

'Stela': Transfer And Initial Appearance

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While hailing the decision of the Croatian authorities to surrender Martinovic, Tribunal Chief Prosecutor, Louise Arbour, publically reminded Zagreb about its obligation to surrender Mladen Naletelic who stands accused alongside Martinovic of committing war crimes in Mostar in 1993.

"The Prosecutor welcomes the surrender today by the Government of Croatia of the indicted accused Vinko Martinovic (also known as 'Stela'), who has been in custody facing domestic criminal charges in Croatia since early 1997," Arbour stated.

"In December 1998, [I] jointly indicted the accused Martinovic with a co-accused, Mladen Naletelic (also known as 'Tuta'). The indictment against Martinovic and Naletelic alleges that they were responsible for war crimes committed in Mostar in 1993". In bringing this joint indictment against both men, it was and remains the Prosecutor's intention that they be tried together. The Tribunal will otherwise be forced to have two separate trials which will both use up valuable scarce resources and increase delays in respect of the accused who does not come to trial first and so remains in custody.

Arbour believes that it is not in the interests of international criminal justice to have multiple trials in respect of one single indictment.

Naletelic is currently in custody in Zagreb having been arrested in early 1997 on suspicion of criminal activity inside Croatia. There is then a clear obligation for the government there to co-operate with the Tribunal and surrender Naletelic, so that he can stand trial with Martinovic.

An example of the waste of Tribunal resources is the separate trials which are ongoing in response to the "Lasva Valley Indictment" which was issued on 10 November 1995. Due to the fact that the defendants arrived in The Hague at different times: Blaskic in April 1996, Aleksovski in April 1997 and Kordic and Cerkez in October 1997 -three separate trials were staged for four jointly accused. One consequence has been that many witnesses were forced to return to The Hague three times and testify about the same events.

In a public statement from its officials (letter sent previously to The Hague), Croatia has tried to present the surrender of Vinko Martinovic as being a "deal" with the Prosecution which allows for his return home to face prosecution under Croatian law for the killing of a Muslim woman in Mostar, if the Tribunal is unable to try him within two years of his arrival.

Deputy Prosecutor Graham Blewitt has, however, told Tribunal Update that "there were no negotiations over the surrender of Martinovic". He added that "no country...can set conditions with regard to the respect of its international legal obligations towards the Tribunal."

Blewitt went on to claim that date for the beginning of the trial of Vinko Martinovic would come sooner, if Croatia were to surrender Mladen Naletelic. Judging by the news from Croatia, however, this will not happen anytime soon.

Ivica Ropus, the spokesman of the ruling HDZ, categorically stated last weekend that Croatia would not surrender him until the case against him at home was dealt with. Proceedings against Naletelic have been

temporarily suspended because he is allegedly suffering from tuberculosis.

Vinko Martinovic or 'Stela' appeared before Judge Claude Jorda late last week. Before being invited to enter a plea, 'Stela' quietly sat listening to the indictment against him and his co-accused, which took almost an hour to read out.

The "Mostar Indictment" charges them with the persecution of Bosnian Muslims on political, racial or religious grounds; inhuman treatment and wilful killing; torture and wilfully causing great suffering; murder of Nenad Haramdzic, forcible transfer and destruction of property (for more detail of the "Mostar Indictment" see Tribunal Update 107).

Martinovic pleaded not guilty to all 22 charges and counts alleging crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws and customs of war.

Asked by Judge Jorda whether he was satisfied with the conditions in the detention and whether he wished to state something, 'Stela' replied that he was 'satisfied' and had nothing to say. He did not repeat what he said in court in Zagreb, when he complained that "the indictment was written in Mostar, and not in The Hague", and that it represented a "screen, behind which [the] true criminals are hiding."

Location: Croatia

Focus: International Criminal Tribunal for the former Yugoslavia

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