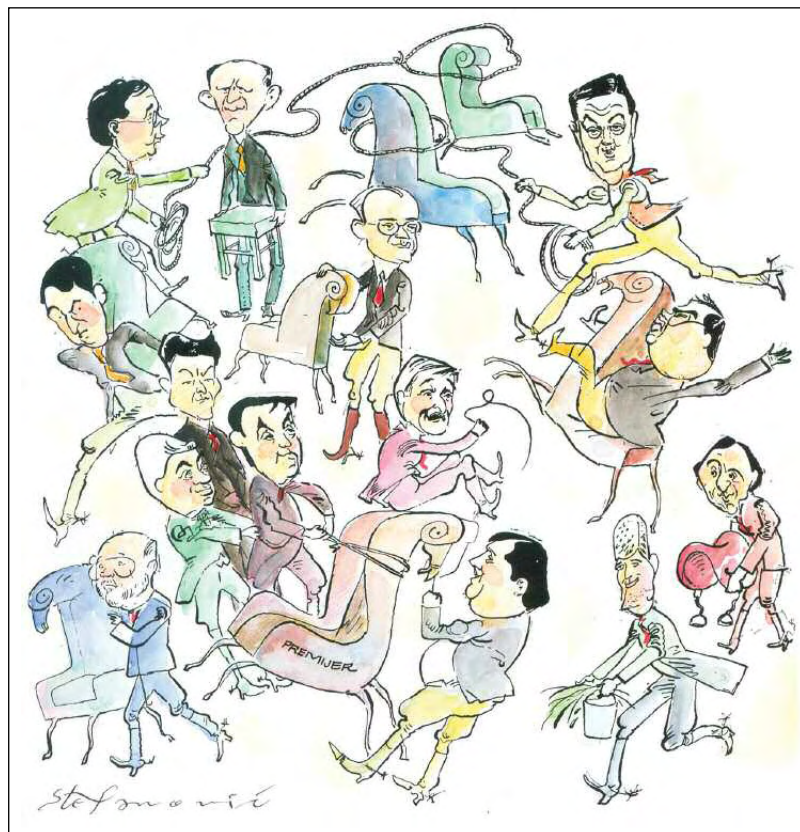


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	205
Land:	Bosnien-Hercegovina
Kilde:	International Helsinki Federation for Human Rights
Titel:	"Uddrag af "Annual Report 2007" vedrørende Bosnien-Hercegovina
Udgivet:	13. april 2007
Optaget på baggrundsmaterialet:	25. januar 2008



The results of the October general elections in Bosnia and Herzegovina were implemented with considerable delay. © Bozo Stefanovic

The major event in Bosnia and Herzegovina (BiH) in 2006 was the general elections on 1 October, which included elections for all levels of government, excluding local elections. The entire year was marked by the elections and election campaigns despite the fact that the official campaign was only one month long. The approaching elections made political relations even more complicated than they had been, particularly with regard to inter-ethnic relations. Political leaders and election candidates largely resorted to nation-

alist rhetoric and other activities that created fear among ethnic groups. Pre-election statements were reminiscent of the pre-war era of the 1990s and the election results awarded candidates with radical political agendas rather than those open for dialogue and compromise.

The invitation by NATO for BiH to join the Partnership for Peace was a positive step in that it can serve as an encouragement for forces promoting reforms and peace. The Stabilization and Association Process with the European Union (EU) was

ongoing, however, due to lagging reforms, the EU postponed the signing of the Stabilization and Association Agreement until further notice. The major stumbling block was the failure to reach an agreement on police reform, which the EU had insisted and which was opposed by politicians in Republika Srpska (RS).

Judicial proceedings against alleged war criminals, of the period 1992 to 1995, continued in The Hague before the International War Crimes Tribunal for the Former Yugoslavia (ICTY), as well as before Bosnian courts. Nevertheless, the most sought war criminals, Radovan Karadzic and Ratko Mladic, were still at large as of the end of 2006. The failure to apprehend them continued to delay the process of normalization of relations in post-war BiH.

