

**UNITED
NATIONS**

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

Case No. IT-04-75-PT
Date: 31 January 2012

IN TRIAL CHAMBER II

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr John Hocking

Date: 31 January 2012

THE PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

FIRST JOINT REPORT ON AGREED FACTS

The Office of the Prosecutor:

Mr. Douglas Stringer

Counsel for the Accused:

Mr. Zoran Živanović
Mr. Christopher Gosnell

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-04-75-PT

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1. Pursuant to the Trial Chamber's Pre-trial Work Plan, dated 16 December 2011, this is the first Joint Report of the parties to report the status of efforts to identify agreed facts.

2. On 10 January 2012, the Prosecution provided the Defence with a table proposing 87 agreed facts. The sources of the proposed agreed facts were:
 - a) An OTP suspect interview of the accused Hadžić in March, 2002;
 - b) Hadžić's testimony in the ICTY case of *Prosecutor v. Slavko Dokmanović*, Case No. IT-95-13a-T on 25 May 1998;
 - c) A statement made by Hadžić to Belgrade authorities during proceedings there in 2003, and;
 - d) Tribunal judgements in the ICTY cases of *Prosecutor v. Milan Martić*, Case No. IT-95-11, *Prosecutor v. Mile Mrkšić, et al.*, Case No. IT-95-13, *Prosecutor v. Stanislav Galić*, Case No. IT-98-29 and *Prosecutor v. Pavle Strugar*, Case No. IT-01-42.

3. Out of the 87 agreed facts proposed by the Prosecution, the Defence has agreed to 36 proposed facts. The 36 agreed facts are set out in the table attached as Annex A. For the sake of ongoing exchanges between the parties, the facts agreed upon so far have not been renumbered.

4. The Defence has indicated a willingness to consider agreeing to an additional 32 facts as reflected in modified text that has been provided to the Prosecution. The parties will continue discussions to determine whether agreement can be reached as to those proposed agreed facts. There is likely to be agreement as to a number of these facts.

5. The Defence declined to agree on the remaining 19 facts proposed by the Prosecution.

6. The Prosecution has also proposed that the Defence agree as to the circumstances and proof of death of the 194 Vukovar Hospital/Ovčara Farm incident victims, as alleged in paragraph. The relevant findings are contained in the *Mrškić* Trial Judgement of 27 September 2005, paras.509-511 and pages 291-305.

7. The Defence has indicated that it is ready to agree to as many facts in respect of the victims as possible, and requested that the Prosecution provide the Defence with the relevant documentation regarding the 194 Vukovar Hospital/Ovčara Farm incident victims and consult with experts if necessary.

8. The Prosecution is organising this evidence and will provide it to the Defence via the EDS disclosure suite as expeditiously as possible.

9. The Prosecution is assembling its proof of death evidence concerning all other victims identified in the Indictment Annex and will be providing those materials to the Defence in an effort to reach agreement as to issues regarding the death and causes of death of those victims.

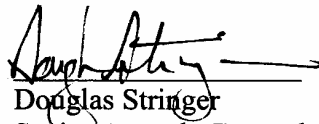
10. On 18 January 2012, the Defence submitted eight proposed agreed facts to the Prosecution, all of which were based on the *Mrškić* Trial Judgement. The Prosecution agrees to four of those facts, which are identified in the table Attached as Annex B. Similar to Annex A, the facts agreed upon so far have not been renumbered.

11. The Prosecution may agree to one additional fact proposed by the Defence, and declines to agree to the two remaining proposed facts.

