

Weekly column by Christian Schwarz-Schilling, High Representative for BiH: “Stankovic Fiasco Highlights Need for State Prison”



The escape from Foca Prison last weekend of Radovan Stankovic, serving 20 years for enslavement, torture, imprisonment and rape constituting crimes against humanity, has pointed up the inadequacies of the overstretched and under-funded prison systems in Bosnia and Herzegovina, and the urgent need for proper coordination among the country's law-enforcement and judicial agencies.

The charges against Stankovic were heard in open court and he was found guilty of heinous crimes (raping women and arranging for women to be raped, and conspiring in a series of murders). The State-Court proceedings were conducted in a timely, transparent and efficient manner; the treatment after the conviction, however, has, clearly, been neither transparent nor efficient.

A thorough review of how a person recently convicted for one of the most serious crimes could be allowed to be taken outside of the prison premises without a proper police escort, and with still unidentified and unexplained reason, must be undertaken.

The dismissal of the prison director and suspension and

charging of nine prison guards who failed to prevent Stankovic from getting away on Wednesday were a good start. The Office of the High Representative will be following this matter closely.

In a country where judicial proceedings against war criminals are an indispensable element in post-war reconciliation and recovery and where these cases will be heard for years to come establishing proper prison facilities and a responsible management of prisons is an absolute priority. In the coming weeks, I will meet with relevant BiH authorities and prospective international partners to discuss steps that can be taken to accelerate the State Prison project.

As it will be some years before a State Prison can begin operating, individuals convicted by the State Court should not in the meantime be sent to prisons according to their ethnicity – Serb prisoners to prisons in Republika Srpska, Croats to Herzegovina, Bosniaks to Central Bosnia.

This issue is about security, not ethnicity. The solution is not to make substandard prisons ethnically based; it is to raise the standards of the prison service. Stankovic would not have been able to escape if Foca Prison were properly run.

There are other ways of ensuring that prisoners are treated correctly while in prison – for example by amending the relevant entity legislation so that the state law on execution of sanctions and its much stricter rules apply to those sentenced by the State Court but incarcerated in entity prisons.

In the immediate aftermath of Stankovic's flight there appears to have been a scandalous degree of confusion at all levels regarding what should be done by whom and when. Police roadblocks were thrown up after it is reasonable to believe Stankovic had already been spirited out of the area, and it took five days for an international arrest warrant to be

issued despite the likelihood that Stankovic had fled across the border immediately after the escape.

At the time of his conviction, Stankovic expressed no remorse for his crimes, and his escape from prison is proof, if it were needed, that he does not recognise the evil of his actions or the justice of his punishment. He may rape and torture again. He is a danger to society, in Bosnia and Herzegovina if he is still here or wherever he has gone to ground.

The priority now is to make sure that Stankovic is caught, and then to make sure that the organisational and administrative failures that made this fiasco possible are speedily and effectively addressed.

Christian Schwarz-Schilling is the international community's High Representative and the European Union's Special Representative in Bosnia and Herzegovina.