



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTRZ.4/03
Belgrade, 17 October 2008

DISTRICT COURT IN BELGRADE
-War Crimes Chamber-

Pursuant to my authority under article 265 (1) re article 46 (2.3) of the Criminal Procedure Code, I hereby bring the

INDICTMENT

Against **Damir SIRETA a.k.a. Sićo**, son of Simo and Marija (née Mećanović), born on 19 October 1963 in Vukovar, Serb, citizen of the Republic of Croatia, divorced, father of two, worker with residence in Norway, address Haraveien 3 L 1 1850 Mysen, no criminal record, currently in detention further to ruling Ki.V. 2/03, rendered on 30 July 2004 by the investigative judge of the Belgrade District Court - War Crimes Chamber, the ruling being effective as of 8 May 2008, when he was deprived of liberty.

ALLEGATIONS AND CHARGES:

This indictment charges the events which occurred at the Ovčara farm outside Vukovar, in the then Republic of Croatia - part of the former Socialist Federal Republic of Yugoslavia (SFRJ) - between the afternoon of 20 November and the early morning of 21 November 1991. As a member of the Vukovar territorial defence force (TO), which was part of the Yugoslav People's Army (JNA), the accused, **Damir SIRETA**, was present at Ovčara at the said time, along with other members of his unit, specifically the following accused individuals: Miroљjub VUJOVIĆ, Stanko VUJANOVIĆ, Miroslav ĐANKOVIĆ, Vujo ZLATAR, Jovica PERIĆ, Predrag MADŽARAC, Milan VOJNOVIĆ and Milorad PEJIĆ. Beside the foregoing TO members, present at Ovčara were members of the volunteer unit named "Leva Supoderica", namely the following accused: Milan LANČUŽANIN, Marko LJUBOJA, Predrag MILOJEVIĆ, Slobodan KATIĆ, Predrag DRAGOVIĆ, Ivan ATANASIJEVIĆ (at the time named Ivica HUSNIK), Đorđe ŠOŠIĆ,

Nada KALABA and Saša RADAK (the case against whom has been conducted separately), as well as a number of FNU LNU persons. The events at issue took place within a broader context of a noninternational armed conflict which existed in the region at the time. By his participation in these events, **Damir SIRETA** committed serious breaches recognized by the following acts and provisions:

Articles 3 (1.a) and 4 (1,2,4) of the Third Geneva Convention on the Treatment of War Prisoners (1949), which was ratified in 1950 by the National Assembly of the Federal People's Republic of Yugoslavia (FNRJ); and

Article 4 (1, 2.a) of the Additional Protocol to the 1949 Geneva Conventions, which covers the protection of victims in noninternational armed conflicts, of 8 June 1977 (*SFRJ Official Gazette* No. 16/78 - *International Treaties*).

In a joint action with other members of his unit, **SIRETA** engaged in the murders of war prisoners from Vukovar hospital, who, after surrendering their weapons to the JNA troops, had been handed over to the Vukovar TO force. The prisoners were mostly members of Croatian armed forces, militias, volunteer units and individuals who escorted the armed forces but were not their constituent part.

In particular,

Groups of war prisoners were loaded in turn into a truck and transported to the site of Grabovo, cca. 1 km away from Ovčara, where they came under fire of a previously formed shooting platoon. Part of the shooting platoon, **SIRETA** also engaged in the shooting campaign and thereby killed a number of persons.

