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BOSNIA AND HERZEGOVINA

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Head of state: rotating presidency – Ivo Miro Jović, Borislav Paravac, Sulejman Tihić

Head of government: Adnan Terzić

President of the Federation of Bosnia and Herzegovina: Niko Lozančić

President of the Republika Srpska: Dragan Čavić

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

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Impunity for war crimes and crimes against humanity during the 1992-95 war was widespread. Thousands of "disappearances" were still unresolved. Victims and their families were denied access to justice. Lack of full co-operation with the International Criminal Tribunal for the former Yugoslavia (Tribunal), particularly by the Republika Srpska (RS), remained an obstacle to justice. Efforts to tackle impunity in proceedings before domestic courts remained largely insufficient, although some war crimes trials were conducted. The first convictions for war crimes committed by Bosnian Serbs were passed by RS courts. Of the one million refugees and internally displaced people who had returned to their homes since the end of the war, many continued to face discrimination.

Background

Bosnia and Herzegovina (BiH) remained divided in two semi-autonomous entities, the RS and the Federation of Bosnia and Herzegovina (FBiH), with a special status granted to the Brčko District.

The international community continued to exert significant influence over the country's political process, in particular through a High Representative with executive powers nominated by the Peace Implementation Council, an intergovernmental body monitoring implementation of the Dayton Peace Agreement. Approximately 6,500 troops of the European Union (EU)-led peacekeeping force EUFOR and 400 members of the European Union Police Mission remained in BiH. In November negotiations for a Stabilisation and Association Agreement (SAA) between the EU and BiH were opened.

International prosecutions for war crimes

The Tribunal continued to try alleged perpetrators of serious violations of international humanitarian law. In January, Vidoje Blagojević and Dragan Jokić, former officers of the Bosnian Serb Army (Vojska Republike Srpske, VRS), were sentenced to 18 and nine years' imprisonment respectively for their role in the killing of thousands of Bosniak men and boys after the fall of Srebrenica in July 1995.

In November Sefer Halilović, former Chief of the Main Staff of the Army of Bosnia and Herzegovina (Armija Bosne i Hercegovine, ABiH), was acquitted of the charge of murder as a war crime for the killing of non-Bosniaks in the villages of Uzdol and Grabovica. The Tribunal ruled that it had not been established beyond reasonable doubt that he had effective control over the troops when the crimes were committed.

In December Miroslav Bralo, former member of the Croatian Defence Council (Hrvatsko vijeće odbrane, HVO), the Bosnian Croat armed forces, was sentenced to 20 years' imprisonment for crimes committed in 1993 against Bosniaks in and around the villages of Ahmići and Nadioci. Miroslav Bralo had pleaded guilty to eight counts of war crimes and crimes against humanity, including persecutions, murder, torture and inhumane treatment, outrages upon personal dignity including rape, and unlawful confinement.

The trial continued of former President of the Federal Republic of Yugoslavia Slobodan Milošević, charged with war crimes and crimes against humanity for his alleged involvement in BiH, Croatia and Kosovo, and with aiding and abetting genocide in the war in BiH.

Co-operation between the RS authorities and the Tribunal remained inadequate. By the end of 2005, no suspect indicted by the Tribunal had been arrested by the RS police. A policy of "voluntary surrenders" by the RS authorities resulted in a number of transfers from the RS, or with the assistance of the RS authorities. However, the policy violated the obligation of the RS to co-operate fully by arresting and transferring indicted suspects. Six publicly indicted suspects remained at large, some of them believed to be in the RS or in Serbia and Montenegro.

Under a "completion strategy" laid down by the UN Security Council, the Tribunal was expected to conclude all cases, including appeals, by 2010. The last indictments before the closing down of the Tribunal were confirmed and unsealed between February and April.

In February former VRS officers Zdravko Tolimir, Radivoje Miletić and Milan Gvero were indicted on charges of war crimes and crimes against humanity against the Bosniak population in the Srebrenica and Uepa enclaves. Radivoje Miletić and Milan Gvero surrendered voluntarily but Zdravko Tolimir remained at large at the end of 2005. Also in February the Tribunal indicted Rasim Delić, former Commander of the Main Staff of the ABiH, for murder, cruel treatment and rape committed in 1993 and 1995 against the non-Bosniak population. Following his indictment, he voluntarily surrendered.

Among those who surrendered voluntarily were Momčilo Perišić, former Chief of Staff of the Yugoslav People's Army, in March. He was indicted in February, charged with war crimes and crimes against humanity in BiH and Croatia, including against the civilian population during the siege of Sarajevo and against non-Serbs after the fall of Srebrenica. The indictment against former RS Interior Minister Mićo Stanić, confirmed in February, charged him with war crimes and crimes against humanity, committed as part of a joint criminal enterprise aimed at permanently removing non-Serbs from areas under Bosnian Serb control. He voluntarily surrendered.

In May the Tribunal decided for the first time to refer one of its indictments to a national jurisdiction. Following a request by the Prosecutor, the case of former Bosnian Serb soldier Radovan Stanković, charged with the enslavement and rape of non-Serb women detained in Foča, was referred to the War Crimes Chamber of the BiH State Court (see below). The Tribunal subsequently transferred seven other suspects' cases to BiH.

In August Milan Lukić, former member of a Bosnian Serb paramilitary group indicted for war crimes and crimes against humanity including extermination, persecution, murder and inhumane acts against the non-Serb population in the Višegrad area, was arrested in Argentina by the local police. He was still held in Argentina at the end of 2005. In August former sub-commander of the RS military police and paramilitary leader in Foča, Dragan Zelenović, indicted for torture and rape committed by Bosnian Serb forces against non-Serb women detained in Foča, was arrested in the Russian Federation, where he remained in detention at the end of 2005.

