

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	213
Land:	Bosnien-Hercegovina
Kilde:	Amnesty International
Titel:	"Annual Report 2008"
Udgivet:	28. maj 2008
Optaget på baggrundsmaterialet:	12. september 2008

Bosnia and Herzegovina

BOSNIA AND HERZEGOVINA

Head of State	rotating presidency - Željko Komšić, Nebojša Radmanović, Haris Silajdžić
Head of government	Nikola Špirić (replaced Adnan Terzić in February)
Head of state and government	abolitionist for all crimes
Death penalty	3.9 million
Population	74.5 years
Life expectancy	15/13 per 1,000
Under-5 mortality (m/f)	96.7 per cent

Many perpetrators of war crimes and crimes against humanity committed during the 1992-95 war continued to evade justice, and thousands of enforced disappearances remained unresolved. Although efforts to bring perpetrators to justice remained insufficient, progress was made in co-operation with the International Criminal Tribunal for the former Yugoslavia (Tribunal) and in the domestic prosecution of war crimes, including in proceedings at the War Crimes Chamber in Sarajevo. Minorities faced discrimination, including in employment and in access to education. The return of refugees still displaced by the war remained slow. There were reports of ill-treatment by the police and in prisons.

Background

Bosnia and Herzegovina (BiH) remained divided in two semi-autonomous entities, the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), with a special administrative status granted to the Brčko District. The international community continued to exert significant influence over the political process in BiH, in particular through a High Representative with significant executive powers nominated by the Peace Implementation Council, an intergovernmental body monitoring implementation of the 1995 Dayton Peace Agreement. Preparations to close down the Office of the High Representative (OHR) in 2007 were halted after the Peace Implementation Council decided in February against its closure including as a result of lack of progress in political reform. Troop numbers of the European Union-led peacekeeping force EUFOR were reduced from about 6,000 to 2,500.

In February a new state government took office, headed by Prime Minister Nikola Špirić.

Political paralysis delayed progress by BiH towards EU integration for most of 2007. A Stabilisation and Association Agreement with the EU was finally initialled in December after the BiH Council of Ministers adopted an action plan for police reform, a precondition for the conclusion of the agreement.

International prosecutions for war crimes

The Tribunal continued to try alleged perpetrators of war crimes and crimes against humanity. Under the terms of the “completion strategy” laid down in UN Security Council Resolutions the Tribunal was expected to complete all trials, including appeals, by 2010.

- In April, Dragan Zelenović, a former member of a Bosnian Serb Army (VRS) military unit in Foča, was found guilty of torture and rape committed against Bosniak (Bosnian Muslim) women and girls in 1992. He was sentenced to 15 years' imprisonment.
- In June, Tribunal indictee Zdravko Tolimir was transferred to the Tribunal's custody after his arrest at the border between Serbia and BiH, reportedly by the RS police acting after a tip-off by the Serbian police. Zdravko Tolimir, former Assistant Commander for Intelligence and Security of the VRS Main Staff, was accused of genocide, conspiracy to commit genocide, crimes against humanity and war crimes, for his alleged role in the killing of thousands of Bosniak men and boys in Srebrenica in 1995.
- In December the Tribunal sentenced former VRS commander Dragomir Milošević to 33 years' imprisonment for war crimes and crimes against humanity, including murder and inhuman acts committed during the Sarajevo siege in a campaign of sniping and shelling which resulted in many civilian casualties.

Co-operation between the Tribunal and BiH and RS authorities appeared to improve. In June the Tribunal Prosecutor stated that BiH's level of co-operation with her office had progressed in recent months and was now generally satisfactory.

In February, the International Court of Justice ruled in the case of BiH vs. Serbia and Montenegro, confirming that genocide was committed in Srebrenica in 1995 (see Serbia entry).

Domestic prosecutions for war crimes

War crimes proceedings before domestic courts continued, including at the War Crimes Chamber within the BiH State Court, although efforts to bring perpetrators to justice remained insufficient to provide justice to the victims, given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted. There were significant gaps in witness protection; vulnerable victims, including survivors of crimes of sexual violence, were not provided with adequate assistance and protection.

- In February, Gojko Janković, a former leader of a military unit of the Foča Brigade of the VRS, was sentenced to 34 years' imprisonment by the War Crimes Chamber for crimes against humanity including murders, torture, rape, sexual slavery, and forcible transfer of population, committed against the Bosniak population in the Foča municipality in 1992 and 1993.
- In March, a War Crimes Chamber Appeal Panel increased the prison sentence imposed on Radovan Stanković from 16 to 20 years. He was convicted in 2006 of crimes against humanity, including enslavement and rape, committed against women held in detention by Bosnian Serb forces in 1992 in the Foča municipality. The case of Radovan Stanković was the first which had been transferred from the Tribunal to the War Crimes Chamber. Radovan Stanković escaped from detention in May while he was being escorted to a medical examination outside Foča Prison, where he was serving his sentence. He remained at large at the end of 2007.
- In July, Niset Ramić, a former member of the Territorial Defence of the Republic of Bosnia and Herzegovina, was sentenced by the War Crimes Chamber to 30 years' imprisonment for war crimes, including murders, committed against Bosnian Serb civilians in the Visoko area in 1992.
- The War Crimes Chamber sentenced former VRS member Jadranko Palić to 28 years' imprisonment in November for crimes against humanity and war crimes committed against non-Serbs in the Sanski Most area. These crimes include the murder of civilians and the rape of a Bosniak woman, committed in 1992.

