impressive by any objective international standard. For Indonesia, the trial of Amrozi witnessed a transparency and professionalism in the task of evidence gathering which proved decisive in the trial itself as well as in the formation of public opinion. Non Indonesians are inclined to overlook this important point.

Before the detective work was revealed in cogent evidentiary form and made available for critical assessment by lawyers for Amrozi, Indonesia was awash with conspiracy theories. One theory had it that the Bali bombs were planted by the American CIA itself - a theory more readily accepted in a post colonial society which was well used to western exploitation. Hence, the intense curiosity which surrounded the unfolding of prosecution evidence contributed to the trial's significance.

'In utilising the nation's normal public court processes Indonesia's response to terrorism is in contrast to that of America which has opted for secrecy, open ended detention at Guantanamo Bay and military courts.'

One of the most important aspects of the trial of Amrozi, and not only for debunking conspiracy theories, was the persuasive power of reliable and objective evidence openly exposed in the public hearing. The trial of Amrozi is a timely reminder that in the battle of ideas, open, public hearings with fair proceedings are one of society's most effective weapons against obscure thugs bent on changing national and international systems of government. In utilising the nation's normal public court processes Indonesia's response to terrorism is in contrast to that of America, which has opted for secrecy, open ended detention at Guantanamo Bay and military courts. So far the United States has not brought anyone to trial and Osama Bin Laden has not been caught. However, recently the US Supreme Court has agreed to judicial review of the detentions at Guantanamo Bay.

What must have been of great satisfaction for Indonesia was the stoicism and professionalism of the panel of judges who sat on Amrozi's trial. The judges listened patiently, at all stages of the trial, sometimes in the face of provocation from supporters and the defendant; their conduct of the case was exemplary by any standard. Here was another plus for Indonesia which has endured criticisms for judicial corruption for many years. A nation and a world conditioned by political hype and spin was being persuaded in an open court by the power of evidence which in its content had intellectual persuasion.

The process of gathering evidence for Amrozi's trial forced a re-examination of earlier bombings in Indonesia. Links with the earlier bombings of the Philippine Embassy on 1 August 2000 and the Jakarta Stock Exchange on 13 September 2000 were established and persons charged. Indonesia has become perhaps the first country in the world which can claim success in uncovering the conspiracy behind terrorist bombings and bringing the perpetrators to justice.

Amrozi angered families of the Bali bomb victims when he waved and laughed before the media, giving the thumbs up. Chief Judge I Made Karna, in handing down the death penalty, justified the five member panel's decision in a lengthy judgment on the basis that Amrozi had violated both the anti terrorist laws introduced in 2002 and long established homicide laws. The Chief Judge cited not just the massive loss of life, but referred to the racial and religious elements of the attacks and its effect of undermining Indonesia's secular state policy. He described Amrozi's acts as ' an extraordinary crime against humanity' deserving the ultimate penalty.

The trial of Amrozi demonstrated him to be a misguided, callow criminal. When Amrozi's first tier appeal was dismissed, the nation notionally breathed a sigh of relief. Then Amrozi's lawyers appealed further taking a constitutional point against the conviction based on a retrospective law. Apprehension levels rose. However, the ordinary legal processes were allowed to take their place. The nation awaits a ruling whether Amrozi's conviction is constitutionally valid.

For Australia and the western world there are lessons to be learnt from the Indonesian investigative process and the trial. No amount of military intervention will turn the tide against ignorance and racial and religious bigotry. Too much meddling could well influence public opinion in Muslim countries in the direction of the fundamentalists.

Amrozi's trial is an example of how to deal intelligently with the problem of international terrorism. The trial powerfully helped the cause of moderate Muslims in demonstrating how the Bali bombers had in fact smeared Islam. The strategies and tactics employed by the prosecutors brought home that the ultimate battle in dealing with terrorism is within the world of Islam. Amrozi, his smile and motivation notwithstanding, was shown to be a criminal and not a religious martyr. Importantly, Amrozi showed himself to be bigoted and ignorant.

At an important time in world history, Indonesia, a modern nation used to threats from Islamic fundamentalists has much to offer the wider world in its approach to dealing with the world's major political problem. By the use of normal public criminal processes, Indonesia has shown a way forward in the real war against terror. It has acted with candour and quiet determination. It has utilised its normal judicial processes. It is in this context Amrozi's trial is so significant.

