

Decision enacting the Law on Amendments to the Law on the Center for the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide

n. 16/23

In the exercise of the powers vested in the High Representative 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 “[F]acilitate, 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 Paragraph 4 of Resolution 1174 (1998) of the United Nations Security Council of 15 June 1998, by which the Security Council, under Chapter VII of the United Nations Charter “... reaffirms that the High Representative is the final authority in theatre regarding the interpretation of Annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997”;

Noting that both the international and domestic courts have adjudicated that genocide was committed in Srebrenica;

Recalling the High Representative’s Decision of 25 October 2000 designating in perpetuity the piece of land situated at Potočari in the municipality of Srebrenica as a cemetery and as a solemn place for the erection of a memorial to those who met their deaths in July 1995 at Potočari / Srebrenica;

Noting that, under the said Decision of 25 October 2000, the High Representative was to establish under the applicable law such foundation or association as might be appropriate in order to administer and provide initial funding for the cemetery and memorial;

Bearing in mind that the Foundation “Srebrenica–Potočari”, Memorial and Cemetery was established by the Decision of the High Representative, No. 102/01 of 10 May 2001 and registered in the Register of Foundations of Public Interests by the decision of the Ministry of Civil Affairs and Communications of Bosnia and Herzegovina No. 01/6 –166-1-MP/02 of 11 December 2002;

Further considering the High Representative Decision of June 25, 2007, enacting the Law on the Center for the Srebrenica-

Potočari Memorial and Cemetery for the Victims of the 1995 Genocide which established the Center for the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide as the legal successor of the Foundation "Srebrenica-Potočari", Memorial and Cemetery and building on the process initiated by my predecessors;

Conscious of the importance of the establishment of the cemetery and memorial to give closure to the victims and bring reconciliation in Bosnia and Herzegovina and in the region, which reconciliation will in turn promote permanent peace;

Acknowledging with deep regret that a large number of victims killed at Srebrenica/Potočari remains to be recovered and exhumed from places still unknown;

Acknowledging further that it belongs to Bosnia and Herzegovina to ensure that a final resting place and a site for a memorial for those who perished in the aforesaid genocide is found and properly managed;

Conscious further of the necessity of a constant reminder that any genocide anywhere must never be committed against any people;

Respecting the tireless work towards reconciliation and commemoration of those who lost their beloved ones in the genocide, mothers, fathers and children;

Ever conscious of the Center for the Srebrenica-Potočari Memorial and Cemetery's crucial role with regards to reconciliation in Bosnia and Herzegovina and the region and to educate the young generations on the paramount need to follow the common promise of "never again";

Convinced that further action is required to continue developing and expanding the activities of the Center for the Srebrenica-Potočari Memorial and Cemetery, in particular those pertaining to remembrance of the genocide and the victims in

order to prevent denial and revisionism, to ensure the prevention of human rights violations from recurring and contribute to reconciliation;

Thanking the Srebrenica–Potočari Memorial and Cemetery’s staff and volunteers and the victims’ organizations for their important work in contributing to reconciliation;

Ready to assist and support the Srebrenica–Potočari Memorial and Cemetery to further develop itself;

Calling on all in Bosnia and Herzegovina to work together on building a better future for all;

Having considered, noted and borne in mind all the matters aforesaid,

I hereby issue the following:

**DECISION ENACTING THE LAW ON AMENDMENTS TO THE
LAW ON THE CENTER FOR THE SREBRENICA-POTOČARI MEMORIAL
AND CEMETERY FOR THE VICTIMS OF THE 1995 GENOCIDE**

The Law which follows and which forms an integral part of this Decision shall enter into force as provided for in Article 3 thereof on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall come into effect immediately and shall be published on the official website of the Office of the High Representative, and in the “Official Gazette of Bosnia and Herzegovina” without delay.

Sarajevo, 20 September 2023

Christian Schmidt

High Representative

**LAW ON AMENDMENTS TO THE LAW ON
THE CENTER FOR THE SREBRENICA-POTOČARI MEMORIAL
AND CEMETERY FOR THE VICTIMS OF THE 1995 GENOCIDE**

Article 1

In the Law on the Center for the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide (Official Gazette of Bosnia and Herzegovina, No. 49/07 and 12/23), Article 7 shall be amended to read:

“Article 7

(Mandate and Objectives)

(1) The mandate and objectives of the Memorial Center are:

- a) to construct and maintain all the Memorial Center premises, buildings and grounds;
- b) to receive and disburse funds for the Memorial Center;
- c) to cooperate with similar centers, foundations and associations worldwide;
- d) to organize exhibitions and visits to the Memorial Center;
- e) to purchase, collect and otherwise obtain artifacts relevant to the Memorial Center, document, archive and present the data and objects from the victims of genocide, and provide relevant literature about the genocide;
- f) to organize genocide research, compile historical data and issue publications on genocide;
- g) to organize and promote education about the genocide, including but not limited to providing educational programs for students and teachers and general public;
- h) to include victims' organizations to be part of the endeavor to transfer the knowledge and experience about genocide, war crimes and crimes against humanity to young generations; and
- i) to conduct other activities related to Memorial Center.

