

Transcript of the International Agency's Joint Press Conference in CPIC

Subject: JOINT PRESS CONFERENCE – 17 September 2002

1. The following attended the regular Press Conference held at the CPIC at 11:30 hours on Tuesday 17 September 2002:

Agency	Spokesperson	Topic
a. OHR	Kevin Sullivan	<ul style="list-style-type: none">• Immunity Seminar.• Passage of Important legislation.
b. OSCE	Urdur Gunnarsdottir	<ul style="list-style-type: none">• H R appoints special auditor to the Federation and• R S.
c. UNMIBH	Kate Frieson	<ul style="list-style-type: none">• Provisional authorisation withdrawn from three police officers.• IPTF verification of housing status.
d. ICTY	Rafik Hodzic	<ul style="list-style-type: none">• Press reports regarding Rules of the Road cases.
d. SFOR	Lieutenant Commander Yves Vanier	<ul style="list-style-type: none">• DYNAMIC RESPONSE 2002 Media Day.

2. Thirty-two members of the media and five television crews attended the conference.

3. The transcript of the questions and answers is attached.

C. Barraud
Lt. Col. (FR A),
Chief Operations and Plans

Kevin Sullivan– OHR

Two items from the Office of the High Representative, this morning.

The first concerns a seminar, which will be held tomorrow at the Office of the High Representative on the immunity that is granted to parliamentary officials.

The question of immunity is a key question in any democracy, given the specifics of Bosnia and Herzegovina, it is a question that should be addressed. Bosnia and Herzegovina differs from many European Countries since Parliamentarians and Presidents at all levels are granted immunity from both criminal and civilian liability. In other European Countries there is often no immunity for lower levels of Government and no immunity from criminal proceedings as opposed to civil proceeding.

In Bosnia and Herzegovina officials can claim immunity in a broad range of circumstances regarding search, preliminary enquiries, arrest and testimony. Immunity has been claimed even after officials have left office, which is something that is very rare in other countries.

The High Representative is concerned that currently there is no public control over the issue of immunity in Bosnia and Herzegovina, and this allows abuse of office to be excused by claims of the performance of an individuals official duty.

The High Representative has already highlighted that public officials must respect the responsibility they have towards the citizens whom they represent. Without modernisation of the Bosnia and Herzegovina laws on immunity, public officials

will be able to continue to evade justice and this will have a detrimental effect on the rule of law and overall on economy.

Tomorrow's round table will discuss how to go forward with the necessary changes; it will be chaired by Office of the High Representative's legal reform expert, Professor Zoran Pajic, and will include a number of prominent domestic legal experts from across Bosnia and Herzegovina. We will give you details later on in the day. There will be the opportunity for press coverage at the beginning of the round table when the High Representative will make a statement, we will keep you posted as to the arrangements for that.

The second item regards legislation which, still has to be passed by the State and Entity Parliamentary Assemblies, at the moment, all eyes are focused on the 5 October elections. However, the fact is there is a massive backlog of legislation a lot of it fundamental economic legislation, which should be passed before the elections. The bulk of this legislation has nothing to do with party politics; it has everything to do with citizen's interests its technical, it's to do with the nuts and bolts of running the economy.

The Bosnia and Herzegovina House of Representatives, yesterday passed amendments to the Law on Civil Aviation, which will give Bosnia and Herzegovina the necessary competencies to operate on the international stage, ensuring safe, regular, efficient and economical air transport.

The House of Representatives is to be commended for passing that legislation and we urge the House of Peoples to adopt the amendments in same version. We also urge the Republika Srpska National Assembly and Federation Parliamentary Assemblies to finish their work before the elections on a constructive note.

The recent performance of both assemblies has been characterised by gridlock, getting legislation through parliament is the work of government and opposition working

together and it requires competent parliamentary management, essentially the parliamentary managers are the people who should be finessing the passage of legislation. Since gridlock is not in interests of any party and it is certainly not in the interests of citizens. Those are the two points from Office of the High Representative this morning.

Urdur Gunnarsdottir – OSCE

Good morning. I have only one brief point.

On 1 August, the High Representative appointed, Ms. Dale Ralph, as Special Auditor to the Federation and the Republika Srpska.

After consultations with the three domestic Audit Institutions the Bosnia and Herzegovina, Federation, and Republika Srpska and members of the International Community, and after an evaluation of financial and economic factors, Ms. Ralph and her audit team will begin auditing the three electric companies in Bosnia and Herzegovina this week.