Domestic prosecutions for war crimes

A War Crimes Chamber within the BiH State Court, set up to try cases referred by the Tribunal and particularly sensitive cases, became operational in March. The first trial before the Chamber started in September. In December the Prosecution at the BiH State Court confirmed indictments against 11 Bosnian Serbs suspected of involvement in the 1995 Srebrenica massacre. There remained concerns over the inadequacy of mechanisms to ensure the transfer of evidence from the Tribunal to the Chamber, and to ensure that the Tribunal's jurisprudence was consistently applied in its proceedings. The War Crimes Chamber only tried cases referred by the Tribunal and particularly sensitive cases, while a large number of cases remained to be dealt with by RS and FBiH courts.

In general, prosecutions were not actively pursued. Victims, witnesses and courts, particularly in cases before RS and FBiH courts, were not adequately protected from harassment, intimidation and threats. However, some war crimes trials opened or continued before national courts.

In January the Sarajevo Cantonal Court sentenced Veselin Čančar to four-and-a-half years' imprisonment for crimes committed against the civilian population detained by the Bosnian Serb forces in Foča. Former RS policeman Boban Ćimović, suspected of war crimes against civilians in the Višegrad area, surrendered to EUFOR troops in January. In May the War Crimes Chamber decided that he would be tried at the BiH State Court, and proceedings began in September.

In February, 11 former RS police officers were acquitted by the Banja Luka District Court of charges of illegally detaining Father Tomislav Matanović, a Roman Catholic priest, and his parents in 1995. The bodies of the priest and his parents were found in 2001 near Prijedor, with close-range gunshot wounds. Investigations into the killings reportedly continued.

In June, Tomo Mihajlović, a former RS police officer, was sentenced to four years' imprisonment by the Zenica Cantonal Court for crimes against the non-Serb population in the Teslić area in 1992. Also in June, Goran Vasić, a former member of a Bosnian Serb paramilitary group, received a six-year prison term from the Sarajevo Cantonal Court for the cruel and inhuman treatment of prisoners of war detained in the Sarajevo suburb of Nedžadovići in 1992.

In July, Abduladhim Maktouf, a BiH citizen of Iraqi origin, was sentenced by the BiH State Court to five years' imprisonment for his role in the abduction of non-Bosniak civilians, who were beaten and ill-treated in a detention camp in Orašac and one of whom was beheaded. The sentence was quashed on appeal in November and a retrial ordered.

In October Konstantin Simonović was found guilty by the Bričko Basic Court for war crimes, including torture, against non-Serbs detained in the Luka camp near Bričko and sentenced to six years' imprisonment.

In November, for the first time since the end of the war, a war crimes trial of Bosnian Serb suspects before an RS court ended in convictions. The Banja Luka District Court sentenced Drago Radaković, Draško Krndija and Radoslav Knežević, former RS police officers, to between 15 and 20 years' imprisonment for the murder of six Bosniak civilians in Prijedor in 1994. In December, the Banja Luka District Court sentenced former VRS member Nikola Dereta to 13 years' imprisonment for the murder of one Bosniak civilian and the attempted murder of his father in the village of Čitrine.

Unresolved 'disappearances'

According to estimates of the International Commission on Missing Persons (ICMP), between 15,000 and 20,000 people who went missing during the war were still unaccounted for. Many of the missing were victims of "disappearances", and the perpetrators continued to enjoy impunity. In August the BiH Council of Ministers became the co-founder, with the ICMP, of a national Missing Persons Institute.

In a ceremony in July marking the 10th anniversary of the Srebrenica massacre, the remains of 610 victims were buried at the Potočari Memorial. At the end of 2005 the remains of approximately 5,000 victims had been recovered and over 2,800 victims identified.

Implementing a decision by the High Representative, the RS in January appointed a working group to study documentation produced by the Srebrenica Commission, established by the RS authorities to investigate the Srebrenica massacre, with a view to identifying those implicated. In its first report in March, the working group presented a list of 892 suspects still reportedly employed in RS and BiH institutions. The High Representative expressed concern at the failure of the RS Ministries of the Interior and of Defence to provide specific data on individuals deployed in Srebrenica in July 1995, and urged them to provide all information necessary to complete the list so that it could be forwarded to the Tribunal and the BiH Prosecutor. A further report and list were presented by the working group in September, which the High Representative deemed had met the obligations of the RS.

Right to return in safety and dignity

Since the end of the war, out of an estimated 2.2 million displaced people, more than a million refugees and internally displaced persons (IDPs) were estimated to have returned to their homes. According to the UN High Commissioner for Refugees field mission in BiH, between January and December, approximately 6,400 refugees and IDPs returned to their pre-war homes. Of these, approximately 5,800 people were registered as members of minorities.

Lack of access to employment continued to be a major factor in people's decision not to return or remain in their pre-war community. Employment opportunities were scarce in general, reflecting the weak economic situation and difficulties of economic transition and post-war reconstruction. In addition, returnees faced discrimination on ethnic grounds when trying to find work and, in some cases, ethnically motivated harassment and attacks.

AI country visits

An AI delegate visited BiH in February.
Bosnia-Herzegovina
Archive information

Amnesty International's concerns on the implementation of the "completion strategy" of the International Criminal Tribunal for the former Yugoslavia
(AI Index: EUR 05/001/2005)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, July-December 2004: Bosnia and Herzegovina
(AI Index: EUR 01/002/2005)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2005: Bosnia and Herzegovina
(AI Index: EUR 01/012/2005)

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