

Secretive Trial Draws to an End

Author: [Karen Meirik](#)

The largely in camera trial of Radoslav Brdjanin denied public evidence of some of the worst crimes of Bosnian war.

Perhaps never in the history of the tribunal has any trial been as secretive as that of Radoslav Brdjanin, a prominent member of the Serbian Democratic Party, SDS, who allegedly organised the ethnic cleansing of Bosanska Krajina.

The prosecution is expected to finish its case before the August recess, but for the past month, with the exception of one witness, the trial has been held in closed session, rendering it impossible for journalists and other observers to follow court proceedings against what were some of the worst atrocities committed in the Bosnian war.

Brdjanin, who was appointed to head the Bosnian Serb Crisis Staff in the self-proclaimed Autonomous Region of Krajina in May 1992, is accused of two counts of genocide, five of crimes against humanity, two of violation of the laws or customs of war and three of grave breaches of the 1949 Geneva Conventions.

His trial, and that of General Momir Talic, commenced in January 2002. Shortly after, Talic fell ill and was eventually released in September. He died on May 28 this year in Belgrade and the proceedings against him were terminated on June 12.

Despite its importance – Bosanska Krajina was home to the notorious Omarska, Trnopolje and Keraterm camps – the case has not received much media attention of late in part because so much of it has been held in closed session, some 20 per cent according to Brdjanin's lead defence council, John Ackerman. However, media coverage has also been hindered for other reasons.

In most trials underway in The Hague, transcripts of court proceedings are posted on the tribunal's website within a few weeks. However, in the Brdjanin trial, the most recent postings in English are from six months ago. Transcripts in French have been updated only until March 11.

The only coverage of the trial that has received any prominence since January has concerned Brdjanin's lawyers. One of them, Milka Maglov, was accused of contempt of court for intimidating a prosecution witness. Her case is now pending before the tribunal.

Then, in June, when the United States issued an order prohibiting any of its nationals from conducting business with persons indicted for war crimes, Brdjanin's American lawyers, Ackerman and his wife, Barbara Baruch, had to interrupt their defence services until they received clearance from Washington to proceed.

The lack of media coverage of the trial in the final days of the prosecution's case is ironic, considering the enormous amount of coverage the press gave to Brdjanin's alleged crimes and the significant role journalists have played in the trial itself.

It was the press who uncovered the horrific events that took place in Bosanska Krajina, a region that includes Prijedor, Banja Luka and 14 other municipalities. Several prominent journalists also testified at the trial.

In late June, a journalist from Banja Luka, known to the public only as witness BT-94, provided the court with some of the most damning evidence against Brdjanin. He produced an extensive record of the articles, and television and radio broadcasts in which Brdjanin propagated his campaign for an ethnically clean Bosanska Krajina.

BT-94 provided transcripts of media reports from the early days of the war in which Brdjanin repeatedly stated that Bosanska Krajina could only tolerate a maximum of two per cent of non-Serbs among its population.

He, as well as several other witnesses, testified that Brdjanin called for three stages in the process of eliminating non-Serbs from the region: first to use pressure and terror tactics that would make life so difficult for them that they would leave of their own accord; second to deport them; and third, to liquidate them.

In another piece of damning testimony that showed that Brdjanin was aware of the notorious camps in Prijedor, former TV Sarajevo-correspondent Nusret Sivac, who was actually imprisoned in the Omarska camp, told the court that Brdjanin was among a delegation of Bosnian Serb officials who visited the detention centre in the summer of 1992.

Earlier, the prosecution called upon former Guardian correspondent, Ed Vulliamy and ITN correspondent Penny Marshall, who visited the Omarska camp after receiving permission to do so from Bosnian Serb authorities.

The prosecution also asked retired Washington Post correspondent Jonathan Randal to testify. However, the paper protested and initiated a high-profile legal dispute over whether or not journalists could be subpoenaed to provide evidence to the court. Eventually, Randal was excused and the court decided that journalists could only be forced to testify if their testimony was considered crucial.

The defence will start its case in October, shortly after the tribunal re-opens its doors. And given that Brdjanin's lawyers have repeatedly complained about the amount of closed sessions, the trial will no doubt be more open in the next phase.

Karen Meirik is a Dutch freelance journalist.

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