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World Report 2010 - Bosnia and Herzegovina

Events of 2009

An escalating political crisis about Bosnia's constitution and the status of its Serb entity Republika Srpska further weakened the central state and polarized the country along ethnic lines, leaving human rights overshadowed. National security policy impacted negatively on human rights. War crimes accountability remained an area of progress.

War Crimes Accountability

The trial of Bosnian Serb wartime president Radovan Karadzic at the International Criminal Tribunal for the former Yugoslavia (ICTY) for genocide, including at Srebrenica, crimes against humanity, and war crimes, began on October 27, 2009. Karadzic initially boycotted proceedings, and is representing himself. Earlier the same month, the court rejected Karadzic's petition for a lengthy delay in the start of the trial and his claim that it lacked jurisdiction because of an alleged post-war immunity agreement. On November 9 the court decided to maintain Karadzic's right of self-representation but assigned standby counsel to him to take over the case should he demonstrate further obstructionist behavior when the trial resumes on March 1, 2010.

Ratko Mladic, fellow indicted architect of the Srebrenica massacre, remains at large at this writing.

In September Momcilo Krajisnik, a Bosnian Serb wartime leader, began a 20-year sentence in the United Kingdom following the March ruling by the ICTY Appeals Chamber affirming his convictions for deportation, forcible transfer, and persecution (convictions for extermination and murder were quashed).

In July the ICTY convicted and sentenced Milan and Sredoje Lukic to life and 30 years' imprisonment respectively for crimes against humanity and war crimes against Bosniak (Bosnian Muslim) civilians in Visegrad.

The trial of Mico Stanisic and Stojan Zupljanin, former high-ranking Bosnian Serb officials, on war crimes charges, began at the ICTY in September.

The War Crimes Chamber in Sarajevo completed 20 cases in the first nine months of

2009, prioritizing the most serious cases according to the criteria developed in its war crimes strategy adopted in December 2008. The Bosnian parliament in October 2009 rejected extending the mandate of foreign judges and prosecutors in the chamber, which ends in December. In July the Bosnian Council of Ministers, reversing an earlier decision following international criticism, had approved extending the mandate.

Local courts completed nine war crimes cases during the first nine months of 2009, according to the Organization for Security and Co-operation in Europe, with 34 further cases pending. There was little progress toward remedying the obstacles faced by local courts prosecuting war crimes, which include nonexistent witness protection and support in most courts, insufficient staffing, inadequate cooperation among prosecutors and with police, and insufficient public outreach.

Return of Refugees and Displaced Persons

The return of refugees and internally displaced persons (IDPs) to their areas of origin continues to decline. During the first six months of 2009 the United Nations High Commissioner for Refugees registered only 191 returns by Bosnian refugees and 110 by IDPs. As of June 2009, more than 117,451 Bosnians were registered as internally displaced (including 7,500 in collective centers): 66,215 in Republika Srpska (almost all ethnic Serbs), 50,468 in the Federation (90 percent Bosniaks and 10 percent Croats) and 768 in the Brcko district. There are no reliable estimates of the number of refugees outside Bosnia.

The few displaced persons who return largely do so to areas where their ethnic group constitutes a majority. Most are elderly persons moving back to rural areas. Lack of economic opportunities and inadequate housing remain the main impediments to returns, but the political crisis and related ethnic division makes the climate for returns even less favorable. Roma refugees in Bosnia, mostly from Kosovo, remain vulnerable and dependent on periodic extensions of their temporary status.

Debate in June on a revised national returns strategy stalled in the House of Peoples (the upper house of parliament) over whether greater resources should be allocated to return to place of origin (favored by Bosniak parties) or divided between return and reintegration (as Serb parties advocate).

