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**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE
FORMER YUGOSLAVIA**

CASE NO. IT-01-42

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

**PAVLE STRUGAR
MIODRAG JOKIĆ
MILAN ZEC
VLADIMIR KOVAČEVIĆ**

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (“the Statute of the Tribunal”) charges:

**PAVLE STRUGAR, MIODRAG JOKIĆ, MILAN ZEC, and
VLADIMIR KOVAČEVIĆ**

With **GRAVE BREACHES OF THE GENEVA CONVENTIONS and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** as set forth below:

THE ACCUSED:

1. **Pavle STRUGAR** was born on 13 July 1933 in Peć, in present-day Kosovo. He graduated from the Military Academy for Ground Forces in 1952 and was thereafter assigned to various Yugoslav Peoples’ Army (the “JNA”) posts in Slovenia and Serbia. He subsequently was promoted to Major General and was named Commander of the Military Academy for Ground Forces. In 1987, he was made the Commander of the Territorial Defence forces in Montenegro. In December 1989, he was promoted to Lieutenant General. In October 1991, he was named as the Commander of the Second Operational Group, which was formed by the JNA to

conduct the military campaign against the Dubrovnik region of Croatia. On 26 August 1993, he was retired from the Yugoslav Army (the "VJ").

2. **Miodrag JOKIĆ** was born in 1935 in Mionica, in the Valjevo municipality, of present-day Serbia. He graduated from the Yugoslav Military-Naval Academy and then served as an officer in various postings with the Yugoslav Navy. In December 1986, he was promoted to the rank of Rear Admiral. In December 1989, he was appointed as the Republican Secretary of National Defence of Serbia. In 1991, he was promoted to Vice Admiral and was named later in the year as the Commander of the Ninth (Boka Kotorska) Military Naval Sector (the "Ninth VPS"). On 8 May 1992, he retired from the Yugoslav Navy.

3. **Milan ZEC** was born in Čajniče, in present-day Bosnia-Herzegovina on 20 September 1943. He graduated from the Military-Naval Academy and the Naval Staff-Command College. He held the rank of Battleship Captain in 1991 and was the Chief of Staff of the Ninth VPS. In June 1994, he was promoted to the rank of Rear Admiral and on 5 October 1994, he was appointed the commander of the Yugoslav Navy. In December 1996, he was promoted to Vice Admiral. He was retired as Commander of the Yugoslav Navy on 31 January 2001.

4. **Vladimir KOVAČEVIĆ**, also known as "**Rambo**" was born on 15 January 1961. He graduated from the Yugoslav Military Academy for Ground Forces. In the autumn of 1991, as a Captain First Class, he was named as the commander of the Third Battalion of the JNA Trebinje Brigade. This unit was detached from the brigade for the Dubrovnik military campaign and was subordinated directly to the command of the Ninth VPS.

INDIVIDUAL CRIMINAL RESPONSIBILITY

5. As commander of the JNA Second Operational Group set up to conduct the Dubrovnik campaign, General **Pavle STRUGAR** exercised both formal and de facto power over the forces under his command.

6. As commander of the JNA Ninth VPS, Admiral **Miodrag JOKIĆ** exercised both formal and de facto power over the land and naval forces under his command.

7. As Chief of Staff of the Ninth VPS and as principal deputy to Admiral **Miodrag JOKIĆ**, Battleship Captain **Milan ZEC** exercised both formal and de facto power over the forces under his command.

8. As Commander of the Third Battalion, a unit of the Trebinje Brigade subordinated to the command of the Ninth VPS, **Vladimir KOVAČEVIĆ** exercised both formal and de facto power over the forces under his command.

9. The various component forces of the JNA involved in the Dubrovnik campaign were organised into the Second Operational Group, which was formed from the headquarters of the Montenegrin Territorial Defence in Titograd (now Podgorica). The commander of the Operational Group was Lieutenant General **Pavle STRUGAR**. His deputy was Colonel Radomir DAMJANOVIĆ who is now deceased. The Operational Group headquarters were established at Trebinje, Bosnia-Herzegovina.

