

THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-13a

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**MILE MRKSIC,
MIROSLAV RADIC, AND
VESELIN SLJIVANCANIN**

INDICTMENT

Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (Tribunal Statute), alleges:

1. This indictment charges persons responsible for the mass killing at Ovchara, near Vukovar, Croatia, of approximately 260 captive non-Serb men who had been removed from Vukovar Hospital on 20 November 1991.
2. The city of Vukovar is located in the Eastern Slavonian region of Croatia on the banks of the Danube River, which there marks the border between the Republic of Serbia and the Republic of Croatia. 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 Croat (43.8 %), 31,445 Serb (37.4 %), 1,375 Hungarian (1.6 %), 6,124 Yugoslav (7.3 %), and 8,335 others (9.9 %).
3. After a 19 May 1991 referendum in the Republic of Croatia regarding Croatia's future in the Yugoslav federation, Croatia declared its independence on 25 June 1991. At the urging of the European Community, the effective date of independence was postponed until 8 October 1991.
4. Soon after the 25 June 1991 declaration of independence, Serbs living in Croatia intensified the armed insurrection they had begun several months earlier, which the Croatian authorities attempted to suppress. The federal Yugoslav Peoples Army (JNA) intervened in support of the Serb insurgents.
5. After attacking some of the surrounding villages that were inhabited mostly by non-Serbs, by late August 1991, the JNA had surrounded the city of Vukovar and was laying siege to it. In conjunction with the siege, the JNA engaged in a sustained artillery assault on the city, killing hundreds of persons and destroying most of the buildings in the city. The JNA and Serb paramilitary forces also launched infantry and armoured attacks that ultimately led to the fall of Vukovar on 18 November 1991. The JNA and Serb paramilitary forces then occupied what remained of the city.
6. The JNA unit with primary responsibility for the attack and subsequent occupation of Vukovar was the Belgrade-based Guards Brigade, commanded by Colonel Mile MRKSIC. Subordinate to Colonel MRKSIC was Major Veselin SLJIVANCANIN, who had direct operational command of

JNA forces in the immediate area of the city. Major SLJIVANCANIN was the security officer for the Guards Brigade, and he also commanded a military police battalion which was part of the brigade. Another part of the brigade that took an active role in the siege and occupation of the city was the special infantry unit commanded by Captain Miroslav RADIC, a close associate of Major SLJIVANCANIN.

7. In the last days of the siege, 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 neutral international observers. This evacuation had been agreed upon in Zagreb in negotiations between the JNA and the Croatian government on 18 November 1991. In addition to the sick and wounded, civilians, families of hospital staff, and soldiers who had been defending the city, some posing as patients or hospital staff, gathered on the hospital grounds.

8. On the afternoon of 19 November 1991, JNA units arrived at Vukovar Hospital and took control of it. Those inside offered no resistance. Early the following morning, Major SLJIVANCANIN ordered the nurses and doctors to assemble for a meeting. While the medical staff was attending this meeting, JNA and Serb paramilitary soldiers hurriedly removed about 400 men from the hospital. Among those removed in this way were wounded patients, hospital staff, soldiers who had been defending the city, Croatian political activists, and other civilians. By the time the medical staff meeting with Major SLJIVANCANIN concluded, the soldiers had removed almost all of the men who were at the hospital.

9. The soldiers loaded about 300 of these men onto buses and held them on the buses under JNA guard. Later that morning, the buses left the hospital compound and proceeded through the centre of Vukovar to the JNA barracks on the south side of the city. The men were kept inside the buses at the barracks for about two hours. During that time, on orders from Major SLJIVANCANIN, about 15 of the men were removed from the buses, apparently because the men were part of the hospital staff or were related to staff members.

10. The remaining men were then driven to a building at the Ovcara farm, about four kilometres southeast of Vukovar. There JNA and Serb paramilitary soldiers took the men from the buses and forced them to run between two lines of soldiers, who beat the men as they passed. Inside the farm building, the soldiers continued to beat the men for several hours. At least two men died from the beatings. About seven of the men were released after Serbs who were present intervened on their behalf. These men were driven back to Vukovar.

