Interview with the PDHR, Raffi Gregorian

1. **Mr. Gregorian, how do you explain the fact that only Bosniak ministers in the BiH Council of Ministers voted against the decision not to extend the mandates of international judges and prosecutors? BiH Minister of Human Rights and Refugees Safet Halilović claims that the decision was passed by outvoting ministers from the ranks of the Bosniak people. It turns out that even crime has ethnic colours here!?**

The Council of Ministers approved amendments that are far short of the extension that was requested nearly two years ago by the BiH Court President, the BiH Chief Prosecutor, and the HJPC President. The Ministers clearly waited until the last possible moment to act, no doubt in the hope that international judges and prosecutors whose contracts expire before the end of the year would leave, resulting in a *de facto* reduction before the end of the year, when by law the mandates for international members end. It can't be that the Ministers believe that they know better what the State Court and Prosecutor needs than the leaders of those institutions do. So it's obvious that the truncated amendments were the result of a shared political agenda by certain parties which fear the extension of international judges and prosecutors working on terrorism, organized crime, and corruption cases. It is a self-evident case of political interference in law enforcement and judicial affairs.

The CoM decision will only hurt the interests of BiH citizens because fighting corruption has been among the top two important issues for voters for more than a decade. It will

also have an effect on BiH's EU aspirations, as the EU has strict requirements in the fight against crime and corruption. How can the CoM explain why it chose to ignore the recommendation of the EU's High Representative, Javier Solana, who – in his letter to the CoM Chair Spiric – underlined that the European Union and the international community as a whole were looking to the State institutions to support the views of the BiH judicial institutions? The Council of Ministers also disregarded the Peace Implementation Council Steering Board, which urged the CoM to extend the mandates of international judges and prosecutors. So whose recommendation did they take?

The CoM has failed for two years to make any provision in the 2008 or 2009 budgets for the foreign judges and prosecutors to be replaced by qualified domestic candidates. They made no plans how they would deal with the backlog of cases and they made no plans how to strengthen this area instead of weakening it.

In addition, the public must know that the explanation offered by the CoM that the cost of translation for people working on terrorism, organized crime and corruption cases was too high is nothing but a mere contrivance and smokescreen to explain their selfish actions: translation costs are covered by the international community.

2. **You stated that without international judges and prosecutors, the local ones might have been killed, because some threats to local judges were confirmed and, as you said, such threats were made by people who are under investigations and processes. Why the public wasn't informed about this earlier, but only now, and why do we now get only partial information, why can't we know what judges received threats and who is threatening them?**

You as a journalist know that such information about

individual cases must be treated confidentially. We are talking about personal security. Irresponsible handling of sensitive information can lead to serious consequences and no one has a right to play games with people's lives. Suffice to say that there have been numerous instances where people under investigation have told national officials that if the international colleague was not working with them, they would not cooperate and would cause harm to the national official. Responsible institutions have this information and they have to proceed, in accordance with the law.

3. **There is a realistic fear of pressures against local judges and judiciary in general. However, it is disappointing that in the past few years, during the mandates of international judges and prosecutors, almost all important cases they processed before the Court of BiH failed. How would you comment this disappointing trend?**

This is simply not true. It is however interesting that only the high-profile political cases succeeded in the first instance, but on several occasions the conviction was over-turned on appeal based on procedural technicalities, not on substance. Successful prosecutions have been achieved in very complex, but less publicised cases, with nearly 15 million BAM in ill-gotten gains already having been recovered on behalf of the state. Considering how young the state judiciary is, this is a fairly impressive result to date.

4. What will now happen with cases that were managed by international representatives, as they will not be finalised by the end of their mandates? Do you know how many such cases they have and in what phase are they now?

For the statistics and the number of cases, you would have to speak with the BiH Court and BiH Prosecutor's Office. It is inevitable that there will be a backlog of pending cases, as the Council of Ministers failed last year to provide the

necessary resources to train, screen, and hire national staff to replace departing international officials, who are paid by international donors. This in turn could harm individuals' rights such as those related to due process and a speedy trial.

5. You criticised the local authorities for doing nothing to replace foreign judges and prosecutors, emphasising that the capacity of BiH Court and Prosecutor's Office would be significantly reduced if they left at the end of the year. How could have the local authorities replaced international presence in judiciary at all, if the locals are not good just because they are locals, and foreigners are good because they are foreigners, and thus untouchable for the criminals. What could have the authorities done, then?