10. The primary components of the Second Operational Group were the Second (Titograd) Corps and the Ninth VPS, augmented by Montenegrin Territorial Defence forces. Altogether, these forces were comprised of approximately 20,000 – 35,000 troops. The commander of the Second Corps was Major General Radomir EREMIJA who is now deceased. The commander of the Ninth VPS was Admiral **Miodrag JOKIĆ**. His Chief of Staff was Battleship Captain **Milan ZEC**. The headquarters of the Ninth VPS were at Kumbor, Montenegro. The Third Battalion, a unit subordinated to the command of the Ninth VPS from the Trebinje Brigade, was commanded by Captain First Class **Vladimir KOVAČEVIĆ**.

11. As officers in command functions in the JNA, **Pavle STRUGAR**, **Miodrag JOKIĆ**, **Milan ZEC**, and **Vladimir KOVAČEVIĆ** were bound by the regulations of the JNA as set out in the “Strategy of Armed Conflict” (1983), the “Law on All-Peoples’ Defence” (1982), the “Law on Service in the Armed Forces” (1985), the “Rules of Service” (1985), and the “Regulations on the Application of the International Laws of War on the Armed Forces of the SFRY” (1988). These regulations governed the roles and responsibilities of JNA officers, set out their positions in the chain of command and obligated those officers, and their subordinates, to observe the laws of war.

GENERAL ALLEGATIONS

12. All acts and omissions alleged in this indictment occurred between 1 October and 31 December 1991 on the territory of the Republic of Croatia.

13. At all times relevant to this indictment, a state of international armed conflict and partial occupation existed in Croatia.

14. All acts and omissions charged as Grave Breaches of the Geneva Conventions of 1949 occurred during the armed conflict and partial occupation of Croatia.

15. At all times relevant to this indictment, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** were required to abide by the laws and customs of armed conflicts, including the Geneva Conventions of 1949 and the additional protocols thereto.

16. **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** are individually responsible for the crimes alleged against them in this indictment, pursuant to Article 7(1) of the Statute of the Tribunal. Individual criminal responsibility includes planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation, or execution of any crimes referred to in Articles 2 to 5 of the Statute of the Tribunal.

17. **Pavle STRUGAR, Miodrag JOKIĆ, and Vladimir KOVAČEVIĆ** while holding the positions of superior authority as set out in the preceding paragraphs, are also criminally responsible for the acts of their subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

COUNTS:

18. Between 1 October 1991 and 7 December 1991, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ**, acting individually or in concert with others, participated in the below-charged crimes in order to secure control of those areas of Croatia that were intended for inclusion in the so-called "Dubrovnik Republic." It was the objective of the JNA, and the Serbian and the Montenegrin governments to detach this area from Croatia and to annex it to Serbia/Montenegro and other areas intended for Serb control in Croatia and Bosnia.

19. The area designated by the Serbian and Montenegrin governments as the "Dubrovnik Republic" included all of the territory of the Municipality of Dubrovnik as it existed in 1991 ("the Dubrovnik region"). This area comprised the coastal regions of Croatia between the town of Neum, Bosnia-Herzegovina in the northwest and the Montenegrin border in the southeast.

20. In order to achieve this objective, JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** launched an attack against the Dubrovnik region of Croatia from Montenegro, Bosnia-Herzegovina, and from the Adriatic Sea. The forces under their command included regular JNA army, air and naval units, as well as Territorial Defence units from Montenegro, paramilitary units, and special police units that were subordinated to the JNA.

21. The JNA forces commanded by **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** launched the attack against the Dubrovnik region on 1 October 1991. The land attack was accompanied by the imposition of a blockade by the Yugoslav Navy. The JNA forces met little resistance from the lightly armed Croatian defence forces. The JNA seized territory to the southeast and northwest of the city of Dubrovnik and effectively surrounded the city itself within two weeks.