In the aftermath of the above operation, 200 (two hundred) persons were deprived of life, out of whom 193 (one hundred and ninety-three) have been positively identified. Their names, with their fathers' names in parentheses, and their dates of birth are set forth below:

1.	Adžaga, Jozo (Ilija)	21/05/49
2.	Ahmetović, Ismet-Ivo (Marijan)	14/11/68
3.	Andrijanić, Vinko (Marko)	09/02/53
4.	Arnold, Krešimir (Alojz)	18/04/58
5.	Asađanin, Ilija (Jovan-Jožika)	05/07/52
6.	Babić, Dražen (Josip)	01/10/66
7.	Bainrauh, Ivan (Stjepan)	21/06/56
8.	Bajnrauh, Tomislav (Franjo)	13/12/38
9.	Balaš, Stjepan (Andrija)	01/05/56
10.	Balog, Dragutin (Josip)	19/06/74
11.	Balog, Josip (Dragutin)	25/11/28
12.	Balog, Zvonko (Ivan)	10/01/58
13.	Balvanac, Đuro (Andrija)	17/07/52
14.	Banožić, Boris (Drago)	02/02/67

15.	Baranjaji, Pero (Ratko)	19/06/68
16.	Barbarić, Branko (Jozo)	01/11/67
17.	Barbir, Lovro (Ivan)	11/11/35
18.	Barić, Đuka (Đuro)	26/12/50
19.	Barišić, Franjo (Andrija)	28/03/40
20.	Barta, Anđelko (Ivan)	31/01/67
21.	Batarelo, Željko (Ante)	25/10/55
22.	Baumgerner, Tomislav (Tomislav)	27/11/73
23.	Begčević (Iva) Marko,	01/04/68
24.	Begov, Željko (Mato)	30/09/58
25.	Bingula, Stjepan (Stjepan)	15/10/58
26.	Bjelanović, Ringo (Nikola)	24/11/70
27.	Blažević, Zlatko (Zdenko)	24/02/64
28.	Krunoš, Branimir	1966
29.	Bosak, Marko (Juraj)	02/07/67
30.	Bosanac, Dragutin (Vladislav)	21/08/19
31.	Bosanac, Tomislav (Antun)	05/03/41
32.	Bračić, Zvonimir (Ivan)	04/07/70
33.	Bukvić, Đorđe (Đuro)	03/05/66
34.	Buovac, Ivan (Ilija)	03/09/66
35.	Crnjac, Ivan (Slavko)	18/03/66
36.	Mihalec, Josip	1926
37.	Čupić, Stanoje (Boško)	12/10/53
38.	Dalić, Tihomir (Zvonko)	02/11/66
39.	Dolišni, Ivica (Petar)	27/11/60
40.	Dragun, Josip (Srečko)	09/09/62
41.	Đuđar, Saša (Đuro)	05/03/68
42.	Đukić, Vladimir (Ivan)	21/02/48
43.	Duvnjak, Stanko (Vladimir)	23/05/59
44.	Ebner, Vinko-Đuro (Vinko)	01/01/61
45.	Friščić, Dragutin (Matija)	02/11/58
46.	Furundžija, Petar (Danko)	30/11/49
47.	Gajda, Robert (Mihajlo)	27/12/66
48.	Galić, Milenko (Mato)	10/12/65
49.	Galić, Vedran (Vladimir)	29/05/73
50.	Garvanović, Borislav (Ivan)	23/11/54
51.	Gavrić, Dragan (Pavo)	31/10/56
52.	Glavašević, Siniša (Petar)	04/11/60
53.	Graf, Branislav (Vladimir)	07/09/54
54.	Granić, Dragan (Milo)	01/01/60
55.	Gruber, Zoran (Ilija)	05/09/69
56.	Gudelj, Drago (Ivan)	09/09/40
57.	Hegedušić, Mario (Dragutin)	29/06/72
58.	Herceg, Željko (Slavko)	20/01/62
59.	Herman, Ivan (Dragutin)	14/05/69
60.	Herman, Stjepan (Antun)	10/03/55
61.	Hlevnjak, Nedeljko (Anđelko)	08/01/64

