

Interview with HR/EUSR Valentin Inzko “Dodik Cannot Arrest People”



[Dodik says that you're the HR in Sarajevo only]

What Dodik says is his personal opinion. Dayton and the UN Security Council say differently.

[Dodik says he will ask the RS Police to plan to arrest a number of individuals including Divjak or Ganic the moment they step foot in the RS]

The RS President's reference to RS police arresting Divjak or Ganic clearly crosses the line of improper political interference with operational policing.

Clearly I would expect that any action taken by the RS Police to be in line with the law.

But besides the operational policing issue there are very serious rule of law and constitutional order issues:

First, any arrest ordered by the RS President, or any president for that matter would be illegal.

Second, war crimes fall under state level criminal jurisdiction; entity judicial bodies may indeed process them

but only after an assessment and transfer from the state level judicial bodies.

Third, as for international warrants and extradition, international and inter-Entity criminal law enforcement is a State level competence. This is governed by an explicit constitutional provision. This means that State level, not Entity level authorities decide on extradition.

I speak for the broader international community when I say that the rule of law must be upheld in every part of this country, and that all politicians and officials at all levels are required to abide by the laws of BiH.

[You have been criticized by RS officials for your engagement in the Divjak case]

Yes, and I'm flattered that people could think that the Austrian media will be influenced by me, and slightly concerned that people would think that the Austrian judiciary would be influenced by me.

The fact is that Jovan Divjak is a well known person. Austrian journalists knew him before I did. Hoping that his detention would pass unnoticed by the public is foolish to say the least. Secondly, the Austrian Courts will look at this issue from the perspective of the applicable laws – nothing else.

But let me say this; I understand that Serbs want to see the Dobrovoljacka case brought to light. So do I. But when it is it will be the result of the work of the BH Prosecutor and it will happen in the BH Court. Frankly those who attack the BH judiciary are making it harder, not easier for this to happen.

[OHR is leading talks between FBiH parties on Government formation. How are the talks going]

Yes, the International Community has now to be focused on Government formation. Without this the country cannot move forward. It's too early to say right now whether there will be progress. We have a short time, a matter of days, but what is clear is that it will be the party's success or failure.

[But again we have this debalance in the FBiH posts – there are not enough Serbs after a Bosniak was appointed as Speaker of the HoR, Jaganjac is the president of the Supreme Court. Again we have the same situation we had a year ago when you threatened the removal of Sakib Softic to correct this]

Formation of authorities is ongoing and the clause on equal representation of constituent peoples in the six key positions will need to be borne in mind in this process