

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-13/1

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

MILE MRKSIC

MIROSLAV RADIC

VESELIN SLJIVANCANIN

CONSOLIDATED AMENDED 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:

MILE MRKSIC,

MIROSLAV RADIC,

and VESELIN SLJIVANCANIN,

with **CRIMES AGAINST HUMANITY** and **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

THE ACCUSED:

1. Mile MRKSIC was born on 20 July 1947 near Vrginmost, in present-day Croatia. During the time relevant to this indictment, he was a colonel in the Yugoslav People's Army ("JNA") and commander of the 1st Guards Motorised Brigade ("gmtbr") and Operational Group ("OG") South. After the fall of Vukovar, he was promoted to general rank in the JNA and became commander of

the 8th JNA Operational Group in the Kordun area in Croatia. Following the withdrawal of the JNA from Croatia in 1992, he returned to the Federal Republic of Yugoslavia ("FRY") and occupied several posts in the Yugoslav Army ("VJ") General Staff. In May 1995, **Mile MRKSIC** became the commanding officer of the Army of the so-called "Republic of Serbian Krajina /*Republika Srpska Krajina*" ("RSK"). After the defeat of the Army of the RSK by Croatian forces in August 1995, he retired from military service.

2. Miroslav RADIC was born on 10 September 1962 in Zemun, in present-day Serbia. He graduated in 1985 from the Yugoslav People's Army Academy in Sarajevo as an infantry officer. During the time relevant to this indictment, he was a captain in the JNA and commanded an infantry company in the 1st Battalion of the 1st gmtbr. After the fall of Vukovar, he left military service and entered into a private business in Serbia.

3. Veselin SLJIVANCANIN was born on 13 June 1953 in Pavez, Zabljak municipality, in present-day Montenegro. During the time relevant to this indictment, he was a major in the JNA. He was the security officer of the 1st gmtbr and OG South and as such was *de facto* in charge of a military police battalion subordinated to the 1st gmtbr. After the fall of Vukovar, he was promoted to the rank of lieutenant colonel and was placed in command of the VJ brigade in Podgorica, Montenegro. **Veselin SLJIVANCANIN** was promoted to colonel in the beginning of 1996 and transferred to the Military Academy Belgrade / centre of advance military schools, where he served as a lecturer in tactics until October 2001. In September 1997, **Veselin SLJIVANCANIN** was admitted to the VJ School for National Defence, the most advanced institution for military education in the FRY. He retired from military service in October 2001.

INDIVIDUAL CRIMINAL RESPONSIBILITY:

Article 7(1) of the Statute of the Tribunal

4. Mile MRKSIC, Miroslav RADIC and Veselin SLJIVANCANIN are individually criminally responsible for the crimes referred to in Articles 3 and 5 of the Statute of the Tribunal and described in this indictment, which they planned, instigated, ordered, committed or in whose planning, preparation or execution they otherwise aided and abetted. By using the word "committed" in this indictment, the Prosecutor does not intend to suggest that any of the accused physically committed any or all of the crimes charged personally. "Committed" in this indictment is limited to each of the accused's participation in a joint criminal enterprise.

5. The purpose of this joint criminal enterprise was the persecution of Croats or other non-Serbs who were present in the Vukovar Hospital after the fall of Vukovar, through the commission of murder, torture and cruel treatment under Article 3 and murder, extermination, torture and inhumane acts under Article 5 of the Statute of the Tribunal.

6. The crimes enumerated in the Counts of this indictment were within the object of the joint criminal enterprise, and each of the accused held the state of mind necessary for the commission of each of these crimes. Alternatively, the crimes enumerated in the Counts 2 to 8 were the natural and foreseeable consequences of the execution of the joint criminal enterprise and each of the accused was aware that these crimes were the possible consequence of the execution of the joint criminal enterprise.

7. The joint criminal enterprise was in existence at the time of the commission of the underlying criminal acts alleged in this indictment and at the time of the participatory acts of each of the

accused in furtherance thereof. Individuals participating in this joint criminal enterprise included **Mile MRKSIC, Miroslav RADIC, Veselin SLJIVANCANIN**, Miroljub VUJOVIC and Stanko VUJANOVIC, and other known and unknown participants. Each member of the joint criminal enterprise worked in concert with each other and with other members of the joint criminal enterprise and acted either directly or through their subordinates, which included members of the JNA, the Territorial Defence ("TO") of the so-called "Serbian Autonomous District /*Srpska autonomna oblast*/ Slavonia, Baranja and Western Srem" ("SAO SBWS"), TO of the Republic of Serbia ("Serbia"), and volunteer and paramilitary units including those organised by Vojislav SESELJ, all acting under the command of the JNA (collectively "Serb forces").

