



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-01-42-I
Date: 27 February 2001
Original: ENGLISH

BEFORE A JUDGE OF A TRIAL CHAMBER

Before: Judge Patricia Wald

Registrar: Mr. Hans Holthuis

Decision of: 27 February 2001

PROSECUTOR

v.

**PAVLE STRUGAR
MIODRAG JOKIĆ
MILAN ZEC
VLADIMIR KOVAČEVIĆ**

EX PARTE-UNDER SEAL

**ORDER ON REVIEW OF INDICTMENT PURSUANT TO ARTICLE 19 OF THE
STATUTE AND ORDER FOR LIMITED DISCLOSURE**

I. Introduction

1. On 23 February 2001, pursuant to Article 19 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (hereafter “the Statute”) and Rule 47 of the Rules of Procedure and Evidence (hereafter “the rules”), the Office of the Prosecutor (hereafter “the Prosecutor”) submitted for confirmation an indictment charging Pavle **STRUGAR**, Miodrag **JOKIĆ**, Milan **ZEC**, and Vladimir **KOVAČEVIĆ** with violations of the laws and customs of war (murder, cruel treatment, attacks on civilians, devastation not justified by military necessity, unlawful attacks on civilian objects, destruction or wilful damage done to institutions dedicated to education or religion and to historic monuments, wanton destruction of villages or devastation not justified by military necessity, and plunder of public or private property), and a grave breach of the Geneva Conventions of 1949 (extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly). The accused are each alleged to be individually responsible pursuant to Article 7(1) of the Statute for the acts set out in the indictment. The accused are also alleged to be responsible for acts committed by their subordinates pursuant to Article 7 (3) of the Statute. The indictment was accompanied by supporting materials, and a motion entitled “Application that there be Limited Public Disclosure of the Indictment”.

2. The Prosecutor was heard by me in chambers pursuant to Rules 47 and 53 of the Rules on 23 and 27 February 2001.

3. Before I confirm the indictment, Article 19 of the Statute and Rule 47 require that I be satisfied that the material facts pleaded in the indictment establish a *prima facie* case and that there is evidence that supports those facts.¹

II. Overview of Indictment and Supporting Materials

4. The indictment covers alleged acts committed between 1 October and 31 December 1991 on the territory of the Republic of Croatia, as part of a military campaign conducted by forces of the Yugoslav People’s Army (“JNA”) to secure control of areas for inclusion in the so-called “Dubrovnik Republic” (hereafter “Dubrovnik Military Campaign”). The Prosecutor alleges that the objective of the JNA was to annex this area to Serbia/Montenegro

and other areas intended for Serb control in Croatia and Bosnia. It is alleged that the forces involved in the attack consisted of regular JNA army, air and naval units, as well as Territorial defence units from Montenegro, paramilitary units, and special police units that were subordinated to the JNA.

5. The indictment alleges that each of the accused commanded forces involved in the Dubrovnik Military Campaign. Specifically:

- (a) Pavle **STRUGAR** was an officer in the JNA and held a number of positions. In December 1989 he was promoted to Lieutenant General. In October 1991 he was named as Commander of the Second Operational Group. This Group was formed by the JNA, to conduct the Dubrovnik Military Campaign. On 26 August 1993, he was retired from the Yugoslav Army;
- (b) Miodrag **JOKIĆ** was an officer in the Yugoslav Navy. In December 1986 he was promoted to the rank of Rear Admiral. In December 1989 he was appointed as the Republican Secretary of National Defence of Serbia. In 1991 he was promoted to Vice Admiral and, later in the year, was named as the Commander of the Ninth (Boka Kotorska) Military Naval Sector of the JNA (the "Ninth VPS"). On 8 May 1992 he retired from the Yugoslav Army;
- (c) Milan **ZEC** was an officer of the Yugoslav Navy. He held the rank of Battleship Captain in 1991 and was the Chief of Staff of the Ninth VPS. In June 1994 he was promoted to the rank of Rear Admiral and on 5 October 1994 he was appointed the Commander of the Yugoslav Navy. In December 1996 he was promoted to Vice Admiral. He was retired as Commander of the Yugoslav Navy on 31 January 2001; and
- (d) Vladimir **KOVAČEVIĆ** was an officer in the JNA. In the autumn of 1991, as a Captain First Class, he was named as the Commander of the Third Battalion of the JNA Trebinje Brigade. This unit was detached from the brigade for the Dubrovnik Military Campaign and was directly subordinated to the command of the Ninth VPS.

