

WORLD & REGIONAL ISSUES

CROATIA FACING THE "MERCEP CASE"

MORE THAN WAR (FOR INDEPENDENCE)

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The crimes against Serb civilians in Vukovar at the beginning of summer 1991, the crimes committed in the pavilions of the Zagreb Fair in the autumn of that same year, as well as the crimes in Pakracka Poljana are connected with the name of Tomislav Mercep.

In only two weeks Tomislav Mercep, a person who in Croatia was during many years connected with possible responsibility for war crimes, had to face two events, both of them extremely unpleasant for him. First the State Attorney of the Republic of Croatia confirmed at the end of May to have received 14,000 pages related to a Hague investigation that the International Court for War Crimes was leading against Mercep for many years, and later, at the beginning of June, the Dutch police arrested in The Hague Munib Suljic, one of Mercep's war associates in Pakracka Poljana. Suljic is an outlaw and has been a fugitive ever since in September 2005 the County Court in Zagreb sentenced him to 10 years in prison for killing a person in Pakracka Poljana, and afterward, in May of this year, the Supreme Court increased the sentence to 12 years. In a postcard that Suljic sent to his friends in Zagreb from The Hague at the beginning of June, before he was arrested, he announced that his testimony will pull down with him many others. First of all Mercep, who in Pakracka Poljana was his immediate commander.

The Hague File

The huge amount of evidence from The Hague is now transferred to the Croatian judiciary in accordance with the exit strategy of ICTY which is facing a time limit and does not conduct further investigation nor does it raise new indictments. Namely, until 2008 ICTY should end all trials in the first degree, and all the appeals until 2010. Because of this time limit less important cases are transferred to local judiciaries, which brought also the huge file with evidence collected by The Hague investigators to the desk of the State Attorney of the Republic of Croatia Mladen Bajic. Croatian media speculate that the indictment against Mercep could be raised already in the autumn. In the State Attorney's office they do not want to talk about this, but they do confirm that they have given serious attention to the documentation that arrived from The Hague.

On 14,000 pages The Hague file accuses Mercep of crimes that were committed against Serb civilians in Vukovar at the beginning of Summer 1991, before the war escalated in this town, then of crimes committed in the pavilions of the Zagreb Fair in the autumn of the same year, as well as of crimes in Pakracka Poljana. All three cases are linked with the name of Tomislav Mercep.

The county prosecutor in Vukovar has already in December 2002 established a file marked KR-DO 624/02, on the basis of the report of the Croatian Helsinki Council for Human rights, which collected documents on the sufferings of nineteen Serbs from Vukovar, civilians, who were killed at the time when Mercep was Secretary for People's Defense and, as many claim, the "lord of life and death" in that town. The Croatian authorities did have knowledge on the disappearance of Serb civilians in Vukovar also before that.

As early as in 2000, after HDZ (Croatian Democratic Community) lost the elections, the Minister of Interior Sime Lucina received an anonymous petition of the "Concerned citizens of Vukovar" in which were described the killings of Serb civilians who were afterwards thrown into the Danube. These events took place in times when the number one personality in Vukovar was Tomislav Mercep. It cannot be said that nothing was done: on June 12, 2000, the county prosecutor asked the Police Department in Vukovar to hand over the documentation related to murders committed in this town in Summer 1991. Informative talks were held with Stipe Pole and Zvonimir Rados, director and deputy director of the Vukovar Police in 1991. They confirmed that after the town was occupied the entire police documentation with notes on cases related to murder and disappearance of Serb civilians remained in Vukovar. However, after the occupation that lasted for a number of years and ended with a peaceful reintegration of the Danubian region on January 15, 1998, it was not found. Investigation stopped.

Criterion

However, preserved documents from these war days testify that what was happening in Vukovar at the beginning of summer 1991 was known in Zagreb by August 18, 1991, at the latest, when Marin Vidic Bili, who after the administration in Vukovar had fallen apart was holding the post of a specific war-time mayor of the town, wrote from this town a dramatic letter to Franjo Tudjman and the then Prime Minister Franjo Gregoric, as well as to ministers of defense and internal affairs, and also to top officials of the strongest opposition parties. Marin Vidic Bili warned the Croatian state leadership that Mercep in Vukovar "surrounded himself with people of dubious ethic and professional qualities, former criminals", who have "overtaken absolute control over everything in the Vukovar municipality".