COUNTS 1-9

(MURDER, CRUEL TREATMENT, ATTACKS ON CIVILIANS)

22. The Prosecutor re-alleges and incorporates by reference Paragraphs 1-21 in Counts 1-9.

23. From 1 October 1991 until 6 December 1991, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ**, acting individually or in concert with others, planned, instigated, ordered, committed, or otherwise aided and abetted the killings of 43 civilians and the wounding of numerous others in and around the city of Dubrovnik through acts of unlawful shelling conducted by forces under their command. Included among these killed and wounded civilians are the victims of the attacks described in paragraphs 25, 26, and 27. The names of the deceased are set out in Schedule I which is attached to and made part of this indictment.

24. The acts of shelling the city of Dubrovnik and its environs were perpetrated by JNA troops who controlled the high ground to the east and

north of Dubrovnik. From Žarkovica and other locations above Dubrovnik, the JNA forces enjoyed an unobstructed view over the city. From these positions and from naval vessels offshore, the JNA engaged in acts of unlawful shelling of the city over a two-month period.

25. On 7 October 1991, JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, and Milan ZEC** shelled the town of Mokošica, a residential suburb of Dubrovnik. At the entrance to a civil defence shelter in Mokošica, nine civilians were killed and numerous others were wounded by the JNA shelling. The names of the deceased are set out in Schedule I which is attached to and made part of this indictment.

By these acts and omissions, **Pavle STRUGAR, Miodrag JOKIĆ and Milan ZEC** participated in:

Count 1: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 2: Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 3: Attacks on civilians, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

26. Between 9 and 12 November 1991, JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** unlawfully shelled all areas of the city of Dubrovnik. Ten civilians were killed and numerous others were wounded by the JNA shelling. The names of the deceased are set out in Schedule I which is attached to and made part of this indictment.

By these acts and omissions, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** participated in:

Count 4: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 5: Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 6: Attacks on civilians, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

27. On 6 December 1991, JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** unlawfully shelled all areas of the city of Dubrovnik. Fourteen civilians were killed and numerous others were wounded by the JNA shelling. The names of the deceased are set out in Schedule I which is attached to and made part of this indictment.

By these acts and omissions, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** participated in:

Count 7: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 8: Cruel treatment, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 9: Attacks on civilians, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 10-12
(UNJUSTIFIED DEVASTATION, UNLAWFUL ATTACKS ON CIVILIAN OBJECTS, DESTRUCTION OR WILFUL DAMAGE TO HISTORIC MONUMENTS AND INSTITUTIONS DEDICATED TO RELIGION)

28. The Prosecutor re-alleges and incorporates by reference Paragraphs 1-21 in Counts 10-12.

29. Between 1 October 1991 and 6 December 1991, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ**, acting individually or in concert with others, planned, instigated, ordered, committed or otherwise aided and abetted in the destruction or wilful damage to dwellings and other buildings in the city of Dubrovnik.

30. The JNA positions on the high ground to the east and north of Dubrovnik provided them with an unobstructed view of the city and its environs. From these positions and from naval vessels offshore, the JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** engaged in unlawful shelling of civilian targets in Dubrovnik including, but not limited to, the following attacks:

- The shelling on 23-24 October 1991 of the city of Dubrovnik, during which the Old Town area was targeted for the first time.
- The shelling on 8-13 November 1991 of the entire city of Dubrovnik, during which the Old Town, Lapad, and Gruž were targeted. A number of buildings in the Old Town were damaged as were hotels housing refugees and other civilian structures in other parts of the city.
- The shelling on 6 December 1991 of the entire city of Dubrovnik, but during which the Old Town area was specifically targeted. At least

six buildings in the Old Town were destroyed in their entirety and hundreds more suffered damage. Hotels housing refugees and other civilian structures were severely damaged or destroyed in other parts of Dubrovnik, but specifically in the Lapad and Babin Kuk areas.