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Transitional justice

The prosecution of war crimes in Bosnia and Herzegovina

*By Janet Manuell and Aleksandar Kontic**

A growing number of local barristers are playing an important role in international criminal law, particularly in the prosecution of war criminals at The Hague. One such barrister is Janet Manuell. In the following article, she and Aleksandar Kontic provide an analysis of the two tiers of war crimes' jurisdiction - the International Criminal Tribunal for the Former Yugoslavia and the Bosnian-Herzegovinan courts - and the efforts to ensure fair war crimes' prosecutions in Bosnia and Herzegovina after the 1992-1995 war.*

International jurisdiction

In May 1993, at the height of the wars in the former Yugoslavia, the United Nations Security Council established the International Criminal Tribunal for the Former Yugoslavia (the ICTY)[1]. It did so in response to international outrage at evidence of war crimes being committed with impunity and on a scale unprecedented in Europe since World War II. The statute empowered the ICTY to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991, in accordance with its provisions.

The ICTY was established by the UN Security Council rather than the General Assembly because it was thought that the situation in the former Yugoslavia was too serious to wait for a lengthy ratification process[2]. By characterising the war as a breach of the peace, the Security Council could act immediately under Chapter VII of the UN Charter[3]. Part of the international community's motivation in establishing the ICTY was to prevent further war crimes being committed in the region, particularly against the people of Bosnia and Herzegovina, and Croatia[4].

The ICTY Statute enacted a two-tiered mechanism for the prosecution of alleged war crimes; the first tier is the jurisdiction of the ICTY in The Hague, and the second tier is the national criminal jurisdiction of the states of the former Yugoslavia. The ICTY Statute provides that the respective jurisdictions are to be concurrent, but that the ICTY is to have primacy over the national courts[5].

Once the ICTY was established in The Hague in 1993 it was possible for war crimes investigations and prosecutions to commence immediately. The twin difficulties of the population's understandable pre-occupation with the ongoing wars and the lack of political motivation in the states of the former Yugoslavia to prosecute their own high-level suspects were addressed by the international nature of the ICTY. Since its inception, the ICTY has issued 50 public indictments (some incorporating multiple accused) and one contempt indictment. It has prosecuted more than 50 accused[6] in The Hague in what are, frequently, extremely complex trials[7].

From the outset, it was clear that the ICTY was never going to be able to prosecute every suspect against whom there was sufficient prima facie evidence of the commission of war crimes. Instead, the aim of the ICTY Statute was to prosecute only the key higher-level individuals, namely the military leaders and others who held senior command positions, while it was intended that the lower-ranking suspects would be prosecuted in the national courts[8]. However, in 1993, with various wars still underway, the reality of war crimes prosecutions being conducted in the states of the former Yugoslavia was still a distant prospect.

A Forensic expert removes layers of soil after discovering remains of bodies in a new mass grave near the eastern Bosnian town of Zvornik, 28 July 2003.
Photo: Hrvoje Polan / AFP / News Image Library

*** Janet Manuell and Aleksandar Kontic are Legal Officers in the Rules of the Road Unit, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia.**

Janet Manuell completed her law degree at Sydney University in 1984 and, after completing College of Law, commenced practice in 1986. She was admitted to the NSW Bar in 1990. She practised at the NSW Bar until moving to The Netherlands in 2001, where she commenced employment in the Rules of the Road unit, within the ICTY's Office of the Prosecutor.

Aleksandar Kontic completed his law degree at Sarajevo University in 1986 and worked in law firms in Sarajevo from 1987-1990. In 1989, he passed his Bar examination and commenced work as a sole practitioner in 1990. The main areas of his practice were in criminal and civil law. During the war, Aleksandar worked for UNHCR in Sarajevo from June 1992 until February 1993, before moving to The Netherlands to live. He joined the Rules of the Road unit in 1997, and continues to be employed in the ICTY's Office of the Prosecutor. In 2002, he was awarded a Master of Laws from Amsterdam University.

The views expressed herein are those of the authors alone and do not necessarily reflect the views of the International Tribunal or the United Nations in general.

