁷

The Supreme Court confirmed Krmpotić's verdict in 2020. The imposed sentence of three years provoked negative reactions from the victims' families and civil society organisations engaged in addressing the past. The verdict was particularly disappointing to the families of the deceased and missing, partly due to the protracted proceedings. Namely, nearly ten years passed between the indictment against Krmpotić in 2012 and the Supreme Court's verdict, and almost 20 years since the crime itself.

Josip Krmpotić also testified in the case against Rahim Ademi and Mirko Norac, claiming that, as someone from the Gospić area familiar with the terrain and the people, there were no civilians in the region. He added that every house was a bunker, and everyone was armed before the war, let alone during it.¹²⁸

On May 25, 2015, the County Court in Zagreb convicted Velibor Šolaja of war crimes against civilians for *'executing an unidentified elderly female civilian, after taking her from a basement in the area in question, and then, together with a member of the 9th Guards Mechanised Brigade of the Croatian armed forces, J.M., shooting her with their personal weapons.'*¹²⁹ Josip Mršić was convicted for the same crime on March 6, 2017.

Both Mršić and Šolaja, considered parallel perpetrators — since each participated in the crime as a whole — were convicted of war crimes against civilians, namely murder, or for shooting and killing an elderly female civilian with their personal weapons. Mršić was sentenced to three years, while Šolaja received five years of imprisonment.

Interestingly, the judicial panels in the cases of Mršić and Krmpotić found no aggravating circumstances when determining the sentences.

However, in Šolaja's case, the panel noted the following: *'Regarding subjective circumstances, an aggravating factor for the accused is the degree of criminal responsibility — direct intent — and his awareness as a professional soldier that his actions violated the law. Regarding objective circumstances, an aggravating factor is the severity of the harm and violation of the protected good, as this was an attack on the life and physical integrity of an unarmed elderly female civilian who stood with her hands at her sides.'*¹³⁰ Mitigating factors for Šolaja included, among other things, his long service in the Croatian Army (eight years) and his decoration with the highest honours of the Republic of Croatia (including the Order of Nikola Šubić Zrinski for exceptional merit and bravery, the Order of the Croatian Trefoil, and the Homeland War Memorial Medal).

All three convicted men were members of the Reconnaissance Company within the 9th Guards Mechanised Brigade of the Croatian Army, with Krmpotić serving as the commander of said company.

Compensation Proceedings

Family members of the victims initiated legal proceedings to seek compensation for damages. The most well-known case involves the children of Boja Pjevač, who was killed in the operational zone of the Special Police during Operation Pocket-93. In the verdict of the Ademi and Norac trial, it was unequivocally established that she was killed, but the individual perpetrator responsible for her death was not identified by name. Her children filed a criminal complaint with the State Attorney's Office of the Republic of Croatia (DOH) against Mladen Markač and Željko Sačić, who commanded Special Police units during Operation Pocket-93.¹³¹ In 2017, this criminal complaint was dismissed with the reasoning that the evidence did not support the conclusion that the complainants' mother had been killed by members of the Special Police. However, the investigation into the crimes remains ongoing. The Pjevač family also filed constitutional complaints in 2014 and 2017, alleging the lack of an effective investigation into their mother's murder. In its decisions issued in 2016 and 2018, the Constitutional Court, without any substantive analysis, ruled that there was no violation of Article 21 of the Constitution of the Republic of Croatia, which guarantees the right to life. Subsequently, an application was filed with the European Court of Human Rights, in which the family argued that the domestic authorities had failed to conduct an effective investigation into the murder of Boja Pjevač and to bring the perpetrators to justice, thereby violating Article 2 of the Convention. In 2022, the Court deemed their application inadmissible, concluding that they had not exhausted domestic legal remedies.¹³²

Data on the Casualties

The indictment issued by the ICTY, Prosecutor v. Rahim Ademi, stated the following: *'During the Croatian military operation in the Medak Pocket, at least 38 local Serb civilians were unlawfully deprived of life, while others suffered serious injuries. Many of the civilians who were killed or injured were women and elderly individuals. In addition, Croatian forces killed at least two Serb soldiers who had been captured and/or wounded. Details about some of the deceased, including 21 civilians and two soldiers, are included in the annex to the indictment.'*

The ICTY indictment in Prosecutor v. Mirko Norac alleged: *'During the Croatian military operation in the Medak Pocket, at least 29 local Serb civilians were unlawfully deprived of life, while others suffered serious injuries. Many of the civilians who were killed or injured were women and elderly individuals. Furthermore, Croatian forces killed at least five captured and/or wounded Serb soldiers.'*¹³³

The consolidated ICTY indictment, Prosecutor v. Mirko Norac and Rahim Ademi, stated as follows: *'During the Croatian military operation in the Medak Pocket, at least 29 local Serb civilians were unlawfully deprived of life, while others suffered serious injuries. Many of the civilians who were killed or injured were women and elderly individuals. Croatian forces also killed at least five captured and/or wounded Serb soldiers. Details about some of the killed civilians and soldiers who were hors de combat are included in Annex 1 of this indictment.'*

The ICTY indictment, Prosecutor v. Janko Bobetko, alleged: *'The crime of persecution was committed in the following way: a) the unlawful deprivation of life of at least 100 Serb civilians and captured and/or wounded soldiers from the Medak Pocket.'*

The Serb National Council, on its official website, states the following about the victims of this operation: *'After the operation, the Croatian side handed over the bodies of 52 victims. UNPROFOR personnel who arrived in the area after September 17, 1993, found another 18 — 11 men and seven women. Eight of the men were soldiers, two were civilians, and the status of one body remains undetermined, while all the women found were civilians. In May 2000, 11 bodies were discovered in a cesspit in Gospić, in Obradovića Varoš, six of which were identified as victims from the Medak Pocket.'*¹³⁴

The RECOM Reconciliation Network reports that at least 36 civilians and prisoners of war were killed during the military operation 'Pocket-93,' of whom 17 were women.¹³⁵

Documenta — Centre for Dealing with the Past, in its most recent data from December 2024, reports a total of 33 victims, comprising 29 civilians and four soldiers.

