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Bosnia and Herzegovina

Head of state: **Rotating presidency – Bakir Izetbegović, Dragan Čović, Mladen Ivanić**

Head of government: **Vjekoslav Bevanda (Incumbent)**

High levels of unemployment and dissatisfaction with government institutions prompted popular protests that spread throughout Bosnia and Herzegovina (BiH) and were accompanied by clashes between demonstrators and the police. The prosecution of crimes under international law continued before domestic courts, but progress remained slow and impunity persisted. Many civilian victims of war were still denied access to justice and reparation.

Torture and other ill-treatment

In February, popular protests, initially fuelled by the large-scale dismissal of the workforce of industrial companies in the Tuzla Canton, spread across the country, resulting in clashes between demonstrators and the police. Law enforcement officials subjected at least 12 detainees, some of them minors, to ill-treatment while in detention.

Freedom of expression – journalists

At least one journalist was beaten by police officers while recording the February protests. Intimidation of journalists by state officials persisted throughout the year, including beatings, death threats and a police raid on a newsroom. The authorities frequently failed to open investigations into complaints.

Discrimination

The 2009 judgment of the European Court of Human Rights in the case of *Sejdić-Finci v. BiH*, which found the power-sharing arrangements set out in the Constitution to be discriminatory,

remained unimplemented. Under the arrangements, citizens such as Jews and Roma who do not declare themselves as belonging to one of the three constituent peoples of the country (Bosniaks, Serbs and Croats) are excluded from running for legislative and executive office. The discriminatory nature of these arrangements was confirmed again in July when the European Court ruled in favour of the plaintiff in the *Zornić v. BiH* case.

A number of schools in the Federation continued to operate under the so-called "two schools under one roof" arrangement, resulting in discrimination and segregation based on ethnicity. Bosniak and Croat pupils attended classes in the same building while being physically separated and studying different curricula.

Roma continued to face widespread and systematic discrimination in accessing their basic rights, including to education, work and health care, entrenching the cycle of poverty and marginalization. Many Roma were particularly affected by the poor response of the authorities to the severe flooding in May.

The number of people at risk of statelessness, the majority of whom were Roma, reached a peak of 792 by April but had significantly decreased by the end of the year. However, a state-level law on free legal aid that would, among other provisions, have assisted Roma with registering in the national public registry and accessing public services, was still lacking.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to face widespread discrimination. In February, three people were injured as a group of 12-14 masked men interrupted the LGBTI festival "Merlinka" staged at a cinema in Sarajevo. The men stormed the premises, shouted homophobic threats and physically attacked and injured the three festival participants. Following their participation in the Belgrade Pride in September, members of an LGBTI NGO based in Banja Luka received death threats. Although the Criminal Code of Republika Srpska contained provisions on hate crime, there was no investigation into the threats against the activists.

Crimes under international law

Proceedings continued at the International Criminal Tribunal for the former Yugoslavia against former Bosnian Serb leader Radovan Karadžić and former General Ratko Mladić, for genocide, crimes against humanity and violations of the laws or customs of war, including at Srebrenica. In October, the hearing in the Karadžić case ended.

The War Crimes Chamber of the State Court of BiH made slow progress in the prosecution of crimes under international law, and was undermined by repeated criticism by high-ranking politicians.

The Criminal Code continued to fall short of international standards relating to the prosecution of war crimes of sexual violence. Entity courts continued to apply the Criminal Code of the Socialist Federal Republic of Yugoslavia; impunity prevailed in the absence of a definition of crimes against humanity, command responsibility, and crimes of sexual violence. Impunity for war crimes of sexual violence remained rampant; between 2005 and the end of 2014 less than 100 cases had come to court. The estimated number of victims of rape during the war ranged between 20,000 and 50,000.

In April a Law on Witness Protection was adopted, but it applied only to witnesses testifying before the State Court of BiH. Adequate witness support and protection measures were absent at entity courts, despite the fact that half of all pending war crimes cases were due to be heard at this level.

Legislation that would enable effective reparation, including a comprehensive programme for victims of crimes under international law, and free legal aid services to victims of torture and

civilian victims of war, had yet to be put in place. The harmonization of the entity laws regulating the rights of civilian victims of war was still not completed.

By the end of the year, the remains of 435 people had been exhumed at a mass grave in Tomašica village. The victims had disappeared and were subsequently killed by Bosnian Serb forces in the Prijedor area in 1992. In August, BiH signed a regional declaration on missing persons, and committed to establishing the fate and whereabouts of those 7,800 still missing. The Law on Missing Persons had not been implemented at the end of the year, leaving the families of the missing with no access to reparation.

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