



8. juli, 2009

Board of Directors

H.E. Judge Patrick Robinson, President
International Criminal Tribunal for the Former Yugoslavia
P.O. Box 13888
2501 EW The Hague, The Netherlands

Haris Alibašić
President

Meliha Pihura
Vice President

Ferid Sefer
Secretary

Uzeir Ramić
Treasurer

H.E. Judge Carmel Agius
Presiding Judge in a Specially Appointed Chamber
P.O. Box 13888
2501 EW The Hague, The Netherlands

Semir Đulić
Spokesperson

Amir
Makarević

Burhan Bey
Husika

Daniel
Toljaga

Dževad
Burić

Hamdija
Čustović

Haris
Šuko

Kemal
Hamulić

Mirsad
Smajić

Rusmin
Topalović

Sanel
Babić

The Congress of North American Bosniaks, an umbrella organization representing the interests of 350,000 American and Canadian Bosniaks, is shocked and confounded with the statements made by Judge Christoph Fluegge, of the Hague Tribunal, to the German weekly magazine “Der Spiegel” in which he openly questions the Srebrenica genocide. According to the article, Judge Fluegge states that “the term genocide to define these crimes is unnecessary” instead preferring to refer to it as “mass murder”. He claims that there is no reason to differentiate between “a group that is murdered for their nationality, religion, ethnicity, or race, as is regulated by the Hague Statute” and a group that “happens to be gathered at a specific location”.

CNAB requests a complete retraction of the statement made by Judge Fluegge given the fact that the International Criminal Tribunal for the former Yugoslavia (ICTY) has already confirmed, in several cases including the 2007 ruling against Serbia and Montenegro, the classification of the murder of more than 8,000 Bosniaks in Srebrenica as genocide. This fact has also been recognized by organizations and governments across the world, including the U.S Congress in resolutions 199 and 134 on genocide in Bosnia-Herzegovina.

It is evident that by denying the previous ruling of the ICTY regarding the Srebrenica Genocide, Judge Fluegge is unable to show impartiality to the case and is in violation of The Hague’s Rule 15(A):

“A Judge may not sit on a trial or appeal in any case in which the Judge has a personal interest or concerning which the Judge has or has had any association which might affect his or her impartiality. The Judge shall in any such circumstance withdraw, and the President shall assign another Judge to the case.”



For these reasons, CNAB requests that the Court removes Judge Fluegge from his role in the proceedings against Radovan Karadzic, or in any case dealing specifically with charges of genocide.

Board of Directors

Haris Alibašić
President

Meliha Pihura
Vice President

Ferid Sefer
Secretary

Uzeir Ramić
Treasurer

Semir Đulić
Spokesperson

Finally, CNAB requests a full apology to all the victims of the genocide who have been hurt by this statement, at a time when they are getting ready to commemorate the 14th anniversary of the genocide and bury more victims who are still being identified from the many mass graves. The statements made by Judge Fluegge amount to genocide denial and can have dangerous consequences on the Court's ability to justly prosecute war crimes in Bosnia-Herzegovina including the very important case against the accused war criminal Radovan Karadzic. It is crucial that the seriousness of this matter is fully addressed by the Court.

Respectfully,

Haris Alibasic, President
CNAB Board of Directors

Burhan Bey
Husika

Daniel
Toljaga

Dževad
Burić

Hamdija
Čustović

Haris
Šuko

Kemal
Hamulić

Mirsad
Smajić

Rusmin
Topalović

Sanel
Babić