

Prosecution to Appeal Two Vukovar Sentences

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But their decision not to challenge the acquittal of Miroslav Radic has caused anger in Croatia. While prosecutors at the Hague tribunal will appeal what they call the “manifestly inadequate” sentences given to two former Yugoslav People’s Army, JNA, officers in the Vukovar trial, they will not dispute the acquittal of their co-accused.

Miroslav Radic, Veselin Sljivancanin and Mile Mrksic were accused of involvement in the torture and murder of some 200 Croats at Ovcaras farm outside the town of Vukovar in November 1991, in what was one of the most notorious atrocities of the Balkans wars.

On September 27, Mrksic was sentenced to 20 years in prison for aiding and abetting murder, torture and cruel treatment, while Sljivancanin was given a sentence of five years for aiding and abetting torture.

The trial chamber dismissed all charges of crimes against humanity, because they said that the 194 victims who had been identified were not civilians.

Radic was acquitted of all charges, after judges found there was no evidence he was aware of the killings taking place at Ovcaras.

Croatia was outraged by the ruling, and its prosecutors issued a fresh arrest warrant for Radic at the beginning of October on the grounds that he led squads accused of random murders in Vukovar.

Public anger was heightened further this week when news leaked out that the prosecutors did not intend to appeal his acquittal.

“It was concluded that an appeal against Radic would have no chance of success,” the prosecution’s spokeswoman, Olga Kavran, told IWPR.

Upon learning the news, Croatian premier Ivo Sanader told the reporters he was “absolutely astonished” by the prosecution’s decision not to appeal Radic’s verdict.

“If the Hague tribunal gave up on Radic, then Croatia will try him for war crimes,” Sanader told the Croatian media, adding that this decision only put more pressure on Croatian judiciary to issue a new indictment against the Serb officer.

Croatian lawyers are equally surprised by the Hague prosecutors’ move.

“Morals as well as a basic feeling of justice should have made the prosecution spare no effort in dealing with the crimes in Vukovar. It’s irrelevant how slim their chances are,” Croatian expert for international criminal law Ivo Josipovic told Croatian news agency Hina.

Two other lawyers, both with extensive experience at the tribunal, also told IWPR they thought the prosecutors had been unprofessional in deciding not to appeal Radic's acquittal.

"A real prosecutor would not do such a thing," said Anto Nobile, formerly Croatia's chief prosecutor and a defence lawyer for some indictees at the tribunal.

He said the prosecution should either have dropped the charges against Radic before the trial even started, or stuck to them until the end and appealed the verdict.

Nobile's stand was supported by his colleague Goran Mikulicic, a lawyer who is currently defending Croatian general Mladen Markac at the tribunal.

"This is a failure for our whole profession," Mikulicic told IWPR.

Vukovar's hospital, among the last buildings in the town to be taken by Serb forces, was full of patients, hospital staff and civilians sheltering in its corridors.

Serb forces took some 200 men they suspected of being combatants, and hauled them to the pig farm at Ovcar where, according to the judgment, soldiers "beat them with wooden sticks, rifle butts, poles, chains and even crutches".

This week, the prosecution announced it would ask for more severe sentences for Slijivancanin and Mrksic on the grounds that these were "manifestly inadequate" given the gravity of their crimes committed at Vukovar.

Their notice of appeal also states that the judges made a mistake when they determined that the identified victims could not be considered civilian.

They are calling for Slijivancanin to be convicted of aiding and abetting murder, and for harsher sentences for both men.

Meanwhile, Mrksic and Slijivancanin have also appealed, claiming that the evidence was not strong enough to warrant their conviction.

Lawyers say that Mrksic's role in the area where the killing took place was not determined correctly. Slijivancanin's defence team said that, contrary to the verdict, his client was not in the area on the day of the crime and therefore could not be found guilty.

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