The auditing is expected to take 4 to 6 months. A report will be given to the companies audited, to the relevant Entity Parliament and Government, the High Representative and the relevant auditing institutes. That is all from me today.

Kate Frieson – UNMIBH

Good morning from UNMIBH. I have two items today.

The first is an announcement of the withdrawal of provisional authorisation from three police officers. One of these officers has a war time background, which renders him unfit to serve as a police officer and the other two officers for grave violations of duty, including use of torture against a 18 year old boy and culpability in the later suicide of this boy.

After a comprehensive review of the acts and omissions of Rifat Culjevic, IPTF Commissioner, Sven Frederiksen has

removed the provisional authorisation of this police officer who held the position of Crime Inspector in the Federation Ministry of Interior. Rifat Culjevic, was the Chief of Crime Service in Hadzici Municipality from 1 January 1990 to 1 July 1994. He has been identified as having taken part in the crimes against non-Bosnian Muslims that took place in the Silos detention facility located in the village of Tarcin in Hadzici Municipality in 1992. Breaches of the Geneva conventions and violations of laws and customs of war that were observed in this facility are punishable under the Federation Criminal Code.

We would like to point out that the IPTF Policy on removal of provisional authorisation obliges the Federation Ministry of Interior to ensure that an immediate investigation is undertaken into the acts described in the letter removing the provisional authorisation of this police officer.

The other case involves two other officers, they are namely, Milivoje Vlaski, of the Public Security Center Srspsko Sarajevo and Sinisa Golijanin, of the State Border Service for acts committed while serving as police officers in PSC Srpska Sarajevo.

On 9 September 2000, two young males were brought to the police station Trnovo on suspicion of stealing a car radio, one of these boys was 18 year old Stevan Golijanin. In order to obtain a confession, police officer Vlaski, beat Stevan in the chest, kidney area, legs and buttocks, and forced him to gulp large amounts of water until he vomited. Stevan Golijanin was released from police custody the following day and ordered to return to the police station on 11 September, with the car radio that he allegedly stole. He said, he was not in possession of the car radio.

He told his mother, he was too afraid to re-confront the two police officers, especially police officer Vlaski. She said, she would go to police station on his behalf, she pleaded with

police officer Vlaski, and offered to give him money for the car radio, which it had not been proven Stevan, had stolen. Police Officer Vlaski, insisted that Stevan, return to the police station with the car radio. When the mother, Mrs. Rajka Goljanin, returned home after going to the police station, she found her boy Stevan, and he told her that, he was forced to give a confession of guilt under threat of torture and use of torture, he showed her the injuries. A few hours after that the mother looked for her son and found him in the attic hanging by rope. He had committed suicide, we find the police officer Vlaski, is culpable of this suicide.

There has been no internal police disciplinary procedure taken against officer Vlaski, there have been some criminal investigations started, but the trial date continues to face delays. His provisional authorisation has been immediately withdrawn.

The second, officer in this case Sinisa Golijanin, who is the Chief of Staff of PSS Trnovo. Has had his provisional authorisation withdrawn for threatening to fire any police officer who would talk about the grave violations of duty committed by police officer Vlaski, in relation to the detention and use of torture on Stevan Golijanin, and later his suicide in September 2000. Chief of Staff Golijanin was found to have ordered some police officers to give false statements regarding the conduct of police officer Vlaski, during an IPTF investigation of this incident.

The IPTF Commissioners decision to withdraw the provisional authorisation of these three police officers precludes their employment, either now or in the future, in any position within any law enforcement agency in Bosnia Herzegovina.

For the record, the total number of officers whose provisional authorisation has been removed now stands at 216.

The last item is on the verification of the housing status of

police officers. This week UNMIBH has established that currently 379 police officers still have pending housing cases. Of these, 300 involve officers employed by the Republika Srpska Ministry of Interior this is 79%, 63 involve those employed by the Ministries of Interior in the Federation, 17% and 16 involve officers in Brcko, the Court Police and the State Border Service this represents 4%.

These police officers will have until next week to resolve their situations or they will not be recommended for final certification by the IPTF. Thank you.

Rafik Hodzic – ICTY

Good morning. I have one item for you.

In view of recent press articles regarding Rules of the Road cases forwarded to the ICTY by the Cantonal Court in Travnik, which alleged that the ICTY Rules of the Road Office informed the Cantonal Prosecutors Office in Travnik. I quote "There are no required elements to continue court proceedings for the alleged war crimes" and quote "the decision to discontinue criminal investigation into the case was made in concert with the ICTY Office of the prosecutor" unquote.

