

# ***Tribune***



# The Ejup Ganic Case

## How Serbia Attempted to Manipulate the British Justice System

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When Ejup Ganic was arrested at London's Heathrow Airport, he was on the way to an academic celebration at the University of Buckingham, accompanied by Bosnia-Herzegovina's Ambassador to Great Britain. It was 1 March 2010, Bosnia-Herzegovina's Independence Day, the day on which the long awaited war crimes trial of Radovan Karadzic in The Hague opened. Ganic did not know that the Serbian Interior Ministry had requested British police to arrest him and hand him over to Serbia. Respected in Bosnia and Herzegovina as an Engineering Professor and the President of a private university, Ejup Ganic is alleged to have taken part in a "war crime" in the spring of 1992, said the arraignment from Belgrade. Scotland Yard investigators incarcerated him for several days in Wandsworth Prison and obliged him to keep reporting to London Police after having his bail paid up by the businesswoman and human rights activist Diana Jenkins, in addition to public interventions by Paddy Ashdown, Margaret Thatcher, etc.

With the arrest of Ganic, who had been largely unknown in the international press until then, the Serbian government could celebrate a national and international PR success. The Western European media reported that the "former presi-

dent of Bosnia” had been arrested as an “alleged war criminal”.<sup>1</sup> It was no longer just a public discussion of Serbian authors of the war crimes in the Bosnian War (mostly perpetrated against Muslim Bosnians), precisely at the start of the trial against Radovan Karadzic. In those days, one could get the impression that the responsibility for the Yugoslav disintegration wars and the violent excesses of the 1990s were shared in comparable measure by all sides. The reports reflected the information deficits and prejudice structures about the Western Balkans current in Western Europe, and not the historical, political and legal conditions of the Yugoslav disintegration wars. The Serbian authorities accused Ejup Ganic of being responsible for the death of several soldiers in Sarajevo. According to all available information however, it was a military tragedy that had occurred in the eventful early days of the Bosnian War at the beginning of May 1992, when Ejup Ganic was briefly filling the functions of President of Bosnia and Herzegovina.

The prosecutors in The Hague and in Sarajevo had already independently investigated the violent death of the Serbian soldiers on Dobrovolajcka ulica and had each come to the same conclusion: Ganic is innocent. Regardless, Serbian authorities and politicians cynically reasserted that the defender of besieged Sarajevo was a perpetrator, that the one under attack had been a war criminal.

At the end of July 2010, after nearly five months in custody as well as under house arrest and obligation to report to the police in London, Ejup Ganic was acquitted unconditionally and freed by the Westminster Magistrates’ Court. The extradition request was denied for lack of proof. Judge Timothy Workman addressed Serbian justice in sharp words, in which he raised some basic questions about the rule of law in Serbia.

*These proceedings are brought and are being used for political purposes and as such amount to an abuse of process of this court. The evidence which has been subsequently obtained is not significant [...], there would appear to be only two possible explanations, that of incompetence by the Serbian prosecutors or a motive for prosecuting which is based upon politics, race or religion. From the evidence I have received from Mr. Petrovic [the Serbian deputy prosecutor, CSS] I am satisfied that the War Crimes Prosecutor’s Office is far from incompetent.<sup>2</sup>*

With the exception of the British media, the Western European press barely reported about the outcome of this trial, significant as it was historically and for international law.

1. See for instance the reports by ZEIT-online, Focus-Online, *The Independent* and *Le Monde* at the beginning of March 2010.

2. See *BBC-Online*, “Ex-Bosnian Leader Ejup Ganic’s UK Extradition Blocked”, 27 July 2010.

## Historical Background: Ejup Ganic and the Siege of Sarajevo

At the beginning of May 1992, the president of Bosnia-Herzegovina Alija Izetbegovic came from Portugal to Sarajevo. Given the outbreak of war in Bosnia and Herzegovina, Izetbegovic had taken part in a peace conference in Lisbon. The military situation had become more acute during the negotiations and the Serb-controlled units of the “Yugoslav People’s Army” (JNA) had taken control of the Sarajevo airport. The president of Bosnia-Herzegovina had refused to land in safe Zagreb. As Izetbegovic left the plane, he was taken hostage.

