

Face to face

THE "LOVAS CASE"

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Croatian judiciary is powerless because the indictees are out of reach, and even more because of insufficient data on who is really responsible for the horrors which the Croats in this small town between Vukovar and the border with Serbia and Montenegro had been experiencing. However, if on the Croatian side there is no will to include into the proceedings related to this crime also the judiciary bodies of Serbia, there are no prospects for the trial pending before the County Court in Vukovar to punish the real perpetrators.



The "Lovas case" – one of the cruelest war crimes that took place in Croatia – is maybe the best example of how necessary it is to have cooperation of "regional" state prosecutions in punishing war criminals who did not fall under "The Hague quota".

This principle - and the international community is insisting upon it - would be crucial in the "Lovas case" for bringing to justice those responsible for crimes which the Hague Tribunal will not be dealing with because of its exit strategy. In the "Lovas case" the Croatian judiciary is powerless because the indictees are out of reach, and even more because of insufficient data on who is really responsible for the horrors which the Croats in this small town between Vukovar and the border with Serbia and

Montenegro had been experiencing. However, if on the Croatian side there is no will to include into the proceedings related to this crime also the judiciary bodies of Serbia, there are no prospects that the trial pending before the County Court in Vukovar will punish the real perpetrators.

Death in the minefield

On October 18, 1991, some eighty inhabitants of Lovas were forced into a minefield at the entrance to the village. Twenty four persons were killed on that occasion, and some thirty were wounded. Although the "Lovas case" was also mentioned during the trial against Slobodan Milosevic (in the part of the indictment related to the crimes in Croatia), this crime – due to the exit strategy of The Hague Tribunal, which is to end trials until 2008, and appeal proceedings until 2010 – will not have its epilogue in The Hague. It is possible that for the "Lovas case" the only one that will be punished is Milosevic, and that the direct perpetrators who caused death of twenty four people and the wounding of some thirty persons, could remain unpunished.

The Croatian judiciary has been dealing with the "Lovas case" for some ten years now, and since September 2003 before the County Court of Vukovar there is a pending trial against the so-called "Lovas group" in which those accused for genocide and war crimes are Ljuban Devetak and seventeen other inhabitants of this village in Eastern Slavonia. This trial is protracting into its third year now, without any prospects to be ended in the foreseeable future.

Out of the eighteen indictees only one (Ilija Vorkapic), whose name is the last one mentioned in the indictment, is within reach of the Croatian judiciary, whilst all the others, including the first accused Devetak are not. Trial in absentia, and there were many of them in Croatia, practically do not make any sense. They are useless, because they give just a semblance of justice. Namely, what is a judgment which cannot be implemented and what feeling of serving justice can the victims have when the punishment – since they are at large – those sentenced will not experience? And in addition, if any of the indictees - or in the meantime sentenced – gets within reach of the Croatian judiciary, the entire trial

must be repeated anyway.

However, the news that the War Crimes Prosecutor in Serbia and Montenegro has at the end of last year initiated pre-trial proceedings in the "Lovas case", and particularly the initiative of the Belgrade Humanitarian Law Centre headed by Natasa Kandic in October 2005 demanding that Serbia, too, initiates investigation on this crime, give hope that the real perpetrators of this tragedy could be punished. However, here we have the eternal "but" – namely, it is necessary that the investigative and judicial organs of Croatia and those of Serbia and Montenegro cooperate closely and that in line with the signed Memorandum on regional cooperation they secure through common effort the preconditions for a trial which will really bring to justice those responsible and punish them in accordance with the gravity of the committed crime.

Bloody vine crop

Wishing to research the events in Lovas on that fatal September 18, 1991, the journalist who signed this article talked to dozens of villagers, as well as to the main accused Ljuban Devetak, who is nowadays living in Serbia and who himself – addressing the Fund for Humanitarian Law – has asked for resolution of this case, expressing readiness to face the Serbian judiciary. So it could happen that a third court, after the one in The Hague and in Croatia, starts dealing with the "Lovas case".

It is interesting that the indictment in the "Lovas case", upon which the trial in Vukovar for the crime in the minefield is conducted, doesn't include at all the responsible officers of the Yugoslav People's Army - whose units were controlling the area of Lovas, together with members of the local Territorial defense - after the town was occupied on October 10, 1991. Entire responsibility for this crime is attributed to Ljuban Devetak, who at that time was head of the local farming cooperative, and to those villagers, mainly ethnic Serbs, who sided with the "Krajina" police, or joined the newly established government.

From the standpoint of the victims, as well as numerous witnesses who were up to now interrogated in the marathon trial in Vukovar against the "Lovas group", the trial against Devetak and sixteen of their townsmen (one of the indicted died in the meantime) is completely logical. They knew him very well, as well as the other villagers cited in the indictments, whilst they mainly did not know either the Yugoslav People's Army's officers (who, also, were often replaced) or members of different paramilitary units who were coming mainly for plunder (at the same time committing other crimes as well), or they just memorized their nicknames. So Ljuban Devetak became just the "general focus", or – as one of the victims, Mato Madjarevic says – "alpha and omega" in the village: a synonym for all of their sufferings and hardships.

