

## **Srebrenica Trial Begins - But Key Suspects Missing**

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The biggest trial in the tribunal's history starts without Karadzic and Mladic.

This week, courtroom three seemed too small to accommodate all the participants of the biggest trial ever to be held in this war crimes tribunal.

The relatively small courtroom was packed with people - seven defendants, each with his defence lawyer and their assistants, an impressive team of prosecutors, as well as judges and a number of staff from the court's Registrar.

On trial are seven high-ranking Bosnian Serb military and police officers considered to be among the most responsible for the 1995 Srebrenica massacre, in which more than 8,000 Muslim men and boys were summarily executed by Serb forces, who overran the enclave on July 11.

Five of the accused - Ljubisa Beara, Vujadin Popovic, Ljubomir Borovcanin, Vinko Pandurevic and Drago Nikolic - are facing genocide and war crimes charges, while the other two, Radivoj Miletic and Milan Gvero, are charged with war crimes and crimes against humanity for allegedly blocking aid and supplies to Srebrenica.

They all pleaded not guilty to the charges against them.

This long-awaited trial has been described by many observers as one of the most important cases to be heard by the court, and some have even compared it to the famous 1946 Nuremberg trial of German war crimes suspects.

However, there were also many who voiced their concern that this trial - however important - will never assume real significance without the two men believed to be the masterminds of the slaughter in Srebrenica - Bosnian Serb political and military leaders, Radovan Karadzic and Ratko Mladic.

In her opening speech which marked the beginning of the proceedings on August 21, the tribunal's chief prosecutor Carla Del Ponte - who had hoped until the very last moment that at least Mladic would be arrested before the start of the trial - openly expressed her anger and frustration with Serbia's failure to deliver these two men.

"It is absolutely scandalous that they have not been caught. Serbia is fully capable of arresting them, but has refused!" said Del Ponte.

The same day Del Ponte made these accusations in court, the Serbian government dismissed them as false and said Serbia "was doing its best at this moment" to capture Mladic.

Mladic has been on the run for the last 11 years, despite repeated assurances from the Serbian government - on whose territory he's believed to be hiding - that his arrest is only a matter of time.

Someone also missing in court this week was Mladic's assistant commander for intelligence and security Zdravko Tolimir, charged with genocide, who has been evading justice since his indictment was confirmed in February 2005.

"Make no mistake: Mladic, Tolimir and Karadzic will be arrested and this is our pledge to the international community and to all victims and survivors," Del Ponte told the judges this week.

In his opening statement, which followed Del Ponte's, prosecutor Peter McCloskey said the prosecution will focus its case on establishing the link between the events on the ground - for which there has been plenty of evidence already from other Srebrenica related trials - and the accused.

Defence lawyers who chose to address the judges at the beginning of the proceedings, rather than at the start of the defence case, said they would prove their clients had no real power on the ground and could not do anything to prevent the massacre.

Accordingly, John Ostojich, the defence counsel for security chief in the Bosnian Serb army, VRS, Ljubisa Beara, claims his client was "as helpless as the UN Dutch Battalion troops" in July 1995 in Srebrenica.

"He was there, he saw something was happening, but he could not have done anything to prevent it," said Ostojich.

As is normally the case with all important trials held at the tribunal, this case made headlines for the first few days, both in the region and abroad. But as the proceedings progressed, they started receiving considerably less media attention.

A reporter for the Belgrade television station B92, Milos Milic, who covers war crimes trials, said that the fact that Mladic and Tolimir are not in the dock along with other co-accused is a major setback and one of the reasons why people are not following the proceedings more closely.

As for the chances that Mladic will be arrested before the end of this trial, he says he wouldn't bet on it, but "everything is possible".

Despite widespread concerns that this trial without Karadzic and Mladic will never fulfill its goal - which is to try all those suspected of planning and carrying out the massacre - some observers in Bosnia believe it will still send a very important message: that the main perpetrators of this crime will be punished.

But the Bosnian Serbs seem little concerned by such a message. Sadik Pazarac from the Helsinki Watch for Human Rights in Bijeljina, says they've shown minimal interest in the trial so far.

"These hearings haven't attracted too much attention here," he said. "I don't think this trial will make any difference in the way they feel about crimes committed in this enclave. I wish I were wrong."

But for the victims and survivors of the massacre, the trial has real significance. Nura Begovic, from the Women of Srebrenica Association, says it is "extremely important", despite the fact that the top suspects

Karadzic and Mladic are not among the defendants.

"This trial means a lot to me - these men made the slaughter in Srebrenica possible and should answer for their crimes."

Merdijana Sadovic is manager of IWPR's tribunal programme.

**Location:** Serbia  
Bosnia and  
Herzegovina

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