11. The remaining men were held in the building at Ovcara. The Serb authorities listed identifying information about each man and then divided the men into groups of ten to twenty. The soldiers loaded each group in turn into a truck which left the farm building with the group and then returned empty a short while later.

12. The truck travelled south from the Ovcara farm building on the road leading to Grabovo. Approximately one and one-tenth kilometres southeast of the building, the truck turned left and then travelled northeast on a dirt field road which ran between a cultivated field on the left and a wooded ravine on the right. At the head of the ravine, approximately 900 metres from the Ovcara-Grabovo road, the soldiers removed the men from the truck.

13. At this spot, JNA and Serb paramilitary troops under the command and supervision of Colonel Mile MRKSIC, Captain Miroslav RADIC and Major Veselin SLJIVANCANIN were assembled on the north side of the site. During the evening hours of 20 November 1991, these soldiers, firing in a southerly direction, shot and killed about 260 men. After the killings, the bodies of the victims were

buried by a bulldozer in a mass grave at the same location.

14. Of the 300 men taken from Vukovar Hospital on the morning of 20 November 1991, 261 remain missing. All of these men were alive after the end of hostilities in Vukovar, and all of these men were taken under JNA guard first to the JNA barracks and then to the Ovcara farm. They have not been seen alive since that time. The names of these men, with their fathers' names in parenthesis, and their dates of birth are as follows:

Adzaga, Jozo (Ilija) 21.05.49
Andrijanic, Vinko (Marko) 09.02.53
Anic-Antic, Jadranko (Ante) 19.04.59
Arnold, Kresimir (Alojz) 18.04.58
Asadanin, Ilija (Jovan) 01.01.50
Babic, Drazen (Josip) 01.10.66
Bainrauch, Ivan (Stjepan) 21.06.56
Bajnrauh, Tomislav (Franjo) 13.12.38
Baketa, Goran (Stojan) 28.06.60
Balas, Stjepan (Andrija) 01.05.56
Balaz, Vesna (Jozo) 06.09.55
Balog, Dragutin (Josip) 19.06.74
Balog, Josip (Dragutin) 25.11.28
Balog, Zvonko (Ivan) 10.01.58
Balvanac, Duro (Andrija) 17.07.52
Banozic, Boris (Drago) 02.02.67
Baranjaji, Pero (Ratko) 19.06.68
Barbaric, Branko (Jozo) 01.11.67
Barbir, Lovro (Ivan) 01.11.35
Baricevic, Zeljko (Stjepan) 17.08.65
Barisic, Franjo (Andrija) 28.05.46
Barta, Anđelko (Ivan) 31.01.67
Batarelo, Josip (Danijel) 12.03.47
Batarelo, Zeljko (Ante) 25.10.55
Baumgartner, Tomislav (Tomislav) 27.11.73
Begcevic, Marko (Ivo) 01.04.68
Begov, Zeljko (Mato) 30.09.58
Bingula, Stjepan (Stjepan) 15.10.58
Bjelanovic, Ringo (Nikola) 24.11.70
Blaskovic, Miroslav (Mijo) 06.04.59
Blazevic, Zlatko (Zdenko) 24.02.64
Bodrozic, Ante (Marijan) 07.06.53
Bosak, Marko (Juraj) 02.07.67
Bosanac, Dragutin (Lavoslav) 21.08.19
Bosanac, Tomislav (Antun) 05.03.41
Bosnjakov, Josip (Ilija) 05.09.60
Bozak, Ivan (Franjo) 28.08.58
Bracic, Zvonimir (Ivan) 04.07.70
Bradaric, Josip (Sime) 02.03.49
Brajdic, Josip (Pavo) 16.03.50
Buovac, Ivan (Ilija) 03.09.66
Buzic, Zvonko (Stjepan) 27.08.55
Crnjac, Ivan (Slavko) 18.05.66
Caleta, Zvonimir (Nikola) 24.02.53
Colak, Ivica (Blago) 26.09.65

