



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	191
Land:	Bosnien-Hercegovina
Kilde:	Amnesty International
Titel:	"Annual Report 2005 - covering events from January to December 2004"
Udgivet:	25. maj 2005
Optaget på baggrundsmaterialet:	18. november 2005

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Amnesty International

Bosnia and Herzegovina

Covering events from January - December 2004

Impunity for war crimes and crimes against humanity committed during the 1992-95 war continued to be widespread. Thousands of "disappearances" were still unresolved. While perpetrators of wartime violations continued to enjoy impunity, victims and their families were denied access to justice and redress. Lack of cooperation with the International Criminal Tribunal for the former Yugoslavia (Tribunal), particularly by the Republika Srpska (RS), was a major obstacle to justice. The efforts of the authorities to tackle impunity in proceedings before domestic courts remained largely insufficient, although some war crimes trials were conducted. According to the UN High Commissioner for Refugees (UNHCR), the number of people displaced by the war who had returned to their homes reached one million in July. However, many returns were not sustainable as returnees continued to face discrimination and, in some cases, violent attacks.

Background

Bosnia and Herzegovina (BiH) remained divided in two semi-autonomous entities, the RS and the Federation of Bosnia and Herzegovina (FBiH), with a special status granted to the Brčko District. The international community continued to exert significant influence over the country's political process, in particular through a High Representative with executive powers, nominated by the Peace Implementation Council, an intergovernmental body that monitors implementation of the Dayton Peace Agreement.

In December the peacekeeping Operation Althea/EUFOR, led by the European Union (EU), was launched as the direct descendant, under the Dayton Peace Agreement, of the NATO-led Stabilisation Force (SFOR). In addition to approximately 7,000 EUFOR troops, about 150 NATO troops remained, reportedly to assist the authorities in combating "terrorism" and in defence reform. The EU Police Mission, which included approximately 500 police officers, remained to monitor and supervise the activities of the local police.

A special Human Rights Commission within the Constitutional Court was established in January, to deal with the backlog of cases registered with the Human Rights Chamber before its closure in December 2003. As of December 2004, the Commission had resolved 3,231 applications, while 5,710 remained pending.

Wartime human rights violations

International prosecutions

The Tribunal continued to try alleged perpetrators of serious violations of international humanitarian law, but faced increasing financial constraints.

In March the Tribunal indicted Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Corić and Berislav Pušić, former commanders in the Croatian Defence Council (HVO), the Bosnian Croat armed forces. They were charged with crimes against humanity and war crimes against the non-Croat population.



Bosnia and Herzegovina

Bosnia and Herzegovina

Head of state: rotating presidency — Dragan Čović, Sulejman Tihić and Borislav Paravac

Head of government: Adnan Terzić

President of the Federation of Bosnia and Herzegovina: Niko Lozančić

President of the Republika Srpska: Dragan Čavić

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Take action!

Srebrenica: 10 years is too long to wait for justice

Further information

The apparent lack of accountability of international peacekeeping forces in Kosovo and Bosnia-Herzegovina
(AI Index: EUR 05/002/2004)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2004: Bosnia and Herzegovina
(AI Index: EUR 01/005/2004)

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All the accused surrendered voluntarily to the Tribunal.

In March, Ranko Češić, a former member of the RS Army (VRS) and police reserve in Brčko, was sentenced to 18 years' imprisonment after he admitted 12 counts of crimes against humanity and war crimes. Miroslav Deronjić, former President of the Bratunac Municipal Board of the Serbian Democratic Party, received a 10-year sentence after pleading guilty to crimes against the non-Serbian population in the village of Glogova. Darko Mrđa, a former Prijedor police officer, was sentenced to 17 years in prison after he admitted his role in the murder in 1992 of over 200 non-Serbian civilians.

In April the Tribunal's Appeals Chamber found that genocide was committed in Srebrenica in 1995, and sentenced Radislav Krstić, a former general in the Bosnian Serb army, to 35 years' imprisonment for aiding and abetting genocide.

In June judges in the trial of Slobodan Milošević, former President of the Federal Republic of Yugoslavia, rejected a motion that genocide and other charges be withdrawn.

In October, Ljubiša Beara, former Chief of Security in the VRS, indicted for alleged crimes against the non-Serbian population in Srebrenica, was transferred to the Tribunal's custody. The Tribunal unsealed an indictment against Miroslav Bralo, a former HVO member, charging him with crimes in 1993 against Bosnian Muslims in the Lašva Valley. He voluntarily surrendered in November and was transferred to the Tribunal's custody.

In December Dragomir Milošević, who had been indicted for his alleged role, as a VRS commander, in the shelling of Sarajevo, voluntarily surrendered to the authorities of Serbia and Montenegro. He was subsequently transferred to the Tribunal's custody.

Cooperation between the RS authorities and the Tribunal remained inadequate. Most of the 19 publicly indicted suspects at large at the end of 2004 were Bosnian Serbs thought to be in neighbouring Serbia and Montenegro or in the RS. In April the RS police raided the family homes of Milan Lukić and Sredoje Lukić, indicted by the Tribunal for alleged crimes against the non-Serbian population near the town of Višegrad. The raid did not result in any arrest, and Milan Lukić's brother Novica was killed.

Domestic investigations and prosecutions

In September and October legislation was passed to regulate the functioning of a War Crimes Chamber to become operational within the State Court of Bosnia and Herzegovina in early 2005. There was some progress in making fully operational the new national criminal investigation agency (SIPA). In July the Office of the High Representative set up a police restructuring commission to develop reform policies and draft legislation, which in December proposed that SIPA, the State Border Service and local police forces be united in a single national police structure.

In a joint action in October, SIPA and SFOR officers arrested a man suspected of war crimes against the Bosnian Muslim population in Foča. He was reportedly shot and wounded after opening fire to resist arrest.

