

# VUKOVAR - 18 YEARS AFTER

## VUKOVAR – IMPUNITY OF URBICIDE

*Dragan Popovic, Youth Initiative for Human Rights in Serbia*

The Yugoslav People's Army (JNA) units, territorial defense forces of the so-called Autonomous Region of Slavonija, Baranja and Western Srem and paramilitary units from Serbia, also under JNA command, on the 25th of August, 1991, launched the siege of Vukovar which lasted for 87 days. During the siege, the town was systematically and indiscriminately shelled from land, the river Danube and air. Some 1,000 civilians were killed, more than 2,500 wounded, while some 5,000 people were transported to detention facilities and prison camps in Serbia. All non-Serb inhabitants of Vukovar were banished following the fall of the town that took place on the 18th of November, 1991. Serb forces started the surge with 30,000 troops, with the figure at times reaching as many as 80,000 troops. JNA aviation, inland fleet which operated from the Danube and 11 infantry brigades, of which 9 armor-mechanized with 1,600 tanks, took part in the attack... (Continue reading on page 2)

## VUKOVAR – A DIVIDED TOWN

*Mario Mažić, Youth Initiative for Human Rights' Coordinator in Croatia*

*Who greets you with "ciao", and who with "bog", is common knowledge. Drago Hedl, Aim, Zagreb, 18.2.2002.*

According to the 2001. census, Croats make up 57.46 percent of the Vukovar population, while Serbs account for 32.88 percent. Albeit it is common knowledge that Mitnica is predominantly Croatian, and Sajmište predominantly Serbian district, residents of Vukovar are unfamiliar with structural physical segregation. Even cafes exclusively frequented by members of one ethnic group are rare today. The local government is also diverse.

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## FRENZY COMING OF LEGAL AGE

*Danko Runić, Agency for Cooperation with NGOs and European Harmonization City of Belgrade*

*The text was written apropos the debate titled "Responsibility for the Destruction of Vukovar", organized by the Youth Initiative for Human Rights and the Agency for Cooperation with NGOs and European Harmonization of the City of Belgrade.*

Only a few weeks upon marking the twentieth anniversary of the fall of the Berlin Wall, the moment which (was supposed to) represent/s the end of an era of divisions within Europe, we are remembering yet another demolition, ruthless and inhumane. Eighteen years ago, following nearly three months of constant shelling, which was a part of the nonsensical war ... (Continue reading on page 8)



## VUKOVAR – IMPUNITY OF URBICIDE

*I do not understand that military doctrine which stipulates as one of the top targets, maybe even the top one – the destruction of cities. Sooner or later, the civilized world will indifferently shrug to our internecine carnages. What else could they do? But the destruction of cities they will never forget. We will be – and it is precisely we, the Serbian side, who will be remembered as destroyers of cities, the new Huns. The horror of Western man is understandable. Hundreds of years ago he even stopped etymologically differentiating between the terms 'city' and 'civilization'. He cannot, he is unable to comprehend irrational destruction of cities in any other way but as manifest, aggressive opposition to the highest values of civilization.*

Bogdan Bogdanović,  
Grad kenotaf [Town Cenotaph], Zagreb, 1993

The Yugoslav People's Army (JNA) units, territorial defense forces of the so-called Autonomous Region of Slavonija, Baranja and Western Srem and paramilitary units from Serbia, also under JNA

command, on the 25th of August, 1991, launched the siege of Vukovar which lasted for 87 days. During the siege, the town was systematically and indiscriminately shelled from land, the river Danube and air. Some 1,000 civilians were killed, more than 2,500 wounded, while some 5,000 people were transported to detention facilities and prison camps in Serbia. All non-Serb inhabitants of Vukovar were banished following the fall of the town that took place on the 18th of November, 1991. Serb forces started the surge with 30,000 troops, with the figure at times reaching as many as 80,000 troops. JNA aviation, inland fleet which operated from the Danube and 11 infantry brigades, of which 9 armor-mechanized with 1,600 tanks, took part in the attack. The town was defended by some 1,800 lightly armed soldiers who had only 26 tanks at their disposal. Upon the fall of Vukovar a mass crime was committed when JNA command surrendered to territorial defense forces and volunteers over 200 prisoners of war and civilians of Croatian nationality from the Vukovar hospital. These people

were executed on the Ovčara farm nearby Vukovar. The Ovčara crime is the only one pertaining to the siege and fall of Vukovar for which judicial proceedings were instituted. The International Criminal Tribunal for the Former Yugoslavia (ICTY) sentenced Mile Mrkšić and Veselin Šljivančanin with no further right of appeal, while the Belgrade District Court's War Crimes Chamber passed first instance verdicts to 13 people and one unappealable verdict.



