

Bosnien - Herzegovina (29)



U.S. DEPARTMENT of STATE

Bosnia and Herzegovina

Country Reports on Human Rights Practices - 2002
Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

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24/4-03

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a central government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords assigned many governmental functions to the two entities, which have their own governments, Parliaments, militaries and police forces. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords.

In the Federation, the President appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. In the RS, the President and Vice Presidents are directly elected, while a Prime Minister selected by Parliament heads the government. The Parliament, called the RS National Assembly, is elected on a proportional basis, and the Council of Peoples has the power to review laws vital to national interest issues of any of the constituent peoples. The RS Council of Peoples allows Bosniak, Croat, or Serb representatives to block legislation they believe threatens their group's vital national interest. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly. The judiciary remained subject to influence by nationalist elements, political parties, and the executive branch and thus was unable to prosecute all but the simplest crimes fairly and effectively.

The October general elections were the first administered by local authorities since the end of the war. All previous postwar elections had been conducted by the Organization for Security and Cooperation in Europe (OSCE). OSCE election officials reported that the elections were free and fair. Turnout for the elections was lower than in previous elections. Candidates of the three main nationalist parties, the Bosniak Party for Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croatian Democratic Union (HDZ), won seats to the tripartite BiH Joint Presidency. In the RS, the SDS, founded by wartime Serb leader Radovan Karadzic, won a plurality, but lost ground to the moderate Alliance of Independent Social Democrats (SNSD). Following the October elections, coalitions of nationalist parties from all three ethnic groups gained control in the Parliaments at the state and both entity level governments. Several swing parties that had previously supported the moderate Alliance For Change (AFC) government, such as the RS-based Party of Democratic Progress (PDP) and the Bosniak Party for BiH (SBIH), joined with the nationalist parties. This gave the nationalist coalitions the numbers they needed to gain control of the Parliaments at both the BiH and entity levels.

The Constitution gives the government of each entity responsibility for law enforcement in

accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the nonmilitary aspects of the settlement, such as civilian reconstruction, the return of refugees and displaced persons, and freedom of movement of the civilian population. The U.N. International Police Task Force (IPTF), which was established by the U.N. under Annex 11 of the Dayton Accords, completed its mission on December 31. It was succeeded by the smaller European Union Police Mission (EUPM), whose stated objectives were to monitor, mentor, and inspect the local police, and to raise police standards so that they are in line with accepted European and international practice. Some international observers were concerned as to whether the EUPM would be sufficiently prepared to monitor thoroughly abuses and lack of compliance by local police. In addition to locally recruited police forces, the entities maintained separate armies. While the BiH-level Constitution states that the armies are under BiH-level Presidential authority, in practice they were controlled by the entities. Entity governments generally maintained civilian control over the armed forces. During the year, police in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Members of the police and security forces in both entities committed some human rights abuses in many parts of the country.

While the country continued to make progress toward implementing free-market reform, the economy remained only at the early stages of transition to a market economy. By the end of July, the estimated population in the country was 3,950,000, compared to an estimated prewar population of 4,377,033. Per capita gross domestic product remained only half of the prewar level, and unemployment stood at approximately 18 percent, even taking into account the considerable employment that occurred within the informal economy, where workers typically received no benefits. The country remained heavily dependent on foreign assistance, which was expected to diminish significantly. The country made advances in areas necessary to make the transition from post conflict aid dependence to sustainable economic growth. Such advances included: Stimulating more private sector development; attracting more investment and providing a hospitable tax regime; accelerated privatization; a tougher stance on crime and corruption; and a single economic space. There was a growing gap between rich and poor, due mainly to the lack of rule of law. The growth in the black and gray markets in the years after the war allowed some to reap windfall profits, while the law abiding continued to face serious economic hardship.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The degree of respect for human rights continued to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. According to credible reports, police continued to abuse and physically mistreat detainees and other citizens. Police brutality continued, for the most part with impunity. However, U.N. monitors reported progress in establishing procedures to ensure police accountability and transparency, such as a substantial drop in illegal and arbitrary detentions. Prison conditions met prisoners' basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be a problem. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. Even when independent decisions were rendered, local authorities often refused to carry them out. Although the RS Parliament passed a law on cooperation with the Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) in September 2001, the RS continued its *de facto* refusal to take action against any Serbs indicted by the ICTY. Although the Federation did not facilitate any new transfers during the year, the Federation cooperated generally with the ICTY. Authorities in all areas infringed on citizens' privacy rights. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation.

Pressure and harassment of media by authorities and dominant political parties declined somewhat compared with 2001 but intensified in the month immediately before the national elections. Incidents included bureaucratic harassment, intimidation, published insults, and threatening behavior. Nonetheless, the nature of the incidents tended to be less violent and less overt than in the previous year. Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. Authorities continued to impose some limits on freedom of assembly and association. Both entity governments and private groups continued to restrict religious practice by

minorities in majority areas; religious discrimination remained a problem. Freedom of movement continued to improve, although some restrictions remained in practice. While police failed to ensure security for refugees returning to areas in which they were an ethnic minority, incremental improvement and responsiveness were noted.

Violence against women, in particular domestic violence, was a persistent yet underreported problem, and discrimination against women persisted. Severe discrimination against ethnic minorities continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. Isolated instances of political, ethnic, or religious violence continued. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continued to obstruct minority returns in certain localities. Members of society, organized by local authorities, harassed minorities and violently resisted their return in some areas, such as Trebinje, and elsewhere in the RS. Trafficking in women and girls was a serious problem. Bosnia and Herzegovina was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On November 12, after a 17-month trial, a Sarajevo court acquitted all six defendants charged in the 1999 bombing that killed former Federation Deputy Interior Minister Jozo Leutar due to lack of evidence. The judge noted that the testimonies of the two protected witnesses were contradictory. At the time of his assassination, Minister Leutar was carrying out an investigation into organized crime. The prosecution was preparing an appeal to the Federation Supreme Court at year's end.

On September 24, Zeljko Markovic, Police Chief of Serb Sarajevo, was killed outside his home in Sokolac. Police detained a few persons for interrogation but later released them due to a lack of evidence. As of the end of October, the investigation was continuing, and many believed that his death may have been connected to his work against corruption and organized crime.

In October 2001, police discovered the bodies of Father Matanovic and his parents, who disappeared from Prijedor in 1995, in the well of their family residence in Rizvanovici (see Section 1.b.). Autopsies revealed that their hands had been bound with RS police-issued handcuffs and that each had been shot in the head with police weapons. In 2001 several former RS police officials were under investigation, and in May 2001, the IPTF commissioner had deauthorized three Prijedor police officers for their involvement in Father Matanovic's disappearance. Also in May 2001, five former RS police officials were detained. The ICTY approved the investigation and detention of these five former RS police officers, and their case was transferred to the domestic judicial system where it has been turned over to an investigative judge (see Section 4).

In October the trial began in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (Yugoslavia), who was arrested last year and charged with genocide (see Section 4). The local prosecution of war crimes cases proceeded slowly due to political interference; however, authorities made some progress during the year with the arrest and trial of suspects in the Bosnian courts. The lack of a witness protection program has hampered prosecutions (see Section 1.c.).

SFOR arrested numerous war crimes suspects. For example, on April 1, SFOR arrested Momir Nikolic who was indicted by the ICTY in connection with the 1995 Srebrenica massacre. On June 13, SFOR arrested Darko Mrdja in Prijedor in connection with the August 1992 massacre of more than 200 men in the Vlasica mountain region in the central part of the country. On July 7, Miroslav

Deronjic was arrested on charges of crimes against humanity in the village of Glogova near Bratunac in 1992. On July 9, Radovan Stakovic was arrested for his alleged role in the detention, torture, and sexual assault, including rape, of Bosnian Muslim women and girls in Foca from June 1992 to February 1993.

In addition to SFOR arrests, Dusan Knezevic, one war crimes suspect, voluntarily surrendered on May 18 to representatives of the U.N. war crimes tribunal in Banja Luka. He was one of four suspects charged with atrocities against Bosniaks and Croats at the Omarska and Keraterm war camps in the country in 1995. In May Serbian police arrested Ranko Cesic for war crimes and crimes against humanity in the Luka camp near Brcko.

On January 3, the Sarajevo Cantonal Court convicted Bosnian Serb Goran Vasic of beating Bosnian Muslim prisoners at a wartime camp but acquitted him of killing Bosnia's Deputy Prime Minister Hakija Turajlic in 1992.

On October 14, persons received sentences of 2 to 13 months' imprisonment for their role in the Ferhadija Central Mosque riots in May 2001, where crowds protesting the laying of a cornerstone for the reconstruction of that mosque killed a Muslim man (see Section 2.c.). In April a murder suspect was arrested in April for the 2001 killing of a 16-year-old Bosniak girl near Vlasenica; however, he was released in July. At year's end, the case remained unsolved.

An improvement in the security environment for returnees resulted in a decrease of 43 percent in documented acts of violence in the RS from 2001. Bosniak Muamar Topalovic was suspected of murdering three members of a Croat family, the Andjelic family, in Korjic on December 24. On December 31, a 76-year-old Bosniak woman was murdered in Kozarska Dubica in the RS.

An estimated 1 million landmines were planted in the country during the 1992-95 wars (see Section 1.c.). Since 1995 landmines have killed 339 persons, 21 during the year.

b. Disappearance

There were no reports of politically motivated disappearances during the year. There remained an estimated 20,000 to 30,000 persons missing from the wars in 1991-95.

Under an OHR-mediated agreement reached in 1996, exhumations were carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The commissions were free to carry out exhumations and collect unburied mortal remains in territory under the authority of another majority ethnic group using an established notification system. The International Commission for Missing Persons (ICMP), which operated in all countries of the former Yugoslavia, reported that the remains of an estimated 750 persons had been recovered in the country as of mid-October, and an additional 60 or more sets of mortal remains were exhumed in the intraentity process. The largest gravesite to be uncovered during the year was found in Kamenica and was believed to contain, along with other gravesites in the area, approximately 1,000 sets of mortal remains of victims from Srebrenica, which were expected to be recovered by the end of the year.