Given the variability in available data regarding the civilian casualties during this operation, it is imperative that the competent institutions in the Republic of Croatia invest greater effort and resources to establish precise information about the victims and make it publicly accessible.

Memory Politics and the Public Presence of War Criminals

Norac was active in political life as well, joining the political party Croatian Statehood Movement (Hrvatski državotvorni pokret, HDP) in the early 1990s. The party had been founded abroad during the 1980s by members of the Ustaša émigré community. The author of all key HDP documents was the head of political and foreign affairs, while Mladen Schwartz, a self-declared fascist, served as the party's ideologist.¹³⁶

In support of Mirko Norac, a massive protest took place at the Split waterfront (Riva) in 2001. This event is remembered for a speech by then opposition leader and later Prime Minister Ivo Sanader. On that occasion, Sanader stated the following: *'Croatian generals are not traitors or coup leaders, but guarantors of our state's survival.'*¹³⁷ He also addressed then-President Stjepan Mesić and Prime Minister Ivica Račan, asserting that they *'have no moral right to accuse legends of the Homeland War,'* referring, among others, to Mirko Norac, Ante Gotovina, Mladen Markač, and Ivan Čermak.¹³⁸

Meanwhile, in Zagreb in February 2001, the initiative 'My Voice for the Rule of Law' ('Moj glas za pravnu državu') organised an event titled 'One Hour for the Rule of Law,' ('Jedan sat za pravnu državu') attended by about ten thousand people as a response to the mass protests in Split and other cities.¹³⁹

While the trial of Norac and Rahim Ademi was ongoing, then-Prime Minister Ivo Sanader appeared on the popular television programme 'Sunday at 2 PM' ('Nedjeljom u 2') in April 2006. The host and editor, Aleksandar Stanković, questioned Sanader about his views on Mirko Norac. When asked whether he would renounce Norac or visit him, Sanader replied: *'Norac, Gotovina, and other generals led liberating operations during the Homeland War. Whether they are guilty of command or individual responsibility will be determined by the court. However, if someone has been convicted for something dishonourable, that does not diminish their contribution to Croatia's defence.'* He added that he had not visited Norac before and would not visit him now, countering Stanković with the question: *'Do you think this diminishes their contributions to Croatia's defence?'*¹⁴⁰

By then already convicted, Norac had seven decorations and honours revoked by President Stjepan Mesić, including: the Order of Duke

Domagoj with Neckband, the Order of Ban Jelačić, the Order of Ante Starčević, the Order of the Croatian Trefoil, the Order of the Croatian Interlace, the Homeland War Memorial Medal, and the Medal for Outstanding Ventures. On July 20, 2009, Mesić made the decision to strip eight former members of the Croatian Army convicted of war crimes, including Norac, of their honours. The decision, made at the recommendation of the State Commission for Decorations and Awards, cited actions contrary to the legal order and moral foundations of Croatia as the reason.¹⁴¹

After his release from prison, Norac became a highly successful entrepreneur. From late 2015 to 2020, he served as a proxy in a security firm named after his nickname, Noky Security. During this period, Noky Security provided services to numerous city and state institutions, including Croatian Railways (HŽ) Infrastructure, Osijek Clinical Hospital Centre (KCB Osijek), the Vukovar Homeland War Memorial Centre, the City of Osijek, Jadrolinija, the Port Authority of Split, and others.¹⁴²

According to the Poslovna Hrvatska portal, this security company generated revenues of HRK 5.7 million in 2016¹⁴³, which rose to HRK 16.7 million the following year¹⁴⁴, with a profit of HRK 296,000¹⁴⁵. This increase was partly due to contracts with the state. In 2017 alone, Noky Security signed contracts worth HRK 3.65 million with state bodies and companies, while in 2015, this figure was as high as HRK 16.8 million.^{146, 147}

In addition to his business success, Norac remains a welcome guest at official events, such as the annual commemorations of Operation Medak Pocket, to be precise, which are held on September 9 in Gospić. Each year, representatives of the President of the Republic of Croatia, the Prime Minister, and the Speaker of the Croatian Parliament, among others, attend the event, laying wreaths and delivering speeches. Notably, these speeches omit any mention of the crimes and victims of Operation Medak Pocket.

Moreover, the 25th anniversary of Operation Medak Pocket, held in 2018, was marked by the presence of Mirko Norac in Gospić at a ceremony organised by the Government of the Republic of Croatia. On that occasion, Damir Krstičević, Minister of Croatian Veterans at the time, acknowledged Norac and expressed satisfaction with his attendance. Krstičević stated: *'We must be proud of the Medak Pocket operation, and as for Mirko Norac, there was a war, he was the commander of the Gospić MD, and he bears his cross for what happened. But I am glad that he is here today.'*¹⁴⁸

The commemoration of the 26th anniversary of the operation became a focal point for public and civil society discussions on responsibly

confronting the past, especially due to the participation of primary school students in the event celebrating the military-police operation Medak Pocket. On that occasion, Stevo Culej, then a member of the Croatian Parliament, explained: *'It was war, and war writes its own rules, where rules often get lost under emotion, stress, and pressure. That is what happened, but the war is over, and we are now in a free Croatia.'*¹⁴⁹

When discussing young people and their awareness of events during the war in the 1990s, findings from a 2022 study by the NGO Youth Initiative for Human Rights Croatia (YIHR Croatia) stand out. The research revealed that more than 70% of young people in Croatia, aged 18 to 30, had not heard about the killing of Serbian civilians during the Medak Pocket military operation.¹⁵⁰

Today, 31 years after the operation, the Ministry of Croatian Veterans describes Operation Medak Pocket on its official website as follows:

'In just a few hours, Croatian forces liberated approximately 225 square kilometres of occupied Croatian territory in the Medak Pocket, from where enemy artillery had been shelling Gospić. The villages of Divoselo, Čitluk, and Počitelj were finally liberated, opening key communication routes between Zagreb, Split, and Rijeka.'

