

Decision on the location of a cemetery and a monument for the victims of Srebrenica

In the exercise of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Recalling further Article I: 1 of the said Annex 10, which records the agreement of the parties thereto that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including the “promotion of respect for human rights and the return of displaced persons and refugees”;

Considering that in July 1995 at Srebrenica in Bosnia and Herzegovina, several thousand Bosniac citizens were slaughtered without respect for their rights as human beings, and thereafter, and ever since, in total disregard for human dignity, the great majority of such citizens have been deprived of proper burial;

Noting that under Article VII of the General Framework Agreement for Peace in Bosnia and Herzegovina it was recognised “that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace”, and that under Article II: 1 of Annex 4 of the last said Agreement, Bosnia and Herzegovina and both Entities are required to “ensure the highest level of internationally recognised human rights and fundamental freedoms”;

Respecting the fact that the recognition of the inherent dignity and of the equal and inalienable rights of each and every human being is the foundation of freedom, justice and peace in the world;

Out of respect further for the solemn duty which falls upon the living to ensure the dignity and proper burial of the dead, and respecting the rights of the families of the deceased to bury their dead in accordance with their religious beliefs, a right which flows from Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

Acknowledging with deep regret that the bodies of approximately four thousand of those who met their deaths as aforesaid and who were left without proper burial have now been exhumed yet still await burial in a proper and final place of rest, and that the bodies of an unknown number of further victims of the slaughter at Srebrenica remain to be recovered and exhumed from places still unknown;

Concluding that further delay in determining the final resting place and a site for a memorial for those who perished in the aforesaid slaughter would be an affront to humanity;

Conscious of the importance of establishing such a cemetery and memorial as a means of bringing reconciliation to the peoples of Bosnia and Herzegovina, which reconciliation will in turn promote the return of displaced persons and refugees and permanent peace;

Conscious further that such reconciliation and permanent peace require and compel the making now of a Decision on the place of burial and memorial as aforesaid.

Having considered, noted and borne in mind all the matters aforesaid, I hereby issue the following:

DECISION

1. The piece of land situated at Potocari in the municipality of Srebrenica which lies beside the main Srebrenica-Bratunac road (namely the cornfield opposite to the battery factory) is hereby designated for all time coming as a cemetery and solemn place for the erection of a memorial to those who met their deaths in the July 1995 slaughter at Srebrenica.
2. The said cemetery shall be and become the burial place for those who met their deaths as aforesaid and whose remains cannot be identified, and for those whose remains have been identified and whose relatives desire them to be buried therein.
3. Until such time as the High Representative shall establish under the applicable local law such foundation or association as may be appropriate in order to administer in perpetuity such cemetery and memorial, the said piece of land shall be retained in solemn trust for the sole and exclusive purpose of such cemetery and memorial, and shall not be used for any other purpose whatsoever without the express permission of the High Representative.
4. All arrangements for the erection of a memorial and for the burial of the deceased including arrangements as to the timing and precise location of each such burial within the said cemetery shall be entrusted to an advisory body to be appointed hereafter by the High Representative
5. Each and every application as may be required to be made to, or to be lodged with, the relevant municipal or other local authority with a view to effecting such designation of the said land as a cemetery and memorial as aforesaid, is hereby deemed to have been so made and lodged in proper and due form.
6. Each and every legal step required to be made or taken under the local law applicable to the said land in order to effect such designation is hereby deemed to have been duly made and taken in proper and due form as provided for under the local law.
7. In addition each and every permission and step needed to implement the Decision herein, including the granting of all such permits and authorisations or otherwise as may be required to be given, granted or issued by the municipal or any other authority concerned, are hereby deemed to have been duly and properly given, granted and issued as aforesaid.
8. All such permits, grants and authorisations shall likewise be deemed to have been properly given, granted or issued as aforesaid by the appropriate responsible authorities with a view in addition to providing for the carrying out of all necessary land development and construction works so that the said land may be and remain in perpetuity a cemetery and memorial to those who died as aforesaid.
9. This shall be the first of a series of Decisions by the High Representative regulating the arrangements necessary to establish the cemetery and memorial to those who were slaughtered at Srebrenica in July 1995. It shall come into effect forthwith and shall be published without delay in the Official Gazette of the Republika Srpska.

Sarajevo, 25 October 2000

Wolfgang Petritsch
High Representative

Office of the High Representative