

Judges Agree that Prosecutors' Interpretation of Vukovar Indictment is Too Wide

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The judges gave a ruling on a dispute that has been going on behind the scenes for several months, over whether the alleged crimes committed at the Velepromet prison facility form part of the basis of the charges against the men.

The three men are charged with commanding troops responsible for the worst atrocity of the war in Croatia – the killings of at least 264 men taken from Vukovar's hospital to a nearby farm at Ovcara in November 1991.

According to the prosecution, the first count of the indictment against them, concerning persecutions of non-Serbs as a crime against humanity should also be read as covering alleged crimes at Velepromet.

Several witnesses have testified about torture and killings by members of Serb militia groups at Velepromet – a makeshift prison in the grounds of a factory.

But the defence argued that the Velepromet evidence should only be used to establish whether the accused should have been able to foresee what was to happen at Ovcara.

The judges came down on the defence side, saying that the prosecution had not made it clear in the indictment, the pretrial brief, or in its opening statement, that the alleged crimes that occurred at Velepromet should be included as part of count one of the indictment.

The judges argue that the indictment refers repeatedly to what is alleged to have happened to the at least 263 people who were evacuated from the hospital at Vukovar and killed at Ovcara.

But they agreed that the events at Velepromet can also be considered to fall within the knowledge the accused may have had about the mistreatment and killings of Serbs “at a facility in their zone of responsibility, by Serb forces under their command”.

During the trial this week, the former spokesperson for the tribunal, Florence Hartman gave evidence about information she had gathered while working as a correspondent for the French newspaper *Le Monde* in the region during 1992.

Hartmann told the court that she had found a mass grave protected by UN soldiers at Ovcara late October 1992. When she returned to Vukovar in November for the celebrations of the first anniversary of the ‘liberation’ of the town, she had encountered Major Sijivancanin.

Hartman said that she asked him, ‘what happened at Ovcara?’ to which he allegedly replied ‘we had to bury the bodies somewhere’.

Pressed repeatedly by defence counsel as to why she had not reported his remark at the time or in her subsequent book, Hartman replied that she had taken the remark as an admission that the accused knew what had happened, but that as a journalist, she was unable to use his words without corroboration.

Location: Croatia

Topic: Briefly Noted

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