

# Transcript of the International Agencies' Joint Press Conference

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*ICTY, Matias Hellman*

*EUFOR, Achim Winkler*

OHR

## Five Points On Kotorsko

There have been a growing number of statements in recent weeks on the Kotorsko issue. This began in the run up to the elections and this has continued since.

Comments have come from a number of sources— various levels of Government, residents and religious representatives— when in fact only the judiciary are competent to make a final ruling, a ruling that must be implemented by the local authorities in Doboj.

It is clear that Kotorsko is being used for political point-scoring and this has little to do with resolving the outstanding problems faced by the people of Kotorsko –both the long-standing residents and more recent arrivals.

The OHR position on Kotorsko has been misrepresented a number of times so I would like to restate it.

First, all property disputes are now a matter for the local courts.

Second, Kotorko will no longer be actively taken up by the OHR; it needs to be resolved by the competent domestic authorities – in this case the courts.

Third, any reference to the continued existence of an OHR construction ban is incorrect. All OHR restrictions on land plots such as Kotorsko were lifted with the enactment of a new Law on Construction Land on 15 May 2003 by the High Representative, which enabled the resolution of remaining disputes through domestic mechanisms.

Fourth, the OHR has not been actively involved in this matter since 2003. All matters, including the restitution of property, the illegal construction of the church and the construction of housing are for the courts and other relevant domestic institutions.

Finally, the OHR expects all institutions to act in accordance with their authorities and competencies under the law and to implement Court decisions without delay.

In conclusion, legal regulations and court decisions that refer to the protection of human rights in the Kotorsko property cases must be respected. OHR supports the lead role that the BiH Ministry of Human Rights and Refugees has taken in seeing this issue resolved in the interests of all Kotorsko's residents.

## **ICTY**

Good morning from the ICTY.

Another very active working week is ongoing in the Tribunal, with almost 100 hours of scheduled hearings in the courtrooms.

Besides the ongoing trials, there are several other events.

Tomorrow at 16:00 , the Chamber I will announce its judgement in the case against Croatian journalist Domagoj Margetić for allegations that he intentionally published names of protected witnesses in the Blaškić case. The Prosecution seeks a penalty of six months imprisonment and a fine in the amount of 50 000 Euro. The Defence asked for acquittal. Later on today we will

issue a written Press Advisory in regards to the pronouncing of the judgement.

On Friday at 14:15 an appeal hearing will be held in the case of Miroslav Bralo, who was sentenced to 20 years' imprisonment by a first instance judgement on 7 December 2005.

Miroslav Bralo pleaded guilty to a number of crimes committed in the area of Vitez in April and May 1993 at the time he was a member of the anti-terrorist platoon of the 4th Military Police Battalion of the Croatian Defence Council (HVO) known as the "Jokers".

Bralo admitted to the killing of a woman in the village of Nadioci and the killing of a man in the village of Ahmići, setting fire to numerous houses belonging to Bosnian Muslims, setting and detonating explosives that destroyed the lower mosque in Ahmići, the killing of an unidentified adult male, and assistance in the killing of 14 Bosnian Muslim civilians—all members of the Salkić and the Mehmet Čeremić families—nine of whom were children. Near the village of Kratine, Bralo beat and subsequently killed three Bosnian Muslim men.

Bralo admitted to having repeatedly raped and tortured a Bosnian Muslim woman. He also participated in the unlawful confinement and inhumane treatment of Bosnian Muslim civilians, who were used as labourers in the digging of trenches around the village of Kratine and as "human shields" to protect the HVO forces from sniper-fire.

After his guilty plea, Bralo submitted also a handwritten "apology" in which he, *inter alia*, says that he is ashamed of his conduct and ashamed how he behaved. If you wish to get a copy of the apology, please get in touch with me.

In determining the sentence of 20 years, the Trial Chamber took into account several mitigating factors including his sincere remorse, assistance in locating the remains of some of

the victims and his guilty plea to a crime of persecution that was not originally charged in the indictment against him.

In its appeal, the Defence of Miroslav Bralo claims that the Chamber did not sufficiently take into account specific mitigating circumstances and therefore asks Trial Chamber to pronounce new, lower sentence. The Defence has also asked for a few new exhibits to be allowed which, according to the Defence, show that Bralo significantly cooperated with the Prosecutor's office.

The hearing scheduled for Friday is an oral hearing on the appeal by the Defence. The Appeal Chamber will pronounce its judgement later.

Those interested can contact me afterwards in order to receive written appeal submissions from me by email.

## **EUFOR**

No statement.

