

**Case: *Tenja II* (indictees Boža Vidaković and Žarko Čubrilo)  
Higher Court in Belgrade – War Crimes Department  
K-Po2 01/12**

**Trial: December 10, 2012**

**Report:** Milomir Matović, attorney of the injured party

**Witness Milan Macakanja**

In July 1991 the witness was a member of the Civil Defense Forces in Tenja. The attack of Croat forces took place in the early morning of July 7, 1991, when Đuro Kiš was detained in the movie theatre. Milan was passing by the theatre when he heard the burst of a machine-gun. He asked a by-passer what had happened, and the by-passer replied that Božo Vidaković had killed Đuro Kiš. The day after that, together with the coroner Pajo Bugarski, he removed the bodies of Đuro Kiš and of Golek, who was missing a leg, from the movie theatre. Lazar Radišić – a.k.a. “Crazy Laza” was also present there. He saw bullet wounds on the body of the deceased Kiš, from his head down. He knew that civilians were detained in the movie theatre, and among them the mother of his daughter-in-law, Horvat Ana. On July 13, 1991, he came to the headquarters of the Territorial Defense Forces (TDF) to ask if anybody could offer him a ride to Silaš, as he wanted to visit his wounded son in Bobot. There was nobody at the headquarters. He met Čubrilo, Savo and Jovo, who asked him if he had any rope, and he sent them on to the superintendent. In front of the movie theatre he saw the truck owned by Knežević Branimir. Restrained civilians were entering the truck. He brought a stool, to help them enter. With a stick that he had with him he kicked, as a joke, the mother of his daughter-in-law, Ana Horvat, and Marija Cerenko.

There were 13 civilians in the truck, five of which were men. He thought they were being taken to be exchanged for other prisoners. He walked to Bobota. In Silaš he met the truck with the civilians again, and joined them there in order to be taken to Bobota. They spent about two hours in Silaš; he sat in the cab while Branimir Knežević left the truck. Savo came from the cargo area, which was covered by awnings, while Jovo Ličina stayed there with the civilians. They stopped when they arrived at Bobota. Čubrilo stepped off the truck, went to a house, came back and sat in the truck again. He had a different weapon, as he had replaced his previous weapon with a Heckler with a silencer. They returned, and Savo was driving according to Čubrilo’s instructions. They met some village guards, who replied to Čubrilo’s question about the direction of their driving. They passed through a high cornfield, by the carcasses of cattle which had not been buried, and stopped in the middle of some forest. Čubrilo, Savo and the witness stepped down from the driver’s cab. The witness felt sick and vomited. He turned round and saw Savo kicking the restrained civilians out of the truck, and Čubrilo shooting them as soon as they fell to the ground. Jovo Ličina was standing stock still - he seemed to be nonplussed. After that they returned to Bobota, where the witness visited his son, and Čubrilo took his weapon back and returned the Heckler. He told Čubrilo to bury the bodies at least, and the next day he informed Jovo Rebrača about it. Jovo was angry about everything that had happened. While he was living in Montenegro, Čubrilo visited him in 1997 and 2000. He told him not to speak about the incident, and threatened him, telling him to say that he handed the prisoners to the regular army. The witness drafted a letter on November 10, 2007, in which he wrote everything he knew about this crime; the letter was addressed to the officials of Serbia, Montenegro and Croatia, in case something happened to him.

### **Witness Savo Šarčević**

At the beginning of the conflict in Tenja in 1991, the population there did not have any organized defense, but in the same year Territorial Defense Forces (TDF) were organized. They were divided into three brigades, and the witness was the commander of one of them. Before July 7, 1991, the Croats equipped themselves with rifles. During the attack on July 7, 1991, the witness saw that Đuro Kiš was made a captive, restrained and taken away. Later he heard that Božo Vidaković had killed him, and he also heard that some civilians had been killed by Milan Macakanja. He cannot recall who told him that. He did not know where Božo Vidaković or Žarko Čubrilo were on July 7, 1991. He did not know where the prisoners were taken. After July 7, 1991, Croats and Serbs organized barricades around Tenja. Croat civilians were organized into work units, in order to perform this work. Civilians were detained in the movie theatre, and the witness did not know what happened to them.

### **Witness Dragutin Makarić**

He was in his house in Tenja on July 7, 1991, when the attack started, and he stayed in his house the whole time. In the local inn he heard stories that Macakanja had killed his mother-in-law, and that Vidaković had killed two elderly people. Macakanja, who was there at the time, said that they were lies. He met Žarko Čubrilo for the last time in Tenja on July 12 or 13, 1991. He was wearing a Thompson rifle and was dressed in a blue worker's suit.

### **Witness Željko Čelić**

He was a member of the Territorial Defense Forces (TDF). Božo Vidaković was the commander of the TDF brigade in Tenja. They were not uniformly dressed in July 1991 – they had several uniforms, and they also received blue worker's suits from the Tenja defense headquarters. Within the area of responsibility of the Territorial Defense Forces only elderly Croats remained. The younger ones, who were armed, left Tenja earlier. All civilians, regardless of nationality or religion, had work obligations. He knew that Đuro Kiš was handed over to Marko Vukas, the headquarters' commander. Miroslav Momčilović was a police officer, and the witness did not know where he was on July 7, 1991, nor what he was doing. He did not know or hear that Boško Surla was involved in a war crime. He knew that Lazar Radišić a.k.a. "Crazy Laza", "Tarzan" and "Horse", was arrested by the military police in 1992 because he left a tank on the frontline. Mile Jajić was a political officer before the war, and during the war the commander of civilian defense. He heard that civilians who were living on the frontline were moved to other houses for their safety. There were both Croat and Serb barricades in the village. He did not know Žarko Čubrilo during the war.

## **Witness Miroslav Momčilović**

On July 7, 1991, the witness was a police officer in Tenja. At that time, the police were part of the Territorial Defense Forces (TDF). Božo Vidaković was the commander of a TDF brigade, and Čubrilo was deployed to the TDF headquarters. The witness knew that the prisoners were detained in a private house in Tenja, and later on moved to the movie theatre. He knew that his neighbors Vlada Valentić and Ana Horvat were among them. He did not know what happened to those civilians, but he heard that they were moved to a prison in Borovo. During the attack on Tenja on July 7, 1991, his task was to deploy the people to the front line. Đuro Kiš was taken captive and moved to the movie theatre. The witness was in the courtyard, 10-15 meters from the theatre, when he heard a gunshot. He saw Božo Vidaković and Boško Surla leaving the movie theatre, when he heard the latter saying “This fool killed a man”, referring to Božo Vidaković. He never heard that anybody else killed Đuro Kiš. He knew Lazar Radišić, who was called “Crazy Laza”, and Mile Jajić, who was the commander of the Civilian Defense. He knew that the coroner Bugarski dressed the body of Đuro Kiš.

\* **Note:** The witness Miroslav Momčilović was not able to answer the questions of the attorney of the indicted Vidaković and of the presiding judge of the trial chamber, and explain the differences in the statements he gave to the police and at today’s trial, in regard to the issue of whether he was entering the movie theatre after the murder of Đuro Kiš or not.