

**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

**29 October 2004**

Witness **Novica Trifunović** said that in September 1991 he was mobilized into a military police company of the 80<sup>th</sup> motorized Kragujevac brigade. He said that parts of the company were billeted in Negoslavci, some ten days before the events at Ovčara. Speaking about the circumstances surrounding his arrival at Ovčara, the witness said that "on the critical day" he had gone, with captain Vezmarović, Šapić and a number of military policemen, on a task outside Negoslavci. Upon their return, in the afternoon, they found nobody from the military police. "On the occasion, I saw lieutenant colonel Vojnović, the commander of the 80<sup>th</sup> motorized brigade whom I knew very well, as one of my tasks was to serve as his bodyguard from time to time. We wondered where everybody was and then, one of the soldiers present there, I think, said that they had gone to Ovčara... that somebody was killing them". Vojnović was very upset and they (the military policemen who had come to Negoslavci), led by Vezmarović, went to Ovčara immediately, in a Pinzgauer. In his words, he knew Ovčara, because two days earlier they had been there to guard the soldiers of the Croatian Army, all night long, whereupon they had been transported somewhere, in buses. Speaking about the situation prevailing at Ovčara upon his arrival there, the witness said: "The situation there was chaotic... there was nobody with an executive authority, to command. I saw members of my company there, quite a number of civilians, in civilian clothes, and I saw members of TD torturing them, some were beaten... they were shoved... I know for sure that captain Vezmarović had ordered everybody who was not a member of my company, that is, our unit, must leave the hangar... The members of TD did leave, arguing, but there was no pushing and shoving... I was given the task, together with Predrag Šapić, to stand guard at the entrance and prevent the re-entry of the members of TD whom the other members of the unit had led out of the hangar." Trifunović pointed out that he could not say how much it took, but he had noticed that, a couple of meters from where he and Šapić were, there stood Vezmarović and captain Dragi. The witness then pointed out that it appeared to him that Dragi had told Vezmarović that they should withdraw and soon after that the unit whose member the witness was retreated to Negoslavci. The witness said that it was late in the afternoon when they had gone to Ovčara but it was still daylight. In his words, a list of prisoners was being made in the hangar by a soldier and a reserve officer, Joca. Continuing his testimony, he said that members of TD protested when they were told to leave the hangar. He pointed out that he had noticed, among the members of TD, a dark-haired man who, at that time, was between 25 and 30 years old and about 175 cm tall, and who was striking because he was accompanied by a plump man carrying a scorpion with a silencer. In the words of the witness, there was a woman in the hangar who was between 45 and 50 years old and who was with her son or grandson, while by her side there sat a pregnant woman at the entrance to the hangar. When they had returned from Ovčara to Negoslavci, it was already dark. There, captain Vezmarović ordered Šapić and him to return and provide guard duty for the command

headquarters of the unit which was a part of their brigade. Šapić and he returned and guarded the command the whole night and came back to the unit in Negoslavci in the morning. When they arrived to the LARD command headquarters it was already dark, and it appeared to the witness that something was happening at the hangar and he saw a light which was moving. "On my own initiative, I went to Ovčara, that is, to the hangar where we had been earlier... and I saw, I think, members of TD in front of the hangar... nobody barred me from entering, through an open door, and further I noticed civilians inside the hangar... I think that I had entered the hangar, a couple of steps and I saw the following: a member of TD approached the woman, called her name and told her that she and her relative (son or grandson) should come to the entrance to the hangar. When she asked him why, he said: 'I'm taking you to a safer place.' In the words of the witness, on the left side of the entrance there already were seven or eight people. At this very moment, a tractor with a trailer appeared, with the end of the trailer toward the entrance to the hangar. After that, those civilians were accompanied to the trailer and got into it. "Witness Trifunović added that after that the tractor started in the direction opposite to the direction it had come from while he returned to the LARD headquarters that he and Šapić had guarded. Witness Trifunović pointed out that he had remained at the headquarters until the following day. The witness said that he thought he had heard the operation of a bulldozer, covering something, and added that, together with Šapić, he had gone, again, to the hangar. In his words, there was nobody there and that, on the ground that he had heard the operation of the bulldozer from, there was a patch of freshly dug up earth and a leg with a yellow boot sticking out of it. After that, they had returned to Negoslavci. Witness Trifunović said that, during the night, he might have heard the firing of volleys, but he was not sure about it.

