Zvornik Case

The High Representative has received the report of the Human Rights Ombudsperson for Bosnia and Herzegovina in which she concludes that the criminal proceedings against the defendants in the Zvornik case and conviction are in breach of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, and therefore of Annex 6 of the Dayton Peace Agreement.

The international community has serious concerns about the fairness of a number of trials with political and inter-ethnic implications in both Entities, but the Zvornik case is unique. There is evidence that the defendants were ill-treated after their detention. Their convictions in two deeply-flawed trials have rested on so-called confessions extracted in these circumstances. There are strong indications of political influence over the courts in the case. Reports of the Ombudsperson, the United Nations Special Rapporteur, the UN IPTF and the OSCE have made clear that the accused have suffered multiple violations of their human rights.

As High Representative, I am deeply concerned that these violations should not be further prolonged. An appeal to the RS Supreme Court has been lodged. This gives Republika Srpska one further opportunity to end this record of injustice and display a real willingness to set out upon the path towards the rule of law established as a priority by the Peace Implementation Council in Madrid.

Although I respect and am seeking to promote the principle of an independent judiciary, the Ombudsperson’s report makes clear why there can be no confidence in the independence and impartiality of the courts dealing with this case. I require that the Ombudsperson’s recommendations must be fully implemented. My Office will assist in giving effect to her recommendation that the RS Supreme Court should have the

assistance and advice of international experts on the European Convention on Human Rights. I will continue to insist on the earliest handling of the case by the RS Supreme Court and will ensure the closest scrutiny by the international community of its proceedings.

Full copies of the report are available from the Ombudsperson’s Office, Sarajevo, tel 666-005.