National jurisdiction

The wars in Bosnia and Herzegovina and Croatia (two former states of the Socialist Federal Republic of Yugoslavia) ended with the signing of the *Dayton Peace Agreement* ('Dayton') on 30 December 1995. A month later, on 30 January 1996, General Djukic and Colonel Krsmanovic, of the Republika Srpska Army, were driving near Sarajevo, the capital of Bosnia and Herzegovina. Extensive damage had been done to road signs in Bosnia and Herzegovina during the war, and a damaged sign caused General Djukic and Colonel Krsmanovic to lose their way. They were arrested at a Bosnian Muslim check-point and, by virtue only of their military positions, were immediately detained on suspicion of having committed war crimes. They were indicted for war crimes a week later, on 6 February 1996, and it was intended that they be prosecuted in Bosnian-Herzegovinan courts.

The ripple effect was immediate. In Bosnia and Herzegovina, there was a series of arbitrary retaliatory arrests and detentions carried out by the formerly opposing forces in the region. Local and national prisoner exchange programs were suspended indefinitely, and the emerging political co-operation between the formerly warring parties was swiftly eroded. The arbitrary arrests constituted a novel and dangerous threat to peace and security in the country; not only was the right of free mobility within the divided country in jeopardy, but there was also the very real prospect of many politically motivated witch-hunt prosecutions and show trials taking place. The death penalty was still, technically at least, an available sentencing option for those convicted of war crimes.

This spate of reciprocal arrests caused serious concern among the Dayton signatories. Dayton had effectively divided Bosnia and Herzegovina into two territorial parts (albeit under a single constitution), one part predominantly Bosnian Muslim and Bosnian Croat (the Federation) and the other, predominantly Bosnian Serb (Republika Srpska). Freedom of travel between the two parts was essential to ensure the viability of the country's division, and any threat to freedom of travel was perceived to be a threat to Dayton itself. Therefore, it was quickly apparent to the Dayton signatories that a mechanism was needed to prevent retributive arrests, by ensuring that arrests of suspects on war crimes charges could be made only if the charges were founded on evidence that satisfied international standards of fairness. As a result of their concern, the signatories gathered again, this time in Rome, to sign what became known as The Rome Agreement, 18 February 1996.

Rules of the Road

When the Rome Agreement was signed on 18 February 1996, Richard Goldstone, who was then the ICTY Prosecutor, agreed to assume responsibility for the administration of Paragraph 5 of the Agreed Measures of the Rome Agreement. That paragraph states:

> Persons, other than those already indicted by the Tribunal, may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal. Procedures will be developed for expeditious decision by the Tribunal and will be effective immediately upon such action.

'It was quickly apparent to the Dayton signatories that a mechanism was needed to prevent retributive arrests, by ensuring that arrests of suspects on war crimes charges could be made only if the charges were founded on evidence that satisfied international standards of fairness.'

In recognition of the circumstances giving rise to paragraph 5 of the Agreed Measures, that part of the agreement became known as the 'Rules of the Road'. A Rules of the Road unit was established within the ICTY's Office of the Prosecutor (OTP) in order to review each proposed Bosnian-Herzegovinan prosecution. The unit continues to function within the OTP today, although there are now plans to transfer the unit's legal review function to Bosnia and Herzegovina in 2005.

To comply with Paragraph 5, the judicial authorities in Bosnia and Herzegovina have been obliged, since 18 February 1996, to submit all of their proposed war crimes prosecutions to the OTP for legal review. Although Paragraph 5 refers to the arrest and detention of suspects, in practice the prosecution of a war crimes suspect is *only* permissible in Bosnia and Herzegovina if the ICTY's Prosecutor, through the Rules of the Road unit, has first approved the prosecution. Since its inception, more than 1,350 files containing allegations against more than 3,300 suspects have been submitted to the Rules of the Road unit for review.

Prosecuting authorities from each of the three ethnicities in Bosnia and Herzegovina now comply with the Rome Agreement although, historically, there has been patchy co-operation with the Rules of the Road unit. Part of the explanation for this is that war crimes prosecutions were simply one of the many issues to be dealt with in the aftermath of the wars. Also however, some prosecutors and investigative judges from certain Bosnian-Herzegovinan municipalities were loath to submit any files, and resisted war crimes prosecutions in their courts. On the other hand, other prosecutors and judges embraced the Rome Agreement from its first days. There is now a high degree of cooperation throughout the country although, for different reasons, the quality of the files

is often lacking. This may reflect inadequate legal training of local prosecutors in respect of war crimes prosecutions, inadequate investigative or judicial resources, or the reluctance of certain witnesses to testify. It is clear however, that certain files are still being submitted to the Rules of the Road unit where the proposed prosecution is politically motivated and unsupported by the available evidence.