At that point, *Bosna i Hercegovina* (BiH) was already an internationally recognised independent state. The overwhelming majority of the population had voted for State independence in a referendum. The European Union and the United Nations had recognised the State’s sovereignty. Meanwhile the government of former Yugoslavia and political groups, mainly ethnic Serb groups in the Republika Srpska, were not willing to recognise these facts and reacted negatively from the very first moment to the outcome of the referendum. They had immediately opposed a legal and independent government. Those groups created unrest and uproar by erecting barriers in streets, using force, and threatening people; occasionally even by shootings. These illegal acts were suddenly enforced and consistently supported by the Yugoslav People’s Army, stationed all over the country of BiH, also near the city of Sarajevo. A Serbian hierarchy of officers still getting their orders from Belgrade, where President Milosević resided, dominated these army units, still located in independent BiH. Slobodan Milosevic announced openly that he would not recognise the sovereignty of BiH, and that he would fight against it. In April 1992, the leadership in Belgrade ordered the army troops to get out of their barracks and to stop the democratic development of Bosnia and Herzegovina. The troops invaded most parts of the country, especially cities and strategic points. In Sarajevo, the army invaded large parts of the city’s centre, and took position near the building of the Presidency, where the government of BiH was located. In addition, the troops occupied the fields of the airport.

After the landing of the President’s plane in Sarajevo, Deputy President Ejup Ganic received news that President Izetbegovic had been kidnapped. After some time, the radio station of BiH provided a telephone connection between Izetbegovic, still in the hands of the JNA soldiers, and Ganic in the Presidency. The telephone conversation was being broadcast via the radio station, and therefore for everyone to hear. In this telephone call, Izetbegovic asked Ganic to uphold the government and to take all necessary measures in order to free him from his situation. Ejup Ganic took up this task. He accepted an offer by UNPROFOR to mediate between both sides, the government and the military commanders, in order to free President Izetbegovic. As a result of those negotiations, a Ser-

bian army general held in prison in Sarajevo was offered in exchange to release Izetbegovic. This procedure was supposed to be placed under the neutral surveillance of UNPROFOR. The exchange of both men was conducted accordingly. But it happened that several vehicles of the JNA with weapons and ammunition joined the convoy. They used this opportunity for the just opened streets to enter the convoy. Obviously, this was not part of the agreement and therefore caused confusion and fear on the side of the Bosnians. They opened fire, in which five soldiers were killed, and one went missing as a result of the attack on the JNA column in Dobrovoljacka ulica. Who ordered this attack and who executed it, and who might have acted on his/her own behalf, is not clear yet. Until today, there is no clarifying information about this particular question. None of the consulted courts did receive any valid explanations that Vice-President Ganic ordered the opening of fire on the not-agreed-upon part of the convoy, the armed military vehicles. Moreover, everyone, familiar with the events knows that at this time a professional army of BiH did not exist. At that time, the defence of the government, the institutions of the government, and the population were loosely organised by some special police forces and independent militia groups, acting on their own behalf. Given the non-transparent situation with the lack of a clear command responsibility and order hierarchy, it is more than unlikely that the opening of fire happened following instructions of Ejup Ganic in the field. But even if this would have been the case, he could not be blamed in this tense situation, to have ordered the halt of the military vehicles loaded with ammunition and weapons. In these days no one could know, whether and when a new attack would be launched, using military equipment and ammunition. It would have been right to mistrust the JNA, because of previous incidents in Croatia in 1991/92, which proved its unreliability for any possible accord. In the days before, attacks have been launched upon besieged Sarajevo and its civilian population. Karadzic denied charges of Serbian shellings and snipers and suggested that “the Muslims” had been shelling their own people.<sup>3</sup> Looking back, the later course of the war showed that Sarajevo was under siege for 44 months, during which approximately 10,000 people were murdered, among them more than 1,000 children. The longest siege of a city in modern European history.

