

## **Ovčara case**

### **Trial for the war crimes against the war prisoners**

#### **War Crimes Chamber of the District Court in Belgrade, Serbia**

**Trial Chamber:** Vesko Krstajić (the presiding judge), Gordana Božilović-Petrović (judge) and Vinka Beraha-Nikićević (judge).

**Prosecutor:** Deputy War Crimes Prosecutor Dušan Knežević.

**Defendants:** Miroljub Vujović, Stanko Vujanović, Jovica Perić, Ivan Atanasijević, Predrag Madžarac and Milan Vojnović, Serbs from Croatia.

**Defense attorneys:** for defendant Miroljub Vujović, attorneys Nenad Petrušić and Milan Zaklan, for defendant Stanko Vujanović, attorneys Miroslav Perković and Dragana Kušar, for defendant Jovica Perić, attorney Zoran Jevrić, for defendant Mirko Vojnović, attorney Stevo Kačar, for defendant Ivan Atanasijević, attorney Vojislav Vukotić, for defendant Predrag Madžarac, attorney Slavko Pereski and for defendant Milan Vojnović, attorneys Milan Vujin and Slaviša Prodanović, for defendant Milan Lančuzanin, attorneys Đorđe Kalanj, Milan Stanić and Savo Štrbac, for defendant Marko Ljuboja, attorney Đorđe Dozet, for defendant Predrag Milojević, attorneys Bojan Stanojević, Đorđe Kalanj and Savo Štrbac, for defendant Zlatar Vujo, attorneys Rajko Jelušić and Vladimir Đurđević, for defendant Goran Mugoša, attorneys Ilija Radulović and Slobodan Stašević, for defendant Đorđe Šošić, attorney Vladimir Beljanski, for defendant Miroslav Đanković, attorney Rajko Jelušić, for defendant Slobodan Katić, attorney Aleksandar Bojkov, for defendant Nada Kalaba, attorney Miroslav Perković, for defendant Milan Bulić, attorney Branko Munižaba and for defendant Predrag Dragović, attorneys Đorđe Kalanj, Ljubomir Apro and Zoran Levajac.

**Victims representatives:** Nataša Kandić, Executive Director of the Humanitarian Law Center (HLC), Dragoljub Todorović, a lawyer, on behalf of HLC, Rajko Danilović, Nikola Barović and Slobodan Tomić, on behalf of the Ministry of Justice of Croatia.

**Observers:** The trial is monitored by the Regional Team members – Center for Peace, non – violence and human rights from Osijek, Humanitarian Law Center from Belgrade and Research and Documentation Center from Sarajevo, monitors from NGOs from Serbia and Montenegro, representatives of the OSCE mission in Serbia and Montenegro, representatives of the Government of the Republic of Croatia, representatives of the Embassy of the Republic of Croatia, members of the “Mothers of Vukovar” Association, friends and families of the defendants and press.

**The contents of the indictment:** Before the War Crimes Chamber of the District Court in Belgrade, on 9 March 2004, the main trial K. V. No. 01-2003 was instituted on the basis of the indictment for war crimes dated 4 December 2003, in the case of a criminal act committed against prisoners of war, as defined in Article 144 of the Criminal Code of Socialist Federative Republic of Yugoslavia. Thereafter, the Prosecution revealed two more indictments for the same criminal act against Milan Lančuzanin and associates on 24 May 2004 and against Predrag Dragović, on 25 May 2004. With the court's decision the two new indictments were joined with the already instituted proceedings against Miroljub Vujović and associates.

In the indictment, it is stated that the defendants, at the Ovčara farm near Vukovar, in the former Republic of Croatia, as members of the Territorial Defense (TD) of Vukovar which, at the time, was included into the then Yugoslav National Army (YNA), that is, in the volunteer detachment named "Leva supoderica", between 20 November and 21 November, from the late afternoon to the early morning hours of the following day, violating the provisions of international law applicable to an armed conflict with no characteristics of an international armed conflict, contrary to Article 3, Paragraph 1, Items A and C, and Article 4, Paragraphs 1,

2 and 4 III, of the Geneva Convention Relative to the Treatment of Prisoners of War from 1949, ratified by the National Assembly of the Federative People's Republic of Yugoslavia in 1950, and Protocol Additional to the Geneva Convention from 1977, on the protection of victims of non-international armed conflicts, had organized and ordered, that is, committed against the members of the armed forces and other persons included into the armed forces, that is, following the armed forces although they are not an integral part of the armed forces, the murder and subjected them to inhuman treatment whereby personal dignity of 192 persons had been violated and had, with direct premeditation, taken their lives and buried them at the Ovčara farm near Vukovar thus committing a criminal act against prisoners of war from Article 144 of the Criminal Code of Socialist Federative Republic of Yugoslavia.

## **The trial**

### **9 March 2004**

The presiding judge warned the defendants to listen carefully to what was being said in the courtroom and informed them of their right to comment. After that, he informed those present that he had been informed, by telephone, that one of the defendants, Mirko Vojinović, had passed away in the Novi Sad Medical Center. The war crimes prosecutor suggested that the proceedings against Vojinović be separated, which his defense attorney, Perković, agreed with. After that, the Trial Chamber brought a decision on the separation of the proceedings against Vojinović from the proceedings against other defendants.

The prosecutor read the indictment, stating the names of 192 victims, exhumed and identified in the area of the Grabovo mass grave near the Ovčara agricultural farm and the defense attorneys presented their defense.

The prime defendant **Miroljub Vujović** said that the charges against him were pure fabrications. He suggested to the court that the investigative judge, Miroslav Alimpić, be invited as a witness in connection with their conversation at the time of questioning in the investigation. In his words, Alimpić had told him then that he, Alimpić, had known then that defendant Vujović had not been the commander of the Territorial Defense (TD) and that that particular formation did not exist, but that that fact had not been entered in the minutes of the questioning. The defendant, Vujović, called the attention of the Trial Chamber to the map of Vukovar, pointing out that Petrova Gora was just an ordinary street in Vukovar of which somebody would now like to make a TD unit Petrova Gora. The defendant stressed that in October 1991, a Guards brigade of the Yugoslav National Army (YNA) had come to Vukovar, with its four companies which automatically included the members of TD. In his words, he was sent to the company of the YNA captain Milan Radić, which was deployed in Petrova Gora street, while the second defendant, Vujanović, was in the company of the YNA captain Bojkovski. Defendant Vujović said that he had been wounded in the battles near Bogdanovci, whereupon he was transported to the Military Medical Academy (MMA) where he stayed until 14 November 1991, and had to report for a medical check-up on 19 November.

In connection with the circumstances relating to the end of the armed conflict in Vukovar, defendant Vujović pointed out that, on 18 November, somebody told him that Vukovar had been "liberated" and that everybody had surrendered and that he, too, together with the others, had started toward the hospital. Defendant Vujović said that the crime at Ovčara (an agricultural farm near Vukovar) had been committed on 19 November, not on 20 November 1991 as stated in the indictment. The defendant said that he had visited Ovčara only once and said that he could not remember whether that day he first went to the barracks or to Velepromet assembly point, but he was certain that the prisoners were in the barracks and that he had remained in each of those places no more than 15 minutes or half an hour. Defendant Vujović said that he

had seen two, three or four buses near the barracks, with soldiers standing in front of them, and that he had gone home from there only to come back to the barracks again. In his words, there were no more buses there, no soldiers, no inhabitants of the place and volunteers, and Milan Vojnović (not the defendant) told him that the prisoners of war had been moved to Ovčara. After having the stitches from his wounds removed at the hospital, he had gone to Ovčara with an intention of seeing who it was who had been warring against them. Once he got to Ovčara, around 16:30 hours, he saw several empty buses and some people in the hangar where it was impossible to enter because of the soldiers who stood there. He was armed with an automatic rifle, but he could not fire. He remained at Ovčara about half an hour when he saw, in the center of the hangar, a table with a soldier in a grey-olive uniform sitting at it and making an inventory. In front of the hangar there were many people, the inhabitants of the place and volunteers, but he saw no women among the prisoners of war. Defendant Vujović pointed out that he had heard about the crime in Vukovar only after some ten days had passed. He said that some people, who had remained longer, had said that the locals and the volunteers had gone into the hangar to identify the prisoners and that they had seen a tractor or a truck. In his words, on 21 November, together with Mrkšić, he had attended a reception organized by Veljko Kadijević (the Chief of the General Staff of YNA) in Belgrade. He thought that he had been invited to the reception because he had suggested an efficient approach to the liberation of Vukovar. A couple of days after his return from Belgrade, Radovan Stojčić Badža, the Chief of the Public Security Department of the Republic of Serbia) came to Vukovar and it was then that he had been suggested for the position of the commander of TD.

### *Observers' remarks*

*The initial stages of the trial of Mirosljub Vujović and associates for the war crime against the prisoners of war committed at Ovčara farm received great attention of both the general public and the professional circles.*

### **10 March 2004**

Defendant **Vujanović Stanko** denied in their totality the charges from the indictment and stated that he had been charged with being the deputy commander of TD, although TD had not existed prior to 1992. He stressed that he had not killed ten persons in front of the hangar at Ovčara, nor had he seen any pits, and that it was only after the end of the war in 1992 that he had become the deputy commander of TD. Defendant Vujanović said that at the beginning of the armed conflict in Vukovar, Dušan Jakšić was coordinating the activities of the members of TD and the YNA. In the words of Vujanović himself, captain Radić's headquarters were situated in his house and members of TD, volunteers and soldiers, used to come there. He himself spent the least time in the house as he was a guide to the members of YNA. Speaking about defendant Vujović, Vujanović pointed out that at that time he seldom met him, maybe two or three times, at the meetings with Tešić, and added that Vujović had been wounded twice, once in combat and the second time after the cease fire. Defendant Vujanović pointed out that he had been to Ovčara farm only once, on 19 November 1991, around 2 or 3 o'clock in the afternoon and, on the basis of this, he drew the conclusion that the crime had been committed on that day. In his words, he went there with Steva Zorić, aka Čevo, and Željko Petrović. Čevo asked him to give him a lift to Ovčara to search for his relatives and friends and rescue them from going to Sremska Mitrovica. Vujanović emphasized that he had remained at Ovčara an hour or two and added that he had been wearing battle fatigues given to him by a YNA major, Šljivančanin, and had a hat on his head which he took off from time to time, and that he had been armed with a scorpion. Defendant Vujanović said that at Ovčara he had seen members of YNA, civilians, members of TD, prisoners of war in the hangar, as well as three or four empty buses. The door to the hangar was open and the prisoners were on the left and right hand side. Defendant Vujanović pointed out that in the middle of the hangar there was a table with an officer and a soldier sitting at the

table and taking an inventory. In his words, most prisoners wore civilian clothes, although some of them were in military uniforms. Contrary to his statement given to the investigative judge, defendant Vujanović now stated that he did not go into the hangar because members of YNA did not allow him to do so. In his words, among the prisoners of war he recognized Bora Janjić, who had been beaten up and to whom he threw a pack of cigarettes, and a certain Siniša, who used to work for Radio Vukovar. Defendant Vujanović pointed out that he had then returned to Vukovar together with Željko Petrović, while Čevo remained at Ovčara. At the end the defendant said that he had not seen any of the defendants at Ovčara, and that someone had told him that defendant Vujović had been there.

Defendant **Jovica Perić** denied the charges from the indictment and said that he had nothing to do with the crime at Ovčara. The defendant then went on to say that he was not going to change his statement given during the investigation with a note that it was not true that he had seen defendant Vujović and defendant Vujanović arguing with someone, as stated in a paragraph of his statement, because he had never seen them together. Defendant Perić said that he had returned to Vukovar on 18 November and not on 16 or 17 November 1991, as he had stated in the investigation. In his words, on 14 September 1991 his brother was wounded and he went with him, by a helicopter, to Belgrade. The defendant pointed out that by 14 September, when he had left Vukovar, TD had not existed. Speaking about his visit to Ovčara, defendant Perić said that he had gone there in search of his sister-in-law's parents, Ante and Boja Rajić, and added that he did not remember whether that had happened on 19 or 20 November, but that he was certain it had been around 5 or 6 o'clock in the afternoon and that he had remained there between 30 and 40 minutes. In his words, he had no problems entering the hangar and seeing the prisoners there, standing on the left and the right hand side, fenced in with a rope. Defendant Perić pointed out that he had recognized some of them and had spoken with his ex-colleague, Zlatko Blažević. The defendant said that the majority of the prisoners had yellow boots and civilian or semi-civilian clothes and that nobody was in uniform. In his words, in the hangar he saw a table and an officer sitting at it and making a list of prisoners. He pointed out that he had seen the defendants Vujović and Vujanović in front of the hangar at the time of his arrival to Ovčara, but he had not noticed them issuing any orders. In front of the hangar there were many soldiers in battle fatigues and regular grey-olive uniforms. There also were some military policemen, with white harnesses, and a tractor parked on the apron in front of the hangar.

Defendant **Ivan Atanasijević** denied that he had committed the criminal act he was charged with and pointed out that he was going to present his defense up to a certain point only. Then he said that everything that had been happening was a conspiracy against him and that his statement given to the investigative judge was false as he had given it while under the influence of medication and added that his mail had been blocked for almost eight months. In his words, the court appointed defense attorney had shown him a paper stating that he had already been sentenced to a 40 year prison term. Defendant Atanasijević pointed out that following his arrival at Vukovar he had gone to Petrova Gora and had, on 14 November, joined the volunteer unit commanded by Milan Lančuzanin, aka Kameni. In his words, the unit was made up of a number of groups and he was assigned to the one commanded by Milojević, nicknamed Kinez. Speaking about the events following the liberation of Vukovar, the defendant pointed out that on 19 November, at Velepromet, somebody had told him that his brother was in the hospital among the prisoners and that he had agreed with Goran Mugoša, whose brother was also in the hospital, for the two of them to go there and try to rescue them. The following day, in the morning of 20 November, he and Mugoša started for the hospital. Since the road was blocked, he started on foot and, on the way, saw a column of buses (5-6 or 7-8), two of them military. His brother was in the second bus and he followed the buses which were on their way toward the barracks. With the help of Steva Zorić he managed to rescue his brother and take him home. When he learned, from his brother, that his friend, Stanoje Čaplina, was also among the prisoners,

defendant Atanasijević went to Velepromet where he learned that the buses had gone to Ovčara. Following that, in the evening hours, with three unidentified men, he went to Ovčara. When they arrived there, he went into the hangar without a problem where he saw between 200 and 300 prisoners and volunteers. Since he failed to locate Čaplina, after half an hour, he returned to Vukovar. Defendant Atanasijević pointed out that he had not seen anyone making a list of prisoners in the hangar and added that among the prisoners there were quite a number of civilians and wounded persons with bandaged wounds and casts. Also, among the prisoners, he saw Ružica Makrobašić who was pregnant. The defendant pointed out that he had not seen any of the defendants at Ovčara, except the late Mirko Vojinović, and added that he had noticed a group of some 30 prisoners being taken from the hangar.

### **11 March 2004**

Defendant **Predrag Madžarac** denied that he had committed the criminal act he was charged with in the indictment. He pointed out that at the time of the armed conflict he had been in his uncle's house in Petrova Gora street in Vukovar. He was wounded in September 1991 and spent some time in the hospital in Negoslavci before returning to Petrova Gora. When the condition of his health was somewhat improved he joined the people charged with sentry duty in the street. This was his only task until the middle of December 1991 and in all that time he did not leave the street. Defendant Madžarac pointed out that Ilija Galović was some sort of a commander in Petrova Gora street and added that TD of Vukovar did not exist at that time. After the end of the war in Vukovar he met Nikola Dukić, aka Gidža, with whom he had no quarrel nor was he in conflict with. Madžarac pointed out that that was why he was very much surprised when he saw a document where it was written that Dukić had seen him in Grabovo, as he had not gone anywhere at all. The defendant said he was certain that Nikola Dukić must have mistaken him for somebody else. He pointed out that in the minutes of his questioning by the investigative judge it was erroneously written that he had not been seeing Milan Bulić, aka Bulidža, then and there, at Ovčara, and in the town, as he had not been at Ovčara at all so he could not have seen Bulić there..

Defendant **Milan Vojinović** denied the charges from the indictment and pointed out that he was not present at the time the crime was committed, nor had he killed anyone. In his words, he, as an inhabitant of Vukovar, during the war, was assigned to guard duty in the unit of the YNA captain Zirojević, with Pera Miljanović scheduling the guard duty. At that time, TD of Vukovar did not exist, and he added that they had been posted in an outlying street at the outskirts of the town which, together with some other streets, was known as Petrova Gora. When he was shown a part of his statement given before the investigative judge, where he had said that on 14 December 1991 he had received the mobilization call and that he had been assigned to a TD unit, whose commander, in a way, had been Pera Miljanović, Vojinović said that the unit was called TD because all of its members were from its territory. Following the cease fire in Vukovar, on 18 November 1991, he began searching for his daughter who was taken prisoner in the center of Vukovar. He pointed out that in the morning of 19 November, at Velepromet, he had learned that the buses with the prisoners had gone to the barracks. When he arrived to the barracks, a soldier did not let him search for his daughter so he returned home. In the evening hours his neighbor, Rade Bakić, visited him and told him that people from the barracks had been moved to Ovčara whereupon the two of them went there. In the words of the defendant, at the very entrance to the hangar, there stood one military policeman and two in front of the hangar who let him enter the hangar. The defendant pointed out that along the right hand side of the hangar there were prisoners and on the left hand side the soldiers. Since he failed to find his daughter, defendant Vojinović returned to Vukovar after 15 to 20 minutes. According to the statement of the defendant, the prisoners were in white overcoats, battle fatigues and civilian clothes and he saw no women or children. He said that armed persons at Ovčara wore battle fatigues and added that he had not

seen any of the defendants there. Finally, Vojinović said that he had seen some YNA officers there as well as a white van parked nearby.

## **Court examination of evidence**

### **28 April 2004**

Witness **Slobodan Ciganović** said that he would stick by what he had said in the investigation. In his words, he was mobilized and sent to a unit where his superior was Jovica Kresojević. The witness Ciganović pointed out that his task was guard duty and added that at the time the crime at Ovčara had been committed he did not drive the Ult bulldozer. The witness then said that of all the indicted persons he knew Vujović by sight, Madžarac and Vujanović. He said he did not believe that TD existed from the moment a YNA Guards brigade arrived to Vukovar. Together with Milan Vojnović he went to Ovčara to get the Ult bulldozer and picked it up after a month from the then director Luka. He said he did not know what the Ult bulldozer was used for at Ovčara and added that he had learned about the shooting that had been performed there only a month or two after the fall of Vukovar. When he was shown a part of the statement from the investigation where he had said that the defendants Vujović and Vujanović had been the commanders of TD, witness Ciganović said that he had not given such a statement.

In the beginning, witness **Dragan Cvijanović** pointed out that he knew all the indicted persons and that he was related to the defendants Vujović and Madžarac, and, as there were no grounds for him to be excused from the duty of a witness, because of his kinship with the defendants, his questioning began. The witness Cvijanović said that he had been wounded at the very beginning of the combat activities, which is why he had gone to Serbia and had returned to Vukovar only on 19 November, a day after the end of the fighting. In his words, there did not exist TD Vukovar or TD Petrova Gora. The witness said that he had gone to Ovčara on 19 November, around 18:00 or 19:00 hours and that he had spent about half an hour there, looking for the members of his family. In front of the entrance to the hangar he saw a military vehicle, a Pinzgauer or an armored combat vehicle, and one or two members of the military police, and in the hangar itself, a table and a large number of people. Witness Cvijanović pointed out that there were soldiers in different uniforms and added that he, too, had a uniform and was armed. The witness then said that among the prisoners of war in the hangar he had seen Siniša Veber and Šindilj and that he had, immediately after his talk with them, gone away. Veber and Šindilj had not been injured, but he did not remember the way they had been dressed. He denied the part of the statement given to the investigative judge where he had said that the persons he had spoken with had been civilians and that some of the prisoners had bandages on their heads. He pointed out that he had not seen any of the defendants, nor the tractor, and that he had heard about the shooting only after half a year or a year.

Witness **Darko Fot** stated that he knew all the defendants. In his words, during the combat activities in Vukovar, he had been the commander of the 3rd platoon of the 4th Vukovar company whose commanding officer had been his brother Siniša. The witness said that the company had some 110 persons and added that it had been a part of TD of Vukovar headed by Duško Jakšić and had been under the command of YNA. The remaining companies, in the words of Fot, were led by the late Pejić, Mirosljub Vujović and Stanko Vujanović, while, later on, a unit of volunteers of the Serbian Radical Party was formed and was commanded by Milan Lančuzanin, aka Kameni. Fot then said that on 18 November he had been at Velepromet where there were a lot of people and children, rescued from the cellars. The prisoners were across the street,

at the cooperative, and some people from the hospital were among them. He saw Karlo Crk and spoke with him. The witness pointed out that men had been separated from women, that they had been searched for arms, that they had been questioned concerning their participation in the crimes so as to determine who was to be released and who was to be sent to the prison in Sremska Mitrovica. In his words, major Šljivančanin had said that all of them should be imprisoned, investigated and tried the way it was done in Nuremberg so that a camera could record what had happened in the town.

Witness Fot pointed out that, after the cessation of hostilities, he had found at Velepromet a copy of Mrkšić's order containing his appointment to the position of deputy commander of the municipal headquarters of civilian affairs and training and the appointment of Miroljub Vujović to the position of the commander and Stanko Vujanović to the position of the chief of staff of Vukovar TD. At the end, the witness said that he had not been at Ovčara and that he had, later, heard about the shooting of the prisoners of war carried out there.

Witness **Dragan Dukić** said that he knew no one of the defendants and added that he had been wounded after three days and took no part in any other combat activities.

In the beginning, witness **Borislav Bogunović** said that he knew some of the defendants. In his words, he had been, from the end of June or the beginning of July 1991, the Minister of the Interior in the Government of the Serbian Autonomous Area Krajina whose president had been Goran Hadžić. Witness Bogunović pointed out that TD had existed, that at the beginning it had been self-organized, and that later on, at the meetings, its leaders had been elected. With the coming of YNA to the area of Vukovar in September 1991 TD was under the authority of YNA and its commander at that time had been Dušan Jakšić. The witness said that he had been present at the meeting of the Government of the Serbian Autonomous Area Krajina which took place at Velepromet but he pointed out that it had been only a visit to Vukovar which lasted for an hour. In his words, it was then announced that Jakšić and Antić were no more members of TD and that the positions of the commander and the deputy commander were to be filled with Miroljub Vujović and Stanko Vujanović respectively. Bogunović added that the decision was brought by major Šljivančanin who attended the meeting for a short time. As far as the witness remembers, the meeting was held on 19 November and was attended by Goran Hadžić, Miodrag Crnogorac, Slavko Dokmanović, Vojin Šuša. Also present was Željko Ražnatović, aka Arkan. The witness said that at the moment of their coming to Velepromet, five or six civilian buses were leaving Velepromet. At the end of his testimony, the witness pointed out that suggestions were heard at the meeting for the war crimes trials for the crimes committed in Vukovar to be conducted on the territory of Slavonija and Baranja, but the representatives of YNA rejected the suggestions.

Witness **Dušan Jakšić** pointed out that he knew the defendants. In his words, with the outbreak of hostilities in Vukovar, the local inhabitants of the Serb nationality organized themselves in the part of Vukovar known as Petrova Gora. Witness Jakšić pointed out that TD had existed even before the war and that he himself had been the head of its security. Before the liberation of the barracks Mile Uzelac established the headquarters of TD under the authority of YNA. In his words, there had been 170 members in the unit, and the citizens of Vukovar decided for him to be the commander of TD. In the beginning there were three companies while later on the fourth one was established. The first, most numerous company was commanded by Miroljub Vujović, the second by Stanko Vujanović and the third by Siniša Fot. From 2 October, TD was under the authority of YNA Guards brigade and from that date on he received orders directly from the command headquarters of the Operations Group Jug. TD activities were coordinated with the activities of the 1st storm troopers detachment of YNA whose commander was major Tešić and his deputy Sijaković.

The witness stated that before the combat activities were ended, at the command headquarters of the storm troopers detachment, major Šljivančanin had decided for Miroљjub Vujović to become the commander of TD of Vukovar. At the end of his testimony, witness Jakšić pointed out that he had not seen the prisoners of war from the Vukovar hospital as he had not been there, and added that he had heard about the shooting at Ovčara later on.

### **29 April 2004**

Witness **Ilija Galović** pointed out that he knew most of the defendants. In his statement, witness Galović spoke more about the difficult situation of the Serbs from Vukovar in 1991 than about the subject matter of the trial itself. In his words, at the time of the fighting in Vukovar he had been in the background together with the defendants Milan Vojnović and Predrag Madžarac and had no direct superior. He pointed out that on 19 or 20 November, when he had gone to visit the father of defendant Madžarac, he had seen the defendant at home there. It was only some eight to 10 days later that he had heard about the shooting at Ovčara.

Witness **Milan Filipović** stated that he knew well the defendants Miroљjub Vujović and Stanko Vujanović. In his words, he had come to Vukovar with a group of volunteers who were assigned to the command of captain Radić whose commander, in turn, was Milan Sofronijević, aka Guto. Witness Filipović pointed out that he did not know which unit the defendants Vujović and Vujanović were in, but he knew that they were under the command of captain Radić whose headquarters were in Vujanović's house. He remarked that he did not believe that Vujović and Vujanović were in command and added that he was glad to have met them. In his words, the group of volunteers he was a member of was returned home to Smederevo on 21 November. The witness pointed out that he had asked captain Radić, whom he had found at the headquarters, for a transport, and then said that, before leaving for home, they had checked in their automatic rifles. At that time, nobody even mentioned Ovčara. He said that he did not know where Ovčara was and, in the end, he added that today even the parrots know what had happened there.

Witness **Stevan Mišćević** stated that of all the defendants he knew Miroљjub Vujović and Stanko Vujanović. In his words, on the day of the liberation of Vukovar, on 18 November 1991, he was in Borovo Selo, where he had gone to fetch his wife and children. The witness said that he had returned to Vukovar on 19 November and added that more than 10,000 persons were at Velepromet, at the agricultural cooperative, at Modateks and at Ovčara. In his words, those people, among whom there were women, children and the elderly, were coming out of the cellars once the fighting had stopped. They were guarded by the army and they were waiting for the buses which drove them to Serbia or Croatia. He pointed out that he thought that on 20 November, at about two or three o'clock in the afternoon, he had gone to Ovčara to look for his aunt and her son. In his own words, he had gone to Ovčara dressed in civilian clothes. There he saw four or five civilian buses, military vehicles, a big, green truck, many cars and many people and soldiers. Two soldiers stood at the entrance to the hangar, but they did not forbid people to enter the hangar. It was very dark in the hangar so that one could not see much there. Along the right hand wall of the hangar there were soldiers, while along the left hand side there were civilians. In the hangar he saw former municipal inspector, Emil Čakalić, who asked him "where are we going", whereupon the witness answered him that he did not know, but he had heard that some of them would be taken to Croatia, some to Serbia. Beside Čakalić, he saw Vladimir Dudas. In his words, he spent some 20



minutes at Ovčara and saw there Stevo Zorić and Pero Miljanović, while he did not know other uniformed persons. The people inside the hangar had been tortured and there were women and children among them. The witness pointed out that he had received the first piece of information about the shooting at Ovčara in April 1992, from the chief of police, Dragan Đukić, although there were all types of rumors in Vukovar even before that.

