

Office of the County Prosecutor in Zagreb

No. DO-K-141/98

Zagreb, 14 December 1998 Urgent Detention

TO THE COUNTY COURT IN ZAGREB

Pursuant to the provisions of Article 42, Paragraph 2, Item 3 of the Criminal Procedure Act, I hereby issue an

I N D I C T M E N T

against:

DINKO LJUBOMIR SAKIC, son of Mate and Ana, nee Sakic, born on 8 September 1921 in Studenci, JMBG 0809921390010, Croat, citizen of the Republic of Croatia, residing in Argentina, San Justo 2622 Yerua, secondary school graduate, merchant, married and father of three children, without property, not recorded in Conscription Service Records, with no previous convictions, currently in detention at the District Court in Zagreb, pursuant to the Ruling of the County Court in Zagreb No. KV-867/98 dated 13 November 1998, beginning from 18 June 1998, on the following charges:

in the events of World War II when, pursuant to the implementation of Nazi and racial laws and legal provisions against political opponents between 1941 and 1945, tens of thousands of civilians, mostly Jews, Roma, Serbs and Croats, were abused, tortured and killed in the Jasenovac camp, in the territory of the then "Independent State of Croatia", after he had become a member of the "Ustasha Defense" on 18 February 1942 and working as head of the "General Section" and Deputy and Vice-Commandant at the headquarters of the "Stara Gradiska" and Jasenovac camps until April 1944 at the time when executions were carried out in these, and having become commandant of the Jasenovac camp in the beginning of April 1944, he continued until November 1944 by commanding and otherwise managing, taking and implementing decisions, with the abuse, torture and killing of internees by personally issuing orders and participating in their implementation and at the same time by not undertaking anything to prevent the other members of the "Ustasha Defense" from doing the same, resulting from which:

- he subjected the internees to excessively hard physical labor, starvation, physical and mental abuse which led to severe impairment of their health and, in a large number of cases, to death,
- a large, undetermined number of the sick and unfit for labor were executed after being singled out from the camp hospital and internee huts,
- during the period between April and November of 1944 individual internees continued to be taken to the "Zvonara" building, where such internees were tortured and abused, an undetermined number of them to death, following "investigations" of alleged offences,
- he allowed individual members of the Ustasha Defense, alone, without provocation and wantonly to abuse and kill individual internees, justifying such acts by alleged escape attempts and alleged slackness on extra-camp work, as well as by other "offences", which resulted in death of an undetermined number of internees.
- under a system of individual and collective punishment, aimed at intimidating others, a number of internees were singled out, mostly at random, from "camp musters" and executed within the camp and on the camp execution sites – granik, Gradina, Mlaka and

others – for alleged offences, so that, during his term of command from April to November 1994, on a number of occasions individual internees and groups of more than ten internees, with an undetermined total number were executed, some of whom were left hanging from posts in the camp for days, the internees Albert Izrael and cap-maker by the surname of Nisim among them,

- in the summer of 1944, prompted by the alleged escape of a musician internee named Wollner, he ordered a muster of the entire camp and singled out a number of internees, mostly members of the musical section and Jews, who were then taken to "Zvonara" and subsequently executed, while he personally shot dead the internees Avram Montiljo and Leon Perera with his pistol in front of the muster,

- on account of the internees organizing themselves under the leadership of Remzija Rebac, on 21. September 1944, he ordered a muster of the entire camp in front of which a group of 20 internees, including Remzija Rebac, Ladislav Matej, Musafija Heinrich, Boackovic D Mitar, Nikola Pejnovic, Branko Vojnovic, Stevan Scivkovic, Boro Sekulic and Pero Krajnovic, was executed by hanging, while he personally shot Dr Mile Boackovic dead with his pistol,

- from August to October 1994, after a number of railway cars full of internees and a number of groups of civilians from south of the river Sava had been brought to the Jasenovac camp, the execution of the said persons was carried out at granik and Gradina, resulting in an undetermined number of deaths,

- t h e r e f o r e, in breach of the rules of international law in times of war, he ordered and carried out torture, inhuman treatment and killing of civilians and ordered and carried out measures aimed at intimidating, terrorizing and forcing civilians to forced labor, as well as starving and collectively punishing them,

- by such acts – he committed a crime against humanity and international law - a war crime against the civilian population - recognized by, and punishable under, Article 120, Paragraph 1 of the Basic Penal Code of the Republic of Croatia.

PURSUANT TO THE FOREGOING I PROPOSE:

1. that the trial be held before that court having the jurisdiction of the subject matter pursuant to the provisions of Article 19 (1)(a) and having the venue pursuant to the Ruling by the Supreme Court of the Republic of Croatia on the Transfer of Venue No. II-4Kr-189/1998-2, dated 20 April 1998,

2. that the accused Dinko Ljubomir Sakic be brought to trial and that the following persons be called and heard as witnesses: Dragan Roller (case file pages 216-221), Anton Milkovic (case file pages 224-226), Tibor Lovrencic (case file pages 233-238), Simo Klaic (case file pages 244-248), Slavko Mikulic (case file page 302), Ljubomir Saric (case file page 307), Jakov Finci (case file page 314), Vladimir Cvija (case file page 356), Mirko Peracen (case file page 1009), Dragutin Skrgatic (case file page 1006), Cecilija Scokljat (case file page 1024), Adolf Fridrich (case file page 1038), Miljenko Bobanac (case file page 1044), Vjekoslav Bednjanec (case file page 1047), Josip Habjanec (case file page 1049), Winter Gabrijel (case file page 1051), Mirjana Radman (case file page 1055), Milka Scapcic (case file page 1080), Katarina Hrvojic (case file page 1130), Ivan Palcec (case file page 1141), Vinko Ecimovic (case file page 1151), Jeacua Abinum (case file page 1180), Nedeljko Bartulovic (case file page 1175), Ivo Senjanovic (case file page 1173), Derviac Sarac (case file page 1170), Mara Cvetko (case file page 229), and the following other witnesses who have not yet been proposed: Bradovski Dragica, Munko Zlatko and Renata Terzijan whose addresses are in the case file and that the following scientists - witnesses be also called: Professor Josip Kolanovic, of Zagreb, Director of the

Croatian National Archives (case file page 1146), Frane Glavina, of Zagreb, former Director of the Croatian National Archives (case file page 1127), Vladimir Scerjavic, B.Eng., of Zagreb, (case file page 1119), Professor Jelka Smreka (case file page 1035), History Professor Ivo Goldstein, Ph.D., of Zagreb, (case file page 1082) and History Professor Milan Pojic, Head of the Military Documentation of the Croatian National Archives.

3. that the following be read out loud at the trial: "List of Personnel Present in Camps", dated 28 November 1942 (case file page 117), postcards from the Jasenovac camp dated May, July and August 1944 (case file page 371), "Payroll of the Camp Defense Corps Officials for January, February and March 1945", dated 15 March 1945 (case file pages 372-373), the Commendation "Sign of Loyalty" No. 1031 bestowed upon Ustasha 2nd Lieutenant Dinko Sakic (case file pages 377-379), that part of the Minutes dated 18 May 1945 on the Inspection of the Jasenovac Camp by the Survey Commission for the Investigation into the Latest Ustasha Crimes which relates to the state of affairs it found (case file pages 380-403), "the Legal Decree on the Committal of Undesirable and Dangerous Persons to Forced Detention in Concentration and Labor Camps" dated 25 November 1941, "the Legal Decree on the Suppression of Violent Criminal Acts against the State, Individual Persons or Property" dated 20 July 1942, as amended and supplemented on 3 August 1942, "the Legal Decree on Procedure upon Communist Attacks by Unidentified Perpetrators" dated 2 October 1941, "the Legal Decree on Court-Martials" dated 17 May 1941, "the Legal Decree on Travelling Court-Martials" dated 24 June 1941, as amended and supplemented on 26 June 1941, 27 June 1941 and 10 July 1941, "the Legal Decree on the Defense of the People and State" dated 17 April 1941, as amended on 23 May 1941 and 18 July 1941, "the Legal Decree on Racial Origin" dated 20 April 1941, "the Legal Decree on the Protection of the Aryan Blood and Honor of the Croatian People" dated 30 April 1941, "the Extraordinary Legal Decree and Order" dated 20 June 1941, "the Legal Decree on the Ustasha Security Service" dated 16 August 1941, "the Legal Decree Amending and Supplementing the Legal Decree on the Ustasha Security Service of 16 August 1941", "the Order on the Determination of the Racial Origin of State and Self-Government Officials and Free Academic Professionals" dated 4 July 1941,

"the Original List of Female Internees of the Jasenovac Camp" (case file pages 461-514), "the Index of the Jasenovac Camp Parcel Department" (case file pages 515-587), "the Original Ledger – the Works Log of Jasenovac Camp Internees" (case file pages 588-1002), "the Partial List of Jasenovac Camp Internees 1944/1945" (case file pages 1185-1192), "the List of Jasenovac Camp Victims" (case file pages 1193-1228), "the Partial List of Internees by Camps 1941-1945" (case file pages 1230-1234), "the List of Victims Who Perished in the Jasenovac Camp" (case file pages 1235-1240), "the List of Guards in the Jasenovac Camp" (case file pages 1241-1268), work orders, notices on internee work groups from 14 August to 6 September 1944 (case file pages 1268-1282), "the Anthropologists' Report on the Findings during Excavations of Victims' Graves in the Concentration Camp in Jasenovac" (enclosed in the case file documentation), food ration cards in the Jasenovac labor camp made out in the name Ivana Pejnovic for December 1942 (enclosed in the case file documentation), the Communication of the Chief Directorate for Public Order and Security of the Ministry of the Interior of the Independent State of Croatia No. VT-30/45 dated 11 April 1945 (enclosed in the case file documentation), a section of the "Files on Jewish Families of the Jewish Community of Zagreb with Heads of Families Created in 1941 upon the Promulgation of Racial Laws", "the Ministerial Decree on the Pronouncement of the Court Martial for the territory of the Zagreb Judicial Bench dated 27 May 1941 (case file page 212), "the Legal Decree on the Protection of the Croatian People's National and Aryan Culture" dated 4 June 1941 (case file page 215), telegram No. 49173 dated 31 July 1942 sent by the office to the County-Constabulary District of Banja Luka (case file page 279), "the List of Ustasha Units in the Territory of the 2nd Home Army Corps" dated 17 June 1943 (case file pages 335 and 336), "the List of 172 Internees to be Released from Detention in the Camp on the

