Statements by HR/EUSR Valentin Inzko and members of the PIC Steering Board Ambassadors at the Press Conference in Sarajevo

Good after-noon everyone and thank you for responding to our invitation.

As you can see, many representatives from the PIC Steering Board wished and managed to join me here today, despite their busy schedules. As you know, many ministers are in town, and the Turkish Ambassador just returned from the airport because his minister, Mr. Ahmet Davutoğlu, was also here, as were a number of other ministers. I think the Spanish colleague is also excused, because his State Secretary is here, but maybe he will join us later.

In any case, I would like to brief you on the international judges and prosecutors. I would also like to brief you on Mostar, because we made two decisions in this regard. I would like to start with the judiciary.

Internationals in BiH Judiciary

Solid and functioning Judicial institutions are the

cornerstone of any democratic state, founded on respect for rule of law. Which I am sure BiH wants to be as well.

This is why the decisions I am taking today are so difficult, simply because your authorities once again failed to act, either to extend the international presence in the Judiciary, or to provide for their replacement by citizens of BiH. This is one issue we were ready to decide and think about. If somebody is against foreign judges and prosecutors I think it is his legitimate right, but then he must be logical and also take consequences to replace internationals by locals.

Because prosecution of war crimes is a specific international obligation, and as you know we have the ICTY obligations, I have decided, with the PIC Steering Board's unanimous support, to extend the mandates of international judges and prosecutors working on war crimes cases in the Court and Prosecutor's Office of BiH for another 3 years, which means until 31 December 2012.

My logic is simply that not extending the Internationals in the department for war crimes could have serious consequences for the ongoing trials, would jeopardize cases, endanger the ICTY closure strategy and most seriously mean that the witnesses would have to repeat their painful testimony once again in front of the accused.

I simply could not allow the situation where a woman who was raped would have to relive that experience in a court once again.

However this does not prevent BiH institutions from their obligation to start planning, without delay, for providing the budget and the personnel themselves, in order to secure a gradual transition from an executive international presence to a strictly national executive role.

When it comes to the issue of organized crime and corruption, this too is an area of great concern to us. The Rule of Law is

one of the key European priorities, and the EU will insist that this country has a fully functioning legal system. Later you will learn from Mr. Dimitris Kourkoulas how much the European Union has already invested, so far, until today in the rule of law in Bosnia and Herzegovina.

However, and because it is such a responsibility towards its citizens and towards the EU, rather than making the decision for Bosnia and Herzegovina, I believe I need to let the country and its institutions take full ownership here.

The local professionals are serious and capable people. They can do anything the internationals can, and can do it many times even much better.

The international community will however continue to support these institutions, in an non-executive manner. Accordingly the international judges and prosecutors currently working on organized crime and corruption will continue to stay in BiH, but in a different capacity. They will stay here as advisers.

This, of course, has been one of the most difficult decisions in my life, and I am aware that it will not please anyone. What I do hope is that it will give some relief to the victims of war crimes and ensure that this area which is essential for reconciliation is strengthened.

I have also learned from high-leve officials from the judicial and prosecutorial areas that all of the cases, that have been handled so far, in organized crime by internationals will not be stopped and will not be put into the file, but local judges and prosecutors will continue work on those cases. But, of course, under the leadership of local judges and prosecutors – and you know that you have very many excellent judges and prosecutors. And I would like to remind you of the Gaši case, which is one of the most famous cases, and which showed the excellence, professionalism and courage of your judges and prosecutors, especially Mr. Oleg Čavka who is, of course, an

example for others who also do excellent work in your country. He and other prosecutors are demonstrating in what kind of country they would like to live – in a country of rule of law, where they can provide a future for themselves and their children, a country where we have a safe and secure environment. Simply, in a normal country, as your people say.

Mostar

I am also taking a decision on Mostar today..

As you are aware, we have not had an elected Mayor for 14 months, nor a budget for 2009.

This has dramatic consequences on the citizens of Mostar and it is scandalous and shocking that political leaders, which they have elected to address these issues, have shown no serious willingness to do so.

I have already had to act twice on Mostar – you know that I did it reluctantly and I only used my Bonn powers in a technical way to extend the budget and also to impose secret balloting, which is in the Statute of Mostar, Article 36..

As the secret vote has been misused this time, and bearing in mind the deteriorating conditions in the city, I now have to step in, in Mostar, again.