In the beginning, witness **Jovan Radan** said that he knew all the defendants, except Jovica Perić. Speaking about his participation in the fighting, Radan pointed out that, after ten days at Petrova Gora, he had been moved to Velepromet to a security detail. In his words, he stayed at Velepromet until the end of the fighting when, at Velepromet, there were between 10,000 and 12,000 civilians coming out of their cellars and driven away in buses. The defendants Vujović and Vujanović were company commanders and he used to see them from time to time at Velepromet. The witness pointed out that after five, six or even ten days he had heard about what had happened at Ovčara. In the end, Radan pointed out that, at Velepromet, men were separated from the women and children and added that it was the suspected ones that had been separated. The separation was carried out by the security personnel, including Žigić.

In the beginning, witness **Siniša Lakić** said that he knew all the defendants and that the mother of defendant Vujović was his aunt. In view of the fact that that was not a degree of kinship which would free him from the obligation to testify, the trial chamber began questioning him. The witness stated that he had come to Vukovar with a group of some 20 reservists at the beginning of October 1991. There they joined captain Radić's company where their immediate superior was a person whose name was Đorđe. After that, the witness said that defendant Vujović had been in the same company with him and that, being well familiar with the terrain, he had been a coordinator at the headquarters. He added that Vujović had not been the commander of any of the units there. The witness pointed out that at the time the fighting in Vukovar was ended, he had been in Petrova Gora and added that he had learned of the events at Ovčara half a year later. Toward the end of his testimony, witness Lakić said: "The only thing I know is that in some other, patriotic countries, major streets of the cities are named after people like these here (referring to the defendants), and here, this."

At the beginning of his testimony, witness **Goran Valjarević**, aka **Džo** or **Mali Džo**, said that he knew all the defendants and added that he was pleased and honored by this fact. In his words, he had gone to Vukovar as a volunteer, through the organization of the Serbian Radical Party, and joined the "Leva supoderica" detachment commanded by Milan Lančuzanin, aka Kamenj. In the detachment there were between 140 and 150 persons and the detachment took part in the fighting together with the army. Valjarević said that he was wounded on 17 November and transported first to Negoslavci and then to Belgrade, to return to Vukovar at the beginning of December 1991. In the end, Valjarević pointed out that what he knew about the events at Ovčara he had learned from the newspapers and then added that he had no knowledge of the defendants Vujović and Vujanović having any command responsibilities.

In the beginning, witness **Mihajlo Katalina** said that he knew all the defendants and that they were his good friends. Katalina pointed out that on 19 November 1991 he had gone to Belgrade to fetch the members of his family and added that he had heard about the events at Ovčara only in 1992 or at the beginning of 1993. Katalina then said that he knew Goran Ivanković, aka Džo, who now lives in Canada and who was spreading rumors against the defendants. After he was shown his statement given to the members of the Ministry of the Interior, where he said that he had heard

about the shooting of the prisoners of war for the first time in 1994, from Goran Ivanković who told him that he, Goran, was not going to report anyone who gave him 1,000,000 German marks. Katalina pointed out that he had heard about it in Novi Sad, possibly from Ivanković as well.

Witness **Ranko Madžarac**, an uncle of defendant Predrag Madžarac, renounced his right not to give testimony, in view of the fact that he was a close relative of the defendant. The witness pointed out that his brother Milan and defendant Predrag had been in his house in Petrova Gora street until the fall of Vukovar. In his words, defendant Predrag Madžarac was in the guard detail and, when he was wounded in the arm and the leg, he had to go to the hospital to have his wounds dressed every day. The witness emphasized that Milan and Predrag Madžarac had remained in his house even after the fall of Vukovar and performed their guard duty, and after two or three days they went to check on their house and returned in tears because the house had been completely destroyed. At the end of his testimony, the witness pointed out that he had not been at Ovčara and that he had learned about the events at Ovčara in 1992.

### **Observers' remarks**

*Witnesses whose testimonies were heard at the trial on 28 and 29 April 2004 spoke very little about the crime committed at Ovčara. Their expositions were, first of all, focused on the events in Vukovar before 18 November and on the events at Ovčara. In the course of the trial so far the parties in the proceedings used to pose the same question to the witnesses several times, while the presiding judge intervened by pointing out the fact that these questions had already been asked and by repeating the answers given to the questions. Qualifications of certain events were striking. Not only the witnesses and the defendants, but also the prosecutor and the presiding judge, often used the term "liberated Vukovar".*

## **Defense of defendants**

### **29 June 2004**

Before presenting his defense, defendant **Milan Lančuzanin**, aka **Kameni** (the commander of a volunteer unit composed of the members of the Serbian Radical Party) informed the trial chamber that he had suffered a stroke seven years ago and that his ability to move has been impaired, so the presiding judge allowed him a chair to sit on. Speaking about the charges from the indictment, Lančuzanin pointed out that "except for being at Ovčara, everything else was fabrication" and added that he would stick by the statement given in the investigation. In his words, upon his arrival to Vukovar on 18 October 1991, he became the commander of the "Leva supoderica" unit and every evening went to major Tešić from the YNA Guards brigade to report. Defendant Lančuzanin said then that all the units in Vukovar were under the authority of the YNA Guards brigade and that the immediate superior of defendant Vujović and of himself was captain Radić. The defendant then said that Vujović was in command of the group, while Vujanović headed a smaller group of fighters together with captain Bojkovski. In his words, Dušan Jakšić was the commander of the TD detachment Petrova Gora. The defendant pointed out that on 19 November 1991 he had been in Belgrade and upon his return in the evening of the same day he saw the order commanding him to go to Ovčara. In his words, he had no idea that the prisoners had been taken to Ovčara and he went there by car, a Passat, together with Mare, Ceca and Kinez and another person, as they were in charge of his security. When they arrived there, they found many inhabitants of Vukovar and soldiers, and the defendant personally took out five or six persons to return them to Velepromet and conduct an investigation, while there were some persons he wished to rescue. Replying to a question whether he had let anyone know he was there, Lančuzanin said: "If it were Miroljub, I let him know I was there". The defendant pointed out that the prisoners who were in civilian clothes and white, hospital uniforms were sitting in

a semi-circle in the hangar and added that nobody was barring entry into the hangar. Defendant Lančuzanin said that a regular officer or a reservist was sitting there at the table, taking inventory. In his words, while he was speaking with Mirosljub and Stanko at the entrance to the hangar, an officer with the rank of a colonel or lieutenant colonel said: "Go out, all of you" whereupon the prisoners left the hangar and climbed into a tractor trailer, while Boro Krajišnik said: "Here, everybody must go". The defendant pointed out that someone of the people who were there said: "Come, Kameni, follow the trailer" so he, together with the already mentioned four persons, started after the tractor. Lančuzanin said that he had not asked anyone where the prisoners who were in the tractor trailer were being taken and added that he had known that something bad was going to happen. When the tractor, after some 150 meters turned left, the car got stuck in the mud. After three or four minutes the defendant, with the already mentioned persons, managed to pull the car out of the mud and then they drove to Vukovar. Lančuzanin said that before his return he had reported to defendant Vujović who was left behind at Ovčara. When he was shown a part of his statement given during the investigation, the one where it was written that one of the defendants had told him: "No, Kameni, you cannot go now", Lančuzanin pointed out that it had been Vujović who had told him so. In the opinion of the defendant, all this took place around 20:00 hours, on 19 November 1991, and not on 20 November as stated in the indictment. To corroborate his claim, Lančuzanin stated that he remembered that on the evening in question, upon the return from Ovčara, together with Mare, Kinez and Ceca, he had gone to his aunt Radojka.

In the beginning, defendant **Marko Ljuboja**, aka **Mare**, said that he had understood the indictment, that he denied that he had committed the criminal act he was charged with, that he denied any criminal responsibility in view of the fact that he had no connections whatsoever with the crime at Ovčara. In his words, on the day the crime was committed, around 17:30 hours, he had gone to look for defendant Lančuzanin. Defendant Lančuzanin told him that he should, as a member of his security, go to Ovčara, so that he, together with Kinez, Ceca and Lančuzanin, went there by car. Ljuboja pointed out that at the time of the investigation he had erroneously said that together with them, in the car, had also been Goran Valjarević, aka Mali Džo. On the way back from Ovčara, in the words of the defendant, one more person was in the car. Ljuboja then continued and pointed out that they had stayed at Ovčara some 15 minutes and that he had seen many prisoners there, among whom there were women and children and that he had been in the hangar all the time but that he had not seen that any prisoner had been abused earlier or while he was there. Then he added that many armed persons in battle fatigues were there. He went into the hangar in order to see the members of the Croatian army that they had warred against as he had heard that among the prisoners there were some members of the Croatian elite units. After that, defendant Lančuzanin had appeared and had said: "We are leaving here". Ljuboja emphasized that, when he had left the hangar, he had not seen any column, nor a tractor with a trailer. They drove the car some 100 meters forward and then got stuck in the mud. After some time, they managed to pull the car out of the mud and drove toward Vukovar. On their way back they stopped at the hangar at Ovčara where Kameni had a heated argument with somebody, but he cannot remember who it was. While they were driving back, someone in the car said something like "trouble is brewing" and Ljuboja said he was not quite sure whether anybody had said something like "they'll kill them". He pointed out that he had said then that there existed the Geneva conventions and that many will be held responsible for that. Thereafter Ljuboja said that he had heard a story about a quarrel between his commander, Kameni, and the defendants Vujović and Vujanović. Finally, he pointed out that, in the warden's office in the Novi Sad prison, a certain official had told him to solve his problem and suggest someone who would make a deal and testify for the prosecution. Besides, he added that, at the time he was questioned in the course of the investigation by the investigative judge, a certain person had told his wife that he would spend 40 years in prison if he failed to make a deal and cooperate.

### 30 June 2004

Defendant **Predrag Milojević**, aka **Kinez**, said that he had understood the indictment, but he denied that he had committed the criminal act and refused any criminal responsibility. Defendant Milojević said that he had known that the investigative judge and the warden had exerted pressure on a certain person to make that person accuse him (Milojević) and added that for two months he did not know who it was that had accused him and connected him with this crime. He expressed hope that truth would be uncovered during the proceedings and that those truly responsible would have to pay for the crime. Also, he said that the presence of the representative of the plaintiffs, Nataša Kandić, would help with uncovering the truth. In his words, during the fighting in Vukovar, he had been a member of "Leva supoderica", the detachment with the largest number of volunteers from the Serbian Radical Party, but also people from Vukovar, Hungarians, etc. Defendant pointed out that the crime at Ovčara was not committed on 20 November, but on 19 November 1991. In the evening of that particular day, he had started toward Ovčara together with Kameni, Mare and Ceca. There they saw a large number of people most of whom defendant did not know. Although he did not enter the hangar, he saw the prisoners inside, sitting, and many local inhabitants. Defendant Milojević pointed out that he had not seen major Šljivančanin, captain Radić and captain Mrkšić at Ovčara, nor had he seen anyone from the YNA Guards brigade. In the words of the defendant, they had stayed between 30 and 40 minutes at Ovčara. On the way back from Ovčara, a certain person joined them and returned with them to Vukovar. Before leaving, judging by the gestures, he saw his commander, Kameni, arguing with the defendants Vujović and Vujanović. After the argument, Kameni told them: "Let's leave here, jump in". In Milojević's words, there was a tractor with a trailer in front of their car, with the trailer full of prisoners, with the soldiers all around. The people "loading" the trailer with prisoners were the civilians whom defendant Milojević had seen then for the first time and whom he had not seen afterwards. After they had followed the tractor and covered some 100 meters, they got stuck in the mud while the tractor turned off the road. In the words of the defendant, they managed to pull themselves out of the mud after 10 to 15 minutes, turned around and returned to the headquarters. Defendant said that the atmosphere at Ovčara had been hellish and unpredictable. There were some 100 soldiers there, with white harnesses, and the defendant further said that he could not believe that what had happened would happen. Defendant further said that upon their return from Ovčara, around 19:00 hours, they went to his aunt Radojka for dinner where they saw captain Radić. On the occasion, captain Radić told them not to worry about what would happen at Ovčara as the army was there. When he saw captain Radić the following day, he was cursing and shouting: "I've guarded him all the time, and he has blooded his hands", thinking of the first protected witness. Speaking of the functions of the defendants Vujović and Vujanović, defendant Milojević pointed out that they had been company commanders and added that Vujović was under the command of captain Radić, while Vujanović was under the command of captain Bojkovski. Defendant then spoke about his contacts with other defendants and the first protected witness. In his words, he met twice with defendant Lančuzanin and the protected witness, while once, together with the protected witness, he went to Marko Ljuboja. He said that he had known the protected witness since 1991, that they did not go into action together and that he did not see him at Ovčara. He added that the protected witness was suffering from a "persecution mania and believed everybody was informing on him". Upon the publication of the text "The truth about Ovčara", the protected witness came to him and told him that he was not involved with the crime, but that he was afraid of the inhabitants of Vukovar and thought they were going to frame him. Then he said to the defendant that "one should drown all the inhabitants of Vukovar, Stanko, Nada, Miroljub, Kresojević and the rest of them". He also told him that "he will revenge himself should Stanko agree to talk".

Defendant **Predrag Dragović**, aka **Ceca**, said that he understood what he was charged with, but he said that there was nobody who could corroborate the charges

from the indictment against him. Dragović said that he had gone to Ovčara together with Ljuboja, Kinez and Lančuzanin and that he had spent some 10 to 15 minutes in front of the hangar there. Because he was wounded he stayed in the car and left it only to light a cigarette and to urinate. In his words, there were soldiers in different uniforms there and that, after 10 to 15 minutes, Lančuzanin told them to leave, so they left after the tractor with a trailer, but that their car got stuck in the mud. There was a tarpaulin on the tractor trailer so he could not see whether there were people in it, and a man was sitting on the left hand mudguard. The person who had come with them went out of the car and started in the direction the tractor had gone in order to ask someone to help them pull the car out of the mud. Defendant Dragović pointed out that he had gone after him although he did not know why. Then a volley from automatic rifles was heard and the said person asked: "What are we going to do now?" After they had pulled the car out of the mud they returned to Vukovar. Defendant pointed out that he had not seen the defendants Vujović and Vujanović at Ovčara and added that he was aware of the fact that his commander, Lančuzanin, had had an argument with Vujanović. Defendant then said that at Ovčara he had not seen any of the YNA officers and added that he knew that major Šljivančanin had issued an order prohibiting the shooting of any of the prisoners because of the intelligence that could be gotten from them. In the end, defendant Dragović pointed out that he had immediately, after only a day or two, learned about what had happened at Ovčara.

### 1 July 2004

Defendant **Zlatar Vujo** said that, although there were many confusing things, he did understand the text of the indictment, but did deny the responsibility for the criminal act he was charged with. Defendant Vujo pointed out that he had been wounded in the fighting on 30 October 1991 whereupon he was transported to MMA in Belgrade where he stayed until 18 November. After that he was moved to a spa in the vicinity of Mladenovac where he remained until 18 December 1991. He said that he had never been at Ovčara, nor did he know where it was. Upon his release from MMA, he could move only with the crutches so that, while he was staying in the spa, he had visitors every day. He added that he had complete documentation about his stay at MMA and the spa. Defendant Vujo pointed out that he had heard that the first protected witness had said that he would pay him back, but he did not want to say anything else about that as he was going to ask for a confrontation with him.

Defendant **Dorđe Šošić**, aka **Žorž** or **Čiča**, pointed out that he denied that he had committed the criminal act and denied any criminal responsibility. In his words, upon his arrival to Vukovar as a volunteer, he joined the "Leva supoderica" unit and was issued arms which were not registered anywhere. Following the liberation of Vukovar, in the morning of 10 November 1991, he checked in his arms at the headquarters of the "Leva supoderica" unit and, together with Ivica Andrić, aka Đetić, left for Novi Sad where they stayed overnight at the home of a fellow combatant. After that, on 20 November, Đetić and he went to Kruševac where they spent the night carousing and celebrating the liberation of Vukovar. Šošić pointed out that he had never been at Ovčara and that, even today, he does not know where Ovčara is.

Defendant **Goran Mugoša**, aka **Kuštro**, said that he denied that he had committed the criminal act he was charged with and that he wanted to present his defense. In his words, on 15 September 1991, he joined TD headquarters at Velepromet in Vukovar when he was issued the uniform of the military police to wear, but was not under anyone's command. Defendant Mugoša pointed out that, on 18 November, when the fighting in Vukovar ended, he had been at Velepromet where he was searching the civilians in the presence of major Žigić. The following day, on 19 November 1991, Mugoša went to the town to look for his two brothers who were members of the National Guard Corps (NGC). In the hospital, where he had gone first, a military policeman told him that the big boss was major Šljivančanin and that he could enter the hospital on his own responsibility. In his own words, the defendant managed to

get his wounded brother, Zoran, and another prisoner of war from the hospital and took them to Goran Savić. On the next day, on 20 November, the defendant went to the barracks where the prisoners from the hospital had been moved to look for his other brother. There he saw many soldiers and five or six buses. In one of the buses he recognized his childhood friend, Luka, who gave him a bracelet and a ring. Major Šljivančanin started yelling then as he had issued a strict order prohibiting the taking of anything from the prisoners. Defendant said that he had then told major Šljivančanin that he had come looking for his brother. At that moment he heard that everybody was going to Ovčara so he left in a car going in front of the buses, together with the defendants Milan Bulić, aka Bulidža, and Milan Vojnović, aka Čapala. When they started, major Šljivančanin asked him if he knew where Ovčara was and the defendant answered that he did not know. In the presentation of his defense later on, Mugoša pointed out that he had searched the prisoners who were getting off the buses, together with Bulidža, and added that they had, at that time, confiscated their personal effects and placed them upon a tent canvas. Defendant remarked that the search of the prisoners was ordered by a colonel or a lieutenant colonel in battle fatigues, and not major Šljivančanin, as he had not seen him at Ovčara. Speaking about the double row of people that the prisoners had to pass through, Mugoša pointed out that the rows were made up of armed people but remarked that he had not seen anyone of them beating the prisoners, except, as he had heard, that Josip Kožul had been slapped on the face a couple of times. The bus with the prisoners was a dozen or so meters from the hangar and when one of them emptied another one would come immediately. In his words, all in all, there were five buses with prisoners and when the prisoners got off, the buses remained there. Defendant then said that in front of the hangar there were between 150 and 200 regular army soldiers in battle fatigues and, in addition, a column of civilian vehicles and armored personnel carriers. After personal effects had been taken from the prisoners, there came YNA soldiers and took them away in a Campagnola military vehicle. In his words, he was at Ovčara until the search of the prisoners was over, which took between an hour and a half and two hours, that is, until 15:30 hours when, together with defendant Bulić, he left for Vukovar. He pointed out that he had recognized a lot of people among the prisoners and said some of their names: Josip Kožul, Došen, Vulić, Aleksandar Perković, Saša Đurđev and Ružica Makrobašić. Defendant Mugoša then said that he had not attempted to rescue anyone in view of the fact that both his brothers had been members of the CNG. Before leaving Ovčara, the defendant entered the hangar to see how the prisoners were doing. Inside, there were many prisoners, asking for one another, while around the hangar there were members of the military police, with white harnesses.

Continuing with the presentation of his defense, Mugoša pointed out that, of the defendants, at Ovčara he had seen Dragović, Milojević and Vujanović, although he was not certain about Miroljub Vujović. He said that he was not certain any more that he had seen defendant Katić at Ovčara, the way he had claimed during the questioning in the investigation, while he was absolutely certain that he had not seen Lančuzanin at Ovčara, but in the barracks with Šljivančanin, Vujović and Vujanović. In his words, he had learned about the crime at Ovčara only toward the end of 1992. Explaining the difference between his present statement and what he had told the investigative judge, the defendant stressed that at the time of giving his statement to the investigative judge he had intended to shift the blame for the crime at Ovčara onto YNA. That was, in his words, the reason he had said in the investigation that he had seen major Šljivančanin at Ovčara and that he was certain that the prisoners would be shot.

#### **5 July 2004**

Defendant **Miroslav Đanković** denied that he had committed the criminal act and rejected criminal responsibility and said that, in his opinion, all this was an organized campaign against him. Defendant said that he did not want to present the totality of his defense until after he had heard the evidence presented by the second protected

witness, as he was afraid he would once again go through what he had already gone through, namely that he would be detained without knowing who had accused him and of what criminal act. As defendant Đanković remained firm in his decision not to present his defense, the presiding judge brought a decision, on the basis of Article 321, Paragraph 2, of the Law on Criminal Procedure, to have the statements of the defendant given in the investigation on 26 December 2003 and on 18 May 2004 read in the courtroom.

Defendant **Slobodan Katić**, aka **major Katić**, told the trial chamber that he had problems with his voice due to the cancer of the throat. He said he was not guilty and denied the criminal act he was charged with. He said he wanted to present his defense, but he did not know what else to say in addition to what he had said in the investigation. Katić pointed out that he had gone to Vukovar on 18 October 1991, as a volunteer from Šid, together with Kameni, Ceca and Kinez, whom he had met in Šid. He was in Milan Lančuzanin's detachment and was, unofficially, in charge of procuring cigarettes, drinks, food etc. His detachment was under the command of YNA major Tešić, while his commander was captain Radić.

Defendant Katić said: "I learned about Ovčara much later, when those from the Hague started accusing Mrkšić, Radić and Šljivančanin". He said that on 17 November 1991 he had driven Goran Valjarević, aka Džo, who was wounded, to the hospital in Negoslavci. After he had taken him to the hospital, he returned to his unit and the following day, 18 November 1991, he left for Belgrade. He returned to Vukovar on 22 November. During his stay in Belgrade, on 19 and 20 November, he called on Valjarević in the Belgrade emergency center. On 20 November he attended the celebration of a *slava*, the patron saint day, in a café in Zemun where they celebrated the liberation of Vukovar as well. He said he did not know where Ovčara was, that he had not been there and that he had lived in Vukovar until 1997. He was armed with an automatic rifle and a scorpion.

Defendant **Nada Kalaba** stated that she understood the charges from the indictment and that she did not commit any crimes and then added: "I don't want to present my defense now as only the protected witnesses, the ones who had made deals with the prosecution, are accusing me."

Defendant **Milan Bulić**, aka **Bulidža**, said that he understood the charges from the indictment and denied the criminal act and rejected criminal responsibility. He said that in June 1991 he had left Vukovar together with his family. After two and a half months, which he had spent in Borovo Selo, he returned to Vukovar and joined the TD unit at Velepromet whose commander was Ljube Stojanović. This was around 20 September. His task, as well as the task of other members of the unit, was the guard duty and the protection of Velepromet. He said that four or five days before the fall of Vukovar he had left the unit and returned to Petrova Gora where he was in charge of transporting the corpses and cleaning the buildings. A day or two after the liberation of Vukovar, that is, on 18 November 1991, he returned to Velepromet because he had heard that some people were arrested, including doctor Bosanac. When he learned that they had been taken to the barracks, he himself went there. When he arrived to the barracks, which was around 10:00, 11:00 or 12:00 hours, he saw five or six military buses where, he was told, the arrested fighters and employees from the hospital were. The army was in charge of providing security for the buses. Within the perimeters of the barracks there were both the members of TD and civilians. After some time, maybe an hour or two, somebody said that they should start and that the prisoners would be taken to Mitrovica to be exchanged. The defendant, together with Goran Mugoša and Mirko Vojnović, aka Čapalo, left by car toward Ovčara farm. A military vehicle was in front of them and when they reached Ovčara a double row of people was formed and he, together with Mugoša, searched the prisoners. Defendant Bulić stressed that Mugoša had told him that major Šljivančanin had personally ordered them to stand in the double row and search the prisoners. There were some ten

persons searching the prisoners, looking for arms, knives and the like, and then they let them enter the hangar. When the search was over, he went into the hangar and stayed there some 15 to 20 minutes. In the hangar he saw a YNA officer making a list of prisoners, but he did not see anyone beating the prisoners. After that, around 5:00 or 5:30 hours, he left Ovčara for Petrova Gora, to Branko Miljanović's house where he spent the night. The column of vehicles, headed by a military vehicle on the way to Ovčara consisted of rather many civilian vehicles. When they reached Ovčara, there already were soldiers, in his opinion some 100 soldiers, and the civilians working at the Ovčara farm. Defendant Bulić stated that the soldiers wore either regular olive-grey uniforms or battle fatigues, while those accompanying the buses had white harnesses. He pointed out that he had seen YNA officers at Ovčara, but that he did not know any of them. In his words, personal documents, money and jewelry were not taken from the prisoners, nor were they beaten. He pointed out that he had recognized many of the prisoners. For instance, Čale Zvonimir, Mandić Mile, Zeljko Josip, Zvonko Varenica and Toma Pravdić. Of the other defendants, at Ovčara, he had seen Miroljub Vujović and Stanko Vujanović, while he saw Kameni only when he left for home. Also, he saw the defendants Đanković and Mića Medonja, as well as Darko Fot and Bora Krajišnik. At the end, Bulić pointed out that, as far as he remembered, in addition to Ružica Mrkobašić, there was another woman at Ovčara, but he could not be sure.

***Observers' remarks:***

*During the four days of the trial, members of the defendants' families and their friends reacted strongly whenever the representatives of the plaintiffs, Dragoljub Todorović and Nataša Kandić, posed a question to the defendants. Beside the abusive language, their questions often met with derision. The presiding judge and the representatives of the court security failed to react to all this. While defendant Vujo was presenting his defense, from the part of the auditorium where members of the defendants' families and their friends were sitting one could hear comments like "Vujo is insane".*

**Note:**

On 31 August 2004, when the presentation of evidence was continued, the presiding judge asked the members of the public to leave the courtroom as a hearing of a protected witness was about to take place. The protected witness presented his evidence on 31 August, but also on 1, 2, 3, 27, 28 and 29 September 2004.

**Court examination of evidence**

**1 October 2004**

The witness, **Jovan Dulović**, pointed out that, in the fall of 1991, he had been a war correspondent for *Politika Ekspres*. Then, he had stayed in Vukovar, together with some 10 to 15 other correspondents, at the home of the Pajić family which stood across the road from the house of the father of defendant Stanko Vujanović. In his words, captain Radić used to come, very often, to the house of defendant Vujanović; from time to time, major Šljivančanin would also drop in; not far from the said house a unit commanded by defendant Lančuzanin was billeted, the unit which everybody used to call "šešeljevci" (Šešelj's followers).