Occasion of the Leader's Birthday pursuant to the Order of the Chief Directorate for Public Order and Security to the Public Security Department – the Political Police Section" dated 14 July 1944 (case file pages 382-386), "the Decision of the Public Security Department of the Political Police Section of the Chief Directorate for Public Order and Security" dated 15 March 1944 on the committal of Franjo Petrusa to the Stara Gradiska camp (case file pages 420-422), "the Rules of Work of the State Commission on the Determination of Crimes Committed by the Occupying Forces and their Collaborators dated 6 May 1945 (case file pages 481-482), the interview with Dinko Sakic by the journalist Aleksa Crnjakovic dated 8 February 1995 (case file pages 160-173), the Statement by Ervin Rozenberg (case file pages 1157-1168), the Circular of the General Headquarters of the Ustasha Militia" re the subject "the concentration labor camp in Jasenovac can receive an unlimited number of internees" dated 1942 (case file page 1294), that part of "the Minutes dated 18 May 1945" as drafted by the Survey Commission sent to investigate the latest Ustasha crimes which relates to the state of affairs it found (case file pages 1296-1311), "the Order No. 41/44" of the Commandant of the 1st Ustasha Defense Corps for 28 October 1944 (case file pages 1312-1318), "the Minutes No. 6845 of the Jewish Community of Split" dated 8 June 1945, "the Decision of the Public Security Department – the Political Police Section of the Chief Directorate for Public Order and Security on the Pardon of Internees in the Camp" dated 10 April 1944, "the Decision of the Public Security Department – the Political Police Section of the Chief Directorate for Public Order and Security" dated 10 April 1945 on the release of internees from the camp, "the Statistical Overview of War Victims 1941-1945 broken down by category, place and year of death and manner in which the victims lost their lives and prepared in 1964 by the Bureau of Statistics of the SFRY (case file page 1121), the Narrative of Katica Filipovic a former internee of the Jasenovac camp, Dinko Sakic's letter to Ekrem Spahic dated 20 May 1998.

I also propose that the following documents be examined: the Decision on the Determination of Crimes Committed by the Occupying Forces and their Collaborators by the Land Commission for the Determination of Crimes Committed by the Occupying Forces and their Collaborators Concerning Dinko Sakic Zh No.: 9966, 15565 (case file pages 53-56, 112-115, 192-195, 253-256), personal file on Dinko Sakic in the files on criminals kept by the Land Commission for the Determination of Crimes" (case file page 57), "the Decision Concerning Fugitive War Criminals" (case file pages 58-59), "the Memorandum of the Land Commission of the Federal Croatia to the Commission for the Determination of Crimes Committed by the Occupying Forces and their Collaborators in Belgrade" (case file pages 64-66), "the Official Note of the Federal Croatia's Land Commission for the Determination of Crimes Committed by the Ustasha in the Jasenovac and Stara Gradiska concentration camps Zh No.: 418" (case file pages 68-75), "the Data on the Crimes of the Occupying Forces and their Collaborators by the Land Commission" No.: 418/3" (case file pages 76-77), "the Data on the Crimes of the Occupying Forces and their Collaborators by the Land Commission" No.: 418 (case file pages 110-111), "Glas Slavonije" dated 17 May 1945 (case file pages 374-376), "the Report from the Meeting Roller Huber Polsak" – held on 26 December 1964, the photograph of an outline of the Jasenovac concentration camp (enclosed in the case file documentation), an unsigned list of persons with addresses "Stara Gradiska" (enclosed in the case file documentation), an unsigned list of former internees of the Stara Gradiska and Jasenovac camps (enclosed in the case file documentation) and photographs related to the Jasenovac concentration camp and Nova Gradiska (enclosed in the case file documentation), a list of a part of the documents collated for the First Exhibition of "the Jasenovac Memorial" (enclosed in the case file documentation), the photographs of the Jasenovac and Stara Gradiska camps taken from 1942 to 1945 (case file page 67), "the Communication on the Jasenovac camp to the State Commission for the Determination of Crimes Committed by the Occupying Forces and their Collaborators" inventory No. 16261 (case file pages 292-295), the list of perished internees of the Jasenovac camp from April to November 1944 prepared by "the Museum of Genocide Victims" and the "Federal Bureau of Statistics of the SFRY" (enclosed in the case file documentation), "the List of Victims Attached to the

Decision Concerning the War Criminal Eugen Kvaternik Junior" No.: 9844, "the Excerpt from the Register of Criminals" of the State Commission for the Determination of Crimes Committed by the Occupying Forces and their Collaborators concerning Dinko Sakic No.: 3376 and the Personal File of Dragutin Roller dated 14 November 1941 No.: PRS-28290,

4. that detention be ordered against the accused DINKO LJUBOMIR SAKIC pursuant to Article 102, Paragraph 1 of the Criminal Procedure Act.

STATEMENT OF REASONS

On the basis of the existence, established in the pre-trial proceeding, of reasonable suspicion that Dinko Ljubomir Sakic has committed the crime he is charged with, following a request of this Public Prosecutor's Office, an investigation has been conducted before the investigating judge of the County Court in Zagreb, the results of which indicate that the accused has committed a crime against humanity and international law - a war crime against the civilian population recognized by Article 120 (1) of the Basic Penal Code of the Republic of Croatia, in the manner he is charged in this indictment.

To wit, arising from the contents of previous information collected by officers of the War Crimes and Terrorism Department of the Croatian Ministry of the Interior (MUP RH), by making use of the enclosures and "the Decision on the Determination of Crimes Committed by the Occupying Forces and their Collaborators by the Land Commission of the Federal State of Croatia for the Determination of Crimes Committed by the Occupying Forces and their Collaborators Zh No.: 9966 and 15565 whereby Dinko Sakic has been pronounced a war criminal and there being reasonable suspicion, on 20 April 1998 the County Public Prosecutor's Office submitted to the investigating judge of the County Court in Zagreb a request for investigation, that court being designated by the Ruling No. II-4Kr-189/1998-2 of the Supreme Court of the Republic of Croatia as having venue for conducting a criminal proceeding against Dinko Ljubomir Sakic for the crime from Article 120, Paragraph 1 of the Basic Penal Code of the Republic of Croatia.

In deciding on the request for investigation, the investigating judge of the County Court in Zagreb issued on 21 April 1998 the Ruling No. KIO-I-75/98-3 ordering the conduct of investigation and detention.

Based on this Ruling, on 24 April 1998 the Ministry of Justice of the Republic of Croatia submitted to the Republic of Argentina a request class No: 720-04/98-01/1 and reg. No: 514-04-01-98-2 seeking Dinko Ljubomir Sakic s extradition. After proceedings had been conducted before the Federal Court in Dolores, the Republic of Argentina's executive authorities passed a decision to extradite Dinko Ljubomir Sakic to the Republic of Croatia, which decision was confirmed by the President of the Republic of Argentina and based on which the extradition of Dinko Ljubomir Sakic to the judicial authorities of the Republic of Croatia took place on 18 June 1998.

Challenged with criminal responsibility before the investigating judge of the County Court in Zagreb on 19 June 1998, the accused Dinko Ljubomir Sakic, in the presence of his appointed defense counsel, stated that he understood the charges and that so far he did not want to present his defense or answer questions.

During the investigation proceeding, the following former inmates of the "Stara Gradiska and Jasenovac" camps were heard as witnesses regarding the knowledge of the charges being brought against the accused: Dragan Roller, Anton Milkovic, Mara Cvetko, Tibor Lovrencic, Simo Klaic, Ruza Rupcic, Ivan Vuk, Slavko Mikulic, Ljubomir Saric, Jakov Finci, Vladimir Cvija, Mirko Peracen, Dragutin Skrgatic, Milan Bogic, Cecilija Djokljat, Adolf Friedrich, Miljenko Bobanac, Vjekoslav Bednjanec, Josip Habijanec, Gabrijel Winter, Andrija Tomaacek, Mirjana Radman, Milka Scapcic, Katarina Hrvojic, Beacka Frntic, Ivan

Palcec, Mijo Topljak, Vinko Ecimovic, Pava Molnar, Derviac Sarac, Ivo Senjanovic, Nedjeljko Bartulovic, Abinum Jeacua, Jakaca Kalodjera and Ljubica Blazina.

In addition to the above former internees, the following persons, who had been identified in the course of the investigation as those who might possess indirect knowledge of the charges being brought against the accused, were also heard as witnesses: Milan Blazekovic, Ana Simuncic, Kata Svraka, Dragutin Tkalec and Damir Petric.

In relation to the historic characteristics of the times when the crime was committed and as regards knowledge of the documents dating from the said period, the following were heard as witnesses regarding these circumstances: Jelena Smreka archaeology professor curator of the Jasenovac Memorial Museum, Ivo Goldstein historian, Vladimir Scerjavic, B.Eng., Ognjen Kraus, Ph.D. President of the Jewish Community of Zagreb, Frano Glavina former Acting Director of the Croatian National Archives, Josip Kolanovic Director of the Croatian National Archives.

Apart from the above, during the investigation procedure, the archive materials of the Land and State Commissions for the Determination of Crimes Committed by the Occupying Forces and their Collaborators have been collected from the Croatian National Archives, the Croatian National History Museum, as well as that portion of documentation created under the reign of "the Independent State of Croatia" which relates to the actions of the accused Dinko Sakic in the Stara Gradiacka and Jasenovac camps and to the events connected with the said camps and events in the very camps, as well as documentation created by the work of the Jewish Community of Zagreb.

