

June 15, 2015

His Excellency Mr. Paul Seger  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Switzerland to the United Nations  
633 Third Avenue 29th floor  
New York, NY 10017

Your Excellency:

We are writing to protest, in the strongest possible terms, the recent arrest, detention, and treatment of Mr. Naser Orić. The cause of his arrest was a warrant requested by Serbia on February 3, 2014, which was acted upon recently by your border police.

We trust that you are aware that such a warrant is politically motivated. Mr. Orić was, in fact, acquitted of all charges on July 3, 2008, by an Appeals Court of the International Criminal Tribunal for the former Yugoslavia, an international court duly constituted by the United Nations. However, Serbia and Republika Srpska seek to prevent progress toward reconciliation and healing in Bosnia and Herzegovina. The arrest of Mr. Orić is just the latest incident in a series of obstructionist and discriminatory initiatives designed to delay the reunification of Bosnia and Herzegovina as well as to delay its path to membership in the European Union.

This action taken by your border guards is indeed unseemly, as Mr. Orić was arrested while traveling to Switzerland with a delegation that was invited to participate in the commemoration of the 20th anniversary of the genocide at Srebrenica. Mr. Orić is recognized in the sovereign state of Bosnia and Herzegovina, as well as around the world, for having heroically defended the Municipality of Srebrenica against overwhelming odds during the siege of Srebrenica from 1992-1995. The Serb aggression against Srebrenica at that time resulted in the murder of more than 8,000 Bosnian Muslims (Bosniaks), and has been ruled to be the crime of genocide by two international courts.

It should not escape our attention that Srebrenica had been designated as a "safe area" by United Nations Resolution 819, in April 16, 1993. With Resolution 819, in fact, the Security Council already indicated its awareness, in April 1993, that a "tragic humanitarian emergency" had developed in Srebrenica "as a direct consequence of the brutal actions of Bosnian Serb paramilitary units, forcing the large-scale displacement of civilians, in particular women, children, and the elderly." The Resolution condemned, moreover, the Bosnian Serb campaign of "ethnic cleansing" as "unlawful" and

"abhorrent." Indeed, with Resolution 819, the Security Council sought to "take all measures within its powers to prevent the commission of the crime of genocide."

History has shown us that the Security Council's fears of genocide were not unfounded. On July 11, 1995 the Bosnian Serb Army seized the "safe area" and began to carry out the systematic murder of more than 8,000 civilians without any resistance from the Dutch troops who had been assigned by the UN to protect the enclave. In fact, the Dutch troops assigned to Srebrenica under the auspices of the UN have been found to be responsible for deaths of the Srebrenica civilians and the Netherlands has been ordered to pay reparations. In addition to the indictments of Radovan Karadžić and Ratko Mladić, there have been convictions of General Radislav Krstić and other members of the main staff of the Army of Republika Srpska who have been found guilty for the crimes committed at Srebrenica, including genocide.

However, it must be said that Mr. Orić and his compatriots had succeeded, where the international community and the UN troops ultimately failed. Serb forces were held at bay by the citizens of Srebrenica for three years until they were finally able to seize Srebrenica on July 11, 1995. Thus, it is unconscionable that Mr. Orić would be sanctioned for his heroic resistance to what has since been identified as genocide and as the most heinous atrocity committed in Europe after the Shoah.

Finally, the warrant must be seen as part of Serbia's reprehensible effort to suggest a moral equivalency between the actions of those who have been convicted for genocide at Srebrenica, and the actions of those who resisted the genocidal aggression. It is in this sense that the warrant is part of Serbia's ongoing political strategy to minimize the war crimes committed by Serb troops and to deny the genocide. Genocide denial cannot be condoned.

By all accounts, the warrant is itself questionable since, at Bosnia's request, the Interpol General Secretariat erased Mr. Orić's warrant from all Interpol databases and directed Interpol member states to remove the warrant from their national databases. Hence, the warrant should not have been in the database and Switzerland had no obligation to act upon it. It seems that Serbia issued a "diffusion" warrant in the system for political reasons, hoping that some state would execute it. At any rate, now that the warrant has been executed, the region has indeed been further destabilized at a very sensitive time.

Insofar as this warrant has been politically motivated, we believe that the situation merits a diplomatic resolution rather than a legal decision. Therefore, we implore you to intervene to secure the immediate release of Mr. Orić, and to extend an apology for the mistreatment of his delegation that included Mr. Čamil Duraković, the Mayor of Srebrenica, who is also a survivor of the 1995 genocide.

Thank you for your consideration,



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***With***

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