

Op-ed by the High Representative: Attrocities deserve condemnation

I am constantly mindful of how reconciliation is of paramount importance for reintegrating society after the war in BiH. Reconciliation is one of the foundations of Dayton and a way to heal the wounds of the war. Yet reconciliation cannot be achieved without understanding and acceptance of the established facts related to the events of the past war.

Daily, we are all made aware that, regardless of the final court rulings delivered for war crimes, some politicians and public officials continue to either deny those crimes or glorify their perpetrators. On the contrary, the offences committed deserve true and permanent condemnation.

The fact that the judgements of the international court are not registered in domestic criminal records is indicative. No other country under the mandate of the ICTY has this problem. They registered judgements promptly, and based on their domestic legislation, in compliance with laws on protection of data.

In this regard, I, as the High Representative welcome and fully support the signed Memorandum of Understanding between BiH and International Residual Mechanism for Criminal Tribunals. Pursuant to the Memorandum, the BiH Ministry of Justice takes responsibility to distribute to competent domestic bodies the officially received judgements rendered by the international tribunal against citizens of BiH for the purpose of inclusion into domestic criminal records. It needs now to be implemented promptly, and war criminals sentenced by the ICTY need to be officially recognised as such in Bosnia and Herzegovina.

Nevertheless, much work still needs to be done, in particular by urgently adopting the necessary legislation to give effect to the Memorandum so that it results in clear legal consequences whereby criminal records will serve a clear purpose. Such legislation should address the problem of presence of convicted war criminals in public institutions and public positions without full rehabilitation.

Public trust in institutions is fragile and the perception of and confidence in public institutions is further eroded if persons convicted of war crimes are appointed or elected thereto. Today in Bosnia and Herzegovina, the victims and the society are exposed not only to denial of crimes they suffered, to glorification of those who committed those crimes, but also to the possibility of having convicted war criminals, paid by public funds, fully engaged in public affairs, and managing their daily lives.

Those found guilty of war crimes should not be elected or appointed to public positions in society, which are financed by all citizens of Bosnia and Herzegovina, including by those who were directly or indirectly victims of war or the very people who directly or indirectly suffered damages due to war.

Therefore, I call upon the authorities in Bosnia and Herzegovina to adopt urgently the required legislation, which would safeguard the integrity of public institutions and honour the dignity of victims. Only with such legislative steps, the BiH authorities will be able to show commitment towards building a society rooted in the values of peace, justice, and reconciliation. As I announced and promised in Srebrenica, I will follow the timely development on these matters very closely.

Reconciliation means accepting the devastating mistakes and tragedies of the past in order to come together in a better, European, future. The idea of a unified Europe was based on exactly that – facing and overcoming the wounds of the past for the sake of cooperation and a better, shared future.