Very often in the presentation of his testimony, witness Dulović consulted his notebook so that, at one moment, he read from the notebook that, on 13 November



1991, Vojislav Šešelj had been in the house of defendants Stanko Vujanović and Nada Kalaba and had said on the occasion that the Yugoslav National Army (YNA), members of territorial Defense (TD) and volunteers were one and the same army and that "no ustasha may leave Vukovar alive". In the opinion of the witness, this statement had influenced the behavior of the members of TD and volunteers. The witness pointed out that, on 20 November 1991, at about 11:30 hours, he had been in front of the Vukovar hospital; he had not gone into the hospital. There he came across a terrible scene with hundreds of the wounded and the patients. He and his colleagues were taken to the hospital by Štuka, a regular army soldier from captain Radić's unit. There he saw Šljivančanin and Doctors Without Borders. Major Šljivančanin delivered a speech there saying that YNA was trying to prevent the killings, that there were between 60 and 70 persons armed with hand grenades inside the hospital and that nothing untoward would happen to the doctors and the medical staff. He stayed around 45 minutes in the hospital and saw when the people, who would later on be transported to the barracks or to Velepromet, were taken out of the hospital. The witness said that, although he did not see it personally, but was told about it, some people were taken from the other side of the hospital and put in trucks. In the words of the witness, the entry for the next day in his notebook read: "In the nights between 19 and 20 and 20 and 21 November, members of Vukovar TD, Stanko, Daca, Kapetan Rale and others, took out and shot the prisoners, captured Croats suspected of murder. The place of execution was Ovčara, an abandoned farm in the part of the town known as Petrova Gora. The witness stated that a big, bearded man from Smederevo, by the name of Slaviša Pavlović, was particularly ready to talk about all this. He told the witness, in the morning hours of 21 November, how "last night, between 17:00 and 01:00 hours, they had been killing at Ovčara, and how the prisoners had been begging them and crying and saying they had not shot at our fighters". The witness said that in the morning of 21 he had been in the house of Nikola Pajić, where he had spent the night with photographer Tomislav Paternek. The trial chamber asked witness Dulović to clarify his statements concerning the time period when, in the words of Slaviša Pavlović, the killings at Ovčara had taken place, because, in his statement, he had given a number of different time periods. Witness Dulović, at first, could not remember precisely the time he had spoken with Slaviša Pavlović, but then he pointed out that it had been in the morning of 20 November, somewhere between 08:00 and 10:00 hours, that he had spoken with volunteer Dragica, from Novi Sad, who had told him the details about the crime at Ovčara. However, the presiding judge reminded the witness of his statement given before the Military Court in 2000, where he stated that it was in the morning of 21 November that he had spoken with Slaviša Pavlović. Witness Dulović stated that he could not be sure of the exact date, that a lot of time had gone by from the event and that the statement he had given before the Military Court in 2000 must have been, most probably, based on his memory which, at that time, must have been better. During his testimony, witness Dulović pointed out that volunteer Dragica had said that she had been worried about the fact that everybody who had taken part in that killing was boasting of it and talking about it wherever they had the opportunity to do so. She also told him that, at Ovčara, it was a bulldozer which had dug out the graves and that the volunteers and the members of TD had taken the personal effects from the prisoners. The witness said that volunteer Dragica had told him that major Šljivančanin had also taken part in the shooting and that he had insisted on killing the last prisoner. The witness pointed out that he could not believe that part of her story. After the talks with Slaviša and Dragica, on the same day, he met defendant Vujanović and asked

him about the events at Ovčara, whereupon he told him: "I did not have enough volunteers, so I had to take these drunken followers of Šešelj who will now talk about it everywhere, and it won't end well at all". The same evening, the witness met captain Radić who just waved his arm and said: "Let it go! A lot of shit happened." Further on in his testimony, the witness pointed out that, in addition to the people from the Tribunal, he had also spoken about the events at Ovčara with Aleksandar Vasiljević who used to drop in at the editorial board of *Vreme*. "In my opinion, which does not have to be correct, on the basis of everything that had happened there, everything that I had seen there, nobody had ever issued an order, especially not the Army which, nominally, was in command over there, but not in effect. In my opinion, the Army was in a very subordinate position there because, if you remember, mobilization was unsuccessful, there was not enough personnel, so the members of TD, volunteers and paramilitary formations were really in command". The witness pointed out that he had never reported to the army or the police what Slaviša and Dragica had told him and that he had spoken about it to his colleagues for the first time upon his return from Vukovar. He said that he had given a statement about the events in Croatia to a Croatian newspaper, but he did not remember when and who to.

### **25 October 2004**

In his first statement, witness **Emil Čakalić** said that two or three days before the fall of Vukovar he had gone to the Vukovar hospital where there were quite a number of inhabitants of Vukovar who had left their homes and gone to the hospital for reasons of safety. During his stay in the hospital, defendant Čakalić saw the arrival of major Šljivančanin and a YNA captain whose name he did not know and their arrest of dr. Vesna Bosanac and Marin Vidić who were then taken away. Defendant said that he thought the event was witnessed by Sirius Vance as well, but he was not quite sure. Čakalić pointed out that, in the morning of the day major Šljivančanin' arrived to the hospital, all persons except the medical personnel had to leave the hospital and added that there had been some 200 of those persons. When they went out, the soldiers who were in front of the hospital began insulting them and cursing "their ustasha mothers" and then ordered them to empty their pockets. After half an hour or an hour they were taken, in five buses, to the barracks, after they had been led from the hospital by a side entrance. In the barracks he saw Radivoje Janković who was, in his words, a little cretin, and Vlada Kostić, who told him: "All are equal" and "Topola", promising to provide further details about this, should an opportunity arise. After half an hour or an hour, the sixth bus with the prisoners came to the barracks and stayed at the barracks after the other five buses had gone to Ovčara. In the words of witness Čakalić, he had never learned what happened with the prisoners from this bus, but he had heard from the mothers of Croatian defenders that all of them were killed and buried near the New Cemetery in Vukovar, and that that had happened after some bones were plowed out. After that, in 1997, those bones were taken somewhere. The witness then said that they had been near the barracks from 9:00 to 14:00 hours on 18 November when they left for Ovčara, and that, during all this time, they had not left the buses. Only medical personnel could leave the buses, those who had hospital passes and only after the women employed in the hospital had exerted pressure upon major Šljivančanin. In the bus he was in there were two soldiers, a Muslim and a Serb. The first one cursed both Tuđman and Milošević and took jewelry from the prisoners while the second one was silent. In connection with the events at Ovčara, the witness stated that, once they had reached Ovčara, upon getting off the bus, they had to go through the double row of civilians. They were searched and the things that were taken from them were thrown upon a grassy patch. In front of the two rows of civilians there stood a man in a captain's four star uniform, who stepped on a prisoners glasses. The witness stressed

that in the rows there was, too, Slavko Dokmanović, the mayor of Vukovar and once a good friend of the witness. The witness said that all those who were in front of the hangar had beaten the prisoners and that they wore civilian clothes. When he came to the entrance to the hangar, he was approached by Miloš Bulić, aka Bulidža, who hit him three times on the head with a wooden plank and then ran away disgracefully. After that, the witness saw when Bulić, using the same wooden plank, killed a person whose name was Kemal and Damjan Samardžić, whose death he himself had confirmed. When he saw that, the witness said, "his stomach turned". The witness then noticed a person who had entered the hangar and who had "all the paraphernalia of a chetnik", who had a knife at the waist and who was speaking with a YNA officer who, the witness thought, was a major. In the words of witness Čakalić, this "chetnik" took out the knife and was about to slaughter a prisoner when somebody "flew in" and yelled: "Mrkšić is coming with two lieutenant colonels". At the time he was in the hanger, there had already been some 60 or 70 people, facing the wall and with their hands on the wall. During his stay in the hangar he did not notice anyone trying to maintain order, nor did he hear the shooting. Čakalić then said that he was rescued from the barracks by Zorić Stevan, aka Čevo. He spent around an hour in front of the hangar and, beside him, six more persons were led in front of the hangar. When colonel Mrkšić with two lieutenant colonels came there, their names were taken together with the names of the persons who had rescued them. In the words of the witness, together with them there was Stevan Mišćević, aka Bato, who was in a YNA uniform and who told them: "Nothing will happen to you". Of the six of them who had been led from the hangar, Gačić, who was 16 years old, was returned to the hangar and was killed, as well as Veber. In an answer to a question concerning the time when he had been led out of the hangar, the witness said it was around 16:00 hours and that a vehicle had arrived then with about ten uniformed persons in it who then went into the hangar. One of them signaled with a whistle for the beating of the prisoners with baseball bats to start. It all took around half an hour whereupon these soldiers got in the car and went away. The witness pointed out that he had seen many prisoners in the hangar, lying down, but he did not know whether they were dead or unconscious. In the words of the witness, while he was near the hangar, the second protected witness came and spoke to him and boasted of having just killed "25 ustasha" and that he had, earlier, killed many more. Before leaving Ovčara, the witness was approached by Čevo who asked him if everything was all right, whereupon the witness answered: "So far so good". In the words of the witness, Čevo left and he had not seen him again. A Citroen van came to fetch the seven of them, driven by Mile Bakić, who delivered them to Velepromet between 17:30 and 18:00 hours. Čakalić remarked that, in this group of prisoners, beside him, were Berghofer, Vilem Karlović, Kojić Žarko and Gunčević, while Hajdar Dodaj was not with them.

Continuing his testimony, Čakalić said that all of them were immediately moved from Velepromet to Modateks where they had spent two days and two nights and where they were beaten. When they arrived at Modateks, one of the uniformed persons said: "Hide now, the greatest killers are coming!" From Modateks they were again moved to Velepromet and taken to the "death room". Čakalić pointed out that there, in front of the room, there were more than 30 prisoners and that, after approximately half an hour, Karlo Crk, who sat beside him, was called into the room. After a while, a heavy blow was heard and Crk passed away. After that, Golc was taken out of the room and then he disappeared. Tihomir Petrović was led out of the room three or four times and beaten, while they were extinguishing cigarette butts upon the stomach and the arms of Vilim Karlović, leaving burns on his skin. Čakalić pointed out that he had seen doctor Marić at the door of the room, who turned his head so as not to see him, and that, beside the doctor, he had also seen Topola for the second time when he had knocked out a prisoner. In the words of the witness, around midnight a bus came with a Counter Intelligence Service captain who said he would rescue them, so they got on the bus and were taken from Velepromet to the barracks where they were beaten again. The witness Čakalić pointed out that a youth was tied up with a steel rope and was forced to swallow two bullets whereupon he was transported to Sremska

Mitrovica where he spent 88 days. The witness then remarked that he had seen Ružica Makrobašić at Ovčara, whom he did not know, but had heard about her, and Pucar Dmtar, a Serb, who was also killed at Ovčara. The witness stated that he had been a member of the 204<sup>th</sup> brigade, in a special assignments unit, and had been, besides, a close co-worker of Marin Vidić. At the end, witness Čakalić said that, from the moment a YNA colonel together with two lieutenant colonels had come, not a single unidentified person could enter the hangar.

### **25 and 26 October 2004**

In the beginning, witness **Dragutin Berghofer** said that he had come to the hospital in the evening of 17 September 1991 and that he had been taken from the hospital, together with other prisoners, on the morning of 20 November. The witness stressed that he had come to the hospital as a member of 204<sup>th</sup> Vukovar brigade, that he did not have a uniform, that he was armed with an automatic rifle which he had received before the fall of Vukovar. Berghofer pointed out that he had come to the hospital from the front line, following an attempt of the group he was in to effect a breakthrough. During his stay in the hospital, there were suggestions to organize a convoy. They were told that those in uniforms had to change and leave their arms, so he left his automatic rifle under a car. The witness pointed out that on 19 November 1991, at approximately 16:00 hours, reservists had entered the hospital, that he had spent the night with the nurses and the doctors, and that "half the town" was in the hospital. In his words, in the morning of 20 November, Šljivančanin came to the hospital and all those who were in the hospital had to leave. Medical personnel went to one side and the rest of them to the other. A reservist examined them whereupon they got on the buses. He emphasized that there had been six buses with Zrenjanin license plates and that they were used to transport them at 8 o'clock in the morning to the barracks where they remained until 13:00 or 15:00 hours. From the bus he was in, a reservist led out Hidek, Kolesar and Ličina, around 11:00 hours and took them to a military bus where they were beaten, and then the bus went somewhere, followed by a Jugo car, with five persons in it carrying baseball bats and fire extinguishers. The buses were guarded by young soldiers and nobody was allowed to enter or leave them. After three hours spent near the barracks, they were transported to Ovčara, in buses. Describing the situation they found there, witness Berghofer said that on his right he had seen his neighbor, defendant Goran Mugoša, who was in civilian clothes and who was searching the prisoners. In his words, Mugoša took out the money given to him by the nurse in the hospital, while nearby there was a pile of suitcases and handbags. Beside Mugoša, the witness had seen Miloš Bulić, who said to Damjan Samardžić: "Take off the hospital coat!" and began hitting Samardžić and his nephew together with some other persons. The witness Berghofer then said: "One of the Zorić's sons hit me with a crutch", and added that he had received several more blows before he went into the hangar. In Berghofer's opinion, in the hangar there were some 250 persons and that he had seen Ružica Makrobašić, Dragica Tušan and Čakalić who was approached by Dokmanović, who was in the blue aviator's uniform and who addressed him whereupon he was hit. The witness said that a person by the name of Kemo was beating a boy who was, after that, kicked by Dokmanović with a back scissors kick. The witness Berghofer said that he had seen Siniša Glavašević, who was also beaten up, entering the hangar. The witness stated that he was led out of the hangar by Goran Ivanković, the son of doctor Ivanković, and that he had been, together with some other prisoners, in a white vehicle, transported to Velepromet and thence to Modateks. The witness Berghofer later said that, beside himself, Ivanković had also led Gunčević out of the hangar and added that nobody was protesting because of this. Continuing his testimony, Berghofer said that they had been returned from Modateks to Velepromet where they were in the "death room". Jezdimir Stanković accompanied them to Velepromet where Pero Krtinić began yelling that all of them should be killed.

In the beginning, witness **Hajdar Dodaj** spoke about what was happening in the

summer and fall of 1991. In fact, at that time, the witness was serving his regular term in YNA. In his words, he had been three months in the army. After he had run away from Petrovac na Mlavi, he was caught in Zemun whereupon he was detained for 35 days and then moved to Bijelo Brdo in the vicinity of Osijek where he was not issued live ammunition. Dodaj then said that he had spent 21 days at Bijelo Brdo and that, at that time, targets in Sarvaš and Dalj were shelled. After that, he was again returned to Petrovac and then to Sremska Mitrovica where he was issued live ammunition. There they were lined up by a colonel who told them that they were going to war in Vukovar where there were 20,000 ustasha, Kurds and Romanians to be killed. In defendant Dodaj's words, toward the end of August or at the beginning of September 1991 they came to Negoslavci and were billeted in Dubrava near Vukovar. The witness stressed that on 24 of September 1991, at exactly 12:00 hours, he had left his post together with four other soldiers and fled to the part which was not held by anyone. "Everything was burned down, everything was destroyed... Who were we protecting, who were we defending, I have no idea." After they had given themselves up to some people they were moved to the police headquarters in Vukovar where they were questioned and where they were told they could not leave the town because of the blockade. The witness remarked that the town was in panic, that he had not seen 20,000 ustashes, but the civilians who had armed themselves to protect themselves. The witness said that he had taken an automatic rifle and that he had been at the police headquarters until 17 November when, around 23:00 hours, he had gone to the hospital. In his words, the army came to the hospital on 18 November, but nobody bothered him until 20 October when all of them were lined up and when women, children and the elderly were separated. Major Šljivančanin told them then: "Don't be afraid, everything will be all right." After that, they were searched by the guards and all of their more valuable personal effects were taken from them and then they were loaded into the buses where they had to hold their hands behind their backs and had to lower their heads. Although they were told that they could decide where they wanted to go, to Zagreb or to Belgrade, and that they would be taken there, all of them were taken to the barracks. The witness Dodaj pointed out that at the barracks he saw a great outburst of anger, when they took shovels from the tanks and hit the buses. At one time, a soldier came into the bus and told a doctor who was sitting four or five seats in front of him: "You have slaughtered the largest number of Serbs, as you know how to do that." After that, he took him out of the bus where there were the White Eagles, members of TD and members of Arkan's units (paramilitary formations) who beat him up. A couple of hours after that, which they had spent near the barracks, they were taken, in the buses, to Ovčara, followed by those who beat them up. At Ovčara, the double rows were formed with ten persons on one side and the other ten on the other side. In Dodaj's words, a man entered a bus and asked if there were any Albanians in it, threatening to kill them all if they failed to report. When an Albanian came forward, the man told him: "You'll be mine when you get off the bus." At the time of leaving the bus, a youth who preceded the witness, said: "Not me, we are YNA" whereupon they were separated from the rest and two YNA colonels who were standing by the road began questioning them. Describing the atmosphere in front of the hangar, witness Dodaj said that there was a lot of screaming and a loud noise and that he had seen, in front of the hangar, a yellow bulldozer. After that, an officer came by and asked: "Where are those soldiers?" and then blindfolded them, tied their hands and put them in a cellar where the civilians had been hiding. The witness said that they had arrived at Ovčara around 15:00 or 16:00 hours, in the daylight. Witness Dodaj said that he had stayed at Ovčara until the closing of the door, which was an hour or two later, and added that he had seen the prisoners of war entering the hangar and the door of the hangar closing. In his words, some 30 persons were around the hangar and he saw, before the door was closed, how the prisoners were beaten with the handles and sticks. The witness pointed out that all those from the barracks had come to Ovčara and that there were members of YNA, soldiers in tiger-striped uniforms, members of White Eagles and others. Dodaj then said that he knew a policeman, a Croat, who was sitting with him and showed him a picture of his wife and children.

Witness **Rade Bakić** pointed out that he had gone to Ovčara with defendant Milan Vojinović whom he had taken there by car to look for his daughter and son. Defendant Vojinović went to the hangar and, as he could not find them, they returned. The witness said that they had gone to Ovčara at dusk, around 16:00 hours, and that they had stayed there an hour, an hour and a half. The army was on the road and they did not allow civilian vehicles to go toward the hangar so that he remained some 150 meters from the hangar. There was no barrier there, but there were seven or eight armed persons wearing olive-gray uniforms or battle fatigues. "I saw nothing... it was so dark... there were people near the hangar, and the soldiers everywhere."

### 27 October 2004

At the beginning of his testimony, witness **Nikola Dukić** said that he had been at Vukovar in the fall of 1991, in Petrova Gora street, and had remained there until 15 or 16 November 1991, when the attack on Vukovar started. In his words, they had already been under the army and, a day before the attack on Vukovar was begun, they had been issued olive-gray uniforms by the YNA brigade from Mitrovica. Dukić pointed out that he had not been sure as to who was in command of TD, but he thought it was Dušan Jakšić. Then he said that the defendants Vujović and Vujanović had been on the other side of the town and that they had, when the YNA Guards brigade arrived, become its members, as guides who knew the terrain. In his words, defendant Lančuzanin had brought volunteers to Vukovar and then commanded the group. The witness stressed that he knew where Ovčara was, as he had been there "when it happened". Explaining how he had gone to Ovčara, witness Dukić said that he was there when two officers, driving the Puch vehicles, came and asked for the way to the hospital. "I drove them there... there were captured civilians there". Major Šljivančanin said: "Who has taken part in the fighting will be prosecuted", while the wounded and the hospital staff were going to be transported, as witness had heard, to Croatia. The witness said that he had come across Damir Gunčević and his mother near the hospital, that he had spoken with Damir as he thought he was a very good person, and had taken him to the bus he heard was going toward Zagreb. In his words, he had gone to Ovčara together with a sergeant whose name he could not remember and with two or three soldiers. When they arrived, they parked the car and saw two or three buses and members of the military police. In front of the hangar there were many people and two military policemen stood at the door preventing entry into the hangar, so that he could see, from the door of the hangar, that the prisoners were in civilian clothes, that they were sitting on the floor and were silent. In front of the hangar, the witness saw the defendants Mugoša and Bulić. While they were standing there, the two policemen moved away from the entrance. Then a red tractor with a trailer came and the prisoners started getting onto the trailer. Dukić pointed out that he thought he recognized one of the prisoners so when the tractor started he sat on the tractor cab. Inside the tractor cab, in the words of the witness, was defendant Lančuzanin and a small, short man who, he was not quite sure, might have been Mali Džo. When the tractor turned left into the fields, Dukić, in his own words, knew that "something bad was about to happen". In five minutes they arrived at Grabovo where witness saw a large group of people (between 40 and 50). In his words, Lančuzanin and he stood aside, the prisoners got off the trailer, there was fire and the prisoners fell down. The witness Dukić pointed out that at Grabovo there was quite a number of strange men and he averted his head when the shooting started. When the shooting ended, the witness, together with Lančuzanin, returned to Ovčara in a tractor, and Lančuzanin then said: "This will be bad". After he had returned to Ovčara, the witness said that he had stayed there between half an hour and an hour, which is how much it took him to find transportation. All this time he was accompanied by Savić and Kresović, and he had also seen Štuka who took out a prisoner and shot him in the back of the head whereupon the prisoner fell into a canal. He saw how, four or five times, the prisoners were "loaded" into the tractor trailer and taken toward Grabovo. After Ovčara, the witness, in his own words, went to Velepromet together with Savić

and Kresović and thence to Negoslavci. The witness added that Kresović had been with him at the moment of arrival at Ovčara. It was a dry, sunny day, volleys were fired at the prisoners at Grabovo, there was a pit dug behind the prisoners, they were shot in the face and most of the prisoners fell into the pit.

### **28 October 2004**

At the beginning of his testimony, witness **Jovica Kresović** said that he had lived in Vukovar before the war and that he had had a shop which was shelled by the Croats in May and September 1991. Besides, he stressed, he had been arrested so he fled from Petrova Gora to Negoslavci and then to Šid where he was mobilized by a Mitrovica brigade. As he was a reserve signal-corpsman, he was appointed to the post of the commander of the Negoslavci battalion although he was only 19 years old. The witness pointed out that the members of this battalion were "the people from the village and the refugees from Vukovar" and that there were, all in all, between 380 and 400 persons. Witness Kresović added that lower formations of the battalion were companies. After he had been removed from the post of the battalion commander at an assembly of the citizens, the witness, in his own words, remained at the command of the Mitrovica brigade.

Witness Kresović said that he had gone to Ovčara on the day of the fall of Vukovar, on 18 November, or a day after that, to look for his parents. In his words, he went there with Dukić, and probably with Božičković, Čapa and Krivi. Describing the situation he found at Ovčara, witness Kresović said that, when he arrived there, it was still sunny, that he had seen empty buses on his right, one after another, with the prisoners still getting off the last bus. In addition, he said that he had seen the two rows that the people from the buses had to go through before entering the hangar. In his words, there were many people at Ovčara, military and civilian cars. There were soldiers in front of the entrance to the hangar who did not allow anyone to enter the hangar and the people who were in front of the hangar wore different uniforms. He pointed out that, when he approached the hangar, he saw the prisoners inside, with their backs toward the wall, approaching the table where their names were entered into a list. The witness said that he had seen defendant Vujanović, from the back, that he was in a leather jacket or a uniform, and that he knew, from another story, that Vujanović had a hat. Kresović pointed out that he had also seen defendant Lančuzanin and that, as far as Bulić was concerned, he had probably seen him at Velepromet and possibly at Ovčara. He pointed out that in the hangar, among the prisoners, he had recognized Siniša Glavašević, with his face toward the wall, and added that the rows consisted of five persons on one side and five on the other, that there were shouting, that he had seen people slapped on the face. The witness said that he knew witness Dukić, that he had seen him at Ovčara and spoken with him. In his words, witness Dukić disappeared then and later on, as far as the witness could remember, gave him a ride to Velepromet. When asked if he knew the second protected witness, witness Kresović said that he knew him, but he could not say with any certainty that he had seen him at Ovčara. He added that that particular protected witness had told him that he would say to have seen him at Ovčara. The witness said that, at Ovčara, he had seen military vehicles, Pinzgauers, and members of the military police, but he had not seen any YNA officers.

At the beginning of his testimony, witness **Predrag Šapić** said that, in the fall of 1991, he was a reservist in a military police company of the 80<sup>th</sup> motorized brigade billeted in Negoslavci from 7 or 8 October 1991, and that the commander of his unit was lieutenant colonel Vojinović, while the company commander was captain Dragan Vezmarović. Explaining the circumstances of his arrival at Ovčara, witness Šapić said that on that particular day he had been in Njemci, together with Trifunović and a captain. Upon their return to the command headquarters, they found only a person on duty and received the message to go immediately to Ovčara as "something was happening there". In his words, Trifunović and he went to Ovčara following the order

of captain Vezmarović to do so. The witness Šapić pointed out that they, upon their arrival at Ovčara, had seen a large number of people, members of TD, prisoners, military police. Captain Vezmarović ordered everybody, except for the military police, to leave the hangar, which was done. Soon after that (15 to 20 minutes later), the order arrived for the military police to withdraw to Negoslavci. Šapić said that his superiors, Dragi Vukosavljević and captain Dragan Vezmarović, had been at Ovčara. He stressed that he had been very much afraid at Ovčara in view of the fact that he was only 20 years old at the time. As far as he remembered, at Ovčara, Trifunović and he were standing by captain Dragi Vukosavljević, following the procedure, although there was no need to provide him with the body guards. In connection with his earlier statement, given to the investigative judge, that there had been arguments and shoving between the members of TD and the soldiers, Šapić said: "It was something like that... a member of TD pushed him (Vukosavljević) with a hand and said: 'What do you want, old man? Was it you who had captured them?'" After that, in the words of Šapić, Vukosavljević withdrew. The witness said that he stood, together with Trifunović, at the door to the hangar, that there were crowds around the hangar and prisoners and members of TD inside. Continuing his testimony, Šapić said that he was not sure where they had gone first after Ovčara – to Negoslavci and then to the Light Artillery Rocket Division (LARD), but they were told to guard the building of the unit and they spend the night there. In his words, the LARD building was situated some 150 meters from the hangar. He pointed out that at the time of his stay in that building, he had heard two or three times the noise of a vehicle which he believed was a tractor and, after some time, a quiet shooting. In the morning, when a vehicle came to collect them, the witness saw that the hangar was empty and, across the hangar, a yellow boot. The witness said that, at Ovčara, there were 15, 20 or 30 persons who were not YNA soldiers, who wore beards and had motley uniforms. He pointed out that he remembered how one of them had a leather hat on his head. The witness Šapić then said that, together with Trifunović, they were sent to guard LARD because of the request to do so by the commander of the unit, Marček, who was afraid of being attacked.