Cupic, Mladen (Marko) 19.05.67
Dalic, Tihomir (Zvonko) 02.11.66
Dolisni, Ivica (Petar) 27.11.60
Dosen, Ivan (Ivan) 04.01.58
Dosen, Martin (Ivan) 19.02.52
Dosen, Tadija (Ivan) 09.10.50
Dragun, Josip (Srecko) 09.09.62
Duvnjak, Stanko (Vladimir) 23.05.59
Dudar, Sasa (Duro) 05.03.68
Dukic, Perica 23.09.53
Dukic, Vladimir (Ivan) 21.02.48
Ebner, Vinko-Duro (Vinko) 07.04.61
Edelinski, Goran (Vladimir) 29.07.75
Firi, Ivan (Duro Kulik) 01.06.15
Fitus, Karlo (Istvan) 28.09.64
Friscic, Dragutin (Matija) 02.11.58
Furundzija, Petar (Danko) 30.11.49
Gajda, Robert (Mihajlo) 27.12.66
Galic, Milenko (Mate) 10.12.65
Galic, Vedran (Ivan) 29.05.73
Garvanovic, Borislav (Ivan) 23.11.54
Gaspar, Zorislav (Dragutin) 14.03.71
Gavric, Dragan (Pavo) 31.10.56
Glavasevic, Sinisa (Petar) 04.11.60
Gojani, Jozo (Ivo) 01.01.66
Golac, Krunoslav (Veljko) 06.07.59
Graf, Branislav (Vladimir) 07.09.55
Granic, Dragan (Mile) 01.01.60
Grejza, Milan (Mato) 27.06.59
Gruber, Zoran (Ilija) 05.09.69
Gudelj, Drago (Ivan) 09.09.40
Gudelj, Zdravko (Marijan) 31.01.59
Hegedus, Tomislav (Franjo) 02.11.53
Hegedusic, Mario (Dragutin) 29.06.72
Herceg, Zeljko (Slavko) 20.01.62
Herman, Ivan (Dragutin) 14.05.69
Herman, Stjepan (Antun) 10.03.55
Hincak, Zvonimir (Duro) 08.09.55
Hlevnjak, Nedeljko (Andelko) 08.01.64
Holjevac, Nikica (Ivan) 10.04.55
Horvat, Ivica (Josip) 27.11.58
Horvat, Viktor (Simun) 27.08.49
Husnjak, Nedjeljko (Juraj) 30.06.69
Iles, Zvonko (Ivan) 12.12.41
Imbristic, Ivica (Pavle) 13.02.58
Ivan, Zlatko (Eugen) 25.12.55
Ivezic, Aleksander (Ivan) 05.12.50
Jajalo, Marko (Ivan) 28.10.57
Jakubovski, Martin (Ivan) 01.04.71
Jalovec, Ljubomir (Antun) 02.11.57
Jambor, Tomo (Dragutin) 03.03.66
Janic, Mihael (Antun) 09.10.39
Janjic, Borislav (Ivan) 08.09.56