Word Count: 513



Mr. Zoran Zivanović
Counsel for Goran Hadžić



Douglas Stringer
Senior Appeals Counsel
Office of the Prosecutor

Dated this 31st day of January 2012
At The Hague, The Netherlands

ANNEX A

to

FIRST JOINT REPORT ON AGREED FACTS

Annex A
to the First Joint Report on Agreed Facts

| Date | Agreed fact number | Fact | Source |
|--------------------------|--------------------|--|---|
| 1981 | 3 | Goran HADŽIĆ was married in 1981. | V000-3814, p.5 Indictment, para.1 |
| 1990 | 5 | Goran HADŽIĆ was elected a member of the municipal assembly of Vukovar in the first multi-party elections, as a candidate of the SDP, the Party of Democratic Change. | Testimony Case No. IT-95-13a-T, T.3075 Indictment, para. 2 |
| 1998 | 7 | From 1998 until at least 2002, Goran HADŽIĆ worked at the Nafta Industija Srbije, a Serbian oil company, as Advisor to the General Manager. | V000-3814, p.6 |
| late 1990's-early 2000's | 8 | Goran HADŽIĆ pursued university education at the Novi Sad University and graduated in 2000. Following this, he pursued postgraduate studies at the same university. By profession, Goran HADŽIĆ is an economist. | V000-3814, pp.5-6 |
| 1945 | 9 | From 1945 to 1990 the Socialist Federal Republic of Yugoslavia ("SFRY") was composed of six republics: Croatia, Bosnia and Herzegovina ("Bill"), Macedonia, Montenegro, Serbia (including the autonomous regions of Kosovo and Vojvodina), and Slovenia. | Galić Trial Judgement, par. 192 |
| 01 February 1990 | 11 | Serbian people in Knin formed the SDS in February 1990. In the Vukovar region, the SDS was formed on 10 June 1990. | V000-3814, p.11 |
| 10 June 1990 | 13 | Goran HADŽIĆ took part in the formation of the SDS in Vukovar and was elected President of the Municipal Committee of the SDS for Vukovar on 10 June 1990 during a public gathering. | V000-3814, p.12 and 17 |
| 25 July 1990 | 14 | On 25 July 1990, a Serbian Assembly was established in Srb, north of Knin, as the political representation of the Serbian people in Croatia. The Serbian Assembly declared sovereignty and autonomy of the Serb people in Croatia. On 31 July 1990, Milan Babić became president of the Serbian National Council ("SNC"), the executive body of the Serbian Assembly. On 16 August 1990, the SNC called for a referendum on the autonomy of Serbs in Croatia to be held between 19 August and 2 September 1990. The referendum was held between 19 August and 2 September 1990: 97.7% voted in favour of autonomy. | Martić TJ, para. 128 |
| 1991 | 18 | Vukovar had its own police force within the Croatian MUP. The Serbs separated from this MUP in early 1991 and established their own MUP in Borovo Selo. The first Secretary of MUP in Borovo Selo appointed by Goran HADŽIĆ was Janko Milaković. | V000-3814, p.121-122, 138-139 |
| 04 January 1991 | 22 | On 4 January 1991, the Executive Council of the SAO Krajina established the Regional Secretariat for Internal Affairs ("SUP") in Knin. On the same date, Milan Martić was appointed the Secretary for Internal Affairs of the SAO Krajina. On 5 January 1991, the Executive Council informed the MUP of Croatia that the establishment of the SUP revoked the authority of the MUP of Croatia in the SAO Krajina territory. | Martić TJ, para. 131 |
| 07 January 1991 | 23 | On 7 January 1991, Goran HADŽIĆ attended a secret meeting in a village near Vinkovci called Sidski Banovci. He was invited by Ilija Končarević and Ilija Petrović, both from Novi Sad (in Serbia). During this meeting, the Serbian National Council was created for Eastern Slavonia-Baranja and Western Srem, as a sub-Council of the Council in Knin. | V000-3814, pp.65-66 |
| 01 April 1991 | 27 | On 1 April 1991, the Executive Council of the SAO Krajina passed a decision joining the SAO Krajina to Serbia, wherein it was stipulated that the constitution and laws of Serbia, as well as the constitutional-legal system of the SFRY, were to apply in the SAO Krajina. | Martić TJ, para. 133 |
| 25 June 1991 | 34 | On 25 June 1991, the Croatian Parliament passed a declaration on the sovereignty and independence of Croatia. On 8 July 1991, an international agreement was reached that Croatia and Slovenia would suspend implementation of their independence until 8 October 1991. The European Community recognised Croatia's independence on 15 January 1992. | Mrkšić TJ, paras.20, 136. V000-3814, p.33 |
| 25 June 1991 | 37 | The meeting of the 25th and 26th of June 1991 in Bačka Palanka was attended by the representatives of almost all the Serbian villages from SBWS. A Grand National Assembly, chaired by Ilija Končarević, was created during this meeting. | V000-3814, p.79 |
| August 1991 | 42 | Goran HADŽIĆ started to form the government of SBWS in August 1991 in a library in Dalj. | V000-3814, p.82, 86, 135 |

