

Controversial Pathologist Beyond Reach of the Law

The Banja Luka District Prosecutor's Office has declined to launch an investigation into irregularities surrounding the presidential pardons of forensic experts Željko Karan and Milko Marić and lawyers Vesna Rujević and Draginja Aničić because it says the case is too old and that prosecutors don't act on curiosity alone.

The four were indicted in 1997 on charges related to bribe-taking. Karan and Marić were accused of taking a bribe from a murder suspect, Mirjana Andrić, in the 1995 death of Momir Brkić near Srbac to help her avoid prosecution, and Rujević and Aničić for facilitating the payment. Nineteen months later, Nikola Poplašen, then president of Republika Srpska (RS), issued a decree pardoning Karan and the others from criminal prosecution before their trial ended. The court found Andrić not guilty in the case.

The Center for Investigative Reporting in Sarajevo (CIN) uncovered a series of irregularities related to the pardon. CIN found no record of the pardon as required in log books and pardon records of the RS president and the RS Ministry of Justice. The RS president's act of mercy towards the four accused was not published in the RS Official Gazette, either. By law, official actions must be recorded in these records before they can be considered legal.

The RS president at the time said he does not remember the pardon, although then Minister of Justice Milan Trbojević does say he recommended the pardon for the four.

CIN found only a faxed copy of the pardon in Srbac Basic Court records. The court threw out bribery cases pending against Karan based only on the faxed pardon sent from the RS Ministry

of Justice, an action that is against court policy.

The facts collected by CIN would constitute sufficient grounds for three agencies – the office of RS President and the RS Ministry of Justice and High Judicial and Prosecutorial Council – to launch an investigation into the procedural errors of this pardon, said Gojko Vasić of Crime Headquarters at the MUP RS. This was the only government agency to follow up on CIN's investigative stories on Karan and Marić published in July. Vasić ordered the Special Investigation Unit to collect evidence on the pardons of the expert witnesses. On July 3, the Crime Department of the RS MUP completed its report, which found the same procedural errors uncovered by CIN, and it was sent to the Banja Luka District Prosecutor's Office. The brief answer arrived a week later.

Head Banja Luka District Prosecutor Vitomir Soldat said that even if it were determined that a document was forged, the statute of limitations for forgery has lapsed, and an offense could not be prosecuted. Furthermore, he said the prosecutors office would not act only on 'curiosity' about whether the pardon was given or not.

Željko Karan, 47, is an acting director of the new Institute of Forensic Medicine in the RS and a leading pathologist in the RS. His reports on crime scenes have sealed the fates of hundreds of people. In at least two cases, the relatives of suspects testified that Karan and his associate, 48-year old Milko Marić, a ballistics expert from Banja Luka, asked for money to coach witnesses or manipulate evidence to fit their needs. In the case of the Srbac suicide, Karan admitted to taking a bribe, but now says that he lied back in 1996 when he testified that he and Marić took 10,000 KM from the defendant.