

## **VIEW FROM THE HAGUE**

### **TRIAL AGAINST MIRKO NORAC**

On 24 March 2003 the first ever sentence for war crimes committed by the Croatian Army against Serb civilians in the 1991-95 war in Croatia was pronounced. In the "Gospić Group" Trial the Rijeka County Court found Tihomir Orešković, Mirko Norac and Stjepan Grandić guilty of war crimes, while indictees Ivica Rožić and Milan Čanić were acquitted of all charges due to lack of evidence.

Tihomir Orešković was sentenced to 15 years in prison, Mirko Norac to 12 and Stjepan Grandić to 10 years in prison. Given that in September 1995 Mirko Norac was promoted to Major-General, he is to date the most senior army officer to stand trial in Croatia. His case is under appeal.

The indictment against Mirko Norac et al. case was issued in Croatia on 5 March 2001. It charged five individuals with the murder of 50 civilians, most of them Serbs, in Karlobag, Pazarište and Lipova glavica in 1991. According to official data, 123 persons disappeared in the Gospić area during the war.

The indictment alleges that on 6 October 1991, a "death meeting" was held in which representatives of the Gospić defence participated. The indictment alleges that the purpose of the meeting, which Tihomir Orešković called, was to organize the killing of the Serbian civilians in the area. The indictment further alleges that Norac directed the executions and that he personally killed one woman in order to incite others to kill. The bodies of the victims have still not been found.

Orešković, Grandić, Rožić, and Čanić were arrested in the fall of 2000, while Norac surrendered to the authorities in February 2001 after a seven-day stand-off. The start of the trial was delayed nine times, as defence attorneys repeatedly demanded that the judges hearing the case be removed or the case be transferred to a court in Gospić.

During the trial, which lasted more than 14 months, over 150 witnesses testified, including former high-level functionaries and politicians as well as 18 survivors who testified in Belgrade. Significantly, witness testimony was offered not only by Serb victims but also by Croat soldiers and civilians who were appalled by the crimes committed in 1991.

The role of Presiding Judge Ike Šarić in the successful conduct of this Trial cannot be underestimated. Unceasingly she tracked down evidence, including a video tape made by the Croatian Ministry of Interior's intelligence service which had disappeared and had been classified a state secret.

On this tape Dašović, the head of Gospić police department at the time, talks about events in 1991: the so-called 'death meeting' called by Orešković at which both Dašović and Norac were present; the rounding up and killing of Serbs, and, finally, the celebration of the executions afterwards.

The Judges also travelled to Serbia and Montenegro and other countries in order to hear testimony of witnesses who were unable to appear in person in the Rijeka courthouse.

In their Judgement, the Judges concluded that Orešković and Norac had ordered the abduction of civilians from their homes and cellars as well as their imprisonment and execution. Norac, it was determined, had personally killed a woman during an execution of civilians at Pazarište. The so-called "meeting of death" at the Lika Crisis HQ during which it was decided that the most

influential Serbs in Gospić would be killed was confirmed to have taken place. It was determined that Norac and Orešković ordered the killing of at least ten civilians in Pazarište. Judge Šarić also explained that the killed civilians had in no way participated in the conflict nor had they assisted the enemy.

Despite heavy political pressure on the panel of Judges, including, it was reported in the media at the time, warnings from several veteran's associations to render a verdict of not guilty, a judgment was rendered that made Croatian judicial history. The verdict established that war crimes against Serbs were committed.

During this period the ICTY's prosecution clearly stated that they were monitoring the trial with utmost interest. This was in no small part due to the fact that the ICTY provided the Croatian authorities with much assistance in the form of evidence, so that it would help the domestic court in trying these serious crimes.

The OTP held its promise that "within the limits of her power, the Prosecutor will assist the investigating and prosecuting bodies in Croatia by providing all useful evidence she may possess in relation with Mr. Norac" (as stated by the Spokesperson for the OTP). Of course, the Tribunal prosecution in The Hague, assists and will assist all other judicial organs on the territory of the former Yugoslavia, including those in Serbia and Montenegro, in their efforts to try crimes, given that it is expected that local courts will be precisely the ones to try crimes committed by citizens of their governments.

Ten days ago the Tribunal issued an indictment against Mirko Norac for crimes committed against Serbs in the "Medak pocket" in 1993. Next week "View from the Hague" will address this new indictment and related matters.

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