



Bosnia - Herzegovina (79)

1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

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BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina, 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, which has a postwar Bosniak and Croat majority, occupies 51 percent of the territory; the RS, which has a postwar Bosnian Serb majority, occupies 49 percent. The Constitution (Annex 4 of the Dayton Accords) establishes a statewide 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 also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The entities maintain separate armies, but under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. In 1998 Bosnia and Herzegovina held its most peaceful and pluralistic elections since the 1995 Dayton Accords put an end to 3 years of war. Multiethnic parties committed to building on the foundation established at Dayton made some progress during the presidential and assembly elections. At the same time, the largest political parties, which won a majority of assembly seats, continued to be ethnically based. These were the Bosniak-dominated Party of Democratic Action (SDA), the Croatian Democratic Union of Bosnia and Herzegovina (HDZ), and the Serb Democratic Party-Serb Radical Party coalition (SDS/SRS). Although formally independent, the judiciary remains subject to influence by political parties and the executive branch.

One of the two entities that make up Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, was established in March 1994 and transformed the government structure of the Bosnian territories under Bosniak and Croatian control. The President of the Federation appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures have been implemented only gradually. Major steps were the creation of canton governments, the unification of Sarajevo under Federation control in spring 1996, and the 1996 and 1998 elections of the Federation Parliament. However, serious ethnic and political rivalries continue to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures often exist in practice.

The Republika Srpska of Bosnia and Herzegovina (RS) is the other entity. In 1997-98 most of the RS political and administrative agencies moved from Pale, a stronghold of former Bosnian Serb leader and indicted war criminal Radovan Karadzic, to Banja Luka. The President and Vice President were elected in 1998 for 2-year terms. Their terms of office are to increase to 4 years after the 2000 elections. The RS National Assembly is unicameral and elected on a proportional basis. The 1998 elections were relatively free and fair but resulted in the election of a hard-line president, Nikola Poplasen of the SRS. He refused to nominate a candidate for prime minister with sufficient support in the RS Assembly to form a government. This episode eventually contributed to a confrontation with the OHR in which the OHR removed Poplasen from office on March 5. Vice President Nikola Sarovic has not yet been permitted to step into the position.

Also on March 5, but unrelated to Poplasen's dismissal, Roberts B. Owen, arbitrator for the Brcko Arbitral Tribunal, announced a final award, whereby the entire prewar Brcko municipality was to become a "self-governing neutral district," which would belong to both entities. The award delegated to the district's internationally appointed supervisor the

responsibility for deciding when the district would begin to govern itself under a new district statute. Until then the supervisor would retain ultimate authority over the district. The final disposition of this region was a highly sensitive issue since the region of Brcko connects the eastern and western sections of the RS. Until new laws are issued or existing laws are adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7, and a districtwide multiethnic police force was to be established officially in January 2000. Demilitarization of the Brcko district was underway and scheduled to be completed by the end of February 2000. On August 18, the Brcko Tribunal issued an annex to the final award, clarifying implementation of the award. In particular, it established the citizenship status of district residents and confirmed the right of transit by military forces of both entities. It also directed the supervisor to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

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 create a secure environment for implementation of the nonmilitary aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, elections, and freedom of movement of the civilian population. The International Police Task Force (IPTF), established by the United Nations under Annex 11 of the Dayton Accords, oversees police restructuring and training. The IPTF also may investigate human rights abuses. Police in both entities have violated international standards and discriminated on political, religious, and ethnic grounds. However, with training and increased professionalism of the police and the increasing activism of professional standards units, these cases were decreasing compared with 1998. During the year, both the Federation and the RS used internal affairs units to investigate and dismiss officers. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces were outside the normal police chain of command, reporting directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Security forces committed human rights abuses throughout the country.

The economy remains weak and dependent upon international assistance. During the year gross domestic product (GDP) was \$3.5 billion in the Federation; estimates of the GDP in the RS were lower. According to government statistics, GDP per capita was \$600 for both entities. The continued return of refugees from abroad was expected to compound the problem of job creation and to reduce remittances. International assistance financed infrastructure reconstruction and provided loans to the manufacturing sector.

The commitment to respect citizens' human rights and civil liberties remains tenuous in the country, and the degree of respect for these rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities; serious human rights abuses continued in several areas.

There were four deaths in custody, all in the RS, and isolated instances of political, ethnic, or religious killings continued. Killings due to bombings and booby traps also continued. Human rights abuses by the police continued during the year, and serious problems persisted. Police continued to commit abuses throughout the country, principally the physical abuse of detainees. Some police in the RS beat refugees. Police in all areas also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Members of security forces also abused and physically mistreated other citizens. Prison conditions continued to be poor in both entities.

In the RS, criminal procedure legislation that was held over from the prewar Yugoslav period granted police wide latitude to detain suspects for long periods of time before filing charges. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Confusion over the rules for arrest and detention of suspects for The Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) has led in some instances to questionable detentions in both the Federation and the RS. While its

rhetorical support for cooperation with the ICTY has improved, the RS continues its de facto refusal to take action against any Serbs indicted by the ICTY.

The judiciary in both entities remained subject to coercive influence by dominant political parties and by the executive branch. In many areas, close ties exist between courts of law and the ruling parties, and those judges who show independence are subject to intimidation by the authorities. Even when independent decisions are rendered, local authorities often refuse to carry them out. Authorities in all areas infringed on citizens' privacy rights.

Authorities and dominant political parties exerted influence over the media and freedom of speech and of the press was limited to varying degrees in the different entities. During the year, the High Representative imposed a new media law for the Federation and a series of amendments to the media law in the RS. The High Representative also imposed measures removing criminal penalties for slander and libel. Academic freedom was restricted. Authorities imposed some limits on freedom of assembly and association. Religious discrimination remained a problem. Both governments and private groups continued to restrict religious practices by minorities in majority areas. Although freedom of movement continued to improve, some limits remained in practice.

Discrimination against women persists, prostitution is widespread, and trafficking in women and trafficking in women and girls is a serious problem. Severe discrimination continues in areas dominated by one ethnic group, particularly in the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees, in both entities continues to obstruct minority returns. Local authorities and mobs (in most cases believed to be organized or approved by local authorities) harassed minority returnees and violently resisted their return. The destruction of minority-owned houses continued, particularly in Croat-controlled areas. Marginal economic conditions and severe discrimination in the educational system also complicated returns. Enactment of property legislation proceeded in both entities under pressure from the international community, but implementation was sporadic and very slow. Mob violence was a serious problem. Some restrictions on freedom of movement continued. Ethnic discrimination remains a serious problem.

During the year, there were increased efforts on the part of SFOR to apprehend perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 7 (including 1 killed) indictees out of the 93 publicly indicted by the Tribunal. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 32 persons in ICTY custody awaiting trial or on trial. There was one death in custody during an attempted arrest of an indictee, and several deaths in custody during the year. There were 31 public indictees still at large at year's end. ICTY trials during the year resulted in 2 convictions and no acquittals.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings by police; however, there were four deaths in custody, all in the RS. On August 13 in Kozarac, a Bosniak returnee shot and killed the leader of an Orthodox religious association. A Bosniak who recently converted to the Orthodox religion also was killed in the incident. The shooting stemmed from a dispute over the property where the shooting occurred. The perpetrator died in police custody. While his death was judged a suicide by local authorities, IPTF officials are not convinced of that determination, and their investigation into the incident was ongoing at year's end.

