



Weekly Briefing

**Bosnia-Herzegovina political briefing:
Valentin Inzko's last move and the new political crisis
in Bosnia and Herzegovina
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Summary

Summer in Bosnia and Herzegovina was marked by Milorad Dodik, the leader of the strongest party of Republika Srpska, the Alliance of Independent Social Democrats (Savez nezavisnih socijaldemokrata, SNSD) and the Serb representative in the tripartite presidency of the country. After being provoked by the High Commissioner Valentin Inzko's amendments to the Criminal Code of Bosnia-Herzegovina, which aimed to prosecute all those who deny war crimes, genocide and glorify war criminals, Dodik used both of his positions to further alienate Republika Srpska from the rest of Bosnia and Herzegovina and international community. The chain of events, instigated by Inzko is currently leading Bosnia and Herzegovina toward yet another political crisis.

Introduction

Valentin Inzko's amendments to the Criminal Code of Bosnia-Herzegovina

The new wave of various street "murals" and "dedications" to former Bosnian Serb Army Commander Ratko Mladić which, after the International Criminal Tribunal for the former Yugoslavia (ICTY) sentenced Mladić to life imprisonment in June, appeared all around Republika Srpska, provoked the High Representative for Bosnia and Herzegovina Valentin Inzko to a strong reaction. After visiting many of these murals and once again personally acquainting himself with the extent of the glorification of war criminals in Republika Srpska, Inzko stated for the media that "the situation today is so awkward that one can make a 'tourist' map of top Bosnia and Herzegovina cities with murals of war criminals." Further more, as Inzko noted, "numerous streets and squares in the Republika Srpska are named after convicted war criminals, but also after those who managed to escape justice, and their crimes were documented by TV cameras".¹ Inzko's reaction occurred just one day after Milorad Dodik made another public statement regarding the genocide in Srebrenica. Speaking in front of the journalists in East Sarajevo, referring to the discussion he recently had with the United States

¹ <<https://balkans.aljazeera.net/news/balkan/2021/7/6/inzko-nakon-posjete-foci-velicanje-ratnih-zlocinaca-je-neprihvatljivo>>

Deputy Assistant Secretary of State Matthew Palmer, Dodik explained how he told Palmer that there was no genocide in Srebrenica and that he will not allow Palmer or anyone else to forbid him to continue to say so. This and other similar Dodik's statements did not fare well with Inzko, who at the end of July, moved to impose changes to the country's criminal law, aiming to sanction "the glorification of war criminals convicted by final and binding judgments and the denial of genocide, crimes against humanity and war crimes."² This Inzko's intervention was done just one week before his term as High Representative had ended and was replaced by Christian Schmidt.

The reactions in Republika Srpska

Genocide denial, avoidance to sanction public murals and dedications to war criminals, as well as their outright glorification, done by the politicians and media in Republika Srpska was the largest stumbling block between Milord Dodik and Valentin Inzko throughout the duration of his term as High Representative. Numerous prior warnings, coming from Inzko, were usually ignored and even publicly brushed-off by Dodik. The same happened just a few days after Inzko's amendment was made public. Speaking again in front of the media, Dodik stated that he will not respect Inzko's decision because, as Dodik believes, there were no genocide in Srebrenica. Further more, as he usually reacts in similar situations, Dodik once again threatened with secession of Republika Srpska from Bosnia and Herzegovina. However, since Inzko's threats were not only words this time, Dodik, along with the National Assembly of Republika Srpska acted accordingly. One week after Inzko's amendments, on July 30th the National Assembly of the Republika Srpska itself responded with two new laws: a) the "Law on Non-Application of the Decision of the High Representative in Bosnia and Herzegovina Valentin Inzko on the Prohibition of Genocide Denial", and the "Law on Amendments to the Criminal Code of the Republika Srpska".³ With the first one, as the name itself states, the National Assembly of Republika Srpska simply decided that Inzko's amendment will not be valid on the territory of Republika Srpska. The second law, introduced to counter Inzko's amendment in content, made calling the Republika Srpska a genocidal creation a punishable act. Although the latter law may at first simply look like as a move aimed at protecting the name and honor of this Bosnia and Herzegovina's entity, the huge defect of the law hides in the fact

² <<http://www.ohr.int/high-representative-valentin-inzko-introduced-today-amendment-to-the-bh-criminal-code/>>

