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**Guantanamo Detainees and Other War Crimes Issues**

**Pierre-Richard Prosper, Ambassador-at-Large for War Crimes Issues**  
 Remarks at the Foreign Press Center  
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MR. DENIG: Good afternoon, ladies and gentlemen, and welcome to the Washington Foreign Press Center.

It's a pleasure to be able to welcome again to our podium, the Department of State's Ambassador-at-Large for War Crimes Issues, Pierre Prosper. He will brief to us this afternoon on the subject of the Guantanamo detainees, and then we'll also entertain a few questions on other war crimes issues.

Ambassador Prosper will have a brief opening statement to make, and then will be glad to take your questions.

Ambassador Prosper.

**AMBASSADOR PROSPER:** Great, thank you very much. Good afternoon. Let me again say it is a pleasure for me to be back here before you to share with you our policy on, as usual, a range of things, but today, primarily on Guantanamo.

As you know, for the past two years the United States Government has been involved in a process of detaining, questioning and investigating al-Qaida and Taliban terrorists that have been captured on the battlefield. It has been an involved process, a process with many layers of review focusing on the threat that these individuals pose, our law enforcement interests and intelligence interests that we may have.

As part of this effort, we invited countries who have nationals in Guantanamo to take part, to travel to the base to help. There are approximately 44 countries represented in Guantanamo. Many of these countries have visited the base on numerous occasions to visit their nationals and help in the effort. It has been an effective effort of collaboration in this actual war on terror.

As a result of this effort, we have been able to prevent, on occasion, further attacks, to increase the safety of citizens throughout this world by containing a threat, and were able to learn more about the al-Qaida operation.

It should be pointed out that at all times the detainees were provided with healthcare and treated humanely.

In conducting this process, we have made progress. We've resolved many cases. Since the beginning of this effort, we have been able to reach a conclusion on approximately 92 of the 650 cases. In most of these 92 cases, the individuals were sent back to their home country for release.

In a handful of other cases, the individuals were sent back to their country for investigation, detention or prosecution. An example of this is what we have just seen with Spain. In the near future, I expect to see more of these types of cases transfer back for investigation and prosecution, as well as more outright releases.

Today, we find ourselves at a point where in Guantanamo, we are moving into a phase of the efforts which will now allow us to send a significant number of the detainees back to their home country, provided adequate understanding is reached with these countries.

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If we are successful in reaching an understanding or agreement with these countries, and reach a level of comfort that any threat their detainees may pose will be properly managed, then the impact on the Guantanamo population will be visible, and we expect to see a decrease that will be noticeable.

But I must add, despite these efforts where we expect to see significant movement in the population, there will be some detainees that will remain in Guantanamo. There will be detainees who pose a significant threat to United States and the international community, and as a result, must be detained by us or prosecuted by the United States.

We hope that the number of these detainees will be small. The cases that remain will remain under review in a process which will allow the detainee to appear, a process which will allow his home country to have input, and a process which will be regular so that we can make an informed decision as to the future of the particular detainee.

That ends my statement and I'm available.

**MR. DENIG:** Okay. What we would like to do today with your help is we'll start off with questions on Guantanamo, and then after that we'll move to a second phase of questions on other issues.

Let's go ahead and start with Khaled right here.

**QUESTION:** Well, sir. My name is Khaled Dawoud. I'm from Egypt's *Al-Ahram* organization. I have several questions, as a matter of fact, concerning, since we have about 30 nationals who are being kept there in Guantanamo. And I'd like, first, to confirm the number, whether you can give us a countdown of the nationalities of the people who are held there.

And you mentioned something that their countries of origin will be involved in following their cases. But as far as I know, you have not even provided a list of the names and the -- an official -- one of the names and the nationalities of each of the detainees. So how are you going to be able to get them involved if you didn't provide them with the names, in the first place?

And my last question is concerning the three juveniles whom you've released recently. I mean, I just want you to explain to us what was the point of keeping these kids in Guantanamo for more than a year, a year-and-a-half, while they are very obviously just juveniles. They cannot be treated this way.

