

Working Group for Bosnia and Herzegovina

January 17, 2022

Josep Borrell Fontelles
High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission
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1049 Brussels
Belgium

Your Excellency,

We are writing to urge you to involve the European Union (EU) more decisively in response to the current crisis in Bosnia and Herzegovina, including with targeted sanctions against those threatening the peace, with a more realistic reinforcement of the EUFOR mission in Bosnia, and with strong public support of the authority and decisions of the Office of the High Representative.

The recent visit of EU Commissioner Olivér Várhelyi to Bosnia in November has raised grave concerns about the EU's commitment to supporting the rule of law, democratic values, and human rights in Bosnia, as well as Bosnia's membership in the EU. The discussions that took place at Commissioner Várhelyi's meeting in November seemed to further the interests of Bosnian Serb and Bosnian Croat nationalists, who, with the support of the Russian Federation, seek to undermine the sovereignty and territorial integrity of Bosnia.

On the basis of the report of the November meeting prepared by Ambassador Sattler, it was clear that Commissioner Várhelyi blamed former High Representative Inzko for the current crisis in Bosnia due to Mr. Inzko's amendment to the criminal code implementing the laws against genocide denial and the glorification of convicted war criminals. Commissioner Várhelyi implied that there should have been more local debate to build consensus and that the domestic political representatives should have been given a chance to pass the law.

This was certainly an unwarranted and remarkably inaccurate criticism directed against the previous High Representative. As is well known, former High Representative Inzko had consistently and strongly urged local politicians to pass such a law. In fact, such a law was introduced for passage on two occasions in the past several years in the House of Peoples by Representatives Zlatko Miletić and Denis Bećirović. On both occasions, the passage of the proposed law was intentionally prevented by a voting block composed of Bosnian Serb and Bosnian Croat nationalists. After the passage of the law was blocked repeatedly, House of Peoples Representatives and others called on High Representative Inzko to amend the criminal code.

Further, it is certainly unexpected that an EU Commissioner would blame the High Representative for implementing the law against genocide denial and the glorification of war criminals insofar as the law in question is entirely consistent with EU legal principles and practices. Indeed, the EU Council Framework Decision of 28 November 2008 on combating forms and expressions of racism and xenophobia by means of criminal law clearly directs member states to ensure that genocide denial is punishable.

Laws in the EU against genocide denial recognize that denial is a form of hate speech that denies or minimizes the crime that was committed against a targeted group and renders that group vulnerable to a repetition of the atrocities. Denial is essentially seen as an incitement to violence against the targeted group. By implementing the law, in addition to achieving an historic and timely assertion of the rule of law, High Representative Inzko sought to protect survivors of the genocide, including the Mothers of Srebrenica, from the implicit threat and re-traumatization of such hate speech.

EU Commissioner Várhelyi's focus on the new law has been a regrettable diversion since it is Bosnian Serb Presidency member Milorad Dodik who is clearly to blame for the current crisis. In his November report to the United Nations Security Council, High Representative Christian Schmidt sounded the alarm when he indicated that as a result of Mr. Dodik's escalating threats to the peace, "Bosnia and Herzegovina (BiH) faces the greatest existential threat of the postwar period." Mr. Dodik's denial of the genocide and the glorification of convicted war criminals has been one of the primary sources of destabilization. The Peace Implementation Council Steering Board asserted in July 2021 "revisionism, glorification of convicted war criminals, and denial of well-documented and established facts about war-time events including genocide is unacceptable" and "contradicts *the most basic European values* and undermines the stability of the country and the welfare and prosperity of BiH's citizens."

The report from Commissioner Várhelyi's meeting also suggests that he was privy to discussions regarding the preparations that Bosnian Serb nationalists are making to secede from Bosnia. Indeed, on December 10, the Assembly of Republika Srpska voted to make preparations for the formation of its own Army, Judiciary, and Constitution within six months time. Commissioner Várhelyi should have strenuously opposed those plans insofar as any moves toward secession would amount to nothing less than Republika's Srpska's achievement of its founding genocidal goal to achieve an ethnically homogeneous territory. Such an outcome today, by virtue of Milorad Dodik's secessionist hate mongering, must be seen as entirely unacceptable for the European Union.

Milorad Dodik's threats of secession and his plan to form the Army of Republika Srpska--the same Army that perpetrated the atrocities against civilians from 1992 to 1995--has been cruelly re-traumatizing for the survivors of the siege of Sarajevo, of the concentration camps, of the genocide at Srebrenica, and other atrocities. Now with the Prime Minister of Hungary's pledge to block sanctions, his announced plan to invest in Republika Srpska, and his Islamophobic slur referring to Bosnia's Muslims as a security problem that will be difficult to integrate into Europe, there is a fear of being betrayed by the EU. The lack of a response from the EU in condemnation of Prime Minister Orbán's racist remarks was deeply troubling.

Your Excellency, we urge you to form an operational alliance among the United States, the United Kingdom, and the European Union, in order to defend the sovereignty and territorial integrity of Bosnia. Specifically, we urge you to join with the U.S. in bringing targeted sanctions against Milorad Dodik and others who are threatening the peace, to reinforce the EUFOR mission in Bosnia to discourage any further moves by Republika Srpska toward secession, and to support the final authority of the High Representative to make binding decisions to preserve the peace. Upon the resolution of the current crisis, it is imperative that Bosnia and Herzegovina's accession to membership in the EU be expedited as a matter of restorative justice.

Thank you for your consideration.

Sincerely,

The Working Group for Bosnia and Herzegovina