The Government of the USA, the Simon Wiesenthal Center and the "Federal Justice Ministry" of the FRY sent, through the Ministry of Justice of the Republic of Croatia, and it was forwarded to this County Public Prosecutor's Office, certain archive materials which, to a great extent, had already been collected by state agencies and institutions of the Republic of Croatia. The names of presumptive witnesses were also submitted, some of whom were heard, while some others had already been suggested to the investigating judge as witnesses. All such received material is part of the case file.

Following the foregoing evidence and facts collected and determined during the investigations, the conclusion is drawn that the accused has committed the crime he is charged with.

As evidence corroborating the above determination it is necessary to present the testimonies of only those witnesses heard during the investigations who, in relation to the allegations the accused is charged with, provided the investigating judge of the County Court in Zagreb with detailed accounts of the events concerning their internment in the Jasenovac and Stara Gradiska camps.

Thus, the allegation of internees being subjected to hard physical labor, starvation, physical and mental abuse and severe impairment of health were corroborated in unison by all the witnesses heard who concretized each of the forms of the above alleged in their testimonies.

The execution of a substantial number of internees who were sick and unfit for work was testified to by Dragan Roller, Anton Milkovic, Mara Cvetko, Jakov Finci, Adolf Friedrich and Abinum Jeacua.

The following persons testified to the fact that internees were taken to the Zvonara building where they were tortured, including to death: Tibor Lovrencic, Jakov Finci, Vinko Ecimovic, Adolf Friedrich, Dragan Roller and Derviac Sarac.

In relation to the incriminating allegation that in the course of taking the internees for work outside the camp, as well as in the course of work inside the camp, Ustasha guards skirmishers abused and killed internees wantonly and without provocation, it is necessary to mention the testimonies of Ljubomir Saric, Dragutin Skrgatic, Jakov Finci, Nedjeljko Bartulovic, Tibor Lovrencic, Dragan Roller and Mara Cvetko.

The summoning of camp musters and of group musters from which individuals and groups of internees were singled out and executed was testified to by Dragan Roller, Tibor Lovrencic, Jakov Finci, Vladimir Cvija, Vjekoslav Bednjanec, Abinum Jeacua, Derviac Sarac, Katarina Hrvojic, Adolf Friedrich and Cecilija Djokljat.

Furthermore, regarding the situation when, after an alleged escape of the internee Wollner, Dinko Sakic ordered a camp muster from which he singled out 20-odd internees and on the same occasion personally executed two named internees, it is necessary to mention the testimonies of Jakov Finci, Tibor Lovrencic and Adolf Friedrich.

The grounds for the allegations concerning the event of 21 September 1944 when the execution of 20-some internees took place people who shared the political views of Dr Mile Boackovic, with the execution of whom the accused is personally charged, should be looked for in the statements made by Dragan Roller, Tibor Lovrencic, Jakov Finci, Adolf Friedrich, Miljenko Bobanac and Vjekoslav Bednjanec.

The transportation into the Jasenovac camp of large groups of civilians and their execution at the camp execution sites are mentioned in the testimonies of Adolf Friedrich, Katarina Hrvojic, Derviac Sarac and Mara Cvetko.

In the foregoing evidence of individual counts of indictment, names and surnames of certain witnesses are cited, which witnesses are, as a rule, eyewitnesses of the events, whose testimonies are recounted in a more comprehensive manner later in this statement of reasons of the indictment.

However, the statements made by the other proposed witnesses also indicate their indirect knowledge of the occurrence of the events in question, for during the investigation it has become clear from a substantial number of witnesses' testimonies that they exchanged information and that, in effect, informed one another, particularly such internees as were incarcerated for a protracted period of time and were organized. For this reason, despite certain discrepancies in details, particularly about the exact timing of events, due to multiple identical statements, these hearsay-based statements, although being indirect knowledge, in their entirety constitute relevant evidence, from which ensues a conclusion on the existence of relevant facts and not mere circumstantial evidence.

Overview of witnesses' testimonies:

Thus, heard as witness, Dragan Roller, an inmate of the Jasenovac camp from February to April 1942, of the Stara Gradiska camp from April 1942 to September 1944, and again of the Jasenovac camp from September 1944 to 18 February 1945, on 30 June 1998 in his testimony stated, inter alia, that he arrived at the Jasenovac camp on 18 February 1942 by the same train which brought the Ustasha officials Sakic and Maricic. As a Jasenovac internee he worked on an embankment along the Sava river under harsh winter conditions, on a very meagre diet, losing under such hardship 25 kilograms of body weight in three weeks and ending up in the internee infirmary. From his time in the hospital he remembers seeing Ustashes coming to the hospital every night and taking away those patients who could not walk or could not sit upright on a chair or in bed. He did not know where they were taken, but he heard from other inmates that they were

executed at Gradina. At the beginning of April 1942 he was transferred to the Stara Gradiska camp.

Regarding Dinko Sakic, he states that the said Sakic was assistant to the Stara Gradiacka camp Mile Oreackovic up to the end of 1942 and that around the end of 1942 he went to the Jasenovac camp.

In his testimony the witness furthermore states that in September 1944 the Stara Gradiska camp was closed down and the inmates moved to the Jasenovac camp, where he arrived on 23 September 1944, a period he links to executions carried out in that camp. The executions were carried out by the Ustashe separating the inmates according to lists and taking them away to be executed, and, apart from that, he remembers an event which occurred one week after the "Boackovic group" had been liquidated, when the Ustasha called a camp muster to hang in front of the inmates a group of some 5 to 6 Chetniks, headed by the duke Djuricic. He was present in the muster and it seems to him that Dinko Sakic was present there in person, too. Regarding the so-called "Boackovic group" he states that he learned the details from other members of the organization who eluded detection and with whom he later established a new committee aimed at organizing an uprising in the camp. He also remembers that there was another hanging of a group of 5 or 6 people in October or November 1944, when they were hanged from power poles inside the camp close to the large huts. As far as other activities inside the Jasenovac camp are concerned, the witness emphasizes the "Zvonara" building which was used as a place to which inmates would be brought during the day and from which they were taken to be executed in the night. Such episodes of internees being taken away would occur several times a week, when ten, maximum twenty persons, who would be selected according to lists, which practice of taking inmates for execution was carried out also when Dinko Sakic was in command of the Jasenovac camp. He recalls that while he was in the Jasenovac camp there was discernible a certain unruliness among the Ustasha who would, without sanction, carry out executions of individual internees on their own, justifying such acts mainly as punishment for offences, such as theft of food, or general slackness. In addition, he remembers the suffering of certain Ustasha officials who were punished, some even executed, for their softer attitude towards internees, such as the case of 1st Lieutenant Nemet. Generally, he states that he noticed while he was in the Jasenovac camp that the number of internees was getting smaller due to everyday executions. According to his memory, Dinko Sakic discharged the duties of camp commander until year end 1944, when he went to Zagreb to another post, in November or December. The witness left the Jasenovac camp on 18 February 1945 when, having been selected for work in Germany, he and some 600 other inmates departed by train for Germany, but upon reaching Vienna they were transferred to a transit camp, then to Linz where he was liberated by the US Army on 5 May 1945.

The witness Anton Milkovic, internee of the Jasenovac camp from November 1941 to February 1944, says in his testimony that he was sent to the Jasenovac camp by the Ustasha Security Service at the end of October 1941. Once in the Jasenovac camp he was assigned to work first in the car repair shop and later in the chain manufacture where he worked until he left the camp in February 1944 when he was exchanged for a German officer in the village of Pissarovina. He recalls seeing Dinko Sakic in the Jasenovac camp on a number of occasions entering and coming out of the Ustasha headquarters. He personally did personally experience Dinko Sakic's commands in the camp, but he remembers that he was either assistant or deputy camp commander. Regarding the conditions of life in the camp, he states that they were very bad and that diseases, such as typhus fever, dysentery and the like, raged.

He was personally in a muster which was summoned for the purpose of singling out every third or fifth inmate according to a pre-arranged plan, which inmates then had their hands tied with wire and were taken by ferry across to Gradina. He explains that he

was lucky that the mechanics were mostly spared from attending such musters, so that he does not remember most of them, but he says he knew that abuse, torture and killings were carried out in the camp, which conclusion he drew from seeing dead bodies inside the camp en route to the workshop. He also knows that the camp was continuously being filled and emptied, i.e. that new inmates would be coming in, while some inmates would disappear at nights. Several times he saw himself inmates gathered in front of the camp gates at dusk with their hands tied with wire. In his opinion, such internees never returned, but were taken by ferry to Gradina, which "was their final resting place".

In her statement before the investigating judge of the County Court in Zagreb, witness Mara Cvetko states that she was arrested in September 1942 by the Ustasha authorities under suspicion that she aided the Partisan movement. After four months spent in prison, she was sent to the Stara Gradiska camp in December 1942. In the late spring of 1943, after she had recovered from spotted fever, she was picked out for work in the Jasenovac camp. She remembers the work was hard, they would start out very early in the morning to walk 15 kilometers into the fields and returned late in the evening. She points out that her state of health and her constitution made her unfit for such hard labor, so the other internees had to step in for her and, for a while, they used to hide her in the hut and did her work for her. From that period she remembers that she went from Jasenovac to a dislocated camp farm in the village of Mlaka, where a group of 40 to 50 women internees were separated from the rest and executed.

After the field works stopped in the late autumn of 1943, she returned to the Stara Gradiska camp and a smaller group of women was left at Jasenovac to work in the Ustasha laundry. Upon return to the Stara Gradiska camp she resumed work in the weaving mill which manufactured bandages for the army. From there, since one of the Ustasha women found her idle, she was punished by being sent to the bulwark to "sledgehammer rocks". She remembers that while working on the bulwark in the summer of 1944, she saw all the remaining women in the "tower" being led out and, tied with wire, marched towards the Sava River, from where they never returned. In the late summer of 1944 she was transferred back to the Jasenovac camp where the conditions were very hard – there was no potable water, there was an outbreak of typhoid and generally the situation was very bad. Then she contracted typhoid and, a while later, an almost fatal pleurisy. She did not have these diseases treated because the situation was such that anyone who was unfit for work would be executed. She remembers that once she avoided execution by fleeing from her bunk, where she had hidden during her illness, and hiding in a small room where dead bodies were stored, since these were not taken away every day. The witness adds that from the end of 1944 until 26 March 1945 she attended daily roll calls organized to establish whether anybody had escaped. After such roll calls randomly chosen internees would be led to an unknown location, from where they never returned. Such roll calls, she explains, started about October 1944. In relation to trains used to bring internees into the Jasenovac camp, the witness states that she knew of such occasional arrivals and that people died in the cars, because sometimes they would not let them out but would leave them to die there. She places such trains in 1944, because she remembers seeing them when she was detailed to work on dislocated camp farms. Of such trains, she remembers particularly well the one with a group of 20 girls from the Zemun grammar school who joined her group for work and who all eventually perished.

