

**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:** Miroљub Vujović, Stanko Vujanović, Jovica Perić, Ivan Atanasijević, Predrag Mađžarac and Milan Vojnović, Serbs from Croatia.

**Report:** Nataša Kandić and Dragoljub Todorović, victims representatives

**27 May 2005**

When the trial continued, witness Vukašin Premović was interviewed. Before questioning, judge Krstajić informed him on the rights and obligations of a witness.

**Vukašin Premović** said that, during the fighting in Vukovar, he had been engaged as a reserve captain first class in the 80th motorized brigade from Kragujevac whose commander had been Milorad Vojinović. In his words, this brigade had come to the region of Vukovar on 7 November 1991 and had remained there until 14 January 1992. Asked what his duties in the brigade had been, the witness said that he had been an administrator in the Operations and Instruction Department. In his words, all the time his unit was in Vukovar, he spent at the headquarters in Negoslavci where he was in charge of the command position and where he was engaged in the preparation of the unit's tasks in the area of operations. When there was no fighting, most of the orders were issued orally, but they were also produced in the written form and were entered into the war journal of the brigade. This journal, in his words, was kept by the chief of staff, although, from time to time, he himself entered the data referring to the wounded and killed soldiers. Judge Krsstajić then showed the witness a copy of the war journal of the 80th motorized brigade from Kragujevac which the court had obtained through official channels and asked the witness whether that was his handwriting in view of the fact that a number of times there was a reference to "Premović, a captain first class." Having glanced at it, the witness said that the handwriting was his and added that the data were provided by operations people and he just entered them. The witness was shown a note where it was written that on 19 November, Jan Marček had been appointed commander of the village of Ovčara, that his deputy was Milisav Dražić, while the commanders of the villages of Grabovo and Jakobovac were Milan Jović and Živadinović respectively. The witness pointed out that this order was supposed to take effect in the morning of the next day, 20 November, when the nominees were to be informed thereof as well. In his words, in the journal it was stated that the order had been issued by the commander, Milorad Vojinović. Asked if he knew who it was who had entered the data into the tactics and operations journal, the witness answered that he himself had often entered the data into that journal as well and added that similar data were entered into both journals. Continuing his testimony, Premović pointed out that, to the best of his knowledge, the activities concerning prisoners of war after the fighting had ended had been carried out by the Guards brigade. He stressed that the 3rd battalion of the Kragujevac brigade was a part of the Guards brigade. He might have written something

down about the activities of his brigade concerning prisoners of war, but he did not remember that as he wrote down only the data given to him by the officers and operations people. At the end he said he did not know anything about the surrender of the Mitnica group.

Later on in his interview Premović said that he had learned about the events at Ovčara much later, from his colleagues and from the media. In his words, he had not attended the meetings of the command, but had attended the staff meetings. Judge Krstajić then presented the witness with a note from the war journal where it was written that on 17 November the ustashas who had been put in the hangar in the region of Ocčara had been transported to the prison in Sremska Mitrovica. Premović recognized his handwriting and said that the note was dictated to him by major Janković.

Deputy war crimes prosecutor Dušan Knežević informed the trial chamber that the Prosecution had, through official channels, come into possession of the tactics and operations journal of the Kragujevac brigade which the court had asked for after receiving the war journal. In view of the fact that, beside the prosecutor, other parties to the proceedings had not had an opportunity to familiarize themselves with the contents of this document, a recess was announced so that the journal might be copied and distributed to the parties in the proceedings. After the recess, judge Krstajić showed the witness a note from the journal dated 20 November 1991 at 16:00 hours. In the note it was written: "to determine the shifts of the military police company and to assign brigade command officers in order to guard the captured members of the National Guard Corps (NGC) in the region of Ovčara". The witness pointed out that that was his handwriting and that he had been ordered to write it down by lieutenant colonel Vojinović, either in Negoslavci or from the field, by phone. The next note presented to the witness was the one written down on 20 November at 22:35 hours, where it was written that "from the region of Ovčara the security detail guarding the camp of the members of the National Guard Corps, that is, the company of the military police, was withdrawn and returned to Negoslavci, and the guard duty was taken over by the members of the Vukovar Territorial Defense". Premović pointed out that that was his handwriting and that the note was dictated to him by lieutenant colonel Vojinović or major Duško Janković. In his words, the duty was taken over by a detachment of the Territorial Defense from Petrova Gora and *Leva dupoderica*. However, after that he qualified his statement and said that he might have said it because he had read in the media that they had taken part in the events at Ovčara. The witness then pointed out that the time 22:35 hours was the time the note had been written, that is, the time he learned about what had been written. He added that the next note in the journal was written down by his colleague, captain first class Ristić.

Upon the motion of the deputy prosecutor, the witness was shown a note dated 18 November 1991 at 14:00 hours where it was written that "all brigade officers and parts of the communications and police companies were to fall in and all of them went to the Ovčara farm with the task of determining the location of the camp for the prisoners from Mitnica". The witness recognized his handwriting and pointed out that the note had been dictated for him to enter by the commanding officer, Vojinović. The following note, written down at 16:00 hours of the same day, said that lieutenant colonel Rade Danilović had been appointed commander of the camp, while the security was entrusted to brigade command.

At the end, the witness was shown the first entry, dated 21 November, written down by Ristić, where it was written that "the night was quiet, one could hear shots at Grabovo between 3 and 4 o'clock in the morning, because of sporadic pockets of resistance". Premović could not provide any further details about this entry.

### **Observers' remarks**

On 24 May, when the proceedings continued, the first interview of a witness by means of a video-conference link took place in accordance with the provision of the Law on Organization and Competence of the State Organs in the Proceedings against Perpetrators of War Crimes. Although the defense objected to the use of the video-conference link because it violated the basic principles of the Law on Criminal Procedure, this, in our opinion, was not correct. The principles of directness and contradictoriness of the criminal procedure would have been violated if the statements of these witnesses given during the investigation had been read without a possibility to question them. In this case, the defense had an opportunity to put questions directly to witnesses Kožul and to take part in his interview. The only untoward situation in Kožul's interview occurred when defendant Madžarac addressed the witness saying that he (the defendant) would return to Vukovar when all this was over and then the two of them would talk.

At the last court appearance, on 27 May, a material evidence of crucial importance was presented - the tactics and operations journal of the Kragujevac brigade. This journal has been very helpful in determining the date the crime had been committed and the responsibility for the fate of the war prisoners from Ovčara.