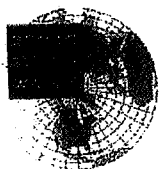


Bosnien- Hercegovina (79)



Human Rights Watch

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Human Rights Developments

The return of displaced persons and refugees remained the principal unresolved rights issue confronting the people of Bosnia and Herzegovina. The major political development was the formation of non-ethnic-nationalist governments at the national level and in one of Bosnia's two constitutive entities, the Federation of Bosnia and Herzegovina. The ethnic nationalists continued, however, to exercise effective power in majority Croat cantons in the federation. In the other entity, Republika Srpska, Serbian nationalists remained a leading political force.

Bosnian nongovernmental organizations reported that the general elections held on November 11, 2000, were the best-organized elections since the 1995 signing of the Dayton/Paris Peace Agreement. An "open list" system was used in elections for the federal House of Representatives, entity parliaments, and the cantonal assemblies in the federation. The system enabled Bosniacs and Croats in the federation to vote for candidates from the other ethnic group. The more numerous Bosniacs were thus able to influence the election of Croat candidates. Unsatisfied with the electoral law, the main political party of Bosnian Croats – the Croat Democratic Union (HDZ) – organized an ad hoc referendum on Croat self-rule on the same day as general elections. The party also refused to cooperate with the implementation of election results.

On February 22, Bosnia's central parliament elected a cabinet (Council of Ministers) composed solely of the members of a moderate seven-party grouping dubbed the Alliance for Change. On March 12, the federation Parliament also elected an Alliance for Change government. On March 3, HDZ and its nationalist allies proclaimed self-governance in the territory inhabited by a Croat majority. The efforts to establish self-rule suffered a decisive blow on April 18, when Stabilization Force (SFOR) troops and OHR entered the main branch of the Hercegovacka Bank in Mostar. International auditors blocked the HDZ's access to funds in the bank, thereby cutting off the sources of funding for the Croat self-governance initiative. By mid-June, Croat soldiers who had left the joint federation army at HDZ's invitation renewed their contracts with the federation army.

As the security situation and political climate for return improved, the U.N. High Commissioner for Refugees (UNHCR) registered 56,683 returns of minorities during the first nine months of 2001, an increase of almost 100 percent over the same period in 2000. Most returns continued to be

to in rural areas. The return of minorities was still not self-sustaining, however, as returnees continued to face scant employment opportunities and great obstacles to education for minority children. The international community continued to fail to respond adequately to the increased interest in return, with reconstruction funds falling far short of the amount needed. Although rates of property repossession by returnees grew in comparison to previous years, urban return remained modest.

While the security situation generally improved, serious incidents of ethnically motivated violence continued to occur. In a dozen cases in Republika Srpska and, less frequently, in the Croat parts of the federation, unknown perpetrators blew up or set fire to reconstructed returnee houses, shot at returnees, or planted explosive devices under their cars. On January 24, Zijada Zulkic, a forty-nine-year-old Bosniac woman from Banja Luka, was found dead in her apartment with a bullet wound. On May 7, some 4,000 Serbs beat and stoned three hundred elderly Bosniacs who came to Banja Luka for a ceremony to mark the reconstruction of Ferhadija mosque. At least eight people were taken to the Banja Luka hospital for medical treatment. One of them, Murat Badic, aged sixty-one, died on May 26 of head injuries. On July 12, a sixteen-year-old Bosniac returnee, Meliha Duric, was shot dead by an unknown assailant in the village of Damdzici, near Vlasenica in Republika Srpska. In November, Seid Mutapcic, a Bosniac returnee, was killed in Pale in Republika Srpska. Again the motive and perpetrators were unknown, but the crime was disturbing to the returnee community.

On April 6, an organized riot took place in west Mostar, Grude, Siroki Brijeg, Medjugorje, and Tomislavgrad, during an abortive international audit of the Hercegovacka Bank offices. A mob beat twenty-one members of SFOR and the Office of the High Representative tasked with implementation of civilian aspects of the peace process; two gunmen in Grude took eight investigators hostage and threatened to execute one of them. On May 5, Republika Srpska police in Trebinje did little to prevent several hundred Serb nationalists from throwing rocks and bottles at a delegation of state and international officials who came for a ceremony to mark the reconstruction of a mosque.

