Statement by the High Representative, Paddy Ashdown at today's Press Conference

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Thanks for coming.

This is the press conference I had hoped I wouldn't have to call.

Because we are here today, as we were after the Istanbul Summit in June, to take stock of the fact that, yet again, NATO has given this country a 'NO' to PFP membership because of its continued lack of co-operation with The Hague.

I say I had hoped not to be here because, despite wasting three months with holidays and elections I do believe that, in recent days, in some senior quarters, there is some evidence of a change of attitude – that some in the RS are beginning at last to give this issue the serious attention it deserves and requires. Better late than never.

Since Istanbul in June, there have been some positive developments.

The publication of the Srebrenica report – and the apology from the RS authorities that followed – has started to change public attitudes in the Republika Srpska.

We have also seen the recent arrest of eight people indicted for war crimes within BiH under the ICTY's Rules of the Road procedures. These arrests, and transfer to the jurisdiction of the Sarajevo Cantonal Court , were not easy for the RS

authorities to conduct, or for some people in the RS to accept. It's a small step – but it is a step in the right direction. And they deserve credit for getting it done.

We have also seen greater activity on the part of the RS authorities with regard to locating and arresting those indicted by The Hague . That too is welcome and I have taken this into account in deciding on the measures I announce today.

But none of this has so far altered the fact that the RS has, for nine full years, failed to arrest a single person indicted for war crimes by the ICTY. There is speculation that this may soon change: well, we shall see. Let us hope so. But until now, that is the situation.

That is the cold, hard fact that stands between this country and its European future. The stark irrefutable fact, which puts the RS – as the US Government points out – in fundamental breach of Dayton , to which once again, I have no option but to respond.

In addition, Carla Del Ponte, the Steering Board of the Peace Implementation Council, and NATO have all highlighted the individual obstruction and the systemic weaknesses in the RS law enforcement and security structures.

I have no option, in the face of this, but to act.

Especially since with each passing week, ever more disturbing examples of individual obstruction and systemic problems have come to light.

Two weeks ago, it was revealed that Ratko Mladic's personnel file indicated that he was a member of the VRS until as recently as 2002 when he was discharged by order of then RS President, Mirko Sarovic. For nine years, the RS authorities have claimed they were hunting for Mladic. Yet for seven of those nine years, they were actually employing him.

Then it was revealed from reliable sources that the VRS were, as recently as this summer, actually harbouring and protecting Mladic, in an isolated military shelter near Han Pijesak. While the authorities in Banja Luka were telling anyone who would listen of their efforts to apprehend war criminals, members of their own army sat in their own military base, celebrating VRS day with Ratko Mladic.

Then there was the case of Gojko Jankovic, an ICTY indictee that the RS Police attempted to arrest in Foca on Saturday October 30th this year. Or so we thought. It has subsequently come to light that Jankovic was tipped off by senior members of the RS MUP. Which is why he felt sufficiently relaxed to appear in Foca both the day before the raid, and again, the day after the raid, when he attended a public funeral with his wife and son.

Each of these represents, in and of themselves, shocking examples of the RS's institutional complicity in the evasion from justice of ICTY fugitives.

There may be a new attitude in some quarters in the RS – but it is being impeded by individual obstruction and systemic weaknesses elsewhere.

You see, Karadzic, the other Hague indictees, and all those in the RS who have helped them evade justice over the last nine years, have calculated that the more time goes by, the less pressure they will be under. I have read letters from Mr Karadzic to his associates, which say exactly that.

Well we are here today to underline, as we did in June, the degree to which they have miscalculated.

The longer the RS does not cooperate with The Hague , the longer the citizens of BiH will have to wait before they can enjoy the prosperity and security that joining the European Union and NATO will bring them.

The longer the RS authorities don't co-operate with The Hague , the more they will place in jeopardy not only their own careers, but also the assets and competencies of the RS itself.

So what I am announcing today is not an event, but a process. You should judge that process in its entirety – not just on the basis of the measures which I will set out in a moment, but on what happens in the coming weeks.

This is a process that is designed to address the systemic weaknesses of the RS' security institutions. It will run through the next four months.

I will recommend to NATO that they should look again at this issue in April.

If by then BiH fails for a third time, I will recommend a policy of 'three strikes and you're out' – in other words, I will recommend to NATO that they should **not** consider BiH again until all conditions relating to co-operation with ICTY are fulfilled.

But if that happens – if the RS, and because of it, BiH fails a third time – then I need to make it very clear that I will not hesitate to take measures that deal, directly and powerfully, with the assets and institutions of the RS. And I can tell you now, no options are currently ruled out, if it comes to this.

As for today, the steps I announce are designed to give those who seem to be getting more serious about catching war criminals, the time, the means and the space to succeed; in part by clearing away obstructionist elements who are working against them, and in part by addressing the systemic problems with which they are currently dealing.

So here are the measures. They are divided into two categories and there are nine in all. The first group is targeted at

individuals and the second at systemic weaknesses in the RS.

1. In the first category there will be a number of removals from office targeted at those who I have good reason to believe have helped war criminals and their networks, or have failed in their duties to take active steps to catch war criminals.