62.	Holjevac, Nikica (Ivan)	10/04/55
63.	Horvat, Ivan (Josip)	17/11/58
64.	Ileš, Zvonko (Ivan)	12/12/41
65.	Imbrišiić, Ivica (Pavle)	13/02/58
66.	Ivezić, Aleksandar (Ivan)	05/12/50
67.	Jajalo, Marko (Ivan)	28/10/57
68.	Jakubovski, Martin (Ivan)	01/04/71
69.	Jambor, Tomo (Dragutin)	03/03/66
70.	Janić, Mihael (Antun)	09/10/39
71.	Jantol, Boris (Đuro)	21/09/59
72.	Jarabek, Zlatko (Kamilo)	21/04/56
73.	Jezidžić, Ivica (Stipe)	05/11/57
74.	Jovan, Zvonimir (Vlatko)	07/04/67
75.	Jovanović, Branko (Todor)	04/02/55
76.	Jovanović, Oliver (Đuro)	08/12/72
77.	Jurela, Damir (Tomislav)	25/04/69
78.	Jurela, Željko (Božo)	30/06/56
79.	Jurendić, Drago (Jure)	23/04/66
80.	Jurišić, Marko- Josip (Franjo)	17/09/46
81.	Jurišić, Pavao (Pavao)	28/08/66
82.	Jurišić, Željko (Rado)	20/12/63
83.	Kačić, Igor (Petar)	23/08/75
84.	Kapustić, Josip (Josip)	08/12/65
85.	Kelava, Krešimir (Ante)	17/01/53
86.	Knežić, Đuro (Franjo)	02/04/37
87.	Kolak, Tomislav (Dobroslav)	22/07/62
88.	Kolak, Vladimir (Dobroslav)	20/01/66
89.	Komorski, Ivan (Pero)	23/06/52
90.	Kostović, Borislav (Ante)	24/12/62
91.	Kovač, Ivan (Mato)	28/06/53
92.	Kovačević, Zoran (Zlatko)	16/04/62
93.	Kožul, Josip (Frano)	08/03/68
94.	Krajinović, Ivan (Luka)	14/10/66
95.	Krajinović, Zlatko (Ante)	04/12/69
96.	Krasić, Ivan (Petar)	18/06/64
97.	Krezo, Ivica (Hrvoje)	10/09/63
98.	Krističević, Kazimir (Branko)	13/06/59
99.	Lesić, Tomislav (Branko)	10/05/50
100.	Let, Mihajlo (Đuro)	25/04/56
101.	Lili, Dragutin (Dragutin)	26/01/51
102.	Lovrić, Joko (Ivo)	06/11/68
103.	Lucić, Marko (Mijo)	08/09/54
104.	Lukić, Mato (Marko)	02/03/63
105.	Ljubas, Hrvoje (Luko)	26/01/71
106.	Magoč-Mamić, Predrag (Mihajlo)	18/12/65
107.	Major, Željko (Stjepan)	14/12/60
108.	Maričić, Zdenko (Marko)	27/09/56