Neither the ICTY nor the War Crimes Chamber of the Republic of Serbia has reached a verdict for the destruction of Vukovar. The ICTY Statute regulates the criminal act of violation of the laws or customs of war which also pertains to wanton destruction of cities, towns or villages, or devastation not justified by military necessity (Article 3. of the Statute). JNA officers Pavle Strugar and Miodrag Jokić have, inter alia, already been convicted of this criminal act for the bombardment of Dubrovnik carried out on December 6, 1991. The former president of Serbia Slobodan Milošević, who passed away in the Hague detention unit, had also been charged with this criminal act, precisely for the destruction of Vukovar. Proceedings instituted against Croatian army generals Gotovina, Čermak and Markač for crimes committed during the operation Storm in 1995. are currently underway. One of the crimes

they are charged with is wanton destruction of cities, towns or villages inhabited by Serb population in Northern Dalmatia. Radoslav Brđjanin, the head of the Crisis Centre of the Autonomous Province of Krajina, was convicted of this act for the destruction of Bosniak and Croatian towns in the Bosanska Krajina region.

The responsibility of Serbian and SFRY top civilian and military structures for the destruction of Vukovar has never been probed. The chain of command was comprised of the SFRY Presidency members, SFRY Defense Minister, JNA Chief of Staff and his deputy, Air Force Commander and his deputy, Commander of the 1st Army Military Zone, JNA Novi Sad Corps Commander, Inland Fleet Commander and many other officers. Of the 11 commanders of brigades which had taken part in the surge, only the 1st Guards Motorized Brigade Commander, Mile Mrkšić, was held to account (for the crime committed in Ovčara, but not for the city destruction itself).

Indiscriminate bombardment of Vukovar led to destruction of three quarters of all town constructions. Among them were schools, hospitals, churches, public institutions' facilities, factories, mediaeval Eltz Castle, house of the Nobel-winning author Lavoslav Ružička... Such a level of destruction was not recorded in any other town in the former Yugoslavia and it became the symbol of barbarous wartime destruction of cities. After Vukovar many other places were systematically destroyed and devastated. With a view to preventing such crimes in future, it is necessary to judicially penalize all military and civilian commanders who wittingly and deliberately opted for the technique of leveling Vukovar to the ground.

Trial for the destruction of Vukovar would send a message that the policy of urbicide shall not be tolerated and that it shall be treated as a war crime and attack on the civilization itself. Belgrade District Court's War Crimes Chamber is the proper address to send this message from.

Dragan Popovic,  
Youth Initiative for Human Rights in Serbia



## THE OVČARA CRIME

Following the 87-day siege of Vukovar, during which the inhabitants had spent months in basements and shelters, being for days without electricity, water, food and phone line with the outside world, on November 18 JNA entered the destroyed town. Vast majority of non-Serb population was banished. In the final days of the siege, hundreds of people sought refuge in the Vukovar hospital, located close to the town centre, believing that the hospital would be evacuated in the presence of international observers. Two days after the fall of Vukovar, JNA soldiers conducted selection of prisoners in front of the hospital. They singled out men, loaded them on buses and transported to JNA barracks. There they were humiliated and threatened by Serb forces, comprised of Territorial Defense (TO) forces and paramilitary units. The prisoners were then transported to the Ovčara farm, some four kilometers south of Vukovar, where they were first beaten and then in groups of 10 to 20 people driven to a gully in the direction of Grabovo and executed. The victims' corpses were buried in a mass grave with bulldozer. 194 identified remains of Croats and other non-Serbs were exhumed from the mass grave in 1996.

