

9 July 2001

AI Index EUR 63/009/2001 - News Service Nr. 117

Bosnia-Herzegovina: Srebrenica - how much longer before Karadzic and Mladic will face the Tribunal?

On the eve of the sixth anniversary of the mass executions of Bosnian Muslim men and boys in Srebrenica, Amnesty International once again urges both the Republika Srpska authorities and the NATO-led Stabilization Forces (SFOR) to arrest two former leaders of the Republika Srpska wanted by the International Criminal Tribunal for the former Yugoslavia (Tribunal) in connection with these crimes. Radovan Karadzic and Ratko Mladic were publicly indicted for genocide, crimes against humanity and war crimes committed in Srebrenica by the Tribunal in 1996.

It is imperative that people like Radovan Karadzic and Ratko Mladic are arrested to face these charges. Amnesty International said, both for the sake of the thousands of victims of the human rights violations committed in Srebrenica and their relatives, but also in order to achieve safe and sustainable minority returns.

The Republika Srpska government has recently approved a draft law on cooperation with the Tribunal which will be submitted to parliament later this month. Amnesty International has repeatedly asked the Republika Srpska authorities for a copy of the draft law, but as of today had not received one. The law reportedly provides for a hearing before the Republika Srpska Supreme Court on a challenge by the suspect to the surrender. However, the law apparently does not include details of the obligations of Republika Srpska law enforcement officials to seek out and arrest indicted suspects. Moreover, the Republika Srpska Prime Minister Mladen Ivanic, addressing the press after visiting the Tribunal on 5 July, made ambiguous statements as to the immediacy and vigour with which his government would pursue this matter.

In this regard, Amnesty International once again underlines that all states and entities are bound by the Security Council Resolution 827 of May 1993 to transfer persons accused by the Tribunal - residing or remaining on their territory - to the Tribunal's jurisdiction. The transfer of indicted suspects is by way of surrender and, as such, is not subject to any restrictions in national law. To date the Republika Srpska authorities have not arrested and transferred a single suspect to the Tribunal's custody, although a number of suspects have surrendered voluntarily.

Amnesty International also notes with concern that SFOR forces deployed in Bosnia-Herzegovina have so far this year only arrested one indicted suspect, despite repeated calls by the Tribunal's Prosecutor to pursue a more vigorous arrest policy. Several sightings, reported to SFOR, of Radovan Karadzic in the eastern part of the Republika Srpska, apparently went unheeded. Amnesty International has repeatedly reminded governments contributing troops to SFOR that its mandate includes the duty to seek out and arrest suspects indicted by the Tribunal.

Background

Over 8,000 Bosnian Muslim men are estimated to have been summarily executed following the fall of the UN protected safe area of Srebrenica to the Bosnian Serb Army on 11 July 1995. The International Committee of the Red Cross continues to list some 7,000 persons from Srebrenica as missing. The Bosnian Commission for Missing Persons and the Tribunal have so far exhumed over 4,000 human remains in the area, out of whom only about 100 have been identified.

The first major trial for the crimes committed in Srebrenica, that of General Radislav Krstic (who was indicted for genocide, crimes against humanity and war crimes), is in its final stages and a verdict is expected at the end of July. One other suspect, Dragan Obrenovic, who was arrested by SFOR in April this year, is awaiting trial on charges of complicity in genocide, crimes against humanity and war crimes committed in Srebrenica.

The Muslim-Croat Federation of Bosnia-Herzegovina and Croatia have both enacted laws on cooperation with the Tribunal. The government of the Federal Republic of Yugoslavia has also recently issued a decree on government cooperation which was subsequently suspended by the FRY Constitutional Court. Nevertheless on 28 June the FRY authorities fulfilled their obligations under Security Council Resolution 827 by surrendering former President Slobodan Milosevic to the Tribunal without resorting to any extradition proceedings before a domestic court.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>