

Dokmanovic Case

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Firstly, they filed an Appeal to the Trial Chamber II Decision on the Motion for Release by the accused, (see Update 50) requesting the Appeals Chamber 'to release Mr. Dokmanovic immediately, since he was arrested illegally'. And then, two days later, both the accused and his lawyer filed a Motions for Scheduling the Date of Trial, requesting the Trial Chamber to 'immediately set a trial date for December...irrespective of the (aforementioned) Appeal'.

The appeal of the accused is based mainly on the defence argument already rejected by the Trial Chamber - i.e. that his arrest was "illegal" and amounted to kidnapping. The defence argues that the mandate of the UNTAES does not include the right to "arrest and kidnap any person"; that the non-disclosure of an indictment and arrest warrant is applicable to individuals and not to the States; that the Federal Republic of Yugoslavia (FRY) was deprived of the possibility of arresting Dokmanovic "because it was unaware of the existence of the indictment"; that the trial Chamber Decision is based on the erroneous assumption that the FRY would not execute the arrest warrant against Dokmanovic who is not a citizen of FRY; that the statements made by Prosecution witnesses were 'incorrect', contradictory and 'not credible'; and that the Trial Chamber incorrectly interpreted the Rules of the Tribunal.

The defence therefore requested that the Appeals Chamber immediately release the accused. At the same time, Dokmanovic submitted a Motion requesting a trial date to be "immediately set...for December...irrespective of the Appeal'. The defence obviously fears that the Dokmanovic case, with ten new Bosnian Croats imprisoned, could be put at the end of the long trial list in the only courtroom.

Dokmanovic's counsel requested a "severance of the trial" so as ensure the right of the accused to be tried "without undue delay". His co-defendants, under the 'Vukovar hospital indictment', are former JNA officers: Mile Mrksic, Veselin Slijivancanin and Miroslav Radic, whose extradition the officials in Belgrade refuse on the basis of 'constitutional restrictions'. These allegedly prevent them from extraditing nationals of the FRY.

Belgrade has firmly stuck with this argument, although it has come under fierce criticism from a number of parties for being contrary to international law.

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

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