(2) For the procurement of artifacts from Article 7 Paragraph (1) item e) which are unique and could only be provided by a specific natural or legal person the Law on Public Procurement ("Official Gazette of Bosnia and Herzegovina" no 39/14 and 59/22) shall not apply. For such artifacts, the Governing Board shall adopt the Rulebook on the Procurement Procedure to regulate the method of value assessment, assessment of relevance for the Memorial Center and the procurement procedure.

Article 2

After Article 15, a new Part of the Law is added as well as new Article 15a, 15b, 15c, 15d, 15e and 15f shall be added to read:

"Part A1 – Department for Genocide Research and Education

Article 15a

(Department for Genocide Research and Education)

(1) The Department for Genocide Research and Education (hereinafter: the Department) shall be established within the Memorial Center to carry out the mandate as referred to in Article 7 point f) and g) of this Law, with the aim to raise awareness about the importance of preventing genocide, hate and prejudice against any group of people, as well as to advise the Memorial Center Governing Board on the work of Memorial Center.

(2) The Governing Board shall appoint up to 10 domestic or foreign expert for a term of office of 5 years, with the possibility of reappointment.

(3) The Governing Board shall establish a list of possible candidates after consultations with the Director and the Advisory Working Group members who will be offered engagement in the Department.

(4) Each member of the Governing Board, Advisory Working Group and the Director of Memorial Center may propose expert candidate(s) to the Governing Board.

(5) The members of the Department shall be renowned experts in the fields such as history, political science, law and other fields of science relevant to the performance of the Department's duties with longstanding experience in their respective field and shall be persons of high moral standard. The procedure for selection and appointment shall be further regulated in a rulebook adopted by the Governing Board.

(6) Members of the Department shall choose among themselves the Chairperson of the Department who shall be responsible for organizing the work, establishing the goals, programs and determining other activities aimed at carrying out the mandate as established by Article 7 point f) and g) of this Law.

(7) Members of the Department may be employed or otherwise engaged by the Memorial Center, and have right to a salary or compensation depending on the type of engagement.

(8) Salaries or compensations of the members of the Department shall be determined based on the Law on Salaries and Compensations in the Institutions of Bosna and Herzegovina, whereby the salary cannot be determined in the amount that is lower than the one determined by said law for the appointed head of the administrative organization and the compensation shall be determined in an amount that will not be less than the maximum determined by the provisions of Article 39 of said law.

Article 15b

(Work of the Department for Genocide Research and Education)

(1) The Department is independent in its work in determining goals, programs and projects, which should be established at least once a year.

(2) The Department shall be obliged to consider proposals and projects of the Governing Board and to issue an opinion on such proposals and shall be obliged to report to the Governing Board on its work, i.e. on the realization of the established goals.

(3) The Governing Board, at the proposal of the Department, may decide on the establishment of a temporary highly specialized expert commission(s) to work on specific programs and projects.

(4) The decision on the establishment of the commission from Paragraph (3) of this Article shall contain the expected duration of the program or project, its objectives and the manner of work of such a body and the right to and the amount of the compensation for the work of the members of this body.

(5) The Service shall provide all technical and administrative assistance to the Department, in accordance with the provisions of Article 19, in order to enable its smooth functioning.

Article 15c

(External academic experts)

(1) The Memorial Center can appoint external academic experts, in particular to advise on the issues within the mandate of the Memorial Center.

(2) The experts shall be appointed by the Governing Board for a term of four years, after consultations with the Director of the Service and the Chairman of the Department. The appointments can be for a shorter period if experts are assigned to advise on temporary projects.

Article 15d

(Remuneration)

Members of the experts' commissions and the external academic

experts are entitled to monetary remuneration for their work.

Article 15e

(The Honorary Board)

The Governing Board may regulate by its Statute and establish an Honorary Board, composed of prominent individuals that may contribute to the Memorial Center in promoting awareness for the activities of the Memorial Center and may help raising the funds to support its work.

Article 15f

(Independent Evaluation)

The Governing Board shall be obligated to organize, at least once in three years, the conduct of an independent evaluation of the legislative framework, the overall performance of the Memorial Center and its possibilities for its future development, including, but not limited to, project(s) implementation and degree of completion of the set goals, to be carried out by an international institution with significant experience in genocide research and education.

Article 3

This Law shall enter into force on the eighth day after its publication on the official website of the Office of the High Representative or the day following its publication in the "Official Gazette of Bosnia and Herzegovina", whichever comes first.