

**VERDICT  
IN THE NAME OF THE REPUBLIC OF CROATIA!**

The District Court in Zadar, in the council consisting of the judges of this Court D. K., President of the Council, M. L., member of the Council, lay juror B. M., J. B. and I. B., members of the Council, and L. G. as recording secretary in the criminal procedure against the first accused M. P. and the others, due to the criminal act pursuant to Article 120, paragraph 1, Basic Criminal Law of the ROC, referring to the indictment by the District State Attorney Office in Zadar, number KT - 49/92, dated 02.10.1996, upon the accomplished main hearing held on 22 and 23.04.1997 in the absence of the accused, however in the presence of their defence councils I. M., I. M. and J. P., lawyers from Zadar, and the Deputy of the District State Attorney M. D. brought on 24.04.1997 the following

verdict:

Accused:

1. M. P., (...) general, commander of the Headquarters of the Yugoslav Army, Serb, citizen of the Socialist Republic of Yugoslavia.
2. M. P., (...) citizen of the Socialist Republic of Yugoslavia, former colonel in the so called Yugoslav Army, unknown whereabouts,
3. I. B., former lieutenant - colonel of the so called Yugoslav Army, citizen of the Socialist Republic of Yugoslavia, present whereabouts unknown,
4. S. V., (...) citizen of the Socialist Republic of Yugoslavia, present whereabouts unknown,
5. N. G., (...) citizen of the Socialist Republic of Yugoslavia, present whereabouts unknown,
6. S. C., (...) unknown whereabouts,
7. D. G., (...) citizen of the Socialist Republic of Yugoslavia, present whereabouts unknown,
8. P. T., citizen of the Socialist Republic of Yugoslavia, former colonel in the so called Yugoslav Army, present whereabouts unknown,
9. Z. B., (...) former colonel in the so called Yugoslav Army, present whereabouts unknown,
10. S. D., (...) citizen of the Socialist Republic of Yugoslavia, former officer in the so called Yugoslav Army, present whereabouts unknown,
11. S. G., (...) present whereabouts unknown,
12. M. R., (...) present whereabouts unknown,
13. D. J., former officer in the so called Yugoslav Army, present whereabouts

unknown,

14. J. M., former junior sergeant in the so called Yugoslav Army, present whereabouts unknown,

15. M. B., (...) citizen of BiH, present whereabouts unknown,

16. B. P., (...) present whereabouts unknown,

17. A. L., (...) present whereabouts unknown,

18. M. M., former officer in the Yugoslav Army, present whereabouts unknown,

19. N. F., (...) present whereabouts unknown.

found guilty

for issuing orders in September and October 1991 in Zadar and its surroundings during the armed clashes between the former so called Yugoslav Army and the armed forces of the Republic of Croatia (National Guard forces, members of the police forces) as the officers in the aforementioned Yugoslav Army, in position to issue orders for the combat, however violating the Hague Convention respecting the Laws and Customs of War on Land of 1907, and the Annexed Regulations (Article 25), Article 3 of the Geneva Convention relative to the Protection of Civilian persons in Time of War of 1949, Article 13 and 14, Additional Protocol to the Geneva Convention relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) - aforementioned persons gave and transmitted the orders to the subordinate commanders, and some of the accused directly executed the orders and without any obvious military reason opened the mortar fire choosing their targets at random, anti aircraft machine gun fire and shelled the civilian objects in all the areas of the city of Zadar and surroundings, causing many casualties, and at least thirty civilians were killed along with the huge material damage on over 120 objects of the utmost cultural and economic importance, and so:

a) the first accused M. P., as the colonel in the so called Yugoslav Army and the commander of the Artillery School Centre in Zadar, along with the second accused M. P., colonel and his deputy, and the third accused I. B., lieutenant, acting head of the department for the regulations of targeting actually, selected the targets and gave orders concerning the kind of weapon used for hitting the targets, from the army barracks "K. 1" in Zadar intermediary radio relay connections gave orders to the fourth accused S. V., lieutenant, and the commander of the School for the Reserve Officers, his unit was located in Biljani Gornji (area of Debelo Brdo), and the fifth accused S. C., lieutenant-colonel, deputy commander of the School of Reserve Officers, 16th accused B. P., first class captain and the lecturer of war tactics, who calculated coordinates for targeting, 17th accused A. L., captain and the commander of the howitzer battery, 18th accused M. M., lieutenant and the commander of the platoon, and the 19th accused N. F., lieutenant, in command of the platoon, gave orders for shelling the targets in Zadar and the close-by area, stating their numbers and signs as they were marked on the maps, the aforementioned commanders executed the orders, firing at the whole area of the city, including the historic area of the city and surrounding area with numerous highly destructive missiles,