Witness **Dragan Vezmarović** pointed out that in the fall of 1991 he had been mobilized and appointed commander of a company of military police of the 80<sup>th</sup> motorized brigade from Kragujevac. The witness said that his immediate superior was Dragi, "the security man". His company was stationed in Negoslavci, but after the cessation of hostilities they were moved to the Vukovar barracks. Witness Vezmarović stated that after the fall of Vukovar, his unit was given a task of guarding 200 persons who had surrendered. On the second morning, after that, representatives of humanitarian organizations, the Red Cross, arrived and went, with the prisoners, to Sremska Mitrovica. When asked why Ovčara was selected for the place where the prisoners were to be kept, witness Vezmarović answered that an officer and he himself had been looking for a place which would meet the demands as other facilities were destroyed. The hangar at Ovčara met some of the demands, its roof was not leaking, it could be closed, but they had to bring in bales of hay. With a part of his company, he guarded the soldiers who had surrendered and they were reminded of the provisions of the Geneva Convention concerning the treatment of prisoners of war. After he had made a list of prisoners, the next morning he went to Negoslavci, to have it typed on a typewriter, and as the prisoners had already been transported to Mitrovica, he went after them to hand over the list of names. Upon his return from Mitrovica, he learned from the person on duty that a new group of prisoners was at Ovčara so he and the military policemen from his company went there, at dusk, although they were not ordered to do so. There he saw different people wearing different uniforms walking through the hangar. In his words, he had issued an order that everybody, except the military police, should leave the hangar. Soon after that, an order arrived for the military police to withdraw and for the guarding of the prisoners to be left to the members of Vukovar TD. He himself had received this order from Karanfilov who was at Ovčara at that time and who remained there after the withdrawal of the military police. The witness pointed out that, of the officers, he had seen only Joca Kafić from Kragujevac, and that he did not remember whether he had seen some of his superiors. Ever since his arrival at Ovčara, he had not seen anyone beating the prisoners. Members of TD were armed and he said that it was necessary to calm down the situation and ensure peace. Describing the prisoners, the witness pointed out that there were some with bandaged heads and arms, that there also was a women, sitting in a corner, but he did not remember if there were any children there. When the order to withdraw arrived, he and the remaining members of the company who were at Ovčara returned to Negoslavci in three vehicles and a Pinzgauer. The witness Vezmarović said

that he had heard that Lančuzanin had been the boss for Vukovar and that he had met him twice, once when he was providing security service for the vault in Vukovar and the second time when he was engaged in solving the behavior of a youth. The witness pointed out that a military unit commanded by Marček was stationed in the vicinity of Ovčara. The witness said that he had not seen the corpses in the hangar or in front of the hangar and then that he had seen neither the tractor nor the bulldozer. The witness said that he had handed over the guarding of the prisoners to the people who were with Karanfilov before his company withdrew and remarked that he had told them how to treat the prisoners in accordance with the Geneva Convention. In an answer to the question whether he had any written orders, the witness said that all orders had been oral only and that he had no written order.

### **Observers' remarks**

*After five days of the trial the proceedings have come to the decisive stage. After the hearing of protected witnesses in the September proceedings, in the five days of the trial, three witnesses for the plaintiffs from Croatia were heard. They are, for the time being, the only surviving prisoners from Ovčara who have appeared before the court. On the other hand, in this time period, two members of a company of the 80<sup>th</sup> motorized brigade of the YNA military police were heard as witnesses, as well as their superiors who presented essential facts concerning the role of the military police in the events at Ovčara. In addition, it is obvious that the defense of some of the defendants has been greatly undermined with the testimonies of the witnesses from Croatia, but also of the witnesses Dukić, Trifunović and Vezmarović. The witnesses Dukić and Šapić showed a very marked uncertainty obviously caused by their fear of criminal prosecution. It seems that the separation of the families of the plaintiffs and the families of the defendants in the courtroom was a good thing in view of the obvious tensions which was felt when the witnesses from Croatia presented their testimonies, but also when the testimony of witness Dukić was presented, as he is the first witness who has publicly testified about the shooting of the prisoners of war at Grabovo. So far, the presiding judge, Vesko Krstajić, has very well conducted these difficult and strenuous proceedings. At the court appearance between 25 and 29 November 2004 he, for the first time, issued a warning to the defense attorneys which was necessary in view of their unbecoming behavior. Besides, judge Krstajić did not allow question which had no bearing on the case and which were obviously intended to protract the hearing of the witnesses and draw the attention to some other events.*