According to statements of victims who survived the minefield, but also those who were tortured and harassed later, on Christmas Eve 1991 (Madjarevic, Antolovic), Devetak was "the law and order" in the village and he had all the powers. Many of the interlocutors in Lovas (first of all Ivan Mujic, Berislav Filic, Djuka Radocaj, Stjepan Peulic) see exactly him as the most responsible one for sufferings in the minefield, the so-called "bloody vine crop", which happened eight days after Lovas was occupied, on October 18, 1991.

The day before, namely, the town-crier had read the manifesto by which all men aged between 18 and 60 were to come to the farming cooperative for a meeting at which Devetak was to speak to them. However, according to the statement of Djuka Radocaj – who gave his statement also before The Hague Tribunal ten years ago, at the beginning of February 1996 – Devetak did not even show up at the meeting, so that the meeting was led by a person called the "captain". He told them that because of the shooting the day before they were all to stay in the cooperative and, if during that day and night there will be no shooting it will be clear that someone among them had shot at them the day before. However, he told them that they will be nothing better of it, during their detention, there will be some shooting in the village.

During that night, as Ivan Mujic and Lovro Gerstner testify, they were beaten and tortured, and in the morning they were told that they will be engaged in vine cropping. They were particularly ill-treated, so they say, by the reservist Petronije, who used to come to a person and stab a knife in his thigh. They lined them up in the yard of the farming cooperative, and then, as they and some other villagers of Lovas said, Ljuban Devetak came out and singled out some twenty persons. All the others were to go towards the exit of the village. They were accompanied by a military unit for which they say it was uniformly dressed, unlike the reservists and volunteers.

At the exit of the village, some two kilometers from the road Vukovar – Tovarnik, the soldiers stopped the column of the villagers of Lovas and ordered them to start the "vine crop" in a clover-field. They were told they had to walk holding their hands, and wave their legs like when they reap the grain.

- When we started walking and reached about the half of the field, I heard Ivica Kraljevic say that he had

spotted a mine. He was somewhere in the middle of the row – remembers Djuka Radocaj. – Soon afterwards explosions started, as someone did step upon a mine. From behind, the guards were shooting at us. Twenty four persons were killed in the minefield. Then someone from behind, among the soldiers who were watching all this from the road, ordered the survivors to stand up in order to start with the demining.

- Then came the order that those who were in a somewhat better condition collect the wounded ones and help them somehow reach the road, remembers Ivan Mujic, who was severely wounded. They put him in a truck, afterwards they took them to the Health Centre to Sid, and afterwards, a few days later, to the hospital in Sremska Mitrovica.

They bit the wire with their teeth

- I was the first one whom they sent to deactivate a mine – says Radocaj. – I saw one three steps away from the spot where I stood. The soldier standing on the road shouted to instruct me to move the stick towards the mine, so as to loosen the wire, and then to cut it. I had nothing to cut it with, so somebody pushed me nail-clippers... Some among those forced into the minefield, who were on the other end, tried to cut the wire with their teeth because they had nothing to cut it with.

Devetak's version

Ljuban Devetak, the first accused among 18 persons indicted for war crime in Lovas, nowadays lives in Dobanovci, near Belgrade. He claims not to be guilty for the horrors in this village at the beginning of occupation in mid-October 1991. He says he was only the manager of the local cooperative and that he came to Lovas on October 10th in the evening, when the military operations already had come to an end. He was appointed manager of the cooperative by the "Krajina government" and his job, so he claims, was only to organize the production and harvesting.

The controversial event Devetak describes in the following words: a day before the villagers of Lovas were forced into the minefield he returned from Sid and met the town-crier who was reading the manifesto by which all men from the village were to come to the cooperative for a meeting. The town-crier told him, so he claims, that he got the text he was reading from lieutenant colonel Dimitrijevic. In the evening, continues Devetak, around 10.00 p.m. he reported to the military authorities that he would need for the next day some thirty people for a job that had to be done, and they told him that he was going to get them.

- In the morning, says Devetak, before I went to Sremska Mitrovica in order to talk with the director of local Mitrosrem, Milorad Markovic, on taking over the corn for drying, in the yard of the farming cooperative I asked for the working squad to be set apart. They went to work, and I left for Sremska Mitrovica. Only after I came back I found out what happened in the minefield, says Devetak.

This part of Devetak's statement coincides to a certain extent with what Mato Madjarevic, who managed to escape the minefield, told this journalist. "That morning", says he, "when Devetak called for a working brigade and when the people were separated, I joined them and thus escaped the minefield.