The State of Bosnia and Herzegovina, just founded and internationally fully recognised by the EU and the UN, was in immediate danger in those days. A coup d'état against the legal government was started by military forces, co-operating with Serbia-oriented groups in the streets. Large parts of the centre of Sarajevo were already in the hands of the troops, trying to encircle the Presidency, the government building of BiH. Kidnapping the president of BiH was the only part

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3. Cf. *Final report of the United Nations Commission of Experts, Study of the battle and siege of Sarajevo*, May 1994. See also Andrej Gustincic, “Violence in Bosnia Defies Peace Efforts”, *Reuters*, 1 May 1992.

of an overall, clear aggression by military forces against a civil government and towards the people of BiH. Being a foreigner, but having followed those events intensively, I am convinced since then: These acts of defence for the civil government and population were necessary steps in order to prevent the coup d'état. It was obvious that the actions of the JNA were an aggression against a sovereign state. Generally, in this conflict, the act of aggression is a criminal act, while the reaction by the defender is legal, even if they are forced to use arms and weapons.

### **Using Ejup Ganic – Political Backgrounds in Serbia and Bosnia and Herzegovina**

Obviously, Serbia used the Ganic-case, 18 years after the death of the Serbian soldiers had occurred, as an instrument for other political goals. As the court proceedings showed, the extradition request was a legally unpromising manoeuvre that was also risky in terms of foreign policy, since it held from the very start the potential for legal and political damage for Serbia. The Ganic case still offered the possibility of deflecting from the Karadzic trial and the media attention to be expected at home and abroad. Thus, the case of Ejup Ganic was not a regular criminal prosecution; on the contrary, it was aimed at interior political goals of Serbian power structures. Today's Serbia would never leave behind the rules of international laws, only to bring a conventional criminal citizen from a different country into prison in Serbia.

What was and is the international context? The Serbian government wants to take the road to Europe as fast as possible. They would like to join the European Union before other states of the Western Balkans. But the political situation in Serbia itself is the main obstacle for its path to the European Union. The delusional idea of a "greater" Serbia combined with the dominance of one ethnic group has not left the minds of the majority of the people in Serbia, despite the lost wars against Slovenia, Croatia, Bosnia and Herzegovina, and Kosovo. The military and political protagonists of this ideology are still being worshipped as heroes, even if they were convicted or are still awaiting their trials. There is still a functioning network of the protagonists of the old regime in sight. The main indications are the murder of Prime Minister Zoran Djindjic, who fought for freedom and democracy, and the support for Ratko Mladic, who went underground and has not been handed over to the war crime tribunal in The Hague until today. Coming to terms with the past in Serbia is a long way to go, as the recent difficulties in the parliamentary proceedings in Belgrade showed for an adequate resolution acknowledging the genocide in Srebrenica, Bosnia and Herzegovina. As opinion polls show the majority of the people in Serbia are still blindfolded towards the recognition of the disastrous policy-making by Slobodan Milosevic,

which can be counted as the most horrendous crimes against humanity in Europe since World War II.

In order to secure the re-election of the government, the reigning parties in Serbia thought and still think that they openly have to support nationalism and populist attitudes in order not to lose ground against the radical opposition. Extremist statements by President Boris Tadic against the States of Kosovo and Bosnia and Herzegovina have been aimed at bringing the Serbian people behind him. Similar actions had the same political goal as with the extremely friendly behaviour and support during the recent election campaign in Bosnia and Herzegovina, towards Prime Minister Milorad Dodik of Republika Srpska. President Boris Tadic, usually a rational political thinker, reacts rather atypically in this context, which shows how strongly he fears losing the sympathy and political support of the majority of his people. Taking a look at daily comments by radicals, the political opposition, and the strong negative influence of the media, in this context one can understand his emotional reactions.