b) the 4th accused S.V. informed by phone M. P. [1st accused] on an unidentified date "I have an excellent target for you", and marked the target no.72 on his map of city targets, so the accused M. P. [1st accused] ordered gun fire targeting the churches of St. Donat and St. Stosija,

c) On 22.09.1991 in the early morning hours 7th accused D. G., lieutenant, commander of the unit accommodated in the army barracks "Ante Banina" ("K.4"), ordered missile fire 120 mm

calibre on the city, the building of the Youth Holiday Association, factory "TIZ" and the residence area called Vruljica was hit and civilians Boris Mikin and Dragan Turuk were killed while the 8th accused P. T., lieutenant in the same unit, personally opened gun fire against the sky scrapers close to the army barracks,

d) at the end of September 1991, 9th accused Z. B. and 10th accused S. D., both colonels in the former so called Yugoslav Army, commanders of the platoons in the battery consisting of six 130 mm calibre guns, army unit that arrived from Valjevo and from Biljane Gornje gave orders for shelling the city of Zadar and surroundings,

e) at the end of September and the beginning of October 1991, 11th accused S. G., 1st class captain commander, as the commander of the howitzer battery (six 120 mm calibre howitzers), and the 12th accused M. R., lieutenant in the former Yugoslav Army, as the platoon commander in that unit, from the Zemunik airport gave orders for targeting civilian objects in Murvica, Brisevo, Islam Latinski and Zadar. The building of the Youth Holiday Association and some areas of the peninsula were hit. The 12th accused M. R., targeted Maslenica bridge while celebrating his son's birth,

f) Sometime in September 1991 from the area of Debelo Brdo, the 4th accused S. V. gave orders and the 13th accused D. J., lieutenant, in command of the computer centre, gave coordinates for targeting Maslenica bridge, 14th accused J. M. personally fired from the 130 mm gun from Zemunik on the city of Zadar, and five shells were fired, 14th accused J. M. from Zemunik personally fired from the howitzer on Zadar and hit the precisely selected targets.

g) sometime at the beginning of October 1991, 15th accused M. B., captain in the former Yugoslav Army and the commander of the gun unit in Biljani Gornji, personally fired the 100 mm calibre gun against the church in Nadin, he fired 9 highly destructive missiles, 13th accused D. J., lieutenant, in command of the computer centre established the co-ordinates of the targets,

all the accused violated the regulations of the international law, and during the armed conflict gave orders for attacks, personally executed numerous attacks against the civilians and settlements, fired at random against civilians, destroyed material property, in the manner that can not be explained as the military necessity,

they performed the criminal act against humanity and the international law - war crime against civilians, pursuant to Article 120, paragraph 1, Basic Criminal law of the Republic of Croatia,

pursuant to Article 120, paragraph 1, Basic Criminal Law of the Republic of Croatia the aforementioned persons are

sentenced  
to prison as  
follows:

Ist accused M. P - 20 (twenty) years imprisonment

IIInd accused M. P. - 20 (twenty) years imprisonment

IIIrd accused I. B. - 20 (twenty) years imprisonment

IVth accused S. V. - 20 (twenty) years imprisonment

Vth accused N. G. - 20 (twenty) years imprisonment

VIth accused S.C. - 20 (twenty) years imprisonment

VIIth accused D.G. - 15 (fifteen) years imprisonment

VIIIth accused P. T. - 13 (thirteen) years imprisonment

IXth accused Z. B. - 13 (thirteen) years imprisonment

Xth accused S. D. - 13 (thirteen) years imprisonment

XIth accused S. G. - 14 (fourteen) years imprisonment

XIIth accused M. R. - 14 (fourteen) years imprisonment

XIIIth accused D. J. - 13 (thirteen) years imprisonment

XIVth accused J. M. - 10 (ten) years imprisonment

XVth accused M. B. - 15 (fifteen) years imprisonment

XVIth accused B. P. - 13 (thirteen) years imprisonment

XVIIth accused A. L. - 14 (fourteen) years imprisonment

XVIIIth accused M. M. - 12 (twelve) years imprisonment

XIXth accused N. F. - 12 (twelve) years imprisonment

Pursuant to Article 90 Law on Criminal Procedure all the accused are obliged to reimburse the costs of the officially appointed defence attorneys in the amount of 3.500,00 (three thousand five hundred) kunas and apart from it, each one of the accused has to cover the costs of this court in the amount of 3.000,00 (three thousand) kunas.

#### Exposition

District State Council in Zadar by the Verdict no. KT - 49/92 dated 02.10.1996 brought charges at this Court against M. P. and others, due to the criminal act of war crime performed against the civilians pursuant to Article 120, paragraph 1, Basic Criminal Law of the Republic of Croatia, performed as described in the verdict and suggested to bring charges against the accused still at large.

The suggestion for bringing charges against the accused still at large was accepted, and by the extrajudiciary procedure of the Council of this Court no. Kv 217/96, dated 10.10.1996 it was decided to hear the case against the 1st accused M. P. and others while still at large.

