

**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

**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 Velepomet, 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, Miroљub 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.

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