**AMBASSADOR PROSPER:** Yeah.

**QUESTION:** Thank you.

**AMBASSADOR PROSPER:** Thank you. Well, let me begin by saying we have and have had an established process in Guantanamo and here in the United States, which involved active discussions and negotiations with the countries from which these detainees come from.

With all countries, we have provided them, immediately upon arrival of their national to Guantanamo, a list of the names and identifying information that we have, so that they know who is present in Guantanamo from their country. In all cases, at that time, we asked the countries for their input. We asked them whether they have an opinion as to whether they would be able to prosecute or investigate. We asked them whether they would wish to come to Guantanamo. And we asked them to share any information that they may have regarding their national.

So there has been a continuous diplomatic engagement with these countries. As I said, many of these countries have, in fact, visited Guantanamo on numerous occasions, meeting their nationals and forming a conclusion as to what should occur. So to answer your question, there are continuous discussions, and all countries know who is present.

Regarding the juveniles, these individuals were caught on a battlefield. These individuals were caught fighting. And we formed the conclusion at the time of their capture that they posed a threat.

**QUESTION:** They posed a threat?

**AMBASSADOR PROSPER:** Yes.

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**QUESTION:** Threat, you mean like they were using machine guns, grenades, and other stuff --

**AMBASSADOR PROSPER:** Yes. They were caught on the battlefield in various acts of violence. We formed the conclusion that they posed a threat, we brought them to Guantanamo and began to deal with the situation.

Now, as many of you saw, one of the juveniles has spoken to the press, reported about his treatment in Guantanamo, which he said was favorable, where he learned English, and was treated well.

A point that's important here with the juveniles is that while we made some opinions or decisions early on, we felt it was important to keep them in Guantanamo while we worked out with their home country and other organizations a return that would ensure or help ensure that they would not become child soldiers once again; that they would not be forcibly conscripted or recruited. It was a humanitarian perspective that we undertook, and therefore, the length of time in which they were detained in Guantanamo lasted a little longer out of the best interests of the juveniles.

**QUESTION:** You aren't going to give us the breakdown of the nationalities on the list?

**AMBASSADOR PROSPER:** I'm sorry, there are 44 countries, and I'm not going to go through 44 countries, but we have them from all over the world: From Europe, Africa, the Islamic world, Asia.

**MR. DENIG:** Okay, let's go to Russia up front here.

**QUESTION:** Thank you. Dmitry Kitsanov, Russian News Agency, TASS.

There are eight Russian citizens being held in Guantanamo Bay and literally (inaudible) to get Russian Deputy Foreign Minister Trubnikov, who is also a co-chairman of U.S.-Russian working group on counterterrorism announced that basically, Moscow and Washington agreed that you will return those people to their homeland.

I wonder when this will happen and maybe you can share some information whether the arrest of those people prevented some terrorist attacks or something like that, if you can do it.

**AMBASSADOR PROSPER:** Well, regarding what we are able to prevent by arresting these individuals, I'm not in a position to go into detail or speculate as to what was actually prevented, but it was decided that bringing them into detention was the best course of action.

We have for many months, in fact, a year, been in conversations and negotiations with the Russian Government to determine what should occur with these individuals, as we have been with all other governments. And we have reached an understanding, but I'm not prepared today to articulate or detail that understanding. I think it's best left for the Russian Government to say what they see the understanding to be and what the timing of any action may be regarding their nationals, but this is part of an overall process, again, where we sit down, talk to their home country -- the home country of the detainee -- and try to work out a solution.

I, personally, myself have traveled to many countries to have these conversations, including Moscow to discuss what should occur with some of these detainees.

**MR. DENIG:** All right. We will take the lady back there in blue, please.

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**QUESTION:** Leigh Sales from the Australian Broadcasting Corporation.

You said we're moving into a phase where we'll see some progress with repatriations. How soon can we expect to see some large-scale repatriations? And can I ask particularly in regard to the British detainees, when we can expect some sort of a decision there?

**AMBASSADOR PROSPER:** Well, it's hard to say exactly when we'll see this movement. All I can say is, we're prepared. But what is required is for us to reach an understanding with their countries of origin.

And to give you a little more appreciation of what this involves -- there are many layers of discussions that are required because one of our primary objectives is to ensure that when the person is sent back, any threat that he may pose is properly managed so that the person does not engage in terrorist activities, killing large-scale

numbers of people either in their home country or back here in the United States.