### **29 October 2004**

Witness **Novica Trifunović** said that in September 1991 he was mobilized into a military police company of the 80<sup>th</sup> motorized Kragujevac brigade. He said that parts of the company were billeted in Negoslavci, some ten days before the events at Ovčara. Speaking about the circumstances surrounding his arrival at Ovčara, the witness said that "on the critical day" he had gone, with captain Vezmarović, Šapić and a number of military policemen, on a task outside Negoslavci. Upon their return, in the afternoon, they found nobody from the military police. "On the occasion, I saw lieutenant colonel Vojnović, the commander of the 80<sup>th</sup> motorized brigade whom I knew very well, as one of my tasks was to serve as his bodyguard from time to time. We wondered where everybody was and then, one of the soldiers present there, I think, said that they had gone to Ovčara... that somebody was killing them". Vojnović was very upset and they (the military policemen who had come to Negoslavci), led by Vezmarović, went to Ovčara immediately, in a Pinzgauer. In his words, he knew Ovčara, because two days earlier they had been there to guard the soldiers of the Croatian Army, all night long, whereupon they had been transported somewhere, in buses. Speaking about the situation prevailing at Ovčara upon his arrival there, the witness said: "The situation there was chaotic... there was nobody with an executive authority, to command. I saw members of my company there, quite a number of civilians, in civilian clothes, and I saw members of TD torturing them, some were beaten... they were shoved... I know for sure that captain Vezmarović had ordered everybody who was not a member of my company, that is, our unit, must leave the hangar... The members of TD did leave, arguing, but there was no pushing and shoving... I was given the task, together with Predrag Šapić, to stand guard at the entrance and prevent the re-entry of the members of TD whom the other members of the unit had led out of the hangar." Trifunović pointed out that he could not say how



much it took, but he had noticed that, a couple of meters from where he and Šapić were, there stood Vezmarović and captain Dragi. The witness then pointed out that it appeared to him that Dragi had told Vezmarović that they should withdraw and soon after that the unit whose member the witness was retreated to Negoslavci. The witness said that it was late in the afternoon when they had gone to Ovčara but it was still daylight. In his words, a list of prisoners was being made in the hangar by a soldier and a reserve officer, Joca. Continuing his testimony, he said that members of TD protested when they were told to leave the hangar. He pointed out that he had noticed, among the members of TD, a dark-haired man who, at that time, was between 25 and 30 years old and about 175 cm tall, and who was striking because he was accompanied by a plump man carrying a scorpion with a silencer. In the words of the witness, there was a woman in the hangar who was between 45 and 50 years old and who was with her son or grandson, while by her side there sat a pregnant woman at the entrance to the hangar. When they had returned from Ovčara to Negoslavci, it was already dark. There, captain Vezmarović ordered Šapić and him to return and provide guard duty for the command headquarters of the unit which was a part of their brigade. Šapić and he returned and guarded the command the whole night and came back to the unit in Negoslavci in the morning. When they arrived to the LARD command headquarters it was already dark, and it appeared to the witness that something was happening at the hangar and he saw a light which was moving. "On my own initiative, I went to Ovčara, that is, to the hangar where we had been earlier... and I saw, I think, members of TD in front of the hangar... nobody barred me from entering, through an open door, and further I noticed civilians inside the hangar... I think that I had entered the hangar, a couple of steps and I saw the following: a member of TD approached the woman, called her name and told her that she and her relative (son or grandson) should come to the entrance to the hangar. When she asked him why, he said: 'I'm taking you to a safer place.' In the words of the witness, on the left side of the entrance there already were seven or eight people. At this very moment, a tractor with a trailer appeared, with the end of the trailer toward the entrance to the hangar. After that, those civilians were accompanied to the trailer and got into it. "Witness Trifunović added that after that the tractor started in the direction opposite to the direction it had come from while he returned to the LARD headquarters that he and Šapić had guarded. Witness Trifunović pointed out that he had remained at the headquarters until the following day. The witness said that he thought he had heard the operation of a bulldozer, covering something, and added that, together with Šapić, he had gone, again, to the hangar. In his words, there was nobody there and that, on the ground that he had heard the operation of the bulldozer from, there was a patch of freshly dug up earth and a leg with a yellow boot sticking out of it. After that, they had returned to Negoslavci. Witness Trifunović said that, during the night, he might have heard the firing of volleys, but he was not sure about it.

Witness **Dragan Vezmarović** pointed out that in the fall of 1991 he had been mobilized and appointed commander of a company of military police of the 80<sup>th</sup> motorized brigade from Kragujevac. The witness said that his immediate superior was Dragi, "the security man". His company was stationed in Negoslavci, but after the cessation of hostilities they were moved to the Vukovar barracks. Witness Vezmarović stated that after the fall of Vukovar, his unit was given a task of guarding 200 persons who had surrendered. On the second morning, after that, representatives of humanitarian organizations, the Red Cross, arrived and went, with the prisoners, to Sremska Mitrovica. When asked why Ovčara was selected for the place where the prisoners were to be kept, witness Vezmarović answered that an officer and he himself had been looking for a place which would meet the demands as other facilities were destroyed. The hangar at Ovčara met some of the demands, its roof was not leaking, it could be closed, but they had to bring in bales of hay. With a part of his company, he guarded the soldiers who had surrendered and they were reminded of the provisions of the Geneva Convention concerning the treatment of prisoners of war. After he had made a list of prisoners, the next morning he went to Negoslavci, to have

it typed on a typewriter, and as the prisoners had already been transported to Mitrovica, he went after them to hand over the list of names. Upon his return from Mitrovica, he learned from the person on duty that a new group of prisoners was at Ovčara so he and the military policemen from his company went there, at dusk, although they were not ordered to do so. There he saw different people wearing different uniforms walking through the hangar. In his words, he had issued an order that everybody, except the military police, should leave the hangar. Soon after that, an order arrived for the military police to withdraw and for the guarding of the prisoners to be left to the members of Vukovar TD. He himself had received this order from Karanfilov who was at Ovčara at that time and who remained there after the withdrawal of the military police. The witness pointed out that, of the officers, he had seen only Joca Kafić from Kragujevac, and that he did not remember whether he had seen some of his superiors. Ever since his arrival at Ovčara, he had not seen anyone beating the prisoners. Members of TD were armed and he said that it was necessary to calm down the situation and ensure peace. Describing the prisoners, the witness pointed out that there were some with bandaged heads and arms, that there also was a woman, sitting in a corner, but he did not remember if there were any children there. When the order to withdraw arrived, he and the remaining members of the company who were at Ovčara returned to Negotslavci in three vehicles and a Pinzgauer. The witness Vezmarović said that he had heard that Lančuzanin had been the boss for Vukovar and that he had met him twice, once when he was providing security service for the vault in Vukovar and the second time when he was engaged in solving the behavior of a youth. The witness pointed out that a military unit commanded by Marček was stationed in the vicinity of Ovčara. The witness said that he had not seen the corpses in the hangar or in front of the hangar and then that he had seen neither the tractor nor the bulldozer. The witness said that he had handed over the guarding of the prisoners to the people who were with Karanfilov before his company withdrew and remarked that he had told them how to treat the prisoners in accordance with the Geneva Convention. In an answer to the question whether he had any written orders, the witness said that all orders had been oral only and that he had no written order.

### ***Observers' remarks***

*After five days of the trial the proceedings have come to the decisive stage. After the hearing of protected witnesses in the September proceedings, in the five days of the trial, three witnesses for the plaintiffs from Croatia were heard. They are, for the time being, the only surviving prisoners from Ovčara who have appeared before the court. On the other hand, in this time period, two members of a company of the 80<sup>th</sup> motorized brigade of the YNA military police were heard as witnesses, as well as their superiors who presented essential facts concerning the role of the military police in the events at Ovčara. In addition, it is obvious that the defense of some of the defendants has been greatly undermined with the testimonies of the witnesses from Croatia, but also of the witnesses Dukić, Trifunović and Vezmarović. The witnesses Dukić and Šapić showed a very marked uncertainty obviously caused by their fear of criminal prosecution. It seems that the separation of the families of the plaintiffs and the families of the defendants in the courtroom was a good thing in view of the obvious tensions which was felt when the witnesses from Croatia presented their testimonies, but also when the testimony of witness Dukić was presented, as he is the first witness who has publicly testified about the shooting of the prisoners of war at Grabovo. So far, the presiding judge, Vesko Krstajić, has very well conducted these difficult and strenuous proceedings. At the court appearance between 25 and 29 November 2004 he, for the first time, issued a warning to the defense attorneys which was necessary in view of their unbecoming behavior. Besides, judge Krstajić did not allow question which had no bearing on the case and which were obviously intended to protract the hearing of the witnesses and draw the attention to some other events.*

**22 November 2004**

Witness **Mirko Gavrilović** said that on 6 November 1991 he was mobilized and assigned to the Light Artillery Division of Anti-Aircraft Defense unit stationed in a house in Negoslavci until 17 or 18 November 1991. He pointed out that in the morning hours of 17 or 18 November his unit had been moved to a new position at Ovčara, into the building of the local community. In the afternoon, with the approaching dark, trucks, buses and cars began arriving at Ovčara, and the members of the unit realized that Vukovar had fallen. The following day, in the afternoon, Joca came to fetch him and told him that Marček had told them to go to the hangar and see what was happening with the prisoners there. "In front of the hangar there were some 10 to 15 people, all of them armed, and when we attempted to enter they told us we could not... that they had received orders not to let anyone in." In his words, he and Joca returned to the headquarters, and Joca went to the office to let Marček know about this, while he stood guard that night. Witness Gavrilović pointed out that he had not gone to the hangar again and added that "that night had happened what happened". Gavrilović then said that it was only in the morning that they learned what had happened". That they felt very bad that that had happened when they were there and that all of them asked to be moved from Ovčara to some other location. He added that he did not know whether captain Marček was aware of what had been happening at Ovčara during the night. The witness then said that the persons who had barred them from entering the hangar wore civilian clothes and that they were, in his opinion, members of TD. Witness Gavrilović then denied Marček's claims that it was he who had made the list of prisoners and added that Marček must have confused the name, family name and the person. He went on to point out that during the night one could hear the shooting, which he did not pay great attention to in view of the fact that there was a lot of shooting after the cessation of hostilities and he thought it was just "celebration". Besides, while he stood guard from 8 to 10 in the evening, he heard the operation of a machine, but he paid no great attention to it. At the end, he said that, on the day the crime at Ovčara had been committed, there were some military policemen in front of the hangar, but not when he was there.

### **23 November 2004**

At the beginning of his testimony, witness **Borčo Karanfilov**, an active officer of the Army of Serbia and Montenegro with the rank of colonel, said that in the fall of 1991 he was an officer in the Security Service of the YNA Guards brigade, with the rank of captain. At the time of fighting in Vukovar he was in charge of the operations of the checkpoint in Negoslavci, as well as of counter-intelligence protection of the command headquarters. In his words, on the day of the negotiations concerning the surrender of the Mitnica group, he was given the task of providing physical security of Pavković's group which took part in the negotiations. "After the surrender, they were put in a hangar until the next day when they were handed over to Sremska Mitrovica". After that, he was engaged in the taking over and the transport of Marin Vidić Bili to Negoslavci and after that he was engaged in the transport of equipment from the shelter of the command headquarters in Vukovar to Belgrade. When the presiding judge told him that Dragan Vezmarović had stated that the witness had ordered him to leave the new group of prisoners which had arrived at Ovčara to the members of TD, the witness said: "Illogical." Witness Karanfilov then added that somebody must have given Vezmarović the order to provide security and that it was this somebody who could have rescinded the order. On the other hand, in the words of witness Karanfilov, on the day Vezmarović was talking about, he was in charge of receiving and guarding Marin Vidić Bili. The witness pointed out that he had not been in the position to issue orders to the commander of a company of military police as the orders could have been issued only by the commanding officers of the units in question. The presiding judge presented the witness with a part of the statement of the protected witness who, at that time, was the courier of captain Radić, wherein it is stated that on that particular evening when the crime at Ovčara was committed, he had seen there Karanfilov who had come with Vukašinović, Šljivančanin's deputy, and that Vukašinović had quarreled with the members of TD and with volunteers. However,

witness Karanfilov insisted on his claim that on this day, from the time he took over the guarding of Marin Vidić Bili to the following morning, he was engaged in providing security for that person and added that on the previous evening all the officers were at Ovčara. Then the witness pointed out that he had learned about the crime at Ovčara only several years later. Asked to explain a part of his statement given to the investigative judge of the Military Court where he was speaking about the buses, the crowds and his belief that the members of TD wanted to take over the people from the buses, the witness said that all this had happened on the day Marin Vidić was taken over inside the perimeters of the barracks. In his words, there were several buses with civilians inside the perimeters of the barracks, with many civilians around them who were protesting. Upon his return to Negoslavci, he informed Lukić, the barracks commander, and major Šljivančanin about the behavior of the people around the buses. The witness then said that those people around the buses were cursing, insulting and almost came in contact with the military policemen who were guarding the buses and who barred them from approaching the buses. Witness Karanfilov pointed out that there were more than three buses inside the perimeters of the barracks and stressed that he had informed major Šljivančanin on the situation in the barracks because "it was unusual for a group to confront the members of the military police who were around the bus".

At the beginning of his testimony, witness **Jan Marček** stated that, following the order issued by the Personnel Directorate of the Federal Secretariat for National Defense, he was assigned to a temporary position of the commanding officer of a Light Artillery Rocket Division (LARD). He pointed out that he had had problems with his family name which was often confused with the family name Merčep. In his unit he was the only active soldier, all others were reservists. In his words, he moved with his unit to Ovčara on 18 November 1991. Upon arrival at Ovčara, he stationed his command headquarters in the "yellow house" and the remaining groups in the nearby facilities. In his words, the group captured at Mitnica was staying at Ovčara on the night between 18 and 19 November. This group of prisoners, which was transported to Serbia in the morning of 19 November, was guarded by a company of the 80<sup>th</sup> motorized brigade. In his words, on 19 and 20 November, at Ovčara, there was a convoy of buses with women, children and the elderly. In Marček's words, he was called by Vojinović and three representatives of the European Community as the people did not want to leave the buses and go into the hangar. After prolonged negotiations, around 8 o'clock in the morning, on 20 November 1991, the convoy started accompanied by the members of the 80<sup>th</sup> motorized brigade and international observers. Around 14:00 hours, on 20 November 1991, when he returned from his round of the unit, the witness saw buses at Ovčara. His guards informed him that lieutenant colonel Vojinović and the prisoners were there. He went there and stood between 100 and 150 meters from the hangar. He saw the prisoners leave the buses with two military policemen in each of them and the volunteers taking their things and calling their names. In his words, on the left-hand side there stood YNA guards officers while the commander, Vojinović, was trying with his body to protect the people. On a low hill he saw lieutenant colonel Milorad Panić. Besides, he saw the double rows of armed people who were beating the prisoners going through the rows, using bats and hands, slapping them. He did not go there as he did not belong there, but he thought that the officer would do what was necessary. He said that he had told Vojinović, having approached him, that the taking over of the prisoners was not conducted in accordance with the regulations. In his words, it was only later that a company of military police from the Kragujevac brigade came. After that, he left for a meeting and returned to the command headquarters around 18:00 hours. When he arrived to the command headquarters, he saw a big crowd in front of the hangar. He went there and approached commander Vojinović who asked him "to help him maintain order". The witness assigned two soldiers and a superior to help Vojinović, namely Vukašinović and Mirko Gavrilović, and the superior Jovan Novković. In the hangar, in his words, the prisoners were sitting or standing along the walls and the members of TD approached them and cursed them and some of them hit them.

Marček pointed out that 20 military policemen were in the hangar, about 30 members of TD and a number of officers of the YNA. Guards brigade. In his words, Vezmarović tried to introduce some order and placed a rope, prisoners were moved to the right-hand side and the making of a list was begun. Witness Marček pointed out that the prisoners were interrogated by the members of TD and officers and then added that after 10 to 15 minutes, with Vojinović, he had left for his command headquarters where some officers and two members of TD wanted to intervene on behalf of a group of prisoners. In his opinion, this was in connection with the group which had been led out and transported to Velepomet. Between 21:00 and 22:00 hours, his soldiers returned to the command headquarters and informed him that the military police which was guarding the prisoners would withdraw and that the guarding of the prisoners would be left to Vukovar TD. He was surprised by the news so he went to see commander Vojinović in the command headquarters of the Kragujevac brigade in Negoslavci who confirmed the information. The witness said that he had warned Vojinović that the security of the prisoners was threatened and that his unit was in a very difficult situation. Since he found no sympathy for the position he was in, he insisted on an increase in the security of his command headquarters and did not want to go back until he was given soldiers to increase his security. After an hour, the time he spent in Negoslavci, with four military policemen of the 80<sup>th</sup> motorized brigade from Kragujevac, he returned to his command headquarters. There he was informed that all of his soldiers had withdrawn from the hangar and returned to the command headquarters. He issued an order to his soldiers and the members of the military police who had come with him not to let anybody into the command headquarters. He did not go to the hangar after that. The witness then said that he had heard, during the night, sporadic volleys as well as the noise of a machine from the direction of Grabovo. In the morning, his security informed him that the prisoners had been taken somewhere and maybe "liquidated". In his words, he did not ask for confirmation of what had happened since nobody asked him to do so. After he had heard the news, he went to Negoslavci and demanded for his unit to be moved elsewhere. In the brigade headquarters he came upon "a conspiracy of silence" as nobody wanted to speak about what had happened at Ovčara. The witness Marček pointed out that, upon his return from Vukovar, he had psychic disturbances and that, in 1992, his disturbance was diagnosed as post-traumatic stress disturbance. The witness pointed out that he had been in front of the hangar for the first time together with Miladinović, from his unit. When he went there for the second time, he went in the company of two soldiers. After he was told that Mirko Gavrilović denied he had been sent to the hangar to assist with the making of the list of prisoners, witness Marček said that he had entered the hangar at 18:00 hours and that, behind the table, he had seen, he thought, Mirko Gavrilović, but he could not remember whether Mirko was standing or sitting. Then he went on to say that he thought that the list with the names of the prisoners, whose contents he did not examine, was brought to his command headquarters. In his words, he had ordered his deputy to deliver the paper to the command headquarters of the Kragujevac brigade in Negoslavci. The witness Marček confirmed that the part of the statement where he had said that he remembered "a striking man" he had noticed because of his height, his beard and the hat he had on his head. In his words, that man stood apart in the hangar and kept quiet, and the witness saw him again in Petrova Gora. He added that the person had a dangerous look. He pointed out that Mirko Gavrilović was assisted in his task of making a list of prisoners by Jovan Novković, and added that he did not order Novković to make a list although he might have suggested something. The witness Marček then explained that he had asked for protection like the one he had seen in the Hague because, for three years now, he had been speaking, giving the names, talking about the events.

#### **24 November 2004**

Witness **Dragi Vukosavljević** said that during 1991 he was the chief of security of the 80<sup>th</sup> motorized brigade from Kragujevac. In his words, his immediate superior was

the brigade commander Vojinović, and in the security chain of command Šljivančanin. The witness Vukosavljević pointed out that war operations in Vukovar had ended on 16, 17 or 18 November 1991. He emphasized that he thought that on 16 and 17 November he was guarding the prisoners from Mitnica. In his words, he was given an order by the brigade commander to guard those prisoners with a company of military police. Officers from the command headquarters of his brigade and lieutenant colonel Danilović were also involved in the guarding of the prisoners. He visited Ovčara for the second time when the brigade commander Vojinović issued him an order and a staff car to go to Ovčara as the situation there was delicate. On the occasion, Vojinović also told him that there was a part of a company of the military police and some members of Vukovar TD. Upon his arrival at Ovčara, he spoke with captain Vezmarović who told him that security measures could not be implemented because he could not remove the members of TD from the hangar. A couple of other persons confirmed that it was impossible to implement security measures because of the members of TD who said the prisoners were theirs and asked for the prisoners to be delivered to them. In his words, in the hangar, a group of prisoners was on the right hand side, behind the rope, while another group was in the middle of the hangar and was surrounded by members of TD, military policemen and officers. There were no arguments between the company of the military police and the members of TD and he added that he had gone to the commander, Vojinović, to let him know what was happening and ask him to do something. Witness Vukosavljević pointed out that Vezmarović had just told him that there was a conflict between the members of TD and the military police. Upon his return to the brigade headquarters he did not find Vojinović, so he went to see Mrkšić, in a Pinzgauer, but Mrkšić was at a meeting. As the meeting was in session, Vukosavljević waited for an hour and, when Vojinović came out, he informed him about the events at Ovčara. Vojinović suggested for both of them to go to Mrkšić to let him know about the situation. However, after they had explained the situation to Mrkšić, he told them not to bother him any more with this, as he had other, more urgent things to do. Vukosavljević pointed out that it was decided for the military police to withdraw and leave the prisoners although Vojinović had spoken with Mrkšić about all that. When they returned to Ovčara, the vehicles of the military police were ready for withdrawal and Vezmarović informed the witness that Karanfilov had told him that the military police should withdraw from the hangar. The witness Vukosavljević pointed out that he had compiled a report about that which is, at the moment, in the archives of the Kragujevac corps. He added that he had made three copies of the report, two of which he had kept with him, while the remaining one was delivered to the counter-intelligence in Šid. In his words, he had returned from Ovčara together with Vezmarović and the military policemen. He then pointed out that all the time of his further stay in Vukovar there were rumors about what had happened at Ovčara. In the words of the witness, when he had entered the hangar door the second time, he saw that there were more people from Vukovar and that the members of the military police were forced to withdraw. He added that there were more than 60 members of TD and that the situation was delicate. The witness Vukosavljević pointed out that he had spoken about the events at Ovčara with Karan and Karanfilov. Describing the difference between the members of YNA and TD, the witness said that the members of TD had mottled uniforms, while members of YNA wore regulation uniforms.

#### **24 and 25 November 2004**

Witness **Milorad Vojinović** said that in the fall of 1991 he was the commanding officer of the 80<sup>th</sup> motorized brigade that had come to Vukovar between 7 and 11 November 1991. In his words, the brigade consisted of reservists and did not take part in the fighting and its command headquarters was in Negoslavci. Speaking about the events of 20 and 21 November 1991, witness Vojinović pointed out that, on the 20 November he had gone to visit Jan Marček and see what the situation was like, whereupon he was expected to attend a meeting with Mrkšić. When he had come to Ovčara, he saw two or three buses parked near the hangar and saw the people getting

off the buses. He said that in front of the hangar there were two lines of people unknown to him. In his words, he saw that those unidentified people behaved improperly toward the people who were getting off the buses, taking their documents, kicking them. The witness Vojinović pointed out that he had tried to stop them, but they pushed him away. In all this he was assisted by Marček. He pointed out that he did not know that a new group of prisoners would be brought to Ovčara that day. There he saw Dragi Vukosavljević and suggested to him to do something about all this and stop the abuse of those people. In the words of the witness, it was suggested for the military police to intervene and very soon there came the commander of a military police company Vezmarović who had heard, in the command headquarters of the brigade, that something was happening. The witness then said that he had gone into the hangar where he saw that the prisoners were separated from the others by a rope and that a list of names was being made. Major Vukašinović, the deputy of major Šljivančanin, was also in the hangar and the situation was slowly going back to normal. After that, he went to Negoslavci and then, together with Vukosavljević, to a meeting with Mrkšić. Vojinović pointed out that he had informed Mrkšić on what was happening at Ovčara and on the improper behavior toward the prisoners, to which Mrkšić had said: "Don't speak to me about that!" Soon after that, Vojinović pointed out, he returned to Negoslavci and added that the following day he heard what had happened at Ovčara. In the hangar, he had seen the defendants Stanko Vujanović and Miroljub Vujović, but he did not see defendant Lančuzanin. The witness pointed out that there were no members of YNA at Ovčara when the rows of people were formed and added that he did not see any members of the military police in the buses. In his words, he remained at Ovčara between 30 and 40 minutes. He said that he stood with Vukašinović some five to six meters from the rope, that there was a green table and that the table was used to make a list of prisoners. In his opinion, the people who stood around Vukašinović were YNA soldiers and officers. Vojinović then said that about 20 or 30 members of TD were in the hangar who, he later learned, had beaten the prisoners. He remarked that he had seen a woman among the prisoners who complained about her husband being ill so he drove her and her husband to a hospital. After he was told that in his statement given before the Military Court he had said that he had seen the defendants Vujović and Vojinović inside the hangar, that Vujović was the commanding officer and that he had warned him that the prisoners should not be treated like that, witness Vojinović confirmed that he had seen them, that he had asked the people not to beat the prisoners and added that he had a feeling that the defendants were "the most important people in the group". The witness Vojinović also confirmed the part of the statement where he spoke about a member of TD telling him that the prisoners were theirs and that he, Vojinović, did not have anything to do with them. He remarked that, in front of the hangar, when he wanted to protect the prisoners, a member of TD had told him: "Mind your own business, uncle!" He did not write a report about the events at Ovčara because they were not there. Speaking about the already mentioned meeting with Mrkšić that day, the witness pointed out that the meeting was attended by the commanders of the battalion and added that he himself had arrived toward the end of the meeting when everybody had already stood up so that he only informed Mrkšić about the situation at Ovčara. The witness pointed out that he had been aware of the complexity of the situation, but that nobody, at that time, could have believed something like this might happen. Once again he insisted that he had gone to Mrkšić together with Vukosavljević and that he was the first one to tell Mrkšić about the situation at Ovčara and that Vukosavljević had only repeated the words about the complexity of the situation, about improper behavior of the members of TD and that the situation might become dangerous. The witness pointed out that he thought that Ovčara was inside the area of responsibility of his brigade, but that he could not confirm this. He did not report the events at Ovčara to the legal authorities of the Army because his brigade was not involved in them. Asked whether he knew who the proceedings were directed at, he answered: "At Mrkšić, Šljivančanin and Radić." He pointed out that, a couple of days later, he had learned that the crime had been committed at Grabovo, but he was not sure whether he had informed Mrkšić about that or not.

### 25 and 26 November, 2004

Witness **Mile Bakić** pointed out that he had lived in Vukovar until 1998 and that, during the fighting, he had been engaged by a YNA Guards battalion as a driver. In his words, his immediate superior had been the late Pero Miljanović. The witness said that he was armed with a scorpion and added that his task was to transport food in a white van. Speaking about Ovčara, witness Bakić pointed out that he had gone there to look for his uncle's daughter who he found at Velepromet the next day. In his words, he arrived at Ovčara at dusk. In front of the hangar there were two, three, four buses with prisoners still getting off and then entering the hangar. The witness pointed out that he did not know who those prisoners were and then added that he was looking for his sister. Of the defendants whom he knew he recognized Vujović and Vujanović, Đanković and Bilić near the hangar. After a while, a captain ordered him to take a freight van and drive three prisoners to Modateks. Witness Bakić said that those three were standing at the door and that among them he recognized Emil Čakalić. After leaving them at Modateks, he returned to Ovčara together with two soldiers who had also been in the van. In his words, he returned to Ovčara to take the two soldiers there and remained there about an hour, standing in the dark. He left Ovčara before midnight, together with Jovica Novoselac. Upon his return from Modateks, there were no buses at Ovčara. He pointed out that he thought that, on the way, he saw the defendants Vujović and Vujanović talking with the soldiers. The witness then said that he could not say whether somebody had ordered him to come to Ovčara. He had heard stories about the crime at Ovčara later. In his words, there were officers in front of the hangar, including major Šljivančanin. The witness stated that he was familiar with the fact that defendant Zlatar Vujo was wounded in October and that he returned from the treatment in December 1991. After that, he stated that he was familiar with the fact that the first protected witness had several times visited defendant Zlatar's café, after the war, and added that there were stories that the two of them had quarreled. In the end, in an answer to a question whether he was being threatened, Bakić said: "It remains to be seen whether I am being threatened or not. I only know my family is not sleeping peacefully."

