

# Transcript of the Press Conference in Mostar

	Spokesperson	Topic
OHR	Avis Benes	<ul style="list-style-type: none"><li>• Clarification of the HR's decision to suspend three judges</li><li>• Correction of Vecernji List article</li></ul>
OSCE	Henning Philipp	<ul style="list-style-type: none"><li>• HoM in Banja Luka</li><li>• Conclusions of MIFI conference</li><li>• Election Commission's reminder</li><li>• Reminder of Public Tribune in Stolac</li></ul>
SFOR	Maj. De Lambert	<ul style="list-style-type: none"><li>• No special statement</li></ul>

## Avis Benes – OHR

The first item regards clarification of yesterday's decision of the High Representative Paddy Ashdown on suspension of the three judges. Yesterday you received a related press release and copies are also available here. Taking into consideration that two out of the three judges in question are coming from our area of responsibility, namely the Presidents of Municipal Courts in Siroki Brijeg and Capljina, I shall provide you with an explanation as to why concretely they have been suspended.

As for Mr. Marinko Katic, the President of the Capljina Municipal Court, the explanation is the following. He has allegedly violated the property laws and thereby impeded the

implementation of Annex 7 to the Dayton Agreement. Allegedly, as a founding member of the King Tomislav Foundation, founded on 31 October 1997, he has been involved in various illegal activities relating to defrauding of public funds and illegal allocations of socially-owned land. These allegations are currently the subject of investigation by the Herzegovina-Neretva Cantonal Prosecutor's Office. It is further alleged that he, in his capacity as President of Capljina Municipal Court, has violated procedural and substantive regulations in deciding cases before him, in particular in relation to transfers of interests over socially-owned property. Let me repeat once again, as the press release reads, that it is expected that these suspensions will be in force until the High Judicial and Prosecutorial Councils, which is to begin functioning in September, review these cases, in order to determine whatever further action may be necessary.

Let me give you explanation for the suspension of Mr. Ivan Brekalo, President of the Municipal Court in Siroki Brijeg. The reason why I emphasize this is the fact that explanations are not provided in the press release. Ivan Brekalo has allegedly showed complete lack of respect of the law, breaching the existing legal rules and regulations on several occasions. He has knowingly and in violation of applicable law, failed to forward cases to the Federation Supreme Court – he has thereby undermined the proper legal functioning of the Federation of Bosnia and Herzegovina and has also willfully deprived litigants before the courts in West Herzegovina Canton of their legal remedies. Allegedly in a number of civil cases initiated at the Siroki Brijeg Municipal Court, Ivan Brekalo has knowingly violated the applicable procedural and substantive laws, thereby depriving litigants of their rights under such laws. Specific examples include the improper re-opening of proceedings after a final decision has been taken in them, and the unjustified delay of proceedings. Along with that, he was allegedly a member of the HDZ until 26 February 1999, despite membership of a political party having been

prohibited by Cantonal law for members of the judiciary since 1996. And finally, Ivan Brekalo has allegedly deliberately obstructed regular and authorised inspections of the work of Siroki Brijeg Municipal Court by West Herzegovina Cantonal Court.

You have probably noticed the expression “allegedly” that has been repeated several times. As I have said, the High Judicial and Prosecutorial Councils will take a final decision on this issue. Taking into consideration that there is no means of taking action to protect the public’s confidence in the judicial system the High Representative decided act to protect the integrity of legal proceedings in cases where serious and credible allegations are made.

Second item, which is also available in a written form, is the reaction of our Office to the article of Vecernji List about the construction of the Jewish Synagogue in Mostar.