The ICMP continued developing its centralized system of DNA identification, finishing construction of its DNA laboratory in Banja Luka. The ICMP collected 9,729 blood samples by the end of September and was expected to have collected 13,000 samples by the end of the year. During the year, 18,838 DNA blood profiles were obtained. ICMP also received 4,000 bone samples resulting in 2,519 DNA bone profiles during the year. By the end of the year, 1,250 DNA matches had been made that should result in the identification of approximately 750 missing persons.

The Missing Persons Institute (MPI) is a state institution that opened in August 2000 to serve as a working platform for entity-level commissions on missing persons under guidance from the ICMP. During the year, ICMP instigated the separation process of MPI from ICMP, as MPI will eventually take over responsibility for recovering and identifying human remains and supporting families of the missing.

The issue of missing persons was used for political purposes prior to the October elections. The RS government Bureau for Relations with the ICTY issued a report in September, during the pre-election period and prior to the beginning of the Milosevic trial in the Hague, which stated that only 1,800 persons were missing from Srebrenica. The report did not cite any supporting evidence. In this context, a neutral scientific approach, such as that provided by ICMP's DNA identification process, was intended to prevent such political manipulation and ultimately provide closure and an unbiased answer as to the number of missing persons from Srebrenica.

The International Committee of the Red Cross (ICRC) reported that since 1995 it had received requests from family members to trace 20,845 persons missing from the war years, including 17,330 Muslims, 740 Croats, 2,643 Serbs, and 132 others. A total of 3,143 of these persons had been accounted for (318 of whom were found alive) by year's end. The ICRC reconstituted the Working Group for Tracing Missing Persons, which was created by the Dayton Peace Agreement to serve as a channel for passing tracing requests to local authorities. This group had been suspended in 1999 due to lack of cooperation from local authorities.

RS compliance with the Human Rights Chamber's decisions ordering full investigations into several wartime disappearance cases improved somewhat during the year (see Section 1.e.). For example, the RS fully complied with the 1997 Human Rights Chamber's order to conduct a full investigation into the disappearance of Father Tomislav Matanovic from Prijedor in 1995 (see Section 1.a.). Pressure from the IPTF was a factor in the successful conclusion of this investigation. However, the RS authorities ignored requests for investigations in numerous other cases.

During the year, the RS paid compensation awarded by the Chamber to Colonel Avdo Palic's family but did not conduct an investigation, ordered by the Chamber, into his disappearance in 2001. Therefore, the RS only partially complied with the Palic decision.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment, but in all areas of the country, police abused and physically mistreated persons at the time of arrest and during detention. However, according to U.N. monitors, the number of complaints against police officers declined significantly during the year. Monitors cited as a major reason for the improvement a U.N.-initiated program to set up a system of maintaining a written record at every step of the arrest and detention process. There were 105 incidents of police misconduct reported to the IPTF. Categories of misconduct may include assault, beatings in custody, excessive use of force, ill treatment, harassment, police inaction, illegal detention, restriction of movement, improper seizures, abductions, sexual assaults, negligence, corruption, and abuse of power.

Police commonly failed to act on complaints of police brutality, and punishments were mild and often done only under pressure from the IPTF or other international monitors. Police were not usually criminally charged in such cases. Many victims of police abuse were reluctant to file complaints for fear of retribution. To remedy these problems, a U.N. accreditation program was created. The goal of the program was to accredit those law enforcement agencies that met clear criteria for democratic, multiethnic police institutions. To gain accreditation, a police force must demonstrate professional competence, organizational capacity, and institutional integrity.

Specific requirements for accreditation included the establishment of standard operating procedures and an internal review process. Professional Standards Units (internal affairs) were created in each of the Ministries of Interior and in the District of Brcko. The policies included strict guidelines for arrest and detentions, civilian selection and review boards, and promotion and disciplinary procedures. With Professional Standards Units operational, police forces acted against some officers, resulting in fines, suspensions, and dismissals, as well as several criminal convictions.

During the year, the IPTF certified 16,764 police officers and issued 556 denials of certification. This process of certification for local, entity and BiH-level law enforcement officers, all of whom had previously received provisional authorization, involved in-depth background checks, as well as completion of IPTF-mandated training. Among the applicants, 352 failed final certification on the basis of wartime activities or serious disciplinary problems. The latter category included those with

criminal records or indictments, as well as those with three or more noncompliance citations by IPTF.

Poor police protection and violence against minority communities continued in several areas, particularly in the eastern RS and Herzegovina (see Section 5).

Police in the eastern RS were able to provide security for Bosniak events, which included the "Women of Podrinje" commemoration in Bratunac and the Srebrenica commemoration in July. Both of these events occurred without violence, as did many mosque openings throughout the year, in contrast to the previous year. A total of 1,600 minority police officers had been added to both the Federation and the RS police forces by year's end. Although this represented only 10 percent of the entire police force, it was an improvement for ethnic minority populations.

Some police officers were involved in trafficking in persons (see Section 6.f.).

During the year, the entity Mine Action Centers were combined, forming a BiH-level Bosnia and Herzegovina Mine Action Center (BiH MAC). In addition, more active commissioners were appointed to the BiH-level demining commission and worked with BiH MAC toward the goal of making the country free of landmines by 2010. In both entities, and in relevant Cantons and municipalities, over \$1.5 million (3 million KM) was spent on demining during the year. These government contributions represented a meaningful first step in transferring the responsibility for funding demining from the international community to the country. The funding covered overhead expenses at the Mine Action Center. Conflicting forces planted an estimated 1 million landmines in the country during the 1992-95 wars. Since 1995, landmine explosions have injured 1,033 persons; 34 were seriously wounded during the year. As of August, between 7 and 10 percent of the total of landmines and unexploded ordnance in the country had been removed.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem, and numerous bombings, shootings, and assaults caused deaths, injuries, and significant material damage (see Sections 2.d. and 5); however, violence decreased compared with 2001.

There continued to be numerous violent incidents directed at returning refugees (see Sections 2.d. and 5). Violence against journalists, including physical assaults, continued (see Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. Corruption among prison officials continued to be a problem. Prisoners organized strikes in Zenica and Orasje to demand better conditions. There were no separate prisons for female or juvenile inmates, but they were held in separate wings of facilities for adult males. Pretrial detainees were also held separate from convicted criminals. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems.

The Government permitted visits by independent human rights observers; international community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in both entities as well.

d. Arbitrary Arrest, Detention, or Exile

The Constitutions of both the entities and the country prohibit arbitrary arrest and detention. Arbitrary arrest and detention declined after the introduction of accounting procedures to track the arrest and detention process. Police must now maintain written records documenting each step of the process. According to U.N. monitors, the number of complaints has dropped significantly since these procedures came into effect. Federation law permits prearrestment detention of up to 24 hours; in the RS prearrestment detention may extend for 3 days, but these deadlines have been violated. The IPTF denied certification to some police for violating these procedures.

On October 11, the BiH's Human Rights Chamber determined that the BiH and Federation governments violated human rights conventions in transferring four of six Algerian terrorism

suspects to the custody of a foreign government in January. Three of the four suspects were stripped of their Bosnian citizenship after the BiH Government determined that they had obtained their citizenship fraudulently. The fourth was not a Bosnian citizen but had a residence permit. The Chamber ruled that the transfer of the four suspects was illegal because the Ministry of Civil Affairs and Communications did not issue a required decision on expulsion. The Chamber also held that the four suspects were unlawfully detained from January 17 to January 18, but that their detention from October 2001 to January 17 was lawful. Additionally, the Chamber held that the BiH and the Federation governments should have sought assurances from the foreign government that it would not seek the death penalty against the detainees prior to their hand-over. The Chamber ordered both the BiH Federation governments to pay monetary compensation to each applicant and to engage attorneys on behalf of each applicant. The Chamber also ordered BiH to seek assurances that the death penalty would not be sought and to provide consular support to each of the applicants. In public statements, Ministers criticized the Chamber's decision as influenced by political concerns and claimed that the decision was flawed on both procedural and substantive grounds. Nonetheless, the BiH Government indicated it would comply with the Chamber's decision, although at year's end it was considering pursuing an appeal.

On October 26, SFOR detained Sabahudin Fijuljanin for conducting surveillance of SFOR's Eagle Base in Tuzla. Evidence obtained during a search of Fijuljanin and his house in Gornja Maoca included a pistol, multiple passports issued in Fijuljanin's name, and an armed rocket propelled grenade launcher. Additional information led SFOR to conclude that Fijuljanin was linked to al-Qa'ida. SFOR stated that Fijuljanin's detention was based on the Dayton Peace Agreement, which provides SFOR with the authority to take necessary measures to ensure safety of SFOR personnel and installations. In November Fijuljanin contacted his attorney, and on December 9, Fijuljanin's lawyer filed an application with the Human Rights Chamber on Fijuljanin's behalf asking the Chamber to order the BiH and Federation governments to prevent his removal from the country. Fijuljanin also was allowed to contact his family during his detention and received visits by representatives of the ICRC. Fijuljanin remained in detention, and his case was pending before the Human Rights Chamber at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and some political parties continued to influence the judicial system. The legal system was unable to protect the rights of either victims or criminal defendants adequately because of its inefficient criminal procedure codes and ineffective trial procedures. The judiciary remained subject to influence by political parties. Judges and prosecutors who showed independence were subject to intimidation, and local authorities at times refused to carry out their decisions.

Some political leaders and organized crime figures attempted to influence judicial institutions and prosecutorial offices in both entities. Government officials and nationalist elements in the past exerted political pressure to obstruct investigations by law enforcement agencies. Some politicians and other powerful figures continued to exert influence on cases before the courts. Court files often contained letters from politicians about particular cases, and politicians often made public statements blaming judges or prosecutors for carrying out their duties. Organized crime elements also sought to pressure judges. The criminal justice system did not investigate or prosecute serious crime or corruption cases effectively. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction.

Even when the courts rendered a fair judgment, local officials and the court police often ignored or refused to implement their decisions. This was especially true for those who won decisions mandating the eviction of illegal occupants from their property, although this continued to improve during the year under pressure from the international community (see Section 1.f.).

