

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

28 January 2005

At the beginning of his testimony, witness **Saša Miljić** said that during the fighting in Vukovar he was a signal-corpsman in a Light Artillery Division of the Anti-Aircraft Defense commanded by Jan Marček. Witness Miljić pointed out that he was in the same platoon with witness Petković and added that they were first stationed at Sajmište and then, after the cessation of hostilities, in November 1991, they were moved to Ovčara. In Miljić's words, commander Marček took them into the hangar where they found more than 100 prisoners and between 30 and 40 armed and uniformed persons. The witness pointed out that the prisoners were sitting on the straw in a part of the hangar while the armed persons were walking around. In his words, the persons in uniforms had no insignia and were not members of YNA. The witness then pointed out that he and Petković had no specific orders, except to be there. The witness remembered that, in the center of the hangar, there was a table and a soldier was sitting at the table and making a list of prisoners and added that a light bulb was on in the hangar. In his words, at one time Marček appeared and told them to go to sleep whereupon, together with them, he returned to the command headquarters. He stated that after he had returned, he went to sleep and did not hear the shooting. In his words, a day or two after that they returned to Sajmište, where they learned that the prisoners from Ovčara had been shot.

At the beginning of his testimony, witness **Milan Petković** said that during the fighting in Vukovar he was a signal-corpsman in a company of a Light Artillery Division of an Anti-Aircraft Defense which was stationed near the command headquarters of the unit. In his words, a day or two after 18 November 1991, when the fighting in Vukovar was ended, his unit was moved to Ovčara where they stayed two or three days. The witness Petković pointed out that they had been billeted in a building while the command headquarters were stationed in a building across the street. To the right of the building they were stationed in there was a hangar, at a distance between 50 and 200 meters. Petković then pointed out that one evening, when captain Marček assigned Miljić and him to guard the prisoners until they were moved to Sremska Mitrovica, he was in the hangar. In his words, a courier arrived and took them there. They remained there around two hours. Together with them, there was a reserve officer from their unit. Describing the situation in the hangar, Petković pointed out that the prisoners were entering the hangar while members of TD and volunteers stood by the side. The prisoners threw the bags aside. In front of the hangar there were many civilian vehicles. In his opinion, there were between 150 and 200 prisoners and between 15 and 20 members of TD and volunteers who stood in two lines and were beating the prisoners on their way into the hangar. In the hangar itself, the prisoners were sitting while the members of TD and the volunteers were walking this way and that. In the middle, there was a table where somebody from his unit was making a list of prisoners. In his words, the prisoners were in civilian clothes, and some of them had bandaged

heads, while a person had an amputated leg. Among the prisoners, there was a thin woman, between 35 and 40 years of age. The witness pointed out that the members of TD and the volunteers were cursing and shouting and added that he spoke with three or four of them. In his words, 90% of the members of TD and volunteers were in uniforms, while some had civilian jackets, military hats, and one of them had a fur hat. He pointed out that after half an hour, three or four persons arrived into the hangar and one of them, the younger one, approached a prisoner and asked: "Why did you kill my brother?", and then kicked him in the chest and went away. In his words, outside the hangar, in the distance, the sound of shooting could be heard but, at that time, there were celebrations, there was a lot of shooting all the time. The witness Perković then said that he and Miljić were on a guard duty and that he had seen when one or two groups consisting of 8 to 10 prisoners were taken from the hangar, he did not know where, and said that he had heard that they were going to be transported to some other hangar in a tractor trailer. The witness pointed out that the prisoners were going out one after another and added that a group of persons who had not been seen earlier in the hangar came for them. In the opinion of the witness, the prisoners were not taken away in the order their names were written on the list because the list was still being made. At that time, somebody came and told them that the captain had ordered them to withdraw. The witness pointed out that during the time they had been inside the hangar, there had not been any active service soldiers or officers, although there might have been some military policemen. The witness Petković pointed out that he had heard the shooting from the distance of 200 to 300 meters from the hangar, that there were several individual shots, but that he had not paid any attention to them. On his way out of the hangar, Petković saw, some 10 meters from the entrance, an empty tractor with a trailer. Besides, the witness pointed out that nobody had ever spoken with him about the events at Ovčara.

Observers' remarks

In the last four days of the trial, the court security directed the observers toward the gallery, insisting that the observers must not sit in the courtroom itself. The reason for that, they said, was the request by Nataša Kandić that all those from Croatia should sit in the gallery. Later on we learned that members of the defendants' families had complained of being bothered by journalists. The court appearance held on 26 January 2005, when Aleksandar Vasiljević presented his testimony, was attended, in the gallery, by the defense attorneys of the Hague defendants Mrkšić, Radić and Šljivančanin. Although they commented loudly the testimony of the witnesses the court security failed to react.

The plaintiffs' families found it very difficult to bear the long questioning of witness Aleksandar Vasiljević by defendant Vujanović.