Witness Gabrijel Winter was an internee of the Jasenovac camp twice, the first time from 20 August 1941 to 20 December 1941 and then from June to October 1942. From his detention he remembers that the second time round he was accommodated in a hut and detailed to dig, carry various loads and do similar physical work. Later on he became a coachman, freighting, among other things, the clothes taken off the inmates who had been executed at Gradina during night to a warehouse in the town of Jasenovac where

the clothes were sorted. He remembers that every ten days or so the Ustasha officials would call a muster and simply single out the weak and infirm inmates, who would be executed during the night. According to his memory and knowledge, there were at any time some 3,500 internees in the camp and as new internees were constantly arriving, others were successively executed. Upon the arrival of each new group a selection for execution would be carried out, specially of women, children and the infirm, while the stronger and able-bodied would be kept for work in the camp.

On 7 July 1998 witness Tibor Lovrencic was heard before the investigating judge of the County Court in Zagreb, who, in relation to the charges brought against the accused, stated that he was arrested on 28 October 1942 under suspicion that he was engaged in "assisting the reds". After questioning and detention in the prison on "N Square", he was incarcerated in the prison on Savska Street for the next two months and, finally, in December 1942 he was transferred to the Jasenovac camp without trial. In the camp he was assigned to a construction group and worked on the camp wall and internee huts. He remembers that the internal organization of the camp was based on so-called groups, of which he remembers the chain manufacture, the brickyard, the carpenter's shop, the tailor's shop, the drawing office... Each group was headed by its kapo, whose duty was to organize work for his group and to maintain communication with the camp administration in respect of production and number of laborers. He stresses that the kapos were in a way privileged in terms of food and personal safety, and they were predominantly internees who had been interned for a long period of time or were among the first to arrive and who organized the work. Above such camp hierarchy was an internee with the title of "camp kapo" who was in direct contact with the Ustasha camp administration. The number of internees at any given moment was around 2,000, except for a period during 1943 when it climbed to 3,000 inmates.

Internees were accommodated in wooden huts with bunk-beds each accommodating five inmates, two down and two up and him as the fifth below the legs of the other two. Apart from those huts, there was an infirmary which was in fact a place where the sick internees were put to die, because they came there with typhus and similar diseases and was reserved for the treatment of internees only. The internees were the workforce and as such had to avoid contact with personnel in uniform, whom they had to greet humbly, silently, for if any internee were to greet a person wearing a uniform with "Ready!" they would have perished. Every morning the internees would be called for a labor muster when all groups would be lined up for the purpose of distributing the internees among individual labor groups, except when the internees had already been distributed among individual labor groups.

Musters were also called in the cases of exceptional circumstances, such as escapes or escape attempts, when a siren signal would be sounded upon which everyone working either inside or outside the camp had to fall in. Then, a number of inmates, ranging from two to five, depending on the actual order, would be singled out from the group involved in the escape attempt, made to kneel and executed by a shot in the back of the head. He was present at only one such muster, sometime in the first half of 1943, when five inmates were executed. The witness emphasizes that each such muster caused grave psychological shock in every internee because nobody could be certain that they would not be the one picked out for execution. He adds that the purpose of such exercises was actually to intimidate the internees in the camp, discourage them from attempting to escape and keep them under control. Every inmate had to attend such musters under pain of death, for if anyone was found hiding elsewhere in the camp, they would for sure be executed. He mentions that about ten persons in uniform would be present at each muster, mainly officers and NCOs, but under the psychological stress that the internees lined up were experiencing it would be hard to imagine any of them remembering the identity of any Ustasha official. Regarding the latter half of 1943 and the year 1944, the witness states that that period was a bit calmer with fewer musters.

Overview of witnesses' testimonies:

He remembers when at the end of 1943 or in the spring of 1944 the internee Wollner was killed by the Ustashas and brought dead to the camp, after which the internees were mustered up and told he had tried to escape but he does not remember if anyone was executed on that occasion.

Regarding Dinko Sakic, the witness states that he arrived to the post of camp commander sometime in mid-1943 at the age of 24 or so. In his judgement, Sakic was a man who enjoyed a well-cut uniform, who liked to parade in front of the internees all neat and "spruced up". The witness used to see him occasionally around the camp, mainly in the area close to the headquarters building. He does not remember, however, seeing him during any of the musters, but he thinks that he must have attended them by virtue of his office.

In relation to major executions, he remembers one that was carried out in 1944 after contacts between the Ustasha hospital and the internee organization had been exposed, when 20 people were hanged on a scaffold specially built for that occasion resembling a large football goal. At the same moment the Ustasha hospital manager and his family was executed by hanging in front of the church in the town of Jasenovac. He does not know who ordered that execution, but he was present at it, as were several Ustasha officers.

In his testimony the witness particularly emphasizes that the guards supervising the work groups on dislocated camp farms differed in their attitude towards the internees, some of them had a good relationship with the internees, while some others were extremely bad and abused the internees ceaselessly. He points out that the guards were not accountable to anyone for their actions and that there were cases when they would kill an inmate during work outside the camp and would merely report upon return that "the group is reduced by such-and-such number of internees and that they were killed when trying to escape".

He also has knowledge of a group of 30-50 "Chetniks" who were brought into the camp but were always kept separate from other inmates. They were there for the purpose of establishing cooperation with the Ustasha authorities and organizing joint struggle against the Partisans. One night those "Chetniks" were taken out of the camp, naked and with their hands tied behind their backs, to Granik, where they were in all probability executed, for he noticed that they were no longer in the camp.

The witness was also aware of the existence of the so-called "Camp III C" inside the Jasenovac camp, which was a separate fenced-in compound containing a number of internees who were not housed in huts but lived and slept under awnings. Sometime in early 1943 that camp was closed down in the following manner: the inmates were no longer given food or water and they gradually perished.

Regarding the "Zvonara" building, the witness states that it was a jail inside the camp and that nobody came out of "Zvonara", but that there were no mass arrivals there either. Apart from that the witness has no concrete information on the purpose the building was used for.

Simo Klaic ? internee of the Stara Gradiacka camp from January 1942 to December 1944 ? states in his testimony that he was arrested by the Ustasha authorities on suspicion of being a member of the Union of the Communist Youth of Yugoslavia, because of which he was kept for some time in jail and then transferred first to the Jasenovac camp and then to the Stara Gradiška camp, where he was housed in the so called "K" hut in a cell with other eight inmates. At the time when he arrived in the camp

its commander was Mile Oreackovic, while Dinko Sakic was either his deputy or the head of some administrative-political department.

He first saw Dinko Sakic in the Stara Gradiacka camp at the beginning of June 1942, while Sakic resided in the camp itself, in the camp headquarters. However, he does not know whether Dinko Sakic arrived in the camp at that time or had arrived earlier than that. As far as he knew, Dinko Sakic stayed in the camp until the end of October or the beginning of November 1942 when he left for the Jasenovac camp. Regarding Dinko Sakic, the witness cannot exactly say what duty he performed, but he stresses that he was among "the top brass" who decided on everything.

He provides a detailed description of the cruel treatment of internees and of their executions in 1942, describes the executions in the "tower" building and the gassing of children in 1942 in the Stara Gradiska camp. He describes the condition of the Stara Gradiska camp where hunger, typhus, dysentery and malaria reigned. In this respect, he points out that every couple of days the Ustashas would go round the camp and take the sick inmates into a building which they said was a hospital, but it was generally known it was nothing of the kind and that such internees were taken to the Sava River at night and executed there.

Witness Slavko Mikulic was arrested on 17 May 1942 in Zagreb by the Ustasha Security Service for his anti-Fascist activities. After police questioning he was deported with 14 other persons to the Jasenovac camp on 1 July 1942. After being searched - frisked, stripped of personal possessions and left for three days in the "tunnel", he was detailed to work in group "X" – fitters. On 3 July 1942 a muster was called for the purpose of rounding up all the so called "three-year" internees – those sent to the camp for three years. Having rounded them up, the Ustashas encircled the group, took their names and marched them to the headquarters building where they tied them two-by-two with wire. No sooner than they set off towards Gradina when Picili ? the commander in charge of labor, ordered them back from where they started. That same evening this group underwent another selection process until there were only 16 of them left who were then loaded onto two railway cars where they remained until morning the next day when the Ustashe came and took everybody, with the exception of 12 internees, from the cars across the Sava to Gradina from where they never returned. The 12 inmates were returned for work in the camp where they remained until their escape on 10 August 1943.

He remembers that on 27 April 1943 a group of 100 internees, 50 from Jasenovac and 50 from Stara Gradiska, was singled out and taken to Zagreb, allegedly to be pardoned by Pavelic. However, he later discovered that this group had been sent to Zagreb to be used as hostages for retaliation if anything had happened for Labor Day. After that they were returned to the camps.

Furthermore, he remembers that sometime in November 1942 a group of internees, comprising only physically strong and healthy men, was selected for labor in Germany from "Camp III C" and other huts. When about 300 internees were selected, the Ustasha guards led them to Gradina from where none of those internees ever returned. This selection of internees was done by Ensign Maricic.

Concerning the conditions and regime in the Jasenovac camp, the witness states that the food rations were very meagre, that there were many sick internees and that some perished from starvation. The number of internees in the camp permanently varied between 2,500 and 3,000. He adds that some internees were never brought into the camp, such as, for instance Roma or the civilians rounded up around the Kozara mountain, but were sent to different destinations, some to work in Germany, some to the Stara Gradiska camp and some to Gradina for execution.

