

Rule 61 hearing scheduled for three JNA officers charged with Vukovar hospital massacre.

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RULE 61 HEARING SCHEDULED FOR THREE JNA OFFICERS CHARGED WITH VUKOVAR HOSPITAL MASSACRE

The International Criminal Tribunal for the former Yugoslavia is about to hold a public hearing under Rule 61 in the case of three senior officers of the Yugoslav People's Army (JNA) charged with the mass killing at Ovchara, near Vukovar, of 261 non-Serb men.

The hearing will commence on Wednesday **20 March 1996 at 10 a.m.** It is expected to last 6 days over a two-week period, during which evidence will be reviewed and witnesses called.

Mile MRKSIC, Miroslav RADIC and Veselin SLJIVANCANIN were indicted on 7 November 1995 in connection with the alleged massacre on 20 November 1991 of 261 non-Serb men taken from Vukovar Hospital in the Eastern Slavonian region of Croatia. On the same day, warrants for their arrest were issued and forwarded to the Government of the Federal Republic of Yugoslavia. To date, the three accused are still at large.

Proceedings

In issuing the order on 6 March 1996 for review of the indictment, during a private meeting in Chambers, Judge RIAD noted that a reasonable time had elapsed since the indictment was served, in accordance with section (A) of Rule 61. During the interim period, the Prosecutor took the measures stipulated under sub-paragraphs (i) and (ii) of Rule 61 (A) to inform the three accused of the existence of the indictment.

On 5 March 1996, the Prosecutor reported to Judge RIAD the steps he had taken. They included the transmission of the warrants of arrest by the Registrar to the government of the Federal Republic of Yugoslavia in Belgrade on 7 November 1995 and, on 23 January 1996, the transmission by the Registrar to the diplomatic representatives of the Federal Republic of Yugoslavia in the Netherlands of a form of advertisement for publication in newspapers to inform the accused persons of the existence of the indictment, in accordance with Rule 60. The Prosecutor also established that the indictment was published in several Yugoslav newspapers as well as in a television programme and that one of the accused, Veselin Slijivancanin, had publicly acknowledged his indictment. Photographs of all three men have been distributed to IFOR.

In issuing the order for review of the indictment in open court, Judge RIAD declared that the Prosecutor had taken all reasonable measures to inform the accused persons of the indictment, thus satisfying the conditions stipulated in Sub-rule 61 (A) of the Rules.

Purpose of Rule 61 Hearing

Following the public hearing, Trial Chamber I will be able to reconfirm the indictment against the accused, issue international arrest warrants and, if necessary, inform the Security Council.

The Rule 61 hearing is a public reminder that the accused are wanted for serious violations of international law. Additionally, Rule 61 hearings offer the victims of atrocities in the former Yugoslavia an opportunity to create an historical record against the accused.

The Accused

The three accused, Mile MRKSIC, Miroslav RADIC and Veselin SLJIVANCANIN, were serving as a colonel, captain and major, respectively, in the JNA when the mass killing at Ovchara occurred. According to the indictment, on 20 November 1991, two days after the fall of Vukovar to the JNA, soldiers of the Belgrade-based Guards Brigade, a JNA unit, and Serb paramilitary troops under the command or supervision of Mile MRKSIC, Miroslav RADIC and

Veselin SLJIVANCANIN removed 261 non-Serb men from Vukovar hospital and transported them to a farm building in Ovcara, where they were allegedly beaten for several hours. Afterwards, they were transported in groups of 10-12 to a site between the Ovcara farm and Grabovo, where JNA and paramilitary soldiers allegedly shot and killed them. The men, who have never been seen since, are thought to be buried in a mass grave at Ovcara. The victims included wounded patients, hospital staff and soldiers who had been defending the city.

The accused are charged with **grave breaches** of the Geneva Conventions of 1949 for wilfully causing great suffering to, and the wilful killing of, the victims, who were protected persons under the Geneva Conventions in accordance with Article 4 of Geneva IV. They are additionally charged with **violations of the laws and customs of war**, for cruel treatment and murder of the accused, and **crimes against humanity**, for inhumane acts and murders of the victims, committed in armed conflict and as part of a widespread or systematic attack directed against a civilian population. According to the indictment, they are **individually responsible** for the criminal acts charged and also **criminally responsible** for the acts of their subordinates.