Interview with High Representative Valentin Inzko

By: Darko Momic

High Representative in BiH, Valentin Inzko, claims that in the case of Dobrovoljačka justice is yet to be served. He emphasises that those who have committed crimes will face justice but he also asserts that neither the International Criminal Tribunal in The Hague, nor the courts in London and in Vienna, find sufficient evidence about criminal guilt of the individuals mentioned in Dobrovoljaccka case.

In his interview to Press RS Inzko reminds that the BiH Prosecutor's Office has confirmed that the case is not closed and that the perpetrators of crimes are still been looked for.

– The Prosecutor's Office confirms that the case is not closed and they are still looking for the perpetrators of crimes. Truth has to be established and justice has to be done since relatives of the victims have the right to learn about what happened to their loved ones- Inzko states in his written answer to Press RS.

Not many people in RS would agree with such perception of the situation. Anyway, the request to dismantle the BiH Court and the BiH Prosecutor's Office did not come by chance …

– The BiH Court and the BiH Prosecutor's Office are key institutions to ensure full implementation of rule of law in BiH. The request of RS representatives to revoke the Law on the BiH Court and the BiH Prosecutor's Office is alarming since the goal of the request is not to offer assistance to these institutions but to dismantle them. I fully support the work of the BiH Court and the BiH Prosecutor's Office and that of international judges and prosecutors. There is political

pressure against those institutions only because these are state institutions and this does not help victims and their families across BiH, not even a bit. Judiciary has to be independent and must enjoy support in order to carry out its job. If state judicial institutions are exposed to such political attacks I wonder how Entity judicial institutions would fare in the event that political structures are unsatisfied with a verdict since current attacks suggest that judicial institutions cannot pass decisions which politicians do not like.

After foreign prosecutor in the BiH Prosecutor's Office Jude Roman passed a decision to suspend investigation against high-ranking RBiH officials regarding the crime in Dobrovoljačka St., you gave your support to the BiH Court and BiH Prosecutor's Office?! Why?

– One should take into account that over 50% of all war crimes related cases are being dealt with by the entity Courts and that the majority of those cases have not seen progress in years, so it is clear that were it not for the State judiciary many war crimes cases would never come to trial at all. The Entity judiciaries are capable, but the state judiciary has had special training, and has special equipment and methods to be able to take special care of witnesses and victims. It is in the interest of the victims that one gives support to the Court and the Prosecutor's Office, but, instead, some unscrupulous politicians are using a single prosecutor's decision to further their political aims.

Do you consider that the decision was just?

In the case of Dobrovoljačka justice is yet to be served.

Is an audio recording of Zaim Backović saying "Fire, it is an order of the Supreme Command" a sufficient evidence to investigate him?

I am not the war crimes prosecutor. This is a question for

them, not the High Representative.

Another example! Former commander of the 5th Corps of BiH Army, Atif Dudaković, ordered to fire and kill in front of cameras and yet investigation against him is still not coming to an end?! Is it a justified reason for dissatisfaction with the work of the BiH Court and the BiH Prosecutor's Office in RS?

– As far as I know the investigation of Prosecutor's Office into to the operations in the Bihać area in 1995 is ongoing and they are also working on 'Silos', 'Veliki Park', 'Viktor Bubanj' and the treatment of JNA soldiers captured on May 3 1992. I share the frustration and feelings of people who have lost their loved ones over the fact that the perpetrators are still walking free and they have every right to request justice. But undermining the Court and the Prosecutor's Office will not help expedite these cases.

Are requests to redefine the role of the BiH Court and the BiH Prosecutor's Office justified?

– The BiH Constitutional Court has already ruled on two occasions that BiH – through the Court – has an obligation to implement its constitutional responsibilities in this area, so I do not believe there is scope to change the constitutional role of the Court and Prosecutor's Office. The current parliamentary initiative is not an attempt to improve the state judiciary, but to abolish it.

Is it correct that prosecutors in the BiH Prosecutor's Office may take cases from the Entity Prosecutor's Office based on their own will and free assessment?

– This question is regulated, as it is in other democracies, by the laws which prescribe who has what jurisdiction and how it is carried out. These laws were not passed by the judiciary itself, but by your political representatives. Prosecutors have an obligation to do their job conscientiously and

professionally and if someone thinks that they are not doing their job properly, then there are institutional ways to address this that do not undermine the institutions of justice themselves.

Media must report professionally

All High Representatives in BiH presented their statements most regularly on the pages of Dnevni avaz! How do you comment that this paper published names of former members of RS Army stating that it was the matter of war crimes even though Cantonal Prosecutor's Office in Bihać confirmed that there was no investigation against any of these people?

– While the OHR is a firm advocate of the freedom and independence of media it also underlines the media's obligation to report responsibly, objectively, and professionally. On a personal level I try to ensure that I am as accessible as possible to media and I am careful to ensure that this is balanced and non preferential.