As an internee of the Jasenovac camp from August 1942 to the end of July 1943, witness Ljubomir Saric was heard before the investigating judge of the County Court in Zagreb on 16 July 1998 when he stated, inter alia, that he remembers that musters were called in the Jasenovac camp during which Ustasha officers would pick out internees who would then be marched off in a column to Gradina for execution. In addition to such musters, there were ones organized for the purpose of punishing internees for their disrespect to the Ustasha authorities or escape attempts. On such occasions the perpetrators were executed in front of the other internees after it had been proclaimed "which rule such an internee had violated". Musters of the latter kind were called throughout his detention in the camp.

He also describes the events of the summer of 1942 when executions en masse of the civilians after the Kozara mountain offensive were carried out.

As a ten year-old girl, witness Mirjana Radman was transferred from the Djakovo camp to the Jasenovac camp, via Jaska where she was held for a few days. She came to Jasenovac in July 1942 together with other children, after she had been separated from her family in Djakovo, and remained there until December 1942. From those days she remembers that the children were mustered sometimes separately and sometimes together with the adults. During such musters some adult internees were singled out but she does not know where they were taken nor what happened to them.

She was released from the Jasenovac camp in December 1942 when her father came for her with documents attesting her Croatian origin. The group of children that she was part of remained in the camp after she had left and she has no knowledge of what happened to them. Her mother, who had been arrested several times, died of natural causes after the war, and her grandmother, uncles, cousin and aunts perished in the Jasenovac and Auschwitz camps. She heard of Dinko Sakic this year via the media.

Witness Jakov Finci, an internee of the Jasenovac and Stara Gradiacka camps from 5 March 1942 to 22 April 1945, states that he was arrested in Sarajevo by the Ustasha Police because of his ethnic background and deported to the Jasenovac camp where he was detailed to bury the dead inmates for the first ten days or so. At the beginning of April 1942 he was transferred to the Stara Gradiska camp where he was detailed to work in the cobbler's shop until 23 September 1944 when all the internees of the Stara Gradiska camp were deported to the Jasenovac and Lepoglava camps, except for the Serbs, who had been executed.

Upon his arrival in the Jasenovac camp, the commander was Dinko Sakic who remained at that post until mid-November 1944, when he left the Jasenovac camp. The conditions of life in the Jasenovac camp were extremely harsh there was no water, the food was very bad, without any bread, and the camp was full of filth and disease ridden.

He remembers that when he arrived in the Jasenovac camp he heard that an execution of 19 internees by hanging had been carried out on 21 September 1944 for an alleged preparation of an uprising in the camp. Regarding that incident, he stresses that he heard that Doctor Mile Boackovic was shot dead by Dinko Sakic himself, while the other 18 internees, among whom were Remzija Rebac, Ladislav Matej, Heinrich Musafija, Nikola Pejnovic and one internee by the name of Adzija, were hanged. At the same time, Doctor Marin Jurcev and his wife and several civilians who had maintained contacts with the hanged group of internees were hanged in the town of Jasenovac. Following that execution by hanging terror against the inmates intensified, the Ustashas would beat the internees and shackle the feet of those internees who were taken outside the camp for work to prevent them from escaping.

From that period – end-September 1944 – he remembers that he saw an the internee Albert Izrael hanging dead in the camp compound where he had been executed without any explanation and without the presence of other internees; his body was left to hang there for two days. He also remembers that, at the beginning of October 1944, three internees, who had been tortured prior to execution, were hanged in front of the female compound and the building housing the tailor's and cobbler's shops. This execution was attended by camp commander Dinko Sakic, Ensign Ljudevit Neorcic, a.k.a Lajco, Corporal Mandic, Corporal Car and several Ustasha guards. On that occasion the Ustashas were driving nails into a post while the camp commander addressed the lined up internees with the following words: "these three internees that were brought here did not respect the Ustasha authority and this is why they ended up in the camp, but now they tried to escape"... "let it be known to everyone that no one, not even a bird, can escape from Jasenovac, for Jasenovac is hermetically sealed". When the three were lifted up on the scaffold, he remembers one of them uttered his last words of good-bye, my children and Sakic retorted: " Why didn' t you think of your children before.

Eight days after the above hanging, another internee was hanged on the same place and from the same post; this time it was a tailor who had made a new cap for an Ustasha without prior permission of the Ustasha supervisor. This hanging was carried out by Corporal Mile Frkovic, a.k.a. Frkan and three Ustasha guards.

In addition to the foregoing, the witness recalls a massive autumn execution which took place in 1944, beginning in early October, and carried out in two phases. The first phase lasted about 25 days, followed by a respite lasting 20 days or so, after which the second phase of the liquidation commenced which lasted for about 15 days. To wit, the Ustashas would come to the huts and other parts of buildings where the internees slept with previously drafted lists and pick out and take away internees by consulting the lists. Such internees would be herded into the warehouse in the center of the camp where they would be stripped naked and their hands tied with wire, upon which they would be marched to the place named "granik". There victims were taken one by one to the edge

of the "granik", their stomachs was slit open and they would be tossed into the Sava. This execution campaign started while Dinko Sakic was still in command of the camp and it was finished after his departure.

In his testimony the witness particularly emphasizes an event related to the alleged escape attempt by the internee Wollner, of which he heard from fellow-inmates. Namely, already in August 1944 a muster of Jewish internees was called under the command of Dinko Sakic when 25 Jews were singled out and reportedly executed. During that muster Dinko Sakic personally shot dead two internees, one of whom had said something to the other, who laughed at that, after which both were brought out of the line-up and shot dead.

Heard in her capacity as witness, Milka Scapcic states in her testimony that she was interned in the Jasenovac camp in the spring of 1943 at the age of twelve. Upon arrival she was sent to the female compound and taken to some stables behind the church in the town of Jasenovac. Initially she worked picking corn in the village of Ustice and unloading the goods from the ferry. She remained at such tasks until the end of 1943 when she was relocated to Kozarska Street where she was told she would be with other children two of them aged five and four respectively. She also remembers going from that house every day to the Ustasha headquarters to fetch bread and milk, where she used to see Dinko Sakic, whom they also called Ljubo. She remembers the said Sakic when he accompanied an Ustasha guard who was escorting an inmate to his execution. What remains etched in her memory was the hanging of five people a doctor, his wife and other three people in 1944. She was not present at the hanging but she heard from some Ustasha soldiers that Dinko Sakic was present at the hanging, who, as far as she knows, had come to Jasenovac from Stara Gradiacka, but she cannot state precisely whether at the end of 1943 or 1944.

As an internee of the Jasenovac and Stara Gradiska camps, witness Vladimir Cvija states that he was deported to the Jasenovac camp by train on 29 May 1942, where he was detailed to work as a clerk in the construction group. When he arrived there misery and starvation were widespread in the camp and after two months of detention he almost died as a result of such conditions. What he remembers of the Jasenovac camp were musters – line-ups of internees called for reasons unknown to him when a certain number of internees would be taken away and, as he learned, ferried across the Sava to Gradina and executed there. Such musters were frequent in 1942 and 1943, but almost ceased in 1944. In addition he remembers musters called with intent to mete out punishment to internees; of such musters he vividly remembers one when Ensign Maricic ordered an inmate to kneel down and fired a round from his pistol into the back of the internees head. Also, another incident he remembers was when Majstorovic shot dead three inmates in the middle of having lunch and then resumed eating.

Regarding Dinko Sakic he states that he saw him once or twice, that he was a "well-dressed young man", that the camp word had it that he was cruel and possessed of juvenile ambition, that he was also camp commander but is unable to determine precisely when.

Mirko Persen, a former inmate of the Stara Gradiska camp heard in his capacity as witness, states that he was, as a Communist Party sympathizer, arrested on 8 March 1943 by the Ustasha Security Service in Zagreb and incarcerated in the prison in "N" Square. On 31 June 1943 he was transferred to the Stara Gradiska camp and remained there until November 1944, after losing the status of camp internee pursuant to a June pardon by Pavelic. He highlights an event which took place in the Stara Gradiacka camp in September 1944 when more than 200 internees singled out and were driven out of the camp and, he thinks, executed.

Dragutin Skrgatic was interned in the Stara Gradiacka camp from 17 May 1942 to November 1943, in the Jasenovac camp from November 1943 to January 1944, in the Stara Gradiska camp from January to November 1944 and in the Jasenovac camp from November 1944 to April 1945. From the period of his internment he remembers an event which took place in May 1942 when, under the orders issued by Ante Vrban, 150 children were killed with the zyklon gas. He also remembers that in November 1943 in the Jasenovac camp, at the time under the command of Brkljacic, executions of internees were carried out at night either at Gradina, across the Sava river, or at the place named "granik". He stresses that he personally did not witness the said executions, but that he remembers seeing dead bodies floating in the Sava river or lying on the banks while he was en route to the woods where he was detailed to fell timber.

In respect of 1944, the witness states that he was transferred back to the Jasenovac camp which was then under the command of Hinko Dominik Picili and that from that period he remembers executions which were carried out in the same manner as before, but he points out that in January and the beginning of February 1945 a gradual liquidation of the camp commenced aimed at removing the evidence from the camp. He recalls that dead bodies were excavated at Gradina, doused with oil and burned. A delegation comprising Luburic, Majstorovic, Ljubo Miloac, Picili and Pudic visited the camp about its liquidation. The task of excavating the bodies was given mostly to Jews who would first be fed well and executed after they had done the job. Then another group would be brought in with the same task and destined to meet the same fate.

Overview of witnesses' testimonies:

Witness Cecilija Djokljat states in her testimony that she was arrested in Osijek in May 1943, together with her entire party organization, the organization providing aid to the Partisans and Partisan sympathizers, and after one month deported by train to the Stara Gradiska camp. She remained in the Stara Gradiska camp until October 1944 when she was transferred to the Jasenovac camp and accommodated in a large building where they had to sleep on the floor in several rows. From that period she remembers that on several occasions, upon her return with the group of women from work on dislocated camp farms, several women at a time would be singled out, sometimes called from a list and sometimes not, and led away to an unknown fate... She stresses that she has tried to suppress all the events she witnessed in the camp in her consciousness because they as such constitute disturbing memories.

