

# **OHR Bulletin - 1 August 1998**

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## **Privatisation**

After failure by the BiH House of Peoples to pass the Framework Law on Privatisation, previously adopted by the Council of Ministers (CoM) and House of Representatives, the High Representative imposed the law on 22 July.

The Framework Law (the Draft Law for the Privatisation of Enterprises and Banks), secures a legal basis for privatisation by recognising the right of the Entities to privatize non-privately owned enterprises and banks located on their territory. Since privatisation is linked with the elimination of domestic debt, i.e. citizens' claims, it further stipulates that privatisation legislation of the Entities accords with certain key principles: a non-discriminatory approach, transparency and public accountability. It also provides for a review of ownership transformation that has taken place since the year 1991. The law specifies inter-Entity cooperation as necessary for issues which cannot be resolved by either Entity alone.

The Draft Law was originally submitted by the OHR to the CoM on 23 February of this year, and after collaborative work on its contents, the law was adopted by the CoM on 28 May. It was passed on the understanding that the HR would establish a Privatisation Commission, to monitor closely all phases of the privatisation process, and this Commission was accordingly established, on 23 June.

The Commission will, although without directly participating in the process, observe the implementation of the non-discrimination principle, in particular concerning the claims of refugees and displaced persons, and the respect of the transparency and accountability principles. The HR is appointing a chairman and two other members for the Commission.

The Draft Law was forwarded to the BiH House of Representatives, which passed it at its 14 July session, and went before the 22 July House of Peoples session. However, it was rejected by this House as the result of a vote against the measure by Serb members of the Assembly.

The HR termed this obstruction entirely unacceptable, and inconsistent with the previously agreed positions of the

House of Representatives and the Council of Ministers. He reiterated that the Framework Law, as a key component of the BiH economic rehabilitation programme on Privatisation should be adopted and implemented without delay, in accordance with the stated principles. . For this reason the High Representative decided to impose the Framework law on the Privatisation of Enterprises and Banks, on 22 July. This entered into force on the following day.

## **Steering Board Meeting**

At the 22 July meeting in Brussels of the Peace Implementation Council (PIC) Steering Board, progress since the Luxembourg Ministerial Meeting was the overall theme.

Among the issues raised were the following:

- The apprehension of indicted war criminals. All members of the Steering Board reported that they were satisfied with the progress to date. The Steering Board conclusions note that now one half of those indicted are in custody.
- The introduction of the Convertible Mark. Again, a positive development was noted. Circulation is increasing week by week and despite some initial difficulties, it seems to be taking hold.
- The progress of the BiH licence plates. A report was given by the HR. Yet again, this was highly positive overall. The percentage of new number plates now in use is very high in both Entities.
- There was considerable discussion of media reform. The HR reported on the restructuring of RTV BiH, and the establishment of the Independent Media Commission (IMC) which starts work on August 1.
- Questions were asked on the forthcoming elections, included the concerns of several Steering Board Members about the nature of broadcasts in BiH by Croatia Radio Television (HRT) The need to regulate these broadcasts on the territory of BiH was discussed, together with the need to clarify the legal position of the transmitters and frequencies being used by HRT on BiH territory.

It was noted that the Zagreb authorities should ensure that HRT in general adheres to European standards of public service broadcasting, according to the requirements of Council of Europe membership.

Further topics discussed included:

- The inauguration of the Federal Ministry of the Interior, the ceremony for which took place on 1 June. The High Representative commented that he had stressed several areas where urgent progress is needed for the Federation MUP to be fully operative. He also gave a report on the new EU BiH Consultative Task Force and its first session. He mentioned that progress has been achieved through great effort and significant pressure exerted on the authorities. In several areas, particularly refugee returns and the functioning of the common institutions, progress remains slow.
- He also reported that cooperation with and by the Republika Srpska Government is in recent times below expectations, particularly, in the areas of refugee return and police restructuring.
- The Steering Board Members expressed concern over the level of cooperation between the Croat and Bosniak authorities in the area of customs regulation. They discussed several options for the formation of the multi-ethnic border police force, which would oversee the enforcement of the common customs code adopted at the 8 July session of the CoM. It agreed that this was vital to help stem the huge loss of revenue resulting annually from customs abuse.
- Finally, the Steering Board expressed particular disappointment at the performance of the Sarajevo authorities in implementing the Sarajevo Declaration. They concluded that the current situation was unacceptable and expressed that there is a need for immediate and demonstrable

action to move this process forward as rapidly as possible.

## **Security Council**

Speaking to the Security Council on 27 July, HR Westendorp told the Council that the RS Government has continued to consolidate its position, although adding that its performance has remained disappointing, especially as far as refugee returns and policing matters are concerned.

- Clear advances have been made, however, regarding licence plates, the new currency, privatisation, and the implementation of the municipal elections. This has been accompanied by substantial progress in implementing the objectives of the media strategy.

The HR stated that the EU BiH Consultative Task Force has begun work and will, in close co-ordination with the work of OHR - help create necessary legal and administrative preconditions for a genuine civic society in BiH.

He warmly welcomed the decision to extend the presence of SFOR, and expressed gratitude to the troop contributing nations.