On behalf of the Office of the Prosecutor, I would like to add the following clarification. The Rome agreement signed by the signatories of the Dayton Agreement in February 1996. Envisaged a role for legal experts of the ICTY Office of the Prosecutor in assessing war crimes cases prepared by the Bosnia and Herzegovina Courts in order to prevent obstruction of freedom of movement through arbitrary arrests based on politically motivated charges for war crimes.

Article 5 of the Agreement states that, persons other than those already indicted by the ICTY, maybe arrested for war crimes and detained for war crimes only pursuant to an order, warrant or indictment which, has been reviewed and deemed consistent with international legal standards by the ICTY.

This is exactly what the role of the ICTY in Rules of the Road cases is limited to.

To determine whether there is enough evidence against an individual suspected of having committed a war crime to justify that individual's arrest. The contents of the file are assessed and a standard marking is issued to reflect the quality of the supporting evidence. There are several standard markings of, which the most common are "A" – evidence sufficient to detain a suspect and "B" – evidence insufficient.

We stress that the ICTY does not within the Rules of the Road mechanism instruct, order or suggest local courts to discontinue the gathering of evidence or criminal investigation as such, even upon receiving the standard marking "B", prosecutors in charge of the case can continue investigation and evidence gathering.

The importance of this is immense when it comes to war crimes prosecutions in Bosnia and Herzegovina, as Bosnia and Herzegovina Courts have a responsibility to pursue all persons responsible for these crimes. If there are misunderstandings regarding the way Rules of the Road mechanism operates we invite court officials to contact our relevant offices for guidance. That is all.

Lieutenant Commander Yves Vanier – SFOR

Good morning. I only have one point for you today and it concerns the DYNAMIC RESPONSE 2002 Media Day.

I would like to bring to your attention the media advisory sent by SFOR yesterday inviting members of the media to attend the DYNAMIC RESPONSE 2002 Media Day, this Friday 20 September.

Due to limited airlift availability, members of the press are encouraged to fax their registration form as soon as possible since participation will be limited to 25 participants.

Highlight of the day will include a statement by Lieutenant General John B. Sylvester, COMSF0R and visits to the Dutch contingent in Bugonjo and the Polish contingent in Dobojo.

Members of the media will be required to sign an exemption form in order to board the military helicopter and attendance is only available to members of the media in possession of a valid SF0R press card. In the event helicopters are unable to fly due to the weather, transportation between various sites will be done by bus and the visit to the Polish contingent in Dobojo will be cancelled. The registration deadline is tomorrow, Wednesday, 18 September at noon.

Kevin Sullivan – OHR

I should add that, today is the fifth anniversary of the helicopter crash in which, five Office of the High Representative staff members and seven UNMIBH staff members were killed. The memorial service is taking place as we speak. Do we have any questions?

Questions and Answers

Q: Aida Cerkez-Robinson – AP

Kate, I did not catch the part about the court proceeding against these officers. Were there any court proceedings?

A: Kate Frieson – UNMIBH

A criminal investigation was started, but has been delayed for several reasons. We are very concerned about those delays and will follow this very closely.

Q: Aida Cerkez-Robinson – AP

A criminal investigation by whom?

A: Kate Frieson – UNMIBH

The Investigative Judge was called when this boy's body was found, for example there were some problems over an autopsy. UNMIBH wanted an autopsy to be performed, this was made very clear to the Investigative Judge a doctor also recommended an autopsy and she declined. The case started back in 2000, it is still facing many-many delays and we very concerned about this and will be following it closely.

Q: Aida Cerkez-Robinson – AP

Apart from the police the judge is also not co-operative on this?

A: Kate Frieson – UNMIBH

There is another question hanging over the actions of this judge and there is evidence to be determined in her culpability as well, that this case has not been brought forward to the courts, we will be looking into this.

Q: Aida Cerkez-Robinson – AP

Kevin, as far as I remember all of these Judges and Prosecutors in the country were kind of dismissed, not dismissed. But have to reapply for their jobs and that is supposed to happen now right?

A: Kevin Sullivan – OHR

That is in the course of happening.

Q: Aida Cerkez-Robinson – AP

Is it?

A: Kevin Sullivan – OHR

Yes.

Q: Aida Cerkez-Robinson – AP

Are they reviewing cases like this?

A: Kevin Sullivan – OHR

The review of Judges is dependent on their performance, performance in this case and other relevant cases would be taken into consideration.

