

Open Letter by the High Representative to His Holiness Archbishop Pavle

*His Holiness Pavle
The Archbishop of Pec
Metropolitan of Belgrade and Karlovac
and Serbian Patriarch*

7 April 2004

I am writing to express my deepest condolences in respect of the serious incident last week, in which Father Jeremija Starovlah, and his son Aleksandar, were injured. The International Community takes it extremely seriously when civilians are injured as a result of international action, and I know I speak for others in the International Community in expressing my concerns for the family and my wishes for a speedy and full recovery to those members of your Church who were injured.

As you know, this was a wholly unintended consequence of an SFOR operation to detain Radovan Karadzic and transfer him to face charges in The Hague. NATO is an alliance of democracies committed to minimizing civilian casualties in military operations, and I am confident that they will be taking all measures to establish the full circumstances surrounding this incident and will do all that can be done to minimise and prevent all casualties in these kind of operations occurring again.

However, the International Community, as I know you understand, has a mandate and a legal duty, especially in the

absence of more active measures from some local authorities, to continue to take action against those indicted by The Hague who remain at large in Bosnia and Herzegovina, and against the networks that support them. The transfer of these indictees to The Hague is, of course, an international obligation under the relevant UN Security Council Resolutions and the Dayton Peace Agreement. It is primarily a responsibility for Bosnia and Herzegovina, as the State that is harbouring these indictees. Regrettably, however, the BiH authorities, particularly in Republika Srpska, have not so far upheld international law in this regard. It is a matter of record that NATO forces in BiH have detained 29 persons indicted by ICTY, while the RS authorities have not detained a single one.

BiH should have fulfilled its international obligations to the United Nations in this regard long ago. If they had done so, then it is probable that last week's incident would not have happened.

I am sure you agree with me that it would be better if SFOR were not carrying out operations to detain persons indicted by ICTY. In this regard, I welcome your statement in today's press that the Orthodox Church is not, and should not be, assisting war criminals, particularly since there have been certain views expressed locally of a rather different kind. I wonder if you would allow me to urge you to use all your influence, and the influence of your Church, to do what you can to ensure that Radovan Karadzic and the remaining indictees of Serb nationality at large, face justice.

The Serb people are unjustly collectively stained with the crimes committed in their name in Bosnia and Herzegovina. The sooner those culpable face personal responsibility for the crimes they are charged with, the sooner the Serb people can clear their name.

It would send a particularly strong message if the Serbian

Orthodox Church could demonstrate its support for international law and the interests of the Serb people by publicly calling on Radovan Karadzic to surrender himself to The Hague.

Yours sincerely,

PADDY ASHDOWN

High Representative