

# High Representative clarifies RS obligations to ICTY

The High Representative, Wolfgang Petritsch, in answer to some public comments by the RS president elect, Mirko Sarovic, today makes clear that the International Criminal Tribunal for the former Yugoslavia (ICTY) is mandated to prosecute and try persons responsible for serious violations of international humanitarian law committed on the territory of the former Yugoslavia since 1991.

Mr Sarovic's comments to Start magazine, that the RS must "pass a special law" to regulate cooperation with ICTY, is totally groundless in legal terms. The High Representative finds Mr Sarovic's comments to be provocative and states this is no time for ambiguities.

The High Representative would like to remind Mr Sarovic of the following:

- ICTY's jurisdiction over this territory – including Republika Srpska – was established by Security Council resolution 827 on 25 May 1993
- It was further reinforced in Article IX of the General Framework Agreement for Peace in Bosnia and Herzegovina and Article II.8 of Annex 4 of the Dayton Peace Agreement which states: "All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to...the International Tribunal for the former Yugoslavia (and in particular shall comply with orders issued pursuant to Article 29 of the Statute of the Tribunal)"
- Article 29 of the ICTY Statute states clearly that both Entities must cooperate fully with the Tribunal, including: the identification and location of persons; taking testimony and the production of evidence; the

service of documents; the arrest or detention of persons; and the surrender or the transfer of the accused to ICTY

The OHR hears much from Mr Sarovic's SDS party about its respect for the Dayton Peace Agreement. He should ensure the RS Government fulfils its well defined obligations to ICTY.

The High Representative reiterates that the detention of indicted war criminals to face trial in The Hague remains a high priority and will not tolerate obstructionist tactics in this area. Bosnia and Herzegovina cannot look to the future until it has dealt with the past.