Adolf Friedrich was interned in the Stara Gradiska and Jasenovac camps from 10 September 1941 to 22 April 1945 and ended up there due to "the fact that he was a Jew". Regarding the events in the above camps, the witness states that he remembers the torture and abuse internees were subjected to in the "Zvonara" building in the Jasenovac camp, whereas the executions were, as far as he recalls, related to musters, which he avoided, and trains that would bring people to the camp who were then ferried across the Sava river to the Bosnian side and executed there. Such executions were carried out also during the period when Dinko Sakic was in command of the camp.

The witness stresses that repercussions of various kinds invariably followed escapes, the hardest hit being the group to which the escaped prisoner belonged: an Ustasha officer would pick out a certain number of inmates from such a group who would then be shot dead, hanged or had their throats slit. Such actions were previously decided upon by the camp headquarters. In this respect he states that he remembers the hanging, sometime in the autumn of 1944, of about 20 inmates who belonged to the so-called "group Mile Boackovic", who was the only one of them executed by shooting, on which occasion Sakic delivered a special speech.

He recalls that the conditions of life in the camp were marked with meagre rations of very bad food, lack of sanitation, the absence of personal hygiene facilities and very poor medical care. As regards the latter, he stresses the fact that the internees received no medicines and that sick internees would be secluded into a separate hut. There they received no treatment, but were taken out and executed at night when a given number of internees had accumulated in the hut. The witness adds that a reflection of such conditions prevailing in the camp was the fact that upon arrival in the camp he weighed 67 kg, while during the break-out from the camp in 1945 he weighed a mere 43 kg.

Witness Miljenko Bobanac, heard in his capacity as witness, states in his testimony, inter alia, that he was interned, for reasons unknown to him, in the Jasenovac camp on 7 October 1942 and put in "Camp III C" together with the other five people he was interned with. Starting from 1 May 1943 he commenced work in the camp headquarters as attendant and servant to the camp commander and engineer Picili.

Concerning Dinko Sakic, he states that he had first met him back in 1938 in secondary school in Slavonski Brod and saw him again in the summer of 1943 when he arrived in the camp together with Major Vrbanić when the two were among those escorting a group of about 80 women from the Stara Gradiška camp, the witness' own sister, Pavica, among them. He has knowledge that Dinko Sakic became camp commander sometime in May 1944 which position he still held on 30 August 1944 when the witness left the camp for the Ustasha hospital in the town of Jasenovac. He states that the commander had his assistants, of whom he remembers Kordić, who was the nominal labor commander in the camp, engineer Picili, who was in charge of the operational aspects of the works, and 1st Lieutenant Stojčić, who was deputy in charge of personnel affairs. In addition to them, the Prpić brothers also worked at the headquarters, being in charge of servicing the camp guard functions and having control over the arrivals into the camp and over the ferry. He states that he is aware that in 1943 Dinko Sakic was a member of the Ustasha battalion led by Ante Vrbanić, stationed in Stara Gradiška, with a detachment in the village of Uaktica which was in charge of guarding the female internees who did seasonal work in the fields, which battalion was not connected to the Jasenovac camp, but operated independently.

Witness Vjekoslav Bednjanec was interned in the Jasenovac and Stara Gradiška camps from August 1942 to February 1945. In his testimony before the investigating judge he disclosed his memories of the Jasenovac and Stara Gradiška camp, stating that he particularly remembers one of the musters in the Jasenovac camp, which was Sakic's deed when a Jew by the name of Nisim was killed. To wit, the said Nisim had made a new cap for an Ustasha soldier, a fact which an Ustasha official noticed and, since it had been done without prior permission, called a muster in front of which the inmate was executed by hanging. Dinko Sakic attended the muster as camp commander, but he was not the executioner. The witness recognized Sakic as the latter had repeatedly visited the tailor's workshop on personal business, and as the witness had noticed him as early as 1943 because of a leather cloak he had worn and remembers that he was neatly dressed.

Witness Josip Habijanec, was arrested on 4 May 1942 by the Ustasha Security Service on suspicion of preparing to join the Partisans. He was incarcerated in "N" Square until 12 May 1942, then transferred to the Savska Street prison, from where he was deported together with another fifty prisoners to the Jasenovac camp where he was detained until he was transferred to the Stara Gradiška camp on 1 August 1942 where he remained until release on 24 May 1944. He depicts his two-year interment by the events in Stara Gradiška and Jasenovac which camps he remembers mainly for diseases, poor diet, executions, mistreatment and abuse. Thus he remembers an event that took place in the Stara Gradiška camp in mid-1943 when the Ustasha soldiers shot dead in front of the camp wall some 50 or so people who had been brought over from Bosnia. This execution was not announced nor was it attended by any of the Ustasha officers. Apart from that, he remembers three musters which were called because of offences committed, mostly,

by Jews during each of which one Jew was executed by a pistol round shot in the back of his head. These executions were always carried out by the camp commander.

Another memory of the Stara Gradiska camp is related to the inmate infirmary, the so-called "Hotel Gagro", which was in fact a place where inmates were tortured and executed. He personally saw other inmates carrying out dead bodies from there. It was given the above name because the Ustasha officer by the name of Gagro had his practice there. Of the other officers in the camp he remembers the priest Filipovic, Nemet, Gacic and emphasizes that during his detention in the Jasenovac and Stara Gradiacka camps he neither saw or heard of Dinko Sakic.

Witness Katarina Hrvojic states that she was arrested on 8 January 1942 in Zagreb by the Ustashe Security Service. On 19 March 1942, she and her three sisters were deported to the Stara Gradiacka camp. She spent a month or two in the tower. After that, Maks Luburic, the supreme commander of the camp, came and called a muster of all Croatian women, saying they would undergo re-education because they were future Croatian mothers.

She remembers that she saw Dinko Sakic in the Stara Gradiacka camp the first time in 1942, next to the headquarters building. She also saw him when he came to the Stara Gradiacka camp in the summer of 1943, when he arranged with Maja Buzdon for the women to go to Jasenovac to work in the fields. She went there with some fifty other women. They crossed the Sava, went to Jasenovac and gathered hay. They would leave for work at the break of dawn and it would be already dark when they returned. Fatigue was harder to bear for the camp inmates than hunger. Moreover, after a certain period in the camp, she contracted a serious case of dysentery. Malaria was a constant in the lives of the camp inmates. There was no infirmary; Doctor Boackovic visited the huts and Doctors Marin and Beluacic came occasionally, too. She states that in the spring of 1944 Dinko Sakic was the commander in Jasenovac, but she personally did not see him. The witness remembers the year of 1944 as the time of regular roll-calls. On these occasions, camp inmates were picked for transfer to other camps, for labor in other places; some went to work in Germany. She also remembers – by hearsay from other inmates, that train transports came to the camp, with people who had been "rounded up in the villages" who were not brought into the camp at all, but were either shipped straight to Germany as labor or executed. She remembers an execution in the village of Mlaka, when all Serbian, Jewish and Muslim women were "rounded up" in a muster, put on a boat where they were later executed. She saw their bodies in the Sava later. In addition to that particular liquidation, she remembers that, following an escape attempt by three camp inmates in the village of Jablanac, Ustasas slit the throats of several camp inmates. Some of the inmates were put in a hut, where they were shot to death with a machine gun later during the night.

Witness Vinko Ecimovic was detained in the Stara Gradiacka and Jasenovac camps from 22 June 1942 to 30 October 1943. In his testimony, he states that senior inmates instructed him, as soon as he arrived at the camp, how to behave in the camp in order to save his skin: he was to avoid any contacts with the Ustasha officers and NCOs, forget everything he had seen and heard as soon as possible and not make any comments, since he would risk his life in the camp with such acts. He remembers that there were "musters" in the Jasenovac camp: everybody had to attend. He remembers in particular the execution of a Gypsy, and the liquidation of the III C camp, which housed inmates who mainly did construction work on the embankment and which took place in the autumn or early winter of 1942. Since escapes became more frequent in late 1942, repressive measures were introduced in the camp and the remaining inmates were punished. He personally witnessed when a group of people who had fled the fighting during the Kozara mountain offensive were taken away and ferried across the Sava river

to Gradina, where they were executed. He notes that public musters that took place in front of the huts virtually every week and during which groups of inmates or a few inmates at a time would be executed, were held on the orders of Ustasha officers, and it was they who killed the inmates on most occasions. Before the liquidations were carried out, so-called official explanation was given; its purpose was to intimidate other inmates. This occurred throughout his detention in the Jasenovac camp. In addition, in punishment for escapes and the like, inmates were put in shackles, they were forbidden to receive parcels and threatened in other ways, the result being that the inmates were always in a state of uncertainty. He wishes to note in particular that executions were carried out at Gradina and Granik, including the Zvonara building, ran by Cividini together with Mario Babic.

Witness Ivan Palcec states in his testimony that, having been arrested in Zagreb on 20 August 1941, he was deported to the Stara Gradiska camp in late September or early October 1942. This was done without any court decision or written document.

He remembers that in September 1944, the gradual closing-down of and transfer from the Stara Gradiska camp began. He was transferred by train to the Jasenovac camp in the second group that was sent to the Jasenovac camp from Stara Gradiska, with about 400 inmates. From the time he spent in detention in the Jasenovac camp, he remembers the muster which was called in late October or early November 1944. He saw from his row that a wooden stage had been erected in the camp compound supporting a scaffold. Four inmates were hanged on that occasion. One of them was shot by an Ustasha officer. He did not know the officer, but when he returned to the room where he slept, other inmates told him that it was Dinko Sakic. He furthermore remembers that upon his arrival at Jasenovac he saw several inmates wearing parts of the uniform of the former Yugoslav army. They were in a hut that was surrounded by a fence. He learned later that Ustashes had captured them in the course of their military operations. After a while, he did not see the inmates any more and he does not know what happened to them.