Hence, already at that time there were warnings about the intolerable situation in this town, and Mercep was pointed as the major agent for this situation; his groups used to meet and confine victims on the street, their work places, during hospital shifts, in their homes. Most of them were interrogated in the basement of the Territorial Defense's building, opposite to the well known castle of Count Eltz, but some of them were also taken to the Club of weight lifters, next to the confluence of the Vuka and Danube. Many of them were killed there and thrown into the Danube, and there are also testimonies that executions were performed at two other locations as well – a few miles down the river, nearby the old slaughterhouse and a once beloved Vukovar excursion site Vucedol

In the days immediately after the fall of Vukovar in December 1991, in contrast to today, Mercep did not deny that, while he was the lord of life and death in Vukovar, corps were floating down the Danube: "I am not saying that no corps were floating in Vukovar. In such a big area, in such a situation, anybody could do what he wanted to. However, we in Vukovar were well controlling, so that it was not present in any significant proportions", he said in December 1991 in an interview to the press.

Because of the intolerable situation in Vukovar and the ever more frequent murders of Serb civilians, Mercep was arrested in August and taken to Zagreb. However, there was an interesting turn: instead of being responsible for what the civilian authorities in Vukovar were drawing attention to, Mercep was promoted and became advisor to the then Minister of Interior, Ivan Vekic. Within the state leadership at that time prevailed the standpoint of the then Minister of Defense Gojko Susak, who in contrast to another close associate of Mr. Tudjman, Josip Manolic, thought that Mercep should not be punished for his Vukovar episode.

Since he left Vukovar Mercep was connected with other crimes as well. Namely, the unit under his command after that began to operate in Zagreb, arresting some of the local Serbs. They would bring them to the Pavilion 22 of the Zagreb Fair for interrogation, however, many among them were later taken to Pakracka Poljana where they were tortured and afterwards killed. In autumn 1997 one of the members of Mercep's unit, Miro Bajramovic, told a horror story about the crimes to the weekly Feral Tribune. Confessing his own participation in crimes in Pakracka Poljana Bajramovic mentioned also others who participated – Sinisa Rimac, Igor Mikola, but also Munib Suljic, who at the beginning of June was arrested in The Hague by the Dutch police. He claims that Mercep knew very well about everything that was happening in Pakracka Poljana.

Mercep's name is also connected to the case of the Zagreb family Zec, whose three members were brutally murdered in Zagreb in December 1991. An hour before midnight, on December 7, 1991, in front of the exquisite family house of the well known and wealthy Zagreb butcher Mihajlo Zec in Poljanicka Street, in the part of town called Tresnjevka, a blue police van stopped and Munib Suljic, Sinisa Rimac, Igor Mikola, Nebojsa Hodak and Snjezana Zivanovic came out. They all belonged to the reserve police units, under direct command of Tomislav Mercep, who at that time was assistant to the Minister of the Interior, Ivan Vekic.

The group of reserve police officers broke into the house of the Zec family, woke up Mihajlo Zec and asked him to go with them for an informative interrogation. Mihajlo Zec understood what that was all about and tried to escape, but they killed him in front of his wife Marija and daughter Aleksandra. Gordana and Dusan Zec, the two remaining Mihajlo's children, were watching from the adjacent room, but the killers did not see them. Members of Mercep's unit took then Marija and Aleksandar – eyewitnesses to the murder – to the van and first they took them to the nearby Zagreb hotel Panorama, in which were the headquarters of Mercep's police unit, and afterwards to the climbers' lodge at Sljeme, a hill near Zagreb. This is where they were killed, so that the witnesses would be removed. Their bodies were thrown into a pit, and covered with earth and garbage.