Witness **Miodrag Panić** said that, during the fighting in Vukovar, he was the chief of staff of the YNA Guards brigade commanded by Milan Mrkšić. The witness pointed out that he was sorry that this had happened to the Guards brigade because they had done their job professionally and because the brigade was used at the time when there was no other way of removing the blockade of the barracks. In his words, the fighting in Vukovar was ended on 18 November 1991, when the Mitnica group surrendered and was transported the following day to Sremska Mitrovica. The witness Panić pointed out that the hangar at Ovčara, where the Mitnica group had been, was chosen for the incarceration of the prisoners because it was well preserved. He then said that on 19 November the Vukovar hospital was evacuated after the arrival there, on 18 November, of the 1st and 2nd battalions of the military police. In the words of the witness, the evacuation was completed in the morning hours of 20 November when the session of "the Government of the Republic of Serb Krajina" took place. The witness Panić claimed that the hospital was used as a shelter for the people who had done something wrong and added that those people had wrapped themselves up in bandages and put on plaster casts. In order to learn the identities of those people, YNA used local inhabitants. Speaking about his activities on 20 November, the witness pointed out that he was in the barracks when he was called to report to Mrkšić as it was decided that he should go and attend the session of "the Government of the Serb Krajina" and deliver the greetings from Mrkšić. When he arrived, the session was already in progress and there was a heated argument. In his words, one could hear insults directed at YNA and that it would not be allowed for the prisoners from the hospital to be transported to Sremska Mitrovica. It was pointed out that authority had been established, that the rule of law was in operation and that the prisoners from the hospital would be tried. A conclusion was reached to establish a temporary prison at



Ovčara. The witness pointed out that the meeting was chaired by Hadžić and then presented his notes from the meeting. The witness then emphasized that he had informed Mrkšić by telephone on the decisions of the Government and said that Mrkšić had agreed to that. Besides, the witness remarked that Mrkšić had told him before the meeting that the most important item on the agenda would be the fate of the prisoners from the hospital and that he had noted that "it should be the way they decide". The witness also said that the meeting was attended by Željko Ražnatović, aka Arkan, but he did not see him take part in the discussion. After the meeting, the witness went to the barracks where he found the buses with the prisoners. Around the buses there were people who tried to identify those who had killed their friends and relatives, but a platoon of military police did not let them. The witness said that he had come to Ovčara by a Puch in the afternoon, between 15:00 and 16:00 hours. When he arrived, the hangar door was open and, in front of the door, there were the military policemen from the company of the Kragujevac brigade which provided security. In his words, there he found the commanding officer of the Kragujevac brigade, Vojinović, and met also major Ljubiša Vukašinović. He pointed out that he had seen neither Karanfilov nor major Šljivančanin. The witness Panić then said that he had spent only 15 to 20 minutes there, he saw people standing and he thought they were waiting for a trial. He pointed out that, upon his return from Ovčara, he had suggested to Mrkšić that someone from the security bodies should go there and added that he had sent Božić from the military police battalion. However, the witness never learned whether Božić had later submitted a report thereof or not. He pointed out that he had learned about the crime at Ovčara from the media and only after his return to Serbia and added that he had heard that the location where the execution had taken place was called Grabovo. Continuing his testimony the witness said that the TD of Vukovar, with the coming of the YNA Guards brigade, was placed under its authority. The witness then said that he knew that at one time TD was headed by Jakšić and that, after he was removed, he was replaced by defendant Mirosljub Vujović. As far as he remembered, already on 18 November 1991, defendant Vujović was the commander of Vukovar TD. Witness Panić then pointed out that he knew that Vujović had been at the reception given by general Veljko Kadrijević and added that, of all the indicted persons, he knew Vujanović, too, and remembered the nicknames Kinez and Kameni. The witness then said the Guards brigade was in charge of the prisoners until their arrival in the hangar. He went on to add that, after the cessation of hostilities in Vukovar, an order arrived from the First Military District recalling the units of TD to their home bases. Speaking about the triage in the hospital, witness Panić pointed out that it had been done under the control of the security organs and added that major Šljivančanin and his people were engaged in it. The witness then said that, from 18 to 21 November 1991, the highest-ranking officer in Vukovar was Mrkšić. In the words of witness Panić, the Government's decision concerned only the prisoners from the hospital.

### ***Observers' remarks***

*In the five days of the proceedings the court has heard the testimonies of the witnesses some of which used to have very high positions in the former YNA.*

*Also, during these five days, for the first time, photographs were shown. One of them shows defendant Stanko Vujanović, the other one defendant Zlatar, witness Bakić and some other persons.*

*What was seen as a problem were conversations among the witnesses and their talks with the relatives, friends and the Hague defense attorneys of Mrkšić, Radić and Šljivančanin, during the breaks in the proceedings. All this has undermined the credibility of the witnesses and points to the lack of professionalism in the court security. Besides, while monitoring the trials, the attorneys of the defendants Šljivančanin and Radić, the attorneys Lukić and Borović, commented loudly on the course of the proceedings.*

## 15 December 2004

Witness **Borivoje Tešić**, an employee of the special unit of the Ministry of the Interior of Serbia, Gendarmerie, pointed out that, during the fighting in Vukovar, he had been the commander of the 1<sup>st</sup> battalion of the Guards brigade. In his words, after 24 hours, the time they spent at the farm left of the Negoslavci – Vukovar road, the guides, the inhabitants of Vukovar, took them to the command headquarters in Svetozara Markovića street in Vukovar, to the house of certain Jagetić. Witness Tešić pointed out that his battalion consisted of four companies whose commanding officers were Bojkovski, Zirojević, Radić and Kovčič, while the commanding officer the rear company was Stačić. The command headquarters of the third company commanded by Radić were in the immediate vicinity, in the house of defendant Vujanović. Answering the question concerning the composition of the battalion he was in command of, the witness said that it consisted of regulars and reservists, and the members of both were selected in the manner applied to the selection of the members of the Guards brigade. In Tešić's words, during the fighting, members of other units were incorporated into the battalion so that, together with the battalion, the units of TD, whose commander, in the beginning, was Jakšić, took part in the fighting. Witness Tešić pointed out that, in the beginning, he had under his command, some 80 TD members, while later on there were more than that. The witness said that TD had its own platoons with their own commanders and pointed out that nobody could say anything bad about those people. On the right flank, in front of the 1<sup>st</sup> company, the commander was Stanko Vujanović, in front of the 2<sup>nd</sup> company they had no commander, while in front of the 3<sup>rd</sup> company, the commanders "were a certain Đani, Crnogorac and Miroljub Vujović". Toward the middle of October, Milan Lančuzanin came to Vukovar with his unit "Leva supoderica". They received their tasks in writing, by means of orders, and held periodic meetings. The meetings were attended by "a certain Kinez, Đani, Stanko Vujanović, and later on, Lančuzanin, Dule Jakšić." In the words of the witness, toward the end of October, there were changes at the head of TD and, instead of Jakšić, Miroljub Vujović was appointed commander of TD. In his words, the fighting in Vukovar ended on 18 November, when his unit arrived at the bridge of the river Vuka. On 19 November, he received an order from Mrkšić to cross the bridge and head toward the hospital "to avoid massacre". In Tešić's words, Bojkovski was with him at that time. They came to the hospital by two armored personnel carriers, one of them positioned near the entrance and the other one facing Borovo, to prevent entry into the hospital. At the main entrance, there were about 10 persons wearing white coats. In view of the fact that he had received an order from Mrkšić to take doctor Vesna Bosanac to Negoslavci for talks, witness Tešić found her in the hospital and took her, together with another person, to Negoslavci. Tešić pointed out that the meeting took some 45 minutes and that the subject of the talks was the evacuation of the wounded and the patients from the hospital and the directions of the evacuation. At the end, it was decided to continue the preparations for the evacuation and that the directions of the evacuation would be decided later on. On the occasion, Mrkšić ordered the military police of the Guards brigade to provide external security of the hospital and ordered Tešić's unit to provide food and water and then withdraw. Tešić pointed out that, after the meeting, he had returned, with doctor Bosanac, to the hospital where captain Simić, the deputy commander of the Guards brigade, with a company of military police, had already taken position. After food and water had been provided, Tešić's unit withdrew. Witness Tešić said that the next day, 20 November, when he went to the hospital, he saw that the evacuation had already begun and that there were "Doctors Without Borders" there. In his words, after that, he went to his command headquarters where he gathered company commanders and gave them their tasks. That same evening, around 18:00 or 19:00 hours, he attended a meeting with Mrkšić and was informed that the following day, 21 November, he should go to Belgrade to attend the reception given by the Federal Secretary of Defense, general Veljko Kadijević. After the meeting which lasted until 20:00 hours, he returned to his command post and informed the commander thereof.

The next morning, on 21 November, around 7:30 hours, together with Mirosljub Vujović and two or three wounded persons, he flew from Negotslavci to Belgrade, by a helicopter, to attend the reception. The reception was attended, among others, by Mrkšić, Bijočević, Petrović and a soldier in an olive-grey uniform who, he supposed, was a member of TD. The witness pointed out that he had never heard about Ovčara and added that he had learned about the events there from doctor Zoran Stanković, after a year and a half or two years. In his words, he asked Stanković whether it was possible that the corpses at Ovčara were, in fact, the corpses which had been across the road from the barracks and Stanković told him that they were not and that, at Ovčara, people had really been killed. He then said that Ovčara had never been within his area of responsibility. He went on to point out that TD was withdrawn from the YNA Guards brigade immediately after the fighting had ended and that Mrkšić had issued an oral or written order on 18 or 19 November for TD to return to their regular formations. In Tošić's words, he knew that a document was discovered, dated 20 November, where this was written. After that, at 6 o'clock in the morning of 21 November, a written order, signed by the chief of staff of the Guards brigade, Panić, was issued. In the order, the copy of which witness Tošić presented to the trial chamber, the authority over TD units was given to the 80<sup>th</sup> motorized Kragujevac brigade which remained in Negotslavci after the return of the Guards brigade to Belgrade on 24 November 1991.

Witness **Marko Marić** pointed out that during the fighting in Vukovar he was in the Guards brigade, that he was an assistant to the commanding officer in charge of the troop morale. The witness pointed out that he had no command function and that his immediate superior had been Mile Mrkšić. Asked whether he had had any authority over the military or traffic police, witness Marić said that he had not. The witness pointed out that he did not know where Ovčara farm was and added that it had been within the area of responsibility of the YNA Guards brigade.

### **16 December 2004**

At the beginning of his testimony, witness **Srećko Borisavljević**, a superannuated officer of the Army of Yugoslavia, said that at the time of the fighting in Vukovar he had been an administrator of the security organ of the 2<sup>nd</sup> storm troopers detachment of the Guards brigade and Operations Group Jug. The witness Borisavljević then said that he thought that the fighting in Vukovar had definitely ended on 18 November 1991. After the blockade was lifted, he was stationed in the barracks. On 18 November there was a flood of civilians, women and children, and his task was "operative monitoring" so as to make sure that among them there were no "extremes". He was also charged with the security of the bus transport of these civilians to Serbia or Croatia. "These tasks were carried out at Velepromet, where the assembly point was. It was there that the buses had come and it was from there that later on transport was organized, and he saw to it that everything was all right. Asked whether he knew Željko Ražnatović, Borisavljević answered that he had met him when he came into the courtyard of Velepromet. "He appeared with a number of his soldiers. I saw him then for the first and the last time." In Borisavljević's words, his conversation with Ražnatović did not present a big problem. Namely, Ražnatović asked for the prisoners to be handed over to him, while the witness, in his own words, answered: "Who do you think you are, that I should give you the prisoners." Ražnatović then said that the people should judge them and added: "You will give them." The witness pointed out that the reason for his refusal to hand over the prisoners was the fact that 99% of those people were civilians and added that all this had been happening, as far as he remembered, on 19 November. The witness Borisavljević said that on the day the Government of Eastern Slavonija, Baranja and Western Srem had a meeting Goran Hadžić had come to Velepromet, with his escort, and that they had insisted for the Government to hold a session there. The witness said that he had been surprised when he learned about this and Natko Petrović told him that permission had been procured for the session of the Government to be held there. In his words, Bogdan Vujić had

informed him that they, too, had been invited to attend the session, but the witness refused to attend it. He pointed out that, once the meeting was over, between 14:00 and 15:00 hours, Vujić had come and told him: "It is good you were not there. They said a lot of bad things. They degraded us." The witness pointed out that he had known it would happen as he had heard Hadžić's opinion about YNA officers and YNA itself several times. Vujić then told him that it had been decided for the prisoners to be handed over to the members of TD. As this was inconceivable to the witness, he asked Vujić who had made the decision and Vujić told him: "It was decided up there." The witness Borisavljević added that two colonels and three lieutenant colonels from the security department were also present at the talks. The witness said that, after the talks, he had gone to the barracks so he could perform his usual activities. The next day, 20 November, in the words of the witness, the buses had arrived to the barracks. He pointed out that he had been at Velepromet at the time and that a member of TD had told him "that they will kill them, there at the barracks", so he himself went there immediately. In his words, there he found three buses full of people with bandages and stitches, while around the buses there were many members of TD and the inhabitants of Vukovar who wanted to get on the buses. Borisavljević pointed out that he heard the shouting of the members of TD and the inhabitants of Vukovar, such as "I'll kill you" and "I'll pay you back for it". In the words of the witness, a reservist told him that the chief of staff of the Guards brigade, Miodrag Panić, was in the barracks. The witness knew Panić, who was together with major Lukić, and told him "to quiet those people", whereupon he returned to Velepromet. Witness Borisavljević pointed out that there were around 50 members of TD near the buses and that he did not know anyone by their names, but only by sight. Toward the end of October, Miroljub Vujanović was appointed commander of TD. Continuing his testimony, the witness said that, at Velepromet, he had big problems with Topola, a member of "Leva supoderica", who was drunk and wanted to abuse the people who were at the assembly point. The witness Borisavljević pointed out that Topola had asked the guard to let him in so he could kill somebody, so they had to throw him, drunk as he was, out of Velepromet. The witness pointed out that he knew a person nicknamed Kinez, who was a member of "Leva supoderica" and who was tall, swarthy and was about 27 years old. A number of days before the end of the fighting, Peđa, a member of TD and a guard at Velepromet, informed the witness that Kinez had arrived with a group of people, at midnight, and that they had led out 13 persons from the hangar. The witness pointed out that he could not verify the truth of the information, but, because of the security of some 200 persons who were at Velepromet at that time, he organized their transport to the barracks. In his words, these people were returned to Velepromet the next day, when the military police came, headed by Nenad Bajić, and the information about all these events was sent to major Šljivančanin. The witness said that, upon his return to Belgrade, he had heard that a mass murder had been committed at Ovčara. In an answer to the question posed to him by the presiding judge, whether he knew Lazar Savić, the witness said that he knew an inhabitant of Vukovar who was a member of TD and knew many people and who had helped him a lot during the fighting. The witness Borisavljević stressed that, as far as he remembered, in the evening of 20 November, after the already mentioned meeting, this man said, with resignation: "I believe these madmen will murder those people." In an answer to the question what people would be murdered by what madmen, witness Borisavljević pointed out that it was his understanding that "those people" referred to the prisoners, while "these madmen" referred to the drunken members of TD. In Borisavljević's words, this conversation took place at two o'clock in the morning and he, upon his return to Belgrade, asked Šljivančanin and Vukašinović whether they knew what had happened. They could not tell him anything as they did not possess the knowledge of the events. The witness then said that he had been in constant conflict with the members of TD as some of the members of TD lacked discipline, they drank and went where they wanted so he insisted that they be disciplined. Witness Borisavljević then added that many members of TD wore cockades and that he had told Mrkšić that that was unacceptable. In his words, Mrkšić told him: "Let them wear whatever they want as long as they fight." The witness said

that he had no arguments with the defendants Vujović and Vujanović. He then identified Vujović, Vujanović and Milojević who he could recognize although he did not know his name.

Witness **Ljubiša Vukašinić**, an active officer of the Army of Serbia and Montenegro, at the beginning of his testimony, said that the YNA Guards brigade, where he was an assistant to the chief of security, major Veselin Šljivančanin, had come to Vukovar on 28 or 29 September 1991. The command headquarters of the brigade were in Negoslavci. In Vukašinić's words, later on an Operations Group Jug was formed. As far as he remembered, Vukovar was liberated on 17 November and the Guards brigade left Vukovar on 23 November. The witness then remarked that, at the beginning of November, he had become the commander at the command headquarters in Negoslavci and that his function was to provide security of the command headquarters. Speaking about the events after the fall of Vukovar, witness Vukašinić pointed out that he intended to stick to his statement given earlier in the investigation changing only the date of the evacuation of the hospital which did not take place on 19, but on 20 November, which fact he had arrived at after talking with some of his colleagues and after consulting the documents. To corroborate this claim, the witness said that on 19 November Sirus Vance paid a visit to the hospital. Vukašinić then pointed out that on 19 November, around 20:00 hours, he was invited to present a report by the chief of security in the command headquarters of the Operations Group Jug and was ordered to organize, the next morning, a transport of the people from the hangar to the barracks whence they were supposed to be transported to Sremska Mitrovica. "Ovčara was not mentioned anywhere." The next day, at 6 o'clock in the morning, the witness had come to the hospital where, in his words, there were quite a number of the members of TD, citizens and people taken from the hospital. Vukašinić pointed out that major Šljivančanin had been coming in and out of the hospital where he had conducted negotiations with the hospital personnel whereupon the people from the hospital entered the three buses waiting for them. In Vukašinić's words, those people were in civilian clothes, some of them had bandaged arms or heads, but all of them were ambulatory. After they had been placed in the buses, each of which had two military policemen inside, they were transported to the barracks where there already were members of TD and the local inhabitants who, earlier, had been in front of the hospital. Vukašinić said that he had seen that the members of TD and the local inhabitants were angry and wanted to enter the buses, but he told them they were not allowed to do so. After that, the situation quieted down. In the meantime, a military policeman brought a list of some 20 names of the people who, following the request of major Šljivančanin, he was supposed to return to the hospital. Although it was very difficult, because of the protests of the members of TD and the local inhabitants, the witness did manage to return those people to the hospital. The witness Vukašinić pointed out that, on the occasion, he had told major Šljivančanin not to do that any more as it was not safe to do so, and added that he had, after that, returned to the barracks with the three buses, while major Šljivančanin had remained at the hospital. When he returned, there were no buses, and Mladen Predojević informed him that an order had come from the command headquarters for the prisoners to be transported to Ovčara and that he, too, should go there. In his own words, the witness arrived at Ovčara around 13:00 hours and found there the chief of staff Panić who, soon after that, left. The witness said that he had seen many members of TD, empty buses and the people in the hangar. In his words, the hangar was open and, after he had entered it, he saw disorder, traces of blood, people who had been beaten up and members of TD with arms and wooden sticks in their hands. He saw Vujović, Vujanović and Kameni there and he "insisted with Miroljub to have some order restored", but that he got no support from them. Vukašinić then added that he had succeeded, together with the military policemen, to remove the member of TD from the hangar, whereupon he brought into the hangar the people from the remaining three buses. In the words of the witness, after the situation had quieted down, he left Ovčara and around 17:00 or 17:30 went to the command headquarters to find out "who had ordered it" and to tell major Šljivančanin

what had been happening at Ovčara. As major Šljivančanin was not at the command, witness Vukašinić told Mile Mrkšić "that the situation had improved, that there had been a lot of problems with the members of TD, that it could happen again and that security should be strengthened". In Vukašinić's words, Mrkšić listened to him, and he told Šljivančanin about what had been happening at Ovčara only at around 21:00 hours, when he saw him at the command headquarters. Witness Vukašinić pointed out that major Šljivančanin, after having listened to him, told him: "Vukašin, I knew you would solve it." Asked who he had charged with the security of the prisoners from the hangar, Vukašinić answered that he had left them to a platoon of military police of the 80th motorized brigade from Kragujevac and added that at Ovčara, after his departure, there remained the commanding officer of the platoon, Vezmarović. Witness Vukašinić pointed out that during his stay at Ovčara there also were some military policemen from the Guards brigade who had returned to the barracks in the six buses. Asked about the role of the defendants Vujović, Vujanović and Lančuzanin, the witness said that they had been the commanding officers of the units integrated into the composition of the 1st storm troopers detachment of the YNA Guards brigade and pointed out that Vujović and Vujanović had at first spelled one another at the position of the commander of TD Petrova Gora, while Lančuzanin had been the commander of "Leva supoderica". In the buses there were approximately 250 persons. The triage in the hospital was carried out by major Šljivančanin and near the hospital he saw Miroljub and Stanko, whom he later saw at Ovčara too. Explaining the behavior of the defendants Vujović and Vujanović at Ovčara, the witness said that they had been standing, that they had not been involved and that they had not beaten anyone. Witness Vukašinić then confirmed that it was possible that Vujović had answered him in front of the hangar with "This is not yours", as claimed by a protected witness. All the prisoners were alive while he was at Ovčara, and as for the murder of the people at Ovčara, the witness said that the next day, when he was preparing to leave the command headquarters he heard rumors those people had disappeared and had been murdered.

### 17 December 2004

In his testimony, witness **Branislav Lukić**, an officer in the Army of Serbia and Montenegro, said that, at the beginning, he had been an assistant to the chief of staff of the Guards brigade and that, from 3 October to 14 October 1991, he had been the commanding officer of the 2<sup>nd</sup> storm troopers detachment and of the barracks. In his words, after 14 October, he was an assistant in the Instructional Activities Command at the advance command headquarters of the Operations Group Jug. The witness pointed out that the fighting in Vukovar was ended on 18 November 1991, in the afternoon, and added that he had remained in the barracks until 23 November. The witness Lukić pointed out that he still remembered five buses which had arrived at the barracks on 20 November. In his words, many members of TD and the inhabitants of Vukovar had gathered in the barracks and wanted to enter the buses and take out the civilians so they could beat them. Near the buses he saw the late Predojević and Božić, the military police commanders, and told them to bar entrance into the buses. Asked whether he had seen Srećko Borisavljević near the buses, witness Lukić said that he might have seen him. The witness then said that Kameni, whom he recognized by his hoarse and rough voice, had approached him and asked him: "Are we going to let these ustahas go, too?" Asked when this had happened, witness Lukić said that this was in the early afternoon, between 13:00 and 13:30 hours. Lukić then emphasized that he did not know Kameni's name, but he knew that his immediate superior was Stanko Vujanović who, at that time, was not near the barracks. When the presiding judge told him that Kameni's name was Milan Lančuzanin, that he was one of the defendants in the proceedings, that he, in his defense, had stated that he had been in Belgrade on that particular day, and had returned to Vukovar only in the evening, Lukić repeated that he was certain that he had seen him near the barracks between 13:00 and 13:30 hours. Asked whether he knew any other TD commanders, witness Lukić answered that on 3 October he had met Miroljub Vujović who, at the

time, was stationed in the barracks, together with the mortar squad. Then he said that he had learned later on that the buses from the barracks had gone to Ovčara, but he did not know why. About the session of the "Government", the witness said that major Šljivančanin had told him, on 19 November, that the brigade was going back to Belgrade and that a session of the Government would be held and that the local authorities would take over the control. Witness Lukić added that it was possible that the session of the Government had been held on 20 November 1991.

Witness **Bogdan Vujić**, a superannuated colonel, pointed out that in the fall of 1991, the security organs had engaged him to determine essential facts and data concerning prisoners of war. He pointed out that the members of the operations team, following the official request by Radovan Radojević, were Tomić, Korica, Kijanović and Stošić and that, from 21 October to 19 November 1991, he was in camp Begejci. In an answer to the question concerning the time his team had come to Vukovar, Vujić said that, on 19 November, around 20:00 hours, they had arrived to Negotslavci where they were supposed to report to Mile Mrkšić, since, before that, they had been told that the prisoners of war from Vukovar would be transported to the newly established camp in Sremska Mitrovica. The witness Vujić pointed out that Mrkšić had received them and told them that there were many prisoners of war who were scattered among the women and the elderly, and that they were at Velepromet, at Ovčara and in the hangar. After that, major Šljivančanin told them there were some 2000 prisoners scattered among the elderly, women and children, and the witness was given the task of coordinating the separation of the men from the elderly, women and children at Velepromet. In Vujić's words, on the occasion, major Šljivančanin told them that the hospital was going to be evacuated the next day, 20 November, and that he was going to supervise the operation. Continuing his testimony, witness Vujić pointed out that he had come to Velepromet around 22:00 hours and reported to Borisavljević and told him to find a room where he would hold the meeting. In Vujić words, at the meeting, he noticed that "there were some beards mentioned" and then he learned about the unit known as "the chetniks". The witness said that sergeant-major Milošević had told him: "They are with us." Touring the premises, they came upon a room with two "chetniks" in front of it and two military policemen with submachine guns. Vujić pointed out that the "chetniks" did not allow him to enter and that two members of TD had appeared. One of them introduced himself as Marko Crevar and the other one who was known as Topola. In Vujić's words, in his hands Topola had a blood-stained knife and told him: "You, colonel, won't be able to take these people away, they are war criminals, all of them, ustashas, we know them, they slaughtered and killed Serbs." When the blinds were rolled up in the room, witness Vujić saw people who had been physically abused and whose heads were blooded. The witness then said that in the room which was called "the clinic" he had seen both clean and blooded sheets, that he had asked the doctor about the events in the room and that the doctor had told him that he had been giving medical assistance. In the words of the witness, he understood that he would continue to have problems with the "chetniks" and the members of TD so that he addressed himself again to Crevar and Topola and tried to tell them about the newly established camp in Sremska Mitrovica and that all the prisoners had to be transported there. However, they refused to understand this and started first verbally and then physically to threaten the witness, saying that they would not surrender the prisoners from the room and that they knew who those people were. In the meantime, the buses arrived and the prisoners were coming in. In the words of witness Vujić, the last bus was intended for the prisoners from this particular room so that the members of the military police, accompanied by the protests of the chetniks and the members of TD, managed to take out around 45 prisoners. The witness Vujić pointed out that Topola had entered a bus while he was writing down the names of the prisoners, placed a knife at his throat and started fighting him, saying he would not take away those ustashas. It was only when the members of the military police entered the bus that Topola left the bus. Asked about the number of the buses, Vujić said that there were six or seven buses and added that some ten buses with the women and children had already left. Vujić then pointed out that Branko Korica had

told him that Crevar and Topola had taken prisoners into the cornfield whereupon volleys were heard and that they were ready to kill him, too. Besides, Korica told him that Crevar and Topola had been murdering the prisoners in the same manner for days. Asked when he had left Velepromet, the witness replied that they had left Velepromet for their command headquarters on 20 November, around 1:00 hours. Upon their arrival to the command headquarters, major Šljivančanin told them that he had spoken with doctor Njavra, doctor Vesna Bosanac and Blim about making a list of the people who were in the hospital. Vujić added that major Šljivančanin had asked them to accompany him to the hospital in the morning, so on 20 November, around 6:30 hours, major Veselin Šljivančanin, Branko Korica and he went there. In an answer to the question put to him by judge Krstajić concerning his task, witness Vujić said that he was not given any particular task, but that he had taken on an obligation to determine the situation in the hospital from the point of view of international war legislation. The witness Vujić pointed out that, together with doctor Mirko Stanojević and Korica, accompanied by two policemen, toured the area and got an insight into the situation. In his words, they went first into a room where there were patients, the wounded, a sister of mercy and the persons pretending to be the wounded. After that, the evacuation of the hospital started. He pointed out that, at one time, a member of TD with a red pompom, from the Jakšić unit, approached him and took off the bandage from the eyes of a prisoner who had not been wounded. Witness Vujić told a member of TD to take the prisoner to the bus. Asked when he had left the hospital and what his further activities were, Vujić said that from the hospital he had gone to Velepromet some time after 12:00 hours, when the buses had already left the hospital area. At Velepromet, he found Branko Korica who gave him a briefcase and said: "The chetniks wanted me to give you this." In Vujić's words, inside the briefcase were the documents of Vladimir Vodopija, the director of the Vukovar water supply system, and he realized that this was, in fact, the evidence of what the chetniks had done. Continuing his testimony, Vujić pointed out that, around 12:30 hours, a military policeman informed him about Arkan's arrival at Velepromet and that, after that, colonel Starović had come as well, and told him that Arkan wanted him to submit a report. In Vujić's words, Arkan told him he would be responsible for the 2000 war criminals that he had let go and that he did not recognize the existence of the prisoners of war. Following Arkan's departure, he was invited to the session of "the Government" where he went around 13:00 hours. Asked about the people who had attended the session of "the Government" and about the items on the agenda, witness Vujić said that some 20 persons were at the meeting, among them Ilija Končarević, Goran Hadžić, the ministers, Ljuban Devetak, staff commanders and Vladimir Dabić, the chief of Information Service, and that there was no official recording secretary. The witness pointed out that it was the Minister of Justice, Goran Šušak, who took the floor first and who said: "Let the colonel explain where he had taken 1500 ustasha criminals last night". The witness replied that a new penitentiary had been established in Sremska Mitrovica, that it was a federal facility, that the proceedings there would be conducted by the military judicial organs in accordance with the Law on Criminal Procedure and that he was surprised that a person with legal background did not know the difference between criminals and prisoners of war. In Vujić's words, in the course of the session there were insulting words said about YNA, while Hadžić was trying to calm down those present. Vujić pointed out that at one moment it was suggested for him to be given two hours to bring back the prisoners which, he replied, was impossible. After that, he was threatened and, at one moment, he thought he would not get out of this room alive, as there was nobody else from YNA there. He said that the session was over when lieutenant colonel Panić arrived with an official memorandum and papers. Asked whether anything was decided at the session, Vujić said that it was decided that they could establish a court martial at Ovčara as they had enough lawyers, that they would not allow the ustasha war criminals to be taken from the hospital, like those from Velepromet, and that they would not allow the buses with those prisoners to leave the barracks. Continuing his testimony, Vujić said that he had left Velepromet around 15:00 and gone to the barracks where there was nobody except major Lukić. Later, in the evening, he went to Negoslavci where, together with



other members of the team, he had to wait for some transport to Šid. In Vujić's words, Tomić told him about Mrkšić saying that "one should be lenient toward the excesses at the barracks". In an answer to the question whether among the prisoners in the buses there were any members of YNA, the witness said that Kijanović had told him how he had managed to pull out four YNA soldiers from a bus and who, later, were prisoners of war in Sremska Mitrovica. The witness Vujić then said that at the time they were waiting for transport they could hear the sound of volleys being fired which, he concluded, were coming from the direction of Ovčara. His belief was, in his words, that these were reprisals against the prisoners of war.

