

Zelenovic Gets 15 Years for Foca Rapes

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Judges say Dragan Zelenovic's guilty plea for war time rapes in Foca was an important mitigating factor. The Hague tribunal last week sentenced former Bosnian Serb soldier and military policeman Dragan Zelenović to 15 years' imprisonment for rape and torture of Bosnian Muslim women in the eastern Bosnian town of Foca in 1992.

On January 17 this year, Zelenovic pleaded guilty to seven counts of torture and rape committed as part of a widespread and systematic attack on Muslims in the east of the country. He admitted to repeatedly raping a number of Bosnian Muslim women and girls following the take-over of Foča by Serb forces in April 1992.

His youngest victim was only 15 years old.

In exchange for the plea, tribunal prosecutors agreed to drop another seven charges against him and proposed a prison sentence of ten to fifteen years, while defence lawyers recommended 7-10.

Zelenovic also promised to testify at any proceedings before the Hague tribunal as requested by the Office of the Prosecutor.

Reading out the summary of the judgment on April 4, presiding judge Alphons Orié said Zelenović's admission of his guilt and his commitment to cooperate with the prosecution were indeed important mitigating factors which the trial chamber considered when they were deciding on the sentence.

However, he emphasised, "such circumstances do not in any way diminish the gravity of the crime".

"The victims ...suffered the unspeakable pain, indignity, and humiliation of being repeatedly violated, without knowing whether they would survive the ordeal," said Orié.

"The scars left by the sexual assaults were deep and will perhaps never heal. This, perhaps more than anything, speaks about the gravity of the crimes in this case."

Zelenović was found guilty of personally committing nine rapes, eight of which were described as both torture and rape. Four of the rapes he took part in were gang rapes, together with three or more other perpetrators.

On one occasion, he participated in a gang rape with at least ten soldiers, which was so violent that the victim lost consciousness.

Zelenovic, 46, is the first Bosnian Serb indicted by the Hague tribunal who pleaded guilty to rape charges.

At a sentencing hearing held in The Hague in February, Zelenovic addressed the judges saying he feels "sorry for all victims and those who became victims because of my acts".

"I sincerely apologise to all of them," he said.

He added he would "bravely accept and endure with dignity" any sentence he was given.

At the same hearing, Zelenovic admitted he began to feel remorse for his crimes only when he found out he was indicted, and that before that he had never really thought about what he had done.

He sat still and showed no emotion as Judge Orić read out the judgment last week.

Zelenovic was arrested in Russia in summer 2005, where he had lived for four years under an assumed identity. He was transferred to The Hague in June last year.

The tribunal was considering referring his case to Bosnia for trial when Zelenovic decided to enter a guilty plea.

His lawyer Zoran Jovanovic said Zelenovic wanted to spare his victims the trauma of testifying about their ordeal. He also claimed this plea would help the reconciliation process in Bosnia.

But judging from reactions in Bosnia, very few thought the guilty plea justified the relatively moderate sentence.

"For crimes so brutal, a 15-year sentence is ridiculously low," said Bakira Hasecic, head of the association Women Victims of War, in a statement issued shortly after the judgment was issued.

People in Serbia who were participating in Belgrade television B92's online discussion on Zelenovic's sentence appeared to be equally outraged.

"This sentence is too mild for such savagery, especially because one of the victims was a 15-year-old girl," said a female participant from Belgrade signed as Lila. "Besides, the fact that he did not surrender voluntarily but was arrested speaks for itself."

A man signed as Milos from Holland says he was "shocked" by Zelenovic's sentence, which, he claims, should have been much harsher.

"He disgraced Serb people by committing these rapes – for such a crime no punishment is adequate," he wrote.

Darko Maksimovic from Belgrade says although he “never thought highly of the tribunal”, he welcomed the judgment in Zelenovic case, which he hopes might serve as a warning to those who think that perpetrators of war rapes can escape justice.

Zelenovic was indicted in 1996, together with seven other Bosnian Serb military and police officers, for rape, torture and sexual enslavement of Muslim girls and women in Foca.

Two of them, Dragan Gagovic and Janko Janjic, were killed by NATO troops during an arrest attempt. Three of the accused - Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic - were tried by the Hague tribunal and sentenced to 28, 20 and 12 years respectively.

The cases of two other accused, Radovan Stankovic and Gojko Jankovic, were referred to Bosnian War Crimes Chamber, where they were sentenced to 16 and 34 years respectively.

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