

Ovčara case
Trial for the war crimes against the war prisoners
War Crimes Chamber of the District Court in Belgrade, Serbia
Number of case: K.V. br.1/2003

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.

Report: Nataša Kandić and Dragoljub Todorović, victims representatives

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 1st 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 Kovčić, 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 1st company, the commander was Stanko Vujanović, in front of the 2nd company they had no commander, while in front of the 3rd 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 Tošić 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 Miroљub Vujović and two or three wounded persons, he flew from Negoslavci 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 80th motorized Kragujevac brigade which remained in Negoslavci 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.