All the accused had the officially appointed defence attorneys, for the accused from 1st till 6th, I. M., from 7th till 12th, I. M., and from 13th till 19th J. P., all the attorneys are from Zadar.

Upon the accomplished process the representative of the general prosecutor did not change his mind regarding the description of the performed acts and suggested to this Court to proclaim all

the accused guilty, and prosecute them according to the law.

All the accused are still at large and were not interrogated during the investigative procedure, since they all after the performed criminal acts departed from the Republic of Croatia, the Court established the facts as stated in the verdict.

During the presentation of evidence the following witnesses were questioned: M. C., S. T., and the statements of the following witnesses with their consent were read aloud:

C. M., A. M., Z. C., E. M., Z. K., G. L., M. P..

All the minutes from the personal inspection were enclosed and the extensive photo documentation was inspected. All the medical reports on the civilian victims, causes of death and the reports of the Police Administration Zadar, Department of Operative Issues, from 18.05.1992 and 17.01.1992 were read through.

By taking all the evidence into consideration this Court established the role of each one of the accused, their responsibilities within the army hierarchy, established personal guilt for the mentioned criminal acts, war crimes against civilians, pursuant to Article 120, paragraph 1, Basic Criminal Law of the Republic of Croatia.

It is indisputable that the so called Yugoslav Army during the armed clashes with the forces of the Republic of Croatia opened missile fire, guns anti aircraft missiles against civilian buildings in Zadar and the surrounding area, at least 30 civilians were killed and enormous material damaged caused on the buildings of historic and economic importance.

The evidence of the aforementioned are minutes, photo documentation, medical reports on the causes of death of civilians in that period, reports of the Police Administration Zadar, Department for Operative issues dated 18.05.1992 and 17.01.1992.

In the report dated 18.05.1992 have been clearly stated the damaging results of the artillery attacks on the private property of the citizens and on the buildings of an outstanding historic and cultural importance and all the damages on numerous residential buildings, factories, churches as for example: Sv. Ivan, Sv. Sime and Sv. Krsevan.

From the report dated 17.01.1992, it is clear that in the course of October 1991 the aggressor's army, so called Yugoslav National Army, launched several air raids and artillery attacks on the city of Zadar and some other places in that county. The Zadar Police Administration team carried out the inspection on the heavily damaged buildings. It was established that all the damages were caused by the artillery fire, missiles. 23 factories, 6 cultural monuments, 57 resident buildings, 48 family houses, sport centres, 3 kindergartens, 9 business premises, 24 cars were damaged during the attacks. We shall mention only some of it by name: factory "SAS", "TANKERKOMERC", "ZTP", "BAGAT", "DANILO STAMPALIJA", and others, numerous resident buildings and vehicles.

All the conclusions in the reports match with the minutes of inspections and the photo documentation.

On the enclosed list of killed person in the aforementioned period enclosed with the mentioned reports there are names and other data, along with the place and the cause of death. Thirty persons were killed in the attacks. The mortal remains of the killed persons are in the photo documentation. Out of security reasons there was no inspection carried out on the spot at that time.

The Department for Pathology in Zadar in its report dated 23.10.1991 established that all the persons died from the wounds caused by automatic weapon.

Since the aforementioned facts proved to be true it was necessary to establish the responsibility of each person in the performed atrocities.

According to the statements of the numerous witnesses, this court established that the first accused M. P., at that time the colonel in the former so called Yugoslav Army was in command of the Artillery School Centre in Zadar and all the other aforementioned accused persons.

The witness S. T., colonel at that time in the so called Yugoslav Army, stationed in the army barracks number 1, Marka Oreskovica street in Zadar, and was in command of the Military Academy, in Zadar, which he left for good at the end of August 1991. While on duty the first accused was a colonel and the head of the Artillery School Centre, at that time the best equipped in the former Yugoslavia. The witness S. T. stated:" The exact coordinates of the targets were given by M. P. [1st accused] and I. B. and the others were only executors of their orders." (103 - 104)

On the main hearing the witness S. T. admitted that as a high ranking officer he participated on the meetings of the commanders in June and July 1991. However from the end of July 1991 he was never invited to the meetings of the high ranking officers so nothing concerning the 2nd accused regarding his alleged orders of shelling is known to him. Moreover he did not believe that the 2nd accused has anything to do with shelling, he is even 99% convinced in his innocence concerning this matter. According to S. T., responsible for shelling were the first accused M. P. and I. B., S. V. and N. G., they were giving orders to their subordinates. "Upon your presentation of the names along with their function at that critical time, the responsible persons were from 1 to 6 on the list of names, and I already signed the statement on P. [2nd accused]. The third accused, B. was the head of the department for the target regulations and he was in charge of target coordinates. The accused V. was the commander of the School for Artillery and his deputy was the sixth accused S. C.. The fifth accused G. was commander of the garrison in the so called "Novi logor", in other words in command of the army barracks "Ante Banina" - stated witness S. T.. The witness explained the procedure of calculating the coordinates for targeting. First step was selecting the target, and communicating it to the head of the department for the regulation of targeting, who informed on it the computer department.

