

Press Conference Statement by the High Representative Miroslav Lajčák

On behalf of the State Prosecutor, Mr Marinko Jurcevic, the Head of the Criminal Police section of the RS police, Mr Gojko Vasic, and myself, thank you for coming here today.

On my first day as High Representative I said that ICTY Cooperation was a priority for me. I meant it. It is about justice. It is about obligations. It is about upholding the rule of law in a fair and impartial manner. It is about building confidence among the peoples of Bosnia and Herzegovina.

After months of consultations and discussions with local authorities, it became clear that local law-enforcement authorities did not have all the legal means they needed to do what they are obligated to do.

That is why last night I signed a series of orders and decisions that will make the work of this country's prosecutors and police easier to investigate and prosecute persons suspected of war crimes and those who help them evade justice. I have also issued a decision to make it harder for war criminals convicted by the Court of Bosnia and Herzegovina to escape from prison.

The first concrete results of these actions are being applied as I speak. Local police all over Bosnia and Herzegovina are currently collecting the passports and travel documents of 93 persons being investigated for war crimes and for being part of the network to help fugitives from the ICTY evade justice. The State Border Police is on the lookout for these people as well.

These 93 individuals are the subjects of investigations recently opened by the BiH Prosecutor. The majority of the investigations involve people who are on the so-called "Srebrenica List". There is good reason to believe that several of the 93 are involved in networks supporting individuals who have already been indicted for war crimes. These investigations are in addition to cases that were already open and under investigation.

Of the 93 individuals, 35 are serving members of the RS Police whom, as of today, the RS Police is suspending. They will remain suspended until the relevant investigations have progressed to a point where they lead either to an indictment or closure of the file.

Several of the suspended officers have been witnesses in ongoing war-crimes trials here and elsewhere. However, there is reason to believe that some have deliberately given false testimony. This will be investigated and appropriate additional action taken.

In the coming weeks and months, the OHR and our local partners will continue to work together to review what should be done about other individuals employed in government positions on the "Srebrenica List".

Also, I have today ordered the removal from office of Dragomir Andan from his position in the RS Police. I took this action at the request of and in consultation with the ICTY. As you know, I met with Madam Del Ponte this morning and we discussed this case. It is a purely technical action meant to prevent this man from being able to use his position to continue as a member of the war criminal support network. I am convinced that the RS authorities were prepared to take action themselves in this case, but there were limitations to their scope of action that in the end prompted me to instead order his removal.

Andan, who is a former Director of the RS Police, was until today Deputy RS Police Director for Training. I now expect RS authorities to conduct an investigation into his various criminal activities, including his role in supporting individuals indicted for war crimes.

The amendments to legislation that I enacted made today's actions possible by closing several legal loopholes in BiH laws. Specifically, I enacted:

Amendments to the *Law on Travel Documents of Bosnia and Herzegovina* and the *Law on Identity Cards of Citizens of Bosnia and Herzegovina* to make it possible to seize travel documents. In urgent cases, this can take place immediately after an investigation has been opened.

As already mentioned, I have also ordered the relevant authorities to seize the BiH passports and travel documents of the 93 individuals and the State Border Police to take measures to prevent them from using these documents to leave Bosnia and Herzegovina.

Amendments to the BiH *Criminal Procedure Code* will enable evidence collected by special investigators employed in the Prosecutor's Office to be admissible in court. At present, this is not possible, as only the material collected by certain police and prosecutors may be admitted.

This is needed in particular to enable specialised international investigators to assist with the Srebrenica investigation. This move was also called for by the Peace Implementation Council Steering Board at its meeting last month.

I am also enacting amendments to other BiH-level legislation in matters emerging from the recent escape of Radovan Stankovic from prison. These amendments also facilitate the Srebrenica-related investigations and ensure that trials can occur without suspects fleeing the jurisdiction of Bosnia and

Herzegovina.

