

## **Should Jokic Case Have Been Transferred?**

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Questions raised over wisdom of staging trial in The Hague.

The defence part of the trial of the Bosnian Serb officer Dragan Jokic came to a close this week, marking the final phase of the second Srebrenica case to be heard in this court.

But the end was something of an anti-climax, and the nagging question was left lingering whether the trial of this 47-year-old former officer was really the kind of case that this court was supposed to be trying.

Jokic was not a high-ranking officer at the time when the crimes he was allegedly involved in were committed. As the Serb forces overran the Srebrenica enclave in July 1995 and executed 7,000 Muslim men and boys, he was the chief of engineering of the Zvornik brigade, in charge of its construction equipment.

Even the prosecutors in their indictment acknowledged he had limited authority, many witnesses who testified in his case said he was an ineffectual officer, with no ambition at all, who was disparaged by his superiors and hardly placed to issue any significant orders.

What Jokic did, according to his indictment, was to help with organising mass burials and reburials of thousands of executed Muslims. The charges connect him and his unit to almost every burial site around Srebrenica – Glogova, Ravnice, the Dam near Petkovci and Branjevo Military Farm.

The indictment also alleges that his unit's equipment was even used to illuminate some of the execution sites.

For this, Jokic was charged with crimes against humanity and violations of laws and customs of war.

But despite his alleged role in covering the tracks of the massacres, the trial made many observers question whether the Jokic case warranted the one million dollars sources close to the tribunal claim it has cost or whether it should have been conducted by a local court instead?

These questions become particularly important in view of tribunal's completion strategy. The strategy foresees that the prosecutors would finish their investigations by the end of this year, and the court would complete all trials at in the first instance by 2008 and wind up all the appeals two years later.

Tight deadlines and the very limited budget that tribunal has at its disposal mean that the court can deal only with the most senior leaders responsible for the worst and gravest crimes, and its rules have recently been changed to ensure this happens.

Jokic, who held a mid-level position in July 1995, was put on trial in May last year - almost a year after the tribunal's completion strategy was defined.

But the tribunal is only now considering transferring its first cases to the region - and it is likely that the

very first one will be staged in Croatia. A special Bosnian war crimes chamber meant to take over some of tribunal's cases is scheduled to start working at best in January next year.

But the issue seems to be not only a practical one of the lack of proper local court to try him. It seems that the opinions about which cases are high-ranking enough to be tried in The Hague seem to differ widely within the tribunal itself.

Some tribunal insiders say the Jokic trial should have been transferred to the Balkans. "Jokic's position was too low - he is a typical case that should have been tried locally," one said.

Others disagree. "The Hague tribunal wasn't set up only for Karadzic, Mladic and Milosevic," said Florence Hartmann, spokesperson for the prosecutor's office.

Jokic was charged together with three other much more high ranking Bosnian Serb army officers - commander of the Bratunac brigade Vidoje Blagojevic, his chief of security Momir Nikolic and the deputy commander of Zvornik brigade Dragan Obrenovic.

The four were named members of a joint criminal enterprise, the purpose of which was "to forcibly transfer the women and children from the Srebrenica enclave ... and to capture, detain, summarily execute by firing squad, bury, and rebury thousands of Bosnian Muslim men and boys aged 16 to 60 from the Srebrenica enclave."

Observers say that at the beginning, the prosecution may have expected Jokic to plead guilty and to agree to testify against his three co-accused.

But in a somewhat unexpected move, it was the high-ranking Obrenovic and Nikolic who pleaded guilty, while Blagojevic and Jokic decided to deny their guilt and go through the whole trial.

After the prosecution part of his trial ended this spring, the judges acquitted Jokic of personally instigating, ordering or planning the Srebrenica murders. But they said that there was enough evidence shown to make it plausible that Jokic "was aware that the crimes were being committed" and had "knowingly provided assistance in the commission of the crimes he is charged with".

Over the last few weeks, Jokic's defence has tried to prove that he didn't have any command responsibility or knowledge of the massacres taking place around Srebrenica in July 1995. But his fellow indictee Obrenovic stated otherwise.

"Jokic told me that he had a huge problem with the burials of those executed and the guarding of prisoners still to be executed," Obrenovic said in the statement of facts accompanying his plea agreement.

A plea agreement could have resulted in a relatively low sentence for Jokic, as well as significantly reducing the costs of his trial. Yet he remained silent. He even refused to testify in his own defence last week, and as a reason he stated "concerns for the safety of his teenage son", who still lives in Bosnia.

But some tribunal insiders believe the money spent on Jokic's trial in The Hague is money well spent.

“It’s true that Jokic didn’t have any command responsibility. But when you have mass executions, you need people to do the burials. In that sense, Jokic’s case is very important, because it shows how massacres were organised,” a tribunal source told IWPR.

Former US military analyst Richard Butler, who produced a report on the logistics of the killing for the prosecutor’s office, testified last November that the operation to murder and bury up to eight thousand men and boys in Srebrenica was highly coordinated.

In the report, compiled from thousands of pages of Bosnian Serb documentation, Butler wrote that Jokic, as chief of engineering in the Zvornik brigade, was fully involved in the burial operation. It was he, said Butler, who made it possible to use heavy machinery to bury the bodies.

The prosecutor’s official representative remained adamant that the decision to try Jokic in The Hague was the right one.

“At the beginning, right after the fall of Srebrenica, people were saying that such horrible thing couldn’t be a part of anyone’s plan, that Mladic went crazy, the situation went out of control, etc,” said Hartmann. “But the Srebrenica massacre wasn’t a spur of the moment thing – it was carefully planned and organised, and trials like this one can prove that.”

“Justice,” she added, “is not cheap. And it takes time.”

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