So it's a back and forth, and I've traveled to some countries on several occasions to have these conversations.

Regarding the UK, I can't go into detail. What I can say is the discussions continue. There are, as has been reported, nine UK nationals. When we look at Guantanamo detainees across the board from any country, we treat them on a case by case basis, meaning individual basis, rather than as a country, as a block, because again, we have to look at the particular individual to see what his circumstances are to determine what the best response should be. And those responses are: He can be released; sent home for law enforcement action such as check in and monitoring; he could be sent home for investigation and detention, as we're seeing with Spain; or he can stay in the United States' custody.

And I think you can imagine when you have those range of possibilities, there's a lot of back and forth that is required in order to understand what the best approach is for the particular individual.

**MR. DENIG:** Okay, let's go to Japan here.

**QUESTION:** Thank you, Ambassador. Masakatsu Ota of Japanese Kyodo News.

Ambassador, I have two questions. Could you tell me the status of legal protection for those 650 people, and do you have any intention to promote the bigger protection, like access to a lawyer or another legal protection measure?

And the second question, it's a -- it's a kind of a small question, but could you tell me a breakdown of the 92 people, how many people are Asian? How many people are repatriated to their own country? Thank you, sir.

**AMBASSADOR PROSPER:** Well, I'll answer the second question first. Of the 92, giving you an approximation, I believe that 86 were outright releases, and the rest were sent back for investigation and/or detention.

Regarding the legal protection, the legal protection that they are being afforded is what is provided for by the Geneva Conventions, The Hague Conventions, the laws of war. And what that is, is that they are being treated humanely.

They are obviously getting fed three times a day with culturally appropriate food. They have a full range of medical care from dental work, eye care, to reconstructive surgery as appropriate. They are called to prayer and have the ability to pray on their own time. They are able to exercise, shower, and so on.

They are not provided counsel because the laws that apply here are the laws of war, and the laws of war allow one to be detained without moving into a legal process.

That having been said, we recognize the various interests out there: both our interests, and the interests of the international community. That is why, while we have the authority to hold these people while this conflict continues, we decided to go ahead and move forward with the process and either send them home for release or investigation, or move ourselves into a criminal process. So you're seeing this moving on a parallel track. And, of course, once they move into a legal process, the right to counsel will attach and they'll have the due process of the law.

**MR. DENIG:** All right, we'll take the gentleman up front here.

**QUESTION:** Richard Finney, Radio Free Asia. Could you say something about the Uyghur detainees and any other Chinese nationals being held there? How many there? What's likely to be done with them?

**AMBASSADOR PROSPER:** I think, as a general rule -- I don't want to get too specific on particular cases unless, you know, they're out the door, for a couple of reasons, because the process in Guantanamo is one that is continuous and fluid.

What I mean by that is, as we do our work, we learn more and more and more about these individuals. Right now, they have been divided into roughly three categories. Category 1 would be those who pose a high or significant threat who we feel, therefore, we need to hold onto and/or prosecute.

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Category 2 is a group that poses a medium level of threat but we are ready to send them back for law enforcement action such as monitoring to investigation and detention or prosecution.

Category 3 is a category of people who after their review, further review, we recognize that they no longer pose a threat, and then therefore can be released outright.

What happens is, as we continue to engage their government and do our work, we see movement within these categories. So to give a definitive statement as to where a particular set of detainees fall, absent a final conclusion, would be premature for me because we need to recognize that they move.

But with Uyghurs or others, our general policy is obviously to form this conclusion, and if they are sent back to their home country, one of the assurances that we seek is that they will be treated humanely.

**QUESTION:** Now, have any of them been sent back yet, though?

**AMBASSADOR PROSPER:** I beg your pardon?

**QUESTION:** Have any of them been sent back already?

**AMBASSADOR PROSPER:** No.

**QUESTION:** Okay. Let's go to the gentleman just behind Khaled, first.

**QUESTION:** I'm Marcel Calfat from Radio Canada, the Canadian Broadcasting Corporation. Two questions.

You mentioned a legal process. How far in the planning is the Pentagon regarding the military commissions or military tribunals and second, when would the first start if they are to be held?