As you are aware, the Stankovic case was the first ICTY case to be transferred from The Hague to Bosnia and Herzegovina. Moreover, Stankovic's escape has highlighted several shortcomings in the penal system.

I have, therefore, enacted amendments to the BiH *Law on the Execution of Criminal Sanctions* to ensure that prisoners convicted under State law who are serving sentences in entity prisons face a tougher regime.

In practice, this means that current rules permitting prison governors to grant weekend leave to prisoners – including rapists and murderers – as soon as they begin serving their sentence, no longer apply. In addition, obligatory supervision for individuals found guilty of war crimes when outside prison will be introduced.

I have deliberately not enacted amendments to entity-level legislation in these matters at this point. This is because they are not so time sensitive that the relevant domestic authorities cannot do the job themselves and because I believe it is important to give the entities the chance to demonstrate their commitment in this area. I do, however, expect the relevant provisions to be harmonised in entity laws rapidly.

There is one more area where I expect domestic authorities to take action. It relates to the Travel Ban list recently adopted by the European Union referring to individuals who are obstructing ICTY cooperation.

I am looking to the Council of Ministers to act in accordance with the *Law on Application of Certain Temporary Measures in Support of Effective Implementation of the Mandate of the International Criminal Tribunal for the Former Yugoslavia, and Other International Restrictive Measures* and specifically to align itself with this EU action. These actions are long overdue. I spoke with the Chairman of Council of Ministers,

Nikola Spiric, about this earlier today.

The package of measures that I have just announced will, among other things, make it easier to bring those responsible for war crimes to justice and undermine the support networks around those ICTY indictees who remain at liberty.

Let me take this opportunity to express my thanks to the professionals in the BiH Prosecutors Office, the RS Police, as well as those in OSA and SIPA who have worked so hard to make sure that the law is upheld, and that justice is done.

A copy of the Decisions I have enacted can be found on the web site of the OHR.

We will now take questions.

RTQ's:

Dnevni Avaz, Sead Numanović:

Mr. Lajčák, can you reveal the exact identities of the 35 suspended members of the RS police? Are, for example, the commanders of the police stations in Srebrenica and Bratunac amongst those 35 individuals?

High Representative, Miroslav Lajčák:

These investigations are confidential and therefore, I cannot reveal the identities of these people. They are confidential primarily in the interest of the investigations, and secondly because the investigations may lead to the closure of the file, thus we would only cause harm to the people concerned if we revealed their identities today.

RTRS, Branka Kusmuk:

Could you please tell us who the other people, besides those 35, are? So, apart from the 35 members of the RS Police out of the 93 individuals under investigation, who are the others? Could you at least tell us something more about them?

High Representative, Miroslav Lajčák:

They are primarily people who are on the so-called "Srebrenica List", individuals in whose cases the assumption exists that they are involved in criminal activities and we have to put an end to those activities. As far as their identities are concerned, the same answer I gave Mr. Numanović applies.

RTRS, Branka Kusmuk:

Can you give us some more details? Where do those people work? What is going on?

BiH Chief Prosecutor, Marinko Jurčević:

I believe that question was directed at the Prosecutor's Office of Bosnia and Herzegovina. As the High Representative said, these individuals are among the 810 people on the "Srebrenica List". I, as the Chief Prosecutor in Bosnia and Herzegovina, issued orders to Team No.6 – the team working in Srebrenica, which includes four prosecutors – instructing them to interview all of those individuals as suspects. At the moment, as the High Representative already mentioned, investigations have been open for 99 of the 810 individuals from the so-called «Srebrenica List» and the investigations are in progress. As the High Representative said, a certain number of those individuals are members of the RS Police,

while the others are employed elsewhere. These investigations are only in the initial phase and I feel that it is against the Prosecutors Code of Ethics to give out any further information regarding the status of these investigations. Hence, we now have to intensively work on conducting these investigations and arrive at a public prosecutorial decision, and at this moment we will not prejudice the decisions that will be taken by the Prosecutor's Office. What I can say right now is that sufficient basis for suspicion exists for the opening of these investigations, and the Prosecutor's Office of Bosnia and Herzegovina has opened individual investigations for the number of people the High Representative just mentioned.