On March 16, Federation Deputy Interior Minister Jozo Leutar, a Bosnian Croat, was

injured fatally in a car bombing in the center of Sarajevo on March 16; he died on March 28. Two other persons in the car also were injured. Ethnic divisions within the police and political interference from some quarters hampered progress of the investigation, which remains a contentious political issue. At year's end, no suspects had been arrested. However, UN officials have stated publicly that suspects were identified.

In April a Sokolac court in the RS acquitted six Bosniak suspects who had been tortured by RS police while they were being interrogated for the August 1998 murder of Pale Public Security Center Deputy Chief Srdjan Knezevic. The judge found that there was insufficient evidence to link them to the crime.

In May a trial began against Bosniak Muris Ljubucic for the July 1998 bombing that killed Croat Travnik police officer Anto Vajan. This was the first indictment and trial since violence against Croat police officers began in 1998. The trial ended in an acquittal.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished. This includes war criminals indicted by the ICTY, those 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 Bosnia. In April a Sarajevo court sentenced Goran Vasic to 10 years in prison for war crimes during the 1992-95 conflict, although he was acquitted in the 1993 murder of Deputy Prime Minister Hakija Turajlic due to lack of evidence.

During the year, there were increased efforts on the part of SFOR to apprehend perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 7 indictees out of the 93 publicly indicted by the Tribunal. Seven were detained forcibly, and none turned themselves in to NATO troops. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 32 persons in ICTY custody awaiting trial or on trial.

In January indicted war criminal Dragon Gagovic was killed during an attempt by SFOR to detain him (see Section 1.b.). The ICTY indicted Gagovic in June 1995 for crimes against humanity and for grave breaches of the laws or customs of war. During SFOR's attempt to arrest him, Gagovic attempted to ram SFOR soldiers with his car. The soldiers opened fire and hit Gagovic, who was pronounced dead on arrival at a nearby hospital. There were several other deaths in custody during the year. On June 7, Dragan Kulundzija who was charged with murder was arrested by SFOR. According to the ICTY indictment, Kulundzija subjected detainees to torture and inhumane treatment while serving as a shift commander at the Keraterm concentration camp near Prijedor. In June SFOR troops arrested Radomir Kovac, a subcommander of the RS military police and a paramilitary leader in Foca, who was charged with a "grave breach" of the 1949 Geneva Convention and crimes including the rape and enslavement of women. In July SFOR troops arrested Radoslav Brdjanin who was the Bosnian Serb Vice President during the war. Austrian police arrested Momir Talic, commander of the RS army, in Vienna on August 25 during an Organization for Security and Cooperation in Europe (OSCE) sponsored conference on military ethics. Talic was the subject of a sealed indictment from the ICTY for war crimes against the civilian population and "willful killing" when he served as the commander of Serb forces in northwest Bosnia in 1992. Talic was transferred to The Hague immediately after his arrest. In December SFOR troops arrested former Bosnian Serb Major General Stanislav Galic. Of the 31 public indictees still at large at year's end, the majority reportedly live in the RS (many allegedly in Prijedor and Foca), although RS authorities made no effort to arrest these indictees. The ICTY during the year issued 2 convictions and no acquittals. This brings the total number of convictions to 13 since ICTY's inception. In October the ICTY acquitted Bosnian Serb Goran Jelasic on genocide charges; Jelasic previously had pled guilty to 31 counts of war crimes and crimes against humanity.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The OHR in late 1997 took the lead in forging an agreement among the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons to expedite exhumations across the interentity boundary line (IEBL). The State Commission for Missing Persons reported that the remains of an estimated 1,199 persons had been recovered in the first 8 months of the year. Of those, 829 were Bosniaks, 120 were Croats, and 240 were Serbs. In addition to those killed in Srebrenica and Zepa, the International Committee of the Red Cross (ICRC) reported that since 1995 it received requests from family members to trace 19,834 persons missing from the war years: 2,024 of these persons were accounted for (281 of whom were found alive). The ICRC noted that Serb, Croat, and Bosniak authorities were in a position to provide more information in response to its inquiries, particularly those concerning 286 persons, known to have been detained at one time in connection with the war, who remained missing.

The International Commission on Missing Persons (ICMP) funds the interentity exhumations process, provides support to families of the missing, and puts political pressure on Bosnian officials to provide information on missing persons.

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; however, in all areas of the country, police and prison officials abused and physically mistreated persons at the time of arrest and during detention. There were reports of RS police beating refugees during the year, and there were serious incidents of police beatings and torture in Pale and Teslic in the RS and in Capljina in the Federation in 1998.

U.N. High Commission for Refugees (UNHCR) and OSCE monitors heard reports from Kosovar refugees of numerous human rights violations perpetrated by RS police. These violations included beatings, harassment, and extortion of money (see Section 2.d.). Refugees also reported incidents of RS police confiscating and destroying refugees' documents.

The military at times used force to prevent the eviction of soldiers and the return of prewar owners (see Section 2.d.).

Serb police continued to employ excessive force to prevent Bosniak former residents from returning to, or staying in, RS territory. Similar patterns of abuse occurred in Croat majority areas. A pattern of poor police protection and violence against minority communities continued in several areas. Police in Stolac and in Gacko proved unwilling or unable to contain the numerous instances of arson designed to intimidate returnees. In January the IPTF and the U.N. determined that the Stolac police had failed to respond adequately to over 70 instances of violence against or intimidation of returnees in 1998. In addition, the IPTF found that the command structure of the Stolac police department was inadequate and vulnerable to outside influence. As a result, every member of the Stolac police administration was placed on a 3-month probation starting February 3. In May the IPTF determined that surplus officers had been removed, integration of minority officers had progressed, and security planning for returning refugees and internally displaced persons (IDP's) had improved. However, the Stolac police force is not yet sufficiently integrated, effective, or professional. The IPTF concluded that the deficiencies of the Stolac police force were symptomatic of law enforcement problems throughout the Herzegovina-Neretva canton.

There also were instances in which police did not act to halt mob violence. In August the OSCE replaced Drvar mayor Mile Marceta with Momcilo Bajic after repeated threats against Marceta made it impossible for him to fulfill his responsibilities. Marceta was supportive of Serb returns to Drvar. The Drvar police did not make a sufficient effort to

protect Marceta. The OSCE also removed Borivoj Malbasic as president of the municipal council. In addition, the High Representative, working with the IPTF, removed the interior minister of Herzeg Bosna canton after he failed to promote security in the canton and to investigate a number of violent incidents.

At times some police officers impeded the enforcement of the law by their unwillingness to execute eviction orders. Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 2.d.).

In April a Sokolac court in the RS acquitted six suspects who had been tortured by RS police while they were being interrogated for the August 1998 murder of Pale Public Security Center Deputy Chief Srdjan Knezevic.

The IPTF made significant progress in its efforts to restructure and increase professionalism in the police force. The IPTF neared completion of its programs to provide human dignity and basic skills training to all Federation and RS police officers. The IPTF continued its certification of Federation and RS police and decertified officers on a variety of charges. This process involved written and psychological examinations. In addition, an IPTF unit in The Hague checks all names of police officials through the ICTY data base. In October the RS police academy graduated its second class, with 81 men and 27 women representing different ethnic backgrounds. At year's end, the Federation Academy had begun training its fourth graduating class, containing a majority of ethnic Serb cadets. All Federation canton governments have agreed to an ethnically mixed police force in principle. The Federation police include Croat, as well as Bosniak, officers and generally reflect the appropriate ethnic mix within each canton. However, the police forces throughout the country generally do not reflect higher standards of ethnic representation required by various agreements. In practice, the majority of cantons have parallel police forces, with separate budgets and chains of command, divided along ethnic lines. Cooperation between the RS and the Federation Interior Ministries often is better than cooperation between federation cantons. The integration of women into the police force is uneven. Of the 22 academy cadets from Tuzla canton, 21 are women, and more than half of the cadets in the Federation police academy are women. However, in Brcko none of the 230 officers are women. In January three Roma became police officers in the Tuzla-Podrinje canton in the Federation.