The domestic criminal justice system persistently failed to actively prosecute alleged war criminals as the judiciary and police services in the FBiH and the RS failed to cooperate with each other. In November the RS police arrested eight men alleged to have committed war crimes against the Bosnian Muslim population, but high-level suspects continued to evade arrest.

Victims, witnesses and courts remained without adequate protection from harassment, intimidation and threats, pending implementation of a comprehensive witness protection programme.

The trials for war crimes that did take place before local courts were mostly in the FBiH.

- In January the Mostar Cantonal Court acquitted Željko Džidić, Mate Aničić, Ivan Škutor and Erhard Poznić of war crimes charges, including their alleged involvement in the "disappearance" of 13 Bosnian Serb soldiers in Mostar in 1993, reportedly for lack of evidence.
- In February, Ratko Gašović, a former member of a Serbian paramilitary group, was sentenced to 10 years' imprisonment by the Sarajevo Cantonal Court for war crimes against the civilian population, including the rape of a non-Serbian woman. In November the sentence was reduced to eight years on appeal.
- In May the trial of 11 former police officers from Prijedor opened at the Banja Luka District Court. They were accused of the abduction and murder of Father Tomislav Matanović, a Roman Catholic priest, and his parents in 1995. The trial was continuing at the end of 2004.
- In June proceedings resumed at the Zenica Cantonal Court against Dominik Ilijašević, a former Bosnian Croat military commander accused of war crimes committed against Bosniak civilians in Stupni Do in central Bosnia. The trial reportedly had to be restarted after a suspension of the proceedings exceeded 30 days. It had not concluded by the end of the year.
- In December, Zoran Knežević, a former VRS member, was sentenced to 10 years' imprisonment by the Sarajevo Cantonal Court for raping two non-Serb women in the Sarajevo district of Grbavica in 1992 and 1994.

Srebrenica Commission

In January a Commission of Inquiry established by the RS authorities began investigating the massive human rights violations after the fall of Srebrenica in July 1995. In 2003 the Human Rights Chamber had ordered the RS authorities to conduct a full, meaningful, thorough and detailed investigation into the human rights violations which took place in and around Srebrenica between 10 and 19 July 1995. After the Commission's preliminary report in April highlighted systematic obstruction by the RS military, police and intelligence authorities, the High Representative ordered a number of measures to support the work of the Commission, including the dismissal of the Commission's Chairman and other RS officials.

In October the Commission's final report contained evidence of the participation of the RS police and armed forces in the killing of 7,800 non-Serbs after the fall of Srebrenica. It identified the location of mass graves, some of which were previously unknown. In November the RS government for the first time apologized for the human rights violations in and around Srebrenica.

'Disappearances' and missing persons

According to data from the International Committee of the Red Cross, almost 17,000 persons who went missing during the conflict are still unaccounted for. Many of them "disappeared" after being taken into custody by the military and security forces; those responsible have continued to enjoy impunity.

The exhumation of mass graves identified by the Srebrenica Commission began in June. By the end of 2004, the bodies of approximately 1,300 people killed after the fall of Srebrenica had been exhumed and identified.

Between August and November the remains of 456 people were exhumed from a mass grave in Kevljani, near Prijedor. The bodies are believed to be of former Bosnian Muslim inmates of the Omarska and Keraterm detention camps run by the Bosnian Serb authorities.

Right to return in safety and with dignity

Some 18,900 people returned to their pre-war homes between January and October, according to the UNHCR field mission in Bosnia and Herzegovina. Although just over one million displaced people are estimated to have returned to their homes since the end of the conflict, hundreds of thousands have not returned or have not been able to stay in their pre-war communities. In many cases, they have been deterred by the lack of jobs or access to employment. As well as the effects of a weak economy and the difficulties of economic transition and post-war reconstruction, returnees have faced discrimination on ethnic grounds when trying to find work. In some cases, they have been subjected to ethnically motivated violence.

Violations by peacekeeping forces

SFOR troops continued to arbitrarily detain people suspected of providing support to suspected war criminals indicted by the Tribunal. No arrest warrants were known to have been issued against such SFOR detainees, who were sometimes detained without charge or trial for several weeks.

In April, SFOR troops raided a Serbian Orthodox church and a neighbouring priest's home in Pale, reportedly in an attempt to apprehend former RS leader Radovan Karadžić, indicted by the Tribunal on charges of genocide, crimes against humanity and war crimes. The operation did not result in an arrest, but the priest and his son were seriously wounded, reportedly as a result of an explosive charge used in the forced entry of the priest's residence.

'War on terror'

In February, Amgad Fath Allah Yusuf 'Amir was released from custody in the FBiH. He had been arrested in July 2003 for allegedly carrying forged documents. The authorities in Egypt subsequently requested his extradition, claiming that he was a member of an armed Islamist group. AI was concerned that he would face the death penalty if extradited.

In May the wife of one of six men of Algerian origin who were illegally transferred to US custody in 2002 by the FBiH authorities and detained in Guantánamo Bay, Cuba, was reportedly beaten by three unidentified assailants at her flat in Sarajevo. A criminal investigation was opened. In July the cases of two of the men were included in a petition for a writ of habeas corpus by the New York-based Center for Constitutional Rights, seeking to challenge the lawfulness of their detention.

Human trafficking

In March the State Court imposed prison sentences of up to nine years on four members of an organized criminal network for trafficking women and girls who were forced into prostitution in a chain of nightclubs in Prijedor. The accused were convicted of organized crime and human trafficking. In July the State Court sentenced two men, including the owner of a nightclub in Kiseljak, near Sarajevo, to up to 15 months' imprisonment for offences related to the trafficking of women for forced prostitution.

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