

THE CASE OF NUMBER 3995

Published in Feral Tribuna

Zoran Pusic, President of CCHR

«It is my duty to speak if I do not want to be held responsible»

E. Zola : «I accuse»

This is the description of the case of Mirko Graorac, pensioned traffic policeman from Split, who was in Split prison since he was imprisoned on April 29th, 1995, and since 2001 until today day he stayed in Lepoglava prison.

He was convicted for 20 years of imprisonment in April 1996, by District court in Split. The conviction was based on the testimony of 11 witnesses which have lead the court to the conclusion that Mirko Graorac (further M.G.) was the commander of the external guard in concentration camp "Manjača" and that he brutally abused the prisoners there.

The first time I saw M.G was on March 6th 2003 when I visited him in Lepoglava prison with two colleges. We visited him after more than a year of analysing and studying all documents relevant to this case; we already got some from the accused, and obtained the rest by ourselves afterwards (like the official statement from the Association of former camp prisoners from B&H).

His case was documented on TV at the time (in 1995 and 1996 during the first process, and in 2000. when the case was reopened), and in most of the newspapers which used bombastic headings ("**Bloodthirsty commander from Manjača exposed in Split**", SD 25 V 95; "A criminal in Manjača, dear neighbour in Split", SD 26 V 95), and so influenced the public and convicted M.G in advance. Reports by independent process observers as same as the AI Report (Amnesty International, December 1998.), were very critical towards the credibility of witnesses and the objectivity of the Court.

I received a letter at the end of 2001 from his wife Marija, in which she was directly asking us to help her husband. I replied in January 1st 2002. and stated : "A colleague of mine observed the process (Branka Šesto), she informed me about the course of the trial and expressed her concern in the righteousness of the conviction. According to that I am ready to question the statement of Mr. Graorac's innocence. It will demand engagement of law experts and a lot of work. If I, during the work, come to the conclusion that there is serious evidence that prove that Mr. Graorac did what he was accused of, I will express that publicly and immediately stop every CCHR's activity on that case. Our work is different than lawyers, and we do not defend the accused if we believe he is guilty. On contrary, if we gain the belief that you Mr. Graorac have been falsely accused, this Committee will engage all of its reputation and influence to achieve the revision of the case."

A District Court brought a verdict (15 years of imprisonment), which was afterwards confirmed by the Supreme Court, and the Constitutional Court rejected defence appeal. In order to conduct the revision of the case, it is necessary to find new facts that were not familiar to the court when the verdict was brought. If there is anything worse for the sense of judiciary as the institutionalisation of the human rights protection in order to leave the worst criminals unpunished because of the combination of inability and prejudice (like the murders of Zec family, Reihl Kir murderer etc.), then it is the cases in which, for the same reasons, innocent are being convicted for hardest punishments. Shortly said-process for Mirko Graorac was led badly and biased, and it is necessary, as same as for the man who has been the victim of injustice in the hands of the instrument of justice, so it is for the "good health" of Croatian judiciary to conduct the revision of the process.

This is a serious accusation towards the Split District court, and the Supreme Court, and demands serious argumentation.

M.G: was born in village Bajnici on the border of Croatia and B&H, in 1942. He lived in Split since 1964. and worked there as a traffic policeman. He married in Split, got two children, and in 1991. was pensioned against his will. He applied for Croatian citizenship, but his demand was rejected as it was to thousand other citizens who lived in Croatia for decades.

His son joined the Croatian Army at the beginning of 1992. and he spent most of the 1992. in southern war area. Also, M.G receives information from Bajnice that his father (83) is seriously ill in the beginning of 1992. In order to visit his parents M.G. asked for a permission for the trip to B&H, and after he got it he comes to Bajnice on April 17th '92. He finds his parents in bad condition. Not only that his father is badly ill, but also his mother complains about the stomach aches. M.G. drives his mother to the doctor to Bosanska Gradiška, where the doctor detects cancer and tells M.G that his mother has one more month of life. His mother dies on May 17th '92, and M.G stays with his father who feels worse every day, incapable to take care of him self. M.G worked on a family and neighbouring farm in order to feed him self. His father dies on April 5th '93. After father's funeral M.G tries everything to get back to Croatia and Split. He visits Bishop Komarica and Nikola Gabelic, the president of the municipal branch of HDZ, asking for their help. M.G. writes to his wife and she manages to get him the documents at the refugee office as N. Gabelic advised them. She sends the documents together with Yugoslavian passport (M.G. travelled to Bajnice before the war and he had only identification card with him). As soon as he collected all the necessary documents M.G returned to Croatia over Belgrade and Hungary. He arrives to Split on May 17th '94, and was informatively questioned on 18th already (a policeman brought him a summon for the informative questioning at the police station because a postman D. Ercegovic , whom he opened the door that morning, reported him. A year after that, in SD 26 V '95 a postman states:" I told him Dobar Dan (good day), and he answers "Zdravo" (meaning "Hi"-a greeting used mostly by Serbs, not so rare in Croatian as well, but considered "undesirable"). I knew

