

World & Regional Issues

The Osijek Case

THE IMPORTANCE OF FEHIR'S TESTIMONY

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Following a Belgrade war crime trial addressing the executions committed in 1991 at Ovčara near Vukovar, the investigation on Osijek war crimes has once again revealed the necessity of investigative and judicial interstate co-operation in the territory of the former Yugoslavia

When in June this year witness Krunoslav Fehir accused Osijek war commander Vladimir Glavaš of ordering killings of civilians in Osijek throughout 1991 and 1992, Croatian chief state prosecutor Mladen Bajić announced that the judicial bodies of Serbia and Montenegro were going to co-operate on the case. This appears reasonable, given the fact that the Ratković case, as well as some other cases related to the wartime killings of Osijek ethnic Serbs, were originally investigated by the judicial authorities of the then FR Yugoslavia, which resulted in a substantial quantity of documents, evidence and information.

This was recently confirmed by Belgrade judge Ilija Simić, who, acting within the Committee for Collecting Evidence on Crimes against Humanity and International Law, said that the Serbian Ministry of Justice had a lot of data and documents related to the Osijek wartime killings, including a list of 53 persons liquidated in that town.

The importance of Fehir's testimony

Since the investigation on war crimes against Osijek Serbian civilians has been conducted in strict confidence for already two months, the public is not informed about the extent and ways of the Serbian and Montenegrin authorities' involvement in it.

It is however known that the interstate co-operation came into effect in at least one case, namely in the investigation concerning a liquidation attempt against Radoslav Ratković, the Osijek Serb who is now living in a place in Vojvodina. In late August this year, Ratković was examined by two deputy war crimes prosecutors of Serbia and Montenegro, while an Osijek district deputy prosecutor attended the examination. As early as in 2001, Ratković gave a statement to the Osijek district court investigating judge, about what he had experienced in December 1991. However, Krunoslav Fehir's testimony given last July revived the interest in the »Osijek case«, thus triggering a renewed investigation, which once again started from the initial point.

Ratković is the only survivor of the series of thoroughly identical executions that took place in Osijek throughout the months of November and December of 1991. According to Osijek district prosecutor Damir Petričević, at least ten persons were, similarly as Radoslav Ratković, removed from their homes and taken to a private house at 30, Dubrovačka Street in Osijek, where they were interrogated and brutalized by the Croatian army members; subsequently, with their hands tied on the back and sticky tape over their mouths, they were transferred to the Drava river bank, where they got liquidated.

On 7 December 1991, saying that they were just taking him for a brief informative talk, three uniformed members of the Croatian army pulled Ratković from the house where he was living. Upon being driven to the house at 30, Dubrovačka Street, Ratković was questioned, beaten and otherwise tortured, while a few hours later he was transported to the Drava bank, to a site close to the Osijek Fort, where he was shot in the head and pushed into the river. Despite his tied hands, a wound in his jaw and the sticky tape over his mouth, Ratković managed to rise to the surface. Then he was once again shot and wounded in the same spot. He dived and, remaining under the water, kept swimming a few metres downstream. After the soldiers, believing that he was dead, had gone away, Ratković slowly re-emerged above the surface.

He managed to get out of the water, but soon saw the same car in which he had been taken, now returning to the bank and another victim being removed from it. Ratković recognized the victim – it was doctor Milutin Kutlić, a well-known Osijek oncologist. Both being staff of the Osijek hospital, Ratković, an electrician formerly working on the aggregates maintenance, and Dr Kutlić had known each other.

Kutlić's body was found in the Drava on the following day. Another Osijek Serb, Bogdan Počuća, was killed in the same way, whereas in the course of December, several other corpses, which have never been identified, emerged afloat, all with their hands tied on the back and gunshot wounds in their heads.

Following a brief rehabilitation treatment in Osijek, Ratković soon left for Yugoslavia, where he gave his witness statement to the investigative authorities. It is logical that at the time, only a few months after the event, his statement was much more precise and better detailed than that given to the Croatian investigators ten years later. Along with the evidence related to other liquidations, the Yugoslav authorities handed the Ratković case to the Hague ICTY representatives.

In mid July, following the Feral Tribune weekly's publication of ex-policeman Krunoslav Fehir's distressing testimony on the convictions, torturings and killings of Serbian civilians in the courtyard of the today's district administrative building in downtown Osijek, where the Branimir Glavaš war staff was based throughout the wartime years of 1991 and 1992, the Croatian public remained shocked. It was the first appearance of an immediate witness and participant in the events depicting the darker side of the defence of Osijek, although the issue had been largely discussed and written about over the years. Prior to the Feral Tribune's article, Fehir disclosed his recollections of the event in a statement given on 6 July this year to chief state prosecutor Mladen Bajić.

Did Glavaš order the crimes?