IPTF certification of officers proceeded more slowly in the RS, but there was progress on significant law enforcement reforms. In July 1998, the RS National Assembly passed a law separating the police and intelligence forces. Police officials were trying to recruit more minority candidates. RS police and international monitors were in the process of establishing an IPTF physical presence within RS police facilities to ensure proper IPTF monitoring of police reforms. Authorities in the RS adopted a policies and procedures manual that instituted, among other reforms, a public information bureau and internal affairs unit. Under these reforms, the RS authorities fired officers accused of graft or brutality. In addition to attacks on members of other ethnic groups committed in both entities, Serbs in the RS threatened members of international organizations. On January 9, five IPTF monitors were injured, two of them seriously, in Foca following the death of indicted war criminal Dragon Gagovic (see Sections 1.a. and 4). The IPTF station was ransacked and two U.N. vehicles were burned. Gagovic died during an SFOR attempt to detain him. Later, 100 local residents attacked the IPTF station, badly damaging the office, equipment, and vehicles. International activities in Foca were suspended after the attack, and the IPTF currently has only a limited presence there. The RS Interior Ministry appointed the Foca chief of police to investigate the incident. The IPTF is monitoring the investigation.

On March 5, in Ugljevik in the RS, a mob of between 15 and 20 persons attacked 4 SFOR soldiers as they left a restaurant. As the soldiers ran for their vehicle, one was struck from behind with a club. When he was attacked a second time, he fired his weapon twice. His attacker, a local policeman, was pronounced dead on arrival at a local hospital.

In late March, an SRS and SDS-inspired mob attacked international offices, including the U.S. embassy branch office in Banja Luka, which resulted in extensive damage and injury to a security guard. The mob was protesting the NATO bombing campaign against the FRY. Also in March, the OSCE reading room in Visegrad was the target of a rocket attack. There were bombings in or around IPTF stations in Trebinje, Gradiska, Bijeljina, and Pale. U.N. vehicles were burned in Bijeljina, Doboj, and Zvornik.

In May two rocket propelled grenades and struck the living quarters of the Joint Commission Observer (JCO) in Zvornik. There were no reports of injuries, but two buildings were damaged.

In August the residence of the European Union's Joint Commission Observer (JCO) in Doboj was attacked and slightly damaged by unknown perpetrators. No one was injured and local authorities were continuing their investigation at year's end.

On October 14, an estimated 200 students threw rocks and bottles at troops from SFOR's Mobile Specialized Unit (MSU) outside the Interior Ministry building in Mostar. There were no reports of serious injuries. The attack came after SFOR began raids against municipal offices in Mostar that were undermining the Dayton Accords and after local radio broadcasts called on Croat residents to protest SFOR's actions (see Section 2.a.).

On October 30 and 31, SFOR and IPTF personnel in Zvornik in the RS were targeted in separate grenade attacks. There were no injuries to SFOR or IPTF personnel, but one civilian was slightly injured in the attack.

On October 6, it was reported that two masked men attacked and stabbed municipal council member Munib Hasanovic in the Srebrenica municipal building in the RS. RS police opened an investigation into the attack and the IPTF was monitoring its progress closely, although there was no progress in the case by year's end.

Individual and societal violence continued to be a problem and numerous bombings caused injuries. On February 10, a Bosnian Croat policeman in Travnik was injured by a car bomb, which detonated when he opened the door of his private vehicle, parked near the Travnik police station. The IPTF is monitoring the investigation by local authorities, which continued at year's end. Local police have not concluded their investigation, but this attack was one of a series of violent incidents in Central Bosnia canton, an area with a population almost equally divided between Bosniaks and Croats.

A pattern of deliberate mob violence against Serbs who sought to return to their prewar homes continued throughout the year, especially in Travnik, but such incidents decreased in number and severity compared to 1998. In June eight persons were injured in the RS village of Tarevci during visits by returning refugees and IDP's. A crowd of Serbs gathered and threw sticks and stones at the approximately 60 Bosniak returnees there, who reportedly yelled provocative statements as they drove through town. An unidentified Serb threw a grenade into the crowd. Local police did not take effective action to improve the situation or to find those responsible for the attack. In July several violent incidents occurred in Drvar. Croat residents protested against further returns after the alleged rape of a Croat woman by a Serb man. (International law enforcement officials have concluded that this allegation was untrue.) SFOR increased its presence in the area. On July 3, an elderly Serb couple was attacked by Croat youths and injured. On July 4, another violent physical exchange occurred between Croats and Serbs. In August Bosnian Croat residents of Drvar beat three elderly Bosnian Serb returnee men. Local police at the scene allowed the perpetrators to leave but took the victims to the police station to give statements. On March 20, a Bosniak-owned home was bombed in the predominantly Croat town of Stolac. In April there were several violent incidents directed at Bosniak returnees in Borovnica in Prozor-Rama municipality, including a hand grenade that damaged a mosque and the arson of homes of several Bosniak returnees. Also in April, Bosniak and Croat residents traded gunfire between the Croat village of Urici and the Bosniak village

of Memici-Blace. On April 27, unknown persons planted a bomb that exploded and caused a fire at the home of middle Bosnia canton former governor Ivan Saric in a village outside of Gornje Vakuf. No one was injured. An investigation was opened by canton and Federation antiterrorism officers. In May two Bosniak returnee houses in the Novi Grad area of the RS were attacked. One was destroyed by an explosion. Novi Grad continues to be a stronghold of hard-line Serbs. On September 9, unknown persons attacked the Bosniak village of Fazlagica Kula near Gacko in the RS with what appeared to be hand grenades. There were no reported injuries. Prior to the attack, Bosniak returnees in the village were harassed with taunts and driveby shootings.

During the year there were several attacks on the homes of Romani families returning to Bijeljina, including grenades and bombs thrown into the yards outside their houses.

Conditions in Federation and RS prisons are poor and well below minimum international standards in terms of overcrowding, hygiene, and access to medical care. Facilities are antiquated and extremely poor.

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.

d. Arbitrary Arrest, Detention, or Exile

There were fewer cases of arbitrary arrest and detention in both the Federation and the RS compared with 1998. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. The Federation revised these laws, removing this power from police, although not from investigative judges. The detention laws remain in force in the RS.

In one unconfirmed report, RS police in Sokolac detained several draft-aged male refugees from the FRY at the police station in the spring.

Human rights NGO's contend that there are cases in which persons who ostensibly are detained on criminal charges actually are incarcerated for political reasons. For example, Ibrahim Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the ruling Bosniak SDA views as a renegade party due to its activities during the war, was arrested and jailed in May 1997 for war crimes, after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. The Sarajevo cantonal court convicted and sentenced Djedovic to 10 years in 1998. He remained free at the end of 1998 pending appeal of his conviction to the Federation Supreme Court and currently serves as a DNZ deputy in the Federation House of Representatives. A retrial in the case was ordered in June.

There were no reports that forced exile generally was used as a legal punishment. However, in some Croat-dominated areas of the Federation, local Croat authorities and civilians attempted to expel returning Serbs. For example on July 3, the Canton 10 interior minister instructed the local police to expel all returnees who failed to change their registration from their previous temporary residence to Drvar and failed to obtain identification cards within 10 days. The action was an attempt to harass returnees since authorities also hindered returnees attempts to register (see Section 2.d.).

e. Denial of Fair Public Trial

Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and the leading political parties continue to influence the judicial system. Party affiliation and political connections weighed heavily in the appointment of

prosecutors and judges.