8. In order for this joint criminal enterprise to succeed in its objective, **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN** worked in concert with or through several individuals in the joint criminal enterprise. Each participant within the joint criminal enterprise, by acts or omissions, contributed to achieving the objective of the enterprise. The roles of the participants include, but are not limited to, the following:

a) Miroljub VUJOVIC, during the time relevant to this indictment, was the commander of the Serb TO detachment called Petrova Gora in Vukovar.

b) Stanko VUJANOVIC, during the time relevant to this indictment, was the commander of a TO unit in Vukovar. His property at Nova Ulica 81 in the Petrova Gora section of Vukovar served as the command post for Serb forces operating in the area.

c) Both Miroljub VUJOVIC and Stanko VUJANOVIC had command over Serb forces responsible for the mistreatment and killing of non-Serbs taken from the Vukovar Hospital to the Ov~ara farm.

9. **Mile MRKSIC**, acting individually or in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise in the following ways:

a) directed, commanded, controlled, or otherwise exercised effective control over Serb forces that evacuated non-Serbs from the Vukovar Hospital, guarded detainees at the JNA barracks in Vukovar, transferred and kept these detainees at the Ov~ara farm building, and then mistreated and killed these detainees;

b) was aware that an agreement had been reached in Zagreb, on 18 November 1991, between the JNA and Croatian authorities regarding the evacuation of patients from Vukovar Hospital and also, subsequently, participated in the further negotiations over the evacuation of patients;

c) ordered or permitted JNA soldiers under his command to deliver custody of detainees taken from the Vukovar Hospital to other Serb forces under his command who physically committed the crimes charged in this indictment, knowing or having reason to know that the detainees would be subjected to further persecution and murder;

d) after becoming aware that the criminal acts charged in this indictment had been completed, took steps to hide and conceal these crimes.

10. Miroslav RADIC, acting individually or in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise in the following ways:

- a) directed, commanded, controlled, or otherwise exercised effective control over Serb forces responsible for the mistreatment and killing of non-Serbs taken from the Vukovar Hospital to the Ov~ara farm;
- b) personally participated in the removal and selection of about 400 non-Serbs from Vukovar Hospital early in the morning of 20 November 1991, knowing or having reason to know that the detainees would be subjected to further persecution and murder;
- c) after becoming aware that the criminal acts charged in this indictment had been completed, took steps to hide and conceal these crimes.

11. Veselin SLJIVANCANIN, acting individually or in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise in the following ways:

- a) directed, commanded, controlled, or otherwise exercised effective control over Serb forces that evacuated non-Serbs from the Vukovar Hospital, guarded detainees at the JNA barracks in Vukovar, and then transferred these detainees to the Ov~ara farm building;
- b) was aware that an agreement had been reached in Zagreb, on 18 November 1991, between the JNA and Croatian authorities regarding the evacuation of patients from Vukovar Hospital and also, subsequently, participated in the further negotiations over the evacuation of patients;
- c) personally directed the removal and selection of about 400 non-Serbs from Vukovar Hospital early in the morning of 20 November 1991, knowing or having reason to know that the detainees would be subjected to further persecution and murder;
- d) ordered the staff of Vukovar Hospital to assemble for a meeting on the morning of 20 November 1991. He kept the hospital staff engaged in this meeting while members of the JNA hurriedly removed about four hundred non-Serbs from the hospital;
- e) personally prevented international observers from reaching Vukovar Hospital where they could observe the evacuation of patients and staff;
- f) personally supervised the detention of prisoners at the JNA barracks for approximately two hours while they were subjected to threats and psychological taunts by members of the TO, volunteer units, and Serb forces;
- g) ordered or permitted JNA soldiers under his command to deliver custody of this group of detainees to other Serb forces who physically committed the crimes charged in this indictment, knowing or having reason to know that the detainees would be subjected to further persecution and murder;

h) while still in charge of the evacuation operation, was personally present at Ov~ara farm on 20 November 1991 when criminal acts charged in this indictment were being committed;

i) after becoming aware that the criminal acts charged in this indictment had been completed, took steps to hide and conceal these crimes.