The witness C. M. was in the army barracks Marko Oreskovic in Zadar until 16.09.1991 and being familiar with the way of issuing and executing orders he is a reliable witness. "Colonel P. [1st accused] was in command of the Artillery School Centre, and without any doubt he was giving the orders for shelling Zadar and the surrounding area. I'm convinced nothing could have been performed without informing him first. How come that the name of B. I. [3rd accused] is not on the list of the suspects issued by the District Court Zadar, he was the head of the department for target regulations, and the first adviser to P. M. [1st accused]. What about P. M. [2nd accused], Montenegrin nationality, and the deputy of P. [1st accused] ? Being familiar with the situation in Zadar all the orders for shelling Zadar were given by M. P. [1st accused] and I. B. his main adviser, all the others acted only as the executors of their orders. Nothing could be performed without their orders." - stated C. M. (86-87).

The witness M. C. stated that responsible persons for shelling Zadar were the colonel M. P. [1st accused] who phoned from the army barracks the major G. [5th accused], in command of the gun unit in Zemunik and he transmitted the orders to the lieutenant colonel V. [4th accused] in Biljani Gornji. The colonel P. [1st accused] in that way marked specific targets stating their signs and numbers as they were marked on the maps with established coordinates and gave orders for shelling the chosen targets. The witness was present when V. [4th accused] received the order

from P. for shelling a certain target and V. replied "May I chose a target" P. repeated the order to shell the two mentioned targets and the one V. proposed himself as well. The target V. proposed to shell had the number 72. On the target 72 four missiles were directed. The witness saw on the map the target number 72 was either the church of Sv. Stosija or the church Sv. Donat.

According to the witness, M. P. [1st accused], N. G. [5th accused] and S. V. [4th accused] had the same maps and gave orders for shelling the targets with already known coordinates. (14-16)

On the main hearing the witness M. C. stated that around the 1st of May 1991 when the air raids started, the army officers were on the 24 hour duty in the barracks. The order came on the transfer to Benkovac on 23.07.1991 due to the briefing of the students in the School for Reserve Officers. The briefing of boarders at School for Reserve Officers lasted until September 1991, when the first serious clashes started. From Debelo Brdo in the direction of Maslenica bridge the first firing arms were used. Two batteries were on that location. In command of the units transferred to Benkovac were the fourth accused S. V. and the sixth accused S. C.. Their battery was stationed in Zemunik, military airport. Each battery consisted of 70 armed soldiers. The clashes lasted more or less a month. The witness M. C. was in command of the platoon and his superior was the captain, 15th accused M. B..

The witness further stated that the targets were marked by numbers and letters and the 1st accused P. was in charge of selecting the targets and informed on it the accused V. [4th accused] and other high ranking officers. In any case, 1st, 2nd and 3rd accused being high ranking officers had more power. The witness could say nothing regarding the responsibility of the 2nd accused P. and his responsibility of shelling Zadar and surrounding area.

The witness M. C. confirmed that the shelling of that area lasted a month. Zadar was shelled on a daily bases with approximately 15 missiles.

The witness A. M., at that time 1st class captain in the Yugoslav Army employed as a teacher in the Artillery School Centre. The director of the Artillery School Centre was M. P. [1st accused]. The witness A. M. deserted his post on 15.09.1991, however until that date all kinds of preparations were going on concerning the armed attacks on Zadar and surrounding area. "All the professional soldiers who were not Serb nationality were more or less forced to leave the army ranks, and we never participated in creating maps and plans for probable army activities. The plans for the defence were also created due to the great fear of the Croatian guard (the name for the Croatian Army at that time). (78)

All the statements of the witnesses were confirmed by other witnesses. Z. C. at that time a conscript in the army in Zadar, School for Reserve Officers stated that the accused P. [1st accused], in command of the School while in Benkovac had given the order to target the Maslenica bridge. (63)

This court will not separately discuss the statements of all the other witnesses regarding the issues in relation to the accused P. [1st accused]. E. M., one of the witnesses from the army barracks "Marsal Tito" in Sarajevo stated that P. [1st accused] was promoted upon his arrival to Sarajevo on the post of the general. While promoted he gave a speech and accused all the Croats who refused to take part in the shelling of Zadar of being ustashas. (67)

There is no doubt, the first accused M. P.'s promotion came as a reward for his giving orders for the attack of certain targets in Zadar and the surrounding area. He was also promoted in the Army General upon his arrival to the Socialist Republic of Yugoslavia, as a reward for killing civilians and causing enormous material damage in Croatia.

