

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

Trial: December 20, 2012

Report: Milomir Matović, attorney of the injured party

Witness Jovan Rebrača

He was the commander of the Territorial Defense in Tenja in 1991. Božo Vidaković was the commander of a brigade of the Territorial Defense Forces. Daily reporting on events in Tenja started in the Territorial Defense headquarters after the attack on July 7, 1991. At those meetings, the murders of civilians in Tenja were not mentioned. At the Territorial Defense they did not have Motorola radio stations as a means of communication, but they used military telephones. There were paramilitary formations in Tenja, volunteers that were arriving from Serbia via the SPO party and Mirko Jović, while “Arkan” arrived at the end of July 1991 and gave them a jeep. After they arrived, volunteers were sent on to warehouses to receive weapons and, later on, uniforms, and then they were sent to the frontline. During the looting, Jure Šarić was killed - the first Croat civilian to be killed in Tenja. The witness did not know until 2007 that some Croat civilians were detained in the house of Pero Ćosić. Before July 7, 1991, there was random shooting on the houses of Croats in Tenja. Croat houses were searched for hidden weapons, and Božo Vidaković took part in it. Toward the end of July 1991, Nikola Subotinović and “Batela” told him that Božo Vidaković had killed Mara and Marko Knežević. When he asked Vidaković if he had done that, he denied it. On his orders, the Croat civilians were taken to the “Partizan” movie theatre, for their safety, and later on they were sent for exchange. The exchanges were performed by the regional headquarters in Borovo Selo. There was no person solely allocated to the task of exchange of civilians. In the middle of July 1991, after he returned from Serbia, Mihajlo Mirić told him that Milan Macakanja received an order from Milovan Kapetan to take the civilians from the movie theatre for exchange. When he met Milan Macakanja, he told him that they had killed those civilians, and that Žarko Čubrilo was present at the killing. The witness was surprised at the mention of Čubrilo, because he had not seen him and thought that he was not in Tenja. After that, on the same day, the witness went to the police and informed Branko Grković about what Macakanja had told him. A few days after that, he went to Bobota to inquire what happened there. He met Rade Bogojević at Bobota. Bogojević told him that “your guys from Tenja” had killed those civilians at the locality where dead cattle were disposed of, that it was not at all right to kill civilians, and that they in Bobota would take care to bury the corpses. The witness knew that the son of Milan Macakanja, Željko, was wounded at the beginning of July 1991, and he thinks he was transferred to Bobota. He met Žarko Čubrilo in June 1991. When Čubrilo fled from Nova Tenja, the witness gave him the blue worker’s suit that Čubrilo was wearing. He was not a member of the Territorial Defense headquarters. Čubrilo was rowdy, capricious and aggressive in conversation. The witness heard stories that Čubrilo had killed those civilians. As regards the death of Đuro Kiš, he found out about it on July 8, 1991. He saw the deceased Kiš at the Territorial Defense headquarters, with Marko Vukas, his deputy, on July 7, 1991. At that meeting, neither Boško Surla nor Lazar Radišić were present. The next day, on July 8, 1991, he found out about the deaths of Đuro Kiš and Ante Golek. Vidaković could have taken

Kiš from the headquarters, regardless of the ban issued by Marko Vukas, because they did not have strict hierarchy. He had heard several theories about who killed Đuro Kiš – that Vidaković did it, or volunteers, or the police from Borovo Selo. Božo Vidaković did not have any tasks related to work brigades – the late Mile Jajić, head of Civilian Defense in Tenja, was assigned to those tasks. The investigation was conducted by Paja Bugarski, and the police made a report about it. The witness complained about these events to the regional headquarters in Borovo Selo, and he also lodged complaints with members of the State Security Agency of the Republic of Serbia, and the police of the Republic of Serbia, with whom he was co-operating. The commander of the regional headquarters in Borovo Selo was Ilija Kojić. Apart from that, they did not do anything concrete to identify the perpetrators.

Witness Branko Grković

Before the war he was a forensic technician for the police force in Osijek. After the civilians from the movie theatre were taken away, he became the police commander in Tenja. He formed the police force at the order of the Territorial Defense Forces of Tenja, because disorder prevailed in Tenja at the time. They were allocated office space for the police station in August. About the murdered civilians who were detained in the movie theatre, he was informed by Jovo Rebrača 15 days after they had been murdered; he told him that the civilians had to be taken for exchange in Borovo Selo. He sent police patrols to find out what had happened to those civilians exactly, but nobody wanted to talk about it. He questioned Milan Macakanja, who did not want to say anything. The witness received death threats for “sticking his nose” into affairs which were “none of his business”. He was aware that the people who lived on the frontline had been removed for their safety. He knew that Mile Jajić was a member of the Civilian Defense, and he thinks that Lazar Radišić was in an asylum. As for the murder of Đuro Kiš, Rebrača did not tell him that he suspected that Božo Vidaković did it. He was attending the meetings of the Territorial Defense of Tenja, where there was no mention of the murders in question.

Witness Milan Kapetan

He was not a member of the Territorial Defense in Tenja – he was working in a shop that was about 200 meters from the “Partizan” movie theatre. He did not know that the civilians were detained at the movie theatre - he had heard that they had been detained in the school at Dvor. As for Đuro Kiš, he heard that he was killed in battle. He knew that Mile Jajić was a member of the Civilian Defense. Milovan Kapetan was his brother, who was doing administrative jobs at the Territorial Defense in Tenja. He died in Oslo a few years ago. The witness was seeing the indictees after July 7, 1991, as they were visiting his shop. From August or December of that year he started to drive a truck for the Novi Sad army corps, since he was an auto mechanic by trade.

Witness Sofija Čubrilo

The indicted Žarko Čubrilo is her husband. In her opinion, he was not re-elected in 1991 for an office in the Osijek municipality because he was a Serb, which is how he was declaring himself to be. Her husband was Croat by birth, and both of his parents were Croats. She left Osijek on July 9, 1991, to go to live with her husband’s cousin, Đoko Obradović in Bački Gradac, near

Odžak. Žarko was there already. She remembers that they celebrated Žarko's birthday that year, 1991, on July 13. They received Croatian citizenship in Vukovar in 1996 – after the war they travelled to Osijek without any problems, to get their papers. In 1996, Žarko told her that he had told Milan Macakanja to take the tiles and building material from their house in Tenja.

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