Q: Aida Cerkez-Robinson – AP

So, this Judge would obviously also have to reapply? With some slim chance of getting a job?

A: Kevin Sullivan – OHR

Well that is across the board and then depending on the merits of each individual case.

Aida Cerkez-Robinson – AP

Thank you very much.

Q: Merdijana Sadovic – ABC

Why did it take you so long to de-authorise these two policemen, it has been two years?

A: Kate Frieson – UNMIBH

I am glad you asked that question. One of the problems that UNMIBH faced in its investigation was corroborating the use of torture by police officer Vlaski. We knew that there were four police officers, who witnessed the use of torture and the water torture of the beatings and the water torture separately. It took these officers nine months before they would give statements to the effect that they did witness this. The reason was that they were under threat by their Commanding Officer, that should they reveal what happened, should they state what they saw, what they eye witnessed in that detention room, to that young boy, that they would be fired. So, it took them many-many months before they agreed

and this was the beginning, then we could compile the evidence against these officers.

Q: Merdijana Sadovic – ABC

Why did they change their mind? Did you offer the witnesses them some protection?

A: Kate Frieson – UNMIBH

No. I think, what is happening is, UNMIBH is clearing out this kind of police officer, which obviously does not belong in the police force. If they have good and descent officers that are their superiors, then they are more willing to give evidence. They are brave themselves, these officers were under threat for so long, I think that is what we are seeing here.

Q: Aida Cerkez-Robinson – AP

How did you find out about this case? How was this brought to your attention?

A: Kate Frieson – UNMIBH

Through the mother of the son.

Q: Viola Geinger – Freelance for Cox News

What is name of the Judge in this particular case and which court is it?

A: Kate Frieson – UNMIBH

I can give it to you later, I have got it in my file and I will give it to you after the press conference.

Q: Yasin Rawasdeh – KUNA

Is the military exercise related to the elections in Bosnia and Herzegovina or as DYNAMIC RESPONSE of possible violence

during the elections or just a routine exercise?

A: Lieutenant Commander Yves Vanier – SFOR

No. Exercise DYNAMIC RESPONSE is scheduled at this time every year, it is in no way related to the upcoming elections, absolutely not at all.

Q: Yasin Rawasdeh – KUNA

Why is it happening at the same time in Kosovo and Bosnia and Herzegovina?

A: Lieutenant Commander Yves Vanier –SFOR

It is a combined exercise of the forces and when we deploy, we deploy on two places for the exercise. To exercise as many troops as possible, it has nothing to do with the election.

Q: Snjezan Lalovic – SRNA

About the case in Trnovo, who refused to carryout an autopsy the Judge or the Prosecutor?

A: Kate Frieson – UNMIBH

The investigative Judge was called to the scene, there was also a doctor called to the scene. There is now some dispute over what the doctor recommended to the investigative Judge. UNMIBH made it clear to the investigative Judge, that it was necessary to have an autopsy performed, in order to determine the extent of the beating and the torture and to have this documented medically. This investigative Judge declined to have this autopsy performed; she declined to order it.

Q: Senad Pandic – BH TV1

A question for Office of the High Representative, speaking about the decision of the High Representative, about the annulment of the appointment of two Supreme Court Judges from the Republika Srpska, can you comment on that?

A: Kevin Sullivan – OHR

There is not much to add, to what has already been said. Which, is that the High Representative acted in order to ensure the integrity of the court and ensure that no questions will be asked in future about the propriety of appointments. He acted because the specified procedure had not been followed.

Q: Senad Pandic – BH TV1

Question for UNMIBH, did the IPTF carryout checks for all candidates for the state agency for protection of information?

A: Kate Frieson – UNMIBH

What happened with the State Information Protection Agency, we are very dismayed with the slow response of the Presidency on the appointment of the Director and his Deputies. UNMIBH's role was to observe that the process of selection was done according to the rules and the established law. UNMIBH also vetted the candidates this is stated in the law. What happened was the candidates are proposed by the Entity Authorities, they go to the Council of Ministers, the Council of Ministers then gives the list to the Bosnia and Herzegovina Presidency, they have an established list of candidates, they must make their selection. There is on other work to do, then to do that. Now there has been some talk of adding names to this list by the Presidency, this is against the regulations and the law, they cannot add names that do not come from the Council of Ministers via the Entity Authorities. UNMIBH, would urge the Bosnia and Herzegovina Presidency to make its selection immediately, there is no more work for us to do on this. It is up to the Presidency.

Kevin Sullivan – OHR

Do we have anymore questions? Thank you.