31. During the course of the attacks on Dubrovnik between 1 October 1991 and 6 December 1991, approximately 1000 shells fired by the JNA forces impacted in the Old Town area of the city. The Old Town district of Dubrovnik was a UNESCO World Cultural Heritage Site in its entirety. A number of the buildings in the Old Town and the towers on the city walls were marked with the symbols mandated by the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954). No military targets were located on or within the walls of the Old Town.

By these acts and omissions, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ** participated in:

Count 10: Devastation not justified by military necessity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 11: Unlawful attacks on civilian objects, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 52 of Additional Protocol I to the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) and 7(3) of the Statute of the Tribunal.

Count 12: Destruction or wilful damage done to institutions dedicated to religion and to historic monuments, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(d) and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 13-16
(EXTENSIVE DESTRUCTION AND APPROPRIATION OF PROPERTY, WANTON DESTRUCTION OF VILLAGES, DESTRUCTION OR WILFUL DAMAGE DONE TO INSTITUTIONS DEDICATED TO EDUCATION AND RELIGION, PLUNDER OF PUBLIC OR PRIVATE PROPERTY)

32. The Prosecutor re-alleges and incorporates by reference Paragraphs 1-21 in Counts 13-16.

33. In October 1991, JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, and Milan ZEC** seized and occupied Croatian territory in the proximity of the city of Dubrovnik. This part of the Dubrovnik region included, in whole or in part, the areas of Konavle, Župa Dubravačka, and Primorje.

34. Croatian forces defending this area were small in number and were lightly armed, consisting primarily of local villagers mobilised shortly before the attack. Any resistance that the Croats offered to the attacking JNA forces was quickly overcome and they then withdrew back toward the city of Dubrovnik. As a result, the JNA took control of the area without having to engage in intense combat.

35. After JNA forces occupied the areas surrounding Dubrovnik, troops under the command of **Pavle STRUGAR, Miodrag JOKIĆ, and Milan ZEC** systematically plundered public, commercial and private property in the areas under their control. Much of this property was transported to Montenegro in JNA military vehicles and the army thereafter instituted measures to track and maintain the looted property.

36. JNA troops also systematically destroyed public, commercial, and religious buildings as well as private dwellings in the areas around Dubrovnik. This destruction took place after the cessation of fighting when the areas were securely under the control of the JNA. Villages in the occupied areas that were extensively damaged or were totally destroyed include, but are not limited to:

- Brgat – occupied by the JNA on or about 24 October 1991
- Čilipi – occupied by the JNA on or about 6 October 1991
- Dubravka – occupied by the JNA on or about 2 October 1991
- Gruda – occupied by the JNA on or about 4 October 1991
- Močići – occupied by the JNA on or about 6 October 1991
- Osojnik – occupied by the JNA on or about 18 October 1991
- Slano – occupied by the JNA on or about 4 October 1991

- Zvekovica – occupied by the JNA on or about 7 October 1991

By these acts and omissions, **Pavle STRUGAR**, **Miodrag JOKIĆ**, and **Milan ZEC** participated in:

Count 13: Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, a **GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949**, punishable under Articles 2(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 14: Wanton destruction of villages, or devastation not justified by military necessity, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 15: Destruction or wilful damage done to institutions dedicated to education or religion, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(d) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 16: Plunder of public or private property, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(e) and 7(1) and 7(3) of the Statute of the Tribunal.

ADDITIONAL FACTS

37. The city of Dubrovnik is located in the far southeastern extremity of Croatia on the coast of the Adriatic Sea. The Dubrovnik municipality, as it existed in 1991, consisted of a narrow strip of land ranging from 500 meters to 15 kilometres in width and approximately 200 kilometres in length. The municipality was bordered by the Republic of Bosnia-Herzegovina to the north and east and by the Republic of Montenegro to the southeast.