Independent journalists received explicit threats from nationalists in both entities. The Bosnian Helsinki Committee reported that journalist Ljuba Djikic from Tomislavgrad was threatened with lynching after her son Ivica Djikic, also a journalist, expressed his opinion about the situation in Croat-controlled parts of the federation. Mika Damjanovic, a journalist of the Sarajevo daily "Dnevni Avaz" and reporter-cameraman of the Federation TV, was attacked in Orasje by an HDZ activist who accused Damjanovic of being a "Croatian traitor." A bomb exploded in the doorway of an apartment belonging to journalist Zoran Soviljs, causing only property damage. The International Police Task Force concluded that his coverage of trafficking and prostitution had motivated the attack. In April the Organization for Security and Cooperation in Europe's Free Media Helpline registered an alarming increase in complaints from radio and television stations in Croat-dominated areas about pressure, threats, and intimidation of editors and staff made by the HDZ and other Croat self-rule supporters.

SFOR apprehended two war crimes suspects, both indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) in connection with crimes committed in Srebrenica in July 1995: Col. Dragan Obrenovic was arrested on April 15, and Col. Vidoje Blagojevic on August 10. NATO officials repeatedly claimed that NATO did not always know the whereabouts of indicted wartime Bosnian Serb leader Radovan

Karadzic and former Serb army commander Ratko Mladic. In the alternative, NATO officials suggested that the two were in the Federal Republic of Yugoslavia and thus out of reach of NATO troops.

On August 4, the federation government surrendered to the tribunal three Bosniac officers of the Bosnia and Herzegovina army, Enver Hadzahasanovic, Mehmed Alagic, and Amir Kubura, charged with war crimes against Bosnian Croats and Serbs during the 1992-1995 war. Bosnian Minister for Refugees Sefer Halilovic surrendered to the tribunal voluntarily on September 25. The Republika Srpska had still not apprehended and surrendered to the tribunal a single war crime indictee. The Tribunal Office of the Prosecutor stated in October that at least seventeen indictees were at large in Republika Srpska. Two indicted Bosnian Serbs, former Republika Srpska president Biljana Plavsic and Serb Army officer Dragan Jokic, voluntarily surrendered to the tribunal, on January 10 and August 15 respectively. On October 2, the Republika Srpska National Assembly adopted a law on cooperation with the tribunal.

Defending Human Rights

Local and international human rights organizations were generally free to monitor and report on the human rights situation. Due to concern for researchers' safety, however, some organizations were unwilling to conduct research into corruption in the country. The Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Helsinki Committee in Republika Srpska continued to be among the leading human rights groups in the country. The office of the Ombudsman for Republika Srpska became fully operative in November 2000. A similar institution had already been in existence in the federation. Most decisions by the national Human Rights Chamber, Bosnia's human rights court, pertained to repossession of houses and apartments by their pre-war owners.

Lara, an antitrafficking NGO in Bijeljina, continued to offer assistance to women trafficked into Republika Srpska for forced prostitution and received threats after launching a nationwide antitrafficking campaign.

The Role of the International Community

Office of the High Representative (OHR)

On June 21, the Peace Implementation Council Steering Board extended the mandate of High Representative Wolfgang Petritsch for another year. Responding to the March 3 proclamation of Croat self-governance in Bosnia and Herzegovina, on March 7 Petritsch removed Bosnian Croat leader Ante Jelavic from his seat in the national Presidency and barred him from holding any official or elected public office or post within political parties. Between March and June, the high representative also dismissed three leading HDZ politicians and four top-ranking police officials in Croat canton seven because of their obstruction of the implementation of the Dayton/Paris Peace Agreement. The overall number of dismissals declined in comparison to the previous year, reflecting the OHR-advocated principle of ownership, whereby indigenous actors – rather than international supervisors – were to take the initiative in the implementation of laws.

United Nations

In a resolution adopted June 21, the Security Council extended the

mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), including the International Police Task Force (IPTF), for an additional twelve-month period. The IPTF strength (around 1,800) remained below the authorized number of 2,057. UNMIBH completed registration of all Bosnian police personnel in May 2001 and granted provisional authorization to over 9,300 officers to exercise police powers. Twenty-three police officers had their authorization withdrawn for professional misconduct or for human rights violations. UNMIBH expected that by late 2002 all law enforcement officials would have been appropriately vetted prior to receiving UNMIBH final certification.

In February, UNMIBH dismissed the police chief and the chief of the crime department in Bratunac, a municipality in Republika Srpska where incidents against Bosniac returnees were frequent. In May, UNMIBH also dismissed six top-ranking police officials in the Croat part of the federation who refused to accept the authority of the federal Ministry of Interior during the Croat self-rule campaign.