The existing judicial hierarchy in the Federation consists of municipal courts, which have original jurisdiction in most civil and criminal cases; cantonal courts, which have appellate jurisdiction over the canton's municipalities; and three central courts (Constitutional, Supreme, and Human Rights--although the third of these is not operational). Reforms introduced by the OHR are to allow the Supreme Court to take immediate jurisdiction as the "court of first instance" for crimes including terrorism, organized crime, smuggling, and intercantonal crime. The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. The RS has both municipal and district courts, with the district courts having appellate jurisdiction. Judges are appointed and recalled by the National Assembly and have life tenure.

In June judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. In August the OHR imposed laws strengthening the Federation prosecutor's office and protecting the identity of witnesses in sensitive cases in the Federation. The international community continued training programs in the Federation to familiarize judges, prosecutors, defense attorneys, and the police with the Federation's newly reformed Criminal Code, which entered into effect in November 1998. The RS has not yet adopted similar criminal law reforms. Some NGO's expressed concern over the judicial selection process in eight federation cantons, especially in Sarajevo and Tuzla. Legal experts argued that the laws on judicial selection in those two cantons were inconsistent with the canton and Federation Constitutions.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

In May the RS Supreme Court ruled that three Bosniaks were wrongfully convicted of the 1996 murders of four Bosnian Serb woodcutters in Zvornik. A fourth defendant's conviction was upheld, but his sentence was reduced from 10 to 6 years. The convictions of three other defendants were overturned in May during an appeal in the RS district court in Bijeljina on the grounds that the defendants were denied the right to choose their own counsel. The original trial of all seven defendants was marred by pervasive and systematic human rights abuses. Confessions, coerced by torture, were the primary evidence used by prosecutors in the first trial. In its decision to release three of the remaining four defendants, the RS Supreme Court made no mention of human rights abuses committed by RS authorities during the investigation, the original trial, or the appeal. No date for a new trial was set by year's end.

In March the cantonal court in Sarajevo acquitted Bosnian Serb Miodrag Andric, who was being tried for war crimes, after the court finally permitted witnesses to testify in a court in Rogatica in the RS.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. Courts were often reluctant or unwilling to try cases of human rights abuse referred to them. 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 often refused to implement their decisions. This was especially the case for those who won decisions mandating eviction of illegal occupants from their property. In addition, organized crime elements sought to pressure judges, especially in central Bosnia and Herzeg-Neretva canton.

There were no reports of political prisoners.

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

The Constitution of Bosnia and Herzegovina 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.

Since the war, large numbers of citizens have been denied the right to their property, either privately-held or collectively-owned property, to which citizens had occupancy rights under the Communist system. Enactment of property legislation has proceeded in both entities under pressure from the international community. Registration of property claims is largely complete in the Federation and underway in the RS. However, resolution of claims and implementation of decisions is extremely slow in both entities, and few claims were resolved during the year. The political leadership at all levels in both entities continues to obstruct minority returns by delaying needed reforms and refusing to implement decisions. The situation is particularly bad outside of Sarajevo canton. In particular, cases requiring evictions are subject to political manipulation and obstruction at every phase.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; this right was respected partially in the Federation and in the western RS, but less so in the eastern RS. Within the Federation press freedom was restricted more severely in Croat-majority areas. Some progress was made in establishing independent media in some Federation cantons and in the RS, particularly in Banja Luka. The primary restraints on press freedom are control of the principal media by governing political parties and, in the case of newspapers, the unwillingness of Governments in either entity to provide access to kiosk networks under their control. Party-controlled media--particularly Croatian state radio and television--are the dominant electronic media and information source in Croat-majority areas of the Federation. Most media continued to be noticeably biased.

The ruling SDA party largely controls the Dnevni Avaz newspaper, which enjoys wide distribution in the Federation. Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Oslobodjenje and Vecernje Novine are the leading independent dailies, and Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is Reporter, a weekly published by a former foreign correspondent of the Belgrade-based independent Vreme, while Nezavisne Novine is an independent newspaper published in the western RS. Also in the RS, the Social-Liberal Party publishes an opposition magazine, Novi Prelom, and the Social Democratic Party publishes a daily newspaper.

Early in the year, authorities in Gradacac allegedly forced journalists to submit articles for review to a municipal office before they could be published.

There is only one high capacity printing facility, Oko, in the Federation, and it is aligned closely with the newspaper Dnevni Avaz, which is backed by the ruling Bosniak SDA party. In June Oko delayed printing an issue of the magazine Dani which included a confidential Sarajevo internal affairs ministry document about government connections to criminals and the mafia. The official reason given for the delay in printing was damage to the printing press. However, in the meantime the internal affairs office publicly released some of the information in the article, i.e., a list of 14 criminals known to be residing in

Sarajevo canton. In the RS, the state-owned printing company Glas Srpski also has a virtual monopoly. According to the editor in chief of the daily and weekly newspaper Nezavisne Novine, before the newspaper was to publish an unfavorable article about indicted war criminal Zeljko Raznjatovic ("Arkan"), he received threats from Raznjatovic who reportedly was tipped off about the article by Glas Srpski. The day the article appeared street vendors who were selling the newspaper allegedly were beaten by Arkan supporters, who also stole all that day's issues.

It was difficult for independent and opposition media in the RS to gain access to the government-controlled kiosk distribution system. The same was true of some areas of the Federation, particularly in Croat-controlled regions. In addition, the ruling parties exerted economic pressure by refusing to allow state-owned companies to advertise in the independent media. Some independent media in the two entities, for example, Dani and Reporter, assist in the distribution of each other's publications in their respective entities.

On October 22, a car bomb attack on independent daily Nezavisne Novine editor in chief Zeljko Kopanja in Banja Luka resulted in the loss of his legs. The RS Interior Ministry and the Banja Luka police opened investigations into the case, but there were no results by year's end.

In May unknown assailants in Mostar allegedly beat two Croatian journalists from Rijeka and accused them of publishing unfavorable articles for the Croatian opposition newspaper Novi List about Herzegovina politics and crime.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns spectra for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards by stations in both entities.

In July the High Representative determined that the Governments of Bosnia and Herzegovina and the constituent entities had failed to take appropriate action to reform the broadcasting system. As a result, the High Representative imposed a series of laws and amendments restructuring the broadcasting system. These decisions provided for the liquidation of the current broadcaster, Radio Television Bosnia and Herzegovina (RTV BiH). In its place, OHR established a state-wide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH), which is to produce and broadcast at least 1 hour of news programming for radio and television. This programming is to focus on issues of statewide interest and joint institutions. The three constituent peoples of the country and other minority groups are to be represented in the system's administrative and editorial structures. PBS BiH is to represent the country in all international broadcast organizations.

The July decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. RTV FBiH is to broadcast on two stations, one offering primarily Croatian-language programming and one offering Bosnian-language programming. RTV FBiH is required to provide programming for other minority groups in their own languages. The High Representative's decision specifies that "programming must be based on truth, must respect human dignity and different opinions and convictions, and must promote the highest standards of human rights, peace and social justice, international understanding, protection of democratic freedoms and environment protection." The OHR appointed 14 of the 21 members of the Board of Governors and imposed the remaining 7 members who were to have been chosen by Parliament. As a result, there was no SDA influence on the Board. However, the SDA tried to obstruct the Board's activities by pressuring the political and business interests of board members.