'With the successful execution of the operation, part of the artillery threat to the town of Gospić was eliminated, the front line was shortened, the battle for Velebit was won, and the aggressor's aspirations to split Croatia into two parts by reaching the Adriatic coast were permanently thwarted. Apart from the victory, the Medak Pocket military-police operation also brought great sacrifice for Croatia. During combat operations and until the withdrawal of Croatian forces from September 9 to 17, 1993, a total of six members of the Croatian Army and seven members of the Ministry of the Interior's special police units lost their lives, while 53 Croatian veterans were wounded.'

*Marking the 31st anniversary of Operation Medak Pocket, we remember with gratitude and respect all those who died in this operation and all the sacrifices we made for our freedom and independence. It is our enduring obligation to preserve their memory, promote the truth, and continue building the values for which we fought during the Homeland War.'*¹⁵¹

The Ministry of Croatian Veterans does not mention the civilian victims killed during the operation, nor does it address any facts from the operation that do not align with the military achievement and victory of Croatian forces.

At the official commemoration of the operation in September 2024, Norac was also present and was *'greeted with a particularly loud applause'* in his role as the leader of the 9th Guard Brigade 'Wolves' Association, as noted by the local portal Lika Express in its report on the event.¹⁵²

In addition to attending the commemoration of the Medak Pocket operation, Norac contributes to the building of the culture of remembrance by participating in other significant anniversaries of military victories of the Croatian Army. For example, in August 2024, on behalf of the 'Wolves' Association, he participated in the commemoration of the 29th anniversary of the military-police operation Storm, held on August 5, 2024, in Gospić, organised by the Ministry of Croatian Veterans, the Lika-Senj County, the Town of Gospić, and the coordination of associations originating from the Homeland War.¹⁵³

Incidentally, the official website of the Town of Gospić contains an article titled 'THE HISTORY of the 9th Guard Brigade,' which states the following: *'History records that Divoselo, Čitluk, and the surrounding areas never recognised the Croatian state and authority, and were always considered symbols of Serbdom in the heart of Croatia.'*¹⁵⁴

It is not uncommon for Norac to still be addressed with the title of general on the official websites of local governments, various media portals, and in the public space, even though he lost the rank when his conviction for war crimes became final, resulting in a prison sentence of more than five years. According to the Act on Service in the Croatian Armed Forces, a person automatically loses their rank, among other things, when they are convicted and sentenced to more than five years in prison for a criminal act against humanity and human dignity, which war crimes fall under according to the Criminal Code.¹⁵⁵

Finally, Mirko Norac remains an honorary citizen in over five Croatian towns, including Otok, Sinj, and Makarska, to this day.

Contemporary Challenges

The area of today's Medak Pocket still consists of abandoned and devastated villages. According to the 2021 census of the Republic of Croatia, there are two residents living in Počitelj, five in Lički Čitluk, and only one in Divoselo.

After the war, no demining efforts took place in Divoselo, and out of 118 requests for house reconstruction, only 11 were approved. The village has no electricity, its wells are contaminated, and as a result, there are no permanent residents. A similar if not identical situation exists in the villages of Počitelj and Čitluk.

Although the courts of the Republic of Croatia have passed verdicts for crimes committed in 1993 in this area, the state's efforts to investigate the responsibility of those in the command chain of the Pocket-93 operation, as well as the direct perpetrators of the criminal acts, are still lacking.

This is especially true regarding Davor Domazet¹⁵⁶, who commanded the operation, and for whom in 2012, Amnesty International called on the State Attorney's Office of the Republic of Croatia (DO RH) to launch an investigation. Stronger efforts to establish responsibility for the crimes must also be made concerning Mladen Markač¹⁵⁷ and Željko Sačić¹⁵⁸, who were superior officers to the Special Police units, within whose area of responsibility numerous murders of civilians and prisoners of war occurred. Additionally, the police and the state prosecutor's office should investigate the role of Ivica Rožić, who, as witnesses claim, personally participated in the destruction of a large number of houses during this operation. The court proceedings in Zagreb, which led to convictions, represent several important but by no means sufficient steps toward justice for the victims. Additional investigations and trials must reveal who are the other responsible commanders and direct perpetrators of crimes such as deliberate arson of houses, looting, killing civilians whose bodies were then burned, and humiliating captured soldiers.

In the context of achieving material reparations for victims of war crimes, it is important to highlight the Act on Liability for Damage Resulting from Terrorist Acts and Public Demonstrations¹⁵⁹ and the Act on Liability of the Republic of Croatia for Damage Caused by Members of the Croatian Army and Police When Acting in Their Official Capacity during the Homeland War¹⁶⁰. Descendants of victims, who lost their

loved ones during the war, have initiated legal proceedings against the Republic of Croatia based on these laws and in case they have not been successful in their claims, they have had to pay high legal costs.

Many descendants of the victims have not been able to afford to pay these high amounts and enforcement procedures have been initiated against them. *'I know of a case where the heir of a debtor sold an apartment to settle an inherited debt. There are victims who no longer live in Croatia and fear coming back here because of this debt. Enforcement procedures have also been initiated on pensions in Croatia, and proposals for enforcement have even been made in Serbia. These are really large amounts, and this is something that creates considerable unrest in the lives of people,'*¹⁶¹ says lawyer Slađana Čanković, who represented the families of the victims in many cases before Croatian courts.

The harmful effects of this practice were somewhat alleviated by the Decision of the Government of the Republic of Croatia adopted at the 274th session on December 28, 2023. The document titled *Decision on the Writing-off of Claims for Litigation Costs Awarded to the Republic of Croatia, Claims for Compensation and Other Claims Awarded to the Republic of Croatia* states that, in certain cases, a decision was made to write off litigation debts and return funds collected through enforcement and voluntary payments to the families of the victims.¹⁶² Anyone who has already paid their debt to the state, in accordance with the final court verdict, is entitled to a refund of the amounts paid. It is important to note that the right to a refund also applies to the legal heirs of those who have already paid their debts, which partially rectifies the callous attitude of the state toward the victims in recent years.

