

High Representative prevents release of convicted war criminals



High Representative Miroslav Lajčák today closed legal loopholes at the State and Federation levels that if not closed now would have next week allowed persons convicted of war crimes to be released while awaiting the decision on their appeal. He also acted to stop the practice in Federation prisons by which war criminals convicted by the Court of BiH have been granted unsupervised leave from prison. The prospect of convicted war criminals being able to possibly intimidate witnesses, commit new crimes, flee the country, or otherwise avoid serving their sentences was intolerable and put ICTY cooperation in jeopardy.

The High Representative closed the loopholes by immediately enacting an amendment to the BiH Criminal Procedure Code recently passed by the BiH Council of Ministers. Without this amendment, three persons convicted in the first instance for war crimes would need to be released at the end of February 2009 and 11 more at the end of April, regardless of any judicial assessment that it is absolutely necessary to continue custody. All have received severe sentences in the first instance, many on genocide charges, including one person who was sentenced to 42 years in prison. The amendment to the BiH Criminal Procedure Code does not affect the provision regarding decisions on whether or not a person convicted in the first instance should be detained pending an appeal

The High Representative also enacted amendments to the Law on Criminal Sanctions of the Federation of Bosnia and Herzegovina. This was long overdue, pending since July 2007 when the Law on Bosnia and Herzegovina of Execution of Criminal Sanctions was changed, and which the Republika Srpska and Brcko District promptly amended the same month.

The High Representative and other members of the International Community have been urging adoption of these amendments, but both governments waited too long to allow the respective parliamentary assemblies to act in time to prevent the long foreseen problems.

Having in mind the urgency of the matter, the High Representative was forced to act to protect the Dayton Peace Agreement and ensure ICTY cooperation and the security of the citizens of Bosnia and Herzegovina.

The High Representative took today's decisions upon concerns expressed by both the President and Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the European Union, which has made full cooperation with ICTY a key condition for progress in the EU integration process of Bosnia and Herzegovina.