In order to increase the efficiency of legal assistance and official cooperation in criminal matters between the entities themselves as well as between the entities and Brcko, the High Representative imposed the Law on Legal Assistance and Official Cooperation in Criminal Matters on May 23. In

conjunction with this law, the OHR also set up a Federation bar association and adjusted RS laws in order to harmonize both entities' bar associations. The Law on Legal Assistance and Official Cooperation in Criminal Matters was aimed specifically at more effective discovery, prevention, and prosecution of all types of criminal activities, as well as to facilitate and strengthen legal assistance and official cooperation in the fight against crime, terrorism, corruption, and other illegal activities. However, this new law was not fully implemented; regulating legislation was not enacted, and by year's end, there had been little or no cooperation between the separate structures of courts and prosecution agencies in the Federation and the RS. Cooperation between police and courts in the different entities remained weak. Although there were isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation was used successfully, little sustainable progress was made in creating viable and effective structures for such cooperation. For example, there was still no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

Enforcement of civil judgements remained weak due to the lack of cooperation between courts and police generally; the low priority given to enforcement cases by the courts; and the many legal loopholes that allowed debtors to delay or avoid enforcement.

Since 2000 laws in each entity have mandated commissions (in the Federation) and councils (in the RS) responsible for recommending candidates for judicial and prosecutorial appointment. These laws also called for a one-off 18-month "comprehensive review" of the suitability of all sitting judges and prosecutors. The Independent Judicial Commission (IJC) was expected to monitor both the appointment and review process in 22 commissions. International community assistance enabled the introduction of uniform and improved appointment practices through a Memorandum of Understanding applicable in both entities, although the procedure was still complex and the final power of appointment remained with the legislative bodies. However, by the end of 2001 it was clear that the Comprehensive Review Process had not produced tangible results. Very few judges or prosecutors had been removed from office or disciplined as a result of the process, despite the large number of complaints against them.

The IJC recommended a more aggressive approach to the appointment of judges and prosecutors, bringing forward some changes on which it had anticipated working at a later time. This new approach, known as the reinvigorated judicial reform strategy, was adopted by the Peace Implementation Council in February. With limited exceptions, after restructuring, all judicial and prosecutorial posts would be filled in an open competition.

The peer-review based Comprehensive Review Process was ineffective in removing unsuitable judges and prosecutors. The IJC therefore proposed a reselection process for all judges and prosecutors, coupled with a restructuring of courts and prosecutor's offices, as part of a reinvigorated judicial reform strategy. In August the OHR appointed the first members of three newly created BiH-level High Judicial and Prosecutorial Councils (HJPCs). The HJPCs were intended to strengthen the integrity and professionalism of judges and prosecutors. By year's end, the HJPCs had reviewed 300 applications for 90 vacant judicial and prosecutorial positions, and in December they issued the vacancy announcements for the approximately 900 remaining positions at the country and entity levels. Other aspects included reform of key procedural laws, creation of Judicial Training Institutes, and reform of court administration. Judicial reform was necessary because although both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel, an inefficient criminal procedure code has resulted in long delays in trials and few final verdicts. Appellate courts frequently sent cases back to first instance courts to correct minor errors in order to avoid making final decisions on cases. First instance courts were overburdened with the responsibility for gathering evidence during the preliminary examination stage, a task given to the investigative judge rather than the prosecutor, resulting in a prolonged judicial process.

On June 20, the BiH House of Representatives passed a law creating the State Information Protection Agency (SIPA). When UNMIBH and the international community initially began to advocate this law, SIPA was intended to act as an embryonic Bosnian "FBI." However, after a difficult negotiation process, SIPA's originally intended mandate became limited. SIPA served as a conduit for information and evidence among local, as well as some international, law enforcement

authorities, and, in limited circumstances, SIPA acted as a protection authority for diplomats and officials. Since the law was passed, little progress has been made in establishing this agency. By year's end, SIPA still lacked a budget, staff, and permanent building facilities.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (see Section 4). The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court.

Implementation of Human Rights Chamber decisions by local authorities improved somewhat in the RS. The RS achieved full compliance with some decisions by reinstating claimants in their houses and apartments and paying them compensation. The RS fully complied with one high profile case, the Matanovic case, by completing its investigation of the case (see Section 1.a.), and also complied partially with religious discrimination cases by taking actions such as issuing approval for the reconstruction of mosques in Bijeljina. The Federation continued to implement most Chamber decisions, taking the remedial action ordered and paying compensation awards. Both the Federation and the RS failed to comply with a small number of Chamber decisions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to "private and family life, home and correspondence," and the right to protection of property; however, authorities in all areas infringed on citizens' privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. While this problem was not as common in the Federation, it occasionally occurred.

Since the war, large numbers of citizens have been unable to reclaim property, either privately or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation proceeded extremely slowly in both entities; however, pressure from the international community had a positive impact on property law implementation. In the Federation, by year's end, 92 percent of property claims had been adjudicated and 74 percent of property returned. At the same time in the RS, 76 percent of property claims had been decided and 62 percent of property returned. The increases in the RS were well ahead of initial expectations. For the country as a whole, at year's end, 85 percent of property claims had been adjudicated and 69 percent of property returned. Despite these notable increases, the political leadership in both entities continued to obstruct minority returns by delaying needed reforms and not implementing evictions and other property related decisions, particularly in the Croat areas of Herzegovina and in the eastern RS. In Sarajevo delays persisted due to the large backlog of cases, and evictions failed to keep pace with decisions to return property to the prewar owners.

During the year, the Human Rights Chamber and Human Rights Ombudsmen issued numerous decisions in cases where local authorities failed to return apartments or homes to legal owners seeking to return to their prewar homes (see Sections 1.e. and 4). Most applicants were in possession of certificates issued by the Commission for Real Property Claims (CRPC), which are final and binding, determining that they held legal occupancy rights; however, local authorities failed to evict illegal occupants as required by law. In September the international community introduced the "New Strategic Direction," a property law plan that requires local authorities to evict illegal occupants in chronological order in order to provide greater transparency in the process and accelerate property law implementation. The Federation and the RS both adopted the New Strategic Direction plan, and the BiH-level Ministry of Human Rights and Refugees fully endorsed the plan.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides a general statement supporting freedom of speech and of the press, although actual laws regarding freedom of the press are delegated to the cantons in the Federation, and to the central authorities in the RS; however, the Government did not always respect these rights in practice.

The primary restraints on freedom of the press were inappropriate pressure on the principal media by governing political parties, intimidation and libelous attacks on journalists, and politicized use of tax and financial inspections. While there were some improvements in the development of a free and independent press, many media outlets maintained subjective political biases. Threats to journalists remained high, although the severity of harassment incidents declined. Government officials in both entities continued to pressure media outlets to change editorial policies through excessive tax audits and other bureaucratic harassment. The Media Helpline was transferred from OSCE to OHR auspices during the year and continued to monitor and report abuses against journalists and freedom of speech.

In late 2001, the OHR imposed a new Broadcasting Law superseding previous media laws and amendments. The BiH and Federation Parliaments adopted the law, but the RS had yet to do so at year's end. If adopted the law would install a new Board of Governors for the Radio Television Republika Srpska (RTRS) in the RS.

In June 2001, the Council of Ministers adopted the Stability Pact Charter for Media Freedom which pledges the Council of Ministers to protect and promote freedom of expression; remove obstacles to freedom of media; respect the principles of a free and independent press; and provide free access to information. These laws and policies were intended to develop a solid legal basis for free and open media in the future. However, by year's end, the effects of these laws were not yet evident, and journalists still found it difficult to work independently and professionally.

In May a Federation Parliamentarian vigorously attacked Federation TV and its journalist Bakir Hadziomerovic from the floor of Parliament for a controversial investigative story aired on that station. A local association of journalists defended the journalist and the station, claiming that the representative had misused his office to intimidate the media. Also in May, Radmilo Sipvac and Dragan Risojevic from Nezavisne Novine in Banja Luka received a letter from RS customs director Goran Popovic rudely demanding that they provide proof within 3 hours for a story about Customs Agency-organized smuggling activities. (Popovic later resigned in connection with another RS customs fraud incident.)

Some opposition and independent newspapers operated in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, owner of the only independent printing house in Sarajevo (the other printing facility in the Federation is the government-controlled Oko), was the highest circulation daily in the country. During and since the fall election campaign, Avaz realigned itself more closely with the nationalist SDA party. Dani and Slobodna Bosna were the most influential independent magazines in the Federation. In the RS, the government-owned printing company, Glas Srpski, had a virtual monopoly. One of the few independent magazines in the RS was Reporter, a weekly published by a former correspondent of the Belgrade-based independent magazine Vreme. Nezavisne Novine was an independent newspaper distributed throughout the country; however, its circulation was limited.

Government officials, especially in the RS, exerted economic pressure by directing the advertising business of government-owned companies away from independent media outlets critical of the Government. Some independent media in the two entities, for example, Dani and Reporter, assisted in the distribution of each other's publications in their respective entities.

The largest television broadcasters were Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and RTRS in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and a source of objective news and public affairs programming; however, because of massive financial problems, it lost most of its affiliates and staff. Reduced to only a Sarajevo broadcaster, in September OBN announced the formation of

an independent network with NTV, a station in Banja Luka. There were dozens of small independent television stations located throughout the country. Some of these broadcasters originally were municipal stations; they had not yet been privatized fully by year's end, although their legal ownership status was further clarified by the Communications Regulatory Agency (CRA).

Radio broadcasting in the Bosniak-majority areas of the Federation--particularly in Sarajevo, Zenica, and Tuzla--was diverse. Opposition viewpoints were reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas reported a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they usually were highly nationalistic. Local Croat authorities did not tolerate opposition viewpoints. One exception was Studio 88, in Mostar, which broadcast reports from both sides of that ethnically divided city and Radio N in Livno, which broadcast balanced reports despite strong pressure from nationalists.

The BiH Government and both entity governments adopted the Freedom of Access to Information (FOI) Act, establishing a general right of public access to government information, and both entities began implementing the Act. The Government had not yet adopted FOI guidance legislation by year's end, but claimed to be implementing the FOI law.

The RS adopted a law on Defamation and Slander. The Federation draft law on defamation and libel, criticized for excessive fines, was withdrawn, and no draft had been adopted by year's end. Although the High Representative abolished criminal penalties for libel, in the absence of a law, Federation journalists still ran the risk of conviction for a criminal offense of libel. The Federation Ombudsman stressed the inequity of this situation for Federation citizens and the detrimental effect on media freedom in the Federation. Despite the establishment of criminal penalties for libel, print dailies and weeklies routinely published unsubstantiated rumors and personal attacks on political figures as directed by their political party affiliations, prior to and continuing after the election campaign.