## INTERNATIONAL JUSTICE FOR VUKOVAR CRIMES

On September 27, 2007, the ICTY Trial Chamber sentenced JNA Guards Brigade Commander Mile Mrkšić to 20 years' imprisonment for aiding and abetting the murder, torture and cruel treatment of 194 non-Serb prisoners of war at Ovčara farm. ICTY Prosecution proved that on November 20, 1991. Mr. Mrkšić had decided to withdraw JNA units which had been protecting the prisoners of war at Ovčara, thus leaving room for territorial defense forces and paramilitaries to execute the prisoners. The same ruling sentenced the Guards Brigade security officer Veselin Šljivančanin to five years' imprisonment due to the Prosecution having proven his implication in aiding and abetting torture, but not in the execution of prisoners from the Vukovar hospital. However, in May 2009, appeals judges found that Mr. Šljivančanin had been required to protect the prisoners of war held at Ovčara, regardless of Mr. Mrkšić's directive that JNA troops withdraw from the farm. The fact that he had failed to use his position to exercise influence on the territorial defense

and paramilitary forces against executing the prisoners at Ovčara cost him the unappealable verdict to 20 years' imprisonment. Miroslav Radić was acquitted of all charges since his defense proved that he had had no knowledge, nor any reason to know that territorial defense forces would commit the crime.

Alongside the senior JNA officers, ICTY also put on trial Slavko Dokmanović, who had served as the Mayor of Vukovar between 1990. and the summer of 1991, as well as following its fall, for allegedly aiding and abetting the crime perpetrated at Ovčara.

However, Mr. Dokmanović's responsibility was never proven since he passed away in the Scheveningen detention unit on the 28th of June, 1998.

ICTY "map of crimes" links to the town of Vukovar four other cases and five other indictees: Slobodan Milošević, Vojislav Šešelj, Jovica Stanišić, Franko Simatović and Goran Hadžić. Crimes they were or are still indicted of are, inter alia, killings of Croats and other non-Serbs in Vukovar, forced labor in prison camps or home detention, deportation and coercive relocation of 20,000 inhabitants of Vukovar to Serbia, deliberate destruction of housing units and other public and private property, cultural institutions, historical monuments and religious objects. In addition, Mr. Šešelj is indicted of directly and publicly belittling Croatian and other non-Serb population of Vukovar.

Proceedings instituted against Mr. Milošević were concluded without a verdict, since he passed away in the course of his trial.

In the proceedings instituted against Šešelj, Stanišić and Simatović the first instance procedures are still underway, which leaves yet room to prove their guilt for crimes committed in Vukovar, while Goran Hadžić is still at large.



## TRIAL FOR "OVČARA" IN BELGRADE

Belgrade District Court's War Crimes Chamber, established in 2003, tries for violations of international humanitarian law. Merely five months upon its establishment, in March 2004, the Chamber instituted proceedings for crimes perpetrated at Ovčara, indicting 18 members of the Vukovar Territorial Defense forces and the paramilitary unit "Leva supoderica", which were under the then JNA command. The indictees were charged with inhumane treatment of war prisoners, who had previously surrendered to JNA troops, from the afternoon of November the 20th to the early morning hours of the following day. They had been insulting the prisoners, subjecting them to physical torture and eventually killing 200 of them, of which 194 have been identified.

Pursuant to the ruling rendered in "Ovčara" case by the Trial Chamber, presided by judge Vesko Krstajić, on December 12, 2005, the indictees were sentenced to five to twenty years' imprisonment. Two indictees were acquitted. However, on December the 14th, 2006, the Supreme Court of Serbia overturned the first instance ruling and the trial was resumed in March 2007.

Even though the victims' families and the Regional team of observers delegated by human rights organizations assessed the proceedings in "Ovčara" case to have been professionally conducted, with deference for the victims and with a view to establishing the truth, the Supreme Court of Serbia found reason enough to return the entire issue to the beginning. The judicial process was thus impeded and the trust witnesses and victims' families invested in institutions of the Serbian judiciary diminished.

In the retrial, on March the 12th this year thirteen persons were sentenced to 5 to 20 years' imprisonment, while five indictees were acquitted. Appeals procedure is underway.

# THE HAND OF RECONCILIATION REJECTED

On May 22, 2008 Lawyers' Association "Vukovar '91" filed criminal charges to Serbian War Crimes Prosecutor Vladimir Vukčević against 54 individuals for establishment of prison camps, murder and torture of prisoners in Stajićevo, Begejci, Sremska Mitrovica, Belgrade, Aleksinac and Niš. As assessed by this association, from autumn 1991, following the fall of Vukovar, some 10,000 Vukovar civilians and soldiers were held in those and other prison camps in Serbia, of which some 300 were killed, while 495 are still unaccounted for.

President of the Association "Vukovar '91" Zoran Šangut spent 130 days in prison camps in Serbia. "Regular detention system existed in Sremska Mitrovica, Niš and military investigative detention facility in Belgrade, while those in Begejci and Stajićevo were typical stables, surrounded by barbed wire, dogs and guards", attests Mr. Šangut.