12. Each of the accused knowingly and wilfully participated in the joint criminal enterprise, sharing the intent of other participants in the joint criminal enterprise or being aware of the foreseeable consequences of his actions. On this basis, **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN** bear individual criminal responsibility for these crimes under Article 7(1) of the Statute of the Tribunal in addition to their responsibility under the same Article for having planned, instigated, ordered, or otherwise aided and abetted in the planning, preparation, execution, and commission of these crimes.

Article 7(3) of the Statue of the Tribunal

13. Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN, while holding a position of superior authority, are also individually criminal responsible for the acts or omissions of their subordinates, pursuant to Article 7(3) of the Statue of the Tribunal. A superior is responsible for the criminal acts of his subordinate if he knew or had reason to know that his subordinates 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.

14. The JNA unit with primary responsibility for the attack on Vukovar and the subsequent evacuation and detention of persons taken from Vukovar Hospital was the 1st gmtbr, commanded by **Mile MRKSIC**, which formed the core component of the JNA's OG South, also commanded by **Mile MRKSIC. Miroslav RADIC** and **Veselin SLJIVANCANIN** were each subordinate to **Mile MRKSIC**.

15. During October 1991, **Mile MRKSIC**, as commander of the 1st gmtbr and OG South, organised the formation of units attacking Vukovar which were comprised of Members of the JNA and members of TO and volunteer and paramilitary units as referred to in paragraph 7 in this indictment. During the operations against Vukovar and its aftermath, **Miroslav VUJOVIC** and **Stanko VUJANOVIC**, in their capacity as TO commanders, were each subordinate to **Mile MRKSIC**.

16. Miroslav RADIC was a company commander in the 1st Battalion of the 1st gmtbr. During the operations against Vukovar and its aftermath, **Miroslav RADIC's** unit was comprised of members of the JNA and members of TO and volunteer and paramilitary units as referred to in paragraph 7 in this indictment. During the operations against Vukovar and its aftermath, **Miroslav VUJOVIC** and **Stanko VUJANOVIC**, in their capacity as TO commanders, were each subordinate to **Miroslav RADIC**.

17. Veselin SLJIVANCANIN was the security officer of the 1st gmtbr and OG South and was *de facto* in command of a military police battalion subordinated to the 1st gmtbr. **Veselin SLJIVANCANIN** had *de jure* authority over Serb forces, including members of the JNA and members of the TO and volunteer and paramilitary units as referred to in paragraph 7 in this

indictment, that were directly involved in the evacuation of Vukovar Hospital.

18. Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN exercised both *de jure* and *de facto* power over the forces under their command.

19. Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN were notified that certain Serb forces, including members of the JNA, TO, volunteer and paramilitary soldiers, had threatened to or had actually begun causing harm to non-Serbs taken prisoner in Vukovar, and therefore each of the accused knew or had reason to know that their subordinates were about to commit criminal acts as charged in this indictment or had done so, but failed to take the necessary steps to prevent such acts or to punish the perpetrators.

20. Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN were bound by law and regulations as set out in the "Law on All-Peoples Defence" (1982), the "Law on Service in the Armed Forces" (1985), and the "Regulations on the Application of the International Laws of War on the Armed Forces of the SFRY" (1988). These laws and 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:

21. At all times relevant to this indictment, a state of armed conflict existed in the territory of the former Yugoslavia. All acts or omissions charged in this indictment were closely related to that state of armed conflict.

22. At all times relevant to this indictment **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN** were required to abide by the laws and customs governing the conduct of armed conflicts.

23. All acts and omissions charged as Crimes against Humanity were part of a widespread and systematic attack directed against the Croat and other non-Serb civilian population of large areas of Croatia, including the municipality of Vukovar.

STATEMENT OF FACTS:

24. The city of Vukovar is located in Eastern Slavonia on the banks of the Danube River, which there marks the border between Croatia and Serbia. In the 1991 census, the population of the Vukovar municipality, which included the city and surrounding villages, was 84,189 of which 36,910 were Croats (43.8%), 31,445 were Serbs (37.4%), 1,375 were Hungarian (1.6%), 6,124 declared themselves Yugoslavs (7.3%), and 8,335 (9.9%) were others or undeclared.

25. In August 1991, the JNA undertook operations against towns in Eastern Slavonia, resulting in their take-over by JNA and other Serb forces. The Croat and other non-Serb population of these areas was forcibly expelled. In late August, the JNA laid siege to the city of Vukovar. By mid-October 1991, all other predominantly Croat towns in Eastern Slavonia had been taken by Serb forces except Vukovar. Non-Serbs were subjected to a brutal occupation regime consisting of persecution, murder, torture and other acts of violence. Almost all of the non-Serb population was eventually killed or forced from the occupied areas.

