



DEN NORSKE HELSINGFORSKOMITÉ
NORWEGIAN HELSINKI
COMMITTEE

OSCE HDIM

Rule of Law I, Monday 28 September 2009, Lene Wetteland

Mr Moderator, Ambassadors, Ladies and Gentlemen

On behalf of The Norwegian Helsinki Committee, the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Helsinki Committee for Human Rights in Republika Srpska, Bosnia and Herzegovina, I am grateful for this opportunity to address the Rule of Law in Bosnia and Herzegovina.

During the period 1992-1995, grave violations of international criminal law took place in Bosnia and Herzegovina. The international community has held the principle of judicial accountability high with regard to these crimes in BiH, most notably by establishing the International Criminal Tribunal for the Former Yugoslavia (ICTY) and supporting Transitional Justice initiatives.

14 years after the end of the war, at a period when ICTY is drawing its operations to a close, continued support for local judiciary and Transitional Justice on the ground is urgently needed. The level of denial of committed crimes is extremely high and systematic reparation activities have not been realized.

Authorities in the region are not giving their courts and prosecutors the political and financial support required. On the contrary, justice actors operate in a difficult political environment driven by nationalist political rhetoric and agendas that undermine the integrity and legitimacy of judicial processes and their outcomes.

In Bosnia and Herzegovina there is a huge backlog of war crimes cases. For citizens to trust in the rule of law it is vital that these cases are dealt with in a just and efficient manner. People who are accused of war crimes have not only never been tried, but some still work in the government, police and administration.

To deal with the backlog of cases, the Council of Ministers adopted the “National War Crimes Strategy” in December 2008. Given that there is an official political commitment to such a comprehensive publically available plan, we call on all actors in the process to support it and build their initiatives around it.

It is vital that the implementation of the plan is monitored, not just by the mechanisms foreseen in the plan itself, but also by civil society, the media and human rights organizations that will be able to make public their observations and recommendations. We call on authorities in BiH and the international community to support such initiatives and participation.

We call on authorities in Bosnia and Herzegovina to fully and efficiently implement the plan that it has committed to, by fully funding it and urgently developing capacities to deal with war crimes at all levels of the justice system, including by building witness support and protection capacities at lower level courts.

We call for the passage of a law by the parliament of BiH to extend the presence of international judges and prosecutors at the first instance and appellate chambers of the war crimes section of the Court of Bosnia and Herzegovina till 31. December 2012.

We call on courts and prosecutors' offices to actively reach out to local communities where crimes took place, to witnesses, relatives and survivors and inform about its work and judgments. As public service institutions, they can do much more without jeopardizing judicial independence or privileged information.

In war crimes trials the role of victims is limited. In order to bring back dignity to victims of war crimes and offer platforms for their voices, other transitional justice mechanisms have to be in place. We would welcome a national Transitional Justice Strategy for BiH, taking the War Crimes Strategy into due consideration with an aim to strengthen the implementation and effects of that Strategy.

We are encouraged by the process moderated by a huge regional NGO coalition advocating for a regional commission to establish the facts on war crimes and other severe human rights violations on the territory of the former Yugoslavia. (RECOM www.korekom.org.) Giving voice to victims and supporting reconciliation between neighbors in this way is ultimately the responsibility of governments. The already achieved results within this coalition need to be supported by states in the region and international actors.

Together we must ensure that the many criminal cases opened so far are dealt with through appropriate legal procedures in the most efficient manner - before the passing of time makes the task impossible. As a member of the Forum for International Criminal and Humanitarian Law the Norwegian Helsinki Committee would like to inform that a Conference will be hosted by the Forum

on 9th October in Sarajevo on abbreviated criminal procedures for core international crimes (information available at <http://www.prio.no/FICJC/>) . We recommend that such procedures be carefully considered as a means to enhance efficiency while respecting procedure.

Much has been invested in the rule of law in Bosnia and Herzegovina. For these investments to matter, this is the time to redouble our efforts.

Thank you!