

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

25 and 26 November 2004

Witness **Mile Bakić** pointed out that he had lived in Vukovar until 1998 and that, during the fighting, he had been engaged by a YNA Guards battalion as a driver. In his words, his immediate superior had been the late Pero Miljanović. The witness said that he was armed with a scorpion and added that his task was to transport food in a white van. Speaking about Ovčara, witness Bakić pointed out that he had gone there to look for his uncle's daughter who he found at Velepromet the next day. In his words, he arrived at Ovčara at dusk. In front of the hangar there were two, three, four buses with prisoners still getting off and then entering the hangar. The witness pointed out that he did not know who those prisoners were and then added that he was looking for his sister. Of the defendants whom he knew he recognized Vujović and Vujanović, Đanković and Bilić near the hangar. After a while, a captain ordered him to take a freight van and drive three prisoners to Modateks. Witness Bakić said that those three were standing at the door and that among them he recognized Emil Čakalić. After leaving them at Modateks, he returned to Ovčara together with two soldiers who had also been in the van. In his words, he returned to Ovčara to take the two soldiers there and remained there about an hour, standing in the dark. He left Ovčara before midnight, together with Jovica Novoselac. Upon his return from Modateks, there were no buses at Ovčara. He pointed out that he thought that, on the way, he saw the defendants Vujović and Vujanović talking with the soldiers. The witness then said that he could not say whether somebody had ordered him to come to Ovčara. He had heard stories about the crime at Ovčara later. In his words, there were officers in front of the hangar, including major Šljivančanin. The witness stated that he was familiar with the fact that defendant Zlata Vujo was wounded in October and that he returned from the treatment in December 1991. After that, he stated that he was familiar with the fact that the first protected witness had several times visited defendant Zlata's café, after the war, and added that there were stories that the two of them had quarreled. In the end, in an answer to a question whether he was being threatened, Bakić said: "It remains to be seen whether I am being threatened or not. I only know my family is not sleeping peacefully."

Witness **Miodrag Panić** said that, during the fighting in Vukovar, he was the chief of staff of the YNA Guards brigade commanded by Milan Mrkšić. The witness pointed out that he was sorry that this had happened to the Guards brigade because they had done their job professionally and because the brigade was used at the time when there was no other way of removing the blockade of the barracks. In his words, the fighting in Vukovar was ended on 18 November 1991, when the Mitnica group surrendered and was transported the following day to Sremska Mitrovica. The witness Panić pointed out that the hangar at Ovčara, where the Mitnica group had been, was chosen for the incarceration of the prisoners because it was well preserved. He then said that on 19 November the Vukovar hospital was evacuated after the arrival there, on 18 November, of the

1st and 2nd battalions of the military police. In the words of the witness, the evacuation was completed in the morning hours of 20 November when the session of "the Government of the Republic of Serb Krajina" took place. The witness Panić claimed that the hospital was used as a shelter for the people who had done something wrong and added that those people had wrapped themselves up in bandages and put on plaster casts. In order to learn the identities of those people, YNA used local inhabitants. Speaking about his activities on 20 November, the witness pointed out that he was in the barracks when he was called to report to Mrkšić as it was decided that he should go and attend the session of "the Government of the Serb Krajina" and deliver the greetings from Mrkšić. When he arrived, the session was already in progress and there was a heated argument. In his words, one could hear insults directed at YNA and that it would not be allowed for the prisoners from the hospital to be transported to Sremska Mitrovica. It was pointed out that authority had been established, that the rule of law was in operation and that the prisoners from the hospital would be tried. A conclusion was reached to establish a temporary prison at Ovčara. The witness pointed out that the meeting was chaired by Hadžić and then presented his notes from the meeting. The witness then emphasized that he had informed Mrkšić by telephone on the decisions of the Government and said that Mrkšić had agreed to that. Besides, the witness remarked that Mrkšić had told him before the meeting that the most important item on the agenda would be the fate of the prisoners from the hospital and that he had noted that "it should be the way they decide". The witness also said that the meeting was attended by Željko Ražnatović, aka Arkan, but he did not see him take part in the discussion. After the meeting, the witness went to the barracks where he found the buses with the prisoners. Around the buses there were people who tried to identify those who had killed their friends and relatives, but a platoon of military police did not let them. The witness said that he had come to Ovčara by a Puch in the afternoon, between 15:00 and 16:00 hours. When he arrived, the hangar door was open and, in front of the door, there were the military policemen from the company of the Kragujevac brigade which provided security. In his words, there he found the commanding officer of the Kragujevac brigade, Vojinović, and met also major Ljubiša Vukašinović. He pointed out that he had seen neither Karanfilov nor major Šljivančanin. The witness Panić then said that he had spent only 15 to 20 minutes there, he saw people standing and he thought they were waiting for a trial. He pointed out that, upon his return from Ovčara, he had suggested to Mrkšić that someone from the security bodies should go there and added that he had sent Božić from the military police battalion. However, the witness never learned whether Božić had later submitted a report thereof or not. He pointed out that he had learned about the crime at Ovčara from the media and only after his return to Serbia and added that he had heard that the location where the execution had taken place was called Grabovo. Continuing his testimony the witness said that the TD of Vukovar, with the coming of the YNA Guards brigade, was placed under its authority. The witness then said that he knew that at one time TD was headed by Jakšić and that, after he was removed, he was replaced by defendant Mirosljub Vujović. As far as he remembered, already on 18 November 1991, defendant Vujović was the commander of Vukovar TD. Witness Panić then pointed out that he knew that Vujović had been at the reception given by general Veljko Kadijević and added that, of all the indicted persons, he knew Vujanović, too, and remembered the nicknames Kinez and Kameni. The witness then said the Guards brigade was in charge of the prisoners until their arrival in the hangar. He went on to add that, after the cessation of hostilities in Vukovar, an order arrived from the First Military District recalling the units of TD to their home bases. Speaking about the triage in the hospital, witness Panić pointed out that it had been done under the control of the security organs and added that major Šljivančanin and his people were engaged in it. The witness then said that, from 18 to 21 November 1991, the highest-ranking officer in Vukovar was Mrkšić. In the words of witness Panić, the Government's decision concerned only the prisoners from the hospital.

Observers' remarks

In the five days of the proceedings the court has heard the testimonies of the witnesses some of which used to have very high positions in the former YNA.

Also, during these five days, for the first time, photographs were shown. One of them shows defendant Stanko Vujanović, the other one defendant Zlatar, witness Bakić and some other persons.

What was seen as a problem were conversations among the witnesses and their talks with the relatives, friends and the Hague defense attorneys of Mrkšić, Radić and Šljivančanin, during the breaks in the proceedings. All this has undermined the credibility of the witnesses and points to the lack of professionalism in the court security. Besides, while monitoring the trials, the attorneys of the defendants Šljivančanin and Radić, the attorneys Lukić and Borović, commented loudly on the course of the proceedings.

Humanitarian Law Center