- He mentioned the tendency that has been observed on the part of local leaders to look to the international community to solve problems rather than addressing these themselves.
- He commented that the present degree of international support will not last for ever, and is now at its peak.
- Bosnia's leaders should exploit the window provided by aid, and by the recently extended international military presence, to build their country based on effective political institutions and a free market economy.

"The elections in two months' time are a vital opportunity for the people of Bosnia and Herzegovina themselves to express their own wishes about the future of their country; to examine the record of their elected leaders and to judge them on it; and to elect those candidates ready to make the difficult compromises necessary to create a lasting peace, and allow Bosnia and Herzegovina to take its rightful place in Europe."

## **Environment Pact**

A pact was signed in Szentendre, Hungary, on Tuesday 14 July, by the Entity Environment Ministers, pledging peaceful cooperation on environmental policies.

The signing of the Szentendre Agreement means that the two Entities have officially chosen to cooperate in harmonising their environmental policies for the BiH state.

"We used to be neighbors," said Jovo Basic, Minister of Urbanisation, Physical Planning, Construction and Environment for the RS. "We breathe the same air, often drink the same water and walk the same ground and share the same goals so we must rely on each other. I can freely say on behalf of my Government that we're committed to cooperate with the Federation, Europe and the world."

"This agreement is an indication that things in Bosnia and Herzegovina are finally changing for the better," said Ibrahim Morankic, Minister of Urban Planning and Environment for the Federation.

At this meeting, an Environmental Steering Committee, which will meet at regular intervals and be composed mainly of members from both Entities, was created to help formulate the environmental laws and policies of the two Entities.

The signing was moderated by the OHR. The High Representative welcomes this agreement, which will be of benefit to the quality of life of BiH citizens.

No session has been held since the 36th session on 2 July, described in issue 72 of this Bulletin.

## Council of Ministers

The 8 July session was extended, ending on 9 July. At this session the Draft Permanent Law on Customs Policy, submitted to the CoM on June 17 was adopted. The draft, based on the European Union's Customs Code, will introduce customs procedures to Bosnia consistent with European Union standards. According to an announcement by the EU, this law brings BiH a step closer to Europe and is consistent with the recently adopted European Union Declaration on Bosnia, which affirmed that Bosnia belongs to Europe.

In addition, discussion focused on implementation of the law on the CoM, the Law on Travel Documents, the execution of the Budget and on Paris Club negotiations of the BiH debt.

The Ministry of Civil Affairs and Communications was reported to be now located in the Faculty of Electrical Engineering.

Concerning implementation of the Law on execution of the Budget, Minister of Civil Affairs Spasoje Albijanic reported. He summarised the positive results of the meeting recently held in the OHR with the Ministers of Finance of the Entities, who agreed on contributing directly to the State budget

In the final part of the session, Minister Albijanic reported on the state of implementation of the Law on Travel Documents. he explained that due to technical reasons, the date for the issuing of passports had been delayed but computer infrastructure was being established in both Entities, and distribution would soon begin.

The subsequent CoM session was held on 16 and 21 July.

The first part was dedicated to the discussion and approval of the BiH platform for the Paris Club negotiations on debt.

In the second part of the session the CoM discussed the following items : - Annexes to the Agreement on new border crossings between BiH and the Republic of Croatia; - The Agreement on border railway traffic between BiH and the Republic of Croatia; - The Agreement on navigation of the Sava River between BiH and the Republic of Croatia; - The status of telecommunication operators in BiH; - The MoU on the establishment of the BiH Coordination Board for Statistics.

No agreement was reached on any of these issues, although the HR has several times stressed the urgent need for agreement on the Coordination Board for Statistics, and the risk that the CoM runs of losing the substantial donations allocated by the International Community for this purpose.

### CoM and Demining

Foreign Minister Jadranko Prlic and Minister of Civil Affairs and Communications Spasoje Albijanic, on behalf of the CoM, on 16 July officially took over responsibility for the demining process in BiH from the UN.

Minister Prlic reminded those present that BiH last year signed the Agreement on Banning the Production, Storage and Usage of Anti-Personnel Mines, the sixth nation in the world to do so.

The CoM and the Governments of both Entities will, through the state commission and the demining centers at the state and Entity levels, independently set demining standards. This will include controlling the quality of the work of demining companies, and stimulating development of domestic capacities in this sector.

The ceremony was also attended by UN Special Envoy Elisabeth Rehn, who presented figures on mine-related accidents, and mine clearance.

According to Rehn, a total of 28,425 mines were discovered and destroyed last year.

"In no other country similarly polluted by mines is such a diverse effort being employed to rid the country of the menace, by incorporating a mixture of military units, commercial companies, Non-Governmental Organizations and directly employed Government mine clearance teams. Given this mix of resources, a unique opportunity exists for improving mine clearance productivity," Rehn said.

## **Exhumations**

Exhumation of the mass graves of BiH continues, with good cooperation from the local police and authorities. An agreement has been reached between all three Commissions for Missing Persons (CMPs) that all can work with more than one exhumation team simultaneously. This enables them to concentrate on unburied remains, which, as the most vulnerable to displacement are those most urgently requiring location and identification. Local police are cooperating excellently concerning the security of teams belonging to other ethnic groups. (A good example of this is provided by the fact that the RS police have undertaken responsibility for the security of the Bosniak team currently operating in Prijedor.)