## **RTQs**

### **AFP:**

Last week the Deputy High Representative commented on the implementation of the law on the seizure of assets belonging to persons helping indicted war criminals evade arrest. Is this the position held by the OHR and what is the OHR's position on this matter considering the fact that this Law has been in place for the past six months yet there has been no mention of any concrete action being taken along these lines?

**OHR, Oleg Milišić:**

Let me first start with the general position. As you know the High Representative has made absolutely clear his position on the need for full cooperation from the ICTY, from the B&H institutions themselves and the RS in particular. It is the institutions themselves that are competent and responsible for full cooperation with the ICTY. Let me add here that the ICTY is competent here to assess the level of that implementation. The OHR is in close contact and coordinating closely with both the ICTY and the RS institutions to ensure that this full cooperation is realised.

Now, obviously if this is a domestic law – and it is – then it is for the domestic institutions to give you comments on the extent to which it has been implemented. Now, as you know there have been earlier freezes and there has been earlier OHR action, those freezes of bank accounts are still in place. At the time, the instruction issued by the High Representative gave clear directions to the domestic banking agencies on the action that they should take, and as far as we are concerned it is the banking agencies that you should be in contact with for further details on those issues.

**AFP:**

Do you have any information on the effect produced by the decisions that were passed by the High Representative three years ago freezing all the bank accounts in BiH of 14 people who were helping indicted war criminals evade arrest, among whom were members of Karadžić's family, as well as the effect of all other similar actions undertaken by the international community? Do you have any information on the impact such actions had on the support network of persons indicted for war crimes? Also, has there been any mention of an actual figure, the actual amount of money that was available to them, but now is not?

**OHR, Oleg Milišić:**

Again, as I said, with regards to the actual figures, the amount of money retained, that would be something you would have to contact the banking agencies for. As I said, they were competent for implementing the High Representative's instruction at the time. With regard the effect I would say that certainly to an extent there was significant move, rather let me rephrase that, progress was made in extraditing individuals who had been indicted by the ICTY. Clearly, the OHR is interested in seeing that process continue and in seeing the full cooperation of the Bosnian institutions with the ICTY. Matias may have something to add.

### **ICTY, Matias Hellman:**

I would just like to add that the level of cooperation so far provided to the ICTY by Bosnia and Herzegovina , especially Republica Srpska is not sufficient and this is something the ICTY has continuously emphasized in its reports over recent years. Within the ICTY the Office of the Prosecutor is responsible for gathering information on war crime fugitives, therefore please address any requests for further information on this matter to the Spokesperson for the Office of the Prosecutor. The point I wanted to make was that the current level of cooperation with the ICTY is not satisfactory and this is clearly supported by the fact that six war crime fugitives are still at large even though we have reason to believe that the whereabouts of some of them are known to the authorities in Republica Srpska. Therefore, the current level of cooperation is insufficient and can be satisfactory only when the remaining war crime fugitives are arrested and handed over to the ICTY.

### **AFP:**

Since we are already talking about this subject I have a few more questions for Oleg. You directed me towards the banking agencies in B&H, however I was actually referring to the bank accounts that were frozen in the European Union and USA . I

cannot ask a local agency about this matter, but I can ask you as the OHR was responsible for these measures. Secondly, you were definitely responsible for overseeing the implementation of the Law on the seizure of assets and you reacted on this matter frequently, therefore that is the reason why I ask for your opinion on the implementation of this Law. One more question, in that case on whose behalf was Mr. Raffi Gregorian speaking? Are you saying that he was not speaking on behalf of the OHR? He is the Deputy High Representative and he did say "I would like to see the assets seized". On whose behalf did he make that statement?

**OHR, Oleg Milišić:**

Firstly, Raffi Gregorian is indeed the Deputy High Representative. Therefore, there is absolutely no discrepancy between what I just told you and that what Mr. Gregorian had said. Secondly, you asked about the actions undertaken by the European Union and the US government – you will have to ask them to answer your questions. Those actions were coordinated across the entire international community and therefore you will have to contact them directly for information on any further details, the effect produced by those actions and the current situation...

**AFP:**

Well, I am asking them directly. After all Mr. Schwarz-Schilling is the EU Special Representative here. Therefore, I am addressing my questions directly to the sources you just mentioned. Mr. Schwarz-Schilling is the EU Special Representative here and the EU took part in this action. Can you, on behalf of the European Union, tell me if, since we have never received any such information, a bank account belonging to a war crime suspect in the European Union has been frozen?

**OHR, Oleg Milišić:**

I will have to consult my colleagues regarding this question as I will first have to check under whose competence the matter lies within the institution of the European Union. Regarding your third question concerning the local law I think it would be best if you requested this information from the domestic institutions themselves.