

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

23 May 2005

At the beginning of his testimony, **Lazar Kolarski** said that of all the defendants he only knew Lančužanin 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 (Paspčić'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.

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