

VIEW FROM THE HAGUE

JUSTICE FOR THE VICTIMS OF “OVČARA”

A simple monument marks the place where some 270 Croatians and other non-Serbs from Vukovar were killed and buried in a mass grave near the small farm community of Ovčara on 20 November 1991. A single gunman never commits a crime of this magnitude. Various people must participate in various ways.

First and foremost there are the killers. There are also people who drive the buses that bring the victims to the execution site; and others who operate the bulldozers to dig their grave. Then there are the commanders who do the planning, who requisition buses, tractors, fuel and holding facilities, and who hand down orders to the executioners to kill the victims. There are also certainly those who are responsible for preventing the crime, but don't.

In these situations one must ask – for the victims' families, what is more important, bringing to justice the people who fired the shots, or the officers who planned and ordered the crime.

In the case of the killings at Ovčara, fortunately, there is no need to ask this question. The International Criminal Tribunal for the former Yugoslavia and the Serbian Special War Crimes Prosecutor have separately issued indictments that charge both the direct perpetrators and individuals alleged to have planned, ordered or aided and abetted in the perpetration of this crime. While the indictments differ in the level of accused who are charged and in the number of killings they are charged with, they are largely consistent in their description of the killings that took place on 20 November 1991.

The ICTY has charged three Yugoslav National Army (JNA) officers, Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin, with involvement in planning, ordering and aiding and abetting in the perpetration of this crime. According to the Tribunal indictment, JNA units under Mrkšić's command took control of Vukovar hospital on 19 November 1991, without encountering any resistance.

Pursuant to an agreement between the JNA and the Croatian government reached the previous day, Mrkšić ordered Šljivančanin to evacuate the hospital. The next day JNA members removed approximately 400 Croats and other non-Serbs from the hospital. These people were wounded patients, hospital staff and some of their family members, former defenders of Vukovar, Croatian political activists, journalists and other civilians. According to the indictment, Šljivančanin and Radić personally participated in selecting approximately 300 of them who JNA soldiers loaded onto buses.

The buses proceeded to the JNA barracks on the south side of Vukovar where Serb forces comprised of Territorial Defense (TO), volunteer and paramilitary soldiers humiliated and threatened the detainees, and beat some of them in the presence of JNA members. On Šljivančanin's orders, Radić returned approximately 15 detainees to Vukovar hospital.

The indictment alleges that the JNA then drove the detainees to the Ovčara farm, approximately 10km outside of Vukovar. JNA, TO, volunteer and paramilitary soldiers forced the detainees to run between two lines of soldiers who beat the men as they passed.

They continued to beat and assault the detainees inside the farm building so seriously that two men died from the beatings. At least one woman was sexually assaulted. Serbs who were present intervened on behalf of 7 detainees who were returned to Vukovar. Members of the JNA listed identifying information for the remaining men and two women.

The indictment further alleges that JNA, TO, volunteer and paramilitary soldiers divided the detainees into groups of ten to twenty, who they loaded onto a truck and took to a wooden ravine where they killed at least 264 of these people. After the killings, the Serb forces used a bulldozer to bury the victims' bodies in a mass grave.

The indictment of the Serbian Special Prosecutor for War Crimes charges eight individuals for killing at least 192 of the 264 individuals killed at Ovčara. According to this indictment, the 192 individuals were prisoners of war, that is, former members of Croatian armed forces who had laid down their arms.

Among the eight indictees on the Serbian Special Prosecutor's indictment are Miroљjub Vujović and Stanko Vujanović, who are also named as participants in the crime in the Tribunal's indictment. Like the Tribunal indictment, this one charges the accused with ordering the victims to run between two lines of soldiers who beat them as they passed. Also like the Tribunal indictment, this one alleges that after confirming the identity of the victims, they were driven in small groups to the mass grave site where Vujović, Vujanović and the other accused killed them.

The trial of these accused began yesterday before the Special Panel for War Crimes of the Belgrade District Court, while the Serbian Special Prosecutor is continuing investigations against sixteen other individuals. The trial in The Hague of the three JNA officers charged by the Tribunal is scheduled to begin later this year.

In keeping with its mandate, the Tribunal in The Hague investigates and tries individuals who are considered to be most responsible for crimes committed during the wars in the former Yugoslavia. Also, in keeping with domestic law, local courts are required to criminally prosecute all those who are suspected of participating in such horrible crimes. The victims' hope is precisely in a successful combination of the work of international and local courts – only once justice is served will they be able to find comfort.

Outreach Programme

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