Annex A
to the First Joint Report on Agreed Facts

| Date | Agreed fact number | Fact | Source |
|------------------------|--------------------|---|--|
| 01 August 1991 | 46 | Around 1 August 1991, 50 JNA tanks driving [through the area] were shelling Erdut as they passed. During September and early October, the JNA attacks on villages in Eastern Baranja intensified, causing extensive material damage to those villages and civilians to flee. By August 1991 people were already leaving Erdut, after the village was shelled with mortars. On 25 and 26 August 1991 the JNA and other Serb forces overran the entire district of Baranja. This area had a proportionally small Serb population, of between 20 and 25%. | Mrkšić TJ, para.35 |
| 07 September 1991 | 47 | Goran HADŽIĆ spoke to Serbia's President, Slobodan Milošević, around 7 September 1991 in relation to the signing of a peace agreement with Croatia. A peace agreement was brought to Goran HADŽIĆ which was to be signed by himself on behalf of the SAO SBWS and by Vladimir ŠEKS on behalf of the government of Croatia. HADŽIĆ did not want to sign a document which had ŠEKS as representative of the "government" whereas under HADŽIĆ's name was the term "representative of the people". In the end, HADŽIĆ agreed to sign the agreement. | V000-3814, p.101-103 |
| 25 September 1991 | 48 | On 25 September 1991, the UN Security Council passed Resolution 713 strongly urging all parties to the conflict in Yugoslavia to abide strictly to prior cease-fire agreements. | Mrksic TJ, para. 421 |
| 30 September 1991 | 49 | By the end of September 1991, the JNA barracks in the city of Vukovar had been "blocked" by Croatian forces for an extended period of time. The JNA soldiers in the barracks were unable to leave, their water and electricity had been cut off and they had come under weapons fire. | Mrkšić TJ, para.44 |
| 30 September 1991 | 50 | On 30 September 1991, units of the JNA were deployed from Belgrade on a mission, inter alia, to de-block the barracks and relieve the JNA soldiers inside. A unit from Sremska Mitrovica had previously been unsuccessful in a similar attempt. On 2 October 1991, the JNA barracks was de-blocked. The JNA requested that Croatian forces put down their weapons and end the fighting but this request was denied and fighting continued. The battle for Vukovar between the JNA and other Serb forces on the one hand, and Croat forces on the other, then continued until the Croat forces capitulated on 18 November 1991. | Mrkšić TJ, para.44 |
| Autumn 1991 | 52 | In late autumn 1991, prior to the fall of Vukovar, a joint session was held with the government of the SAO SBWS and representatives of the government of Serbia and dealt with technical assistance to the SBWS. DOKMANOVIĆ, SBWS Minister of Agriculture, was present. The meeting was chaired by Goran HADŽIĆ and Serbia's Prime Minister, Dragosav ŽELENOVIĆ. | V000-3814, pp.99-100 |
| 19 November 1991 | 56 | Goran HADŽIĆ convened a meeting of the government of the SAO SBWS in Erdut on 19 November 1991. Goran HADŽIĆ's signature is affixed to the minutes of the meeting and Goran HADŽIĆ authenticated his signature to the minutes on 25 May 1998 while testifying in the case of Prosecutor v. Slavko Dokmanović. (Minutes are Defence Exhibit D53 in Case No. IT-95-13a-T). | Testimony Case No. IT-95-13a-T, T.3080 |
| 20 November 1991 | 60 | Zeljko RAZNJATOVIĆ ("Arkan") accompanied Goran HADŽIĆ to Velepromet for the meeting on 20 November 1991. | Testimony Case No. IT-95-13a-T, T. 3100. |
| 20 November 1991 | 62 | On 20 November 1991, Goran HADŽIĆ gave an interview with a reporter at the Velepromet facility. | Testimony Case No. IT-95-13a-T, T. 3083, 3130. |
| 20 November 1991 | 64 | Arkan attended the meeting at Velepromet on 20 November 1991 and was photographed with Goran HADŽIĆ at Velepromet. Goran HADŽIĆ identified himself and Arkan in the photograph while testifying in the Dokmanović case at the ICTY. | Testimony Case No. IT-95-13a-T, T. 3088. |
| After 20 November 1991 | 67 | After 20 November 1991, Goran HADŽIĆ visited the prison in Sremska Mitrovica and saw about a hundred prisoners in a big room. | V000-3814, pp.445-446 Testimony Case No. IT-95-13a-T, T.3103. |
| 23 November 1991 | 68 | On 23 November 1991, the Vance Plan was signed by the President of Croatia Franjo Tudman, the President of Serbia Slobodan Milošević and the SFRY Federal Secretary for Defence General Veljko Kadijevic. The Vance Plan made provision for the deployment of a United Nations Protection Force ("UNPROFOR) in the Krajina, Western Slavonia and Eastern Slavonia, for demilitarisation, and eventual return of refugees and displaced persons. The Vance Plan stated that "the role of the United Nations troops would be to ensure that the areas remained demilitarised and that all persons residing in them were protected from fear of armed attack." | Martić TJ, para. 138 |

