

## Transcript of the Press Conference in Mostar

|  | <b>Spokesperson</b> | <b>Topic</b>   |
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| OHR                                      | Avis Benes          | <ul style="list-style-type: none"><li>• DHR Bercot's message to Cantonal authorities</li><li>• OHR(S) moves to the new location in Mostar</li></ul>  |
| OSCE                                     | Richard Medic       | <ul style="list-style-type: none"><li>• No statement</li></ul>   |
| SFOR                                     | Maj. Fix            | <ul style="list-style-type: none"><li>• No statement</li></ul>   |
| ICTY Outreach for BiH Office Coordinator | Refik Hodzic        | <ul style="list-style-type: none"><li>• Scheduling Order in case against Momcilo Krajisnik and Biljana Plavsic</li><li>• Update on Srebrenica case [Dragan Obrenovic, Momir Nikolic, Vidoje Blagojevic and Dragan Jokic]</li></ul> |

### **Avis Benes - OHR**

Good day ladies and gentlemen. Welcome to the press conference of the international organizations seated in Mostar and outside of Mostar. Today it is my special pleasure to welcome Mr. Refik Hodzic, Spokesperson of the ICTY. Perhaps the best would be if he introduces himself.

### **Refik Hodzic - ICTY**

I am glad to be here. My name is Refik Hodzic. Even though I work as the Spokesperson I am also Coordinator of the ICTY Outreach for BiH Office. Let me briefly present you with the work of our office. It was established in 1999. The objective was to bring the work of the ICTY closer to the people in countries created after the fall of the former Yugoslavia. In order not to get too much involved into details, one of the most important part of our work is cooperation with the media. As I said in the beginning, we also perform the function of the Spokesperson and we are trying to facilitate the work of the media when following and covering the work of the ICTY. We are regularly participating at the press conferences of the international organizations in Sarajevo and Banja Luka, and this is for the first time in Mostar. We hope this will become a regular practice. We hope to be here every Wednesday along with our colleagues from other organizations and give you an opportunity to find out what is happening in the ICTY and pose absolutely all questions that you have regarding the work of the ICTY. Before I proceed with the two news I prepared for you today let me tell you that we will also distribute various materials related to the work of the ICTY. Here I brought certain documents; press releases and similar. In this small brochure here enclosed are contact details about our office in Sarajevo. Let me also give you my cell phone number at which you can contact me any time a day.

As for the news from the ICTY, the first one refers to the Scheduling Order in case against Momcilo Krajisnik and Biljana Plavsic announced last night in the ICTY. By taking into consideration a series of requests submitted by both sides in the procedure as well as a plea of Biljana Plavsic, the Judicial Council ordered the split in the case against Momcilo Krajisnik and Biljana Plavsic. Also the Trial Chamber requested this case to be handed over to the other Trial Chamber. The explanation of this request reads that the case is prepared for the beginning of the trial however the Trial Chamber, chaired by the British Judge Richard May and consisting of Patrick Robinson from Jamaica and Judge Kwon from South Korea, does not expect to be in a position to proceed with this case in a foreseeable period of time. Also, this order confirms that the prosecution was allowed to add one more witness to the list of witnesses it intends to invite and confirms that it will be approved to invite at least 119 witnesses to testify before the Tribunal and additional 198 witnesses whose statements will be introduced in writing in accordance with Provision 92. The future Trial Chamber will be in a position to take a decision which one of these witnesses will be invited for cross-examination. The future Trial Chamber is to decide what period of time will be given to the prosecution for presentation of evidence in this case and to make a series of decisions on various requests of both prosecution and defense. In the end, this order reads that under the condition that this case is handed over to some other Trial Chamber, the trial against Krajisnik will start mid of February next year.