**AMBASSADOR PROSPER:** The Pentagon is far along in its planning. As you know, the court has been designed, the rules of procedure, evidence and the crimes have been defined. You may be familiar with the fact that several detainees have already been designated as falling under the jurisdiction of the court. So I think we can expect to see action in the near future, at least on some of the cases.

To give a precise date is not within my capacity at this time, because it's for the process itself to evolve. It's for the prosecutors, the investigators, the judges, to begin to make the type of legal determinations that are associated with the criminal process.

So it's really on their timetable. But there is an interest in moving forward as quickly and efficiently as possible without compromising the process, in order, as we've discussed, to keep the process moving and begin to bring these matters to closure. Because our fundamental goal here is to keep moving forward with the processing of the detainees in Guantanamo so that we will either prosecute them and detain them; send them home, which we hope will be a large number of people going home for some sort of action, detention or investigation or monitoring; or release those that, after pulling them off the battlefield, they no longer pose a threat.

**MR. DENIG:** All right. Let's go to Margery

**QUESTION:** Margery Friesner with ANSA, the Italian News Agency. If you already answered this question, I'm sorry, because I came about two minutes late.

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**AMBASSADOR PROSPER:** Okay.

**QUESTION:** If you could elaborate on the *New York Times* story about the possibility of some of the detainees remaining held for life, which Secretary Rumsfeld just a few minutes ago confirmed, if you can elaborate on that. And B, if there are any plans to move any of the long-term detainees from Guantanamo to other prisons?

**AMBASSADOR PROSPER:** Well, I'll answer the questions in reverse. There are no long-term plans as far as detention there in Guantanamo. And that is where people are being detained. Regarding the *New York Times* piece and Secretary Rumsfeld's remarks, what it is, it's a recognition that there may be a number of people -- we don't know what that number will be -- but there may be a number of people that will need to remain under

the custody of the United States. Now as I said earlier, our goal is to --

**QUESTION:** (Inaudible.)

**AMBASSADOR PROSPER:** Well, no, there's no timetable as far as the rest of their lives. And what I mean by that is our process is a continuing one. What allows us to hold them is the laws of war. As long as there's a conflict underway, we can hold them. If the conflict ends, then unless we put them through a criminal process, we must release them. That is the law.

Now what is being said by Secretary Rumsfeld is that we recognize that there are people we cannot make a decision to transfer back or release now. So in order to help cure this problem, in order to make an informed decision, Secretary Rumsfeld should have announced a little while ago that there would be a review board set up that will meet on each case at least annually to review the case of a particular detainee to see if it's still appropriate to hold the person.

And what will happen in this event, the detainee will have the opportunity to appear before the board. Their home country will have the opportunity to present information to help assist in the fact-finder to make the determination regarding whether or not this person meets the legal criteria to remain detained and whether or not the person actually poses a threat anymore. And if the answer is no, then that person can be sent back.

**QUESTION:** Just a follow up. Under what circumstances could somebody be held for life? That would be only after they went through the judicial process, then.

**AMBASSADOR PROSPER:** Well, our authority now is, as long as there's a conflict, we have a legal right to hold them. Now let's hope this war on terror does not last for a lifetime. I mean, that is the purpose of this exercise -- to defeat this element so that we can go back to some form of normalcy.

When the conflict ends, then the legal authority to hold them ends, unless they are put into a criminal process.

So your question is one that cannot be easily answered, except to say that we need to continue to review these cases and make determinations, considering the law and also considering the individual nature or circumstances surrounding the individual's case.

**MR. DENIG:** Okay. Let's go to Finland, then we'll go back to Khaled.

**QUESTION:** Yes, Jyri Raivio, Helsingin Sanomat, Finland.

You said when the conflict ends, your right to hold these people without any legal process ends. When will the conflict end? Is there going to be a point in time where the President of the USA or the Pope or whoever sort of officially declares that the war on terrorism is over?

And another question is, in Guantanamo, all these detainees came from Afghanistan. None of them came from Iraq or some other fronts of the war on terror. Why is that?