Annex A
to the First Joint Report on Agreed Facts

| Date | Agreed fact number | Fact | Source |
|------------------|--------------------|--|---------------------------------|
| 21 February 1992 | 69 | The Security Council, in Resolution 743 of 21 February 1992 ("21 February 1992 SC Resolution"), decided to establish the UN Protection Force (UNPROFOR) to "create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis". | Galić Trial Judgement, par. 196 |
| 26 February 1992 | 70 | On 26 February 1992, the SAO Western Slavonia and the SAO Eastern Slavonia, Baranja and Western Šrem joined the Republic of Serbian Krajina /Republika Srpska krajina/ ("RSK"). | Martić TJ, para. 151 |
| 26 February 1992 | 71 | On 26 February 1992, Goran HADŽIĆ was elected President of the RSK. Goran HADŽIĆ remained in this position until December 1993. | Indictment, para.3 |
| 18 May 1992 | 72 | On 18 May 1992, the SVK was established. | Martić TJ, para. 152 |
| 1992 | 73 | Throughout 1992, 1993 and 1994, the RSK leadership, including Goran HADŽIĆ requested financial, logistical and military support from Serbia on numerous occasions, including directly from Slobodan Milošević. | Martić TJ, para. 159 |
| 20 April 1993 | 82 | On 20 April 1993, the RSK Supreme Defence Council was established, which was composed of the President of the RSK, the Prime Minister, the Minister of Defence, the Minister of the Interior, and the Commander of the SVK. | Martić TJ, para. 155 |
| | 83 | The police of the SAO Krajina were mainly financed with funds and material from the MUP and SDB of Serbia. | Martić TJ, para. 141 |
| | 85 | The RSK Minister of Foreign Affairs was paid by Serbia as a result of being employed by the Ministry of Foreign Affairs of Serbia | Martić TJ, para. 159 |
| | 86 | Goran HADŽIĆ moved the seat of the SBWS government to Erdut when Slavko DOKMANOVIĆ showed him the premises of the Director of Erdut's wine factory, as this facility was more adequate to hold government sessions. DOKMANOVIĆ, as Minister of Agriculture, had established his seat in this building. | V000-3814, pp.145-146 |

ANNEX B**to**

FIRST JOINT REPORT ON AGREED FACTS

Annex B
to the First Joint Report on Agreed Facts

| No | Time | Facts | Source |
|----|--------------------|---|----------------|
| 2 | After 2 May 1991 | The incident of 2 May 1991 had an impact on the political life in the Vukovar area. Shortly after the incident, the HDZ took control of Radio Vukovar. The name of the station changed from "Radio Vukovar" to "Croatian Radio Vukovar." The editor-in-chief Mirko Stanković, who had a reputation of being pro-Serb, was replaced by Josip Esterajher, a Croat. The director of the radio left in May 1991. His departure was followed by the departure of a number of Serb employees. The content of the programmes of the radio station also changed | Mrkšić para 27 |
| 3 | 6 June 1991 | Slavko Dokmanović, a Serb and a member of the Social Democratic Party of Croatia ("SDP"), who was elected President of the Municipal Assembly of Vukovar following local elections in 1990, ceased to perform his functions in early July 1991 when the position of a commissioner for Vukovar was created by the Croatian government. | Mrkšić para 28 |
| 4 | From 6 June 1991 | Marin Vidić, aka Bili, a Croat, who was previously Deputy Municipal President, was appointed to this position in late June 1991. | Mrkšić para 28 |
| 6 | Spring-summer 1991 | People generally did not trust each other anymore and barricades were maintained on all the roads leading to predominantly Serb villages. Town defences began organising themselves. | Mrkšić para 30 |