Witness Abinum Jesua was, as a Jew, arrested by the Ustasha police in Sarajevo in late 1945. He was then deported to Jasenovac, and then to the Krapje camp, where he worked on the embankment. He remained there until January 1942 when he was transferred to the Stara Gradiska camp. During his detention in the Stara Gradiska and Jasenovac camps, there were liquidations which neither he nor other people could see, but they knew that they happened because people simply disappeared from the camp and never came back. In the period from 1941 to 1942, his father, Isak Abinum, died in the Jasenovac camp. In 1942, his mother and two sisters came to the Stara Gradiska camp and also disappeared. He does not know when or where. He came to the Jasenovac camp in 1943, and worked for a while on the dislocated camp farm, and then in the inmates' barbershop, as a barber. The conditions in the camp were bad, the rations of bad food were meagre and there were executions. He did not personally witness any executions, but he learned from other inmates that detainees were taken across the Sava en masse and killed there. Because of the nature of his job, he did not know about daily goings-on in the camp, but he does remember having attended a muster when those who were very weak and unable to work were picked out for execution. During such musters, varying numbers of persons were singled out for liquidation; in 90% of the cases the persons who were singled out were the sick, the weak and the infirm. He also knows of cases when detainees were taken from the camp on the basis of their ethnic background.

Witness Nedeljko Bartulovic stated in his testimony before the investigating judge of the Zagreb County Court on 14 October 1998, among other things, that in July 1943 he was transferred to the Jasenovac camp together with some 150 inmates to work in the fields. He worked in the fields for a month or a month and a half and then was brought back to the Stara Gradiska camp, where he worked as a nurse in the inmates' infirmary until 25 April 1944, when he was amnestied and released. As regards the events he remembers,

the witness wishes to stress that he personally saw the Ustashas kill between 20 and 30 inmates while they worked outside the camp. The reason was that they allegedly did not do their job well, but were looking round, and the Ustashas thought they were planning to escape.

Overview of witnesses' testimonies:

Witness Ivo Senjanovic was arrested as a trade union activist by the Banovina of Croatia police on 15 February 1941 and taken to the Lepoglava prison, where he remained until mid-July 1941. He was then taken to Gospic and, a month later, to Jastrebarsko. After a month in Jastrebarsko, he was taken to the Danica prison, where he remained until the end of November 1941. He was then deported to the Jasenovac camp via the Zagreb prison. On his arrival in Jasenovac, he realized that it was a cruel place. He heard from other inmates that Jews and persons of Orthodox faith had been killed on the Christmas Eve in 1941. He stayed in Jasenovac until early January 1942, when he was transferred to the Stara Gradiska camp. On 4 May 1942, he was transported to Serbia and thence to Austria. He describes his memories from the Stara Gradiacka camp, the conditions that were extremely harsh and the killing of the inmates by starvation.

As far as witness Derviac Sarac remembers, he was arrested on 18 January 1944 in Banja Luka, because he was found in possession of some old, unusable weapons. His father Salih Sarac was arrested together with him. After spending some time first in an Ustasha jail and then in a Home Guard jail, in May 1944 he was taken to the Stara Gradiacka camp, where he remained for about a month. He remembers that on a Sunday morning, a so-called labor muster was called. About 100 inmates assembled. In the course of the muster, a young Ustasha officer came and introduced himself as Dinko Sakic. It seems to him that he had the rank of 2nd lieutenant or captain. He told them that he will pick 50 inmates out of their number for the Jasenovac camp. After Sakic's call, he personally volunteered to go. He was deported to Jasenovac the same day. After a roll-call and head count, they were assigned to work groups. He was assigned to do construction work, and continued to carry it out until February 1945.

As regards the events in the Jasenovac camp, he stresses that he remembers the events in late August or early September 1944, when he was working on the warehouse roof and was able to see six or seven inmates hanging from lamp posts all the way from the gate to the Zvonara building.

He remembers that he saw two or three inmates hanging from a tree when he went to fetch food from the kitchen on 20 or 21 September 1944. He concluded from the state the bodies were in that they had been hanging there for some time. As the food was doled out, a muster was called. On that occasion, he saw in front of the hut a group of inmates being led away. Among them were Dr. Mile Boackovic, Dmitar Boackovic, an engineer, Haine, also an engineer, and Nikola Pejnovic. He does not remember other names.

Dinko Sakic personally attended the muster, and a judgement of the court-martial was read, indicating that these inmates had been sentenced to death by hanging because of their links with the Partisans. Dinko Sakic was in charge of the hanging and he was surrounded by four or five NCOs. On that occasion, he told Dr. Mile Boackovic, Doctor, I respect you as an expert and a person and you will have the honor of not being hanged. but being executed by me personally. He then drew his pistol and fired three shots into Boackovic, who fell on his back. Fifteen to eighteen inmates were hanged on that occasion from the gallows which were constructed specially for that occasion.

On 19 September 1944 (Saturday), on return from work in Crkveni Bok in the village of Jasenovac, he saw hanging from the lamp posts about eight inmates, the Ustasha 1st

Lieutenant Nemet and some other Ustasha officers, among whom was the manager of the infirmary, his wife and a doctor.

After the execution by hanging of Mile Boackovic, three groups of peasants from Eastern Bosnia were liquidated. After they had been brought to the camp, they were taken in groups of 30 to 100 to Granik, put on the ferry and taken to Gradina, where they were in all probability executed.

In the second half of September 1944, on his way from the tailor's shop to the parcel office, he saw Ustasha Captain Prpic tell the Ustasha recruits that some of them treated the inmates too well and on his way back from the parcel office he saw that three of the recruits had been hanged. He furthermore remembers a hanging that took place in September 1944, when a sentence against five or six inmates, who they claimed were "Chetniks", was read in the course of a muster. He also remembers two other musters in September, called because of an escape in the course of which an Ustasha guard had been killed. On that occasion, inmates were selected randomly in groups of fifty. He thinks they were liquidated

The testimonies of the witnesses that were heard complement and corroborate each other, both regarding the circumstances in which certain criminal acts were committed and the knowledge of the commission of specific criminal acts, and as such they fully support the conclusion that the crimes the accused is charged with did in fact occur. In summarizing the witness testimonies, it is obvious that the accused did, in the relevant period, in his capacity as camp commander, personally order, organize, and on several occasions, commit acts which in their content fully possess all the relevant characteristics of the criminal offence he is charged with; in its totality, this leads to the conclusion that the acts were committed, and the fact that such acts were carried out throughout the relevant period indicates that the accused consciously persisted in his intent to commit such acts and was conscious that such conduct was unlawful.

On 10 April 1941, the Ustasha émigré organization, headed by Dr. Ante Pavelic, in agreement with the German authorities, in fact, pursuant to their decision, formally took power and declared the creation of the quisling "Independent State of Croatia". The Ustasha organization emulated the Nazi/Fascist regime and proclaimed an independent state; however, the early days of their regime indicated that the system being set up was based on Fascist ideology.

When the so called NDH was established, the Nazi/Fascist ideology passed the appropriate laws and regulations targeting members of certain racial, religious and ethnic groups and political dissenters, including but not limited to:

Legal Decree on the Defense of the People and State" of 17 April 1941; "the Legal Decree on the Suppression of Violent Criminal Acts against the State, Persons or Property" of 20 July 1942; "the Legal Decree on Racial Origin" of 20 April 1941; ", "the Legal Decree on the Protection of the Aryan Blood and Honor of the Croatian People" of 30 April 1941; "the Legal Decree on the Committal of Undesirable Dangerous Persons to Forced Detention in Concentration and Labor Camps" of 25 November 1941; the texts of these decrees are enclosed in the case file.

The racial bias and the attitude towards political opponents in the regulations are beyond question. The top echelons of the Ustasha regime are responsible for the passing, organizing and implementing the legislation. Responsible persons and prominent exponents within the reach of justice after 1945 have formally been prosecuted for the criminal offences committed.

The implementation of the regulations was entrusted to the Ustasha Security Service and, partly, to the "Ustasha Defense", a body within this service.

For the purpose of implementing the above mentioned objectives, "concentration and labor camps" were set up in the territory of NDH; the Ustasha Security Service was established, with the Ustasha Defense as its constituent part, designated Office III: a military police unit whose main task was to organize and run the camps. Although, in accordance with the legislation on the Ustasha Security Service, the organization of the service itself, and of the Office III as its branch, and the Ustasha Defense, which after a certain time de facto ceased to be part of the Ustasha Security Service organization, but formally continued to exist within the Office III, even at the time when it functioned as the "Camp Administration Section" within the Ministry of the Interior, as part of the "Chief Directorate for Public Order and Security", its activity throughout its existence was focused on implementing, in accordance with the official policy, the Nazi racial laws and the Legal Decrees whose purpose lay in the idea of safeguarding the established Fascist regime.

Thus, in late August and early September 1941, the so-called Camp III Jasenovac was established, encompassing a brickyard, sawmill and chain manufacture owned by Ozren Basic, located near the village of Jasenovac, about 500 meters down the road from the village of Kosutarica on the banks of the Sava River. According to the materials gathered by the Land Commission for the Determination of Crimes Committed by the Occupying forces and their Collaborators and the testimonies of the surviving inmates, Camp III was established when Camp I Krapje, and Camp II Brodice, were closed down. The camp itself was structured as a labor camp, where work for military purposes would be carried out by all those who had been declared undesirable and dangerous pursuant to the Legal Decrees quoted above. However, the reality, as witness testimonies, and anthropological and demographic research indicate, was completely different. Tens of thousands of people died in the Jasenovac camp.

Incarceration of people pursuant to racial laws and arrests of political opponents were within the remit of the Ministry of the Interior and of the Ustasha Security Service (depending on the actual organization in the period 1941-1945). The decision to arrest such persons and their transfer to the camps, as well as the transfer of other persons from the territory of the then NDH to camps, did not rest with the command of the so called Jasenovac concentration camps. The arrested persons were civilians and as civilians they were brought to Jasenovac, formally to serve administrative sentences. Therefore, the commanders, including the accused Dinko Sakic, are responsible for all the acts committed against civilian inmates in the course of their detention in the camp, and that is what he is charged with in this indictment.