The CRA, formerly the Independent Media Commission, was a domestic agency established by the High Representative to regulate broadcasting in the country, including enforcement of the established code of practice. Generally, the presence of the CRA, and the effective functioning of its complaints procedure and enforcement provisions, considerably reduced the level of inflammatory and hate language in the electronic media. This was particularly evident in the electronic media's coverage of the election campaigns.

In May the High Representative imposed legislation establishing the Public Broadcasting System (PBS), with both entity-level broadcasters as components. This was an important step forward in creating the legal framework for public and private broadcasters and codifying the regulatory responsibilities of the CRA, now independent of the Office of the High Representative and properly functioning as a BiH-level regulatory agency. However, the process of drafting the legislation, and specific clauses which could potentially deny private broadcasters genuine free-market competition, access to programs, and especially advertising revenue, raised concerns among broadcasters, NGOs involved in media, and members of the international community.

There was increasing consensus within OHR that the CRA should have the proper regulatory authority to address advertising caps on PBS on a regular basis. There was also recognition that recourse to advertising revenue puts pressure on public stations to behave according to market forces, which may be at odds with public service obligations, such as the broadcast of educational programs. Subscription fees were considered as an alternative revenue source. A focus on building subscription fees as the primary revenue source for PBS and entity broadcasters would require a technical change in the PBS Law, strengthening the CRA's statutory right to regulate advertising cap rates as appropriate. This change had not yet been made at year's end. The CRA does have authority over satellite fee and frequency allocation issues.

Through early summer there were serious concerns that private broadcasters would lose access to high sites transmission facilities, to which public broadcasters have first priority but not exclusive rights. There were sufficient channels available, and the CRA resolved this issue to the satisfaction of private broadcasters. Commercial stations may broadcast from high sites upon prior request if

the spectrum is available and coordinated. As a result, this issue ceased to be a point of contention.

Overall, completion of the long-term licensing process by the CRA for television and radio broadcasters, and formal establishment of the PBS, brought considerable order to the broadcasting media field. The process was not completed because certain provisions of the PBS law needed review to enable the fair and appropriate co-existence of public service and private broadcasters, as well as to support the CRA in its purpose as a strong and independent regulatory body. However, the initiative made significant progress. Electronic media operated in a more transparent and more properly regulated broadcast environment than it had previously, reducing the ability to restrict freedom of the press.

In a survey of the period from August 5 to September 5, shortly before the Bosnian elections, Internews BiH, a Bosnian NGO providing media training, recorded pressure from political parties on 66 radio and television stations throughout the country. Twenty-two percent of the total outlets reported pressure one or more times during this period, consisting of threatening calls or messages and other nonviolent threats. Fifty-four percent of the television stations and 19 percent of the radio stations surveyed reported threats. None reported any governmental pressure using tax or financial control measures. Three weeks before elections, Republika Srpska authorities announced financial control inspection for the weeklies Reporter and Patriot and the daily Nezavisne, although the previous inspection had occurred only 3 months earlier. All three media outlets interpreted this Tax Administration gesture as direct pressure against media because they had reported critically on the former RS Finance Minister. (The established period for tax inspections is 6 months.)

In April Vildana Selimbegovic, editor in chief of the weekly Dani, was threatened for a story on Abu Nidal's terrorist organization and its connections to the country. In her article, Selimbegovic linked a Bosnian lay member of the religious establishment in Sarajevo with Nidal. This individual threatened Selimbegovic, demanding money for having his name published in the article. In a phone conversation, he warned that if anyone were named a terrorist, Selimbegovic "would not write anything ever again." Dani published these threats in a subsequent article, and a court case was opened against this person.

During the summer, journalists for the daily Dnevni Avaz, Dani weekly magazine, and Federation TV were verbally attacked in Zenica while covering a story on a person detained in Mostar for possession of firearms. A group of individuals on motorcycles demanded and confiscated the TV crew's videos and intimidated the print journalists into leaving the story site.

Responding to an August article in Slobodna Bosna which identified him as the "lawyer of the Bosniak Mafia," a religious leader publicly labeled the newspaper's editor "a psychiatric case who should not be taken seriously." Later, in his religious capacity, he included a blanket condemnation of written and electronic media in his public prayer.

On September 15, an individual forced his way into the editorial offices of Dnevni List in Mostar, behaving violently and demanding to know who took the photographs in last year's edition of this daily covering the Herzegovacka Banka takeover. Those present reported the assault to the police who arrived, took a statement from the man, and released him, although they said that criminal charges would be raised against him.

Several cases from 2001 involving attacks on journalists remained unresolved by year's end. These included: The June 2001 armed confiscation of a camera and tape from a Belgian TV crew in Pale; the August 2001 attack on Oslobodenje journalist Elvir Beslic; and the November 2001 bombing of the house of journalist Zoran Sovilij. However, the attacker of Kenan Cerimagic of TV Hayat was tried during the year and given a nominal sentence of a few months.

Access to the Internet was unrestricted; however, for economic reasons, only approximately 4 percent of the population had access.

The Government did not restrict academic freedom. However, academic freedom was at times constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo Serbs and

Croats complained that members of the Bosniak SDA party and Bosniaks generally received special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city. East Mostar University maintained a degree of ethnic diversity in its student body and staff but suffered from a serious lack of resources and staff. University of Mostar in West Mostar remained politically dominated by Croat nationalists.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice.

In July large numbers of Bosniaks visited cemeteries in Visegrad and no violence was reported. A large-scale gathering in Bratunac in May and another in Srebrenica, where 5,000 Bosniaks gathered in July to commemorate the 1995 Srebrenica massacre, also occurred without incident.

In early March, approximately 5,000 war veterans protested in Sarajevo, calling for the Government to pass legislation to allow more benefits for war veterans and the families of soldiers killed in the war. The SDA was one of the main organizations encouraging the protest. On December 19, hundreds of Bosnian Croats protested the decision of the Federation government to halt the payment of benefits to Croat war veterans and the families of soldiers killed during the war. The protesters blocked four major border crossings with Croatia in the north and the south and two major road junctions in central and southern Bosnia. There were no reports of violence committed by either the protesters or the authorities in either protest.

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the government-owned sector of the economy (see Section 6.a.).

c. Freedom of Religion

The BiH Constitution and both entity Constitutions provide for freedom of religion, and individuals generally enjoyed this right in areas that were ethnically mixed or where they were adherents of the majority religion; however, the ability of individuals to worship in areas where theirs was a minority religion was restricted, sometimes violently.

Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurred in virtually all parts of the country. Discrimination was significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation. However, incidents of discrimination occurred in Bosniak-majority areas as well.

While the majority of the population in the Federation consisted of Bosniaks and Croats, neither Islam nor Roman Catholicism enjoyed special status under the Federation Constitution. In 2000 the Bosnian Constitutional Court struck down a provision in the RS Constitution directing the entity government to "materially support the Serbian Orthodox Church and cooperate with it in all fields." During the year, the RS gave only nominal financial assistance to representatives of the Serbian Orthodox, Roman Catholic, and Islamic faiths.

Parties dominated by a single ethnic group remained powerful in the country. Most political parties continued to identify themselves closely with the religion associated with their predominant ethnic group; however, some political parties were multiethnic. Some clerics characterized hard-line nationalist political sympathies as part of "true" religious practice.

The Constitution provides for proportional representation for each of the three major ethnic groups

in the BiH Government and the military. Because of the close identification of ethnicity with religious background, this principle of ethnic parity in effect has resulted in the reservation of certain positions in the BiH Government and the military for adherents or sympathizers of certain faiths. The military in the RS was staffed overwhelmingly by ethnic Serbs and only had Serbian Orthodox Chaplains. The Federation military was composed of both separate Bosniak (Muslim) and Croat (Roman Catholic) units, and integrated units; Muslim and Catholic chaplains were represented.

Foreign religious workers normally entered initially as visitors, since a tourist visa allows for stays as long as 3 months. Some apparently entered and reentered the country every 3 months, essentially extending their tourist status indefinitely. Missionaries officially were required to obtain a temporary residence permit from a Cantonal Ministry of Interior before their 3-month tourist visa expired. There were no reports of cases in which missionaries' applications were refused.

Public schools offered religious education classes, which were mandatory for Serbs in Republika Srpska and, in theory, optional in other parts of the country. However, in practice they were offered only for students of the majority religion in that area, amid pressure on parents to sign their consent that their children needed to attend the religious instruction. Schools generally did not hire teachers to offer religious education classes to students of minority religions. In some cases, children who chose not to attend the religion classes offered were subject to pressure and discrimination from peers and teachers. Schools in Sarajevo offered only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically had the right to study non-Catholic religions; however, this option did not exist in practice. Orthodox symbols were present in public schools throughout the RS.

In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons.

On September 18, unknown perpetrators destroyed a mosque in Gacko with an explosive device.

The RS government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was slight improvement from previous years. The absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them were major obstacles to safeguarding the rights of religious minorities (see Section 1.e.).

In June an explosive device was thrown into the courtyard of a house belonging to a recent Bosniak returnee in Bijeljina. Police arrested a suspect, and an investigation into the incident was ongoing at year's end. On December 7 in Doboj, hand grenades were thrown at a mosque and a returnee home. On December 24, Muamer Topalovic allegedly attacked a Bosnian Croat family in Kanjic for religious and ideological reasons. The attack followed the December 20 burning of the Mostar municipal creche, the December 19 bombing of the house of a Bosniak returnee near Bijeljina, the December 23 desecration of two Muslim tombstones in a graveyard in Prijedor, and the December bombings of two houses belonging to Bosniaks and a mosque in Doboj. Suspects were arrested in the creche burning incident. According to the U.N. High Commissioner for Refugees (UNHCR), a total of 17 violent incidents were directed at religious sites, including several in Mostar and Prijedor.

Because they were powerful symbols of religious identification and, therefore, ethnicity, clerics and religious buildings were favored targets of ethnoreligious violence. Most religious leaders severely criticized violence and nationalism, but their message was undermined by other clerics who continued to support nationalist causes and separatism. RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild some of the 618 mosques and 129 churches in the RS that were destroyed or significantly damaged during the 1992-95 war. Local police also did not conduct a serious investigation into several incidents. On October 21, fourteen persons were sentenced to 2 to 13 months' imprisonment for their role in the most serious incident, involving riots at a May 2001 dedication ceremony for the Ferhadija Central Mosque in Banja Luka (see Section 1.a.). Administrative and financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and impeded their return in many areas.

