

## **Vukovar Case: Belgrade's 'Sudden Justice'**

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Tribunal Update 105: Last Week in The Hague (7-12 December, 1998)

It nevertheless remains to be seen what the Security Council will do in respect of the latest developments. The initial attempt by the UN to condemn Belgrade's latest manoeuvre regarding the "Vukovar Three" was blocked last week by Russia.

On Thursday December 10, Trial Chamber I made an official request to the Belgrade Military Court to postpone its own proceedings against Mile Mrksic, Veselin Sljivancanin and Miroslav Radic, and to defer their trial in favour of the Tribunal's own.

The same request sought a copy of the results of the Yugoslav investigation, court records and any judgement already delivered. The Trial Chamber also ordered the Registrar to send a copy of the international warrant for the arrest of the three accused to the Military Court in Belgrade.

The Trial Chamber I reached its decision in response to the Prosecutor's request, and following a public hearing on Wednesday December 9. Prosecutor Grant Niemann had little difficulty convincing the judges that the entire affair is a "political sham", and not a genuine exercise of justice.

Following the Security Council Resolution 1207 of 17 November, which inter alia, demands "immediate and unconditional execution of arrest warrants..." of the three accused and their transfer to The Hague, the following day, the Military Court in Belgrade informed the Tribunal of its decision to initiate "certain investigative proceedings... in connection with the criminal offence... committed in the Vukovar hospital."

The timing reveals all: Seven years after the well-known crime was committed on November 20, 1991; three years after the Tribunal confirmed its "Vukovar indictment" on November 7, 1995; two-and-a-half years after the indictment was reviewed and re-confirmed in the light of the Rule 61 procedure, when the international warrants of arrest were issued against the accused; and a day after the Security Council in a Resolution based on Chapter VII of the UN Charter requested "immediate and unconditional execution of those warrants", the authorities in Belgrade initiated "certain investigative proceedings..." against "unknown perpetrators" in connection with the crime. Moreover, the three accused were summoned to appear before the Military Court on December 17 as mere witnesses.

To add insult to injury perhaps, the Belgrade Military Court has itself asked the Tribunal for a "copy of the criminal case and evidence which formed the basis of the indictment..." against former Yugoslav People's Army (JNA) officers, by December 17.

Under such increased international pressure, Belgrade is trying to create an illusion of seeking to comply with the Security Council's requests by taking independent steps against the alleged perpetrators of the Vukovar massacre. Prosecutor Niemann, however, warned the judges that one can be certain that five minutes after the build-up international pressure is let-off, "the three indictees would be released and allowed to live in freedom in Yugoslavia."

The Tribunal's own founders have given it supremacy over all national courts under Article 9 of the statute which states that "at any stage of the procedure [the Tribunal] may formally request national courts to defer to the competence of the International Tribunal..."

If this is Tribunal's fifth "deferral request", it is also the first to be based on the Prosecutor's assessment - obviously also shared by the judges - that "there is a lack of impartiality or independence... or investigation or proceedings are designed to shield the accused from international criminal responsibility."

The Belgrade Military Court's "impartiality" in approach to its seven-years-overdue investigation can be seen from its very definition of the victims of the crime. Its letter to the Tribunal refers to its investigation of "war crimes against prisoners of war.... committed in the Vukovar hospital in November 1991 after a large number of members of the paramilitary formations of the Republic of Croatia were taken prisoner."

Tribunal's indictment, corroborated by the witness statements in the trial of Slavko Dokmanovic - who was charged with the same crime but had committed suicide just days ahead of his judgment - on the other hand claims that majority of the 260 persons who were taken from the Vukovar hospital and executed the same night at the Ovcara farm, were patients, wounded and civilians who happened to be at the hospital in anticipation of evacuation.

By issuing a "deferral request," the Tribunal did all within its powers to protect its authority. If, despite the Tribunal's request, the Belgrade Military Court does not cancel its hearing, the Tribunal intends to send its own representatives to the court. To this end, the Prosecution had requested to be issued with copies of international arrest warrants for the three indictees.

Their intention is of course not to arrest them, but simply, should the opportunity arise, to hand copies of the indictment and arrest warrants to Mrksic, Slijivancanin and Radic, and to inform them of the consequences of their further evasion from international justice.

**Location:** Stavropol  
Russia  
North Ossetia  
Ingushetia

**Focus:** International Criminal Tribunal for the former  
Yugoslavia

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