109.	Markobašić, Ružica (Pero)	28/09/59
110.	Međeši, Andrija (Janko)	16/10/36
111.	Međeši, Zoran (Andrija)	23/06/52
112.	Mihović, Tomislav (Gašpar)	23/06/52
113.	Mikulić, Zdravko (Slavko)	15/03/61
114.	Mišić, Ivan (Marko)	22/12/68
115.	Mlinarić, Mile (Pavo)	05/12/66
116.	Mokoš, Andrija (Stevan)	16/11/55
117.	Molnar, Saša (Stjepan)	08/04/65
118.	Mutvar, Antun (Antun)	30/01/69
119.	Nađ Darko (Vladimir)	27/02/65
120.	Nađ, Franjo (Franjo)	17/09/35
121.	Nejašmić, Ivan (Milan)	19/10/58.
122.	Šimenić, Damir	1965
123.	Omerović, Mufat (Džemal)	29/11/63
124.	Oreški, Vladislav (Stejpan)	19/05/67
125.	Pap, Tomislav (Andrija)	01/01/63
126.	Patarić, Željko (Nikola)	16/07/59
127.	Pavlić, Slobodan (Adam)	24/09/65
128.	Pavlović, Zlatko (Đuro)	19/11/65
129.	Perak, Mato (Anto)	28/11/61
130.	Perko, Aleksandar (Branko)	17/03/67
131.	Perković, Damir (Josip)	28/10/65
132.	Perković, Josip (Jure)	24/03/63
133.	Petrović, Stjepan (Stanko)	26/10/49
134.	Pinter, Nikola (Nikola)	04/10/40
135.	Plavšić, Ivan-Zvonimir (Mato)	24/03/39
136.	Podhorski, Janja (Stjepan)	17/11/31
137.	Polhert, Damir (Ivan)	22/11/62
138.	Polovina, Branimir (Vojin)	22/06/50
139.	Poljak, Vjekoslav (Ignac)	06/08/51
140.	Posavac, Stanko (Gustav)	09/04/52
141.	Pravdić, Tomo (Pero)	01/11/34
142.	Pucar, Dmitar (Nikola)	18/01/49
143.	Radačić, Ivan (Slavko)	01/01/55
144.	Raguž, Ivan (Antun)	22/04/55
145.	Rašić, Milan (Franjo)	16/04/54
146.	Ratković, Krešimir (Milan)	04/03/68
147.	Ribičić, Marko (Ivan)	11/11/51
148.	Rimac, Salvador (Slavko)	06/11/60
149.	Rohaček, Karlo (Antun)	21/10/42
150.	Rohaček, Željko (Karlo)	16/05/71
151.	Spudić, Pavao (Ivan)	16/07/65
152.	Stanić, Marko (Mato)	02/08/58
153.	Stanić, Željko (Niko)	23/06/68
154.	Stefanko, Petar (Vasilje)	05/05/42
155.	Stojanović, Ivan (Živko)	19/03/49

156.	Stubičar, Ljubomir (Vladimir)	12/07/54
157.	Šarik, Stjepan (Štefan)	02/04/65
158.	Šimunić, Pero (Marko)	30/09/43
159.	Šindilj, Vjekoslav (Vladimir)	01/11/71
160.	Šrenk, Đuro (Gabrijel)	21/04/43
161.	Štefulj, Dražen (Juraj)	01/01/63
162.	Tadić, Tadija (Jozo)	26/09/59
163.	Tarle, Dujo (Jozo)	06/05/50
164.	Terek, Antun (Boždar)	06/10/40
165.	Tišljarić, Darko (Tomo)	01/06/71
166.	Tivanovac, Ivica (Pavao)	22/02/63
167.	Tomašić, Tihomir (Albin)	04/07/63
168.	Tordinac, Željko (Ivan)	14/12/61
169.	Tot, Tomislav (Eugen)	06/06/67
170.	Traljić, Tihomir (Petar)	17/07/67
171.	Turk, Miroslav (Antun)	12/04/50
172.	Turk, Petar (Petar)	30/06/47
173.	Tustonjić, Dane (Jozo)	10/10/59
174.	Ušak, Branko (Martin)	17/07/58
175.	Vagenhofer, Mirko (Josip)	03/06/37
176.	Varenica, Zvonko (Franjo)	19/05/57
177.	Varga, Vladimir (Josip)	09/08/44
178.	Vasić, Mikajlo (Đorđe)	12/12/63
179.	Veber, Siniša (Vladimir)	22/02/69
180.	Vidoš, Goran (Mato)	04/10/60
181.	Virges, Antun (Antun)	09/06/53
182.	Vlaho, Miroslav (Marko)	30/12/67
183.	Vlaho, Mate (Drago)	03/02/59
184.	Voloder, Zlatan (Ljubo)	23/11/60
185.	Vujević, Zlatko (Antun)	28/10/51
186.	Vukojević, Slaven (Josip)	23/06/70
187.	Vuković, Rudolf (Rudolf)	18/11/61
188.	Vulić, Ivan (Ante)	18/07/46
189.	Zeljko, Josip (Danko)	14/03/53
190.	Zera, Mihajlo (Vaselj)	07/08/55
191.	Žeravica, Dominik (Stjepan)	01/11/59
192.	Žugec, Borislav (Mato)	21/11/63
193.	Jularić Goran	

By his participation in the above described acts, Damir SIRETA committed the criminal offence recognized by article 144 (war crime against war prisoners) re article 122 of the FRY Criminal Act.