### **Observers' remarks**

*The YNA officers who testified during the three day proceedings provided additional explanation of the role of the Vukovar TD during and after the fighting. The witnesses Tešić, Borisavljević, Vukašinović and Lukić confirmed that Vujović and Vujanović had headed TD before the fighting was ended. Besides, from the testimonies of Borisavljević and Vujić, it is possible to conclude that, at the session of the Government, an official decision had been brought for the members of TD to take over control over the prisoners from the hospital, with the approval of the army. Also, the statements of Borisavljević and Vujić have explained, to a large extent, the events at Velepromet immediately after the fighting was over. The testimony of Ljubiša Vukašinović, the assistant to Veselin Šljivančanin at the time the crime was committed, was very interesting. Namely, although in his statement given to the investigative judge he had said that, on the day the crime was committed, he was at Ovčara with Šljivančanin at around 21:30 hours, and that they had asked defendant Vujović or Vujanović about the situation with the prisoners in the hangar, Vukašinović denied this at the trial and added that that day Šljivančanin had not been at Ovčara at all. In addition, Vukašinović explained the change in his statement concerning the date the crime was committed by his consulting the war log of the Guards brigade after the hearing conducted by the investigative judge in 2003, while the court was informed by the Guards brigade that that log had been destroyed in the air raid in 1999. In view of this, it is obvious that once again the fate of the war log of the Guards brigade should be examined in order to see whether it has been destroyed or not and, if it has been destroyed, it would be advisable to take under consideration the possibility of indicting Vukašinović for committing perjury. If not, the responsibility of those who had prevented the delivery of this log to the court should be examined because its inclusion into the evidence would be of great importance for the subject matter of the trial. Although it would be possible to conclude that testimonies of all the witnesses have been focused on the responsibility of the members of Vukovar TD for the crime committed at Ovčara, whether consciously or unconsciously, they have also spoken about the responsibility of the YNA officers. In the part of the auditorium where friends and families of the defendants were sitting, during the presentation of some testimonies, loud comments and laughter could be heard. The court security paid no attention to this until almost the end of the third day of the trial.*

### **24 January 2005**

At the beginning of his testimony, witness **Jovan Novković** pointed out that during the fighting in Vukovar he had been an assistant in charge of morale in a unit of the Kragujevac brigade, Light Artillery Division of Anti-Aircraft Defense, under the command of Jan Marček. In his words, fear and the lack of discipline prevailed in the unit and the only active service soldier was the commanding officer, Jan Marček. Upon their arrival at Vukovar, they were first stationed in an agricultural cooperative and then, some five, six or ten days later, they were moved to Ovčara. In the immediate vicinity of their command headquarters, in a building at Ovčara, there was a kitchen and, it was possible that in the vicinity there also was an anti-aircraft battery. In the words of the witness, there were a number of warehouses (hangars) there, all of them

some 100 to 200 meters far from their command headquarters. Novković pointed out that the only activities occurring in front of the hangars were those connected with the arrival, by buses, of the prisoners. Namely, a day after the cessation of hostilities, around noon, buses with prisoners arrived at Ovčara, and a group of soldiers was there as well. Out of curiosity, the witness started toward the hangar and stopped some 20 to 30 meters from the hangar. He saw the prisoners getting off the bus and entering the hangar. In his words, with the group of soldiers there were some members of the regular army, a group of officers and a group of drunken persons, wearing "non-military" clothes. At one time, the witness was called by the commanding officer, Marček, who had already gone into the hangar, and was told to go on with the making of the list of prisoners from the hangar which a soldier had started making. To make the list of the prisoners, he called them, one by one, to approach him while a soldier wrote their names down. After some time, one, two or three hours, his colleague arrived and Novković returned to the headquarters. Continuing his testimony, Novković said that he thought that the commanding officer of the 80th motorized brigade, lieutenant colonel Vojnović, had been at Ovčara as well. In his words, armed persons who were not members of the regular army threatened and behaved improperly toward the prisoners. Novković added that in the hangar there were between 150 and 200 persons, that the door of the hangar was open and that the name Mirko Gavrilović meant nothing to him as names slip his mind. Witness Novković pointed out that Marček had ordered him to make a list of prisoners and added: "Man, had they not called me, would I have come here?" Continuing his testimony, Novković said that he had learned about the shooting of the prisoners the next day, but that the people were not ready to talk much about it. At that time one could hear the sound of shooting all the time, people were celebrating or firing their rifles for no particular reason so nobody paid any attention to the sounds of shooting. The witness then said that he had met the defendants only after the war, in Vukovar, at the celebrations of the liberation where he had driven lieutenant colonel Vojnović. He met Vujanović and other company commanders at those celebrations. The witness Novković further said: "The ones I met in Vukovar, they were high society." Then he added that he could not say whether he had seen any of them at Ovčara and that he, simply, could not tie them with Ovčara. Upon arrival of the military police into the hangar, there remained in the hangar only the members of the military police and the prisoners. Marček took the witness "under his arm" and asked him to go out with him. Describing the clothes of the people of "non-military appearance", Novković pointed out that "they looked like chetniks", and added that there were between 20 and 30 of them, that they did not have military hats, that they had rifles and long hair and beards. The witness said that there was a woman in the hangar, but he did not know her age as she was facing the wall. In front of the hangar there was one, or two or three buses. In his words, at the moment he took over the making of the list of prisoners, the names of five or six prisoners had already been written. At Ovčara, there were military vehicles, in the background, where the kitchen of his was, and added that there also were some civilian vehicles, guarded by the members of his unit. He added that he had not worn a hat at that time and that he only wore it with his civilian clothes.

Witness **Marko Crevar** pointed out that on 1 April 1991, together with 12 Serb colleagues, left the police after the conflict between the civilians and the police in Borovo Selo. After some time, which he spent in Negoslavci, he returned to Vukovar in August 1991, to Petrova Gora street. In his words, he, with the rest of the Serbs from Vukovar, was in the unit known as TD Petrova Gora, and added that the unit was under the authority of YNA. The witness Crevar pointed out that, in the beginning, there were between 70 and 80 of them and that the number had increased later on. Members of TD went with the army, as the army was unfamiliar with the terrain, and the witness himself was with captain Lukić and had maintained communication between the two units. Later on, he went to the headquarters of the YNA brigade, to major Tešić. In his words, members of TD were under the command of Dušan Jakšić whose immediate superior had been Tešić, and then Mrkšić. TD

company commanders were the defendants Vujović and Vujanović. After the cessation of hostilities in Vukovar, on 18 and 19 November 1991, activities were undertaken to establish a police station, and the witness was at Velepromet at the time and was trying to collect information on the missing Serbs from Vukovar. Because of that, witness Crevar pointed out that on 18 and 19 November 1991 he had talks with the people who were driven to Velepromet and added that he had done it on his own initiative, that nobody had ordered him to do that. The witness pointed out that, beside himself, the talks at Velepromet were also conducted by Žigić who, before the war, had been a crime inspector in the Secretariat of the Interior in Vukovar, so he had had a larger number of talks. Explaining the procedure applied at Velepromet, he pointed out that people used to come to Velepromet from the center of the town by bus and that, after some time, from Velepromet, they were transported to Serbia. The witness talked with them in the courtyard, but also in the office he was using. In his opinion, several thousand people were there at the time. He pointed out that there were many soldiers at Velepromet. The witness stated that he knew that the people from the Vukovar hospital had been transported to the barracks so, out of curiosity, he had gone there, to see who they were. In his words, the prisoners were in the buses, guarded by the soldiers and nobody could get off or on any of the buses. He spoke with no one and the only thing he heard were bad words. The witness pointed out that he knew the defendants, who were from Vukovar, and added that he thought that he had not seen anyone of them near the barracks. The witness then said that a year or two later he learned that the prisoners from the hospital had ended at Ovčara, where their corpses were uncovered later. In his words, the Secretariat of the Interior in Vukovar has never started an investigation of these events. The witness pointed out that a couple of days before the fall of Vukovar, Jakšić told him that he had been dismissed from the position of the commander of TD and that, as early as the next day, he heard that Jakšić had been replaced by the defendants Vujović and Vujanović. In his words, he later heard that it was major Šljivančanin who had dismissed Jakšić, but he did not know whether it was true or not. When he was shown a part of his statement given during the investigation, where he said that a triage was carried out at Velepromet and that some persons suspected of having committed the crimes have been taken to hangar No. 2, the witness said that that was correct and that Žigić and he had decided who would go to that hangar and that, after the talks, those persons were transported to Serbia. The witness pointed out that he had had an argument near the hangar No. 2 with a lieutenant colonel who wanted to know why the prisoners from the hangar were separated. The witness said that a member of TD, Pero Miljanović, had murdered two prisoners from Velepromet. After that, the witness confirmed the part of his statement given during the investigation concerning his conversation with Šljivančanin near the barracks. He said: "Šljivo, these are not the hospital personnel." thinking about the prisoners from the hospital who were inside the buses, whereupon Šljivančanin told him that those prisoners would be returned to Serbia and that they were the responsibility of YNA, and not of TD. The witness pointed out that he had not seen Vujo at Velepromet lately as Vujo had been wounded toward the end of October and that he, personally, had visited him at the MMA in November.

### **26 January 2005**

At the beginning of his testimony, **Aleksandar Vasiljević** said that in the fall of 1991 he held the position of the chief of the YNA Security Department and pointed out that he had held the position from 1 June 1991 to 8 April 1992. Vasiljević pointed out that he had heard about the name Ovčara and what had happened there in January 1993 from captain Zjaja Muris who, at the time, was the commander of the anti-terrorist platoon of the military police of the Guards brigade. In his words, the reason for his meeting with Muris was the fact that he had been released from detention and was awaiting trial before the Military Court in Belgrade because of the Opera affair where the witness was charged with appropriating a large sum of money from Vukovar. Muris then told him that he did not know what had happened with the money as, at that time, he had been at Ovčara. When Vasiljević asked him what Ovčara was, Muris

told him: "Comrade general, you know nothing about this, when we have some time to kill, I will tell you all about it." At their next meeting, in April 1993, when the trial was over, Muris told him how, in the afternoon of 20 November 1991, major Vukašinić (assistant to major Šljivančanin), had sent him to Ovčara to implement the order because there were prisoners there and a selection should be made, whether they were civilians or members of the National Guard Corps. Muris started in four Puch vehicles and when, in the evening, he arrived in the immediate vicinity of Ovčara, he heard the sound of the shooting and informed Vukašinić thereof. Vukašinić told him to return, as "they are not our problem anymore". As the perpetrators of the crime at Ovčara Muris mentioned a member of TD, Topola, who was more than two meters tall, who sported a red beard and wore an unbuttoned military overcoat which stank of clotted blood, as well as his escort, nicknamed Kinez. The witness Vasiljević pointed out that he had, toward the end of 1993 or at the beginning of 1994, delivered these data to the Security Department. Continuing his testimony, Vasiljević pointed out that on 13 October 1994 exactly he had come in contact with Jovan Dulović, a *Vreme* newspaper correspondent, and that they had talked about the crimes in the Army of Yugoslavia. In the course of the talks Vukovar was mentioned and Dulović said that he had been there and "had seen everything". Witness Vasiljević said that during the talks, attended also by three or four other newspaper correspondents, Dulović took out his notebook and began reading parts of what he had written down while he was in Vukovar. In Vasiljević's words, Dulović first read the part referring to 14 November 1991, where he had written that around 17:30 Vojislav Šešelj (the president of the Serbian Radical Party), with his escort, had come to the house of Stanko Vujanović and that he was accompanied by Šljivančanin and Radić. Correspondent Dulović, among other things, read that, on the occasion, Šešelj had said that the army had been cleansed, that there were no traitors in it, that Vukovar was soon to be liberated and that "no ustasha should leave Vukovar alive". The next part Dulović read referred to his remarks made on the nights between 19 and 20 and 20 and 21 November. Further, Dulović read that he was once again in the house of Stanko Vujanović, that drunken members of TD were coming to it and boasting of how they had managed, between 17:00 hours on 20 November and 1:00 hour on 21 November, to liquidate the prisoners who had been at Ovčara. Also, Dulović read his notes where it was written that he had been told about all this by a tall member of TD, originally from Montenegro. In the words of the witness, Dulović had told him that the head of the TD was the TD commander, defendant Vujanović, while the head of the chetniks was defendant Lančuzanin. In Vasiljević's words, Dulović described how defendant Vujanović had told him that he did not have enough men to shoot the prisoners so he had to take volunteers. "They are loquacious, they boast about it and we will have big problems with all this as this will be impossible to keep secret." The witness said that the second time he spoke with correspondent Dulović was on 15 November 1995 in the premises of the *Vreme* magazine and was interested to know whether any of the YNA officers had taken part in the crime. Dulović told him that they did not and that the crime was committed by "the motley army". Dulović also added that this army lacked discipline, that captain Radić had problems with the members of TD and with the volunteers, and that the officers were afraid of the men from TD and of the volunteers. On the occasion, witness Vasiljević advised Dulović to write an article about the crime at Ovčara and Dulović agreed to it. After that, the article entitled "Vukovar, a bloody story" was published, but without the names of the commanding officers and participants in the crime. Dulović then told the witness: "I do have a head, too." However, later on, in a newspaper in Croatia, he wrote that the defendants Vujanović and Vujović were responsible for those liquidations. In the course of 1995, the witness came into contact with Srećko Borisavljević who, during the fighting in Vukovar, held the position of the security administrator in the Guards brigade. Borisavljević told him that on 20 November 1991, a number of buses with the people from the Vukovar hospital arrived to the barracks where, among others, there was Miodrag Panić, the chief of staff of the Guards brigade. Members of TD who had come to the barracks wanted to take the prisoners out of the buses in order to beat them. In the words of the witness, Panić

decided for the prisoners to be immediately transported to Ovčara, while later it was rumored that they had been shot. The witness then said that in 1997 he had met with major Šljivančanin in the official premises of the Army of Yugoslavia and that the meeting was attended by Tumanov as well. In Vasiljević's words, Šljivančanin then told him that he had heard, afterwards, that the prisoners had been liquidated by the members of TD and volunteers. Šljivančanin added that some members of TD wanted to kidnap the prisoners already in the hospital, which is why they had been moved to the barracks. At the end, Šljivančanin told him that 17 persons had been taken from the buses and returned to the hospital from the barracks, which enraged the members of TD who had prohibited any further separation which forced the transport of prisoners to Ovčara. After he had learned, in January 1998, that a company of the military police of the 80th motorized Kragujevac brigade was at Ovčara, the witness met with the commander of the company, Vezmarović, in the Balkan hotel. Talking with him, the witness learned that Joca had written down the names of all the prisoners from the hospital and that soon after that some 30 members of TD arrived from Vukovar. They were arrogant and started beating the prisoners in the hangar, led by certain Mirko who had a bandage on his arm and a tall person with a hat on his head. Witness Vasiljević pointed out that he had met Mrkšić at the wholesale market in the fall of 1998 and managed to ask him two questions. To the question concerning the events at Ovčara, Mrkšić answered: "I swear by my children, had I known what would happen, I would never have handed them over." To the second question, why he had kept silent about it, Mrkšić told him that they had agreed to keep silent about it. Speaking about his visits to Vukovar at the time of the fighting, Vasiljević pointed out that he had gone there three times, that the third time was on 19 November 1991, late in the evening, around 19:00 or 20:00 hours. Together with Tumanov he went to Negoslavci where he heard that a large number of civilians were sent toward Šid, that a triage was performed and that the members of the National Guard Corps were sent to the penitentiary in Sremska Mitrovica. Witness Vasiljević pointed out that he had learned from the daily *Politika* that a session of the Government was held at Velepromet and that a decision was brought there for all the prisoners to be placed under the Government's jurisdiction. Witness Vasiljević pointed out that Borisavljević had told him how, in the words of Natko Petrović, Mrkšić had issued an order for the prisoners to be handed over. The witness said that on 22 November 1991, in the Federal Secretariat for National Defense, a reception was held by general Kadrijević and attended by Života Panić, Mile Mrkšić, Veselin Šljivančanin himself and "a member of TD with a bandaged arm" who, most probably, was the chief of staff of the Vukovar TD or someone from the command personnel of TD.

### **27 January 2005**

At the beginning of his testimony, witness **Svetolik Bukić** said that during the fighting in Vukovar he held the position of the chief of staff of the Nuclear, Biological and Chemical Defense of the 80th motorized brigade. The witness Bukić then said that he had been to Ovčara twice. In his words, he went there for the first time in the afternoon of 18 November, after the cessation of hostilities, after he had been told by some officers that a prisoners camp had to be established there. In the building where prisoners were to be accommodated a rope was stretched from wall to wall. After everything had been readied, the prisoners were brought by military trucks. He pointed out that their commander had assigned two groups of people to guard the prisoners that night, he himself being in the first one. After the end of his shift, he returned to the headquarters in Negoslavci where, the following day, he heard that a group of prisoners was, without any problems, transported to Sremska Mitrovica. The witness Bukić pointed out that on the second day (he did not remember well whether it was on the first day after his first visit to Ovčara or the second), at around 17:00 hours, when it was almost dark, major Dušan Janković, the chief of staff of their brigade, came and asked him and Dačić to go to Ovčara. In his words, he and Dačić protested, as they did not want to go, but still they went. Together with them was a small group of soldiers. When they arrived, they found the same rope, while inside the

hangar there were prisoners, with bandages, most of them standing along the wall. On the other side of the rope there were soldiers in battle fatigues. When they found the commander, he told them they were supposed to report to a major, which they did. Since the major told them to wait, they stood by the side, watching the happenings. After some time, they asked the major if they could go and he let them go. In Bukić's words, they stayed at Ovčara about an hour and then returned to Negoslavci.

### **28 January 2005**

At the beginning of his testimony, witness **Saša Miljić** said that during the fighting in Vukovar he was a signal-corpsman in a Light Artillery Division of the Anti-Aircraft Defense commanded by Jan Marček. Witness Miljić pointed out that he was in the same platoon with witness Petković and added that they were first stationed at Sajmište and then, after the cessation of hostilities, in November 1991, they were moved to Ovčara. In Miljić's words, commander Marček took them into the hangar where they found more than 100 prisoners and between 30 and 40 armed and uniformed persons. The witness pointed out that the prisoners were sitting on the straw in a part of the hangar while the armed persons were walking around. In his words, the persons in uniforms had no insignia and were not members of YNA. The witness then pointed out that he and Petković had no specific orders, except to be there. The witness remembered that, in the center of the hangar, there was a table and a soldier was sitting at the table and making a list of prisoners and added that a light bulb was on in the hangar. In his words, at one time Marček appeared and told them to go to sleep whereupon, together with them, he returned to the command headquarters. He stated that after he had returned, he went to sleep and did not hear the shooting. In his words, a day or two after that they returned to Sajmište, where they learned that the prisoners from Ovčara had been shot.

At the beginning of his testimony, witness **Milan Petković** said that during the fighting in Vukovar he was a signal-corpsman in a company of a Light Artillery Division of an Anti-Aircraft Defense which was stationed near the command headquarters of the unit. In his words, a day or two after 18 November 1991, when the fighting in Vukovar was ended, his unit was moved to Ovčara where they stayed two or three days. The witness Petković pointed out that they had been billeted in a building while the command headquarters were stationed in a building across the street. To the right of the building they were stationed in there was a hangar, at a distance between 50 and 200 meters. Petković then pointed out that one evening, when captain Marček assigned Miljić and him to guard the prisoners until they were moved to Sremska Mitrovica, he was in the hangar. In his words, a courier arrived and took them there. They remained there around two hours. Together with them, there was a reserve officer from their unit. Describing the situation in the hangar, Petković pointed out that the prisoners were entering the hangar while members of TD and volunteers stood by the side. The prisoners threw the bags aside. In front of the hangar there were many civilian vehicles. In his opinion, there were between 150 and 200 prisoners and between 15 and 20 members of TD and volunteers who stood in two lines and were beating the prisoners on their way into the hangar. In the hangar itself, the prisoners were sitting while the members of TD and the volunteers were walking this way and that. In the middle, there was a table where somebody from his unit was making a list of prisoners. In his words, the prisoners were in civilian clothes, and some of them had bandaged heads, while a person had an amputated leg. Among the prisoners, there was a thin woman, between 35 and 40 years of age. The witness pointed out that the members of TD and the volunteers were cursing and shouting and added that he spoke with three or four of them. In his words, 90% of the members of TD and volunteers were in uniforms, while some had civilian jackets, military hats, and one of them had a fur hat. He pointed out that after half an hour, three or four persons arrived into the hangar and one of them, the younger one, approached a prisoner and asked: "Why did you kill my brother?", and then kicked him in the chest and went away. In his words, outside the hangar, in the distance, the sound of

shooting could be heard but, at that time, there were celebrations, there was a lot of shooting all the time. The witness Perković then said that he and Miljić were on a guard duty and that he had seen when one or two groups consisting of 8 to 10 prisoners were taken from the hangar, he did not know where, and said that he had heard that they were going to be transported to some other hangar in a tractor trailer. The witness pointed out that the prisoners were going out one after another and added that a group of persons who had not been seen earlier in the hangar came for them. In the opinion of the witness, the prisoners were not taken away in the order their names were written on the list because the list was still being made. At that time, somebody came and told them that the captain had ordered them to withdraw. The witness pointed out that during the time they had been inside the hangar, there had not been any active service soldiers or officers, although there might have been some military policemen. The witness Petković pointed out that he had heard the shooting from the distance of 200 to 300 meters from the hangar, that there were several individual shots, but that he had not paid any attention to them. On his way out of the hangar, Petković saw, some 10 meters from the entrance, an empty tractor with a trailer. Besides, the witness pointed out that nobody had ever spoken with him about the events at Ovčara.

### ***Observers' remarks***

*In the last four days of the trial, the court security directed the observers toward the gallery, insisting that the observers must not sit in the courtroom itself. The reason for that, they said, was the request by Nataša Kandić that all those from Croatia should sit in the gallery. Later on we learned that members of the defendants' families had complained of being bothered by journalists. The court appearance held on 26 January 2005, when Aleksandar Vasiljević presented his testimony, was attended, in the gallery, by the defense attorneys of the Hague defendants Mrkšić, Radić and Šljivančanin. Although they commented loudly the testimony of the witnesses the court security failed to react.*

*The plaintiffs' families found it very difficult to bear the long questioning of witness Aleksandar Vasiljević by defendant Vujanović.*

### **10 February 2005**

At the beginning of her testimony, witness **dr. Ranka Krunić-Protić**, a physiotherapist, said that in November 1991, she was employed in Selters Spa in Mladenovac, at their Rehabilitation Institute. In her words, the spa treated the persons in need of corresponding aftercare and she herself was assigned to the ward with less seriously ill patients. After the hospital release form of defendant Zlatar Vujo was shown to her, dr. Krunić-Protić confirmed that the signature on the release form was hers, that the hospital release forms looked like that at that time and added that she did not remember the particular case of defendant Zlatar Vujo. The witness then pointed out that that was the only documentation of the defendant from Selters Spa, as the spa was flooded some time later. The witness added that the hospital release form should have been accompanied with other documents. In her words, the defendant must have been on the third floor in view of the fact that he had been ambulatory and had a crutch. Witness Krunić-Protić said that the patients could have been admitted any other day, beside Thursdays, provided there was a vacancy, and said that it was possible that the defendant had been admitted on 18 November 1991. She then went on to say that it was impossible to have the documents say he had been admitted on Monday while in reality the patient had been admitted on Thursday. In her words, the patients could leave the spa for the weekend, but they had to be back and be present for the doctors' rounds on Sunday evening. After she had been shown the defendant's claim that after a couple of days at the spa his wound had opened and he had been returned to the MMA, dr. Krunić-Protić pointed out that this was theoretically possible and added that it was possible to see, from the examination results of the defendant, that his wound had opened and that he could have been returned to MMA

for additional treatment. The witness pointed out that the rules concerning visits to the patients in the spa were rather flexible. Speaking about the circumstances of her court appearance as a witness, she said that she had been invited by Zlatar Vujo's attorney. In her words, she had filled out the hospital release form for the defendant and had signed it together with the head of the department and the spa's director. She said that it was possible that both signatures on the defendant's hospital release form had been signed by dr. Uljarević. In her words, the patients could leave the spa if they had to buy anything, or go to the post office, but only within a radius of 500 meters.

At the beginning of his testimony, witness **Bogdan Miljanović** said that during the fighting in Vukovar he had been assigned to the kitchen at Petrova Gora. In his words, he wore a uniform and was armed with an automatic rifle, and his immediate superior had been Pero Miljanović. He then said that he did not take part in the fighting and added that he did know the defendants. The witness pointed out that defendant Vujo was his next-door neighbor who used to live across the street from his house. In his words, Vujo was wounded toward the end of October and returned from the treatment a couple of days before the New Year. He said that Vujo had first been treated in Belgrade and then in a spa. When he saw him before the New Year, the defendant was using crutches to help him walk. Continuing his testimony, Miljanović said that he had been seeing Zlatar Vujo every day before he was wounded. The witness then said that he had heard about the events at Ovčara much later. After a part of defendant Vujo's statement given in the investigation was shown to him, the part where he said that in December 1991 he had been able to walk without the crutches, the witness insisted that he had seen the defendant with the crutches.

