



“DUBROVNIK” (IT-01-42/2)

VLADIMIR KOVAČEVIĆ



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Indicted for murder, cruel treatment, attacks on civilians, devastation not justified by military necessity, unlawful attacks on civilian objects, destruction or wilful damage done to institutions dedicated to religion, charity, and education, the arts and sciences, historic monuments and works of art and science



From late 1991, commander of the Third Battalion of the Yugoslav People's Army Trebinje Brigade

The case was referred to the authorities of the Republic of Serbia in accordance with Rule 11*bis*

Crimes indicted for (examples):

Murder, cruel treatment, attacks on civilians, devastation not justified by military necessity, unlawful attacks on civilian objects, destruction or wilful damage done to institutions dedicated to religion, charity, and education, the arts and sciences, historic monuments and works of art and science (violations of the laws or customs of war)

- On 6 December 1991, Kovačević, acting individually or in concert with others, ordered, committed, or otherwise aided and abetted in the unlawful artillery and mortar shelling of the Old Town of Dubrovnik conducted by forces under his command; alternatively, Kovačević knew or had reason to know that forces under his command, direction and/or control, or subordinated to him, were committing these acts or had done so, and failed to take necessary and reasonable measures to prevent the commission of such acts or punish the perpetrators.
- As a result of the unlawful shelling of the Old Town of Dubrovnik, two civilians - Pavo Urban and Tonči Skočko - were killed and three civilians - Mato Valjalo, Ivo Vlasica and Nikola Jović - were seriously wounded.
- As a result of the shelling, at least six buildings were destroyed in their entirety: Palace - Od Sigurate 1 (Festival Palace), Palace - Od Sigurate 2, Palace Martinušić - Sv. Josipa 1, Palace - Od Puca 11, Palace - Od Puca 16, Palace Sorkočević - Miha Pracata 6, and hundreds more suffered damage.

Born	15 January 1961 in Nikšić, Montenegro
Indictment	Initial: 27 February 2001, made public on 2 October 2001; first amended: 31 March 2003; second amended: 17 October 2003
Arrested	25 September 2003 in Serbia
Transferred to ICTY	23 October 2003
Initial appearance	3 November 2003, did not enter a plea
Provisional release	2 June 2004

STATISTICS

PRE-TRIAL	
Trial Chamber I	Judge Alphons Orié (presiding)
Counsel for the Prosecution	Susan Somers, Philip Weiner
Counsel for the Defence	Tanja Radosavljević

REFERRAL PROCEEDINGS	
Motion by the Prosecutor	28 October 2004
Decision by the Referral Bench	17 November 2006
Referral Bench	Judge Alphonse Orié (presiding), Judge O-Gon Kwon, Judge Kevin Parker
Counsel for the Prosecution	Susan Somers, Philip Weiner
Counsel for the Defence	Tanja Radosavljević
Appeals Chamber	Judge Mohamed Shahabuddeen, Judge Mehmet Güney, Judge Liu Daqun, Judge Theodor Meron, Judge Wolfgang Schomburg
Appeals Chamber Decision	28 March 2007

RELATED CASES <i>by geographical area</i>	
JOKIĆ (IT-01-42/1) "DUBROVNIK"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	
STRUGAR (IT-01-42) "DUBROVNIK"	

INDICTMENT AND CHARGES

The initial indictment against Miodrag Jokić, Pavle Strugar, Milan Zec and Kovačević was confirmed on 27 February 2001 and made public on 2 October 2001. The charges against Milan Zec were withdrawn on 26 July 2002. Jokić surrendered voluntarily to the Tribunal on 12 November 2001. On 27 August 2003, he pleaded guilty to all charges. On 17 September 2003, the Trial Chamber separated the proceedings against him from those against Strugar and Kovačević. On 18 March 2004, Jokić was sentenced to seven years' imprisonment and on 30 August 2005, his sentence was reaffirmed (see case number IT-01-42/1).

The second amended indictment against Strugar and Kovačević was confirmed on 17 October 2003. On 26 November 2003, the Trial Chamber ordered the separation of the *Kovačević* case.

The indictment alleged that forces of the Yugoslav Peoples' Army (JNA) under the command of Strugar, Jokić and Kovačević launched an attack against the Dubrovnik region of Croatia from Montenegro, Bosnia and Herzegovina, and the Adriatic Sea on 1 October 1991. The forces under their command included regular JNA land and naval units, as well as Territorial Defence units from the Republic of Montenegro and the Socialist Republic of Bosnia and Herzegovina, paramilitary units, police and special police units that were subordinated to the JNA.

It was alleged that between 6 December and 31 December 1991, JNA forces killed and wounded numerous civilians in and around the city of Dubrovnik through acts of unlawful shelling. Further, during the course of the attacks on Dubrovnik from 23 October 1991 through 6 December 1991, hundreds of the approximately 1,000 shells fired by JNA forces impacted in the Old Town area of the city. The Old Town of Dubrovnik is a UNESCO World Cultural Heritage Site in its entirety.

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. Six buildings were completely destroyed by fire. In 1993, the Institute for the Rehabilitation of Dubrovnik, in conjunction with UNESCO, estimated the total cost for restoring public

and private buildings; religious buildings; streets, squares, and fountains; and ramparts, gates, and bridges at 9,657,578 US dollars.

According to the indictment, Kovačević was appointed the commander of the Third Battalion of the JNA Trebinje Brigade in the autumn of 1991. This battalion was subordinated to the command of the Ninth Naval Sector (VPS).

The operative indictment charged Kovačević on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3)) with:

- **Murder, cruel treatment, attacks on civilians, devastation not justified by military necessity, unlawful attacks on civilian objects, destruction or wilful damage done to institutions dedicated to religion, charity, and education, the arts and sciences, historic monuments and works of art and science** (violation of the laws or customs of war, Article 3)

PROVISIONAL RELEASE / REFERRAL IN ACCORDANCE WITH RULE 11*bis*

On 2 June 2004, the Trial Chamber ordered the provisional release of the Kovačević, on medical grounds, to Serbia and Montenegro "until such time as the Chamber can make a final determination of his fitness to stand trial". The accused was provisionally released on 2 June 2004.

For a case to be referred pursuant to Rule 11*bis* of the Tribunal's Rules of Procedure and Evidence, the Referral Bench, comprising three judges, has to order a referral of its own accord or following a request from the Prosecutor. A decision to refer a case is rendered only if the Bench is fully satisfied that the accused would be tried in accordance with international standards and that neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment were factors that would make a referral to the national authorities inappropriate.

On 28 October 2004, the Prosecutor requested that the case against Kovačević be referred to Serbia and Montenegro pursuant to Rule 11*bis*.

On 12 April 2006, the Trial Chamber issued a decision holding that the accused "does not have the capacity to enter a plea and to stand trial, without prejudice to any future criminal proceedings against him should his mental condition change."

A referral hearing was held on 15 September 2006 and on 17 November 2006 the Referral Bench ordered that the case against Kovačević be referred to Serbia.

On 1 December 2006, the Defence for Kovačević filed a notice of appeal against the decision on the referral.

On 28 March 2007, the Appeals Chamber dismissed the appeal and affirmed the decision to refer the case to Republic of Serbia.

Kovačević was charged by the Republic of Serbia, but a decision was later rendered finding him unfit to stand trial due to poor health.