Elections

On 1 October, general elections were held for the presidency; the House of Re-

presentatives of the Parliamentary Assembly; the House of Representatives of the Parliament of the Federation; the president and vice presidents of RS and its National Assembly; and for the cantonal assemblies in the Federation of BiH.

Official voter turnout as reported by the Central Election Commission was 52.74% of the total number of registered voters.

The one-month pre-election campaign was characterized by candidates' attempts to discredit their rivals and other political groups. Instead of promoting their own programs, the candidates resorted to hate speech, inflammatory statements and offences. Religious gatherings were abused to promote political propaganda, and a number of religious officials and clerics used such occasions to instruct their adherents on how to vote. Moreover, even children were unscrupulously used as tools for political manipulation.

On a positive note, the media was generally assessed as having acted in fair



Election placards were torn down in many locations during the pre-election campaign. ©Didi Torse

manner although some broadcasters failed to respect the principle of impartiality and favored certain parties and candidates. Of particular concern was the conduct of TV debates, which were marked by intolerance and insulting disputes, sending the public a message of irreconcilable differences caused by the war.

Print media, which were subject solely to self-regulation, often failed to respect professional standards and objectivity. Some articles openly promoted national intolerance and insulted election candidates.

From a legal point of view, of concern were the provisions of the BiH constitution that limited passive voting rights, and fell short on the principle to guarantee every citizen the right to be elected to political positions without discrimination: Bosniaks, Croats, and other minority members were unable to run for the RS presidency, and, in a similar vein, Serbs and other national minorities could not be nominated in the Federation.

Nevertheless, the overall assessment was that the general elections were conducted in a fair and democratic atmosphere. The reported minor irregularities during voting did not affect the election process considerably, and the final results reflected the will of voters.

A matter of concern, however, was the fact that the election results were implemented with considerable delay; still three months after the elections, the parliaments at the level of BiH, Federation BiH and some cantons were not fully constituted, while the formation of government at all levels was also delayed. Such a lagging implementation of the election results seriously questioned the democratic character of the electoral process.

Intolerance and aggressive nationalism

Throughout 2006 incidents directly demonstrating intolerance and aggressive

nationalism were reported, or events that due to their political context can be described as such. Such examples were explosive devices planted under vehicles or in front of religious objects and buildings. Religious sites were shot at, and in an extreme case a missile was launched at a mosque in Mostar.

◆ According to police statistics, as many as 11 explosions were registered in the Trebinje municipality between 1 January and 10 May. Although the general security situation in the country was better than several years ago, it has deteriorated since 2005 for Bosniaks in Trebinje.¹ For example, an unknown person was shooting over Muslim tombstones for one whole hour undisturbed on 18 July.

Religious sites and other objects of all three confessions - Muslim, Serbian Orthodox and Catholic - were frequent targets for violent attacks: windows were broken, furniture and equipment destroyed, cemeteries and tombstone desecrated.

◆ The mosque in Balinovac, Mostar, alone suffered 15 attacks in just 11 months.

◆ In the Tuzla Canton, 170 attacks on religious objects were registered in the past five years.

◆ In the municipalities of Kakanj and Ilijas, near Sarajevo, tombstones of the Orthodox cemetery were destroyed on several occasions.

◆ The premises of the Croatian Cultural and Education Association Napredak at Sarajevo center was subject to several break-ins and its walls were ruined by graffiti, some of which were inflammatory, including a call for killing members of certain confessions or nationalities.

Police rarely caught the perpetrators of such acts, and those who were found, frequently went unpunished. The failure to react adequately to hate crimes was generally interpreted as a lack of will to deal

with those violating the law and disturbing inter-ethnic relations. What is more, incidents of intolerance and aggressive nationalism were rarely condemned by leaders of those national or religious groups that were not directly targeted.

Return of refugees and IDPs

There were few returns of refugees and displaced persons in 2006 and almost no so-called minority returns, i.e., members of minority groups returning to an area predominantly inhabited by another nationality. No official data was available with regard to the number of people who had returned to their pre-war homes.

