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World Report 2012 - Bosnia and Herzegovina

Events of 2011

The continuing political crisis in Bosnia and Herzegovina impeded necessary human rights reforms, including the constitutional changes needed to end discriminatory restrictions on Jews and Roma holding political office. Roma in particular remain extremely vulnerable and subject to widespread discrimination. More than 15 years after being indicted for the 1995 Srebrenica genocide, Bosnian Serb wartime commander Ratko Mladic faced trial in the Hague. Returns of refugees and displaced persons continued to dwindle with little or no progress on durable solutions, including for Roma refugees from Kosovo.

Ethnic and Religious Discrimination

Bosnia again failed to implement a 2009 European Court of Human Rights (ECtHR) ruling (the *Sejdic and Finci v. Bosnia and Herzegovina* case) ordering the country to amend its constitution to eliminate ethnic discrimination in the national tri-partite presidency and House of Peoples. Currently only members of the three main ethnic groups (Bosniaks, Serbs, and Croats) may stand for election. Political gridlock, including failure to form a national government one year after general elections, meant the parliamentary body charged with proposing constitutional amendments had to yet to be formed and a similar ministerial-level body had yet to meet at this writing.

Although more Roma children were enrolled in primary and secondary education in 2011, they still attend school at lower rates than their peers. In addition, the 99 percent unemployment rate for Roma in Bosnia in 2011 meant even those who completed school had virtually no chance of finding work. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), up to 10 percent of Roma are not on the public registry in Bosnia, impeding their access to public services. Many Roma remained unable to access needed health care services due to registration restrictions, and most Roma remained in informal settlements with poor housing.

More than 100 Roma in Mostar, many elderly or children, faced imminent forced eviction

in November from their homes in a settlement to make room for a housing project sponsored by the city and the Ministry of Human Rights for 18 other Roma families. At this writing the authorities had failed to identify alternative housing for those facing eviction, some of whom were moved in late 2010 from another location in Mostar.

War Crimes Accountability

On May 31, 2011, Bosnian Serb army commander Ratko Mladic was extradited to the International Criminal Tribunal for the Former Yugoslavia (ICTY) (see Serbia chapter). Mladic made his first appearance in court in June, pleading not guilty to 11 counts of genocide, crimes against humanity, and war crimes, including the massacre of up to 8,000 Bosnian men and boys from Srebrenica in July 1995 and the siege of Sarajevo from 1992 to 1995. In October the trial member rejected a request from the prosecutor to split the charges into two trials and proceed with the Srebrenica charges first to ensure efficiency and justice for victims. The trial member concluded the request would "prejudice the accused and render the trials less manageable."

The trial of Bosnian Serb wartime president Radovan Karadzic, charged with many of the same crimes as Mladic, continued at the ICTY in 2011, with some delays due to disputes between his legal team and the prosecutor's office about delayed disclosure of evidence to the defense.

In September Momcilo Perisic, former Yugoslav army chief of staff, was convicted at the ICTY of war crimes committed in Bosnia and Herzegovina and Croatia, including involvement in the Srebrenica massacre. He was sentenced to 27 years in prison.

Between September 2010 and 2011, the domestic War Crimes Chamber in Bosnia reached final verdicts in 24 cases, raising the total number of completed cases to 75.

Refugees and Internally Displaced Persons

The adoption of a revised strategy in 2010 to support the return of refugees and internally displaced persons (IDPs) did little to arrest the declining number of such returns. According to UNHCR only 146 refugees and 177 IDPs returned to their areas of origin in the first six months of 2011. As of mid-2011, there were 113,188 registered IDPs (including about 7,000 in collective centers), according to UNHCR, with 48,583 in the Federation, 64,359 in Republika Srpska, and 246 in Brcko District. Impediments to return remained similar to previous years: lack of economic opportunity in Bosnia, inadequate housing, and reluctance to return to areas where residents would be an ethnic minority.