Unfortunately, in the same decision, the Government decided that the Republic of Croatia would write off the claims and return funds to convicted Croatian war criminals, which had previously been confiscated to settle the victims' compensation claims. This decision also applies to those convicted for crimes committed in the Medak Pocket, which means that Mirko Norac could potentially benefit from it.

Looking to the near future, should there be no amendments to existing legislation, we may witness a disturbing situation regarding the legal rehabilitation of those convicted for criminal acts, specifically war criminals.

The Act on the Legal Consequences of Convictions, Criminal Records, and Rehabilitation states that *'a perpetrator of a criminal offense who has been convicted by a final judgment or has been acquitted has the right, after a period determined by law and under the conditions specified in this Law,*

to be considered a person who has not committed a criminal offense, and their rights and freedoms cannot be distinguished from those of individuals who have not committed a criminal offense.'

For example, a person who has been convicted by a final judgment will be considered 'rehabilitated', meaning that they have 'paid their debt to society' by serving the imposed sentence and after the passage of the prescribed period set by law. This legal institute, which operates by force of law¹⁶³, enables the individual's 'return' to society in such a way that, at least from a legal standpoint, the stigma of being a 'criminal' no longer applies.

The aforementioned law further clarifies that *'a rehabilitated person cannot be held accountable for previous convictions or face any legal consequences. Their rights and freedoms cannot be distinguished from those of individuals who have not committed any crimes.'*

The reason for explaining this legal provision in such a detail is that the law does not include exceptions for rehabilitation of those convicted of crimes against humanity and human dignity — crimes such as genocide, crimes of aggression, crimes against humanity, or war crimes.

This legal framework, therefore, allows individuals convicted for war crimes, such as Mirko Norac, can, according to the Act on the Legal Consequences of Convictions, Criminal Records, and Rehabilitation, to be legally rehabilitated after the prescribed period. There is no provision in the law that requires any form of 'testing' to determine whether the convicted person has 'earned' their rehabilitation, for example, whether they have shown remorse or apologised to the victims. Thus, rehabilitation does not even require a symbolic gesture from the convicted person to demonstrate that they have 'transformed' into someone who will not repeat the crime.

In the case of Mirko Norac, he will meet the conditions for rehabilitation by 2026, and, as the law stipulates, he will have legal grounds to be considered rehabilitated. Or, in legal terms, *he will no longer be bound by his previous conviction, and therefore, he cannot be held accountable nor face any legal consequences due to it.*

Thus far, we have not witnessed the broader societal and political consequences of legal rehabilitation. Strictly from a normative point of view, a rehabilitated individual could potentially claim protection (of their dignity) through defamation lawsuits if they are linked to the crimes for which they were convicted. This creates a deadlock for building a collective memory politics based on legally established facts.

In the current political context — where the events of the 1990s are often used for ethnonationalist propaganda — it is reasonable to expect that the right to rehabilitation will be exploited as a legal basis for denying (the suffering of) victims and for erasing these still unacknowledged criminal parts of the past. The rehabilitation of war criminals who participated in the wars of the 1990s is especially problematic in the context of fulfilling the victims' right to reparations and compensation for the harm they suffered, as well as for organising official and alternative commemorations.

An open question remains: How will these historical events be presented in history textbooks and other relevant sources of information after war criminals are rehabilitated? How will we speak publicly about the events that have marked our past?

In Lieu of a Conclusion

Through this research, the authors aimed to contribute to the deconstruction of ethnonationalist interpretations of events during the war in Croatia from 1991 to 1995. Using a multidimensional approach to the analysis and understanding of the events immediately before, during, and after the military-police operation Pocket-93, we wanted to show how ethnonationalism in Croatia was shaped both during the war and in the period following its end. With this paper, we hope to influence positive changes in the understanding of the past in a way that is based not only on court-established facts but also on an understanding of the broader socio-political context, which we believe is essential for interpreting the conflicts in the former Yugoslavia.

Branka Vierda and Nikola Puharić

Appendix 1:¹⁶⁴ Victims

CIVILIANS

Bjegović, Bosiljka (Stevo/Stevan), December 27, 1909
 Bjegović, Milka (Đuro), May 22, 1947
 Jelača, Ljiljana (Mićan), July 3, 1956
 Jerković, Nikola (Ilija), January 1, 1961
 Jović, Anđelija (Dobroslava), May 6, 1933
 Jović, DMITAR (Mile), April 19, 1937 / March 19, 1937
 Jović, Marinka (Branko), August 4, 1939
 Krajnović, Đuro (Toma), May 1, 1911
 Krajnović, Neđeljka (Samojlo), September 2, 1921
 Krajnović, Pera (Đuro), January 1, 1907
 Krajnović, Stana (Jovo), January 1, 1926
 Krajnović, Štefica (Josip), February 8, 1931 / February 2, 1931
 Kričković, Sara (Trivun), October 30, 1921
 Kričković-Živić, Ljubica (Trivun), September 30, 1929
 Matić, Milan (Mile), January 1, 1949
 Pejnović, Mile (Luka), January 1, 1935
 Pjevač, Boja (Dane), January 14, 1925
 Potkonjak, Janko (Stevan), January 1, 1931
 Potkonjak, Marko (Milan), May 11, 1934
 Rajčević, Milan (Nikola), April 24, 1962
 Rajčević, Sava (Milan), January 1, 1930 / January 1, 1931
 Vujnović, Ankica/Ana (Tomo), March 19, 1934
 Vujnović, Branko (Stevo/Stevan), February 8, 1948
 Vujnović, Đuro (Nikola), July 20, 1927
 Vujinović/Vujnović, Stevan/Stevo (DMITAR), October 15, 1922
 Vujnović, Momčilo (Dimitar/DMITAR), November 27, 1936 / November 19, 1936
 Vujnović, Nikola (Jovan), March 13, 1946 / January 1, 1947
 Vujnović, Boja (Đuro), January 1, 1909
 Vujnović, Nikola (Đuro), June 21, 1954