Jantol, Boris (Duro) 21.09.59
Jarabek, Zlatko (Kamilo) 21.04.56
Jezidzic, Ivica (Stipo) 05.11.57
Jovan, Zvonimir (Vlatko) 07.04.67
Jovanovic, Branko (Todor) 04.02.55
Jovanovic, Oliver (Duro) 08.12.72
Jularic, Goran (Andrija) 15.02.71
Jurela, Damir (Tomislav) 25.04.69
Jurela, Zeljko (Bozo) 30.06.56
Jurendic, Drago (Juro) 23.04.66
Jurisic, Marko (Franjo) 17.08.46
Jurisic, Pavao (Pavo) 28.08.66
Jurisic, Zeljko (Rude) 20.12.63
Kacic, Igor (Petar) 23.08.75
Kapustic, Josip (Josip) 08.12.65
Kelava, Kresimir (Antun) 17.01.53
Kiralj, Damir (Josip) 10.03.64
Kiralj, Damir (Julije) 17.07.59
Kitic, Goran (Mitar) 23.02.66
Knezic, Duro (Franjo) 02.04.37
Kolac, Tomislav (Dobroslav) 22.07.62
Kolac, Vladimir (Dobroslav) 20.01.66
Kologranic, Dusko (Josip) 23.10.50
Komorski, Ivan (Pero) 23.06.52
Kostenac, Bono (Andrija) 15.02.42
Kostovic, Borislav (Ante) 24.12.62
Kosir, Bozidar (Mirko) 28.09.57
Kovac, Ivan (Mate) 18.06.53
Kovac, Mladen (Branko) 20.08.58
Kovacevic, Zoran (Zlata) 16.04.62
Kovacic, Damir (Tomo) 14.07.70
Kozul, Josip (Frano) 08.03.68
Krajinovic, Ivan (Luka) 14.10.66
Krajinovic, Zlatko (Ante) 04.12.69
Krasic, Ivan (Petar) 18.06.64
Krezo, Ivica (Hrvoje) 10.09.63
Kristicevic, Kazimir (Branko) 13.06.59
Krizan, Drago (Jozo) 05.11.57
Krunes, Branimir (Mate) 28.02.66
Lendel, Tomislav (Franjo) 06.08.57
Lendel, Zlatko (Franjo) 18.00.49
Lerotic, Zvonimir (Filip) 13.09.60
Lesic, Tomislav (Branko) 10.05.50
Let, Mihajlo (Duro) 25.04.56
Lili, Dragutin (Dragutin) 26.01.51
Ljubas, Hrvoje (Luka) 26.01.71
Loncar, Tihomir (Dorde) 28.03.55
Lovric, Joko (Ivo) 06.11.68
Lovric, Jozo (Lovro) 15.07.53
Lucic, Marko (Mijo) 08.09.54
Lukenda, Branko (Ivan) 14.04.61
Lukic, Mato (Marko) 02.03.63
Magdic, Mile (Ivan) 25.03.53

Magoc, Predrag (Mihael) 18.12.65
Majic, Robert (Tvrtko) 23.02.71
Major, Zeljko (Stjepan) 14.12.60
Mandic, Marko (Antun) 26.07.53
Maricic, Zdenko (Marko) 27.09.56
Marijanovic, Martin (Marko) 17.08.59
Mazar, Ivan (Antun) 20.11.34
Medesi, Andrija (Janko) 16.10.36
Medesi, Zoran (Andrija) 09.09.40
Meric, Ohran (Muhamed) 10.07.56
Mihovic, Tomislav (Gaspar) 23.06.52
Mikletic, Josip (Stjepan) 26.02.52
Mikulic, Zdravko (Slavko) 15.03.61
Mikulic, Zvonko (Slavko) 11.05.69
Milic, Slavko (Mijo) 17.04.55
Miljak, Zvonimir (Ivan) 10.05.50
Misic, Ivan (Marko) 22.12.68
Mlinaric, Mile (Pavo) 05.12.66
Mokos, Andrija (Stevan) 16.11.55
Molnar, Aleksandar (Stjepan) 08.04.65
Mutvar, Antun (Antun) 30.01.69
Nad, Darko (Vladimir) 27.02.65
Nad, Franjo (Franjo) 17.08.35
Nejasmic, Ivan (Milan) 19.10.58
Nicollier, Jean Michael 01.07.66
Omerovic, Mersad (Jusuf) 01.01.70
Oreski, Ivan (Dragutin) 12.04.50
Papp, Tomislav (Andrija) 01.01.63
Pataric, Zeljko (Nikola) 16.07.59
Pavlic, Slobodan (Adam) 24.09.65
Pavlovic, Zlatko (Duro) 19.11.63
Perak, Mato (Ante) 28.11.61
Perko, Aleksandar (Branko) 17.03.67
Perkovic, Damir (Josip) 28.10.65
Perkovic, Josip (Jure) 24.03.63
Petrovic, Stjepan (Stanko) 26.10.49
Pinter, Nikola (Nikola) 04.10.40
Plavsic, Ivan (Mato) 24.03.39
Podhorski, Janja (Stjepan) 17.11.31
Polhert, Damir (Ivan) 22.11.62
Polovina, Branimir (Vojin) 22.06.50
Posavec, Stanko (Gustav) 09.04.52
Pravdic, Tomo (Pero) 11.01.34
Prpic, Tomislav (Milan) 03.04.59
Pucar, Dmitar (Nikola) 18.01.49
Raguz, Ivan (Antun) 22.04.55
Rasic, Milan (Franjo) 16.04.54
Ratkovic, Kresimir (Milan) 04.03.68
Razic, Josip 17.11.69
Ribicic, Marko (Ivan) 11.11.51
Rimac, Salvador (Slavko) 06.11.60
Rohacek, Karlo (Antun) 21.10.42
Rohacek, Zeljko (Karlo) 16.05.71