The U.N. Commission on Human Rights adopted a resolution on April 18 on human rights in parts of southeastern Europe, in which it welcomed the establishment of non-nationalist parties in Bosnia and in the federation and condemned the continued harassment of minority returnees. The chairman of the Commission appointed Jose Cutileiro of Portugal as a special representative to examine the situation of human rights in Bosnia and Herzegovina and in the Federal Republic of Yugoslavia.

In the first conviction on genocide charges before the U.N. International Criminal Tribunal for the former Yugoslavia (ICTY), Bosnian Serb Army General Radislav Krstic was sentenced on August 2 to forty-six years in prison. The tribunal found Krstic responsible for the murder of between 7,000 and 8,000 Bosnian Muslim men and boys after the fall of Srebrenica in July 1995. On February 22, the ICTY convicted Bosnian Serbs Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic for rape, torture, and enslavement committed in Foca during the Bosnian war. This case marked the first time in history that an international tribunal brought charges expressly for crimes of sexual violence against women. The decision also marked the first time that the ICTY found rape and enslavement to be crimes against humanity. On August 1, the tribunal sentenced Stevan Todorovic, former police chief in Bosanski Samac, to ten years in prison for persecution of Bosniacs and Croats in 1992. Bosnian Croats Dario Kordic and Mario Cerkez were sentenced on February 26 to prison sentences for crimes committed against Bosniac civilians in 1992 and 1993.

Organization for Security and Cooperation in Europe (OSCE)

The OSCE-chaired Provisional Election Commission (PEC) organized general elections on November 11, 2000. In response to the illegal referendum on Croat self-rule on the day of the elections, the PEC's Election Appeals Sub-Commission (EASC) nullified the mandates of the two HDZ candidates who received the most votes among the party's candidates for each of five cantonal assemblies. The EASC also banned reallocation of their mandates to other candidates. The EASC ceased operations in April 2001 as part of the process of transferring responsibilities from the PEC to the permanent Bosnia and Herzegovina election commission, which commenced its work on November 20, 2001.

On April 10, the OSCE Mission released its 2000 Free Media Help Line report, including a detailed review of cases reported to the Help Line in

2000. The report established that the most cases of threats and intimidation reported in 2000 were committed by government or public officials (34.6 percent), followed by anonymous and unaffiliated individuals (with 25 percent each).

Council of Europe

At a November 2000 session the Committee of Ministers of the Council of Europe welcomed the progress achieved by Bosnia and Herzegovina toward meeting the criteria for accession to the Council of Europe and added that further progress was needed, including the adoption of an electoral law. The ministers in May 2001 invited the newly established governmental structures in the country to accelerate the implementation of the required conditions for membership. The Bosnia and Herzegovina House of Representatives adopted an Election Law on August 21. On September 27, the Political Affairs Committee of the Council of Europe Parliamentary Assembly recommended that the Committee of Ministers invite Bosnia and Herzegovina to become a council member.

European Union

The Presidency of the European Union condemned unilateral moves of the Croat nationalist parties in March to establish a self-governing structure. The Presidency also supported the decision of the high representative to remove Bosnian Croat leader Ante Jelavic from his post in the Bosnian presidency. At meetings in May and June in Brussels, the E.U. General Affairs Council condemned all forms of separatism and nationalist violence in Bosnia and Herzegovina and supported the high representative's responses to these developments. During a visit to Sarajevo in May, Chris Patten, the E.U. External Relations Commissioner, and Anna Lindh, Foreign Minister of Sweden (which held the E.U. Presidency at the time), stated that Bosnia's accession to the Council of Europe was a precondition to further negotiations on a stabilization and association agreement with the European Union.

United States

During the year, the United States reduced its contingent in the Stabilization Force from 4,400 troops to 3,300. A spokesman for the U.S. contingent stated in early October that U.S. troops in Bosnia would not be pulled out to engage in the U.S.-led military campaign in Afghanistan. State Department officials refused to meet with Republika Srpska President Mirko Sarovic and Vice President Dragan Cavic during their visit to Washington in April. Sarovic and Cavic are leaders of the Serbian Democratic Party, which was founded by indicted war criminal Radovan Karadzic. The United States also endorsed the elections of a non-nationalist national government and expressed support for the decision of the High Representative to dismiss Ante Jelavic from office.

DynCorp, Inc., the U.S. contractor responsible for employing U.S. IPTF officers and SFOR contractors, faced two lawsuits for wrongful termination after dismissing two DynCorp employees who raised allegations that DynCorp personnel had engaged in human trafficking-related activities. The lawsuits were still pending at the time of this writing.