I have decided to amend the city statute, because previously there was no need to amend the city statute, because secret balloting is foreseen anyway in the city statute, it was only not applied. But, this time I have to amend the city statute in order to introduce a simple majority in the third round of voting in Mostar. Accordingly, in the first two rounds, a two-thirds majority will be necessary according to the city statute. But, in the third round, a simple majority of

councilors present and voting will suffice.

Hopefully – and I have included a clause obliging political parties to attend the session in this respect – this will result in the election of a Mayor. We still have this necessity of having a qualified presence during the voting – a quorum, which means that at least 18 city councilors would have to be present. I think this is very important to maintain the legality, legitimacy and dignity of the new Mayor, and that he is being elected by more than half of the city councilors. Otherwise, it could happen with just a simple majority. Without quorum it could happen that he would get four votes or three votes or whatever. This we would like to prevent, so we are asking for a quorum during the election. And, if this quorum is achieved, a simple majority would suffice of those present.

I have also decided to include a provision dealing with the budget, setting tight timelines for the Mayor to formulate a proposal and for the City Council to adopt it. Should it fail, the Mayor could adopt the budget himself. This is about the 2009 budget, which has to be closed in order to allow the city of Mostar to prepare for the 2010 budget.

I trust that with these measures, and with the willingness of all political actors, we can finally move forward on this and reach a situation where the citizens of Mostar's legitimate expectations are finally addressed.

Thank you very much for your attention.

Ambassador of the Kingdom of Sweden in BiH, H.E. *Bosse Hedberg*:

Thank you High Representative.

I will be very brief to confirm that the EU Heads of Mission

strongly support and stand behind the decisions taken by the High Representative. I will limit myself to the legal issues in saying that also for the EU, the cooperation with the ICTY is a key priority in the European partnership with Bosnia and Herzegovina and is of particular importance for BiH's further progress towards EU membership.

The distinction that was made between war crimes and organized crime is, as the High Representative said, there are special international obligations of BiH to deal with war crimes.

We also believe that the national prosecutors know the environment regarding organized crime as well as the international prosecutors and judges.

The international community is not abandoning organized crime.

As you will hear from the European Commission and also individual member states, we stand ready with the firm support to continued assistance to the justice sector in general, and this also includes support to the Court and the State Prosecutor to continue to fight organized crime, corruption and terrorism in this country.

Thank you.

Head of the EC Delegation to BiH, Ambassador Dimitris Kourkoulas:

I would just like to add to what Ambassador *Bosse Hedberg* said. I would like to add that, of course, the European Commission strongly and fully supports the decisions of the High Representative today.

Let me give you some data about our cooperation with your country in the areas of organized crime and corruption, because as you know this is a key criterion for accession to the European Union. For this reason we pay particular

attention so that all the countries of the region, the potential candidate countries in the region, can address this issue effectively, and it is not a secret that with the level of performance of your country now in these two areas, your country does not qualify for accession to the European Union.

For this reason, for many years now, we have paid particular attention and we have provided assistance and expertise to local judges, prosecutors and police in Bosnia and Herzegovina, and our financial envelope for the rule of law in the period 2003-2008 exceeded 30 million euros. In the area of the fight corruption and organized crime, more specifically, over11 millioneuros have been allocated during the period 2006-2009. Some of these projects are still in the phase of implementation.

These funds, in the last three years, mainly focused on reinforcing the capacities of the Registry for War Crimes and Organized Crime of the BiH State Court and Prosecutor's Office; reinforcing the High Judicial and Prosecutorial Council; training of officials of the Ministry of Justice in key areas related to EU justice standards; increasing the efficiency of the BH judiciary through the establishment of a Case Management System for courts and prosecutors offices, and this is a very important project covering the whole country.

The EU has also provided expertise in the development of the BH Strategy and Action Plan 2010-2014, which was recently adopted by the Council of Ministers, to fight corruption, and also in the preparation of the Law on the Agency for the Prevention of Corruption. As you know, this draft piece of legislation is still pending in front of the Parliament, and it is a very important benchmark for your country to fulfill in the Roadmap on visa liberalization.

So this is very briefly what we have done until now. I am glad to report to you that only for the year 2010, for next year, we have earmarked 14 million euros to support law enforcement,

4 million out of this amount are foreseen to develop, in particular, the capacities of judges and prosecutors at state and entity levels in the area of the fight against organized crime and corruption; two million euros for technical assistance for the implementation of the Anti-Corruption Strategy, focusing on training of the judiciary, public administration and the business community; and eight million euros for training of police officers at state and entity levels, aimed, above all, at improving cooperation between the police, prosecutors and judiciary in the area of organized crime and corruption.

So this is very briefly what we are planning for next year. But, of course, our cooperation in this area will also continue beyond 2010.