The trial proceedings of the first days of the Ejup Ganic case were scandalous and violated the Vienna Convention. Ejup Ganic first found himself several days in isolation, without the medical care he needed in a prison 30 km away from London. To the astonishment of many of those present, the first trial took place in the prisoner's absence. Ejup Ganic at first had no opportunity to speak on his own behalf, even though his lawyers had been assured of his presence as the first opportunity for contact with the lawyers, the Bosnian Embassy and his family members. Supposedly due to a mix-up between two people at the prison, the wrong prisoner was brought to the trial session in London. Regardless of Ganic's absence, the English prosecutor read the Serbian extradition request word for word. When Ejup Ganic's defenders wanted to state their reasons for rejecting the extradition request presented by Serbia, this presentation was denied by the court. Even a reference to the legal proceedings on the facts that had already taken place in The Hague, which contained a legally valid denial of the extradition request, was termed irrelevant for the court hearing. It was said that the request material from Serbia had to be made available, before it could even be dealt with. When the plea of Ejup Ganic's lawyers to let him out of custody "on probation" against bail was – immediately – abruptly turned down, not without bringing the accused forward with impolite remarks.

The trial proceedings were experienced as a provocation by parts of the government of Bosnia-Herzegovina and countless people in Sarajevo. There were demonstrations in front of the British Embassy. Then president of the Presidium Haris Silajdzic flew to London to get his own sense of the events and to intervene with the British Foreign Minister against this action. It was a political piece of luck that, in the second session of the trial, the bail request was granted and the



strained relations between London and Sarajevo could thereby avoid becoming more emotional.

The two Serbian representatives of the Republika Srpska in Bosnia and Herzegovina, Prime Minister Dodik and the Serbian Presidium member Nebojsa Radmanovic, were all the more encouraged to pour oil on the fire of the inter-Bosnian controversy. Bosnia and Herzegovina was already in the midst of the campaign for the October elections. Milorad Dodik used the opportunity to speak of Ejup Ganic as a “war criminal” who was without a doubt “worse than Biljana Plavsic”. Plavsic, fellow combatant of Radovan Karadzic, had been judged in The Hague for her leading responsibility for the Bosnian war. Only a few months earlier, thanks to the support of the Swedish Foreign Minister Carl Bildt, she had been freed ahead of time. Dodik offered Plavsic to take her “back home” in the government machinery of the *Republika Srpska*, solemnly welcoming the former politician who had been convicted as a war criminal at the Belgrade airport – in Serbia. Meanwhile, representatives of the Serbian government explained to journalists that Plavsic was not officially welcomed by the Serbian government not because of what she had done, but because doing so would have harmed Serbia’s international reputation. The Serbian government seemed to be grateful that Dodik took up this mission and behaved like he was “at home”.<sup>4</sup>

Serbian Presidium member Radmanovic loudly proclaimed that he would recall all the representatives of the Republika Srpska from common State institutions and break off co-operation with them if Ejup Ganic was not put on trial. The goal of Milorad Dodik and other contemporary Bosnian-Serb politicians would then have been achieved: to paralyse the State of Bosnia and Herzegovina and to declare the separation of the Republika Srpska as a political necessity. Such announcements, which have been continually repeated by Dodik in many variations, directly attack the Dayton Treaty concluded in 1995, and had to trigger a sharp reaction from the “High Representative” in Sarajevo, appointed by the international community. In previous years, such threats had each been answered in kind. Yet today they are met with near complete silence. Since 2007 controversies between the High Representative and Prime Minister Dodik are trivialised by the States of the Peace Implementation Council (PIC) and therefore do not evoke any political reaction by the Office of the High Representative.

One must see the case of Ejup Ganic in this broader context. The Serbian government used him in order to tell its own people the following: “*Not only our assumed war criminals, who we could not spare from the war tribunal in The Hague, are being prosecuted, but we are also now bringing the Bosnian war criminals to justice!*” For this main purpose, facts have been neglected and international treaties violated.