However, the fact that several teams are working simultaneously has made the shortage of resources a yet more urgent issue. More funding is needed for all stages of the exhumation and identification process.

The IC is providing funds and expertise, but the local authorities must understand that this process is highly expensive, and that Government funds should be allocated to all three sides to enable them to work. In addition, a long-term commitment is needed on the part of the local authorities, in recognition of the fact that the process will continue for a while, and that substantial funding will be required for re-burials, as well as exhumation and identification.

Meanwhile the IC is providing funds for de-mining grave-sites, for exhumation equipment, and the identification procedure, including DNA identification, and will soon commence funding the three CMPs directly.

## **Media**

On 8 July the High Representative appointed an international adviser to Radio Television Bosnia and Herzegovina (RTV BiH) who will assist with the restructuring of the television network.

The High Representative selected Tomaz Perovic of Slovenia for his extensive experience as a manager and producer of current affairs programming as well as for his familiarity with broadcasting in the region.

The appointment follows the 10 June Memorandum of Understanding on the restructuring of RTV BiH which was endorsed by members of the Presidency and the Trade Union of RTV BiH. Perovic, as agreed in the MoU, will serve as the international member of an interim Board of Governors and will seek to attract financial and technical assistance for the network.

The High Representative strongly believes that the establishment of genuine public broadcasting throughout BiH is crucial to promoting pluralism and a lasting peace. Television and radio paid for by taxpayers must be free from direct political control and display transparency in its governance and financial management.

The International Community has fully supported the High Representative's effort to launch reform of public broadcasting and has called for the reorganisation of RTV BiH in accordance with the highest European standards. If BiH hopes to join the European Union, it must fulfil such standards, since media present a key issue for membership in the Council of Europe

### **Short Biography of Tomaz Perovic**

Perovic was born in November, 1959 in Maribor. He graduated in 1985 from the Faculty of Sociology, Political Science and Journalism in Ljubljana. Perovic worked as a journalist for Television Slovenia and then worked as editor-in-chief of a television magazine programme, Studio Ljubljana, which became known as Studio City.

In 1994, he launched a current affairs programme entitled "Pro et Contra" for TV Slovenia. For the past three years, Perovic has served director of news and sports programming at Slovenia's first commercial network, POP TV.

He recently published a book, "Television News". Perovic is a lecturer at the University of Ljubljana.

### **Board of Governors**

On 9 July it was announced that the HR had ratified the names of the RTV BiH Board of Governors. This list was produced and ratified after intensive consultations with the Bosnian Presidency and representatives of the Bosnian Trade Union

The Board consists of top officials from the fields of journalism and law, academia and business, including a representative of the Bosnian Trade union, The members were chosen in accordance with the Memorandum on Understanding signed last month.

The Board of Governors consists of Hamza Baksic, Boro Kontic, Zlatko Prlenda, Fehim Kapidzic, Ante Domazet, Plamenko Custovic, Enver Cengic, Jelenka Vockic-Avdagic, Dunja Blazevic, Lamiya Hadziosmaovic, and the international adviser, Tomaz Perovic.

The Board of Governors subsequently appointed a General Manager for RTV BiH: Miro Purivatra.

### **Independent Media Commission (IMC)**

Prior to becoming fully operative on 1 August, the Independent Media Commission (IMC) held a press conference to introduce itself and its senior members. Director General of the IMC, Krister Thelin; Deputy Director General Robert Gillette; Head of Licensing & Compliance Ken Lindsay (Head of Monitoring and Complaints), and Public Affairs officer Dieter Loraine, were present. (David Betts, Head of Engineering, was unable to be present, but it was announced that he would soon be arriving in BiH to take up his duties).

The introductory statement emphasised the following points:

The Independent Media Commission (IMC) was established on 11 June 1998 by the High Representative, acting under and with the authority of Annex 10 of the General Framework for Peace and Article V of the Conclusions of the Bonn Peace Implementation Conference, 1997.

The IMC will establish a regulatory regime for broadcasting and other media in BiH. It has the responsibility to establish a fair, orderly and open process for the licensing and regulation of radio and TV broadcasting, including management of the frequency spectrum to prevent interference among broadcasters.

From the date of the High Representative's Decision, 11 June 1998, there has been a moratorium on the issuing of any new frequencies for broadcasting purposes. This will remain in effect until such time as the IMC grants a license or otherwise permits such new broadcasting.

The IMC will promulgate and enforce a Broadcast Code of Practice for TV and Radio. This Code enters into force as of 1 August 1998. With regard to the print media, the IMC intends to co-operate and consult with domestic and international journalistic organisations to develop a code of conduct. It is not the intention of the IMC to license journalists or newspapers.

All codes of conduct shall be consistent with generally accepted European practices and are not only intended to regulate but to promote the development of the media in BiH.

The IMC will monitor and assess the work of the media serving the general public. It will receive and respond to complaints and comments from the public, the media, and international and local organisations. Breaches of the Programme Codes or License application criteria will result in appropriate measures, ranging from the requirement to publish an apology, to, in the case of repeated serious breaches, the termination of a licence.