Croat-controlled areas in Bosnia-Herzegovina are covered by Croatian State Television (HRT). The three HRT channels come into the country by means of an over-the-border terrestrial broadcasting satellite, and an extensive rebroadcasting operation managed by the Mostar-based, Zagreb-controlled Erotel company. HRT's news programs and editorials frequently criticize the Dayton Accords. A December 1998 decision by the IMC was intended to terminate the direct rebroadcast of the HRT by requiring that RTV BiH and Croat television broadcasters establish a Federation television system that meets the needs of all BiH citizens. However, availability of the HRT and satellite broadcasts were unchanged at year's end.

Citing the RS government's lack of progress on an acceptable broadcasting law, in August the High Representative imposed a set of amendments to the RS broadcasting law. These amendments required Serb Radio Television (SRT) to change its name to Radio Television of Republika Srpska (RTRS). The High Representative required RTRS to comply with the country's broadcasting laws, regulations made by the IMC or its successor, and the laws of the RS. RTRS is required to provide timely, unbiased programming for all citizens of the RS. Finally, the OHR ordered that the RTRS Board of Governors was to consist of: "six members representing independent journalism, the legal profession, the economic sector, the academic community, the syndicate of the Republika Srpska, and the employees of the RTRS, taking into account the cultural and linguistic diversity of the citizens of the Republika Srpska." RTRS restructuring is still in process. For the most part, the RTRS now adheres to IMC standards, a dramatic improvement over previous years. On November 5, RS Prime Minister Milorad Dodik and his cabinet decided to remove RTRS director Anđelko Kozomara for his alleged hard-line bias and named Slavisa Sabljic as acting director. However, only the RTRS Board of Governors, and not the RS Government, has the right to replace the General Director.

In April several associations of journalists from both entities agreed to an OHR-sponsored press code setting out the rights and responsibilities of journalists. The code includes articles prohibiting ethnic, gender or other discrimination and encouraging accurate and objective reporting.

In July the High Representative, citing the failure of the State and entity level Governments to ensure protection of journalists' freedom of expression, suspended "the applicability of imprisonment as a sanction under the provisions concerning libel and defamation." On September 2, the amendment decriminalizing slander and libel was published in the official gazette. There were no reports of journalists being tried for slander since the law was imposed by the OHR. The possibility of imprisonment for slander and libel was used to threaten journalists, and authorities apply slander laws selectively to punish opponents.

For example, in June the municipal court of Sarajevo sentenced the editor in chief of Slobodna Bosna, Senad Avdic, to 3 months in prison and 1 year suspended sentence on charges of slander against former Zenica-Doboj canton minister of the interior, Semsudin Mehmedovic. However, on August 20, Avdic was acquitted of one charge of slander against former mayor of Prijedor Sead Cirkin. Avdic faces a total of 12 charges of slander from various articles regarding corruption in the Federation.

Despite this case, OHR's July decision to impose a law restructuring the media, if fully implemented, was expected to decrease political influence in broadcasting, improve objectivity, and generally increase freedom of expression in Bosnia. To date, the relevant authorities have not yet fully implemented the restructuring. The PBS BiH and the RTV FBiH existed only on paper at year's end. However, the RTRS is broadcasting under its new name.

The international donor-supported television Open Broadcast Network (OBN) provides independent news and public affairs programming. The international community launched the OBN to be a cross-entity broadcaster and source of objective news. OBN can be seen

by 80 percent of the population. The OBN still is working to improve its broadcast range. However, only a minority of viewers cite the OBN as their key source of news compared to TV BiH, the HRT, and the RTRS.

Other independent television outlets include TV Hayat, Studio 99, OBN Banja Luka affiliate Alternative TV (ATV), and Independent TV (NTV) also out of Banja Luka, and several small TV stations scattered around the country. These broadcasters were originally municipal stations. They have not yet been fully privatized, and their legal ownership status remains unclear.

In May the mayor of Zenica told the editor in chief of RTV Zenica that he would lose his job unless several other of the station's editors were dismissed. However, the situation was resolved after the editors sent a protest letter to the OHR and informed it of their situation.

In April the OHR endorsed the decision by the IMC to rescind the license of Kanal S, which is based in Pale. Observers noted the channels inflammatory broadcasting, prior to the IMC's decision. At year's end, Kanal S was back on the air after fully complying with all IMC demands.

In November the IMC ordered the private station Erotel TV to stop broadcasting. Mostar-based Erotel TV retransmits programs from state-run Croatian Television and was operating without a license for 2 years before the IMC's decision.

Radio broadcasting in the Bosniak-majority areas of the Federation--particularly in Sarajevo, Zenica, and Tuzla--is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS--particularly in Banja Luka and Trebinje. Nezavisni Radio, Nezavisna Televizija, and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. Independent Studio 88 was launched in Mostar in July. The station will cover both sides of the ethnic divide, the first multi-ethnic broadcaster in Herzegovina.

After the announcement of the Brcko decision in March, angry crowds destroyed the offices of independent Radio Osvit.

In October the IMC ordered a 90-day closure of a Bosnian Croat radio station in Mostar after it broadcast incendiary calls for the city's Croat residents to take to the streets protesting SFOR raids on municipal offices which were undermining the Dayton Accords. As a result, some 200 students threw rocks and bottles at SFOR troops (see Section 1.c.).

While some foreign journalists who represent recognized media were able to travel freely to most areas of the country, others encountered difficulties. Local police and security officials in the RS and west Mostar harassed local and foreign journalists associated with opposition parties or minority ethnic groups.

Academic freedom was constrained. In the Federation, Serbs and Croats complained that SDA party members receive special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka limits its appointments to Serbs. All institutions suffer from a lack of resources and staff, as well as the legacy of the Communist period. The University of Mostar remains divided into eastern and western parts, reflecting the continued ethnic divide in the city. However, the East Mostar University, despite persisting reports of ethnic discrimination, has significant ethnic diversity in its student body and staff. The staff and student body of West Mostar University is much more homogenous, reflecting, as least in part, the desire of most Croats to work and study in a Croat-dominated area.

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. Opposition political parties enjoyed greater latitude in staging rallies and campaigning than they had during the 1996 national elections. However, there were still instances in which incumbents attempted to use their positions to hinder the activities of opposition parties.

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 state-owned sector of the economy.

c. Freedom of Religion

The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in their religious majority areas. However, the efforts of individuals to worship in areas in which they are an ethnic/religious minority were restricted, sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries.

In July the Human Rights Chamber determined that the Government of the RS had denied the right of the Muslim community to freedom of religion by refusing to allow the reconstruction of mosques destroyed in the war. The Chamber specifically established that the Muslim community had property rights to 15 sites and that the community had the right to enclose the properties. According to the decision, the Government of the RS may not allow other construction on these sites and must issue any construction permits necessary to rebuild mosques on seven of the sites (see Section 4). However, there were reports that local authorities in the RS were obstructing attempts to rebuild mosques, particularly the Ferhadija Central Mosque in Banja Luka.

In a positive development, Muslims were able to celebrate Bajram, an important religious holiday, on January 19 in the mosque in Prozor-Rama for the first time since the war. About 200 Muslims attended the service without incident. The local Bosnian Croat police force provided security.

Catholic priests are able to hold Mass in the RS without incident. In the case of a large Mass, Catholic Church officials work with RS local officials to obtain necessary permits.