SOLDIERS

Basara, Željko (Milan), August 23, 1971
 Ciganović, Miodrag (Mile), October 1, 1957
 Čopić, Željko (Milan), March 28, 1958
 Despić, Stanko (Risto), September 23, 1952
 Krivokuća, Dane, 1963 or 1964¹⁶⁵
 Pavlica, Dragan, 1968¹⁶⁶
 Stojisavljević, Nikola (Spasenije), 1952¹⁶⁷

Medak in Memory

In Čitluk, Divoselo, and other hamlets of the Medak Pocket, the traces of those who lost their lives are slowly fading away and disappearing. A curious passer-by might only notice the vegetation overtaking the ruins, far removed from the idyllic images of the homeland cherished in the memories of families of the deceased, now scattered across the globe. The sons and daughters of the victims seldom visit because their suffering is only sporadically acknowledged, and the names of the former inhabitants and their life stories are rarely mentioned during the annual commemorations of the military operation's beginning in September. For years, attending ministers have only spoken of military units, using the language of war, as if the historical facts documented in the annals of Lika had not been established, as if historians hadn't published their works, and as if the courts of the Republic of Croatia hadn't issued final judgments for the crimes committed.

However, an important text prepared for the Serb National Council Bulletin by Branka Vierda and Nikola Puharić offers hope that at least some members of younger generations will continue to speak about life and death in this (remote) corner of Lika, seeking paths to build trust and creating space for a peace process that recognises all victims of the war. Researchers need our support so that, in a future account of villages destroyed in wars across Europe, these now invisible ruins may also find their place. This should be achieved despite the new battle-grounds demanding our attention and care.

Today, in the Medak Pocket, there is no memorial plaque for those killed in 1993. Mourning for them is not socially encouraged. On the anniversaries of their deaths, there are no public commemorations. Very few inhabitants remain. Unlike the people from families of murdered Croats in Lika, such as the residents of Široka Kula and Saborsko, who have returned to their villages, most families of the murdered Serbs from this area no longer live in Croatia. Within their means, they continue to piece together the mosaic of remembrance. As decades pass, details fade into oblivion, but the overarching story of erased villages still lingers in memory.

Having found new homes in other countries, some of these people have distinguished themselves through public demands for justice and reparations. Among them is lawyer Dragan Pjevač, the son of Boja Pjevač from Čitluk, who was murdered on September 9, 1993. I met him

during the time when investigators from the Hague Tribunal's Prosecutor's Office were finalising their investigation into the Medak Pocket crimes. Protracted negotiations about the Tribunal sharing information with the Croatian judiciary culminated in indictments being issued. Dragan responded to the court's summons and testified with his brother during the trial at the County Court in Zagreb. The two brothers hoped for justice. Disappointed by the lenient sentences and the fact that the verdict did not even mention the names of their family members or all those killed on the operation's first day, they filed a criminal complaint and demanded further investigation. They also sued the Republic of Croatia, seeking compensation. Like many other survivors, they lost those compensation cases and were ordered to pay substantial court costs. By the time Croatia became a member of the European Union, they had little reason to celebrate. Not only had the perpetrators of the crimes not been prosecuted, but Croatia's State Attorney's Office had sent payment demands for the court costs to their addressees. This issue was eventually resolved, albeit belatedly, largely thanks to years of advocacy by human and minority rights organisations. Only in December 2023, following the Croatian Government's decision to cancel claims for litigation costs, did the threat of enforcement for unpaid court fees finally cease. Dragan Pjevač made a significant contribution as president of the *Coordination of Serb Associations of Families of Missing Persons from the Territory of former Yugoslavia*, highlighting the interests of those whose representatives spoke only of their own victims. In 2015, he observed that while politicians publicly declared equal treatment of all victims, in practice, they often favoured one-sided interpretations of the past, neglected prosecutions, concealed perpetrators, manipulated victim numbers, withheld information about the missing, and avoided reparations. Such actions, he argued, diminished the victims' suffering. He emphasised the need for solidarity with all victims and conveyed messages of peace, forgiveness, and reconciliation among nations. His words built bridges. After stepping down from all roles in victims' and survivors' associations, he now participates in giving history lessons for interested youth, sharing his knowledge and calling for respect for all the fallen victims. He continues the tradition of commemorating his birthplace, following the efforts of the late keepers of Medak's memory from previous generations. Their writings depict lives and deaths over the last century.

In 1999, Juraj Hrženjak, a former Partisan and Constitutional Court judge, dedicated several pages to this now desolate region in the preface to his book 'Anjuta,' recalling his wife and her birthplace: 'The autumn of 1993 in the area of the 'Medak Pocket' reeks again of human corpses, while those from 1941 have not yet decomposed. In this beautiful part of Croatia beneath the Velebit mountain, there are no

more cows, sheep, or goats grazing the lush grass...' The houses in Čitluk and Divoselo, burned during the Second World War, were rebuilt by survivors. 'Of the 528 inhabitants of Čitluk in 1941, after the defeat of fascism, only 296 remained.' Some built new homes on the ruins and ashes. 'Young people moved to cities, leaving the village with only a few younger families and the elderly.' He concluded: 'That Čitluk (Lički) existed until 1993 will be known to future generations only by the monument at Kruškovača, even though it is broken, and by the plaque on the ruins of the elementary school... It bears the names of Čitluk's residents killed by the Ustaše in 1941.'

