



Security Council

Distr.
GENERAL

S/1996/535
10 July 1996

ORIGINAL: ENGLISH

LETTER DATED 8 JULY 1996 FROM THE PERMANENT REPRESENTATIVE
OF GUINEA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to inform you that the Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina, at its meeting held on 3 July 1996, examined the letter dated 2 July 1996 addressed to you by the Permanent Representative of Bosnia and Herzegovina to the United Nations (S/1996/510). While fully endorsing the contents of that letter, the Contact Group expresses its serious concern over the continuing presence and political roles of Radovan Karadžić, Ratko Mladić and other individuals indicted by the International Tribunal for the former Yugoslavia at The Hague for crimes against international humanitarian law in Bosnia and Herzegovina, which is a violation of the letter and the spirit of the Dayton/Paris Accords and of relevant Security Council resolutions.

The Dayton/Paris Agreement specifically compels all the parties to the Agreement to fully cooperate with the Tribunal. Annex 4, article II, paragraph 8 of the Agreement states: "All competent authorities in Bosnia and Herzegovina shall cooperate with ... 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)", which legally binds the parties to the agreement to arrest and to surrender those indicted to the Tribunal at The Hague. Annex 4, article IX, paragraph 1, of the Agreement further states that "... no person who is under indictment by the Tribunal and who has failed to ... appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina."

The OIC Contact Group underlines that the Republika Srpska, an entity of Bosnia and Herzegovina, and the Federal Republic of Yugoslavia, comprised of Serbia and Montenegro, have not carried out their obligations under the Dayton/Paris Agreement and numerous Security Council resolutions, specifically resolutions 827 (1993), 1031 (1995) and 1034 (1995), in which the Council demands full cooperation with the orders of the Tribunal. The Group also stresses that article 29 of the Statute of the Tribunal, established under Chapter VII of the Charter of the United Nations, legally compels all States to detain and to surrender accused persons to the International Tribunal at The Hague; this obligation also rests on all the parties to the Agreement, including the Federal Republic of Yugoslavia.

Under the present circumstances, the free and fair democratic elections envisioned to be held on 14 September 1996 could be in jeopardy owing to the continuing presence in the area of these most notorious indicted war criminals who have shown themselves to be committed not to reconciliation but to division. The removal of war criminals from positions of nominal political power is not enough. Indeed, their apprehension and extradition, as mandated by the letter and spirit of the Dayton/Paris Accords, by the authority of the Security Council and article 29 of the Statute of the Tribunal, are absolutely necessary for free and fair democratic elections, reintegration, reconciliation and peace in Bosnia and Herzegovina.

In view of this extremely serious situation which endangers the peace now at hand in Bosnia and Herzegovina, and which could consequently pose a serious threat to international peace and security, the OIC Contact Group strongly urges the Security Council: (1) to impose sanctions on those parties which do not fully cooperate or comply with the Tribunal or its orders with a view to ensuring full implementation of the Dayton/Paris Accords as well as the relevant Security Council resolutions; (2) to seek the apprehension, arrest and extradition to The Hague of those individuals such as Karadžić, Mladić and other indicted war criminals by the multinational implementation force (IFUR); and (3) to declare that legal, free and fair elections cannot be held before the apprehension of these indicted war criminals and their extradition to The Hague.

Lastly, the OIC Contact Group takes note of and commends the full cooperation of the Government of Bosnia and Herzegovina, the only party to the Agreement to fully cooperate with the Tribunal, in carrying out its obligations to the Tribunal in the areas of Bosnia and Herzegovina under the control of the Government.

I would appreciate it if the text of the present letter could be circulated as a document of the Security Council.

(Signed) Mahawa Bangoura CAMARA
Ambassador and Permanent Representative
Chairperson of the Organization of the
Islamic Conference