38. In the 1991 census, the population of Dubrovnik municipality was 71,419 of which 58,836 (82.4%) were Croats; 4,765 (6.7%) were Serbs; 2,886 (4.0%) were Muslims; 689 (.9%) were Montenegrins; 1,189 (1.7%) were Yugoslavs; and 3,054 (4.3%) were others or undeclared.

39. The town of Dubrovnik was established sometime prior to 667 A.D. when it was first mentioned in written records by its Latin name "Ragusium." It established itself as an independent city-state that was nominally aligned to the Byzantine Empire. From 1205 to 1358, Dubrovnik accepted the sovereignty of Venice but retained its independent status. From 1358 until 1808, the Republic of Dubrovnik existed as an independent state with varying degrees of control exercised at various times by the Venetian, Ottoman and Austrian Empires.

40. In 1815, Dubrovnik was incorporated with the rest of Dalmatia into the Austrian (later the Austro-Hungarian) Empire where it remained until 1918. At that time, Dalmatia including the Dubrovnik region, was incorporated with the rest of Croatia into the Kingdom of Serbs, Croats, and Slovenes (later the Kingdom Of Yugoslavia). In 1945, the Dubrovnik region remained within the re-drawn borders of the Socialist Republic of Croatia, a constituent part of the Socialist Federal Republic of Yugoslavia (the "SFRY").

41. In 1667, a devastating earthquake had destroyed much of the city of Dubrovnik. The city was rebuilt according to a strict building code which dictated uniformity in construction style. This area of present-day Dubrovnik is known as the Old Town or *Stari grad*, and it retains in a well-preserved state the architecture from the seventeenth century.

42. In 1979, the government of the then SFRY petitioned UNESCO for a declaration that the Old Town of Dubrovnik be designated a World Cultural Heritage Site in its entirety. In compliance with UNESCO requirements, the area of Dubrovnik was completely de-militarised. All military installations in the region were closed and the Territorial Defence armoury was transferred to Grab in neighbouring eastern Herzegovina.

43. From 1987 onwards in Serbia, Slobodan MILOŠEVIĆ began espousing a Serb nationalist agenda and called for a more dominant role for Serbia in the SFRY. After Slobodan MILOŠEVIĆ became President of the Republic of Serbia he was able to further consolidate his power when politicians loyal to him took control of the governments in the Republic of Montenegro and in the Autonomous Provinces of Kosovo and Vojvodina. Slobodan MILOŠEVIĆ's attempts to dominate the League of Communists of Yugoslavia led to a split in the party and the effective withdrawal of Slovenia and Croatia from the central party.

44. In response to criticism from Slovenia of the Serbian policies being implemented toward Albanians in Kosovo, Serbia imposed an economic boycott on Slovenia on 1 December 1989. Over 300 Serbian business

firms cut economic ties with Slovenia. This action was in contravention of the SFRY Constitution. A Serbian government declaration stated that “no citizen of Serbia will beg Slovenia to stay in Yugoslavia.”

45. In 1990, Slobodan MILOŠEVIĆ instituted a number of constitutional measures which declared that Serbia was a “sovereign, integral, and unified state” and that Serbia had the power to protect its interests if they were threatened by the acts of a federal body or by other republics. The Serbian Assembly was given power to decide on war and peace and the President was recognised as the commander of the Armed Forces of the Republic, which he was to lead in war and peace. Additionally, the President was given the power to order the use of the police in extraordinary situations.

46. In April and May 1990, the Republic of Croatia held free elections. The Croatian Democratic Union (the “HDZ”) won a plurality of votes and secured a majority of seats in the Croatian parliament. The HDZ candidate for President, Franjo TUDJMAN, was also elected at the same time. The HDZ espoused a nationalist agenda for Croatia and called for the exercise of Croatia’s rights to self-determination and sovereignty. Many Serbs in Croatia reacted negatively to the HDZ’s nationalistic platform and expressed fears of an independent Croatia.

