

Croats Convicted of Contempt of Court

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Journalists ordered to pay heavy fines for breaching tribunal confidentiality.

The chief editor of the weekly Zadar-based newspaper Hrvatski list, Ivica Marijačić, and a regular contributor to the title, former head of the Croatian Security Information Service, SIS, Markica Rebić, were this week found guilty by the Hague tribunal of contempt charges and ordered to pay 15,000 euro each.

In 2004 they revealed a protected witness' name, extracts from his testimony given behind closed doors and details of the statement he had previously given prosecutors.

The testimony, which dated back to 1997, had been given at the trial of Bosnian Croat general Tihomir Blaškić, who was subsequently sentenced to nine years for war crimes.

The witness - a Dutch officer from the UN's peace keeping forces in Croatia, Johannes van Kuijk - had told the court about an unsuccessful attempt by an accused war criminal, Miroslav Bralo, to surrender to the UN in 1997.

Protective measures on van Kuijk's name and testimony were lifted shortly before the contempt hearing in January this year.

The judges decided the men had violated one court order - the oral one relating to the closed session at which van Kuijk testified.

The judges rejected defence arguments that the closed session didn't protect the identity of the witness nor cover his written statement.

"When a witness testifies entirely in closed session, such that he is never subject to public view and his name can only be found in the confidential transcripts of his testimony, his identity is indeed protected," said Judge O-Gon Kwon, reading the judgement.

The judges also said that even though no harm was done to van Kuijk by publishing his testimony, the "deliberate and calculated manner" in which Marijagic and Rebic broke the order meant this was a serious matter which "tends to diminish the authority of the trial chamber in the Blaškić trial".

The judges went on to say that they wanted to protect and maintain the "public confidence in the effectiveness of the tribunal's protective measures [which are] vital to the success of its work" and that they wanted to "ensure there is no repetition" of this type of conduct.

Rebić's defence counsel Krešimir Krsnik told IWPR immediately after the hearing that he "is absolutely dissatisfied with the verdict" and his client would appeal.

He claimed that the case was only brought in order to provide a warning to Croatian journalists about their future coverage of a forthcoming high profile trial of three Croatian generals, Ante Gotovina, Ivan Čermak and Mladen Markač, accused of war crimes in connection with the expulsion of Croatian Serbs from Serb-occupied territory in 1995.

The lawyer claimed that in that trial the prosecutor would want to keep the testimonies of many top Croatian politicians and military leaders out of the public domain.

He described the Marijačić and Rebić case, along with others against Croatian journalists, as “manipulation” and against the rules of an “open, public trial”.

Ivanović said that his client had only been found guilty of violating one order out of the three he was originally charged with. Moreover, he stressed that order had been given orally, during the trial, in a closed session, so, the lawyer said, “Marijačić couldn’t hear it as well”.

Four others Croatian journalists – Domagoj Margetić, Marijan Križić, Josip Jović and Stjepan Šešelj, whose case is still to be heard - were also indicted in 2005 with contempt of court in relation to revealing a different protected witness testimony in the Blaškić's case.

At different times they are each alleged to have revealed the identity of a protected witness, Stjepan Mesić, now president of Croatia.

Under tribunal rules, contempt of court is punishable with up to seven years in prison or a fine of up to 100,000 euro.

Since its inception, the court has charged 18 persons with contempt in relation to witness intimidation, disclosure of protected statements or witnesses and refusing to answer questions in court. Among those who have been charged are accused, journalists, witnesses and defence counsels.

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