The villagers' statements on Devetak's role in deciding who was and who was not to go into the minefield, differ also in one detail. Whilst some of them claim Devetak had taken out of the line which was to go into the minefield the villager Keser, who was married to a Serb woman, and thus saved his life, others say that Keser asked Devetak for help with words "Ljuban, but you know me", upon which he only waved away and passed him by.

And Devetak says that when on that September 18th around 1.00 p.m. he returned from Sremska Mitrovica he heard what had happened in the village. He was shocked, and when he saw a villager who was a truck driver, he told him to immediately take the wounded ones to the Health Centre in Sid.

- During lunch that very same day I told Yugoslav People's Army lieutenant colonel Dimitrijevic that he established a new Jasenovac in Lovas. He jumped and rushed at me in a rough manner, says Devetak. However, sometimes around 6.00 p.m. a military Pitzgauer came to Lovas, and a soldier accompanying it explained that colonel Dusan Loncar, whose commanding post was in the nearby Trnovo, ordered lieutenant colonel Dimitrijevic and me to immediately come to him. We were driving in silence, and when we came to Loncar he demanded that I be the first to enter his office and report what had happened.

- I told him I knew nothing about the event itself, except what I heard from the villagers, and that it would be better if Dimitrijevic, who organized the whole thing, would tell him about everything. After that, Loncar went to Dimitrijevic, only to burst out after just several minutes like a bullet. Loncar called me in once again, shook my hand and said: "I am pleased that you have nothing to do with what had

happened". Afterwards, claims Devetak, Dimitrijevic was removed from Lovas and colonel Bozidar Nikolic from Kragujevac took his place.

Devetak points also that he had nothing to do with the torturing of Croats in Lovas, which happened in the cellar of the present municipality building and in the nearby private house which at that time was a police station of "SAO Krajina: He says that despite the villagers having claimed to the contrary, he had no powers in the village, and he supports this with a permit signed by the "local commander" colonel Bozidar Nikolic without which he, like all the others from Lovas, could not leave the village.

- Had I really been in power, as the witnesses in the pending court trial against me in Vukovar claim, would I need a permit in order to go out from the village? – asks Devetak. He has also dozens of "official notes", records on interrogations and questionings lead in the "Police department Ilok, police station Lovas". These records were taken and signed by "authorized officials Dusan Radovanac and Goran Vukadinovic. These records show that all those interrogated eventually signed a statement saying that they wanted to move out from Lovas "upon their free will and without pressure" and "with movables of their own choice". Devetak wants to prove by this that it was not him who was expelling Croats from Lovas – for what, among other things, he is charged with in the indictment – but that behind this are completely different persons, whose names and family names are not unknown.

Devetak does not deny that there was physical torture and killing of people in Lovas, but he says that he could not withstand because these were dangerous times when it was easy to loose one's head. He says that such things were happening when nobody would see them, mainly under the cover of the night, and that it was mainly done by the volunteers who came to plunder and who had simultaneously committed crimes.

Devetak's problem, however, is that in the indictment upon which he is on trial in absentia in the County Court in Vukovar, among those indicted as well as among the witnesses, there is neither that colonel Dimitrijevic, nor the policemen Radovanac and Vukadinovic, nor the "local commander" Bozidar Nikolic, nor the colonel Loncar, nor the reservist Petronije, whose statements could be of big help in finding the truth on who is responsible for the massacre of Croats from Lovas.

Regional puzzle

Hence, the "Lovas case" could be solved only if the judiciaries of Croatia and Serbia and Montenegro would cooperate closely, and if the present senseless court trial in Vukovar would be replaced with one in which all those responsible for this crime would show up, as well as witnesses whose statements would contribute to finding the truth. And this would be possible only with genuine cooperation of the two judiciaries within what is called regional cooperation. However, regional cooperation is obstructed from the sphere of politics.

Whilst it would very much suit Croatia to have the War Crimes Prosecutor from Belgrade join the "Lovas case" (which did partly happen by opening pre-trial procedures), it would certainly not be so suitable to have this War Crimes Prosecutor engage in the "Osijek case", the "Lora case" in Split, or tomorrow in the possible "Sisak case".

The Mayor of Osijek Anto Djapic has already publicly declared the witnesses who showed up in the "Osijek case" and gave their statements to the War Crimes Prosecutor in Belgrade to be "Chetniks and aggressors", although he probably even does not know who is involved. With such an attitude (and in doing so Djapic is unfortunately not alone in Croatia) it is hard to expect the "Lovas case" to be solved and to have those really guilty ones for the tragedy there be punished. As long as on both sides there will be no real will to put on trial the criminals within one's own side, it will be difficult, and in many cases also impossible, to reach the truth and justice.

Thus, as if everybody is satisfied to have a trial for the massacre in the minefield in Lovas against eighteen anyway small fish, and to have the real ones not even scratched. However, this made it possible for the other side to act in a similar way and some, like Ante Djapic in the "Osijek case", are doing their best to make it happen.