IMC has four main departments, reporting to the Director General. These are Licensing & Compliance, Monitoring and Complaints, Engineering, and Administration & Finance. An international expert heads each department, supported by a Bosnian deputy. The remainder of the positions are in the process of being filled by experienced staff from both Entities.

Above the Director General will be a Council, which shall consist of seven members, the majority of which shall be drawn from leading and representative members of BiH and minority from the international community. The Council has overall responsibility for the determination of policy of the IMC.

In addition to the Council there will also be an Enforcement Panel, also consisting of seven members. This panel will consider and determine serious breaches of the codes and licenses except in circumstances when immediate action is required, and then the Director General shall take such decisions as necessary. The make up of the Enforcement Panel is comparable to that of the Council, in that the majority of the members will be drawn from leading citizens of Bosnia and Herzegovina. Decisions of the Enforcement Panel are subject to review by the Council. Wide consultations were held with national and international organisations to enable the drafting of a list of prospective members for both bodies.

Until such time as the IMC is fully established and functional it will co-operate with the Media Experts Commission (MEC) to ensure consistency in media enforcement efforts, culminating in a smooth transition of the MEC's authorities to the Commission at an agreed time. It also worth noting that the IMC has been fully enfranchised by the Provisional Elections Commission (PEC) Rules and Regulations.

IMC seeks to co-operate with BiH government agencies and parliaments to encourage the development of a coherent structure of telecommunications and media law in BiH that promotes fair competition, innovation and efficient management of the frequency spectrum.

The majority of IMC staff will be citizens of BiH who will be employed for their expertise in the fields of Monitoring, Licensing, Public Affairs Administration, Engineering and Finance. At the earliest feasible time, and with the development of media law or laws, there will be a transfer of authority to an appropriate body or bodies – fully staffed and administered by Bosnians.

### **RS Government Media Action**

The recent decision by the RS government to dismiss the directors or editors-in-chief of 16 local electronic media in the RS raised concern in the OHR. This action, made in response, according to the RS Ministry of Information, to violations by these stations of the RS information code, strongly demonstrated the need for properly structured media regulation. The HR places a high priority on the introduction and implementation of comprehensive laws, in both Entities. These must be accompanied by a proper regulatory structure governing broadcasting standards, that protects rather than censors journalists and journalism.

## **Returns**

Regular Reporting within the Return and Reconstruction Task Force (RRTF) A number of regional and local RRTFs having been opened or reinforced throughout BiH, it has been decided to strengthen the work of each regional RRTF by a process enabling prompt sharing of information among the different RRTFs.

A weekly report mechanism has been put in place. The aim is that each regional RRTF should summarise the events and the objectives pertinent to its region by the end of each week. The central RRTF then summarises these reports country-wide. Questions put forward via the reports will also be answered.

Below follow a few highlights taken from the first number of the weekly summary report:

### **Regional RRTF Mostar: Mostar LRRTF:**

Returns Picking Up in the Mostar Area... The reconstruction project of 50 Croat houses in Mostar Old Town funded by the Dutch Government is expected to commence in August. The co-ordinator of the project, Mr. Jole Musa, claims to have additional 50 Croat applications for return (after verification this additional reconstruction is expected to start immediately).

### **Eastern RS LRRTF:**

On the other side of the IEBL from Mostar.... 135 Bosniaks from Sarajevo, Denmark and Sweden came for an

assessment visit to Trebinje on 18 July. No incidents took place.

Konjic authorities came to Trebinje on 23 July, and addressed Displaced Persons (DPs) from Trebinje and Nevesinje, informing them about the situation in Konjic and in the Federation. The meeting was assessed as successful although there were quite a few interruptions of the introductory remarks. The DPs seemed very interested and asked many questions. There were many DPs from Hodbina (Mostar) present, and around 40 families interested in returning.

### **Regional RRTF North West:**

The Mufti of Banja Luka died in Banja Luka hospital on Tuesday. The Mufti had remained in the city throughout the war. He had suffered two heart attacks the previous week. He chose to stay in Banja Luka, despite the offer of more advanced treatment abroad. He had two further heart attacks on Monday and Tuesday. The Islamic Community wished to bury him on the site of the Ferhadija Mosque, but the municipal authorities refused permission. There were long negotiations, but neither side was willing to compromise. The Islamic Community decided that he would be buried in Sarajevo. Nevertheless, hard-line RS politicians, led a crowd which staged a violent protest on the site of the mosque on Thursday afternoon. An anti Islam demonstration with some 3-400 participants was created.

### **Cross Border Returns: Moving Forward... An initial ARC/UNHCR organized "go-and-see-visit" from Knin to Banja Luka**

on 22 July 1998 went smoothly. During the one-day visit, 48 Bosnian Croats from Banja Luka area currently staying in Knin and Udbina visited their houses and met their friends and relatives in Banja Luka. Some of them obtained different types of documents and papers and, among other activities, applied for the restitution of their property. There were no security incidents recorded. The visitors were even surprised by the positive reactions of the occupants of their houses, mostly Bosnian Serb DPs.

### **Visit to Croatia:**

The first assessment visit to Croatia since February took place last week. Ten persons visited Vojnic. All visitors were able to obtain documentation and visited their houses. Meeting between current occupants of the houses and the visitors were reported to be cordial. They also met with the Mayor who was very cooperative. IOM (International Organisation for Migration) provided assistance in transportation and OSCE as well as the ECMM were also present to monitor the whole event.