For a more detailed discussion see the [2002 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides these rights, and freedom of movement, including across the Inter-Entity Boundary Line, continued to improve; however, some limits remained in practice.

Accurate statistics on displaced persons and refugee returns remained difficult to obtain, and statistics accounting for the age of returnees were not available. Various refugee organizations provided different estimates on the numbers of minority internally displaced persons (IDP) returns. UNHCR stated that there were 10,000 more minority IDP returns during the year than there had been in 2001.

Pressure from evictions, combined with an increased sense of security in most areas of the country and awareness that international assistance was limited, prompted the increase in returns. Thousands of returnees lived in sheds or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes. According to UNHCR, between the end of the war in 1995 and the end of the year, 424,403 persons who left the country had returned. UNHCR reported that there were 102,111 registered minority returns countrywide, a substantial increase over the number of minority returns in 2001. By ethnic group, the returns were as follows: 40,716 Serbs; 49,378 Bosniaks; 10,898 Croats; and 1,119 others. Although the return figures were much less exact for those returning from other places within the country, UNHCR reported that 485,900 IDPs returned to their prewar homes between the end of the war and August.

There were some improvements during the year that facilitated returns. In January the High Representative promulgated the "Vital Interest" Decision, which provided a clearer accounting of Refugee Ministry budgets used to support return. In the RS, the Refugee Ministry followed the initiative begun in 2001 and supported the return of Bosniaks and Croats by providing reconstruction assistance to both of these groups. As of September, a total of 460 Bosniak and Croat families received such assistance. As of October, the RS Refugee Ministry had spent \$3.2 million (KM 6.4 million) on the initiative. The RS Refugee Ministry also agreed to provide reconstruction assistance to approximately 20 minority police officers returning to the RS, and deliveries were made to 18 of these officers as of the end of October. The increased number of ethnically integrated police forces helped improve the climate for returns, although security remained inadequate in some areas (see Section 5).

Serbs continued to return in greater numbers to the Federation. In October the Federation Refugee Minister, after some delay, paid funds promised for joint reconstruction and return projects. The town of Drvar, a previously Serb town which was "ethnically cleansed" during the war by Croats, was by year's end again majority Serb, with a rate of compliance with property laws of 90.27 percent. In early June, the High Representative removed the hard-line Bosniak mayor of Donji Vakuf for obstructing the return of refugees and IDPs. The mayor had publicly opposed the return of Serbs. In December preparations were made for a plan to hand over the responsibilities of OHR's Reconstruction and Return Task Force to the BiH Government. Because no government was formed from the October elections by the end of the year, these plans were delayed.

Many problems remained that prevented returns, including: Hard-liners obstructing implementation of property legislation; political pressure for individuals to remain displaced in order to increase the ethnic homogeneity of the population in a specific area; societal violence; and the lack of an ethnically neutral curriculum in public schools. Lack of housing also contributed to the problem; the needs continued to far outweigh available resources. Municipal administration taxes on documents that are necessary for return, such as birth or land certificates, remained high. In addition, minority returnees often faced employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly owned utility companies. All of these problems decreased from the previous year, yet still persisted in hard-line areas. In October members of the Federation Ministry for Refugees and Social Welfare were subjects of allegations of corruption; the High Representative determined that an audit of the Refugee Ministry's budget needed to be undertaken. Auditors initially commented that fraud and misuse of funds were likely involved. The audit was ongoing at year's end. The Federation Ministry was unable or unwilling to keep financial commitments in support of returns throughout the year, and this caused many IDPs, particularly Bosniaks, to remain displaced or continue living in

deplorable conditions as a result of the Ministry's failure to provide support.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDPs. Municipalities in the RS continued to allocate illegal land plots in areas such as Zvornik and Bratunac, in eastern RS, altering prewar demographics and intimidating potential returnees. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees in a manner that consolidated the results of ethnic cleansings ceased for the most part. IDPs living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently had been pressured to remain displaced, while those who wished to return had been discouraged, often through the use of violence (see Section 1.c.). These trends of intimidation for displaced persons to stay in their place of displacement decreased, although they were still practiced in the staunchest hard-line areas of the RS and Herzegovina.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned. Authorities encouraged postwar occupants of these apartments to begin purchasing them. In the meantime, the prewar owners of the apartments (former JNA officers) began filing claims to return to their property. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber, which decided that apartments owned by JNA officers should be returned. The return of apartments was scheduled to begin during the year. However, these apartments were not returned because the Federation did not take the necessary legislative action, and this problem remained unresolved at year's end.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. Attempts by returnees to receive compensation for jobs illegally lost during the conflict years were largely unsuccessful. As a result, most minority returnees were elderly, which placed a burden on receiving municipalities. Younger minority group members, who depended on adequate wages to support their families, generally remained displaced, especially in cases in which they had managed to find work in their new place of residence. Some reports described younger returnees going back to their prewar homes, but no adequate statistics existed to determine the age of returnees.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees. During April, May, and June the Ministry for Human Rights and Refugees carried out a reregistration process of all refugees from the Federal Republic of Yugoslavia (FRY). After the completion of reregistration the number of refugees from the FRY was 6,056. Of this number, 1,453 refugees were in collective accommodation, of which 960 refugees were from Kosovo (673 of these were Roma), 315 from Serbia, 75 from Montenegro, 57 from Macedonia, and a handful from Yemen and Russia. From Sandzak, there were 179 refugees. The Government provides first asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation. On October 5, the country held general elections, which were the first since the Dayton Peace Agreement to be administered and conducted by Bosnia and Herzegovina authorities. The previous six postwar elections were conducted by the OSCE. The Government assumed responsibility for the conduct of elections in August 2001 following the BiH Parliament's adoption of the country's first permanent election law. The Election Law contains provisions regulating almost all aspects of national, entity, cantonal, municipal, and local elections, including voter registration, certification of candidates, code of conduct for parties, campaign finance, media, and observers. The Election Commission passed a regulation on October 12 ensuring equal representation for

political parties among polling station staffs. The October elections were the first in which all BiH and entity officers were elected for 4-year terms. In all previous postwar elections, Parliamentarians were elected to 2-year terms. In parliamentary races, the SDA polled strongly among Bosniak voters. The multiethnic Social Democratic Party (SDP), which was the leading party in the previous Government, experienced a substantial drop in support.

The Bosniak-nationalist Party for Democratic Action (SDA) and the Croat-nationalist Party Croatian Democratic Union (HDZ) remained powerful, particularly in Bosniak and Croat majority areas. The nationalist Serb Democratic Party (SDS) remained ideologically committed to Serb cultural and religious authority in the territory of the RS, where it won a significant plurality in the October elections.

The October elections were judged to be largely in line with international standards by the International Election Observer Mission, which was led by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The observer mission reported that the campaign environment was largely free of violence with few reports of intimidation. The local NGO network OKO, which deployed over 6,000 observers, assessed the elections as free and fair. Problems cited by observers included numerous voters unable to find their names on voter registers, group voting, and intimidation in a few cases. Voter apathy and low turnout, worsened by bad weather, were problems.

There were fewer instances of election-related violence than during previous election campaigns. In the early hours of September 19, an explosion destroyed the minaret of a recently reconstructed mosque in the eastern RS village of Ključ (see Section 1.c.). RS Prime Minister Mladen Ivanic condemned the attack, but police had not yet made arrests at year's end. The bombing occurred during the election campaign, but it was unclear whether it was intended to heighten ethnic tensions prior to the election. Following a September 20 election rally of the SDS in Prnjavor, 10 young participants scattered building material while chanting nationalist slogans at a nearby building site of a mosque. The perpetrators ran away when police arrived, but two were apprehended and charged. Unknown assailants threw tear gas at participants in an October 1 rally in Mostar for the "Economic Block" coalition, a rival of the HDZ party.

Six months before the elections, the Constitutions of the country's two entities were amended to ensure equal status for the country's three main ethnic groups in entity governmental structures. The changes were mandated by the July 2000 "constituent peoples decision" of the Constitutional Court, which established the principle that the country's three main ethnic groups or "constituent peoples," Serbs, Bosniaks, and Croats, have equal rights in both entities. The most significant changes to the RS Constitution created the RS Council of Peoples; established two RS vice presidents who would be from different ethnic groups as the RS president; specified a formula for ethnic representation in RS ministerial positions; and required that the RS civil service reflect the prewar ethnic composition of the RS. The Federation Constitution was amended to add a Serb caucus to the Federation House of Peoples; specify a formula for ethnic representation in ministerial positions; and create a second vice presidential position, among other changes.

Political leaders from both entities negotiated the amendments in talks convened by the High Representative, finalizing the agreement on March 27. The RS National Assembly passed most, but not all, of the agreed amendments to the RS constitution. The Federation Parliament failed to pass any of the amendments. On April 19, the High Representative imposed the agreed amendments to the Federation Constitution and those amendments to the RS constitution not adopted by the RS National Assembly. In July Parliament amended the Election Law to reflect these changes to the entity constitutions. In March the High Representative issued a decision banning individuals removed from office by the OHR from running in the October election and likewise barring any party that maintained a removed individual in a central party position from being certified by the Election Commission. All three of the major nationalist parties were affected by this decision and were required to expel party members in order to be certified for the October elections.

A multiethnic local government administered the Brcko municipality as a district under the direct oversight of the Brcko supervisor. In the absence of new or adapted laws, the supervisor retained discretion as to which laws, Federation or RS, were to apply in Brcko. Brcko District has

harmonized more than 60 new laws reforming the system of local governance, property, taxation, citizen participation, economic development, and judicial reform. Brcko's school system was the first fully integrated one in the country, and the police force was the first to achieve U.N. certification.