Apart from this, let me briefly say that the status conference will be held today in the case of Srebrenica against Dragan Obrenovic, Momir Nikolic, Vidoje Blagojevic and Dragan Jokic, who are indicted for, among the other things, genocide, crimes against humanity, violation of rules and customs of war as well as violation of the Geneva

Convention because of the events and crimes committed in Srebrenica in the summer of 1995. This will most probably be the last one before the beginning of the trial. During the pre-hearing procedure, the prosecution delivered a list of witnesses and other documents which are necessary in order to realize this pre-hearing procedure. Given that this is interesting matter, I can provide you with more in-depth information and numbers afterwards. Out of a total number of witnesses which is 123, consisting of experts of the Tribunal, external experts, witnesses from the Holland Battalion, and Bosniac victims, there will be 5 witnesses from the Ministry of Interior of RS who will testify for the prosecution, 12 witnesses from Bratunac Brigade of the RS Army, 16 witnesses from Zvornik Brigade of the RS Army and 1 witness from the 10<sup>th</sup> Diversionist Regiment and 3 witnesses from the RS Military Prosecutor Office. As you probably know, last week Judge Schomburg denied the Motions for Provisional Release of the two accused, Dragan Obrenovic and Vidoje Blagojevic.

That is all I have and I remain open to your questions.

### **Avis Benes - OHR**

Floor for questions will be open after the presentation of all of our statements. Thank you Mr. Hodzic, and we hope to see you at these press conferences in the future as well.

As for the OHR, the first items refers to the message of the Head of our Office and Deputy High Representative Ambassador Bercot to the Cantonal authorities.

As you know, the process of formation of new authorities is to and should start this week at Cantons 7 and 8 through the inaugural sessions of Cantonal Assemblies. Still, before the new Government takes place, there are still things that have to be completed by the present one. Moreover, Deputy High Representative Ambassador Jean-Pierre Bercot would like to remind politicians and the public of principles which are essential if the present and the new government are to conduct its obligations properly and in accordance with the Constitutional changes.

First, there is an unavoidable need to conduct systematization and rationalization of the cantonal administration, which we emphasized on a number of occasions. Unfortunately, there is a significant reluctance to undertake this endeavor on the part of cantonal authorities. Whilst fulfilling an obligation that each Ministry should submit the Book of Rules on internal organization - which we reminded of a month ago - in order to clearly outline internal organization of every ministry, present Ministries completely failed to address the issue of rationalization. Actually, by their latest proposals they are foreseeing an average increase of 40% of staff in each Ministry which is absolutely unacceptable. In the situation when the Cantonal budget simply cannot uphold enormous administrative expenses, it is Ambassador's Bercot standpoint that authorities must find a way to restructure the ministries and decrease expenses for at least 30%, not vice versa. He considers this to be an absolute imperative.

Second, according to the Constitutional changes and relevant legal provisions, there is a need that public servants are employed according to the 1991 Census.

And finally, it is Ambassador Bercot's opinion that the new Government should be much more effective than the previous one and be able to fully secure normal functioning of the Canton. Their performance will be under the full scrutiny of the public and the International Community. For those who want to continue their involvement in the Cantonal Government it should be clear that they will have even more difficult task than the others, since they already bear a large responsibility for the present situation, which is as, we all know, not envious at all.

Second item is of a more technical nature. This week the OHR South will move from Hotel Ero to the new location, namely, Husnije Repca bb, 88 104 Mostar. The OHR South has for some time now been searching for offices that better suite its needs. Effective from 2 December the OHR South will be fully operational from the a/m address. The new contact numbers are:

Switchboard:            ++387 36 512 600

Main Fax:                ++387 36 512 601

This information is available in writing and the media will be subsequently informed about all technical details. Press conferences until the end of the year will be held in Hotel Ero at the usual time. About future arrangements media will be subsequently informed. The OHR South appreciates the hospitality Hotel Ero has offered.

That's all on behalf of the OHR.

There is nothing on behalf of OSCE and I would like to give the floor to SFOR and Maj. Fix if there is anything.

### **Maj. Fix - SFOR**

No.

## **Questions**

**Q: Zvonimir Jukic (Onasa):** I have a question for OHR regarding the statement of Ambassador Jean Pierre Bercot about the Cantonal Government. Namely, Cantonal Board of HDZ has recently re-elected Miroslav Coric as mandatory of the Cantonal Government. Given the statement of Mr. Bercot about the future members of the Government and given the current desperate situation in the Canton which is the worst since the end of the war will Mr. Coric be acceptable by the OHR?