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

The Constitution provides for "the right to liberty of movement and residence" and freedom of movement, including across the IEHL, continued to improve; however, some limits remained in practice. The IPTF and SFOR completed the dismantling of all permanent police checkpoints, greatly enhancing freedom of movement. However, for most minorities movement across the IEHL and into areas dominated by other ethnic groups remained somewhat limited and cautious in practice. The eastern RS remained under hard-line control and unwelcoming to a minority presence.

Freedom of movement improved significantly with the introduction of universal license plates in 1998. The new plates do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas. The U.N. Mission in Bosnia and Herzegovina (UNMIBH) reported that in the first week after the inauguration of the new plates, about 4,000 vehicles crossed the IEHL.

Statistics on refugee returns remained difficult to obtain. Between the end of the war and the end of the year, 350,000 persons who left the country had returned. More than 160,000

returned from Germany alone, due to the German Government's policy of actively pressuring refugees to return to Bosnia. Most of those returning from Europe were unable to return to their prewar homes. Efforts by hard-line Croats to resettle returning refugees to consolidate the results of ethnic cleansing have ceased for the most part. Although the return figures are much less exact for those returning from other places within the country, the UNHCR estimated that approximately 296,000 IDP's returned to their prewar homes between the end of the war and the end of the year. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns in 1999 was probably twice that of 1998.

The UNHCR "open cities" initiative, begun in 1997, linked economic assistance to cooperation on minority return (positive conditionality) and helped the UNHCR's effort to break down the influence of ethnic separatists.

Several factors prevented an even larger number of returns, including the hard-line obstruction of implementation of property legislation, political pressure to remain displaced in order to increase ethnic homogeneity of the population in a specific area, the lack of an ethnically neutral curriculum in public schools, and insecurity caused by the NATO campaign in Kosovo (see Section 5).

The February 1998 Sarajevo Declaration was intended to showcase Sarajevo as a model city in terms of tolerance. The declaration was to provide for improvements in areas that hindered return: Legislation, housing, security and public order, employment, and education, with a goal of 20,000 minority returns for the canton during 1998. The level of returns so far has been disappointing. By year's end, the UNHCR announced that nearly 20,000 minority returns had occurred in Sarajevo canton after nearly 2 years. Although the rate of evictions in Sarajevo was increasing at year's end, the processing of property claims and evictions was still very slow.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned and repaired by a Dutch company. Prewar residents continue to wait to return to these, while authorities encourage occupants to start the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. No returns have taken place to former JNA apartments. The military has attempted to evict legal occupants. In some cases the military prevented soldiers from being evicted, at times using force, and stopped prewar owners from reoccupying their apartments.

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and the eastern RS remained resistant to minority returns. Displaced persons living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence (see Sections 1.a. and 1.c.). The increased number of ethnically integrated police forces helped improve the climate for return, but security in general remained inadequate in many areas.

In May a group of Serbs in Kotor Varos blocked the road to prevent Bosniaks from returning to the town. Earlier the municipal assembly voted unanimously against the return of Bosniaks.

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. As a result, most minority returnees were elderly. This presented a new burden for receiving municipalities. Younger minority group members, who depend on adequate wages from employment to support families, generally remained displaced, especially in cases where they had managed over the past 6 years to find work.

On April 14, the OHR cancelled the permanent occupancy rights of individuals who

acquired apartments during and immediately following the war in both entities. These individuals can remain temporary occupants of their apartments only until the prewar occupant applies to return to that apartment. Previously, permanent occupancy rights blocked effectively the return of minorities who left during or immediately after the war, since they were granted to persons who occupied these "abandoned" residences.

In June the mayor of Berkovici in the RS unsuccessfully attempted to impede the return of 60 Bosniaks by declaring their return illegal. Local government officials continue to obstruct minority returns to Drvar. On July 3, the canton 10 interior minister instructed the local police to expel all returnees who failed to change their registration from their previous temporary residence to Drvar and failed to obtain identification cards within 10 days. The action was an attempt to harass returnees since authorities also hindered returnees' attempts to register. Residents without identification cards are not entitled to social benefits and their freedom of movement can be restricted. Expulsion also is illegal; the maximum legal penalty for failure to get an identification card is a fine. The OHR recommended that Serb returns to Drvar be slowed temporarily as a result of this incident.

Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 1.c.).

Officially, the Government grants asylum and refugee status in accordance with international standards. At times the Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. In October 1998, the Bosnian Council of Ministers issued an instruction on temporary admission of FRY refugees from the province of Kosovo. This entitled needy refugees from these areas to free accommodation, food, primary medical care, and education. In May after the NATO campaign began against the FRY, the Council of Ministers extended these protections to refugees arriving from all parts of the FRY.

Some 13,000 Kosovar Albanians entered the country in the 12 months before the NATO air campaign began on March 24. After March 24, 8,700 additional Kosovar Albanians entered the country, along with 25,000 Muslims from the Sandzak region of Serbia. Additionally, about 35,000 other refugees from Serbia and the FRY entered the country after March, of whom the vast majority were Serbs formerly displaced from Croatia and Bosnia during the 1991-95 war. As of October 1, roughly 9,000 Kosovar Albanians, 11,000 Sandzakis, and 22,000 of these Serbs were estimated to remain in the country as refugees. The Kosovar Albanians and the Sandzakis are in the Federation and the Serbs are in the RS. Nearly all are in private accommodations.

UNHCR and OSCE monitors heard reports from refugees of numerous human rights violations perpetrated by RS police. These violations included harassment, beatings, and extortion of money (see Section 1.c.). Refugees also reported incidents of RS police confiscating and destroying refugees' documents. There were no reports of the forced return of persons to a place where they feared persecution.

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

Even though a permanent election law is not yet in place, the Dayton Accords commit the parties to "ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment" and to ensure the right to "vote in secret without fear or intimidation." These rights were respected in the national and entity elections in 1998, which were the most fair and pluralistic since the Dayton Accords were signed. Voter turnout was over 70 percent with over 83 political parties, independent candidates, coalitions, and alliances competing for office. The OSCE released a draft of the election law in December that would transfer responsibilities for running elections to the Government.

However, continued party control of the media and security apparatus precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of

the RS. To varying degrees, all major parties seek to exclude other parties in areas they control. This was especially true in areas controlled by the SDS or the HDZ. However, observers believe that recent changes to the media law in the RS and the new media law in the Federation may improve the situation somewhat (see Section 2.a.).

The 1998 elections were relatively free and fair, but resulted in the election of a hard-line SRS President, Nikola Poplasen. Poplasen refused to nominate a candidate for prime minister with sufficient support in the RS Assembly to form a government, including the candidate with the most support, current Prime Minister Milorad Dodik. This episode eventually sparked a confrontation with the High Representative in which Poplasen was removed from office on March 5. In announcing the dismissal, then High Representative Carlos Westendorp said that Poplasen had "acted against democratic principles and abused the authority of the Office of President by refusing to consult the parties and coalitions represented by the National Assembly in order to nominate the prime minister." Immediately after Poplasen's dismissal, Vice President Sarovic refused to take his place because Sarovic did not accept the legitimacy of the High Representative's decision. At year's end, Sarovic was attempting to assume the powers of the Presidency, but was told by the High Representative that this would not be permitted.

Implementation of the 1998 elections at the national and entity levels was far less difficult than implementation of municipal election results. The 1997 municipal election results were implemented in June when the Srebrenica municipal assembly met and approved a government. The government was certified by the OSCE.