AFP, Amra Hadžiosmanović:

First of all, I would just like to ask whether when you said 99 you actually meant 93 individuals? Was that just a mistake?

BiH Chief Prosecutor, Marinko Jurčević:

No. I said and meant 99 individuals.

AFP, Amra Hadžiosmanović:

Very well, but what is the difference then? The seizure of the passports and travel documents of 93 individuals has been ordered, while 99 individuals are under investigation. Why will the passports and travel documents of those remaining six persons not be taken away?

BiH Chief Prosecutor, Marinko Jurčević:

I am not certain if all the people in question possess travel documents. I am not leading these investigations. As I said, 99 individuals are now under investigation.

High Representative, Miroslav Lajčák:

I would like to remind you once again that the investigations are being conducted by the relevant authorities of Bosnia and Herzegovina, and I took the measures I did today in order to make these investigations possible. The measures I took concern 93 individuals and the aim of these measures – amendments to 5 legislations – is to prevent these people from fleeing the jurisdiction of Bosnia and Herzegovina, and to speed up and facilitate the investigations. However, the investigations are being conducted by the relevant authorities of Bosnia and Herzegovina.

AFP, Amra Hadžiosmanović:

Just one more question for Mr. Jurčević, does this mean that you have looked into all 810 files and have found sufficient basis to open only 99 investigations, or is this only the beginning?

BiH Chief Prosecutor, Marinko Jurčević:

It is just the beginning.

Nezavisne Novine, Nataša Krsman:

Due to the fact that Mr. Vasić is also here with you today, should we understand that these actions are being conducted by the Police of Republica Srpska alone? Also, are any of the 93

individuals that are under investigation employed in OSA, SIPA or some state institution? So, is this operation being conducted just by the Police of Republica Srpska?

Head of the RS Criminal Police Department, Gojko Vasić:

As far as these concrete measures are concerned, they apply to the citizens of Republic Srpska and therefore the Police of Republica Srpska is collecting the travel documents and identity cards of the individuals under investigation. Besides this, the Police of Republica Srpska is working on these investigations together with SIPA. Of course, the Prosecutor's Office of Bosnia and Herzegovina is in charge of the investigations.

Journalist #5:

What about people who have dual citizenship?

BiH Chief Prosecutor, Marinko Jurčević:

Well, they have dual citizenship. What is the problem with that?

High Representative, Miroslav Lajčák:

I mentioned that point. The issue of dual citizenship is covered by my decisions and that can be verified. The fact is that one of the amendments to legislation that I enacted today specifies that the individuals that are the subject of these investigations shall be treated only as citizens of Bosnia and Herzegovina. We issued orders to the State Border Police that only travel documents issued by Bosnia and Herzegovina can be

used. Therefore, if an individual's travel documents have been seized, they then do not have the right to use identification or passports issued to them by another country. In conclusion, the issue of dual citizenship has also been covered by my actions.

RTRS, Branka Kusmuk:

My colleague Ms. Krsman asked – Mr. Vasić, you did not answer this question – whether amongst the 93 individuals who are under investigation, besides the 35 that we know are employed in the RS Police, are there any who work for some of the other policing agencies in BiH? Do you have any such information?

Head of the RS Criminal Police Department, Gojko Vasić:

At this moment I have no such information. We are taking the necessary measures to seize the passports and travel documents of the 35 members of the RS Police and of course, the other citizens of Republica Srpska that are under investigation and living on the addresses they provided in their CIPS forms. We have not ruled out the possibility that certain individuals may have provided one address on their CIPS form, but actually live somewhere else. In this case a certain amount of time will be necessary to determine where they are living and to carry out the prescribed actions. It will probably be necessary for the Federation Police to become involved, however this will be necessary only in cases where we determine that an individual has an address in Republica Srpska yet actually lives in the Federation. As far as other policing agencies are concerned, at this moment we have no information that any of the individuals under investigation are employed by one of the other policing agencies in the country.