where he came from right away. I went to report him to local community centre at once, but nothing happened. He walked calmly in the city for another year."

M.G went to 2nd police station where he was vulgarly insulted and cursed. He was taken to the police building, department for war crimes, and after that to the premises of SZUP (Organisation for the protection of constitutional order) on Katalinić hill. He was questioned there by Ž. Sulić and I. Maleš. According to the testimony M.G., I. Males was extremely aggressive and threatened him that "he will not get the citizenship while he is alive", and "what does a Serb have to do in Split", and that he will "take care that he ends up in prison, either he will kill him in less than a year", etc. Same night, they brought him back to the police station where he was questioned as same as beaten by his former college. M.G was realised home around 10 pm with an order to return to Katalinić hill on May 21st and ask for "Brko". It came out that Brko is inspector Z.Sulic, who told him on the questioning that they did some research and found out that he was "clean". According to the later testimony of M.G., he was asked to deliver information about some pensioned Serb policemen who lived in Split with words "It is time that you do something for Croatia"

M.G. continues to live in Split as a pensioner, applies a request for citizenship again-it is being rejected, and meets inspector Sulic every two weeks; but the information he has about his former colleges are completely useful. The last time he saw inspector Sulic was in the beginning of April '95. Sulic informed him that someone (?) told him at one of the meetings "are you aware that a Serb, M.G is walking freely in Split, after he spent two years in Republic Srpska, and the situation is such that anything is possible."

On April 29th '95 I. Maleš accompanied with another policeman comes to M.G. 's apartment. Maleš apologizes to M.G. for his behaviour at their first meeting and asks M.G if he is willing to go to the police station to recognize a certain man. M.G. goes with them, but there was no recognition, instead they took him to Katalinic hill and more or less they forced him to subject to polygraph examination. Afterwards Maleš yelled at him "you are arrested, you are arrested". After that the beating had begun. The description of the beating M. G. will state a year later, on April '96. at the main hearing before the District Court in Split, and will be documented in the findings of the court expert dr. J. Ivanovic who examined M.G. according to the order of judge investigator from Military Court in Split.

"I was beaten all day. I was all blue and bloody. Maleš made me sing "Jura and Boban" (an ustash song). The other day I was taken to the investigating judge B. Jurisic, but he returned me to Katalinic hill. They were beating me all day, and at the time I did not know the names of some of those people. Yet, afterwards, Vlado Ugrin, former head of SIS in Split, recognized me. I recognized him as one of those who were beating me. Even tough most of the time I had my face turned to the wall, I saw that Males brought someone with a camera. They were pushing the gun to my mouth and forced me to lick my blood, hanged me on my hands and beaten me naked, and wanted me to admit that I was in war in B&H for Serbians.

I was constantly repeating that I was never in a war. One of the policemen that I knew from before was telling me how he is going to kill my wife and son, and rape my daughter that night. That night Males brought to my prison cell few people and told them "watch carefully, watch carefully", and among that people was a person for who I afterwards found out that was named Z. Tole."

M.G. was brought again to the investigating judge on May 1st '95, and then he gave his first statement. They read a criminal charge against him according to which some people recognized him on the photography as a guard in concentration camp in "Manjaca". M.G. claims that he has nothing to do with that and shortly retells the reasons for leaving and the course of his staying in Bajince in B&H.

In addition: False recognitions. Contradicting testimonies of witnesses. Omissions, discriminating procedure and falsely based verdict of the District court. A shameful Supreme Court decision.

Zagreb, March 18th, 2003