Accepting the statements of the witnesses as reliable this court established that the accused M.

P. [1st accused], commander of the Artillery School Centre in Zadar gave order for shelling Zadar and surrounding area.

As soon as the Court established the role and the authority of the first accused P. the second phase was to establish the degree of responsibility of the 2nd accused M. P., 3rd accused I. B. in giving orders for shelling the civilian targets.

The accused M. P. [2nd accused] was the deputy of the commander M. P. [1st accused] and the accused I. B. was the head of the Department for the Regulation of Firing, according to the statements of the witnesses.

The witness C. M. stated that the second accused M. P., Montenegrin nationality, was the Deputy of P. [1st accused] and the 3rd accused I. B. was the head of the Department for the Regulation of Firing, and the first adviser to P. [1st accused].

In relation to the 2nd accused P., the witness C. M. stated that P. [2nd accused] was a colonel it means that he was second in command, immediately after P. [1st accused].

The statement of the witness S. T. regarding the responsibility of the accused M. P. [2nd accused] does not reduce the responsibility of the accused, he said that M. P. [2nd accused] was confused and depressed concerning the chosen targets (in the city) for shelling, and above all panicky due to the fact that his son joined the Croat Army forces. His statement can not be taken as relevant since S. T. deserted the army before the critical events took place.

Anyway the accused M. P. [2nd accused] could have refused the execution of the order for shelling Zadar and the surrounding area, he could have deserted the Army or submit his resignation as some other officers, at that time opposed to the great Serbia idea and policy and the shelling of Zadar and surrounding area. With such an attitude M. P. [2nd accused] would have been certainly excluded from bringing the decisions, instead after the performed atrocities he departed from the Republic of Croatia.

All the aforementioned leads to the conclusion that M. P. [2nd accused] as the second in command, immediately after M. P. [1st accused], took part in bringing decisions, later on communicated by M. P. [1st accused] to his subordinates to be executed.

The witness, S. T. stated that the 3rd accused I. B., head of the Department for the Artillery Fire Regulations was an extremely important person as far as targeting was concerned. Without him the conduct of fire could not have been performed. I. B. made the choice of targets in Zadar and the mode of firing, and communicated his decision to M. P. [1st accused]. The witness S. T. said: "The selection of targets and the mode of firing was a military secret for the rest of us, and the people in charge of executing the orders were only partially informed, however every one of us was familiar with bits and pieces of the plan. However some information leaked out." (103)

The responsibility of the 2nd and 3rd accused and their role in giving the orders for targeting civilian buildings this Court established that the accused M. P. [1st accused] with the consent of the 2nd and the 3rd accused gave orders for firing, and the other accused persons merely executed the orders.

The 4th accused S. V., lieutenant and in command of the School for Reserve Officers, according to the witness M. C. was in command of the army units, four platoons and two gun batteries, and under his command aforementioned units departed from Zadar to Benkovac on 23.07.1991. S. V. shared his post with the 4th accused S. C..

According to the witness M. C. the army arrived to Bankovac on 23.07.1991 and all the

preparations were made for entrenchment of the guns and occupying the firing positions. Upon the attack on Krusevo in the mid of September 1991 from the observation post the 4th accused S. V. gave order (over the radio) to turn the guns in the direction of the Maslenica bridge. The accused S. V. gave order for firing from each of the guns one missile in the direction of the bridge. "V. gave order from the observation station "Fire", and the missile was fired from one of the guns. The other gun was silent for somebody enabled it by putting a stone in the cog - wheel." - stated M. C.. (15)

During the main hearing the witness M. C. stated that the units transferred to Benkovac were under the command of S. V. and C. C. refused to execute their orders explaining that his family had been living in Zadar (and could be hurt). The other soldiers of Croat origin also refused to fire and were transferred to the nearby gun. All the targets were marked in numbers and letters and the 1st accused M. P. was in charge and informed on it S. V. and other high ranking officers.

According to the statement of the witness Z. K., the accused S. V., lieutenant was in charge of the School for Reserve Officers in Zadar. "V. gave orders for firing Maslenica and was in charge of the former Yugoslav Army along with M. forces in the attack on the Maslenica bridge and Maslenica and the area around Krusevo was targeted under his command. I monitored it myself from the observation post on Debelo Brdo."

