

Case: Slobodan Medić *et al*
War Crimes Chamber
Belgrade District Court, Republic of Serbia
Case number: K.br. 6-05

Trial Chamber: Gordana Božilović-Petrović, Judge, Trial Chamber President, Vesko Krstajić, Judge, Trial Chamber Member, Vinka Beraha-Nikićević, Judge, Trial Chamber Member

Prosecutor: Bogdan Stanković

Accused: Slobodan Medić, Pera Petrašević, Aleksandar Medić, Aleksandar Vukov and Branislav Medić

Report: Nataša Kandić, Humanitarian Law Center (HLC) and Dragoljub Todorović, Attorney, victims representatives

5 July 2006

Examination of witness Vasilije Mijović

Witness Mijović referred the Trial Chamber to the 4 April 2006 ICTY Office of the Prosecutor's request to the Government of Serbia and Montenegro to let it examine Vasilije Mijović as a suspect, as part of case IT. 03-69 [Prosecutor v. Jovica Stanišić and Franko Simatović]. The witness also requested the Trial Chamber, referring to Articles 100 and 101 of the ZKP, to exempt him from giving evidence in order not to expose him to possible criminal prosecution or severe disgrace.

The Trial Chamber accepted Mijović's rationale and decided not to examine him in a witness capacity, having decided that the possibility of Mijović's exposing himself to criminal prosecution through giving evidence warranted application of Article 100 of the ZKP.

Disregarding the observation of the victims' legal representatives that the ICTY has stopped making further investigations and raising new indictments, the Trial Chamber held that there was a real danger of witness Vasilije Mijović being criminally prosecuted before national courts (Croatia, BiH, Montenegro).

Examination of witness Jovan Mirilo

Mirilo was personally acquainted with Slobodan Medić, Aleksandar Medić and Milorad Memić; he has also known Pera Petrašević since he began working as a bouncer in his discotheque in Šid, which is today his property.

In the last year the witness has been receiving threats for helping disclose the footage of the execution to the public. Once he was attacked in the town by Slobodan Medić's brother while in the company of his wife and child, and he has also received threats from Petrašević.

The witness recalled that Slobodan Medić used a Mitsubishi Pajero all-terrain vehicle during the war with various licence plates: RSK, Serbian MUP (M-02), and NS (Novi Sad, Vojvodina). While he did not know to whom the unit belonged during the Croatia and BiH wars, he knew that in 1995 it made arrests in Serbia of refugees from Croatia and BiH and that in 1999 it operated in Kosovo as a reserve Serbian MUP unit.

Mirilo said that he introduced to Nataša Kandić Dušan Kosanović, who presented her with the video cassette four months before it was broadcast on television. Kosanović had first handed in the cassette for safekeeping in Tuzla and lost all track of it for a while. When he got it back, he decided to hand it over to Nataša Kandić because he feared that someone wanted to sell it. He approached Mirilo to arrange a meeting with Kandić because he knew, as others in Šid did, that Mirilo knew Kandić from the time of the 2003 trial of Saša Cvjetan.

Victims' Legal Representative notes:

The counsel for the accused and the accused themselves were hostile toward this witness, an attitude occasionally eliciting loud expressions of approval from the defendants' relatives. The court guards failed to respond when the defendants' relatives applauded Kovač for telling the victims' legal representative, Nataša Kandić, that she was paid to work against Serbia's interests.

The Prosecutor opposes a motion by a victims' legal representative

Both the counsel for the accused and the Prosecutor opposed a motion by Nataša Kandić that the Trial Chamber request information from the Serbian MUP whether its members named in the RS MUP letter were on the Trnovo front in July 1995. Kandić's other motions were also opposed.

The Prosecutor explained his opposition as follows: 'I too must agree with my colleagues, counsel for the accused. The court must at last take a definite position on the capacity of the victims' legal representative regarding these proceedings. I hold, not in specific terms but as a matter of principle, that this capacity is being severely abused in that the context of what the state prosecution pleads, both in this and in other cases, has been transcended.'

The hearing was attended by Nura Alispahić, mother of Azmir, Safeta Muhić, sister of Safet, Refija Alić, Naza Hasanović, Bahra Kandžetović, Rejha Avdić and Nura Begović, victim family members of the Srebrenica Women's Association.