

Lora Policemen Convicted in Retrial

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Civil society groups praise court's handling of controversial war crimes trial.

Eight former Croatian military policemen were this week found guilty of beating and torturing civilians in a trial widely seen as a barometer of Croatia's ability to deal with its own war crimes.

The case, known as "Lora" trial after the military prison in the coastal city of Split in which the prisoners had been held during 1992, was the second time the accused had faced charges.

In 2004, the Supreme Court overturned the

not-guilty verdicts of the first trial - which ended two years earlier amid widespread criticism of bias - describing it as a "miscarriage of justice".

At the end of second trial - which has run for five and half months - the former commander of Lora, Tomislav Duić and his deputy Tonči Vrkić each received an eight-year sentence.

Another military policeman, Davor Banić was sentenced to seven years and the other five accused, Miljenko Bajić, Josip Bikić, Emilio Bungur, Ante Gudić and Anđelko Botić, were each given 6-year terms.

Of the eight defendants, only four were present in court. The most senior accused, Duić, went into hiding three years ago, when he heard there was an investigation into the original verdict, and three others, Bikić, Bajić, and Bungur fled after the 2004 Supreme Court decision.

Two features marked this trial out from the previous one, according to Jovan Nicić, who observed both for the Humanitarian Law Foundation. The judge's handling of the latest trial was "far more professional" than the first one, he told IWPR.

The original trial was characterised by a highly politicised atmosphere, during which the Judge Slavko Lozina allowed members of the public to shout abuse at witnesses.

Witness protection was so badly organised that most of the potential witnesses didn't come from Serbia to testify at all.

By contrast, says Nicić, this time witnesses from Serbia and Bosnia and Hercegovina turned up.

Since this retrial began on September 12, 2005, more than 70 witnesses have been heard, including around twenty former prisoners, now living in neighbouring states.

But nationalist resentment against war crimes trials still surfaced.

As the court's decision was read out part of the audience left in protest. Those involved were members of Croatian veteran's associations, along with one of the members of Split's city council Luka Podrug, who is also president of the nationalist party, the HČSP.

Some hurled insults at the court, calling them "servants of the occupation", accusing them of having "Chetnik mothers" and asking them "where they were in 1990?" - an allusion to the start of the war in Croatia.

Presiding Judge Spomenka Tonković did not respond, except to ask them to leave.

Explaining the verdict, the judge stated that "the accused committed war crimes against civilians who had been imprisoned, against the order of Military Investigative Court, in [the military prison of] Lora instead of civilian prison in Bilice [another part of the city]".

The court found that "the accused, as guards and as members of intervention platoon of Military Police, had been torturing civilian prisoners" by means of electrical shocks, beatings with baseball bats, forcing them into dogs' kennels and insisting they sing Croatian Nazi collaborators' songs.

The judge said that the accused were guilty for war crimes against civilians, who, although they had been detained on suspicion of terrorism, were civilians, whose detention should have been governed by international law and the Geneva conventions.

The accused were found guilty in relation to the murder of two Serbian civilians, Nenad Knežević and Gojko Bulović, who died during 1992, following a series of brutal beatings after Knežević's tried unsuccessfully to escape from Lora.

"It is true that Knežević tried to escape the prison and take away [a] guard's... gun," said the judge, "but it is also true that the imprisoned civilian, after he was found and returned to prison, was beaten to death."

She added that although there was not sufficient evidence to show that Duić and Vrkić themselves participated in the beatings of those civilians, they had done nothing to stop the others from brutalising Knežević and Bulović.

In conclusion, Judge Tonković told the court, "We are not gods from the sky, but people from earth who have to judge by the given evidence. And if we make a mistake, the Supreme Court will correct it."

The defence has announced that they plan to appeal the verdict. In closing arguments, defence counsels had called for their clients to be set free, because "no evidence had been brought [against them] at all".

In pronouncing sentence, the court said it had taken into account as mitigating factors the accused' role in defending Croatia at the start of "Serb armed aggression" and the fact that they were all family men with small children.

This is a “significant step for the Croatian judiciary”, Žarko Puhovski, the president of the Croatian Helsinki Committee told IWPR. “This is progress in relation to the first trial, which was badly misdirected.”

For other legal observers, the greatest significance of this case is that it shows that domestic courts in the former Yugoslavia can prosecute war crimes cases, in which command responsibility is a key issue.

This has been an important theme of trials at the Hague tribunal, where commanding officers have been held responsible for failing to prevent or failing to punish the actions of their subordinates.

In this case, Njic pointed out, Duić and Vrkić were both found guilty on the grounds that they, as senior officers, had not acted to prevent the maltreatment of prisoners.

An investigation has also been opened into alleged abuses of military prisoners held in Lora prison at the same time, although no indictments have yet been issued, because witnesses from Bosnia and Serbia have still to be questioned.

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