On occasions, the results of a file review by the Rules of the Road unit are made publicly available by the submitting authority, and given considerable local press coverage, usually with adverse comments about the perceived partiality of the ICTY. Often however, public comment is made to indicate that the unit's integrity is in fact well regarded by local judicial officers and politicians[9].

Notwithstanding the occasional criticisms, there are independent signs that the safeguard imposed by the Rules of the Road mechanism is working; there is freedom of movement and a greater degree of political stability within Bosnia and Herzegovina today than immediately after the arrests of General Djukic and Colonel Krsmanovic, and there have not been widespread, sensationalised 'show' trials in respect of alleged war crimes.

The Rules of the Road unit has contributed to the developing legal system in Bosnia and Herzegovina in other ways. In October 2001, staff from the unit held conferences in Sarajevo (the capital of Bosnia and Herzegovina) and in Banja Luka (the largest city and administrative centre of Republika Srpska) which were attended by more than 350 judges, lawyers and investigators[10]. Conference materials given to the participants included case studies, analyses of the applicable international law and suggestions on how a case should be prepared for review by Rules of the Road. Another aspect of Rules of the Road's contribution to the development of the national legal system is in the form of the notification letters sent by the ICTY's Prosecutor to the local prosecuting authorities advising of the result of the legal review. If a prosecution is not approved, these notification letters specify the legal and evidentiary issues to be redressed, such as the need to properly identify alleged offences, and the need to submit appropriate identification of suspects, relevant eyewitness evidence, medical evidence of injuries allegedly sustained and proof of death. The local prosecuting authority is invited to re-submit the file for further review after the additional material has been obtained. In this manner, the notification letters can perform an educative function.

Bosnian Muslim women pray after laying flowers on a stone monument 11 July 2002 at the site of the massacre of some 7,500 Muslim men and boys committed by Serb forces when they overrun the former Muslim enclave of Srebrenica on July 11, 1995. Photo: Fehim Demir / AFP / News Image Library

One other important aspect of the Rules of the Road unit's work is its cooperation with the Office of the High Representative[11]. The evidence submitted to the Rules of the Road unit represents, in essence, a history of the war in Bosnia and Herzegovina because the police, prosecutors, investigating judges and witnesses are drawn from each side of the religious, ethnic and territorial divides. The Rules of the Road unit's database therefore contains comprehensive data on every person who has ever been formally alleged to have committed a war crime in Bosnia and Herzegovina. This data is valuable in assisting the OHR in performing its functions, such as the assessment of the propriety of appointments of candidates to government positions. The data may also be of assistance in identifying suspects who should be prosecuted in Bosnia and Herzegovina as a matter of priority.

'Notwithstanding the occasional criticisms, there are independent signs that the safeguard imposed by the Rules of the Road mechanism is working;'

Difficulties encountered in Bosnian-Herzegovinan prosecutions of war crimes suspects

The court system in Bosnia and Herzegovina has struggled to prosecute those suspects whose cases have been approved for prosecution by the ICTY's Prosecutor in accordance with the Rome Agreement. To date, only about 50 war crimes suspects have been prosecuted in Bosnia and Herzegovina, which is less than eight per cent of those suspects whose prosecutions have been approved. There are many reasons for this relatively low number of prosecutions; the country's court buildings, police stations and prisons were frequently damaged during the war and are only now being repaired, political and ethnic tensions still exist between certain investigating agencies and prosecutors, many victims and witnesses were displaced during the war and contact with them has since been lost, many victims and witnesses fear giving evidence in criminal proceedings in the absence of a witness protection scheme in the country, and many of the suspects live outside Bosnia and Herzegovina and therefore, have not been amenable to arrest.

