

## **Blagojevic/Jokic Trial Closes**

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Proceedings shed light on Bosnian Serb army practises following capture of Srebrenica.

The second biggest Srebrenica-related trial to be heard at the Hague tribunal to date has closed with prosecutors asking for heavy sentences for the two indicted Bosnian Serb army officers.

Prosecutors asked for sentences of 32 years imprisonment for Vidoje Blagojevic and 15-20 years for Dragan Jokic, while the defendants' lawyers in turn called for the two to be acquitted. The trial chamber is expected to hand down a verdict later this year or early in 2005.

The trial, which began more than a year and a half ago, shed some light on the inner workings of the Bosnian Serb army in the days following its takeover of the United Nations-protected Muslim enclave of Srebrenica in July 1995, and the massacre of some 7,000 of its men that followed.

Blagojevic, now 53, was at the time the commander of a Bosnian Serb army brigade stationed in Bratunac - a Serb-controlled township in the vicinity of Srebrenica. Jokic, 47, was the chief engineer of the much bigger Zvornik brigade, and is accused of helping organise the burials and reburials of thousands of executed Muslims.

The indictment claims that the two were members of a joint criminal enterprise to summarily execute thousands of Srebrenica men, expel the enclave's women, children and elderly, and cover the traces of the crime.

The other named members were Momir Nikolic - the Bratunac brigade's security chief - and Dragan Obrenovic, deputy commander of the Zvornik brigade. Both men pleaded guilty to the charges against them last year, and have since testified against their alleged accomplices.

Blagojevic was initially charged with personally planning the executions and expulsions in Srebrenica, as well as with the crimes committed by his and other soldiers in his brigade's zone of responsibility - an area where some of the more horrific massacres happened. In addition to that, he was charged with complicity to commit genocide.

But after the prosecution rested its case this spring, the judges acquitted Blagojevic of around half of these charges, saying that the prosecutors had failed to prove he personally ordered, planned or instigated the crimes. They did, however, keep all the charges relating to his responsibility as a commander, as well as the genocide charge.

A very similar decision was taken on Jokic, who was also acquitted of personally ordering, planning and instigating the crimes he was accused of.

Blagojevic, who took charge of the Bratunac brigade just two months before the attack on the UN safe haven, is one of the few people facing genocide charges in The Hague. Most of these cases relate to Srebrenica. This spring, the court's judges officially confirmed Srebrenica as the first legally proven case of genocide in post-war Europe, when they delivered their verdict on Radislav Krstic, the commander of the Drina Corps, to which both the Bratunac and Zvornik brigade belonged.

In his closing argument, prosecutor Peter McCloskey called on the judges to deliver this heavy sentence on Blagojevic as well, saying that by the very virtue of his function he must have known about the “genocidal intent of others” — and that this knowledge should suffice to find him guilty.

Blagojevic’s co-accused Momir Nikolic brought the most incriminating evidence against his former commander, testifying that he personally informed Blagojevic of “abuses and assaults” on Muslim men after the fall of the enclave and that nothing was done to prevent them.

“It was apparent to me that Blagojevic was fully informed of the transportation and killing operation and expected me to continue to carry out the duties related to those operations,” Nikolic said.

But Blagojevic’s defence counsel Michael Karnavas asked the judges to dismiss Nikolic’s testimony as unreliable, repeating Nikolic’s own admission that he had tried to lie his way to a plea agreement.

Testimony aside, the long-running case was marked by a series of dramatic clashes between Blagojevic and Karnavas, who were not on speaking terms for the bulk of the trial. Blagojevic accused the lawyer of “working against him” often at the most bizarre moments – just as Karnavas was discrediting testimonies of key witnesses, or succeeding in having large parts of the indictment dismissed.

“[My client] was a commander of the Bratunac brigade, but that did not mean that he was involved in anything,” Karnavas said in his closing argument.

Throughout the trial, Karnavas has tried to portray Blagojevic as an incompetent man who had limited authority over his troops and who was unaware of anyone’s genocidal intent, let alone of sharing it. The lawyer maintains that his client’s brigade was subject to parallel chains of command that bypassed Blagojevic.

But the prosecutor Peter McCloskey insisted that Blagojevic - competent or not - was “third in command” of the troops around Srebrenica, after the Bosnian Serb army commander Ratko Mladic, who is the tribunal’s most wanted fugitive indictee, and Drina corps commander Krstic.

Incompetence was no excuse for someone such as Blagojevic, who held a high office in a dramatic situation like Srebrenica, the prosecutor said, arguing that the defendant held “more than a fair share” of responsibility for events. “When a commander allows his troops to do something, he is, in fact, encouraging them to do that. The commander sets the example,” he said.

Blagojevic, dressed in a dark suit and black tie, listened to the closing briefs with his gaze fixed on a computer screen in front of him, showing no visible emotion.

Not so his co-accused, Dragan Jokic. Heavily built, and with an almost child-like face, he fidgeted in his chair and was visibly moved when his defence lawyer Miodrag Stojanovic described him as a “good-natured big man, with a soft heart”.

Jokic is essentially accused of lending his unit’s construction equipment to dig the mass graves where the victims would later be buried. It is also alleged that - as a duty operation officer on one of the bloodier days of the executions - he was in fact oiling the killing machine by “passing on the information necessary to run the operation smoothly”.

Since the beginning of the trial, his lawyer Stojanovic followed a similar strategy to his colleague Karnavas - painting his client as a man not much respected by his superiors, who conspired to conceal important information from him.

“We don’t challenge the fact that...Jokic was aware of a large number of Muslim prisoners in his brigade’s area of responsibility, but that doesn’t mean he knew what was going to happen to them. He had no idea,” Stojanovic insisted.

But the testimony of former co-accused Dragan Obrenovic incriminated Jokic heavily.

In his plea document, Obrenovic claimed that on the third day after the enclave fell, Jokic approached him in their brigade’s headquarters and told him “he had a huge problem with the burials of those executed and the guarding of prisoners still to be executed”.

Prosecutor Stefan Waespi reminded the court that even men from the engineers’ unit testified in court that they were sent by Jokic to help in the burial and reburial operations. “It was a massive engineering project. The burial and the reburial couldn’t have taken place without the engagement of the accused,” he said.

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**Focus:** [International Criminal Tribunal for the former Yugoslavia](#)

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