Citizenship and National Security

The controversial Bosnian state commission established to review wartime naturalization decisions was dormant throughout 2009. But five of those whom it stripped of Bosnian nationality remain in detention without charge on national security grounds based on secret evidence to which they and their lawyers have no access. Imad Al Husin remains detained despite a January 2008 intervention by the European Court of Human Rights blocking his deportation to Syria. Local and international NGOs raised concerns in May about the risk of refoulement in the case of Awad Aiman, whom Bosnia also wishes to deport to Syria. The other detainees are Omar Frendi (Algerian), Ammar Al Hanchi (Tunisian), and Abdullah Baura (Iraqi). On October 6 the detainees went on hunger strike to protest their continuing detention. On November 12 a sixth man, Benkhira Aissa from Algeria (who had also been on hunger strike), was released from indefinite detention in Lukavica after his Bosnian citizenship was restored on appeal.

Sexual Orientation and Gender Identity

In a positive step, parliament approved in June a non-discrimination law, including reference to lesbian, gay, bisexual, and transgender people. Bosnia's Inter-Religious Council, representing the country's main religious communities (Muslim, Orthodox, Roman Catholic, and Jewish) protested the law, which it believes could legalize gay marriage.

In July Emir Kadric, the director of the state-run Sarajevo Student Center, stated

that "gay students do not belong in student dormitories in Sarajevo." A similar declaration was made around the same time by Dragan Mikulic, director of the state-run student dormitory of the University of Mostar. While civil society representatives and the media protested what they described as unacceptable hate speech, government authorities remained silent on the issue.

Ethnic and Religious Discrimination in the Political System

Bosnia continues to prohibit members of communities other than Bosniaks, Serbs, and Croats from standing for election to the federal Presidency, or becoming members of the House of Peoples, in violation of international human rights law. In June the Grand Chamber of the European Court of Human Rights heard a challenge to the prohibition by two Bosnian citizens, a Roma and a Jew, who were barred from standing for public office because of their ethnicity. A ruling was expected by the end of 2009.

Media Freedom

According to the Bosnian Ministry of Security, there was a 40 percent increase in attacks against journalists during the first nine months of 2009, with 24 cases reported to the police, mostly verbal, but including physical abuse. At this writing the perpetrators have not been held to account. The Office of the High Representative (OHR), the European Commission, and some European embassies expressed concern about deteriorating conditions for journalists.

In March, Slobodan Vaskovic, an investigative journalist with a news program broadcast in the Federation, was pushed and insulted by two men in Trebinje, Republika Srpska, while filming a program exploring links between the local Orthodox Church and politicians in Republika Srpska. The two men also attempted to destroy the camera operators' equipment. Vaskovic and his colleagues subsequently filed a report to the police before being escorted by the police out of town to protect them against an angry mob. The US embassy condemned the attack.

Key International Actors

The key international actors in Bosnia and Herzegovina – the combined Office of the High Representative/European Union Special Representative and the United States – backed by the Peace Implementation Council (PIC) focused their efforts on responding to Bosnia's political crisis, including secessionist threats from Milorad Dodik, the prime minister of Republika Srpska, and angry rhetoric from mainstream parties across ethnic lines. The OHR, the EU, and the US organized high-level negotiations in October to forge compromise on constitutional reform to strengthen the central institutions necessary for a functioning state, an end to international supervision, and future EU membership.

On March 11 Austrian diplomat Valentin Inzko replaced Miroslav Lajcak as high representative and EU special representative. The decision to appoint a new high representative underscored the PIC's assessment that Bosnia has yet to meet the criteria for full self-governance.

A political confrontation between the OHR and Republika Srpska authorities escalated after the high representative used his executive "Bonn powers" in September to impose laws to reestablish a national power company, including in the Brcko district (linked to an effort to end Brcko's international supervision in 2009). Bosnian Serb authorities seek to establish their own company. Milorad Dodik rejected the new laws, threatening to pull Republika Srpska officials from central government. The PIC qualified this move as a "direct challenge to the Dayton Peace Accords."

The European Commission's annual report on Bosnia and Herzegovina published in November 2009 linked identity politics to slow returns, threats to journalists, and intimidation against NGOs, while praising ongoing progress on war crimes accountability.

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