

Paris, July 4th 2011

To the President of the European Parliament
To the presidents of the political groups
To the members of the European Parliament,

We wish to draw your attention to the situation of General Jovan Divjak, currently held under house arrest in Vienna after being arrested on 3 March of this year. It is a matter that we ask you to take up urgently with the Austrian Government.

Although his name did not appear on the lists of the ICTY or those of Interpol, the Austrian police arrested Jovan Divjak on the basis of a “black list” drawn up after the Bosnian War by Milosevic’s Serbia, where his name appeared along with 17 other people who, like Divjak, opposed the war of ethnic cleansing.

Accused of a “war crime”, he is awaiting a court decision on his possible extradition to Sarajevo or Belgrade. **Jovan Divjak, a symbol of the defence of Sarajevo, has been waiting for more than 100 days to prove his innocence**, which must be intolerable for this fighter for peace and for a multi-ethnic Bosnia and Herzegovina.

The Austrian court was waiting for an agreement between the prosecutors in charge of war crimes in Bosnia and Herzegovina and in Serbia, and therefore didn't want to decide the fate of Jovan Divjak. Now, we are learning that this agreement will not happen: Jovan has been waiting three months for nothing. The Austrian court will have to stay its judgment on the merits, and **it is urgent to act towards the Austrian authorities and the OSCE to demand a full and immediate release.**

Jovan Divjak became a soldier in the Yugoslav Army in 1984. He was posted to Bosnia and Herzegovina, and in 1992 he witnessed the attack on the then defenceless Bosnian people in Sarajevo. It is to his credit that he decided to stay to free Sarajevo. Since the end of the war, Divjak and his association have fought for the reconstruction of Bosnia and Herzegovina through education. He travels throughout Europe to raise funds and enable young Bosnians, orphans of war, to pursue their education. He was arrested sixteen years after the war, and now we question the reasons for his arrest, which came just a few weeks before the arrest of Mladic, accused of war crimes committed in Srebrenica.

Jovan Divjak is an ardent European, and a firm believer that the salvation of the peoples of the Western Balkans lies within the European Union. But for this the European Union has to welcome them and be brave enough to help establish accountability for war, which, we are certain, would lead to truth, justice and reconciliation. History as a whole has taught us that there can be no lasting peace without establishing guilt, redemption and forgiveness. Yet this work has not yet truly begun.

The Dayton agreement endorsed the ethnic partition of Bosnia and Herzegovina and, since Mladic’s arrest, tensions have increased as a result of the actions of the Serb leaders in Bosnia and Herzegovina, who are able to get away unhindered with multiple statements of schism and

hatred. The government of the Republika Srpska called a referendum for the “peaceful dissolution” of Bosnia and Herzegovina, thus defying all agreements and conditions for accession to the European Union. It threatens to hand Jovan Divjak over to the Serbian justice system if he “sets foot in the RS”, and today regards Mladic as a hero and is financing his defence. The complacent attitude of Serbia’s leadership is creating a dangerous and explosive situation in the region, particularly in Bosnia and Herzegovina.

The European Commission has intervened, and Baroness Ashton travelled to Banja Luka, thereby preventing the referendum. At the same time, however, she gave credit to Dodik as a political authority in Bosnia and Herzegovina by meeting with him, at a time when the country is still unable to form its government and this eight months after the elections. High Representative Valentin Inzko, an Austrian diplomat, meanwhile recognises his inability to put a stop to the funding of the defence of criminals accused of crimes against humanity.

The European Parliament must assume its role and fully involve itself in finding solutions that are consistent with our values and treaties. Indeed, we cannot accept the statements of the RS leadership nor can we accept the complacent attitude of the Serbian leadership. They must be firmly denounced.

