

Schwarz-Schilling: Stankovic Fiasco Highlights Need for State Prison

The escape from Foca Prison of Radovan Stankovic, serving 20 years for enslavement, torture, imprisonment and rape constituting crimes against humanity, has pointed up the inadequacies of the overstretched and under-funded prison systems in Bosnia and Herzegovina, and the urgent need for proper coordination among the country's law-enforcement and judicial agencies, the High Representative and EU Special Representative, Christian Schwarz-Schilling, wrote today in his weekly newspaper column.

"In a country where judicial proceedings against war criminals are an indispensable element in post-war reconciliation and recovery and where these cases will be heard for years to come establishing proper prison facilities and a responsible management of prisons is an absolute priority," he wrote in the article that appeared in *Dnevni avaz*, *Nezavisne novine* and *Večernji list*.

Mr Schwarz-Schilling also announced that he would be meeting with relevant BiH authorities and prospective international partners to discuss steps that can be taken to accelerate the State Prison project.

Since it will be some years before a State Prison can begin operating, the High Representative and EU Special Representative argued that individuals convicted by the State Court should not in the meantime be sent to prisons according to their ethnicity – Serb prisoners to prisons in Republika Srpska, Croats to Herzegovina, Bosniaks to Central Bosnia.

"The issue is about security, not ethnicity. The solution is not to make substandard prisons ethnically based; it is to raise the standards of the prison service. Stankovic would not have been able to escape if Foca Prison were properly run," he wrote, making clear that there were other ways of ensuring that prisoners are treated correctly while in prison – "for example by amending the relevant entity legislation so that the state law on execution of sanctions and its much stricter rules apply to those sentenced by the State Court but incarcerated in entity prisons".

"A thorough review of how a person recently convicted for one of the most serious crimes could be allowed to be taken outside of the prison premises without a proper police escort, and with still unidentified and unexplained reason, must be undertaken," Mr Schwarz-Schilling continued, describing the dismissal of the prison director and suspension and charging of nine prison guards who failed to prevent Stankovic from getting away as a good start.

Mr Schwarz-Schilling also pointed out that there appeared to have been a scandalous degree of confusion at all levels regarding what should be done by whom and when in the immediate aftermath of Stankovic's escape.

"Police roadblocks were thrown up after it is reasonable to believe Stankovic had already been spirited out of the area, and it took five days for an international arrest warrant to be issued despite the likelihood that Stankovic had fled across the border immediately after the escape," he wrote.

At the time of his conviction, Stankovic expressed no remorse for his crimes, and his escape from prison is proof, if it were needed, that he does not recognise the evil of his actions or the justice of his punishment.

The High Representative and EU Special Representative warned that Stankovic may rape and torture again and that he was a danger to society wherever he has gone to ground.

"The priority now is to make sure that Stankovic is caught, and then to make sure that the organisational and administrative failures that made this fiasco possible are speedily and effectively addressed," Mr Schwarz-Schilling concluded.

The text of the High Representative/EU Special Representative's weekly column can be accessed at www.ohr.int and www.eusrbih.org