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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the Society for Threatened Peoples, a non-
governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[27 February 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Bosnia and Herzegovina: War criminals in Bosnia and Herzegovina must not be without punishment any longer

During Serbia-Montenegro's time of aggression against the republic of Bosnia and Herzegovina (1992-1995), our human rights organization handed over eyewitnesses' testimonies, information and documents on war crimes in Bosnia and Herzegovina to the UN Human Rights Commission and the International Criminal Court in The Hague.

Twelve years after the war, Bosnia still is no constitutional state. The main prerequisites for the enforcement of the Dayton Peace Agreement of 1995 – namely the returning of the refugees and the detention and turning in the war criminals that have been accused by the International Criminal Court in The Hague – have not been accomplished yet.

During the war, 2.2 million Bosnians had to leave their homes during the war. Until today, only 1.000.473 have returned; three quarters of them to the Federation of Bosnia and Herzegovina, the rest of them to the Republika Srpska. Only 136.000 of the original 496.000 Bosnian (Muslim) refugees or displaced persons from the territory of the Republika Srpska have returned so far.

War criminals have not been called to account for their crimes

Even today, thousands of people who are accused of war crimes, crimes against humanity, and genocide are still at large and need to be brought on trial. Many of them found safe refuge in the Republika Srpska. There the felonious structures of the war still remain. Non-Serbian war returnees live in constant fear of possible assaults, ill-treatment, defamation and harassment.

Besides the main war criminals Radovan Karadzic and Ratko Mladic, who are responsible for the killing of 250.000 Bosnian civilians, up to 1.500 presumed war criminals are still at large.

The presence of these war criminals in the public is the main obstacle preventing refugees and displaced persons from returning to their home towns. In the cities Srebrenica, Prijedor, Bijeljina, Bratunac and Visegrad they have to take into account the possibility of being confronted with their plagues on the street or at public offices.

There is no regional cooperation concerning the detention and turning in of war criminals to the International Criminal Court in The Hague. Many Bosnian Serbs fled from Bosnia to Serbia/Montenegro and obtained Serbian or Montenegrin citizenship. The government of the Republika Srpska has not turned in a single war criminal to the International Criminal Court.

Local police or authorities do not intervene in the human rights violations. The presence of the war criminals in the public sphere is a threat for life and limb of the former and future eyewitnesses.

Society for Threatened Peoples is extremely worried about the announcement by the international community that the work of the International Criminal Court will stop after 2010 without ever having charged the main war criminals.

The international community must not withdraw from Bosnia and the International Criminal Court must not stop working on the issue as long as the ones mainly responsible for the genocide have not been convicted and as long as no functioning legal system has been established in Bosnia and Herzegovina. National judges have to be enabled to conduct fair trials against the war criminals with the help and support of international judges.

Justice for all victims – especially for women – needs to be achieved. The victims and their families have to be compensated and eyewitnesses need to be protected.

Society for Threatened Peoples and large parts of the world's public find it unbearable that that the troops of the international community in Bosnia and Herzegovina have failed so far to imprison the war criminals that are accused by the International Criminal Court and the two people mainly responsible for the genocide, Radovan Karadzic and Ratko Mladic. Furthermore, we find it incredible that it is being accepted that half of Bosnia and Herzegovina, the so-called Republika Srpska, is still being dominated by Karadzic's supporters and followers.

Society for Threatened Peoples calls on the Human Rights Council to:

- **stand up more strongly for the enforcement of Annex 7 of the Dayton Peace Agreement guaranteeing the right for all refugees and displaced persons to return regardless of their religion or ethnicity,**
- urge the countries whose troops are in Bosnia and Herzegovina to detain all presumed war criminals in the Republika Srpska and to bring them on trial at the International Criminal Court or at national courts,
- give the governments of Serbia and the Republika Srpska a time limit by the end of which they have to have imprisoned Karadzic and Mladic,
- pressure the UN Security Council that the International Criminal Court must not stop its work as announced by 2010; the Court must not stop its investigations and criminal prosecutions until an effective plan of actions has been adopted and enforced in order to end impunity in Bosnia, Croatia, Serbia and Montenegro,
- work out a common program for the national and international protection of eyewitnesses,
- pressure NATO, the European police forces, the EU and the UN to trace down and imprison Mladic and Karadzic so that they can be brought on trial at the International Criminal Court in The Hague.