Gojko Matić, speaking about suffering under the crimes of the NDH (Independent State of Croatia) regime in an interview for *Documenta*, later published in the collection *Personal Memories*, said: 'As the eldest of seven children, I attended primary school in Divoselo and, in 1940, enrolled in grammar school in Gospić. However, in 1941, as a Serb, I was expelled from that same grammar school.' As a boy, he witnessed the massacre of August 5, 1941 in Kruškovača: 'That morning I got up by chance... At dawn, the Ustaše invaded and began the bloodshed... I managed to jump into a dense bush where Anka Dimić was also hiding. We stayed in the bushes all day, watching... I stumbled over the dead bodies of my relatives and neighbours... Just yesterday, we played together, and now they lay still and lifeless.' Gojko Matić eventually fled towards Velebit, where he hid for twenty more days. After returning to Divoselo, he joined the Partisans at the age of only 12.

Some recall that Divoselo was also the birthplace of national heroine Nada Dimić. As noted on the *Voxfeminae* portal, she was born in 1923 and attended primary school there. 'She continued her education in Zemun, where she completed four years of grammar school and one year at the Trade Academy. In grammar school, she trained as a typist and stenographer, skills that eventually made her indispensable to the Communist Party branch in Sisak. In 1938, at just 15 years old, she joined the League of Socialist Youth of Yugoslavia (SKOJ). On December 14, 1940, she participated in demonstrations against the Milan Stojadinović regime in Belgrade, where she was arrested for the first time. After her release, she continued her revolutionary work, eventually joining the 1st Sisak Partisan Detachment in 1941, making history as Croatia's first Partisan woman. She was arrested again on December 3, 1941 during a mission to transfer civilians to Partisan strongholds on Kor-dun. When asked for identification, she pulled a revolver from her bag, killing one Ustaša agent and wounding another. When her pistol failed, other agents captured her. Initially imprisoned in Karlovac, she was later transferred to the prison on Zagreb's Savska cesta. Her documents bore the name 'Ankica Vinek.' That was all the police learned from her.

Despite two months of torture, she revealed nothing to Ustaša agents, not even her real name.' In February 1942, she was sent to the Stara Gradiška concentration camp, where she died in March 1942, aged just 19. Her sister Anka, who survived the Kruškovača massacre alongside Gojko Matić, participated in annual commemorations for years. Today, artists like Sanja Iveković and the *Fund for Others* preserve Nada's memory through the annual 'Nada Dimić Award.'

The stories of heroines, the fates of the victims, and scenes from the past of Medak and other Lika villages are yet to find their researchers, writers, and filmmakers. Gojko Matić mentioned that his ancestors settled on the Velebit slopes in 1527, enduring hardships for over four centuries. If there is a will, additional stories could be pieced together from the few surviving written records. Will we learn to remember and teach without dividing victims by their national affiliations? This fundamental question of peacebuilding remains open to us all.

Vesna Teršelič

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- 4** Former Yugoslavia — UNPROFOR, Prepared by the Department of Public Information, United Nations — as of September 1996. Available at: https://peacekeeping.un.org/mission/past/unprof_b.htm.
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- 6** The term refers to a part of the national territory of the Republic of Croatia where military units, institutions, and services are united under a single command. The responsibilities of the Military District include military-territorial duties (mobilisation, conscription, support services), as well as command and operational functions concerning the territorially assigned units.
- 7** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 57.
- 8** Zagreb County Court, Case Number II K-rz-1/06, pages 3561 — 3562 of the case files.
- 9** Sekulić, Milan. Knin Fell in Belgrade (Knin je pao u Beogradu), page 74.
- 10** Zagreb County Court, Case Number II K-rz-1/06, pages 1741 — 1746 of the case files.
- 11** Zagreb County Court, Case Number II K-rz-1/06, pages 3038-3040 of the case files.
- 12** Ibid.
- 13** Ibid.
- 14** Jozo Nenadić, the chief engineer of the HV Gospić Military District, testified about the poor condition of this unit at the trial of Mirko Norac and Rahim Ademi at the Zagreb County Court saying that the situation in the 9th Guards Mechanised Brigade (9th GMB) was problematic and that this was a well-known issue even before the operation. Goran Kovačević, a member of the informational-security service of the 9th GMB, also testified at the same trial, stating that disciplinary procedures against members of the brigade occurred every week (pages 5616 — 5617 of the case files). A report by Brigadier Brlečić, on pages 4603 — 4605 of the same case files, points to the fact that soldiers in this unit excessively consumed alcohol, which created further issues.
- 15** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 58.
- 16** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 141.
- 17** Ibid. pages 137 — 138.
- 18** Zagreb County Court, Case Number II K-rz-1/06, pages 3560 — 3563 of the case files.
- 19** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 55.

