

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 Madžarac and Milan Vojnović, Serbs from Croatia.

Report: Nataša Kandić and Dragoljub Todorović, victims representatives

25 and 26 October 2004

In the beginning, witness **Dragutin Berghofer** said that he had come to the hospital in the evening of 17 September 1991 and that he had been taken from the hospital, together with other prisoners, on the morning of 20 November. The witness stressed that he had come to the hospital as a member of 204th Vukovar brigade, that he did not have a uniform, that he was armed with an automatic rifle which he had received before the fall of Vukovar. Berghofer pointed out that he had come to the hospital from the front line, following an attempt of the group he was in to effect a breakthrough. During his stay in the hospital, there were suggestions to organize a convoy. They were told that those in uniforms had to change and leave their arms, so he left his automatic rifle under a car. The witness pointed out that on 19 November 1991, at approximately 16:00 hours, reservists had entered the hospital, that he had spent the night with the nurses and the doctors, and that "half the town" was in the hospital. In his words, in the morning of 20 November, Šljivančanin came to the hospital and all those who were in the hospital had to leave. Medical personnel went to one side and the rest of them to the other. A reservist examined them whereupon they got on the buses. He emphasized that there had been six buses with Zrenjanin license plates and that they were used to transport them at 8 o'clock in the morning to the barracks where they remained until 13:00 or 15:00 hours. From the bus he was in, a reservist led out Hidek, Kolesar and Ličina, around 11:00 hours and took them to a military bus where they were beaten, and then the bus went somewhere, followed by a Jugo car, with five persons in it carrying baseball bats and fire extinguishers. The buses were guarded by young soldiers and nobody was allowed to enter or leave them. After three hours spent near the barracks, they were transported to Ovčara, in buses. Describing the situation they found there, witness Berghofer said that on his right he had seen his neighbor, defendant Goran Mugoša, who was in civilian clothes and who was searching the prisoners. In his words, Mugoša took out the money given to him by the nurse in the hospital, while nearby there was a pile of suitcases and handbags. Beside Mugoša, the witness had seen Miloš Bulić, who said to Damjan Samardžić: "Take off the hospital coat!" and began hitting Samardžić and his nephew together with some other persons. The witness Berghofer then said: "One of the Zorić's sons hit me with a crutch", and added that he had received several more blows before he went into the hangar. In Berghofer's opinion, in the hangar there were some 250 persons and that he had seen Ružica Makrobašić, Dragica Tušan and Čakalić who was approached by Dokmanović, who was in the blue aviator's uniform and who addressed him whereupon he was hit. The witness said that a person by the name of Kemo was beating a boy who was, after that, kicked by Dokmanović with a back scissors kick. The witness Berghofer said that he had seen Siniša Glavašević, who was also beaten up, entering the hangar. The witness stated that he was led out of the hangar by Goran Ivanković, the son of doctor Ivanković, and that he had been, together with some other prisoners, in a white vehicle, transported to Velepromet and thence to Modateks. The witness Berghofer later said that, beside

himself, Ivanković had also led Gunčević out of the hangar and added that nobody was protesting because of this. Continuing his testimony, Berghofer said that they had been returned from Modateks to Velepromet where they were in the "death room". Jezdimir Stanković accompanied them to Velepromet where Pero Krtinić began yelling that all of them should be killed.