In the course of the investigation, it has been determined beyond any doubt on the basis of evidence cited in Paragraph 3, that the accused Dinko Sakic was the commander of the Jasenovac camp from April to November 1944, after his tour of duty in the Stara Gradiska and Jasenovac camps as a member of the Ustashe Defense. Before he took up the post of the commander, not only in that capacity, but also in his capacity of an Ustasha officer, he was fully cognizant of the events, which included executions, abuse and torture of inmates. For that reason, he is charged with having acted knowingly when he continued to run the camp in the same way, by actual commission of acts or issuing orders, by his presence during the acts when other persons committed atrocities and failure to take measures he was in the position to take to prevent other members of the Ustashe Defense from abusing, torturing and killing the inmates.

His acts and capacity and his term as commander are ascertained on the basis of the documents cited above and the testimony of witnesses cited above; however, other evidence corroborates this conclusion.

Thus, the statements given in an interview with the journalist Aleksa Crnjakovic, indicate that Dinko Sakic came to Jasenovac on 18 February 1942, where he was assigned to the I Ustasha Defense Corps , which was a part of the Ustasha Defense. As such, he was stationed in the Stara Gradiacka camp as an adjutant to Mile Oreackovic, camp commander. He remained on that post until November 1942, when he was transferred to the Jasenovac camp, to the post of deputy camp commander and the chief of General Section . He became the commander of the Jasenovac camp in April 1944, as is indicated in the cited witness testimonies and in the Decision of the Land Commission for the Determination of Crimes Committed by the Occupying forces and their Collaborators. He remained on that post until November 1944, when he was transferred to the Defense Corps' Intelligence Center, as an adjutant for special tasks of Vjekoslav Maks Luburic. He remained there until the collapse of the NDH.

In further presentation of the evidence of the capacity, affiliation and activities of Dinko Sakic in the Ustashe Defense from the time he joined the organization until the final collapse of the Fascist regime, i.e., of the documents gathered and witnesses heard in the course of the investigation, it should be noted that case file page 117 contains a memo originating from the Jasenovac "concentration camp" headquarters, signed by the accused Dinko Sakic on behalf of somebody else. This means he did possess certain authority at that time, although the investigation was unable to determine with any precision his activities relating to charges for the period before he became the commander of the Jasenovac camp in April 1944; it was not established that his actions gave rise to command or direct individual responsibility for specific criminal acts.

Thus the criminal acts - abuse, mental and physical torture and finally executions - which are established beyond doubt by cited witness statements and other documents, give rise to the responsibility of the accused Dinko Sakic, in particular for the acts he had personally ordered and for all other acts that occurred in his presence or in his absence, when he knew, or had reasons to know, because of the organization and life in the camp, that such acts did occur. For these reasons, the conclusion that he is fully responsible for the charges cited above is undoubted.

The documents of the "Land Commission for the Determination of Crimes Committed by the Occupying forces and their Collaborators" with attachments were partially the basis for further investigation and the determination of relevant facts and necessary evidence. However, the decisions of the Land Commission should be subjected to critical scrutiny and be taken as formal indicia, without an evaluation of the accuracy of the information contained therein, since they are based on findings which do not have evidentiary value, although some of the materials and allegations therein have been corroborated by witnesses heard in the course of the investigation.

These documents and other voluminous documents attached to the case file in their totality, and in particular by linking the witness testimony, confirm the capacity, the time period and the manner in which the accused acted, but none of the documents cited above, taken severally, contain any direct original information thereof.

The seriousness of the acts of the accused Dinko Sakic is reflected in particular in the fact that during his term as camp commander, the inmates continued to be treated in the same way: executions, abuse, torture, starvation& . Therefore, upon taking command duty, Dinko Sakic did nothing to prevent such treatment of the inmates; on the contrary, in some instances, he personally took part in such treatment. This certainly indicates that the accused showed willingness to persevere in the commission of the acts he is charged with. It should be stressed that violations of physical or mental integrity such as the ones in the Jasenovac "concentration camp" are not permissible in terms of general humanity. One must bear in mind that such violations of personal integrity are to be roundly condemned by mankind, regardless of whether they are sanctioned by law or not.

As regard the determination of the degree of his responsibility and criminal activity, it is necessary to discuss the number of victims and casualties which were the result of the activities of the accused in the Jasenovac camp described above, notably in the period when he was in command of the camp. For that reason, the number of victims for each year was determined and correlated, thus making it possible to present an objective figure for the period in which the accused was commander.

The research started in 1986 by Vladimir Scerjavic, whose statement is part of the case file, and the statistical breakdown based on objective facts, indicates that 49,874 persons died in the Jasenovac camp from the time of its establishment until it was closed down. The author allows that the figure could be higher, as explained below.

As regards 1944, he is of the opinion, based on all the sources he studied, that the total number of persons who were killed, died or disappeared is 4,093. Scerjavic notes that he increased the figure by 25-35 percent to account for those who had not been listed in a census organized and carried out in 1964 by the Federal Bureau of Statistics of the SFRY. Because of the manner in which the number of victims was determined, as far as he knows, there have been no attempts in the past ten years to challenge the number or the method used to determine it.

It should also be noted in this regard that in the course of the investigation, the investigating judge of the Zagreb County Court received the material of the SFRY Federal Bureau of Statistics, submitted by the FRY Federal Ministry of Justice and forwarded by the Ministry of Justice of the Republic of Croatia. The material is entitled Jasenovac – Concentration Camp System, April – November 1944, and was written in 1998. The material contains a list of persons who died in the Jasenovac and Stara Gradiska camps in the period from April to November 1944. The material indicates that 4,892 persons died in the two camps in that period.

If the persons listed as having died in the period April through October 1944 in the Jasenovac camp are counted, the figure is 2,401 persons, listed by name in the material.

It can therefore be concluded from the above that although it is impossible to determine the exact number of victims in the period when Dinko Ljubomir Sakic was the commander of the Jasenovac camp and list them by name, in light of the results of research carried out to determine the total number of victims, the rate and manner in which the victims died and their personal identity and ethnic/ideological background, we deem the above figure to be possible.

Finally, in determining the responsibility of the accused for the execution of the inmates and the degree of said responsibility, the conclusion based on above facts is that the acts Dinko Ljubomir Sakic is charged with resulted in the death of more than 2,000 persons.

The conduct of the accused described in the Statement of Facts in the Indictment had to be legally qualified as the criminal offence of war crime against the civilian population (Article 120 of the Basic Penal Code of the Republic of Croatia) since it is not disputed that the acts the accused is charged with were committed in the course of World War II, which was initiated and conducted by the Nacist/Fascist ideology and the enforcement of racial laws, and that the target of such acts of his was the civilian population on the territory of the Independent State of Croatia, which was unlawfully brought to so-called concentration-labor camps as part of the Ustasha puppet regime policy. Members of certain ethnic groups and persons of certain ideological views, in particular Roma, Serbs and Jews, politically undesirable Croats and others were interned in such camps in an organized manner for the purpose of abuse, torture and killing.

The Hague Convention IV (Articles 46 and 50 of the Rules of the 1907 Convention Respecting the Laws and Customs of War on Land, which served as the basis for Article 6 of the Statute of the International Tribunal) provides for the protection of the civilian population; as such, this is the basis in the international law for the protection of the civilian population. Thus, at the time when the acts charged in the indictment were committed, international law prohibited both killing and other forms of violence directed against the civilian population. Both international and national legislation envisaged sanctions for those who violated such laws. Moreover, in the course of World War II, the Atlantic Treaty (14 August 1941), the London Declaration and the Moscow Declaration stipulated that war criminals would be punished, while the Moscow Declaration clearly stipulated that all war criminals should be returned to the countries where they had committed their crimes to be tried and punished in accordance with the national law; this shows that even at the time when the accused committed the acts he is charged with, such acts were clearly and unequivocally sanctionable.

However, because penal legislation has changed several times since the time when the acts were committed and indeed the locations have been at various times part of various states and associations, in addition to the provision that there is no statute of limitations for offences of genocide and war crimes (Article 95 of the Basic Penal Code of the Republic of Croatia), less severe law should be applied to the accused, in accordance with the provisions of Article 3 of the Penal Code and the Basic Penal Code of the Republic of Croatia. As in this particular case previous penal legislation envisaged death sentence as the severest punishment for the act he is charged with, and as the provisions of the Penal Code now in force and Article 158(1) of the Penal Code envisage long-term imprisonment as the severest penalty available for war crimes against civilian population, the acts committed by the accused should be qualified as the criminal offence described in Article 120(1) of the Penal Code of the Republic of Croatia, which envisages a term of imprisonment of 20 years as punishment for the said act (that is in fact the severest punishment envisaged by the Code).

As regards the motion to remand the accused in custody pending the conclusion of the trial, which has its legal basis in Article 102(1) of the Criminal Procedure Act, it should be stressed that the accused committed the severest and most dangerous form of a serious criminal offence – war crime against the civilian population and that both the Penal Code and the Basic Penal Code of the Republic in Croatia (applicable in this particular case) envisage maximum term of imprisonment, and noting also the fact that in the course of the investigation there have been no indications that this case should warrant the imposition of a milder sentence as provided by the law, I deem that the conditions for custody stipulated in Article 102(1) of the Criminal Procedure Act have been met. It should also be noted that the accused, a citizen of the Republic of Croatia, does not have permanent residence or place of abode in the territory of the Republic of Croatia; coupled with the fact that he is alleged to have committed a serious criminal offence punishable with maximum term of imprisonment, with especially aggravating circumstances, this calls for the most severe precaution designed to ensure the presence of the accused during criminal proceedings to be applied in the case of this accused.

On the basis of the facts alleged in this Indictment, I deem that the Indictment is well-founded and in accordance with provisions of material and procedural criminal law as regards the charges and the motion to remand the accused in custody.

**County Public Prosecutor
Radovan Santek
County Public Prosecutor's Office, Zagreb**