47. An insurrection by Croatian Serbs in Knin began in August 1990 shortly before a referendum was held by Serbs on the issue of Serb “sovereignty and autonomy” in Croatia. On 25 August 1990, Serb leaders in Knin declared the creation of the “Autonomous Province of the Serbian Krajina.” The insurrection of Croatian Serbs intensified in spring 1991 with Serb police forces attempting to consolidate power over areas with significant Serb populations. The Croatian police attempted to block these attempts and conflicts erupted in Pakrac and Plitvice.

48. In March 1991, the collective Federal Presidency of the SFRY reached deadlock on several issues including the issue of instituting martial law in Yugoslavia. The representatives on the Presidency from the Republic of Serbia, the Republic of Montenegro, the Autonomous Province of Vojvodina, and the Autonomous Province of Kosovo all resigned from their posts. In a televised address on 16 March 1991, the President of the Republic of Serbia, Slobodan MILOŠEVIĆ, declared that Yugoslavia was finished and that Serbia would no longer be bound by decisions of the federal Presidency.

49. On the same date, Croatian Serbs in Knin announced the creation of a “Serb Autonomous Region” and declared their independence from

Croatia. Conflicts between Serb rebels and Croatian police forces intensified throughout the spring of 1991. In May 1991, Croatia held a referendum in which the electorate voted overwhelmingly for independence from the SFRY.

50. On 25 June 1991, Croatia declared its independence from the SFRY. On the same date, Slovenia declared its independence and the JNA moved to suppress Slovenia's secession. On 18 July 1991, the Federal Presidency, with the support of the Serbian and Montenegrin governments, voted to withdraw the JNA from Slovenia, thereby acceding to its secession and the dissolution of the SFRY.

51. Slobodan MILOŠEVIĆ's calls for the union of all Serbs in one state came to coincide with those agitating for the creation of a "Greater Serbia." With the support of the Republic of Serbia government, Serb rebels took control of substantial areas of Croatia in the summer of 1991, including the Knin Krajina region, the Baranja region, and Western Slavonia. The Croatian population was driven out of these areas and the areas were incorporated into various "Serb Autonomous Regions." In areas where Serb insurgents took control, the JNA moved in to secure their gains.

52. In August 1991, the JNA undertook operations against a number of towns in Eastern Slavonia resulting in their occupation by JNA/Serb forces. The Croatian and other non-Serb populations of these areas were forcibly expelled. In late August the JNA laid siege to the city of Vukovar and it was taken by the JNA on 18 November 1991 after suffering almost total destruction.

53. Until late-September 1991, the Dubrovnik region was virtually unaffected by the war going on in the remainder of Croatia. There were no significant incidents of ethnic conflict between Serbs and Croats in the Dubrovnik area, nor were there any JNA military installations in the Dubrovnik region to be affected by the war.

54. On 30 September 1991, the JNA Ninth VPS Headquarters in Kumbor, Montenegro, announced that the city of Dubrovnik was to be subjected to a naval blockade. In the early hours of the following morning, JNA troops launched offensive land operations from Montenegro and Bosnia-Herzegovina against the Dubrovnik region.

55. On 1 October 1991, fighter aircraft from the Yugoslav Air Force attacked telecommunications facilities which provided communication

links between Dubrovnik and the rest of Croatia. On the same date, the JNA cut off electrical and water supplies to the people of Dubrovnik.

56. Croatian defence forces in and around Dubrovnik consisted of approximately 670 soldiers spread over an area of about 75 kilometres. These forces, consisting of Croatian National Guardsmen, policemen, and local volunteers, had been raised for the defence of Dubrovnik and surrounding villages in the weeks preceding the JNA attack. The Croatian force had no air or naval capabilities, no armour, and was very limited in its artillery and mortar arsenal. The Croatian force had no offensive capability.

