Remarks by Senior Deputy HR, Bernard Fassier at the OHR press conference following BiH Constitutional Court's Commission for Human Rights assessment of RS Srebrenica Commission report

Today, OHR received a copy of the letter that the BiH Constitutional Court's Commission for Human Rights sent to Prime Minister Mikerevic, giving him their assessment of the RS's Srebrenica report endorsed by the RS Government.

I've called this press conference to give you OHR's reaction.

As you know, this report was provided to the Commission for Human Rights (successor of the Human Rights Chamber) by the RS Government in response to the Chambers Decision of7 March 2003.

I am pleased to say that the Human Rights Commission's assessment is largely positive – but at the same time it does point out that much needs to be done if this process is to be completed fully.

Despite many obstacles the RS Governments Srebrenica Commission has bravely and determinedly accomplished a historic task that will, without doubt, contribute to reconciliation in the future and benefit BiH's future generations, and I commend the Commission's work. A number of positive elements must be recognised –

- First, the fact that the RS Government adopted the report in its entirety and endorsed its recommendations is a positive indicator – the report itself admits and provides details of the planned and deliberate liquidation of thousands of Bosniaks by RS forces. The RS Government's conclusions adopted last week represent a dramatic u-turn from the RS's initial official position of denial, obfuscation and concealment.
- Second, the RS Government's stated determination to collect more documents and continue their investigation into this crime.
- Third, the official RS recognition – that began in June this year – of their responsibility for the deliberate, large-scale, atrocities that took place in Srebrenica – the worst in Europe since WWII and qualified by the ICTY as genocide.
- Fourth, the RS commitment to bring to justice all those indicted of war crimes and to proceed with prosecutions, and OHR expects the RS to provide all incriminating evidence to RS, BiH and ICTY Prosecutors for further investigation and trial.
- Fifth, the expression by the RS Government of sympathy and condolence with the victim's families.
- Finally, the Commission's work to consolidate the 34 various lists of people reported missing from Srebrenica events. The OHR understands that this list, which already numbers 7,800 missing, and that can be updated, will be made accessible to the public by the RS authorities. This list should bring to an end the manipulation of these numbers that has been evident in recent years.

A large amount of work remains though. Exhumations, identifications, investigations and prosecutions have just started and for the victims and their families this process must be completed fully.

The Commissions has located many potential mass grave sites which may contain Srebrenica victims and that now must be exhumed and the mortal remains identified to enable their families to provide a dignified burial for their loved ones.

Furthermore, the OHR calls on all relevant authorities and institutions to pool international and BiH efforts in the exhumation of remains in the interests of the victims families whose pain is multiplied by not knowing the whereabouts of their loved ones.

The OHR expects that the RS Government will confirm its commitment to fulfil the remaining elements of the BiH HRC decisions.

Let me add with this positive assessment given the Human Rights Commission, the OHR's role in this process, aimed at ensuring that the HRC's decision was upheld, can now be scaled back – though the IC will continue to monitor progress.

All of you I'm sure will want to see the RS Governments report. Let me state immediately that whether the RS Government publish their report is a matter for the RS Government. The OHR view is that many of the main elements should be published in line with keeping secret fact pertinent to judicial review.

So, let me underline the following points;

A fresh large-scale process of exhuming and identifying victims must be started and properly funded.

There must be full and thorough investigations and prosecutions of those responsible, with full co-operation with the ICTY.

I expect that the RS Government will honour it's remaining obligation in the HR's Decision – including the payment of 2 million KM – as ordered by the HRC in March 2003. Remember

that the RS Government paid 2 million KM before September last year and it due to pay ½ a million KM each year as of this year.

Let me stress that the successes here, through this RS Commission could offer a model for the investigation of other crimes committed in BiH and I hope that the RS and relevant BiH authorities will take up the opportunity that this moment offers.

In conclusion let me say that I am fully aware that a report cannot replace a loved one tragically lost, a loss suffered by so many. But I sincerely hope that this first breach in this wall of silence will at least ease the pain suffered during these years by those who await even the most basic answers.

Of course many more answers must be found if the whole truth is to be known and the perpetrators are to be brought to justice. I do believe though that the Srebrenica Commission has contributed to a climate of change between the Communities in BiH and the region.

Finally, this shows that only the courage to face the past, no matter how painful, is the only way to enable reconciliation to take root and provide a better future for BiH’s children.