Former inmates state January 15, 1992, when Croatia declared independence, as the worst day of detention. "That night they brought the entire dormitories into the corridor, one after the other, while groups of 20 soldiers were beating us. There was blood on the floor and all over the place", explains Mr. Šangut.

On October 3 Lawyers' Association "Vukovar 1991" was intending to put up memorial plaques where prison camps Stajićevo and Begejci once were.

"Our primary objective is to come and light candles in memory of all those who were killed in those prison camps. Likewise, we wish to put up a memorial plaque in memory of what had happened and as a warning that it never repeat itself", said Zoran Šangut, noting that they were coming "in peace and tolerance, extending the hand of reconciliation". At the meeting held with members of the Association, Aleksandar Marton, the city of Zrenjanin Assembly Speaker, showed consideration for this initiative. Members of the Disabled War Veterans Association (RVI) of Serbia went on a hunger strike in Zrenjanin on the 21st of September, demanding that Mr. Marton be deposed for his support to the initiative

by "Vukovar 1991" Association, while five days later they staged a protest downtown.

Coalition of Refugees' Associations in Serbia, comprised of 46 associations, issued a press release on the 29th of September, underscoring that the initiative for putting up a memorial plaque was an insult not only to families of the killed and missing Serbs, refugees, but to the majority of Serbian citizens due to the fact that the existence of some 220 prison camps in Croatia has been confirmed, while a memorial plaque to killed and missing Serbs has been put up in neither of them. The following day, disabled war veterans gathered in Stajićevo and Begejci to prevent the arrival of representatives of Lawyers' Association "Vukovar 1991".

The arrival of members of that association and Croatian officials to Stajićevo and Begejci was cancelled, pursuant to an agreement between the relevant authorities of Croatia and Serbia.

Following the motion put forth by 22 Serbian Radical Party aldermen and 2 Democratic Party of Serbia aldermen, the city of Zrenjanin extraordinary assembly session was held on November 6, at which aldermen voted on deposition of the Assembly Speaker Aleksandar Marton. Upon the secret ballot, Mr. Marton retained his office.





## VUKOVAR — A DIVIDED TOWN

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and who with “bog”, is common knowledge.  
Drago Hedl, Aim, Zagreb, 18.2.2002*

According to the 2001. census, Croats make up 57.46 percent of the Vukovar population, while Serbs account for 32.88 percent. Albeit it is common knowledge that Mitnica is predominantly Croatian, and Sajmište predominantly Serbian district, residents of Vukovar are unfamiliar with structural physical segregation. Even cafes exclusively frequented by members of one ethnic group are rare today. The local government is also diverse. Vukovar City Council deputy speakers come from the Croatian Party of Rights (Hrvatska stranka prava) and the Independent Democratic Serbian Party (Samostalna demokratska srpska stranka). The problem lies in the fact that concrete statistical data are not indicative of the proper and true image of the town.

There is no physical segregation. All schools (six primary and four secondary schools) in Vukovar are attended by students of both Croatian and Serbian ethnic background, but they are enrolled in separate classes. Politicians will say that schools are segregated due to the right to education in mother tongue. All statistical records indicate that Vukovar is a peaceful, ethnically diverse town. Vukovar is inhabited by Bosniaks, Jews, Ruthenians, Hungarians, Slovenians, Montenegrins, Roma... alike.

According to the Vukovar-Srem Police Secretariat spokesperson, in the past year there has been no ethnically motivated violence relevant for security situation in Vukovar. In concurrence with these statistics, every few months Vukovar facades are “adorned” with the following: Kill the Serb, U, NDH, Death to Croats, This is Serbia, Long live Šešelj. At the same time, Internet pages of two among several most popular radio stations in Vukovar bear the following headlines: “Rakish Cross Returns to Native Vukovar after 18 Years”, “Serbian Patriarch Pavle Has Passed Away”. One part of Vukovar population usually listens to Croatian Radio Vukovar, while the other one tunes in to Radio Dunav (Danube). A friend of mine from Vukovar would say: segregation is a state of mind. But, even as such it is real, albeit not evident in the statistics. For him, field trip with pupils of another nationality is an unexercised right. Education in mother tongue he finds irrelevant at graduate excursion. Lack of political will to transform Vukovar into an intercultural community is permanent, while political solutions boil down to maintaining the status quo, hoping that the situation would not further deteriorate. I never thought I would have a Croatian friend – another nineteen-year-old guy from Vukovar told me. That is status quo. And it is being maintained, for who greets you with “ciao”, and who with “bog”, is common knowledge.