At the beginning of his testimony, witness **Stevan Kovačević** said that he knew some of the defendants and that he knew best Zlatar Vujo who was his neighbor. In his words, upon his return to Vukovar, he learned from the brother of defendant Vujo that the defendant had been wounded on 30 October 1991. The witness pointed out that he had seen the defendant for the first time after he had learned about his wound only a couple of months later. Speaking about the events at Ovčara, the witness pointed out that, after three or four days, a soldier told him that something dreadful had happened there. He learned the details two or three months later. At the end, he pointed out that, on the occasion, he had heard that the army had murdered the Croats from the hospital who had changed into physicians' uniforms.

### **11 February 2005**

At the beginning of his testimony, witness **Dorđe Veličković** said that of all the defendants he knew only Slobodan Katić. In his words, he promised Katić's wife he would testify when he learned that Katić had been indicted, as the defendant had attended his *slava* (the celebration of his family's patron saint) in 1991. Veličković pointed out that his *slava*, the Holy Archangel, in 1991, was celebrated on 21 November and that the celebration took place in his restaurant and that there were between 40 and 50 guests there. The witness pointed out that defendant Katić had come to his house on 20 November, around 12:00 hours, with two persons in battle fatigues, in an ambulance with Vukovar license plates. They stayed together the whole night and the next morning a priest came to perform the ritual of the *slava* cake. The two uniformed persons who had come with Katić left that day and the defendant remained with him the whole day. The witness pointed out that he did not know where Katić had come from nor where he had gone afterwards. In his words, the defendant had never again come to the celebration of his *slava*, and remembered that he had met him in 1995 or 1996 in front of the Zemun municipality building. Describing the appearance of the defendant, the witness said that Katić had a beret on his head, that he wore battle fatigues, that he wore his hair rather long and that he had not shaved a couple of days. In his words, the defendant used to come once or twice a week for a drink or a cup of coffee. Veličković then said that together with the defendant he had watched, on 20 November, a TV program devoted to the liberation



of Vukovar and that, on the occasion, Katić had told him: "It would be better for me not to talk about what happened there." Veličković pointed out that during the night of 20 and 21 November, together with him and Katić, there were between 10 and 15 friends, like Mihailović Beli, Damjanović and others and that his wife had gone.

At the beginning of his testimony, witness **Živko Naić** said that he had known defendant Katić from childhood, that they had grown up together and that they had been next-door neighbors. In his words, during the war, in 1991, he was 16 years old and was attending the vocational school "Zmaj", but at the time of the critical event (between 18 and 22 November) he was expelled from school and did not attend instruction. Naić pointed out that he remembered that time by the liberation of Vukovar and by defendant Katić's return to Zemun. Continuing his testimony, Naić stated that Katić had come in a van and that they together had gone to a car mechanic. In his words, the defendant, together with Mića Slon, on 19 and 20 November, went to visit Mali Džo in the hospital. After the visit, on 20 November, he returned to Zemun, and then Mića and Katić left the witness and went away. The witness pointed out that at that time Katić wore battle fatigues, that he wore a beret, that his hair was rather unkempt and that he needed a shave. In his words, on 18 and 19 November, he and defendant were in Katić's house where they watched a TV program about the fall of Vukovar. He then said that he had taken his leave from Mića and Katić in Zemun on 20 November, around noon, and that, after that, he had seen Katić again in the afternoon of the next day. In his words, at the time Katić was hung-over and told witness that he had been in a pub and spoke something about a *slava*. He added that Katić had returned to Vukovar, together with Bakić, on 22 November.

### **21 March 2005**

At the beginning of his testimony, witness **Branislav Preljić** said that at the time of the fighting in Vukovar, he was a journalist of *Politika Ekspres*. In Preljić's words, his colleague Jovan Dulović had a permit to enter Vukovar, because he was a newspaper correspondent. The witness pointed out that Dulović, in November 1991, was asking about a persons with a driver's license, as he had to go to Vukovar, and he went with him. They stayed four or five days in Vukovar and they were housed in the home of the Pajić or Pejić family. Preljić then said that Dulović knew many people and volunteers and pointed out that, one morning, by car, they had gone to the hospital. Šljivančanin was there and he did not allow entry into the hospital. In his words, there were many people there, and members of YNA, and he saw the people leaving and entering the hospital. The witness then said Dulović had taken statements from the members of TD and the members of YNA and added that, these days, in Vukovar, there were all kinds of rumors. One morning, maybe two days after the visit to the hospital, Dulović spoke with the people and, suddenly, he started crying and said: "Something terrible has happened at a certain Ovčara." In the words of the witness, he had learned about the events at Ovčara from the media because those days, in Vukovar, there were no talks, nor many details, about what had happened there. The witness Preljić pointed out that he remembered Dulović talking with some people, but he was sitting at the distance of two meters and did not hear the conversation. The witness was informed that Dulović had said that he had talked about the events at Ovčara at captain Radić's headquarters which was situated in a house across the road from the house they were stationed in and that a certain volunteer, a woman named Dragica, had told him and Dulović many details about the events. Thereafter, witness Preljić stated that he remembered how, in the house across the road, there gathered both the volunteers and the soldiers, that there were stories from the front line, but that he did not remember anybody talking about Ovčara. He remembered Dulović talking with a woman in uniform, that he had used his notebook, but he did not remember the details as he had not heard the conversation. The witness stated that he did not understand how something like this could have happened at Ovčara in the presence of YNA and added that he could not believe something like this. In his words, he had heard a comment in Radić's headquarters "What did they do there!" Preljić pointed out

that the only thing he remembered from the time was Stanko who used to wear a brimmed hat and in whose house Radić's headquarters were stationed. However, the witness failed to recognize defendant Vujanović. The witness then said that he remembered the nickname, Štuka, and that he thought that Dulović had introduced him to that young man who, in his opinion, was in a group of volunteers. At the end, witness pointed out that he also remembered Stanko's wife, defendant Nada Kalaba who, in his words, did not carry arms.

At the beginning of his testimony, witness **Tomislav Peternek** said that it was not fitting to call journalists as witnesses, that this time he had come voluntarily, but he added that the next time he would not honor the summons and would come only if forced to do so. The witness Peternek stated that, luckily, he had not been with Dulović. He was a photographer and he did not listen to the stories, he only took pictures. He pointed out that, on 18 November 1991, together with Novković from *Politika*, he had gone to Ovčara since he had learned that negotiations concerning surrender were conducted. There, on the right, they saw a hangar, while on the left there were negotiations concerning the surrender. Later on the witness presented a photograph he had taken there showing a column of people and the surrender of arms. The witness then pointed out that he was the first to enter the hospital where he took a number of photos and added that he had spent the whole morning there. In his words, he had entered the hospital together with Živković and had seen rather many officers and soldiers. He had been in Vukovar from the beginning of the fighting and learned the nicknames of many combatants. He quoted the nicknames: Đani, Kina, Kameni, Ceca, Topola and Cetinje. In his words, the volunteer units were under the command of the Guards brigade and he has their photographs in his documentation. When he was shown Dulović's statement that he and the witness had slept together in a house and that Topola had told them there what had happened the previous night at Ovčara, witness Peternek said that that was a lie and that they did not speak about the events at Ovčara in his presence. Peternek refused to hand over the photographs of the combatants he had taken so they could be recorded by a documentation camera and invited the presiding judge to his studio and take a look at the photos. The reason for this, the witness said, was the fact that for him the persons in the photographs were national heroes. However, later on Peternek agreed for some of the photographs to be presented. Continuing his testimony, Peternek pointed out that he knew Štuka who was an active soldier of the YNA Guards brigade. Asked about the people from Vukovar he had known at the time, Peternek said that he knew Kameni, Stanko and his wife Nada, Miroljub Vujović and Katić. He then pointed out that he had no knowledge about the events at Ovčara and added that he had first heard something about the events at Ovčara at the time of Klajna, but he never learned who was murdered nor who had committed the murder. In his words, there was no feud between him and Jovan Dulović but he did not like anybody adding to his public image at the expense of somebody else. At the end, Peternek pointed out that he was against the use of his photographs until it had been made clear whether a journalist must testify or not.

### **22 March 2005**

At the beginning of his testimony, witness **Ilija Dujaković** said that, as a member of the 3rd company commanded by captain Radić he had come to Vukovar on 30 September 1991. As the members of his unit were billeted in private houses, he was assigned to the house of defendant Zlatar Vujo until 24 November 1991 when they returned to Belgrade. Dujaković pointed out that he knew Štuka who was a member of his unit, and added that they had come to Vukovar together. However, they did not see each other as they had been assigned to different tasks. In his words, Štuka had an automatic rifle, olive-grey uniform. But also, sometimes, he wore a "motley" uniform. The witness Dujaković pointed out that he had been present at the time defendant Vujo was wounded, on 29, or 30 or 31 October, and added that he knew he had been immediately transported to Negoslavci. In his words, the next time he saw the

defendant was on 19 December 1991 in Belgrade, when the witness paid him a visit. On the occasion, Zlatar Vujo used crutches to help him walk and told the witness he had been in a spa. When presented with a part of the statement of the first protected witness, where the protected witness said that Dujaković had maintained good relations with officer Marko Marić, he explained that it was an acquaintance of his father's who had helped him get a leave of absence at the time of his military service at Topčider. Continuing his testimony, Dujaković stated that he did not know when the fighting in Vukovar had ended, that he had never been at Ovčara and that he had heard about the events there in Serbia.

At the beginning of his testimony, witness **Mirko Ljubišić** said that he had returned to Vukovar from Borovo Selo together with defendant Atanasijević on 12 November 1991. Although he was first assigned to Zjaja Muris, he was moved to Lančuzanin where he was issued arms. In his words, he learned about the fall of Vukovar on his way back from Petrovac on 18 November 1991, together with Ceca, Kina and Kameni. Speaking about the events on 19 November, witness Ljubišić pointed out that he was looking for his parents and that he had gone to the hospital around 7:30 hours and had remained there 10 to 15 minutes. As he learned that his parents were at Lušac, and after he was given a four-wheel drive vehicle from Peternek, he went there to look for them. Upon his return to the headquarters, defendant Lančuzanin sent him in search of vehicles for the needs of the unit, as they had heard that the Croats had surrendered and the vehicles had been brought to Ovčara or Jakubovac. With three other persons, around 16:15, Ljubišić went to Negoslavci and thence to Ovčara where he appropriated, for the needs of the unit, a blue Jugo car and a brown van. In his words, in front of the hangar there were around 40 members of the military police, while inside the hangar were the prisoners, members of NGC most of whom he knew. The witness said that he had been allowed to enter the hangar without arms and added that he had spoken with the prisoners. With the approval of an officer he took out of the hangar the father of Stjepan Gunčević and added that, beside him, he had recognized Čakalić, Karlović, Perković and Čaleta among the prisoners. In his words, there were rumors that the prisoners would be transported to Sremska Mitrovica. The witness Ljubišić pointed out that defendant Vujović had taken Perković out of the hangar and told Ivanković to drive the people who had been taken out of the hangar to Velepromet where it was safer. He pointed out that to the left of the hangar there stood some 60 to 100 persons in battle fatigues who he did not know. After some time, the defendants Lančuzanin, Milojević, Ljuboja and Dragović arrived and the witness asked them if he could return to Vukovar. Ljubišić pointed out that defendant Vujanović asked for some other prisoners to be transported to Velepromet and that he had taken two prisoners out of the hangar, while Lančuzanin had taken out Čaleta and two other persons. In his words, in front of the hangar there stood a tractor with a trailer and the prisoners who had been taken out were led into it, and he thought they were on their way to Vukovar. The defendants Lančuzanin, Milojević, Ljuboja and Dragović, together with the witness, followed the tractor. Soon after that, the tractor took a sharp turn. In his words, the vehicle they were in got stuck in the mud and, as they could not pull it out of the mud, he, together with Dragović or Kinez, started after the tractor. When they heard the volleys, they returned to the car, managed to pull it out of the mud and return to Vukovar. When they returned to the hangar, Kameni said that he did not want to take part in it. Ljubišić pointed that it was later that it became known that some people had perished at Ovčara. The witness Ljubišić remarked that in the hangar, among the prisoners, he had seen Krešić, who had his head bandaged, Gudelj, whose arm was bandaged, and two persons with crutches. He said that there were members of the military police in the hangar and that he had learned, from some prisoners, that some prisoners had been beaten "on the bottom, on the back". He added that, later on, some volunteers entered the hangar, but not the volunteers from his company, and that they had beaten a prisoner with a crutch until a military policeman stopped them. In his words, the military policemen remained in the hangar even after the departure of the tractor. The witness then pointed out that Lančuzanin, Milojević, Ljuboja and Dragović had come to Ovčara around 17:30 or 17:45. He

pointed out that he did not know where Lančužanin had come from, but he was certain that it was that day, around 11:00 or 11:30 that Lančužanin had ordered him to find the vehicles.

### **23 March 2005**

At the beginning of her testimony, witness **Dužanka Katić**, a first cousin of Vujo Zlatar, pointed out that in the fall of 1991 she used to live in Rušanj, near Belgrade, and that on 30 October 1991, she was invited by Zlatar Vujo's sister to come with her and visit Zlatar Vujo at the MMA, as Vujo had been wounded. She said she remembered that date because of the *slava*, St Luke's day. In her words, she used to visit the defendant at MMA almost every day until 18 November when he was moved to a spa near Mladenovac. Witness Katić pointed out that she had visited the defendant in the spa for the first time on 19 November 1991 and for the second time on 21 December, when her father had accompanied her. Toward the end of his rehabilitation, the defendant, in her words, used to visit them on weekends. She pointed out that the first time she had visited him in the spa he had been lying in bed and had not felt very well. She said that she and her husband had gone to fetch the defendant on the day he was released from the spa and added that she had taken the hospital release form. In her words, the first couple of days after the release, the defendant could walk only with the help of two crutches and, later on, one. Katić said that the defendant had returned from Rušanj to Vukovar after the New Year.

Witness **Rade Samardžija**, the father of the previous witness, Dužanka Katić, said that in 1991 he had lived in Rušanj, near Belgrade. He pointed out that in the fall of 1991, defendant Vujo Zlatar did not visit them and added that he knew that the defendant had been wounded on 30 October 1991. In his words, the defendant was at MMA until 18 November 1991, when he was moved to Selters Spa near Mladenovac, and that he used to visit him at MMA almost every day. The next day, on 19 November, the witness, together with his daughter Dužanka, went to visit Vujo at the spa. After that, he paid a visit to the defendant on 21 November, when he brought him everything he had ordered. In his words, Vujo could not move then. Samardžija pointed out that he had visited the defendant often and added that his daughter usually stayed longer as she was emotionally tied with him from early childhood. Continuing his testimony, Samardžija, although not quite certain, said that the defendant had left the spa on 18 December 1991. In his words, on 19 November, on his first visit to the spa, the defendant was lying and his leg was bandaged. After that, witness remarked, as time went by, the state of the defendant's health was improving, although it could happen, at the beginning of his stay at the spa, for his wound to open and then he would be forced to go to MMA for treatment. At the end, the witness remarked that defendant Vujo had visited the soldier Dujaković in Belgrade and added that the defendant was taken to visit the soldier by his son-in-law.

At the beginning of his testimony, witness **Mile Nišević** said that he had met defendant Zlatar Vujo for the first time at the spa in Mladenovac. He pointed out that he used to know the father of the defendant, Bogdan, from the time Bogdan had lived at Kordun. Describing how he had learned the defendant was in the spa, Nišević said that he lived in Mladenovac, that buses from Kordun used to come there and that he had heard, from Pero Stanojević, that defendant Zlatar Vujo was in Mladenovac. In his words, Pero took him to the defendant, to the 3rd floor, and introduced him. Defendant told him that he had been at the spa from 18 November 1991. In his words, he often visited the defendant, almost every evening, when his job was over. Continuing his testimony, Nišević pointed out that the defendant, when he saw him for the first time, had been lying down, and that after two days, he was also lying down in his bed, but had two crutches. In his words, Vujo wore a pajama and a sweater and, later on, a turtleneck and a sweat suit. After five or six days, the defendant could slowly, with the help of the crutches, come to the elevator. The witness then pointed out that he had seen defendant Vujo for the last time on 15 or 16

December 1991, when the defendant told him he was to be released soon. At the end, Nišević pointed out that he had met the witnesses Rade Samardžija and Dušanka Katić in the spa and added that the late brother of the defendant had called him and asked him if he wanted to testify in this case.

#### **24 March 2005**

At the beginning of his testimony, witness **Nebojša Petković** said that in the fall of 1991 he was mobilized into a unit commanded by captain Velimir Telalović. The witness pointed out that he was a sergeant and added that in his platoon there were 32 persons. In his words, they had come to Vukovar around 10 November 1991 and, after around 10 days, they were moved to Ovčara, where they were stationed in the pig breeding farm, more than 300 meters from the hangar. Petković pointed out that they were forbidden to move around and added that he had not heard about the civilians kept in the hangar, and had seen only those who came to the farm. After that, the witness pointed out that he knew nothing about the events at Ovčara. After he was reminded that in his statement given during the investigation he had said that, one night, at Ovčara, a group of prisoners was transported, that the security, consisting of armed, bearded persons, did not allow approach to the reserve officers, that he was told not to show himself until the next morning, and that the army should do its business, and he would do his business, the witness remarked that he did not remember ever having given such a statement. The witness Petković said that they had remained at Ovčara some 20 days and that he had learned about the crime at Ovčara a couple of months after his return from Vukovar.

At the beginning of his testimony, witness **Zoran Krstić** said that in the fall of 1991 he was mobilized into an anti-aircraft defense unit of the YNA Kragujevac brigade and added that he was a gunner with 20-3 guns. In his words, he had no rank at all and he was with Petković in a platoon and was in charge of the first gun. After 10 days or so in Vukovar, the unit was moved to Ovčara where they remained fewer than 15 days. In his words, there were no hangars in the vicinity of his post and the only people they saw at Ovčara were the workers employed by the farm. The witness pointed out that all day and all night he heard the operation of a machine, a bulldozer, behind their position, in the fields. Besides, it was then that he had heard the sound of the volleys being fired, which is a nightmare he still remembers. The witness then confirmed a part of his statement given before the investigative judge where he had said that during his turn of the sentry duty he had heard the volleys being fired, and then individual shots. In his words, a day after that the soldiers from his units told him that the people in the hangar were no more and that this was done by the volunteers. The witness pointed out that, before he heard the operation of the machine and the sound of the volleys being fired, he had seen the people who had been transported in the trucks and then entering the buses. In his words, women and children were transported first and then the prisoners, and he had heard that they had been moved from Ovčara to Sremska Mitrovica. When judge Krstajić presented him with the part of his statement given during the investigation where he claimed he had seen armed members of TD, who were "moving around", witness Krstajić said that there were people coming every day, the people he did not know and who were not from his unit.

#### **25 March 2005**

At the beginning of his testimony, witness **Lazar Savić** said that in the fall of 1991 he was in the barracks in Vukovar, as his house was across the road and he did not feel safe in it. He pointed out that after the arrival of the Guards brigade Srećko Borisavljević was his immediate superior. He then said that on 19 November Vukovar was liberated from the Croats and that the Guards brigade had returned to Vukovar on 24 November. Savić pointed out that he did not have any knowledge about the evacuation of the hospital and added that he had seen the buses in the barracks and recognized dr. Njavra and dr. Vesna Bosanac, who were guarded by Karanfilov. In his

words, he had seen four or five buses with civilian license plated and 10 to 20 persons in each of them. Those people were guarded by military policemen and nobody could approach the buses. He pointed out that, on the occasion, there were no problems whatsoever at the barracks and added that he did not remember having seen any of the defendants there. Continuing his testimony, Savić pointed out that he had heard about the events at Ovčara at the time of renovation of Vukovar and added that there were rumors about "some Croats having been killed at Ovčara". The witness confirmed the part of his statement given to the members of the Directorate for the Fight Against Organized Crime (DFAOC) where he said that he had heard that the defendants Vujović and Vujanović, Boro Krajišnik and Topola had killed the people at Ovčara, and added that everybody in Vukovar had been talking about it. Continuing his testimony, he said that beside Karanfilov, around the busses and the barracks, he had seen Šljivančanin, Lukić and Bajić who were at their command posts. The witness remarked that at the time of questioning by the employees of DFAOC in Šid voices had been raised, but there had not been any physical pressure. In his words, they asked him how he could remember what the Croats had done to the Serbs while forgetting what the Serbs had done to the Croats.

At the beginning of his testimony, witness **Miroljub Dačić** said that during the fighting in Vukovar he was a member of the 80th Guards brigade from Kragujevac and had the rank of a reserve captain first class. In his words, he had been at Ovčara twice. The first time, together with some 10 soldiers and officers, he had guarded the prisoners, members of NGC, who were transported to Sremska Mitrovica the following day, in buses. The second time witness Dačić had been at Ovčara together with Bakić, a couple of days later, when a new group of prisoners arrived. When they arrived there, it was already dark. Bukić had reported to someone and they were told to wait there. After waiting for two hours without an assignment, they decided to return to Negoslavci. The witness pointed out that he did not remember if he had seen Vezmarović, the commander of the company of military police from his brigade, and Vojinović, the brigade commander. Describing the situation in the hangar, Dačić said that there had been no electricity and that a vehicle was used to light the interior of the hangar. In the hangar, the prisoners were placed behind a rope and some of them wore bandages. Besides, some of them were in civilian clothes and some in army clothes. On the other side were the soldiers, armed and dressed in different clothes. In his words, the soldiers spoke individually with the prisoners. Dačić pointed out that he had not seen Jan Marček, the commander of the Light Artillery Division of the Anti-Aircraft Defense in the hangar. Then he pointed out that he had heard about the shooting of the prisoners at Ovčara after three days.

The defense attorneys presented their motions concerning the evidence to be presented, namely, to hear the witnesses Slobodan Hranj, Željko Milovanović, Radojka Vučković, Branka Bančević and Vilem Karlović (a member of the Ministry of the Interior of Croatia who had been taken from Ovčara by a Serb), to ask the expert commission of the UN for the findings of their forensic team that had been at Ovčara in 1993, to get hold of the document of the County Court in Osijek, Nr. K-1/94, defendant Vuletić Ivica, sentenced to 20 years' imprisonment for killing 50 to 200 persons, and to invite, in the capacity of a witness, Tomislav Merčep and Marin Vidić; to read in court the statement of witness Vilem Karlović, now in the possession of the Ministry of the Interior of the Republic of Croatia in Vinkovci, and to get hold of a video cassette, if one exists, of the massacre at Ovčara.

### **19 April 2005**

The interview of the witnesses Milovan Miladinović and Milivoje Vukić. The presiding judge informed the witnesses about their rights and obligations.

At the beginning of his testimony, witness **Milovan Miladinović** said that in the fall of 1991 he had been a member of the Light Artillery Division of Anti-Aircraft Defense and that his unit, in November 1991, had come to Negoslavci. The witness pointed out that he did not know exactly when the hostilities in Vukovar had ended and added that a unit, that is, a battery, was moved to Ovčara. In his words, he had visited Ovčara together with Jan Marček, the commanding officer of the division. There, they had been billeted in a brick house, on the left hand side, toward Svinjarevci. Asked if he had seen anything peculiar those days, the witness said that he had seen a number of people who had surrendered. In his words, he had seen those people brought in buses, cars and trucks. Miladinović said that he had seen, on a nearby plateau, members of Territorial Defense, or somebody else, he did not know exactly who, questioning those people about who would go where and that some of them had expressed their desire to go to other parts of the Republic of Croatia, while some of them said they would go to Serbia. After two or three days the witness saw a couple of buses, full of people who wanted to go to other parts of the Republic of Croatia, who the Croatian party had refused to take and who had been, because of that, returned to the nearby plateau at Ovčara. He said he remembered a woman who had asked for a doctor as her child was allergic to penicillin. Those people, the witness said, spent the night in the buses and the next morning they were given breakfast and, around seven or eight o'clock in the morning, they had gone toward the territory of Croatia. Further on in his testimony, Miladinović pointed out that he remembered two buses, full of people, which came in the afternoon. In his words, those people were put in a hangar across the road, between 100 and 200 meters from their position. The witness could not remember whether the buses had been military or civilian. He said that, in addition to the people getting off the buses, there were some other persons in non-regulation uniforms who directed them into the hangar. The witness said that he had not gone into the hangar, that he had gone no further than some 30 to 40 meters from the hangar, and that he had not seen much. He said that he had seen identification papers taken from the people entering the hangar, that he had seen them taking their personal effects from their pockets. The persons accompanying the prisoners had been armed. He said that of the group of prisoners brought to Ovčara, three or four were put with them; they were told to wait a bit and that somebody would come for them. A youth said that he was an ambulance driver, a woman said she was a teacher; there was a man from the hospital who said that his son was a soldier in YNA. The witness said that he had noticed that three of those persons were unwilling to communicate with the youth and stood slightly apart from him. He said it could be seen that those three persons were sick. He said that they had been brought to them after lunch, that he remembered that. A member of TD, shorter than the witness, wearing a beard, came for them and drove them to Vukovar. The witness said that Marček had returned them when he saw the people around the hangar. Asked if he knew commander Vojinović, the witness said that he knew him, that he did not see whether he had prevented anybody beating the prisoners. He said that he had seen him for a short period of time, maybe for five to ten minutes, when the prisoners were leaving the buses. The witness said he remembered being told by somebody that a clerk of theirs, a soldier of theirs, was making a list of prisoners in the hangar. He said that he had seen that list the next morning, on a table in their command headquarters. When, a month or two later, he took part in a military exercise in Kragujevac, he tried to discover the list in their unit's archives, without success. The witness said he remembered a scene, inscribed in his memory: a woman standing in a group of civilians who had suddenly appeared there. He had heard a

sentence, spoken by the woman to a person who, in his opinion, had come off the bus: "Boža, think of your soul!" The witness said that he had heard about the shooting the following morning, that he had immediately gone to see Vojinović at the headquarters and asked him to remove his people from Ovčara. When he returned, Jan Marček had already had the army ready to withdraw. The witness said that Jan Marček used to overdo the discipline and that the most important things for the reservists was "to save their own skins".

Witness **Milivoj Vukić**, aka "najstor Mile", said that neither in the fall of 1991, nor later, had he been at Ovčara or Vukovar.

