

Dragan Nikolic Case: A Case Of 'Creative' Arrest?

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Tribunal Update 173 Last Week in The Hague (24-29 April, 2000)

According to NATO's official version, SFOR troops arrested Nikolic at an unspecified location in northern Bosnia on April 21. This brought to five the number of suspects arrested by SFOR forces in Bosnia since the beginning of the year - an event completely overshadowed by the seizure of the Cuban boy Elian Gonzales by US police officers in Miami on the same day.

Nikolic's defence counsel and family, however, claim the accused was seized at his home in Smederevo, eastern Serbia, just 40 kilometers from Belgrade and ferried down the Danube, Sava and Drina rivers into Bosnia where he could be extradited by SFOR forces.

The Tribunal appeals chamber is already considering a similar claim from Stevan Todorovic, who maintains unidentified civilians kidnapped him on Serbian territory, at Mount Zlatibor.

Late last year, Chief Prosecutor Carla del Ponte called for "creative ways" to arrest those suspects currently "beyond the reach of SFOR". Should the appeals chamber dismiss defence objections that Todorovic's arrest was illegal, then further unorthodox strategies may follow.

The controversy over Nikolic's arrest prompted a tense moment during his brief appearance on April 28. When asked by Judge David Hunt where he was living prior to his arrest, Nikolic paused before answering in a slow and deliberate voice, "Joakima Vujica street No. 19, Smederevo, Serbia."

Nikolic's temporary defence counsel Boris Ilic did not, however, raise the circumstances of the arrest during the hearing. Speaking to Tribunal Update after the hearing, Ilic said Nikolic's permanent defence counsel, who has as yet to be named, would "probably refer to Todorovic's precedent" and lodge an objection to the legality of his arrest and detention.

Nikolic was the first person indicted by the International Criminal Tribunal for the former Yugoslavia, on November 4, 1994. In 1995, he became the first accused to be subject to an international arrest warrant. Republika Srpska's failure to hand Nikolic over to the ICTY prompted the Tribunal's first report to the UN Security Council on non-compliance.

The indictment against Nikolic was amended in February 1999 to include additional charges relating to the rape and sexual assault of detainees at Susica and charges of persecuting Bosnian Muslims on political, racial and religious grounds.

Also known by the nickname Jenki, Nikolic is now facing more counts than any other person publicly indicted by the Tribunal - 80 charges in all, including 29 counts of crimes against humanity, 29 counts of grave breaches of the Geneva Conventions and 22 counts of violations of the laws and customs of war.

Judge Hunt accepted the defence request that the indictment not be read out during the hearing. Nikolic became the first defendant to plead on all the counts together, rather than to each charge individually. Therefore, despite facing more charges than any previous suspect, Nikolic managed the shortest appearance on record - seven minutes.

Location: Balkans
Serbia
Bosnia and
Herzegovina

Focus: International Criminal Tribunal for the former
Yugoslavia

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