26. During the siege of Vukovar, **Miroslav RADIC** had meetings on a regular basis with other

members of the joint criminal enterprise at his command post on the property of Stanko VUJANOVIC at Nova Ulica 81, the purpose of which was to plan military operations in Vukovar.

27. The siege of Vukovar continued until 18 November 1991 when the city fell to the Serb forces. During the course of the three-month siege, the city was largely destroyed by JNA shelling and hundreds of persons were killed. When the Serb forces occupied the city, hundreds more non-Serbs were killed by Serb forces. The overwhelming majority of the remaining non-Serb population of the city was expelled within days of the fall of Vukovar.

THE CHARGES:

COUNT 1 (PERSECUTIONS)

28. In the last days of the siege of Vukovar, several hundred people sought refuge at Vukovar Hospital, which was near the city centre, in the belief that it would be evacuated in the presence of international observers. This was agreed upon in Zagreb in negotiations between the JNA and Croatian government on 18 November 1991. Pursuant to this Zagreb agreement, the JNA was responsible for the evacuation of Vukovar Hospital, which was to be monitored by various international organisations.

29. On the afternoon of 19 November 1991, JNA units under the command of **Mile MRKSIC** took control of Vukovar Hospital. Those inside offered no resistance.

30. On 19 November 1991, **Mile MRKSIC** was ordered by the JNA command to evacuate Vukovar Hospital pursuant to the agreement reached in Zagreb on 18 November 1991. **Mile MRKSIC** subsequently delegated the execution of that evacuation to **Veselin SLJIVANCANIN**.

31. By no later than the onset of the evacuation operation, **Mile MRKSIC**, **Veselin SLJIVANCANIN** and **Miroslav RADIC** knew or had reason to know of the serious threat radical elements of Serb forces comprised of JNA, TO, volunteer and paramilitary soldiers posed to the security of the patients and other people evacuated from the hospital, and the desire of these elements of Serb forces for revenge against the evacuees. In November 1991 before the fall of Vukovar, **Miroslav RADIC** was present with Stanko VUJANOVIC and others when Vojislav SESELJ visited the house of Stanko VUJANOVIC and publicly pronounced "Not one Ustasha must leave Vukovar alive." On the evening of 19 November 1991, reports reached **Mile MRKSIC** and **Veselin SLJIVANCANIN** that certain TO, volunteer and paramilitary soldiers were torturing and killing non-Serb prisoners being held at the Velepomet.

32. Early on the morning of 20 November 1991, **Veselin SLJIVANCANIN** ordered the nurses and doctors to assemble for a meeting. He kept the hospital staff engaged in this meeting while members of the JNA hurriedly removed about four hundred non-Serbs from the hospital. Among those removed were wounded patients, hospital staff, family members of hospital staff, former defenders of the city, Croatian political activists, journalists, and other civilians.

33. JNA soldiers loaded about three hundred of these Croats and other non-Serbs onto buses and detained them under JNA guard. **Miroslav RADIC** and **Veselin SLJIVANCANIN** personally participated in the selection of detainees who were to be loaded on the buses. Later that morning, the buses left the hospital compound and proceeded to the JNA barracks on the south side of Vukovar.

34. There, JNA soldiers kept the detainees inside the buses for about two hours. While the buses were in the military compound, Serb forces comprised of TO, volunteer and paramilitary soldiers entered the military compound and began to humiliate and threaten the detainees, and then removed some detainees from the buses and beat them in the presence of members of the JNA. On orders from **Veselin SLJIVANCANIN**, approximately fifteen detainees were removed from the buses and returned to Vukovar Hospital by **Miroslav RADIC**, apparently because these men were part of the hospital staff or were related to staff members.

35. After the buses had been held at the JNA barracks for approximately two hours, the JNA transferred the detainees, under JNA guard, to Ov~ara farm. There, Serb forces comprised of JNA, TO, volunteer and paramilitary soldiers took the detainees from the buses and forced them to run between two lines of soldiers who beat the men as they passed. These Serb forces continued to beat and assault the detainees inside the farm building.

36. About seven detainees were selected and returned to Vukovar after Serbs, who were present, intervened on their behalf. Members of the JNA listed identifying information about the remaining men and two women.