The OHR (South) would like to correct some claims from the rather unprofessional article by Zoran Kresic on the construction of the Jewish Synagogue in Mostar, published in Vecernji list on 13 July, 2002. Apart from the very tendentious, misleading and utterly arbitrary title, “The OHR requests money for the Synagogue from the Jews”, the entire article ungroundedly depicts the OHR role in the case. To clarify things again, according to the High Representative’s Decision on Allocation of Socially-owned Land, there is a legal requirement to pay a certain amount of money by a beneficiary to the municipality for the land for which a waiver has been given. This is a legal requirement in any land allocation, without an exception. Determination of that amount has nothing to do with OHR. OHR also would like to add that it was confirmed that the Jewish Community of Mostar’s request for Land Allocation Waiver could not have been timely processed due to some missing documentation that was only recently submitted. The fact that the former High Representative, Mr. Wolfgang Petritsch, personally attended

the ceremony of laying the foundation stone for the Synagogue speaks for itself. Another token of the OHR's support to the project is that Mr. Petritsch was prepared to personally solicit funding for the Synagogue project on receipt of a plan and cost estimation. Regrettably, the OHR waited for more than half year now, but unfortunately, Mr. Mandelbaum did not deliver this data. Putting blame on OHR for non-completion of this project is an uncorrect attitude on the part of Mr. Mandelbaum who did not fairly represent all the facts, together with a journalist who omitted some crucial information that were given to him. Hopefully a constructive approach will be taken and this project will come to its realization. OHR fully supports the construction of a Synagogue in Mostar which was expressed on more than one occasion to the official representatives of the Jewish Community in Mostar.

### **Henning Philipp – OSCE**

The OSCE Head of Mission, Ambassador Robert Beecroft, concludes his series of meetings with officials from the RS in Banja Luka today. Among others he met with RS President Sarovic and representatives of the Ministry of Education. The talks centered on education reform which OSCE has now taken up a coordinating role in. After yesterday's meetings Beecroft said: "The main goal of the education reform in BiH is to ensure that none of the textbooks include the language of hatred and that no one be ignored just because she/he belongs to a different constituent or minority people. It is ironic that the situation with the textbooks is today worse than in 1991."

Second item, more than 70 senior municipal officials from 46 local governments across both entities convened on mount Bjelasnica near Sarajevo last weekend under the auspices of the OSCE Mission to BiH for a conference titled "Establishing foundations for municipal growth". Among them were from our wider region here councillors from Capljina, Prozor-Rama,

Gacko, Konjic, Stolac, Jablanica and Trebinje. The participants agreed that stronger co-operation between municipalities is crucial for effective local governance. They concluded that economic development could be enhanced through long-term strategies, reduced administration costs to free up funds for capital investments, and by improving the quality of services available to businesses. Municipalities and tax administration agencies also need to establish stronger and more regular communication in order to increase tax collection and curb the thriving grey economy. In addition, recommendations for improving access and quality of municipal services included establishing central information desks in municipal halls and improving relations with media. It is expected that this exchange of experiences, ideas and approaches to municipal capacity-building will foster stronger inter-municipal co-operation in the future. Effective local governance lies at the core of democracy and sustainable growth. A related press release is available down here next to the desk.

Another note, on Saturday, 13 July 02, BiH Election Commission published the preliminary unconfirmed list of candidates in several newspapers for public scrutiny. The list is also posted on the EC web-site (izbori.ba). Tomorrow, 18 July, is the deadline to submit information on the candidates to the EC. Info needs to be submitted in written form to the EC to the following address: Mula Mustafe Baseskije 9 in Sarajevo or by fax: 033 251 310. The EC BiH will certify the candidates list by 22 July 02.

And finally a reminder of the roundtable on "influence of religion on politics". This OSCE facilitated event will take place at the Villa Ragusa in Stolac tonight at 7 o'clock. All media are invited to attend.

## Questions

**Q:** **Pejo Gasparevic (HINA/BBC):** I have a question for

Mr. Henning. It seems that the destiny of candidacy of Fikret Abdic for the forthcoming elections is the most contentious one. His role before the war, during and after the war is extremely complex for this region. Even though OSCE is not involved in the organization of the forthcoming elections could you tell us what is the position of the OSCE Mission on his candidacy? Do you support his candidacy or not?

**A: Henning Philipp:** Since OSCE is really not involved I would not like to step into the area of the Election Commission. It is absolutely the decision of the Election Commission and I would not like to comment.

**Q: Mirsad Behram (RTV Mostar):** As you saw yesterday, the Parliament rejected the Government's budget proposal. Taking into consideration that this was not the first time the Parliament refused something that the Government proposed, I have two questions. Namely, what is the position of the OHR on the newly created situation? Secondly, don't you think that this Government should finally be removed or should resign since that for the second time the representatives of the people, i.e. the Parliament did not have confidence in the Government?

