



Republic of Serbia
Office of the War Crimes Prosecutor

DISTRICT COURT IN BELGRADE
WAR CRIMES CHAMBER

7 November 2007

Pursuant to my authority under article 46 § 2 (3) in re articles 3 and 4 §2 of the Law on Organisation and Competence of State Authorities in War Crimes Procedure, I hereby bring the INDICTMENT against

Zdravko PAŠIĆ, born on 25 March 1963 in village Broćanac, Slunj municipality (Republic of Croatia), with residence in Belgrade, citizen of Serbia, retired civil engineering worker, currently under custody further to the ruling KiV. 10/07 of 28 September 2007, rendered by the investigative authority of the Belgrade District Court – War Crimes Chamber, the measure being effective as of 26 September 2007, when he was deprived of liberty.

BACKGROUND

In the latter half of 1991, the Socialist Federal Republic of Yugoslavia (SFRJ), the then internationally recognised state, was a site of noninternational (internal) armed conflicts between the Yugoslav People's Army (JNA) and other armed formations within the Independent Autonomous Area of Krajina (SAO Krajina) on one side, and organised armed units – parts of the National Guard (ZNG) and Ministry of the Interior (MUP) of the Republic of Croatia (a SFRJ federal unit at the time) on the other side.

CHARGES

At the time relevant to this indictment, i.e. the night between 22 and 23 December 1991, further to a previous arrangement and in concert with Milan GRUBJEŠIĆ (who is currently serving a prison term further to the final verdict Ref. K. 2/01 of 16 November 2001, rendered by the District Court in Karlovac, Croatia), the accused, PAŠIĆ, engaged in an attack over a number of civilian persons who were not directly involved in the hostilities. In the aftermath of the attack, which took place in the Slunj municipality area, one person was killed. At the time members of organised armed

formations under the control of the SAO Krajina government authority, PAŠIĆ and GRUBJEŠIĆ drove in a black Mercedes passenger vehicle to the Slunj outpatient department, where they found Dr. Dragutin KRUŠIĆ, ethnic Croat, and urged him to join them to Cetingrad, allegedly in order to provide medical care for a number of wounded persons. Acting upon the request, Dr. KRUŠIĆ took his medical briefcase and joined the two in the aforementioned vehicle. However, that was just a pretext for PAŠIĆ and GRUBJEŠIĆ to drive KRUŠIĆ outside the town, in the direction of village Mali Vuković. They stopped at the car park outside the guesthouse »Suzy«. As the victim left the car and walked several metres away towards the guesthouse, he was hit with a number of bullets discharged by PAŠIĆ and GRUBJEŠIĆ. PAŠIĆ, who fired from an automatic rifle, and GRUBJEŠIĆ, who used a 7.62mm gun, inflicted massive entrance/exit wounds on the victim, which resulted in his immediate death.

By his active participation in the described event, the accused, Zdravko PAŠIĆ, acted in breach of the international legal regulations governing the conduct of war, which are contained in the fourth Geneva convention on protection of civilian persons in warfare (12 August 1949) – art. 3 § 1, in re arts. 13 § 2 and 4 § 2 (a) of the second annexed protocol to this convention, which outlines protection of victims in noninternational (internal) armed conflicts.

In view of all of the facts set forth above, the accused, Zdravko PAŠIĆ, committed the criminal offence recognised by Art. 142 § 1 (war crime against civilian persons) of the FRY Criminal Act.

In consideration of the foregoing, I

PROPOSE

- A trial to be held before this Court, in view of its territorial, real and functional competence, whereto the following participants should be summoned:

1 The War Crimes Prosecutor of the Republic of Serbia;

2 The accused, Zdravko PAŠIĆ, who is currently under custody in the Belgrade District Prison;

3 Witnesses:

- Detention for the accused, Zdravko PAŠIĆ, to be extended pursuant to article 142 § 2 (1), (5) of the Criminal Procedure Act.

STATEMENT OF REASONS

In the latter part of the year 1991, a state of armed conflict existed in the Republic of Croatia, at the time part of the Socialist Federal Republic of Yugoslavia. Parties involved in the conflict were the JNA forces and other armed formations under the control of the then SAO Krajina on one side, and organised armed units of the Republic of Croatia, i.e. of the National Guard and Ministry of the Interior (MUP) on the other. Included in the conflict was also the area of Slunj municipality. In the latter part of November 1991, the Slunj municipality assembly rendered the decision on the appointment of a wartime presidency, whereby all civil and military power was transferred to the newly established authorities. Within the new governing structure, the convict, Milan GRUBJEŠIĆ, was appointed general manager of the public company »Komunalac«. As a mobilised person, GRUBJEŠIĆ was given infantry armament and a camouflage uniform.

Initially a police force member, the accused, Zdravko PAŠIĆ, was soon removed from the position due to the lack of labour discipline and autocracy. In subsequence, he spent some time circulating within the military, whereupon he probably settled in one, still unidentified paramilitary unit. In that period, the majority of Croatian and other non-Serbian population left the area. Among the few remaining civilians was Dr. Dragutin KRUŠIĆ, an ethnic Croat. All of those who remained were under a labour obligation, whereas their freedom of movement was restricted. Dr. Dragutin KRUŠIĆ worked as a practitioner at the local outpatient department, where he spent most of his time. He seldom went home, and that exclusively with the prior consent of the police.