During the following two weeks another visit to Vojnic will take place followed by visits to Vrgin Most and Knin.

### **Sarajevo Declaration -Background and Update**

The Sarajevo Declaration was passed on 3 February this year with the goal of encouraging minority returns to Sarajevo. The agreed target was the return of 20,000 Serb, Croat and other non-Bosniak pre-war residents by the end of this year.

To date, minority return had been at unsatisfactory levels throughout BiH, in particular in Republika Srpska. But the participants of the Sarajevo Conference – senior representatives of the OHR, the USA, the EU, members of BiH Presidency and other senior State, Entity and Cantonal officials – agreed that Sarajevo's status as the capital and its history of multi-ethnic co-existence necessitated that this city should take the lead. Sarajevo should serve as an example for reconciliation and the unconditional right of every citizen of BiH to return home.

Another encouraging factor was that the party in power in Sarajevo Canton, the Party of Democratic Action (SDA), had officially always supported the idea of a re-united, multi-ethnic country.

The participants agreed on a set of measures and deadlines for meeting these obligations. The latter included

- the adoption of property and housing legislation by the Federation;
- a review of the education system, the creation of employment opportunities for returnees;
- the restructuring of the police force;
- the solution of specified return cases, among them 100 outstanding UNHCR cases and 29 cases



from the Jewish Community.

In addition, the Sarajevo authorities had indicated previously that there were numerous cases in Sarajevo in which one person or family illegally occupied more than one apartment or house. Therefore the Sarajevo Declaration called on the authorities to identify 500 such cases of "multiple occupancy" by 1 April and another 1,500 by 30 June. A principle agreed at the Conference was that nobody would be made homeless by returns. In a case of multiple occupancy the "multiple occupants" would continue to hold the one apartment for which they had occupancy rights, and the pre-war tenant would be reinstated in the other apartment.

Over the following months, Cantonal authorities and international organizations identified hundreds of cases of potential "multiple occupancy." But almost none of them was resolved. On 27 May, the High Representative and the Ambassadors of the Steering Board of the Peace Implementation Council handed a list of 261 such cases to the Chairman of the Presidency Alija Izetbegovic, asking him to help resolve them. This list included 220 cases initially identified as cases of multiple occupancy by Cantonal authorities and international organizations, which were selected from 794 cases reported by the public following a public appeal, as well as 41 cases reported to the Federation Ombudsman and the OHR directly.

As of 15 July, only 26 of these cases have been or are in the process of being solved, according to the Sarajevo Housing Commission. The authorities have made no further attempts to identify cases of multiple occupancy, although the Sarajevo Declaration calls for the identification of a total of 2,000 such cases. Only 32 out of the 100 UNHCR cases and ten of the 29 Jewish Community cases have been solved, according to the UNHCR and the Jewish Community, respectively. And according to figures provided by the Cantonal Ministry of Labor, Social Affairs, Displaced Persons and Refugees, 724 minority families that translate into 1,202 individuals (654 Serbs, 488 Croats, 60 others) had returned to Sarajevo as of today since March 1.

Some progress has been achieved regarding the legislation, the restructuring of the police and employment and education issues, but is by no means satisfactory.

As a result of the weak performance of the Sarajevo authorities, some donors have suspended providing reconstruction aid to Sarajevo. High Representative Carlos Westendorp agrees with this course of action and will support their decision until the situation improves. At the Steering Board meeting in Brussels the Board expressed similar views, voicing disappointment at the performance of the Sarajevo authorities. The Board considers the current the situation to be unacceptable and demands immediate and demonstrable action to move the process forward as rapidly as possible.

So far, Sarajevo has received more aid than any other city or Canton in BiH: over 400 million DEM, out of which 80 million have been spent on the reconstruction of housing. The High Representative would like to continue pressing for reconstruction aid and other support, but needs to see a clear commitment of the authorities to a multi-ethnic city in which all citizens are equal and enjoy equal rights.

In recent days, there appears to be some movement on the outstanding issues. The HR hopes very much that the activities will translate into positive results that will convince donors to continue rebuilding Sarajevo.

## **Human Rights**

Update on Implementation of Federation Property Legislation Monitoring of the implementation of the Federation housing and property laws by international organisations has continued. On the basis of the obstacles to implementation which have been identified, the OHR has intervened repeatedly with responsible authorities, including in letters to Prime Minister Bicačević on 21 May and 29 June and to Minister of Urban Planning and Environment Morankić on 29 June.

In response, Prime Minister Bicačević instructed the Cantonal officials to ensure appropriate implementation in compliance with the laws. On 4 July, Minister Morankić issued more detailed Instructions on specific obstacles to Cantonal Ministries Competent for Housing Affairs and the Federation Ministries for Defence, the Interior and Justice, in which he clarified in accordance with OHR interventions that fees should not be charged; that the municipal housing offices are responsible for all apartments, including military and police apartments; and required the Ministry of Defence and Ministry of the Interior to transfer files relating to apartments administered by them to

the municipal bodies.