- 20** Zagreb County Court, Case Number II K-rz-1/06, page 4749 of the case files.
- 21** Ibid. pages 2502 — 2511 of the case files.
- 22** Zagreb County Court, Case Number II K-rz-1/06, pages 2992 — 2996 of the case files.
- 23** Ibid. pages 697 — 1033 of the case files.
- 24** Zagreb County Court, Case Number II K-rz-1/06, page 3002 of the case files.
- 25** The daily reports for that day are visible in the case files — Zagreb County Court, Case Number II K-rz-1/06, pages 2077 — 2091 of the case files.
- 26** Zagreb County Court, Case Number II K-rz-1/06, page 2575 of the case files.
- 27** Ibid. page 2557 of the case files.
- 28** Ibid. page 2562 of the case files.
- 29** Jagetić claims, among other things, that he saw two bodies hanging by a chain and a rope, which were later found buried in a deep pit in the yard of a house; Zagreb County Court, Case Number II K-rz-1/06, page 4502 of the case files.
- 30** Details about the treatment of these prisoners of war can be found in the chapter 'Ethnic Cleansing: a) Murders and Torture of Civilians and Prisoners of War.' (*Etničko čišćenje: a) Ubojstva i mučenja civila i ratnih zarobljenika*).
- 31** Zagreb County Court, Case Number II K-rz-1/06, page 2565 of the case files.
- 32** Ibid. page 2094 of the case files.
- 33** Ibid. pages 4537 — 4540 of the case files.
- 34** Ibid. pages 5832 — 5901 of the case files.
- 35** Units refused Rahim Ademi's order to the 9th GMB to take over the village of Drljići.
- 36** Zagreb County Court, Case Number II K-rz-1/06, page 3593 of the case files.
- 37** Ibid. pages 5640 — 5648 of the case files.
- 38** This tactic involves destroying anything that could be of use to the opposing army. It is an action prohibited by international humanitarian law as it can endanger the lives of civilian populations.
- 39** Zagreb County Court, Case Number II K-rz-1/06, pages 4929 — 4936 of the case files.
- 40** Ibid. pages 4425 — 4431 of the case files.
- 41** Ibid. pages 5644 — 5648 of the case files.
- 42** Final Report on the Medak Pocket — UN Civilian Police, Sector South, dated October 10, 1993.
- 43** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 67.
- 44** Zagreb County Court, Case Number II K-rz-1/06, page 3581 of the case files.
- 45** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 69.
- 46** Zagreb County Court, Case Number II K-rz-1/06, pages 4915 and 4785 of the case files.
- 47** Zagreb County Court, Case Number II K-rz-1/06, pages 5649 — 5653 of the case files.
- 48** Ibid. pages 5094 — 5095 of the case files.
- 49** Ibid.
- 50** Ibid. pages 5157 — 5158 and 4499 — 4503 of the case files, judgment made on May 29, 2008, page 276.
- 51** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 272.
- 52** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 276.

53 Zagreb County Court, Case Number II K-rz-1/06, page 3039 of the case files.

54 These murders were also reported in the UN CIVPOL Final Report on the Medak Pocket from October 10, 1993. *'At 8:40 PM, soldiers of FREBAT (French Battalion within UNPROFOR) reported that they had found the remains of two people in a barn located at the rear of a house on the outskirts of Čitluk. UN CIVPOL members and Captain Brett, an officer from the Canadian Battalion, arrived at the scene. As far as could be determined, the bodies belonged to women, who had first been shot and then set on fire. The time of death could not be precisely determined, except that it was believed the death could have occurred 48 to 60 hours earlier. The bodies could have been set on fire 4 to 8 hours before being found. The first victim had to be cooled with water before being placed in a body bag. The bodies were found in a chicken coop, which was most likely used as a cell. The door was locked, and the room had no windows. It appears the women were dressed.'*

55 Ibid. page 3039 of the case files.

56 Ibid. page 3039 of the case files.

57 Ibid. page 3040 of the case files.

58 Ibid. page 3040 of the case files.

59 Ibid. page 2888 of the case files.

60 Ibid. page 2889 of the case files.

61 Ibid. page 2889 of the case files.

62 Ibid. page 3038 of the case files.

63 Ibid. page 3038 of the case files.

64 Ibid. page 3039 of the case files.

65 Ibid. page 3040 of the case files.

66 Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, pages 206-207 of the case files.

67 Op. cit., page 2886 of the case files.

68 Ibid. page 2887 of the case files.

69 Ibid. page 2887 of the case files.

70 Ibid. page 2887 of the case files.

71 Ibid. page 2887 of the case files.

72 The noun 'building' here refers to different types of structures, including both houses and agricultural buildings.

73 Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, pages 208-209.

74 Ibid. page 246 of the case files.

75 Ibid. page 206 of the case files.

76 This is a witness whose identity was protected during the trial proceedings.

77 Ibid. page 209 of the case files.

78 Ibid. page 210 of the case files.

79 Zagreb County Court, Case Number II K-rz-1/06, page 3009 of the case files.

80 Ibid. page 3022 of the case files.

81 Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 237.

82 Zagreb County Court, Case Number II K-rz-1/06, page 3053 of the case files.

83 Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 158.

84 The details of the legal proceedings against Šolaja, Mišić, and Krmpotić can be found in the chapter entitled: *Hague indictments, War Crime Trials, and Compensation Proceedings.*

85 Zagreb County Court, Case Number II K-rz-1/06, pages 5903-5904 of the case files.

86 Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 166.

- 87** Maja Munivrana Vajda: Ethnic Cleansing as a Form of Genocide? Croatian Legislation and Practice in View of International Sources, (Etničko čišćenje kao oblik genocida? Hrvatsko zakonodavstvo i praksa u svjetlu međunarodnih izvora), 2001. <https://hrcak.srce.hr/file/112163>.
- 88** Ibid.
- 89** Ibid.
- 90** For example, in the judgment of the Trial Chamber in the case of Prlić et al., in the judgment of the Trial Chamber in the case of Krajišnik, in the judgment of the Trial Chamber in the case of Brđanin.
- 91** Ibid. page 255 of the case files.
- 92** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, pages 239-240.
- 93** Source cited in the text: *HUMAN RIGHTS, A Compilation of International Instruments*, UN, New York, 1998 p. 1, *The International Bill of Human Rights*, p. 143, *War Crimes and Crimes Against Humanity, Including Genocide*.
- 94** Zagreb County Court, Case Number II K-rz-1/06, page 3009 of the case files, pages 2891-2893.
- 95** Ibid. page 3039 of the case files.
- 96** Ibid. page 3040 of the case files.
- 97** Ibid. page 3040 of the case files.
- 98** Ibid. page 3040 of the case files.
- 99** Ibid. page 3040 of the case files.
- 100** Ibid. page 3040 of the case files.
- 101** Ibid. page 3040 of the case files.
- 102** Zagreb County Court, Case Number II K-rz-1/06, judgment made on May 29, 2008, page 162.
- 103** Zagreb County Court, Case Number II K-rz-1/06, pages 3009 and 5616-5617 of the case files.
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- 105** Večernji list, September 12, 1993.
- 106** Večernji list, September 12, 1993.
- 107** Večernji list, September 21, 1993.
- 108** Večernji list, September 21, 1993.
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145 Approximately €39,285.