Saiti, Ceman (Azem) 17.09.60
Samardzic, Damjan (Marko) 23.07.46
Savanovic, Tihomir (Dragoslav) 17.07.64
Sencic, Ivan (Martin) 21.02.64
Sotinac, Stipan (Jozo) 25.11.39
Spudic, Pavao (Ivan) 17.07.65
Stanic, Marko (Mato) 02.08.58
Stanic, Zeljko (Niko) 23.06.68
Stefanko, Petar (Vasilije) 05.05.42
Stojanovic, Ivan (Zivko) 19.03.49
Stubicar, Ljubomir (Vladimir) 12.07.54
Sajtovic, Davor (Martin) 13.11.61
Sajtovic, Martin (Adam) 14.04.28
Sarik, Stjepan (Stefan) 02.04.55
Saskin, Sead (Hasan) 22.03.60
Sindilj, Vjekoslav (Vladimir) 01.11.71
Srenk, Duro (Gabrijel) 21.04.43
Stefulj, Drazen (Juraj) 01.01.63
Tabacek, Antun (Josip) 05.06.58
Tadic, Tadija (Jozo) 26.08.59
Tarle, Dujo (Jozo) 06.05.50
Terek, Antun (Bozidar) 06.10.40
Tisljaric, Darko (Tomo) 01.06.71
Tivanovac, Ivica (Pavo) 22.02.63
Tomasic, Tihomir (Albin) 04.07.63
Tordinac, Zeljko (Ivan) 14.12.61
Tot, Tomislav (Eugen) 06.06.67
Traljic, Tihomir (Petar) 17.07.67
Turk, Miroslav (Antun) 12.04.50
Turk, Petar (Petar) 30.06.47
Tustonjic, Dane (Jozo) 10.10.59
Tuskan, Drazen (Dragutin) 26.10.66
Usak, Branko (Martin) 17.07.58
Vagenhofer, Mirko (Josip) 03.06.37
Varenica, Zvonko (Franjo) 19.05.57
Veber, Sinisa (Vladimir) 22.02.69
Vidos, Goran (Mato) 04.10.60
Vilenica, Zarko (Jovo) 19.06.69
Virges, Antun (Antun) 09.06.53
Vlaho, Mate (Drago) 03.02.59
Vlaho, Miroslav (Marko) 30.12.67
Voloder, Zlatan (Ljubo) 23.11.60
Von Basingger, Harllan (Dusan) 25.08.71
Vujevic, Zlatko (Antun) 28.10.51
Vukojevic, Slaven (Josip) 23.06.70
Vukovic, Rudolf (Rudolf) 18.11.61
Vukovic, Vladimir (Zlatko) 25.11.57
Vukovic, Zdravko (Nikola) 07.09.67
Vulic, Ivan (Ante) 18.07.46
Vulic, Vid (Vid) 01.09.41
Vulic, Zvonko (Ivan) 07.06.71
Zera, Mihajlo (Vasilj) 07.08.55
Zeljko, Josip (Danko) 14.03.53