In view of the foregoing charges, **I PROPOSE** that a public trial be scheduled and held before this court, whereto the following persons should be summoned:

I- War Crimes Prosecutor

II- **The accused, Damir SIRETA**, who should be brought in from the Belgrade District Prison

III- **Defence counsel for the accused**

IV - **Witnesses - victims:**

- Čakalić, Emil from Kaštel Lukšić, 26a Kašteline St.
- Kojić, Žarko from Višnjevac, 17 P. Zoranića St.
- Berghofer, Dragutin from Osijek, 3 Kišpatičeva St.
- Novak, Zdenko from Vukovar, 37 Marina Držića St, or alternatively, from Zagreb, 5 Fećimovićeve St.
- Kožul, Frano from Borovo Naselje, 18 Petrinjska St.
- Dodaj, Hajdar from Sjeverin, 194 Sjeverin St.

V - **Witnesses - collaborators 1 and 2**

VI - **Witnesses:**

- Cvijanović, Dragan from Bačka Palanka, 13 Paraćinska St.
- Bakarić, Borislav from Negoslavci, 45 Vukovarska St., with current residence in Šid, 21 Petra Kočića St.
- Petković, Nedeljko from Futog, 7 Jovana Popovića St.
- Jankov, Boban from Novi Sad, 26 Vršačka St.

VII - **Expert witnesses:**

- Prof. Dr. Miloš Tasić from the Forensic Medical Institute in Novi Sad
- Prof. Dr Dušan Dunjić from the Forensic Medical Institute in Belgrade;

I further **PROPOSE** that the following documents be read out during the evidence proceeding:

- Files of the Belgrade Military Court No. Ki 578/98;
- Reports issued by the FRY Federal Government's Commission on Humanitarian Issues and Missing Persons, dated 3 October 1996 and 15 November 1996;
- Report issued by the Astronomical Research Institute - Belgrade Observatory, dated 9 January 1998;
- Findings and Opinion issued by the Forensic Medical Institute in Novi Sad with the amendments thereto dated April - May 2004;
- Documents received from the Ministry for Foreign Affairs of Serbia and Montenegro - National Council for Cooperation with the ICTY;
- List of identified persons' remains exhumed from the Ovčara gravesite, issued by the Government of the Republic of Croatia - Office for Detained and Missing Persons;

In addition to the above, insight should be made into the following:

- The extradition procedure documents furnished by the Norwegian State

authorities;

- All other documents attached to the case file
- Criminal record of the accused, due to be obtained from the competent law enforcement authority.

Furthermore, the accused, Damir SIRETA, should remain in detention on the grounds envisaged by article 142 (2.1) of the Criminal Procedure Act.

Statement of Reasons

The existence of the criminal offence recognized by article 144 (war crime against war prisoners) of the FRY Criminal Act, in the manner, place and time as described in the enacting terms of this indictment, and the accused's criminal responsibility thereof, are corroborated by the findings of the investigation conducted into this case.

In his defence allegations provided throughout the investigation, the accused, **SIRETA**, denies the commission of the criminal offence. The accused further alleges that in the autumn of 1991 he took part in the fights in the Vukovar area, with a group of cca. 20 local people headed by Miroljub VUJOVIĆ. Upon the arrival of the guards brigade, they fell under the command of Captain RADIĆ. At the time when the fights ended, the accused was in village Negoslavci, but arrived in Vukovar within the same day. There, on the bridge over the Vuka river, he talked to journalist Nino Brajević. In subsequence, he went to the local hospital and Velepromet company looking for his girlfriend Tanja Mijatović, but failed to find her. Having learnt that she had gone to visit her aunt in Novi Sad, the accused left for Novi Sad as early as the next day, accompanied by Nedeljko PETKOVIĆ, Branko MIJATOVIĆ and the person nicknamed Lala. He remained in Novi Sad for the following 20 days, whereafter, on around 10th December 1991, he returned to Vukovar. In 1998, he left Vukovar and moved with his family to Norway, where he remained until his extradition to Serbia. The accused denies being present at Ovčara and Grabovo on the critical day, and maintains that he did not engage in the war prisoners' executions.