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4. Nenad Pejic: “A Land where War Criminals are Heros”, *Radio Free Europe/ Radio Liberty*, 31 October 2009.

For example:

1. 42 soldiers of the JNA have been named as killed in the *Dobrovoljacka ulica* incident, as the Serbian daily newspaper *Politika* and other Serbian dailies including *Blic* and *Glas jcnosti* published. The truth is different. The website of the Interior Ministry of the Republika Srpska shows that these figures refer to all those killed or missing in combat operations all over Sarajevo for a five day period from 29 April to 3 May. Only five JNA soldiers were killed, and one went missing as a result of the attack on the JNA column in *Dobrovoljacka ulica*. Apparently, the actual death toll was too small for a successful media attack against Ejup Ganic, therefore the numbers were blown up almost ten times higher.
2. Equally, international treaties have been ignored or violated by Serbia. For example, the Rome Agreement of 1996, also known colloquially as the “Rules of the Road”. The then three Presidents, Alija Izetbegovic, Franjo Tudman, and Slobodan Milosevic, had agreed that none of the three countries charge a person in relation to alleged war crimes committed during the 1992-1995 war in Bosnia and Herzegovina without the permission of the ICTY Prosecutor.
3. Bosnia and Herzegovina and Serbia have signed an agreement on 26 February 2010 that each side should investigate war crimes committed by its own citizens. A couple of days later, the very same Serbian government violated that agreement in demanding London to arrest and extradite Ganic to Serbia. This extradition request clearly breaches both the spirit and letter of that agreement, as the tragedy in question has occurred in Bosnia and Herzegovina, and not in Serbia.

The aforementioned examples illustrate how important it must have been for the Serbian authorities to paint a highly negative picture of Ejup Ganic, even if that meant jeopardising their international reputation. This shows how great the danger is that political objectives are being used by the Serbian authorities with all means of suppression and manipulation in order to stylise court proceedings in Serbia as a counterpart for the International Criminal Tribunal in The Hague.

### **What could the European Union learn from the Ganic Case?**

The Ganic case – i.e. the manipulation of the British Justice system for political ends – reflects the calculus of Serbian policy as well as the new, permitted room for manoeuvre of the Serbian government. Belgrade opted for internationally risky behaviour because it was not afraid of negative consequences coming

from the European Union. If we consider the European Union's Balkan policy of the year 2009, with "Serbia first" as its leitmotiv, Boris Tadic turns out to be a successful strategist of Serbian interests in the game for supremacy in the Western Balkans.

It has in no way hurt the Serbian government under Tadic that, for nationalistic reasons of domestic policy, it doggedly clings to its policy of denial of the independence of Kosovo, even though this country – still under UN supervision and European mandate – thereby remains in such catastrophic stagnation. It has not hurt Boris Tadic internationally that, together with his partners in political co-operation in Bosnia and Herzegovina, the Prime Minister of the Republika Srpska, Milorad Dodik, and the Serbian Presidium member in Bosnia and Herzegovina, Nebojsa Radmanovic, he has already been carrying out a "post-Dayton" policy, to be sure while cleverly always referring to "compliance with the Dayton Treaty". And just as the no less politicised judgement in the Jurisic case in Belgrade in 2009<sup>5</sup>, the Ganic case has not catapulted the questionable status of the rule of law in Serbia into a broader public debate.

Meanwhile, Serbia has reached all the steps available at this stage on its way to European integration: be it the conclusion and the signing of the Stabilisation and Association Agreement; be it admission to NATO partnership; be it Serbia's amicably received request entry for eventual membership in the European Union; be it the thoroughly privileged treatment of Serbia in the abolition of the visa requirement for the Schengen zone. Serbia has overtaken Bosnia and Herzegovina and Kosovo in terms of European policy and of international public opinion. People often forget that the lead of Serbia to a major part goes back to the aggressive, catastrophic policy against Bosnia and Herzegovina and Kosovo during the 1990s.