Zeravica, Dominik (Stjepan) 11.11.59
Zivkovic, Damir (Josip) 17.11.70
Zivkovic, Goran (Pavao) 20.12.60
Zugec, Borislav (Mato) 21.11.63

THE ACCUSED

15. **Mile MRKSIC**, born on 20 July 1947 near Vrginmost, Croatia, was a colonel in the JNA and was commander of the Guards Brigade which had primary responsibility for the attack on Vukovar. After the siege of Vukovar, he was promoted to general rank with the Yugoslav Army (JA) and later became the commanding officer of the Army of the "Republic of Serb Krajina."

16. **Miroslav RADIC**, approximately 35 years of age, was a captain in the JNA. He commanded a special infantry unit which was a component of the Guards Brigade from Belgrade.

17. **Veselin SLJIVANCANIN**, born in 1953 near Zabljak, Montenegro, was a major in the JNA in command of a military police battalion and also served as the security officer for the Guards Brigade. He was the operational commander for the JNA in the latter stages of the siege of Vukovar. Afterward, he was promoted to the rank of colonel and is now in command of a JA brigade in Podgorica, Montenegro.

GENERAL ALLEGATIONS

18. Unless otherwise set forth below, all acts and omissions alleged in this indictment took place during November 1991 in Vukovar municipality in the Republic of Croatia in the territory of the former Yugoslavia.

19. At all times relevant to this indictment, a state of international armed conflict existed in the territory of the former Yugoslavia.

20. At all times relevant to this indictment, all persons described in this indictment as victims were protected by the Geneva Conventions of 1949.

21. At all times relevant to this indictment, all of the accused in this indictment were required to abide by the laws and customs governing the conduct of war, including the Geneva Conventions of 1949.

22. All acts and omissions charged as crimes against humanity were part of a widespread, systematic or large-scale attack against the non-Serb residents of the municipality of Vukovar.

23. Each of the accused is individually responsible for the crimes alleged against him in this indictment pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes committing, planning, instigating, ordering or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

24. Each of the accused is also or alternatively criminally responsible as a commander for the acts of his subordinates pursuant to Article 7(3) of the Tribunal Statute. Command criminal responsibility is the responsibility of a superior officer for the acts of his subordinate if he knew or had reason to know that his subordinate was 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.

25. The general allegations contained in paragraphs 18 through 24 are realleged and incorporated into each of the charges set forth below.

CHARGES

26. On about 20 November 1991, JNA and Serb paramilitary soldiers under the command or supervision of **Mile MRKSIC, Miroslav RADIC and Veselin SLJIVANCANIN** removed approximately 260 men from Vukovar Hospital and then transported them to a farm building in Ovcara, where they beat the men for several hours. Afterward, soldiers under the command or supervision of **Mile MRKSIC, Miroslav RADIC and Veselin SLJIVANCANIN** transported the men in groups of 10-20 to a site between the Ovcara farm and Grabovo, where they shot and killed them. By their acts and omissions **Mile MRKSIC, Miroslav RADIC and Veselin SLJIVANCANIN**, are criminally responsible for:

BEATINGS

Count 1: GRAVE BREACHES of the Geneva Conventions of 1949 recognised by Article 2(c) (wilfully causing great suffering) of the Tribunal Statute;

Count 2: VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR recognised by Article 3 (cruel treatment) of the Tribunal Statute;

Count 3: CRIMES AGAINST HUMANITY recognised by Article 5(i) (inhumane acts) of the Tribunal Statute.

KILLINGS

Count 4: GRAVE BREACHES of the Geneva Conventions of 1949 recognised by Article 2(a) (wilful killing) of the Tribunal Statute;

Count 5: VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR recognised by Article 3 (murder) of the Tribunal Statute;

Count 6: CRIMES AGAINST HUMANITY recognised by Article 5(a) (murder) of the Tribunal Statute.

Richard J. Goldstone
Prosecutor

26 October 1995
The Hague,
The Netherlands