Z. K. stated that at the beginning of June 1991 his battery was transferred to the village Biljane Gornj, close to Zadar and from that post were conducted severe attacks on Zadar and surrounding. The witness was aware that S. V. received all the orders by radio directly from M. P. [1st accused]. The military activities at that time went on uninterrupted 24 hours a day. Zadar was fired at that time day and night. (77)

The witness G. L., stated that colonel S. V. from the observation post upon the received order from Zadar by radio gave the exact co-ordinates to the accused M. B. to fire at the bridge. The order was executed at night some time in August 1991. (113)

According to the witness Z. C., the accused M. P. [1st accused] communicated the orders to S. V. and N. G. and they transferred it to their captains, battery and platoon commanders, and they transmitted it to the soldiers. (63-64)

E. M., the witness, was present on Debelo Brdo on the observation post when the accused S. V. was there. He heard from the other soldiers that the settlements around the Maslenica bridge and the bridge itself were targeted and conducted exactly from that post. (66)

According to the statement of M. P. [witness], upon the attack on Maslenica bridge, S. V. was on reconnaissance, and his guess was that he actually conducted the fire. The accused V. was in charge of all the field operations, however he acted upon the orders of M. P. [1st accused]. (117 - 118).

N. G., the 5th accused, major and in command of the gun formation in the military airport in Zemunik, as M. G. stated was in charge of the gun formation in Zemunik and executed the orders received from M. P. [1st accused] and transmitted it to the lieutenant V. in Biljane Gornje. (15)

G. L., a witness, stated that the accused N. G. upon his arrival to Benkovac on 23.07.1991 was appointed in command of the second division and executed the orders on the fire position in the military air base Zemunik.

"A. L. transmitted the first order received from Zadar to fire on Zadar and surrounding area. I and 9 other soldiers refused to execute the order and we were all, upon the order of G., disarmed and detained in one of the hangars. We stayed their for several hours. When the second order to fire

at Zadar was given we were dispositioned behind the guns however guarded by other soldiers." - said G. L.. (114)

E. M., one of the witnesses stated that the other Croat soldiers who refused to fire on Zadar were forced to watch the former Yugoslav Army soldiers execute the orders. N. F., lieutenant, pointed gun fire and beside him were the accused A. L. and N. G. who gave orders. N. G. was in command of the division and was present on all the positions when there was a military activity going on. (66 -67)

The witness M. P. stated that concerning the responsibility of the accused N. G. he unfortunately was not in a position to say anything whatsoever, he only knew that N. G. held some time the key position in the army barracks in Benkovac. (117)

C. M., a witness, stated that the 6th accused S. C. was for a certain period of time in command of the School for the Reserve Officers, and his unit was equipped with numerous artillery weapons, and had numerous soldiers under his command. (87)

The witness M. C. stated that the accused S. C., as lieutenant and a deputy of the commander S. V. was in command of the unit stationed in Benkovac on 23.07.1991.

According to the witness S. T. the deputy of the commander V. was the 6th accused S. C..

All the aforementioned witnesses confirmed that the accused from the 1st till 6th place were high ranking officers and that the 1st and the 2nd accused were colonels, and all the others were lieutenant-colonels, ordering and transmitting the orders to target Zadar and surrounding area as stated in the verdict.

According to the witness C. M., the 7th accused D. G., lieutenant, and the 8th accused P. T., lieutenant, were in command of the army barrack "Ante Banina" in Zadar.

Describing the activity of the two aforementioned accused persons the witness M. C. said: "In the army barracks in Benkovac I met officers transferred from the Zadar headquarters on 19.10.1991. In the conversation with the 1st class captain Z. M. I learned that the place called Vruljica had been targeted from the army barracks "Ante Banina". The person in charge of mortars targeting Vruljica was the lieutenant D. G.. Z. M. told me that the crying for help could be heard from Vruljica. Z. M. also told me that the lieutenant T. (unfortunately I do not know his name) had boasted around that he ordered gun fire against the skyscrapers on the opposite side of the army barracks "Ante Banjina". I presume the buildings were targeted from ZIS."

The witness M. C. stated concerning the 9th accused Z. B. and the 10th accused S. D. that at the end of September 1991 somewhere in the vicinity of their lines, 500 to 600 m away a battery from Valjevo of six 130 mm guns was entrenched. From that guns was fired at Zadar and the surrounding area, Z. B. from (...) and S. O. from (...) both lieutenants were in command. Unfortunately M. C. could not recall the name of the battery commander.

The witness M. C. stated that the 9th accused S. G., 1st class captain, was in command of the howitzer battery. After 2/3 days after the bridge had been targeted the change of the fire position took place upon the estimation that the former fire position had not been satisfactory. The 155 mm and 152 mm howitzers were dispositioned on the airport Zemunik along the already entrenched six 122 mm howitzers. In command of the battery was 1st class captain S. G.. Only several days afterwards 130 mm and 100 mm gun batteries were dispositioned on that lines. In other words one battery with two types of guns were dispositioned in the area of Biljane Gornje, so called Kamennita glava. Exactly from that position were targeted Murvica, Brisevo, Islam Latinski and Zadar. Missiles targeted from that position the town and the suburb area. The

mentioned attacks took place at the end of September and beginning of October 1991. The building of the Youth Holiday Association in Borik and some other residences on the peninsula were hit. Upon the first reports the army made corrections and continued targeting Bibinje and Gazenica.