Reports from the field indicate that obstacles to filing claims remain, but that some of the major problems of the filing process have been remedied. A small number of municipalities, most prominently Drvar, do not have functioning claims-filing systems. In addition, the overall picture of claims processing under the laws so far is very discouraging. Very few claims have been decided, despite the fact that decisions are due on thousands of claims (under the law, decisions should be issued within 30 days of filing). Additional interventions will be undertaken by OHR and other involved organisations to remedy this problem.

An Inter-Agency Property Media Group has been established, comprising property and media experts from IOM, UNHCR, OSCE, SFOR, UNMIBH, CRPC and OHR, to develop an information and media campaign for the new property laws.

The campaign is currently focused on ensuring full awareness of the Law on Cessation of the Application of the Law on Abandoned Apartments, the claims process and the 4 October 1998 deadline. Dissemination has been national and international using various medium including television, radio, newspapers and alternative channels.

A series of four training sessions on the new Federation property laws have been held jointly by UNHCR, CRPC and OHR. These sessions were held in June in Sarajevo, Banja Luka, Mostar and Tuzla, and were aimed at staff of international organisations. The objective of these sessions was to provide participants with a broad political and legal understanding of the laws, to enable staff from international organisations to identify and to address obstacles to implementation of the laws.

Two further training sessions, one for staff of local organisations and competent Government officials, and the second for staff of international organisations, are planned for 3 and 5 August in Sarajevo and will be organised through ICVA [for further information on these sessions, please contact ICVA by fax on (387) 71 668 297 or by e-mail at [icva@bih.net.ba](mailto:icva@bih.net.ba)]. A third session for staff of local and international organisations is planned for 7 August in Belgrade [please contact UNHCR (Belgrade) by fax on (381) 11 344 2947].

### **Republika Srpska Property Legislation Update**

The housing and property law drafts prepared for consideration by the RS National Assembly at its Session on 26 June were not passed, and were returned to the Government for re-drafting. A deadline of 31 August 1998 was set by the Peace Implementation Council in Luxembourg for draft legislation acceptable to the High Representative to be finalised and passed by the RS National Assembly. The next session of this body will be held on 13 August.

### **Sarajevo Education Working Group**

The Sarajevo Education Working Group was established in March by the Sarajevo Cantonal Ministry of Education as part of its obligations under the Sarajevo Declaration. Made up of representatives of educational institutions, NGOs and international organisations, its mandate is as follows:

- to supervise the work of the Cantonal authorities in reviewing textbooks for material that contributes to ethnic intolerance and hatred;
- to supervise their work in reviewing complaints of discrimination towards children and teachers;
- to develop projects that foster tolerance and harmony in schools.

A Subgroup of the Working Group has been focusing on tolerance projects and, after issuing an invitation encouraging the submission of community and school-based projects for this purpose, funding has been secured for the four projects selected by the Subgroup. These four projects include

- a community-based initiative in Ilidza which will bring together students from four schools (two from each Entity) on a weekly basis to discuss various issues;
- a project developed by a special education school for disabled children which aims to bring together the pupils, parents and educators with those of a school for disabled children in Banja Luka;
- a project initiated by an applied arts high school which seeks to create joint exhibitions and television programmes with similar schools in Banja Luka;
- a project initiated by a high school which seeks to offer workshops to students on the ECHR followed by short courses on journalism and photography.

## **Explosions**

A number of recent explosions have occurred throughout Bosnia. On the night of 29 July, an explosive device damaged the St. Peter and Paul Church in Kakanj. The incident was strongly condemned by the international community and will be investigated by a multi-ethnic special investigation team composed of eleven persons. The team will be led by a Bosnian Croat Investigative Judge from the Zenica Doboje Cantonal Court and will be fully monitored by UN IPTF.

On the same night, six houses and two barns were damaged or destroyed by explosive devices in Pjesavac Kula, Stolac Municipality. UN IPTF reports that the damaged houses had been prepared for the return of Bosniaks the following day. The UN reports that a total of 37 violent incidents against Bosniaks and their property have been recorded in the Stolac area since 26 March 1998.

In the early morning of 29 July, a hand grenade was thrown in an office building in Skenderija, Sarajevo. No one was injured by the explosion, but five cars were damaged. The office of the local magazine Dani is located in the same building where the explosion took place. Local police are investigating and UN IPTF is monitoring the investigation.

In another incident on 31 July in Travnik, a Bosnian Croat police officer was killed by an explosive device placed in a garbage container 50 metres from the Travnik police station. UN IPTF is monitoring the investigation. This is the second Bosnian Croat police officer killed by an explosive device in Travnik when a police officer was killed in his vehicle by an explosive device on 12 June 1998.

## **Demonstration**

On 29 July, four UN IPTF officers and one language assistant were held in their vehicles by a group of Bosniaks in Sapna, north of Zvornik, protesting the failure of local police to provide security for their return to Klisa. The Bosniaks were scheduled to clear their houses in preparation for return, but appeared in numbers larger than originally expected. The situation was resolved peacefully through discussions between the returnees, UN IPTF and UNHCR.

## **Criminal Code**

The HR issued a warm welcome for the passing of the Laws on the Criminal Code and on Penal Proceedings. These were adopted by the Federation House of Representatives on 29 July. In order to ensure that this measure has real impact on the legal and policing structures of the Federation, the HR will now press for training procedures to be put in place straight away. Initially the training programme will focus on training legal professionals and the police, to ensure that both groups fully understand the content of the criminal code and how to apply it in the exercise of their professions.