Thank you.

United States Ambassador to Bosnia and Herzegovina, H.E.Charles English:

Let me make this point clear and unequivocal. The High Representative enjoys the full and complete support of the United States. And, in particular, the United States endorses fully and unequivocally, the High Representative's decisions today.

The High Representative has announced several decisions, but I want to focus my brief remarks on his decision regarding the extension of international judges and prosecutors in the War Crimes Chamber of the Court of BiH.

First of all, let me note that the High Representative in making this decision – I want to emphasize this fact – enjoys the full, unanimous support of the Peace Implementation Council.

I want to just comment briefly on the focus on war crimes. As my colleagues have said, the prosecution of war crimes is a special international obligation and there is strong and ample precedent for international involvement in the prosecution of such crimes. The international involvement in the prosecution and trial of such crimes will continue. The United States welcomes the High Representative's decision in that regard.

We, like other members of the Peace Implementation Council, remain very concerned about organized crime, corruption and terrorism in Bosnia and Herzegovina. But, we believe that it is time for the authorities of Bosnia and Herzegovina to take over the full executive mandate in this area. They will do so with strong support of the international community. My colleague, Ambassador Kourkoulas has laid out a very detailed plan on behalf of the European Commission for such support.

Without going into detail on the U.S. side, let me just say that the U.S. has been a vigorous supporter of rule of law through many programs of assistance. Those programs of assistance will continue. And, as the High Representative has announced that international judges and prosecutors should be invited to remain in Bosnia and Herzegovina to work as advisors on the organized crime, corruption and terrorism portfolios, the United States will support financially the continuation of international judges and prosecutors in that role.

Again, let me emphasize, our support – the United States support – for the actions of the High Representative are full and unequivocal and we commend the High Representative for his courageous actions today.

Thank you very much.

Russian Ambassador to Bosnia and Herzegovina, H.E. *Alexander Botsan*–Kharchenko:

As the first point, allow me to reconfirm or to announce again the general Russian approach concerning high representative's executive powers. You know well I believe Russia is not very happy about the use of these powers, and we still believe that this is not a good or productive practice at the moment.

But, concerning war crimes and concerning the extension of mandates for judges dealing with such cases, we – allow me to say – are making an exception. Russia does not object to this decision of the High Representative bearing in mind the importance of these cases and having in mind that these cases are extremely sensitive. Also, we took into consideration, of course, that war crimes are a part of the so-called "Dayton mandate" of the High Representative. Also, we are following and also bearing in mind discussions in the Security Council and the relevant UN Security Council decisions in this area.

Initially, in the course of our discussions, personally I suggested for Valentin Inzko to extend this mandate only for one year. So, it was my personal belief that it would be good. But, the decision of the majority was in favor of an extension for three years.

An additional point, which I would like to mention here in this part of my address, my remarks, is that we expect of course that these judges will continue their work and on equal footing and seriously consider all cases in a balanced manner.

The last point I would like to deliver now concerns the area of organized crime. We are happy that the mandates of those dealing with these cases, in the weeks to come will be over. No extension. I believe it is fully in line with the PIC strategy of ownership.

As for the advisory role, my understanding is that, of course, it will depend on the decision of the local authorities and that they can work in this capacity only if there is invitation by the authorities of Bosnia and Herzegovina.

UK Ambassador to Bosnia and Herzegovina, H.E. Michael Tatham:

I would like to reinforce a number of the points that have been made by my colleagues.

The United Kingdom strongly supports the decisions of the High Representative in respect of Mostar and in respect of extending the mandate of international judges and prosecutors working in the War Crimes Department of the Court of Bosnia and Herzegovina and the State Prosecutor's Office.

The ICTY has made very clear that the departure of international personnel would significantly and negatively impact on Bosnia and Herzegovina's capacity to meet its international obligations. In respect of the ICTY that was a concern that had to be addressed.

I would like to add that this step was taken by the High Representative only after persistent, but unproductive efforts to persuade BH politicians to discharge this responsibility themselves.

Effective rule of law is vital for Bosnia and Herzegovina's future and for its prospects of European integration. You have heard from several of my colleagues, their pledges of support for further assistance to this end.

I would like to say that the United Kingdom will continue its support for the rule of law in Bosnia and Herzegovina and to support efforts to strengthen the capacity of the state Court and Prosecutor's Office.

The United Kingdom also urges Bosnia and Herzegovina's politicians to demonstrate that they are serious about the rule of law, including by addressing their responsibility to provide for strong and effective judicial institutions at all levels.