

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

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.