Bosnia continued to host Roma, Ashkali, and Egyptians from Kosovo under temporary protected status, many of whom had lived in the country for over a decade. As of June 2011, UNHCR reported that there were 152 Kosovo Roma in Bosnia, up from previous years.

National Security and Human Rights

In June Ahmed el-Farahat, an Egyptian national arrested and detained at Lukavica immigration detention center in October 2010 under national security legislation, was deported to Egypt without criminal charges being filed against him or the opportunity to examine evidence and appeal his deportation. El-Farahat, who had gone on hunger strike earlier in the year to protest his indefinite detention, had lived in Bosnia with legal permanent resident status since the early 1990s. Five other national security suspects were detained without charge at Lukavica, including three with cases pending before the ECtHR.

In March Thomas Hammarberg, Council of Europe commissioner of human rights, condemned Bosnia's failure to implement recommendations, made after his 2007 visit to the country, on improved safeguards for national security suspects, including a judicial remedy for long-term detainees at Lukavica detention center and suspending

deportations for those at risk of torture or ill-treatment in the countries of return.

In February the Court of Bosnia and Herzegovina began the trial of six defendants charged with the 2010 bombing of a police station in the town of Bugojno, which killed one police officer. Three of the six defendants pleaded not guilty, while two defendants refused to enter pleas and one did not attend the hearing. At this writing only two defendants had attended the two hearings of the trial.

Freedom of Media

In August journalist Omer Hasanovic and cameraman Emir Hrcic of the Federation Radio-Television were attacked in Zivinice by 10 men who confiscated their equipment. They were reporting on Mehmed Butkovic's activities during his suspension as the head imam of the Islamic community in Zivinice. Witnesses claimed that the assailants were Butkovic and his followers. There were no arrests in the case at this writing.

There were no significant developments in investigating threats made in 2010 against TV editor Bakir Hadziomerovic and an assault on TV journalist Osman Drina the same year. Hadziomerovic continued to receive death threats – the latest in February 2011 – but no arrests had been made at this writing. Hadziomerovic has been living under police protection since 2009.

Key International Actors

The European Union played an increasingly significant role in Bosnia in 2011, opening a new office in Sarajevo to house both the EU Special Representative in Bosnia and an increasing number of staff working towards EU integration. Peter Sorensen, the new head of the EU Delegation to Bosnia and Herzegovina (BiH) and EU special representative (EUSR), was appointed in 2011 and took office in September.

Catherine Ashton, the EU high representative for foreign affairs and security policy/ vice-president of the European Commission, assumed the main role in defusing tensions with Republika Srpska leader Milorad Dodik after he called for an RS referendum on national government institutions, including the war crimes tribunals, which was seen as a precursor for eventual referendum on Republika Srpska's secession from Bosnia.

The European Commission's annual progress report on Bosnia and Herzegovina in October identified the continued failure to form a state-level government as a key obstacle to reform, including implementation of the *Sejdic and Finci* ruling. The report also highlighted ongoing discrimination against Roma (despite some moves to implement the Roma strategy), political pressure on the media and intimidation of journalists, segregated education, and little progress on rule of law.

In his March report released following his visit to Bosnia, Hammarberg underlined the need to enhance protection of Roma, including the Kosovo Roma, under temporary protected status, end ethnic segregation in public schools, and to find a durable solution for refugees and IDPs.

In February the Council of Europe's European Commission against Racism and Intolerance (ECRI) criticized lack of progress on implementing the *Sejdic and Finci* ruling, while highlighting the continued marginalization of minority groups, particularly Roma.

In a joint opinion issued in June, United States Secretary of State Hillary Clinton and United Kingdom Foreign Affairs Minister William Hague expressed disappointment at the protracted institutional gridlock in Bosnia that was preventing needed reforms, including ending ethnic discrimination in politics. During a visit to Bosnia the same month, US Assistant Secretary of State Philip H. Gordon stated the country had made little political progress since 2006-2007 and called on Bosnian politicians to form a government and stop stoking ethnic tensions.

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