In the late night hours of 22 December 1991, Zdravko PAŠIĆ and Milan GRUBJEŠIĆ reached the Slunj outpatient department in a black Mercedes car. They ordered Dr. Dragutin KRUŠIĆ to join them to Cetingrad, allegedly in order to attend to a number of casualties there, which, at a later point, proved to be but a pretext for the subsequent developments. Dr. KRUŠIĆ immediately acted upon the order, took his medical briefcase and entered into the car. While T. V., a nurse who was supposed to assist Dr. Krušić, was told not to come, the group was joined by P. P., a policeman who was at the moment on guard duty in the outpatient department. The car passed through a checkpoint on the route leading out of the town in the direction of Cetingrad, and headed for village Mali Vuković. It soon stopped at the car park outside the guesthouse Susy, where the group went out. Dr. KRUŠIĆ made his way towards the staircase at the entrance to the guesthouse. At that moment, from within several metres' distance, PAŠIĆ and GRUBJEŠIĆ opened fire on him, PAŠIĆ from an automatic rifle, and GRUBJEŠIĆ from a 7.62-mm gun. In the aftermath of the attack, Dr. KRUŠIĆ received multiple entrance/exit wounds all over the body, resulting in his momentary death. The group then returned to the outpatient department, where GRUBJEŠIĆ brought the doctor's briefcase and told the nurse that the doctor would

be back in a while. PAŠIĆ and GRUBJEŠIĆ subsequently drove off in the aforementioned car.

In the morning of 23 December 1991, informed of a lifeless body lying outside the guesthouse Susy in Mali Vuković, a Slunj public security team went to the indicated location and inspected the site. They were immediately able to establish that the victim was Dr. Daragutin Krušić. On the same occasion the team identified the traces left by car wheels on the thin snow. Furthermore, they noted numerous entrance/exit wounds on the victim's body, along with several shells and bullets scattered over the surrounding area. The team were unambiguously led to the conclusion that the bullets had been discharged from either an automatic rifle or a 7.62-mm gun. Their operations in the field shortly resulted in a sufficient amount of evidence and data, whereupon murder charges were brought against Zdravko PAŠIĆ and Milan GRUBJEŠIĆ.

Further to the competent prosecutor's motion, criminal proceedings for the stated offence were opened against both of the suspects before the Glina District Court. The proceedings, which were later discontinued, have never been resumed by the stated judicial authority.

Upon the cessation of the armed conflict in Croatia, this case was brought before the Karlovac District Court, which conducted and completed the criminal proceedings against both of the suspects, with Zdravko PAŠIĆ being tried in absentia. Pursuant to the final decision ref. No. K2/01, rendered on 16 November 2001 by the Karlovac District Court, both of the accused were sentenced to 12 years' imprisonment terms. In the aftermath of this decision, which was also confirmed by the Croatian Supreme Court, Milan GRUBJEŠIĆ is currently serving his sentence.

All of the foregoing relevant facts, as well as other circumstances of the incriminated event were established on the basis of evidence and data obtained throughout the investigation stage.

The above conclusion is additionally, if indirectly, substantiated by the fact that the incriminated event was also addressed by the Glina District Court, which initiated, and later discontinued, criminal proceedings on murder charges, which is evident from the ruling Kio-92-9 of 26 September 1992, rendered by the investigative judge of the Glina District Court, and from the ruling on the Discontinuation of Investigation, rendered on 25 November 1992 by the same court and registered under the same number.

In its essential and original meaning, the incriminated event can be qualified as a classical murder.

However, in the light of the facts that the victim of this murder was a civilian person, that the murder was committed at the time of an armed conflict and on the part of one of the parties to the conflict, the criminal offence at issue can unambiguously be qualified as a war crime against civilians.

Namely, the existence of the above described armed conflict in Croatia, at the time part of the SFRY, between the Croatian armed formations on one side and the JNA and SAO Krajina armed forces on the other, which was in progress throughout the latter part of 1992, is a generally known fact that does not need to be supported by any evidence. In that context, it is not of essential relevance whether or not the incriminated event occurred at the time of active hostilities between the conflicted parties.

Pursuant to the decision on the appointment of the war presidency, re-rendered by the Slunj provisional assembly on 16 November 1991, new civilian and military governing structures were established in the area, wherein both of the accused individuals participated in the formerly described manner.

By their active and willful involvement in the foregoing event, the herein accused individuals acted in violation of the prohibitions outlined by the Geneva conventions and the second annexed protocol to the fourth convention of 12 August 1949, specifically its article 3 § 1 on protection of civilians in warfare, in re art. 13 § 2 and art. 4 § 2 (a) of the same protocol, which regulates protection of victims in noninternational (internal) armed conflicts. Explicitly prohibited by the aforementioned provisions, at all times and in all places, are all forms of violence against life, health, ... and particularly the killing of civilian population or individuals. The described activities, which are liable to a blanket ban, are also incriminated by our national legislation, specifically by art. 142 § 1 of the FRY Criminal Act. This Act has to be applied in the particular case, to the effect that – among other actions – orders to kill, or personal engagement in the killing (like in the particular case), of a civilian group or individual (like in the particular case), constitute an essential element of the criminal offence statutorily recognised as war crime against civilian population.

Apart from the indisputable fact that Dr. KRUŠIĆ was an ethnic Croat, no other circumstance has been identified whatsoever to suggest that the herein accused individuals might have been otherwise motivated to commit a crime like this.

We believe that our proposal related to the extension of custody for the accused, PAŠIĆ, has substantial grounds in art. 142 § 2 (1) and (5) of the Criminal Procedure Act.

The criminal offence at issue is punishable by a prison term longer than 10 years. The

particularly grave circumstances of the crime – the manner of its commission, the fact that it was jointly planned with another perpetrator and carried out in the form of a classical liquidation that was exclusively motivated by the victim's Croatian ethnic background – are, in our belief, particularly grave circumstances that provide additional grounds for the detention of the accused, pursuant to art. 142 § 2 (5) of the Criminal Procedure Act.

WAR CRIMES PROSECUTOR
Vladimir Vukčević