Election rules established by the OSCE for the 1998, 2000, and 2002 general elections required that at least 30 percent of political party candidates be women. The Election Law also contains this provision. These provisions increased the number of female representatives from 2 percent at the BiH and entity level and 5 percent on the municipal level in 1996 to roughly 20 percent of all elected positions during the year. However, in the BiH-level House of Representatives (lower house), only 6 of 42 deputies were female. By mid-October, delegates had not yet been appointed to the BiH-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures. In the Federation legislature, 18 of 98 deputies in the House of Representatives were female. In the RS National Assembly, 13 of 83 deputies were female, compared with 16 before the latest elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

International community representatives were given widespread, and for the most part, unhindered access to detention facilities and prisoners in the RS as well as in the Federation. The Law on Associations and Foundations allows NGOs to register at the national level and therefore to operate throughout the country without administrative requirements. The passage of this law in 2001 was a requirement for the country's admission into the Council of Europe. The law follows the general principle of voluntary registration and allows associations and foundations to engage directly in related economic activities. NGOs have registered at the national level to receive greater recognition from the international community, to show that they were not nationalist oriented, and to receive money from the Government once a new tax structure is put into place.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or categorical refusal. In contrast to the previous year, there were no major incidents of violence against international community representatives. Soon before the election, the SDA called on all media outlets to boycott polls of the National Democratic Institute because SDA felt that these polls were unfairly biased towards the SDP.

SFOR arrested numerous war crimes suspects during the year. At year's end, 24 arrest warrants remained outstanding, while 78 indictees had been transferred to the ICTY. There have been 129 indictments since the inception of the ICTY, 20 of which have been withdrawn, and 7 of which ended when the indictees died. Although the RS National Assembly passed a law on cooperation with the ICTY in September 2001, the RS has made no effort to arrest indictees. In the eastern RS, Foca and Pale remain under sanctions for their noncooperation with the ICTY. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS President Radovan Karadzic, remained at large. In December Karadzic's wife resigned from her position as head of the RS Red Cross under pressure from the International Red Cross.

The ICTY approved the detention and investigation of five former RS police officers for their involvement in the disappearance of Father Matanovic in 2001 (see Section 1 a.), and their case was transferred to the domestic judicial system. In addition, the Minister of Interior suspended ten active RS police officers because the RS investigative team (approved by the IPTF) had identified them as suspects. The investigative team sent its report identifying these suspects, along with 11 former RS police officers who were also suspects, to the ICTY and was awaiting clearance from the ICTY for these cases to be transferred to the domestic judicial system. The Human Rights Chamber considered the RS to have fully complied with its 1997 order to conduct a full investigation into the disappearance of Father Matanovic, but the investigation had not resulted in any convictions by year's end. In general the BiH judicial system remained unprepared to prosecute war crimes cases

domestically, although there was political will to do so. Successful prosecution of these cases will require financial support and training from the international community.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, persons responsible for the up to 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in the country (see Section 1.b.).

In October the trial began in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (Yugoslavia), who was arrested in 2001 in the former Republic of Yugoslavia by Yugoslav police. Milosevic had 66 charges against him for alleged crimes against humanity in Croatia and Kosovo, and genocide in Bosnia and Herzegovina during the 1990s. However, his poor health, reportedly due to high blood pressure, halted proceedings a number of times during the second half of the year. By year's end, the case remained pending. If convicted of any single charge, Milosevic could be sentenced to up to life imprisonment.

In November the ICTY sentenced Bosnian Serb Mitar Vasiljevic to 20 years in prison for the shooting of five Muslims in Visegrad during the war. In December Biljana Plavsic, the former deputy to former Bosnian-Serb leader Radovan Karadzic, pleaded guilty before the ICTY on one count of persecution on racial, religious, and political grounds. Plavsic was the highest-ranking Serb leader to have admitted to crimes against humanity committed during the conflict in Bosnia and Herzegovina. Reaction in the RS to the Plavsic plea was indicative of the RS attitude towards the ICTY, which it regarded as an illegitimate, political tribunal. By contrast, the Federation generally has cooperated with the ICTY. At year's end, no sentence had been announced, but judges said that Plavsic could remain provisionally released.

The ICTY during the year issued six convictions and no acquittals. This brought the number of convictions to 29 since the ICTY's inception.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (see Section 1.e.). The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber. The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson remained high. Citizens continued to turn to these institutions to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy. The RS improved its compliance with Human Rights Chamber decisions during the year, and the Federation continued to implement most decisions issued by the Chamber (see Section 1.e.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

In the Dayton Accords, the parties agreed to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority, and these principles were codified broadly in the BiH Constitution, and specifically in the entities' Constitutions; nevertheless, there were many cases of discrimination.

Women

Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. A report by the International Helsinki Federation for Human Rights in 2001 estimated that approximately 30 percent of women in the country were victims of domestic violence. However, there was little data available regarding the extent of the problem, and women's organizations such as Women for Women were concerned that abuse was more widespread than reported. Throughout the country, rape and violent abuse are considered criminal offenses, and laws in both the Federation and the RS prohibit rape. Spousal rape and spousal abuse also are illegal in the Federation and the RS. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevented some victims of rape from coming forward to

complain to authorities.

Police received specialized training to handle cases of domestic violence, and each police administration had its own domestic violence focal point. Nonetheless, there were reports of police inaction in cases of domestic violence and sexual assault. The S.O.S. Phone Service, a 24-hour hot line open to victims of domestic violence for assistance and counseling, began during the year. Centers for abused women operated in the Districts of Brcko, Bihac, and Sarajevo.

Trafficking in women for purposes of sexual exploitation was a serious problem (see Section 6.f.).

There are no laws prohibiting sexual harassment within any governmental units. However, some private and governmental organizations included rules against sexual harassment in their contracts or employee manuals.

There was little legal discrimination against women, and women served as judges, doctors, and professors; however, a male-dominated society continued to prevail in both entities, particularly in rural areas, and few women were in positions of real economic or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally received equal pay for equal work at socially owned enterprises but not always at private businesses. Women are legally entitled to 12 months' maternity leave and may not be required to work more than 4 hours per day until a child is 3 years old. A woman with underage children may not be required to perform shift work. However, women in all parts of the country encountered problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers.

Women were still underrepresented in law enforcement agencies, although progress continued. According to guidelines for accreditation, police forces should allocate 10 percent of their positions for qualified female candidates. Most units had about 3 to 4 percent, although some had as many as 6 to 7 percent. Several recent graduating classes from Bosnian police academies contained up to 80 percent women.

Children

The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. Nevertheless, social services for children were in extremely short supply. Children with disabilities lacked sufficient medical care and educational opportunities.

Education was free and compulsory through the age of 15 in both the Federation and the RS. However, a lack of reliable statistics as to attendance and level of school completed hindered efforts to ensure that all school age children received an education. The most serious problem was the ethnic division of educational opportunities. Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. At times minority children were barred from attending school. Local education officials excused such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms. At the elementary and secondary school level, Canton governments in the Federation and the central Ministry in the RS politically pressured school directors. Several schools were directed by hard-line political figures. The lack of financial resources also led to teacher strikes in the RS and in individual cantons in the Federation.

Officials took steps during the year to integrate minority students into some schools. On March 5, the Ministers of Education in the Federation and RS signed the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children. A number of specific benchmarks were later elaborated, as part of the November Education Reform Strategy presented by the BiH Government at the Peace Implementation Council in Brussels. Senior officials in both entity ministries have been engaged, through an Implementation Coordination Board and in

cooperation with international community oversight and support, in removing barriers to education access for returnee children.

Nonetheless, in many instances compromises fell far short of actual integration (such flawed measures included maintaining separate teaching lounges, separate student entrances and classrooms, and even separate floors). In many cases, students and teachers of different ethnic groups shared the same school building, but they attended class on different floors or used the facility in shifts without ever actually interacting with other students or teachers of a different ethnic group. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education (see Section 2.c.). In the RS, non-Serb teaching staff at elementary and secondary school levels comprised only 3 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers, depending on the Canton. Romani children may attend schools in all areas of the country, although attendance was low due to pressure from within their community. In a small number of cases, local communities attempted to discourage Romani children from attending their schools.

The full integration of elementary and high school classrooms in the Brcko District continued to be successful. The Brcko District government implemented full integration at the high school level for the 2001-02 school year, using a harmonized school curriculum for all teachers. So-called national subjects (language, history, and music) were offered separately as afternoon "elective" classes, but materials that could be hateful or offensive to others were eliminated. Language questions were resolved by using both Latin and Cyrillic script, and by requirements that teachers not penalize students for lexicon or grammar usage identified more with one language variant than another. In the area of civic education, the new course on "Democracy and Human Rights" was fully implemented in high schools in all areas of the country, using the first truly joint curriculum. The course was developed by donors and international organizations working closely with Bosnian educators and was officially accepted by the Canton and entity-level Education Ministries and the Brcko District Department of Education.

Medical care for children in the Federation was controlled solely at the Canton level. Therefore, whether or not a child receives any medical care from the government depended on the budget of the Canton in which they lived. If they lived in an affluent Canton, then they received better medical coverage, and if they lived in a less affluent Canton, the level of medical coverage provided was diminished. When medical care was available to them, boys and girls received equal coverage. Medical care for children in the RS was controlled at the entity level (RS Ministry of Health). Children up to 15 years of age were entitled to medical care free of charge under the law. However, in practice, unless they had medical insurance paid for by their parents, children often did not receive medical care free of charge. There was no discrimination between boys and girls concerning medical care.

There was no societal pattern of abuse against children. Nonetheless, children continued to suffer disproportionately from the societal stress of the postwar era. According to statistics released in October by the Ministry for Human Rights and Refugees, 118,785 of the 553,419 displaced persons from the country were children. Three hundred of the 1,225 victims of mine incidents since 1996 have been children, according to the ICRC.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons With Disabilities

The Federation government is required by law to assist persons with disabilities to find employment and to protect them against discrimination. In the RS, the law also prohibits discrimination against persons with disabilities. However, there were few jobs available, and thousands of newly disabled persons entered the job market after the war; as a result, the vast majority of persons with disabilities were unemployed.

Public institutions for persons with disabilities generally met minimum standards, although most lacked suitable funding. In some cases the facilities were less than minimal; for example, a Federation transit center in Bosanska Petrovac housing 40 disabled returning refugees from

Hungary spent September and early October without electricity or adequate means of support. The legal status of institutions for persons with disabilities was not resolved following the breakup of the former Yugoslavia. As a result, local and entity governments have no legal obligation to finance such institutions, and they operated only with BiH-level government and international donations. A number of international NGOs assisted persons with disabilities in the country.

There are no legal provisions mandating that buildings be made accessible to persons with physical disabilities, and in practice buildings rarely were accessible to persons with disabilities.

