

**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:** Miroљjub Vujović, Stanko Vujanović, Jovica Perić, Ivan Atanasijević, Predrag Mađžarac and Milan Vojnović, Serbs from Croatia.

**Report:** Nataša Kandić and Dragoljub Todorović, victims representatives

**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 ustashas 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 Lančužanin, 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 Miroљjub 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

Negoslavci 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 Borislavljević 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 Vukašinić, 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, Vukašinić denied this at the trial and added that that day Šljivančanin had not been at Ovčara at all. In addition, Vukašinić 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 Vukašinić 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.*