

Witness Protection Failings "Endanger Future Cases"

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IWPR report and accompanying film pinpoint deep flaws in the way traumatised victims are treated when they agree to testify.

An IWPR report and TV documentary that highlighted severe shortcomings in the way witnesses are treated at war crimes trials in the former Yugoslavia have been hailed as a wake-up call for governments.

The special report **Poor Protection for Balkan Trial Witnesses**, focused on Bosnia and Serbia, and was widely republished in both countries.

Aleksandar Obradovic, a researcher and political analyst at Serbia's Helsinki Committee for Human Rights said the article was "a very good and comprehensive summary of the situation regarding witness protection in war crimes trials in Bosnia and Serbia".

Witnesses who come forward to give testimony at local trials can face threats, intimidation, and public vilification. The report described how the measures taken to protect them are often wholly inadequate, and at times are ignored entirely.

"Unfortunately, the Serbian media rarely reports on these issues. The authors of this report managed to pinpoint the key problems that witnesses and the civil society organisations dealing with these issues are faced with," Obradovic said. "The report also underlines the lack of political will of the Serbian government to assume responsibility."

As part of an effort to focus public attention on these concerns, IWPR released a complementary film called **Unprotected**, which looks at these issues through the stories of two individuals, one a woman who testified at the trial of a man who raped her during the war, and the other a man who committed suicide rather than appear in court and give evidence.

The documentary was directed by Mirco Pincelli and produced by the **Post-Conflict Research Centre** in Sarajevo, **Pinch Media** and IWPR.

It was screened during a round-table meeting which IWPR held in Sarajevo on November 28. Afterwards, the issues were discussed by representatives from judicial institutions, victims' associations, NGOs and the media.

Although she was supposed to be a protected witness, the woman, identified as Z.R., was denied the requisite measures that entails when she arrived in court in Trebinje and found herself face to face not only with the accused but also with the local media.

"It's heartbreaking to see the ordeal of protected witness Z.R. who was featured in this film. Such a lack of professionalism and care for the witness on the part of a local war crimes court is truly unsettling," Emir Hodzic from the Izvor NGO in Prijedor said.

"Inadequate witness protection is not only harming already traumatised witnesses themselves; it's also endangering current and future cases, because fewer and fewer witnesses will be prepared to come forward and testify."

Journalists were allowed to film and photograph Z.R. in the courtroom, and her face was soon all over the media.

One of the panelists, Radio Federation journalist Irena Antic, was shocked by this aspect of Z.R.'s case.

"The judges should not have let the journalists in, but nor should the reporters have filmed the witness and put footage of her on national television," she said. "This reflects the general attitude towards victims in this country, which is that if we can't use them for personal gain, we don't care about them at all."

Another panelist at the round-table, Kristina Tubic of the Lawyers' Committee for Human Rights in Serbia, spoke about problems in that country created by having the interior ministry in charge of witness protection.

"We have a Witness Protection Unit that's under the jurisdiction of the Ministry of Internal Affairs, and hence basically part of the police," she said. "Members of the unit... often harass witnesses into withdrawing their testimony, or prevent them from coming forward as witnesses in the first place."

Asked whether things would improve if the responsibility for witness protection was shifted to the Serbian justice ministry, Tubic said, "I very much doubt it. All ministries are governed by the same political parties, so there wouldn't be any point in moving the Witness Protection Unit from one ministry to another."

Lejla Mamut, a human rights coordinator with the Swiss Association Against Impunity (TRIAL), praised IWPR for raising the profile of this subject through reporting and accompanying events.

"It's very important that the government is reminded of this problem which has existed for so long, and IWPR really managed to achieve this through its activities", she said.

"It takes years and years of preparation, support and therapy to prepare a witness fully for his or her testimony in court. And that must not stop after the trial. Witnesses have to be informed about their rights and obligations, and they have to get access to free legal help, if needed."

Hasija Brankovic, deputy head of a victims' association in Sarajevo, said the report, film and round table would be a great help to witnesses who are under pressure to testify.

"I hope this report and the documentary will find their way to government members and perhaps motivate them to do something to change the situation," she said.

The report and the TV documentary were distributed to many local and international media. Maria João Carvalho, a journalist from EURONEWS, said both were "eye-opening".

"We were all aware that there were difficulties with witness protection in the Balkans, but I never thought that they'd become so serious," she said. "I really think that IWPR managed to shed some light on a big problem which needs to be solved promptly and efficiently."

Velma Saric is an IWPR-trained reporter in Sarajevo.

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