

# OHR's Statement at the International Agencies' Joint Press Conference



## OHR Response to RS Government Conclusions on Srebrenica Centre

Reactions to the High Representative's Decision enacting a new *Law on the Centre for the Srebrenica-Potocari Memorial and Cemetery* have misrepresented the action that the High Representative took yesterday.

The High Representative's Decision on the Srebrenica Centre was not about special status or constitutional change but about addressing the concerns of the families of Srebrenica victims about the future, long-term, status of the Memorial. The High Representative decided this issue could not be left open beyond the end of his mandate.

The Peace Implementation Council Steering Board has taken a clear line on the issue of an unlawful district declaration on the territory of the Srebrenica municipality. Just last week the PIC Steering Board said that: "Bosnia and Herzegovina has, pursuant to the Dayton Peace Agreement, agreed to respect fully and promote the fulfilment of the commitments made under the Constitution of Bosnia and Herzegovina as set forth in Annex 4... Bosnia and Herzegovina remains obliged to abide by these commitments that are in no way affected by the judgment rendered by the International Court of Justice on 26 February."

To put it another way: the only way to change Srebrenica's status is through the mechanisms prescribed by the Dayton Peace Agreement and the ICJ verdict does not, legally, have an effect on the status of the municipality.

The High Representative's Decision creating a Centre for the Srebrenica-Potocari Memorial and Cemetery upholds this view and is fully in line with Annex 4 of the DPA, BiH's Constitution.

The fact that the State will manage the Memorial Centre creates no extraterritoriality; Srebrenica and the Memorial Centre remain in Republika Srpska and, in that way, in Bosnia and Herzegovina. While SIPA is now responsible for the security of the Centre – as it is for numerous other buildings in Republika Srpska, including the ITA headquarters and Council of Ministers Offices located in Banja Luka – RS law and competencies, judicial and otherwise, continue to apply.

The BiH House of Representatives debated the *Law on the Centre for the Srebrenica-Potocari Memorial and Cemetery* on 13 June. While no representative voted against the draft, there was not the required entity majority for it to move forward.

This was no great surprise. At every step of creating the memorial site in Potocari successive High Representatives have had to use their powers granted under Annex 10 of the DPA as the parties failed to agree and progress – vital for the victims' families – stalled.

Announcing his decision yesterday, the High Representative said: "The Memorial Centre is one of the core elements in this country's effort to come to terms with – and to ameliorate the deep sorrow that continues to be caused by – the genocide that was committed at Srebrenica. The secure and properly managed future of this Centre matters to every decent citizen of Bosnia and Herzegovina, from whichever community he or she may come."