National/Racial/Ethnic Minorities

"Ethnic differences" were used to justify the war and remained a powerful political force in the country. Although some politicians still supported the concepts of a "Greater Serbia" and a "Greater Croatia," mixed communities existed peacefully in a growing number of areas, including Sarajevo and Tuzla. However, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their prewar homes if they would be in the minority there. Although the new RS government officially supported the right to return, it continued to obstruct returns on many levels. For example, the allocation of illegal land plots to Bosnian Serbs went on unhindered, particularly in Bosanski Brod and in Zvornik (and in the eastern RS in general). Authorities also closed collective centers and used the war veterans' budget to relocate people in the municipality of their displacement.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. For example, on January 7, unknown assailants threw a hand grenade at the house of a Bosniak in Trebinje. It was the second such incident in an 8-month period at this house, although the second attack caused only minor damage. On February 11, in two separate incidents, unknown assailants threw explosive devices into the apartment of a Serb returnee and threw another at a nearby Serb returnee house being reconstructed in Mostar. No casualties were reported. On March 16, a bomb was thrown at a mosque in Bosanska Dubica in which there was significant material damage but no casualties. In March a Catholic cemetery was destroyed in Mostar. Three explosions occurred in one night in the village of Koraj, near Bijeljina in April; all of the explosions occurred near a newly reconstructed mosque scheduled to open only days later. In Bijeljina unknown perpetrators caused severe destruction to the Islamic Community Center in an explosion on May 16. On May 11, a group of Serb extremists destroyed the house of a 76-year-old Bosniak returnee in Modrica. On June 4, a bomb was thrown into the courtyard of a Bosniak returnee's home in Milici. In early September, unknown perpetrators used an AK-47 to shoot at Serb returnee houses in Klepci, Capljina. There was damage to the house facades, and there were broken windows on five houses, although no casualties were reported.

A short flurry of violent acts occurred prior to the October 5 national elections in Capljina, Prijedor, and Bijeljina. On September 9, basketball fans in Bijeljina broke out windows on ten buildings after the victory of the Yugoslav basketball team. Allegedly supported by local police, they drove through Bosniak returnee areas singing nationalist songs, randomly shooting, and smashing windows of Bosniak stores and houses. A similar incident occurred in Kozorac, Prijedor, where groups of persons in a convoy of more than 40 cars verbally threatened, shot at, and damaged approximately 5 businesses and residential premises. The group injured an elderly Bosniak man and removed and burned the religious flag at the Islamic Center. A few days prior to the national elections, unknown persons planted an explosive device in a newly reconstructed mosque in Kljuc, destroying the mosque's minaret.

On December 24, Muamer Topalovic allegedly attacked a Bosnian Croat family in Kostajnica for religious and ideological reasons. In the attack Adjelko Andjelic and his two daughters were shot and killed. Andjelic's son was also severely injured in the attack. Topalovic was reportedly a member of the Wahhabi-influenced Islamic group, Active Islamic Youth, and also had ties to a Saudi-financed Islamic NGO, Dzemijetel Furkan (Al-Furkan). A number of political figures condemned the act, including some high-level figures in the country's Islamic community. The Kostajnica attack followed several other December attacks on homes and religious establishments

of varying ethnicities, most of which remained unpunished (see Section 2.c.).

In addition, while incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problematic, and police consistently failed to apprehend offenders.

Authorities began to deploy minority officers in areas with minority returns; however, the lack of housing for returning police officers hindered this process. The RS Ministry of Refugees committed to provide reconstruction material to a total of 20 Bosniak minority police during the year. Eighteen packages had already been delivered by year's end. NGOs provided the majority of this assistance, but the RS assistance was an improvement over last year. In Prijedor 42 of the 747 area police officers were Bosniak, and a number of senior positions were set aside for Bosniaks.

All Federation Canton governments have agreed to an ethnically mixed police force in principle; however, many Cantonal governments continued to resist integration in practice. The Neretva (Mostar) Canton was an exception; the Interior Ministry in this Canton made significant progress in unifying the police force, including co-locating offices, shedding Croat nationalist insignia, and unifying portions of the budget under its direct control. In other cantons of Herzegovina, there has been far less progress in depoliticizing the police forces. Although Western Herzegovina (Livno) Canton hired significant numbers of police from among Serb returnees in several municipalities, Croat nationalists still dominated the command structure and budget process. A Serb appointed in late 2001 as police chief in the town of Drvar resigned in September. Both the Livno and Siroki Brijeg Cantons failed to remove Croat nationalist insignia from police uniforms, and they continued to fly Croat nationalist flags on police and Interior Ministry buildings. On the other hand, due to IPTF pressure, Livno's Interior Ministry began flying the Federation flag, alongside the Croat nationalist flag, in September. (Drvar had already begun flying the Federation flag.) Drvar was also the site of an incident involving the destruction of a Catholic cross, allegedly by local Serbs, but police reinforcements from Livno defused the situation without any violence.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. There were over 1,600 minority police throughout the country by year's end. This represented approximately 10 percent of the total police force. In general, while new officers were accepted into the police academies under strictly observed ethnic quotas, it will take years of concentrated effort to establish effective, professional multiethnic police forces throughout the country.

Despite improvements in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, and assaults (see Sections 1.c. and 5.).

Refugees returning to visit homes in the RS were harassed and subjected to violence. This occurred in Herzegovina as well, but improvements were noticeable.

Incidents of violence against all ethnic groups decreased due to improved security and freedom of movement, but other forms of discrimination did not. In particular, discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where they had been employees. Favoritism was also shown to veterans and families of those killed during the war. However, in general the dual budget structure for public employees was eliminated; employees were paid out of the same budget at the same time during the year.

A Joint Council of Europe/OSCE-ODIHR report issued in June identified a number of problems regarding the social situation, discrimination, and human rights violations faced by the country's 40,000 to 60,000 Roma, such as limited access to health care and education, poverty, and weak legal status. Large segments of the Roma population were unable to substantiate their citizenship claims. Only a tiny number of Roma children and youth were enrolled at educational institutions; only a small number of Roma adults were in full time employment; and in spite of dire need, Roma

were often denied social support. Nearly all Roma in the RS were expelled from their property during the war; very few have been able to reclaim it. These displaced Roma, as well as Roma in the Federation who have lost their property because of the ravages of war, lived in makeshift dwellings on abandoned property. Conditions for some were extremely poor, and many relied on begging to subsist. The situation was further complicated by the lack of relevant data on Roma. The Roma continued to be marginalized during the year, and neither the Federation, the RS, nor the BiH Ministry of Human Rights and Refugees took steps to assist the Roma population.

While Roma faced problems that many others in the country faced, they had far fewer social and charitable organizations interested in helping them, and faced widespread discrimination. However, some international NGOs began reconstruction programs for Roma. A lack of formal title to land in some instances greatly delayed these projects. There had been no reconstruction assistance by either the Federation or the RS for Roma by year's end.

Section 6 Worker Rights

a. The Right of Association

The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority workers to join unions is protected in both entities. However, in practice union membership in the RS was overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats had informal labor organizations in areas where they were the dominant ethnic group, but generally they were represented by the Federation union. A joint-entity multiethnic union was established in the district of Brcko in 2000. Union membership was mandatory for officially employed workers in the RS; in the Federation, approximately 70 percent of the official workforce was unionized.

Unions are legally independent of the Government and political parties; however, they were highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represented all workers. The Federation-level confederation of trade unions has been successful in keeping the support of the sector unions. In the RS, the sector-based branches of the union confederation became increasingly independent, and one branch successfully broke off from the umbrella organization. The BiH-level Law on Associations was passed during the year, and as a result there are no legal obstacles for the creation of unions at the BiH level. The country has three labor laws in each of the two entities and in the Brcko district; the Federation union confederation has submitted a draft state-level labor law to the BiH Parliament, but it had not yet been considered by year's end.

In 1999 the Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) because of its failure to act in the case of workers at the Soko company and at Aluminij Mostar who were dismissed during the war because of their non-Croat ethnicity. In 2000 the Federation government negotiated with Soko to employ former workers of other ethnicities, but since then the company has hired no additional workers. Aluminij Mostar protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint. After negotiations between the Federation government and the management of Aluminij Mostar failed, the World Bank offered to arbitrate the dispute and privatize the factory. While Aluminij agreed in principle to the arbitration, the Federation did not, and the process of negotiating the terms of the arbitration had not begun at year's end. The decision of the international arbitration will be binding.

In 2000 both the Federation and the RS passed comprehensive labor legislation as part of loan conditions established by the World Bank and the International Monetary Fund; however, the existing legislation still must be improved and harmonized with the other related laws in order to regulate other kinds of service and seasonal contracts.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, this kind of discrimination continued.

Unions are free to form or join federations or confederations and affiliate with international bodies;

however, no unions did so in practice.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective bargaining agreement in the Federation; however, collective bargaining rarely was used. In addition, the collective bargaining agreements appear to apply only to public sector and government-owned enterprises, leaving private businesses uncertain about their status under the general collective bargaining agreements. However, the BiH Association of Employers was recently established to address this problem. The Socio-Economic Council was established in the Federation in September to improve existing labor legislation and encourage job creation. The Council was made up of representatives from trade unions, the Federation government, and the Association of Employers.

The substantial number of government employees, particularly in the RS, permitted the Government to remain highly influential in determining the overall level of wages in each entity.

Unions have the right to strike. They have used this right to press for payment of overdue salaries or wages; protest or demand changes in management; and voice their opinion on economic reform and government policy. Protest was often the only way to compel the payment of salaries and wages. Most strikes were legal; however, in an attempt to avoid negotiations, the Government claimed that some were illegal, on the grounds that they were not announced the required 48 hours in advance. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes during the year, including those by factory workers and teachers, due to arrears in salaries of several months or more, or to protest the unsuccessful privatization of large factories. Courts continued to hear labor disputes.

In Tuzla strikes were more frequent than in other cities, but they were typical of the labor movement in the country. Chemical workers in Tuzla have been on strike almost continuously for 2½ years, demanding payment of their social contributions. The strikes were disorganized and unstrategic. On July 4, a few thousand chemical workers tried to disrupt traffic at the city's main intersection, but their numbers quickly dwindled to a few hundred. Elementary school teachers in Tuzla went on strike in January and June to protest 2 months' unpaid wages but were unsuccessful in getting their demands met. Unions in the country were fragmented into sectors and divided along ethnic lines, weakening their potential impact. Unions had little experience in conducting effective strikes or bargaining negotiations. Workers often were left to organize themselves at the level of the company. Workers were afraid to strike for fear of losing what few social benefits they received from the companies.

