

Bosnian Camp Chief Gets 23 Years

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Judges rule that a second Bosnian Serb defendant deserves greater punishment than recommended in plea agreement deal.

For the second time this month, tribunal judges in The Hague have sentenced a Bosnian Serb to a prison term significantly longer than prosecutors had recommended.

Dragan Nikolic, 46, who ran the Susica concentration camp in Vlasenica, was sentenced to 23 years on December 18, eight years longer than the term prosecutors asked for as part of a plea agreement he negotiated earlier this year.

On December 2, Momir Nikolic, a Bosnian Serb army officer indicted for helping organise the execution of more than 7,000 Muslim men and boys in Srebrenica, was sentenced to 27 years though he too had negotiated a plea agreement in which prosecutors recommended 15 years.

Dragan Nikolic, known to his victims as "Jenki", was the first person indicted by the tribunal in November 1994.

He was accused of 80 counts of crimes against humanity, grave breaches of the Geneva conventions, and violations of the laws or customs of war including imprisonment, torture, rape and murder.

It is estimated that some 8,000 Muslim civilians and other non-Serbs from Vlasenica and surrounding villages were interned in Susica between May and October 1992, including women and children, some as young as eight years old. Most of the women and children were forcefully deported to Muslim areas, but many of the men were held and eventually killed.

Nikolic himself, as well as many others, repeatedly beat the camp inmates iron bars, axe handles, rifle butts, metal knuckledusters, metal pipes, truncheons, rubber tubing with lead inside and wooden bats. Guards often took women out of the camp in the night and raped them.

He was arrested by NATO troops in Bosnia on April 21, 2000 and initially pleaded not guilty to all of the counts in the indictment.

Nikolic's lawyers spent several months contesting the circumstances behind his arrest. He was reportedly apprehended in Serbia by unknown individuals who were wearing masks. They deported him to Bosnia where he was taken into custody by NATO troops of the SFOR force.

His lawyers said the arrest was illegal, and consequently the tribunal should not have jurisdiction over his case. The trial chamber dismissed the defence's claims and ruled that the trial should proceed.

Perhaps aware that the evidence was stacked against him - scores of Susica survivors had agreed to testify against him - Nikolic changed his plea shortly before his trial was to begin in September 2003, pleading guilty to almost all of the accounts in the indictment.

During his sentencing hearing, Nikolic said he was remorseful for what he had done and that he accepted responsibility for his crimes.

The prosecution recommended a sentence of 15 years.

In issuing its ruling, however, the three-judge panel ignored the prosecution's recommendation.

Stating that the trial chamber was not bound by the sentence recommended in the plea agreement, presiding judge Wolfgang Schomburg stated, "The brutality, the number of crimes committed and the underlying intention to humiliate and degrade would render a sentence such as that which was recommended unjust."

He added that it was "not only reasonable and responsible, but also necessary in the interests of the victims, their relatives and the international community, to impose a higher sentence than the one recommended by the parties."

Although the judges said that the accused cooperated fully with the prosecution, the "particularly brutal" nature of Nikolic's crimes and the disturbing fact that he seemed to enjoy torturing his victims counted as significant aggravating factors.

Schomburg said that Nikolic not only allowed his Muslim prisoners to be raped, tortured and murdered, but also participated actively in these crimes. He then read out the names of nine men Nikolic murdered with his own hands.

The judge said Nikolic deserved to be sentenced to life, but that his admission of guilt was taken to be a significant mitigating factor, reducing the sentence to 23 years.

Nikolic remained motionless as his verdict was read out, then left the courtroom without conferring with his lawyers.

The defence has not said whether it will appeal.

Stacy Sullivan is IWPR's tribunal project manager in The Hague.

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