A member of Branimir's Osijek Force (BOB), the élite unit commanded by Branimir Glavaš, Fehir was only sixteen and a half when the liquidations of civilians started. He was introduced into the unit by his father Josip, one of the 57 unit's founding members gathered around Glavaš, whose names are on the roll of honour in a monograph dedicated to 160th Osijek Brigade. A large number of wartime photographs, documents and official military IDs presented by Fehir in support of his story, disclose that he had the best military equipment, including a uniform and weapons.

While most other members of the Croatian army, which in mid 1991 was still in its prime, did not have anything better than casual pieces of uniforms and hunting weapons, Fehir, although aged only 16.5, was rigged out with the equipment of an élite army member. According to his allegations, the BOB troops headed by Glavaš boasted the best equipment and weaponry.

In his statement Fehir accused Glavaš of being well aware of unlawful convictions of civilians, who were held confined in a garage situated only several metres away from the window of Glavaš's office. Further to Fehir's allegations, the captives were interrogated and tortured in the garage, whereafter most of them got liquidated. Fehir detailfully described an event of September 1991, in which he had personally participated while he was on guard duty at a spot close to Glavaš's office. On that day, beside other captives, in the garage were interrogated two Osijek Serbs, Čedomir Vučković and Đorđe Petrović. Fehir's duty was to watch them in case they should try to escape.

Demonstrating the extent of the brutality administered during the interrogations, Fehir stated that the captives had been made to drink acid discharged from accumulators stored in the garage. When at a certain point in time terror-driven Vučković managed to force the garage door open, Fehir opened fire at him. Frightened by the shooting, Đorđe Petković, who was also confined in the garage, did not make a single move. At that moment Glavaš came running and said: »Kill this one immediately as well!« There has been no trace of Petković ever since, and his body has not been found up to the present day.

The autopsy performed at the Osijek hospital pathology ward, where Vučković's dead body was transferred, revealed that his death had been caused by sulphric acid intoxication. This particular detail also matches Fehir's allegations, indicating that at the moment of breaking through the garage door Vučković had already been living the last minutes of his life, and therefore the shots fired at him were not the immediate cause of his death.

Following the Feral's publication of his statement, which was promptly broadcast by all of the Croatian media including the national television, Fehir got the status of a protected witness and permanent police protection. He was displaced from Osijek, beyond the reach of the media.

Unambiguous charges of liquidation orders issued against Serb civilians created an extremely uneasy environment for Glavaš, who had been one of the most influential Croatian politicians over the years. The charges were too serious to be ignored by the state authorities, and therefore, unlike some similar situations from the previous years, one of the most prominent police experts, Vladimir Faber, was urgently reassigned from Zagreb to Osijek with a task to take control over the local police and head the investigation. Along with Faber, five other inspectors came to Osijek to participate in the investigations on the killings committed in the town during the war.

The exact number of the killings has never been established, yet according to the media reports

substantiated by the victims' names, the death toll is estimated to amount to almost one hundred. Beside the meticulous witness examinations, Faber's investigating team are currently interrogating the former BOB members, in order to track those who issued the execution orders, as well as those acting as the immediate perpetrators.

Is there enough political will?

Since in the meantime several more witnesses have spoken out in favour of his responsibility for the crimes, the grip is tightening on Glavaš, who is now trying to give a political background to his case. In early summer, on the grounds of his opposing the party policy, he was excluded from the Croatian Democratic Union (HDZ), within whose ranks, being one of his founders, he had exerted a significant influence. He labelled the investigation conducted against him as a political reprisal, and denied being in any way involved in the Osijek crimes.

However, in his numerous appearances in the media, he repeatedly announced that, in the case of a court trial against him, which he hurried to label as »staged«, he would speak out about Vladimir Šeks, currently the Croatian assembly president. Namely, at the beginning of the war, when the Osijek liquidations started, Šeks was holding a presidential position in the local war crisis staff. It was not until mid September 1991 that he returned to Zagreb.

»If anybody considers me responsible for these crimes and claims that I must have been informed about them, the same can be said for Šeks, whose office at the time was just one floor above mine«, Glavaš has hinted a number of times over the past few weeks, speaking to the Croatian media.

Some observers in Croatia believe that the presence of political will, in Osijek and elsewhere in Croatia alike, is of crucial importance for a successful outcome of war crimes investigations. Opinions are divided as to the strength of the currently existing political will, as well as to the determination of prime minister Ivo Sanader to have the investigation against Glavaš conducted through to the end this time. Sanader does not want Šeks to be involved in a crime context, since beside being the parliament president, the latter is one of the most authoritative HDZ officials with substantial control over its members.

Anyway, the »Osijek case« is another test for the Croatian authorities to prove their readiness to deal with some dark aspects of the country's recent history. A prospective EU member, Croatia is expected to dispose of the criminal burden getting in its way. By facing its own responsibility, Croatia would have much more right to appeal on others to frankly face their own past, punish their criminals and thus contribute to the overall process of reconciliation in the region.