



World Report 2015 - Bosnia and Herzegovina

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Events of 2014

Political deadlock in Bosnia and Herzegovina (BiH) continued to impede needed reforms in 2014 despite widespread protests in February expressing broad economic and political dissatisfaction. The protests were marked by incidents of police brutality. Journalists remained vulnerable to intimidation and threats. A fresh ruling from the European Court of Human Rights (ECtHR) underscored the government's ongoing failure to end restrictions on Jews, Roma, and other minorities running for political office. Roma remain the most vulnerable group, subject to widespread discrimination.

Ethnic and Religious Discrimination

The government made no progress towards amending the country's constitution to eliminate ethnic and religious discrimination in the national tri-partite presidency and House of Peoples, despite a July ruling by the ECtHR affirming its 2009 judgment that the constitution violates the European Convention on Human Rights. Both institutions currently permit candidates only from the three main ethnic groups (Bosniaks, Serbs, and Croats). European Union high level dialogues with the main political parties to facilitate an agreement collapsed in February.

General elections were held in October without the constitutional amendments required by the European Court. A new government had yet to be formed at time of writing.

Authorities in Mostar missed an August deadline to make changes to its voting system ordered by the Bosnian Constitutional Court, resulting in Mostar's exclusion from general elections and the disenfranchisement of its voters.

Roma remain the most vulnerable group in the country, facing widespread discrimination in employment, education, and political representation. Lack of a free and universal birth registration system means that many Roma are not on the national public registry that records births, deaths, and marriage. This impedes their access to public services, including health care.

Refugees and Internally Displaced Persons

According to the United Nations High Commissioner for Refugees (UNHCR) only 29 refugees and 66 internally displaced persons (IDPs) returned to their areas of origin in the first half of 2014, a significant decrease compared to the same period in 2013. As of July 2014, there were still 84,500 registered IDPs in BiH. Severe flooding in BiH in May and August disproportionately affected IDPs and returnees, forcing many families to relocate and further delayed the implementation of a 2010 strategy aimed at supporting the return of refugees and IDPs to their pre-war homes or finding them other durable solutions that would allow the remaining collective centers occupied by IDPs to be closed.

War Crimes Accountability

Implementation by the Bosnian government of the national war crimes strategy, adopted in 2008 to improve domestic war crimes prosecution, remains slow. There continues to be insufficient capacity and funding for prosecutors, particularly at the district and cantonal level. By November 2014, the war crimes chamber of the State Court of BiH had reached verdicts in 33 cases, increasing the total number of completed cases to 250 since the court became fully operational in 2005. During the year, the Republika Srpska entity prime minister repeatedly challenged the legitimacy of State Court and Prosecutor's Office claiming they are unconstitutional and called for their abolition.

In July, the State Court began the first retrial of a war crimes suspect among the dozens whose convictions were quashed following a 2013 ECtHR ruling that stated that Bosnian courts had wrongly applied law not in force at the time of the offences committed during the 1992 to 1995 Bosnian war.

The decision in November by the State Court to quash under the ECtHR ruling the genocide conviction of Milorad Trbic, a former commander with Bosnian Serb forces, and the prospect of his release from custody pending retrial, prompted concern from UN experts, who called on the BiH government to ensure victim protection, the right to truth and justice, and the adoption of a comprehensive transitional justice strategy. The case had been transferred to the Bosnian court from the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 2007.

In April, the State Prosecutor's Office signed a cooperation agreement with its counterpart in Montenegro on prosecuting war crimes, crimes against humanity, and genocide, following similar agreements with Croatia and Serbia from 2013.

The trial of Bosnian Serb wartime General Radetko Mladic continued at the ICTY with the opening of the defense on May 19. A request to dismiss the case by Mladic – charged with genocide, war crimes, and crimes against humanity, including in Srebrenica in July 1995 – on the grounds the prosecution had failed to provide sufficient evidence of genocidal intent was rejected in April. Mladic's ill-health repeatedly interrupted the trial that began in 2011.

In July, Bosnian Serb wartime President Radovan Karadzic, also on trial at the ICTY under many of the same charges as Mladic, demanded a new trial citing unfair treatment and prosecution errors. His claim was rejected and his trial continued. Closing arguments were heard in late September, and at time of writing a verdict was expected in the second half of 2015.