Also on March 5, but unrelated to Poplasen's dismissal, Roberts B. Owen, arbitrator for the Brcko Arbitral Tribunal, announced a final award, whereby the entire prewar Brcko municipality was to become a "self-governing neutral district," which would belong to both entities. The award delegates to the district's internationally appointed supervisor the responsibility for deciding when the district would begin to govern itself under a new district statute. Until then the supervisor retained ultimate authority over the district. The final disposition of this region was a highly sensitive issue, since the region of Brcko connects the eastern and western sections of the RS. A democratically-elected, multiethnic local government is to administer the district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7, and a district-wide multiethnic police force was to be established officially in January 2000. Demilitarization of the Brcko district was underway and scheduled to be completed by the end of February 2000. On August 18, the Brcko Tribunal issued an annex to the final award, clarifying implementation of the award. In particular, it established the citizenship status of district residents and confirmed the right of transit by military forces of both entities. It also directed the supervisor to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

Women generally were underrepresented in government and politics, although a few women, such as the former President of the RS, have occupied prominent positions. In the three legislatures, women were underrepresented seriously. To address this concern, the OSCE election rules required parties to include no fewer than 3 members of each gender among the top 10 names on their candidate lists. In the state-level House of Representatives (lower house), 12 of 42 deputies are women. There are no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures. In the Federation legislature, 21 of 140 deputies in the House of Representatives are women, and 7 of 72 deputies in the House of Peoples are women. In the RS unicameral legislature, 18 of 83 deputies are women.

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

The authorities generally permitted outside investigations of alleged human rights violations. International and local NGO's involved in human rights appear to operate

somewhat freely. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. 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.

While monitors enjoyed relative freedom to investigate human rights abuses, they were rarely successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or outright refusal.

The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson, two institutions created under Annex 6 of the Dayton Accords, expanded during the year. Decisions of the Chamber are final and cannot be appealed to the Constitutional Court. During the year, the Chamber's caseload increased to 3,449 registered cases; and the Chamber issued 294 final case decisions. While governmental cooperation with the Chamber is still weak, there was noticeable improvement during the year. Both Federation and RS officials complied with several decisions, including reinstating returning residents to Yugoslav National Army apartments (JNA) and payment of compensation awards. These successes were the result of OHR cooperation in monitoring authorities' responses and coordinating intervention in cases in which the authorities failed to meet their obligations to cooperate.

Cooperation with the ICTY in The Hague is a key factor in the implementation of the Dayton Accords and the establishment of respect for human rights. In 1998 RS Prime Minister Dodik altered the RS policy of defiance of the Tribunal and the Dayton Accords by instructing his officials to cooperate with the ICTY. He also offered office space in Banja Luka to the ICTY. His actions helped to reduce the behind-the-scenes political influence of former wartime RS President Radovan Karadzic and his SDS allies. During the year, RS authorities facilitated the ICTY's investigation in Srebrenica. However, a majority of the 31 ICTY public indictees who remain at large reportedly live in the RS, some allegedly in Prijedor and Foca. RS authorities made no effort to arrest these indictees.

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

The parties agreed in the Dayton Accords 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. Nevertheless, there were many cases of discrimination.

Women

Accurate statistics on violence against women, including spousal abuse and rape, are not available. Throughout the country, rape and violent abuse are considered criminal offenses. However, domestic violence usually was not reported to the authorities, and a sense of shame reportedly prevents some victims of rape from coming forward to complain to authorities. There are laws that prohibit rape in both the Federation and the RS. Spousal rape and spousal abuse are also illegal in the Federation. There are no available estimates of the extent of violence against women.

Trafficking in women from the former Soviet Union for purposes of forced prostitution is a problem (see Section 6.f.).

It is illegal to run a brothel in Bosnia, but local police have focused primarily on women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally treat prostitution as a minor misdemeanor regarding the woman involved, but employers and customers do not face charges. Women convicted of prostitution can be fined, imprisoned for 60 days, or deported. It is estimated that there are some 700 brothels

in the RS and some 300 in the Federation, where some 15,000 prostitutes work. Police officials in Brcko have been removed from office for involvement in prostitution.

There is little legal or social discrimination against women, and women hold a few of the most responsible positions in society, serving as judges, doctors, and professors. However, a male-dominated society prevails in both entities, particularly in rural areas, with few women in positions of real economic power or political power.

Women have been discriminated against in the workplace in favor of demobilized soldiers. Anecdotal evidence indicates that women and men receive equal pay at socially owned enterprises but not necessarily at private businesses. Women are entitled to 12 months' maternity leave and to work no more than 4 hours per day until a child is 3 years old. However, women in all parts of the country encounter problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. The International Human Rights Law Group and local NGO's organized seminars and information campaigns to raise awareness of the issue, and the Tuzla cantonal assembly passed a resolution to pay women all maternity leave allowance debts since 1998. A woman with underage children cannot be forced to do shift work.

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. The end of the fighting brought a major improvement in the human rights of children. During the war nearly 17,000 children were killed, 35,000 wounded, and over 1,800 permanently disabled.

Children suffer from an extreme paucity of social services. Disabled children lack sufficient care and educational opportunities. Education is compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of the education system. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school at all. Local education officials excuse these 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.

In February the International Human Rights Law Group issued a report finding that segregation and discrimination were entrenched in Bosnian schools, particularly in religious education. For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the practical opportunity to study their own religious traditions in school. Since the beginning of the school year, ethnic divisions in schools have become more apparent. In an effort to block returns to the area, municipal officials in Capljina, Stolac, and Bugojno refused to allocate space in public schools to allow minority children to be taught under their own curriculum, in direct defiance of a directive of the High Representative. There is concern among the international community that this situation may further harden existing prejudices and ethnic hatreds.

There was no societal pattern of abuse against children. Nonetheless, they continue to suffer disproportionately from the societal stress of the postwar era. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People With Disabilities

The Federation Government is required by law to assist disabled persons to find employment and to protect them against discrimination. In the RS discrimination against the disabled also is prohibited by law. Currently there are few jobs available, and thousands of newly disabled victims entered the job market after the war. The Government has limited resources to address the special needs of the disabled. There are

no legal provisions mandating that buildings be made accessible to the physically disabled. There are a number of international NGO's that assist the disabled in the country.

Religious Minorities

Religion and ethnicity are identified closely in the country. The Interreligion Council, established in 1997 and composed of the main leaders of the country's four major religious communities--Muslim, Serbian Orthodox, Roman Catholic, and Jewish--continued its efforts to promote national reconciliation. The OSCE and the OHR facilitated many interfaith meetings at the local level as well.

However, throughout the country, religious minorities felt pressure and were intimidated by the ethnic/religious majority.

Catholic priests have frequently been able to hold Mass in the RS without incident. In the case of a large Mass, Catholic officials work with RS local officials to obtain necessary permits. On December 13, a group of young men attacked a group of Catholic priests led by Archbishop Vinko Cardinal Pulic on their way to celebrate Mass in Derventa. One member of Pulic's party was injured, but the service took place as planned. There was no known government involvement in this attack. A demonstration delaying Pulic's departure from the same church occurred in 1998.

None of the mosques in the RS destroyed during the war have been rebuilt or repaired, despite requests from the Muslim community for reconstruction (see Section 2.c.). Religious minorities throughout the country at times faced interference from the authorities in their right to worship freely. However, Catholic priests reported that they were able now to conduct masses in the RS with little or no problems.

National/Racial/Ethnic Minorities

Claimed "ethnic differences" were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a "Greater Serbia" and a "Greater Croatia," mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. The SDS, HDZ, and to a lesser extent the primarily Bosniak SDA, sought to manipulate the movement of persons and the access to housing and social services that they control to ensure that the ethnic groups with which they are associated consolidate their position in their respective geographic regions. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced persons in their areas, so as to dissuade them from attempting to return to their former homes.