As we are about to commemorate Srebrenica and the 8,372 murders committed by Milosevic’s army under the command of Mladic, **the European Parliament – which has recognised 11 July as a day of remembrance for the Srebrenica genocide throughout the European Union – could be proud of itself were it to intervene and meet with the Austrian government to urge it to lift the house arrest and demand the full and immediate release of Jovan Divjak**, thereby enabling him to return to Sarajevo with his head held high and allowing Bosnia and Herzegovina to rebuild itself. Although this country is going through the worst crisis it has seen since the war, **we cannot allow even the slightest confusion to be made between Jovan Divjak and Ratko Mladic**, whose defenders deny the genocide and the disappearance of more than 15,000 Bosnians during the war, in addition to 96,895 deaths reported.

The future of the region will depend on its ability to write its history and, as declared by Semso Salihovic, a former commander of the Bosnian army, now in Geneva, “the fear of forgetting is greater than all the fears I am forced to remember”: a fitting statement for those who died at Srebrenica and all those missing.

The signatories:

AURENCHE Guy, Chairman of CCFD-Terre Solidaire

BASSANINI Franco, President of the Cassa Depositi e Prestiti, former Minister

BILLOUT Michel, Senator of Seine-et-Marne

BITTERLICH Joachim, Ambassador (retired), former Diplomatic and Security Adviser to the Chancellor Helmut Kohl (1993-1998), Vice-President of *Notre Europe*.

BRUN Henri-Georges, President of the *Maison de l'Europe* of Albertville and Savoie

BUEB Francis, Founder and Director of the French Cultural Centre "André Malraux" of Sarajevo

CHENU Georges-Marie, Senior Plenipotentiary Minister, Ambassador (retired)

CHEMILLIER-GENDREAU Monique, Professor Emeritus of Public Law and Political Science at the University of Paris VII – Diderot

DAOULAS Jean-François, architect-urbanist in Sarajevo

FAIVRE D'ARCIER Bernard, Former director of the Festival of Avignon

FISCHER Claude, President of Confrontations Europe

FONTAINE Nicole, former President of the European Parliament, former Minister

FORTASSIN François, Senator of Hautes-Pyrénées

FOURNIER Bernard, Senator of Loire

FRECON Jean-Claude, Senator of Loire

GARAPON Antoine, Magistrate, President of the Comité Kosovo

GIL-ROBLES Jose-Maria, former President of the European Parliament

GIULIANI Jean-Dominique, President of the Foundation Robert Schuman

Father GUGGENHEIM Antoine, Director of the Research Pole of the *Collège des Bernardins*

HARTMANN Florence, journalist, former spokesperson of the Prosecutor of International Criminal Tribunal for the Former Yugoslavia

HERZOG Philippe, former MEP, Founding-Chairman of Confrontations-Europe

JOINET Louis, Magistrate, independent expert "H" for Human Rights at the UN, *1^{er} avocat général à la Cour de Cassation*

JOXE Alain, Honorary Director of Studies at EHESS

LACLAVETINE Jean-Marie, Writer, Editor

LAGAUCHE Serge, Senator of Val-de-Marne

LALUMIERE Catherine, General Secretary of the Council of Europe from 1989 to 1994, President of the French Federation of *Maisons de l'Europe*, former Minister

LAMASSOURE Alain, Member of the European Parliament, former Minister

LE HYARIC Patrick, Member of the European Parliament, Editor of the newspaper *L'Humanité*

LE ROCH Jean-François, Developer of Interex in the Balkans

MONGIN Olivier, Director of the magazine *Esprit*

NAHOUM-GRAPPE Véronique, Anthropologist

NAJMAN Boris, President of the Association Sarajevo

NOËL Bernard, Writer

PACK Doris, Member of the European Parliament

PILLET François, Senator of Cher

PROCHASSON, André, Former Chairman of the Forum for Democracy in the Balkans

PY Olivier, Stage director, Director of the Odeon-Théâtre de l'Europe

RALITE Jack Senator of Seine-Saint-Denis, Vice-chairman of the interparliamentary group France-Western Balkans, former Minister

RENAR Ivan, Senator of Nord

ROCARD Michel, former Prime Minister

TANGUY François, Stage director, La Fonderie/Théâtre du Radeau

VIGNON Jérôme, President of the National Observatory of Poverty and Social Exclusion

WALLON Emmanuel, Professor of political sociology at the University Paris Ouest Nanterre