National Security and Human Rights

At time of writing, two foreign nationals remained in indefinite detention on national security grounds in BiH. Imad Al Husin, a naturalized Bosnian from Syria detained in 2008, remained in indefinite detention, despite a 2012 ECtHR ruling that required BiH to charge him, find a safe third country to resettle him, or release him.

Zeyad Khalaf Al Gertani, another foreign national security suspect from Iraq, remained in detention despite United Nations Human Rights Committee findings from November 2013 that BiH was in breach of article 9 of the International Covenant on Civil and Political Rights, which prohibits arbitrary arrest or detention and requires that anyone who is arrested be informed, at the time of arrest, of the reasons for the arrest.

Freedom of Media

Threats and acts of intimidation against journalists by political and religious authorities continued in 2014. As of November, the national journalists' association recorded 27 violations of freedom of expression, including 5 physical and 14 verbal assaults, and 1 death threat.

In February, the United States, European Union, and Organization for Security and Co-operation in Europe (OSCE) condemned accusations by authorities in the Republika Srpska entity that certain media outlets are "foreign agents."

During the February protests, police intimidated and beat journalists and confiscated raw footage, violating the right to freedom of expression.

Freedom of Assembly and Expression

Police in Sarajevo and Tuzla used excessive force during the February protests, as well as during the subsequent detention of protesters. Internal investigations into the events were ongoing at time of writing.

Political leaders from among each of three main ethnic groups sought to dismiss the protests as staged efforts to provoke inter-ethnic violence or attempts by one entity to destabilize the other, rather than engaging with the concerns voiced by protesters.

In February, 10 assailants attacked a group of people attending the Merlinka Film festival, organized by the lesbian, gay, bisexual, and transgender (LGBT) rights organization Sarajevo Open Centre, leaving 2 injured. No police were present at the time, despite a prior agreement between organizers and police to provide security during the event. At time of writing, no one had been charged in connection with the attacks. The center documented 15 cases of hate speech and 14 cases of hate crime in the first 10 months of 2014.

Key International Actors

When protests emerged in February, the United States, EU, the Office of the High Representative (OHR), and OSCE voiced support for the right to peaceful protest and called on Bosnian authorities to use the opportunity to implement necessary reforms.

In March, amid preparations for the October general elections, the then-head of the OSCE Mission to BiH called for increased efforts to strengthen gender equality and women's representation in political office. The number of women in political office at different levels of government continued to fall short of quota provisions in the election law requiring that at least 40 percent of candidates on party lists are women.

Also in March, the UN secretary-general published a report on conflict-related sexual violence, including a section on BiH, following a June 2013 country visit by the Special Representative on Sexual Violence in Conflict Zainab Hawa Bangura. The report cited a continued need for increased capacity to prosecute perpetrators, improve comprehensive support for survivors, and end stigmatization. An April OSCE report on the same issue highlighted the need to increase capacity to prioritize, investigate, and prosecute conflict-related sexual violence and improve public awareness, while commending the BiH Prosecutor's Office on efforts made so far to address concerns.

In April, on the occasion of the International Roma Day, the OSCE, EU, and an international nongovernmental organization coalition called in a joint statement for greater efforts to end Roma exclusion in BiH.

After a May visit, the OSCE high representative for national minorities, Astrid Thors, stressed the need to improve equal rights and effective political participation of national minorities, including the need to implement the 2009 ECtHR ruling.

In July, a Dutch district court in The Hague found the Netherlands liable for 300 deaths during the 1995 Srebrenica genocide and ordered compensation payments to hundreds of victims because its peacekeeping troops had failed to protect people seeking refuge in a UN compound in the town.

In September, the Parliamentary Assembly of the Council of Europe deliberated suspending BiH from the organization unless there is "substantial progress" in the implementation of the 2009 ECtHR ruling.

In its annual progress report published in October, the European Commission identified the continued need for constitutional reform and rising political and financial pressure on media, as well as violence and discrimination against vulnerable minorities, particularly LGBT people, among the main outstanding concerns.

During the second Universal Periodic Review of BiH at the Human Rights Council in November, member states cited the need for constitutional reform, increased efforts to combat human trafficking and violence against women, improving rights of people with disabilities, and further promoting integration of Roma in all levels of society as important issues to be addressed.

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