The Third Congress of the World Association of Bosnian Diaspora held in 2006 estimated that about 1.3 million Bosnians and Herzegovinians of all ethnicities lived in 110 countries of the world. In addition, some 180,000 registered IDPs still lived within BiH while the number of un-registered IDPs was estimated at least twice as high.²

Although 99% of cases filed for return of property confiscated during the war had been successfully processed already by the end of 2005, the actual return of people to their pre-war homes continued to be delayed. This was largely attributed to the discrimination refugees, IDPs, and returnees faced, resulting in their social marginalization. The failure to properly regulate their pension and health insurance, education, employment, and other segments of life served as effective obstacles to return. This led to the creation of almost ethnically clean areas in BiH. For example, only one Bosniak lived in the town of Visegrad, not a single one in Foca, Vlasenica, and Sokolac.

The fact-finding missions conducted by the Helsinki Committee in 12 municipalities revealed that the lack of employment caused more obstruction for return than the lack of housing or physical safety. Unemployment was attributable not only

to destroyed economy but also to discrimination. In the areas of return, an average of only 0.8 to 1.0 percent of returnees were employed. Jobs in the public sector, including local administration, post services, police, courts, and health care, were reserved for the demographically and politically dominant ethnic group.

During 2006, the obligation to pay funds into the Joint Fund for Reconstruction in BiH was fulfilled only by the Brcko District and the Council of Ministers. The funds for reconstruction of housing and infrastructure were reduced, which also stalled the return.

The Helsinki Committee stressed that return to their pre-war homes should be respected and made possible to all who wish to do so. Therefore, the return process should not be regarded as concluded yet.

Migrants, asylum seekers and citizenship

The Law on Citizenship, the Law on Movement and Stay of Aliens, and the Law on Asylum were generally in compliance with international standards for human rights. However, the November 2005 amendments to the Law on Citizenship abolished the right of appeal for persons deprived of citizenship, which is contrary to the internationally recognized right to due process. These amendments also led to the establishment of the Commission for Revision of Decisions on Naturalization of Foreign Citizens, which was tasked to review all decisions on awarding of citizenship to foreigners made since 6 April 1992. This commission was formed in February 2006 and was made up of nine members, including three internationals.

According to information from the commission chairman, 487 cases had been processed as of December 2006, 61 of which led to revocation of citizenship and 169 to confirmation of citizenship. Other cases were still being processed at

the end of the year. According to estimates, 16,000 individuals have been awarded citizenship over the past 14 years, most of them being residents of former Yugoslavia. The commission was expected to process around 1,500 cases, primarily those of citizens of Afro-Asian background.

The work of the revision committee, however, gave rise to some concerns. A number of decisions to revoke citizenship were not legally founded, while in many cases the decisions were made without

hearing the relevant citizens or giving them an opportunity to present arguments on their own behalf. Another big problem was deportation of a number of persons stripped of citizenship in this manner: they were deported to countries where they could face the death penalty or torture, or other inhumane and degrading treatment.

The number of asylum seekers in BiH was 62. Since the country gained independence, not a single request for asylum was approved.

SOURCES FOR FURTHER INFORMATION:

◆ Helsinki Committee for Human Rights in Bosnia and Herzegovina, at www.bh-hchr.org

Other organizations and agencies:

- ◆ Ombudsmen of the Federation of Bosnia and Herzegovina, at www.bihfedomb.org
 - ◆ Human Rights Commission within the Constitutional Court of Bosnia and Herzegovina, at www.hrc.ba
 - ◆ Open Society Fund BiH, at www.soros.org.ba
 - ◆ OSCE Mission to Bosnia and Herzegovina, at www.oscebih.org
 - ◆ Transparency International BiH, at www.ti-bih.org
 - ◆ The High Judicial and Prosecutorial Council of Bosnia and Herzegovina, at www.hjpc.ba
 - ◆ Office of the High Representative to BiH, at www.ohr.int
 - ◆ United Nations Development Programme (UNDP) BiH, at www.undp.ba
 - ◆ Constitutional Court of BiH, at www.ustavisud.ba
 - ◆ United National High Commissioner for Refugees (UNHCR) in BiH, at www.unhcr.ba
-

Endnotes

¹ According to Fuad Serdarevic, chairman of the Association of Returnees to Trebinje.

² Over 2.2 million people had changed their place of residence during the war.