While there have been attempts to address these problems,

Bosnian Muslim woman wipes away her tears as the body of her husband is being buried in Potocari near Srebrenica in eastern Bosnia, 11 July 2003.
Photo: Hrvoje Polan / AFP / News Image Library

especially in the past two-three years, there is still a fundamental problem posed by the absence of an effective witness protection scheme in Bosnia and Herzegovina. The nature of the crimes allegedly committed by Rules of the Road suspects is, by definition, lower level. The witnesses whose statements are reviewed by the Rules of the Road unit are generally, to use ICTY parlance, 'crime-base' witnesses. Commonly, the crimes alleged against Rules of the Road's suspects do not involve high-level planning of mass joint criminal enterprises; they are, instead, the 'grass-roots' crimes. In practical terms, the alleged crimes range from a single rape to the murders of 100 people. Because Bosnia and Herzegovina was so ethnically mixed prior to the war, to a much greater extent than say Serbia or Croatia, ethnic tensions were played out in every municipality throughout the country. This means that, often, suspects are alleged to have committed 'grass-roots' war crimes against their former neighbours and friends or acquaintances. Identification of suspects is therefore often easy for many of the alleged victims, but a concomitant of this is that the victims and witnesses - and their extended families and friends - are often well-known to suspects. Witness protection is therefore an extremely difficult, if not impossible, task because of the vulnerability of a victim or witness' extended family circle. Although effective witness protection is an issue that is currently under the consideration of the judicial authorities and the international community in Bosnia and Herzegovina, it may be too difficult an objective to ever achieve.

Another reason for the relatively low number of war crimes prosecutions in Bosnia and Herzegovina is that political considerations still figure highly in the determination of who is to be prosecuted. To date, prosecutions of alleged war criminals in Bosnia and Herzegovina have not been coordinated by a single authority; each Municipal Prosecutors' Office has acted autonomously. If a suspect is amenable to arrest, the Municipal Prosecutors' Office requests an investigative judge from the relevant Cantonal (District) Court to conduct an investigation. If the investigation reveals sufficient prima facie evidence, the local prosecutor then lays an indictment against the suspect. The inevitably different levels of investigative and prosecutorial skills of lawyers throughout the country have resulted in vastly different approaches to the prosecutions that have taken place. Political motivation and pressure have also often played a role. The legal system of Bosnia and Herzegovina has traditionally operated on the principle of territoriality of jurisdiction; suspects could be prosecuted only in the territory (municipality) in which the crimes had been allegedly committed. This principle meant that if, say, a Bosnian Serb suspect were accused of committing a war crime against Bosnian Muslims or Bosnian Croats in a municipality given to the Serbs in the Dayton division of Bosnia and Herzegovina, then it was unlikely the suspect would be prosecuted because a Bosnian Serb court was the only court with the necessary jurisdiction. It is a rare occurrence for a Bosnian Serb suspect to be prosecuted by a Bosnian Serb court, and the same is true for Bosnian Muslim and Bosnian Croat suspects in the Federation's courts.

'Although effective witness protection is an issue that is currently under the consideration of the judicial authorities and international community in Bosnia and Herzegovina, it may be too difficult an objective to ever achieve.'

Solutions to prosecution difficulties in Bosnia and Herzegovina

There is now a move to address the unfettered autonomy of the courts and the municipal prosecutors in Bosnia and Herzegovina, and centralise the prosecution of alleged war crimes. On 30 October 2003, members of the international community met at a donors' conference in The Hague to decide upon the establishment of a Special Chamber for War Crimes within the State Court of Bosnia and Herzegovina. Various member states of the UN Security Council have already expressed their 'in-principle' approval of the establishment of the Special Chamber, at meetings on 8 and 9 October 2003[12]. Funding in the order of 30 million euros (approximately AU$50 million) is being sought for an initial three-year operation of the Special War Crimes Chamber, an amount that includes building costs and the employment of local and international lawyers.

If, as it is anticipated, the Special Chamber is established and the Special Prosecutor for War Crimes is subsequently appointed, the chamber will provide a forum for those cases

which the ICTY may not otherwise have the time to prosecute. In addition, the Special Prosecutor may choose to prosecute suspects whose prosecutions have already been approved by the ICTY's Prosecutor in accordance with the Rome Agreement, without regard to the territorial principle. Currently, there are in excess of 720 suspects whose prosecutions have been approved by the Prosecutor in this manner, which suggests that the immediate issue for any Special Chamber for War Crimes established in Bosnia and Herzegovina will be to determine its prosecutorial objectives.

If a Special War Crimes Chamber is indeed established and a Special Prosecutor appointed, it is anticipated that the legal review function currently performed by the Rules of the Road unit in The Hague will be transferred to Bosnia and Herzegovina. The Special Prosecutor should be able to assume the workload of the Rules of the Road unit, and immediately commence prosecutions as a result of those reviews. In that way, the international community will have ensured that a major function of transitional justice, namely the fair indictment of a large number of alleged war criminals, is implemented in Bosnia and Herzegovina. The people of Bosnia and Herzegovina should then have a chance to see justice being done, and being done fairly, in their own national courts.