## **20 April 2005**

Expert witness, Professor **Davor Strinović**, D.Sc., a forensic medicine specialist, employed by the Institute for Forensic Medicine at the Medical School of the University of Zagreb, an expert witness on a permanent basis. The presiding judge informed the expert witness of the rights and obligations of an expert witness, of the course of the criminal proceedings and invited him to read the oath in view of the fact that he is not an expert witness on a permanent basis before the Special Court in Belgrade. Dr. Strinović added to the case documents, in triplicate, his findings and his opinion. He said that the Institute for Forensic Medicine in Zagreb had performed identification of the corpses from the grave located in Grabovo. The first attempt at identification was performed by an expert from the Hague who had submitted some of his protocols. He said that the experts of the Institute for Forensic Medicine in Zagreb had collected the lists of the missing persons and had been engaged in the collection of antemortal data from their relatives. After that, they had compared the Hague protocols with antemortal data; families were invited. By comparison, that is, by a traditional method, 93 persons had been identified, while 99 persons had been identified by means of DNA analyses. Expert witness Strinović said that, of the 200 bodies exhumed from the Grabovo grave, 192 victims had been identified. Expert witness Strinović said that every victim was assigned a number immediately upon being taken from the grave. He was monitoring the exhumation. He presented a table with the course of traditional identification technique (the data on the identified person supplied by autopsy and antemortal data supplied by the family: age, height, hair, personal data, bandages, wounds, clothes, documents, jewelry. The table contained the names of all persons identified by the traditional method, with notes about characteristic features used for identification. The expert witness said that, in some cases, two or three reliable data were enough to identify a person already at the time of exhumation. He gave an example of a person's identification by means of the braces that the persons had got made by a dentist six months before his death and that his wife, as chance would have it, had kept. In some other cases, six or seven data were needed to perform identification. The expert witness, Dr. Strinović, said that 8 cases had remained unidentified, that the traditional method in these cases could not be applied and that a DNA analysis would have to be performed.

Expert witness, Professor **Milovan Kubat**, D. Sc., a forensic medicine specialist, employed by the Institute for Forensic Medicine of the University of Zagreb. He is an expert witness on a permanent basis, but, in view of the fact that he is not an expert witness on a permanent basis before the Special Court in Belgrade, he was asked to take an oath. The expert witness, Dr. Kubat, said that, in case the traditional method



failed to produce results, DNA analysis, both genomic and mitochondrial, must be applied. He explained that genomic DNA is inherited from the mother and the father, while mitochondrial DNA is inherited from the mother. Which of the two analyses is used depends on which relative is available to provide blood for analysis and matching with the remains of the victim. He said that they had performed DNA analysis in 99 % of cases. He said that the DNA in the skeletons was disintegrated, but still available for identification. Samples for a genomic analysis of a skeleton are taken from the bones, while samples for a genomic analysis of a relative are taken from the blood. The experts had taken samples from 18 loci; the greater the number of the loci, the more dependable the analysis is. He added that they had observed international standards.

Expert witness, Professor **Miloš Tasić**, D. Sc., a forensic medicine specialist, employed by the School of Medicine, University of Novi Sad, an expert witness on a permanent basis. Expert witness Dr. Tasić said that the investigative judge, Alimpić, had given them their working orders. From the Hague they had received the data; they were monitoring the exhumation and the autopsies. They had received 199 autopsy orders. After that, they had submitted their written findings and opinions, their conclusions and explanations. The findings and the opinions were given to the War Crimes Prosecution Office and to the defense attorneys who asked questions. After that, a new analysis was performed. His team submitted new findings and a new analysis. The expert witness spoke about the findings, cited some examples: wounds inflicted by firearms were found on 198 bodies; in 192 cases the cause of death had been through-and-through firearms wounds; 41 skeletons had bandages with no signs of previous injuries under the bandages; in one case the cause of death, beside firearms wounds, were stab wounds inflicted by a sharp instrument (cuts) at the back of the neck. Further, the expert witness, Dr. Tasić, said that 540 projectiles had been found in the bodies; two skeletons, OVC 71 and OVC 75, were the skeletons of female victims. Skeleton OVC 71 is the skeleton of a woman with a previously removed uterus; she had not been pregnant. Skeleton OVC 75 had been shot in the pelvic area with a series of projectiles; the fetus had not been found as that part of the body was destroyed; the person might have been pregnant. Skeleton OVC 15: the head was separated from the trunk. Expert witness Dr. Tasić said that they had had complete skeletons in 42 cases, the remaining skeletons were scattered (limbs and the chest, only the chest, only the limbs); in 32 cases the persons had been shot in the back of the head.

### **21 April 2005**

The witness, Dr. **Bratislav Jovanović**, MD, said that he had been questioned in 1999 by a military investigative judge. In the fall of 1991 he had been the head of the Medical Corps of the Guards brigade. He said that his Medical Corps company was stationed in Negoslavci, in a school where the surgery and the operating theater were organized; it was there that the wounded were kept until their evacuation to the Military Medical Academy. He said that in Negoslavci they had had hospital medical charts; they did not have hospital release forms for patients taken care of in Negoslavci. At the time of the evacuation of the Vukovar hospital, on 16 and 17 November, he had not been in Vukovar; he had accompanied the patients to Belgrade. The witness said that he had not entered Vukovar, that he did not know whether his company had been ordered to evacuate the Vukovar hospital.

Expert witness, Dr. **Jančić Miloš**, a specialist of general surgery and traumatology employed by the Clinical and Hospital Center Dragiša Mišević in Belgrade, an expert witness on a permanent basis, said that he had submitted his written findings and opinion about the nature of the injuries, about the health condition and a general state of the defendant, Vujo Zlatar, for the period between 20 and 21 November 1991. He said he had been at the MMA, that he had checked medical records. He said that he had ascertained that, on 31 **October** 1991, the defendant suffered multiple wounds in his right hand genitalia, the right hand, in the upper part of the left leg. He was admitted at MMA on the same day; the wound had been initially treated in Negoslavci. At MMA a diagnosis was made; the nature of the wound demanded that the vein be tied up with no lasting effects on the vitality of the limb, although there was a painful swelling which contributed to a general trauma of the day. The defendant had remained at MMA until 18 November 1991 when he was transferred to Selters Spa, near Mladenovac, for rehabilitation. He said that on 18 November, at admission in Mladenovac, a hypotrophy of the muscles in the area of the cut in the upper part of the leg was determined, which meant that until that time the person had been either lying or immobilized. The expert witness said that he had determined, on the basis of the documents, that the defendant had been at the rehabilitation institute from 18 November to 18 December 1991. He said that, in his opinion, and taking everything into account, the defendant, between 18 and 21 November 1991, could not have moved around all by himself without the help of other persons; he had been passively ambulatory with the help of an orthopedic aid. On 18 November 1991, the wound, after being stitched, was swollen, painful; with time, the swelling receded, but still taxed the wound. The expert witness said that the stitches might have been removed from the wound on or about the time the defendant had been released from MMA (8 to 10 days after the wound had been stitched), but he had failed to state that in the medical records..

## **22 April 2005**

Witness **Radoje Paunović** said that in the fall of 1991 he had been the commanding officer of the 2nd battalion of military police of the Guards brigade, with the rank of a captain first class. On 19 **November** 1991, he was given an order, by the chief of staff, Panić, to provide security for the hospital. They performed this duty until 24 November 1991. Exactly, their duty was to prevent unidentified persons from entering or leaving the hospital. On 19 November, the 4th company arrived; on 20 November 1991, another half a company was added, for strength. At the moment of their arrival to the hospital, there also was the 1st motorized battalion, under the command of Tešić, whereupon his military police took over the security. He said that he had received an order, from Panić or Mrkišić, to strengthen the company, but he had not asked for the reasons of the order. The witness said that that there had been no problems with the security; small groups of curious people, three to four, came around; they were not members of YNA, but the citizens of Vukovar. He said that the military police prevented them from staying there. He said that he, personally, had taken Marin Vidić Bili to Negoslavci, to see the brigade commander. He said that that the evacuation of the hospital had started on the second day; he had not been present all the time, although Simić had. His unit did not perform the triage of the patients, nor did they take an inventory. He said that his people had not entered the hospital premises. To the best of his knowledge, the triage was carried out by the security organs. He said that some of them had been put into buses and driven away. He said

that he had heard, from his soldiers, that they had been taken to the barracks. He said he did not know the number of buses. Members of his unit were given the task of accompanying the buses going toward other parts of the Republic of Croatia. Those buses were returned as Croatia did not want them. He said he did not know who had effected the transport, that the buses were not from the Guards unit, that he had failed to recognize the drivers; the buses did have military license plates. The witness said that he had heard, "much later", about the events at Ovčara, that is, three or four years later.

### 23 May 2005

At the beginning of his testimony, **Lazar Kolarski** said that of all the defendants he only knew Lančuzanin and Čiča, that is, defendant Šošić. In his words, at the time of the fighting in Vukovar, he had been the commander of the 4th platoon of the volunteer unit known as *Leva supoderica* and his engagement lasted 97 days, including the time period spent in Šid after they had left Novi Sad. Kolarski pointed out that he had come to Vukovar in October, but he could not remember the exact date. In his words, on 17 December, together with defendant Stošić and four other volunteers, he had gone on leave. Together, all of them, they left Vukovar and went to Novi Sad where they spent the morning, but he did not remember whether they had stayed there and spent the night with him in Novi Sad. While on leave, the witness went to visit defendant Šošić in Kruševac, on the day of his *slava*. Describing the defendant, the witness said that he was skinny, rather short and that he was sporting a moustache. On 22 December 1991, Kolarski returned to Vukovar where he stayed until 27 December, when the fighting ended. In the words of the witness, defendant Šošić had not returned with him and he did not know whether the defendant had been in Vukovar when the fighting ended.

After judge Krstajić called attention of the witness to the fact that his statement was different from the statements of other witnesses, concerning the date the fighting in Vukovar had ended, Kolarski pointed out that he was not sure about the dates, but that he was quite definite about the dynamics of the events. Continuing his testimony, the witness pointed out that he remembered Ivica Andrić, aka Đetić, who was in his platoon. In his words, Đetić did not go with them to Novi Sad after the fighting had ended, as stated by defendant Šošić in his defense. At the time of identification of the defendants, the witness recognized Šošić and Milojević. Judge Krstajić told the witness then that Šošić, in his defense, had stated that a day after the fighting had ended, on 19 November 1991, Đetić and he had left Vukovar for Novi Sad, spent the night with the witness, and that Šošić, the next day, on 20 November, went to Kruševac where his house was. After that, the witness stated that he did not remember the date the defendant spent the night with him. In his turn, the defendant reiterated that he had visited the witness only once and that this happened after the fighting had ended. Also, he added that the witness did attend his *slava*, but on 16 November, whereupon they returned to Vukovar, on 17 November, and took part in the closing battles.

At the end, Kolarski said that he had learned about the crime at Ovčara only a couple of months ago. He added that beside him, the platoon commanders in the *Leva supoderica* unit were Goran Stoparić and Kinez, and that they had received orders directly from Lančuzanin.

At the beginning of his testimony, **Čedo Papić**, a superannuated major, said that he is an invalid, that his spine had been injured, that the injury had been inflicted in 1993, near Bajina Bašta. The witness pointed out that during the fighting in Vukovar he had been the commander of the Independent Engineering Unit of the Guards brigade, that his immediate superior had been the brigade commander and that there had been no other engineering units in the Operations Group Jug. His company had two platoons and the unit was equipped with bulldozers, loaders, diggers etc. All the machines belonging to the company were olive-grey in color. Asked if he knew the details concerning the engagement of the units in the area of Ovčara, Papić pointed out that he did not remember that and added that his unit had been engaged every day. Then he pointed out that, as far as he remembered, his unit did not have any engagements in the area of Ovčara once the fighting had ended. The witness had heard about the events in the region later on, after he had been wounded.

Continuing his testimony, Papić said that he had kept a war journal containing all the data on the engagement of the machines. In addition to the journal, work assignment forms were filled in and all this was submitted to the command. In the words of the witness, the only persons who could have given him an order were the brigade commander or the chief of staff of the brigade, while Šljivančanin, as the chief of the security, could only transmit the orders. Judge Krstajić told the witness that witness Aleksandar Vasiljević had stated that he was in possession of the knowledge that the machine belonging to his (Papić's) company had dug and covered the pit at Grabovo where, later on, the bodies of the victims of this crime had been discovered. Papić said that he had read about it in *Politika ekspres*. He pointed out that one should start from the identification of the machine, as all the machines belonging to his company were olive-grey in color. He stated that it was possible that his unit had dug that pit earlier, to be used as a breastwork, and that somebody, later on, had used it for something else. At the end, the witness added that nobody from his unit could have done something on his own initiative.

Answering the question posed by a member of the trial chamber, the witness pointed out that, when the fighting started in the area of Ovčara, breastworks were dug for the tanks with flanking breastworks and looked like pits, three meters long, two meters wide and 1.5 meters deep, with the depth going to more than two meters in certain parts. The witness pointed out that the earthen breastworks were about half a meter high. In his words, the breastworks remained as they were and his unit did not level them after the fighting had ended. Later on in his testimony, the witness stated that his company had never engaged civilian vehicles from Vukovar, nor did it have buses. Also, the witness pointed out that the unit had never been engaged for night work.

When the interview of the witness was over, Jevrić, the attorney of defendant Perić, addressed the trial chamber on behalf of all defense attorneys. Jevrić said that the defense attorneys were against the hearing of the witnesses from Croatia who were scheduled to testify in the following two days by means of a video-conference link, as this was a violation of the principle of directness and contradictoriness of the criminal

procedure. In his opinion, the trial chamber did not explain why it was necessary for these witnesses to be interviewed in this manner and not directly in Belgrade. At the end, Jevrić pointed out that the defense attorneys would formally attend the trial to be held the next day so as not to disturb the course of the proceedings, but that they would not take an active part in it, that is, they would not put questions to these witnesses.

### **24 May 2005**

When the presentation of evidence was resumed, three witnesses from Croatia were supposed to testify by means of a video-conference link, namely Frano Kožul, Žarko Kojić and Zdenko Novak. However, in the courtroom of the County Court in Zagreb, where witnesses were supposed to testify from, only Frano Kožul appeared. By his side, in the courtroom of the County Court in Zagreb, stood judge Šovanj, a judge of the said court, and a high-ranking court official, Ivan Protković.

Before the interview began, judge Krstajić warned Kožul of the rights and obligations of a witness whereupon Kožul read the oath.

**Franjo Kožul** said that he was born in Vukovar and that he was in Vukovar when the fighting began. In his words, during the fighting he was a member of the Civilian Protection and was in charge of taking care of the people. He was in a shelter across the street from the Vukovar hospital where the majority of the people sheltered were the elderly, women and children. Half of all those people were of Serb and a half of Croat nationality and all of them were treated equally. The end of the fighting found Kožul in the Vukovar hospital together with the rest of the people from the shelter because somebody had told them that the town would surrender and that the people would be in the position to choose where they wanted to go. In the words of the witness, these days people used to come to the hospital en masse, and there were rumors of a possible retaliation by the Yugoslav National Army (YNA). Kožul pointed out that the army had entered the hospital grounds in the afternoon of 19 November 1991 when it was announced that a list of the people who were there would be made and that 50 or 60 buses would come to transport them wherever they wanted to go. The witness noted that they had made a list and handed it over to the negotiators, but he did not know what happened afterwards. Describing the situation inside the perimeters of the hospital, Kožul pointed out that, beside YNA, there were other units and that major Šljivančanin had also come. The witness said that major Šljivančanin had addressed the people and promised them that everything would be OK, that all of them were going to be transported to the assembly point at Velepromet, that women, children and the elderly were going to be transported first and then the rest of them. Kožul then pointed out that, beside YNA and other formations, inside the perimeters of the hospital, there were the citizens of Vukovar two of whom had caught Tomislav Pap and taken him away. In his words, the situation in the hospital was chaotic and the ranks were formed to search the people. All this took place between 4 and 5 o'clock in the afternoon. After that, a military, YNA truck came and the witness and some other people from the hospital were loaded into it and driven in the direction of Velepromet. In his words, they were taken to the warehouse of the Vukovar Agricultural and Industrial Combine where people came and took away whoever they wanted. There was cursing, they were looking for ustashas, and he himself and some other people were taken aside by Darko Fot. After

that, Miroslav Blašković, who had been a policeman before the war, was brought there, and Mićo Đanković took him aside. The witness pointed out that Đanković had told Blašković that he was going to square the accounts with him and then hit him with a rifle and took him away. After some time, there came the late Boro Živanović and took out the witness and Jurica Prpić, telling them: "I'm taking you to a safe place, there will be trouble here." In Kožul's words, he took them to a small house at Velepromet where he spoke to a youth who was there: "Topola, these two are mine; don't let anyone touch them." The witness noted that Topola had told him to take off the fur coat and the leather jacket and to take out the documents. After that, Topola took them to a room where several candles were burning and where there were between 50 and 60 persons. After some time, a soldier entered the room and told them: "In half an hour, all of you will go before the firing squad." However, after about half an hour, a major or a colonel entered the room with some soldiers and addressed the prisoners: "People, stand up!" Then he told them that outside there were buses, that they should leave in pairs, that they should not look back but go directly to the buses. This officer, in Kožul's words, told the soldiers to shoot at anyone who approached the buses and that nobody but himself may enter the buses. Kožul pointed out that there were 7 or 8 buses and that, after some time, they had started for Negoslavci and the same night on to Sremska Mitrovica.

Kožul described Topola as a strikingly tall persons, with long, black hair and a short beard. In an answer to the question whether he had seen any of the now indicted citizens of Vukovar, either at the hospital or at Velepromet, the witness pointed out that, at the hospital, he had seen Bulić and Atanasijević, Mugoša and Lančuzanin, as well as Sireta at Velepromet. The witness said that he had also seen Stanko Vujanović, but he did not remember where. When judge Krstajić told him that in the investigation he had said that he had seen the defendants, Mirosljub Vujović and Predrag, aka Peđa Mađarac, and had not seen defendant Atanasijević at all, Kožul noted that it was difficult for him now to determine who, where and when he had seen. The witness added that at Velepromet he had also seen the late Milan Vojnović. He did not remember having seen defendant Mića Medonja at that time, but, in his own words, he knew that the daughter of the defendant, Svetlana, was supposed to marry his son. In view of the fact that his son, Josip, was listed as a victim of the crime at Ovčara, the witness was asked when he had seen him last. He pointed out that he had seen his son last at the hospital, together with Siniša Veber; there also were Tadija Došen, Martin Ivica and Ivica Karanjski.

After Frano Kožul had presented his testimony, attorney Jevrić repeated his objection to the manner of interviewing the witness by means of a video-conference link, noting that Article 14 of the Law on Organization and Competence of the State Organs in the Proceedings against Perpetrators of War Crimes prescribes that a witnesses may be interviewed in the manner only if his direct appearance in the courtroom is impossible. In the opinion of the defense attorneys, this condition has not been met in the case of the witnesses from Croatia. Judge Krstajić answered that three witnesses who were invited to attend today's and tomorrow's trials had been invited earlier together with the witnesses from Croatia who had been interviewed in October last year. As it was decided that their testimonies were necessary, this particular legal recourse was applied.

**25 May 2005**

Today's continuation of the trial was not held because witnesses Žarko Kojić and Zdenko Novak did not appear in the County Court in Zagreb.

### **26 May 2005**

When the presentation of evidence was continued, Saša Radak, also indicted for this crime in April 2005, whose trial was scheduled for 1 June, was supposed to present his evidence; also Ilija Dujaković, who has already been interviewed as a witness, and Radojka Vučković, from Vukovar, who was invited to appear at today's trial by means of a petition submitted to the Republic of Croatia. However, since the Ministry of the Interior of the Republic of Croatia could not locate her address, the summons was not delivered to her.

**Saša Radak** did not want to present his testimony because he was indicted for his participation in the crime. In his own words, he had received a lot of material which he should read and he did not want to say anything before presenting his defense.

**Ilija Dujaković** was invited to appear as a witness because at the time of his previous testimony he was unsure about the time he had left the army. In the meantime, the trial chamber had asked the Military Security Agency about information concerning his service in the army, but the Agency had replied that they did not have any information about him, although they did have records of his brother, Goran Dujaković. The witness noted that his brother had also served his term in the Guards brigade, but had arrived to the brigade six months after the witness. Dujaković then presented to the trial chamber his military identity card where it was written that he had done his regular military service from 19 December 1990 to 22 November 1991, and had been called for a military exercise from 23 November of the same year to 22 January 1992. The witness also submitted photographs of himself from the time when he had served his term in the Guards brigade where it was possible to see, by his side, the first protected witness.

Asked where his brother Goran had been during the fighting in Vukovar, the witness said that he had been in Negoslavci and added that he had found his brother 21 days later, whereupon he took him to Vukovar and introduced him to defendant Zlatar. In his words, his brother had seen defendant Zlatar once or twice and, after the fighting in Vukovar had ended, and never again.

The attorney of defendant Šošić, Beljanski, asked the witness whether any person of Muslim nationality from Bosnia and Herzegovina had served as a courier in the Guards brigade at the time of the fighting in Vukovar and the witness gave a positive answer and pointed to him on one of the photographs. Attorney Beljanski pointed out that that person, in 1995, had testified before the Hague Tribunal in the trial of Slavko Dokmanović as a protected witness and added that he might ask for this person to be interviewed here in view of the fact that his statement differs from the statement of the protected witness.

When the testimony of witness Dujaković was over, judge Krstajić informed the witnesses that Vilim Karlović and Petar Janjić, aka Tromblon, who had been invited to appear at the continuation of the trial tomorrow by means of a petition submitted to

the Republic of Croatia, would not attend the trial because the Ministry of the Interior of the Republic of Croatia had informed the court that the data they had received were not enough for them to locate the wanted persons. After that, the defense attorneys, Dozet and Štrbac, submitted the data they had been able to find about witnesses Karlović and Janjić, while defendant Milojević submitted the data for Radojka Vučković.

At the very end, judge Krstajić asked defendant Perić whether he knew a certain Sandra, whose maiden name was Marušić, from Vukovar, and the witness answered that he did and that she had been his schoolmate. He added that he had seen her husband, who had been a police inspector before the war, that night in Vukovar.

### **27 May 2005**

When the trial continued, witness Vukašin Premović was interviewed. Before questioning, judge Krstajić informed him on the rights and obligations of a witness.

**Vukašin Premović** said that, during the fighting in Vukovar, he had been engaged as a reserve captain first class in the 80th motorized brigade from Kragujevac whose commander had been Milorad Vojinović. In his words, this brigade had come to the region of Vukovar on 7 November 1991 and had remained there until 14 January 1992. Asked what his duties in the brigade had been, the witness said that he had been an administrator in the Operations and Instruction Department. In his words, all the time his unit was in Vukovar, he spent at the headquarters in Negoslavci where he was in charge of the command position and where he was engaged in the preparation of the unit's tasks in the area of operations. When there was no fighting, most of the orders were issued orally, but they were also produced in the written form and were entered into the war journal of the brigade. This journal, in his words, was kept by the chief of staff, although, from time to time, he himself entered the data referring to the wounded and killed soldiers. Judge Krsstajić then showed the witness a copy of the war journal of the 80th motorized brigade from Kragujevac which the court had obtained through official channels and asked the witness whether that was his handwriting in view of the fact that a number of times there was a reference to "Premović, a captain first class." Having glanced at it, the witness said that the handwriting was his and added that the data were provided by operations people and he just entered them. The witness was shown a note where it was written that on 19 November, Jan Marček had been appointed commander of the village of Ovčara, that his deputy was Milisav Dražić, while the commanders of the villages of Grabovo and Jakubovac were Milan Jović and Živadinović respectively. The witness pointed out that this order was supposed to take effect in the morning of the next day, 20 November, when the nominees were to be informed thereof as well. In his words, in the journal it was stated that the order had been issued by the commander, Milorad Vojinović. Asked if he knew who it was who had entered the data into the tactics and operations journal, the witness answered that he himself had often entered the data into that journal as well and added that similar data were entered into both journals. Continuing his testimony, Premović pointed out that, to the best of his knowledge, the activities concerning prisoners of war after the fighting had ended had been carried out by the Guards brigade. He stressed that the 3rd battalion of the Kragujevac brigade was a part of the Guards brigade. He might have written something down about the activities of his brigade concerning prisoners of war, but he did not



remember that as he wrote down only the data given to him by the officers and operations people. At the end he said he did not know anything about the surrender of the Mitnica group.

Later on in his interview Premović said that he had learned about the events at Ovčara much later, from his colleagues and from the media. In his words, he had not attended the meetings of the command, but had attended the staff meetings. Judge Krstajić then presented the witness with a note from the war journal where it was written that on 17 November the ustashas who had been put in the hangar in the region of Ocčara had been transported to the prison in Sremska Mitrovica. Premović recognized his handwriting and said that the note was dictated to him by major Janković.

Deputy war crimes prosecutor Dušan Knežević informed the trial chamber that the Prosecution had, through official channels, come into possession of the tactics and operations journal of the Kragujevac brigade which the court had asked for after receiving the war journal. In view of the fact that, beside the prosecutor, other parties to the proceedings had not had an opportunity to familiarize themselves with the contents of this document, a recess was announced so that the journal might be copied and distributed to the parties in the proceedings. After the recess, judge Krstajić showed the witness a note from the journal dated 20 November 1991 at 16:00 hours. In the note it was written: "to determine the shifts of the military police company and to assign brigade command officers in order to guard the captured members of the National Guard Corps (NGC) in the region of Ovčara". The witness pointed out that that was his handwriting and that he had been ordered to write it down by lieutenant colonel Vojinović, either in Negoslavci or from the field, by phone. The next note presented to the witness was the one written down on 20 November at 22:35 hours, where it was written that "from the region of Ovčara the security detail guarding the camp of the members of the National Guard Corps, that is, the company of the military police, was withdrawn and returned to Negoslavci, and the guard duty was taken over by the members of the Vukovar Territorial Defense". Premović pointed out that that was his handwriting and that the note was dictated to him by lieutenant colonel Vojinović or major Duško Janković. In his words, the duty was taken over by a detachment of the Territorial Defense from Petrova Gora and *Leva dupoderica*. However, after that he qualified his statement and said that he might have said it because he had read in the media that they had taken part in the events at Ovčara. The witness then pointed out that the time 22:35 hours was the time the note had been written, that is, the time he learned about what had been written. He added that the next note in the journal was written down by his colleague, captain first class Ristić.

Upon the motion of the deputy prosecutor, the witness was shown a note dated 18 November 1991 at 14:00 hours where it was written that "all brigade officers and parts of the communications and police companies were to fall in and all of them went to the Ovčara farm with the task of determining the location of the camp for the prisoners from Mitnica". The witness recognized his handwriting and pointed out that the note had been dictated for him to enter by the commanding officer, Vojinović. The following note, written down at 16:00 hours of the same day, said that lieutenant colonel Rade Danilović had been appointed commander of the camp, while the security was entrusted to brigade command.

At the end, the witness was shown the first entry, dated 21 November, written down by Ristić, where it was written that "the night was quiet, one could hear shots at Grabovo between 3 and 4 o'clock in the morning, because of sporadic pockets of resistance". Premović could not provide any further details about this entry.

### **Observers' remarks**

On 24 May, when the proceedings continued, the first interview of a witness by means of a video-conference link took place in accordance with the provision of the Law on Organization and Competence of the State Organs in the Proceedings against Perpetrators of War Crimes. Although the defense objected to the use of the video-conference link because it violated the basic principles of the Law on Criminal Procedure, this, in our opinion, was not correct. The principles of directness and contradictoriness of the criminal procedure would have been violated if the statements of these witnesses given during the investigation had been read without a possibility to question them. In this case, the defense had an opportunity to put questions directly to witnesses Kožul and to take part in his interview. The only untoward situation in Kožul's interview occurred when defendant Madžarac addressed the witness saying that he (the defendant) would return to Vukovar when all this was over and then the two of them would talk.

At the last court appearance, on 27 May, a material evidence of crucial importance was presented - the tactics and operations journal of the Kragujevac brigade. This journal has been very helpful in determining the date the crime had been committed and the responsibility for the fate of the war prisoners from Ovčara.