

## **Bosnian War Crimes Justice Plan Questioned**

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Some say plan to prosecute all cases in 15 years is too ambitious, while others want justice sooner. The Bosnian government has been criticised for its plan to prosecute the almost 10,000 war crimes cases pending in the country within the next 15 years.

The strategy document, which was adopted in December 2008 by the Council of Ministers of Bosnia and Herzegovina, says all existing war crimes cases labeled as “priority” should be processed within the next seven years, while the remaining cases should be completed eight years after that.

However, reaction to the initiative has been mixed – with some people saying it’s impossibly ambitious, and others arguing that 15 years is too long to wait for justice.

The strategy, which Bosnia had to adopt in order to continue on its path towards European integration, was prepared by prosecutors and court officials, as well by a number of local and international officials and legal experts.

It consists of a series of goals and recommendations outlining how all existing war crimes cases in the country should be processed.

It’s not yet clear exactly how these will be implemented, or what will happen if targets are not met.

Since the early Nineties war, the Bosnian state court and lower courts throughout the country have registered a total of 9,879 war crimes cases.

The War Crimes Chamber of the Bosnian State Court, which was set up in 2005 to take over some of the workload of the Hague tribunal by prosecuting low- and mid-level suspects, has so far processed only a few dozen cases.

At the moment, it’s almost impossible to know how many cases have been processed by other courts in the country because of the lack of a centralised data system.

But this is one of the problems the new strategy should help solve, said Boris Grubestic, spokesman for the state prosecutor’s office.

He said the first task for his office would be to gather the details of all the country’s pending cases in one place.

“That is a very important first step, since we currently don’t have a system which would allow us to have an easy access to all this data,” he told IWPR.

Because the number of cases still to be processed in the country is so large, one of the main problems facing prosecutors has been how to decide which cases to proceed with first.

However, under the new procedures, prosecutors will prioritise according to the gravity of the crime, explained Grubestic.

The document outlining the new strategy says that when courts decide on a case's priority, they should take into account the number of crimes allegedly committed, the number of victims of those crimes, as well as the official rank of the suspect.

It also says that those accused of the gravest crimes – such as genocide and crimes against humanity – should be tried at the state court.

Suspects whose cases could provide a link between the executors of the crimes and those who ordered them should also be a priority, said the document.

It also addresses the question of who will decide to refer cases to lower courts in Bosnia, and defines what other resources are needed.

Among other things, the document identifies a need for a law on witness protection which currently does not exist.

Andre de Hoogh, professor of International Law at the University of Groningen in the Netherlands, thinks the plan to prosecute all pending cases within the next 15 years could be too ambitious.

Its success, he said, will depend on the legal system, the procedures in place and the people involved – namely the prosecutors and defence lawyers, as well as whether any fugitives can be found on time.

“For instance, the capture of former Bosnian Serb leader Radovan Karadzic had important repercussions for the completion strategy of the Hague tribunal,” he said.

There are also concerns that the local court system in Bosnia may not be equipped to deal with cases.

Adil Osmanovic, the vice-president of Republika Srpska, the Serb-governed half of the country, told IWPR the Bosnian courts will certainly need more than 15 years to process all those currently accused of war crimes.

He said there was a lack of political will to tackle this issue, particularly in Republika Srpska.

“The local courts in Republika Srpska, even when they have the possibility and capacity for processing war

crimes cases, avoid doing that. The main problem is a lack of interest in dealing with war crimes,” he said.

Some observers link this reluctance to the fact that high-ranking officials could well find themselves defendants in the cases.

Branko Todorovic, the president of the Helsinki Committee for Human Rights in Republika Srpska, told IWPR it was very unlikely that priority cases would be successfully processed in the next seven years.

He also accused politicians of wanting to slow down the process of prosecuting war crimes.

“The main reason...is that many high-ranking officials in the Republika Srpska government are also potential suspects,” he said.

“Local courts in Republika Srpska, mainly due to political pressure, simply ignore the issue of war crimes. The Helsinki Committee has pointed out a number of times that there are some local courts which have not charged anybody with war crimes over the last seven or eight years, despite the massive number of crimes that had been committed.”

Todorovic said that obstruction from politicians could slow down trials, which raised the prospect of the whole strategy failing.

He added that he thought it pointless to impose any deadline for trials.

“It is very wrong to give any time schedule because even now, 60 years after the Holocaust and the Second World War, there are some trials related to crimes committed back then in the courts throughout the world,” he said.

Yet while a goal to complete thousands of cases over the next decade and a half might seem overly ambitious, given the scale and complexity of most war crimes trials, some victims feel a shorter deadline should be introduced.

“We are not satisfied with this state strategy at all, because victims can’t wait for another 15 years for justice,” said Sabra Kolenovic of the Mothers of Srebrenica Association.

“Many mothers have died before those who killed their children were brought to court for trial. They did not live long enough to see justice being served.”

Velma Saric is an IWPR-trained reporter in Sarajevo.

**Location:** Bosnia and Herzegovina

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