The supporting materials provide information about the structure of the various JNA forces, and the authority of the accused within them.

6. The indictment alleges that the Dubrovnik Military Campaign, which began on October 1 1999, consisted of a land attack, accompanied by the imposition of a blockade by

¹ *Prosecutor v Milošević*, Case No. IT-99-37-I, "Decision on Review of Indictment and Application for

the Yugoslav Navy, and that within two weeks, the JNA had effectively surrounded the city of Dubrovnik.

7. The Prosecutor alleges that, between October 1 and December 6 1991, during the course of the Dubrovnik Military Campaign, **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC, and Vladimir KOVAČEVIĆ**, acting individually, or in concert with others, planned, instigated, ordered committed, or otherwise aided and abetted the killings of 43 civilians and the wounding of numerous others in and around the city of Dubrovnik through acts of unlawful shelling conducted by forces under their command. The names of the deceased are set out in Schedule I, which is attached to the indictment and forms part thereof.

8. In addition to civilian deaths and injuries the indictment alleges that, between 1 October 1991 and 6 December 1991, the Dubrovnik Military Campaign was accompanied by extensive destruction of dwellings and buildings in the city of Dubrovnik, including hotels housing refugees, particularly in the Lapad and Babin Kuk areas. It is alleged that approximately 10000 shells were fired by the JNA into the Old Town area of Dubrovnik, an UNESCO World Cultural Heritage Site, and that no military targets were located in this area. The Prosecutor alleges that at least six buildings in the Old Town were destroyed in their entirety, and that hundreds more were damaged.

9. The indictment alleges that, in October 1991, JNA forces under the command of **Pavle STRUGAR, Miodrag JOKIĆ, and Milan ZEC** seized and occupied Croatian territory in the proximity of the city of Dubrovnik. This part of the Dubrovnik region included, in whole or in part, the areas of Konavle, Župa, Dubravačka, and Primorje.

10. The supporting materials contain numerous witness statements relating to the unlawful shelling of Dubrovnik, including the Old Town, the killings and wounding of civilians, and the systematic destruction of public, commercial, and religious buildings.

11. The indictment alleges that these crimes were committed during armed conflict and, for purposes of the Article 2 count, that the crimes were committed during the international armed conflict and partial occupation of Croatia. The supporting materials contain *prima facie* evidence to support these allegations.

Consequential Orders, 24 May 1999, at para. 3.

III. Conclusion and Orders

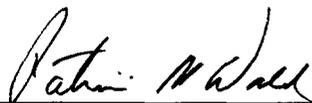
12. I am satisfied that the Prosecutor has established a *prima facie* case on all the counts in the indictment. Accordingly, pursuant to Article 19 and Rule 47, I hereby CONFIRM the indictment in respect of each and every count therein.

13. In addition, having been satisfied by the Prosecutor's presentation on the need for limited public disclosure at this stage, and pursuant to Rules 53, 53 *bis*, 54, 55 and 59 *bis*, I ORDER that:

- a. Copies of the arrest warrants shall be transmitted to the Prosecutor;
- b. There be no disclosure of the names of the accused and the text of the indictment, except to the appropriate authorities of the Republic of Montenegro, until such time as the accused **Pavle STRUGAR, Miodrag JOKIĆ, Milan ZEC and Vladimir KOVAČEVIĆ** have been arrested, or until otherwise ordered;
- c. Information pertaining to the existence of the indictment, the location where the crimes are alleged to have occurred, the time periods in which the crimes are alleged to have occurred, and the violations of the Statute charged in the indictment is not subject to the prohibition of disclosure.

Done in English and French, the English text being authoritative.

Done this 27th day of February 2001
At The Hague,
The Netherlands



Patricia Wald
Judge
International tribunal

[Seal of the Tribunal]