**AMBASSADOR PROSPER:** Well, because for the second part of your question, Guantanamo was established when we were involved as part of the efforts in Afghanistan. This is where these people were fighting. This is where you had this organization, this international-in-character organization, that was fighting the international community. And we decided that they needed to be moved out of the theater and they were sent to Guantanamo. In Iraq, we have the ability to detain them there, and we are expecting a government to come into existence that will help us sort through this problem in the future.

When will the war end? One never knows. That's an open question. We hope to reach a point where a determination can be made.

**QUESTION:** By the President?

**AMBASSADOR PROSPER:** By the President, by the facts. But what it comes down to is the circumstances. We have to look at the facts. Right now we are still in this war. The level of violence or hostilities are such that they reach the level of an armed conflict. This is an important point that needs to be recognized.

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When you look at the al-Qaida network, we must look at it through the current and historical lens. We all recall what happened on September 11th, where approximately 3,000 people were killed in 90 minutes coming from 90 different countries. We remember that. That's a level of violence that not only shocks the conscience, but rises towards the level of armed conflict.

But if we also look at events preceding September 11th, we saw numerous actions where hundreds of people were killed related to the bombing of the USS Cole, the bombing of the U.S. embassies in Kenya and Tanzania, the bombing of our World Trade Center in 1993, and other acts.

An important point to note is that since September 11th the hostilities have continued. We can, for example, catalogue for you at least 15 major events that were committed, acts of violence, acts of war, committed by al-Qaida against the international community, where approximately 1,500 people were either injured or killed. You know some of these events, such as the Bali bombing, where hundreds lost their lives, the bombings in Turkey and elsewhere.

So when you look at all these acts, the systematic nature of the attacks, the level of the violence that is perpetrated not only with the individual attacks but in its entirety, the only conclusion that can be drawn is that this is a war. These are not ordinary crimes, street crimes being committed by ordinary criminals.

**MR. DENIG:** All right. Khaled.

**QUESTION:** Sir, just to begin with, can you confirm to us the -- confirm to me the figure of 30 Egyptians detained in Guantanamo as a matter of record?

**AMBASSADOR PROSPER:** I can't confirm that number right now. I don't have it at my fingertips. There are Egyptians. I can tell you that. We have been in constant contact with the government. We have invited them to Guantanamo, and I think you can appreciate the fact that, because there are 44 countries represented, I don't have each figure memorized.

**QUESTION:** And just another small thing, two questions I have. I mean, first, is the promises by countries not to carry out the death penalty one of the requirements that you -- I mean, you said that you make sure that they receive fair treatment in case they are repatriated. So this is one thing.

And the second thing, sir, I mean, when you say we have this laws of war, which agreement exactly are you referring to? Because as far as I know, the head of the International Red Cross, for example, people who are experts on human rights issues, say bluntly and clearly what you are doing is against all kind of human rights conventions; you can't keep someone in prison for more than two years until, say, we are in a state of war because some people are committing suicide because they don't know how their fate is. And I think you recognize this themselves.

So can you just be clear what rule of war are you talking about? Thank you.

**AMBASSADOR PROSPER:** The Geneva Conventions, The Hague Conventions --

**QUESTION:** That you can hold people without trial and prosecution forever?

**AMBASSADOR PROSPER:** Yeah, right. During the course of hostilities. Recall what we're saying, and I need to reinforce the fact, that as long as there are hostilities, we have the legal authority under the laws of war, which include the conventions I discussed, to hold them in custody.

The various groups such as the ICRC will not disagree with that legal provision, the fact that that is the law. Now --

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**QUESTION:** Can you tell me which article in the Geneva Convention, for example --

**AMBASSADOR PROSPER:** Well, I don't have it on the tip of my tongue, but we can get it to you. But that is the law.

I mean, let's look at it this way. Think of a normal conflict. We're in an unconventional war. Think of a conflict; for example, the one in Iraq. Think of the Balkans. Think back to World War II. When you take people captive, you're allowed to hold them during the course of hostilities. There's a legal basis for that.

This is the same principle that is being applied here. The only difference is that we are in more of an unconventional war, where the war is against a private organization, rather than a state. That is the only difference.

Now, regarding the death penalty, actually, we don't take a position on that with countries. When they move them to a process, we want it to be a fair process and a humane process.