146 Approximately €2,229,743.

147 Mirko Money (Mirko Novac); <https://www.portalnovosti.com/mirko-novac/>, accessed on July 15, 2024.

148 Vierda, Branka. Decade of Remembrance in Croatia (Decenije sjećanja u Hrvatskoj), ed. Nataša Kandić, REKOM Reconciliation Network; Belgrade, January 2024; <https://www.recom.link/wp-content/uploads/2024/01/III-Decenija-sjecanja-u-Hrvatskoj.pdf>, accessed on August 16, 2024, pages 15 — 18.

149 Ibid. pages 15 — 18.

150 The Wartime Nineties from the Perspective of Youth in Croatia (Ratne devedesete iz perspektive mladih u Hrvatsko); Youth Initiative for Human Rights Croatia; Zagreb, November 2022., p 10; https://www.yihr.hr/system/publication/document/68/wartime_nineties_web.pdf, accessed on August 10, 2024.

151 *Memory of the Victory in Operation Medak Pocket (Sjećanje na pobjedu u vro-u Medački džep)*; <https://branjelji.gov.hr/vijesti/sjecanje-na-pobjedu-u-vro-medacki-dzep/4722>, accessed on September 15, 2024.

152 Medak Pocket is a Major Liberation Operation for Gospić and Its People (Medački džep velika je oslobodilačka akcija za Gospić i Gospićane); <https://www.lika-express.hr/drustvo/medacki-dzep-velika-je-oslobodilacka-akcija-za-gospic-i-gospicane>, accessed on September 15, 2024.

153 Homeland Victory Day, Croatian Veterans Day and the 29th Anniversary of Operation 'Storm' Commemorated in Gospić (Obilježen Dan pobjede, Dan hrvatskih branitelja i 29. Obljetnica operacije 'Oluja' u Gospiću); <https://licko-senjska.hr/novosti/detaljnije/obiljezen-dan-pobjede-dan-hrvatskih-branjelja-i-29.-obljetnica-operacije-o>, accessed on September 10, 2024.

154 THE HISTORY of the 9th Guards Brigade (POVIJESNICA 9. gardijske brigade); <https://gospic.hr/povjesnica-9-gardijske-brigade/>, accessed on September 5, 2024.

155 Act on Service in the Croatian Armed Forces (Zakon o službi u Oružanim snagama Republike Hrvatske), *Official Gazette nos. 73/13, 75/15, 50/16, 30/18, 125/19, 155/23, 14/24*; <https://www.zakon.hr/z/327/Zakon-o-slu%C5%BEBi-u-Oru%C5%BEanim-snagama-Republike-Hrvatske>, accessed on October 10, 2024.

156 After the war, Domazet advanced to the position of Chief of the General Staff of the Croatian Armed Forces. He held this position from 1998 to 2000, when he was retired, along with several other high-ranking officers of the Croatian Army including Mirko Norac, by the then-President of the Republic of Croatia, Stjepan Mesić. He is the recipient of several state decorations.

157 Since 1996 Markač was a member of parliament for HDZ while simultaneously serving as assistant minister of internal affairs for special police. In 2011, he was sentenced to 24 years in prison after the Trial Chamber of the ICTY found him guilty of crimes committed during Operation Storm, which was carried out by the Croatian Army and police in early August 1995. The Appeals Chamber acquitted him of all charges in 2012. He is the recipient of several state decorations.

158 Sačić was the commander of the Anti-Terrorist Unit Lučko (special police), which committed a crime against Serbian civilians in the village of Grubori on August 25, 1995, after the military and police operation Storm. He was a member of the Croatian Parliament representing the Croatian Sovereignists party in the 10th term (from 2020 to 2024). In 2024, President of the Republic of Croatia, Zoran Milanović, awarded Sačić the high state decoration The Order of Duke Domagoj with Ribbon, which is given to individuals who have demonstrated 'exceptional bravery and heroism during the Homeland War.'

159 Act on Liability for Damage Resulting from Terrorist Acts and Public Demonstrations (Zakon o odgovornosti za

štetu nastalu uslijed terorističkih akata i javnih demonstracija), *Official Gazette nos. 117/03*, <https://www.zakon.hr/z/1517/Zakon-o-odgovornosti-za-%C5%A1tetu-nastalu-uslijed-teroristi%C4%8Dkih-akata-i-javnih-demonstracija>, accessed on October 11, 2024

160 Act on Liability of the Republic of Croatia for Damage Caused by Members of the Croatian Army and Police When Acting in Their Official Capacity during the Homeland War, (Zakon o odgovornosti Republike Hrvatske za štetu uzrokovanu od pripadnika hrvatskih oružanih i redarstvenih snaga tokom Domovinskog rata), *Official Gazette nos. 117/03*. <https://www.zakon.hr/z/335/Zakon-o-odgovornosti-Republike-Hrvatske-za-%C5%A1tetu-uzrokovanu-od-strane-pripadnika-hrvatskih-oru%C5%BEanih-i-redarstvenih-snaga-za-vrijeme-domovinskog-rata>. Accessed October 11, 2024

161 Kožul, Anja. Criminals and Victims Lumped Together (Zločinci i žrtve udutire). *Novosti Weekly Portal*, January 12, 2024; <https://www.portalnovosti.com/zlocinci-i-zrtve-udutire>, accessed on November 2, 2024.

162 https://vlada.gov.hr/sjednice/274-sjednica-vlade-republike-hrvatske-40656/40656?utm_source=pocket_shared, accessed on November 14, 2024.

163 Provided that the perpetrator of the criminal offense has not been re-convicted for a new criminal offense.

164 The working version of the list of victims for the purposes of this text was provided by Documenta — Centre for Dealing with the Past.

165 The person is listed as having been killed in the judgment made on May 29, 2008 at the Zagreb County Court, Case Number 11 K-rz-1/06.

166 Ibid.

167 Ibid.