Some war crimes trials of low-level perpetrators were also held in local entity courts, which continued to face difficulties in dealing with war crimes cases, including as a result of lack of staff and other resources. In these proceedings, victims and witnesses remained without adequate protection from harassment, intimidation and threats.

- In October, Branimir Stanić, a former member of the VRS, was sentenced to seven years' imprisonment for war crimes against non-Serbs, following proceedings at the Sarajevo Cantonal Court. He was found guilty inter alia of crimes committed against Vladimir and Radislav Mađura, who were abducted from their home in Ilidža, a suburb of Sarajevo, in 1992. Their fate and whereabouts remained unknown until 2004, when their bodies were exhumed and identified.
- The third retrial for war crimes of four former members of the Croatian Defence Council, the Bosnian Croat armed forces, continued before the Mostar Cantonal Court. The defendants were suspected of being responsible for the detention and subsequent enforced disappearance of 13 Army of Bosnia and Herzegovina soldiers in 1993. Two previous acquittals were quashed by the FBiH Supreme Court.

Enforced disappearances

According to estimates by the International Commission on Missing Persons (ICMP), over 13,000 persons who went missing during the 1992-1995 war were still unaccounted for. Many of the missing were victims of enforced disappearances. Perpetrators continued to enjoy impunity.

Progress continued to be slow in transferring competencies from the missing persons commissions of the FBiH and the RS to the national Missing Persons Institute (MPI). In November, the BiH Council of Ministers adopted a number of documents, including the MPI's statute, with a view to finally enabling the Institute to begin its activities.

The exhumation of a mass grave in Kamenica uncovered 76 complete and 540 incomplete bodies. The remains are believed to be those of victims of killings in Srebrenica in 1995 by Bosnian Serb forces.

- In December 2006 a commission tasked with investigating the enforced disappearance of Avdo Palić had been reactivated, but attempts to locate his mortal remains and to investigate his enforced disappearance were unsuccessful. Army of Bosnia and Herzegovina Colonel Avdo Palić had disappeared after reportedly being forcibly taken by VRS soldiers from the UN Protection Force compound in Žepa on 27 July 1995.

Refugees and internally displaced people

Since the end of the war, more than a million refugees and internally displaced people out of an estimated 2.2 million people displaced by the conflict have returned to their homes. Progress in the return of those who remain displaced was limited. The Office of the UN High Commissioner for Refugees in BiH registered approximately 7,600 returns between January and December.

Minority returnees continued to face discrimination in access to economic and social rights. Lack of access to employment was a major obstacle to the sustainable return of refugees and the internally displaced, including as a result of discrimination on ethnic grounds.

'War on terror'

The six men of Algerian origin who in 2002 were unlawfully transferred by the authorities in BiH to US custody and detained in Guantánamo Bay, Cuba, remained in detention. In August the BiH authorities reportedly requested guarantees from the US authorities that the detainees would not be subjected to the death penalty, torture, and ill-treatment.

A BiH State Commission for the Revision of Decisions on Naturalization of Foreign Citizens, which had begun its work in 2006, continued its activities amidst statements to the media by politicians to the effect that those stripped of their citizenship, and in particular those deemed to represent a “threat to BiH’s national security” would be deported. Reportedly, the Commission concluded that only three of the six men of Algerian origin detained in Guantánamo were BiH citizens. There were concerns about the possible expulsion of those stripped of their citizenship to countries where they would be at risk of serious human rights abuses. In December a man of Algerian origin was deported to Algeria after having been stripped of BiH citizenship following a review of his status by the Commission.

Torture and other ill-treatment

There were reports of ill-treatment by members of police forces and in prisons. Impunity for those responsible prevailed. However, a trial against three Sarajevo Canton policemen suspected of having ill-treated a young man started in April 2007 before the Sarajevo Municipal Court. Proceedings began following the broadcast on the internet in February of a video allegedly showing one of the policemen beating the victim.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited BiH in March 2007. Its preliminary observations highlighted “a considerable number of allegations of physical ill-treatment by the police”. The CPT also reported numerous allegations of ill-treatment of prisoners by prison staff in Zenica Prison.

Discrimination – Roma

Members of Romani communities continued to suffer discrimination. Primary school attendance rates for Romani children were low and extreme poverty remained one of the main causes of the exclusion of Roma from education. Insufficient progress was made by the authorities at state, entity and cantonal level, in the implementation of the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities.

The FBiH authorities allocated funds for the purchase and distribution of textbooks to Romani and other vulnerable pupils in the school year 2007/08. However, in some cases cantonal and municipal social welfare authorities reportedly failed

to distribute textbooks to Romani pupils. No significant progress was made to include in a systematic way Romani language, culture and traditions in school curriculums.

Violence against women

The incidence of domestic violence remained high. In the first 11 months of 2007, Cantonal Ministries of Internal Affairs in the FBiH recorded 1,011 criminal acts of violence in the family, approximately 58 per cent more than in the corresponding period of 2006. Both in the RS and in the FBiH, shelters for victims of domestic violence were facing financial difficulties and in some cases were dependent on financing from foreign donors.

BiH continued to be a country of origin, transit and destination for women and girls trafficked for the purpose of sexual exploitation. In March the BiH Council of Ministers adopted a 2007 operational plan for combating trafficking in human beings and illegal migration. The document envisaged the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, a number of legislative measures and the coordination of different institutions involved in combating trafficking.

Amnesty International visit/reports

- Amnesty International delegates visited Bosnia and Herzegovina in June.
- Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2007 (EUR 01/010/2007)
- Open letter to the authorities in Bosnia and Herzegovina on citizenship review and forcible returns to countries where there is a risk of torture (EUR 63/004/2007)