M. C. - one of the witnesses stated that upon his departure from Biljane Gornje the accused M. R. stayed behind with two guns (100 mm and 130 mm) and 30 soldiers and they all joined the Valjevo battery equipped with of 130 mm guns.

The witness E. M. stated that according to what he had been told the 12th accused M. R. targeted the Maslenica bridge while celebrating the birth of his son.

The witness Z. K. from his post monitored shelling of Zadar from the 130 mm guns under the command of M. B. and M. R.. (76)

According to the witness M. P. the 12th accused D. J., lieutenant and the head of the computer centre, gave co-ordinates, M. P. [the witness] allegedly told him that it had been impossible to conquer that corner, but in spite of it the shelling continued. "They targeted Zadar from the village, they even recorded the number of shells and the names of those who actually targeted the town. All was written down on the protection buffer" - stated witness M. P. (117)

According to the witness M. C., when the village Krusevo surrendered the accused S. V. gave orders to fire at the bridge from each or maybe one gun. The soldiers calculated the co-ordinates and the accused D. J. gave the order "Fire", so one missile was fired. (15)

M. C. was in the same battery with the accused D. J., but D. J. was the head of the computer centre.

The witness M. P. was a cannoneer, neither him nor the other soldiers of the Croat nationality complied with executing the orders. The 12th accused D. J., the head of the computer centre gave coordinates for shelling. (117)

For the 14th accused J. M. the witness M. C. stated that he had been in command of the guns and the firing man of the first gun. He targeted the city by triggering.

According to M. P., one of the witnesses, the accused J. M. was in command of the first squad and that he personally triggered the gun. M. P. [witness] refused to obey the command of J. M.. (118)

Witness M. C. stated that the 4th accused S. V. ordered (over the radio) to the 15th accused M. B. to post the 130 mm guns in the direction of Maslenica bridge, so both guns were positioned in that direction. "I was in command of the two 100 mm guns, one was out of order due to my carelessness. I did not take with me from Zadar the point-at device, so only one gun was in use. While I was in the army barracks in Benkovao, at the beginning of October 1991, sometime between the 1st and the 5th, while I was absent, captain B. personally targeted the church in Nadin with 9 demolition effect missiles. M. P. and H. B. told me about it and captain B. boasted around that he personally had fired from that gun. Lieutenant V. confirmed the story, and asked for my whereabouts when the action took place.

The witness M. P. confirmed the statement of the witness M. C.. He repeated that the attack on Nadin was carried out upon the command of the accused S. V. and M. B., and specially the church of Sv. Antonio was targeted. There was allegedly the observation post on the church tower and the order to fire at it was given but the missile missed the target.

"While in Benkovac the order of the lieutenant M. P. [1st accused] was received to target the Maslenica bridge from Debelo Brdo. The order was given to the battery under the command of M. B.." - stated the witness Z. C.. (63)

The battery under the command of M. B. actually targeted the Maslenica bridge according to Z. C..

G. L., a witness was transferred to Zemunik at the end of August 1991, where he learned from the other soldiers that the 19th accused N. F., 12th accused M. R., and the sergeant O. S. and the 1st class captain B. P. took part in the attack on Zadar and other Croat villages. The whole unit from Benkovac was stationed on the airport Zemunik Gornji and the 155 mm howitzers were entrenched at that position. B. P., the captain was in charge of the 122 mm howitzers.

G. L., a witness, stated for the 17th accused A. L. that the 2nd and the 3rd batteries were transferred from the army barracks in Benkovac on 23.07.1991 along with the captain A. L.. The accused N. G. was appointed in command of third Division. The first order from Zadar was to target the town and the surrounding area. A. L. transmitted the command. G. L. with 9 other soldiers of Croat origin refused to execute the command and was sentenced 30 days in prison. (113 - 114)

The witness E. M. was arrested by the Military Police upon the command of A. L. and major N. G. along with other Croat soldiers sentenced to 30 days in prison. While in custody they were forced to watch the soldiers of the former Yugoslav Army target Zadar and the surrounding area. N. F., the 19th accused, gun fired on the town, and beside him were A. L. and N. G., probably giving orders for firing the city. (66-67)

The witness G. L. was transferred to Zemunik at the end of August 1991 where he heard from other soldiers that M. M. the 18th accused, N. F. and others took part in the attack on Zadar and other Croat villages. The whole unit from Benkovac was accommodated on the airport Zemunik Gornji, the 155 mm howitzers were entrenched there and the commander was the accused M. M.. (113)

The witness E. M. stated that the 18th accused M. M., lieutenant and in command of the platoon was present when the soldiers of the Croat origin who refused to take part in shelling Zadar.

He also said that the soldiers of Croat nationality were brought to the firing positions and forced to watch the members of the former Yugoslav Army gun fire Zadar. N. F. gun fired Zadar and beside him were the accused A. L. and the accused N. G.. He presumed they were giving orders for targeting the town.