Such defence allegations as provided by the accused are in contradiction with the proposed evidence and clearly intent on the evasion of criminal responsibility.

Witness collaborator No. 1 alleges in his statement that on 20 November 1991 he saw **Damir SIRETA** at Ovčara. When the first group of prisoners had been loaded onto the tractor trailer, the accused escorted the transport, accompanied by a group of individuals whose names this witness does not specify. After a while, as the group had returned with the tractor which was now empty, Stanko VUJANOVIĆ, standing in front of the hangar, said: "We have done away with the Ustashi cunts", which was also repeated by Predrag DRAGOVIĆ shortly afterwards. At a later point, the accused escorted another tractor tour, with a new group of prisoners being carried to the execution site.

Witness collaborator No. 2 testifies that in the afternoon and evening of the critical day, i.e. 20 November 1991, he was present at Ovčara, whereof he continued towards

Grabovo. Having arrived at Grabovo, among other individuals standing in the shooting platoon and opening fire on the war prisoners, this witness also saw the accused, **Damir SIRETA**. When the shooting had finished, this witness saw **SIRETA** once again in front of the hangar building, where he stood in the company of **VUJOVIĆ**, **VUJANOVIĆ** and several other individuals.

In his statement provided during the investigation stage, witness Frano Kožul alleges that he saw the accused in the Vukovar hospital on 19 November 1991, and not a day earlier, as the accused indicates in his defence.

Witnesses Petković and Jankov testify that upon the completion of the Vukovar fights they travelled together with the accused to Novi Sad, but cannot remember when exactly it was. Furthermore, Petković alleges that witness Cvijanović was also with them. Witness Cvijanović, on the other hand, states that the said event did not take place on the days of the Vukovar fall, but after 20 November, specifically at some time ahead of 1 December 1991.

The statements provided by the aforementioned witness collaborators and witnesses coincide with those of the victims and expert witnesses, as well as with the proposed written documents, in particular the forensic expert's findings and opinion, the report of the Federal Government - Commission on Humanitarian Issues and Missing Persons on the number of bodies autopsied at Ovčara, with the specification of each victim's sex, age, cause of death and type of the weapon/tool wherewith they were injured or killed.

* * * * *

The investigation results provide grounds for the conclusion that at the time relevant to this indictment, namely in the autumn of 1991, the armed conflict existed in the area of Vukovar in Eastern Slavonia - part of the then Socialist Federal Republic of Yugoslavia. One party to the conflict included units of the Yugoslav People's Army (JNA), Vukovar Territorial Defence (TO) and volunteers, whereas the other included units of the Croatian armed force, volunteers, National Guard's Assembly, Croatian police force, Territorial Defence, Civil Protection, defenders of Croatia and persons escorting these formations.

The described conflict did not have a character of an international conflict, given the fact that the Republic of Croatia was not internationally recognized as an independent state until 1992.

The case files provide insight into the fact that all of those accused so far were members of the Vukovar TO force and volunteer units and as such constituted the opposing party to the described conflict. On 18 November 1991, a number of members of the Croatian armed forces surrendered their weapons and submitted themselves to the JNA authority. In subsequence, on 20 November 1991, part of them were transferred to the Ovčara farm, where the JNA handed them over to members of the Vukovar TO. In the light of these facts it is clear that the members of the Croatian armed force who had

surrendered and been taken captive had the status of war prisoners. By taking these war prisoners over from the JNA force, all of the accused, including **SIRETA**, being the opposing party to the conflict - Vukovar TO and volunteer units - assumed full control over the war prisoners, and from that point onwards they were obligated to treat them in accordance with the rules of international war laws.