57. In an attempt to halt the JNA offensive toward Dubrovnik, representatives of the European Community Monitoring Mission (ECMM) made contact with **Miodrag JOKIĆ** in order to initiate negotiations between the JNA and representatives of the city of Dubrovnik. From 15 October 1991 until the withdrawal of JNA forces in May 1992, regular negotiating sessions were held under the auspices of the ECMM and other international organisations. The JNA was represented by **Miodrag JOKIĆ** and/or **Milan ZEC** on several occasions. At other times, JNA officers subordinate to **Pavle STRUGAR**, **Miodrag JOKIĆ**, and **Milan ZEC** represented the JNA. Dubrovnik was represented by a group of citizens appointed by the mayor.

58. On 26 October 1991, **Pavle STRUGAR** issued an eleven-point ultimatum (styled as "Suggestions for the Normalisation of Life in Dubrovnik") to the people of Dubrovnik. Among other things, he demanded the surrender of all weapons and the withdrawal of Croatian police and soldiers from the city. He also demanded acceptance of the fact that the JNA would maintain its positions surrounding Dubrovnik and would control ingress and egress to the city. The ultimatum was rejected by the Croatian negotiators.

59. In Geneva on 23 November 1991, Slobodan MILOŠEVIĆ, Federal Secretary of Peoples' Defence Veljko KADIJEVIĆ, and Franjo TUDJMAN entered into an agreement signed under the auspices of the United Nations Special Envoy Cyrus VANCE. This agreement called for the lifting of blockades by Croatian forces on JNA barracks and for the withdrawal of JNA forces from Croatia. Both sides committed to an immediate cease-fire throughout Croatia by units "under their command, control, or political influence" and further bound them to ensure that any paramilitary or irregular units associated with their forces also observe the cease-fire.

60. In talks in Cavtat, a town near Dubrovnik, on 5 December 1991 between Croatian government representatives and the JNA, **Miodrag JOKIĆ** agreed to a cease-fire in Dubrovnik as well as an easing of the naval blockade of the city. He refused to sign an agreement, however, until he obtained the approval of the JNA Supreme Command in Belgrade.

61. During the course of negotiations on 5 December 1991, the JNA executed significant movements of troops and military equipment in the area of Žarkovica and Bosanka, on the high ground above Dubrovnik. On the morning of 6 December 1991, JNA forces launched a ground attack from these locations against the Croatian-held positions at the Imperial Fortress on Mt. Srđ. The attack was accompanied by a bombardment of the city.

62. On 7 December 1991, **Miodrag JOKIĆ**, as the representative of the JNA Supreme Command, signed the agreement reached on 5 December 1991 for a cease-fire in Dubrovnik. He also made a commitment for the JNA to ease the naval blockade of Dubrovnik and to restore electrical and water service to the city.

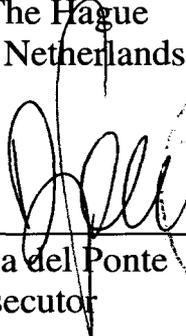
63. JNA forces remained deployed on Croatian territory in the Dubrovnik region for several months after the signing of the 7 December 1991 agreement. During this period, the JNA continued to shell the city on a sporadic basis. The Old Town of Dubrovnik was shelled again in May and June 1992. In the face of a Croatian offensive to re-take the occupied territory, the last JNA units withdrew in October 1992.

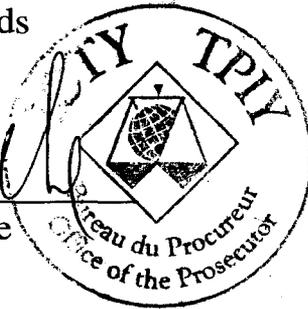
64. An analysis conducted by the Institute for the Protection of Cultural Monuments, in conjunction with UNESCO, found that of the 824 buildings in the Old Town, 563 (or 68.33 per cent) had been hit by projectiles in 1991 and 1992. 438 roofs had been damaged by direct hits and 262 by fragments of projectiles. 314 direct hits were recorded on building facades and on the paving of streets and squares. Nine buildings were completely destroyed by fire.