**A: Avis Benes:** At this point of time the OHR would not like to come forward with assessments of individual names. Surely, some candidates for Ministerial positions will primarily go through the process of verification. But we will be able to say something about it once this process is completed. In a way, this statement of Mr. Bercot about the officials who were members of the previous Government and intend to stay in the forthcoming Government is clear and people on these positions will have to be two times more accountable.

**Q: Mirsad Behram (RTV Mostar):** What is the OHR's reaction to the Sunday's events at the Bijeli Brijeg stadium, what kind of messages were conveyed? When will the issue of this stadium be finally resolved taking into consideration that Mr. Bercot addressed some letters recently, as public is very well informed about?

**A: Avis Benes:** As for the Zrinjski-Velez football game, the OHR fully condemns any vandalism and hooliganism as well as any provocations or insults which were unfortunately displayed at this match. Unfortunately, sport matches are too often being used for display of intolerance. The OHR is of the opinion that all relevant authorities and all those dealing with the sport events should take appropriate measures against those who are doing so.

As for the issue of the stadium and the letter you mentioned, the OHR was in contact with Mr. Margeta, Mayor of Mostar South-West municipality who sent certain answers to the OHR, which we consider as a concrete step. However, the OHR is still expecting the position of the one to whom the letter was addressed, i.e. Miroslav Coric. The answer of Mr. Coric is highly expected and we think he will have that much responsibility to provide a reply on this very important matter as soon as possible. In any case, the OHR position remains clear. Let me reiterate it once again – authority over the Stadium should be transferred to the City of Mostar.

**Q: Pejo Gasparevic (HINA):** I have two question for Mr. Hodzic. Could you tell us whether is the split of the trial between Momcilo Krajisnik and Biljana Plavsic a sort of announcement that the trial against Krajisnik could be held in a package with the trials to Karadzic and Mladic which are highly expected? Second question – some time ago numerous trials against the indictees for war crimes before domestic courts were very ambitiously announced. It seems that over the past year these ambitions have significantly 'melted.' Could you tell us whether Mrs. Carla Del Ponte talked to Mr. Ashdown in London about this and were there any interesting figures?

Refik Hodzic: Thank you for your questions. As for your first question, the decision to split the procedure against Momcilo Krajisnik and Biljana Plavsic is connected to the fact that Mrs. Plavsic pleaded guilty. In this respect, proceedings for Mrs. Plavsic will not be the same as proceedings against Mr. Krajisnik. She will be given a sentence for what she pleaded guilty whilst Mr. Momcilo Krajisnik will be tried as initially planned including presentation of evidence of prosecution, presentation of evidence of defence, in the way the process before the Tribunal is usually held. One has to take into consideration, as it is written in this order, that Momcilo Krajisnik has been in the ICTY's detention since April 2000 and that everyone is entitled to a trial in the quickest possible manner. This trial is now prepared. Let me use the correct term – everyone is entitled to a trial without undue delays. However, when you mentioned a possibility of unification of this case with the case against Karadzic and Mladic – the following is something which is being repeated from the Prosecutor's Office on a daily basis: in order to have an efficient procedure – where testimonies of the same people should not have to be repeated and where the time and resources would be spared – namely for these and many other reasons it would be very important that Karadzic and Mladic are arrested as soon as possible and transferred to the Tribunal for a joint trial. This is what the Prosecutor said on many occasions.

As for your second question I would like to draw your attention to this document which presents our view on a possibility of transfer of certain cases to the domestic courts. In order not to repeat, there are figures included in this document pertaining to both the number of possible cases and timelines that we consider to be the most optimal. However, what needs to be emphasised in this context is that the Tribunal has done its part of job. We have even made some changes to our Manual in order to make this happen. Provision 11 has been amended. However, when it comes to the conditions that must be met in order for this process to be possible, unfortunately the Tribunal cannot significantly influence that. We expressed a sort of option, which is the most acceptable to us – establishment of the Council which would be dealing with the war crimes at the level of BIH Court. As far as this initiative is concerned we have received support of the Security Council. However, what remains to be seen is when, how and will it be possible to do something like that here. Let me briefly emphasise that here we are talking about a specific number of cases which would be transferred from the Tribunal. When it comes to other war crimes cases, which are held on the basis of the Rome Agreement, domestic courts at the levels of Cantonal and County Courts have the right, jurisdiction and obligation to prosecute such cases. It must happen and it is happening nowadays regardless of this initiative on transfer of the cases to the BIH Court. These are two separate issues. These courts do not need to wait for a decision of the War Crimes Council at the BIH Court level but can and should proceed and this is what they are doing.