In the beginning, witness **Hajdar Dodaj** spoke about what was happening in the summer and fall of 1991. In fact, at that time, the witness was serving his regular term in YNA. In his words, he had been three months in the army. After he had run away from Petrovac na Mlavi, he was caught in Zemun whereupon he was detained for 35 days and then moved to Bijelo Brdo in the vicinity of Osijek where he was not issued live ammunition. Dodaj then said that he had spent 21 days at Bijelo Brdo and that, at that time, targets in Sarvaš and Dalj were shelled. After that, he was again returned to Petrovac and then to Sremska Mitrovica where he was issued live ammunition. There they were lined up by a colonel who told them that they were going to war in Vukovar where there were 20,000 ustasha, Kurds and Romanians to be killed. In defendant Dodaj's words, toward the end of August or at the beginning of September 1991 they came to Negoslavci and were billeted in Dubrava near Vukovar. The witness stressed that on 24 of September 1991, at exactly 12:00 hours, he had left his post together with four other soldiers and fled to the part which was not held by anyone. "Everything was burned down, everything was destroyed... Who were we protecting, who were we defending, I have no idea." After they had given themselves up to some people they were moved to the police headquarters in Vukovar where they were questioned and where they were told they could not leave the town because of the blockade. The witness remarked that the town was in panic, that he had not seen 20,000 ustashas, but the civilians who had armed themselves to protect themselves. The witness said that he had taken an automatic rifle and that he had been at the police headquarters until 17 November when, around 23:00 hours, he had gone to the hospital. In his words, the army came to the hospital on 18 November, but nobody bothered him until 20 October when all of them were lined up and when women, children and the elderly were separated. Major Šljivančanin told them then: "Don't be afraid, everything will be all right." After that, they were searched by the guards and all of their more valuable personal effects were taken from them and then they were loaded into the buses where they had to hold their hands behind their backs and had to lower their heads. Although they were told that they could decide where they wanted to go, to Zagreb or to Belgrade, and that they would be taken there, all of them were taken to the barracks. The witness Dodaj pointed out that at the barracks he saw a great outburst of anger, when they took shovels from the tanks and hit the buses. At one time, a soldier came into the bus and told a doctor who was sitting four or five seats in front of him: "You have slaughtered the largest number of Serbs, as you know how to do that." After that, he took him out of the bus where there were the White Eagles, members of TD and members of Arkan's units (paramilitary formations) who beat him up. A couple of hours after that, which they had spent near the barracks, they were taken, in the buses, to Ovčara, followed by those who beat them up. At Ovčara, the double rows were formed with ten persons on one side and the other ten on the other side. In Dodaj's words, a man entered a bus and asked if there were any Albanians in it, threatening to kill them all if they failed to report. When an Albanian came forward, the man told him: "You'll be mine when you get off the bus." At the time of leaving the bus, a youth who preceded the witness, said: "Not me, we are YNA" whereupon they were separated from the rest and two YNA colonels who were standing by the road began questioning them. Describing the atmosphere in front of the hangar, witness Dodaj said that there was a lot of screaming and a loud noise and that he had seen, in front of the hangar, a yellow bulldozer. After that, an officer came by and asked: "Where are those soldiers?" and then blindfolded them, tied their hands and put them in a cellar where the civilians had been hiding. The witness said that they had arrived at Ovčara around 15:00 or 16:00 hours, in the daylight. Witness Dodaj said that he had stayed at Ovčara until the closing of the door, which was an hour or two later, and added that he had seen the prisoners of war entering the hangar and the door of the hangar closing. In his words, some 30 persons were around the hangar and he saw, before the door was closed, how the prisoners were beaten with the handles

and sticks. The witness pointed out that all those from the barracks had come to Ovčara and that there were members of YNA, soldiers in tiger-striped uniforms, members of White Eagles and others. Dodaj then said that he knew a policeman, a Croat, who was sitting with him and showed him a picture of his wife and children.

Witness **Rade Bakić** pointed out that he had gone to Ovčara with defendant Milan Vojinović whom he had taken there by car to look for his daughter and son. Defendant Vojinović went to the hangar and, as he could not find them, they returned. The witness said that they had gone to Ovčara at dusk, around 16:00 hours, and that they had stayed there an hour, an hour and a half. The army was on the road and they did not allow civilian vehicles to go toward the hangar so that he remained some 150 meters from the hangar. There was no barrier there, but there were seven or eight armed persons wearing olive-gray uniforms or battle fatigues. "I saw nothing... it was so dark... there were people near the hangar, and the soldiers everywhere."

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