³ <<https://www.narodnaskupstinars.net/?q=la/vijesti/narodna-skupština-usvojila-zakon-o-neprimjenjivanju-odluke-visokog-predstavnika-i-zakon-o-dopuni-krivičnog-zakonika>>

that it does not, expectedly, include any reference to the prosecution of those individuals who deny genocide, crimes and glorify war criminals. In practice, this law will not only shield all those who are supporting Dodik in minimizing and denying crimes that happened during the war, but might also create a lot trouble for all those who would place the word “genocide” in the same context with “Republika Srpska”. Led by Dodik and his SNSD, 70 out of 73 members of the Republika Srpska voted in favor of these two laws. The new laws, introduced by the National Assembly of Republika Srpska, were not the only weapon Dodik used in his fight against the office of the High Representative. Following these two laws, officials from the Republika Srpska jointly began to boycott the work of Bosnia and Herzegovina’s state institutions in which they are serving at. This political blockade, used by Dodik before, has paralyzed institutions of the state, halted the decision-making process and jeopardized the salaries of the government officials and numerous employees and officials in ministries, offices and agencies.

Further reactions

One week after the National Assembly of Republika Srpska reacted to Inzko’s amendments and Dodik began his blockade of the state, the Social Democratic Party of Bosnia and Herzegovina (Socijaldemokratska partija Bosne i Hercegovine, SDP), called out other members of the Bosnia and Herzegovina’s Presidency, namely Željko Komšić and Šefik Džaferović, to initiate proper procedures to protect the state institutions. Soon after, acting according to the Inzko’s amendment, the Prosecutor’s Office of Bosnia and Herzegovina contacted Dodik, requesting his explanation regarding his statements on denying the Srebrenica genocide. The Prosecutor’s Office did not have to wait long for the reply. Within a few days, the not particularly troubled Dodik publicly confirmed the Prosecutor’s Office’s request, further elaborating his position. “I would absolutely rather go to prison than admit something that did not happen, and that is the alleged genocide in Srebrenica,” Dodik stated and continue to elaborate that the “story of the alleged genocide became topical in 2002, seven years after the event”, after which, “everything around it became relevant and ‘now everything is known’.” “There is only one truth”, Dodik concluded, “that there was no genocide.”⁴ In another public statement, made one week later, Dodik confidently rejected the request of the Prosecutor’s Office, setting both Inzko’s amendment and Prosecutor’s Office’s power as irrelevant.

⁴ <<https://balkans.aljazeera.net/news/balkan/2021/8/12/dodik-apsolutno-bih-prije-isao-u-zatvor-nego-priznao-da-se-u-srebrenici-desio-genocid>>

However, as Dodik's boycott of the state continued to push the country in a state of a political blockade, more reactions were provoked. One of the last, made in the last days of August, was the one of the Bosniak Member of the Presidency of Bosnia and Herzegovina Šefik Džaferović who publicly called international community and the (new) High Commissioner Christian Schmidt to solve the current issue.

Conclusions

Current political crisis is just another predictable episode of Bosnia and Herzegovina's reality, no one is taking with surprise. In the background of these events, which both further complicated the political situation within Bosnia and Herzegovina and expanded the rift between Republika Srpska and the European Union, lies the finalizing of the International Residual Mechanism for Criminal Tribunals' (IRMCT) verdict over the former leaders of the State Security Service of Serbia, Jovica Stanišić and Franko Simatović. In the explanation of the verdict of the two, who were sentenced to 12 years in prison for crimes against humanity, made public on June 30th, the IRMCT clearly underlined the names of the "joint criminal enterprise" responsible for war crimes and crimes against humanity on the territory of Croatia and Bosnia and Herzegovina in the period between 1991 and 1995. The responsible include Slobodan Milošević, Radmilo Bogdanović, Radovan Stojičić (Badža), Mihalj Kertes, Milan Martić, Milan Babić, Goran Hadžić, Radovan Karadžić, Ratko Mladić, Momčilo Krajišnik, Biljana Plavšić i Željko Ražnatović (Arkan).⁵ Several of the names on this list belong to the core "founders" of Republika Srpska, some of which were instrumental in making Dodik the ruler of Republika Srpska he is today. Also, the recent verdicts to Radovan Kradžić and Ratko Mladić, which removed all doubt from questioning the Srebrenica genocide in any way, only further showed just how much Dodik's "truth" differs from the one practically nobody in the European Union has the problem of accepting. Still, two and a half decades of half-measures and no-measures regarding the suppression of denial of genocide and glorification of war criminals in Bosnia Herzegovina won't be solved by an amendment or two on either side, but surely can, as this summer has clearly showed, only complicate things even further.

⁵ <https://www.irmct.org/sites/default/files/case_documents/20210806-Judgement-Stanistic_Simatovic.pdf>