OHR expresses profound concern over the judgment issued yesterday by the Sarajevo Cantonal Court in the case of Veselin Cancar

The Office of the High Representative expresses profound concern over the judgment issued yesterday by the Sarajevo Cantonal Court in the case of Veselin Cancar. Mr. Cancar's conviction on war crimes charges involving the mistreatment of civilian detainees and the murder of a civilian is directly contrary to the Rome Agreement of 18 February 1996 (the Rules of the Road). While this case has garnered much attention in the press, and has given rise to a great deal of misinformation, the relevant facts are simple and incontrovertible:

- On 7 May 1997, the International Criminal Tribunal for the former Yugoslavia (ICTY) issued a response concerning the case against Mr. Cancar based on the evidence submitted by the Federation authorities.
- ICTY found that the evidence was "insufficient by international standards" for Mr. Cancar to be charged with serious violations of international humanitarian law ("war crimes") other than "unlawful confinement or imprisonment of civilians."
- Contrary to ICTY's express findings, Mr. Cancar was charged with – and has now been convicted of – the very crimes for which ICTY had already found the evidence was insufficient for prosecution.

The Rules of the Road were designed to protect the credibility and integrity of the judicial system of Bosnia and

Herzegovina, as it faces the difficult challenges posed by the post-war situation. They have been implemented successfully in the vast majority of cases, with authorities in both the Federation and Republika Sprska submitting files to ICTY for review and abiding by the Tribunal's findings regarding the sufficiency of evidence.

In the Cancar case, however, the responsible authorities breached their legal obligation to prosecute only those crimes where the Tribunal has found sufficient evidence under international standards. Such "defiance" of the international community may make for good press coverage, but it calls into question the basic standards of officials within the judicial system who must, above all, respect the rule of law. This violation was exacerbated by a proceeding in which hearsay and innuendo were allowed to substitute for evidence, raising substantial doubts concerning the legal basis for the judgment.

The verdict against Mr. Cancar will be appealed to the Federation Supreme Court, where a thorough review of the case can and should occur. It is the hope of this Office that the miscarriage of justice which has occurred in this case will, in the course of that review, be exposed and remedied. This outcome would serve to protect both the right of this defendent to a fair proceeding and, more fundamentally, the integrity of the judicial system as a whole.