They are:

1. ***Milorad Maric*** *Chief of Zvornik Public Security Centre*
2. ***Milomir Malis*** *Commander of Foca Public Security Centre*
3. ***Zoran Ostojic*** *Deputy Commander Foca Public Security Centre*
4. ***Predrag Jovicic*** *Officer in Pale Public Security Centre*
5. ***Mrksa Skocajic*** *Chief of Trebinje Public Security Centre*
6. ***Petko Pavlovic****Commander of the Zvornik Field Office of the State Border Service*
7. ***Nade Radovic*** *President of the Foca Board of the SDS, member of the main board of the SDS and delegate in the BiH House of Peoples*
8. ***Milorad Bilbija****Deputy Head OSA in Banja Luka*
9. ***Cedomir Popovic*** *Head of the Dept of Veterans-Invalids Care in Bileca, of the Ministry of Labour and Veterans of the Republika Srpska*

2. I have also, on the same grounds, taken steps to block individual bank accounts of the following persons:

Miroslav Bralo

Ljubisa Beara

Vlastimir Djordjevic

Sreten Lukic

Vladimir Lazarevic

Goran Hadzic

3. I will also be requiring Prime Minister Mikerevic to set up a group, under the supervision of the EU Police Mission, to analyse the documentation produced by the Srebrenica Commission, and to identify all officials, with emphasis on those still in the employment of the RS authorities, whose names appear in these confidential annexes. I expect the work to be completed, and a report delivered both to the State Prosecutor and to me, by the end of February. I will then determine what action should be taken to protect the integrity of the RS and BiH institutions. My letter to Prime Minister Mikerevic will be available following this press conference.

These measures are all designed to remove from the RS institutions – and especially from the RS security structures – those who bear individual responsibility for the RS' non co-operation with the ICTY.

The second category of measures tackles systemic weaknesses in the RS.

If the first measures are about crime and punishment, the remaining measures are about problem and solution. The solutions, in most cases, are already envisaged for the coming years, are necessary – let me stress – in and of themselves, and are required in any event if BiH is to join the European Union and NATO.

The first relates to the systemic problems in the VRS.

I mentioned Han Pijesak earlier. This is just one symptom of the lack of control by the State over the armed forces. EUFOR have today begun the process of putting these facilities, and

others like them, beyond use. The Commander of EUFOR will be providing details of his on-going operations shortly.

For my part, I will be looking to transfer ownership of these military sites, where appropriate, to the State of BiH .

I have also written today to the BiH Minister of Defence about the assistance given by some in the VRS to fugitives at large. By now the command and control of all BiH forces should be at the State level. The Han Pijesak incident clearly shows this is not the case in the RS. I have therefore asked Minister Radovanovic to identify weaknesses, highlight individual failures and propose measures to strengthen state control and prevent this happening again. He will submit a report to me by 14 February. The letter to Mr Radovanovic will be available to you after this Conference.

But these are no more than short-term measures. Which is why I will also now require the BiH authorities to push ahead, without delay, with the next stage of Defence reform, which will require the transfer of the functions currently carried out in the Entity MoDs to the BiH MoD. This was due to happen over the next three years. It will now happen during 2005. This process will be overseen by the Defence Reform Commission, which will, as its first task, draft the necessary legislation for consideration in the BiH and Entity Parliaments. We expect to see that legislation adopted by the 1st July and implemented by the autumn of 2005.

This will mean that by the end of next year, both entity MODs will cease to exist and their functions will be carried out by the State.

But the systemic problems that have allowed indictees to escape justice are not restricted to the military. They also apply to the police. Here, we now have a solution – a solution that has been prepared by the Police Restructuring Commission, in response to NATO’s call for systemic changes in the law

enforcement field. I have seen a summary of the Commission's proposals. It recommends a single system of policing, with all competency for law enforcement at the State level, and with police regions drawn up on the basis of what is best, for catching criminals. These are the principles on which the European Commission has made clear repeatedly police restructuring must be organised. You will recall that police re-structuring is one of the 16 pre-conditions in the European Commission's Feasibility Study. The European Commission has been very clear that there must be significant progress in line with these principles if BiH is to move forward in the Stabilisation and Association process. So those who stand in the way of this, stand in the way of this country's future in Europe . I expect to see these reforms adopted early next year.

Next, I have today amended the BiH and Entity Criminal Procedure Codes to strike out the provision that exempts large numbers of relatives of ICTY indictees from the obligation to assist the police with their investigations or to give evidence in a war crimes trial. That provision should rightly apply only to spouses, parents and children. It should not, as is currently the case, apply to more distant relations.

Finally, I will be introducing new requirements on the publicly owned strategic enterprises in Republika Srpska. Successive audits including the most recent one on Srpske Sume have shown a total lack of transparency and proper procedure which opens the door to crime, corruption and the funding of war criminal networks on a huge scale. In the last couple of months alone, 24 criminal investigations and prosecutions have been initiated in connection to Srpske Sume, and there may well be more to come. Tackling this problem requires not just criminal action against individuals, but also systemic change.

So I am amending the RS Law on Auditing to require all the RS strategic firms to carry out, pay for, and publicise regular

audits to be conducted by the RS Auditor General.We have already identified the first six companies to be audited.

This has been a long statement, with a long list of measures. I hope, as I said at the outset, that this will be the last press conference I have to give announcing steps to tackle the RS authorities' failure, over nine long years, to meet their obligation to co-operate fully with the ICTY.

I hope that next year – the tenth anniversary of Dayton, and the tenth anniversary, let us remember, of the Srebrenica massacre – I will be able to call you all here to welcome the fact that indicted war criminals are being sent to The Hague rather than hiding.

I say I hope to be able to do this. But I don't want to leave anyone here in any doubt as to how I will act if this is not the case.

This is the beginning of a process. If this is not done, that process will bring consequences – for the institutions and assets of the RS.

General Leakey…