Namely, representatives of the states participating at the Diplomatic Conference held in Geneva from 21 April to 12 August 1949 with the view to creating the Convention on Protection of Civilians in Warfare, agreed and assumed obligation under article 1 to comply with the Convention at all times. Article 3 of the Convention provides that in the case of a noninternational armed conflict which occurs in the territory of one of the states - signatories to the Convention - each party to the conflict is obligated to treat persons who are not directly involved in the hostilities in a humane and nondiscriminatory manner. To that end, it is forbidden at all times and places to treat war prisoners - persons who are not involved in the hostilities - in a manner that can cause injury to life or physical integrity, and in particular, all types of killing, mutilation, brutalization and torture.

Pursuant to article 4 of the Additional Protocol to the 1949 Geneva Convention on Protection of Victims of Noninternational Armed Conflicts (*SFRY Official Gazette - International Contracts*, No. 16/78), anyone who is not directly involved, or anyone who has ceased to be involved in hostilities, is entitled to a treatment whereby their personal dignity and honour shall be respected. Thus, all acts of violence against such persons are forbidden at all times and places, specifically those aimed against life, health, physical or mental integrity, and in particular, killings, acts of brutality, humiliating and degrading treatment, all forms of physical punishment, threat to human dignity, as well as any other form of improper attack.

In relation to the above, each of the victims confined at the Ovčara farm had the status of "protected persons" pursuant to the Geneva Conventions, since as members of one party to the conflict - Croatian armed forces - they had surrendered their weapons and fallen under the control of the other party to the conflict - members of the Vukovar TO and volunteer units.

The captives were supposed to have retained a war prisoner status until they were finally released or repatriated, whereas the accused were obligated to provide the victims with certain rights arising from their status, and to guarantee them the fulfilment thereof.

However, the accused, **SIRETA**, failed to respect the aforementioned rights. Aided and abetted by the individuals whose names have been specified in the enacting terms hereof, he engaged in the killings of the war prisoners, thereby committing a grave breach of the aforementioned Convention.

In the light of the fact that the acts described in the aforementioned Convention and in the Additional Protocol thereto are, following the ratification of these documents, also incriminated by the national law, the accused, **Damir SIRETA**, committed the criminal

offence recognized by article 144 (war crime against war prisoners) of the FRY Criminal Act, which constitutes a criminal offence against humanity and international law.

The accountability of the accused has been established beyond any doubt.

The accused, **SIRETA**, committed the said criminal offence with direct premeditation, since he consciously and willingly engaged therein, albeit fully aware that he was committing a criminal act against persons whose status was that of war prisoners.

By his participation in a joint enterprise, this accused, alongside the aforementioned members of the Vukovar TO and volunteer units, acted towards the accomplishment of a common unlawful goal as an immediate perpetrator, intent to commit, in a joint action with others, the criminal offence charged by this indictment, whereby, pursuant to article 22 of the FRY Criminal Act, he acted as a co-perpetrator of the criminal offence at issue.

The facts that the accused is the citizen of the Republic of Croatia; that he has no permanent or temporary residence in Serbia; that, further to the aforementioned decision of 30 July 2004 rendered by the investigative judge, a detention measure was imposed on him; that he was at flight, whereby an international arrest warrant was issued against him; and that it was not before 8 May 2008, i.e. his extradition from Norway, that he was arrested - suggest that, once released, he would soon be beyond reach. All of the foregoing circumstances indicate the necessity for this accused to be remanded in custody pursuant to article 142 (2.1) of the Criminal Procedure Act.

In conclusion, I hold that the collected evidence relating to the criminal offence and to the accused as the perpetrator thereof, provide sufficient grounds for this indictment.

Vladimir Vukčević
War Crimes Prosecutor