In December 1998, the RS passed new property legislation establishing a claims process at the municipal level. The law went into effect when it was published in the official gazette on February 10. On April 13, the High Representative imposed several amendments and indicated that more were needed to make the law effective. The High Representative also imposed a 6-month extension of the June 15 deadline to file claims on socially-owned apartments, and on December 10 issued a further extension of 4 months. The new deadline was set for April 19, 2000. In addition, the OHR issued on October 27 a series of decrees amending a number of property laws in both entities to provide all citizens just and equal protection of their property rights, which is considered essential in order for IDP's to return home.

Despite hopeful signs in some areas, harassment and discrimination against minorities continue throughout the country, often centering on property disputes. These problems include desecration of graves, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

According to the 1997 report of the Federation Human Rights Ombudsman, "Equality

before the law is not observed in the everyday practice of state authorities that decide on the rights and obligations of the citizens."

Bosnian Serb and Croat politicians seek to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-liners also encourage members of their groups currently living in areas where they are minorities to move to areas where their ethnic group is the majority. For example, hard-line Bosnian Croats have discouraged Croat returns to central Bosnia and have actively recruited Croats still living there to resettle in Herzegovina. This effort sparked an open dispute among Bosnian Croats, and the Catholic Bishop of Banja Luka publicly criticized the practice.

Although the new RS Government is on record as supporting the right to return, it continues to obstruct returns at all levels. Bosniak authorities appear tacitly to support some Bosniak resettlement efforts, including resettlement of returnees, in "strategic" areas of the Federation where Bosniaks are in the minority.

In some cases, opponents of refugee returns employed violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. While incidents of violence have decreased due to improved security and freedom of movement, other forms of discrimination have not. In particular, discrimination in employment and education are now key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in many cases. Recently there have been more cases of employment discrimination based on political affiliation.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises. Membership was also influential in obtaining or keeping housing (see Section 2.b.).

Section 6 Worker Rights

a. The Right of Association

The Federation and RS Constitutions provide for the right of workers to form and join labor unions. Both the Federation and the RS have a union organization. There are informal links between the two unions, and there have been some very preliminary and initial steps towards merging the two under one banner. Workers in the RS or the Federation are not prohibited from joining the union in the entity where they are a minority. However, the membership in the RS is overwhelmingly Serb and the membership in the Federation is overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally are represented by the federation union.

Unions have the right to strike, but there were few strikes during the year because of the economic devastation and joblessness caused by the war throughout much of the Federation. However, on October 25, some 8,000 demonstrators attended a labor rally in Sarajevo to protest nonpayment of salaries and pensions in addition to other social issues. Some of the protest's organizers claimed that government officials and managers of state firms threatened workers with the loss of their jobs if they attended the rally.

Unions may affiliate internationally.

b. The Right to Organize and Bargain Collectively

There was little collective bargaining in labor-management negotiations during the year. In both the RS and the Federation workers have the right to collective bargaining, and the law prohibits antiunion discrimination.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits servitude or forced labor, including that performed by children; however, women and girls were trafficked for the purpose of forced prostitution (see Section 6.f.). Despite rumors that work camps exist in isolated areas, investigations have not turned up any corroborating evidence.

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 was 16 years. Children sometimes assisted their families with farm work and odd jobs. Children are covered under the Constitution's prohibition of servitude or forced labor, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum monthly wage in the Federation was \$46 (80 KM). In the RS, the monthly minimum wage was \$34 (60 KM). The minimum wages were insufficient to provide for a decent standard of living for a worker and family. Many workers still had claims outstanding for salaries earned during the war but were being paid in full only for current work. Similarly, many pensioners had outstanding claims.

There are no legal limits on the number of hours in the workweek. Overtime pay is not required by law.

In March the RS Government began paying most government salaries and pensions in convertible marks (KM). However, private employers continue to pay salaries in Yugoslav dinars. This allows employers to purchase dinars at the black market rate but pay employees at the much lower official rate, usually pocketing the difference. As a result, some workers in the RS suffer a significant reduction in their purchasing power.

Due to the high level of taxes levied on employers, many persons are forced to work outside the government benefits and tax system. The Government levies taxes equaling up to 80 percent of an employee's salary to pay for health and pension benefits. Unfortunately many employees do not receive these benefits even if their employers do contribute to their government plans.

Occupational safety and health regulations generally were ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, and trafficking in women from the former Soviet Union for the purpose of forced prostitution is a serious problem. The country is an origin, transit, and destination point for women and girls trafficked for the purpose of forced prostitution. A significant number of women are manipulated or coerced into situations in which they work in brothels in conditions close to slavery. The country is extremely vulnerable to trafficking in persons, since it has weak laws, border controls are almost nonexistent, and the police are easily bribed. As many as 9,000 trafficked women may be working in the country.

It is illegal to run a brothel, but local police have focused primarily on women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally

treat prostitution as a minor misdemeanor against the woman involved, but employers and customers do not face charges. Women convicted of prostitution can be fined, imprisoned for 60 days, or deported. In the fall, the OHR issued directives governing police raids on brothels to ensure that trafficked women found were provided assistance. The country's deportation laws permit local police to release trafficked individuals in neighboring jurisdictions or across the border in Croatia. Police in Bihac, Gradacac, and Tuzla have broken up trafficking rings in recent years and deported the women. In one case of deportation, after a cantonal court in Zenica in the Federation ordered the removal of six prostitutes from the canton, local police took them to Doboj in the RS. Reportedly they all later appeared for sale at the Arizona Market in Ravne Brcko. It is estimated that there are some 700 brothels in the RS and some 300 in the Federation, where some 15,000 prostitutes work. Brothel operators reportedly earn \$50 (100 DM) per hour per woman; while in some cases women reportedly receive as little as \$13 (25 DM) per month for personal expenses and are forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earn \$100 (200 DM) per month. Police throughout the Federation have arrested and deported Russian and Ukrainian women working as prostitutes. Organized crime elements control the trafficking business. Police officials in Brcko have been removed from office for involvement in prostitution, and there are allegations that police officers in other cities also may be involved.

Women are trafficked to the country from other East European countries and countries of the former Soviet Union, including the countries of Central Asia. The majority of trafficked women come from Ukraine, but also from Romania, Moldova, Russia, Belarus, and Kazakhstan. The main route into the country for trafficked women was from the FRY. Some are brought in by traffickers specifically to work in the country's brothels. Others for a variety of reasons are stranded or abandoned by traffickers en route to other countries. Women trafficked to the country usually are promised jobs as secretaries, waitresses, or dancers in Western countries and wages of \$1,500 (3,000 DM) per month. Some women often are trafficked to Croatia to work as prostitutes there or then trafficked to other countries. Others are sold to middlemen or to brothel operators in the country, often at the Arizona Market in Ravne Brcko. The price is usually \$1,500 (3,000 DM) per woman, and women often are expected to repay their "owners" this amount out of their "share" of their earnings.

The Government has done little to combat the problem of trafficking. However, various international organizations and NGO's, both local and foreign, are addressing the issue. The Swedish NGO Kvinna Till Kvinna provides financial assistance to a shelter that houses trafficked women while they await return to their countries of origin. During the year, 50 trafficked women were repatriated from the country with NGO assistance. The women received airline tickets home and \$150 to assist them with reintegration into their home country. The returnees also are urged to contact the local Organization for International Migration offices in their home country for follow-up counseling. The IPTF works with local police forces to free trafficked persons and to crack down on traffickers. There were two arrests of traffickers to date, in Bijeljina and Brcko.

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