## **ICTY Releases Two Individuals Arrested by SFOR Troops**

On 22 July SFOR troops detained two persons who were believed to have been Nenad Banovic and Predrag Banovic who had been indicted by the ICTY. The two persons were subsequently transferred to the Hague on Thursday 23 July. In a press release, the Office of the Prosecutor states that later the same day the Prosecutor's staff were able to establish that these two persons were not Nenad Banovic and Predrag Banovic. The two detained persons had not been indicted by the Tribunal, nor were they suspected or accused of having committed any crime. Subsequently, on Thursday afternoon, Judge Riad issued an order for these two persons to be immediately sent back to their place of origin.

The Tribunal also expressed its gratitude for the quick response on the part of the relevant Federation authorities in Sanski Most in Bosnia and Herzegovina who assisted in the correct identification of the persons detained by SFOR on 22 July. The Tribunal further expressed its support for NATO efforts in bringing to justice those accused persons who have been indicted by the Tribunal and encouraged SFOR to continue to take an active role in the early detention of the remaining twenty-seven publicly indicted accused who are believed to be on the territory of BiH.

In a subsequent press statement, the Office of the Prosecutor issued a reminder to the Governments of Republika Srpska and the Federal Republic of Yugoslavia of their obligations to co-operate with the Tribunal and in particular their obligations to arrest and surrender persons who have been indicted by the Tribunal. That statement added

that the primary obligation to arrest and surrender indicted accused rests with those States to whom the arrest warrants are addressed. It is only in the face of the refusal of such States to comply with their legal obligations that it is necessary for the Prosecutor to resort to other measures, including the issue of arrest warrants under sealed indictments.

### **Bosnian Serb Indictee Dies of Heart Attack**

The ICTY, following normal procedure, will launch an investigation into the death of Milan Kovacevic on 1 August. Kovacevic, aged 57 and indicted for crimes allegedly committed in Prijedor, died in his cell of a heart attack.

For further details on the current human rights situation in Bosnia and Herzegovina, please see HRCC Human Rights Monthly Reports which are available in English and Bosnian on the OHR Web Site (<https://www.ohr.int/hr.htm>).

## **Brcko**

### **Owen Visit**

On 27 July, Presiding Arbitrator Roberts Owen made a brief private visit to Brcko and met with Supervisor R.W.Farrand, RS Prime Minister Milorad Dodik and President of the Federation of BiH, Ejup Ganic. He also managed to pay a short visit to the Brcko Municipal Assembly session on 28 July.

The Tribunal will receive any further requests from the Parties on the location of the Inter-Entity Border Line (IEBL) between 15 November 1998 and 15 January 1999.

### **7th Municipal Assembly**

The Municipal Assembly session saw a reversal of roles as this time the Bosniak and Croat members sought to defer discussions on a return plan pending discussion of security concerns. Although dominated by the issue of security and by the visit of Owen, the Assembly did discuss and adopt reports on a number of other matters, but referred the issue of revision of the education curriculum to OHR.

An extraordinary session on security and returns will be held on 25 August.

Second Meeting of RS and Federation Commissions President Ganic and Prime Minister Dodik were also present in their capacities as heads of the RS and Federation Commissions on Brcko at the second joint meeting of the commissions. This was held on 16 July at OHR North, and chaired by Supervisor Farrand. The delegations discussed two-way return and economic privatisation as priority issues. The commissions concluded that the formation of smaller operational groups could help address specific issues and President Ganic stressed the need to promote returns from Brcko to Sarajevo.

### **Return to Sarajevo**

To assist with this process, the OSCE with the UNHCR have funded a Legal Aid Office in Brcko, and organised an informational meeting on 18 July on the practicalities and possibilities of return to Sarajevo. Speakers from the Democratic Initiative of Sarajevo Serbs (DISS) and the Chief of the Sarajevo Cantonal Ministry Department for Repatriation, presented information and answered questions. They had a receptive if very sceptical audience of about 30 current Brcko residents.

### **Brcko Construction Companies Meet With Implementing Agencies**

Over 30 companies were represented at a trade fair, on 24 July, hosted by OHR Brcko, and organised in conjunction with the Secretariat for Economy and the Brcko Small Business Association. The fair, as Ambassador Farrand said at its opening, was designed to provide "an opportunity for contractors and suppliers in Brcko to meet those in the international community who are implementing the many projects that are now going on in Brcko". Brcko contractors are already working on a number of projects including the repair of a secondary school and the municipal building, well cleaning projects, and projects for local community buildings in Stari Rasadnik and Brod.

More than 40% of the total donor funds for Brcko have been for projects in Brcko town and the fair represented an opportunity for contractors to represent their abilities to implementers.

### **ECHO And IMG Fund Sewage And Water Improvement**

The Italian NGO CISP delivered a high water pressure jet unit for the maintenance of Brcko's sewage system on 21 July. According to Djorde Dragicevic of the Sava Water Company, who received the truck, they had until now "borrowed this machine from Bijeljina, but the rent was too high". Funded by ECHO through IMG and costing 190,000 DM, the unit should directly benefit some 450 households immediately and will help maintain the system effectively in the longer term.