Web sites that may be of interest: www.un.org, www.un.org/icty, www.ohr.int, www.ictj.org, www.eupm.org and www.osce.org

1 Security Council Resolution 827 (S/Res/827 (1993)), 25 May 1993.

2 For a discussion of the relevant principles, see Security Council Resolution 827, Paragraphs 18-30.

3 Article 39 of the UN Charter provides that:

> The Security Council shall determine the existence of any threat to the peace, breach of peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

4 Commentators (for instance, Antonio Cassese, a former ICTY President, in a newspaper interview given to *Slobodna Bosna* (a Bosnian and Herzegovinan weekly), 12 May 2001) note however, that this objective was not altogether successful. Many of the worst war crimes committed in the former Yugoslavia were committed after May 1993, for instance, the Serb massacre of Muslim males at Srebrenica (in Bosnia and Herzegovina) in July 1995.

5 Article 9 (1) the ICTY Statute provides that:

> The International tribunal and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

Article 9 (2) the ICTY Statute provides that:

> The International tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal in accordance with the present statute and the Rules of Procedure and evidence of the International Tribunal.

6 As at 21 October 2003.

7 The ICTY's Office of the Prosecutor (OTP) has grown from an initial staff of seven in 1993 to a staff of more than 800. More than 1,500 staff are employed altogether in the ICTY.

8 In his address to the General Assembly of the United Nations on 4 November 1997, Antonio Cassese, the then President of the ICTY said:

> We are not capable of trying every war criminal at The Hague and it would help the tribunal in its task if there were more national prosecutions for the multiple crimes committed in the former Yugoslavia. The two approaches - international and national - should go hand-in-hand. The leaders of warring parties and other accused in command positions should be brought before the Hague Tribunal, whilst the other indictees should be tried by national courts.

9 For instance, commenting on a recent Rules of the Road funding shortage, the Prime Minister of the Bosnia and Herzegovina, Adnan Terzic, was quoted as saying,

> This is worrying news for us and I intend to speak about it at the session of the Chamber for Peace Implementation in BH. We find that the Section for the Rules of the Road is absolutely necessary in ensuring the legality of the criminal proceedings.

'A Section of the Hague Tribunal under Threat of Shutting Down' published in O*slobodjenje* (a Bosnian-Herzegovinan daily newspaper), 29 March 2003.

10 Branko Todorovic, President of the Helsinki International Federation for Human Rights, Republika Srpska Branch, commented on the Rules of the Road unit's conferences in October 2001, saying:

> the *(Rules of the Road)* conferences were tasked with giving a lasting contribution towards the completion of criminal procedures in Bosnia Herzegovina against persons suspected for violations of international humanitarian law. It is expected that the ICTY will process 200 - 300 main agents of the tragic violence in the area of former Yugoslavia. The remaining people, surely a large number, who are under suspicion for the commission of war crimes will be subject to domestic judiciary...
>
> Unfortunately, the courts still function as the longer arm of certain policies, rather than as the arm of justice. Some participants *(of the Rules of the Road conferences)* stressed the worrying fact that the politicians in Bosnia Herzegovina in various ways, and unfortunately successfully, exercise strong political control over the judiciary.
>
> The essential question is: how could some of the local investigators, prosecutors and judges initiate proceedings aiming to establish criminal responsibility of those politicians who, during the war, participated in violations of international humanitarian law and who are, even today, in very high political positions or exercise public functions?...
>
> The only thing we're left with is hope that the international community will very closely follow and support the activities in the Bosnia Herzegovinan judiciary, in order to punish all those who took part in the ethnic cleansing, violence and crimes.
>
> Without that, there is no future for this country.

11 The Office of the High Representative (OHR) is the chief civilian peace implementation agency in Bosnia and Herzegovina. The High Representative is designated to oversee the implementation of the civilian aspects of Dayton in Bosnia and Herzegovina on behalf of the international community. The Steering Board of the PIC (international community) nominates the High Representative. The UN Security Council, which approved the Dayton Peace Agreement as well as the deployment of international troops in Bosnia and Herzegovina, is then required to endorse the nominee. The current High Representative of the international community in Bosnia and Herzegovina is Lord Paddy Ashdown.

12 The 4,837th and 4,838th Meetings of the UN Security Council.