

Zvornik 7 Verdict

The Organisation for Security and Cooperation in Europe (OSCE), the Office of the High Representative (OHR), the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the Office of the High Commissioner for Human Rights (OHCHR) strongly condemn the verdict by the Bijeljina District Court in the re-trial of the defendants in the Zvornik 7 case.

The case involves the trial of seven Bosniak men who fled after the fall of Srebrenica and remained in hiding in RS territory for almost one year. On 12 December the Bijeljina court handed down a verdict in the case. Charges against three of the defendants, who were accused only of weapons violations, had already been dropped; the remaining defendants were convicted of the murders of four Serb woodcutters, as well as a Bosniak companion, during the time they were in hiding. Three of the defendants, including one tried in absentia, were found guilty of murder; the fourth was found guilty of attempted murder. Two defendants received sentences of 20 years; one received a sentence of 11 years; and the defendant tried in absentia received a sentence of 10 years.

The international community has monitored this case closely throughout the criminal proceedings and is deeply disappointed by the verdict, which can not be legitimately based on the evidence presented. The only evidence tying the defendants to the alleged crimes were confessions taken during the original investigation; the court apparently relied on these confessions despite overwhelming evidence that the defendants had been mistreated and the confessions were coerced. Both international law and the law of the RS prohibit the coercion of statements, as well as the use of coerced statements as the basis of judicial decisions.

This most recent verdict comes following a history of apparently political decisions and procedural violations by

the court in this case. The international community expressed serious concern about the allegations of ill treatment during the investigative stage and was unanimous in condemning the original trial, based on grave violations of international fair trial standards. There have also been procedural delays; although the defendants were arrested in May 1996 the original verdict was not issued until a year later, and the re-trial did not begin until one year after that. Because of these delays, the three defendants still in custody have already been imprisoned for over two and one-half years.

The international community also notes that the RS Minister of Justice raised the possibility of a prisoner exchange involving the defendants in the Zvornik 7 case at a judges' conference only days before the re-trial ended and the verdict was handed down. This obviously raises further questions about the legitimacy of this decision, as well as the independence of the RS judiciary in general.

While the written verdict in this case has not yet been issued, the decision announced by the Bijeljina Court is clearly inconsistent with international standards, and constitutes a setback for the rule of law in the RS. The international community calls on the Supreme Court to expeditiously consider the evidentiary, statutory and constitutional questions raised in any appeal of this verdict.