Disappearances in Vukovar

Among the disappearances of Vukovar Serbs, for which Tomislav Mercep is held responsible, most conundrum are those of Mladen Mrkic and Savo Damjanovic. Mrkic was the director of the VUPIK Corporation and, contrary to what Mercep claims, was not politically active. He disappeared on July 31,

1991, while returning from his office, between 2.30 and 3.00 p.m. Nearby the building in which he lived, in Gunduliceva Street in Vukovar, met him four members of the ZNG (Croatian military), had a short talk with him and afterwards pushed him into a car without plates.

His wife Rada reported his disappearance only a few hours later. She turned to the Police Department, where she was told that they do not bring in anybody, and later on she went to Mercep in the Secretariat for People's Defense.

"Mercep was unnaturally polite, he called me 'Radice', he offered me a juice. He told me that he did not know anything about Mladen, and a few days later, when I again came to get information, he answered that he had the information that my husband was taken to Trpinja."

Rada Mrkic was persistent in the search for her husband. She managed to get even Franjo Tudjman's direct phone number, and at the beginning of August 1991 she made a call. Tudjman was astonished when she reached him, he asked her how she got the number, and when she told him why she wanted to speak to him, he diverted the call to the Minister of Interior Ivan Vekic. Rada Mrkic claims that Ivan Vekic has on that occasion promised that her husband will be released that very same day. Until today she does not know anything about his fate.

In May 1991 Slobodni tjednik published a list of "dangerous Vukovar Serbs", with the name of Mladen Mrkic on the fifth position. This newspaper was well known for its various lists of "chetnick groups", and many individuals whose names were published in Slobodni tjednik afterwards disappeared without any trace.

Savo Damjanovic, at that time a 32-year old technician with the neurological-psychiatric ward of the Vukovar hospital, was taken away in the night between May 25 and 26, 1991. He was taken from the ward by members of ZNG. His wife does not deny that Damjanovic was member of SDS (Serbian Democratic Party), but as she says, he was not interested in politics. He stayed in Vukovar, worked in the hospital, and did not join the barricades on the other side of the town.

His wife reported on his disappearance the very same day. In the Police Department she was told, like the others who were looking for their missing ones: they do not arrest or take away anyone. Although Damjanovic was arrested in the night shift, in the presence of a few persons from the ward and the doctor on duty, nobody wanted to speak of him being taken away.

Damjanovic's wife, at the time when her husband was arrested, taken away and was missing ever since, is with two minor children, a daughter of two and a half years and a son of eight years. In 1998 she gave the State Attorney in Vukovar a detailed written statement on everything she knew in regard to the disappearance of her husband. Since then, nobody called her, nor asked for any further information.

Dark Pages

No one was held responsible for the death of the Zec family. Although the police have instantly arrested the perpetrators, although they confessed the murder and in the investigation have described this disturbing event in detail, they were never brought to court. The then State Attorney Vladimir Seks, who is today the President of the Croatian Parliament, did not raise an indictment, and he did not do so for reasons of procedure. Namely, the interrogation of the accused ones was performed in the absence of their counselor, so that the collected evidence could not be used regularly in the court of law! They were all released from detention and continued with their everyday lives. It is interesting that Mercep, in this case as well as afterwards during the trial against his soldiers in Pakracka Poljana, was not interrogated.

In September last year Munib Suljic and his associates Igor Mikola, Sinisa Rimac, Miro Bajramovic and Branko Saric – all of them members of Mercep's unit – were sentenced to a total of 30 years in prison for the crimes in Pakracka Poljana. Suljic got the biggest sentence – 10 years in prison, but after the appeal filed by the State Attorney, the Supreme Court in May of this year increased this sentence to 12 years. Since in September this verdict was pronounced, Suljic is at large. It was not accidentally in The Hague, where he was arrested. As he indicated earlier to some of his friends, he asked for contact with the investigators from The Hague, because allegedly he was ready to say everything about Mercep's role in the crimes in Pakracka Poljana. And as far as is known, he did not mention only Mercep, but also the Minister of Interior Ivan Vekic, who was then his superior. Namely, Suljic claims to possess the orders with the signature of Minister Vekic, which free him of responsibility for what he did.