**Q: Tijana Kajinic (FTV):** At their last week's press conference, representatives of the FBiH Ombudsmen's Office talked about the problems regarding social security situation in Canton 7. Taking into consideration that Canton 7 does not have a law on social welfare, could you tell me what is the OHR's position and will you take any measures with regard to this?

**A: Avis Benes:** The first body that must primarily deal with this issue is, of course, the Cantonal Government and it is their responsibility. But one of the activities that the OHR undertook is for example a letter of the Principle Deputy High Representative, Mr. Donald Hays, addressed to the Prime Ministers of all Cantons in the Federation as well as to the Ministers of Finance of all Cantons. In this letter he gave certain warnings and guidelines which should be particularly taken into consideration when preparing next year's budget. It is known that last year many Cantons encountered the problem of unrealistic budgets, which had a special impact on their capability to function properly and provide services to its citizens – specifically the social welfare services. In order not to get too much into details there is a series of items in the letter which should necessarily be taken into consideration when preparing the budget. It starts with the item that it is expected from the Cantons to resolve all unresolved issues concerning the implementation of property laws throughout the next year; there is also an item saying that the budgets have to be directed towards achieving programme objectives in the sphere of economy and there is an emphasis on a projection of revenues – namely there should be no plans on taking loans or increasing the number of employees, etc. OHR expects the Cantons to adhere to these guidelines. We hope these will help them plan much more realistic budgets for the next year than it has been the case so far. Hopefully that in this way they will be able to fulfil their obligations including the social security services.

**Q: Tina Jelin (Studio 88):** Slobodna Dalmacija published that Mr. Bercot said that Stolac actually looks like a zoo. Could you tell us something about it?

**A: Avis Benes:** Ambassador Bercot attended the session of the Municipal Council Stolac which was held last Friday. As it is known, this was the first session that took place after 6 months of blockage and obstruction. There he addressed the municipal councilors and expressed his disappointment with the situation in Stolac in particular that the Municipal Assembly isn't filling its tasks which goes to the detriment of the municipal administration and the Stolac citizens. Ambassador Bercot considered that it was sad and tragic that the only matters all councilors cared about were just matters of religious and national symbols and monuments, with no concern for real and essential issues such as economy, education and employment. In this sense, where these topics are fully dominating the life in Stolac, it is hard to perceive this town as a completely ordinary and normal place but a place where people come to visit and witness the absurdities. That's it.

**Q: Ilko Barbaric (HRT Zagreb):** Question for Mr. Hodzic – the Appeal Council of the ICTY has not yet taken a decision on renewal of Mr. Blaskic's case. What are the prospects for renewal of this process taking into consideration new arguments that the defence presented which are by some perceived as more relevant than the ones presented during the trial?

**A: Refik Hodzic:** First of all, let me tell you that the Appeal Council has not yet made any decision on this matter. What happened last time was a discussion on the appeal where the Appeal Council called upon sides to

present their arguments pro and con renewal of this process, i.e. on introduction or non-introduction of the new evidence. What happened was exactly that – the defence has substantiated its position – that the new evidence presented during the appeal process should be taken into consideration whilst the prosecution claimed that some of these documents are not actually valid enough in order to influence the appeal process. Of course, we cannot prejudice what the decision might be but options that are at the disposal of the Appeal Council are pretty much open. It can include transfer of this case again to the Hearing Council for a new trial, or transfer of this case to the Hearing Council for a new decision on certain points, the Appeal Council can make a decision on acquittal regarding certain points or all points of the bill of indictment, or reject the appeal on any grounds. This decision should be expected in a foreseeable period of time and it will in the end show what is the value of the new evidence that the defence submitted during the appeal process.