**A: Avis Benes:** As for your second question, I think that the OHR's removal is not necessarily the only way to resolve the situation. Procedures for removal of the Government, i.e. vote on non-confidence to the Government, exists within the system as well. This is one of the mechanisms. I am not saying that this is our proposal, it is just a possibility.

As for the current situation, I have to say that the OHR is disappointed with yesterday's Assembly session in a sense that we have expected that the Assembly would discuss concrete amendments to the submitted budget proposal. Those who attended yesterday's session can remember that only a single amendment was submitted. All the rest were just remarks and

suggestions not put in the form of an amendment, i.e. lacking the possibility of being discussed and adopted. OHR is very concerned that in the month of July the budget for this year is still not adopted. Unfortunately, by this prolongation throughout all these months all payments had to be conducted according to the provisions from the last year's budget. Presently, things are additionally complicated by the fact that this development of situation has created a vacuum in terms of future payments. In general the OHR is of the opinion that this situation demands an urgent action on the part of the Government which is to submit a revised budget proposal as well as a fully constructive approach by the members of the Assembly. For example, in such a position when the functioning of the Canton is in question it would be irresponsible to even think about the holiday season until this crisis is solved. OHR indeed hopes that a revised budget proposal will be presented to the Assembly in the shortest time possible.

**A: Henning Philipp:** Let me just add something. The OSCE is as disappointed and concerned with the fact that the joint budget was not adopted as the OHR. It can not be accepted that by July the budget has not yet been passed. The OSCE strongly urges all relevant authorities to finally agree on the budget and to pass it as soon as possible.

**Q: Tina Jelin (Studio 88):** The main objection of the Bosniak caucus in the Assembly and the reason for which the budget was not adopted is their opinion that the budget is discriminatory for the Bosniak side. For instance, the basis for salaries for Bosniak budget beneficiaries is 120 KM whereas it is 140 KM for the Croats. As for the budget for education, out of 17 million KM, 5 million is for conditionally speaking Bosniak schools and 12 for Croat schools. OSCE has referred to it as a 'joint budget.' What I would like to know is whether OHR thinks that this was really a joint budget? What is the position of the OHR and OSCE on this proposal? Was the budget proposal really so good that it

could have been adopted? If one is to judge by what was said yesterday, the Bosniak representatives will firmly remain with their position that the budget as such will not be adopted.

**A:           Avis Benes:** I do not want you to misunderstand me. When I expressed disappointment of the OHR with yesterday's session I said – in a sense that we have expected that the Assembly would discuss concrete amendments to the submitted budget proposal. Over the past months we have all been witnesses of how great dissatisfaction is. We are not disappointed with the fact that this very budget proposal was not adopted. There must be a clear distinction. However, OHR is not organization that will define each budget provision individually. We have said earlier that in our opinion the aim is – joint budget, fair distribution of revenues and the transparency of the whole process. In the end of the day, elected officials are to decide which form of the budget is going to be adopted. We are now facing the situation in which payments of all kinds are becoming questionable and all previous payments were made according to the previous budget. We would like to see that the meaning of urgency becomes clearer to the politicians who are to decide about it.

**A:           Henning Phillip:** The OSCE and the OHR are certainly not responsible for hammering out details of the budget. This is fully up to the elected representatives of the citizens. It is their responsibility to find a solution and they have to live up to this responsibility.

**Q:           Miso Relota (Dnevni List):** I have a question for Mr. De Lambert. I would like you to explain to me the reason for increased SFOR patrolling over the last couple of days in Sarajevo, Bihac, Central Bosnia. Was it because of the arrest of Kadric in Mostar, because of the Presidents' Summit in Sarajevo, or because of something else?

**A:           Maj. De Lambert:** As far as I know, there is no connection between those two facts – enforcement of patrols



and arrest of Mr. Kadric. You know that SF0R is also tasked to provide security and safety by all means and checkpoints and reinforcement of patrols are those means. The efficiency of these operations, they are not always the same and you can move hours and longer of those patrols also.