

**Slavko Dokmanovic, Former Mayor of  
Vukovar**

Accused of helping to organize the beating and killing of 200 persons taken from the Vukovar Hospital and killed at a farm in Ovcara. (Wounded and civilians had taken refuge in the hospital thinking that international observers would be able to evacuate them from this site.)

Almost 300 men were taken to the farm, beaten by paramilitary soldiers, and then taken to a ravine in small groups where they were shot and buried. (Dokmanovic was not charged with shooting anyone, but with aiding and abetting and participating in these events.)

Dokmanovic committed suicide by hanging himself in prison, June 29, 1998. The verdict was expected July 7, 1998.

## **International Tribunal for the Former Yugoslavia**

Is the Statute of the Tribunal binding and enforceable international law?

*Yes, it is a “decision” of the Security Council, binding under Article 25 of the UN Charter.*

How does the Tribunal obtain jurisdiction over the culprits?

*Article 29 of the Tribunal’s Statute requires states to arrest and transfer persons indicted by a Trial Chamber of the Tribunal.*

## International Tribunal for the Former Yugoslavia

Was the Bosnian conflict “international”?  
*The Trial Chamber ruled 2-1 in the Tadic case (May 1997) that it was not.*

*The Majority (Judges Ninian Stephan, Australia, and Lal Chand Vohrah, Malaysia) ruled that the Bosnian Serb troops were “dependent” on the military of Serbia (Belgrade)(they received salaries, weapons, and communications from them), but were not “controlled” by them. [They relied on the 1986 Nicaragua decision of the International Court of Justice, which ruled that the acts of the “contras” could not be construed as acts of the United States because the United States did not “control” the “contras.”]*

*The Dissenting Judge (Gabrielle Kirk McDonald, United States) argued that it was not necessary to prove “effective and daily control” by Belgrade but only that the Bosnian Serbs were its agent.*

## **International Tribunal for the Former Yugoslavia**

Why is it important to decide whether the Bosnian conflict was “international”?

*Because this finding determines whether the 1949 Geneva Conventions—and their “grave breaches” apply. All parties to the Geneva Conventions must prosecute for violations of these “grave breaches.” If the conflict is not “international,” then prosecutions can still proceed for genocide, crimes against humanity, and war crimes.*

**International Tribunal for the Former  
Yugoslavia**

What rules of evidence apply?

*Article 21 of the Statute [based on Article 14  
of the ICCPR].*

Evidence seized without a judicial warrant?

Hearsay evidence? From witnesses who  
cannot be cross-examined?