No one ever said that locals are not good just because they are locals or that the international are good just because they are internationals. As I said, the Council of Ministers failed last year to provide the necessary resources to train, screen and hire national staff to replace departing international officials. The types of judges and prosecutors needed to deal with complex terrorism, organized crime, corruption and war crimes cases take years to develop. You can't just add water to something and grow one overnight. The authorities have known for years that they had to work on this, but they did not, even though it means bottleneck for processing existing and future cases. Why would they do that unless they want the courts to be ineffective?

6. Dževad Galijašević, member of Southeast Europe Expert Team for the fight against terrorism and organised crime stated the other day that you are disrupting the domestic judicial system with uneducated prosecutors, who are just petty intelligence officers. What is your comment to these accusations?

Isn't he the guy that just had that surreal press conference

about the 9/11 attacks in the US? Is he for real? I see no need to respond to nonsense claims of self-styled faux experts that appear in the media.

7. BiH is still the lowest-ranking country of the Western Balkans in the latest Corruption Perception Index. Because of these results, you recently said that our country has a lot more work to do on eradicating corruption. What has the OHR Anti-Corruption Team done so far, and what does it do specifically?

Ever since the High Representative established the analytical unit, we have announced that, due to the nature of their job, we would not go public with details about its work. What I can say is that the mere fact of its information-gathering, validation, and analysis activities has had a positive psychological effect on those local bodies fighting corruption.

As for the corruption in BiH, I am aware that the Transparency International announced some days ago that corruption is a bigger problem in BiH then in any other country in the region. What BiH must do is to at least to catch up with other countries in the region and adopt anti- corruption measures, including those measures required for visa liberalization. This is a serious issue and the country simply must, if it wants to advance in Euro Atlantic integration, find the way to deal with it. Unfortunately, the decision not to extend mandates to international judges and prosecutors will not contribute to that, and that is yet another reason why the Council of Ministers decision is contrary to the interests of the people.

8. Many people criticise you for interfering with processes during removals of BiH officials, especially those in the security sector? Is that a part of your job?

My portfolio as Principal Deputy High Representative includes

the rule of law and ICTY issues. OHR is here to implement and enforce the Dayton Peace Accords. If I find someone is working against Dayton, especially in rule of law and war crimes issues, I will make this clear to the responsible authorities and I expect them to act.

9. After the decision of the BiH Council of Ministers and your comments occasioned by it, Milorad Dodik stated that you are history. He is rushing a little, but the public is already used to harsh rhetoric between the two of you. Usually you don't just take it silently, but you respond, so I am interested what do you think about functionality and purpose of this correspondence?

First of all, I am the Principal Deputy High Representative and will remain until the job is done. There is no comparison between the type of statements and inappropriate language used by Mr. Dodik and what I say and do. I do not engage in negative rhetoric, but I do describe things in clear terms and on the basis of facts.

Prime Minister Dodik's comments are often full of malicious and deliberate factual mistakes. For example, he claims I make 25,000 euros a month, even though he knows I am a seconded US Government employee who is paid a standard US Government wage on which I pay full US taxes and earn less in Bosnia than I do in the US. So why does he tell such lies? Is it to divert attention from stories about how he has 500 million in assets and income that he can't explain?

10. How do you estimate the comment by Ollie Rehn that BiH will never get into EU with a quasi-protectorate? If OHR's engagement is the quasi-protectorate, then you are the quasi-deputy. How do you like this title, and what do you think about such estimates, which suggest that the role of OHR is unclear to one part of the international community?

Let's not play with words. It is clear what the EU

Commissioner wanted to say. Of course that BiH cannot join the EU with OHR, there is no doubt about that. The EU has made clear that it considers completion of the 5+2 as part of its conditions for moving to the next stage of EU accession, just as there were prerequisites for even being allowed to start SAA negotiations. It is absolutely clear what the OHR role is with regard to implementation and enforcement of the Dayton Peace Accords and what BiH authorities need to do so that the OHR can complete its mission.

11. Can BiH be ready for OHR closure, i.e. restructuring into Office of the EU Special Representative, by fall?

This you should ask BiH politicians. We are ready to do what is necessary, it is up to the BiH leaders to do their job and fulfil goals and objectives set by the Peace Implementation Council. We shall see what progress they can achieve in the coming months.

12. Will OHR intervene stronger in Mostar if the parties there do not agree on the city budget and the mayor soon? Will the irresponsible parties be sanctioned?

I do hope that political parties in Mostar have understood the message sent to them by the High Representative, Valentin Inzko. Let’s wait and see if their going to finally wake up and do the job they have been elected for.