The EU policy towards the Western Balkans is feeble and inconsistent. Bosnia and Herzegovina is being deliberately prevented by part of the political officialdom from coming closer to the European Union. It is their declared political goal to destabilise the State they did not want in the first place and to strengthen centrifugal forces.<sup>6</sup> In the face of the political developments in BiH over the past years, particularly in *Republika Srpska*, it must be taken for granted that a Serbia knocking on its own on the doors of the European Union restrains the disintegration of the fragile post-war society in Bosnia and Herzegovina more

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5. Ilija Jurisic was arrested in Belgrade in 2007 and then condemned to 12 years in jail. During the retreat of a Serbian convoy of the JNA, including weapons and ammunition, numerous Serbian soldiers had come to a violent death in the spring of 1992, in Tuzla. Regional and international trial observer criticised the judgement against Jurisic as a political campaign beyond the pale of legitimacy. During the trial, Jurisic kept claiming he was innocent. In the fall of 2010, the first instance judgement was cancelled and Jurisic was freed.

6. See for example the recent inaugural speech of RS President Milorad Dodik, Parliament of Republika Srpska, Banja Luka, 15 November 2010. President Boris Tadic participated in this inauguration session of the Bosnian-Serbian parliament that can be perceived as a state-building exercise. (see: <http://www.predsjednikrs.net>).

than it strengthens it. Since a comprehensive analysis of the regional situation is too often lacking in Brussels and in many EU member-States, too few officials in the European Union are aware that the EU's constant complacency towards Serbia's policy has also contributed to bringing about the current bad situation in Kosovo, in Bosnia-Herzegovina, and also in Serbia.

The Ejup Ganic case has been perceived as a disrupting factor that got unpleasantly mixed in with the longed-for calm in the EU policy towards Serbia. Many European diplomats thought that they would get a grip on the case if it were presented exclusively as a "legal problem". Such reticence on the part of the European Union does nothing to promote a reform policy like the one it should call for in Serbia, steadfastly pursuing a genuine neighbourhood policy and a stabilisation of Bosnia and Herzegovina, such as only Serbian support can secure.

The German philosopher of history Karl Jaspers said after the Second World War:

*Peace is only possible through freedom, and freedom through truth. Hence, untruth is the actual evil, annihilating all peace: untruth, from the untruthfulness of the individual to the untruthfulness of public affairs.*

This sentence remains fully valid: the region's long-term stabilisation cannot make headway on the basis of untruths. Neither can it occur at the expense of the countries that have suffered from the aggressive war policy, nor at the expense of individual people who, like Ejup Ganic, have fought against the war policy of Milosevic and others. The mendacity to simply turn the facts on their head and to deliberately manipulate the search for the truth does not bring the countries of the former Yugoslavia to reconcile, but on the contrary, drives them further apart and will instead imperil peace and stability in the region. The latest initiatives of Serbian President Boris Tadic in Croatia point in the right direction, and it remains to be hoped that he will also consistently pursue this course towards Bosnia and Herzegovina. The necessary reconciliation and stabilisation of the region can only make headway on the basis of truth and of insight into the truth, even when it is bitter. The West's appeasement policy towards Serbia and its paternalistic attitude towards the victim nations do not take us any further here. Quite the contrary: they make more difficult the necessary process of seeking the truth, of looking at reprehensible behaviour and the bitter fact that peace and a correspondingly better future for the entire region cannot be secured on such a path. It is not just the States of the region that seem to need a little more time for this. The international community too unfortunately seems overwhelmed, which applies especially to Europe, but also to Washington and other Dayton States that have to turn their attention again to Bosnia and Herzegovina. Peace and stability in the Western Balkans are only possible if peace and stability prevail