Mario Mažić,  
YIHR Coordinator in Croatia



## FRENZY COMING OF LEGAL AGE

Only a few weeks upon marking the twentieth anniversary of the fall of the Berlin Wall, the moment which (was supposed to) represent/s the end of an era of divisions within Europe, we are remembering yet another demolition, ruthless and inhumane. Eighteen years ago, following nearly three months of constant shelling, which was a part of the nonsensical war, Yugoslav People's Army (JNA) units, wholeheartedly supported by paramilitary volunteer formations from Serbia, entered utterly devastated Vukovar, celebrating barbarous victory by abusing, mistreating and killing survivors. Vast number of them ended up in numerous concentration camps in Serbia, where they were exposed to violence and torture.

Vukovar tragedy reaching legal age obliges us to commemorate victims of this frantic act and point to the necessity of bringing to justice those accountable for the crimes and punishing them in accordance with the law. Eighteen years have passed since the act of barbarism which brought inconceivable suffering to hundreds of thousands of people. At that time scores of Belgraders were showering with flowers soldiers on tanks, who reduced the town on the Danube river to rubbles. In the year in which we were laying flowers to pay our final tribute to absurdly killed Brice Taton, it is high time we remembered numerous victims of the Vukovar tragedy. All the more so because the young Frenchman was denied the right to live by the hands of those who may not have even been born at the time of the dramatic events we are commemorating today.

Young men and women born in 1991. are of legal age today; they hardly know anything about the destruction of Vukovar, even less about daily life in the town located mere 150 km from Belgrade. Until officials at competent state institutions have realized that ignoring a crime is a crime in itself, generations will be growing up in ignorance, while freedom, egalitarianism, equality, solidarity and other values contemporary Europe is based upon shall remain obscure.

South East European states have opted to soon become, as rightful members of the European Union, a single political, economic and cultural region. The process of facing the past and learning lessons from history proper is not only inevitable on our European path, but it is also our human and moral obligation. Today, in absence of adequate moves on part of the state, non-governmental organizations from Serbia and the region play indispensable role in pointing to the importance of the most essential part of that process, which is precisely that crimes be punished and adequate satisfaction to victims provided. It is only when we as society have audaciously stepped forward, demonstrated maturity in dealing with the most distressing issues from our history, and once relatives of Vukovar inhabitants killed or tortured in concentration camps across Serbia are able to put up memorial plaques at those locations, that we will tear down our Berlin Wall.

Danko Runić  
Agency for Cooperation with NGOs  
and European Harmonization City of Belgrade



# PUBLIC DEBATE ON RESPONSIBILITY FOR THE DESTRUCTION OF VUKOVAR

Public forum titled “**Responsibility for the Destruction of Vukovar**”, in the Youth Initiative for Human Rights’ organization, shall be held on Monday, November 23, at 14 h at the **Belgrade City Assembly Conference Room (Old Palace), No. 2 Dragoslava Jovanovića Street**. The Forum will mark November 18, the Day of Commemoration of the Vukovar Victims. The Forum has a view to instituting public debate in Serbia on accountability for the destruction of this town in 1991.

**The Forum is planned to be addressed by:**

**Željko Pinjuh**, Deputy Mayor of Vukovar,

**Radmila Hrustanović**, Assistant to the Mayor of Belgrade,

**Aleksandar Marton**, City of Zrenjanin Assembly Speaker,

**Jasna Šarčević-Janković**: the Office of the War Crimes Prosecutor, Public Relations Associate

**Nataša Kandić**, victims’ legal representative in the Ovčara case, Humanitarian Law Centre,

**Manda Patko**, Co-President of the Association of parents and families of Croatian home guards imprisoned and taken away by force – “Vukovar Mothers”,

**Mirko Kovačić**, Association of parents and families of Croatian home guards imprisoned and taken away by force – “Vukovar Mothers”,

**Drago Hedl**, author and screenwriter of the film “Vukovar – the Final Cut” (“Vukovar – poslednji rez”),

**Janko Baljak**, director and co-screenwriter of the film “Vukovar – the Final Cut”.

The Debate is being organized by the Youth Initiative for Human Rights (YIHR), in cooperation with the Agency for Cooperation with NGOs and European Harmonization of the City of Belgrade.

In scope of marking the Day of Commemoration of the Vukovar Victims of 1991, YIHR activists will visit Vukovar on November 19.