37. Afterwards, Serb forces comprised of JNA, TO, volunteer and paramilitary soldiers divided the detainees into groups of ten to twenty. These groups were then individually loaded into a truck and taken in the direction of Grabovo to a wooden ravine approximately one kilometre south-east of Ov~ara. At the head of the ravine, approximately 900 meters from the Ov~ara-Grabovo road, these Serb forces removed the detainees from the truck.

38. At this spot, these Serb forces were assembled on the north side of the site. These Serb forces then killed at least two hundred sixty-four Croats and other non-Serbs from Vukovar Hospital. After the killings, these Serb forces used a bulldozer to bury the bodies of the victims in a mass grave at the same location.

39. Early the following morning, **Miroslav RADIC**, Stanko VUJANOVIC and others gathered at Stanko VUJANOVIC's house at Nova Ulica 81 in Vukovar, where they discussed the massacre that had occurred at Ov~ara during the preceding night. **Mile MRKSIC** and **Miroslav RADIC** did not take the necessary and reasonable measures to punish their subordinates, who were perpetrators of the massacre at Ov~ara, and in fact attempted to hide and to conceal these crimes.

40. From or about 18 November 1991 until 21 November 1991, **Mile MRKSIC**, **Miroslav RADIC**, and **Veselin SLJIVANCANIN**, acting alone or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the persecution of Croats and other non-Serbs who were present in the Vukovar Hospital after the fall of Vukovar.

41. This persecution was based on political, racial or religious grounds and included the following:

a) The extermination or murder of at least two hundred sixty-four Croats and other non-Serbs, including women and elderly persons.

b) The cruel or inhumane treatment of Croats and other non-Serbs, including torture, beatings, sexual assault and psychological abuse.

c) The willful deprivation of due medical care from sick and wounded Croats and

other non-Serbs.

42. By these acts and omissions, **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN** committed:

Count 1: Persecutions on political, racial, and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

**COUNTS 2 to 4
(EXTERMINATION and MURDER)**

43. From or about 18 November 1991 until 21 November 1991 **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN**, acting individually or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the planning, preparation, or execution of the extermination and murder of Croats and other non-Serbs who were present in the Vukovar Hospital after the fall of Vukovar.

44. During the evening hours of 20/21 November 1991, at least two hundred sixty-four Croats and other non-Serbs were taken in groups of 10 to 20 to a location southeast of the Ov~ara farm, where Serb forces comprised of JNA, TO, volunteer and paramilitary soldiers executed them. The names of the victims are set out in Annex I attached to this indictment.

45. By these acts and omissions, **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN** committed:

Count 2: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(b) and 7(1) and 7(3) of the Statute of the Tribunal.

Count 3: Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a) and 7(1) and 7(3) of the Statute of the Tribunal.

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.

**COUNTS 5 to 8
(TORTURE, INHUMANE ACTS, and CRUEL TREATMENT)**

46. From on or about 18 November 1991 until 21 November 1991, **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN**, acting individually or in concert with other known and unknown members of a joint criminal enterprise, planned, instigated, ordered, committed, or otherwise aided and abetted the imprisonment at the Ov~ara farm of approximately three hundred Croats and other non-Serbs who were present in the Vukovar Hospital after the fall of Vukovar. The conditions at this detention facility were brutal and characterized by inhumane treatment and constant physical and psychological assault. After the initial beating in front of the farm building, the Serb forces continued to beat and assault the detainees for several hours so seriously that at least two men died from the beatings. At least one female detainee was sexually assaulted.

47. Among the detainees were women, elderly men and patients from the Vukovar Hospital who were wounded or sick. Those patients did not receive any care for their illnesses or injuries after they were removed from the Vukovar Hospital. This includes the time that these detainees spent on the buses at the JNA barracks and during their detention at Ov~ara farm.

48. By these acts and omissions, **Mile MRKSIC, Miroslav RADIC, and Veselin SLJIVANCANIN** committed:

Count 5: Torture, a **CRIME AGAINST HUMANITY** punishable under Article 5(f) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 6: Inhumane acts, a **CRIME AGAINST HUMANITY** punishable under Article 5(i) and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Count 7: Torture, 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 Article 3 and Article 7 (1) and Article 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 Article 3 and Article 7 (1) and Article 7 (3) of the Statute of the Tribunal.

Dated this 9th day of February 2004
At The Hague
The Netherlands

Carla del Ponte
Prosecutor