in Bosnia and Herzegovina. Widespread lack of interest for this complex country is an inadequate means for this and does not resolve the long-term stability issue. It is only once this realisation also becomes clearer in Europe and in Washington that the Western Balkans will attain lasting stability. We should therefore start with contemplation and an open dialogue on the basis of a letter that provides an exemplary document of responsibility and commitment: the letter of a Bosnian woman who put bail money at Ejup Ganic's disposal and who, faced with nasty comments from political circles, addressed the public in an open letter. This letter from Diana Jenkins, businesswoman and human rights activist, is exemplary. In countless Western European media, just as Ganic's acquittal, it has barely been noticed. It is to be hoped that principled thoughts like these will again promote a cautious dialogue about the challenges of the Western Balkans, such as has not been held for years in Germany and in many other member-States of the European Union. Diana Jenkins wrote in March 2010:

*Ejup Ganic, the former president of Bosnia, would still be languishing in Wandsworth prison because of politically motivated war crimes charges issued by Serbia, had I not risked £300,000 to post bail for a man I have never met. I did this because he is innocent, he cannot get a fair trial in Belgrade, and his detention mocked international efforts to bring true war criminals to justice. His arrest in this country shocked the Balkans and revealed the unhealed wounds that still fester there, 15 years after the end of the conflict. [...] I am a Bosnian. The horrors inflicted on my homeland cost my brother and many friends their lives and forced me to flee Sarajevo as a refugee. [...] But my involvement in the Ganic case is not about settling personal scores or thwarting legitimate Serbian legal processes. It is about ensuring that the international legal system is not abused for political gain. In trying to extradite an innocent political symbol, Serbia is breaking promises it has made in international treaties. [...] Whether they are Serbian, Sudanese or even Bosnian, those who committed crimes against humanity must be held to account in courts that are fair and open. Since the world vowed never to forget what happened during the Holocaust, millions more have died needlessly in Cambodia, in Bosnia, in Rwanda, in Darfur. When the world gets distracted or turns a blind eye, evil festers and the line blurs between justice and revenge. That is why I posted bail for Dr Ganic. He deserves justice. All of us do.<sup>7</sup>*

Ejup Ganic was in need of justice and help – and received it. The State of Bosnia and Herzegovina is still in need of external help. In designing a European integration policy for BiH and Serbia that handles them as intertwined, the European Union could help Bosnia and Herzegovina to become not just a symbol of European failures, but a symbol of European solidarity and success.

### **Abstract**

With the arrest of the former Bosnian President Ejup Ganic in spring 2010, the Serbian government celebrated a national and international public relations success. Meanwhile, the trial proceedings of the

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7. Diana Jenkins, "Serbia is trying to distract us from the real war criminals", *Telegraph*, 18 March 2010.

first days were scandalous and violated the Vienna Convention. Five months after his arrest, Ganic was acquitted unconditionally and freed by a British Court. Christian Schwarz-Schilling, the former High Representative to Bosnia and Herzegovina, explores in his text how Serbia attempted to manipulate the British Justice system for political ends. What could the European Union learn from the Ganic case regarding its Western Balkan policies? Schwarz-Schilling highlights that Bosnia and Herzegovina is still a symbol of European failures. It should become a symbol of European solidarity and success.

### **Résumé**

Avec l'arrestation de l'ancien président bosniaque Ejup Ganic au printemps 2010, le gouvernement serbe a célébré un succès national et international en termes de relations publiques. Cependant, les premiers jours du procès furent scandaleux et violaient la Convention de Vienne. Cinq mois après son arrestation, Ganic fut acquitté de toutes les charges et libéré par une Cour britannique. Christian Schwarz-Schilling, ancien Haut représentant en Bosnie-Herzégovine, étudie comment la Serbie a cherché à manipuler le système de justice britannique à des fins politiques. Que pourrait apprendre l'Union européenne du cas Ganic en ce qui concerne sa politique en ex-Yougoslavie ? Schwarz-Schilling met en évidence le fait que la Bosnie-Herzégovine est encore le symbole des échecs européens. Elle devrait pourtant devenir le symbole de la solidarité européenne et de son succès.