



THE UNIVERSITY
of ADELAIDE

F.2022/1651

Dr Emir Ramic
Director
The Institute for the Research of Genocide Canada
By email: ramicemir123@gmail.com

8 March 2022

Dear Dr Ramic

I am responding to your letter to the University dated 31 January 2022 regarding Professor Roger Byard and his involvement in the 'Independent International Commission of Inquiry on Suffering of all People in the Srebrenica Region between 1992 and 1995'.

In your letter you ask the University to state 'the official position of the University of Adelaide regarding the Genocide in Bosnia and Herzegovina and the activities of Professor Roger Byard.

The University has, since its founding in 1874, had a commitment to free intellectual inquiry and 'the advancement of learning and knowledge'. Academic freedom is a paramount principle for Australian universities and guarantees individual academics, subject to the limitations imposed by law, 'to discuss and research and disseminate and publish the results of their research'. Such a guarantee is common in leading universities across the globe.

I would wish to acknowledge the significance of the matters you raise. The protection of individuals and the adherence to human rights' standards is of international concern. The University has a proud history of educating and employing leading advocates for the rights and welfare of others. The Australian Government has stated, through their representative to the United Nations General Assembly, that 'we are committed to supporting the efforts of other jurisdictions to investigate and prosecute allegations of war crimes, crimes against humanity and genocide'. We state without hesitation that the University of Adelaide condemns human rights violations of any kind and that we specifically condemn the atrocities that took place in the former Yugoslavia and led to inconceivable suffering then and now.

The University notes that Professor Byard was one of the eleven international members of the Independent Commission of Inquiry. As you are aware the Commission directly addressed the question of whether the crimes against individuals and humanity in Srebrenica in July 1995 meet the definition of 'genocide' in Article 4(2) of the statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY) (pages 28-95). This chapter was attributed to Mr Markus Goldbach, an experienced advocate and lawyer.

It is a matter of public record that the ICTY, in August 2001, ruled that the events in Srebrenica in July 1995 constituted 'genocide' (Article 4(2)). The Trial Chamber considered the meaning in its application to the facts in its Judgement (*Prosecutor v Radislav Krstic, Case No. IT-98-33, pages 188-212*).

The University notes that the conclusion of the Independent Commission was based on its appreciation of the relevant facts. The University is not in a position to re-investigate such facts but it is aware that the International Criminal Tribunal for the Former Yugoslavia understood these facts differently. However, it must acknowledge that Professor Byard is free to discuss, research and disseminate his research, subject to the limitations imposed by law.

Such research and conclusions will itself be the subject of critique and robust scrutiny in the public square and the academy.

Having said that we reiterate, without hesitation, that the University of Adelaide condemns human rights violations of any kind and that we specifically condemn the atrocities that took place in the former Yugoslavia and led to inconceivable suffering then and now.

I thank you for your correspondence on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Branson', with a long, sweeping horizontal stroke at the end.

The Hon. Catherine Branson AC QC
Chancellor