65. In 1993, the Institute for the Rehabilitation of Dubrovnik, in conjunction with UNESCO, undertook a study to determine the costs of reconstructing and repairing the buildings in the Old Town which were destroyed or damaged as a result of JNA shelling in 1991 and 1992. The total cost for restoring public and private buildings; religious buildings; streets, squares, and fountains; and ramparts, gates, and bridges was estimated at 9,657,578 US dollars. By the end of 1999, over 7,000,000 US dollars had been spent on restoration, a project which is expected to continue until 2003.

Dated this 22nd day of February 2001

At The Hague
The Netherlands


Carla del Ponte
Prosecutor



SCHEDULE I
CIVILIAN SHELLING DEATHS IN AND AROUND DUBROVNIK
1 OCTOBER – 6 DECEMBER 1991

| DATE | LOCATION | VICTIMS | YEAR OF BIRTH / SEX |
|-------------|-----------------------|--|---|
| 1 October | Osojnik | Mato VIOLIĆ | 1945 / Male |
| 2 October | Kupari | Jele FERLAN | 1949 / Female |
| 5 October | Dubrovnik | Rada HASIĆ | 1953 / Female |
| 6 October | Dubrovnik | Milan MILIŠIĆ | 1941 / Male |
| 6 October | Komolac | Andrija CRNČEVIĆ Stijepo ČIKATO | 1960 / Male 1949 / Male |
| 7 October | Mokošica | Jozo BRAJOVIĆ Denis ČIMIĆ Vladimirka DOPSAJ Milenko KULAŠ Miho LIBAN Nikola LIBAN Ivo MAŠKARIĆ Alen VASILJEVIĆ Joško VUKOVIĆ | 1950 / Male 1973 / Male 1973 / Female 1971 / Male 1972 / Male 1973 / Male 1955 / Male 1971 / Male 1971 / Male |
| 22 October | Dubrovnik | Grgo VULETIĆ | 1954 / Male |
| 4 November | Dubrovnik | Andro DJURAŠ | 1941 / Male |
| 9 November | Dubrovnik (Babin Kuk) | Luce SPREMIĆ | 1911 / Female |
| 10 November | Dubrovnik | Đuro BOKUN Ivo BOKUN Nikica ČUPIĆ Antun LANG Ivo MARTINOVIĆ Ivan RADIĆ Tonći ROŽIĆ Dubravko ŠEVELJ Jovo VASILJEVIĆ | 1980 / Male 1951 / Male 1947 / Male 1924 / Male 1915 / Male 1944 / Male 1948 / Male 1962 / Male 1937 / Male |
| 20 November | Mokošica | Vito ŽITKOVIĆ | 1921 / Male |
| 24 November | Dubrovnik | Nikola KRIJES | 1921 / Male |
| 6 December | Dubrovnik | Koviljka KOSJERINA Drago OBRADOVIĆ | 1942 / Female 1960 / Male |
| 6 December | Dubrovnik (Gruž) | Đuro KOLAR | 1918 / Male |
| 6 December | Dubrovnik (Libertas) | Bruno GLANC Ante JABLAN Frano MARTINOVIĆ Niko MIHOČEVIĆ Teo PASKOJEVIĆ | 1970 / Male 1947 / Male 1965 / Male 1950 / Male 1969 / Male |

| | | | |
|------------|-------------------------|-------------------------------------|----------------------------|
| | | Stjepan SALMANIĆ Andro SAVINOVIĆ | 1957 / Male 1947 / Male |
| 6 December | Dubrovnik (Old Town) | Tonći SKOČKO Pavo URBAN | 1973 / Male 1968 / Male |
| 6 December | Dubrovnik (Lero) | Luka CRČEVIĆ Ilija RADIĆ | 1931 / Male 1953 / Male |