

## **Amnesty International Report 2015/16 - The State of the World's Human Rights - Bosnia and Herzegovina**

Violations of the right to freedom of expression as well as discrimination against Jews and Roma continued to occur. Access to justice and reparation for past crimes remained limited due to a lack of commitment to adopt, and secure adequate resources for, state-wide programmes.

### **Background**

The Council of Ministers of Bosnia and Herzegovina (BiH) and the government of the Federation of BiH, one of the constituent entities, were formed at the end of March, five months after the 2014 general elections. The Stabilisation and Association Agreement (SAA) between the EU and BiH entered into force on 1 June.

### **Freedom of expression**

In February, the National Assembly of Republika Srpska adopted a Law on Public Peace and Order that brought the internet and social networks into its definition of “public space”. Concerns were raised by NGOs and the OSCE Representative on Freedom of the Media over the possibility of individuals being prosecuted for their online activities, on charges of breaching public peace and order.

Threats and attacks against journalists persisted. In October, an arson attack was carried out on the car of a journalist from a local radio station. Targeted cyber attacks on news websites continued. Only 15% of court cases relating to attacks against journalists were resolved in the past 10 years.

### **Discrimination**

The 2009 judgment of the European Court of Human Rights in the case of *Sejdić-Finci v. BiH*, which found the power-sharing arrangements set out in the Constitution to be discriminatory, remained unimplemented. Under the arrangements, citizens such as Jews and Roma who do not declare themselves as belonging to one of the three constituent peoples of the country (Bosniaks, Serbs and Croats) are excluded from running for legislative and executive office. In June, the implementation of the judgment was removed as a requirement for the signing of the SAA, leaving little hope of the decision being implemented.

### **Crimes under international law**

Proceedings continued at the International Criminal Tribunal for the former Yugoslavia against former General Ratko Mladić for genocide, crimes against humanity and violations of the laws or

customs of war, including at Srebrenica. A verdict in the case against former Bosnian Serb leader Radovan Karadžić was still pending at the end of the year.

In May, the Parliamentary Assembly of Bosnia and Herzegovina adopted a set of amendments to the Criminal Code. The amendments introduced enforced disappearance as a separate crime and provided a clearer definition of acts of torture. Additionally, the amendments aligned the definition of war crimes of sexual violence with international standards by excluding the need to demonstrate use of force as a requirement to qualify the crime as such. However, entity courts and courts in the Brčko District continued to apply the former Criminal Code, leading to the ineffective prosecution of such crimes at the sub-state level, to which cases were increasingly being transferred.

Legislation that would enable effective reparation, including a comprehensive programme for victims of crimes under international law, and free legal aid services to victims of torture and civilian victims of war, remained absent. The harmonization of entity laws regulating the rights of civilian victims of war was still not completed.

About half of the over 500 people who were charged with war crimes in the past 10 years were indicted in the last two years. However, this notable progress was halted by the EU decision to stop funding the cost of services and courts prosecuting war crimes until the new Justice Sector Reform Strategy for 2014-2018 was adopted in September. The process was delayed as Republika Srpska, unlike the country's other two political units, refused to adopt the Strategy. In December, it announced its decision to suspend co-operation with the State Court of Bosnia and Herzegovina, further limiting effective investigations into and prosecutions of those suspected of responsibility for war crimes and who may be hiding on Republika Srpska territory.<sup>1</sup> An agreement on a joint action plan to implement the Strategy was still pending at the end of the year.

In June, a Bosnian court granted the first ever financial compensation to a victim of wartime rape and sentenced the perpetrators, two former Bosnian Serb soldiers, to 10-year prison sentences. Previously, victims were required to pursue compensation claims in civil proceedings, which required them to reveal their identity.

In November, the heads of the Serbian and Bosnian governments signed a protocol on co-operation in the search for missing persons. In BiH, over 8,000 people remained missing from the war.

1. Bosnia and Herzegovina: 20 years of denial and injustice ([News story](#), 14 December)