There were 11 special economic areas called Free Zones in the country, for the purpose of manufacturing and related services, where customs duties did not have to be paid. There were no special laws or exemptions from regular labor laws in these zones, and workers' rights were not restricted.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children. However, Roma children were often seen begging on city streets (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children in the Federation and in the RS is 15 years. The Law on Labor prohibits children from performing hazardous work, such as night work. While it was unclear how strictly these laws were enforced, they reflected strong cultural norms against child labor that effectively discouraged the practice in the country. Although child labor was not known to be a problem, children sometimes assisted their families with farm work and odd jobs. Romani children were often seen begging on the streets in Sarajevo.

The country has not signed the ILO Convention 182 concerning the worst forms of child labor. There were no social programs to prevent the engagement of children in exploitative child labor.

e. Acceptable Conditions of Work

The minimum monthly wage in the Federation was \$100 (200 KM); in the RS it was \$32 (65 KM). Neither minimum wage provided a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employees are required by law in both entities to make mandatory contributions to social funds. In total, the contribution paid on each monthly salary was 68 percent in the Federation and 50 percent in the RS. Employers did not officially register their employees in order to avoid paying high social welfare benefits.

The legal workweek is 40 hours under both Federation and RS entity law; however, "seasonal" workers may work up to 60 hours per week. The laws of both entities require that employers pay overtime to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS, overtime was limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Rules regarding rest and vacation varied, although typically no vacation was granted during the first 6 months of employment, and 18 days per year were granted after that period. In practice, employers at times granted additional vacation days to workers.

Occupational safety and health regulations generally were ignored because of the demands and constraints imposed by an economy devastated by war. At year's end, neither entity had completed passage of new laws to enforce international worker rights standards. Workers could not remove themselves from hazardous working conditions without endangering their continued employment.

f. Trafficking in Persons

There are no uniform laws that specifically prohibit trafficking in persons, and trafficking in women and children for sexual exploitation was a serious problem. The country was a destination and transit point, and to a lesser extent a country of origin, for women and girls trafficked for sexual exploitation; men were trafficked for forced labor. The country was extremely vulnerable to trafficking in persons, because of weak laws, porous border controls, and corrupt police who were bribed easily and facilitated trafficking. There were reports that police and other officials were involved in trafficking. The presence of thousands of foreign civilians and soldiers in the country was an additional factor adding to the problem. In April the country ratified the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

A UNHCR official in Sarajevo commented publicly in June that Bosnian authorities had intensified their efforts to combat trafficking. However, in an earlier public conference, an executive of LARA, a local NGO, criticized the Government for insufficient action to prevent and cut off "secret channels of trafficking." Based on a National Action Plan adopted in 2001, a BiH-level commission was established to coordinate antitrafficking efforts. At the initiative of the commission, the Council of Ministers endorsed a budget for antitrafficking trafficking activities, under the BiH Ministry of Human Rights and Refugees. The new BiH Criminal Code contains a provision aimed specifically at human trafficking, but it was still in parliamentary process at year's end. This new provision mandates up to 10 years in prison for violators. The BiH Code is expected to be replicated by both entities in the future, although the RS already has a rudimentary antitrafficking provision, which has been applied in a few cases. The Federation also introduced an aggressive antitrafficking provision of its own, which remained in parliamentary procedure at year's end. If enacted the law would stipulate sentences of up to 10 years in cases involving adult victims and up to 15 years for those under 21.

In April the BiH Council of Ministers, both entities, and the Brcko District agreed to form the country's first nationwide interagency investigative task force to combat organized crime. The group includes prosecutors, police, and financial investigators; it specifically targets trafficking and illegal migration. Since the task force began its work in the summer, its investigations have already led to prosecution and conviction of one trafficking kingpin, sentenced to 1 year and 6 months in prison by the Brcko District court for promoting prostitution.

An U.N.-brokered regional interministerial committee coordinated some antitrafficking and other law enforcement operations. Local authorities also continued other antitrafficking operations, including the IPTF-initiated Special Trafficking Operations Program (STOP) and "Operation Mirage," a two week long series of police raids and border inspections in September, coordinated with other Southeast Europe Cooperation Initiative member states. Since the STOP program began in July 2001, police made 706 raids and interviewed 2,074 women, 224 of whom sought assistance. IPTF sources stated that there were 85 convictions on charges linked to these raids. During Operation Mirage, authorities raided 60 bars and interviewed 212 women. As a result, trafficking charges (based on the RS Code) were filed against two individuals, and two nightclubs were shut down for tax violations. At year's end, the STOP program ceased; however, the EUPM continued its own version of the program. This version was scaled down due to lack of personnel and funding. EUPM has placed more emphasis on quality rather than quantity. Local police involvement was much more strongly advocated. EUPM involvement in actual operational and organizational issues was expected to be in an advisory capacity to the local police teams.

Seven women requested assistance offered by NGOs. In February the U.N.'s Joint Entity Task Force, along with the State Border Service, caught five suspects smuggling women in Bijeljina and Doboј. In April a Sarajevo court sentenced one known trafficker to 2½ years in prison. Another bar owner in the same case received a 2-year sentence. In May RS authorities charged 11 nightclub owners with a variety of crimes, including promoting prostitution, forgery, and tax fraud.

Law enforcement experts and international monitors have observed a decline in results from raids such as those mounted by STOP teams or Operation Mirage. This modus operandi became well known to nightclub owners and traffickers, who reacted by going further underground and coaching women on what to tell police.

Prosecutors and police were critical of local judges, asserting that they gave lenient sentences to traffickers or simply dismissed charges. They also cited the continued inadequacy of legal codes, particularly the lack of adequate asset seizure laws or witness protection programs. However, the adoption of the new Criminal Code, the Criminal Procedure Code, money laundering provisions and other laws was expected to improve significantly the capability of the criminal justice system to deal with organized crime. Other programs initiated during the year, such as judicial reappointment and vetting by the HJPC were expected to reinforce judicial accountability (see Section 1.e.).

Estimates of the number of trafficked women were not statistically reliable and varied considerably. From data collected by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and International Organization for Migration (IOM), it was estimated that during the year there were roughly 3,000 women engaged in prostitution in the country, of which some 25 to 30 percent were thought to be victimized through coercion or deception. Between 10 and 15 percent of victims were under 18. In coordination with the IPTF, local police began in July 2001 a sustained campaign of raids on suspect nightclubs and other establishments. As of autumn, police units had interviewed 2,074 women, of whom 224 sought assistance. From January to October, IOM assisted 188 women, 126 of whom sought repatriation.

Over 90 percent of trafficked women in the country came from Moldova, Romania, and the Ukraine. A significant number may have transited on to western Europe, but no reliable estimates were available. According to IOM, most victims reported being lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Most trafficked women entered the country through Serbia-Montenegro. Those who transited the country continued via Croatia. The country had not generally been considered a country of origin for trafficked women, but IOM reported Bosnian victims in other parts of Europe, while local NGOs observed some Bosnian victims within the country.

The perpetrators of trafficking of persons came from a variety of backgrounds, including freelance operators, local crime gangs, and large international organized crime syndicates. Some employment, travel, and tourist agencies also fronted for traffickers.

In the country, trafficked women most often worked in nightclubs, bars, and restaurants that were fronts for brothels. During the year, the U.N. identified about 290 suspect establishments in the

country. However, as local police and STOP teams continued their activities, some traffickers moved their operations to private residences or began moving them around to evade arrest. Victims reported working in conditions akin to slavery, with little or no financial support, coerced by intimidation, seizure of passports, withholding of food and medical care, and even physical and sexual assaults.

There were continued reports of police and other official involvement in trafficking, especially at the local level. Local officials in some areas allowed foreign women to work in bars and nightclubs with questionable work and residence permits. According to Human Rights Watch, a number of police officers received free services from brothels with trafficked women in exchange for their complicity. Law enforcement officials in both entities asserted that they reduced the number of foreign citizens working in bars. An RS Interior Ministry official said in June that the number of foreign female bar employees with valid work permits was down to 51, compared with 470 a year previously. Nonetheless, there were reports that visas were issued improperly at the country's embassies in the region. Local police failed to act against suspect establishments, and some police officers even warned bar owners of impending raids. Low salaries appeared to perpetuate the problem, while police officers who refused bribes were threatened. Even when police did their jobs properly, many cases were dismissed in local courts or suspected traffickers released.

The establishment of police procedures and professional standards units in connection with the accreditation process provided grounds for more decisive action (see Section 1.c.). The Central Bosnia Canton Interior Ministry fired several police officers for ties with traffickers, including the head of a local anti-trafficking unit; that individual received a 1-month prison sentence. Human Rights Watch reported that by October, UNMIBH had denied certification to 26 local police officers as a result of trafficking-related investigations. In that same context, the Interior Ministry placed 25 police officers under investigation. Two officers in Brcko were also fired because of links to traffickers. During a raid on a Sarajevo bar believed to be part of a network of establishments involved in trafficking women, 10 SFOR soldiers were detained. Furthermore, some international observers have asserted that individual members of the IPTF have been customers of trafficked women, and that whistle-blowers of this information within the IPTF have faced retaliation.

During the year, IOM managed two long-term shelters where victims received medical attention, counseling, and assistance in repatriation. It also had six safe houses in various parts of the country, augmented by two additional safe houses run by local NGOs. Police protection was provided for the shelters. Despite these programs, IOM and other sources reported that fewer victims sought assistance during the year, and that shelters were not fully utilized. NGO employees reported that women told them categorically that they did not trust local police and feared traffickers would not hesitate to pursue them if they left. With international assistance, local authorities and NGOs cooperated more to assist and protect victims. For example, the Ministry of Human Rights and Refugees backed a controversial proposal to allow women to be placed involuntarily in shelters if there were indications that they were trafficking victims. Under normal procedures, they could not be detained unless charged with a crime.

Local NGOs and media focused more attention on the human costs of trafficking, as well as the responsibility of the authorities to combat the problem. Newspapers reported frequently on law enforcement actions against traffickers, as well as allegations of involvement by police.