Vekic, who is today retired, says in his family house in Osijek: "I held the position of the Minister from August 1, 1991, until April 15, 1992. In this period I signed a lot of documents. However, orders to commit any type of crime I certainly did not sign. If the crimes were committed, this was one thousand percent without my knowledge. One should have a look at these commands. That Munib Suljic and some

others today deny guilt by quoting orders of the superiors, is another story. They could have remember of this also five, ten or fifteen years ago, but they did not. It is completely logical that today, when they are behind the locks, or these locks are so seriously threatening them, they are seeking all possible ways to rescue themselves and to transfer responsibility for their deeds to someone else.”

State Attorney Mladen Bajic has ordered his assistants to interrogate Suljic in The Hague, even before he will be extradited to Croatia. It seems that Suljic is now ready to trade with Croatian judiciary and that, in case that he gets the promise of the possibility to reduce the sentence, he would be willing to say everything he knows about Mercep’s role in the crimes in Pakracka Poljana. Besides, Suljic is in a poor health condition and without adequate resources for a proper treatment.

However, apart from Suljic, it seems that Mercep is also ready to sing out. For the time being he only threatened, but also clearly indicated in which direction the things could start to go. Whenever the possibility was mentioned that Mercep, too, could stand trial for crimes in Vukovar and Pakracka Poljana, he would always invoke his superiors. Thus, during a program of the Croat television, Sundays at two, he clearly said that, while in Vukovar, he was subordinated to Vladimir Seks, who is today President of the Parliament. Branimir Glavas, who is suspected of war crimes in Osijek, is using similar tactics. He is also trying to involve Vladimir Seks in these events. Namely, at the time when Mercep was in Vukovar, Seks was the head of the Crisis Headquarters for entire Slavonija and Baranja. Both Mercep and Glavas now claim they were subordinated to him, and that he is equally responsible for what is now attributed to them only. However, Seks claims that the function of the President of the Crisis Headquarters did have no military competences and refuses any kind of his own responsibility.

Still, analysts think that Mercep threatens Seks out of fury that he denies him protection of the kind he enjoyed until recently. According to legal experts like Ante Nobilo, an esteemed Zagreb attorney, it is exactly Seks who made it that the murderers of the Zec family remained unpunished. Seks thus protected Mercep, too, and many believe that without his wink Mercep would not slip away also in trials that were held until now for crimes in Pakracka Poljana, when he was not summoned to court even as a witness.

However, fourteen thousand pages of The Hague documents, as well as the potential insider witness, Munib Suljic, are a very serious threat to Tomislav Mercep and in Croatia there are today only few who believe that Mercep will not face an indictment. This could happen already this autumn, because it is hard to expect that Mladen Bajic, the chief State Attorney of the Republic of Croatia, would initiate prosecution of Mercep at the same time with the prosecution of Branimir Glavas. The Croatian public, despite obvious changes when it comes to war crimes committed by Croats, could hardly accept two simultaneous trials – against Glavas and Mercep.

The commentator or the Zagreb daily Jutarnji list Davor Butkovic thinks, for instance, that the cases Glavas and Mercep are a “good and not only symbolic test” for the question whether or not Croatia is finally “ready for the end of the war, or will it further on be bogged down in ridiculous nationalistic and leftist disputes from the Tudjman times”. Like the majority of analysts he, too, thinks that the Croatian society is sufficiently mature and determined to bring to an end disputes which have been led for fifteen years about the “dark pages of the War for Independence”, namely the crimes which the Croats committed in this war.

A trusted engineer

On the eve of the dissolution of Yugoslavia, at the time of the first multi-party elections in Croatia in 1990, Mercep was the president of the Croatian Democratic Community (HDZ) in Vukovar. And it was through this party that an up to then anonymous construction engineer stepped into the waters of politics and remained in them, in different roles, until today. He was Secretary of People’s Defense in Vukovar in 1991; afterwards, in August of the same year, he was nominated as advisor to the Minister of the Interior; Tudjman nominated him, as an individual of his trust, into the Croatian parliament, using his right to choose three members without election. And then, after he disassociated from the HDZ at the end of the nineties, Mercep founded the Croatian People’s Party and in presidential elections in 2000 he appeared as a candidate, but he got a negligible number of votes. Today Mercep is only president of one of the few veterans’ associations of the War for Independence and politically speaking he is a completely marginal individual.