The statement of E. M. was partly confirmed by the statement of G. L. who added that the entrenched unit in Zemunik was under the command of the accused N. F..

Particularly the statement of M. G., the officer in the so called Yugoslav national Army stationed in Benkovac and registered all that the accused performed, specially the acts of the 1st accused M. P. and some high ranking officers, from a colonel to a major, giving and transmitting orders for targeting the civilian objects. The statements of the witnesses S. T. and C. M., well acquainted with the hierarchy of the staff in command in the former JNA in Zadar, this Court established the criminal activity of the 1st till the 6th accused, from M. P. to S. C..

The responsibility of the 7th D. G. and the 8th accused P. T. who targeted Zadar from the army barracks "Ante Banina" causing damages as stated in the verdict.

Z. B. the 9th and S. D. the 10th accused, were transferred from Valjevo in order to carry out the idea about Great Serbia, in other words they wanted to make the Republic of Croatia the part of Great Serbia.

The activity of the 11th accused S. G., 1st class captain and in command of the howitzer battery has been explained in the verdict. M. R. the 12th accused, lieutenant and in command of the platoon targeted and shelled according to numerous witnesses the Maslenica bridge, celebrating the birth of his son. The accused M. R. celebrated the birth of his son targeting the bridge and expressing in this way his hatred toward the Croatian people.

The activities of the 13th accused D. J. till the 19th accused N. F. were established upon the statements of the witnesses.

All the statements of the witnesses match, they all registered and monitored the acts of the accused in more or less the same way. This Court accepted their statements as objective, reliable, and established that at least 30 civilians were killed and enormous material damage performed.

Pursuant to international Law incorporated in the Criminal Law of the Republic of Croatia in the part where the Criminal Acts Against Humanity and International Law are listed, War Crimes against Civilian Population, Article 120, paragraph 1, Basic Criminal Law of the Republic of Croatia, the mentioned criminal acts represent the violation of the International Law, whoever during the war, armed clashes or occupation of the territory gives order for the attack against the civilians and persons unable to take part in a combat, performs in this way fatal casualties, orders targeting civilians, mistreats or in any other way inhumanely treats people, violates the mentioned law.

As soon as the Court established the responsibility of each of the accused the sentence was pronounced.

For the criminal acts pursuant to Article 120, paragraph 1, Basic Criminal Law of the Republic of Croatia prison sentence from at least five to twenty years is anticipated according to this law, for the perpetrators as stated in Article 35, paragraph 1, Basic Criminal Law of the Republic of Croatia 15 years sentence, and pursuant to paragraph 2 of the same Article for the most humiliating criminal acts 20 years prison sentence is anticipated.

The degree of the criminal responsibility of the accused in performing the criminal acts is not the same, depending upon the responsibility of each one of the accused in the performance. The degree of responsibility of those who planed the shelling and issued orders for targeting, those who transmitted the orders to the subordinates and at the those who executed the orders.

The 1st accused M. P., 2nd accused M. P., 3rd accused I. B., 4th accused S. V., 5th accused N. G. and 6th accused S. C. were given the maximum sentence in the duration of 20 years since their degree of responsibility was undoubtedly the greatest.

All the other accused were sentenced to: 7th accused D. G. to 15 years imprisonment, 8th accused P. T. 13 years imprisonment, 9th accused Z. B. 13 years imprisonment, 10th accused S. D. 13 years imprisonment, 11th accused S. G. 14 years imprisonment, 12th accused M. R. 14 years imprisonment, 13th accused D. J. 13 years imprisonment, 14th accused J. M. 10 years imprisonment, 15th accused M. B. 15 years imprisonment, 16th accused B. P. 13 years imprisonment, 17th accused A. L. 14 years imprisonment, 18th accused M. M. 12 years imprisonment, 19th accused N. F. 12 years imprisonment.

Each of the accused received separate sentence according to the degree of the performed criminal act.

The defence attorneys were officially appointed, and their fees have to be reimbursed by all the accused equally in the amount of 3.000,00 kunas each.

It has been decided as stated in the verdict.

In Zadar, 24.04.1997

Recording secretary: President of the Council:  
L. G. D.K.

Stamp: Republic of Croatia, District Court in Zagreb

Legal remedy:

Against this Decision the complaint is to be lodged to the Supreme Court of the Republic of Croatia in Zagreb, within 15 days upon the receipt of the verdict.

The complaint has to be in triplicate (for the first, second degree of the court and for the opposite party) sent by recommended mail or immediately dictated on the record.

The complaint can rule out the verdict in case of the severe violations of the criminal procedure, in case the facts were established upon the wrong evidence, as well as due to the decision on the cost of the criminal procedure in the claim for indemnification and the decision on stripping of the material profit.