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Bosnia-Herzegovina: End lip-service to justice – Arrest Now!

The international community has everything to be ashamed of by going out of its way to ensure that no arrest was made of a suspect indicted by the International Criminal Tribunal for the former Yugoslavia who approached the Stabilization Force (SFOR) voluntarily, Amnesty International said today.

According to a *Washington Post* article published on 9 December, on 14 July 1997, a Bosnian Croat approached Dutch troops serving with SFOR, the multi-national troops serving in Bosnia-Herzegovina, in Vitez (Federation of Bosnia-Herzegovina) inquiring whether he was secretly indicted by the Tribunal, in which case he was ready to hand himself over. The SFOR officers reportedly contacted Tribunal officials, and were erroneously told that the Bosnian Croat was not on any list.

Later the Tribunal reportedly communicated to SFOR that the Bosnian Croat had indeed been secretly indicted in 1996. But according to the *Washington Post*, a United States (US) Army Major General serving as a senior operations officer for SFOR declined the Tribunal's requests for SFOR to arrest him. He further refused to escort a Tribunal official who intended to go to the Bosnian Croat's house to arrest him. Although the Tribunal has not officially confirmed that the Bosnian Croat has been secretly indicted, an SFOR spokesperson has confirmed that this sequence of events took place.

Responding to press inquiries about the incident, a spokesperson for the US State Department said on 9 December: "*we have really nothing to be ashamed of concerning our track record on the arrest of indicted war criminals or their detention over the last several months*".

Since July, when soldiers serving with SFOR had arrested one secretly indicted Bosnian Serb suspect and shot dead another during an attempt to arrest him in Prijedor (Republika Srpska), SFOR has not made any further arrests. However, nine publicly indicted Bosnian Croats voluntarily surrendered and another who had been detained in Croatia was transferred to the Tribunal in October 1997. The Bosnian Croat who had intended to surrender in July 1997 was not among them and remains at large.

"It is obvious that the national authorities in Bosnia-Herzegovina should immediately act on all indictments issued by the Tribunal," Amnesty International said. "But given the reluctance and in some cases blatant refusal of some of the authorities in the region to fully cooperate with the Tribunal, the international community should not wait for national authorities to make arrests but should live up to their responsibility under international law to seek out and arrest those responsible for war crimes."

"The communication shortfall between the Tribunal and SFOR which meant that the SFOR troops in the field were not able to accurately ascertain whether an individual was indicted is an embarrassment which needs to be rectified as a matter of urgency to ensure that a similar fiasco is not repeated," the organization said.

Amnesty International believes that such communication glitches cannot excuse SFOR from failing to live up not only to its obligations under international law, but also to its own mandate which says that it will arrest indicted suspects insofar as it encounters them in the course of its duties.

The Bosnian Croat approached the SFOR troops just four days after the arrest and shooting in Prijedor.

An SFOR source told an Amnesty International delegate in November 1997 that the situation in Prijedor -- one of the areas that has been criticized for being particularly obstructive to implementing the Peace Agreement -- has "unfrozen" in its authorities' willingness to cooperate with the international community since that time. Many of the other publicly indicted suspects who had been openly living in the community, as well as other local leaders who had also been in positions of authority during the war, went underground after that time.

"As the international community itself recognized yesterday at a meeting of the Peace Implementation Council in Bonn, Germany, the need for those responsible for war crimes to be brought to justice is a critical part of ensuring that the fragile peace in Bosnia-Herzegovina can persist," Amnesty International added. "The majority of publicly-known indicted suspects who remain at large are Bosnian Serbs, who refuse to recognize the authority of the Tribunal."
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