Reuters News Agency, Darija Šito-Sučić:

How will you determine which individuals have dual citizenship and how will you coordinate the activities of verifying who only has BiH citizenship and who also has the citizenship of a different country? How will you know if a person is Bosnian or from another country? How will you determine that?

Head of the RS Criminal Police Department, Gojko Vasić:

Members of the State Border Police know how to determine and verify the identity of a person. The most, simple way is via the following personal information: name, surname and personal identification number. Those three pieces of information cannot be identical for two different people. The only problem that may arise is if a person with dual citizenship has taken a different personal identification number, however this can only happen if that person obtained their other documents fictitiously or on the basis of a falsified document. Thus, all those who possess travel and identification documents from another country on the basis of their personal information will be identified and their travel documents will be taken away.

Journalist #7:

I have one question, which is of particular interest to me personally. Mr. Vasić just mentioned personal identification numbers. As I have dual citizenship I will use my own case as an example. So, I have dual citizenship –BiH and Croatian – and in Croatia I have a different personal identification number. Is that a problem?

High Representative, Miroslav Lajčák:

I think we should have complete confidence in the authorities of Bosnia and Herzegovina who have received their instructions and know how to do their job. I have no doubt that they are competent and capable of carrying out this decision. I also think that these questions should not be the subject of any further speculation.

AFP, Amra Hadžiosmanović:

A question for both Mr. Lajčák and Mr. Jurčević, why do you think that this decision is effective, especially considering the fact that it is also a sort of signal telling people who may have not known that they were being investigated that they are? In particular because we know that it is not difficult for anyone to flee this country, even those who are indicted and sentenced to 20 years, let alone someone against whom an investigation has just been opened.

High Representative, Miroslav Lajčák:

First of all, I think that there is no doubt that the decision is effective and that it is evident that the Prosecutor's Office of Bosnia and Herzegovina, as well as the relevant authorities and police are serious about investigating the individuals who are on the so-called «Srebrenica List». Secondly, in this given case we have progressed to the point where we can and have opened these investigations and in the interest of ensuring that the individuals that are being investigated do not flee the country I enacted these decisions today. The process now continues. I consider this to be a very strong signal demonstrating that not only the relevant authorities in BiH, but also the international community, on whose behalf I am acting, are serious and committed to

ensuring that this process will be continued.

I think there is no need to now speculate about how this may not happen and how the investigations could be avoided by some individuals. I have full confidence in your authorities and expect them to do their job seriously. I also think that all of this has been professionally and legitimately prepared, however we will see what the results will be.

Nezavisne Novine, Nataša Krsman:

I have one more question concerning the amendments to legislation you enacted today. Namely, today you met with representatives of both Houses of Parliament. Did you impose the amendments to legislation that you enacted today, or did you talk with the members of Parliament about making those amendments, that is, did you follow and abide by the set procedure for passing such amendments? Is it already a done deal?

High Representative, Miroslav Lajčák:

I have imposed these amendments at the state level and requested from the parliaments of both entities that they harmonize the relevant provisions in the entity laws.

Associated Press, Aida Čerkez-Robinson:

A question for Mr. Vasić, I did not fully understand how the seizure of the passports and travel documents of the individuals under investigation will actually be done. The travel documents of 93 individuals will be seized, however if any of those 93 individuals possess dual citizenship and use the travel documents of their other country of citizenship at

the border, what will happen to them? Which travel documents will be taken away from them? Will the travel documents they received from their other country of citizenship be seized?

Head of the RS Criminal Police Department, Gojko Vasić:

Of course, if an individual is identified using other documents, that is, if members of the State Border Police determine that the individual is on the list, that is, one of the persons under investigation, they will seize those documents and send him back to BiH.