

## **VIEW FROM THE HAGUE**

### **HADŽIĆ INDICTED FOR CRIMES AGAINST CIVILIANS**

On 16 July 2004, the International Criminal Tribunal unsealed its indictment against Goran Hadžić, the former President of the Republika Srpska Krajina and Serbian Autonomous Region of Slavonia, Baranja and Western Srem. Since then there has been a great deal of discussion in the media on Hadžić's whereabouts, and little or none on the charges against him.

Goran Hadžić is indicted for involvement in a number of crimes against the Croatian and other non-Serb population of Croatia committed between 1 August 1991 and the end of June 1992. Specifically, he is accused of involvement in persecuting, murdering, unlawfully imprisoning, torturing, deporting or forcibly transferring non-Serb civilians, and the commission of other inhumane acts against them, as well as destroying and looting their property. The indictment lists specific incidents of these crimes, which are too numerous to list here, but a couple of examples serve to illustrate their nature and gravity.

One of them occurred on 18 October 1991, when as the indictment alleges, the JNA, Territorial Defense and the "Dušan Silni" volunteer unit forced fifty Croat civilians to march into a minefield on the outskirts of the village of Lovas, near Vukovar. The indictment alleges that the detainees were forced to enter the minefield and sweep their feet in front of them to clear it of mines. At least one mine exploded, and the Serb forces opened fire on the detainees, killing twenty-one of them.

Hadžić is also charged with crimes that occurred after the JNA took Vukovar in November 1991. On or about 20 November, Serb forces under the command of the JNA removed approximately 264 Croats and other non-Serbs from the Vukovar hospital and transported them to the Ovčara farm about five kilometers away. There, Serb forces consisting of JNA soldiers, local Serb TO forces, paramilitaries-volunteers and others beat and tortured the victims for hours. They then transported them in groups of 10-20 to a remote execution site nearby where they shot and killed them. The Tribunal has also indicted JNA officers Veselin Šljivančanin, Miroslav Radić and Mile Mrkšić for this crime. The Serbian War Crimes Prosecutor has indicted 18 other individuals for killing 192 of these victims.

Hadžić is further indicted for his involvement in the events that took place in the detention facility in Dalj. According to the indictment, he requested that non-Serbs who were suspected of participating in military operations in Vukovar be detained. Acting on this request, the JNA transported a large number of Vukovar's inhabitants to the detention facility in Dalj where local Serb TO members selected those who were suspected of participating in Vukovar's defense, interrogated, beat and tortured them. They executed at least 35 of them, whose names are attached to the indictment.

According to the Tribunal's indictment, these and other acts which are charged were part of a joint criminal enterprise, the purpose of which was to permanently and forcibly remove the majority of the Croat and other non-Serb population from approximately one-third of Croatia. Goran Hadžić was one member of this joint criminal enterprise, others who are named in the indictment as co-perpetrators and who the Tribunal has also indicted are: Slobodan Milošević, Milan Martić, Jovica Stanišić, Franko Simatović aka "Frenki", Vojislav Šešelj, Željko Raznatović aka "Arkan". All but Arkan, who is deceased, are in the Tribunal's custody. (Radovan Stojičić aka "Badža", who is also deceased, is also named as a co-perpetrator, but has not been indicted by the Tribunal).

The indictment details the manner in which it alleges that Goran Hadžić participated in the joint criminal enterprise to remove the non-Serb population from about a third of Croatia. Specifically, the indictment alleges that he formulated and encouraged the development and implementation of policies intended to advance the objective of the joint criminal enterprise. He participated in creating, organizing, financing and directing forces that committed the crimes alleged in the indictment, including local Serb police and security forces, the Territorial Defense, volunteers and paramilitary forces. He is alleged to have requested and/or to have facilitated JNA and Serbian MUP forces, and to have encouraged and assisted in the acquisition and distribution of arms to local Serbs in Croatia, in order to further the joint criminal enterprise's objective.

In sum, Hadžić is indicted for his active participation in the commission of crimes against civilians and non-combatants. He is not indicted for having command responsibility.

Clearly, the charges against Goran Hadžić are serious. Like all accused before the Tribunal, Hažić will be given the opportunity to defend himself against these charges. The Tribunal expects the authorities in Serbia and Montenegro to arrest Hadžić and transfer him to its jurisdiction forthwith.

**Outreach Programme**

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