And I think I need to make a comment regarding suicide. You know, this is something that we take seriously. There has not been a suicide in Guantanamo. We take this seriously. We watch these detainees to make sure they are properly treated and properly cared for.

But an important point to underscore is that these are individuals who were prepared to commit suicide even prior to their arrival in Guantanamo. That's the nature of their activity. So many of them are suicidal to begin with. But we've been successful in monitoring and curbing any of these actions so that they receive the treatment that's appropriate, and then they hopefully will ultimately be returned for whatever action is appropriate.

**QUESTION:** So there were no suicide attempts, even? The ICRC said --

**AMBASSADOR PROSPER:** No, I said there were attempts. I said there were no suicides. You know, remember, many of these people were suicidal to begin with. So there have been attempts.

**QUESTION:** And the 92 you released, therefore they are also suicidal? That's why you released them, the 92 people?

**AMBASSADOR PROSPER:** Please listen to my answer. You're not listening to my answer. I said there are some who are. I'm not saying they all are. There are some who are. We must recognize that fact.

The people who flew the planes into the World Trade Center clearly were on a suicide mission. The people who are the drivers in cars loaded with explosives clearly are in a suicide mission. The people who carry bombs into these buildings. So we can't underestimate that fact. It's a reality. There have been attempts in Guantanamo, but there has not been a successful one because we monitor these individuals with the goal of preventing such actions.

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**MR. DENIG:** Let's go back to Finland and then back to Japan.

**QUESTION:** In the forthcoming military tribunals in Guantanamo, can they decide on the death penalty for the detainees?

**AMBASSADOR PROSPER:** They can. The death penalty is available in the appropriate circumstances.

**MR. DENIG:** Okay. Japan.

**QUESTION:** Just a follow-up on the question about the termination of the war against the terrorists. You say that that's going to be decided by, judged by the facts, maybe President also.

Can you give us some concrete perception, what's the definition of the termination of the war, how we can judge the, you know, war it's over or not? I mean, like killing Usama bin Laden or capturing him or, you know, the number of the terrorist incidents dramatically decrease? Or can you give us any concrete ideas or perception how we can judge that?

**AMBASSADOR PROSPER:** No, that's a very important question and it involves an answer which will be more philosophical or hypothetical because you have to look at the facts as you have them at the time.

The important point is what makes an armed conflict is when the level of hostilities rise to such a level that it's war. And it's a factual determination. What's also governed in that is the response and reaction to countries to this violence. Either there's a declaration of war, there is the triggering of defense provisions within treaties, as happened after September 11th; NATO triggered Article 5, the mutual self-defense.

So you have to look at the range of facts and responses to the environment, to the situation, to make the



determination. So for me to sit here and to actually articulate what the facts will look like that will allow us to say the war is over is too much speculation for me right now, and I think we're best to do as we all are doing, is continue our efforts to curb the violence with the hope that the hostilities will be reduced to such a level that we can actually declare that the war is over.

**MR. DENIG:** The gentleman in the back there, please.

**QUESTION:** Thank you. It's kind of a follow-up question on that about the definition.

**MR. DENIG:** Would you identify yourself?

**QUESTION:** Oh, my name is Wada. I am from Japan's Mainichi newspaper.

The impression I got from your explanation about when the war can be declared over is that, well, there are going to be no end, and a lot depends to those terrorists or people who are waging the violence. And if you applied that perception to the situation of the people held at Guantanamo, does that mean they can be held indefinitely?

Am I wrong to interpret what you said that way?

**AMBASSADOR PROSPER:** Yes. Yes because, let me ask you, if you were asked at the time World War II began when it would end, would you have been able to give an answer? Or if you were asked at the time the war with Iraq began last year, would you have been able to give an answer?

You can't. You can't predict. You can give goals. You can have objectives. But one cannot predict or precisely mark a date when a war will end because it's dependent on too many factors, including the actions of the other party. So this is the situation we find ourselves in.

We don't think it will be indefinite. It better not be because we're working hard to stop this violence now. We don't want to see more citizens of the world killed – innocent citizens – as they sit in their cafes, their hotel rooms, or an airplane.

So as we put together our corrective efforts, the international community, it is our hope that we can bring this to closure, to an end, as soon as possible, but we cannot give you a precise date.