As a result of the excellent cooperation between IMG, ECHO, CISP and the Sava water company, additional funds of over 2,000,000 DM have been released by ECHO for the improvement of the Brcko water supply. This is part of a larger water project in Brcko, funded by the World Bank, USAID, the Norwegian Government, and ECHO.

### **Continued Protests in Klanac**

Although no problems have been encountered elsewhere, the marking of houses available for return met with protests once again in the area of Klanac. A group of approximately 150 people blocked part of the Banja Luka - Bijeljina route demanding that the RS Government prevent both house marking and any returns until a permanent solution is reached for the status of the current residents. Deputy Prime Minister Kremenovic arrived promptly on the scene, and met with local community leaders, the Municipality representatives, and OHR. He agreed that the RS Government would seek to provide such a solution, involving the provision of land and building materials by the end of August. However, a further protest took place the next morning involving 50-100 people outside the municipal building who were later addressed by the Brcko Mayor. Deputy Prime Minister Kremenovic was again in Brcko on Thursday night and on Friday morning the Mayor went to Klanac to present the position of the Government. He told the assembled DPs that house marking would stop pending further negotiations with OHR, that the Government would be seeking a solution for those who wished to stay in Brcko and had found nowhere else to go to by 30 August. He also promised that humanitarian aid would arrive shortly.

He then called upon the assembled DPs to remain in the RS, saying 'I insist that you remain here' reassuring them that "we shall take care of improving your financial and material situation". OHR North released a statement which made it clear that this attempt to openly influence the free choice of a DP or refugee was unacceptable from a public official. It involves a denial of the right enshrined in Annex 7, whereby the "choice of destination shall be up to the individual.

OHR further made it clear that the Supervisor for Brcko is responsible for a peaceful, phased and orderly process of return of former residents and will take the measures necessary to achieve this.

### **Security**

Recent weeks have seen the unfortunate triumph of biased reporting by Federation media, concerning the security situation in Brcko.

### **Bosniak Returnee to Brcko Killed**

On 26 July, Admir Karic, a Bosniak returnee to Brcko was attacked near a discotheque in downtown Brcko and later died as a result of injuries sustained during the attack. A statement made by Ambassador Robert Farrand, Supervisor for Brcko, called on all political parties and media to await the results of the police investigation and to refrain from making statements that might raise community tensions. The Supervisor stressed his expectation of a full and rapid investigation by law enforcement agencies in Brcko.

The investigation is being monitored by UN IPTF. Local police have made four arrests in connection with the death, and the case has been handed over to the Public Prosecutor.

OHR Brcko condemned media portrayal of the death of Admir Kadric as one in a series of incidents threatening returnees, as such comments were made prematurely by the press and with no clear evidence of a return related motive or circumstances.

# Freedom of Movement

## Mostar Airport Opened

On 7 July HR Westendorp, accompanied by the mayors of Mostar, opened the Mostar airport to civilian traffic after more than six years of disuse.

Following the landing of two planes operated by Croatia Airlines and Air Bosna, HR Westendorp, Mayor Safet Orucevic and Deputy Mayor Ivan Prskalo cut the ribbon at the entrance to the airport building.

“Airports stand for normality,” said the HR. “Mostar and the surrounding region need jobs and this airport will help to provide them by encouraging investment and promoting tourism.”

“The airport is – as Dayton makes clear – a city asset for the whole of Mostar.”

The reconstruction of the airport was largely financed by the European Union, SFOR and IFOR troops provided security, while the negotiations leading up to the opening were held by the OHR.

The High Representative expressed his hope that the airport will be “a fine example of unification and cooperation in Mostar” and that the Bosniak members of the joint Airport Authority will soon return to the meetings.

After Sarajevo and Banja Luka, Mostar is the third airport in BiH to be opened to civilian traffic.

## Inaugural Train Ride Sarajevo - Capljina

The OHR welcomed the start of regular passenger service on the Sarajevo – Capljina train route, which passes through Mostar. This was hailed as another step on the way to establishing a fully functioning rail network in BiH and connecting it to the European network.

Principal Deputy High Representative Jacques Paul Klein travelled on the train that opened the route on 28 July

The re-opening of this route marks significant expansion of the railway service in the Federation, the provision of increased transport options for the public, and promising indications of cooperation among Federation rail officials.

In addition, the town of Capljina is approximately 20 Km from the contested Federation port of Ploce: the restoration of the rail service to Capljina suggests that a connection to Ploce might begin soon.

## Inter-Entity Links

An inauguration ceremony was held in Prijedor on 17 July to celebrate the installation of a Telecommunication Radio Link between Sanski Most and Prijedor, which will now be put into operation.

The link will eventually provide another 480 inter-Entity channels – four times more than the existing link. Initially, 120 links will be made available, 30 being for the link between Sanski Most and Prijedor and the other 90 being available for trunk calls, in other words also potential inter-Entity calls.

The links have been financed by the Swedish Government.

## Diary

13 August – Session of the RS National Assembly

The OHR Bulletin is produced by the Public Affairs Department of the Office of the High Representative in Sarajevo and aims to give an overview of what is happening on the ground in the civilian implementation of the Dayton Agreement.

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