**MR. DENIG:** Let me just ask if in the last two minutes we have if we have a question from non-Guantanamo?

Okay, first row here, the lady, please.

**QUESTION:** I have a question on international criminal tribunal on ex-Yugoslavia.

**AMBASSADOR PROSPER:** Yes.

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**QUESTION:** Dubravka Savic, Belgrade Daily, *Vechernje Novosti*.

On one hand, we just heard main prosecutor Carla del Ponte saying that not only Mladic but Karadzic is in Belgrade right now. On the other hand we heard officials from Serbia telling that they want to continue cooperation, that they want to arrest Mladic, but that there is no positive evidence that he is actually in Belgrade.

On the third hand, we have the language in the law for the certification telling that Serbia is expected to do everything possible to arrest Mladic. So to your knowledge, is there any positive evidence where these individuals are? And can you elaborate on this language in the law?

**AMBASSADOR PROSPER:** Well, I think the best thing that I can say regarding Karadzic and Mladic is that we continue to receive information that places them in various places in the region. I mean we obviously have our suspicions as to where we need to look, and we have our belief that the governments in a region, including the government of Belgrade, need to also take a look to see where these individuals are.

What is not good enough is a statement that says, "We don't know where they are." They have an affirmative

duty not only to their international obligations, but also to their people to actually take the steps to look for these individuals, because if Belgrade, if the Republika Srpska and Bosnia are able to resolve this problem, to transfer once and for all Mladic and Karadzic, a new day will appear for these countries -- a day which will see them going into Europe, a day which will see them joining PFP and NATO, so it is in their best interests. So rather than sit back and say, "We don't know where they are," they need to look, and they can work with us if they choose, but it's in all our interests to find them.

Regarding the law, once again, we will be approaching this date of March 31st, which is now one when everyone has come to expect action. It is our hope that Belgrade will take the steps that are required in order for it to show cooperation and transfer, as we have said, individuals to The Hague. The person that we have always placed number one on the list for Belgrade is Mladic, and we would like to see action on the case of Mladic.

**MR. DENIG:** Okay. Did you have a quick follow-up, sir?

**QUESTION:** This is a very quick follow-up.

Madame del Ponte made a very serious accusation regarding the hiding, alleged hiding of Karadzic and Mladic in Serbia. Could you share with us some details regarding her latest discovery and what your message for the Government of Serbia?

**AMBASSADOR PROSPER:** Well, you know, I cannot get into the mind of Madame del Ponte to know exactly what she knows, but what I can say is that, again, the information continues to emerge as to the whereabouts of Karadzic, information which shows movement.

I'm not, at this time, prepared to say where he may or may not be, but I think the governments in the region know that Karadzic is a person of interest that needs to be transferred to The Hague. And it's probably the best thing for me to say on this matter and we would hope that rather than object, the government would look to see if there's any basis for this and engage in a constructive dialogue to say, "Well, let me see the information you have to see if it's actually something that has weight or value."

**QUESTION:** I have a quick question to follow up.

**MR. DENIG:** Oh, another follow-up. Okay.

**QUESTION:** I'm Slavoljub Leko, Croatian News Agency HINA.

Mr. Ambassador, do you have any message for the new Croatia Government regarding the cooperation with The Hague Tribunal, and especially, apprehension of the General Gotovina.

**AMBASSADOR PROSPER:** Well, the message is, continue on the path of cooperation. As I mentioned with Belgrade and the Republika Srpska, Bosnia-Herzegovina, with Croatia, if they are able to work with us, work with the tribunal, work with others to locate General Gotovina and transfer him, we will be at a point where the main tribunal issues will be behind them and they will be able to actually reenter Europe, enter the relevant Euro-Atlantic institutions, and actually, really, once and for all, put the war crimes issues behind them.

I can't be more clear, to be honest with you. I've been working on the Balkans issues for many years now, and my message has remained the same. Our message has remained the same. Karadzic, Mladic, Gotovina. It cannot be more clear. That is the key to progress.

Thank you.

**MR. DENIG:** Thank you very much Ambassador Prosper, we really appreciate it. Thank you, ladies and gentlemen.  
[End]

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